City of Swan
Enquiries: (08) 9267 9267
2 Midland Square, Midland
PO Box 196, Midland WA 6936
www.swan.wa.gov.au

Behavioural Breach Complaint Form

Local Government Act 1995;

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

Instructions for making a complaint about an alleged behavioural breach of the City of Swan Code of Conduct for Council Members, Committee Members and Candidates.

To make a valid **Behavioural Complaint:**

- The allegation must relate to a breach of the behaviour requirements set out in Division 3 of the City of Swan Code of Conduct for Council Members, Committee Members and Candidates
- Each complainant must submit their own complaint form
- Complaints cannot be lodged anonymously and your name will be provided to the respondent
- Behavioural Breach Complaint Form
  - All questions marked with an asterisk (*) are mandatory
  - The completed form must be lodged with a Council appointed Authorised Person
  - The form must be lodged within one (1) month of the alleged breach occurring.

Confidentiality

All complaints are treated as confidential under section 8A.36 of the *Local Government Act 1995*. Individuals involved in a complaint process must not disclose or use any information about the complaint or its details, unless authorised.

Refer to the Confidentiality section of the Local Government Inspector website for further information on your confidentiality obligations.

Making your complaint

Please submit your completed form with Council's Authorised Person for receiving behavioural complaints:

By email:
behaviourcomplaints@swan.wa.gov.au

Postal address: Authorised Person – Behavioural Complaints
City of Swan
PO Box 196
Midland WA 6936

In person: 2 Midland Square, Midland

Behavioural Breach Complaint Form

Details of the person making the complaint (the Complainant)

Given name(s)*

Surname*

Phone number (business hours)* Mobile

Email

Residential address

Postal address (if different to residential address)*

Preferred method of communication*: Email Phone Both

Complaint details

Name of council member, committee member or candidate alleged to have committed the breach*

Name of the local government they represent

Select the position that the person was fulfilling at the time the person committed the alleged breach*:

- Council Member of the City of Swan
- Member of a Committee of the City of Swan
- Candidate for election at the City of Swan

Date that the alleged behavioural breach occurred*

Location where the alleged behavioural breach occurred (if applicable)

All questions marked with an asterisk (*) are mandatory.

Behavioural Breach Complaint Form

Which of the behaviours prescribed in Division 3 of the City of Swan 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. Relationships 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 and 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.

All questions marked with an asterisk (*) are mandatory.

Behavioural Breach Complaint Form

Please provide details regarding the nature of the alleged breach:

- Keep your complaint limited to information about the incident
- If known, please include the relevant section(s) of the Act or Regulations
- Provide details of any relevant evidence and/or witnesses
- Limit the information you provide to the actions of the council member or candidate
- Avoid general criticism, personal attacks and abusive language.

Attach and list any supporting evidence you have provided as part of this complaint.

Behavioural Breach Complaint Form

Declaration

*I declare that the information provided in this complaint is true and correct. I understand that it is an offence under section 8A.38 of the *Local Government Act 1995* to knowingly provide false or misleading information in connection to a complaint.

I acknowledge that once this complaint is submitted, confidentiality provisions apply.

I will not disclose that a complaint has been made, nor any details of the complaint, unless permitted under section 8A.36 of the *Local Governmen t Act 1995*.

I understand that failure to comply with these requirements may result in penalties.

Complainant's signature

Date

Thank you for lodging your complaint. Your complaint will be acknowledged in writing within 14 days of being received.

OFFICE USE ONLY: Received by Council appointed Authorised Person

Authorised Person's name

Authorised Person's signature

Date received

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