



Local Government Standards Panel

Complaint Number	20250624
Legislation	<i>Local Government Act 1995</i>
Complainant	Councillor Anne Ryan
Respondent	Councillor Mikayla Love
Local Government	City of Busselton
Regulation	Regulation 18 of the <i>Local Government (Model Code of Conduct) Regulations 2021</i>
Panel Members	Ms Emma Power (Presiding Member) Mr Ethan Redshaw (Member) Cr Bronwyn Ife (Member)
Heard	11 August 2025 Determined on the documents
Finding	Breach x 1 Regulation 18(1)(b)

FINDING AND REASONS FOR FINDING

Delivered 05 December 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 11 August 2025, the Panel found that Councillor Mikayla Love a councillor of the City of Busselton ("**the City**") did commit a minor breach pursuant to the *Local Government Act 1995 (WA)* ("**the Act**") and Division 4 and Regulation 18 of the *Local Government (Model Code of Conduct) Regulations 2021* ("**the Regulations**") when she made a comment during an Ordinary Council Meeting regarding alleged misconduct by another councillor as further 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 accurate;² and
 - b. the seriousness of any allegation made, as well as the gravity of the consequences flowing from a particular finding.³
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 Australia.⁵
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 June 2025 the Panel received a complaint from Ms Sarah Pierson acting as complaints officer of the City ("**the Complaints Officer**"). The same enclosed a Complaint of Minor Breach Form dated 11 June 2025.
14. In the complaint form, the Complainant asserts that Cr Love has breached regulation 18 of the Regulations when she made a comment during an Ordinary Council Meeting regarding alleged misconduct by another councillor (being the Complainant) as further referred to in paragraph 17 below ("**the Complaint**").
15. The Panel convened on 11 August 2025 to consider the Complaint.
16. The Panel:
 - a. accepted the advice of the Department of Local Government, Industry Regulation and Safety ("**the Department**") that, based on information published on the Western Australian Electoral Commission's website, Cr Love was:
 - i. last elected to the Council of the City in October 2021 for a term expiring in October 2025;
 - ii. a Councillor at the time of the alleged breach; and
 - iii. a Councillor when the Panel met on 11 August 2025;
 - b. was satisfied the Complaint was made within six months after the alleged breach occurred;⁶
 - 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 Love; and
 - e. found it had jurisdiction to consider 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



The Specifics of the Complaint

17. The Complainant provided following comments and arguments in respect to the Complaint as summarised by the Panel:
 - a. During the Ordinary Council Meeting of 28 May 2025, during the Complainant's address on item 17.1, Cr Love stated the following:

“ I also think it is laughable that Cr Ryan is now making untrue and disparaging comments about myself not only at tonight's meeting but in previous meetings as well, especially given I think she has 4 findings of misconduct ...”
 - b. Cr Love continued again, despite the Mayors comment “Cr Love, NO”, with “*the findings were found*”.
 - c. This is a clear breach of Clause 18 of the Code of Conduct by the intent of trying to gain an advantage in the improper use of her office and discredit my good standing and name in the community. It is also defamatory as no “findings” were found, they are opinions some, 18 years ago.
 - d. Cr Love also on 28 May 2025 shared an email with all Councillors further showing malice in an attempt to further discredit the Complainant's character.
18. The Complainant also supplied:
 - a. letter from the Parliamentary Inspector to the Complainant dated 31 December 2008 regarding the alleged misconduct; and
 - b. email from Cr Love to all Councillors of the City dated 10 June 2025.

The Respondent's Response

19. By an email dated 23 July 2025, Cr Love provided a response to the Complaint.
20. Cr Love denies that she has committed any minor breach.
21. Cr Love provided the following comments and arguments regarding the Complaint as summarised by the Panel:
 - a. Cr Love acknowledges that during the debate on Item 17.1 at the Ordinary Council Meeting held on 28 May 2025 (“**the OCM**”), she made a comment referring to Cr Ryan, stating words to the effect of:

“ I also think it is laughable that Cr Ryan is now making untrue and disparaging comments about myself not only at tonight's meeting but in previous meetings as well, especially given I think she has 4 findings of misconduct...”

(“the Comment”)
 - b. Cr Love accepts responsibility for making that Comment and acknowledge that the way in which it was delivered could have been more measured and



appropriate. However, Cr Love believes it is important to provide additional context not included in Cr Ryan’s complaint, which is highly relevant to understanding the circumstances under which the Comment was made.

- c. Immediately prior to Cr Love response, Cr Ryan made a public statement during the same debate that Cr Love found to be antagonistic and deeply inappropriate:

“ Cr Love last week told us about the votes that there is in AFL. Yes, we are getting close to an election. Cr Love.”
- d. In Cr Love’s view, this comment sought to misconstrue a previous, genuine interaction Cr Love had with a community member and implied that Cr Love was acting unethically or politically—an interpretation Cr Love strongly refutes.
- e. This was not an isolated remark. Cr Ryan’s comment formed part of a pattern of conduct that has occurred across multiple Agenda Briefings and Ordinary Council Meetings, including on the 26 March 2025, where she had made pointed remarks that Cr Love perceive as attempts to undermine her credibility, belittle her contributions, and cause reputational harm.
- f. While Cr Love accepts that her words during OCM were not ideal and could have been more professionally framed, they were made in response to what Cr Love perceived as a sustained campaign of provocation and disparagement by Cr Ryan.
- g. Cr Love did not speak to gain advantage or maliciously cause detriment to her, Cr Love spoke in defence of her integrity in the face of repeated public commentary that she believes sought to damage it.
- h. Cr Love offers this context not to excuse the tone of her response, but to ensure a full and fair account of the circumstances surrounding this matter.
- i. It is further alleged that Cr Love’s continued remarks, despite the Mayor’s intervention, and an email Cr Love sent to all Councillors at 7:27 PM the same evening, were made with the intention of gaining an improper advantage and discrediting Cr Ryan’s reputation in the community.
- j. Cr Love respectfully denies that her conduct breached Clause 18 and provides the following points in support of her position.

No Improper Use of Position or Intent to Gain Advantage

- i. Clause 18 prohibits the improper use of a council member’s role to gain an advantage for oneself or another person, or to cause detriment to another.
- ii. My comments were made in the context of defending my integrity against what I perceived to be ongoing disparaging statements made by Cr Ryan—both during the 28 May meeting and in preceding meetings. At no time was my intent to gain advantage, damage Cr Ryan’s reputation, or use my position for improper purposes.
- iii. While I accept that the phrase “I think she has four findings of misconduct” could have been more carefully expressed, it was explicitly framed as an opinion, not a statement of fact. I acknowledge the impact it may have had, but reiterate that it was not made with malice or intent to defame.



Use of Publicly Available Information, Not Confidential Material

- iv. Cr Love's statement referred only to information that she believed was already publicly available, including past reports and findings made accessible via oversight bodies such as the Corruption and Crime Commission ("**CCC**"). Cr Love did not disclose or rely on any confidential or privileged material obtained through her role as a councillor.
- v. Likewise, the email Cr Love sent to fellow Councillors later that evening did not include any confidential content, and was sent only to provide context regarding her remarks—not to harm, discredit or attack. The information contained in the email was already known or accessible within the public domain and shared solely with fellow elected members, not the public.

Commentary Made in Response to Repeated Provocation

- vi. The primary threshold of Clause 19 is that the conduct must be intended to gain an improper advantage or to cause detriment.
- vii. Cr Love's intent was not to damage Cr Ryan's standing in the community, but to assert my right to defend myself against ongoing public character attacks I felt were being made without basis.
- viii. Cr Love responded within the context of such remarks made by Cr Ryan.
- ix. While Cr Love accepts that her language could have been more measured, it was not rooted in an intent to discredit Cr. Ryan improperly, or to gain an advantage, but to defend Cr Love 's own credibility and integrity.

Allegation Does Not Meet the Threshold of Clause 18

- x. Clause 18 is a serious provision that requires evidence of intent to improperly use one's role to cause detriment or obtain an unjust advantage.
- xi. There was:
 - A. No intent to cause harm or gain an advantage;
 - B. No use of confidential or privileged information;
 - C. No communication to the public intended to discredit another; and
 - D. No material or conduct that could be defined as improper under the Act or supporting regulations.
- xii. Cr Love therefore submits that her comments and email do not meet the threshold for a breach of Clause 18.
- k. While Cr Love has acknowledged and taken responsibility for separate breaches relating to meeting procedure and decorum—specifically in regard to her failure to comply with directions of the Presiding Member— Cr Love firmly maintains that she did not breach Clause 18 of the Code of Conduct.

Regulation 18



22. Regulation 18 prohibits councillors engaging in conduct to either gain an advantage for themselves (or another party) or cause detriment to another party and specifically provides as follows:
- “ 18. 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; or*
- (b) *to cause detriment to the local government or any other person.*
- (2) *Subclause (1) does not apply to conduct that contravenes section 5.93 of the Act or The Criminal Code section 83.”*
23. To make a finding of a minor breach of regulation 18(1)(b) of the Regulations the Panel must be satisfied to the required standard that:
- a. Cr Love was an elected member at the time of the alleged breach and the time of the determination;
 - b. Cr Love made use of her office as Council member of the City;
 - c. when viewed objectively, such use was an improper use of Cr Love’s office in that it:
 - i. involved a breach of the standards of conduct that would be expected of a person in the position of councillor by reasonable persons; and
 - ii. was so wrongful and inappropriate in the circumstances that it calls for the imposition of a penalty; and
 - d. Either:
 - i. In respect to regulation 18(1)(a) Cr Love engaged in the conduct with the intention of gaining an advantage for herself or another party.
 - ii. In respect to regulation 18(1)(b) Cr Love engaged in the conduct in the belief that detriment would be suffered by another person.

Code of Conduct

24. The City adopted the *City Busselton Code of Conduct for Council Members, Committee Members and Candidates* on 28 April 2021 (“**the Code of Conduct**”) which governs the conduct of elected members.
25. A breach of the Code of Conduct may indicate that an elected member has acted improperly in breach of Regulation 18.
26. The relevant sections of the Code of Conduct are as follows:

“ 5. Personal integrity

5.1 A council member, committee member or candidate should —



- a. *act with reasonable care and diligence; and*
- b. *act with honesty and integrity; and*
-
- e. *avoid damage to the reputation of the local government.”*

“ 6. Relationship with others

- (1) *A council member, committee member or candidate should —*
 - (a) *treat others with respect, courtesy and fairness; and*
 - (b) *respect and value diversity in the community.”*

“ 8. Personal integrity

- 6.1 *A council member, committee member or candidate should —*
 - a. *must ensure that their use of social media and other forms of communication complies with this code; and*
 - b. *must only publish material that is factually correct.*
- 6.2 *A council member or committee member should maintain and contribute to a harmonious, safe and productive work environment. ”*

“ 10. Relationship with others

- 10.1 *A council member, committee member or candidate —*
 - a. *must not bully or harass another person in any way;*
 -
 - c. *must not use offensive or derogatory language when referring to another person;*
 - d. *must not disparage the character of another council member, committee member or candidate or local government employee in connection with the performance of their official duties; and*
 -”

General

- 27. The Panel notes that the Complaint referenced clause 19 of the regulations, the Panel has taken this in the context to properly refer to regulation 18 of the regulations.
- 28. The Complainant did not provide a copy of the email alleged to be sent by Cr Love to all councillors after the OCM so the Panel has only considered the comment made at the OCM.



PANEL CONSIDERATION

Cr Love was an Elected Member at the relevant times

29. Cr Love was an elected member at the time of the alleged breach and at the date the Panel considered the Complaint.
30. This element is met.

Cr Love made use of her office as Council Member of the City

31. As Cr Love was attending the Ordinary Council Meeting held on 28 May 2025 (“**the OCM**”) in her capacity as an elected member and spoke in her capacity as an elected member while present, the Panel finds that it is more likely than not that Cr Love was acting in her capacity as an elected member did make use of her office as a council member when undertaking the relevant conduct.
32. This element is met.

Cr Love’s use was improper

33. Deciding if conduct is an improper use of office requires something more than simply a demonstration of poor judgment or lack of wisdom. It requires an abuse of power or the use of the councillor’s position in a manner that such councillor knew (or ought to have known) was not authorised.
34. Impropriety does not depend on a councillor’s consciousness of impropriety. It is to be judged objectively and does not involve an element of intent.
35. Any decision as to what is “improper” cannot be made in isolation but must be considered in the relevant context including the specifics of the relevant event as well as councillor’s formal role and responsibilities.
36. In the case of impropriety arising from an abuse of power, a councillor’s alleged knowledge or means of knowledge of the circumstances in which the power is exercised and his purpose or intention in exercising the power will be important factors in determining whether the power has been abused.⁸
37. It is alleged that Cr Love acted improperly in incorrectly referring to “misconduct” by the Complainant where:
 - a. the same was not actually a finding of “misconduct”; and
 - b. the relevant events occurred some 15 years ago.
38. It is noted that Cr Love concedes that her conduct was not of an appropriate level in some aspects, but asserts that she was provoked into her response by the Complainant’s prior conduct.
39. It is clear that Cr Love’s temper got the better of her in the moment and she verbally retaliated to a perceived attack on her character.
40. The fact that the relevant “finding” in 2008 was not technically one that “misconduct” had actually occurred, that is based on a highly technical interpretation of the Public

⁸ Treby and Local Government Standards Panel [2010] WASAT 81 (at 31); Chew v The Queen (1992) 173 CLR 626 (at 640 - 641 [Dawson J]); R v Byrnes (1995) 183 CLR 501 – (at 514 - 515 [Brennan, Deane, Toohey and Gaudron JJ] and at 521 [McHugh J]).



Sector Management Act. Irrespective of such technicalities, or indeed whether the opinion was soundly based, it is clear that Cr Ryan was the subject of a “misconduct opinion” by the CCC and that such finding was public in nature.

41. Cr Love, could have had no reasonable knowledge of the relevant technicalities behind the decision (the same being explored in personal correspondence to Cr Ryan) and the legislative difference between a “finding” and an “opinion” by the CCC. Therefore, the Panel finds that her assertion as the a “finding of misconduct” was largely accurate.
42. Despite this, it was simply not appropriate to raise the issue as Cr Love did. The matter being discussed was completely unrelated and, irrespective of whether Cr Love may have felt she was provoked, it is a clear breach of clause 10.1(d) of the Code of Conduct in that Cr Love was clearly disparaging the character of another council member.
43. Given the above, the Panel finds that it is more likely than not that the relevant conduct was improper as:
 - a. The conduct was in breach of the Code of Conduct;
 - b. the conduct was of such a nature that a reasonable individual would consider the same to be inappropriate or not in keeping with the conduct that would be expected of a councillor; and
 - c. the conduct is deserving of a penalty.
44. This element is met.

Regulation 18(1)(a) Cr Love intended to gain an advantage and Regulation 18(1)(b) Cr Love intended to cause a disadvantage

45. The definitions of the noun ‘advantage’ in the Shorter Oxford English Dictionary (6th ed) include: a favouring circumstance; something which gives one a better position, benefit; increased well-being or convenience or pecuniary profit.
46. The Panel considers the term ‘advantage’ in regulation 18(1)(a) is to be construed widely, and includes a financial or a non-financial benefit, gain or profit, or any state, circumstance, opportunity or means specially favourable.⁹
47. It is not necessary to find whether any advantage actually gained¹⁰ but an intent to gain such advantage must be established.
48. “Detriment” means loss, damage or injury. It is construed widely and includes financial and non-financial loss and adverse treatment, such as humiliation, denigration, intimidation, harassment, discrimination and disadvantage.
49. It is not necessary to find whether any detriment was actually suffered, but an intent to cause such detriment must be established.
50. In this case it is alleged that Cr Love:
 - a. tried to gain an advantage; and

⁹ Complaint SP 12 and 13 of 2011.

¹⁰ *Yates and Local Government Standards Panel* [2012] WASAT 59 at [72].



- b. was attempting to discredit the Complainant's character.
51. In respect to the alleged advantage, the Complainant has not specified what kind of advantage is intended to be gained. The Panel does not consider that there was any advantage to be gained (even a reputational advantage) by any party by making the Comment.
52. In respect to any intended detriment, Cr Love asserts that:
- a. there was no intended detriment;
 - b. no intent to cause harm or gain an advantage; and
 - c. no confidential information was shared.
53. The Panel considers that there was no need to make the comment except that Cr Love wished:
- a. to retaliate against Cr Ryan's comments towards her that Cr Love considered to be negative; and
 - b. to make the members of the public listening to the comment to think less of Cr Ryan.
54. The Comment was clearly intended to be disparaging, there was no other reasonable justification for the same.
55. With respect to Cr Love the argument that there was no confidential information used or released does not have any bearing on the finding of this element. Cr Love's intention was clear nonetheless.
56. Given the above the Panel finds that it was more likely than not that Cr Love intended to cause a detriment to Cr Ryan.
57. This element is met with respect to regulation 18(1)(b) only.

Conclusion

58. The elements required to find a breach of regulation 18 of the Regulations have been met.

Panel's Findings

59. Cr Love did commit a breach of Regulation 18 of the Regulations and therefore did commit a minor breach.



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Emma Power (Presiding Member)

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

Ethan Redshaw (Deputy Member)

A handwritten signature in black ink, appearing to read 'B Ife'.

Bronwyn Ife (Deputy Member)

Signing



Local Government Standards Panel

Complaint Number	20250624
Legislation	<i>Local Government Act 1995</i>
Complainant	Councillor Anne Ryan
Respondent	Councillor Mikayla Love
Local Government	City of Busselton
Regulation	Regulation 18(1)(b) of the <i>Local Government (Model Code of Conduct) Regulations 2021</i>
Panel Members for Penalty Consideration	Ms Erin Gauntlett (Presiding Member) Cr Peter Rogers (Member) Ms Elanor Rowe (Deputy Member)
Heard	11 August 2025 Determined on the documents
Penalty Considered	24 February 2026
Outcome	Public Apology

DECISION AND REASONS FOR DECISION

05 March 2026

DEFAMATION CAUTION

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Introduction

1. At its meeting on 11 August 2025, the Panel found that Councillor Mikayla Love (“Cr Love”), a councillor for the City of Busselton (“the City”), committed one minor breach under the Local Government Act 1995 (WA) (“the Act”) and Regulation 18(1)(b) of the *Local Government (Model Code of Conduct) Regulations 2021* (“the Regulations”) when she made a comment during an Ordinary Council Meeting regarding alleged misconduct by another councillor (“Minor Breach”).
2. On 5 December 2025, the Panel published its Finding and Reasons for Finding (“Findings”) stating that Cr Love had breached Regulation 18(1)(b). The Panel reviewed all the evidence presented to it and made the following observations:
 - “37. *It is alleged that Cr Love acted improperly in incorrectly referring to “misconduct” by the Complainant where:*
 - a. *the same was not actually a finding of “misconduct”; and*
 - b. *the relevant events occurred some 15 years ago.*
 38. *It is noted that Cr Love concedes that her conduct was not of an appropriate level in some aspects, but asserts that she was provoked into her response by the Complainant’s prior conduct.*
 39. *It is clear that Cr Love’s temper got the better of her in the moment and she verbally retaliated to a perceived attack on her character.*
 40. *The fact that the relevant “finding” in 2008 was not technically one that “misconduct” had actually occurred, that is based on a highly technical interpretation of the Public Sector Management Act. Irrespective of such technicalities, or indeed, whether the opinion was soundly based, it is clear that Cr Ryan was the subject of a “misconduct opinion” by the CCC and that such a finding was public in nature.*
 41. *Cr Love could have had no reasonable knowledge of the relevant technicalities behind the decision (the same being explored in personal correspondence to Cr Ryan) and the legislative difference between a “finding” and an “opinion” by the CCC. Therefore, the Panel finds that her assertion as the a “finding of misconduct” was largely accurate.*
 42. *Despite this, it was simply not appropriate to raise the issue as Cr Love did. The matter being discussed was completely unrelated, and irrespective of whether Cr Love may have felt she was provoked, it is a clear breach of clause 10.1(d) of the Code of Conduct in that Cr Love was clearly disparaging the character of another council member.*
 -
 53. *The Panel considers that there was no need to make the comment except that Cr Love wished:*
 - a. *to retaliate against Cr Ryan’s comment towards her that Cr Love considered to be negative; and*
 - b. *to make the members of the public listening to the comment to think less of Cr Ryan.*
 54. *The Comment was clearly intended to be disparaging, there was no other reasonable justification for the same.”*



Jurisdiction and Law

3. The Panel convened on 24 February 2026, to consider how it should deal with the Minor Breach. The Panel accepted the advice of the Department of Local Government, Sport and Cultural Industries (“the Department”) that on this date there was no available information to indicate that Cr Love had ceased to be, or was disqualified from being, a councillor.

Possible Sanctions

4. 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).*
5. Section 5.110(6) is about penalty. The Panel does not have the power to review any finding of a breach. Under section 5.110(6)(a), the Panel may order that no sanction be imposed; not to reverse the finding of a breach, but to however indicate that in all the circumstances the relevant councillor should not be penalised further.
6. Sub-section 5.110(6)(b)(iv) (in respect of a monetary sanction) was introduced in 2019 to allow the Panel to require a councillor to personally bear the cost of dealing with a complaint, which in other circumstances, would be paid by the local government concerned. This ensures the cost of a breach is borne by the councillor individually, and not simply passed onto the local government and therefore, ultimately, rate payers.



Cr Love's Submissions

7. 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
8. By a letter dated 5 December 2025, Cr Love was:
 - i. notified of the Panel's Finding of the Minor Breach;
 - ii. provided with a copy of the Panel's Findings; and
 - iii. offered an opportunity to make submissions as to how the Minor Breach should be dealt with under section 5.110(6) of the Act.
9. On 9 December 2025, the Department received a response ("Response") from Cr Love in which she submitted:
 - a. No sanction should be imposed;
 - b. If one was to be imposed, either a public apology or training would be appropriate.

Panel's Consideration

10. The purpose of the imposition of a sanction under the Act is generally for the protection of the public and the maintenance of standards of council members. Furthermore, it reflects the disapproval of a contravention of the Regulations, dissuades councillors from other local governments from engaging in similar conduct and facilitates the maintenance of appropriate standards of behaviour by councillors. Guidance on the factors which the Panel may consider in determining the appropriate penalty to impose, include, but are not limited to:
 - 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. the likelihood or not of the councillor committing further breaches of the Act;
 - g. the councillor's personal circumstances at the time of the conduct, and at the time of imposing the sanction;

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



- h. the 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.
- 11. Cr Love's behaviour, the subject of the Minor Breach Finding, was considered a serious matter. When deciding what sanction to impose, the Panel must consider how the penalty will help to guide other councillors and dissuade them from engaging in similar conduct.
- 12. The Panel does not consider it appropriate to impose no sanction in relation to the Minor Breach, as this would indicate that it was so minor that no penalty is warranted.
- 13. In this case, the Panel finds it fair and reasonable that Cr Love makes a public apology to Cr Ryan, being the party who she acted improperly towards.
- 14. The standards of behaviour expected of elected members are of a generally higher standard than a member of the public, due to their prominent positions in the community. Cr Love made the inappropriate comments during the Council Meeting held on 28 May 2025 and they were totally unrelated to the matter being discussed.
- 15. Making a public apology is a significant sanction, being a personal admission by the individual of wrongdoing. It is a suitable and appropriate penalty when an elected member's conduct:
 - a. adversely affects a particular individual or party; and / or
 - b. does not meet the standards other councillors seek to uphold.
- 16. An apology will go a little way to make amends for Cr Love's conduct and to help repair the damage caused.



Panel's Decision

17. Having regard to the Findings, the matters set out herein, and the general interests of local government in Western Australia, the Panel's decision on how the Minor Breach is to be dealt with under s5.110(6) of the Act, is that Cr Love is ordered to make a public apology pursuant to subsection (b)(ii) in terms as set out in the attached Order.

Signing

A handwritten signature in black ink, appearing to read "Erin Gauntlett".

Erin Gauntlett (Presiding Member)

A handwritten signature in black ink, appearing to read "Elanor Rowe".

Elanor Rowe (Deputy Member)

A handwritten signature in black ink, appearing to read "Peter Rogers".

Peter Rogers (Member)



ORDER

05 March 2026

DEFAMATION CAUTION

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THE LOCAL GOVERNMENT STANDARDS PANEL ORDERS THAT:

1. Councillor Mikayla Love (“Cr Love”), a councillor for the City of Busselton (“City”), publicly apologise, as specified in paragraph 2 below, or failing compliance with paragraph 2, then paragraph 3 below.

Public Apology

2. At the ordinary council meeting first occurring after the expiration of 28 days from the date of service of this Order on her, Cr Love shall:
 - a. attend the relevant ordinary council meeting;
 - b. ask the presiding person for his or her permission to address the meeting to make a public apology to the public;
 - c. 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; and
 - d. address the Council and public as follows, without saying any introductory words before the address, and without making any comments or statement after the address:

“I advise this meeting that:

- i. A complaint was made to the Local Government Standards Panel, in which it was alleged that I contravened the *Local Government (Model Code of Conduct) Regulations 2021* when, at the Council Meeting held on 28 May 2025, I made inappropriate comments relating to alleged misconduct by another councillor and that they were unrelated to the matter being discussed.
- ii. The Panel found that by behaving in this manner I committed one



breach of Regulation 18(1)(b) of the said Regulations.

- iii. I accept that I should not have acted in such a manner and I now apologise to Cr Ryan for having done so.”

3. If Cr Love fails to, or is unable to, comply with the requirements of paragraph 2 above in the required timeframe then, within the next 28 days following the ordinary council meeting referred to in paragraph 2 above:
- a. Cr Love shall cause the following notice of public apology to be published in no less than 10-point print, as a one-column or two-column display advertisement in the first 10 pages of the *Busselton-Dunsborough Times*; and
 - b. the Chief Executive Officer of the City shall arrange for the following notice of public apology to be published in no less than 10-point print or font:
 - i. on the Facebook page of the City; and
 - ii. in an appropriate place on the website of the City; and
 - iii. in the next occurring issues of all City community and public newsletters (if any) (whether in electronic or print copy).

A complaint was made to the Local Government Standards Panel, in which it was alleged that I contravened the *Local Government (Model Code of Conduct) Regulations 2021* when, at the Council Meeting held on 28 May 2025, I made inappropriate comments relating to alleged misconduct by another councillor and that they were unrelated to the matter being discussed.

The Panel found that behaving in this manner I committed one breach of Regulation 18(1)(b) of the said Regulations.

I accept that I should not have acted in such a manner and I now apologise to Cr Ryan for having done so.



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."