



BEHAVIOUR COMPLAINTS COMMITTEE

MINUTES

17 DECEMBER 2024

TABLE OF CONTENTS

1	DECLARATION OF OPENING.....	2
2	ACKNOWLEDGEMENT OF COUNTRY	2
3	RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE	2
4	REFERENCE DOCUMENTS – COUNCIL POLICIES / DELEGATION TO COMMITTEE.....	3
5	DISCLOSURE OF INTERESTS	4
6	PUBLIC QUESTION TIME	4
7	APPLICATIONS FOR LEAVE OF ABSENCE – NIL	4
8	CONFIRMATION OF PREVIOUS MINUTES.....	4
9	MEETING CLOSED TO THE PUBLIC	5
10	CONFIDENTIAL ITEM FOR BEHAVIOUR COMPLAINTS COMMITTEE REVIEW .	6
	<i>BCC004 CONFIDENTIAL – CODE OF CONDUCT DIVISION 3 COMPLAINT (Public Version).....</i>	<i>6</i>
	<i>BCC005 CONFIDENTIAL – CODE OF CONDUCT DIVISION 3 COMPLAINT (Public Version).....</i>	<i>8</i>
11	MEETING REOPENED TO THE PUBLIC	9
12	MEETING CLOSURE	9

CITY OF GREATER GERALDTON**BEHAVIOUR COMPLAINTS COMMITTEE MEETING
HELD ON TUESDAY 17 DECEMBER 2024 AT 3.30PM
IN THE GREENOUGH ROOM, 63 CATHEDRAL AVENUE, GERALDTON****M I N U T E S****1 DECLARATION OF OPENING**

The Presiding Member declared the meeting open at 3.30pm.

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 V Tanti

Cr S Cooper, *Deputy Member for Cr J Denton*

Officers:

Ross McKim, Chief Executive Officer

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

Others

Members of Public: 0

Members of Press: 1

Apologies:

Cr J Denton

Leave of Absence:

Nil

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 Code of Conduct Behaviour Complaints Management.
- Council Policy 4.32 Behaviour Complaints Committee Terms of Reference.

<https://www.cgg.wa.gov.au/your-council--council--key-council-documents--council-policies.aspx>

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

Cr N Colliver declared an Impartiality Interest in Item No. BCC004 Code of Conduct Division 3 Complaint, as she responded to a comment on a Facebook post that is included in Confidential Attachment No. BCC004A.

6 PUBLIC QUESTION TIME

There were no public questions.

7 APPLICATIONS FOR LEAVE OF ABSENCE – Nil

Committee Member	From	To (inclusive)	Date Approved
--	--	--	--

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.

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

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.

CARRIED 5/0

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

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**MOVED CR COLLIVER, SECONDED CR COOPER**

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 Nos. 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.

CARRIED 5/0

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

This meeting was closed to the public at 3.34pm.

The Press attendee left the meeting at 3.34pm.

10 CONFIDENTIAL ITEM FOR BEHAVIOUR COMPLAINTS COMMITTEE REVIEW

BCC004	CONFIDENTIAL – CODE OF CONDUCT DIVISION 3 COMPLAINT (Public Version)
--------	---

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 Act 1995).

Cr N Colliver declared an impartiality interest in Item No. BCC004 Code of Conduct Division 3 complaint, as she responded to a comment on a Facebook post that is included in Confidential Attachment No. BCC004A.

COMMITTEE DECISION

MOVED MAYOR, SECONDED CR TANTI

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 Reports (Confidential Attachment Nos. BCC004A and BCC004B) as undertaken by an Independent Assessor;
2. **AGREE** with the findings of the Reports;
3. **ACKNOWLEDGE** that the Respondent did breach:
 - a. Clause 8(1)(a) of the Council Policy 4.2 Code of Conduct for Council Members, Committee Members and Candidates for all three complaints;
 - b. Clause 9(c) of the Council Policy 4.2 Code of Conduct for Council Members, Committee Members and Candidates for one complaint;

4. **ENDORSE** the proposed Behaviour Plan (Confidential Attachment BCC004C);
5. **REQUIRE** the Complaints Officer consult with the Respondent on the proposed Behaviour Plan;
6. **DELEGATE** authority to the Complaints Officer to finalise and Implement the Behaviour Plan; and
7. **ADVISE** the Complainants 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. Tanti	For
Cr. Cooper	For

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 to be discussed at the meeting (s.5.23(2)(b) Local Government Act 1995).

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. DETERMINE the Respondent did breach Clause 8(1)(a) of Council Policy 4.2 Code of Conduct for Council Members, Committee Members and Candidates;**
- 2. REQUIRE the Complaints Officer consult with the Respondent on the proposed Behaviour Plan;**
- 3. DELEGATE authority to the Complaints Officer to finalise and Implement the Behaviour Plan; and**
- 4. 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. Tanti	For
Cr. Cooper	For

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****MOVED MAYOR, SECONDED CR TANTI**

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. Tanti	For
Cr. Cooper	For

The meeting was reopened to the public at 4.06pm.

12 MEETING CLOSURE

There being no further business the Presiding Member closed the meeting at 4.06pm.