

Councillor Conduct Register 2018-2022

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

Substantiated Complaints

Decision Date	Councillor(s) subject of the complaint	Reason for Decision	Summary of Complaint	Summary of Decision
12/02/2020	Cr Richie Bates	During Council's Ordinary Meeting held on 12 February 2020, the Chairperson made an order requiring a councillor to leave the meeting pursuant to section 150I(2)(b) of the Local Government Act 2009 (Qld) on the basis that the Chairperson reasonably believed that the conduct of the councillor during that meeting amounted to unsuitable meeting conduct. This was because the conduct of the councillor demonstrated a lack of respect for the Chairperson that continued despite the Chairperson having already given an earlier caution, warning and reprimand to the councillor and also because the councillor was not discharging his responsibilities as a councillor to desist from continuing with the conduct after a reprimand order was given.	Alleged breach of the Local Government Act 2009	Reprimand
04/07/2018	Cr Richie Bates	<p>The Tribunal makes one order in respect of both allegations, pursuant to s150M and s150AR(1)(b)(i) of the Act, that the respondent make a public admission that he engaged in misconduct, within 90 days of this order.</p> <p>The Tribunal determined, on the balance of probabilities, that the allegation that on 25 November 2015, a councillor of the Cairns Regional Council, engaged in misconduct as defined in section 176(3)(b)(ii) of the Local Government Act 2009 (the Act), in that his conduct involved a breach of trust placed in him as a councillor.</p> <p>The Tribunal has determined on the balance of probabilities, that the allegation that, on 24 April 2018, a councillor of Cairns Regional Council, engaged in misconduct as defined in section 176(3)(d)(ii) of the Act, in that his conduct contravened section 173(4) of the Act.</p> <p>The Tribunal considered the relevant factors contained in the brief of evidence and also sought and considered submissions from the parties. The Tribunal considered that the relevant facts and circumstances demonstrated that the respondent had engaged in misconduct and that this conduct was contrary to the principles that underpin the Act.</p>	Allegation that Councillor engaged in misconduct on two occasions involving a breach of trust placed in them as a Councillor and that the conduct contravened the Local Government Act 2009	Order

13/08/2021	Cr Brett Olds	Reasonably suspect that the Councillor engaged in inappropriate conduct for the following reason that, the Councillors conduct is a breach of Section 150K(1)(a) of the Local Government Act (the Act) in that the conduct may involve a breach of Behavioural Standards of the Code of Conduct for Councillors in Queensland. The Councillor was provided counsel on conduct matters and was reminded of the Councillors behavioural standards set out in the Code of Conduct for Councillors.	Alleged breach of the Local Government Act 2009 and Council's Code of Conduct for Councillors	Counselled
30/08/2021	Cr Schilling	<p>The Tribunal orders that, for Allegation 1, within 90 days of the date that a copy of this decision and orders are given to him by the Registrar:</p> <p>a. Pursuant to s 150AR(1)(b)(i) of the Act, that former Cr Schilling make a public admission that he engaged in misconduct, at a meeting of Council that is open to the public;</p> <p>b. Pursuant to s 150AR(1)(b)(iv) of the Act, that former Cr Schilling pay an amount of \$500 to the local government.</p> <p>The Tribunal orders that, for Allegation 2, within 90 days of the date that a copy of this decision and orders are given to him by the Registrar:</p> <p>a. Pursuant to s 150AR(1)(b)(ii) of the Act, that former Cr Schilling is reprimanded;</p> <p>b. Pursuant to s 150AR(1)(b)(v) of the Act, that former Cr Schilling reimburse the local government for \$1,500 of the costs arising from the councillor's misconduct.</p>	MPI - Grants Program	Order

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Complaints Dismissed

Date Received	Decision Date	Summary of Complaint	Summary of Decision	Reasons for Decision
24/05/2017	05/12/2018	Alleged breach of the Local Government Act 2009	No further action	Office of the Independent Assessor delegate decided to take no further action pursuant to section 150Y of the Local Government Act 2009
03/12/2018	05/12/2018	Alleged breach of the Local Government Act 2009	Dismissed	Office of the Independent Assessor delegate decided to dismiss the complaint pursuant to section 150X of the Local Government Act 2009 on the basis that concerns expressed in the complaint did not bring this matter within the jurisdiction of the Independent Assessor.
09/11/2018	07/01/2019	Alleged breach of Council's Policy and Local Government Act 2009	No further action	Office of the Independent Assessor delegate 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.
28/11/2018	07/01/2019	Alleged breach of Council's Policy and Local Government Act 2009	No further action	Office of the Independent Assessor delegate 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.
14/03/2018	10/01/2019	Alleged breach of Council's Policy and Local Government Act 2009	Dismissed	The Office of the Independent Assessor delegate dismissed the complaint pursuant to section 150X(a)(ii) of the Local Government Act 2009 on the basis that the conduct does not constitute inappropriate conduct or misconduct
23/11/2018	14/01/2019	Alleged breach of Council's Policy and Local Government Act 2009	No further action	Office of the Independent Assessor delegate 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.
23/11/2018	16/01/2019	Alleged breach of Council's Policy and Local Government Act 2009	No further action	The Office of the Independent Assessor delegate 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 did not constitute inappropriate conduct or misconduct
28/11/2018	16/01/2019	Alleged breach of Council's Policy and Local Government Act 2009	No further action	The Office of the Independent Assessor decided to take no further action pursuant to section 150Y(b)(ii) of the Local Government Act 2009 on the basis there was insufficient information to properly investigate
25/01/2019	13/02/2019	Alleged breach of Code of Conduct for Councillors	Dismissed	The Office of the Independent Assessor delegate dismissed the complaint pursuant to Section 150X(a)(ii) of the Local Government Act 2009, on the basis that the conduct did not meet the definition of inappropriate conduct or misconduct pursuant to the Act.
22/08/2018	11/03/2019	Alleged breach of Code of Conduct for Councillors	No further action	Office of the Independent Assessor delegate 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.

23/01/2019	02/04/2019	Alleged breach of Code of Conduct for Councillors	Dismissed	The Office of the Independent Assessor delegate made the decision to dismiss the complaint pursuant to Section 150X(c)(i) of the Local Government Act 2009, on the basis that the conduct does not meet the definition of inappropriate conduct or misconduct pursuant to the act
25/04/2018	05/04/2019	Alleged breach of the Code of Conduct for Councillors and the Local Government Act 2009	Dismissed	Office of the Independent Assessor delegate 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.
04/05/2018	05/04/2019	Alleged breach of the Code of Conduct for Councillors	Finalised	Office of the Independent Assessor decided to take no further action about the conduct of the councillor pursuant to Section 150Y(b)(i) of the Local Government Act 2009 on the basis there was a reasonable basis for the councillor to believe the information was accurate so the conduct in relation to the matter under investigation did not constitute inappropriate conduct or misconduct.
23/11/2018	11/04/2019	Alleged breach of Council's Policy and Local Government Act 2009	No further action	Office of the Independent Assessor decided to take no further action about the conduct of the councillor pursuant to section 150Y(b)(i) of the Local Government Act 2009 on the basis the Facebook post did not constitute inappropriate conduct or misconduct.
08/05/2019	21/05/2019	Alleged breach of the Code of Conduct for Councillors and the Local Government Act 2009	Dismissed	The Office of the Independent Assessor dismissed the complaint pursuant to section 150X(a)(ii) on the basis that the conduct did not constitute inappropriate conduct or misconduct.
03/05/2019	28/05/2019	Alleged breach of the Local Government Act 2009	Dismissed	The Office of the Independent Assessor delegate dismissed the complaint pursuant to Section 150X(a)(ii) of the Local Government Act 2009, on the basis that the conduct did not meet the definition of inappropriate conduct or misconduct pursuant to the Act.
02/11/2018	04/06/2019	Alleged breach of the Code of Conduct for Councillors and the Local Government Act 2009	Dismissed	The Office of the Independent Assessor delegate 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 it that the conduct did not constitute inappropriate conduct or misconduct
25/01/2019	01/07/2019	Alleged breach of the Local Government Act 2009	Dismissed	The Office of the Independent Assessor delegate dismissed the complaint pursuant to Section 150X(a)(ii) of the Local Government Act 2009, on the basis that the conduct did not meet the definition of inappropriate conduct or misconduct pursuant to the Act.
01/06/2019	03/07/2019	Alleged breach of the Local Government Act 2009	Not Investigated	The Office of the Independent Assessor decided not to investigate the complaint pursuant to Section 150Q(3)(a) of the Local Government Act 2009 on the basis that the complaint did not include sufficient information to investigate the conduct of any councillor that could be inappropriate conduct or misconduct.
08/08/2019	03/09/2019	Alleged breach of the Code of Conduct for Councillors	Not Investigated	The Office of the Independent Assessor decided not to investigate the complaint pursuant to Section 150Q(3) of the Local Government Act 2009 on the basis the complaint did not include sufficient information to properly investigate the conduct.
28/06/2019	01/10/2019	Alleged breach of the Code of Conduct for Councillors	Dismissed	The Office of the Independent Assessor decided to take no further action pursuant to section 150Y(b)(ii) of the Local Government Act 2009. A response to the allegation was obtained from the councillor. In the absence of any information to prove to the contrary, no further action was taken on the complaint.
	09/10/2019	Complaint about the culture of the Cairns Regional Council.	Dismissed	The Office of the Independent Assessor delegate made the decision to dismiss the complaint pursuant to section 150X(a)(ii) of the Local Government Act 2009 on the basis that it does not constitute inappropriate conduct or misconduct by a councillor. It is therefore not within the jurisdiction of the OIA to deal with.
11/12/2019	20/12/2019	Alleged breach of the Local Government Act 2009	Dismissed	The Office of the Independent Assessor dismissed this matter pursuant to section 150X(c)(ii) of the Local Government Act 2009 on the basis that further dealing with the complaint would be an unjustifiable use of resources.

05/04/2012 and 15/03/2016	13/12/2019	Alleged breach of Council's Policy and Local Government Act 2009	No further action	The Office of the Independent Assessor decided to take no further action in relation to the first allegation pursuant to section 150Y(b)(i) of the Local Government Act 2009 on the basis that the conduct does not raise a reasonable suspicion of inappropriate conduct or misconduct. The Office of the Independent Assessor decided to take no further action in relation to the second allegation 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.
2012 - 2016	05/02/2020	Alleged breach of the Local Government Act 2009	No further action	The Office of the Independent Assessor 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.
12/02/2020	09/03/2020	Alleged breach of the Local Government Act 2009	No further action	The Office of the Independent Assessor decided to take no further action pursuant to section 150Y(b)(iii) of the Local Government Act 2009 on the basis that further dealing with the matter would be an unjustifiable use of resources.
24/04/2019	26/03/2020	Alleged breach of the Local Government Act 2009	No further action	The OIA decided to take no further action in relation to the complaint pursuant to section 150Y(b)(iii) of the Local Government Act 2009
12/02/2020	15/04/2020	Alleged breach of the Local Government Act 2009	Dismissed	The Office of the Independent Assessor dismissed this matter pursuant to section 150X(c)(ii) of the Local Government Act 2009 as further dealing with the complaint or information would be an unjustifiable use of resources.
28/08/2019	11/05/2020	Alleged breach of Council's Policy and Local Government Act 2009	No further action	The Office of the Independent Assessor decided to take no further action in relation to the complaint pursuant to section 150Y(b)(ii) of the Local Government Act 2009 on the basis that taking further action would be an unjustifiable use of resources.
11/09/2020	20/05/2020	Alleged breach of the Local Government Act 2009	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.
26/02/2020	01/06/2020	Alleged breach of the Local Government Act 2009	No further action	The OIA decided to take no further action pursuant to section 150Y(b)(iii) of the Local Government Act 2009 as taking further action would be an unjustifiable use of resources.
24/04/2019	01/06/2020	Alleged breach of the Local Government Act 2009	No further action	The Office of the Independent Assessor 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.
24/08/2020	22/09/2020	Alleged breach of Council's Policy and Local Government Act 2009	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.
Various	22/09/2020	Alleged breach of Council's Policy and Local Government Act 2009	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.
01/08/2020	24/08/2020	Alleged breach of the Local Government Act 2009	Dismissed	The OIA dismissed this matter pursuant to section 150X(a)(ii) of the Local Government Act 2009 (the Act) on the basis that this complaint did not raise a reasonable suspicion that the councillor had engaged in inappropriate conduct or misconduct.
	21/10/2020	Alleged breach of the Local Government Act 2009	Dismissed	The Office of the Independent Assessor dismissed this matter pursuant to section 150X(a)(ii) of the Local Government Act 2009, on the basis that the conduct does not raise a reasonable suspicion of inappropriate conduct or misconduct on the part of a Councillor, within the meaning of the act.
	14/12/2020	Alleged breach of the Local Government Act 2009	Dismissed	The OIA dismissed this matter pursuant to section 150X(a)(ii) of the Local Government Act 2009 (the Act) as there was no identified conduct of a councillor and did not raise a reasonable suspicion of inappropriate conduct or misconduct within the meaning of the Act.
	27/10/2020	Alleged breach of the Local Government Act 2009	Dismissed	The OIA dismissed this matter pursuant to section 150X(a)(ii) of the Local Government Act 2009 (the Act).

19/01/2021	22/02/2021	Alleged breach of the Local Government Act 2009	Dismissed	The Office of the Independent Assessor dismissed this matter about four councillors pursuant to section 150X(c)(ii) of the Local Government Act 2009 as an unjustifiable use of resources.
19/01/2021	22/02/2021	Alleged breach of the Local Government Act 2009	Dismissed	The OIA dismissed this matter about three councillors pursuant to section 150X(a)(ii) of the Local Government Act 2009 (the Act) as the conduct of the councillors does not raise a reasonable suspicion of inappropriate conduct within the meaning of the Act.
27/01/2021	22/02/2021	Alleged breach of the Local Government Act 2009 and Council's Code of Conduct for Councillors	Dismissed	The OIA dismissed this matter pursuant to section 150X(a)(ii) 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.
24/02/2021	30/03/2021	Alleged breach of the Local Government Act 2009 and Council's Code of Conduct for Councillors	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.
11/06/2021	18/06/2021	Alleged breach of the Local Government Act 2009 and Council's Code of Conduct for Councillors	Dismissed	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.
30/08/2019	22/06/2021	Alleged breach of the Local Government Act 2009	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.
18/06/2021	30/06/2021	Alleged breach of the Local Government Act	Dismissed	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.
25/08/2021	02/09/2021	Alleged breach of the Local Government Act 2009 and Council's Code of Conduct for Councillors	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.
04/08/2021	01/09/2021	Alleged breach of the Local Government Act 2009 and Council's Code of Conduct for Councillors	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.
11/08/2021	09/09/2021	Alleged breach of the Local Government Act 2009 and Council's Code of Conduct for Councillors	Dismissed	The OIA dismissed this matter pursuant to section 150X(c)(ii) of the Local Government Act 2009 (the Act), as further dealing with the complaint would be an unjustifiable use of resources.
27/08/2021	14/09/2021	Alleged breach of the Local Government Act 2009 and Council's Code of Conduct for Councillors	Dismissed	The OIA dismissed this matter pursuant to section 150X(a)(ii) 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 complaint contained general broad statements about the councillor but it was unclear what specific conduct, as defined in the Act, the councillor was alleged to have committed.
27/08/2021	14/09/2021	Alleged breach of the Local Government Act 2009 and Council's Code of Conduct for Councillors	Dismissed	The OIA dismissed this matter pursuant to section 150X(a)(ii) 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 complaint contained general broad statements about the councillor but it was unclear what specific conduct, as defined in the Act, the councillor was alleged to have committed.

26/08/2021 03/09/2021 08/09/2021	20/09/2021	Alleged breach of the Local Government Act 2009 and Council's Code of Conduct for Councillors	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.
26/08/2021	10/01/2022	It was alleged that Councillors failed to fully disclose a conflict of interest in matters before Council relating to a development application. The alleged interest being that a proponent/owner of the development made an in-kind donation to the Councillors, in addition to coordinating the collection of donations on behalf of the Councillor's 2016 election campaign.	Dismissed	After an investigation into the allegation, the OIA dismissed this matter pursuant to section 150X(a)(ii) of the Act. Following enquiries with approximately 11 potential witnesses including council staff, a former member of the campaign team, former campaign staff, donors, and the individual alleged to have coordinated the collection of donations, the OIA were unable to obtain sufficient evidence to corroborate the allegations. As such, the conduct did not raise a reasonable satisfaction of inappropriate conduct of misconduct.
08/12/2021		It was alleged that a councillor was harassing Australians that have a different opinion to the councillor, via their private messenger.	Dismissed	The OIA dismissed this matter pursuant to section 150X(b)(iii) of the Local Government Act 2009, as it is lacking in substance or credibility.
17/12/2021		It is alleged a councillor has breached the Code of Conduct for Councillors in Queensland when the Councillor spoke at a public meeting about a public health matter.	Dismissed	The OIA dismissed this matter pursuant to section 150X(c)(i) of the Local Government Act 2009 (the Act) as further dealing with the complaint would not be in the public interest. The Councillor is entitled to express their views on issues of public interest and the way the councillor expressed their views did not breach the Code of Conduct or principles of the Act.
26/08/2021	06/09/2021	It was alleged that a councillor failed to fully disclose conflicts of interests in matters before council relating to a development. That a person closely connected to the development was involved in the councillor's 2016 local election campaign and this was never fully acknowledged when the relevant matters were brought before Council post the 2016 election.	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 councillor was not re-elected in 2016 and did not participate in any council matters post that time.
09/08/2021	01/09/2021	It was alleged that a councillor made a public statement during a recent council workshop, accusing some councillors of influencing other councillors and council officers, in relation to decision making.	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 complaint did not raise a reasonable suspicion of inappropriate conduct or misconduct. The OIA is of the view that it is appropriate for such concerns to be transparently raised.
03/06/2022	27/06/2022	It is alleged a councillor engaged in inappropriate conduct when the councillor failed to assist a resident with a community safety issue.	Dismissed	The OIA dismissed this matter pursuant to section 150X(a)(ii) of the Local Government Act 2009 as I am satisfied that further dealing with the complaint would be an unjustifiable use of resources. The complainant had been provided assistance by another councillor before they contacted the councillor in this instance.
06/08/2021	28/06/2022	It was alleged that a councillor failed to declare a conflict of interest at a workshop.	No further action	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 as councillors had previously voted for the conflicted councillor to remain and participate in an earlier matter and having regard to the operation of section 150ET(4) of the Act it was considered that there was a reasonable argument that the matter was substantially the same.