

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

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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 G21.1021.065
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 G21.1021.066
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 G21.1021.067
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
20/01/2022	It was alleged that a Councillor had a meeting with a developer who was planning a multi-storey development and that subsequent to the meeting the developer had gone unconditional on a sale/purchase contract for various lots in the Gold Coast region.	Complaint dismissed	The OIA dismissed this matter pursuant to section 150X(a)(ii) of the Local Government Act 2009 (the Act) on the basis that the conduct does not raise a reasonable suspicion of inappropriate conduct or misconduct. OIA inquiries confirmed that a meeting did take place in the presence of an appropriate council officer. There was no conflict of interest for the Councillor identified in this matter as at the time of the meeting no application was before council for a decision. Notes of the meeting did not raise any suspicion of inappropriate conduct or misconduct. Councillor subject to the complaint: Mayor Tom Tate*	11/02/2022	Office of the Independent Assessor (OIA) C/22/00035
22/02/2022	It is alleged a councillor has breached the Code of Conduct for Councillors in Queensland when responding to a residents concerns about council services.	Complaint dismissed	The OIA dismissed this matter pursuant to section 150X(a)(ii) of the Local Government Act 2009 the conduct does not raise a reasonable suspicion of inappropriate conduct or misconduct. The Councillor and divisional office staff have raised service requests on behalf of the resident and provided advice as to other issues the resident has raised.	01/03/2022	Office of the Independent Assessor (OIA) C/22/00104
14/03/2022	It was alleged a Councillor made inappropriate comments to a representative of a company that hosted an event to which the Councillor was invited and attended as a Councillor. It was also alleged the Councillor was not impartial in their performance and potentially misused information provided to them in response to an enquiry made to council, in relation to the event and referenced a company where the Councillor does volunteer work from time to time.	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. The statements alleged to have been made by the Councillor were disputed and in the absence of an independent witness to confirm conflicting versions, there are no reasonable avenues of enquiry. In relation to the Councillor's comments and questions raised with Council in relation to personal activities, the application of section 150EZ of the Act was considered. While the conflict of interest framework introduced amendments in October 2020 thereby extending the framework to council decision making outside of ordinary meetings and committee meetings, it was not considered in the context of this case that council was considering "a matter" within the meaning of section 150EZ(1) and (2) of the Act.	11/04/2022	Office of the Independent Assessor (OIA) C/22/00149
22/03/2022	It is alleged a Councillor engaged in inappropriate conduct and influenced a council decision on an issue.	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. Council confirmed that the decision was made by a council officer based on the normal investigative and consultative processes of Council. There was no evidence that the Councillor had had inappropriately influenced the decision by council officers.	14/04/2022	Office of the Independent Assessor (OIA) C/22/00168
31/03/2021	It was alleged that a councillor engaged in misconduct in relation to comments made during a press conference in 2021. The matter was referred to the OIA as potential misconduct by the Councillor Conduct Tribunal (CCT) pursuant to section 150DLA(2) of the Act.	Take no further action on the complaint	The OIA's consistent practice is to deal with like matters as lower level conduct unless a councillor has previous disciplinary history for similar conduct. No further action was taken on this matter pursuant to section 150Y(b)(iii) of the Local Government Act 2009, on the basis that taking further action as potential misconduct would be an unjustifiable use of resources and or not in the public interest in the following circumstances: The councillor has no previous disciplinary history for a similar matter. Having regard to the current backlog of misconduct matters before the CCT, dealing with this matter as misconduct would not be the best use of finite resources. Councillor subject to the complaint: Mayor Tom Tate*	30/03/2022	Office of the Independent Assessor (OIA) C/21/00209
22/04/2022	It was alleged a Councillor did not engage fully with residents about a new development.	Complaint dismissed	The OIA dismissed this matter pursuant to section 150X(a)(ii) as the alleged conduct does not raise a reasonable suspicion of inappropriate conduct or misconduct. Council officers are responsible for undertaking consultation processes in relation to new developments. The community engagement process was reported to be ongoing and following normal protocols.	11/05/2022	Office of the Independent Assessor (OIA) C/22/00240

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28/04/2022	A Councillor was alleged to have failed to respond to enquiries from a member of the public.	Complaint dismissed	The OIA dismissed this matter pursuant to section 150X(a)(ii) as the conduct does not reach the threshold of inappropriate conduct or misconduct. Council Officers had responded previously and the councillor was waiting on information from Council in order to respond.	11/05/2022	Office of the Independent Assessor (OIA) C/22/00265
16/11/2021	It was alleged a Councillor breached the Code of Conduct for Councillors in Queensland by inappropriately responding to a resident on social media.	Council decided the Councillor engaged in inappropriate conduct	Having regard to the material available and the Office of the Independent Assessor's investigation outcome and recommendations, and pursuant to s150AG the Councillor engaged in inappropriate conduct. Council decided that no action be taken against the Councillor. Councillor subject to the complaint: Cr Peter Young*	14/06/2022	Council of the City of Gold Coast Council Meeting 819 on 14/06/22 G22.0614.080 C/20/00768
03/05/2019	<p>It is alleged that between 12 January 2017 and 8 March 2018, 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 involved a breach of trust placed in him as a councillor, in that it was inconsistent with local government principle 4(2)(e) of the Act being 'ethical' and legal behaviour of councillors and local government employees', being a contravention of section 171B(2) of the Act.</p> <p>The particulars of the alleged conduct which could amount to misconduct are as follows:</p> <p>a. Councillor Tate was re-elected as Mayor of Gold Coast City Council (GCCC) in March 2016.</p> <p>b. On 13 January 2017, Councillor Tate acquired an interest in a racehorse now known as "Gogoldcoast".</p> <p>c. Councillor Tate's interest at the time of the purchase was valued at \$41,651.40.</p> <p>d. Section 171B(2) of the Act placed a positive obligation on councillors to, in the approved form, inform the Chief Executive Officer (CEO) of the GCCC of the particulars of any interest of the Councillor within 30 days after the interest arises.</p> <p>e. Form 2 Register of Interests of a Councillor and their related persons, being the approved form, requires Councillors to particularise in section 15 "Other assets over \$5,000".</p> <p>f. Councillor Tate did not inform the CEO of the particulars of the interest namely the interest in the racehorse "Gogoldcoast" via a Form 2 within 30 days after the interest arising.</p> <p>g. Councillor Tate submitted a Form 2 on nine occasions in the period of 12 January 2017 to 8 March 2018. These Form 2's added and removed interests relating to shareholdings, positions held as an officer of a corporation, interests of land, membership of political parties, bodies, associations and trade or professional organisations and reported gifts over \$500 and other assets over \$5,000. The Form 2's were submitted on the following dates:</p> <p>i. 10 February 2017;</p>		<p>The Councillor Conduct Tribunal (the Tribunal) has determined, on the balance of probabilities, that the allegation has not been sustained.</p> <p>Councillor subject to the complaint: Mayor Tom Tate*</p>	16/05/2022	Councillor Conduct Tribunal (CCT) F19/9909

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	<p>ii. 21 February 2017; iii. 3 March 2017; iv. 4 May 2017; v. 17 May 2017; vi. 5 October 2017; vii. 14 November 2017; viii. 20 December 2017; and ix. 14 February 2018.</p> <p>h. On 7 March 2018, Councillor Tate completed a Form 2 to add "Share in racehorse" to section 15 of his register of interests.</p> <p>i. Councillor Tate's consolidated register of interests dated 7 March 2018, lists "Share in racehorse" in section 15.</p> <p>j. Councillors have a legal obligation under section 171B of the Act to inform the CEO of the particulars of their interests or changes to their interests within 30 days of the interest arising or the change happening.</p> <p>k. Section 291 of the Local Government Regulation 2012 sets out the particulars required to be contained in a register of interests.</p> <p>l. Councillor Tate failed to comply with section 171B of the Act, in that the Form 2 submitted on the dates as stated in particulars (g)(i-ix) did not inform the CEO of the particulars of the interest in the racehorse "Gogoldcoast." As a consequence, Councillor Tate's register of interest, as maintained by the CEO, was inaccurate between the period of 12 January 2017 to 8 March 2018.</p>				

*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.