

Councillor Conduct Register

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
12/02/2020	Not included pursuant to section 150DY(3)	During Council's Ordinary Meeting held on 12 February 2020, the Chairperson made an order reprimanding a councillor pursuant to section 150I(2)(a) 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 given a caution and then a warning to the councillor.
12/02/2020	Not included pursuant to section 150DY(3)	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.
04/07/2018	Councillor 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>

Unsubstantiated Complaints

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 it 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.

Unsubstantiated Complaints

Date Received	Decision Date	Summary of Complaint	Summary of Decision	Reasons for Decision
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.

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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	Finalised	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.