



**CITY OF
PERTH**

Register of Complaints

**Council Members, Committee Members and
Candidates**



Contents

Register of Complaints _____ **3**

1. Complaints of minor breach Register _____ 3

2. Code of Conduct – Division 3 Complaints Register _____ 3

3. Receiving complaints _____ 3

Complaints of minor breach Register _____ **4**

Code of Conduct - Division 3 Complaints Register _____ **7**

The City of Perth acknowledges the Whadjuk Nyoongar people as the Traditional Custodians of the lands and waters where Perth City is situated and pays its respects to Elders past, present and future.

Register of Complaints

Council Members, Committee Members and Candidates

1. Complaints of minor breach Register

This register is published in accordance with Section 5.121 of the Local Government Act 1995 which provides:

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.*

Where no item is included in the Register, a complaint as mentioned in this section has not been made or received.

2. Code of Conduct – Division 3 Complaints Register

This register is published in accordance with the *Local Government (Model Code of Conduct) Regulations 2021*.

The City of Perth Code of Conduct is established to guide the behaviour of Council Members, Committee Members and Candidates.

This register includes details of complaints alleging a behavioural breach under the City of Perth Code of Conduct for Council Members, Committee Members and Candidates.

3. Receiving complaints

The [Chief Executive Officer](#) receives complaints relating to Council Members, Committee Members and Candidates for the purposes of s5.120 of the *Local Government Act 1995*, and the City of Perth Code of Conduct for Council Members, Committee Members and Candidates.

Complaints of minor breach Register

Complaints made under Division 9 — Conduct, of the *Local Government Act 1995*

| Standards Panel reference | Name of council member whom the complaint is about | Name of the person who made the complaint |
|---|--|---|
| 2016-27 | Lord Mayor Scaffidi | Cr Limnios (Deputy Lord Mayor) |
| Details of the actions taken under s5.110(6) | | |
| <p>The Local Government Standards Panel has found that The Right Honourable the Lord Mayor Lisa Scaffidi of the City of Perth breached regulation 7(1)(b) of the Local Government (Rules of Conduct) Regulations 2007 at an ordinary council meeting on 17 May 2016. The Lord Mayor allowed Councillor Janet Davidson to move a motion of no confidence in the Deputy Lord Mayor, Councillor James Limnios, as a matter of urgent business to be considered by Council without notice to the Deputy Lord Mayor or other councillors, thereby making improper use of her office as a council member to cause detriment to the Deputy Lord Mayor. The Panel censures the Lord Mayor for this breach of regulation 7(1)(b).</p> <p>Notice of Public Censure in the West Australian 5 May 2017 and Perth Voice on 6 May 2017.</p> | | |
| Standards Panel reference | Name of council member whom the complaint is about | Name of the person who made the complaint |
| 2016-28 | Cr Janet Davidson | Cr Limnios (Deputy Lord Mayor) |
| Details of the actions taken under s5.110(6) | | |

| Nil. | | |
|---|--|---|
| | | |
| Standards Panel reference | Name of council member whom the complaint is about | Name of the person who made the complaint |
| 2016-29 | Cr Judy McEvoy | Cr Limnios (Deputy Lord Mayor) |
| Details of the actions taken under s5.110(6) | | |
| <p>The Local Government Standards Panel has found that Councillor Judy McEvoy, a City of Perth Councillor, breached regulation 7(1)(b) of the Local Government (Rules of Conduct) Regulations 2007 at an ordinary council meeting on 17 May 2016 by seconding Councillor Janet Davidson's motion of no confidence in the Deputy Lord Mayor, Councillor James Limnios, the motion having been moved as a matter of urgent business to be considered by Council without notice to the Deputy Lord Mayor or other councillors. In seconding the motion Councillor McEvoy made improper use of her office as a council member to cause detriment to the Deputy Lord Mayor. The Panel censures Councillor McEvoy for this breach of regulation 7(1)(b).</p> <p>Notice of Public Censure in the West Australian 5 May 2017 and Perth Voice on 6 May 2017.</p> | | |
| | | |
| Standards Panel reference | Name of council member whom the complaint is about | Name of the person who made the complaint |
| 2023-0185 | Councillor Brent Fleeton | Councillor Catherine Lezer |
| Details of the actions taken under s5.110(6) | | |
| <p>At its meeting on 2 February 2023, the Panel found that Councillor Brent Fleeton a councillor for the City of Perth ("the City"), committed: a. one minor breach pursuant to the Local Government Act 1995 (WA) ("the Act") and regulation 20 of Division 4 of the Local Government (Model Code of Conduct) Regulations 2021 ("the Regulations"); and b. one minor breach pursuant to the Act and</p> | | |

Regulation 34D of the Local Government (Administration) Regulations 1996 (“the Administration Regulations”), when at the Ordinary Council Meeting of 22 November 2022 Cr Fleeton made the following comments: “Is the sustained damage to our reputation worth the money that we are taking in right now and are we making progress towards the underlying issues impacting this business. I do believe we are making progress towards the underlying issues that the General Manager outlined in a conversation to me. I don’t think we are moving quick enough with the property portfolio review and actions coming from that. It’s criminal how badly this business has been treated by former councillors and former administration officers and I encourage every councillor to have an in depth conversation with the General Manager, with the CEO’s permission, on just how badly this business is right now under the surface. But it’s our problem to fix now but I just think where the city is at in terms of what we are trying to do and why we are in this game, I just think these price increases right now while the money will be quarantined for use it’s not worth the continued damage to our reputation as a destination so I can’t support it.””

On 7 March 2023, the Panel ordered pursuant to section 5.110(6)(a) of the Act that, in relation to the Minor Breach of regulation 20 and regulation 34D of the Regulations that no sanction be imposed upon Cr Fleeton.

Code of Conduct - Division 3 Complaints Register

Complaints made under Council Policy 1.8 Code of Conduct Behavioural Complaints Management

| Date of decision | Name of council member whom the complaint is about | Name of the person who made the complaint | Summary |
|---|--|---|---|
| 20 September 2023 | Cr Brent Fleeton | Cr Sandy Anghie | On 4 June 2023 Cr Sandy Anghie submitted a complaint under Council Policy 1.8 Code of Conduct Behavioural Complaints Management, against Cr Brent Fleeton. Relating to the content of an email sent by Cr Brent Fleeton on the 21 May 2023. |
| Findings and actions | | | |
| <p>The Chief Executive Officer determined that:</p> <ol style="list-style-type: none"> 1. Cr Fleeton DID commit a breach of clause 1.3(b) of the City of Perth Code of Conduct for Council Members, Committee Members and Candidates when he used language that could reasonably be considered 'offensive or derogatory' in his emailed response to an email from Cr Anghie on 21 May 2023; and 2. An action plan be prepared, in conjunction with Cr Fleeton, requiring that he undertake suitable training related to strengthening his skills in the areas of positive communications and resolving conflict; and 3. The finding, as outlined in 2.1 above, be included in the register on the City' website as required by Council Policy 1.8 Code of Conduct Behavioural Complaints Management. | | | |
| Date of decision | Name of council member whom the complaint is about | Name of the person who made the complaint | Summary |
| 23 May 2024 | Cr David Goncalves | Cr Brent Fleeton | On 2 April 2024 Cr Brent Fleeton submitted a complaint under Council Policy 1.8 Code of Conduct Behavioural Complaints Management, against Cr David Goncalves. Relating to Cr Goncalves appearing on a Channel 9 News program on 27 March 2024. |

The CEO determined that in response to the alleged breach:

1. Cr Goncalves DID breach clause 2.4 (a) and (b) of the City of Perth Code of Conduct for Council Members, Committee Members and Candidates when on 27 March 2024, Councillor Goncalves appeared on the Channel 9 News program and made a statement relating to a resolution of Council (Item 20.1 - City of Perth Draft Business Plan - East Perth Primary School, considered by Council at the Ordinary Council Meeting held on 26 March 2024) that could be perceived as being made in the capacity as spokesperson for the City.
 - a. Cr Goncalves did not clearly preface any personal opinions or views as their own and
 - b. Cr Goncalves made comments that reflected adversely on a decision of Council while publicly expressing personal views.
2. An action plan be prepared, in conjunction with Cr Goncalves, requiring that the councillor:
 - a. Complete the elected member Essentials Training required by the *Local Government Act 1995* by 21 October 2024; and
 - b. Complete suitable additional training, as approved by the Chief Executive Officer, related to strengthening their skills in the area of compliance with the *Local Government Act 1995* on completion of the Essentials Training.
3. That this finding (2.1 (1) and (2)) be included in the register on the City' website as required by Council Policy 1.8 Code of Conduct Behavioural Complaints Management.