

SECTION OF THE LOCAL GOVERNMENT ACT 2009	DATE OF COMPLAINT Section 150DZ(1)(a)	SUMMARY OF COMPLAINT Section 150DZ(1)(b)	REASON(S) THE COMPLAINT WAS DISMISSED Section 150DZ(1)(c)	DATE OF DECISION Section 150DY(2)(c)	COUNCILLOR NAME Section 150DY(2)(b) and section 150DY(3)	SUMMARY OF DECISION Section 150DY(2)(a)	REASON(S) FOR THE DECISION Section 150DY(2)(a)	DECISION MAKER (Meeting chairperson or agency)
Section 150DX		It is alleged a councillor engaged in misconduct when he advised a resident about an upcoming council procurement process and gave an undertaking that the resident would be successful if he applied for the tender.		13 August 2021		The OIA decided to take no further action pursuant to section 150Y(b)(iii) of the Local Government Act 2009 [the Act] on the basis that taking further action into this matter would not be a justifiable use of resources.		
Section 150DX		A councillor self-referred their conduct on the basis that it may have breached the Local Government Act 2009, by providing a council contact number to a relative by marriage who was looking for the contact name and number of a person responsible for machinery maintenance in council.		14 April 2021		<p>The OIA decided to take no further action pursuant to section 150Y(b)(iii) of the Local Government Act 2009 on the basis that taking further action would be an unjustifiable use of resources.</p> <p>The OIA considered that the councillor followed due protocol by submitting an online request to the relevant area of council for the contact information. It is noted that the request was to identify a point of contact only and did not constitute a submission in support of the councillor's relative to obtain work with council.</p>		

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Section 150DX	1 April 2021	It is alleged that during a phone call to a council officer in March 2021, a councillor was 'quite worked up' and threatened a council employee. It is believed the phone call related to the councillor following up on a complaint from a member of the public about the usage of a public parking space.	<p>The OIA dismissed this matter pursuant to section 150X(c)(ii) of the Local Government Act 2009 on the basis that taking further dealing with the complaint would be unjustifiable use of resources.</p> <p>The call was not recorded or witnessed. The councillor accepted that they were frustrated but disputed that it was their intention to threaten the staff member. The OIA also took into account that the Councillor subsequently acknowledged to the staff member (who had limited involvement in the matter) that the councillor 'realised [the officer] was doing [their] best....'</p>					

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Section 150DX	23 February 2021	<p>It is alleged:</p> <ul style="list-style-type: none"> a councillor spent money from a community organisation's account without following the proper process to obtain approval. The councillor advised a constituent not to send emails relating to the community organisation to the councillor's council email address. 	<p>The OIA dismissed this matter pursuant to section 150X(c)(ii) of the Local Government Act 2009 on the basis that taking further dealing with the complaint would be unjustifiable use of resources.</p> <p>The conduct referred to in the complaint appeared to relate to conduct within a community organisation not related to local government. As the conduct does not relate to the councillor's role as a councillor, the matter was not within the OIA's jurisdiction to deal with. The complaint was also lacking key detail and, as it was made anonymously, it was not possible to make further inquiries with the complainant.</p>					

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Section 150DX	1 March 2021	It was alleged that a former councillor may have been associated with unlawful conduct in relation to the distribution of council funds to the community as mentioned in a councillor's comments during an open meeting of council.	<p>The OIA dismissed this matter pursuant to section 150X(c)(ii) of the Local Government Act 2009 on the basis that taking further action on the matter would be unjustifiable use of resources.</p> <p>The former councillor was not identified as being a person suspected of any unlawful conduct in the relevant statements. On that basis it was considered an unjustifiable use of resources to investigate the former councillor.</p>					

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Section 150DX		<p>It is alleged that:</p> <ul style="list-style-type: none"> during a council meeting discussion about environment levy grants on 24 February 2021 a councillor made improper comments about the actions of a council officer, and appeared to have improperly received information relating to the matter; and during a councillor briefing session on 12 May 2021, relating to a report brought to the briefing by a council officer, the councillor said the words, "this is a mess". 		8 June 2021		<p>The OIA decided to take no further action pursuant to section 150Y(b)(i) of the Local Government Act 2009 [the Act] on the basis that the meeting on 24 February 2021 was a local government meeting. Improper behaviour by a councillor during a meeting is 'unsuitable meeting conduct' that must be dealt with by the meeting Chair at the time in accordance with section 150I of the Act.</p> <p>The words used by the councillor at the briefing session on 12 May 2021 were not sufficient to raise a reasonable suspicion of inappropriate conduct or misconduct.</p>		

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Section 150DX	30 July 2021	It was alleged that a councillor made a false and misleading statement in the media in relation to the cost of council development processes. That the councillor quoted a direct lie to the community by significantly inflating the cost of the process in an attempt to persuade the audience and community that the application process and fee was inappropriate and expensive.	<p>The OIA dismissed this matter pursuant to section 150X(a)(ii) of the Local Government Act 2009 (the Act) on the basis that the conduct does not raise a reasonable suspicion of inappropriate conduct or misconduct of a councillor.</p> <p>The OIA considered advice from council that cost estimate stated by the councillor was reasonable on the basis that there are similar examples of costs incurred for such development application processes.</p>					

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Section 150DX	16 December 2020	It is alleged a former councillor has been slandering current councillors and other members of the public on social media.	<p>The OIA dismissed this matter pursuant to section 150X(a)(ii) of the Local Government Act 2009 (the Act) as the conduct does not raise a reasonable suspicion of inappropriate conduct or misconduct of a councillor.</p> <p>The subject of the complaint is no longer a councillor and the conduct complained of occurred after the subject was no longer a councillor.</p>					
Section 150DX	31 October 2020	It was alleged that a councillor had breached the Code of Conduct for Councillors in Queensland when they participated on a social media platform and was critical of Council's operational decisions, impugned the reputation of council and made unfounded statements that damaged the reputation of council.	The OIA dismissed this matter pursuant to section 150X(a)(ii) of the Local Government Act 2009 (the Act) as the conduct did not reach the threshold of inappropriate conduct.					

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Section 150DX		A councillor referred their own conduct to the OIA, in relation to a potential breach of legislation, when they spoke to a member of a community group in relation to a previous complaint made about the councillor to the OIA.	The OIA decided to take no further action pursuant to section 150Y(b)(i) of the Local Government Act 2009 (the Act) on the basis that the conduct does not raise a reasonable suspicion of inappropriate conduct or misconduct within the meaning of the Act.	24 May 2021				
Section 150DX		It is alleged that a former councillor in the previous term of local government failed to declare a conflict of interest in matters before council where a Temporary Local Planning Instrument (TLPI) was considered. It was alleged a councillor's relative owned land that would have been affected by the TLPI.	The OIA decided to take no further action pursuant to section 150Y(b)(i) of the Local Government Act [the Act] 2009, on the basis that the conduct was not inappropriate conduct or misconduct. The matter is an ordinary business matter as defined in the Act at the time of the relevant meetings, and therefore, the former councillor would not have been required to declare a material personal interest or a conflict of interest when the matter was being considered by council.	10 May 2021				

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Section 150DX		A councillor self-referred their conduct on the basis they used a word that they thought might be considered to be inappropriate when communicating on social media.	The OIA decided to take no further action pursuant to section 150Y(b)(i) of the Local Government Act 2009 [the Act] on the basis that the conduct did not reach the threshold of inappropriate conduct or misconduct.	5 May 2021				
Section 150DX	5 February 2021	It is alleged a former councillor provided false information to the community on 9 and 19 December 2020, in relation to planning Instruments.	The OIA dismissed this matter pursuant to section 150X(a)(ii) of the Local Government Act 2009 (the Act), on the basis that the conduct does not raise a reasonable suspicion of inappropriate conduct or misconduct by a councillor. The Facebook posts the subject of this complaint occurred at a time when the person in question was not a councillor.					

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Section 150DX	1 February 2021	It is alleged, a councillor provided false information to the community on their councillor Facebook page on three occasions, in relation to planning instruments. That the information is inconsistent with the Planning Act 2016.	<p>The OIA dismissed this matter pursuant to section 150X(a)(ii) of the Local Government Act 2009 (the Act), on the basis that the conduct does not raise a reasonable suspicion of inappropriate conduct or misconduct.</p> <p>The screenshots of the councillor's post and comments were considered, as well as the minutes of council's ordinary meeting on 9 December 2020, where the TLPIs were discussed under agenda item 7.1.</p> <p>The councillor's comments appeared to have relied upon advice from council staff, as is evident in one of the comments. It was also noted by the OIA that the comments are consistent with council's record for this agenda item.</p>					

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Section 150DX	4 November 2019	It is alleged that the Councillor engaged in 'inappropriate conduct' under the Act in causing a Letter to the Editor to be published in the Gympie Times newspaper on 10 August 2019 which contained comments or accusations that breached Behavioural Standard 3.3 of the Code of Conduct.		5 August 2020	Mayor Glen Hartwig	Although there is no stated requirement under the Act for the Council to consider and/or act on the advice of the Tribunal, the Tribunal recommends that: (a) The Council consider this report, in making its decision as to whether or not the Councillor has engaged in inappropriate conduct as alleged.	The Tribunal believes that there is insufficient evidence for the Council to conclude that the Councillor breached Behavioural Standard 3.3 of the Code of Conduct.	Councillor Conduct Tribunal

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						<p>(b) The Tribunal's opinion following its investigation as detailed in paragraphs [1] - [184] inclusive be considered.</p> <p>(c) If the Council's decision is that the complaint is not sustained, the Council take no further action except to advise the Councillor and update the Councillor Conduct Register as required by sections 150DX(1)(b) and 150DY of the Act.</p> <p>(d) If however the Council has an alternative view, and finds the complaint of inappropriate conduct sustained, that the Council consider:</p> <ul style="list-style-type: none"> an order under Section 150AG(1)(a) of the Act that the Councillor has engaged in inappropriate conduct as alleged and 		

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						<ul style="list-style-type: none"> that the Council take no further action against the Councillor under sections 150AG(1)(b) and 150AH(1)(a) of the Act. <p>(e) Relevant registers be updated; and</p> <p>Advise the Councillor, the Registrar, of the CCT and the IA of the decision of Council.</p>		

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Section 150DX				1 December 2020	Cr Dan Stewart	The Tribunal conducted a hearing on whether or not the councillor engaged in misconduct in that he engaged in misconduct, in that on an unknown date between 27 August 2019 and 31 August 2019, Dan Stewart, a Councillor of Gympie Regional Council, engaged in misconduct as defined in section 150L(1)(c)(iv) of the Local Government Act 2009, in that he released information to the public via his Facebook page that he knew, or should reasonably have known, was information that was confidential to the local government in breach of section 171(3) of the Act, namely that Council had agreed to provide Showgrounds for the hosting of a major annual campervan and motorhome rally in October 2020.	<ol style="list-style-type: none"> On 28 August 2019, an ordinary Council meeting was held. Item 9.5 of the agenda was Request for Support for Upcoming Event, which related to the hosting of a caravan and motorhome show at Gympie Showgrounds. During the meeting, the Mayor advised that Council was going "into Committee" to discuss a number of matters, including agenda item 9.5. Council resolved that following the closing of the meeting to the public and moving "into Committee" all matters and all documents discussed, raised, tabled 	Councillor Conduct Tribunal

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						<p>The Tribunal has determined, on the balance of probabilities, that the allegation was sustained and that therefore the councillor has engaged in misconduct.</p>	<p>and/or considered whilst the meeting is closed and "in committee", are confidential to Council and the Council wishes to keep them confidential.</p> <p>3. Councillor Dan Stewart attended the meeting and voted for the motion.</p> <p>4. Following the Council meeting, Councillor Stewart published a post on his Dan 4 Gympie Facebook page which included an update on the Council meeting. Relevantly, Councillor Stewart published that: "Council agreed to provide Showgrounds for the hosting of a major annual campervan and motorhome rally in October 2020 which is expected to bring 700 to 1000 campervans and motorhomes to Gympie for a week or more.</p>	
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							<p>They are expected to be significant economic benefit to the community at the time, as well as great opportunity for tourism promotion.”</p> <p>5. On 30 August 2019, Councillor Stewart updated his Facebook post by deleting the words quoted in particular e.</p> <p>6. The Applicant and the Respondent filed a statement of agreed facts outlining an agreed position on the above events, in which Councillor Stewart admitted to the misconduct.</p>	

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							<p>7. The Tribunal considers it is permitted to accept an Agreed Statement of Facts under section 150AQ(2)(c) of the Act.</p> <p>Further information can be accessed via the below link: Gympie Regional Council</p>	

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Section 150DX		It was alleged a Councillor, during discussions in a Council meeting, made inappropriate comments about a council evaluation process	<p>The OIA decided to take no further action pursuant to section 150Y(b)(i) of the Local Government Act 2009 [the Act] on the basis that the conduct does not raise a reasonable suspicion of inappropriate conduct or misconduct within the meaning of the Act</p> <p>Any alleged breach of the Councillor Code of Conduct in a meeting is alleged unsuitable meeting conduct and not within the jurisdiction of the OIA. It is the responsibility of the Chair of the meeting to address unsuitable meeting conduct at the time the conduct occurred.</p>	13 October 2020				

In accordance with section 150DX of the *Local Government Act 2009* (LGA) the Gympie Regional Council must maintain and publish a Councillor Conduct Register. The register must record matters about: Unsuitable meeting conduct [150DX(1)(a)]; Suspected inappropriate conduct [150DX(1)(b)]; Decisions about misconduct [150DX(1)(c)]; Council complaints dismissed by the Assessor [150DX(1)(d)]; and, decisions by the assessor to take no further action [150DX(1)(e)].

Section 150DX		<p>It was alleged that a councillor, in a public statement to media and posted on social media on 29 July 2020, misled the public when they wrote, "Constrained cash cannot be used for day-to-day operations, such as paying staff, because this money is allocated to government funded projects, and other areas such as the environmental levy which must be put back into environmental projects".</p> <p>It was alleged that this comment was misleading because the, "unconstrained [sic] funds such as the environment levy cannot be used for operational matters such as paying staff and insinuates that council is following this process". It was alleged that, "Environment team staff are being paid directly out of the environment levy, as are other operational expenses such as vehicles".</p>	<p>The OIA decided to take no further action pursuant to section 150Y(b)(i) of the Local Government Act 2009 on the basis that the conduct does not meet the threshold of being considered to be either inappropriate conduct or misconduct.</p> <p>Enquiries by the OIA found that the statement was correct when interpreted in context with council policies relating to the use of the environment levy.</p> <p>The statement was correct that funds constrained by the state government may not be able to be used for operational and staffing costs, however, the statement that "the environmental levy which must be put back into environmental projects" did not specify that those funds would not be used for operational and staffing costs for those projects. i.e. the funding was constrained to the 'project'.</p> <p>On that basis, the statement could not be held to be deliberately</p>	14 September 2020				
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In accordance with section 150DX of the *Local Government Act 2009* (LGA) the Gympie Regional Council must maintain and publish a Councillor Conduct Register. The register must record matters about: Unsuitable meeting conduct [150DX(1)(a)]; Suspected inappropriate conduct [150DX(1)(b)]; Decisions about misconduct [150DX(1)(c)]; Council complaints dismissed by the Assessor [150DX(1)(d)]; and, decisions by the assessor to take no further action [150DX(1)(e)].

SECTION OF THE LOCAL GOVERNMENT ACT 2009	DATE OF COMPLAINT Section 150DZ(1)(a)	SUMMARY OF COMPLAINT Section 150DZ(1)(b)	REASON(S) THE COMPLAINT WAS DISMISSED Section 150DZ(1)(c)	DATE OF DECISION Section 150DY(2)(c)	COUNCILLOR NAME Section 150DY(2)(b) and section 150DY(3)	SUMMARY OF DECISION Section 150DY(2)(a)	REASON(S) FOR THE DECISION Section 150DY(2)(a)	DECISION MAKER (Meeting chairperson or agency)
			misleading, however, could have been better clarified in the councillor's statement.					
Section 150DX		<p>It was alleged that a councillor approached council workers at a council work site and spoke to and distracted one of the workers for some time.</p> <p>It was further alleged that the Councillor made an inappropriate comment from across the road to one of the workers and took a photo of the worker. The council worker was unsure as to how to take the Councillor's comment and felt like he had been singled out and feel anxious.</p>	The OIA decided to take no further action pursuant to section 150Y(b)(i) of the Local Government Act 2009 [the Act] on the basis that the conduct as alleged does not meet the threshold of inappropriate conduct or misconduct as defined in the Act.	15 September 2020				
Section 150DX	1 September 2020	It is alleged a Councillor has approved a local recreational group to undertake prescribed burns on council land in order to reduce fuel loads when the Councillor did not have the necessary authority	The OIA dismissed this matter pursuant to section 150X(a)(ii) as the complaint does not constitute inappropriate conduct or misconduct. Enquiries made by the OIA determined there was no evidence available to raise a reasonable suspicion that the Councillor approved the prescribed burns.					

In accordance with section 150DX of the *Local Government Act 2009* (LGA) the Gympie Regional Council must maintain and publish a Councillor Conduct Register. The register must record matters about: Unsuitable meeting conduct [150DX(1)(a)]; Suspected inappropriate conduct [150DX(1)(b)]; Decisions about misconduct [150DX(1)(c)]; Council complaints dismissed by the Assessor [150DX(1)(d)]; and, decisions by the assessor to take no further action [150DX(1)(e)].

SECTION OF THE LOCAL GOVERNMENT ACT 2009	DATE OF COMPLAINT Section 150DZ(1)(a)	SUMMARY OF COMPLAINT Section 150DZ(1)(b)	REASON(S) THE COMPLAINT WAS DISMISSED Section 150DZ(1)(c)	DATE OF DECISION Section 150DY(2)(c)	COUNCILLOR NAME Section 150DY(2)(b) and section 150DY(3)	SUMMARY OF DECISION Section 150DY(2)(a)	REASON(S) FOR THE DECISION Section 150DY(2)(a)	DECISION MAKER (Meeting chairperson or agency)
Section 150DX	11 Sept 2020	It was alleged that a councillor had engaged in inappropriate conduct, when they made two posts to their councillor Facebook page on 9 and 12 August 2020, sharing links to a personal blog. The blog contained posts by the councillor appealing to readers to click on various links and like posts or the page, which redirected users to a page that could benefit the councillor financially.	The OIA dismissed this matter pursuant to section 150X(c)(ii) of the Local Government Act 2009 (the Act), on the basis that further dealing with the matter would be an unjustifiable use of resources. The OIA assessed the complaint and considered that whilst the councillor's posts were not related to council matters and should not be on their councillor Facebook page, the conduct did not give rise to a reasonable suspicion of inappropriate conduct or misconduct under the Act.					

In accordance with section 150DX of the *Local Government Act 2009* (LGA) the Gympie Regional Council must maintain and publish a Councillor Conduct Register. The register must record matters about: Unsuitable meeting conduct [150DX(1)(a)]; Suspected inappropriate conduct [150DX(1)(b)]; Decisions about misconduct [150DX(1)(c)]; Council complaints dismissed by the Assessor [150DX(1)(d)]; and, decisions by the assessor to take no further action [150DX(1)(e)].

SECTION OF THE LOCAL GOVERNMENT ACT 2009	DATE OF COMPLAINT Section 150DZ(1)(a)	SUMMARY OF COMPLAINT Section 150DZ(1)(b)	REASON(S) THE COMPLAINT WAS DISMISSED Section 150DZ(1)(c)	DATE OF DECISION Section 150DY(2)(c)	COUNCILLOR NAME Section 150DY(2)(b) and section 150DY(3)	SUMMARY OF DECISION Section 150DY(2)(a)	REASON(S) FOR THE DECISION Section 150DY(2)(a)	DECISION MAKER (Meeting chairperson or agency)
Section 150DX	8 July 2020	It is alleged a councillor had referred to a council employee in a derogatory way during council meetings during a time where council executive staff were being dismissed.	<p>The OIA dismissed this matter pursuant to section 150X (c)(ii) of the Local Government Act 2009 as it was considered that further dealing with the matter would be an unjustifiable use of resources.</p> <p>Both the councillor and council employee confirmed that they had been working together over a period of time and the council employee had not taken offence at the comment made about him.</p> <p>The councillor has been advised to reconsider making such comments in future during council meetings as they may be misinterpreted by others who are not aware of their working relationship.</p>					

In accordance with section 150DX of the *Local Government Act 2009* (LGA) the Gympie Regional Council must maintain and publish a Councillor Conduct Register. The register must record matters about: Unsuitable meeting conduct [150DX(1)(a)]; Suspected inappropriate conduct [150DX(1)(b)]; Decisions about misconduct [150DX(1)(c)]; Council complaints dismissed by the Assessor [150DX(1)(d)]; and, decisions by the assessor to take no further action [150DX(1)(e)].

SECTION OF THE LOCAL GOVERNMENT ACT 2009	DATE OF COMPLAINT Section 150DZ(1)(a)	SUMMARY OF COMPLAINT Section 150DZ(1)(b)	REASON(S) THE COMPLAINT WAS DISMISSED Section 150DZ(1)(c)	DATE OF DECISION Section 150DY(2)(c)	COUNCILLOR NAME Section 150DY(2)(b) and section 150DY(3)	SUMMARY OF DECISION Section 150DY(2)(a)	REASON(S) FOR THE DECISION Section 150DY(2)(a)	DECISION MAKER (Meeting chairperson or agency)
Section 150DX	27 September 2019	It was alleged that five councillors failed to adhere to the councillor code of conduct when they voted to confirm minutes of the Ordinary Council Meeting that they knew incorrectly recorded a declaration of an interest of another councillor.				<p>The OIA decided to take no further action pursuant to Section 150Y(b)(iii) of the Local Government Act 2009. Gympie Regional Council meetings were not electronically recorded and the relevant meeting minutes did not uniformly capture sufficient details about interests disclosed and managed. It was also noted that the councillors the subject of the allegation are no longer councillors.</p> <p>Taking into account these circumstances further investigation of the matter was not a justifiable use of resources.</p> <p>The OIA has made some best practice recommendations to Council to consider how council meetings and minutes are recorded and captured in a standardised way moving forward.</p>		
Section 150DX		It is alleged a councillor had a conflict of interest in a matter and remained in a meeting and voted.	The OIA dismissed this matter pursuant to section 150X(a)(ii) of the Local Government Act 2009 on the basis that it did not raise a reasonable suspicion of inappropriate conduct or misconduct. The process followed with compliant with section 175E of the Act.	1 May 2020				

In accordance with section 150DX of the *Local Government Act 2009* (LGA) the Gympie Regional Council must maintain and publish a Councillor Conduct Register. The register must record matters about: Unsuitable meeting conduct [150DX(1)(a)]; Suspected inappropriate conduct [150DX(1)(b)]; Decisions about misconduct [150DX(1)(c)]; Council complaints dismissed by the Assessor [150DX(1)(d)]; and, decisions by the assessor to take no further action [150DX(1)(e)].

SECTION OF THE LOCAL GOVERNMENT ACT 2009	DATE OF COMPLAINT Section 150DZ(1)(a)	SUMMARY OF COMPLAINT Section 150DZ(1)(b)	REASON(S) THE COMPLAINT WAS DISMISSED Section 150DZ(1)(c)	DATE OF DECISION Section 150DY(2)(c)	COUNCILLOR NAME Section 150DY(2)(b) and section 150DY(3)	SUMMARY OF DECISION Section 150DY(2)(a)	REASON(S) FOR THE DECISION Section 150DY(2)(a)	DECISION MAKER (Meeting chairperson or agency)
Section 150DX		It was alleged that two councillors had conflicts of interest in a matter before council and had not properly dealt with the conflict of interest.		11 May 2020		The OIA decided to take no further action pursuant to section 150Y(b)(i) of the Local Government Act 2009.	The OIA decided to take no further action pursuant to section 150Y(b)(i) of the Local Government Act 2009 (the Act) on the basis that the conduct of both councillors did not raise a reasonable suspicion of inappropriate conduct or misconduct. One of the councillors had declared a conflict of interest and had left the meeting and did not participate in the discussion or the vote on the matter. The other councillor declared an interest and the other councillors decided pursuant to Subsection 175E(4) and (6) of the Act whether that interest was a conflict of interest and how it should be managed.	OIA Delegate

In accordance with section 150DX of the *Local Government Act 2009* (LGA) the Gympie Regional Council must maintain and publish a Councillor Conduct Register. The register must record matters about: Unsuitable meeting conduct [150DX(1)(a)]; Suspected inappropriate conduct [150DX(1)(b)]; Decisions about misconduct [150DX(1)(c)]; Council complaints dismissed by the Assessor [150DX(1)(d)]; and, decisions by the assessor to take no further action [150DX(1)(e)].

SECTION OF THE LOCAL GOVERNMENT ACT 2009	DATE OF COMPLAINT Section 150DZ(1)(a)	SUMMARY OF COMPLAINT Section 150DZ(1)(b)	REASON(S) THE COMPLAINT WAS DISMISSED Section 150DZ(1)(c)	DATE OF DECISION Section 150DY(2)(c)	COUNCILLOR NAME Section 150DY(2)(b) and section 150DY(3)	SUMMARY OF DECISION Section 150DY(2)(a)	REASON(S) FOR THE DECISION Section 150DY(2)(a)	DECISION MAKER (Meeting chairperson or agency)
Section 150DX		It is alleged a councillor had a conflict of interest in a matter and remained in a meeting and voted.	The OIA dismissed this matter pursuant to section 150X(a)(ii) of the Local Government Act 2009 on the basis that it did not raise a reasonable suspicion of inappropriate conduct or misconduct. The process followed with compliant with section 175E of the Act.	1 May 2020				
Section 150DX		It was alleged that a council officer misled councillors by misrepresenting financial matters.		20 April 2020		The OIA dismissed this matter pursuant to section 150X(a)(ii) of the Local Government Act 2009 (the Act), as the conduct does not raise a reasonable suspicion of inappropriate conduct or misconduct by a Councillor within the meaning of the Act	The OIA dismissed this matter pursuant to section 150X(a)(ii) of the Local Government Act 2009 (the Act), as the conduct does not raise a reasonable suspicion of inappropriate conduct or misconduct by a Councillor within the meaning of the Act. The complaint raised issues about the conduct of a council officer and not a councillor and is therefore outside of the OIA's jurisdiction. The OIA referred the complaint to the Crime and Corruption Commission for information.	OIA Delegate

In accordance with section 150DX of the *Local Government Act 2009* (LGA) the Gympie Regional Council must maintain and publish a Councillor Conduct Register. The register must record matters about: Unsuitable meeting conduct [150DX(1)(a)]; Suspected inappropriate conduct [150DX(1)(b)]; Decisions about misconduct [150DX(1)(c)]; Council complaints dismissed by the Assessor [150DX(1)(d)]; and, decisions by the assessor to take no further action [150DX(1)(e)].

SECTION OF THE LOCAL GOVERNMENT ACT 2009	DATE OF COMPLAINT Section 150DZ(1)(a)	SUMMARY OF COMPLAINT Section 150DZ(1)(b)	REASON(S) THE COMPLAINT WAS DISMISSED Section 150DZ(1)(c)	DATE OF DECISION Section 150DY(2)(c)	COUNCILLOR NAME Section 150DY(2)(b) and section 150DY(3)	SUMMARY OF DECISION Section 150DY(2)(a)	REASON(S) FOR THE DECISION Section 150DY(2)(a)	DECISION MAKER (Meeting chairperson or agency)
Section 150DX		It was alleged that a Councillor left an intimidating voice message to a fellow Councillor in response to a Facebook post they had made.		28 April 2020		The OIA decided to take no further action pursuant to section 150Y(b)(iii) of the Local Government Act 2009 (the Act).	The OIA decided to take no further action pursuant to section 150Y(b)(iii) of the Local Government Act 2009 (the Act) on the basis that taking further action would be an unjustifiable use of resources, as the individual no longer holds a position as a Councillor.	OIA Delegate
Section 150DX	9 March 2020	It is alleged that at a council meeting councillors failed to share valuable information they held whilst discussing and voting on a matter regarding council freehold leased land. The complaint alleged that this valuable information, if shared, may have impacted the decision of other councillors present at the meeting.	The OIA dismissed this matter pursuant to section 150X(a)(ii) as the conduct did not raise a reasonable suspicion of inappropriate conduct or misconduct. It is the function of council officers to prepare information or reports to inform council decisions. On the facts of this case, a failure by councillors to raise other matters within their knowledge does not fall within a category of inappropriate conduct or misconduct.					

In accordance with section 150DX of the *Local Government Act 2009* (LGA) the Gympie Regional Council must maintain and publish a Councillor Conduct Register. The register must record matters about: Unsuitable meeting conduct [150DX(1)(a)]; Suspected inappropriate conduct [150DX(1)(b)]; Decisions about misconduct [150DX(1)(c)]; Council complaints dismissed by the Assessor [150DX(1)(d)]; and, decisions by the assessor to take no further action [150DX(1)(e)].

SECTION OF THE LOCAL GOVERNMENT ACT 2009	DATE OF COMPLAINT Section 150DZ(1)(a)	SUMMARY OF COMPLAINT Section 150DZ(1)(b)	REASON(S) THE COMPLAINT WAS DISMISSED Section 150DZ(1)(c)	DATE OF DECISION Section 150DY(2)(c)	COUNCILLOR NAME Section 150DY(2)(b) and section 150DY(3)	SUMMARY OF DECISION Section 150DY(2)(a)	REASON(S) FOR THE DECISION Section 150DY(2)(a)	DECISION MAKER (Meeting chairperson or agency)
Section 150DX	9 January 2020	It is alleged a councillor had a vendetta against an employee of a local business in Gympie and that the councillor had called the manager of the local business about the employee	<p>The OIA dismissed this matter pursuant to section 150X (c) (ii) of the Local Government Act 2009.</p> <p>The telephone call occurred over 2 years ago and there was no independent record, notes of or witnesses to the call. In these circumstances it was considered that further dealing with this complaint would be an unjustifiable use of resources.</p>					
Section 150DX	19 November 2019	It was alleged that a councillor made misleading statements in a newspaper article which related to a former Council employee.		8 January 2020		The OIA decided to take no further action pursuant to Section 150Y(b)(iii) of the Local Government Act 2009 [the Act] on the basis that taking further action would be an unjustifiable use of resources.	The councillor was responding to questions put to them by a journalist, and the questions were framed to seek the Councillor's personal views. The councillor was also limited in how he was able to respond due to information being confidential to local government.	

In accordance with section 150DX of the *Local Government Act 2009* (LGA) the Gympie Regional Council must maintain and publish a Councillor Conduct Register. The register must record matters about: Unsuitable meeting conduct [150DX(1)(a)]; Suspected inappropriate conduct [150DX(1)(b)]; Decisions about misconduct [150DX(1)(c)]; Council complaints dismissed by the Assessor [150DX(1)(d)]; and, decisions by the assessor to take no further action [150DX(1)(e)].

SECTION OF THE LOCAL GOVERNMENT ACT 2009	DATE OF COMPLAINT Section 150DZ(1)(a)	SUMMARY OF COMPLAINT Section 150DZ(1)(b)	REASON(S) THE COMPLAINT WAS DISMISSED Section 150DZ(1)(c)	DATE OF DECISION Section 150DY(2)(c)	COUNCILLOR NAME Section 150DY(2)(b) and section 150DY(3)	SUMMARY OF DECISION Section 150DY(2)(a)	REASON(S) FOR THE DECISION Section 150DY(2)(a)	DECISION MAKER (Meeting chairperson or agency)
Section 150DX	18 December 2019	<p>It was alleged Councillor 1 carried out an unprovoked and unnecessary attack on a member of the public.</p> <p>It was alleged Councillor 1 engaged in a physical altercation with another Councillor 2 in the Council Chambers on a separate occasion</p>	<p>The OIA dismissed this matter pursuant to Section 150X(a)(i), i.e. as the incident in which the conduct occurred had been the subject of a police investigation and was independently considered by a District Court Judge as part of a related criminal trial.</p> <p>It was noted that the Councillor was not charged by Police, and that the findings of the District Court Judge were consistent with the Councillor having a reasonable justification or excuse for a low-level use of force. The Judge who considered all the relevant evidence and had the opportunity to assess the evidence of all relevant witnesses, made no adverse comment about the councillor's conduct.</p>					

In accordance with section 150DX of the *Local Government Act 2009* (LGA) the Gympie Regional Council must maintain and publish a Councillor Conduct Register. The register must record matters about: Unsuitable meeting conduct [150DX(1)(a)]; Suspected inappropriate conduct [150DX(1)(b)]; Decisions about misconduct [150DX(1)(c)]; Council complaints dismissed by the Assessor [150DX(1)(d)]; and, decisions by the assessor to take no further action [150DX(1)(e)].

SECTION OF THE LOCAL GOVERNMENT ACT 2009	DATE OF COMPLAINT Section 150DZ(1)(a)	SUMMARY OF COMPLAINT Section 150DZ(1)(b)	REASON(S) THE COMPLAINT WAS DISMISSED Section 150DZ(1)(c)	DATE OF DECISION Section 150DY(2)(c)	COUNCILLOR NAME Section 150DY(2)(b) and section 150DY(3)	SUMMARY OF DECISION Section 150DY(2)(a)	REASON(S) FOR THE DECISION Section 150DY(2)(a)	DECISION MAKER (Meeting chairperson or agency)
Section 150DX	15 January 2020	It is alleged a councillor has displayed a lack of respect and lack of cooperation towards other councillors.	The OIA dismissed the complaint pursuant to section 150X(a)(ii) of the Local Government Act 2009 as the complaint did not raise a reasonable suspicion of inappropriate conduct or misconduct. The issues raised were broad and lacking in detail, and because the complaint was made anonymously the OIA could not follow up with the complainant.					
Section 150DX	1 January 2020	It is alleged that a Councillor made statements in the media about a former staff member of the Council which were inappropriate.	The OIA dismissed the complaint pursuant to section 150X(a)(ii) of the Act as the conduct does not constitute inappropriate conduct or misconduct. The issues raised were similar to previous complaints received by the OIA. As a result of those previous inquiries that OIA determined that the comments made by the councillor did not raise a reasonable suspicion of inappropriate conduct or misconduct.					

In accordance with section 150DX of the *Local Government Act 2009* (LGA) the Gympie Regional Council must maintain and publish a Councillor Conduct Register. The register must record matters about: Unsuitable meeting conduct [150DX(1)(a)]; Suspected inappropriate conduct [150DX(1)(b)]; Decisions about misconduct [150DX(1)(c)]; Council complaints dismissed by the Assessor [150DX(1)(d)]; and, decisions by the assessor to take no further action [150DX(1)(e)].

SECTION OF THE LOCAL GOVERNMENT ACT 2009	DATE OF COMPLAINT Section 150DZ(1)(a)	SUMMARY OF COMPLAINT Section 150DZ(1)(b)	REASON(S) THE COMPLAINT WAS DISMISSED Section 150DZ(1)(c)	DATE OF DECISION Section 150DY(2)(c)	COUNCILLOR NAME Section 150DY(2)(b) and section 150DY(3)	SUMMARY OF DECISION Section 150DY(2)(a)	REASON(S) FOR THE DECISION Section 150DY(2)(a)	DECISION MAKER (Meeting chairperson or agency)
Section 150DX	29 March 2019	It was alleged that a councillor failed to comply with the requirements of Section 175E(2) of the Act to declare and deal appropriately with a conflict of interest at a Council meeting when voting on matters relating to a design and construction project.		18 October 2019		Following an investigation the OIA delegate made the decision to take no further action in relation to the complaint pursuant to Section 150Y(b)(iii) of the Act. This decision was made on the basis that further investigation of the matter was an unjustifiable use of resources.	The OIA investigation determined that the councillor had two potential interests in the matter; one being more substantive than the other. The councillor disclosed the more substantive interest and the other councillors resolved to allow the councillor to stay in room and vote on the matter. In these circumstances it was considered an unjustifiable use of resources to further deal with this matter.	OIA Delegate
Section 150DX	20 October 2019	It was alleged a Councillor was involved in a dispute between a land owner and the Gympie Regional Council relating to an unlicensed gate which traversed an unformed public road reserve.	The OIA dismissed the complaint pursuant to section 150X(a)(ii) of the Local Government Act 2009 [the Act] as the conduct complained of did not constitute inappropriate conduct or misconduct within the meaning of the Act and was therefore outside the OIA's jurisdiction					

In accordance with section 150DX of the *Local Government Act 2009* (LGA) the Gympie Regional Council must maintain and publish a Councillor Conduct Register. The register must record matters about: Unsuitable meeting conduct [150DX(1)(a)]; Suspected inappropriate conduct [150DX(1)(b)]; Decisions about misconduct [150DX(1)(c)]; Council complaints dismissed by the Assessor [150DX(1)(d)]; and, decisions by the assessor to take no further action [150DX(1)(e)].

SECTION OF THE LOCAL GOVERNMENT ACT 2009	DATE OF COMPLAINT Section 150DZ(1)(a)	SUMMARY OF COMPLAINT Section 150DZ(1)(b)	REASON(S) THE COMPLAINT WAS DISMISSED Section 150DZ(1)(c)	DATE OF DECISION Section 150DY(2)(c)	COUNCILLOR NAME Section 150DY(2)(b) and section 150DY(3)	SUMMARY OF DECISION Section 150DY(2)(a)	REASON(S) FOR THE DECISION Section 150DY(2)(a)	DECISION MAKER (Meeting chairperson or agency)
Section 150DX				25 September 2019		It is alleged that a Councillor failed to report another Councillor's potential conflict of interest at a council meeting on 23 January 2019	After an investigation, the OIA decided to take no further action pursuant to section 150Y(b)(ii) on the basis that there was insufficient information available to determine whether the conduct involved constituted a breach of the Local Government Act 2009.	
Section 150DX	24 December 2018	It is alleged that a Councillor had been improperly involved in a procurement process and then failed to declare a conflict of interest at council meetings in relation to the same procurement process.		12 September 2019		The Independent Assessor decided to take no further action about the conduct of a Councillor pursuant to section 150Y(b)(i) of the Local Government Act 2009 [the Act].	The Independent Assessor decided to take no further action pursuant to section 150Y(b)(i) of the Act as she was satisfied that the information obtained during the investigation provided no basis to conclude the Councillor engaged in inappropriate conduct or misconduct.	

In accordance with section 150DX of the *Local Government Act 2009* (LGA) the Gympie Regional Council must maintain and publish a Councillor Conduct Register. The register must record matters about: Unsuitable meeting conduct [150DX(1)(a)]; Suspected inappropriate conduct [150DX(1)(b)]; Decisions about misconduct [150DX(1)(c)]; Council complaints dismissed by the Assessor [150DX(1)(d)]; and, decisions by the assessor to take no further action [150DX(1)(e)].

SECTION OF THE LOCAL GOVERNMENT ACT 2009	DATE OF COMPLAINT Section 150DZ(1)(a)	SUMMARY OF COMPLAINT Section 150DZ(1)(b)	REASON(S) THE COMPLAINT WAS DISMISSED Section 150DZ(1)(c)	DATE OF DECISION Section 150DY(2)(c)	COUNCILLOR NAME Section 150DY(2)(b) and section 150DY(3)	SUMMARY OF DECISION Section 150DY(2)(a)	REASON(S) FOR THE DECISION Section 150DY(2)(a)	DECISION MAKER (Meeting chairperson or agency)
Section 150DX	31 July 2019	A Councillor failed to update his register of interest to include superannuation, part ownership of a race horse, and motor vehicle leasing details.	In relation to the complaint the independent assessor delegate decided to take no further action and close the investigation on the basis of section 150Y(b)(iii) that taking further action would be an unjustifiable use of resources. The councillor had not voted on any matters relevant to the personal interests, he had corrected the entry in his register of interests and he had self-referred the matter advising the omission was in error.					
Section 150DX	22 July 2019	It is alleged that a councillor failed to comply with various Local Government Principles and Values by not being involved in the decision making and taking control of a planning application.	The OIA dismissed the complaint pursuant to Section 150X(a)(ii) on the basis that the conduct did not constitute inappropriate conduct or misconduct. It is not the role of a Councillor to take control of Council planning matters or direct planning staff regarding an application. Section 170 and Section 12 of the Local Government Act 2009 refers					

In accordance with section 150DX of the *Local Government Act 2009* (LGA) the Gympie Regional Council must maintain and publish a Councillor Conduct Register. The register must record matters about: Unsuitable meeting conduct [150DX(1)(a)]; Suspected inappropriate conduct [150DX(1)(b)]; Decisions about misconduct [150DX(1)(c)]; Council complaints dismissed by the Assessor [150DX(1)(d)]; and, decisions by the assessor to take no further action [150DX(1)(e)].

SECTION OF THE LOCAL GOVERNMENT ACT 2009	DATE OF COMPLAINT Section 150DZ(1)(a)	SUMMARY OF COMPLAINT Section 150DZ(1)(b)	REASON(S) THE COMPLAINT WAS DISMISSED Section 150DZ(1)(c)	DATE OF DECISION Section 150DY(2)(c)	COUNCILLOR NAME Section 150DY(2)(b) and section 150DY(3)	SUMMARY OF DECISION Section 150DY(2)(a)	REASON(S) FOR THE DECISION Section 150DY(2)(a)	DECISION MAKER (Meeting chairperson or agency)
Section 150DX	19 July 2019	It is alleged that a councillor was involved in an altercation with a member of the public.	The OIA dismissed the complaint pursuant to Section 150X(a)(ii) of the Act on the basis that the conduct did not constitute inappropriate conduct or misconduct. The OIA were advised that the subject councillor's involvement in the incident had previously been considered by Queensland Police and charges were not preferred. The facts of the matter reasonably raised statutory defences of self-defence and/or provocation.					
Section 150DX	10 December 2018	It was alleged that on 2 separate occasions a councillor: <ul style="list-style-type: none"> did not declare a conflict of interest at a council meeting. 	The OIA delegate made the decision to take no further action on this matter after determining that the councillor did not have a conflict of interest in relation to either matter.					

In accordance with section 150DX of the *Local Government Act 2009* (LGA) the Gympie Regional Council must maintain and publish a Councillor Conduct Register. The register must record matters about: Unsuitable meeting conduct [150DX(1)(a)]; Suspected inappropriate conduct [150DX(1)(b)]; Decisions about misconduct [150DX(1)(c)]; Council complaints dismissed by the Assessor [150DX(1)(d)]; and, decisions by the assessor to take no further action [150DX(1)(e)].

SECTION OF THE LOCAL GOVERNMENT ACT 2009	DATE OF COMPLAINT Section 150DZ(1)(a)	SUMMARY OF COMPLAINT Section 150DZ(1)(b)	REASON(S) THE COMPLAINT WAS DISMISSED Section 150DZ(1)(c)	DATE OF DECISION Section 150DY(2)(c)	COUNCILLOR NAME Section 150DY(2)(b) and section 150DY(3)	SUMMARY OF DECISION Section 150DY(2)(a)	REASON(S) FOR THE DECISION Section 150DY(2)(a)	DECISION MAKER (Meeting chairperson or agency)
Section 150DX	25 January 2019	<p>The Councillor had regularly written to the media criticising other Councillors who have voted in favour of items where the Councillor had voted against the same items, had provided false information to the media and had failed to declare a conflict of interest.</p> <p>The Councillor failed to declare a conflict of interest in relation to Widgee Engineering on 26 April 2018, in circumstances where by did declare a conflict of interest in relation to Widgee Engineering on 11 October 2017.</p>	<p>The OIA decided to dismiss the complaint pursuant to Section 150X(a)(ii) on the basis that the conduct does not constitute inappropriate conduct or misconduct (several of the allegations had been dealt with by the Local Government Remuneration and Discipline Tribunal in 2018 and not sustained); and Section 150Q(3)(b) on the basis that is the complainant failed to provide sufficient further information to support the alleged conduct.</p>					

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SECTION OF THE LOCAL GOVERNMENT ACT 2009	DATE OF COMPLAINT Section 150DZ(1)(a)	SUMMARY OF COMPLAINT Section 150DZ(1)(b)	REASON(S) THE COMPLAINT WAS DISMISSED Section 150DZ(1)(c)	DATE OF DECISION Section 150DY(2)(c)	COUNCILLOR NAME Section 150DY(2)(b) and section 150DY(3)	SUMMARY OF DECISION Section 150DY(2)(a)	REASON(S) FOR THE DECISION Section 150DY(2)(a)	DECISION MAKER (Meeting chairperson or agency)
Section 150DX	2 November 2018	It was alleged that on 24 February 2016 the Councillor engaged in misconduct as defined in section 176(3)(d) of the Local Government Act 2009 (Act) in that the Councillor failed to comply with the requirements of section 173(4) of the Act, being the provision that was in effect at that time, to deal with a real conflict of interest or perceived conflict of interest in a transparent and accountable way at an Ordinary Meeting of Council.		26 April 2019		The allegation was not sustained.	The Tribunal was satisfied on the balance of probabilities that there had not been a breach of former section 173(4) of the Act, and thus there had been no breach of the trust placed in the Councillor to constitute misconduct, as defined in the former s176(3)(b)(ii) of the Act. Considering all the evidence received, the Tribunal determined that the Councillor had "no greater personal interest in the matter than that of other persons in the local government area on the balance of probabilities," (s173(3)(b)), and further on the balance of probabilities that the allegation was not sustained.	Councillor Conduct Tribunal

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SECTION OF THE LOCAL GOVERNMENT ACT 2009	DATE OF COMPLAINT Section 150DZ(1)(a)	SUMMARY OF COMPLAINT Section 150DZ(1)(b)	REASON(S) THE COMPLAINT WAS DISMISSED Section 150DZ(1)(c)	DATE OF DECISION Section 150DY(2)(c)	COUNCILLOR NAME Section 150DY(2)(b) and section 150DY(3)	SUMMARY OF DECISION Section 150DY(2)(a)	REASON(S) FOR THE DECISION Section 150DY(2)(a)	DECISION MAKER (Meeting chairperson or agency)
Section 150DX	20 April 2019	It is alleged that a Councillor provided misleading information to the community in regards to the cost of a Council endorsed publication.	The OIA decided to take no further action in relation to the complaint pursuant to section 150Y(b)(iii) on the basis that taking further action would be an unjustifiable use of resources as the subject Councillor provided additional information as to how the Councillor calculated the cost. It was also noted that the Councillor prefaced the information to the community by saying it was an estimate.					

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SECTION OF THE LOCAL GOVERNMENT ACT 2009	DATE OF COMPLAINT Section 150DZ(1)(a)	SUMMARY OF COMPLAINT Section 150DZ(1)(b)	REASON(S) THE COMPLAINT WAS DISMISSED Section 150DZ(1)(c)	DATE OF DECISION Section 150DY(2)(c)	COUNCILLOR NAME Section 150DY(2)(b) and section 150DY(3)	SUMMARY OF DECISION Section 150DY(2)(a)	REASON(S) FOR THE DECISION Section 150DY(2)(a)	DECISION MAKER (Meeting chairperson or agency)
Section 150DX	19 March 2019	It was alleged that a Councillor failed to declare a conflict of interest at a Council meeting when discussing an item that involved a local business	The OIA delegate made the decision to dismiss the complaint pursuant to Section 150X(a)(ii) of the Local Government Act 2009, i.e. that the conduct did not constitute inappropriate conduct or misconduct. The association between the Councillor and the local business was not such that the Councillor would have been reasonably perceived to be unable to bring an impartial mind to his consideration of the agenda item; or that he would have been unable to make a decision in the public interest.					
Section 150DX	18 January 2019	It was alleged a Councillor failed to respond to a member of the public seeking intervention and compensation for legal expenses in relation to a dispute with Council over Council decision/s.	The complaint did not identify inappropriate conduct or misconduct within the meaning of the Local Government Act 2009. Decisions of Council are not within the OIA's jurisdiction. Complaint was dismissed pursuant to s150X(a)(ii).					

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SECTION OF THE LOCAL GOVERNMENT ACT 2009	DATE OF COMPLAINT Section 150DZ(1)(a)	SUMMARY OF COMPLAINT Section 150DZ(1)(b)	REASON(S) THE COMPLAINT WAS DISMISSED Section 150DZ(1)(c)	DATE OF DECISION Section 150DY(2)(c)	COUNCILLOR NAME Section 150DY(2)(b) and section 150DY(3)	SUMMARY OF DECISION Section 150DY(2)(a)	REASON(S) FOR THE DECISION Section 150DY(2)(a)	DECISION MAKER (Meeting chairperson or agency)
Section 150DX	8 January 2019	The complainant detailed their concerns with a series of Council decisions in relation to water treatment, signage and food truck operations and responses to complaints about Council decisions made directly to Council.	The OIA dismissed the complaint pursuant to Section 150X(a)(ii) of the Local Government Act 2009. The complaint related to decisions of Council, rather than the conduct of a particular Councillor, and was therefore not within the OIA's jurisdiction to address.					

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