

Shire of Esperance

BEHAVIOUR COMPLAINTS COMMITTEE

TUESDAY 6 MAY 2025

MINUTES



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ETHICAL DECISION MAKING AND CONFLICTS OF INTEREST

Council is committed to a code of conduct and all decisions are based on an honest assessment of the issue, ethical decision-making and personal integrity. Councillors and staff adhere to the statutory requirements to declare financial, proximity and impartiality interests and once declared follow the legislation as required.

ATTACHMENTS

Please be advised that in order to save printing and paper costs, all attachments referenced in this paper are available in the original Agenda document for this meeting.

RECORDINGS

The Meeting will be live streamed. The recording will be made publicly available as soon as practical following the meeting.

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SHIRE OF ESPERANCE

MINUTES

**BEHAVIOUR COMPLAINTS COMMITTEE MEETING HELD IN COUNCIL MEETING
ROOM ON 6 May 2025
COMMENCING AT 10:30 AM**

1. OFFICIAL OPENING

The Chief Executive Officer declared the meeting open at 10:35am.

2. ATTENDANCE

Members

Pres. R Chambers	Shire President	Shire of Esperance
Cr J Obourne	Deputy Shire President	Shire of Esperance (Presiding Member)
Cr C Davies		Shire of Esperance
Cr L de Haas		Shire of Esperance
Cr S McMullen		Shire of Esperance (Deputy)

Shire Officers

Mr S Burge	Chief Executive Officer
Mrs F Baxter	Director Corporate & Community Services

Guests

Mr J Baskwell	Australia Wide Investigations (AWI)
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3. APOLOGIES & NOTIFICATION OF GRANTED LEAVE OF ABSENCE

Cr S Starcevich

4. APPOINTMENT OF COMMITTEE CHAIR

The Chief Executive Officer called for nominations for the position of Committee Chair, one (1) nomination was received from Cr Obourne.

MOTION

Moved: Pres Chambers
Seconded: Cr de Haas

BCC0525-074

That Cr Obourne be elected as chair for the Behaviour Complaints Committee.

**CARRIED
F5- A0**

For: Pres Chambers, Cr de Haas, Cr McMullen, Cr Davies, Cr Obourne

Cr Obourne took the chair.

5. DECLARATION OF MEMBERS INTERESTS

5.1 Declarations of Financial Interests – Local Government Act Section 5.60a

Nil

5.2 Declarations of Proximity Interests – Local Government Act Section 5.60b

Nil

5.3 Declarations of Impartiality Interests – Admin Regulations Section 34c

Nil

6. CONFIRMATION OF MINUTES

Nil

7. NEW BUSINESS OF AN URGENT NATURE

Nil

8. MATTERS REQUIRING A DETERMINATION OF COMMITTEE

Nil

9. MATTERS BEHIND CLOSED DOORS

Officer's Comment:

It is recommended that the meeting is behind closed doors for the following item, in accordance with section 5.23(2) of the Local Government Act 1995.

Moving behind closed doors

Moved: Pres Chambers

Seconded: Cr de Haas

BCC0525-075

That the meeting proceed behind closed doors in accordance with section 5.23(2) of the Local Government Act 1995, to consider the following items, which are considered confidential for the reasons indicated.

9.1 Behavioural Complaint - Review of Assessor's Finding

This report is considered confidential in accordance with the Local Government Act 1995, as it relates to the personal affairs of any person (Section 5.23(2)(b)).

CARRIED

F5 - A0

For: Pres Chambers, Cr de Haas, Cr McMullen, Cr Davies, Cr Obourne

SUSPENSION OF STANDING ORDERS

Moved: Pres Chambers

Seconded: Cr de Haas

BCC0525-076

That Standing Orders be suspended to allow for open discussion regarding the confidential item.

CARRIED

F5 - A0

For: Pres Chambers, Cr de Haas, Cr McMullen, Cr Davies, Cr Obourne

RESUMPTION OF STANDING ORDERS

Moved: Cr Davies

Seconded: Pres Chambers

BCC0525-077

That Standing Orders be resumed.

CARRIED

F5 - A0

For: Pres Chambers, Cr de Haas, Cr McMullen, Cr Davies, Cr Obourne

9.1 Behavioural Complaint - Review of Assessor's Finding

Officer's Recommendation

That the Committee discourage Councillor Johnston from referring to herself as being a Councillor by including a disclaimer on all her social posts.

MOTION

Moved: Pres Chambers

Seconded: Cr de Haas

BCC0525-078

That the Behavioural Complaints Committee

- 1. Determine that Councillor Johnston breached the Shire's Elected Member Social Media Policy 0050**
- 2. Require that Councillor Johnston follow the Shire of Esperance Elected Member Social Media Policy 0050 when referring to herself as a Councillor.**

CARRIED

F5 - A0

For: Pres Chambers, Cr de Haas, Cr McMullen, Cr Davies, Cr Obourne

Reason: The committee wanted to acknowledge there was a breach of the policy and align the wording with current policies.

9.2 Code of Conduct Behaviour Complaints Management Policy 0048

Moved: Pres Chambers

Seconded: Cr Davies

BCC0525-079

That the Behavioural Complaints Committee recommends that Council review the Code of Conduct Behaviour Complaints Management Policy 0048 to include external consultants to substitute the Complaints Officer for Behavioural Code of Conduct Breaches.

CARRIED

F5 - A0

For: Pres Chambers, Cr de Haas, Cr McMullen, Cr Davies, Cr Obourne

Coming from behind closed doors

Moved: Pres Chambers

Seconded: Cr McMullen

BCC0525-080

That the meeting come from behind closed doors.

CARRIED

F5 - A0

For: Pres Chambers, Cr de Haas, Cr McMullen, Cr Davies, Cr Obourne

The Presiding Member read aloud the above Resolutions;

10. CLOSURE

The Presiding Member declared the meeting closed at 11:40am.

These Minutes were confirmed at a meeting held on _____

Signed _____

Presiding Member at the meeting at which the Minutes were confirmed.

Dated _____