



BEHAVIOUR COMPLAINTS
COMMITTEE

MINUTES

27 MAY 2024

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CITY OF GREATER GERALDTON**BEHAVIOUR COMPLAINTS COMMITTEE MEETING
HELD ON MONDAY 27 MAY 2024 AT 2PM
IN THE GREENOUGH ROOM – CIVIC CENTRE, CATHEDRAL AVENUE,
GERALDTON****MINUTES****1 DECLARATION OF OPENING**

The Presiding Member declared the meeting open at 2.01pm.

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 S Cooper, *Deputy Member for Cr V Tanti*

Officers:

R McKim, Chief Executive Officer

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

Members of Public:

Nil

Apologies:

Cr V Tanti

Leave of Absence:

Nil.

4 REVIEW OF TERMS OF REFERENCE

At the Ordinary Meeting of Council on 28 November 2023 (Item No. CEO110) Council resolved that each Committee review their Terms of Reference. Council Policy 4.32 Behaviour Complaints Terms of Reference (the Policy) is also due for its biennial review.

Council Policy 4.32 Behaviour Complaints Committee Terms of Reference (TOR) sets out the Committee functions, membership, governance and the extent of authority of the Committee, under delegation - section 5.16 of the *Local Government Act 1995*.

There are no changes to the Policy, therefore it is recommended that the Committee endorse the TORs, as per Attachment BCC003C. This Policy will then be submitted to Council for consideration.

EXECUTIVE RECOMMENDATION:

That the Behaviour Complaints Committee by Simple Majority pursuant to Section 2.7 of the *Local Government Act 1995* RESOLVES to:

1. ADOPT Council Policy 4.32 Behaviour Complaints Terms of Reference; and
2. SUBMIT Council Policy 4.32 Behaviour Complaints Terms of Reference Council for formal consideration.

COMMITTEE DECISION**MOVED MAYOR, SECONDED CR COLLIVER**

That the Behaviour Complaints Committee by Simple Majority pursuant to Section 2.7 of the *Local Government Act 1995* RESOLVES to:

1. ADOPT Council Policy 4.32 Behaviour Complaints Terms of Reference; and
2. SUBMIT Council Policy 4.32 Behaviour Complaints Terms of Reference Council for formal consideration.

CARRIED 5/0

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

5 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.

6 DISCLOSURE OF INTERESTS

There were no disclosures of interest.

7 PUBLIC QUESTION TIME

There were no public questions.

8 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.

9 CONFIRMATION OF PREVIOUS MINUTES

RECOMMENDED that the minutes of the Behaviour Complaints Committee of 26 March 2024, as previously circulated, be adopted as a true and correct record of proceedings.

COMMITTEE DECISION**MOVED CR COLLIVER, SECONDED CR CRITCH**

RECOMMENDED that the minutes of the Behaviour Complaints Committee of 26 March 2024, as previously circulated, be adopted as a true and correct record of proceedings.

CARRIED 5/0

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

10 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 DENTON, SECONDED CR COLLIVER**

That 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 BCC003 – 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. Cooper	For

The Meeting was closed to the Public at 2.05pm.

11 CONFIDENTIAL ITEM FOR BEHAVIOUR COMPLAINTS COMMITTEE REVIEW

BCC003 CONFIDENTIAL – CODE OF CONDUCT DIVISION 3 COMPLAINT (Public Version)
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AGENDA REFERENCE:	D-24-059202
AUTHOR:	R McKim, Chief Executive Officer / Complaints Officer
EXECUTIVE:	R McKim, Chief Executive Officer / Complaints Officer
DATE OF REPORT:	14 May 2024
FILE REFERENCE:	GO/6/0032
ATTACHMENTS:	Yes (x4) 1 x Strictly Confidential A. Council Policy 4.2 Code of Conduct for Council Members, Committee Members and Candidates B. Council Policy 4.30 Code of Conduct Behaviour Complaints Management C. Council Policy - 4.32 Behaviour Complaints Committee Terms of Reference D. Strictly Confidential - Report by Independent Assessor

Item No. BCC003 was provided to the Committee under separate cover.

Item No. BCC003 was considered and determined behind closed doors and the Behaviour Complaints Committee decision only is available for the public record.

Item No. BCC003 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 Act1995).

COMMITTEE DECISION

MOVED MAYOR, SECONDED CR CRITCH

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 (Confidential Attachment No. BCC003D) 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. Cooper	For

12 MEETING REOPENED TO THE PUBLIC**PROCEDURAL MOTION****MOVED CR COOPER, SECONDED CR DENTON**

That 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. Cooper	For

The meeting was reopened to the public at 2.20pm.

13 MEETING CLOSURE

There being no further business the Presiding Member closed the meeting at 2.20pm.