Government of **Western Australia**
Adjudicators

Ref Case Number: 2026-01408
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Office of the Inspector

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Dear Inspector

NOTIFICATION OF OUTCOME

COMPLAINT OF CONDUCT BREACH - 2026-01408

I refer to the conduct breach complaint received by the Adjudicator's Office on 8 June 2026 alleging a breach of regulation 23 of the *Local Government (Model Code of Conduct) Regulations 2021* against Cr Brett Bell of the Shire of Plantagenet.

The Adjudicator has considered this matter and determined that Cr Bell breached regulation 23.

In accordance with section 8A.18(4)(b)(i) and (iv) of the *Local Government Act 1995*, the Adjudicator has ordered that the sanctions of public censure and training be imposed.

Yours sincerely

Taryn Cox
Acting Manager Board Governance and Reporting

12 November 2026

CONDUCT BREACH MATTER 2026-01408:
ADJUDICATION FINDINGS AND SUMMARY OF REASONS

Legislation	*Local Government Act 1995* (WA) (LGA) *Local Government (Model Code of Conduct) Regulations 2021* (WA) (Code of Conduct)
Complainant	Mr Julian Murphy (CEO)
Respondent	Councillor (Cr) Brett Bell
Local Government	Shire of Plantagenet
Responsible Adjudicator	Deputy Adjudicator Lee McIntosh
Finding	Breach of Code of Conduct Rule 23
Date	11 November 2026
Sanction	Public censure and training

SUMMARY OF REASONS FOR FINDING

Background

1. This is a conduct breach matter concerning a complaint made by Mr Julian Murphy Chief Executive Officer (CEO) of the Shire of Plantagenet (Complainant) against Councillor (Cr) Brett Bell of the Shire of Plantagenet (Respondent) (Complaint Number 2026-01408).

2. The Complaint concerns the Respondent's failure to complete training which was required of him by the Shire as a result of a behavioural breach finding against him in November 2025. He was required to undertake the training by 19 May 2026.

3. The Inspector has referred this allegation to me for adjudication about whether the Respondent breached Rule 23 of the Model Code of Conduct – compliance with Plan requirements.

Adjudication process

4. The Complaint was made on 26 May 2026, received by the Principal Adjudicator on 8 June 2026 and allocated to me for adjudication on 26 October 2026.

5. The Respondent was given an opportunity to respond to the Complaint on 28 October 2026 and provided a response on 31 October 2026.

6. In making findings on a conduct breach and considering whether and what sanction is appropriate; I must have regard to:

    a. the provision of good government by local governments; and

    b. the public interest.

7. I must be satisfied, based on the evidence available to me, that it is more likely than not that the alleged conduct occurred.

8. I must not make a finding of a conduct breach unless I am satisfied that each of the relevant elements are established on the balance of probabilities.

9. I must also find that every element of a relevant Model Code of Conduct rule of conduct is established before I find a breach.

10. I have determined the Complaint on the basis of the evidence before me provided by the Inspector, the Complainant, and the Respondent.

Rule 23 elements

11. Rule 23 of the Model Code of Conduct provides:

    23. Compliance with plan requirement

If a plan under clause 12(4)(b) in relation to a council member includes a requirement referred to in clause 12(6), the council member must comply with the requirement.

12. For a person to be found in breach of rule 23 of the Model Code of Conduct, I must be satisfied of the following elements:

    1. the Respondent was a Council member at the time of the alleged conduct;

    2. the local government found that the Respondent committed a breach under Division 3 of the *Local Government (Model Code of Conduct) Regulations 2021* (WA);

    3. the local government prepared and/or implemented a Plan to address the behaviour of the Respondent pursuant to regulation 12(4)(b) of the *Local Government (Model Code of Conduct) Regulations 2021* (WA) which included any one or more of the requirements set out in clause 12(6), being to:
        a. engage in mediation;
        b. undertake counselling;
        c. undertake training; and/or
        d. take other action the local government considers appropriate; and

    4. The Respondent did not comply with the requirements of the relevant Plan.

Element 1: The Respondent was a Council member at the time of the conduct the subject of the Complaint

13. The Inspector's preliminary assessment has informed me that the Respondent was last elected to Council in 2025 with a term expiring in October 2029 and was a Council member in June 2026. I am satisfied the Respondent was a Council member at the time of the conduct the subject of the Complaint.

14. I find element 1 of Rule 23 has been established.

Element 2: The Shire found that the Respondent committed a breach

15. I have been provided with a copy of a complaint dated 18 August 2025 against the Respondent. The Complaint was made under Division 3 of the *Local Government (Model Code of Conduct) Regulations 2021* (WA) (as adopted by the Shire of Plantagenet Code of Conduct).

16. The 18 August 2025 complaint made allegations that the Respondent had ignored the Code of Conduct when posting on Facebook.

17. I have also been provided with a confidential Complaint Assessor Report dated 10 October 2025. The Report investigated the 18 August 2025 complaint and was prepared by a Complaints Assessor appointed in accordance with the Shire Behaviour Complaints Management Policy.

18. The Complaint Assessor Report recommended that an allegation about the Respondent's Facebook post on a political issue be dismissed, but that an allegation about the Respondent's Facebook post on the rates set by the Shire be upheld.

19. I have been provided with a copy of confidential minutes from a Shire meeting of 28 April 2026. The minutes reflect that the Shire determined that the 18 August 2025 complaint allegation about the Respondent's Facebook post on the rates set by the Shire be upheld. In doing so the Shire found a breach of Shire of Plantagenet Code of Conduct, clauses 8 (1) (a) and (e) and 9 (1) (b) and (d). This means the Shire found a breach of Division 3 of the *Local Government (Model Code of Conduct) Regulations 2021* (WA).

20. I find element 2 of Rule 23 has been established.

Element 3: the Shire prepared a Plan requiring the Respondent to undertake training in accordance with the Model Code of Conduct, clause 12 (4)

21. I have been provided with a copy of a letter dated 8 January 2026 when the Shire wrote to the Respondent:

    a. Advising that the 18 August 2025 complaint about the Respondent's conduct had been investigated by an independent Complaints Assessor;
    b. Advising that the 18 August 2025 complaint allegation about the Respondent's Facebook post on a political issue was dismissed;
    c. Advising that the 18 August 2025 complaint allegation about the Respondent's Facebook post on the rates set by the Shire was upheld as a breach;
    d. Stating the Shire Behaviour Complaints Committee had prepared a Plan to address the Respondent's behaviour in accordance with the Model Code of Conduct, clause 12 (4);
    e. Stating there was consultation with the Respondent about the Plan on 26 November 2025;
    f. Noting that at its meeting on 16 December 2025, the Shire Behaviour Complaints Committee adopted a Plan which required the Respondent to undertake “Dealing with Conflict” training run by the WA Local Government Association (WALGA);
    g. Noting the Plan requirement was to be met by the Respondent by 19 May 2026; and
    h. Advising that Rule 23 of the Model Code of Conduct required compliance with the Plan.

22. I have also been provided with a copy of confidential minutes from a Shire meeting of 28 April 2026. The minutes reflect the Shire endorsed the Shire Behaviour Complaints Committee Plan that the Respondent was to undertake “Dealing with Conflict” training run by WALGA by 19 May 2026.

23. The Respondent has acknowledged he was directed to complete the WALGA “Dealing with Conflict” training by 19 May 2026, that he was aware of this requirement, and that he has not completed the training.

24. I find element 3 of Rule 23 has been established.

Element 4: The Respondent did not comply with the requirements of the Shire's Plan

25. The Respondent has submitted that his reason for not completing the training required by the Shire's Plan, by 19 May 2026 or at all, is that:

    a. He does not accept the underlying finding that his original Facebook comment about the Shire's rates decision constituted a breach of the Code of Conduct;

    b. He has consistently disputed the breach finding and believes that the circumstances surrounding the original complaint, his explanations and his objections have not been given sufficient consideration;

    c. His decision not to undertake the training was deliberate and based on genuine disagreement with the original finding and the subsequent requirement imposed upon him;

    d. It was not a decision he made lightly;

    e. He has served as a councillor for approximately 23 years, during which time he has undertaken extensive training, including the mandatory training required of elected members approximately 12 months before the 18 August 2025 complaint; and

    f. He considered the requirement to attend further training unnecessary and an unreasonable expense for ratepayers.

26. The Respondent accepts that the training requirement remained in place despite his objections but submits that the original breach finding, and the circumstances leading to the Rule 23 breach Complaint which I am adjudicating, warrant further consideration.

27. The Respondent has submitted that his reason for disagreeing with the 18 August 2025 complaint breach finding against him is that his Facebook comment disagreeing with the Shire's rates decision was specified to be his personal view, and that it was not inconsistent with the Shire's Communications and Social Media Policy.

28. I have also been provided with a letter from the Respondent dated 2 February 2026, where he states that:

    a. At a Shire forum held prior to the budget meeting, he clearly expressed his opposition to the rates proposal;

    b. This was consistent with his role as elected councillor representing ratepayers;

    c. Had he been able to attend the budget meeting, he would have expressed the same position on the public record; and

d. While he was opposed to the proposal, he accepts the final decision of the council and has not criticised that decision publicly.

29. The Respondent's reasons for not complying with the Shire's plan are not relevant to my finding about whether he actually complied with the Plan or not.

30. I also do not have jurisdiction to review or adjudicate the Shire's decision on the breach finding as part of my adjudication. The Respondent has not referred me to any authority or jurisdiction by which he says I can re-open the original 18 August 2025 complaint investigation or the Shire's decisions since then.

31. I have evidence that the Respondent has not complied with the plan and indeed have evidence from the Respondent himself that the non-compliance has been an ongoing, deliberate and deliberative decision by him.

32. I find element 4 of Rule 23 has been established.

Observations on the Respondent's reasons for not complying with the Plan – not relevant to my finding, but for the awareness of the Respondent

33. I have considered the Respondent's reasons for not complying with the Shire's plan as part of my proposed sanction.

34. I also make the following observations on the Respondent's reasons for not complying with the Plan – while these are not relevant to my finding of breach of Rule 23, I include them for the awareness of the Respondent.

35. In the course of my adjudication I reviewed the Complaint Assessor Report dated 10 October 2025. This indicates the Respondent was given an opportunity to raise political free speech issues as part of the 18 August 2025 complaint process, and that these issues were considered by the Complaint Assessor. However the Report, which the Shire adopted, ultimately found that in this case the Respondent should not have put his private political views above the public interest of the potential for damage to the Shire.

36. Political free speech issues in the context of local government have been considered by Courts, such as in *Bradley v Local Government Standards Panel* [2012] WASAT 44. Such cases usually involve a balancing of rights and duties. While political free speech is an important part of the fabric of the body politic of democracies and is widely recognised either expressly or as an underpinning value in many areas of public law, including local government, in some cases councillors also have an overriding duty to put public interest before private interest and to express themselves appropriately.

Conclusion

37. For the reasons above I find there has been a breach by the Respondent of Rule 23 of the Model Code of Conduct.

SANCTION

38. I must deal with the conduct breach I have found by either ordering no sanction be imposed or ordering the Respondent have one of the sanctions set out in the LGA.

39. Before I order a sanction, I must provide the Respondent with a reasonable opportunity to make submissions on it. On 9 November I provided the Respondent with an opportunity to make submissions on the public censure and training sanction which I proposed. The Respondent was also given an opportunity to make submissions on other sanctions, and to make submissions that there should be no sanction.

40. The Respondent responded without making a formal submission on sanction, to the effect that he wished to bring the matter to a close and is more than willing to undertake the training I proposed.

Types of sanction

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

    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

42. 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.

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

Sanction for Rule 23 breach

44. I consider a sanction should be imposed due to the following features of the Respondent's conduct and the Respondent's submissions in the Complaint process:

a. The Respondent considers that the private political free speech issue he has been concerned about since the original 18 August 2025 complaint justifies the Respondent's behaviour in not complying with the Shire's plan. The 18 August 2025 complaint breach finding, and compliance with the Plan, are however separate matters governed by separate principles. It is a fundamental aspect of the rule of law that there is respect for institutions, and:

i. compliance with orders is one of the means by which people demonstrate that institutional respect;

ii. orders must be treated as valid until they are set aside through proper legal processes, even when belief in invalidity is rational;

iii. belief that an order is invalid provides no excuse for non-compliance; and

iv. enforcement powers exist so that disagreement with findings does not enable parties to simply ignore binding orders.

b. The Respondent does not appear to yet have any insight into the reason why the 18 August 2025 complaint breach finding was able to be made against him, including that (as outlined in the Complaint Assessor Report dated 10 October 2025):

i. His Facebook comment could be seen as not supporting the decision of the Council;

ii. He did not provide the President with an opportunity to speak first on behalf of the local government; and

iii. The comments could create an impression with the community that questions the reputation of the Council, and that the Council is not being fair in the decisions being made relating to the rates issue.

c. The Respondent's position has evolved to become more focussed on his personal political views alone, than with the balance of these with his public duty to the Shire:

i. On 8 October 2025 he stated to the Complaints Assessor that "I am totally aware that I must accept and support any Council position as long as it is a lawful decision. The views expressed do not criticize a Council decision but are my personal views and it clearly states so"; then

ii. On 2 February 2026, he stated he accepts the final decision of the council and has not criticised that decision publicly; then

iii. His current position in his submissions he "maintains that expressing a personal view about the fairness of a rating decision should be considered in the context of my representative responsibilities and the purpose and wording of my comments".

That is, the Respondent previously acknowledged that he should not publicly criticise Shire decisions while he is a councillor but now appears to consider he may do so if it is his political opinion.

d. The Respondent continues to dispute the 18 August 2025 complaint finding.

e. The Respondent submitted his failure to complete the training arose from genuine disagreement and seeking to challenge a decision that he believed was incorrect, rather than disregard the importance of the Code of Conduct. The Respondent's behaviour has however in fact, and directly, disregarded the Code of Conduct, which should have been obvious to the Respondent.

45. I do not consider it appropriate to impose no sanction in relation to the Respondent's conduct, as this would indicate that it was so minor that no penalty is warranted.

46. However, I also consider the Respondent's conduct is at the less serious end of the scale, and note he has no previous conduct breaches. I have no evidence his conduct has harmed another person, or that his conduct is likely to occur again.

47. Balancing the above, I consider a public censure sanction is consistent with the general principles which I must apply concerning the provision of good government by local governments and the public interest.

48. A censure is a public statement of disapprobation of a councillor's conduct. This is an appropriate penalty in this case to send a message to the community and other councillors, that the Respondent's conduct in not complying with the Plan was improper and that the conduct was deserving of a penalty.

49. I order the Respondent to be publicly censured in the terms below.

50. I also order that the Respondent undertake the "Dealing with Conflict" WALGA training which the Plan orders as it remains appropriate, and also undertake the WALGA training "Serving on Council", as the latter includes matters relevant to the reasons which the Respondent has submitted are behind his conduct breach, such as:

    a. the balance of being part of local government as a councillor and acting as an elected representative; and

    b. use of social media in communicating with the community.

51. I do not consider that the Respondent should pay the Shire's costs of this adjudication, as it is a first conduct breach, at the less serious end of the scale of conduct breaches, and the Respondent has not harmed a third person.

Public censure order

1. Cr Bell, a councillor of the Shire of Plantagenet be censured as specified in paragraph 2.

2. Within the period falling between 29 days to 43 days from the day following the date of service of this Order on Cr Bell the Chief Executive Officer of the Shire of Plantagenet shall arrange for the following Notice of Public Censure to be published, in no less than 10 point print or font:

    i. on the Facebook page of the Shire of Plantagenet; and

    ii. in an appropriate place on the website of the Shire of Plantagenet; and

    iii. in the next occurring issues of all Shire of Plantagenet community and public newsletters (if any) (whether in electronic or print copy).

“**Notice of Public Censure**

A Local Government Deputy Adjudicator has found that Councillor Bell, a councillor of the Shire of Plantagenet, breached Regulation 23 of the *Local Government (Model Code of Conduct) Regulations 2021* (WA) when he failed to comply with a Plan set by Council under Division 3 of the Regulations.

Such conduct was found to show disregard for a decision of the Council”.

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.