

REGISTER OF COMPLAINTS OF MINOR BREACHES (s5.121 Local Government Act 1995)

Date	Name of Councillor	Name of Person Making Complaint	Description of Minor Breach	Details of Action Taken
26-Jun-15	Cr Neville Robert Veitch	Adrian Alexander Wilson (on behalf of the Margaret River Coastal Resident's Association)	The Local Government Standards Panel (Panel) made a finding that Councillor Neville Robert Veitch committed a breach of regulation 11(2) of the LG (Rules of Conduct) Regulations 2007 by failing to disclose an impartiality interest at the Ordinary Council Meeting of the Shire of Augusta Margaret River held 11 June 2014, regarding the consideration of Scheme Amendment 20 and a Proposed Structure Plan regarding Lot 1 Darch Road, Margaret River. Cr Veitch failed to disclose an impartiality interest in the matter, being that Cr Veitch's sister-in-law was a co-owner of the Lot 1 Darch Road.	<p>The Panel's decision on how the Minor Breach is to be dealt with under s5.110(6) LGA is that pursuant to subsection (b)(ii) of that section, Cr Veitch is ordered to publicly apologise to the other Councillors of the Shire of Augusta Margaret River at the next Ordinary Council Meeting following the date of service of this Order on Neville Robert Veitch, as set out in Attachment "A" paragraph 2 of the Order (Order dated 15 June 2015, Record no I193876).</p> <p>If Cr Veitch fails or is unable to publicly apologise within 14 days after the next Shire of Augusta Margaret River Ordinary Council Meeting immediately following the date of service of the Order, Cr Veitch shall publish a Notice of Public Apology in the Augusta Margaret River Times newspaper, as per paragraph 3 of the Order.</p> <p>The following excerpt is taken from the Minutes of the Ordinary Council Meeting held 24 June 2015, immediately preceding Public Question Time:</p> <p><b>3. DISCLOSURES OF INTEREST</b>  <i>Cr Veitch was granted permission by the Presiding Member to make the following statement to the meeting in satisfaction of the Standards Panel findings and order in relation to a minor breach No SP 19 of 2014.</i>  <i>'I advise the meeting that:</i>  <i>1. A complaint has been made to the Local Government Standards Panel about certain conduct by me as a member of this Council, at its meeting held on 8 July 2014, regarding a matter being the consideration of Scheme Amendment 20 and a proposed Structure Plan regarding Lot 1 Darch Road, Margaret River, in contravention of regulation 11(2) of the Local Government (Rules of Conduct) Regulations 2007.</i>  <i>2. The Local Government Standards Panel has considered the Complaint and has made a finding of minor breach, namely that at the 8 July 2014 Council Meeting I committed a breach of regulation 11(2) of the Local Government (Rules of Conduct) Regulations 2007 by failing to disclose an impartiality interest in the matter (being that my sister-in-law was a co-owner of the Lot 1 Darch Road).</i>  <i>3. I apologise to my fellow Councillors for not disclosing this interest to them at or before the 8 July 2014 Council Meeting.'</i></p>
30/08/2018	Councillor Michael Smart	Gary Evershed	SP 1 of 2018. The Local Government Standards Panel (Panel) found that Councillor Smart, committed a breach of the <i>Local Government (Rules of Conduct) Regulations 2007 (WA)</i> of Regulation 11(2) when he failed to disclose an interest affecting impartiality in one item at the November OCM concerning the adoption of the Flinder's Bay Protection and Management Plan and the installation of a handrail and rubber matting at a boat ramp (the Minor Breach). The Panel's findings include that Cr Smart did not disclose his impartiality interest relating to his membership of the Friends of Flinder's Bay (FOFB) and that in all circumstances it would be reasonable for a member of the community to perceive that Cr Smart may not consider all the relevant issues in the way expected of a councillor and that he may vote solely to achieve the outcomes the FOFB wanted.	<p>The Panel ordered that in relation to the breach of regulation 11(2) of the Local Government (Rules of Conduct) Regulations 2007 (WA) section 5.110(6)(iii) LGA, Cr Smart undertake training within 4 months of the date of this Order (29 August 2018) as follows:</p> <ol style="list-style-type: none"> <li>1. The training course for Elected Members "Conflicts of Interest" provided by WALGA for a period of no less than 3 hours; or</li> <li>2. A training course with substantially similar learning outcomes provided by an alternative registered training organisation for a period of not less than 3 hours.</li> </ol> <p>Cr Smart completed a WALGA Conflict of Interest eLearning training module on 20 November 2018. Cr Smart noted that he completed the course in two hours, although the order was to complete a training course with duration 3 hours. The Local Government Standards Panel were notified on 20 November 2018.</p>
30/08/2018	Councillor Michael Smart	Gary Evershed	SP 2 of 2018. The Local Government Standards Panel (Panel) found that Councillor Michael Smart committed three breaches of the Local Government (Rules of Conduct) Regulations 2007 (WA) being: a) Of regulation 7(1)(a) by improperly sending sensitive information to a person who was interested in bidding for work on a boat ramp within the Shire; b) Of regulation 8(b) by using the Shire's email system to send the sensitive information to the person and to communicate with him about an estimated price for the proposed works on the boat ramp; and c) Of regulation 9(1) by communicating with the person about the price for proposed works on the boat ramp, which amounted to performing a task that contributed to the Shire's administration.	<p>The Panel ordered that in relation to the breach of regulation 7(1)(a), regulation 8(b) and regulation 9(1) of the Local Government (Rules of Conduct) Regulations 2007 (WA) Cr Smart be publicly censured, pursuant to section 5.110(6)(b)(i) as follows:</p> <p>Within the period of 29 days to 43 days from the day following the date of this order (29 August 2018), the Chief Executive Officer of the Shire of Augusta Margaret River arrange for a Notice of Public Censure to be published as an advertisement in "The Western Australian" newspaper, the "Augusta Margaret River Mail" Newspaper, and the "Augusta Margaret River Times" Newspaper, as provided in the in the attachment to the Order dated 29 August 2018.</p> <p>The CEO placed the advertisements in the Western Australian on Friday 5 October 2018, the Augusta Margaret River Times on Friday 5 October 2018 and the Augusta Margaret River Mail on Wednesday 10 October 2018.</p>

**5.121. Register of certain complaints of minor breaches**  
(1) The complaints officer for each local government is required to maintain a register of complaints which records all complaints that result in a finding under section 5.110(2)(a) that a minor breach has occurred.  
(2) The register of complaints is to include, for each recorded complaint —  
(a) the name of the council member about whom the complaint is made; and  
(b) the name of the person who makes the complaint; and  
(c) a description of the minor breach that the standards panel finds has occurred; and  
(d) details of the action taken under section 5.110(6).  
(3) The CEO must publish an up to date version of the register of complaints on the local government's official website.  
[Section 5.121 inserted: No. 1 of 2007 s. 11; amended: No. 16 of 2019 s. 58.]

14/12/2018	Councillor Michael Smart	Gary Evershed	<p>SP 16 of 2018  The Local Government Standards Panel (Panel) found that Councillor Michael Smart committed two breaches under Local Government (Rules of Conduct) Regulations 2007 (WA) (the Regulations), being: regulation 6(2)(a) and 7(1)(b) when he publicly quoted from information derived from confidential documents at the Council Meeting on 28 February 2018. The Panel found that by doing so, Cr Smart intended to cause detriment to his fellow councillors, the Shire, the CEO and council staff, the SW Boojarah Working Party and Brad Goode &amp; Associates.</p>	<p><i>The local government standards panel orders that:</i></p> <ol style="list-style-type: none"> <li>1. Councillor Michael Smart, a Councillor for the Shire of Augusta-Margaret River (Shire), publicly apologise to his fellow councillors, the Shire, the CEO and council staff, the SW Boojarah Working Party and Brad Goode &amp; Associates.</li> <li>2. At the Shire's first ordinary council meeting Cr Smart attends after the expiration of 28 days from the date of service of this Order on him Cr Smart shall: <ol style="list-style-type: none"> <li>(a) ask the presiding person for his or her permission to address the meeting to make a public apology to his fellow councillors, the Shire, the CEO and council staff, the SW Boojarah Working Party and Brad Goode &amp; Associates;</li> <li>(b) 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;</li> <li>(c) address the Council as set out in Attachment to SP 16 of 2018 (Reasons for Decision E1835053), without saying any introductory words before the address, and without making any comments or statement after the address.</li> </ol> </li> <li>3. If Cr Smart fails or is unable to comply with the requirements of paragraph 2 above he shall cause a notice of public apology (as provided in the order dated 14 December 2018) to be published in no less than 10 point print, as a one-column or two-column display advertisement in the first 10 pages of the Augusta Margaret River Times newspaper.</li> </ol> <p>The following excerpt is taken from the Minutes of the Ordinary Council Meeting held 23 January 2019:</p> <p>9. ANNOUNCEMENTS FROM THE PRESIDING MEMBER</p> <p>9.1 Matter which has come before the Standards Panel regarding Cr Smart</p> <p>Cr Townshend advised that Cr Smart would be addressing Council on a matter which has come before and been decided by the Standards Panel.</p> <p>Cr Smart made the following apology:</p> <p><i>"I advise this meeting that:</i></p> <p><i>i. A complaint was made to the Local Government Standards Panel, in which it was alleged that I contravened two provisions of the Local Government (Rules of Conduct) Regulations 2007 when I publicly quoted information from confidential documents at the Council Meeting on 28 February 2018.</i></p>
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