

Code of Conduct Complaints Management Policy

Objective

To establish a clear, consistent and transparent process for the management of complaints relating to alleged breaches of the behavioural provisions of the Shire of East Pilbara Code of Conduct for Council Members, Committee Members and Candidates.

Scope

This Policy applies to all complaints alleging breaches of the behavioural requirements of the Shire of East Pilbara Code of Conduct made against Council Members, Committee Members and Candidates. It does not apply to allegations of serious misconduct or minor breaches as defined under the *Local Government Act 1995* or to administrative or service complaints handled through other Shire processes.

Definitions

Candidate means a person who has nominated for election as a council member of the Shire.

Code of Conduct means the Shire of East Pilbara Code of Conduct for Council Members, Committee Members and Candidates.

Committee Member includes a member appointed by Council in accordance with section 5.10(3) of the Act.

Complainant means a person who makes a Complaint under this Policy.

Complaints Officer means an employee designated by the Chief Executive Officer, in accordance with section 5.120 of the Act.

Complaint means a complaint made under clause 11(1) of the Regulations alleging a breach of Division 3 – Behaviour.

Council Member includes the Shire President and Councillors of the Shire.

Respondent means the Council Member, Committee Member or Candidate who is the subject of a Complaint.

The Act means the *Local Government Act 1995*.

The Regulations means the *Local Government (Model Code of Conduct) Regulations 2021*.

The Shire means the Shire of East Pilbara.

Policy

The Shire of East Pilbara will manage Code of Conduct complaints in accordance with the following principles:

- Procedural fairness – ensuring all parties are given an opportunity to be heard and decisions are made impartially.
- Consistency – ensuring similar complaints are handled in a consistent manner.
- Timeliness – ensuring complaints are addressed promptly to support early resolution.

- Confidentiality – maintaining appropriate confidentiality and only disclosing information where required by law.
- Transparency and accountability – providing clear records of decision-making and reporting outcomes appropriately.

The Complaints Officer is responsible for receiving, assessing, and coordinating the handling of complaints in accordance with this Policy, including notifying relevant parties, maintaining records, and reporting outcomes to Council where appropriate.

Complaint Management Process

The following provides the order in which Complaints will be processed.

1. Lodgement – Complaints must be made in writing using the prescribed form within one month of the alleged breach.
2. Acknowledgement – the Complaints Officer will acknowledge receipt in writing and notify the Respondent.
3. Preliminary Assessment – the Complaints Officer will assess whether the complaint is within scope and may dismiss it if it is frivolous, vexatious, or outside jurisdiction.
4. Referral for Independent Assessment – where the Complaints Officer considers that the nature, complexity or sensitivity of a Complaint warrants independent review, or where a potential or perceived conflict of interest exists, the Complaints Officer may, with the approval of the Chief Executive Officer, engage an appropriately qualified external investigator or reviewer¹.
5. Alternative Dispute Resolution (optional) – the Complaints Officer may recommend mediation or conciliation before formal consideration.
6. Determination – Council will consider the complaint and determine if a breach occurred.
7. Action Plan – where a breach is found, Council may prepare a plan to address the behaviour, such as requiring training, counselling, or an apology.
8. Notification – written notice of the decision and any action will be provided to both the Complainant and the Respondent.
9. Recordkeeping – the Shire will maintain a register of behaviour complaints in accordance with Regulation 13 and its Recordkeeping Plan.

Confidentiality and Recordkeeping

All complaints and related documents will be treated confidentially to the extent permitted by law. The Shire will maintain a Complaints Register as required by Regulation 13 of the Regulations, and ensure all records are managed in accordance with the *State Records Act 2000*.

¹ The external investigator's role is to undertake an impartial assessment of the complaint and provide findings or recommendations to Council for determination. The authority to make a finding or determine an action plan remains with Council in accordance with Regulation 14 of the *Local Government (Model Code of Conduct) Regulations 2021*.

Authorisation Details

References:	<i>Local Government Act 1995</i> <i>Local Government (Model Code of Conduct) Regulations 2021</i>		
Authorised by:	Council		
Date:	28 November 2025	Minute No.	2025/263
Review/Amendment Date		Minute No.	
Next Review	Following each ordinary election		
Responsible Directorate	Executive Services		
Responsible Officer	Manager Governance, Risk and Procurement		
File No.			

Relevant Behaviour Clauses (if known) *Indicate which clause of the Code of Conduct the complaint relates to*

- ☐ Personal Integrity
 - ☐ Relationship with others
 - ☐ Council or committee meetings

Supporting Evidence *List and attach supporting evidence if available*[illegible]

Witness Details (if any)

Name: _____

Contact details: _____

Outcome/s Sought (optional)

[illegible]

Declaration by Complainant

I declare that:

- the information provided is true and correct;
- I understand complaints must be lodged within one (1) month of the alleged breach;
- I understand providing false information may constitute an offence;
- I consent to this information being used for complaint management purposes.

Signature

Date

Lodge your Complaint

Email: mg@eastpilbara.wa.gov.au

Post: Complaints Officer, Shire of East Pilbara, PMB 22, Newman WA 6753

Hand delivery: Shire Administration Office, Newman

Further information on lodging a Complaint

For confidential advice on how to make a complaint, please contact the Complaints Officer on 0498 467 447 or email mg@eastpilbara.wa.gov.au.

Office use only (Complaints Officer)

Date received: _____

Method of lodgement: ☐ Email ☐ Post ☐ In person

Received by: _____

Reference number: _____

Acknowledgement sent: ☐ Yes ☐ No Date: _____

Within 1-month timeframe?: ☐ Yes ☐ No

Sufficient information provided?: ☐ Yes ☐ No

Proceed to assessment?: ☐ Yes ☐ No