

Local Government Act 1993

Local Government Code of Conduct Panel Hearing Local Government Act 1993, (the Act) sections 28ZG & 28ZH

Clarence City Council Councillor Allison Ritchie against Councillor Tony Mulder

Investigating Panel

- David Sales - as Chairperson and a person with experience in local government
- Frank Neasey - as the legal representative
- Philip Cocker - as a person with experience in local government.

Date of Determination: **14 April 2026**

Content Manager Reference: **C39398**

The Complaint

1. Councillor Allison Ritchie (Cr Ritchie), the Complainant, alleges that Councillor Tony Mulder (Cr Mulder), the Respondent, has breached parts of Parts 1, 2, 3, 4, 7 and 8 of the Code of Conduct (the Code).
2. Specifically, it is alleged that the breaches occurred because of the following incidents:
 - 2.1. Emails to Councillors and Mr Brian Chapman – 8 - 9 February 2025
 - 2.2. Comments on Councillor Ritchie's Facebook Page – 11 February 2025
 - 2.3. Offensive Remarks at Council Workshop – 11 March 2025
 - 2.4. Questions at Council Meeting – 17 March 2025
 - 2.5. Unauthorised Removal of Electoral Material – 20 - 23 March 2025, and
 - 2.6. Email from Councillor Mulder to Councillor Ritchie – 8 May 2025.
 - 2.7. Further comment:
 - 2.7.1. Councillor Statement of Expectations
 - 2.7.2. Council's Internal Dispute Resolution
 - 2.7.3. Concluding Remarks

3. For ease of reference these incidents will, in the balance of this report, be referred to as incidents 1 to 7.

Initial Investigation

4. Following receipt of the Complaint, Ms Amber Cohen, a legal practitioner, conducted an initial assessment in accordance with the requirements of section 28ZA of the Act.
5. Ms Cohen assessed the Complaint against the provisions of sections 28ZB and 28ZC of the Act. Ms Cohen determined on 27 October 2025 pursuant to section 28ZA(1)(e) of the Act that part of the Complaint was to be investigated and determined by the Code of Conduct Investigating Panel (the Panel).
6. Ms Cohen assessed the allegations concerning Cr Mulder's conduct, specifically against the Parts of the Code nominated in the Complaint and determined that the allegation raised in the Complaint under incident 7 does not relate to a contravention of the Code and should be dismissed. That is because incident 7 of the Complaint relates to the Clarence City Council "Councillor Statement of Expectations". An Investigating Panel would have no power to make determinations in respect of a breach of the Clarence City Council "Councillor Statement of Expectations." Ms Cohen was further of the view that the allegations raised in the Complaint under Incidents 1, 2, 3, 4, 5 and 6 relate to possible contraventions of the Code.

Investigation

7. In accordance with section 28ZE of the Act, the Panel commenced investigation of the Complaint in respect of the remaining 6 incidents.
8. The Complaint related to Cr Mulder's behaviour on a number of occasions between 8 - 9 February and 8 May 2025 in a number of different situations which are listed at paragraph 2 of this Report.
9. The first matter which came to the Panel's notice was the dates on which the various incidents occurred. The first occurrence took place on 8-9 February 2025 and the final on 8 May 2025. The Complaint was lodged on 3 October 2025 which meant that, viewed individually, all but the last incident occurred outside the six months period prescribed in S28V (3) (f) of the Act. i.e. prior to 3 April 2025.
10. S28V (4) of The Act provides:

(4) If the subject matter of a complaint by its nature consists of a series of separate incidents that, taken together, form the subject matter, the period referred to in subsection (3)(f) runs from the most recent of the incidents mentioned in the complaint.
11. Since 5 of the 6 incidents which made up the Complaint fell outside the six month period, the Panel, before it commenced its investigation, had to resolve whether there was a series of separate incidents, including incident no. 6, that taken together form the subject matter of the Complaint. If so, as the most recent incident occurred less than six months prior to the lodgement of the Complaint, the Panel would be able to deal with that series of incidents as comprising the Complaint.

12. As neither party made reference to this matter in any evidence that they had submitted to the Panel, the Panel wrote to the Parties seeking their views on this matter. Both parties responded to the Panel and their submissions were sworn into evidence at the hearing.
13. The Panel considered these submissions and came to a view that all six incidents did, when taken together, form the subject matter of the Complaint and as the last occurring incident did occur within six months of the date of submission of the Complaint, that all incidents should be considered by the Panel.
14. As background, an election for the Legislative Council Division of Pembroke took place on 24 May 2025 and both Cr Ritchie and Cr Mulder were candidates in this election. The Panel acknowledges that some of the incidents took place at Council Meetings or Workshops. However, in all the circumstances the Panel formed the view it was this election which gave rise to a common thread through the incidents, such that the subject matter of the complaint was the conduct of Cr Mulder as influenced by that election.
15. When the Panel reviewed the evidence, it was of a view that there was little dispute regarding what had actually happened during these incidents and that the matter could be determined without holding a hearing. Each party was asked whether they felt that a hearing was needed. Cr Mulder replied by indicating that he considered that he may be disadvantaged by there not being a hearing. In the circumstances, to ensure procedural fairness to Cr Mulder, the Panel determined that a hearing should take place.

Material considered by the Panel

16. The following documents have been presented to the Panel to consider as evidence in this matter.
 - 16.1. Local Government (Code of Conduct) Order 2024.
 - 16.2. Code of Conduct Complaint (C39398) by Cr Allison Ritchie v Cr Tony Mulder under Statutory Declaration dated 3 October 2025 accompanied by attachments A to E (PDF 72 Pages) including a statutory declaration from Emma Goyne.
 - 16.3. Attachments F to K to Cr Allison Ritchie Complaint (PDF 63 Pages).
 - 16.4. Initial Assessment by Ms Amber Cohen dated 27 October 2025 (PDF 4 pages).
 - 16.5. Submission by Cr Tony Mulder in response to the Complaint accompanied by attachments A to M under a Statutory Declaration dated 17 November 2025. (Complaint, PDF 47 pages, attachments PDF 27 pages).
 - 16.6. Response to Cr Mulder's submission by Cr Ritchie under a Statutory Declaration dated 5 December 2025 accompanied by attachments A to I (PDF 34 pages) including statutory declarations from Ralph Belbin and Emma Goyne.
 - 16.7. Sworn witness statements from Brendan Blomeley, Brian Chapman, David Cowle, Wendy Kennedy and Scott Wade.
 - 16.8. Unsworn witness statement from Luke Edmunds (sworn at hearing).

17. During the hearing the following documents were sworn into evidence:
 - 17.1. Witness statement from Luke Edmunds.
 - 17.2. Submission dated 11 March 2026 from Cr Ritchie regarding applicability of S28V (4) of the Act with a covering letter (11 Pages).
 - 17.3. Submission dated 10 March 2026 from Cr Mulder regarding applicability of S28V (4) of the Act (2 pages).
18. A copy of all documentary evidence was supplied to both parties.

The Hearing

19. The hearing took place on 13 March 2026. Neither party requested either an advocate or a support person, and eight witnesses were called at the request of the parties. Witness statements had been obtained from all witnesses prior to the hearing and copies thereof were provided to the parties. All parties, including witnesses, provided an oath or affirmation in accordance the Evidence Act section 21 (4) and S28ZH (4) (a) of the Act.
20. Cr Ritchie spoke to the written submission which accompanied her Complaint. She listed the incidents which form the substance of her Complaint.
21. Incident 1 involved Cr Mulder sending an email to a resident which Cr Ritchie alleges was an extraordinary attack on herself and was offensive to the constituent and another councillor. She indicated she was embarrassed and offended by the email exchange and that she believed the other persons were also.
22. Incident 2 alleges that Cr Mulder in responding to a posting of Cr Ritchie on her Facebook page regarding future Council Works, alleged that Cr Ritchie is taking credit for something she had nothing to do with. Cr Ritchie indicated that there was no indication in her posting that she was claiming credit for these works.
23. Incident 3 related to an alleged remark by Cr Mulder at a Council workshop.
24. Incident 4 related to a number of questions asked by Cr Mulder of Cr Ritchie at a Council Meeting regarding the distribution of brochures in the City area.
25. Incident 5 involved Cr Mulder removing some of Cr Ritchie's electoral signage which she alleges was done illegally.
26. Incident 6 was the final incident in the sequence and involved an email which was sent to Cr Ritchie by Cr Mulder which she alleges indicates that both she and the Mayor lacked integrity and was demeaning and insulting. A copy of the email was also sent to another Councillor, and a further person sighted a copy on the following day so that more people than just herself saw the email.
27. In answer to a question from the Panel, Cr Ritchie reiterated that she had been embarrassed and offended in varying degrees by all of these incidents.
28. Cr Ritchie concluded her evidence by supporting her submission that these incidents were a sequence and in accordance with S28V (4) of the Act should be treated as such.

29. At this stage of the hearing, the Panel heard from the witnesses. Each witness was asked whether they wished to add to their witness statements which had been provided to the parties prior to the hearing.
30. None wished to add to their statements and both parties were given the opportunity to question the witnesses. The witnesses' evidence in most cases was adduced to support Cr Ritchie and Cr Mulder's submissions respectively. In most instances they related to matters peripheral to the actual alleged breaches and in the Panel's view added little to the case of either party.
31. Cr Mulder then spoke to his written response to the Complaint. Generally, Cr Mulder did not dispute the actual facts of the Complaint but criticised the interpretation of those facts by Cr Ritchie in the context of whether the facts demonstrated any breaches of the Code by him.
32. Cr Mulder indicated that his comments and general behaviour should be accepted as the normal hurly burly between two political candidates for a forthcoming election. He introduced evidence that he often used satire and provoking ripostes in debates and what had been said was in this vein and that Cr Ritchie was overreacting and reading meaning into statements that wasn't intended. A witness confirmed he often spoke in this manner at Council meetings etc.
33. Cr Mulder then referred to the legislation which he believed allowed him to remove the electoral signage.
34. Cr Mulder concluded by providing his views on the applicability of S28V (4) of the Act. He considered that none of the incidents should be regarded as a sequence for the purpose of S28V (4) of the Act.
35. Both parties were then given the opportunity to provide a brief summing up.

Determination

36. **Pursuant to section 28ZI of the Act, the Code of Conduct Panel determines that Cr Tony Mulder has breached Part 7.1 (a), (b) and (c) of the Code in respect of Incidents 2, 3, 4 and 6. The Panel dismisses the Complaint in relation to Part 1.1 and 1.2, Part 2.1, 2.2, 2.4 and 2.5, Part 3.1, Part 4.1 and 4.2, Part 7.1 (a), (b) and (c) in respect of incidents 1 and 5, Part 7.2 (a) and (b), Part 7.5 and Part 8.7 of the Code.**

Details of the determination

37. The Complaint alleged that Cr Mulder had breached the following Parts of the Code.

PART 1 - Decision making

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

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

38. Cr Ritchie alleges that Part 1.1 is breached by Incident 6 and Part 1.2 is breached by Incidents 1 and 6.
39. Part 1 of the Code relates to decisions made at Council or Council Committee Meetings. No alleged breaches occurred in relation to the making of any such decision. The Panel is of a view that this Part is not germane to the Complaint.

The Panel dismisses this part of the Complaint

PART 2 - Conflicts of interests that are not pecuniary

- 1. A councillor, in carrying out the councillor's public duty, must not be unduly influenced, nor be seen to be unduly influenced, by personal or private interests that the councillor may have.*
- 2. A councillor must act openly and honestly in the public interest.*
- 4. A councillor must act in good faith and exercise reasonable judgement to determine whether the councillor has an actual, potential or perceived conflict of interest.*
- 5. A councillor must avoid, and withdraw from, positions of conflict of interest as far as reasonably possible.*

40. Cr Ritchie alleges that Part 2.1 is breached by Incidents 3, 4 and 6, Part 2.2 by Incident 6 and Parts 2.4 and 2.5 by incidents 3 and 4.
41. Part 2 of the Code relates to actual or perceived conflicts of interest of a councillor in carrying out their "public duty". The Panel is of a view that that expression has broader meaning than when a councillor is involved in making decisions at Council.
42. Incidents 3 and 4 occurred at a Council Workshop and Meeting respectively and in the Panel's view Cr Mulder was undoubtedly present at those events in the course of carrying out his public duty as a councillor, as described in this Part.
43. The Workshop took place on 11 March 2025 and a major item for discussion was the State Government's proposed Local Government Electoral Bill. Input was sought as to the proposal to abolish the direct election of Deputy Mayors and Cr Mulder commented that he supported the election of Deputy Mayors, 'just not this Deputy Mayor', being Cr Ritchie.
44. While the Panel accepts that Cr Mulder had a personal interest in defeating Cr Ritchie at the forthcoming election for the seat of Pembroke, we are not satisfied that in making this statement he was unduly influenced or even seen to be so by that personal interest.
45. The Council Meeting took place on 17 March 2025. During question time Cr Mulder directed a number of questions to Cr Ritchie about some community meeting notices that she had distributed earlier in the year and enquired as to who paid for them, who had authorised them and who paid for the venue hire. Cr Ritchie had replied that she had done all three things.
46. Similarly, while the Panel accepts that Cr Mulder had a personal interest in defeating Cr Ritchie at the forthcoming election for the seat of Pembroke, we are not satisfied

that in asking these questions Cr Mulder was unduly influenced or even seen to be so by that personal interest.

47. It follows from these findings that there was no question, in the Panel's mind, of Cr Mulder having a conflict of interest of any nature, arising from the forthcoming election, when he acted as he did at the Workshop and the Meeting respectively.
48. The Panel finds that the email the subject of incident 6 was not sent by Cr Mulder to Cr Ritchie in the course of Cr Mulder carrying out his public duty as a councillor, within the meaning of Part 2.1. We note that the email was sent late at night from Cr Mulder's Gmail address (not from his Council email address as alleged) and by her own description in her written complaint Cr Ritchie describes it as relating to political activities unconnected with either her or Cr Mulder's role as a councillor. The Panel finds that the email was very much in the nature of a personal communication between two persons who happen to be councillors.
49. In our view the reference in Part 2.2 to the requirement of a councillor to act openly and honestly in the public interest only arises when the councillor is carrying out their public duty.
50. Accordingly, the Panel, having considered the context within which Cr Mulder's statements were made at the Workshop and Council meeting and the contents of the relevant email, considers that Cr Mulder has not committed a breach of Part 2 of the Code.

The Panel dismisses this part of the Complaint

PART 3 - Use of office

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

51. Cr Ritchie alleges that Part 3.1 is breached by Incident 1 only.
52. In this incident it is alleged that on 8 February 2025, in response to an email Mr Brian Chapman sent the same day to a number of councillors (including Cr Mulder) inviting them to a photo-shoot with Cr Ritchie to show support for her in her intention to vote against housing in the Charles Hand Park, Cr Mulder emailed Mr Chapman and a number of councillors making reference to Cr Ritchie standing for Pembroke and commenting (to Mr Chapman) 'U can't be that dumb, really!!'.
53. There is no direct evidence of the Council or the office of councillor being brought into disrepute as a result of this email and while the Panel considers the remark to Mr Chapman was inappropriate, due to the restricted distribution of this email the Panel is not prepared to infer that it would bring the Council or the office of councillor into disrepute.

The Panel dismisses this part of the Complaint

PART 4 - Use of resources

1. A councillor must use council resources appropriately in the course of the councillor's public duties.

2. A councillor must not use council resources for private purposes except as provided by council policies and procedures.

54. Cr Ritchie alleges that Parts 4.1 and 4.2 are breached by Incident 6.
55. The only evidence that was provided that alleged that Cr Mulder had misused Council resources was that he had used the Council internet services to send an email to Cr Ritchie, namely the email of 8 May 2025 at 9.45pm. The Panel regards this allegation as bordering on frivolous and does not regard the mere sending of an email (from a private email address) to a Council email address as amounting to the use (improper or otherwise) of Council resources in the manner contemplated by Part 4 and therefore not reaching a level which would constitute a breach of the Code.

The Panel dismisses this part of the Complaint

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

(c) not bully or harass a person.

56. In her complaint Cr Ritchie alleges that Part 7.1 (a), (b) and (c) are breached by Incidents 1, 2, 3, 4 and 5 and Part 7.1 (a) and (b) by Incident 6.
57. At the hearing Cr Ritchie appeared to also allege Incident 6 amounted to a breach of Part 7(1) (c) as well, and the Panel took this into account.
58. Cr Ritchie alleges that in a number of the incidents some persons were treated unfairly, caused offence or embarrassment or were bullied and harassed by Cr Mulder. The Panel will list some examples which are not exhaustive.
 - 58.1. A constituent (Brian Chapman) was asked “U can’t be that dumb” – Incident 1.
 - 58.2. A fellow Councillor (Cr Goyne) was accused of “Hanson/Lambie diatribes” – Incident 1.
 - 58.3. Cr Ritchie was accused of being “so low” as to claim credit for something she had done nothing for. This comment was made by Cr Mulder on Cr Ritchie’s Facebook page on 11 February 2025 (Incident 2) in response to Cr Ritchie’s alerting of constituents on Facebook on the same day about the sealing of Begonia Street. On the face of her post Cr Ritchie was not claiming credit for anything.
 - 58.4. Cr Mulder said “I support the election of Deputy Mayors – just not this Deputy Mayor” at a Council Workshop on 11 March 2025 (Incident 3) where numerous other persons could hear his comments.
 - 58.5. In Councillors’ question time on 17 March 2025, Cr Mulder asked a series of questions to Cr Ritchie through the Mayor about costs associated with her holding of a series of community meetings and who met them (Incident 4). Cr Ritchie answered that she had met all relevant costs. The questions though inappropriate

in that forum, were answered by Cr Ritchie as, she said at the hearing, she felt not to answer them would have been more damaging to her reputation. The Panel agrees with that viewpoint.

58.6. Cr Mulder in an email to Cr Ritchie of 8 May 2025 which in fact was copied to at least one other person, accused the Mayor and Cr Ritchie of not having integrity. He also appears to threaten Cr Ritchie by saying “PS I’ve got a copy of your emails.” (Incident 6)

59. These questions/statements taken in isolation, one by one, may not seem too serious, however, when taken as part of a sequence indicate to the Panel a pattern of behaviour of Cr Mulder in respect of Cr Ritchie (as evidenced in Incidents 2, 3, 4 and 6) that could, we are satisfied, only be characterised as bullying and harassment and which caused Cr Ritchie (being a reasonable person) offence and embarrassment.
60. On the same basis and in respect of the same matters we find that Cr Mulder treated Cr Ritchie unfairly.
61. The Panel has taken into account that this sequence was in the context of a state election and persons who put themselves forward for election must expect to receive a certain amount of political invective. However, in the Panel’s view Cr Mulder’s conduct went further than that.
62. The Panel has considered the evidence of Incident 1, in particular Attachment 1 to the complaint, consisting of an email chain commencing with the email of Brian Chapman to Cr Mulder and a number of other councillors of 8 February 2025. In that email chain there is only one direct exchange between the parties, when Cr Ritchie emails Cr Mulder on the day after. In that email Cr Ritchie expresses disappointment in the ‘tone and puerile nature’ of Cr Mulder’s comments, referring to comments Cr Mulder made about her in his email to Brian Chapman of 8 February, saying ‘Ritchie is going for Pembroke and trying to get Green preferences...’.
63. Notwithstanding anything she said to the contrary at the hearing, the Panel is not satisfied that Cr Mulder, in making the relevant comments, was in breach of any part of Part 7. (1) of the Code. We think that had that been the case, Cr Ritchie’s language in her email of 9 February 2025 to Cr Mulder would have been far stronger.
64. In addition, Cr Ritchie alleges that another Councillor (Cr Goyne) and a constituent (Brian Chapman) were treated unfairly and would have been offended and embarrassed by the email(s) referred to in Incident 1. Both of these persons were witnesses at the hearing and when asked by the Panel whether they felt they had been unfairly treated or were offended or embarrassed by Cr Mulder, both responded that they did not. On the basis of this evidence the Panel felt that there had not been a breach of the Code in respect of these two persons by Cr Mulder.
65. Finally in respect of Part 7.1 of the Code, the Panel is not satisfied that any action of Cr Mulder as relates to Incident 5 amounts to a breach of Part 7.1.
66. In summary incident 5 involves allegations by Cr Ritchie that on or about 20 March 2025 Cr Mulder unlawfully removed electoral material (in respect of the seat of Pembroke) that she had posted at two properties, in Leprena Street and in Shoreline Drive. Cr Mulder’s removal of the electoral material was not disputed.
67. Essentially Cr Ritchie claimed that she had the authority of the tenants in both properties to place the material at the respective properties and therefore under the

law any removal of it by Cr Mulder was unlawful. Cr Mulder, on the other hand, claimed that in both cases the owners of the properties, being the only persons under law with the power to permit the placement of electoral material at their properties, had authorised him to remove Cr Ritchie's electoral material.

68. Whose view of the law is correct is not something the Panel needs to decide. We accept that both parties fervently believed they respectively had legal authority to put the electoral material in place and to remove it.
69. That being the case, it is difficult in our view for us to find that, Cr Mulder believing at all times he was acting within the law, could have acted in breach of any clause of Part 7.1, in particular treated unfairly, bullied or harassed Cr Ritchie. Further in all the circumstances we do not accept that Cr Ritchie was offended or embarrassed by what Cr Mulder did, though upset and angry she may have been, given she believed the law was on her side.

The Panel upholds this part of the Complaint (in respect of incidents 2, 3, 4 and 6 only).

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; and

(b) endeavour to ensure that issues, not personalities, are the focus of debate.

70. Cr Ritchie alleges that Parts 7.2 (a) and (b) are breached by Incident 1.
71. Part 7.2 relates to discussion around the Council Table. The only incident which Cr Ritchie alleges breached Part 7.2 is Incident 1. This incident involved the exchange of emails on 8 and 9 February 2025 and the exchange clearly took place outside the context of Council or Council Committee Meetings or other Council proceedings and therefore would not have been covered by Part 7.2.

The Panel dismisses this part of the Complaint

5. A councillor must not, in the councillor's relationships with persons, other councillors, the council, employees of the council or other bodies, engage in conduct that is prohibited conduct.

72. Cr Ritchie alleges that Part 7.5 is breached by Incident 5.
73. Cr Ritchie alleges in her complaint that in Cr Mulder's allegedly unlawful removal of her electoral posters between 20 and 23 March 2025 from various residences, prior to the Legislative Council election for the seat of Pembroke, that Cr Mulder engaged in 'prohibited conduct' within the meaning of Part 7(5) of the Code.
74. The Panel is not satisfied that Cr Mulder engaged in such conduct for the following reasons.
75. The Code is set out in Schedule 1 to the *Local Government (Code of Conduct) Order 2024* ('the Order'). Neither in the Order nor in Schedule 1 to the Order is there a definition of the expression 'prohibited conduct'. However, as the Order is made under the Act, it is permissible to have regard to any definition of that expression in the Act itself, by virtue of s19 of the *Acts Interpretation Act 1931*.

76. In s3(1) of the Act 'prohibited conduct' is defined as follows:

prohibited conduct means –

(a) discrimination, or prohibited conduct, within the meaning of the Anti-Discrimination Act 1998 that is not the subject to an exception or exemption under Part 5 of that Act; or

(b) such other conduct, or behaviour, that is prescribed as prohibited conduct;

77. For the purposes of the present case at least nothing in paragraph (a) of the above definition is relevant. Further, as yet nothing else has been prescribed as prohibited conduct, either elsewhere in the Act or under the *Local Government (General) Regulations 2025*.

78. It must follow that, in the circumstances under discussion, it was not possible for Cr Mulder to have acted in breach of Part 7 (5) of the Code of Conduct.

The Panel dismisses this part of the Complaint.

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.

79. Cr Ritchie alleges that Part 8.7 is breached by Incidents 1 and 5.

80. At the lowest, Part 8.7 requires that a councillor's personal conduct not have the potential to adversely reflect upon the reputation of the relevant council.

81. The Panel refers to its reasoning in respect of not being satisfied that Incident 1 (in particular the email of Cr Mulder to Brian Chapman of 8 February) amounted to a breach of Part 3.1 of the Code and says that for essentially the same reasons we are not satisfied that this incident, in so far as it involved the conduct of Cr Mulder, had the potential to adversely reflect upon the reputation of the Council.

82. As to Incident 5, given what we have already said about the parties' respective beliefs as to the placement/removal of electoral material belonging to Cr Ritchie at the relevant properties, it is difficult to find that Cr Mulder's conduct in removing the material could have had the potential to adversely reflect on the Council's reputation. Essentially their argument about the lawfulness of Cr Mulder's conduct is really an argument confined to the two of them and perhaps one or two others.

The Panel dismisses this part of the Complaint

Sanctions

83. In accordance with the Section 28ZI(1) of the Act, after completing its investigation, the Panel may:

(a) uphold the complaint; or

- (b) dismiss the complaint; or
- (c) uphold part of the complaint and dismiss the remainder of the complaint.

84. By Section 28ZI(2), sanctions that may be imposed:

If the complaint or part of the complaint is upheld the Panel may impose one or more of the following sanctions:

- (a) a caution;
- (b) a reprimand;
- (c) a requirement to apologize to a person affected by the failure to comply with the code of conduct;
- (d) a requirement to attend counselling or a training course, or
- (e) a suspension.

85. The Panel may also determine not to impose a sanction despite upholding the complaint.

86. When the Panel had reached its determination, it advised the parties thereof and requested that they inform the Panel what they believed would be an appropriate sanction in the circumstances.

87. Cr Ritchie responded on 2 April 2026 and indicated that she believed that a sanction of:

87.1. a suspension of not less than one month

87.2. mandatory bullying and harassment training, and

87.3. a written apology to me and all affected parties

would be appropriate. She supported this response by alleging an escalating level of breaches over a period of time.

88. Cr Mulder responded on 30 March 2026 and indicated that he considered that no sanction should be applied. He supported that contention by outlining what he believed were a number of extenuating circumstances.

89. Despite some extenuating circumstances, the Panel felt that a sanction of some description was warranted. The Panel was of a view that Cr Mulder was a long-standing experienced Councillor of Clarence City Council, and he should have been aware of the need to be careful of the way he expressed himself at Council Meetings etc, in messages to other persons or in media posts. The Panel would encourage Cr Mulder, in future, to be more temperate in the way he expresses himself so that a reasonable person would not be offended or embarrassed by the expressions he uses.

The Panel imposes a sanction of a Reprimand.

90. While in broad terms the Panel considered the breaches as found to be towards the lower end of the scale in terms of seriousness, it concluded that a caution would be an inadequate sanction, although a suspension from duty (as called for by Cr Ritchie) an excessive one. Further, the Panel took the view that requiring Cr Mulder to apologise to Cr Ritchie would have little or no meaning for him and therefore have no deterrent effect. The Panel took a similar view with respect to counselling or training.
91. In all the circumstances the Panel concluded that a reprimand in respect of all breaches of the Code as found was appropriate.

Timing of the Determination

92. 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.
93. The Panel has been unable to determine the complaint within 90 days, owing to:
- 93.1. Delays owing to the Christmas/New Year holiday period.
 - 93.2. Availability of a mutually convenient time for Panel members to meet.
 - 93.3. Difficulty in arranging attendance of witnesses.

Right to review

94. 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.



David Sales
Chairperson



Frank Neasey
Member



Philip Cocker
Member

DATE: 14 April 2026