



Behaviour Complaints Committee
Terms of Reference

Behaviour Complaints Committee

Voting Members 3 x Councillors (6 x Deputies)	Three (3) x Shire Councillors
Presiding Member	Members of committee are to elect a presiding member from amongst themselves (s5.12)
Deputies	6 x Shire Councillors
Officer Responsible	Senior Governance & Administration Officer (includes Secretariat role)
Meeting Schedule	As required
Meeting Location	Function or Committee Room, Shire of Broome
Quorum	2 voting members
Delegated Authority	Yes

Behaviour Complaints Committee Terms of Reference

Policy Objective

To establish Terms of Reference for the Behaviour Complaints Committee of the Shire of Broome.

Policy Scope

This Policy applies exclusively to the Shire of Broome Behaviour Complaints Committee.

Committee Function

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 Broome 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:
 - To take no further action; or
 - 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 the Conditions of the Delegated Authority.

Membership

The Behaviour 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 three (3) Council Members, appointed by Council in accordance with s.5.10 of the Act.

In addition, all remaining six (6) 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 recuse 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.

Meeting Schedule

Meetings are to be schedule as required by the CEO or Behaviour Complaints Officer in consultation with the Behaviour Complaints Committee Presiding Member.

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 Broome 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.

Committee Governance

Behaviour Complaints Committee are required to:

- 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).

Document Control Box							
Document Responsibilities:							
Owner:	Chief Executive Officer			Owner Business Unit:	Office of the CEO		
Reviewer:	Manager Governance, Strategy & Risk			Decision Maker:	Council		
Compliance Requirements:							
Legislation:	Local Government Act 1995 Local Government (Model Code of Conduct) Regulations 2021						
Industry:							
Organisational:	Shire of Broome – Code of Conduct for Council Members, Committee Members and Candidates Council Policy – Code of Conduct Behaviour Complaints Management Delegated Authority – 1.1.1 Behaviour Complaints Committee						
Document Management:							
Risk Rating:	Low	Review Frequency:	Triennial	Next Due:	5/2024	Records Ref:	
Version #	Decision Reference:		Synopsis:				
1.	29 July 2021		Initial Adoption Resolution C/0721/028				
2.							