



Register of Complaints

**Council Members, Committee Members
and Candidates**



Register of Complaints

Council Members, Committee Members and Candidates

1. Complaints (minor breach) Register

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

5.121. Register of certain complaints of minor breaches

- (1) *The complaints officer for each local government is required to maintain a register of complaints which records all complaints that result in a finding under section 5.110(2)(a) that a minor breach has occurred.*
- (2) *The register of complaints is to include, for each recorded complaint —*
 - (a) *the name of the council member about whom the complaint is made; and*
 - (b) *the name of the person who makes the complaint; and*
 - (c) *a description of the minor breach that the standards panel finds has occurred; and*
 - (d) *details of the action taken under section 5.110(6).*
- (3) *The CEO must publish an up-to-date version of the register of complaints on the local government's official website.*

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

2. Register of complaints made under the City of Fremantle Council Members, Committee Members and Candidates Code of Conduct

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

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

This register includes details of complaints alleging a behaviour breach under division 3 of the Council Members, Committee Members and Candidates Code of Conduct.

3. Receiving complaints

The following officers are authorised to receive Division 3 complaints, relating to Council Members, Committee Members and Candidates and for the purposes of s5.120 of the Local Government Act 1995, and thus for Division 4 of the Code.

- Chief Executive Officer; and
- Manager Governance



Complaints of minor breach Register Made under Section 5.121 Local Government Act 1995			
Date of Hearing	Name of council member whom the complaint is about	Name of the person who made the complaint	Description of minor breach finding by Standards Panel
25 March 2021 (SP 2021-022)	Cr Marija Vujcic	Cr Rachel Pemberton	<p>Councillor Marija Vujcic, Councillor for the City of Fremantle ("the City"), committed one minor breach under the Local Government Act 1995 (WA) ("the Act") and regulation 7 of the Local Government (Rules of Conduct) Regulations 2007 (WA) ("the Regulations") when she publicly named the Complainant as one of the parties who gave permission for an event for homeless persons that led to the formation of "Tent City" in Pioneer Park ("the Minor Breach").</p> <p>Minor Breach finding full report.</p>
Details of the actions taken under s5.110(6)(b) or (c)			
<p>1. Councillor Marija Vujcic, a councillor for the City of Fremantle publicly apologise, as specified in paragraph 2 OR failing compliance with paragraph 2 within the specified timeframe, then paragraph 3 shall apply.</p> <p>Public Apology</p> <p>2. On the ordinary council meeting of the City of Fremantle first occurring after the expiration of 28 days from the date of service of this Order on her, Councillor Vujcic shall:</p> <ol style="list-style-type: none"> attend the relevant ordinary council meeting; 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 (Rules of Conduct) Regulations 2007 (WA) when I publicly named then Mayor Pettit and Councillor Pemberton as the parties who gave permission for an event for homeless persons that led to the formation of "Tent City" in Pioneer Park.*
 - ii. The Panel found that I breached regulation 7(1)(b) of the said Regulations as I did not have a reasonable basis for such assertion and the comment was made to detriment Dr Pettit and Cr Pemberton.*
 - iii. I accept that I should not have made such accusation in public prior to an investigation being undertaken.*
 - iv. I now apologise to Dr Pettit, Councillor Pemberton, my fellow Councillors, the City and the public."*
3. If Councillor Vujcic fails to, or is unable to, comply with the requirements of paragraph 2 above in the required time frame THEN, within the next 28 days following the ordinary council meeting referred to in paragraph 2 above the Chief Executive Officer of the City of Fremantle shall arrange for the notice of public apology to be published:
- a. on the Facebook Page of the City of Fremantle in no less than 10 point font size; and
 - b. in an appropriate place on the website of the City of Fremantle in no less than 10 point font size; and
 - c. in the next occurring issue of any City of Fremantle public newsletter (if any) whether in electronic or print copy) in no less than 10 point font size.

PUBLIC APOLOGY BY COUNCILLOR MARIJA VUJCIC

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 publicly named the then Mayor, Dr Pettit, and Councillor Pemberton as the parties who gave permission for an event for homeless persons that led to the formation of "Tent City" in Pioneer Park.

The Panel found that I breached regulation 7(1)(b) of the said Regulations as I did not have a reasonable basis for such assertion and the comment was made to detriment Dr Pettit and Cr Pemberton.



I accept that I should not have made such accusation in public prior to an investigation being undertaken.
I apologise to Dr Pettit, Councillor Pemberton, my fellow Councillors, the City and the public.



Code of Conduct - Division 3 Complaints Register Made under Council Code of Conduct Division 3 Complaint Handling Policy			
Date of decision	Name of council member whom the complaint is about	Name of the person who made the complaint	Summary
23 February 2022	Cr Marija Vujcic	Margaret Kerr	<p>On 2 November 2021, the City of Fremantle engaged WISE Workplace (WISE) to investigate a formal complaint made by Ms Margaret Ker (Ms Ker), about the alleged conduct of Councillor Marija Vujcic (Cr Vujcic) relating to the use of social media.</p> <p><u>Investigator's full report.</u></p>
Findings and actions			
<p>Council:</p> <ol style="list-style-type: none"> 1. Support the findings of the independent investigator that Cr Marija Vujcic did not breach the City's Council Member, Committee Member and Candidate Code of Conduct. 2. Dismiss the complaint 3. Request a copy of the investigators report, minus attachments, be provided to the complainant and made publicly available on the City's Complaints Register. 4. Determine that no further action will be taken. 5. Review the steps taken in handling the complaint investigated and consider changes to encourage complainants to pursue mediation as the first step and give Council the opportunity to consider the outcome of such mediation. 			



Date of decision	Name of council member whom the complaint is about	Name of the person who made the complaint	Summary
23 February 2022	Cr Andrew Sullivan	Luca James Lee	<p>On 2 November 2021, the City of Fremantle engaged WISE Workplace (WISE) to investigate a formal complaint made by Mr Luca James Lee (Mr Lee), about the alleged conduct of Councillor Andrew Sullivan (Cr Sullivan).</p> <p>Investigator's full report.</p>
Findings and actions			
<p>Council:</p> <ol style="list-style-type: none">1. Accept the findings of the independent investigator, that Cr Andrew Sullivan breached section 9(c) of the Council Member, Committee Member and Candidate Code of Conduct, in relation to one allegation out of the 19 allegations made.2. Acknowledge the public apology provided by Cr Sullivan, in relation to this matter.3. Determine that no further action will be taken.4. Review the steps taken in handling the complaint investigated and consider changes to encourage complainants to pursue mediation as the first step and give Council the opportunity to consider the outcome of such mediation.5. Request a copy of the investigators report, minus attachments, be provided to the complainant and made publicly available on the City's Complaints Register.			



Date of decision	Name of council member whom the complaint is about	Name of the person who made the complaint	Summary
22 June 2022	Cr Rachel Pemberton	Andrew Luobikis	The City of Fremantle engaged Australia Wide Investigations to investigate a formal complaint made by Mr Andrew Luobikis, about the alleged conduct of Councillor Rachel Pemberton. Investigator's full report.
Findings and actions			
<p>Council:</p> <ul style="list-style-type: none">• Support the findings of the independent investigator, that Cr Rachel Pemberton did not breach section 9(c) of the Council Member, Committee Member and Candidate Code of Conduct.• Dismiss the complaint made against Cr Rachel Pemberton.• Request a copy of the investigators report, minus attachments, be provided to the complainant and made publicly available on the City's Complaints Register			