

BRISBANE CITY COUNCIL
COUNCILLOR CONDUCT COMPLAINTS REGISTER
PUBLIC RECORD



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Date	Issue	Outcome/Summary of action taken
26.03.2020	Complainant contacted the OIA with concerns that a polling booth attendant displayed symptoms of a fever whilst handing out election forms at the recent local government elections	On 26 March 2020 the OIA dismissed this matter pursuant to section 150X(a)(ii) of the <i>Local Government Act 2009</i> (the Act) as the complaint does not raise a reasonable suspicion of inappropriate conduct or misconduct by a councillor. It is, therefore, not within the jurisdiction of the OIA to deal with. Brisbane City Council was notified of this decision on 8 April 2020.
20.05.2020	It was alleged a Brisbane City Councillor used public funds to distribute information to constituents that amounted to electioneering	On 13 May 2020 the OIA decided to take no further action pursuant to section 150Y(b) of the <i>Local Government Act 2009</i> (the Act) on the basis that the conduct does not raise a reasonable suspicion of inappropriate conduct or misconduct. The councillor used their own personal funds to distribute the letter and the information contained in the letter notified the residents of changes to their representation after the election. Brisbane City Council was notified of this outcome on 19 May 2020.
20.05.2020	It was alleged that a Councillor failed to comply with an order by the Councillor Conduct Review Panel (CCRP), to pay an amount to Council that is equivalent to 10 penalty units.	On 20 May 2020 the OIA decided to take no further action pursuant to section 150Y(b)(i) of the <i>Local Government Act 2009</i> (the Act) on the basis that the conduct does not raise a reasonable suspicion of inappropriate conduct or misconduct. The OIA is unable to deal with a non-payment fine following an inappropriate conduct finding, due to transitional provision section 289(1)(b) of the <i>City of Brisbane Act 2010</i> , in that the order is not essentially the same as an order that could be made by a local government dealing with inappropriate conduct under chapter 5A of the Act (section 150AH). Brisbane City Council was notified of this outcome on 20 May 2020.
28.05.2020	It was alleged that a Councillor mailed out election materials including a postal vote application form and a pre-paid envelope addressed to the Councillor's political party headquarters, rather than to the Queensland Electoral Commission.	On 28 May 2020 the OIA decided to take no further action pursuant to section 150Y(b)(i) of the <i>Local Government Act 2009</i> (the Act) 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. It was identified that this was a common practice and if it involved political parties collecting data that was a breach of information privacy principles it would be a matter for the consideration of the Queensland Information privacy Commissioner.
21.05.2020	It was alleged that a Councillor should not participate in events that support social justice issues and that the Councillors should be removed from Council and be prosecuted for encouraging members of the public to attend gatherings when they might catch Covid-19.	The OIA dismissed this matter pursuant to section 150X(a)(ii) of the <i>Local Government Act 2009</i> (the Act) as the conduct does not raise a reasonable suspicion of inappropriate conduct or misconduct within the meaning of the Act. The Councillor's conduct in participating and supporting social justice issues does not breach provisions of the Act however how a Councillor engages in and supports these issues must be consistent with the Councillor Code of Conduct.
03.06.2020	It was alleged that a Councillor shared confidential information relating to an order by the Councillor Conduct Review Panel (CCRP) and this information was referred to in documents distributed publicly and on Facebook posts.	The OIA decided to take no further action pursuant to section 150Y(b)(i) of the <i>Local Government Act 2009</i> (the Act) on the basis that the conduct does not raise a reasonable suspicion of inappropriate conduct or misconduct. The Councillor was in lawful possession of the information which was required to be publicly recorded under section 183A of the <i>City of Brisbane Act 2010</i> , also given the matter was substantiated by the CCRP, it was not considered inappropriate conduct or misconduct for the Councillor to share the information with someone else.
22.05.2020	It was alleged that Councillors of Brisbane City Council and/or local government election candidates may have benefitted from free political advertising during the 2020 election period and these gifts may not have been declared.	The OIA dismissed this matter pursuant to section 150X(a)(ii) of the <i>Local Government Act 2009</i> (the Act) as the conduct does not raise a reasonable suspicion of inappropriate conduct or misconduct by a Councillor, within the meaning of the Act. The complaint did not identify any specific Councillor and/or candidate who may have been involved in the conduct. Also, there was no information provided that would raise a reasonable suspicion, that the register of interests of any particular councillor of the BCC were incomplete. The OIA also noted that the issue around disclosure of expenditure and any donations received by an election candidate from political advertisements is a matter for consideration by the Electoral Commission of Queensland (ECQ) as to whether they should be declared for publication by the ECQ. The OIA does not have jurisdiction over ECQ declarations by candidates.

20.05.2020	<p>* It was alleged a Councillor has been engaging in an organising activist activity including protests that cause public disruption on the public purse. During one of the protests the Councillor breached a move on order by Police that was recorded on video.</p> <p>* It is alleged the Councillor posted on social media Council related documents.</p> <p>* It is alleged the Councillor has facilitated disruptive conduct and activism and encouraged people to participate in training that is contrary to his role as a Councillor.</p> <p>It is alleged that associates of the Councillor have vandalised a home and harassed an elderly resident.</p>	<p>* The OIA dismissed this matter pursuant to section 150X(a)(ii) of the <i>Local Government Act 2009</i> as the conduct does not raise a reasonable suspicion of inappropriate conduct or misconduct. The OIA reviewed a self posted video by the Councillor and considered that the Councillor did not breach a lawful move on request by a Police officer.</p> <p>* The Council related documents posted on social media relating to rates information and revenue collected by Council against the different rating categories was reviewed. The information was linked to the Council annual plan which was publicly available through the Council website. The OIA did not consider that the Councillor had released information that was not already in the public domain.</p> <p>* In relation to the Councillor posting information on social media relating to a training website the OIA could not view the content of that training as it was conducted in March 2020 and had since been removed from the site. As such the OIA were unable to assess this training.</p> <p>* In relation to the allegation about people associated with the Councillor having vandalised a property and abused an elderly resident, the complainant was advised to take the allegations to the Queensland Police Service as the OIA does not have jurisdiction to investigate the conduct of non-Councillors. There was no evidence of the involvement of the Councillor in this activity.</p>
03.06.2020	<p>It was alleged that a Councillor misused information that was previously provided by the complainant to the Councillor's Ward office in relation to speed limits and road congestion issues, to unfairly make a formal objection to a development application the complainant later made to Council. The objection was said to be inconsistent with the Councillor's comments on similar developments in the area.</p>	<p>The OIA dismissed this matter pursuant to section 150X(a)(ii) of the <i>Local Government Act 2009</i> as the conduct does not raise a reasonable suspicion of inappropriate conduct or misconduct by a Councillor. If the use of correspondence provided by a person to a Councillor's office was misused, this may be a matter for the Office of the Information Commissioner to consider. A Councillor is entitled to consider various circumstances that may be relevant to a development application, including traffic congestion issues that may cause, in the public interest, the Councillor to decide against a particular application. It was not considered to be inappropriate conduct or misconduct for the Councillor to do so in this situation.</p>
10.06.2020	<p>It is alleged that a Councillor has incited hatred against police by a group in society in support of a current social justice cause.</p>	<p>The OIA dismissed this matter pursuant to section 150X(a)(ii) of the <i>Local Government Act 2009</i>. The Councillor has been very open about their political views and beliefs and has been elected, and re-elected to council on that basis. It is not considered that a councillor's participation in and support of social justice causes, breaches the Councillor conduct provisions. However, the Councillor was reminded that he must adhere to the local government principles and his conduct must not reflect adversely on Council. In this instance the words used by the Councillor did not meet the threshold to raise a reasonable suspicion of inappropriate conduct or misconduct within the meaning of the Act.</p>
05.06.2020	<p>It is alleged a Councillor breached the Code of Conduct for Councillors in Queensland when the Councillor distributed pamphlets on councillor letterhead relating to an issue in the local government, the content of which was discriminatory or disrespectful.</p>	<p>The OIA dismissed this matter pursuant to section 150X(c)(ii) of the <i>Local Government Act 2009</i> as further dealing with the complaint or information would be an unjustifiable use of resources. The Councillor's newsletter was considered appropriate, but an attached message from a concerned resident, while perhaps well meaning, was capable of sending the wrong message to some members of the community. This has been raised with the Councillor</p>