

# TOWNSVILLE CITY COUNCIL - COUNCILLOR CONDUCT REGISTER



In accordance with section 150DX of the Local Government Act 2009 (LGA) Townsville City Council 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)].

## REGISTER DETAILS AS AT: 30.10.2023

As at 30.10.2023, the below table reports decisions about: Unsuitable meeting conduct [150DX(1)(a)]; Suspected inappropriate conduct [150DX(1)(b)]; Decisions about misconduct [150DX(1)(c)];

Decision Date	Councillor(s)	Decision	Further Details of Decision, including reasons
13.07.21	Paul Jacob (Former Councillor)	<p>The Tribunal has determined, on the balance of probabilities, that:</p> <p>The allegation that on 29 April 2019, Councillor Paul Jacob, a councillor of the Townsville City Council, engaged in misconduct as defined in section 150L(c)(iv) of the <i>Local Government Act 2009</i> in that he contravened section 171(3) of the Act by releasing information to the Townsville Bulletin, namely preliminary budget information, that the councillor knew, or should reasonably have known, was confidential to local government has been <b>sustained</b>.</p>	<ol style="list-style-type: none"> <li>1. The Tribunal noted that the Respondent admitted to engaging in the alleged conduct in a response to the Applicant on 20 January 2020, but that he held a “mistaken but genuine belief” that the provisions relating to confidential information applied to “formal documentary information only”.</li> <li>2. However, section 171(3) of the Act only requires that the information was information that “the councillor knows, or should reasonably know, is information that is confidential to the local government”. The relevant state of mind to be assessed is that of the Councillor, which such an assessment to occur of the state of mind at the time of the alleged disclosure.</li> <li>3. If the Respondent was correct, any information confidential to local government could be conveyed by a Councillor to a third party without penalty, as long as the communication was in oral form.</li> <li>4. Further, the Council’s confidentiality policy contained sections which specifically describe preliminary budget information as confidential – exactly the kind of information which the Councillor disclosed.</li> <li>5. In any event, the protection of Council policy is limited. Even if the Council policy purported to explicitly define all forms of confidential information, written policy must give way to statute and this Tribunal must rely upon the statutory definition of confidential information in the Act, being something a “councillor knows, or should reasonably know, is information that is confidential to the local government”.</li> <li>6. In Stewart, this Tribunal said: Council confidentiality has a grounding in good policy. Whilst the majority of Council decisions are to be made openly and transparently in furtherance of the local government principles, there are undoubtedly times during which Council must consider matters that involve confidential information... may also be some information that, whilst not subject to a closed meeting, is nonetheless confidential to Council – for example, to protect Council’s legitimate commercial or business interests, or to discuss matters subject to legal professional privilege such as contemplated or ongoing proceedings.</li> </ol>

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			<p>7. Though the Respondent disclaimed some aspects of the disclosure by reference to his “genuine but mistaken belief” that he was not disclosing documents that were confidential, there is no escaping from the facts that he did in fact disclose information that he ought to have known was confidential to Council.</p> <p>Further details of the reasons for the decision are outlined in the CCT decision summary appearing at: <a href="https://www.statedevelopment.qld.gov.au/data/assets/pdf_file/0026/57068/former-councillor-paul-jacob-townsville-city-council.pdf">https://www.statedevelopment.qld.gov.au/data/assets/pdf_file/0026/57068/former-councillor-paul-jacob-townsville-city-council.pdf</a></p>
24.05.2023	Councillor Frances O’Callaghan	<p>The council found that on four occasions; 19 June 2022, 21 June 2022, 22 June 2022 and 5 July 2022 Councillor O’Callaghan’s conduct was inappropriate conduct and in breach of a behavioural standard in the Code of Conduct for Councillors in Queensland.</p>	<p>On the 25 August 2022 a complaint about the conduct of Councillor O’Callaghan was referred to Council by the OIA. As required by the OIA and legislation, the referral was investigated. An independent investigator’s recommendation supported a finding that Councillor O’Callaghan’s Facebook posts on 19 June 2022, 21 June 2022, 22 June 2022 and 5 July 2022 were inappropriate and in breach of the Code of Conduct for Councillors in Queensland.</p> <p>The Council then considered the suspected inappropriate conduct based upon the independent investigator’s findings in accordance with Councils Code of Meeting Practice. On the 24 May 2023 at the ordinary meeting of council the following four resolutions were made.</p> <p>1. That Councillor O’Callaghan’s Facebook post on 19 June 2022 was inappropriate conduct in that it was in breach of a behavioural standard in the Code of Conduct, specifically:</p> <p>Standard 3.3 of the Code of Conduct requires all Councillors to “at all times strive to maintain and strengthen the public’s trust and confidence in the integrity of Council and avoid any action which may diminish its standing, authority or dignity”. Councillor O’Callaghan breached this standard by failing to include the full details of why the particular access route to the Lansdown Eco-Industrial Precinct was chosen by failing to include references to the minimisation or elimination of vehicle movements using the existing rail level crossings, and that Queensland Rail did not support any road access to the LEIP via the existing Bidwilli Road and Ghost Gum Road railway level crossings.</p> <p>Standard 3.1 of the Code of Conduct requires all Councillors to “respect the democratic process by acknowledging that the Council decision represents the majority view of Council” when they are expressing an opinion dissenting with the majority view of the Council. Councillor O’Callaghan breached this standard by failing to acknowledge in the post that the decision was the majority view of Council.</p> <p>2. That Councillor O’Callaghan’s Facebook post on 21 June 2022 was inappropriate conduct in that it was in breach of a behavioural standard in the Code of Conduct, specifically:</p>

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			<p>Standard 2.1 of the Code of Conduct requires all Councillors to treat fellow Councillors, Council employees and Members of the public with courtesy, honesty and fairness". Councillor O'Callaghan breached that standard by failing to publicly acknowledge the Chairs' authority to make a procedural decision and by failing to respect the authority of the Mayor's position as chair of the meeting.</p> <p>3. That Councillor O'Callaghan's Facebook post of 22 June 2022 was inappropriate conduct in that it was in breach of a behavioural standard in the Code of Conduct, specifically: Standard 3.3 of the Code of Conduct requires all Councillors to "at all times strive to maintain and strengthen the public's trust and confidence in the integrity of Council and avoid any action which may diminish its standing, authority or dignity". Councillor O'Callaghan breached this standard by failing to publicly acknowledge that she had been informed that her request for particular budget information could not be accommodated because in order to do so Council would have to compile a bespoke budget expressly responsive to her request.</p> <p>4. That Councillor O'Callaghan's Facebook post on 5 July 2022 was inappropriate conduct in that it was in breach of a behavioural standard in the Code of Conduct, specifically:  Standard 3.3 of the Code of Conduct requires all Councillors to "at all times strive to maintain and strengthen the public's trust and confidence in the integrity of Council and avoid any action which may diminish its standing, authority or dignity". Councillor O'Callaghan breached this standard by misrepresenting the facts of the Council's obligations to the State government under the funding agreement, and by failing to include contextual information.</p> <p>Council then made the following order:</p> <ol style="list-style-type: none"> <li>1. Council directs Councillor O'Callaghan to attend training about the appropriate use of social media - within 60 days of this meeting and to notify the Chief Executive Officer when the training is complete; and</li> <li>2. Consistent with section 150AH (b) (vi) of the Local Government Act 2009, advise Councillor Fran O'Callaghan that engaging in the same type of conduct again, could see the matter be treated as misconduct.</li> </ol>
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## REGISTER DETAILS AS AT: 30.10.2023

As at 30 October 2023 below is the register relating to Conduct complaints dismissed by the Assessor [150DX(1)(d)]; and, decisions by the assessor to take no further action [150DX(1)(e)] or because they were vexatious [section 150X(b)(i)]

Decision Date	Date of Complaint	Summary of Complaint	Decision	Statement about why the complaint was dismissed/no further action taken
13.03.2019	22.02.2019	Alleged conflict of interest in decision—making regarding alleged electoral donor	Dismissed	Taking further action would be an unjustifiable use of resources as alleged conflict of interest alleged did not arise
13.03.2019	22.02.2019	Alleged conflict of interest in decision-making regarding alleged electoral donor	Dismissed	Taking further action would be an unjustifiable use of resources as information available to councillors did not identify alleged electoral donor's involvement
28.03.2019	09.01.2019	Alleged corrupt land and other dealings	Dismissed	Insufficient information about whether the conduct is or may be inappropriate conduct or misconduct and lacked particulars that could be independently corroborated
28.03.2019	17.01.2019	Alleged corrupt land and other dealings	No further action	Insufficient information to raise a reasonable suspicion of inappropriate conduct or misconduct and Crime and Corruption Commission previously determined that there was insufficient information to support further action in relation to substantially the same complaint
07.05.2019	17.12.2018	Alleged that councillor failed to update their register of interests in an appropriate time frame	Dismissed	Taking further action and dealing with the complaint would not be in the public interest. The councillor had updated their register of interests and the relevant item is still listed on their current register of interests
27.06.2019	20.05.2019	Alleged that a Councillor: engaged in secret deals or meetings relating to a development application of an equestrian centre; was involved in three years of intimidation against the complainant's mother; had influenced the decision to	Dismissed	The complaint against the Councillor did not raise reasonable suspicion of inappropriate conduct or misconduct. The complaint contained serious but broad allegations but did not include any direct, definable and proximate evidence or witness details to support the assertions. The conflict of interest alleged was disproved.

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Decision Date	Date of Complaint	Summary of Complaint	Decision	Statement about why the complaint was dismissed/no further action taken
		reverse the recommendation of planning staff in regard to a development application; and has a conflict of interest with another party who the complainant alleged held the role of legal advisor for a development company and policy advisor for the Councillor		
27.06.2019	20.05.2019	Alleged a Councillor was aware of secret meetings between a development company and another Councillor.	Dismissed	There was insufficient information in the complaint to substantiate the allegation. There was no detail to support the allegations.
30.08.2019	02.05.2019	Alleged a councillor made a false statement to other councillors during closed council meetings	Dismissed	Investigations into the matter indicated there was no information to indicate the councillor had made false statements to fellow councillors. In dismissing the complaint, the OIA delegate was satisfied that the councillor did not engage in inappropriate conduct or misconduct as defined by the <i>Local Government Act 2009</i> .
09.10.2019	15.09.2019	Alleged bias against unsuccessful tenderer	Dismissed	Alleged conduct did not constitute inappropriate conduct or misconduct by a councillor and related to matters outside the jurisdiction of the OIA to deal with
30.10.2019	20.10.2019	Broad and general allegations made that a councillor had engaged in corrupt conduct relating to secret deals with developers, influenced decisions by Council planning staff, intimidated the mother of the complainant and had a	Dismissed	There was insufficient information in the complaint to substantiate the allegation. There was no specific and reliable detail to support the allegations. The complaint was dismissed as vexatious.

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		conflict of interest due to the councillor's association with a specific council employee.		
20.02.2020	09.02.2020	Allegations that a councillor had engaged in unethical action in considering and deciding on a land matter	Dismissed	The complaint against the Councillor did not contain any specifics or particulars that could give rise to a reasonable suspicion of inappropriate conduct or misconduct.
03.04.2020	24.03.2020	Alleged a councillor has announced a major policy decision during caretaker period in breach of the <i>Local Government Act 2009</i>	Dismissed	The complaint was dismissed as the conduct does not raise a reasonable suspicion of inappropriate conduct or misconduct.  The OIA also noted that the Council had sought advice from the Department of Local Government Racing and Multicultural Affairs before the announcement was made and that it was considered in the public interest to make the announcement
31.08.2020	31.07.2020	Alleged, that a councillor committed procedural breaches under the Local Government Act 2009, colluded and racketeered with a lobby group, to the detriment of existing local businesses and community, without adequate community consultation and also posted videos on Facebook that devalued local businesses, among other things.	Dismissed	The complaint was dismissed as the conduct does not raise a reasonable suspicion of inappropriate conduct or misconduct.
31.08.2020	31.07.2020	Alleged that a councillor committed procedural breaches under the Local Government Act 2009, colluded and racketeered	Dismissed	The complaint was dismissed as the conduct does not raise a reasonable suspicion of inappropriate conduct or misconduct.

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Decision Date	Date of Complaint	Summary of Complaint	Decision	Statement about why the complaint was dismissed/no further action taken
		with a lobby group, to the detriment of existing local businesses and community.		
20.10.2020	20.10.2020	A councillor self-reported that they failed to fully disclose a personal interest in relation to a matter during a workshop-style forum. The councillor did make a declaration but omitted a relevant part of the interest.	No further Action Taken	<p>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 taking into account, among other things, that:</p> <ul style="list-style-type: none"> <li>- A formal decision by the local government in relation to the matters covered by the workshop-style forum had not been made, as at that time.</li> <li>- On realising their error the councillor recused themselves from further involvement in the process and immediately self-referred to the OIA.</li> <li>- Details of the interest omitted were disclosed on the councillor's register of interests</li> <li>- The first day of commencement of the relevant legislative disclosure requirements in issue coincided with the day the workshop forum was actually held</li> </ul> <p>There was no evidence of dishonest intent.</p>
12.11.2020	28.10.2020	Allegation a councillor was abusive over the phone towards the CEO of a community organisation seeking council funding	Dismissed	<p>The conduct complained of did not raise a reasonable suspicion of inappropriate conduct or misconduct.</p> <p>The CEO of the relevant organisation was contacted by the OIA and the CEO indicated that he/she did not consider the councillor to have been abusive.</p>
15.01.2021	30.11.2020	It is alleged a Councillor shouted obscenities at a person and shared private information regarding a dispute involving neighbourhood residents	Dismissed	<p>The conduct did not raise a reasonable suspicion of inappropriate conduct or misconduct.</p> <p>Enquiries made by the OIA identified that this complaint stemmed from an on-going dispute between neighbours that did not involve the councillor. The councillor disputed the claims and there were no independent witnesses to resolve the conflicting versions about the incidents.</p>
22.02.2021	01.02.2021	It is alleged a councillor breached the Acceptable	Dismissed	<p>The conduct did not raise a reasonable suspicion of inappropriate conduct or misconduct.</p>

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Decision Date	Date of Complaint	Summary of Complaint	Decision	Statement about why the complaint was dismissed/no further action taken
		Request Guidelines Policy of Council and influenced Council's consideration of a funding application and submission on a project proposal		The OIA enquiries established that the Councillor had not been involved in the funding application process or the project proposal assessments. The application was considered by council staff under delegation and according to council policy.
30.03.2021	08.03.2021	It is alleged a Councillor failed to update their register of interests in relation to some ongoing matters	No further action	The OIA determined taking further action would be an unjustifiable use of resources and noted the councillor had since corrected their register of interests.
07.05.2021	01.01.2021	It is alleged a councillor breached a behavioural standard in relation to particular comments made during a media conference	No further action	The OIA determined taking further action would be an unjustifiable use of resources, and considered the relevant comments made could not reasonably be said to be intended as literal or made on behalf of all councillors.
21.07.2021	02.07.2021	It was alleged that a councillor was disrespectful towards another councillor during a recent council meeting. It was alleged the councillor's comments on Facebook are affecting other councillors.	No further action	<p>The OIA decided to take no further action on the basis that the conduct does not raise a reasonable suspicion of inappropriate conduct or misconduct.</p> <p>The OIA identified that allegations relating to unsuitable meeting conduct are outside its jurisdiction under the legislation and that the chair of the meeting is responsible for dealing with such conduct when it occurs.</p> <p>In relation to the posts on Facebook, upon review, the OIA was not satisfied that the conduct as alleged, would reach the threshold of inappropriate conduct or misconduct within the meaning of the Act.</p>



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Decision Date	Date of Complaint	Summary of Complaint	Decision	Statement about why the complaint was dismissed/no further action taken
26.07.21	13.07.21	It was alleged that a councillor's social media post in 2021 insinuated other councillors had met secretly regarding a community support package just prior to the 2020 election, which would have influenced votes in favour of those councillors and that the social media post was designed to cast a shadow over the integrity of the councillors at the meeting	No further action	<p>The OIA decided to take no further action on the basis that the conduct does not raise a reasonable suspicion of inappropriate conduct or misconduct.</p> <p>The OIA considered that the councillors' views of the value of the community support package appear to be different and this is open to the councillors, in a democracy to express and/or to defend those views.</p>
10.09.21	22.08.21	It was alleged that a councillor made statements in the media that are unbalanced, unfair and political in nature.	No further action	<p>The OIA decided to take no further action on the basis that the conduct does not raise a reasonable suspicion of inappropriate conduct or misconduct.</p> <p>The comments by the councillor identified in the complaint were not considered to reach the threshold of inappropriate conduct or misconduct.</p>
15.09.21	22.08.21	It was alleged that a councillor had continued to make public statements that were false and misleading in relation to community support provided by council and that the councillor's statements were not true and aimed at self-promotion.	No further action	<p>The OIA decided to take no further action on the basis that taking further action would be an unjustifiable use of resources.</p> <p>The OIA did not consider it unreasonable for the councillor to rely on information provided by council officers responsible for dealing with the relevant topic.</p>

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Decision Date	Date of Complaint	Summary of Complaint	Decision	Statement about why the complaint was dismissed/no further action taken
18.10.21	02.07.21	Alleged a councillor made a false statement to other councillors during a council meeting.	No case to answer - complaint investigation discontinued	Investigations into the matter indicated there was no information to indicate the councillor had made a false statement to fellow councillors. In discontinuing the complaint investigation the Council delegate was satisfied that the councillor did not engage in inappropriate conduct or misconduct as defined he the Local Government Act 2009.
19.11.21	02.11.21	Self-referral of possible failure to disclose declarable conflict of interest and possible Council policy breach in relation to a meeting with developers	No further action	The OIA decided to take no further action on the basis that the conduct does not raise a reasonable suspicion of inappropriate conduct or misconduct. No conflict of interest was identified and, on the information, available the councillor was not aware of the existence of relevant information at the time of arranging the meeting.
04.01.22	30.11.21	It was alleged: 1. a councillor has been using people in council to send private and privileged information to someone outside of council, with whom the complainant has had a dispute matter with. 2. the councillor submitted an affidavit to police against the complainant because of a previous complaint. 3. the councillor has since been harassing and chanting offensive remarks at the complainant. 4. that the councillor has caused the complainant stress, by lying on legal documents about the complainant	Dismissed	The OIA dismissed the matter pursuant to section 150X(b)(i) of <i>the Local Government Act 2009</i> on the basis that the complaint is vexatious

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Decision Date	Date of Complaint	Summary of Complaint	Decision	Statement about why the complaint was dismissed/no further action taken
6.04.22	26.03.22	Self-referral of possible inappropriate conduct by not fully preparing or participating in a meeting of council.	No further action	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 a reasonable suspicion of inappropriate conduct was not raised on the facts of this matter
14.04.22	15.03.22	A self-referral was made based on a high-level statement in an internal communication that a councillor had engaged in inappropriate conduct and breached the Code of Conduct for Councillors	No further action	<p>A self-referral was made based on a high-level statement in an internal communication that a councillor had engaged in inappropriate conduct and breached the Code of Conduct for Councillors.</p> <p>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.</p> <p>In assessing the complaint, the OIA requested further detailed information from Council.</p> <p>The material received was in the form of further detailed complaints/notifications as required under the Act.</p> <p>As other more detailed matters are currently under assessment it was considered that further dealing with this more limited matter was not a justifiable use of resource.</p>
19.04.22	27.03.22 28.03.22 6.04.22	3 separate allegations were made that a councillor did not move items on an agenda separately when requested to do so.	No further action	<p>The OIA decided to take no further action pursuant to section 150Y(b)(i) of the Local Government Act 2009 on the basis the conduct does not raise a reasonable suspicion of inappropriate conduct or misconduct.</p> <p>Committee chairs and chairs of meetings are able to move items together and are not required to move items separately without good reason, which is consistent with standing orders and written advice from the Department of State Development, Infrastructure, Local Government and Planning.</p>

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Decision Date	Date of Complaint	Summary of Complaint	Decision	Statement about why the complaint was dismissed/no further action taken
26.04.2022	3.04.2022	It was alleged a councillor treated council staff unfairly and attempted to humiliate a staff member by comments she made at an Ordinary Council meeting.	No further action	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 the conduct does not raise a reasonable suspicion of inappropriate conduct or misconduct. The alleged conduct would amount to unsuitable meeting conduct that is a matter for the meeting Chair to deal with at the time and is not within the OIA's jurisdiction to deal with.
26.04.2022	5.04.2022 18.04.2022	A councillor was alleged to have breached the code of conduct at ordinary Council meetings on 24 November 2021 and 28 July 2021 by verbally attacking another Councillor.	No further action	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 within the meaning of the Act. While the conduct may have breached the code of conduct, it occurred during a council ordinary meeting. Unsuitable meeting conduct is the responsibility of the Chair to deal with according to section 150I of the Act with as it occurs, and is not within the OIA's jurisdiction.
22.04.2022	29.03.2022, 2, 4, 5, 6 & 10.04.2022	7 separate allegations were made that the chair of a Council meeting breached a council policy that related to procedures during council meetings.	No further action	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 the conduct does not raise a reasonable suspicion of inappropriate conduct or misconduct. The OIA viewed footage of the relevant meetings and did not find evidence of a conduct breach.
26.04.2022	29.03.2022	It was alleged that chair of a Council meeting had attempted to cause undue difficulty to another Councillor by denying them the ability to attend a meeting by teleconference.	No further action	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 the conduct does not raise a reasonable suspicion of inappropriate conduct or misconduct. The conduct was not considered to be unreasonable in the circumstances.

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Decision Date	Date of Complaint	Summary of Complaint	Decision	Statement about why the complaint was dismissed/no further action taken
19.04.2022	9.04.2022	It was alleged that a councillor had failed to facilitate the Sovereign Tribal First Nations peoples' choice to self-determination and had not educated the community of, or shown cultural respect to, Sovereign Tribal First Nations peoples' human rights.	Dismissed	The OIA dismissed this matter pursuant to section 150X(a)(ii) of the <i>Local Government Act 2009</i> (the Act), as the complaint did not raise a reasonable suspicion of inappropriate conduct or misconduct within the meaning of the Act. The complaint was, therefore, not a matter within the OIA's jurisdiction.
21.04.2022	28.03.2022	The Deputy Mayor was alleged to have released confidential information in a public Council meeting.	No further action	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. Enquiries made by OIA revealed that the released information was not considered to be confidential to the local government.
24.05.2022	29.04.2022	It is alleged a councillor who is the chair of a community committee refused to appoint a particular officer to a local committee, based on the fact that the officer has previously been a political opponent of the councillors.	Dismissed	The OIA dismissed this matter pursuant to section 150X(a)(ii) as the conduct complained about did not reach the threshold of inappropriate conduct or misconduct.  Under the relevant policy the councillor has a discretion to appoint committee members. How a councillor may exercise a discretion is not councillor conduct and given the nature of the particular committee, potential consideration of the capacity of members to work effectively together is not an irrelevant consideration.
16.06.2022	03.06.2022	It was alleged a councillor deliberately withheld basic council services to one of the Divisions. It was also alleged that the councillor raised funds for a specific	Dismissed	The OIA dismissed this matter pursuant to section 150X(a)(ii) of the <i>Local Government Act 2009</i> as the alleged conduct does not raise a reasonable suspicion of inappropriate conduct or misconduct.  The OIA enquired with council as to processes adopted for funding divisions and projects.

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		project but had not used the money as intended.		<p>Councillors are not involved in operational allocation of funding by the council. The councillors' role is to set a budget for the whole local government area for council officers to deliver services, as necessary.</p> <p>Further, individual councillors cannot withhold money for projects and enquiries with council indicated the relevant project was being delivered.</p>
30.06.2022	01.06.2022	It is alleged a councillor has engaged in inappropriate conduct when making comments about Council on the councillor's social media page.	Dismissed	<p>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 for Council to investigate.</p> <p>The councillor has been advised that the OIA considered the social media comments to be unnecessary and borderline inappropriate.</p>
24.06.2022	28.06.2021	It was alleged that a councillor released confidential council information; and also provided false or misleading information to the public.	No further action	<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 did not undertake an investigation into the alleged release of confidential information by the councillor because the councillor's disclosure was in response to statements made by another councillor the day before, regarding the same topic.</p> <p>The OIA's investigation focused on the alleged false and misleading nature of information in the councillor's statement and determined that in the context in which the comments were made, the councillor's statement was not manifestly inaccurate.</p>

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Decision Date	Date of Complaint	Summary of Complaint	Decision	Statement about why the complaint was dismissed/no further action taken
23.08.2022	07.08.2022	It was alleged that a councillor failed to implement a transparent process as to who is invited and why they are invited to a sports event sponsored by council. It was further alleged that there was no transparency or justification for Council sponsoring major events in Townsville.	Dismissed	The OIA dismissed this matter pursuant to section 150X(a)(ii) of the Local Government Act 2009, as the complaint did not raise a reasonable suspicion of inappropriate conduct or misconduct by a councillor. Enquiries by the OIA with Council confirmed details of the decision-making process for such events and sponsorships.
24.08.2022	16.08.2022	It was alleged a group of councillors had a conflict of interest in a decision made to hold a by-election rather than allow the runner-up to be appointed.	No further action	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. A political interest in the outcome of a decision is not considered to be a personal interest within the meaning of the conflict of interest provisions. Further a resolution to hold a by election resulted in an intervening decision-maker, the electorate, determining the successful candidate.
31.08.2022	22.08.2022	It was alleged a councillor published comments which diminished the public trust and confidence in Council.	No further action	The OIA decided to take no further action pursuant to section 150Y(b)(1) 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 councillor's comments were not considered to reach the threshold of inappropriate conduct.
19.09.2022	02.06.2022	It was alleged a councillor breached the code of conduct when the councillor made a comment about another councillor in front of staff.	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.

# TOWNSVILLE CITY COUNCIL - COUNCILLOR CONDUCT REGISTER



Decision Date	Date of Complaint	Summary of Complaint	Decision	Statement about why the complaint was dismissed/no further action taken
14.10.2022	28.09.2022	It was alleged a councillor was dishonest or impartial in the awarding of grants to community organisations.	Dismissed	The OIA dismissed this matter pursuant to section 150X(a)(ii) of the Local Government Act as enquiries found that Council has a set process and criteria for grant approval and evidence was given that councillors do declare a conflict of interest, where necessary, if considering a grant application in relation to an organisation they have an interest in. The grants process is also subject to internal and external audit.
07.11.2022	13.10.2022	It was alleged a councillor misled the public in a newspaper article by cherry picking information from a report.	Dismissed	The OIA dismissed this matter pursuant to section 150X(a)(ii) of the Local Government Act as it was not inappropriate conduct or misconduct. The newspaper article reported on a councillor's comments in a council meeting and referenced figures from a report that had been authored by another council. The councillor correctly referenced the report (which was also tabled) to rebut comments that had been publicly made about comparative local government rates. How the author of the newspaper article reported on the comments was a matter for the author not the Councillor.
07.11.2022	13.10.2022	It was alleged a councillor released confidential information discussed in a council workshop.	No further action	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. No evidence was found that confidential information was released by the councillor.
26.10.2022	22.08.2022	A councillor's register of interest failed to include a position they were appointed to by Council as a representative of Council.	No further action	The OIA decided to take no further action pursuant to section 150X(c)(ii) of the Local Government Act 2009 [the Act] on the basis that taking further action would be an unjustifiable use of resources. Although council appointed interests were missing from the councillor's registers, it was found they received conflicting advice on the issue and acted in good faith on that advice until the issue was identified and their registers were corrected.



# TOWNSVILLE CITY COUNCIL - COUNCILLOR CONDUCT REGISTER



Decision Date	Date of Complaint	Summary of Complaint	Decision	Statement about why the complaint was dismissed/no further action taken
13.02.2023	7.04.2022	The Independent Assessor commenced an investigation under section 150U of the Local Government Act 2009 [the Act] into a councillor's conduct in reporting numerous councillor conduct notifications to the OIA. The investigation was to ascertain if there was sufficient evidence to support a reasonable satisfaction that the councillor had made vexatious complaints.	No further action	After investigation, 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 took into account the drafting of statutory offence provisions or alternatively whether the evidence was capable of constituting misconduct. Based on the evidence available and the standard of proof required, the IA was not satisfied that it was a justifiable use of resources to further deal with this matter.
23.02.2023	16.02.2023	A councillor is alleged to have attended sponsorship events unfairly.	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. Enquiries with council by the OIA found that the sponsorship is approved by council through its budget process and the councillor's attendance at events was within policy and recorded on their register of interests.
28.04.2023	25.04.2023	It is alleged a complainant made a vexatious complaint to the OIA about a councillor's conduct in posting on social media comments about a Council decision.	No further Action	The OIA decided to take no further action pursuant to section 150Y(b) (ii) of the Local Government Act 2009 [the Act] on the basis that there is insufficient information to properly investigate the conduct or form an opinion about whether the conduct is, or may be, inappropriate conduct or misconduct.  The complaint, which was alleged to be vexatious, was made anonymously and may have been made based on that person's understanding of facts.

# TOWNSVILLE CITY COUNCIL - COUNCILLOR CONDUCT REGISTER



Decision Date	Date of Complaint	Summary of Complaint	Decision	Statement about why the complaint was dismissed/no further action taken
31.05.2023	20.05.2023	It is alleged councillors have engaged in misconduct in relation to decisions about the funding of projects.	Dismissed	<p>The OIA dismissed this matter pursuant to section 150X(a)(ii) of the Local Government Act 2009 (the Act) as the conduct does not raise a reasonable suspicion of inappropriate conduct or misconduct.</p> <p>Decisions around funding of projects may not have been made for Council's 2023/24 budget, and projects that receive funding will be a majority decision of council.</p>
31.05.2023	23.05.2023	Two councillors self-referred potential failures to declare a declarable conflict of interest at a meeting.	No further Action	<p>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.</p> <p>The councillors sought and received legal advice that they did not have a conflict of interest in the matter despite being part of the report that went to council for decision.</p> <p>The OIA took the view that the councillors should have declared a conflict of interest in the matter, but on the basis, they were acting in good faith and according to legal advice further action was not justifiable.</p>
14.06.2023	25.05.2023	It was alleged that a councillor engaged in inappropriate conduct at meetings, workshops and at a public event by how they spoke to another councillor.	No further Action	<p>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.</p> <p>The information provided in the complaint did not meet the threshold of inappropriate conduct and in one incident which was particularised an independent witness spoken to by the OIA stated that both councillors contributed to the exchange.</p>
11.07.2023	07.07.2023	It was alleged that a Councillor used a discriminatory and offensive comment at a Councillor workshop.	No further Action	<p>The OIA decided to take no further action pursuant to section 150Y(b)(iii) of the Local Government Act 2009 on the basis that taking further action would be an unjustifiable use of resources as the context of the comment was explained.</p> <p>The comment was assessed not to be discriminatory or offensive in nature.</p>

# TOWNSVILLE CITY COUNCIL - COUNCILLOR CONDUCT REGISTER



Decision Date	Date of Complaint	Summary of Complaint	Decision	Statement about why the complaint was dismissed/no further action taken
11.07.2023	07.07.2023	It was alleged that a Councillor used an inappropriate term about an employee at a Councillor workshop.	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 did not reach the threshold of inappropriate conduct. The workshop was not open to the public when an inappropriate term was used about an unidentified employee.
11.07.2023	07.07.2023	It was alleged that a Councillor was not meaningfully participating at a Councillor workshop and distracted a participant.	No further Action	The OIA decided to take no further action in relation to the complaint pursuant to section 150Y(b)(i) of the Local Government Act 2009 on the basis that the conduct does not reach the threshold of inappropriate conduct.
11.07.2023	07.07.2023	It was alleged that a Councillor did not declare a conflict of interest at ordinary meetings.	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 councillor sought and received legal advice that they did not have a conflict of interest in the matter. The OIA took the view that the councillor should have declared a conflict of interest in the matter, but on the basis they were acting in good faith and according to legal advice further action was not justifiable.
11.07.2023	07.07.2023	It was alleged that a Councillor did not declare a conflict of interest at ordinary meetings. It was also alleged that a Councillor provided inaccurate information that was dealt with during Ordinary Council meeting.	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, as the OIA had previously dealt with the same complaint which had been self-referred by the councillor and the information had no substantial bearing on the Council meeting's agenda.

# TOWNSVILLE CITY COUNCIL - COUNCILLOR CONDUCT REGISTER



Decision Date	Date of Complaint	Summary of Complaint	Decision	Statement about why the complaint was dismissed/no further action taken
11.07.2023	07.07.2023	It was alleged that a Councillor did not declare a conflict of interest at ordinary meetings. It was also alleged that a Councillor provided inaccurate information that was dealt with during Ordinary Council meeting.	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, as the OIA had previously dealt with the same complaint which had been self-referred by the councillor and the information had no substantial bearing on the Council meeting's agenda.
06.10.2023	11.07.2023	A councillor is alleged to have attended sponsorship events unfairly.	No further Action	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 sponsorship is approved by council through its budget process and the councillor's attendance at events was within policy and recorded on their register of interests.
30.10.2023	17.10.2023	It is alleged a councillor made a factually incorrect statement to another councillor about a council decision in an email and used language that was intimidating and harassing towards the other councillor.	No further Action	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 did not find the contents of the email to be factually incorrect and the language used was not considered intimidating or harassing.