



BEHAVIOUR COMPLAINTS
COMMITTEE

MINUTES

26 MARCH 2024

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CITY OF GREATER GERALDTON

**BEHAVIOUR COMPLAINTS COMMITTEE MEETING
HELD ON TUESDAY 26 MARCH 2024 AT 11AM
IN THE GREENOUGH ROOM – CIVIC CENTRE, CATHEDRAL AVENUE,
GERALDTON**

MINUTES

1 DECLARATION OF OPENING

The Chief Executive Officer (CEO) is to preside at this meeting until the office is filled for Presiding Member.

Local Government Act 1995 Division 1 schedule 2.3 (3). As at 1 July 2023

The CEO declared the meeting open at 11am.

2 ACKNOWLEDGEMENT OF COUNTRY

I would like to respectfully acknowledge the Yamatji people who are the Traditional Owners and First People of the land on which we meet/stand. I would like to pay my respects to the Elders past, present and future for they hold the memories, the traditions, the culture and hopes of Yamatji people.

3 RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

Attendance by Electronic Means

In accordance with the Local Government (Administration) Regulations 1996 regulation 14C (2)(iii), Cr J Critch has been authorised by the Mayor to attend this meeting by electronic means.

Committee Members

Mayor J Clune
Deputy Mayor Cr N Colliver
Cr J Critch – via Teams
Cr J Denton
Cr V Tanti

Deputy Committee Member in attendance as a non-participating observer:

Cr S Cooper

Officers:

Ross McKim, Chief Executive Officer
S Moulds, PA to the Chief Executive Officer / Minute Secretary
M Adam, Coordinator Governance

Members of Public: 0

Apologies: Nil.

Leave of Absence: Nil.

4 APPOINTMENT OF PRESIDING MEMBER / DEPUTY PRESIDING MEMBER

4.1 Call for Nominations of Presiding Member and Deputy Presiding Member

Nominations for Presiding Member/Deputy Presiding Member are to be made in writing to the CEO before the meeting or during the meeting before the close of nominations.

5 ELECTION OF PRESIDING MEMBER

The election of presiding member of the Behaviour Complaints Committee was conducted in accordance with the provisions of section 5.12, Schedule 2.3, Schedule 4.1 and section 4.55 of the Local Government Act 1995. One nomination was received from Mayor J Clune.

The CEO as Presiding Member called for any further nominations for the Committee Presiding Member.

There were no further nominations.

COMMITTEE DECISION

MOVED CR COLLIVER, SECONDED CR DENTON

That the Behaviour Complaints Committee appoint Mayor J Clune as the Presiding Member for the Term of Office 26 March 2024 to 18 October 2025.

ELECTED UNOPPOSED

The CEO handed the meeting over to the Presiding Member Mayor J Clune.

6 ELECTION OF DEPUTY PRESIDING MEMBER

The election of deputy presiding member of the Behaviour Complaints Committee was conducted in accordance with the provisions of section 5.12, Schedule 2.3, Schedule 4.1 and section 4.55 of the Local Government Act 1995. One nomination was received from Deputy Mayor Cr N Colliver.

The Presiding Member called for further nominations for Deputy Presiding Member.

There were no further nominations.

COMMITTEE DECISION

MOVED MAYOR, SECONDED CR TANTI

That the Behaviour Complaints Committee appoint Deputy Mayor Cr N Colliver as Deputy Presiding Member for the Term of Office 26 March 2024 to 18 October 2025.

ELECTED UNOPPOSED

M Adam left the meeting at 11.06am.

7 DELEGATION 1.1.1 BEHAVIOUR COMPLAINTS COMMITTEE – for noting.

1. Authority to make a finding as to whether an alleged breach the subject of a 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 that it did not occur [MCC.cl.12(1) and (3)].
In making any finding the Committee must also determine reasons for the finding [MCC.cl.12(7)].
2. Where a finding is made that a breach has occurred, authority to:
 - a. take no further action [MCC.cl.12(4(a)); or
 - b. prepare and implement a plan to address the behaviour of the person to whom the complaint relates [MCC.cl.12(4)(b), (5) and (6)].
3. Authority to dismiss a complaint and if dismissed, the Committee must also determine reasons for the dismissal [MCC.cl.13(1) and (2)].

Conditions on Delegation:

- a. The Committee will make decisions in accordance with the principles and specified requirements established in Council Policy 4.30 Code of Conduct Behaviour Complaints Management.
- b. That part of a Committee meeting which deals with a Complaint will be held behind closed doors in accordance with s.5.23(2)(b) of the Act.
- c. The Committee is prohibited from exercising this Delegation where a Committee Member in attendance at a Committee meeting is either the Complainant or Respondent to the Complaint subject of a Committee agenda item.
- d. In the event of (c) above, the Committee may resolve to defer consideration to a future meeting at which the conflicted Committee Member is absent and a Deputy Committee Member is in attendance.

Note to Conditions (c) and (d):

The purpose of this Condition is to require that a Committee Member who is identified as either the Complainant or Respondent is required to recuse themselves by notifying the Presiding Member of their intention to be an apology for the meeting at which the Complaint is an agenda item.

8 DISCLOSURE OF INTERESTS

There were none.

9 PUBLIC QUESTION TIME

There were no questions from the public.

10 APPLICATIONS FOR LEAVE OF ABSENCE

Committee Member	From	To (inclusive)	Date Approved
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Members are required to put in leave of absence for all Committee Meetings – Any leave approved at a Council Meeting are for those meetings only.

11 CONFIRMATION OF PREVIOUS MINUTES

The Minutes of the [then] Behaviour Complaints Committee of 1 August 2023 were accepted on 29 August 2023, to close the matter off, as this Committee is only required to meet when a Division 3 Complaint is submitted for consideration.

12 MEETING CLOSED TO THE PUBLIC

Please note pursuant to Clause 5.2 of the *Meeting Procedures Local Law 2011 (Consolidated)*, this part of the meeting may need to be closed to the public if confidential discussion is required.

PROCEDURAL MOTION

MOVED CR COLLIVER, SECONDED CR DENTON

The Behaviour Complaints Committee by Simple Majority pursuant to Section 5.23(2)(b) and (d) of the *Local Government Act 1995* and Clause 5.2(2) of the *Meeting Procedures Local Law 2011 (Consolidated)* RESOLVES to:

1. **CLOSE** the meeting to members of the public to allow the Committee to discuss Confidential Item BCC002 – Code of Conduct Division 3 Complaint, as it deals with the personal affairs of a person, and legal advice obtained by the local government which relate to the matter.

CARRIED 5/0

Name	Vote (For or Against)
Mayor Clune	For
Cr. Colliver	For
Cr. Critch	For
Cr. Denton	For
Cr. Tanti	For

The meeting was closed to the public at 11.08am.

13 CONFIDENTIAL ITEM FOR BEHAVIOUR COMPLAINTS COMMITTEE REVIEW

BCC002 CONFIDENTIAL – CODE OF CONDUCT DIVISION 3 COMPLAINT
(Public Version)

AGENDA REFERENCE:	D-24-032809
AUTHOR:	R McKim, Chief Executive Officer / Complaints Officer
EXECUTIVE:	R McKim, Chief Executive Officer / Complaints Officer
DATE OF REPORT:	14 March 2024
FILE REFERENCE:	GO/6/0032
ATTACHMENTS:	Yes (x4) 1 x Confidential A. Council Policy 4.2 Code of Conduct B. Council Policy 4.30 Behaviour Complaints Management C. Council Policy - 4.32 Behaviour Complaints Committee Terms of Reference D. Strictly Confidential - Report by Independent Assessor

Item No. BCC002 was provided to the Committee under separate cover.

Item No. BCC002 was considered and determined behind closed doors and the Behaviour Complaints Committee decision only is available for the public record.

Item No. BCC002 remains confidential as it deals with the personal affairs of any person and legal advice obtained by the local government which relates to a matter to be discussed at the meeting (s.5.23(2)(b)(d) Local Government Act 1995).

COMMITTEE DECISION

MOVED CR TANTI, SECONDED MAYOR

That the Behaviour Complaints Committee by Simple Majority pursuant to Council Policy 4.2 Code of Conduct for Council Members, Committee Members and Candidates adopted in accordance with Section 5.104 of the *Local Government Act 1995* and Council Policy 4.30 Behaviour Complaints Management, RESOLVES to:

- 1. RECEIVE the Investigation Report (Strictly Confidential Attachment No. BCC002D) as undertaken by an Independent Assessor;**
- 2. AGREE with the findings of the Report;**
- 3. ACKNOWLEDGE that none of the allegations have been substantiated;**
- 4. TAKE no further action on this matter; and**
- 5. ADVISE the Complainant and Respondent in writing of the outcome.**

CARRIED 5/0

Name	Vote (For or Against)
Mayor Clune	For
Cr. Colliver	For
Cr. Critch	For
Cr. Denton	For
Cr. Tanti	For

14 MEETING REOPENED TO THE PUBLIC

PROCEDURAL MOTION

MOVED MAYOR, SECONDED CR CRITCH

The Behaviour Complaints Committee by Simple Majority pursuant to Clause 5.2(3)(b) of the *Meeting Procedures Local Law 2011 (Consolidated)* RESOLVES to:

1. REOPEN the meeting to members of the public.

CARRIED 5/0

Name	Vote (For or Against)
Mayor Clune	For
Cr. Colliver	For
Cr. Critch	For
Cr. Denton	For
Cr. Tanti	For

The meeting was reopened to the public at 11.39am.

15 MEETING CLOSURE

There being no further business the Presiding Member closed the meeting at 11.39am.