



BEHAVIOUR COMPLAINTS
COMMITTEE

MINUTES

1 AUGUST 2023

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CITY OF GREATER GERALDTON**BEHAVIOUR COMPLAINTS COMMITTEE MEETING
HELD ON TUESDAY 1 AUGUST 2023 AT 4PM
IN THE GREENOUGH ROOM – CIVIC CENTRE, CATHEDRAL AVENUE,
GERALDTON****MINUTES****1 DECLARATION OF OPENING**

The A/CEO presided at this meeting until the office was filled for Presiding Member / Deputy Presiding Member

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

The Presiding Member opened the meeting at 4pm.

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**Present:**

Cr J Clune

Cr N Colliver

Cr J Critch

Cr RD Hall

Cr M Reymond [Deputy Member], *on behalf of Cr S Keemink*

No other deputies were required to attend.

Officers:

C Lee A/Chief Executive Officer

S Moulds, Minute Secretary

Members of Public: 0

Apologies:

Cr S Keemink

Leave of Absence:

Nil.

4 APPOINTMENT OF PRESIDING MEMBER**i. Call for Nominations of Presiding Member and Deputy**

Prior to the meeting Cr J Clune nominated himself as Chair of this Committee and Cr N Colliver nominated herself as Deputy Chair of this Committee.

No further nominations were received.

COMMITTEE RECOMMENDATION:

That the Behaviour Complaints Committee appoint Cr J Clune as the Presiding Member and Cr N Colliver as the Deputy Presiding Member.

COMMITTEE DECISION:**MOVED CR HALL, SECONDED CR CRITCH**

That the Behaviour Complaints Committee appoint Cr J Clune as the Presiding Member and Cr N Colliver as the Deputy Presiding Member.

CARRIED 5/0

Not Voted: 1

No Votes: 0

Yes Votes: 5

Name	Vote
Cr Clune	YES
Cr Keemink	NOT PRESENT
Cr Colliver	YES
Cr Critch	YES
Cr Hall	YES
Cr Reymond Deputy Member	YES

Cr J Clune, as the appointed Presiding Member, took the Chair of this meeting.

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.

The Delegation to this Committee was noted by the Members.

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

There were no leave of absence requests.

9 CONFIRMATION OF PREVIOUS MINUTES

Nil - noted that this is the first meeting of the Committee.

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.

COMMITTEE RECOMMENDATION:

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 BCC001 – 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.

COMMITTEE DECISION

MOVED CR COLLIVER, SECONDED HALL

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 BCC001 – 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

Not Voted: 1

No Votes: 0

Yes Votes: 5

Name	Vote
Cr Clune	YES
Cr Keemink	NOT PRESENT
Cr Colliver	YES
Cr Critch	YES
Cr Hall	YES
Cr Reymond Deputy Member	YES

The Behaviour Complaints Committee meeting was closed to the public at 4.04pm.

11 CONFIDENTIAL ITEM FOR BEHAVIOUR COMPLAINTS COMMITTEE REVIEW

BCC001	CONFIDENTIAL – CODE OF CONDUCT DIVISION 3 COMPLAINT (Public Version)
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AGENDA REFERENCE:	D-23-084747
AUTHOR:	C Lee, A/Chief Executive Officer
EXECUTIVE:	C Lee, A/Chief Executive Officer
DATE OF REPORT:	20 July 2023
FILE REFERENCE:	GO/6/0032
ATTACHMENTS:	Yes (x2) 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. BCC001 was provided to the Committee under separate cover.

Item No. BCC001 was considered and determined behind closed doors and the Committee Decision only is available for the public record.

Item No. BCC001 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 REYMOND, SECONDED CR HALL

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. BCC001D) 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 Complainants and Respondent in writing of the outcome.

CARRIED 5/0

Not Voted: 1

No Votes: 0

Yes Votes: 5

Name	Vote
Cr Clune	YES
Cr Keemink	NOT PRESENT
Cr Colliver	YES
Cr Critch	YES
Cr Hall	YES
Cr Reymond Deputy Member	YES

12 MEETING REOPENED TO THE PUBLIC**COMMITTEE RECOMMENDATION:**

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.

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

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

Not Voted: 1

No Votes: 0

Yes Votes: 5

Name	Vote
Cr Clune	YES
Cr Keemink	NOT PRESENT
Cr Colliver	YES
Cr Critch	YES
Cr Hall	YES
Cr Reymond Deputy Member	YES

The meeting was reopened to the public at 4.08pm.

13 MEETING CLOSURE

There being no further business the Presiding Member (Chair) closed the Behaviour Complaints Committee meeting at 4.09pm

Attachments:

Public Version of Behaviour Complaints Committee Meeting – 1 August 2023:
[Documents in Committee Meeting Documents - Behaviour Complaints Committee » City of Greater Geraldton \(cgq.wa.gov.au\)](#)

This meeting was advertised on the City's website 28 July 2023
[Internal References D-23-095967 / D-23-095967]