



Department of  
**Local Government, Sport  
and Cultural Industries**



# Local Government Standards Panel

## 2023-24 Annual Report





# Local Government Standards Panel

## 2023-24 Annual Report

August 2024

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### Responsible Minister

Hon Hannah Beazley BA MLA

Minister for Local Government; Youth; Minister Assisting the Minister for Training and Workforce Development.

# Message from the Presiding Member

To the Hon Hannah Beazley BA MLA  
Minister for Local Government; Youth; Minister Assisting the Minister for Training and  
Workforce Development

The following is the annual report of the Local Government Standards Panel (the Standards Panel) for the period from 1 July 2023 to 30 June 2024.

The minor breach system is part of the disciplinary framework for council members in Western Australia under the *Local Government Act 1995* (the Act). The system responds to and deters conduct by council members that disrupts the effective functioning of their local government.

In 2023-24 the Standards Panel received **134** complaints comprising **275** allegations; convened **23** meetings and considered **220** allegations in the **111** complaints finalised in 2023- 24, with **114** findings of no breach and **35** findings that a breach had occurred. **Eighteen** allegations were suspended as the respondent was no longer an elected member and **one** allegation was withdrawn. The panel refused to deal with **52** complaint allegations, the majority of which were determined to be vexatious and/or frivolous.

The Standards Panel's processing times are impacted by legislative requirements and the provision of procedural fairness for those elected members responding to allegations. The executive support team have streamlined their administrative support processes for the Standards Panel, which saw a further drop of nearly 14% in the average time to deliver findings of a minor breach complaint against breaches of the Act, compared with the last annual reporting period. As the reports can be quite complex, the legal members endeavour to provide reports in a timely manner and the executive team strive to ensure a timely response for the sector.

In 2023-24, the former Deputy Local Government member of the Standards Panel, Ms Renee McLennan, was replaced by Councillor Bronwyn Ife from the Town of Victoria Park through the legislated selection process. I thank Renee for her contribution, welcome Bronwyn to the Standards Panel and thank those in the sector who made an application through the Western Australian Local Government Association. I have also finished my 3-year tenure as Presiding Member of the Panel as I take on a new challenge with the Racing, Gaming and Liquor Division at the Department of Local Government, Sport and Cultural Industries (DLGSC).

I would like to acknowledge and thank our legal members Emma Power and Elanor Rowe for their ongoing support, as well as Councillor Peter Rogers and Deputy member Suleila Felton for their commitment this year.

I take this opportunity to also thank staff at DLGSC for their work supporting the Standards Panel, their commitment to providing the sector with timely responses and advice regarding the minor breach process, and their continued administrative and executive support to the Standards Panel.

Tim Fraser  
Presiding Member, Local Government Standards Panel  
31 August 2024

Contents	
<b>Message from the Presiding Member</b>	2
<b>Overview</b>	4
<b>Requirement for annual report</b>	4
<b>Members of the Standards Panel</b>	4
<b>Complaints and allegations received</b>	4
<b>Finalised complaints and allegations</b>	5
Chart 1: Complaints received and finalised 2019-20 to 2023-24	5
<b>Allegations by regulation</b>	6
Chart 2: Number of allegations by regulation	6
<b>Time taken to finalise complaints</b>	7
Chart 3: Average days taken to process complaints	7
<b>Complaints for each local government</b>	8
Chart 4: Complaints received for each local government	8
<b>Findings</b>	9
<b>Refuse to deal</b>	9
Chart 5: Findings for finalised allegations	10
Chart 6: Findings for each regulation*	11
Chart 7: Orders imposed for complaints finalised	12
<b>Types of allegations</b>	14
Table 1: Outcome of allegations for each regulation	14
Table 2: Sanctions imposed for breaches of each regulation.	15
<b>Meeting attendance</b>	16
Table 3: Fees payable to members for matters dealt with during 2023-24	16
<b>Costs to local governments</b>	16
Table 4: Standard Panel fees recovered from local governments in 2023-24.	17

# Overview

The Standards Panel is the primary complaints panel established under Part 5 Division 9 and Schedule 5.1 of the Act. It provides for a complaints system whereby certain alleged misconduct by council members can be reviewed.

The Standards Panel's function is to receive and deal with complaints, made by any person, of alleged minor breaches by a council member of any rule of conduct in the Local Government (Model Code of Conduct) Regulations 2021 or a provision of a local government's code of conduct.

Administration and support services for the Standards Panel are provided by DLGSC.

This report provides the details of complaints that were received in 2023-24, as well as findings that relate to complaints that were recorded but not finalised in previous reporting periods.

## Requirement for annual report

Clause 11 of Schedule 5.1 of the Act requires that:

- (1) By 31 August in each year, the primary standards panel is to prepare and provide to the Minister a report on the complaints dealt with by all standards panels during the previous financial year.
- (2) The annual report must not include information that identifies or enables the identification of a council member against whom a complaint was made if the complaint was not dealt with under section 5.110(6)(b) or (c).

## Members of the Standards Panel

The Standards Panel comprises 3 members and 3 deputy members, all of whom are appointed by the Minister.

At the conclusion of the 2023-24 financial year, the members and their deputies were:

**Presiding Member:** Tim Fraser, Executive Director, Local Government Division, DLGSC

**Deputy:** Suleila Felton, Director Local Government Financial Policy and Statutory Approval, DLGSC

**Local Government Member:** Cr Peter Rogers, Elected Member, City of Mandurah

**Deputy:** Cr Bronwyn Ife, Elected Member, Town of Victoria Park

**Legal Member:** Emma Power

**Deputy:** Elanor Rowe

## Complaints and allegations received

In the 2023-24 financial year, the Standards Panel received **134** new minor breach complaints — an increase of **29%** compared to **95** new complaints lodged in 2022-23.

A single complaint can allege multiple breaches of one or more regulations that relate to several different incidents. There were **275** allegations of breaches of the regulations within the **134 complaints** received in 2023-24. For example, one complaint received by the Standards Panel contained **18** allegations of breaches of the regulations.

# Finalised complaints and allegations

There were 111 finalised complaints comprising 220 allegations in 2023-24. These included complaints received in the previous financial year/s that had not been finalised during the previous reporting period.

**Table 1** provides details of the allegations and the results of the Standards Panel findings in those matters.

Refer to **Table 2** for details of the sanctions imposed, by regulation, for each of the complaints where a breach was found.

**Chart 1** provides a comparison of complaints received and finalised in the past 5 years.

**Chart 2** provides the number of allegations against each of the regulations.

**Chart 3** indicates the time taken to finalise complaints compared to previous financial years.

**Chart 4** shows which local governments were subject to complaints and the number of complaints lodged.

**Chart 5** provides details of the findings for complaints finalised in 2023-24.

**Chart 6** provides details of the findings for each regulation.

**Chart 7** provides details of the sanctions imposed for finalised complaints.

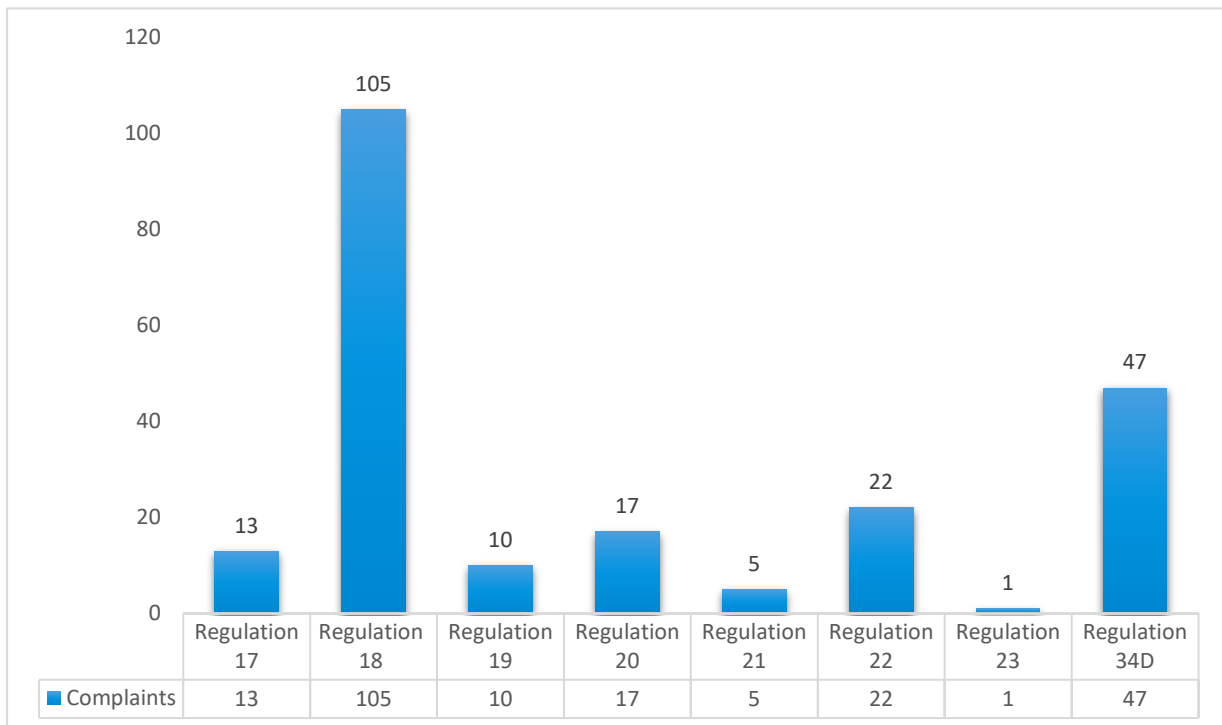
## Chart 1: Complaints received and finalised 2019-20 to 2023-24



Of the **134** new complaints received by the Standards Panel during 2023-24, **71** related to metropolitan local governments while **63** related to regional local governments.

# Allegations by regulation

Chart 2: Number of allegations by regulation



Local Government (Model Code of Conduct) Regulations 2021 and 34D Local Government (Administration) Regulations 1996

Of the **220** allegations considered in 2023-24, the majority were for breaches of regulation 18 of the Local Government (Model Code of Conduct) Regulations 2021:

### Securing personal advantage or disadvantaging others

- (1) A council member must not make improper use of their office —
  - (a) to gain, directly or indirectly, an advantage for the council member or any other person.
  - (b) to cause detriment to the local government or any other person.



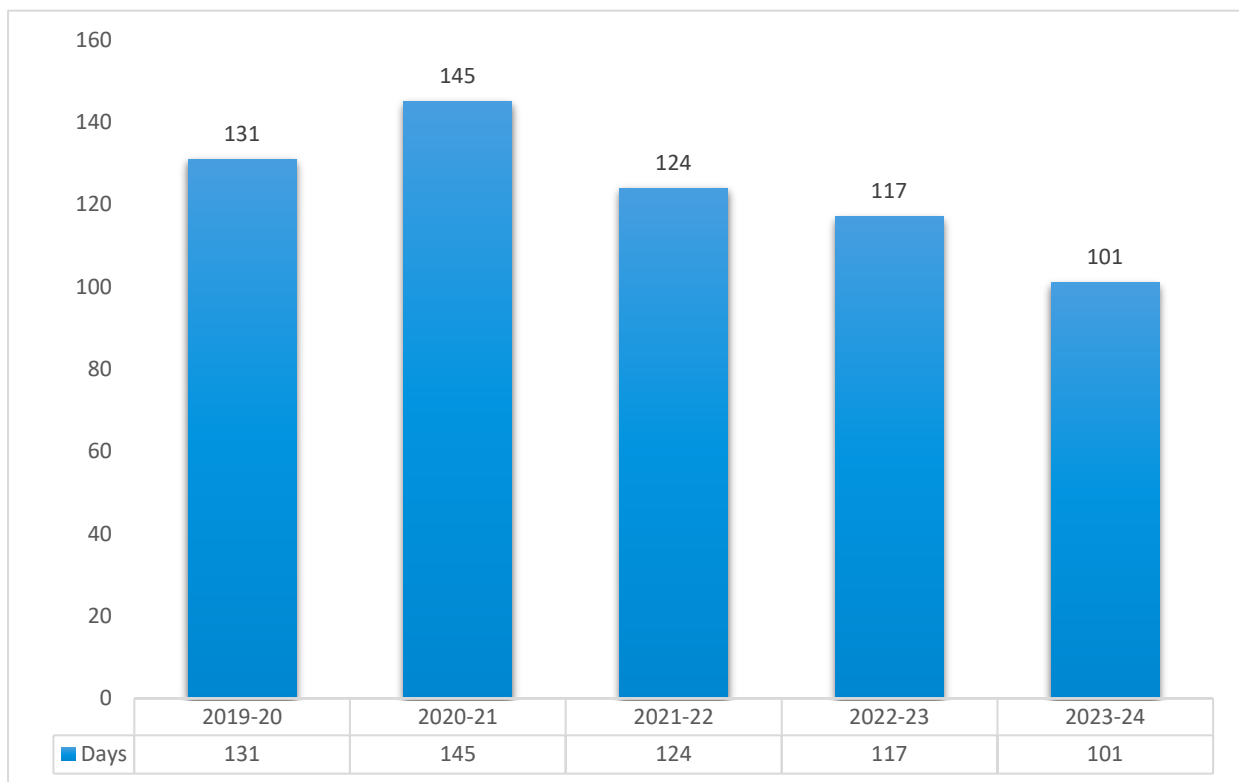
# Time taken to finalise complaints

Chart 3 shows the average time taken to finalise complaints received during 2023-24 compared to previous financial years.

The Standards Panel reduced the time taken to finalise complaints by 14% (or an average of 101 days) compared with last year. Timeliness can be impacted by the Standards Panel granting extensions for responses to ensure procedural fairness. The Standards Panel will continue to identify opportunities to improve the timeliness of its decision making.

As can be seen in Chart 3, timeliness has shown continued improvement over the previous 4 reporting periods.

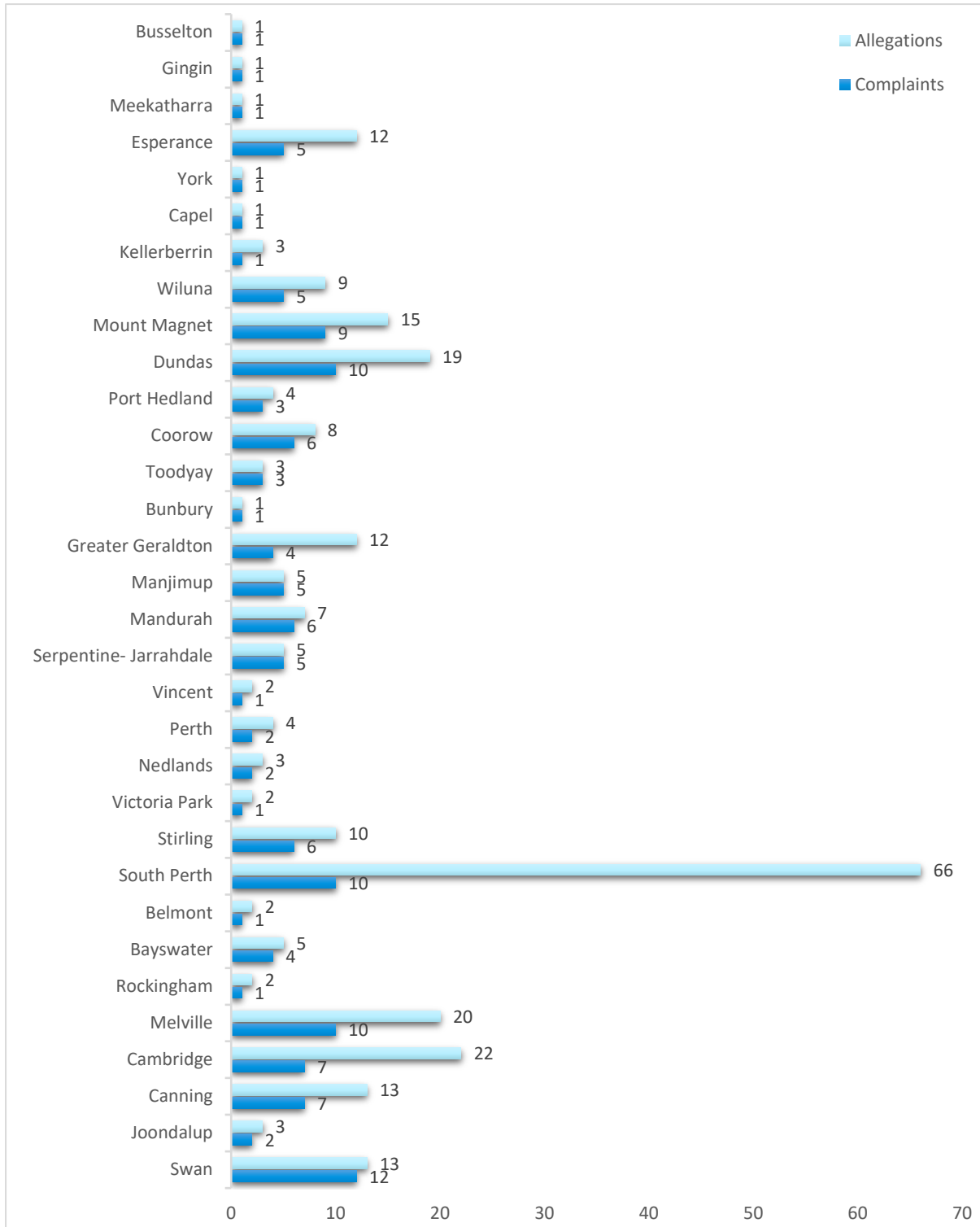
### Chart 3: Average days taken to process complaints



# Complaints for each local government

The 134 new complaints containing 275 allegations received by the Standards Panel during 2023-24 related to 32 local governments.

Chart 4: Complaints received for each local government



# Findings

The reported findings in this report are a combination of allegations that were not resolved in the previous financial year and new complaints received.

In 2023-24 the Standards Panel considered **111** complaints comprising **220** allegations. **50 matters were carried over from 2022-2023.**

In accordance with section 5.110(2)(a) of the Act, the Standards Panel is required to make a finding as to whether the alleged breach occurred. The Standards Panel does not possess investigative or supervisory powers and makes decisions about complaints regarding minor breaches solely based upon the evidence presented to it by the complainant and the respondent.

In relation to these **220** allegations:

- The Standards Panel made **35** findings that a breach occurred.
- The Standards Panel made **114** findings of no breach.
- **1** complaint was withdrawn.
- **18** allegations were suspended as the respondent had resigned and was no longer an elected member.
- The Standards Panel refused to deal with **52** complaints.

## Refuse to deal

Section 5.110(3A) of the Act provides that the Standards Panel can refuse to deal with a complaint at any stage of its proceedings if it is satisfied that the complaint is frivolous, trivial, vexatious, misconceived or without substance.

The Standards Panel relied on the following definitions:

- **Vexatious** means “*an action that has no reasonable prospects of success. The term has also been used to describe an action which is a sham and which cannot possibly succeed.*”
- **Misconceived** means to “*fail to understand (something) correctly.*”
- **Without substance** means lacking the quality of “*having a solid basis in reality or fact.*”
- **Frivolous** means “*not having a serious purpose or value.*”

Of the 52 allegations that the Standards Panel refused to deal with in 2023-24:

- 27 were deemed misconceived
- 14 were deemed vexatious
- 9 were deemed to be without substance
- 4 were found to be frivolous.

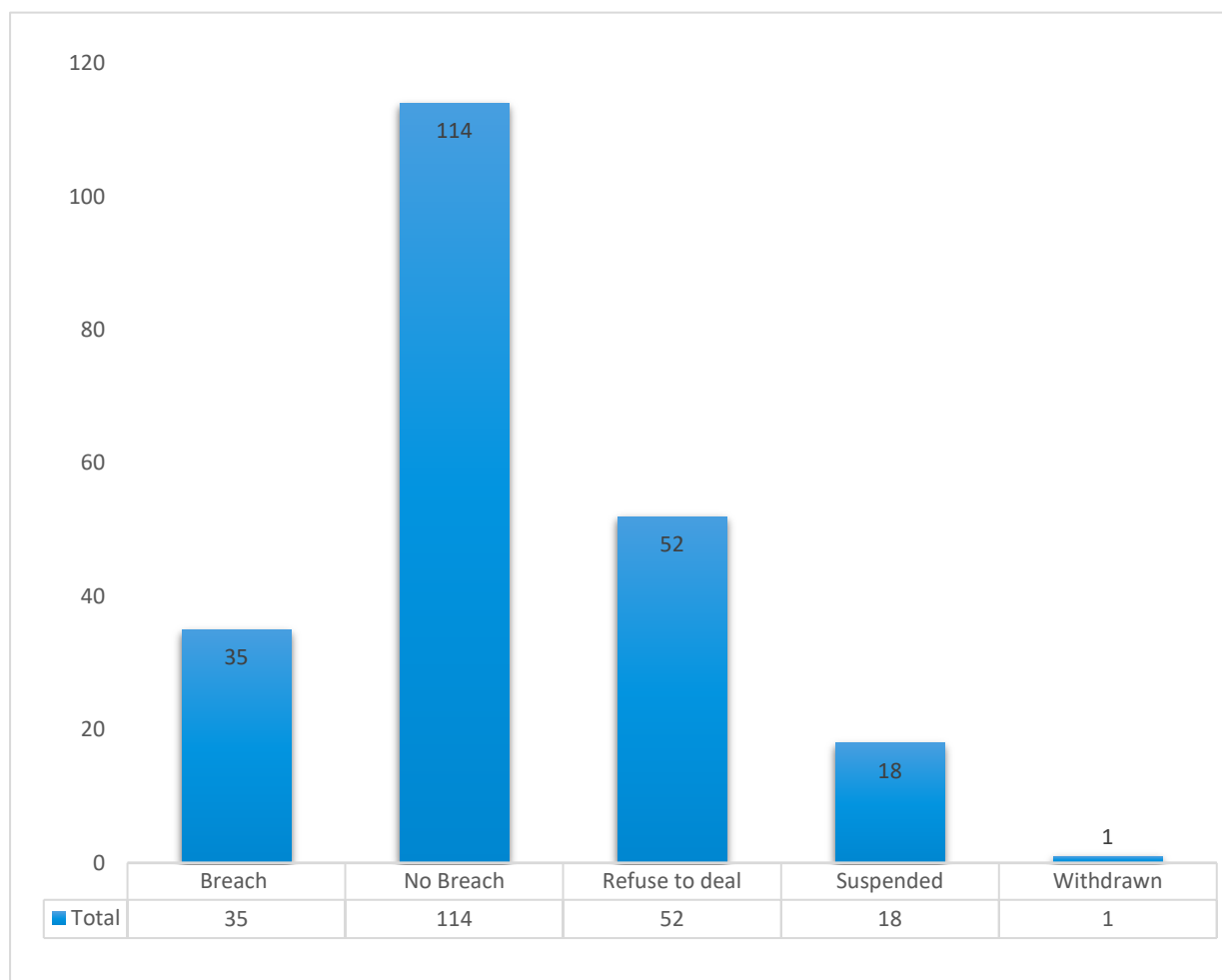
In one of the allegations, the Standards Panel found the complaint to be vexatious, frivolous and misconceived.

An example from a Standards Panel vexatious finding is provided below:

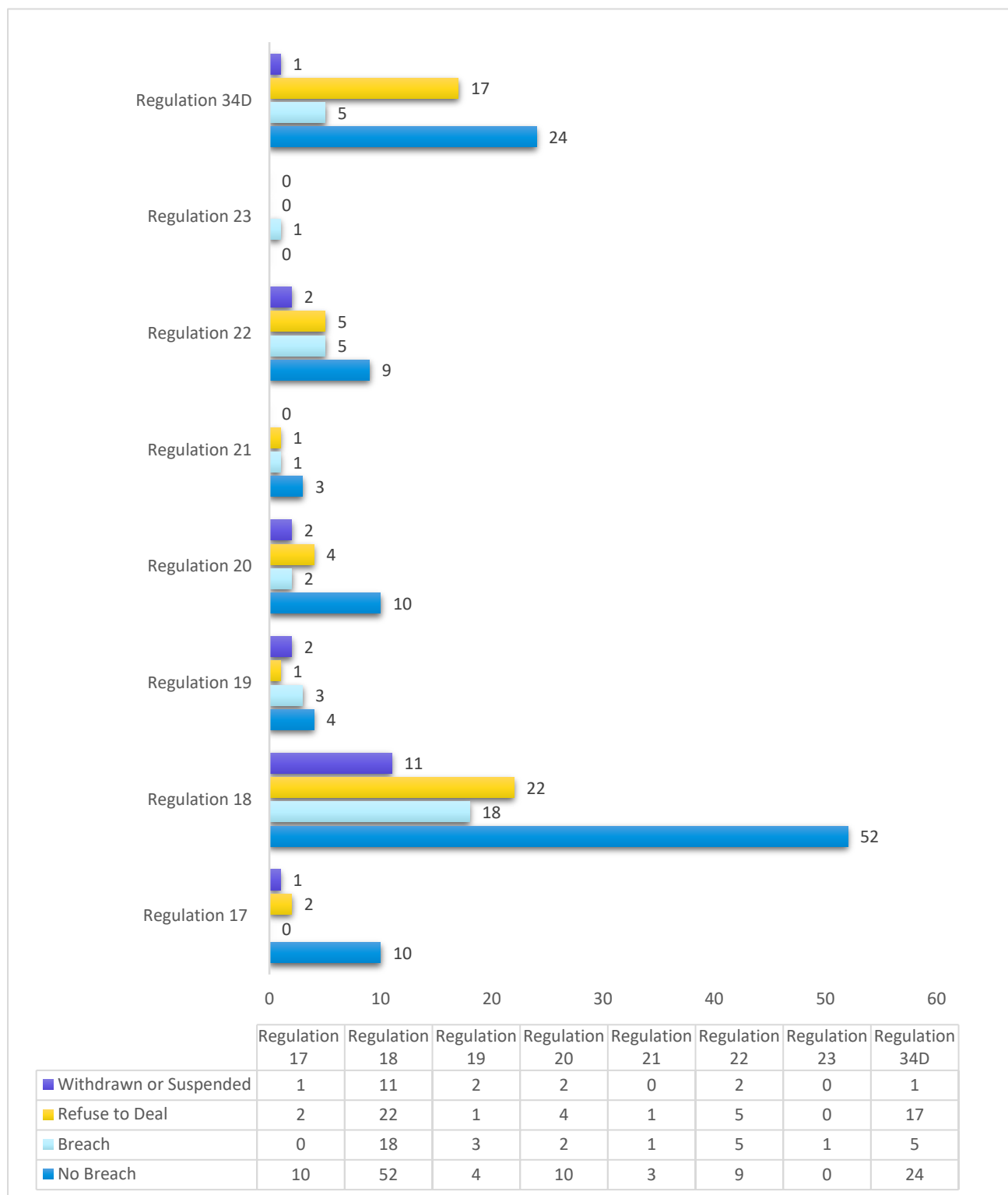
The Panel finds, to the required standard, that the Complaint is vexatious as:

- (a) there was no reasonable prospect of success of the Complaint on the basis claimed by the Complainant; and
- (b) the Complaint was brought for the predominant motive of unjustifiably annoying and harassing Cr [name of councillor].

### Chart 5: Findings for finalised allegations



**Chart 6: Findings for each regulation\***



\*Local Government (Model Code of Conduct) Regulations 2021. For Regulation 34D, Local Government (Administration) Regulations 1996  
 For detailed description see section Types of allegations.

# Decisions

Section 5.110(6) of the Act provides for the Standards Panel to deal with a minor breach by ordering:

- that no sanction be imposed under section 5.110(6)(a); or
- a sanction under section 5.110(6)(b); or
- a combination of sanctions under section 5.110(6)(c).

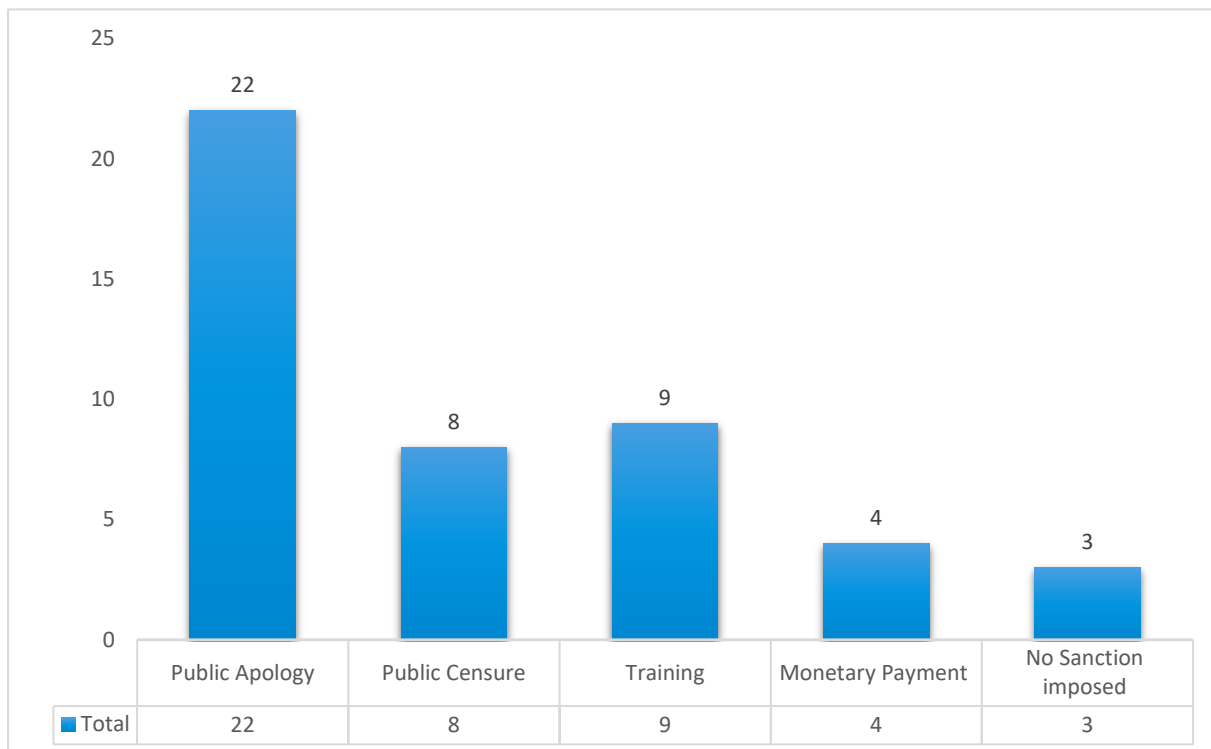
The Standards Panel determined that **35** breaches of the regulations occurred in **32** complaints, imposing **46** sanctions through the following orders:

- **22** orders that the elected member make a public apology
- **8** orders that the elected member be publicly censured
- **9** orders that the elected member undertake training
- **4** orders that the elected member make a monetary payment to the local government
- **3** orders where no sanction was imposed.

**Note:** A Standards Panel order can include sanctions for multiple breaches of one or more regulations. This can subsequently result in a number of sanctions being imposed for each order.

The Standards Panel’s decisions relating to matters that result in a finding that a breach has occurred are published on the DLGSC [website](#) 28 days after the order has been made.

**Chart 7: Orders imposed for complaints finalised**



## Extensions to response time

In the 2023-24 period, out of **134** matters, **38** respondents requested extensions. An extension is granted where individual circumstances warrant the extension. These extensions were granted by the Standards Panel when individual circumstances justified the need, ensuring respondents had sufficient time to address the alleged breaches and upholding procedural fairness. On average, the extensions granted were for 14 days.

## Appeals

Section 5.125 of the Act allows parties to a complaint to seek a review of the Standards Panel's breach decision by the State Administrative Tribunal (SAT) within 28 days of notification of the sanction. Matters reported here may be subject to review by the SAT and findings or decisions may be overturned.

Of the **15** complaints that were sent to the SAT for appeal in 2023-24, **12** are yet to be determined and of the **3** finalised matters, **1** was withdrawn by the appellant, **1** Standards Panel decision was upheld by the SAT, and **1** Standards Panel decision was set aside by the SAT.

# Types of allegations

**Table 1: Outcome of allegations for each regulation**

Note: A single complaint can allege multiple breaches of one or more regulations relating to several different incidents.

Regulation	Breach	No breach	Refuse to deal	Withdrawn or suspended	Total
Regulation 17 Misuse of local government resources	0	10	2	1	13
Regulation 18 Securing personal advantage or disadvantaging others	18	54	22	11	105
Regulation 19 Prohibition against involvement in administration	3	4	1	2	10
Regulation 20 Relationship with local government employees	2	10	4	2	18
Regulation 21 Disclosure of information	1	3	1	0	5
Regulation 22 Disclosure of interests	5	9	5	2	21
Regulation 23 Compliance with plan requirement	1	0	0	0	1
Regulation 34D* Breach of local law relating to conduct at meetings	5	24	17	1	47
<b>Total</b>	<b>35</b>	<b>114</b>	<b>52</b>	<b>19</b>	<b>220</b>

\* Local Government (Administration) Regulations 1996



**Table 2: Sanctions imposed for breaches of each regulation.**

Note: Multiple sanctions can be imposed in a single order where a breach is found (for example public apology and training; public apology and public censure).

Regulation	Public apology	Public censure	Training	Monetary payment	No sanction imposed	Total
Regulation 17 Misuse of local government resources	0	0	0	0	0	0
Regulation 18 Securing personal advantage or disadvantaging others	15	3	2	2	2	24
Regulation 19 Prohibition against involvement in administration	2	1	1	1	0	5
Regulation 20 Relationship with local government employees	0	0	0	1	0	1
Regulation 21 Disclosure of information	0	1	0	0	0	1
Regulation 22 Disclosure of interests	2	0	3	0	0	5
Regulation 23 Compliance with plan requirement	1	1	1	0	0	3
Regulation 34D* Breach of local law relating to conduct at meetings	2	2	2	0	1	7
<b>Total</b>	<b>22</b>	<b>8</b>	<b>9</b>	<b>4</b>	<b>3</b>	<b>46</b>

\*Local Government (Administration) Regulations 1996

## Meeting attendance

Clause 9 of Schedule 5.1 of the Act relates to the remuneration of the Standards Panel members and their deputies, and the ability to recover costs from the local governments concerned.

Under Schedule 5.1, clauses 2(a) and 3(2) of the Act, the presiding member and deputy are to be officers of the Department and clause 9(2) specifies that members who are officers of the public service are not entitled to any remuneration or allowances in their roles on the Standards Panel.

Councillor Peter Rogers was an officer of the public service for the relevant period and not entitled to any remuneration.

As recommended by the Public Sector Commissioner, sitting fees for the local government member are \$470 per part day meeting or \$720 per full day meeting and he or she may be reimbursed for travel expenses (see Public Sector Commissioner’s Circular 2009-20 – Reimbursement of Travel Expenses for Members of Government Boards and Committees).

The legal members’ sitting fees are \$480 per part day meeting or \$900 per full day meeting. In addition, the legal members are entitled to \$240 per hour (up to a maximum of \$900 per matter) for writing the Standards Panel’s Reasons for Finding or Decision Reports.

**Table 3: Fees payable to members for matters dealt with during 2023-24**

Panel member	Meeting attendance	Fees payable
Mr Tim Fraser	15	Nil
Ms Suleila Felton	8	Nil
Councillor Peter Rogers	20	Nil
Councillor Renee McLennan	3	\$2,400
Ms Emma Power	16	*\$63,830
Ms Elanor Rowe	7	*\$40,260

\* Pending payments for 2023-24

## Costs to local governments

Under clause 9(3) and (4), members’ remuneration is costed to the local government of the council member who is the subject of the complaint. Liability for the cost of multiple complaints dealt with by the Standards Panel at the same meeting is apportioned equally between the relevant local governments.

The average cost per allegation received was \$399 (including GST).

The costs for non-public service members’ sitting fees and writing fees billed to each local government concerned for the period 1 July 2023 to 30 June 2024 are set out in Table 4.

Standard Panel fees may have been incurred by a local government in this financial year for a complaint that was received in the previous financial year.

**Table 4: Standard Panel fees recovered from local governments in 2023-24.**

Local government	Amount (including GST)
Armadale	\$1,980.00
Belmont	\$5,165.60
Bunbury	\$563.20
Boddington	\$990.00
Bayswater	\$3,564.00
Cambridge	\$21,867.97
Canning	\$6,367.43
Corrow	\$1,518.00
Chapman Valley	\$990.00
Dundas	\$924.00
Fremantle	\$990.00
Gingin	\$990.00
Greater Geraldton	\$3,934.67
Joondalup	\$5,790.40
Kalamunda	\$316.80
Mandurah	\$5,125.36
Manjimup	\$4,733.14
Melville	\$7,806.85
Mount Magnet	\$1,207.23
Nedlands	\$8,466.33
Nannup	\$66.00
Port Hedland	\$1,399.20
Rockingham	\$1,391.86
Stirling	\$2,310.00
Swan	\$10,947.20
South Perth	\$6,472.68
Serpentine-Jarrahdale	\$5,603.28
Toodyay	\$2,524.96
Victoria Park	\$475.20
Wanneroo	\$2,657.60

# Appendix 1

## LIST OF MINOR BREACHES UNDER THE *LOCAL GOVERNMENT (MODEL CODE OF CONDUCT) REGULATIONS 2021*

<b>Minor Breach</b>	<b>Regulation Number</b>
Improper disclosure of information	r. 21
Securing personal advantage or disadvantaging others	r. 18
Misuse of local government resources	r. 17
Prohibition against involvement in administration	r. 19
Relations with local government employees (directing or influencing)	r. 20(2)
Relations with local government employees (comments about employees)	r. 20(4)
Non-disclosure of interest adverse to impartiality	r. 22
Compliance with plan requirement	r. 23(2)

<b>Minor breach of <i>Local Government (Administration) Regulations 1996</i></b>	<b>Regulation Number</b>
Breach of a local law relating to conduct at meetings	r. 34D

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