



City of
Ipswich

- **8 Investigation Policy**
 - Attachment 1 Updated Investigation Policy - track changes 3
 - Attachment 2 Updated Investigation Policy - clean copy 27

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City of Ipswich Investigation Policy

Collaboration Communication Integrity Efficiency Leadership

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Contents

[1.](#) Statement..... 3

[2.](#) Purpose and Principles..... 3

[3.](#) Strategic Plan Links..... 3

[4.](#) Regulatory Authority..... 3

[5.](#) Human Rights Commitment..... 4

[6.](#) Scope..... 4

[7.](#) Roles and Responsibilities..... 5

[8.](#) Key Stakeholders..... 5

[9.](#) Confidentiality..... 5

[10.](#) Natural Justice..... 6

[11.](#) Standard of Proof..... 7

[12.](#) Timeline..... 7

[13.](#) Expenses..... 7

[14.](#) Councillor Conduct Register..... 8

[15.](#) Investigation Procedure..... 8

 15.1 Independent Assessor’s referral 8

 15.2 Receipt of Assessor’s referral 8

 15.3 Deciding not to start, or to discontinue, an investigation 9

 15.4 Investigating the suspected conduct breach of a councillor..... 9

 15.5 Engaging an Investigator 10

 15.6 Completion of investigation 10

 15.6.1 Findings and recommendations 10

 15.6.2 Investigation Report 10

 15.6.3 Making a decision about the investigat 11

[16.](#) Disciplinary action against councillors 12

IPSWICH CITY COUNCIL | Investigations Policy

| | | |
|---------------------|--|----|
| 17. | Notice about the outcome of the investigation | 13 |
| 18. | Monitoring and Evaluation | 13 |
| 19. | Definitions | 13 |
| 20. | Related Documents | 14 |
| 21. | Policy Owner | 14 |
| 22. | Annexure 1 - Report template and summary report template | 15 |
| 23. | Annexure 2 - Summary Report Template | 17 |
| 24. | Annexure 3 – Investigation Standards | 18 |
| 25. | Annexure 4 - Statement of Preliminary Findings Template..... | 20 |
| 26. | Annexure 5 - Conduct Breach Disciplinary Action Guideline..... | 21 |

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IPSWICH CITY COUNCIL | Investigations Policy

1. Statement

This is Ipswich City Council's investigation policy for how complaints about a suspected conduct breach of councillors will be dealt with as required by section 150AE of the Local Government Act 2009 (LGA).

A local government must adopt, by resolution, an investigation policy (the policy) about how it deals with the suspected conduct breach of councillors referred, by the independent assessor (the Assessor) under section 150AE (1), LGA, to the local government to be dealt with, and must be published on the local government's website, section 150AE(4), LGA.

2. Purpose and Principles

Chapter 5A of the LGA prescribes the councillor conduct management system. Section 150CT of the LGA establishes an Independent Assessor (the Assessor) to carry out certain functions including the preliminary assessment, dismissal, referral, or investigation of complaints about councillor conduct.

After undertaking a preliminary assessment on a councillor conduct matter, if the Assessor reasonably suspects a councillor has engaged in a conduct breach, the Assessor may decide to refer a suspected conduct breach to the Council to deal with under section 150SD(4)(a) or 150W(b) of the LGA.

Upon receipt of the referral notice of a complaint of suspected conduct breach the Council must deal with the councillor's conduct as prescribed under section 150AF of the LGA unless a decision is made not to start or to discontinue the investigation under section 150AEA of the LGA. In conducting the investigation, the Council must comply with this investigation policy.

The Council may decide not to start or discontinue the investigation if:

- a. if the complaint is withdrawn by the complainant
- b. if the complainant consents to the matter being withdrawn. For example, the matter has been resolved and it is unnecessary for the local government to investigate the matter
- c. if the complainant refuses to cooperate by providing additional information during the investigation phase and not enough information is available to proceed
- d. if the office of the councillor becomes vacant for any reason, i.e., the person has resigned or was not re-elected and is no longer a councillor.

3. Strategic Plan Links

This policy aligns with the following iFuture 2021-2026 Corporate Plan theme/s:

- A Trusted and Leading Organisation

4. Regulatory Authority

- *Local Government Act 2009*
- *Local Government Regulation 2012*
- *Crime and Corruption Act 2001*
- *Public Interest Disclosure Act 2010*
- *Public Sector Ethics Act 1994*

IPSWICH CITY COUNCIL | Investigations Policy

5. Human Rights Commitment

Ipswich City Council (Council) has considered the human rights protected under the *Human Rights Act 2019 (Qld)* (the Act) when adopting and/or amending this policy. When applying this policy, Council will act and make decisions in a way that is compatible with human rights and give proper consideration to a human right relevant to the decision in accordance with the Act.

6. Scope

This investigation policy applies to investigations and determinations by the Council about the suspected conduct breach of a councillor including a mayor, which has been referred by the Independent Assessor. The policy must:

- include a procedure for investigating the suspected conduct breaches of councillors (see Annexure 3 – Investigation Standards); and
- state the circumstances in which another entity may investigate the conduct; and
- be consistent with the principles of natural justice; and
- require the local government to prepare a report about each investigation (see Annexure 2 - Report template and summary report template); and
- require a notice about the outcome of investigations be provided to the Assessor, councillor and persons who made complaint about the councillors' conduct; and
- include a procedure about when the local government may decide not to start, or to discontinue, an investigation under section 150AEA.

The policy must require the Council –

- to give the councillor information about the suspected conduct, including details about the evidence of the conduct; and
- to give the councillor a notice if an investigation is not started or is discontinued; and
- for conduct the subject of a complaint - to give the person who made the complaint, if the contact details of the person are known, a notice if an investigation is not started or is discontinued; and
- to give the councillor the preliminary findings of the investigation before preparing an investigation report about the investigation (see Annexure 4 - Statement of Preliminary Findings Template); and
- to allow the councillor to give evidence or a written submission to the local government about the suspected conduct and preliminary findings; and
- to consider any evidence and written submission given by the councillor in preparing the investigation report for the investigation; and
- to include in the investigation report -
 - if evidence is given by the councillor - a summary of the evidence; and
 - if the councillor gives a written submission - a full copy of the written submission

This Policy does not relate to more serious councillor conduct, such as misconduct or corrupt conduct, which are dealt with under separate legislative provisions.

This Policy also does not deal with unsuitable meeting conduct, or any conduct undertaken in a personal capacity by a councillor, for example, a sitting councillor campaigning for re-election or attending a private social function.

