

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 Mr Ian Goninon against Councillor Paul Terrett

Investigating Panel

- Jill Taylor (Chairperson),
- Matt Evans (Local Government Member)
- Anthony Mihal (Legal Member)

Date of Determination: **29 September 2025**

Content Manager Reference: C36499

Summary of the complaint

A code of conduct complaint was submitted by Mr Ian Goninon to the General Manager of the Northern Midlands Council on 16 December 2024. Mr Goninon alleged that Councillor (Cr) Terrett, a Northern Midlands Council (“the Council”) councillor, breached Parts 7.1(a), (b) and (c), 7.2 (a), 7.5 and 8.7 of the *Local Government (Code of Conduct) Order 2024* (“the Code”).

The breaches were alleged to have occurred at a meeting of the Devon Hills Neighbourhood Watch and Residents Committee (‘the Residents Committee’) held on 8 December 2024. Mr Goninon alleged that discussion took place in relation to a pamphlet Cr Terrett had circulated in the community that outlined several initiatives Cr Terrett had supported for Devon Hills. Mr Goninon challenged the accuracy of the information contained in the pamphlet on the basis that he had been instrumental in initiating some of the work when he was a councillor. A verbal disagreement developed between the pair during which Mr Goninon alleged that Cr Terrett had offended him by yelling and pointing his finger at Mr Goninon. Cr Terrett stated in his written submission that he had raised his voice to be heard over Mr Goninon and denied pointing his finger, stating that he was gesticulating with his hands.

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

Part 7 – Relationship 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.*

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.

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

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.

Initial assessment

Following receipt of the complaint, the Executive Officer of the Code of Conduct Panel appointed a member of the Panel 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 dismissed the complaint in so far as it related to alleged breach of Parts 7.2(a) and 7.5 of the Code and determined that the balance of the complaint relating to alleged breaches of Parts 7.1 (a), (b), & (c) and Part 8.7 of the Code should be investigated and determined by the Panel.

The complainant, respondent councillor and the General Manager were notified of the outcome of the initial assessment by letter dated 29 January 2025.

Investigation

The Executive Officer of the Panel convened us to constitute the Panel to investigate and determine the complaint in accordance with section 28L of the Act. We proceeded to do so in accordance with section 28ZE 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 in our investigation of the complaint.

- The complaint submitted by Mr Ian Goninon under cover of statutory declaration dated 10 December 2024
- Councillor Terrett's response to the complaint, submitted under cover of a statutory declaration 14 February 2025 with attachments
- Mr Ian Goninon's comments on Councillor's Terrett's response under cover of a statutory declaration dated 1 April 2025 with attachments
- A witness statement by Cr Janet Lambert under cover of a statutory declaration dated 24 April 2025.

Hearing

As per section 28ZH of the Act, we held a hearing on 11 June 2025 at Henty House in Launceston. The chair, Ms Jill Taylor sat in person with other Panel members, Mr Anthony Mihal and Mr Matt Evans attending remotely by videolink. Mr Goninon and Cr Terrett appeared in person.

Cr Terrett brought a support person, Mr Jason Horton, with him to the hearing. As Mr Horton's name had not been provided prior to the hearing, the Panel asked Mr Goninon if he had any objections to Mr Horton attending the hearing as a support person for Cr Terrett. Mr Goninon did not object.

Cr Lambert had also attended the hearing with Mr Goninon who intended to call her to give oral evidence at the hearing, which took us and Cr Terrett by surprise.

We asked Cr Terrett if he had any objection to Cr Lambert giving oral evidence. Cr Terrett objected to Cr Lambert being called to do so as he had not been forewarned and was prejudiced in that he had not prepared questions for her and did not know what oral evidence she would give in addition to the evidence in her statutory declaration. We determined to take Cr Lambert's evidence by statutory declaration only and not to also hear oral evidence from her to avoid prejudice to Cr Terrett. Cr Lambert was advised of this and did not attend the hearing.

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

Both Mr Goninon and Cr Terrett made an affirmation attesting to the truth of their evidence.

Mr Goninon was asked to speak first to his complaint. Mr Goninon re-stated the events he outlined in his complaint, that Cr Terrett yelled at him and pointed his finger, which Mr Goninon said was *"not becoming of a councillor"*. Mr Goninon said that he felt bullied by Cr Terrett who had prevented him from finishing the point he was making at the meeting. Mr Goninon said that Cr Terrett later apologised to some people in the room but did not apologise to him. Mr Goninon said that he was not treated fairly by Cr Terrett as no one else at the meeting was subjected to Cr Terrett's behaviour. Mr Goninon also said that he was offended and embarrassed by Cr Terrett's behaviour toward him.

As to Cr Terrett's alleged breach of Part 8.7 of the Code, Mr Goninon said that the Council did not have the *"best reputation"* adding that when he was a councillor, he had always tried to set an example, alleging that Cr Terrett had not done this.

When we asked what Mr Goninon was trying to convey when he had been stopped by Cr Terrett's intervention, Mr Goninon said he was wanting to ask questions about rates, etcetera and to question the accuracy of the detail contained in Cr Terrett's flyer. Mr Goninon conceded that during his exchange with Cr Terrett, Mr Goninon got up and walked around the table towards Cr Terrett. When asked why he did so, Mr Goninon said whilst he took offence to what Cr Terrett was saying, he stood up as he had difficulty sitting for a prolonged period. Mr Goninon said that he had *"walked around the table but not in an aggressive manner"*. When asked by the Panel whether he had a clenched right fist at the time, Mr Goninon denied this. Mr Goninon added it was Cr Terrett that was aggressively pointing his finger at him. Mr Goninon said at that point the chairperson of the Residents Committee, Mr Canning, came and stood between Cr Terrett and Mr Goninon.

In his statement, Mr Goninon said that he could be "loud and passionate" and Cr Lambert in her witness statement acknowledging Mr Goninon's many years as a councillor said, *"I have witnessed him speak very passionately about the issues presented to Council."* In view of this evidence, the Panel asked whether his passion led him to yelling. Mr Goninon said that at the December 2024 meeting, he only raised his voice to be heard over Cr Terrett.

Mr Terrett asked why Mr Goninon did not discuss his concerns about the flyer at an earlier meeting of the Residents Committee on 11 August 2024. Mr Goninon replied by saying that he had tried to contact Cr Terrett by phone. Cr Terrett denied that he had *"any missed*

calls” from Mr Goninon but did admit he could have missed calls from an unrecognised number on his phone if no message was left.

Cr Terrett was then invited to respond to Mr Goninon’s complaint.

Cr Terrett alleged that Mr Goninon’s complaint was an *“orchestrated attempt to bully him”*, going on to say that *“there is an ongoing dispute he has with Council to which he has taken separate action”*.

Furthermore, he added that those who support Mr Goninon *“have an ongoing dispute with him being elected to Council”*. Cr Terrett said that Mr Goninon was trying to make a political statement at the Residents Committee meeting of 8 December 2024 and was verbally attacking him in a very loud voice and that he, Cr Terrett, raised his voice to be heard. Cr Terrett said that Mr Goninon was trying to attack his reputation. Cr Terrett admitted that he said to Mr Goninon *“that the community has spoken”* referring to the results of the last Council election in which Mr Goninon was not re-elected. He conceded that in hindsight, he should have said nothing. Cr Terrett said that he was very shaken by Mr Goninon walking around the table towards him with his fist clenched. Cr Terrett said that he later apologised to the meeting which included Mr Goninon but the whole altercation left him feeling unsafe.

As to whether Cr Terrett had treated Mr Goninon fairly, Cr Terrett said that he treated Mr Goninon in the same way that he treated him. In relation to whether he had caused offence or embarrassment to Mr Goninon, Cr Terrett said that it was the other way around. He said that Mr Goninon *“was the perpetrator of the situation and attempted to bully and harass him”*.

Cr Terrett denied that he pointed his finger at Mr Goninon although he did concede that he was upset that his advocating for issues was not acknowledged. Cr Terrett reiterated that when Mr Goninon came around the table to him with a clenched fist, he felt unsafe. Cr Terrett added that in hindsight, he probably should have said nothing, however he was shaken by the event, for which he later apologised. Cr Terrett said that he raised his voice to be heard above Mr Goninon who *“challenged him as a councillor”*. Cr Terrett submitted that his personal conduct was not a reflection on Council because he was responding to personal attacks by Mr Goninon. Cr Terrett said that there were inaccuracies in Cr Lambert’s evidence, adding that the facts in his flyer were accurate.

The Panel asked Cr Terrett whether he treated Mr Goninon differently to any other person at that meeting. He replied by saying he only treated Mr Goninon differently in response to Mr Goninon’s *“personal attacks”*. When asked by the Panel what his role was on the Devon Hills Neighbourhood Watch and Residents Committee, Cr Terrett said he was a Council representative along with Deputy Mayor Janet Lambert. Mr Goninon was a local resident member.

The Panel asked Cr Terrett what he meant in his evidence when he said that Mr Goninon *“was abusive”*. Cr Terrett said that he was so upset that he couldn’t recall exactly but said that Mr Goninon used words to the effect that Cr Terrett did not have any principles and that he lied in his flyer.

When asked by the Panel if Mr Goninon’s evidence that he only raised his voice after he (Cr Terrett) had yelled at him was correct. Cr Terrett replied by saying that Mr Goninon raised his voice first and was calling him derogatory names. Cr Terrett conceded that because of this he did not speak in a *“calm and level way”*. Cr Terrett again denied pointing his finger at Mr Goninon.

We asked Cr Terrett whether Mr Goninon continued to call him derogatory names after he stated, *“the election was over, and the electors have made their decision”*. Cr Terrett said that he could not recall the exact names as he was upset and emotional at that stage.

The Panel asked Cr Terrett what the mood of the room was like after the interchange between him and Mr Goninon. Cr Terrett said that the meeting continued to discuss the remaining agenda items.

We noted Cr Lambert’s evidence that as Mr Goninon started to ask questions about the flyer, Cr Terrett stood up and began to yell and point at Mr Goninon. Cr Terrett was asked if this was his recollection of what happened. Cr Terrett denied this account saying again that he did not yell or point his finger. When this was put to Mr Goninon, he answered that Cr Lambert’s statement was correct.

Mr Goninon said that he basically agreed with what Cr Lambert had said in her statement. When questioned further Mr Goninon said that there may have been some smaller inaccuracies in Cr Lambert’s statement, but he didn’t think they were relevant.

The Panel asked Cr Terrett whether he agreed with Cr Lambert’s evidence of *“a clear concerning pattern of aggressive and rude behaviour by Cr Terrett.”* Cr Terrett denied this assessment, saying that was not true and he is usually a level-headed person except when he is personally attacked, or he is not being able to raise matters in a Council meeting. Cr Terrett said that he has become emotional, and this has affected his health.

The Panel asked both Mr Goninon and Cr Terrett if they had observed any comment or reaction within the community to the incident that occurred at the meeting of 8 December 2024, and they said had not.

The Panel questioned Cr Terrett about Cr Lambert’s statement that *“Cr Terrett is unable to control his aggression when his ideas are the slightest bit challenged”*. Cr Terrett said that he believed that there was collusion between Mr Goninon and Cr Lambert. Mr Goninon said that he took offence to this allegation by Cr Terrett and that he and Cr Lambert had not spoken about the incident.

In summation, Mr Goninon said that since 1994 he has taken an active interest in Council and since his term as councillor finished, he has been involved in some Council committees. Mr Goninon said that he has not made any offensive comments regarding Cr Terrett. Mr Goninon reasserted that he was treated unfairly as he was prevented by Cr Terrett from completing his commentary at the meeting.

In his summary, Cr Terrett restated that he felt the incident that occurred between him and Mr Goninon was an orchestrated attempt to damage his reputation. Cr Terrett said that it was Mr Goninon who had treated him unfairly and bullied and harassed him. Cr Terrett reiterated that the only reason he raised his voice was to be heard. Cr Terrett said that when Mr Goninon walked around the table to him, he rose as he felt unsafe.

After the conclusion of the hearing, we decided to offer Mr Goninon the opportunity to request the hearing be reconvened for the purpose of him calling Cr Lambert to give oral evidence. On 17 June 2025, a letter was sent to Mr Goninon, with a copy to Cr Terrett giving notice of that decision. On 18 June 2025, Mr Goninon advised the Panel by email that he did not wish to reconvene the hearing.

Determination

The Panel dismisses those parts of the complaint that relate to alleged breaches of Parts 7.1 (a), (b) and (c) of the Code and upholds that part of the complaint that relates to breaches of Part 8.7 of the Code.

Reasons for determination

The complainant and responding councillor in this matter provided differing accounts of what transpired at the meeting of the Devon Hills Neighbourhood Watch and Residents Committee held on 8 December 2024. Where those accounts differed, it was difficult for us to make any determination. Except for the following, our findings of fact are largely in accordance with the concessions each party made at the hearing.

Mr Goninon was not an impressive witness. We found his explanation for rising from his chair during the relevant exchange that took place between him and Cr Terrett to be inherently unlikely. We prefer Cr Terrett's evidence that Mr Goninon rose from his chair and approached Cr Terrett. Both Mr Goninon and Cr Terrett conceded that during the exchange, they were both raising their voices and, in that context, it was likely Mr Goninon's approach was aggressive.

In relation to the allegation that Cr Terrett pointed his finger at Mr Goninon, Cr Terrett claimed that he had made "*hand gestures*" as he spoke. In her witness statement, Cr Lambert said that at a Council meeting in February 2024, Cr Terrett "*directed an aggressive hand gesture and body language*" in her direction. It is conceivable that Cr Terrett may have done so in an inappropriate manner at the meeting on 8 December 2024. Cr Terrett did not deny that he had treated Mr Goninon differently than others at the meeting, but this was because of Mr Goninon's behaviour towards him.

In its final analysis, the Panel concluded that a heated debate took place between Mr Goninon and Cr Terrett which resulted in them raising their voices at each other. We cannot make a finding about who did so first. Mr Goninon rose from his seat and aggressively walked toward Cr Terrett and was intercepted by the Chairperson of the committee. During the exchange, Cr Terrett was gesturing with his hands which Mr Goninon interpreted as being inappropriate behaviour.

Having made those findings of fact, we considered the provisions of the Code that it is alleged that Cr Terrett breached.

Part 7.1 (a), (b) and (c)

Mr Goninon alleged in his complaint and his oral evidence that he had been treated unfairly by Cr Terrett as he had been singled out by Cr Terrett by yelling at him. Furthermore, Mr Goninon alleged that Cr Terrett offended and embarrassed him and bullied and harassed him.

Mr Goninon chose to make allegations about the accuracy of Cr Terrett's flyer at the meeting. A heated exchange ensued in which both parties raised their voices and Mr Goninon approached Cr Terrett aggressively. We cannot conclude on the basis of those findings that Cr Terrett treated Mr Goninon unfairly, caused Mr Goninon offense or embarrassment or bullied or harassed Mr Goninon. Both parties behaved inappropriately. Therefore, we found that the complaint that Cr Terrett breached this part of the Code was not substantiated.

Part 8.7

There was simply no evidence before us that what transpired at the meeting 8 December 2024 did in fact reflect adversely on the reputation of the Council. There was, for example,

no evidence of public discussion of the matter and little evidence even as to the reaction of those who attended the meeting. Whilst the Panel found that both Mr Goninon and Cr Terrett behaved inappropriately at the meeting, the Code of Conduct applied only to Cr Terrett who admitted that he treated Mr Goninon as he was treated by him. A councillor will breach Part 8.7 of the Code where there is the potential for the councillor's behaviour to reflect adversely on the reputation of the Council.

Cr Terrett was at that meeting in his role as a councillor. The exchange in which both parties behaved inappropriately concerned council elections and council business, and the Panel finds that there was potential for Cr Terrett's behaviour to bring the Council into disrepute. The Panel upholds this part of the complaint.

Sanction

Section 28ZI (2) of the Act provides 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 3 July 2025, the Panel invited the parties to make a submission within seven days, regarding what, if any, sanction should apply should the Panel uphold the whole or part of the complaint.

Cr Terrett responded on 3 July 2025 stating that he did not consider any sanction should be applied and gave reasons for his position, including because he had apologised to the meeting for his behaviour, was remorseful, regrets raising his voice and would behave differently in the situation in the future and would instead choose to leave the meeting.

Mr Goninon also responded on 3 July 2025. He submitted that we should take into account Cr Terrett's subsequent behaviour at Council meetings and require Cr Terrett to attend counselling or training and suspend him from the Council.

The Panel met on 14 July 2025 to determine what, if any sanction would apply. We declined to take into account Cr Terrett's behaviour at subsequent Council meetings and limited our consideration to our findings of fact relevant to the determination of the complaint. We accepted Cr Terrett's submissions that his apology to all in attendance at the meeting held on 8 December 2024 as confirmed by Cr Lambert in her evidence, remorse and insight are mitigating.

Nevertheless, the Panel has determined that Cr Terrett's behaviour at the meeting was inappropriate for an elected member and had the potential to bring the Council into disrepute. We do not consider the behaviour and its potential effects to be so serious as to warrant suspension or training.

The Panel cautions Cr Terrett in relation to his behaviour at the meeting of 8 December 2024.

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 whole complaint is to be investigated and determined.

The Panel has been unable to investigate and determine the complaint within 90 days, owing to delays in arranging the hearing to meet the requirements of Panel members and parties to the complaint.

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



Anthony Milhal
Member



Matt Evans
Member

DATE: 29 September 2025