

Councillor Conduct Register (Public)

Date of Complaint	Name of Councillor	Summary of Complaint	Type of Alleged Conduct	Referred to for Decision	Date of Decision	Decision	Reasons for Decision
Year 2018/2019							
20 May 2019	Not included pursuant to s150DY(3)	It is alleged that a Councillor misused their position to pursue a personal antagonism and influence the management of Council activities.	Inappropriate conduct or misconduct	Office of the Independent Assessor	1 July 2019	No further action	The OIA decided to take no further action pursuant to Section 150Y(b)(iii) on the basis that taking further action would be an unjustifiable use of resources. Elements of the conduct outlined in the allegations do not relate to the Councillor's role as a councillor and to the extent that allegations do relate to the Councillor's conduct as a Councillor it could be argued that the Councillor has acted in manner consistent with the discharge of their responsibilities.
27 May 2019	Not included pursuant to s150DY(3)	It was alleged that a Councillor breached the Code of Conduct by posting inappropriate comments on social media.	Inappropriate conduct	Office of the Independent Assessor	20 June 2019	Dismissed	The OIA dismissed the complaint pursuant to Section 150X(c)(ii). On the basis of the high volume of comments on the post in question and the subject councillor's initial attempts to respond appropriately to the online discussion, it was considered an unjustifiable use of resources to further investigate the matter. The subject councillor was directed to the social media guidelines available on the OIA website.
17 June 2019	Not included pursuant to s150DY(3)	It was alleged the councillor had failed to declare a conflict of interest at a Council meeting arising from their family's connection to a business that was in competition with a business to which a council agenda item/s related.	Conflict of Interest	Office of the Independent Assessor	31 July 2019	Dismissed	The OIA dismissed the complaint pursuant to section 150X(a)(ii) of the Local Government Act 2009 on the basis that while the Councillor did have a connection with the competitor's business, that connection ceased approximately 20 years before the relevant matter was considered at council and as such could not reasonably be said to give rise to a conflict of interest.
Year 2019/2020							
28 June 2019	Not included pursuant to s150DY(3)	It was alleged that a councillor failed to declare gifts and/or update their register of interests regarding campaign billboards, the free use of office space and the waiving of venue hire fees received during the 2016 election campaign. It was subsequently identified that the same councillor had failed to appropriately particularise in Section 12 of their register of interests, donations received during the 2016 election campaign. After a full investigation the OIA decided to take no further action pursuant to Section 150Y(b)(iii) of the Local Government Act 2009.	Misconduct	Office of the Independent Assessor	13 September 2019	After a full investigation the OIA decided to take no further action pursuant to section 150Y(b)(iii) of the Local Government Act 2009.	The OIA decided to take no further action on the basis that taking further action would be an unjustifiable use of resources given that the value of the gift was found on relevant market estimates, to have been low, and was divided between several councillors - meaning it was unlikely to have reached the threshold for reporting in section 12 of the councillors register of interests. Other enquiries revealed that the councillor had paid for the use of the relevant venue and they had subsequently updated their register of interests in relation to the 2016 election campaign
25 February 2020	Not included pursuant to s150DY(3)	It is alleged a councillor was electioneering at a community event during caretaker mode, by making comments about the upcoming election during a media interview on 25 February 2020	Inappropriate Conduct	Office of the Independent Assessor	3 March 2020	The OIA dismissed this matter pursuant to section 150X(a)(ii)	The OIA dismissed this matter pursuant to section 150X(a)(ii) as the conduct described in the complaint did not raise a reasonable suspicion of inappropriate conduct or misconduct as defined by the Act.
28 February 2020	Not included pursuant to s150DY(3)	It is alleged a Councillor failed to declare an interest in a matter considered by Council relating to the ownership of a commercial property in a town centre revitalisation area.	Inappropriate conduct/Misconduct	Office of the Independent Assessor	10 March 2020	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.	While the project would benefit the councillor's commercial property, it would also benefit a significant number of others in the local government area, which is an exception expressly provided for in the Act.
Year 2020/2021							

¹ Only to be included if the local government or conduct tribunal decided that the Councillor engaged in inappropriate conduct or misconduct, or where the Councillor agrees to their name being included in the register (Section 150DY(3) Local Government Act 2009)

Legislative Changes

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4 August 2020	Not included pursuant to s150DY(3)	It was alleged that a Councillor had engaged in inappropriate conduct by acting in an aggressive manner after a council meeting.	Inappropriate Conduct	Office of the Independent Assessor	27 August 2020	The OIA decided to take no further action on matter pursuant to section 150Y (b)(i) of the Local Government Act 2009.	The basis of the decision was that the conduct did not meet the threshold of inappropriate conduct or misconduct as defined in the Act.
26 August 2020	Not included pursuant to s150DY(3)	A complaint that a Councillor made denigrating remarks in front of others following a Council briefing meeting	Inappropriate Conduct	Office of Independent Assessor (OIA)	2 September 2020	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 or misconduct.	The OIA considered that the language used was not in itself abusive or offensive but in the context, was insensitive.
27 October 2020	Not included pursuant to s150DY(3)	It is alleged a councillor provided incorrect information to a resident about an issue related to the jurisdiction of council in a matter of dispute between residents.	Inappropriate Conduct	Office of Independent Assessor (OIA)	23 November 2020	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.
24 November 2020	Not included pursuant to s150DY(3)	It is alleged a councillor has a conflict of interest in a review of a council policy.	Inappropriate Conduct	Office of Independent Assessor (OIA)	21 December 2020	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 at this time, would be an unjustifiable use of resources. The councillor has been recommended to consider or take advice as to whether the recent conflicts of interest amendments that came into effect on 12 October 2020 would require them to disclose a conflict of interest in relation to any future consideration of this matter.
9 May 2021	Not included pursuant to s150DY(3)	It was alleged, a councillor posted on social media unsubstantiated claims about a senior politician, in relation to an incident involving a family in the local government area. It was further alleged the councillor used offensive language in a video posted online, in a direct personal attack on another politician, about an issue that is affecting the community.	Inappropriate Conduct	Office of Independent Assessor (OIA)	26 May 2021	The OIA dismissed this matter pursuant to section 150X(c)(ii) of the Local Government Act 2009 (the Act), on the basis that further dealing with the matter would be an unjustifiable use of resources.	It was noted the councillor's social media post and associated comments were related to a matter that was already in the public arena. The councillor's public comments made on the video were directed towards a senior politician and public figure and were made in a political context. They were not for example directed at a member of the public, council employee or another councillor.
Year 2021/2022							
17 August 2021	Not included pursuant to s150DY(3)	It was alleged that a Councillor may not be fit and a proper person to be a Councillor, after a recent incident which resulted in the Councillor sustaining an injury.	Inappropriate Conduct/ Misconduct	Office of Independent Assessor (OIA)	8 September 2021	Dismissed	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.
27 September 2021	Not included pursuant to s 150DY(3)	It is alleged a Councillor breached Councils Acceptable Request Guidelines Policy when attending a meeting between a council resident and a council officer.	Inappropriate Conduct/ Misconduct	Office of Independent Assessor (OIA)	1 October 2021	Dismissed	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. The OIA noted that Council did not have a current policy about Councillors interacting with property developers, submitters and lobbyists, that there was no application before Council at the time and that the Councillor's conduct did not appear to be a clear breach of Council's Acceptable Request Guidelines.

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19 November 2021	Not included pursuant to s 150DY(3)	It was alleged that a councillor had told a member of the public information from a confidential meeting of Council, which had been posted on social media.	Inappropriate Conduct/ Misconduct	Office of Independent Assessor (OIA)	5 January 2022	Dismissed.	After investigation, 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 did not raise a reasonable suspicion of inappropriate conduct or misconduct within the meaning of the Act. Based on affidavits provided by independent witnesses and other material provided to the OIA, it was considered that the social media post did not contain any information that was not already known to the resident or otherwise publicly available.
2 December 2021	Not included pursuant to s 150DY(3)	It is alleged a councillor breached the Code of Conduct for Councillors in Queensland when the Councillor posted on his personal social media page a comment about a public health matter	Inappropriate Conduct/ Misconduct	Office of Independent Assessor (OIA)	10 December 2021	Dismissed.	It is alleged a councillor breached the Code of Conduct for Councillors in Queensland when the Councillor posted on his personal social media page a comment about a public health matter.
15 December 2021	Not included pursuant to s 150DY(3)	It is alleged a councillor breached the Code of Conduct for Councillors in Queensland when the councillor interacted with a member of the public on social media about a public health matter.	Inappropriate Conduct/ Misconduct	Office of Independent Assessor (OIA)	23 December 2021	Dismissed.	The OIA dismissed this matter pursuant to section 150X(c)(1) of the <i>Local Government Act 2009</i> (the Act) as further dealing with the complaint would not be a justifiable use of resources.
16 February 2022	Not included pursuant to s 150DY(3)	It was alleged that a councillor engaged in inappropriate conduct in the manner that he responded to social media posts concerning the vaccination debate.	Inappropriate Conduct/Misconduct	Office of Independent Assessor (OIA)	9 March 2022	Dismissed.	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 does not reach the threshold of inappropriate conduct. The post was made on the councillor's private social media page; the issue regarding COVID-19 vaccination is a matter of legitimate public debate on which there are diverse views; and the councillor's comments did not identify any particular individual.
Year 2022/2023							
8 July 2022	Not included pursuant to s 150DY(3)	It was alleged that two councillors were in a relationship that may have affected their ability to deal with council matters in the public interest.	Inappropriate Conduct/Misconduct	Office of Independent Assessor (OIA)	20 July 2022	Dismissed	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. Enquiries with council have confirmed that the councillors have disclosed their relationship, lodged spousal registers, and are alert to the implications of being a close associate for the purposes of Chapter 5B of the Act.
30 June 2022	Not included pursuant to s 150DY(3)	It is alleged a councillor engaged in inappropriate conduct whilst representing Council at public events	Inappropriate Conduct/Misconduct	Office of Independent Assessor (OIA)	15 July 2022	Dismissed	The OIA decided to take no further action pursuant to section 150Y(b)(iii) of the <i>Local Government Act 2009</i> on the basis that taking further action would be an unjustifiable use of resources. The OIA undertook enquiries that did not support a pattern of conduct of the councillor at public events.
30 June 2022	Not included pursuant to s 150DY(3)	It is alleged a councillor engaged in misconduct when the councillor failed to give notice to the independent Assessor about the conduct of another councillor, when the councillor became aware of information the Councillor may have engaged in conduct that would be inappropriate conduct or misconduct as required under section 150R of the Act.	Inappropriate Conduct/Misconduct	Office of Independent Assessor (OIA)	15 July 2022	Dismissed	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. The OIA undertook enquiries which did not support the pattern of conduct of the councillor.
6 July 2022	Complaint Withdrawn in	It was alleged that a councillor spoke inappropriately whilst visiting their work facility.	Inappropriate Conduct/Misconduct	Office of Independent Assessor (OIA)	15 July 2022	Early Resolution	The OIA issued a Notice of Decision to Refer pursuant to section 150W(b), that the complaint, if proven, involves inappropriate

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	accordance with Council Policy 101 - Investigation Policy - Clause 6.6 Early Resolution			Assessor (OIA) referred to MRC.			conduct and refer the conduct to Council to be dealt with under Chapter 5A, Part 2 Division 5 of the Act. Complaint Withdrawn in accordance with Council Policy 101 – Councillor Investigation Policy - Clause 6.6 Early Resolution
8 September 2022	Not included pursuant to s 150DY(3)	It was alleged that a councillor failed to update their register of interests to include particulars that were required to be recorded under the Act.	Register of Interests	Office of Independent Assessor	5 October 2022	The OIA decided to take no further action pursuant to section 150Y(b)(iii) of the Local Government Act 2009.	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 OIA accepted that councillors may have been given conflicting advice to the requirements set out by the department, however, it was noted that Council maintained a separate register which was available to the public and contained the details that were alleged to be missing from the councillor's register of interests. Further, the councillor took action to update their register of interests accordingly and in a timely manner when requested.
23 September 2022	Not included pursuant to s 150DY(3)	It was alleged a councillor breached the code of conduct by not clearly publicly indicating their vote and later posting on social media about other councillors not supporting the decision. It was further alleged the councillor's post was not moderated even though inappropriate comments were made by members of the community in response to the post.	Inappropriate conduct/misconduct	Office of Independent Assessor	13 October 2022	The OIA decided to take no further action pursuant to section 150Y(b)(iii) of the Local Government Act 2009.	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 minutes reflected the councillor's vote and the post on social media did not breach the code of conduct. The councillor has apologised to council both formally and in the media about the post and the fact that certain responses to that post were not moderated in a timely way.
6 October 2022	Not included pursuant to s 150DY(3)	It was alleged that a councillor breached the code of conduct for councillors in Queensland and breached the Mackay Regional Council administrative policy 57 using social media. That on 28 July 2022, the councillor posted to a Facebook page a copy of an earlier post and provided a comment that led to a series of inappropriate posts by members of the community.	Inappropriate conduct/misconduct	Office of Independent Assessor	21 October 2022	The OIA decided to take no further action pursuant to section 150Y(b)(iii) of the Local Government Act 2009.	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 further dealing with the matter would be an unjustifiable use of resources. The councillor's post was not considered to breach the Act, however, posts in reply by some members of the community were inappropriate. In liking one comment by a member of the community relating to another councillor, the subject councillor's conduct was considered borderline.
9 October 2022	Not included pursuant to s 150DY(3)	It was alleged that a councillor voted on a motion for political advantage and further, breached the code of conduct for councillors in Queensland and breached the Mackay Regional Council administrative policy 57 using social media. That on 28 July 2022, the councillor posted to a Facebook page a copy of an earlier post and provided a comment that led to a series of inappropriate posts by members of the community.	Inappropriate conduct/misconduct	Office of Independent Assessor	28 October 2022	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 alleged conduct did not reach the threshold of inappropriate conduct or misconduct.	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 alleged conduct did not reach the threshold of inappropriate conduct or misconduct. It is a councillor's obligation to participate in council decisions and vote on motions. Also, the councillor's post was not considered to breach the Act, however, text messages in reply by some members of the community were inappropriate.

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14 October 2022	Not included pursuant to s 150DY(3)	A Councillor was alleged to have been rude to a member of the public when responding to an enquiry about state government grants.	Inappropriate conduct/misconduct	Office of Independent Assessor	7 November 2022	The OIA dismissed this matter pursuant to section 150X(a)(ii).	The OIA dismissed this matter pursuant to section 150X(a)(ii) of the Local Government Act 2009 as the conversation was not in the subject's capacity as a councillor.
3 April 2022	Not included pursuant to s 150DY(3)	It is alleged that a councillor failed to declare multiple declarable conflicts of interest as required by section 150EQ of the <i>Local Government Act 2009</i>	Inappropriate Conduct/Misconduct	Office of Independent Assessor	14 November 2022	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.	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. In making that decision, the OIA considered that the wording of section 150EQ(1)(b) of the Act creates significant evidentiary difficulties, such that prosecution of this matter before the Councillor Conduct Tribunal would not have reasonable prospects of success.
8 September 2022	Not included pursuant to s 150DY(3)	It was alleged that a councillor failed to update their register of interests to include particulars that were required to be recorded under the Act.	Register of Interests	Office of Independent Assessor	8 November 2022	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 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 OIA accepted that councillors may have been given conflicting advice to the requirements set out by the department. Further, the councillor took action to update their register of interests when this issue was brought to their attention.
26 September 2022	Not included pursuant to s 150DY(3)	During the recruitment process for the vacant CEO position at Council, a councillor contacted one of the candidates and provided them with information relevant to the selection process while that process was ongoing.	Breach of confidentiality	Office of Independent Assessor	21 December 2022	Following an 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.	Following an 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 was made after a review of the available evidence failed to confirm a disclosure of confidential information between a Councillor and the candidate in question as alleged.
21 April 2023	Not included pursuant to s 150DY(3)	It was alleged a councillor breached a council policy and a council resolution.	Misconduct	Office of Independent Assessor	9 May 2023	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 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's actions were technically not a breach of a resolution of council. A breach of policy did not occur in fact – but appears to have been intended by the councillor. Refresher training has been recommended.
3 May 2023	Not included pursuant to s 150DY(3)	It is alleged a councillor engaged in inappropriate conduct when making comments on the councillor's personal social media page about current youth justice matters.	Inappropriate conduct/misconduct	Office of Independent Assessor	12 May 2023	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	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.

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						further action would be an unjustifiable use of resources.	The OIA noted that whilst the comments emotive and direct, the comments were made on the councillor's personal social media page and did not relate to a council decision or matter before council.
9 October 2022	Cr Martin Bella	<p>1. It was alleged that Cr Bella made defamatory and derogatory statements at the Council meetings on 13 and 27 July 2022.</p> <p>2. It was alleged that Cr Bella made defamatory and derogatory statements about a deceased youth and his parents in social medial posts on 28 July 2022.</p>	Inappropriate Conduct	Office of Independent Assessor Council	7 November 2022 24 May 2022	<p>1. The OIA reviewed the comments made by Cr Bella at Council's Ordinary Meetings on 13 and 27 July 2022 and do not consider that the comments would amount to inappropriate conduct.</p> <p>2. The Decision of the Deputy Mayor made under Delegation from Council at the Ordinary Meeting of 24 May 2023 agreed with the findings of the Councillor Conduct Tribunal that the evidence is sufficient for the Council to reach a determination that the allegation of inappropriate conduct is sustained on the balance of probabilities.</p>	<p>1. The OIA reviewed the comments made by Cr Bella at Council' ordinary meetings on 13 and 27 July 2022 and do not consider that they would amount to inappropriate conduct.</p> <p>2. The OIA found that they reasonably suspect, pursuant to section 150W(1)(b), that the complaint, if proven, involves inappropriate conduct and refer the conduct to Council to be dealt with under Chapter 5A, Part 2 Division 5 of the Act.</p> <p>The matter was referred to Council with a recommendation on how to deal with the conduct pursuant to section 150AC(3) of the Act. In accordance with section 150AF of the Act and Council's Councillor Investigations Policy that matter was referred to the Councillor Conduct Tribunal for investigation.</p> <p>The findings of the Councillor Conduct Tribunal was that the evidence is sufficient for the Council to reach a determination that the allegation of inappropriate conduct is sustained on the balance of probabilities</p> <p>The Decision of the Deputy Mayor made under Delegation from Council at the Ordinary Meeting of 24 May 2023:</p> <p><i>That noting the outcome of the report from the Councillor Conduct Tribunal "that the evidence is sufficient for the Council to reach a determination that the allegation of inappropriate conduct is sustained on the balance of probabilities", having been delegated to make a decision on this matter my decision is that per the Tribunal report that there is sufficient evidence that Cr Bella has engaged in inappropriate conduct as per section 150AG(1)(a) of the Local Government Act 2009 (LGA) in relation to the allegation that Cr Bella has breached the behavioural standard in the Code of Conduct for Councillors in Queensland.</i></p> <p><i>Further that having made this decision determine that the disciplinary action applicable per the legislative options is that –</i></p> <ol style="list-style-type: none"> 1. Cr Bella makes a public admission (per section 150AG(1)(b)(i) of the LGA) – However accepting that the written statement provided by Cr Bella and tabled at today's meeting fulfills this acknowledgement 2. Cr Bella attends applicable social media training to address the councillor's conduct, the content of which to be confirmed

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							<p>The Chief Executive Officer to write to Cr Bella and the Office of the Independent Assessor advising of Council's decision.</p> <p>The Chief Executive Officer to update the Councillor Conduct Register with the decision in accordance with section 150DX of the LGA.</p>
5 May 2023	Not included pursuant to s 150DY(3)	It was alleged a councillor publicly supported a business by giving a speech at a function at a time when the business was subject to council compliance action and did not declare a conflict of interest arising from the receipt of tickets to the function, when a related matter was before council.	Inappropriate conduct/Misconduct	Office of Independent Assessor	25 May 2023	The OIA decided to take no further action pursuant to section 150Y(b) of the Local Government Act 2009 [the Act] on the basis that taking further action would be an unjustifiable use of resources.	The OIA decided to take no further action pursuant to section 150Y(b) of the Local Government Act 2009 [the Act] on the basis that taking further action would be an unjustifiable use of resources. The councillor did not have a conflict of interest in relation to the matter.
5 June 2023	Not included pursuant to s 150DY(3)	That during a public event, a Councillor made a comment that contained foul language which reflected poorly on Council.	Inappropriate conduct/Misconduct	Office of Independent Assessor	9 June 2023	The OIA dismissed this matter pursuant to section 150X(c)(ii) of the Local Government Act 2009 (the Act) as further dealing with this complaint would be an unjustifiable use of resources.	<p>The OIA dismissed this matter pursuant to section 150X(c)(ii) of the Local Government Act 2009 (the Act) as further dealing with this complaint would be an unjustifiable use of resources.</p> <p>Although a better choice of words may have been more prudent, event organisers felt the context around its usage meant it was neither inappropriate nor inoffensive.</p>
30 May 2023	Not included pursuant to s 150DY(3)	It is alleged a councillor engaged in misconduct when the Councillor failed to declare a declarable conflict of interest in a matter at an Ordinary Council meeting.	Misconduct	Office of Independent Assessor	12 June 2023	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>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 alleged interest was that the Councillor was a director of a company, however, this was as a council appointee made under delegation.</p> <p>The OIA further noted section 150EF(2) of the Act – Personal Interests in ordinary business matters of a local government :</p> <p><i>Also this chapter does not apply in relation to a councillor's conflict of interest in a matter relating to a corporation or association that arises solely because of a nomination or appointment of the councillor by the local government to be a member of the board of the corporation or association.</i></p>
9 June 2023	Not included pursuant to s 150DY(3)	It was alleged that a councillor engaged in misconduct when performing functions for a board of a corporation that was separate to their role as a councillor.	Misconduct	Office of Independent Assessor	27 June 2023	The OIA dismissed this matter pursuant to section 150X(c)(ii) of the Local Government Act 2009 (the Act).	The OIA dismissed this matter pursuant to section 150X(c)(ii) of the Local Government Act 2009 (the Act) on the basis the conduct alleged did not occur while in the performance of the councillor's functions.
15 June 2023	Not included pursuant to s 150DY(3)	It was alleged a councillor engaged in misconduct when the councillor attempted to influence a process of council by directing a council employee.	Misconduct	Office of Independent Assessor	3 July 2023	The OIA dismissed this matter pursuant to section 150X(a)(ii) of the Local Government Act 2009	The OIA dismissed this matter pursuant to section 150X(a)(ii) of the Local Government Act 2009

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Legislative Changes

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Councillor Conduct Register (Public)

Date of Complaint	Name of Councillor	Summary of Complaint	Type of Alleged Conduct	Referred to for Decision	Date of Decision	Decision	Reasons for Decision
						(the Act) as the conduct does not raise a reasonable suspicion of inappropriate conduct or misconduct.	(the Act) as the conduct does not raise a reasonable suspicion of inappropriate conduct or misconduct. The OIA made enquiries with the council officer nominated in the complaint. They did not support the allegation.
08/2023	Not included pursuant to s 150DY(3)	It is alleged a councillor engaged in misconduct when the Councillor disclosed information that the councillor knew or reasonably knew was information confidential to council.	Misconduct	Office of Independent Assessor	30 June 2023	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 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 OIA was unable to get further and particular details from the identified witness to the disclosure.
Year 2023/2024							
25 July 2023	Not included pursuant to s 150DY(3)	It was alleged a councillor engaged in misconduct during a consultation meeting with a member of the public and or had improper influence over council decision-making in relation to a matter.	Misconduct	Office of Independent Assessor	7 August 2023	The OIA dismissed this matter pursuant to section 150X(a)(ii) of the Local Government Act 2009 on the basis that the councillor's conduct in the meeting did not raise a reasonable suspicion of inappropriate conduct or misconduct within the meaning of the Act.	The OIA dismissed this matter pursuant to section 150X(a)(ii) of the Local Government Act 2009 on the basis that the councillor's conduct in the meeting did not raise a reasonable suspicion of inappropriate conduct or misconduct within the meaning of the Act. Enquiries conducted with the council found no evidence to support the improper involvement of a councillor in any relevant
17 October 2023	Not included pursuant to s 150DY(3)	It was alleged a councillor became involved in a council operational matter.	Misconduct	Office of Independent Assessor	30 October 2023	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 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 councillor's intention was only to inform the resident of the status of the customer request rather than pre-empt the outcome.
1 December 2023	Not included pursuant to s 150DY(3)	It was alleged Councillor may have influenced other decision makers after declaring conflict of interest.	Misconduct	Office of Independent Assessor	14 December 2023	The OIA dismissed this matter pursuant to section 150X(c)(ii) of the Local Government Act 2009 (the Act).	The complaint was dismissed as it clearly does not constitute a conduct breach or misconduct.
28 November 2023	Cr Laurence Bonaventura	It was alleged a councillor became involved in a council operational matter.	Conduct Breach	Office of Independent Assessor Referral to Council	24 January 2024	<ol style="list-style-type: none"> The OIA, in assessing the complaint, considered under section 150SD(4)(a) of the Act that there was a reasonable suspicion of a conduct breach and decided to refer the matter to the Local Government to deal with. Council at its Ordinary Meeting on 24 January 2024 agreed with the findings of the OIA and external investigation that the evidence was sufficient on the balance of probabilities that Cr Bonaventura has breached the behavioural standard in the Code of Conduct for Councillors in Queensland. 	Decision and referral from OIA: <ul style="list-style-type: none"> The OIA considered that Councillor Bonaventura's request for information from (Council staff member) on the status of the confidential report on 8 River Street, breached Council's acceptable request guidelines as he was requesting information from an officer who was not delegated to provide that information as outlined in Council's guidelines. The OIA considered whether Councillor Bonaventura's conduct, in raising the confidential matter with the Council Officer in the presence of his wife, reached the threshold of a conduct breach or misconduct. Whilst raising the confidential matter was not appropriate, the OIA did not consider that there were sufficient grounds to proceed with the matter as misconduct. The OIA noted previous decisions relating to Councillor Bonaventura's conduct in recent matters C/23/00223 and C/23/00607 and noted the pattern of behaviour relating to the

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Councillor Conduct Register (Public)

Date of Complaint	Name of Councillor	Summary of Complaint	Type of Alleged Conduct	Referred to for Decision	Date of Decision	Decision	Reasons for Decision
							<p>Councillor and alleged breaches of council's acceptable request guidelines.</p> <ul style="list-style-type: none"> The OIA, in assessing the complaint, considered under section 150SD(4)(a) of the Act that there was a reasonable suspicion of a conduct breach and decided to refer the matter to the Local Government to deal with. <p>Decision by Council:</p> <p>THAT Council resolves that as the following aspects of the investigation into this matter following referral from the Office of the Independent Assessor have been followed, that per section 324 of the <i>Local Government Act 2009</i> that Council is satisfied with the procedure undertaken for the investigation and presentation of information to enable a decision to be made –</p> <ol style="list-style-type: none"> a. An external independent professional review has been undertaken as part of the process; and has been undertaken consistent with the provisions of natural justice. <p>THAT Council decides that Cr Bonaventura has engaged in a conduct breach as per section 150AG(1)(a) of the <i>Local Government Act 2009</i> in relation to the allegation that Cr Bonaventura has breached the behavioural standard in the Code of Conduct for Councillors in Queensland.</p> <p>THAT Council decides that as Cr Bonaventura has engaged in a conduct breach, as per section 150AH(b) of the LGA the following disciplinary actions will apply:</p> <ol style="list-style-type: none"> (i) an order that the councillor make a public apology for the conduct; (vii) an order that the councillor reimburse the local government for costs arising from the councillor's conduct breach to an amount \$2,700 (inc GST). <p>AND THAT in accordance with section 150AGA of the <i>Local Government Act 2009</i>, Council make publicly available the Investigation Report in relation to this matter by including it as an attachment to these minutes.</p> <p>AND FURTHER THAT Council give the Office of Independent Assessor a notice advising the decision of Council as to whether or not the Councillor has engaged in a conduct breach in accordance with section 150AHA of the <i>Local Government Act 2009</i>.</p>
22 December 2023	Not included pursuant to s 150DY(3)	It was alleged that a video announcement and a post on an official Council Facebook page about his intention to run for Mayor of Mackay Regional Council 2024 local government elections was a conduct breach.	Conduct Breach	Office of Independent Assessor	12 January 2024	The OIA dismissed this matter pursuant to section 150SD(2)(c)(iii) of the Local Government Act 2009.	The complaint was dismissed as the conduct does not constitute a conduct breach or misconduct.

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