

Code of Conduct for Council Members, Committee Members and Candidates

BEHAVIOUR COMPLAINT

Please read the Shire of Dardanup's Code of Conduct Behaviour Complaints Policy on our website <https://www.dardanup.wa.gov.au/council/elected-members/code-of-conduct/> before submitting a complaint. This Policy details:

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

To make a valid **Behaviour Complaint**:

-
- The allegation must relate to a breach of the behaviour standards in Division 3 of the Shire of Dardanup's Code of Conduct for Council Members, Committee Members and Candidates.

-
- 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*

-
- The completed Behaviour Complaint Form **MUST** be lodged with the Shire of Dardanup Behaviour Complaints Officer (authorised person under clause 11(3) of the Model Code of Conduct) within one (1) month of the alleged behaviour breach.

Note: Complaints outside of this timeframe cannot be accepted under the Model Code of Conduct.

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 Dardanup's Code of Conduct for Council Members and Candidates, including Council Members when acting as a Committee Member. This type of complaint is determined by the Local Government Standards Panel, administered through the Department of Local Government, Sport and Cultural Industries. Further information about Rules of Conduct Complaints may be obtained from:

- Department of Local Government, Sport and Cultural Industries: (08) 6552 7300 or www.dlgsc.wa.gov.au;

OR

- The Shire of Dardanup's Rules of Conduct Complaints Officer: (08) 9724 0350 or complaints@dardanup.wa.gov.au

NEED ADVICE?

If you require advice in making a Behaviour Complaint, please contact the Shire of Dardanup's Behaviour Complaints Officer on (08) 9724 0350 or by email complaints@dardanup.wa.gov.au This Behaviour Complaint Form is the approved form for lodging behavioural breach complaints under clause 11(2)(a) of the Local Government (Model Code of Conduct) Regulations 2021.

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.

COMPLAINANT DETAILS

Name of person who is making the complaint:

Name: _____

Given Name(s)

Family Name

Contact details of person making the complaint:

Residential
Address:

Postal Address:

Email:

Contact Numbers:

COMPLAINT DETAILS

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

Name:

Position:

Select the position that the person was fulfilling at the time the person committed the alleged behaviour breach:

Council Member of the Shire of Dardanup

Member of a Committee of the Shire of Dardanup

Candidate for Election at the Shire of Dardanup

Code of Conduct for Council Members, Committee Members and Candidates

Date the alleged breach occurred:

--

Location where the alleged breach occurred:

--

Which of the behaviours prescribed in Division 3 of the Shire of Dardanup's Code of Conduct do you believe may have been breached? (Tick any that may apply)

Clause 8. Personal integrity

(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"/>
--	--------------------------

Clause 9. Relationship with others

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"/>
---	--------------------------

Code of Conduct for Council Members, Committee Members and Candidates

Clause 10. Council or committee meetings

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"/>

State the full details of the alleged breach.

Details of the specific incident or issue including dates, times and exact conduct being complained about:

List any additional information you have provided as part of this complaint:

Please ensure all information relevant to the alleged breach has been attached. This information will be the basis on which the complaint is considered.

Code of Conduct for Council Members, Committee Members and Candidates

Names of Witnesses/Relevant persons

The names of any witnesses (and contact details if available) who were present during the specific incident or who have first-hand knowledge of the issue being complained about:

Have you made any efforts to resolve the complaint with the Respondent?

Please complete this section

YES	<input type="checkbox"/>	<i>If yes, please describe the efforts that you have made.</i>
NO	<input type="checkbox"/>	<i>If no attempts have been made to resolve this issue directly with the respondent, please briefly explain the reasons.</i>

Alternative Dispute Resolution

The Shire of Dardanup has a policy that the Complainant and the Respondent be offered the opportunity to participate in an Alternative Dispute Resolution process. Participation in Alternative Dispute Resolution is voluntary and requires the agreement of both parties. If agreed to, this process will be undertaken before the complaint is dealt with.

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.

Please contact the Behaviour Complaints Officer if you would like more information.

Would you agree to participate in an Alternative Dispute Resolution process?	YES	<input type="checkbox"/>
	NO	<input type="checkbox"/>

Code of Conduct for Council Members, Committee Members and Candidates

Desired outcome of the Complaint:

Please explain what you would like to happen as a result of lodging this complaint, including the opportunity to participate in Alternative Dispute Resolution.

Please note that the outcomes available under the Model Code of Conduct may include mediation, training, counselling, an apology, or other actions determined by Council.

COMPLAINANT DECLARATION *please sign and date*

I acknowledge that information relating to this complaint may be treated as confidential by the Shire of Dardanup and may only be disclosed where required for the purpose of assessing, investigating or determining the complaint, or where required by law.

I declare that the information provided in this complaint form is true and correct to the best of my knowledge.

Signature:

Date:

Please submit completed Behaviour Complaint to:

The Shire of Dardanup's Behaviour Complaints Officer:

Mailing Address: Shire of Dardanup
PO Box 7016
EATON WA 6232

In person: 1 Council Drive
EATON WA 6232

Email: complaints@dardanup.wa.gov.au

Code of Conduct for Council Members, Committee Members and Candidates

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