



## Behaviour Complaint Form

Division 3 of the Code of Conduct for Council Members,  
Committee Members and Candidates

## Instructions for:

## Making a complaint about an alleged breach of the Shire of Dalwallinu Code of Conduct for Council Members, Committee Members and Candidates

### Behaviour Complaint

Please read the Shire of Dalwallinu's Complaints Management Policy on our website before submitting a complaint. This Policy details:

- How the Shire of Dalwallinu will process and determine a Behaviour Complaint; and
- How confidentiality of the complaint will be handled.

To make a valid **Behaviour Complaint**:

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- The allegation must relate to a breach of the behaviour standards in Division 3 of the Shire of Dalwallinu's Code of Conduct for Council Members, Committee Members and Candidates.
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- Complete all sections of the Behaviour Complaint Form attached, including any additional information that will support assessment of the complaint. *The Behaviour Complaints Officer may contact you to clarify or ask for more information.*
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- The completed Behaviour Complaint Form **MUST** be lodged with the Shire of Dalwallinu Behaviour Complaints Officer within one (1) month of the alleged behaviour breach.
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### Rules of Conduct Complaint

A **Rules of Conduct Complaint** refers to a breach of the Rules of Conduct outlined in Division 4 of the Shire of Dalwallinu's Code of Conduct for Council Members and Candidates, including Council Members when acting as a Committee Member.

Pursuant to the *Local Government Act 1995*:

#### **5.105. Dealing with complaint alleging behavioural breach**

*(1) A complaint made by a person (the **complainant**) to a local government alleging a behavioural breach under the local government's code of conduct by a person (the **respondent**) must be dealt with under the code of conduct unless —*

*(a) regulations made for the purposes of subsection (3) require the complaint to be referred to the Inspector; and*

*(b) the Inspector refers the complaint to be dealt with under Part 8A Division 5.*

*(2) A complaint under subsection (1) cannot allege a behavioural breach by a commissioner.*

*(3) Regulations may set out circumstances in which a complaint made to a local government alleging a behavioural breach under the local government's code of conduct must be referred by the local government to the Inspector to be dealt with under section 8A.12(1).*

*(4) Neither the complainant nor the respondent may —*

*(a) preside at any part of a council or committee meeting relating to the complaint; or*

*(b) participate in, or be present during, any discussion or decision-making procedure of a council or committee relating to the complaint.*

### Need Advice?

If you require advice in making a Behaviour Complaint, please contact the Shire of Dalwallinu's Behaviour Complaints Officer on (08) 9661 0500 or by email [ceo@dalwallinu.wa.gov.au](mailto:ceo@dalwallinu.wa.gov.au).

## Behaviour Complaint Form

Shire of Dalwallinu Code of Conduct for Council Members, Committee Members and Candidates

Name of Person Making the Complaint				
<b>Complainant Name:</b> <i>Given Name/s and Family Name</i>				
Contact Details				
<b>Residential Address:</b>				
<b>Postal Address:</b>				
<b>Phone:</b>	Day-time:		Mobile:	
<b>Email:</b>				

Complaint Details:			
<b>1.</b>	<b>Insert Name of Person alleged to have committed a behavior breach:</b>		
<b>2.</b>	<b>Select the position that the person was fulfilling at the time the person committed the alleged behaviour breach:</b>	Council Member of the Shire of Dalwallinu	<input type="checkbox"/>
		Member of a Committee of the Shire of Dalwallinu	<input type="checkbox"/>
		Candidate for election at the Shire of Dalwallinu	<input type="checkbox"/>
<b>3.</b>	<b>Date that the alleged behaviour breach occurred:</b>		
<b>4.</b>	<b>Location where the alleged behaviour breach occurred:</b>		

<b>5.</b>	<b>Which of the behaviours prescribed in Division 3 of the Shire of Dalwallinu’s Code of Conduct do you allege this person has breached?</b>	
	<b>Clause 8. Personal integrity</b>	
	(1) A council member, committee member or candidate —	
	(a) must ensure that their use of social media and other forms of communication complies with this code; and	<input type="checkbox"/>
	(b) must only publish material that is factually correct	<input type="checkbox"/>
	(2) A council member or committee member —	
	(a) must not be impaired by alcohol or drugs in the performance of their official duties; and	<input type="checkbox"/>
	(b) must comply with all policies, procedures and resolutions of the local government.	<input type="checkbox"/>
	<b>Clause 9. Relationship with others</b>	
	A council member, committee member or candidate —	
	(a) must not bully or harass another person in any way; and	<input type="checkbox"/>
	(b) must deal with the media in a positive and appropriate manner and in accordance with any relevant policy of the local government; and	<input type="checkbox"/>
	(c) must not use offensive or derogatory language when referring to another person; and	<input type="checkbox"/>
	(d) must not disparage the character of another council member, committee member or candidate or a local government employee in connection with the performance of their official duties; and	<input type="checkbox"/>
	(e) must not impute dishonest or unethical motives to another council member, committee member or candidate or a local government employee in connection with the performance of their official duties.	<input type="checkbox"/>
	<b>Clause 10. Council or committee meetings</b>	
	When attending a council or committee meeting, a council member, committee member or candidate —	
	(a) must not act in an abusive or threatening manner towards another person; and	<input type="checkbox"/>
	(b) must not make a statement that the member or candidate knows, or could reasonably be expected to know, is false or misleading; and	<input type="checkbox"/>
	(c) must not repeatedly disrupt the meeting; and	<input type="checkbox"/>
	(d) must comply with any requirements of a local law of the local government relating to the procedures and conduct of council or committee meetings; and	<input type="checkbox"/>
(e) must comply with any direction given by the person presiding at the meeting; and	<input type="checkbox"/>	
(f) must immediately cease to engage in any conduct that has been ruled out of order by the person presiding at the meeting.	<input type="checkbox"/>	

<b>6.</b>	<b>State the full details of the alleged breach.</b>

<b>7</b>	<b>List any additional information you have provided as part of this complaint:</b> <i>Please ensure all information relevant to the alleged breach has been attached. This information will be the basis on which the complaint is considered.</i>

<b>9</b>	<b>Have you made any efforts to resolve the complaint with the Respondent?</b> <i>Please note, you MUST complete this section</i>	
<b>YES</b>	<input type="checkbox"/>	<i>If yes, please describe the efforts that you have made.</i>
<b>NO</b>	<input type="checkbox"/>	<i>If no, please include a brief statement explaining why you have not made any efforts to resolve the issue with the person complained about.</i>

<b>10</b>	<p><i>The Shire of Dalwallinu has a policy that the Complainant and the Respondent be offered the opportunity to participate in an Alternative Dispute Resolution process, that if agreed to by BOTH parties, will be undertaken before the complaint is dealt with.</i></p> <p><i>The objective is to support both parties to reach a mutually satisfactory outcome that resolves the issues and restores the relationship between them. An outcome may be that as the Complainant, you will have absolute discretion to withdraw or continue with this Complaint.</i></p> <p><i>Please contact the Behaviour Complaints Officer if you would like more information.</i></p>		
	<b>Would you agree to participate in an Alternative Dispute Resolution process?</b>	<b>YES</b>	<input type="checkbox"/>
		<b>NO</b>	<input type="checkbox"/>

<b>11</b>	<p><b>Desired outcome of the Complaint</b></p> <p><i>Please explain what you would like to happen as a result of lodging this complaint, including the opportunity to participate in Alternative Dispute Resolution.</i></p>

<b>COMPLAINANT</b> <i>please sign and date</i>	
<b>Signature:</b>	
<b>Date:</b>	

**Please submit completed Behaviour Complaint to:**

The Shire of Dalwallinu's Behaviour Complaints Officer:

Mailing Address: PO Box 141, DALWALLINU W A 6609  
 In person: 58 Johnston Street, DALWALLINU W A 6609

<b>OFFICE USE ONLY:</b> <i>Received by the Council appointed Behaviour Complaints Officer</i>	
<b>Authorised Officer's Name:</b>	
<b>Authorised Officer's Signature:</b>	
<b>Date received:</b>	