

Local Government Act 1993

CODE OF CONDUCT PANEL DETERMINATION REPORT GLAMORGAN SPRING BAY COUNCIL

**Complaint brought by
Councillor Carole McQueeney and Councillor Rob Churchill
against
Mayor Cheryl Arnol, Deputy Mayor Michael Symons,
Councillor Neil Edwards, Councillor Jenny Walker,
and Councillor Robert Young**

Code of Conduct Investigating Panel

- Lynn Mason AM (Chairperson)
- Doug Chipman (Local Government Member)
- Victor-David Murray (Legal Member)

Date of Determination: 14 August 2026

Content Manager Reference: C38653

Explanatory Statement

Section 28ZJ (2) of the *Local Government Act 1993* (the Act) states that the determination of a code of conduct complaint must not contain any information of a kind referred to in [section 338A](#) of the Act, but, if the Investigating Panel for the complaint considers that any such information is relevant to the report and should be included, it is to include that information in an addendum to the report.

The Panel has determined that it is necessary in this Determination Report to append an addendum to provide relevant information to the council and the parties to the complaint. The report without the addendum is to be made available to the public through the agenda of an ordinary council meeting; the report and the addendum are to be included in the agenda of a council meeting closed to the public.

Summary of the complaint

1. Councillors McQueeney and Churchill (the complainants) submitted a code of conduct complaint to the Glamorgan Spring Bay Council Acting General Manager on 13 May 2025 alleging that during the Ordinary Council Meetings of 25 February 2025, 25 March 2025, and 29 April 2025, Councillors Arnol, Symons, Edwards, Walker and Young (the respondents) breached the following parts of the Code:
 - (a) PART 1 - Decision making
 - (b) PART 2 - Conflicts of interests that are not pecuniary
 - (c) PART 3 – Use of office
 - (d) PART 4 - Use of resources
 - (e) PART 7 - Relationships with community, Councillors and Council employees
 - (f) PART 8 - Representation
2. At a council meeting on 25 February 2025 the council was asked to consider an application for a public memorial for a past employee of Glamorgan Spring Bay Council (whom the Panel will refer to in the open report under pseudonym 'BN'). Both complainant councillors, as well as one other councillor, were not at this meeting.
3. The respondent councillors voted to approve the memorial, and that the council pay the costs associated with the installation (the decision). The complainants allege that this was done without adequate consideration of all of the relevant information in respect to the person who was to be the subject of the memorial, the circumstances of the termination of their employment with council and was in breach of a recent council approved policy with respect to public memorials.
4. *See addendum.*
5. *See addendum.*
6. *See addendum.*

Initial assessment

7. The complaint was referred for an initial assessment as required under s28ZA of the *Local Government Act 1993* (Tas) (the Act).
8. The Initial Assessor dismissed the allegation that there had been breaches of Part 7 of the Code on the grounds that a specific provision of Part 7 that would be relevant to the allegations in the complaint could not be identified.
9. The Initial Assessor determined that part of the complaint (that is, the rest of it) should be investigated against each of the respondent councillors by an Investigating Panel, and referenced Parts 1, 2, 3, 4 and 8 of the Code.
10. The complainants and the respondent councillors were notified of the outcome of the initial assessment by letter dated 18 July 2025.

Investigation

11. The determination of a code of conduct complaint is governed by s 28ZJ of the Act.
12. In accordance with section 28ZE of the Act, the Code of Conduct Investigating Panel (the Panel) investigated the complaint.
13. In the course of its investigation the Panel accepted and considered the following documents:
 - (a) The complaint from Crs McQueeney and Churchill received and dated 13 May 2025, accompanied by Statutory Declarations, 14 May 2025, 52pp;
 - (b) Response to the complaint from Cr Robert Young, accompanied by a Statutory Declaration, 7 August 2025, 6pp;
 - (c) Response to the complaint from Cr Michael Symons, accompanied by a Statutory Declaration, 2 September 2025, 3pp;
 - (d) Response to the complaint from Cr Neil Edwards, accompanied by a Statutory Declaration, 18 September 2025, 3pp;
 - (e) Response to the complaint from Cr Cheryl Arnol, accompanied by a Statutory Declaration, 22 September 2025, 7pp;
 - (f) Response to the complaint from Cr Jenny Walker, accompanied by a Statutory Declaration, 25 September 2025, 4pp;
 - (g) Further submission from Crs McQueeney and Churchill in response to the submissions from the respondents, accompanied by Statutory Declarations, 10 October 2025, with attachments:
 - (i) FINAL ALL Part 1 Chronology section, 5pp;
 - (ii) FINAL ALL Part 2 PARTS OF THE CODE Response, 7pp;
 - (iii) Letter to Mayor, Councillors and General Manager of Glamorgan-Spring Bay Council, 2pp;
 - (iv) Letter from the Acting General Manager, Glamorgan-Spring Bay Council, 7 April 2025, 1p;
 - (v) Message to Cr Walker, forwarded to Council on 8 October 2025, 1p;
 - (vi) Screenshot of SMS, attachment dated 24 July 2025. 1p;
 - (vii) Individual responses to the submissions provided in response to the complaint from Crs Arnol, 4pp, Symons, 2pp, Walker, 3pp, Edwards, 3pp, and Young, 3pp;
 - (h) Further submission with Statutory Declaration from Cr Young, 20 October 2025, 9 pp;

- (i) Email from Cr Arnol, 14 October 2025, Statutory Declaration dated 18 October 2025; and subsequent response from the complainants, 16 October 2025, with Statutory Declarations;
 - (j) Further submission from Cr Symons in response to the Panel's invitation to respond to the possibility of a breach of Part 1.2 of the Code, with Statutory Declaration dated 8 April 2026.
 - (k) Statutory Declaration from Mr Peter Porch, 22 October 2025, 3pp;
 - (l) Statutory Declaration from Ms Elysse Blain 6 January 2026, 1p;
 - (m) Statutory declaration from Mr Paul West, 23 October 2025, 4pp;
 - (n) Statutory declaration from Mr Alex Woodward, 8 January 2026, 1p;
 - (o) Osborn The Concise Law Dictionary Fourth Edition, one page excerpt, concerning Natural Justice, tabled by Cr Young during his closing statement;
 - (p) The *Local Government (Code of Conduct) Order 2024*.
14. The Panel met on 30 July 2025, 16 October 2025, 7 January 2026, 21 January 2026, 23 January 2026, 12 March 2026, and 26 March 2026. At its meeting of 16 October 2025, the Panel determined to conduct a hearing into the matter, in accordance with section 28ZG of the Act.

Hearing

15. As per section 28ZH of the Act, the Panel held a hearing on 19 January 2026, in Orford, Tasmania. Cr Steve McQueeney (Tasman councillor) attended as support person for Cr McQueeney, and Ms Annie Browning attended as support person for Cr Churchill.
16. The Chairperson opened the hearing with a statement about the procedures to be followed, and a summary of the complaint being investigated.
17. Both Cr McQueeney and Cr Churchill read the affirmation statement prior to giving their evidence or making statements to the Panel, and in turn, Crs Arnol, Symons, Walker and Young read the affirmation statement. Cr Edwards took the oath. Both support persons read the affirmation statement.
18. Cr McQueeney's support person left the hearing at approximately 2:29 pm.
19. Aside from the complainants and the respondents the following witnesses were called to give evidence:
- (a) Mr Peter Porch;
 - (b) Mr Paul West;
 - (c) Ms Elysee Blain.
20. **Cr Churchill** made the first statement for the complainants. He stated that all the respondents had known of the criminal charges against BN (*see addendum*), and

they had failed to disclose this information. Cr Churchill alleged that this failure to disclose unfavourable information about BN while debating the notion of providing a publicly funded public memorial for him had the potential to bring council into disrepute.

21. Cr Churchill alleged that passing a motion (on 25 February 2025) for the Council to pay for the costs of the proposed memorial was contrary to the Public Art and Memorial Policy (Memorial Policy) which council had adopted on 28 January 2025, in that the Memorial Policy stated that the costs of a memorial were to be borne by the proponent. It was noted that the proponent had volunteered to pay for the memorial. Cr Churchill alleged that the decision to have the community pay for the memorial was a breach of section 4.1 of the Code, and in addition, a breach of section 4.3 of the Code, in that the motion allowed for the proponent of the memorial to misuse council resources.¹
22. The Acting General Manager, Mr Peter Porch, had advised those councillors at the meeting of 25 February 2025, that failure to adhere to the Memorial Policy would be a moderate risk (of damage to the council). To mitigate that risk, Mr Porch had advised councillors to define reasons for not following policy. This was not done in the successful motion passed unanimously by the councillors; i.e., no reasons for disregarding that part of the Policy were included in the resolution. Cr Churchill alleged that this was a breach of section 8.2 of the Code, by omission.
23. Cr Churchill then cited—(see *addendum*).
24. **Cr McQueeney** then spoke for the complainants. She denied that the complainants had said BN was guilty of the alleged crimes and said that what had happened (in item 8.7 at the meeting of 25 February 2025) did not ‘meet the pub test’. (see *addendum*).
25. Cr McQueeney said that the complainants believed that community distress, reputational damage and concerns about improper use of public funds were ‘utterly foreseeable’ to the respondents and that distress and furore did occur. She alleged that it was not the complainants who had published the recission decision. She noted that the complainants had not advocated for the memorial to BN, and that they had not disregarded the information given to the councillors at the meetings of 25 February, 25 March, and 29 April 2025. She said that the complainants had not voted to use public money (for the memorial).
26. The Panel notes that the issue of disclosure of confidential information was not relevant to the matters it had to consider.
27. A number of questions were put to the complainants by the Panel and by the respondents. In response to a Panel question, Cr Churchill said that he considered Cr Arnol had not acted openly and honestly in the public interest because at the time of the council meeting on 25 February 2025 – (see *addendum*).
28. **Mr Paul West** was called at approximately 11:15 am as the first witness for the hearing. His witness statement was read to the hearing, and Mr West was asked several questions by the Panel and the parties to the complaint. Mr West concluded his appearance at approximately 11:31 am.

¹ In the sense that the policy said the costs were to be paid by the proponent, and so not from council resources.

29. **Mr Peter Porch**, the Acting General Manager during the period to which the complaint refers, was admitted to the hearing after the Chairperson had read his witness statement to the parties. Mr Porch said that he had known of the charges against BN and of the then General Manager's intention to terminate their employment, prior to the actual dismissal on 13 October 2023. Mr Porch confirmed that on 22 October 2024 he had provided those councillors present at the council meeting with a document, which included information about the charges which had been brought against BN. Mr Porch said that he had given the councillors time to read the information provided in an 'unhurried fashion', and that one councillor had requested extra time later to read the information more thoroughly. Mr Porch said that this request was 'fine' by him.
30. Mr Porch said he later reflected that if councillors had been searching for particular information in the document shown to them on 22 October 2024, the time allowed may not have been adequate. He also said that he had placed the item (Item 8.7 Memorial Policy – Seat Request) in the open agenda of the 25 February 2025 meeting, as he was following previous practice in dealing with such requests. Mr Porch said in answer to a question from the complainants that he did not know if BN's name was included in the agenda item, and that it may have been in the attachments to the agenda.
31. The Panel noted that the proponent's request for a public memorial for BN had been published in the open agenda, and that BN was named in that request. The Panel also noted that the witness statement from Mr Paul West said:

The initial request for the Memorial Seat should have been listed in closed session considering the issues surrounding the 'termination' and the significant references to [BN's] employment included in the testimonials; and

The initial report was deficient and should have dealt with the circumstances of [BN's] termination – and the risks to the Council's reputation whether the memorial was approved or refused.

32. Mr Porch told the hearing that it was now his view that owing to the circumstances arising from this proposal for a memorial bench, it would be *prudent at all times to put reports like that into a closed session*.
33. In answer to a question from the complainants, Mr Porch said that he had not advised Cr Walker nor any other councillor against the proposal to erect the memorial to BN.
34. *See addendum.*
35. The Panel asked Mr Porch if anyone was aware of the charges against BN before February 2025, and Mr Porch answered that potentially half the community knew.
36. When asked if the Memorial Policy had been discussed in the meeting of 25 February 2025, Mr Porch said that he did not believe so, although the agenda paper provided to the councillors drew their attention to the policy and its relevance to the agenda item.
37. It was stated by the Acting General Manager that there was community concern following the council meeting of 25 February 2025, because of the passing of motion 25/33, and that he himself experienced disquiet about the motion as passed. He said that a council employee had told him in April 2025 that a member of the public had

expressed concern to her over the decision taken to approve the memorial to BN; and further, that Council's decision had 'outraged' the member of the public because of the conduct of the former employee.

38. **Ms Blain** appeared as a witness. She was employed at Glamorgan Spring Bay Council from May 2021 to March 2025 as the Director Corporate and Community. She did not attend the council meeting on 25 February 2025. She told the hearing that she had become aware of the charges against BN in 2023 when it became public information, and the General Manager had informed the staff members present at a meeting of the Executive.
39. Ms Blain was asked about the legal basis for BN's termination of employment. She responded that there was a very clear clause in the council's enterprise agreement that employees who were charged with a criminal offence were subject to dismissal. She told the hearing that information about the charges was published in a Queensland online newspaper, the details of which were notified to the Executive meeting by the Director of Planning, Mr Alex Woodward. The Panel notes that Ms Blain was not in the meeting when the General Manager informed Cr Arnol of the charges against BN, and Cr Arnol denied that Mr Woodward had been present.
40. After these witnesses had been called the respondents were each given an opportunity to speak to the allegations against them. Their responses, where relevant, are discussed further below. Both respondents and complainants were given an opportunity to make a closing statement prior to the conclusion of the hearing. These are detailed below.
41. Before the conclusion of the hearing the Chairperson invited the parties to consider whether they wanted to make a submission on penalty in the event that any part or all of the complaint was upheld:
 - (a) Cr Edwards said that he was not guilty of any breaches of the Code.
 - (b) Cr Arnol said that in her previous experience with the Code of Conduct Panel, she had provided a submission on sanction, but her evidence had not been believed and that the Panel had given a different sanction when the complaint was upheld. She said that she would not bother making submission on sanction in this complaint because the Panel members are going to make the determination based on what they had heard at the hearing and she had 'no control' over that.
 - (c) Cr Young said he would leave it up to the Panel.
 - (d) The complainants indicated that a public apology was no longer sought.
42. The Chairperson invited any of the parties who had anything further to submit on sanction to provide their submission to the Executive Officer by midday on the following day. The hearing closed at approximately 5:00 pm.
43. Cr Arnol later responded that she considered that a caution was the only outcome she would suggest.
44. Cr Churchill later responded that *a suspension for each councillor - perhaps of different lengths of time - and governance training for all with emphasis on Part 1.3 - making decisions - would be appropriate.*

Dismissal of parts of complaint — all respondent councillors

Part 3 — Use of office

45. Part 3.1 provides that:

1. The actions of a councillor must not bring the council or the office of councillor into disrepute.

46. Bringing something into disrepute means lowering its reputation in the eyes of the public.²

47. There was evidence before the Panel that the decision on 25 February 2025 to approve the memorial and pay the costs associated with the installation caused concern or disquiet within the community.³ That decision, however, is properly characterised as an action of the council rather than an action attributable to an individual councillor. Consequently, even if the Panel were satisfied the evidence established the Council had been brought into disrepute by that decision, that would not provide a basis on which to uphold a complaint that an individual councillor had brought the Council into disrepute.

48. The Panel dismisses the complaint against individual councillors, that Part 3 of the Code has been breached.

Part 4 – Use of resources

49. The relevant sections of Part 4 of the code of conduct provide:

1. A councillor must use council resources appropriately in the course of the councillor's public duties.
3. A councillor must not allow the misuse of council resources by another person or a body.

50. The Panel considers that the ordinary meaning of the words 'use council resources' and 'misuse of council resources' requires the actual application of council resources; the prospect that resources may or would have been used is insufficient.

51. The relevant allegation related to the use of ratepayer funds.

52. Decision 33/25, which relevantly included the decision to pay for the costs associated with the installation of the memorial seat, was rescinded by decision 98/25 on 29 April 2025.

53. After the hearing the Panel sought confirmation from council as to whether any money had been spent prior to the decision being rescinded. On 23 February 2026, the acting CEO advised the Panel through its executive officer that no funds had been spent.

² *UBS AG v Tyne* [2018] HCA 45 at [151] (per Gordon J); *Bell v Stewart* [1920] HCA 68; CLR 419 at 426 (per Isaacs and Rich JJ).

³ Paragraph [37]

54. Had funds been used, the complaint may have been upheld (noting that there were other elements which would need to have been considered); however, on the evidence before it the Panel is not satisfied that there has been any actual use of council resources. The Panel dismisses the complaint against Part 4 of the Code.

Part 8 - Representation

55. The Panel is not satisfied on the evidence before it that there was any knowing misrepresentation of information obtained in the course of the councillor's duties. Although the councillors did not follow their own policy, they did not misrepresent what the contents of that policy were, nor misrepresent the decision made by the council.
56. The Panel dismisses the complaint of a breach of Part 8.

Consideration of Part 1 - Decision making

57. The relevant sections of Part 1 of the Code of Conduct provide:
2. A councillor must make decisions free from personal bias or prejudgement in the course of the councillor's duties.
 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.
58. Although clause 1.2 of Part 1 was not raised at the hearing, the Panel considered that it was more pertinent to the allegations made in the complaint than Part 2 of the Code, which pertains to conflicts of interest. The respondents were informed of the Panel's thinking on this matter by letter and asked to respond on a Statutory Declaration if they wished to do so.
59. Crs Arnol and Walker responded; however, both refused to make their statements on a Statutory Declaration. The Panel received a Statutory Declaration from Cr Symons on 8 April 2026, in which he denied that he had breached Part 1.2 of the Code.
60. The Panel determined that it would consider a possible breach of Part 1.2 rather than Part 2.2.

What was the relevant information for Part 1.3?

61. As it relates to Part 1.3, the gravamen of the complaint was that in the course of deciding to support motion 33/25 to approve and pay for the memorial, the respondents failed to give genuine and impartial consideration to:
- (a) The Memorial Policy;
 - (b) The advice from the Acting General Manager, in as much as it identified that *Reasons for not following policy need to be articulated*.⁴
 - (c) The termination of BN's employment;

⁴ Page 26 of complaint.

(d) The criminal charges against BN.

62. The Panel accepts that all of those things are relevant information.
63. The Memorial Policy and the advice from the General Manager were things that the respondents should reasonably have been aware of. The Memorial Policy had only recently been adopted (28 January 2025) and was referenced in the General Manager's advice; that advice was included with the request in the agenda.
64. The chronology prepared by the complainants notes⁵ that in October 2023, only Cr Arnol was aware that BN's employment had been terminated and that *To our knowledge, all other Councillors were not advised of the termination. All believed [BN] was on long term personal leave.*
65. The Panel considers that the termination of BN's employment was relevant information known only to Cr Arnol and was not information of which the other councillors should have reasonably been aware.

Should the respondents have been reasonably aware of the criminal charges against BN?

66. On 22 October 2024, around 4 months prior to the February decision, Mr Porch provided the councillors present at a council meeting with a document. Within that document it was mentioned that serious criminal charges had been brought against a person, who was identified by their initials.
67. The Panel considers that if a respondent councillor had read the document, he or she would have understood that the initials were referring to BN — as Cr Churchill did. The only councillor who apparently failed to recognise the initials was Cr Young; however he asked Cr Churchill for an explanation during the meeting, and Cr Churchill told him that the initials referred to BN.
68. *See addendum.*
69. The Panel accepts that the nature of the criminal charges as alleged against BN are such that it is unlikely that anyone who had read them would have forgotten about them in the space of four months, particularly if those allegations related to someone they knew, and who had been an employee of the council they were serving on.
70. Mr Porch said that he had given the councillors time to read the information provided in an 'unhurried fashion'. The complainants noted in their chronology that the document was 11 pages long, and that *After 20 minutes of silent reading the AGM asked if any Councillor needed more reading time.*
71. Mr Porch told the Panel that he later reflected that if councillors had been searching for particular information in the document shown to them on 22 October 2024, the time allowed may not have been adequate.
72. The Panel does not have the document before it and therefore makes no findings about whether 20 minutes or thereabouts would or should have been a sufficient time within which to read 11 pages. It is not necessary to do so, because further time was

⁵ Final All Part 1 Chronology Section, page 1.

available if the time allotted time was insufficient. Yet only one of the councillors present requested further time to review the document.

73. Whether it is reasonable to expect that a document should have been read carefully and completely will depend on facts and context relevant to the document in question. The Panel notes that:
- (a) *See addendum.*
 - (b) The councillors were given a significant amount of time, with further time available, in which to read it;
 - (c) *See addendum.*
 - (d) *See addendum.*
74. The Panel considers that the existence of criminal charges was information of which the councillors should have been reasonably aware. Two members of the Panel considered that it was sufficient that the document was a significant document, and that it is reasonable to expect that each councillor should have read it in full. The third member of the Panel took a different view but reached the same overall conclusion, noting that according to Ms Blain the charges had been public information since 2023, and according to Mr Porch, potentially half the community knew. - (see *addendum*)

Complaint against Councillor Arnol

Part 1 — Decision making – Cr Arnol

75. Cr Arnol was given an opportunity to address the Panel in relation to the allegations. Cr Arnol initially said that she would *not address the alleged features of the Code as the Panel chooses to make their own mind up based on the evidence provided to them, even if that evidence contains disinformation. It really comes down to who you believe*, but proceeded to address the Panel in relation to the complaints.
76. Cr Arnol said that on approximately 19 September 2023, she had received a written document from a ratepayer expressing the ratepayer's concern about an interaction she had had with the (then) General Manager. The ratepayer's statement said that she had been told of the charges against BN and more information about the General Manager's decisions about BN's employment.⁶
77. Cr Arnol also agreed that she had been briefed by the General Manager regarding the charges against BN and denied that Mr Alex Woodward had been present at the briefing. She said that she had agreed with terminating an employee, so long as it was done in accordance with proper process. Cr Arnol said that she knew about the termination of BN's employment on 5 October 2023.
78. Cr Arnol said that at the council meeting on 25 February 2025, in considering Cr Walker's motion to approve the provision of a public memorial to BN at council's expense, she had complied with the provision in the Code which demands that a

⁶ The Panel was not provided with a copy of the ratepayer statement.

councillor must give genuine and impartial consideration to all relevant information of which she knew, or of which she should have been reasonably aware (Part 1.3).

79. Cr Arnol said that she was 'absolutely aware' of the Memorial Policy on 25 February 2025. The Panel asked if she had turned her mind to that part of the Memorial Policy which said that the proponent was to pay for the memorial themselves. Cr Arnol said that with the time elapsed since the meeting of 25 February 2025 she could not recall whether she had read the advice from the Acting General Manager in the agenda for the meeting, which noted that Council has a policy for managing memorial requests.
80. Cr Arnol said that the information given to councillors about the charges was not completely correct, in that the charges were generalised, and she noted that BN had not been convicted. Cr Arnol was asked whether it was her view that the charges against BN were only relevant if they had occurred in the municipality (Glamorgan Spring Bay). Cr Arnol agreed that this was her view and further agreed that her view (of the proposal for a memorial seat) would 'probably' change had the alleged offences occurred in Tasmania.
81. The Panel asked Cr Arnol how the decision to approve the memorial proposal, and for it to be funded by Council, had been made known to the community. Cr Arnol said that she had mentioned the memorial decision when she did her regular column in the local newspaper after the council meeting when the motion passed on 25 February was rescinded at the 29 April meeting. The Panel noted that although Cr Arnol was unsure of whether she had published a column after the February meeting, information about the resolution passed at that meeting would be in the Council minutes of that meeting, and therefore available to the public.
82. Cr Arnol said that with regard to Part 3 of the Code, she could not see how it applied to her decision to support the motion for the public memorial. When asked why she could not, as Chairperson, require the mover to explain why Council should deviate from the Memorial Policy (in allowing for Council to pay for the memorial), she said that it would have *got the information about [BN] into the public arena, which is what people have wanted for more than twelve months*. Cr Arnol was then asked by the Panel why she could not have explained in the motion why council was deviating from the Memorial Policy, without mentioning the charges against BN. Cr Arnol said she could not answer that and said that she had not known that she should say why the councillors were deviating from the Memorial Policy. The Panel notes that the Acting General Manager's report on this item in the agenda for the meeting of 25 February 2025 advised that if council did not intend to comply with the Memorial Policy, it should *define reasons for not following policy* to minimise the risks to council.
83. The Panel asked Cr Arnol whether it had occurred to her to suggest to councillors that the item 8.7 of the 25 February meeting be moved into closed council, so that her knowledge of BN's charges and reasons for dismissal could be discussed by the councillors. Cr Arnol said that it was not something the councillors had considered in the meeting.

Determination – Cr Arnol

84. Cr Arnol seemed to place significant weight on the fact that the charges against BN had not been finalised, and that the alleged offending had occurred outside

Tasmania, in addition to her evidence at hearing was the following passage in her written response:⁷

It needs to be acknowledged that the crimes were alleged. What right did the 5 councillors have to act as judge and jury on a matter that had not been determined in a Court in Queensland, nor had occurred in our municipal area or indeed in this State!

85. Both propositions are misconceived. As to the first, there has not been — and will never be — any finding as to whether BN committed the alleged offences. The relevant information was that BN **was** charged with serious offences. As to the second, the seriousness of the allegations renders the location — Queensland rather than Tasmania — irrelevant.
86. Although Cr Arnol asserted that she was aware of the Memorial Policy, there is nothing before the Panel which, in its view, indicates that she gave any real consideration to the policy, and in particular, the part which states: *Approved public memorials will be purchased and installed at the cost of the proponent*. Nor was there any reasonable explanation given as to why the reasons for departing from the policy were not given.
87. The Panel notes that in speaking to the Panel in the hearing, Cr Arnol stated that no advice was given to the council in the agenda of the meeting of 25 February 2025, regarding the need to explain deviations from policy in the decision. That is incorrect. The recommendation placed before the council by the General Manager included that the risks in not following the policy were moderate and that this could be mitigated by defining ‘reasons for not following policy’. The Panel concludes that, despite being Mayor, and therefore the leader of the council, as well as chairperson for the meeting of 25 February 2025, Cr Arnol failed to properly read the agenda prior to that meeting.
88. It is unfortunate that Cr Arnol, who had knowledge of the charges against BN, (see *addendum*) did not suggest that the item should be taken into closed session or discuss the matter with the Acting General Manager, who could also have suggested that the item be taken in closed session.
89. The Panel considers that Cr Arnol failed to give genuine and impartial consideration to relevant information known to her, namely the serious criminal charges against BN, (see *addendum*) and relevant information of which she should reasonably have been aware, namely the Memorial Policy, and that reasons for departing from policy needed to be articulated.
90. The Panel upholds the complaint that Cr Arnol breached Part 1.3 of the code of conduct.

Sanction – Cr Arnol

91. The Panel notes that Cr Arnol had a complaint upheld against her on 9 June 2025, with a sanction of suspension for one month and a requirement to undergo training in recognition of conflict of interest. Given the determination of the Panel that the complaint is upheld on one charge of breaching the Code of Conduct, the Panel imposes a reprimand on Cr Arnol, and a requirement to undertake training prescribed

⁷ C Arnol Response Sept 2025, page 3.

by the Director of Local Government in both proper preparation for and conduct of council meetings, and the Code of Conduct and its requirements.

Complaint against Councillor Symons

Part 1 — Decision making – Cr Symons

92. Cr Symons said at the start of his statement to the hearing, that the allegations by the complainants were presumptions. - (see *addendum*) Cr Symons denied having known of the criminal charges from the document he read at the meeting of 22 October 2024. He said that he did not take in all the import of the document provided to council on that date, and he did not recall information about the charges faced by BN.
93. Cr Symons was chairing the meeting of the 22 October 2024, and he described that as 'added pressure', as he had not chaired a council meeting prior to that. Cr Symons alleged that the complainants had said in their evidence that council could not deviate from a council policy in making a decision. The Panel notes that the complainants had only said in their complaint that the mover of the motion on 25 February 2025 had chosen to ignore the policy, and when asked directly in the hearing whether the complainants were aware that council decisions could deviate from council policy, both complainants confirmed that they were well aware of that.
94. The complainants asked Cr Symons whether he had read the document provided on 22 October 2024. Cr Symons replied that the document was difficult to read because of its language, phrasing, and punctuation, and if he had read of the charges against BN, he did not recall them.
95. The complainants asked Cr Symons why, in his statement to the hearing, he had concluded that BN was innocent of the charges against him. Cr Symons said it was because there had been no conviction at the time of BN's death, five days before the ex-employee was due to face Court. Cr Symons went on to say that he only became aware of the charges against BN in March 2025. Cr Symons declined to answer a question from the complainants about his apparent failure to notice the charges against BN in the document provided on 22 October 2024.
96. Cr Symons said that he had agreed that council should pay for the memorial on the grounds that it was 'reasonable'.
97. *See addendum.*
98. The Panel asked him if he was aware of any discussion amongst those councillors in attendance at the meeting of 22 October 2024 around the charges against BN. Cr Symons replied that he did not recall any discussion.
99. Asked by the Panel how often council had paid for public memorials, Cr Symons said he did not know. When asked whether the decision of 25 February 2025 for council to pay for the memorial to BN might set a principle for deciding on whether the council should fund any future applications, Cr Symons said that such a principle could apply to an employee's length of service, awards, and position in the workforce. Asked whether he put any weight on the fact the BN was being paid for their work for the council, and not a volunteer, Cr Symons said that he did and would put some weight on that (in the future).

100. In his closing statement Cr Symons said that he had nothing to add.
101. Cr Symons said that he had supported Cr Walker's motion on 25 February 2025 because BN was 'highly respected', and that a 'very large number' of testimonials had supported the project. The Panel notes that in the evidence presented to it, there were nine supporting statements from community members, and that at the time of the 2022 Local Government elections, there were 4,479 eligible voters enrolled in Glamorgan Spring Bay.
102. When asked by the Panel why he had not asked for extra time to read the document as Cr Churchill had done, given that it was a significant document - (*see addendum*), Cr Symons replied that he may have *inadvertently* not placed enough importance on the document. He said that he had *raced across it* and that he *might have read it*.

Determination – Cr Symons

103. Cr Symons' evidence as to whether on 22 October 2024 he read the whole of the document was inconsistent; however, he was clear that he did not recall those charges at the February 2025 meeting where he voted for the memorial. As noted above at [69], the Panel considers that it is more likely than not that anyone who had read the charges in relation to BN would recall them 4 months later. This leads the Panel to conclude that Cr Symons did not read the document on 22 October 2024 in full.
104. Given the statement at hearing that he considered BN was innocent of the allegations (as discussed above at [95]), it seems probable that actual knowledge of the charges may not have made any difference as Cr Symons (like Cr Arnol) did not seem to appreciate that it was the fact that BN had been charged rather than the validity of those charges which was the relevant consideration.
105. The Panel upholds this part of the complaint on the basis that Cr Symons breached Part 1.3 of the Code in that he failed to give genuine and impartial consideration to all relevant information known to him, or of which he should be reasonably aware, namely the Memorial Policy, that BN had been charged with serious criminal offences, and the advice that reasons for departing from the policy needed to be articulated.

Sanction – Cr Symons

106. The Panel notes that Cr Symons had a complaint upheld against him on 9 June 2025, with a sanction of suspension for one month and a requirement to undergo training in recognition of conflict of interest. Given the determination of the Panel that the complaint is upheld on one charge of a breach of the Code of Conduct, the Panel imposes a reprimand on Cr Symons, and a requirement to undertake training prescribed by the Director of Local Government in both proper preparation for and conduct of council meetings, and the Code of Conduct and its requirements.

Complaint against Councillor Edwards

Part 1 — Decision making – Cr Edwards

107. Cr Edwards said that without wishing to be disrespectful to the Panel, he 'could not care less' what decision was made about him.

108. *See addendum.*
109. Cr Edwards was asked by the Panel if he knew of BN's charges, or that he had been terminated before February 2025, and Cr Edwards said that he had not known, and had thought that BN had retired because of ill health. He said words to the effect that *I must have missed all of those memos for an awfully long time.*
110. (*See addendum*). Cr Edwards said that he was a fast reader and could well have read everything in the document, but that he was treating the document with disrespect, which he considered the document deserved. He said that the document had contained a number of lies about himself, and therefore he did not believe anything in the document.
111. Cr Edwards was asked by the Panel whether he considered that if the community knew that some councillors had not read a significant council document because they were cross, or offended by what the document said, that would bring the council into disrepute. Cr Edwards said in reply that the section about BN was an 'in house' matter and completely irrelevant to what the councillors were reading.
112. When asked whether he had considered the Memorial Policy (before or at the council meeting of 25 February 2025), Cr Edwards replied *not in the slightest*. He later said that he *...probably should have read the policy, but I'm not saying I'm sad because I didn't because the policy is a guideline.....And to be honest with you, we go through that many policies to council....It becomes a bit of a monotony, policy after policy after policy.*
113. The Panel notes that the title of the Item in the agenda, Item 8.7, was Memorial Policy – Seat Request. In his closing statement Cr Edwards noted that the policy was not a topic of discussion, and that maybe it was a mistake not to get the policy out.
114. Cr Edwards showed considerable disregard for the tasks involved in being a councillor, viz., reading documents thoroughly before meetings, listening to debate before determining one's vote, and neglecting the relevance of council policies.

Determination – Cr Edwards

115. Despite Cr Edwards' acknowledging that maybe it was a mistake not to get the policy out, the Panel considered that Cr Edwards did not appear to regret not having read the Memorial Policy prior to the council meeting of 25 February 2025. Cr Edwards also appeared to show some disregard for council policies in general.
116. The Panel notes that not reading policies on the basis that they are 'guidelines' defeats the purpose of having them. Even if it were accepted that a policy is only a 'guideline', a guideline, as the name indicates, provides guidance to decision makers and information to the public. Not being aware of or engaging with policies that are relevant to the decision under consideration is likely to put a councillor at risk of breaching Part 1.3. Persistent or flagrant breaches could also lead to a finding that the office of councillor is brought into disrepute under Part 3.1.
117. The Panel finds that Cr Edwards did not read the entirety of the document on 22 October 2024 as he was treating it with the disrespect that he considered it deserved.
118. Cr Edwards' response in relation to the criminal charges—*And I didn't believe them when I heard about them* — indicates that he would not have been capable of giving

impartial consideration to the fact that BN had been charged with criminal offences if he had known about them prior to February 2025.

119. The Panel upholds the complaint that Cr Edwards breached Part 1.3 of the code of conduct in that he failed to give genuine and impartial consideration to all relevant information known to him, or of which he should be reasonably aware, namely the Memorial Policy, that BN had been charged with serious criminal offences, and the advice that reasons for departing from the policy needed to be articulated.

Sanction – Cr Edwards

120. The Panel notes that Cr Edwards has not had any previous Code of Conduct complaints brought against him. However, he has shown scant regard for his responsibilities as a councillor to consider possible decisions objectively, and to be properly informed of any information which might be relevant to the eventual decision. Given the determination of the Panel that the complaint is upheld on one charge of a breach of the Code of Conduct, the Panel imposes a caution on Cr Edwards, and a requirement to undertake training prescribed by the Director of Local Government in both proper preparation for council meetings, and the Code of Conduct and its requirements.

Complaint against Councillor Walker

Part 1 — Decision making – Cr Walker

121. Cr Walker said in her statement to the hearing that she did give genuine and impartial consideration to the motion she put forward at the meeting of 25 February 2025, and that she had acted openly and honestly in the public interest at that meeting. In the matter of whether the events cited in the complaint had brought the council or the office of councillor into disrepute, Cr Walker said that she considered that the council had been brought into disrepute.
122. Cr Walker said that *one of the regrets I do have with regards to being the mover of the motion is putting in that (the requirement for council to pay for the memorial) and speaking for myself, I think I'd got totally wrapped up in the emotion of the situation because....believed that [BN] was a good man.*
123. (See *addendum*). She said that she was a slow reader and that she had not read the section in the document about BN. When asked why she had not asked for extra time to read the report, she said that the document was *guff*.
124. Cr Walker said that if she could retract anything (from the meeting on 25 February 2025) she would retract that the council pay for the memorial bench. She said that she trusted and believed in BN. She said that when she heard the accusations (charges against BN), she believed them to be *gossip*. Asked by the Panel whether she would have taken the same view in favour of the motion had the proposed recipient of the memorial not been known to her, but had been charged with historic similar offences, Cr Walker refused to answer what she described as a hypothetical question. She asserted that despite knowing and working with BN, she had made an objective decision on the proposal for a memorial, but that the decision to have council pay for it was an emotional decision. – (see *addendum*).

125. Cr Walker told the hearing that she thought the council had been brought into disrepute by the infighting within the councillors following the decision of 25 February 2025. She said it was 'palpable' and the council staff were aware of it, and that it was 'clearly' out in the community.
126. Cr Walker said that she had read the agenda paper for item 8.7 for the meeting on 25 February 2025, including the advice from the Acting General Manager about risk management in the event that the recommendation was not followed, but she *neglected to act on it*.

Determination – Cr Walker

127. The Panel acknowledges Cr Walker's reflection about getting wrapped up in the emotion of the situation and that leading to the amendment that council pay for the memorial; the Panel accepts that Cr Walker was aware of and considered the Memorial Policy, however that consideration was not impartial.
128. The Panel notes that Cr Walker said the decision about whether there should be a memorial was an objective one and distinguished it from the, acceptedly emotional, decision to have council pay for the memorial. However, the Panel considers that it is more likely than not that Cr Walker's connection to BN,⁸ which was sufficient to create an emotional response that saw her depart from council policy, also prevented her from bringing an impartial mind to both questions.
129. The Panel accepts Cr Walker was not aware of the criminal charges and that she did not read the document on 22 October 2024 in full.
130. The Panel upholds this part of the complaint on the basis that Cr Walker breached Part 1.2 and 1.3 of the code of conduct, in that she failed to give genuine and impartial consideration to all relevant information known to her, or of which she should be reasonably aware, namely the Memorial Policy, that BN had been charged with serious criminal offences, and the advice that reasons for departing from the policy needed to be articulated; and her admitted emotional decision about payment for the memorial seat was an outcome of her personal bias towards BN.

Sanction – Cr Walker

131. The Panel notes that Cr Walker has not had any previous Code of Conduct complaints brought against her. However, Cr Walker is a very experienced councillor, and a previous Deputy Mayor. Given the determination of the Panel that the complaint is upheld on two charges of breaches of the Code of Conduct, the Panel imposes a caution on Cr Walker, and a requirement to undertake training prescribed by the Director of Local Government in both proper preparation for council meetings, and the Code of Conduct and its requirements. – (*see addendum*).

⁸ In her statutory declaration, on page 4, Cr Walker noted that she respected and had a good council working relationship with BN.

Complaint against Councillor Young

Part 1 — Decision making – Cr Young

132. Cr Young responded, when asked for his response to the allegation that he had failed to give genuine and impartial consideration to the motion from Cr Walker in the meeting of 25 February 2025, that councillors had had (on occasion) 500 pages to read in a council agenda for a meeting. He said that *you can't read them all*. He said that he had not known the extent of the charges against BN until he read the letter sent to Cr Churchill from the Maroochydore Court. He said that he knew there was an allegation of a serious offence against BN, but his statements to the hearing about when he knew of this allegation are unclear. He again stated that there was not enough time to read the papers for a council meeting, not enough time for all of it to be *taken in*. – (see *addendum*).
133. He noted that Cr Arnol, presiding at the meeting as the Mayor, had silenced him when he attempted to explain to the meeting why he considered that BN had been very harshly dealt with by the council. Later in the hearing he told the Panel that he had wanted to speak about the merits or demerits of the good work that BN had done.
134. Cr Young said that he did not remember whether the Memorial Policy had been mentioned in debate on item 8.7 (25 February 2025). He reminded the Panel that council received hundreds of pages in a council agenda, and said again that *you can't read them all*. He said that there were 13 pages in the document — (see *addendum*) — and that it was printed in very small font, making it hard to read. He said that he was looking for allegations against the Mayor (Cr Arnol) and that he had no recollection of reading of the charges against BN. He said that he had no desire to stay later to reread the report. He also said that he had not misrepresented council matters to anyone.
135. Cr Young said that he did not think that the information he had prior to the February 2025 council meeting about the charges against BN would bring the council into disrepute. He said that the Memorial Policy was not in the forefront of his mind during the debate in February 2025.
136. Cr Young asserted that because of the length of agenda papers provided to council before meetings, he did not have time to read them all, and could not take them all in. He had found the document on 22 October 2024 difficult to read, and did not appear to have recognised the section about BN, owing to his uncertainty about the use of BN's initials.
137. The complainants put it to Cr Young that during the consideration of the document in October 2024, Cr Young had asked Cr Churchill, who he was sitting next to, what the initials in the report referred to, and that Cr Churchill had said that this was an acronym for BN. Cr Young in response said that he had *probably* asked Cr Churchill the question, which the complainants alleged showed that Cr Young had seen the references to the charges against BN in the report. Cr Churchill reminded the hearing that Cr Young had said that he had *a very good memory*. –(see *addendum*).
138. Cr Young tabled two additional documents for the Panel:
 - (a) Code of Conduct draft closing submission; and

- (b) Extract from the *Osborn the Concise Law Dictionary Fourth Edition*, Sweet and Maxwell

139. During his statement Cr Young referred to the recommendations from the General Manager and s 65 of the Act, submitting that a General Manager is to ensure that any advice, information or recommendation is given by qualified persons. He went on to say that councillors are therefore not required to look behind a recommendation from the General Manager, however there is nothing in the text of s 65 which supports that proposition. The Panel considers that s 65 does not have any relevance to this complaint.
140. Cr Young also made a submission that he had been denied natural justice and referred the Panel to s 28ZE of the Act, which provides that an investigation must observe the rules of natural justice. He clarified, however, that his contention was that he was not given an opportunity to be heard before the initial assessor determined, under s 28ZA, that the complaint should be referred for investigation.
141. That submission misconceives the operation of the statutory scheme. Section 28ZE is directed to the investigation of a code of conduct complaint by the Panel; it does not govern, and is not expressed to apply to, the initial assessment process under s 28ZA. In context, the structure and sequencing of Division 3A suggest that Parliament intended procedural fairness obligations to attach at the investigation stage (s 28ZE), rather than at the initial screening/referral stage (s 28ZA).
142. The Panel notes that a decision to refer a complaint for investigation is a preliminary step. It does not itself involve any determination that the Code has been breached, or that any adverse finding should be made. Where, as here, a complaint is referred to the Panel for investigation, natural justice is afforded through that investigation process, including by providing the subject of the complaint with an opportunity to respond before any substantive findings are made.
143. Finally, the Panel notes that it has no power to take any action in relation to the initial assessment decision. The Panel's statutory functions are to investigate and determine the complaint (s 28ZI) and to provide a determination report (s 28ZJ).
144. Cr Young also submitted:
- If a code of conduct complaint can be taken against a councillor who votes for something it'll mean you'd never get certainty at the council meetings because they'd always be at risk that those who didn't like the motion, even if unanimously passed, would raise the issue that the councillors that voted for it didn't do this or didn't do that and produce a code of conduct hearing which would mean that you couldn't be certain what council would be operating on until the time to appeal or go to code of conduct had passed so you can't have it the way it's done.*
145. The Panel considers that the possibility that a Code of Conduct complaint might be taken against a councillor in relation to a vote they made does not create any uncertainty in relation to the effective decision of the Council.
146. Cr Young went on to submit that the complaint was not well founded because it involved second guessing at the passing of a unanimous motion. There is some merit in this submission, to the extent that it refers to the passing of a motion — see paragraph [Error! Reference source not found.] dismissing the complaint against

Part 3. However, this complaint encompasses more than just that decision of the council.

Determination – Cr Young

147. It appears to the Panel that Cr Young may well have been aware of the criminal charges prior to February 2025, but it is not necessary to make a finding about that in circumstances where the Panel has determined that knowledge of the criminal charges is something of which each respondent councillor should reasonably have been aware.
148. The Panel upholds this part of the complaint on the basis that Cr Young breached part 1.3 of the code of conduct in that he failed to give genuine and impartial consideration to all relevant information known to him, or of which he should be reasonably aware, namely the Memorial Policy, that BN had been charged with serious criminal offences, and the advice that reasons for departing from the policy needed to be articulated.

Sanction – Cr Young

149. The Panel notes that Cr Young has not had any previous Code of Conduct complaints brought against him. However, he is a previous Mayor and has been on Council since 2020. He has shown scant regard for his responsibilities as a councillor to be properly informed of any information relevant to the eventual decision. Given the determination of the Panel that the complaint is upheld on one charge of a breach of the Code of Conduct, the Panel imposes a reprimand on Cr Young, and a requirement to undertake training prescribed by the Director of Local Government in both proper preparation for council meetings, and the Code of Conduct and its requirements.

Timing of Sanctions

150. The requirement to undertake training by Crs Arnol, Symons, Edwards, Walker and Young is to be completed within 3 months of the tabling of the Determination Report.

Timing of the Determination

151. 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 Initial Assessor's determination that the complaint is to be investigated.
152. 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 by the parties and the Panel members, which prevented conduct of the hearing and preparation of the final report.

Right to review

153. 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



Doug Chipman
Member



Victor-David Murray
Member

DATE : 14 August 2026