Government of Western Australia
Adjudicators

Ref 2026-01627
Enquiries Adjudication Support and Research Officer
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Office of the Inspector

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Dear Inspector

NOTICE OF FINDINGS
OUTCOME OF COMPLAINT OF CONDUCT BREACH – 2026-01627

I refer to the above complaint referred to the Principal Adjudicator alleging Conduct Breach of Regulation 18 of the *Local Government (Model Code of Conduct) Regulations 2021* against Cr Richard Halse of the City of Kalgoorlie-Boulder.

The Adjudicator has considered the matter and determined that there was a breach of Regulation 18.

In accordance with section 8A.18(4)(b)(ii) of the *Local Government Act 1995*, the Adjudicator has ordered that a sanction of a public apology be imposed.

Yours sincerely

Taryn Cox
Acting Manager Board Governance and Reporting

4 November 2026

CONDUCT BREACH MATTER 2026-01627: ADJUDICATION FINDINGS AND SUMMARY OF REASONS

Legislation	*Local Government Act 1995* (WA) (LGA) and *Local Government (Model Code of Conduct) Regulations 2021* (WA) (Code of Conduct)
Complainant	Mr Malcolm Osborne, Acting CEO
Respondent	Councillor (Cr) Richard Halse
Local Government	City of Kalgoorlie-Boulder
Responsible Adjudicator	Deputy Adjudicator Lee McIntosh
Finding	Breach of Code of Conduct Rule 18
Sanction	Public apology
Date	4 November 2026

SUMMARY OF REASONS FOR FINDING

Background

1. This is a conduct breach matter concerning a complaint made by Mr Malcolm Osborne, Acting CEO (Complainant) against Councillor (Cr) Richard Halse of the City of Kalgoorlie-Boulder (Respondent) (Complaint Number 2026-01627).

2. The Complaint concerns the Respondent's behaviour towards the Complainant on 6 June 2026 when the Respondent sent a voice message to the Complainant which the Complainant alleges was abusive, improper and threatening.

3. The Inspector has referred this allegation to me for adjudication about whether the Respondent breached Rule 18 of the Model Code of Conduct.

Adjudication process

4. The Complaint was made on 3 July 2026, received by the Principal Adjudicator on 16 July 2026 and allocated to me for adjudication on 2 November 2026.

5. The Respondent was given an opportunity to respond to the Complaint on 4 August 2026 and provided a response on 11 August 2026.

6. In making findings on a conduct breach and considering whether and what sanction is appropriate, I must have regard to:

    a. the provision of good government by local governments; and

    b. the public interest.

7. I must be satisfied, based on the evidence available to me, that it is more likely than not that the alleged conduct occurred.

8. I must not make a finding of a conduct breach unless I am satisfied that each of the relevant elements are established on the balance of probabilities.

9. I must also find that every element of a relevant Model Code of Conduct rule of conduct is established before I find a breach.

10. I have determined the Complaint on the basis of the evidence before me provided by the Inspector, the Complainant, and the Respondent.

Rule 18 elements

11. Rule 18 of the Model Code of Conduct provides:

    18. Securing personal advantage or disadvantaging others

        (1) A Council member must not make improper use of their office —

(a) to gain, directly or indirectly, an advantage for the Council member or any other person; or

(b) to cause detriment to the local government or any other person.

12. For a person to be found in breach of rule 18 of the Model Code of Conduct, I must be satisfied of the following elements:

    1. the person was a Council member at the time of the alleged conduct;
    2. the person made use of their office;
    3. that use of the person's office was improper; and
    4. that use was to:
        a. gain an advantage for the person or any other person; or
        b. cause a detriment to the local government or any other person.

Element 1: The Respondent was a Council member at the time of the conduct the subject of the Complaint

13. The Inspector's preliminary assessment has informed me that the Respondent was last elected to Council in 2025 with a term expiring in October 2029 and was a Council member in June 2026. I am satisfied the Respondent was a Council member at the time of the conduct the subject of the Complaint.

14. I find element 1 of Rule 18 has been established.

Element 2: The Respondent made use of his office

15. The Respondent recorded a voice message and sent it to the Complainant on 6 June 2026 after the Complainant had participated in a media interview about the Council's (incorrect) treatment of restricted funds in the City's carried forward surplus position (while the previous CEO was at the City). The matter was reported to the City's auditors and was referenced in the City's 2025-2026 annual report.

16. The Respondent acknowledges that he sent the voice message to the Complainant. He considers it was about a serious public matter - the City's financial transparency. He wanted to ensure there was a public explanation of the treatment of the $14 million restricted funds, and that there would be accountability before the next council meeting. He considers he was raising a governance concern as an elected member in circumstances where the community was entitled to clear answers about the City's financial position.

17. The Respondent has submitted he sent the message in his role as elected councillor, and that sending the message was part of his role as an elected member.

18. In those circumstances, I consider the Respondent's behaviour was more likely than not in the course of his use of his office.

19. I find element 2 of Rule 18 has been established.

Element 3: The Respondent made an improper use of his office

20. The legal principles relevant to a determination of whether a use of office is improper were set out in *Treby v Local Government Standards Panel (No 2)* [2010] WASAT 81 [29]- [33].

21. The overarching principle from *Treby* which is relevant to this Complaint is whether the Respondent's actions were an impropriety which was in breach of the standards of conduct that would be expected of a person in his position, by reasonable persons with knowledge of the duties, powers and authority of a Councillor, and the circumstances of the case.

22. *Treby* is also authority that whether or not there is a breach is to be judged objectively, and the intention or knowledge of a councillor is not relevant - to the extent that a use of office can be improper even when it is for the purpose of benefiting a council.

23. I consider the standard of behaviour expected of the Respondent would be informed by his duties as an elected member of local government under the *Local Government Act 1995* (WA) (LGA). These duties include to:

    a. facilitate and maintain good working relationships with other Councillors, the mayor and the CEO;

    b. maintain and develop the requisite skills to effectively perform their role;

    c. have regard to the need to support an organisational culture for the local government that promotes the respectful and fair treatment of the local government's employees; and

    d. participate in the deliberation and decision-making of the local government at Council and committee meetings.

24. The Respondent's voice message, which I have heard, said:

    "*An accounting error. They weren't f*****g smart choice of words there Mal. Very very poor choice of words. I'm sure you wish you had your time back there again, mate. Cos Monday is going to be hectic to say the least. And mate you wanna f*****g hope they don't find out that you and old mate are mates. You wanna hope they don't find that out Mal*."

25. The Respondent has accepted this is an accurate version of his voice message.

26. The Complainant has stated he found the content of this message to be abusive and improper and that he perceived the message as a threat.

27. The Respondent has submitted that his language was blunt and the use of profanity was not ideal. He regrets the wording.

28. The Respondent does not agree he committed a conduct breach. He considers he was raising a governance concern and the intent of his message was to

convey that the community was entitled to clear answers about the City's financial position.

29. I do not have any reason to doubt the Respondent's reason for leaving the voice message. His concern about the City's financial issue, and the Complainant's handling of it in the media, is clear to me in both the content of the message and the tone the message was made in.

30. As noted above however, whether or not there is a breach is to be judged objectively, and the intention or knowledge of a councillor is not relevant. A use of office can be improper even when it is for the purpose of benefiting a council.

31. The content and tone of the voice message are not consistent with the conduct a reasonable person would expect of a Councillor speaking to a Council CEO, and in particular were not consistent with the Respondent's duty to facilitate and maintain good working relationships with the CEO, and to support an organisational culture for the local government that promotes the respectful and fair treatment of the local government's employees.

32. The most serious of the Complainant's allegations is that the voice message was threatening. The Macquarie Dictionary 2026 defines threaten as "to be a menace or source of danger to". The Local Government Standards Panel decision SP 2022-0020 stated the word "threat" means "a suggestion that something unpleasant or violent will happen, especially if a particular action or order is not followed."

33. I consider I should adopt an objective test about whether the Respondent's behaviour was threatening. That is, I have considered how a reasonable person would have been affected by the Respondent's behaviour, rather than whether a reasonable person would merely disapprove of the words or conduct or feel a personal affront or annoyance.

34. In my view a reasonable person would have felt threatened by the content and tone of the voice message; they would perceive and worry that something alarming would happen on Monday; and that it would be worse if the Respondent considered the relationship between the Complainant and the previous CEO to be friendly.

35. A councillor is able to meaningfully participate in the good government of the persons in the district and to duly, faithfully, honestly and with integrity fulfil the duties of the office for the people in the district according to his or her best judgment and ability, without reflecting adversely upon the character or actions of, or imputing any motive to, another member or an officer of the local government. Indeed, good government requires courtesy amongst those elected to govern (*Treby* at 56).

36. The desirability of accountability does not create a right to engage in personal attacks on office holders ([*Treby* at 101]).

37. The Respondent's significant concerns about the City's financial accounts, the transparency of the issue and the CEO's media statements could have been

raised in any number of ways which raised factual matters, identified issues and put forward positions for discussion. There were many options to the Respondent rather than sending an over the weekend voicemail for the Acting CEO which had a threatening tone and content.

38. In my view, it is more likely than not that a reasonable person with knowledge of a councillor's duties, powers and authority, and of the circumstances of this case as described above, would have considered the Respondent's conduct wrongful and inappropriate. I consider it would be within the realm of behaviour considered improper by applying the principles in *Treby*.

39. *Hipkins and Local Government Standards Panel* [2014] WASAT 48 at [9] stated that "*The word 'improper' is more difficult to define and must depend upon the context in which the expression is used. For behaviour to be improper it must be such that a right-thinking person would regard the conduct as so wrongful and inappropriate in the circumstances that it calls for the imposition of a penalty".* In my view, it is more likely than not that a reasonable person would consider the Respondent's threatening voice message to the City Acting CEO as calling for the imposition of a penalty.

40. I find element 3 of Rule 18, improper use of office, has been established.

Element 4 (a): The use of office was not to gain an advantage for any person

41. I do not have any evidence that the Respondent's conduct caused an advantage to him or any other person.

42. I do not have any evidence the Respondent's conduct had the intention of causing an advantage to him or any other person.

43. I do not find the Respondent's behaviour was to gain an advantage for him or any other person.

Element 4 (b): The use of office caused a detriment to the local government or any other person

44. "Detriment" means loss, damage or injury. It is construed widely and includes financial and non-financial loss and adverse treatment, such as humiliation, denigration, intimidation, harassment, discrimination and disadvantage. Put another way, the word 'detriment' is loss or damage done or caused to, or sustained by, any person or thing: *Treby* at [94].

45. Detriment from remarks can be found in two main ways: remarks/actions are plainly capable of causing detriment: *Treby* at [106]; or an intent to cause such detriment must be established: *Treby* at [96].

46. The Complainant submits he suffered detriment because he felt abused and threatened as a result of the voice message which the Respondent left for him in use of his office on 6 June 2026. I consider a reasonable person in the Complainant's position would have felt alarmed and intimidated by the Respondent's voice message, and in particular would have felt threatened that:

a. The Respondent would use the Complainant's media interview words against him on Monday in a negative way, including to criticise his media skills and assert he was not acting in accordance with good governance; and

b. The Respondent would scrutinise the Complainant's relationship with the previous CEO and something significantly grave would happen to the Complainant if the Respondent considered the relationship too close to be trusted in the circumstances.

47. I find it more likely than not the Complainant suffered detriment as a result of the voice message.

48. I find element 4 of Rule 18, detriment has been caused, has been established.

Conclusion

49. For the reasons above I find there has been a breach by the Respondent of rule 18.

SANCTION

50. I must deal with the conduct breach I have found by either ordering no sanction be imposed or ordering the Respondent have one of the sanctions set out in the LGA.

51. Before I order a sanction, I must provide the Respondent with a reasonable opportunity to make submissions on that sanction. On 4 November 2026 I provided the Respondent with an opportunity to make submissions on the public apology sanction which I proposed. The Respondent was also given an opportunity to make submissions on other sanctions, and to make submissions that there should be no sanction.

52. The Respondent responded he did not wish to make a formal submission on sanction, that he accepted (without agreeing with) the adjudication finding, and he had no objection to making a public apology.

Types of sanction

53. The types of sanction which I am required to consider to deal with conduct breaches are:

a. ordering that no sanction be imposed; or

b. ordering that the Respondent —

i. be publicly censured as specified in the order; or

ii. apologise publicly as specified in the order; or

iii. undertake counselling as specified in the order; or

iv. undertake training as specified in the order; or

v. is not entitled to be paid, in respect of a period of not more than 3 months specified in the order, the fees and allowances which the person would otherwise be entitled to be paid under Part 5 Division 8 in respect of the specified period; or

vi. is not entitled to attend a meeting of a committee of a council for a period of not more than 3 months specified in the order; or

vii. is suspended for a period of not more than 3 months specified in the order;

c. ordering 2 or more of the sanctions described in paragraph (b)(i) to (vii).

Guidance on type of sanction

54. Guidance as to the factors which I may consider in determining the appropriate penalty to impose include, but are not limited to, the following:

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. likelihood f of the councillor not committing further breaches of the Act;

g. personal circumstances at the time of conduct, and of imposing the sanction;

h. 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.

55. These were relevant to the Local Government Standards Panel decisions on sanctions and I find no reason to depart from them in this case.

Proposed sanction for Rule 18 breach

56. I consider that a sanction should be issued due to the following features of the conduct breach and the Respondent’s submissions in the Complaint process:

a. The Respondent dealt with a local government employee in a threatening way, when he had a duty to deal with him in a respectful and fair way;

b. The Respondent contacted the local government employee out of hours to make the threat;

c. The Complainant was acting as CEO, a position which the Respondent had a duty to ensure a good working relationship with;

d. The Respondent considered that the issue which he was concerned about, which I agree is important, justified the Respondent's behaviour, which it did not;

e. The Respondent does not appear to date to have any insight into the impact of his actions on the Complainant; and

f. The Respondent caused the Complainant to feel threatened.

57. I do not consider it appropriate to impose no sanction in relation to the Respondent's conduct, as this would indicate that it was so minor that no penalty is warranted.

58. However, I also consider the Respondent's conduct is at the less serious end of the scale, and am advised by the Inspector that he has no previous conduct breaches. I note that he was in a heightened state due to his significant concern about a financial and probity issue of importance to the City and to the community, and I have no evidence the conduct was pre-meditated or is likely to occur again.

59. Balancing the above, I consider a public apology sanction is consistent with the general principles which I must apply concerning the provision of good government by local governments and the public interest.

60. The personal nature of an apology, and the admission by the individual of wrongdoing which an apology entails, means it is a material sanction. Consistent with previous sanction decisions of the Local Government Standards Panel it is a suitable and appropriate penalty when a councillor's conduct adversely affects particular individuals and does not meet the standards other councillors seek to uphold.

61. I order the Respondent to publicly apologise to the Complainant in the terms below.

62. I do not consider that the Respondent should pay the City's costs of this adjudication, as it is a first conduct breach and at the less serious end of the scale.

Public apology order

1. At the ordinary council meeting first occurring after the expiration of 28 days from the date of service of this Order on him, Cr Halse 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:
>
> A complaint was made to the Local Government Inspector, in which it was alleged that I contravened the *Local Government (Model Code of Conduct) Regulations 2021* Rule 18 when, after hours on 6 June 2026, I left an improper aggressive and threatening voice message for Mr Malcolm Osborne.
>
> The adjudication process under the Local Government Act found that by behaving in this manner I committed one breach of Rule 18.
>
> I accept that I should not have acted in such a manner and I now apologise to, Mr Malcolm Osborne, who was Acting CEO for having done so."

2. If Cr Halse fails to, or is unable to, comply with the requirements of paragraph 1 above in the required timeframe then, within the next 28 days following the ordinary council meeting referred to in paragraph 1 above:

a. Cr Halse 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 "Kalgoorlie Miner" newspaper; and

b. the Chief Executive Officer of the City of Kalgoorlie-Boulder 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 Kalgoorlie-Boulder; and
>
> ii. in an appropriate place on the website of the City of Kalgoorlie-Boulder; and
>
> iii. in the next occurring issues of all City of Kalgoorlie-Boulder community and public newsletters (if any) (whether in electronic or print copy).
>
> "A complaint was made to the Local Government Inspector, in which it was alleged that I contravened the Local Government (Model Code of Conduct) 2021 Rule 18 when, after hours on 6 June 2026, I left an improper, aggressive and threatening voice message for Mr Malcolm Osborne.
>
> The adjudication process under the Local Government Act found that by behaving in this manner I committed one breach of Rule 18.

I accept that I should not have acted in such a manner and I now apologise to, Mr Malcolm Osborne who was Acting CEO for having done so."

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.

PUBLICATION NOTICE

Under section 8A.20(1)(a) of the Local Government Act 1995, the findings in this report are required to be published on the relevant website. Care should be taken to ensure that publication is undertaken in accordance with legislative requirements and that no additional confidential or sensitive material is inadvertently released.