




# City of Rockingham

## MINUTES

### **Behaviour Complaints Committee**

Held on Monday 16 December 2024 at 6:00pm  
City of Rockingham Council Chamber

<b>City of Rockingham</b>		
<b>Behaviour Complaints Committee Meeting</b>		
<b>6:00pm Monday 16 December 2024</b>		
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<p><b>City of Rockingham</b></p> <p><b>Behaviour Complaints Committee Minutes</b></p> <p><b>Monday 16 December 2024 – Council Chamber</b></p>																														
<b>1.</b>	<b>Declaration of Opening</b>																													
	<p>The Mayor declared the Behaviour Complaints Committee meeting open at <b>6:02pm</b> and welcomed all present.</p> <p><b>Acknowledgement of Country</b></p> <p>The Mayor noted that the City of Rockingham acknowledges the Traditional Owners and Custodians of this land, the Binjareb and Whadjuk Nyoongar peoples and their continuing connection to the land, waters and community. We pay our respects to all members of Aboriginal communities and their cultures; and to Elders past and present.</p>																													
<b>2.</b>	<b>Record of Attendance/Apologies/Approved Leave of Absence</b>																													
	<p><b>2.1 Council Members</b></p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Mayor Deb Hamblin</td> <td></td> </tr> <tr> <td>Cr Mike Crichton</td> <td>Baldivis Ward</td> </tr> <tr> <td>Cr Kelly Middlecoat</td> <td>Baldivis Ward</td> </tr> <tr> <td>Cr Brett Wormall</td> <td>Baldivis Ward</td> </tr> <tr> <td>Cr Robert Schmidt</td> <td>Comet Bay Ward</td> </tr> <tr> <td>Cr Craig Buchanan, JP</td> <td>Rockingham/Safety Bay Ward</td> </tr> <tr> <td>Cr Peter Hudson</td> <td>Rockingham/Safety Bay Ward</td> </tr> <tr> <td>Cr Caroline Hume</td> <td>Rockingham/Safety Bay Ward</td> </tr> <tr> <td>Cr Dawn Jecks</td> <td>Rockingham/Safety Bay Ward</td> </tr> <tr> <td>Cr Mark Jones</td> <td>Rockingham/Safety Bay Ward</td> </tr> <tr> <td>Cr Leigh Liley</td> <td>Rockingham/Safety Bay Ward</td> </tr> </table> <p><b>2.2 Executive</b></p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Mr Michael Parker</td> <td>Complaints Officer / Chief Executive Officer</td> </tr> <tr> <td>Mr Jim Olynyk, JP</td> <td>Complaints Officer / Manager Governance and Councillor Support</td> </tr> </table> <p><b>2.3 Members of the Gallery:</b> Nil</p> <p><b>2.4 Apologies:</b></p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Cr Lorna Buchan, Deputy Mayor</td> <td>Comet Bay Ward</td> </tr> </table> <p><b>2.5 Approved Leave of Absence:</b> Nil</p>		Mayor Deb Hamblin		Cr Mike Crichton	Baldivis Ward	Cr Kelly Middlecoat	Baldivis Ward	Cr Brett Wormall	Baldivis Ward	Cr Robert Schmidt	Comet Bay Ward	Cr Craig Buchanan, JP	Rockingham/Safety Bay Ward	Cr Peter Hudson	Rockingham/Safety Bay Ward	Cr Caroline Hume	Rockingham/Safety Bay Ward	Cr Dawn Jecks	Rockingham/Safety Bay Ward	Cr Mark Jones	Rockingham/Safety Bay Ward	Cr Leigh Liley	Rockingham/Safety Bay Ward	Mr Michael Parker	Complaints Officer / Chief Executive Officer	Mr Jim Olynyk, JP	Complaints Officer / Manager Governance and Councillor Support	Cr Lorna Buchan, Deputy Mayor	Comet Bay Ward
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<b>3.</b>	<b>Terms of Reference</b>																													
	<p>To deal with complaints under the Council Policy – Code of Conduct Complaints Management Process.</p> <p>The following authority has been delegated to the Behaviour Complaints Committee in respect to a complaint related to the City of Rockingham Code of Conduct for Council Members, Committee Members and Candidates –</p> <p>(1) Authority to make a finding as to whether an alleged breach the subject of a complaint has or has not occurred, based upon evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur <i>[MCC r.12(1) and (3)]</i>.</p>																													

	<p>In making any finding the Committee must also determine reasons for the finding [MCC.r.12(7)].</p> <p>(1) Authority to make a finding as to whether an alleged breach the subject of a complaint has or has not occurred, based upon evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur [MCC r.12(1) and (3)].</p> <p>In making any finding the Committee must also determine reasons for the finding [MCC.r.12(7)].</p> <p>(2) Where a finding is made that a breach has occurred, authority to:</p> <p>(a) take no further action [MCC.r.12(4(a)); or</p> <p>(b) prepare and implement a plan to address the behaviour of the person to whom the complaint relates [MCC.r.12(4)(b), (5) and (6)].</p> <p>(3) Authority to dismiss a complaint and if dismissed, the Committee must also determine reasons for the dismissal [MCC.r.13(1) and (2)].</p> <p><u>Conditions of Delegation</u></p> <p>(a) The Committee will make decisions in accordance with the principles and specified requirements established in Council Policy – Code of Conduct Complaints Management Process.</p> <p>(b) That part of a Committee meeting which deals with a Complaint will be held behind closed doors in accordance with s5.23(2)(b) of the Local Government Act 1995.</p> <p>(c) A Council Member is ineligible to perform the role of Committee Member and cannot be in attendance at that part of a meeting which deals with a complaint in which that Council Member is a Complainant, Respondent or otherwise subject to the complaint. The Committee is prohibited from exercising this Delegation in respect to a complaint forming part of the Committee agenda where a Committee Member in attendance at a Committee meeting is either the Complainant or Respondent or otherwise subject to the Complaint.</p> <p>(d) In the event of (c) above, the Committee may resolve to defer consideration to a future meeting at which the conflicted Committee Member is absent.</p> <p><u>Note to Conditions (c) and (d):</u> The purpose of this Condition is to require that a Committee Member who is identified as either the Complainant or Respondent (or subject to a complaint) is required to recuse themselves by notifying the Presiding Member of their intention to be absent for the part of the meeting at which the Complaint is dealt with.</p>
<p><b>4.</b></p>	<p><b>Responses to Previous Public Questions Taken on Notice</b></p>
	<p>Nil</p>
<p><b>5.</b></p>	<p><b>Public Question Time</b></p>
	<p><b>6:04pm</b> The Chairperson opened Public Question Time and invited members of the Public Gallery to ask questions. The Chairperson noted that this was the only opportunity in the meeting for the public to ask questions.</p> <p>There were none.</p>
<p><b>6.</b></p>	<p><b>Applications for Leave of Absence</b></p>
	<p>Nil</p>

<b>7.</b>	<b>Confirmation of Minutes of the Previous Meeting</b>
	<p><b>Moved Cr Liley, seconded Cr Jones:</b></p> <p>That Council <b>CONFIRMS</b> the Minutes of the Behaviour Complaints Committee meeting held on 31 August 2021, as a true and accurate record.</p> <p style="text-align: right;"><b>Carried – 11/0</b></p>
<b>8.</b>	<b>Matters Arising from Minutes of Previous Meeting</b>
	Nil
<b>9.</b>	<b>Declarations of Members and Officers Interests</b>
	<p>The Chairperson asked if there were any interests to declare.</p> <p>There were none.</p>
<b>10.</b>	<b>Matters Behind Closed Doors</b>

**Moved Cr Buchanan, seconded Cr Schmidt:**

That Behaviour Complaints Committee **CLOSES** the meeting to the members of the gallery in accordance with Section 5.23(2)(b) and (f)(i) of the *Local Government Act 1995* to allow the Committee to discuss Confidential Item BC-001/24 Code of Conduct Behaviour Complaint 02/2024.

**Carried – 11/0**

**6:05pm** The Chairperson requested that members of the gallery depart the meeting.  
The meeting resumed behind closed doors.

**CONFIDENTIAL ITEM**

Section 5.95(3) *Local Government Act 1995* (Act)

This item may be discussed behind closed doors as per  
Section 5.23(2)(b) and (f)(i) of the Act

Behaviour Complaints Committee		
<b>Report number / title:</b>	<b>BC-001/24</b>	<b>Code of Conduct Behaviour Complaint 02/2024</b>
File number:	CPM/231	
Proponent/s:		
Author:	Mr Jim Olynyk, Manager Governance and Councillor Support/ Complaints Officer	
Other Contributor/s:		
Date of Committee meeting:	16 December 2024	
Previously before Council:		
Disclosure of Interest:		

Nature of Council's role:	Executive (Decision through Delegated Authority)
Attachments:	<ol style="list-style-type: none"><li>1. Attachment - City of Rockingham Code of Conduct for Council Members, Committee Members and Candidates</li><li>2. Confidential Attachment – Assessment Complaint Report</li><li>3. Confidential Attachment – Complaint Form</li><li>4. Confidential Attachment – Email to the Respondent dated 1 November 2024</li></ol>
Maps/Diagrams:	
Site:	
Lot Area:	

### Purpose of Report

To determine Behaviour Complaint 02/2024 in accordance with the requirements of Council Policy - Code of Conduct Complaints Management (**Policy**).

### Voting Requirements

Simple Majority

### Officer Recommendation

That the Behaviour Complaints Committee:

1. **MAKES** a finding that in respect to Behaviour Complaint 02/2024 the alleged breach the subject of the Complaint has not occurred.
2. **DETERMINES** that no further action be taken in relation to Complaint 02/2024.
1. **PROVIDES** written notice to the Complainant and the Respondent of the Finding and the reasons for the Finding in accordance with clause 12(7) (a) of the City of Rockingham Code of Conduct for Council Members, Committee Members and Candidates.

### Behaviour Complaints Committee Resolution

**Moved Cr Liley, seconded Cr Jecks:**

That the Behaviour Complaints Committee:

1. **MAKES** a finding that in respect to Behaviour Complaint 02/2024 the alleged breach the subject of the Complaint has not occurred.
2. **DETERMINES** that no further action be taken in relation to Complaint 02/2024.
3. **PROVIDES** written notice to the Complainant and the Respondent of the Finding and the reasons for the Finding in accordance with clause 12(7) (a) of the City of Rockingham Code of Conduct for Council Members, Committee Members and Candidates.

**Carried – 11/0**

### The Committee's Reason for Varying the Complaints Officer Recommendation

Not Applicable

**Moved Cr Jecks, seconded Cr Schmidt:**

That the Behaviour Complaints Committee **OPENS** the meeting to the members of the gallery.

**Carried – 11/0**

**6:08pm** The Mayor invited members of the gallery to rejoin to the Behaviour Complaints Committee meeting and read aloud the Committee's Resolution adopted behind closed doors.

<b>11.</b>	<b>Date and Time of Next Meeting</b>
	The next meeting of the Behaviour Complaints Committee will be held at a date and time to be advised.
<b>12.</b>	<b>Closure</b>
	There being no further business, the Mayor thanked those persons present for attending the Behaviour Complaints Committee meeting, and declared the meeting closed at <b>6:09pm</b> .