



BEHAVIOUR COMPLAINTS
COMMITTEE

AGENDA

17 DECEMBER 2024

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CITY OF GREATER GERALDTON**BEHAVIOUR COMPLAINTS COMMITTEE MEETING
TO BE HELD ON TUESDAY 17 DECEMBER 2024 AT 3.30PM
IN THE GREENOUGH ROOM, 63 CATHEDRAL AVENUE, GERALDTON****A G E N D A****1 DECLARATION OF OPENING****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**Committee Members**

Mayor J Clune, Presiding Member

Deputy Mayor Cr N Colliver, Deputy Presiding Member

Cr J Critch

Cr J Denton

Cr V Tanti

Deputy Committee Members:

Cr P Fiorenza

Cr S Cooper

Officers:

Ross McKim, Chief Executive Officer

S Moulds, PA to the Chief Executive Officer / Minute Secretary

Members of Public:**Apologies:****Leave of Absence:**

4 REFERENCE DOCUMENTS – Council Policies / Delegation to Committee

- Council Policy 4.2 Code of Conduct for Council Members, Committee Members and Candidates.
- Council Policy 4.30 Behaviour Complaints Management.
- Council Policy 4.32 Behaviour Complaints Committee Terms of Reference.

[Council Policies » City of Greater Geraldton](#)

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.

5 DISCLOSURE OF INTERESTS**6 PUBLIC QUESTION TIME****7 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.

8 CONFIRMATION OF PREVIOUS MINUTES

RECOMMEND that the minutes of the Behaviour Complaints Committee of 27 May 2024, as previously circulated, confidential and public, be adopted as a true and correct record of proceedings.

9 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

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 Items BCC004 and BCC005 – 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.*

10 CONFIDENTIAL ITEM FOR BEHAVIOUR COMPLAINTS COMMITTEE REVIEW

BCC004 CONFIDENTIAL – CODE OF CONDUCT DIVISION 3 COMPLAINT (Public Version)
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AGENDA REFERENCE:	D-24-129455
AUTHOR:	R McKim, Chief Executive Officer / Complaints Officer
EXECUTIVE:	R McKim, Chief Executive Officer / Complaints Officer
DATE OF REPORT:	3 December 2024
FILE REFERENCE:	GO/6/0032
ATTACHMENTS:	Yes x3 Strictly Confidential
	A. Strictly Confidential – Report by Independent Assessor 151653
	B. Strictly Confidential – Report by Independent Assessor 151655
	C. Strictly Confidential - Draft Behaviour Plan

Item No. BCC004 was provided to the Committee under separate cover.

Note: This report to the Committee has been listed as 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 Act1995).

Item No. BCC004 will remain confidential and the Behaviour Complaints Committee decision only will be available for the public record.

**BCC005 CONFIDENTIAL – CODE OF CONDUCT DIVISION 3 COMPLAINT
(Public Version)**

AGENDA REFERENCE:	D-24-162723
AUTHOR:	R McKim, Chief Executive Officer / Complaints Officer
EXECUTIVE:	R McKim, Chief Executive Officer / Complaints Officer
DATE OF REPORT:	11 December 2024
FILE REFERENCE:	GO/6/0032
ATTACHMENTS:	Yes (x2) Confidential A. Confidential - Original Complaint B. Confidential - Response

Item No. BCC005 was provided to the Committee under separate cover.

Note: This report to the Committee has been listed as 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 Act1995).

Item No. BCC005 will remain confidential and the Behaviour Complaints Committee decision only will be available for the public record.

11 MEETING REOPENED TO THE PUBLIC*PROCEDURAL MOTION*

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.*

12 MEETING CLOSURE