

SUBMISSION OIA INQUIRY

Nigel Waistell

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Thank you for asking for submissions for this inquiry. My history is that I was a Councillor from 2012 to 2020. I decided not to run in 2020. I was subjected to several complaints in my 8 years.

I wish to make the following points for your consideration.

- 1. Role of the CEO.** In the past, the CEO could decide whether or not to submit a complaint to the OIA. This review privilege has now been removed. This has resulted in the OIA receiving many complaints which are dismissed by the OIA for lacking in substance or words to that effect. The OIA do not have the resources to deal with so many complaints and I believe that the CEO should be given back this privilege. A complainant could have a right of appeal directly to the OIA if they are unhappy with a decision of the CEO.
- 2. OIA sending complaints to Council for a decision.** The OIA, having considered a complaint, can send it back to Council for review and a decision. This is fine if the complaint came from a resident, but it is complicated if the complaint came from Council. The OIA is asking Councillors to support a fellow Councillor or the Executive. I do not think that this is good practice. In my case, I asked Council to send the complaint back to the OIA for them to decide. The OIA should be the final decision maker not Council.
- 3. Powers of the OIA.** I view the OIA as a prosecutor and the CCT as the judge and jury. A prosecutor normally can withdraw a case at any time if they have a reason for doing so. The OIA does not have this power. In my case, a complaint made against me by Council was left undecided for so long that the OIA, when learning that I was not running again in 2020, decided to withdraw the complaint from the CCT. CCT refused to allow this. OIA went to the Supreme Court and the judge refused to rule as there was a process the OIA could use. OIA submitted a formal request to the CCT and the CCT refused to withdraw the complaint. CCT finally heard the case in 2021 and I was found guilty. To what effect? Nothing. How much did all of this cost? Such a waste of time and resources. I believe that the OIA should have the power to withdraw a complaint from the CCT at any time.