



Behaviour Complaints Committee Meeting Minutes

The Boundary

Tuesday, 23 June 2026

1pm

Shire of Harvey
Behaviour Complaints Committee

Minutes for the meeting of the Behaviour Complaints Committee held on Tuesday, 23 June 2026 in the Boundary, Tom Latch Drive, Harvey, commencing at 1pm.

Committee Membership

Shire President	Ms.	M.	Campbell	<i>Electronically</i>
	Cr.	W.	Dickinson	
	Cr.	L.	Morley	
	Cr.	R.	Holly	<i>Observer</i>

Staff

Chief Executive Officer	Ms.	A.	Riordan
Manager Governance and Strategy	Ms.	K.	Williams
Council Reporting and Planning Officer	Mr.	T.	Stubbings

Minutes

1. Official Opening.....	4
2. Record of Apologies and Leave of Absence	4
3. Declarations of Members' and Officers' Personal Interest.....	4
4. Response to Previous Question Taken on Notice	4
5. Public Question Time.....	4
6. Petitions/ Deputations/Presentations/Submissions	5
7. Confirmation of Minutes	5
8. Moving Behind Closed Doors.....	5
9. Suspend Standing Orders	5
10. Resume Standing Orders	6
11. Returning from Behind Closed Doors	6
12. Officers Reports	7
12.1 Review of Behaviour Complaint relating to Councillor Code of Conduct	7
13. Closure of Meeting	12

1. Official Opening

The Shire President opened the meeting at 1.03pm.

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

Shire President Campbell requested to attend the Tuesday, 23 June 2026 Behaviour Complaints Committee Meeting electronically. In accordance with Regulation 14C(2)(b) of the Local Government (Administration) Regulations 1996, the Shire President has approved this request and is satisfied that the location from which the member intends to attend the meeting, and the equipment that the member intends to use to attend the meeting, is suitable for the member to be able to effectively engage in deliberations and communications during the meeting, as per Regulation 14C(5) and 14D(6) of the Regulations.

Nil.

3. Declarations of Members' and Officers' Personal Interest

Shire President Campbell declared an impartiality interest in Item 12.1 – Review of Behaviour Complaint relating to Councillor Code of Conduct. Shire President declared one of the complainants 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 12.1 – Review of Behaviour Complaint relating to Councillor Code of Conduct. Cr. Dickinson declared one of the complainants 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

Behavioural Complaints Committee – Tuesday, 14 April 2026.

Recommendation

That the Minutes of the Behavioural Complaints Committee held on Tuesday, 14 April 2026, as published be confirmed as a true and correct record.

Moved: Cr. Dickinson

Seconded: Cr. Morley

That the Minutes of the Behavioural Complaints Committee held on Tuesday, 14 April 2026 as published be confirmed as a true and correct record.

Carried 3-0 BC/07

Votes:

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

Against: 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: President Campbell

Seconded: Cr. Morley

That the Committee move behind closed doors.

Carried 3-0 BC/08

Votes:

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

Against: Nil.

The Committee moved behind closed doors at 1.06pm.

9. Suspend Standing Orders

That the Committee suspends Standing Orders to allow consideration of Item 12.1.

Moved: President Campbell

Seconded: Cr. Morley

That the Committee suspends Standing Orders.

Carried 3-0 BC/09

Votes:

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

Against: Nil.

10. Resume Standing Orders

That the Committee resumes Standing Orders.

Moved: Cr. Dickinson

Seconded: President Campbell

That the Committee resumes Standing Orders.

Carried 3-0 BC/10

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. Morley

Seconded: Cr. Dickinson

That the Committee return from behind closed doors.

Carried 3-0 BC/11

Votes:

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

Against: Nil.

The Committee returned from behind closed doors at 1.10pm.

8. Officers Reports

8.1. Executive Services

Item No.:	8.1
Subject:	Review 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:	Confidential Attachment 1 [92 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.

In addition, section 8A.36 of the *Local Government Act 1995* imposes strict confidentiality obligations in relation to complaints. This provision makes it an offence for a person involved in the handling of a complaint to disclose or use information about the existence or details of the complaint, except as permitted by law. The inclusion of this information within a confidential attachment ensures compliance with these legislative confidentiality requirements and protects the integrity of the complaints process and the individuals involved.

Summary

Two behavioural complaints relating to a Councillor were received and assessed in accordance with the Local Government (Model Code of Conduct) Regulations 2021. The matters were considered by the Behaviour Complaints Committee on Tuesday, 14 April 2026, which made findings and determined outcomes including behaviour management plans.

Subsequent advice from the Office of the Local Government Inspector identified that, following adoption of the updated Model Code of Conduct, the functions under clauses 12 and 13 must be performed by Council unless properly authorised under Regulation 14B.

As the required authorisation was not in place at the time, the Committee's determinations cannot be relied upon as valid decisions. At the May 2026 Ordinary Council Meeting, the Behavioural Complaints Committee Authorisations were granted (Resolutions 26/84, 26/85, and 26/86). Accordingly, the matters are presented to the Committee once more for consideration.

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:

- Pillar 5 – Performance:* A representative leadership that is future thinking, transparent and accountable.
- Objective 21:* 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.

In accordance with Clause 12(7) of the Code of Conduct for Council Members, Committee Members and Candidates written notice is provided to both the complainant and respondent with:

- The finding
- The reasons for the finding
- If a breach occurred, the decision whether to take no further action or implement a plan.

Promise to the Community

Inform: We will keep you informed.

In accordance with Clause 12(7) of the Code of Conduct for Council Members, Committee Members and Candidates written notice is provided to both the complainant and respondent with:

- The finding
- The reasons for the finding
- If a breach occurred, the decision whether to take no further action or implement a plan.

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 obtaining appropriate legal advice in relation to the application of the Model Code of Conduct Regulations 2021. 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

Officer's Recommendation

That Council:

1. Notes and receives ***Confidential Attachment 1***.
2. Endorses the findings in ***Confidential Attachment 1*** in relation to complaint 1.
3. Endorses the recommendation as in ***Confidential Attachment 1*** in relation to complaint 1.
4. Endorses the findings in ***Confidential Attachment 1*** in relation to complaint 2.
5. Endorses the recommendation as in ***Confidential Attachment 1*** in relation to complaint 2.
6. Refers Complaint 1 to the Authorised Independent Assessor in accordance with the recommendation in ***Confidential Attachment 1***.

Moved: Cr. Morley

Seconded: Cr. Dickinson

That Council:

1. Notes and receives ***Confidential Attachment 1***.
2. Endorses the findings in ***Confidential Attachment 1*** in relation to Complaint 1.
3. Endorses the Behavioural Management Plan as in ***Confidential Attachment 1*** in relation to Complaint 1.
4. Endorses the findings in ***Confidential Attachment 1*** in relation to Complaint 2.
5. Endorses the Behavioural Management Plan as in ***Confidential Attachment 1*** in relation to Complaint 2.
6. Refers Complaint 1 and 2 to the Authorised Independent Assessor for consultation with the respondent and the preparation of a Behavioural Management Plan in accordance with clause 12(4)(b), clause 12(5) and clause 12(6) of the Local Government (Model Code of Conduct) Regulations 2021.

Carried 3-0 BC/12

Votes:

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

Against: Nil.

9. Closure of Meeting

There being no further business to discuss, the meeting was declared closed at 1.12pm.

I, Ms. Michelle Campbell, certify that the aforesaid Minutes of the meeting held on Tuesday, 23 June 2026 are a true and correct record of that meeting on Tuesday, 23 June 2026.

A handwritten signature in black ink that reads "ME Campbell". The signature is written in a cursive, flowing style.

Ms. Michelle Campbell
Shire President