

# Councillor Conduct Register

Reference Number	Section of the <i>Local Government Act 2009</i>	Date of Complaint (Section 150DZ(1)(a))	Summary of Complaint (Section 150DZ(1)(b))	Reason(s) the complaint was dismissed (Section 150DZ(1)(c))	Date of Decision (Section 150DY(2)(c))	Councillor Name (Section 150DY(2)(b) & 150DY(3))	Summary of Decision & Reasons for Decision (Section 150DY(2)(a))
C/19/00197	150DX(1)(d)	13/02/2019	It was alleged that the Councillor was dismissive of a complaint and that the Councillor used a mocking and sarcastic tone.	The Office of the Independent Assessor delegate made the decision to dismiss the complaint pursuant to Section 150X(b)(iii) of the <i>Local Government Act 2009</i> , on the basis that the <i>complaint was lacking in substance</i> .	04/03/2019		
C/20/00172	150DX(1)(e)	11/03/2020	A Councillor self-referred a failure to declare a perceived conflict of interest when considering and voting on a matter related to an Application for Reconfiguring a Lot, at the Ordinary Meeting of Western Downs Regional Council held on 11 March 2020. The personal interest in this matter arose due to members of the Councillor's immediate family owning a neighbouring property and business, to the property that was the subject of the application.		30/03/2020		<p>The Office of the Independent Assessor decided to take no further action pursuant to section 150Y(b)(i) of the <i>Local Government Act 2009</i> (the Act) on the basis that the conduct does not raise a reasonable suspicion of inappropriate conduct or misconduct.</p> <p>This decision was made due to the nature of the application considered at the Council meeting, which was not considered to give rise to a benefit or loss to the Councillor's family members, regardless of the outcome of the matter. It was not determined that a material personal interest existed, nor a conflict of interest that might lead to a decision that is contrary to public interest.</p>
C/20/00223	150DX(1)(d)	27/03/2020	It was alleged that a Councillor refused to survey ratepayers and attend meetings about the Bunya Mountains Dark Sky Park, despite the majority of ratepayers who are predominantly absent owners of accommodation in the Bunya Mountains being in favour of the matter.	<p>The Office of the Independent Assessor dismissed this matter pursuant to section 150X(a)(ii) of the <i>Local Government Act 2009</i> as the conduct does not raise a reasonable suspicion of inappropriate conduct or misconduct.</p> <p>Decisions were made in relation to this matter by Council staff and not by any Councillor. Various community members voted against the matter at a community meeting on 22 November 2018. Council was represented at this meeting by Councillors and Council Officers.</p>	28/04/2020		

In accordance with section 150DX of the *Local Government Act 2009* (LGA), Western Downs Regional Council must maintain and publish a Councillor Conduct Register. The register must record matters about: Unsuitable meeting conduct (section 150DX(1)(a)); Suspected inappropriate conduct (section 150DX(1)(b)); Decisions about misconduct (section 150DX(1)(c)); Conduct complaints dismissed by the Independent Assessor (section 150DX(1)(d)); and Decisions by the Independent Assessor to take no further action (section 150DX(1)(e)).

Note: This register is for complaints made post changes to the *Local Government Act 2009* commencing 3 December 2018.

Note: In accordance with section 150DY(3) of the LGA, the name of the subject Councillor may only be included if the local government or conduct tribunal decided that the Councillor engaged in inappropriate conduct or misconduct, or where the Councillor agrees to their name being recorded.

# Councillor Conduct Register

Reference Number	Section of the <i>Local Government Act 2009</i>	Date of Complaint (Section 150DZ(1)(a))	Summary of Complaint (Section 150DZ(1)(b))	Reason(s) the complaint was dismissed (Section 150DZ(1)(c))	Date of Decision (Section 150DY(2)(c))	Councillor Name (Section 150DY(2)(b) & 150DY(3))	Summary of Decision & Reasons for Decision
C/21/00367	150DX(1)(e)	04/06/2021	<p>A Councillor self-referred their conduct to the OIA as follows:-</p> <p>The Councillor had been involved in discussions with an interested party regarding a potential development project opportunity on land owned by Council. The Councillor then forwarded an email from the interested party to Council officers in relation to the land. The Councillor subsequently identified that a family member's business was leasing the land at that time.</p>		17/06/2021		<p>The Office of the Independent Assessor (OIA) decided to take no further action pursuant to section 150Y(b)(i) of the Local Government Act 2009 [the Act] on the basis that the conduct does not raise a reasonable suspicion of inappropriate conduct or misconduct.</p> <p>This decision was made on the basis that at the time the Councillor spoke to the interested party and forwarded the email, there was no 'matter' before council for any decision, this conduct could not therefore amount to inappropriate influence.</p>
C/21/00515 C/21/00516 C/21/00517 C/21/00518 C/21/00519 C/21/00522 C/21/00523 C/21/00524 C21/00525	150DX(1)(d)	14/08/2021	<p>It is alleged all Councillors failed to uphold the local government principles in the Act when Council considered a confidential report into a community service and resolved to close the service.</p>	<p>The Office of the Independent Assessor (OIA) dismissed this matter pursuant to section 150X(a)(ii) of the Local Government Act 2009 (the Act) as the conduct does not raise a reasonable suspicion of inappropriate conduct or misconduct.</p> <p>It is not within the jurisdiction of the OIA to investigate administrative decisions made by Councils.</p>	24/08/2021		

In accordance with section 150DX of the *Local Government Act 2009* (LGA), Western Downs Regional Council must maintain and publish a Councillor Conduct Register. The register must record matters about: Unsuitable meeting conduct (section 150DX(1)(a)); Suspected inappropriate conduct (section 150DX(1)(b)); Decisions about misconduct (section 150DX(1)(c)); Conduct complaints dismissed by the Independent Assessor (section 150DX(1)(d)); and Decisions by the Independent Assessor to take no further action (section 150DX(1)(e)).

Note: This register is for complaints made post changes to the *Local Government Act 2009* commencing 3 December 2018.

Note: In accordance with section 150DY(3) of the LGA, the name of the subject Councillor may only be included if the local government or conduct tribunal decided that the Councillor engaged in inappropriate conduct or misconduct, or where the Councillor agrees to their name being recorded.

# Councillor Conduct Register

Reference Number	Section of the <i>Local Government Act 2009</i>	Date of Complaint (Section 150DZ(1)(a))	Summary of Complaint (Section 150DZ(1)(b))	Reason(s) the complaint was dismissed (Section 150DZ(1)(c))	Date of Decision (Section 150DY(2)(c))	Councillor Name (Section 150DY(2)(b) & 150DY(3))	Summary of Decision & Reasons for Decision (Section 150DY(2)(a))
C/21/00526	150DX(1)(d)	16/08/2021	It was alleged: 1. there was no transparency from Council in relation to its decision to replace the 50-metre community swimming pool in Tara with a 25-metre pool. 2. that Tara residents were discriminated against in relation to closing the only aged-care facility in the area and Council failed in its duty of care to treat people with respect instead of bullying and using intimidation tactics. 3. that there was no community consultation in relation to the above and Council failed to address residents' concerns, and the effect on community health appears to have been ignored by Council.	The OIA dismissed this matter pursuant to section 150X(a)(ii) of the Local Government Act 2009 (the Act), on the basis that the conduct does not raise a reasonable suspicion of inappropriate conduct or misconduct by a Councillor.  The complaint raised issues in relation to decisions made by Council as a body and did not identify any specific Councillor conduct. Therefore, this matter is outside of the OIA's jurisdiction within the meaning of the Act.	30/08/2021		
C/22/00049	150DX(1)(d)	28/01/2022	It was alleged that a Councillor failed to update their Councillor register of interests to include membership in a political party.	The OIA dismissed this matter pursuant to section 150X(a)(ii) of the Local Government Act 2009 (the Act) on the basis that the conduct does not raise a reasonable suspicion of inappropriate conduct or misconduct.	11/02/2022		

In accordance with section 150DX of the *Local Government Act 2009* (LGA), Western Downs Regional Council must maintain and publish a Councillor Conduct Register. The register must record matters about: Unsuitable meeting conduct (section 150DX(1)(a)); Suspected inappropriate conduct (section 150DX(1)(b)); Decisions about misconduct (section 150DX(1)(c)); Conduct complaints dismissed by the Independent Assessor (section 150DX(1)(d)); and Decisions by the Independent Assessor to take no further action (section 150DX(1)(e)).

Note: This register is for complaints made post changes to the *Local Government Act 2009* commencing 3 December 2018.

Note: In accordance with section 150DY(3) of the LGA, the name of the subject Councillor may only be included if the local government or conduct tribunal decided that the Councillor engaged in inappropriate conduct or misconduct, or where the Councillor agrees to their name being recorded.

# Councillor Conduct Register

Reference Number	Section of the <i>Local Government Act 2009</i>	Date of Complaint (Section 150DZ(1)(a))	Summary of Complaint (Section 150DZ(1)(b))	Reason(s) the complaint was dismissed (Section 150DZ(1)(c))	Date of Decision (Section 150DY(2)(c))	Councillor Name (Section 150DY(2)(b) & 150DY(3))	Summary of Decision & Reasons for Decision (Section 150DY(2)(a))
C/22/00305	150DX(1)(e)	13/05/2022	A Councillor self-referred their own conduct in making statements to the media which included support of an entity with which they had a declarable conflict of interest in.		30/05/2022		<p>The OIA decided to take no further action pursuant to section 150Y(b)(i) of the Local Government Act 2009 (the Act) on the basis that the conduct does not raise a reasonable suspicion of inappropriate conduct or misconduct.</p> <p>There was no 'matter' before Council for consideration relating to the entity at the time the comments were made, which the media comments might have been said to influence consideration of.</p>
C/22/00361	150DX(1)(e)	01/06/2022	It is alleged a Councillor engaged in misconduct when enquiring about a Council service on behalf of a relative.		02/06/2022		<p>The OIA decided to take no further action pursuant to section 150Y(b)(iii) of the Local Government Act 2009 (the Act) on the basis that taking further action would be an unjustifiable use of resources.</p> <p>In making this decision it was taken into account that the Councillor self-referred their own conduct, which was considered to be of a minor nature given all the surrounding circumstances.</p>

In accordance with section 150DX of the *Local Government Act 2009* (LGA), Western Downs Regional Council must maintain and publish a Councillor Conduct Register. The register must record matters about: Unsuitable meeting conduct (section 150DX(1)(a)); Suspected inappropriate conduct (section 150DX(1)(b)); Decisions about misconduct (section 150DX(1)(c)); Conduct complaints dismissed by the Independent Assessor (section 150DX(1)(d)); and Decisions by the Independent Assessor to take no further action (section 150DX(1)(e)).

Note: This register is for complaints made post changes to the *Local Government Act 2009* commencing 3 December 2018.

Note: In accordance with section 150DY(3) of the LGA, the name of the subject Councillor may only be included if the local government or conduct tribunal decided that the Councillor engaged in inappropriate conduct or misconduct, or where the Councillor agrees to their name being recorded.