



Local Government Standards Panel

Complaint Number	20250649
Legislation	<i>Local Government Act 1995</i>
Complainant	Mr Roland Hadley
Respondent	Mayor Mark Irwin
Local Government	City of Stirling
Regulation	Regulation 18(1)(b) of the <i>Local Government (Model Code of Conduct) Regulations 2021</i> Regulation 34D of the <i>Local Government (Administration) Regulations 1996</i>
Panel Members	Ms Erin Gauntlett (Presiding Member) Councillor Bronwyn Ife (Deputy Member) Ms Elanor Rowe (Deputy Legal Member)
Heard	1 October 2025 Determined on the documents
Outcome	One breach of Regulation 18(1)(b) No breach of Regulation 34D

FINDING AND REASONS FOR FINDING

01 April 2026

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. The Local Government Standards Panel ("the Panel") found that Mayor Mark Irwin ("Mayor Irwin"), an elected member for the City of Stirling ("the City") committed one 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, at the Electors' General Meeting held on 24 March 2025, he prevented the Complainant from asking questions and treated him in a disrespectful manner.
2. The Panel found that Mayor Irwin had not breached Regulation 34D of the *Local Government (Administration) Regulations 1996* in relation to the same conduct.

Jurisdiction and procedural fairness

3. The Act makes provision for the circumstances in which a council member commits a minor breach.¹
4. On 19 August 2025, the Department of Local Government, Industry Regulation and Safety ("the Department") received a Complaint of Minor Breach Form ("Complaint"). The Complaint was signed by Mr Roland Hadley ("the Complainant") and contained two allegations of breaches of the Regulations by Mayor Irwin.
5. On 21 August 2025, the Department advised Mayor Irwin of the Complaint and invited him to respond. Mayor Irwin was sent copies of the original Complaint and all the supporting documents provided by the Complainant.
6. Under the Act the Panel is required to consider a complaint of a minor breach and make a finding as to whether the alleged breaches occurred.² On 1 October 2025 the Panel convened to consider the Complaint.
7. The Panel:
 - (a) accepted the Department's advice, based on information from the Western Australian Electoral Commission, that Mayor Irwin was an elected member at the time of the alleged breaches, and was still an elected member when the Panel met on 1 October 2025;
 - (b) was satisfied the Complaint had been made within six months after the alleged breaches were said to have occurred;
 - (c) was satisfied the Complaint had been dealt with in accordance with the administrative requirements in the Act for dealing with complaints of minor breaches³; and
 - (d) was satisfied that the Department had provided procedural fairness to Mayor Irwin.

¹ Section 5.105 of the Act.

² Section 5.110(2)(a) of the Act.

³ Sections 5.107, 5.108, 5.109 of the Act.



8. If a councillor has previously committed two or more minor breaches, the Panel may send the complaint to the Chief Executive Officer of the department assisting the relevant Minister at the time instead of considering the Complaint itself.⁴ Mayor Irwin had not previously been found to have committed any minor breaches. Therefore, the Panel decided to not send the Complaint to the Chief Executive Officer of the Department.
9. Based on the information referred to above, the Panel found it had jurisdiction to determine whether Mayor Irwin had breached the Regulations in connection with the Complaint.

Panel's role

10. The Panel is not an investigative body. It determines complaints of minor breaches solely upon the evidence presented to it.
11. Any finding, that a councillor has committed a minor breach, must be based on evidence from which it can be concluded that it is more likely than not that the breach occurred than that it did not occur (the required standard of proof).⁵
12. In order to find the allegation, proposition or conduct has been established, and where direct proof is not available, the Panel must be satisfied from the evidence that it is more probable than not that it has occurred. The Panel cannot make a finding that the alleged fact, proposition or conduct occurred if the evidence merely supports two or more conflicting but equally possible inferences.⁶
13. For a finding that a councillor has breached a particular regulation, the Panel must be satisfied that every element of the particular regulation has been established to the required standard of proof.

Regulation 18(1)(b)

14. Regulation 18(1)(b) provides:

“18. Securing personal advantage or disadvantaging others

(1) A council member must not make improper use of their office –

.....

(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.”

15. The Panel decided that the alleged conduct was not conduct that contravened section 5.93 of the Act or section 83 of *The Criminal Code*.

⁴ Sections 5.110(2)(b), 5.111(1) of the Act.

⁵ Section 5.106 of the Act.

⁶ *Bradshaw v McEwens Pty Ltd* (1951) 217 ALR 1, paragraph 5.



Elements of Regulation 18(1)(b)

16. In order to find a breach of Regulation 18(1)(b), the Panel must be satisfied to the required standard of proof that:
- (a) the person, the subject of the Complaint, engaged in the alleged conduct (first element);
 - (b) the person, the subject of the Complaint, was a council member both at the time of the conduct and the time when the Panel makes its determination (second element);
 - (c) by engaging in the conduct, the person, the subject of the complaint, made use of his or her office as a council member (in the sense that he or she acted in their capacity as a councillor, rather than in some other capacity) (third element);
 - (d) when viewed objectively, such use was an improper use of the person's office as a council member in that it:
 - (i) involved a breach of the standards of conduct that would be expected of a person in the position of a councillor, by reasonable persons with knowledge of the duties, power and authority of the councillor and the circumstances of the case; and
 - (ii) was so wrongful and inappropriate in the circumstances that it calls for the imposition of a penalty;(fourth element); and
 - (e) in the case of Regulation 18(1)(b) the person engaged in the conduct in the belief that detriment would be suffered by the local government or any other person (fifth element).

Fourth element - meaning of "to make improper use of....office"

17. The Macquarie dictionary definition of "improper" is "*not in accordance with propriety of behaviour, manners, etc; unsuitable or inappropriate for the purpose or occasion; abnormal or irregular.*"⁷ The Shorter Oxford dictionary definition is "*irregular, wrong; unsuitable, inappropriate; unbecoming, unseemly.*"⁸

18. Whether there is impropriety is to be assessed objectively: would a reasonable person with knowledge of the duties, powers and authority of a councillor, and all the circumstances of the particular case, form the view that the councillor had breached the standards of conduct expected of a councillor?⁹ "*For behaviour to be improper it must be such that a right-thinking person would regard the conduct*

⁷ Macquarie Dictionary, Revised Third Edition.

⁸ Shorter Oxford English Dictionary, Sixth Edition.

⁹ *Ryan and Local Government Standards Panel* [2009] WASAT 154, paragraph 27, referring to *R v Byrnes* (1995) 183 CLR 501.



*as so wrongful and inappropriate in the circumstances that it calls for the imposition of a penalty.*¹⁰

19. Under the Act Panel members must have regard to the general interests of local government in Western Australia.¹¹ It is in the interests of local government that councillors are, and are seen to be, professional and respectful in their dealings with fellow councillors, local government employees and members of the public.
20. The meaning of “*improper*” must be considered in the context of relevant legislation, such as the Act and the Regulations, and other rules and standards that apply to a councillor’s role and conduct, such as the circumstances and context of the case.¹² All these provisions form part of the backdrop to the Regulations and give context to a complaint but the alleged conduct must also be judged in the particular circumstances.
21. Conduct can be improper even though the councillor’s judgement is that it is not improper. A councillor’s use of his or her office can be improper even though the councillor is intending to benefit the local government, the council or the ratepayers and residents.¹³

Fifth element - meaning of “to cause detriment to the local government or any other person”

Detriment

22. “*Detriment*” means loss, damage or injury.¹⁴ It includes financial and non-financial loss and adverse treatment, such as humiliation, denigration, intimidation, harassment, discrimination and disadvantage. A person can suffer detriment through others thinking less favourably of them.¹⁵
23. For Regulation 18(1)(b) to be satisfied it is not necessary to show that the local government or the person concerned actually suffered detriment.¹⁶ However, it is not enough to show that the local government or the person concerned suffered detriment or could have suffered detriment. The Panel must find that it is more likely than not that the councillor believed that his or her actions would cause detriment and intended to cause detriment.¹⁷
24. “*To cause detriment*” has been interpreted as meaning “*in order to*” or “*for the purpose of*” causing detriment, or “*with the will to*” cause detriment.¹⁸ There can be a finding of intent if, after considering all the evidence, the only reasonable inference is that the councillor intended to cause detriment.¹⁹

¹⁰ *Hipkins and Local Government Standards Panel* [2014] WASAT 48, paragraph 9, referring to *Robbins v Harness Racing Board* [1984] VR 641.

¹¹ Section 5.122(3) of the Act, Schedule 5.1 of the Act, clause 8(6).

¹² *Hipkins and Local Government Standards Panel* [2014] WASAT 48, paragraph 10.

¹³ *Yates and Local Government Standards Panel* [2012] WASAT 59, paragraph 64, referring to *Treby* 2010.

¹⁴ Macquarie Dictionary Revised Third Edition, 2001.

¹⁵ *Ryan and Local Government Standards Panel* [2009] WASAT 154, paragraphs 31, 32.

¹⁶ *Treby* 2010, paragraph 96, referring to *Chew v The Queen* 1992 CLR 626 (*Chew* 2010).

¹⁷ *Re and Local Government Standards Panel* [2014] WASAT 111, paragraph 51, referring to *Australian Securities and Investments Commission v Australian Property Custodian Holdings Ltd* [2013] FCA 1342.

¹⁸ *Chew* 2010.

¹⁹ *Treby* 2010.



Regulation 34D

25. Regulation 34D provides:

“(1) *In this regulation –*

“local law as to conduct” means a local law relating to conduct of people at council or committee meetings.

(2) *The contravention of a local law as to conduct is a minor breach for the purposes of section 5.105(1)(b) of the Act.”*

26. Section 5.105(1)(b) of the Act states as follows:

“A council member commits a minor breach if she or he contravenes...

(b) a local law under the this Act, contravention of which the regulations specify to be a minor breach.”

Elements of Regulation 34D

27. In order to find a breach of Regulation 34, the Panel must be satisfied to the required standard of proof that:

- i. The conduct occurred at a council or committee meeting;
- ii. A standing orders local law or meeting procedures local law applied at the meeting; and
- iii. The relevant local law prohibited the specific conduct displayed by the council member.

Substance of the Complaint

28. At the Electors’ General Meeting held on 24 March 2024 (“EGM”), the Complainant’s name was listed as seventh on the list for Public Question Time (“PQT”). However, Mayor Irwin had moved the Complainant to the position of second last on the list (to number twenty-eight). Then, under the pretext of running out of time, Mayor Irwin instructed that the Complainant and the last speaker were only to be allowed to ask one question each.

29. The Complainant had proposed a motion of no confidence in Mayor Irwin and Mayor Irwin had ruled it out of order.

30. Mayor Irwin had used his position to disadvantage the Complainant and the sixty-two ratepayers he represented by not letting him ask questions. Also, he had treated him with disrespect in front of media, the public gallery and the committee. That was “*deliberate and wanton*” action by Mayor Irwin.

31. It was not the first occasion on which Mayor Irwin had denied the Complainant the right to ask questions.



Mayor Irwin's Response

32. On 21 August 2025, the Department requested comment on the allegations from Mayor Irwin. On 3 September 2025, Mayor Irwin submitted a Response in which he confirmed that he did not accept the information as detailed in the Complaint and denied that he had committed the alleged misconduct:
- a. Mayor Irwin had not denied the Complainant the right to ask questions.
 - b. On one single occasion, following an extended PQT that lasted one hour, he notified the remaining people that there were ten minutes remaining. A couple of people missed out however he had assured them their questions would receive a written response.
 - c. Mayor Irwin only ruled questions out of order if they were not related to agenda items, were of a vexatious or antagonistic nature, or simply not in the City's remit. It rarely happened.
 - d. Mayor Irwin had not set the order of questions; he read them off from a written list handed to him by the governance team and only changed the list to group together interest groups or prioritise items on the agenda.
 - e. He ran Public Question Time in accordance with policy. The conduct of Electors Meetings was up to the Presiding member to determine.
 - f. Mayor Irwin did not believe that anyone who had watched the EGM could have concluded that he had not given everyone ample opportunity to have their voice heard. He endeavoured to provide answers to all questions honestly and in full, with the assistance of the Executive team and their delegates.
 - g. Any information not provided was then offered in writing as additional information and included in the Minutes.
 - h. Therefore, the Complainant's assertion that he was not provided with information was entirely false and misleading.
 - i. The Complainant had continually attended Council since the late 1990s to create division on the pretext of representing his ratepayers. His behaviour had escalated and the Executive had warned him about his behaviour at the EGM including his commentary and the fact he had "*played up*" by using crude props.
 - j. At the EGM, the Complainant had finished with accusations of misuse of ratepayer funds by Mayor Irwin and the lack of fiduciary obligations.
 - k. Mayor Irwin had always taken the Complainant's commentary in an unbiased way and had provided rational responses – that was all a matter of public record.
 - l. Public Question Time was only supposed to last for fifteen minutes and items were required to be related to the agenda. The fact that Mayor Irwin extended PQT for almost an hour to accommodate everyone and ask



questions without interruption consistently for eight years showed his commitment to hearing and understanding community issues.

- m. The Complainant's accusations included that Mayor Irwin was a "*failed businessman*" and had "*evaded providing details*". He stated that his leadership skills had not improved and he had shown "*disrespect*" to other councillors.
- n. The Complainant had also questioned Mayor Irwin's physical health – a reference to the heart attack he had two months prior to the Complaint and alluded to him possibly having another one.

Panel's Consideration

First Allegation – alleged breach of Regulation 18(1)(b)

33. The Panel finds that Mayor Irwin engaged in the conduct that was the subject of the Complaint and that he was a councillor and acting as a councillor at all relevant times. The first, second and third elements were established.

Whether Mayor Irwin acted improperly (fourth element)

34. The Panel is satisfied that Mayor Irwin acted improperly at the EGM:

- a. As per the City's *2024/2025 Elector's General Meeting Information and FAQs* ("EGM Document"):
 - During the General Business section at an Electors' General Meeting, electors are to be offered an opportunity to ask up to three questions and/or three motions at any given time. Each question is to be limited to two minutes and is to be succinct.
 - Electors' General Meetings provide an opportunity for constructive engagement between the City's electors, Elected Members and City employees.
 - Positive engagement that is respectful and courteous of all people in attendance is required during proceedings, including when questions are asked or motions raised.
 - Any offensive, defamatory and derogatory comments made towards any person during a meeting as determined by the Mayor will be ruled out of order. Questions or motions determined by the Mayor as offensive, defamatory or derogatory or reflecting adversely on any person, will not be published.
 - Any questions or motions raised at an Electors' General Meeting must relate to a matter within the responsibility of the City.

Position of the Complainant on the list of electors to speak



- b. According to the Minutes, under General Business, there were twenty-nine items concerning questions, comments and motions put forward by electors at the EGM.
- c. The Complainant spoke second to last at Item 9.28 (attached as *Annexure A* is the relevant excerpt from the Minutes). The procedure to be followed at the EGM was determined by Mayor Irwin and it was Mayor Irwin who had ultimately determined to move the Complainant to that position on the list.
- d. At the 3.01 hours mark of the EGM, the Complainant was asked to come forward to speak. He put forward two motions and one question. In total, he held the floor for approximately six minutes (that time also included Mayor Irwin responding to the Complainant).
- e. Following the Complainant's contribution, Mayor Irwin stated:

"That's all I have on my list".

One further elector stood to speak, then the EGM concluded after around 3.07 hours.

- f. In the circumstances, it appeared unfair to the Panel that Mayor Irwin had restricted the Complainant's time to speak at the EGM:
 - The Complainant was the last person on Mayor Irwin's list to speak;
 - He was already limited to asking only three questions under the EGM Document (each question to last no longer than two minutes);
 - There had been a ten-minute break at the 2.37 hours mark of the EGM. That indicated that Mayor Irwin expected the EGM to go on for some time after the break;
 - The EGM was held annually, therefore, the General Business / PQT part of the meeting was likely to last some time which was reflected in the number of motions / questions put forward by electors.
 - The time that the Complainant spoke for appeared reasonable and in accordance with the policy set out in the EGM Document.

Mayor Irwin's response to the Complainant

- g. In his Response, Mayor Irwin made it clear he deemed the Complainant difficult to deal with and troublesome over a significant period of time and that the Complainant had the intention of causing "*division*".
- h. Clearly, at the EGM the Complainant was disgruntled in relation to a number of matters; the fact that he had taken a "*prop*" up with him when he spoke (which some of the attendees including Council members found



amusing) was rather unusual and perhaps somewhat annoying to Mayor Irwin.

- i. However, Local Governments are to welcome community participation in decision making, even if circumstances / personalities are particularly challenging. The Complainant had taken time to prepare questions, and the matters he wished to raise were clearly important to him.
- j. The Complainant's First Motion ("First Motion") related to a motion of No Confidence in Mayor Irwin's alleged "*lack of community engagement and non-disclosure of information*" regarding "*his trackless tram project.*"
- k. The Motion was in two parts (Part A and Part B) however Mayor Irwin had ruled the Motion as out of order after only Part A had been read out by the Complainant:

MOTION 9.28/1

Moved Roland Hadley

I propose a motion of NO CONFIDENCE in Mayor Irwin's lack of community engagement and non-disclosure of information. A submission was sent to the Federal Government seeking financial support for his trackless tram project. Ratepayers were not privy to this submission. If a response has been received, what was the outcome? Part A.

The motion was ruled out of order.

R Hadley: Why would you rule it out of order?

The Mayor: You have the opportunity at any election to put your no confidence in me. There is no substance to that motion. Your next question or motion, Sir.

R Hadley: I am continuing on the same line. This Mayor has failed to contact the State Government to determine whether any construction can be built in an A Class reserve. He has failed to advise essential government agencies such as the Department of Biodiversity and Conservation, the Environmental Protection Agency, the Department of Water and Environment, etcetera. Worse still Mark Irwin, Mayor, Sheriff of Scarborough, as he now is called, has failed to contact all the ratepayers to see if a multi-million boardwalk is warranted or wanted in the first place. Appalling negligence and seemingly allowed to by disinterested, mute Councillors.

- l. The Panel finds that by interrupting the Complainant during his reading of the First Motion, Mayor Irwin acted in an impolite and impatient manner.
- m. After the Complainant had finished reading out the second part of the First Motion, the following exchange took place:

Mayor Irwin: *"Have you got anything to add Mr Hadley?"*

Complainant: *"I'll go to my second motion if I may, unless you want to vote this is a motion?"*

Mayor Irwin: *"I haven't heard a motion, If you would like to put a coherent one to us..."*
- n. Mayor Irwin then continued to act improperly by undermining the Complainant's ability to put forward a "*coherent*" motion. That was plainly disrespectful and rude considering he had not let the Complainant finish reading out his First Motion in the first place.
- o. Although the Panel is somewhat understanding of the frustration Mayor Irwin may have felt - notably, neither the First or Second Motions were ruled out of order on the basis that they were "*offensive, defamatory or derogatory*".



- p. Moreover, 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.

Whether Mayor Irwin intended to cause a detriment to the Complainant (fifth element)

35. The Panel was satisfied that Mayor Irwin intended to cause detriment to the Complainant at the EGM:

- a. The Panel has considered all the evidence and the totality of what occurred at the EGM between Mayor Irwin and the Complainant.
- b. Electors' General Meetings were held once every financial year for the purpose of receiving the Annual Report, Annual Financial Statements and the Auditor's Report for the previous financial year and other General Business.
- c. The EGM was an open meeting streamed live and with several people in physical attendance.
- d. Mayor Irwin determined who spoke when and had placed the Complainant as last on the list of electors.
- e. He had then prevented the Complainant from reading out his First Motion in its entirety and mocked openly what he deemed the Complainant's inability to put forward a "*coherent*" motion.
- f. It seemed more likely than not to the Panel that Mayor Irwin had not wished to deal/interact with the Complainant more than was necessary. Therefore, he had wrongfully restricted the Complainant's ability to be heard at the EGM as compared to other electors in attendance and had deliberately undermined him.

Findings

36. Accordingly, for the above reasons, the Panel finds that Mayor Irwin had breached Regulation 18(1)(b) in relation to the First Allegation.

Second Allegation – alleged breach of Regulation 34D

37. Regulation 34D relates to the conduct of people at *council or committee meetings*.

38. However, in this case, the alleged misconduct had not occurred at a council or a committee meeting – but rather the EGM held on 24 March 2025.

39. Therefore, the allegation was outside the scope of Regulation 34D.



Findings

40. Accordingly, for the above reasons, the Panel finds that Mayor Irwin had not breached Regulation 34D in relation to the Second Allegation.

Signing

Erin Gauntlett (Presiding Member)

Elanor Rowe (Deputy Member)

Peter Rogers (Member) Signed on behalf of Bronwyn Iffe



Annexure A



9.28 R HADLEY

The following questions, comments and motions were put forward by R Hadley, of Woodlands WA 6018 at the Electors' General Meeting held 24 March 2025.

R Hadley: I have a couple of motions here which I'd like to start with.

MOTION 9.28/1

Moved Roland Hadley

I propose a motion of NO CONFIDENCE in Mayor Irwin's lack of community engagement and non-disclosure of information. A submission was sent to the Federal Government seeking financial support for his trackless tram project. Ratepayers were not privy to this submission. If a response has been received, what was the outcome? Part A.

The motion was ruled out of order.

R Hadley: Why would you rule it out of order?

The Mayor: You have the opportunity at any election to put your no confidence in me. There is no substance to that motion. Your next question or motion, Sir.

R Hadley: I am continuing on the same line. This Mayor has failed to contact the State Government to determine whether any construction can be built in an A Class reserve. He has failed to advise essential government agencies such as the Department of Biodiversity and Conservation, the Environmental Protection Agency, the Department of Water and Environment, etcetera. Worse still Mark Irwin, Mayor, Sheriff of Scarborough, as he now is called, has failed to contact all the ratepayers to see if a multi-million boardwalk is warranted or wanted in the first place. Appalling negligence and seemingly allowed to by disinterested, mute Councillors.



MOTION 9.28/2

Moved Roland Hadley

I propose a motion of NO CONFIDENCE in Mayor Irwin's lack of community engagement and non-disclosure of information.

The motion was ruled out of order.

R Hadley:

My second motion: a vote of no confidence in Mayor Irwin's total lack of accountability and transparency, in spending ratepayers' money is critical to this Council. He issued statements to the media without prior consultation with ratepayers. He states no public funds were spent in relation to his trackless tram project. Yet, \$27,000 was spent on trips to China, over \$10,000 was spent on producing trackless tram videos, \$20,000 was spent on flights and accommodation to Canberra to lobby for his trackless tram, \$1,260 was spent on specially printed hats promoting his tram, which I'm sure contravenes local government regulations and heaven knows what else. We learn through the media that \$700,000 was allocated for Perth Glory to acquire part of Mirrabooka Reserve. How does Mayor Irwin arrive at precisely \$700,000 for Perth Glory, \$500,000 for environmental study, \$400,000 for shire boundary markers, \$350,000 for Christmas lights, \$90,000 to illuminate a clock tower? We request that a report to Council be made detailing how all these projects moved to funding, approval and budgeting stage without prior consultation of affected ratepayers.

The Mayor:

You do not need a motion for that, it happens already. I am impressed that you think I do all that on my own. The City has an incredible CEO and Executive Team who do all that work behind the scenes and then Council makes a combined decision to approve things through a budget process. It is as simple as that. I certainly do not do all the work on all those things. The CEO and Executive Team do all of that work and provide transparent reporting to this Council who makes collective decisions. It is defined clearly under the Act.

R Hadley:

On behalf of many ratepayers, we hope that Mayor Mark Irwin apologises to Councillor Re as she was found not guilty by the State Administration Tribunal of charges against her of being a bully and a racist. These charges were quick to be highlighted and publicised by Mark Irwin. We also asked how many charges have been brought against Councillor Re since he was nominated and appointed as Mayor of this Council?



GOVERNMENT OF
WESTERN AUSTRALIA

Local Government Standards Panel



MINUTES OF THE ELECTORS' GENERAL MEETING
24 MARCH 2025

The Mayor: I have nothing to apologise for. I have never accused Councillor Re of any of those things. I would also like to say that I have not brought any charges against Councillor Re in the time I have been Mayor, so I do not know what you are talking about. It is a matter of public record.

9.29 H DYMOND

The following question was put forward by H Dymond, of Karrinyup WA 6018 at the Electors' General Meeting held 24 March 2025.

H Dymond: Why does Council think another environmental study is needed for a coastal boardwalk when City officers reported in 2022 that there have not been any significant changes to the topography of the dune system since the two previous proposals were investigated in 2005 and 2013?

The Mayor: There has been a preliminary assessment that identified that the boardwalk can proceed. The Council will look at specific designs and then get them assessed. This has not been done previously.



Local Government Standards Panel

Complaint Number	20250649
Legislation	<i>Local Government Act 1995</i>
Complainant	Mr Roland Hadley
Respondent	Mayor Mark Irwin
Local Government	City of Stirling
Regulation	Regulation 18 of the <i>Local Government (Model Code of Conduct) Regulations 2021</i>
Panel Members for Penalty Consideration	Ms Erin Gauntlett (Presiding Member) Councillor Peter Rogers (Member) Ms Elanor Rowe (Deputy Member)
Heard	1 October 2025 Determined on the documents
Penalty Considered	24 April 2026
Outcome	Public Apology

DECISION AND REASONS FOR DECISION

13 May 2026

DEFAMATION CAUTION

The general law of defamation, as modified by the *Defamation Act 2005 (WA)*, 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



Introduction

1. At its meeting on 1 October 2025, the Panel found that Mayor Mark Irwin (“Mayor Irwin”), a councillor for the City of Stirling (“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, at the Electors’ General Meeting held on 24 March 2025, he prevented the Complainant from asking questions and treated him in a disrespectful manner (“Minor Breach”).
2. The Panel found that Mayor Irwin had not committed a breach of Regulation 34D of the *Local Government (Administration) Regulations 1996* in relation to the same conduct outlined above.
3. On 1 April 2026, the Panel published its Finding and Reasons for Finding (“Findings”) stating that Mayor Irwin had breached Regulation 18(1)(b).

Jurisdiction and Law

4. The Panel convened on 24 April 2026, to consider how it should deal with the Minor Breach. 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 Mayor Irwin had ceased to be, or was disqualified from being, a councillor.

Possible Sanctions

3. 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.

Mayor Irwin'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 1 April 2026, Mayor Irwin 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 14 April 2026, the Department received a response ("Response") from Mayor Irwin. Mayor Irwin submitted:
 - a. He was highly frustrated and angry with the Finding.
 - b. He prided himself on good governance and adherence to the role of Local Government.
 - c. One of the most significant roles of a Mayor is to preside over Council meetings and the rules were clear. However, the Department and the Panel had used a "*subjective lens full of assumptions*" and the Finding lacked common sense.
 - d. The Complaint and everything that followed was a "*waste of time.*"
 - e. The Complaint had not been given significant priority;
 - f. His reputation was on the line.
 - g. Only a limited investigation had been made and the Finding was not based on any evidence.
 - h. An order for no penalty was appropriate.
 - i. In his response, Mayor Irwin also revisited details of what had occurred at the EGM. However, as stated above at paragraph 5, the Panel does not have the power to review any finding of a breach at this stage.

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



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;
 - 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. Mayor Irwin'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 did not consider it appropriate to impose no sanction in relation to the Minor Breach, as that would indicate that it was so minor that no penalty was warranted.
13. In this case, the Panel finds it fair and reasonable that Mayor Irwin makes a public apology to the Complainant, being the party who he 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. Mayor Irwin's conduct was clearly offensive and potentially detrimental to the Complainant.
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 Mayor Irwin'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 Mayor Irwin is ordered to make a public apology pursuant to subsection (b)(ii) in terms as set out in the attached Order.

Signing

Erin Gauntlett (Presiding Member)

Elanor Rowe (Deputy Member)

Peter Rogers (Member)



ORDER

13 May 2026

DEFAMATION CAUTION

The general law of defamation, as modified by the *Defamation Act 2005 (WA)*, 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

THE LOCAL GOVERNMENT STANDARDS PANEL ORDERS THAT:

1. Mayor Mark Irwin ("Mayor Irwin"), an elected member for the City of Stirling, 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 him, Mayor Irwin 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) 2021* when, at the Electors' General Meeting held on 24 March 2025, I prevented the Complainant from asking questions and treated him in a disrespectful manner



- 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 Mr Roland Hadley, for having done so.”

3. If Mayor Irwin 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. Mayor Irwin 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 “*Stirling Times*” newspaper; and
 - b. the Chief Executive Officer of the City of Stirling 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 of Stirling; and
 - ii. in an appropriate place on the website of the City of Stirling; and
 - iii. in the next occurring issues of all City of Stirling community and public newsletters (if any) (whether in electronic or print copy).

PUBLIC APOLOGY BY MAYOR MARK IRWIN

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) 2021* when, at the Electors’ General Meeting held on 24 March 2025, I prevented the Complainant from asking questions and treated him in a disrespectful manner

The Panel found that by 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 Mr Roland Hadley, 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.”*