



Behaviour Complaints Committee Meeting Minutes

Harvey Council Chamber

Tuesday, 14 April 2026

4pm

Shire of Harvey
Behaviour Complaints Committee

Minutes for the meeting of the Behaviour Complaints Committee held on Tuesday, 14 April 2026 in the Harvey Council Chamber, Young Street, Harvey, commencing at 4pm.

Committee Membership

Shire President	Ms.	M.	Campbell
	Cr.	W.	Dickinson
	Cr.	L.	Morley

Staff

Chief Executive Officer	Ms.	A.	Riordan
Manager Governance and Strategy	Ms.	K.	Williams
Governance Officer	Ms.	C.	Peterson

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1. Official Opening

The Shire President opened the meeting at 4pm.

Disclaimer

Members of the Public are advised that recommendations to Council contained within this Agenda can be subject to change. Applicants and other interested parties should refrain from taking any action until written advice is received confirming Council's decision with respect to any particular issue.

An audio and visual record will be made, by means of livestreaming, of these proceedings and uploaded to the Shire's YouTube page for viewing.

Acknowledgement of Country

The Shire of Harvey acknowledges the traditional custodians of the land and their continuing connection to the land, waters and community. We pay our respects to all members of the Aboriginal communities, their cultures, and to Elders past, present and emerging.

2. Record of Apologies and Leave of Absence

Nil.

3. Declarations of Members' and Officers' Personal Interest

Shire President Campbell declared an impartiality interest in Item 10.1 – Receipt of Behaviour Complaint relating to Councillor Code of Conduct. Shire President declared the applicant is known to her and declared that she would deal with the matter on its merits and stay in the Chamber for the duration of the item.

Cr. Dickinson declared an impartiality interest in Item 10.1 – Receipt of Behaviour Complaint relating to Councillor Code of Conduct. Cr. Dickinson declared the applicant is known to her, has not communicated with applicant outside of shared committee responsibilities, and declared that she would deal with the matter on its merits and stay in the Chamber for the duration of the item.

4. Response to Previous Questions Taken on Notice

Nil.

5. Public Question Time

Nil.

6. Petitions/Deputations/Presentations/Submissions

Nil.

7. Confirmation of Minutes

Nil.

8. Moving Behind Closed Doors

That the Committee move behind closed doors in accordance with section 5.23(4)(b), a matter affecting the personal affairs of an individual.

Moved: Cr. Morley

Seconded: Cr. Dickinson

That the Committee move behind closed doors.

Carried 3-0 BC26/01

Votes:

For: Cr. Dickinson, Cr. Morley and President Campbell.

Against: Nil.

The Committee moved behind closed doors at 4.06pm.

9. Suspend Standing Orders

That the Committee suspends Standing Orders to allow consideration of Item 10.1 and Item 10.2.

Moved: Cr. Morley

Seconded: Cr. Dickinson

That the Committee suspends Standing Orders.

Carried 3-0 BC26/02

Votes:

For: Cr. Dickinson, Cr. Morley and President Campbell.

Against: Nil.

10. Resume Standing Orders

That the Committee resume Standing Orders.

Moved: Cr. Morley

Seconded: Cr. Dickinson

That the Committee resume Standing Orders.

Carried 3-0 BC26/03

Votes:

For: Cr. Dickinson, Cr. Morley and President Campbell.

Against: Nil.

11. Returning from Behind Closed Doors

That the Committee return from behind closed doors in accordance with section 5.23(4)(b), a matter affecting the personal affairs of an individual.

Moved: Cr. Dickinson

Seconded: Cr. Morley

That the Committee return from behind closed doors.

Carried 3-0

**BC26/
04**

Votes:

For: Cr. Dickinson, Cr. Morley and President Campbell.

Against: Nil.

The Committee returned from behind closed doors at 5.42pm.

12. Officers Reports

12.1. Executive Services

Item No.	12.1.
Subject:	Receipt of Behaviour Complaint relating to Councillor Code of Conduct
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Manager Governance and Strategy
Authorising Officer:	Chief Executive Officer
File No.:	CC/U/0640
Attachments:	1. Confidential Attachment 1 [12.1.1 - 41 pages]

Reason for Confidentiality

Pursuant to Section 5.23(4)(b) of the *Local Government Act 1995*, portions of this report contained within **Confidential Attachment 1** include information relating to the personal affairs of an individual.

The confidential information includes Information concerning the identity, conduct, and personal circumstances of the individuals subject to the complaint.

This information has not been made public, and its disclosure could reasonably be expected to adversely affect the interests of the person. Accordingly, the contents of **Confidential Attachment 1** will be provided to Council on a confidential basis.

Should Council wish to discuss the information contained within the confidential attachment, Council will be required to resolve to close the meeting to members of the public in accordance with Section 5.23 of the *Local Government Act 1995*.

During the closed session, discussion is to be limited to the confidential information contained within the attachments and matters directly relating to the complaint received and recommendation.

Summary

The Shire of Harvey has received a Behaviour Complaint in accordance with the Local Government (Model Code of Conduct) Regulations 2021 (as at 1 January 2026) and Council's Policy 1.1.10 – Code of Conduct Complaints Policy.

This report presents the matter to the Behaviour Complaints Committee for consideration under its delegated authority. The substantive details of the complaint, assessment, and supporting evidence are contained within **Confidential Attachment 1**.

The Behaviour Complaints Committee is responsible for determining the outcome of the complaint in accordance with its delegated authority under the Local Government Act 1995 and the Model Code of Conduct Regulations 2021.

Statutory/Policy Environment

Local Government Act 1995

- s.5.16 – Delegation to committees
- s.5.23(2)(b) – Reason for confidentiality

- s.5.105(3) – Referral to Inspector of Local Government

Local Government (Model Code of Conduct) Regulations 2021

Division 3: Behaviour

- cl.11 – Complaint about alleged breach
- cl.12 – Dealing with complaint
- cl.13 – Dismissal of complaint
- cl.14 – Withdrawal of complaint
- cl.14B – Performance of functions by council or authorised committee

Delegation 1.1.2 Behaviour Complaints Committee:

- cl.12(1) Determine whether a breach has or has not occurred
- cl.12(3) Apply the evidentiary threshold of “more likely than not”
- cl.12(7), cl.13(2) Provide reasons for its decision
- cl.12(4)–(6) Determine an outcome, including no further action or a behaviour management plan

The Committee must act in accordance with principles of procedural fairness, including impartiality, consideration of relevant material, and provision of an opportunity to respond.

Pursuant to s.5.105(3) of the *Local Government Act 1995*, the complaint must be referred to the Inspector of Local Government where the respondent has been found to have committed two or more behavioural breaches on or after 1 January 2026. Where applicable, the Committee is not authorised to determine the matter.

Council Policies:

- Policy 1.1.10 – Code of Conduct Complaints Policy
- Policy 1.1.14 – Code of Conduct for Council Members, Committee Members and Candidates
- Behaviour Complaints Committee Terms of Reference

Strategic Framework

The Shire’s Council Plan 2025–2035, states:

<i>Pillar</i>	5	–A representative leadership that is future thinking, transparent and accountable.
<i>Performance:</i>		
<i>Objective 21:</i>		Continue to deliver proactive and responsible leadership and governance.

Community Engagement

Community Participation Goal

Inform: To provide the public with balanced and objective information to assist them in understanding the problems, alternatives and/or solutions.

Promise to the Community

Inform: We will keep you informed.

Risk Management

The Risk Theme Profile identified in relation to this item is **Providing Inadequate Advice/Information**. The Consequence could be **Reputational** if Council did not fulfil due diligence in determining the alleged breach of the Code of Conduct. The Risk has been mitigated by the utilising a Independent Complaint Assessor and by assessing the complaints in line with the Model Code and Council Policy. The Risk Consequence is considered to be **Insignificant** and the Likelihood **Unlikely** resulting in a **Low** level of risk.

Budget Implications

An Independent Complaint Assessor was appointed by the Shire to investigate and assess the complaint. Complaint assessment is provided for in the 2025-2026 Annual Budget. The Complaint Assessment has an estimated cost of \$2000.

Authority/Discretion

Quasi-Judicial: When Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town development applications, building permits, applications for other permits/licenses (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.

Voting Requirements

Simple Majority

Committee's Recommendation

That the Behaviour Complaints Committee determines the outcome of the complaint in accordance with its delegated authority and the Local Government (Model Code of Conduct) Regulations 2021, as detailed in **Confidential Attachment 1**.

Moved: Cr. Morley

Seconded: Cr. Dickinson

That the Behaviour Complaints Committee determines the outcome of the complaint in accordance with its delegated authority and the Local Government (Model Code of Conduct) Regulations 2021, as detailed in Confidential Attachment 1.

Carried 3-0 BC26/05

Votes:

For: Cr. Dickinson, Cr. Morley and President Campbell.

Against: Nil.

Item No.	12.2.
Subject:	Receipt of Behaviour Complaint relating to Councillor Code of Conduct
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Manager Governance and Strategy
Authorising Officer:	Chief Executive Officer
File No.:	CC/U/0640
Attachments:	1. Confidential Attachment 1 [12.2.1 - 26 pages]

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Voting Requirements

Simple Majority

Committee's Recommendation

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Moved: Cr. Dickinson

Seconded: Cr. Morley

That the Behaviour Complaints Committee determines the outcome of the complaint in accordance with its delegated authority and the Local Government (Model Code of Conduct) Regulations 2021, as detailed in Confidential Attachment 1.

Carried 3-0

BC26/06

Votes:

For: Cr. Dickinson, Cr. Morley and President Campbell.

Against: Nil.

13. Closure of Meeting

There being no further business to discuss, the meeting was declared closed at 5.43pm.

I, Ms. Michelle Campbell, certify that the aforesaid Minutes of the meeting held on Tuesday, 14 April 2026 are a true and correct record of that meeting on Tuesday, 14 April 2026.

A handwritten signature in black ink, appearing to read 'ME Campbell', is written above a horizontal line.

Ms. Michelle Campbell
Shire President