

These Terms of Reference apply exclusively to the City of Melville Conduct Committee which is a formal committee established under section 5.8 of the *Local Government Act 1995* (“the Act”).

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## **PREAMBLE**

Appropriate conduct and behaviour of Elected Members is pertinent to the effectiveness of the governance of the City’s affairs, including Council and Council committee meetings.

The Council has resolved by absolute majority to establish the City of Melville Conduct Committee (“Committee”) in accordance with the terms of these Terms of Reference.

## **COMMITTEE FUNCTION**

The Conduct Committee is a Committee of the Council established in accordance with s5.8 of the *Local Government Act 1995* (*the Act*) for the purpose of dealing with Behaviour Complaints made under Division 3 of the City of Melville Code of Conduct for Elected Members, Committee Members and Candidates (Code of Conduct).

The purpose of the Conduct Complaints Committee is to recommend to the Council:

- that a Conduct Complaint be dismissed in accordance with clause 13(1) of the Code of Conduct, and provide the reasons for doing so; or
- that a Finding be made as to whether an alleged complaint (breach) has or has not occurred, based on the evidence submitted with the complaint and the response from the person who the complaint relates to, and provide the reasons for doing so; and

Where a Finding is made that a breach has occurred, the Committee must make a recommendation to the Council to:

- take no further action, and provide the reasons for doing so; or
- outline a plan to be implemented, in accordance with clause 12(4)(b) of the Code of Conduct, to address the conduct of the person to whom the complaint relates to, and provide the reasons for doing so.

## **MEMBERSHIP**

The Committee is a Committee of Council Members (only) in accordance with s.5.9(2)(a) of *the Act*. Membership of the Committee will comprise the Mayor and six Elected Members, one from each Ward, appointed by the Council in accordance with s.5.10 of *the Act*. In addition, Deputy Committee Members, one from each Ward, will be appointed by the Council in accordance with s.5.11A of *the Act*:

- (i) if an appointed Committee Member is either a complainant or a respondent to a Complaint being dealt with by the Committee, or is otherwise materially implicated in such a Complaint or other matter under consideration by the Committee, they are to recuse themselves from the Committee’s deliberations on that matter and are to be replaced during and with respect to such deliberations by their designated Deputy Committee Member, or if such Deputy Committee Member is also materially implicated or conflicted, then by another Deputy Committee Member selected by the majority of the Committee Members.
- (ii) if a Committee Member is unable or unwilling to attend any Committee meeting, then that Committee Member’s designated Deputy Committee Member (or if such Deputy Committee Member is also unable or unwilling to attend such Committee meeting, then another Deputy Committee Member selected by the majority of the Committee Members.

	Member	Deputy
<b>Mayor</b>		
<b>Elected Member</b>		
<b>Elected Member</b>		
<b>Elected Member</b>		
<b>Elected Member</b>		
<b>Elected Member</b>		
<b>Elected Member</b>		

There is no external membership associated with this Group.

#### **TERM OF MEMBERSHIP**

- (a) Each Committee Member's and Deputy Committee Member's term of Membership of the Committee will be for one year, expiring in October each year. The new Committee will be appointed by absolute majority decision
- (b) The Council may by absolute majority resolve the composition of the Committee effective from the expiry date of the term of the existing Committee incumbents. Retiring Committee Members and their Deputy Committee Members are eligible for reappointment.

#### **PRESIDING MEMBER**

The Committee Members shall elect a Presiding Member and a Deputy Presiding Member from the Committee membership as required. In the circumstance that the Presiding Member and the Deputy Presiding Member are not available, the Committee shall elect a Presiding Member from the Committee Members available.

#### **MEETING SCHEDULE**

Meetings are to be called as determined by the Committee Presiding Member, or on the motion of 2 Committee members, in consultation with the CEO.

#### **DELEGATED AUTHORITY**

There is no delegated authority (under s5.16 of *the Act*) associated with this Committee.

#### **COMMITTEE GOVERNANCE**

- (a) Committee meetings will be convened by the CEO, as required by the Meeting Schedule above;
- (b) Committee deliberations will be resolved by simple majority vote with each Committee member being entitled to one vote. The Presiding Member of the Committee will not have a casting vote in addition to his/her deliberative vote in the case of an equality of votes for and against a motion.
- (c) A quorum for the Committee is 7.

#### **ADMINISTRATION**

City officers under the direction of the CEO will:

- be responsible for coordinating meetings;
- circulate an agenda before each Committee meeting to Committee Members;
- be available to take minutes of the meeting (except for such periods as they may be invited by resolution of the Committee for the meeting to be held without City officers present) and register such Minutes in the City's Document Management System.