Complaint About Alleged Behaviour Breach Form
Code of Conduct for Council Members, Committee Members and Candidates

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

Please read the notes at the end of the complaint form for details of the City of Wanneroo's process for receiving and determining a Behavior Complaint and the associated confidentiality requirements.

To make a valid **Behavioural Breach Complaint**:

☐	The allegation must relate to a breach of the behaviour standards in Division 3 of City of Wanneroo's Code of Conduct for Council Members, Committee Members and Candidates.
☐	Complete all sections of the Behaviour Complaint Form including any additional information that will support an assessment of the complaint. *The Behaviour Complaint will be assessed based on the information provided only.*
☐	The completed Behaviour Complaint Form MUST be lodged with the City of Wanneroo Behaviour Complaints Officer within one (1) month of the alleged behaviour breach.

Name of person making the complaint:			
Given Name:		**Family Name:**	
Contact details of person making the complaint:			
Residentail Address:			
Contact number:		**Mobile:**	
Email:			
Name of the local government concerned:	City of Wanneroo		
Name of council member, committee member, candidate alleged to have committed the breach:			
Select the position that the person was fulfilling at the time the person committed the alleged behaviour breach:	Council Member of the City of Wanneroo	☐	
	Member of a Committee of the City of Wanneroo	☐	
	Candidate for election at the City of Wanneroo	☐	
Date that the alleged behaviour breach occurred:			
Location where the alleged behaviour breach occurred:			
Which of the behaviours prescribed in Division 3 of the City of Wanneroo 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.	☐
Clause 10A – Land Dealings A council member or committee member —	
Must declare to the CEO in writing of an intention to undertake a land dealing within the City of Wanneroo district or which may otherwise be in conflict with the City's functions (other than the purchase of the council member's principal place of residence.	☐
Clause 10C – Communications and public relations A council member or committee member must acknowledge:	
(1) As a council member there is respect for the decision making processes of council which are based on a decision of the majority of council; and	☐
(2) information relating to decision of council on approvals, permits and so on must only be communicated in an official capacity by a designated officer of council; and	☐

(3)	information concerning adopted policies, procedures and decisions of the council must be conveyed accurately.	☐

Clause 10D – Dealing with Proponents

A council member or committee member must:

(a)	not make any statements or express any views to a Proponent or a person interested in a Proposal which purports to be on behalf of Council or the City; and	☐
(b)	be alert to the motives and interest of a proponent; and	☐
(c)	be aware of which person, organisation or company that the Proponent is representing; and	☐
(d)	not give any undertaking to a Proponent or any person interested in the Proposal; and	☐
(e)	not do or say anything which could be viewed as giving a Proponent preferential treatment; and	☐
(f)	ensure that persons interested in a Proposal are treated fairly and consistently; and	☐
(g)	be alert to attempts by Proponents and parties interested in a Proposal to encourage council members to consider matters which are extraneous or irrelevant to the merits of the decision under consideration; and	☐
(h)	be careful in dealings with a Proponent or a person interested in a Proposal who is a former council member or former employee of the City and make sure that the person is not given or appear to be given favourable or preferential treatment.	☐

State the full details of the alleged breach. Attach any supporting evidence to your complaint 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.

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.*

The Complainant and the Respondent will 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	☐

Comments:

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.

COMPLAINANT *please sign and date*

Date: / /	**Complainant's Signature**

Received by Authorised Officer: **Signature:**	
	Vicki Coles, General Counsel
Date received:	
Forward to:-	**Complaints@wanneroo.wa.gov.au**; or **City of Wanneroo** **Locked bag 1** **Wanneroo WA 6969** **ATT: General Counsel**

NOTE:

Behavioural Breach Complaint - Division 3:

1. A complaint about an alleged breach must be made:-

   (a) in writing in the form approved by the local government;
   (b) to the City's Complaints Officer; and
   (c) within one month after the occurrence of the alleged breach.

2. This form should be completed, dated and signed by the person making a complaint of an alleged breach of the Code of Conduct.

3. The complaint is to be specific about the alleged breach and include the relevant section/subsection of the alleged breach.

4. Complaints will be dealt with and considered in the order in which they are received by the Complaints Officer.

5. The Council Member or Committee Member to whom the complaint relates will be notified of the receipt of complaint and will be provided with an opportunity to respond to the allegations in the Complaint in writing within 14 days of the notification of the Complaint.

6. Mediation will be offered to both parties and in the event that the matter is resolved to the satisfaction of both parties, the Complainant must lodge a withdrawal of Complaint.

Conduct Breach, Recurrent Breaches and Specified Breaches – Division 4.

This type of complaint is determined by the Local Government Inspector. Please refer to the City's website for information on how to lodge a Conduct. Recurrent or Specified Breach Complaint with the Local Government Inspector.

Need Advice?

If you require advice on making a Behavioral Breach Complaint or a Division 4 Complaint, please contact the City's Complaints Officer (08) 9405 5000 or by email to enquiries@wanneroo.wa.gov.au. Att: Vicki Coles, General Counsel.