

## **COMPLAINT ABOUT AN ALLEGED BREACH OF THE SHIRE OF COOLGARDIE CODE OF CONDUCT FOR COUNCIL MEMBERS, COMMITTEE MEMBERS AND CANDIDATES**

### **Behaviour Complaint**

Please read the [Shire of Coolgardie's Code of Conduct for Council Members, Committee Members and Candidates](#).

- How the Shire of Coolgardie will process and determine a Behaviour Complaints; and
- How confidentiality of the complaint will be handled.

### **To make a valid Behaviour Complaint**

- ☐ The allegation must relate to a breach of the behaviour standards in Division 3 of the Shire of Coolgardie's Code of Conduct for Council Members, Committee Members and Candidates.
- ☐ Complete all sections of the Behaviour Complaint Form attached, including the Statutory Declaration and 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 Shire of Coolgardie's Behaviour Complaints Officer within one (1) month of the alleged behaviour breach.

### **Behaviour Complaints Officer**

The Shire of Coolgardie's Behaviour Complaints Officer for the purposes of complaints relating to the Code of Conduct for Council Members, Committee Members and Candidates is:

Aaron Cook (ACTING CEO)

Phone: (08) 9080 2111

Email: [ceo@coolgardie.wa.gov.au](mailto:ceo@coolgardie.wa.gov.au)

## BEHAVIOUR COMPLAINT FORM

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

Please submit completed Behaviour Complaint form to:  
The Shire of Coolgardie's Behaviour Complaints Officer

Mail: Aaron Cook (Acting CEO)  
Shire of Coolgardie  
PO Box 138 KAMBALDA WA 6442

In person: Irish Mulga Drive, KAMBALDA WA 6442 | Sylvester Street, COOLGARDIE WA 6429

Email: [ceo@coolgardie.wa.gov.au](mailto:ceo@coolgardie.wa.gov.au)

Name of Person Making the Complaint			
Complainant Name: (Given Name(s) and Family Name)			
Contact Details			
Residential Address:			
Postal Address:			
Phone:	Daytime:		Mobile:
Email:			

Complaint Details		
1.	Insert Name of Person alleged to have committed a behaviour breach:	
2.	Select the position that the person was fulfilling at the time the person committed the alleged behaviour breach: (please tick relevant breach)	<input type="checkbox"/> Council Member of the Shire of Coolgardie <input type="checkbox"/> Member of a Committee of the Shire of Coolgardie <input type="checkbox"/> Candidate for election of the Shire of Coolgardie
3.	Date that the alleged behaviour breach occurred:	
4.	Location where the alleged behaviour breach occurred:	
5.	Which of the behaviours prescribed in Division 3 of the Shire of Coolgardie's Code of Conduct do you allege this person has breached? (please tick relevant breach(s))	

	<b>Clause 8. Personal integrity</b>
	(1) A council member, committee member or candidate —
	<input type="checkbox"/> (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.
	(2) A council member or committee member —
	<input type="checkbox"/> (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.
	<b>Clause 9. Relationship with others</b>
	A council member, committee member or candidate —
	<input type="checkbox"/> (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.
	<b>Clause 10. Council or committee meetings</b>
	When attending a council or committee meeting, a council member, committee member or candidate —
	<input type="checkbox"/> (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.
	<b>Clause 17. Misuse of Local Government resources</b>
	(1) In this clause —

	electoral purpose means the purpose of persuading electors to vote in a particular way at an election, referendum or other poll held under the Act, <i>the Electoral Act 1907</i> or the <i>Commonwealth Electoral Act 1918</i> ; resources of a local government includes —
	<input type="checkbox"/> (a) local government property; and
	<input type="checkbox"/> (b) services provided, or paid for, by a local government.
	<input type="checkbox"/> (2) A council member must not, directly or indirectly, use the resources of a local government for an electoral purpose or other purpose unless authorised under the Act, or by the local government or the CEO, to use the resources for that purpose.
	<b>Clause 18. Securing personal advantage or disadvantaging others</b>
	(1) A council member must not make improper use of their office —
	<input type="checkbox"/> (a) to gain, directly or indirectly, an advantage for the council member or any other person; or
	<input type="checkbox"/> (b) to cause detriment to the local government or any other person.
	(2) Subclause (1) does not apply to conduct that contravenes section 5.93 of the Act or The Criminal Code section 83.
	<b>Clause 19. Prohibition against involvement in administration</b>
	<input type="checkbox"/> (1) A council member must not undertake a task that contributes to the administration of the local government unless authorised by the local government or the CEO to undertake that task.
	(2) Subclause (1) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.
	<b>Clause 20. Relationship with local government employees</b>
	(1) In this clause — local government employee means a person —
	(a) employed by a local government under section 5.36(1) of the Act; or
	(b) engaged by a local government under a contract for services.
	(2) A council member or candidate must not —
	<input type="checkbox"/> (a) direct or attempt to direct a local government employee to do or not to do anything in their capacity as a local government employee; or
	<input type="checkbox"/> (b) attempt to influence, by means of a threat or the promise of a reward, the conduct of a local government employee in their capacity as a local government employee; or
	<input type="checkbox"/> (c) act in an abusive or threatening manner towards a local government employee.
	<input type="checkbox"/> (3) Subclause (2)(a) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.
	<input type="checkbox"/> (4) If a council member or candidate, in their capacity as a council member or candidate, is attending a council or committee meeting or other organised event (for example, a briefing or workshop), the council member or candidate must not orally, in writing or by any other means —

	(a) make a statement that a local government employee is incompetent or dishonest; or (b) use an offensive or objectionable expression when referring to a local government employee.
	(5) Subclause (4)(a) does not apply to conduct that is unlawful under The Criminal Code Chapter XXXV.
	<b>Clause 21. Disclosure of information</b>
	(1) In this clause — closed meeting means a council or committee meeting, or a part of a council or committee meeting, that is closed to members of the public under section 5.23(2) of the Act; confidential document means a document marked by the CEO, or by a person authorised by the CEO, to clearly show that the information in the document is not to be disclosed; document includes a part of a document; non-confidential document means a document that is not a confidential document.
	(2) A council member must not disclose information that the council member -
	<input type="checkbox"/> (a) derived from a confidential document; or
	<input type="checkbox"/> (b) acquired at a closed meeting other than information derived from a non-confidential document.
	(3) Subclause (2) does not prevent a council member from disclosing information —
	<input type="checkbox"/> (a) at a closed meeting; or
	<input type="checkbox"/> (b) to the extent specified by the council and subject to such other conditions as the council determines; or
	<input type="checkbox"/> (c) that is already in the public domain; or
	<input type="checkbox"/> (d) to an officer of the Department; or
	<input type="checkbox"/> (e) to the Minister; or
	<input type="checkbox"/> (f) to a legal practitioner for the purpose of obtaining legal advice; or
	<input type="checkbox"/> (g) if the disclosure is required or permitted by law.
	<b>Clause 22. Disclosure of interests</b>
	(1) In this clause — interest —
	<input type="checkbox"/> (a) means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest; and
	<input type="checkbox"/> (b) includes an interest arising from kinship, friendship or membership of an association.
	(2) A council member who has an interest in any matter to be discussed at a council or committee meeting attended by the council member must disclose the nature of the interest —
	<input type="checkbox"/> (a) in a written notice given to the CEO before the meeting; or
	<input type="checkbox"/> (b) at the meeting immediately before the matter is discussed.

	(3) Subclause (2) does not apply to an interest referred to in section 5.60 of the Act.
	(4) Subclause (2) does not apply if a council member fails to disclose an interest because the council member did not know —
	<input type="checkbox"/> (a) that they had an interest in the matter; or
	<input type="checkbox"/> (b) that the matter in which they had an interest would be discussed at the meeting and the council member disclosed the interest as soon as possible after the discussion began.
	(5) If, under subclause (2)(a), a council member discloses an interest in a written notice given to the CEO before a meeting, then —
	<input type="checkbox"/> (a) before the meeting the CEO must cause the notice to be given to the person who is to preside at the meeting; and
	<input type="checkbox"/> (b) at the meeting the person presiding must bring the notice and its contents to the attention of the persons present immediately before any matter to which the disclosure relates is discussed.
	(6) Subclause (7) applies in relation to an interest if —
	<input type="checkbox"/> (a) under subclause (2)(b) or (4)(b) the interest is disclosed at a meeting; or
	<input type="checkbox"/> (b) under subclause (5)(b) notice of the interest is brought to the attention of the persons present at a meeting
	(7) The nature of the interest must be recorded in the minutes of the meeting
	<b>Clause 23. Compliance with plan requirement</b>
	<input type="checkbox"/> If a plan under clause 12(4)(b) in relation to a council member includes a requirement referred to in clause 12(6), the council member must comply with the requirement.
<b>6.</b>	<b>State the full details of the alleged breach:</b>

7.	<b>List any additional information you have provided as part of this complaint:</b> <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>	
8.	<b>Have you made any efforts to resolve the complaint with the Respondent?</b> <i>Please note, you MUST complete this section.</i>	
	<input type="checkbox"/> YES <i>If yes, please describe the efforts that you have made.</i>	
	<input type="checkbox"/> NO <i>If no, please include a brief description statement explaining why you have not made any efforts to resolve the issue with the person complained about.</i>	
9.	<p><i>The Shire of Coolgardie 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> <p><i>Please contact the Behaviour Complaints Officer if you would like more information.</i></p>	
	<b>Would you agree to participate in an Alternative Dispute Resolution process?</b>	
	<input type="checkbox"/> Yes	<input type="checkbox"/> No
10.	<b>Desired outcome of the Complaint</b> <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>	

<b>COMPLAINANT</b> <i>(please sign &amp; date)</i>	
Signature	
Date	

<b>OFFICE USE ONLY</b> <i>(received by the Behaviours Complaints Officer appointed under delegated authority)</i>	
Authorise Officer's Name	
Authorise Officer's Signature	
Date Received	



**SHIRE OF COOLGARDIE 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 behaviour 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:

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

*signature of authorised witness*

*Authorised witness 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"> <li><i>Curtin University Act 1966</i>;</li> <li><i>Edith Cowan University Act 1984</i>;</li> <li><i>Murdoch University Act 1973</i>;</li> <li><i>University of Notre Dame Australia Act 1989</i>;</li> <li><i>University of Western Australia Act 1911</i>;</li> <li><i>Vocational Education and Training Act 1996</i>.</li> </ul>	Academic (post-secondary institution)
2.	A member of any of the following bodies — <ul style="list-style-type: none"> <li>Association of Taxation and Management Accountants (ACN 002 876 208);</li> <li>CPA Australia (ACN 008 392 452);</li> <li>The Institute of Chartered Accountants in Australia (ARBN 084 642 571);</li> <li>Institute of Public Accountants (ACN 004 130 643);</li> <li>National Tax &amp; Accountants' Association Limited (ACN 057 551 854).</li> </ul>	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"> <li>an officer within the meaning of the <i>Defence Force Discipline Act 1982</i> of the Commonwealth; or</li> <li>a non-commissioned officer within the meaning of that Act with 5 or more years of continuous service; or</li> <li>a warrant officer within the meaning of that Act.</li> </ul>	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"> <li><i>Industrial Relations Act 1979</i>;</li> <li><i>Workplace Relations Act 1996</i> of the Commonwealth.</li> </ul>	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