

Example Complaints

Below are examples of complaints that provide sufficient information for the OIA to assess.

They have been de-identified.

Example of Conflict of Interest (COI) complaints

Dear OIA,

I wish to bring to your attention my belief that Councillor X failed to declare a conflict of interest relating to the Woodlands Community Bus Group Inc (WCB) at the Council Coordination Committee meeting on 30 March 2019, when Council considered a lease to the Hills Sports Complex (HCP). This meeting included discussion about whether the WCB would be allowed to manage the upper storey of the complex for a period of time.

Council should be able to provide you with a copy of the minutes of the Coordination Committee meeting.

Council's website shows on Councillor X's register of interest page that he is an ordinary committee member of WCB (see **Attachment 1**). From what we understand of the Local Government Act, Councillor Rider should have advised the meeting of his membership of the WCB and, in our opinion, should not have taken part in the meeting.

Kind regards,

Mr Smith
Hills Sporting Association Secretary

Dear OIA

We have just read page thirty six of the 23 August Minutes of the North Banks Shire Councils Ordinary Meeting, where it was announced by the Government that a State Development Area would be declared in the North Banks region.

The minutes show that [political party] member and North Banks Regional Councillor, Councillor Y voted against Council making a submission to the Government that a State Development Area should not be considered. The minutes show that Councillor Y did not declare any conflicts in this matter when the vote was taken.

I note that Councillor Y was the only councillor to vote against this motion.

Councillor Y is the President of the North Banks Branch of the [political party] and is the campaign manager for the State [political party] candidate in the next election. Surely he cannot use his position as a Councillor to push [political party] policies and have no regard for the community.

We believe an investigation into his behaviour is necessary.

Sincerely,

John Smith



Example of Councillors Misuse of Information complaint

Dear OIA,

I feel obliged to make the following complaint about the conduct of Councillor Z of Bear Shire Council.

On 20 February 2019, my business partner and I attended Council Chambers to update councillors on our proposed Bear Music Muster.

At that meeting there were a number of councillors present and some staff.

I presented various documents to councillors present outlining our music program, business plan and headline act. The documents we gave to councillors were marked confidential and we requested them back from councillors at the end of the meeting. I remember that Councillor Z made detailed notes from the documents throughout the meeting and continually asked me questions about the clashing date with the Forest Music Muster and why we couldn't change the date.

The next day I got a phone call from Mr Seth Sanderson, President of the Forest Music Muster, during which information was raised with me that could only have come from the confidential discussion that I had with councillors the day before.

I believe that Councillor Z disclosed the confidential information we discussed at the 12 February meeting with Mr Sanderson.

I have attached a copy of the documents we provided to councillors.

Kind regards,

David Jones

Example of Release of Information Confidential to the Local Government COMPLAINT

Dear OIA

We wish to file a formal complaint regarding the leaking of confidential information yesterday (12 March 2019) by a councillor.

The information concerns legal action between Bear Shire Council and myself and was raised by Councillor S at yesterday's Council meeting, who moved a motion that Council aggressively pursue me through the Courts; to which Council agreed. Information relating to ongoing legal claims are confidential and should be discussed in closed sessions of Council, not in the open forum.

As you are aware, s 171(3) of the *Local Government Act 2009* states:

(3) a councillor must not release information that the councillor knows, or should reasonably know, is information that is confidential to the local government.

Note – a contravention of subsection (3) is misconduct that is dealt with by the Tribunal.

The information was provided to the public on 12 February 2018. A copy of Council's meeting minutes should be available directly from Council.

The information was leaked by Councillor S, and we request a proper and detailed investigation into his behaviour.

Kind regards,

Joan White

Example of Register of Interest complaint

Dear OIA

I am writing this letter to make an official complaint in relation to Councillor F of Hampton Regional Council's failure to update his register of interest within the prescribed time-frame as stipulated within the *Local Government Act 2009*.

This letter of complaint was prompted by a recent article appearing in the Queensland Times – **attached** for your review.

The article states:

'According to Councils complaints register, a complaint that Councillor F failed to disclose a political donation has been determined as being an 'administrative oversight'. According to the register the CEO wrote to Councillor F about his alleged failure to maintain his register.'

I have seen various documents relating to this substantial donation of \$9,350.00 made by Media for You Pty Ltd to Councillor S on 13 August 2019. Councillor F has been a Councillor for over 10 years and should be aware of the requirement to submit an updated Register of Interest form, involving this gift/donation.

Section 171B(2) of the *Local Government Act 2009* states –

*(2) a councillor **must**, in the approved form, inform the chief executive officer of the particulars of the interest or the change to the interest **within 30 days after the interest arises** or the change happens.*

Maximum penalty –

- (a) If the councillor fails to comply with subsection (2) intentionally – 100 penalty units*
- (b) Otherwise – 85 penalty units.*

It is evident from the below information that Councillor F has not complied with this legislative requirement.

13 August 2019 Councillor F received \$9,350.00 from Media for You Pty Ltd

30 September 2019 30 day deadline – Councillor F should have submitted an updated Register of Interest form, listing the Media for You donation

25 October 2019 Council CEO receives a complaint regarding Councillor F's failure to update Register of Interest and disclose donation.

4 December 2017 Councillor F signs an updated Register of Interest including the overdue entry relating to Media for You Pty Ltd

It is therefore clear that Councillor F has failed to comply with the requirement to update his Register of Interest within the specified time-frame. Based on the value of the donation, and the delay in submitting the required documentation, I respectfully request that this matter be investigated thoroughly.

Attachments

- 1) Queensland times article
- 2) ECQ Gifts Received Report – Candidate F showing Media for You Pty Ltd donation
- 3) Page 7 of Councillor F's Register of Interest as at 30 September 2017
- 4) Page 7 of Councillor F's Register of Interest as at 4 December 2017

Kind regards,

John Brown