

Minutes

Ordinary Meeting

Wednesday, 28 February 2024

Time: 9.00 am

Meeting adjourned at 10:35 am
Meeting resumed at 10:55 am

Meeting adjourned at 12:36 pm
Meeting resumed at 1:06 pm

Meeting adjourned at 3:04 pm
Meeting resumed at 3:20 pm

Location: Council Chambers
82 Brisbane Street
BEAUDESERT QLD 4285

Scenic Rim Regional Council
Ordinary Meeting
Wednesday, 28 February 2024
Minutes

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1 Opening of Meeting

The Mayor, Cr Greg Christensen, as Chair of the Meeting, declared the Meeting open and acknowledged the traditional owners of the lands of the Scenic Rim Regional Council area. The Mayor paid respect to their elders, past, present and future, and extended congratulations to them on their continued nurturing of their culture.

2 Attendance and the granting of leaves of absence

Cr G R Christensen, Mayor
Cr A J Hay
Cr J J S McConnell, Deputy Mayor
Cr V A West
Cr M J Enright
Cr M J Chalk
Cr D A McInnes OAM

Executive Officers

O Pring, General Manager Council Sustainability / Acting Chief Executive Officer
J Rutledge, Manager Human Resources / Acting General Manager People and Strategy
M Lohmann, Manager Regional Development, Health and Biodiversity /
Acting General Manager Customer and Regional Prosperity
C Gray, General Manager Asset and Environmental Sustainability
J Pukallus, Principal Specialist Governance and Assurance / Acting General Manager
Council Sustainability

Staff

B Jacklyn, Senior Governance Officer / Acting Principal Specialist Governance and Assurance
S Keepence, Governance Officer
M Carter, GIS Officer, Information Services and Technology
N Dendle, Community Engagement Officer (Item 11.2)
J Kirkwood, Principal Specialist Development Assessment and Engineering /
Acting Manager Regional Development, Health and Biodiversity (Item 11.4)
S Osman, Manager Maintenance and Operations (Items 11.5 and 11.6)
R Wallace, Manager Capital Works and Asset Management (Items 11.6 and 11.11)

3 Apologies

Nil

4 Prayers

Pastor James Donovan from Silverdale Church of Christ attended via teleconference, to offer prayers

5 Public Question Time

Nil

6 Declarations of Prescribed or Declarable Conflict of Interest by Members

The Acting Chief Executive Officer advised that three declarations had been received from Councillors, relating to Items 11.7 and 11.10, which would be tabled at the time of consideration of those items.

7 Announcements / Mayoral Minutes

Nil

8 Reception of Deputations by Appointment / Presentation of Petitions

Nil

9 Confirmation of Minutes**Recommendation**

That the Minutes of the Ordinary Meeting held on 24 January 2024, be adopted.

Moved: Cr Greg Christensen

Seconded: Cr Michael Enright

Carried unanimously

10 Business Arising from Previous Minutes

Nil




11 Consideration of Business of Meeting

People & Strategy

11.1 Operational Plan 2023-2024 Quarter Two Progress Report

Executive Officer: General Manager Council Sustainability

Attachments:

1. Operational Plan 2023-2024 Quarter Two Progress Report - Operational Plan Departures (under separate cover) 
2. Operational Plan 2023-2024 Quarter Two Progress Report (under separate cover) 
3. Service Delivery 2023-2024 Quarter Two Report (under separate cover) 

Recommendation

That:

1. Council adopt amendments to the Operational Plan 2023-2024 as contained and highlighted within the Operational Plan Quarter Two Progress Report (Operational Plan Departures);
2. Council endorse the Operational Plan 2023-2024 Quarter Two Progress Report;
3. Council delegate to the Chief Executive Officer the power to make minor grammatical and formatting changes to the Operational Plan 2023-2024 Quarter Two Progress Report and the Service Delivery 2023-2024 Quarter Two Report, if required after its adoption by Council and prior to publishing the document for public access; and
4. Council note the Service Delivery 2023-2024 Quarter Two report and agree to its publication on the Council website together with the Operational Plan 2023-2024 Quarter Two Progress Report.

Moved: Cr Michael Enright

Seconded: Cr Jeff McConnell

Motion

That:

1. Council adopt amendments to the Operational Plan 2023-2024 as contained and highlighted within the Operational Plan Quarter Two Progress Report (Operational Plan Departures);
2. Council endorse the Operational Plan 2023-2024 Quarter Two Progress Report;
3. Council delegate to the Chief Executive Officer the power to make minor grammatical and formatting changes to the Operational Plan 2023-2024 Quarter Two Progress Report and the Service Delivery 2023-2024 Quarter Two Report, if required after its adoption by Council and prior to publishing the document for public access; and
4. Council note the Service Delivery 2023-2024 Quarter Two report and agree to its publication on the Council website together with the Operational Plan 2023-2024 Quarter Two Progress Report.

Carried unanimously

Customer & Regional Prosperity

11.2 Customer Effort Score Survey Results

Executive Officer: Manager Regional Development, Health and Biodiversity /
Acting General Manager Customer and Regional
Prosperity

Attachments:

1. Customer Effort Score Survey Summary 

Recommendation

That Council note the results and close out of the Customer Effort Score Survey.

Moved: Cr Michael Enright

Seconded: Cr Virginia West

Motion

That Council note the results and close out of the Customer Effort Score Survey.

Carried unanimously

11.3 South East Queensland Climate Resilient Alliance

Executive Officer: Manager Regional Development, Health and Biodiversity /
Acting General Manager Customer and Regional Prosperity

Attachments: Nil

Recommendation

That:

1. Council endorse becoming a financial member of South East Queensland Climate Resilient Alliance for a period of three years commencing April 2024;
2. Council note the nomination of the Principal Specialist Biodiversity and Climate Change as Council's authorised representative to the Executive Steering Committee; and
3. Council note the nomination of the Biodiversity Officer Land Sustainability and Climate Change as Council's authorised representative to the Coordination Committee.

Moved: Cr Duncan McInnes

Seconded: Cr Jeff McConnell

Motion

That:




1. Council endorse becoming a financial member of South East Queensland Climate Resilient Alliance for a period of three years commencing April 2024;
2. Council note the nomination of the Principal Specialist Biodiversity and Climate Change as Council's authorised representative to the Executive Steering Committee; and
3. Council note the nomination of the Biodiversity Officer Land Sustainability and Climate Change as Council's authorised representative to the Coordination Committee.

Carried unanimously

11.4 RAL23/034 - Development Application for Reconfiguring a Lot (Development Permit) - Subdivision - Two Lots into 122 Lots (including new roads and open space) - 28 Alice Street, Beaudesert - Lot 2 RP7606 and Lot 1 RP84194

Executive Officer: Manager Regional Development, Health and Biodiversity /
Acting General Manager Customer and Regional Prosperity

Attachments:

1. Appendix A - RAL23/034 - Conditions of Approval 
2. RAL23/034 - Proposal Plans 
3. RAL23/034 - Energex Advice Agency Response Letter 

Recommendation

That:

1. Council note the report titled "RAL23/034 - Development Application for Reconfiguring a Lot (Development Permit) - Subdivision - two Lots into 122 Lots (including new roads and open space) - 28 Alice Street, Beaudesert - Lot 2 RP7606 and Lot 1 RP84194";
2. Council approve development application RAL23/034, and grant a Development Permit for Reconfiguring a Lot, subject to imposition of the reasonable and relevant conditions in Appendix A; and
3. Council note that any subsequent request for a negotiated decision notice and/or change application to the approval (RAL23/034) will be processed via delegated authority where the changes would not significantly alter the original decision.

Moved: Cr Jeff McConnell
Seconded: Cr Michael Enright

Motion

That:

1. Council note the report titled "RAL23/034 - Development Application for Reconfiguring a Lot (Development Permit) - Subdivision - two Lots into 122 Lots (including new roads and open space) - 28 Alice Street, Beaudesert - Lot 2 RP7606 and Lot 1 RP84194";
2. Council approve development application RAL23/034, and grant a Development Permit for Reconfiguring a Lot, subject to imposition of the reasonable and relevant conditions in Appendix A; and
3. Council note that any subsequent request for a negotiated decision notice and/or change application to the approval (RAL23/034) will be processed via delegated authority where the changes would not significantly alter the original decision.

For: Crs Greg Christensen, Jeff McConnell, Virginia West, Michael Enright, Marshall Chalk and Duncan McInnes

Against: Cr Amanda Hay

Carried 6/1

Meeting adjourned at 10:35 am

Meeting resumed at 10:55 am

Asset & Environmental Sustainability

11.5 Queensland Resilience and Risk Reduction Fund 2023-24

Executive Officer: General Manager Asset and Environmental Sustainability

Attachments:

1. Queensland Resilience and Risk Reduction Fund 2023-24 Guidelines 

Recommendation

That:

1. Council endorse the Roadside Bushfire Risk Assessment Model for local road reserves (Stage 1) project for submission to the Queensland Resilience and Risk Reduction Fund 2023–24 administered by the Queensland Reconstruction Authority; and
2. Council endorse the additional position of Disaster Resilience and Recovery Coordinator position for delivery of prevention, preparedness, response and recovery programs across the Scenic Rim for a fixed term period until 30 June 2026 for submission to the Queensland Resilience and Risk Reduction Fund 2023-24 administered by the Queensland Reconstruction Authority.

Moved: Cr Virginia West

Seconded: Cr Jeff McConnell

Motion

That:

1. Council endorse the Roadside Bushfire Risk Assessment Model for local road reserves (Stage 1) project for submission to the Queensland Resilience and Risk Reduction Fund 2023–24 administered by the Queensland Reconstruction Authority; and
2. Council endorse the additional position of Disaster Resilience and Recovery Coordinator position for delivery of prevention, preparedness, response and recovery programs across the Scenic Rim for a fixed term period until 30 June 2026 for submission to the Queensland Resilience and Risk Reduction Fund 2023-24 administered by the Queensland Reconstruction Authority.

Cr Amanda Hay proposed an amendment to paragraph 2 of the motion, as follows:

- "2. Council endorse the additional position of Disaster Resilience and Recovery Coordinator position for delivery of prevention, preparedness, response and recovery programs across the Scenic Rim for a fixed term period until 30 June 2026 subject to the successful ~~for~~ submission to the Queensland Resilience and Risk Reduction Fund 2023-24 administered by the Queensland Reconstruction Authority."

The amendment proposed by Cr Amanda Hay was accepted by the mover and seconder of the motion.

The motion, as amended:

That:

1. Council endorse the Roadside Bushfire Risk Assessment Model for local road reserves (Stage 1) project for submission to the Queensland Resilience and Risk Reduction Fund 2023–24 administered by the Queensland Reconstruction Authority; and
2. Council endorse the additional position of Disaster Resilience and Recovery Coordinator position for delivery of prevention, preparedness, response and recovery programs across the Scenic Rim for a fixed term period until 30 June 2026 subject to the successful submission to the Queensland Resilience and Risk Reduction Fund 2023-24 administered by the Queensland Reconstruction Authority.

was then put and

Carried unanimously

11.6 2023-2024 Infrastructure Capital Works Program Delivery

Executive Officer: General Manager Asset and Environmental Sustainability

Attachments:

1. Infrastructure Capital Works Program Delivery Update - December 2023 

Recommendation

That Council note the Infrastructure Capital Works Program update, as presented.

Moved: Cr Amanda Hay
Seconded: Cr Marshall Chalk

Motion

That Council note the Infrastructure Capital Works Program update, as presented.

Cr Duncan McInnes made the following declaration:

"My apologies, I, I note that in 'budget increases' there, that it is mentioned 'NEW - 12 Hall Street Harrisville', which is leased by the Harrisville School of Arts Committee, which ... I am on the Executive. I think it is, while I was going to leave for the budget, I am just wondering Council's view whether we're just accepting this, we're noting it but I'm prepared to leave if Council would see it that way now, and my apologies, as I say I should have mentioned that earlier. It is more in the budget where I was going to leave."

Motion

That there is no materiality to the declarable conflict that Councillor McInnes has suggested and that it is appropriate for him to remain for the consideration of Item 11.6.

Moved: Cr Greg Christensen
Seconded: Cr Virginia West

Carried unanimously

Cr Duncan McInnes did not vote on the motion.

The motion, as follows:

That Council note the Infrastructure Capital Works Program update, as presented.

was then put and

Carried unanimously

Cr Duncan McInnes made the following declaration:

"I believe it's in the interests of openness that it's part of the budget even though it had been approved this, I am on the Executive as I stated a few moments ago and I think it's the right thing to do is to leave the meeting for the discussion."

The Acting Chief Executive Officer requested that Cr Duncan McInnes provide more information.

Cr Duncan McInnes:

"I'm on the Hall Committee, who lease the land in question at 12 Hall Street, which is commonly known as the old hospital. That's the link to the, from the Hall Committee to the, to this subject."

At 11:26 am, Cr Duncan McInnes left the meeting.

Council Sustainability

11.7 2023-2024 December Budget Review

Executive Officer: General Manager Council Sustainability

Attachments:

1. 2023-2024 December Budget Review 

Recommendation

That, in accordance with sections 169 and 170(3) of the *Local Government Regulation 2012*, Council adopt the 2023-2024 December Budget Review, as outlined in the:

1. Revised Statement of Comprehensive Income for 2023-2024 through 2025-2026, inclusive;
2. Revised Statement of Financial Position for 2023-2024 through 2025-2026, inclusive;
3. Revised Statement of Cash Flows for 2023-2024 through 2025-2026, inclusive;
4. Revised Statement of Changes in Equity for 2023-2024 through 2025-2026, inclusive; and
5. Revised Relevant Measures of Financial Sustainability.

Moved: Cr Greg Christensen

Seconded: Cr Michael Enright

Motion

That, in accordance with sections 169 and 170(3) of the *Local Government Regulation 2012*, Council adopt the 2023-2024 December Budget Review, as outlined in the:

1. Revised Statement of Comprehensive Income for 2023-2024 through 2025-2026, inclusive;
2. Revised Statement of Financial Position for 2023-2024 through 2025-2026, inclusive;
3. Revised Statement of Cash Flows for 2023-2024 through 2025-2026, inclusive;
4. Revised Statement of Changes in Equity for 2023-2024 through 2025-2026, inclusive; and
5. Revised Relevant Measures of Financial Sustainability.

Carried unanimously


At 11:57 am, Cr Duncan McInnes returned to the meeting.

Cr Christensen advised Cr Duncan McInnes of the resolution of Council in relation to Item 11.7.

11.8 Council Monthly Financial Report for January 2024

Executive Officer: General Manager Council Sustainability

Attachments:

1. Monthly Financial Report January 2024 

Recommendation

That Council note the unaudited financial statements for the period ended 31 January 2024 for the Financial Year 2023-2024.

Moved: Cr Greg Christensen

Seconded: Cr Marshall Chalk

Motion


That Council note the unaudited financial statements for the period ended 31 January 2024 for the Financial Year 2023-2024.

Carried unanimously

11.9 Audit and Risk Committee Meeting 16 January 2024

Executive Officer: General Manager Council Sustainability

Attachments:

1. Report to Council - Audit and Risk Committee 16 Jan 2024 

Recommendation

That Council note the Report to Council on the Audit and Risk Committee Meeting held on 16 January 2024.

Moved: Cr Jeff McConnell

Seconded: Cr Virginia West

Motion

That Council note the Report to Council on the Audit and Risk Committee Meeting held on 16 January 2024.

Carried unanimously

Cr Greg Christensen made the following declaration:

"... as earlier indicated, I, I will be declaring a conflict of interest with regard to this matter and then vacating the chair but remaining available and I'll explain that.

So, firstly for Item 11.10, in accordance with current legislation, I am advising of a declarable conflict of interest with regard to this item of the Ordinary Meeting Agenda for 28th of February 2024.

This arises as I am the subject Councillor for this matter.

Also in accordance with legislative requirements, I will remain available to the meeting to answer any questions from Councillors pertaining to the matter, but will at the appropriate time depart the chamber and take no part in discussion or consideration of the matter."

At 12:12 pm, Cr Greg Christensen handed the Chair to the Deputy Mayor, Cr Jeff McConnell.

Cr Jeff McConnell took the Chair and referred to Cr Michael Enright for a declaration in relation to a conflict of interest, before seeking guidance from the Acting Chief Executive Officer.

The Acting Chief Executive Officer advised he had only received notice of one other conflict of interest, which was from Cr Amanda Hay.

Cr Jeff McConnell referred to Cr Amanda Hay.

Cr Amanda Hay made the following declaration:

"I, Cr Amanda Hay, inform the meeting that I have declarable conflicts of interest in Item 11.10 due to the following:

- 1. Prior to being elected in 2023, I signed a petition that was tabled in Parliament calling for the removal of the Mayor and the appointment of an administrator for the Scenic Rim Regional Council.*

Following receipt of an OIA complaint which resulted in a direction to declare further conflicts of interest, I declare the following three additional declarable conflicts:

- 2. Prior to being elected, I engaged lawyers to write to the Mayor regarding his alleged conduct towards me on the 27th of October 2020.*
- 3. In addition to 2 above, I also referred the alleged conduct towards myself on the 27th of October 2020 to the Queensland Police Service.*
- 4. Prior to being elected, I raised concerns about the Mayor's conduct with the Scenic Rim Regional Council with a view to the matter being potentially investigated.*

Although I have declarable conflicts of interest, I believe a reasonable person would perceive me to be impartial given the age of the conflicts and that none occurred since I was elected to Council. I do not stand to gain personally from today's decision.

Therefore I wish to remain in the meeting and ask the eligible and unconflicted Councillors to decide if I may participate despite my declarable conflicts of interest."

Cr Michael Enright requested to raise another conflict of interest.

Cr Jeff McConnell queried whether Cr Michael Enright intended to raise a suspicion of a conflict of interest against Cr McConnell. Cr Michael Enright agreed that was his intention.

Cr Jeff McConnell requested guidance from Governance officers and was advised that Council was making a decision on Cr Amanda Hay's declared conflict of interest, and unless a Councillor has a belief that someone in the room has a conflict of interest about determining Cr Hay's conflict of interest, then a decision on Cr Hay's conflict of interest is to be made.

Cr Michael Enright confirmed he did not have a suspicion that Cr Jeff McConnell was conflicted in the decision regarding Cr Amanda Hay's declared conflict of interest.

Motion

That Cr Hay does not have a conflict of interest in Item 11.10, and it is in the public interest that Cr Hay participate and vote in Item 11.10.

Moved: Cr Virginia West

Seconded: Cr Marshall Chalk

Cr Jeff McConnell provided an opportunity for Councillors to ask questions of Cr Amanda Hay.

The motion was then put and

For: Crs Jeff McConnell, Virginia West, Marshall Chalk and Duncan McInnes

Against: Cr Michael Enright

Carried 4/1

Crs Greg Christensen and Amanda Hay did not vote on the motion.

Cr Michael Enright made the following declaration:

"Noting that no other declarations of interest have been brought forward, I am compelled to raise a suspicion of a declared conflict of interest against Cr McConnell, however before I provide further information, I would like to refer to Governance for advice on how to proceed given Cr McConnell as Deputy Mayor is currently the Chair."

The Acting General Manager Council Sustainability advised that the non-conflicted Councillors should vote on another Councillor to take the Chair, while Cr Michael Enright's suspicion of conflict of interest declaration against Cr Jeff McConnell is decided.

Cr Jeff McConnell called for nominations of a Councillor as the new Chair.

Cr Marshall Chalk self-nominated for the position of Chair.

Cr Jeff McConnell called for a show of hands in favour of Cr Marshall Chalk chairing the Ordinary Meeting for the consideration of Cr Michael Enright's suspicion of conflict of interest declaration against Cr Jeff McConnell. The vote was unanimous, in favour. Crs Greg Christensen and Jeff McConnell did not vote.

At 12:31pm, Cr Marshall Chalk took the Chair.

Cr Marshall Chalk invited Cr Michael Enright to continue with his declaration of suspicion of a conflict of interest against Cr Jeff McConnell.

Cr Michael Enright:

"Under section 150EW of the Local Government Act, I hereby advise of my reasonable suspicion of Councillor McConnell, who may have a declarable conflict of interest pursuant to section 150EN, in relation to this matter.

My suspicion involves Councillor McConnell, who is a nominated Mayoral Candidate for the upcoming Local Government Election, and that the personal interests of Councillor McConnell may conflict with the public interests in deciding this matter.

As the item to be discussed may have potential political advantage or disadvantage for either the Mayor or Councillor McConnell, I believe a declarable conflict of interest should be raised for Council to decide on Councillor McConnell's participation in this matter.

It is really the right thing to do given the circumstances that Councillor McConnell's participation in this matter would not pass the test of a reasonable person."

Cr Jeff McConnell made the following declaration:

"I would like to thank Councillor Enright for raising his concern and after listening to it, although I don't believe I have a conflict because it is a bias and I believe I would be impartial to any decision made as the Chair, I will respect his, his raising of this issue and I will now declare that I have a conflict of interest in deciding the matter. So it's a declared, declarable conflict of interest, so I'll agree that given the, given his concerns and because he's raised them, I will not participate in the decision-making of this item 11.10."

Cr Marshall Chalk asked Cr Jeff McConnell to confirm whether he was intending to withdraw from participating in the decision-making and the discussion on Item 11.10. Cr Jeff McConnell confirmed he would not participate in Item 11.10.

Meeting adjourned at 12:36 pm

Meeting resumed at 1:06 pm

At 1:06 pm, Cr Jeff McConnell did not return to the meeting room.

Cr Marshall Chalk provided an opportunity for Councillors to ask questions of Cr Greg Christensen.

At 1:13 pm, Cr Greg Christensen left the meeting.

Procedural Motion

That the revised Budget / Financial Implications information for the investigation costs in relation to Item 11.10, be tabled and included in the Minutes of this Ordinary Meeting.

Moved: Cr Marshall Chalk

Carried unanimously

Attachments - Additional to Item 11.10

5. Budget / Financial Implications information - Supplementary to Ordinary Meeting Agenda
28 February 2024

Supplementary to Ordinary Meeting Agenda

28 February 2024

11.10 Inappropriate Conduct Matter C-23-00238

Budget / Financial Implications

The initial amount of \$8,880.30 for the cost of the investigation failed to take into account all invoices that were raised for the investigation by PKF. Further invoices have been identified with the table below providing the details of all of the invoices paid for the investigation which occurred over six months.

Date of Invoice	Invoice Number	Investigation	Comment	Invoice Amount
31/07/2023	00002052	C-23-00238	Investigation	\$8443.50
31/10/2023	00002172	C-23-00238	Workplace Investigation	\$6489.50
30/11/2023	00002207	c 23-00238	Workplace Investigation	\$8880.30
19/12/2023	00002224	C-23-00238	Investigation	\$1330.00
				\$25,143.30

These invoices have been reviewed and confirmed as being investigation services provided for Inappropriate Conduct Matter C-23-00238.

The total cost for this investigation is \$25,143.30

Motion

At 1:24 pm, that Council entered into closed / confidential session for the consideration of Item 11.10, under s.254J(3)(j) of the *Local Government Regulation 2012*, as discussions may relate to the confidential investigation report prior to its formal release.

Moved: Cr Duncan McInnes

Seconded: Cr Virginia West

Carried unanimously

The following Executive Officer and Staff remained in the meeting room with the Councillors during the closed / confidential session:

- J Pukallus, Principal Specialist Governance and Assurance / Acting General Manager Council Sustainability
- B Jacklyn, Senior Governance Officer / Acting Principal Specialist Governance and Assurance

At 2:00 pm, the following Executive Officers and Staff returned to the meeting room:

- O Pring, General Manager Council Sustainability / Acting Chief Executive Officer
- J Rutledge, Manager Human Resources / Acting General Manager People and Strategy
- M Lohmann, Manager Regional Development, Health and Biodiversity / Acting General Manager Customer and Regional Prosperity
- C Gray, General Manager Asset and Environmental Sustainability
- S Keepence, Governance Officer
- M Carter, GIS Officer, Information Services and Technology

Motion

At 2.00 pm, following discussion in closed session, that Council resume in open session for the proposal of resolutions.

Moved: Cr Virginia West



Seconded: Cr Michael Enright

Carried unanimously

11.10 Inappropriate Conduct Matter C-23-00238

Executive Officer: General Manager Council Sustainability

Attachments:

1. Investigation Report - Confidential
2. Disciplinary Action Guideline 
3. Summary of Investigation Report 
4. Statement in Response by Subject Councillor - Confidential

Recommendation

That:

1. Council determine if Councillor Greg Christensen has engaged in inappropriate conduct and, if so, the order or orders to be made; and
2. In accordance with section 150AGA of the *Local Government Act 2009*, Council make a redacted copy of the Investigation Report publicly available by including it in the Minutes of this Ordinary Meeting.

Moved: Cr Michael Enright
Seconded: Cr Duncan McInnes

Motion

That, in accordance with the *Local Government Act 2009*, section 150AG, Council finds that Cr Christensen has not engaged in a conduct breach (formally inappropriate conduct).

Lost 1/4

Motion

That Cr Christensen did engage in a conduct breach (formerly inappropriate conduct) in the matter C-23-00238.

Moved: Cr Virginia West
Seconded: Cr Amanda Hay

Carried 4/1

Motion

That, in accordance with the *Local Government Act 2009*, section 150AH, the following orders are imposed - an order that no action be taken against Cr Christensen on this matter.

Moved: Cr Michael Enright
Seconded: Cr Virginia West

Lost 1/4

Motion

That:

1. Cr Christensen reimburse the local government for an amount of \$1,800.00 for the costs arising from the investigation, within 28 days after the issuance of an invoice from Council; and
2. Cr Christensen make a public admission at the next Ordinary Meeting that he has engaged in a conduct breach.

Moved: Cr Virginia West

Seconded: Cr Michael Enright

Amendment

Cr Hay moved an amendment to the motion:

"That paragraph 1 of the motion be amended to read, as follows:

1. Cr Christensen reimburse the local government for an amount of 30% of \$1,800.00 ~~for the costs arising from the investigation, within 28 days after the issuance of an invoice from Council; and~~"

Moved: Cr Amanda Hay

Seconded: Cr Duncan McInnes

For: Crs Amanda Hay, Marshall Chalk and Duncan McInnes

Against: Crs Virginia West and Michael Enright

Carried 3/2

The mover of the original motion elected not to move the amended motion, as follows:

"That:

1. Cr Christensen reimburse the local government for an amount of 30% of the costs arising from the investigation, within 28 days after the issuance of an invoice from Council; and
2. Cr Christensen make a public admission at the next Ordinary Meeting that he has engaged in a conduct breach."

Moved: Cr Amanda Hay

Seconded: Cr Duncan McInnes

Amendment

That paragraph 1 of the motion be amended to read, as follows:

1. Cr Christensen reimburse the local government for an amount of \$5,000.00 for ~~30% of~~ the costs arising from the investigation, within 28 days after the issuance of an invoice from Council; and"

Moved: Cr Michael Enright

Seconded: Cr Duncan McInnes

For: Crs Virginia West, Michael Enright and Duncan McInnes

Against: Crs Amanda Hay and Marshall Chalk

Carried 3/2

The mover of the original motion elected not to move the amended motion, as follows:

That:

1. Cr Christensen reimburse the local government for an amount of \$5,000.00 for the costs arising from the investigation, within 28 days after the issuance of an invoice from Council; and
2. Cr Christensen make a public admission at the next Ordinary Meeting that he has engaged in a conduct breach.

Moved: Cr Duncan McInnes

Seconded: Cr Virginia West

For: Crs Virginia West, Michael Enright and Duncan McInnes

Against: Crs Amanda Hay and Marshall Chalk

Carried 3/2

Motion

That in accordance with section 150AGA of the *Local Government Act 2009*, Council make a redacted copy of the Investigation Report publicly available by including it in the Minutes of this Ordinary Meeting.

Moved: Cr Michael Enright

Seconded: Cr Amanda Hay

Carried unanimously

Attachments - Additional to Item 11.10

6. Investigation Report (redacted)

PRIVATE & CONFIDENTIAL

Scenic Rim Regional Council Investigation Report

6 December 2023



LOCAL
KNOWLEDGE,
GLOBAL
EXPERTISE

PKF International Limited



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PKF International Limited



Glossary

Key Terms Defined

"Inappropriate conduct" as defined in Code of Conduct for Councillors in Queensland

In defining inappropriate conduct, we have used the definition in the *Local Government Act 2009* section 150K (1).

- 1) The conduct of a councillor is **inappropriate conduct** if the conduct contravenes –
 - a) A behavioural standard; or
 - b) A policy, procedure or resolution of the local government.

The Code of Conduct for Councillors in Queensland states that councillors have the responsibility to:

- 1.3 Use only official Council electronic communication accounts (e.g. email accounts) when conducting Council business.



1. Executive Summary

Background/Introduction

- 1.1.1 On the 21 June 2023, PKF Integrity Services (BMNS) Pty Ltd ("**PKF**") was engaged by Scenic Rim Council to conduct an investigation into a complaint of inappropriate conduct by Mayor Greg Christensen ("**the Subject**") regarding correspondence he sent from his personal email address to the Honourable Steven Miles MP, Deputy Premier, Minister for State Development, Infrastructure, Local Government and Planning and Minister Assisting the Premier on Olympic and Paralympic Games Infrastructure (Mr Miles MP).
- 1.1.2 Our investigation identified that the **allegation of inappropriate conduct is partially substantiated**.

Summary of Findings

- 1.1.3 The table below provides details of the allegation, facts relevant to the matter and our finding;

Allegation	Facts	Finding	Breach
The Subject used his private email address for official Council business.	<ul style="list-style-type: none"> On 13 February 2023, the Subject received correspondence from Gary Stevenson, in his capacity as Council Advisor, addressing that the Code of Conduct explicitly prohibits the use of private email accounts when conducting Council business. On 16 April 2023, the Subject sent an email from his personal email address to Mr Miles MP, seeking a revocation of a decision of the Scenic Rim Regional Council ("SRRC") regarding a previous inappropriate conduct matter. On 27 October 2023, the Subject responded to questions put to him by PKF, stating '<i>I concede the contents of my email concerned Council business and I ought to have used my official email address.</i>' On 30 October 2023, PKF requested a statement from Council as to whether the email sent by the Subject to Mr Miles MP is considered '<i>Council business</i>'. Council declined to take a '<i>firm position regarding whether this is Council business or not</i>'. Based on the information provided to PKF, there are no policies or guidelines defining '<i>Council Business</i>'. 	The allegation is partially substantiated on the basis that the Subject sent the email from his personal email account and admits that he ought to have used his official email account. PKF cannot fully substantiate the allegation without a definition from Council of ' <i>Council business</i> ', which Council was unable to provide or were not prepared to take a firm position on.	Code of Conduct for Councillors in Queensland (cl 1.3) <i>Local Government Act 2009</i> s 150K



2. Background

Brief Overview

- 2.1.1 On 16 April 2023, the Subject used his private email address to write to Mr Miles MP, wherein the Subject requested Mr Miles MP to exercise his powers under the *Local Government Act 2009* to review and overturn a decision made against him. This decision related to an inappropriate conduct matter which was before SRRC on 21 September 2021 and related to the Office of the Independent Assessor (“OIA”) file reference number C/20/00723.
- 2.1.2 In the email, the Subject noted that he obtained a copy of the Investigators (WISE Workplace) Report (Reference: 03125lv-01), dated 28 January 2021, via an RTI application and raised concerns regarding whether he received natural justice in line with SRRC Investigation Policy. The Report dealt with one allegation involving alleged demeaning comments made by Mayor Christensen towards a Councillor during a briefing meeting on 8 June 2020. The findings of the report found that this allegation was not substantiated on the balance of probabilities.
- 2.1.3 On 21 September 2021, at an ordinary meeting, the above-mentioned report was dealt with at agenda item 11.2. Recommendations from this meeting acknowledged the investigation process completed and that Council decided that the Subject had engaged in inappropriate conduct and, in accordance with the *Local Government Act 2009* s 150AH(1)(a), Council ordered no action be taken.
- 2.1.4 On 8 May 2023, a complaint regarding the Subject’s email to Mr Miles MP was referred to the OIA for investigation.
- 2.1.5 On 17 May 2023, the OIA wrote to the Subject and advised that the matter is reasonably suspected to involve inappropriate conduct and as such will be referred to the SRRC to be dealt with.
- 2.1.6 On 22 May 2023, the Subject provided a written response to the OIA regarding this matter. Within his response, the Subject stated that the decision made by SRRC regarding the investigation conducted in 2021 had negatively impacted his health and well-being. The Subject acknowledged that he erroneously used his private email address to communicate with Mr Miles MP but contends that the complaint ought to be dismissed on the basis that dealing with it would not be in the public interest and would be an unjustifiable use of the Council’s resources.
- 2.1.7 On 21 June 2023, PKF Integrity was engaged to investigate the matter.

Allegation

- 2.1.8 On 16 April 2023, the subject used his private email address to write to Mr Miles MP, wherein the Subject requested Mr Miles MP to exercise his powers under the *Local Government Act 2008* to review and overturn a decision of inappropriate conduct made against him.

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3. Methodology

Scope and approach

- 3.1.1 At the outset of the investigation PKF was provided with information from Council.
- 3.1.2 The Subject, upon request, refused to be interviewed by PKF but agreed to provide written responses to a series of questions.
- 3.1.3 Details of the evidence provided have been summarised against the specific allegation set out in Section 2 of this report.



4. Detailed Findings/Findings

Summary of facts

Advice to councillors re use of private email

- 4.1.1 On 13 February 2023, Mr Gary Severson in his capacity as Council Advisor, wrote to all councillors at the Scenic Rim Regional Council drawing attention to the Code of Conduct's, *'explicit requirement that Councillors shall not use private email accounts for Council business.'* He further says, *'I now advise that you each as elected members of Council also have a clear responsibility to comply with the Code of Conduct not to use your private email.'*

Email from Subject to Mr Miles MP

- 4.1.2 On 16 April 2023, the Subject sent an email from his personal email address [REDACTED] to Mr Miles MP, saying *'I seek the exercise of your powers under the Local Government Act to review and overturn a decision of a Local Government Authority where such a decision is flawed.'* He further explains that he believes Councillors *'have denied me the proper natural justice ability to respond'* and that *'a reasonable person might conclude that this decision was politically motivated against myself and fails the test of proper objective consideration.'*
- 4.1.3 In the email, he acknowledges his use of his personal email address, saying *'I am making this request from my personal email address as I regard this as a personal request not a request on behalf of Council. I have also not included any Council records, however these will be available from Scenic Rim Regional Council CEO.'*

Subject's letter of response to OIA

- 4.1.4 On 18 May 2023, the Subject wrote a letter to the OIA in response to the allegation of inappropriate conduct. He stated, *'I do not dispute the fact that I erroneously used my private email address to communicate with the Deputy Premier on 16 April 2023.'* He further explains that *'I finally felt that I should move forward to close out the historic matter (i.e. the Council decision of 21 September 2021) in an effort to clear my name and reputation. I arrived at this position as I had concluded that I may not continue in local government in the interests of my personal health and well-being. Based on this and other prior matters that were in public commentary that erroneously and unfairly put at risk my directorship of a private entity, I was concerned to clear my personal/private record so as to not impede consideration for future roles... That is why, at the specific time of writing to the Deputy Premier (i.e. 16 April 2023) I saw this as a personal issue to me, and not a Council matter.'*
- 4.1.5 The Subject stated the 21 September 2021 decision *'had, and continues to have, a negative effect on my health and well-being'*, and that his time in Council since the decision had been *'brutal'* and *'reached a new peak in December 2022 when a vicious, dishonest and vilifying petition, calling for my removal as Mayor, was accepted by the Clerk of Parliament.'* The Subject alleges that *'this petition generated a renewed round of public abuse, with media and vocal community groups calling for me to resign'*. By February 2023, the Subject and his wife *'were carrying a significant emotional load, which was and had been unrelenting.'*
- 4.1.6 The Subject acknowledges that he breached the Code of Conduct, saying *'I readily concede that it was wrong of me to send my email of 16 April 2023 from my private email account. However, for the reasons provided in this letter, it was not done with any intent whatsoever to avoid my obligations prescribed by the Councillor Code of Conduct. It was an error on my part, which occurred whilst I was suffering from significant emotional distress. I can assure that I have steps in place to ensure such an error does not occur again.'*

Response to PKF questions

- 4.1.7 On 27 October 2023, the Subject responded to a series of questions provided by PKF in lieu of a formal interview. The Subject conceded he should not have used his private email address because *'the contents of [his] email concerned Council business'* and *'the Code of Conduct provides that [he] must use only official electronic accounts when conducting Council business.'* He stated *'I was aggrieved by Council's decision and sought the intervention of the*

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Deputy Premier. It was a mistake to use my private email address, however I did not intend to hide my grievance by use of my private email. I stood nothing to gain because of it.'

Statement from Council

- 4.1.8 On 30 October 2023, PKF requested a statement from Council as to whether the email sent by the Subject to Mr Miles MP is *'considered Council business as per S 150K(1)(a) of the Local Govt Act 2009, in that the alleged conduct could be found to be contrary to a behavioural standard in the code of conduct for councillors in QLD, namely: **Part 1.3 "Use only official Council electronic communication accounts (eg email accounts) when conducting Council business."***
- 4.1.9 Belinda Jacklyn, acting Specialist Governance and Assurance responded, stating *'Council takes no firm position regarding whether this is Council business or not. We cannot speak to the state of mind of the Mayor nor do we have any precedents to consider. This matter is a question of law, after the fact, and Council will consider the findings of this investigation to prepare future guidelines and policies associated with this content.'*
- 4.1.10 Without any guidelines on what constitutes 'Council business', it is difficult for PKF to fully substantiate a breach of the Code of Conduct. In the absence of addressing the issue on a legal level, PKF recommends Council develops future guidelines or policies that clearly delineate what is included in 'Council business.'



5. Conclusion

Summary

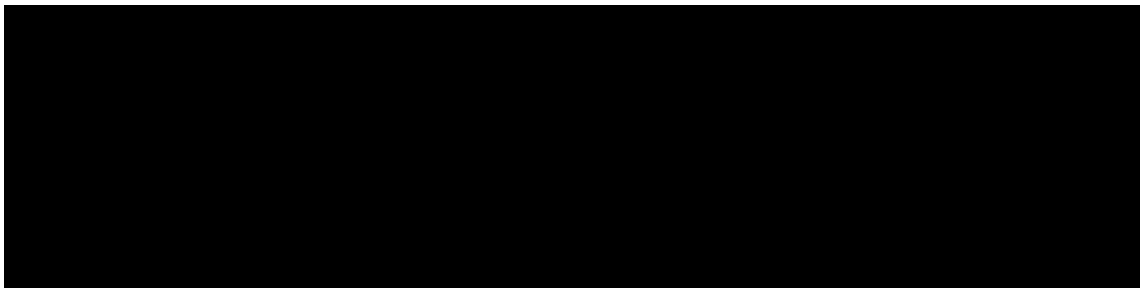
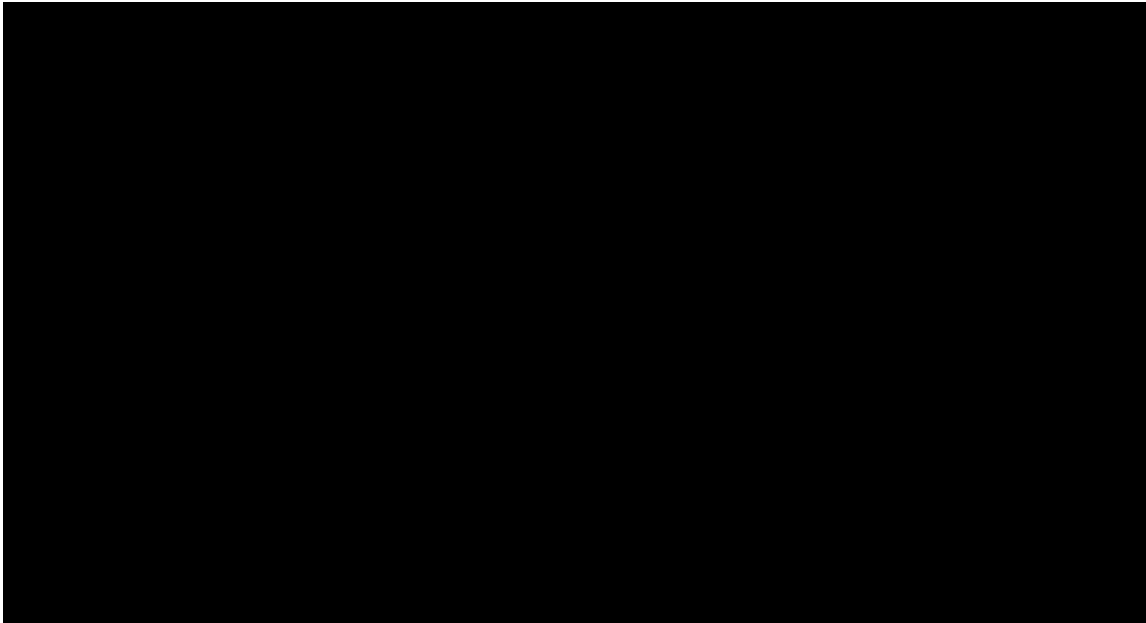
5.1.1 The following conclusions are offered based on material facts and evidence collated during the investigation:

- a) On 16 April 2023, the Subject used his private email address to write to Mr Miles MP, wherein the Subject requested Mr Miles MP to exercise his powers under the *Local Government Act 2009* to review and overturn a decision made against him.
- b) The Subject told PKF that he was aware that the contents of the email were considered Council business and that it was a mistake to use his private email account. However, the Subject also stated in his email that he '*regard[ed] this a personal request not a request on behalf of Council.*' It is important to note that Council was unable to provide a definitive answer as to whether the email constituted Council business, or provide any policies, guidelines or internal communications that would assist in making a finding either way. Without clear guidelines defining '*Council business*', it remains unclear that the Subject was not making the request in his capacity as Mayor and thus the email does not constitute '*Council business*'.
- c) PKF also notes the Subject's evidence as to his mental state at the time of sending the email as an extenuating factor. The Subject was under 'significant emotional distress' at the time of sending the email and was concerned with clearing his name and reputation. As a result, at the time he sent the email he considered it to be a personal issue to him and not a Council matter.
- d) **As such, the allegation that the subject breached the Code of Conduct for Councillors in Queensland is partially substantiated.**

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6.Disclaimer & Limitations



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Appendices

- Appendix 1:** Letter of engagement for Investigation Services Conduct Matter C-23-00238
- Appendix 2:** Email from the Subject to Mr Miles MP dated 16 April 2023
- Appendix 3:** Subject's written response to the OIA dated 18 May 2023
- Appendix 4:** Subject's response to questions provided by PKF dated 27 October 2023
- Appendix 5:** Council's response to PKF's request for statement dated 20 November 2023

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APPENDIX 1

PKF Integrity



29 June 2023

Mr John Pukallus
Principal Specialist Governance and Assurance
Scenic Rim Regional Council
PO Box 25
Beaudesert QLD 4285

Email: John.P@scenicrim.qld.gov.au

Dear Mr Pukallus,

Re: Quotation for Investigation Services Conduct Matter C-23-00238

I refer to your email correspondence dated 21 June 2023. We understand that you require PKF Integrity (BMNS) Services Pty Ltd ("PKF" or "we") to provide a quotation to undertake an investigation into the alleged inappropriate conduct of Mayor Greg Christensen (Mayor Christensen) regarding correspondence he sent from his personal email address to the Honourable Steven Miles MP, Deputy Premier, Minister for State Development, Infrastructure, Local Government and Planning and Minister Assisting the Premier on Olympic and Paralympic Games Infrastructure (Mr Miles MP) wherein he sought a revocation of a decision of Scenic Rim Regional Council (SRRC) regarding an inappropriate conduct matter. Mayor Christensen is alleged to have engaged in inappropriate conduct as defined by section 150K(1)(a) of the Local Government Act 2009 in that he utilised his private email address for official Council electronic communication.

Background

We understand that on 16 April 2023 at 11:27am, Mayor Christensen used his private email address [REDACTED] to write to Mr Miles MP wherein Mayor Christensen requested Mr Miles MP exercise his powers under the Local Government Act 2009 to review and overturn a decision made against him. This decision related to an inappropriate conduct matter which was before SRRC on 21 September 2021 and related to Office of the Independent Assessor (OIA) file reference number C/20/00723.

Mayor Christensen noted that he obtained a copy of the Investigators (WISE Workplace) Report via an RTI application and as such raised concerns regarding whether he received natural justice in line with SRRC Investigation Policy. The Investigation Report (Reference: 03125lv-01) dated 28 January 2021, concerned Mayor Christensen's conduct in OIA file reference number C/20/0073. This Report dealt with one allegation involving alleged demeaning comments made by Mayor Christensen towards a Councillor during a briefing meeting on 8 June 2020. The finding of this allegation was not capable of being substantiated on the balance of probabilities.

Subsequently on 21 September 2021, at an ordinary meeting, the above mentioned Report was dealt with at agenda item 11.2. Recommendations from this meeting acknowledged the investigation process completed and that Council decide that the subject Councillor (Mayor Christensen) has engaged in inappropriate conduct and that in accordance with the Local Government Act 2009, section 150AH(1)(a) Council order no action to be taken.

On 8 May 2023, a complaint regarding Mayor Christensen's email to Mr Miles MP (dated 16 April 2023) was referred to the OIA for investigation.

PKF Integrity Services (BMNS) Pty Ltd ABN 44 610 622 001
Level 6, 10 Eagle Street, Brisbane, QLD 4000
T: +61 7 3839 9733 F: +61 7 3832 1407 www.pkf.com.au

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PKF

Scope

Approach:

PKF Integrity Services (BMNS) Pty Ltd is a member firm of the PKF International Limited family of separately owned firms and does not accept any responsibility or liability for the actions or inactions of any individual member or correspondent firm or firms.

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[Redacted text block]

[Redacted]	[Redacted]
[Redacted]	[Redacted]
[Redacted]	[Redacted]
[Redacted]	[Redacted]

[Redacted text block]

Terms and Conditions

[Redacted text block]

General

[Redacted text block]

Partner
PKF Integrity Services (BMNS) Pty Ltd

PKF Integrity Services (BMNS) Pty Ltd ABN 44 610 622 001
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Acceptance

I have read this letter of engagement and confirm that I am authorised to sign this contract for and on behalf of Scenic Rim Regional Council.

.....
Signature

.....
Name

.....
Title

.....
Date

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PKF

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PKF

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T: +61 7 3839 9733 F: +61 7 3832 1407 www.pkf.com.au

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APPENDIX 2

From: Deputy Premier <deputy.premier@ministerial.qld.gov.au>
Sent: Monday, 17 April 2023 8:14 AM
To: DLO DSDILGP <DLO@dsdilgp.qld.gov.au>
Cc: Trinity King <Trinity.King@ministerial.qld.gov.au>; Benton Wecker <Benton.Wecker@ministerial.qld.gov.au>
Subject: INCOMING CORRO -FW: Request for exercise of Ministerial Powers regarding flawed decision of Council

Department – to register

DPO – Responsible Advisor to notify the DP if necessary/urgent

From: Greg Christensen [REDACTED]
Sent: Sunday, April 16, 2023 11:27 AM
To: Deputy Premier <deputy.premier@ministerial.qld.gov.au>
Subject: Request for exercise of Ministerial Powers regarding flawed decision of Council

Good day Deputy Premier,

I write to you in the context of your role as the Minister responsible for Local Government in Queensland.

I seek the exercise of your powers under the Local Government Act to review and overturn a decision of a Local Government Authority where such a decision is flawed.

Related facts or observations.

On 21 September 2021, Scenic Rim Regional Council found me guilty of inappropriate conduct regarding an alleged comment during a confidential workshop process. This matter appeared as Item 11.2 in the Confidential Agenda for that meeting and can be found reported in the subsequent publicly released minutes of that meeting.

The matter had been referred to the Office of the Independent Assessor, and subsequently was referred back to Council for investigation under the relevant investigation policy.

That investigation was completed (a redacted version attained under Right to Information is attached) and concluded that the allegation could not be substantiated.

At the meeting of 21 September 2021, I complied with relevant legislation and, given the report indicated that the matter could not be substantiated, left the meeting without seeking to remain for answering questions regarding the investigated matter.

The meeting considered the matter in Confidential session before returning to open meeting to complete a resolution finding me guilty of the inappropriate conduct.

My perspective forming the basis for this request for consideration.

I believe that Council has failed to properly and appropriately deal with this matter of business. By considering the matter in confidential they have failed to meet the proper requirements for dealing with such matters.

Given the independent investigation report found the matter unsubstantiated, I believe it is reasonable to consider that Councillors have included information not addressed within the investigation process and by so doing have denied me the proper natural justice ability to

respond to such untested information.

The Investigation Process provided opportunity for all relevant facts and inputs to be considered and objectively assessed.

Given the context and timing of when this occurred in the lifecycle of Scenic Rim Regional Council, a reasonable person might conclude that this decision was politically motivated against myself and fails the test of proper objective consideration.

I have held off from making this request previously, however in the context of the recent defamatory hateful petition facilitated by the Clerk of Qld Parliament, I now realise it is important to endeavour to correct this stain on my reputation.

I will be happy to assist with further information and context as required.

Note: I am making this request from my personal email address as I regard this as a personal request not a request on behalf of Council. I have also not included any Council records, however these will be available from Scenic Rim Regional council CEO.

Thank you in anticipation of your reasonable consideration of this request.

Regards,
Greg Christensen

This email, together with any attachments, is intended for the named recipient(s) only; and may contain privileged and confidential information. If received in error, you are asked to inform the sender as quickly as possible and delete this email and any copies of this from your computer system network.

If not an intended recipient of this email, you must not copy, distribute or take any action(s) that relies on it; any form of disclosure, modification, distribution and /or publication of this email is also prohibited.

Unless stated otherwise, this email represents only the views of the sender and not the views of the Queensland Government.

Please consider the environment before printing this email.

Enquiries:
Enter Name here
07 5540 5111
File Ref: 13/04/003

APPENDIX 3



18 May 2023

Mr Charles Kohn
Deputy Independent Assessor
Office of the Independent Assessor
PO Box 15031
CITY EAST QLD 4002

Sent by email to: oiacomplaints@oia.qld.gov.au

Dear Mr Kohn

ALLEGED INAPPROPRIATE CONDUCT - YOUR REF: C/23/00238
For Attention of: Mr. Darryl Reynolds

I write in response to your letter of 11 May 2023. I do not dispute the fact that I erroneously used my private email address to communicate with the Deputy Premier on 16 April 2023. However, for the reasons that follow, I respectfully request that you dismiss this complaint pursuant to section 150X(c) of the Local Government Act on the basis that dealing with it would not be in the public interest and would be an unjustifiable use of the Council's resources.

Background

A previous Council decision about my alleged inappropriate conduct (OIA file reference C/20/00723) was made in a closed/confidential Council meeting on 21 September 2021. As a consequence, I was advised that to have access to the investigators report I needed to go through an RTI application to access that report.

I made that RTI application and obtained the investigator's report which showed that the investigator had found the allegations were not substantiated. Notwithstanding, the councillors present at the 21 September 2021 meeting resolved, by majority (i.e. not unanimously), that I had engaged in inappropriate conduct. However, it has always been unclear to me as to what evidence the councillors relied upon to make that decision, as the meeting was not open.

This decision has had, and continues to have, a negative effect on my health and well-being.

My time in Council since that time has been brutal, to say the least, and reached a new peak in December 2022 when a vicious, dishonest and vilifying petition, calling for my removal as Mayor, was accepted by the Clerk of Parliament.

This petition generated a renewed round of public abuse, with media and vocal community groups calling for me to resign, as though the outrageous allegations in the petition were true. This led to a circumstance where I was not able to fully rest or renew over the short 2022 Christmas break. I returned to a continuation of this abuse and vilification in the 2023 New Year.

The lead up to, and the event of, former Councillor Swanborough's resignation (as a councillor) on 21 February 2023 generated a further round of public abuse and allegations that I had been responsible for his departure.

By this point in time, I and, by now, my wife, were carrying a significant emotional load, which was and has been unrelenting.

When the Deputy Premier finally made a statement to Parliament that he would not remove me from office, it was some relief, but I received no direct communication or advice from him, rather, I had to rely on media reports to find out he had made that statement.

My actions on 16 April 2023

All of the above components built up an emotional pressure cooker inside of me - on the weekend that I wrote to the Deputy Premier I had hit something of a low point for both myself and my wife. I acknowledge I may not have been bringing my best thinking to play at that time.

I finally felt that I should move forward to close out the historic matter (i.e. the Council decision of 21 September 2021) in an effort to clear my name and reputation. I arrived at this position as I had concluded that I may not continue in local government in the interests of my personal health and well-being. Based on this and other prior matters that were in public commentary that erroneously and unfairly put at risk my directorship of a private entity, I was concerned to clear my personal/private record so as to not impede consideration for future such roles.

That is why, at the specific time of writing to the Deputy Premier (i.e. 16 April 2023) I saw this as a personal issue to me, and not a Council matter. I acknowledge that I have had the training and understand about the use of private email for Council purposes not being acceptable. However, as I hope you acknowledge, my thinking on 16 April 2023 was highly emotional and distressed, and was focussed through a non-Council lens.

As a consequence of my experiences in Council since September 2021 (as summarised above), I have now recognised the need for (and undertaken) confidential counselling support to return to a more resilient perspective and to ensure that I can maintain a satisfactory level of self regulation, health and well-being. I fear what impact a referral of this allegation back to Council to deal with, and the inevitable round vilification of me by the local media and social media that will follow, will have on the future health and wellbeing of not only myself, but also my wife and other close family members.

Concluding comments

In summary, and as already stated, I readily concede that it was wrong of me to send my email of 16 April 2023 from my private email account. However, for the reasons provided in this letter, it was not done with any intent whatsoever to avoid my obligations prescribed by the Councillor Code of Conduct. It was an error on my part, which occurred whilst I was suffering from significant emotional distress. I can assure that I have steps in place to ensure such an error does not occur again.

It is for all these reasons that I respectfully request that you dismiss this complaint pursuant to section 150X(c) of the Local Government Act on the basis that further dealing with it would not be in the public interest and would be an unjustifiable use of the Council's resources.

Yours faithfully



Cr Greg Christensen
MAYOR

APPENDIX 4



Andrew McGinness
PRINCIPAL
Accredited Specialist
Criminal Law



Level 19, 239 George Street
Brisbane City QLD 4000
Telephone: 07 3012 9900
Facsimile:
24 Hours: 0447 000 500

PO Box 13533
George Street
Brisbane QLD 4003

ABN: 83 814 238 631
admin@mcginnesslawyers.com.au
www.mcginnesslawyers.com.au

Our Ref: DB:23.2154

27 October 2023

Lynn Lucas
Senior Manager
PKF Integrity Services
Lynn.lucas@pkf.com.au
BY EMAIL

Dear Ms Lucas,

Our client: Mayor Greg Christensen: C/23/00238

We act on behalf of Mayor Greg Christensen in relation to this matter.

Background

Mayor Christensen was elected to the Scenic Rim Regional Council in **2016**. He is currently serving his second term as Mayor.

Mayor Christensen was previously the subject of a complaint to the OIA that he engaged in *inappropriate conduct* when he allegedly made demeaning comments towards a Councillor during a council meeting on **8 June 2020**. The OIA referred the complaint to Council to deal with; an independent investigator was appointed to conduct an investigation and prepare a report to Council.

On **28 January 2021**, that report was finalised. It was provided to Council by cover of letter dated **8 February 2021**. The report concluded that the complaint was not capable of being substantiated on the balance of probabilities.

Council ostensibly disregarded the report's findings, and on **21 September 2021**, it voted, by majority, that Mayor Christensen was guilty of engaging in *inappropriate conduct*. The meeting was closed to the public. Mayor Christensen was not present.

The *Local Government Act 2009* (Qld) (the "Act") does not provide a means to appeal or review a resolution that a Councillor has engaged in inappropriate conduct.

On **16 April 2023**, Mayor Christensen wrote to the Deputy Premier requesting he overturn Council's decision. He made the request from his private email address, stating that he regarded it "*as a personal request not a request on behalf of Council*".

Liability limited by a scheme approved under Professional Standards Legislation

On 11 May 2023, the OIA wrote to Mayor Christensen giving notice that a complaint was made against him, which may be *inappropriate conduct*. It is alleged Mayor Christensen's "*request to revoke a decision of Council related directly to council business*" and therefore contrary to the Code of Conduct, namely that Councillors must "*use only official Council electronic communication accounts (e.g. email accounts) when conducting Council business*".

On 18 May 2023, Mayor Christensen forwarded a submission to the OIA. He did not dispute that he ought not have used his private email address, but contended that the complaint ought be dismissed on the basis that dealing with it would not be in the public interest and would be an unjustifiable use of the Council's resources.¹

The complaint was referred back to Council to deal with. *PKF Integrity Services* was subsequently appointed to conduct an investigation and prepare a report.

Responses to questions

On 7 September 2023, *PKF Integrity Services* provided a list of questions to be answered in lieu of a formal interview. Mayor Christensen's responses to those questions are as follows:

1. *We attach for your information an email dated 16 April 2023 from email address [REDACTED] to the Honourable Mr Miles MP Deputy Premier. Can you please confirm this attached email is an email you wrote from your private email address to Mr Miles MP?*

Yes.

2. *We attach for your information a letter dated 18 May 2023 which we understand was your response to a letter from the Office of the Independent Assessor ("OIA") dated 11 May 2023. Can you please confirm that the attached letter is your response to the OIA?*

Yes.

3. *Is the information contained within that response true and correct to the best of your knowledge and belief?*

Yes.

4. *Is there anything you would like to add or subtract from the contents of your letter to the OIA?*

The decision to use of my private email address was not an attempt to conceal my request from Council or the public. Clearly enough, I made the request with full knowledge that Council would become aware of it.

5. *In your response to the OIA you stated, "I do not dispute the fact that I erroneously used my private email address to communicate with the Deputy Premier on 16 April 2023". Can you please provide more detail as to what you mean by this statement?*

¹ *Local Government Act 2009* (Qld), s 150X(c).

I concede I should not have used my private email address; it was an aberration.

6. *In your response to the OIA you also stated, "I readily concede that it was wrong of me to send my email of 16 April 2023 from my private email account." Are you able to provide further detail as to why you concede it was "wrong" of you to do so?*

I concede it was wrong because the Code of Conduct provides that I must use only official electronic accounts when conducting Council business.

7. *In your response to the OIA you also stated, "I acknowledge that I have had the training and understand about the use of private email for Council purposes not being acceptable." Does this statement refer to a workshop attended by you on 8 February 2023 facilitated by Mr Gary Stevenson, Council advisor?*

Yes.

8. *Do you agree that Mr Stevenson and further wrote to you correspondence on the 13 February 2023 regarding use of private email accounts specifically that the Code of Conduct is explicit in its prohibition on the use of private email accounts when conducting Council business?*

I do not recall the specific correspondence.

9. *What is your understanding of the advice given?*

It is my understanding that Councillors must use official electronic accounts when conducting Council business. In other words, when I am acting in my capacity as Mayor, I must use my official email address. However, when I am conducting personal business, I can use my private email address.

10. *Were the contents of the email you wrote to Mr Miles MP on 16 April 2023 Council business?*

Yes.

11. *If you do not believe that the contents your email to Mr Miles MP on 16th April 2023 was Council business, can you please provide details for that reasoning for using your private email address?*

I concede the contents of my email concerned Council business and I ought have used my official email address.

12. *Are you aware that s 150K(1)(a) of the Local Government Act 2009 - Part 1.3, sets out "Use only official Council electronic communication accounts (eg email accounts) when conducting Council business."*

I am aware s 150K of the *Local Government Act 2009* (Qld) provides that the conduct of a councillor is inappropriate conduct if the conduct contravenes a behavioural standard.

I am aware the *Code of Conduct for Councillors in Queensland* provides that "Councillors will, at a minimum, have the following responsibilities: ... use only official Council electronic communication accounts (e.g. email accounts) when conducting Council business".

13. Is there anything further you would like to add to your response in relation to this allegation?

My decision to use my private email account to contact the Deputy Premier was an aberration. It occurred because I was aggrieved by Council's decision (by majority) to disregard the findings of an independently prepared report, which provided that the complaint was not capable of being substantiated.

I had no legal recourse to appeal or review Council's decision. I was the subject of ongoing criticism from my constituents and colleagues. It lasted for years. It is not necessary for the purpose of this correspondence to detail the specific criticisms or the context in which they occurred. However, it culminated in the Clerk of the Parliament sponsoring a petition calling for my removal as Mayor. The Deputy Premier advised parliament that he would not act on the petition.

As explained in my correspondence to the Deputy Premier, the petition weighed heavily on me. I felt compelled to clear my name.

In my opinion, the decision of Council undermined the purpose for which the independent report was provided. Ultimately, it was a waste of public resources. I was aggrieved by Council's decision and sought the intervention of the Deputy Premier. It was a mistake to use my private email address, however I did not intend to hide my grievance by use of my private email. I stood nothing to gain because of it.

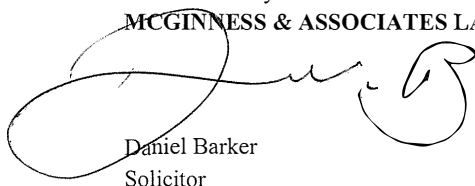
Conclusion

In all the circumstances, this is a minor breach of the *Code of Conduct for Councillors*. Mayor Christensen conceded wrongdoing at an early stage. He is otherwise a person of good character who strives to discharge his duties diligently and represent his constituents to the best of his abilities.

If you conclude that Mayor Christensen's conduct was *inappropriate conduct*, we respectfully submit you ought recommend that Council make an order that no action be taken pursuant to s 150AH(1)(a) of the Act. Such a course is reflective of the objective seriousness of the contravention.

Yours faithfully

MCGINNESS & ASSOCIATES LAWYERS



Daniel Barker
Solicitor

APPENDIX 5

From: [Belinda Jacklyn](#)
To: [Lynn Lucas](#)
Cc: [John Pukallus](#)
Subject: RE: Request for statement - Confidential
Date: Monday, 20 November 2023 9:39:43 AM
Attachments: [image001.jpg](#)
[image002.jpg](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image010.png](#)
[image011.png](#)
[image012.jpg](#)

Good morning Lynn,

Thank you for the opportunity to provide commentary regarding this matter.

Council takes no firm position regarding whether this is Council business or not. We cannot speak to the state of mind of the Mayor nor do we have any precedents to consider. This matter is a question of law, after the fact, and Council will consider the findings of this investigation to prepare future guidelines and policies associated with this content.

Council looks forward to the outcome and welcomes any recommendations made as a result of your findings.

Kind regards,

Belinda Jacklyn

**Acting Principal Specialist Governance and Assurance
Council Sustainability**

Scenic Rim Regional Council
PO Box 25 | 82 Brisbane Street | Beaudesert Qld 4285
P 07 5540 5313
mail@scenicrim.qld.gov.au | www.scenicrim.qld.gov.au

Follow Council on social media



Kind regards,

Belinda Jacklyn

**Acting Principal Specialist Governance and Assurance
Council Sustainability**

Meeting adjourned at 3:04 pm
Meeting resumed at 3:20 pm

At 3:20 pm, Cr Jeff McConnell returned to the meeting.

At 3:20 pm, Cr Greg Christensen returned to the meeting.

Cr Marshall Chalk advised Crs Jeff McConnell and Greg Christensen of the resolution of Council in relation to Item 11.10.

At 3:21 pm, Cr Greg Christensen took the Chair.

Additional Items

11.11 LATE ITEM - Disaster Recovery Funding Arrangements - Infrastructure Recovery Update January 2024

Executive Officer: General Manager Asset and Environmental Sustainability

Attachments:

1. Infrastructure Recovery Update, as at 24 January 2024 

Recommendation

That Council note the Disaster Recovery Funding Arrangements Infrastructure Recovery update, as presented.

Moved: Cr Marshall Chalk
Seconded: Cr Jeff McConnell

Motion

That Council note the Disaster Recovery Funding Arrangements Infrastructure Recovery update, as presented.

Carried unanimously

12 Confidential Matters

At 3:39 pm, Council resolved into closed session, with the following motion:

That for Agenda Item 12.1, Request for Legal Assistance, Council close the meeting to the public pursuant to Sections 254J(3)(e) and 254J(3)(f) of the *Local Government Regulation 2012*, as discussions will be held about an application for legal assistance made by an employee of Council and the matters pertaining to that application are of a confidential nature.

Moved: Cr Greg Christensen
Seconded: Cr Virginia West

Carried unanimously

The following Executive Officer and Staff remained in the meeting room with the Councillors during the closed / confidential session:

- J Pukallus, Principal Specialist Governance and Assurance / Acting General Manager Council Sustainability
- B Jacklyn, Senior Governance Officer / Acting Principal Specialist Governance and Assurance
- S Keepence, Governance Officer

At 3:51 pm, the following Executive Officers and Staff returned to the meeting room:

- O Pring, General Manager Council Sustainability / Acting Chief Executive Officer
- J Rutledge, Manager Human Resources / Acting General Manager People and Strategy
- M Lohmann, Manager Regional Development, Health and Biodiversity / Acting General Manager Customer and Regional Prosperity
- C Gray, General Manager Asset and Environmental Sustainability
- M Carter, GIS Officer, Information Services and Technology

At 3:51 pm, following discussion in closed session, Council resumed in open session for the proposal of resolutions.

Moved: Cr Marshall Chalk
Seconded: Cr Michael Enright

Carried unanimously

12.1 LATE ITEM - Request for Legal Assistance [Closed s.254J(3)(e and f)]

Executive Officer: Principal Specialist Governance and Assurance /
Acting General Manager Council Sustainability

Recommendation

That:

1. Council decide whether to grant legal assistance to the applicant Council Officer; and
2. If granted, Council determine the amount to be provided along with any conditions that the assistance is subject to.

Moved: Cr Greg Christensen

Seconded: Cr Jeff McConnell

Motion

That, in accordance with the Legal Assistance Policy and Guideline:

1. Council approve the provision of legal assistance to the applicant Council Officer;
2. Council limit the amount of legal assistance provided to a maximum cost of \$15,000 including any funds already provided;
3. Council require that the applicant Council Officer, upon a substantiated finding, repay to Council all legal costs up to the total amount provided by Council, within 28 days of receiving the invoice from Council; and
4. Oversight of the legal assistance be undertaken by the Principal Specialist Governance and Assurance.

Carried unanimously

The Ordinary Meeting ended at 3:53 pm.

To be confirmed on 13 March 2024.

Cr Greg Christensen

Mayor