

Instructions for: Making a complaint about an alleged breach of the Shire of Broome Code of Conduct for Council Members, Committee Members and Candidates

Behaviour Complaint

Please read the Shire of Broome's Code of Conduct Behaviour Complaints Policy on our website www.broome.wa.gov.au/Council/Governance before submitting a complaint. This Form details:

- How the Shire of Broome 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 Broome'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 Broome 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 Broome'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 Broome's Rules of Conduct Complaints Officer: (08) 9191 3497 or shire@broome.wa.gov.au

Need Advice?

If you require advice in making a Behaviour Complaint, please contact the Shire of Broome's Behaviour Complaints Officer – **Manager Governance, Strategy & Risk** on (08) 9191 3497 or by email shire@broome.wa.gov.au

Behaviour Complaint Form

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

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

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

| | | |
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| 5. | Which of the behaviours prescribed in Division 3 of the Shire of Broome'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 | <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"/> |
| | 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"/> | |

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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: <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> |
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| 9 | Have you made any efforts to resolve the complaint with the Respondent? <i>Please note, you MUST complete this section</i> | |
| YES | <input type="checkbox"/> | <i>If yes, please describe the efforts that you have made.</i> |
| NO | <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> |

| | |
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| 10 | <p><i>The Shire of Broome 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> |
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| | | |
|--|------------|--------------------------|
| <i>Please contact the Behaviour Complaints Officer if you would like more information.</i> | | |
| Would you agree to participate in an Alternative Dispute Resolution process? | YES | <input type="checkbox"/> |
| | NO | <input type="checkbox"/> |

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| 11 | Desired outcome of the Complaint <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> |
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| COMPLAINANT <i>please sign and date</i> | |
| Signature: | |
| Date: | |

Please submit completed Behaviour Complaint Form to:

The Shire of Broome's Behaviour Complaints Officer:

Mailing Address: PO Box 44, Broome WA 6725

In person: Cnr Weld and Haas Streets, Broome WA 6725

Email: shire@broome.wa.gov.au

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



**Code of Conduct for Council Members,
Committee Members and Candidates
Behaviour Complaint
Statutory Declaration**

Oaths, Affidavits and Statutory Declarations Act 2005

Must be completed and submitted with the completed Behaviour Complaint Form

I

Insert your name

Insert your residential address

Insert your occupation

Sincerely declare that the information I have provided in the attached

Behaviour Complaint dated

Insert date

is a true and accurate representation of the alleged behavior breach.

This declaration is true, and I know that it is an offence to make a declaration knowing that it is false in a material particular.

This declaration is made under the *Oaths, Affidavits and Statutory Declarations Act 2005*

At:

place

On:

date

By:

signature of the person making the declaration

In the presence of:

signature of authorised witness

*See over page for list of
authorised witnesses
prescribed in the Oaths,
Affidavits and Statutory
Declarations Act 2005*

print name

qualification as such a witness

Schedule 2 — Authorised witnesses for statutory declarations

[s. 12(6)(a)]

| Item | Formal description | Informal description |
|------|--|---------------------------------------|
| 1. | A member of the academic staff of an institution established under any of the following Acts — <ul style="list-style-type: none"> • <i>Curtin University Act 1966</i>; • <i>Edith Cowan University Act 1984</i>; • <i>Murdoch University Act 1973</i>; • <i>University of Notre Dame Australia Act 1989</i>; • <i>University of Western Australia Act 1911</i>; • <i>Vocational Education and Training Act 1996</i>. | Academic (post-secondary institution) |
| 2. | A member of any of the following bodies — <ul style="list-style-type: none"> • Association of Taxation and Management Accountants (ACN 002 876 208); • CPA Australia (ACN 008 392 452); • The Institute of Chartered Accountants in Australia (ARBN 084 642 571); • Institute of Public Accountants (ACN 004 130 643); • National Tax & Accountants' Association Limited (ACN 057 551 854). | Accountant |
| 3. | A person who is registered under the <i>Architects Act 2004</i> . | Architect |
| 4. | An Australian Consular Officer within the meaning of the <i>Consular Fees Act 1955</i> of the Commonwealth. | Australian Consular Officer |
| 5. | An Australian Diplomatic Officer within the meaning of the <i>Consular Fees Act 1955</i> of the Commonwealth. | Australian Diplomatic Officer |
| 6. | A bailiff appointed under the <i>Civil Judgments Enforcement Act 2004</i> . | Bailiff |

| Item | Formal description | Informal description |
|------|--|---|
| 7. | A person appointed to be in charge of the head office or any branch office of an authorised deposit-taking institution carrying on business in the State under the <i>Banking Act 1959</i> of the Commonwealth. | Bank manager |
| 8. | A member of Governance Institute of Australia Ltd (ACN 008 615 950). | Chartered secretary, governance adviser or risk manager |
| 9. | A person who is registered under the <i>Health Practitioner Regulation National Law (Western Australia)</i> in the pharmacy profession. | Chemist |
| 10. | A person who is registered under the <i>Health Practitioner Regulation National Law (Western Australia)</i> in the chiropractic profession. | Chiropractor |
| 11. | A person registered as an auditor or a liquidator under the <i>Corporations Act 2001</i> of the Commonwealth. | Company auditor or liquidator |
| 12. | A judge, master, magistrate, registrar or clerk, or the chief executive officer, of any court of the State or the Commonwealth. | Court officer |
| 13. | A member of the Australian Defence Force who is — <ul style="list-style-type: none"> • an officer within the meaning of the <i>Defence Force Discipline Act 1982</i> of the Commonwealth; or • a non-commissioned officer within the meaning of that Act with 5 or more years of continuous service; or • a warrant officer within the meaning of that Act. | Defence force officer |
| 14. | A person registered under the <i>Health Practitioner Regulation National Law (Western Australia)</i> in the dental profession whose name is entered on the Dentists Division of the Register of Dental Practitioners kept under that Law. | Dentist |

| Item | Formal description | Informal description |
|------|---|--|
| 15. | A person who is registered under the <i>Health Practitioner Regulation National Law (Western Australia)</i> in the medical profession. | Doctor |
| 15A. | A person appointed under the <i>Parliamentary and Electorate Staff (Employment) Act 1992</i> section 4(1)(b)(i) or (2)(b)(i) | Electorate officer of a member of State Parliament |
| 16. | A member of the Institution of Engineers, Australia, other than at the grade of student. | Engineer |
| 17. | The secretary of an organisation of employees or employers that is registered under one of the following Acts — <ul style="list-style-type: none"> • <i>Industrial Relations Act 1979</i>; • <i>Workplace Relations Act 1996</i> of the Commonwealth. | Industrial organisation secretary |
| 18. | A member of the National Insurance Brokers Association of Australia (ACN 006 093 849). | Insurance broker |
| 19. | A Justice of the Peace. | Justice of the Peace |
| 19A. | A person who is a member of the Authority's staff within the meaning given to that term by the <i>Land Information Authority Act 2006</i> section 3. | Landgate officer |
| 20. | An Australian lawyer within the meaning of that term in the <i>Legal Profession Act 2008</i> section 3. | Lawyer |
| 21. | The chief executive officer or deputy chief executive officer of a local government. | Local government CEO or deputy CEO |
| 22. | A member of the council of a local government within the meaning of the <i>Local Government Act 1995</i> . | Local government councillor |
| 23. | A member of the Australasian Institute of Chartered Loss Adjusters (ACN 074 804 167). | Loss adjuster |
| 24. | An authorised celebrant within the meaning of the <i>Marriage Act 1961</i> of the Commonwealth. | Marriage celebrant |
| 25. | A member of either House of Parliament of the State or of the Commonwealth. | Member of Parliament |

| Item | Formal description | Informal description |
|------|--|-------------------------------|
| 25A. | A person registered under the <i>Health Practitioner Regulation National Law (Western Australia)</i> in the midwifery profession. | Midwife |
| 26. | A minister of religion registered under Part IV Division 1 of the <i>Marriage Act 1961</i> of the Commonwealth. | Minister of religion |
| 27. | A person registered under the <i>Health Practitioner Regulation National Law (Western Australia)</i> in the nursing profession. | Nurse |
| 28. | A person registered under the <i>Health Practitioner Regulation National Law (Western Australia)</i> in the optometry profession. | Optometrist |
| 28A. | A person registered under the <i>Health Practitioner Regulation National Law (Western Australia)</i> in the paramedicine profession. | Paramedic |
| 29. | A registered patent attorney under the <i>Patents Act 1990</i> of the Commonwealth. | Patent attorney |
| 30. | A person registered under the <i>Health Practitioner Regulation National Law (Western Australia)</i> in the physiotherapy profession. | Physiotherapist |
| 31. | A person registered under the <i>Health Practitioner Regulation National Law (Western Australia)</i> in the podiatry profession. | Podiatrist |
| 32. | A police officer. | Police officer |
| 33. | The person in charge of an office established by, or conducted by an agent of, Australia Post within the meaning of the <i>Australian Postal Corporation Act 1989</i> of the Commonwealth. | Post office manager |
| 34. | A person registered under the <i>Health Practitioner Regulation National Law (Western Australia)</i> in the psychology profession. | Psychologist |
| 35. | A public notary within the meaning of the <i>Public Notaries Act 1979</i> . | Public notary |
| 36. | An officer of the Commonwealth public service. | Public servant (Commonwealth) |

| Item | Formal description | Informal description |
|------|---|---------------------------|
| 37. | A person who is employed under the <i>Public Sector Management Act 1994</i> Part 3. | Public servant (State) |
| 38. | The holder of a licence under the <i>Real Estate and Business Agents Act 1978</i> . | Real estate agent |
| 39. | The holder of a licence under the <i>Settlement Agents Act 1981</i> . | Settlement agent |
| 40. | The Sheriff of Western Australia and any deputy sheriff appointed by the Sheriff of Western Australia. | Sheriff or deputy sheriff |
| 41. | A licensed surveyor within the meaning of the <i>Licensed Surveyors Act 1909</i> . | Surveyor |
| 42. | A person registered under the <i>Teacher Registration Act 2012</i> . | Registered teacher |
| 43. | A member, registrar or clerk, or the chief executive officer, of any tribunal of the State or the Commonwealth. | Tribunal officer |
| 44. | A registered veterinary surgeon within the meaning of the <i>Veterinary Surgeons Act 1960</i> . | Veterinary surgeon |