

Councillor Conduct Register

In accordance with section 150DX of the Local Government Act 2009 (LGA) Rockhampton Regional 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)].

Decision by the OIA about misconduct

Decision Date	Councillor (s) subject of the complaint	Summary of decision and reasons for decision
2 July 2020	Councillor Margaret Strelow, Mayor	https://www.dlgrma.qld.gov.au/_data/assets/pdf_file/0021/45246/councillor-margaret-strelow-rockhampton-regional-council.pdf

Decision by the OIA to take no further action

Date of Complaint	Summary of Complaint	Reason for No Further Action
4 February 2019	It was alleged that a councillor displayed inappropriate and corrupt conduct in relation to council decisions impacting on the complainant's property and the complainant's attempts to address their concerns.	Having considered all the information available, the OIA delegate of the independent assessor decided to dismiss the complaint about the councillor pursuant to Section 150X(a)(ii) of the Local Government Act 2009, i.e. <i>'the conduct does not constitute inappropriate conduct or misconduct'</i> .
8 May 2019	A councillor has failed to attend and participate in a number of Council meetings and workshops as required.	No further action was taken on the complaint pursuant to Section 150Y(b)(i) on the basis that the councillor's non-attendance related to a health condition which should be dealt with as a human resource matter not a conduct matter.

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20 May 2019	It was alleged that a councillor persuaded staff of Council's Works Department to undertake works near the councillor's residence.	The OIA delegate made the decision to dismiss the complaint pursuant to section 150X(a)(i) on the basis that the complaint is being dealt with by another entity.
21 June 2019	It was alleged that a councillor engaged in inappropriate conduct.	Complaint was withdrawn.
26 July 2019	It was alleged a councillor mentioned or displayed confidential OIA correspondence to a Council staff member who was in a vulnerable position, and the correspondence mentioned the Council staff member's name	The OIA delegate made the decision not to take further action pursuant to Section 150Y(b)(ii) on the basis that there was insufficient information available to the OIA to form an opinion as to whether the conduct was inappropriate conduct or misconduct.
1 December 2019	It is alleged that a Councillor became involved with the decision making of a council employee in relation to an approval of a structure which was a breach of the separation of powers.	The OIA dismissed the complaint pursuant to section 150X(a)(ii) of the Local Government Act 2009 as the conduct does not constitute inappropriate conduct or misconduct. The decision was made by the delegated council officer. There was no evidence that the councillor had any inappropriate involvement in this decision.
3 December 2019	It is alleged that Councillors had engaged in the perversion of the process of public consultation for making of the new local law and policy.	The OIA dismissed the complaint pursuant to section 150X(a)(ii) of the Act as the conduct did not constitute inappropriate conduct or misconduct by a councillor. The complaint was about a consultation process for a new local law, which had previously been investigated by another government agency, and was not within the jurisdiction of the OIA.

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5 June 2020	It is alleged that a councillor disclosed confidential council information to a third party. On a separate occasion, the councillor failed to disclose a conflict of interest during a council meeting. The conflict of interest related to the councillor being an office holder in a community organisation.	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 was afforded the benefit of the Independent Assessor's short-term amnesty for new councillors who are suspected of having engaged in misconduct which is not serious. The OIA has written to the councillor and provided the councillor with resources to assist them to identify and manage their conflicts of interest moving forward, and to understand what information is confidential to council and why. Repeat breaches during the amnesty period will not receive the benefit of the amnesty.
30 November 2020	It is alleged that a councillor engaged in misconduct by granting a sporting club permission to utilise McLeod Park as a training facility without the appropriate authorisation to make this decision.	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. After an investigation, it appeared likely that the club misunderstood what the councillor had told them. There was evidence that corroborated that misunderstanding by the club of explanations made by other council employees. On that basis, it was decided that further investigation would be an unjustifiable use of resources.
16 March 2021	It was alleged that a Councillor breached the Code of Conduct for Councillors in Queensland by failing to address or respond to a member of the public's requests and questions regarding the funding of road upgrades. It was alleged that by referring the requests to the CEO, and by not answering the questions, the Councillor failed to be transparent and failed to clearly and accurately explain council's decisions.	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. The OIA considered that the appropriate way for the Councillor to deal with the complaint, questions and concerns raised by the member of the public, was to refer these matters the CEO. This is consistent with the relevant responsibilities of a Councillor and of local government employees, as contained in Section 12 and 13 of the Act, respectively.

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26 May 2021	<p>It is alleged a Councillor failed to treat a fellow councillor with courtesy, honesty and fairness and breached the Code of Conduct for Councillors in Queensland when:</p> <ol style="list-style-type: none"> 1. In a meeting the councillor was chairing ignored the other councillor's light signal to speak about an issue. 2. In a meeting the councillor was chairing singled out the other councillor and challenged them about their thoughts on a council asset. 3. The councillor sent a mobile phone text message to all councillors accusing the councillor of deliberately undermining the councillor when they attended an event in the councillor's division. 	<p>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 did not meet the threshold of inappropriate conduct or misconduct.</p> <p>Council's new COVID safe seating arrangements and screens caused times when councillors' microphones were obstructed from the view of the chair of the meeting. This was confirmed by the CEO. The conduct did not appear to be deliberate.</p> <p>Witness reports from others attending the meeting did not support the complainant councillor's view that they were singled out for having a different view on the council asset.</p> <p>The councillor was clarifying an unwritten protocol for councillors attending activities.</p>
17 August 2020	<p>It was alleged all councillors had made a decision to adopt a policy which was not in accordance with state and federal legislation and discriminated against people with a disability.</p> <p>It was also alleged a councillor had failed to address an issue raised by a resident.</p>	<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 within the meaning of the Act.</p> <p>The administrative development and adoption of a council policy was not considered to amount to inappropriate conduct or misconduct by a councillor within the meaning of the Act.</p> <p>Complaints about administrative decisions of public sector bodies would normally fall within the jurisdiction of the Queensland Ombudsman.</p>
31 August 2021	<p>The complainant reported a nuisance, situated within the Rockhampton Regional Council area.</p>	<p>The OIA dismissed this matter pursuant to section 150X(a)(ii) as the conduct does not raise a reasonable suspicion of inappropriate conduct or misconduct by a Councillor as defined by the Act.</p> <p>Attempts by the OIA to contact the complainant to re-direct this complaint to the correct jurisdiction were unsuccessful.</p>

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19 November 2019	It was alleged that a councillor engaged in misconduct when they attempted to influence other councillors to decide a matter in a particular way.	The OIA decided to take no further action in relation to this matter pursuant to section 150Y(b)(iii), having regard to a medical certificate and other public interest factors.
4 July 2019	It was alleged that a councillor engaged in misconduct by not informing a council officer that they resided in a property that potentially stood to benefit from maintenance work that the councillor was requesting.	The OIA dismissed this matter pursuant to section 150Y(b)(iii) having regard to a medical certificate provided.