

**CODE OF CONDUCT PANEL DETERMINATION REPORT –
NORTHERN MIDLANDS COUNCIL – MR MATHEW HEALEY AGAINST
COUNCILLOR (CR) ANDREW MCCULLAGH**

Complaint brought by Mr Mathew Healey against Cr Andrew McCullagh

Code of Conduct Panel

- Jill Taylor, (Chairperson),
- Liz Gillam (Local Government Member)
- Frank Neasey (Legal Member)

Date of Determination: 5 December 2023

Content Management Reference: C28499

Summary of the complaint

A code of conduct complaint was submitted by Mr Mathew Healey, as Director of Local Government, under cover of a statutory declaration dated 10 May 2023 to the General Manager, Northern Midlands Council and referred to the Code of Conduct Panel on 25 May 2023.

The complaint alleges Cr McCullagh breached the following parts of the Northern Midlands Council's Code of Conduct for Elected Members (the Code) which was endorsed by the Council on 30 January 2023:

PART 3 – USE OF OFFICE

3.2 A councillor must not take advantage, or seek to take advantage, of his or her office or status to improperly influence others in order to gain an undue, improper, unauthorised or unfair benefit or detriment for himself or herself or any other person or body.

PART 7 - RELATIONSHIPS WITH COMMUNITY, COUNCILLORS AND COUNCIL EMPLOYEES

7.1 A councillor –

- (a) must treat all persons fairly; and*
- (b) must not cause any reasonable person offence or embarrassment; and*
- (c) must not bully or harass any person.*

In respect of the Part 7 allegations, the complainant specified that the relevant breaches all occurred in respect of one person, namely the General Manager of the Northern Midlands Council, Mr Des Jennings.

Initial assessment

Following receipt of the complaint, the Chairperson conducted an initial assessment of the complaint

in accordance with the requirements of section 28ZA of the Local Government Act 1993 (the Act). Having assessed the complaint against the provisions of sections 28ZB and 28ZC of the Act, the Chairperson determined that:

- the complainant had made reasonable efforts to resolve the complaint prior to lodging it;
- the complaint substantially related to a contravention of the Code endorsed on 30 January 2023;
- the complaint should not be dismissed on the grounds that it was frivolous, vexatious or trivial. The reasons for this conclusion were that if proven, the alleged incidents would constitute a breach of the Code;
- having made enquiries of the Code of Conduct Executive Officer, there was no relevant direction under section 28ZB(2) or 28ZI of the Act that would apply to the complainant and the complaint.

On this basis, the Chairperson determined that the whole complaint be investigated and determined by the Code of Conduct Panel (the Panel).

The complainant, respondent councillor and the General Manager were notified of the outcome of the initial assessment by letter dated 6 June 2023.

Investigation

In accordance with section 28ZE and section 28ZG (1) of the Act, the Code of Conduct Panel investigated the complaint by means of a hearing.

At the hearing Mr Healey gave evidence in support of his complaint and told the Panel that once he had lodged the complaint, in recognition of his position of Director of Local Government, he put in place arrangements with the Department of Premier and Cabinet to ensure that he had no engagement in the administration of the complaint process, except as the complainant. The Panel accepts that that was so.

When a copy of the complaint was sent to Cr McCullagh under letter dated 6 June 2023, he was requested to provide a response to the alleged breaches of the Code within 14 days under cover of a statutory declaration. Cr McCullagh responded to Mr Healey's complaint by email on 3 July 2023, with a number of allegations against Mr Healey and others and requesting that the matter be referred to the Magistrates Court as he didn't believe that a "fair and reasonable outcome could be achieved." The Chairperson responded to Cr McCullagh on 11 July 2023 advising him that, as a determination had already been made by the Chairperson that the whole complaint be investigated and determined by the Panel, neither the Panel nor any other person had the capacity under the Act to refer the matter to the Magistrates Court. Further Cr McCullagh was advised that the Panel was a statutory body, separate from the Department of Premier and Cabinet and must comply with section 28ZE of the Act, in particular observe the rules of natural justice.

This letter also advised Cr McCullagh that as his response dated 3 July 2023 had failed to address the

substance of Mr Healey's complaint in relation to breaches of Parts 3.2 and 7.1 (a), (b) and (c) of the Code, he should do so. Cr McCullagh was given a further 14 days to address this requirement. However, at no point in subsequent communication did Cr McCullagh provide the Panel with any direct response to the specific alleged breaches of the Code. Furthermore, Cr McCullagh consistently requested that his matter be referred to the Magistrates Court, despite being advised that the Panel had no authority to do so.

Attempts were made to hold a hearing in September 2023 and later in October 2023, but this was unachievable owing to the unavailability of one of the witnesses due to leave of absence and Cr McCullagh's absence overseas. The hearing was finally scheduled for 9 November 2023. Each time a hearing date was proposed, including the 5 September 2023, Cr McCullagh continually advised the Panel that he would not be attending a hearing. Despite this, Cr McCullagh was again sent details of the hearing on 9 November 2023. Cr McCullagh replied that he would not be attending but did not provide a request, with reasons, for adjourning the hearing.

The Panel decided to call Cr Mary Knowles, Mayor of the Northern Midlands Council and Mr Des Jennings, General Manager, Northern Midlands Council as witnesses at the hearing, as they were named as persons being subjected to Cr McCullagh's alleged inappropriate behaviour. At no point did Cr McCullagh provide any of his evidence or other material under cover of a statutory declaration.

Hearing

As per section 28ZH of the Act a hearing was held on Thursday 9 November 2023 at the TASCAT rooms in Hobart. Mr Healey attended in person and two witnesses, Cr Knowles and Mr Jennings, appeared by video link. Cr McCullagh did not appear personally or otherwise. In order to ensure that Cr McCullagh had not changed his mind about attending, prior to the commencement of the hearing his name was called three times in the foyer of TASCAT. At the hearing Mr Healey, Cr Knowles and Mr Jennings made an affirmation attesting to the fact that the evidence they would be giving was the truth.

The following is a list of documents, including a taped conversation between Mr Healey and Cr McCullagh, that had been sent to the Panel as evidence by Mr Healey and Cr McCullagh. Both were provided with the consolidated list of evidence and requested to contact the Executive Officer if they had not received any of the documents. The Executive Officer advised that no requests were received from either of the parties.

1) Complaint by Mr Healey under cover of a statutory declaration dated 10 May 2023 with attachments:

1. Northern Midlands Council Code of Conduct for Elected Members Endorsed 30 January 2023
2. Email exchanges between Cr McCullagh and Mr Healey from 1 April to 15 April 2023
3. Collated emails from Cr McCullagh to General Manager 17 November 22 to 23 February 2023
4. Email exchange between Mayor Knowles and Cr McCullagh 24 January 2023
5. Letter from Director LG to Cr McCullagh dated 9 March 2023

6. Letter from Mayor Knowles to Cr McCullagh, dated 21 February 2023
7. Further collated emails from Cr McCullagh to General Manager, April-May 2023
8. Letter from Director LG to Mayor Knowles dated 19 January 2023
9. Email exchange between Cr McCullagh and Mr Michael Kadziolka – 6-7 December 2022
10. Letter from Director LG to Cr McCullagh dated 8 December 2022
11. Email from Cr McCullagh to Mr Healey dated 8 December 2022
12. Email from Cr McCullagh to General Manager dated 21 April 2023
13. Email from Cr McCullagh to General Manager dated 27 April 2023

2) Email from Mathew Healey to Panel sent on 17 August 2023 at 6.14pm with the following attachments:

- a. Email from Cr McCullagh to Gail Eachner sent on 11 May 2023 at 8.36pm
- b. Email from Cr McCullagh to Des Jennings on 29 May 2023 5:36pm
- c. Email from Cr McCullagh to Des Jennings on 31 May 2023 7:46pm
- d. Email from Cr McCullagh to Des Jennings on 5 June 2023 9:20am
- e. Email from Cr McCullagh to Des Jennings on 5 June 2023 10:31am
- f. Email from Cr McCullagh to Mathew Healey on 5 June 2023 1:03pm
- g. Email from Cr McCullagh to Mathew Healey on 6 June 2023 5:23pm
- h. Email from Cr McCullagh to Mathew Healey on 20 June 2023 4:30pm
- i. Email from Cr McCullagh to Mathew Healey on 28 June 2023 9:20am
- j. Email from Cr McCullagh to Mathew Healey on 24 July 2023 9:02am
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- k. Email from Cr McCullagh to Mathew Healey on 3 August 2023 12:11pm
- l. Email from Cr McCullagh to Mathew Healey on 7 August 2023 12:58pm
- m. Screen shots at 6.04 undated between Cr McCullagh and Mathew Healey

3) Email from Cr McCullagh to CoC Panel sent on 3 July 2023 at 8.26am with attachments:

- a. Voice recording on 3 November 2022
- b. Media release logo matter
- c. Councillor McCullagh PDF

4) The following documents which were attached to an email from Cr McCullagh to EO on 11 July 2023 at 8.40am

- a. Media release by Cr McCullagh - undated
- b. Email sent by Cr McCullagh to Mathew Healey on 20 June 2023 at
- c. 4.30pm
- d. Email sent by Cr McCullagh to Mathew Healey on 28 June
- e. 2023 at 9.20am

5) Email from Cr McCullagh to EO/Chairperson sent on 12 July 2023 at 2.13pm

6) Email from Cr McCullagh to M Healey sent on 24 July 2023 at 9.02am

7) Email from Cr McCullagh to EO sent on 2 August 2023 at 10.46pm

- 8) Email from Cr McCullagh to EO sent on 29 August 2023 at 8.09am
- 9) Email from Cr McCullagh to M Healey sent on 11 September 2023 at 3.24pm
- 10) Email from Cr McCullagh to EO sent on 1 October 2023 at 9.08pm

At the hearing Mr Healey advised the Panel, and it accepts, that he did not know of or give permission to a recording of a conversation that he had with Cr McCullagh on 3 November 2022, which Cr McCullagh had submitted as evidence. The recording was played at the hearing. The Panel finds that the recorded conversation neither detracts from Mr Healey's complaint nor supports Cr McCullagh's response to the complaint in any material way.

THE COMPLAINANT

Mr Healey was invited to speak to his complaint. He told the hearing that he did not take lodging a formal complaint lightly but felt he had no alternative as Cr McCullagh had not responded to requests from himself, as Director of Local Government and Cr Knowles as the Mayor of Northern Midlands Council pointing out how some of his behaviour could be a breach of the Code. Mr Healey said that Cr McCullagh had taken a threatening tone in written communication with him and even after the complaint had been lodged this behaviour continued. As evidence of this on 17 August 2023, Mr Healey sent further documentation to the Panel with attached emails Cr McCullagh had continued to send to him and Mr Jennings.

In relation to the alleged breach of Part 3.2, Mr Healey referred to a letter (attachment 10 to the complaint) he had sent to Cr McCullagh regarding an email exchange (attachment 9 to the complaint) between him and Mr Michael Kadziolka, the lawyer representing the Northern Midlands Council. These documents concerned a legal matter Council was pursuing in relation to the use of the Council's arms on the Northern Midlands Council Watch Facebook Page. This was not a Council endorsed Facebook page. In the email on 6 December 2022 to Mr Kadziolka, which was copied to other councillors, Cr McCullagh said that he was now a councillor and "the gloves will be well and truly off in the Council Chambers from this point on". Furthermore, he stated that if the matter was pursued, he would "be laying a Code of Conduct violation against the General Manager and Mayor for bringing the Council into disrepute". Finally, he added that he was "going to the media" if this matter continued. Mr Healey has alleged that Cr McCullagh, by copying his demands to his fellow councillors was trying to garner support from them for Council to discontinue its legal action, thus giving him a financial benefit should be the matter not proceed.

Mr Healey stated that the Mayor and General Manager, have taken defamation action against Cr McCullagh (which is still ongoing) in relation to several statements he had made on his Facebook page. Attachment 12 to Mr Healey's complaint is an email from Cr McCullagh (again copied to others including the Premier and Minister) to Mr Jennings regarding a proposed motion he was requesting be placed on the Council agenda. However, Cr McCullagh goes on to comment about the ongoing

defamation matter taking aim at the case against him “crumbling” and “dollars are being wasted” which he “will make it very well known around the municipality councillors abetting your stupidity”.

In May 2023, Mr Healey said that he had got to a point where, because of the constant repetitious emails from Cr McCullagh, he advised Cr McCullagh to communicate directly with the Executive Officer in relation to the complaint. Mr Healey stated that he had been approached by the Integrity Commission to provide information after Cr McCullagh had lodged a complaint with it. This is normal practice and not, as Cr McCullagh’s claims, evidence of collusion between the two organisations. The Panel finds accordingly.

When questioned by the Panel about the meeting with Cr McCullagh in November 2022, Mr Healey said that it “ended well” with him saying to Cr McCullagh he could “go hard but stay within the rules and respectful”.

THE RESPONDENT

Despite three requests for Cr McCullagh to provide a response to Mr Healey’s allegations in relation to his alleged breaches of the Code, Cr McCullagh did not do so. Whilst Cr McCullagh did provide a significant amount of correspondence to the Panel, much of it related to matters that were not within the Panel’s jurisdiction to consider. Cr McCullagh kept insisting that the complaint be referred to the Magistrates Court and when advised that this could not be done, he indicated he would lodge an appeal with the Magistrates Court at the conclusion of the process before the Panel. Cr McCullagh’s communication with the Panel consisted of criticisms of the Chairperson’s role, lack of independence of the process from the Director of Local Government and allegations of improper behaviour by Mr Healey, Cr Knowles and Mr Jennings, none of which were supported by any evidence.

Key to Cr McCullagh’s evidence was a recording of a meeting between him and Mr Healey which had been provided twice by Cr McCullagh (once attached to his email of 3 July 2023 and again attached to an email on 4 November 2023 at 6.03pm). The thrust of this conversation was that Cr McCullagh expressed a view that he “wanted to get rid of Des and Mary” and wanted Mr Healey to support this. Mr Healey kept re-iterating through the conversation that he was always willing to support actions of councillors provided they observed a proper process to achieve a positive outcome. At one point Mr Healey suggested that a meeting be arranged between Cr Knowles, Mr Jennings and Cr McCullagh to discuss the matters Cr McCullagh had raised. Mr Healey said at the hearing he had tried to arrange such a meeting but Cr Knowles and Mr Jennings did not agree to attend.

During the recorded conversation, Cr McCullagh made several derogatory comments about Mr Jennings including implying that he was corrupt. He also made inappropriate comments about Cr Knowles, stating that he could work with her, although she was “clueless”.

In respect to whether he had breached the Code as alleged by Mr Healey, Cr McCullagh offered no evidence to support the allegations one way or another.

WITNESSES

Cr Mary Knowles

When asked by the Panel to describe how Cr McCullagh’s behaviour had changed since the complaint had been lodged by Mr Healey, she said that it has become “worse”. She indicated that his

behaviour at Council meetings was acceptable but his constant barrage of emails to the General Manager, which were “aggressive and unreasonable” had not lessened. She said that she was very concerned about the workplace health and safety of Mr Jennings and had taken steps for another staff member to intercept emails sent by Cr McCullagh to Mr Jennings. However, whilst this achieved the objective of lessening the vitriol directed at Mr Jennings, another staff member was viewing the constant, inappropriate emails from Cr McCullagh. When questioned by the Panel, Cr Knowles admitted that Cr McCullagh’s behaviour had “totally affected people at Council, both staff and some councillors”. She said that Cr McCullagh’s emails were so intense (one Saturday he sent seven), that Council instituted a requirement for him to make a formal Right to Information (RTI) request. Dealing with the RTI requests has created a significant additional workload for Council staff. At one point she had requested Cr McCullagh not to copy his emails to others, which he ignored.

When questioned by the Panel as to whether Cr McCullagh has caused her embarrassment, she said that he had. By way of example, Cr Knowles said during the election period, Cr McCullagh had posted on his Facebook page that she had influenced the building of a bridge on a road she regularly travels. A program for replacing wooden bridges had been on Council’s works program for several years and this was simply one of them. On another occasion he described her as sitting on the General Manager’s knee which she said was extremely offensive. Cr Knowles told the hearing at one point Cr McCullagh had requested a list of all staff members’ qualifications and their pay packages, which she said was totally inappropriate.

In response to further questioning, Cr Knowles admitted that her mental health had been affected by the intensity and offensiveness of Cr McCullagh’s constant emails.

Mr Des Jennings

Mr Jennings also told the hearing that Cr McCullagh was “well behaved” at Council meetings. Mr Jennings said that Cr McCullagh’s emails were offensive and an embarrassment to him, especially when Cr McCullagh was accusing him of blanket corruption. Mr Jennings added that he continually felt harassed. Mr Jennings said that changes the Mayor had put in place to filter emails coming to him from Cr McCullagh had relieved the situation, however he was concerned that now other staff had to read and sift through them to identify what information Cr McCullagh actually required of Council.

In response to a question from the Panel, Mr Jennings indicated that his recent time off was due to a hereditary heart condition, but he did benefit from the time off to deal with stress. Mr Jennings said that many of the emails sent to him by Cr McCullagh made several allegations questioning his integrity and caused embarrassment especially as these were being circulated to the Premier, the Minister for Local Government and others.

When asked by the Panel, Mr Jennings said that he felt bullied and harassed. He was also asked by the Panel whether he was still receiving emails from Cr McCullagh to which he replied that internal changes made had alleviated the situation somewhat.

Mr Healey – summation

In his summation, Mr Healey, re-iterated that he did not take the course of lodging a complaint lightly but felt he had no option as Cr McCullagh’s behaviour was materially impacting on the Council and its ability to perform its role and functions. In his role as Director of Local Government he could “not walk past this as it would send a negative message to the sector” and that he had to have

regard to the impact on staff under the requirements of the Work Health and Safety Act 2012.

Determination

Having concluded its investigation, as per section 28ZL(1) of the Act, the Panel is satisfied that Cr McCullagh has breached the Code of Conduct in the manner alleged by Mr Healey, and therefore upholds the complaint. The Panel makes additional findings in respect of conduct of Cr McCullagh concerning Cr Knowles and Mr Healey himself, which it also finds amounted to breaches of the same provisions of the Code of Conduct. The additional findings are discussed below.

Reasons for determination

The Panel considered all the information provided by Mr Mathew Healey and relevant segments of the material provided by Cr McCullagh, along with evidence presented by witnesses called by the Panel, Cr Mary Knowles and Mr Des Jennings. However, the Panel was conscious that the only material that might comprise *direct* evidence of any alleged breaches of the Code by Cr McCullagh was the material before it that pre-dated the lodging of the complaint. Essentially this was the material contained in the 13 attachments to the complaint, together with the recorded conversation of 3rd November 2022.

In relation to the alleged breach of Part 3.2, evidence was produced that demonstrated Cr McCullagh sought to take advantage of his office as a councillor to improperly influence Cr Knowles, Mr Jennings and his fellow councillors in order to gain an improper benefit for himself, i.e., the ‘dropping’ of legal action against him as initiated by the Council and also by Cr Knowles and Mr Jennings. He did this in his role as a councillor by threatening certain outcomes as described above.

In addition to the contents of attachments 9 and 12 to the complaint as earlier discussed, the Panel notes that in attachment 13, being an email from Cr McCullagh to Mr Jennings dated 27th April 2023, and copied to other councillors, Cr McCullagh refers to Council’s ‘squandering tens of thousands of dollars on legal fees (95k plus on defamation and rising) to assess their position and pursue it rightly or wrongly’, being a reference to defamation proceedings against him. The Panel notes that Cr McCullagh was concerned about the cost of the defamation proceedings against him and therefore had a pecuniary interest in these actions being ceased.

The Panel upholds this part of the complaint.

In relation to Part 7.1 (a) the Panel concluded that Cr McCullagh had treated Mr Healey, Cr Knowles and Mr Jennings unfairly. This conclusion was reached having regard to the tone of much of his communication with these people including wild allegations that he was not able to substantiate and demonstration of a lack of respect for the positions they held, as evident from the various attachments to Mr Healey’s complaint.

In addition to the findings that Cr McCullagh treated both Cr Knowles and Mr Healey unfairly, this part of the complaint is upheld.

With respect to Part 7.1 (b), Cr Knowles and Mr Jennings both said that Cr McCullagh’s behaviour toward them had been embarrassing and offensive, or in any event that could be inferred by the Panel. It was embarrassing in terms of the unsubstantiated allegations made, especially against Mr Jennings, and the fact that these allegations were circulated to a number of people including the Premier and Minister for Local Government.

The Panel concluded that the nature of Cr McCullagh's emails prior to the lodgement of the complaint, for the most part, were not only offensive to Cr Knowles and Mr Jennings but to Mr Healey as well. The Panel determined that apart from being unsubstantiated, they were aggressive, degrading, threatening and intimidating and therefore a breach of Part 7.1 (b).

In addition to the findings that Cr McCullagh caused both Cr Knowles and Mr Healey offence and embarrassment, this part of the complaint is upheld. The Panel is satisfied all three persons are reasonable persons.

As to Part 7.1(c), in determining whether Cr McCullagh had breached this part of the Code, the Panel notes the definitions of '(a) bully' and (b) 'harass' as they respectively appear in the *Macquarie Dictionary*:

- *bully-a blustering, quarrelsome overbearing person who brow-beats smaller or weaker people*
- *harass-to disturb persistently, torment, as with troubles, cares, etc.*

Therefore, the Panel determined that the nature of the constant belligerent emails Cr McCullagh sent to Mr Healey and Mr Jennings formed a pattern of harassment. Mr Jennings also told the hearing that he felt harassed by Cr McCullagh. His constant demands of both Mr Healey and Mr Jennings for responses to his requests for information were unreasonable and unabating, showing a lack of understanding of their respective roles.

In light of the evidence produced, especially Attachments 3-7 to Mr Healey's complaint, it was clear that Cr McCullagh did not permit a reasonable period of time for responses, but rather followed up in quick succession with more demanding and insulting emails.

The Panel concluded that Cr Knowles was less of a recipient of Cr McCullagh's emails, but her integrity was called into question in several contexts, which could also be perceived as harassment of her.

At the hearing Mr Jennings also said he felt bullied by Cr McCullagh. While the Panel would not necessarily perceive Mr Jennings as being a weaker person relative to Cr McCullagh, it is the Panel's view that the constant barrage of emails from Cr McCullagh to Mr Jennings containing derogatory comments and unending criticism of him, amounted to a form of bullying and went beyond mere harassment. Attachments 3-7 to Mr Healey's complaint amply demonstrate this course of conduct.

In addition to the findings that Cr McCullagh harassed both Cr Knowles and Mr Healey, this part of the complaint is upheld.

Sanction

Section 28Z1(2) of the Act states:

(2) If the code of conduct complaint or part of it is upheld, the Code of Conduct Panel may impose one or more of the following sanctions on the councillor against whom the complaint is made:

(a) a caution;

(b) a reprimand;

(c) a requirement to apologise to the complainant or other person affected by the contravention of the code of conduct;

(d) a requirement to attend counselling or a training course;
(e) a suspension from performing and exercising the functions and powers of his or her office as a councillor for a period not exceeding 3 months.

On 23 November 2023, the Panel wrote to Cr McCullagh inviting him to make a submission regarding which sanction he considered would be appropriate in the event that the Panel found part, or all of the complaint proven. Cr McCullagh responded on 23 November 2023, essentially stating that no sanction was applicable as the complaint should have been summarily dismissed.

Given that this is the first time that a complaint under the Act against Cr McCullagh for acting in breach of a Code of Conduct has been upheld, the Panel considered whether one (or more) of the sanctions referred to in paragraphs (a), (b) or (c) might be appropriate. The Panel took the view that none of those sanctions would be likely to have any effect at all in deterring Cr McCullagh from repeating the relevant conduct, particularly given the nature, tone and abusive and relentless character of the emails sent by him to various people as discussed earlier in this report.

The Panel also considered whether requiring Cr McCullagh to attend counselling or a training course would be an effective sanction and decided that it would not, as the evidence amply demonstrated that he was not in a state of mind to be receptive to appropriate counselling or training.

In the Panel's view the only effective and meaningful sanction in all the circumstances of this case is to impose a short period of suspension under paragraph (e). While this was not a usual course to take in the case of a 'first offence', in the Panel's view it is necessary to not only deter Cr McCullagh from repeating the relevant conduct but to mark the seriousness of the relevant breaches of the Code of Conduct.

Accordingly, the Panel suspends Cr McCullagh from performing and exercising the functions and powers of his office as a councillor of the Northern Midlands Council for a period of twenty-one days (21) days effective immediately.

Timing of the Determination –

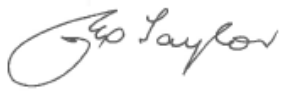
In accordance with section 28ZD (1) a Code of Conduct Panel is to make every endeavour to investigate and determine a code of conduct complaint within 90 days of the chairperson's determination that the complaint is to be investigated.

In relation to this complaint, the 90-day period from the date of advice of the initial assessment, 6 June 2023 has been exceeded for the following reasons:

- Cr McCullagh's reluctance to receive advice regarding the initial assessment
- Delay in receiving hard copies of complaint and attachments
- Unusual amount of communication required between Panel and Cr McCullagh
- Unavailability of one of the Panel's witnesses due to sick leave.

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



Frank Neasey
Legal Member



Liz Gillam
Member

DATE : 5 December 2023