INVESTIGATING PANEL DETERMINATION REPORT

NORTHERN MIDLANDS COUNCIL CODE OF CONDUCT

Complaint brought by Councillor Mary Knowles against Councillor Paul Terrett

Investigating Panel

- Jill Taylor (Chairperson)
- Sharyn von Bertouch (Local Government Member)
- Anthony Mihal (Legal Member)

Date of Determination: 26 October 2026

Content Manager Reference: C41257

Summary of the complaint

1. A code of conduct complaint was submitted by Councillor (Cr) Mary Knowles, the Mayor of the Northern Midlands Council, to the Council's General Manager on 29 January 2026 against her fellow councillor, Cr Terrett. In fact, two complaints were lodged against Cr Terrett by the complainant, the one dated 29 January 2026 and a second dated 10 June 2026, each supported by statutory declarations dated 29 January 2026 and 17 June 2026 respectively. Each complaint alleged the same breaches of the Code of Conduct by the respondent. The later complaint referred to the earlier one for particularisation and relied heavily on its contents.

2. The complainant alleged that Councillor (Cr) Terrett breached the following parts of the Code of Conduct for councillors made by the Minister for Local Government under section 28R of the *Local Government Act 1993* (the Act). The complainant alleged that the breaches occurred on 2 July 2025, 6 August 2025, 3 September 2025, 1 October 2025, 5 November 2025, 15 December 2025 and 19 January 2026 and related to allegations that Cr Terrett did not declare a conflict of interest at Council meetings and meetings of the Longford District Committee. Additionally, Cr Knowles alleged that Cr Terrett posted inaccurate or inappropriate posts on his Facebook page.

3. Parts of the Code alleged to have been breached by Cr Terrett are -

   Part 1(1) *The councillor must bring an open and unprejudiced mind to all matters being decided in the course of the councillor's duties, including when making planning decisions as part of the council's role as a planning authority.*

   Part 1(2) A councillor must make decisions free from personal bias or prejudgement in the course of the councillor's duties.

   Part 1(3) A councillor, in making decisions, must give genuine and impartial consideration to all relevant information known to the councillor, or of which the councillor should be reasonably aware.

Part 1(4) A councillor must –

a. *Make decisions solely on merit; and*

b. *Not take irrelevant matters or circumstances into account when making decisions.*

Part 2(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.

Part 2(2) A councillor must act openly and honestly in the public interest.

Part 2(3) A councillor must uphold the principles of transparency and honesty and declare actual, potential or perceived conflicts of interest at any meeting of the council and at any workshop or any meeting of a body to which the councillor is appointed or nominated by the council.

Part 2(4) A councillor must act in good faith and exercise reasonable judgement to determine whether the councillor has an actual, potential or perceived conflict of interest.

Part 2(5) A councillor must avoid, and withdraw from, positions of conflict of interest as far as reasonably possible.

Part 2(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 3(1) The actions of a councillor must not bring the council or the office of councillor into disrepute.

Part 3(2) A councillor must not take advantage, nor seek to take advantage, of the councillor's office or status to influence others improperly to gain an undue, improper, unauthorised or unfair benefit or detriment, for the councillor, another person or a body.

Part 8(1) A councillor must accurately represent the policies and decisions of the council when giving information to the community.

Part 8(2) A councillor must not knowingly misrepresent information that the councillor has obtained in the course of the councillor's duties.

Part 8(3) A councillor must not speak on behalf of the council unless specifically authorised or delegated by the mayor.

Part 8(4) A councillor must clearly indicate if a view put forward by the councillor is a personal view.

Part 8(5) A councillor's personal views must not be expressed publicly in such a way as to –

a. Undermine the decision of the council; or

b. Bring the council into disrepute.

Part 8(6) A councillor must show respect when expressing personal views publicly.

Initial assessment

4. Following receipt of the complaint, an Initial Assessor was appointed to conduct an initial assessment of the complaint in accordance with the requirements of section 28ZA of the Act. Having assessed the complaint against the provisions of sections 28ZB and 28ZC of the Act, the Initial Assessor determined that the whole complaint should be investigated.

5. The complainant, respondent councillor and the General Manager were notified of the outcome of the initial assessment by letter dated 2 July 2026.

Investigation

6. In accordance with section 28ZE of the Act, the Investigating Panel was appointed to investigate the complaint.

7. The Panel determined that further information was required from Cr Knowles. The Panel wrote to Cr Knowles on 24 August 2026 requiring that she:

- specify details about the acts or omissions where [she] alleges Cr Terrett breached relevant parts of the Code;
- specify Cr Terrett's relevant interest and the part of the dog management policy related to his interests, including how he had benefited or could have benefited from the policy;
- advise if Cr Terrett was appointed or nominated by the Northern Midlands Council to the Longford District Committee;
- at the Council meeting of 19 January 2026, identify the relevant personal interest Cr Terrett had in the relevant matter;
- specify Council decisions [she] alleges Cr Terrett has undermined.

8. Cr Knowles provided a written response under cover of a statutory declaration dated 2 September 2026. In her response, Cr Knowles confirmed that Cr Terrett had not been appointed or nominated as a Council representative on the Longford District Committee. In relation to the Panel's request for more detailed information as listed above, Cr Knowles did little more than restate her complaint without providing any further and better particulars or new evidence in support of her complaint.

9. The following documents were obtained by the Panel in the course of its investigation of the complaint:

   - Cr Knowles' initial complaint dated 29 January 2026 under cover of a statutory declaration dated 29 January 2026. A second complaint dated 10 June 2026 referring to the initial complaint under cover of a statutory declaration dated 17 June 2026.

   - Documents that Cr Knowles submitted in support of her complaint including Facebook posts by Cr Terrett, minutes of meetings of the Longford District Committee held in July, August, September and October 2025 and extracts from Council meetings held on 15 December 2025 and 19 January 2026.

   - Cr Terrett's response to Cr Knowles' complaint under cover of a statutory declaration dated 21 July 2026.

   - Request from the Panel to Cr Knowles for further information dated 24 August 2026.

   - Cr Knowles' response dated 2 September 2026 to the Panel's letter of 24 August 2026.

10. In accordance with section 28ZG(2)(b) of the Act, the Investigating Panel determined that the complaint may be investigated without a hearing having considered that a hearing would be unnecessary in the circumstances because the investigation could be determined on the basis of the written material provided and, in the Panel's view, neither party would be disadvantaged.

11. The Panel foreshadowed that determination in letters to the parties dated 16 September 2026. Both parties were invited to provide any submissions as to that course in writing by 30 September 2026. On 17 September 2026, both parties advised that they had no objections to the investigation proceeding without a hearing.

12. The Panel met on 25 September 2026 to complete its investigation and determine the complaint. The Initial Assessor noted that there were in fact two complaints, alleging the same breaches of the Code with the latter one referring to the earlier one for particularisation and relying heavily on its contents. It appears that confusion occurred because the General Manager of the Northern Midlands Council did not refer the first complaint to the Code of Conduct Panel in accordance with section 28Z(1)(a), rather referring it for internal dispute resolution. This resulted in a mediation on 20 April 2026, which did not resolve the matter.

13. The Panel had regard to the Initial Assessor's finding that *"S28V(3)(f) of the Act requires a complaint to be lodged with the general manager of the relevant council within 6 months of the alleged commission of the relevant breach of the Code. From a receipt issued by the Council it appears the later complaint was not lodged with the general manager until 17 June 2026, the same day the second statutory declaration was made. By that date all the remaining alleged breaches were more than 6 months old.*

However, by s28V(4) if the subject matter of a complaint by its nature consists of a series of separate incidents that, taken together, form the subject matter, the 6-month period runs from the most recent of the incidents referred to in the complaint."

Determination

14. As per section 28ZI of the Act the Investigating Panel determines that Cr Terrett has not breached the Code of Conduct, and therefore the Investigating Panel dismisses the complaint.

Reasons for determination

Part 1 – Decision Making

15. Cr Knowles alleged that Cr Terrett breached Parts 1.1, 1.2, 1.3 and 1.4 of the Code, all of which relate to decision making.

16. In order to make a finding that Cr Terrett breached this part of the Code, the Panel must be able to identify a particular decision that Cr Terrett made in the course of his duties as a councillor that was infected with personal bias, prejudice, prejudgment or closed mindedness. Despite specifically being required to identify the decision about which she complained, Cr Knowles failed to do so. The Panel could not identify such a decision.

17. The only conclusion that could be drawn is that the bald assertion that Cr Terrett breached this part of the Code is misconceived. For that reason, the Panel dismisses this part of the complaint.

Part 2 – Conflict of Interest

18. Cr Knowles alleged that Cr Terrett had breached Parts 2.1, 2.2, 2.3, 2.4, 2.5 and 2.6(a) and (b) of the Code.

19. The substantive focus of Cr Knowles' complaint was that Cr Terrett had not declared a conflict of interest in matters relating to the Northern Midlands Council's draft dog management policy and a Council decision concerning recovery of costs in the Supreme Court. The Panel was required to consider whether Cr Terrett had an actual, potential or perceived personal interest in relation to matters that were discussed at a meeting of Council or a body to which the councillor has been appointed or nominated as alleged by Cr Knowles. In her complaint, Cr Knowles did not provide sufficient detail supporting her allegations and despite being given an opportunity to do so by the Panel, did not provide any specific evidence.

20. In relation to the draft dog management policy, Cr Knowles alleged that because Cr Terrett held a kennel licence, he had a conflict of interest. Cr Terrett provided the Panel with a copy of the draft policy and submitted that it covered dog owners generally and did not impact existing kennel licence holders and dog breeders. Cr Knowles was unable to identify how the draft dog management policy affected Cr Terrett's interests as a kennel licence holder and dog breeder, notwithstanding a requirement by the Panel that she do so. The Panel considered the policy and could not identify how its implementation could affect the interests of existing kennel licence holders or how participation in discussions about the draft policy could potentially benefit Cr Terrett personally. Accordingly, the Panel accepted Cr Terret's submissions.

21. This matter of complaint is also misconceived insofar as it related to Cr Terrett allegedly breaching Part 2.3 of the Code by failing to declare a conflict of interest at

Longford District Committee meetings. There was no evidence before the Panel that Cr Terrett was appointed or nominated by Council to that body. Accordingly, the Panel accepted Cr Terrett's evidence that he was not, which means that even if Cr Terrett had a conflict of interest, he could not have breached that part of the Code by failing to declare it.

22. Cr Knowles also alleged that Cr Terrett should have declared a conflict of interest at the Northern Midlands Council meeting held on 19 January 2026 when the matter of recovery of the Council's legal costs was raised because he had declared a conflict of interest at the Council's December 2025 annual general meeting in relation to the same matter.

23. In his response, Cr Terrett submitted that he declared a conflict at the annual general meeting because his husband proposed the motion concerning that matter at that meeting, but he did not have a conflict of interest in relation to the subject matter itself. When the matter was discussed at the January 2026 Council meeting, he had no conflict of interest because the conflict of interest he declared at the annual general meeting being specific to the particular motion because of who moved it, was not relevant.

24. Again, notwithstanding being required by the Panel to identify Cr Terrett's relevant personal interest in the issue of Council's recovery of legal costs in the relevant litigation, Cr Knowles could not do so. The Panel could only conclude that the allegations were misconceived, and the Panel dismisses this Part of the complaint.

Part 3 – Use of Office

25. Cr Knowles alleged that Cr Terrett had breached Parts 3.1 and 3.2 but did not identify specific instances where Cr Terrett had used his office to gain an undue, improper, unauthorised or unfair benefit for him or others. Furthermore, no evidence was produced that Cr Terrett had brought the Council or office of councillor into disrepute. The Panel dismisses this Part of the complaint.

Part 8 – Representation

26. Cr Knowles alleged that Cr Terrett had breached Parts 8.1, 8.2, 8.3, 8.4, 8.5 (a) and (b) and 8.6. The Panel established that Cr Terrett was not representing Council when he attended the meetings of the Longford District Committee. No evidence was provided by Cr Knowles that Cr Terrett had publicly misrepresented or inaccurately reported on Council policies or decisions. The Panel dismisses this Part of the complaint.

27. The Investigating Panel concludes that Cr Terrett did not breach Parts 1.1, 1.2, 1.3, 1.4, 2.1, 2.2, 2.3, 2.4, 2.5, 2.6(a) & (b), 3.1, 3.2, 8.1, 8.2, 8.3, 8.4, 8.5 (a) & (b) and 8.6 of the Code of Conduct.

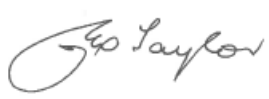
Timing of the Determination -

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

29. The Panel has been unable to determine the complaint within 90 days, due to the fact that the complaint was not forwarded to the Code of Conduct Panel until three months after lodgement and the need to seek further information from the complainant.

Right to review

30. 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 Tasmanian Civil and Administrative Tribunal for a review of the determination on that ground.







Jill Taylor
Chairperson

Anthony Mihal
Member

Sharyn von Bertouch
Member

DATE: 26 October 2026