

## Conduct and Performance of Councillors

### Version Information

#### Head of Power

Sections 176 to 182 of the Local Government Act 2009 (the Act) detail the requirements for dealing with complaints about the conduct and performance of councillors. This is to ensure that appropriate standards of conduct and performance are maintained.

Complaints about the conduct and performance of councillors fall into four categories: inappropriate conduct; misconduct; corrupt conduct; and complaints about 'another matter'. The Guideline explains how each category of complaint is handled and how frivolous and vexatious complaints are dealt with.

This policy supports Council's priority to deliver inclusive and ethical governance for the community. This includes clear accountabilities, ethical standards of behaviour and a commitment to act in accordance with the 'local government principles' (see Section 4 of the Act).

#### Policy Objective

This policy has been established to provide a clear administrative method of handling and resolving complaints made about the conduct and performance of councillors. The detailed processes are described in the Conduct and Performance of Councillors Guideline GL-3096-001.

Refer to the Complaints Management Process Policy POL - 3037 for the administrative method of handling and resolving complaints made about the conduct of Council officers.

#### Policy Statement

1. The complaints process is to be readily accessible to and able to be understood by all people including those with special needs. Information about the complaints process is to be available on Council's website and at its customer service centres.
2. All complaints received by Council will be considered on their merits and addressed in an equitable and unbiased manner through an established complaints process and the observation of the principles of natural justice. Complainants will not suffer any reprisal as a result of making a complaint.
3. Complaints will be categorised and dealt with in accordance with the Act, i.e. as inappropriate conduct, misconduct (including corrupt conduct) or complaints about another matter. Complaints about inappropriate conduct are dealt with by the mayor or the chief executive of the Department of Infrastructure, Local Government and Planning. Complaints of misconduct or corrupt conduct are dealt with by a body that is independent of Council. Complaints about another matter are dealt with at the discretion of the Council's chief executive officer.
4. In the event that a complaint contains allegations in more than one of the categories above, it will be managed in accordance with the process for dealing with the most serious of the allegations made.
5. Complainants will be treated courteously; will receive an acknowledgement of their complaint; will be informed about how it will be dealt with; and will be advised the outcome of their complaint.

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#### CMR Team use only

6. All complaints will be treated with appropriate respect for the confidentiality and privacy of the complainant, councillors and third parties involved. It is Council's policy not to notify the subjects of the complainant's name. Publication of information by Council relating to complaints about the conduct and performance of councillors will be limited to that prescribed by legislation.
7. Council will co-operate fully with any investigating authority charged with dealing with a complaint, e.g. the Crime and Corruption Commission, Local Government Remuneration and Discipline Tribunal or a regional conduct review panel.
8. The subjects of complaints will, at the time they are notified of a complaint against them, be informed that it is Council's Policy to disclose information about the progress of the investigation and its outcome to the complainant.
9. Where multiple complaints are received about the same or similar issue an effective and efficient method of dealing with them will be determined. For example, if several complainants independently make the same allegation against a councillor, those matters may be dealt with as a single complaint.
10. Complaints about decisions of Council will not be dealt with under this policy irrespective of whether or not the complaint is made against some or all councillors. This does not prevent the acceptance of complaints where it is alleged that a councillor has breached the Act in relation to making a decision; for example, by failing to disclose a conflict of interest in the matter being decided.
11. The complaint process is not a tool to bring Council business to a halt nor to delay or prevent Council from making decisions.
12. It is an offence (Section 176C(8) of the Act) for a person to make a further complaint that is substantially the same as a complaint that has previously been assessed by the CEO as frivolous or vexatious.
13. This policy and its associated guideline will be reviewed periodically to maintain best practice.
14. If there is any conflict between this policy or associated guideline and the requirements of the Act or any other relevant legislation, the legislative requirements must take precedence.

## Version Information

Version No.	Date	Key Changes
3	January 2016	<ul style="list-style-type: none"><li>• Administrative amendment to reflect changes to legislation.</li></ul>
4	May 2016	<ul style="list-style-type: none"><li>• No changes. Just submitted for Council adoption with GL-3096-001 which has been amended.</li></ul>

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