

POL 0048: Code of Conduct Behaviour Complaints Management

Purpose

To establish, in accordance with clause 15(2) of the *Local Government (Model Code of Conduct) Regulations 2021* and clause 2.9(2) of the Shire of Esperance's Code of Conduct for Council Members, the procedure for dealing with complaints about alleged breaches of the behaviour requirements included in Division 2 of the Shire of Esperance's *Code of Conduct for Council Members, Committee Members and Candidates*.

To give result to the Shire's commitment to an effective, transparent, fair and accessible complaints handling process that supports high standards of behaviour of Council Members, Committee Members and Candidates.

Scope

This Policy applies to complaints made in accordance with clause 2.5 of the Shire's *Code of Conduct for Council Members, Committee Members and Candidates*.

This Policy applies to Council Members, Committee Members, Candidates and any person who submits a complaint in accordance with this Policy.

Definitions

Act: means the *Local Government Act 1995*.

Behaviour Complaints Committee: means the Committee established by the Council in accordance with s.5.8 of the Act for the purpose of dealing with Complaints. The role of the Behaviour Complaints Committee is outlined in Part 2.3 of this Policy.

Behaviour Complaints Officer: means a person authorised in writing under clause 2.5(3) of the Code of Conduct to receive complaints and withdrawals of complaints. The role of the Behaviour Complaints Officer is addressed in Part 2(a) of this Policy.

Breach: means a breach of Division 2 of the Shire of Esperance's Code of Conduct for Council Members, Committee Members and Candidates.

Candidate: means a candidate for election as a Council Member, whose nomination has been accepted by the Returning Officer under s.4.49 of the Act, but does not include a Council Member who has nominated for re-election. A person is a Candidate from the date on which their nomination is accepted, until the Returning Officer declares the election result in accordance with s.4.77 of the Act.

Candidate Complaint: means a Complaint alleging a Breach by a Candidate. Candidate Complaints are dealt with in Part 3(b) of this Policy.

Code of Conduct: means the Shire of Esperance's *Code of Conduct for Council Members, Committee Members and Candidates*.

Committee: means a committee of Council, established in accordance with s.5.8 of the Act.

Committee Member: means a Council Member, employee of the Shire of Esperance or other person who has been appointed by the Council to be a member of a Committee, in accordance with s.5.10(1) of the Act. A person is a Committee Member from the date on which they are appointed, until their appointment expires or is terminated by Council resolution.

Complaint: means a complaint submitted under clause 2.5 of the Code of Conduct.

Complainant: means a person who has submitted a Complaint in accordance with this Policy.

Complaint Assessor: means a person appointed by the Behaviour Complaints Officer in accordance with Part 2(b) and Part 3(h) of this Policy.

Complaint Documents: means the Complaint Form and any supporting information, evidence, or attachments provided by the Complainant.

Complaint Form: means the form approved under clause 2.5(2)(a) of the Code of Conduct.

Council: means the Council of the Shire of Esperance.

Council or Committee Meeting: means a formal meeting of Council or a Committee that is called and convened in accordance with the Act. It does not include informal meetings, such as working group meetings, workshops or briefings.

Council Member: means a person who is currently serving a term of office as an elected member of the Council in accordance with the Act.

Finding: means a finding made in accordance with clause 2.6(1) of the Code of Conduct as to whether the alleged Breach has or has not occurred.

Plan: means a Plan that may be prepared and implemented under clause 2.6(4)(b) of the Code of Conduct, to address the behaviour of the person to whom the complaint relates (the Respondent), if a Finding has been made that a Breach has occurred.

Response Documents: means the response provided by the Respondent to the Complaint, and includes any supporting information or evidence that is supplied.

Practice

1. Principles
 - a. Procedural fairness

The principles of procedural fairness, or natural justice, will apply when dealing with a Complaint under this Policy. In particular -

- i. the Respondent will be afforded a reasonable opportunity to be heard before any findings are made, or a plan is implemented;
- ii. the decision maker should be objective and impartial, with an absence of bias or the perception of bias; and

- iii. any findings made will be based on proper and genuine consideration of the evidence.
- b. Consistency

The application of this Policy should lead to consistency in process and outcomes. While each Complainant and Respondent will be dealt with according to their circumstances, and each Complaint considered and determined on its merits, similar circumstances will result in similar decisions.

- c. Confidentiality

The Shire of Esperance will take all reasonable steps to maintain confidentiality when dealing with the Complaint, in order to protect both the Complainant and Respondent.

Council Members, Local Government employees and contractors who have a role in handling a specific complaint will be provided with sufficient information to fulfil their role. They must manage this information securely, and must not disclose or inappropriately use this information.

Complainants will be advised of the level of confidentiality they can expect, and that breaches of confidentiality on their part may prejudice the progress of their Complaint.

In order to allow the Respondent to understand and respond to the complaint against them, the name of the Complainant will be provided to the Respondent, unless the Complainant provides appropriate reasons this should not occur.

The Complainant's contact information will not be provided to the Respondent.

The Complainant's name and contact information will not be included in any publicly available documents such as meeting agenda or minutes.

The Complainant should be aware that Complaint Documents may be subject to an FOI request, noting that they must be consulted before any documents are released, and exemptions may apply.

- d. Accessibility

The Shire of Esperance will ensure that information on how to make a complaint, including this Policy, is available at the Shire's Administration Building and on the Shire website. The Shire will make information available in alternative formats if requested.

Any person wishing to make a complaint may contact the Behaviour Complaints Officer if they require assistance in completing the complaint form or otherwise navigating the complaints process.

The Shire of Esperance's Behaviour Complaints Officer is;

Director Corporate and Community Services

Phone: 08 9071 0693

Email: shire@esperance.wa.gov.au

2. Roles

a. Behaviour Complaints Officer

The Behaviour Complaints Officer is authorised in accordance with clause 2.5(3) of the Code of Conduct to accept complaints and withdrawal of complaints.

The Behaviour Complaints Officer is not an advocate for the complainant or the respondent. The Behaviour Complaints Officer provides procedural information and assistance to both Complainant and Respondent.

The Behaviour Complaints Officer will liaise with and provide administrative support to a Complaint Assessor appointed under this Policy.

To assist with workload and record keeping, the Behavioural Complaints officer may engage the assistance of the Information Management Officers at the Shire. They will be held to the same confidentiality requirements as the Behavioural Complaints Officer.

The Behaviour Complaints Officer will liaise with the Local Government to facilitate the calling and convening of Council or Behaviour Complaints Committee meetings if required.

In undertaking their functions, the Behaviour Complaints Officer will apply the Principles of this Policy.

b. Complaint Assessor

The Complaint Assessor is appointed by the Behaviour Complaints Officer in accordance with Part 3.(h) of this Policy.

The Complaint Assessor is an impartial employee or third party who will undertake the functions specified in this Policy. In undertaking their functions, the Complaint Assessor will apply the Principles of this Policy.

The Complaint Assessor will liaise with the Behaviour Complaints Officer to manage the administrative requirements of dealing with the Complaint in accordance with this Policy.

3. Procedure

a. Making a complaint

Any person may make a Complaint alleging that a Council Member, Committee Member or Candidate has behaved in a way that constitutes a breach of Division 2 of the Code of Conduct.

A Complaint must be made within one (1) month after the alleged Breach.

A Complaint must be made by completing the Behaviour Complaint Form in full and providing the completed forms to the Behaviour Complaints Officer.

A Complaint must be made in accordance with the Behaviour Complaint Form and specify which requirement(s) of the Code of Conduct is alleged to have been breached.

A Complaint is required to include the name and contact details of the Complainant therefore anonymous complaints cannot be accepted.

Where a Complaint Form omits required details, the Behaviour Complaints Officer will invite the Complainant to provide this information in order for the Complaint to be progressed.

Where a Complaint is made more than 1 month after the alleged breach, the Behaviour Complaints Officer will give the Complainant written notice that the Complaint cannot be made.

b. Candidate Complaints

A Complaint in relation to a Candidate must be made in accordance with 3.1, above, but cannot be dealt with unless the Candidate is subsequently declared elected as a Council Member.

Within 7 days after receiving a Candidate Complaint, the Behaviour Complaints Officer will provide written notice -

- i. To the Complainant confirming receipt, and advising of the procedure for candidate complaints; and
- ii. To the Respondent, including a summary of the complaint, and advising of the procedure for candidate complaints.

No action will be taken until the results of the election are declared by the Returning Officer. If the respondent is elected, then the complaint will be dealt with in accordance with this Policy. Timeframes that would otherwise commence on the receipt of a Complaint will be taken to commence on the election date.

If the Respondent is not elected, the Behaviour Complaints Officer will provide the Complainant with notice that the Respondent has not been elected and that the Complaint cannot be dealt with.

c. Withdrawing a Complaint

A Complainant may withdraw their Complaint at any time before a Finding has been made in relation to the Complaint.

A Complainant may withdraw a Complaint by advising the Behaviour Complaints Officer in writing that they wish to do so.

After receiving a written withdrawal of the Complaint, the Behaviour Complaints Officer will take all necessary steps to terminate the process commenced under this Policy.

d. Notice to Complainant

Within 7 days after receiving a Complaint, the Behaviour Complaints Officer will provide written notice to the Complainant that -

- i. confirms receipt of the Complaint;
- ii. outlines the process that will be followed and possible outcomes;
- iii. explains the application of confidentiality to the complaint;
- iv. includes a copy of this Policy; and
- v. if necessary, seeks clarifications or additional information.

If the Complaint Form indicates that the Complainant agrees to participate in Alternative Dispute Resolution, the Behaviour Complaints Officer will advise the Complainant of the process in accordance with Part 3(f) of this Policy.

e. Notice to Respondent

Within 14 days after receiving a Complaint, the Behaviour Complaints Officer will provide written notice to the Respondent that -

- i. advises that a Complaint has been made in accordance with the Code of Conduct and this Policy;
- ii. includes a copy of the Complaint Documents;
- iii. outlines the process that will be followed, the opportunities that will be afforded to the Respondent to be heard and the possible outcomes;
- iv. includes a copy of this Policy; and
- v. if applicable, advises that further information has been requested from the Complainant and will be provided in due course.

If the Complainant has agreed to participate in Alternative Dispute Resolution, the Behaviour Complaints Officer will ask the Respondent if they are also willing to participate in accordance with Part 3.(f) of this Policy.

f. Alternative Dispute Resolution

The Shire of Esperance recognises that Alternative Dispute Resolution may support both parties to reach a mutually satisfactory outcome that resolves the issues giving rise to the Complaint. Alternative Dispute Resolution requires the consent of both parties to the Complaint and may not be appropriate in all circumstances.

To commence the process, the Behaviour Complaints Officer will, as the first course of action upon receiving a complaint, offer the Complainant and the Respondent the option of Alternative Dispute Resolution. If both parties agree to participate in Alternative Dispute Resolution, the Behaviour Complaints Officer will pause the formal process.

The objective of Alternative Dispute Resolution will be to reach an agreed resolution that satisfies the Complainant that the formal process is no longer required, allowing them to withdraw the Complaint, in accordance with Part 3(c) of this Policy. For example, an offer by a Respondent to issue a voluntary apology in response to a Complaint, even in the absence of a request from the Complainant, qualifies for consideration as Alternative Dispute Resolution.

If Alternative Dispute Resolution is commenced, both the Complainant and Respondent may decline to proceed with the process at any time. The process may also be terminated on the advice of a third party who is aiding the Local Government, such as a facilitator or mediator.

If Alternative Dispute Resolution is terminated or does not achieve an agreed outcome that results in the withdrawal of the Complaint, the Behaviour Complaints Officer will resume the formal process required under this Policy.

g. Order of Complaints

Complaints will normally be dealt with in the order in which they are received.

If more than one Complaint is received that relates to the same alleged behaviour, the Behaviour Complaints Officer may decide to progress those Complaints concurrently.

h. Appointment of Complaints Assessor

If Alternative Dispute Resolution is not commenced, is terminated or does not achieve an agreed outcome resulting in the withdrawal of the Complaint, the Behaviour Complaints Officer will appoint a suitably qualified and experienced Complaint Assessor. The Complaints Assessor may be either an Employee of the Shire of Esperance or a third party appointed in accordance with the Shire's Purchasing Policy.

The Behaviour Complaints Officer will endeavour to appoint a Complaint Assessor within a reasonable period. The Behaviour Complaints Officer will provide written notice of the appointment to the Complainant and the Respondent.

i. Search of Local Government Records

The Complaint Assessor may request the Behaviour Complaints Officer to search for any relevant records in the Shire's Record Management System.

In particular, if the behaviour is alleged to have occurred at a Council or Committee Meeting, the Behaviour Complaints Officer will be requested to identify any Local Government records that provide evidence that may support a decision as to whether -

- i. the behaviour occurred at a Council or Committee Meeting,
- ii. the behaviour was dealt with by the person presiding at the meeting, and/or
- iii. the Respondent has taken remedial action in accordance with the Shire of Esperance's *Standing Orders Local Law 2015*.

The Complaints Assessor must provide the Respondent with a copy of any records that are identified. In addition, where a clarification or additional information has been sought from the Complainant by either the Behaviour Complaints Officer or the Complaint Assessor, copies must also be provided to the Respondent.

j. Assessment of the Complaint

The Complaint Assessor will undertake an assessment of the Complaint in accordance with the process outlined in the Notices given under Part 3(d) and Part 3(e) of this Policy.

The Complaint Assessor must ensure that the Respondent is provided with a reasonable opportunity to be heard before forming any opinions, or drafting the Complaint Report or recommendations.

k. Complaint Report

The Complaint Assessor will prepare a Complaint Report that will -

- i. outline the process followed, including how the Respondent was provided with an opportunity to be heard;
- ii. include the Complaint Documents, the Response Documents and any relevant Local Government Records as attachments; and
- iii. include recommendations on each decision that may be made by Council; and
- iv. include reasons for each recommendation, with reference to Part 4 of this Policy.

If the Complaint Report recommends that a Plan is prepared and implemented in accordance with clause 2.6(4)(b) of the Code of Conduct and Part 4.(d) of this Policy, the Complaint Report must include a Proposed Plan.

The Respondent and Claimant will be provided with a draft copy of the Complaint Report, and an opportunity to make submissions, before the Complaint Assessor finalises the Complaint Report.

The Complaint Assessor will liaise with the Behaviour Complaints Officer to include the Complaint Report in the Agenda for a meeting of Council. The Behaviour Complaints Officer will be responsible for preparation of an Officer Report with the Complaint Report provided as a confidential attachment. The recommendations of the Complaint Report will be provided as the Officer Recommendations.

I. Complaints Committee Meeting

The Agenda will be prepared on the basis that the part of the meeting that deals with the Complaint Report will be held behind closed doors in accordance with s.5.23(2) of the Act.

The Behaviour Complaints Committee will consider the Complaint Report and attachments and give due regard to the recommendations.

In accordance with Regulation 11(d)(a) of the *Local Government (Administration) Regulations 1996*, reasons for any decision that is significantly different from the Officer Recommendation must be recorded in the meeting minutes.

If the behaviour that is the subject of the Complaint is alleged to have occurred at a Council or Committee Meeting, the Behaviour Complaints Committee will determine whether or not to dismiss the Complaint in accordance with clause 2.7 of the Code of Conduct and Part 4(b) of this Policy.

If the Behaviour Complaints Committee dismisses a Complaint, the Behaviour Complaints Officer must give the Complainant and the Respondent written notice of the decision and the reasons for the decision in accordance with clause 2.7(2) of the Code of Conduct. This concludes the process for this Complaint.

If the Complaint is not dismissed, the Behaviour Complaints Committee will consider the Complaint and make a Finding as to whether the alleged Breach that is the subject of the Complaint has or has not occurred, in accordance with clause 2.6 of the Code of Conduct and Part 4(c) of this Policy.

If the Behaviour Complaints Committee finds that the alleged Breach did not occur, the Behaviour Complaints Officer must give the Complainant and the Respondent written notice of the Finding and the reasons for the Finding in accordance with clause 2.6(7)(a) of the Code of Conduct. This concludes the process for this Complaint.

If the Behaviour Complaints Committee finds that the alleged breach did occur, the Committee will decide whether to take no further action in accordance with clause 2.6(4)(a) of the Code of Conduct or prepare a plan to address the behaviour in accordance with clause 2.6(4)(b) of the Code of Conduct and Part 4(d) of this Policy.

If the Behaviour Complaints Committee decides to take no further action, the Behaviour Complaints Officer must give the Complainant and the Respondent written notice of this decision and the reasons for the Finding in accordance with clause 2.6(7)(a) of the Code of Conduct. This concludes the process for this Complaint.

If the Behaviour Complaints Committee decides to prepare a Plan, the Committee will first consult with the Respondent in accordance with clause 2.6(5) of the Code of Conduct. The Behaviour Complaints Committee will consider any submissions made by the Respondent before preparing and implementing a Plan.

m. Compliance with Plan Requirement

The Behaviour Complaints Officer will monitor the actions in timeframes set out in a Plan.

Failure to comply with a requirement included in a Plan is a minor breach under section 5.105(1) of the Act and clause 3.9 of the Code of Conduct.

The Behaviour Complaints Officer must provide a report advising Council of any failure to comply with a requirement included in a Plan.

4. Decision Making

a. Objective and Principles

All decisions made under this Policy will reflect the Policy Objectives and the Principles included in Part 1 of this Policy.

b. Dismissal

The Behaviour Complaints Committee must dismiss a Complaint in accordance with clause 2.7(1)(a) and (b) of the Code of Conduct if it is satisfied that -

- i. the behaviour to which the Complaint relates occurred at a Council or Committee Meeting; and
- ii. either —
 - 1. the behaviour was dealt with by the person presiding at the meeting; or
 - 2. the Respondent has taken remedial action in accordance with the Shire of Esperance's Standing Orders Local Law 2015

c. Finding

A Finding that the alleged breach has occurred must be based on evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur.

This may involve first considering whether the behaviour occurred, on the balance of probabilities, and then whether that behaviour constituted a breach of a requirement of Division 2 of the Code of Conduct.

d. Action

In deciding whether to take no further action, or prepare and implement a Plan, the Complaints Committee may consider -

- i. the nature and seriousness of the breach(es);
- ii. the Respondent's submission in relation to the contravention;
- iii. whether the Respondent has breached the Code of Conduct knowingly or carelessly;
- iv. whether the Respondent has breached the Code of Conduct on previous occasions;
- v. likelihood or not of the Respondent committing further breaches of the Code of Conduct;
- vi. personal circumstances at the time of conduct;
- vii. need to protect the public through general deterrence and maintain public confidence in Local Government; and
- viii. any other matters which may be regarded as contributing to the conduct or mitigating its seriousness.

e. Plan Requirements

The Proposed Plan may include requirements for the Respondent to do one (1) or more of the following -

- i. engage in mediation;
- ii. undertake counselling;
- iii. undertake training;
- iv. take other action the Complaints Committee considers appropriate (e.g. an apology).

The Proposed Plan should be designed to provide the Respondent with the opportunity and support to demonstrate the professional and ethical behaviour expected of elected representatives expressed in the Code of Conduct.

The Proposed Plan may also outline -

- a. the actions to be taken to address the behaviour(s);
- b. who is responsible for the actions;
- c. any assistance the Local Government will provide to assist achieve the intent of the Plan; and
- d. a reasonable timeframe for the Plan action(s) to be addressed by the Respondent.

Any requirements identified within a Plan will be arranged by the Shire in accordance with the Elected Member Professional Development Policy once adopted.

.....End.....

Document Information

Responsible Position	Director Corporate & Community Services
Risk Rating	High

Referencing Documents

- *Local Government Act 1995*
- *Local Government (Administration) Regulations 1996*
- *Local Government (Model Code of Conduct) Regulations 2021*
- *Council Members, Committee Members and Candidates Code of Conduct*

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
May 2021	1	D21/17096	New policy	O0521-146	May 2023
Jan 2022	2	D21/17096[v2]	Biennial review, no change	O0122-012	Jan 2024
Jan 2024	3	D21/17096[v3]	Minor rewording	O0124-004	Jan 2026
May 2024	4	D21/17096[v4]	Update clause references throughout	O0524-058	May 2026
Dec 2025	5	D21/17096[v5]	Insert Behaviour Complaints Committee definition, and update Behaviour Complaints Officer definition. Include reference to Information Management Officers in section 2(a). Amend responsible officer to Director Corporate & Community Services.	O1225-098	Dec 2027

Code of Conduct Behaviour Complaint



Council Members, Committee Members and Candidates

How to make a complaint about an alleged breach of the Shire of Esperance's Code of Conduct for Council Members, Committee Members and Candidates

Behaviour Complaint

Please read the Shire of Esperance's Code of Conduct Behaviour Complaints Policy on our website www.esperance.wa.gov.au before submitting a complaint. This Policy details:

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

To make a valid *Behaviour Complaint*:

1. The allegation must relate to a breach of the behaviour standards in *Division 2* of the Shire of Esperance's Code of Conduct for Council Members, Committee Members and Candidates.
2. Complete all sections of the Behaviour Complaint Form attached, including any additional information that will support assessment of the complaint. *The Behaviour Complaints Officer may contact you to clarify or ask for more information.*
3. The completed Behaviour Complaint Form **MUST** be lodged with the Shire of Esperance's Behaviour Complaints Officer **within one (1) month of the alleged behaviour breach.**

Rules of Conduct Complaint

A *Rules of Conduct Complaint* refers to a breach of the Rules of Conduct outlined in *Division 3* of the Shire of Esperance's Code of Conduct for Council Members and Candidates, including Council Members when acting as a Committee Member. This type of complaint is determined by the Local Government Standards Panel, administered through the Department of Local Government, Sport and Cultural Industries. Further information about Rules of Conduct Complaints may be obtained from:

- Department of Local Government, Sport and Cultural Industries: **(08) 6552 7300** or www.dlgsc.wa.gov.au; OR
- The Shire of Esperance's Rules of Conduct Complaints Officer: **(08) 9071 0621** or shire@esperance.wa.gov.au.

Need Advice?

If you require advice in making a Behaviour Complaint, please contact the Shire of Esperance's Behaviour Complaints Officer.

Director Corporate & Community Services:

(08) 9071 0693, or shire@esperance.wa.gov.au.

Behaviour Complaint Form



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

COMPLAINANT DETAILS

Full Name:

Contact Number:

Residential Address:

Postal Address:

☐ Same as above

Email:

COMPLAINT DETAILS

Name (Person in breach):

Date Breach Occurred:

Location of Breach:

Position that the person was fulfilling at the time of the breach (please tick):

- ☐ Council Member
☐ Committee Member
☐ Candidate for Election

Which of the behaviours prescribed in Division 2 of the Shire of Esperance's Code of Conduct do you allege this person has breached? (please tick):

Clause 2.2 Personal Integrity

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

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 2.3 Relationship 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 2.4 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; 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.

State the full details of the alleged breach.

List any additional information *(Please ensure all information relevant to the alleged breach has been attached. This information will be the basis on which the complaint is considered).*

Have you made any efforts to resolve the complaint with the respondent? *(you MUST complete this section)*

☐ Yes ☐ No

If yes, please describe the efforts you have made.

If no, please include a brief statement explaining why you have not made any efforts to resolve the issue with the respondent.

The Shire of Esperance 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.

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.

Please contact the Behaviour Complaints Officer if you would like more information.

Would you agree to participate in an Alternative Dispute Resolution process?

☐ Yes ☐ No

Desired outcome of the Complaint (Please explain what you would like to happen as a result of lodging this complaint, including the opportunity to participate in Alternative Dispute Resolution).

Signature
Complainant

Date

Please submit the completed Behaviour Complaint Form to the Shire of Esperance's Behaviour Complaints Officer:

Mail - PO Box 507, Esperance WA 6450

In Person - 77 Windich Street, Esperance WA 6450

COMPLAINT DETAILS

☐ Entered into CM

Received by:

Date Received:

Signature
Behaviour Complaints Officer

Date

Statutory Declaration

Oaths, Affidavits and Statutory Declarations Act 2005



Must be completed and submitted with the completed Behaviour Complaint Form

I _____
Insert Name

Insert Residential Address

Insert Occupation

Sincerely declare that the information I have provided in the attached Behaviour Complaint dated _____ 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 _____
Insert Place

Signature
Person Making the Declaration

Date

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

Insert Name

Qualification as Such a Witness

Signature
Authorised Witness

Date

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"> • <i>Curtin University Act 1966</i>; • <i>Edith Cowan University Act 1984</i>; • <i>Murdoch University Act 1973</i>; • <i>University of Notre Dame Australia Act 1989</i>; • <i>University of Western Australia Act 1911</i>; • <i>Vocational Education and Training Act 1996</i>. 	Academic (post-secondary institution)
2.	A member of any of the following bodies — <ul style="list-style-type: none"> • Association of Taxation and Management Accountants (ACN 002 876 208); • CPA Australia (ACN 008 392 452); • The Institute of Chartered Accountants in Australia (ARBN 084 642 571); • Institute of Public Accountants (ACN 004 130 643); • National Tax & Accountants' Association Limited (ACN 057 551 854). 	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

Oaths, Affidavits and Statutory Declarations Act 2005

Schedule 2 Authorised witnesses for statutory declarations

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">• an officer within the meaning of the <i>Defence Force Discipline Act 1982</i> of the Commonwealth; or• a non-commissioned officer within the meaning of that Act with 5 or more years of continuous service; or• a warrant officer within the meaning of that Act.	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"> • <i>Industrial Relations Act 1979</i>; • <i>Workplace Relations Act 1996</i> of the Commonwealth. 	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

Oaths, Affidavits and Statutory Declarations Act 2005**Schedule 2** Authorised witnesses for statutory declarations

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