



Behaviour Complaints Committee

Terms of Reference

23 September 2026

Name

The committee shall be known as the Shire of Augusta Margaret River Behaviour Complaints Committee (BCC).

Role of the committee

The BCC is a Committee of Council established in accordance with s.5.8 of the *Local Government Act 1995* (LG Act) for the purpose of dealing with Behaviour Complaints made under Division 3 of the Shire of Augusta Margaret River Code of Conduct for Council Members, Committee Members and Candidates (Code of Conduct).

Functions under clauses 12 and 13 of the Code of Conduct are performed by the BCC only if authorised by Council under clause 14B of the Code of Conduct.

Objectives

The objectives of the BCC and extent of authority provided to the Committee are specified in the relevant Delegated Authority, and include:

- Dismissing a behaviour complaint in accordance with clause 13 of the Code of Conduct and providing reasons for any such dismissal.

- Making a Finding as to whether an alleged behavioural breach has or has not occurred, based upon evidence from which it may be concluded that it is more likely that the breach occurred than it did not occur *[clause 12(3) of the Code of Conduct]*.
- Determining and recording reasons for such a Finding.
- Where a Finding is made that a breach has occurred, determining:
 - To take no further action; or
 - Prepare and implement a plan in accordance with clause 12 of the Code of Conduct to address the behaviour of the person to whom the complaint relates

The BCC's authority applies only where properly authorised and the matter has not been referred to the Inspector under the Inspector Regulations.

Membership

The BCC is a Committee of Council Members only in accordance with s.5.9(2)(a) of the LG Act and clause 14B of the Code of Conduct.

Membership of the BCC will comprise of eight Council Members, appointed by Council in accordance with s.5.10 of the LG Act.

Membership of the BCC shall be, unless otherwise specified, for a term ceasing at the date of the local Government election in the year the Shire's local government elections are held, after which time the Council may appoint members for a further term.

Members who are identified in a complaint as either the Complainant or Respondent must not participate in the BCC's functions and are required to recuse themselves in accordance with s.5.105(4)(b) of the LG Act and clause 14B of the Code of Conduct.

No member of staff is to be a member of the BCC, but the CEO, or Behaviour Complaints Officer or other staff may participate in an advisory role or provide administrative support to the committee.

Presiding Member

As per s5.12 LG Act, Council are to appoint a Presiding Member and Deputy Presiding Member to conduct its business.

The Presiding Member shall ensure that minutes of the proceedings are kept and that business is conducted in accordance with the Shire's Standing Orders Local Law.

The LG Act places responsibility for speaking on behalf of Council with the Shire President, or the CEO if the President agrees.

The Presiding Member if different from the President is to refrain from speaking publicly on behalf of the committee or Council, or to issue any form of written material purporting to speak on behalf of the committee or Council without the prior approval of the President.

The Presiding Member must ensure that conflicted Committee Members do not participate in Committee functions.

Meeting Schedule

Meetings are to be scheduled as required by the CEO or Behaviour Complaints Officer in consultation with the BCC Presiding Member.

Conduct of Meetings

Complaints Behaviour Committee meetings are required to:

- be called and convened by the CEO, as required, in consultation with the BCC's Presiding Member;
- make the Committee Notice Papers and Agenda publicly available [s.5.94(p), s.5.96A(f)], with the exception of agenda content that relates to that part of the meeting which will be closed to members of the public under s.5.23(2), (3), or (4) [Admin.r.14]; and
- make Committee minutes publicly available [s.5.94(n), s.5.96A(h)], with the exception of Minutes content that relates to that part of the meeting which was closed to the public or was determined as confidential under s.5.23(2), (3), or (4).

All BCC meetings are closed to the public in accordance with s.5.23, and no public question time applies.

Quorum

Quorum for a meeting shall be at least 50% of the number of members, whether vacant or not. A decision of the Committee does not have effect unless a simple majority has made it.

The Council may reduce* the number of members required for a quorum at a committee meeting if there would not otherwise be a quorum for the meeting (s5.15 LG Act).

*Absolute majority required.

Delegated Authority

The BCC does not hold delegated authority under the *Local Government Act 1995*. In accordance with legislative amendments, the functions under clauses 12 and 13 of the Model Code are to be performed by Council and are not capable of delegation.

The BCC is a formally appointed committee of Council, established by absolute majority resolution in accordance with clause 14B(2) of the Model Code, and is authorised to perform specified functions on behalf of the local government. The BCC is accountable to Council.

The BCC does not have executive powers beyond those expressly authorised, and does not have any delegated financial or management responsibilities.

The role of the BCC is to consider and determine behaviour complaints in accordance with the Model Code, thereby supporting Council in fulfilling its statutory responsibilities.

The BCC must not exercise authority where a Member present at the meeting is the Complainant or the Respondent in relation to the complaint the subject of the agenda item, or if the complaint has been referred to the Inspector, unless returned under the Inspector Regulations (clause 14B, Code of Conduct), as participation in the handling or outcome of the complaint would be inconsistent with section 5.105(4)(b) of the LG Act.

Document and version control table

Responsible Directorate		CEO	
Contact officer		Senior Governance and Risk Officer	
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1.1	25.09.2025	OM2025/129	Review – updated no. of Crs from 7 to 8
2.0	23.09.2026	OM2026/116	Review to reflect changes to <i>Local Government (Code of Conduct) Regulations 2021</i> and new <i>Local Government (Local Government Inspector) Regulations 2025</i>