

TOWN OF BASSENDEAN

MINUTES

COMPLAINTS COMMITTEE

HELD IN THE COUNCIL CHAMBER, 48 OLD PERTH ROAD, BASSENDEAN
ON TUESDAY 14 SEPTEMBER 2021, AT 6.05PM

1.0 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Director Corporate Services opened the meeting, welcomed all those in attendance and conducted an Acknowledgement of Country.

2.0 ELECTION OF PRESIDING AND DEPUTY PRESIDING MEMBERS

The Director Corporate Services conducted the election of the Presiding Member and Deputy Presiding member under delegated authority of the Chief Executive Officer.

One nomination was received for Presiding Member from Cr Renee McLennan. The Director Corporate Services declared Cr Renee McLennan elected as Presiding Member.

One nomination was received for Deputy Presiding Member from Cr Hilary MacWilliam. The Director Corporate Services declared Cr Hilary MacWilliam elected as Deputy Presiding Member.

3.0 ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

Nil

4.0 ATTENDANCES, APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE

Members

Cr McLennan, Presiding Member
Cr MacWilliam, Deputy Presiding Member
Cr Barty
Cr Hamilton
Cr Quinton

Officers

Joe Baskwell, Complaint Assessor
Paul White, Director Corporate Services
Elizabeth Kania, Manager Governance & Strategy
Amy Holmes, Minute Secretary

Apology

Cr Wilson

5.0 DECLARATIONS OF INTEREST

Nil

6.0 PUBLIC QUESTION TIME

Nil

7.0 CONFIDENTIAL REPORT

Committee Recommendation – Item 7.0(a)
CC – 23/9/21

MOVED Cr Barty, Seconded Cr MacWilliam, that the meeting go behind closed doors in accordance with Section 5.23 of the Local Government Act 1995, the time being 6.06pm.

CARRIED UNANIMOUSLY 5/0

Item No. 7.1	Code of Conduct – Alleged Breach by a Councillor
Property Address (if applicable)	
Landowner/Applicant (if applicable)	
File Ref/ROC	GOVN/COUNCLS/21
Previous Council Reports (if applicable)	
Directorate	Corporate Services
Authority/Discretion <input type="checkbox"/> <input checked="" type="checkbox"/>	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes and policies.

<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input checked="" type="checkbox"/> Quasi-Judicial	When the 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 planning applications, building licences, applications for other permits/licences (eg under <i>Health Act</i> , <i>Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
Attachment No. 2	Code of Conduct for Council Members, Committee Members and Candidates
Confidential Attachment No. 1	Complaint Report with Annexures, Australia Wide Investigations dated 2 September 2021

This matter is to be considered with members of the public excluded from the Chamber under Clause 5.23 (2) (a) of the Local Government Act as the officer report discusses a matter affecting an employee or employees.

Officer Recommendation – Item 7.1

That the Complaints Committee:

1. Finds that the Councillor breached Section 9 (e) of the Code of Conduct;
2. Consults with the Councillor regarding the following action plan:
 - a. That the Councillor make an apology to the CEO at the September 2021 Ordinary Meeting of Council;
 - b. Communication protocols be reviewed in relation to individual Councillors dealing with the Administration; and
 - c. Induction/training for Councillors in relation to the Code of Conduct be reviewed to ensure there is a clear understanding by Councillors to recognise the need to acknowledge and respond to an actual, potential or perceived conflict of interest.

Committee Recommendation – Item 7.1 **CC-2/9/21**

MOVED Cr Quinton, Seconded Cr Barty, that the Complaints Committee:

1. Finds that the Councillor breached Section 9 (e) of the Code of Conduct.
2. Requests the Councillor make an apology to the CEO by 30 September 2021.
3. Requires that Communication protocols, between Councillors and the Administration, be reviewed by the CEO in consultation with Council; and

4. Requires that induction/training for Councillors in relation to the Code of Conduct be reviewed to ensure there is a clear understanding by Councillors to recognise the need to acknowledge and respond to an actual, potential or perceived conflict of interest.

CARRIED UNANIMOUSLY 5/0

Committee Recommendation – Item 7.0(b)
CC – 3/9/21

MOVED Cr Barty, Seconded Cr MacWilliam, that the meeting come from behind closed doors, the time being 7.20pm.

CARRIED UNANIMOUSLY 6/0

8.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

9.0 ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING

Nil

10.0 CLOSURE

There being no further business, the Presiding Member closed the meeting at 7.20pm.