

COMPLAINTS COMMITTEE TERMS OF REFERENCE

KEY FOCUS AREA LEADERSHIP AND GOVERNANCE

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 considering and making recommendations to Council in relation to 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 Complaints Committee has no Delegated Authority. All decisions are to be made by Council.
4. The role of the Complaints Committee is to assist Council in discharging its legislative responsibilities by recommending:
 - That a complaint be dismissed;
 - that consideration of the complaint be deferred pending the outcome of another investigation or process;
 - that a breach has occurred; or
 - that no breach has occurred.
5. The Complaints Committee must follow all legislative requirements including those set out in the Code of Conduct, the Act and associated Regulations.
6. When considering 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 ordinary local government election, Council will appoint members to the Complaints Committee for a two-year term including a Presiding Member and if considered appropriate, a Deputy Presiding Member.
9. Membership of the Complaints Committee will comprise of a minimum of three (3) Council Members to ensure compliance with section 5.8 of the Act.
10. In addition, at least 2 Council Members will be appointed as Deputy Committee Members.
11. 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. That Committee Member is to be replaced by a Deputy Committee Member.

MEETINGS

12. All meetings of the Complaints Committee are to be conducted in accordance with the Act, its associated Regulations and the *Town of Claremont Meeting Procedures Local Law 2018*.
13. The Complaints Committee is not required to meet in the absence of any Complaint(s).
14. Complaints Committee Meetings are to be scheduled by the Chief Executive Officer in consultation with the Presiding Member.
15. A 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.
16. Meetings of the Complaints Committees are to be open to the public. 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.
17. 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

18. All recommendations from the Complaints Committee are to be 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					
Business Unit:	Governance				
Organisational:					
Review Frequency:	Biannual	Next Due:	2025	Records Ref:	D-17-25121
Version #	Decision Reference:	Date:		Reference:	
1.	Adopted	17 October 2017		150/17	
2.	Reviewed	15 October 2019		142/19	
3.	Reviewed	15 June 2021		073/21	
4.	Reviewed	29 August 2023		107/23	
5.	Amended	28 October 2025		158/25	
6.	Amended	25 August 2026		119/26	