



Office of the Inspector

Email: complaints@lginspector.wa.gov.au

Dear Inspector

NOTICE OF DECISION

COMPLAINT OF CONDUCT BREACH No. 2026-01059, 2026-01060, 2026-01218, 2026-01262, 2026 - 01768

I refer to the complaint referred to the above complaints referred to the Principal Adjudicator, alleging Conduct Breach of Regulation 18 of the *Local Government (Model Code of Conduct) Regulations 2021* and Regulation 6 of the *Local Government (Local Government Inspector) Regulations 2025* against Shire President, Rob Coales.

The Adjudicator has considered these matters and found the following:

Complaint Number	Regulation	Outcome
2026-01059	18	Breach (no sanction)
2026-01060	18	No breach
2026-01218	Referred under regulation 6 (Recurrent breach) - Shire Code of Conduct 9(a), (d) and (e)	No breach
2026-01262	Referred under regulation 6 (Recurrent breach) - Shire Code of Conduct 9(a), (c), (d) and (e)	No breach
2026-01768	Referred under regulation 6 (Recurrent breach) - Shire Code of Conduct 9(a) and (c)	No breach

Pursuant to section 8A.18(4) of the *Local Government Act 1995*, the Adjudicator determined that no sanction should be imposed.

I have attached the Adjudicator's Findings Report to assist with complying with 5.96C (1).

Both the complainant and the respondent have been notified.

If there is notification of any relevant referrals to the State Administrative Tribunal (SAT), please kindly inform us.

Should you require any further information, please contact the Adjudicator Support and Research Officer, Department of Local Government, Industry Regulation and Safety.

OFFICIAL



Government of **Western Australia**
Adjudicators

Ref Case Numbers: 2026-01059, 2026-01060, 2026-01218, 2026-01262, 2026-01768
Enquiries Adjudication Support and Research Officer
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Yours sincerely

Shannon Wood
Manager Board Governance and Reporting



Conduct Breach Matters 2026-01059, 2026-01060, 2026-01218, 2026-01262, 2026 - 01768 : Adjudicator Findings Report

Legislation	<i>Local Government Act 1995</i> (WA) and <i>Local Government (Model Code of Conduct) Regulations 2021</i> (WA)
Complainant	Kim Glisenti – Councillor (2026-01059, 01060, 01262) Eng Wah Joel Chan, Councillor (2026-01218, 2026-01768)
Respondent	President Rob Coales
Local Government	Shire of Serpentine Jarrahdale
Responsible Adjudicator	Deputy Adjudicator Lee McIntosh
Finding	1 breach of <i>Local Government (Model Code of Conduct) Regulations 2021</i> (WA) schedule 1 rule 18 No conduct breach as a result of ongoing behavioural breaches under regulation 6 of the <i>Local Government (Local Government Inspector) Regulations 2025</i> (WA)
Date Finding Made	3 August 2026

Executive summary of findings

1. This is a matter concerning 5 complaints; three made by Kim Glisenti (Councillor) and two made by Eng Wah Joel Chan (Councillor) against Rob Coales (President).
2. The **Glisenti Complaints** 2026-01059 and 2026-01060 were made to the Local Government Inspector (**Inspector**) on 9 February, and **Glisenti Complaint** 2026-01262 was made to the Inspector on 11 May 2026.
3. The **Chan Complaints** 2026-01218 and 2026 -01768 were made to the Inspector on 28 April 2026 and 14 May 2026 respectively .
4. Together the Complainants have made allegations that a range of the Respondent's actions over a period of months constitute conduct breaches.
5. The Complaints which have been referred to me by the Inspector for adjudication are:

Alleged conduct breach	Allegations
Model Code of Conduct Rule 18 Making improper use of his office to cause advantage to himself and/or detriment to the Complainant	(I) The Respondent referred to the Glisenti Complainant as “tinned spaghetti” on 8 September 2025 and 13 October 2025 (Glisenti Complaint 2026-01059) (II) The Respondent disclosed negative information about the Glisenti Complainant when the latter was a candidate during an election campaign, on 23-24 September 2025 (Glisenti Complaint 2026-01060)
Regulation 6 of the Local Government (Local Government Inspector) Regulations 2025 (WA) Conduct breach occasioned by a further behavioural breach after more than two behavioural breaches since 1 January 2026	(III) The Respondent discussed a complaint against the Glisenti Complainant in a Council training session on 30 March 2026 in a way which was in breach of the Shire of Serpentine Jarrahdale Code of Conduct sections 9 (a), (c), (d) and (e) (Chan Complaint 2026 – 012180)* (IV) The Respondent raised his voice and swore at the Glisenti Complainant after a Council meeting on 30 April 2026 which was a breach of the Shire of Serpentine Jarrahdale Code of Conduct 9 (a), (d) and (e) of the (Glisenti Complaint 2026-01262)* (V) The Respondent called the Chan Complainant “Wang Chung Chan” after a Council meeting on 30 April 2026 which was a breach of the Shire of Serpentine Jarrahdale Code of

	Conduct 9 (a) and (c) of the (Chan Complaint 2026-01768* *Allegations III to V concern behavioural breaches which are not normally the subject of adjudication. However as on 20 April 2026 the Respondent was found to have committed two behavioural breaches since 1 January 2026, the allegations were referred to me for adjudication as conduct breaches.¹
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Rule 18 breaches

6. In respect of Rule 18 Model Code of Conduct:²

Allegation I – the Respondent calling the Glisenti Complainant “tinned spaghetti” on 8 September 2025 and 13 October 2025 - I find there was a breach of Rule 18.

There is transcript and Respondent evidence of the conduct on 13 October 2025. Although I cannot rule out that it also happened on 8 September 2025, on balance I do not have sufficient evidence from which it may be concluded that it is more likely than not that the conduct breach occurred on that date.

The conduct on 13 October 2025 occurred in the use of the Respondent's office and was plainly capable of causing detriment to the Glisenti Complainant by causing his ethnicity to be the subject of a joke in a professional context.

Allegation II - the Respondent using his office to provide negative information about the Glisenti Complainant - I do not find there has been a breach.

The negative information about the Glisenti Complainant was provided to the Respondent in an election campaign. The information was in fact provided by the Glisenti Complainant himself as a “test” of the Respondent. Therefore, although the Respondent received information at his Council email address, I do not find he used, or was asked to use, his office in dealing with it. His behaviour was in the context of a robust local government election where he was sent, and dealt with, information in a personal and political capacity.

Regulation 6 ongoing behavioural breaches

7. In respect of conduct breach occasioned by a further behavioural breach after more than two behavioural breaches since 1 January 2026 (Regulation 6 of the *Local Government (Local Government Inspector) Regulations 2025 (WA)*):

Allegation III - The Respondent discussed a complaint against the Glisenti Complainant in a Council training session on 30 March 2026 in a way which was

¹ Regulation 6 (3)(a) of the *Local Government (Local Government Inspector) Regulations 2025 (WA)*

² *Local Government (Model Code of Conduct) Regulations 2021 (WA)* schedule 1 Division 4

in breach of the Council Code of Conduct - I find I do not have jurisdiction to adjudicate this complaint.

Further behavioural breaches can only be considered conduct breaches if they arise after two behavioural breaches have already been found. The Respondent's previous behavioural breaches since 1 January 2026 were only found to have been committed on 20 April 2026.

Allegation III concerns the Respondent's behaviour on 30 March 2026, that is, *before* two previous behavioural breaches had been found, and so is not subject to referral to me under regulation 6.³

Allegation IV - the Respondent raised his voice and swore at the Glisenti Complainant after a Council meeting on 30 April 2026 - I find this was a breach of the Serpentine Code of Conduct 9 (a) in that it harassed the Glisenti Complainant. Given the (confidential) context in which the Allegation IV breach occurred and the time immediately after it however, I do not find the behavioural breach was at the level of seriousness or impact to another person to warrant a finding that it rose to the level of a conduct breach. I do not find there to be a conduct breach in respect of Allegation IV.

Allegation V - The Respondent called the Chan Complainant "Wang Chung Chan" after a Council meeting on 30 April 2026 – although I cannot rule out that it happened, on balance I do not have sufficient evidence from which it may be concluded that it is more likely than not that the conduct breach occurred on that date.

Proposed sanction

8. In the ordinary course I would need to provide the Respondent with a reasonable opportunity to make submissions on the sanction which I propose for the breach of rule 18,⁴ before I order any sanction.
9. My view is that no sanction should be ordered, therefore the Respondent does not need an opportunity to make submissions on sanction.
10. In respect of Allegation I, the Respondent submits he apologised to Complainant Glisenti at the March 2026 Ordinary Council Meeting, and I find that apology is recorded in the minutes.⁵ For the reasons below I do not consider any further action by way of sanction are warranted.
11. In respect of Allegation IV and noting it was a behavioural breach rather than a conduct breach, the Respondent acknowledges his behaviour was unprofessional. The Respondent also submits that he apologised immediately

³ Regulation 6 (3)(a) of the *Local Government (Local Government Inspector) Regulations 2025* (WA)

⁴ s 8A.18 (2) LGA

⁵ Shire of Serpentine Jarrahdale Ordinary Council meeting minutes 16 March 2026 - opening of the meeting

afterwards and that he has been seeking professional counselling since the incident.⁶

12. I note the Respondent 's behaviour since the incident and the Glisenti Complainant's submissions on sanctions and find:

- (a) This adjudication report serves as a formal finding and record regarding the Respondent's conduct;
- (b) The Respondent is encouraged to continue to seek professional counselling; and
- (c) The Respondent is now on notice that any further conduct breach will be a recurrent breach, which may be referred to the State Administrative Tribunal (**SAT**), and the significant sanctions under s 8A.25 of the LGA will then be available to the SAT to order.

⁶ Respondent submission to Glisenti Complaint 2026-01262
Adjudicator Findings Report

Reasons for decision

Introduction

1. This is a matter concerning 5 complaints: three made by Kim Glisenti – Councillor, and one made by Eng Wah Joel Chan, Councillor against President Rob Coales (together the **Complaints**).
2. The **Glisenti Complaints** 2026-01059 and 2026-01060 were made to the Local Government Inspector (**Inspector**) on 9 February, and **Glisenti Complaint** 2026-01262 was made to the Inspector on 11 May 2026.
3. The **Chan Complaints** 2026-01218 and 2026 -01768 were made to the Inspector on 28 April 2026 and 14 May 2026 respectively.
4. The Inspector undertook a preliminary assessment of the Complaints and determined that:
 - (a) the allegations fell within the Inspector’s jurisdiction⁷;
 - (b) the Complaints met the statutory requirements for a breach complaint under the *Local Government Act 1995* (WA) (**LGA**);⁸ and
 - (c) the allegations related to conduct that could constitute a conduct breach.⁹
5. On 28 May 2026, the Inspector referred Glisenti Complaints 2026-01059 and 01060 to the Principal Adjudicator pursuant to s 8A.13(1)(a) of the LGA. The Chan Complaints 2026-01218 and 2026- 01768 were then referred on 4 June 2026 and 30 July 2026 respectively,¹⁰ Glisenti Complaint 2026-01262 was referred on 11 June 2026.
6. After the referrals to the Principal Adjudicator, on 17 June 2026 the Respondent was given an opportunity to make submissions about the substance of the Complaints which were within my jurisdiction to adjudicate.¹¹ Submissions were received from the Respondent between 22 and 30 June 2026.
7. The Complaints were then allocated to me for adjudication on 17 July 2026.

⁷ Part 8A LGA

⁸ 8A.1 LGA

⁹ 8A.3 LGA

¹⁰ The substance of the Chan Complaint 2026-01768 was known to me and considered before the formal date of referral, so the formal date of referral does not reflect the adjudication time for this Complaint.

¹¹ For the reason in 99 below, Allegation III is not within my jurisdiction and so the Respondent did not need an opportunity to make a submission about this.

The Complaints

8. The Complaints arise from the Complainants' allegations about the Respondent's actions over a period of months from September 2025 to April 2026, which they allege constitute several conduct breaches.
9. The allegations which are within the jurisdiction I am able to adjudicate on concern the Respondent's actions in table 1 (**Allegations**).
10. For the purposes of my adjudication, I have categorised the Allegations as being relevant to the conduct breach rule or regulation which appears most likely to be in issue. I have not taken an approach which relied on the Complainant ticking a particular box on their complaint form to allege a particular conduct rule, consistent with my duty to act with as little formality as the requirements of this LGA and a proper consideration of the matters before me permit.¹²
11. I note the Inspector referred the Complaints to me for adjudication about rule 18 of the Model Code of Conduct, under Regulation 6 of the *Local Government (Local Government Inspector) Regulations 2025* (WA). The Inspector gave consideration to a further referral under LGA s8A.14(1)(a) but ultimately decided not to proceed with this.¹³
12. I agree with the Inspector that other rules alleged by the Complainants to have been breached are not relevant.¹⁴

Table 1 – Allegations

Alleged conduct breach	Allegations
Model Code of Conduct Rule 18¹⁵ Making improper use of his office to cause advantage to himself and/or detriment to the Complainant	(I) The Respondent referred to the Glisenti Complainant as "tinned spaghetti" on 8 September 2025 and 13 October 2025 (Glisenti Complaint 2026-01059) (II) The Respondent disclosed negative information about the Glisenti Complainant when the latter was a candidate during an election campaign, on 23/24 September 2025 (Glisenti Complaint 2026-01060)
Regulation 6 of the Local Government (Local Government	(III) The Respondent discussed a complaint against the Glisenti Complainant in a Council training session on 30 March 2026 in a way

¹² s 8B.30 LGA

¹³ Local Government Inspector Pre-Assessment Reports

¹⁴ Complaint 2026-01059 alleged breach of Model Code of Conduct rule 20 – relationship with local government employees and Model Code of Conduct 21 – disclosure of confidential information. These rules are not an issue as the Glisenti Complainant is not a local government employee and there was no evidence of confidential information as defined under rule 21 being disclosed.

¹⁵ *Local Government (Model Code of Conduct) Regulations 2021* (WA) schedule 1

Inspector) Regulations 2025 (WA) Conduct breach occasioned by a further behavioural breach after more than two behavioural breaches since 1 January 2026	which was in breach of the Shire of Serpentine Jarrahdale Code of Conduct 9 (a), (c), (d) and (e) of the (Chan Complaint 2026 –01218)* (IV) The Respondent raised his voice and swore at the Glisenti Complainant after a Council meeting on 30 April 2026, which was a breach of 9 (a), (d) and (e) of the Shire of Serpentine Jarrahdale Code of Conduct (Glisenti Complaint 2026-01262)* (V) The Respondent called the Chan Complainant “Wang Chung Chan” after a Council meeting on 30 April 2026 which was a breach of the Shire of Serpentine Jarrahdale Code of Conduct 9 (a) and (c) of the (Chan Complaint 2026-01768)* *Allegations III to V concern behavioural breaches which are not normally the subject of adjudication. However as on 20 April 2026 the Respondent was found to have committed two behavioural breaches since 1 January 2026, the allegations were referred to me as conduct breaches.¹⁶
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Legislative background and jurisdiction of this adjudication

13. 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.

Conduct breaches

14. 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.¹⁷

15. 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

¹⁶ Regulation 6 of the *Local Government (Local Government Inspector) Regulations 2025 (WA)*

¹⁷ s 8A.13(1) LGA

- (b) contravenes a local law made under this Act, contravention of which the regulations specify to be a conduct breach.¹⁸
- 16. Regulation 6 of the *Local Government (Local Government Inspector) Regulations 2025* (WA)¹⁹ provides that the Inspector must also refer a behaviour breach complaint to the Principal Adjudicator as if it were a conduct breach if:
 - (a) the Respondent has, on at least 2 previous occasions, been found, under a local government's adopted code of conduct, to have committed, on or after 1 January 2026, a behavioural breach; and
 - (b) having regard to those behavioural breaches, the Inspector considers that the complaint ought to be dealt with under Part 8A Division 5 of the Act as if the complaint were a breach complaint alleging a conduct breach.
- 17. The Inspector, when referring the behavioural breaches to me, noted they were the first recurrent behavioural breach complaints the Inspectorate has received and consideration by an adjudicator is important to provide an understanding of the process for such matters.²⁰
- 18. The Inspector has informed me²¹ that at the 20 April 2026 Council meeting the Respondent was determined to have committed two behavioural breaches on 30 March 2026, being a breach of the following requirements of the Shire of Serpentine Jarrahdale *Code of Conduct for Council Members, Committee Members & Candidates*:
 - 9(c) Must not use offensive or derogatory language when referring to another person;
 - 10(d) Must comply with local laws of the local government.
- 19. The Council Minutes²² record that these behavioural breaches were carried as the following Council motions:
 - (a) OCM-107-2026 in respect of allegation of breach of code of conduct SJ2026-3: breach of Code of Conduct 10 (d), substantiated by the Respondent's own admission relating to the procedures and conduct of council and committee meetings; and
 - (b) OCM-110-2026 in respect of allegation of breach of code of conduct SJ2026-5: breach of Code of Conduct 9 (c), found more likely than not to have occurred by the Respondent using offensive and/or derogatory language when referring to the Chan Complainant.

Model Code of Conduct

- 20. S 5.102A of the LGA defines rules of conduct (which I am required to adjudicate) to mean 'a provision of the model code that is specified in the model code to be

¹⁸ s 8A.3 LGA

¹⁹ consistent with s 8A.12 of the LGA

²⁰ Local Government Inspector Pre-Assessment Report 16 (2026-01262 and 2026-01218) section 5.1

²¹ Local Government Inspector Pre-Assessment Report 16 (2026-01218) section 2.1

²² [Agendas and Minutes » Shire of Serpentine Jarrahdale](#)

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 s 5.103(1)’.

21. The model code prescribed for the purposes of s 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**.
22. 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

23. A local government must adopt a code of conduct that incorporates the Model Code of Conduct.²³ 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.’²⁴ 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.²⁵
24. The Shire of Serpentine Jarrahdale has adopted a Code of Conduct, referred to as the *Code of Conduct for Council Members, Committee Members & Candidates*.²⁶ However, as the code of conduct was adopted in February 2026, it only applies to conduct which is the subject of the Complaints after that – being Allegations III and IV.
25. I do not have access to a copy of the adopted code of conduct that was in force before this time. 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 conduct²⁷, it is safe for me to proceed on the basis that the rules of conduct that were in force in the Shire of Serpentine Jarrahdale before February 2026 were in the same terms as those found in the Model Code of Conduct.
26. The Shire of Serpentine Jarrahdale Code of Conduct rules of conduct which are relevant to Allegations III and IV are:

9 A Council member committee member or candidate –

(a) Must not bully or harass another person in any way

(c) Must not use offensive or derogatory language when referring to another person

(d) Must not disparage the character of another Council Member, Committee Member, Candidate or a local government employee in connection with the performance of their official duties

²³ s 5.104(1) LGA

²⁴ s 5.104(4) LGA

²⁵ s 5.104(5) LGA

²⁶ [Code of Conduct for Councillors Committee Members and candidates.pdf](#)

²⁷ s 5.104(4) LGA

(e) Must not impute dishonest or unethical motives to another Council Member, Committee Member, Candidate or local government employee in connection with the performance of their official duties.

No local law breach alleged

27. For the purpose of s8A.3 of the LGA, regulation 4 of the *Local Government (Local Government Inspector) Regulations 2025* (WA) prescribes that the contravention of a local law as to conduct is also a conduct breach.
28. The term 'local law as to conduct' means a local law relating to the conduct of people at Council or committee meetings.²⁸ It is not alleged that Respondent breached any local law as to conduct.

This adjudication deals with some behavioural breaches

29. Allegations III to V concern behavioural breaches which are not normally the subject of adjudication. This is because my adjudication jurisdiction is limited to conduct breaches as defined s8A.13(1)(a) of the LGA.
30. However, on 20 April 2026 the Respondent was found to have committed two behavioural breaches since 1 January 2026. This means the Inspector considered he was able to refer the behavioural breaches the subject of Allegations III and IV to me as conduct breaches,²⁹ on the basis that:

the respondent has, on at least 2 previous occasions, been found, under a local government's adopted code of conduct, to have committed, on or after 1 January 2026, a behavioural breach.

31. Apart from Allegations III to V though, I cannot adjudicate on allegations of behavioural breaches or any other matters, even if they arise in the course of my deliberations.

The Complaints process and procedural fairness

32. The Complaints were assessed by the Inspector, who determined that the Allegations could constitute:
- (a) a conduct breach of Model Code of Conduct Rule 18.³⁰ I take this to mean the Inspector decided the Complaints were a breach complaint³¹

²⁸ *Local Government (Local Government Inspector) Regulations 2025* r 4

²⁹ Regulation 6 (3) (a) of the *Local Government (Local Government Inspector) Regulations 2025* (WA)

³⁰ Local Government Inspector Pre-Assessment Report 25 May 2026 (Glisenti complaint 2026-01059) and 26 May 2026 (Glisenti complaint 2026-01060)

³¹ as defined under LGA s 8A.1.1

which alleged a conduct breach, consistent with the Inspector's referral powers under s8A.13(1)(a) of the LGA; and

- (b) Behavioural breaches after two behavioural breaches had already occurred since 1 January 2026, under regulation 6 of the *Local Government (Local Government Inspector) Regulations 2025* (WA).³²
33. The Inspector also considered whether there was a recurrent conduct breach under s 8A.14(1)(a) of the LGA.³³ A conduct breach is a recurrent breach if it occurs after a Council member has been found to have committed 2 or more other conduct breaches.³⁴ After due consideration the inspector decided not to refer a recurrent conduct to me, and I consider I would not have had the power to adjudicate it in any event.³⁵
34. Before I make a finding, the Respondent must have had a reasonable opportunity to make submissions on whether or not a conduct breach occurred.³⁶
35. On 17 June 2026 the Principal Adjudicator sent an invitation to the Respondent to provide him with an opportunity to respond to each of the Complaints and Allegations.³⁷
36. The Respondent provided responses to the Complaints between 22 and 30 June 2026.
37. It is the responsibility of both the Complainant and Respondent to provide me with all information they wish me to consider.
38. In dealing with the Complaints, I am required to act with as little formality as the requirements of this LGA and a proper consideration of the matters before me permit.³⁸
39. 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

³² Local Government Inspector Pre-Assessment Report 3 June 2026 (Chan complaint 2026-01218) and 9 June 2026 (Glisenti complaint 2026 -01262)

³³ Local Government Inspector Pre-Assessment Reports – all reports

³⁴ s 8A.3 LGA

³⁵ The Respondent's past breaches include 17 October 2020, breach of rule 21: disclosure of a confidential document (list of names) in a non-confidential Council meeting item. The Respondent self-reported the breach. The same breach was also reported by another Councillor on 11 February 2021 and found to be a breach. On my view that does not constitute a separate breach for the purpose of considering recurrent conduct breaches under s 8A.14(1)(a) LGA.

³⁶ s 8A.18 (1) LGA

³⁷ For the reason in 99 below, Allegation III is not within my jurisdiction and so the Respondent did not need an opportunity to make a submission about this.

³⁸ s 8B.30 LGA

40. In making findings on a conduct breach and proposing sanctions, I must have regard to:³⁹
- (a) the provision of good government by local governments; and
 - (b) the public interest.
41. 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.⁴⁰
42. I must find that every element of a relevant Model Code of Conduct rule of conduct is established before I find a breach.
43. I have determined the Complaints on the basis of the evidence before me provided by the Inspector, the Complainant, and the Respondent.

Model Code of Conduct Rule 18

44. 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 s5.93 of the LGA or Criminal Code s 83

45. There is no evidence before me to suggest that the subject matter of the Complaints involved a contravention of either section 5.93 of the LGA (disclosure of confidential information) or section 83 of *The Criminal Code* (corruption).
46. Accordingly, I find that I have jurisdiction to determine the allegations of breach of Rule 18 of the Model Code of Conduct.
47. I note my finding does not decide the matter of whether s 5.93 of the LGA or section 83 of *The Criminal Code* apply and the relevant decisions under those laws are not fettered by my findings here.

³⁹ s 8A.17 LGA

⁴⁰ s 8A.18 (10) LGA

Allegations I and II

48. The Allegations which are relevant to a breach of Rule 18 are:

(I) The Respondent referred to the Glisenti Complainant as “tinned spaghetti” on 8 September 2025 and 13 October 2025 (Glisenti Complaint 2026-01059)

(II) The Respondent provided negative information about the Glisenti Complainant when he was a candidate during an election campaign, on 23/24 September 2025 (Glisenti Complaint 2026-01060).

Rule 18 – elements

49. 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:⁴¹

- (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

50. The Inspector's preliminary assessments have informed me that the Respondent was last elected to Council in 2023 with a term expiring in October 2027 and was a Council member at the time the complaint was made.⁴² I am satisfied the Respondent was a Council member at the time of the Complaints.

The Respondent did not use his office for the purpose of Allegation II

51. In respect of Allegation II of the Respondent using his office to provide negative information about the Glisenti Complainant when the Glisenti Complainant was a candidate during an election campaign, on 23/24 September 2025, I do not find this was a use of the Respondent’s office.

52. While there is evidence that the negative information was sent to the Respondent at his Council email address, there is no evidence that the Respondent considered, was asked to consider or did use his office in any decision making about the email, or his decision to disseminate the negative information.

⁴¹ *Shannon and Local Government Standards Panel* [2025] WASAT 120 at [48]

⁴² Local Government Inspector Pre-Assessment Reports, s 3.1

53. The Glisenti Complainant sent the negative information to the Respondent in the course of the Glisenti Complainant's own election campaign, to test whether the Respondent would disclose the information or not. The information did not ask the Respondent for the exercise of any official power, duty or discretion; and the Respondent did not take or purport to take any official action in response. My view is the email to the Respondent is best characterised as a personal communication in a political context sent to test the Respondent's personal integrity.
54. As stated by Pritchard DCJ in *Treby v Local Government Standards Panel*⁴³ in dealing with what was 'improper' [27]:
- ... It is clear that the meaning of 'improper' cannot be considered in isolation, but rather will take its flavour from the surrounding context, which includes an assessment of what is involved in the role of a councillor[.]*
55. In a context of an election campaign, I find it more likely than not the information was sent to, and disclosed by, the Respondent in a personal capacity during robust campaigning for upcoming election, and not in his official capacity as an elected Council member or President. This is consistent with the authorities that Councillors are political creatures primarily accountable to their local electors and community.⁴⁴
56. I therefore cannot be satisfied the disclosure in Allegation II was in the course of the use of the Respondent's office.

The Respondent made use of his office for the purpose of Allegation I

57. In respect of Allegation I, I find that the allegations that the Respondent referred to the Glisenti Complainant as "tinned spaghetti" on 8 September 2025 and 13 October 2025 both relate to the use of the Respondent's Office, as both alleged occurrences were in the situations of a Council meeting, or in a Council dining room in the course of a Council meeting. The Respondent's submission has confirmed these situations occurred.⁴⁵

Allegation I: The Respondent's use of his office was improper

Legal principles relevant to determination of whether a use is improper

58. In *Treby v Local Government Standards Panel (No 2)*⁴⁶, Deputy President Pritchard considered the meaning of 'improper use of the person's office':⁴⁷

⁴³ (2010) 73 SR (WA) 66 at [27]

⁴⁴ *McManus v Local Government Standards Panel* [2019] WASAT 50 at [59], citing *Bradley v Local Government Standards Panel* (2012) 80 SR (WA) 69 at [45]

⁴⁵ Respondent's submissions

⁴⁶ *Treby v Local Government Standards Panel (No 2)* [2010] WASAT 81 [29]- [33]

⁴⁷ 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.

- (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.*
59. In *Hipkins and Local Government Standards Panel*⁴⁸ Senior Member McNab set out the principles in *Treby v Local Government Standards Panel* and then also considered *Victoria in Robbins v Harness Racing Board*⁴⁹ 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.*
60. 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.⁵⁰ 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 obligations of the Respondent under the LGA

61. The role of a Councillor under the LGA includes:

⁴⁸ [2014] WASAT 48 [9]

⁴⁹ [1984] VR 641

⁵⁰ *Hipkins and Local Government Standards Panel* [2014] WASAT 48 [10]

- (a) represents the interests of the electors, ratepayers and residents of the district and takes account of the interests of other persons who work in, or visit, the district;⁵¹
- (b) participates in the deliberation and decision-making of the local government at Council and committee meetings;⁵²
- (c) facilitates communication with the community about Council decisions;⁵³
- (d) facilitates and maintains good working relationships with other Councillors, the mayor and the CEO;⁵⁴
- (e) maintains and develops the requisite skills to effectively perform their role;⁵⁵
- (f) have regard to the need to support an organisational culture for the local government that promotes the respectful and fair treatment of the local government's employees.⁵⁶

62. The Respondent is also Mayor and so has the additional duties of:

- (a) presiding at meetings of the Council, ensuring that meetings are orderly and held in accordance with the LGA;⁵⁷
- (b) providing leadership and guidance to the Council;⁵⁸ and
- (c) promoting, facilitating and supporting positive and constructive working relationships among Council members.⁵⁹

Reference to Glisenti Complainant as Tinned Spaghetti

63. The Respondent has admitted to referring to the Glisenti Complainant as “tinned spaghetti” on 13 October 2025, in a confidential setting.⁶⁰ There is also a transcript reference which records this.⁶¹

64. In respect of the allegation that the Respondent also referred to the Glisenti Complainant as “tinned spaghetti” on 8 September 2025, the Respondent has denied this. The Glisenti Complainant has named three witnesses to the incident

⁵¹ s 2.10 (1) (a) LGA

⁵² s 2.10 (1) (b) LGA

⁵³ s 2.10 (1) (c) LGA

⁵⁴ s 2.10 (d) LGA

⁵⁵ s 2.10 (f) LGA

⁵⁶ s 2.7 (5), through the operation of S2.10 (e)

⁵⁷ s 2.8 (c) LGA

⁵⁸ s 2.8 (a) LGA

⁵⁹ s 2.8 (d) LGA

⁶⁰ Respondent submissions

⁶¹ attachment to Glisenti Complaint 2026-10159

but none of those witnesses have provided a corroborating statement in the Glisenti Complaint, or made a separate complaint themselves.

65. The Respondent has submitted that he came to call the Glisenti Complainant "tin spaghetti" in or around September 2025 as a form of rhyming slang to help him pronounce the Complainant's name correctly.
66. The Respondent has submitted he recalls using the term on one further occasion, in the conference room next to his office, where he immediately apologised to the two senior staff present. He denies using it in any public forum.
67. In those circumstances I cannot rule out that the Respondent also used the term on 8 September 2025, and it is possible that he did so. However, I do not have evidence which could reasonably be expected to be available to find the statement was made on 8 September 2025, such as a corroborating statement. This combined with the Respondent's candour about using the language on another occasion, means I cannot find it is more likely than not the statement was also made on 8 September.

Reference to Glisenti Complainant as Tinned Spaghetti was an improper use of Respondent's office

68. I find the Respondent referring to the Glisenti Complainant as "tinned spaghetti" 13 October 2025 was an improper use of the Respondent's office because:
 - (a) The language was directed to the Glisenti Complainant based on his ethnicity in a way which a reasonable person would consider was derogatory;
 - (b) Such language does not meet the standards expected in professional workplaces;
 - (c) Such language is inconsistent with the standards expected of Council members who are required to represent a broad range of people and make decisions about a broad range of matters;
 - (d) The language was used in the context of a formal Council meeting with other Councillors and senior managers of the Council present. The subject being discussed was a complaint against the Respondent. It was not an occasion for jocular or informal language;
 - (e) Such language is inconsistent with Council members' need to have regard to the need to support an organisational culture for the local government that promotes the respectful and fair treatment;
 - (f) In particular such language does not meet the standards of a person in the position of President who has obligations to provide leadership and guidance to the local government;
 - (g) The fact that a third party who overheard the language relayed it to the Glisenti Complainant is consistent with them being concerned and discomforted by it; and

- (h) The Councillors and senior managers of the Council who heard it are responsible to lead an organisational culture for the local government that promotes respectful and fair treatment, and the language used by the Mayor would have caused them concern about the consistency of the Mayor's conduct with their own obligations.
69. The Respondent's consciousness of impropriety is not relevant. Neither is his intent. In any event, the Respondent's stated reaction upon using the word in front of other colleagues at another time⁶² - which was to apologise for the use of it - is consistent with the Respondent being aware the language was unprofessional and made people uncomfortable in their workplace, at the very least.
70. It is important to assess the conduct in context, and I consider part of that context is that Councillor's jobs should not be made more difficult by the imposition of unworkable rules that in effect limit what they may say when undertaking critical functions.⁶³
71. This is not a case where the conduct complained of is political speech, which is recognised as an important part of democratic fabric, meaning duties imposed on Councillors about the language they use in official settings must be read in light of these practical and political realities.⁶⁴
72. Nor is it a case where the conduct complained of was in the course of a difficult Council meeting where the conduct was summing up other matters which were said, and rhyming slang was used to try and soften the language used in the meeting up until that summing up.⁶⁵
73. There was no official or probative or explicable reason for the language used by the Respondent in an official setting. There were other options available to the Mayor if he was having trouble remembering Complainant Glisenti's name, other than resorting to language which focused on ethnicity.
74. I find it more likely than not the Respondent's behaviour breached the standards of conduct expected of a person in the position of Mayor.
75. For the reasons above I find the Respondent's conduct was an improper use of the Respondent's office.

Allegation I: the Respondent's improper use of his office caused detriment to a person

76. Consistent with the previous Standards Panel's decisions, which I see no reason to depart from in this case, the term "detriment" means loss, damage or injury. It is construed widely and includes financial and non-financial loss and adverse

⁶² Respondent's submissions

⁶³ *Bradley v Local Government Standards Panel* [2012] WASAT 44 at 45

⁶⁴ *Bradley v Local Government Standards Panel* [2012] WASAT 44 at 45

⁶⁵ *McManus v Local Government Standards Panel* [2019] WASAT 50 at 62

treatment, such as humiliation, denigration, intimidation, harassment, discrimination and disadvantage. Put another way, the word 'detriment' is loss or damage done or caused to, or sustained by, any person or thing.⁶⁶

77. Detriment from remarks made about another can be found in two main ways:
- (a) The nature of the remarks is such that they are plainly capable of causing detriment in the sense of diminishing reputations or causing others to think less favourably. This includes remarks that are insulting and derogatory or that question the intelligence and integrity.⁶⁷
 - (b) It is not necessary to find whether any detriment was actually suffered, but an intent to cause such detriment must then be established.⁶⁸
78. In assessing detriment it is also relevant to consider whether there was any other plausible explanation for why remarks were made and whether there were alternatives.⁶⁹
79. The level of detriment suffered by the Glisenti Complainant is to be judged according to the same level as detriment to any other person. The fact that the Glisenti Complainant was a candidate in local elections, or that there had been disputes between the Glisenti Complainant and the Respondent, does not increase the level of detriment which the Glisenti Complainant needs to have been seen to have suffered or be intended to suffer.⁷⁰
80. In this case the Respondent's behaviour was intended to denigrate Complainant Glisenti; it was aimed at and intended to convey Complainant Glisenti's ethnicity as his primary attribute in a disdainful way.
81. The Respondent's comments were capable of causing detriment in the sense of mocking the Glisenti Complainant and encouraging others to think less favourably of him.⁷¹
82. The Glisenti Complainant felt the remark made him the subject of ridicule and had the effect of him being the centre of a joke in a professional workplace.⁷²
83. I find it more likely than not the Respondent's improper use of his office caused detriment to the Glisenti Complainant.

⁶⁶ *Treby and Local Government Standards Panel* [2010] WASAT 81 at 94: Shorter Oxford English Dictionary.

⁶⁷ *Treby and Local Government Standards Panel* [2010] WASAT 81 at 106

⁶⁸ *Treby and Local Government Standards Panel* [2010] WASAT 81 at 96

⁶⁹ *Treby and Local Government Standards Panel* [2010] WASAT 81 at 107 and 108

⁷⁰ *Treby and Local Government Standards Panel* [2010] WASAT 81 at 101

⁷¹ *Treby and Local Government Standards Panel* [2010] WASAT 81 at 106

⁷² Glisenti Complaint 2026 - 01059

Conclusion

84. For the reasons above I find there has been a breach by the Respondent of Rule 18, in respect of Allegation I.
85. For the reasons above I find there has not been a breach by the Respondent of Rule 18, in respect of the Allegation II.

Regulation 6 breaches

86. Allegations III to V concern behavioural breaches which are not normally the subject of adjudication.
87. Regulation 6 of the *Local Government (Local Government Inspector) Regulations 2025 (WA)* however provides that the Inspector must refer a behavioural breach complaint for adjudication as if it were a conduct breach complaint if:
- (a) the Respondent has, on at least 2 previous occasions, been found, under a local government's adopted code of conduct, to have committed, on or after 1 January 2026, a behavioural breach; and
 - (b) having regard to those behavioural breaches, the Inspector considers that the complaint ought to be dealt with under Part 8A Division 5 of the Act as if the complaint were a breach complaint alleging a conduct breach.
88. The Inspector has informed me⁷³ that at the 20 April 2026 Council meeting the Respondent was determined to have committed two behavioural breaches on 30 March 2026, being a breach of the following requirements of the Shire of Serpentine Jarrahdale *Code of Conduct for Council Members, Committee Members & Candidates*:
- 9(c) Must not use offensive or derogatory language when referring to another person;
 - 10(d) Must comply with local laws of the local government.
89. The Council Minutes⁷⁴ record that these behavioural breaches were carried as the following Council motions:
- (a) OCM-107-2026 in respect of allegation of breach of code of conduct SJ2026-3: breach of Code of Conduct 10 (d), substantiated by the Respondent's own admission relating to the procedures and conduct of council and committee meetings; and
 - (b) OCM-110-2026 in respect of allegation of breach of code of conduct SJ2026-5: breach of Code of Conduct 9 (c), found more likely than not

⁷³ Local Government Inspector Pre-Assessment Report 16 (2026-01218) section 2.1

⁷⁴ [Agendas and Minutes » Shire of Serpentine Jarrahdale](#)

to have occurred by the Respondent using offensive and/or derogatory language when referring to the Chan Complainant.

90. As the Complaints about Allegations III to V were made after 20 April 2026, the allegations were referred to me as conduct breaches.⁷⁵
91. The Inspector, when referring the behavioural breaches to me, noted they were the first recurrent behavioural breach complaints the Inspectorate has received and so consideration by an adjudicator is important to provide an understanding of the process for such matters.⁷⁶
92. The 20 April 2026 breach findings were found in respect of different parts of the Code of Conduct and under different Council motions, so in literal terms they constitute two previous instances of breach. However, the fact that the two previous behavioural breaches were both found on the same day, ie 20 April 2026, means in my view they do not constitute at least two previous occasions for the purpose of Regulation 6 unless there are exceptional circumstances. The underlying principles of how and when repeated offences are to be counted has been explained in mandatory punishment regimes, and include:⁷⁷
- (a) an offender should have the benefit of a warning before being subject to a mandatory sentence;
 - (b) repeat offences should be counted based on the separate days on which they are convicted, rather the number of times they are convicted, so offenders have the opportunity to amend their behaviour after the warning.
93. I find similar principles would be usually consistent with good government and the public interest to apply to regulation 6, which concerns a mandatory escalation regime. Applying those principles to regulation 6, behavioural breaches found on the same day⁷⁸ would not be able to be referred to me as separate instances of breach and I would have no jurisdiction to adjudicate on them unless there are exceptional circumstances.
94. Exceptional circumstances may exist for regulation 6 in the specific context and facts of a Complaint, and need to be considered by me in accordance with the LGA principles of: adjudicating the matters with as little formality as possible and a proper consideration of the matters before me permit,⁷⁹ good government and the public interest.
95. In the circumstances and facts of these Complaints, I find it would be most consistent with the matters in paragraph 95 for me to adjudicate the breaches, as this will allow the resolution of all the related Complaints together, ensure

⁷⁵ Regulation 6 of the *Local Government (Local Government Inspector) Regulations 2025* (WA)

⁷⁶ Local Government Inspector Pre-Assessment Report 16 (2026-01262 and 2026-01218) section 5.1

⁷⁷ *Roe v D'Costa* [2014] WASCA 118; 47 WAR 434; *PHE v The State of Western Australia* [2025] WASCA 166

⁷⁸ Regardless of when the underlying breach conduct occurred or when a complaint was made

⁷⁹ s 8B.30 LGA

consideration of the totality of conduct and sanction, and avoid the need for these breaches to return to the Inspector and the Council for determination.

96. In respect of Allegation III - the Respondent discussed a complaint against the Glisenti Complainant in a Council training session on 30 March 2026 in a way which was in breach of the Council Code of Conduct - I find I do not have jurisdiction to adjudicate this Complaint.
97. This is because behavioural breaches are only considered conduct breaches if they arise after two other behavioural breaches have been found. The Respondent's other behavioural breaches were only found to have been committed on 20 April 2026.
98. Allegation III concerns the Respondent's behaviour on 30 March 2026, that is, before two previous behavioural breaches had been found. Allegation III can therefore not be a conduct breach under regulation 6.
99. In respect of Allegation IV and V - the Respondent raised his voice and swore at the Glisenti Complainant, and called the Chan Complainant "Wang Chung Chan" after a Council meeting on 30 April 2026 which were a breach of the Shire Code of Conduct, for the reason in paragraph 96 I have proceeded to adjudicate these.
100. The Shire of Serpentine Jarrahdale Code of Conduct rules of conduct which are relevant to Allegation IV are:
- 9 A Council member committee member or candidate –
- (a) Must not bully or harass another person in any way
 - (c) Must not use offensive or derogatory language when referring to another person
 - (d) Must not disparage the character of another Council Member, Committee Member, Candidate or a local government employee in connection with the performance of their official duties
 - (e) Must not impute dishonest or unethical motives to another Council Member, Committee Member, Candidate or local government employee in connection with the performance of their official duties.
101. The Respondent has admitted to swearing repeatedly and raising his voice at the Glisenti Complainant in the manner alleged in Allegation IV.
102. I find this was a behavioural breach of the Serpentine Code of Conduct 9 (a) in that it harassed the Glisenti Complainant.
103. The Respondent has denied calling the Chan Complainant "Wang Chung Chan" and submitted he considers the term wrong and disrespectful. The evidence in the Complaint is a statutory declaration from Complainant Glisenti. The Chan Complainant was not in attendance, and none of the others in attendance after the meeting have provided a corroborating statement or made a separate complaint themselves.
104. In these circumstances I cannot rule out that the Respondent used the term, and it is possible that he did so. I give material weight to the statutory declaration as

a formal instrument of evidence. However, I do not have supporting evidence which could reasonably be expected to be available to find the statement was made, such as a corroborating statement or other complaints. I cannot reasonably rule out that what the Respondent said was not clearly heard by the Complainant Glisenti in the context of a heated situation after a meeting. This combined with the Respondent's candour about using language in Allegation I, means I do not find it is more likely than not the statement in Allegation V was made.

105. In assessing whether the behavioural breach in Allegation IV rises to the level of a conduct breach under Regulation 6, I have found it useful to apply similar principles as would be applied in considering whether this behaviour would be a Model Code of Conduct breach.
106. As noted above in respect of Rule 18, a conduct breach finding depends upon the context in which the expression is used. For a behavioural breach to rise to the level that it constitutes a conduct breach finding, I consider it must be such that a right-thinking person would regard the conduct as so inappropriate, so serious, or so affected the Complainant or a third party, that in the circumstances it calls for the imposition of a penalty.
107. In the context in which the conduct occurred and the surrounding circumstances, I do not find the conduct was at the level of seriousness or had the level of impact on other parties to warrant a finding as a conduct breach which calls for the imposition of a penalty.
108. The context which is relevant to my reasons for my findings about the level of appropriateness and seriousness of the conduct and its impacts on other parties, is the subject of confidential information provided by both the Complainant and Respondent, so I do not disclose it here. My not disclosing it is also consistent with the Glisenti Complainant's and Respondent's requests.
109. I can however record that the Respondent acknowledges his behaviour was unprofessional and submits that he apologised nearly immediately after.

Conclusion

110. For the reasons above I find there has not been a conduct breach by Allegation III.
111. For the reasons above I find there has not been a conduct breach by Allegation IV.
112. For the reasons above I find there has not been a conduct breach by Allegation V.

Proposed sanction

113. In the ordinary course I would need to provide the Respondent with a reasonable opportunity to make submissions on the sanction which I propose for the breach of rule 18,⁸⁰ before I order any sanction.
114. My view is that no sanction should be ordered, therefore I do not consider the Respondent needs an opportunity to make a submission on this.
115. In respect of Allegation 1, the Respondent submits he apologised to Complainant Glisenti at the March 2026 Ordinary Council Meeting, and I find that apology is recorded in the minutes.⁸¹ I do not consider the nature and severity of the breach to warrant any further sanction.
116. In respect of allegation IV (behavioural breach), the Respondent acknowledges his behaviour was unprofessional. The Respondent submits that he apologised a short time later and that he has been seeking professional counselling since the incident.
117. The Glisenti Complainant submits the appropriate response is for the Respondent to seek appropriate professional counselling and be formally counselled in writing regarding his conduct, and no public sanction would be appropriate.
118. Having considered the Respondent's actions since the incident and Complainant Glisenti's submissions I find:
- (a) This adjudication report serves as formal finding and a record regarding the Respondent's conduct;
 - (b) The Respondent is encouraged to continue to seek professional counselling; and
 - (c) The Respondent is now on notice that any further conduct breach will be a recurrent breach, which may be referred to the SAT, and the significant sanctions under s 8A.25 of the LGA will then be available to the SAT to order.
119. In forming my view that no sanction is appropriate, I have considered the types of sanctions which are available, relevant guidance on sanctions and past decisions.

Types of sanctions

120. The types of sanction which I am required to consider to deal with conduct breaches are:⁸²

⁸⁰ s 8A.18 (2) LGA

⁸¹ Shire of Serpentine Jarrahdale Ordinary Council meeting minutes 16 March 2026 - opening of the meeting

⁸² 8A. 18 (4) LGA

- (a) ordering that no sanction be imposed; or
- (b) ordering that the Respondent —
 - (i) be publicly censured as specified in the order; or
 - (ii) apologise publicly as specified in the order; or
 - (iii) undertake counselling as specified in the order; or
 - (iv) undertake training as specified in the order; or
 - (v) is not entitled to be paid, in respect of a period of not more than 3 months specified in the order, the fees and allowances which the person would otherwise be entitled to be paid under Part 5 Division 8 in respect of the specified period; or
 - (vi) is not entitled to attend a meeting of a committee of a Council for a period of not more than 3 months specified in the order; or
 - (vii) is suspended for a period of not more than 3 months specified in the order;
- (c) ordering 2 or more of the sanctions described in paragraph (b)(i) to (vii).

Guidance on type of sanction

121. Guidance as to the factors which I may consider in determining the appropriate penalty to impose include, but are not limited to, the following:

- (a) the nature and seriousness of the breaches;
- (b) the Councillor's motivation for the contravention;
- (c) whether or not the Councillor has shown any insight and remorse into his/her conduct;
- (d) whether the Councillor has breached the Act knowingly or carelessly;
- (e) the Councillor's disciplinary history;
- (f) likelihood or not of the Councillor committing further breaches of the Act;
- (g) personal circumstances at the time of conduct, and of imposing the sanction;
- (h) need to protect the public through general deterrence and maintain public confidence in local government; and

- (i) any other matters which may be regarded as aggravating conduct or mitigating its seriousness.⁸³

These were relevant to the Local Government Standards Panel decisions on sanctions and I find no reason to depart from them in this case.

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.

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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.

⁸³ *Chief Executive Officer, Department of Local Government and Communities and Scaffidi* [2017] WASAT 67 (S), summarized in the Local Government Standards Panel Decision on penalty for Complaint number 2024-0515
Adjudicator Findings Report