

8.5 APPOINTMENT OF COMPLAINTS OFFICER AND ADOPTION OF COMPLAINT FORM- MODEL CODE OF CONDUCT

Attachments: 1. **Template Complaint Form**

RECOMMENDATION:

That:

1. **Council AFFIRMS the appointment of the CEO as complaints officer; and**
2. **Council AUTHORISES the adoption of the complaint form at Attachment 1,**
for the purpose of the *Local Government (Model Code of Conduct) Regulations 2021*.

PURPOSE OF REPORT:

For Council to affirm the appointment of the CEO as complaints officer and adopt the complaint form (**Attachment 1**) in accordance with the *Local Government (Model Code of Conduct) Regulations 2021* (Regulations).

BACKGROUND:

On 3 February 2021, the Regulations took effect implementing the remaining provisions of the *Local Government Legislation Amendment Act 2019*. By 3 May 2021, Council must prepare and adopt a code of conduct to be observed by Council Members, committee members and candidates that incorporates the model code contained in the Regulations (Model Code).

Pursuant to clause 11 of the Model Code, Council must:

- (a) authorise 1 or more people to receive complaints and withdrawal of complaints (Complaints Officer);
and
- (b) approve a form on which a complaint may be made (Complaint Form).

The Department of Local Government, Sports and Cultural Industries (Department) requires all local governments to appoint a Complaints Officer and approve a Complaint Form by 24 February 2021.

DETAILS:

Council previously appointed the CEO as the Complaints Officer under the Code of Conduct last approved by Council. Administration, therefore, recommends Council affirm the prior appointment of the CEO to this position for the purpose of the Model Code.

The Department has provided a template Complaint Form which may be used by local governments. **Attachment 1** uses the Department's template form.

Administration recommends Council approve **Attachment 1** for use as the City's Complaint Form.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

- *Local Government (Model Code of Conduct) Regulations 2021.*
- *Local Government Legislation Amendment Act 2019.*
- *Local Government Act 1995.*

RISK MANAGEMENT IMPLICATIONS

Low: It is low risk for Council to appoint the CEO as Complaints Officer and approve the Complaint Form in accordance with the requirements of the Regulations and the Department.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's *Strategic Community Plan 2018-2028*:

Innovative and Accountable

We are open and accountable to an engaged community.

SUSTAINABILITY IMPLICATIONS:

This does not contribute to any environmental sustainability outcomes.

PUBLIC HEALTH IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

**Complaint About Alleged Breach Form -
Code of conduct for council members, committee members and candidates**

Schedule 1, Division 3 of the *Local Government (Model Code of Conduct) Regulations 2021*

NOTE: A complaint about an alleged breach must be made —
(a) in writing in the form approved by the local government
(b) to an authorised person
(c) within one month after the occurrence of the alleged breach.

Name of person who is making the complaint:
Name: _____ <div style="display: flex; justify-content: space-around; width: 100%;"><u>Given Name(s)</u><u>Family Name</u></div>

Contact details of person making the complaint:
Address: _____
Email: _____
Contact number: _____

Name of the local government (city, town, shire) concerned:
City of Vincent

Name of council member, committee member, candidate alleged to have committed the breach:

State the full details of the alleged breach. Attach any supporting evidence to your complaint form.

Date of alleged breach:
_____ / _____ / 20_____

SIGNED:
Complainant's signature:
Date of signing: _____ / _____ / 20_____

Received by Authorised Officer
Authorised Officer's Name:
Authorised Officer's Signature:
Date received: _____ / _____ / 20_____

NOTE TO PERSON MAKING THE COMPLAINT:

This form should be completed, dated and signed by the person making a complaint of an alleged breach of the Code of Conduct. The complaint is to be specific about the alleged breach and include the relevant section/subsection of the alleged breach.

The complaint must be made to the authorised officer within one month after the occurrence of the alleged breach.

Signed complaint form is to be forwarded to: **(insert email/postal address)**