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RELATED STRATEGIC DOCUMENTS, POLICIES OR PROCEDURES:	Complaint Handling Framework Complaint Handling Procedure Equal Opportunity and Anti-Discrimination Policy Bullying Occupational Violence Policy Protected Disclosure Procedure Councillor Code of Conduct
RELATED LEGISLATION:	Local Government Act 1989 Charter of Human Rights and Responsibilities Act 2006 Freedom of Information Act 1982 Information Privacy Act 2000 Protected Disclosure Act 2012 Public Records Act 1973 Equal Opportunity Act 2010 Competition and Consumer Act 2010 Independent Broad-based Anti-corruption Commission Act 2011 Privacy and Data Protection Act 2014
EVIDENCE OF APPROVAL:	


Signed by Chief Executive Officer

FILE LOCATION: K:\EXECUTIVE\Strategies policies and procedures\Policies - adopted PDF and Word\POL Complaints against Councillors policy v1.docx

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This document is available in alternative formats (e.g. larger font) if requested.

1 PURPOSE

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.

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 Code of Conduct provisions under the *Local Government Act 1989*).

This policy should be read in conjunction with the Councillor Code of Conduct which outlines:

- acceptable behaviours
- misuse of position
- improper direction
- confidential information
- conflict of interest and conflicting personal interest
- dispute resolution.

3 POLICY

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*.

3.1 Complaints from Councillors about other Councillors

Complaints made by a Councillor about a fellow Councillor are to be dealt with in accordance with the Councillor Code of Conduct.

3.2 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 shall 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.

3.3 Legal advice

Consideration of any request for Council funded legal advice from a Councillor who is subject of a complaint being investigated shall be considered under Council's Councillor Code of Conduct and/or the Councillors Support and Reimbursement of Expenses Policy.

3.4 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 DEFINITIONS OF TERMS OR ABBREVIATIONS USED

Term	Definition
Council	Loddon Shire Council, being a body corporate constituted as a municipal Council under the Local Government Act 1989.
Councillors	The individuals holding the office of Loddon Shire Council.
Council officer	The Chief Executive Officer and staff of Council appointed by the Chief Executive Officer.
Customers	An individual, business or organisation that utilises the services of the Loddon Shire Council.
Complaint	An expression of dissatisfaction with: <ul style="list-style-type: none"> the quality of a service provided, an action taken, or decision made by Council or its contractor a delay or failure in providing service, taking an action, or making a decision by Council or its contractor.
Complainant	A person or group that makes a complaint.

5 HUMAN RIGHTS STATEMENT

It is considered that this policy does not impact negatively on any rights identified in the Charter of Human Rights Act. Loddon Shire Council is committed to consultation and cooperation between management and employees. The Council will formally involve elected employee Health and Safety Representatives in any workplace change that may affect the health and safety of any of its employees.

6 REVIEW

The Director Corporate Services will review this policy for any necessary amendments no later than 2 years after adoption of this current version.