



Local Government Standards Panel

Complaint Number	20240412
Legislation	<i>Local Government Act 1995</i>
Complainant	Ms Tralee Cable (CEO)
Respondent	Councillor Ian Black
Local Government	Shire of Mount Magnet
Regulation	Regulation 20 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	28 May 2024 Determined on the documents
Outcome	One breach of Regulation 20(2)(c) No breach of Regulation 34D

FINDING AND REASONS FOR FINDING

Delivered 2 May 2025

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 Councillor Ian Black ("Cr Black"), an elected member for the Shire of Mount Magnet ("the Shire") committed one breach under the *Local Government Act 1995* (WA) ("the Act") and Regulation 20(2)(c) of the *Local Government (Model Code of Conduct) Regulations 2021* ("the Regulations") when, on 11 May 2024, he posted a notice at a local store that denigrated the Shire's Chief Executive Officer and Environmental Health Officer.
2. The Panel found that Cr Black had not committed a breach of Regulation 34D of the *Local Government (Administration) Regulations 1996* 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 13 May 2024, 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 Tralee Cable, Chief Executive Officer of the Shire at the time, ("the Complainant") and contained two allegations of breaches of the Regulations by Cr Black.
5. On the same day, the Department advised Cr Black of the Complaint and invited him to respond. The Department sent Cr Black 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 28 May 2024 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 Cr Black was a councillor at the time of the alleged breaches, and was still a Councillor when the Panel met on 28 May 2024;
 - (b) was satisfied the Complaint had been made within six months after the alleged breaches were said to have occurred.
 - (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 Cr Black.

¹ Section 5.105 of the Act.

² Section 5.110(2)(a) of the Act.

³ Sections 5.107, 5.108, 5.109 of the Act.



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 Cr Black 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 above, the Panel found it had jurisdiction to determine whether Cr Black had breached the Regulations 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 20

14. Regulation 20 regulates councillors' interactions with local government employees:

"20. Relationship with local government employees

(1) In this clause — local government employee means a person —

- (a) employed by a local government under section 5.36(1) of the Act; or*
- (b) engaged by a local government under a contract for services.*

(2) A council member or candidate must not:

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.



- (a) *direct or attempt to direct a local government employee to do or not to do anything in their capacity as a local government employee; or*
 - (b) *attempt to influence, by means of a threat or the promise of a reward, the conduct of a local government employee in their capacity as a local government employee; or*
 - (c) *act in an abusive or threatening manner towards a local government employee.*
- (3) *Subclause (2)(a) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.*
- (4) *If a council member or candidate, in their capacity as a council member or candidate, is attending a council or committee meeting or other organised event (for example, a briefing or workshop), the council member or candidate must not orally, in writing or by any other means –*
- (a) *make a statement that a local government employee is incompetent or dishonest; or A*
 - (b) *use an offensive or objectionable expression when referring to a local government employee.*
- (5) *Subclause (4)(a) does not apply to conduct that is unlawful under The Criminal Code Chapter XXXV.”*

Regulation 34D

15. 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.”*

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

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

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

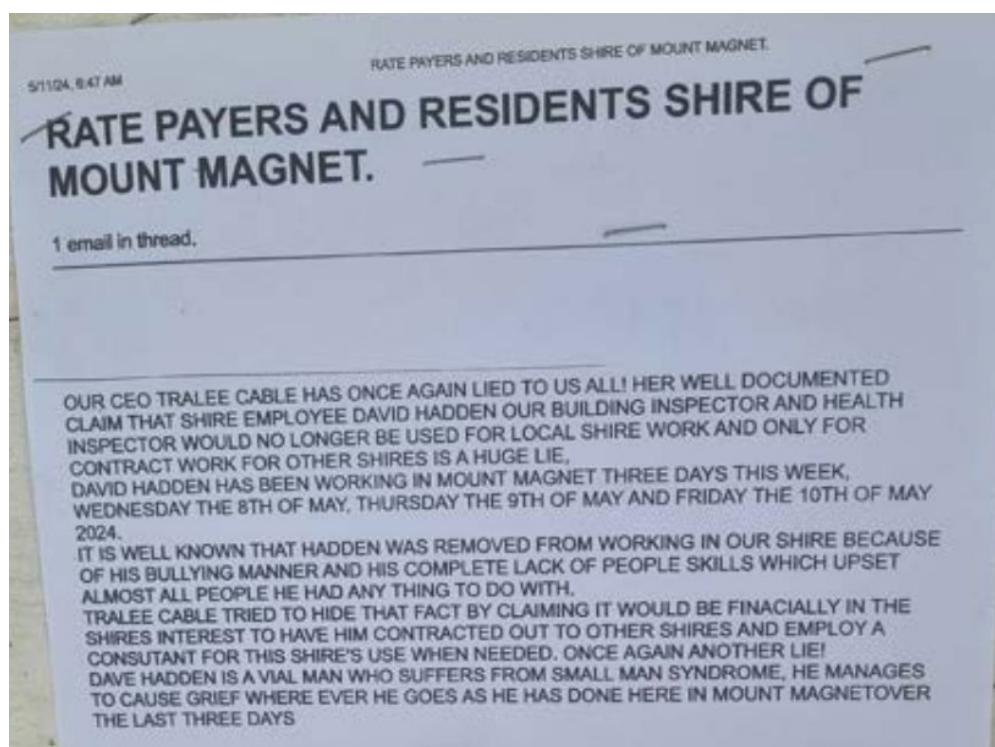
Elements of Regulation 34D

17. In order to find a breach of Regulation 34, the Panel must be satisfied to the required standard of proof that:

- i. The conduct occurred at a council or committee meeting;
- ii. A standing orders local law or meeting procedures local law applied at the meeting; and
- iii. The relevant local law prohibited the specific conduct displayed by the council member.

Substance of the Complaint

18. Cr Black had been issued with multiple infringement notices for illegally removing asbestos from one of his properties that had been damaged by fire. He had *"dumped"* the material at the Council's refuse site ("Site") and had thus caused *"a contamination event"*.
19. The Shire's Environmental Health Officer ("Shire Officer") had been asked to take samples from the Site to prove that there had been contamination. Numerous letters, notices and breaches had been issued to Cr Black regarding this matter, yet he had continued to *"flagrantly continue his illegal activity"*.
20. Cr Black had chosen to respond by regularly posting personally degrading notices. On the morning of 11 May 2024, at the local store, Cr Black had posted the following notice ("Notice") denigrating the Complainant and the Shire Officer.



The Complaint included CCTV footage confirming same.



Cr Black's Response

21. On 13 May 2024, the Department requested comment on the allegations from Cr Black. However, Cr Black had not responded.

Panel's Consideration

First Allegation – alleged breach of Regulation 20

22. The Panel is satisfied that Cr Black breached his obligations to the CEO and the Shire Officer (both local government employees) when on 11 May 2024, he posted a notice at a local store that denigrated both parties:

The Notice

- a. The evidence showed that it was Cr Black that had posted the Notice on the public notice board. The Notice was addressed to "*Rate Payers and Residents Shire of Mount Magnet*" and it was typed in an uppercase font to clearly attract readers' attention.

Accusation regarding the Complainant

- b. In the Notice, Cr Black publicly stated three separate times that the Complainant had "*lied to us all*". That was an extremely harsh accusation – the implication was that she had not only made untrue statements but had done so knowingly.
- c. The "*lie*" itself was in relation to the Shire's Officer who she had apparently previously stated "*would no longer be used for local shire work and only for contract work for other shires*". According to Cr Black, the Complainant had intentionally deceived people on this issue and had attempted to cover up her wrongdoings:

"TRALEE CABLE TRIED TO HIDE THAT FACT BY CLAIMING IT WOULD BE FINANCIALLY IN THE SHIRES INTEREST TO HAVE HIM CONTRACTED OUT.....ONCE AGAIN ANOTHER LIE!"

Accusation regarding the Shire's Officer

- d. In the Notice, Cr Black went on to call the Shire Officer a "*bully*" who had a "*complete lack of people skills which upset almost all people he had anything to do with.*"
- e. He also called the Shire Officer a "*vile*" man who:

"SUFFERS FROM SMALL MAN SYNDROME. HE MANAGES TO CAUSE GRIEF WHEREEVER HE GOES AS HE HAS DONE HERE IN MOUNT MAGNET OVER THE LAST THREE DAYS."

Conclusion

- f. The aforementioned statements were clearly extremely offensive and insulting towards the Complainant and the Shire Officer.



Finding

23. Accordingly, for the above reasons, the Panel finds that Cr Black had breached Regulation 20 in relation to the First Allegation.

Second Allegation – alleged breach of Regulation 34D

24. Regulation 34D relates to the conduct of people at council or committee meetings. However, in this case, the alleged misconduct (the posting of the Notice at the local store) occurred outside of any such meeting.

25. Therefore, the allegation is outside the remit of Regulation 34D.

Finding

26. Accordingly, for the above reasons, the Panel finds that Cr Black had not breached Regulation 34D in relation to the Second Allegation.

Signing

Tim Fraser (Presiding Member)

Elanor Rowe (Deputy Member)

Peter Rogers (Member)



Local Government Standards Panel

Complaint Number	20240412
Legislation	<i>Local Government Act 1995</i>
Complainant	Ms Tralee Cable (CEO)
Respondent	Councillor Ian Black
Local Government	Shire of Mount Magnet
Regulation	Regulation 20 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	28 May 2024 Determined on the documents
Penalty Considered	6 June 2025
Outcome	Public Apology

DECISION AND REASONS FOR DECISION

30 June 2025

DEFAMATION CAUTION

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Introduction

1. At its meeting on 28 May 2024, the Panel found that Councillor Ian Black ("Cr Black"), a councillor for the Shire of Mount Magnet ("the Shire"), committed one minor breach under the Local Government Act 1995 (WA) ("the Act") and Regulation 20(2)(c) of the *Local Government (Model Code of Conduct) Regulations 2021* ("the Regulations") when, on 11 May 2024, he posted a notice at a local store that denigrated the Shire's Chief Executive Officer and Environmental Officer ("Minor Breach").
2. The Panel found that Cr Black had not committed a breach of Regulation 34D of the *Local Government (Administration) Regulations 1996* in relation to the same conduct.
3. On 2 May 2025, the Panel published its Finding and Reasons for Finding ("Findings") stating that Cr Black had breached Regulation 20(2)(c). The Panel reviewed all the evidence presented to it and made the following observations:

"22. *The Panel is satisfied that Cr Black breached his obligations to the CEO and the Shire Officer (both local government employees) when on 11 May 2024, he posted a notice at a local store that denigrated both parties:*

The Notice

- a. *The evidence showed that it was Cr Black that had posted the Notice on the public notice board. The Notice was addressed to "Rate Payers and Residents Shire of Mount Magnet" and it was typed in an uppercase font to clearly attract readers' attention.*

Accusation regarding the Complainant.

- b. *In the Notice, Cr Black publicly stated three separate times that the Complainant had "lied to us all". That was an extremely harsh accusation – the implication was that she had not only made untrue statements but had done so knowingly.*
- c. *The "lie" itself was in relation to the Shire's Officer who she had apparently previously stated "would no longer be used for local shire work and only for contract work for other shires". According to Cr Black, the Complainant had intentionally deceived people on this issue and had attempted to cover up her wrongdoings:*

"TRALEE CABLE TRIED TO HIDE THAT FACT BY CLAIMING IT WOULD BE FINANCIALLY IN THE SHIRES INTEREST TO HAVE HIM CONTRACTED OUT...ONCE AGAIN ANOTHER LIE!"

Accusation regarding the Shire's Officer

- d. *In the Notice, Cr Black went on to call the Shire Officer a "bully" who had a "complete lack of people skills which upset almost all people he had anything to do with."*
- e. *He also called the Shire Officer a "vile" man who:*
"SUFFERS FROM SMALL MAN SYNDROME. HE MANAGES TO CAUSE GRIEF WHEREEVER HE GOES AS HE HAS DONE HERE IN MOUNT MAGNET OVER THE LAST THREE DAYS."

Conclusion

- f. *The aforementioned statements were clearly extremely offensive and insulting towards the Complainant and the Shire Officer."*



Jurisdiction and Law

3. The Panel convened on 6 June 2025, 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 Cr Black had ceased to be, or was disqualified from being, a councillor.

Possible Sanctions

4. 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.

Cr Black’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 2 May 2025, Cr Black was:
 - i. notified of the Panel's Finding of the Minor Breach;
 - ii. provided with a copy of the Panel's Findings; and
 - 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. No response was received from Cr Black.

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 insight and remorse 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. Cr Black's behaviour, the subject of the Minor Breach Finding, was considered a serious matter. When deciding what sanction to impose, the Panel must consider how

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



the penalty will help to guide other councillors and dissuade them from engaging in similar conduct.

12. 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.
13. In this case, the Panel finds it fair and reasonable that Cr Black makes a public apology to the Complainant and the Shire Officer, being the parties who he acted improperly towards.
14. 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. Cr Black's conduct was clearly highly offensive and potentially damaging.
15. Making a public apology is a significant sanction, being a personal admission by the individual of wrongdoing. It is a suitable and appropriate penalty when an elected member's conduct:
 - a. adversely affects a particular individual or party; and / or
 - b. does not meet the standards other councillors seek to uphold.
16. An apology will go a little way to make amends for Cr Black's conduct and to help repair the damage caused.



Panel's Decision

17. 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 that Cr Black is ordered to make a public apology pursuant to subsection (b)(ii) in terms as set out in the attached Order.

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 'Elanor Rowe'.

Elanor Rowe (Deputy Member)

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

Peter Rogers (Member)



ORDER

30 June 2025

DEFAMATION CAUTION

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THE LOCAL GOVERNMENT STANDARDS PANEL ORDERS THAT:

1. Councillor Ian Black ("Cr Black"), a councillor for the Shire of Mount Magnet, 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 him, Cr Black 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) 2021* when, on 11 May 2024, I posted a notice at a local store that denigrated the Shire's Chief Executive Officer, Ms Tralee Cable and Environmental Officer, Mr David Hadden.
- ii. The Panel found that by behaving in this manner I committed one breach of Regulation 20(2)(c) of the said Regulations.
- iii. I accept that I should not have acted in such a manner and I now apologise to Ms Cable and Mr Hadden, for having done so."

3. If Cr Black 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. the Chief Executive Officer of the Shire of Mount Magnet 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 "*The Geraldton Guardian*" newspaper; and
 - b. the Chief Executive Officer of the Shire of Mount Magnet 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 Shire of Mount Magnet; and
 - ii. in an appropriate place on the website of the Shire of Mount Magnet; and
 - iii. in the next occurring issues of all Shire of Mount Magnet community and public newsletters (if any) (whether in electronic or print copy).



PUBLIC APOLOGY BY COUNCILLOR IAN BLACK

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) 2021* when, on 11 May 2024, I posted a notice at a local store that denigrated the Shire's Chief Executive Officer, Ms Tralee Cable and Environmental Officer, Mr David Hadden.

The Panel found that by behaving in this manner I committed one breach of Regulation 20(2)(c) of the said Regulations.

I accept that I should not have acted in such a manner and I now apologise to Ms Cable and Mr Hadden, for having done so.



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."