

	Function: CORPORATE SERVICES (GOVERNANCE)	Adopted: 7 th December 2022 Resolution No.: C438:1222
	Policy Number: GOV028	Last Review: 2 nd July 2025 Resolution No.: C175:0725
	Version Number: 2	Next Review: July 2027
ELECTED MEMBER BEHAVIOURAL MANAGEMENT POLICY		

1. POLICY OBJECTIVES

This policy has been developed to:

- Meet the requirements of Section 262B of the [Local Government Act 1999 \(Act\)](#);
- Set out the process for receiving and managing Complaints about Council member (Elected Member) conduct.

2. SCOPE

This policy:

- Applies to Elected Members, where an alleged breach of the Behavioural Requirements occurs (it does not apply to Council as a whole or Employees);
- Is not intended to deal with differences of opinion (even when robustly put).

3. DEFINITIONS

Definitions are provided in Attachment 1.

4. POLICY STATEMENT

This policy:

- Forms part of the Behavioural Management Framework for Elected Members, which comprises of:
 1. The legislation that applies to all Elected Members
 2. [The Behavioural Standards for Council Members](#) (Established by the Minister for Local Government and published as a [notice in the SA Government Gazette \(no. 79, page 6658\)](#))
 3. This policy
 4. Any optional Behavioural Support Policy designed to support appropriate behaviour by Elected Members;
- Does not prevent Elected Members from seeking to resolve disputes/complaints in a proactive, positive and courteous manner, before making a Complaint.

The Person Responsible for Managing a Complaint under this policy (Person Responsible) is:

1. The Mayor;
2. If the Complaint relates to or involves the Mayor, the Deputy Mayor;

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3. If the Complaint relates to or involves the Mayor and Deputy Mayor, another Elected Member appointed by Council.

4.1 Principles

- Where an Elected Member considers there has been behaviour that is inconsistent with the Behavioural Requirements, they may, where appropriate, respectfully and constructively raise the issue with the Elected Member concerned, without the need to lodge a Complaint under this policy.
- If a matter proceeds to a Complaint, all Elected Members will:
 - continue to comply with this policy
 - support the Person Responsible.
- A consistent approach to the assessment, investigation and resolution of Complaints will be utilised to facilitate timely/efficient resolution and minimise costs.
- Where required, Council may engage the assistance of skilled advisors/other resources in the assessment, investigation and resolution of Complaints. The CEO will not refuse any reasonable request for resources made under this policy.
- Complaints about Elected Member behaviour will be properly considered and managed as efficiently as the requirements of the Complaint and the [Act](#) will allow.
- Formality and technicality will be kept to a minimum.
- Council is not bound by the Rules of Evidence, but will seek information as deemed appropriate/necessary, based upon the nature of a Complaint.

4.2 Complaint Management Process

A Complaint under this policy must be lodged within six months of the alleged breach of the Behavioural Requirements occurring. Complaints lodged after six months may be accepted at the discretion of the Person Responsible, on a case-by-case basis.

4.2.1 Dispute versus Complaint

A Dispute may not amount to a breach of the Behavioural Requirements. Ideally disputes will be handled directly by the persons involved and will not escalate to a Complaint. The Mayor (or another person) may assist in facilitating Dispute resolution.

4.2.2 Confidentiality

Complaints will be managed confidentially, unless required to be:

- Reported to Council in a public meeting, under this policy;
- Lawfully made public/disclosed (e.g. under the [Work Health and Safety Act 2012](#), where the health and safety of an employee is at risk).

Access to Complaint information is limited to the Parties and persons with responsibilities under this policy. A person who has Complaint information (including the Parties) must not directly/indirectly disclose that information to any person (including an Elected Member) except:

- For the purpose of dealing with the Complaint;

- Where required by law;
- For the purpose of obtaining:
 - legal advice/representation
 - medical/psychological assistance from a medical practitioner/psychologist/counsellor;
- To an external party engaged in accordance with this policy;
- Where, under the policy:
 - information has already been made public
 - disclosure is appropriately authorised/required.

The person making the Complaint (Complainant) can request their identity be kept confidential from the person complained about (not considered an anonymous Complaint). The Person Responsible will consider each request, including any applicable legal requirements, on a case-by-case basis.

Where Council are required to formally consider a Complaint at a Council Meeting (under this policy), confidentiality requirements must be assessed on a case-by-case basis in accordance with Section 90 of the [Act](#).

4.2.3 Stages of Action

There are three stages of action in response to Complaints:

- PART 1: Informal Action – direct resolution between the Parties
- PART 2: Formal Action – formal process required
- PART 3: Referral to the Panel.

PART 1: INFORMAL ACTION

Council encourages informal resolution to Complaints. A person may informally raise concerns directly with the Elected Member involved or, alternatively, with the Person Responsible.

If the Person Responsible considers that relevant resources should be provided to support impacted parties/assist early resolution, they will request the Chief Executive Officer (CEO) facilitate access.

The Person Responsible must create a record of any informal Complaint raised, including:

- The Parties' details;
- A summary of the:
 - Complaint
 - actions taken;
 - agreed actions.

Relevant records may be part of any subsequent investigation process.

PART 2: FORMAL ACTION

Complaints requiring formal action must:

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- Be made in writing;
- Be marked “Confidential Elected Member Complaint” (subject to an alternative Council resolution) and submitted via one of the following:

Email: info@coppercoast.sa.gov.au

Post: PO Box 396
KADINA SA 5554

In person: 51 Taylor Street
KADINA SA 5554;

- Name the Elected Member who has allegedly breached the Behavioural Requirements;
- State the name and contact details of:
 - the Complainant;
 - the person submitting the Complaint (if different to the Complainant)
 - any witnesses/other persons able to provide information about the Complaint;
- Identify the specific Behavioural Requirement(s) alleged to have been breached;
- Provide as much Complaint information as possible, including:
 - where
 - when
 - the impact of the alleged behaviour
 - any actions taken to try to resolve the issue
 - relevant records or documents
 - as much supporting evidence as possible;
- Identify the outcome being sought.

Part 2.1 Receiving Complaints

The CEO (or delegate) will:

- Receive;
- Provide an initial acknowledgement within five business days, or as soon as reasonably practicable, that includes a copy of this policy;
- Record;

and allocate Complaints to the Person Responsible. This is an administrative process only and the CEO (or delegate) will not assess the Complaint.

A Complainant may withdraw a Complaint at any stage.

Part 2.2 Initial Complaint Assessment

An initial Complaint assessment (Initial Assessment) is not an investigation or decision and no findings about the Complaint will be made at this stage.

Part 2.2.1 Step 1

The Person Responsible will assess the Complaint to determine if:

- It relates to the Behavioural Requirements;
- The alleged behaviour occurred in the context of the Elected Member carrying out their official functions/duties;
- The Complainant has a Sufficient Interest in the matter;
- It is Trivial, Frivolous or Vexatious or not made in good faith;
- It needs to be reported to either the Local Government Association Mutual Liability Scheme (LGAMLS) or the Local Government Association Workers Compensation Scheme (LGAWCS);
- If it has been lodged with another authority;
- The matter is/has already been considered/investigated by Council/another body;
- It is unnecessary/unjustifiable for Council to deal with the Complaint;
- Council has dealt with the matter adequately.

Part 2.2.2 Step 2

If the Person Responsible deems that the Complaint warrants further consideration, the person complained about should be:

- Advised that a Complaint has been received and is undergoing an Initial Assessment under this policy;
- Provided with a copy of this policy;
- Provided with a summary of the Complaint, containing sufficient detail to enable them to understand the nature of the allegation(s) and provide a preliminary response.

This may be achieved via a discussion with the Person Responsible and the person complained about. The person complained about may have a Support Person accompany them during any discussions. A Support Person must comply with the confidentiality requirements under Clause 4.2.2 of this policy;

- Given a reasonable opportunity, but no more than ten business days, to respond. The Person Responsible may provide longer at their discretion.

The Person Responsible will consider any response provided, in determining the Initial Assessment outcome.

Part 2.2.3 Action from Initial Assessment

The Person Responsible will determine what action will result from the Initial Assessment and advise the Parties in writing, as far as is permitted by law.

A Complaint may proceed to formal consideration (under Part 2.3) (Formal Consideration), unless there are grounds to:

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- Refuse to deal with the Complaint;
- Take no further action;
- Refer the Complaint to an Alternative Resolution Mechanism (Alternative Resolution);
- Refer the Complaint to another body/agency (e.g. the Ombudsman SA or the Panel).

Section 270(4a)(a)(i) of the [Act](#) prevents a review of a decision to refuse to deal with a Complaint or take no further action).

Decision - Refusal to Deal with a Complaint/No Further Action

The Person Responsible will:

- Advise the Complainant, in writing, of the reasons/explanation for the decision (Section 262D of the [Act](#));
- Provide the person complained about with a brief summary of the reasons for the decision; and may also:
 - Informally discuss matters with the Parties;
 - Identify/discuss strategies to build skills, facilitate positive relationship development and reduce the likelihood of repeat occurrences.

Decision - Referral to Alternative Resolution Mechanism

The Person Responsible will:

- Contact the Parties to determine if this approach is supported;
- If it is:
 - request the CEO facilitate access to the Alternative Resolution(s);
 - provide the Parties with written confirmation of the Alternative Resolution(s).

Decision - Referral to Another Body/Agency

The Person Responsible will follow any direction from the body/agency regarding what information is to be provided to the Parties.

Decision - Proceed to Formal Consideration

The Person Responsible will;

- Advise the person complained about of this decision;
- Provide the person complained about with:
 - their contact details;
 - a summary document setting out the specific details of the Behavioural Requirements alleged to have been breached and the associated circumstances;
 - a full copy of the written Complaint, **unless** the Complainant has requested their identity be kept **confidential**, where disclosure will then be considered by the Person Responsible on a case by case basis.

The Complainant will also be advised of the decision and the Person Responsible's contact details.

Part 2.3 Formal Consideration

The Person Responsible will determine how to proceed. They may decide to consider the Complaint themselves or that it is necessary to engage a Third Party, who will report directly to the Person Responsible. Where a Third Party is considered necessary, the Person Responsible will request the CEO facilitate engagement.

The Person Responsible will advise the Parties that they are able to have a Support Person accompany them during discussions. A Support Person must comply with the confidentiality requirements under Clause 4.2.2 of this policy.

Formal Consideration may (at the discretion of the Person Responsible/Third Party) involve:

- Exploring the Complaint with the Parties;
- Speaking directly with witnesses to the alleged behaviour;
- Speaking with other persons, nominated by the Parties, believed to have observed the alleged behaviour;
- Requesting information/documents relevant to the investigation (incl. audio or video recordings).

The Parties are expected to cooperate with any process(s) required to consider the Complaint and ensure timely participation in any meetings. Should the person complained about fail to do so, this may be taken into account when considering the action(s) to be taken (Section 262B(2)(e) of the [Act](#)) and may result in a referral to the Panel for Misbehaviour.

Part 2.4 Report

The Person Responsible (or Third Party) will prepare a report summarising the Complaint (Report), setting out:

- Allegations made;
- Summary of evidence considered;
- Findings;
- Conclusions;
- Recommendations.

Recommended action(s) for the parties to consider/participate in may include, but are not limited to, those provided for in the [Act](#):

- Discussions with the Parties seeking agreement;
- Formal mediation (if not already undertaken);
- Conciliation;
- Arbitration;
- Education and further training.

A draft Report will be provided to the Parties, who will be given a reasonable opportunity to make submissions, but no more than ten business days. The Person Responsible (or Third Party) may provide a longer period of time at their discretion. Any submissions made will be considered in preparing a final Report.

Part 2.4.1 **Outcome - No Breach Found**

Where no breach of the Behavioural Requirements is found, the Person Responsible (or Third Party) will prepare a final Report and provide this to the Parties.

Complaints will remain confidential in accordance with this policy (Clause 4.2.2) and no further action will be taken, unless otherwise requested by the person complained about; where this is the case, a copy of the final Report will be tabled at the next Council Meeting practicable (the Complainant's identity may need to be redacted in accordance with Clause 4.2.2).

Part 2.4.2 **Outcome – Breach Found – Agreed Actions**

Where a breach of the Behavioural Requirements is found and the Parties agree upon a resolution, this agreement will be documented and include:

- Agreed actions;
- Responsibilities;
- Timeframes;
- Consequences for repeated behaviour(s);
- Agreed action monitoring arrangements;
- Consequences for failing to complete agreed actions;
- Confirmation that the Complaint is considered resolved;

(Documented Agreement).

Where the person submitting the Complaint is not the Complainant, it will usually be appropriate to discuss the proposed resolution with that person and provide them with a reasonable opportunity to have input into the resolution, prior to finalising.

The Parties must make a written commitment to abiding by the Documented Agreement (which may be by electronic means e.g. email). A copy of the Documented Agreement will be provided to the Parties.

Complaints will remain confidential in accordance with this policy (Clause 4.2.2), unless otherwise requested by the person complained about, in which case a final Report will be prepared and tabled at the next Council Meeting practicable (the Complainant's identity may need to be redacted in accordance with Clause 4.2.2). The Complaint must be reported in Council's Annual Report, in accordance with Schedule 4(1)(d) of the [Act](#).

Part 2.4.3 **Outcome – Breach Found – No Agreed Action**

Where a breach of the Behavioural Requirements is found and the Parties fail to agree upon a resolution, a final Report will be included in a Council Meeting Agenda for consideration and determination as soon as practicable.

Part 2.4.4 Council Action

In considering a Complaint referred under Part 2.4.3, actions that may be taken by Council include:

- Taking no further action;
- Passing a censure motion (concerning the person complained about);
- Requiring a public apology (in a manner determined by Council);
- Requiring a specified course of training/instruction be undertaken;
- Removal or suspension from one or more offices held as an Elected Member/or by virtue of being an Elected Member of Council, but **not** the office of an Elected Member of Council.

If Council determines to take action:

- The manner and time periods in which any action(s) must be completed should be reasonably prescriptive;
- A report on the Complaint must be considered at a Council Meeting open to the public (Section 262C(2) of the [Act](#));
- A failure to comply with a requirement of Council is defined as Misbehaviour (Section 262E of the [Act](#)) and may result in a referral to the Panel.

If Council determines to take no further action, the Complainant will be advised and provided with the reasons why, which may include:

- After considering all of the circumstances, it is deemed unnecessary/unjustifiable for Council to deal with/continue to deal with the Complaint;
- The subject matter has been/is already subject to investigation, whether by Council or another person/body;
- Council has dealt with the Complaint adequately.

The Complaint must be reported in Council's Annual Report, in accordance with Schedule 4(1)(d) of the [Act](#).

PART 3: BEHAVIOURAL STANDARDS PANEL

A Complaint alleging Misbehaviour, Repeated Misbehaviour or Serious Misbehaviour may be made to the Panel via one of the following (Section 262Q of the Act):

- A Council resolution;
- The Mayor;
- At least three Elected Members;
- A responsible person under Section 75G(5) (in relation to a direction not to attend a meeting).

Community members cannot lodge a Complaint directly with the Behavioural Standards Panel (Panel).

Council must appoint a person as the Contact Officer for Complaints referred to the Panel (Contact Officer). The CEO is the Contact Officer (or delegate) and is responsible for providing information/receiving notice from the Panel. Where the Contact Officer is not the CEO, the

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Contact Officer will keep the CEO informed about matters under consideration by the Panel, as appropriate.

5. RESPONSIBILITIES

Roles and responsibilities are provided in Attachment 2.

6. COMPLAINTS

Complaints about this policy (that are not a Complaint under this policy), must be in writing to the CEO and lodged in accordance with Council's Complaints Policy GOV012, available via Council's website www.coppercoast.sa.gov.au (Website).

7. DELEGATION

Any applicable delegations are set out in Council's Delegations Register, available via Council's [Website](#).

8. REVIEW

The Act (Section 262B) requires Council to review the operation of its Behavioural Management Policy within 12 months of the conclusion of each periodic election.

This Policy will, as a minimum, be reviewed by the Elected Body every four years, or more frequently as deemed necessary in consideration of any changes to legislation, relevant standards, codes and guidelines, audit findings and/or any corrective actions/controls.

9. TRAINING

Council is committed to supporting Elected Members in complying with this policy. Ongoing training and relevant resources will be provided to ensure they have the skills/knowledge necessary to perform their role in accordance with the Behavioural Requirements and the [Act](#).

Training and relevant support will also be provided to persons with specific obligations under this policy.

Training needs will be reviewed during induction, individual performance reviews and as necessary in consideration of any changes to legislation, relevant standards, codes and guidelines, audit findings, any corrective and preventative actions/Controls arising from Risk Assessment and/or hazard/incident reports and stakeholder feedback.

10. RECORDS MANAGEMENT

Records will be managed in accordance with Council's Records Management Policy RM001, available via Council's [Website](#).

11. POLICY AVAILABILITY

Policies are made available on Council's [Website](#) and can be:

- Inspected at Council's Principal Office, during ordinary office hours, without charge;
- Made available in electronic form without charge;
- Provided in printed format upon request and payment of a fee (if any), as set out in Council's Register of Fees and Charges (available via Council's [Website](#)).

12. REFERENCES AND LEGISLATION

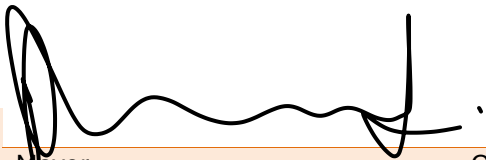
Independent Commission Against Corruption Act 2012
 Local Government Act 1999
 Ombudsman Act 1972
 Public Interest Disclosure Act 2018
 Work Health and Safety Act 2012
 Local Government Association Model Behavioural Management Policy
 LGAMLS Scheme Rules
 LGAWCS Scheme Rules

13. RELATED COUNCIL OBJECTIVES, POLICIES AND DOCUMENTS

Strategic Plan 2024 – 2034

- Good Governance - Transparency and Accountability
- Leadership Commitments - Operate with honesty and integrity and be accountable for the decisions we make

Work Health Safety and Return to Work Policy WHS11-001
 Records Management Policy RM001
 Council Member Allowance and Support Policy GOV001
 Risk Management Framework Policy GOV029
 Elected Member Training and Development Policy GOV009
 Fraud, Corruption Misconduct And Maladministration Prevention Policy GOV004
 Gifts and Benefits Policy GOV020
 Public Interest Disclosure Policy GOV025
 Public Interest Disclosure Procedure GOV025

Signed		
	Mayor	Chief Executive Officer
Date	16th July 2025	

ATTACHMENT 1 - DEFINITIONS

Alternative Resolution Mechanism (Alternative Resolution)	Usually a dispute resolution process involving an independent person(s) (which may be an internal and/or external person(s)) whose role is to try to sort out the issues between parties, including but not limited to facilitated discussion, mediation, arbitration, conflict resolution, training etc.
Behavioural Management Framework	Comprises of four components: 5. The legislative framework within which all Elected Members must operate; 6. The Behavioural Standards for Council Members ; 7. The mandatory Behavioural Management Policy (this policy); 8. Optional Behavioural Support Policy (or policies) designed to support appropriate behaviour by Elected Members (Section 75F of the Act).
Behavioural Requirements	The Behavioural Standards for Council Members , this Policy and/or any Behavioural Support Policy adopted by Council (collectively and individually).
Behavioural Standards for Council Members	Established by the Minister for Local Government and published as a notice in the SA Government Gazette (no. 79, page 6658) . Specifies the standards of behaviour to be observed by Elected Members and other behavioural related matters.
Behavioural Standards Panel (Panel)	An independent statutory authority, comprising three members appointed by the Governor, with powers to impose sanctions on Elected Members who breach legislative and policy requirements, established to assess and deal with matters referred to it (Section 262F).
Complaint	For the purpose of this policy, allegations of conduct that is inconsistent with the Behavioural Requirements, made under this policy and/or to another body or agency.
Contact Officer	A person appointed as Council's contact, for Complaints referred to the Panel, and responsible for providing information to/receiving notice from the Panel.
Dispute	Generally a difference of opinion or disagreement between two parties, which may involve a heated discussion or some other unsatisfactory exchange.
Elected Member	A person elected to the office of a member of a Council (also referred to as Council Member/member of Council).
Frivolous	Includes, without limitation, a matter of little weight or importance, or lacking in seriousness.
Misbehaviour	As defined in section 262E of the Act , a failure of an Elected Member to comply with: (a) A requirement of Council under section 262C(1); (b) A provision of, or a requirement under, Council's behavioural management policy; or (c) An agreement reached following mediation, conciliation, arbitration or other dispute or conflict resolution conducted in relation to a complaint under Division 1. Plain language version:

	An Elected Member fails to: a) Take the action required by Council; or b) Comply with this policy; or c) Comply with an agreement reached under this policy.
Parties	The person who made the Complaint (may include a person submitting a Complaint on behalf of the person making the Complaint as appropriate/necessary) and the person complained about.
Person Responsible for Managing the Complaint (Person Responsible)	4. The Mayor; 5. If the Complaint relates to or involves the Mayor, the Deputy Mayor; 6. If the Complaint relates to or involves the Mayor and Deputy Mayor, another Elected Member appointed by Council. (Subject to any resolution of Council to the contrary.)
Repeated Misbehaviour	As defined in section 262E of the Act, a second or subsequent failure by an Elected Member to comply with Chapter 5 (Members of council), Part 4 (Member integrity and behaviour), Division 2 (Member behaviour). Plain English Version: A second/subsequent breach of the Behavioural Requirements.
Rules of Evidence	The rules that all of the information given directly to a court, by a witness, must comply with. A court can only take notice of evidence that complies. Much of the Law of Evidence relevant to South Australia is contained in the Evidence Act 1929 .
Serious Misbehaviour	As defined in section 262E of the Act, a failure by an Elected Member to comply with section 75G (Health and safety duties). Plain English Version: A breach of the health and safety duties (including sexual harassment) set out in Section 75G of the Act.
Sufficient Interest	A relevant interest in a matter, over and above the interest of an ordinary member of the community (also may be referred to as “standing”). The general test is whether a person is likely to gain some advantage if successful or suffer some disadvantage in failure, over and above an ordinary member of the community. Sufficient interest requirements can apply at common law in certain circumstances/ under certain legislation.
Support Person	For the purpose of this policy, a support person is someone that a person complained about can nominate to accompany them to a meeting to provide emotional support. A support person is not an advocate or representative. They cannot speak on behalf of the person complained about and their role is solely to provide support and reassurance. A support person can take notes on the meeting.
Third Party	An external service provider with relevant skills (e.g. an investigator).
Trivial	Includes, without limitation, a matter of little worth or importance; that is trifling or insignificant.
Vexatious	Includes matters raised without reasonable grounds or for the predominate purpose of causing annoyance, delay or detriment, or achieve another wrongful purpose.

ATTACHMENT 2 - RESPONSIBILITIES

Person Responsible	1. Perform the tasks assigned under this Policy. 2. Resolve concerns raised in a timely manner, prior to the matter becoming serious/escalating to a formal Complaint, wherever reasonably possible. 3. In consultation with the CEO and as necessary: • Facilitate access to resources to support impacted persons; • Engage external resources to assist with Complaint investigation/resolution. 4. Ensure that appropriate records are kept of all processes carried out under this policy. 5. Adhere to/provide notice in accordance with LGAMLS and/or LGAWCS Scheme Rules.
Chief Executive Officer (CEO) (or delegate)	1. Perform the tasks assigned under this Policy. 2. Facilitate access to external resources to: • Support impacted persons; • Assist with Complaint investigation/resolution. 3. Ensure that appropriate records are kept of the relevant processes carried out under this policy. 4. Adhere to/provide notice in accordance with LGAMLS and/or LGAWCS Scheme Rules.
Contact Officer	1. Comply with any lawful request from the Panel for information. 2. Receive and respond to notices from the Panel.