

LOCAL GOVERNMENT COUNCILS, INVESTIGATION OF COMPLAINTS

173. Hon Jim Scott to the Minister for Local Government and Regional Development

Further to Question on Notice 60 of Tuesday, 12 June 2001 -

- (1) What steps does the Department of Local Government take to determine and establish the veracity of information on a council before it will begin an investigation?
- (2) What constitutes 'sufficient grounds' that must be established before the Department will commence an investigation and will the Minister provide examples?
- (3) In relation to the 35 day comment period for the Mayor and Councillors to comment on an investigation report, will the Minister provide examples of the councils and the reason each council was not given the 35 day comment period?
- (4) Will the Minister provide examples where the Department has not discussed allegations with the Mayor and/or Councillors of a council before an inquiry was decided upon?

Hon TOM STEPHENS replied:

- (1) Preliminary inquiries are made which may involve discussions with the complainant or council representatives or an examination of council documents to determine that it is not a fallacious complaint.
- (2) Sufficient grounds would involve confirmation that the complaint was within the Department's jurisdiction and that there were confirmed facts that would indicate there may be a potential breach of the legislation that needs to be assessed.

An example would be an allegation of breach of the financial interest provisions of the Local Government Act 1995. Sufficient grounds for an investigation would be that the alleged perpetrator is an elected member, there was a council meeting on the said day, the issue was subject to discussion at the council on the day, the elected member attended the meeting, the elected member did not declare an interest and there was reason to believe the elected member may have had a financial interest in the issue being discussed. If the answer to all these issues was "yes" a Departmental officer would be authorised to conduct an inquiry into the matter.

- (3) Inquiries may be about the operations or affairs of local governments, which includes individuals associated with local governments. It is common practice for inquiry reports relating to individuals not to be given to the local government concerned.
- (4) Examples would be where individuals are alleged to have breached the Local Government Act 1995 and where the allegations against a council were sufficiently serious that preemptive action needed to be taken to ensure that relevant council documents were not destroyed or tampered with.