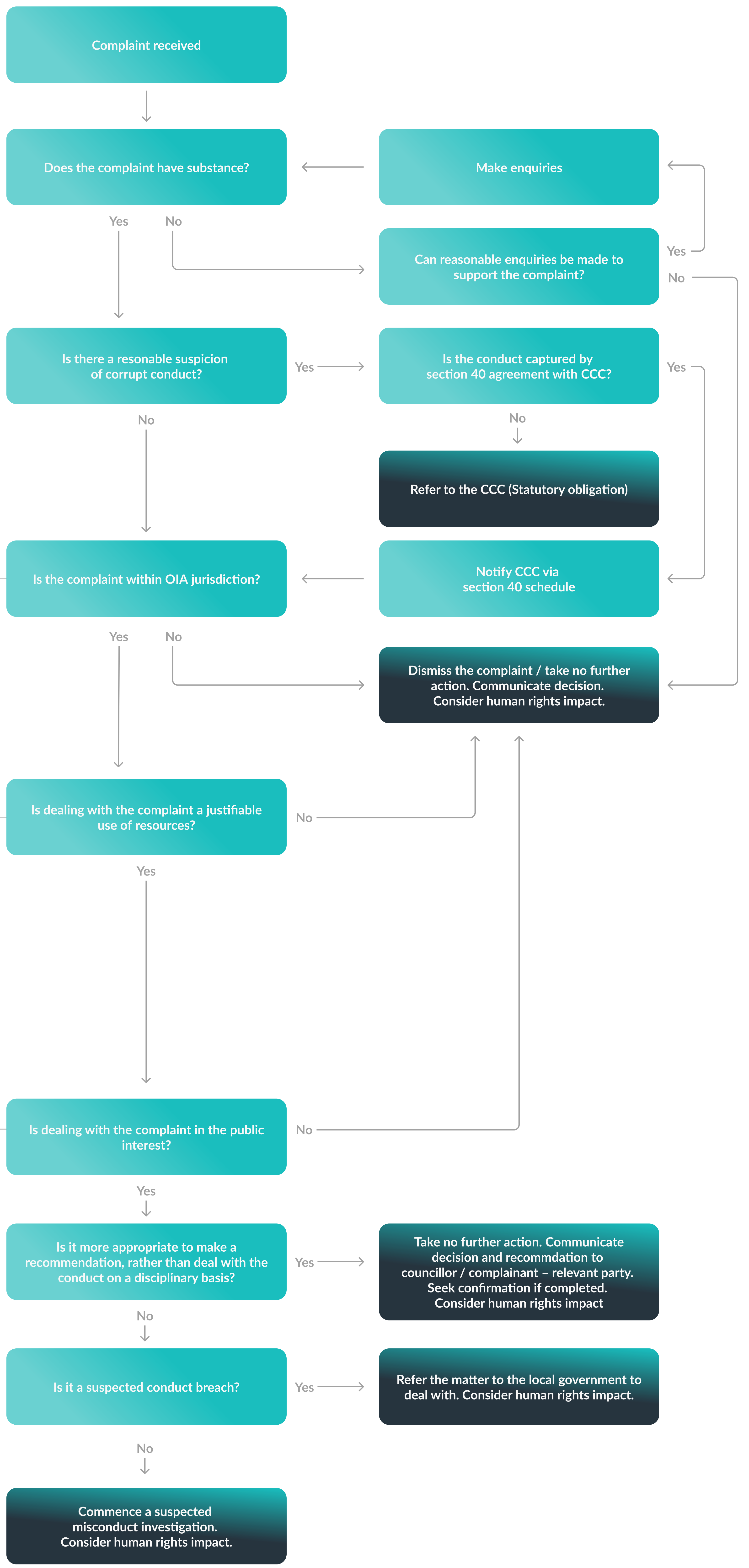


OIA complaint assessments – decision-making process



- Considerations**
- Was it received within statutory timeframes?
 - Another entity
 - Not conduct by a councillor
 - Solely personal conduct
 - Councillor followed departmental guideline
 - Councillor's office is vacated / no longer a councillor
 - Complainant has been declared vexatious
 - Conduct is unsuitable meeting conduct

- Considerations**
- Seriousness of the conduct
 - For a conduct breach local government resources required
 - Likely outcome vs resources required (for example, is this a personal issue between two councillors that is better dealt with outside the disciplinary framework?)
 - The extent of training provided to the councillor about the alleged conduct
 - Was the councillor a first time councillor within 3 months of the alleged conduct?
 - Is there a systemic element to the conduct that would be better addressed by training for all councillors at the local government?
 - In the circumstances, would a request for the department to publish a guideline for all councillors be a more appropriate approach in the first instance?
 - What steps did the councillor take to guide their conduct prior to it occurring?
 - Does the councillor have a history of complaints about this type of conduct?

- Considerations**
- Seriousness of the conduct
 - The experience of the councillor
 - Mitigating or aggravating circumstances
 - The availability and effectiveness of alternatives to applying to the CCT
 - Whether the councillor has previous disciplinary history
 - Is the alleged breach a continuing or subsequent breach?
 - How often misconduct of this kind occurs and whether there needs to be a deterrence

- First Nations councils (further considerations)**
- First Nations councils encounter unique challenges that must be considered throughout the complaint assessment decision-making process, including:
- differences between legal and cultural concepts of relationships that might give rise to a conflict of interest
 - tensions between legislated councillor conduct standards and cultural and family expectations
 - councillors' dual roles in corporations, organisations and/or trusts that are active in the community and closely linked to the business of council
 - access to technology e.g., internet connection, mobile phone service coverage
 - access to training (remoteness of location)
 - language barriers that may impact a councillor's understanding of their obligations.