



Register of certain complaints of minor breaches (s.5.121 (1))

LGSP Ref. No.	Council Member Complained About (s.5.121 (2) (a))	Person Making Complaint (s.5.121 (2) (b))	Description of Finding of Minor Breach (s.5.121 (2) (c))	Details of Actions Taken (s.5.121 (2) (d))
SP 029 of 2021	Cr M Southwell	Mr Robert Stewart	On 8 April 2021, the Panel found that Shire President Councillor Michael Southwell, the Shire President of the Shire of Capel ("the Shire") did commit a minor breach pursuant to the Local Government Act 1995 (WA) ("the Act") and Division 4 of the Local Government (Model Code of Conduct) Regulations 2021 ("the Regulations") when he breached regulation 20 of the Regulations when he allegedly approached a Shire employee in an abusive and threatening manner as further set out in paragraph 17 below.	The Standards Panel orders pursuant to section 5.110(6)(b)(ii) of the Act that, in relation to the two Minor Breaches of regulation 4 of the Regulations, Cr Southwell make a public apology in terms of the attached Order. Cr Southwell failed to make the public apology at the 29 September 2021 Ordinary Meeting of Council. The CEO published the notice of public apology on the Shire Facebook page and website on 6 October 2021 under paragraph 3 Standards Panel Order.
SP 109 of 2020	Cr M Scott	Mr Mark Chester	At its meeting on 20 November 2020, the Panel found that Councillor Murray Scott ("Cr Scott"), a councillor for the Shire of Capel ("the Shire"), committed one minor breach under the Local Government Act 1995 (WA) ("the Act") and regulation 6(2)(a) of the Local Government (Rules of Conduct) Regulations 2007 (WA) ("the Regulations") when he forwarded an email with confidential documents attached, to a member of the public ("Minor Breach").	The Standards Panel imposed a monetary sanction, being the sum total of the remuneration and allowances payable by the Shire in relation to the Complaint.

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SP58 of 2018	Cr M Southwell	Cr B Hearne	On 12 December 2018 the Panel found that under Complaint Number SP58 of 2018 that Councillor Michael Southwell ('Cr Southwell'), a member of the Shire of Capel ('Shire'), committed one breach under the Local Government (Rules of Conduct) Regulations 2007 (the Regulations) and regulation 6(2)(b) when he made comments on a Facebook post relating to the council meeting on 27 June 2018 ('Council meeting') thereby passing on confidential information obtained at a closed meeting. The Panel found that Cr Southwell did not breach regulation 7 (1)(b) in relation to the same conduct.	The Standards Panel imposed a joint sanction, decisions SP58 and SP99 of 2018: that Cr Southwell be publicly censured and make a public apology as specified in the Order; the Order was appealed by Cr Southwell August 2019. The Order(s) of the State Administrative Tribunal (SAT) 8 January 2020 is to uphold the finding of the Local Government Standards Panel and vary the joint sanction with SP99 of 2018 as that finding and SP58 are of the same facts. The Tribunal Orders that: Cr M Southwell be censured by Notice of Public Censure in the West Australian and Bunbury Mail newspapers within 42 days of the Orders; public censure published 12 February 2020 (West Australian) and 19 February 2020 (Bunbury Mail); and that Cr Southwell publicly apologise to the Council and the former CEO at the first ordinary meeting after the expiration of 28 days from the date of this Order. This apology was made ordinary meeting of Council 29 April 2020. Matter closed.

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SP99 of 2018	Cr M Southwell	Cr J Scott	On 12 December 2018 the Panel found that under Complaint Number SP99 of 2018 that Councillor Michael Southwell ('Cr Southwell'), a member of the Shire of Capel ('Shire'), committed one breach of regulation 6(2)(b) in relation to the same conduct by Cr Southwell as set out in Complaint Number SP58 of 2018, when he made comments on a Facebook post relating to the council meeting on 27 June 2018 ('Council meeting') thereby passing on confidential information obtained at a closed meeting. The Panel found that Cr Southwell did not breach regulations 4 and 7 in relation to the same conduct.	The Local Government Standards Panel imposed a joint sanction, decisions SP58 and SP99 of 2018: that Cr Southwell be publicly censured and make a public apology as specified in the Order; the Order was appealed by Cr Southwell August 2019. The State Administrative Tribunal 8 January 2020 affirms the finding of the Local Government Standards Panel but set aside a joint sanction as the facts of SP58 are of the same facts. The sanctions are imposed for SP58.
SP26 of 2018	Cr M Southwell	Mr P Sheedy	The Panel found that Councillor Michael Southwell ('Cr Southwell'), a councillor for the Shire of Capel ('the Shire'), committed four minor breaches under the Local Government Act 1995 (WA) ('the Act') and regulation 7(1)(b) of the Local Government (Rules of Conduct) Regulations 2007 ('the Regulations') when making statements in a series of Facebook posts on 6 February 2018, 25 March 2018 and on 29 March 2018 and in the reasons section given in support of a motion moved by Cr Southwell for a Council meeting on 28 March 2018.	Order for a public apology to the CEO, shire staff, fellow councillors and Shire, as specified in the Order; appealed by Cr Southwell January 2019 to the State Administrative Tribunal (SAT). Order re-affirmed by SAT 9 December 2019, that Cr Southwell make a public apology to Shire staff, (former) CEO Paul Sheedy, fellow councillors and staff, at the first ordinary meeting after the expiry of 28 days from the date of service of (the) order. This apology was made ordinary meeting of Council 26 February 2020. Matter closed.

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SP 27 of 2018	Cr M Southwell	Cr M Scott	The Panel found that Councillor Michael Southwell ('Cr Southwell'), a councillor for the Shire of Capel ('the Shire'), committed two minor breaches under the Local Government Act 1995 (WA) ('the Act') and regulation 7(1)(b) of the Local Government (Rules of Conduct) Regulations 2007 ('the Regulations') when he submitted a Question on Notice as part of the agenda for the Shire of Capel Ordinary Council meeting on 28 March 2018.	Order for public apology to Cr M Scott and Mr C Scott as specified in the Order; appealed by Cr Southwell January 2019 to the State Administrative Tribunal (SAT). Order re-affirmed by SAT 9 December 2019, that Cr Southwell make a public apology to Cr Murray Scott and Mr Christopher Scott, at the first ordinary meeting after the expiry of 28 days from the date of service of (the) order. This apology was made ordinary meeting of Council 29 April 2020. Matter closed.
SP28 of 2018	Cr M Southwell	Mr C Scott	The Panel found that Councillor Michael Southwell ('Cr Southwell'), a councillor for the Shire of Capel ('the Shire'), committed two minor breaches under the Local Government Act 1995 (WA) ('the Act') and regulation 7(1)(b) of the Local Government (Rules of Conduct) Regulations 2007 ('the Regulations') when he submitted a Question on Notice as part of the agenda for the Shire of Capel Ordinary Council meeting on 28 March 2018.	Order for public apology to Cr M Scott and Mr C Scott as specified in the Order; appealed by Cr Southwell January 2019 to the State Administrative Tribunal (SAT). Order re-affirmed by SAT 9 December 2019, that Cr Southwell make a public apology to Cr Murray Scott and Mr Christopher Scott, at the first ordinary meeting after the expiry of 28 days from the date of service of (the) order. This apology was made ordinary meeting of Council 29 April 2020. Matter closed.

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SP37 of 2018	Cr M Southwell	Mr P Sheedy	The Panel found that Councillor Michael Southwell ('Cr Southwell'), a councillor for the Shire of Capel ('the Shire'), committed a minor breach under the Local Government Act 1995 (WA) ('the Act') and regulation 7(1)(b) of the Local Government (Rules of Conduct) Regulations 2007 ('the Regulations'), when he made comments on his own Facebook post of 24 May 2018 in relation to a set of graphics regarding proposed rate changes that had been added to the Shire's Facebook page in preparation for the council meeting held 23 May 2018 ('Council Meeting').	Order to undertake a training course for Elected Members for a period of 7.5 hours; appealed by Cr Southwell January 2019 to the State Administrative Tribunal (SAT). Order re-affirmed by SAT 9 December 2019, that Cr Southwell undertake the training course 'Serving On Council' within four months of service date of the Order. Training completed 21 .09.2020. Matter closed.
SP57 of 2018	Cr M Southwell	Mr P Sheedy	The Panel found that Councillor Michael Southwell ('Cr Southwell'), a councillor for the Shire of Capel ('the Shire'), committed one minor breach under the Local Government Act 1995 (WA) ('the Act') and regulation 7(1)(b) of the Local Government (Rules of Conduct) Regulations 2007 ('the Regulations'), when he published a Facebook post on 29 June 2018 in relation to the council meeting 27 June 2018.	Order to publically censure Cr Southwell; this was published West Australian, Bunbury Herald and Bunbury Mail 24/25/26 June 2019. Matter closed.

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SP59 of 2018	Cr M Southwell	Cr B Hearne	The Panel found that Councillor Michael Southwell ('Cr Southwell'), a councillor for the Shire of Capel ('the Shire'), committed one minor breach under the Local Government Act 1995 (WA) ('the Act') and regulation 7(1)(b) of the Local Government (Rules of Conduct) Regulations 2007 ('the Regulations'), when he published a Facebook post on 29 June 2018 in relation to the council meeting 27 June 2018.	Order for public censure, dealt with concurrently with SP57 of 2018, published West Australian, Bunbury Herald and Bunbury Mail 24/25/26 June 2019. Matter closed.
SP100 of 2018	Cr M Southwell	Cr J Scott	The Panel found that Councillor Michael Southwell ('Cr Southwell'), a council member of the Shire of Capel ('the Shire'), committed one breach of regulation 7(1)(b) of the Local Government (Rules of Conduct) Regulations 2007 ('the Regulations'), when he made comments in public regarding the payment of funds toward legal costs.	Order 16 July 2019 that at the first ordinary council meeting attended by him after the expiration of 28 days from the date of service of this Order on him, that Councillor Michael Southwell ('Cr Southwell') publicly apologise to Council and the Shire as specified in the Order. This occurred at the ordinary meeting 28 August 2019. Matter closed.
SP101 of 2018	Cr M Southwell	Cr B Hearne	The Panel found that Councillor Michael Southwell ('Cr Southwell'), a council member of the Shire of Capel ('the Shire'), committed one breach of regulation 7(1)(b) of the Local Government (Rules of Conduct) Regulations 2007 ('the Regulations'), when he made comments in public regarding the payment of funds toward legal costs for advice provided, that were subsequently published and broadcast in the media in September 2018.	Order 16 July 2019 that Councillor Southwell be publicly censured. Completed 21 and 28 August 2019. Matter closed.

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SP102 of 2018		Cr M Southwell	The Panel found that Councillor Murray Scott, a councillor for the Shire of Capel ('the Shire'), committed one minor breach of regulation 7(1)(b) of the Local Government (Rules of Conduct) Regulations 2007 ('the Regulations'), when he made negative comments in relation to Councillor Michael Southwell in an email dated 27 August 2018 ('the Minor Breach').	Order 17 May 2019 that at the first ordinary council meeting attended by him after the expiration of 28 days from the date of service of this Order on him, that Councillor Murray Scott a councillor of the Shire of Capel, publicly apologise to Councillor Michael Southwell as specified in the Order; the Order was appealed by Cr M Scott June 2019; the Order has been varied by SAT - that Councillor Murray Scott make an apology to Councillor Michael Southwell at a closed Council meeting in the terms set out in the order, (at) the ordinary council meeting first occurring after the expiration of 28 days from the date of service of this order on him Councillor Scott (22 October 2019). The Orders were complied with 18 December 2019. Matter closed.