



Local Government Standards Panel

Complaint Number	20260001
Legislation	<i>Local Government Act 1995</i>
Complainant	Ms Martine Shepherd
Respondent	Shire President, Councillor Ron Chambers
Local Government	Shire of Esperance
Regulation	Regulation 18 of the <i>Local Government (Model Code of Conduct) Regulations 2021</i>
Panel Members	Ms Erin Gauntlett (Presiding Member) Councillor Peter Rogers (Member) Ms Elanor Rowe (Deputy Legal Member)
Heard	24 February 2026 Determined on the documents
Outcome	One breach of Regulation 18(1)(b)

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 Shire President, Councillor Ron Chambers (“Cr Chambers”), an elected member for the Shire of Esperance (“the Shire”) 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 he made statements in an article titled “*Opposition costing millions*” published in the Esperance Weekender Newspaper on 12 September 2025.

Jurisdiction and procedural fairness

2. The Act makes provision for the circumstances in which a council member commits a minor breach.¹
3. On 24 December 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 Ms Martine Shepherd (“the Complainant”) and contained one allegation of a breach of the Regulations by Cr Chambers.
4. On 5 January 2026, the Department advised Cr Chambers of the Complaint and invited him to respond. Cr Chambers was sent copies of the original Complaint and all the supporting documents provided by the Complainant.
5. 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 24 February 2026 the Panel convened to consider the Complaint.
6. The Panel:
 - (a) accepted the Department’s advice, based on information from the Western Australian Electoral Commission, that Cr Chambers was a councillor at the time of the alleged breach, and was still a Councillor when the Panel met on 24 February 2026;
 - (b) was satisfied the Complaint had been made within six months after the alleged breach was 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 Cr Chambers.
7. 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 Cr Chambers had not previously been found to have committed any minor

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.

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



breaches. Therefore, the Panel decided to not send the Complaint to the Chief Executive Officer of the Department.

8. Based on the information referred to above, the Panel found it had jurisdiction to determine whether Cr Chambers had breached the Regulations in connection with the Complaint.

Panel's role

9. The Panel is not an investigative body. It determines complaints of minor breaches solely upon the evidence presented to it.
10. 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
11. 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
12. 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

13. Regulation 18 provides:

“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.”

14. 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*.

Elements of Regulation 18

15. In order to find a breach of Regulation 18, the Panel must be satisfied to the required standard of proof that:

⁵ Section 5.106 of the Act.

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



- (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);
- (e) the person engaged in the conduct in the belief that:
 - (i) [in the case of regulation 18(1)(a)] an advantage would be gained either directly or indirectly for the person or any other person; or
 - (ii) [in the case of regulation 18(1)(b)] detriment would be suffered by the local government or any other person (fifth element).

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

16. 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

17. 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

18. 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.
19. 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.
20. 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 gain directly or indirectly an advantage for the person or any other person*” and “*to cause detriment to the local government or any other person*”

Advantage

21. “*Advantage*” is defined as “*favouring a circumstance; something which gives one a better position ... benefit; increased well-being or convenience ... pecuniary profit ...*”¹⁴
22. “*To*” in “*to gain directly or indirectly an advantage*” indicates that for this element to be established, a councillor must have intended to gain an advantage for themselves or another person.
23. For this element to be established, it is not necessary to find that the councillor’s actions did, or reasonably could have, delivered the result sought.

Detriment

24. “*Detriment*” means loss, damage or injury.¹⁵ 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.¹⁶

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 Shorter Oxford English Dictionary, Sixth Edition

¹⁵ Macquarie Dictionary Revised Third Edition, 2001.

¹⁶ *Ryan and Local Government Standards Panel* [2009] WASAT 154, paragraphs 31, 32.

25. 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.¹⁷ 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.¹⁸
26. “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.¹⁹ 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.²⁰

Substance of the Complaint

27. The Complainant alleged that Cr Chambers had singled out Councillor Gemma Johnston (“Cr Johnston”) in an article (“Article”) titled “*Opposition ‘Costing Millions’*” published in the Esperance Weekender newspaper on 12 September 2025:



28. In the Article, Cr Chambers had stated that Cr Johnston was a “self-proclaimed leader” of the “We Oppose the South Coast Marine Park” group (“Group”). That description was false. Cr Johnston had not described herself in that way and had

¹⁷ Treby 2010, paragraph 96, referring to *Chew v The Queen* 1992 CLR 626 (*Chew* 2010).

¹⁸ *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.

¹⁹ *Chew* 2010.

²⁰ *Treby* 2010.



not held any formal leadership position that would justify that label. The statement misrepresented her role and involvement with the Group.

29. The Article blamed the Group for “*costing the Esperance community millions of dollars*” in lost funding and opportunities. Cr Chambers had cast Cr Johnston in a negative light and associated her personally with alleged financial harm to the community. It was not a neutral description – it was an adverse and inaccurate characterisation of a fellow councillor.

Cr Chambers’s Response

30. On 5 January 2026, the Department requested comment on the allegations from Cr Chambers. On 16 January 2026, Cr Chambers 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.
31. Cr Chambers submitted that he had been interviewed for the Article however he had not written it.
32. It was the author of the Article who had identified who the suspended councillor was. Cr Chambers only stated that the Group should bear some responsibility.
33. It was an opinion piece in the local newspaper. His reasoning for his opinion was identified by the comparison of the implementation of the Buccaneer Marine Park and the South Coast Marine Park.
34. Cr Johnston had sought through himself and the executive team to set up the Group’s Facebook page and to organise rallies held in the Shire. She was “*front and centre*” at those events. Any person with that knowledge would believe that she held a leadership role in the Group.

Panel’s Consideration

35. The Panel finds that Cr Chambers engaged in the conduct that was the subject of the Second Allegation and that he was a councillor and was acting as a councillor at all relevant times. The first, second and third elements were established.

Whether Cr Chambers acted improperly (fourth element)

36. The Panel was satisfied that Cr Chambers acted improperly when he made comments published in the Article:
 - a. The main subject matter of the Article was Cr Chambers’ view that opposition to the South Coast Marine Park was costing the Esperance community “*millions of dollars in project funding*”.
 - b. Cr Chambers was free to publicly express his opinions on the Marine Park and take a position on the matter. It was acceptable for him to discuss opportunities he believed the Park would bring to the local community and blocks to any progress being made that he perceived had been caused by the Group.



- c. However, he crossed the line of impropriety when he singled out the Complainant personally with highly negative remarks.
- d. Cr Chambers was quoted as stating that the administrators of the Group *“We Oppose the South Coast Marine Park”* had to *“take some responsibility”* for the tremendous cost to the community.
- e. He then directly linked the Complainant with the Group when he stated:

“It is a pity that the suspended shire councillor is a self-proclaimed leader of We Oppose the Marine Park.”
- f. It was clear from the evidence that the Complainant had been integral in setting up the Group’s Facebook account and had held the role of moderator at the outset:

From: Gemma Johnston <Gemma.Johnston@esperance.wa.gov.au>
Sent: Wednesday, 21 February 2024 12:04 PM
To: Shane Burge <Shane.Burge@esperance.wa.gov.au>
Subject: South Coast Marine Park

Hello Shane

I'd like to ask the media team if it is ok for me to setup a South Coast Marine Park fb group to engage interested like minded community members to join to help share information and support throughout this 4 month public consultation period please.

As you know as a Councillor I am specifically passionate about this topic and I believe this will be a very effective means of engaging the community in my Councillor position.

Could you please check that this is ok for me to do please? I have other interested and passionate people who will assist running the group.

Thankyou

- g. However, in or around April 2024, she had ceased to be a moderator and from thereon in was simply a member of the Group:

Apr 20, 2024

Kali Valenti changed Gemma Johnston's role from moderator to member.
Apr 20, 2024, 2:06 PM

That was approximately seventeen months prior to the publication of the Article.

- h. Therefore, it was misleading of Cr Chambers to refer to the Complainant as a *“self-proclaimed leader”* of the Group as it was simply inaccurate.
- i. After identifying the Complainant as the Group’s *“self-proclaimed leader”* Cr Chambers went on to make other highly critical observations about the Group:

“The platform has provided an environment for people to create division and racial tension because it allows anonymous posts.

That has continued to drive division within the community.”



“It takes away a lever that we could use in negotiation with the Government...that group needs to bear some responsibility.”

- j. The clear connotation was that the Complainant condoned the contents of the Group’s Facebook page and had directly caused damage (including the incurrence of substantial costs) to the Shire in relation to the Marine Park. He had attacked the Complainant personally and called out her actions.
- k. Whereas, in fact, it appeared that the Complainant had simply voted on matters before the Council in chambers, as she was bound to do in her position as an elected member.

Whether Cr Chambers intended to cause a detriment to the Complainant (fifth element)

37. The Panel was satisfied that Cr Chambers intended to cause a detriment to the Complainant when he made comments published in the Article:

- a. Cr Chambers could have made any salient points without singling out the Complainant;
- b. Cr Chambers referred to the “*suspended shire councillor*”. However, his submission that it was the journalist who had named the Complainant held little weight. It would have been obvious to most readers of the Article (or very easy to work out) who he was referring to;
- c. The Article was published in the local newspaper and therefore Cr Chambers would have been aware that he was speaking to members of the Shire’s community directly; and



Findings

38. Accordingly, for the above reasons, the Panel finds that Cr Chambers had breached Regulation 18(1)(b) in relation to the Complaint.

Signing

Erin Gauntlett (Presiding Member)

Elanor Rowe (Deputy Member)

Peter Rogers (Member)



Local Government Standards Panel

Complaint Number	20260001
Legislation	<i>Local Government Act 1995</i>
Complainant	Ms Martine Shepherd
Respondent	Shire President, Councillor Ron Chambers
Local Government	Shire of Esperance
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	24 January 2026 Determined on the documents
Penalty Considered	24 April 2026
Outcome	No sanction

DECISION AND REASONS FOR DECISION

04 May 2026

DEFAMATION CAUTION

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Introduction

1. At its meeting on 24 February 2026, the Panel found that Shire President, Councillor Ron Chambers (“Cr Chambers”), a councillor for the Shire of Esperance (“the Shire”), 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 he made statements in an article titled “*Opposition costing millions*” published in the Esperance Weekender Newspaper on 12 September 2025 (“Minor Breach”).
2. On 1 April 2026, the Panel published its Finding and Reasons for Finding (“Findings”) stating that Cr Chambers had breached Regulation 18(1)(b). The Panel reviewed all the evidence presented to it and made the following observations:
 - “36. *The Panel was satisfied that Cr Chambers acted improperly when he made comments published in the Article:*
 - a. *The main subject matter of the Article was Cr Chambers’ view that opposition to the South Coast Marine Park was costing the Esperance community “millions of dollars in project funding”.*
 - b. *Cr Chambers was free to publicly express his opinions on the Marine Park and take a position on the matter. It was acceptable for him to discuss opportunities he believed the Park would bring to the local community and blocks to any progress being made that he perceived had been caused by the Group.*
 - c. *However, he crossed the line of impropriety when he singled out the Complainant personally with highly negative remarks.*
 - d. *Cr Chambers was quoted as stating that the administrators of the Group “We Oppose the South Coast Marine Park” had to “take some responsibility” for the tremendous cost to the community.*
 - e. *He then directly linked the Complainant with the Group when he stated:*

“It is a pity that the suspended shire councillor is a self-proclaimed leader of We Oppose the Marine Park.”

.....
 - h. *...it was misleading of Cr Chambers to refer to the Complainant as a “self-proclaimed leader” of the Group as it was simply inaccurate.*
 - i. *After identifying the Complainant as the Group’s “self-proclaimed leader” Cr Chambers went on to make other highly critical observations about the Group:*

“The platform has provided an environment for people to create division and racial tension because it allows anonymous posts”.

“That has continued to drive division within the community.”

“It takes away a lever that we could use in negotiation with the Government...that group needs to bear some responsibility.”
 - j. *The clear connotation was that the Complainant condoned the contents of the Group’s Facebook page and had directly caused damage to the Shire in relation to the Marine Park. He had attacked the Complainant personally and called out her actions.*



- k. *Whereas, in fact, it appeared that the Complainant had simply voted on matters before the Council in chambers, as she was bound to do in her position as an elected member.*

.....

37. *The Panel was satisfied that Cr Chambers intended to cause a detriment...when he made comments published in the Article:*

...

- b. *Cr Chambers referred to the “suspended shire councillor”. However, his submission that it was the journalist who had named the Complainant held little weight. It would have been obvious to most readers of the Article (or very easy to work out) who he was referring to;*
- c. *The Article was published in the local newspaper and therefore Cr Chambers would have been aware that he was speaking to members of the Shire’s community directly.”*

Jurisdiction and Law

3. 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 Cr Chambers 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 Chambers'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, Cr Chambers 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 13 April 2026, the Department received a response ("Response") from Cr Chambers in which he submitted:
 - a. He was disappointed with the outcome of the Complaint. However, he understood and respected the role of the Panel and the process undertaken in reaching its determination.
 - b. The intent behind his participation in the media interview that led to the publication of the article was to address the growing division within the Esperance community around a matter of significant public interest.
 - c. His intention was to provide leadership, encourage constructive discussion and promote consideration of the broader community context.
 - d. As stated in his initial Response to the Complaint, he had not written the article, nor was he afforded the opportunity to review or amend it prior to publication.
 - e. In his view, the published article did not accurately reflect the intent or context of the interview as it was given.
 - f. He regretted the unintended impact caused by the publication of the article and acknowledged the importance of ensuring that public commentary, particularly where there is heightened community sensitivity or electoral context, is

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



conveyed clearly and carefully to avoid misunderstanding or unintended impact.

- g. He viewed the outcome as an opportunity for learning and improvement and submitted that the Complaint should be dealt with by ordering him to undertake further training.
- h. He was committed to undertaking further training and development to strengthen his understanding of his responsibilities when speaking publicly in his official capacity, and to support respectful and constructive discourse within the Esperance community.

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. Cr Chambers's behaviour, the subject of the Minor Breach Finding, was considered a serious matter. However, the exact same misconduct had been dealt with under Minor Breach Finding 20260000 where Cr Chambers was ordered to make a public apology to Cr Gemma Johnston, being the party who he acted improperly towards.
12. Therefore, in the circumstances, the Panel finds it appropriate to impose no sanction in relation to Minor Breach Finding 20260001.



Panel's Decision

13. 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 no sanction is to be imposed pursuant to subsection (a).

Signing

A handwritten signature in black ink, appearing to read 'Erin Gauntlett', written over a light grey rectangular background.

Erin Gauntlett (Presiding Member)

A handwritten signature in black ink, appearing to read 'Emma Power', written over a light grey rectangular background.

Emma Power (Member)

A handwritten signature in black ink, appearing to read 'Peter Rogers', written over a light grey rectangular background.

Peter Rogers (Member)



ORDER

04 May 2026

DEFAMATION CAUTION

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THE LOCAL GOVERNMENT STANDARDS PANEL ORDERS THAT:

1. No sanction be imposed.



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.”*