

REGISTER OF MINOR BREACH ORDERS

<u>Date of Hearing</u>	<u>Name of Council Member whom the complaint is about</u>	<u>Name of Person who Made the Complaint</u>	<u>Description of Minor Breach determined by Standards Panel</u>	<u>Details of Action Taken under Section 5.110(6)</u>
9 February 2021 (SP 2020-108)	Councillor Michael Separovich	Don Green, Director – Governance & Community Services	Councillor Michael Separovich committed one breach under the <i>Local Government Act 1995</i> (WA) (“the Act”) and regulation 7(1)9b) of the <i>Local Government (Rules of Conduct) Regulations 2007</i> (“the Regulations”) when he made deliberately antagonistic and offensive remarks on social media regarding the fatal shootings at a Black Lives Matter protest in the United States of America.	<p>Councillor Michael Separovich,</p> <ol style="list-style-type: none"> 1. a councillor for the City of Cockburn, be publicly censured, as specified in paragraph 3. 2. a councillor for the City of Cockburn, make the monetary payment set out in paragraph 4. <p><u>Public Censure</u></p> <ol style="list-style-type: none"> 3. Within the period of 29 days to 43 days from the day following the date of service of this Order on Councillor Separovich, the Chief Executive Officer of the City of Cockburn shall arrange for the following Notice of Public Censure to be published, in no less than 10 point print or font: <ol style="list-style-type: none"> a. on the Facebook Page of the City of Cockburn; b. on an appropriate page of the website of the City of Cockburn; and c. be published in every City of Cockburn public or community newsletter (whether in electronic or print copy) (if any). <p style="text-align: right;"><i>NOTICE OF PUBLIC CENSURE The Local Government Standards</i></p>

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				<p><i>Panel has found that Councillor Michael Separovich, a Councillor of the City of Cockburn, breached regulation 7(1)(b) of the Local Government (Rules of Conduct) Regulations 2007 (WA) when he made a Facebook Post that was deliberately antagonistic and offensive on social media in relation to the Black Lives Matter protests in the United States of America.</i></p> <p><i>Councillor Separovich's conduct was improper, in breach of the City's Code of Conduct and deserving of a penalty. The Panel censures Councillor Separovich for the breach of regulation 7(1)(b) of the Local Government (Rules of Conduct) Regulations 2007 (WA).</i></p> <p style="text-align: center;">LOCAL GOVERNMENT STANDARDS PANEL</p> <p><u>Monetary Sanction</u></p> <p>4. Within two (2) months of being advised of the sum total of the remuneration and allowances payable by the City in relation to the Complaint, Cr Separovich shall pay to the City that amount in full.</p>

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9 February 2021 (SP 2020-103)	Councillor Michael Separovich	Don Green, Director – Governance & Community Services	Councillor Michael Separovich committed one breach under the <i>Local Government Act 1995 (WA)</i> (“the Act”) and regulation 7(1)9b of the <i>Local Government (Rules of Conduct) Regulations 2007</i> (“the Regulations”) when he made deliberately antagonistic and offensive remarks on social media regarding the fatal shootings at a Black Lives Matter protest in the United States of America.	<p>Councillor Michael Separovich,</p> <ol style="list-style-type: none"> 1. a councillor for the City of Cockburn undertake training, as specified in paragraph 3. 2. a councillor for the City of Cockburn, make the monetary payment set out in paragraph 4. <p><u>Training</u></p> <ol style="list-style-type: none"> 3. Within 4 months of the date of this Order, Councillor Michael Separovich, a Councillor for the City of Cockburn, shall undertake: <ol style="list-style-type: none"> a. the training course for Elected Members “<i>Effective Community Leadership</i>” provided by WA Local Government Association (WALGA) for a period of no less than 7.5 hours, attending either in person or via e-learning; or b. a training course with substantially similar learning outcomes provided by an alternative registered training organisation for a period of not less than 7.5 hours. <p><u>Monetary Sanction</u></p> <ol style="list-style-type: none"> 4. Within two (2) months of being advised of the sum total of the remuneration and allowances payable

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				by the City in relation to the Complaint, Cr Separovich shall pay to the City that amount in full.
9 February 2021 (SP 2020-102)	Councillor Michael Separovich	Don Green, Director – Governance & Community Services	Councillor Michael Separovich committed one breach under the <i>Local Government Act 1995</i> (WA) (“the Act”) and regulation 7(1)9b) of the <i>Local Government (Rules of Conduct) Regulations 2007</i> (“the Regulations”) when he made comments that were deliberately antagonistic and offensive remarks on social media regarding the fatal shootings at a Black Lives Matter protest in the United States of America.	<p>Councillor Michael Separovich, a councillor for the City of Cockburn publicly apologise, as specified in paragraph 3, or failing to comply with paragraph 3, then paragraph 4 below shall apply.</p> <p>Councillor Michael Separovich, a councillor for the City of Cockburn, make the monetary payment set out in paragraph 5.</p> <p><u>Public Apology</u></p> <p>3. On the ordinary council meeting first occurring after the expiration of 28 days from the date of service of this Order on him, Councillor Separovich shall:</p> <ol style="list-style-type: none"> a. attend the relevant ordinary council meeting; b. ask the presiding person for his or her permission to address the meeting to make a public apology to the public; c. 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; and

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				<p>d. address the Council and public as follows, without saying any introductory words before the address, and without making any comments or statement after the address:</p> <p>'I advise this meeting that:</p> <p>i. A complaint was made to the Local Government Standards Panel, in which it was alleged that I contravened the <i>Local Government (Rules of Conduct) Regulations 2007 (WA)</i> when I made an offensive and derogatory Facebook Post.</p> <p>ii. The Panel found that I breached regulation 7(1)(b) of the said Regulations as my conduct was in breach of the City's Code of Conduct and deserving of a penalty.</p> <p>iii. I accept that I should not have engaged in the relevant conduct.</p> <p>iv. I now apologise to my fellow Councillors and the public.'</p> <p>4. If Councillor Separovich fails to, or is unable to, comply with the requirements of paragraph 3 above THEN, within the next 28 days following the ordinary council meeting referred to in paragraph 3</p>

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				<p>above, the Chief Executive Officer shall arrange for the following notice of public apology to be published in no less than 10 point print or font:</p> <ol style="list-style-type: none"> a. on the Facebook Page of the City of Cockburn; b. on an appropriate page of the website of the City of Cockburn; and c. be published in every City of Cockburn public or community newsletter (whether in electronic or print copy) (if any): <p><i>A complaint was made to the Local Government Standards Panel, in which it was alleged that I contravened the Local Government (Rules of Conduct) Regulations 2007 (WA) when I made an offensive and derogatory Facebook Post. The Panel found that I breached regulation 7(1)(b) of the said Regulations as my conduct was in breach of the City's Code of Conduct and deserving of a penalty. I accept that I should not have engaged in the relevant conduct. I now apologise to my fellow Councillors and the public</i></p>

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				<p><u>Monetary Sanction</u></p> <p>5. Within two(2) months of being advised of the sum total of the remuneration and allowances payable by the City in relation to the Complaint, Cr Separovich shall pay to the City that amount in full.</p>
1 February 2021 (SP 2020-042)	Councillor Michael Separovich	Don Green, Director – Governance & Community Services	Councillor Michael Separovich committed one breach of Regulation 7(1)(b) of the Local Government (Rules of Conduct) Regulations 2007 (WA), as his conduct was wrongful, inappropriate and deserving of a penalty and, further, his actions were likely to cause detriment to the parties involved.	<p>Councillor Michael Separovich, a councillor for the City of Cockburn, publicly apologise, as specified in paragraph 2 below, or failing compliance with paragraph 2, then paragraph 3 below:</p> <p><u>Public Apology</u></p> <p>2. At the ordinary council meeting first occurring after the expiration of 28 days from the date of service of this Order on him, Councillor Michael Separovich (“Cr Separovich”)</p> <p>a. attend the relevant ordinary council meeting;</p> <p>b. ask the presiding person for his or her permission to address the meeting to make a public apology to the public;</p> <p>c. 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</p>

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				<p>the public, as the presiding person thinks fit; and</p> <p>d. address the Council and public as follows, without saying any introductory words before the address, and without making any comments or statement after the address.</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 the Local Government (Rules of Conduct) Regulations 2007 (WA) when I wrote an email to elected members that discredited staff members of the City and implied that they had not distributed an agenda for the Special Council Meeting planned for March 2020 in a timely manner.</i></p> <p><i>ii. The Panel found that by behaving in this manner I committed one breach of Regulation 10(1)(b) of the said Regulations as my conduct was wrongful, inappropriate and deserving of a penalty and, further, my actions were likely to cause detriment to the parties involved.</i></p> <p><i>iii. I accept that I should not have</i></p>

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				<p><i>acted in such a manner and I now apologise to staff of the City concerned for having done so.”</i></p> <p>3. If Cr Separovich fails to, or is unable to, comply with the requirements of paragraph 2 above in the required timeframe then, within the next 28 days following the ordinary council meeting referred to in paragraph 2 above:</p> <p>a. Cr Separovich shall cause the following notice of public apology 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 ‘Cockburn ‘Gazette’ newspaper; and</p> <p>b. The Chief Executive Officer of the City of Cockburn shall arrange for the following notice of public apology to be published:</p> <p>i. on the Facebook page of the City of Cockburn in no less than 10 point font size; and</p> <p>ii. in an appropriate place on the website of the City of Cockburn in no less than 10 point font size; and</p> <p>iii. in the next occurring issue of any City of Cockburn public</p>

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				<p>newsletter (if any) (whether in electronic or print copy) in no less than 10 point font size.</p> <p><i>PUBLIC APOLOGY BY COUNCILLOR MICHAEL SEPAROVICH</i></p> <p><i>A complaint was made to the Local Government Standards Panel, in which it was alleged that I contravened the Local Government (Rules of Conduct) Regulations 2007 (WA) when I wrote an email to elected members that discredited staff members of the City and implied that they had not distributed an agenda for the Special Council Meeting planned for March 2020 in a timely manner.</i></p> <p><i>The Panel found that by behaving in this manner I committed one breach of Regulation 71)(b) of the said Regulations as my conduct was wrongful, inappropriate and deserving of a penalty and, further, my actions were likely to cause detriment to the parties involved.</i></p> <p><i>I accept that I should not have acted in such a manner and I now apologise to staff of the City of Cockburn, for having done so.</i></p>
1 February 2021 (SP 2020-039)	Councillor Michael Separovich	Don Green, Director – Governance & Community Services	Councillor Michael Separovich committed one breach under the Local	Councillor Michael Separovich, a member of the City of Cockburn, within four(4) months of the date of this Order, shall

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			Government Act 1995 (WA) ("the Act") and regulation 17(1)(b) of the Local Government (Rules of Conduct)	undertake: <ol style="list-style-type: none"> (1) the training course for Elected Members '<i>Serving on Council</i>' provided by WA Local Government Association (WALGA) for a period of fifteen(15) hours; or (2) a training course with substantially similar learning outcomes provided by an alternative registered organisation for a similar duration, but at least twelve(12) hours.
1 February 2021 (SP 2020-033)	Councillor Michael Separovich	Don Green, Director – Governance & Community Services	Councillor Michael Separovich committed one breach of Regulation 10(1)(b) of the Local Government (Rules of Conduct) Regulations 2007 (WA) when he attempted to influence, by means of a threat, the conduct of a person who is a local government employee in their capacity as a local government employee.	Councillor Michael Separovich, a councillor for the City of Cockburn, publicly apologise, as specified in paragraph 2 below, or failing compliance with paragraph 2, then paragraph 3 below: <p><u>Public Apology</u></p> <ol style="list-style-type: none"> 2. At the ordinary council meeting first occurring after the expiration of 28 days from the date of service of this Order on him, Councillor Michael Separovich ("Cr Separovich") <ol style="list-style-type: none"> a. attend the relevant ordinary council meeting; b. ask the presiding person for his or her permission to address the meeting to make a public apology to the public;

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				<p>c. 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; and</p> <p>d. address the Council and public as follows, without saying any introductory words before the address, and without making any comments or statement after the address.</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 the Local Government (Rules of Conduct) Regulations 2007 (WA) when I sent an email and used a threatening tone towards a senior member of Council staff.</i></p> <p><i>ii. The Panel found that by behaving in this manner I committed one breach of Regulation 10(1)(b) of the said Regulations as I attempted to influence, by means of a threat, the conduct of a person who is a local government employee in their capacity as a local government employee.</i></p>

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				<p>iii. <i>I accept that I should not have acted in such a manner and I now apologise to Mr Daniel Arndt for having done so.”</i></p> <p>3. If Cr Separovich fails to, or is unable to, comply with the requirements of paragraph 2 above in the required timeframe then, within the next 28 days following the ordinary council meeting referred to in paragraph 2 above:</p> <p>a. Cr Separovich shall cause the following notice of public apology 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 ‘Cockburn ‘Gazette’ newspaper; and</p> <p>b. The Chief Executive Officer of the City of Cockburn shall arrange for the following notice of public apology to be published:</p> <p>i. on the Facebook page of the City of Cockburn in no less than 10 point font size; and</p> <p>ii. in an appropriate place on the website of the City of Cockburn in no less than 10 point font size; and</p> <p>iii. in the next occurring issue of</p>

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				<p>any City of Cockburn public newsletter (if any) (whether in electronic or print copy) in no less than 10 point font size.</p> <p><i>PUBLIC APOLOGY BY COUNCILLOR MICHAEL SEPAROVICH</i></p> <p><i>A complaint was made to the Local Government Standards Panel, in which it was alleged that I contravened the Local Government (Rules of Conduct) Regulations 2007 (WA) when I sent an email and used a threatening tone to a senior member of Council staff.</i></p> <p><i>The Panel found that by behaving in this manner I committed one breach of Regulation 10(1)(b) of the said Regulations as I attempted to influence, by means of a threat, the conduct of a person who is a local government employee in the person's capacity as a local government employee.</i></p> <p><i>I accept that I should not have acted in such a manner and I now apologise to Mr Daniel Arndt for having done so.</i></p>
29 January 2020 (SP 2019-077)	Councillor Lee-Anne Smith	Stephen Cain, CEO	Councillor Lee-Anne Smith ("Cr Smith"), a Council member of the City of Cockburn ("the City") committed one breach of regulation 7(1)(a) of the	<ol style="list-style-type: none"> 1. Councillor Lee-Anne Smith, a Councillor for the City of Cockburn publicly apologise to the Council and the City, as specified in paragraphs 2 and 3 below. 2. At the Ordinary Council meeting first

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			<p>Local Government (Rules of Conduct) Regulations 2007 (WA) (“the Regulations”) when on 9 August 2019 she made false comments in an interview on ABC Radio Perth in respect to a notice of motion raised by her in relation to off-road motor vehicle use which was discussed (but not passed) at the Ordinary Council Meeting of 8 August 2019.</p>	<p>occurring after the expiration of 28 days from the date of service of this Order on her, Councillor Smith shall:</p> <ol style="list-style-type: none"> a. attend the relevant ordinary Council meeting; b. ask the presiding person for his or her permission to address the meeting to make a public apology to the public; c. 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; and d. address the Council and public as follows, without saying any introductory words before the address, and without making any comments or statement after the address: <p><i>I advise this meeting that:</i></p> <ol style="list-style-type: none"> i. <i>A complaint was made to the Local Government Standards Panel, in which it was alleged that I contravened the Local Government (Rules of Conduct) Regulations 2007 (WA) when I made false comments in an interview on ABC Radio Perth in respect to a notice of motion raised by me in relation to off road motor vehicle use which was discussed (but not passed) at the</i>

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				<p><i>Ordinary Council Meeting of 8 August 2019.</i></p> <p><i>ii. The Panel found that by behaving in this manner I made improper use of my office as Councillor with the intention of advantaging myself thereby committing one breach of Regulation 7(1)(a) of the Local Government (Rules of Conduct) Regulations 2007.</i></p> <p><i>iii. I accept that I should not have acted in such a manner and I apologise to the Council and the City for having done so.</i></p> <p>3. If Cr Smith fails or is unable to comply with the requirements of paragraph 2 above then within the next 28 days following the Ordinary Council meeting referred to in paragraph 2, she shall cause the following notice of public apology 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 "Cockburn Gazette" newspaper.</p> <p><i>PUBLIC APOLOGY BY COUNCILLOR LEE-ANNE SMITH</i></p> <p><i>A complaint was made to the Local Government Standards Panel, in which it was alleged that I contravened the Local Government (Rules of Conduct)</i></p>

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				<p><i>Regulations 2007 (WA) when I made false comments in an interview on ABC Radio Perth in respect to a notice of motion raised by me in relation to off road motor vehicle use which was discussed (but not passed) at the Ordinary Council Meeting of 8 August 2019.</i></p> <p><i>The Panel found that by behaving in this manner I made improper use of my office as Councillor with the intention of advantaging myself thereby committing one breach of Regulation 7(1)(a) of the Local Government (Rules of Conduct) Regulations 2007.</i></p> <p><i>I accept that I should not have acted in such a manner and I apologise to the Council and the City for having done so.</i></p>
18 June 2019 (SP 2018–107)	Dep. Mayor Lee-Anne Smith	Stephen Cain, CEO	<p>Dep Mayor Lee-Anne Smith of the City of Cockburn (“the City”), committed 2 minor breaches of Regulation 7(1)(b) of the <i>Local Government (Rules of Conduct) Regulations 2007 (WA)</i> (“the Regulations”) when at the Special Meeting of Council held 22 August 2018 she:</p> <p>a. falsely stated that Cr Chontelle Sands was</p>	<p>Dep Mayor Smith:</p> <p>a. make a public apology in terms of the attached Order; and</p> <p>b. be publicly censured in terms of the attached Order.</p>

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			<p>the subject of two minor breach complaints and an investigation by the Department of Local Government, Sport and Cultural Industries (“the Department”); and</p> <p>b. she stated that Cr Chontelle Sands had lied about having an impartiality interest in respect to a matter previously considered by the Council;</p> <p>(together “the Minor Breaches”)</p>	
15 March 2019 (SP 2018-60)	Dep. Mayor Lee-Anne Smith	Stephen Cain, CEO	<p>Councillor Lee-Anne Smith (“Cr Smith”), the Deputy Mayor of the City of Cockburn (“City”), committed one breach of regulation 7(1)(a) of the <i>Local Government (Rules of Conduct) Regulations 2007</i> (the Regulations) when she:</p> <p>a. had discussions and made agreements with an applicant regarding a development application for the installation of</p>	Undertake training ‘Serving on Council’

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			<p>electronic signage on land situated in the City; and</p> <p>b. drafted an alternative recommendation for the approval of the Development application and inclusion of certain development approval conditions proposed to be raised at the Ordinary Council Meeting of 10 May 2018.</p>	