

Local Government Act 1993

CODE OF CONDUCT PANEL DETERMINATION REPORT
HOBART CITY COUNCIL CODE OF CONDUCT

Complaint brought by
Lord Mayor, Cr Anna Reynolds against Cr John Kelly

Code of Conduct Investigating Panel

- Lynn Mason AM (Chairperson),
- Roseanne Heyward (Local Government Member)
- David Palmer (Legal Member)

Date of Determination: 11 August 2026

Content Manager Reference: C39421

Summary of the complaint

1. A code of conduct complaint was submitted by Cr Reynolds to the Hobart City Council Chief Executive Officer (CEO) on 29 September 2025.
2. The complaint alleged that in a broadcast on ABC statewide radio on 26 August 2025, Cr Kelly breached the following parts of the *Local Government (Code of Conduct) Order 2024* (the Order):

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 ...

PART 8 - Representation

5. A councillor's personal views must not be expressed publicly in such a way as to –

(a) undermine the decisions of the council; or

(b) bring the council into disrepute.

6. A councillor must show respect when expressing personal views publicly.

7. A councillor's personal conduct must not reflect, or have the potential to reflect, adversely on the reputation of the council.

Initial assessment

3. Following receipt of the complaint, the Initial Assessor (the Assessor) conducted an 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 Assessor determined that:
 - a. The complaint accepted for further investigation was not frivolous, trivial or vexatious. These aspects of the complaint appeared to relate to a matter of substance under the Code of Conduct and did not appear to be trifling, insignificant or a misuse of the Panel's resources.
 - b. In respect of satisfying the dispute resolution requirement of s28V(3)(fb), the complainant stated there was an attempt to resolve the issues that were the subject of the complaint in accordance with the Council's Elected Member Issue Resolution Policy. In detailing the attempt to resolve the matter per the requirements outlined in s28V(3)(fd), it was highlighted that an attempt at mediation was rejected. The Assessor was satisfied the actions taken complied with the requirements of the Act.
 - c. The Assessor considered that it was in the public interest for an investigating Panel to be convened to investigate the complaint;
 - d. The complaint or part substantially related to a contravention of the Code of Conduct;
4. The Assessor had made enquiries of the Code of Conduct Panel Executive Officer and was advised that the Complainant had not made the complaint (or part of the complaint) in contravention of a determination of an Initial Assessor under section 28ZB(2) of the Act or a determination of an Investigating Panel under section 28ZI(3) of the Act.
5. On this basis, the Assessor determined that the whole complaint should be investigated.
6. The complainant and the respondent councillor were notified of the outcome of the initial assessment by letter dated 6 November 2025.

Summary of the complaint

7. The complaint relates to comments made by Cr Kelly on 26 August 2025 in an interview with Ms Kylie Baxter on the ABC Drive programme. During this interview, Cr Kelly is alleged to have used inflammatory and insulting language about his fellow Council members, criticised the Hobart City Council (the Council) CEO in a way that was unfair and embarrassing, and was disparaging and insulting when speaking about the Council.
8. During this interview, Cr Kelly provided his comment and views on several matters including an item from the Council's meeting of the previous evening (25 August 2025) regarding the changing of membership of the Wellington Park Management

Trust (the Trust) in addition to comments about the CEO, other councillors and council processes and decisions.

Investigation

9. In accordance with section 28ZE of the Act, the Code of Conduct Investigating Panel (the Panel) investigated the complaint.
10. The following documents were considered by the Panel in its investigation:
 - a. The complaint from Cr Reynolds, accompanied by a Statutory Declaration dated 29 September 2025;
 - b. Response from Cr Kelly, received 17 December 2025, with transcript of radio interview with Cr Kelly on the ABC on 26 August 2025, including a Statutory Declaration dated 23 December 2025;
 - c. Email from the Council CEO, Mr Michael Stretton, to Cr Reynolds, 13 January 2026;
 - d. Item 17 of the Council Agenda for the Open Meeting of 25 August 2025;
 - e. The Minutes of the Council meeting of 25 August 2025, Item 17;
 - f. *Local Government (Code of Conduct) Order 2024.*
11. The Panel met on 16 January and 10 February 2026. All submissions and statements were considered by the Panel.
12. In accordance with section 28ZG of the Act, the Panel reasonably considered that the complaint could be investigated without a hearing. The Panel wrote to both Cr Reynolds and Cr Kelly on 20 January 2025, stating that

The Panel is of the view that neither you (Cr Kelly) nor you (Cr Reynolds) will be disadvantaged if a hearing is not held as the investigation in this matter can be adequately conducted on an examination of the documents referred to below.¹
13. Both Councillors were invited to state if they disagreed with the Panel's view that a hearing was not required and were given until 4:00 pm on Friday 6 February 2026 to provide their submission to the Executive Officer. The Panel received no response from either party.
14. Cr Kelly was also invited to make submission on sanction, after being notified of those parts of the complaint that the Panel was considering upholding, and a brief statement of the Panel's reasoning. His submission on sanction was received on 8 July 2026.

¹ The documents included in the letter of 20 January 2026 included all documents listed above, with the exception of Agenda item 17 and the Minute of that Agenda item. Both of these documents were sent to the parties on 12 February 2026, with an invitation to make further comment on these records by 23 February 2026, should they wish to do so.

Determination of the Complaint

15. As per section 28ZI(a) of the Act, the Code of Conduct Investigating Panel determines that Cr Kelly has breached the Code of Conduct. The Panel upholds the complaint that Cr Kelly breached Part 7.1(a) and (b), and Part 8.5(a), and Part 8.6 of the Code.
16. The Panel dismisses the complaint that Cr Kelly breached Part 8.5(b), and Part 8.7 of the Code.

Reasons for determination – Alleged breaches upheld

That Cr Kelly breached Part 7.1(a) of the Code, viz.,

PART 7 - Relationships with community, councillors and council employees

1. A councillor must –

(a) treat all persons fairly; and...

(b) -

17. The Panel determines that Cr Kelly's statements about the CEO and his motivation for putting himself forward to be a Council representative on the Trust were unfair to the CEO. The ABC radio broadcast was not a debate, nor was it part of a council meeting where other Councillors could have spoken to rebut or support the claims made by Cr Kelly. As CEO, Mr Stretton is likely to face criticism from members of the council from time to time. That is part of the job. However, in this case, the public nature of the allegations, without substantiation, constitutes unfair treatment of a council employee.
18. The Panel notes that despite his criticism of the decision and the CEO in the radio interview of 26 August 2025, Cr Kelly voted in favour of a Council resolution on 25 August 2025, that was passed unanimously, that the CEO be appointed a member of the Wellington Park Management Trust.
19. In accordance with section 28ZI of the Act, the Panel upholds the complaint that Cr Kelly breached Part 7.1(a) of the Code of Conduct.

That Cr Kelly breached Part 7.1(b) of the Code, viz.,

PART 7 - Relationships with community, councillors and council employees

1. A councillor must –

(a) -

(b) not cause a reasonable person offence or embarrassment; and ...

20. The Panel noted the email from the CEO of the Council, sent to Cr Reynolds on 13 January 2026. The CEO drew attention to Cr Kelly's comment that the CEO's nomination to the Trust was *not a good look*. Cr Kelly also questioned the probity of the CEO's recommending the CEO's own appointment to the Trust. The CEO stated that he was embarrassed by Cr Kelly's insinuation that as CEO, he was not dedicated to the best interests of the people of Hobart. He also noted that following the broadcast he was faced with colleagues in local government, questioning him regarding the broadcast.
21. The Panel notes that it is not untoward for a Council Officer, such as the CEO, to take a position on an external committee on which the Council is represented. Cr Kelly's statement that this was *not a good look* for the Council, and his statement *the probity of it, it's not good* implies that the CEO was acting improperly or unethically in putting forward his recommendation that he become a Council representative on the Trust. The Panel accepts that these statements caused the CEO embarrassment, and were offensive to the CEO.
22. As above, the Panel notes that Cr Kelly voted in favour of the motion to appoint the CEO to the Trust.
23. The Panel notes that Cr Kelly was invited to respond to the statement by the CEO, but did not do so.
24. In accordance with section 28ZI of the Act, the Panel upholds the complaint that Cr Kelly breached Part 7.1(b) of the Code of Conduct.

That Cr Kelly breached Part 8.5(a) of the Code, viz.,

PART 8 – Representation

5. A councillor's personal views must not be expressed publicly in such a way as to –

(a) undermine the decisions of the council; or

(b) -

25. On 25 August 2025, in the ordinary Council Meeting (Item 17), Council passed a resolution that included as clause 1:

The Chief Executive Officer be appointed as a Member on the Wellington Park Management Trust for a period of three years.

This part of the resolution was put separately and was approved unanimously. The Panel notes that Cr Kelly was present and voted in favour of the motion.

26. On the next day Cr Kelly spoke in an extensive interview on ABC radio. In part he described the process of the CEO's putting forward a recommendation that he (the CEO) be a Council representative on the Trust as *something a bit odious*. He then went on to describe the process whereby the Deputy Lord Mayor was elected to her position by the Council as *does not pass the pub test*. His response to the complaint said that his comments were

fair and accurate and that he was expressing concerns around proper process and comments on political processes.

27. No evidence was presented by Cr Kelly to the Panel to support his contention that the voting process in either case was contrary to the Act or the Regulations, or in any way contrary to proper processes.
28. The Panel determines that to insinuate that both these votes taken in Council were not done in accordance with proper processes is an attempt to undermine decisions taken by Council.
29. In accordance with section 28ZI of the Act, the Panel upholds the complaint that Cr Kelly breached Part 8.5(a) of the Code of Conduct.

That Cr Kelly breached Part 8.6 of the Code, viz.,

PART 8.6 – Representation

A councillor must show respect when expressing personal views publicly.

30. The Panel determines that Cr Kelly was expressing his personal views publicly when he agreed to participate in the radio interview on 26 August 2025.
31. Cr Kelly was critical of the process by which the CEO was appointed to the Wellington Park Management Trust, and the CEO's involvement in same, and referred to the process of his election as *odious*. Cr Kelly implied that the CEO, by putting forward a recommendation that the CEO be appointed to the Trust, had acted improperly or unethically, by saying *the probity of it, it's not good*. Cr Kelly did so without giving supporting reasons. There appears to be no proper foundation for the view expressed by Cr Kelly, given that the vote held on the resolution passed unanimously on 25 August 2025.
32. He also stated that the most recent election of the Deputy Lord Mayor by the Councillors *does not pass the pub test*, implying that the election had been conducted improperly.
33. The Panel notes that the complaint does not refer specifically to words spoken by Cr Kelly and the related parts of the Code which were alleged to have been breached. However, the Panel determines that the words spoken by Cr Kelly constitute personal 'disrespect' of the CEO, being unfair and embarrassing for him. The Panel also determines that Cr Kelly did not show respect to his fellow Councillors during the public broadcast. The allegation of a breach of Part 8.6 of the Code is upheld.

Reasons for determination – Alleged breaches dismissed

That Cr Kelly breached Part 8.5(b) of the Code, viz.,

PART 8 – Representation

5. A councillor's personal views must not be expressed publicly in such a way as to –

(a) -

(b) bring the council into disrepute.

34. No evidence was presented to the Panel to support the allegation that the Council was brought into disrepute by Cr Kelly's statements in the ABC interview.
35. In accordance with section 28ZI of the Act, the Panel dismisses the complaint that Cr Kelly breached Part 8.5(b) of the Code of Conduct.

That Cr Kelly breached Part 8.7 of the Code, viz.,

PART 8 - Representation

7. A councillor's personal conduct must not reflect, or have the potential to reflect, adversely on the reputation of the council.

36. While the Panel determines that Cr Kelly's decision to speak on ABC radio was his own decision, at the invitation of ABC radio, he did so as a Councillor of the City of Hobart and was introduced as such by the interviewer. For the purposes of Part 8(7) and on its proper interpretation, '*personal conduct*' of a councillor is personal conduct engaged in by a councillor, in the course of a councillor's personal and private life, that is unrelated to the affairs or activities of Council. The Panel therefore determines that his behaviour does not constitute personal conduct, but rather, the conduct of a councillor undertaking his role as a councillor. The Panel makes no determination at this point in the Report on the content of his broadcast; rather, it determines only that his doing the interview was not personal conduct per se.
37. In accordance with section 28ZI of the Act, the Panel dismisses the complaint that Cr Kelly breached Part 8.7 of the Code of Conduct.

Sanction

38. The Panel determines that Cr Kelly has breached four sections of the Code of Conduct, although it is noted that these breaches arise from the same facts, namely Cr Kelly's comments made on ABC radio. The Panel notes that Cr Kelly has had a breach of the Code upheld against him already during this term by way of Determination Report dated 28 August 2025. He was reprimanded for his breaches at that time.
39. The Panel imposes a sanction of a reprimand and a requirement to undertake media training as a councillor, with the content of the training to be determined by the Office of Local Government in consultation with the Manager, Legal and Governance, City of Hobart, with the costs of training to be borne by the City of Hobart as per section 28ZNA (2) of the Act. This training is to be conducted within three (3) months from the date of the Council meeting at which the Determination Report is tabled in accordance with section 28ZK of the Act.

Timing of the Determination

40. In accordance with section 28ZD (1) of the Act a Code of Conduct 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.

41. The Panel has been unable to determine the Complaint within 90 days, owing to granting extension for responses and appearances, intervening holiday periods, and other commitments or leave taken by the parties and the Panel members, which prevented preparation of the final report.

Right to review

42. 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.



Lynn Mason AM
Chairperson



David Palmer
Member



Roseanne Heyward
Member

DATE 11 August 2026