

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. D040116;

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. D040116.

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.

10.0 STRATEGIC ALIGNMENT

The specific tasks and actions undertaken by this committee will assist the Shire of Denmark in achieving the following aspirations and objectives as contained within the Strategic Community Plan;

L5.0 Our Local Government

ASPIRATION: The Shire of Denmark is recognised as a transparent, well governed and effectively management Local Government.

L5.1 To be high functioning, open, transparent, ethical and responsive.

L5.4 To be fiscally responsible.

Adopted by Council 21 December 2021 / Resolution No. 141221