

Checklist for general managers

Code of Conduct complaints

Initial assessment under section 28Y, *Local Government Act 1993*

This form is intended to assist general managers undertake the initial assessment of code of conduct complaints under section 28Y of the *Local Government Act 1993* (the Act). Under this provision, within 14 days after receiving a code of conduct complaint, a general manager is to assess the complaint to determine whether it meets the requirements of section 28V of the Act.

The following checklist reflects the requirements of section 28V of the Act and is intended to assist general managers and delegated staff members ensure that all of the requirements under that provision have been met.

Complaint checklist

The complaint:

- is in writing;
- states the name and address of the complainant;
- states the name of each councillor against whom the complaint is made;
- states the provision of the code of conduct that the councillor has allegedly contravened;
- contains details of the behavior of each councillor that constitutes the alleged contravention;
- has been lodged with the general manager of the relevant council within six months of the alleged contravention of the code of conduct;
- contains details of all efforts by the complainant to resolve the issue that is the subject of the complaint;
- contains details of whether the complainant has participated in the council's dispute resolution process;
- contains details of the outcome of the council's dispute resolution process and the reasons why the complainant is not satisfied with that outcome;
- if the complainant did not commence or compete the council's dispute resolution process, contains details about the attempts made by the complainant to resolve the issue as part of the attempted dispute resolution process or provides reasons why they believe the process is not appropriate in respect of this complaint;
- is accompanied by a statutory declaration, signed by the complainant/s, verifying the accuracy of the information contained in the complaint;
- is accompanied by the prescribed fee*.

*The current fee is 50 fee units. Fee units are set each financial year, with the current values available at: www.treasury.tas.gov.au/economy/economic-policy-and-reform/fee-units

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What if the complaint does not comply?

If the complaint does not comply with these requirements, section 28Y of the Act prescribes that the general manager is to return the complaint to the complainant and notify the complainant, in writing:

- That the complaint does not meet the requirements of section 28V of the Act for the reasons set out in the notice; and
- That the complainant may lodge an amended or substituted complaint without payment of a further fee:
 - o within six months of the alleged contravention of the Code of Conduct; or
 - o if the complaint is returned to the complainant after the end of the six month period referred to above or less than 14 days before the end of that period, within 14 days after receiving the returned complaint.