



Councillor Conduct Register

This register is kept in accordance with Section 150DX of the *Local Government Act 2009*.

This register is required to be published on the Diamantina Shire Council website and be available for inspection and/or purchase by the public.

A Councillor's name will only be included if the local government makes a decision or conduct tribunal determines that the Councillor engaged in inappropriate conduct or misconduct, or where the Councillor agrees to their name being included in the register (Section 150DY(3) *Local Government Act 2009*).

Note: The register is for complaints made post changes to the *Local Government Act 2009* commencing 3 December 2016.

Reference	Date of Complaint	Councillor Name (if required)	Summary of Complaint	Decision Maker	Decision Date	Summary of Decision	Reasons for Decision	Action Taken (if applicable)
C/23/00321	30/05/2023		A councillor was alleged to have improperly involved themselves in a recruitment process for a council officer position.	OIA	14/11/2023	The OIA dismissed this matter pursuant to section 150X(a)(ii) of the <i>Local Government Act 2009</i> as the conduct does not raise a reasonable suspicion of inappropriate conduct or misconduct.		
C/23/00605	16/10/2023		It was alleged a councillor was involved in the recruitment of a council officer position which was then awarded to a close relative.	OIA	27/10/2023	The OIA dismissed this matter pursuant to section 150X(A)(ii) of the <i>Local Government Act 2009</i> the Act as the conduct does not raise a reasonable suspicion of inappropriate conduct or misconduct.		
C/23/00601	12/10/2023		It is alleged a councillor involved themselves in an operational decision with another state government entity.	OIA	27/10/2023	The OIA dismissed this matter pursuant to section 150X(c)(ii) of the <i>Local Government Act 2009</i> as further dealing with the complaint or information would be an unjustifiable use of resources.		
C/23/00600	12/10/2023		It was alleged a councillor arranged for a council officer to transport food and alcohol to contractors at a remote work site using council resources.	OIA	25/10/2023	The OIA dismissed this matter pursuant to section 150X(c)(ii) of the <i>Local Government Act 2009</i> as further dealing with the complaint or information would be an unjustifiable use of resources.		
C/23/00097 F23/1684	16/02/2023	Cr Kerry Morton	It was alleged a councillor attended a council worksite on the Birdsville Development Road and in the vicinity of three council workers made a derogatory remark; and further, that the councillor attended the worksite without appropriate personal protection equipment, without notification, and no site induction or visitor register in breach of Diamantina Shire Elected Councillor Induction Policy.	OIA	21/08/2023	The OIA referred this matter to Council pursuant to section 150W (1)(b), as the complaint, if proven, involves inappropriate conduct. The Council referred the matter to the Councillor Conduct Tribunal for investigation. The Tribunal investigated the matter and formed the opinion that the evidence was sufficient for Council to reach a determination that the allegation of inappropriate conduct is sustained on the balance of probabilities. The Tribunal recommended that Council consider the Tribunals report and make a decision as to whether the Councillor has engaged in appropriate conduct.	Having given consideration to the Tribunals report, pursuant to section 150AG(1)(a) of the <i>Local Government Act 2009</i> , Council determined, that the allegation that Councillor Morton had engaged in inappropriate conduct has been sustained. Council determined that his conduct involved a breach of the behavioural standards in the code of Conduct for Councillors in Queensland and Councils Elected Councillor Induction Policy.	Having found that Councillor Morton had engaged in inappropriate conduct, the Council made the following orders pursuant to section 150AG(1)(b) of the Act: a) that the councillor makes a public admission that the councillor has engaged in inappropriate conduct; b) an order reprimanding the councillor for the conduct; c) an order that if the councillor engages in the same type of conduct again, it will be treated as misconduct; d) order that the councillor reimburse the local government for all of the costs arising from the Councillor Conduct Tribunal investigation.

Reference	Date of Complaint	Councillor Name (if required)	Summary of Complaint	Decision Maker	Decision Date	Summary of Decision	Reasons for Decision	Action Taken (if applicable)
C/23/00315	27/05/2023		It was alleged that a councillor failed to declare a declarable conflict of interest in a matter before a council meeting on the basis that they worked and resided on a road that was subject to approval for sealing a footpath works	OIA	21/06/2023	The OIA dismissed this matter pursuant to section 150X(c)(ii) of the Local Government Act 2009 (the Act) on the basis that further dealing with the matter would be a justifiable use of resources.	In the interests of transparency and compliance with the Act, it is considered that the Councillor should have declared a declarable conflict of interest however it was also taken into account that the residence in question was not owned by the councillor but was provided as part of an employment agreement.	
C/23/00300	24/05/2023		It is alleged a councillor had engaged in misconduct when the councillor raised a matter with a council officer about a training issue that may have provided a benefit to the councillor.	OIA	17/07/2023	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.	The OIA was advised that there was no matter for decision before Council at the time relating to the training issue, therefore, conflict of interest provisions were not enlivened at the time, and the subject matter did not proceed.	
C/23/00301 C/23/00303	23/05/2023		It is alleged two councillors engaged in misconduct when they breached the acceptable requests guidelines by directing staff and by getting involved in operational and staffing matters at council.	OIA	12/06/2023	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.	The complaint lacked details on specific instances of the councillors' conduct.	
C/23/00272	16/05/2023		It was alleged a Councillor engaged in misconduct by breaching the acceptable request guidelines and/or directing staff and generally improperly getting involved in operational matters at council.	OIA	16/06/2023	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.	The OIA noted that the complaint lacked information and specific instances of the Councillor's involvement in directing staff or influencing operational matters at Council	
C/23/00273	16/05/2023		It was alleged a councillor engaged in misconduct in a council meeting when the councillor tried to influence a council works program on behalf of an outside contractor.	OIA	16/06/2023	The OIA dismissed this matter pursuant to section 150X(c)(ii) of the Local Government Act (the Act) as further dealing with this complaint would be an unjustifiable use of resources.	The councillor has been reminded that matters relating to procurement processes and assignment of resources for civil works should be left to Council's administration to determine. It is not the role of a councillor to advocate on behalf of a private company for council projects.	The OIA has requested that the Department of State Development, Infrastructure, Local Government and Planning provide training to these councillors on the respective roles and responsibilities of councillors and council officers.
C/23/00275	16/05/2023		It was alleged a Councillor engaged in misconduct by breaching the acceptable request guidelines and/or directing staff and generally improperly getting involved in operational matters at council	OIA	16/06/2023	The OIA dismissed this matter pursuant to section 150X(c)(ii) of the Local Government Act 2009 (the Act) as further dealing with this complaint would be an unjustifiable use of resources.	The OIA noted that the alleged conduct was not fully particularized and that some of the conduct occurred in council meetings where the Councillor was alleged to have questioned the operations of Council.	
C/22/00477 C/22/00478 C/22/00479 C/22/00500 C/22/00501 C/22/00502	13/07/2022		It was alleged that some councillors verbally attacked council staff at the Ordinary meeting held on 20 June 2022	OIA	03/08/2022	The OIA dismissed this matter pursuant to section 150X(a)(ii) of the Local Government Act 2009.	Breaches of the code of conduct that occur in a council ordinary or committee meeting are unsuitable meeting behaviour which is the responsibility of the Mayor as Chair of the meeting to deal with in real time. The OIA does not have jurisdiction to deal with unsuitable meeting behaviour.	Having viewed the meeting in question the OIA have liaised with the DSDILGP to request that they undertake training in the respective roles of councillors and council officers as well as the conduct of council meetings
C/21/00143	27/02/2021		A councillor, who was also engaged by council as an owner-operator via a tender process, raised concerns with a council officer about his entitlements as a contractor. During the interaction with the council officer, the councillor was alleged to have leveraged his position as a councillor	OIA	15/09/2022	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.	The evidence gathered during the investigation was not capable of proving that the councillor had engaged in the conduct alleged. Also, given the councillor was a first-time councillor and at the time of the alleged interaction, had been in the role for less than 12 months, there was no public interest in pursuing the matter further	

Reference	Date of Complaint	Councillor Name (if required)	Summary of Complaint	Decision Maker	Decision Date	Summary of Decision	Reasons for Decision	Action Taken (if applicable)
F17/12431	05/10/2017	Cr Morton		Councillor Conduct Tribunal	9/03/2018	<p>The Regional Conduct Review Panel decided that the complaint that Councillor Morton had engaged in misconduct as defined in section 176(3)(b)(ii) of the Act was sustained.</p> <p>The Regional Conduct Review Panel made the following orders as part of its decision notice provided to Council on 9 March 2018:</p> <p>That Councillor Morton make an admission of error about the use of his Council email account for personal business and that the admission of error is to be made by him to a general meeting of the council in open session within 30 days of the receipt of a copy of this determination; and</p> <p>That Councillor Morton be counselled by an appropriately qualified IT person about how not to repeat the misconduct. In particular, the counselling should focus on ensuring Councillor Morton knows how to send personal emails from his phone without using the Council server and that he limits his use of the Council's resources to Council business</p>		