

# COUNCILLOR CONDUCT REGISTER

Updated: 7 March 2024  
TRIM Ref: R20/1355  
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Reference Number	Date of Complaint	Name of Councillor <sup>1</sup>	Summary of Complaint	Type of Alleged Conduct	Referred to for Decision	Date of Decision	Decision	Reason for Decision
C/20/00842 R21/17	20/11/2020		It was alleged that a councillor was involved in private discussions with council’s CEO and the former manager of a local business, in an attempt to barter on price and pressure the manager into purchasing the business for a specified amount.		Office of the Independent Assessor	23/12/2020	Dismissed	<p>The OIA dismissed this matter pursuant to section 150X(a)(ii) of the Local Government Act 2009 (the Act) as the complaint did not raise a reasonable suspicion of inappropriate conduct or misconduct.</p> <p>The complaint did not provide, an the complainant was unable to further provide any information, witness details or evidence capable of supporting the allegation.</p>
C/20/00833 R21/2551	19/11/2020		It is alleged that a Councillor had failed to disclose material personal interests at three council meetings. It was alleged the interests arose because at the time of the council meetings the councillor had animals located at a particular address and was close personal friends with a landowner.		Office of the Independent Assessor	15/07/2021	Dismissed	<p>The OIA dismissed this matter pursuant to section 150X(a)(ii) of the Local Government Act 2009 on the basis that, following an investigation, no evidence was obtained to support the claim that at the time of the council meetings the councillor had animals located at a particular address and was close personal friends with a landowner.</p>
C/21/00644 R22/10143	24/09/2021		<p>It is alleged a councillor has engaged in the following conduct:</p> <ol style="list-style-type: none"><li>Breached the trust placed in them as a councillor by failing to comply with all laws that apply to the local government, when they failed to obtain the proper approvals for a donga on their property and unlawfully served alcohol on the property during events.</li><li>Failed to declare and deal with a declarable conflict of interest in relation to a private company</li><li>Failed to declare and deal with a declarable conflict of interest in relation to a property owned by an associate.</li><li>Attempted to influence a council tender process in circumstances where a conflict of interest existed.</li><li>Breached the trust placed in them as a councillor when they colluded with a local business owner to buy council infrastructure without due process.</li></ol>		Office of the Independent Assessor	28/09/2022	Dismissed	<p>The OIA conducted an investigation into the allegations and dismissed the complaint pursuant to section 150X(c)(ii) of the Local Government Act 2009 (the Act) – on the basis that further investigation would be an unjustifiable use of resources.</p> <p>Each of the five allegations were investigated and whilst it was considered that the councillor had a declarable conflict of interest during one meeting (subject to allegation number 3), there was insufficient proof to determine that the councillor was ‘aware’ that they had a conflict of interest to be declared. Currently, the Act requires proof of the councillor’s awareness.</p> <p>Interviews with multiple witnesses did not support the other allegations to a sufficient degree to justify proceeding further.</p>

<sup>1</sup> Only to be included if the local government or conduct tribunal decided that the Councillor engaged in inappropriate conduct or misconduct, or where the Councillor agrees to their name being included in the register (Section 150DY(3) Local Government Act 2009

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C/23/00278, C/23/00304 & R23/1862	17/05/2023 & 23/05/2023		It was alleged a councillor engaged in misconduct by failing to declare a conflict of interest in matters relating to a council funded program.		Office of the Independent Assessor	21/06/2023	Dismissed	<p>The OIA dismissed this matter pursuant to section 150X(a)(ii) of the Local Government Act 2009 (the Act) as the conduct does not raise a reasonable suspicion of inappropriate conduct or misconduct within the meaning of the Act.</p> <p>The Councillor had declared a prescribed conflict of interest and did not participate in the relevant decision.</p>
C/23/00037 R23/1891	18/01/2023	Cr Kim (Clancy) Middleton	It was alleged that Cr Middleton breached Council planning laws by not obtaining appropriate approvals for three structures located next to a 'Rodeo Arena' on his property.	Inappropriate Conduct	Referred by the Office of the Independent Assessor to the local government	20/06/2023	<p>1. Pursuant to section 150AG(1)(a) of the LG Act, Cr Kim (Clancy) Middleton engaged in inappropriate conduct in respect of the complaint considered by the investigation; and</p> <p>2. Pursuant to sections 150AG(1)(b) and 150AH(1)(b)(i) of the LG Act, Council orders that Cr Middleton makes a public admission that the councillor has engaged in inappropriate conduct.</p>	Council considered the findings of fact contained in the investigation report and adopted the recommendation made by the investigator.