

# Councillor Conduct Tribunal: Councillor misconduct complaint – Summary of decision and reasons for department’s website

*Local Government Act 2009: Sections 150AS(2)(c)*

Note that the Tribunal is prohibited from giving another entity information that is part of a Public Interest Disclosure unless required or permitted under another Act; or including in this summary the name of the person who made the complaint or information that could reasonably be expected to result in identification of the person: S150AS(5)(a) and (b).

## 1. Complaint:

<b>CCT Reference</b>	F21/2282
<b>Subject Councillor</b>	Councillor Sheila Ireland (the councillor)
<b>Council</b>	Ipswich City Council

## 2. Decision (s150AQ):

<b>Date:</b>	23 September 2022
<b>Decision:</b>	The Tribunal has determined, on the balance of probabilities, that the allegation, that on 17 April 2020, Councillor Sheila Ireland (Councillor Ireland), a councillor of the Ipswich City Council (Council), engaged in misconduct as defined in section 150L(1)(c)(ii) of the <i>Local Government Act 2009</i> (the Act), in that her conduct contravened the acceptable request guidelines of the local government under section 170A, is <b>sustained</b>
<b>Reasons:</b>	<ol style="list-style-type: none"><li>1. On the evidence led before this Tribunal (which included recordings of Council’s customer service centre and transcribed portions of recordings in the Applicant’s submissions), and in conjunction with the Respondent’s admission as to the words said, the Tribunal finds that the events occurred as alleged by the Applicant. This includes:<ol style="list-style-type: none"><li>a. The Council had, consistent with section 170A(7) of the Act, passed acceptable request guidelines in the Policy;</li><li>b. On 17 April 2020, the Respondent made at least three (3) requests of local government employees (including Ms A, Ms B and Ms C)</li></ol></li></ol>

**Councillor Conduct Tribunal**

GPO Box 15009, City East, Q 4002

	<p>to have a container of rotten food collected as waste from the address of a constituent;</p> <p>c. The Respondent did not lodge a request in the Councillor Administrative Support Portal at any time on 17 April 2020;</p> <p>d. These requests were not in accordance with the Policy, and therefore not in accordance with section 170A(1) of the Act.</p> <p>2. To the extent it must make a finding on the Respondent’s conduct, the Tribunal does not agree with the Applicant’s characterisation of this matter as a “<i>serious contravention</i>” of the acceptable request guidelines.</p> <p>3. The Applicant’s submissions and submissions in reply attempted to make a great deal of the Respondent’s language in the recordings towards Council staff as being “<i>intimidating and demanding</i>”; however, the Tribunal does not accept that characterisation. It is plainly apparent that the Respondent was demonstrating a quite understandable level of frustration at not being able to secure an appropriate outcome for a member of her constituency.</p> <p>4. The Tribunal prefers the Respondent’s submissions that “<i>time was of the essence</i>”, “<i>the matter was urgent</i>” and “[t]he contact was separated in time to begin with... to different people”, such that the Respondent’s conduct “<i>related to the frustration out of not being provided with any answers</i>”. Those submissions accord with the evidence led by the Applicant as to the general demeanour of the Respondent.</p> <p>5. However, the Respondent’s frustration does not bear on the factual substance of the matter. To that extent, the Tribunal only need be satisfied that the Respondent engaged in conduct, and that the conduct was a prima facie contravention of guidelines which have been passed by a resolution of Council (consistent with section 170A(7) of the Act).</p> <p>6. As the Tribunal has found that the Respondent has engaged in that conduct, and that conduct was a breach of section 170A(1) of the Act, that conduct is also misconduct under section 150L(1)(c)(ii) of the Act.</p>
--	---

### 3. Orders and/or recommendations (s150AR - disciplinary action):

<b>Date of orders:</b>	23 September 2022
<b>Order/s and/or recommendations:</b>	<p>The Tribunal orders that within 60 days of the date of this decision that a copy of this decision and orders be given to Councillor Ireland by the Registrar:</p> <ol style="list-style-type: none"> <li>Pursuant to s 150AR(1)(b)(ii) of the Act, Councillor Ireland be reprimanded for misconduct;</li> </ol>

**Councillor Conduct Tribunal**

GPO Box 15009, City East, Q 4002

	<p>2. Pursuant to s 150AR(1)(b)(iii) of the Act, that Councillor Ireland attend training to address the councillor’s conduct, specifically in Council’s acceptable request guidelines and the recording of administrative requests in the Councillors Administrative Support Portal (not at the Councillors expense).</p>
<p><b>Reasons:</b></p>	<ol style="list-style-type: none"> <li>1. The Tribunal rejected the Respondent’s submission to take no further action on the matter. The Respondent should have known – at the very least from her training on acceptable requests specifically, but on the Act more generally – that her obligations in 2020 were not the same as they were in 2018. Councillors must, where a local government has adopted guidelines for requests of local government employees, follow those guidelines to the letter. If the Respondent wishes to make changes to the guidelines, then she ought to bring the matter before Council for consideration and amendment.</li> <li>2. The fact that the local government saw fit to review and amend the Policy supports a proposition that the original Policy was too rigid and did not allow for the making of urgent requests in the manner which confronted the Applicant. That proposition is important for the Tribunal’s findings on penalty.</li> <li>3. On that ground, the Tribunal considers that a pecuniary penalty would be inappropriate. The Respondent was motivated by a willingness to assist a constituent (notwithstanding that constituent was a former Councillor) and was becoming frustrated that she was not able to discharge that assistance.</li> <li>4. The Tribunal considers that these matters, together with the Respondent’s previous misconduct in 2016, warrant the ordering of a reprimand under section 150AR(1)(b)(ii) of the Act. The Respondent was aware of the guidelines in the Policy and aware of the Portal but chose not to abide by either of those limitations.</li> <li>5. The Tribunal is however satisfied, and accepts the Respondent’s submission, that the <i>“real issue which is that the respondent requires training and familiarity with the correct processes to use when raising a constituent concern”</i>.</li> <li>6. The Tribunal will therefore order that the Respondent attend training in both the new amended Policy and the Councillor Administrative Support Portal such that there can be no doubt as to the Respondent’s awareness of both her requirements as a Councillor and how she should discharge those requirements.</li> </ol>