

### Code of Conduct for Council Members, Committee Members and Candidates – Appendix 1

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

#### Behaviour Complaint

Please read the “Code of Conduct Behaviour Complaints Policy” before submitting a complaint. Any person may make a complaint alleging that a council member, committee member or candidate has behaved in a way that constitutes a breach of **Division 3** of the Code of Conduct by lodging this form with the Complaints Officer (Shire of Mundaring CEO). A complaint must be lodged within one month of the alleged breach occurring.

#### Rules of Conduct Complaint

If it is alleged that a council member, committee member or candidate has breached the Rules of Conduct outlined in **Division 4** of the Code of Conduct, this type of complaint is determined by the Local Government Standards Panel, administered through the Department of Local Government, Sport and Cultural Industries (DLGSC).

If you require advice in making a complaint, please contact:

- the Shire’s the Complaints Officer (Shire of Mundaring CEO) on 08 9290 6666 or by email [shire@mundaring.wa.gov.au](mailto:shire@mundaring.wa.gov.au)
- the Department of Local Government, Sport and Cultural Industries on 08 6552 7300 or visiting the website [www.dlgsc.wa.gov.au](http://www.dlgsc.wa.gov.au).

#### Confidentiality

- In order to allow the Respondent to understand and respond to the complaint against them, the name of the Complainant will be provided to the Respondent, unless the Complainant provides reasons this should not occur.
- The Complainant’s contact information will not be provided to the Respondent.
- The Complainant’s contact information is to be excluded from public meeting documents.
- The Complainant is advised that Complaint Documents may be subject to an FOI request, noting that they must be consulted before any documents are released, and exemptions may apply.

#### Details of person making the complaint

Complainant name(s):

Residential address:

Postal address:

(if different to residential address)

Phone (m):

Phone (h):

Email:

## Subject of complaint

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

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

council member                       committee member                       candidate

Date of alleged breach:

Location where the alleged breach occurred:

## Alleged breach details

Which of the behaviours prescribed in Division 3 of the Mundaring Shire's Code of Conduct do you allege have been breached?

### Clause 8. Personal integrity

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
- (b) must only publish material that is factually correct

A council member or committee member -

- (a) must not be impaired by alcohol or drugs in the performance of their official duties; and
- (b) must comply with all policies, procedures and resolutions of the local government

### Clause 9. Relationship with others

A council member, committee member or candidate -

- (a) must not bully or harass another person in any way; and
- (b) must deal with the media in a positive and appropriate manner and in accordance with any relevant policy of the local government; and
- (c) must not use offensive or derogatory language when referring to another person; and
- (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
- (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.

### 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

- (b) must not make a statement that the member or candidate knows, or could reasonably be expected to know, is false or misleading; and
- (c) must not repeatedly disrupt the meeting; and
- (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
- (e) must comply with any direction given by the person presiding at the meeting; and
- (f) must immediately cease to engage in any conduct that has been ruled out of order by the person presiding at the meeting.

State the full and specific details of the alleged breach below, including the relevant section(s) and subsection(s) of the Code of Conduct:

Attach any supporting evidence to this form.

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. The Complaints Officer may contact you to clarify or ask for more information.

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

- Yes. If yes, please describe the efforts that you have made.
- No. If no, please include a brief statement explaining why you have not made any efforts to resolve the issue with the person complained about.

## Desired outcome of the Complaint

The "Code of Conduct Behaviour Complaints Policy" provides that the complainant and the respondent be offered an opportunity to participate in an alternative dispute resolution process. If agreed to by BOTH parties, this 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 Complaints Officer if you would like more information.

Would you agree to participate in an Alternative Dispute Resolution process?

- Yes  No

Please explain what you would like to happen as a result of lodging this complaint, including the opportunity to participate in alternative dispute resolution.

## Complainant

Signature:

Date:

Please lodge this form to the Shire's the Complaints Officer (Shire of Mundaring CEO):

- By email to [shire@mundaring.wa.gov.au](mailto:shire@mundaring.wa.gov.au)
- In person or by post to Shire of Mundaring, 7000 Great Eastern Highway, MUNDARING WA 6073

## Receipt by Complaints Officer

Name:

Signature:

Date: