



### **Pursuant to Section 150DX of the *Local Government Act 2009***

The purpose of this register is to record the decisions/outcomes of investigations against Councillors under Chapter 5A (sections 150DX, 150DY and 150DZ) of the *Local Government Act 2009*.

The local government must keep an up to date Councillor Conduct Register about the following matters:

- Orders made about the unsuitable meeting conduct of Councillors at local government meetings;
- Decisions about suspected inappropriate conduct of Councillors referred to the local government;
- Decisions about whether or not Councillors have engaged in misconduct made by the Councillor Conduct Tribunal;
- Complaints about the conduct of Councillors dismissed by the Independent Assessor; and
- Decisions to take no further action in relation to the conduct of Councillors investigated by the Independent Assessor.

Also note obligations required as per sections 150DY and 150DZ on entries to the register relating to names of Councillors being published.

In accordance with s150DX(2), this Register is to be published on Council's website and available for inspection by the public at Council.

| Reference                 | Date of Complaint | Summary of Complaint   | Summary of Reasons for the decision  | Councillor Name <sup>1</sup> | Date of Decision | Orders Made | Decision Maker          |
|---------------------------|-------------------|--|--|------------------------------|------------------|-------------|-------------------------|
|                           | 16/10/2018        | Alleged Breach of Media Policy   | CEO completed a preliminary assessment of the complaint and found that it is lacking in substance and as such no further action will be taken.   | Withheld                     | 19/10/2018       | N/A         | Chief Executive Officer |
| OIA reference: C/18/00403 | 28/12/2018        | It was alleged the councillor had used 'inside information' to benefit a business owned by a member of the councillor's immediate family; and, It was alleged the councillor's Register of Interests was incomplete. | The councillor was found to have declared a conflict of interest and removed themselves from voting on each relevant occasion. The OIA wrote to the Council CEO and recommended an update the councillor's register of interests. Advice was received back this had been completed. The complaint was dismissed on this basis. | Withheld                     | 8/03/2019        | N/A         | Independent Assessor    |
|                           | 26/08/2019        | It was alleged that the Councillor had engaged in inappropriate  | The evidence was insufficient to support a finding that the  | Cr Kate Eden                 | 27/09/2019       | N/A         | Council                 |

Only to 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 included in the register (s150DY(3) *Local Government Act 2009*)

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|---------------------------|-------------------|--|--|------------------------------|------------------|-------------|----------------------|
| OIA reference: C/19/00651 |                   | conduct by breaching the Councillor Code of Conduct.   | Councillor had engaged in inappropriate conduct.   |                              |                  |             |                      |
| OIA reference: C/19/00651 | 2 October 2019    | It was alleged that a councillor failed to leave the room and voted on an agenda item in which they had declared a conflict of interest and intention to exclude themselves from the vote. | The OIA decided to take no further action pursuant to section 150Y(b)(iii) of the Local Government Act 2009. Given the apparently inadvertent circumstances of the manner in which the agenda item in question was considered, and the demonstrated integrity of the subject councillor in identifying and raising the issue up front, it was considered an unjustifiable use of resources to further pursue the matter. | Withheld                     | 18 October 2019  | N/A         | Independent Assessor |
| OIA reference: C/20/00093 | 6 February 2020   | It was alleged that a councillor breached confidentiality standards by copying a senior officer of council in correspondence relating to the   | The OIA decided to take no further action pursuant to section 150Y(b)(i) of the Local Government Act 2009 on the   | Withheld                     | 17 February 2020 | N/A         | Independent Assessor |

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|---------------------------|-------------------|--|--|------------------------------|------------------|-------------|----------------------|
|                           |                   | senior officer's performance review.   | basis that the conduct did not raise a reasonable suspicion of inappropriate conduct or misconduct.  |                              |                  |             |                      |
| OIA reference: C/20/00123 | 21 February 2020  | It was alleged, a Councillor breached the Code of Conduct for Councillors in Queensland by making multiple false and misleading statements in the media which were also unnecessarily personal to a former Chief Executive Officer and that these statements caused offence to a number of Councillors and staff at Council. | 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. Furthermore, the Councillor had not nominated in the 2020 local government election. If they were found to have engaged in inappropriate conduct, as a former Councillor, the sanctions available to council under section 150AH of the Act are limited. | Withheld                     | 6 April 2020     | N/A         | Independent Assessor |

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|---------------------------|-------------------|--|--|------------------------------|------------------|-------------|----------------------|
| OIA reference: C/20/00206 | 20 March 2020     | It was alleged a Councillor made a frivolous and vexatious complaint to the OIA, in the lead up to the 2020 election, about media statements made by another Councillor. | The OIA dismissed this matter pursuant to section 150X(a)(ii) of the Local Government Act 2009, as the conduct does not raise a reasonable suspicion of inappropriate conduct or misconduct. The Councillor did not make a complaint to the OIA in relation to the matter outlined in the complaint. | Withheld                     | 7 April 2020     | N/A         | Independent Assessor |
| OIA reference: C/20/00207 | 20 March 2020     | It was alleged a Councillor engaged in misconduct.   | The OIA dismissed this matter pursuant to section 150X(b)(iii) of the Local Government Act 2009, as the complaint lacked in substance. There were no details provided which identified any conduct by the Councillor.  | Withheld                     | 7 April 2020     | N/A         | Independent Assessor |

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|--|-------------------|---|--|------------------------------|------------------|-------------|----------------------|
| OIA reference:<br>C/20/00349,<br>C/20/00351,<br>C/20/00352,<br>C/20/00353,<br>C/20/00354,<br>C/20/00355<br>and<br>C/20/00356 | 22 May 2020       | It was alleged that Tablelands Regional Council as a whole acted contrary to the Local Government Act when it considered a motion at an ordinary meeting of Council. The complaint alleged that Council, by unanimously voting to accept the motion and its recommendations in relation to Council operations, it incorrectly delegated powers to individual councillors, rather than to the Chief Executive Officer. | The OIA dismissed this matter pursuant to section 150X(a)(ii) of the Local Government Act 2009 as the conduct of all councillors did not raise a reasonable suspicion of inappropriate conduct or misconduct. The OIA reviewed the decision and established that it did not delegate powers exclusively to individual councillors, rather than to the CEO contrary to section 13(3)(b) of the Act. | Council                      | 29 May 2020      | N/A         | Independent Assessor |
| OIA reference:<br>C/21/00022   | 19 January 2021   | It is alleged that following a recent council meeting, a councillor approached two council officers and made comments made several statements that would be considered inappropriate.   | 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 further dealing with the matter would be   | Cr David Clifton             | 10 February 2021 | N/A         | Independent Assessor |

| Reference                 | Date of Complaint | Summary of Complaint   | Summary of Reasons for the decision  | Councillor Name <sup>1</sup> | Date of Decision | Orders Made   | Decision Maker       |
|---------------------------|-------------------|--|--|------------------------------|------------------|---|----------------------|
|                           |                   |  | an unjustifiable use of resources.   |                              |                  |   |                      |
| OIA reference: C/20/00924 | 11 December 2020  | It is alleged a councillor had provided advice to other councillors to urge a resident to take action that was contrary to a resolution of council.  | The OIA decided to take no further action pursuant to section 150Y(b) (iii) of the Local Government Act 2009 [the Act] The councillor was not directly involved in the alleged breach of a council resolution and was alleged to have encouraged other councillors to do so. This alleged conduct is more remote and is not considered to be a justifiable use of resources. | Cr Kevin Cardew              | 19 February 2021 | N/A   | Independent Assessor |
| OIA reference: C/20/00591 | 13 August 2020    | It is alleged that Councillor Clifton breached Section 150K(1)(b) of the Local Government Act 2009 (the Act) in that the conduct may involve a breach of behavioural standards in the Code of Conduct for Councillors in Queensland. | The OIA reasonably suspected, pursuant to Section 150W(b), that the complaint involved inappropriate conduct and referred the matter to Council to   | Cr Clifton                   | 17 December 2020 | Council ordered that in accordance with section 150AH(1)(b)(i), Cr Clifton make a public admission that the Councillor has engaged in | Council              |

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|--|-------------------|---|---|------------------------------|------------------|------------------------|----------------------|
|  |                   |   | investigate in accordance with the Council's investigation policy adopted pursuant to section 150AE. Council resolved that Cr Clifton engaged in inappropriate conduct in breach of section 150K(i)(b) of the <i>Local Government Act 2009</i> ;  |                              |                  | inappropriate conduct. |                      |
| OIA reference:<br>C/21/00121<br>C/21/00123<br>C/21/00124 | 14 February 2021  | It was alleged that a councillor made inflammatory comments during an ordinary meeting of council, accusing council officers of inappropriate conduct regarding the planning and design of a new council infrastructure and the councillor implied the current spend to date was a misuse of funds. | The OIA dismissed this matter pursuant to section 150X(a)(ii) of the Local Government Act 2009, on the basis that the conduct does not raise a reasonable suspicion of inappropriate conduct or misconduct. The OIA viewed the meeting video and considered that the discussion which took place at the | Withheld                     | 16 March 2021    | N/A                    | Independent Assessor |



| Reference                    | Date of Complaint | Summary of Complaint  | Summary of Reasons for the decision  | Councillor Name <sup>1</sup> | Date of Decision | Orders Made  | Decision Maker |
|------------------------------|-------------------|---|--|------------------------------|------------------|--|----------------|
|                              |                   |   | meeting seemed to be a respectful and appropriate exchange of views and concerns from both the councillors and officers.   |                              |                  |  |                |
| OIA reference:<br>C/21/00921 | 29 November 2020  | It was alleged that the Councillor sent emails to members of the public which could have amount to a breach of the Code of Conduct for Councillors in Queensland - Standards of Behaviour outlined in parts 2 Carry Out responsibilities conscientiously and in the best interests of the Council and the Community specifically 1.2 Respect and comply with all policies, procedures and resolutions of Council and 2.3 Have proper regard for other people's rights, obligations, cultural differences, safety, health and welfare. | The OIA reasonably suspected, pursuant to Section 150W(b), that the complaint involved inappropriate conduct and referred the matter to Council and recommended that Council engage an independent investigator to investigate in accordance with the Council's investigation policy adopted pursuant to section 150AE. Council resolved that Cr Clifton engaged in inappropriate conduct in breach of section 150K(i)(b) of | Cr David Clifton             | 29 July 2021     | Council ordered that in accordance with section 150AH(1)(a) No action be taken against the Councillors | Council        |

| Reference                 | Date of Complaint | Summary of Complaint  | Summary of Reasons for the decision  | Councillor Name <sup>1</sup> | Date of Decision  | Orders Made  | Decision Maker       |
|---------------------------|-------------------|---|--|------------------------------|-------------------|--|----------------------|
|                           |                   |   | the <i>Local Government Act 2009</i> ;   |                              |                   |  |                      |
| OIA Reference: C/21/00261 | 15 April 2021     | It was alleged that a councillor engaged in misconduct by attempting to influence a council decision on a matter in which they had a declarable conflict of interest. | After investigation, 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. It was noted the councillor declared an interest in the matter during a meeting, however, may have influenced council decision makers outside that meeting. The investigation found that the | Withheld                     | 22 December 2021  | Dismissed the complaint pursuant to Section 150X(a)(i) of the Act. | Independent Assessor |
| OIA Reference: C/22/00673 | 31 August 2022    | It was alleged a councillor used their private email for council business.  | The OIA decided to take no further action pursuant to section  | Withheld                     | 12 September 2022 | N/A  | Independent assessor |

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|---------------------------|-------------------|----------------------|---|------------------------------|------------------|---|----------------|
|                           |                   |                      | 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. Although councillors should not use private emails for council business in this case the councillor immediately forwarded the email to council for capture to meet the requirements of the Public Records Act 2002. |                              |                  |   |                |
| OIA Reference: C/20/00936 |                   |                      |   | Cr Clifton                   | 16 December 2021 | That having considered the evidence and analysis, it is concluded that, on the balance of probabilities, allegations one, two and three set out in the Summary of Complaint | Council        |

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|------------|-------------------|---|---|------------------------------|------------------|---|-----------------------|
|            |                   |   |   |                              |                  | <p>section of this report are not substantiated and therefore there is no evidence that Councillor Clifton has engaged in inappropriate conduct. Council therefore: 1. Makes an order that no further action is to be taken against Councillor Clifton; and 2. Provides notice of the outcome of the investigation to Mr Owen and Councillor Clifton.</p> |                       |
| C/23/00102 | 20 February 2023  | It is alleged a councillor engaged in inappropriate conduct when the councillor made inappropriate comments about a person associated | The OIA decided to take no further action pursuant to section 150Y(b) (iii) of the Local Government | Withheld                     | 23 February 2023 | N/A   | Independent Assessor. |

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|------------|-------------------|---|---|------------------------------|------------------|-------------|----------------|
|            |                   | with a matter that was being considered by Council.   | <p>Act 2009 (the Act) on the basis that taking further action would be an unjustifiable use of resources.</p> <p>The comments made by the Councillor were made during a meeting and come within the definition of unsuitable meeting conduct, dealing with unsuitable meeting conduct is the responsibility of the Char of the meeting do not come under the jurisdiction of the OIA.</p> |                              |                  |             |                |
| C/23/00047 | 20 February 2023  | That a councillor sent an email to another councillor using language that was considered discourteous and disrespectful, whilst also making an allegation deemed to be false. | The OIA dismissed this matter pursuant to section 150Y(b)(i) of the Local Government Act 2009 on the basis that the conduct did not meet the threshold of inappropriate   | Withheld                     | 23 February 2023 | N/A         |                |

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|------------|-------------------|---|---|------------------------------|------------------|-------------|----------------|
|            |                   |   | conduct or misconduct. It was noted the email raised issues or areas of improvement, and then personalised matters rather than objectively address the issues. However, it was considered that this did not reach the threshold of inappropriate conduct or misconduct. |                              |                  |             |                |
| C/23/00054 | 20 February 2023  | That a councillor sent an email to another councillor using language that was considered discourteous and disrespectful | The OIA dismissed this matter pursuant to section 150Y(b)(i) of the Local Government Act 2009 on the basis that the conduct did not meet the threshold of inappropriate conduct or misconduct. It was noted the email raised issues or areas of improvement, and        | Withheld                     | 23 February 2023 | N/A         |                |

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|------------|-------------------|---|--|------------------------------|------------------|-------------|----------------|
|            |                   |   | then personalised matters rather than objectively address the issues. However, it was considered that this did not reach the threshold of inappropriate conduct or misconduct.   |                              |                  |             |                |
| C/23/00055 | 20 February 2023  | That a councillor sent an email to another councillor using language that was considered discourteous and disrespectful | The OIA dismissed this matter pursuant to section 150Y(b)(i) of the Local Government Act 2009 on the basis that the conduct did not meet the threshold of inappropriate conduct or misconduct. It was noted the email raised issues or areas of improvement, and then personalised matters | Withheld                     | 23 February 2023 | N/A         |                |
| C/23/00056 | 20 February 2023  | That a councillor raised concerns about a legislative issue concerning a staff members register of interests            | The OIA dismissed this matter pursuant to section 150Y(b)(i) of the Local  | Withheld                     | 23 February 2023 | N/A         |                |

| Reference  | Date of Complaint | Summary of Complaint   | Summary of Reasons for the decision   | Councillor Name <sup>1</sup> | Date of Decision | Orders Made | Decision Maker |
|------------|-------------------|--|---|------------------------------|------------------|-------------|----------------|
|            |                   | pursuing the matter above a level required by legislation  | Government Act 2009 on the basis that the conduct did not meet the threshold of inappropriate conduct or misconduct. It was noted the email raised issues or areas of improvement, and then personalised matters rather than objectively address the issues. However, it was considered that this did not reach the threshold of inappropriate conduct or misconduct. |                              |                  |             |                |
| C/23/00057 | 20 February 2023  | That a councillor sent an email to a council staff member which could be interpreted as a direction. | The OIA dismissed this matter pursuant to section 150Y(b)(i) of the Local Government Act 2009 on the basis that the conduct did not meet the threshold of inappropriate   | Withheld                     | 23 February 2023 | N/A         |                |



| Reference  | Date of Complaint | Summary of Complaint  | Summary of Reasons for the decision   | Councillor Name <sup>1</sup> | Date of Decision | Orders Made | Decision Maker |
|------------|-------------------|---|---|------------------------------|------------------|-------------|----------------|
|            |                   |   | conduct or misconduct. The councillor was submitting their views on budget issues. Whilst the views expressed were close to exceeding those of a councillor, it was not considered to reach a degree that would constitute inappropriate conduct or misconduct.           |                              |                  |             |                |
| C/23/00058 | 20 February 2023  | That a councillor sent an email to a council staff member raising allegations without foundation concerning how council funds had been treated. | The OIA dismissed this matter pursuant to section 150Y(b)(i) of the Local Government Act 2009 on the basis that the conduct did not meet the threshold of inappropriate conduct or misconduct. The councillor was raising concerns with how funds had been treated during | Withheld                     | 23 February 2023 | N/A         |                |

| Reference  | Date of Complaint | Summary of Complaint  | Summary of Reasons for the decision   | Councillor Name <sup>1</sup> | Date of Decision | Orders Made | Decision Maker |
|------------|-------------------|---|---|------------------------------|------------------|-------------|----------------|
|            |                   |   | budget preparation. Whilst the emails by the councillor were blunt and the language used came across as unnecessarily combative, it was not considered that the conduct would reach the threshold of inappropriate conduct or misconduct.   |                              |                  |             |                |
| C/23/00062 | 20 February 2023  | That a councillor sent an email to a council staff member seeking to influence or participate in operational matters beyond their legislative responsibility. | The OIA dismissed this matter pursuant to section 150Y(b)(i) of the Local Government Act 2009 on the basis that the conduct did not meet the threshold of inappropriate conduct or misconduct. Whilst the email in question indicated that the councillor was overstepping into the functional arm of council, it was | Withheld                     | 23 February 2023 | N/A         |                |

| Reference | Date of Complaint | Summary of Complaint  | Summary of Reasons for the decision   | Councillor Name <sup>1</sup> | Date of Decision | Orders Made | Decision Maker |
|-----------|-------------------|---|---|------------------------------|------------------|-------------|----------------|
|           |                   |   | acknowledged that a councillor can ask questions concerning decisions which were relevant during forums, such as at council meetings. However, it is not the responsibility of the councillor to tell a council staff member how to present a report at a meeting. The language used in this instance was not sufficiently strong to raise a reasonable suspicion of inappropriate conduct or misconduct. |                              |                  |             |                |
|           |                   | It was alleged a councillor engaged with other councillors on a matter in which they had a prescribed conflict of interest. | The OIA decided to take no further action pursuant to section 150Y(b)(iii) of the Local Government Act 2009 on the basis that taking further action would be an unjustifiable use of resources.   | Withheld                     | 28 March 2023    | N/A         | OIA            |

| Reference  | Date of Complaint | Summary of Complaint  | Summary of Reasons for the decision   | Councillor Name <sup>1</sup> | Date of Decision | Orders Made | Decision Maker |
|------------|-------------------|---|---|------------------------------|------------------|-------------|----------------|
|            |                   |   | The councillor did comment informally when a matter they had a prescribed conflict of interest was being discussed. The councillor's comments were in a broader context about contingency funds to be set aside in the budget, rather than the substantive matter to which the councillor had a conflict of interest. |                              |                  |             |                |
| C/23/00218 | 17 and 20         | It was alleged a councillor inappropriately caused stress and anxiety to a member of the public by a conversation they had.<br>It was further alleged the councillor inappropriately informed of a council decision which should have been made by council staff. | The OIA decided to take no further action pursuant to section 150Y(b)(iii) of the Local Government Act 2009 [the Act]. Enquiries did not support the allegation that the conversation was inappropriate. Further, no decision had been made by council.   |                              |                  | N/A         | OIA            |

| Reference | Date of Complaint | Summary of Complaint | Summary of Reasons for the decision  | Councillor Name <sup>1</sup> | Date of Decision | Orders Made | Decision Maker |
|-----------|-------------------|----------------------|--|------------------------------|------------------|-------------|----------------|
|           |                   |                      | As there was no independent witness to the alleged conversation who could clarify what occurred, it was considered an unjustifiable use of resources to consider the matter further. |                              |                  |             |                |