

Councillor Conduct Register

Date of complaint	Summary of complaint	Decision	Summary of the decision and reasons for the decision	Date of decision	Decision maker
28/06/2021	<p>It was alleged that a councillor acted in favour of a development application before, during and after the public notification period. That the councillor made multiple posts on social media about the development, presenting a biased view on behalf of the applicant.</p> <p>It was alleged the councillor made several statements that were false and misleading to the public, in relation to the application.</p> <p>It was also alleged that the councillor had a bias (conflict of interest/s) in relation to the matter.</p>	Complaint dismissed	<p>The OIA dismissed this matter pursuant to section 150X(c)(ii) of the Local Government Act 2009 (the Act).</p> <p>In assessing this matter, the contents of the various Facebook posts by the councillor were considered. It was noted that the councillor provided regular updates to residents about the development application and included information about where residents can make submissions either for or against any aspect of the application. It reasonably appeared the councillor was providing information about a matter of interest to the constituents in the division and facilitating constituents having their say.</p> <p>Inquiries undertaken into five statements made by the councillor in posts that were said to be false and or misleading either determined that the councillor's statements were correct and or it would not constitute a justifiable use of resources to investigate the matters further.</p> <p>The conflict-of-interest allegations had previously been assessed in detail pursuant to an earlier complaint from a separate source. OIA inquiries did not support that the councillor had a conflict of interest in relation to the matter on the basis asserted by the complainant.</p> <p>Councillor subject of the complaint: Councillor William Owen-Jones*</p>	3/8/2021	Office of the Independent Assessor (OIA) C/21/00425
30/06/2021	<p>It was alleged that a councillor acted in favour of a development application before, during and after the public notification period. That the councillor made multiple posts on social media about the development, presenting a biased view on behalf of the applicant.</p> <p>It was alleged the councillor made several statements that were false and misleading to the public, in relation to the application.</p> <p>It was also alleged that the councillor had a bias (conflict of interest/s) in relation to the matter.</p>	Complaint dismissed	<p>The OIA dismissed this matter pursuant to section 150X(c)(ii) of the Local Government Act 2009 (the Act).</p> <p>In assessing this matter, the contents of the various Facebook posts by the councillor were considered. It was noted that the councillor provided regular updates to residents about the development application and included information about where residents can make submissions either for or against any aspect of the application. It reasonably appeared the councillor was providing information about a matter of interest to the constituents in the division and facilitating constituents having their say.</p> <p>Inquiries undertaken into five statements made by the councillor in posts that were said to be false and or misleading either determined that the councillor's statements were correct and or it would not constitute a justifiable use of resources to investigate the matters further.</p> <p>The conflict-of-interest allegations had previously been assessed in detail pursuant to an earlier complaint from a separate source. OIA inquiries did not support that the councillor had a conflict of interest in relation to the matter on the basis asserted by the complainant.</p> <p>Councillor subject of the complaint: Councillor William Owen-Jones*</p>	3/8/2021	Office of the Independent Assessor (OIA) C/21/00428
05/08/2021	It is alleged a councillor released private information about a resident in a council meeting in naming the resident as a lead petitioner to council about the expansion of a council service in the council area	Complaint dismissed	<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.</p> <p>Local Law No1 (Meetings 2008) section 20(5), provides that the Council may publish any petition received in a council meeting pursuant to this provision. Council's website also states that any petition received may be published by council.</p> <p>The councillor did not release any personal information other than information which was on the petition.</p>	20/8/2021	Office of the Independent Assessor (OIA) C/21/00501
26/07/2021	It was alleged that a councillor publicly released information from a closed session of a council committee meeting before formal commercial-in-confidence consideration had been made, and before the matter had gone to the ordinary council meeting for a decision.	Take no further action on the complaint	<p>The OIA decided to take no further action pursuant to section 150Y(b)(iii) of the Local Government Act 2009 [the Act] on the basis that taking further action would be an unjustifiable use of resources.</p> <p>The information was released during a period between the closed session of the committee meeting and before the CEO had an opportunity to deem aspects that could be commercial in confidence. This created a risk that the information could have been confidential, but the CEO's subsequent decision was that the information released was not.</p>	23/9/2021	Office of the Independent Assessor (OIA) C/21/00483
24/02/2020	It is alleged that a councillor made misleading and/or false comments about another councillor, which were published in the local media.	Take no further action on the complaint	<p>The OIA decided to take no further action pursuant to section 150Y(b)(i) of the Local Government Act 2009 [the Act] on the basis that the evidence does not constitute inappropriate conduct or misconduct.</p> <p>The OIA conducted an investigation into the allegations. The evidence gathered by the OIA indicated that the councillor had relied upon the advice of a council officer and made the public statement based on the information that they were provided.</p>	01/10/2021	Office of the Independent Assessor (OIA) C/20/00122

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

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			On that basis, the evidence did not support the allegation that the councillor knowingly or recklessly made a false or misleading statement. Councillor subject of the complaint: Mayor Tom Tate*		
20/12/2018	It was alleged the Councillor engaged in inappropriate conduct by breaching: a) Information and Information Privacy Policy (collection of personal information); and b) Procurement Policy (incoming/outgoing Sponsorship Agreements).	Council decided the former Councillor did not engage in inappropriate conduct.	Having regard to the material available and the Tribunal's investigation outcome and recommendations, and pursuant to s150AG there is insufficient evidence to make a finding of inappropriate conduct. Councillor subject to the complaint: Cr Kristyn Boulton*	12/10/2021	Council of the City of Gold Coast Council Meeting 809 on 12/10/21 G21.1021.0 65
16/09/2019	It was alleged the Councillor engaged in inappropriate conduct by failing to moderate their facebook page and allowing defamatory and offensive comments by individuals to remain on the public page. It was alleged the conduct involved a contravention of behavioural standards contrary to section 150K(1)(a) of the Act, as it involved conduct which was a breach of the Code of Conduct for Councillors in Queensland	Council decided the Councillor did not engage in inappropriate conduct.	Having regard to the material available and the Tribunal's investigation outcome and recommendations, and pursuant to s150AG there is insufficient evidence to make a finding of inappropriate conduct. Councillor subject to the complaint: Cr Daphne McDonald*	12/10/2021	Council of the City of Gold Coast Council Meeting 809 on 12/10/21 G21.1021.0 66
19/12/2018	It is alleged the Mayor engaged in inappropriate conduct by contravening Behavioural standard 5 of the Code of Conduct for Councillors in Queensland with the following four comments: • "While most of the complaint elements were thrown out I still vehemently disagree with the tribunal findings" (comment one) • "There are no appeal rights, however, two days after their decision on my matter, appeal rights have since been instituted in the recently enacted amended legislation" (comment two) • "But I must accept the umpire's decision that my public comments on the subject were too aggressive" (comment three) • "Did I stop ratepayer's funds being used from funding Councillor Master of Business Administration degrees? Guilty as charged!" (comment four)	Council decided the Mayor did not engage in inappropriate conduct.	Having regard to the material available and the Tribunal's investigation outcome and recommendations, and pursuant to s150AG there is insufficient evidence to make a finding of inappropriate conduct. Councillor subject to the complaint: Mayor Tom Tate*	12/10/2021	Council of the City of Gold Coast Council Meeting 809 on 12/10/21 G21.1021.0 67
19/10/2021	It is alleged a Councillor engaged in inappropriate conduct on the basis that provisions in the Code of Conduct for Councillors in Queensland was breached by comments made in the media	Complaint dismissed	The OIA dismissed this matter pursuant to section 150X(a)(ii) of the Local Government Act 2009 as the conduct did not raise a reasonable suspicion of inappropriate conduct or misconduct.	27/10/2021	Office of the Independent Assessor (OIA) C/21/00665
21/08/2019	It was alleged that a Councillor failed to declare a conflict of interest at three council meetings in 2018 and 2019 based on a long-term association with a not-for-profit company, including being a former director of the company, holding current membership of the company, and receiving personal hospitality.	Take no further action on the complaint	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. In making this decision, the OIA considered the length of time since and legal implications relating to continuing obligations of being a former director of the company, that being a member of the company would not of itself constitute a conflict of interest under the Act, and the value of personal hospitality received by the Councillor. Councillor subject to the complaint: Mayor Tom Tate*	05/11/2021	Office of the Independent Assessor (OIA) C/19/00707
06/11/2019	It was alleged that a Councillor failed to declare a conflict of interest at three council meetings in 2018 and 2019 based on a long-term association with a not-for-profit company, including being a former director of the company, holding current membership of the company, and receiving personal hospitality.	Take no further action on the complaint	The OIA decided to take no further action pursuant to section 150X(c)(ii) of the Local Government Act 2009 (the Act) on the basis that taking further action would be an unjustifiable use of resources. In making this decision, the OIA considered the length of time since and legal implications relating to continuing obligations of being a former director of the company, that being a member of the company would not of itself constitute a conflict of interest under the Act, and the value of personal hospitality received by the Councillor.	05/11/2021	Office of the Independent Assessor (OIA) C/19/01054

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			Councillor subject to the complaint: Mayor Tom Tate*		
24/12/2021	It was alleged that a Councillor failed to respond to two emails from a constituent in relation to information provided by the Councillor at a community meeting.	Complaint dismissed	The OIA dismissed this matter pursuant to section 150X(a)(ii) of the Local Government Act 2009. Given the timeframes involved, (the emails were sent in November and December 2021) the conduct as alleged does not reach the threshold of inappropriate conduct or misconduct. However, the OIA wrote to the Councillor requesting that they respond to the constituent's emails. Councillor subject to the complaint: Cr Mark Hammel*	14/01/2022	Office of the Independent Assessor (OIA) C/21/00891

*For complaints that are dismissed, or where the decision maker decides to take no further action, the name of the Councillor subject to the complaint is only published if authorised by the Councillor.