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|  | <h2 style="text-align: center;">Complaints Committee<br/>Terms of Reference</h2> |
| <p><b>Key Focus Area</b><br/>Leadership and Governance</p>                        | <p><b>Relevant Council Delegation</b><br/>DA 1.1 Complaints Committee</p>        |

### Objective

1. To establish Terms of Reference for the Complaints Committee of the Town of Claremont.

### Committee Functions

2. The Complaints Committee has been established in accordance with section 5.8 of the *Local Government Act 1995 (the Act)* for the purpose of dealing with Behaviour Complaints made under Division 3 of the Town of Claremont’s Code of Conduct for Council Members, Committee Members and Candidates (**Code of Conduct**).
3. The extent of authority provided to the Complaints Committee is specified in Delegated Authority DA 1.1 and is limited by any conditions of the Delegated Authority.
4. The Complaints Committee will assist Council in discharging its legislative responsibilities in dealing with Complaints received under Division 3 of the Code of Conduct.
5. The Complaints Committee must follow all legislative requirements including those set out in the Code of Conduct, the Act and associated Regulations.
6. In dealing with complaints about alleged breaches of the Code of Conduct, the Complaints Committee is to follow the procedure set out in Council Policy LG541 Complaints Against Council Members, Committee Members and Candidates.
7. The Complaints Committee is to:
  - a. comply with principles of procedural fairness and natural justice.
  - b. take all reasonable steps to ensure complaints are dealt with efficiently, cost effectively and in a timely manner.
  - c. take all reasonable steps to maintain confidentiality when dealing with a complaint.

### Committee Membership

8. Following each biennial local government election, Council will appoint members to the Complaints Committee.
9. Membership of the Complaints Committee will comprise of the Complaints Officer (Chief Executive Officer) and a minimum of two (2) Council Members.

10. If the Complaints Officer is an employee other than the Chief Executive Officer and is an employee of the Town, the Complaints Officer will not have voting rights and will assist as an administrative member of the Complaints Committee. In this instance, the Complaints Committee is to consist of a minimum of three (3) Council Members to ensure compliance with section 5.8 of the Act.
11. In addition, at least 2 Council Members will be appointed as Deputy Committee Members in accordance with section 5.11A of the Act.
12. Membership to the Complaints Committee will be for a period of two years coinciding with biennial local government elections(section 5.11A of the Act).
13. At the first meeting following each biennial local government election, the members of the Complaints Committee will elect a Presiding Member from amongst themselves in accordance with section 5.12(1) of the Act.
14. If a Committee Member is identified in a Complaint as either the Complainant or the Respondent, they are to recuse themselves from the Complaints Committee's function in relation to the complaint by providing an apology. The Committee Member is to be replaced by a Deputy Committee Member selected by the Presiding Member.

### Meetings

15. All meetings of the Complaints Committee are to be conducted in accordance with the *Local Government Act 1995*, its associated Regulations and the *Town of Claremont Meeting Procedures Local Law 2018*.
16. The Complaints Committee is not required to meet in the absence of any Complaint(s).
17. Complaints Committee Meetings are to be scheduled by the Complaints Officer in consultation with the Presiding Member.
18. Quorum for a meeting of the Complaints Committee shall be at least 50% of the number of Committee Members (whether any positions are vacant or not) in accordance with section 5.19 of the Act.
19. The Order of Business for Committee Meetings will include public question and statement time to allow for interested parties to make submissions to or ask questions of the Complaints Committee in accordance with Regulation 5 of the *Local Government (Administration) Regulations 1996*.
20. The part of a Complaints Committee meeting which deals with a Complaint will be held behind closed doors in accordance with section 5.23(2) of the Act.
21. Minutes and Agendas of Complaints Committee Meetings will be made publicly available with the exception of content relating to the part of the meeting closed to members of the public under section 5.23(2) of the Act.

## Reporting

22. All decisions made at a meeting of the Complaints Committee are to be documented in the minutes which are to be tabled and considered at the next Ordinary Council Meeting or, if that is not practicable:
- a. At the first Ordinary Council Meeting after that meeting; or
  - b. At a special meeting called for that purpose.

| Document Control Box    |   |                 |      |                    |            |
|-------------------------|---|-----------------|------|--------------------|------------|
| <b>Business Unit</b>    | Governance  |                 |      |                    |            |
| <b>Legislation</b>      | <i>Local Government Act 1995</i><br><i>Local Government (Model Code of Conduct) Regulations 2021</i><br><i>Town of Claremont Meeting Procedures Local Law 2018</i>  |                 |      |                    |            |
| <b>Organisational</b>   | Council Policy LG541 Complaints Against Council Members, Committee Members and Candidates<br>Delegated Authority DA 1.1 Complaints Committee<br>Town of Claremont Code of Conduct for Council Members, Committee Members and Candidates |                 |      |                    |            |
| <b>Review Frequency</b> | Annual  | <b>Next Due</b> | 2025 | <b>Records Ref</b> | D-21-17790 |
| <b>Version #</b>        | <b>Decision Reference:</b>  | <b>Date</b>     |      | <b>Reference</b>   |            |
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| 2.                      | Reviewed  | 29 August 2023  |      | 107/23             |            |