

Responsible Department:	Office of the CEO
Responsible Business Unit:	Governance
Date of Review:	18 March 2026
Council Resolution:	180326

1. OBJECTIVE

The objective of this Policy is to establish a clear and consistent framework for the receipt, assessment and management of behaviour complaints relating to Council Members, Committee Members and Candidates.

This Policy supports the implementation of the Shire of Chittering Code of Conduct for Council Members, Committee Members and Candidates and ensures behaviour complaints are managed in accordance with the *Local Government Act 1995* (the Act) and the *Local Government (Model Code of Conduct) Regulations 2021* (the Regulations).

2. SCOPE

This Policy applies to behaviour complaints made against:

- Council Members
- Committee Members
- Candidates for Council

The Policy applies only to behaviour complaints under Division 3 of the Code of Conduct.

This Policy does not apply to Rules of Conduct complaints under Division 4 of the Code of Conduct. These complaints must be made to the Inspector of Local Government through the Department of Local Government, Sport and Cultural Industries.

3. DEFINITIONS

Behaviour Complaint means a complaint alleging a breach of the behaviour requirements contained in Division 3 of the Code of Conduct.

Code of Conduct means The Shire of Chittering Code of Conduct for Council Members, Committee Members and Candidates adopted in accordance with s5.104 of the *Local Government Act 1995*.

Complaints Officer means an officer authorised by Council to receive behaviour complaints under cl11(3) of the *Local Government (Model Code of Conduct) Regulations 2021*.

Rules of Conduct Complaint means a complaint relating to a breach of the Rules of Conduct under Division 4 of the Code of Conduct, which must be made to the Inspector of Local Government.

4. POLICY STATEMENT

The Shire of Chittering is committed to maintaining high standards of conduct, integrity and accountability in local government decision-making.

Behaviour complaints relating to Council Members, Committee Members and Candidates will be managed in accordance with the Shire's Code of Conduct and the legislative requirements prescribed under the *Regulations*.

A behaviour complaint must:

- be submitted in writing using the approved complaint form;
- be lodged within one month of the alleged breach occurring; and
- clearly describe the alleged behaviour and relevant circumstances.

Behaviour complaints will be received and assessed by an authorised Complaints Officer.

Where appropriate, the Complaints Officer may facilitate informal resolution or alternative dispute resolution with the agreement of the parties involved.

Where a complaint proceeds, the complaint will be determined by the local government in accordance with the Code of Conduct, either by Council or by a Behaviour Complaints Committee established under the *Act*.

The decision-making body will determine whether:

- a breach has not occurred;
- no further action will be taken; or
- a plan will be implemented to address the behaviour.

Where a plan is implemented, it may include actions such as mediation, counselling, training or other appropriate measures.

Written notice of the decision will be provided to both the complainant and the respondent.

Complaints will be managed in accordance with the principles of procedural fairness, confidentiality and transparency.

5. ROLES AND RESPONSIBILITIES

Council:

- adopting the Code of Conduct and this Policy
- appointing Behaviour Complaints Officers
- establishing and appointing members of the Behaviour Complaints Committee
- determining behaviour complaints where required.

Behaviour Complaints Committee:

- determining behaviour complaints in accordance with the Code of Conduct
- making findings based on the available evidence
- determining appropriate outcomes where a breach is found.

Complaints Officer:

- receiving behaviour complaints submitted under the Code of Conduct
- confirming that complaints meet the required submission criteria
- providing administrative support to the complaints process
- facilitating informal resolution where appropriate
- preparing documentation for the determination of complaints
- issuing written notification of complaint outcomes
- maintaining records relating to behaviour complaints.

Chief Executive Officer (Complaints Officer):

- ensuring appropriate administrative processes are in place to support the management of behaviour complaints
- ensuring compliance with legislative requirements and Council policy
- maintaining appropriate records relating to behaviour complaints.

Where appropriate, the Chief Executive Officer may obtain independent advice or appoint an external investigator to assist in the assessment of a behaviour complaint.

This may occur where the complaint is complex, involves multiple Council Members, or where independent assessment is considered necessary to support procedural fairness and transparency.

6. COMPLIANCE

Legislation	<i>Local Government Act 1995 (WA)</i> <i>Local Government (Model Code of Conduct) Regulations 2021 (WA)</i>
Industry	Department of Local Government, Sport and Cultural Industries guidance materials relating to Codes of Conduct.
Organisational Documents	Code of Conduct – Council Members, Committee Members and Candidates Behaviour Complaint Form
Strategic Alignment	Council accountability and transparency

7. ADMINISTRATION

Review Cycle	Every 3 years	Next Review Due	December 2027
Policy Owner	Governance Officer		
Version	Decision Ref	Date	Change
1.0	Unknown	16/06/2021	Initial adoption
2.0	180326	18/03/2026	Amendment