

WUJAL WUJAL ABORIGINAL SHIRE COUNCIL
COMPLAINTS MANAGEMENT POLICY – COUNCILLORS



1. POLICY STATEMENT

This is Wujal Wujal Aboriginal Shire Councils Complaints Management Policy - Councillors (CMP) for resolving complaints about Councillor conduct as required under Chapter 5A of the *Local Government Act 2009*.

Council is committed to ensuring that any complaints about Councillor actions, decisions or the conduct of Councillors are dealt with in a responsive, confidential, fair and efficient manner.

2. COMMENCEMENT

The CMP policy was adopted by Council resolution on 25 July 2019 and applies from 25 July 2019.

3. OBJECTIVE

Council acknowledges that the community has a right to expect appropriate standards of behaviour from Councillors including:

- Transparent and effective processes and decision making in the public interest;
- Sustainable development and management of assets and infrastructure and delivery of effective services;
- Democratic representation, social inclusion and meaningful community engagement;
- Good governance of and by local government
- Ethical and lawful behaviour by Councillors;
- Integrity and impartiality
- Promoting the public good
- Commitment to the system of government
- Accountability and transparency
- Suitable meeting conduct
- Compliance with policies, procedures and resolutions of Council.

Complaints about the conduct of Councillors are to be managed confidentially, fairly, quickly and professionally in accordance with this CMP and Chapter 5A of the *Local Government Act 2009*.

4. SCOPE

This CMP applies to all complaints received by Council, the Chief Executive Officer (CEO) or other Council officers about Councillor conduct.

All complaints received by Council written or verbal, will be dealt with in the strictest confidence.

5. RECEIVING COMPLAINTS

Making a complaint

People can make a complaint:

- by telephone or in person
- by email or online, via Council's website
- in writing, addressed to the CEO, Mayor, a Councillor or Office of the Independent Assessor or other Council officer
- anonymously

Helping people make a complaint

- Council officers or elected members receiving the complaints are required to assist people making a complaint where requested and tell them what information is required so the complaint may be addressed.
- Council officers or elected members are required to arrange help if a person needs an interpreter or has special needs.

Acknowledging complaints

- Council is required to let people know in writing within 2 days of receipt of the complaint, that the complaint has been received by Council.
- Council is required to advise that the complaint has been referred to the Office of the Independent Assessor in accordance with section 150P of the *Local Government Act 2009*.

6. ASSESSING COMPLAINTS

All complaints received by the Council about the conduct of a Councillor must be referred in the first instance to the Office of the Independent Assessor for assessment in accordance with section 150P of the *Local Government Act 2009*.

Where the Office of the Independent Assessor refers a complaint to Council about suspected inappropriate conduct of a Councillor, any investigation by Council into a complaint about inappropriate conduct of a Councillor will be dealt with in accordance with the Wujal Wujal Aboriginal Shire Council Investigation Policy.

7. RECORDING COMPLAINTS ON THE COUNCILLOR CONDUCT REGISTER

All substantiated complaints and decisions will be recorded in a Councillor Conduct Register in accordance with sections 150DX and 150DY of the *Local Government Act 2009*.

The Councillor Conduct Register will be available for public inspection and will include:

- A summary of the decision and the reasons for the decision made by the Office of the Independent Assessor or Council with respect to the complaint;
- The name of the Councillor about whom the decision was made
- The date of the decision.

The name of the person making the complaint or any information that could reasonably identify the person making the complaint, is confidential and will not be included on the Councillor Conduct Register.

Where a complaint is not substantiated or is dismissed by the Office of the Independent Assessor or Council in accordance with section 150DZ of the *Local Government Act 2009*, the name of the Councillor or any information that would identify the Councillor, will not be included on the Councillor Conduct Register with respect to that complaint unless the Councillor consents to their name being included.

8. RECORDING OF COMPLAINTS

Council will hold and retain an internal confidential record of complaints within Council including:

- allocation of a reference number to identify the complaint
- the name and contact details of the person making the complaint
- date the complaint was received (and how)
- what the complaint is about
- any further information obtained by or provided to Council to forward to the Office of the Independent Assessor
- date when the complaint was referred to the Office of the Independent Assessor
- actions taken by Council if the complaint is referred back by the Office of the Independent Assessor for investigation
- the decision and the reasons for the decision of the Office of the Independent Assessor or Council where appropriate
- disciplinary action if any, taken the Office of the Independent Assessor or Council against the Councillor
- final response communicated to complainant
- date the decision is included in the Councillor Conduct Register
- date the complaint finalised.

All information about the complaint must be dealt with in accordance with section 200 of the *Local Government Act 2009* and a person must not release information that the person knows or should reasonably know is information that is confidential to the Council and that the Council wishes to keep confidential.

9. ANNUAL REPORT

Council will be provided with an annual report by the CEO which will:

- identify and analyse the number of complaints received, complaint trends, significant issues and the decisions made by the Office of the Independent Assessor or Council to determine if the CMP is operating effectively and efficiently;
- include any recommendations for improvement to the CMP; and
- monitor how the Council will implement accepted recommendations.

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10. EXTERNAL REPORTING

Council's annual report will contain the following information about the CMP:

- a statement about how the CMP is working, including an assessment of Council's performance in resolving complaints under the CMP
- the number of all complaints made, resolved and unresolved during the financial year
- number of complaints unresolved from the previous financial year.

11. ADOPTION AND REVIEW

This Policy on adoption by resolution of Council supersedes any previous CMP and will remain in force unless otherwise amended or revoked by resolution of Council.

This Policy will be reviewed every 2 years or as directed by Council.

12. RELATED COUNCIL POLICIES

- Councillor Code of Conduct
- Investigation Policy
- Social Media Policy

13. RELEVANT LEGISLATION

- *Local Government Act 2009 (QLD)*
- *Crime and Corruption Act 2001 (Qld)*
- *Public Sector Ethics Act 1994 (Qld)*
- *Public Interest Disclosure Act 2010 (Qld)*

A handwritten signature in blue ink, appearing to read 'KH', is located above the name of the Chief Executive Officer.

Kiley Hanslow
Chief Executive Officer

DATE OF ADOPTION:	25 July 2019		
TIME PERIOD OF REVIEW:	2 Years		
DATE REVIEWED	11 July 2023	RESOLUTION REF	20230712
NEXT REVIEW DUE	2023		