

ORDINARY MEETING - CLOSED SESSION

27 MAY 2026

7.2

SUSPECTED CONDUCT BREACH | INVESTIGATION REPORT

EXE | 93/1/1 | #7885161

A confidential report titled “*Suspected Conduct Breach – Investigation Report*” is being considered by Council in closed session at the Ordinary Council Meeting held on 27 May 2026, for the purpose of considering the external investigation report.

In accordance with section 150AFA(3) of the *Local Government Act 2009 (Qld)* (the Act), a summary of the investigation report is attached (Attachment 1).

In accordance with section 150AGA of the Act, the full investigation report, with any necessary redactions, will be made publicly available following the Council meeting (Attachment 2).

ATTACHMENTS:

Attachment 1 – Suspected Conduct Breach – Summary Investigation Report

Attachment 2 – Suspected Conduct Breach – Full Investigation Report (to be made available after the meeting)



Holly Mc Bride
Director People & Organisational Performance



Ken Gouldthorp
Chief Executive Officer

Attachment 1

Suspected Conduct Breach (C/25/00855) - Summary Investigation Report

The following information is considered to be the summary investigation report in order to meet the requirements of section 150AFA(3) of the *Local Government Act 2009* (the Act) and 'Completion of Investigation' section of Council's Investigation Policy – Councillor Conduct.

Name of councillor whose conduct has been investigated

Councillor Brett Olds

Description of the alleged conduct

The allegations against Councillor Brett Olds as determined by the Office of Independent Assessor are generally as follows:

1. It is alleged that during a Councillor and CEO catch up on 8 December 2025, where a discussion took place about previous inappropriate commentary by Councillor Olds, the Councillor responded in a mocking way and expressed confidence referring to complaints made about him to the OIA that “...*have all been dismissed about swearing...*”
2. If proven, this may constitute a conduct breach pursuant to section 150K(1)(a) of the Act, in that it may contravene a behavioural standard of the Code of Conduct for Councillors in Queensland, namely:

2. Treat people in a reasonable, just, respectful and non-discriminatory way.

2.1 Treat fellow councillors, local government employees and members of the public with courtesy, honesty and fairness.

Statement of the facts established by the investigation

1. The OIA wrote to the Cairns Regional Council CEO on 4 February 2026 with a referral breach notice requiring Council to undertake an investigation into the complaint in accordance with Councils Investigation Policy and the Queensland Local Government Act.
2. The details of the complaint “broadly raised concerns about the conduct of Councillor Olds (the Councillor), in that his behaviour was alleged to be targeted, sexualised, mocking and coercive; and has continued despite repeated attempts to address it.”
3. The Cambridge Dictionary defines **targeted** as “directed at a particular group or activity.”

4. The Cambridge Dictionary defines **sexualised** as “to see someone or something in sexual terms, or to make someone or something sexually exciting”
5. The Cambridge Dictionary defines **mocking** as “mocking behaviour involves laughing at someone or something in an unkind way.”
6. The Cambridge Dictionary defines **coercive** as “using force to persuade people to do things that they are unwilling to do:”
7. Specific to this referral however, it is alleged that during a Councillor and CEO catch up on 8 December 2025, where a discussion took place about previous inappropriate commentary by Councillor Olds, the Councillor responded in a mocking way and expressed confidence referring to complaints made about him to the OIA that “...have all been dismissed about swearing....”
8. Councillor Olds, by his own admission and supported by other Councillors evidence, sometimes uses colorful language and expressions and uttered what would sometimes be described by some as inappropriate language at the subject meeting. This has been raised with Councillor Olds previously.
9. The majority of Councillors interviewed advised that there are regular instances where other Councillors have used similar language in meetings and during Councillor interactions.
10. The complaint makes reference to the Councillor making statements during the meeting of 8 December 2025, to another councillor: “.... *If you are going to be offended, you can choose to be offended. Go somewhere else, be offended.... you are the only one that is really taking offence to this....*”
11. When that other councillor pointed out to the Councillor that his language was not appropriate in a professional setting he replied, “.... *only to you. The OIA dismissed it....*”
12. And when that other councillor advised the Councillor that they did not feel safe and comfortable, as they exited the room in an upset state, the Councillor responded, “....*we can get you another chair if you are not comfortable....*”
13. The investigator has been guided by Standard 2 in the Code of Conduct, which states that Councillors are to Treat people in a reasonable, just, RESPECTFUL and non-discriminatory way.
14. The non-exhaustive examples given for Standard 2 include:
 - 2.1. Not use abusive, obscene or threatening language (either oral or written) or behaviour towards other Councillors, local government employees or members of the public
15. The investigator was particularly mindful of the key word here being **towards others**.

16. Councillor Olds interactions with the other councillor were **not** abusive, obscene or threatening language or behaviour directed **towards** that other councillor.
17. Councillor Olds behaviour **could be** considered to be mocking towards that other councillor.

Description of how natural justice was afforded to Councillor Brett Olds

The investigator ensured that Councillor Olds was provided with procedural fairness throughout the investigation in that Councillor Olds had a full and fair opportunity to be heard with respect to the issues arising in the investigation.

Councillor Olds and the investigator met to discuss the allegations, and he was afforded the opportunity provide further evidence and context.

On 14 April 2026, Councillor Olds was provided with a Statement of Preliminary Findings and was invited to provide any evidence or any written submissions which he wanted to be considered by 17 April 2026.

On 14 April 2026, Councillor Olds informed the investigator that he did not wish to provide any further evidence or written submissions with respect to this investigation

Summary of Findings of the Investigation

Allegation (OIA Reference: C/25/00855)

The investigator recommended that Councillor Brett Olds did not engage in a conduct breach.

Recommendations

1. That Council finds Councillor Brett Olds **did not engage in a conduct breach** in respect of his interactions at the Councillor CEO meeting on 8 December 2025 in that his behaviour was not targeted, sexualised or coercive. It is open to find that his interactions with that other councillor at the subject meeting could be seen to be mocking.
2. Councillor Olds and all other Councillors are reminded to be mindful of others and their audience with their choices of language and of the use of what some may consider inappropriate language in professional settings.
3. That the Cairns Regional Councillors may wish to consider undertaking a facilitated process to establish appropriate local behavioural standards and expectations for their interactions with each other.

Consideration of disciplinary action

18. If the Council, upon consideration of this matter, finds that Councillor Olds did engage in a conduct breach, relevant factors to consider may include:
 - (a) Councillor Olds has previously been reminded of the appropriateness of his use and choice of language and expressions in professional settings.

- (b) Further details contained in this report.
- (c) The individual context, observations and conclusions of Councillors present at the Councillor CEO Meeting on 8 December 2025.
- (d) The perceptions and views of the complainant.

If the Council finds that Councillor Olds engaged in a conduct breach, s 150AG(1)(b) of the Local Government Act 2009 requires the Council to decide what action under s 150AH it will take to discipline Councillor Olds, Section 150AH states:

For section 150AG(1)(b), the local government may—

- (a) *order that no action be taken against the councillor; or*
- (b) *make 1 or more of the following orders—*
 - (i) *an order that the councillor make a public apology, in the way decided by the local government, for the conduct;*
 - (ii) *an order reprimanding the councillor for the conduct;*
 - (iii) *an order that the councillor attend training or counselling to address the councillor's conduct, including at the councillor's expense;*
 - (iv) *an order that the councillor be excluded from a stated local government meeting;*
 - (v) *an order that the councillor is removed, or must resign, from a position representing the local government, other than the office of councillor;*

Example—

The councillor is ordered to resign from an appointment representing the local government on a State board or committee.

- (vi) *an order that if the councillor engages in the same type of conduct again, it will be treated as misconduct;*
- (vii) *an order that the councillor reimburse the local government for all or some of the costs arising from the councillor's conduct breach.*

**SUSPECTED CONDUCT
BREACH**

INVESTIGATION REPORT

Pursuant to s 150AE of the *Local Government Act 2009*
and the Cairns Regional Council Investigation Policy.

EXTERNAL INVESTIGATOR: **JOHN OBERHARDT**
LOCAL GOVERNMENT: **CAIRNS REGIONAL COUNCIL**
COUNCILLOR: **BRETT OLDS**
OIA REFERENCE: **C/25/00855 (04 Feb 2026)**
REPORT DATE: **6 MAY 2026**

INTRODUCTION

1. The Cairns Regional Council (the **Council**) received a referral from the Office of the Independent Assessor (**OIA**) pursuant to Chapter 5A, Part 3, Division 5 of the *Local Government Act 2009* (the **Act**). The referrals relate to Councillor Brett Olds in his capacity as an elected Councillor of the Council.
2. I have been appointed by the Council to investigate and report on the subject-matter of the OIA referral as required by s 150AF of the **Act** and pursuant to the Cairns Regional Council Investigation Policy (the **Investigation Policy**). This is my report as required by s 150AE(2) (d) of the **Act** and the Investigation Policy.
3. I recommend that the Council find that Councillor Brett Olds **did not engage in a conduct breach** in respect of his interactions at the Councillor CEO meeting on 8 December 2025 in that his behaviour was not targeted, sexualised or coercive. It is open to find that his interactions with Mayor Eden at the subject meeting could be seen to be mocking.
4. I recommend that Councillors Olds and all other Councillors are reminded to be mindful of others and their audience with their choices of the use of what some may consider inappropriate language in professional settings.
5. I recommend that the Cairns Regional Councillors may wish to consider undertaking a facilitated process to establish appropriate local behavioural standards and expectations for their interactions with each other.
6. These issues are discussed more fully below. Unless the context indicates otherwise, all statements of fact in this report are findings that I have made. Those findings have been made based on the material provided by Council and the Office of the Independent Assessor (OIA) and face-to-face interviews with all present at the subject meeting.

THE INVESTIGATION PROCEDURE

7. On 13 March 2026, the Council notified Councillor Olds and the complainant of my appointment as the investigator for the purposes of the Act and the Investigation Policy.
8. In accordance with the Investigation Policy **Early Resolution Section**, I met with the complainant and Councillor Olds to ascertain if both parties to the matter were prepared to voluntarily agree to explore early resolution. This request was not supported by the complainant, and the matter was therefore progressed to investigation in accordance with the Investigation Policy.
9. When a suspected conduct breach is investigated, the Act and the Investigation Policy require that the relevant Councillor be given the preliminary findings of the investigation and an opportunity to give evidence or a written submission about the suspected conduct and the preliminary findings. Towards that end, I proceeded to prepare a Statement of Preliminary Findings dated 14 April 2026.
10. On 14 April 2026, I sent Councillor Olds the Statement of Preliminary Findings. I invited Councillor Olds to give me any evidence or any written submissions which he wanted me to consider by 17 April 2026.
11. On 14 April, Councillor Olds informed me that he did not wish to provide any evidence or written submissions with respect to this investigation. I do not form any adverse views arising from Councillor Olds decision not to provide evidence or submissions.
12. In this investigation, I have sought to conform with the rules of procedural fairness. I am not aware of any circumstance that might cause my role to be affected by an apprehension of bias or any relevant conflict of interest. I am satisfied that Councillor Olds had a full and fair opportunity to be heard with respect to the issues arising in the investigation.
13. Having regard to the nature of the issues and the material available to me, I interviewed, in person, all present at the Councillor and CEO meeting on 8 December 2025, at face-to-face meetings at the Cairns Regional Council Administration Centre on 30 and 31 March 2026.
14. My findings are based on the Material provided to me by Cairns Regional Council, the OIA and face to face interviews with all present at the subject meeting, which I have considered in full even though I may not have referred to or described every document or interaction within the material or every part of every document.

BACKGROUND

15. On 22 February 2024, a Code of Conduct for Councillors in Queensland (the **Code of Conduct**) was approved for the purposes of s 150D of the Act.¹³
 16. Queensland local government elections were held on 16 March 2024. Councillor Olds was declared elected to the Council.
 17. The Code of Conduct applies to Councillor Olds.
 18. On 4 December 2025, the OIA wrote to Councillor Olds regarding certain allegations about his conduct, including the use of known vernacular expressions. Some of these expressions were uttered during a statutory meeting, and therefore may be considered unsuitable meeting conduct over which the OIA does not have jurisdiction, other instances occurred whilst undertaking the duties of a Councillor and could be argued to fall below the standards expressed in the Councillor Code of Conduct and as such may amount to a conduct breach. After having assessed that complaint the OIA “considered it appropriate to not further deal with the matter and made the following recommendation

“I recommend that you consider how using vernacular language and expressions (of the same or similar nature to those outlined in the correspondence), whilst undertaking duties and obligations as a Councillor, may be viewed against the behavioural standards outlined in the Code of Conduct for Councillors in Queensland.”
19. On 8 December at a Councillor and CEO meeting Councillor Olds behaviour was alleged to be targeted, sexualised, mocking and coercive; and has continued despite repeated attempts to address it.
 20. Part of the meeting was recorded by the complainant, and a partial meeting transcript was provided to the OIA with the complaint.
 21. All other meeting attendees advised that they did not know the meeting was being recorded.
 22. Specific to this referral, it is alleged that during the Councillor and CEO meeting on 8 December 2025 where a discussion took place about alleged previous inappropriate commentary by Councillor Olds, the Councillor responded in a mocking way and expressed confidence referring complaints made about him to the OIA that “.... have been dismissed about swearing....”
 23. Additionally, Councillor Olds made the following further relevant statements to the mayor “.... if you are going to be offended, you can choose to be offended. Go somewhere else, be offended you are the only one that is really taking offence to this”

When the Mayor pointed out to the Councillor that his language was not appropriate in a professional setting he replied “.... Only to you. The OIA dismissed it....”

When the Mayor advised the Councillor that she did not feel safe and comfortable, as she exited the room in an upset state, Councillor Olds responded “.... we can get you another chair if you are not comfortable....”

24. Before addressing each of the details of the complaint, the subject of this investigation, it is appropriate that I outline my understanding of the relevant legal framework.

LEGAL FRAMEWORK

25. This investigation and my assessment of Councillor Olds conduct is governed by the Act. The purpose of the Act is set out in s 3:

The purpose of this Act is to provide for—

- (a) the way in which a local government is constituted and the nature and extent of its responsibilities and powers; and
- (b) a system of local government in Queensland that is accountable, effective, efficient and sustainable.

26. Section 4(1)(a) of the Act states that, to ensure the system of local government is accountable, effective, efficient and sustainable, Parliament requires anyone performing responsibilities under the Act to do so in accordance with the “local government principles”. Section 4(2) states that the “local government principles” are as follows:

- (a) transparent and effective processes, and decision-making in the public interest; and
- (b) sustainable development and management of assets and infrastructure, and delivery of effective services; and
- (c) democratic representation, social inclusion and meaningful community engagement; and
- (d) good governance of, and by, local government; and
- (e) ethical and legal behaviour of Councillors, local government employees and Councillor advisors.

27. Under s 150D of the Act, the relevant Minister must make a Code of Conduct that sets out the standard of behaviour for Councillors in performing their functions as Councillors. The standard set out in the Code of Conduct is known as a “behavioural standard” (s 150C). A contravention of that behavioural standard is known as a “conduct breach” (s 150K).

28. To determine if Councillor Olds engaged in a “conduct breach”, his conduct must be assessed against the standards in the Code of Conduct. The purpose of the Code of Conduct is:

The Code of Conduct sets out the principles and standards of behaviour expected of Councillors and mayors when carrying out their roles, responsibilities and obligations as elected representatives for their communities. By adhering to the behaviours set out below, Councillors will increase public confidence in local government and their decisions.

29. The Code of Conduct states that it “provides a set of values that describe the types of conduct Councillors should demonstrate to ensure their compliance with the local government principles”. One such value is that, in “representing and meaningfully engaging with the

community, Councillors will ... show respect to all persons”.

30. The Code of Conduct sets out three particular standards of behaviour, which are summarized as the “three Rs”: Responsibilities, Respect, and Reputation. The Code of Conduct states:

Each standard of behaviour includes, but is not limited to, several examples to guide Councillors in complying with the Code of Conduct when carrying out their role as elected officials. Councillors are to understand and comply with the following standards of behaviour as set out in the Code of Conduct listed below.

31. Relevantly, Standard 2 in the Code of Conduct states that Councillors are to:²⁴

Treat people in a reasonable, just, RESPECTFUL and non-discriminatory way

32. The non-exhaustive examples given for Standard 2 include:²⁵

2.1. Treat fellow Councillors, local government employees and members of the public with courtesy, honesty and fairness

2.2. Not use abusive, obscene or threatening language (either oral or written) or behaviour towards other Councillors, local government employees or members of the public

33. Standards of reasonableness, respect, courtesy, and upholding public confidence are important, although somewhat amorphous. The question of whether conduct fails such standards cannot be considered in a vacuum; it is a highly contextual question. A classic example is that the extensive use of profanity would be offensive and disorderly at midday in a busy shopping mall yet may not be so during a late-night comedy routine at a concert hall.

34. The Standards in the Code of Conduct and the obligations under the Act, in summary, my view is that:

- (a) The Code of Conduct should be understood according to the plain meaning of its language and should be applied having regard to all relevant facts and circumstances.
- (b) The purpose of the Standards in the Code of Conduct is to uphold “public confidence in local government and their decisions”, consistently with the Act’s purpose of providing a system of local government that is accountable, effective, efficient and sustainable.
- (c) The limitation on freedom of expression imposed by the Act and the Code of Conduct should be applied only to the extent necessary to achieve its purpose. The Code’s prohibitions apply to the extent that the impugned conduct may reasonably be considered to risk impairment of public confidence in local government.

35. That is the approach I have applied to the issues arising in this investigation and my assessment of the conduct under consideration.

COUNCILLOR AND CEO MEETING ON 8 DECEMBER 2025

36. The OIA wrote to the Cairns Regional Council CEO on 4 February 2026 with a referral breach notice requiring Council to undertake an investigation into the complaint in accordance with Councils Investigation policy and the Queensland local government act.
37. The details of the complaint “broadly raised concerns about the conduct of Councillor Olds, in that his behaviour was alleged to be targeted, sexualised, mocking and coercive; and has continued despite repeated attempts to address it.”
38. The Cambridge Dictionary defines **targeted** as “directed at a particular group or activity.”
39. The Cambridge Dictionary defines **sexualised** as “to see someone or something in sexual terms, or to make someone or something sexually exciting”
40. The Cambridge Dictionary defines **mocking** as “mocking behaviour involves laughing at someone or something in an unkind way:”
41. The Cambridge Dictionary defines **coercive** as “using force to persuade people to do things that they are unwilling to do:”
42. Having reviewed all of the materials and interviews with all in attendance at the meeting, in my opinion Councillors Olds behaviour in the Councillor and CEO meeting on 8 December was **not** sexualised, targeted or coercive.
43. Specific to this referral however, it is alleged that during a Councillor and CEO catch up on 8 December 2025, where a discussion took place about previous inappropriate commentary by Councillor Olds, the Councillor responded in a mocking way and expressed confidence referring to complaints made about him to the OIA that “...have all been dismissed about swearing....”
44. There is no doubt that Councillor Olds, by his own admission and supported by other Councillors evidence, sometimes uses colorful language and expressions and uttered what would sometimes be described by some as inappropriate language at the subject meeting. This has been raised with Councillor Olds previously and my recommendation is to again remind him to consider how using vernacular language and expressions, whilst undertaking duties and obligations as a Councillor.
45. Not to excuse the behaviour, but as relevant context, other than Mayor Eden, all others present at the meeting did not take offence to Councillor Olds language.
46. The majority of Councillors interviewed advised that there are regular instances where other Councillors have used similar language in meetings and during Councillor interactions.
47. It is, however, important in professional settings to be conscious of and respect the sensitivities and values of **all** colleagues when interacting in these and other settings.

48. The complainant provided a recording and transcript of an extract from the meeting on 8 December 2025, where the Councillor also made the following further relevant statements to Mayor Eden “.... If you are going to be offended, you can choose to be offended. Go somewhere else, be offended.... you are the only one that is really taking offence to this....”
49. When Mayor Amy Eden pointed out to the Councillor that his language was not appropriate in a professional setting he replied, “.... only to you. The OIA dismissed it....”
50. And when Mayor Eden advised the Councillor that she did not feel safe and comfortable, as she exited the room in an upset state, the Councillor responded, “....we can get you another chair if you are not comfortable....”
51. I am particularly guided by Standard 2 in the Code of Conduct states that Councillors are to Treat people in a reasonable, just, RESPECTFUL and non-discriminatory way
52. The non-exhaustive examples given for Standard 2 include:
 - 2.3. Not use abusive, obscene or threatening language (either oral or written) or behaviour towards other Councillors, local government employees or members of the public
53. I am particularly mindful of the key word here being **towards** others.
54. Based on all of the evidence provided from the OIA, Council and interviews with all present at the meeting, **I am of the opinion** that Councillor Olds interactions with Mayor Eden were not abusive, obscene or threatening language or behaviour directed **towards** Her.
55. Modern societal standards determining inappropriate language must be viewed in context. Not to excuse or endorse the language, but there was nothing uttered in the subject meeting that you would not hear in the street, hotel, high school playground, late night television or many professional settings on any given day.
56. I am therefore of the opinion that the alleged inappropriate language was not directed **towards** other Councillors or Mayor Eden.
57. However, additionally having reviewed all of the materials and interviews with all present at the meeting, in my opinion Councillors Olds behaviour **could be** considered to be mocking towards Mayor Eden.

RECOMMENDATION TO COUNCIL

OIA Reference: C/25/00855

58. I recommend that the Council find that Councillor Brett Olds **did not engage in a conduct breach** in respect of his interactions at the Councillor CEO meeting on 8 December 2025 in that his behaviour was not targeted, sexualised or coercive. It is open to find that his interactions with Mayor Eden at the subject meeting could be seen to be mocking.
59. I recommend that Councillors Olds and all other Councillors are reminded to be mindful of others and their audience with their choices of the use of what some may consider inappropriate language in professional settings.
60. I recommend that the Cairns Regional Councillors may wish to consider undertaking a facilitated process to establish appropriate local behavioural standards and expectations for their interactions with each other.
61. I recommend that this report be submitted to the Cairns Regional Council for consideration, pursuant to s 150AG of the *Local Government Act 2009*, as to whether or not Councillor Brett Olds engaged in a conduct breach; and, if he is found to have so engaged, what action the Council will take to discipline Councillor Brett Olds pursuant to s 150AH of that Act.

Consideration of disciplinary action

62. If the Council, upon consideration of this matter, finds that Councillor Olds did engage in a conduct breach, relevant factors to consider may include:
 - (a) Councillor Olds has previously been reminded of the appropriateness of his use and choice of language and expressions in professional settings.
 - (b) Further details contained in this report.
 - (c) The individual context, observations and conclusions of Councillors present at the Councillor CEO Meeting on 8 December 2025.
 - (d) The perceptions and views of the complainant.

63. If the Council finds that Councillor Olds engaged in a conduct breach, s 150AG(1)(b) of the Local Government Act 2009 requires the Council to decide what action under s 150AH it will take to discipline Councillor Olds, Section 150AH states:

For section 150AG(1)(b), the local government may—

- (a) order that no action be taken against the councillor; or
- (b) make 1 or more of the following orders—
 - (i) an order that the councillor make a public apology, in the way decided by the local government, for the conduct;
 - (ii) an order reprimanding the councillor for the conduct;
 - (iii) an order that the councillor attend training or counselling to address the councillor's conduct, including at the councillor's expense;
 - (iv) an order that the councillor be excluded from a stated local government meeting;
 - (v) an order that the councillor is removed, or must resign, from a position representing the local government, other than the office of councillor;
Example—
The councillor is ordered to resign from an appointment representing the local government on a State board or committee.
 - (vi) an order that if the councillor engages in the same type of conduct again, it will be treated as misconduct;
 - (vii) an order that the councillor reimburse the local government for all or some of the costs arising from the councillor's conduct breach.

Dated: 6 May 2026

John Oberhardt

External Investigator