

Please note: These minutes are yet to be confirmed as a true record of proceedings

CITY OF BUSSELTON

MINUTES OF THE BEHAVIOUR COMPLAINTS COMMITTEE MEETING HELD ON 25 MAY 2022

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MINUTES

MINUTES OF THE BEHAVIOUR COMPLAINTS COMMITTEE HELD IN THE COMMITTEE ROOM, ADMINISTRATION BUILDING, SOUTHERN DRIVE, BUSSELTON, ON 25 MAY 2022 AT 9.00AM.

1. DECLARATION OF OPENING, ACKNOWLEDGEMENT OF COUNTRY AND ANNOUNCEMENT OF VISITORS

The Presiding Member opened the meeting at 9:05am.

The Presiding Member noted this meeting is held on the lands of the Wadandi people and acknowledged them as Traditional Owners, paying respect to their Elders, past and present, and Aboriginal Elders of other communities who may be present.

2. ATTENDANCE

Presiding Member:

Cr Grant Henley Mayor

Members:

Cr Paul Carter
Cr Ross Paine
Cr Anne Ryan
Cr Jodie Richards
Cr Mikayla Love
Cr Kate Cox
Cr Sue Riccelli

Officers:

Mr Mike Archer, Chief Executive Officer
Mr Tony Nottle, Director, Finance and Corporate Services
Ms Jo Barrett-Lennard, Governance Officer

Apologies:

Cr Phill Cronin

Public

1

3. PUBLIC QUESTION TIME

Mr Keith Sims

Question

How will the conduct on question when dealing with the community be managed going forward?

Response**(Mayor Grant Henley)**

All our Councillors are bound by code of conduct requirements and guidelines, and these need to be followed by all our elected members when dealing with members of the public. We conduct investigations regarding behaviour and deal with each complaint accordingly, and our Councillors will adhere to any actions that result from that process.

9:18am: At this time, Mr Keith Sims left the meeting.

9:18am: At this time, Cr Paine entered the meeting.

4. DISCLOSURE OF INTERESTS

Cr Ryan declared an Impartiality Interest in relation to Items 8.2 and 8.3.

Cr Paine declared an Interest in relation to Items 8.1, 8.2 and 8.3.

5. CONFIRMATION OF MINUTES

5.1 Minutes of the Behaviour Complaints Committee Meeting held 13 April 2022

COMMITTEE DECISION

BCC2205/019 Moved Councillor P Carter, seconded Councillor M Love

That the Minutes of the Behaviour Complaints Committee Meeting held 13 April 2022 be confirmed as a true and correct record.

CARRIED 8/0

6. REPORTS

Nil

7. GENERAL DISCUSSION ITEMS

Nil

8. CONFIDENTIAL REPORTS

The Presiding Member called upon a member to move a motion to close the meeting to the public. The motion was moved and carried.

COMMITTEE DECISION

BCC2205/020 Moved Councillor R Paine, seconded Councillor S Riccelli

That the meeting be closed to members of the public to discuss items 8.1, 8.2 and 8.3 which are confidential for the reasons as shown.

CARRIED 8/0

Reasons: These items are confidential in accordance with section 5.23(2)(b) of the *Local Government Act 1995*, as they contain information relating to the personal affairs of any person.

9:20am: At this time, the Committee moved into a closed session.

9:20am: At this time, Cr Paine left the meeting in accordance with Delegation 'DA 11-03 Behaviour Complaints Committee'.

9:23am: At this time, Mrs Corné Lombard entered the meeting.

9:23am: At this time, Mrs Corné Lombard left the meeting.

8.1 COMPLAINT 002/2022

STRATEGIC THEME	LEADERSHIP - A Council that connects with the community and is accountable in its decision making.
STRATEGIC PRIORITY	4.2 Deliver governance systems that facilitate open, ethical and transparent decision making.
SUBJECT INDEX	Code of Conduct Complaints
BUSINESS UNIT	Finance and Corporate Services
REPORTING OFFICER	Director Finance and Corporate Services - Tony Nottle
AUTHORISING OFFICER	Chief Executive Officer - Mike Archer
NATURE OF DECISION	Executive: Substantial direction setting, including adopting budgets, strategies, plans and policies (excluding local planning policies); funding, donations and sponsorships; reviewing committee recommendations
VOTING REQUIREMENT	Absolute Majority
ATTACHMENTS	Attachment A Published Under Separate Cover Complaint of Alleged Breach lodged by Keith Sims on 10 December 2021
	Attachment B Published Under Separate Cover Council Policy 'Management of Complaints of Alleged Breaches of Behaviour'
	Attachment C Published Under Separate Cover Code of Conduct Council Members, Committee Members and Candidates
	Attachment D Independent Investigator Report - Complaint 002/2022
	Attachment E Published Under Separate Cover Confidential McLeods Advice 05 May 2022 - Elected Member Code of Conduct - scope of provisions
	Attachment F Published Under Separate Cover Confidential Respondent Submission received on 13 May 2022

This item is confidential in accordance with section 5.23(2) (b) of the Local Government Act 1995, as it contains information relating to the personal affairs of any person.

COMMITTEE DECISION

BCC2205/021 Moved Councillor P Carter, seconded Councillor K Cox

That the Committee endorse the confidential officer recommendation part 1 contained in the officer comment section of this report.

CARRIED 7/0

BY ABSOLUTE MAJORITY

Reasons: The Committee resolved to split the officer recommendation into two parts – Part 1 and Part 2.

COMMITTEE DECISION

BCC2205/022 Moved Councillor K Cox, seconded Councillor S Riccelli

That the Committee endorse the confidential officer recommendation Part 2 contained in the Officer Comment section of this report, and to provide reasons to the complainant Councillor Paine

CARRIED 7/0

BY ABSOLUTE MAJORITY

Reasons: The Committee resolved endorse Part 2 of the officer recommendation and to provide reasoning to the complainant and the respondent.

OFFICER RECOMMENDATION

That the Committee endorse the confidential officer recommendation contained in the Officer Comment section of this report.

9:53am: At this time, Cr Ryan left the meeting in accordance with Delegation 'DA11-03 Behaviour Complaints Committee'.

8.2 COMPLAINT 003/2022

STRATEGIC THEME	LEADERSHIP - A Council that connects with the community and is accountable in its decision making.
STRATEGIC PRIORITY	4.2 Deliver governance systems that facilitate open, ethical and transparent decision making.
SUBJECT INDEX	Code of Conduct Complaints
BUSINESS UNIT	Finance and Corporate Services
REPORTING OFFICER	Director Finance and Corporate Services - Tony Nottle
AUTHORISING OFFICER	Chief Executive Officer - Mike Archer
NATURE OF DECISION	Executive: Substantial direction setting, including adopting budgets, strategies, plans and policies (excluding local planning policies); funding, donations and sponsorships; reviewing committee recommendations
VOTING REQUIREMENT	Absolute Majority
ATTACHMENTS	Attachment A Published Under Separate Cover Confidential Code-of-Conduct-Council-Members-Committee-Members-and-Candidates
	Attachment B Published Under Separate Cover Confidential Council Policy 'Management of Complaints of Alleged Breaches of Behaviour'
	Attachment C Published Under Separate Cover Confidential Independent Investigator Report - Complaint 003/2022
	Attachment D Published Under Separate Cover Confidential Complaint of Alleged Breach lodged by Anne Ryan on 07 February 2022
	Attachment E Published Under Separate Cover Confidential Respondent Submission received on 17 February 2022
	Attachment F Published Under Separate Cover Committee Endorsement

This item is confidential in accordance with section 5.23(2) (b) of the *Local Government Act 1995*, as it contains information relating to the personal affairs of any person.

DISCLOSURE OF INTEREST	
Date	25 May 2022
Meeting	Behaviour Complaints Committee Meeting
Name/ Position	Cr Anne Ryan, Councillor
Item No./ Subject	Item 8.2, 'COMPLAINT 003/2022'
Type of Interest	Impartiality Interest
Nature of Interest	I am involved with the lodgement of the alleged breach.

COMMITTEE DECISION

BCC2205/023 Moved Councillor G Henley, seconded Councillor P Carter

That the Committee endorse as per the confidential Attachment F.

CARRIED 6/0

BY ABSOLUTE MAJORITY

Reasons: As per those contained in confidential Attachment F.

OFFICER RECOMMENDATION

That the Committee endorse the confidential officer recommendation contained in the Officer Comment section of this report.

8.3 COMPLAINT 004/2022

STRATEGIC THEME	LEADERSHIP - A Council that connects with the community and is accountable in its decision making.
STRATEGIC PRIORITY	4.2 Deliver governance systems that facilitate open, ethical and transparent decision making.
SUBJECT INDEX	Code of Conduct Complaints
BUSINESS UNIT	Finance and Corporate Services
REPORTING OFFICER	Director Finance and Corporate Services - Tony Nottle
AUTHORISING OFFICER	Chief Executive Officer - Mike Archer
NATURE OF DECISION	Executive: Substantial direction setting, including adopting budgets, strategies, plans and policies (excluding local planning policies); funding, donations and sponsorships; reviewing committee recommendations
VOTING REQUIREMENT	Absolute Majority
ATTACHMENTS	Attachment A Published Under Separate Cover Confidential Complaint of Alleged Breach lodged by Cr Anne Ryan on 21 March 2022
	Attachment B Published Under Separate Cover Confidential Council Policy 'Management of Complaints of Alleged Breaches of Behaviour'
	Attachment C Published Under Separate Cover Confidential Code of Conduct Council Members, Committee Members and Candidates
	Attachment D Published Under Separate Cover Confidential Investigator Report - Complaint 004/2022

This item is confidential in accordance with section 5.23(2) (b) of the *Local Government Act 1995*, as it contains information relating to the personal affairs of any person.

DISCLOSURE OF INTEREST	
Date	25 May 2022
Meeting	Behaviour Complaints Committee Meeting
Name/ Position	Cr Anne Ryan, Councillor
Item No./ Subject	Item 8.3, 'COMPLAINT 004/2022'
Type of Interest	Impartiality Interest
Nature of Interest	I am involved with the lodgement of the alleged breach.

COMMITTEE DECISION

BCC2205/024 Moved Councillor P Carter, seconded Councillor S Riccelli

That the Committee endorse the confidential officer recommendation contained in the Officer Comment section of this report.

CARRIED 6/0

BY ABSOLUTE MAJORITY

OFFICER RECOMMENDATION

That the Committee endorse the confidential officer recommendation contained in the Officer Comment section of this report.

The Presiding Member called upon a member to move a motion to reopen the meeting to the public. The motion was moved and carried.

COMMITTEE DECISION

BCC2205/025 Moved Councillor S Riccelli, seconded Councillor K Cox

That the meeting be re-opened to the members of the public.

CARRIED 6/0

10:30am: At this time, the meeting was reopened to the public.

10:31am: At this time, Cr Paine re-entered the meeting.

10:34am: At this time, Cr Ryan re-entered the meeting.

9. NEXT MEETING DATE

To be confirmed.

10. CLOSURE

The meeting closed at 10:36am.

THESE MINUTES CONSISTING OF PAGES 1 TO 11 WERE CONFIRMED AS A TRUE AND CORRECT RECORD ON .

DATE: _____ PRESIDING MEMBER: _____