

Behaviour Complaint Form

This form is to be used for making a complaint about an alleged breach of Division 3 of the [City of Cockburn Code of Conduct for Council Members, Committee Members and Candidates](#).

Please read the City of Cockburn [Behaviour Complaints Policy](#) on the City's website before submitting a complaint. This Policy details how the City of Cockburn will process and determine your complaint.

To make a valid **Behaviour Complaint**:

-
- ☐ The allegation must relate to a breach of the **behaviour standards** in **Division 3** of the City of Cockburn Code of Conduct for Council Members, Committee Members and Candidates.
-
- ☐ All sections of the Behaviour Complaint Form must be completed, including any additional information that will support assessment of the complaint. The Behaviour Complaint Officer may contact you to clarify or ask for more information.
-
- ☐ The completed Behaviour Complaint Form must be lodged with the City of Cockburn Behaviour Complaints Officer within **one (1) month** of the alleged behaviour breach.
-

This form **cannot** be used to make complaints:

- about an alleged breach of Division 4 of the [City of Cockburn Code of Conduct for Council Members, Committee Members and Candidates](#);
- about specified breaches (serious breaches) of the *Local Government Act 1995*;
- about alleged serious misconduct under the *Corruption, Crime and Misconduct Act 2003*

For information about how to make these types of complaints, contact:

- the [Local Government Inspector](#) (for alleged breaches of Division 4 of the City of Cockburn Code of Conduct for Council Members, Committee Members and Candidates OR alleged specified breaches (serious breaches); or
- the [Corruption and Crime Commission](#) (for allegations of serious misconduct)

Need Advice?

If you require advice on making a Behaviour Complaint, you can contact the:

- LG Inspector on (08) 9222 3333 or by email to contact@lginspector.wa.gov.au; or
- City of Cockburn Behaviour Complaints Officer on (08) 9411 3444 or by email to complaints@cockburn.wa.gov.au

Behaviour Complaint Form

All complaints are treated as confidential under section 8A.36 of the Act. You must not disclose or use any information about the complaint or its details, unless permitted by law (maximum penalty: \$10,000).

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

Under section 8A.38 of the Act, it is an offence to include information in a complaint knowing it to be consequently false or misleading (maximum penalty: \$10,000).

Your details			
Name: <i>Given Name/s and Family Name</i>			
Contact Details			
Postal Address:			
Home Address:			
Phone number (business hours):			
Email address:			
Complaint Details			
1.	Name of person alleged to have committed the breach		
2.	Select the position the person was fulfilling at the time you allege the breach occurred:	Council Member of the City of Cockburn	☐
		Member of a Committee of the City of Cockburn	☐
		Candidate for election at the City of Cockburn	☐
3.	Date alleged breach occurred:		
4.	Location where alleged breach occurred:		

5.	Which of the behaviours contained in Division 3 of the City of Cockburn 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 the Code of Conduct	☐
	(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	☐
	(b) must comply with all policies, procedures and resolutions of the local government	☐
	Clause 9 – Relationships with others	
	A council member, committee member or candidates --	
	(a) must not bully or harass another person in any way	☐
	(b) must deal with the media in a positive and appropriate manner and in accordance with any relevant policy of the local government	☐
	(c) must not use offensive or derogatory language when referring to another person	☐
	(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	☐
	(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 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	☐
	(b) must not make a statement that the member or candidate knows, or could reasonably be expected to know, is false or misleading	☐
	(c) must not repeatedly disrupt the meeting	☐
	(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	☐
	(e) must comply with any direction given by the person presiding at the meeting	☐
	(f) must immediately cease to engage in any conduct that has been ruled out of order by the person presiding at the meeting	☐

6.	Please provide details regarding the alleged breach/s • <i>Keep your complaint limited to information about the incident.</i> • <i>Provide details of any relevant evidence and/or witnesses.</i> • <i>Limit the information you provide to the actions of the person.</i> • <i>Avoid general criticism, personal attacks and abusive language.</i>		
7.	Please list any supporting information or evidence you are providing with this Behaviour Complaint Form <i>Please ensure all information or evidence relevant to the alleged breach has been attached.</i>		
8.	Have you made any efforts to resolve the complaint with the person? <i>If yes, please describe the efforts that you have made.</i> <i>If no, please include a brief statement explaining why you have not made any efforts to resolve the issue with the person.</i>		
		Yes	☐
		No	☐
9.	Alternative Dispute Resolution <i>The City of Cockburn has a Policy that the Complainant and the Respondent be offered the opportunity to participate in an Alternative Dispute Resolution (ADR) process.</i> <i>The objective of ADR is to support both parties to reach a mutually satisfactory outcome that resolves the issues and restores the relationship between them. Both parties must agree to participate in ADR. You may terminate your participation in ADR at any time.</i> <i>If ADR is terminated or does not result in an agreed outcome which results in the withdrawal of the complaint, then the formal complaints process will continue.</i>		
	Would you like to participate in an Alternative Dispute Resolution process?	Yes	☐
		No	☐

10.	Desired outcome of Complaint <i>Please explain what you would like to happen as a result of lodging this complaint.</i> <i>Please note, by law, options are limited to:</i> • <i>requiring the person to engage in mediation</i> • <i>requiring the person to undertake counselling</i> • <i>requiring the person to undertake training</i> • <i>requiring the person to take any other action the Council considers appropriate (which cannot be punitive)</i> <i>Council members cannot be removed, suspended or otherwise punished through the Behaviour Complaints process.</i>	
Declaration <i>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 with a complaint.</i> <i>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 Government Act 1995.</i> <i>I understand that failure to comply with these requirements may result in penalties.</i>		
Signature:		
Date:		

Please submit this completed Behaviour Complaints Form to the Behaviour Complaints Officer by:

- **Email:** complaints@cockburn.wa.gov.au
- **Post:** City of Cockburn, PO Box 1215, Bibra Lake DC, WA 6965
- **In-person:** Hand deliver to the City of Cockburn Administration Centre, 9 Coleville Crescent, Spearwood, WA 6163 during opening hours.

The Behaviour Complaints Officer will acknowledge your complaint in writing within 14 days of being received. Please ensure that you only correspond with the Behaviour Complaints Officer in respect of your complaint.