

ORDINARY COUNCIL MEETING: 27 OCTOBER 2026

19.6 CODE OF CONDUCT COMPLAINTS MANAGEMENT POLICY

After the most recent presentation to Elected Members, City officers advised that the subclause 16.2 relating to information to be included in the register is above the legislated requirements. If Elected Members wanted to remove this from the Policy for Option 2, the following amendment wording would be appropriate:

Amendment to Policy Option 2

An amendment is proposed to Policy Option 2 Clause 16: Complaints Register subclause 16.2 Where a breach has not occurred.

Amendment to Officer Recommendation, resolution point 1 (refer red text):

1. **Approve the amendments to the Code of Conduct Complaints Management Policy POL-GVN 09 as per Attachment 2, removing subclause 16.2 Where a breach has not occurred.**

The remainder of the resolution remains unchanged.

Comment: removal of the requirement to publish on the public Complaints Register, the name of the Complainant or the Respondent, where a breach has not occurred.

New Policy Option 3

A third Policy Option has been developed for consideration by Council. This incorporates both Policy Option 1 and Policy Option 2.

A summary of Policy Option 3 is summarised below:

- Where the Elected Member is the complainant, the determination of the complaint is the Independent Complaints Assessor; and
- Where the Elected Member is not the complainant, the determination of the complaint is Council.

Additional changes have been made the Complaints Register where no breach has occurred (refer clause 16.2). Under Policy Option 3, the Complaint Register would record instances, where more than one complaint concerning an Elected Member has been submitted by the same complainant during the term of office, and it is determined that a breach has **not** occurred.

Refer to Policy Option 3 tracked changed for convenience.

Recommendation for Policy Option 3

City officers are recommending Council approve Option 2 – Council Delegate to an Independent Person. If Council wish to approve Option 3, the City alternative recommended motion that Council would support would be as follows:

Option 3 – Council Perform the Function when Elected Member is the Complainant and Council Delegate to an Independent Person when Elected Member is the not the Complainant.

That Council approve Policy Option 3 – Council Perform the Function

1. Approve the amendments to the Code of Conduct Complaints Management Policy POL-GVN 09 as per Attachment 3.
2. Authorises the Chief Executive Officer to receive complaints and withdrawal of complaints in accordance with Regulation 11(3) of the *Local Government (Model Code of Conduct) Regulations 2021*. *
3. Authorises the Director Business Services to receive complaints and withdrawal of complaints in accordance with Regulation 11(3) of the *Local Government (Model Code of Conduct) Regulations 2021* when the Chief Executive Officer is the complainant. *
4. Authorises the contractors listed under Common Use Agreement CUAHRS2021 – Human Resource Investigation Services (Category 1) to perform the functions under Clauses 12 (Dealing with complaint) and 13 (Dismissal of complaint) of the Code of Conduct for Elected Members, Committee Members and Candidates for and on behalf of the City, which are currently the following contractors:
 - Applied Innovation Centre
 - Australia Wide Investigations
 - BDO Services
 - Beilby Downing Teal
 - Brennan and Associates Workplace Investigations Services
 - Carter Associates
 - Emergency Support Network
 - Gold Security Group International
 - Heelan and Co Industrial Relations and Management
 - INVision Investigations and Consulting
 - Pinkerton Consulting and Investigations (AU) Pty Ltd
 - Public Sector Training Solutions
 - QL Management Consultants
 - Resilience Solutions
 - SWY Consulting
 - The Futures Group
 - The Procure Group
 - Verifact Investigations
 - WISE Workplace
 - Workplace Management Network
5. In authorising the persons under resolution point 4 of this Resolution to perform functions for and on behalf of the City, Council notes:
 - (a) in accordance with clause 14B(4)(a)-(b) of the *Local Government (Model Code of Conduct) Regulations 2021*, it is satisfied that the persons authorised are suitably qualified and experienced to perform the functions under Clauses 12 and 13 of the Code of Conduct, as the persons authorised:
 - do not fall within any of the categories of persons described in clause 14(B)(3)(a)-(e) of the *Local Government (Model Code of Conduct)*

Regulations 2021 who may not be authorised to perform functions for or on behalf of a local government; and

- satisfy the criteria set out in clause 8 of the Complaints Management Policy POL-CPM 05.

6. In accordance with 14B (4) (c) of the *Local Government (Model Code of Conduct) Regulations 2021* Council is satisfied that the persons being authorised are impartial and have no close association with any member of the Council or any employee of the local government as the requirement for the declaration of conflict of interest must be made prior to the engagement of the person as per clause 8 and upon completion of the Investigation a written statement must be confirmed that they have maintained impartiality as per clause 14 of the Complaints Management Policy POL-CPM 05*.
7. Request that the Chief Executive Officer hold a workshop with Council to review the Policy in 12 months' time.
8. That the Mayor and Chief Executive Officer advocates to the Local Government Inspector for an amendment to the *Local Government (Model Code of Conduct) Regulations 2021* to enable consideration of whether a complaint is considered is trivial, vexatious or without substance.

Absolute Majority Required

Comment: the new policy option enables complaints to be either handled by Council or an Independent Complaint Assessor, dependent on whether an Elected Member is the complainant. The inclusion of additional thresholds for publishing complainant name, where no breach has occurred.