

	<h2 style="margin: 0;">Complaints Committee</h2> <h3 style="margin: 0;">Terms of Reference</h3>
<p>Key Focus Area Leadership and Governance</p>	<p>Relevant Council Delegation DA 57</p>

Objective

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

Committee Function

2. The Complaints Committee has been established in accordance with s 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 57 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. The Complaints Committee will
 - 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

7. Membership of the Complaints Committee will comprise of the Complaints Officer, Chief Executive Officer and a minimum of 2 Elected Members, appointed by Council in accordance with sections 5.10 of the Act.
8. If the Complaints Officer is not 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.

9. In addition, at least 2 Elected Members will be appointed as Deputy Committee Members in accordance with section.5.11A of the Act.
10. Membership to the Complaints Committee will be in accordance with section 5.11A of the Act.
11. An Elected Member will be appointed as the Presiding Member by simple majority of the Complaints Committee in accordance with section 5.12 of the Act.
12. If a Committee Member is identified in the Complaint as either the Complainant or the Respondent, they are to recuse themselves from the Complaints Committee's Function by providing an apology. The Committee Member is to be replaced for the duration of the handling of the Complaint by:
 - a. A Deputy Committee Member selected by the Chairperson in the event that one Committee Member recuses themselves; or
 - b. Both Deputy Committee Members in the event that more than one Committee Member recuses themselves.

Voting

13. Quorum is in accordance with section 5.19 of the Act.
14. All Committee Members have full voting rights.
15. All decisions of the Complaints Committee shall be made on the basis of a simple majority decision of the members present.

Meeting

16. All meetings of the Complaints Committee are to be conducted in accordance with the *Local Government Act 1995* and associated Regulations.
17. The Complaints Committee is not required to meet in the absence of any Complaint/s.
18. Complaints Committee Meetings are to be scheduled by the Chief Executive Officer or the Complaints Officer in consultation with the Chairperson.
19. Committee Meetings will include public question and statement time to allow for interested parties to make submissions to and 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 that relates to part of the meeting which will be 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.

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