

Policy Details

Directorate:	Organisational Services
Branch:	Corporate Governance
Responsible Manager:	Corporate Governance Manager
Date adopted:	04/12/2019 (minute number 188/2019)
Date for review:	2 years from the date of adoption or date of last review
Legislative basis:	<i>Local Government Act 2009</i> <i>Local Government Regulation 2012</i> <i>Crime and Corruption Act 2001</i>
Related Documents - forms and procedures	Councillor Conduct Complaints Investigation Procedure (DM: 13315196) Inappropriate Conduct Disciplinary Action Guideline (DM: 13315181) Local Government and Committee Meetings Code (DM: 13344398)

1. Policy Purpose

The purpose of this policy is to establish a process for the investigation of complaints about alleged inappropriate conduct of a councillor which have been referred to Council by the Office of the Independent Assessor.

2. Scope

This policy applies to all Councillors, employees and contractors working for Council regardless of whether they are permanent, temporary, full-time, part-time or casual. For the purposes of this policy, the term contractor includes on-hired temporary labour services (agency staff) and sub-contractors.

This investigation policy applies to all investigations and determinations of a complaint about the alleged inappropriate conduct of a councillor which has been referred to Council by the Independent Assessor. This policy does not relate to more serious councillor conduct such as misconduct.

3. Policy Statement

Principles

Section 150AE of the *Local Government Act 2009* requires Council to adopt an Investigation Policy about how it will deal with the alleged inappropriate conduct of Councillors when that conduct is referred to Council by the Independent Assessor for investigation and determination.

Council is committed to investigating all councillor conduct matters referred to it by the Independent Assessor in a fair, efficient and transparent manner in accordance with the legislation.

Councillor Conduct Complaints Investigation Procedure

As required by the *Local Government Act 2009*, a councillor conduct complaints investigation procedure has been developed. All councillor conduct complaints which have been referred to Council by the Independent Assessor will be managed in accordance with the Councillor Conduct Complaints Investigation Procedure (DM: 13315196).

The Councillor Conduct Complaints Investigation Procedure:

1. includes a procedure for investigating the suspected inappropriate conduct of Councillors; and
2. states the circumstances in which another entity may investigate the conduct; and
3. is consistent with the principles of natural justice; and
4. requires Councillors and persons who make complaints about Councillors' conduct to be given notice about the outcome of investigations; and
5. requires decisions about suspected inappropriate conduct and the reasons for them to be published.

4. Reporting

Section 150DX of the *Local Government Act 2009* requires Council to keep an up to date register about councillor conduct (Councillor Conduct Register). Council must publish the register on its website and ensure the public may inspect the register at Council's office.

5. Definitions

The following definitions apply to this Policy and to the Councillor Conduct Complaints Investigation Procedure.

TERM	DEFINITION
Behavioural standard	means a standard of behaviour for councillors set out in the Code of Conduct
Code of Conduct	means the Code of Conduct for councillors approved under section 150E of the <i>Local Government Act 2009</i>
Conduct	includes: <ol style="list-style-type: none">1. Failing to act;2. An attempt to engage in conduct; and3. A conspiracy to engage in conduct.
Corrupt conduct	has the same meaning as section 15 of the <i>Crime and Corruption Act 2001</i>
Council	Means all elected representatives including the Mayor
Council meeting	means a meeting of the local government
Councillor	means an elected representative including the Mayor
Councillor Conduct Register	means the register required to be kept by Council as set out in section 150DX of the <i>Local Government Act 2009</i>
Inappropriate conduct	has the same meaning as section 150K of the <i>Local Government Act 2009</i>
Independent Assessor	means the Independent Assessor appointed under section 150CV of the <i>Local Government Act 2009</i>
Investigation Policy	refers to this policy, as required by section 150AE of the <i>Local Government Act 2009</i>
Investigator	means the person responsible under this Investigation Policy for carrying out the investigation of the suspected inappropriate conduct of a councillor or Mayor
Local government	has the same meaning as section 8(1) of the <i>Local Government Act 2009</i>
Misconduct	has the same meaning as section 150L of the <i>Local Government Act 2009</i>

TERM	DEFINITION
Model procedures	has the same meaning as section 150F of the <i>Local Government Act 2009</i>
Natural justice	means a set of principles to ensure fair and just decision making, including a fair hearing, an absence of bias, decisions based on evidence, and the proper examination of all issues
Referral notice	has the same meaning as section 150AC of the <i>Local Government Act 2009</i>
Tribunal	means the Councillor Conduct Tribunal as established under section 150DK of the <i>Local Government Act 2009</i>
Unsuitable meeting conduct	has the same meaning as section 150H of the <i>Local Government Act 2009</i>

Document Control

File:	1119394-1	Document Id:	13315154
Amendment History			
Version Number	Description of Change	Author / Branch	Date
1.0	Creation	Corporate Governance	4 December 2019