

1. Heads of Power

Local Government Act 2009 (Qld)
Local Government Regulation 2012 (Qld)
Crime and Corruption Act 2001 (Qld)
Public Records Act 2002 (Qld)
Code of Conduct for Councillors in Queensland
Independent Assessor Regulation 2018 (Qld)

2. Purpose

This policy provides a structured approach for handling complaints about the conduct of Councillors within Aurukun Shire Council (**Council**). It ensures that such complaints are managed transparently, impartially, and in accordance with Queensland legislative requirements.

3. Scope

This policy applies to all complaints regarding the conduct of Councillors, including the Mayor. It does not cover complaints about Council employees or contractors, which are managed under separate policies.

4. Definitions

Complaint: An expression of dissatisfaction regarding the conduct of a Councillor.

Inappropriate Conduct: Conduct by a Councillor that breaches the Code of Conduct for Councillors in Queensland, excluding misconduct and corrupt conduct.

Misconduct: Conduct that adversely affects the performance of a Councillor's responsibilities under the Local Government Act 2009 (Qld).

Corrupt Conduct: Conduct that involves misuse of power for personal gain or to cause detriment to another person, as defined under the Crime and Corruption Act 2001 (Qld).

Independent Assessor (IA): The statutory officer responsible for assessing and investigating complaints about Councillor conduct in Queensland.

Office of the Independent Assessor (OIA): An independent statutory body responsible for receiving and assessing complaints about the conduct of councillors under the *Local Government Act 2009* (Qld).

5. Policy Statement

Council is committed to ensuring that complaints about Councillor conduct are handled fairly, efficiently, and in compliance with the *Local Government Act 2009* (Qld). Investigations will be undertaken impartially and in accordance with principles of procedural fairness and natural justice.

6. Complaint Management Process

6.1. Lodging a Complaint

- Complaints about Councillor conduct must be submitted to the Independent Assessor (IA).
- Complaints should be in writing and provide sufficient detail to allow proper assessment.

6.2. Assessment and Referral by the Independent Assessor

- The IA will determine whether the complaint:
- Is dismissed (if it lacks substance or is frivolous/vexatious);
- Requires further investigation by the IA (if it involves misconduct);
- Should be referred to Council for resolution (if it involves inappropriate conduct).

6.3. Investigation of Inappropriate Conduct by Council

If a complaint is referred to Council for investigation, the following process applies:

1. Preliminary Assessment: The CEO will conduct an initial review to determine the nature of the complaint and appoint an independent investigator if required.
2. Investigation: The investigator will gather evidence, interview relevant parties, and prepare a report with findings and recommendations.
3. Decision: Council will consider the report in a closed meeting, ensuring confidentiality and procedural fairness.
4. Outcome Notification: The complainant and the Councillor will be advised of the outcome in writing.

6.4. Handling of Misconduct Complaints

Complaints of **misconduct** are managed directly by the IA, who may:

- Conduct an investigation and recommend disciplinary action to the Councillor Conduct Tribunal.
- Refer matters involving corrupt conduct to the Crime and Corruption Commission (CCC).

6.5. Confidentiality and Record-Keeping

- All complaints and investigation records will be maintained in accordance with the *Public Records Act 2002 (Qld)*.
- Investigations will be conducted with strict confidentiality to protect all parties involved.

7. Natural Justice and Procedural Fairness

Council will ensure that:

- Councillors are given an opportunity to respond to allegations before decisions are made.
- Investigations are conducted impartially and based on factual evidence.
- Decisions are made by an unbiased and competent authority.

8. Disciplinary Actions

If a Councillor is found to have engaged in inappropriate conduct, Council may impose one or more of the following disciplinary actions:

- Official reprimand recorded in the meeting minutes.
- Requirement to attend training on conduct and governance matters.
- Public apology issued by the Councillor.
- Exclusion from certain Council activities for a defined period.

10. Related Documents

- *Code of Conduct for Councillors in Queensland*
- Public Interest Disclosure Policy

- Fraud and Corruption Prevention Policy

9. Document Control and Continuous Improvement

- This policy will be reviewed every two years or as required by changes in law or best practice.
- Feedback from past complaint investigations will be used to refine and improve complaint-handling procedures.

10. Policy Owner

Legal and Governance.