



Local Government Standards Panel

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| Complaint Number | 20240559 |
| Legislation | <i>Local Government Act 1995</i> |
| Complainant | Councillor Catherine Lezer |
| Respondent | Councillor Bruce Reynolds |
| Local Government | City of Perth |
| Regulation | Regulation 17 of the <i>Local Government (Model Code of Conduct) Regulations 2021</i> |
| Panel Members | Ms Emma Power (Presiding Member) Mr Ethan Redshaw (Member) Cr Peter Rogers (Member) |
| Heard | 5 May 2025 Determined on the documents |
| Finding | 1 x Breach Regulation 17 |

FINDING AND REASONS FOR FINDING

17 July 2025

DEFAMATION CAUTION

The general law of defamation, as modified by the *Defamation Act 2005*, applies to the further release or publication of all or part of this document or its contents. Accordingly, appropriate caution should be exercised when considering the further dissemination and the method of retention of this document and its contents.



Summary of the Panel's decision

1. On 5 May 2025, the Panel found that Councillor Bruce Reynolds, a councillor of the City of Perth ("**the City**") did commit a minor breach pursuant to the *Local Government Act 1995 (WA)* ("**the Act**") and Division 4 and Regulation 17 of the *Local Government (Model Code of Conduct) Regulations 2021* ("**the Regulations**") when he used a photograph, being a resource of the City, in a flyer as set out in paragraph 17 below.

The Panel's Role

2. Under section 5.110(2) of the Act the Panel is required to consider a minor breach complaint and make a finding as to whether the alleged minor breach occurred.
3. The Act and the *Local Government (Administration) Regulations 1996* provide for the circumstances in which a council member commits a minor breach.
4. Section 5.105(1) of the Act provides that a council or committee member commits a minor breach if the council or committee member contravenes a rule of conduct. Division 4 of the Regulations sets out the rules of conduct for council members and candidates.
5. Regulation 34D of the *Local Government (Administration) Regulations 1996* also provides that the contravention of a "*local law as to conduct*" is a minor breach pursuant to the Act.
6. The Panel may make a finding that a councillor has committed a minor breach of the Act and Regulations based on evidence from which it may be concluded that it is more likely that the alleged breach occurred than it did not occur.¹
7. In order to find a breach, it must be established that each element of the relevant Regulation is more likely than not to have been breached or met.
8. In considering whether a minor breach is established the Panel must consider:
 - a. all evidence provided and, where there are conflicting circumstances, inferences or evidence, must come to a reasonable conclusion that any circumstance, inference or evidence relied upon is more likely than not to have occurred or be accurate²; and
 - b. the seriousness of any allegation made, as well as the gravity of the consequences flowing from a particular finding³.
9. The Panel does not possess investigative or supervisory powers.⁴ The Panel makes decisions about complaints regarding minor breaches solely upon the evidence presented to it and, where appropriate, materials in the public domain or published by the relevant local authority's website.

¹ Section 5.106 of the Act.

² *Bradshaw v McEwans Pty Ltd* (1951) 217 ALR 1.

³ *Briginshaw v Briginshaw* (1938) 60 CLR 336.

⁴ *Re and Local Government Standards Panel* [2015] WASC 51 (at paragraph 24).



10. It is the responsibility of both complainants and respondents to provide the Panel with all information they wish the Panel to consider when making its determination.
11. The Panel also must have regard to the general interests of local government in Western Australia⁵.
12. The Panel is obliged to give notice of the reasons for any finding it makes under section 5.110(2) of the Act.

Jurisdiction and Procedural Fairness

13. On 23 January 2025 the Panel received a complaint from Ms Michelle Reynolds acting as complaints officer of the City ("**the Complaints Officer**"). The same enclosed a Complaint of Minor Breach Form dated 23 January 2025.
14. In the complaint form, the Complainant alleges that Cr Reynolds has breached regulation 17 of the Regulations when he when he used photographs of himself, being resources of the City, in a flyer as referred to in paragraph 17 below ("**the Complaint**").
15. The Panel convened on 5 May 2025 to consider the Complaint.
16. The Panel:
 - a. accepted the advice of the Department of Local Government, Sport and Cultural Industries ("**the Department**") that, based on information published on the Western Australian Electoral Commission's website, Cr Reynolds was:
 - i. last elected to the Council of the City in October 2023 for a term expiring in October 2027;
 - ii. a Councillor at the time of the alleged breach; and
 - iii. a Councillor when the Panel met on 5 May 2025;
 - b. was satisfied the Complaint was made within six months after the alleged breach occurred⁶;
 - c. was satisfied that the City's Complaints Officer had dealt with the Complaint in accordance with the administrative requirements in the Act for dealing with complaints of a minor breach⁷;
 - d. was satisfied the Department had provided procedural fairness to Cr Reynolds; and
 - e. found it had jurisdiction to consider the Complaint.

The Specifics of the Complaint

⁵ Section 8(6) of Schedule 5.1 of the Act

⁶ Section 5.107(4) and 5.109(2) of the Act

⁷ Section 5.107 and 5.109 of the Act



17. The Complainant provided the following comments and arguments in respect to the Complaint as summarised by the Panel:
 - a. The Complainant attended City of Perth on 16 November 2024 and looked in her mailbox.
 - b. The Complainant noticed that there were 2 bundles of 50 of Cr Reynolds's flyers ("**the Flyer**") in other councillors' mailboxes that were clearly not authored or authorised by City of Perth.
 - c. This is a misuse of council assets under section 17.
 - d. Further, the picture used in this brochure was taken by the City and is City property ("**the Photograph**"). It is used as Cr Reynolds' official photo on the City of Perth website.
 - e. This is another misuse of council assets under section 17.
18. The Complainant also provided:
 - a. A copy of the Flyer; and
 - b. A screenshot of the City of Perth website showing the Photograph.

The Respondent's Response

19. By an email dated 7 February 2025, Cr Reynolds provided a response to the Complaint.
20. Cr Reynolds denies that he has committed any minor breach.
21. Cr Reynolds provided the following comments and arguments regarding the Complaint as summarised by the Panel:
 - a. The Complaint concerns an alleged instance of accessing, inspecting, and removing materials from councillors' pigeonholes without authorisation.
 - b. Cr Reynolds fully understands and respects the confidentiality of councillors' pigeonholes/mailboxes as a channel for correspondence. At no time has Cr Reynolds knowingly or deliberately accessed another councillor's materials in a manner that would violate privacy or confidentiality.
 - c. In this instance, Cr Reynolds was distributing a flyer that he had previously delivered to constituents. The Flyer was a festive season message and an introduction to his new role as Deputy Lord Mayor. It was not an advertising or campaign flyer, as has been incorrectly described. As it was not during an election period, it did not require an authorized statement.
 - d. Cr Reynolds had spoken with two of his fellow councillors, who expressed interest in distributing the Flyer to the apartment buildings in which they reside. They agreed to distribute it themselves and requested that Cr Reynolds leave copies in their pigeonholes for convenience, particularly as it was the holiday period. Councillors' pigeonholes are regularly used to share information amongst colleagues, in addition to serving as a collection point for mail.



- e. Before proceeding, Cr Reynolds sought guidance from the Lord Mayor on the content of the Flyer. He provided minor feedback but ultimately approved the content. Given that this was the start of his second year on the Council, Cr Reynolds wanted to ensure clarity and appropriateness in his communications.
- f. The Flyer contained a publicly available photograph of Cr Reynolds — one that appears on his City business cards and the City’s website — which Cr Reynolds believed to be appropriate for public use. However, moving forward, he will also ensure that he expressly seeks approval from the CEO for such materials.
- g. Cr Reynolds does not consider this to be a misuse of Council resources, as the purpose of the communication was to extend festive greetings and share useful, positive information in his capacity as the recently elected Deputy Lord Mayor.
- h. Cr Reynolds also wishes to highlight a more pressing issue, the act of another councillor accessing, inspecting, and copying materials from other councillors’ private pigeonholes. Pigeonholes serve as a space for councillors to receive and exchange correspondence, and unauthorized interference with their contents is a serious concern.
- i. However, rather than escalating this matter and engaging in tit-for-tat complaints that may distract from Council’s core responsibilities, Cr Reynolds have chosen not to pursue a formal complaint. Nonetheless, he must emphasise that tampering with another person’s mail is a serious matter.
- j. Cr Reynolds takes this matter seriously and will fully cooperate with the Standards Panel’s review process. Cr Reynolds appreciates the importance of trust, transparency, and respect in Council operations and remain committed to fostering a collegial and professional working environment.

PANEL’S CONSIDERATION

Regulation 17

22. Regulation 17 prohibits the use of government resources in certain circumstances and provides as follows:

“ 17. Misuse of local government resources

(1) In this clause —

***electoral purpose** means the purpose of persuading electors to vote in a particular way at an election, referendum or other poll held under the Act, the Electoral Act 1907 or the Commonwealth Electoral Act 1918;*

***resources of a local government** includes —*

(a) local government property; and

(b) services provided, or paid for, by a local government.



(2) A council member must not, directly or indirectly, use the resources of a local government for an electoral purpose or other purpose unless authorised under the Act, or by the local government or the CEO, to use the resources for that purpose.”

23. To find a breach of Regulation 17 the Panel must be satisfied that it is more likely than it is not that:
- a. the resource used was a “local government resource”; and
 - b. Cr Reynolds directly or indirectly used such local government’s resources for an identified electoral purpose or any other purpose; and
 - c. such purpose was not authorised under the Act or by the council or the City’s CEO.

The resource was a “local government resource”

24. The term ‘resource’ is not defined in the Regulations or in the Act. However, the term ‘*local government property*’ is defined in section 1.4 of the Act to mean “*anything, whether land or not, that belongs to, or is vested in, or under the care, control or management of, the local government*”.
25. The noun ‘*resource*’ is relevantly defined in The Macquarie Dictionary (5th ed, 2009) at page 1408 as “*(Often plural) Money or any property which can be converted into money; assets*”.
26. The noun “*asset*” is defined in The Macquarie Dictionary as “*a useful thing or quality*” and “*an item of property; an economic resource*”.⁸
27. The resources asserted to be used in this case are:
- a. the pigeon hole of councillors of the City; and
 - b. a photograph of Cr Reynolds used on the City of Perth website.
28. In this case, as the pigeonholes are under the care, control and management of the City the Panel finds to the required standard that the same are a resource of the City.
29. In respect to the Photograph used in the Flyer, it is undisputed that the same is the same promotional image used on the City’s website (and for business cards etc). As these photographs were taken by the City and for City purposes, the intellectual property in the same belongs to the City.
30. Therefore, the Photograph is a resource of the City.
31. Given the above Panel finds, to the required standard that:
- a. the pigeonholes of all councillors are a resource of the City;
 - b. the Photograph is a resource of the City.
32. This element is met.

⁸ *Yates and Local Government Standards Panel [2012] WASAT 23 at [30] – [37]*



Cr Reynolds directly or indirectly used a government resource for an electoral or other purpose

33. The term 'use' is relevantly defined in the Macquarie Dictionary Online (as at 14 December 2021) as:
- a. to employ for some purpose; put into service; turn to account: *use a knife to cut; use a new method*; and
 - b. to avail oneself of; apply to one's own purposes: *use the front room for a conference*.
34. In this case, it appears that:
- a. The pigeonholes were used for the purpose of Cr Reynolds communicating with and providing materials to other councillors; and
 - b. The Photograph was used as content for a Flyer that Cr Reynolds distributed to his constituents, not being for an electoral purpose, but pursuant to his role as a councillor.
35. Therefore, the Panel finds that each of the resources were used for “*any other purpose*” in this case.
36. This element is met.

The purpose was not authorised under the Act or by the council or the Shire's CEO

37. The Panel firstly comments as to the use of the pigeonhole.
38. Clearly these are established by the City for the use of local councillors to easily be able to be communicated with and communicate with each other when undertaking their role as elected members.
39. It is therefore implicit that Cr Reynolds (and all councillors) are expressly able to use the pigeonholes for such purpose.
40. In this case:
- a. the Flyers were requested by two other councillors and Cr Reynolds supplied them as asked; and
 - b. the Flyers were clearly created by Cr Reynolds as part of his statutory role under section 2.10 of the Act to:
 - i. provide leadership and guidance to the community in the district; and
 - ii. facilitate communication between the community and the council.
41. Given the above, the Panel finds to the required standard that the use of the pigeonhole by Cr Reynolds in his capacity as an elected member communicating with other council members was impliedly authorised by the CEO.
42. In respect to the Photographs, in this case the City does not have a “general” policy (either formal or informal) regarding use of photographs belonging to the City by elected members.



43. The *City of Perth Code of Conduct for Council Members, Committee Members and Candidates* last updated 30 April 2024 replicates the relevant regulation but does not expand upon this obligation in a manner relevant to the use of the Photograph.
44. However, the City does have more specific guidelines to use of local government resources when council members are running for election (either for local or State Government) and also makes councillors expressly aware of these guidelines from time to time. However, these particular guidelines are not applicable in this instance as the Flyer was not of an electoral nature and was not issued during any caretaker period.
45. In the absence of any other published or general policy the Panel must find that it is not permitted for councillors of the City to use materials such as the Photograph without specific authorisation from Council or the CEO.
46. It is noted that as a newer councillor Cr Reynolds acted prudently and asked the then current Lord Mayor as to the content of the Flyer. Unfortunately, the Lord Mayor did not have the authority to grant permission to use the Photograph, and Cr Reynolds should have asked the CEO.
47. As such, the Panel finds to the required standard that Cr Reynolds did not have the necessary authority of Council or the CEO to use the Photograph in this instance.
48. Despite this, the Panel comments that it was entirely proper, and squarely within Cr Reynolds' role as an elected member, to issue the Flyer. He was clearly communicating with his constituents in good faith in the manner contemplated by the Act. Cr Reynolds was not using any government resource outside of this role (i.e. campaigning for state government or for personal use).
49. It is intended that complaints be made under the Minor Breach System where the conduct of a particular councillor interferes with the proper and usual operation of the local government.
50. In this case the Complaint was made by another local councillor who not only should have a good understanding of the difference between electoral/campaign material and general communication materials, but who only became aware of the Flyer by looking in other parties' allocated pigeonholes, which could reasonably be considered to sometimes hold confidential or private correspondence.
51. The Panel considers conduct complained of is a technical breach of an inconsequential nature which cannot be said to reflect poor governance, or to be particularly disruptive to the operation of the City, or to reflect poorly on the City or any other Councillor in any manner.
52. Despite this, given the above, the Panel finds that there was no permission by the Council or the CEO for Cr Reynolds to use the Photograph in the Flyer.
53. This element is met with respect to the use of the Photograph only.

Conclusion

54. The elements required to find a breach of regulation 17 of the Regulations have been met.



Panel's Findings

55. Cr Reynolds did commit a breach of Regulation 17 of the Regulations and therefore did commit a minor breach.

Signing

A handwritten signature in black ink, appearing to read 'E Redshaw'.

Ethan Redshaw (Deputy Member)

A handwritten signature in black ink, appearing to read 'E Power'.

Emma Power (Member)

A handwritten signature in black ink, appearing to read 'P Rogers'.

Peter Rogers (Member)



Local Government Standards Panel

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| Complaint Number | 20250559 |
| Legislation | <i>Local Government Act 1995 (WA)</i> |
| Complainant | Councillor Catherine Lezer |
| Respondent | Councillor Bruce Reynolds |
| Local Government | City of Perth |
| Regulation | Regulation 17 of the <i>Local Government (Model Code of Conduct) Regulations 2021</i> |
| Panel Members for Penalty Consideration | Mrs Emma Power (Presiding Member) Mr Ethan Redshaw (Member) Ms Bronwyn Ife (Member) |
| Heard | 5 May 2025 Determined on the documents |
| Penalty Considered | 11 August 2025 |
| Outcome | No Sanction |

DECISION AND REASONS FOR DECISION

Delivered 02 October 2025

DEFAMATION CAUTION

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Introduction

1. At its meeting on 5 May 2025, the Panel found that Councillor Bruce Reynolds, a councillor for the City of Perth ("**the City**"), committed a minor breach under the *Local Government Act 1995* (WA) ("**the Act**") and Regulation 17 of the *Local Government (Model Code of Conduct) Regulations 2021* ("**the Regulations**") when he used a photograph belonging to the City in a communication flyer ("**the Minor Breach**").

Jurisdiction and Law

2. The Panel convened on 11 August 2025 to consider how it should deal with the Minor Breach.
3. The Panel accepted the advice of the Department of Local Government, Industry Regulation and Safety ("**the Department**") that on this date there was no available information to indicate that Cr Reynolds had ceased to be, or was disqualified from being, a councillor.
4. If the Panel finds that a councillor has committed a minor breach, it must give the councillor an opportunity to make submissions to the Panel about how it should deal with the breach under section 5.110(6).¹
5. By a letter dated 17 July 2025, Cr Reynolds was:
 - a. notified of the Panel's finding of the Minor Breaches;
 - b. provided with a copy of the Panel's Finding and Reasons for Finding; and
 - c. offered an opportunity to make submissions as to how the Minor Breach should be dealt with under section 5.110(6) of the Act.

Cr Reynolds' Submissions

6. By an email dated 30 July 2025, the Department received a response from Cr Reynolds.
7. Cr Reynolds provided the following comments and arguments, as substantially summarised by the Panel:
 - a. Cr Reynolds acknowledges the Panel's determination and appreciates the clarity provided in the reasons for finding. Cr Reynolds also appreciates the Panel's recognition that the conduct in question was not of an electoral nature, was not intended to promote personal interests, and occurred in the context of his role as Deputy Lord Mayor seeking to engage with the community in good faith.
 - b. The flyer in question was a festive greeting. Cr Reynolds used a publicly available City photograph in a context he believed to be consistent with the spirit of his public duties, and he now understands that specific authorisation from the CEO should have been sought. Cr Reynolds has

¹ *Local Government Act 1995* (WA), s 5.110(5).



- taken this feedback on board and will ensure that he explicitly obtains the appropriate approvals before using any City-owned materials in the future.
- c. Having considered the nature of the breach and the Panel's own comments – that this was a technical and minor matter, not disruptive to the operations of the City, nor reflective of poor governance – Cr Reynolds respectfully request that no sanction be imposed.
 - d. Cr Reynolds remains committed to upholding the standards expected of elected members and maintaining the trust of the community and of his colleagues.

Possible Sanctions

8. Section 5.110(6) of the Act provides that the Panel is to deal with a minor breach by:
- (a) *ordering that no sanction be imposed; or*
 - (b) *ordering that —*
 - (i) *the person against whom the complaint was made be publicly censured as specified in the order;*
or
 - (ii) *the person against whom the complaint was made apologise publicly as specified in the order;*
or
 - (iii) *the person against whom the complaint was made undertake training as specified in the order;*
or
 - (iv) *the person against whom the complaint was made pay to the local government specified in the order an amount equal to the amount of remuneration and allowances payable by the local government in relation to the complaint under Schedule 5.1 clause 9;*
- or*
- (c) *ordering 2 or more of the sanctions described in paragraph (b).*

Panel's Consideration

9. Section 5.110(6) is about penalty. The Panel does not have the power to review any finding of a breach.
10. The Panel may order under section 5.110(6)(a), that no sanction be imposed with respect to the Complaint, not to reverse the Panel's finding of a breach, but to indicate that in all the circumstances the relevant councillor should not be penalised further.
11. Guidance as to the factors which the Panel may consider in determining the appropriate penalty to impose include, but are not limited to, the following:



- a. the nature and seriousness of the breaches;
 - b. the councillor's motivation for the contravention;
 - c. whether or not the councillor has shown any insight and remorse into his/her conduct;
 - d. whether the councillor has breached the Act knowingly or carelessly;
 - e. the councillor's disciplinary history;
 - f. likelihood or not of the councillor committing further breaches of the Act;
 - g. personal circumstances at the time of conduct, and of imposing the sanction;
 - h. need to protect the public through general deterrence and maintain public confidence in local government; and
 - i. any other matters which may be regarded as aggravating conduct or mitigating its seriousness.²
12. The Panel notes in this case that:
- a. Cr Reynolds was undertaking his statutory role of communicating with his constituents when he used the photograph;
 - b. Cr Reynolds did attempt to seek approval for the use of the photograph, however, from the incorrect party; and
 - c. the conduct was very minor in nature and did not cause any interference with the operation of the local government.
13. The Panel is further satisfied that Cr Reynolds has shown insight into his conduct and that his likelihood of re-offending in the same manner is very low.
14. Due to the above the Panel considers it appropriate that no sanction is imposed.
15. The Panel further considers that it is not necessary to make an order in accordance with Schedule 5.1 clause 9 of the Act that Cr Reynolds recoup to the City the costs of the Department incurred with respect to the Complaint.

Panel's decision

16. The Panel orders pursuant to section 5.110(6)(a) of the Act that, in relation to the Minor Breach of regulation 17 of the *Local Government (Model Code of Conduct) Regulations 2021* that no sanction be imposed upon Cr Reynolds as set out in the attached Order.

Signing

Emma Power (Presiding Member)

² Chief Executive Officer, Department of Local Government and Communities and Scaffidi [2017] WASAT 67 (S).



E Redshaw

Ethan Redshaw (Deputy Member)

Bronwyn Ife

Bronwyn Ife (Deputy Member)



ORDER

Delivered 02 October 2025

DEFAMATION CAUTION

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THE LOCAL GOVERNMENT STANDARDS PANEL ORDERS THAT:

No further sanction be imposed on Councillor Bruce Reynolds.



NOTICE TO THE PARTIES TO THE COMPLAINT

RIGHT TO HAVE PANEL DECISION REVIEWED BY THE STATE ADMINISTRATIVE TRIBUNAL

The Local Government Standards Panel (the Panel) advises:

- (1) Under section 5.125 of the *Local Government Act 1995* the person making a complaint and the person complained about each have the right to apply to the State Administrative Tribunal (the SAT) for a review of the Panel's decision in this matter. In this context, the term "decision" means a decision to dismiss the complaint or to make an order.
- (2) By rule 9(a) of the *State Administrative Tribunal Rules 2004*, subject to those rules an application to the SAT under its review jurisdiction must be made within 28 days of the day on which the Panel (as the decision-maker) gives a notice [see the Note below] under the *State Administrative Tribunal Act 2004 (SAT Act)*, section 20(1).
- (3) The Panel's ***Breach Findings and these Findings and Reasons for Finding – Sanctions***, constitute the Panel's notice (i.e. the decision-maker's notice) given under the *SAT Act*, section 20(1).

Note:

- (1) This document may be given to a person in any of the ways provided for by sections 75 and 76 of the *Interpretation Act 1984*. [see s. 9.50 of the *Local Government Act 1995*]
- (2) Subsections 75(1) and (2) of the *Interpretation Act 1984* read:
 - (1) Where a written law authorises or requires a document to be served by post, whether the word "serve" or any of the words "give", "deliver", or "send" or any other similar word or expression is used, **service shall be deemed to be effected by properly addressing and posting (by pre-paid post) the document as a letter to the last known address of the person to be served, and, unless the contrary is proved, to have been effected at the time when the letter would have been delivered in the ordinary course of post.** [Bold emphases added]
 - (2) Where a written law authorises or requires a document to be served by registered post, whether the word "serve" or any of the words "give", "deliver", or "send" or any other similar word or expression is used, then, if the document is eligible and acceptable for transmission as certified mail, the service of the document may be effected either by registered post or by certified mail."
- (3) Section 76 of the *Interpretation Act 1984* reads:

"Where a written law authorises or requires a document to be served, whether the word "serve" or any of the words "give", "deliver", or "send" or any other similar word or expression is used, without directing it to be served in a particular manner, service of that document may be effected on the person to be served —

 - (a) by delivering the document to him personally; or
 - (b) by post in accordance with section 75(1); or
 - (c) by leaving it for him at his usual or last known place of abode, or if he is a principal of a business, at his usual or last known place of business; or



- (d) *in the case of a corporation or of an association of persons (whether incorporated or not), by delivering or leaving the document or posting it as a letter, addressed in each case to the corporation or association, at its principal place of business or principal office in the State.”*