

Councillor Conduct Register - Current from 3 December 2018

* Councillors name will not be included for dismissed complaints or where an Inappropriate Conduct / Misconduct allegation is not substantiated unless the Councillor agrees in accordance with the LGA

** Details of the complainant or identifying information will not be included in accordance with the LGA

DATE COMPLAINT RECEIVED	SUBJECT COUNCILLOR *	SUMMARY OF COMPLAINT**	TYPE OF CONDUCT (Unsuitable Meeting Conduct, Inappropriate Conduct; Misconduct; Official Misconduct)	DATE OF DECISION	DECISION MADE (Orders made, No further action, Complaint dismissed)	REASON FOR DECISION **
5 April 2019		It was alleged that a councillor acted inappropriately when they met a Queensland Senator in a public forum and said "I really dislike you". The complainant alleged that the councillor's conduct was a breach of Code of Conduct for Queensland Councillors dated 3 December 2018.	N/A	17 April 2019	Complaint dismissed	The OIA delegate made the decision to dismiss the complaint under Section 150X(a)(ii) of the Local Government Act 2009, i.e. the conduct was not considered serious enough to raise a reasonable suspicion of inappropriate conduct or misconduct as defined by the Act.
9 April 2019		It was alleged that a councillor misled the complainant when he assured him in a telephone conversation that a matter was being dealt with by the courts when two weeks after the conversation Council advised that they had settled on a different course.	N/A	8 May 2019	Complaint dismissed	The OIA delegate made the decision to dismiss the complaint as the conduct did not constitute inappropriate conduct or misconduct as per Section 150X(a)(ii) of the Local Government Act 2009. As there was legal action pending it was not inappropriate for the councillor to be circumspect in what he said.
8 August 2019		It was alleged that a councillor misled the complainant when he assured him that a matter was being dealt with by the courts when two weeks after the conversation Council advised that they had settled on a different course.	N/A	26 August 2019	No further action	The OIA decided to take no further action and close the investigation on the basis under section 150Y(b)(i) taking further action would be an unjustifiable use of resources in circumstances where the matter had been previously dealt with by the OIA on 9 April 2019.
15 August 2019		It is alleged two councillors failed to declare a conflict of interests through their involvement in advisory committees, non-profit organisations and other companies.	N/A	27 August 2019	Complaint dismissed	The Independent Assessor's delegate dismissed the complaint pursuant to section 150X(a)(ii) of the Local Government Act 2009 as the allegations did not raise a reasonable suspicion of inappropriate conduct or misconduct as defined by the Act. Both Councillors had included their personal interests in their Register of Interests and both made declarations of conflict of interests in Council meetings as required by the Act, where it was required.

20 November 2019		It was alleged that a councillor, when they were in a previous role and not a councillor, was involved in financial and operational mismanagement practices.	N/A	17 December 2019	No further action	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 conduct does not raise a reasonable suspicion of inappropriate conduct or misconduct in the councillor's role in local government. It is therefore, not within the jurisdiction of the OIA to deal with.
14 April 2020	Cr Kahn Goodluck	It was alleged a Councillor failed to declare donations received in the 2016 election period.	N/A	29 April 2020	No further action	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 donation in question was in fact declared by the Councillor, however the ECQ records from 2016 showed a minor discrepancy of seventy cents
14 April 2020	Cr Kahn Goodluck	It was alleged that a Councillor received donations from unions and was subsequently involved in negotiating agreements between the Council and unions. It was further alleged that a Councillor admitted to getting "rid of" a former CEO due to differences.	N/A	6 July 2020	Complaint dismissed	The OIA dismissed the matter pursuant to section 150X(a)(ii) of the Act, as the decision to renegotiate agreements is provided for within the agreement and therefore not subject to a recorded council decision, and no negotiations took place around the time of the alleged conduct. Further, the information in relation to the former CEO did not raise a reasonable suspicion of inappropriate conduct or misconduct.
15 June 2020	Cr Kahn Goodluck and Cr Natalia Muszkat	It is alleged two Councillors have made political comments on social media about social justice issues and that those comments have given the impression that the councilors are speaking on behalf of council on those issues.	N/A	26 June 2020	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. Under the Queensland Human Rights Act 2019 all Queenslanders have a right to freedom of expression (section 21); the right to peaceful assembly and freedom of association (section 22) and the right to take part in public life (section 23). Both Councillors conduct in participating in and supporting social justice causes does not breach provisions of the Act. From the context of the posts it was not considered that the views expressed could reasonably be taken to represent a formal council position.

23 November 2020		It is alleged that a councillor has engaged in inappropriate conduct whilst performing their role within an association not connected with council.	N/A	24 December 2020	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. The alleged conduct of the councillor in their role within the association was not considered by the OIA as conduct in the role of a councillor.
1 October 2021		It was alleged that a councillor had been charged with a traffic offence by Queensland Police Service after attending a council-related function.	N/A	12 October 2021	No further action	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 decision was made on the basis that the matter was being dealt with by another agency, namely the Queensland Police Service.
31 October 2021		It was alleged a councillor acted inappropriately by providing a character reference for a person who was appearing before a Magistrates Court.	N/A	9 November 2021	Complaint dismissed	The OIA dismissed this matter pursuant to section 150X(a)(ii) of the Local Government Act 2009 (the Act) as the alleged conduct does not raise a reasonable suspicion of inappropriate conduct or misconduct.
24 October 2021	Cr Kahn Goodluck	It is alleged a Councillor inappropriately blocked a member of the public from an official Councillor Facebook page.	N/A	12 November 2021	Complaint dismissed	Taking into account the circumstances that led to the member of the public being blocked; this matter was dismissed pursuant to section 150X(a)(ii) of the Local Government Act 2009.
29 October 2021 & 3 November 2021	Cr Natalia Muszkat	It is alleged a Councillor inappropriately blocked a member of the public from an official Councillor Facebook page and defamed the complainant.	N/A	18 November 2021	Complaint dismissed	Taking into account the circumstances that led to the member of the public being blocked, this matter was dismissed pursuant to section 150X(a)(ii) of the Local Government Act 2009. The complainant was issued with a vexatious complaint warning.
18 November 2021	Cr Natalia Muszkat	It is alleged a Councillor made unsubstantiated allegations in a media article about a member of the public.	N/A	29 November 2021	Complaint dismissed	This matter was dismissed pursuant to section 150X(c)(ii) of the Local Government Act 2009. The councillor did not identify a person in the article. The OIA has screenshots of social media posts made by some individuals that fit the description provided by the councillor in the news article.

27 January 2022		It was alleged that a Councillor awarded funding to an organisation that is operated by a relative of the Councillor. It was alleged the Councillor failed to declare a conflict of interest when deciding to provide the funding to the organisation.	N/A	11 February 2022	Complaint dismissed	<p>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.</p> <p>The councillor was not a decision maker in relation to funding being awarded to an organisation.</p> <p>When a matter involving that organisation was considered by council at a recent ordinary meeting, the councillor declared a prescribed conflict of interest and left the room during consideration of the matter.</p>
16 May 2022	Cr Kahn Goodluck	It was alleged that a councillor made a comment on a Council Facebook page that was viewed to be political during a federal election campaign and should have been on their personal Facebook page.	N/A	27 May 2022	Complaint dismissed	<p>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. The Human Rights Act 2019, provides that all individuals have the freedom to express their views without interference. This freedom is not absolute and may be limited in particular circumstances for example by legislation such as anti-discrimination legislation. On the facts of this matter however there is no such limitation.</p>
11 October 2022		It was alleged that councillors passed a resolution relating to a property in 2019 during a council meeting and later altered their decision but have never rescinded or changed the original resolution.	N/A	2 November 2022	Complaint dismissed	<p>The OIA dismissed this matter pursuant to section 150X(a)(ii) of the Local Government Act (the Act) as the complaint was about administrative decisions of the council and not councillor conduct within the meaning of the Act. The Queensland Ombudsman is best placed to deal with complaints about administrative decisions or process.</p>

17 January 2023		It is alleged a councillor engaged in inappropriate conduct when the councillor had reacted on social media	N/A	17 January 2023	Complaint dismissed	The OIA dismissed this matter pursuant to section 150X(c)(ii) of the Local Government Act 2009 (the Act) as I am satisfied that further dealing with the complaint or information would be an unjustifiable use of resources. The OIA noted the historic context of the councillor's post, which included alleged harassment by users of particular social media pages over a protracted period of time.
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