

BRISBANE CITY COUNCIL
COUNCILLOR CONDUCT COMPLAINTS REGISTER
PUBLIC RECORD



Dedicated to a better Brisbane

Date	Issue	Outcome/Summary of action taken
07.07.2021	It is alleged a Councillor had attempted to improperly influence a process of Council in relation to the issuing of permits for a development in their Ward.	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 OIA enquired with the relevant decision-making office within the BCC and were advised that there had been a requirement to vary the conditions of the development application so that the permits could be made in accordance with the guidelines contained in the Queensland Manual of Uniform Traffic Control Devices and Australian Standards. All of the decisions were made by relevant Council staff according to Council's policies, guidelines and standards without involvement by the Councillor.
09.07.2021	It is alleged that a Councillor had engaged in inappropriate conduct or misconduct by using social media to encourage unlawful behaviour at disruptive protests and by failing to comply with government health directives at protests.	The OIA dismissed this matter pursuant to section 150X (c)(ii) of the <i>Local Government Act 2009</i> on the basis that, following an investigation, further dealing on the matter would be an unjustifiable use of resources. The Councillor advised the OIA the social media sharing was intended to let community members know about the issue.
6.08.2020	It is alleged that a Councillor had engaged in inappropriate conduct or misconduct by creating disruptions to the businesses and workers in the Kangaroo Point area and advising businesses to sue the Council for the disruptions caused by protests	The OIA dismissed this matter pursuant to section 150X(c)(ii) of the <i>Local Government Act 2009</i> on the basis that, following an investigation, further dealing on the matter would be an unjustifiable use of resources. The Councillor provided a copy of a court order authorising the specific protest and provided a copy of the email chain involving the relevant local businesses.
41 Complaints received from 18 December 2020 - 2 January 2021	The forty-one complaints alleged that a Councillor had engaged in misconduct by posting statements and comments on a Facebook page in relation to a police incident.	The OIA dismissed these matters pursuant to section 150X(c)(ii) of the <i>Local Government Act 2009</i> on the basis that, following an investigation, further dealing on the matters would be an unjustifiable use of resources. The Councillor made submission in relation to the right to freedom of speech and/or political expression and the relevant laws were considered by the OIA.
17.09.2020	It is alleged that a Councillor engaged in misconduct by applauding comments made at a public rally which contained threats to members of the community.	The OIA dismissed this matter pursuant to section 150X(c)(ii) of the <i>Local Government Act 2009</i> on the basis that, following an investigation, further dealing on the matter would be an unjustifiable use of resources. The Councillor denied the conduct and a review of limited video from the vent did not support the allegation.
21.07.2021	It was alleged that nineteen councillors failed to declare an deal appropriately with a conflict of interest at Council meetings, when voting on matters relating to an entity that had donated \$1,000 in 2020 to a political party's head office.	Following an investigation, the Independent Assessor, decided to take no further action pursuant to section 150Y(b)(iii) of the <i>Local Government Act 2009</i> . Donated funds were mixed with other funds and deposited into an account for the benefit of councillors from that party. This account could not be accessed by the councillors. Party officials were authorised to expend funds from the account. There was no evidence of contact between party officials and the nineteen councillors or whether particular councillors in fact received the benefit of this particular donation. Further investigation of this matter was therefore considered an unjustifiable use of resources.
27.07.2021	It was alleged a Councillor engaged in misconduct by causing an application to the Lord Mayor's Community Fund to be made by a community organisation on a basis that was not factual.	Following a full investigation the OIA dismissed this matter pursuant to section 150X(a)(ii) of the <i>Local Government Act 2009</i> on the basis that the conduct did not raise a suspicion of inappropriate conduct or misconduct.
04.08.2021	The OIA investigated a complaint that a Councillor/s appointed to the Brisbane City Council Ethics committee had released information to a journalist which was confidential to Council and was subsequently reported in a news article.	Following an investigation, the Independent Assessor, decided to take no further actions pursuant to section 150Y(b)(i) of the <i>Local Government Act 2009</i> in respect of the councillors appointed to the Brisbane City Council Ethics Committee; on the basis that no evidence was obtained to indicate that any councillor had engaged in inappropriate conduct or misconduct. The source of the media article was unable to be identified.
26.08.2021	It is alleged that a Councillor failed to engage in adequate and proper community consultation in relation to a proposed dog off-leash area (DOLA).	The OIA dismissed this matter pursuant to section 150X(a)(ii) 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 within the meaning of the Act. The decision made in relation to the location of a DOLA is made by a Council officer and not by a Councillor. Whether the community consultation undertaken by a Councillor's Ward Office was reasonable, appropriately undertaken and sufficient to inform good decision making is not within the jurisdiction of the OIA to deal with.

26.08.2021	It was alleged that a Councillor breached a Local Law by not dealing with an issue raised by another Councillor.	<p>The OIA dismissed this matter pursuant to section 150X(a)(ii) of the <i>Local Government Act 2009</i> as the conduct did not amount to inappropriate conduct or misconduct.</p> <p>A detailed assessment of the events that led to this complaint found that there was no obligation under the Local Law for the subject Councillor to deal with the issue.</p>
1.09.2021	It was alleged that a Councillor directed a Council officer to interfere with a compliance process.	<p>The OIA dismissed this matter pursuant to section 150X(a)(ii) of the <i>Local Government Act 2009</i> as the conduct did not raise a reasonable suspicion of inappropriate conduct or misconduct within the meaning of the Act.</p> <p>Enquiries with the senior council staff member involved in the compliance process decision found that the decision was a normal procedure by the regulatory office and no Councillor had been involved.</p>
21.09.2021	It was alleged that during a Council ordinary meeting a Councillor made numerous comments, inferring that another Councillor had engaged in discriminatory behaviour.	<p>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.</p> <p>The conduct is potential unsuitable meeting conduct pursuant to section 150H of the Act and is therefore outside of the OIA's jurisdiction to deal with. It is the responsibility of the chairperson of the meeting to deal with such conduct as it occurs.</p>
17.09.2021	It was alleged that a Councillor failed to take action to address issues associated with the lack of loading and parking facilities at a development site in the local government area, which has directly and adversely impacted the residents in that area. That despite numerous requests, the Councillor has failed to reply in a timely manner, to various correspondence from a resident raising concerns of request illegal parking and dangerous driving at the development site.	<p>The OIA dismissed this matter pursuant to section 150X(a)(ii) 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.</p> <p>The OIA considered that the Councillor and or the staff at the Ward office taking almost two months to response to correspondence from a local resident does not reach the threshold of inappropriate conduct or misconduct by a Councillor within the meaning of the Act.</p>
07.09.2021	It was alleged that during a Council meeting a Councillor did not deal with the unsuitable meeting conduct of two Councillors.	<p>The OIA decided to take no further action pursuant to section 150Y(b)(iii) of the <i>Local Government Act 2009</i> (the Act) on the basis that taking further action would be an unjustifiable use of resources.</p> <p>The OIA has asked the Department of State Development, Infrastructure, Local Government and Planning to undertake training around the application of the code of conduct to Councillors in Council meetings.</p>
17.09.2021	It was alleged that a Councillor failed to take action to address issues associated with the lack of loading and parking facilities at a development site, which had directly and adversely impacted the complainant who resides in the area. It was alleged the Councillor failed to reply to correspondence from the complainant from January and February 2020 raising concerns of frequent illegal parking and dangerous driving at the development site which is within close proximity to their residence.	<p>The OIA dismissed this matter pursuant to section 150X(b)(i) of the <i>Local Government act 2009</i> (the Act) on the basis that the complaint is vexatious.</p> <p>The Councillor provided evidence of various timely responses from the Ward Office provided to the complainant in relation to this matter either on the same day or the day after.</p> <p>The complainant was appropriately referred to Council's Compliance and Regulatory Services team to further address the complainant's concerns which was the appropriate course of action.</p>
27.10.2021	A Councillor potentially failed to declare a conflict of interest in relation to a business contracted to supply services at Council events.	<p>The OIA decided to take no further action pursuant to section 150Y(b)(i) of the <i>Local Government Act 2009</i> on the basis that the conduct does not constitute inappropriate conduct or misconduct. Enquiries determined Council did not organise or manage the events and was not involved in the approval process for business involved with the events. Council was merely a sponsor of the events.</p>
04.11.2021	It was alleged that a Councillor incorrectly used an OIA decision on a separate mater and assumed it could be applied to questions from a member of the public about tree and vegetable loss. It was alleged the Councillor advised they would not be answering the resident's question as they are 'operational in nature'.	<p>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.</p> <p>The issues raised by the resident to the Councillor were of an operation nature which are the responsibility of Council officers. Councillors have a responsibility to facilitate contact between their constituents and Council officers or the relevant area of Council to address matters of concern to residents. It was noted in the complaint that the resident was aware that a specific Council officer was responsible for dealing with the matter.</p>

11.11.2021	It was alleged that a Councillor breached the trust placed in them as a Councillor, by failing to uphold the Local Government principles set out in section 4(2)(a) of the <i>City of Brisbane Act</i> when they failed to transparently manage their personal interest in approved upgrade works for a Council owned park in their Ward, which was adjacent to their own property. The upgrades took place between 2017 and 2018.	<p>The OIA decided to take no further action pursuant to section 150Y(b)(iii) of the <i>Local Government Act 2009</i> (the Act), on the basis that taking further action would be an unjustifiable use of resources.</p> <p>The Councillor agreed to contribute expenditure from their Ward's Footpath & Parks Trust Fund in line with Brisbane City Council's Ward Footpath and Parks Trust Fund Policy for upgrades to the park but was not involved in the decision making and approval by the relevant Council standing committee.</p> <p>Whilst the Councillor was involved with the proposed upgrades to the park and worked closely on the project with Council officers and through community consultation, it was considered commonplace for Councillors to be involved in the planning, design and execution of park upgrades in their individual Wards.</p> <p>There was no evidence to demonstrate that the Councillor made any formal declaration that they had a personal interest in upgrades due, however, the OIA notes that the legislative requirements regarding personal interests at the relevant time did not expressly apply to this situation. It is also noted that the relevant Council policy did not contain any guidance for situations where a Councillor may have a conflict of interest in a project.</p> <p>Legislative changes that have occurred since the relevant period of the conduct, namely the requirements as set out in section 1771 and 177N of the <i>City of Brisbane Act 2010</i> would now require Councillors to provide the Chief Executive Officer with written notice of any conflict, real or perceived in Ward-focused projects.</p>
11.11.2021	It is alleged a Councillor had been providing directions to a Council officer in weekly meetings.	The OIA dismissed this complaint pursuant to section 150X(a)(ii) of the <i>Local Government Act</i> (the Act) following enquiries with the relevant Council officer.
15.11.2021	It is alleged a Councillor has breached the Councillor Cond of Conduct by the Councillor's comments on social media relating to an infringement notice and legal action being brought against the Councillor	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.
21.11.2021	It was alleged that a former Councillor made a decision with Council officers to stop action on complaints regarding a non-compliant matter in the Local Government Area. That the decision violated the complainant's lawful rights.	The OIA dismissed this matter pursuant to section 150X (a)(ii) of the <i>Local Government Act 2009</i> (the Act) on the basis that the details provided in the complaint did not raise a reasonable suspicion of inappropriate conduct or misconduct.
29.11.2021	It was alleged that a Councillor failed to declare and deal appropriately with a conflict of interest at Council meetings, when voting on matters relating to an entity that had donated \$1000 to a political party of which the Councillor was a member.	Following a full investigation, the OIA decided to take no further action pursuant to section 150Y(b)(iii) of the <i>Local Government Act 2009</i> as on the facts of this matter, further dealing with the matter was not a justifiable use of resources. The OIA has taken the step however of writing to relevant parties to request/ensure that all Councillors belonging to a political party are advised of the identity, date and amount of donations received by political parties on behalf of Local Government Councillors to support compliance with conflict of interest legislation.
30.11.2021	It is alleged that a Councillor made false and/or misleading statements on a video published on Facebook.	<p>The OIA decided to take no further action pursuant to section 150Y(b)(iii) of the <i>Local Government Act 2009</i> (the Act), on the basis it would be an unjustifiable use of resources.</p> <p>The statements did not relate to a Local Government issue and the evidence required to prove the statements were not correct would likely raise privacy issues for members of the public.</p>
02.12.2021	It was alleged that a Councillor refused a request from a constituent to meet face-to-face.	<p>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.</p> <p>The Councillor had communicated with the constituent by phone and email. The constituent's concerns were related to operational matters which are outside of the Councillors' responsibilities under the Act. However, the Councillor made inquiries to council on behalf of the constituent and then provided them with updates.</p> <p>The Councillor also referred the constituent to Council's call centre to raise any further concerns.</p>
02.12.2021	It is alleged a Councillor breached the Code of Conduct for Councillors in Queensland when he participated in and or organised a public gathering.	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 Councillor has a right to freedom of expression and peaceful assembly under the <i>Queensland Human Rights Act 2019</i>
03.12.2021	It is alleged a Councillor breached the Code of Conduct for Councillors in Queensland when the Councillor made provocative statements on social media about governments in Australia and Policing	The OIA dismissed this matter pursuant to section 150X(c)(i) of the <i>Local Government Act 2009</i> as I am satisfied that further dealing with the complaint or information would not be in the public interest.
7.12.21	It was alleged that a Councillor made inappropriate comments about residents campaigning against a Council proposal in relation to development plans for a local area.	The OIA dismissed this matter pursuant to section 150X(a)(ii) 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.

7.12.21	It was alleged that a Councillor made inappropriate comments about residents campaigning against a Council proposal in relation to development plans for a local area.	The OIA dismissed this matter pursuant to section 150X(a)(ii) 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 comments were made during a local government meeting and if they contravened a behavioural standard, they would fall within unsuitable meeting conduct pursuant to section 150H of the Act. It is the responsibility of the chair of the meeting to deal with the conduct as it occurs.
7.12.21	It was alleged that a Councillor made inappropriate comments about residents campaigning against a council proposal in relation to development plans for a local area. It was alleged the councillor was disrespectful towards a member of the community group in a public place.	The OIA dismissed this matter pursuant to section 150X(a)(ii) 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 comments were made during a local government meeting and if they contravened a behavioural standard, they would fall within unsuitable meeting conduct pursuant to section 150H of the Act. It is the responsibility of the chair of the meeting to deal with the conduct as it occurs. In relation to the alleged behaviour at a public place, it was considered that this conduct would not reach the threshold of inappropriate conduct or misconduct within the meaning of the Act.
7.12.21	It was alleged the Councillor was disrespectful towards a member of the community group in a public place.	The OIA dismissed this matter pursuant to section 150X(a)(ii) of the <i>Local Government Act 2009</i> (the Act) on the basis that the conduct would not reach the threshold of inappropriate conduct or misconduct.
15.12.2021	It is alleged a Councillor breached the Code of Conduct for Councillors in Queensland when the Councillor posted on social media on an official Councillor Facebook page and failed to moderate comments in response to the post which were obscene.	The OIA dismissed this matter pursuant to section 150X(c)(i) of the <i>Local Government Act 2009</i> as I am satisfied that further dealing with the complaint would not be in the public interest. The post by the Councillor generated a large number of comments from members of the public including responses to comments which would create challenges for timely moderation. To address the moderation issue, an officer of the OIA has contacted the Councillor about the availability of a tool to auto filter obscene language, which the Councillor has indicated that they will implement on their official Councillor Facebook page.
18.01.2022	It was alleged a Councillor had engaged in misconduct by encouraging protest participants to engage in dangerous conduct.	The OIA dismissed this matter pursuant to section 150X(a)(ii) of the <i>Local Government Act 2009</i> as following an investigation there was no evidence obtained to prove the allegation.
22.12.2021	It was alleged that a Councillor failed to correct their register of interests to record a payment by a political party in relation to a court matter involving the Councillor.	No further action was taken on this matter pursuant to section 150Y(b)(i) of the <i>Local Government Act 2009</i> on the basis that the conduct did not amount to inappropriate conduct or misconduct. The Councillor did correct their register of interests within the statutory timeframe and in compliance with the <i>City of Brisbane Act 2012</i> .
01.02.2022	It was alleged that a Councillor failed to deal with the loss of meeting quorum during a recent meeting of Council.	The OIA decided to take no further action pursuant to section 150Y(b)(iii) of the <i>Local Government Act 2009</i> (the Act) on the basis that taking further action would be an unjustifiable use of resources. There were occasions wherein a Councillor was leaving the meeting and raised that this would cause a loss of quorum. Upon viewing the video, it appeared that on each of those occasions the Councillor asked for the bells to be rung consistent with section 32 of the <i>BCC Meeting Local Law 2001</i> , and on each of those occasions another councillor returned to the room providing a quorum. On other occasions where the lack of quorum was not raised with the Councillor, the constant movement of Councillors created a situation where it would not be reasonably possible to demonstrate that at the relevant time/s the Councillor was aware that the quorum had lapsed.
05.02.2022	It is alleged a Councillor has breached the Code of Conduct for Councillors when the Councillor made comments in the media about a social issue.	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.
16.02.2022	It is alleged a Councillor made an inaccurate statement in a meeting of Council about a state member of parliament.	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.
5.03.2022	It is alleged a Councillor breached the Code of Conduct for Councillors in Queensland when the councillor blocked people from commenting on the councillor's social media page (Facebook).	The complaint contained insufficient detail to properly assess the matter. Pursuant to section 150Q of the <i>Local Government Act 2009</i> (the Act), the complainant was requested to provide further information within a reasonable period. The complainant did not respond to this notice. Consequently this matter was not further investigated pursuant to section 150Q(3) of the Act.
22.03.2022	It was alleged that during a recent Council meeting, a Councillor stood and moved closer to another Councillor, pointing and screaming at them, threatening and attacking them verbally.	The OIA dismissed this matter pursuant to section 150X (a)(ii) of the <i>Local Government Act 2009</i> (the Act) as the conduct is identified as unsuitable meeting conduct, which falls outside the OIA's jurisdiction. Unsuitable meeting conduct is prescribed by the Act to fall within the discretion of the relevant Chair of the meeting whether the conduct should be dealt with at the time it occurs.

31.03.2022	It is alleged a Councillor had engaged in misconduct by failing to correct a register of interest notification to the CEO within the prescribed time of 30 days of a change in personal interests.	The OIA decided to take no further action pursuant to section 150Y(b)(iii) of the <i>Local Government Act 2009</i> [the Act] on the basis that taking further action would be an unjustifiable use of resources. Despite the notification to the CEO being approximately 12 days outside the statutory 30-day requirements, the Councillor provided evidence to the OIA that they had attempted to update the register and encountered technical difficulties, and had sought assistance and advice from Council staff. The OIA confirmed that the Councillor's register of interest has been corrected.
11.04.2022	It is alleged a Councillor engaged in inappropriate conduct in a meeting of Council by providing misleading information.	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 enquiries by the OIA and review of the comments made during the relevant meeting found that the conduct does not raise a reasonable suspicion of inappropriate conduct or misconduct.
27.04.2022	It was alleged that a Councillor made a false and/or misleading statement during a meeting of Council.	After an investigation, the OIA decided to take no further action pursuant to section 150Y(b)(i) of the <i>Local Government Act 2009</i> on the basis the Councillor's statement was based on information provided in writing by a Council officer whose branch was responsible for compiling the information in question. The investigation did not raise a reasonable satisfaction of inappropriate conduct or misconduct.
1 and 3 May 2022	It was alleged that a Councillor engaged in inappropriate conduct when interaction with a resident about maintenance issues of a local park.	The OIA dismissed this matter pursuant to section 150X(b)(iii) of the <i>Local Government Act 2009</i> as the complaints were lacking in substance. The OIA could not contact both complainants to obtain the necessary information to properly assess the complaints
12.05.2022	It is alleged a Councillor engaged in inappropriate conduct when responding to a comment on social media. It is further alleged the Councillor engaged in inappropriate conduct in a Council meeting when the Councillor responded to a question from another Councillor.	The OIA decided to take no further action pursuant to section 150Y(b)(iii) of the <i>Local Government Act 2009</i> (the Act) on the basis taking further action would be an unjustifiable use of resources. The OIA considered the social media exchange between the councillor and the unidentified member of the public was a borderline breach of the Code of Conduct. The conduct of a councillor that may be a breach of the code of conduct is unsuitable meeting conduct which is not within the jurisdiction of the OIA and should be addressed in the meeting by the Chair of the meeting, in real time.
16.05.2022	It is alleged a Councillor engaged in inappropriate conduct when the Councillor disclosed private details of a resident.	The OIA dismissed this matter pursuant to section 150X(c)(ii) of the <i>Local Government Act 2009</i> (the Act) as further dealing with the complaint information would be an unjustifiable use of resources.
23.05.2022	It is alleged a councillor engaged in inappropriate conduct in their role in a Council decision that was not supported by a large number of residents. It is alleged another councillor engaged in inappropriate conduct by ignoring a petition of residents against the project.	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. The matters identified in the complaint are not about councillor conduct within the meaning of the Act, but administrative decisions of council which are not within the OIA's jurisdiction to deal with.
16.06.2022	It was alleged that a Councillor engaged in a vicious, unprovoked and sustained personal attack on another Councillor.	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 obtained a copy of an audio recording of the incident, which did not occur as alleged.