

Local Government Act 1993

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

Complaint brought by Councillor Tony Mulder against Councillor Brendan Blomeley

Investigating Panel

- Jill Taylor (Chairperson)
- Roseanne Heyward (Local Government Member)
- Steve Bishop (Legal Member)

Date of Determination: **13 July 2026**

Content Manager Reference: **C40293**

Summary of the complaint

1. A code of conduct complaint was submitted by Councillor (Cr) Tony Mulder to the General Manager – Clarence City Council on 22 December 2025.
2. The complaint alleges that Cr Blomeley breached the following parts of the Code of Conduct for councillors made by the Minister for Local Government under section 28R of the *Local Government Act 1993* (the Act). The alleged breaches occurred at a Clarence City Council meeting held on 8 September 2026:

Part 7(1) A Councillor must -

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

Part 7.2 A councillor must -

- (a) listen to and respect, the views of other councillors in council and committee meetings and all other proceedings of the council;*

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

Part 8.7 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, an Initial Assessor was appointed to conduct an initial assessment of the complaint in accordance with the requirements of section

28ZA of the Act. Having assessed the complaint against the provisions of sections 28ZB and 28ZC of the Act, the Initial Assessor determined on 16 March 2026 that the whole of the complaint should be investigated, but that attachments J, K, L and M were not relevant to the complaint. The Initial Assessor also commented that the Investigating Panel may determine that Parts 1 and 3 of the Code may have been breached by Cr Blomeley.

4. The complainant, respondent councillor and the General Manager were notified of the outcome of the outcome of the initial assessment by letter dated 16 March 2026.

Investigation

5. In accordance with section 28ZE of the Act, the Investigating Panel investigated the complaint.
6. The following documents have been presented to the Panel to consider as evidence in this matter:
 - Cr Mulder's complaint submitted under cover of a statutory declaration dated 21 December 2025 with attachments A to I and N – including at attachment C, a statutory declaration by Cr James dated 21 December 2025
 - Cr Blomeley's response to Cr Mulder's complaint submitted under cover of a statutory declaration dated 22 April 2026 with attachments 1 to 7
 - A YouTube recording of the Clarence City Council general meeting held on 8 September 2025
 - A submission by Cr Mulder under cover of a statutory declaration dated 10 May 2026 with an attachment (see below)
 - A submission by Cr Blomeley under cover of a statutory declaration dated 18 May 2026
7. The attachment to Cr Mulder's statement of 10 May 2025 was a submission made to another Panel relating to another complaint. The Panel ruled this document was not relevant to the complaint under investigation.
8. In accordance with section 28ZG(2)(b) of the Act, the Investigating Panel considered that a hearing would be unnecessary in the circumstances because the investigation could be determined on the basis of the written and video material provided and, in the Panel's view, neither party would be disadvantaged.
9. By letters dated 4 May 2026, the complainant and respondent councillor were notified of the Panel's intention to proceed to determine the complaint without a hearing. Both parties were invited to provide any objection in writing by 18 May 2026. The parties were also advised of the Initial Assessor's comment that the Panel may consider whether the evidence before it constitutes further breaches of Parts 1 and 3 and invited to respond accordingly. Cr Mulder advised on 10 May 2026 that he had no objections, and Cr Blomeley did likewise on 18 May 2026. Both parties also used the opportunity in their respective statutory declarations to provide a response to the Initial Assessor's reference to Parts 1 and 3 of the Code.
10. The Panel met on 3 June 2026 to review the evidence before it and to determine the complaint.

11. The incident that gave rise to the complaint by Cr Mulder relates to Cr Blomeley's chairing of the Clarence Council's general meeting held on 8 September 2025. The Panel viewed the YouTube recording of the meeting and had regard to the evidence submitted by both parties.
12. During Question Time, Cr James asked a question relating to "young people trashing the Rosny Mall during the day" and asking if anything could be done about it including the involvement of police. As Cr James was continuing, Cr Blomeley interrupted asking him to "put the question". Cr James then went on with his question but again was interrupted by Cr Blomeley saying to him *"Please take your seat Councillor James you're not here to come in and grandstand in question time"*. Cr Blomeley then provided an explanation of what Council has been doing in relation to the matter. Cr James commenced to object to being accused of grandstanding when he was told by Cr Blomeley to *"sit down"* several times, finally saying *"Councillor James take your seat now"*. Cr James attempted to continue but Cr Blomeley again interceded saying he was not treating the chair with respect adding *"sit down and act like an adult"*. On two occasions, Cr Blomeley threatened to send Cr James out of the chamber.
13. Cr Mulder then attempted to raise a point of order in relation to these proceedings, but Cr Blomeley responded by saying *"No, no you don't"*, offering no other explanation.
14. In his response to the complaint, Cr Blomeley submitted that he was following "Council's Consolidated Meetings Procedures" when chairing the Council meeting of 8 September 2025, which are presumably based on the *Local Government (Meeting Procedures) Regulations 2025*. In the Panel's view, these procedures govern the administration of Council meetings but do not go to the role of the chairperson which is covered by the Code of Conduct.
15. Specifically in relation to Cr Blomeley's statements to remove Cr James from the Chamber the regulation 49 covering suspension from meeting states a person can be suspended if the elected member –
 - "(a) makes a personal reflection about another councillor or an employee of the council and refuses to apologise; or*
 - (b) interjects repeatedly; or*
 - (c) disrupts the meeting and disobeys a call to order by the chairperson."*
16. On viewing the video of the meeting, the Panel found that there were no grounds for Cr Blomeley to make these remarks.
17. The Panel has identified the following five comments made by Cr Blomeley particularly relevant to its investigation of this complaint -
 1. *"Please take your seat Councillor James you're not here to come in and grandstand in Question Time"*
 2. *"Sit down and act like an adult"*
 3. *"No, no, you don't"* – to Cr Mulder
 4. *"You do that again and you'll leave the chamber"*
 5. *"You do it again and you will be sent out"*

18. The Panel acknowledges that robust debate takes place in Council meetings, and it is up to the chair to manage this process. There is a community expectation of the chair to maintain decorum and lead by example. An email from Clarence Community Forum dated 13 September 2025 to Cr James (Attachment D to Cr Mulder's complaint) commented that Cr Blomeley's interruption "*came across as unnecessary, aggressive and disrespectful*". An email from Peter Kay (Attachment E to Cr Mulder's complaint) commented that Cr James' question was "*on a relevant, reasonable and important topic*".
19. It is the Panel's conclusion that Cr Blomeley chaired the meeting in a dictatorial fashion, showing contempt for Cr James and to a lesser extent Cr Mulder.

Determination

20. The Investigating Panel considered the information provided by Cr Mulder and the response by Cr Blomeley. As per section 28ZI of the Act the Investigating Panel determined that Councillor Brendan Blomeley has breached Parts 7.1(a), 7.1(b), 7.1(c), 7.2 (a), 8.6 and 8.7 of the Code of Conduct on 8 September 2025, and therefore the Investigating Panel upholds the whole complaint. The Panel's reasons are outlined below against each of the relevant parts of the Code.

Reasons for determination

Part 7.1(a)

21. The Panel determined that Cr Blomeley did not treat Cr James fairly in that he denied Cr James the right to substantiate the issue he raised in relation to anti-social behaviour in the Rosny Bus Mall. Cr Blomeley effectively said that this matter had been raised before. However, the Panel determined that irrespective of whether a matter has been discussed in Council previously, it is reasonable to raise it again especially if the matter persists or indeed, escalates.
22. Cr Blomeley did not treat Cr Mulder fairly when he attempted to raise a point of order. Cr Blomeley stated that as a motion was not being debated there was no provision for a point of order to be raised. Rather than explaining this to Cr Mulder, Cr Blomeley simply said "*no, no you don't*", cutting him off without explanation.
23. Comments 1-5 are relevant to this part of the Code.
24. The Panel determines this part of the complaint be upheld.

Part 7.1(b)

25. The Panel determined that a reasonable person would have been offended and embarrassed by Cr Blomeley's behaviour toward Cr James. Cr James was not treated with respect but rather dealt with in a childlike manner evidenced by comments such as "*Please take your seat Councillor James you're not here to come in and grandstand in Question Time*" and "*Sit down and act like an adult*".
26. Comments 1-5 are relevant to this part of the Code.
27. The Panel determines this part of the complaint be upheld.

Part 7.1(c)

28. The Panel agrees with Cr James' statement (Attachment C to Cr Mulder's complaint) that he was bullied by Cr Blomeley at the Council meeting on 8 September 2025. Cr Blomeley used his position of power as chair of the meeting to dominate Cr James, continually attempting to quieten him including threatening, on two occasions, to send him from the chamber. The Panel has not concluded that Cr Blomeley harassed Cr James or Cr Mulder.
29. Comments 1, 2, 4 and 5 are relevant to this part of the Code.
30. The Panel determines this part of the complaint, as it relates to bullying, be upheld.

Part 7.2 (a)

31. It was evident in viewing the recording of the meeting of 8 September 2025, that Cr Blomeley was not prepared to listen to Cr James fully explain the rationale for his question regarding the anti-social behaviour in the Rosny Bus Mall. Cr James tried several times to complete his statement only to be shut down by Cr Blomeley including threats to banish him from the chamber. In chairing the meeting of 8 September 2025, Cr Bromley came across as dictatorial rather than managing debate in a fair and respectful manner.
32. Comments 1, 2, 4 and 5 are relevant to this part of the Code.
33. The Panel determines this part of the complaint be upheld.

Part 8.6

34. General meetings of the Clarence Council are a public forum, and recordings are available for a long period of time. There is a community expectation that these meetings are conducted in a fair and respectful manner. Cr Blomeley's behaviour at the 8 September 2025 meeting fell below this expectation in relation to his treatment of both Cr James and Cr Mulder. This was evidenced by not only viewing the video but by emails from members of the public. Cr Blomeley's comments to Cr James were offensive at worst and impolite at best.
35. Comments 1-5 are relevant to this part of the Code.
36. The Panel determines this part of the complaint be upheld.

Part 8.7

37. The community has high expectations of its elected members, especially the Mayor who is rightly seen as the community leader and therefore subjected to ongoing scrutiny. Council meetings are a focus point for the community to assess the performance of elected members. The manner in which Cr Blomeley treated Cr James and Cr Mulder at the meeting of 8 September 2025 did not display unity and collaborative endeavour. Cr Blomeley as the leader must accept responsibility for this as his behaviour has the potential to reflect badly on Council.
38. Comments 1-5 are relevant to this part of the Code.
39. The Panel determines this part of the complaint be upheld.

Parts 1 and 3

40. As mentioned previously, the Initial Assessor raise the possibility that Cr Blomeley may also have breached Parts 1 and 3 of the Code. However, the Panel found no evidence of a breach of Parts 1 and 3 of the Code.

Sanction

41. Section 28ZI states that:

- (1) *After completing its investigation of a code of conduct complaint, the investigating Panel for the complaint is to determine the complaint by –*
 - (a) *upholding the complaint; or*
 - (b) *dismissing the complaint; or*
 - (c) *upholding part of the complaint and dismissing the remainder of the complaint.*
- (2) *If the code of conduct complaint or part of it is upheld, the investigating Panel for the complaint 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.*
- (3) *If the code of conduct complaint or part of it is dismissed, the investigating Panel for the complaint may determine that the complainant may not make a further complaint in relation to the same matter for a period not exceeding 12 months unless the complainant provides substantive new information in the further complaint.*

42. On 15 June 2026, the Panel wrote to Cr Blomeley advising that it had determined the complaint should be upheld, providing high level reasons for its decision. Cr Blomeley was invited to provide a response within 14 days. Cr Blomeley forwarded a response dated 19 June 2026.
43. Cr Blomeley's response essentially said that he disagreed with the Panel's findings and as such no sanction should be applied. Cr Blomeley again asserted that he was following "Council's Consolidated Meetings Procedures" when chairing the Council meeting of 8 September 2025. The Panel does not dispute this fact; however, the Panel's role in this matter is to determine whether Cr Blomeley breached the Code in his role as chairperson.
44. In his response Cr Blomeley cited Cr James' "*long-established and well-known pattern of disruptive and disrespectful behaviour toward the Mayor*" (naming previous Mayors). In light of this, the Panel concludes that Cr Blomeley's prejudice against Cr James has coloured his opinion of Cr James, leading to unfair and biased treatment of him at the meeting of 8 September 2025.

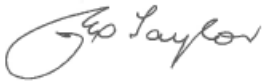
45. The Panel determines an appropriate sanction is for Cr Blomeley to be cautioned and to undergo training in the role of a chairperson, including as it relates to interactions between individuals. The training, to be determined by the Office of Local Government, should be undertaken within eight weeks of this determination being tabled at an open Council meeting.

Timing of the Determination

46. In accordance with section 28ZD(1) the Investigating Panel is to make every endeavour to investigate and determine a code of conduct complaint within 90 days of the Initial Assessor's determination that the complaint is to be investigated.
47. The Panel has been unable to determine the complaint within 90 days, owing to granting extension for responses, other commitments by Panel members during the course of the investigation and finalising the determination.

Right to review

48. A person aggrieved by the determination of the Code of Conduct Panel, on the ground that the Panel failed to comply with the rules of natural justice, is entitled under section 28ZP of the Act to apply to the Tasmanian Civil and Administrative Tribunal for a review of the determination on that ground.



Jill Taylor
Chairperson



Steve Bishop
Member



Roseanne Heyward
Member

DATE: 13 July 2026