

**Register of certain complaints of Minor Breaches resulting in findings under section 5.110(2)(a) that a minor breach has occurred.
Published in accordance with section 5.121(3) of the Local Government Act 1995**

Date Rec/lodged	Name of Council Member (S.5.121 (2)(a))	Complainant (S.5.121 (2)(b))	Description of Breach (S.5.121 (2)(c))	Details of Action in accordance with S.5.110(6) (S 5.121 (2)(d))	Complaint Ref# and Date of Decision
21/10/2022	Marina Quain	Mr Malcolm Osborne	<p>On 31 May confidential information was shared with Councillors at a Confidential Council Briefing Session regarding a Commercial Lease arrangement and certain challenges with the tenant. The confidentiality of the information was stressed by the CEO during this briefing session.</p> <p>The following day, on 1 June, Ms Quain entered into discussions with the tenant by means of phone messages, providing feedback on the confidential discussions that were held the previous night. Cr Quain acknowledged in these interactions with the tenant that the Council discussions of the previous night were held in confidence. Factually incorrect information was also provided based on an incorrect interpretation of the discussions, which tainted the commercial negotiations.</p>	<p>The Local Government Standards Panel finalised its dealing with the Complaint and in accordance with section 5.110(6)(b)(i) of the Local Government Act 1995 (the Act), has ordered that public censure be imposed, as outlined in the attached Order.</p> <p>On 22 June 2023 Cr Quain gave notice to commence an appeal of the decision of the Standards Panel to the State Administrative Tribunal in accordance with section 5.125 of the Local Government act 1995.</p> <p>On 16 November 2023, the Tribunal ordered:</p> <ol style="list-style-type: none"> 1. The decision of the respondent of 22 June 2023 to impose on the applicant a sanction of Public Sanction is revoked. 2. The decision is substituted with a new decision namely that a sanction of Public Apology be imposed. 3. The applicant must by no later than 11 December 2023 file and serve a proposed wording of the Public Apology. 4. The intervenor must by no later than 18 December 2023 file any submission in regard to the proposed wording of the Public Apology. 5. The matter will be finally determined on the documents, unless otherwise ordered. <p>The following orders arising from the orders made by the Tribunal on 16 November 2023 are made with the consent of the applicant and the Intervenor as second respondent:</p> <ol style="list-style-type: none"> 1. Councillor Marina Quain, a Councillor for the City of Bunbury (City), publicly apologise to City staff, the Chief Executive Officer; her fellow councillors and 	Complaint Number - 20220156 9 May 2023

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14/02/2019	Michelle Steck	City of Bunbury	<p>Failure to adhere to the Standards Panel Order SP 11/2018 published 21 October 2019. As required under the LG Act, the Chief Executive Officer is required to report the failure to adhere to the Standards Panel.</p> <p>On 30 August 2019, the SAT advised their decision was reserved.</p> <p>On 16 September 2019 the Tribunal found that Cr Steck has not complied with the Panel's orders in that she has not provided any apology.</p>	<p>the City as specified below.</p> <p>2. At the City's first ordinary Council meeting, Councillor Quain attends after the expiration of 28 days from the date of service of this Order on her shall:</p> <p>(a) ask the presiding person for his or her permission to address the meeting to make a public apology to City staff, the CEO, her fellow councillors and the City;</p> <p>(b) make the apology immediately after Public Question Time or during the Announcements part of the meeting or at any other time when the meeting is open to the public, as the presiding person thinks fit;</p> <p>(c) address the Council as follows, without saying any introductory words</p> <p>Cr Quain provided an apology to Council at the 20 February 2024.</p> <p>On 16 September 2019, SAT advised that the Tribunal orders as follows:</p> <ol style="list-style-type: none"> 1. The applicant's name is amended to Malcolm Osborne (as CEO of the City of Bunbury). 2. Subject to order 3, pursuant to s 5.117(1)(a)(iv) of the Local Government Act 1995 (WA) (LG Act), the respondent is suspended for two months from her office of councillor on the council of the City of Bunbury. 3. Pursuant to s 5.117(2) of the LG Act, the suspension referred to in order 2 above is suspended for a period of 12 months from the date of this order on condition that the respondent does not commit any further breaches of the LG Act within the 12 month suspended period. 4. Within 14 days of the date of this order, pursuant to s 87 of the State Administrative Tribunal Act 2004 (WA), the respondent is to pay to the City of Bunbury the amount of \$500; paid to the City on 27 November 2019. 	<p>392/2019 [2019] WASAT 72 16 September 2019</p>

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13/02/2018	Brendan Kelly	Mayor Brennan	Breach of Regulation 7(1)(b) of LG Rules of Conduct 2007 - On 13 February 2018 a complaint was lodged concerning an alleged breach of the Local Government (Rules of Conduct) Regulations 2007 by Councillor Kelly. By Order published 21 October 2018, the Local Government Standards Panel made a finding that Councillor Kelly committed a breach of regulation 7 (1) (b) of the Local Government Rules of Conduct Regulations 2007 by publishing comments on Facebook with the intention of damaging his fellow Councillors who had voted in favour of a recommendation to include a Bunbury Geographe Chamber of Commerce and Industry representative on the Councils Policy Review and Development Committee.	The Standards Panel made orders that Councillor Kelly publically apologise to his fellow Councillors at the City's first Ordinary Council Meeting Cr Kelly attended after the expiration of 28 days from the date of service of the Order or if unable to do so, publish within the first 10 pages of the South Western Times Newspaper a public apology in accordance with the details within the Order. Cr Kelly subsequently published a public apology on Page 8 of the South Western Times Newspaper edition circulated Thursday 15 November 2018, as specified in the Panels 'Sanction Decision and Reasons for Decision' documentation.	SP12/2018 - Order handed down 21 October 2018
13/02/2018	Michelle Steck	Mayor Brennan	Breach of Regulation 7(1)(b) of LG Rules of Conduct 2007. On 13 February 2018 a complaint was lodged concerning an alleged breach of the Local Government (Rules of Conduct) Regulations 2007 by Councillor Steck. By Order published 21 October 2018, the Local Government Standards Panel made a finding that Councillor Steck committed a breach of regulation 7 (1) (b) of the Local Government Rules of Conduct Regulations 2007 by criticising a Council decision in a letter to the editor of the South Wester Times local newspaper published 1 February 2018. The council decision was to appoint a representative to the Bunbury Geographe Chamber of Commerce and Industry and to the Councils Policy Review and Development Committee.	The Standards Panel made orders that Councillor Steck publically apologise to Mayor Gary Brennan and her fellow Councillors at the City's first Ordinary Council Meeting Cr Steck attended after the expiration of 28 days from the date of service of the Order or if unable to do so, publish within the first 10 pages of the South Western Times Newspaper a public apology in accordance with the details as specified in the Panels 'Sanction Decision and Reasons for Decision' documentation. Councillor Steck failed to adhere to the Standards Panel. As required under the LG Act, the Chief Executive Officer reported the failure to adhere to the Standards Panel on 14 February 2019.	SP11/2018 - Order handed down 21 October 2018
23/02/2010	Michelle Steck	Derek Spencer	Breach of Regulation 7 (1)(b)	The panel decided to deal with the breach under section 5.110(6) of the Act pursuant to subsection (6)(ii) and ordering that Cr Steck apologise publically to the subject order as specified in the Minute of Order attached to the Panels "reasons for Decision".	SP 19/2010
23/02/2010	Michelle Steck	Geoffrey Klem	Breach of Regulation 7 (1)(b)	The panel decided to deal with the breach under section 5.110(6) of the Act pursuant to subsection (6)(ii) and ordering that Cr Steck apologise publically to the subject order as specified in the Minute of Order attached to the Panels "reasons for Decision".	SP 18/2010