



16 August 2024

Mr Chris Whiting MP
Member for Bancroft
Chair
Housing, Big Build and Manufacturing Committee
By email: hbbmc@parliament.qld.gov.au

Copy to:
The Honourable Meaghan Scanlon
Minister for Housing, Local Government and Planning
and Minister for Public Works
By email: housing@ministerial.qld.gov.au

Dear Chair

I am writing in response to recent media reports suggesting that the Office of the Independent Assessor (OIA) is investigating Mayor Tom Tate, Gold Coast City Council with respect to his calling of another councillor a “Ranga”.

The OIA received a complaint regarding public remarks made by Mayor Tom Tate on 2 April 2024. The complaint was made by a member of the public and was not anonymous.

The OIA assessed the complaint as a *potential* breach of the Code of Conduct for Councillors and was referred to the Gold Coast City Council to consider. The OIA has not formed any view as to whether the comments do breach the Code of Conduct. However, the OIA has determined that the comments do not amount to misconduct under the *Local Government Act 2009*.

The OIA thoroughly considered a range of factors in determining whether to refer the matter to the Council to consider, including that Mayor Tate had made comments of a similar nature previously. The referral was not made lightly and also considered the broader public interest noting that the term is typically intended to be derogatory in nature. However, I acknowledge that some members of the public will find the term offensive and some may not. The referral of the complaint to Council allows the councillors to determine whether the comments made by the Mayor are a breach of the Code of Conduct.

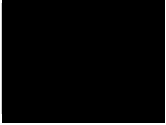
It is anticipated this process is completed without a lengthy or costly investigation given there seems little contention that the Mayor did make the stated comment. Importantly, it is open to the councillors to determine that no breach of the Code of Conduct occurred. I note that Mayor Tate indicates he did not intend to cause any offence by the making of the comments.

More than 40 per cent of all complaints received last financial year were assessed by the OIA as a potential conduct breach, with 90 per cent of those dismissed immediately by the OIA. The OIA is conscious of the impact on local governments in referring matters to them to determine.

As you are aware, the OIA takes an educative approach to the handling of complaints with only 18 complaints referred back to local governments to determine an outcome last financial year. In the same period the OIA issued 24 recommendations to councillors in an attempt to have them consider their behaviour and take steps to ensure it was not repeated. This approach ensures complaints are handled swiftly, minimising both state and local government resources.

The OIA will be available at the October LGAQ conference to meet with councillors and council staff to discuss our assessment approach and to, as always, take on board feedback regarding that assessment function. The way in which the OIA assesses complaints will continue to evolve over time noting the new legislative framework.

Yours sincerely



Bronwyn Blagoev
Independent Assessor
Office of the Independent Assessor