

Complaints Against Councillors Policy

Approval Body:	Council
Endorsement Date:	31 January 2016
Council Plan Reference:	NA
Current Version:	1.7 <i>Council policy documents change from time to time and it is recommended that you consult the electronic reference copy on Casey Council's Website to ensure that you have the current version. Alternatively, you may contact Customer Service on 9705 5200.</i>
Compulsory Review Cycle:	4 years
Review Date:	16 August 2022 <i>It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this document, such a change may be made administratively. Examples include a change to the name of a Council department, a change to the name of a Federal or State Government department, and a minor update to legislation which does not have a material impact. However, any change or update which materially alters this document must be by resolution of Council.</i>
Responsible Department:	Governance
Relevant Legislation:	NA
Relevant Council Documents:	NA
Breaches:	NA
ECM ID:	12083473

1. Purpose and Intent

This Policy guides how a complaint from a member of the community against a Councillor, or where a Councillor is the subject of a complaint against Council, is to be investigated.

Councillors work hard to achieve the best outcomes for the municipality. Occasionally their conduct may cause concern for some members of the community. This Policy has been put in place to ensure a consistent and fair approach in dealing with complaints against Councillors. Implementation will be guided by relevant legislation, including the *Privacy and Data Protection Act 2014*.

2. Scope

This Policy does not apply in the case of complaints which must legally be addressed in some other manner (such as a Protected Disclosure in relation to a Councillor under the *Protected Disclosure Act 2012*, or the Councillor Conduct Panel provisions of the *Local Government Act 1989*), or which, in the opinion of the Chief Executive Officer:

- are frivolous or vexatious,
- can be resolved without an investigation, or
- are not related to the Councillor's role as a Councillor.

3. Definitions

Key term	Definition
Council	means Casey City Council, being a body corporate constituted as a municipal Council under the <i>Local Government Act 1989</i>
Councillors	means the individuals holding the office of a member of Casey City Council
Council officer	means the Chief Executive Officer and staff of Council appointed by the Chief Executive Officer.

4. Policy

4.1. Use of an External Investigator

Upon receipt of a complaint against a Councillor, or where a Councillor is the subject of a complaint against Council, the Chief Executive Officer may engage an appropriately qualified independent external investigator, based on the recommendation of the Law Institute of Victoria, to investigate the complaint.

Councillors and Council officers shall cooperate fully with the investigator and have the right to the presence of another individual of their choosing during any discussions with the investigator.

The external investigator shall forward a report on the outcomes of the investigation, including any recommendations, to the Chief Executive Officer.

4.2. Committee of Council

Council shall form a Committee of all Councillors, excluding the Councillor or Councillors who are the subject of the complaint, to consider the independent external investigator's report.

4.3. Responsibilities

Who	What
Chief Executive Officer	Has the responsibility to engage a qualified, independent investigator to investigate the complaint.
Councillors	Councillors shall form a Committee of all Councillors, excluding the Councillor or Councillors who are the subject of the complaint, to consider the independent external investigator's report.

4.4. Breaches

NA

5. Relevant Forms

NA

6. Document History

Date approved	Change Type	Version	Next Review Date
15 August 2019	Administrative: amendment to relevant Council documents section	1.7	16 August 2022
18 July 2019	Administrative: Transfer to new template	1.6	16 August 2022
16 August 2018	Administrative	1.5	16 August 2022