WALGA Template
Behaviour Complaint Form

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

**WALGA Note:** WALGA provides this template to assist Local Governments develop and adopt a Behaviour Complaint Form. This template aligns with the WALGA Development Framework ‘Code of Conduct Behaviour Complaints Policy’.

**Using this Template**: Local Governments that have already resolved to approve a Complaint Form will need to make a new decision to approve a revised Complaint Form based on this template. The decision should clearly identify that this replaces the previously approved version. Local Governments should take reasonable steps to remove outdated forms from circulation.

Before using this template, be mindful that all WALGA branding is to be substituted with your Local Government’s branding and details as [highlighted] throughout. If publishing the Complaint form online, consider inserting hyperlinks to relevant documents and options for providing the form for online submission without need for complainants to print, sign and send.

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| **Instructions for:** | **Making a complaint about an alleged breach of the [insert LG name] Code of Conduct for Council Members, Committee Members and Candidates** |

**Behaviour Complaint**

Please read the [insert LG name]’s Code of Conduct Behaviour Complaints Policy on our website [insert hyperlink]) before submitting a complaint. This Policy details:

* How the [insert LG name] 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 [insert LG name]’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 [insert LG name] Behaviour Complaints Officer within one (1) month of the alleged behaviour breach. |

**Rules of Conduct Complaint**

A **Rules of Conduct Complaint** refers to a breach of the Rules of Conduct outlined in Division 4 of the [insert LG name]’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](http://www.dlgsc.wa.gov.au); OR
* The [insert LG name]’s Rules of Conduct Complaints Officer: (08) XXXX XXXX or [insert email address]

**Need Advice?**

If you require advice in making a Behaviour Complaint, please contact the [insert LG name]’s Behaviour Complaints Officer on (08) XXXX XXXX or by email [insert email address]

**Behaviour Complaint Form**

**[insert LG name] Code of Conduct for Council Members, Committee Members and Candidates**

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

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| **Complaint Details:** |
| **1.** | **Insert Name of Person alleged to have committed a behavior breach:** |  |

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| **2.** | **Select the position that the person was fulfilling at the time the person committed the alleged behaviour breach:** | Council Member of the [insert LG name] |[ ]
|  |  | Member of a Committee of the [insert LG name] |[ ]
|  |  | Candidate for election at the [insert LG name] |[ ]

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| **3.** | **Date that the alleged behaviour breach occurred:** |  |

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| **4.** | **Location where the alleged behaviour breach occurred:** |  |

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| **5.** | **Which of the behaviours prescribed in Division 3 of the [insert LG name]’s Code of Conduct do you allege this person has breached?**  |
|  | **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 |[ ]
|  | (b) must only publish material that is factually correct |[ ]
|  | (2) 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. |[ ]

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| **6.** | **State the full details of the alleged breach.**  |
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| **7** | **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.* |
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| **9** | **Have you made any efforts to resolve the complaint with the Respondent?***Please note, you MUST complete this section*  |
| **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.* |

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| **10** | *The [insert LG name] 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.* *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** |[ ]
|  |  | **NO** |[ ]

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| **11** | **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.* |
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| **COMPLAINANT** *please sign and date* |
| **Signature:** |  |
| **Date:** |  |

**Please submit completed Behaviour Complaint to:**

The [insert Local Government name]’s Behaviour Complaints Officer:

Mailing Address: [insert mailing address]

In person: [insert LG office address]

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| **OFFICE USE ONLY:** *Received by the Council appointed Behaviour Complaints Officer*  |
| **Authorised Officer’s Name:** |  |
| **Authorised Officer’s Signature:** |  |
| **Date received:** |  |