



# SHIRE OF KONDININ

## Behaviour Complaints Committee Wednesday 11 February 2026

### Meeting Minutes

**Date:** Wednesday, 11 February 2026  
**Time:** 5.00 PM  
**Location:** Hyden Community Resource Centre

**Cr Kent Mouritz**  
**12 February 2026**  
**Presiding Member**

11 Gordon Street, Kondinin, WA 6367 Telephone: (08) 98891006  
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# **Order of Business**

## **1. DECLARATION OF OPENING/ ANNOUNCEMENT OF VISITORS**

In accordance with the provisions of the Local Government Act 1995, Schedule 2.3, Division 1, clause 3 the Chief Executive Officer (CEO) will preside over the meeting until the office of the Presiding Member is filled.

The Chief Executive Officer welcomed those present and declared the meeting open at 5.01pm.

*The Shire of Kondinin acknowledges the traditional custodians of country throughout the Shire and where we meet. and it pays its respects to leader's past, present and emerging.*

## **2. RECORD OF ATTENDANCE/ APOLOGIES/ LEAVE OF ABSENCE**

Councillors scheduled for attendance:	Cr Kent Mouritz (President) Cr Beverley Gangell (Deputy President) Cr B Browning Cr P Green Cr M James Cr D Pool Cr T Smeed
Staff:	Bruce Wright – Chief Executive Officer Vince Bugna – Manager Corporate Services Debra Wright – Acting Manager of Works Tory Young – Manager Planning & Assets
Apologies:	

## **4. APPOINTMENT OF PRESIDING MEMBER & DEPUTY PRESIDING MEMBER**

### **4.1 Call for Nominations for the Presiding Member and Deputy Presiding Member**

Nominations for the Offices of the Presiding member and Deputy Presiding Member are to be made in writing to the CEO before the meeting or during the meeting and before the close of nominations.

*Nomination for Presiding Member – Cr Mouritz*

*Nomination for Deputy Presiding Member – Cr Gangell*

*The meeting was handed to the Presiding Member.*

### **4.2 Call for Nominations for Committee Members**

*Nomination – Cr Green*

*Nomination – Cr James*

## 5. APPOINTMENT OF THE BEHAVIOUR COMPLAINTS COMMITTEE

### RECOMMENDATION:

**Moved:** Cr Pool

**Seconded:** Cr Browning

That Council:

1. Endorses and approves the appointment of the Behaviour Complaints Committee to include:
  - a) Presiding Member: Cr Mouritz
  - b) Deputy Presiding Member: Cr Gangell
  - c) Member: Cr Green
  - d) Member: Cr James
2. Approves and endorses the tenure of the Committee under the provisions of the *Local Government Act 1995, Section 5.11(1)&(2)* as applicable and applied to individual members.

**For:** Cr Mouritz, Cr Gangell, Cr B Browning, Cr P Green, Cr M James, Cr D Pool, Cr T Smeed

**Against:** Nil

**Carried:** 7/0

## 6. DECLARATION OF COMMITTEE OPENING

### RECOMMENDATION:

**Moved:** Cr Gangell

**Seconded:** Cr Green

That Council moves into Committee.

**For:** Cr Mouritz, Cr Gangell, Cr B Browning, Cr P Green, Cr M James, Cr D Pool, Cr T Smeed

**Against:**

**Carried:** 7/0

*The Presiding Member calls the Committee to order at 5.05 pm.*

## 7. DISCLOSURE OF INTERESTS

Nil

## 8. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

## 9. CONFIRMATION OF PREVIOUS MINUTES

Nil

## 10. OFFICER REPORTS

### 10.1 BEHAVIOUR COMPLAINTS COMMITTEE REFERENCE MATERIAL

**Author:** Bruce Wright, Chief Executive Officer  
**Authorising Officer:** Bruce Wright, Chief Executive Officer  
**Date:** 5 February 2026  
**Disclosure of Interest:** Nil  
**Attachments:** 1. WALGA Code of Conduct Behaviour Complaints Management Policy  
2. Shire of Kondinin Code of Conduct for Council Members

#### OFFICER RECOMMENDATION

**Moved:** Cr Gangell  
That the Committee:

**Seconded:** Cr Green

1. Notes the *WALGA Code of Conduct Behaviour Complaints Management Policy* dated December 2025 for the information of the Behaviour Complaints Committee.
2. Notes the *Shire of Kondinin Code of Conduct for Council Members, Committee Members and Candidates*.
3. Notes that no Terms of Reference for the Behaviour Complaints Committee has been developed.
4. Endorses and approves the *WALGA Code of Conduct Behaviour Complaints Management Policy* and the *Shire of Kondinin Code of Conduct for Council Members, Committee Members & Candidates* as informative material to fulfil the obligations of the Committee under the provisions of the Local Government Act 1995.

**For:** Cr Mourtiz, Cr Gangell, Cr Green, Cr James  
**Against:** Nil

**Carried:** 4/0

#### Summary

This report seeks Committee endorsement and approval of the *WALGA Code of Conduct Behaviour Complaints Management Policy* (WALGA Policy) as informative material for the Committee during this meeting. The WALGA policy should be considered against the Shire of Kondinin Code of Conduct for Council members, Committee Members & Candidates (Shire Code) to meet the strictures of the Local Government Act 1995.

On 1 January 2026, the provisions relating to complaints management contained within the Local Government Act 1995 have been augmented by the Local Government Amendment Act 2024.

The provisions of the WALGA policy (attached) and the Shire Code (attached) were current as of 31 December 2025, and in the absence of identifying any amendments that retrospectively apply the new provisions; they provide the Committee with the most relevant informative material. The Shire Code is publicly available on the Shire website.

This report does not seek the endorsement of the WALGA policy.

### **Background**

The Shire of Kondinin has not developed a Terms of Reference for the Behaviour Complaints Committee nor a Code of Conduct Behaviour Complaints Policy. Following amendments to the Local Government Act, these documents will be prepared for the consideration of Council in the ensuing months.

The WALGA policy and Shire codes provide material information for the Committee to consider against the provisions of the Local Government Act 1995 to hear and determine a behaviour complaint.

### **Comment**

The WALGA policy and Shire code provide the Committee with sufficient information in relation to the management of complaints in accordance with the Local Government Act 1995.

### **Statutory Environment**

Local Government Act 1995.

### **Policy Implications**

Policy development in accordance with new legislation is now required,

### **Financial Implications**

Nil

### **Strategic Implications**

Shire of Kondinin Strategic Community Plan 2022 - 2032

### **CIVIC LEADERSHIP**

4.2 *We are a compliant and resourced Local Government.*

### **Voting Requirement**

Simple Majority

## **11. MEETING CLOSED TO MEMBERS OF THE PUBLIC**

### **RECOMMENDATION:**

**Moved: Cr Green**

**Seconded: Cr James**

That the Behaviour Complaints Committee by simple majority pursuant to Section 5.23(4)(b) closes the meeting to all non-committee members, members of the public and observers to discuss Confidential Item 12.1 BCC001 – Code of Conduct Division 3 Complaint as it deals with the personal affairs of an individual.

**For:** Cr Mouritz, Cr Gangell, Cr James, Cr Green

**Against:** Nil

**Carried:** 4/0

*5.06pm – Councillors Cr B Browning, Cr D Pool, Cr T Smeed and staff Mr Vince Bugna, Mrs Tory Young, Ms Deb Wright, Mrs Amanda Kemp leave the room.*

## **12. MATTERS OF A CONFIDENTIAL NATURE**

*5.06pm – Committee moves to a closed meeting.*

### **5.23. Meetings generally open to public**

- (1) The following are to be open to members of the public —
  - (a) all council meetings;
  - (b) all meetings of a committee.
- (4) Despite subsection (1), if any of the following information is to be dealt with at a meeting, the council or committee may close the meeting to members of the public to the extent necessary to ensure that the information is dealt with at the meeting on a confidential basis —
  - (b) information relating to the personal affairs of an individual;

### **12.1 BCC001 – CONFIDENTIAL – CODE OF CONDUCT DIVISION 3 COMPLAINT**

**Author:** Bruce Wright, Chief Executive Officer  
**Authorising Officer:** Bruce Wright, Chief Executive Officer  
**Date:** 5 February 2026  
**Disclosure of Interest:** Nil  
**Attachments:** *STRICTLY CONFIDENTIAL* – Letter of Complaint  
*STRICTLY CONFIDENTIAL* – Respondent Reply

#### **Comment:**

This report and attachments are provided to Committee Members under separate cover and only upon appointment to the Behaviour Complaint Committee. This report to the Committee has been listed as confidential as it deals with the personal affairs of an individual.

*Item BCC001 and attachments was presented to the Committee under separate cover.*

*Committee members noted and acknowledged that this meeting was the first receipt of the report and attachments; and undertake to maintain strict confidentiality in accordance with the provisions of the Act.*

**COMMITTEE RECOMMENDATION:**

**Moved: Cr Green**

**Seconded: Cr James**

That the Behaviour Complaints Committee:

1. Receives the Confidential Report and Confidential Attachments Reference BCC001.
2. Notes that the report and attachments contain a large volume of information that, in the interests of procedural fairness to all parties, will require further *individual* consideration by Committee Members.
3. Notes and acknowledges the confidentiality provisions of the Local Government Act, Section 8A.36 for Committee members.
4. Convenes a Special Meeting of the Committee on 18 February 2026 to determine the complaint.

**For:** Cr Mouritz, Cr Gangell, Cr James, Cr Green

**Against:** Nil

**Carried:** 4/0

**PROCEDURAL MOTION:**

**Moved: Cr James**

**Seconded: Cr Green**

That the Behaviour Complaints Committee by simple majority reopens the meeting to members of the public, staff and Councillors.

**For:** Cr Mouritz, Cr Gangell, Cr James, Cr Green

**Against:** Nil

**Carried:** 4/0

*The meeting retired from the closed session at 5.45pm*

**13. GENERAL BUSINESS**

Nil

**14. CLOSURE**

There being no further business, the Presiding Member closed the meeting at 5.46pm



## **ATTACHMENTS**

1. WALGA Code of Conduct Behaviour Complaints Management Policy
2. Shire of Kondinin Code of Conduct for Council members, Committee Members and Candidates.