




Speech By
Kim Richards

MEMBER FOR REDLANDS

Record of Proceedings, 15 November 2023

LOCAL GOVERNMENT (COUNCILLOR CONDUCT) AND OTHER LEGISLATION AMENDMENT BILL

 **Ms RICHARDS** (Redlands—ALP) (12.12 pm): I rise to support this bill. I want to start by thanking the chair of the committee and the Deputy Premier for establishing the initial inquiry into the OIA and Councillor Conduct Tribunal back in 2021. I think it is a really important piece of work. There was substantial input from councillors in the Redlands, the Redland City Council and Redlands 2030.

We have heard from a few of the contributors to this debate about the OIA being used and weaponised in very frivolous and vexatious ways. In fact, I went back through the Redland City Council's Councillor Conduct Register from July 2022 to now—about 16 months worth—and found that there have been over 60 complaints. When you go through the detail of what is outlined in these complaints and when you look at the pettiness of some of the things in this register, you realise that taxpayers' and ratepayers' money could be far better spent. I suggest having a look at the dates. This particular one kicked off in July 2022, which was post the incident with our mayor and the targeting of certain councillors—

Mr Tantari: Which mayor was that?

Ms RICHARDS: Yes, exactly: which mayor was that?—who chose to speak up on the incident. In that document you can see quite clearly what that looks like. In fact, I have a letter from the Office of the Independent Assessor to one of those councillors. I thought I would read it, because this is the sort of thing that comes through. This is where ratepayers' and taxpayers' money goes when dealing with this sort of thing. The letter states—

Dear Councillor:

On 8 February 2023, the Office of the Independent Assessor received a complaint in relation to your conduct as a councillor of Redlands City Council. It was alleged that you engaged in inappropriate conduct in a workshop meeting of council when you referred to a councillor as 'Miss Point of Order' and another councillor as 'Chair Mitchell' and interrupted a councillor when they were speaking to a notice of motion. It was further alleged that on 8 February 2023 you entered another councillor's office and asked to speak to the councillor about her attitude. When asked to leave the office, you raised your voice in a shrill tone and continued to make comments about the councillor's attitude and behaviour and that this was in response to the councillor calling in a development application that was within your division. The complainant alleged that your behaviour toward her and other councillors had deteriorated significantly since the mayor's drink-driving incident.

The notice of decision says—

Having considered all of the information available, I have decided to dismiss the complaint about you pursuant to section 150Y(b)(iii) of the Local Government Act 2009. In making this decision I considered the following information: the complaint received on 8 February 2023; other inappropriate conduct matters raised about Redlands City councillors; and relevant provisions of the Local Government Act and the Queensland Human Rights Act 2019. I decided to take no further action in respect of this complaint because taking further action would be an unjustifiable use of resource.

The complaint did not raise any suspicion of substantive misconduct but again spoke to the poor relationships and interactions between some councillors. It is understood that council had previously engaged a professional agency to provide dispute resolution services for the councillors with a view to resolving differences; however, it is clear that attempts to reconcile differences have not been effective.

The OIA would agree that the level of dysfunctionality between councillors has escalated since June 2022. Since this time a significant number of notifications have been received from particular councillors highlighting this ongoing dynamic. In circumstances where a council is encountering systemic issues arising out of an inability of councillors to deal professionally together, being the conduct to which the complaint relates, it is considered that the councillor conduct framework is the most effective way of dealing with these issues. There is a positive obligation and an imperative on all councillors to change this dynamic, to prioritise the public interest, and to ensure they are collectively delivering local government which is effective, efficient and sustainable.

When you look at the 60 complaints listed on the register, I think it absolutely speaks to the dysfunction that is occurring out at Redlands in our council. That level of dysfunction has a knock-on effect right across our community. It is our community that suffers as the result of the dysfunction of council. As quoted in the chair's report to this bill, the OIA said—

Councillors are civic leaders and should be held to high standards of conduct. This should include taking disciplinary action, in appropriate circumstances, where a councillor's personal conduct, or criminal convictions arising out of personal conduct, is conduct that is not befitting of a councillor and or does not provide high quality leadership to the councillor's community.

The incident that occurred with the mayor in a council vehicle, a Lexus, whilst performing her duties as the mayor of Redland City Council certainly has not been addressed and made clear. While you have that swinging in the wind in terms of what it means to have done that, the community cannot see how there have been any ramifications for that. When we talk about leadership, it is like a percolator with a level of dysfunction that runs right the way through. I think that is very well reflected in the register that lists complaints. They are only the ones that have had a determination. If they are still before the tribunal and no decision is pending, they are not on this list.

Ms Anstee said that the simplest of complaints require at least 40 hours of time by the chair and 20 hours for each of those two members. When you put that together, in the simplest cases—and some of ours are probably quite complex—that is 80 hours. When you average that out at the base rate for any professional service, which is probably around \$150 an hour, that is a substantial amount of ratepayers' money going to where the moral compass within council should already be set. They should already have that tone set and it should not require the OIA to deliberate and determine.

I am really pleased with what is contained within this bill. That pre-assessment process will hopefully go a long way to rectifying those vexatious and frivolous claims. Redlands has a track record in that vexatious space. We had 'Scarlett Rivers' which was quite incredible, and I have tabled that information in this House before. She went to the most extraordinary lengths to be vexatious in her dealing with a family member of a councillor who was one of her colleagues. Hopefully, this legislation goes some way, but sometimes bad people cannot be stopped from doing the wrong thing even with the tightest pieces of legislation. I hope some positive change can come from that pre-assessment process. Again, the definition between personal conduct and official duties is obviously quite a blurred line, and I would think about that in terms of the mayor's incident. I really hope this legislation goes a long way to solving some of our problems out in Redland City Council. I commend this bill to the House.