

Local Government Act 1993

**CODE OF CONDUCT PANEL DETERMINATION REPORT
CLARENCE CITY COUNCIL CODE OF CONDUCT**

Complaint brought by Councillor Emma Goyne against Councillor Beth Warren

Code of Conduct Panel

- Jill Taylor (Chairperson)
- Roseanne Heyward (Local Government Member)
- Don Jones (Legal Member)

Date of Determination: 19 September 2025

Content Manager Reference: C38404

Summary of the complaint

A code of conduct complaint was submitted by Councillor (Cr) Emma Goyne to the General Manager, Clarence City Council on 8 May 2025.

The complaint alleges that Cr Warren breached the following parts of the Local Government (Code of Conduct) Order 2024 (the Code) at a Clarence City Council meeting held on 2 December 2024:

PART 1 – DECISION MAKING

- 2 *A councillor must make decisions free from personal bias or prejudgement in the course of the councillor's duties.*

PART 2 - CONFLICTS OF INTEREST THAT ARE NOT PECUNIARY

1. *A councillor, in carrying out the councillor's public duty, must not be unduly influenced, nor be seen to be unduly influenced, by personal or private interests that the councillor may have.*
- 6 *A councillor who has an actual, potential or perceived conflict of interest in a matter before the council must –*
- (a) *declare the conflict of interest and the nature of the interest before discussion of the matter begins; and*
 - (b) *act in good faith and exercise reasonable judgement to determine whether a reasonable person would consider that the conflict of interest requires the councillor to leave the room during any council discussion and remain out of the room until the matter is decided by the council.*

PART 7 – RELATIONSHIPS WITH COMMUNITY, COUNCILLORS AND COUNCIL EMPLOYEES

1. A councillor must –
 - (a) treat all persons fairly; and
 - (b) not cause a reasonable person offence or embarrassment; and
 - (c) not bully or harass a person.
2. A councillor must –
 - (a) listen to, and respect, the views of other councillors in council and committee meetings and all other proceedings of the council; and
 - (b) endeavour to ensure that issues, not personalities, are the focus of debate.

Initial assessment

Following receipt of the complaint, the Executive Officer of the Code of Conduct Panel appointed a member of the Panel to conduct an initial assessment of the complaint in accordance with section 28ZA of the *Local Government Act 1993*. Having assessed the complaint, the Initial Assessor determined that the complaint relating to the alleged breaches of Parts 1.2, 2.1, 2.6, 7.1 and 7.2 of the Code should be investigated and determined by the Panel.

The complainant, respondent councillor and the General Manager were notified of the outcome of the initial assessment by letter dated 7 July 2025.

Investigation

In accordance with section 28ZE of the Act, the Executive Officer convened the Code of Conduct Panel to investigate and determine the complaint.

The Panel had regard to the Local Government (Code of Conduct) Order 2024 as well as the following documents that were presented in evidence.

- Complaint by Cr Goyne submitted under cover of a statutory declaration dated
- 19 February 2025 with email attachments between Cr Goyne and Cr Warren between the period 4-6 December 2024.
- A statutory declaration dated 14 July 2025 submitted by Cr Warren in
- response to Cr Goyne's complaint.
- A YouTube recording of the Clarence City Council general meeting held on 2
- December 2024.
- A statutory declaration by Cr Goyne dated 26 August 2025 commenting on Cr Warren's response to the complaint.

On 18 August 2025 Cr Warren advised that she was satisfied for the Panel to proceed without a hearing. Cr Goyne advised on 26 August 2025 that she also agreed to proceed without a hearing.

The basis of Cr Goyne's complaint relates to an allegation that Cr Warren had made inappropriate remarks to a group gathered in the foyer of the Council chambers prior to the meeting of

2 December 2024. Cr Goyne further alleges that the content of Cr Warren's prepared response to her motion during that meeting breached to Code.

Specifically, in her complaint Cr Goyne alleged that Cr Warren called a group of people gathered in the foyer of the Council chamber as "antivaxxers". During the meeting and in reply to Cr Goyne's motion, Cr Warren read from a prepared statement in which Cr Goyne claimed that she called people in the gallery disparaging names and did not come to the debate with an open and unbiased mind. Cr Goyne said Cr Warren referring to people in the public gallery supporting her motion as *"Lizard People, Flat Earthers, Anti-Vaxxers"* was derogatory.

Cr Goyne's motion related to "Public Advocacy on Reported DNA contamination in COVID 19 vaccines". Amongst other things Cr Goyne was seeking Council to advocate on this as a public advocacy issue and receive six monthly briefings on developments relating to reported DNA contamination in COVID-19 mRNA vaccines.

In her complaint Cr Goyne stated that she could provide *"copies of written complaints from members of the public as further demonstration of the deleterious effect of Cr Warren's conduct."* The onus is on parties to submit evidence relating to complaints and Cr Goyne did not provide any evidence to this effect. In viewing the video recording of the meeting, the Panel noted that some people in the public gallery spoke to the matter raised by Cr Goyne.

Cr Goyne stated that after the meeting she had engaged in email conversation with Cr Warren in accordance with Clarence Council's Dispute Resolution Policy, *"to seek a constructive dialogue about my concerns and to request an apology for the comments directed to the public."* Cr Goyne attached the trail of emails between the two councillors that occurred between 4-6 December 2024.

In summary, Cr Goyne initiated that exchange by emailing Cr Warren on 4 December 2024 stating that *"many people around the world"* had contacted her regarding Cr Warren's behaviour at the meeting on 2 December 2024. She went on to suggest that Cr Warren referred to a group of professionals in the public gallery as *"uneducated"* adding that these people were *"insulted and made to feel unsafe"*, requesting Cr Warren to make a public apology. The email chain continued over the next two days with each of the parties *"standing their ground"*. Apart from Cr Warren agreeing to change her reference from *"Anti-vax"* to *"anti-COVID vaccine"* at Cr Goyne's request, no resolution came from this interchange. The Panel was satisfied the parties had taken appropriate steps to resolve the issue.

In her response to the complaint, Cr Warren confirmed that she did read a prepared statement in response to Cr Goyne's motion. Cr Warren stated that she undertook due diligence researching the issue. Her research included media releases from Australia's Therapeutic Goods Administration and articles on websites of health organisations worldwide. Cr Warren admitted that when asked by a couple in the foyer who were a group of others gathered there she responded *"anti-vaxxers"*.

Cr Warren strongly rejected the allegation that she targeted people in the gallery with her reference to *"Lizard People, Flat Earthers, and Anti-Vaxxers"*. Cr Warren said she used these descriptions which she discovered in her research which raised the question – *"What is true and what is not?"* and was not targeting anyone. Cr Warren also rejected the proposition that she made some people feel unsafe, saying that while she was speaking, these people were jeering and booing her. Cr Warren stated that Cr Goyne and her supporters in the public gallery were dissatisfied that she was not supporting the motion.

In considering all the evidence before it, the Panel concluded that Cr Goyne's motion clearly drew differing perspectives which is part and parcel of Council debate. It is clear from reading the email interchanges between the parties that they are clearly divided in opinion.

Determination

As per section 28ZI of the Act the Code of Conduct Panel determines that Cr Beth Warren has not breached Parts 1.2, 2.1, 2.6, 7.1 (a), (b) & (c) and 7.2 of the Local Government (Code of Conduct) Order 2024 and dismisses the complaint. The Panel is firmly of the opinion that healthy debate can and will occur during debate on contentious issues but as long as that debate remains respectful it does not necessarily cause the Code to be breached.

Reasons for determination

Part 1.2

The Panel is satisfied that Cr Warren formed her opinion in relation to Cr Goyne's motion based on research she undertook in relation to the subject that was tabled at the Council meeting on 2 December 2024. No evidence was adduced by Cr Goyne that Cr Warren held any personal bias alleged. Cr Warren had responded to the motion after she had researched the issue and presented her response.

A point of view espoused by another does not create bias, it enables both side of an issue to be presented to anyone who must form their own opinion on an issue.

Cr Goyne presented no evidence that Cr Warren held any personal bias. The Panel concluded that Cr Warren was not biased and did not pre-judge the issue.

Part 2.1

Cr Goyne stated that Cr Warren had previously been employed by the Department of Health in a paid position administering vaccinations. In her response Cr Warren advised that her employment in the Department of Health was in 2020 when she was employed as an Assistant Director whose responsibilities included the COVID vaccination Rollout Unit. Cr Warren's said that she derived no personal or private benefit in this capacity. Cr Warren's employment in the Department of Health does not in itself prove that she had any personal or private interest in the motion before the Council at its meeting on 2 December 2024.

Part 2.6

In the evidence before it, the Panel were unable to identify any reason for Cr Warren to declare a conflict of interest in the motion before Council relating to DNA contamination of COVID vaccinations. The fact Cr Warren had been employed by the Department of Health some years earlier does not provide reason for an actual, perceived or potential conflict.

Part 7.1 (a)

In her complaint Cr Goyne claimed that Cr Warren referred to professional people gathered in the public gallery as "*Lizard People, Flat Earthers and Anti-Vaxxers*", thus treating them unfairly. Cr Warren refutes this claim, stating that by using these terms she was quoting from research she had undertaken. The Panel does not accept that Cr Warren had treated anyone unfairly.

Part 7.1 (b)

Cr Goyne contends that Cr Warren offended and embarrassed her supporters in the public gallery by inferring that they were "*Lizard People, Flat Earthers and Anti-Vaxxers*". Whilst the Panel accepts Cr Warren's explanation that she uncovered these descriptions during her research, it believes that Cr Warren used these words knowing that she would get a reaction from Cr Goyne's supporters. On reflection Cr Warren could have made her point differently. However, as Cr Warren did not direct her comments at any of the assembled gathering, the Panel determines that she has not breached this Part of the Code.

Part 7.1 (c)

For the Panel to uphold a complaint that a person has been bullied and/or harassed, evidence would need to be produced of ongoing and unwanted behaviour being perpetrated against a person or a group of people. This complaint relates to a single event; a Clarence City Council meeting held on 2 December 2024. Accordingly, the Panel found that Cr Warren did not breach this Part of the Code.

Part 7.2

The proceedings at the Clarence City Council meeting on 2 December 2024 were of a routine nature. That is, an elected member (Cr Goyne) moved a motion that was seconded, and this was followed by debate. Council meetings are the forum where a variety of views can be expressed, and this is what occurred in relation to Cr Goyne and Cr Warren. The Panel concluded that Cr Warren was expressing a view different to Cr Goyne's motion. It was based on her research and by doing so, Cr Warren was not being disrespectful to Cr Goyne.

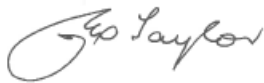
Timing of the Determination

In accordance with section 28ZD (1) a Code of Conduct Panel is to make every endeavour to investigate and determine a code of conduct complaint within 90 days of the chairperson's determination that the complaint is to be investigated.

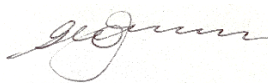
The Panel has been unable to determine the complaint within 90 days, owing to the other commitments by Panel members at different times.

Right to review

A person aggrieved by the determination of the Code of Conduct Panel, on the ground that the Panel failed to comply with the rules of natural justice, is entitled under section 28ZP of the Act to apply to the Magistrates Court (Administrative Appeals Division) for a review of that determination



Jill Taylor
Chairperson



Don Jones
Member



Roseanne Heyward
Member

DATE: 19 September 2025