

1. Objective

In accordance with regulation 15(2) of the *Local Government (Model Code of Conduct) Regulations 2021* and the City of Mandurah Code of Conduct for Elected Members, Committee Members and Candidates (the Code of Conduct), the Policy details the process for dealing with complaints about alleged breaches of the Code of Conduct.

This Policy establishes a framework for an effective and transparent complaints handling processes . The principles of procedural fairness and natural justice apply to all complaints under this Policy.

2. Statement

In accordance with section 5.104 of the *Local Government Act 1995* (the Act), Council adopted a Code of Conduct for Elected Members, Committee Members and Candidates.

The Code of Conduct reflects the model code of conduct prescribed by section 5.103(1) of the Act which includes:

- general principles to guide behaviour – Division 2
- requirements relating to behaviour – Division 3
- provisions specified to be rules of conduct – Division 4

The Code of Conduct sets out principles and standards of behaviour elected members, committee members and candidates must observe and is intended to promote accountable and ethical decision-making and conduct.

For the purposes of this Policy a complaint is one that alleges a breach of Division 3 – Behaviour, of the Code of Conduct.

3. Applicability

This Policy applies to:

- a. Elected members, committee members and candidates where a complaint has been received by the City under the City's Code of Conduct.
- b. Authorised Person; and
- c. Independent Complaints Assessor.

A complaint about an alleged breach by a candidate cannot be dealt with unless the candidate has been elected as an Elected Member for the City of Mandurah.

This Policy does not apply to complaints involving allegations of:

- serious improper conduct, corruption, fraud or other criminal conduct which must be referred to the appropriate authority
- minor breach of Division 4 – Rules of Conduct of the *Local Government (Model Code of Conduct) Regulations 2021* which must be referred to the appropriate authority

4. Procedural Fairness

4.1 Principles

The principles of procedural fairness and natural justice, will apply when dealing with a Complaint under this Policy, including:

- a. Respondent will be afforded a reasonable opportunity to respond and provide supporting documentation to be used by the Independent Complaint Assessor during the investigation and

- before any findings , as well as before finalising the proposed Plan that is recommended to be implemented;
- b. Council should be objective and impartial, with an absence of bias or the perception of bias; and
 - c. any findings made will be based on proper and genuine consideration of the evidence.

4.2 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.

5. Making a complaint

In accordance with Clause 11 of the Code of Conduct, a complaint must be made within one month after the occurrence of the alleged breach.

The complaint must be in writing using the approved Complaints Form which requires the following:

- a. Name and contact details of the person who is making the complaint (anonymous complaints will not be accepted);
- b. Name of the Elected Member, Candidate or Committee Member who allegedly breached the Code of Conduct;
- c. Details of the alleged breach of a requirement of Division 3 – Behaviour, accompanied with supporting information to be attached to the Form; and
- d. Marked confidential and submitted to the Authorised Person via codecomplaints@mandurah.wa.gov.au or delivered to 3 Peel Street Mandurah WA 6210.

In relation to 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.

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

6. Authorised Person

In accordance with Clause 11(3) of the Code of Conduct:

- a. The Chief Executive Officer (CEO) is authorised to receive complaints and withdrawal complaints; or
- b. Where the Complainant is the CEO, the Director of Business Services is authorised to receive complaints and withdrawal complaints.

The Authorised Person is responsible for:

- a. receiving complaints in accordance with Part 7 of this Policy;
- b. communicating with the complainant to advise the complaint has been accepted or rejected in accordance with this Policy and the Code of Conduct;
- c. engaging an Independent Complaints Assessor in accordance with the Council Procurement Policy POL CPM-02;
- d. liaising with and providing administrative support to the Independent Complaint Assessor appointed under this Policy;
- e. liaising with the City to facilitate the calling and convening of Council meetings if required;
- f. taking necessary steps to terminate the complaint if the complaint is withdrawn in accordance with Part 9 of this Policy; and
- g. undertaking their functions in accordance with this Policy.

7. Receiving Complaints

7.1 Processing a Complaint

Within 7 days of a complaint being lodged, the Authorised Person will ensure that the complaint meets the following requirements:

- a. has been made within one month after the occurrence of the alleged breach;
- b. is in writing and within the approved Form and all sections of the Form are complete;
- c. the complaint is relating to an alleged breach of Division 3 – Behaviour of the Code; and
- d. the complaint is about a current Elected Member or Committee Member or a candidate that has nominated for the upcoming local government election.

For complaints that do not meet the requirements as specified in Part 7.1 of this Policy, the Authorised Person will give notice as to the reasons the complaint will not be actioned.

7.2 Complaints not to be actioned

A complaint shall not be actioned if the complaint meets at least one of the following:

- a. It is withdrawn by the Complainant;
- b. The alleged breach is greater than one month;
- c. The alleged conduct relates to a person who is not an elected member of the City, or a person who was a candidate and was not elected;
- d. The allegation is not a breach of the Standards of Behaviour set out Division 3 of the Code of Conduct;
- e. Not on the Complaint Form approved by Council;
- f. Complaint is frivolous, trivial, vexatious, misconceived or without substance .
- g. Complaint made anonymously;
- h. Alleging a breach of the Rules of Conduct Division 4 of the Code of Conduct;
- i. Complaint has been dealt with by the presiding member at a Committee or Council Meeting;
- j. Duplicate of a complaint made by the same person for the same matter; or
- k. The complaint is of the same subject matter that has been dealt with, or dismissed by the local government.

The Authorised Person is permitted to obtain advice from the Independent Complaints Assessor to determine whether the complaint should be actioned. In these circumstances a further 7 days is permitted for the Authorised Person to obtain this advice.

For complaints that do not meet the requirements as specified in Part 7.2 of this Policy, the Authorised Person will give notice as to the reasons the complaint will not be actioned.

7.3 Complaints to be actioned

For complaints that meet these requirements as per Part 7 of this Policy, the Authorised Person will:

- a. confirm receipt of the Complaint;
- b. provide a copy of this Policy;
- c. explain the application of confidentiality;
- d. advise that the complaint has been referred to an Independent Complaints Assessor for further action.

Note: Where the complaint relates to a candidate of the upcoming local government election, no action will be taken unless the candidate is elected to office.

8. Independent Complaints Assessor

An Independent Complaints Assessor will be appointed by the Authorised Person to conduct the complaints process in accordance with this Policy. Prior to commencing the complaints process, the Authorised Person will develop a scope of work through consultation with the Independent Complaints Assessor.

The Independent Complaints Assessor is an impartial third party, specialising in complaints management, required to undertake the functions in accordance with this Policy and must ensure that the principles of procedural fairness and natural justice are upheld and maintained throughout the process. All complaints processes must be conducted without bias and in an impartial and objective manner without any actual or perceived conflict of interest.

To be eligible to be engaged as the Independent Complaints Assessor, a person must, at a minimum, meet the following requirements:

- a. an understanding of local government; and
- b. knowledge and experience of investigative processes including but not limited to procedural fairness requirements; and
- c. knowledge and experience of one or more of the following:
 - i. investigations
 - ii. law
 - iii. public administration
 - iv. alternative dispute resolution.

In accordance with this Policy, a complaint must be managed through the following complaint processes:

- a. Alternative Dispute Resolution in accordance with Part 8.3 of this Policy; and/or
- b. Investigation in accordance with Part 8.4 of this Policy.

Complaints must be managed in a cost effective and efficient manner. In instances where the scope of work expands the Independent Complaints Assessor they must seek approval from the Authorised Person.

8.1 Notice to the Complainant

Within 7 days after receiving a Complaint from the Authorised Person, the Independent Complaints Assessor will provide written notice to the Complainant that:

- a. confirms receipt of the Complaint;
- b. provides a copy of this Policy which includes the complaint management pathways;
- c. outlines the process that will be followed and the possible outcomes;
- d. explains the application of confidentiality to the complaint; and
- e. if necessary seeks clarification or additional information.

The Complainant will be provided with 7 days to provide clarification or additional information (if necessary). All reasonable attempts will be made to contact the Complainant.

In the event that the Complainant does not respond to any request for clarification or additional information, the Independent Complaints Assessor shall write to the Complainant using the contact information provided on the Complaint Form advising them that they have 7 days to provide a response.

If the Complainant does not respond then the complaint will be managed in accordance with Part 8.4 of this Policy.

8.2 Notice to the Respondent

Within 14 days after receiving a Complaint from the Authorised Person, the Independent Complaints Assessor will provide written notice to the Respondent that:

- a. advises that a Complaint has been made in accordance with the Code of Conduct;
- b. includes a copy of the Complaints Form (in accordance with clause 14 – confidentiality) and any supporting information provided;
- c. provides a copy of this Policy which includes the complaint management pathways;
- d. outlines the process that will be followed, the opportunities that will be afforded to the Respondent to be heard and the possible outcomes; and
- e. if applicable, advises that further information has been requested from the Complainant and will be provided in due course.

The Respondent will be invited to make a written submission in relation to the matter within at least 14 days. All reasonable attempts will be made to contact the Respondent.

If the event that the Respondent requests an extension of time to provide a response, the Independent Complaints Assessor may grant an extension of up to 14 days. No additional extensions are to be granted.

If the Respondent fails to provide a response within the period stated (including the extension of time) the Independent Complaints Assessor shall write to the Respondent's last known place of residence or email to the Respondent's email address, advising them that they have 7 days to provide a response.

If the Respondent does not respond then the complaint will be managed in accordance with Part 8.4 of this Policy.

8.3 Alternative Dispute Resolution

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 Independent Complaints Assessor will, as the first course of action upon providing a notice, offer the Complainant and the Respondent the option of Alternative Dispute Resolution. If both parties agree to participate in Alternative Dispute Resolution, the Independent Complaints Assessor will pause the formal process.

The objective of Alternative Dispute Resolution is 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 9 of this Policy.

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 the Independent Complaints Assessor.

If Alternative Dispute Resolution is terminated or does not result in the withdrawal of the Complaint, the Independent Complaints Assessor will resume an investigation as required under Part 8.4 of this Policy.

8.4 Investigation

The Independent Complaints Assessor is given the necessary powers and authority to undertake an investigation process in accordance with the Code of Conduct, this Policy and industry best practice. Noting that work must be carried out within agreed scope of works and where there is a request to expand the scope, approval is obtained from the Authorised Person.

The Independent Complaints Assessor may:

- a. inquire with all parties to provide any evidence or statements relevant to the complaint;
- b. obtain any information from other parties in relation to policies, procedures and practices including access to relevant records or witness statements; and
- c. seek advice or expert guidance that may be reasonably necessary to assist them with their investigation or the conduct of their investigation.

The Independent Complaints Assessor may take evidence in the form of one or more of the following:

- a. oral or written evidence;
- b. documentary evidence; and
- c. expert or technical evidence.

All investigations of a complaint are to observe due process and procedural fairness. Procedural fairness for an investigation shall include:

- a. ability for the Respondent to provide an opportunity to respond to the complaint;
- b. all parties given a reasonable opportunity to respond;
- c. careful consideration of all evidence obtained during the course of the investigation;
- d. maintaining confidentiality;
- e. conducting the investigation in accordance with the Code of Conduct and this Policy;
- f. taking into account relevant considerations;
- g. investigation recommendations being appropriately documented;
- h. ensuring any conflicts of interest are managed appropriately;
- i. acting fairly, without bias and in an impartial manner; and
- j. conducting the investigation without undue delay.

8.5 Records Management

The Independent Complaints Assessor must comply with the records management requirements as outlined in the contract for service. Once the investigation is finalised all records must be provided to the Authorised Person who will ensure that the records are maintained in accordance with the City's record-keeping system with restricted access to ensure confidentiality.

9. Complaint Report

The complaints process must ensure that the Respondent is provided with a reasonable opportunity to respond before forming any opinions, or drafting the Complaint Report, proposed Plan or recommendations. This includes evidence to Council must be of a sufficient quality and relevance to lead to a conclusion the conduct alleged, on the balance of probabilities, likely occurred.

The Independent Complaints Assessor will prepare a Complaint Report for Council that will include:

- a. the substance of the complaint;
- b. the nature and extent of the investigation into the complaint;

- c. the evidence obtained during the investigation into the complaint, including the complaint documents, the Respondent documents and any relevant attachments;
- d. outline of the process followed, including how the Respondent was provided with an opportunity to be heard;
- e. a statement of reasons as to why the matter was one that could not or should not be resolved by alternative means;
- f. a description of any attempts made to resolve the matter by use of alternative means (Alternative Dispute Resolution);
- g. include recommendations on each decision that may be made by Council;
- h. include reasons for each recommendation; and
- i. any recommended plan prepared to address the behaviour of the person to whom the complaint relates.

The Independent Complaint Assessor will liaise with the Authorised Person to include the Complaint Report in the Agenda for the Council Meeting. The Authorised Person will be responsible for the preparation of a Confidential Report which will include the Complaint Report and proposed Plan.

Prior to the Complaint Report being presented to Council, the Authorised Person will contact the Complainant and Respondent, providing a summary of the Independent Complaints Assessor Complaints Report.

9.1 Submission from Respondent

In accordance with clause 12(5) of the Code of Conduct, the Respondent must be consulted when preparing the Plan. All reasonable attempts will be made to contact the Respondent.

The Independent Complaints Assessor shall provide the Respondent with a copy of the findings included in the draft Complaint Report and proposed Plan. The Respondent will be invited to make a written submission which will be considered as part of the proposed Plan. A copy of the Respondents submission will also be provided within the Complaints Report. Council will consider any submissions made by the Respondent before adopting and implementing a proposed Plan.

The Respondent will be given 14 days to make a submission. In the event that the Respondent requests an extension of time to make a submission, the Independent Complaints Assessor may grant an extension of up to 7 days.

If the Respondent does not provide a submission or fails to respond within the time stated (including an extension of time), the Independent Complaints Assessor shall write to the Respondent advising that they have 7 days to provide a response.

In instances where Council decides to prepare an alternate Plan, Council must consult with the Respondent in accordance with clause 12(5) of the Code of Conduct. The Authorised Person will instruct the Independent Complaints Assessor to invite the Respondent to make a written submission.

The Respondent will be given 14 days to make a submission on the alternate Plan. In the event that the Respondent requests an extension of time to make a submission, the Independent Complaints Assessor may grant an extension of up to 7 days.

If the Respondent does not provide a submission or fails to respond within the time stated (including an extension of time), the Independent Complaints Assessor shall write to the Respondent advising that they have 7 days to provide a response.

If the Respondent does not provide a submission or fails to respond, the Independent Complaints Assessor will provide an updated Complaints Report outlining the consultation process undertaken on

the alternate Plan. Council will consider the updated Complaints Report and make a determination in relation to whether Council approves the alternate Plan.

The Independent Complaints Assessor may at any time prior to issuing a draft Complaint Report and Plan, issue an amended Complaint Report and Plan to the Respondent in relation to the matter referred to them.

Where the Independent Complaints Assessor issues an amended Complaint Report and Plan, they must provide the Respondent with a further opportunity to make a written submission in response to the amended report within at least 14 days. The amended Complaint Report and Plan will be presented to Council for consideration once the Respondent has had an opportunity to provide comments in response to the amendments.

10 Withdrawal of complaint

A Complainant may withdraw their complaint at any time before Council makes a Finding in relation to the complaint.

The withdrawal of a Complaint must be in writing and given to an Authorised Person.

11 Council to make a determination

Decisions made under this Policy will reflect the principles of procedural fairness.

Council will determine matters relating to complaints, including:

- a. Dismissing a behaviour complaint and providing reasons for any such dismissal.
- b. Making a Finding as to whether an alleged complaint has or has not occurred, based upon evidence from which it may be concluded that it is more likely that the breach occurred than it did not occur.

Where a Finding is made that a breach has occurred, determining:

- a. To take no further action; or
- b. Prepare and implement a Plan to address the behaviour of the person to whom the complaint relates.

11.1 Options for determination

Council will consider the Complaint Report and proposed Plan and give due regard to the recommendations. In accordance with the Code of Conduct the following decisions are available:

a. Dismissing a complaint

If the behaviour that is the subject of the Complaint is alleged to have occurred at a Council or Committee Meeting, the Council will determine whether or not to dismiss the Complaint in accordance with Clause 13 of the Code of Conduct and Part 10.2 of this Policy.

If the Council dismisses a Complaint, the Authorised Person must give the Complainant and the Respondent written notice of the decision and the reasons for the decision in accordance with clause 13.2 of the Code of Conduct. This action is to be undertaken in accordance with the *City of Mandurah Standing Orders Local Law 2016*. This concludes the process of this complaint.

If the Complaint is not dismissed, the processes outlined in this Policy must be followed.

b. Breach did not occur

If Council finds that the alleged Breach did not occur, the Authorised Person must give the Complainant and the Respondent written notice of the Finding and the reasons for the Finding in accordance with clause 12(7)(a) of the Code of Conduct. This action is to be undertaken in accordance with the *City of Mandurah Standing Orders Local Law 2016*. This concludes the process of this complaint.

c. Breach did occur

If Council finds that the alleged breach did occur, the Council will decide whether to take no further action in accordance with clause 12(4)(a) of the Code of Conduct or adopt the proposed Plan or prepare an alternate Plan to address the behaviour in accordance with clause 12(4)(b) of the Code of Conduct and this Policy.

i. No further action

If the Council decides to take no further action, the Authorised Person must give the Complainant and the Respondent written notice of this decision and the reasons for the Finding in accordance with clause 12(7)(a) of the Code of Conduct. This action is to be undertaken in accordance with the *City of Mandurah Standing Orders Local Law 2016*. This concludes the process of this complaint.

ii. Determining a Plan

Council may decide to adopt the proposed Plan or an alternate Plan. If Council decides to adopt an alternate Plan, Council must consult with the Respondent in accordance with clause 12(5) of the Code of Conduct. Council will consider any submissions made by the Respondent before adopting and implementing an alternate Plan, refer to Part 9.2 and 10.5 of this Policy.

11.2 Dismissal of a complaint

The Council must dismiss a Complaint in accordance with clause 13(1)(a) and (b) of the Code of Conduct if it is satisfied that:

- a. the behaviour to which the Complaint relates is a breach of Division 3 of the Code of Conduct and occurred at a Council or Committee Meeting; and
- b. either :
 - i. the behaviour was dealt with by the person presiding at the meeting; or
 - ii. the Respondent has taken remedial action in accordance with the *City of Mandurah Standing Orders Local Law 2016*.

11.3 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 (refer clause 12(3) of the Code of Conduct).

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 3 of the Code of Conduct.

11.4 Action

In deciding whether to take no further action, or prepare and implement a Plan, the Council may consider:

- a. the nature and seriousness of the breach(es);
- b. the Respondent's submission in relation to the contravention;
- c. the Respondent and Complainants willingness to participate in the complaint;
- d. whether the Respondent has breached the Code knowingly or carelessly;

- e. whether the Respondent has remedied or rectified their conduct;
- f. the degree of reckless intention or negligence of the Respondent;
- g. the harm or potential harm to the reputation of the Council or the City in general arising from the conduct;
- h. likelihood or not of the Respondent committing further breaches of the Code;
- i. personal circumstances at the time of conduct; and
- j. any other matters which may be regarded as contributing to or the conduct or mitigating its seriousness.

11.5 The Plan

The proposed Plan may include requirements for the Respondent to do one or more of the following:

- a. engage in mediation;
- b. undertake counselling;
- c. undertake training;
- d. take other action that Council 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.

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 City will provide to assist the Respondent to achieve the intent of the Plan; and
- d. a reasonable timeframe for the Plan action(s) to be addressed by the Respondent.

If the Respondent has been consulted on the proposed Plan and Council makes no additions then a Notice of Council determination can be provided.

If the Council decides to prepare an alternate Plan, Council must consult with the Respondent in accordance with clause 12(5) of the Code of Conduct. The Council will consider any submissions made by the Respondent before adopting and implementing an alternate Plan. Refer to Part 9.4 of this Policy.

12 Notice of Council Determination

When Council makes a finding in relation to a complaint, written notice will be provided which includes:

- a. its finding and the reasons for its finding; and
- b. if its finding is that the alleged breach has occurred.

The Authorised Person must notify the Complainant and Respondent of Council's decision.

13 Non-compliance with Plan

The Authorised Person will monitor compliance of a Council adopted Plan.

If the person subject of the complaint, fails to comply with the Plan, as adopted by Council, it will be a breach of clause 23 of the *Local Government (Model Code of Conduct) Regulations 2021* and reported as a minor breach to the Standards Panel.

14 Declaration of Interest

An Elected Member who is a Complainant or a Respondent should consider their responsibilities in relation to declaration of interests under the *Local Government Act 1995*.

An Elected Member who is a Complainant or a Respondent may choose to remove themselves from the agenda item deliberations relating to the Complaint.

15 Confidentiality

15.1 Complaint Report

There is no direct statutory provision for confidentiality of behaviour breach allegations under the Act or *Local Government (Model Code of Conduct) Regulations 2021*.

The Authorised Person will prepare the Agenda on the basis that the part of the meeting that deals with the Complaint Report will be held behind closed doors.

The names of the Respondent and the Complainant will be made public in the resolution contained in the meeting minutes, including the determination of the Complaint as described in Part 11 Determination by Council.

15.2 Complainant and Respondent confidentiality

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

- a. The name of the Complainant will be provided to the Respondent.
- b. Complainant and Respondents contact information (phone, email, address) will not be provided to either party.
- c. Complainant's and Respondent's name and contact information will not be included in the meeting agenda.
- d. Complainant's and Respondent's names will be published in the meeting minutes.
- e. Determination of the complaint will be stated in the minutes.
- f. The Complainant and Respondent should be aware that the Complaint Report may be subject to a Freedom Of Information (FOI) request, noting that they must be consulted before any documents are released, and exemptions may apply.

Complainants and Respondents 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.

15.3 Authorised Person and Contractors

Authorised Person 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.

The Authorised Person must maintain confidentiality in accordance with the City of Mandurah Code of Conduct and any external contractors engage will be required to comply with confidentiality provisions within the applicable Contract.

16 Support

Elected Members have access to the Employee Assistance Program. The Program provides independent support for personal and work related problems by trained and qualified Counsellors.

17 Rules of Conduct Complaints – Division 4

Complaints regarding an allegation of a breach of Division 4 – Rules of Conduct are to be directed to the Standards Panel.

18 Serious or Criminal Complaints

Complaints involving allegations of serious improper conduct, corruption, fraud or other criminal conduct which must be referred to the appropriate authority.

19 Definitions

Authorised Person – In accordance with clause 11 (3) of the Code:

The CEO is authorised to receive complaints and withdrawal complaints under the Code; or

Where the complainant is the CEO the Director of Business Services is authorised to receive complaints and withdrawal complaints under the Code.

Breach of Division 3 – Behaviour of the City of Mandurah Code of Conduct for Elected Members, Committee Members and Candidates.

Candidate means a candidate for election as an Elected Member, whose nomination has been accepted by the Returning Officer under s.4.49 of the Act, but does not include an Elected 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.

Code of Conduct means the City of Mandurah Code of Conduct for Council Members, Committee Members and Candidates.

Complaint is one that alleges a breach of Division 3 – Behaviour of the City of Mandurah Code of Conduct for Elected Members, Committee Members and Candidates.

Complaint Report include the complaint documents, the respondent documents and any relevant attachments.

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

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

Committee Member means a Council Member 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.

Independent Complaints Assessor means a person appointed by the Authorised Person in accordance with this Policy.

Code of Conduct Complaints Management Policy

POL-GVN 09



Finding means a finding made in accordance with clause 8.2(2) 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 8.2(5)(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.

Legislative Context

Local Government Act 1995

Local Government (Election) Regulations 1996

Local Government (Model Code of Conduct) Regulations 2021

Code of Conduct – Elected Members, Committee Members and Candidates

Responsible Directorate:	Business Services
Responsible Department:	Governance
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Amendments			
Version #	Council Approval Date, Reference	Date Document In force	Date Document Ceased
1	Committee of Council, 10 August 2021, CC.4/8/21 Council Approval, 24 August 2021, G.5/8/21	25 August 2021	17 December 2024
2	Council Approval, 17 December 2024, G.12/12/24	18 December 2024	