

Councillor Conduct Register

Date of complaint	Summary of complaint	Decision	Summary of the decision and reasons for the decision	Date of decision	Decision maker
14/10/2020	<p>Allegation one</p> <p>It is alleged that between 6 and 12 December 2015, Councillor Tom Tate, the Mayor and a councillor of Gold Coast City Council, engaged in misconduct as defined in section 176(3)(b)(ii) of the Local Government Act 2009, in that his conduct in giving directions to the Chief Executive Officer of Council, to cease a disciplinary process in relation to his Chief of Staff, involved a breach of the trust placed in him as a councillor, in that it was inconsistent with the local government principles in section 4(2)(a) <i>'transparent and effective processes, and decision making in the public interest'</i> and section 4(2)(e) <i>'ethical and legal behaviour of councillors and local government employees'</i>.</p> <p>Allegation two</p> <p>It is alleged that on 8 December 2017, Councillor Tom Tate, the Mayor and a Councillor of the Gold Coast City Council, engaged in misconduct as defined in section 176(3)(b)(ii) of the Local Government Act 2009, in that his conduct involved a breach of the trust placed in the councillor, in that it was inconsistent with the local government principles in section 4(2)(a) <i>'transparent and effective processes, and decision making in the public interest'</i> and section 4(2)(e) <i>'ethical and legal behaviour of councillors and local government employees'</i>.</p>	The Councillor Conduct Tribunal decided the allegations are sustained.	<p>Having regard to the allegations, the local government principles in section 4 of the Act, and the nature and circumstances of the conduct, the Tribunal is satisfied that the conduct of the Respondent is appropriately categorised as misconduct.</p> <p>The Tribunal finds that Allegations One and Two have been sustained.</p> <p>The Tribunal orders that, within 60 days of the day that he is issued with this decision and reasons:</p> <ol style="list-style-type: none"> a. With respect to Allegation One: <ol style="list-style-type: none"> i. pursuant to section 150AR(1)(b)(i) of the Act, the Respondent must make a public admission that the councillor has engaged in misconduct, on Facebook using the official Facebook account provided to him for use as the Mayor; ii. pursuant to section 150AR(1)(b)(iv) of the Act, the Respondent must pay to the local government the amount of 20 penalty units (\$2,757);2 b. With respect to Allegation Two: <ol style="list-style-type: none"> i. pursuant to section 150AR(1)(b)(i) of the Act, the Respondent must make a public admission that the councillor has engaged in misconduct, on Facebook using the official Facebook account provided to him for use as the Mayor; ii. pursuant to section 150AR(1)(b)(iv) of the Act, the Respondent must pay to the local government the amount of 5 penalty units (\$689.25). <p>Councillor subject to the complaint: Mayor Tom Tate*</p>	25/05/2022	Councillor Conduct Tribunal (CCT) F20/7781
11/07/2022	It is alleged a councillor engaged in inappropriate conduct by verbally abusing residents in two incidents.	Complaint dismissed	<p>The OIA dismissed this matter pursuant to section 150X(c)(ii) of the Local Government Act 2009 as given all the circumstances further dealing with the complaint would be an unjustifiable use of resources.</p> <p>One of the incidents had already been dealt with by the Council. The second incident contained in the complaint lacked detail and there were no further avenues of enquiry that could resolve the allegation.</p>	26/07/2022	Office of the Independent Assessor (OIA) C/22/00471
22/07/2022	<p>It is alleged a councillor has engaged in inappropriate conduct when commenting on a council operational matter and council staff's response to the matter on social media.</p> <p>It was further alleged a Councillor engaged in inappropriate conduct when the councillor suggested to residents to contact a council officer about their complaints and provided the council officers direct work contact information on social media.</p>	Take no further action	<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 OIA reviewed the councillor's comments on social media and did not consider that they reached the threshold of breaching the Code of Conduct for Councillors in Queensland.</p>	08/08/2022	Office of the Independent Assessor (OIA) C/22/00519
15/08/2022	It was alleged a number of councillors failed to provide their updated Register of Interests on the approved form within the required 30 day period.	Complaint dismissed	<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>All of the councillors provided the approved form soon after the 30 day period when reminded by council. Councillors have been reminded however that it is their personal obligation and that they should set up bring up dates now so that the conduct is not repeated in the future.</p>	24/08/2022	Office of the Independent Assessor (OIA) C/22/00589 C/22/00590 C/22/00591 C/22/00592 C/22/00593 C/22/00594 C/22/00595

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)].

Date of complaint	Summary of complaint	Decision	Summary of the decision and reasons for the decision	Date of decision	Decision maker
30/08/2022	It is alleged a councillor engaged in misconduct when he lied in a stakeholder meeting about a council policy relating to Council Assets.	Complaint dismissed	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. Council has since clarified with the stakeholder group that it does have a policy relating to its Assets that maybe applied to the project. Councillor subject to the complaint: Cr Peter Young*	19/09/2022	Office of the Independent Assessor (OIA) C/22/00669
16/09/2022	It was alleged a councillor had breached various conduct provisions on a number of occasions.	Complaint dismissed	The OIA dismissed this matter pursuant to section 150X(b)(i) of the Local Government act 2009 as the complaint was considered vexatious. The complaint had been made to council and referred to the OIA under statutory obligation. The complainant had previously made other similar complaints to the OIA, which were dismissed. In the current complaint the complainant appeared to threaten council that they would publish details of the issues raised about the councillor, whilst citing council's inaction toward an operational issue they had raised. Councillor subject to the complaint: Cr Peter Young*	07/10/2022	Office of the Independent Assessor (OIA) C/22/00717
04/11/2022	It was alleged a councillor spoke to a council employee in an inappropriate manner.	Complaint dismissed	The OIA suspected the complaint involved inappropriate conduct and considered that the complaint should be referred to the Council to be dealt with, pursuant to section 150W(1)(b) of the Local Government Act 2009. The matter has been resolved in accordance with the Early Resolution procedures contained within Section 12 of Council's 'Investigation (Inappropriate Conduct of Councillors) Policy'.	20/12/2022	Office of the Mayor C/22/00813
14/12/2022	It was alleged a councillor had engaged in inappropriate conduct by not responding to a resident's request for assistance to address an issue affecting the resident's property.	Complaint dismissed	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. Council provided information that indicated the councillor and divisional office staff had taken reasonable steps to forward the resident's concerns promptly and directly to appropriate council officers for a response. Councillor subject to the complaint: Cr Mark Hammel*	10/01/2023	Office of the Independent Assessor (OIA) C/22/01132
22/11/22	It was alleged that a councillor, with a declarable conflict of interest in relation a matter, influenced, attempted to influence or discussed the matter with another person who was participating in a decision of the local government relating to the matter.	Take no further action	Following an investigation, no further action was taken 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 of misconduct. This decision was made as all council officers involved in considering the matter advised the OIA they have had no contact or discussions with the councillor, they have received no directions from the councillor and were unaware of the councillor's comments in the media in relation to the matter. Council officers also advised that the matter was not at the decision-making stage at the time the comments were made. Councillor subject to the complaint: Mayor Tom Tate*	01/03/2022	Office of the Independent Assessor (OIA) C/22/00838
18/02/2023	It was alleged a councillor made false statements when talking to a resident.	Complaint dismissed	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 within the meaning of the Act. The evidence supplied did not support the allegations.	03/03/2023	Office of the Independent Assessor (OIA) C/23/00099

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