



## Councillor Conduct Register

Authority: Local Government Act (LGA) 2009, Chapter 5A. Pursuant to 150DX, Yarrabah Aboriginal Shire Council must keep an up-to-date register (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).

Complaint Upheld.

Decision Date	Councillor(s) subject of the complaint	Summary of the decision and reasons for the decision.

Complaint Dismissed.

Decision Date	Summary of Complaint	Statement about why the complaint was dismissed.
13.06.2018	Councillor conduct.	Complaint dismissed on the basis that the jurisdiction of the Office of the Independent Assessor is limited to complaints about councillor conduct which could, if proved, amount to either inappropriate conduct or misconduct as defined by the Local Government Act 2009. The concerns expressed in the complaint did not bring this matter within the jurisdiction of the Independent Assessor.
12.04.2019	Councillor conduct. Alleged breach of YASC Policies and Local Government Regulations Act.	The Office of the Independent Assessor decided to take no further action about the conduct of the councillor pursuant to section 150Y(b)(i) of the Local Government Act.
18 December 2020	It was alleged that a Councillor had been impersonating a	Following an investigation, the OIA dismissed this matter pursuant to section 150X(c)(ii) of the Local Government Act 2009 (the Act).



## Councillor Conduct Register

	<p>member of the community online using a fake Snapchat account under the individual's name. It was further alleged that the Councillor used "cat-fishing" tactics to engage with members of the community to send inappropriate messages using this account.</p>	<p>The investigation did not prove, to the requisite standard, that it was the Councillor who used the Snapchat account.</p>
15 January 2021	<p>It was alleged that a Councillor had been impersonating members of the community online using a fake Snapchat account to send inappropriate messages to members of the community.</p>	<p>Following an investigation, the OIA dismissed this matter pursuant to section 150X(c)(ii) of the Local Government Act 2009 (the Act). The investigation did not prove, to the requisite standard, that it was the Councillor who used the Snapchat account.</p>
3 January 2022	<p>It was alleged that members of a councillor's family have been instigating conflict with others in the community.</p>	<p>The OIA dismissed this matter pursuant to section 150X(a)(ii) of the Local Government Act 2009 on the basis that the conduct does not raise a reasonable suspicion of inappropriate conduct or misconduct by a councillor within the meaning of the Act.</p>
1 February 2022	<p>It was alleged that a councillor sent an email to various people which made the complainant feel "personally attacked, bullied and belittled". The complaint also referred to</p>	<p>The OIA dismissed this matter pursuant to section 150X(a)(ii) of the Local Government Act 2009 (the Act) on the basis that further dealing with the matter would be an unjustifiable use of resources. Since receiving the complaint, the OIA was notified that there had been discussions between the councillor and relevant senior officers in productively working 'to address communication gaps'. Further, the councillor had admitted to an error in</p>



## Councillor Conduct Register

	“conflict of interests to be investigated”.	judgment and apologised directly to the concerned parties. The information provided did not support a potential conflict of interest for the councillor as referred to in the complaint.

<b>Date of the decision to take no further action</b>	<b>Summary of the Complaint</b>	<b>Reason for taking no further action</b>
10 June 2023	It is alleged two councillors engaged in misconduct when they failed to declare an interest in a matter before council.	<p>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.</p> <p>In making this decision, the OIA considered that the councillor did have a declarable conflict of interest in relation to the matter.</p> <p>However the wording of section 150EQ(1)(b) requires a councillor to have “become aware” that they have a declarable conflict of interest in a matter, in order for the obligations contained in the other parts of section 150EQ to be enlivened.</p> <p>Where section 150EQ(1)(b) creates significant evidentiary difficulties taking further action would be an unjustifiable use of resources.</p>
21 June 2023	It is alleged a councillor engaged in misconduct when the councillor failed to declare an	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.



## Councillor Conduct Register

	interest in a matter before council	<p>In making this decision, the OIA considered that the councillor did <u>have a declarable conflict of interest</u> in relation to the matter given that the decision affected a close relative of the councillor</p> <p>However the wording of section 150EQ(1)(b) requires a councillor to have “become aware” that they have a declarable conflict of interest in a matter, in order for the obligations contained in the other parts of section 150EQ to be enlivened.</p> <p>Where section 150EQ(1)(b) creates significant evidentiary difficulties taking further action would be an unjustifiable use of resources.</p>