

# Shire of Denmark

# Charter



## BEHAVIOUR COMPLAINTS COMMITTEE

This Charter document defines the membership, authority, purpose, operational guidelines, responsibilities and resources of the Shire of Denmark Behaviour Complaints Committee.

### 1.0 NAME

The name of the Committee shall be the Shire of Denmark Behaviour Complaints Committee, hereinafter referred to in its abbreviated form as the Committee, established 15 June 2021.

### 2.0 ESTABLISHMENT

The Committee is established pursuant to section 5.8 of the Local Government Act 1995.

### 3.0 DISTRICT

The Committee shall operate within the local government boundaries of the Shire of Denmark.

### 4.0 GUIDING PRINCIPLES

This Committee is established with the guiding principles in accordance with the Local Government Act 1995, sections 5.8 through to 5.25.

### 5.0 VISION

To consider any behaviour complaints received in accordance with the Code of Conduct for Council Members, Committee Members and Candidates.

### 6.0 TERMS OF REFERENCE

The Committee's purpose will be to deal with Behaviour Complaints made under Division 3 of the Shire of Denmark's Code of Conduct for Council Members, Committee Members and Candidates.

The extent of authority is detailed in Item 9 of this Charter, Delegation No. 1.1.2.

### 7.0 MEMBERSHIP

Membership of the Committee will be appointed by an absolute majority decision of Council.

Membership of the Committee will comprise a total of 5 members consisting of:

5 x Councillors

## **8.0 MEETINGS**

### **8.1 Annual General Meeting:**

Nil

### **8.2 Committee Meetings:**

Meetings shall be held as required.

### **8.3 Quorum:**

The quorum for any meeting of the Committee is at least 50% of the number of member positions prescribed on the Committee, whether vacant or not.

### **8.4 Voting:**

Shall be in accordance with Sections 5.21 of the Act, with all members of the Committee entitled and required to vote.

### **8.5 Minutes:**

Shall be in accordance with the Act, Section 5.22.

### **8.6 Presiding Person**

The members will elect the Presiding Person and Deputy Presiding Person of the Committee pursuant to the section 5.12 of the Act.

### **8.7 Who acts if no presiding member?**

Shall be in accordance with the section 5.14 of the Act.

### **8.8 Meetings**

Meetings are open to the public pursuant to section 5.23 of the Act as the Committee has delegated functions.

### **8.9 Public Question Time**

Public Question Time shall be held in accordance with the section 5.24 of the Act and Regulations 5, 6 and 7 of the Local Government (Administration) Regulations 1996.

### **8.10 Members Conduct**

Members of the Committee are bound by the:

- provisions of Section 5.65 of the Act relating to disclosure of interest;
- Shire of Denmark Standing Orders Local Law 2000;
- Code of Conduct for Council Members, Committee Members and Candidates.

### **8.11 Secretary**

The Chief Executive Officer or that Officer's nominee will fulfil the role of non-voting secretary who will also be responsible for preparation and distribution of agendas and minutes.

### **8.12 Meeting Attendance Fees**

Nil.

## **9.0 DELEGATED AUTHORITY OF THE COMMITTEE**

Delegation No. 1.1.2.

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 *[r12 (1) and (3)]*.

In making any finding the Committee must also determine reasons for the finding *[r12(7)]*.

2. Where a finding is made that a breach has occurred, authority to:
  - a. Take no further action *[r12(7)]*.
  - b. Prepare an implement a plan to address the behaviour of the person to whom the complaint relates *[r12(4)(b), (5) and (6)]*.
3. Authority to dismiss a complaint and if dismissed, the Committee must also determine reasons for the dismissal *[r13(1) and (2)]*.

### **CONDITIONS**

1. The Committee will make decisions in accordance with the principles and specified requirements established in Council Policy "Code of Conduct Behaviour Complaints Management".
2. That part of a Committee meeting which deals with a complaint will be held behind closed doors in accordance with s5.23(2)(b) of the Act.
3. 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.

Adopted by Council 21 November 2023 / Resolution No. 161123