

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
HOBART CITY COUNCIL CODE OF CONDUCT**

Complaint brought by Cr Will Coats against Cr Dr Zelinda Sherlock

Code of Conduct Investigating Panel

- Lynn Mason AM (Chairperson),
- Greg Preece (Local Government Member)
- Steve Bishop (Legal Member)

Date of Determination: 17 July 2025

Content Manager Reference: C38002

Summary of the complaint

A code of conduct complaint was submitted by Cr Will Coats to the Hobart City Council Chief Executive Officer on 14 March 2025.

The complaint alleged that at the ordinary council meeting of the Hobart City Council held on 16 September 2024, during debate on Item 14, *Council Governance Review*, Cr Sherlock did not treat Cr Coats fairly by stating in her speech that she was disappointed that more elected members had not nominated to be on the revised Planning Committee, and referring to some of the elected people who had not nominated as 'businesspeople'. Cr Coats assumed that this was a reference to himself. In addition, the complaint alleged that Cr Sherlock had 'attacked' Cr Coats and other elected members for their failure to nominate for the committee, and that this was unfair to them.

Cr Coats stated that he was offended because he had provided Cr Sherlock with his reasons for not intending to nominate for the committee when the matter came before Council, and he considered that although he had done this, he had received no response from Cr Sherlock. Cr Coats alleged that he had been 'publicly shamed and humiliated' by Cr Sherlock for failing to nominate in the council meeting.

Cr Coats also alleged in his complaint that Cr Sherlock had lied to the Council in her statement to the Council on 16 September 2024:

The obvious problem with her statement is that Councillor Sherlock never served on the prior planning committee. The previous planning committee for the term of council prior was a committee of 6 and Councillor sherlock (sic) was not a member, I was. Not only did she misrepresent and cause offence as to my reasons not to nominate, but in doing so she blatantly lied and tried to say that that was why she initially hadn't been quicker in nominating herself.

The complaint alleged that such a lie would constitute a breach of the Code because it treated other elected members unfairly, especially recently elected members who might not be aware of previous committee membership.

In summary, the complaint alleged that Cr Sherlock breached the following parts of the *Local Government (Code of Conduct) Order 2024* (the Order):

PART 7 - Relationships with community, councillors and council employees

1. *An elected member must–*

(a) treat all persons fairly; and

(b) not cause a reasonable person offence or embarrassment; and

...

Initial assessment

Following receipt of the complaint, the Initial Assessor (the Assessor) conducted an 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 *Local Government Act 1993* (the Act), the Assessor determined that:

- The complaint accepted for further investigation was not frivolous, vexatious or trivial. The complaint appeared to relate to matters of substance under the Code of Conduct and did not appear to be trifling, insignificant or a misuse of the Panel's resources.
- The Assessor was prepared to accept that Cr Coats had made a reasonable effort to resolve the issue that is the subject of the complaint. This was evidenced by the assertion in the complaint dated 14 March 2025 and the video evidence, that Cr Coats asked for a point of order in the Council meeting of 16 September 2024, which was not upheld by the Lord Mayor. Cr Coats explained in his email of 14 March 2025 that he did not consider it to be useful to resolve what was not a difference of opinion but an objective fact;
- The Assessor considered that the Council's Elected Member Issue Resolution Policy should have been engaged given the Councillors' collective commitment to adhering to that policy; however, the Assessor determined to exercise her discretion not to dismiss the complaint on the basis that it would have been a reasonable mechanism to resolve the dispute. This decision was made for two related reasons. Those were that as a result of Cr Coats unfortunately having waited almost 6 full months to lodge the complaint, it would no longer be open to him to engage the Code of Conduct panel investigation process if the matter could be resolved under Council's internal policy. Secondly, due to the serious nature of the allegation that the Deputy Mayor lied about her previous presence on a planning committee in an open Council meeting, the Assessor considered that it was in the public interest for an investigating Panel to be convened to investigate the complaint;
- The complaint or part substantially related to a contravention of the Code of Conduct;
- The Assessor had made enquiries of the Code of Conduct Panel Executive Officer and had been advised that Cr Coats had not made the complaint (or part of the complaint) in contravention of a determination of an Initial Assessor under section 28ZB(2) of the Act or a determination of an Investigating Panel under section 28ZI(3) of the Act.

On this basis, the Assessor determined that the complaint that Cr Sherlock had breached Part 7.1(a) and 7.1(b) of the Code of Conduct should be investigated.

The complainant and the respondent councillor were notified of the outcome of the initial assessment by letter dated 15 April 2025.

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 from Cr Coats, accompanied by a Statutory Declaration, 14 March 2025, 15 pp;
- The response from Cr Sherlock, accompanied by a Statutory Declaration, 14 May 2025, 19 pp;
- An answer by Cr Coats to the response from Cr Sherlock, 28 May 2025, 10 pp;
- The *Local Government (Code of Conduct) Order 2024*.

The Panel met on 19 May 2025 and considered that the matter could be determined on the material before it, subject to agreement from the parties in accordance with section 28ZG of the *Local Government Act 1993* (the Act) that neither would be disadvantaged if a hearing were not held, and the investigation could be adequately conducted by means of written submissions or examination of documentary evidence, or both. Both Cr Coats and Cr Sherlock agreed that a hearing was not necessary.

On that basis the Panel met on 4 June 2025 and having reasonably considered the evidence before it, reached its determination.

Determination

As per section 28ZI(1)(b) of the Act the Code of Conduct Investigating Panel determines that Cr Sherlock did not breach Part 7.1(a) or Part 7.1(b) of the Code of Conduct, and therefore dismisses the complaint.

Reasons for determination

Dismissal of alleged breach of Part 7.1(a), *An elected member must treat all persons fairly*

Cr Sherlock in her response to the complaint cited her obligation under the Act to represent the community and to act in its best interests. She cited also section 28 of the Act, which in part requires councillors to *facilitate and encourage the planning and development of the municipal area in the best interests of the community*. She noted that Planning Committee meetings had been cancelled on previous occasions, owing to the lack of a quorum. She claimed that these cancellations placed the Council's obligations to fulfil its statutory obligations in jeopardy, and noted that there had been adverse media attention directed at the Council because of the cancelled meetings. The Panel accepts that Cr Sherlock was voicing her concern that not enough elected members were willing or able to serve on the new Planning Committee, and that she saw that voicing this concern was in keeping with her responsibilities as an elected member.

The Panel determines that questioning the decisions made by other elected members during debate on an agenda item is not an attack on those members personally, and is not unfair to them, provided that the questioning is done respectfully, as it was in this case. Cr Sherlock did not name any of the elected members; Cr Coats was not named, despite his assumption that a reference to 'businesspeople' alluded to himself.

Cr Coats alleged that Cr Sherlock had lied to the Council in saying that she had served on the previous Planning Committee. The Panel finds that this statement from Cr Coats is categorically untrue. Cr Sherlock had served on the Planning Committee since 21 November 2022, a period of approximately 29 months up to the time of the council meeting on 16 September 2024. The Panel verified this by the simple expedient of checking the minutes of Planning Committee meetings up to that date. The 2023-2024 annual report of the Council shows that Cr Sherlock had attended 13 Planning Committee meetings in that time. The Panel considers that any complainant making an accusation that an elected member has lied to the council should take care to verify the facts before falsely making such a serious accusation.

The Panel therefore dismissed the complaint that Cr Sherlock breached Part 7.1(a) of the Code of Conduct.

Dismissal of alleged breach of Part 7.1(b), *An elected member must not cause a reasonable person offence or embarrassment.*

The Panel takes into account that this debate on 16 September 2024 occurred in open council, with members of the public present in the gallery and livestreaming by the Council. However, the Panel does not accept that Cr Sherlock's address to the Council constituted an attack on her fellow elected members, and does not accept that Cr Coats should reasonably have been 'publicly shamed and humiliated' by her speech.

Cr Coats alleged that he was offended because Cr Sherlock made no reference to his previous explanation to her of his reasons for not intending to stand for the Committee. The Panel considers that this 'failure' by Cr Sherlock occurred in a debate, where Cr Coats had right of reply, including his right to state why he had not nominated: that is a normal governance process and the Panel does not accept that Cr Coats should have been offended or embarrassed, or, as he put it in the complaint, shamed and humiliated.

The Panel therefore dismissed the complaint that Cr Sherlock breached Part 7.1(b) of the Code of Conduct.

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

Chairperson



Steve Bishop

Member



Greg Preece

Member

DATE : 17 July 2025