
Eyre Peninsula Local Government Association Policy



POLICY AND PROCEDURE

EPLGA Board Executive Committee

Code of Conduct for EPLGA Board Office Bearers

Complaints Handling Procedures

1. Functions of Executive Committee Members

- One of the functions of the Executive Committee is to assist the Eyre Peninsula Local Government Association Board (“the Board”) in addressing complaints about the conduct of Board Officer Bearers under the Code of Conduct for the Board Members.
- The Executive Committee has no coercive or other powers – its function is to consider, investigate, assess and prepare reports and make recommendations/observations to the Board about possible resolutions or sanctions, or changes to policies or procedures.
- Accordingly, the Executive Committee’s functions are advisory in nature only.

2. Referral by the Board

- Prior to referral to the Executive Committee, it is expected that the Board (President and/or Vice President) will consider the value of conciliation or mediation in seeking a resolution of the matter.
- Mediation SA provides mediation services (<http://mediationsa.org.au/>)
- The Board’s President is responsible for advising the person that is subject to a complaint that the matter has been referred to the Executive Committee.
- The Executive Committee will consider complaints referred to it under the Board's Officer Bearer Code of Conduct (as required by the Code).
- The Executive Committee will not act upon any complaints received directly from the public.

3. Initial Assessment and Allocation

- The Chair of the Executive Committee will make an initial assessment of each complaint referred to the Executive Committee, to determine if the matter falls within the remit of the Executive Committee, or whether the complaint should be referred elsewhere in relation to the Code (for example, to the Office for Public Integrity or to the Ombudsman).
- The Chair of the Executive Committee will also determine whether the matter should be dismissed on the basis that the complaint is frivolous, vexatious, misconceived or lacking in substance.
- The Chair of the Executive Committee will estimate the time required to undertake the investigation and prepare the report and recommendation. This will be used to provide an estimate of timeframe for dealing with the matter and shall be confirmed with the Board and affected office bearer.
- The Chair may ask the EPLGA Executive Officer to seek legal advice and the costs of any legal advice required will be borne by the Board, where applicable.

4. Natural Justice

- In exercising any functions as Executive Committee Members, all members (including the Chair) are obliged to accord natural justice and procedural fairness to any party that may be adversely or deleteriously affected by any part of the Executive Committee process, whether by

virtue of the Executive Committee's investigation, recommendations or otherwise.

- As part of the requirements for natural justice, the Executive Committee will provide a copy of the 'provisional report', on a confidential basis, to the subject of the complaint, if there are adverse comments or other adverse evidence to be included in the report and/or recommendations for the imposition of a penalty.

5. Role of the Board

- The Board is responsible for the investigation of the complaint at all times.
- The Executive Committee is carrying out an independent investigation on behalf of the Board and the Board is ultimately responsible for the investigation outcome and any actions arising from the investigation.
- The Board must establish a secure and confidential communications conduit for communications between all the parties and the Executive Committee investigating the complaint.
- The Board's Executive Officer is responsible for keeping the parties informed of the conduct of the investigation and assisting the Executive Committee to arrange interviews with the parties.

6. Interviews

- The Executive Committee will meet with the parties and interview relevant people in the course of the investigation.
- In the interest of independence, meetings with the Executive Committee and all communications between the committee, the subject of the complaint and any witnesses are to be arranged through the Board Executive Officer or by mutual arrangements with the parties involved, in an independent location where possible.
- If, in the course of interviewing the parties, the Executive Committee believes that the matter could be successfully resolved by conciliation or mediation, then the investigation may be deferred to enable conciliation or mediation, provided that consent for this course of action is given by the parties.
- If conciliation or mediation fails, then the investigation may be resumed.

7. Report to be prepared by Executive Committee

- Executive Committee Members will prepare a written report of the investigation and assessment of the complaint, together with any recommendations as to the particular matter.
- The Chair of the Executive Committee is responsible for authorising the terms of the final report prepared by the committee and for communicating the terms of the report to the referring person(s).

8. Report to be provided to the Board

- When the Executive Committee has finalised a report, it will provide the report to the Board under cover of a letter setting out what has been found and recommendations for a penalty having been made. The breach of the Code must be the subject of a report to a public meeting of the Board.
- Where a report does not find a breach of the Code, the findings need not be made public.

9. Confidentiality and Privacy Issues

- The Chair and all Executive Committee Members will comply with any obligations or duties of confidentiality imposed as to documents or information provided to the Executive Committee in the course of any investigation.

10. Return of Documents: Retention of Records

- The Chair and Executive Committee should retain all relevant papers/ files/ documentation received in the course of any investigation and return the documentation to the Board's Executive Officer at the conclusion of the investigation to be retained in a secure location in the EPLGA's records management system.

11. Conflicts of Interest

- Executive Committee Members, including the Chair, shall declare a conflict of interest in a matter that has been referred to them.
- As a guide to determining whether a conflict exists Executive Committee members should remove themselves from a matter if: the person complaining or who is the subject of the complaint is a relative or business associate (the Local Government Act definitions shall apply in this instance).

12. Enquiries

- In the first instance, the principal point of contact for enquiries about the Executive Committee is:

Tony Irvine
Executive Officer
Telephone: 08 8682 6588
Email: tirvine@eplga.com.au

Executive Committee matters will then be referred to the Chair of the Executive Committee.

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