



Government of **Western Australia**
Department of **Local Government**

Resolution of Misconduct Complaints at the Local Level

Consultation Paper

March 2012

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1. EXECUTIVE SUMMARY

In 2010, Hon John Castrilli MLA, Minister for Local Government, requested the Department of Local Government to undertake a review of the Local Government Standards Panel (Standards Panel) and its supporting legislation. The Minister has considered the Report of the Review Committee and has identified that there is an opportunity to implement a more effective process for resolving complaints against elected members involving low-level misconduct.

Specifically, data contained in the report highlighted that:

- the number of complaints submitted to the Panel has grown steadily since its commencement and the cost of dealing with those complaints has also grown;
- the total number of complaints made were attributable to approximately one quarter of all local governments;
- over 75 per cent of allegations made to the Panel resulted in findings of no breach in the 2010/11 financial year;
- the period of time in many instances between receiving an allegation and making a determination was unacceptably lengthy; and
- under current legislation, the Standards Panel is required to deal with every allegation made.

Consequently, the Minister has directed the Department to examine the implementation of a locally based solution for dealing with misconduct complaints of a low-level nature. This solution would be designed to complement and streamline the operations of the Standards Panel.

The aim of the proposed model is to put in place processes to allow complaints of low-level misconduct to be dealt with at the local level – in the first instance by the Mayor or President and, if unresolved, by a panel of peers. This will empower local governments to deal with issues of low-level misconduct which are best dealt with locally.

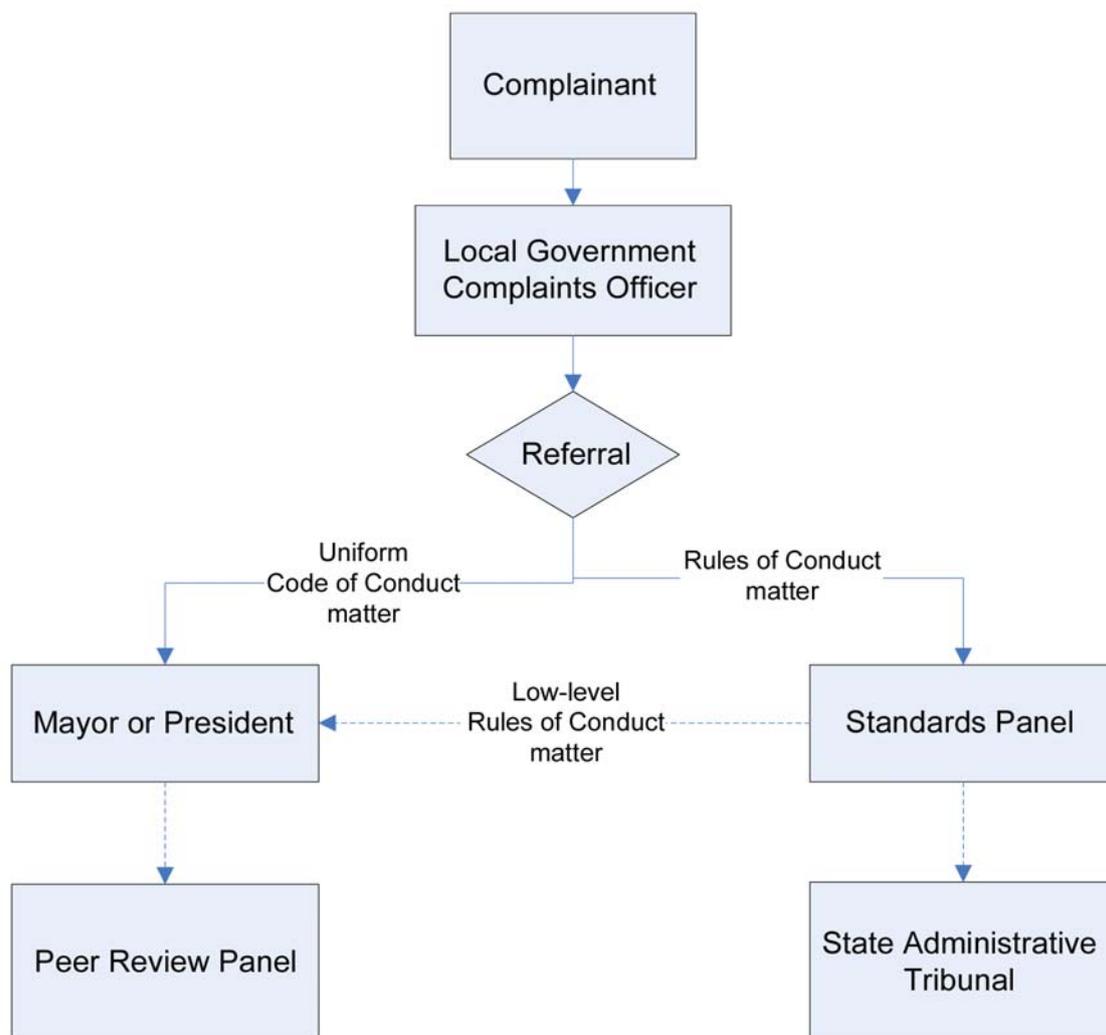
An integral feature of the proposed model is to empower the Standards Panel to refer a low-level breach of the Rules of Conduct for assessment by the relevant Mayor or President. This will enable complaints of a low-level nature to be dealt with without being subjected to the more formal processes of assessment undertaken by the Standards Panel. This will ensure that the Standards Panel can deal with complaints of a minor breach of the Rules of Conduct in a more timely and efficient manner. Where an allegation is against the Mayor or President, the Deputy Mayor or Deputy President will assess the complaint unless they are the complainants. In this instance, the matter will be dealt with by another elected member appointed by the council.

The key components of the proposed model include:

- the development of a uniform Code of Conduct for elected members that is applicable to all local governments;

- the introduction of a framework for handling complaints at the local level. Specifically, such complaints would include -
 - complaints relating to breaches of the uniform code of conduct (see section 4.1)
 - complaints relating to breaches of the Rules of Conduct which are considered by the Standards Panel to be low-level and better dealt with at the local level (see section 4.3.1); and
- improved processes for dealing with trivial or vexatious complaints which would allow the Standards Panel to reject such complaints.

A proposed ‘two pronged’ model for dealing with allegations of low-level misconduct is outlined below.



(Fig. 2: From page 10.)

The proposed changes to the current disciplinary framework are intended to:

- empower local governments to better manage the risk of misconduct;
- establish a more pro-active complaints management culture; and
- streamline and simplify the process of dealing with complaints that allege low-level misconduct or that are trivial or vexatious.

2. BACKGROUND

2.1 *Local Government (Official Conduct) Amendment Act 2007*

The *Local Government (Official Conduct) Amendment Act 2007* (Official Conduct Act) provides a disciplinary framework to deal with individual misconduct by local government elected members. Prior to the introduction of the Official Conduct Act, apart from prosecution, the only avenue for action in response to allegations of inappropriate behaviour was the power to suspend or dismiss an entire council following an inquiry.

The Official Conduct Act allowed for the establishment of a state-wide Standards Panel to deal with complaints about minor breaches in contravention of the then newly introduced code of conduct. The panel was empowered to apply penalties comprising public censure, public apology, or an order to undertake training.

In addition to the establishment of a Standards Panel, the Official Conduct Act also allowed for complaints about serious breaches to be made to the Department of Local Government for possible referral to the State Administrative Tribunal (SAT) for determination.

In addition to the penalties described above, the SAT can apply stronger penalties for a serious or recurrent breach of up to six months suspension or up to five years disqualification from holding office as a member of a council.

The Official Conduct Act also contains detailed provisions enabling regulations to be made prescribing Rules of Conduct for elected members.

2.2 *Local Government (Rules of Conduct) Regulations 2007*

The *Local Government (Rules of Conduct) Regulations 2007* (Rules of Conduct) established a standard set of minor breach laws for all local government elected members throughout the State.

Matters outlined in the Rules of Conduct are:

- conduct relating to meeting procedure local laws;
- use of information;
- securing personal advantage or disadvantage over others;
- misuse of local government resources;
- a prohibition against elected member involvement in the administration of a local government;
- elected member relations with local government employees;
- disclosure of interest; and
- gifts.

An allegation of a minor breach of the Rules of Conduct is addressed to the Standards Panel for decision.

3. STANDARDS PANEL

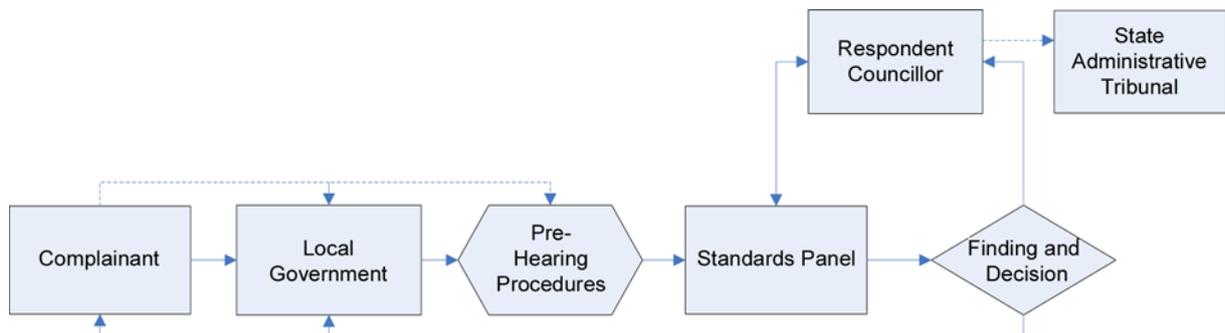
The Standards Panel was established in 2007 following the commencement of the Official Conduct Act and Rules of Conduct. The key functions of the Standards Panel are to determine, relatively quickly and informally:

- whether a minor breach (as defined in section 5.105(1) of the *Local Government Act 1995*) has been committed by an elected member; and
- if so, what, if any, sanction should be applied in respect of that minor breach.

Once received, an allegation of a minor breach must be referred to the Standards Panel. The Panel has no power to reject an allegation on the basis of it being trivial or vexatious.

Figure 1 outlines the current process whereby allegations of a minor breach of the Rules of Conduct are addressed to the Standards Panel for consideration.

Fig. 1: Current Standards Panel Process



3.1 Minor Breach Allegations

The table below outlines the number of minor breach allegations completed by the Standards Panel in the 2010/11 financial year.

Minor Breach Allegations Completed 1 July 2010 to 30 June 2011										
For Minor Official Conduct Projects										
	Breach of Meeting Procedures Local Law (Standing Orders)	General Principles Governing Elected Member Behaviour	Improper Use of Information	Miscellaneous	Misuse of Local Government Resources	Non-Disclosure of Interest Adverse to Impartiality	Prohibition Against Involvement in Administration	Relations with Local Government Employees	Securing Personal Advantage or Disadvantaging Others	Total
No Breach	14	3	3	2	2	5	7	12	25	73
Public Apology	2							5	2	9
Training	5									5
Public Censure			1						2	3
Complaint Dismissed					1				1	2
No Jurisdiction								1		1
Censure and Public Apology									1	1
Total	21	3	4	2	3	5	7	18	31	94

Source: Department of Local Government, *Annual Report 2010-11*.

3.2 Review of the Standards Panel

When the disciplinary framework was established in 2007 under the previous government, it was done so with a commitment to undertake a review of its operation after the initial 'start-up' phase. Consequently, Hon John Castrilli MLA, Minister for Local Government, requested the Department of Local Government to undertake a review of the Standards Panel and its supporting legislation in 2010.

The Standards Panel Review Committee has submitted its report, which was undertaken after extensive consultation with the local government sector and key stakeholders.

The Minister for Local Government has considered the report and has identified that there is an opportunity to implement a process for resolving low-level misconduct matters more effectively.

Specifically data contained in the report highlighted that:

- the number of complaints submitted to the Standards Panel has grown steadily since its commencement and the cost of dealing with those complaints has also grown;
- the total number of complaints made were attributable to approximately one quarter of all local governments;
- most allegations made to the Panel resulted in findings of no breach;
- the period of time in many instances between receiving an allegation and making a determination was unacceptably lengthy; and
- under current legislation, the Standards Panel is required to deal with every allegation made.

Consequently, the Minister has directed the Department to examine the implementation of a locally based solution for dealing with complaints relating to low-level misconduct.

4. PROPOSED MODEL

The aim of the proposed model is to put in place processes to allow allegations of low-level misconduct to be dealt with at the local level – in the first instance by the Mayor or President and, if unresolved, by a panel of peers. This will empower local governments to deal with issues of low-level misconduct which are best dealt with locally. This will also ensure that the Standards Panel can deal with complaints of a minor breach of the Rules of Conduct in a more timely and efficient manner.

An integral feature of the proposed model is to amend the *Local Government Act 1995* to

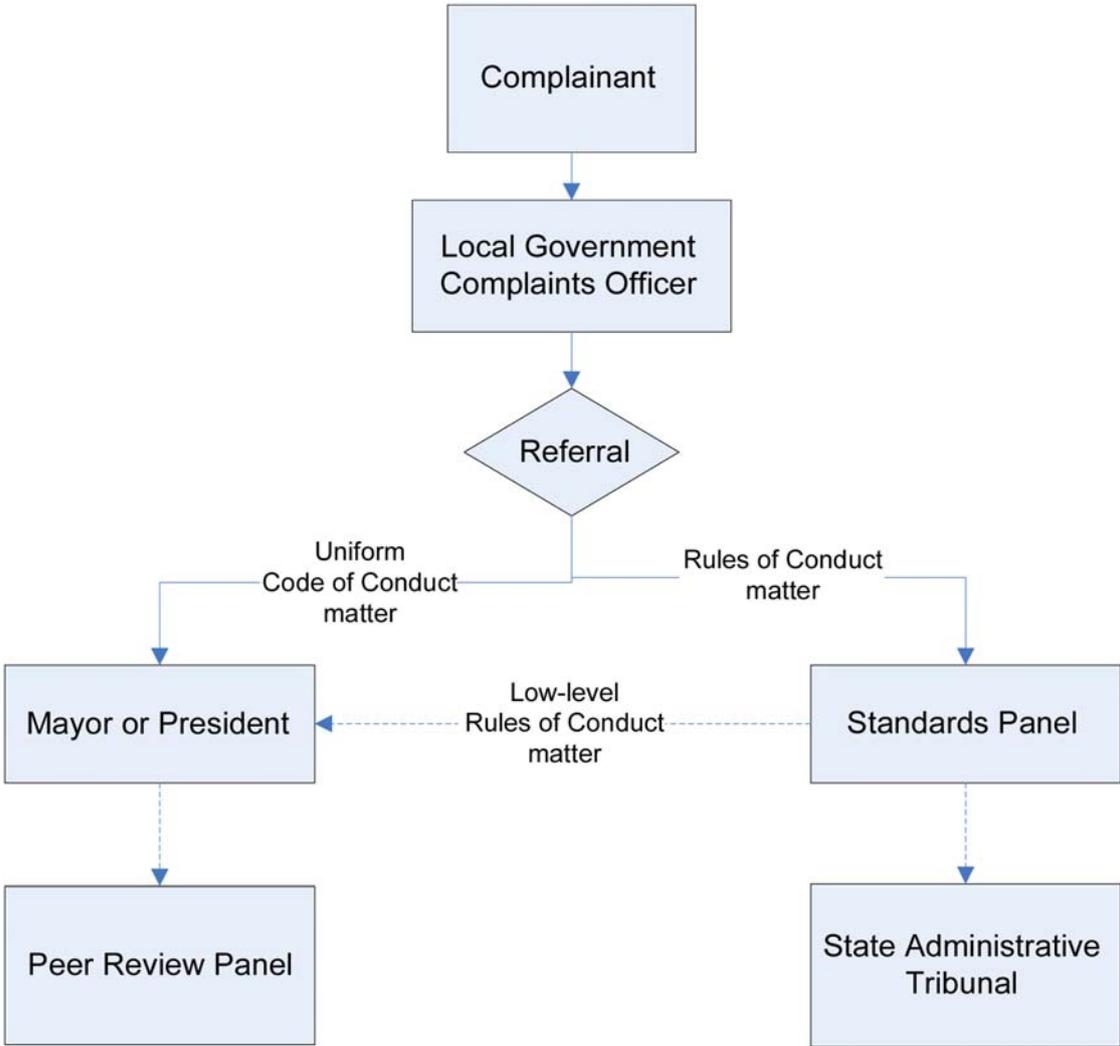
- a) empower the Standards Panel to refer a low-level breach of the Rules of Conduct regulations for assessment by the relevant Mayor or President (see figure 2);
- b) and b) to allow the Standards Panel to reject complaints on the basis that they are trivial or vexatious. This will enable complaints of a low-level nature to be dealt with without being subjected to the more formal processes of assessment undertaken by the Standards Panel.

The key components of the proposed model include:

- the development of a uniform code of conduct for local governments;
- the introduction of a framework for handling complaints at the local level. Specifically, such complaints would include -
 - complaints relating to breaches of the uniform code of conduct (see section 4.1)
 - complaints relating to breaches of the Rules of Conduct which are considered by the Standards Panel to be low-level and better dealt with at the local level (see section 4.3.1); and
- improved processes for dealing with trivial or vexatious complaints.

A proposed ‘two pronged’ model for dealing with allegations of low-level misconduct is outlined in figure 2 below.

Fig. 2: Referral Process for Code and Rules of Conduct Complaints¹



¹ Note: ‘Uniform Code of Conduct matters’ referred to the Mayor or President exclude allegations of Minor Breach (Rules of Conduct) which must be referred to the Standards Panel.

4.1 Uniform Code of Conduct

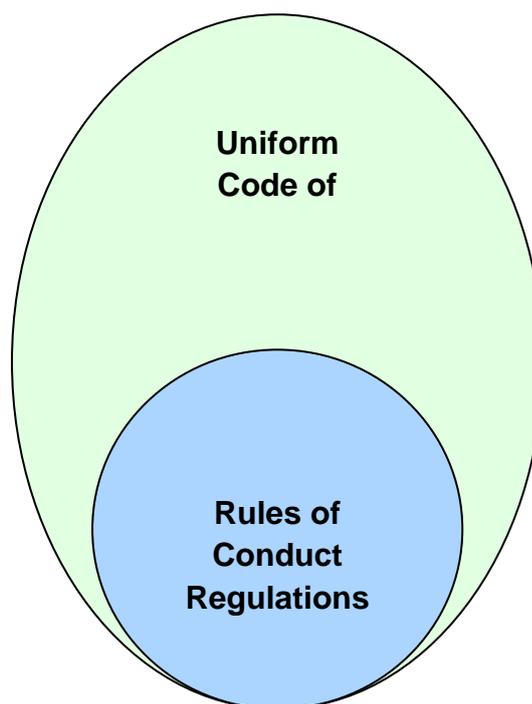
Under section 5.103 of the *Local Government Act 1995*, a local government is required to prepare or adopt a code of conduct to be observed by elected members, committee members and employees.

A majority of respondents to the review of the Standards Panel supported the need for a uniform code of conduct for elected members across Western Australian local governments.

It is proposed that a uniform code of conduct for elected members be developed in consultation with stakeholders that will encompass the Rules of Conduct (as outlined in figure 3). It is anticipated that a uniform code of conduct would also reflect the existing general principles to guide the behaviour of elected members included in the Rules of Conduct Regulations.

It should be noted that a uniform code of conduct will guide the behaviour of elected members, and is not intended to replace existing local government codes of conduct which guide the behaviour of local government employees (as required by section 5.103 of the *Local Government Act 1995*).

Fig. 3: Accountability Framework²



The introduction of a mandatory uniform code of conduct for elected members would support a holistic approach to managing the risk of misconduct in the local government sector.

² Note: While the existing Rules of Conduct are intended for inclusion within the uniform code of conduct for elected members, it is anticipated that these will be included as a separate attachment to the new uniform code of conduct. This should provide clarity for local government complaints officers as to whether the allegation is a Rules of Conduct matter to be referred to the Standards Panel, or any other low-level code of conduct matter, to be addressed at the local level.

4.2 Local Resolution of Complaints

Provisions in the *Local Government Act 1995* require the local government complaints officer to forward all complaints of a breach of the Rules of Conduct to the Standards Panel. In order to empower local governments to better manage the risk of misconduct, there needs to be a streamlined way of dealing with low-level misconduct complaints at the local government level.

The introduction of a uniform code of conduct for elected members is intended to provide clearer guidance for elected member behaviour. Clear behavioural and conduct guidelines for elected members will enable a range of measures to be introduced which will allow allegations of low-level misconduct to be handled at the local level.

With the exception of Western Australia and the Northern Territory, all Australian jurisdictions have mechanisms in place to attempt to deal with allegations of low-level misconduct at the local level, before a higher authority becomes involved.

4.2.1 Referral to Mayor or President

In light of the leadership role that local government Mayors and Presidents play in the pursuit and demonstration of good governance, the Standards Panel Review Committee recommended that they should be empowered to manage allegations of low-level misconduct. This change would empower the Mayor or President to assess, and take action as appropriate, any allegation of a breach of the uniform code of conduct (other than a rule of conduct) by an elected member.

A range of actions would be made available to the Mayor or President in addressing the complaint, and could include:

- dismissal of the complaint;
- mediation;
- an order to undertake mentoring;
- an order to undertake training; or
- referral to a Peer Review Panel.

While the Mayor or President may decide the allegation or complaint could be resolved via mediation, it should be noted that mediation is a voluntary process, undertaken by the agreement of the two affected parties. If agreement cannot be reached between the two parties within a defined period of time, the Mayor or President may choose to refer the matter to the Peer Review Panel.

Where an allegation is against the Mayor or President, the Deputy Mayor or Deputy President will assess the complaint unless they are the complainants. In this instance, the matter will be dealt with by another elected member appointed by the council.

Figure 4 (Section 4.2.3) outlines the process for complaints to be addressed at the local level.

4.2.2 Peer Review Panels

In addition to low-level misconduct complaints being addressed at the local level by the Mayor or President, a new system of Peer Review Panels is proposed. A Peer Review Panel could be formed on an as needs basis, if the complainant and/or respondent is not satisfied with the outcome of the process undertaken by the Mayor or President and seeks a review.

The three-member Peer Review Panel would be drawn from an approved pool of eminent persons with experience in local government. It is suggested that the process for forming a pool of eligible panel members is via nomination and Ministerial appointment.

The three-member panel would be drawn from the state-wide pool and would be activated by individual local governments, as required, whenever an application is made to that local government to deal with a misconduct matter.

To ensure the timeliness of Peer Review Panel decisions, and taking into account the geographic diversity of Western Australia, it is anticipated that a Peer Review Panel would meet via teleconference in most instances. Sitting fees for a Peer Review Panel will be met by the local government.

A Peer Review Panel will have the ability to hear allegations of low-level misconduct where the complainant or respondent is not satisfied with the outcome of the Mayor or President's decision on the matter. The range of actions available to the Peer Review Panel in addressing the complaint reflects the powers of the Mayor or President and may include:

- dismissal of the complaint;
- an order to undertake mentoring; or
- an order to undertake training.

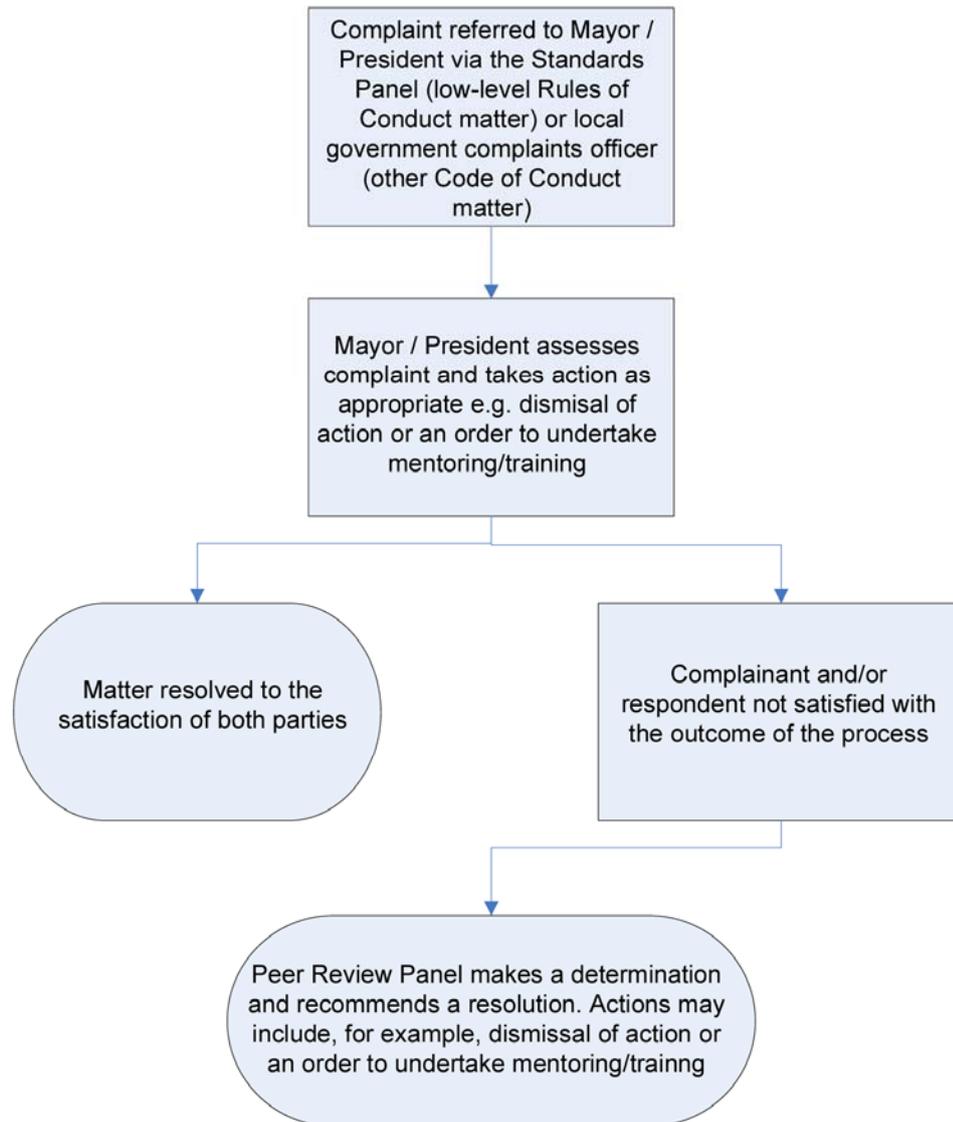
There is no right of review for a Peer Review Panel decision. It is proposed to create a new Rule of Conduct that deals with a failure to comply with a directive from the Peer Review Panel. A failure to comply with a direction would be referred to the Standards Panel as a Minor Breach allegation and, if substantiated, would result in a finding of breach by the Standards Panel which may in turn result in the imposition of a formal sanction. The Standards Panel would not consider the substance of the original matter dealt with by the Peer Review Panel, only whether the Peer Review Panel's direction had been complied with.

Figure 4 (Section 4.2.3) outlines the process for complaints to be addressed at the local level.

4.2.3 Mayor or President / Peer Review Panel Referral Processes

Figure 4 outlines the proposed process by which code of conduct complaints will be dealt with by the Mayor or President / Peer Review Panel, at the local level.

Fig. 4: Proposed Process for Consideration of Code of Conduct Complaints by Mayor or President / Peer Review Panels



Guidelines will be developed to assist local government Mayors and Presidents, and Peer Review Panel members, to ensure consistency, effectiveness, transparency, timeliness and accountability in the complaints process.

It is proposed that training and support will be made available to Mayors and Presidents to assist them in dealing with complaints and settling disputes.

4.3 Standards Panel Resolution of Complaints

The *Local Government Act 1995* outlines that all complaints of a minor breach under the Rules of Conduct regulations must be referred from the local government complaints officer to the Standards Panel. The Standards Panel is required to deal with each complaint referred to it by a complaints officer that falls within its jurisdiction. However, many complaints referred to the Standards Panel are of a very low level of seriousness and would be more appropriately dealt with by the relevant local government.

As part of the changes to establish a more pro-active complaints management culture, and increase the efficiency with which the Standards Panel handles complaints, the following changes are proposed:

4.3.1 Standards Panel Referral Processes

In order to streamline the complaints process, it is proposed that the Standards Panel be empowered, through an amendment to the *Local Government Act 1995*, to refer an allegation of a low-level breach of the Rules of Conduct to the relevant Mayor or President, as outlined in Figure 2 above. This will enable complaints of that kind to be dealt with without being subjected to the more formal processes of assessment undertaken by the Standards Panel.

Guidelines will be developed to assist complainants to determine if an allegation should be considered low-level and, therefore, referred to a Mayor or President of a local government for decision.

Complaints directed by the local government complaints officer to the Standards Panel are proposed to be handled in a similar fashion to the current Standards Panel process (described in Figure 1). During Standards Panel pre-hearing procedures, allegations of a low-level breach of the Rules of Conduct will be identified. Ultimately, the Standards Panel will decide if it wishes to address the complaint, or whether the matter would be better addressed at the local level by the Mayor or President.

4.4 Handling Vexatious Complaints

Responsible complaints bodies are expected to make every effort to respond with respect and courtesy to complaints, and to uphold the principle of procedural fairness. However, responses to the Standards Panel Review Committee recognised that people make vexatious complaints for reasons other than a genuine pursuit of resolution. Moreover, in some circumstances, a person may become a habitual complainant repeatedly lodging complaints which lack substance. Habitual complainants and vexatious complaints may unnecessarily monopolise Departmental resources and Standards Panel members' time.

To achieve efficiencies in the dispute resolution system, it is critical that the Standards Panel has the power not to deal with vexatious or frivolous complaints. It is therefore proposed that amendments are made to the

Local Government Act 1995 to allow the Standards Panel to dismiss any complaint defined as vexatious or frivolous.

The ability for the State Administrative Tribunal to review a Standards Panel decision not to deal with a complaint on the above grounds is considered unnecessary.

In addition to new powers for the Standards Panel in addressing vexatious or frivolous complaints, it is proposed that similar powers are given to the Mayor or President in addressing allegations of low-level misconduct. A decision by the Mayor or President that an allegation is vexatious or frivolous cannot be referred to a Peer Review Panel.

Clear guidelines and criteria will be developed for the Standards Panel, Mayors and Presidents to assist in making decisions as to whether an allegation can be treated as vexatious or frivolous.

5. CONCLUSION

The Local Government Standards Panel Review Report identified that there is an opportunity to implement a process for resolving low-level misconduct matters more effectively. Specifically, data contained in the report highlighted that:

- the number of complaints submitted to the Panel has grown steadily since its commencement and the cost of dealing with those complaints has also grown;
- the total number of complaints made were attributable to approximately one quarter of all local governments;
- most allegations made to the Panel resulted in findings of no breach;
- the period of time, in many instances, between receiving an allegation and making a determination was unacceptably lengthy; and
- under current legislation, the Standards Panel is required to deal with every allegation made.

The proposed changes to the current disciplinary framework are intended to:

- empower local governments to better manage the risk of misconduct;
- establish a more pro-active complaints management culture; and
- streamline and simplify the process of dealing with complaints that allege low-level misconduct or that are trivial or vexatious.

This is expected to lead to significant improvements in the timeliness and responsiveness of decision-makers in addressing complaints against elected members. In turn, this is expected to lead to wider benefits in the form of improved governance for a strong and sustainable local government sector.

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RESOLUTION OF MISCONDUCT COMPLAINTS AT THE LOCAL LEVEL

CITY OF JOONDALUP SUBMISSION

Intent of the Consultation Paper – Resolution of Misconduct Complaints at the Local Level

The City of Joondalup supports the general intent of the Consultation Paper '*Resolution of Misconduct Complaints at the Local Level*', released for local government comment by the Minister for Local Government, and the proposed changes to the current disciplinary framework intended to:

- empower local governments to better manage the risk of misconduct;
- establish a more pro-active complaints management culture; and
- streamline and simplify the process of dealing with complaints that allege low-level misconduct or that are trivial or vexatious.

City of Joondalup Comment and Recommendations

The City of Joondalup provides the following comments and recommendations in relation to the Consultation Paper:

Uniform Code of Conduct for Elected Members

The Minister proposes establishing a Uniform Code of Conduct for Elected Members. Under Section 5.103 of the Local Government Act 1995 a local government is required to prepare or adopt a Code of Conduct to be observed by Elected Members, Committee Members and employees. The Consultation Paper does not clarify how a Code of Conduct is proposed to be adopted for Committee Members and employees, that is, will there be more than one Code of Conduct adopted by a local government.

In development of a Code of Conduct upon which to assess low-level misconduct, it will be necessary for the Department to give consideration to a framework that would contain objective criteria against which to assess any breach of the Code.

Recommendation 1:

The Department of Local Government:

- Ensure that any principles proposed to be included in the Uniform Code of Conduct, and which Elected Members are proposed to be assessed under the model for *Resolution of Misconduct Complaints at the Local Level*, contain objective criteria against which to adequately assess breaches of behaviour.
- Commit to ensuring that the local government sector will be properly consulted with regard the development of a Uniform Code of Conduct for Elected Members.

Referral of Low Level Complaints to the Mayor or President

The Standards Panel Review Committee recommended the Mayor or President be empowered to assess allegations of a breach of the Uniform Code of Conduct. If the allegation is upheld, the Mayor or President will have access to a range of actions including mediation, training, a ruling the allegation is frivolous or vexatious or referral to a Peer Review Panel. The Mayor or President will not be involved if they are a party to an allegation, and the complaint will then being dealt with by the Deputy Mayor or Deputy President; should they too be a party, another Elected Member will be appointed by the Council to assess the complaint.

It is considered that the proposal to refer low-level complaints to the Mayor or President not be supported, particularly given that:

- The definition of what might constitute a low-level complaint is not provided, or alluded to, within the Consultation Paper, and as such the implications are unknown.
- A key high-level objective of the disciplinary framework established by the then Minister for Local Government in 2007 was the establishment of the Standards Panel aimed at providing an independent and informal mechanism to resolve minor misconduct allegations promptly; and provide for sitting members who are knowledgeable in local government matters;
- The Report by the Standards Panel Review Committee (June 2011) provides that the original disciplinary framework established by the then Minister for Local Government in 2007 anticipated introducing a mediation and/or conciliation function as a preliminary step to attempt to resolve low-level misconduct complaints locally. This has not been implemented in the way that was originally intended (for reasons unknown) and should be reviewed prior to other options being examined.

Recommendation 2:

- The City of Joondalup not support the referral of low-level complaints to the Mayor or President, until such time as the Minister for Local Government clearly defines what constitutes low-level misconduct enabling the City to consider the implications of the proposal. Further the Minister for Local Government be requested to review the original disciplinary framework established in 2007 which proposed introducing a mediation and/or conciliation function as a preliminary step to attempt to resolve low-level misconduct complaints locally.
- Should the Minister for Local Government maintain the proposed referral of low-level complaints to the Mayor or President, the Department of Local Government:
 - Clarify the types of complaints that the Mayor or President is empowered to assess and the framework that will be established to assist Mayors and Presidents manage the complaints process.
 - Commit to comprehensive training and support being provided to Mayors and Presidents in undertaking their responsibilities under the model for *Resolution of Misconduct Complaints at the Local Level*.
 - Require that training of Mayors and Presidents is compulsory prior to any assessments being permitted to be undertaken in accordance with the model for *Resolution of Misconduct Complaints at the Local Level*. Should training not have been undertaken the complaint should be referred directly to the Peer Review Panel.

Peer Review Panel

It is considered that the establishment of a Peer Review Panel can be supported for the reasons detailed by the Minister in the Consultation Paper. It is considered, however, that the following matter proposed should not be supported:

- The proposal that meetings of the Peer Review Panels, in most instances, be undertaken by teleconference. It is considered critical to any complaints assessment process that meetings, and any interviews with the complainant and/or respondent be conducted, in the first instance, face-to-face, and if necessary, by teleconference. It is suggested that other meetings of the Panel, such as preliminary discussions, and findings be permitted to be conducted by teleconference.

It is suggested that the Department give consideration to the establishment of Panels based on geographic areas therefore the requirement for teleconferencing would be reduced.

Recommendation 3:

The City of Joondalup:

- Support the referral of low-level complaints to the Peer Review Panel, not the Mayor or President.
- Not support the proposal that meetings of the Peer Review Panels, in most instances, be undertaken by teleconference, and as an alternative it be proposed that meetings, and any interviews with the complainant and/or respondent be conducted, in the first instance, face-to-face, and if necessary, by teleconference.
- Requests the Department of Local Government to give consideration to the establishment of Panels based on geographic areas.

Handling Vexatious Complaints

It is proposed the Standards Panel and the Mayor or President will be empowered to dismiss any complaint deemed to be vexatious or frivolous. It is further proposed that there will be no right of review by the State Administrative Tribunal or the Peer Review Panel of any complaint deemed to be vexatious or frivolous by the Standards Panel or the Mayor or President.

It is considered that the intent of this proposal can be supported, on the condition that what constitutes a vexatious or frivolous complaint is clearly defined in order that any elements of bias or prejudice can be discounted therefore allowing any such 'ruling' to be clearly justified. The Department do propose that clear guidelines and criteria be developed to ensure parties required are able to make decisions as to whether an allegation can be treated as vexatious or frivolous.

In order to avoid perceptions of bias/prejudice should the Minister for Local Government maintain the proposed referral of low-level complaints to the Mayor or President, it is considered that a right of review by the Peer Review Panel of any complaint deemed to be vexatious or frivolous by the Mayor or President should be provided for.

Recommendation 4:

- The Department of Local Government be requested to clarify criteria for what might be considered allegations of a vexatious or frivolous nature.
- Should the Minister for Local Government maintain the proposed referral of low-level complaints to the Mayor or President, the City of Joondalup supports a right of review by the Peer Review Panel of any complaint deemed to be vexatious or frivolous by the Mayor or President.

Other Matters

It is suggested that the Department be requested to give consideration to the following matters in drafting a framework for the resolution of misconduct complaints at the local level:

- Clear definitions of the types of complaints proposed to be assessed.
- Development of a simple complaint handling procedure for assessment of complaints, which might include, but not be limited to:
 - How allegations are received and assessed;
 - How to prepare, plan and undertake any investigation required to clarify allegations;
 - Documentation of allegations and recording of any investigation and findings;
 - Dealing with conflicts of interest.
- Ensuring all persons involved in investigations are aware of the principles of natural justice and are required to adhere to these principles.
- Timeframes for all actions associated with complaints to ensure there is timeliness in assessing and concluding investigations.
- Confidentiality requirements, including the making of public statements that may jeopardise the process or harm the local government.

Recommendation 5:

The Department of Local Government be requested to give consideration to the following matters in relation to the proposed model for *Resolution of Misconduct Complaints at the Local Level*:

- Development of a simple complaint handling procedure for assessment of complaints.
- Ensuring all persons involved in investigations are aware of the principles of natural justice and are required to adhere to these principles.
- Ensuring the framework has established timeframes for all actions associated with complaints to ensure there is timeliness in assessing and concluding investigations.
- The level of administrative support required from the Complaints Officer.