



City of Salisbury Values: Respectful, Accountable, Collaborative, Helpful

## Behavioural Management Policy

Adopted by:	Council
Responsible Division:	CEO & Governance
First Issued/Adopted:	23 August 2022
Last Reviewed:	26 February 2024
Next Review Date:	February 2027

### 1 Purpose

- 1.1. This Behavioural Management Policy (this Policy) has been prepared and adopted pursuant to section 262B of the *Local Government Act 1999*.
- 1.2. This Policy forms part of the Behavioural Management Framework for council members and sets out the approach to the management of complaints about the behaviour of council members. It sets out the process to be followed where there has been a complaint alleging a breach of the Behavioural Standards for Council Members, this Policy or any Behavioural Support Policy adopted by the Council (*the behavioural requirements*).

## 2 Scope

- 2.1 The person responsible for managing complaints is responsible under this Policy to:
  - 2.1.1 Perform the tasks bestowed upon the person responsible for dealing with a complaint pursuant to this Policy;
  - 2.1.2 In consultation with the Chief Executive Officer, facilitate access to resources to support impacted parties and resolve the concerns raised in a timely manner prior to the matter becoming serious, or escalating to a formal complaint;
  - 2.1.3 In consultation with the Chief Executive Officer, engage external resources to assist with investigation and resolution of matters.
- 2.2 The Chief Executive Officer (or delegate) is responsible under this Policy to:
  - 2.2.1 Manage the administrative receipt, acknowledgment, record keeping and allocation of complaint lodged in accordance with this Policy.
  - 2.2.2 Facilitate access to external resources to the resolution of complaints lodged in accordance with this Policy.
- 2.3 The Behavioural Standards Panel Contact Officer (appointed by the Council) is responsible under this Policy to:
  - 2.3.1 Comply with any lawful request of the Panel for information relate to a matter under consideration;
  - 2.3.2 Receive and respond to notices relating to matters under consideration by the Panel.
- 2.4 Where the Behavioural Standards Panel Contact Officer is not the Chief Executive Officer, the Contact Officer should keep the Chief Executive Officer informed of the status of matters under consideration by the Panel.

## 3 Legislative Requirements and Corporate Policy Context

*Independent Commission Against Corruption Act 2012*

*Local Government Act 1999*

*Ombudsman Act 1972*

*Public Interest Disclosure Act 2018*

#### 4 Interpretation/Definitions

***The Act*** – means the Local Government Act 1999.

***Behavioural Requirements*** – in this Policy it refers collectively and individually to the Behavioural Standards for Council Members, this Policy and any Behavioural Support Policy adopted by the Council from time to time.

***Behavioural Management Panel*** – means the Behavioural Management Panel established pursuant to section 262F of the Local Government Act 1999.

***Behavioural Standards for Council Members*** – refers to the Behavioural Standards for Council Members established by the Minister for Local Government, and published as a notice in the SA Government Gazette, specifying standards of behaviour to be observed by members of councils; and providing for any other matter relating to behaviour of members of councils.

***Frivolous*** – includes without limitation, a matter of little weight or importance, or lacking in seriousness.

***GC Committee*** – means the Governance and Compliance Committee established by the Council pursuant to Section 41 of the Act.

***Misbehaviour*** – Is defined in section 262E of the Act as:

- (a) A failure by a member of a council to comply with a requirement of the council under section 262C (1); or
- (b) A failure by a member of a council to comply with a provision of, or a requirement under, the council's behavioural management policy; or
- (c) A failure by a member of a council to comply with an agreement reached following mediation, conciliation, arbitration or other dispute or conflict resolution conducted in relation to a complaint under Division 1.

***person responsible for managing the complaint*** – subject to any resolution of the Council to the contrary –

- (a) the Mayor;
- (b) if the complaint related to or involves the Mayor, the Deputy Mayor;
- (c) if the complaint related to or involves the Mayor and Deputy Mayor, the Chair of the Governance and Compliance Committee or another Council member appointed by Council.

***PID Act*** – means the Public Interest Disclosure Act 2016.

***Repeated misbehaviour*** – is defined in section 262E of the Act as a second or subsequent failure by a member of a council to comply with Chapter 5 Part 4 Division 2 of the Act.

***Serious misbehaviour*** – is defined in section 262E of the Act as a failure by a member of a council to comply with section 75G of the Act (Health and Safety duties)

***Trivial*** – includes without limitation, a matter of little worth or importance; that is trifling; or insignificant.

***Vexatious*** – includes a matter raised without reasonable grounds or for the predominate purpose of causing annoyance, delay or detriment, or other wrongful purpose.

## 5 Policy Statements

- 5.1 Nothing in the Policy is intended to prevent council members from seeking to resolve disputes and complaints in a proactive, position and courteous manner before they are escalated.
- 5.2 The following principles will apply:
  - 5.2.1 Where a Council member considers there has been behaviour that is inconsistent with the behavioural requirement, a Council member may, but is not required to, in appropriate circumstances, seek to respectfully and constructively raise the issue with the member concerned, rather than lodging a complaint under this Policy;
  - 5.2.2 If a matter proceeds to a complaint, all council members will continue to comply with the procedures set out in this Policy;
  - 5.2.3 A consistent and fair approach to the assessment, investigation and resolution of complaints will be adopted to facilitate timely and efficient resolution of complaints and minimisation of costs;
  - 5.2.4 Where required, Council may engage the assistance of skilled advisors and support persons in the assessment, investigation and resolution of complaints and avoid adopting an unreasonably legalistic approach.
  - 5.2.5 Ongoing training and relevant resources will be provided to all Council members to ensure they have the skills and knowledge necessary to perform their role in accordance with the behavioural requirements and the Act.
  - 5.2.6 Training and relevant support will be provided to persons with specific obligations under this Policy to facilitate the management, reporting and resolution of complaints alleging a breach of the behavioural requirements.
- 5.3 Council will manage complaints under this Policy with as little formality and technicality and with as much expedition as the requirements of the matter and the Act allow and with proper consideration of the matter. Council is not bound by rules of evidence but will inform itself in the manner considered most appropriate given the nature of the complaint.

## 5.4 The Complaint Management Process

### Introduction

- 5.4.1 This Policy sets out the procedures for dealing with a complaint alleging a breach of the behavioural requirements. This Policy does not apply to complaints about Council employees or the Council as a whole.
- 5.4.2 Members of the public can lodge a complaint with the Council in accordance with this Policy but cannot lodge a complaint directly with the Behavioural Standards Panel.

### Dispute versus Complaint

- 5.4.3 It is important to distinguish between a dispute and a complaint. A dispute generally a difference of opinion or disagreement between two parties. It may involve a heated discussion or some other unsatisfactory exchange between parties but may not amount to conduct inconsistent with the behavioural requirements. Ideally disputes will be handled directly by the parties involved and will not escalate to a complaint requiring action (even informal action) under this Policy. The Mayor (or another person) may play a role in facilitating a resolution to a dispute.
- 5.4.4 This Policy is intended to deal with matters where conducted is alleged to have been inconsistent with the behavioural requirements, rather than where members of council have differences of opinion, even when robustly put.

## Confidentiality

- 5.4.5 Other than as provided for in this Policy, complaints made in accordance with this Policy will be managed on a confidential basis as far as reasonably practicable until such a time as they are reported to Council in a public meeting in accordance with this Policy or are otherwise lawfully made public.
- 5.4.6 A complainant may request their identity be withheld from the Council member the subject of their complaint and this request will be considered by the person responsible for managing the complaint who may determine that the complainant's identity will not be disclosed to the Council member the subject of the complaint. If the person responsible for managing the complaint determines it is necessary to disclose the complainant's identity to the Council member the subject of the complaint to ensure that the complaint can be properly investigated the complainant will be advised before their identity is disclosed to the Council member.
- 5.4.7 If the person responsible for managing the complaint is unclear as to whether or not the complainant requests their identity not be disclosed to the Council member the subject of the complaint, clarification may be sought from the complainant.
- 5.4.8 The person responsible for managing the complaint will consult with, as relevant, the Mayor, the Deputy Mayor and the Chair and Deputy Chair of the GC Committee (unless the complaint involves one or more of those persons in which case such person(s) will not be consulted) before making a determination pursuant to paragraph 5.9 of this Policy;
- 5.4.9 Anonymous complaints will not be dealt with unless the person responsible for managing the complaint determines after consulting with, as relevant, the Mayor, Deputy Mayor and the Chair and Deputy Chair of the GC Committee that, in all the circumstances of the case it is proper to deal with the complaint.

Information relating to complaints may be disclosed to:

- The parties to the complaint in accordance with this Policy;
- Those persons or bodies involved in the complaint management process as set out in this Policy or providing support or assistance to such persons or bodies;
- Any other person or body the Council is authorised or required to disclose the information to.

5.4.10 A person who obtains information about a complaint under this Policy (including the complainant and the person complained about) must not directly, or indirectly disclose to any person that information except:

- For the purpose of dealing with the complaint;
- Where required by law;
- For the purpose of obtaining legal advice or legal representation, or medical or psychological assistance from a medical practitioner, psychologist or counsellor
- Where the disclosure is made to a person or body involved in the complaint management process as set out in this Policy or providing support or assistance to such person or bodies;
- Where the information has lawfully been made public or this Policy otherwise authorises or requires the disclosure of the information.

5.4.11 For the avoidance of doubt, this Policy is not intended to be inconsistent with the PID Act and to extent of any inconsistency between the PID Act and this Policy, the PID Act will apply.

### **Stages of Action**

This Policy has three distinct stages to the approach that will be taken to manage complaints alleging a breach of the behavioural requirements:

**Part 1 – Information Action:** Where the matter can be resolved directly between the parties.

**Part 2 – Formal Action:** Where the matter cannot be resolved using informal action and a formal process of consideration is required.

**Part 3 – Referrals to the Behavioural Standards Panel:** The circumstances under which is a referral may be made to the Behavioural Standards Panel.



## 5.5 Part 1 – Informal action

- 5.5.1 Council encourages informal resolution of concerns regarding behaviour alleged to be contrary to the behavioural requirements. A person may therefore consider raising the matter directly with the Council member concerned rather than lodging a complaint.
- 5.5.2 Alternatively, a person may raise their concern with the Mayor on an informal basis rather than lodging a complaint. If the concerns relate to or involve the Mayor the person may raise their matter with the Deputy Mayor.
- 5.5.3 If the Mayor or Deputy Mayor considers that access to resources to facilitate early resolution of the matter should be provided, the Mayor or Deputy Mayor will request the Chief Executive Officer to facilitate access to relevant resources. The Chief Executive Officer will not refuse any reasonable request for resources made in accordance with this Policy.
- 5.5.4 Where the Mayor or Deputy Mayor addresses the matter through informal action, a record should be made setting out:
- Details of the complainant
  - Details of the person complained about
  - A summary of the matter
  - A summary of actions taken in response
  - Details of agreed actions (if any)

## 5.6 Part 2 – Formal Action

### Complaints

- 5.6.1 This Part sets out the process for managing formal complaints alleging a breach of the behavioural requirements and addresses the manner in which a complaint will be:
- Received
  - Assessed
  - Investigated
  - Resolved
  - Recorded

- 5.6.2 A complaint made under this Policy must:
- Be made in writing and addressed to the Chief Executive Officer. The complaint should be marked with “Confidential Council Member Complaint” and sent:
    - By email: [city@salisbury.sa.gov.au](mailto:city@salisbury.sa.gov.au) or
    - By post: PO Box 8, Salisbury SA 5108
    - By hand: Salisbury Community Hub, 34 Church Street, Salisbury
  - Provide the name of the Council member who has allegedly breached the behavioural requirements, the name and contact details of the complainant including a postal address and an email address, the name and contact details of the person submitting the complaint (if different to the complainant) including a postal address and an email address and the name and contact details of any witnesses or other persons able to provide information about the complainant including a postal address and an email address if known to the complainant or person submitting the complaint (if different to the complainant)
  - Be specific (including identifying the specific behavioural requirements the complainant alleges have been breached)
  - Provide as much supporting evidence as possible, including the grounds and circumstances of the complaint (e.g. where, when, impact of the behaviour, actions taken to try to resolve the issue, relevant records or documents).
  - Identify the outcome being sought
  - Be made within 3 months from the day on which the complainant first had notice of the matters alleged in the complaint unless the person responsible for managing the complaint determines that, in all the circumstances of the case it is proper to deal with a complaint lodged after 3 months. A complainant will be presumed to have had notice of the matters alleged in the complaint at the time they might reasonably be expected to have had such notice.

## 5.7 Receipt of a Complaint

- 5.7.1 This step is an administrative process undertaken by the Chief Executive Officer or nominee:
- Receipt
  - Initial acknowledgment
  - Record keeping; and
  - Allocation of the matter to the person responsible for managing the complaint.
- 5.7.2 The Chief Executive Officer or nominee does not undertake an assessment of the merits of a complaint.
- 5.7.3 The Chief Executive Officer or nominee will, as far as reasonably practical, acknowledge receipt of a complaint within 2 business days or as soon as reasonably practicable and will provide a copy of this Policy to the complainant.
- 5.7.4 The complaint will be provided to the person responsible for managing the complaint for their consideration.
- 5.7.5 A complainant may withdraw their complaint at any stage.

## 5.8 Initial complaint assessment

- 5.8.1 An initial assessment of a complaint is not an investigation of the complaint.
- 5.8.2 The person responsible for managing the complaint will undertake an initial assessment of the complaint to determine:
- Whether the complaint relates to the *behavioural requirements*; and
  - Whether the alleged conduct as set out in the complaint appears to have occurred in the context of the Council member carrying out their official functions and duties; and
  - The action to be taken with respect to the complaint.

- 5.8.3 The person responsible for managing the complaint will consult with the Mayor, Deputy Mayor and the Chair and Deputy Chair of the GC Committee as relevant (unless the complaint involves one or more of these persons, in which case such person(s) will not be consulted). The person responsible for managing the complaint may have regard to such matters as they consider appropriate in relation to the initial assessment of the complaint which may include:
- The views, if any, of the Mayor, Deputy Mayor and Chair and Deputy Chair of the GC Committee (if such persons were consulted);
  - Whether the person that is making the complaint (or on whose behalf the complaint has been made) has a sufficient personal interest in the matter raised in the complaint;
  - Whether the complaint is trivial, frivolous or vexatious or not made in good faith;
  - Whether the complaint has been lodged with another authority;
  - Whether the subject matter of the complaint has been or is already being investigated by the Council or another body;

## 5.9 Action from initial assessment

- 5.9.1 The person responsible for managing the complaint will determine what action will result from the initial assessment which may include;
- Refusing to deal with the complaint or determining to take no further action; or
  - Referral to an alternative dispute or conflict resolution process; or
  - Referral to another person, bod or agency; or
  - Formal consideration/investigation.

5.9.2 The complainant will be advised of the decision of the person responsible for managing the complaint following the initial assessment in writing as far as is permitted by law.

5.9.3 **Refusing to deal with the complaint/Determining to take no further action**

(a) The person responsible for managing the complaint may refuse to deal with a complaint or determination to take no further action on a complaint if they consider that:

- The subject matter of the complaint is trivial; or
- The complaint is frivolous or vexatious or is not made in good faith; or
- The complainant or the person on whose behalf the complaint was made does not have a sufficient personal interest in the matter raised in the complaint; or
- Having regard to all the circumstances of the case, it is unnecessary or unjustifiable for the Council to deal with or continue to deal with the complaint; or
- The subject matter of the complaint has been or is already being investigated, whether by the Council or another person or body; or
- The Council has dealt with the complaint adequately; or
- There are other good reasons why the Council should refuse to deal with the complaint or determine to take no further action on the complaint.

(b) Where the person responsible for managing the complaint determines not to deal with a complaint or to take no further action on a complaint on the ground that the subject matter of the complaint has been or is already being investigated, whether by the Council or another person or body, the complainant will be notified of the outcome of the investigation as far as the Council is able to.

(c) The complainant must be provided written reasons for the decision to refuse to deal with the complaint or take no further action as far as the Council is able to.

- (d) Notwithstanding that the person responsible for managing the complaint decides to refuse to deal with a complaint or decides to take no further action on a complaint, the Mayor (or Deputy Mayor if the complaint relates to the Mayor) may discuss the issues raised by the complaint with the Council member the subject of the complaint and for that purpose the Mayor or Deputy Mayor may disclose information about the complaint to the Council member except for the identity of the complainant if the person responsible for managing the complaint has determined not to disclose the complainants identity.
- (e) A record if the decision should be made.

5.9.4 **Decision to refer to alternative dispute to conflict resolution mechanism:**

- (a) The person responsible for managing the complaint may determine that the complaint could be dealt with by way of an alternative dispute or conflict resolution mechanism such as facilitated discussion, mediation, arbitration or other dispute or conflict resolution mechanism subject to the complainant and the Council member the subject of the complaint agreeing to participate in such mechanism.
- (b) An alternative dispute or conflict resolution mechanism will be put to the complainant as the method of dealing with their complaint. If the complainant agrees to participate, the Council member the subject of the complaint will be notified that a complaint has been received, that the person responsible for managing the complaint has undertaken an initial assessment of the complaint and has determined that it could be dealt with by way of an alternative dispute or conflict resolution mechanism and seeking their views to that approach.
- (c) If the parties agree to participate in an alternative dispute or conflict resolution mechanism the Chief Executive Officer will facilitate access to appropriate internal or external support (not being for the purposes of obtaining legal advice) for the alternative dispute or conflict resolution mechanism.

- (d) The complainant and the Council member the subject of the complaint should be provided written confirmation of the alternative dispute or conflict resolution mechanism to be used for the purposes of dealing with the complaint.
- (e) If the alternative dispute or conflict resolution mechanism does not resolve the complaint the matter will be reconsidered by the person responsible for managing the complaint who will determine what action to take in accordance with this Policy.

**5.9.5 Decision to refer to another body or agency**

- (a) The person responsible for managing the complaint may determine to refer the complaint to another body or agency and in that case will follow any direction from that body or agency regarding the complaint including what information is to be provided to the complainant and the Council member the subject of the complaint.

**5.9.6 Decision to proceed to formal consideration:**

- (a) The person responsible for managing the complaint may determine that the complaint should proceed to formal consideration in which case unless the person responsible for managing the complaint determines otherwise due to the particular circumstances of the complaint, the Council member the subject of the complaint:
  - Will be advised that a complaint has been received;
  - Will be advised that an initial assessment of the complaint has been undertaken;
  - Will be advised that it has been determined that the complaint should be dealt with by way of formal consideration;
  - Should be provided with a copy of this Policy and a summary document setting out:
    - The specific provisions(s) of the behavioural requirements alleged to have been breached; and
    - The circumstances where this breach is alleged to have occurred.

- (b) Alternatively, if practicable, a copy of the complaint can be provided with the identity of the complainant redacted if the person responsible for managing the complaint has determined that the complainant's identity will not be disclosed to the Council member the subject of the complaint.
- (c) In circumstances where the complainant has not requested their identity be kept confidential from the Council member the subject of the complaint, a copy of the complaint may be provided in full instead of the summary document.
- (d) The complainant should be advised of the decision that the complaint be dealt with by way of formal consideration.

#### 5.9.7 **Formal consideration**

- 5.9.7.1 Where the person responsible for managing the complaint determines that a complaint will proceed to formal consideration, an external person or body will be engaged to formally consider the complaint in accordance with this Policy.
- 5.9.7.2 The Chief Executive Officer will facilitate engagement of an appropriate person or body.
- 5.9.7.3 The complainant and the Council member the subject of the complaint will be advised of the engagement of the person or body to formally consider the complaint. The formal consideration of the complaint will include the principles of procedural fairness as well as the ability for the complainant and the Council member the subject of the complaint to have a support person accompany them during discussions relating to the complaint.
- 5.9.7.4 It is the expectation of Council that both the complainant and the Council member the subject of the complaint will cooperate with any such process for the formal consideration of the complaint  
*Failure by the elected member complained about to comply with this requirement may be taken into account when considering the actions to be taken under section 262B(2)(e) of the Local Government Act and may constitute grounds for referral to the Behavioural Standards Panel for misbehaviour.*



- 5.9.7.5 The formal consideration of a complaint may involve:
- Discussing the complaint with the complainant and the Council member the subject of the complaint;
  - Speaking with other persons who have been nominated by the parties as persons who can assist the formal consideration;
  - Speaking directly with witnesses to the alleged conduct the subject of the complaint
  - Requesting the provision of information or documents from the complainant the Council member the subject of the complaint or the Council relevant to the formal consideration which may include access to audio or video recordings of meetings where available.

5.9.7.6 During the formal consideration of a matter appropriate records should be kept.

5.9.8 The third party undertaking the formal consideration of a complaint should ensure a draft or provisional report is prepared summarising the matter and setting out their findings, conclusions or recommendations. The report should set out:

- Allegations made in the complaint
- Summary of evidence to which the investigation had regard
- Findings
- Conclusions
- Recommendations

5.9.9 A copy of the draft or provisional report should be provided to the complainant and the Council member the subject of the complaint who should be given a reasonable opportunity, to make submissions in relation to the draft or provisional report. Any submissions made by the parties within the time allowed will be taken into consideration in preparing a final report. A copy of the draft or provisional report should also be provided to the person responsible for managing the complaint.

#### 5.9.10 **Outcome – No breach found**

- (a) Where the finding is that no breach of the behavioural requirements has occurred, a final report should be prepared by the third party undertaking the formal consideration of the complaint and provided to the complainant, the Council member the subject of the complaint and the person responsible for managing the complaint.
- (b) The complaint, as far as practicable, will remain confidential in accordance with the requirements of this Policy, except at the request of the person complained about. If such a request is made, a copy of the final report will be tabled at the next practicable Council meeting. If no such request is received, no further action will be taken.

#### 5.9.11 **Outcome – agreed actions (breach found)**

- (a) Where the finding is that a breach of the behavioural requirements has occurred the person responsible for managing the complaint may if they consider it appropriate request the complainant and Council member the subject of the complaint seek to reach an agreement for resolution and conclusion. If an agreement is reached, that agreement will be documented including matters such as:
  - Actions to be undertaken
  - Responsibility for completing actions
  - Timeframes for completion of actions
  - What will occur if there is a repeat of the behaviours complained about
  - Monitoring arrangements for completion of actions
  - What will occur if the actions aren't completed
  - Confirmation that the matter is considered resolved
- (b) The agreement reached will be made in writing, including a commitment by the parties to the complaint to abide by the agreement (which may be by electronic means). A copy of the agreement will be retained by each party and a copy held on Council records.
- (c) The complaint will, as far as practicable, remain confidential in accordance with the requirements of this Policy except at the request of the person complained about. If such a request is made, a copy of the final report will be tabled at the next practicable Council meeting. The matter must be reported in the Council's Annual Report which must contain the information required by the regulations.

5.9.12 **Outcome – no agreed action (breach found)**

(a) Where the findings is that a breach of the behavioural requirements has occurred and there is no agreement between the parties to the complaint either because this has not been an appropriate approach to resolve or conclude the matter or the parties have failed to reach agreement, a final report should be presented to Council for its consideration and determination.

**5.10 Actions of Council**

5.10.1 That Council may:

- Take no further action
- Pass a censure motion in respect of the member;
- Require the member to issue a public apology (in a manner determined by the Council)
- Require the member to undertake a specified course of training or instruction;
- Remove or suspend the member from one or more offices held in the members capacity as a member of the Council or by virtue of being a member of the Council – but not the office of Member of the council;

5.10.2 If Council determines to take action, a report on the matter must be considered at a meeting open to the public.

5.10.3 Where Council determines to take no further action, the complainant will be provided with written reasons for the determination.

**5.11 Behavioural Standards Panel**

5.11.1 The Behavioural Standards Panel is an independent statutory authority consisting of three members and has powers to impose sanctions on council members who breach the behavioural requirements.

5.11.2 In accordance with section 62Q of the Act a complaint alleging misbehaviour, repeated misbehaviour or serious misbehaviour may be made to the Behavioural Standards Panel by certain persons as set out below. The Behavioural Standards Panels jurisdiction arises in the circumstances set out below:

<b>Legislative definition</b>	<b>Plain language explanation</b>
<p><b><i>misbehaviour</i></b> means—</p> <p>(a) a failure by a member of a council to comply with a requirement of the council under section 262C(1); or</p> <p>(b) a failure by a member of a council to comply with a provision of, or a requirement under, the council's behavioural management policy; or</p> <p>(c) a failure by a member of a council to comply with an agreement reached following mediation, conciliation, arbitration or other dispute or conflict resolution conducted in relation to a complaint under Division 1;</p>	<p>Misbehaviour means:</p> <p>(a) a council member fails to take the action required by council; or</p> <p>(b) a council member fails to comply with this policy; or</p> <p>(c) a council member fails to comply with an agreement reached pursuant to this policy</p>
<p><b><i>repeated misbehaviour</i></b> means a second or subsequent failure by a member of a council to comply with Chapter 5 Part 4 Division 2;</p>	<p>A second or subsequent breach of the <b><i>behavioural requirements</i></b></p>
<p><b><i>serious misbehaviour</i></b> means a failure by a member of a council to comply with section 75G.</p>	<p>A breach of health and safety duties (including sexual harassment) as set out in section 75G of the <i>Local Government Act 1999</i></p>

5.11.3 A complaint alleging misbehaviour, repeated misbehaviour or serious misbehaviour by a member of council may be referred to by the Panel by:

- A resolution of the council
- The Mayor; or at least 3 members of the council
- Responsible person under 75G – direction not to attend meeting.

## 5.12 Behavioural Standards Panel Contact Officer

5.12.1 Council must appoint a person as the contact officer for matters referred to the Behavioural Standards Panel. The contact officer is responsible for the provision of information to and receipt of notice from the Behavioural Standards Panel.

## 6. Related Policies and Procedures

- 6.1 Behavioural Standards for Council Members as published in the South Australian Government Gazette 17 November 2022 (page 6658).
- 6.2 Public Interest Disclosure Act 2018

## 7. Approval and Change History

Version	Approval Date	Approval By	Change
3	February 2024	Council	New template

## 8. Availability

- 8.1 The Policy is available to be downloaded, free of charge, from Council's website [www.salisbury.sa.gov.au](http://www.salisbury.sa.gov.au)
- 8.2 The Policy will be available for inspection without charge at the Civic Centre during ordinary business hours and a copy may be purchased at a fee as set annually by Council.

City of Salisbury Community Hub  
34 Church Street, Salisbury SA 5108  
Telephone: 84068222  
Email: [city@salisbury.sa.gov.au](mailto:city@salisbury.sa.gov.au)

## 9. Review

This Policy will be reviewed:

- If a new Policy - within 12 months of a Council election and thereafter as necessary; or

## Further Information

For further information on this Policy please contact:

Responsible Officer: Manager Governance  
Address: 34 Church Street, Salisbury SA 5108  
Telephone: 8406 8222  
Email: [city@salisbury.sa.gov.au](mailto:city@salisbury.sa.gov.au)