

**In the Matter of Part 3 of the
Local Government Act 1993,**

And

**In the Matter of the Code of
Conduct Complaint C24207**

DOUGLAS A. COOPER

Complainant

LORD MAYOR COUNCILLOR ANNA REYNOLDS

Councillor

Statutory Declaration

I, Lord Mayor Councillor Anna Reynolds of Town Hall Macquarie Street, Hobart in Tasmania, Lord Mayor of the Hobart City Council (**Council**), do solemnly and sincerely declare that:

1. This is my response to the Code of Conduct Complaint brought by Mr Douglas Cooper dated 22 May 2022 (**the Complaint**). I understand that I must address the parts of the complaint relating to Parts 2.1, 2.2, 3.1, 3.2, 4.1, 4.2, 7.1 (a), (b) & (c), 7.4; 8.5, 8.6 and 8.7 of the City of Hobart Elected Member Code of Conduct.
2. I dispute the facts and circumstances relied on by Mr Cooper in the complaint and in any event, deny I have breached any aspect of the Code of Conduct.

Background

3. I was not involved in the decision to display two transgender banners on the Town Hall on 26 February 2022. I have made enquiries of the Hobart City Council (Council) and refer to the statutory declarations of Council's Chief Executive Officer Kelly Grigsby (CEO) and Paul Synnott as to the circumstances in which the banners were raised.

For completeness, I set out below my current understanding of the events leading up to the Complaint, based upon what the CEO and Paul Synnott's declarations have revealed.

- I understand that on 24 February 2022 the Council received a request via email from Working It Out to raise two transgender flags from the Town Hall banners

on 26 February 2022. Working It Out is Tasmania's gender, sexuality and intersex status support and education service.

- I understand that their request was considered by council staff and the CEO approved their request on 25 February 2022. The CEO did not ask me if the transgender flags ought to be flown.
 - On 26 February 2022 the Coalition for Biological Reality held an event in the ballroom of the Hobart Town Hall which they had hired from the Hobart City Council (the Event). On the morning of 26 February 2022, council employee Paul Synnott was rostered on duty to provide assistance to the organisers of the Event for the duration of their booking. Mr Synnott had been given written instructions from his supervisor Sarah Carson to fly the transgender flag on the two banners on the Town Hall portico. I know now that Ms Carson had erroneously written that the instructions came from the CEO and I.
 - Evidently, according to his statement, Mr Synnott carried out his instructions and two transgender flags were raised on the Town Hall banners.
4. Furthermore, I rarely see Ms Carson and I did not speak to her about raising the flags. Ms Carson has never sought to ask my opinion on any operational matters.

Council Meetings

5. On 28 February 2022 at the Council Meeting, the following question was asked during public question time by Isla MacGregor:

"My question is to the CEO

To your knowledge did the Lord Mayor, Anna Reynolds or any other elected members direct any staff to fly certain flags off the front of the Town Hall on Saturday 26th February and if so why?"

6. The response given and recorded in the minutes of the Council meeting states:

The Chief Executive Officer advised that to my knowledge the Lord Mayor did not provide advice to any staff member or instruction to put a flag on the Town Hall as it would not be appropriate for that to occur in accordance with the Local Government Act 1993

7. On 15 March 2022 during public question time at the Council meeting, Mr Cooper put the following question to me:

'My question without notice is to the Lord Mayor.

Did you on the morning of the Saturday 26 February direct any staff to raise certain flags on the façade of the Town Hall on that day? And if so, why and with what authority? And if so, who else did you consult? And why did you not notify the Chief Executive officer of your action?

8. Our exchange, recorded and viewable on YouTube is as follows:

I answered:

'Look I'll probably take it on notice but I think this was asked at the last council meeting and I said no I did not do that.'

Mr Cooper said:

'This is an entirely different question Lord Mayor'.

My final response was:

'It sounds similar to me but no I did not direct any staff member to raise the flags. Thank you'


A copy of the video can viewed on YouTube using this link:

<https://www.youtube.com/watch?v=kiWjQdr6f4A> The above exchange can be found from 9:50 minutes to 10:36 minutes.

9. The minutes for the meeting record that I took the question on notice. The question was answered by the CEO and her response appeared in the 2 May 2022 Council meeting agenda which was received and noted during the Council meeting. The CEO's response states:

'The Lord Mayor advises that she did not provide advice to any staff member or instruction to put a flag on the Town Hall on the morning of Saturday 26 February 2022 as it would not be appropriate for that to occur in accordance with the Local Government Act 1993.'

10. I maintain that I was truthful in my response, that I agree with the CEO in her responses to the questions raised at the Council meetings and I agree with the meeting minutes as recorded.

 JP
12/8/22



Complaint

11. Mr Doug Cooper (Mr Cooper) states in his complaint that on 26 February 2022 he asked Mr Synnott who had raised the flags and on whose authority. Mr Synnott allegedly told Mr Cooper that he had received a phone call from myself earlier that morning and that he had been directed by me to fly the two flags.
12. I deny calling Mr Synnott and Mr Synnott denies receiving a call from me. I did not speak to Mr Synnott before the Event or at all about the transgender flags.
13. Mr Synnott accepts he may have informed Mr Cooper that the CEO and I instructed him to raise the flags, but that was inaccurate. Mr Synnott was mistaken through no fault of his own because he was given incorrect information.
14. Mr Synnott's statement to Mr Cooper is the basis for his complaint. However, Mr Synnott's statement is entirely based on what appears to be miscommunication amongst Council staff. I repeat and reiterate, I was not involved in the approval, instructions or the raising of the flags on Town Hall on 26 February 2022.
15. The Council CEO has addressed the issue twice and myself once through the Council meeting process as evidenced above. Despite having been assured on three occasions that I did not advise or instruct the transgender flag to be raised on 26 February 2022, Mr Cooper has still submitted this complaint against me. I note that his complaint is dated after his question was answered at the 2 May 2022 Council meeting by the CEO.

Alleged Breaches

16. The alleged breaches to be investigated by the Panel as a result of the Complaint include Parts 2.1, 2.2, 3.1, 3.2, 4.1, 4.2, 7.1 (a), (b) & (c), 7.4, 8.5, 8.6 and 8.7 of the City of Hobart Elected Member Code of Conduct (the Code).
17. I do not intend to address each particular Part in turn because I deny the factual basis for the Complaint and state:
 1. I did not instruct or order the flags to be flown on the Town Hall banners.
 2. I did not lie at the Council meeting and maintain that the Council meeting minutes accurately reflect what was said and/or done.
18. For the above reasons and in reliance on the statutory declaration from the CEO and Mr Synnott's statutory declaration in which both explain I had no involvement, I deny any breaches of the Code. On that basis, I encourage the Panel to find:



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- (a) I did not carry out any public duty on 26 February 2022 and as a result, could not have or be seen to have been unduly influenced by personal or private interests. (Part 2.1)
- (b) I had no involvement or influence over the contractual agreement between the Council and the Event organisers. I was not involved in the decision to fly the transgender flag. I have acted openly and honestly in the public interest at all times. (Part 2.2)
- (c) I have been transparent and honest at all times regarding the flying of the transgender flags. (Part 2.3)
- (d) The decision to fly the transgender flags on 26 February 2022 was a staff decision. I spoke truthfully at the Council meeting and did not bring the Council or my office into disrepute (Part 3.1)
- (e) I did not order, instruct or improperly influence using my office, Mr Synnott or any other Council employee in relation to the Event. I was not involved in the decision to fly the transgender flags. (Part 3.2)
- (f) I was not carrying out public duties and did not utilise the time and labour of Mr Synnott, the flag poles or the flags. (Part 4.1)
- (g) I did not utilise the time and labour of Mr Synnott, the flag poles or the flags for private purposes. (Part 4.2)
- (h) I did not access Council information regarding the decision to fly the flags. I was not involved or consulted in this decision. (Part 5.1)
- (i) I was not involved in the decision to fly the flag; there is no basis to allege that I treated anyone unfairly, caused offence or embarrassment, or bullied or harassed any person. (Part 7.1(a-c))
- (j) I did not contact Mr Synnott on 26 February 2022 or any other council employee in relation to this matter. (Part 7.4)
- (k) My personal views have not been expressed in relation to this matter. (Parts 7.5, 7.6, 7.7)
- (l) I spoke truthfully at the Council meeting and can attest that what the CEO said was truthful. I was respectful to Mr Cooper when he asked his question. (Parts 7.5, 7.6, 7.7)



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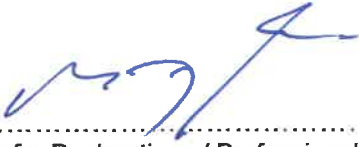
Determination of the Complaint

19. Accordingly, it is my respectful opinion that this complaint ought to be dismissed.

I make this solemn declaration under the Oaths Act 2001.

Signed by Lord Mayor Councillor
Anna Reynolds at Hobart in Tasmania,
this 17 day of August 2022

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Before me: 
Commissioner for Declarations / Professional / Appointment Holders

Name: **MALCOLM DOUGLAS FARMER**

Address: **Justice of the Peace
No. 1087**

Position Held: *SUPREME COURT OF TASMANIA
SALMON POND HOBART*