



Office of the Inspector

Email: complaints@lginspector.wa.gov.au

Dear Inspector

NOTICE OF DECISION
COMPLAINT OF CONDUCT BREACH No. 2026-01450

I refer to the Complaint of a Conduct Breach received by the Adjudicator's Office on 23 July 2026 alleging that Mayor Phil Cronin of City of Busselton had breached Regulation 18 of the *Local Government (Model Code of Conduct) Regulations 2021* & Regulation 4(2) of *Local Government (Local Government Inspector) Regulations 2025*.

The Adjudicator has considered this matter and determined that there was a breach of Regulation 4(2) of *Local Government (Local Government Inspector) Regulations 2025*. In accordance with section 8A.18(4)(a) of the *Local Government Act 1995*, the Adjudicator has ordered that no sanction be imposed.

The Adjudicator did not find a breach of Regulation 18 of the *Local Government (Model Code of Conduct) Regulations 2021*.

Yours sincerely

Taryn Cox
Acting Manager Board Governance and Reporting

7 October 2026



Conduct Breach Matter 2026-01450

Adjudicator Findings Report

Legislations	<i>Local Government Act 1995 (WA) and Local Government (Model Code of Conduct) Regulations 2021 (WA) Local Government (Local Government Inspector) Regulations 2025</i>
Complainant	Councillor (Cr) Andrew Macnish
Respondent	Mayor Phil Cronin
Local Government	City of Busselton
Responsible Adjudicator	Deputy Adjudicator Lee McIntosh
Finding	No breach of <i>Local Government (Model Code of Conduct) Regulations 2021 (WA)</i> sch 1 rule 18 One breach of City of Busselton Standing Orders Local Law 2018 which is a local law under Regulation 4(2) of the <i>Local Government (Local Government Inspector) Regulations 2025</i>
Date Finding Made	6 October 2026



Executive summary of findings

1. This is a matter concerning a Complaint made by Mr Andrew Macnish, Councillor of the City of Busselton, against Mr Phil Cronin, Mayor (Complaint Number 2026-01450).
2. The Complainant alleges the Respondent's actions on 6 May 2026 at a Special Council Meeting could constitute 2 conduct breaches, being:

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 and local government	(I) On 6 May 2026, the Respondent ruled the Complainant's motion was an alternate rather than an amendment motion, and then did not allow the Complainant to speak to his motion of dissent about this ruling, in the context of the Respondent not wanting anyone to speak against the Respondent's motion.
City of Busselton Standing Orders Local Law 2018 cl 11 (2) Breach of a local law under Regulation 4(2) of the <i>Local Government (Local Government Inspector) Regulations</i>	(II) On 6 May 2026, the Respondent did not allow the Complainant to speak to his motion of dissent, which was a failure to act in accordance with the Standing Orders meeting procedures which allow the mover of a (seconded) dissent motion to speak for 5 minutes

Model Code of Conduct Rule 18

4. The Respondent's actions on 6 May 2026 do not constitute a breach of Model Code of Conduct Rule 18 because, apart from not allowing the Complainant to speak to his motion of dissent, the evidence shows the meeting was conducted consistently with the Respondent's role and responsibility for:
 - presiding at meetings;
 - maintaining order at meetings;
 - seeking advice about meeting procedures; and
 - applying the Standing Orders meeting procedures.

His mistake about the correct meeting procedure to apply to the Complainant's motion of dissent did not, without more, make his action improper in the sense prohibited by Rule 18.

City of Busselton Standing Orders Local Law 2018

5. The Respondent's actions on 6 May 2026 constituted a breach of *City of Busselton Standing Orders Local Law 2018 (Standing Orders)* clause 11.2(2) by not allowing

the Complainant to speak to his motion of dissent. This clause allows the mover of a (seconded) dissent motion to speak for 5 minutes, which the Respondent denied to the Complainant.

Proposed sanction

6. I do not propose to order a sanction for the breach of the Standing Orders because the same breach has already been investigated and managed in relation to the Respondent's actions under the *City of Busselton Management of Complaints of Alleged Breaches of Behaviour Policy*¹ and I agree with the management actions recommended in that investigation. I also understand most of those actions have already been implemented – including a written apology from the Respondent to the Complainant.
7. I consider the Respondent is aware of the importance of and intent of the Standing Orders; sought advice about them during the meeting, and understand he has or will soon receive training on them. I also understand that he is organising for training on the Standing Orders for relevant Council employees who may advise him on the Standing Orders from time to time.
8. As I do not propose to order a sanction, I do not consider I need to give the Respondent with a reasonable opportunity to make submissions on sanctions matters.²

¹ [ECM 4754051 v5 Council Policy : Management of Complaints of Alleged Breaches of Behaviour](#)

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



Reasons for decision

Introduction

1. This is a matter concerning a Complaint made by Mr Andrew Macnish, Councillor of the City of Busselton, against Mr Phil Cronin, Mayor (Complaint Number 2026-01450).
2. The Complainant has made allegations that the Respondent's behaviour on 6 May 2026 at a Special Council Meeting, when the Respondent did not allow the Complainant to speak to his motion of dissent, constitute 2 conduct breaches, being breaches of:
 - (a) Model Code of Conduct Rule 18; and
 - (b) City of Busselton Standing Orders Local Law 2018.
3. The Complaint was made on 8 June 2026.
4. The Inspector undertook a preliminary assessment of the Complaint and determined that:
 - (a) the allegations fell within the Inspector's jurisdiction³;
 - (b) the Complaint met the statutory requirements for a breach complaint under the *Local Government Act 1995* (WA) (**LGA**);⁴ and
 - (c) the matter related to conduct that could constitute a conduct breach.⁵
5. On 23 July 2026, the Inspector referred the Complaint to the Principal Adjudicator pursuant to section 8A.13(1)(a) of the LGA, and the Complaint was then allocated to me on 27 August 2026.
6. The Respondent was then given an opportunity to make submissions about the Complaint, which were provided to me on 21 September 2026.

Legislative background and jurisdiction of this adjudication

7. 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.

³ Part 8A LGA

⁴ 8A.1. LGA

⁵ 8A.3 LGA

8. 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.⁶
9. A conduct breach is defined in the Act as follows:
 - (1) A Council member commits a **conduct breach** if the member —
 - (a) contravenes a rule of conduct; or
 - (b) contravenes a local law made under this Act, contravention of which the regulations specify to be a conduct breach.⁷

Model Code of Conduct

10. Section 5.102A of the LGA defines rule of conduct to mean ‘a provision of the model code that is specified in the model code to be a rule of conduct.’ The phrase model code is defined in the same section to mean ‘the model code of conduct prescribed for the purposes of section 5.103(1)’.
11. The model code prescribed for the purposes of section 5.103(1) of the LGA is in Schedule 1 of the *Local Government (Model Code of Conduct) Regulations 2021* (WA) and is the Model Code of Conduct.
12. 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

13. A local government must adopt a code of conduct that incorporates the Model Code of Conduct.⁸ While some additions are permitted on other subject matter, a local government is not permitted to ‘include in the adopted code of conduct provisions in addition to the...rules of conduct.’⁹ 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.¹⁰
14. The City of Busselton has adopted a Code of Conduct, referred to as the *Code of Conduct for Council Members, Committee Members & Candidates*.¹¹ The rules of conduct that were in force in the City of Busselton on 6 May 2026 were in the same terms as those found in the Model Code of Conduct.

⁶ s 8A.13(1) LGA

⁷ s 8A.3. LGA

⁸ s 5.104(1). LGA

⁹ s 5.104(4). LGA

¹⁰ s 5.104(5). LGA

¹¹ [ECM 4602159_v2 Code of Conduct for Council Members, Committee Members and Candidates - Adopted 28 April 2021 C2104082](#)

Breach of local law as to meeting procedure alleged

15. For the purpose of section 8A.3 of the LGA, regulation 4 of the *Local Government (Local Government Inspector) Regulations 2025* (WA) prescribes that the contravention of a local law as to conduct is also a conduct breach which may be referred for adjudication.
16. The term 'local law as to conduct' means a local law relating to the conduct of people at council or committee meetings.¹²
17. The City of Busselton Standing Orders Local Law 2018 (**Standing Orders**) are a local law as to conduct of meetings of the Council.¹³

Adjudication does not deal with behavioural breaches

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

The complaints process and procedural fairness to date

19. The Complaint was assessed by the Inspector, who determined that the allegations could constitute a conduct breach of regulation 18.¹⁴ I take this to mean the Inspector decided the Complaint was a breach complaint¹⁵ which alleged conduct breach, consistent with the Inspector's referral powers under section 8A.13(1)(a) of the LGA.
20. Before I make a finding, the Respondent must have had a reasonable opportunity to make submissions on whether or not a conduct breach occurred.¹⁶
21. On 31 August 2026 the Principal Adjudicator sent an invitation to the Respondent to provide him with an opportunity to respond to each of the Allegations. On 21 September 2026 the Respondent requested an extension, which was granted to 24 September 2026.
22. The Respondent provided responses to the Allegations on 21 September 2026.

¹² *Local Government (Local Government Inspector) Regulations 2025* r 4

¹³ City of Busselton Standing Orders Local Law 2018 preamble

¹⁴ Local Government Inspector Pre-Assessment Report section 3.2

¹⁵ as defined under LGA s 8A.1.1.

¹⁶ s 8A.18 (1) LGA

23. I requested more information about an apology from the Respondent to the Complainant, and the training which the Respondent submitted he had/would engage in, and received this information on 25 September 2026.
24. It is the responsibility of both the Complainant and Respondent to provide me with all information they wish me to consider.
25. In dealing with the Complaint 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.¹⁷
26. I consider I now have adequate information to make findings (and consider sanctions) in respect of the Complaint.

Overarching principles and standard of proof to determine a conduct breach

27. In making findings on a conduct breach and proposing sanctions, I must have regard to:¹⁸
 - (a) the provision of good government by local governments; and
 - (b) the public interest.
28. 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.¹⁹
29. I must find that every element of a relevant Model Code of Conduct or local law rule of conduct is established before I find a breach.
30. I have determined the Complaint on the basis of the evidence before me provided by the Inspector, the Complainant, and the Respondent.

¹⁷ s 8B.30 LGA

¹⁸ s 8A.17 LGA

¹⁹ s 8A.18 (10) LGA



Model Code of Conduct Rule 18

31. The behaviour which is said to be a breach of Model Code of Conduct Rule 18 is that on 6 May 2026, the Respondent did not allow the Complainant to speak to his motion of dissent, and this was done in the context of the Respondent not wanting anyone to speak against the Respondent's motion.

32. Rule 18 of the Model Code of Conduct provides:

18. Securing personal advantage or disadvantaging others

(1) A Council member must not make improper use of their office —

(a) to gain, directly or indirectly, an advantage for the Council member or any other person; or

(b) to cause detriment to the local government or any other person.

(2) Subclause (1) does not apply to conduct that contravenes section 5.93 of the Act or *The Criminal Code* section 83.

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

33. Section 5.93 of the LGA provides:

5.93. Improper use of information

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

(a) to gain directly or indirectly an advantage for the person or any other person; or

(b) to cause detriment to the local government or any other person.

34. The subject matter of the Complaint does not appear likely to be a contravention of either section 5.93 of the LGA or section 83 of *The Criminal Code* and so I find that I have jurisdiction to determine the Complaints of breach of Rule 18 of the Model Code of Conduct.

35. I note my finding does not decide the matter of whether 5.93 of the LGA or section 83 of *The Criminal Code* apply and the relevant decision is not fettered by my findings in relation to those matters.

Rule 18 – elements

36. 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:²⁰
- (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 allegations

37. The Inspector's preliminary assessment has 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 of the behaviour the subject of the Complaint.²¹ I am satisfied the Respondent was a Council member at the time of the alleged conduct.

The Respondent made use of his office

38. The Respondent's actions in respect of the alleged conduct were in the course of his conduct as the Mayor, chairing the meeting and participating in the meeting on 6 May 2026. I am satisfied these actions were a use of the Respondent's office and part of the role of the Mayor as set out in s 2.8 of the LGA.

The Respondent's use of his office was not improper

Legal principles relevant to determination of whether a use is improper

39. In *Treby v Local Government Standards Panel (No 2)*²², Deputy President Pritchard considered the meaning of 'improper use of the person's office':²³
- (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.*

²⁰ *Shannon and Local Government Standards Panel* [2025] WASAT 120 at [48]

²¹ Inspector Preliminary Assessment Report section 3.1

²² *Treby v Local Government Standards Panel (No 2)* [2010] WASAT 81 [29]- [33]

²³ 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.

- (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.*

40. In *Hipkins and Local Government Standards Panel*²⁴ 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*²⁵ 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.

41. 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.²⁶ I have considered the context of the LGA and the role of the Mayor in particular, as well as the circumstances of the case.

The role of the Respondent under the LGA

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

- (a) preside at meetings of the Council, ensuring that meetings are orderly and held in accordance with the LGA;²⁷
- (b) provide leadership and guidance to the Council and Council members, including guidance as to the roles of the Council and Council members;²⁸ and

²⁴ [2014] WASAT 48, paragraph 9

²⁵ [1984] VR 641

²⁶ *Hipkins and Local Government Standards Panel* [2014] WASAT 48, paragraph 10.

²⁷ S 2.8 (c) LGA

²⁸ S 2.8 (a) LGA

- (c) promote, facilitate and support positive and constructive working relationships among Council members.²⁹

43. Under s 5.6 of the LGA the Mayor's role is to preside at all meetings of the Council.

Conduct on 6 May 2026

44. The Complainant complained about the Respondent's conduct in a Special Council Meeting at the City of Busselton on 6 May 2026.

45. The confidential recording of the meeting was obtained by the Inspector from the City and I reviewed it as part of the adjudication of this matter. The recording is evidence that:

- (a) On 6 May 2026 the Council was considering the contract and offer of employment for the CEO and the Respondent was presiding at the meeting. The Respondent put a substantive motion to the meeting about the contract.
- (b) During debate, the Complainant attempted to move what he believed to be an amendment to the substantive motion, but after taking advice, the Respondent ruled it was actually an alternate motion as it included a significant number of changes, negated the original intent of the substantive motion and could be confusing if treated as an amendment.
- (c) At this stage the Complainant called a procedural motion that of dissent – to disagree with the Respondent's ruling that the Complainant's motion not to be treated as an amendment. The Complainant then attempted to speak to his procedural motion.
- (d) The Respondent then asked for a seconder for the motion, and paused the meeting to determine the next steps on the motion for dissent by taking advice, and said he was doing this in the interest of good governance and he wanted to get it right.
- (e) The Respondent then said his understanding of the Standing Orders was the notice of dissent needed to go straight to a vote, there was no opportunity for the mover to speak, and the Complainant did not have an opportunity to speak to it.
- (f) The Respondent then prevented the Complainant from speaking to his procedural motion and called a vote on the motion of dissent. The motion of dissent was defeated.
- (g) The Respondent later allowed the Complainant to put his alternate motion and speak to it, without interruption.
- (h) Another Councillor then also spoke on the Complainant's alternate motion.

²⁹ S 2.8 (d) LGA
Adjudicator Findings Report

46. The Complainant argues that in preventing him from proposing an amendment, and in preventing him from speaking to his procedural motion of dissent, the Respondent improperly used his office because:
- (a) He was not able to put forward his amendment to the motion, which meant that he felt he had to vote against the substantive motion to appoint the CEO.
 - (b) This meant that the vote to appoint the CEO was not unanimous, which is not a good outcome for the local government.
 - (c) This also meant that the incoming CEO would be aware that their appointment was not unanimous, and this could cause a detriment to the Complainant's future relationship with the new CEO, which would also be a detriment to the local government.

The Complainant has not provided me with any evidence of harm or detriment caused to his or the Council's relationship with the CEO due to the vote not being unanimous.

47. I also obtained through the Inspector the City of Busselton Standing Orders Local Law 2018 and reviewed these.
48. Rule 10.12 of the Standing Orders provides that an amendment to a substantive motion cannot negate the original motion or the intent of the original motion. This is the clause which the Respondent ruled on when determining the Complainant's motion was an alternate, not an amendment.
49. I do not have the original or amending motion before me so cannot adjudicate whether this rule was correctly applied or not. In any event this issue has not been referred to me for adjudication by the Inspector.
50. The Respondent submitted that the alternative wording proposed by Cr Macnish was not provided to him prior to the meeting. This meant that he was required to consider the effect of the proposed amendments as they were put forward during the meeting, rather than having the opportunity to consider their implications beforehand.
51. I find:
- (a) It was the duty of the Respondent, as the presiding member of the meeting, to make a determination about whether the motion was amending or alternate.
 - (b) The Complainant was given opportunity to put the substance of his argument (as an alternate motion).
52. Clause 11 of the Standing Orders considers procedural motions, and Clause 11.1(d) states that:

"In addition to the right to move an amendment to a substantive motion (under Part 10), a member may move the following procedural motions... that the ruling of the presiding member be disagreed with." (a motion of dissent).

53. Clause 11.2 (3) provides that while there is to be no debate on some procedural motions, clause 11.2 (2) states the mover of a procedural motion under Clause 11.1 (d) may speak to the motion for not more than five minutes.
54. The recording makes it clear that the Complainant was moving a motion of dissent under clause 11.1(d) on which he was entitled to speak for 5 minutes under clause 11.2 (2), and the Respondent denied him this opportunity.
55. The Complainant submits the Respondent's behaviour should be considered in the context of the Respondent not wanting anyone to speak against the Respondent's motion. I have listened to the audio recording of the meeting and do not find material evidence of the Respondent not wanting anyone to speak against the Respondent's motion.
56. Rather, I find the audio recording is consistent with the Respondent only deciding the Complainant should not speak to the motion of dissent based on the Respondent's mistaken understanding that speaking was not allowed under the Standing Orders.
57. The recording also makes it clear that the Respondent sought advice about how to deal with the motions put forward by the Complainant. The Respondent has also submitted he sought advice from the Director of Governance, Mr Pierson, and the Interim CEO, Dr Garry Hunt, regarding the appropriate procedure during the meeting. The Complainant acknowledges the Respondent sought advice, but states this was an abrogation of the Mayor's responsibility.
58. The Respondent seeking advice from the CEO and other staff is consistent with the role of the CEO (as set out in s 5.41 of the LGA) to advise the council in relation to the local government's affairs and ensures the council has information and advice it needs to make informed and timely decisions.
59. The Respondent also took time during the meeting to consider what to do with the motion of dissent and decided, albeit wrongly, that the Standing Orders required him to bring the motion on for a vote immediately.
60. I do not have evidence before me of why the Respondent thought this or what Standing Order he was looking at the time. It may be the proximity of clause 11.2 (2), which allows speakers on procedural motion, and clause 11.2 (3), which did not allow speakers on procedural motions, was overlooked in the midst of the meeting. However I do not have any evidence to make a finding about why the mistake was made.
61. Making a mistake does not make something improper, or an improper use of office. The test whether a mistake is also an improper use of office is whether the Respondent's actions were in breach of the standards of conduct that would be expected of a person in the position of the Mayor by reasonable persons with knowledge of the duties, powers and authority of this position and the circumstances of the case, or whether the breach was so wrongful and inappropriate in the circumstances that it calls for the imposition of a penalty.

62. I find the Respondent did not improperly use his office, and his behaviour was consistent with the standards of conduct that would be expected of a person in his position, including because:

- His duty was to preside at the meeting, which he was doing;
- He sought advice during the meeting about meeting procedures, which was permissible and consistent with good governance;
- He deliberated during the meeting about the requirements for a motion of dissent, which was appropriate as he did not immediately recall the specific technicalities of the Standing Orders;
- For the reasons in paragraph 66 below, the Respondent's actions were not necessarily bound to lead to detriment to the Complainant or local government in such a way as would colour the Respondent's behaviour as improper; and
- I do not have any evidence of an abuse or an attempted abuse of process.

63. The Respondents' reasons or motivations are not determinative of whether a use of office was improper or not.³⁰ In any event, I do not have any evidence that the Respondent had an intent or motivation which would tend to disclose an improper use of office. The Respondent enabled the Complainant to speak about the issues he wished to raise, albeit not in the procedural format the Complainant wished to raise them.

64. I do not find that the Respondent's action was an improper use of his office.

Detriment to the complainant or local government

65. Given my finding at paragraph 64 above that there was no improper use of his office, I do not need to make any findings about whether there was detriment to the Complainant or the local government.

66. In any event, the Complainant has not provided me with any evidence of harm caused to his or the Council's relationship with the CEO. Rather, he submitted:

- (a) The vote to appoint the CEO was not unanimous, which is not a good outcome for the local government. I do not agree a non-unanimous vote, is, without more, not a good outcome. Good governance does not demand unanimity, and in some cases is served by robust discussion of different views, followed by voting where a majority rules.
- (b) The incoming CEO would be aware that their appointment was not unanimous and the Complainant is concerned that this could cause a detriment to him in his future relationship with the new CEO. I do not have any evidence of this occurring, and find the subject matter under discussion (the annual leave terms of the CEO contract) would not have been likely to cause damage to the CEO relationship in any event.

³⁰ following the principles in *Treby v Local Government Standards Panel (No 2)* [2010] WASAT 81 [29]- [33]
Adjudicator Findings Report

Conclusion

67. For the reasons above I do not find there has been a breach by the Respondent of Rule 18.



City of Busselton Standing Orders Local Law 2018

68. It is alleged that Respondent breached the City of Busselton Standing Orders Local Law 2018, which is a local law under Regulation 4(2) of the *Local Government (Local Government Inspector) Regulations*.
69. The audio recording of the meeting on 6 May makes it clear that the Complainant was moving a motion of dissent under clause 11.1(d) on which he was entitled to speak for 5 minutes under clause 11.2 (2), and the Respondent denied him this opportunity.
70. Consistent with paragraphs 52-54 above, I find the Respondent breached City of Busselton Standing Orders Local Law 2018 clause 11.2 (2).

Proposed sanction

71. The Respondent's actions on 6 May 2026 constituted a breach of by City of Busselton Standing Orders Local Law 2018 clause 11.2 (2).
72. I order no sanction be imposed for the breach of Standing Orders because:
- (a) A behavioural breach has already been investigated and managed in relation to the Respondent's actions under the *City of Busselton Management of Complaints of Alleged Breaches of Behaviour Policy*;³¹
 - (b) The Respondent has already provided a written apology to the Complainant;
 - (c) The action plan which was recommended under the *City of Busselton Management of Complaints of Alleged Breaches of Behaviour Policy* includes that the apology be provided to the City of Busselton, which I agree should be done to finalise the issue and for general awareness of good governance;
 - (d) The Respondent has already organised governance training for himself and senior managers in relation to the Standing Orders;
 - (e) The breach was a departure from a formal meeting process but did not have a substantive effect as the Complainant was able to put his argument in substance as an alternate motion;
 - (f) To the extent the Complainant submits there is harm to local government because the vote to appoint the CEO was not unanimous, which is not a good outcome for the Local Government, and the incoming CEO will be aware that their appointment was not unanimous and this could cause a detriment to the Complainant's future relationship with the new CEO – I do not have any evidence of this and find it was not necessarily the case that it would follow (for the reasons in paragraph 66);
 - (g) The Complainant could have submitted his motion before the meeting, which would have allowed time, consideration and discussion of the proper meeting procedures to be applied; and
 - (h) The Respondent is aware of the importance of and intent of the Standing Orders and sought advice about them during the meeting.
73. As I do not propose to order a sanction, I do not consider I need to give the Respondent with a reasonable opportunity to make submissions on sanctions matters.³²

³¹ [ECM 4754051 v5 Council Policy : Management of Complaints of Alleged Breaches of Behaviour](#)

³² 8A.17 *Local Government Act 1995* (WA)

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.