

Local Government Act 1993
CODE OF CONDUCT INVESTIGATING PANEL
HUON VALLEY COUNCIL
DETERMINATION REPORT

**Complaint brought by Mr Geoffrey Swan
against Councillors Sally Doyle, Lukas Mrosek and Debbie Armstrong**

Investigating Panel

- Jill Taylor (Chairperson)
- Andrew Frost (Local Government Member)
- Luke Ogden (Legal Member)

Date of Determination: **26 March 2026**

Content Manager Reference: C39572

Summary of the complaint

1. A code of conduct complaint was submitted by Mr Geoffrey Swan to the General Manager, Huon Valley Council on 28 October 2025.
2. The complaint alleges that Councillors (CrS) Doyle, Mrosek and Armstrong breached the following parts of the Local Government (Code of Conduct) Order 2024 for councillors made by the Minister for Local Government under section 28R of the *Local Government Act 1993* (the Act). The alleged breach occurred at the Huon Valley Council meeting on 30 April 2025:

Part 7.1 *A councillor must –*

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

Part 7.2 *A councillor must –*

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

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 that the complaint should be investigated.
4. The Complainant, Respondents, General Manager of Huon Valley Council, and the Director of Local Government, were notified of the outcome of the initial assessment by letter dated 28 November 2025.

Investigation

5. In accordance with section 28ZE of the Act, the Investigating Panel investigated the complaint.
6. In addition to the Local Government (Code of Conduct) Order 2024, the Panel had regard to the following documents and video that were considered as evidence in this matter:
 - 6.1. Mr Swan's complaint submitted under cover of a statutory declaration dated 28 October 2025 with attachments A through to H.
 - 6.2. YouTube video recording of the Huon Valley Council general meeting held on 30 April 2025.
 - 6.3. Council minutes of the Council general meeting held on 30 April 2025.
 - 6.4. A response to the complaint from Cr Mrosek under cover of a statutory declaration dated 16 December 2025 with attachments A through to M.
 - 6.5. A response to the complaint from Cr Armstrong under cover of a statutory declaration dated 17 December 2025.
 - 6.6. A response to the complaint from Cr Doyle under cover of a statutory declaration dated 17 December 2025.
 - 6.7. A submission under cover of a statutory declaration dated 22 January 2025 by Mr Swan made in response to the Respondents' responses to his complaint.
7. The Investigating Panel met on 22 December 2025 and in accordance with section 28ZG(2)(b) of the Act 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, none of the parties would be disadvantaged.
8. By letters dated 14 January 2026 the Complainant and Respondents were notified of the Panel's intention to proceed to determine the complaint without a hearing. The parties were invited to provide any objection in writing within 14 days of the date of the advice. No objections were received.
9. In that letter, Mr Swan and Crs Doyle, Mrosek and Armstrong were also invited to make any final submissions to the Panel within the same timeframe.
10. Mr Swan submitted a statement dated 22 January 2026 responding to the responses to his complaint by Crs Doyle, Mrosek and Armstrong. No further submissions were received from Crs Doyle, Mrosek and Armstrong.

Reasons for Determination

11. The Investigating Panel met on 16 February 2026 to determine the complaint. The Complainant asserts that the Respondents, at the Council general meeting held on 30 April 2025 debated two questions asked on notice, and the answers given in breach of regulation 31 (4) of *the Local Government (Meeting Procedures) Regulation 2015* (since repealed). That regulation provides that "a question by any

member of the public and an answer to that question are not to be debated at the ordinary council meeting”.

12. The questions the Complainant posed to the Council are recorded in the minutes, which reflect that he asked two questions. The first about council enforcement under the *Building Act 2016* and the availability (or lack thereof) of building surveyors in the Huon Valley, a question which invited Council to consider employing a building surveyor to assist people. The second about why (in his opinion) Council was, in his words, “*competing with the private sector for providing childcare services into our Huon Valley*”.
13. Later in the meeting, during the agenda item “Councillor Questions” and after those questions had been asked and answered, Cr Mrosek expressed that those questions appeared contradictory. This is clear from the YouTube recording of the meeting. That recording demonstrates that Cr Mrosek also expressed that the first question appeared to be inviting Council to compete with the private sector, while the second question criticised, or at least queried, such an approach. Cr Mrosek put this generally to the meeting seeking other councillors’ opinion on the matter. Cr Armstrong responded to say that, in her opinion, they were different questions that could not be addressed together and that whilst both were important, they required a different response from Council. Cr Doyle, in her role as chairperson, permitted this exchange to take place.
14. Ultimately, the Complainant is alleging that the Respondents have breached regulation 31 (4) of the *Meeting Regulations* by debating the question he had put to Council and their answers (or in Cr Doyle’s case, by allowing the debate to occur and not ruling it out of order). He asserts that in doing so, they breached parts 7.1(b) and 7.2 (b) of the Code of Conduct.
15. It must first be noted that the Investigating Panel only has jurisdiction to consider alleged contraventions of the Code of Conduct established under the *Local Government Act* and not asserted breaches of the *Meeting Regulations*.
16. In order to be satisfied that the Respondents have breached the Code of Conduct, the Panel must be satisfied on the balance of probabilities that by their conduct the Respondents either acted in a way that would have caused a reasonable person offence or embarrassment (Part 7.1(b) of the Code), or failed to ensure that issues not personalities, are the focus of a debate (Part 7.2(b) of the Code). In this respect the YouTube video recording and meeting minutes are persuasive.
17. Having reviewed the recording and minutes of the meeting the Panel does not consider that a “debate” as contemplated by regulation 31(4) took place. No motion was put to the meeting about the questions that would have resulted in a formal debate and resolution. In this instance Cr Mrosek appears to have simply sought to clarify his understanding of questions previously put to Council by the Complainant. He and Cr Armstrong, spoke in a calm manner and did not make any adverse or unfavourable comments about the Complainant personally. The focus of their exchange was the subject matter of the questions, and not the person who had asked them. As noted earlier, Cr Doyle did not contribute to the discussion about the questions at all.
18. On that basis, the Panel is satisfied that the manner in which the Respondents conducted themselves during the meeting on 30 April 2025 would not have caused a

reasonable person offence or embarrassment, nor by their conduct did they fail to ensure that issues, not personalities, were the focus of the debate.

19. As per section 28ZI of the Act the Investigating Panel determines that Crs Doyle, Mrosek and Armstrong have not breached the Code of Conduct.

Determination

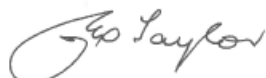
20. The Investigating Panel determines that Crs Doyle, Mrosek and Armstrong did not breach Parts 7.1 (b) or 7.2 (b) of the Code and therefore dismisses the complaint.

Timing of the Determination

21. 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.
22. The Panel has been unable to determine the complaint within 90 days, owing to the intervention of the Christmas/New Year holiday period and some periods of unavailability of Panel members.

Right to review

23. A person aggrieved by the determination of the Investigating 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 that determination.



Jill Taylor
Chairperson



Andrew Frost
Member



Luke Ogden
Member

DATE: 26 March 2026