

Councillor Conduct Register

Section of the Local Government Act 2009	Date of complaint Section 150DZ(1)(a)	Summary of complaint Section 150DZ(1)(b)	Reason(s) the complaint was dismissed Section 150DZ(1)(c)	Summary of the decision and Reason(s) for the decision Section 150DY(2)(a)	Councillor name Section 150DY(2)(b); Section 150DY(3)	Date of decision Section 150DY(2)(c)	Decision maker (meeting chairperson and/or agency)
150DX(1)(e)	07/05/2020	It was alleged that a Councillor made inaccurate statements to the media on 7 May 2020, casting aspersions over other Councillors and misrepresenting the actual circumstances. The statements related to the seating arrangements at a Council meeting, which were to accommodate the COVID-19 social distancing requirements.		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. The complaint raised an issue about some Councillors not being offered the opportunity to be within the meeting chambers and that the opportunity never existed for them to raise their concerns with the Mayor before the decision was made regarding the seating arrangements. However, the OIA received information suggesting that an opportunity did exist for the councillors to raise their concerns with the CEO in relation to the seating arrangements, at least the day before the meeting took place.	Mayor Tom Tate	14/07/2020	Office of the Independent Assessor C/20/00311
150DX(1)(d)	24/06/2020	It was alleged that a councillor benefited from a quid pro quo type arrangement and that he used his position in planning to facilitate this which resulted in the decision to proceed with the compulsory acquisition of land for the purpose of constructing a sewer easement. It was further alleged that the Councillor, through his involvement in the subdivision of land, stood to benefit from the resumption and compulsory acquisition of property as it would benefit the councillor's nearby property value.	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 subdivision was approved in 2011 (prior to Cr Owen-Jones becoming a Councillor in 2012). The Planning and Environment Court order mandated the easement. No value has been added to the nearby property by the easement re-alignment. The realignment of the easement was negotiated at officer level between the Council and the government department that requested the change for a government project. The matter did not come before a council meeting and there was no evidence that the councillor influenced the realignment of the easement to benefit his nearby property		Councillor William Owen-Jones	17/07/2020	Office of the Independent Assessor C/20/00440
150DX(1)(d)	03/06/2020	It was alleged that there were multiple people walking their dogs unleashed at the back of Carallia Court Ormeau and that the owners of the dogs were not cleaning up after their dogs and causing other dogs in the residential area to bark and cause a noise problem.	The OIA dismissed this matter pursuant to section 150X(a)(ii) of the Local Government Act 2009 as there was no conduct of a councillor identified and it does not raise a reasonable suspicion of inappropriate conduct or misconduct by a councillor. The complaint would be best directed to Council to deal with as it relates to the enforcement of local laws relating to animal control. Council was advised of this matter.			20/07/2020	Office of the Independent Assessor C/20/00392
150DX(1)(d)	01/07/2020	It was alleged, a Councillor allowed non-Council employees to update their Councillor Facebook page.	The OIA dismissed this matter pursuant to section 150X(b)(iii) of the Local Government Act 2009 on the basis that the complaint lacked in substance or credibility. The complaint was made anonymously and there was insufficient information provided to the OIA to			22/07/2020	Office of the Independent Assessor C/20/00458

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			<p>form a view about whether any councillor conduct had occurred.</p> <p>In relation to the issue raised regarding the Councillor's Facebook page being updated by non-council employees, this would not reach the threshold of inappropriate conduct or misconduct under the Act, as the page is not an official website of Council's and therefore council staff are not responsible for the upkeep of it.</p>				
150DX(1)(a)	02/07/2020	<p>It was alleged, a Councillor had verbally attacked a former Councillor in the presence of members of the public and that these Councillors would badger and bully each other in public.</p> <p>It is alleged, a Councillor failed to assist a local resident with an enquiry about installing lights and cameras at a park in Paradise Point, following an incident involving that resident.</p>	<p>The 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 as defined by the Act.</p> <p>In relation to the issue about the Councillor verbally attacking a former Councillor, there was insufficient information in the complaint to support this allegation. The complainant was unable to provide any specific details about the incident.</p> <p>With regards to the Councillor not responding to the resident's enquiry about lights and cameras being installed at a local park, the complainant was advised to raise this matter directly with Council as a customer service issue. The complainant also advised the incident that took place at the park was referred to the police, who are the agency best placed to deal with such matters.</p>			27/07/2020	Office of the Independent Assessor C/20/00462
150DX(1)(d)	29/07/2020	<p>The OIA received two complaints that alleged a councillor breached the Code of Conduct for Councillors in Queensland when the councillor was reported in the media referring to some residents as "whingers" and "keyboard warriors" and suggesting they bring their tomatoes "so I can catch them and throw them back at you".</p>	<p>The OIA dismissed this matter pursuant to section 150X(c)(ii)</p> <p>A previous similar matter was referred back to the Gold Coast City Council and was investigated by the Councillor Conduct Tribunal (CCT)</p> <p>The CCT in that matter did not support a finding that the Councillor had engaged in inappropriate conduct by breaching the Queensland Code of Conduct for Councillors and consequently, council resolved that the conduct did not meet the threshold of inappropriate conduct.</p>		Mayor Tom Tate	07/08/2020	Office of the Independent Assessor C/20/00537, C/20/00538
150DX(1)(d)	31/07/2020	<p>It was alleged that a councillor breached his duty of care and the Code of Conduct by his ignorance and desperate measures he was taking regarding a proposed major council project running through an endangered species habitat.</p>	<p>The OIA dismissed this matter pursuant to section 150X(a)(ii) of the Local Government Act 2009 (the Act) as the complaint did not raise a reasonable suspicion of inappropriate conduct or misconduct within the meaning of the Act.</p> <p>The details provided in the complaint appeared to be in the form of a disagreement with a proposed project of Council, rather than a complaint about councillor conduct.</p>		Mayor Tom Tate	10/08/2020	Office of the Independent Assessor C/20/00549

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150DX(1)(d)	05/08/2020	The OIA received a complaint that alleged a councillor breached the Code of Conduct for Councillors in Queensland when the councillor was reported in the media referring to some residents as "whingers" and "keyboard warriors" and suggesting they bring their tomatoes "so I can catch them and throw them back at you".	The OIA dismissed this matter pursuant to section 150X(c)(ii) of the Act. A previous similar matter was referred back to the Gold Coast City Council and was investigated by the Councillor Conduct Tribunal (CCT) The CCT in that matter did not support a finding that the Councillor had engaged in inappropriate conduct by breaching the Queensland Code of Conduct for Councillors and consequently, council resolved that the conduct did not meet the threshold of inappropriate conduct.		Mayor Tom Tate	05/08/2020	Office of the Independent Assessor C/20/00562
150DX(1)(d)	14/08/2020	That a Councillor has engaged in misconduct by behaving vexatiously towards objectors continually since July 2019, behaving in an intimidating, dismissive and objectionable manner towards the complainant and acting contrary to the best interests and concerns of petitioner residents for whom they are responsible to represent to Council.	The OIA dismissed this matter pursuant to section 150X(a)(ii) of the Local Government Act 2009 on the basis the complaint did not raise a reasonable suspicion of inappropriate conduct or misconduct. The information provided by the complainant did not support a reasonable suspicion of inappropriate conduct or misconduct and the OIA were satisfied that the councillor had acted appropriately in the councillors dealings with the complainant.			26/08/2020	Office of the Independent Assessor C/20/00602
150DX(1)(d)	16/07/2020	It was alleged that a Councillor may have breached information privacy laws, when the Councillor received copies of comments made by members of a private group, which the Councillor was not a member of. That the Councillor then contacted the members directly by phone about the comments, and those members were not aware of how the Councillor obtained their contact details.	The OIA dismissed this matter pursuant to section 150X(a)(ii) of the Local Government Act 2009 (the Act), on the basis that the complaint did not raise a reasonable suspicion of inappropriate conduct or misconduct by the councillor. The Councillor receiving copies of the comments was not considered to be conduct within the control of the councillor. There was no information available to indicate whether the Councillor had personally requested for someone to take screenshots of the comments and provide them to the Councillor.			19/08/2020	Office of the Independent Assessor C/20/00508
150DX(1)(e)	21/07/2020	It was alleged that on 29 June 2020, a councillor made a disrespectful comment about his constituents on Facebook and that the councillor deleted some of the comments made on the post by community members, where they were respectfully expressing disagreement with the language used in the councillor's post.	The OIA dismissed this matter pursuant to section 150X(c)(ii) of the Local Government Act 2009, on the basis that further dealing with the matter would be an unjustifiable use of resources. The decision was made consistent with the OIA's short term amnesty policy for new Councillors, which is provided in some instances on the basis that first-time councillors are still in the process of learning how to conduct themselves as an elected official. In relation to the alleged deletion of comments made by members of the public, the complainant did not provide any copies of the comments or any details of what they might have been and by whom they were made. The councillor advised they were not aware of any comments being deleted from the specific post in question.			27/08/2020	Office of the Independent Assessor C/20/00512

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150DX(1)(a)	11/09/2020	It was alleged Councillor Hammel had failed to declare and deal with a conflict of interest in relation to a Development Application.	<p>The OIA dismissed this matter pursuant to section 150X(a)(ii) as enquiries determined the complaint does not raise a reasonable suspicion of inappropriate conduct or misconduct.</p> <p>The matter alleged to raise a conflict of interest has not been raised in a Council Meeting or Committee Meeting since the Councillor was elected. There is no evidence the Councillor has had any involvement in relation to the Development Application since commencing as a Councillor.</p>		Councillor Mark Hammel	24/09/2020	Office of the Independent Assessor C/20/00661
150DX(1)(c)	18/12/2018	<p>It is alleged that on 19 September 2018, Councillor Glenn Tozer, engaged in misconduct as defined in section 176(3)(b)(ii) of the Local Government Act (the Act) in that his conduct involved a breach of the trust placed in him as a councillor.</p> <p>Particulars of the alleged conduct are:</p> <ol style="list-style-type: none"> Councillor Tozer was re-elected as a Councillor in March 2016. For approximately 4 years, Councillor Tozer has, in his personal capacity, been a voluntary contributor to Blank Magazine. Councillor Tozer runs "Summertime Sessions", a Division 9 Council funded live music event held on Friday evenings over the Summer period. The Summertime Sessions are in competition with another establishment, that is also a live music venue on the Gold Coast. On 19 September 2018, Councillor Tozer sent a private message to someone on Facebook, requesting that he and his wife be put on the guest list for The Cat Empire concert on 23 September 2018. <p>The recipient of the private message felt uncomfortable with the request, however, given Councillor Tozer's position as a councillor and his potential ability to influence GCCC decisions that may impact the business, he complied with the request and provided two free tickets to Councillor Tozer.</p> <p>Councillor Tozer's conduct, in requesting free tickets involved a breach of trust placed in him as a Councillor, in that his conduct was not consistent with local government principle 4(2)(e) being 'ethical and legal behaviour of Councillors'.</p>		<p>The Tribunal has determined, on the balance of probabilities, that the Councillor engaged in misconduct in that his conduct involved a breach of the trust placed in him as a councillor.</p> <p>The Tribunal considers that the following matters are relevant to attract a finding of breach of trust, and therefore misconduct:</p> <ol style="list-style-type: none"> The nature of Councillor Tozer's request of 19 September 2018 was couched in language that appeared friendly, nonchalant and informal, and was made using the Respondent's personal Facebook Messenger profile (rather than his official profile as a Gold Coast City Councillor); The request of 19 September 2018 involved being added to the "door list", which necessarily involved the Respondent receiving additional tangible and intangible benefits; The Respondent made the request of 19 September 2018 in circumstances where he was: <ol style="list-style-type: none"> an elected Councillor in his second term with Gold Coast City Council; a Councillor with a keen personal interest in the live music and entertainment industry; under some financial stress, given he and his wife had self-funded his wife's charity trip to Mozambique. <p>These contextual circumstances are important because it creates an alternative frame for the nature of the request. On multiple occasions the Respondent had received the benefit of exclusive or VIP access after receiving invitations to attend events in the past. From the evidence tendered those occasions were as a result of the Respondent's capacity as a Councillor. No evidence was tendered otherwise of occasions where the Respondent had been invited in his personal capacity that would demonstrate an independent friendship.</p> <p>By making the request in the way that he did, the Respondent obtained a benefit to which the rate paying public would not have had access, or created a disadvantaged occasioned to the broader public.</p> <p>This conduct was not ethical conduct, within the meaning of section 4(2)(e) of the Act. Having regard to the wording of the former section 176 of the Act, the local government principles in section 4 of the Act, and the nature and</p>	Councillor Glenn Tozer	24/09/2020	Councillor Conduct Tribunal F19/7888

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				<p>circumstances of the conduct, the Tribunal is satisfied that the conduct of the Respondent is appropriately categorised as misconduct.</p> <p>The Tribunal orders that:</p> <ol style="list-style-type: none"> Pursuant to s150AR(1)(b)(i) of the Act, that Cr Tozer make a public admission that he engaged in misconduct, within 90 days of the date that a copy of this decision and orders are given to him by the Registrar. Pursuant to s150AR(1)(b)(iv) of the Act, that Cr Tozer pay to the local government in the amount of \$250, within 90 days of the date that a copy of this decision and orders are given to him by the Registrar. 			
150DX(1)(d)	22/03/2020	It was alleged that a Councillor made false and misleading public statements in response to a media article in the lead up to an upcoming misconduct hearing.	<p>The OIA dismissed this matter pursuant to section 150X (c)(ii)</p> <p>The Councillor Conduct Tribunal subsequently determined on the balance of probabilities that the councillor had engaged in misconduct and published reasons addressing the Councillor's defence of the allegations.</p> <p>In these circumstances further dealing with this complaint was not considered a justifiable use of resources</p>			20/11/2020	Office of the Independent Assessor C/20/00205
150DX(1)(d)	22/03/2020	It was alleged that a Councillor made false and misleading public statements in response to a media article in the lead up to an upcoming misconduct hearing.	<p>The OIA dismissed this matter pursuant to section 150X (c)(ii)</p> <p>The Councillor Conduct Tribunal subsequently determined on the balance of probabilities that the councillor had engaged in misconduct and published reasons addressing the Councillor's defence of the allegations.</p> <p>In these circumstances further dealing with this complaint was not considered a justifiable use of resources.</p>			20/11/2020	Office of the Independent Assessor C/20/00220
150DX(1)(d)	02/07/2020	It was alleged that a Councillor provided substantial grants to a Youth Centre, a place in which a family member was employed.	<p>The OIA dismissed this matter pursuant to section 150X(b)(iii) of the Local Government Act 2009.</p> <p>Enquires were made with the youth centre to establish the employment status of Councillor's family member and it was determined that the family member was not and had never been an employee of the youth centre.</p>		Councillor William Owen-Jones	02/12/2020	Office of the Independent Assessor C/20/00467
150DX(1)(d)	02/07/2020	It was alleged that a Councillor provided substantial grants to a Youth Centre, a place in which a family member was employed.	<p>The OIA dismissed this matter pursuant to section 150X(b)(iii) of the Local Government Act 2009.</p> <p>Enquires were made with the youth centre to establish the employment status of Councillor's family member and it was determined that the family member was not and had never been an employee of the youth centre.</p>		Councillor William Owen-Jones	02/12/2020	Office of the Independent Assessor C/20/00468

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150DX(1)(d)	02/07/2020	It was alleged that a Councillor provided substantial grants to a Youth Centre, a place in which a family member was employed.	The OIA dismissed this matter pursuant to section 150X(b)(iii) of the Local Government Act 2009. Enquires were made with the youth centre to establish the employment status of Councillor's family member and it was determined that the family member was not and had never been an employee of the youth centre.		Councillor William Owen-Jones	02/12/2020	Office of the Independent Assessor C/20/00469
150DX(1)(e)	14/12/2020	It is alleged a councillor in his private business capacity provided advice to clients that was contrary to Council policy and local laws.	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 taking further action would be an unjustifiable use of resources. The OIA has written to the councillor however reminding the councillor of the responsibility of councillors under section 12 (3) (b) of the Act to provide high quality leadership to the local government and the community and recommending that the councillor take advice to identify strategies to manage tensions that may arise between the councillor business role and his role as a councillor.		Councillor Darren Taylor	07/12/2020	Office of the Independent Assessor C/20/00831
150DX(1)(e)	15/12/2020	It was alleged a councillor engaged in inappropriate conduct when he made inappropriate comments when discussing an agenda item in a council committee meeting	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. The Act provides that a conduct breach during a council meeting is unsuitable meeting conduct and is the responsibility of the chair of the meeting to moderate discussions in a council meeting and to take action against councillors that display unsuitable meeting conduct. A review of the livestream of the relevant meeting confirmed that the Chair of the meeting did directly deal with the comment made.			22/12/2020	Office of the Independent Assessor C/20/00933
150DX(1)(e)	21/01/2021	It was alleged a councillor breached Council's External Communication Policy when making public statements about council issues.	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. Council's External Communications Policy allows Divisional Councillors to be media spokespersons on local divisional issues. It was considered that there was a reasonable argument that the Councillors comments related to a divisional issue.			09/02/2021	Office of the Independent Assessor C/21/00061
150DX(1)(e)	23 October 2019 and 5 November 2019	It was alleged that a Councillor knowingly misled the public when making comments in a published article in the Courier Mail in relation to the proposed	The OIA decided to take no further action pursuant to section 150Y(b)(iii) of the Local Government Act		Mayor Tom Tate	16/03/2021	Office of the Independent Assessor

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		Offshore Cruise Ship Terminal to be located on the Gold Coast.	<p>2009 (the Act) on the basis that taking further action would be an unjustifiable use of resources.</p> <p>The OIA conducted enquiries with the relevant Commonwealth agencies regarding the "assessment and passing" of the Proposed Cruise Ship Terminal under the Environment Protection and Biodiversity Conservation Act 1999 (the EPBC Act). Based on these enquiries, the OIA understands that the proposed action that was submitted to the Department of Environment and Energy was deemed to be "not a controlled action" under the EPBC Act, provided it was taken in accordance with the manner as described in the referral decision. This meant that, provided that the action is undertaken in the way described in the referral decision, it <u>does not require further assessment and approval</u> under the EPBC Act before it can proceed.</p>				C/19/01053 and C/19/00892
150DX(1)(d)	8 August 2019	<p>It is alleged that a councillor failed to declare a conflict of interest during separate council meetings. The interests being:</p> <ul style="list-style-type: none"> - co ownership of a horse and personal relationship with a promoter for a music festival. - Previous directorship and membership of a horse racing facility. 	<p>Following an investigation, the OIA dismissed this matter pursuant to section 150X(c)(ii) of the Local Government Act 2009 in that it was an unjustifiable use of resources to deal with the matter further.</p> <ul style="list-style-type: none"> - There was insufficient evidence to indicate the councillor had any relationship other than a professional one with the promoter, any benefit the promoter would have gained from favorable consideration of the matter would have been indirect and even then subject to a decision of an independent government office. <p>Detail had been given as to the purchase of the horse and this did not give rise to an interest deemed declarable.</p> <ul style="list-style-type: none"> - The councillor had been a previous director and was a current member of the horse racing facility subject to discussion at the meeting. It is the opinion that this should have been declared as a direct conflict however, the councillor received advice prior to the discussion advising that they did not need to disclose. On the basis that the councillor had been advised not to declare, albeit incorrectly, to deal with the matter further was considered to be an unjustifiable use of resources. 		Mayor Tom Tate	18/03/2021	Office of the Independent Assessor C/19/00688
150DX(1)(d)	17 May 2021	<p>It was alleged that a councillor has a conflict of interest in relation to an upcoming council decision on a number of basis. That the matter to be approved by council is connected to a company that makes numerous donations to a community organisation where the councillor holds a membership.</p> <p>It was also alleged that a relative of the councillor works at a community centre which also receives donations from the same company.</p>	<p>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.</p> <p>To date the councillor has declared a conflict of interest in relation to relevant matters.</p> <p>Further inquiries have established that the relative of the councillor does not work for the community centre in question, but for another organisation which is a tenant of the community centre.</p>		Councillor William Owen-Jones	3 June 2021	Office of the Independent Assessor C/21/00318

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		It was further alleged the councillor had expressed a predetermined position on the matter before it was formally considered by council.	Feedback given to the Councillor included: "The OIA acknowledges that not only have you declared your interest/s in this matter to date, your declarations have been of a very high standard."				
150DX(1)(e)	11 December 2019	It is alleged that a financial donor to a Councillor's election campaign used that relationship to request benefits from the Councillor by email to influence a planning application and obtain a letter of support.		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. The decision was made after an investigation into the allegation. The emails sent to the councillor by the donor appear to indicate an expectation on the part of the donor for the Councillor to influence a matter or to be provided assistance not normally made available to the public. However, there was no evidence to suggest that the Councillor acted upon those requests.		7 June 2021	Office of the Independent Assessor C/19/01153