

Council Policy

Council Policy Name: Management of Complaints of Alleged Breaches of Behaviour
Responsible Directorate: Corporate Strategy and Performance **Version:** ADOPTED

1. PURPOSE

- 1.1. The purpose of this Policy is to outline the City's approach to the management of complaints relating to alleged breaches of the behaviour requirements in Part 3 of the City of Busselton Code of Conduct for Council Members, Committee Members and Candidates.

2. SCOPE

- 2.1. This Policy is applicable to complaints about alleged breaches of the behaviour requirements in Part 3 of the Code and should be read in conjunction with the Code.
- 2.2. The following are not covered under the scope of this Policy:
- Conduct, specified and general breach complaints required under the Act to be administered by the Local Government Inspector;
 - allegations of corruption;
 - complaints made with the intent of addressing personal grievances or disagreements;
 - complaints made to express dissatisfaction with a council or committee member's lawfully made decisions or performance of their role.

3. DEFINITIONS

Term	Meaning
Act	the <i>Local Government Act 1995</i>
The Code	the City of Busselton Code of Conduct for Council Members, Committee Members, and Candidates
Complaints Officer	a person authorised in writing by Council resolution or by the CEO exercising delegated authority under clause 11(3) of the Code to receive complaints and withdrawals of complaints in accordance with this Policy.
Complainant	a person lodging a complaint
Authorised Person	the Council when performing its functions in relation to complaints and includes, where authorised in accordance with Regulation 14B of the Local Government (Model Code of Conduct) regulations 2021: <ul style="list-style-type: none"> a committee of the Council comprising Council Members only; or a suitably qualified and experienced person authorised by Council to perform a function on behalf of the Local Government
Policy	this City of Busselton Council policy titled "Management of Complaints of Alleged Breaches of Behaviour"
Respondent	the council or committee member to whom a complaint relates
Inspector	the person holding the office of Local Government Inspector

4. STRATEGIC CONTEXT

Strategic Theme	Objective
LEADERSHIP	16. Provide effective governance and organisational leadership.

5. POLICY STATEMENT

- 5.1. The Code provides requirements for the behaviour of council members, committee members and candidates.
- 5.2. The Code sets out requirements for:
 - a. making a complaint;
 - b. dealing with a complaint;
 - c. dismissal of a complaint; and
 - d. withdrawal of a complaint.
- 5.3. This Policy further outlines how the City will deal with complaints of alleged breaches of the behavioural requirements set out in the Code.

Complaint Submission and Response

- 5.4. A complaint must be:
 - a. made within one month of the alleged breach occurring;
 - b. in writing using the City's approved form; and
 - c. be submitted to the Complaints Officer
- 5.5. All complaints made under this Policy are to be managed in a confidential manner, from the point a complaint is submitted, to the extent required by section 8A.36 of the Act. These confidentiality requirements apply to:
 - a. a Complainant;
 - b. a Respondent;
 - c. any person performing a function under the Act in relation to a complaint;
 - d. any person who, as a result of anything done under the Act, becomes aware of any detail of a complaint knowing it to be relevant to the complaint.
- 5.6. The Complaints Officer, within 5 clear working days of receiving a complaint:
 - a. will contact the Complainant:
 - i. acknowledging receipt of the complaint;
 - ii. outlining the process to be followed and possible outcomes;
 - iii. outlining the confidentiality provisions relating to the complaint;
 - iv. providing a copy of this policy; and
 - v. seeking any necessary clarification on the complaint form and attachment of any supporting documents.
 - b. will contact the Respondent:
 - i. advising that a complaint has been made and providing a copy of the complaint with any personal information removed (other than the Complainant's name), and any supporting documents.
 - ii. providing a copy of this policy and outlining the process to be followed and possible outcomes;
 - iii. outlining the confidentiality provisions relating to the complaint; and provide an opportunity to the Respondent to provide a response to the complaint using the City's response form.

- 5.7. If more than one complaint is received that relates to the same alleged behaviour, the Complaints Officer may determine to progress those complaints concurrently.
- 5.8. In accordance with regulation 3A of the Local Government (Model Code of Conduct) Regulations 2021, a complaint must be referred to the Inspector if the person who is the subject of the complaint has, on at least 2 previous occasions, been found under the Code to have committed, on or after 1 January 2026, a behavioural breach.

Mediation

- 5.9. The City recognises that mediation may support both parties to a complaint to reach a mutually satisfactory resolution to the matters giving rise to the complaint.
- 5.10. Both the Complainant and the Respondent will be provided the option to participate in mediation.
- 5.11. If both parties agree to participate in mediation, the formal assessment process will be paused.
- 5.12. The objective of mediation is to achieve a satisfactory resolution which results in the withdrawal of a complaint.

Withdrawal of complaint

- 5.13. A Complainant may withdraw their complaint at any time before the assessment of the complaint has been completed.
- 5.14. A withdrawal must be provided in writing to the Complaints Officer.
- 5.15. After receiving a withdrawal of the complaints, the Complaints Officer will take all necessary steps to terminate the process commenced under this policy.

Assessment of the Complaint

- 5.16. The Complaints Officer will, within 5 clear working days, forward the complaint, and any response from the Respondent, to the Authorised Person for assessment.
- 5.17. Upon receiving a complaint, the Authorised Person, will within 28 days:
 - a. Assess the complaint
 - b. Make a determination as to whether a behavioural breach has occurred (unless dismissed or withdrawn), based on evidence from which it may be concluded that it is more likely that the breach occurred than did not occur.
 - c. Make a finding in accordance with clause 5.20 of this policy.
- 5.18. In assessing the complaint, the Authorised Person may request the Complaints Officer to search for any relevant records in the City's record management system.

- 5.19. In accordance with the Act, both the Respondent and the Complainant must not:
- Preside at any part of a council or committee meeting relating to the complaint; or
 - Participate in, or be present during, any discussion or decision-making procedure of a council or committee relating to this complaint

Findings

- 5.20. After assessing the complaint, the Authorised Person must:
- dismiss the complaint in accordance with clause 13 of the Code;
 - find the alleged breach has occurred and decide no further action is required;
 - find the alleged breach has occurred, and prepare and implement a plan to address the behaviour of the person to whom the complaint relates; or
 - find that the alleged breach has not occurred.
- 5.21. The Authorised Person must provide written notice of the finding, reasons, and any action taken, to the Complainant and Respondent.

Action plans

- 5.22. An action plan may require the Respondent to undertake one or more of the following actions:
- Engage in mediation;
 - Undertake counselling;
 - Undertake training;
 - Any other action considered appropriate to address the behaviour.
- 5.23. An action plan should outline:
- the behaviour/s of concern;
 - the actions to be taken to address the behaviour/s;
 - who is responsible for the actions; an agreed, reasonable timeframe for the actions to be completed.
- 5.24. In deciding whether to implement an action plan, the following is to be considered:
- the nature and seriousness of the breach(es);
 - any submission made by the Respondent
 - whether the Respondent breached the Code knowingly or carelessly;
 - whether the Respondent has breached the Code on previous occasions; and
 - any other matters which may be regarded as contributing to the conduct or mitigating its seriousness.

- 5.25. When preparing an action plan, the Authorised Person must consult with the Respondent.

Compliance with plan requirement

- 5.26. The Complaints Officer is to monitor the actions and timeframes set out in an action plan.
- 5.27. Failure to comply with a requirement included in an action plan is a conduct breach under section 8A.3 of the *Local Government Act 1995* and the Code.

6. RELATED DOCUMENTATION / LEGISLATION

- 6.1. *Local Government Act 1995*
- 6.2. *Local Government (Model Code of Conduct) Regulations 2021*
- 6.3. [City of Busselton Code of Conduct for Council Members, Committee Members and Candidates](#)
- 6.4. Code of Conduct Alleged Breach Form

7. REVIEW DETAILS

Review Frequency		3 yearly		
Council Adoption	DATE	11 March 2026	Resolution #	C2603/59
Previous Adoption	DATE	21 August 2024	Resolution #	C2408/219