



Blackall-Tambo Regional Council

Councillor Conduct Register

In accordance with section 150DX of the Local Government Act 2009 (LGA) Blackall-Tambo Regional Council must maintain and publish a Councillor Conduct Register.

Dismissed Complaints

Date of Complaint	Summary of Complaint	Reason for Decision
29 April 2019	It was alleged that two councillors did not display openness and transparency when participating in a secret ballot to vote for a new incoming councillor.	The OIA delegate made the decision to dismiss the complaint on the basis that it was not considered to be inappropriate conduct or misconduct, as per Section 150X(a)(ii) of the Local Government Act 2009. Advice from DLGRMA confirmed that the councillors followed the correct process.
3 January 2022	It was alleged that a councillor engaged in misconduct by receiving an email that had been inadvertently sent by an external party that contained personal and confidential information pertaining to an individual, and not related to council business.	The complaint was dismissed pursuant to section 150X(a)(ii) of the Local Government Act 2009 on the basis that the conduct complained of is not inappropriate conduct or misconduct.

Date of Complaint	Summary of Complaint	Reason for Decision
26 January 2022	It was alleged that during a recent public announcement, a councillor failed to include an 'acknowledgment of country' or any kind of reference to Aboriginal or Torres Strait Islander Peoples and that the councillor's statement was considered to be inflammatory, inappropriate and highly offensive to many in the community.	<p>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.</p> <p>The 'save the date' discussion has been a matter of public and political debate and discussion over many years and is a debate where people holding different views. It is not considered that a councillor not including a 'welcome to country' in a statement would reach the threshold of inappropriate conduct or misconduct within the meaning of the Act.</p> <p>However, the OIA wrote to the councillor asking that going forward the councillor considers the view of all constituents and the code of conduct's requirement to be inclusive of different cultural practices and expectations.</p>
7 July 2022	It was alleged a councillor claimed not to know about a council decision and influenced council to take compliance actions against a member of the public.	<p>The OIA dismissed this matter pursuant to section 150X(a)(ii) as the information obtained from preliminary enquiries does not raise a reasonable suspicion of inappropriate conduct or misconduct by a Councillor.</p> <p>Councillors are not involved in the operational level decision-making which is the responsibility of the CEO and council employees.</p>
20 July 2022	It was alleged a councillor used inappropriate language and lied.	<p>The OIA dismissed this matter pursuant to section 150X(a)(ii) as the conduct does not raise a reasonable suspicion of inappropriate conduct or misconduct. There are no reasonable enquiries to establish if the alleged conduct happened.</p>
8 September 2023	It was alleged that a councillor breached council's media policy in a response to a social media post by a member of the public. (two complaints from the same person)	<p>The OIA dismissed the first complaint pursuant to section 150X(a)(ii) of the Local Government Act 2009 (the Act) and decided to take no further action in relation to the second complaint pursuant to section 150Y(b)(i) of the Act, on the basis the conduct does not raise a reasonable suspicion of inappropriate conduct or misconduct.</p> <p>Having considered the contents of both the social media post and the councillor's comment in response to the post, the OIA did not consider the councillor's comment to be in breach of either the council media policy or the code of conduct for councillors in Queensland.</p>

Decisions

Date of Complaint	Summary of Complaint	Reason for Decision	Decision Date	Order
1 May 2020	It is alleged a councillor posted on a social network site council information without the prior consent of the Mayor or Chief Executive Officer in accordance with Councils media policy.	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 has made the decision to provide a three-month amnesty to all first-time councillors and mayors in relation to allegation of inappropriate conduct and misconduct, except where the matter is serious. This temporary measure is in recognition of the ever-changing impacts of COVID-19 and the steep learning curve faced by new councillors and the ever-changing impacts of COVID-19. The councillors involved have been advised of the decision and to undertake further training if required.	6 May 2020	
21 Sept 2022	It is alleged that between 22 April 2021 and 24 November 2021, Councillor Andrew Martin, Mayor of Blackall-Tambo Regional Council, engaged in misconduct as defined in section 150L(1)(b)(i) of the <i>Local Government Act 2009</i> (the Act), in that his conduct involved a breach of trust place in him as a councillor, either knowingly or recklessly in that his conduct was inconsistent with local government principle 4(2)(e) of the Act being 'ethical and legal behaviour of councillors and local government employees.'	The Tribunal has determined, on the balance of probabilities, that the allegation that between 22 April 2021 and 24 November 2021, Councillor Andrew Martin, Mayor of the Blackall-Tambo Regional Council, engaged in misconduct as defined in section 150L(1)(b)(i) of the <i>Local Government Act 2009</i> (the Act), in that his conduct involved a breach of trust place in him as a councillor, either knowingly or recklessly in that his conduct was inconsistent with local government principle 4(2)(e) of the Act being 'ethical and legal behaviour of councillors and local government employees' has been sustained.	5 June 2024	Pursuant to section 150AR(1)(b)(i) of the Act, the Tribunal orders that within 60 days of the date of this decision and reasons/publication notice (5 June 2024), Councillor Andrew Martin, the Mayor of Blackall-Tambo Regional Council, make a public apology for the conduct at a general meeting of the Blackall-Tambo Regional Council open to the public.