



Dear Inspector

NOTICE OF DECISION
COMPLAINT OF CONDUCT BREACH No. 2026-01071, 2026-01072, and 2026-01102

I refer to the complaints of conduct breaches lodged by Cr Lincoln Stewart against Cr Linda Balcombe of the Shire of Gingin, received by the Adjudicator's Office on 5 May 2026 under the *Local Government (Model Code of Conduct) Regulations* and the *Shire of Gingin Meeting Procedures Local Law 2014*.

The Adjudicator has considered these matters together and determined the following findings:

Matter Number	Alleged breach regulation	Findings
2026-01071	18, 21, 4	No Breach
2026-01072	4	Breach Found
2026-01102	18	No Breach

The Adjudicator considered the breach and has ordered that no sanction be imposed.

The Adjudicator has now finalised it's dealing with the Complaint and the Adjudication Support and Research Officer has notified the Complainant and Respondent of the outcome.

Yours sincerely

Natasha Horner
Senior Strategy and Research Officer

1 July 2026



Conduct Breach Matters

2026-01071, 2026-01072, 2026-01102

Adjudicator Findings and Decision Report

Legislation	<i>Local Government Act 1995 (WA) and Local Government (Model Code of Conduct) Regulations 2021 (WA) Shire of Gingin Meeting Procedures Local Law 2014</i>
Complainant	Councillor Lincoln Stewart
Respondent	Councillor Linda Balcombe
Local Government	Shire of Gingin
Responsible Adjudicator	Deputy Adjudicator Lee McIntosh
Findings	2026-01071 – Alleged breach of Regulation 18: No Breach 2026-01071 – Alleged breach of Regulation 21: No Breach 2026-01071 – Alleged breach of Regulation 4: No Breach 2026-01072 – Alleged breach of Regulation 4: Breach found 2026-01102 – Alleged breach of Regulation 18: No Breach
Sanction Decision	2026-01072 Breach of Regulation 4: No Sanction
Date Finding Made	30 June 2026
Date Delivered	1 July 2026



Executive summary of findings

The Complainant has made allegations that a range of the Respondent's actions over a period of months constitute several conduct breaches. For the purpose of this adjudication I have identified and categorized the specific allegations which appear to be made as being numbered I – IX, as summarized below and set out in more detail in paragraph 5.

Alleged conduct breach	Allegations
Model Code of Conduct Rule 18 Making improper use of her office to cause advantage to herself and/or detriment to the Complainant	Allegations I and II: Conduct in a Council meeting (3 February 2026 2026-01071) Allegations III, IX Failure to provide recording (since 16 December 2025 and 3 February 2026) 2026-01071, 01072 Allegations V and VI: Making false statements (20 January 2026 and various unspecified dates) 2026-01102 Allegation VII: Non-referral to CCC (since the 3rd February 2026) 2026-01071
Model Code of Conduct Rule 21 Disclosing information acquired at a closed meeting	Allegation IV: Disclosing information that she acquired at a closed Council meeting (related to meeting 20 January 2026) 2026-01071
Shire of Gingin Meeting Procedures Local Law 2014 Failure to act in accordance with meeting procedures	Allegations II, VIII: Being inconsistent with meeting procedure about points of order, debate during items and debate after a motion is voted on (16 December 2025 2026-01072 and 3 February 2026 2026-01071)

Model Code of Conduct Rule 18

The Respondent's actions do not constitute a breach of Model Code of Conduct Rule 18 because:

- The allegations about failure to provide recordings of Council minutes are not relevant to the Respondent's duties as Mayor; it is the duty of the CEO to cause minutes to be taken.
- The allegation of failure to refer allegations to the Corruption and Crime Commission is not relevant to the Respondent's duties as Mayor; and in any event the allegations which the Complainant makes would have made it a conflict of interest for the Respondent to be involved in any referral, and she would have needed to recuse herself from the matter;



- The allegations about the Respondent's running of meetings are not supported by evidence which shows the meetings were conducted other than consistently with the Respondent's role and responsibility for presiding at those meetings and maintaining order at them;
- There is insufficient evidence to substantiate allegations the Respondent made false statements about the Complainant to other Councillors, at Council meetings, or to third parties; and
- To the extent there is evidence that the Respondent made imprudent comments to a third party about another third party's allegations made about the Complainant, I do not find this was an actual breach of the conduct rules - but do note alternative courses of action were available to the Respondent, which I would recommend in future.

Model Code of Conduct Rule 21

The Respondent's actions do not constitute a breach of Model Code of Conduct Rule 21 because there is no evidence that the Respondent disclosed information which she may have only obtained at a confidential closed session of the Council.

Shire of Gingin Meeting Procedures Local Law 2014

The Respondent's actions on 16 December 2025 constituted a breach of Shire of Gingin Meeting Procedures Local Law 2014 clause 7.12 by allowing debate on an amendment to a motion which had already been debated and carried.

The Respondents' actions on 3 February 2026 do not constitute a breach of the Meeting Procedures and were consistent with her role as presiding over the meeting.

Proposed sanction

I order no sanction be imposed for the breach of Shire of Gingin Meeting Procedures Local Law 2014 because:

- The Shire has already found a behavioural breach in relation to the Respondents' actions;¹
- The breach has already been published on the Shire of Gingin website "Record of information about conduct";
- The breach was a departure from a formal meeting process but did not have a substantive effect;
- The departure from the formal meeting process was in part caused by the actions of the Complainant during the meeting; and
- The Respondent is aware of the intent and requirements of the meeting procedures and sought advice about them during the meeting.

As I do not propose to order a sanction, I do not consider I need to give the Respondent with a reasonable opportunity to make submissions on sanctions matters.²

¹https://www.gingin.wa.gov.au/Profiles/gingin/Assets/ClientData/Documents/05_YOUR_SHIRE_Menu_Items/Your_Council/Council_Registers/Record_of_Information_About_Conduct.pdf

² 8A.17 *Local Government Act 1995* (WA)



Reasons for Decision

Introduction

1. This is a matter concerning 3 complaints made by Councillor Lincoln Stewart against Councillor Linda Balcombe (together the **Complaints**).
2. The Complaints were made to the Local Government Inspector (**Inspector**) on 10 February 2026 (Complaint numbers 2026-010171 and 01172) and 23 February 2026 (Complaint 01102).
3. The Inspector undertook a preliminary assessment of the Complaints and determined that:
 - (a) the allegations fell within the Inspector's jurisdiction³;
 - (b) the Complaints met the statutory requirements for a breach complaint under the *Local Government Act 1995* (WA) (**LGA**);⁴ and
 - (c) the matter related to conduct that could constitute a conduct breach.⁵
4. On 5 May 2026, the Inspector referred the Complaints to the Principal Adjudicator pursuant to section 8A.13(1)(a) of the LGA, and after the Respondent was given an opportunity to make submissions about the Complaints, the Complaints were then allocated to me on 19 June 2026.

The Complaints

5. The Complaints arise from the Complainant's allegations (**allegations**) about the Respondent's actions over a period of months, which he alleges constitute several conduct breaches. In particular the allegations concern the Respondent's actions on:
 - I. 3 February 2026 at the Annual Meeting of the Electors, where she made a statement about a matter⁶ to the community prior to the meeting starting and refused to allow any statements or questions about the matter during the meeting (01071);
 - II. 3 February 2026 at the Annual Meeting of Electors by mismanaging points of order and other meeting procedures which allowed third-party speakers to make

³ Part 8A LGA

⁴ 8A.1. LGA

⁵ 8A.3 LGA

⁶ The matter concerns threatening telephone calls that the Complainant received in 2025; that the police have charged Mr Stephen Balcombe with making these calls; and Mr Stephen Balcombe is the husband of the Respondent.



false statements about the Complainant's association with a Facebook page (01071);

- III. Unspecified dates by refusing to allow the Respondent access to a recording of the Annual Meeting of Electors on 3 February 2026 (01071);
 - IV. Unspecified dates by disclosing information from a confidential Council meeting on 20 January 2026 to members of the public, which information was then used as part of questions by those members of the public at the Annual Meeting of Electors on 3 February 2026. The Complainant refers to four other examples of information being leaked from the Council but does not provide details and they are not the subject of the Complaints (01071);
 - V. 20 January 2026 by making false statements about the Complainant in a closed Council meeting (01071), (01102);
 - VI. Unspecified dates, by making false statements about the Complainant to other Councillors and third parties (01102);
 - VII. Unspecified dates by not referring leaks of information from the Council to the Corruption and Crime Commission for investigation (01071);
 - VIII. 16 December 2025 at a Council meeting during an agenda item about the CEO's salary, by allowing debate on an amended motion after it had already been voted on (01072); and
 - IX. Unspecified dates by refusing to allow the Respondent access to a recording of the 16 December 2025 meeting (01072).
6. In respect of Complaint (01071), the Complainant has not identified which of the alleged 9 actions are associated with particular conduct breaches. Rather, he has identified several conduct breaches which he considers are in issue. It has been necessary for me to categorize the actions under the conduct breaches it appears most likely to be complained of to adjudicate the Complaints.
 7. In respect of Complaint (01072), the Complainant considers this is a contravention of a local law relating to conduct at a Council meeting.
 8. In respect of Complaint (01102), the Complainant considers this is a contravention of Model Code of Conduct Rule 18.
 9. For the purpose of adjudicating, I have categorized the alleged actions above as being conduct breach complaints that the Respondent's actions constituted a contravention of the *Local Government (Model Code of Conduct) Regulations 2021 (WA)* (**Model Code of Conduct**) and the Shire of Gingin Meeting Procedures Local Law 2014, as:



Alleged conduct breach	Allegations
Model Code of Conduct Rule 18 Making improper use of her office to cause advantage to herself and/or detriment to the Complainant	Conduct in a meeting: I, II Making false statements: V, VI Non-referral to CCC: VII Failure to provide recording: III, IX
Model Code of Conduct Rule 21 Disclosing information that she acquired at a closed meeting	IV
Shire of Gingin Meeting Procedures Local Law 2014 Being inconsistent with meeting procedure about points of order, debate during items and debate after the motion is voted on.	II, VIII

Legislative background and jurisdiction of this adjudication

10. The Inspector may receive many different types of complaints under the LGA. However, only certain types of complaints may be referred to the Principal Adjudicator for determination.
11. Relevantly in this case, the Inspector may refer a complaint to the Principal Adjudicator if the Inspector decides that a breach complaint alleges a conduct breach.⁷
12. A conduct breach is defined in the Act as follows:
 - (1) A Council member commits a **conduct breach** if the member —
 - (a) contravenes a rule of conduct; or
 - (b) contravenes a local law made under this Act, contravention of which the regulations specify to be a conduct breach.⁸

⁷ s 8A.13(1) LGA

⁸ s 8A.3. LGA



Model Code of Conduct

13. Section 5.102A of the LGA defines rule of conduct to mean ‘a provision of the model code that is specified in the model code to be a rule of conduct.’ The phrase model code is defined in the same section to mean ‘the model code of conduct prescribed for the purposes of section 5.103(1)’.
14. The model code prescribed for the purposes of section 5.103(1) of the LGA is in Schedule 1 of the *Local Government (Model Code of Conduct) Regulations 2021* (WA) and is the Model Code of Conduct.
15. The rules that are specified to be “rules of conduct” which I am required to adjudicate on are set out in Division 4 of the Model Code of Conduct.

Model Code of Conduct assumed to be Local Government Code of Conduct

16. A local government must adopt a code of conduct that incorporates the Model Code of Conduct.⁹ While some additions are permitted, a local government is not permitted to ‘include in the adopted code of conduct provisions in addition to the...rules of conduct.’¹⁰ The Model Code of Conduct is taken to be the local government’s adopted code of conduct until the local government adopts a code of conduct.¹¹
17. The Shire of Gingin has adopted a Code of Conduct, referred to as the *Code of Conduct for Council Members, Committee Members & Candidates*.¹² However, that code of conduct was adopted in March 2026, so it does not apply to conduct the subject of the Complaints in December 2025 or January and February in 2026. I do not have access to a copy of the adopted code of conduct that was in force at the time of the Complaints.
18. However, as the Model Code of Conduct must be incorporated into a local government’s adopted code of conduct and no amendments are permitted to the rules of conduct¹³, it is safe for me to proceed on the basis that the rules of conduct that were in force in the Shire of Gingin in December 2025 or January and February in 2026 were in the same terms as those found in the Model Code of Conduct.

Breach of local law as to meeting procedure alleged

19. For the purpose of section 8A.3 of the LGA, regulation 4 of the *Local Government (Local Government Inspector) Regulations 2025* (WA) prescribes that the

⁹ s 5.104(1). LGA

¹⁰ s 5.104(4). LGA

¹¹ s 5.104(5). LGA

¹² [Current Code of Conduct for Council Members Committee Members and Candidates 17 March 2026](#)

¹³ LGA s 5.104(4).



contravention of a local law as to conduct is also a conduct breach which may be referred for adjudication.

20. The term 'local law as to conduct' means a local law relating to the conduct of people at council or committee meetings.¹⁴
21. The Shire of Gingin Meeting Procedures Local Law 2014 (**Meeting Procedures**) are a local law as to conduct of meetings of the Council and its committees and to meetings of electors.¹⁵

Adjudication does not deal with behavioural breaches

22. My adjudication jurisdiction is limited to the Complaints referred to me by the Inspector under section 8A.13(1)(a) of the LGA. Accordingly, I cannot adjudicate on allegations of behavioural breaches all other matters, even if they arise in the course of my deliberations.

The complaints process and procedural fairness to date

23. The Complaints were assessed by the Inspector, who determined that the allegations could constitute a conduct breach of regulations 22.¹⁶ I take this to mean the Inspector decided the Complaints were a breach complaint¹⁷ which alleged conduct breach, consistent with the Inspector's referral powers under section 8A.13(1)(a) of the LGA.
24. Before I make a finding, the Respondent must have had with a reasonable opportunity to make submissions on whether or not a conduct breach occurred.¹⁸
25. On 5 May 2026 the Principal Adjudicator sent an invitation to the Respondent to provide her with an opportunity to respond to each of the Complaints.
26. The Respondent provided responses to the Complaints on 12 May 2026 (01071 and 01072) and 13 May 2026 (01102).
27. It is the responsibility of both the Complainant and Respondent to provide me with all information they wish me to consider.

¹⁴ *Local Government (Local Government Inspector) Regulations 2025* r 4

¹⁵ Shire of Gingin Meeting Procedures Local Law 2014 cl 1.3

¹⁶ Local Government Inspector Pre-Assessment Report 3 March 2026 (01071 and 01072), 4 March 2026 (01102)

¹⁷ as defined under LGA s 8A.1.1.

¹⁸ s 8A.18 (1) LGA



28. In dealing with the Complaints I am required act with as little formality as the requirements of this LGA and a proper consideration of the matters before me permit.¹⁹
29. I consider I now have adequate information to make findings (and consider sanctions) in respect of the Complaints.

Overarching principles and standard of proof to determine a conduct breach

30. In making findings on a conduct breach and proposing sanctions, I must have regard to:²⁰
 - (a) the provision of good government by local governments; and
 - (b) the public interest.
31. I must not make a finding of a conduct breach unless I am satisfied that all of the relevant elements are established on the balance of probabilities. I must be satisfied, based on the evidence available to me, that it is more likely than not that the alleged conduct occurred.²¹
32. I must find that every element of a relevant Model Code of Conduct or local law rule of conduct is established before I find a breach.
33. I have determined the Complaints on the basis of the evidence before me provided by the Inspector, the Complainant, and the Respondent.

¹⁹ s 8B.30 LGA

²⁰ s 8A.17 LGA

²¹ s 8A.18 (10) LGA



Model Code of Conduct Rule 18

34. The alleged activities which are said to be a breach of Model Code of Conduct Rule 18 are:

Conduct in a meeting: allegations I and II

Making false statements: allegations V and VI

Non-referral to CCC: allegation VII

Failure to provide recording: allegations III and IX

35. Rule 18 of the Model Code of Conduct 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.

No contravention of section 5.93 of the LGA or Criminal Code section 83

36. Section 5.93 of the LGA provides:

5.93. Improper use of information

A person who is a Council member, a committee member or an employee must not make improper use of any information acquired in the performance by the person of any of the person's functions under this Act or any other written law —

- (a) to gain directly or indirectly an advantage for the person or any other person; or
- (b) to cause detriment to the local government or any other person.

37. If I had found there was a breach of rule 21 in relation to disclosure of information obtained in a confidential meeting, this would have directed my attention to considering whether there was also a breach of section 5.93 of the LGA. As I have found there is no breach of Rule 21, I am satisfied there is not likely to be a more significant and serious contravention of Section 5.93.
38. Section 83 of the Criminal Code relates to corruption. The Complainant has not alleged corruption, though has requested the Respondent refer Council leaks to the WA Corruption and Crime Commission for investigation.



39. Accordingly the subject matter of the Complaints does not appear likely to be a contravention of either section 5.93 of the LGA or section 83 of *The Criminal Code* and so I find that I have jurisdiction to determine the Complaints of breach of Rule 18 of the Model Code of Conduct.
40. I note my finding does not decide the matter of whether 5.93 of the LGA or section 83 of *The Criminal Code* apply and the relevant decision are not fettered by my findings in relation to those matters.

Rule 18 – elements

41. For a person to be found in breach of Rule 18 of the Model Code of Conduct, I must be satisfied of the following elements:²²
- (a) the person was a Council member at the time of the alleged conduct;
 - (b) the person made use of their office;
 - (c) such use of the person's office was improper; and
 - (d) such use was to:
 - (i) gain an advantage for the person or any other person; or
 - (ii) cause a detriment to the local government or any other person.

The Respondent was a Council member at the time of the Complaints

42. The Inspector's preliminary assessment has informed me that the Respondent was last elected to Council in 2025 with a term expiring in October 2029 and was a Council member at the time the Complaints were made.²³ I am satisfied the Respondent was a Council member at the time of the Complaints.

The Respondent made use of her office for the purpose of allegations I, II, VI and V (conduct during meetings)

The Respondent did not make use of her office for the purpose of allegations III, VII, IX (failure to provide meeting recordings and failure to refer matters to CCC)

43. The Respondents actions in respect of allegations I, II and V were in the course of her conduct as the Mayor, chairing meetings or participating in meetings. I am satisfied these actions were a use of the Respondent's office.

²² *Shannon and Local Government Standards Panel* [2025] WASAT 120 at [48]

²³ Inspector Preliminary Assessment Reports 3 and 6 March 2026, Section 3.1



44. The Respondents' actions in respect of allegation VI were statements made to other Councillors about the Complainant, who is also a Councillor, or made outside of Council meetings. I find it is more likely than not these statements were made in the Respondent's capacity as a Councillor and were also a use of her office.
45. The Respondent's actions for:
 - (a) Non-referral to CCC: allegation VII
 - (b) Failure to provide recording: allegations III, IX
 were not a use of her office.
46. The role of the Mayor is set out in S2.8 of the LGA. It includes providing leadership and guidance to the Council and Council members, acting as the principal spokesperson for the Council and presiding at meetings of the Council.
47. The Mayor's role does not include administrative functions, and Model Code of Conduct Rule 19 is a prohibition against Council members undertaking a task that contributes to the administration of local government.
48. The CEO of the Shire is responsible for managing the local government's administration and operations, consistent with S5.41 of the LGA. This includes:
 - (a) Ensuring that records and documents of the local government are properly kept;²⁴
 - (b) Causing minutes of Council and committee meetings to be kept;²⁵
 - (c) Causing minutes of electors' meetings to be kept and preserved and ensuring copies are available for inspection;²⁶
 - (d) Otherwise managing the local government's administration and operations.²⁷
49. It is not part of the Mayor's office to provide recordings of meetings or minutes, so allegations III and IX cannot be said to be a use of the Respondent's office.
50. While in some cases it may be part of a Mayor's office acting as spokesperson for a Council to make a referral to the Corruption and Crime Commission, it could not be part of the Respondent's office in this case as she would have been the subject matter of the referral. In those circumstances the CEO would have been responsible for making the referral. It was therefore not part of the Respondent's office to make a referral, so allegation VII cannot be said to be a use of her office.

²⁴ S 5.41 (2) (e) LGA

²⁵ S 5.22 LGA

²⁶ S 5.32 LGA

²⁷ S. 5.41 (2) (c) (ii)



51. Any person may make a referral to the WA Corruption and Crime Commission, including confidentially or anonymously. It is an offence to make a malicious or reckless report or provide false or misleading information.²⁸ I therefore note the Complainant has a right to make a referral himself and he may well do so.

The Respondent's use of her office was not improper

52. The Respondent's actions in respect of allegations I, II, V and VI were chairing meetings, participating in meetings or making statements to other Councillors, and a use of the Respondent's office. I now need to consider whether the Respondent's actions in doing so were improper.

Legal principles relevant to determination of whether a use is improper

53. In *Treby v Local Government Standards Panel (No 2)*²⁹, Deputy President Pritchard considered the meaning of 'improper use of the person's office':³⁰
- (a) *First, impropriety consists in a breach of the standards of conduct that would be expected of a person in the position of the [Councillor] by reasonable persons with knowledge of the duties, powers and authority of his position as a Councillor and the circumstances of the case.*
 - (b) *Secondly, 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.*
 - (c) *Thirdly, impropriety may arise in a number of ways. It may consist of an abuse of power, that is, if a Councillor uses his or her position in a way that is inconsistent with the discharge of the duties arising from that office or employment. Alternatively, impropriety will arise from the doing of an act which a Councillor knows or ought to know that he has no authority to do.*
 - (d) *Fourthly, 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.*
 - (e) *Fifthly, a Councillor's use of his or her office can be improper even though it is for the purpose or with the intention of benefiting the Council.*
54. In *Hipkins and Local Government Standards Panel*³¹ Senior Member McNab set out the principles in *Treby v Local Government Standards Panel* and then also

²⁸ [Report Corruption | Corruption and Crime Commission](#)

²⁹ *Treby v Local Government Standards Panel (No 2)* [2010] WASAT 81 [29]- [33]

³⁰ The decision was about reg 7 of the now repealed *Local Government (Rules of Conduct) Regulations 2007* (WA). The wording of former reg 7 is in almost identical terms to the Model Code of Conduct Rule 18.

³¹ [2014] WASAT 48, paragraph 9



considered *Victoria in Robbins v Harness Racing Board*³² which considered the term 'improper' at 646:

The word 'improper' is more difficult to define and must depend upon the context in which the expression is used. For behaviour to be improper it must be such that a right-thinking person would regard the conduct as so wrongful and inappropriate in the circumstances that it calls for the imposition of a penalty.

55. Senior Member McNab also observed the meaning of "improper" must be considered in the context of the LGA and any regulations, rules and standards that apply to a Councillor's role and conduct, and the circumstances and context of the case.³³ I have considered the context of the LGA and the role of the Mayor in particular, as well as the circumstances of the case.

The role of the Respondent under the LGA

56. The role of the Mayor under the LGA includes to:

- (a) preside at meetings of the Council, ensuring that meetings are orderly and held in accordance with the LGA;³⁴
- (b) provide leadership and guidance to the Council and Council members, including guidance as to the roles of the Council and Council members;³⁵ and
- (c) promote, facilitate and support positive and constructive working relationships among Council members.³⁶

Allegation I – personal conduct during 3 February 2026 meeting

57. In respect of the allegation I:

On 3 February 2026 at the Annual Meeting of the Electors, where she made a statement about a matter to the community prior to the meeting starting and refused to allow any statements or questions about the matter during the meeting (01071)

I find the Respondent did not improperly use her office to address the matter³⁷ (**the matter**) before the meeting and not allow statements or questions during the meeting, because:

- (a) The Mayor is to preside at electors' meetings³⁸, which then enlivens the mayor's duties to ensure orderly meetings;³⁹

³² [1984] VR 641

³³ *Hipkins and Local Government Standards Panel* [2014] WASAT 48, paragraph 10.

³⁴ S 2.8 (c) LGA

³⁵ S 2.8 (a) LGA

³⁶ S 2.8 (d) LGA

³⁷ The matter concerns threatening telephone calls that the Complainant received in 2025; that the police have charged Mr Stephen Balcombe with making these calls; and Mr Stephen Balcombe is the husband of the Respondent.

³⁸ S 5.30 LGA

³⁹ S 2.8 (c) LGA



- (b) The procedure to be followed at electors' meetings is to be determined by the Mayor (or whomever is presiding over the meeting);⁴⁰
- (c) The matter was not relevant to Council business at the electors meeting, where the prescribed matters to be discussed are the annual report from the previous year and any other general business relating.⁴¹ I do not have any evidence before me about why the matter was related to the Council and would be relevant to the general business of the Council, and the fact that the matter concerned the Respondent's husband it does not, of itself, make it relevant to the Council;
- (d) It is more likely than not allowing the matter to be raised in statements or questions would have caused material disruption to the meeting;
- (e) It is consistent with common meeting practice to limit statements about matters under police investigation or before Courts until the investigation or Court hearing is complete; and
- (f) The Respondent submitted she had legal advice to not answer questions about the matter as it was before the Courts, I find it more likely than not this advice would have been given and it was prudent to follow it.

Allegation II - conduct in Charing meeting on 3 February 2026

58. In respect of the allegation II:

On 3 February 2026 at the Annual Meeting of Electors by mismanaging points of order and other meeting procedures which allowed third-party speakers to make false statements about the Complainant's association with a Facebook page (01071)

I do not have enough evidence before me to find any mismanagement of the meeting.

- 59. Given the Mayor's role as identified above to ensure orderly meetings, I consider it was within the Mayor's discretion and judgement how to manage points of order and third-party statements during meetings. The fact that the Complainant or indeed any other person would have managed the issue differently than the Mayor does not, without more, make the Mayor's conduct in a meeting improper.
- 60. The Shire of Gingin Meeting Procedures Local Law provides that the presiding member is to rule on any point of order,⁴² and may put a substantive motion to the vote if she believes that sufficient discussion has taken place even though all members may not have spoken⁴³.

⁴⁰ *Local Government (Administration) Regulations 1996* (WA) r 18

⁴¹ *Local Government (Administration) Regulations 1996* (WA) r 15

⁴² 8.4

⁴³ 9.7



61. The Shire of Gingin meeting procedures provide that during Council meetings members may not speak for more than five minutes⁴⁴ but there is no specific speaking time limitation for electors at electors' meetings. Indeed the procedures to be followed at electors' meetings are to be determined by the person presiding at the meeting,⁴⁵ which in this case was the Respondent.
62. I do not have before me third party statements which the Complainant says were made, were false, and which the Respondent should have prevented during the meeting. In any event, it is not part of my adjudication function to determine whether any third-party statements were false or not, as the Complaint is about the Mayor's management of the meeting and whether she used her office for an improper purpose. Given the Mayor's role in presiding over meetings and keeping order in them, I consider it was within the Mayor's discretion and judgement to deal with the third-party statements in the context of the meeting.
63. For the reasons above I do not find that the Respondent's management of the meeting was improper.

Allegations V and VI: Making false statements

64. In respect of the allegation V and VI:

On 20 January 2026 and other unspecified dates by making false statements about the Complainant to other Councillors, third parties, and in a closed Council meeting (01071), (01102);

the only evidence before me of the Mayor's statements to third parties is a screenshot of text messages between the Respondent and a third party.

65. As I do not have evidence before me about the Mayor making false statements about the Complainant to other Councillors, I cannot find any such statements were improper.
66. The Respondent's statements in text messages between the Respondent and a third party records allegations against the Complainant from another third party, and also mentioned a matter related to her own dealing with the Complainant.
67. The content of the Respondent's statement in the text message is not consistent with the matters which the Complaint alleges. The Complainant does not provide any evidence to refute the matters in the Respondent's actual statement and indeed the Complainant confirms some of them, such as that the Complainant has a restraining order against another third party.⁴⁶
68. I understand the nature of the Complaint to instead be the implications that could be drawn from the Respondent's statements. It is certainly true in general terms that implications can be drawn from statements even if they state that matters are recorded as "allegations", and for that reason it will usually be more prudent not to

⁴⁴ 7.9

⁴⁵ *Local Government (Administration) Regulations 1996* (WA) r 18

⁴⁶ Complaint 01102 page 5



repeat the allegation. This is particularly so for someone in the Respondent's position who is required to show leadership and facilitate constructive working relationships with Councillors.

69. The Respondent's explanation for repeating the allegations in this context is that it was in response to repeated questions from a ratepayer who was concerned about how she had been treated at a Council event.⁴⁷ I do not consider that this explanation means that the Respondent showed good judgment or exercised appropriate prudence in repeating the allegations. However I am satisfied it was the Respondent's reason, and that the Respondent did not have another improper reason.
70. The Respondents' reasons or motivations are not however determinative of whether a use of her office was improper or not.⁴⁸ The test is whether the Respondents' actions were in breach of the standards of conduct that would be expected of a person in the position of the Mayor by reasonable persons with knowledge of the duties, powers and authority of this position and the circumstances of the case, in a way that was so wrongful and inappropriate in the circumstances that it calls for the imposition of a penalty.
71. I consider there were alternative actions for the Respondent (that is, not to refer to the allegations), and that she did not choose the most prudent one or the one that was most consistent with her duties as Mayor. However I do not consider her action was in actual breach of conduct standards that would have been expected, or that her conduct was so wrongful and inappropriate it calls for the imposition of the penalty. The Respondent had discretion in how to deal with the issue and multiple alternative pathways open to her, and the one she chose did not constitute an abuse of power, a lack of authority or behaviour consistent with either of these improper behaviors.
72. I do not find that the Respondent's actions in respect of V and VI were an improper use of her office.

Conclusion

73. For the reasons above I do not find there has been a breach by the Respondent of Rule 18, in respect of the allegations I, II, III, V, VI, VII or IX.

⁴⁷ response to complaint 01102, page 8

⁴⁸ following the principles in *Treby v Local Government Standards Panel (No 2)* [2010] WASAT 81 [29]- [33]
Adjudicator Findings Report



Model Code of Conduct Rule 21

74. Rule 21 of the Model Code of Conduct provides:

“21. Disclosure of information

(1) In this clause —

closed meeting —

- (a) means a part of a Council or committee meeting that is closed to members of the public under section 5.23(2), (3) or (4) of the Act; and
- (b) includes a Council or committee meeting held before 1 January 2026, or a part of a Council or committee meeting held before 1 January 2026, that was closed to members of the public under section 5.23(2) of the Act as in force before 1 January 2026;

confidential document means a document marked by the CEO, or by a person authorised by the CEO, to clearly show that the information in the document is not to be disclosed;

document includes a part of a document;

non-confidential document means a document that is not a confidential document.

(2) A Council member must not disclose information that the Council member —

- (a) derived from a confidential document; or
- (b) acquired at a closed meeting other than information derived from a non-confidential document.

(3) Subclause (2) does not prevent a Council member from disclosing information —

- (a) at a closed meeting; or
- (b) to the extent specified by the Council and subject to such other conditions as the Council determines; or
- (c) that is already in the public domain; or
- (d) to an officer of the Department; or
- (e) to the Minister; or
- (f) to a legal practitioner for the purpose of obtaining legal advice; or
- (g) if the disclosure is required or permitted by law..



Rule 21 – elements

75. For a person to be found in breach of Rule 21 of the Model Code of Conduct in these circumstances alleged in the Complaints, I must be satisfied of the following elements:
- (a) a person who is a current Council member;
 - (b) obtained information at a meeting closed to the public;
 - (c) the person disclosed the information; and
 - (d) the information was not already publicly available or subject to another exemption in subsection 2 of Rule 21.

The Respondent was a Council member at the time of the Complaints

76. The Inspector's preliminary assessment has informed me that the Respondent was last elected to Council in 2025 with a term expiring in October 2029 and was a Council member at the time the Complaints were made.⁴⁹ I am satisfied the Respondent was a Council member at the time of the Complaint.

Information was obtained at a meeting closed to the public

77. The allegation IV is that on unspecified dates, the Respondent disclosed information from a confidential Council meeting on 20 January 2026 to members of the public, which information was then used as questions by those members of the public at the Annual Meeting of Electors on 3 February 2026 (01071).
78. The Complainant refers to four other examples of leaking information but does not provide details and they are not the subject of the Complaints (01071).
79. I am satisfied there was a confidential Council meeting on 20 January 2026. I do not have evidence before me about what was discussed at that meeting but note there appears to be agreement between the Complainant and Respondent that the statements which was made by a third party on the 3rd of February 2026, were the subject of the 20 January 2026 closed Council meeting.⁵⁰
80. I do not have enough evidence to find that the Respondent *only* obtained the information at the Confidential Council meeting. The Respondent has stated information discussed at that meeting was known prior, including contemporaneous statements that the Complainant has spoken about them outside of the Council

⁴⁹ Inspector Preliminary Assessment Reports 3 and 6 March 2026, Section 3.1

⁵⁰ email from Respondent to Complainant, 9 February 2026, 9:37 am



chamber⁵¹ and provided evidence of some of the alleged confidential information having been posted on social media.⁵²

81. However it is not necessary for me to decide this as I do not have sufficient evidence to find that the Respondent disclosed the information, or that it was not already publicly available, in any event.

Did the Respondent disclose information?

82. I do not have any or sufficient evidence to find that the Respondent disclosed information from the meeting. While I do not have the minutes of the meeting, it appears it was attended by several Councillors and Council staff. The Complainant's evidence is that there were 10 individuals during the confidential session.⁵³ Any one of these could have disclosed the information.
83. I do not find it is more likely than not that the Respondent disclosed the information from the closed session.

Was the disclosed information already available to the public?

84. I do not have the specific content of the confidential information which was said to have been disclosed by the Respondent.
85. One matter of confidential information is said to have been the Complainant's second phone number, which he says it is private and has never been published online.⁵⁴
86. The Respondent has provided a screenshot of what appears to be two phone numbers related to the Complainant being shared on a voices of Gingin message page.⁵⁵
87. I do not have sufficient evidence to find that any particular information from the closed session was not already in the public domain.

Conclusion

88. For the reasons above I do not find there has been a breach by the Respondent of Rule 21, in respect of the allegation IV.

⁵¹ email from Respondent to Complainant, 9 February 2026, 9:37 am

⁵² attachment to the Respondent's submission

⁵³ email from Complainant to Respondent, 7 February 2026, 9:40 pm

⁵⁴ complaint, page 4.

⁵⁵ attachment to the Respondent's submission



Shire of Gingin Meeting Procedures Local Law 2014

89. It is alleged that Respondent breached Shire of Gingin Meeting Procedures Local Law 2014 (**Meeting Procedures**), which are a local law as to conduct of meetings of the Council and its committees and to meetings of electors, when:⁵⁶

Allegation II. On 3 February 2026 at the Annual Meeting of Electors by mismanaging points of order and other meeting procedures which allowed third-party speakers to make false statements about the Complainant's association with a Facebook page (01071); and

Allegation VIII: On 16 December 2025 at a Council meeting during an agenda item about the CEO's salary, by allowing debate on an amended motion after it had already been voted on (01072).

Shire of Gingin Meeting Procedures Local Law 2014

16 December 2025 – allegation VIII

90. In respect of the 16 December 2025 meeting the Complainant alleges the Respondent breached the meeting procedures by:
- (a) Allowing continued debate after a motion is carried;
 - (b) Allowing a procedural motion to be applied to a resolved amendment; or
 - (c) Reviving a substantive motion once it has been superseded by a carried amendment.⁵⁷
91. In summary, the allegation is that in consideration of an agenda item on the CEO's salary, at least two substantive motions and various amendment motions were put to the Council, and that further debate continued after the second amended substantive motion was voted on.
92. A governance report prepared by Council governance officers after listening to the recording of the meeting found evident confusion by Councillors as to what was actually being voted on, Councillors interrupting and talking over each other, and errors in recording who was putting a motion and who was amending a motion.⁵⁸
93. The governance report found the confusion was due to the specific wording of the second amendment, that the approach adopted by the Respondent in chairing the meeting was acceptable within certain parameters, and did not find a breach. The Governance Review was however only concerned with some specific meeting procedures, in particular 9.7 and 9.10.

⁵⁶ Shire of Gingin Meeting Procedures Local Law 2014 cl 1.3

⁵⁷ Complaint 2026-01072 page 3

⁵⁸ Governance notes OCM 16 December 2025 item 19.4 annual CEO contract review
Adjudicator Findings Report



94. The Shire website includes a record of behavioural breaches. It includes a behavioural breach by the Respondent in relation to the 16 December 2021 meeting as follows:

On 17 February 2026 Cr Balcombe was found to have breached cl.10(d) at the Ordinary Council Meeting on 16 December 2025 by reason of non-compliance with cl. 7.12 of the Shire of Gingin Meeting Procedures Local Law 2014. Specifically, Cr Balcombe allowed debate on an amendment to a motion which had already been debated and carried. No further action was required as the breach was procedural in nature.

95. Meeting Procedure 7.12 provides:

No reopening of discussion

A member must not reopen a discussion on any Council or committee decision, except to move that the decision be revoked or changed (see Part 14).

96. I find Meeting Procedure 7.12 to be the one most applicable in this situation and adherence to this rule would have assisted in the conduct of the meeting. The Respondent has noted she may have been in breach of this rule.⁵⁹
97. I find it more likely than not that the Respondent was in breach of Meeting Procedure 7.12.

3 February 2026 – Allegation II

98. The Complainant has not identified specific breaches of the meeting procedures in respect of the Respondent's conduct at the 3 February 2026 meeting.
99. As noted above in respect of the related Rule 18 breach allegations:
- (a) Given the Mayor's role to ensure orderly meetings, I consider it was within the Mayor's discretion and judgement how to manage points of order and third-party statements during meetings. The fact that the Complainant or indeed any other person would have managed the issue differently than the Respondent does not, without more, make the Respondent's conduct a breach of meeting rules.
 - (b) The Meeting Procedures provides that the presiding member is to rule on any point of order,⁶⁰ and may put a substantive motion to the vote if she believes that sufficient discussion has taken place even though all members may not have spoken⁶¹.

⁵⁹ Respondent submissions page 3 In relation to Complaint 2026 - 01072

⁶⁰ 8.4

⁶¹ 9.7



Government of **Western Australia**
Adjudicators

- (c) The Shire of Gingin meeting procedures provide that during Council meetings members may not speak for more than five minutes⁶² but there is no specific limitation for electors at electors' meetings.

100. I do not have sufficient information to find that the Respondent breached the meeting procedures on 3 February 2026.

Conclusion

101. For the reasons above I do not find there has been a breach by the Respondent of Rule 4, in respect of the allegations II and VIII.

⁶² 7.9



Sanction Decision

The Respondent's actions on 16 December 2025 constituted a breach of Shire of Gingin Meeting Procedures Local Law 2014 clause 7.12 by allowing debate on an amendment to a motion which had already been debated and carried.

In relation to Matter 2026-01072, the found breach of Rule 4 - breach of Shire of Gingin Meeting Procedures Local Law 2014, I order that no sanction be imposed for the reasons set out below:

- The Shire has already found a behavioural breach in relation to the Respondents' actions;⁶³
- The breach has already been published on the Shire of Gingin website "Record of information about conduct";
- The breach was a departure from a formal meeting process but did not have a substantive effect;
- The departure from the formal meeting process was in part caused by the actions of the Complainant; and
- The Respondent is aware of the intent and requirements of the meeting procedures and sought advice about them during the meeting.⁶⁴

As I do not propose to order a sanction, I do not consider I need to give the Respondent with a reasonable opportunity to make submissions before I order any sanction.⁶⁵

⁶³https://www.gingin.wa.gov.au/Profiles/gingin/Assets/ClientData/Documents/05_YOUR_SHIRE_Menu_Items/Your_Council/Council_Registers/Record_of_Information_About_Conduct.pdf

⁶⁴ Respondent submissions pages 2 and 3 In relation to Complaint 2026 - 01072

⁶⁵ 8A.17 *Local Government Act 1995* (WA)
Adjudicator Findings Report



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.

PUBLICATION NOTICE

Under section 8A.20(1)(a) of the Local Government Act 1995, the findings in this report are required to be published on the relevant website. Care should be taken to ensure that publication is undertaken in accordance with legislative requirements and that no additional confidential or sensitive material is inadvertently released.