

Newsletter.....August, 2021

There has been much media attention recently about problems associated with the Office of the Independent Assessor and its role assessing complaints about local councillors. Arising from investigations into Ipswich & Logan Councils, it was established in 2018 with the best of intentions. This Queensland Government agency wields immense power having jurisdiction to investigate and prosecute complaints made against councillors in all local governments in the state.

Media items in the *Courier Mail*, *Fassifern Guardian and Tribune*, *The Australian*, *Sydney Morning Herald* and our current *Scenic News* surfaced following an OIA response to a story broken by the *Fassifern Guardian & Tribune* that the Independent Assessor had secretly recorded a conversation with Division 1 Councillor, Derek Swanborough.

On 3rd July the *FG&T* published an article of both sides of a heated debate between the mayor of Scenic Rim Regional Council, Greg Christensen and Division 1 Councillor, Derek Swanborough. A comment included in this article was that Cr. Swanborough had spoken to the OIA and also to a senior policy maker to local government and had understood that he was within his rights to mount a plebiscite for Tamborine Mountain asking residents in which shire they wished to remain. This drew the attention of the OIA which contacted the paper and asked for a retraction. Both the *FG&T* and Cr. Swanborough stood by the accuracy at what was presented in the paper.

(Cr. Swanborough was elected on this single issue.)

Meanwhile *Beaudesert Times* ran a similar article but was not embroiled in the subsequent fiasco.

On July 9th, before any contact was made by *FG&T* with Cr. Swanborough, the OIA representative told the *FG&T* that Cr. Swanborough had provided consent to correct the record. Cr. Swanborough then strenuously denied this.

The OIA demanded that the *FG & T* journalist hand over his notes and recordings of conversations with Cr. Swanborough. The journalist & the *FG&T* editor were told to attend a meeting in Brisbane and they had to keep silent about the matter. They were threatened with about \$50,000 in fines if they did not comply with these demands.

Now nothing upsets the media more than having a gag put on it. The *FG & T* hired lawyers to look into the matter. They advised that this violated the Human Rights Act and implied loss of freedom of political communication. It also threw up a conflict of interest for the OIA disputing a Councillor it was investigating.

Faced with Supreme Court action, the OIA backed down. In a letter to the *FG& T* lawyers the OIA admitted the secret recording and added that its response to Cr. Swanborough was that it didn't care if Division 1 was in Scenic Rim or Gold Coast. But the confidentiality condition remained in place.

On August 2nd, the OIA shifted the investigation to another lawyer appointed by the Local Government Minister, Steven Miles.

On 5th August the Acting Assessor was given carriage of the case. The case against Cr. Swanborough was dropped and the *FG&T* was released from the OIA demands. The case was open to scrutiny.

At which point the proverbial sxxx hit the fan.

Articles in the various papers quoted many people. From prominent lawyer and former Queensland Law Society President, Bill Potts – “democracy dies in the dark and journalists have an extremely important role” From the Queensland regional director of the journalists’ union, Michelle Rae – “there needs to be a review of how the OIA is being used as a weapon rather than a corruption watchdog”.....and more

Ex-Councillor Nigel Waistell’s story was given full coverage illustrating the stupidity and waste of resources in pursuing petty accusations, all of which have been dismissed. Nigel attracted 46 complaints whilst so far Derek’s score is over 40.

Which leads to the pertinent statement in Gary Stubb’s editorial in the current Scenic News – “It begs the question: At what point will the OIA seriously consider the probability that the Scenic Rim Regional Council is a serial frivolous and prejudiced complainant?”

And why didn’t the light bulb turn on in the OIA?

Local Government Minister, Steven Miles, says the government is set to introduce shield laws before the end of the year aimed at protecting journalists as well as their sources.

The Fassifern Guardian & Tribune

This Boonah independent newspaper has long been a keen observer of how Scenic Rim Regional Council has been operating. With a high ethical and moral standard it has never backed off publishing what it saw as serious problems within council. Meanwhile the Progress Association owned and managed *The Tamborine Mountain News* until 2012. After amalgamation of the shire, we regularly shared problems, often mutual, and this relationship exists to the present day.

Our Councillors have always taken up issues raised by residents in other parts of the shire and the *FG& T* has likewise listened to the problems we face here on Tamborine Mountain. Like *The Tamborine Mountain News* the *Fassifern Guardian & Tribune* has often been a thorn in the side of Scenic Rim Regional Council. We look to guardians like these to protect our rights and the lifestyles we seek to achieve.

To provide background and context to all this, TMPA forwarded a letter to the Minister for Local Government, Steven Miles. (Attached).

Also to the several media involved, an outline of Council operations since amalgamations was provided. The following is an extract:

“Attached is a surface view of background to this situation and the subsequent unhealthy effects upon not only the Councillors involved, but also upon many residents particularly on Tamborine Mountain.

Because this is where it all started.

Mentioned in the attached article (*to Minister for Local Govt.*) was the poisonous culture which sprang to light immediately after amalgamations. It was taken up by the Courier Mail suddenly excluded from traditional Brisbane City Council news. It later took on the similar situation in Scenic Rim.

Attached is a Courier Mail article, 11/10/08. It is now 2021 – **AND NOTHING HAS CHANGED.**

Codes and laws from 2008 need serious attention, as loose interpretations are easily invoked for a broad range of reasons. The OIC receives about 1,000 complaints each year.....“

and

“Many residents are acutely aware of the problems with Scenic Rim Regional Council and as mentioned in the attached article, the predicament of our two Division One Councillors is widely known.

This association fell out of grace with the successive recent Council administrations mainly because we refused to publish their media releases – heavily spinned, sometimes quite incorrect. Eve Curtis was phoned by Council CEO early in the piece and threatened that if we did not publish Council’s media releases, we would not get any Council advertising.

Needless to say, no advertising was ever forthcoming. No matter, the *T.M. News* was put together by volunteers. (The reduced profits went, as usual, out to local organizations.).

Nor was this the only thorn in Council’s side. We frequently published articles critical of Council’s decisions and worse, encouraged residents to have their say armed with a great deal of information.

The area’s planning schemes afford residents the right of reply to development applications coming in to Council. This presents a problem for most residents. Who can make sense of complicated planning schemes that challenge even lawyers and planners?

Just as a developer pays experts and agents to present a case weighted for his financial gain, TMPA frequently publishes pro formas to aid residents. These are based on Tamborine Mountain values and contain some formal points which Council planners will actually look at. They ignore heartfelt pleas and at times have assessed as “not relevant” points and values in the planning schemes which are actually important to the locals. Occasionally we employ a planning expert for assistance.....” ..

Scenic Rim Regional Council has been running out of step with Tamborine Mountain for years. Our Councillors have always seen their role as representatives of the community, not as an adjunct to council. That this has finally led to exposure of this Council based Office of the Independent Assessor fiasco is indeed welcome.

Take care and stay safe,

Jeanette