

Councillor Conduct Register

Chapter 5A, Part 6, Division 1 *Local Government Act 2009*
(2018 to present)



REGIONAL COUNCIL

Reference Number (OIA/ CCT/ CCC) ¹	Decision Date ²	Name of Councillor ³	Summary of Complaint	Category of Conduct ⁴	Decision and Reasons
OIA ref: C/19/01093	29/11/2019	Not included pursuant to section 150DY(3)	It is alleged a Councillor over several years had caused a resident to lose their drivers licence, had damaged a resident's property and entered a resident's house and committed other forms of harassment to the resident.	Inappropriate Conduct	The OIA resolved to take no further action pursuant to section 150Y(b)(iii) of the <i>Local Government Act 2009</i> . While the allegations were serious, the complaint was both outside the jurisdiction of the OIA and lacking in substance.
OIA ref: C/22/00290	12/07/2022	Not included pursuant to section 150DY(3)	It is alleged a Councillor breached the Code of Conduct for Councillors in Queensland by making statements in public and to an employee about staff remuneration, and by gesturing offensively towards the same employee at a staff function.	Inappropriate Conduct	The OIA referred the complaint back to Council pursuant to section 150W(1)(b) of the Act to investigate in accordance with its adopted Investigation Policy. It was considered that Council has reasonable lines of enquiry available to determine whether or not the conduct occurred as alleged. With the consent of the parties, an independent person was appointed to facilitate an early resolution process in accordance with the Investigation Policy. The matter was resolved through early resolution with an apology being made.
OIA ref: C/21/00269	15/05/2023	Cr Brett Qualischefski	It is alleged that Cr Brett Qualischefski in his capacity as a gym member attended the Lockyer Valley Sports and Aquatic Centre and unlawfully stalked a female gym member by using his phone on two separate occasions on 25 and 30 March	Misconduct	The CCT has decided pursuant to section 150AQ(1) of the <i>Local Government Act 2009</i> (Act) that Cr Qualischefski has engaged in misconduct pursuant to section 150L(1)(b)(i) of the Act in that his conduct involved a breach of the trust placed in him as a councillor, in that he failed to provide high quality leadership as required by section 12(3)(b) of the Act and failed

¹ CCC – Crime and Corruption Commission, CCT – Councillor Conduct Tribunal, OIA – Office of the Independent Assessor

² This register is for complaints made post changes to the *Local Government Act 2009* commencing 3 December 2018.

³ Only to be included if the local government or conduct tribunal decided 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*).

⁴ Unsuitable Meeting Conduct, Inappropriate Conduct, Misconduct or Corrupt Conduct.

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			2021 to film or photograph her during exercise without her consent and sharing the images with another person.		<p>to comply with the local government principle of 'ethical and legal behaviour of councillors' contained in section 4(2)(e) of the Act.</p> <p>The CCT's decision was based on:</p> <ul style="list-style-type: none"> the undisputed evidence, including the admission and acceptance by the councillor by agreement dated 13 January 2023, that the conduct as alleged did occur; and the Queensland Police Service issuing a Notice of Adult Caution for the offence of Unlawful Stalking under section 359E(1) of the <i>Criminal Code Act 1899</i> (Qld) to Cr Qualischefski on 20 April 2021. <p>The CCT has made the following orders:</p> <ol style="list-style-type: none"> Cr Qualischefski is reprimanded for the conduct pursuant to section 150AR(1)(b)(ii) of the Act. Cr Qualischefski attend counselling sessions with a registered psychologist to address the conduct at his expense and within 90 days pursuant to section 150AR(1)(b)(iii) of the Act. Cr Qualischefski reimburse Council for \$2,000, representing some of the costs incurred by the Council 'arising from the councillor's misconduct, within 90 days pursuant to section 150AR(1)(b)(v) of the Act.
OIA ref: C/23/00349	9/06/2023	Not included pursuant to section 150DY(3)	<p>Allegation 1 It is alleged a councillor engaged in misconduct when the councillor failed to disclose an interest in a matter during a council meeting in 2014.</p> <p>Allegations 2 and 3 It was further alleged that the councillor engaged in misconduct by failing to declare an interest in matters at council meetings in January and April 2020.</p>	Misconduct	<p>Allegation 1 The OIA dismissed this matter pursuant to section 150X(c)(ii) of the <i>Local Government Act 2009</i> as it was satisfied that further dealing with the complaint would be an unjustifiable use of resources given the time that has elapsed since 2014 and the changes in legislative provisions about conflict of interests.</p> <p>Allegations 2 and 3 The OIA dismissed these matters 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. The OIA reviewed the Councillor's Register of</p>

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					Interests and Related Parties Register, Council Minutes and advice received from Council and considered that the councillor was not required to declare an interest in matters at the council meetings in January and April 2020.
OIA ref: C/23/00488	11/09/2023	Not included pursuant to section 150DY(3)	It is alleged in 2017 a councillor failed to declare a conflict of interest.	Misconduct	<p>The OIA dismissed this matter pursuant to section 150X(c)(ii) of the <i>Local Government Act 2009</i> as an unjustifiable use of resources to deal with further.</p> <p>At the time of the alleged conduct, it could be argued that the matter was an 'ordinary business matter' to which the regime did not apply or the benefit to the councillor was 'no greater than that of other persons in the local government area', which also provided an exception.</p> <p>In dismissing this matter, the OIA also took into account the age of the conduct, the changes to the conflict of interest provisions that have further clarified the conflict of interest provisions and the exceptions to them and that the councillor has since consistently declared a declarable conflict of interest in like matters.</p>

