

Councillor Conduct Register

Date of complaint	Summary of complaint	Decision	Summary of the decision and reasons for the decision	Date of decision	Decision maker
31/07/2023	It is alleged a Councillor breached Council's Acceptable Requests Policy (A76347750) when the council requested their divisional office staff to create 2 customer request notices and lodge them with council about local breaches of law matters in their division.	Complaint dismissed	The OIA dismissed this matter pursuant to section 150X(c)(ii) of the Local Government Act 2009 as the OIA was satisfied that further dealing with the complaint would be an unjustifiable use of resources. The customer request notices were lodged with council by the Councillor's divisional office staff. The Councillor has been reminded that it is not the role of a Councillor to issue directives over matters that are not within the Councillor's role and responsibilities either directly or indirectly through divisional staff.	22/08/2023	Office of the Independent Assessor (OIA) C/23/00445
31/07/2023	It is alleged a Councillor breached Council's Acceptable Requests Policy (A76347750) and Media policy when the Councillor was quoted in the local media about Council officer's enforcement of a Council Local Law compliance for businesses in the Councillor's division.	Complaint dismissed	The OIA dismissed this matter pursuant to section 150X(c)(ii) of the Local Government Act 2009 as the OIA was satisfied that further dealing with the complaint would be an unjustifiable use of resources. The conduct identified was dated and the Councillor is no longer part of Council, as such further dealing with this matter is an unjustifiable use of resources.	22/08/2023	Office of the Independent Assessor (OIA) C/23/00446
31/07/2023	It is alleged that a Councillor breached a Council Policy when the Councillor requested a divisional office staff member to email a council officer about an issue in the Councillor's division.	Complaint dismissed	The OIA considered that the conduct complained of was not inappropriate conduct or misconduct.	22/08/2023	Office of the Independent Assessor (OIA) C/23/00447
22/06/2021	<p>Allegation one</p> <p>It is alleged that on or around 22 August 2016, 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 by breaching the trust placed in the Councillor, in that his conduct was inconsistent with the local government principle of ethical and legal behaviour, as stated in section 4(2)(e) of the Local Government Act 2009.</p> <p>Allegation two</p> <p>It is alleged that on or around 22 August 2016, 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 by breaching the trust placed in the Councillor, in that his conduct was inconsistent with the local government principle of ethical and legal behaviour, as stated in section 4(2)(e) of the Local Government Act 2009.</p> <p>Allegation three</p> <p>It is alleged that on or around 21 August 2017, 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 by breaching the trust placed in the Councillor, in that his conduct was inconsistent with the local government principle of ethical and legal behaviour, as stated in section 4(2)(e) of the Local Government Act 2009.</p> <p>Allegation four</p> <p>It is alleged that on or around 30 July 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 by breaching the trust placed in the Councillor, in that his conduct was inconsistent with the local government principle of ethical and legal behaviour, as stated in section 4(2)(e) of the Local Government Act 2009.</p>	The Councillor Conduct Tribunal decided that eight out of eleven 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, Five, Six, Seven, Eight, Nine, Ten and Eleven have been sustained.</p> <p>The Tribunal finds that Allegations Two, Three and Four are not sustained.</p> <p>The Tribunal orders that:</p> <ol style="list-style-type: none"> a. With respect to Allegations One, Seven, Eight, Nine and Ten: <ol style="list-style-type: none"> i. pursuant to section 150AR(1)(b)(i) of the Act, within 60 days of the Councillor's receipt of this decision and reasons, the Councillor make a public admission of misconduct during a General Ordinary Meeting of Council, at a time when the Meeting is open to members of the public. b. With respect to Allegations Five, Six and Eleven: <ol style="list-style-type: none"> i. pursuant to section 150AR(1)(b)(iv) of the Act, within 90 days of the Councillor's receipt of this decision and reasons, the Councillor must pay to the local government the amount of 15 penalty units (\$2,322). c. With respect to Allegations One, Five, Six, Seven, Eight, Nine, Ten and Eleven: <ol style="list-style-type: none"> i. pursuant to section 150AR(1)(b)(iii) of the Act, within 90 days of the Councillor's receipt of this decision and reasons, the Councillor must attend training or counselling, at the Councillor's expense, to address the Councillor's conduct in respect of the Expenses Reimbursement and Provision of Facilities for Mayor and Councillors Policy of Council. <p>Councillor subject to the complaint: Mayor Tom Tate*</p>	11/08/2023	Councillor Conduct Tribunal (CCT) F21/4709

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
	<p>Allegation five</p> <p>It is alleged that on or around 21 August 2017, 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 by breaching the trust placed in the Councillor, in that his conduct was inconsistent with the local government principle of ethical and legal behaviour, as stated in section 4(2)(e) of the Local Government Act 2009.</p> <p>Allegation six</p> <p>It is alleged that on or around 30 July 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 by breaching the trust placed in the Councillor, in that his conduct was inconsistent with the local government principle of ethical and legal behaviour, as stated in section 4(2)(e) of the Local Government Act 2009.</p> <p>Allegation seven</p> <p>It is alleged that on or around 21 August 2017, 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 by breaching the trust placed in the Councillor, in that his conduct was inconsistent with the local government principle of ethical and legal behaviour, as stated in section 4(2)(e) of the Local Government Act 2009.</p> <p>Allegation eight</p> <p>It is alleged that on or around 21 August 2017, 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 by breaching the trust placed in the Councillor, in that his conduct was inconsistent with the local government principle of ethical and legal behaviour, as stated in section 4(2)(e) of the Local Government Act 2009.</p> <p>Allegation nine</p> <p>It is alleged that on or around 21 August 2017, 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 by breaching the trust placed in the Councillor, in that his conduct was inconsistent with the local government principle of ethical and legal behaviour, as stated in section 4(2)(e) of the Local Government Act 2009.</p> <p>Allegation ten</p> <p>It is alleged that on or around 30 July 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 by breaching the trust placed in the Councillor, in that his conduct was inconsistent with the local government principle of ethical and legal behaviour, as stated in section 4(2)(e) of the Local Government Act 2009.</p> <p>Allegation eleven</p> <p>It is alleged that on or around 21 August 2017, 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 by breaching the trust placed in the Councillor, in that his conduct was inconsistent with the local government principle of ethical and legal behaviour, as stated in section 4(2)(e) of the Local Government Act 2009.</p>				

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
07/09/2023	It is alleged that a Councillor was giving direction to local government staff.	Complaint dismissed	The OIA dismissed this matter pursuant to section 150X(a)(ii) as the conduct does not raise a reasonable suspicion of inappropriate conduct or misconduct.	06/10/2023	Office of the Independent Assessor (OIA) C/23/00515
20/09/2023	It is alleged that a Councillor may have breached a provision in the Local Government Act 2009.	Complaint dismissed	The OIA dismissed this matter pursuant to section 150X(a)(i) of the Local Government Act (the Act). This was on the basis that the matter is not within the OIA's jurisdiction and is being dealt with by another entity.	10/10/2023	Office of the Independent Assessor (OIA) C/23/00547
09/10/2023	It is alleged a Councillor may have breached a provision in the Local Government Act 2009.	Complaint dismissed	The OIA dismissed this matter pursuant to section 150X(a)(ii) of the Local Government Act (the Act). This was on the basis that the complaint did not raise a reasonable suspicion the conduct was in breach of the Act.	17/10/2023	Office of the Independent Assessor (OIA) C/23/00586
17/03/2023	It was alleged that a councillor breached the trust placed in them as a councillor.	Complaint dismissed	The OIA dismissed this matter pursuant to section 150X(a)(ii) of the Local Government Act as the conduct does not raise a reasonable suspicion of inappropriate conduct or misconduct on the basis the conduct did not breach Council policies and statutes to the requisite standard. Councillor subject to the complaint: Mayor Tom Tate*	14/11/2023	Office of the Independent Assessor (OIA) C/23/00175
15/05/2023	It was alleged that a councillor breached the trust placed in them as a councillor.	Complaint dismissed	The OIA dismissed this matter pursuant to section 150X(a)(ii) of the Local Government Act as the conduct does not raise a reasonable suspicion of inappropriate conduct or misconduct on the basis the conduct did not breach Council policies and statutes to the requisite standard. Councillor subject to the complaint: Mayor Tom Tate*	14/11/2023	Office of the Independent Assessor (OIA) C/23/00264
02/11/2023	It is alleged a councillor engaged in inappropriate conduct when the Councillor breached a council policy relating to the use of Council resources.	Take no further action on the complaint	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 OIA considered that the Councillor's conduct had not breached Council policy.	13/11/2023	Office of the Independent Assessor (OIA) C/23/00645
08/11/2023	It was alleged a councillor used language that was rude and insulting within a Facebook post.	Take no further action on the complaint	The OIA decided to take no further action pursuant to section 150X(a)(ii) of the Local Government Act 2009 (the Act) as the conduct did not meet the threshold of inappropriate conduct within the meaning of the Act.	15/11/2023	Office of the Independent Assessor (OIA) C/23/00658
30/07/2021	It is alleged that at a Council meeting on 27 August 2019, Councillor Tom Tate, the Mayor and a Councillor of Gold Coast City Council, engaged in misconduct as defined in section 150L(1)(i) of the Local Government Act 2009 in that his conduct in misinforming the meeting about his personal interest in a matter, involved a breach of the trust placed in the councillor, in that it was inconsistent with the local government principles in sections 4(2)(a) and/or 4(2)(e) of the Act.	Not sustained.	The Tribunal has determined, on the balance of probabilities, that the allegation that on 27 August 2019, Councillor Tom Tate, the Mayor and a Councillor of Gold Coast City Council, engaged in misconduct as defined in section 150L(1)(i) of the Local Government Act 2009 in that his conduct in misinforming the meeting about his personal interest in a matter, involved a breach of the trust placed in the councillor, in that it was inconsistent with the local government principles in sections 4(2)(a) and/or 4(2)(e) of the Act, has not been sustained. Councillor subject to the complaint: Mayor Tom Tate*	23/03/2024	Councillor Conduct Tribunal (CCT) F21/5800

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
01/11/2021	<p>Allegation One (amended)</p> <p>It is alleged that on 11 December 2015, Councillor Tom Tate, the Mayor and a Councillor of Gold Coast City Council, engaged in misconduct as defined in section 176(3)(d) of the Local Government Act 2009 (the Act), in that Councillor Tom Tate did not deal with a real or perceived conflict of interest in a transparent and accountable way as required by section 173(4) of the Act.</p> <p>Allegation Two (amended)</p> <p>It is alleged that on 6 September 2016, Councillor Tom Tate, the Mayor and a Councillor of Gold Coast City Council, engaged in misconduct as 3 defined in section 176(3)(b)(ii) 176(3)(d) of the Local Government Act 2009 (the Act), in that Councillor Tom Tate did not deal with a real or perceived conflict of interest in a transparent and accountable way as required by section 173(4) of the Act.</p> <p>Allegation Three (amended)</p> <p>It is alleged that on 8 December 2017, Councillor Tom Tate, the Mayor and a Councillor of Gold Coast City Council, engaged in misconduct as defined in section 176(3)(d) of the Local Government Act 2009 (the Act), in that Councillor Tom Tate did not deal with a real or perceived conflict of interest in a transparent and accountable way as required by section 173(4) of the Act.</p> <p>Allegation Four (amended)</p> <p>It is alleged that on 13 February 2018, Councillor Tom Tate, the Mayor and a Councillor of Gold Coast City Council, engaged in misconduct as defined in section 176(3)(d) of the Local Government Act 2009 (the Act), in that Councillor Tom Tate did not deal with a real or perceived conflict of interest in a transparent and accountable way as required by section 173(4) of the Act.</p>	Sustained.	<p>The Tribunal finds that Allegations One, Two, Three and Four have been sustained.</p> <p>Allegation One: The Tribunal orders that within 60 days of the date that a copy of this decision and orders are given to him by the Registrar:</p> <ul style="list-style-type: none"> • Pursuant to s 150AR(1)(b)(ii) of the Act, Councillor Tate is reprimanded; <p>Allegation Two: The Tribunal orders that within 60 days of the date that a copy of this decision and orders are given to him by the Registrar:</p> <ul style="list-style-type: none"> • Pursuant to s 150AR(1)(b)(ii) of the Act, Councillor Tate is reprimanded; • Pursuant to s 150AR(1)(b)(v) of the Act, that Councillor Tate reimburse the local government for \$500 representing some of the costs arising from the councillor's misconduct. <p>Allegation Three: The Tribunal orders that within 60 days of the date that a copy of this decision and orders are given to him by the Registrar:</p> <ul style="list-style-type: none"> • Pursuant to s 150AR(1)(b)(ii) of the Act, Councillor Tate is reprimanded; • Pursuant to s 150AR(1)(b)(v) of the Act, that Councillor Tate reimburse the local government for \$1,250 representing some of the costs arising from the councillor's misconduct. <p>Allegation Four: The Tribunal orders that within 60 days of the date that a copy of this decision and orders are given to him by the Registrar:</p> <ul style="list-style-type: none"> • Pursuant to s 150AR(1)(b)(ii) of the Act, Councillor Tate is reprimanded; • Pursuant to s 150AR(1)(b)(v) of the Act, that Councillor Tate reimburse the local government for \$1,250 representing some of the costs arising from the councillor's misconduct. 	24/04/2024	F21/13081