

Register of Minor Breach Findings

Standards Panel Reference	Elected Member	Complainant	Regulations Breach	Details of Action Taken under section 5.110(6) and/or 5.121(2)(d)
2010-29	Cr Brian Corr	Mayor Troy Pickard	<p>Councillor Corr was found by the Standards Panel to have committed a breach of <i>Regulation 6(b) – Use of Information (Local Government (Rules of Conduct) Regulations 2007)</i> when at the Special Council Meeting of 6 July 2010 he allegedly disclosed information that he derived from a document marked by the City’s CEO to clearly show that the information in it was not to be disclosed.</p> <p>Standards Panel Findings and Decisions 29 of 2010.pdf</p>	<p>The public censure advertisement was placed in the:</p> <ul style="list-style-type: none"> • <i>The West Australian</i> newspaper on 1 March 2012. • <i>Joondalup Times</i> newspaper on 6 March 2012.

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2021-021	Mayor Albert Jacob	Ms Lucyna Radzikowska	<p>Mayor Jacob was found by the Standards Panel to have committed two breaches of <i>Regulation 4 – Contravention of certain local laws (Local Government (Rules of Conduct) Regulations 2007)</i> (Regulations) when at the Ordinary Council Meeting of 17 November 2020 he allegedly treated fellow Council members in an unprofessional manner.</p> <p>On Appeal, the State Administrative Tribunal ordered that the orders of the Panel be set aside and substituted by the order that no sanction be imposed.</p> <p>Subsequently, the Tribunal's Orders for complaint SP 2021-023 set the terms of the apology for the matters considered under SP 2021-021.</p> <p>State Administrative Tribunal decision CC 1431/2021 of 15 March 2023 [2022] WASAT 66 (S).</p>	<p>Mayor Jacob made a public apology in the terms of the Tribunal's decision in relation to the breach of Reg. 4 of the Regulations at the Ordinary Council Meeting held on Tuesday 18 April 2023.</p> <p>Mayor Jacob made a public apology in the terms of the Tribunal's decision in relation to the breach of Reg. 7(1)(b) of the Regulations at the Ordinary Council Meeting held on Tuesday 18 April 2023.</p> <p>NOTE: SP 2021-023 set the terms of the apology for the matters considered under SP 2021-021.</p>

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2021-023	Mayor Albert Jacob	Cr Russell Poliwka	<p>Mayor Jacob was found by the Standards Panel to have committed two breaches of <i>Regulation 4 – Contravention of certain local laws</i> and two breaches of <i>Regulation 7(1)(b) – Securing personal advantage or disadvantaging others (Local Government (Rules of Conduct) Regulations 2007)</i> (Regulations) when at the Ordinary Council Meeting of 17 November 2020 he allegedly treated two fellow Council members in an unprofessional manner.</p> <p>The Standards Panel ordered Mayor Jacob undertake training.</p> <p>On Appeal, the State Administrative Tribunal ordered that the orders of the Standards Panel be set aside and substituted by the orders that:</p> <p>a) Mayor Jacob make a public apology for the breach of Regulations 4 of the Regulations;</p> <p style="text-align: right;"><i>Cont'd...</i></p>	<p>Mayor Jacob made a public apology in the terms of the Tribunal’s decision in relation to the breach of Reg. 4 of the Regulations at the Ordinary Council Meeting held on Tuesday 18 April 2023.</p> <p>Mayor Jacob made a public apology in the terms of the Tribunal’s decision in relation to the breach of Reg. 7(1)(b) of the Regulations at the Ordinary Council Meeting held on Tuesday 18 April 2023.</p>

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2021-023			<p>b) Mayor Jacob make a public apology for the breach of Regulations 7(1)(b) of the Regulations; and</p> <p>c) no sanction be imposed in respect of all other findings of breach in SP 2021-023.</p> <p>State Administrative Tribunal decision CC 1431/2021 of 15 March 2023 [2022] WASAT 66 (S).</p>	

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2021-0246	Cr Russell Poliwka	Mayor Albert Jacob	<p>In its Finding and Reasons for Finding delivered 16 February 2023, the Standards Panel found that Cr Poliwka committed one breach of Regulation 18 of Division 4 of the <i>Local Government (Model Code of Conduct) Regulations 2021</i>, when he stated in his Candidate Details Form that he was independent of religious cults and in a Facebook comment associated the Pentecostal Church with such comments.</p> <p>The Standards Panel ordered that Cr Poliwka make a public apology and be publicly censured.</p> <p>On Appeal, the State Administrative Tribunal affirmed the minor breach; and that the sanction be set aside and substituted by the orders delivered 15 February 2024 that Mr Poliwka publicly apologise for the breach of Regulation 18 of the Regulations.</p> <p>State Administrative Tribunal decision CC 664/2023 of 15 February 2024 [2023] CC 664</p>	Mr Poliwka made a public apology in the terms of the Tribunal's orders at the Ordinary Council Meeting held on Tuesday 27 February 2024.

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2021-0247	Cr Russell Poliwka	Mayor Albert Jacob	<p>In its Decision and Reasons for Decision delivered 24 January 2023, the Standards Panel found that Cr Poliwka committed one breach of Regulation 17 (Misuse of Local Government Resources) and two breaches of Regulation 18 (Securing Personal Advantage or Disadvantaging Others) of the <i>Local Government (Model Code of Conduct) Regulations 2021</i> when he sent an email to the City's Chief Executive Officer and all Elected Members on 24 September 2021 and posted comments that were similar to those contained in the same email on his Facebook page on 28 September 2021.</p> <p>The Standards Panel ordered Cr Poliwka make a public apology.</p> <p style="text-align: right;"><i>Cont'd...</i></p>	Mr Poliwka made a public apology in the terms of the Tribunal's orders at the Ordinary Council Meeting held on Tuesday 27 February 2024.

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2021-0247	Cr Russell Poliwka	Mayor Albert Jacob	<p>On Appeal, the State Administrative Tribunal ordered that the orders of the Standards Panel be set aside and substituted by the orders delivered 7 November 2023 that Mr Poliwka publicly apologise for the two breaches of Regulation 18 of the Regulations.</p> <p>State Administrative Tribunal decision CC 220/2023 of 7 November 2023 [2023] CC 220</p>	

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2022-0071	Cr Daniel Kingston	Mayor Albert Jacob	<p>In its Finding and Reasons for Finding delivered 29 September 2022, the Standards Panel found Cr Kingston committed one breach of Regulation 18 of the <i>Local Government (Model Code of Conduct) Regulations 2021</i>, when he made a remark in his campaign material that the City had sought to “<i>hide the business plan they approved from the community.</i>”</p> <p>The Standards Panel ordered that Cr Kingston make a public apology.</p> <p>NOTE: <i>The matter is on appeal.</i></p>	

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2023-0258	Cr Daniel Kingston	Cr Christopher May	<p>In its Finding and Reasons for Finding delivered 14 September 2023, the Standards Panel found that Cr Kingston committed one breach of Regulation 18 of the <i>Local Government (Model Code of Conduct) Regulations 2021</i>, when he made certain comments on Facebook regarding the Complainant's comments and voting record in respect to a motion before Council relating to a draft Coastal Hazard Risk Management and Adaption Plan.</p> <p>The Standards Panel ordered that Cr Kingston make a public apology; and undertake training.</p> <p>NOTE: <i>The matter is on appeal.</i></p>	

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2023-0319	Mayor Albert Jacob	Cr Suzanne Thompson	<p>In its Decision and Reasons for Decision delivered 27 February 2024, the Standards Panel found that Mayor Jacob committed one breach of Regulation 34D of the <i>Local Government (Administration) Regulations 1996</i> when he used an offensive and objectionable expression towards some of his fellow councillors at a Committee Meeting held 9 October 2023.</p> <p>The Standards Panel ordered Mayor Jacob make a public apology.</p> <p>Standards Panel Finding and Reasons for Finding 2023-0319</p>	<p>Mayor Jacob made a public apology in the terms of the Standards Panel's decision in relation to the breach of Reg. 34D of the Regulations at the Ordinary Council Meeting held on Tuesday 23 April 2024.</p>