

Councillor misconduct complaint – Summary of decision and reasons for department’s website

Local Government Act 2009: Sections 150AS(2)(c)

1. Complaint:

CCT Reference	F19/2924
Subject councillor:	████████████████████
Council	Redland City Council (the Council)

2. Decision (s150AQ):

Date:	16 August 2019
Hearing:	3.00pm 21 May 2009 at the Queensland Industrial Relations Hearing Rooms, 66 Eagle Street, Brisbane.
Appearances:	<p>After conducting a directions hearing on 21 May 2019, the matter was heard and determined at 2.00pm, 6 August 2019 at 239 George Street, Brisbane by the Tribunal members on the documents, pursuant to s150AP(2) of the <i>Local Government Act 2009</i>, as it was considered appropriate in all of the circumstances by the Tribunal and agreed by the parties.</p> <p>The Tribunal directed that the final hearing be held in private.</p>
Decision regarding ██████████	<p>It is alleged that on 10 February 2019, ██████████ engaged in misconduct as defined in section 150L(b)(i) of the Act, in that the conduct constituted a breach of the trust placed in him as a councillor, either knowingly or recklessly.</p> <ol style="list-style-type: none">a. In reference to the outcome from the former Tribunal, ██████████ made two posts on his Facebook page criticising the basis for and handling of previous complaints.b. The alleged conduct could amount to misconduct on the basis it did not comply with the responsibilities of councillors pursuant to section 12(3)(b) of the Act to provide high quality leadership to the local government and community. <p>The Tribunal has determined, on the balance of probabilities, that the allegation that, on 10 February 2019, ██████████ engaged in misconduct as defined in section 150L(b)(i) of the Act, in that the conduct constituted a breach of the trust placed in him as a councillor, either knowingly or recklessly has not been sustained.</p>

<p>Reasons:</p>	<p>The comments made by the Councillor did not accurately reflect the outcome of previous misconduct determinations made against the Councillor by the former Tribunal. However, as the comments were principally directed at the processes under the Act, and may have been made due to ignorance or frustration, the Tribunal found that there was insufficient evidence to find a breach of trust.</p>
<p>Decision regarding [REDACTED]</p>	<p>It is alleged that on 12 February 2019, [REDACTED] engaged in misconduct as defined in section 150L(b)(i) of the Act, in that the conduct constituted a breach of the trust placed in him as a councillor, either knowingly or recklessly.</p> <p>Particulars of the alleged conduct which could amount to misconduct involved a post on the Councillor's Facebook page, that referred to another councillor's use of allocated funds in his Division and appeared to link this to an effect on the allocation to [REDACTED] Division.</p> <p>The Tribunal has determined, on the balance of probabilities, that the allegation that, on 12 February 2019, [REDACTED] engaged in misconduct as defined in section 150L(b)(i) of the Act, in that the conduct constituted a breach of the trust placed in him as a councillor, either knowingly or recklessly has not been sustained.</p>
<p>Reasons:</p>	<p>The comments made on the Facebook page could be considered to give a misleading impression of the reasons for the change of budget for the Councillor's Division, and this is inappropriate. However, it was not found that the conduct reached the threshold to be deemed a breach of trust and misconduct.</p>