



Behaviour Complaints Committee Meeting **Agenda**

Harvey Council Chamber

Tuesday, 25 August 2026

2pm

Shire of Harvey
Behaviour Complaints Committee

Dear Committee Member,

Notice is hereby given that the next meeting of the Behaviour Complaints Committee will be held on Tuesday, 25 August 2026 in the Harvey Council Chamber commencing at 2pm.

The business to be transacted is shown in the Agenda hereunder.

Yours faithfully,



Tony Nottle
Acting Chief Executive Officer

21 August 2026.

Committee Membership

Cr.	W.	Dickinson
Cr.	L.	Morley
Cr.	A.	Hitchcock

Staff

Acting Chief Executive Officer	Mr.	T.	Nottle
Acting Manager Governance and Strategy	Mr.	T.	Stubbings

Agenda

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1. Official Opening**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**3. Declarations of Members' and Officers' Personal Interest****4. Response to Previous Questions Taken on Notice****5. Public Question Time****6. Petitions/Deputations/Presentations/Submissions****7. Confirmation of Minutes****Behavioural Complaints Committee – Tuesday, 4 August 2026****Recommendation**

That the Minutes of the Behavioural Complaints Committee held on Tuesday, 4 August 2026, as published be confirmed as a true and correct record.

8. Officers Reports

8.1. Executive Services

Item No.:	8.1
Subject:	Receipt of 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 [14 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

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 in accordance with Council's authorisation of the Committee under clause 14B(2) of Schedule 1 of the Local Government (Model Code of Conduct) Regulations 2021. 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 Authorisation under the *Local Government Act 1995* and the Model Code of Conduct Regulations 2021.

Statutory/Policy Environment

Local Government Act 1995

- s.5.23(2)(b) – Closure of meetings where personal affairs are discussed.
- s.5.105(3) – Referral of certain behaviour complaints to the Local Government Inspector.
- s.5.96C – Publication of findings relating to behavioural breaches.
- s.8A.36 – Confidentiality requirements relating to complaints.

Local Government (Model Code of Conduct) Regulations 2021

Division 3 – Behaviour

- Clause 11 – Complaint about alleged breach.
- Clause 11(5) – Mandatory referral of complaints to the Local Government Inspector where regulation 3A applies.
- Clause 12 – Dealing with complaints.
- Clause 13 – Dismissal of complaints.
- Clause 14 – Withdrawal of complaints.
- Clause 14B(2) – Authorisation of a Council committee to perform functions under clauses 12 and 13.
- Clause 14B(3) – Authorisation of an independent person to perform functions under clauses 12 and 13.

Relevant Shire Documents

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

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.

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.

Where a behavioural breach is found to have occurred, the complaints register is updated and published on the Shire's website in accordance with section 5.96C of the *Local Government Act 1995*. The register is maintained on an ongoing basis to provide the community with access to current information while ensuring compliance with applicable confidentiality requirements.

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 the Behaviour Complaints Committee:

1. Notes and receives **Confidential Attachment 1**.
2. Endorses the findings in **Confidential Attachment 1** in relation to the submitted complaint.
3. Receives and endorses the recommendation from the Independent Complaint Assessor as in **Confidential Attachment 1**.

9. Closure of Meeting