

CODE OF CONDUCT - CR HOULAHAN

Department: Civic

REASONS FOR CONFIDENTIALITY

Grounds:	S48(1)(a) - The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.
Reason:	S7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of a deceased person.

EXECUTIVE SUMMARY

- 1 A Code of Conduct complaint was laid in accordance with the process set out in the Dunedin City Council Code of Conduct (Code of Conduct) following the receipt by the Chief Executive of a complaint from Cr Sophie Barker against Cr Carmen Houlahan.
- 2 The Code of Conduct, approved in 2016 but remaining in force until replaced by this Council, sets out the process to be followed on receipt of a complaint being made, including an independent investigation and referral of that investigation to Council. This process has been followed.
- 3 The independent investigator has upheld the complaint made and has found that the matter was a material breach. The Council must now decide on its response.
- 4 As this is an administrative report, there are no options or Summary of Considerations.

RECOMMENDATIONS

That the Council:

- a) **Considers** the findings of the investigation of the Independent Investigator, Mr Jordan Boyle, into the Code of Conduct complaint in respect of Cr Houlahan.
- b) **Provides** Cr Houlahan the opportunity to address the Council if she wishes to.
- c) **Decides** whether a material breach of the Code of Conduct has occurred, and if so, which if any of the sanctions set out in the DCC Code of Conduct should be imposed on Cr Houlahan.
- d) **Considers** whether, following the meeting, a public statement is to be made, and if so, its content.

THE PROCESS UNDERTAKEN

5 On 12 September 2023, the Chief Executive received a complaint from Cr Barker about Cr Houlahan. The complaint related to the actions of Cr Houlahan on Friday 8 and Saturday 9 September. Cr Barker received eight missed calls “in swift succession” on the Friday, and 17 texts throughout the Friday and Saturday. The calls and texts related to why Cr Barker had laid a Code of Conduct complaint against Mayor Radich.

6 Cr Barker found the texts to be aggressive, with their content having a devastating impact on her. Cr Barker considered that parts of section 5.1 of the Code of Conduct had been breached, as follows:

5.1 Relationships between members

Given the importance of relationships to the effective performance of the council, members will conduct their dealings with each other in a manner that:

- Maintains public confidence
- Is open and honest
- Is courteous
- Is focused on issues rather than personalities
- Avoids aggressive, offensive or abusive conduct, including the use of disrespectful or malicious language.

7 Cr Barker received an email apology from Cr Houlahan on Monday, 11 September, which was not accepted. Cr Barker stated that “This apology did not address the content of the texts, just the number. An apology cannot undo the level of aggressive and continuous harassment over a period of nearly 24 hours. It cannot undo the deeply hurtful things that were said in those texts”.

8 Clauses 12 and 13, and Appendix B of the Code of Conduct, adopted 25 October 2016, sets out the process to be followed when complaints are laid. The following process was undertaken in accordance with the Code of Conduct:

- An independent investigator, Mr Jordan Boyle, was appointed by the Chief Executive from the approved List of Independent Investigators, to complete a preliminary report, to determine whether the issue was sufficiently serious to warrant a full investigation.
- Cr Barker was advised that her allegation had been referred to independent investigator for investigation.
- On 13 September 2023, Cr Houlahan was advised in an email from the Chief Executive of the allegation received, that a Code of Conduct complaint had been made and would be referred to an independent investigator, and the process for dealing with complaints. Once appointed, Cr Houlahan was advised of the name of the investigator.
- Mr Boyle carried out a preliminary investigation and on 24 October 2023 provided a Preliminary Report to the Chief Executive. Mr Boyle advised the Chief Executive that

following an assessment of all the information available, he had formed the view that the alleged conduct was potentially material and required a full investigation.

- A copy of the investigators Preliminary Report was provided to Cr Houlahan on 27 October 2023. Cr Barker was advised of the outcome of Mr Boyle's preliminary assessment.
- Mr Boyle undertook a full investigation of the allegations, which included interviewing Cr Houlahan and Cr Barker.
- Mr Boyle provided Crs Barker and Houlahan with a copy of his draft final report and invited feedback. Their feedback has been incorporated into the report where Mr Boyle considered appropriate.
- A final investigator's report, at Attachment A, was sent to the Chief Executive on 6 December 2023.

DISCUSSION

- 9 Clause 5.1 of the Code of Conduct sets out the expectations of elected members, and their relationships between members. Appendix B of the Code of Conduct set out the process for the Council to consider the investigator's report. A copy of Appendix B is at Attachment B.
- 10 Before making any decision in respect of the investigator's report, the Code of Conduct requires that the Council give Cr Houlahan an opportunity to appear and speak in her own defence, noting she is unable to participate in any debate or vote at the meeting.
- 11 Councillors must read the report attached. The Council must consider the investigator's report and rule on the complaint by determining whether there has been a breach of the Code of Conduct and determine the nature of any penalty or action (if any), depending on the seriousness of the breach. The nature of any penalty or actions are set out in section 13.1 of the Code of Conduct. Clause 13.1 also sets out actions the member may agree to do that could enable a Council to not impose any penalty. A copy of Clause 13.1 is at Attachment C.
- 12 Mr Boyle has suggested a resolution to this matter in paragraph 6.5 of his report. Councillors may wish to consider Mr Boyle's suggestion in relation to any penalty or action it may wish to impose.
- 13 This matter has a high degree of public interest. Once Council has decided on its response to this complaint, consideration needs to be given to what public statement, if any, should be made.

NEXT STEPS

- 14 Cr Houlahan will be advised of the decisions made by Council.
- 15 If decided, a public statement will be drafted for approval and release.

Signatories

Author:	Sharon Bodeker - Special Projects Manager
Authoriser:	Sandy Graham - Chief Executive Officer

Attachments

	Title	Page
A	Final Investigators Report	
B	Appendix B of the Code of Conduct	
C	Clause 13.1 of the Code of Conduct	



DYHRBERG DRAYTON
EMPLOYMENT LAW

Dunedin City Council
Report of Independent Investigation into
Code of Conduct Complaint by Councillor Barker about Councillor Houlahan's conduct
6 December 2023

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1 Introduction

- 1.1 Councillor Sophie Barker made a formal complaint on 8 September 2023 regarding alleged conduct by Mayor Jules Radich after a confidential Council meeting on 29 August 2023. The complaint concerned Mayor Radich's comments to Radio New Zealand following this meeting.
- 1.2 After Cr Barker made this complaint, Cr Carmen Houlahan attempted to contact Cr Barker via mobile phone on 8 and 9 September 2023. Cr Barker submitted a formal complaint on 12 September 2023, alleging the number of calls, and the content of messages Cr Houlahan sent her to her amounted to a breach of s 5.1 of the Dunedin City Council's (**DCC**) Code of Conduct.
- 1.3 Section 5.1 of the Code of Conduct relates to the requirement for members to conduct their dealings with each other in a manner that is courteous and avoids aggressive, offensive or abusive conduct.
- 1.4 Sandy Graham (Chief Executive) engaged the writer, Jordan Boyle, Partner, Dyhrberg Drayton Employment Law to undertake an independent investigation of the Complaint. I confirmed my availability and that I had no conflict of interest.
- 1.5 As is required under the Code of Conduct, Crs Barker and Houlahan were advised of my appointment to conduct an investigation.
- 1.6 The relevant information was provided, being:
 - a. The Complaint submitted by Cr Barker;
 - b. Screenshots of call logs and messages; and
 - c. Dunedin City Council Code of Conduct.

2 Preliminary Assessment - Materiality

- 2.1 Appendix B to the Code of Conduct sets out the process for the determination and investigation of complaints. I undertook a preliminary assessment of the Complaint to determine whether:
 1. the complaint is frivolous or without substance and should be dismissed;
 2. the complaint is outside the scope of the Code of Conduct and should be redirected to another Agency or process;
 3. the complaint is non-material; and [sic – should read 'or']
 4. the complaint is material and a full investigation is required.
- 2.2 As indicated, I read the '*and*' in the third consideration as '*or*'.
- 2.3 In making the assessment, the Appendix allows me (as Investigator) full discretion to make the assessment after whatever initial inquiry I consider necessary.
- 2.4 After carefully reviewing the materials provided, I assessed that, if the allegation was proven, the breach could be material. Materiality is defined in section 12.4 of the Code of Conduct:

An alleged breach under this Code is material if, in the opinion of the independent investigator, it would, if proven, bring a member or the council into disrepute or, if not addressed, reflect adversely on another member of the council.

- 2.5 The ordinary meaning of disrepute is *'lack or decline of reputation; a state of being held in low esteem'*.¹ Another ordinary meaning is *'a loss or lack of credit or repute, bad reputation, disgrace, disfavour'*.²
- 2.6 I considered if the conduct alleged in the Complaint occurred, that could bring Cr Houlahan and DCC into disrepute. Courteous behaviour is required of every elected member towards other members. If proven, the behaviour described in the Complaint would fall short of the standard expected of elected members. I therefore considered the alleged conduct was potentially material.
- 2.7 I wrote to Cr Houlahan on 3 October 2023, outlining my process in relation to my preliminary assessment, as outlined above, and my view that a full investigation should be undertaken. I provided Cr Houlahan with an opportunity to comment on my view regarding the materiality of the complaint.
- 2.8 Cr Houlahan provided me with her comment on 5 October 2023. Following consideration of Cr Houlahan's feedback, I determined the alleged conduct was potentially material and a full investigation is required. I advised Ms Graham of this.

3 Process

- 3.1 I decided the most appropriate way to investigate the alleged breach was to conduct interviews via Microsoft Teams with Crs Barker and Houlahan.
- 3.2 I interviewed Cr Barker on 25 October 2023. Notes of this interview were prepared and confirmed as accurate by Cr Barker. They were then provided to Cr Houlahan in advance of our interview, which occurred on 8 November 2023. [REDACTED] attended the interview as her support person. Notes of Cr Houlahan's interview were also prepared, and she confirmed their accuracy.
- 3.3 A copy of my draft report was provided to Crs Barker and Houlahan for their feedback. I have incorporated their feedback throughout where I considered appropriate.

4 Information Obtained

- 4.1 As summarised above, Crs Barker and Houlahan provided their perspective on the complaint in their interviews with me.

Cr Barker

- 4.2 Cr Barker explained her complaint regarding Mayor Radich had been submitted on 8 September 2023. Councillors received an email about the complaint at 4.49 pm. This was what prompted Cr Houlahan's calls and messages.
- 4.3 Cr Houlahan called Cr Barker approximately eight times between 5.14 pm and 5.50 pm on 8 September 2023. Cr Barker did not answer any of these calls. Cr Barker understands Cr Houlahan also called Cr Jim O'Malley (who was a joint complainant in her complaint regarding Mayor Radich) 12 times around the same period.

¹ Merriam Webster Dictionary.

² Collins English Dictionary.

- 4.4 Cr Houlahan also sent Cr Barker six iMessages from 5.28 pm, prior to Cr Barker replying at around 6.00 pm. These are as follows:

Cr Houlahan:

This has to be wrong. Is this you taking this code of conduct? I have just said it can't be you are not this nasty. You need to get a correct. People will stoop to some pretty low shit but this is very low to say you have done this. This is awful. I'm happy to say you wouldn't be this nasty. No one with a right mind would do this! Good grief. It is unbelievable!

This has to be incorrect surely you haven't done this! Why would you? The Mayor has already apologised. There is no issue. How bizarre.

It wouldn't be you. You wouldn't divide the whole council like this. Gosh if you ever wanted to be Mayor you wouldn't do it. Who could ever trust anyone like this? I'm sure this is incorrect. It can't be you. You need to ask Sandy to run a correction. You would never be this stupid!

You need to read this email it's defaming you

You are way too nice for this

██████████ can't be right I've abused ██████ on numerous occasions telling ██████ how fabulous you are

- 4.5 Cr Barker did not initially notice the calls as she was out and her phone was on silent. When she did, she was shocked at the number of calls and messages. Cr Barker replied once she saw the comment about ██████████. A conversation ensued:

Cr Barker:

Carmen. The Code of Conduct matter is about whether the code was breached. It has nothing to do with anything personal, other than the considering of whether the code was breached. I swore an oath to uphold the Council, and obey the rules, as we all did. I am gutted about it obviously, however we have a public duty to uphold our own rules and this decision has not been without a large amount of personal agony.

Cr Houlahan:

No it can't be true. Sophie you are better than this. Why would you divide council?

Jules has apologised and he has only been nice to you. You are his deputy. Why would you turn on him?

- 4.6 Cr Barker said the messages prior to her replying gave the impression Cr Houlahan thought someone had mistakenly linked her to the complaint about the Mayor. Cr Barker could not understand why Cr Houlahan would think this, noting the email sent by the Chief Executive clearly communicated the facts.

- 4.7 Cr Barker thought these messages indicated one of two things:

- a. Cr Houlahan was genuinely mistaken and confused as to why someone had linked Cr Barker to the complaint; or

- b. Cr Houlahan was expressing incredulity at the fact Cr Barker had laid a complaint regarding the Mayor and thought it was a negative thing for Cr Barker to have done.
- 4.8 Cr Barker noted the Chief Executive is not known for sending out incorrect emails.
- 4.9 I asked Cr Barker to explain the comment Cr Houlahan had made about [REDACTED]. Cr Barker told me [REDACTED] which was published in newspapers at the time. She wasn't aware of anything [REDACTED] had said to Cr Houlahan but understood from the message [REDACTED] have said nasty things to Cr Houlahan about her.
- 4.10 Cr Barker was hurt by the fact Cr Houlahan had brought [REDACTED] into this matter and found it overwhelming. For Cr Barker, her complaint regarding the Mayor was process oriented, caused by the Mayor's breach of confidentiality. She found the messages to be horrible and stressful and thought it was low of Cr Houlahan to do this.
- 4.11 Cr Barker said these feelings were exacerbated when Cr Houlahan resumed messaging her the following day (9 September 2023) at 2.02 pm:

Cr Houlahan:

I've had numerous people talk to me about this and they all say the same thing. Dirty politics!!!!

Cr Barker:

Please understand that it's very likely the Code of conduct was broken. This needs to be investigated

Cr Houlahan:

Jules apologised the minute he realised he stuffed up. This move by you was nasty. To say I am shocked and disappointed is just the start. I'm going to ring [REDACTED] now and apologise for abusing [REDACTED]

Cr Barker:

You don't know the full story Carmen.

Cr Houlahan:

I am also sad very sad

What is the full story then

Sophie I have been one of your biggest champions. I rave about you but I see nothing positive about this and the way it was done is planned, cold, calculated and nasty. You said nothing to Jules and we were all in a meeting together. You can do better than this Sophie. You are better than this! Women can be successful without lowering their standards.

You will have a good chance at Mayor next time you don't need to put the boot into Jules. What has he done to you besides treating you fairly. I am open honest and fair and this meets none of these standards in my opinion. I am sad and let down by someone I thought was way better

You and I are both experienced with media but I am not foolish enough to think I would never make stuff ups. We both know what media are like. They push and push and often try to trap

people into saying things they might not have said. Jules doesn't have our experience. I

think he has done extremely well considering. Yes he made a stuff up. Guess what he is human? I have made mistakes before and O [sic] am sure you have as well. He acknowledged this and apologised immediately. What more can he do? I could easily see myself making these mistakes I am also human as are you.

You wait if you do get Mayor one day you will be inundated with media and your schedule will be double what it is now. I predict you will also struggle to be perfect all the time because like Jules you are human

Your best friend now BP congrats

4.12 I asked Cr Barker about the comment around women '*lowering their standards*'. She wasn't sure what it meant but felt accused of lowering her standards in making a complaint about the Mayor. Cr Barker felt the complaint showed the opposite, DCC has standards of expected behaviour and will uphold what is right.

4.13 Cr Barker explained '*BP*' referred to Cr David Benson-Pope who has had run-ins with the Mayor. Cr Houlahan was trying to link Cr Barker's behaviour with Cr Benson-Pope.

4.14 Cr Barker found the messages aggressive and disrespectful. She felt they were abusive and noted they were very personal and not focused on the issues. They were not courteous as they accused her of '*low shit*', '*dirty politics*' and being '*cold, calculated and nasty*'.

4.15 To Cr Barker the messages were out of the norm and very different from past interactions with Cr Houlahan. The two had a collegial relationship but didn't message a lot.

4.16 Cr Houlahan emailed an apology to Cr Barker on 11 September 2023. It stated:

Tena Koe Sophie,

I am sorry I sent you so many texts and tried to call you. I had kept ringing hoping I could speak to you to find out why you laid the complaint against Jules because I was in shock. On reflection I rang and texted too much and regret that. I am sorry if this upset you in any way.

4.17 Cr Barker thought the apology was only made once Cr Houlahan heard she was going to make a complaint. Cr Barker felt the apology from Cr Houlahan did not address the contents of the messages, only the number. For this reason, it was not genuine and insincere.

4.18 I asked Cr Barker about Cr Houlahan being a trained journalist. Cr Barker noted Cr Houlahan is not a journalist, she is a city councillor and must abide by the Code of Conduct. In any event, in Cr Barker's experience, this number of calls was not what she would expect from a journalist, who might call, text and email once.

4.19 Cr Barker accepted councillors will need to have robust conversations. However, this should be confined to DCC work. This was not the case here.

4.20 Cr Barker found the messages upsetting to read. She found it difficult to deal with having [REDACTED] brought into the matter and the accusations of dirty and underhanded politics. The

communications from Cr Houlahan were targeted. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Cr Houlahan

- 4.21 Cr Houlahan said she saw the email informing councillors of the complaint under the Code of Conduct about the Mayor from Crs Barker and O'Malley. She was shocked and thought it must be a joke as Cr Barker had never mentioned potentially making a complaint about the Mayor's actions. She felt it was out of character and noted Cr Barker was in the Mayor's inner circle.
- 4.22 Cr Houlahan tried to ring Cr Barker but couldn't get hold of her. She thought she would keep trying because she wanted to find out what happened. Cr Houlahan didn't consider calling someone was offensive. She was initially concerned for Cr Barker's wellbeing if she had laid a complaint against the Mayor. She thought it was out of character.
- 4.23 Cr Houlahan kept calling despite no answer because she thought Cr Barker may have been trying to get her phone out of her bag or there may have been other reasons why she didn't answer. Cr Houlahan had noted she is a trained journalist and her professional instincts meant she was on the phone trying to get details. She noted if it was a contentious issue journalists would call or text up to six times an hour trying to contact someone. She thought this was normal. Cr Houlahan disagreed that the number of calls and messages could be seen as aggressive.
- 4.24 I asked why Cr Houlahan would not take the Chief Executive's email at face value. Cr Houlahan said she believed the Chief Executive but thought someone had put Crs Barker and O'Malley's names on the Complaint. She genuinely didn't believe Cr Barker had made the complaint.
- 4.25 Cr Houlahan explained the context of the comments about [REDACTED]
[REDACTED]
[REDACTED] Cr Houlahan regretted sending this message, but noted it was in a private message.
- 4.26 Cr Houlahan felt the complaint was a betrayal of the Mayor. Cr Houlahan noted the media were notified before councillors. She questioned why Cr Barker wanted the media to know if it wasn't for political reasons. Cr Houlahan said a few people had told her what Cr Barker had done was dirty politics, because Cr Barker had betrayed and backstabbed the Mayor.
- 4.27 Cr Houlahan said women need to work hard all the time to be seen as equal to men and to succeed in politics. She felt Cr Barker was better than this (referring to having made the complaint about the Mayor).
- 4.28 Regarding the comment about '*your best friend now BP congrats*', Cr Houlahan explained Cr Benson-Pope had been a strong vocal opponent of the Mayor. She felt the complaint would make Cr Benson-Pope think favourably of Cr Barker.
- 4.29 Cr Houlahan thought her messages were '*almost entirely polite*' noting '*many are highly respectful*'. She had made positive comments about Cr Barker in the messages. Cr Houlahan considered any negative comments were about the process, not Cr Barker personally. For example, Cr Houlahan said her comments of Cr Barker dividing DCC were not about her personally, but the process. Cr Houlahan noted Cr Barker campaigned on uniting DCC. Cr Houlahan found the process shocking.

- 4.30 Cr Houlahan noted it was a heated political situation. She felt the messages were courteous in the context of the situation. Anything not complimentary was about the political situation and process around the complaint regarding the Mayor. Aside from the messages about [REDACTED], Cr Houlahan felt she had focused on the issues, not personalities. Cr Houlahan noted councillors needed to be able to have robust political debate.
- 4.31 Cr Houlahan accepted Cr Barker was in a difficult situation, but she felt it was a situation of her own making. Cr Barker should have expected councillors, media and rate payers to want more information.
- 4.32 Cr Houlahan was contradictory for Cr Barker to have shown others the messages and to have talked to the media about the complaint. Cr Houlahan noted her name had been smeared in the media [REDACTED].
- 4.33 Cr Houlahan said she regretted sending the comments about [REDACTED] and had apologised for this to me in our interview and to Cr Barker on 21 November 2023. She noted it was a highly emotional time. She had also apologised for sending too many messages (referring to the 11 September 2023 email). Cr Houlahan wanted to apologise for sending the messages as a whole. Cr Houlahan said she had no intention to upset Cr Barker.
- 4.34 Cr Houlahan was sad this has happened and found it stressful. She indicated she wanted to sit down and try and resolve this matter with Cr Barker, to repair their once good relationship. [REDACTED]
[REDACTED]

5 Analysis

- 5.1 The fact of the calls and messages is not in dispute. Cr Houlahan accepts she made the calls and sent the messages as alleged. The question therefore becomes whether Cr Houlahan's actions in making the calls and sending the messages, and the content of the messages, breached the Code of Conduct.
- 5.2 I did not find Cr Houlahan's explanation that she initially didn't believe Cr Barker had made the complaint to be credible. While her messages were framed in this way, in my view this was for the purpose of being critical of Cr Barker, rather than genuine questions. For example, '*you are not this nasty*', '*No one with a right mind would do this!*', '*You wouldn't divide the whole council like this.*', '*you would never be this stupid!*' and [REDACTED] *can't be right*'.
- 5.3 This is supported by the fact later messages said similar things once Cr Barker confirmed she had made the complaint. For example: '*Sophie you are better than this. Why would you divide council?*', '*This move by you was nasty*', '*the way it was done is planned, cold, calculated and nasty*' and '*I'm going to ring [REDACTED] now and apologise for abusing [REDACTED]*'.
- 5.4 Cr Houlahan maintained the view that her messages were almost entirely polite and many highly respectful. Cr Houlahan considered any negative comments were about the process, not Cr Barker. I disagree. This cannot be reconciled on the evidence before me. Saying someone cannot be trusted, they have acted in a cold, calculated and nasty way, implying they are stupid, and bringing [REDACTED] into a political matter is not polite or courteous.
- 5.5 The comments about [REDACTED] were particularly disrespectful and extremely personal. Bringing [REDACTED] issues into an unrelated work issue is inappropriate in any circumstance. This was not focused on issues, but personalities.
- 5.6 I consider any positive comments made about Cr Barker were made in a backhanded way.

- 5.7 I understand Cr Houlahan's perspective that this was in the heat of the political moment. However, I do not consider this submission carries much force. Councillors are still expected to adhere to the Code of Conduct in contentious situations. In addition, the messages continued the following day in more detail, despite Cr Barker's measured response.
- 5.8 I acknowledge the texts were 'private' in the sense they were from one councillor to another. However, I do not consider this is relevant to my assessment of whether the Code of Conduct was breached. The requirements of the Code of Conduct in terms of councillors' relationships with each other is not limited to public interactions.
- 5.9 I consider the number of calls (approximately eight) and messages (six) without response was excessive and many people would find it intense. However, this does not rise to the level of being aggressive, offensive or otherwise a material breach of the Code of Conduct in and of itself (noting my analysis above about the content of the messages). Cr Houlahan may wish to reflect on her practice in this regard, noting she appeared to genuinely believe this was reasonable in the circumstances.
- 5.10 Cr Houlahan has apologised for the amount of calls and messages and subsequently (as part of this process) for the messages themselves, in particular the messages about [REDACTED]. [REDACTED]
[REDACTED]
[REDACTED]

6 Findings

- 6.1 I find the Complaint is upheld. Cr Houlahan's calls and messages to Cr Barker breached her Code of Conduct obligations, namely s 5.1: *'Relationships between members'*.
- 6.2 I consider Cr Houlahan failed to conduct her dealings with Cr Barker in a way that:
- a. Is courteous;
 - b. Is focused on issues rather than personalities; and
 - c. Avoids offensive conduct, including the use of disrespectful language.
- 6.3 I consider Cr Houlahan's actions were unacceptable, particularly in a professional environment.
- 6.4 Having investigated the matter as a potential material breach and having found there was a breach of the Code of Conduct, I have re-assessed whether the breach was in fact a material breach. I find it was a material breach. That is a high threshold, but this behaviour reaches it. I consider it brings Cr Houlahan into disrepute.
- 6.5 Cr Houlahan indicated a willingness to meet and try and resolve matters with Cr Barker. Cr Barker indicated a wish for this process to be completed before anything of this nature occurs. I will leave it to the parties to arrange a meeting if they all want to.

Jordan Boyle

Partner

Dyhrberg Drayton Employment Law