

# COMPLAINTS PROCEDURE ELECTED MEMBERS



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# 1. Purpose

The purpose of this procedure is to establish a clear and transparent framework for managing complaints relating to the conduct of Elected Members of the Shire of Boyup Brook.

This procedure ensures that complaints are handled in accordance with the:

- *Local Government Act 1995*
- *Local Government (Model Code of Conduct) Regulations 2021*
- *Local Government (Rules of Conduct) Regulations 2007*
- *Public Interest Disclosure Act 2003*

The procedure also aligns with governance guidance issued by the Department of Local Government, Industry Regulation and Safety (DLGSC) and reflects best-practice governance expectations for Western Australian local governments.

The procedure aims to:

- promote ethical conduct and accountability
- provide clear pathways for lodging complaints
- ensure procedural fairness
- protect the integrity of Council decision-making
- maintain community confidence in local government governance

# 2. Scope

This procedure applies to complaints concerning:

- Councillors
- The Shire President
- Deputy President
- Committee Members appointed by Council.

This procedure does not apply to complaints about Shire staff, which are managed under the Employee Code of Conduct and internal grievance procedures.

# 3. Legislative Framework

Complaints relating to Elected Members fall into three distinct categories under Western Australian legislation.

## Complaint Categories

Complaint Type	Legislation	Assessed By	Example
Behaviour complaint	Model Code of Conduct Regulations 2021	Local Government	Disrespectful behaviour at meetings
Minor breach	Rules of Conduct Regulations 2007	Local Government Standards Panel	Misuse of resources
Serious breach	Local Government Act 1995	Department / State Administrative Tribunal	Failure to declare financial interest

Behaviour complaints are generally managed internally by the local government, while breaches of statutory conduct provisions may be referred to external authorities for determination.

## 4. Guiding Principles

The Shire of Boyup Brook is committed to ensuring that complaints are handled in accordance with the following governance principles:

- Natural justice
  - All parties are entitled to procedural fairness
- Confidentiality
  - Information relating to complaints must remain confidential in accordance with legislative requirements
- Transparency
  - Complaint processes will be clearly communicated and documented
- Integrity
  - Complaints will be assessed objectively and without bias
- Timeliness
  - Complaints will be addressed within reasonable timeframes

## 5. Role of the Complaints Officer

The Chief Executive Officer (CEO) is the designated Complaints Officer under the *Local Government Act 1995*.

The Complaints Officer is responsible for:

- receiving complaints
- assessing jurisdiction
- determining the appropriate complaint pathway
- referring complaints to relevant authorities
- maintaining complaint records
- ensuring compliance with legislative requirements

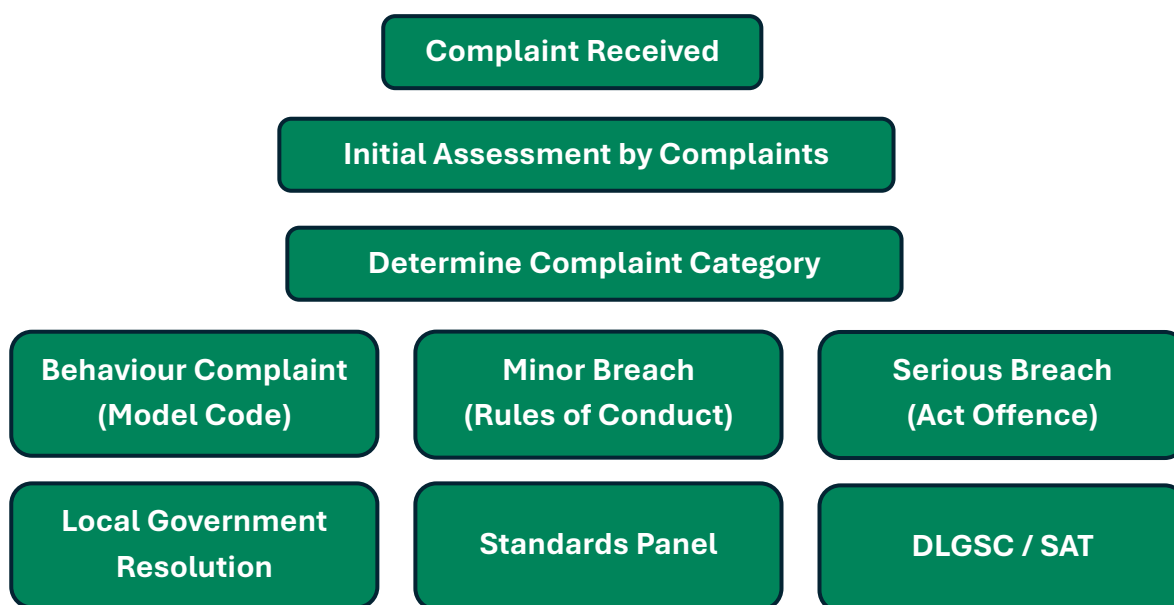
Where a complaint relates to the CEO's role as Complaints Officer, an alternative authorised officer may be appointed.

## 6. Complaint Pathway

All complaints relating to Elected Members must be submitted to the Shire in writing.

Upon receipt, the Complaints Officer will determine the correct complaint pathway.

Complaint Pathway Diagram



## 7. Behaviour Complaints

(Model Code of Conduct)

Behaviour complaints relate to alleged breaches of behavioural standards contained within the Model Code of Conduct.

These may include:

- disrespectful or offensive behaviour
- inappropriate communications
- social media misconduct
- conduct affecting the reputation of the local government.

Lodging a Behaviour Complaint

A behaviour complaint must:

- be made in writing
- identify the alleged conduct
- include supporting information
- be submitted to the Complaints Officer.

## Assessment

The Complaints Officer will determine whether:

- the complaint falls within the Code of Conduct
- further information is required
- the matter should proceed to investigation.

## Possible Outcomes

Outcomes may include:

- mediation or informal resolution
- written apology
- behavioural counselling
- training requirements
- behaviour improvement plan

## 8. Minor Breach Complaints

(Rules of Conduct)

A minor breach occurs where an Elected Member contravenes a rule of conduct prescribed in the Regulations.

Examples include:

- misuse of local government resources
- interference in administration
- improper relationships with staff
- failure to comply with meeting conduct rules.

### Lodging a Minor Breach Complaint

A minor breach complaint must:

- be made using the prescribed complaint form
- be lodged within 6 months of the alleged breach
- include relevant evidence.

Minor breach complaints must be lodged with the Complaints Officer, who must:

- acknowledge receipt
- provide the complaint to the Elected Member
- refer the complaint to the Local Government Standards Panel within 14 days.

The Panel considers the complaint and determines whether a breach occurred.

## Possible Sanctions

Sanctions may include:

- public censure
- public apology
- mandatory training
- payment of costs associated with the complaint

## 9. Serious Breach Complaints

*(Local Government Act)*

A serious breach occurs where an Elected Member commits an offence under the Local Government Act or another written law while acting in their capacity as an Elected Member.

Examples include:

- failure to declare financial interest
- failure to lodge annual financial returns
- failure to declare gifts
- failure to vote at a Council meeting.

Serious breach complaints must be submitted directly to the Department of Local Government, Industry Regulation and Safety (DLGSC).

DLGSC may investigate the matter and, if appropriate, refer it to the State Administrative Tribunal (SAT) for determination.

Potential penalties may include:

- suspension from office
- disqualification from holding office
- fines or other legal penalties

## 10. Confidentiality

Confidentiality requirements apply to complaints made under the Local Government Act.

Unauthorised disclosure of information relating to a complaint may constitute an offence under the Act.

All parties must maintain confidentiality until the complaint process is concluded.

## 11. Complaints Register

The Shire will maintain a register of complaints relating to Elected Members.

The register will record:

- date complaint received
- type of complaint
- complaint status
- outcome
- date finalised.

Where required by legislation, the Shire will publish outcomes on its website.

## 12. Public Interest Disclosure

Allegations involving corruption, misconduct or improper conduct may fall within the Public Interest Disclosure Act 2003.

Disclosures may be made to the Shire's designated Public Interest Disclosure Officer in accordance with the Shire's Public Interest Disclosure Policy.

## 13. Review of Procedure

This procedure will be reviewed:

- every two years; or
- following legislative change

## 14. Related Documents

The following documents support this procedure:

- Code of Conduct – Council Members, Committee Members and Candidates
- Standing Orders Local Law
- Governance Manual
- Public Interest Disclosure Policy
- Council Complaints Management Policy

## 15. Important Time Limits

Complaint Type	Time Limit
Behaviour complaint	As soon as practicable
Minor breach	Within 6 months
Serious breach	Usually within 2 years



## Section 5 – Date of Incident

Date(s) of alleged conduct	
Location of incident	

## Section 6 – Evidence

Please attach any supporting evidence.  
Examples may include:

- Correspondence
- Meeting minutes
- Photographs
- Recordings
- Other documents

Please list attached evidence


## Section 7 – Declaration

I declare that the information provided in this complaint is true and correct to the best of my knowledge.

Name			
Signature		Date	




## Section 8 – Privacy and Confidentiality

Information provided in this complaint will be used solely for the purpose of assessing and managing the complaint.

Confidentiality requirements apply under the *Local Government Act 1995*, and unauthorised disclosure may constitute an offence.

## Section 9 – Lodging the Complaint

Complaints may be submitted by:

 Email shire@boyupbrook.wa.gov.au	 Post Chief Executive Officer Shire of Boyup Brook PO Box 2 Boyup Brook WA 6244	 In Person Shire Administration Office 55 Abel Street Boyup Brook WA 6244
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