



Local Government Standards Panel

Complaint Number	20220139
Legislation	<i>Local Government Act 1995</i>
Complainant	Ms Teresa Adelle Ong
Respondent	Mayor Deborah Hamblin
Local Government	City of Rockingham
Regulation	Regulation 22 of the <i>Local Government (Model Code of Conduct) Regulations 2021</i> Regulation 34D of the <i>Local Government (Administration) Regulations 1996</i>
Panel Members	Mr Tim Fraser (Presiding Member) Ms Elanor Rowe (Deputy Member) Councillor Peter Rogers (Member)
Heard	10 November 2022 Determined on the documents
Outcome	One breach of Regulation 22 No Breach of Regulation 34D

FINDING AND REASONS FOR FINDING

Published 24 April 2023

DEFAMATION CAUTION

The general law of defamation, as modified by the *Defamation Act 2005*, applies to the further release or publication of all or part of this document or its contents. Accordingly, appropriate caution should be exercised when considering the further dissemination and the method of retention of this document and its contents.



Summary of the Panel's decision

1. The Local Government Standards Panel ("the Panel") found that Mayor Deborah Hamblin ("Mayor Hamblin"), a councillor for the City of Rockingham ("the City") committed one breach under the *Local Government Act 1995 (WA)* ("the Act") and Regulation 22 of the *Local Government (Model Code of Conduct) Regulations 2021* ("the Regulations"). The Panel found that at the Council Meeting held on 23 August 2022, Mayor Hamblin failed to declare an interest in relation to a donation made by the President of the Tourism Rockingham Board to her 2021 Local Government electoral campaign.
2. The Panel found that Mayor Hamblin did not commit a breach of Regulation 34D in relation to the same conduct.

Jurisdiction and procedural fairness

3. The Act makes provision for the circumstances in which a council member commits a minor breach.¹
4. On 30 August 2022, the Department of Local Government, Sport and Cultural Industries ("the Department") received a Complaint of Minor Breach Form ("Complaint"). The Complaint was signed by Ms Teresa Adelle Ong, ("the Complainant") and contained one allegation of a breach of Regulation 22 and one allegation of a breach of Regulation 34D. Both allegations related to Mayor Hamblin's conduct at the Council Meeting held on 23 August 2022 when she allegedly failed to declare an interest in relation to a donation made by the President of the Tourism Rockingham Board to her 2021 Local Government electoral campaign.
5. On 29 September 2022, the Department advised Mayor Hamblin of the Complaint and invited her to respond. The Department sent Mayor Hamblin copies of the original Complaint and all the supporting documents provided by the Complainant.
6. Under the Act the Panel is required to consider a complaint of a minor breach and make a finding as to whether the alleged breach occurred.² On 10 November 2022, the Panel convened to consider the Complaint.
7. The Panel:
 - (a) accepted the Department's advice, based on information from the Western Australian Electoral Commission, that Mayor Hamblin was a councillor at the time of the alleged breaches, and was still a Councillor when the Panel met on 10 November 2022.
 - (b) was satisfied the Complaint had been made within six months after the alleged breaches are said to have occurred.

¹ Section 5.105 of the Act.

² Section 5.110(2)(a) of the Act.



- (c) was satisfied the Complaint had been dealt with in accordance with the administrative requirements in the Act for dealing with complaints of minor breaches³; and
- (d) was satisfied that the Department had provided procedural fairness to Mayor Hamblin.
8. If a councillor has previously committed two or more minor breaches, the Panel may send the complaint to the Chief Executive Officer of the department assisting the relevant Minister at the time instead of considering the Complaint itself.⁴ Mayor Hamblin had not previously been found to have committed any breaches of the Regulations. Therefore, the Panel decided to not send the Complaint to the Chief Executive Officer of the Department.
9. Based on the information referred to in paragraphs 2 to 8 above, the Panel found it had jurisdiction to determine whether Mayor Hamblin had breached Regulations 22 and 34D in connection with the Complaint.

Panel's role

10. The Panel is not an investigative body. It determines complaints of minor breaches solely upon the evidence presented to it.
11. Any finding, that a councillor has committed a minor breach, must be based on evidence from which it may be concluded that it is more likely than not that the breach occurred than that it did not occur (the required standard of proof).⁵
12. In order to find the allegation, proposition or conduct has been established, and where direct proof is not available, the Panel must be satisfied from the evidence that it is more probable than not that it has occurred. The Panel cannot make a finding that the alleged fact, proposition or conduct occurred if the evidence merely supports two or more conflicting but equally possible inferences.⁶
13. For a finding that a councillor has breached a particular regulation, the Panel must be satisfied that every element of the particular regulation has been established to the required standard of proof.

Regulation 22

14. Regulation 22 provides:

“22. Disclosure of interests

(1) In this clause —

*(a) **interest** means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest; and*

³ Sections 5.107, 5.108, 5.109 of the Act.

⁴ Sections 5.110(2)(b), 5.111(1) of the Act.

⁵ Section 5.106 of the Act.

⁶ *Bradshaw v McEwens Pty Ltd* (1951) 217 ALR 1, paragraph 5.



- (b) includes an interest arising from kinship, friendship or membership of an association.*
- (2) A person who has an interest in any matter to be discussed at a council or committee meeting attended by the member must disclose the nature of the interest —*
- a. in a written notice given to the CEO before the meeting; or*
 - b. at the meeting immediately before the matter is discussed.*
- (3) Subclause (2) does not apply to an interest referred to in section 5.60 of the Act.*
- (4) Subclause (2) does not apply if a council member fails to disclose an interest because the council member did not know -*
- a. that they had an interest in the matter; or*
 - b. that the matter in which they had an interest would be discussed at the meeting and the person disclosed the interest as soon as possible after the discussion began.*
- (5) If, under subclause (2)(a), a council member discloses an interest in a written notice given to the CEO before a meeting, then —*
- a. before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and*
 - b. at the meeting the person presiding must bring the notice and its contents to the attention of the persons present immediately before any matter to which the disclosure relates is discussed.*
- (6) Subclause (7) applies in relation to an interest if –*
- (a) under subclause (2)(b) or (4)(b) the interest is disclosed at a meeting; or*
 - (b) under subclause (5)(b) notice of the interest is brought to the attention of the persons present at a meeting.*
- (7) The nature of the interest must be recorded in the minutes of the meeting.”*

Elements of Regulation 22(2)

15. The essential elements of a breach of Regulation 22(2) are that it is more likely than not that:
- a person who is a current council member (“*member*”);
 - subject to Regulation 22(3), had a private or personal interest (“*relevant interest*”) in a matter (“*matter*”) that is more likely than not a conflict of



interest or a bias (apparent or real) that does adversely affect, or might adversely affect the member's impartiality in considering the matter, and includes an interest arising from kinship, friendship, membership of an association, or another circumstance;

- the member attended at the council or committee meeting concerned and was present when the matter under consideration came before the meeting and was discussed;
- the member did not disclose the nature of the relevant interest in the matter in either of the two ways required by Regulation 22(2)(a) or 22(2)(b); and
- Regulation 22(4) does not apply.

Regulation 34D

16. Regulation 34D provides:

“(1) In this regulation –

“local law as to conduct” means a local law relating to conduct of people at council or committee meetings.

(2) The contravention of a local law as to conduct is a minor breach for the purposes of section 5.105(1)(b) of the Act.”

17. Section 5.105(1)(b) of the Act states as follows:

“A council member commits a minor breach if he or she contravenes...

(b) a local law under this Act, contravention of which the regulations specify to be a minor breach.”

Substance of the Complaint

18. During the Local Government Election (“Election”) that was held in October 2021, the President (“Donor”) of the Tourism Rockingham Board (“the TRB”) donated two separate sums of \$400 (“Donation”) to Mayor Hamblin’s electoral campaign.

19. At the Council Meeting that was held on 23 August 2022 (“Council Meeting”), a discussion and vote took place in relation to whether the TRB should receive funding for business activities (“Matter”). However, Mayor Hamblin had not declared a financial conflict of interest in the Matter at any stage during the Council Meeting in relation to the Donation she had previously received.

20. Mayor Hamblin’s conduct amounted to a serious breach of trust; disclosure and openness were necessary for the general public to have confidence in elected members.

Mayor Hamblin’s Response



21. Mayor Hamblin submitted that it was not the case that she had received two separate sums of \$400 from the Donor. Rather, in early 2021, the Donor had attended her Election fundraiser and donated two night's accommodation at his bed and breakfast business ("B&B Business") with a total value of \$400. The Donation was a purely personal one and there was no connection between it and any positions held by the Donor for various community organisations. At the time the Donation was made, the Donor had only been an unpaid volunteer with Tourism Rockingham.
22. At the Council Meeting, the Matter that was discussed concerned a notice of motion to fund "*Tourism Rockingham*". However, the Donor had not received any benefit as a result of the Council decision and at no time had the Donor spoken to it.
23. Finally, Mayor Hamblin submitted that she had never received financial support from the TRB and if any Council business involving the Donor's B&B Business had been presented, she would have declared an interest.

Panel's Consideration

First Allegation – alleged breach of Regulation 22

24. The Panel finds that the essential elements of Regulation 22(2) have been satisfied and that Mayor Hamblin was under an obligation to disclose an interest in the Matter at the Council Meeting:
 - a. To find that a councillor has breached a particular regulation, the Panel must be satisfied that every element of the particular Regulation has been established to the required standard of proof. In this case, it was clear that at the time of the alleged misconduct:
 - Mayor Hamblin was a council member;
 - She had attended the Council Meeting and was present when the Matter was discussed; and
 - Regulation 22(4) did not apply.
 - b. Therefore, the question was whether Mayor Hamblin had a relevant interest (private or personal) in the Matter which adversely affected, or could be perceived to have affected, her impartiality in considering the Matter and she had not disclosed such interest.
 - c. It was not in dispute that Mayor Hamblin had received a gift from the Donor in 2021 which had been included on the City's Electoral Gift Register:



Electoral Gift Register
as per r.30G Local Government (Elections) Regulations 1997



Note: Disclosure of gifts forms were removed from the register if it related to an unsuccessful candidate or a successful candidate who has completed their term

Date Disclosure Received	Date of Disclosure	Person Making a Disclosure	Name of Candidate	Name of Donor	Estimated Value of Gift
3/09/2021	3/09/2021	Dawn Jecks	Dawn Jecks	Brian and Jean Jenkins	\$ 200.00
3/09/2021	3/09/2021	Brian and Jean Jenkins	Dawn Jecks	Brian and Jean Jenkins	\$ 200.00
8/09/2021	8/09/2021	Deborah Hamblin	Deborah Hamblin	Brenda Bray (F45)	\$ 800.00
8/09/2021	8/09/2021	Deborah Hamblin	Deborah Hamblin	E Barzotto (Anchorage B & B)	\$ 400.00
8/09/2021	8/09/2021	Brenda Bray (F45)	Deborah Hamblin	Brenda Bray (F45)	\$ 800.00
8/09/2021	8/09/2021	E and S Barzotto (Anchorage B & B)	Deborah Hamblin	E and S Barzotto (Anchorage B & B)	\$ 400.00
9/09/2021	9/09/2021	Brett Wormal	Brett Wormal	Shane Wormal (Wormal Civil Pty Ltd)	\$ 3,471.71
10/09/2021	10/09/2021	Shane Wormal (Wormal Civil Pty Ltd)	Brett Wormal	Shane Wormal (Wormal Civil Pty Ltd)	\$ 3,471.71

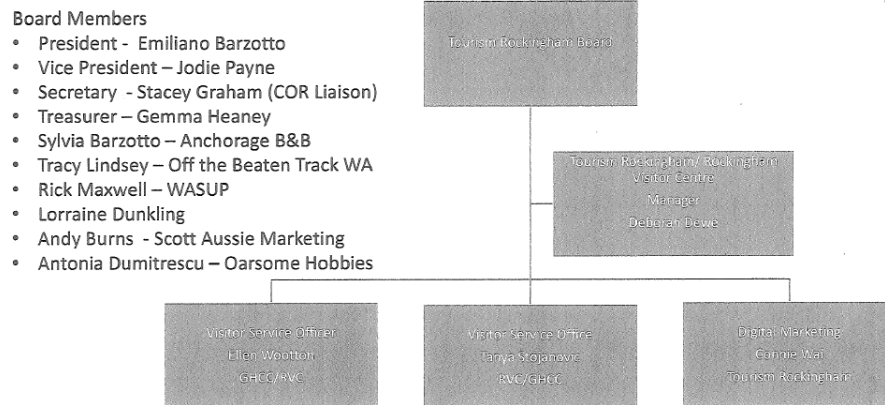
- d. The Matter discussed at the Council Meeting related to the provision of visitor servicing in the City:

CD-023/22 Request for Quote Q21/22-65 for Provision of Visitor Servicing within the City of Rockingham

Two quotes were considered by the Council, one from “*Tourism Rockingham/Rockingham Visitors Centre*” (“Tourism Rockingham”) and one from another provider (“Other Provider”).

- e. In the Complaint, the Complainant included a copy of Tourism Rockingham’s Organisational Chart that confirmed the TRB is in direct operational control of Tourism Rockingham:

Tourism Rockingham Organisational Chart 2022



Joshua Hyde – Casual Visitor Service Office
Stacey Graham – Volunteer Visitor Service Office

- f. Mayor Hamblin submitted that at the time of Donation, the Donor was “*an unpaid volunteer*” with Tourism Rockingham and the Donation was a personal one. However, by the time of the Council Meeting, and as per the above Organisational Chart, the Donor held the position of President of the TRB, which clearly had an interest in the Matter.
- g. The Panel also noted that the Officer’s Recommendation in relation to the Matter was to accept the quote submitted by the Other Provider:



Officer Recommendation

That Council **ACCEPTS** the quote submitted from Perth Wildlife Encounters Pty Ltd (Penguin Island Visitor Centre), 153 Arcadia Drive, Shoalwater WA 6169, for Quote 21/22-65 in accordance with the quote documentation submitted being from 1 October 2022 (or as soon as possible thereafter) until 30 June 2024.

However, Mayor Hamblin had voted against the Officer's Recommendation, (which had been ultimately carried 7/4).

- h. The Act places specific obligations on elected members of council, local government employees and other persons involved in making decisions or giving advice on Council matters to act honestly and responsibly in carrying out their functions. There are provisions under the Act that deal specifically with the disclosure of financial interests at Council and Council committee meetings.
- i. Elected members must also be mindful of their obligation to deal with personal interests not regulated under the financial interest provisions of the Act. Such interests may give rise to a conflict of interest that should be managed according to Regulation 22. Elected members are advised to err on the side of caution and disclose an interest in any matter before Council or a Council committee where they may, or may appear to have, an interest.
- j. In the circumstances, the Panel finds that it could reasonably be perceived that Mayor Hamblin had a relevant interest in the Matter that could have adversely affected her impartiality. That interest arose due to the fact that she had accepted an electoral gift (the Donation) from the Donor the previous year. At the time of the Council Meeting, the Donor was the President of the TRB which was one of two organisations that had put forward quotes for the provision of visitor servicing in the City, for the Council's consideration.

Findings

- 25. Accordingly, for the above reasons, the Panel finds that Mayor Hamblin did breach Regulation 22.

Second Allegation – alleged breach of Regulation 34D

- 26. To find that a councillor has breached a particular regulation, the Panel must be satisfied that every element of the particular regulation has been established to the required standard of proof.
- 27. Regulation 34D states that the contravention of a local law as to conduct at council or committee meeting is a minor breach. However, in this case, the Complainant did not provide any information as to which local law it was alleged that Mayor Hamblin had breached. Therefore, there was insufficient evidence on which to base a finding that Mayor Hamblin had breached Regulation 34D.



Findings

28. Accordingly, for the above reasons, the Panel finds that Mayor Hamblin did not breach Regulation 34D.

Signing

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Tim Fraser (Presiding Member)

A handwritten signature in black ink, appearing to be 'P Rogers'.

Peter Rogers (Member)

A handwritten signature in black ink, appearing to be 'E Rowe'.

Elanor Rowe (Deputy Member)



Local Government Standards Panel

Complaint Number	20220139
Legislation	<i>Local Government Act 1995 (WA)</i>
Complainant	Ms Teresa Adelle Ong
Respondent	Mayor Deborah Hamblin
Local Government	City of Rockingham
Regulation	Regulation 22 of the <i>Local Government (Model Code of Conduct) Regulations 2021</i>
Panel Members for Penalty Consideration	Mr Tim Fraser (Presiding Member) Councillor Peter Rogers (Member) Ms Elanor Rowe (Deputy Member)
Heard	10 November 2022 Determined on the documents
Penalty Considered	25 May 2023
Outcome	Public Apology

DECISION AND REASONS FOR DECISION

Delivered 15 August 2023

DEFAMATION CAUTION

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Introduction

1. At its meeting on 10 November 2022, the Panel found that Mayor Deborah Hamblin (“Mayor Hamblin”), an elected member for the City of Rockingham (“the City”), committed one minor breach under the Local Government Act 1995 (WA) (“the Act”) and Regulation 22 of the *Local Government (Model Code of Conduct) Regulations 2021* (“the Regulations”) when at the Council Meeting held on 23 August 2022, she failed to declare an interest in relation to a donation made by the President of the Tourism Rockingham Board to her 2021 Local Government electoral campaign.
2. The Panel found that Mayor Hamblin did not commit a breach of Regulation 34D of the *Local Government (Administration) Regulations 1996* in relation to the same conduct.
3. On 24 April 2023, the Panel published its Finding and Reasons for Finding (“Finding”) stating that Mayor Hamblin had committed one minor breach. The Panel reviewed all the evidence presented to it and made the following observations:

“24

.....

- h. The Act places specific obligations on elected members of council, local government employees and other persons involved in making decisions or giving advice on Council matters to act honestly and responsibly in carrying out their functions. There are provisions under the Act that deal specifically with the disclosure of financial interests at Council and Council committee meetings.*
- i. Elected members must also be mindful of their obligation to deal with personal interests not regulated under the financial interest provisions of the Act. Such interests may give rise to a conflict of interest that should be managed according to Regulation 22. Elected members are advised to err on the side of caution and disclose an interest in any matter before Council or a Council committee where they may, or may appear to have, an interest.*
- j. In the circumstances, the Panel finds that it could reasonably be perceived that Mayor Hamblin had a relevant interest in the Matter that could have adversely affected her impartiality. That interest arose due to the fact that she had accepted an electoral gift (the Donation) from the Donor the previous year. At the time of the Council Meeting, the Donor was the President of the TRB which was one of two organisations that had put forward quotes for the provision of visitor servicing in the City, for the Council’s consideration.”*

Jurisdiction and Law

4. The Panel convened on 25 May 2023, to consider how it should deal with the Minor Breach. The Panel accepted the advice of the Department of Local Government, Sport and Cultural Industries (“the Department”) that on this date there was no available information to indicate that Mayor Hamblin had ceased to be, or was disqualified from being a councillor.



Possible Sanctions

5. Section 5.110(6) of the Act provides that the Panel is to deal with a minor breach by:
- (a) *ordering that no sanction be imposed; or*
 - (b) *ordering that —*
 - (i) *the person against whom the complaint was made be publicly censured as specified in the order;*
or
 - (ii) *the person against whom the complaint was made apologise publicly as specified in the order;*
or
 - (iii) *the person against whom the complaint was made undertake training as specified in the order;*
or
 - (iv) *the person against whom the complaint was made pay to the local government specified in the order an amount equal to the amount of remuneration and allowances payable by the local government in relation to the complaint under Schedule 5.1 clause 9;*
- or*
- (c) *ordering 2 or more of the sanctions described in paragraph (b).*
5. Section 5.110(6) is about penalty. The Panel does not have the power to review any finding of a breach. Under section 5.110(6)(a), the Panel may order that no sanction be imposed; not to reverse the finding of a breach, but to however indicate that in all the circumstances the relevant councillor should not be penalised further.
6. Sub-section 5.110(6)(b)(iv) (in respect of a monetary sanction) was introduced in 2019 to allow the Panel to require a councillor to personally bear the cost of dealing with a complaint, which in other circumstances, would be paid by the local government concerned. This ensures the cost of a breach is borne by the councillor individually, and not simply passed onto the local government and therefore, ultimately, rate payers.

Mayor Hamblin's Submissions

7. If the Panel finds that a councillor has committed a minor breach, it must give the councillor an opportunity to make submissions to the Panel about how it should deal with the breach under section 5.110(6).¹
8. By a letter dated 24 April 2023, Mayor Hamblin was:
- i. notified of the Panel's Finding of the Minor Breach;
 - ii. provided with a copy of the Panel's Findings; and

¹ *Local Government Act 1995 (WA)*, s 5.110(5).



- iii. offered an opportunity to make submissions as to how the Minor Breach should be dealt with under section 5.110(6) of the Act.
9. On 5 May 2023, the Department received a response from Mayor Hamblin in which she submitted:
- a. she held a fundraiser in 2021 to assist with the cost of her Mayoral Election Campaign. The Donor had made a personal donation of two nights' accommodation as an auction prize which was valued at \$400.00;
 - b. in 2022, there had been two Council meetings which included items concerning the funding of visitor services in the City. She had not realised that the Donor was involved with these matters;
 - c. at no time during either Council Meeting, had the Donor addressed the Council;
 - d. she had voted on the visitor services matters in good conscience. Notwithstanding the Panel's Finding, she had a responsibility as an elected member to remain in the Council Meeting and vote; and
 - e. in this case, an order for censure should not be made. If a sanction were to be ordered, then training was the most appropriate option.

Panel's Consideration

10. The purpose of the imposition of a sanction under the Act is generally for the protection of the public and the maintenance of standards of council members. Furthermore, it reflects the disapproval of a contravention of the Regulations, dissuades councillors from other local governments from engaging in similar conduct and facilitates the maintenance of appropriate standards of behaviour by councillors. Guidance on the factors which the Panel may consider in determining the appropriate penalty to impose, include, but are not limited to:
- a. the nature and seriousness of the breaches;
 - b. the councillor's motivation for the contravention;
 - c. whether or not the councillor has shown any remorse and insight into his / her conduct;
 - d. whether the councillor has breached the Act knowingly or carelessly;
 - e. the councillor's disciplinary history;
 - f. the likelihood or not of the councillor committing further breaches of the Act;
 - g. the councillor's personal circumstances at the time of the conduct, and at the time of imposing the sanction;
 - h. the need to protect the public through general deterrence and maintain public confidence in local government; and



- i. any other matters which may be regarded as aggravating conduct or mitigating its seriousness.
11. In this case, the Panel found that Mayor Hamblin breached Regulation 22 as set out in paragraph 1 above. When deciding what sanction to impose, the Panel must consider how the penalty will help to guide other councillors and dissuade them from engaging in similar conduct.
 12. When Mayor Hamblin was given the opportunity to respond to how the Panel should deal with the Minor Breach, she apologised for not including all relevant information in the first instance. However, she also continued to explain and justify her behaviour. As referred to above, Section 5.110(6) is about penalty. The Panel does not have the power to review any finding of a breach.
 13. Mayor Hamblin's behaviour, the subject of the Minor Breach Finding, was considered a serious matter. The Panel does not consider it appropriate to impose no sanction in relation to the Minor Breach, as this would indicate that it was so minor that no penalty is warranted.
 14. The Panel notes that Mayor Hamblin is a very experienced Councillor, and that in her Response to how the Minor Breach should be dealt with, she acknowledged that she may have misjudged the situation. In the circumstances, the Panel finds that it is not appropriate to issue an order for training.
 15. A monetary sanction or an order for censure is also not appropriate and would be overly punitive. When the Panel makes an order that a Notice of Public Censure be published, the Notice is published by the local government's Chief Executive Officer, at the expense of the local government; such expense is significant where the Notice is to be published in a newspaper or newspapers.
 16. In this case, the matter concerned a potential conflict of interest for Mayor Hamblin. It is not necessarily wrong to have a conflict of interest, what is important is that it is identified and appropriately managed. Conflicts of interest may be actual or be perceived to exist. Perception of a conflict of interest is important to consider because public confidence in the integrity of local government is vital.
 17. Therefore, the Panel finds it fair and reasonable that Mayor Hamblin makes a public apology to the City and the Council, being the parties who she most likely harmed by her conduct. The standards of behaviour expected of elected members are of a generally higher standard than a member of the public, due to their prominent positions in the community. Making a public apology is a significant sanction, being a personal admission by the individual of wrongdoing.



Panel's Decision

18. Having regard to the Findings, the matters set out herein, and the general interests of local government in Western Australia, the Panel's decision on how the Minor Breach is to be dealt with under s5.110(6) of the Act, is to order Mayor Hamblin, in terms as set out in the attached Order, to make a public apology, pursuant to subsection (b)(ii) of that section.

Signing

A handwritten signature in black ink, appearing to be 'Tim Fraser'.

Tim Fraser (Presiding Member)

A handwritten signature in black ink, appearing to be 'Peter Rogers'.

Peter Rogers (Member)

A handwritten signature in black ink, appearing to be 'Elanor Rowe'.

Elanor Rowe (Deputy Member)



ORDER

Delivered 15 August 2023

DEFAMATION CAUTION

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THE LOCAL GOVERNMENT STANDARDS PANEL ORDERS THAT:

1. Mayor Deborah Hamblin (“Mayor Hamblin”), an elected member for the City of Rockingham, publicly apologise, as specified in paragraph 2 below, or failing compliance with paragraph 2, then paragraph 3 below.

PUBLIC APOLOGY

2. At the ordinary council meeting first occurring after the expiration of 28 days from the date of service of this Order on her, Mayor Hamblin shall:
 - 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:



“I advise this meeting that:

- i. A complaint was made to the Local Government Standards Panel, in which it was alleged that I contravened the *Local Government (Model Code of Conduct) Regulations 2021* when, at the Council Meeting held on 23 August 2022, I failed to declare an interest in relation to a donation made by the President of the Tourism Rockingham Board to my 2021 Local Government electoral campaign.
- ii. The Panel found that by behaving in this manner I committed one breach of Regulation 22.

I accept that I should not have acted in such a manner, and I now apologise to the City and the Council, for having done so.”

3. If Mayor Hamblin 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:
 - a. Mayor Hamblin 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 “*Sound Telegraph*” newspaper; and
 - b. the Chief Executive Officer of the City of Rockingham shall arrange for the following notice of public apology to be published in no less than 10-point print or font:
 - i. on the Facebook page of the City of Rockingham; and
 - ii. in an appropriate place on the website of the City of Rockingham; and
 - iii. in the next occurring issues of all City of Rockingham community and public newsletters (if any) (whether in electronic or print copy):



PUBLIC APOLOGY BY MAYOR DEBORAH HAMBLIN

A complaint was made to the Local Government Standards Panel, in which it was alleged that I contravened the *Local Government (Model Code of Conduct) Regulations 2021* when, at the Council Meeting held on 23 August 2022, I failed to declare an interest in relation to a donation made by the President of the Tourism Rockingham Board to my 2021 Local Government electoral campaign.

The Panel found that by behaving in this manner I committed one breach of Regulation 22.

I accept that I should not have acted in such a manner, and I now apologise to the City and the Council, for having done so.

Date of Order: 15 August 2023



NOTICE TO THE PARTIES TO THE COMPLAINT RIGHT TO HAVE PANEL DECISION REVIEWED BY THE STATE ADMINISTRATIVE TRIBUNAL

The Local Government Standards Panel (the Panel) advises:

- (1) Under section 5.125 of the *Local Government Act 1995* the person making a **complaint** and the person complained about each have the right to apply to the **State Administrative Tribunal (the SAT)** for a review of the Panel's decision in this matter. In this context, the term "decision" means a decision to dismiss the complaint or to make an order.
- (2) By rule 9(a) of the *State Administrative Tribunal Rules 2004*, subject to those rules an application to the SAT under its review jurisdiction **must be made within 28 days of the day on which the Panel (as the decision-maker) gives a notice** [see the Note below] under the *State Administrative Tribunal Act 2004 (SAT Act)*, section 20(1).
- (3) **The Panel's Breach Findings and these Findings and Reasons for Finding – Sanctions, constitute the Panel's notice (i.e. the decision-maker's notice) given under the SAT Act, section 20(1).**

Note:

- (1) This document may be given to a person in any of the ways provided for by sections 75 and 76 of the *Interpretation Act 1984*. [see s. 9.50 of the *Local Government Act 1995*]
- (2) Subsections 75(1) and (2) of the *Interpretation Act 1984* read:
 - (1) *Where a written law authorises or requires a document to be served by post, whether the word "serve" or any of the words "give", "deliver", or "send" or any other similar word or expression is used, **service shall be deemed to be effected by properly addressing and posting (by pre-paid post) the document as a letter to the last known address of the person to be served, and, unless the contrary is proved, to have been effected at the time when the letter would have been delivered in the ordinary course of post.*** [Bold emphases added]
 - (2) *Where a written law authorises or requires a document to be served by registered post, whether the word "serve" or any of the words "give", "deliver", or "send" or any other similar word or expression is used, then, if the document is eligible and acceptable for transmission as certified mail, the service of the document may be effected either by registered post or by certified mail."*
- (3) Section 76 of the *Interpretation Act 1984* reads:

"Where a written law authorises or requires a document to be served, whether the word "serve" or any of the words "give", "deliver", or "send" or any other similar word or expression is used, without directing it to be served in a particular manner, service of that document may be effected on the person to be served —

 - (a) *by delivering the document to him personally; or*
 - (b) *by post in accordance with section 75(1); or*
 - (c) *by leaving it for him at his usual or last known place of abode, or if he is a principal of a business, at his usual or last known place of business; or*
 - (d) *in the case of a corporation or of an association of persons (whether incorporated or not), by delivering or leaving the document or posting it as a letter, addressed in each case to the corporation or association, at its principal place of business or principal office in the State."*