



Behaviour Complaints Committee Meeting Minutes

Harvey Council Chamber

Tuesday, 25 August 2026

2pm

Shire of Harvey
Behaviour Complaints Committee

Minutes for the meeting of the Behaviour Complaints Committee held on Tuesday, 25 August 2026 in the Harvey Council Chamber, Young Street, Harvey, commencing at 2pm.

Committee Membership

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

Staff

Temporary Chief Executive Officer	Mr.	T.	Nottle
Acting Manager Governance and Strategy	Mr.	T.	Stubbings
Senior Governance Officer	Ms.	C.	Peterson

Electronically

There were 0 members of the public and 0 members of the press present.

1. Official Opening

The Chairperson opened the meeting at 2pm.

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

Nil.

4. Response to Previous Questions Taken on Notice

Nil.

5. Public Question Time

Nil.

6. Petitions/Deputations/Presentations/Submissions

The Respondent submitted a written deputation to be read behind closed doors.

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.

Moved: Cr. Hitchcock**Seconded: Cr. Morley**

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

Carried 3-0 BC26/20

Votes:

For: Cr. Dickinson, Cr. Hitchcock and Cr. Morley.

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: Cr. Hitchcock**Seconded: Cr. Morley**

That the Committee move behind closed doors.

Carried 3-0 BC26/21

Votes:

For: Cr. Dickinson, Cr. Hitchcock and Cr. Morley.

Against: Nil.

The Committee moved behind closed doors at 2.03pm.

9. Suspend Standing Orders

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

Moved: Cr. Morley**Seconded: Cr. Hitchcock**

That the Committee suspends Standing Orders.

Carried 3-0 BC26/22

Votes:

For: Cr. Dickinson, Cr. Hitchcock and Cr. Morley.

Against: Nil.

10. Resume Standing Orders

That the Committee resumes Standing Orders.

Moved: Cr. Morley**Seconded: Cr. Hitchcock**

That the Committee resumes Standing Orders.

Carried 3-0 BC26/23

Votes:

For: Cr. Dickinson, Cr. Hitchcock and Cr. Morley.

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. Hitchcock

That the Committee return from behind closed doors.

Carried 3-0 BC26/24

Votes:

For: Cr. Dickinson, Cr. Hitchcock and Cr. Morley.

Against: Nil.

The Committee returned from behind closed doors at 2.26pm.

12. Officers Reports

12.1. Executive Services

Item No.:	12.1
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***.

Moved: Cr. Morley

Seconded: Cr. Hitchcock

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***.

Carried 3-0 BC26/25

Votes:

For: Cr. Dickinson, Cr. Hitchcock and Cr. Morley.

Against: Nil.

13. Closure of Meeting

There being no further business to discuss, the meeting was declared closed at 2.27pm.

I, Ms. Wendy Dickinson, certify that the aforesaid Minutes of the meeting held on Tuesday, 25 August 2026 are a true and correct record of that meeting on Tuesday, 25 August 2026.

Ms. Wendy Dickinson
Councillor