



Office of the Inspector

Email: complaints@lginspector.wa.gov.au

Dear Inspector

NOTICE OF DECISION
COMPLAINT OF CONDUCT BREACH No. 2026-01144

I refer to the above complaint of conduct breach received by the Adjudicator's Office alleging a breach of Regulation 20(4)(a) of the *Local Government (Model Code of Conduct) Regulations 2021* by Councillor Shane Van Styn.

The Adjudicator has considered the complaint and determined that a breach of Regulation 20(4)(a) occurred.

Pursuant to section 8A.18(4) of the *Local Government Act 1995*, the Adjudicator has ordered that Councillor Van Styn publicly apologise.

Yours sincerely

Shannon Wood
Manager Board Governance and Reporting

20 August 2026



Conduct Breach Matter 2026-01144

Adjudicator Findings and Sanction Decision Report

Legislation	<i>Local Government Act 1995 (WA), Local Government (Model Code of Conduct) Regulations 2021 (WA).</i>
Complainant	Ms Fiona Norling
Respondent	Councillor Shane Van Styn
Local Government	City of Greater Geraldton
Responsible Adjudicator	Deputy Adjudicator Conor Fahey
Finding	A breach of Regulation 20(4)(a) <i>Local Government (Model Code of Conduct) Regulations 2021 (WA).</i>
Sanction	An order that the Respondent apologise publicly s.8A.18(4)(b)(ii) <i>Local Government Act 1995 (WA)</i>
Date	20 August 2026

Reasons for Finding

Introduction

1. This Matter concerns a 'rule of conduct' breach complaint against an Elected Member under s 8A.3(1)(a) of the *Local Government Act 1995* (WA) (**LG Act**).
2. The complaint was made by Ms Fiona Norling (**Complainant**) against Councillor Shane Van Styn (**Respondent**). The Respondent is a Councillor of the City of Greater Geraldton (**City**). The Complainant is employed by the City in the position of Director of Community and Culture.
3. The complaint was made to the Local Government Inspector (**Inspector**) on 13 March 2026 and recorded as complaint number 2026-01144 (**Complaint**).
4. The Inspector accepted the Complaint and notified the Complainant and the Respondent of its acceptance on 11 May 2026, in accordance with section 8A.7(4) of the LG Act.
5. The Inspector has referred the Complaint to the Principal Adjudicator pursuant to section 8A.13(1)(a) of the LG Act.
6. The conduct breach within the Complaint referred by the Inspector is a 'rule of conduct' breach of regulation 20(4)(a) of the Model Code of Conduct in Schedule 1, of the *Local Government (Model Code of Conduct) Regulations 2021* (WA) (**Regulations**).
7. The Principal Adjudicator has allocated this Matter to me as Deputy Adjudicator pursuant to s 8A.13(2)(b) of the LG Act.
8. Section 8A.18(1) of the LG Act requires me to make a finding in this Matter as to whether a conduct breach has occurred.

Referral of a Conduct Breach Complaint

9. In accordance with s 8A.13(1) of the LG Act, the Inspector may refer a 'conduct breach' to the Principal Adjudicator for determination if the Inspector decides that a breach complaint alleges a 'conduct breach'.
10. Under section 8A.3(1)(a) of the LG Act, a "*council member commits a conduct breach if the member: (a) contravenes a rule of conduct...*"
11. Section 5.102A of the LG Act defines a 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)*'.
12. The model code prescribed for the purposes of section 5.103(1) of the LG Act is found in Schedule 1 of the Regulations. The rules that are specified as 'rules of

conduct' (as that term is defined in s 5.102A) are set out in Schedule 1, Division 4, Rules of Conduct, being regulations 17-23 of the Regulations¹.

13. A local government is required to adopt a code of conduct that incorporates the model code within the Regulations.² No amendments to the model code rules of conduct are permitted to be made to the rules of conduct within a code of conduct adopted by a local government.³
14. The City has an adopted code of conduct, being Council Policy 4.2, Code of Conduct for Council Members, Committee Members and Candidates. The Complaint is framed by reference to clause 20(4)(a) of that adopted code. Because s 5.104(4) of the LG Act does not permit a local government to alter the model code rules of conduct, clause 20 of the City's adopted code is equivalent to the rule of conduct set out in Regulation 20 of the model code.
15. The Complaint specifically alleges a breach of Regulation 20(4)(a) of the Model Code of Conduct in Schedule 1 of the Regulations (herein referred to as **Regulation 20(4)(a)**).
16. Therefore, in accordance with s 8A.18(1) of the LG Act, I am required to make a finding, on the materials before me, as to whether or not a breach of Regulation 20(4)(a) has occurred.

Regulation 20 Conduct Breach Complaint

17. Regulation 20 provides:

20. Relationship with local government employees

(1) In this clause local government employee means a person:

- (a) employed by a local government under section 5.36(1) of the Act; or*
- (b) engaged by a local government under a contract for services.*

(2) A council member or candidate must not:

- (a) direct or attempt to direct a local government employee to do or not to do anything in their capacity as a local government employee; or*
- (b) attempt to influence, by means of a threat or the promise of a reward, the conduct of a local government employee in their capacity as a local government employee; or*
- (c) act in an abusive or threatening manner towards a local government employee.*

¹ Regulations Schedule 1, Regulations 17-23

² LG Act s 5.104(1).

³ LG Act s 5.104(4).

(3) Subclause (2)(a) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.

(4) If a council member or candidate, in their capacity as a council member or candidate, is attending a council or committee meeting or other organised event (for example, a briefing or workshop), the council member or candidate must not orally, in writing or by any other means:

(a) make a statement that a local government employee is incompetent or dishonest; or

(b) use an offensive or objectionable expression when referring to a local government employee.

(5) Subclause (4)(a) does not apply to conduct that is unlawful under The Criminal Code Chapter XXXV.

18. Regulation 20 contains five distinct prohibitions with distinct elements. The Complaint alleges breach of Regulation 20(4)(a) only, specifically a council member, attending a council meeting, making statements that a local government employee is dishonest or incompetent. Regulation 20(2)(a),(b) and (c), (3), and (4)(b) are not the subject of the referral and are not further considered.
19. Regulation 20(5) provides that Regulation 20(4)(a) does not apply to conduct that is unlawful under *The Criminal Code Chapter XXXV*. There is no material before me to suggest that the conduct the subject of the Complaint involves conduct unlawful under that Chapter. Accordingly, my jurisdiction to determine a Regulation 20(4)(a) breach is not constrained by Regulation 20(5).
20. On its terms, for the Respondent to be found in breach of Regulation 20(4)(a), I must be satisfied of the following elements:
 - (a) the Respondent was a council member at the time of the alleged conduct;
 - (b) the Respondent, in their capacity as a council member, was attending a council or committee meeting or other organised event;
 - (c) the Respondent made a statement, orally, in writing or by any other means; and
 - (d) the statement was a statement that a local government employee (as defined in Regulation 20(1)) is incompetent or dishonest.
21. In accordance with s 8A.18(10), in making a finding of conduct breach, I must be satisfied, based on the material available to me, that it is more likely that the conduct breach occurred than that it did not occur. Therefore, in relation to Regulation 20(4)(a), I must not make a finding that a breach has occurred unless I am satisfied that all relevantly applicable elements are more likely to have occurred than did not occur.

22. In accordance with s 8A.17(1), in exercising my powers under the LG Act, including making a finding, I must have regard to the provision of good government by local governments and the public interest.

Jurisdiction and Procedural Requirements

23. I am satisfied that this matter is properly before me and that relevantly applicable preconditions to enable me to proceed to make a finding in this matter are met:
- (a) in accordance with s 8A.5(1) of the LG Act, the Respondent was elected as a council member of the City in 2025 with a term expiring in October 2029, was a council member at the time of the alleged conduct, was a council member when the Complaint was made, and remains a council member.
 - (b) in accordance with s 8A.5(2) of the LG Act, the Complaint was properly made by the Complainant in the manner, form and details as required.
 - (c) in accordance with s 8A.9(1) of the LG Act, the conduct the subject of the Complaint occurred on 24 February 2026, and the Complaint was received by the Inspector on 13 March 2026, which was within the period of 12 months required for a conduct breach complaint.
 - (d) in accordance with s 8A.13(1)(a) of the LG Act, the Complaint is a conduct breach complaint properly referred by the Inspector to the Principal Adjudicator.
 - (e) in accordance with s 8A.18(2) of the LG Act, the Respondent was provided a reasonable opportunity to make submissions on the matter, doing so in writing on 14 May and 18 June 2026.
 - (f) Regulation 20(5) does not apply to the matter, such to prevent a Regulation 20(4)(a) conduct breach finding being made.

The Complaint and Response Materials

The Complaint Materials

24. The relevant Complaint Materials before me include the Complainant's Complaint Form as provided by the Inspector and a publicly available video recording of the Ordinary Meeting of Council of the City held on 24 February 2026 (**Meeting Recording**).
25. The Complaint contends that the Respondent engaged in two instances of conduct in breach of Regulation 20(4)(a) at the Ordinary Meeting of Council of the City held on 24 February 2026 (**February Ordinary Meeting**), while the Complainant was addressing councillor questions in response to meeting Item NM41.

26. The specific conduct particularised within the Complaint, said to constitute the Respondent's breach of Regulation 20(4)(a), is the making of the following statements at the February Ordinary Meeting:
- (a) *"We're being misled"*, stated during the Complainant's response to a question asked by the Respondent in relation to item NM41.
 - (b) *"I don't like being lied to"*, said very shortly after the above statement, while the Complainant was responding to a question of the Respondent in relation to item NM41.

Respondent's Response – Objections

27. On 14 May 2026 the Respondent provided initial responsive submissions, which were limited to the making of numerous objections to the progression of the Complaint Matter to finding.
28. On 17 June 2026 I provided directions to the Respondent under s 8B.30 of the LG Act, dismissing each objection and directing the Respondent to provide written submissions directed at the substance of the alleged contraventions of Regulation 20(4)(a).
29. On 18 June 2026 the Respondent provided further written submissions expressly described as his 'final submissions' (followed by a brief supplementary clarification). On 19 June 2026 the Respondent provided a brief addendum to his submissions attaching the confirmed minutes of the February Ordinary Meeting.
30. These submissions substantially restated each objection communicated as dismissed to the Respondent. As the Respondent has maintained each objection, I restate my determination of each, repeating my reasons set out in the Schedule to this Findings Report.

Respondents Response – Relevant to Complaint Matter

31. Relevant to the determination of this Complaint matter, the Respondent's Response:
- (a) set out background of the Council debate on Item NM41 and subsequent developments;
 - (b) included a copy of the Confirmed Minutes of the February Ordinary Meeting;
 - (c) submitted that the alleged offending statements cannot fairly be assessed without regard to the broader context of Item NM41, including that the event the subject of Item NM41 had been approved in writing months in advance, had been publicly promoted, and substantial commitments had been incurred in reliance on the approval, but the administrative restriction was imposed at short notice, without written reasons or policy foundation;

- (d) submitted that the exchange complained of represented robust questioning and forceful challenge to a contested administrative position in the course of live debate on Item NM41;
 - (e) submitted that the alleged conduct failed to distinguish between challenge to administrative representations, criticism of policy and process, and conduct amounting to breach of the relevant regulations;
 - (f) submitted that councillors are elected to scrutinise, question, test and, where necessary, challenge administrative positions placed before the council, and that strong language in a meeting context can be contentious but forceful disagreement cannot be found to be conduct amounting to breach of the relevant regulations;
 - (g) submitted that a finding of breach of the relevant regulations against the conduct alleged would 'impermissibly chill' lawful, vigorous scrutiny by elected members of positions put by administration.
32. Relevant to the determination of the complaint matter before me, I note that the Respondent did not deny making the statements alleged, dispute the words attributed to him, or dispute the sequence of events set out in the Complaint.
33. Some of the Respondent's Response material consisted of background and contextual matters concerning Item NM41, the conduct of the City's administration, and a separate internal City Division 3 breach complaint process, each of which do not form part of the consideration of the conduct breach referred to me under s 8A.13(1)(a).
34. Consistent with the limits of my jurisdiction and the requirement in s 8A.18(1) to make a finding limited to the conduct breach matter as referred (being Regulation 20(4)(a)), I have confined my consideration to that which is relevant to a finding against Regulation 20(4)(a). Where material in the Complaint or the Response is not addressed in these reasons, it is not because it has been overlooked, rather, it does not form part of the referred conduct breach or is not otherwise relevant to the determination of the matter before me.

Preliminary Regulation 20 Elements

Council member, capacity and forum

35. A Regulation 20(4)(a) breach can only be found against conduct of a council member or candidate attending a council or committee meeting or other organised event. It is common and uncontested on the materials before me that the Respondent was a council member of the City at the time of the alleged conduct, and each alleged statement was made by the Respondent in their capacity as a council member at the February Ordinary Meeting. These elements are established.

Local government employee

36. A Regulation 20(4)(a) breach can only relate to a statement about a 'local government employee'. Regulation 20(1) defines a local government employee as a person employed by a local government under s 5.36(1) of the LG Act or engaged under a contract for services. It is common and uncontested on the materials before me that the Complainant was a local government employee at the time of the alleged conduct. The Complainant identified herself as an employee of the City in the Complaint, the Inspector's materials describe the Complainant as an employee of the City, and the February Meeting Minutes record "F Norling, Director Community and Culture" as the responsible executive for relevant Item NM41. This element is established.

Alleged Conduct Facts

37. This matter requires determination of the following specifically alleged facts (**Alleged Conduct Facts**):
- (a) that the Respondent made the following statement at the February Ordinary Meeting: "*We're being misled*" (**Statement 1**);
 - (b) that the Respondent made the following statement at the February Ordinary Meeting: "*I don't like being lied to*" (**Statement 2**); and
 - (c) that Statement 1 and/or Statement 2 were made at, about, or directed towards the Complainant (in their capacity as a local government employee).
38. In making findings to the Alleged Conduct Facts, in accordance with s 8A.18(10) of the LG Act, I must apply the requisite standard of 'more likely occurred than that it did not occur'. If the Alleged Conduct Facts are established to this standard, I can then progress to determine whether those founded facts satisfy remaining elements for breach of Regulation 20(4)(a).
39. The relevant material available to me on which I can make a finding to the Alleged Conduct Facts comprises the Complaint Materials, the Meeting Recording, the February Meeting Minutes and the Respondent's Response.
40. The Alleged Conduct Facts occurred at a formal, minuted, publicly livestreamed and recorded ordinary council meeting of 24 February 2026. The City's recording of the Meeting is before me. The Respondent has not in their Response disputed the words of Statement 1 or Statement 2, or the relevant sequence of events set out in the Complaint. The Alleged Conduct Facts are accordingly capable of being found on the direct evidence available to me. The findings rest on an official recording of the very words, unmet by any denial, and therefore do not require extended treatment.
41. The Meeting Recording confirms (at 1:14:21 of the recording) that as the Complainant responds to a question the Respondent had asked, the Respondent interjects audibly stating the words "*We're being misled*". These words

correspond with the particulars set out within the Complaint Materials. On this basis, I find that the Respondent made Statement 1.

42. The Meeting Recording confirms (at 1:14:27 of the recording) that following Statement 1, after the Mayor intervened to enable the Complainant to continue their answer, the Respondent audibly stated the words "...being lied to". The capture of these words is partial and they are delivered at a lower volume than Statement 1, consistent with the statement having been made after the Respondent switched off his microphone. The words are nonetheless audible to the chamber on the recording. I find that the Respondent audibly asserted a statement of being lied to. As to the full form of the statement, the Complainant's first-hand account within the Complaint Materials is consistent with the audible fragment available from the Meeting Recording. Alongside the absence of any dispute or contrary account of the words within the Respondent's Response, I am satisfied it is more likely than not that the full sentence spoken was to the effect of "I don't like being lied to". On this basis, I find that the Respondent made Statement 2.
43. The February Meeting Minutes record the Complainant as the responsible City Executive for Item NM41, and the Meeting Recording confirms the Complainant was the City officer answering the Respondent's questions on Item NM41 at the relevant time. The Meeting Recording, within a span of 10 seconds (between 1:14:20 and 1:14:30 of the recording), confirms the sequence of the relevant exchange as the Respondent's question in relation to Item NM41, the Complainant proceeds to answer, Statement 1 is made by the Respondent as an interjection during that answer, the Mayor intervenes to enable the Complainant to continue her answer, the Complainant commences continuing their answer, Statement 2 is then made by the Respondent. On this basis, I find that Statement 1 and Statement 2 were each made in response to, and directed at or about, the Complainant in respect of the information she was providing to Council on Item NM41.
44. The Alleged Conduct Facts are accordingly established to the requisite standard. I now turn to consideration of the remaining Regulation 20(4)(a) elements.

Regulation 20(4)(a) 'a statement that a local government employee is incompetent or dishonest'

45. As set out above, so far, I have relevantly determined that:
 - (a) the Respondent is (and was at the relevant time) a council member;
 - (b) in this capacity the Respondent relevantly attended the February Ordinary Meeting;
 - (c) at the February Ordinary Meeting the Respondent made Statement 1 and Statement 2; and
 - (d) these statements were made in response to, and directed at the Complainant, who is, and was acting in her capacity as a local government employee at the relevant time.

46. Therefore, the remaining elements for determination of a breach of Regulation 20(4)(a) are whether Statement 1 and/or Statement 2 requisitely amount to statements that a local government employee is incompetent or dishonest.
47. The relevant construction I adopt for determination of these elements is as follows⁴:
 - (a) Whether a statement is one "that a local government employee is incompetent or dishonest" is assessed objectively, in context, at the standard of a reasonable person hearing it.
 - (b) The statement need not use the words "incompetent" or "dishonest". A statement that implies or imputes incompetence or dishonesty is sufficient.
 - (c) The local government employee need not be named. It is sufficient that the statement, in context, is understood to refer to a local government employee.
 - (d) The council member's motive or belief that the statement was justified, is not relevant to a determination of a contravention. The Regulation imposes a strict prohibition on making a statement that a local government employee is incompetent or dishonest within the specified forums.
 - (e) Neither "incompetent" nor "dishonest" are defined in the relevant provisions. Therefore, each is deemed to take its ordinary meaning, where 'dishonesty' means not honest, disposed to lie, cheat or steal, exhibiting lack of honesty, and 'incompetent' means not competent, lacking qualification or ability.⁵

Statement 1 "We're being misled"

48. In determining if Statement 1 amounted to a statement that a local government employee is incompetent or dishonest, the focus is on the operative word "misled". The ordinary meaning of "misled" is to lead or guide wrongly, or lead into an error of conduct, thought, or judgment.⁶
49. Considered against the ordinary meaning of incompetent, the statement "misled" does not convey that a person lacks the ability, competence or qualification. A statement that "we're being misled" does not, without more, convey that a local government employee is incompetent.
50. Similarly, a statement that "we're being misled" does not, without more, convey that a local government employee providing information is being dishonest. Dishonesty is generally understood to require deliberate, knowing action. Whereas, by its ordinary meaning, "misled" is not a word which directly attributes deliberateness of action. A person's conduct may mislead without deliberate

⁴ This construction reached on the text of the Regulation, informed by and applied consistently with the decisions of the former Local Government Standards Panel applying the identically worded Regulation, which do not bind me but to which I have had regard in the interests of consistency see for example 20220050 - Cr Gibb - Shire of Nannup, 20230185 - Cr Fleeton - City of Perth.

⁵ The Macquarie Dictionary, Macmillan Publishers Australia, 2023

⁶ Ibid

intention to mislead. A person may be misled by error, by incomplete information, or by a position that is unsound, without the misleader having acted deliberately or dishonestly to mislead.

51. Context can supply an implication the word alone does not carry. Consideration of an alleged offending statement is objective and contextual, and a statement that implies an imputation of dishonesty or incompetence may be caught under 20(4)(a). However, the context here does not sufficiently carry 'misled' as used in Statement 1, standing alone, across a line to imply dishonesty or incompetence of a local government employee.
52. Statement 1 was made in the context of a contested debate about the administrative position on Item NM41. A reasonable person hearing Statement 1, in that context, would more likely than not perceive Statement 1 to be a firm assertion that the relevant information was incorrect. This may be questionably sharp criticism (which Regulation 20(4)(a) does not touch), but it is unlikely to extend to direct imputation that a local government employee is dishonest.
53. It is relevantly noted that Statement 2, made some six seconds later, is part of the broader context, and I accept that the exchange including both Statements 1 and 2, together, takes on more colour. This contextual assessment opens the potential for competing constructions of Statement 1, one carrying an imputation of dishonesty, and one not. However, Statement 1, even in context, remains equivocal. "Misled" does not of itself attribute intention. A person may be misled by error or incomplete information without any dishonesty on the part of another. Applying the requisite more-likely-than-not standard I am not satisfied that the contextual construction, carrying a dishonesty imputation, is the more probable. Evidence which rises no higher than conflicting inferences of equal probability leaves the choice between them a matter of conjecture, and as such the requisite satisfaction cannot be reached.⁷ Therefore a contextual construction of the words "misled" imputing dishonesty here is rejected.
54. On the above basis I find that Statement 1 did not represent a statement by the Respondent that a local government employee is incompetent or dishonest, and accordingly I find that Statement 1 does not constitute a breach of Regulation 20(4)(a).

Statement 2 "I don't like being lied to"

55. In determining if Statement 2 amounted to a statement that a local government employee is incompetent or dishonest, the focus is on the operative words "lied to". The ordinary meaning of "lie" is an untruth, to make an intentionally false statement or to utter a falsehood with the intent to deceive.⁸ Therefore, being "lied to" asserts that a statement that has been made is knowingly false where its speaker intends it to be believed.

⁷ *Bradshaw v McEwans Pty Ltd* (1951) 217 ALR 1, 5; adopted in *Luxton v Vines* (1952) 85 CLR 352, 358 (Dixon, Fullagar and Kitto JJ).

⁸ The Macquarie Dictionary, Macmillan Publishers Australia, 2023

56. To say "I don't like being lied to" while a local government employee is answering a council member's questions would, more likely than not, be objectively understood to infer or impute that the local government employee's answers were knowingly untrue. One cannot assert a dislike of being lied to, in circumstances where the assertion is anchored to a live exchange, without asserting the fact of being lied to by the person providing the exchange. "I don't like being lied to" said of answers being given at the time, would lead a reasonable person to understand the statement to assert that the answers being given included lies, attributing intentional falsehood and imputing dishonesty on the person giving the answers.
57. Statement 2 was made by the Respondent at the February Ordinary Meeting, while the Complainant provided an answer to a question from the Respondent relating to Item NM41. It was made approximately six seconds after the Respondent had stated, "we're being misled". Assessed objectively, a reasonable person present at the February Ordinary Meeting, aware of the context, in subject and in sequence, would more than likely understand Statement 2 to be referring to the answers being given by the Complainant at the time as including lies, amounting to a statement by the Respondent, attributing intentional falsehood and therefore imputing dishonesty on the Complainant.
58. An alternative construction that Statement 2 represented a mere general disposition or abstract observation about lying at large, not tethered to the Complainant's responses, is rejected as not reasonably open on the material.
59. A further alternative construction that Statement 2 was directed at the administrative position of the City generally, rather than at the Complainant's responses is also rejected. The answers characterised as lies by the Respondent were being spoken by the Complainant at the requisite time. The Complainant was the only proximate source of the information asserted to be untrue by Statement 2 at the time. Any contention that treats the Complainant as a mere messenger, on the footing that the lie was authored upstream by the City's administrative position, fails on the February Meeting Minutes. Both the upstream author and the proximate teller of the alleged 'lie' here is the same person. The Meeting Minutes record the Complainant as the responsible executive for Item NM41 (being the Executive of the City responsible for the administrative position of Item NM41), and the Complainant was also the local government employee providing the answers the Respondent characterised as lies at the time. Whichever way the Respondent's statement may be said to point, at the contemporaneous answers or at the position behind them, the identifiable local government employee at both points is the Complainant.
60. The Respondent contends that the statement was merely part of robust questioning and forceful challenge to a contested administrative position. This contention fails for Statement 2, as the statement did not identify and challenge an administrative representation. Statement 2 imputed the Complainant lied. This is a statement by the Respondent about the Complainant's honesty, not a challenge to a contested administrative position, therefore it is a statement captured by Regulation 20(4)(a).

61. The Respondent further contends that the alleged statements cannot be fairly assessed without regard to the broader context of item NM41, including the grounds for the Respondent's concerns at the time. Matter context has been given sufficient consideration to enable me to make a finding against Regulation 20(4)(a). The content or accuracy of Item NM41 is not relevant to determination of the breach referred. The Respondent's motive, the strength of his conviction, and his belief that the statements were justified are not relevant to whether Regulation 20(4)(a) was breached. Regulation 20 contains no defence of truth or honest belief. It is accordingly neither necessary nor possible on the materials before me to determine whether the information provided to Council on Item NM41 was accurate, and I make no finding about that. The consideration is correctly limited to whether Statement 2 requisitely amounted to a statement that a local government employee is incompetent or dishonest, which it was.
62. The Respondent further contends that the alleged statements, in context, merely represented strong language, permissible by council members elected to scrutinise, question, test and/or challenge administrative positions, and a finding of conduct breach here would 'impermissibly chill' such lawful scrutiny. I accept sufficient scrutiny and deliberative functions of elected members are of vital importance to the provision of good government, to which s 8A.17(1) of the LG Act requires me to have regard. Vigorous disagreement and sharp scrutiny within a Councillors deliberative functions under the LG Act will not generally, without more, represent a conduct breach. However, the Respondent's contention is rejected here. It misclassifies the alleged conduct. Statement 2 does not breach Regulation 20(4)(a) because it was vigorous, forceful, strong, sharp or scrutinising. It breaches the Regulation because of its content and forum, specifically a council member, at a council meeting, making a statement that a local government employee is dishonest or incompetent. Regulation 20(4)(a) imposes a strict prohibition on council members against this narrow category of statement within specific forums. The provision does not operate to otherwise limit lawful scrutiny and other deliberative functions of elected members available under the LG Act.
63. On the above basis, I find that Statement 2 represents a statement by the Respondent, made during a council meeting, that a local government employee is dishonest. Accordingly, I find that Statement 2 constitutes a breach of Regulation 20(4)(a) by the Respondent.

Conduct Breach Complaint Finding

64. On the materials available to me, in this matter, I make a finding in accordance with s 8A.18(1) of the LG Act that a conduct breach of Regulation 20(4)(a) has occurred.

Reasons for Sanction Decision

Sanction Decision Procedure

65. Having made a finding under of the LG Act that a conduct breach has occurred, I am to deal with the breach in accordance s 8A.18(4) by either ordering that no sanction be imposed, or ordering that the Respondent:
- (a) be publicly censured; or
 - (b) apologise publicly; or
 - (c) undertake counselling; or
 - (d) undertake training; or
 - (e) is not entitled to be paid, in respect of a period of not more than 3 months, 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
 - (f) is not entitled to attend a meeting of a committee of a council for a period of not more than 3 months; or
 - (g) is suspended for a period of not more than 3 months.
66. In accordance with s 8A.18(2) I must ensure that the Respondent is provided a reasonable opportunity to make submissions on the matter before any order is made.

Respondent's Submissions on Sanction

67. On 22 July 2026 the Adjudicator's office provided the Respondent an outline of Findings in this matter and invited submissions on sanction.
68. On 5 August 2026 the Respondent provided responsive submissions, seeking no sanction be ordered. Relevant to consideration of sanction decision the Respondent submitted: ⁹
- (a) the conduct is not sufficiently worthy of sanction, and no corrective purpose would be served the in circumstances, as the Findings concern a single statement in live council debate and there was no bullying, threats or repeated misconduct.

⁹ It is noted that a number of the Respondent's submissions sought to respond to the Findings, reassert prior objections, or raise matters otherwise outside of, or of limited direct relevance to this sanction decision, and were not therefore considered in sanction decision. This included reference to (and attachment of) legal advice provided to the City, and a newspaper article relating to a separate Division 3 behavioural complaint involving the Respondent each arising from the City's separate Division 3 behavioural complaint process, concerning different provisions of the Model Code, determined under a separate statutory pathway.

- (b) he has no prior misconduct findings (fourteen years of Local Government service including eight as Mayor).
- (c) training or counselling would serve no corrective purpose based on his prior experience as Mayor and governance qualifications (WALGA Diploma of Local Government and three completed councillor inductions).
- (d) he agreed to mediate the Matter.
- (e) an apology order would be inappropriate, being compelled by order and therefore not genuine, unlikely accepted by the Complainant, and would fail to promote reconciliation.
- (f) a public censure would be disproportionate given the isolated nature and the context of the conduct, particularly given no prior misconduct.
- (g) training, counselling, suspension and/or financial penalties would be inappropriate absent any findings of misuse of office, conflict of interest, financial impropriety, threats or repeated misconduct.

Guidance on Sanction

69. Decisions of the former Local Government Standards Panel (and related State Administrative Tribunal appeals) do not bind me, but I have had regard to them to guide this sanction decision. Of relevance is *Chief Executive Officer, Department of Local Government and Communities and Scaffidi* [2017] WASAT 67(S) (**Scaffidi**) which relevantly sets out the following factors considering appropriate sanction¹⁰: (**Scaffidi Factors**)

- (a) the nature and seriousness of the conduct, including the number of breaches and the period over which they occurred;
- (b) the councillor's motivation for the contravention;
- (c) whether the contravention was, or should have been, obvious to the member, and whether it was breached knowingly or carelessly;
- (d) the councillor's disciplinary history and likelihood of committing further breaches;
- (e) any genuine expression of remorse and/or insight against conduct;
- (f) the need to protect the public through general deterrence and maintain public confidence in local government;
- (g) personal circumstances at the time of conduct, and of imposing the sanction

¹⁰ Scaffidi [38], [53], [75])

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

Consideration of Sanction

70. I have determined sanction by:

- (a) Considering and assessing the founded conduct against each Scaffidi Factor (above), taking into account the Respondent's sanction submissions where they relevantly bear on a factor;
- (b) Undertaking comparative assessment of recent Panel sanction decisions of comparative breach findings; and then
- (c) Considering sanctions available under s 8A.18(4) and determining the order appropriate.

Factor (a) nature and seriousness

71. The founded conduct breach is a single statement within a brief exchange during one council meeting. I accept the Respondent's characterisation there was no bullying, threats or repeated misconduct. However, against that, the statement is found to have imputed dishonesty against an identified local government employee, in respect of the answers she was giving to the Respondent's questions in the course of her duties. The statement was made at a formal, publicly livestreamed and recorded council meeting. The conduct is of a kind Regulation 20(4)(a) expressly prohibits, direct imputation of dishonesty against an identified City employee, but was limited in extent, being a single statement, unrepeatable. I assess the seriousness of the conduct as low to mid-range as against Regulation 20(4)(a).

Factor (b) motivation

72. The Respondent's motivation appears to be born of frustration during questioning about an administrative decision he disagreed with. There was no suggestion of personal retribution, gain or retaliation on the material before me. This mitigates culpability, absent any prior intent. However, this factor does not remove the existence of the founded breach within the statement itself.

Factor (c) obviousness, knowing or careless

73. I find the breach was careless rather than knowing. It was a reactive statement within a live interaction, absent any evident premeditation. However, the Respondent has identified fourteen years of council service (eight as Mayor), a WALGA Diploma of Local Government and three completed councillor inductions. As such, with this training and experience the relevant prohibition was, or should have been, evident to him. Therefore, while likely merely careless conduct, in the context of significant relevant council experience, this factor is not substantially mitigating.

Factor (d) disciplinary history and likelihood of further breach

74. I accept the Respondent's submission that this is his first conduct breach in fourteen years of local government service. An extended clear disciplinary history indicates low likelihood of further or future breach. I give this factor appropriate weight.

Factor (e) remorse / insight

75. The Respondent has expressed no remorse, and no acceptance of the Finding. That is his entitlement, and I do not treat it as aggravating. The sanction is to reflect the conduct found, not the Respondent's contest of it.¹¹ The Respondent's willingness to mediate the matter evidences a conciliatory disposition, to which I give modest weight.

Factor (f) general deterrence and public confidence

76. A key purpose of Regulation 20(4)(a) is to protect the working relationship between elected members and the administration and, to protect local government employees from public statements that they are dishonest.¹² Here, the Complainant was performing her duties in answering the Respondent's questions when the offending statement was made.
77. General deterrence and the maintenance of expected standards require that a finding of breach of this rule generally carries consequence. Local government employees should be able to answer councillor questions, including hostile ones, at a formal meeting without being publicly accused of dishonesty or incompetence. Concurrently, councillors should understand that the strict prohibitions against these statements under Regulation 20(4)(a) hold even in heated debate. An order of no sanction here could indicate that the breach was so minor that no sanction was warranted and could risk corroding both of those messages. However, on the other hand, the sanction must not be so strong to deter or otherwise discourage councillors from engaging in vigorous, lawful scrutiny of local government employees. This factor therefore requires a sanction, proportionately confined.

Factor (g)-(h) personal circumstances and other aggravating or mitigating matters

78. No personal circumstances relevantly bearing on the conduct, or on the imposition of sanction, were identified on the materials before me. No further aggravating or mitigating matters arise beyond those already weighed at factors (a) to (f) above.

¹¹ *Scaffidi* [72]–[73]

¹² 20230228 – Cr Mangano – City of Nedlands, 20240352 – Cr Blanco – Town of Port Hedland, 20220020 – Cr Separovich – City of Cockburn.

Comparative assessment of Panel sanction decisions

79. Comparative assessment of recent Panel decisions shows a consistent pattern of sanction decision for comparable Regulation 20 breaches:
- (a) for an offending statement made at a single meeting impugning an identified local government employee, the ordered sanction decision was generally public apology.¹³
 - (b) a censure, or heavier sanction, attached only where aggravating features were present, including repeated or sweeping accusations, threats or prior breach history.¹⁴
 - (c) no sanction was determined where the conduct was at the lower end of seriousness, the member accepted responsibility and/or where the same conduct had already been dealt with by a prior public apology or similar remedial steps through the local government's own process.¹⁵
80. Comparatively, this Matter falls within the first category. An offending statement at a single meeting, about an identified employee, public in nature, with no remorse. The aggravating features of the second category are absent, and so too are mitigating circumstances of the third category. Consistency with the Panel's decisions therefore suggests a public apology order sanction for this matter.

Conclusion

81. Considering the above factors, guided by the former Panel's sanction decisions, an ordered public apology is deemed appropriate here. A public apology is a significant sanction, being a personal admission of wrongdoing, and is a suitable and appropriate sanction where a council member's conduct adversely affects a particular individual or does not meet the standards council members are expected to uphold.¹⁶

Sanction Decision

82. In accordance with s 8A.18(4)(b)(ii) of the LG Act, the breach of Regulation 20(4)(a) found in this Matter is to be dealt with by an order that the Respondent apologise publicly.

¹³ 20230228 – Cr Mangano – City of Nedlands, 20240412 – Cr Black – Shire of Mount Magnet.

¹⁴ 20240352 – Cr Blanco – Town of Port Hedland, 20220020 – Cr Separovich – City of Cockburn.

¹⁵ 20230185 – Cr Fleton – City of Perth, 20220050 – Cr Gibb – Shire of Nannup.

¹⁶ *Treby and Local Government Standards Panel* [2010] WASAT 81 at [127]

Order

I ORDER THAT:

1. Councillor Shane Van Styn, a councillor for the City of Greater Geraldton, publicly apologise as specified in Order 2. Failing compliance with Order 2 within the specified timeframe, Order 3 shall apply.
2. At the ordinary council meeting of the City of Greater Geraldton first occurring after the expiration of 28 days from the date of this Order, Cr Van Styn shall:
 - (a) attend the relevant ordinary council meeting;
 - (b) ask the presiding person, or acting presiding person, for permission to address the meeting to make a public apology;
 - (c) make the apology immediately after Public Question Time or during the Announcements part of the meeting, or at any other time when the meeting is open to the public, as the presiding person thinks fit; and
 - (d) address the Council and public as follows, without saying any introductory words before the address, and without making any comments or statement after the address:

"I advise this meeting that:

- (i) A complaint was made under Part 8A of the Local Government Act 1995, in which it was alleged that I contravened regulation 20(4)(a) of the Model Code of Conduct in Schedule 1 of the Local Government (Model Code of Conduct) Regulations 2021 when, at the Ordinary Council Meeting of the City of Greater Geraldton on 24 February 2026, I made a statement that imputed a local government employee was dishonest.
 - (ii) The Adjudicator found that I breached regulation 20(4)(a) by my conduct.
 - (iii) I acknowledge that I should not have made the statement and I now apologise to Ms Fiona Norling and to my fellow council members."
3. If Cr Van Styn fails to, or is unable to, comply with the requirements of Order 2 in the required timeframe, then, within the next 28 days following the ordinary council meeting referred to in Order 2, the Chief Executive Officer of the City of Greater Geraldton shall arrange for a notice of public apology, in the terms set out in Order 2(d)(i)–(iii) under the heading "PUBLIC APOLOGY BY COUNCILLOR SHANE VAN STYN", to be published, in no less than 10-point print or font:
 - (a) in an appropriate place on the official website of the City of Greater Geraldton; and

- (b) on each official social media account maintained by the City of Greater Geraldton; and
 - (c) in the next occurring issue of any public or community newsletter published by the City of Greater Geraldton (whether in electronic or print form).
4. In the event that, prior to the date for compliance with these Orders, Cr Van Styn:
- (a) commences an application to the State Administrative Tribunal for review of this decision under s 8A.22 of the Local Government Act 1995; and
 - (b) notifies the Adjudicators office of that application in writing, then,
- compliance with these Orders may be delayed until the State Administrative Tribunal has made a finding in respect of the decision. These Orders may be amended by an order of the State Administrative Tribunal.

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.

Schedule to Adjudicator Findings Report Conduct Breach Matter 2026-01144

Introduction

1. The Respondent raised various objections to the Adjudicator progressing Conduct Breach Matter 2026-01144 to Finding under the LG Act. In summary, the Respondent objected on the following grounds:
 - (a) duplicative proceedings and multiple sanctions;
 - (b) absence of evidence;
 - (c) 14 day time limit under City Policy;
 - (d) undated complaint, jurisdiction unable to be confirmed;
 - (e) confidentiality breach by Complainant;
 - (f) Complainant declining earlier mediation;
 - (g) a "conflict of interest" by Adjudicator's office via provision of a document.
 - (h) mandatory dismissal due to meeting context
2. Each is not relevant to, and do not affect the Adjudicator's jurisdiction to progress the Matter to finding under the LG Act. Reasoning against each is set out briefly below.

Duplicative proceedings and multiple sanctions

3. The Respondent objects on the basis that the Matter is concurrently the subject of a Division 3 City Code of Conduct Behavioural Breach process commenced by the City in March 2026.
4. The Respondent says that permitting a second statutory process related to the same conduct is an unreasonable duplication, risks inconsistent findings, exposes him to multiple sanctions, and that neither the LG Act nor the Regulations contemplate "concurrent determination of identical allegations."
5. This objection is rejected. The LG Act and Regulations are sufficiently and deliberately structured to allow complaint matters, related to the same alleged factual matters, to run separately and concurrently. The LG Act specifically distinguishes councillor conduct breach types and assigns separate statutory determination processes for these types. A Behavioural Breach addresses contravention of Division 3 provisions within the Model Code (as per Regulations). In the ordinary course, such Behavioural Breaches are dealt with by the local government under its own Councillor Code of Conduct (and any related procedures). The Behavioural Breach determination framework is specifically provided for by s 8A.12 of the LG Act.

6. A Conduct Breach is a contravention of r 17 to 23 of the Regulations, specified to be dealt with by referral to an Adjudicator under s 8A.13 of the LG Act. The City's internal Behavioural Breach process and the Adjudicator's determination of this Conduct Complaint Matter are not the same proceedings, and do not determine the same breaches under the LG Act. A single factual episode can and may engage more than one councillor conduct breach type, via different statutory determination processes under the LG Act.
7. The multiple sanctions objection does not bear on the Adjudicator's jurisdiction to deal with this Conduct Complaint Matter under the LG Act. The LG Act does not provide a right or obligation to decline, stay or defer an Adjudicator's jurisdiction if there is potential for the same factual conduct to yield differentiated sanction outcomes under different statutory processes. The only statutory basis for Adjudicator deferral of a Conduct Complaint is via Adjudicator requested mediation under s 8A.15 of the LG Act, which initially requires agreement of both parties to engage in mediation, following a request by the Adjudicator.

Absence of evidence

8. The Respondent raises an objection that the Conduct Complaint represents a bare assertion, unsupported by evidence, as the Complaint documents merely direct the Respondent to a publicly available recording of the relevant Council Meeting, accessible via the City's website hosted online restream, without copies, transcripts, or downloaded files of the meeting having been provided.
9. This objection is rejected. This objection does not establish any jurisdictional or procedural impediment to the Matter proceeding to Adjudication. The Complaint is not a bare assertion. It identifies the meeting (Ordinary Council Meeting, 24 February 2026), the agenda item (NM41), the two statements in direct quotation, the precise timestamps in the recording (approximately 1:14:21 and 1:14:27), and the circumstances (being statements in response to the Complainant's answers to councillor questions). The relevant meeting recording is publicly available to access online.
10. The Respondent's objection that the Conduct Complaint evidence is insufficient is not a ground available to prevent the Matter progressing here. More correctly, whether the evidence ultimately establishes the contravention to the requisite standard is a relevant question for the Adjudicator's 8A.18(1) finding. The Respondent was directed to make submissions on this point, directly addressing the alleged Regulation 20(4)(a) contravention/s, before the Adjudicator progressed to 8A.18(1) finding.

Provision of materials within 14 days (City Policy 4.30)

11. The Respondent cites City Policy 4.30 requiring councillor conduct complaint materials be provided to a Respondent 'within 14 days', indicating this having not occurred as grounds to object to progression of the Matter. This objection is rejected. Policy 4.30 is a policy of the City, governing the City's internal behavioural complaint process only. It does not bind the Inspector or the

Adjudicator, nor create any statutory timeframe compliance for Conduct Breach matters or related Adjudicator procedures under the LG Act.

Undated complaint, jurisdiction cannot be confirmed.

12. The Respondent says that as he was not furnished with a dated copy of the complaint instrument, and therefore the Adjudicator's jurisdiction under the LG Act cannot be established. This objection is rejected. This purported objection is answered on the documents alone. On the materials provided to me, I am satisfied that jurisdiction to progress to a finding under s 8A.18(1) is established, as:
- (a) a complaint was made in the manner and form approved under s 8A.5 of the LG Act, on 13 March 2026;
 - (b) the conduct complained of (24 February 2026) occurred within 12 months before the complaint was received;
 - (c) the Respondent was last elected in 2025 for a term expiring in October 2029, and was a council member at the time of the conduct and at the time the complaint was made; and
 - (d) The Inspector accepted the complaint and referred the matter to the Principal Adjudicator under s 8A.13(1) with the material required by that section.

Confidentiality

13. The Respondent presses a broad objection alleging that confidential information related to the Matter has been disclosed within the City's directorate, to the Chief Executive Officer and to a second director, such that three members of the directorate are now aware of the complaint matter.
14. This objection is rejected. These grounds do not bear on the Adjudicator's jurisdiction to progress the Matter under the LG Act. Confidentiality obligations attaching to a Conduct Breach Complaint arise under s 8A.36 of the LG Act, the administration of which is a matter for the Inspector, and a contravention of which is separately actionable, outside of the Adjudicator's jurisdiction in this Matter.

Declining of mediation in separate process

15. The Respondent presses an objection on the ground that he had earlier offered to engage in mediation in relation to the issues raised, but this had been declined by the Complainant. Although not specified by the Respondent, it is inferred that he is referring to offer of mediation or alternative dispute resolution under the City's internal Division 3 Code of Conduct Behavioural Breach process, commenced in March 2026.
16. This objection is rejected. The offer of mediation under a separate City process has no bearing on the operation of Adjudication of a Conduct Breach Matter

under the LG Act. Under s 8A.15 of the LG Act, the Adjudicator may invite the parties to mediation. If both parties agree to the mediation, progression of the Conduct Breach Matter to finding will be deferred pending mediation. Here, the Adjudicator made directions requesting mediation. Each Party did not agree to the requested mediation. This Matter proceeded past deferral pending mediation.

"Conflict of interest" of Adjudicator's office by provision of a document

17. The Respondent presses an objection that by providing him with a screenshot of the Complaint lodgement date, the office of the Adjudicator was "submitting [their] own generated evidence as part of the complainant's case" raising this as a conflict of interest.
18. This objection is rejected. The screenshot was provided in direct response to the Respondent's own request to the office of the Adjudicator for confirmation of the date on which the Complaint was lodged. Furnishing the Respondent with evidence going to a jurisdictional fact, that the Respondent himself has put in issue, represents the discharge of an obligation of the office of the Adjudicator to provide the Respondent requisite procedural fairness. This action does not represent generation of evidence, nor give rise to any interest in the outcome of the matter to be determined, capable of representing a conflict of interest, or otherwise disqualifying the Adjudicator. Applying the legal test for decision maker conflict of interest (*Ebner v Official Trustee in Bankruptcy* (2000) 205 CLR 337), a fair-minded lay observer, informed that the office provided the Respondent, at his own request, with evidence of the date the Complaint was lodged, could not reasonably apprehend that an Adjudicator might not bring an impartial mind to the determination of the Matter.

Mandatory dismissal and meeting context

19. The Respondent contends the Matter attracts mandatory dismissal because the conduct occurred during deliberations at a council meeting, the Mayor intervened at the relevant time and the Respondent complied with the Mayoral direction by ceasing the conduct. The Model of Conduct Code Clause 13 dismissal mechanism sought to be invoked by this submission applies only to the behavioural complaint process administered by the City. This provision does not apply to a conduct breach referred to an Adjudicator under s 8A.13. Attendance at a council or committee meeting is a required element of Regulation 20(4)(a). The council deliberations exception in Regulation 20(3) is confined to alleged breaches of Regulation 20(2)(a). The presiding member's contemporaneous intervention does not apply such to restrict a Regulation 20(4)(a) breach finding by the Adjudicator under s 8A.18(1).

Conclusion on Objections

20. None of the Respondent's objections, separately or together, impact the Adjudicator's jurisdiction or the progression of this Conduct Breach Matter to finding.