

**LOCAL GOVERNMENT ACT 1993**  
**ORDERS UNDER SECTION 440I(2)**

I, Kiersten Fishburn, Secretary, Department of Planning, Housing and Infrastructure, by **ORDER, direct** that Councillor Andrew Thaler of Snowy Monaro Regional Council (Council):

1. Be suspended from civic office for a period of 3 (three) months under section 440I(2)(g) of the *Local Government Act 1993* (Act).
2. Within 14 days of the date of this Order, apologise for the misconduct under section 440I(2)(d) of the Act, relating to breaches 2 to 16 as set out in the Departmental Report dated October 2025. These breaches concern comments made in social media posts and videos published on 8, 15, 16, 19, 20, and 22 May 2025; and 6, 8, 10, 13, 14, 16, and 17 July 2025; and 30 August 2025. Councillor Andrew Thaler must:
  - a. make the apology in writing; and
  - b. address the apology to Council; and
  - c. specify in the apology, the misconduct which is the subject of his apology; and
  - d. provide a copy of the apology to the General Manager (GM) for the purposes of the GM deciding whether or not to publish the apology; and
  - e. provide a copy of the apology to the Office of Local Government, Department of Planning, Housing and Infrastructure.

The period of suspension commences on the date 7 days after the service of this Order in accordance with section 440K(2) of the Act.

**Dated: 29 October 2025**



Kiersten Fishburn  
**Secretary**  
**Department of Planning, Housing and Infrastructure**

## LOCAL GOVERNMENT ACT 1993

### SECTION 440I

#### STATEMENT OF REASONS FOR TAKING DISCIPLINARY ACTION UNDER SECTION 440I COUNCILLOR ANDREW THALER SNOWY MONARO REGIONAL COUNCIL

1. I, Kiersten Fishburn, Secretary, Department of Planning, Housing and Infrastructure, having considered the Departmental Report dated October 2025 prepared under section 440H of the *Local Government Act 1993* (the Act), am satisfied that Councillor (Cr) Andrew Thaler of Snowy Monaro Regional Council (Council) has engaged in misconduct as defined by section 440F of the Act.
2. I have considered all the relevant information, including the Departmental Report and Cr Thaler's submissions, and have determined that he should, by order, be suspended from civic office for a period of 3 months under section 440I(2)(g) of the Act, and apologise for the misconduct in the manner specified in the order pursuant to section 440I(2)(d) of the Act.

#### THE MATTER

3. It was alleged that Cr Thaler:
  - a. failed to comply with an order issued by Mr Brett Whitworth, Deputy Secretary, on 5 May 2025, under section 440I of the Act, and
  - b. between 8 May 2025 and 30 August 2025 breached provisions of the Council's adopted code of conduct (the Code).
4. If substantiated, these breaches would constitute misconduct as defined under section 440F(1)(b) and (c) of the Act. The alleged breaches of the Code were based on comments made in videos and written posts on social media.

#### ALLEGATIONS

5. It was alleged that Cr Thaler breached the Act and provisions of the Code, being:
  - Cr Thaler failed to comply with a disciplinary order issued under section 440I of the Act.
  - On 8 May 2025 Cr Thaler made comments on the *Monaro Zone Publication*, which breached provisions of the Code.
  - On 6 July 2025 Cr Thaler made comments on a video posted on the social media platform, Facebook, which breached provisions of the Code.
  - On 15 May, 16 May, 19 May, 20 May, 22 May, 6 July, 8 July, 10 July, 13 July, 14 July, 16 July and 17 July 2025, Cr Thaler made comments on the social media platform, Facebook, which breached provisions of the Code.

- On 30 August 2025 Cr Thaler made comments on a video posted on the social media platform, Facebook, which breached provisions of the Code.

## DECISION

6. On 8 October 2025 following consideration of the Departmental Report (and annexures) prepared in relation to the alleged misconduct, the then A/Secretary determined that Cr Thaler engaged in misconduct.
7. After my consideration of all the relevant information, including the Departmental Report and Cr Thaler's submissions, I am satisfied that Cr Thaler has engaged in misconduct and I have determined to take disciplinary action against Cr Thaler in respect of the following misconduct under section 440I of the Act:
  - **Breach 1** – Cr Thaler failed to comply with a disciplinary order dated 5 May 2025 issued under section 440I of the Act.
  - **Breach 2** – On 8 May 2025, comments made by Cr Thaler on the *Monaro Zone Publication* about Mr Stephen Dunshea breached clauses 3.1(a) and (g), 3.6 and 8.21(b) and (c) of the Code.
  - **Breach 3** – On 6 July 2025, comments made by Cr Thaler in a video posted on the social media platform, Facebook, about Mr Stephen Dunshea breached clauses 3.1(a) and (g), 3.6 and 8.21(b) and (c) of the Code.
  - **Breach 4** – On 15 May, 19 May, 22 May, 6 July, 8 July, 10 July, 13 July, 14 July, 16 July and 17 July 2025, comments made by Cr Thaler on the social media platform, Facebook, about Mr Stephen Dunshea breached clauses 3.1(a) and (g), 3.6 and 8.21(b) and (c) of the Code.
  - **Breach 5** – On 8 May 2025, comments made by Cr Thaler on the *Monaro Zone Publication* about Ms Nichole Overall breached clauses 3.1(g) and 3.6 of the Code.
  - **Breach 6** – On 15 May 2025, comments made by Cr Thaler on the social media platform, Facebook, about Ms Nichole Overall breached clauses 3.1(g) and 3.6 of the Code.
  - **Breach 7** – On 16 May 2025, comments made by Cr Thaler on the social media platform, Facebook, about Ms Nichole Overall breached clauses 3.1(g) and 3.6 of the Code.
  - **Breach 8** – On 20 May 2025, comments made by Cr Thaler on the social media platform, Facebook, about Ms Nichole Overall breached clauses 3.1(g) and 3.6 of the Code.
  - **Breach 9** – On 8 May 2025, comments made by Cr Thaler on the *Monaro Zone Publication* about Cr Tanya Higgins breached clauses 3.1(g), 3.6, 3.8 and 8.21(b) of the Code.

- **Breach 10** – On 6 July 2025, comments made by Cr Thaler in a video posted on the social media platform, Facebook, about Cr Tanya Higgins breached clauses 3.1(g), 3.6, 3.8 and 8.21(b) of the Code.
- **Breach 11** – On 30 August 2025, comments made by Cr Thaler in a video posted on the social media platform, Facebook, about Cr Tanya Higgins breached clauses 3.1(g), 3.6, 3.8 and 8.21(b) of the Code.
- **Breach 12** – On 8 May 2025, comments made by Cr Thaler on the *Monaro Zone Publication* about Ms Bronwyn Taylor breached clauses 3.1(g) and 3.6 of the Code.
- **Breach 13** – On 8 May 2025, comments made by Cr Thaler on the *Monaro Zone Publication* about Cr Chris Hanna breached clauses 3.1(c), 3.6 and 8.21(b) of the Code.
- **Breach 14** – On 8 May 2025, comments made by Cr Thaler on the *Monaro Zone Publication* about [REDACTED] breached clauses 3.1(g), 3.6 and 8.21(b) and (c) of the Code.
- **Breach 15** – On 30 August 2025, comments made by Cr Thaler in a video posted on the social media platform, Facebook, about Cr Lynda Summers breached clauses 3.1(g), 3.6 and 8.21(b) and (c) of the Code.
- **Breach 16** – On 8 May 2025, comments made by Cr Thaler on the *Monaro Zone Publication* about Cr John Rooney breached clauses 3.1(g), 3.6 and 8.21(b) and (c) of the Code.

8. For the reasons set out below, I consider the misconduct is sufficiently serious to warrant disciplinary action by way of an order:

- suspending Cr Thaler from civic office for a period of 3 months under section 440I(2)(g) of the Act, and
- requiring Cr Thaler to apologise for the misconduct in the manner specified in the order under section 440I(2)(d) of the Act.

#### REASONS

9. My reasons for taking the above disciplinary action are:

- Cr Thaler's failure to express or demonstrate any remorse or contrition which indicates a lack of insight into the inappropriateness of the conduct.
- The seriousness of the conduct the subject of each breach, including that the conduct was directed towards not just other members of Council but also members of the public.
- That the conduct occurred in a public forum, and in such circumstances that appear to be targeted and intentional.
- The conduct occurred over a number of months, which indicates an ongoing pattern of inappropriate conduct by Cr Thaler through his social media

accounts – this evidences his disregard for the impact his conduct has on others.

*Relevant considerations under s 440I(3) of the Act*

10. Other relevant matters I have considered are:

- The conduct subject of this decision is of a similar type to the conduct for which Cr Thaler was previously suspended and for which he has not provided an apology. In Cr Thaler’s submission he stated that his attitude is “reply and amplify... [you] reply to the shit that gets thrown at [you], by throwing it back. With interest.” This demonstrates an ongoing risk that Cr Thaler may continue to engage in such conduct, without regard for the impact on others, thereby posing a serious risk to the health and safety of those targeted.
- The conduct subject of this decision commenced on 8 May 2025, two days after Cr Thaler received a suspension for similar conduct, and continued to 30 August 2025, indicating an ongoing pattern of inappropriate conduct targeting other councillors, colleagues and members of the public, and an apparent disregard for the consequences of such conduct.
- Cr Thaler has demonstrated a disregard for the consequences of his actions, and a focus on justifying his conduct rather than expressing any contrition or remorse. In his 30 August 2025 Facebook video, Cr Thaler stated:

“my lawyers told me to be quiet while I had matters before the court. I still have matters before the court, and the court's not listening to my legal arguments. It's quite ridiculous and so, I've said, that's it. We're done. I'm making noise again. So, let's have a live chat.” In the same video, Cr Thaler made comments giving rise to breaches 11 and 15.
- Cr Thaler’s submission received on 7 October 2025, and provided again on 23 October 2025, lacked insight into the conduct, particularly in relation to comments targeting individuals’ physical appearance, sexual orientation, gender identity, or containing sexually suggestive remarks, demonstrates that the comments were intended to offend.
- Cr Thaler has attended previous training which should have given him insight into what is acceptable and what his obligations are under the Code:
  - Cr Thaler attended training presented by LGNSW on 29 and 30 October 2024, which included a focus on the code of conduct.
  - Cr Thaler attended councillor workshops held by an external provider on 9 and 30 April 2025 which addressed the code of conduct and assisted councillors to meet the requirements of the Performance Improvement Order (PIO).
  - Prior to his election as a councillor, Cr Thaler attended training through LGNSW on 3 July 2024 which included discussion of the Code

and expectations of councillors.

- It is reasonable to conclude that Cr Thaler is aware of his obligations, and that any breaches of the Code cannot be attributed to a lack of understanding of the standards of behaviour expected.
- Since 6 February 2025, Snowy Monaro Regional Council has been subject to a performance improvement order which, amongst other things, required all councillors to enter into an undertaking to refrain from making statements, orally or in writing, that a reasonable person may consider offensive, abusive, harassing, threatening or disrespectful, about or to other councillors or council staff members. Cr Thaler signed this undertaking on 10 February 2025 demonstrating that he was aware the conduct in which he was engaging in was unacceptable behaviour.
- The conduct the subject of Breaches 2 to 9 and 11 to 16 occurred in a public forum, being comments made in publicly accessible videos and social media posts, with conduct that appears to be targeted and intentional.
- Cr Thaler may be disqualified from public office by operation of s 275(1A) of the Act if a third or subsequent suspension is imposed. While this is the third suspension order issued against Cr Thaler, an appeal against his second suspension remains before the New South Wales Civil and Administrative Tribunal (the Tribunal). Disqualification from public office is a possible consequence that I have taken into account. This possible consequence has not diverted me from my determination of the appropriate disciplinary action in all of the circumstances.

#### *Procedural fairness*

11. Cr Thaler was advised of the Secretary's decision that he was found to have engaged in misconduct, that disciplinary action was warranted, and the proposed disciplinary action – that being, suspension from civic office for period of 3 months and order to apologise. Cr Thaler was provided 14 days to make a submission.
12. Cr Thaler, through his legal representative, provided a written submission in response to the proposed penalty on 23 October 2025. This submission included a copy of his submission to the draft departmental report provided on 7 October 2025 and a copy of a submission to the Tribunal dated 14 October 2025, relating to questions of law. Cr Thaler's submission did not address the issue of proposed penalty.

13. Having considered Cr Thaler's submissions, I maintain the view that disciplinary action is warranted to provide both a specific deterrence to Cr Thaler in the future, and also as a general deterrence to others.

*No genuine remorse*

14. This suspension order will be the third order imposing a suspension for misconduct on Cr Thaler. Despite the first suspension order dated 5 May 2025 (first suspension order) being upheld by the Tribunal in appeal proceedings brought by Cr Thaler, and the issuance of a second suspension on 5 August 2025 for similar misconduct (second suspension order), Cr Thaler has not shown any insight into the misconduct or any genuine remorse.

*No apology*

15. I note that on 10 July 2025, the Tribunal confirmed the first suspension order. The order also required Cr Thaler to issue an apology in the manner specified. An apology was not made. The misconduct that led to that order is similar in nature to the conduct presently under consideration, and in my view, the circumstances warrant the imposition of a similar penalty.

*No disciplinary action for certain specific clauses of the Code*

16. I note there were incorrect references to certain specific clauses of the Code in the Departmental Report and letter to Cr Thaler dated 8 October 2025. These errors were in relation to:

- Breach 2 to 4 – there was an incorrect reference to Clause 9.11 of the Code
- Breach 5 to 8 – there was an incorrect reference to Clauses 3.1(a), 9.11 and 8.21(b) and (c) of the Code
- Breach 9 to 11 – there was an incorrect reference to Clause 8.21(a) of the Code
- Breach 12 – there was an incorrect reference to Clauses 3.8 and 8.21(a) and (b) of the Code
- Breach 13 – there was an incorrect reference to Clause 8.21(a) of the Code.

17. I have decided not to take any disciplinary action with respect to these certain specific clauses of the Code. The remaining clause references contained in the Departmental Report and the Department's letter to Cr Thaler dated 8 October 2025 are accurate and unaffected. The misconduct associated with those clauses is of sufficient seriousness to warrant my decision to suspend Cr Thaler

from civic office for a period of 3 months and to direct him to apologise for the misconduct.

#### *Referral to Council*

18. I do not consider this to be a matter that should be referred back to Council with recommendations.

#### *Referral to the Tribunal*

19. I do not consider this to be a matter requiring the more serious step of a referral to the Tribunal, who would have the power to disqualify Cr Thaler from holding civic office for a period not exceeding 5 years. This is because I consider the 3-month suspension I am ordering to be an appropriate disciplinary action in all the circumstances. It enables immediate action to be taken to address the work health and safety concerns arising from Cr Thaler's conduct, particularly in relation to the councillors who were the specific targets of the comments outlined in this departmental report.

#### *Conclusion*

20. Having regard to all of the above, I am of the view that ordering disciplinary action will emphasise the unacceptable nature of the conduct involved and will remind Cr Thaler and others of the importance of maintaining high standards of conduct. It also sends the appropriate message to the general public that such conduct is not acceptable, and where appropriate, disciplinary action will be taken. Further, I am of the view that disciplinary action does not impede nor preclude Council from undertaking its business.

21. I am therefore satisfied that Cr Thaler has engaged in misconduct and there are sufficient reasons for taking the following disciplinary action against Cr Thaler:

- by order, suspend Cr Thaler from civic office for a period of 3 months under section 440I(2)(g) of the Act, and
- by order, require Cr Thaler to apologise for the misconduct in the manner specified in the order under section 440I(2)(d) of the Act.

#### RELEVANT LEGISLATION

'Misconduct' is defined under section 440F of the Act as any of the following:

- a. a contravention by the councillor of this Act or the regulations,
- b. a failure by the councillor to comply with an applicable requirement of a code of conduct,
- c. a failure by a councillor to comply with an order issued by the Departmental Chief Executive under this Division,

- d. an act of disorder committed by the councillor at a meeting of the council or a committee of the council,
- e. an act or omission of the councillor intended by the councillor to prevent the proper or effective functioning of the council or a committee of the council.

Section 440H (5A) of the Act provides that the Departmental Chief Executive may arrange for a departmental report to be prepared about whether a councillor has engaged in misconduct, without an investigation being carried out, if the Departmental Chief Executive considers it appropriate to do so. The preparation of such a report is a prerequisite to a decision by the Departmental Chief Executive to take disciplinary action against the councillor.

Section 440I(1) provides that the Departmental Chief Executive may take disciplinary action against a councillor if satisfied that:

- a. the councillor has engaged in misconduct (whether on the basis of a department report or a report by the Ombudsman or Independent Commission Against Corruption), and
- b. disciplinary action is warranted.

Section 440I(2) authorises the Departmental Chief Executive to take one or more of the following disciplinary actions:

- a. counsel the councillor,
- b. reprimand the councillor,
- c. by order, direct the councillor to cease engaging in the misconduct,
- d. by order, direct the councillor to apologise for the misconduct in the manner specified in the order,
- e. by order, direct the councillor to undertake training,
- f. by order, direct the councillor to participate in mediation,
- g. by order, suspend the councillor from civic office for a period not exceeding 3 months,
- h. by order, suspend the councillor's right to be paid any fee or other remuneration to which the councillor would otherwise be entitled as the holder of the civic office, in respect of a period not exceeding 3 months (without suspending the councillor from civic office for that period).

Section 440I(6) provides that the Departmental Chief Executive is to make a decision to suspend a councillor from civic office or to suspend a councillor's right to be paid any fee or other remuneration, and statement of reasons for the decision, publicly available.

Section 440K provides:

1. A councillor, while suspended from office under this Division -
  - a. is not entitled to exercise any of the functions of the civic office,  
and
  - b. is not entitled to any fee or other remuneration, or to the payment of expenses or to the use of council facilities, to which he or she would otherwise be entitled as the holder of the civic office.
2. The period of suspension under an order made by the Departmental Chief Executive commences on the date 7 days after the service of the order on the councillor or the date specified in the order for the commencement of the period of suspension, whichever is the later.

**Dated: 29 October 2025**

A handwritten signature in black ink, appearing to read 'Kiersten Fishburn', with a small dot at the end.

Kiersten Fishburn

**Secretary**