

Section 28ZK (7) of the *Local Government Act 1993* requires that any person who receives a determination report must keep the determination report confidential until the report is included within an item on the agenda for a meeting of the relevant council. Failure to do so may result in a fine of up to 50 penalty units.

Local Government Act 1993

**INVESTIGATING PANEL DETERMINATION REPORT
NORTHERN MIDLANDS COUNCIL CODE OF CONDUCT**

Complaint brought by Councillor (Cr) Paul Terrett against Cr Alison Andrews

Investigating Panel

- Jill Taylor (Chairperson)
- Sharyn von Bertouch (Local Government Member)
- Nick Heath (Legal Member)

Date of Determination: **24 October 2025**

Content Manager Reference: C38205

Summary of the complaint

A code of conduct complaint was submitted by Cr Paul Terrett to the General Manager of the Northern Midlands Council on 15 April 2025. Cr Terrett alleged that Cr Alison Andrews breached Parts 1.2, 2.1, 2.2, 2.3, 2.4, 2.5, and 2.6 (a) and (b) of the *Local Government (Code of Conduct) Order 2024* (the Code).

The breaches were alleged to have occurred at meetings of the Northern Midlands Council held on 20 January 2025, 17 February 2025 and 17 March 2025. Cr Terrett alleged that Cr Andrews failed to declare a conflict of interest in relation to agenda items pertaining to existing and proposed Longford flood maps at each of those meetings. Cr Terrett contended that Cr Andrews should have declared an interest in the agenda items as she is the owner of a property that has the potential to be impacted under a proposed flood map submitted by the SES. Furthermore, Cr Terrett alleged that Cr Andrews did not bring an open and unbiased mind to Council discussions.

In her response to the complaint, Cr Andrews refuted Cr Terrett's claim saying that she had made statements at two of the Council meetings to the effect that she did not have a conflict of interest. Cr Andrews also claimed that Cr Terrett had made no attempt to resolve this issue with her before he lodged his complaint.

The relevant Parts of the Code Cr Andrews was alleged to have breached are -

Part 1 – Decision Making

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

Part 2 – Conflicts of interest 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.*
- 3 *A councillor must uphold the principles of transparency and honesty and declare actual, potential or perceived conflicts of interest at any meetings of the council and at any workshop or any meeting of a body to which the councillor is appointed or nominated by the council.*
- 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.*
- 6 *A councillor who has an actual, potential, perceived conflict of interest in a matter before the council must –*
 - a) *declare the conflict of interest before discussion on the matter begins; and*
 - b) *act in good faith and exercise reasonable judgement to determine whether a reasonable person would consider that the conflict of interest requires the councillor to leave the room during any council discussion and remain out of the room until the matter is decided by the council.*

Initial assessment

Following receipt of the complaint, the Executive Officer of the Code of Conduct Panel appointed Mr David Palmer to conduct an initial assessment of the complaint in accordance with section 28ZA of the *Local Government Act 1993*. Having assessed the complaint, the Initial Assessor determined that the whole complaint should be investigated and determined by the Investigating Panel.

The complainant, respondent councillor and the General Manager were notified of the outcome of the initial assessment by letter dated 10 June 2025.

Investigation

The Investigating Panel was convened to investigate and determine the complaint in accordance with section 28L of the Act.

The Panel had regard to the Local Government (Code of Conduct) Order 2024 as well as the following documents that were presented as evidence.

- The complaint by Councillor Terrett submitted under cover of statutory declaration dated 11 April 2025 (PDF attachments – 87 pages)
- Cr Andrews' response to the complaint, submitted under cover of a statutory declaration dated 17 July 2025 (PDF attachments – six pages)

- Letter to the General Manager, Northern Midlands Council dated 24 July 2025 seeking further information
- Response from General Manager dated 26 August 2025 with 4 attachments:
 - o Red map dated 4 August 2025
 - o Blue map dated 2 August 2025
 - o Flood brochure
 - o Flood inundation map.

Hearing

As per section 28ZH of the Act, a hearing was held on 2 October 2025 at the Memorial Hall in Longford. All Panel members, Cr Terrett, Cr Andrews as well as Cr Terrett's support person, Mr Jason Horton, attended in person.

At the commencement of the hearing, the Chairperson read a preamble outlining how the hearing would be conducted and the process to be followed at the conclusion of the hearing.

Cr Andrews took an oath, and Cr Terrett made an affirmation, both attesting to the truth of their evidence.

Cr Terrett was provided the opportunity to speak to his complaint. However, Cr Terrett said there was nothing further he wished to add at that stage, accepting that the Panel had received and considered his complaint together with the attachments.

The Panel asked Cr Terrett what he understood by non-pecuniary conflict of interest to which he replied that there would be no financial gain or loss. He added that he wasn't in any position to say this was the case for Cr Andrews who had indicated that her insurance premiums had already increased.

When asked by the Panel why he did not try to resolve the issue with Cr Andrews, Cr Terrett said he did not believe he had the right to tell another councillor what to do. He added that after the January 2025 meeting, he sent an email to the General Manager regarding the possibility of some councillors having a conflict of interest in the proposed flood mapping agenda item, which he copied to all his fellow councillors, that included Cr Andrews.

Cr Terrett confirmed that Council's disputes resolution policy was approved at the March 2025 meeting but added that it was not circulated until May 2025. Cr Terrett said that the policy contained a requirement for a disputes resolution officer to be appointed, and he had pursued the status of this with the General Manager on several occasions.

In responding to a request for information from the Panel, the General Manager advised that there was no such position but rather the General Manager would appoint a person to undertake this role, depending on circumstances. Cr Terrett agreed that eventually the General Manager had advised him of this as well. Cr Terrett told the hearing that he would have some qualms about going to the General Manager seeking dispute resolution, inferring he had no confidence in the General Manager. The Panel asked Cr Terrett whether there had been any training for councillors in dispute resolution. Cr Terrett said no and added training for councillors across the board was very limited.

Cr Andrews was then invited to ask questions of Cr Terrett relating to his oral evidence. Cr Andrews asked Cr Terrett why his perception of the dispute resolution process is different to other councillors. Cr Terrett answered saying he considered it a very important process but was not confident that it was being taken seriously by Council.

Cr Andrews was then provided with the opportunity to respond to Cr Terrett's complaint. Cr Andrews commenced by saying she felt Cr Terrett had lodged the complaint "*to intimidate her.*" She said this was the second complaint Cr Terrett had made against her. Cr Andrews alleged that he was not being honest by saying he had made every effort to resolve the matter before lodging the complaint. In his complaint statement, Cr Terrett said that he had made her aware of her conflict of interest, but Cr Andrews said that he had not. She added that there had never been a conversation between them regarding this matter. When questioned further by Cr Andrews, Cr Terrett said that he was referring to the email to the General Manager copied to all councillors. Cr Andrews said that she does not make a habit of reading emails sent to the General Manager even though she may be copied into them. This was the case with the email Cr Terrett sent to the General Manager in early February 2025.

Cr Andrews then read from a prepared statement. Effectively she was adamant that she did not have a conflict of interest stating that it was irrelevant and of no consequence to her whether her property was included in a flood map in the future. Cr Andrews stated that it was up to the individual councillor to determine whether they had a conflict of interest, and she decided that she did not.

Cr Andrews provided a lengthy account of her family history in the Longford area pointing to occasions when family properties were flooded. She provided an account of the rivers around the district and what historically happened to cause flooding. Cr Andrews said that she had a commitment to live in the family home for the remainder of her life and accepted that the area was subject to flooding and there may be insurance increases which she was prepared to bear. Cr Andrews told the hearing that she understood "*the spirit of the town in which she grew up in.*"

Cr Andrews said it was unlikely that the proposed flood map would be approved as the modelling undertaken by the SES had deficiencies as it did not take into account the existence of the levee.

The Panel asked Cr Andrews what she understood as a non-pecuniary interest. Cr Andrews provided an ambiguous response to the question. The Panel referred to the previous complaint, (C31745) lodged by Cr Terrett against her which found she had breached the code relating to a conflict of interest. In that instance no sanction was applied considering that she was a relatively new councillor, she had apologised and undertook to make herself more familiar with the requirements of Part 2 (Conflict of Interest). The Panel asked Cr Andrews what action she took to familiarise herself with Part 2 of the Code. Cr Andrews replied by saying she had viewed the local government module adding that she now understood conflict of interest.

The Panel then questioned Cr Andrews about the three maps that had been entered in evidence. Cr Andrews and Cr Terrett agreed that the first map showed Cr Andrews house inside the flood zone, the second map of 2007 showed it outside and the third map (the proposed SES map) showed it back inside the flood zone. When the Panel questioned Cr Andrews if she thought a reasonable person would perceive a conflict of interest as her property could be subject to inclusion in a future flood map; she disagreed.

When asked if she agreed that a councillor is required to exercise good faith and reasonable judgement and whether she does this, Cr Andrews said she complies with this requirement which leads her to making sound decisions.

In his complaint, Cr Terrett alleged that Cr Andrews had a bias in relation to her participating in the debates about Longford flood mapping. When the Panel asked Cr Andrews to respond to this allegation, she explained that in her career as a journalist there was always a

need to approach topics with an open mind. Cr Andrews said that she has continued to apply this approach as a councillor.

Cr Andrews was asked at what point did she become aware that the draft SES flood plan was flawed. Cr Andrews replied that it was at a Council meeting, clarifying that it was the January 2025 meeting.

When offered the opportunity to ask questions of Cr Andrews, Cr Terrett started by saying in no way had he intended to intimidate or disrespect Cr Andrews. Cr Terrett then asked Cr Andrews outside of Council, how often does he speak to her. Cr Andrews said very rarely but always at the Council local district committee meetings.

In summation, Cr Terrett said he appreciates Cr Andrews has a long history in the town, but this should have heightened her understanding of declaring a conflict of interest, even if she has a commitment to remain in her home.

In summarising her response to Cr Terrett's complaint, Cr Andrews said that she is aware of where she lives and the risks involved which may never come to fruition. She added that in any event it would make no difference to where she will continue to live, stating again that meant she did not have a conflict of interest.

Upon examining the written evidence and taking into account the oral evidence of both Cr Terrett and Cr Andrews at the hearing, the Panel concluded that each had a different view regarding a conflict of interest. However, when applying the test of reasonableness, the Panel concluded that Cr Andrews did have a conflict of interest. The more she spoke about her connection to her family history and the family home it became obvious that a reasonable person would perceive a conflict. However, she continued to contend that she did not have a conflict of interest.

The Panel acknowledges that elected members, particularly in small communities, often must deal with a range of community-based issues. However, it is when an agenda item becomes linked to personal circumstances then the elected member must consider the perception of a conflict of interest by members of the community.

Whilst Cr Terrett stated that he had taken steps to resolve the matter with Cr Andrews, in the Panel's view an email to the General Manager which was copied to all councillors could be seen as a "lack lustre" attempt. Possibly if the General Manager had replied to Cr Terrett suggesting that he discuss the matter with her, this complaint may not have transpired.

Determination

The Panel upholds Cr Terrett's complaint that Cr Andrews breached Parts 1.2, 2.1, 2.4, 2.5 and 2.6 (a) and (b) and dismisses Parts 2.2 and 2.3.

Reasons for determination

There were three meetings of the Northern Midlands Council held on 20 January 2025, 17 February 2025 and 17 March 2025 where Longford flood mapping was listed as an agenda item. At the January 2025 meeting whilst there was some discussion, a decision was deferred. At the subsequent February 2025 meeting Cr Andrews acknowledged that her property was identified in the proposed flood map but insisted that she did not have a conflict to declare. Nor did she declare a conflict at the March 2025 meeting.

Cr Andrews' continual denial that she may be perceived as biased in her decision-making or had any conflict in relation to this agenda item leads the Panel to conclude that she does not

understand the meaning of bias or a non-pecuniary conflict of interest and as such determine that she has breached the Code.

The Panel notes that the evidence from both Cr Terrett and Cr Andrews that the Council had undertaken very limited (if any) training on the law and principles of good decision making, including bias, pecuniary interest and conflicts of interest. Regular and ongoing training and awareness on these issues is essential for a council to perform effectively and more importantly to instil confidence in the community with respect to the council's decision-making processes.

Part 1.2

Cr Andrews told the Panel that in her former occupation as a journalist she approached her tasks with an open and unbiased mind and that she did the same as a councillor.

The Panel is mindful of the legal principles of bias as stated in the Supreme Court decision of *Zeeman J in R v West Coast Council; ex parte Strahan Motor Inn* (1995) 4 TasR 411, where His Honour said (at page 421):

Of relevance is the way in which local councils are elected. Councillors are representatives of their community and elected by and from that community. It may be expected that they will support particular views as to what is in the best interests of the community and often they will have strong personal views as to what ought to occur in the community. In one sense they may be expected to hold views which may be described as being biased. Councillors may be expected to hold particular views as to how they would wish their community to develop and to discharge their duties as councillors by reference to those views....Mere fixed views as to particular matters ...even if strongly expressed... ought not of themselves be seen as a disqualifying factor

However, His Honour continued (at page 425) to state that the essential requirement for decision-making is to have an open mind. The *Local Government Good Governance Guide for Local Government in Tasmania* (at page 54) expands on this principle and states that councillors 'must not have predetermined the matter or be perceived as having predetermined the matter before hearing all sides or reviewing all relevant information'.

The Panel is concerned that the community may perceive that Cr Andrews' decision making would be influenced by reason of her owning property in an area that is the subject of a report before the Council. In other words, by not declaring a conflict of interest and leaving the meeting, it is open for a reasonable person to conclude that Cr Andrews may have predetermined or have a closed mind on the matter before the Council. The Panel upholds this part of the complaint.

Part 2.1

The key segment of this part is the requirement that a councillor must not 'be seen to be unduly influenced by personal or private interests'. In the Panel's view Cr Andrews' place of residence had the potential to be impacted by the proposed SES flood map and as such a reasonable person would perceive a conflict. The Panel upholds this part of the complaint.

Part 2.2

This part of the code requires that an elected member must act openly and honestly in the public interest. Whilst the Panel has determined that Cr Andrews did have a conflict of interest it acknowledges that she was open and honest in presenting her reasons at the Council meetings. The Panel dismisses this part of the complaint.

Part 2.3

Whilst Cr Andrews did not arrive at the decision she had a conflict of interest; she complied with the principles of transparency and honesty in providing a detailed account of why she did not consider she had a conflict of interest. The Panel dismisses this part of the complaint.

Part 2.4

This part of the code requires an elected member to exercise reasonable judgement in the consideration of an actual, potential or perceived conflict of interest. Cr Andrews reasoning that she did not have a conflict of interest stemmed from her family's history in the area and her commitment to spend her remaining years in the family home. She had a closed mind to the prospect that a reasonable person would perceive she had a conflict and that prevented her from exercising reasonable judgement. The Panel upholds this part of the complaint.

Part 2.5

Cr Andrews gave reasons for her view that she did not have a conflict of interest but in the Panel's view those reasons were misplaced. This resulted in Cr Andrews remaining present at the meetings during debate on the flood mapping item. The Panel upholds this part of the complaint.

Part 2.6 (a) and (b)

It is the Panel's view based on evidence before it, that a reasonable person would conclude that Cr Andrews did have a conflict of interest. However, Cr Andrews did not perceive this and remained present at each of the three meetings where the flood mapping of the Longford area was an agenda item for discussion. The Panel upholds this part of the complaint.

Sanction

Section 28ZI (2) states that –

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.*

On 7 October 2025 the Panel invited Cr Andrews to submit a statement within 14 days to advise what, if any, sanction should be imposed. To provide a context for her consideration in making a submission the Panel provided a high-level summary of its findings.

On 13 October 2025, Cr Andrews responded by stating that does not believe that she is “guilty” and not offering an opinion on sanction.

The Panel met on 17 October 2025 to determine the matter of sanction. In its consideration the Panel noted Cr Andrews’ response and had regard to a previous complaint that was upheld also relating to Cr Andrews not declaring a conflict of interest. The Panel on that occasion, whilst finding the complaint proven did not apply a sanction considering Cr Andrews was a relatively newly appointed councillor, she apologised and gave a commitment to properly inform herself about what constitutes a conflict of interest.

Cr Andrews pointed out that she had participated in an online training module on conflict of interest. However, it is the Panel’s opinion that she still lacks an understanding of what constitutes an actual, potential or perceived bias and conflict of interest.

Therefore, the Panel determines that Cr Andrews be cautioned and be required to undertake a training course that details what constitutes bias and a conflict of interest and how an elected member must apply it to their circumstances. The Panel recommends that the Office of Local Government identify a suitable training person/organisation and that the training should commence within 6 weeks of the tabling of this determination.

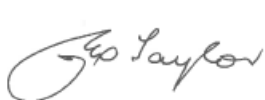
Timing of the Determination

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.

The Panel has been unable to determine the complaint within 90 days, as there were delays in ascertaining some information from the General Manager and delays in establishing mutually convenient times for the Panel and parties to attend the hearing.

Right to review

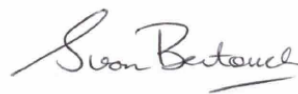
A person aggrieved by the determination of the Code of Conduct Panel, on the ground that the Panel failed to comply with the rules of natural justice, is entitled under section 28ZP of the Act to apply to the Tasmanian Civil and Administrative Tribunal for a review of the determination on that ground.



Jill Taylor
Chairperson



Nick Heath
Member



Sharyn von Bertouch
Member

DATE: 24 October 2025