

Councillor Conduct Register

Section 150DX and 150DY of the *Local Government Act 2009, Chapter 5A Councillor conduct* provides that a local government must keep an up-to-date register (a **councillor conduct** register). The local government must publish the register on the local government's website and ensure the public may inspect the register or purchase a copy of an entry in the register, at the local government's public office.

This is a record of complaints received –

Complaints - Sustained

Date of Complaint	Summary of Complaint	Action taken
4 July 2022	<p>It is alleged that a councillor has breached section 150K (1) (b) of the Local Government Act 2009 (the Act) by video livestreaming without confirming if appropriate or receiving the necessary approval. If proven the conduct could be in breach of Section 150K (1) (b) in that the conduct contravenes a policy, procedure or resolution of the local government.</p>	<p>The outcome of this investigation substantiated that Cr Gaedtke did breach section 150K(1)(b) of the Local Government Act 2009 and engaged in inappropriate conduct. At Council's Ordinary meeting on 26 October 2022, the following resolution was carried:</p> <p>"THAT</p> <ol style="list-style-type: none"> 1. in accordance with Section 150AH (1)(b) (i), (ii), (iii), (vi) and as a result of the findings of the Independent Investigator, Council makes the following orders in response to the findings of inappropriate conduct of Councillor Cheryl Gaedtke. That is Councillor Gaedtke: <ul style="list-style-type: none"> • will make a public admission that she engaged in inappropriate conduct, • will receive a written reprimand from Council about her conduct, • will undertake training and counselling as approved by Council's Chief Executive Officer, to address the inappropriate conduct at her own expense • be advised that if the Councillor engages in the same type of conduct again, it will be treated as misconduct 2. The outcome of the matter be entered in Council's Conduct Register as provided for in Clause 17 of the Council's Investigations Policy, and 3. The Office of the Independent Assessor be advised of the outcome of the investigation and the orders made by Council.

Complaints – no further action taken

Date of Complaint	Summary of Complaint	Reason for taking no further action/ dismissal
4 August 2023	It is alleged a councillor failed in the councillor's duty to follow a council policy when the councillor was copied into correspondence about a matter	The OIA dismissed this matter pursuant to section 150X(a)(ii) of the Local Government Act 2009 (the Act) as the conduct does not raise a reasonable suspicion of inappropriate conduct or misconduct.
8 March 2023	It was alleged a councillor engaged in misconduct when the councillor made a fraudulent statement in the media relating to a decision of Council.	<p>The OIA dismissed this matter pursuant to section 150X(a)(ii) of the Local Government Act 2009 (the Act) as the conduct does not raise a reasonable suspicion of inappropriate conduct or misconduct.</p> <p>In assessing the complaint, the OIA noted the independent report into the matter was made available to members of the public and the matter was discussed in an open meeting.</p> <p>The quote attributed to the councillor purported to summarise the outcome of the study report and that summary was not inconsistent with the Council officer's report presented at the meeting.</p>
6 October 2022	It was alleged, a councillor engaged in misconduct, by disclosing to an external party, details of a confidential and sensitive matter under investigation, that was discussed in a confidential briefing to councillors.	<p>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.</p> <p>It was confirmed that a discussion did occur between the councillor and an unauthorized party however, the details of the conversation were not confirmed. It was indicated in a witness response that at the time of the conversation, they were already aware of the matter from others in the community.</p>

17 August 2022	That a councillor released information to a journalist that was factually incorrect and which the councillor knew or ought to have known was confidential information.	<p>Following an investigation 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.</p> <p>This decision was made on the basis there were conflicting accounts of the alleged interaction and no reasonable prospects of independently corroborating evidence.</p>
5 November 2021 8 November 2021 9 December 2021	It is alleged a Councillor has provided false information to the other Councillors to influence a council decision.	<p>The OIA (Office of the Independent Assessor) dismissed this matter pursuant to section 150X(a)(II) of the Local government Act 2009 ("the Act") as the conduct does not raise a reasonable suspicion of inappropriate conduct or misconduct within the meaning of the Act.</p> <p>From Information obtained during the investigation, the Councillor declares a personal Conflict of Interest with the applicant in all three meetings. No financial interest was identified as such the declaration was appropriate.</p>
21 April 2021	It is alleged a Councillor has provided false information to the other Councillors to influence a council decision.	<p>The OIA (Office of the Independent Assessor) dismissed this matter pursuant to section 150X(a)(ii) of the Local Government Act 2009 ("the Act") as the conduct does not raise a reasonable suspicion of inappropriate conduct or misconduct within the meaning of the Act.</p> <p>The OIA was unable to properly and fairly assess the complaint because it was made anonymously and contained broad allegations based on insufficient details to make reasonable enquiries.</p>