

**INVESTIGATING PANEL DETERMINATION REPORT
GLAMORGAN SPRING BAY CODE OF CONDUCT**

Complaint brought by Councillor Rob Churchill against Councillor Cheryl Arnol

Investigating Panel

- Jill Taylor (Chairperson),
- Philip Cocker (Local Government Member)
- Frank Neasey (Legal Member)

Date of Determination: 9 June 2025

Content Manager Reference: C36123

Summary of the complaint

A code of conduct complaint was submitted by Councillor (Cr) Rob Churchill to the A/g General Manager – Glamorgan Spring Bay Council on 5 November 2024. Cr Churchill submitted an amendment dated 2 December 2024 under cover of a statutory declaration dated 3 December 2024. The amended complaint was sent to the Initial Assessor on 20 December 2024. At that time, the initial assessor had not completed the initial assessment and accepted the amended complaint.

The complaint alleges that Cr Arnol breached the following parts of the Code of Conduct for councillors made by the Minister for Local Government under section 28R of the *Local Government Act 1993* (the Act). The alleged breaches occurred on several occasions since 9 September 2024 until the complaint was lodged.

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
 - (b) not take irrelevant matters or circumstances into account when making decisions.

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.
3. A councillor must uphold the principles of transparency and honesty and declare actual, potential or perceived conflicts of interest at any meeting 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 or perceived conflict of interest in a matter before the council must –
 - (a) declare the conflict of interest and the nature of the interest before discussion of 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.
7. This Part does not apply in relation to a pecuniary interest.

PART 3 - Use of office

1. The actions of a councillor must not bring the council or the office of councillor into disrepute.
2. A councillor must not take advantage, nor seek to take advantage, of the councillor's office or status to influence others improperly to gain an undue, improper, unauthorised or unfair benefit, or detriment, for the councillor, another person or a body.
3. A councillor, in the councillor's personal dealings with the council (for example as a ratepayer, recipient of a council service or planning applicant), must not expect or request, expressly or implicitly, preferential treatment for the councillor, another person or a body.

PART 5 - Use of information

1. A councillor –
 - (a) must only access or use council information as needed to perform the councillor's duties and functions; and
 - (b) must not access or use council information for personal reasons or nonofficial purposes.
2. A councillor must only release council information –
 - (a) in accordance with established council policies and procedures; and
 - (b) in compliance with relevant legislation.

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.
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.
3. A councillor must not contact or issue instructions to a council contractor or tenderer without appropriate authorisation.
4. A councillor must not contact an employee of the council in relation to council matters unless authorised by the general manager of the council.
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.

PART 8 - Representation

1. A councillor must accurately represent the policies and decisions of the council when giving information to the community.
2. A councillor must not knowingly misrepresent information that the councillor has obtained in the course of the councillor's duties.
3. A councillor must not speak on behalf of the council unless specifically authorised or delegated by the mayor.
4. A councillor must clearly indicate if a view put forward by the councillor is a personal view.
5. A councillor's personal views must not be expressed publicly in such a way as to –
 - (a) undermine the decisions of the council; or
 - (b) bring the council into disrepute.
6. A councillor must show respect when expressing personal views publicly.
7. A councillor's personal conduct must not reflect, or have the potential to reflect, adversely on the reputation of the council.
8. A councillor appointed to represent the council on external bodies must strive to –
 - (a) understand the basis of the appointment; and
 - (b) be aware of the ethical and legal responsibilities attached to such an appointment.

Initial assessment

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, including the amendment to the

complaint against the provisions of sections 28ZB and 28ZC of the Act, the Initial Assessor determined that the whole of the complaint should be investigated.

The complainant, respondent councillor and the A/g General Manager were notified of the outcome of the initial assessment by letter dated 17 January 2025

Investigation

In accordance with section 28ZE of the Act, the Investigating Panel investigated the complaint.

The Panel determined that further information was required to investigate the complaint. The Panel wrote to the Deputy Mayor, Cr Michael Symons on 6 February 2025 and to A/g General Manager, Mr Peter Porch on the same date requiring further information relating to the circumstances that occurred within Council from the date of receipt of Mr Greg Ingham's workers compensation claim until the date of the amended complaint filed under a statutory declaration dated 3 December 2024. These documents are contained in the Addendum.

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

- *Local Government (Code of Conduct) Order 2024* with attached Code of Conduct (Schedule 1)
- 30 October 2024 - Cr Churchill's 32-page complaint under cover of a statutory declaration dated 30 October 2024 with an undated 11-page statement from Mr Greg Ingham and minutes of the closed Council meeting of 22 October 2024
- An amendment to Cr Churchill's complaint which was dated 2 December 2024 and submitted under cover of a statutory declaration dated 3 December 2024
- 24 January 2024 - response to complaint from Cr Arnol under cover of a statutory declaration dated 24 January 2025
- 7 February 2025 - response from Mr Peter Porch, A/g General Manager to Panel request for information dated 6 February 2025 – contained in the addendum to the determination report
- 12 February 2025 - response from Cr Symons to Panel request for information dated 6 February 2025 – contained in the addendum to the determination report
- 3 March 2025 - response by Cr Arnol under cover of a statutory declaration to Cr Churchill's amended complaint
- 20 March 2025 - submission by Cr Churchill under cover of statutory declaration with attachments of minutes of closed council meetings of 26 November 2024 and 10 December 2024.

In his complaint, Cr Churchill alleged that a Workers Compensation Certificate of Capacity (WCCC) was provided to Council on or about 9 September 2024 in respect of the General Manager, Mr Greg Ingham. In that document the stated cause of Mr Ingham's incapacity for work was listed as "*workplace harassment/unsustainable relationship with Mayor*". Cr Arnol was the Mayor at that time. Cr Churchill alleged that Cr Arnol had known that she was the subject of Mr Ingham's workers

compensation claim and as such she should have removed herself from any part in the management of it. Cr Churchill further alleges that Cr Arnol continued to be engaged in the process especially in relation to a meeting with the Council's legal representative, Mr Roger Curtis on 20 September 2024 and on 10 October 2024 by sending an email to all councillors regarding the WCCC. Furthermore, in his amended complaint, Cr Churchill states that Cr Arnol chaired the meeting of 26 November 2024 and voted on a motion relating to Mr Ingham's compensation claim. Cr Churchill alleges that owing to her involvement in the process, Cr Arnol has breached various parts of the Code as listed above.

Hearing

As per section 28ZH of the Act the Investigating Panel held a hearing on 28 April 2025 at the Glamorgan Spring Bay Council Chambers at Triabunna.

In addition to Crs Churchill and Arnold, the following witnesses appeared at the hearing:

- Cr Michael Symons, Deputy Mayor
- Mr Peter Porch, Acting General Manager

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

Both Cr Churchill and Cr Arnol as well as Cr Symons made an affirmation and Mr Porch took an oath, all attesting to the truth of their evidence.

Cr Churchill spoke to his complaint first. He said he became a councillor in 2018 and in 2020, the Director of Local Government identified some compliance issues within Council and appointed an independent person to review the situation. This review resulted in a statement of expectations being developed for all councillors to sign. Cr Arnol was the only councillor who did not do so.

In 2020 when Greg Ingham was General Manager and Robert Young was Mayor the Council was working well. However, following the October 2020 Council elections, Cr Arnol became Mayor and according to Cr Churchill, "it was not the same". Cr Churchill claimed that "*governance was disappointing*". Cr Churchill said that requests by some councillors for training to improve governance and risk management were ignored until recently (2025). Cr Churchill alleged that Cr Arnol has a poor understanding of conflict of interest, pointing to a previous Code of Conduct Panel finding against her in that respect.

Cr Churchill said that he understood that a meeting had taken place in early September 2024 between Cr Arnol, Cr Symons, Mr Porch and another senior Council manager at which he alleges that Mr Porch approved Cr Arnol making an appointment to meet with Council's legal representative, Mr Roger Curtis in relation to Mr Ingham's compensation claim.

In his complaint Cr Churchill stated that the secrecy and lack of transparency surrounding the contacting of the Council's legal firm has been deeply concerning to him and other councillors.

Cr Churchill said that in his opinion, by meeting with the Council's legal representative, Mr Roger Curtis, just 11 days following the lodgement of Mr Ingham's WCCC, Cr Arnol was trying to bring about a rapid termination of Greg Ingham's employment. Cr Churchill added that this action was not only ill-conceived and potentially damaging to Mr Ingham but an attempt by Cr Arnol at self-preservation. In his statement Cr Churchill stated that there was little evidence that Cr Arnol's primary concern was for Mr Ingham's health.

When asked by the Panel at what point were he and other councillors provided with any documentation relating to Mr Ingham's worker's compensation claim, Cr Churchill said it was a couple of days prior to the Council meeting held on 22 October 2024. When asked if he was the only councillor who did not have access to any information, Cr Churchill said he knew of at least four others. Cr Churchill pointed out that the timing of this was halfway between lodgement of Mr Ingham's claim and the end of an 84-day workers compensation claims statutory period, where it needed to be referred to the Tribunal.¹

Cr Arnol was then invited to respond to Cr Churchill's complaint. She started by saying that Mr Ingham's claim did not detail everything, supplying only a narrative that suited him. Cr Arnol said that she attended an office meeting on 12 September 2024 with the A/g General Manager, Peter Porch, the Deputy Mayor, Cr Michael Symons, the Director Planning and Development and an HR consultant. She said it was at that meeting it was agreed that she should stand aside from the process and allow Cr Symons to be the liaison between councillors and Council administration. However, Cr Arnol said that Mr Porch had approved her meeting with Mr Curtis on 20 September 2024.

When she met with Mr Curtis, Cr Arnol said he asked her what her relationship with Mr Ingham was like. She told Mr Curtis that Mr Ingham had raised the issue of early termination of his contract with a 4–5-month severance payment on three occasions. Cr Arnol said that initially when she became Mayor they had a good working relationship, but she felt that because she did not agree to his request regarding severance payment this caused some friction between them. On each occasion Cr Arnol had advised Mr Ingham to put a proposal through her to Council which he failed to do.

The Panel asked Cr Arnol why she had sent an email to her fellow councillors on 10 October 2024 at the request of Cr Symons when she had told the hearing, apart from meeting with Mr Curtis, she had no involvement in the workers compensation claim process. Cr Arnol said at the time Cr Symons said he thought an email to share relevant information should come from her. She admitted at the hearing that it would have been preferable for Cr Symons to send it.

The Panel asked Cr Arnol whether she considered she had a conflict of interest when she noted she was named in the WCCC on 10 September 2024, when the A/g

¹ The Panel took this to be a reference to the Tasmanian Civil and Administrative Tribunal-see s81A(1)(c) of the *Workers Rehabilitation and Compensation Act 1988*.

General Manager emailed it to her, and why she didn't step aside immediately. Cr Arnol's response was that she was only one person named and thought there were others who Mr Ingham had claimed harassed him. The Panel put it to Cr Arnol that it was irrelevant whether others were eventually named in Mr Ingham's workers compensation claim, the fact was she was named.

Cr Arnol did not agree with this contention. When asked by the Panel whether she was aware that Part 2 of the Code of Conduct states that a conflict can be real or perceived, Cr Arnol agreed she was familiar with that. Cr Arnol went on to say that some people may perceive that she had a conflict of interest, but it was up to her to determine, and she did not accept she had a conflict of interest. The Panel made several attempts to clarify Cr Arnol's understanding of conflict of interest, causing her to allege that this was adversarial questioning. In the end, Cr Arnol said that she "struggles" to determine a conflict of interest, especially when it is perceived

Cr Arnol told the hearing that her meeting with Mr Curtis was purely about process. She said that the General Manager was usually the person who dealt with workers compensation claims and as he was the subject of the claim there was no one in Council with that expertise. The Panel asked why she did not take Cr Symons or Mr Porch with her to see Mr Curtis and she said she didn't think about it, but said on reflection, perhaps she should have. The Panel asked Cr Arnol whether she agreed to Mr Curtis putting an offer to Mr Ingham with a timeframe of 24 hours to accept the offer. Cr Arnol denied this adding that as she left the meeting with Mr Curtis, he indicated he would review his notes and speak with his associate to determine whether to make an offer to Mr Ingham to "*bring the matter to a close*". During the hearing, Cr Arnol kept making the point that as nominal head of Council, she needed to be engaged at the outset and claimed she had no conflict of interest. This was at odds with her evidence that she had agreed to stand aside at the internal meeting on 12 September 2024.

At this point Cr Arnol challenged the "body language" of the legal member, saying it was adversarial for which he apologised. The Chairperson advised Cr Arnol that it was important for the Panel to question further when her answers were not clear.

Cr Arnol was asked whether she had stood aside from the process from the in-house meeting on 12 September 2024, except for her meeting with Mr Curtis on 20 September 2025. Cr Arnol confirmed this was the case but added she had been interviewed by Mr Joe Brown from Mr Curtis's office to provide her statement in response to Mr Ingham's claim.

However, in his amended complaint Cr Churchill alleged that Cr Arnol had chaired a meeting of closed Council on 26 November 2024 and not only remained present during discussion relating to Mr Ingham's situation but voted on the motion. When questioned by the Panel regarding her conflict of interest in this matter, Cr Arnol said that on reflection she probably should not have remained in the meeting.

Cr Symons attended the hearing electronically, giving evidence from a motor vehicle. In his witness statement Cr Symons said that at a meeting held on 12 September 2024 attended by "*the Mayor, Acting GM, Council's HR consultant and Director Planning and Development and himself*", he agreed to act as a liaison person in

relation to the workers compensation matter. He added that he would not describe it as *“taking control of the claim”*. Cr Symons said it was agreed at the meeting of 12 September 2024 that the Mayor would meet with Mr Curtis. Cr Symons said that at a Council meeting on 22 October 2024, Mr Curtis attended and told the meeting, several times, that he made an offer to Mr Ingham *“based on information available to him”*. When questioned further about this at the hearing, Cr Symons said that Mr Curtis said he had made the offer to Mr Ingham *“in order to bring the matter to a conclusion”*.

Cr Symons also stated that he and Mayor Arnol had a conversation with Mr Ingham during June/July 2024 where Mr Ingham advised that he wished to retire early and was seeking a 4-to-5-month payout. Mr Ingham was advised that the Mayor and Cr Symons did not have authority to agree to this, but he could put a proposal for the whole Council to consider. Cr Symons confirmed that Mr Ingham did not put forward a proposal.

The Panel asked Cr Symons why he requested Cr Arnol to send out the email of 10 October 2024, updating councillors on the status of Mr Ingham’s workers compensation claim rather than doing it himself. He replied saying that some councillors thought Cr Arnol had information regarding the workers compensation claim she needed to share with them. The Panel found this to be questionable given the agreement between them on 12 September 2024.

Cr Symons told the hearing that he agreed to take on the role as the liaison person once Cr Arnol agreed to stand aside. The Panel asked Cr Symons whether Mr Porch gave Cr Arnol permission to seek legal advice. Cr Symons said it was only in relation to the process as there was no one in Council who has the relevant experience. The Panel asked Cr Symons whether it should have been him who met with Mr Curtis, given that a decision had been made for Cr Arnol to stand aside. Cr Symons said that on reflection it should have been him.

Mr Porch, A/g General Manager then attended the meeting to give evidence. Mr Porch said that he had provided Cr Arnol with a copy of Mr Ingham’s WCCC by email at 9.19 a.m. on 10 September 2024. The Panel asked Mr Porch whether he thought Cr Arnol may have a conflict of interest given that she was named in the claim. He replied by saying that it was a difficult decision but felt he needed to share the information with her.

In his written statement Mr Porch said that Cr Arnol had asked him if she could meet with Mr Curtis to *“seek advice on her own situation with respect of her own psychosocial safety and wellbeing.”* When questioned about this at the hearing Mr Porch said it was to seek *“personal advice”*, which Cr Arnol refuted several times during the hearing.

In response to further questioning, Mr Porch said that his recollection is that at the meeting of 22 October 2024 Mr Curtis said he made an offer to Mr Ingham *“of his own volition”*. Mr Porch said that his notes reflected differently but as he did not have his notes with him, he could not accurately reflect what he had written. However, in his witness statement, Mr Porch noted *“Mayor instructed Roger to contact Greg 8th October to make the offer based on 24-hour response.”*

When asked by the Panel whether he was concerned about giving approval to Cr Arnol to meet with Mr Curtis, given it was agreed that she would step aside, Mr Porch didn't directly answer the question but said he *"had a range of concerns at that time."*

In response to some questions from the Panel, Mr Porch was unable to provide clear answers and said that these events happened some time ago and he had difficulty remembering exactly what occurred. He seemed to have some difficulty understanding that as A/g General Manager he would have been expected to perform the role and exercise delegations in the same way as the substantive occupant.

Mr Porch said that he was aware that Mr Ingham was considering an early release from his contract and had worked with Mr Ingham and the Director Planning and Development in developing new performance indicators and a new contract. Mr Porch added that he and the Director were likely to be applicants for the job should Mr Ingham leave.

In summing up Cr Churchill told the hearing that Cr Arnol *"has no idea what conflict of interest is"* and this in an ongoing issue in Council. Cr Churchill intimated that Cr Arnol's responses to his complaint are further indication of this. Furthermore, Cr Churchill totally rejected Cr Arnol's counter claim that he had used bullying and intimidating tactics because he wanted her to resign.

In her summation, Cr Arnol admitted that she should not have sought advice from Mr Curtis on her own. However, she said that there was no evidence that she had a conflict of interest, saying there was not much put forward that needed challenging. Cr Arnol again alleged that Mr Neasey's *"attitude was adversarial and that he had already found her guilty"*.

Determination

In making this determination, the Panel was faced with considering each sub-part of Parts 1, 2, 3, 5, 7 and 8 without the complainant specifying which sub-clauses he was alleging had been breached by Cr Arnol. Therefore, in respect of many sub-clauses, the Panel has dismissed allegations that Cr Arnol has breached them on the basis of insufficient evidence being provided by the complainant and witnesses. The Panel's findings are described against each sub-clause below.

As per section 28ZI(1) of the Act the Investigating Panel determines the complaint by upholding part of the complaint and dismissing the remainder of the complaint. That is, the Panel finds that Cr Cheryl Arnol has breached Parts 1.1, 1.2, 1.3, 2.1, 2.2, 2.3, 2.4, 2.5 and 2.6 (a) & (b) of the Code of Conduct and dismisses any allegation in respect of Parts 1.4, 3.1, 3.2, 3.3, 5.1 (a) & (b), 5.2 (a) & (b), 7.1 (a), (b) & (c), 7.2, 7.3, 7.4, 7.5, 8.1, 8.2, 8.3, 8.4, 8.5 (a) & (b). 8.6, 8.7 and 8.8 (a) & (b).

Reasons for determination

The Investigating Panel considered the information provided by Cr Rob Churchill and the responses by Cr Cheryl Arnol (both oral and written) along with supporting evidence presented by witnesses Cr Michael Symons and Mr Peter Porch. During its investigation, the Panel noted that some of what Cr Arnol said was either disputed

by Cr Churchill or indeed contradicted by other undisputed facts, making it at times difficult to accept her evidence before it. For example, despite Cr Arnol indicating that she had stepped aside from involvement in the management of Mr Ingham's workers compensation claim from 12 September 2024, with the exception of a meeting with Council's legal representative, Mr Roger Curtis on 20 September 2024, she did send an email to fellow councillors on 10 October 2024 bringing them up to date on the progress of the claim and chaired a closed Council meeting where the matter was tabled on 26 November 2024 and voted on a motion in respect of it. Although they provided written responses to the Panel's questions, the Panel found that both Mr Porch and Cr Symons were vague when further questioned at the hearing.

The Panel found it difficult to draw any conclusions about what transpired in the meeting Cr Arnol had with Mr Curtis. Cr Arnol told the Panel that she was meeting with him to discuss "*process*" in the absence of expertise within Council. Mr Porch, who authorized the meeting said in his written statement that Cr Arnol "*requested she be permitted to meet with Mr Curtis to seek advice on her own situation with respect to psychosocial safety and wellbeing....*". At the hearing, Mr Porch said he couldn't recall the exact reasons for the meeting.

The Investigating Panel found the following in respect of each Part of the Code of Conduct and sub-clause alleged to have been breached by Cr Arnol.

PART 1

Part 1.1, 1.2 and 1.3

Evidence was presented that Cr Arnol, chaired a closed Council meeting held on 26 November 2024 where a status report relating to Mr Ingham's workers compensation was discussed and voted upon, including by Cr Arnol. Technically this matter was for Council to simply accept a report. However, given that Cr Arnol was named in Mr Ingham's workers compensation claim and had periodically been involved in the administration of the claim, the Panel concluded that in her discussion of and voting upon the matter she would not bring an open and unprejudiced mind, free from personal bias or prejudice and give genuine and impartial consideration to all relevant information known to her. Therefore, Cr Arnol should not have been present for that part of the meeting.

Accordingly, the Panel upholds Parts 1.1, 1.2 and 1.3 of the complaint.

Part 1.4 – Based on the evidence before it, the Panel determined that there were no formal Council business decisions involving Cr Arnol that demonstrated she had breached this part of the complaint. The Panel dismisses this Part of the complaint.

PART 2

Part 2.1 - In determining that Cr Arnol had breached this sub-clause the Panel based its decision on the fact that anyone elected to a position of councillor, and purportedly acting as a councillor, always must act in the public interest, that being to ensure transparency, honesty and integrity. In a practical sense this requires councillors to be well informed and open-minded on issues before them requiring decision making. Further, in the Panel's view, at all times while Cr Arnol was involved in the administration of Mr Ingham's claim, she was purportedly carrying out her public duty as a councillor. Being named in the workers compensation claim and

seeking legal advice relating to it, Cr Arnol had a personal interest in this matter and the Panel concluded that she would have been unduly influenced by that personal interest when intervening in the process of the administration of Mr Ingham's claim from time to time. The Panel upholds this Part of the complaint

Part 2.2 – Whilst the matter of Mr Ingham's workers compensation claim was an internal matter, the public interest must be served by proper and transparent administration of such matters. According to Cr Churchill, several councillors were "left in the dark" for some weeks as to why Cr Arnol met with Mr Curtis and as to the outcome of that meeting. The Panel upholds this Part of the complaint.

Part 2.3 – The complainant (as amended) alleged that Cr Arnol had not been transparent about her involvement in the administration of Mr Ingham's workers compensation claim. Evidence before the Panel supported this assertion and specifically in relation to the closed Council meeting of 26 November 2024 which Cr Arnol chaired, and where she failed to declare that she had an actual conflict of interest. The Panel upholds this Part of the complaint.

Part 2.4 – Considering all the evidence before it and particularly the evidence provided by Cr Arnol, the Panel concludes that Cr Arnol did not exercise good judgement in order to determine whether she had an actual, potential or perceived conflict of interest, immediately Mr Ingham's WCCC was received by Council and emailed to her on 10 September 2024, and on all subsequent occasions when she was involved directly or indirectly with the administration of Mr Ingham's claim, including by sending an email to her fellow councillors on 10 October 2024 providing commentary on Mr Ingham's WCCC. The Panel upholds this Part of the complaint.

Part 2.5 – Whilst Cr Arnol agreed to "stand aside" from the administration of Mr Ingham's WCCC on 12 September 2024, it was evident that she had periodic engagement in the process at least until the closed Council meeting on 26 November 2024 and on all such occasions the Panel is satisfied that she failed to avoid, and withdraw from, a position of conflict of interest as far as reasonably possible. The Panel upholds this Part of the complaint.

Part 2.6 (a) – Evidence before the Panel established that Cr Arnol did not declare a conflict of interest before the matter of Mr Ingham's WCCC was tabled and discussed at the closed Council meeting of 26 November 2024. The Panel upholds this Part of the complaint.

Part 2.6 (b) – At the same meeting the Panel is satisfied that Cr Arnol did not act in good faith nor exercise reasonable judgment to determine whether a reasonable person would consider that her conflict of interest required her to leave the room and remain out of it while the matter of Mr Ingham's claim was discussed. On the contrary, Cr Arnol remained in the chair and did not leave the room during the tabling of information relating to Mr Ingham's compensation claim. The Panel upholds this Part of the complaint.

Part 3

Part 3.1 – By virtue of being found to have breached any part of the Code of Conduct, arguably a Councillor could be seen to have brought the office of councillor into disrepute. However, in this instance the Panel determined that whilst it found Cr Arnol had breached part of the Code those breaches essentially related to internal

matters of Council and as such there was no public awareness of her behaviour. The Panel dismisses this Part of the complaint

Part 3.2 – There was no evidence put before the Panel that demonstrated Cr Arnol had taken advantage of her office nor had attempted to influence others to gain any benefit. The Panel dismisses that Part of the complaint.

Part 3.3 – In relation to this complaint, Cr Arnol was not engaged with Council on any personal matter. The Panel dismisses this Part of the complaint.

Part 5

Part 5.1 (a) and (b) - No evidence was produced that demonstrated Cr Arnol had inappropriately accessed or used information for personal reasons. The Panel dismisses this Part of the complaint.

Part 5.2 (a) and (b) – Similarly to Part 5.1 above, no evidence was produced that Cr Arnol had released any Council information. The Panel dismisses this Part of the complaint.

Part 7

Part 7.1 (a), (b) and (c) – No evidence was produced that demonstrated Cr Arnol had treated any persons unfairly or had embarrassed or offended nor had bullied or harassed any person be they members of the community, councillors or Council staff. Whilst the substance of Mr Ingham's workers compensation claim alleged harassment by Cr Arnol the Panel's role was only to investigate Cr Arnol's involvement in the administrative processes relating to the WCCC. The Panel dismisses this Part of the complaint.

Part 7.2 – No evidence was produced that demonstrated Cr Arnol had not had appropriate regard to the views of others nor related issues. The Panel dismisses this Part of the complaint.

Part 7.3 – No evidence was produced that demonstrated Cr Arnol had made contact with contractors or tenderers without appropriate authorisation. Cr Arnol did make contact with Council's legal representative but with the authority of the A/g General Manager, Mr Porch. The Panel dismisses this Part of the complaint.

Part 7.4 – There was no evidence produced that Cr Arnol had made contact with any employee of Council. The Panel dismisses this Part of the complaint.

Par 7.5 – No evidence was produced that Cr Arnol had engaged in conduct that is prohibited conduct. The Panel dismisses this Part of the complaint.

Part 8

Part 8 of the Code of Conduct relates to breaches by councillors where they are engaged in public representation of policies, information and decisions of Council. No evidence was produced that Cr Arnol had breached any of the sub-parts of Part 8. The Panel dismisses all allegations relating to all sub-parts of Part 8 of the complaint.

Sanction

In his complaint, Cr Churchill called for the suspension of Cr Arnol for a period of three months.

On 1 May 2025, the Panel wrote to Cr Arnol inviting her to make a submission regarding what, if any, sanction should apply in the event that the Panel upheld the whole or part of the complaint.

Cr Arnol responded on 7 May 2025 stating that *“the evidence provided in the hearing should be sufficient for the panel to determine that I acted with integrity in this matter”*. She went on to re-assert some evidence that she gave at the hearing and alleging how she has been *“bullied by Cr Churchill and other councillors.”* Cr Arnol concluded by stating that the complaint should be dismissed.

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.*

Essentially, this complaint was about Cr Arnol 's involvement in Mr Ingham's workers compensation claim in which she had been named as a person contributing to his workplace injury. Whilst Cr Arnol agreed early in the process to withdraw from it, evidence showed that she continued to participate periodically and failed to see that she had a conflict, either real or perceived. The Panel noted that in complaint C31347 determined on 13 March 2024, Cr Arnol received a reprimand on the basis that she had breached Part 2 of the Glamorgan Spring Bay Council Code of Conduct effective from 26 February 2019, that part also being concerned with conflict of interest.

Given this previous complaint and the fact that Cr Arnol continues to have difficulty in understanding what it means to have a conflict of interest the Panel determines that Cr Arnol be suspended from performing and exercising the functions and powers of her office as a councillor for a period of one month commencing after this determination is tabled at an open Council meeting. Further Cr Arnol is required to undergo training in understanding how to identify conflicts of interest and how she should apply it to her role as a councillor.

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 the following factors –

- Requests for extension to timeframes for submitting information
- The intervention of the Christmas/New Year and Easter holiday periods
- Time delays in finding a suitable date for Panel members, parties to the complaint and witnesses.

Right to review

A person aggrieved by the determination of the complaint by 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 Magistrates Court (Administrative Appeals Division) for a review of that determination on that ground.



Jill Taylor
Chairperson

DATE: 9 June 2025



Frank Neasey
Member



Philip Cocker
Member