



COUNCIL POLICY

Council Member Behavioural Management

Policy Number:	PO203		
Strategic Plan Objective:	5. Responsible Governance and Leadership		
Policy Owner:	Chief Executive Officer	Record Number:	22/111665
Responsible Officer:	Governance Officer	Minute Reference:	220/2023 (11/10/2023)
Date Adopted:	11/10/2023	Next Review Date:	October 2027

1. POLICY OBJECTIVES

This Behavioural Management Policy (Policy) has been prepared and adopted in accordance with Section 262B of the Local Government Act 1999 (Act).

This Policy forms part of the Behavioural Management Framework (BMF) for members of the Council (Council Members) and sets out the approach to the management of complaints about the behaviour of Council Members and the process to be adopted where there has been an alleged breach of the Behavioural Requirements. It is intended to facilitate appropriate behaviours by Council Members and assist with meeting obligations relating to leadership and positive and constructive working relationships as set out in sections 58 and 59 of the Act.

This Policy does not apply to complaints about Council employees or the Council as a whole.

2. SCOPE

This Policy applies to Council Members.

3. DEFINITIONS

Refer to Attachment 1.

4. POLICY STATEMENT

Nothing in this Policy is intended to prevent Council Members from seeking to resolve disputes and complaints (refer to clause 4.2 Dispute versus Complaint) in a proactive, positive and courteous manner before they are escalated.

The following principles apply:

- Where a Council Member considers there has been behaviour that is inconsistent with the Behavioural Requirements, a Council Member may, in appropriate circumstances, seek to respectfully and constructively raise this issue with the Council Member concerned, without the need to lodge a complaint under this Policy.

- If a matter proceeds to a complaint, all Council Members will continue to comply with the procedures set out in this Policy and support the Person Responsible for Managing the Complaint (Person Responsible).
- A consistent approach to the assessment, investigation and resolution of complaints will be adopted to facilitate timely and efficient resolution and minimisation of costs.
- 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.

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.

4.1 The Complaint Management Process

- This Policy sets out the procedures for dealing with an allegation of a breach of the Behavioural Requirements applying to Council Members.
- A complaint made in accordance with this Policy must be lodged within 6 months of the behaviour that is inconsistent with the Behavioural Requirements occurring. A decision may be made to accept a complaint lodged more than 6 months after the behaviour that is inconsistent with the Behavioural Requirements occurring on a case-by-case basis, at the discretion of the Person Responsible.
- Community members can lodge a complaint with the Council in accordance with this Policy but cannot lodge a complaint directly with the Behavioural Standards Panel (Panel).

4.2 Dispute versus Complaint

It is important to distinguish between a dispute and a complaint. A dispute is 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.

This Policy is intended to deal with matters where conduct is alleged to have been inconsistent with the Behavioural Requirements, rather than where Council Members have differences of opinion, even when robustly put.

4.3 Confidentiality

Complaints made in accordance with this Policy will be managed on a confidential basis until such a time as they are required to be reported to Council in a public meeting in accordance with this Policy or are otherwise lawfully made public or disclosed.

Access to information relating to complaints and information about complaints will be limited to parties to the complaint and individuals with a responsibility within the complaint handling process or as otherwise provided for within this Policy and/or required by legislation.

A person who has access to information about a complaint (including the complainant and the person complained about) must not directly, or indirectly disclose to any person (including to a Council Member) 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 an external party, investigating the complaint, or mediator/conciliator engaged in accordance with this Policy;
- Where the information has been made public in accordance with this Policy or this Policy otherwise authorises or requires the disclosure of the information.

This is not to be confused with formal consideration at a Council Meeting of any matter arising from application of this Policy. Items presented to Council must be assessed on a case-by-case basis in accordance with the requirements of section 90 of the Act.

A complainant may request their identity be kept confidential from the person complained about. This does not constitute an anonymous complaint. The Person Responsible will consider such requests on a case-by-case basis, having regard to any applicable legal requirements.

4.4 Stages of Action

This Policy has three distinct stages to the approach that will be taken to address complaints about the behaviour of Council Members:

- **Part 1 - Informal 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 circumstance under which the Mayor, the Council or other appropriately authorised person(s) will make a referral.

4.4.1 Part 1: Informal Action

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.

Alternatively, a person may raise their concern with the Mayor on an informal basis. If the concerns relate to or involve the Mayor the person may raise the matter with the Deputy Mayor or other Council Member appointed by the Council as the Person Responsible under this Policy.

If the Mayor/Person Responsible considers that access to resources to support impacted parties and facilitate early resolution of the matter should be provided, the Mayor/Person Responsible will request the Chief Executive Officer (CEO) to facilitate access to relevant resources. The CEO will not refuse any reasonable request for resources made in accordance with this Policy.

Where the Mayor or Person Responsible 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).

If informal action does not successfully resolve the matter, the record may be made available to an investigation process as provided for under this Policy or to the Panel.

4.4.2 Part 2: Formal Action

This Part sets out the process for formal action in response to a complaint regarding the behaviour of Council Members and addresses the manner in which a complaint will be:

- Received;
- Assessed;
- Investigated;
- Resolved;
- Recorded.

A complaint made under this Policy must:

- Be received in writing and marked with "Confidential Council Member Complaint" and forwarded to the relevant email or physical address as published on the [Council's website](#).
- Provide the name of the Council Member who has allegedly breached the Behavioural Requirements, the name and contact details of the complainant, the name and contact details of the person submitting the complaint (if different to the complainant) and the name and contact details of any witnesses or other persons able to provide information about the complaint.
- Be specific (including identifying the Behavioural Requirements the complainant alleges have been breached).
- Provide as much supporting evidence as possible to assist an investigation, 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 lodged within six (6) months of the alleged conduct occurring on the basis that it is important to address alleged breaches of Behavioural Requirements in a timely manner (with discretion provided to the Person Responsible to allow a longer time limit to apply in particular cases. This will be assessed on a case-by-case basis).

4.4.2.1 Receipt of a Complaint

This step is an administrative process undertaken by the CEO or delegate:

- Receipt;
- Initial acknowledgement;
- Record keeping;
- Allocation of the matter to the Person Responsible.

The CEO or delegate does not undertake an assessment of the merits of the complaint.

Receipt of the complaint will be acknowledged within five business days or as soon as reasonably practicable and a copy of this Policy will be provided to the person making the complaint.

The complaint should be directed to the Person Responsible in accordance with this Policy.

A complainant may withdraw their complaint at any stage.

4.4.2.2 Initial Complaint Assessment

An initial assessment is not an investigation or adjudication of a complaint and no findings as to the merits of the complaint will be made at this stage.

STEP 1

The Person Responsible will undertake an assessment of the complaint to determine whether the content of the complaint relates to the Behavioural Requirements and whether the conduct occurred in the context of the Council Member carrying out their official functions and duties.

In undertaking the assessment, the Person Responsible will have regard to the following matters:

- The person that is making the complaint (or on whose behalf the complaint has been made) has a sufficient interest in the matter;
- The complaint is Trivial, Frivolous or Vexatious or not made in good faith;
- The complaint has been lodged with another authority;
- The subject matter of the complaint has been or is already being investigated by the Council or another body;
- It is unnecessary or unjustifiable for the Council to deal with the complaint;
- The Council has dealt with the complaint adequately;
- Reporting obligations to either the Local Government Association Mutual Liability Scheme (LGAMLS) or the Local Government Association Workers Compensation Scheme (LGAWCS).

STEP 2

If the Person Responsible considers the matter warrants further consideration, the person complained about should be advised that a complaint has been received and is undergoing an initial assessment in accordance with this Policy. They should be provided a summary of the matter, at a sufficient level of detail, to understand the nature of the allegations and enable them to provide a preliminary response. This may be achieved by a discussion between the Person Responsible and the person complained about, taking into account the principles of this Policy.

The person complained about may have a support person present during any discussions. The person complained about should be given a reasonable opportunity, but no more than ten business days, to provide a response to support the initial assessment. The Person Responsible may provide a longer period of time for provision of a response at their discretion. The Person Responsible should have regard to any response provided in determining the action resulting from the initial assessment.

Action from Initial Assessment

The Person Responsible will determine what action will result from the initial assessment. A matter may proceed to formal consideration under this Policy, unless there are grounds to take one of the following actions pursuant to section 262B(2)(b):

- Refusing to deal with the complaint (including under Section 270(4a)(a)(i) of the Act which precludes a review of a decision to refuse to deal with such a complaint);
- Determining to take no further action;
- Referring to an alternative resolution mechanism or to propose training for relevant parties (e.g. facilitated discussion, provision of training, mediation, arbitration, conflict resolution, etc.);
- Referring the matter to another body or agency (e.g., the Ombudsman SA or the Panel).

The outcome of the initial assessment will be advised to the complainant and person complained about in writing as far as is permitted by law.

Refusing to Deal with the Complaint/Determining to Take No Further Action

Where the Person Responsible makes a decision not to proceed with formal consideration of the matter the following steps should be taken:

- The complainant must be provided written reasons explaining the decisions;
- The person complained about should be provided with a brief summary of the complaint and the reasons for not proceeding;
- A record of these steps and the decision not to proceed should be made;
- Whilst a matter may not proceed, the Person Responsible may discuss the issues informally with the parties and identify strategies to build skills, facilitate positive relationship development and reduce the likelihood of repeat occurrences.

Decision to Refer to Alternative Resolution Mechanism:

The Person Responsible may form the view that the optimal way to deal with the complaint is to implement an alternative resolution mechanism such as facilitated discussion, mediation, arbitration, conflict resolution or training.

The Person Responsible should discuss the use of a proposed alternative resolution mechanism with the complainant and the person complained about to determine whether there is support for this approach.

If so, the Person Responsible should request the CEO take steps to facilitate access to appropriate internal or external support (not being for the purposes of obtaining legal advice) for parties to the complaint. The CEO will not refuse any reasonable request for resources made in accordance with this Policy.

The complainant and the person complained about should be provided written confirmation of the alternative resolution mechanism to be used for the purposes of resolving the complaint.

Decision to Refer to Another Body or Agency

Where the Person Responsible makes a decision to refer the matter to another body or agency the person will follow any direction from that body or agency regarding what information is to be provided to the complainant and the Council Member complained about regarding the referral.

Decision to Proceed to Formal Consideration

Where the Person Responsible makes a decision to proceed to formal consideration the following steps should be taken:

- The person complained about should be provided with a copy of this Policy, contact details of the Person Responsible and a summary document setting out:
 - The specific provision(s) of the Behavioural Requirements alleged to have been breached;
 - The circumstances where this breach is alleged to have occurred.In circumstances where the complainant has not requested their identity be kept confidential, a copy of the complaint may be provided in full.
- The complainant should be advised of the decision to proceed and the contact details of the Person Responsible.

4.4.2.3 Formal consideration

Where a decision to formally consider the complaint has been made, the Person Responsible will determine how to proceed:

- The Person Responsible may determine that they are the appropriate person to formally consider the complaint; or
- The Person Responsible may determine to engage a third party to formally consider the complaint, for example:
 - An investigator who will report to the Person Responsible; or
 - An external service provider with skills relevant to the matter who will report to the Person Responsible.

If the Person Responsible determines a third party should be engaged, they will request the CEO to facilitate engagement of an appropriate service provider. The CEO will not refuse any reasonable request for resources made in accordance with this Policy.

The Person Responsible will advise both the complainant and the person complained about that they are able to have a support person accompany them during discussions relating to the complaint.

It is the expectation of Council that both the complainant and the person complained about will cooperate with any such process to consider the complaint and, if requested, participate in meetings in a timely manner.

Failure by the Council Member complained about to comply with this requirement may be taken into account when considering the actions to be taken under section 2628(2)(e) of the Act and may constitute grounds for referral to the Panel for Misbehaviour.

Further consideration by the Person Responsible (or the third party engaged), may (at the discretion of that person) involve:

- Exploring the complaint with the complainant and the person who is the subject of the complaint;
- Speaking with other persons who have been nominated by the parties to have observed the behaviour;
- Speaking directly with witnesses to the conduct complained about;
- Requesting the provision of information or documents relevant to the investigation, which may include access to audio or video recordings of meetings.

During the formal consideration of a matter appropriate records should be kept by the Person Responsible.

4.4.2.4 Documenting Findings/Conclusions/Recommendations

The Person Responsible (or the third party engaged) will document their findings/conclusions/recommendations, either by way of correspondence between the parties and/or a written account, setting out (as applicable):

- The allegations made in the complaint;
- Summary of evidence to which the investigation had regard;
- Findings;
- Conclusions;
- Recommendations.

Recommended action for the parties to consider and/or participate in such as, but not limited to, the imposition of sanctions as per the Act, may include:

- Discussions with parties to the complaint to seek agreement;
- Formal mediation if not already undertaken;
- Conciliation;
- Arbitration;
- Education and further training.

including where there is no breach found. A copy of the documented, proposed findings/conclusions/recommendations should be provided to the parties to the complaint, in draft format (noting that the complainant's identity may need to be redacted), who should be given a reasonable opportunity, but no more than ten business days, to make submissions in relation to the draft findings/conclusions/recommendations. The Person Responsible (or the third party engaged) may provide a longer period of time for lodgement of submissions to the draft findings/conclusions/recommendations at their discretion. The Person Responsible (or the third party engaged) should have regard to any submissions made in preparing a final findings/conclusions/ recommendations.

Outcome - No breach found

Where the finding is that no breach of the Behavioural Requirements has occurred, the complaint 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 (noting that the complainant's identity may need to be redacted). If no such request is received, no further action will be taken.

Outcome - Breach Found and Actions Agreed

Where the finding is that a breach of the Behavioural Requirements has occurred and the complainant and the person complained about agree to a path for resolution (where the conduct complained about is not raised by the person directly affected by the conduct it will usually be appropriate to discuss the proposed resolution with that person prior to finalising agreement - this is intended to apply in a circumstance where the 'victim' is not the complainant to provide them a reasonable opportunity to have input into the resolution), 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.

The agreement reached will be made in writing, including a commitment by 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 in Council's records management system.

The complaint 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 (noting that the complainant's identity may need to be redacted). The matter must be reported in the Council's Annual Report which must contain the information required by the regulations.

Outcome - Breach Found No Agreed Action

Where the finding is that a breach of the Behavioural Requirements has occurred and the parties to the complaint have failed to reach agreement as to the resolution of the matter, a final report should be presented to Council for determination. The Person Responsible should request the CEO to include the final report in the Council Meeting Agenda as soon as practicable.

4.4.2.5 Actions of Council

Where the parties are not able to agree on an approach to resolve the matter, the matter will be provided to Council for determine the actions to be taken which may include:

- Taking no further action;
- Passing a censure motion in respect of the member;
- Requiring the member to issue a public apology (in a manner determined by the Council);
- Requiring the member to undertake a specified course of training or instruction;
- Removal or suspension from one or more offices held in the member's capacity as a Council Member or by virtue of being a Council Member — but not the office of Council Member;

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

Where Council determines to take no further action, the complainant will be advised of this along with reasons, which may include:

- The ground that, 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;

- 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; or
- The ground that the Council has dealt with the complaint adequately.

In making a determination under section 262C(1) Council should be reasonably prescriptive about the manner and time periods in which the action must be completed. Section 262E defines a failure to comply with a requirement of the Council under 262C(1) as Misbehaviour, which may result in a referral to the Panel.

The matter must be reported in the Council's Annual Report which must contain the information required by the regulations.

4.4.3 Part 3: Referrals to the Behavioural Standards Panel

The Panel is an independent statutory authority consisting of three members and has powers to impose sanctions on Council Members who breach the Behavioural Requirements.

In accordance with section 262Q of the Act a complaint alleging Misbehaviour, Repeated Misbehaviour or Serious Misbehaviour may be made to the Panel by certain persons as set out below. The Panel's jurisdiction arises in the circumstances of Misbehaviour, Repeated Misbehaviour and Serious Misbehaviour.

A complaint alleging Misbehaviour, Repeated Misbehaviour or Serious Misbehaviour by a Council Member may be referred to 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.

Behavioural Standards Panel Contact Officer

Council must appoint a person as the contact officer for matters referred to the Behavioural Standards Panel. Council's Governance Officer is the appointed contact officer (Contact Officer), or another person appointed by the CEO, and is responsible for the provision of information to and receipt of notice from the Panel.

4.5 Responsibilities

The Mayor, Deputy Mayor or other Council Member appointed by the Council as the Person Responsible is responsible under this Policy to:

- Perform the tasks bestowed upon the Person Responsible pursuant to this Policy.
- In consultation with the CEO, 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.
- In consultation with the CEO, engage external resources to assist with investigation and resolution of matters.

The CEO (or delegate) is responsible under this Policy to:

- Manage the administrative receipt, acknowledgement, record keeping and allocation of a complaint lodged in accordance with this Policy;
- Facilitate access to external resources to support the resolution of complaints lodged in accordance with this Policy.

The Contact Officer is responsible under this Policy to:

- Comply with any lawful request of the Panel for information related to a matter under consideration.
- Receive and respond to notices relating to matters under consideration by the Panel.

Where the Contact Officer is not the CEO, the Contact Officer should keep the CEO informed of the status of matters under consideration by the Panel.

4.6 LGA Mutual Liability Scheme and LGA Workers Compensation Scheme

In managing matters within the scope of the BMF, Council must also adhere to the LGAMLS and/or the LGAWCS Rules. Where an incident, circumstance or matter occurs which may give rise to a claim, Council must provide notice to the LGAMLS and/or LGAWCS in accordance with the LGAMLS and/or LGAWCS Scheme Rules. The provision of early notice allows for adequate risk management and prevention strategies to be put in place.

4. COMPLAINTS

Complaints about this Policy can be made in writing to the CEO. Complaints will be managed in accordance with Council's PO147 Complaints Policy.

5. REVIEW

Section 262B of the Act requires Council to review this Policy within 12 months of the conclusion of each periodic election. This Policy will also be reviewed as deemed necessary in consideration of any changes to legislation and relevant standards, codes and guidelines or audit findings.

6. TRAINING

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.

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.

Training requirements will also be reviewed as deemed necessary in consideration of any changes to legislation and relevant standards, codes and guidelines or audit findings.

7. RECORDS

Records will be maintained as required by Council's Records Management Policy PO063, this Policy and relevant legislation

8. RELATED COUNCIL POLICIES/PROCEDURES AND DOCUMENTS

PO001 Peak Work Health Safety and Return to Work Policy

PO063 Records Management Policy

PO089 Elected Member Allowances and Benefits Policy

PO091 Risk Management Policy

PO135 Elected Member Training and Development Policy

PO135A Elected Member Training and Development Plan

PO148 Fraud and Corruption Policy

PO150 Gifts and Benefits Policy

PO171 Public Interest Disclosure Policy

PR121 Capture of Elected Members Records Procedure

PR152 Public Interest Disclosure Procedure

9. REFERENCES AND LEGISLATION

Local Government Act 1999

Independent Commission Against Corruption Act 2012

Ombudsman Act 1972

Public Interest Disclosure Act 2018

LGA Model Behavioural Management Policy

10. COUNCIL DELEGATION

Any applicable delegations are available on Councils website via the Delegations register via Council's website <https://yorke.sa.gov.au/about-us/forms-plans-and-publications/registers/>.

11. VERSION HISTORY

Version No	Issue Date	Description of Change
New Policy	11/10/2023	This Policy replaces the LGA Model Policy, developed to assist councils with the implementation of reforms associated with behavioural management for Council Members, arising from the Statutes Amendment (Local Government Review) Act 2021.

ATTACHMENT 1: DEFINITIONS

Term/Reference	Definition
Behavioural Management Framework (BMF)	<p>There are four components to the Council Member Behavioural Management Framework (BMF).</p> <p>Part 1 The legislative framework within which all Council Members must operate.</p> <p>Part 2 The Standards for Council Members, determined by the Minister for Local Government (developed in consultation with the local government sector), which apply to all Council Members in South Australia.</p> <p>Part 3 The mandatory Behavioural Management Policy relating to the management of behaviour of Council Members and adopted pursuant to Section 262B of the Local Government Act.</p> <p>Part 4 The optional Behavioural Support Policy (or policies), designed to support appropriate behaviour by Council Members and adopted pursuant to Section 75F of the Local Government Act. Council determined not to adopt a Behavioural Support Policy (or policies) at the general meeting of the Council held on 10 May 2023 (minute reference 108/2023).</p> <p>In addition, the Panel has been established to assess and deal with matters referred to it.</p>
Behavioural Requirements	The Behavioural Standards for Council Members, this Policy and/or any Behavioural Support Policy adopted by the Council.
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).
Behavioural Standards Panel (Panel)	An independent statutory authority comprising three members with powers to impose sanctions on Council Members who breach legislative and policy requirements has been

	established to assess and deal with matters referred to it.
Frivolous	Includes without limitation, a matter of little weight or importance, or lacking in seriousness.
Misbehaviour	<p>As defined in Section 262E of the Act as:</p> <ul style="list-style-type: none">(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. <p>Plain language explanation:</p> <ul style="list-style-type: none">(a) A Council Member fails to take the action required by council; or(b) A Council Member fails to comply with this policy; or(c) A Council Member fails to comply with an agreement reached pursuant to this policy.
Person Responsible for Managing the Complaint (Person Responsible)	<p>Means, subject to any resolution of the Council to the contrary —</p> <ul style="list-style-type: none">1. The Mayor;2. If the complaint relates to or involves the Mayor, the Deputy Mayor;3. If the complaint relates to or involves the Mayor and Deputy Mayor, another Council member appointed by Council.
Repeated Misbehaviour	<p>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 (Ch 5-Members of council, Pt 4-Member integrity and behaviour, Div 2-Member behaviour)</p> <p>Plain language explanation:</p> <p>A second or subsequent breach of the Behavioural Requirements.</p>

Rules of Evidence	The rules that the evidence (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	<p>Defined in Section 262E of the Act as a failure by a member of a council to comply with Section 75G (Health and safety duties).</p> <p>Plain language explanation:</p> <p>A breach of health and safety duties (including sexual harassment) as set out in section 75G of the Act.</p>
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 achieve another wrongful purpose