TERMS OF REFERENCE

Committee: Behaviour Complaints Committee

Responsible Officer: Deputy Chief Executive Officer   **Version:** Final

1.   INTRODUCTION

To establish Terms of Reference for the Behaviours Complaints Committee of the Shire of Kellerberrin.

2.   OBJECTIVE

The Behaviour Complaints Committee is a Committee of Council established in accordance with s.5.8 of the *Local Government Act 1995* (the Act) for the purpose of dealing with Behaviour Complaints made under Division 3 of the Shire of Kellerberrin's Code of Conduct for Council Members, Committee Members and Candidates (Code of Conduct).

The extent of authority provided to the Behaviour Complaints Committee is specified in the relevant Delegated Authority, and includes:

- Dismissing a behaviour complaint in accordance with clause 13 of the Code of Conduct and providing reasons for any such dismissal.
- Making a finding as to whether an alleged 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 it did not occur *[clause 12(3) of the Code of Conduct]*.
- Determining reasons for such a finding.
- Where a finding is made that a breach has occurred, determining:
  - o   To take no further action; or
  - o   Prepare and implement a plan to address the behaviour of the person to whom the complaint relates.

The extent of authority of the Behaviour Complaints Committee is limited by Condition of the Delegated Authority.

3.   MEMBERSHIP

The Complaints Committee is a Committee of Council Members only in accordance with s.5.9(2)(a) of the Act.

Membership of the Behaviour Complaints Committee will comprise of four (4) Council Members, appointed by Council in accordance with s.5.10 of the Act.

In addition, at least two (2) Council Members will be appointed as Deputy Committee Members in accordance with s.5.11A of the Act.

The Delegated Authority condition prescribes that if an appointed Committee Member is identified in the Complaint as either the Complainant or the Respondent, they are to

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excuse themselves from the Committee's function by providing an apology. They are to be replaced for the duration of the handling of the subject complaint by a Deputy Committee Member, selected by the Presiding Member of the Committee.

4. PRESIDING MEMBER

The Committee shall appoint a Presiding Member to conduct its business. The Presiding Member shall ensure that minutes of the proceedings are kept and that business is conducted in accordance with the *Shire of Kellerberrin Local Government (Council Meetings) Local Law 2016* and this document.

5. MEETINGS

Meetings are to be scheduled as required by the Chief Executive Officer or Behaviour Complaints Officer in consultation with the Committee Presiding Member.

- be called and convened by the CEO, as required, in consultation with the Committee's Presiding Member;
- include public question time *[Admin.r.5]*
- make the Committee Notice Papers and Agenda publicly available *[s.5.94(p), s.5.96A(f)]*, with the exception of agenda content that relates to that part of the meeting which will be closed to members of the public under s.5.23(2) *[Admin.r.14]*; and
- make Committee minutes publicly available *[s.5.94(n), s.5.96A(h)]*, with the exception of Minutes content that relates to that part of the meeting which was closed to the public or was determined as confidential under s.5.23(2).

6. DELEGATED AUTHORITY

The Behaviour Complaints Committee will act under Delegated Authority in accordance with s.5.16 of the Act. The delegation is recorded in the Shire of Kellerberrin Register of Delegations.

It is a condition of Delegated Authority that the Behaviour Complaints Committee will be unable to exercise delegated authority if the Complainant or Respondent attend as a Complaints Committee Member.

7. AMENDMENT TO THE TERMS OF REFERENCE

This document may be altered at any time by the Council.

8. HISTORY

Original Adoption	Date	15th June 21	Resolution #	MIN 101/21
Last Reviewed	Date		Resolution #	
Amended	Date		Resolution #	

Shire of Kellerberrin Behaviour Complaints Committee - TOR