

Local Government Act 1993

CODE OF CONDUCT PANEL - DETERMINATION REPORT NORTHERN MIDLANDS COUNCIL CODE OF CONDUCT

Complaint brought by Cr Paul Terrett against the Deputy Mayor, Cr Janet Lambert

Code of Conduct Investigating Panel

- Lynn Mason AM (Chairperson),
- Matt Evans (Local Government Member)
- Steve Bishop (Legal Member)

Date of Determination: **29 October 2025**

Content Manager Reference: C37046

Summary of the complaint

A code of conduct complaint was submitted by Cr Terrett to the Northern Midlands Council General Manager on 14 February 2025.

The complaint alleged that during the Ordinary Council Meeting of 20 January 2025, Cr Lambert breached the following parts of the *Local Government (Code of Conduct) Order 2024* (the Order):

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.*
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.*
4. *A councillor must –*
 - (a) *make decisions solely on merit; and ...*

PART 2 - Conflicts of interests that are not pecuniary

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 or perceived conflict of interest in a matter before the council must –
- (a) ...
 - (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 Assessor conducted an assessment of the complaint in accordance with the requirements of section 28ZA of the *Local Government Act 1993* (the Act). Having assessed the complaint against the provisions of sections 28ZB and 28ZC of the Act, the Assessor determined that:

- The complaint was not frivolous, vexatious, or trivial, as it raised an issue as to the responsibilities of a person who has declared he/she has a non-pecuniary interest, and whether he/she should vacate chair while the item is discussed, whether he/she should leave the meeting room, and whether a reasonable person would consider that the conflict of interest required a Councillor to leave the room during any council discussion and remain out of the room until the matter is decided;
- Further, the reasonable person test was relevant as to whether, in this matter, a Councillor could make a decision based solely on merit;
- The complaint might, if proven, relate to a contravention of the code of conduct, and was significantly important as it related to the responsibility of any person who has declared a conflict of interest.
- In accordance with section 28ZC(1) of the Act, the complaint did not require referral as it did not disclose that an offence may have been committed or that it would be more appropriately dealt with by another person or authority

On this basis, the Assessor determined that the whole complaint should be investigated.

The complainant and the respondent councillor were notified of the outcome of the initial assessment by letter dated 19 March 2025.

Summary of the complaint

The complaint alleged that during the Ordinary Council Meeting of 20 January 2025 Cr Lambert had:

- Declared a non-pecuniary interest in item 5.3.1, *Notice Of Motion: Request For General Manager, Mayor And Deputy Mayor To Stand Aside*;
- Did not leave the meeting room when debate on item 5.3.1 commenced;
- When the Mayor left the meeting room following her declaration of interest in the item, Cr Lambert took the chair of the meeting;
- Relinquished the chair at 6.14pm, and then participated in the debate on the item;
- Voted on the item when the vote was called.

Investigation

In accordance with section 28ZE of the Act, the Code of Conduct Investigating Panel (the Panel) investigated the complaint.

The following documents were presented to the Panel to consider as evidence in this matter:

- The complaint submitted under cover of statutory declaration 14 February 2025 (PDF – 20 pages)
- An email from Cr Lambert to Mr Don Jones, comprising three appendices, dated 13 April 2025, under Statutory Declaration dated 12 May 2025
- Response from Cr Lambert to the complaint, accompanied by a Statutory Declaration dated 5 May 2025 (four pages)
- Further statement from Cr Terrett, accompanied by a Statutory Declaration dated 12 May 2025, eight pages
- *Local Government (Code of Conduct) Order 2024.*

The Panel met on 2 June 2025. All submissions and statements were considered by the Panel.

In accordance with section 28ZG of the Act, the Panel determined to conduct a hearing into the matter.

Hearing

As per section 28ZH of the Act, the Panel held a hearing on 29 September 2025 in the Longford Memorial Hall, Longford. Mr Evans appeared by video link. Mr Jason Horton attended as support person for Cr Terrett, and Mr Todd Lambert attended as support person for Cr Lambert.

The Chairperson opened the hearing with a statement about the procedures to be followed, and a summary of the complaint being investigated.

Both Cr Terrett and Cr Lambert read the affirmation statement prior to giving their evidence or making statements to the Panel.

1. Cr Terrett was invited to speak to his complaint. He declined to do so, on the grounds that he had already provided his evidence and considered that he had nothing further to add to it at this point.

Cr Lambert asked Cr Terrett why he had sworn in two of his Statutory Declarations that she had declared a non-pecuniary interest in Item 5.3.1 at the outset of the council meeting on 20 January 2025. Cr Terrett responded that he relied on the minutes of the meeting. Cr Lambert stated that she had used the words *might have a non-pecuniary interest* in the item, because at that time she had not decided whether she had such an interest or not. The Panel notes that at the following Ordinary Meeting of Council on 17 February 2025, the Minutes of the 20 January 2025 meeting were confirmed by Council, including that Deputy Mayor Janet Lambert declared a Non Pecuniary interest in Item 5.3.1.

Cr Lambert asked Cr Terrett why he had not asked for an adjournment of the meeting, when he may have needed more time to consider fresh information which had been tabled by her in the debate on item 5.3.1, including copies of two DPAC Letters to Deputy Mayor Janet Lambert dated 13 and 19 August 2024 and a copy of a letter from DPAC to the General Manager dated 13 August 2024. Cr Terrett stated that the debate was drawing to a close, with Cr Lambert being the last speaker, and that it was his impression that a procedural motion to defer further consideration of the item to a later meeting would not succeed.

In answer to a question from the Panel, Cr Terrett said that he did not recall Cr Lambert's saying that she 'might' have a non-pecuniary interest in item 5.3.1, but that if the recording showed that Cr Lambert had used the qualifying word 'might' ahead of her declaration of interest, he would accept that that was what she had said.

2. Cr Lambert was then invited to respond to the complaint. She stated that she considered the complaint vexatious and that Cr Terrett had made no effort to resolve the complaint before lodging the complaint under the Code of Conduct (the Code).

Cr Lambert reiterated her assertion that Cr Terrett's saying that she had declared a non-pecuniary interest in item 5.3.1 was 'an untrue statement', and that Cr Terrett was 'misleading' the Panel. She stated that she believed she would have not been 'doing her job' if she had not provided the fresh information to Council during the debate.

In answer to a question from the Panel, Cr Lambert said that she had gone to the General Manager to ask for the inclusion of the information with the Agenda, but was told that it was 'too late' for that to occur as the Agenda had already been sent to Councillors. She had told the General Manager that she would be 'happy' to table the information if she was allowed to remain in the meeting room during the debate on the item. When asked by the Panel why she had not asked for an adjournment so that the material could be circulated before the debate, Cr Lambert replied that she *didn't think of that, to be honest*. She reiterated that she believed the information needed to be provided to her fellow Councillors and to the community, and when it had not been mentioned by any other Councillor, she had tabled it herself. She noted that none of the Councillors had asked her any questions on the matter during the debate.

Cr Lambert contended that the fact that the motion before Council called for her, as Deputy Mayor, to be *requested to stand aside pending the outcome of the Integrity Commission and Tasmania Police investigation*, did not mean that she had a personal bias in the matter. She said that section 28 of the Act required her to act in the best interests of her community, and to facilitate communication by the Council, and in her view, that is what she had done by remaining in the meeting room and participating in the debate.

When asked by the Panel why Cr Lambert had not herself asked for an adjournment to allow the Councillors time to consider the new material, she responded that the *chaotic nature of the meeting didn't allow for that*.

Cr Lambert was asked by the Panel whether it had occurred to her to absent herself from the meeting after she had provided the additional information to the Councillors,

thus removing herself from a vote on a motion in which she was directly named. She responded that she had not done so because she believed that it was a *very vexatious motion to start with*. She asserted that she *had not been mentioned at all* in the motion. The Panel stated that the first dot point of the motion mentioned her position on the Council, namely Deputy Mayor, but Cr Lambert said that the motion did not 'revolve' around her, and that she had the impression that she was *just an add on*.

The Panel asked if her colleagues were likely to have shared her view that the motion should not be supported, and if she did have that view, would that belief have allowed her to withdraw from the vote. Cr Lambert stated only that a majority of Councillors had voted against the motion. She reiterated her belief that the motion was vexatious.

The Panel asked Cr Lambert whether she would be embarrassed had the motion been passed by the Council. She replied that she would have been concerned. When asked whether a motion requesting her to stand aside from her position as Deputy Mayor would have been adverse to her standing in the community, she replied that she did not agree with that view, so long as *people understood the context of what this is all about*. Under further questioning, Cr Lambert said that she saw no reason for her to have to stand aside, as the motion requested, and that she was *defending the integrity of the Council as a whole* by providing the additional information and remaining in the meeting to participate and vote.

The Panel asked Cr Lambert whether she had had a conflict of interest in the matter because the motion had insinuated that Cr Lambert may have had issues to answer before the Integrity Commission, and whether she could not be neutral about the decision to be made on the motion because it involved her personally. Cr Lambert said that she did not believe that she had a conflict of interest, and repeated that the motion was vexatious. The Panel informed her that it accepted that that was her view on vexatiousness, but that the Initial Assessor had not shared that view, and hence, this investigation was proceeding.

The Panel asked why Cr Lambert had not simply circulated the additional information by email to her colleagues when it was apparent that the General Manager was not going to provide it before or during the council meeting. She replied that she did not *think along those lines*.

The Panel noted in the hearing that as the person chairing the meeting at that point, Cr Lambert could make a statement to the meeting and then leave the room without participating in the vote. Cr Lambert said again that she considered that she had information that the other Councillors needed to know. When asked whether the proposal in the motion requested that she personally stand aside pending various investigations could adversely affect the Council, and undermine the community's confidence in the Council, Cr Lambert replied that that referred to the entire council, not to her personally. She said that it had not occurred to her to make her statement and then leave the room before the vote was taken.

Cr Terrett asked Cr Lambert about the training undertaken by the Councillors in conflict of interest, and she replied that they had done the online training provided by the Department of Premier and Cabinet.

In further questioning from the Panel, Cr Lambert agreed that the Mayor and the General Manager had decided that they each had a non-pecuniary interest in the matter before Council, and that was their decision to make.

3. In his closing statement Cr Terrett said that he did not believe his complaint to be vexatious, and that he hoped that Councillors would be provided with ongoing governance training.
4. In her closing statement Cr Lambert reiterated that she had been on the Council for 15 years, and that she would never intentionally do anything to bring the Council into disrepute. The Panel asked Cr Lambert what had made her change her mind about having a non-pecuniary interest in item 5.3.1, given that she had initially said that she 'might' have one, and then had decided during the meeting that she did not. When asked whether she accepted that she could have made a statement to the meeting and then left the meeting and not participate in the vote, Cr Lambert said that she had not thought that that was an option.

After final statements had been made, the Chairperson informed Cr Lambert of the possible sanctions which could be imposed by the Panel, in the event that all or any part of the complaint was upheld. Cr Lambert was asked if she wished to make submission on sanction, and was given time in which to consider this. Cr Lambert subsequently submitted that if any part of the complaint were upheld, a caution would be appropriate.

Determination of the Complaint

As per section 28ZI(a) of the Act, the Code of Conduct Investigating Panel determines that Cr Lambert has breached the Code of Conduct. The Panel upholds the complaint that Cr Lambert breached Part 1.1, 1.2, 1.3, and 1.4(a), and Part 2.5 and 2.6(b) of the Code.

Reasons for determination

That Cr Lambert breached Part 1.1, 1.2, 1.3, and 1.4(a) of the Code, viz.,

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.*
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.*
4. *A councillor must –*
 - (a) *make decisions solely on merit; and ...*

The Panel determines that Cr Lambert did not bring an open mind to the matter of whether she should be requested to stand aside from her council position until after the investigations by the Integrity Commission and Tasmania Police. The Panel does not

accept that Cr Lambert had no personal bias towards a particular outcome for a decision which would affect her position on the Council, and within that part of the community alert to such decisions. As a result of this personal bias towards a particular outcome, the Panel determines that Cr Lambert did not make her decision to take the chair of the meeting in the absence of the Mayor, participate in the subsequent debate, and then vote on the motion, solely on the merit of what was in the best interests of the Council.

The Panel heard from Cr Lambert that she considered it essential that she remain in the meeting and, in the event that information of which she was aware failed to come to light during the debate, she should then reveal the additional information which she had. The Panel considers that given her belief that the information was essential for good decision making, Cr Lambert could have and should have pursued a different course of action.

Cr Lambert could have provided the information to her council colleagues prior to the meeting, when it was apparent that the General Manager could not include it with the finalised Agenda papers.

Had she decided not to do this, she could have declined to take the chair when the Mayor left the meeting, and declared her non-pecuniary interest in the item. She could then have asked to make a statement to the Council before debate commenced, citing her reasons for wanting to do so, so that the remaining Councillors would be aware of the information before participating in the debate. She should then have left the meeting without potentially affecting the debate by her presence, and without voting on the matter.

The Panel determines that in making her personal decision to fail to declare that she had a non-pecuniary interest in Item 5.3.1, Cr Lambert failed to give genuine and impartial consideration to the relevant information, viz., that she was named in the Notice of Motion which, if passed, would have a detrimental effect on her reputation as a Councillor. In failing to consider the possibility of conflict of interest in this decision, the Panel determines that Cr Lambert failed to take into account lessons from the training in recognising conflict of interest in council decision making, which she stated that she had undertaken.

That Cr Lambert breached Part 2.5 and 2.6(a) of the Code, viz.,

PART 2 - Conflicts of interests that are not pecuniary

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 or perceived conflict of interest in a matter before the council must –*
 - (a) ...
 - (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.*

The Panel noted Cr Lambert's insistence that she had said at the outset of the Council meeting that she might have a non-pecuniary interest in Item 5.3.1. The Panel has confirmed that in the recording of the meeting, Cr Lambert does insert the word 'might' before the words 'non-pecuniary declaration of interest', although the Panel also notes that

the confirmed Minutes of the meeting state that as Deputy Mayor, Cr Lambert had in fact declared an interest in Item 5.3.1.

However, the Panel does not consider these facts pertinent to the alleged breach of the Code. As Cr Lambert asserted during the hearing, she did not believe that she had a conflict of interest, and for the Panel, that is the relevant point, as the Panel determines that she did have a conflict of interest, of such materiality as to require her to absent herself from the debate and decision on the item.

While the Panel does not doubt the sincerity of Councillor Lambert's belief, it is a concern that that belief was clearly misconceived. It should have been obvious from the fact that she was named, albeit by her position, in the motion, that she had a personal interest.

In addition, the decisions of the Mayor and the General Manager to absent themselves should have flashed a warning light to her that whatever belief she had needed to be reconsidered. It is understandable that she wanted to put the additional information before the Council, but the fact is that the law in relation to a material conflict of interest does not allow her to remain in the meeting, participate in the debate, and then vote on the item. Given her experience it should have been clear that she needed to get an adjournment so that the material could be circulated properly and mature consideration given to it.

It is egregious that she spoke against the motion and ultimately voted against the motion. Councillors should be extremely cautious about potential or actual conflicts of interest when they are named, or their position is named, in a motion before the council.

Thus, the Panel determines that Cr Lambert had a conflict of interest in item 5.3.1 of the Council meeting of 20 January 2025, and failed to withdraw herself from the debate and decision making process of that item, in that had the motion been passed by the Council, she would have been requested to stand aside from her duties as a Councillor. The Panel determines that this would have had an adverse effect on her position. The Panel determines that she did not exercise reasonable judgement in deciding to chair part of the meeting during debate on this item, and then vote on the motion.

Sanction

The Panel notes that Cr Lambert has not had a code of conduct complaint upheld against her during her 15 years on Council and notes this mitigating factor in her submission on sanction. The Panel also takes into account that despite her years of service in local government, Cr Lambert does not have a clear notion of the meaning of conflict of interest and the requirements of the Code of Conduct in this regard.

After considering submissions on sanction from the parties, the Panel imposes a caution on Cr Lambert and requires her to undertake a training course on conflict of interest. As a guide, the training course should at least include the topics and areas outlined in 'Schedule A – Sanction'.

Timing of the Determination

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.

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

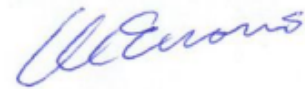
A person aggrieved by the determination of the Code of Conduct Panel, on the ground that the Panel failed to comply with the rules of natural justice, is entitled under section 28ZP of the Act to apply to the Tasmanian Civil and Administrative Tribunal for a review of the determination on that ground.



**Lynn Mason AM
Chairperson**



**Steve Bishop
Member**



**Matt Evans
Member**

DATE: 29 October 2025

Schedule A

Code of Conduct Panel Determination Report Northern Midlands Council Complaint – C37046
Brought by Cr Paul Terrett against the Deputy Mayor, Cr Janet Lambert

Supplementary Training Program: Understanding and Managing Non-Pecuniary Conflicts of Interest

Objectives - To ensure Councillor Lambert:

- A. Understands their legal and ethical obligations regarding conflicts of interest under the Local Government Act 1993 (Tas) and the Local Government (Code of Conduct) Order 2024 (Part 2).
 - B. Can identify, disclose, and appropriately manage non-pecuniary conflicts of interest.
 - C. Prevents future breaches and maintains public trust in council decision-making.
 - D. Understands the potential for changes to strengthen how conflicts are classified and managed.
-

Module 1: Legal Framework and Definitions

Purpose: Ensure Cr Lambert has foundational understanding of the legislative context.

Actions:

1. **Review the relevant sections of the Local Government Act 1993 (Tas):**
 - Section 48: Declaration of pecuniary interest.
 - Section 49: Having an interest.
 - Access the full Act [here](#)¹: Local Government Act 1993 (Tas).
2. **Review the Local Government (Code of Conduct) Order 2024:**
 - Focus on provisions related to conflicts of interest (Part 2).
 - Access the Order [here](#)²: Local Government (Code of Conduct) Order 2024.
3. **Review the 'Good Governance Guide for Local Government in Tasmania':**
 - Understand how the management of conflicts are an integral part of good governance.
 - Access the Guide [here](#)³.

Outcome: Cr Lambert should be able to articulate the definitions of pecuniary and non-pecuniary interests and understand a Councillor's obligations under law and regulation.

¹ <https://www.legislation.tas.gov.au/view/html/inforce/current/act-1993-095>

² <https://www.legislation.tas.gov.au/view/html/inforce/current/sr-2024-043>

³

https://www.dpac.tas.gov.au/divisions/local_government/councillor_resources/good_governance_guide/good_governance_guide_2018/Good-Governance-Guide-4-August-2022.pdf

Module 2: Disclosure and Management Procedures

Purpose: Ensure Cr Lambert understands how to identify, disclose, and appropriately manage non-pecuniary conflicts of interest.

Actions:

1. **Review the disclosure requirements:**
 - Understand when and how to declare conflicts prior to or at council meetings, council committee meetings and workshops.
 - Reference the Code of Conduct Order 2024, particularly the section (Part 2) on conflicts of interest.
2. **Familiarise with council-specific procedures:**
 - Consult any relevant Northern Midland Council internal policies on conflict of interest declarations and management.
 - Contact the council's governance officer for guidance if policies are not readily available.

Outcome: The Councillor should be able to correctly declare conflicts of interest and follow the appropriate procedures for managing them.

Module 3: Identifying Non-Pecuniary Conflicts of Interest

Purpose: Equip Councillor Lambert with tools to recognise potential conflicts.

Actions:

1. **Examine case studies and scenarios produced by the Office of Local Government, the Integrity Commission and the Local Government Association of Tasmania:**
 - Access and review case studies [here](#)⁴: Councillor Ethical Decision Making - Training Video Scenarios 1-3.
 - Analyse real-life examples to identify non-pecuniary conflicts, including those confronting Northern Midlands Council at its meeting on 20 January 2025.

Outcome: Councillor Lambert should be able to identify situations where personal circumstances, affiliations, or biases may constitute a non-pecuniary conflict of interest.

Module 4: Remain updated on proposed changes to strengthen the process for how conflicts are classified and managed

Purpose: Reinforce the need to stay updated on proposed changes to how conflicts of interest are classified and managed.

Actions:

1. **Review 'Managing Conflicts of Interest of Councillors - Discussion Paper'**
 - The Discussion Paper is available [here](#)⁵.

Outcome: Cr Lambert should have an appreciation of the potential changes to how conflicts are classified and managed.

⁴

https://www.dpac.tas.gov.au/divisions/local_government/councillor_resources/councillor_ethical_decision_making_-_training_video_scenarios

⁵ https://www.dpac.tas.gov.au/divisions/local_government/managing-conflicts-of-interest-of-councillors/Managing-conflicts-of-interest-of-councillors-discussion-paper.pdf