



COUNCIL POLICY LG541

COMPLAINTS AGAINST COUNCIL MEMBERS, COMMITTEE MEMBERS AND CANDIDATES

LEADERSHIP AND GOVERNANCE

TOWN of CLAREMONT

KEY FOCUS AREA

Purpose

The purpose of this policy is for Council to:

1. Establish, in accordance with Clause 15(2) of the *Local Government (Model Code of Conduct) Regulations 2021* and the Town of Claremont's (**Town**) Code of Conduct for Council Members, Committee Members and Candidates (**Code of Conduct**), the procedure for dealing with complaints about alleged breaches of the behaviour requirements in Division 3 of the Code of Conduct.
2. Establish a Complaints Committee to review complaints and make recommendations to Council.
3. Give effect to the Town's commitment to an effective, transparent, fair and accessible complaints handling process that supports high standards of behaviour of Council Members, Committee Members and Candidates.

Scope

This Policy applies to:

1. Complaints made under Division 3 of the Code of Conduct;
2. Council Members, Committee Members, Candidates (if successfully elected as a Council Member) and any person who submits or is involved in a complaint in accordance with this Policy.

Policy

1. The Chief Executive Officer is the nominated Complaints Officer to accept complaints.
2. A Complaints Committee (**Committee**) will be established to review and consider complaints made under Division 3 of the Code of Conduct and make recommendations to Council.
3. The Committee will have no delegated authority. The Committee's role is advisory only and all determinations remain the responsibility of Council.
4. The Committee must follow all legislative requirements including those set out in the Code of Conduct, the Act and associated regulations.
5. The Committee will comply with principles of procedural fairness and natural justice.
6. The Committee will take all reasonable steps to ensure complaints are dealt with efficiently, cost effectively and in a timely manner.
7. The Committee will take all reasonable steps to maintain confidentiality when dealing with a complaint. Council Members, Town employees and all others who have a role in handling or investigating a complaint will be provided with sufficient information to fulfil their role. Such persons must manage this information securely and must not disclose or inappropriately use this information.
8. As soon as practicable but within at least 7 days after receiving a complaint, the Complaints Officer will provide written notice to:
 - a. the Complainant, that confirms receipt of the Complaint; and
 - b. the Respondent, that advises a Complaint has been made in accordance with the Code of Conduct and this Policy and includes a copy of the complaint documentation.

9. As soon as practicable after receiving a Complaint, and after any request of the Complainant or Respondent for further information has been complied with, the Complaints Officer will call for a meeting of the Committee, bearing in mind the commitments of the Committee Members.
10. At the meeting, the Committee will consider the information available including the nature of the complaint, the complexity and seriousness of the matter, and the requirements of procedural fairness and natural justice.

Following its consideration, the Committee may recommend to Council:

- a. that the complaint be dismissed;
- b. that consideration of the complaint be deferred pending the outcome of another investigation or process;
- c. that a breach has occurred; or
- d. that no breach has occurred.

A finding that an alleged breach has occurred must be based on evidence from which it may be concluded that it is more likely that the breach occurred than it did not occur.

11. If the Committee makes a finding that the alleged breach has occurred, the Committee may recommend that Council:
 - a. takes no further action; or
 - b. prepares and implements a plan to address the behaviour of the person to whom the complaint relates.

A plan may include a requirement for the person to whom the complaint relates to do one or more of the following:

- a. Engage in mediation
- b. undertake counselling
- c. undertake training;
- d. take other action the Committee considers appropriate.

12. Council may accept, amend or reject the Committee's recommendations.
13. Where Council requires a plan to be implemented, the Complaints Officer will monitor compliance and report any non-compliance to Council.
14. The Committee or Complaints Officer will report to Council on any complaints that are withdrawn.
15. The Town will provide access to counsellors for any Council Member, Committee Member or employee involved in a complaint.

Document Control Box			
Legislation:	Local Government Act 1995 Local Government (Model Code of Conduct) Regulations 2021		
Organisational:	Code of Conduct for Council Members, Committee Members and Candidates		
Version #	Decision:	OCM Date:	Resolution Number:
1.	Adopted	4 May 2021	054/21
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