

Committee Secretary  
State Development and Regional Industries Committee  
Parliament House  
George Street  
Brisbane Qld 4000

Submission to the INQUIRY INTO THE FUNCTIONS OF THE INDEPENDENT ASSESSOR AND  
THE PERFORMANCE OF THOSE FUNCTIONS

In my 30 years as a journalist I have not encountered the level of censorship in local government and the level to which elected representatives are being prevented from answering questions from the media seen in recent years.

I am currently employed as the council reporter for The Fassifern Guardian and the Ipswich Tribune, covering the local government areas of Scenic Rim and Ipswich, and have spent much of my career working on newspapers in Ipswich and Brisbane, covering local government.

Since the 2020 local government elections I have found that councillors are not only unwilling to speak to media on many occasions but believe they are prohibited from speaking to the media because of their own media policies which they say is brought on by changes to the Local Government Act in response to the Crime and Corruption Commission's Operation Windage and Operation Belcarra.

Reinforcing this attitude is a fear of speaking out and ending up the subject of a complaint to the Office of the Independent Assessor.

I have witnessed this first hand many times with councillors reluctant to answer questions on matters discussed in council, or development applications or issues of concern to their constituents.

Some councillors presumably use these changes to the Act as an excuse to avoid public scrutiny.

I don't believe this was ever the intention of the State Government's reforms. This attitude is damaging the democratic principles in local government. Elected representatives need to be held to account by the media for the decisions they make.

Investigations by the OIA reinforce these restrictive media policies set by councils.

Many of the complaints to the OIA I have reported on are politically motivated, vexatious and frivolous and the OIA's investigation often favours the administration in referring matters back to the council's mayor and/or CEO to make a ruling. The result is councillors in opposition to the administration are being targeted in OIA rulings.

In reporting on the findings of an OIA investigation into Scenic Rim Councillor Derek Swanborough, a complaint which appeared to be politically motivated, I was surprised to receive a call from an OIA investigator.

I was being interviewed as a witness to a comment made by Cr Swanborough in an interview I conducted for an article published in the Fassifern Guardian & Tribune on P1, December 23, 2020 "Council accused of using complaints system to gag debate" (<https://www.fassifernguardian.com/scenicrim/scenic-rim-council-accused-of-using-complaints-system-to-gag-debate>)

as that comment was the subject of another complaint against Cr Swanborough the OIA was investigating.

Given the claims reported in the story I did feel a level of intimidation and possibly retribution from an organisation that does not appear to tolerate criticism from the defensive stance of some of the organisation's media statements I have seen released by Independent Assessor Kathleen Florian.

As I was close to our print deadline at the time I asked if I could speak on this matter later. The OIA investigator agreed.

I sought advice from my union the Media Entertainment and Arts Alliance and my state member's office as to what my rights were as a witness. Neither the MEAA nor the state MP's office were aware of the legislation around the operations of the OIA to provide me with any advice and both offered to look into this for me but were not able to do this before the OIA investigator called back.

The complaint, which was later dismissed, alleged that there was a threat of retribution toward the complainant of the original complaint reported on in the December 23 article in Cr Swanborough's comment "I welcome the day when I can tell all of my residents on Tamborine Mountain what these complaints are and how they were decided. I think they will judge the complainants very harshly." The OIA investigator asked if any names were mentioned by Cr Swanborough in relation to this comment. I said "No, all that was said is reported in the article". He asked if I recorded or took notes of the interview. I told him that yes, I did. He asked if I would provide my notes for their investigations to confirm what I had told him. I said no, I didn't feel comfortable with handing over my notes.

During the interview the OIA investigator asked three times for my notes and finally advised me that if I did not hand over my notes I could be summoned with a subpoena to appear before the court to surrender my notes.

I note in Ms Florian's comments in the parliamentary briefing on December 6, she spoke of the proposed shield laws and issues with naming a source in response to questions on another example of the OIA demanding interview notes from a journalist, one of my colleagues at the Fassifern Guardian. This was not the issue of concern in my case nor in my colleague's case as comments were attributed to Cr Swanborough in both articles.

As a journalist bound by the MEAA's Journalist Code of Ethics I must respect all confidences that I agree to.

During the course of some interviews, not necessarily the interview with Cr Swanborough, the person interviewed may ask to go off the record. This is a confidence I would not break under any circumstances. This particular interview with Cr Swanborough also delved into other issues which were not the subject of the OIA complaint. My interview was solely to inform our readers. I had no intention of assisting the OIA investigate a councillor in the questions I was asking and object to their demands to obtain my personal notes.

I also take issue with the vindictive nature of these complaints. If a councillor is slammed with complaints for simply answering the questions of a journalist what becomes of Freedom of the Press and Freedom of Speech?

Had I handed over my interview notes to the OIA to aid their investigations what is the flow-on effect with other politicians I approach for an interview? Would they want to speak to a journalist who breaks their obligations on confidentiality?

The powers of the OIA, particularly demands for journalists' notes; the scope of investigations, particularly when it impacts on freedom of speech; and the process around acting on the OIA's findings need to be reassessed.

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