



Redland
CITY COUNCIL

AGENDA

SPECIAL MEETING

**Wednesday, 6 August 2025
commencing at 9.30am**

**The Council Chambers
91 - 93 Bloomfield Street
CLEVELAND QLD**

Order Of Business

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1 DECLARATION OF OPENING

On establishing there is a quorum, the Mayor will declare the meeting open.

Recognition of the Traditional Owners

Council acknowledges the Quandamooka people who are the traditional custodians of the land on which we meet. Council also pays respect to their elders, past and present, and extend that respect to other indigenous Australians who are present.

2 RECORD OF ATTENDANCE AND LEAVE OF ABSENCE

Motion is required to approve leave of absence for any Councillor absent from today's meeting.

3 DECLARATION OF PRESCRIBED CONFLICT OF INTERESTS AND DECLARABLE CONFLICT OF INTERESTS

Councillors are reminded of their responsibilities in relation to a Councillor's Prescribed Conflict of Interest and Declarable Conflict of Interest at a meeting. For full details see Chapter 5B of the *Local Government Act 2009*.

In summary:

Obligation of Councillor with Prescribed Conflict of Interest

Section 150EL of the *Local Government Act 2009* requires Councillors to declare a Prescribed Conflict of Interest in a matter as soon as they become aware of their interest in the matter, either:

- (1) *at a local government meeting, or*
- (2) *as soon as practicable, by giving the Chief Executive Officer written notice of the prescribed conflict of interest.*
- (3) The declaration must include the following particulars:
 - (a) *For a gift, loan or contract – the value of the gift, loan or contract;*
 - (b) *For an application for which a submission has been made – the matters the subject of the application and submission;*
 - (c) *The name of any entity, other than the Councillor, that has an interest in the matter;*
 - (d) *The nature of the Councillor's relationship with the entity mentioned in (c) above;*
 - (e) *Details of the Councillor's, and any other entity's, interest in the matter.*

Dealing with Prescribed Conflict of Interest at a Meeting

Pursuant to Section 150EM of the *Local Government Act 2009*, if a Councillor declares a Prescribed Conflict of Interest in a matter, ***the Councillor must leave the place at which the meeting is being held, including any area set aside for the public, and stay away from the place while the matter is discussed and voted on.***

Obligation of Councillor with Declarable Conflict of Interest

Section 150EQ of the *Local Government Act 2009* requires Councillors to declare a Declarable Conflict of Interest in a matter as soon as they become aware of their interest in the matter, either:

- (1) *at a local government meeting, or*
- (2) *as soon as practicable, by giving the Chief Executive Officer written notice of the declarable conflict of interest.*
- (3) The declaration must include the following particulars:
 - (a) *The nature of the declarable conflict of interest;*
 - (b) *If the declarable conflict of interest arises because of the councillor's relationship with a related party:*
 - (i) *The name of the related party; and*
 - (ii) *The nature of the relationship of the related party to the Councillor; and*
 - (iii) *The nature of the related party's interests in the matter;*

- (c) *If the Councillor's or related party's personal interests arise because of the receipt of a gift or loan from another person:*
- (i) *The name of the other person; and*
 - (ii) *The nature of the relationship of the other person to the Councillor or related party; and*
 - (iii) *The nature of the other person's interests in the matter; and*
 - (iv) *The value of the gift or loan, and the date the gift was given or loan was made.*

Procedure if Councillor has Declarable Conflict of Interest

Pursuant to Section 150ES of the *Local Government Act 2009*, eligible Councillors at the meeting must, by resolution, decide whether the Councillor who has declared the interest:

- (1) *May participate in a decision about the matter at the meeting, including by voting on the matter; or*
- (2) *Must leave the place at which the meeting is being held, including any area set aside for the public, and stay away from the place while the eligible Councillors discuss and vote on the matter.*

Duty to report another Councillor's Prescribed Conflict of Interest or Declarable Conflict of Interest

Pursuant to section 150EW of the *Local Government Act 2009*, a Councillor who reasonably believes or reasonably suspects another Councillor has a Prescribed Conflict of Interest or a Declarable Conflict of Interest in a matter must:

- (1) *Immediately inform the person who is presiding at the meeting about the belief or suspicion; or*
- (2) *As soon as practicable, inform the Chief Executive Officer of the belief or suspicion.*

The Councillor must also inform the person presiding, or the Chief Executive Officer, of the facts and circumstances forming the basis of the belief or suspicion.

Record of Prescribed and Declarable Conflicts of Interest

Where a Councillor informs the meeting of a Prescribed or Declarable Conflict of Interest, section 150FA of the *Local Government Act 2009* requires the following information to be recorded in the minutes of the meeting:

- (1) The name of the Councillor who may have a prescribed or declarable conflict of interest in the matter;
- (2) The particulars of the prescribed or declarable conflict of interest;
- (3) If another Councillor informs the meeting of a belief of suspicion, about another Councillor's Conflict of Interest:
 - (a) The action the Councillor takes;
 - (b) Any decision by eligible Councillors; and
 - (c) The name of each eligible Councillor who voted in relation to whether the Councillor has a declarable conflict of Interest, and how each eligible Councillor voted.
- (4) Whether the Councillor participated in deciding the matter, or was present for deciding the matter;
- (5) For a matter to which the Prescribed or Declarable Conflict of Interest relates:
 - (a) *The name of the Councillor who has declared the conflict of interest;*

- (b) The nature of the personal interest, as described by the Councillor;*
 - (c) The decision made;*
 - (d) Whether the Councillor participated in the meeting under an approval by the Minister;*
 - (e) If the Councillor voted on the matter, how they voted; and*
 - (f) How the majority of Councillors voted on the matter.*
- (6) If the Councillor has a Declarable Conflict of Interest, in addition to the information above, the following information must be recorded in the minutes:
- (a) The decision and reasons for the decision as to whether the Councillor with the Declarable Conflict of Interest may participate in the decision, or must not participate in the decision; and
 - (b) The name of each eligible Councillor who voted on the decision, and how the eligible Councillor voted.

4 CONFIDENTIAL ITEMS

COUNCIL MOTION

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with section 254J of the *Local Government Regulation 2012*:

4.1 Judy Holt Northern Landfill (Leachate Collection and Leachate Remediation)

This matter is considered to be confidential under section 254J(3)(g) of the *Local Government Regulation 2012*, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

Overview

To request approval for expanded scope of works for the Judy Holt Northern Landfill Project, Spanning FY25/26 and FY26/27

5 REPORTS FROM ORGANISATIONAL SERVICES

5.1 OFFICE OF THE INDEPENDENT ASSESSOR REFERRAL OF SUSPECTED CONDUCT BREACH

Objective Reference: A12315843

Authorising Officer: Amanda Pafumi, General Manager Organisational Services

Responsible Officer: Tony Beynon, Group Manager Corporate Governance

Report Author: Kristene Viller, Acting Governance Services Manager

Attachments:

1. Summary Investigation Report [↓](#)
2. Investigation Report - Confidential

PURPOSE

In accordance with 150AG of the *Local Government Act 2009* (the Act), Council must decide whether or not a Councillor has engaged in a conduct breach and under section 150AH of the Act, determine any disciplinary action if a conduct breach has occurred.

BACKGROUND

On 18 February 2025, the Office of the Independent Assessor (OIA) received two notifications in relation to the conduct of Mayor Jocelyn Mitchell (Mayor Mitchell). The two notifications were registered by the OIA as C/25/00117 and C/25/00118 and involve the same substantive issues.

The OIA conducted a preliminary assessment, and reasonably suspected the conduct, if proven, would amount to a conduct breach. In accordance with section 150W(b) of the Act, on 13 March 2025 the OIA referred the matters to Council to investigate in accordance with Council's GOV-009-P Investigations Policy (the Policy) which was adopted pursuant to section 150AE of the Act.

The suspected conduct breach involves two allegations:

Allegation One – That the Councillor contravened behavioural standard 3.3 of the Code of Conduct for Councillors in Queensland when they reposted a Redland City News media article of 14 February 2025 to their Facebook page and made comments about the article that is alleged are false.

Allegation Two - That the Councillor failed to moderate their social media account on Facebook to remove defamatory and inappropriate commentary towards other Councillors made by third parties to the Facebook post (Allegation 1) in contravention of a Council resolution of 18 December 2024.

On 14 March 2025, in accordance with the Policy, Councillors were notified of the referral notices and that the matters would be investigated and results presented to a future general meeting of Council for a decision.

BDO were appointed to undertake the investigation into the two matters, which were dealt with as one investigation report, as the notifications related to the same Councillor and the same matters.

In accordance with the Policy, the investigator must prepare a Preliminary Statement of Findings and must give the preliminary findings to the Councillor before preparing the Investigation Report and allow the subject Councillor to give evidence or a written statement about the conduct and preliminary findings. This Preliminary Statement of Findings report was provided to the subject Councillor on 16 June 2025 and a response was received within the allocated timeframe.

The investigation has now been completed and a summary investigation report (Attachment 1) and a confidential full investigation report (Attachment 2) are now presented to Council for decision.

ISSUES

Under section 150AG (1)(a) of the Act, Council must now decide if the Councillor engaged in a conduct breach. If Council, under section 150AG(1)(b), decides the Councillor engaged in a conduct breach, Council must then decide any disciplinary action under section 150AH as follows:

- (a) *Order that no action be taken against the councillor; or*
- (b) *Make 1 or more of the following orders—*
 - (i) *an order that the councillor make a public apology, in the way decided by the local government, for the conduct;*
 - (ii) *an order reprimanding the councillor for the conduct;*
 - (iii) *an order that the councillor attend training or counselling to address the councillor's conduct, including at the councillor's expense;*
 - (iv) *an order that the councillor be excluded from a stated local government meeting;*
 - (v) *an order that the councillor is removed, or must resign, from a position representing the local government, other than the office of councillor;*
 - (vi) *an order that if the councillor engages in the same type of conduct again, it will be treated as misconduct;*
 - (vii) *an order that the councillor reimburse the local government for all or some of the costs arising from the councillor's conduct breach.*

STRATEGIC IMPLICATIONS

Legislative Requirements

The investigation was conducted in accordance with Council's GOV-009-P Investigations Policy which was adopted pursuant to section 150AE of the Act. A decision about the subject Councillors' suspected conduct breach must be made in accordance with section 150AG, with any decision regarding disciplinary action (if applicable) made in accordance with section 150AH of the Act.

After making a decision under section 150AG, Council must make the investigation report for the investigation publicly available in accordance with section 150AGA of the Act.

Risk Management

The risk of not meeting Council's legislative obligations under the Act is reduced by this matter being tabled at the General Meeting for a decision in accordance with Appendix 3, 3.2 of Council's Standing Orders.

Any decision that is not consistent with the recommendation of the investigation report must state in the resolution and meeting minutes, the reasons for the decision. The minutes must give sufficient information to demonstrate the logic that has been applied to justify the decision not to follow the recommendation of the investigation report.

Financial

The cost for undertaking the investigation was \$18,240 excl GST and this was funded through the existing budget allocation.

People

The *Work Health and Safety (Psychosocial Risks) Amendment Regulation 2022* stipulates, and broadens, the concept of psychosocial hazards that arise from, or relate to, a work environment, workplace interactions or behaviours that may cause psychological harm. Consideration has been given to these regulations in framing this report and the impact it may have on individuals.

Environmental

There are no environmental implications associated with this report.

Social

There are no social implications associated with this report.

Human Rights

All persons as part of a legal proceeding are subject to the presumption of innocence and a fair hearing as per sections 31 and 32 of the *Human Rights Act 2019*.

In accordance with Council's GOV-009-P Investigations Policy, any investigation of suspected conduct breach must be carried out in accordance with natural justice principles, including affording the person being investigated a chance to have his or her say before formal findings are made (fair hearing, known as the Hearing Rule), the investigators should be objective and impartial (absence of bias, known as this Bias Rule) and any action taken is based on evidence (not suspicion or speculation, known as the Evidence Rule). Council's investigator, BDO has confirmed in their summary and full (confidential) report, that each Rule was satisfied in this investigation, and they summarise how this natural justice, or procedural fairness, was satisfied in their reports.

Alignment with Council's Policy and Plans

GOV-017-SD Redland City Council Meeting Standing Orders

GOV-009-P Investigations Policy

Our Future Redlands – A Corporate Plan to 2026 and Beyond

CONSULTATION

| Consulted | Consultation Date | Comments/Actions |
|---|------------------------|---|
| Group Manager Corporate Governance | 1 July 2025 | Reviewed report |
| Governance Service Manager | March-July 2025 | Coordinated Investigation and prepared report |
| Chief Executive Officer | 3 July 2025 | Received a copy of the Summary Report |
| General Manager Organisational Services | 3 July 2025 | Received a copy of the Summary Report |
| BDO | 2 April – 27 June 2025 | Undertook investigation |

CONCLUSION

Following consideration of this report and the attached Investigation report, the local government must decide whether or not the subject Councillor has engaged in a conduct breach.

If the local government decides the subject Councillor has engaged in a conduct breach, they must decide what action the local government will take under section 150AH to discipline the Councillor.

In deciding what action to take the local government may consider any previous conduct breach of the subject Councillor; any allegation made in the investigation that was admitted, or not challenged; and the local government is reasonably satisfied is true.

The local government may order that:

1. *No action to be taken against the Councillor; or*
2. *Make 1 or more of the following orders*
 - i. *An order that the Councillor make a public apology, in the way decided by the local government, for the conduct.*
 - ii. *An order reprimanding the Councillor for the conduct.*
 - iii. *An order that the Councillor attend training or counselling to address the Councillor's conduct, including at the Councillor's expense.*
 - iv. *An order that the Councillor be excluded from a stated local government meeting.*
 - v. *An order that the Councillor is removed, or must resign, from a position representing the local government, other than the office of Councillor.*
 - vi. *An order that if the Councillor engages in the same type of conduct again, it will be treated as misconduct.*
 - vii. *An order that the Councillor reimburse the local government for all or some of the costs arising from the Councillor's conduct breach.*
3. Pursuant to BOV-009-P Investigation Policy – Councillors, the reasons for deciding against the Investigation Report's recommendation must be stated in the resolution.

OFFICER'S RECOMMENDATION

That Council resolves as follows:

1. To decide whether or not the subject Councillor has engaged in a conduct breach for Allegation 1.
2. To decide whether or not the subject Councillor has engaged in a conduct breach for Allegation 2.
3. That if Council decides the subject Councillor has engaged in a conduct breach – what action Council will take under section 150AH of the *Local Government Act 2009*, to discipline the subject Councillor.
4. That Confidential Attachment 2 (Investigation Report) - for the investigation to be made publicly available within 10 business days after the decision is made as required by section 150AGA of the *Local Government Act 2009*, subject to redactions allowed pursuant to the section.
5. That in accordance with section 150AHA of the *Local Government Act 2009*, the Chief Executive Officer provides notice to the Office of the Independent Assessor of the decision, reasons for the decision; and where an order is made under section 150AH of the *Local Government Act 2009*, details about the order.
6. Pursuant to sections 150DX and 150DY of the *Local Government Act 2009*, if an order is made under section 150AH of the *Local Government Act 2009*, that the Councillor Conduct Register is updated accordingly.



CONDUCT BREACH SUMMARY REPORT

Redland City Council

OIA Ref: C/25/00117 & C/25/00118

Confidential

26 June 2025





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BREACH OF CONDUCT COMPLAINT SUMMARY RESPONSE TO COUNCIL

Reference number:

OIA Ref: C/25/00117 & C/25/00118

Date received from council:

2 April 2025

1. The Subject Councillor

Mayor Jocelyn Mitchell (Mayor Mitchell) is the elected mayor of the Redland City Council (Council). She is a first time Mayor, having been elected in a quadrennial local government election held on 16 March 2024. Mayor Mitchell began her tenure on 8 April 2024.

2. The Alleged Conduct

It was alleged that Mayor Mitchell made two false and misleading statements when providing written commentary on her 'Mayor Jos Mitchell' Facebook page, in response to a news article posted to Facebook on 14 February 2025. Additionally, Mayor Mitchell was alleged to have breached a Council resolution moved on 18 December 2024, whereby she did not remove comments, posted under her Facebook post subject to allegation 1, which may be reasonably be considered defamatory or damaging to the reputation of councillors and/or Council.

Allegation 1

The alleged behaviour relevant to allegation 1 was assessed by the OIA as being a suspected conduct breach, and if substantiated, may be a breach of section 150K(1)(a) of the *Local Government Act 2009*. Specifically:

"(1) The conduct of a councillor is a conduct breach if the conduct contravenes-

(a) A behavioural standard",

in that the conduct may have breached the Code of Conduct, particularly section 3.3, being that:

"For example, councillors will, at a minimum, act in the following ways:

3.3 At all times strives to maintain and strengthen the public's trust and confidence in the integrity of the local government and avoid any action which may diminish its standing, authority or dignity."

And,

"(1) The conduct of a councillor is a conduct breach if the conduct contravenes-

(b) A policy, procedure or resolution of the local government."

Allegation 2

The alleged behaviour relevant to allegation 2 was assessed by the OIA as being a suspected conduct breach, and if substantiated, may be in breach of 150K(1)(b) of the *Local Government Act 2009*. In this instance, the suspected conduct relates to a breach of a council resolution,



specifically Council's resolution passed on 18 December 2024, which was related to online bullying and councillors being responsible for proactive management of such commentary on their social media account. In accordance with the resolution, councillors are required to:

"(a) Removing any comments which could reasonably be determined to defame or unjustly damage the reputation of Council officers and/or Councillors from social media posts/pages which are managed by Councillors, where able to do so."

3. Statement of the Facts

On 18 February 2025, Mayor Mitchell was referred to the OIA pursuant to section 150K (1)(a) and (b) of the *Local Government Act 2009* (Qld) for allegedly breaching a behavioural standard of the Code of Conduct and contravening a resolution of Council.

The first allegation relates to a social media post made by Mayor Mitchell on 14 February 2025, on her 'Mayor Jos Mitchell' Facebook page, where she 're-posted' a news article and provided a written statement about the article. This post was assessed as a potential conduct breach of the by the OIA when considering the complaints. The entirety of the written statement from Mayor Mitchell is as follows:

"I AM DEEPLY CONCERNED TO READ THIS IN THE LOCAL MEDIA. I have not been consulted on nor had input towards this major proposed restructuring of our Council, as outlined in the post below.

The statement that I, as mayor, will not be assigned a portfolio, has also been put forward without my knowledge or consent.

I believe this is another tactic to sideline me as the elected mayor of Redland City. I will therefore not be supporting this motion."

This statement was made in response to the following article posted to Facebook by the 'Redland Bayside News' Facebook page on the same day:

"Council to introduce Councillor Representative Portfolio Structure:

At its General Meeting next week, [REDACTED] will move a motion proposing the establishment of a Councillor Representative Portfolio Structure.

She said the new system would improve communication between councillors, the council, and the community, focusing on advocacy and information sharing rather than decision-making powers.

The mayor will not be assigned a portfolio due to her leadership of multiple committees and external representation duties.

*A report finalising the structure and its supporting policies is set to be presented at the General Meeting on 19 March."*¹

The second allegation relates to comments which were posted by various Facebook users under the post made by Mayor Mitchell. Mayor Mitchell failing to remove is potentially a breach of a

¹ After Mayor Mitchell had posted her statement to Facebook, the Redland Bayside News article was edited to include Mayor Mitchell's perspective outlined in her written statement.



Council resolution, should the comments be reasonably understood as 'unfair or damaging to the reputation of councillors.' The 7 comments in question are outlined below :²

1. Comment 'A': [REDACTED] - 04:13pm 14 February 2025)
"Get rid of the troublemakers Mayor Jos. Their noses have been in the trough too long. [REDACTED] should have taken them with her !!!!! They certainly don't represent me!!! The one supposedly representing me you never see then get a scribble pad and a fridge magnet near election time. Absolutely disgusting!!! Sorry rant over."
2. Comment 'B': [REDACTED] - 04:28pm 14 February 2025)
"Hmmm seems to this [REDACTED] is white anting and undermining many councillors and the Mayor.. be careful what is wished for in the Council as it could backfire on you [REDACTED]"
3. Comment 'C': [REDACTED] 04:47pm 14 February 2025)
"We paying for this shit show this is why nothing gets done in the Redlands to busy squabbling like children FFS sort it out get on with the job"
4. Comment 'D': [REDACTED] - 04:54pm 14 February 2025)
"So [REDACTED] is looking to be Mayor by default is seems to me, this has got to be stopped..."
5. Comment 'E': [REDACTED] - 06:34am 15 February 2025)
"This is an absolute disgrace. The 'underbelly 6' are abhorrent. The Redlands community does not deserve such blatant disregard and contempt"
6. Comment 'F': [REDACTED] - 06:28pm 15 February 2025)
"It seems to me there is a large amount of divisiveness within council, which is not a good thing. Targeting an elected member of council, as specifically the Mayor, with behind-the-scenes plotting and planning is detrimental to a well-functioning council, and therefore detrimental to the community. I think we, the electors, need to keep a close eye on this sort of behaviour, and rout it and the perpetrators out, if necessary"
7. Comment 'G': [REDACTED] 09:00pm 15 February 2025)
"Maybe [REDACTED] needs to remember that we voted Jos Mitchell in as Mayor not [REDACTED] is a councillor and possibly all the councillors who support [REDACTED] need to get back to work for their communities instead of building their little empires. So is it time for an administrator to be appointed to clean up this council."

4. Natural Justice

In relation to Natural Justice, Council's Investigation Policy states:

Any investigation of suspected conduct breach of a Councillor must be carried out in accordance with natural justice.

Natural justice, or procedural fairness, refers to three key principles:

² Around 270 comments in total have been posted under the post in question. However, Council instructed BDO to only assess the alleged conduct against the 7 comments identified in the OIA letter to Council, as they believe the 7 comments "...are reflective of the sentiment in all."



- *That the councillor who is the subject of the suspected conduct breach matter has a chance to have his or her say before adverse formal findings are made and before any adverse action is taken i.e., fair*
- *that the investigator should be objective and impartial i.e., absence of bias*
- *that any actions taken or decisions made are based on evidence i.e., not suspicion or speculation.*

The above points are commonly referred to (respectively) as 'The Hearing Rule', 'The Bias Rule' and 'The Evidence Rule'. In this investigation, each rule was satisfied as follows:

The Bias Rule

The Investigator had no personal or professional relationship with those involved in this matter and does not have a conflict of interest.

Additionally, BDO conducted national Conflict and Independence Checks (CIC) for this matter, prior to commencing the investigation and no conflicts were identified.

The Evidence Rule

During the course of this investigation, speculation, suspicion and supposition were disregarded and tangible evidence and facts preferred and considered.

The Hearing Rule

BDO were appointed to investigate this matter on 2 April 2025.

The Investigator contacted Mayor Mitchell via email on 29 May 2025, requesting Mayor Mitchell participate in an interview conducted by the Investigator. Mayor Mitchell accepted the opportunity to participate in the interview. Further, Mayor Mitchell also provided a written statement to the Investigator at the beginning of her interview with BDO.

On 16 June 2025, Mr Gallo write to Mayor Mitchell attaching BDO's preliminary findings following the interview and provided Mayor Mitchell an opportunity to respond to BDO's preliminary findings prior to the finalisation of the investigation report.

replied on 20 June 2025, on behalf of Mayor Mitchell, providing a further three emails between Mayor Mitchell and outlined below and considered in the application of facts section of this report:

- Email from Mayor Mitchell to requesting a handover - 4 February 2025
- Reply email from to Mayor Mitchell - 4 February 2025

Email from o Mayor Mitchell concerning Mayor Mitchell's post in question - 15 February 2025.

5. Summary of Findings

In summary, the investigation found:

Allegation 1

Taking into account the timeline of facts established throughout the assessment of both alleged false and misleading statements made by Mayor Mitchell, it is considered that on balance the two statements were accurate at the time they were posted by Mayor Mitchell. This is based on



the fact that the documentation obtained where portfolios were discussed prior to the agenda being shared on 14 February 2025 did not support the claim that Mayor Mitchell was consulted about the assigning of these portfolios, or that she was made aware that she would not be assigned a portfolio prior to the agenda being shared.

Therefore, based on the information and on the balance of probabilities, the allegation that Mayor Mitchell engaged in a conduct breach pursuant to section 150K(1)(a) of the *Local Government Act 2009* (Qld) in that the mayor's conduct contravened behavioural standard 3.3 of the code of conduct for councillors in Queensland is unsubstantiated.

Allegation 2

When considering the seven comments in question, none of the comments were considered defamatory as four of the comments were general in nature and did not mention or reference a specific person, whilst also not being considered inappropriate. The comments were deemed to be personal opinion directly concerning the context of the material publicly published in the Redland Bayside News article that Mayor Mitchell re-posted. The three remaining comments, which did name [REDACTED] were also accepted as being the opinion of the individual who posted them. They were also deemed to meet the public interest test given it related to a proposed changes to Council operations, and the comments were based on the material that had been publicly posted in a Redland Bayside News article. In applying an objective comparative test for consideration against the Council Resolution, comments of a similar negative nature, specifically naming Mayor Mitchell, in the same vein as the comments in question were observed on another Councillor Facebook page, thereby setting a broader precedent for 'acceptable' in terms of the Council Resolution.

Therefore, based on the information and on the balance of probabilities, the allegation that on Mayor Mitchell engaged in a conduct breach pursuant to section 150K(1)(b) of the *Local Government Act 2009* (Qld) by contravening a resolution of council which was passed on 18 December 2024, in that Mayor Mitchell failed to moderate her social media account on Facebook to remove defamatory and inappropriate commentary towards other councillors that had been made by members of the public to her post on 14 February 2025 is unsubstantiated.

6. Recommendation to Council

It is recommended that:

- a) This report be submitted to Council for consideration, pursuant to section 150AG of the *Local Government Act 2009* (Qld), as to whether or not the Councillor has committed a conduct breach; and if they are found to have so engaged, what action the local government will take to discipline the councillor pursuant to section 150AH of the *Local Government Act 2009* (Qld).
- b) Having analysed the material from this investigation, a conclusion be drawn that:
 - Based on the available evidence, Mayor Mitchell's statement about not being consulted or having input in the proposed councillor portfolios was an accurate statement at the time of the statement being made. This is due to there being no evidence to suggest she was present for any structured or formal meeting to have been consulted or provide input in the specific assignment of portfolios, prior to the Notice of Motion.



- Based on the available evidence, Mayor Mitchell's statement that the Redland Bayside News statement about Mayor Mitchell not being assigned a portfolio being put forward without her knowledge or consent was also accurate at the time of Mayor Mitchell's statement being made. This was evident as the timeline established that no information suggesting otherwise was identified.
- Behavioural standard 3.3 of the Code of Conduct requires councillors to strive to maintain and strengthen the public's trust and confidence in the integrity of the local government and avoid any action which may diminish its standing, authority or dignity. As Mayor Mitchell's two statements were assessed as accurate at the time of the statements being made, Mayor Mitchell actions are not considered to have breached this behavioural standard.
- The 18 December 2024 Council resolution in question notes in part (a) that councillors are required to remove any comment which would reasonably be determined to defame or unjustly damage the reputation of Council officers and/or Councillors from social media posts/pages which are managed by Councillors, where able to do so. Of the seven comments assessed, none were considered contain defamatory wording. Four of the comments were deemed personal opinions directly relevant to the material context of the news article re-posted by Mayor Mitchell. The remaining three comments were also assessed as being personal opinions related to the material, but also, from an objective comparative assessment against other public posts on councillor pages which have not been removed or subject to investigation, found to not meet the threshold to warrant removal under the Council Resolution.
- As such, Mayor Mitchell has not breached a council resolution and therefore has not committed a conduct breach acted under section 150K(1)(b) of the *Local Government Act 2009* (Qld).

6 MEETING CLOSURE