

Councillor Conduct Register

Part 6, Division 1, *Local Government Act 2009* (LGA)

Date of Complaint	Name of Councillor ¹	Summary of Complaint	Type of Alleged Conduct	Referred to for Decision	Date of Decision	Decision	Reasons for Decision
06/12/2018		Motioned a road closure application without prior resident consultation	Inappropriate/misconduct	Independent Assessor	10/12/2018	Complaint dismissed by Independent Assessor pursuant to definitions - s 150K, s 150L of the LGA.	Nil inappropriate conduct or misconduct identified within the meaning of the Act
24/12/2019		It was alleged the Mareeba Shire Council has not been transparent in its decisions when considering a particular development application.	Inappropriate/misconduct	Independent Assessor	29/01/2020	Complaint dismissed by Independent Assessor pursuant to section 150Y(b)(i) of the LGA.	The OIA decided to take no further action as there was insufficient information to properly assess the conduct or form an opinion about whether the conduct is, or may be, inappropriate conduct or misconduct.
09/03/2020		It is alleged three Councillors failed to declare conflicts of interest at council meetings when voting on matters relating to an Application for Material Change of Use of land submitted by a development company. It is alleged that a conflict of interest exists as the Councillors' Campaign Manager for the forthcoming Local Government election is also President of a local environmental group that openly lobbies against the proposed developments of the company who submitted the Application in question.	Inappropriate/misconduct	Independent Assessor	18/03/2020	Complaint dismissed by Independent Assessor pursuant to section 150Y(b)(i) of the LGA.	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, as enquires conducted by the OIA were unable to establish that the President of the environmental group was in fact the Campaign Manager of the Councillors, or that a reasonable conflict of interest existed on the basis that the interest was too remote.
10/02/2021	Councillor Mary Graham	It is alleged, Councillor Graham engaged in inappropriate conduct, when she shared a Facebook post containing racist material that stereotyped Muslims as lazy, unco-operative, intolerant and subversive to Australian society. That the post also contained other assertions and claims about Muslims, which the complainant provided were completely untrue, baseless and offensive. It is alleged that by the councillor sharing the post, although it was originally created and posted by someone else, the councillor appeared to have endorsed the contents of the post.	Inappropriate conduct	Council by Independent Assessor under s 150AC(1)-(2) following assessment under s 150W(1)(b) of the LGA	21/04/2021	Complaint upheld pursuant to s 150AG of the LGA	Determination made that the action of sharing a third party's Facebook post from the Councillor's private Facebook page which denigrated the Muslim community, was inappropriate conduct as that term is defined under s 150K(1) of the LGR.

¹ Refer to ss 150DX, 150DY(3), *Local Government Act 2009* (Qld) - only included if the local government or conduct tribunal has decided that the Councillor engaged in inappropriate conduct or misconduct, or where the Councillor agrees to the inclusion of their name in the register. See also s 150DZ for dismissed complaints.

Date of Complaint	Name of Councillor ¹	Summary of Complaint	Type of Alleged Conduct	Referred to for Decision	Date of Decision	Decision	Reasons for Decision
31/01/2022		It is alleged all councillors have failed to adhere to the principles of local government relating to a matter between Council and a resident.	Abrogation of duties	Independent Assessor	04/02/2022	Complaint dismissed by Independent Assessor pursuant to section 150X(c)(i) of the LGA	The OIA dismissed this matter pursuant to section 150X(c)(i) of the Local Government Act 2009 as further dealing with the complaint or information would not be in the public interest in circumstances where the subject of the complaint is the subject of current civil litigation.
29/11/2022		It was alleged a councillor showed negligence, lack of duty of care, and abdication of their responsibilities in relation to a council administrative issue. It was alleged the councillor did this by negligence and disinterest, which made them complicit in the actions of council.	negligence, lack of duty of care, and abdication of responsibilities	Independent Assessor	15/12/2022	No further investigation pursuant to section 150Q(3) of the LGA.	The complaint contained insufficient detail to properly assess or investigate the matter. Pursuant to section 150Q the complainant was requested to provide further stated information within a reasonable period. The complainant complied with this notice, but in the view of the OIA there is still insufficient information to investigate the conduct
15/05/2023	Councillor Lachlan Bensted	It was alleged that Councillor Bensted engaged in inappropriate conduct as defined by making inappropriate and offensive remarks during performance of master of ceremony duties at a public sporting event awards ceremony on 14/05/2023	Inappropriate conduct	Council by Independent Assessor pursuant to s 150W(1)(b) of the LGA	13/06/2023	Resolved without further investigation via exercise of early resolution in accordance with s 3.6 of Council's <i>Investigation Policy</i>	Councillor admission of inappropriate conduct and acceptance by complainant of formal written apology from the Councillor