

# 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)	09/04/2019	It was alleged that a councillor breached Council's 'Expenses Reimbursement and Provision of Facilities for Mayor and Councillors Policy' by promoting their personal Facebook address, which contained political and campaign information.		The OIA delegate made the decision to take no further action in relation to the complaint pursuant to section 150Y(b)(i) on the basis that it does not constitute inappropriate conduct or misconduct.  This decision was made on the basis that the councillor was not responsible for the production of the artwork, and approval was granted by Council's Corporate Communications Unit for the Facebook address inclusion. The councillor was also not in breach of 'Expenses Reimbursement and Provision of Facilities for Mayor and Councillors Policy'		19/07/2019	Office of the Independent Assessor C/19/00405
150DX(1)(e)	12/07/2019	It was alleged that a councillor: <ul style="list-style-type: none"> <li>failed to moderate their Councillor Facebook Page;</li> <li>allowed disrespectful and derogatory comments by other individuals of another councillor to remain on the public Facebook page; and</li> <li>breached the Code of Conduct for Councillors in Queensland, in particular 'Standards of Behaviour Section 2'.</li> </ul>		The OIA delegate made the decision to take no further action on the complaint on the basis that it does not constitute inappropriate conduct or misconduct. The councillor's moderation of their Councillor Facebook page conformed to best practice guidelines.		31/07/2019	Office of the Independent Assessor C/19/00640
150DX(1)(e)	17/07/2019	It was alleged that two councillors voted on the conduct of another councillor at a time that they had made other unrelated complaints against the subject councillor that had not yet been resolved		The OIA resolved to take no further action in respect of the complaints pursuant to Section 150Y(b)(i) and one of the councillors had sought and received advice from the Integrity Commissioner prior to the vote in question and acted in accordance with that advice. The advice was equally relevant to the circumstances of the second councillor.		05/08/2019	Office of the Independent Assessor C/19/00643 & C/19/00644
150DX(1)(e)	15/07/2019	It is alleged that a councillor mislead the public in a letter published in the Courier Mail.		The OIA delegate took no further action pursuant to Section 150Y(b)(iii) as the statements made were deemed to be factually correct, however the statements could have benefited from providing further clarity on the issue discussed. To raise an investigation to establish whether the Councillor knowingly made statements in an attempt to mislead the public would not present a justifiable use of OIA resources.		06/08/2019	Office of the Independent Assessor C19/100641

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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)(c)		It was alleged that on 13 November 2018, a councillor engaged in misconduct as defined in section 176(3)(b(ii) of the <i>Local Government Act 2009 (the Act)</i> , in that the councillor's conduct involved a breach of trust by not properly informing the council meeting of personal interest.		The Councillor Conduct Tribunal (CCT) decided pursuant to s150AQ(1) of the Act that the Councillor has not engaged in misconduct and no further action is to be taken in relation to this matter.  The CCT determined that "it might be perceived by the reasonable and fair-minded observer", that a personal interest might be perceived to exist for the councillor, due to a long and extensive relationship with the legal firm.  The CCT then considered did the councillor effectively manage the conflict and concluded the councillor had met the minimum requirements of the legislation. From analysis of the interactions that transpired at that time in the council meeting, the CCT accepted that there was a sufficient disclosure of the interest to satisfy s175E(2)(a) of the Act.	Mayor Tom Tate	14/08/2019	Councillor Conduct Tribunal F19/4035
150DX(1)(e)	15/08/2019	It was alleged that the councillor made misleading and factually incorrect comments on a Facebook post and radio interview.		The OIA delegate decided to take no further action pursuant to section 150Y(b)(i) of the <i>Local Government Act 2009</i> on the basis that the conduct does not constitute inappropriate conduct or misconduct. It was found that the relevant comments were not misleading and the councillor did not contravene the GCCC External Communication Policy.		21/08/2019	Office of the Independent Assessor C/19/00409
150DX(1)(d)	30/08/2019	It is alleged a Councillor may have breached the Council's Code of Conduct when he made comments on social media and to the Gold Coast Bulletin on a development application for Material Change of Use.	The complaint was dismissed pursuant to section 150X(a)(ii) of the <i>Local Government Act 2009 [the Act]</i> . The councillor's comments were consistent with a committee report which had been published on the Council website.				Office of the Independent Assessor C/19/00665
150DX(1)(e)	11/03/2019	It was alleged that thirteen councillors had failed to inform a person presiding at a Council meeting of their belief or suspicion that another councillor had an not disclosed real or perceived conflict of interest in a matter to be discussed at the meeting in breach of section 175G of the Act.		The Independent Assessor decided to take no further action about the conduct of thirteen councillors pursuant to Section 150Y(b)(iii) of the <i>Local Government Act 2009 [the Act]</i> on the basis the independent assessor was satisfied that taking further action would be an unjustifiable use of resources noting section 175G(1)(d) and given the Councillor Conduct Tribunal found in a related matter that the councillor having the perceived conflict of interest had made sufficient disclosure of their personal interests in the matter to be discussed at the meeting.		06/09/2019	Office of the Independent Assessor C/19/00300 C/19/00301 C/19/00302 C/19/00303 C/19/00304 C/19/00305 C/19/00306 C/19/00307 C/19/00308 C/19/00309 C/19/00310 C/19/00311 C/19/00312
150DX(1)(e)	05/09/2019	It was alleged that on 22 August 2019 a Councillor breached the Councillors Code of Conduct and engaged in inappropriate conduct when they distributed materials regarding a forum they were attending in a private capacity utilising Gold Coast City Council ICT systems, and further that the use of a third party online marketing service in this process was for their own benefit or the benefit of another party.		The OIA resolved to take no further action pursuant to section 150Y(b)(iii) of the <i>Local Government Act 2009 [the Act]</i> on the basis that further investigation of the matter was an unjustifiable use of resources.  It was considered that the Councillor was fulfilling their responsibilities under the Act in relation to the forum and as such they have not inappropriately utilised ICT resources or inappropriately utilised a third party online marketing services in circulating information and invitations to this forum.	Mayor Tom Tate	16/09/2019	Office of the Independent Assessor C/19/00761

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150DX(1)(e)	08/08/2019	It is alleged that a councillor may have breached confidentiality in relation to an investigation via public comments he made about another councillor.		The OIA resolved to take no further action pursuant to section 150Y(b)(i) of the <i>Local Government Act 2009</i> .  The decision was made on the basis that the councillor's conduct did not meet the threshold of being inappropriate conduct or misconduct and did not breach any confidentiality		16/09/2019	Office of the Independent Assessor C/19/00689
150DX(1)(d)	10/09/2019	It is alleged a councillor have been contacting clients of a function facility and advising them to cancel future functions and to seek other venues.	The Independent Assessor dismissed the complaint on the basis of 150X(a)(ii) of the <i>Local Government Act 2009 [Act]</i> as the conduct did not constitute inappropriate conduct or misconduct as defined in the Act. Enquiries revealed that the Councillor did not initiate the contact with the function facility clients who contacted him in response to media and social media coverage of the facilities development application at Council. The Councillor provided advice that was factual and consistent with Councils current approval for the use of the facility.				Office of the Independent Assessor C19/00756
150DX(1)(e)	30/07/2019	It is alleged a Councillor may have breached the Council's Expenses Reimbursement and Provision of Facilities for Mayor and Councillors Policy by using council resources to maintain and provide content to an unofficial social media site.		The independent assessor decided to take no further action in relation to this matter against the councillor pursuant to section 150Y(b)(iii) of the <i>Local Government Act 2009</i> . An audit of the councillor's official and personal social media account was inconclusive and taking further action would be an unjustifiable use of resources.	Mayor Tom Tate	24/09/2019	Office of the Independent Assessor C/19/00776
150DX(1)(e)	10/10/2019	It is alleged that from a point in time a councillor commenced a personal Facebook page by assuming the ownership of the Councillor's previously 'official' Facebook page – including its followers that were attracted using public resources.		The OIA decided to take no further action in relation to this matter pursuant to section 150Y(b)(iii) of the <i>Local Government Act 2009</i> on the basis that it is an unjustifiable use of resources but have written to Council urging that they obtain legal advice in relation to the Intellectual Property regime and that Council develop a Council policy and/or put in place any agreements necessary to comply with the Intellectual Property law to regulate Facebook pages and content ownership.	Mayor Tom Tate	25/10/2019	Office of the Independent Assessor C/19/00880
150DX(1)(b)	06/06/2019	It is alleged that when a Councillor emailed the complainant, the Councillor: exceeded their authority; unnecessarily denigrated the complainant; intended to bully the complainant; and, contravened the code of Conduct for Councillors in Queensland.		The Councillor Conduct Tribunal (CCT), through an investigation and report, formed the view that there was insufficient evidence to sustain an allegation of inappropriate conduct on the balance of probabilities.  The Council supported the findings of the CCT that the conduct of the Councillor in this matter does not meet the standard of inappropriate conduct.	Mayor Tom Tate	29/10/2019	Council of the City of Gold Coast G19.1029.35 Councillor Conduct Tribunal F/19/5949

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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)(c)		<p>It is alleged that between 8 September 2016 and 22 December 2016, a councillor of Gold Coast City Council, engaged in misconduct as defined in section 176(3)(b)(ii) of the <i>Local Government Act 2009</i> (the Act) in that the conduct involved a breach of the trust placed in a councillor.</p> <p>Particulars of the alleged conduct which could amount to misconduct are as follows:</p> <ol style="list-style-type: none"> <li>After re-election as a councillor in 2016, the Councillor submitted to Council several approved Form 2 forms to update the register of interests, as maintained by the office of the Chief Executive Officer.</li> <li>The relevant interests included in Part 12 of the Forms as lodged, (which is headed "Gifts over \$500 or all gifts totalling more than \$500"), were described as "race tickets" when in fact they were sums of money given to the Councillor by various persons and companies for the purposes of attending a fundraising race day event.</li> <li>On 7 March 2019, the Councillor submitted a further Form 2, which corrected the description of the moneys paid for these and earlier such items to "donation" and included the date and amount for each item.</li> <li>As a consequence, the register of interests was inaccurate for the period from 16 September 2016 to 6 March 2019.</li> </ol> <p>It is alleged that between 3 November 2016 and 5 December 2016, a councillor of Gold Coast City Council, engaged in misconduct as defined in section 176(3)(b)(ii) of the Act in that the conduct involved a breach of the trust placed in a councillor.</p> <p>Particulars of the alleged conduct which could amount to misconduct are as follows:</p> <ol style="list-style-type: none"> <li>On 4 November 2016, the Councillor received a sum of money, namely \$2500 from a person, which was paid into a campaign account.</li> <li>The Councillor did not inform the Chief Executive Officer of the Council of the gift by submitting a Form 2, within 30 days of receiving the payment.</li> <li>On 7 March 2019, the Councillor advised as to the interest, on the required Form 2.</li> </ol>		<p>The Councillor Conduct Tribunal (CCT) decided, pursuant to section 150AQ of the Local Government Act 2009 (the Act), that:</p> <p>In relation to allegation 1, and having regard to the local government principles in section 4 of the Act, and also the failure to comply with Schedule 5, the CCT found, on the balance of probabilities, that the allegation was sustained.</p> <p>In regard to Allegation 1, on the basis of the Agreed Statement of Facts (ASOF) and the material before the CCT found that the description of the gifts referred to in regard to Allegation 1 was inadequate to convey the nature of the gift. A person inspecting the register would not understand from the description that the nature of the gift was money rather than "race tickets". The CCT considered that it is implied in Schedule 5 and section 291(1) of the Regulation that the "description" of the gift must be reliable, as the register is available for public inspection and is important for the purposes of transparency. The information provided, within the scope of the particulars specified, must be sufficiently informative to enable the issue of whether or not an actual or perceived conflict may or does arise in relation to future decisions of Council.</p> <p>The concept of 'trust in a councillor' is viewed broadly, in relation to the trust that the community has in the position of councillor, rather than a specific trust or limited focus trust, such as a fiduciary trust. Any breach of this trust can have a corrosive effect on the community and its confidence in local government.</p> <p>In relation to allegation 2, and having regard to the context of the concept of breach of trust as referred to in regard to Allegation 1, the local government principles in section 4 of the Act, and the failure to comply with section 171B(2) of the Regulation, the CCT found on the balance of probabilities that the allegations were sustained.</p> <p>In regard to Allegation 2, section 171B of the Act creates a statutory obligation for a Councillor to inform the CEO of the particulars of an interest within 30 days after the interest arises. The intention of the Councillor is not an element in the section, and accordingly it is not necessary for the Applicant to establish that the omission was deliberate. In the circumstances of this matter it was accepted that the Respondent was under a misapprehension as to whether in fact the donation had already been declared in relation to a donation by another entity. However, this does not change the fact that the obligation imposed under section 171B of the Act was not fulfilled in regard to this donation, and an important detail was omitted from the register – the name of the donor</p>	Councillor Donna Gates	25/10/2019	Councillor Conduct Tribunal F19/6375
150DX(1)(d)	22/10/2019	<p>It is alleged a Councillor during an ABC Gold Coast radio interview made disrespectful, rude and crude comments about another Gold Coast City Councillor.</p>	<p>The OIA dismissed the complaint pursuant to section 150X(a)(ii) of the <i>Local Government Act 2009</i> as the comments made fell short of being inappropriate conduct or misconduct.</p>		Mayor Tom Tate	04/11/2019	Office of the Independent Assessor C/19/00886

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150DX(1)(d)	23/10/2019	It was alleged that a councillor knowingly misled the public when they made comments in a newspaper article regarding the proposed Offshore Cruise Ship Terminal.	The OIA delegate made the decision to dismiss the complaint pursuant to section 150Y(b)(i) of the <i>Local Government Act 2009</i> on the basis that it does not constitute inappropriate conduct or misconduct. Further it was noted that it was open to the complainant to express their own opinion on the issue.		Mayor Tom Tate	05/11/2019	Office of the Independent Assessor C/19/00892
150DX(1)(d)	08/05/2019	It was alleged two Councillors had failed to declare a conflict of interest when voting at a council meeting on 21 June 2018. The vote was for the allocation of council funds as part of the Local Area Works and Services Program due to an association with a company which had made a campaign donation.	The OIA decided to dismiss the complaint pursuant to section 150X(a)(ii) of the <i>Local Government Act 2009</i> on the basis that an investigation had determined the conduct does not constitute inappropriate conduct or misconduct because the expenditure of the funds did not provide a benefit to the entity which had made the campaign donation.			22/11/2019	Office of the Independent Assessor C/19/00500 C/19/00501
150DX(1)(d)	18/11/2019	It is alleged that three (3) Councillors and Council have shown inconsistent treatment of the complainant's business compared to others and have failed to meet commitments to help and to decide on a fair amount to resolve the matter.	The OIA decided to dismiss the complaint pursuant to section 150X(a)(ii) of the <i>Local Government Act 2009</i> as the conduct does not constitute inappropriate conduct or misconduct by a councillor. The complaint was primarily about decisions of Council as a body.		Mayor Tom Tate (C/19/01102)	03/12/2019	Office of the Independent Assessor C/19/01102 C/19/01103 C/19/01104
150DX(1)(d)	13/11/2019	It was alleged that Council inappropriately handled matters relating to a development application.	The OIA made the decision to dismiss the complaint on the basis that it does not constitute inappropriate conduct or misconduct as defined in Section 150X(a)(ii) of the Act.  The complaint relates to decisions made by Council as a whole rather than specific councillors and does not fall under the jurisdiction of the OIA.			19/12/2019	Office of the Independent Assessor C/19/01063 C/19/01070 – C/19/01083
150DX(1)(e)	29/11/2019	It is alleged that a councillor may have engaged in misconduct when the councillor failed to provide details of a resident that may have made complaints about a business as part of a local government investigation into the councillor's alleged earlier inappropriate conduct.		The OIA resolved to take no further action pursuant to section 150Y(b)(iii) of the Act as the conduct did not reach the threshold of misconduct and taking further action would be an unjustifiable use of resources. It was noted however that the councillor's conduct was a circumstance that could appropriately be taken into account by the local government in dealing with the earlier inappropriate conduct matter.		11/12/2019	Office of the Independent Assessor C/19/01126

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150DX(1)(c)		It is alleged that between a date unknown in 2012 and 19 October 2017, a Councillor of Gold Coast City Council engaged in misconduct as defined in section 176(3)(b)(ii)1 of the Local Government Act 2009 (the Act) in that the conduct involved a breach of the trust placed in them as a councillor		<p>The Councillor Conduct Tribunal (the Tribunal) has determined, on the balance of probabilities, that the allegation that, between a date unknown in 2012 and 19 October 2017, a Councillor of Gold Coast City Council engaged in misconduct as defined in section 176(3)(b)(ii)1 of the <i>Local Government Act 2009</i> (the Act) in that his conduct involved a breach of the trust placed in him as a councillor <b>has been sustained.</b></p> <p>In the absence of any submissions to clarify the point, the legislative provisions have been considered in the context of the agreed statement of facts (ASOF). There is no element in the applicable legislative provisions specifying that the membership must be a paid membership in order to be required to be disclosed. There would also appear to be no basis upon which to doubt that the Turf Club is within the scope of the ordinary meaning of the words "body or association" in item 14 of Schedule 5 of the Act.</p> <p>It could possibly be argued that membership was not held by the Councillor until he was informed of it and acceded to it by words or conduct. The evidence available is not entirely clear as to when that was. However, it is noted that there is undisputed evidence that the Councillor wrote to the Gold Coast Turf Club (the Turf Club) on 31 July 2015 acknowledging the honorary membership for the 15/16 racing season, and the Councillor apparently did not take action to resign the membership until 18 October 2017.</p> <p>Accordingly, there appears to be no dispute that the Councillor was a "member" of the Turf Club, even if an honorary member for at least the period from 31 July 2015, to 18 October 2017.</p> <p>Accordingly, subject to the issue as to intention discussed below, it is found that the Councillor was a member of the Turf Club for the period from at least 31 July 2015 to 18 October 2017, and that this membership is prima facie, sufficient to give rise to the obligation in section 171B(2) of the Act for the Councillor to make the required notification, "within 30 days after the interest arises".</p> <p>The Tribunal finds on the basis of the wording of section 171B(2) of the Act and section 291(1) and Schedule 5 part 14 of the Regulation, on the facts and evidence before it, that there was an obligation on the Councillor to provide the required information to the CEO as to the Turf Club membership within 30 days of the time he commenced to hold the membership.</p> <p>Accordingly, the Tribunal finds that the Councillor failed to provide the information required under section 171B(2) of the Act for at least the period from or about 31 July 2015 to 18 October 2017.</p> <p>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 circumstances of the conduct which was, on the balance of probabilities, a breach of section 171B(2), the Tribunal is satisfied that the conduct of the Respondent is appropriately categorised as misconduct.</p>	Councillor Glenn Tozer	14/12/2019	Councillor Conduct Tribunal F19/6005

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150DX(1)(e)		It was alleged a councillor that met with a complainant was rude and, interrogated them and inferred they were a complainant in another complaint raised with Council. It was further alleged that the councillor arranged for council compliance investigations to commence.		The OIA made the decision to take no further action pursuant to Section 150Y(b)(iii) of the <i>Local Government Act 2009</i> , i.e. that dealing further with the complaint would be an unjustifiable use of resources. No independent witness to the exchange was identified and the councillor is not contesting the March 2020 elections. Under these circumstances, further investigation by the OIA would not be a practical use of OIA resources.		10/01/2020	Office of the Independent Assessor C/19/01202
150DX(1)(d)	19/12/2019	The complainant had concerns about the size, staffing and resourcing cost to Council of one of its departments.	The OIA dismissed the complaint pursuant to section 150X(a)(ii) of the <i>Local Government Act 2009</i> as the conduct does not constitute inappropriate conduct or misconduct.  The issues raised by the complainant related to staffing and resourcing decisions of council and is, therefore, not within the jurisdiction of the OIA which is concerned with councillor conduct matters.			29/01/2020	Office of the Independent Assessor C/19/01178
150DX(1)(e)	12/08/2019	A Councillor self-reported they had failed to update their Register of Interests to record their receipt of a ticket to a sporting event with food and beverage included.		The OIA decided to take no further action pursuant to section 150Y(b) (iii) of the <i>Local Government Act 2009</i> as taking further action would be an unjustifiable use of resources. The Councillor had identified the omission and updated their Register of Interests. The OIA was only aware of the issue due to the Councillor self-reporting.		29/01/2020	Office of the Independent Assessor C/19/00693
150DX(1)(e)	22/01/2020	Information received by the OIA raised a suspicion multiple Councillors had failed to declare personal interests at Council meetings held in November 2016.		The OIA decided to take no further action pursuant to section 150Y(b) (iii) of the <i>Local Government Act 2009</i> [the Act] on the basis that taking further action would be an unjustifiable use of resources. Initial enquiries did not obtain independent evidence of the personal interests.		30/01/2020	Office of the Independent Assessor C/20/00052 C/20/00053 C/20/00054 C/20/00055 C/20/00056 C/20/00057 C/20/00058 C/20/00059 C/20/00060
150DX(1)(d)	23/12/2019	The complainant alleged that Council's process in relation to an infringement notice was not correctly followed.	The OIA dismissed this matter pursuant to section 150X(a)(ii) of the <i>Local Government Act 2009</i> as it does not raise a reasonable suspicion of inappropriate conduct or misconduct and did not fall under OIA jurisdiction. The complaint did not relate to councillor conduct, but rather decisions made by Council and a Council employee.			24/01/2020	Office of the Independent Assessor C/19/01204
150DX(1)(e)	16/01/2020	It is alleged that a councillor inappropriately issued a direction to a senior council staff member in relation to a particularised matter.		The OIA decided to take no further action pursuant to section 150Y(b)(i) of the <i>Local Government Act 2009</i> on the basis the conduct does not raise a reasonable suspicion of inappropriate conduct or misconduct. The senior staff member was interviewed and confirmed that no direction had been given in relation to that particularised matter.	Mayor Tom Tate	07/02/2020	Office of the Independent Assessor C/20/00039

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150DX(1)(e)	29/01/2020	It is alleged that a councillor failed to moderate his Facebook page allowing false, defamatory and offensive comments made by individuals to a post on 24 January 2020, to remain on the public page, which drew adverse inferences to both matters resolved and proceedings and processes that remain unresolved.		The OIA decided to take no further action pursuant to section 150Y(b)(i) of the Local Government Act 2009 on the basis that the posts did not contain abusive or inappropriate language or reach the threshold of inappropriate conduct.		10/02/2020	Office of the Independent Assessor C/20/00080
150DX(1)(b)	15/08/2019	It is alleged that a Councillor visited a place of business in Southport and during that visit demanded to know "Is anyone living here". After a few minutes of argumentative questions, the Councillor asked "Why do you have all these ... things, and then identified themselves as a City of Gold Coast Councillor. It was alleged that during the visit, the Councillor made threats to staff including: <ul style="list-style-type: none"> <li>"I'm going to research you and find your about your funding,"</li> <li>"Who funds you, I'm going to find out, I'm going to look into you."</li> <li>"I'm watching you guys. I will be watching your office."</li> <li>The Councillor used very threatening language and was aggressive and unnecessarily angry and frustrated.</li> <li>In particular, the Councillor seemed to have a problem that we had resources printed in languages other than English.</li> <li>After about ten minutes of this, the Councillor left the place of business with a business card promising the staff member that she's going to "check us out properly."</li> </ul>		The Council of the City of Gold Coast at its 786 <sup>th</sup> Council Meeting, decided that the Councillor did not engage in inappropriate conduct and that no further action be taken, pursuant to section 150AG of the <i>Local Government Act 2009</i> , on the basis that the Councillor only visited the place of business once and that the report contained other flaws.	Cr Dawn Crichlow	19/02/2020	Council of the City of Gold Coast G20.0219.032
150DX(1)(e)	22/01/2020	The complaint raised concerns a Councillor had failed to inform the Council's Chief Executive Officer of their receipt of tickets to a sporting event within 30 days which should have been recorded in the Councillor's register of interests published on the Council's website.		The OIA decided to take no further action pursuant to section 150Y(b)(iii) of the <i>Local Government Act 2009 [the Act]</i> on the basis that, following an investigation, it was determined it would be an unjustifiable use of resources to take further action as the Councillor has now updated their register of interests to include the event tickets and, on the sole occasion a relevant agenda item had come before Council, the Councillor had disclosed their personal interests and left the room for the vote on the agenda item.		21/02/2020	Office of the Independent Assessor C/20/00062
150DX(1)(e)	22/01/2020	The complaint raised concerns a Councillor had failed to inform the Council's Chief Executive Officer of their receipt of tickets to a sporting event within 30 days which should have been recorded in the Councillor's register of interests published on the Council's website.		The OIA decided to take no further action pursuant to section 150Y(b)(iii) of the <i>Local Government Act 2009 [the Act]</i> on the basis that, following an investigation, it was determined it would be an unjustifiable use of resources to take further action as the Councillor has provided a statutory declaration stating their register of interests is correct and information indicates the tickets had been provided to a third party and not to the Councillor.		21/02/2020	Office of the Independent Assessor C/20/00061

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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)	16/12/2019	The complaint raised concerns a Councillor had failed to inform the Council's Chief Executive Officer of electoral donations which should have been recorded in the Councillor's register of interests published on the Council's website.		The OIA decided to take no further action pursuant to section 150Y(b)(i) of the <i>Local Government Act 2009 (the Act)</i> on the basis that, following an investigation, it was determined the Councillor had disclosed electoral donations to the Council to enable inclusion in their register of interests however, due to a legal interpretation relied on by Council employees, the relevant electoral donations had not been included in the register of interests published on the Council's website.		18/02/2020	Office of the Independent Assessor C/19/01173
150DX(1)(d)	28/01/2020	It was alleged fourteen councillors were involved in a secret deal to gift/lease or sell a park to a sporting club and that not all conflicts of interests were fully disclosed by some of the Councillors.	In respect of thirteen councillors the OIA dismissed this matter pursuant to section 150X(a)(ii) of the <i>Local Government Act 2009 (the Act)</i> as the complaint was considered to be lacking in substance.  The complaint against one councillor was dismissed pursuant to section 150X(b)(iii) of the Act on the basis that following assessment, the complaint did not raise a reasonable suspicion of inappropriate conduct or misconduct as defined by the Act.			27/02/2020	Office of the Independent Assessor C/20/00064 C/20/00065 C/20/00066 C/20/00067 C/20/00068 C/20/00069 C/20/00070 C/20/00071 C/20/00072 C/20/00073 C/20/00074 C/20/00075 C/20/00076 C/20/00077
150DX(1)(d)	25/02/2020	It was alleged the Council's Environmental Health Compliance Branch had engaged in dishonest and corrupt practice.	The OIA dismissed this matter pursuant to section 150X(a)(ii) of the <i>Local Government Act 2009 (the Act)</i> as the conduct described in the complaint did not raise a reasonable suspicion of inappropriate conduct or misconduct by a Councillor as defined by the Act; and was therefore outside the jurisdiction of the OIA.			09/03/2020	Office of the Independent Assessor C/20/00129
150DX(1)(e)	21/02/2020	It was alleged a councillor forged the approval of external Council communication in relation to a promotional flyer for a Council event.		The OIA decided to take no further action pursuant to section 150Y(b)(i) of the <i>Local Government Act 2009 (the Act)</i> on the basis that the conduct does not raise a reasonable suspicion of inappropriate conduct or misconduct by a councillor.		09/03/2020	Office of the Independent Assessor C/20/00131
150DX(1)(d)	03/03/2020	It was alleged a Councillor breached privacy laws when they re-posted a Facebook post from an individual's private page onto his public Facebook page, resulting in the individual receiving abusive messages online by members of the public. The individual's Facebook post was questioning funding commitments made by the Councillor.	The OIA dismissed this matter pursuant to section 150X(a)(ii) of the <i>Local Government Act 2009 (the Act)</i> as the conduct did not raise a reasonable suspicion of inappropriate conduct or misconduct, as the post by the Councillor is considered to be a factual response to the concerns raised by the individual in their original post. Additionally, further enquires conducted by the OIA determined that the Councillor did not make any direct or indirect comments addressing the individual in their response post that would be considered defamatory or disrespectful, nor was the post considered to be a breach of a behavioural standard or local government policy, procedure or resolution.			18/03/2020	Office of the Independent Assessor C/20/00141

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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)(d)	12/03/2020	It is alleged that a councillor objected to a development application and forwarded an unnecessary comment in an email to council officers and external consultant.	The OIA dismissed this matter pursuant to section 150X(a)(ii) of the <i>Local Government Act 2009</i> , as the complaint does not raise a reasonable suspicion of inappropriate conduct or misconduct. The comments made by the councillor in the email were considered unnecessary but did not meet the threshold of inappropriate conduct			26/03/2020	Office of the Independent Assessor C/20/00174
150DX(1)(d)	16/03/2020	It is alleged a councillor made inappropriate comments about another councillor to a member of the public in an email.	The OIA dismissed this matter pursuant to section 150X (a)(ii) of the <i>Local Government Act 2009</i> , as the complaint did not raise a reasonable suspicion of inappropriate conduct or misconduct. The comments made were not inconsistent with comments that had previously been made publicly by the Crime and Corruption Commission.			26/03/2020	Office of the Independent Assessor C/20/00179
150DX(1)(d)	17/03/2020	It was alleged a Councillor made false and misleading statements in his election campaign advertisements, that he had been the elected member of a Division and had represented certain suburbs since 2012, which was never the case.	The OIA dismissed this matter pursuant to section 150X(a)(ii) of the <i>Local Government Act 2009 (the Act)</i> as the conduct does not raise a reasonable suspicion of inappropriate conduct or misconduct within the meaning of the Act.  The complaint was also submitted to the Electoral Commission Queensland (ECQ) which is the agency best placed to give consideration to the issues as outlined in the complaint, under the <i>Local Government Electoral Act 2011</i> .			30/03/2020	Office of the Independent Assessor C/20/00187
150DX(1)(d)	06/04/2020	It was alleged, a Councillor redirected people to himself and away from the true source of public health information, when the Councillor announced on Facebook that his page will provide regular updates from the City regarding COVID-19.	The OIA dismissed this matter pursuant to section 150X(a)(ii) of the <i>Local Government Act (the Act)</i> as the conduct does not raise a reasonable suspicion of inappropriate conduct or misconduct within the meaning of the Act.  It was considered that the councillor had made this announcement to provide information about emotional and financial support for the Gold Coast residents during an extraordinary public health event.		Mayor Tom Tate	28/04/2020	Office of the Independent Assessor C/20/00235

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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)(d)	08/04/2020	It was alleged that a Councillor self-nominated as a signatory on a community bank account and suggested campaign materials be funded from that account. Furthermore, the Councillor failed to declare the position as a signatory on their register of interests.	<p>The OIA dismissed this matter pursuant to section 150X(a)(ii) of the <i>Local Government Act 2009 (the Act)</i> as the conduct does not raise a reasonable suspicion of inappropriate conduct or misconduct within the meaning of the Act.</p> <p>The complaint raised an issue about whether the Councillor used an association to provide unauthorised campaign materials, but this is a question for the Electoral Commission of Queensland under the <i>Local Government Electoral Act 2011</i> and not within OIA's jurisdiction.</p> <p>It also raised a question of whether the Councillor's signatory on the account should be recorded on their register of interests. The OIA have formed the view that it does not need to be recorded taking into account the nature of the committee involved.</p>			28/04/2020	Office of the Independent Assessor C/20/00242
150DX(1)(d)	31/03/2020	It was alleged a Councillor copied and commented on social media comments made by a member of the public to the councillors social media page without authorization and had blocked the complainant and other members of the public from posting to the Councillor's social media page.	<p>The complaint contained insufficient detail to properly assess or investigate the matter. Pursuant to section 150Q of the <i>Local Government Act 2009 (the Act)</i> the complainant was requested to provide further stated information within a reasonable period. The complainant complied with this notice, but did not provide the requested information necessary to assess the allegation.</p> <p>Consequently, this matter will not be further investigated pursuant to section 150Q(3)(b) of the Act.</p>			28/04/2020	Office of the Independent Assessor C/20/00229
150DX(1)(e)	01/05/2020	<p>It was alleged that a Councillor failed to declare on their register of interests a position as a signatory on a community bank account.</p> <p>It was also alleged, the Councillor self-nominated as a signatory of the account and suggested campaign materials be funded from the account.</p>		<p>The OIA decided to take no further action pursuant to section 150Y(b)(i) of the <i>Local Government Act 2009 (the Act)</i> on the basis that the conduct does not raise a reasonable suspicion of inappropriate conduct or misconduct with the meaning of the Act.</p> <p>The allegation that the Councillor suggested to provide unauthorised campaign materials is a matter for the Electoral Commission of Queensland under the <i>Local Government Electoral Act 2011</i> and not within OIA's jurisdiction. It was also noted there was no direct evidence to suggest this was the case.</p> <p>The OIA also formed the view that the nature of the membership with the stated association did not come within the list of requirements for things to be entered into a Councillor's register of interests, as prescribed by the <i>Local Government Regulations 2012</i>.</p>		04/06/2020	Office of the Independent Assessor C/20/00299

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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)(d)	10/04/2019	It is alleged that a councillor failed to update their Register of Interests with a flight purchased for them during a Council trade mission.	<p>Following an investigation, the OIA dismissed this matter pursuant to section 150X(c)(ii) of the Local Government Act 2009. The investigation identified that during a council trade mission an internal connecting flight was cancelled which had a flow on effect for other flights previously booked. After that cancellation replacement flights were purchased for the councillor by another member of the trade delegation, who was a property developer.</p> <p>Following the trade mission, the delegate made a claim to the Gold Coast City Council for reimbursement.</p> <p>While there were some discrepancies identified between witness accounts and records obtained and in whether the amount claimed for reimbursement represented the full cost of the flight – further dealing with this matter was not considered a justifiable use of resources.</p>		Mayor Tom Tate	08/06/2020	Office of the Independent Assessor C/19/00408
150DX(1)(d)	15/02/2020	It is alleged, a member of the public was unnecessarily blocked from a Councillor's official Facebook page, for making a comment which was considered to be reasonable.	<p>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.</p> <p>The decision was made on the basis that a copy or screenshot of the Facebook comment was unable to be recovered either from the complainant or the councillor.</p>		Mayor Tom Tate	10/06/2020	Office of the Independent Assessor C/20/00109

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