

ATTACHMENT

UNDER SEPARATE COVER

ITEM 5.1

Office of Independent Assessor Referral of Suspected Conduct Breach

Investigation report

Special Meeting

6 August 2025

CONDUCT BREACH COMPLAINT INVESTIGATION AND RECOMMENDATION REPORT

Redland City Council

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

Date Received from Council: 2 April 2025

Confidential

30 June 2025





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BREACH OF CONDUCT COMPLAINT INVESTIGATION AND RECOMMENDATION RESPONSE TO COUNCIL

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

Date received from council: 2 April 2025

1. The Complaint

On 18 February 2025, the Office of the Independent Assessor (OIA) received two similar complaints regarding the conduct of Redland City Council (Council) mayor, Jocelyn Mitchell (Mayor Mitchell). The OIA noted that the complaints involve the same substantive issues. The alleged issues are summarised below.

Regarding allegation 1, it was alleged that Mayor Mitchell committed a breach of conduct (as defined by section 150K (1)(a) of the *Local Government Act 2009*). This related to Mayor Mitchell's alleged conduct in reposting a media article on her 'Mayor Jos Mitchell' Facebook page, and her associated written commentary in contest of the details outlined in the article on 14 February 2025. It is the commentary of Mayor Mitchell which was considered the conduct breach, with the complaint stating that Mayor Mitchell's commentary contained false claims and therefore being in breach of standard 3.3 of the Code of Conduct for Councillors in Queensland (Code of Conduct).

Regarding allegation 2, it was alleged that Mayor Mitchell committed a breach of conduct (as defined by section 150K (1)(a) of the Local Government Act 2009), by contravening a resolution of council (as per section 150K (1)(b) of the Local Government Act 2009). This allegation concerned various people authoring 'comments' under Mayor Mitchell's Facebook post in question, where the comments were considered defamatory and inappropriate, and were not removed by Mayor Mitchell as required by the relevant council resolution passed on 18 December 2024.

2. The Complainant

The complaints were made to the OIA on 18 February 2025. The identities of the complainants were not disclosed by the OIA.

3. The Subject Councillor

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 begun her tenure on 8 April 2024.

Mayor Mitchell's past disciplinary history relevant to the investigation is as follows:

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DATE	COMPLAINT	OUTCOME
21 May 2025	On 28 January 2025, Mayor Mitchell posted on her official Facebook page and is said to have made claims and imputations in relation to the Redland City Council's proposed Media Relations and Speeches Guideline (the guideline) that other Redland City councillors had proposed the guideline without the mayor's knowledge and were trying to silence her and undermine her position as mayor. Similar statements are alleged to have been made during a radio interview with the ABC, which was published on 29 January 2025. It is claimed these statements were false and or misleading, disrespectful to fellow Councillors, and may tend to diminish the reputation of the council.	Council decided that the Mayor has engaged in a conduct breach. The action taken was that the Mayor be reprimanded for her conduct in accordance with section 150AH(b)(ii) of the Local Government Act 2009.

4. Conflict of interest considerations

BDO Forensic (BDO) has no personal or professional relationship with those involved in this matter and does not have a conflict of interest in conducting the investigation.

5. Summary of the Investigation Process

Scope of the investigation

Council required an independent external investigation to determine the facts surrounding the allegations against Mayor Mitchell.

The investigation involved:

- A review of material, including documentary evidence
- Identifying facts relevant to the allegation
- Conducting an audio recorded interview with the subject councillor
- Review of oral responses and documents provided by the subject councillor
- Analysis of the information obtained
- Provision of the preliminary findings to the subject councillor
- Preparation of the report.

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The investigation was conducted in accordance with Council's Investigation Policy, OIA guidelines and as required by Section 150AE of the Local Government Act 2009.

Interviews conducted

Mayor Mitchell - Subject Councillor

On 29 May 2025, of BDO wrote to Mayor Mitchell, inviting her to participate in an interview, as an opportunity to respond to the allegations made against her, in accordance with the principles of natural justice. This interview took place at 10:30am on 6 June 2025 at the BDO office in Brisbane.

The relevant information provided by Mayor Mitchell has been incorporated into the 'Application of facts to the category of suspected conduct breach outlined above' section. A full record of the interview recording is attached.1

In this meeting, Mayor Mitchell provided additional information which was reviewed and assessed as being relevant to the specific allegations. As such, it was included in the investigation for consideration. The additional information provided is set out in the 'Documents examined' section below.

Documents examined

The investigation included the review the following documents provided by Council or obtained on Council's website:

- Code of Conduct²
- Mayor Mitchell social media post 14 February 2025³
- Screenshot of meeting invite from Mayor's Personal Assistant for informal meeting on 2 May 20244
- Email chain from Office of the Mayor to councillors requesting agenda items for the informal meeting on 2 May 2024⁵
- Meeting agenda and minutes from informal meeting between mayor and councillors 2 May 2024⁶
- Councillor briefing session & workshop meeting agenda 18 November 2024⁷
- Signed councillor briefing session & workshop attendance sheet 18 November 20248
- Committees and councillor portfolios discussion 18 November 20249

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Attachment 1

² Attachment 2

³ Attachment 3

Attachment 4 5 Attachment 5

Attachment 6 Attachment 7

Attachment 8

⁹ Attachment 9

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- Email to councillors and Council Executive Leadership team (ELT) notice of new materials available on Diligent Boards - 14 November 2024¹⁰
- Email to councillors and Council Executive Leadership team (ELT) notice of new materials available on Diligent Boards - 15 November 202411
- Email chain from concerning Mayor Mitchell's 'desire' for councillor portfolios - 14 February 202512
- General meeting minutes from Redland City Council meeting concerning the resolution 18 December 2024¹³
- Email to councillors and Council Executive Leadership team (ELT) notice of meeting agenda, general meeting agenda and confidential meeting agenda for 19 February 2025 are available on Diligent Boards - 14 February 202514
- 19 February 2025 Council General Meeting agenda excerpt Section 18.1 Notice of Motion -Councillor Representative Portfolio Structure¹⁵
- 19 February 2025 Council General Meeting Recording of general meeting. 16

Documents provided by Mayor Mitchell following her interview with BDO:

- Written submission by Mayor Mitchell 6 June 2025¹⁷
- Forwarded email from Mayor Mitchell containing emails between Mayor Mitchell and the OIA exchanged between 17 May and 20 May 2025¹⁸
- Email from Mayor Mitchell regarding comments on Facebook - 9 June 202519
- Facebook post 14 March 2024²⁰ and Mayor Email from Mayor Mitchell regarding Mitchell's request for removal - 9 June 202521
- Email from Mayor Mitchell regarding Facebook post²² and attachments - 9 June 2025²³
- Email from Mayor Mitchell Clarification on time differences between Paris, France, and Brisbane, Australia - 10 June 2025.24

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Item 4.1- Attachment 2

¹⁰ Attachment 10

¹¹ Attachment 11

¹² Attachment 12

¹³ Attachment 13

¹⁴ Attachment 14

¹⁵ Attachment 15 $^{\rm 16}$ This recording is publicly available on the Council website for reference.

¹⁷ Attachment 16

¹⁸ Attachment 17

¹⁹ Attachment 18 ²⁰ Attachment 19

²¹ Attachment 20 ²² Attachment 21

²³ Attachment 22



Facts identified

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, 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." 25

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 d a breach of a 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: ²⁶

1. Comment 'A': 04:13pm 14 February 2025)

"Get rid of the troublemakers Mayor Jos. Their noses have been in the trough too long. should have taken them with her !!!!! They certainly don't represent me!!! The one

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Item 4.1- Attachment 2

²⁵ 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.

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."



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': 04:28pm 14 February 2025)

"Hmmmm seems to this 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

3. Comment 'C': 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': - 04:54pm 14 February 2025)

"So is looking to be Mayor by default is seems to me, this has got to be stopped..."

5. Comment 'E': - 06:34am 15 February 2025)

"This is an absolute disgrace. The are abhorrent. The Redlands community does not deserve such blatant disregard and contempt"

6. Comment 'F': - 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-thescenes 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': 09:00pm 15 February 2025)

"Maybe needs to remember that we voted Jos Mitchell in as Mayor is a councillor and possibly all the councillors who support 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."

Category/categories of a suspected conduct breach considered

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."

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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."

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6. Investigation Report

Allegations

Allegation 1:

It is alleged 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.

This is said to have arisen through Mayor Mitchell's comments about a media article published in the Redland City News on 14 February 2025, which the Mayor reposted on her Facebook page, titled: "I AM DEEPLY CONCERNED TO READ THIS IN THE LOCAL MEDIA". It is alleged that Mayor Mitchell falsely claimed that she had not been consulted nor had input towards the major proposed restructuring of the Council, and that the proposal that Mayor Mitchell would not be assigned a portfolio had been put forward without her knowledge or consent.

Allegation 2:

It is alleged that 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.

The objective of the investigation was to ascertain, in so far as possible, the facts regarding the allegations and determine whether based on the evidence gathered and on the balance of probabilities (*Briginshaw v Briginshaw [1938] HCA 34*; 60 CLR 336) (the *Briginshaw Test*), the allegations are substantiated.

Natural justice process

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:

- 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.

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

The Fyidence 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 statement²⁷ to the Investigator at the beginning of her interview with BDO.

On 16 June 2025, write to Mayor Mitchell attaching BDO's preliminary findings²⁸ following the interview and provided Mayor Mitchell an opportunity to respond to BDO's preliminary findings prior to the finalisation of the investigation report.

of Robinson Locke Litigation Lawyers, 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 to Mayor Mitchell concerning Mayor Mitchell's post in question 15 February 2025.²⁹

Summary of Evidence from Councillor

Prior to the questioning beginning, Mayor Mitchell provided a written statement regarding the investigation. ³⁰ This statement outlined not only her intended response to the allegations of this investigation, but also the timeline of her experience as Mayor concerning prior investigations over the past six months. This statement has been provided as an attachment to the report.

The following is a summary of the key points of Mayor Mitchell's interview with BDO concerning the allegations.

Allegation 1:

 At the time of the article being posted, Mayor Mitchell was overseas for a Council of Mayors Southeast Queensland delegation. Mayor Mitchell was somewhere between France and the UK at the time of the article being posted.³¹

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²⁷ Attachment 16

²⁸ Attachment 30

²⁹ The letter and these three emails listed are part of the same attachment, being Attachment 24.

³⁰ Attachment 16

³¹ Mayor Mitchell confirmed in an email to BDO following the interview that she was still in France at the time of the article being posted.



- Mayor Mitchell first became aware of the article just before she re-posted it and provided
 her associated written responsive post. She was made aware of the article when it was sent
 to her by an 'active community member'. She thought it was a major decision by Council
 which no one had contacted her about, despite still being contactable.
- Concerning the wording of her post in question:
 - Mayor Mitchell noted that the statement 'I AM DEEPLY CONCERNED TO READ THIS IN LOCAL MEDIA' is a matter of personal feelings and opinion.
 - Mayor Mitchell stated that it was true that she had '...not been consulted nor had input...' toward the proposed portfolios, and that she did not have knowledge that portfolios were being proposed in a formal sense at the 19 February 2025 General Meeting.
 - Mayor Mitchell believed that the phrase 'major proposed restructuring of Council'
 was in the wording of the Redland Bayside News article, and that she had copied
 their phrase.³²
 - Mayor Mitchell explained that the phrase, 'I believe this is another tactic to sideline me as the elected mayor of Redland City', was in reference to her experience as Mayor since her term began, where she has repeatedly not been invited to meetings or gatherings and had the role of spokesperson for the Office of the Mayor altered. Mayor Mitchell further described this as "...consistent or ongoing actions seem to either cultivate a division to remove me, or don't offer me the same opportunities as a select group of councillors or reduce the visibility or opportunity to speak within that Council environment".
- Mayor Mitchell stated the following concerning the timeline of proposed portfolios being discussed:
 - On 2 May 2024, councillors and herself briefly discussed councillor portfolios being proposed during a fortnightly 'Informal Mayor and Councillor Meeting'. Mayor Mitchell described this discussion as not being in-depth and more of a generalised discussion. She recalled that raised the idea of councillor portfolios, and Mayor Mitchell responded that she preferred Council committees as an alternative. Some councillors also spoke of Council having portfolios in the past, several terms prior.
 - On 18 November 2024, proposed councillor portfolios was an agenda item for the Councillor Briefing Sessions & Workshop Day. However, she was not in attendance for this particular session, or most of the day,
 - Mayor Mitchell explained that the purpose of briefing sessions and workshops was not to make decisions, but rather to provide councillors with information to assist with decision-making. Mayor Mitchell acknowledged that she had "quickly scanned" the associated information document³³ for proposed councillor portfolios but missed additional information which would have been provided during the session.

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³² BDO observed every version of the article in question posted by Redland Bayside News, and note that the article did not use the phrase 'major proposed restructuring of Council' or a similar phrase.



- Between 18 November 2025 and 19 February 2025, no follow-up or discussions about proposed councillor portfolios occurred with her.
- Mayor Mitchell had not seen the email on 14 February 2025³⁴ which notified Councillors that
 the 19 February 2025 General Meeting agenda was available to view on Diligent Boards,
 noting that she was overseas in a different time zone at the time and experiencing difficulty
 with both inbound and outbound communications.
- Mayor Mitchell did not see the 19 February 2025 General Meeting agenda, and was therefore
 unaware of the Notice of Motion for proposed councillor portfolios³⁵ at the time she made
 the post in question.
- Mayor Mitchell stated that during the 19 February 2025 General Meeting stated that
 she had approached all Councillors about their desired portfolios and acknowledged that she
 did not approach Mayor Mitchell to discuss it with her. Additionally, a Council officer stated
 at this meeting that a report on proposed councillor portfolios was nearly complete, which
 Mayor Mitchell never knew was being written.
- Mayor Mitchell believes that, as the mayor, she should have been included in these
 discussions around both the report and the discussions around councillors being assigned
 proposed portfolios.
- Mayor Mitchell did not believe that her post was in breach of section 3.3 of the Code of Conduct as it was her personal view expressed on her Facebook page and was therefore not speaking on behalf of Council.³⁶ Additionally, she referred the Investigator to a letter sent to BDO on 4 June 2025 from her solicitor, as a response to her opinion of her conduct.

Allegation 2:

- Mayor Mitchell stated that she was not aware of these comments until she was informed by BDO of their existence. Mayor Mitchell deleted the comments investigated in this matter after they were raised to her by BDO.³⁸
- Mayor Mitchell explained that she has a personal standard, whereby she will typically delete
 a comment that she becomes aware of if it names an individual and is not positive in nature.
 However, due to not being aware of the comments, this did not occur on this occasion for
 three comments that referenced She further explained that no one
 contacted her about the comments, and that when she has been contacted about comments
 in the past, she has then removed them.

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³⁴ Attachment 14

³⁵ Attachment 15

³⁶ It is noted that in the 'Biography' section of the 'Mayor Jos Mitchell' Facebook page, the phrase "THIS IS MY OPINION & NOT A COUNCIL PAGE" is expressly stated.

³⁷ Attachment 25

³⁸ It is noted that the Mayor stated that she deleted the comments because they were raised, and not because she had changed her mind or belief in regard to the nature of the content.



- Mayor Mitchell stated that all the comments assessed as part of the investigation are matters
 of personal opinion and/or commentary, and that she does not consider any of these
 comments to be inappropriate in a sense that they are defamatory in nature, nor that they
 were inappropriate toward other Councillors or Council. Mayor Mitchell added that this is
 particularly true when considering the nature of comments on other Councillors Facebook
 post's which have not been subject to investigation.
- Although Mayor Mitchell deleted the comments subject to this investigation, her opinion on
 whether they constitute a resolution breach did not change, but rather she deleted them for
 ease after being investigated for similar matters for the third time in six months.

Application of facts to the suspected conduct breach

Allegation 1 - Alleged false and misleading statement

The letter to Council from the OIA on 13 March 2025 ³⁹ outlined that the complaints they received concerned Mayor's Mitchell Facebook post on 14 February 2025, which included a re-post of and written commentary about a Redland Bayside News article about proposed councillor portfolios, published on the same date. It was alleged that two written statements made by Mayor Mitchell in this post, addressed below, are false and misleading. The two statements in question are:

- "I have not been consulted on nor had input towards this major proposed restructuring of our Council"
- 2. "The statement that I, as mayor, will not be assigned a portfolio, has also been put forward without my knowledge or consent"

Firstly, it is not in dispute that Mayor Mitchell was aware of the Redland Bayside News article. This is evident from the information obtained showing Mayor Mitchell's reposting of this article, the written commentary made by the 'Mayor Jos Mitchell' Facebook account in response to the article, and the fact that Mayor Mitchell stated in her interview that she was sent the article by a community member. In her interview, Mayor Mitchell explained that she was overseas on work duties at the time of the article being posted. BDO have corroborated this statement using two articles, one from the Council of Mayors (SEQ) website, ⁴⁰ and the other from 'Redlands Coast Today' Council news website. ⁴¹ The Council of Mayors article details the 10-day objective of the delegation while travelling through Singapore, the UK, and France in February 2025, whilst the Redlands Coast Today article identifies Mayor Mitchell as being a part of this delegation. As Mayor Mitchell was in France by the 19 February 2025 Council General Meeting, and this was the final leg of the delegation's trip, it is reasonable to conclude that Mayor Mitchell was also overseas:

- On 14 February 2025 when the article and her post were both posted
- At the time of the 19 February 2025 Council General Meeting agenda, which contained the Notice of Motion for Councillor Portfolios.

Based on this information, it is not in dispute that Mayor Mitchell was overseas at the time of the article in question being posted to Facebook.

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³⁹ Attachment 26

⁴⁰ Attachment 27



From assessment of the timeline leading up to Mayor Mitchell's post in question, BDO has identified two key dates of interest which relate to councillors being present for discussions about the proposed idea of councillor portfolios being implemented. These two dates and events are:

- 2 May 2024 'Informal Mayor/Councillor Meeting'
- 18 November 2024 'Councillor Briefing Session & Workshops Day'

Additionally, BDO has identified the 19 February 2025 Council General Meeting as a key date of interest, as a discussion occurred during this meeting between and Mayor Mitchell (via remote audio) which concerned the events leading up to submitting a Notice of Motion for councillor portfolios during this meeting. Further, Mayor Mitchell provided correspondence between herself and in the lead up to this 19 February 2025.

The information obtained about proposed councillor portfolios for the abovementioned dates and correspondence has been assessed against Cr Mitchell's two allegedly false statements.

2 May 2024 Informal Mayor and Councillor Meeting

Based on the information provided to BDO, the earliest mention of councillor portfolios being on 1 May 2024. 42 The email proposed was in an email from was sent in response to the Executive Officer to the Office of the Mayor, who asked all RCC councillors via email what agenda items they would like added

to the agenda for the 2 May 2024 'Fortnightly Informal Mayor/Councillor discussion' (informal email stated, "Hi Committees/Portfolios. Thanks". As meeting). 'Committees/Portfolios' was added to the informal meeting agenda, requested by being the fourth dot-point listed under item 5.3 General Budget. 43 As per a calendar invite obtained by BDO, 44 this informal meeting was scheduled to occur at 09:00am in the 'Councillors Lounge' at Redland City Council. Given Mayor Mitchell spoke to this informal meeting during her interview with BDO, it is understood that this meeting occurred as scheduled.

In her interview, Mayor Mitchell confirmed that discussion occurred between the councillors at this meeting about the possible implementation of committees or portfolios for Council in the near future. Mayor Mitchell explained that, from memory, it was who raised the idea of councillor portfolios being implemented, whilst Mayor Mitchell herself raised that she preferred Council committees, as she personally believes there is greater governance measures for committees. However, Mayor Mitchell also emphasised that this discussion around committees or portfolios being preferred was brief, and that it was in an informal setting where decisions are not formally made. This description appears consistent with the fact that the meeting was scheduled for just one hour according to the meeting invite sent, 45 and there were nine agenda items (with 17 dot-points of notes for discussion) observed on the agenda, meaning it is unlikely there would be lengthy discussion on each topic. This is particularly true when considering that, from the information obtained, no previous councillor-wide organised discussions had occurred concerning councillor portfolios, which suggests that the discussions of proposed councillor portfolios within this informal meeting were likely introductory in nature.

Mayor Mitchell further explained that she could only recall one instance of proposed councillor portfolios being raised again between this meeting and the 18 November 2024 briefing

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⁴² Attachment 5

⁴³ Attachment 6

⁴⁴ Attachment 4



discussion, in any capacity. Specifically, she noted that a previous CEO⁴⁶ made a comment in a meeting that he did not support councillor portfolios. However, Mayor Mitchell was unable to provide a date this occurred or any supporting information.

Therefore, based on all information available, it is accepted that the topic of councillor portfolios was briefly discussed at the meeting on 2 May 2024 and not raised again in Council processes until the 'Councillor Briefing Sessions & Workshops' Day on 18 November 2024.

18 November 2024 Councillor Briefing Sessions & Workshops day

On 18 November 2024, Councillors gathered for the 'Councillor Briefing Sessions & Workshops' Day (Briefing and Workshops Day). The agenda⁴⁷ of the Briefing and Workshops Day recorded that the final session of the day, being session nine, was for councillor portfolios. The description of this session reads, "Discussion and consultation on the proposed development of a Councillor Portfolio System".

Based on the attendance sheet⁴⁸ provided, it is understood that all councillors attended each session in-person or online, aside from Mayor Mitchell. Of the nine sessions completed throughout the day, Mayor Mitchell was noted on the attendance sheet to have missed session one, with a notation stating that it was not in her calendar, and sessions three to nine, citing personal reasons for her absence. Mayor Mitchell confirmed in her interview with BDO that the attendance sheet was accurate. and could not

attend the rest of the day's sessions. Mayor Mitchell's attendance was further corroborated by who stated in an email on the evening of 14 February 2025⁴⁹ that she believed the mayor was not in attendance on this day, which was sent in response to an email from

BDO obtained two emails from 14 and 15 November 2024, 50,51 which noted from the Office of the CEO that the materials for the Briefing and Workshops Day were available for councillors to view on Diligent Boards. The emails show that the materials for session nine were part of the 15 November 2024 email. The materials for session nine was a total of 22 pages of documentation, 52 including a PowerPoint with dot-points of information, options for Council committee structures, options for councillor portfolio structures, and a draft policy and draft guideline for councillor portfolios. When asked if she had viewed the materials, Mayor Mitchell stated that she "quickly scanned" them at some point prior to the Briefing and Workshops Day but had expected to obtain more information during the session.

Additionally, BDO observed that whilst options for portfolio structures were provided, the structures did not identify any councillor being assigned to a proposed portfolio, and each option presented was inconsistent with the proposed portfolio structure put forward by Notice of Motion for the 19 February 2025 General Meeting⁵³ some months later. Mayor Mitchell also stated that she could not recall any discussions happening about proposed councillor committees or portfolios following this Briefing and Workshops Day.

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⁴⁶ Based on the timeline of these events, BDO understands that the 'previous CEO' referred to in this statement i

⁴⁷ Attachment 7

⁴⁸ Attachment 8

⁴⁹ Attachment 12

⁵⁰ Attachment 10 51 Attachment 11

⁵² Attachment 9



4 February 2025 Handover email chain

Following her interview, Mayor Mitchell provided a chain of three⁵⁴ emails between herself and 55 The first email concerned Mayor Mitchell's upcoming overseas delegation trip to Singapore and Europe, and her request to complete a handover with Within the final paragraph of this email, Mayor Mitchell directly requested to hear about councillor portfolios noting that she had heard from some other councillors that had been approaching and offering councillors portfolios. In reply on the same day, in which she declines Mayor Mitchell's request to meet, does not mention councillor portfolios. Given did not meet Mayor Mitchell before her travel, and did not respond to Mayor Mitchell's desire to know about councillor portfolios in her reply email, Mayor Mitchell was not consulted on and was denied the ability to have input on proposed councillor portfolios at this stage.

Given this was the latest relevant correspondence about councillor portfolios involving Mayor Mitchell that was obtained by BDO, and the fact that Mayor Mitchell begun her overseas delegation shortly after this date, it is considered unlikely that Mayor Mitchell was informed at this point, or prior to the upcoming general meeting agenda release on 14 February 2025, that she would not be offered a councillor portfolio.

14 February 2025 agenda release, media article and the post in question

On 14 February 2025, the agenda for the 19 February 2025 Council General Meeting was released to Diligent Boards, with councillors notified via email at 09:14am Queensland time on the same date. 56 Mayor Mitchell confirmed via email 57 that on the morning of 14 February 2025 she was in Paris. This means that when Mayor Mitchell received an email to say that the meeting agenda was available to view on Diligent Boards, it would have been 12:14am in Paris.

Around three hours after the agenda was released, at 12:28pm Brisbane time, the Redland Bayside News posted their article in question, which contained information about a Notice of Motion to propose a councillor portfolio structure, and included some councillors named to represent particular portfolio groups. In Paris, where Mayor Mitchell was located, this article was posted at 03:28am. Mayor Mitchell noted during her interview that when she woke up that morning, she saw the article as a member of the community had sent it to her. At 07:03am Paris time, Mayor Mitchell then re-posted the article and provided her own statements concerning the article. Mayor Mitchell stated in her interview with BDO that she had not seen both the email releasing the meeting agenda, or the agenda itself, prior to her post being made at this time.

Considering there was a 3.25-hour window between the agenda being released, the agenda being sent to media, and the article being posted, alongside the fact that both were released during the night in Paris where Mayor Mitchell was located, it is deemed likely that Mayor Mitchell had not seen the meeting agenda prior to posting her statements to Facebook. Notwithstanding this, had Mayor Mitchell viewed the meeting agenda, specifically the Notice of Motion, it would not have changed the fact that, based on the information obtained from the previous two key dates in question, Mayor Mitchell had not been consulted or had input on the proposition of a councillor portfolio structure. Further, that this was the first time the assigned portfolios were documented and Mayor Mitchell received information about who had been assigned which portfolio.

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⁵⁴ Only the first two emails are relevant to this date, with the third email being sent by to Mayor Mitchell's post in question.

on 15 February 2025 relating

⁵⁵ Attachment 24

⁵⁶ Attachment 14



15 February email from

On the morning of 15 February 2025 sent an email to Mayor Mitchell, with all The email addressed concerns about Mayor Mitchell's post in question, particularly regarding the allegedly false statements and the timeline of how the councillor portfolios developed into their current state at the time of the email. Mayor Mitchell did not comment on this email during her interview, as it was identified and provided to BDO after the interview. However, Mayor Mitchell's 'response' to the above email was still captured as she provided written annotations on the scan of the email. contested Mayor Mitchell's position outlined in the post, stating that Within this email.

she spoke with every councillor⁵⁹ and that she was aware that spoke to Mayor Mitchell around a week following her meeting with about portfolios, relaying the information from the meeting. In her annotation of the email, Mayor Mitchell questioned this second statement about informing her of details, presumably meaning that she contests this claim. BDO have not obtained any further information to corroborate this supposed conversation between and Mayor Mitchell.

Additionally. raised that the meeting agenda was on Diligent Boards at the time of Mayor Mitchell authoring her post in question. However, given the Notice of Motion was already submitted to Council for the upcoming meeting, it is not accepted that the Notice of Motion was a means of consulting with the mayor or obtaining her input prior to detailing who should be assigned a portfolio. Within this email. did not address whether Mayor Mitchell was informed that her role would not receive a portfolio prior to the Notice of Motion being put forward. Considering this, alongside the fact that the email was sent a day after the meeting agenda was sent, and the fact that there was no identified evidence to suggest that Mayor Mitchell was informed prior, it is considered more likely to this point that Mayor Mitchell's statement remains accurate.

19 February 2025 General Meeting

On 19 February 2025, during the Council General Meeting, a Notice of Motion was put forward which proposed a councillor portfolio structure for Council. 60 Within this notice, a table is provided which contains the names of various portfolios, and the names of a councillor or councillors next to each portfolio. BDO have not been provided with any information to evidence that, prior to the 19 February 2025 discussion, Mayor Mitchell was involved in the proposed councillor portfolios structure's development since the materials released on 15 November 2024 for the Briefing and Workshops Day, despite reaching out to via email on 4 February 2025 as assessed above.

In the general meeting, Mayor Mitchell (via remote audio) and discussed the proposed councillor portfolios and how they come to be structured. When listening to the recording of the general meeting, it is evident that Mayor Mitchell stated that she has not been asked or approached [about portfolios], as well as noting that spoke to divisional councillors but did not dispute during this discussion. not the mayor, both of which

In relation to the first statement, "I have not been consulted on nor had input towards this major proposed restructuring of our Council", when considering:

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⁵⁸ Attachment 24

⁵⁹ It is understood from the email and recording of the 19 February Council General Meeting that when states "every councillor", this refers to Area Divisional Councillors, and does not include Mayor Mitchell.



- The 2 May 2024 informal meeting more than likely contained a brief discussion about Council committees and councillor portfolios, rather than a structured and formal assessment of the proposed systems to make decisions
- Mayor Mitchell was absent from the relevant session of the Briefing and Workshops day on 18 November 2024, where consultation on proposed Council committees or councillor portfolios occurred
- The proposed structure in Notice of Motion for the 19 February 2025 Council General Meeting was not one of the options in the session nine materials of the Briefing and Workshops day
- The meeting agenda containing the Notice of Motion was released to councillors at 12:14am on 14 February 2025 in the Paris, France time zone
- The Redland Bayside News article was posted to Facebook at 03:28am on 14 February 2025 in the Paris, France time zone
- Mayor Mitchell statement that she had not seen the meeting agenda prior to posting her statements at 07:03am in the Paris, France, time zone on 14 February 2025
- That Mayor Mitchell reached out to via email on 4 February 2025 about councillor portfolios being discussed with other councillors, with email response failing to address councillor portfolios
- That Notice of Motion stated, "All Divisional Area Councillors have been consulted...", with no mention of consulting the Mayor
- failure to dispute or correct Mayor Mitchell's statements during the 19
 February 2025 Council General Meeting that had not consulted Mayor Mitchell on the proposed councillor portfolios, as she had with all other councillors

On balance, it is considered that Mayor Mitchell's statement, "I have not been consulted on nor had input towards this major proposed restructuring of our Council", is not a false or misleading statement. Rather, it is an accurate representation of her involvement in the proposed councillor portfolios process at that time.

In relation to the second statement, "The statement that I, as mayor, will not be assigned a portfolio, has also been put forward without my knowledge or consent", when considering:

- The first time it was documented that Mayor Mitchell would not be receiving a portfolio as Mayor was in the 19 February 2025 Council General Meeting agenda, sent 14 February 2025.
- That the statement in the 19 February 2025 Council General Meeting agenda about the Mayor not being assigned a portfolio was inserted as it was raised that it appeared the Mayor may have been excluded
- The second time it was raised was in post in question 15 February 2025
- There is no identified evidence to suggest that Mayor Mitchell was previously informed
 that she would not receive a proposed councillor portfolio, despite Mayor Mitchell
 reaching out to directly via email to seek information about the proposed
 portfolios on 4 February 2025

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On balance, it is considered that Mayor Mitchell's statement, "The statement that I, as mayor, will not be assigned a portfolio, has also been put forward without my knowledge or consent", is not a false or misleading statement.

For completeness, it should be noted that Notice of Motion and the process followed is not considered to have been against proper procedure, as any councillor has the ability to put forward a Notice of Motion in the same manner.

Allegation 2 - Alleged breach of Council Resolution

The second allegation concerned comments made under Mayor Mitchell's post in question on 14 February 2025. The comments, which were posted across 14 and 15 February 2025, were authored by different Facebook users who are understood to be members of the public. It was raised that Mayor Mitchell's conduct in failing to remove these comments was a breach of a Council resolution passed on 18 December 2024, as they were allegedly defamatory and inappropriate in nature as they could unfairly damage the reputation of councillors or Council.

Screenshots of the comments in question were provided by Council to BDO. These comments were independently verified by BDO, through a review of the same information on Facebook, as well as metadata noting the dates and times the comments were posted. Further, Mayor Mitchell acknowledged in interview that once she was made aware of the comments, she identified and removed all of them from Facebook. Considering this, it is not in question that the seven comments subject to this complaint were all published on Facebook under the post in question and remained visible at the time of the complaint being made.

It is also not in dispute that, on 18 December 2024, Council passed a resolution which resolved that Councillors would remove any comments which could reasonably be determined to defame or unjustly damage the reputation of Council officers and/or Councillors from social media posts which are managed by Councillors. This is evident when observing section 18 of the meeting minutes of Council's 18 December 2024 general meeting,⁶¹ which shows that the resolution was unanimously carried, including by Mayor Mitchell.

In her interview with BDO, Mayor Mitchell stated that she had not been aware of the comments until they were raised with her by BDO during the ordinary course of providing Mayor Mitchell with the allegations when arranging the interview. Considering there were around 270 comments in total made under the post in question, as well as the timing of the post coinciding with the Mayor Mitchell's overseas travel schedule, it is considered likely and accepted that Mayor Mitchell had not seen the seven comments raised in the complaint. Mayor Mitchell also stated that no one, including anyone from Council or the OIA, had contacted her about the comments or raised them as an issue.

The council resolution requires that comments reasonably determined to defame or unjustly damage the reputation of Council officers or Councillors be removed. Mayor Mitchell disputed that the comments were of a defamatory or inappropriate nature, particularly in comparison to other comments she has seen posted on other Councillor's Facebook posts. Mayor Mitchell's view was that each comment was a person's opinion, and she was concerned what the resolution does in terms of not affording community members their right to have a view.

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⁶¹ Attachment 13



Given the identity of the complainant(s), nor the complaint documents themselves, were provided to BDO, the complainants could not be interviewed as part of this investigation to understand their view as to why the alleged conduct was defamatory and/or inappropriate.

BDO therefore applied an objective test to the comments in question through considering the following:

- Each comment in question in isolation, against the definitions of defamatory and 'unjustly damaging'; and
- A review of comments posted on other Councillor Facebook pages which remain visible, to establish a baseline for what may generally be accepted as appropriate.

The investigation finds that none these comments meet the definition of defamatory. 62

Consideration as to the culpability of Mayor Mitchell for posts made by a third party was also given, however as the comments were not deemed to meet the definition of defamatory, the question of responsibility by the Mayor as a 'publisher' of the third party comments⁶³ became a moot point. Further, it was noted that as the investigation found that Mayor Mitchell was not aware of the posts in question until raised by BDO, if the comments were deemed defamatory, it could be possible to raise a potential of defence of innocent dissemination.

In coming to this conclusion, it is noted that the following four of the seven comments did not mention or focus on any specific Councillor and in regard to Council were general statements of opinion by nature, and thereby not deemed injurious to a person's reputation, nor that of Council as an organisation:⁶⁴

	-						
•	Comment 'A':	- 0	4:13pr	m 14 February 20	25)		
	"Get rid of the troublemakers Mayor Jos. Their noses have been in the trough too long. 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."						
•	Comment 'C':		04:47	pm 14 February	2025)		
	"We [sic] 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"					ls to busy	
•	Comment 'E':		-	06:34am 15 Feb	ruary 2025)		
		absolute disgrace. Des not deserve suc			are abhorrent. d contempt"	The	Redlands
•	Comment 'F':		- 06:2	8pm 15 February	2025)		
	"It seems to r	"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,

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⁶² Cambridge Dictionary. (n.d.). Defamatory. In Cambridge Dictionary. Retrieved June 18, 2025, from https://dictionary.cambridge.org/dictionary/english/defamatory.

⁶³ Fairfax Media Publications; Nationwide News Pty Ltd; Australian News Channel v Dylan Voller [2021] HCA 27

⁶⁴ It is noted that generally in Australia organisations, other than non-profit companies, small business and excluded entities generally can't sue for defamation. Injurious falsehood may be an alternative, however this would be outside the parameters of the allegations, and there is no identified evidence of malicious intent by the poster or any actual loss incurred by Council, which would be a requirement.



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".

The remaining three comments, which named were assessed further as they had the potential to be defamatory. These three comments are outlined below:

•	Comment 'B':		- 04:28pm 14	February 2025)			
	"Hmmmm seed councillors and backfire on you	d the Mayor[[sic] <i>be careful</i> w	is white antir hat is wished fo	_	9	-

• Comment 'D': - 04:54pm 14 February 2025)

"So is looking to be Mayor by default is seems to me, this has got to be stopped..."

• Comment 'G': 09:00pm 15 February 2025)

"Maybe needs to remember that we voted Jos Mitchell in as Mayor not is a councillor and possibly all the councillors who support her 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."

In considering these three comments, an expression of honest opinion was considered against the definition of defamation. In each of the three instances, it was accepted that the comments were the opinion of the individual who posted them. It was 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 the Redland Bayside News article. As with the previous four comments, consideration as to the culpability of Mayor Mitchell for posts made by a third-party member of the public was considered, and dismissed, given the comments were not deemed to meet the definition of defamatory and the investigation finding that the Mayor was not aware of the comments prior to the investigation, raising the potential of a defence of innocent dissemination.

In making the assessment of whether these comments met the requirements of being removed from social media per the Council resolution on 18 December 2024, BDO also considered posts and comments of a similar nature which remain on the Facebook pages of other Councillors. Specifically, Mayor Mitchell provided BDO with a post by on 14 March 2024. 65 Mayor Mitchell advised that she has previously asked to remove the post, 66 however it remained posted publicly. An analysis of this post (comparative post), including a photograph attached to the post, ⁶⁷ found that it identified now-Mayor Mitchell as the subject of the post. Mayor Mitchell was a mayoral candidate at the time of the post being made. The comparative post, which contains personal information about Mayor Mitchell and makes negative statements about Mayor Mitchell, is considered to have been made in the same vein as the comments in question under Mayor Mitchell's post which name Similarities of nature and tone were noted between three comments in question on Mayor Mitchell's post on 14 February 2025, and the comparative post. These include, for example naming an individual and a negative context and tone about that individual regarding Council operations. In considering the comparison objectively, it was also noted that:

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⁶⁵ Attachment 19

⁶⁶ This information has not been verified with

⁶⁷ Attachment 29



- The comparative post was unprompted and authored independent of any other post, whereas
 the comments in post that is subject of the allegations were a direct response to a Councilrelated news article, and
- The comparative post spoke to various instances and perceived issues, as well as the personal
 information and history of Mayor Mitchell. Whereas the comments in question from members
 of the public spoke to their opinion of actions in relation to the nature of Council
 operations highlighted in the news article which Mayor Mitchell posted.

In consideration as to whether the comments on Mayor Mitchell's post are in breach of Council Resolution, the fact that the comparative post on 14 March 2024 has not been removed is considered indicative of a standard set by RCC Councillors that these types of comments are permissible and not subject to the resolution passed on 18 December 2024.

As such, it is considered the comments in question do not meet the threshold for being deemed to be in breach of the 18 December 2024 resolution, given a standard has been set by Council in accepting other posts, such as the 14 March 2024 comparison post of as appropriate to remain on Facebook.⁶⁸

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 they did not mention or reference a specific person, whilst also not being inappropriate, as they were matter of personal opinion directly concerning the context of the material published in the Redland Bayside News article that Mayor Mitchell re-posted. The three comments, which did name 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. Comments of a similar negative nature, specifically naming Mayor Mitchell, in the same vein as the comments in question were observed

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⁶⁸ Whilst BDO acknowledges that the resolution was passed after remains silent on retrospective application being prohibited.



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 <u>unsubstantiated</u>.

7. 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 might 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 observed.
 - 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 assessment against other posts on councillor pages which have not been

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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).

8. Disclaimer

BDO Services Pty Ltd is a member of an Australian association of independent accounting and management consulting firms trading under the name BDO.

BDO Services Pty Ltd conducts its business independently of all other firms of Chartered Accountants or other entities that trade under the name BDO.

BDO has prepared this report on the latest information available as at the date of this report. We accept no responsibility to update it for events that take place after the date of its issue.

In completing this report BDO have relied upon information provided, which we believed to be reliable, complete and accurate. BDO reserve the right to amend or update this report if information not previously available, known or provided, becomes known after the date of issue of this report.

The engagement of BDO is as an independent contractor and not in any other capacity. We are not responsible for the appropriateness of any commercial or strategic decisions taken by any parties.

In preparing this report, BDO has referred to, considered, and relied upon various sources of documentation and evidence. All documentation and evidence relied on are included as an Appendix to the report.

This report is addressed to and intended for the information of the addressee only. It is not to be distributed, referred to or quoted, in whole or in part, in any other context without our prior written consent, which may be withheld at our discretion.

The services provided in connection with this engagement comprise an advisory engagement, which is not subject to assurance, or other standards issued by the Australian Auditing and Assurance Standards Board and, consequently no opinions or conclusions intended to convey assurance have been expressed. No warranty of completeness, accuracy or reliability is given in relation to the statements and representations made by and the information and documentation provided.

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ATTACHMENTS

- 1. Audio recording of BDO interview with Mayor Mitchell
- 2. Code of Conduct for Councillors in Queensland
- 3. Mayor Mitchell Social Media post 14 February 2025
- 4. Screenshot of meeting invite 02 May 2024
- 5. Re CALL FOR AGENDA ITEMS Fortnightly Informal Mayor-Councillor discussion Thursday 2 May
- 6. 2 May 2024 Informal Mayor and Councillor Meeting Agenda and Minutes
- 7. Workshop Agenda Workshop Day 18 Nov 2024
- 8. SIGNED Councillor Briefing Session & Workshop Attendance Sheet
- 9. Cr Committees and Portfolios Discussion For 18 Nov 2024 Workshop
- 10. New material available in Diligent Boards Cr Briefing Program 18 November 2024
- New material available in Diligent Boards Cllr Briefing Program 18 November 2024 Session 8 and 9
- 12. Email chain Council CEO and Cr's regarding Mayor, portfolio and workshop attendance
- 13. Council resolution 18 December 2024
- 14. Distribution of General Meeting Documents Email 14 February 2025
- 15. Extract of Notice of Motion concerning portfolios from meeting agenda
- 16. Written Submission Mayor Mitchell
- 17. Email from OIA titled Fwd URGENT Your social media post
- 18. FILE NOTE -
- 19. acebook post 14 March 2024
- 20. Jos Mitchell Fw FILE NOTE -
- 21. Jos Mitchell Fwd FILE NOTE -
- 22. FILE NOTE -
- 23. FW_ Jos Mitchell Time difference during travel
- 24. Letter from Robinson Locke Litigation Lawyers and three emails between Mayor Mitchell and in February 2025
- 25. letter to BDO Written submission from Jocelyn Mitchell
- 26. C 25 00117 Letter to Council from the OIA
- 27. COMSEQ Article 30.01.2035
- 28. Redlands Coast Today article 03.02.2025
- 29. Photograph of Mayor Mitchell under post
- 30. Email from BDO to Mayor Mitchell with Preliminary Findings

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Code of Conduct for Councillors in Queensland

Approved 22 February 2024

Last updated: 22 February 2024



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Purpose of the Code of Conduct

The Code of Conduct sets out the principles and standards of behaviour expected of councillors and mayors when carrying out their roles, responsibilities and obligations as elected representatives for their communities. By adhering to the behaviours set out below, councillors will increase public confidence in local government and their decisions.

Background

Under section 150D of the *Local Government Act 2009* (the LGA), the Minister for Local Government (the Minister) must make a Code of Conduct stating the standards of behaviour for councillors in the performance of their responsibilities as councillors. In addition to this, the Code of Conduct may contain anything the Minister considers necessary for, or incidental to, the standards of behaviour.

Before assuming public office, all councillors must make a declaration of office and commit to complying with the local government principles and obligations of councillors in accordance with section 169 of the *Local Government Act 2009* and 169 of the *City of Brisbane Act 2010*, as well as the standards of behaviour set out in this Code of Conduct. As part of that declaration, councillors must declare that they will abide by this Code of Conduct.

The Local Government Principles and Values

The legislation is founded on five local government principles with which councillors must comply while performing their roles as elected representatives. These principles are listed below:

- Transparent and effective processes, and decision making in the public interest
- Sustainable development and management of assets and infrastructure, and delivery of effective services
- Democratic representation, social inclusion and meaningful community engagement.
- 4. Good governance of, and by, local government
- 5. Ethical and legal behaviour of councillors and local government employees.

This Code of Conduct provides a set of values that describe the types of conduct councillors should demonstrate to ensure their compliance with the local government principles. These values are listed below:

- In making decisions in the public interest, councillors will:
- make decisions in open local government meetings
- properly inform relevant personnel of all required information
- make decisions in accordance with law and policy
- commit to exercising proper diligence, care and attention.
- 2. To ensure the effective and economical delivery of services, councillors will:
- manage local government resources effectively, efficiently and economically
- foster a culture of excellence in service delivery.

- 3. In representing and meaningfully engaging with the community, councillors will:
- show respect to all persons
- clearly and accurately explain the local government's decisions
- accept and value differences of opinion.
- 4. In exercising good governance, councillors are committed to:
- the development of open and transparent processes and procedures
- keeping clear, concise and accessible records of local government decisions.
- 5. To meet the community's expectations for high level leadership, councillors will:
- be committed to the highest ethical standards while performing their official duties
- uphold the system of local government and relevant laws applicable to it.

This Code of Conduct also sets out standards of behaviour aimed at helping councillors understand how the principles and values are put into practice while performing their official duties as elected representatives.

Each standard of behaviour is not intended to cover every possible scenario. However, they provide general guidance about the manner in which councillors are expected to conduct themselves. It is important to note that the principles, values and standards set out in the Code of Conduct are of equal importance.

Last updated: 22 February 2024



Standards of Behaviour

This Code of Conduct sets out the standards of behaviour applying to all councillors in Queensland while acting in their official capacity. The behavioural standards relate to, and are consistent with, the local government principles and their associated values.

The standards of behaviour are summarised as the three Rs, being:

- 1. RESPONSIBILITIES
- 2. RESPECT
- 3. REPUTATION

Each standard of behaviour includes, but is not limited to, several examples to guide councillors in complying with the Code of Conduct when carrying out their role as elected officials. Councillors are to understand and comply with the following standards of behaviour as set out in the Code of Conduct listed below.

 Carry out RESPONSIBILITIES conscientiously and in the best interest of the local government and the community

For example, councillors will, at a minimum, have the following responsibilities:

- 1.1. Attend and participate meaningfully in all local government meetings, committee meetings, informal meetings, relevant workshops and training opportunities to assist them in fulfilling their roles other than where prior leave of absence is given
- Respect and comply with all policies, procedures and resolutions of local government
- 1.3. Use only official local government electronic communication accounts (e.g.

- email accounts) when conducting local government business
- 1.4. Report any suspected wrongdoing to the appropriate entity within required time periods
- 1.5. Ensure that their behaviour or capacity to perform their responsibilities in their official capacity as a councillor is not impaired by the use of substances that may put them or others at risk while performing their duties (for example, alcohol, illegal drugs or prescribed/non- prescribed and/or restricted substances)
- Cooperate with any investigation being undertaken by the local government or other entity
- 1.7. Ensure that the Councillor's Advisor is aware of their obligations to comply with the standards of behaviour in the Code of Conduct for Councillor Advisors in Queensland
- 1.8. Awareness of responsibilities imposed on councillors by the *Local Government Act* 2009, the *City of Brisbane Act 2010* and the relevant regulations.
- Treat people in a reasonable, just, RESPECTFUL and non-discriminatory way

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

- 2.1. Treat fellow councillors, local government employees and members of the public with courtesy, honesty and fairness
- 2.2. Not use abusive, obscene or threatening language (either oral or written) or behaviour towards other councillors, local

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- government employees or members of the public
- 2.3. Have proper regard for other people's rights, obligations, cultural differences, safety, health and welfare.
- 3. Ensure conduct does not reflect adversely on the REPUTATION of the local government

For example, councillors will, at a minimum, conduct themselves in the following manner:

- 3.1 When expressing an opinion dissenting with the majority decision of the local government, respect the democratic process by acknowledging that the local government decision represents the majority view of the local government.
- 3.2 When making public comment, clearly state whether they are speaking on behalf of the local government or expressing their personal views.
- 3.3 At all times 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.

Consequences of failing to comply with the Code of Conduct

Failure to comply with the standards of behaviour in this Code of Conduct, or other conduct prescribed in this code of conduct may give rise to a complaint against a councillor's conduct and subsequent investigation and disciplinary action under the legislation if found to have engaged in a conduct breach, misconduct, or corrupt conduct.

A complaint about the conduct of a councillor must be reported to the Office of the Independent

Assessor (OIA) within one year from when the conduct occurred, or within six months after the conduct comes to the knowledge of the complainant but within two years after the conduct occurred.

These time limitations do not reflect the fact that the OIA can look at a matter received late due to exceptional circumstances.

There is no time limit for reporting of corrupt conduct.

A preliminary assessment process must be undertaken by the Independent Assessor before progressing conduct matters. After the preliminary assessment the Independent Assessor must decide:

- to dismiss a complaint, notice or information, or
- take no further action in certain circumstances, or
- refer a suspected conduct breach to a local government for investigation, or
- investigate the conduct of the councillor, or
- not deal with the complaint and give the councillor counselling or recommend training or mediation.

If, after the preliminary assessment the Independent Assessor refers the complaint to the appropriate entity to deal with, the entity to which they refer the matter will depend on the category of the conduct complaint (conduct breach, misconduct, and corrupt conduct).

The Independent Assessor may take no further action about the conduct of a councillor, following an investigation, if satisfied that taking further action would not be in the public interest.

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Unsuitable Meeting Conduct

Under the *Local Government Act 2009*, any conduct by a councillor that is contrary to the standards of behaviour in the Code of Conduct that occurs within a local government meeting (including standing committee meetings), is dealt with as unsuitable meeting conduct.

Unsuitable meeting conduct by a councillor is dealt with by the chairperson of the meeting. It is important that the chairperson deal with matters of unsuitable meeting conduct immediately, and as efficiently and effectively as possible so that the local government can continue with their business of making effective decisions in the public interest.

Unsuitable meeting conduct by the chairperson will be dealt with by the councillors present at the meeting who will decide by resolution if the chairperson has engaged in unsuitable meeting conduct and if so how to deal with the matter. The councillors may make an order to reprimand the chairperson.

Conduct breach

Under the *Local Government Act 2009*, any conduct by a councillor that is contrary to the standards of behaviour in the Code of Conduct or a policy, procedure or resolution of a local government, and is not unsuitable meeting conduct, misconduct or corrupt conduct is dealt with as a conduct breach. The code of conduct only applies to conduct directly relevant to a councillor's official duties.

The conduct of a councillor is also a conduct breach if it contravenes an order by the chairperson of a local government meeting for the councillor to leave the meeting or is a series of conduct at local government meetings that leads to orders for the councillor's unsuitable meeting conduct being made

on three occasions within a period of one year. The local government is not required to notify the OIA of these matters and may deal with the conduct under section 150AG of the *Local Government Act 2009* (including Brisbane City Council).

The Independent Assessor is responsible for conducting a preliminary assessment of the complaint about the conduct of a councillor including the allegations of a suspected conduct breach, excluding those arising from unsuitable meeting conduct, referred to the Independent Assessor.

Following the preliminary assessment, if the Independent Assessor has decided not to dismiss, the Independent Assessor must refer a suspected conduct breach to the local government to deal with.

The local government may decide not to start, or to discontinue investigation if:

- the complainant withdraws the complaint or consents to the investigation not being started or being discontinued; or
- the complainant does not comply with a request by the local government for further information;
 or
- there is insufficient information to investigate the conduct; or
- the councillor has vacated office (if re-elected within a 12 month period, the investigation must be recommenced).

Misconduct

Councillors are required to comply with all laws that apply to local governments, this includes refraining from engaging in misconduct.

The Independent Assessor is responsible for assessing and investigating instances of suspected

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misconduct. The OIA may make an application to the Councillor Conduct Tribunal (CCT) for the matter to be heard and determined. If the councillor is found to have engaged in misconduct, the CCT may decide to take the disciplinary action it considers appropriate against the councillor. The Independent Assessor may, at any time before an application is decided by the CCT, withdraw the application in whole or in part if satisfied the withdrawal is in the public interest.

If the office of a councillor is vacated before an application is decided, the Independent Assessor must withdraw the application.

The conduct of a councillor is misconduct if the conduct:

- adversely affects, directly or indirectly, the honest and impartial performance of the councillor's functions or exercise of the councillor's powers, or
- is, or involves:
 - o non-compliance with an Act by a councillor
 - misuse of information or material acquired by the councillor, in the performance of the councillor's functions, whether the misuse is for the benefit of the councillor or for the benefit or to the detriment of another person
- is:
 - a contravention of an order of a local government or the CCT
 - a contravention of a policy of the local government about the reimbursement of expenses
 - o failure to notify particular conduct to the OIA

- a failure to declare a conflict of interest or appropriately deal with a prescribed conflict of interest or a declarable conflict of interest in a meeting
- participation in a decision when a prescribed or declarable conflict of interest exists without approval of the other councillors in the matter
- a failure to report another councillor's
 potential conflict of interest in a matter in a
 meeting if the councillor reasonably believes
 or suspects the other councillor has a
 conflict of interest
- a release of confidential information that the councillor knows is confidential
- an attempt to influence a decision maker about a matter in which the councillor has a prescribed conflict of interest or a declarable conflict of interest
- failure to declare particulars of interests at the start of the term or appointment, update or annually review.

The conduct of a councillor is also misconduct if the conduct leads to the councillor being disciplined for a conduct breach on three occasions within a period of one year or is conduct that is identified in an order of local government that it will be dealt with as misconduct if the councillor engages in the same conduct breach again.

The conduct of a councillor is misconduct if a councillor purports to direct the Chief Executive Officer (CEO) in relation to disciplinary action regarding the conduct of a local government employee or a Councillor Advisor.

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The conduct of a mayor is misconduct if an unlawful direction is given by a mayor to the CEO under the *Local Government Act 2009* or, is given to the CEO or a senior executive employee under *the City of Brisbane Act 2010*.

Councillors / mayor may only give directions to local government employees that are in accordance with the guidelines made about the provision of administrative support.

Corrupt Conduct

Corrupt conduct is defined by, and dealt with, under the *Crime and Corruption Act 2001* and must be referred to the Crime and Corruption Commission (CCC).

Corrupt Conduct means conduct of a person, regardless of whether the person holds or held an appointment, that

- adversely affects or could adversely affect the performance of the councillor's responsibilities, and
- involves the performance of the councillor's responsibilities in a way that:
 - is not honest or impartial, or
 - involves a breach of the trust placed in the councillor, or
 - involves a misuse of information or material acquired through the performance of the councillor's responsibilities and
- would if proved, be
 - a criminal office; or
 - a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an appointment.

Corrupt Conduct also means conduct of a person, regardless of whether the person holds or held an appointment, that:

- impairs, or could impair, public confidence in public administration; and
- involves, or could involve, any of the following—
 - collusive tendering;
 - fraud relating to an application for a licence, permit or other authority under an Act with a purpose or object of any of the following (however described)
 - o protecting health or safety of persons;
 - o protecting the environment;
 - protecting or managing the use of the State's natural, cultural, mining or energy resources;
 - dishonestly obtaining, or helping someone to dishonestly obtain, a benefit from the payment or application of public funds or the disposition of State assets;
 - evading a State tax, levy or duty or otherwise fraudulently causing a loss of State revenue;
 - fraudulently obtaining or retaining an appointment; and
- would, if proved, be—
 - a criminal offence; or
 - a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an appointment.

Councillors are reminded of their obligations under section 38 of the *Crime and Corruption Act 2001* to report suspected corrupt conduct.

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¹ Section 15 ((1) and (2) Crime and Corruption Act 2001

Queensland Government

The OIA has entered into a section 40° arrangement with the CCC which allows the OIA to commence investigation into some allegations of corrupt conduct and report the matters to the CCC on a monthly basis, to provide the CCC with the opportunity to assume responsibility for or monitor an investigation, should the CCC consider that appropriate.

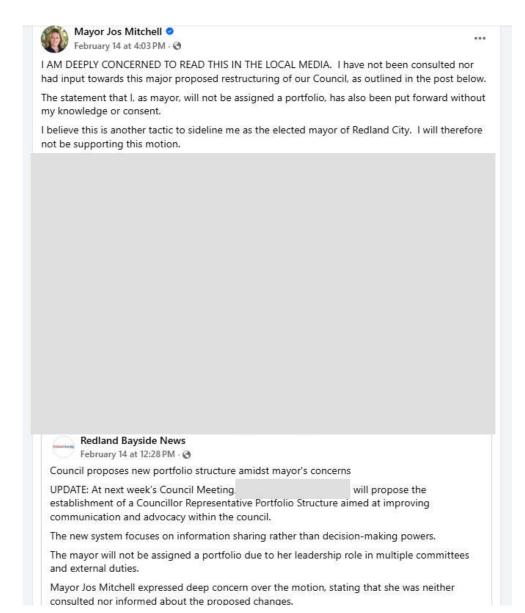
Further information about the CCC's jurisdiction and other topics in relation to local government is available at

https://www.ccc.qld.gov.au/sites/default/files/Docs/Publications/CCC/Corruption-in-focus-Guide-2023.pdf.

More Information

For any further enquiries on this matter please contact the department.

² Section 40 Crime and Corruption Act 2001



She criticised the decision to exclude her from a portfolio, interpreting it as an attempt to sideline her as the elected mayor.

As a result, she announced she would not be supporting the motion.

Planning, Strategic Planning, and City Plan

Waste, Waste Transfer Stations, Capping, and Remediation

Centres, Centres Strategy, Economic Development, and Olympics Legacy

Audit and Finance, Tourism, Galleries, and RPAC

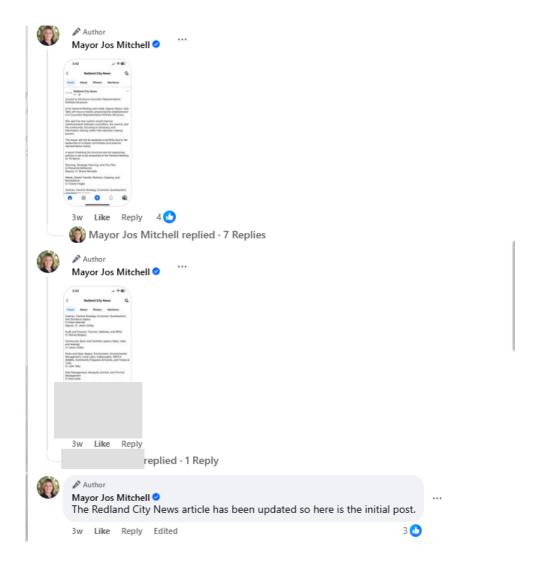
Community Sport and Facilities (sports fields, halls, and leasing)

Parks and Open Space, Environment, Environmental Management, Local Laws, Indigiscapes, RSPCA Wildlife, Community Programs & Events, and Tracks & Trails

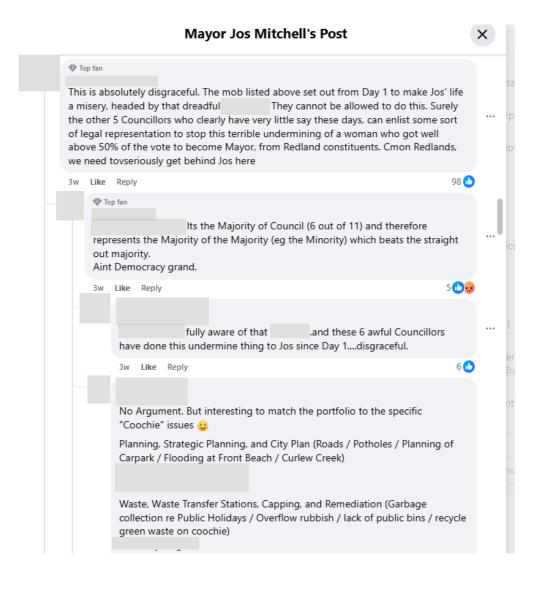
Pest Management, Mosquito Control, and Fire Ant Management



274 comments 35 shares







Centres, Centres Strategy, Economic Development, and Olympics Legacy (Supporting Business on Coochie / removing Red Tape etc)

Audit and Finance, Tourism, Galleries, and RPAC (Rates / Water charges / 50 cent Fares / too many terrorists / Support for Choir)

Community Sport and Facilities (sports fields, halls, and leasing) (Re surface of Tennis Courts, Provision of Diving platform on Jetty, Support for Outriggers / Provision of Kayak racks for the Island.)

Parks and Open Space, Environment, Environmental Management, Local Laws, Indigiscapes, RSPCA Wildlife, Community Programs & Events, and Tracks & Trails

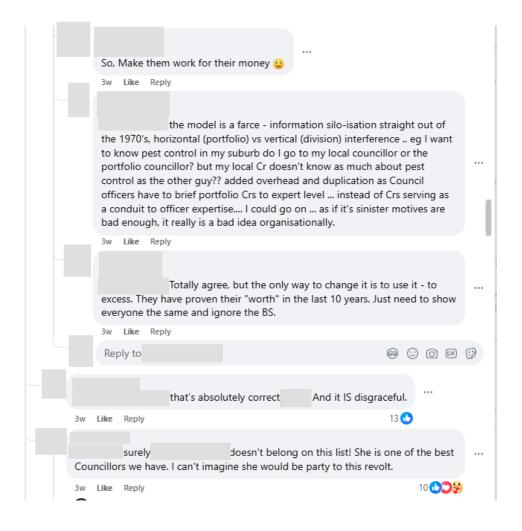
(Provision of permanent Dog off Leash Area / Permanent protection of migrating shorebirds / Changing Local Law #2 to allow Dogs on Beaches on Coochie)

Pest Management, Mosquito Control, and Fire Ant Management (Fire Ant / Mosquito control in Curlew Creek / mosquito control in Mangroves / Sandfly control on Main beach)

3w Like Reply 2 🚹

fully aware of all that too. Lance has had little say about anything for a while, because of how dysfunctional RCC has become. It's not his fault...it is the way this mob have set it up. It's absolutely disgraceful that they continue to get away Edith it.

3w Like Reply 4 🖰





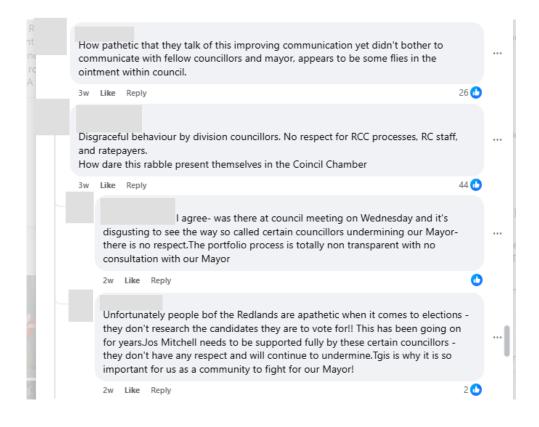




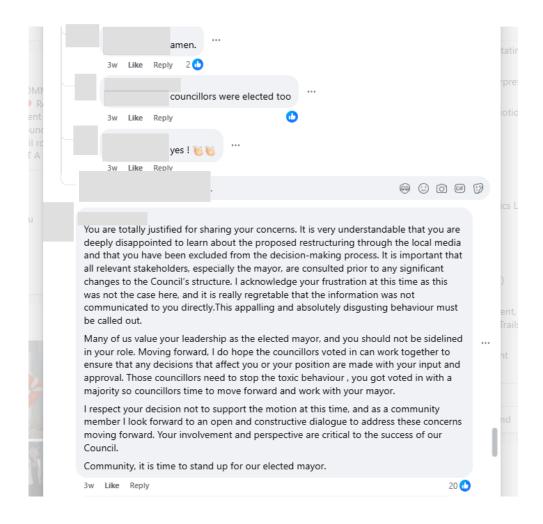


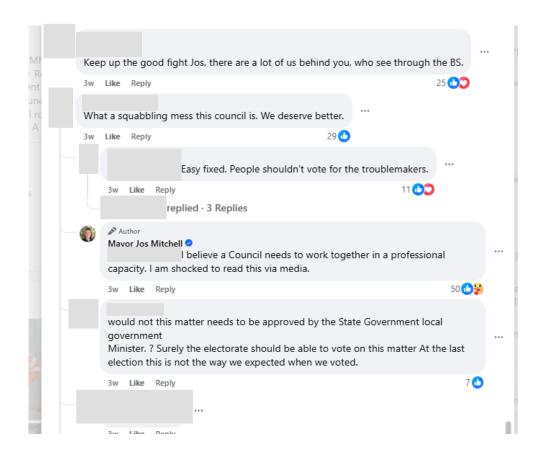
















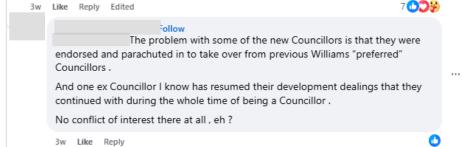




I remember the absolutely shocking pre polling at Cleveland during the council election in March 2024. I think it scarred many wonderful people in our community. On many occasions the behaviour of previous councillors was appalling and the talk that if/when Mayor Jos Mitchell gets in she may think it's tough during the election wait until she gets in it will be a lot worse. So the old councillors who were voted in are showing their true colours of toxicity and carrying through the threat, but what I don't understand is how and why the newly voted in councillors aligned themselves so quickly with the old ones. Bullies in workplaces look for weaknesses to get people on their side. It would be good if the newly elected councillors actually worked with the new mayor to change the culture in their workplace and get on and do the work for the community that they were elected to do. Any other workplace this behaviour would not be tolerated.

Redland Community be a part of the change we need and get out and speak up for

Redland Community be a part of the change we need and get out and speak up for what we know isn't right. Show your support for Jos she won the election and deserves to be given the chance to do her job without having face less people on FB telling lies and others leaking information.

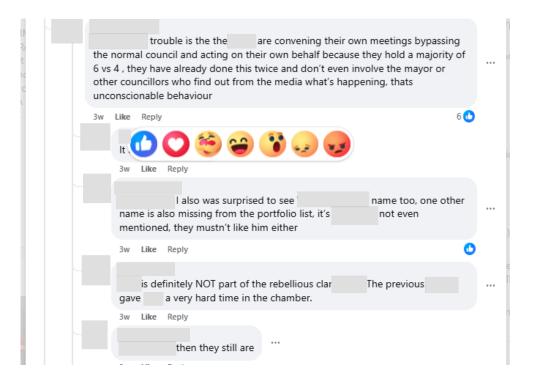






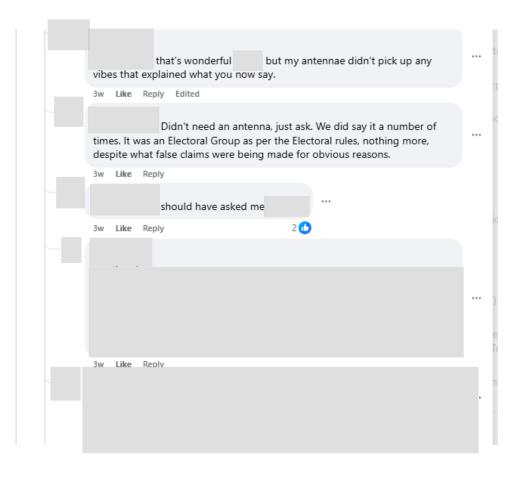






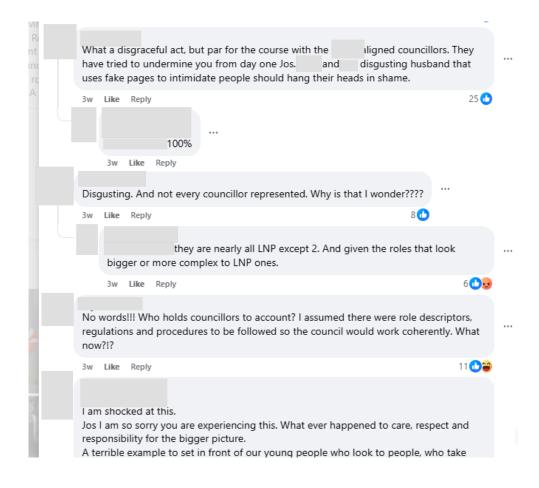




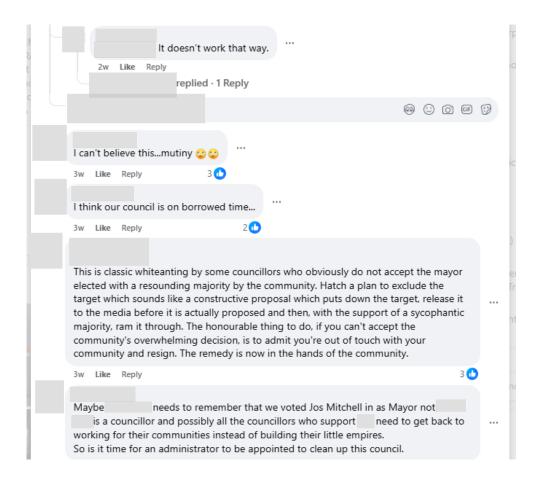




















CORRUPTION IN PARADISE

Almost 170,000 residents live in the suburbs of the Redlands and we feel it is like paradise, with a natural coastal environment and a host of unique wildlife, including koalas, shorebirds, dolphins, dugongs, whales during the migration season, marine turtles, mud crabs, sand crabs and good quality fish. Unfortunately, we also have Redland City Council, which has allowed the CBD of Cleveland to become run down under its policy of selling off major carparks to developers. The last mayor resigned before the last election because she was highly unpopular after her then elected a new mayor with a 67% majority of votes but this year certain councillors have undermined her ability to run a coherent council. In my opinion their actions can only be described as corrupt because a group of councillors are making decisions outside of council meetings and without the knowledge or consent of the Mayor. Last Wednesday about 60 residents held a rally outside the Redland City Council Chambers because they are fed up with what I believe is corrupt behaviour. These few councillors obviously have an ulterior motive and it appears they wish to drive out the elected mayor from the council. These residents all support Mayor Jos Mitchell. That is why the rally was held.

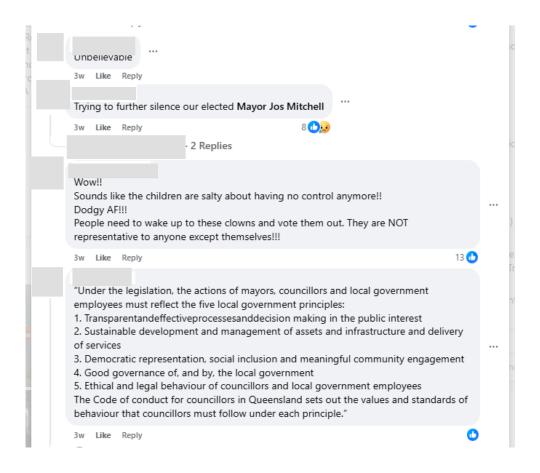
Is this a coup? What happened to process?

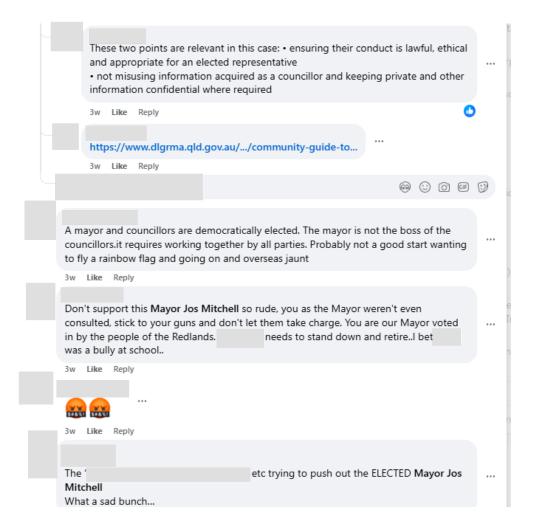
3w Like Reply

I noticed are bringing to the table next week.

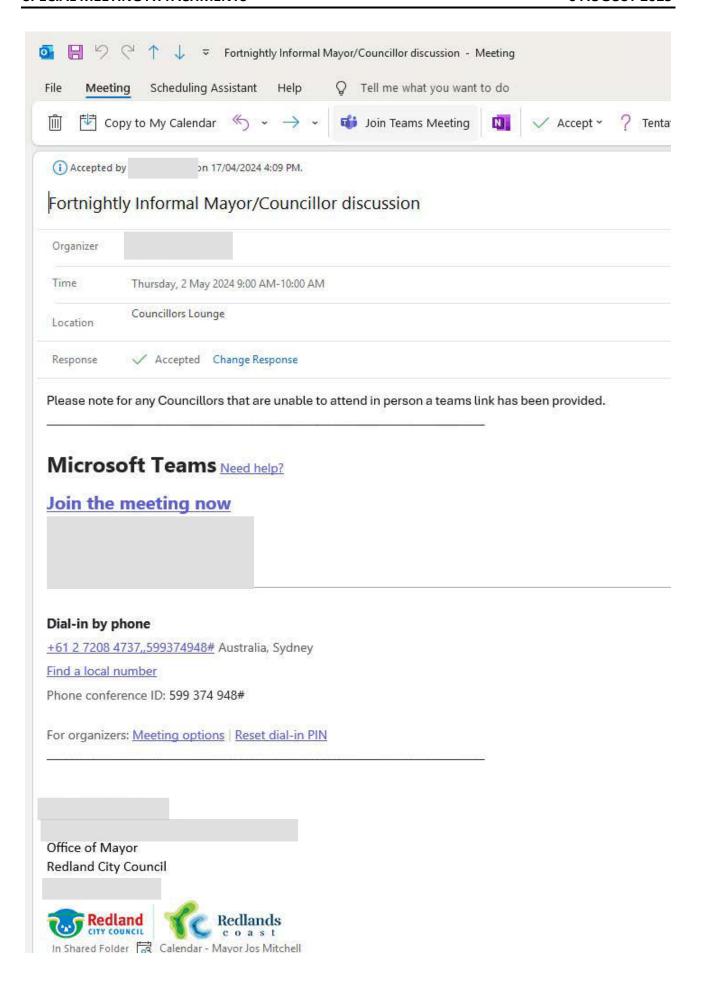








I'm so sorry to read this Mayor Jos Mitchell, what can we as ratepayers do about this? This white anting and the power grabbing by this mob needs to stop! 5 🕛 Keep your friends close and your enemies closer. The voting cliq will meet their Waterloo when more rate payers see the greed of this God help the rate payers of the Redlands as it is now DEADLANDS. 222 3w Like Reply From AG: Redlands will not be liveable if ex and her followers are listened to, and here's why: who dared question mayor on issues for which she's paid a heavy price esp on being a whistleblower on alcohol permitted in Council. Watched on video Cr ordered to leave room when asked a question Mayor not prepared to answer. A vote had to be taken on whether to allow back in to join meeting, or not. This would inspire most to stay silent no matter how seriously making the wrong decision can hurt the community? It seems to many of us, is still running the Council from the sidelines as it is claimed new Mayor Jos does not have the support of council. In these hard times, we need a local government that works for the good of Redlands ratepayers who are said to pay the highest rates in South East Queensland. Under the circumstances, it is impossible. 3w Like Reply Yep. Terrible.



From:
Sent on: Wednesday, 01 May 2024 14:40:29 To:
CC:
Subject: Re: CALL FOR AGENDA ITEMS: Fortnightly Informal Mayor/Councillor discussion, Thursday 2 May
Hi team,
I think it would be beneficial for us to check in as a group with regard to how budget discussions are progressing.
This is a vitally important responsibility which is also time sensitive. Should there be any issues with the direction we are going, they need to be raised sooner rather than later.
Thanks,
Get Outlook for iOS
From:
Sent: Wednesday, May 1, 2024 1:45:44 PM To:
Cc:
Subject: RE: CALL FOR AGENDA ITEMS: Fortnightly Informal Mayor/Councillor discussion, Thursday 2 May General input ahead of any decision:
A priority matter of strategic improvement in my view.
I do hope majority Councillor support is gained for this significant but very much needed progression in our city., I am very interested in this matter coming to a proper workshop asap before budget meeting as the time is now to do this.
To do the matter justice, and thus the community outcome, It will need the organization to offer some options on a governance
model ahead of time to allow Councillors time to get comfortable and ask good questions ahead of a decision. I am excited at the opportunity to mature our processes.
Thank you,
From:
Sent: Wednesday, May 1, 2024 12:22 PM To:
Cc:
Subject: Re: CALL FOR AGENDA ITEMS: Fortnightly Informal Mayor/Councillor discussion, Thursday 2 May
Committees/Portfolios. Thanks
Redland City Council Ph:
From
Sent: Friday, April 26, 2024 12:15:05 PM To:
Cc:
Subject: CALL FOR AGENDA ITEMS: Fortnightly Informal Mayor/Councillor discussion, Thursday 2 May Good afternoon Councillors,

In preparation for next Thursdays 'Fortnightly Informal Mayor/Councillor discussion', please let me know if you have items you would like added to the agenda.

Thanks and kind regards,

I acknowledge the traditional custodians of the lands and seas where I work. I pay my respects to Elders, past, present and future.



INFORMAL MAYOR/COUNCILLOR MEETING

Meeting Agenda

Meeting Name:	Informal M	Informal Mayor/Councillor Meeting					
Date of Meeting:	2 May 202	24	Time:		9:00am		
Meeting Chair:	Mayor Jos	Mitchell	Location:		Councillors Lounge		
2. Members and Atten	dees						
Name	[Department/Group	/Title			Apologies	
	N	Mayor					
		Division 1 Councillo	r				
		Division 2 Councillo	r				
		Division 3 Councillor					
	Division 4 Councillor					Apologies	
	Division 5 Councillor						
		Division 6 Councillo	r / Deputy Mayor				
		Division 7 Councillo	r				
		Division 8 Councillo	r				
		Division 9 Councillo	r				
		Division 10 Councill	or				
	E	Executive Officer - 0	Office of Mayor				
			-			L	

3. Meet	ing Agenda					
Ref#	Item	Item Notes				
1.	Welcome and Opening Remarks	Thank you for submitting requests for agenda items, there were approximately 30 requests made. Not all can be covered today, so I have selected the ones which are timely and most relevant for us to cover in the time we have. Laurena will keep a record of items covered and not covered so that things are not missed/lost.				
2.	Acknowledgement of Country					
3.	Housekeeping	Mayor title rather than 'Madam Mayor'.				
4.	Notes and Actions from Previous Meeting					
5.	Councillor Topics of Discussion					
5.1	Requests for access to the mayors calendar and protocol for informing Councillors of official visits/functions, invitations and briefings.	Understand the importance of this request. The OOM review the invitations received and where Mayor cannot attend, provides invite to support team to see if divisional councillor can attend. Generally, if meetings in office occur, divisional councillor will be included on the booking. An example of this was a briefing provided around QYAC & MMEIC — as included. Provision of calendar in a standard format across the group is not appropriate at this time, but if OOM are not consistent with above, can revisit this position.				



INFORMAL MAYOR/COUNCILLOR MEETING

3. Meeti	ng Agenda	
5.2	Moving forward and team building opportunities.	Recognise importance of taking the time to build relationships. One step is providing one on one time with Mayor, another is some time together as a cohort. Have sought information from regarding previous team building work, and will be briefed by previous facilitator, but may not necessarily use that one again.
5.3	General Budget	Check in as a group with regard to how budget discussions are progressing. City Christmas Function – What is the collective appetite for the city Christmas function(s) and an appropriate \$ amount 10 Year CAPEX – What plans/projects will we prioritise & fund to 2034? Committees/Portfolios.
5.4	Committees and boards	Discuss list provided by
5.5	Areas for briefings at workshops	What are the briefings we would like to see at future workshops? Noting that requests made in this process include, but will be actioned in coming weeks/month as part of existing processes: State Advocacy Plan – scheduled for 27 May 2024 Capital and Infrastructure projects – Budget workshops 2 May onwards Increasing councillor CIP indexed to CPI – this is in your expenditure and capital works budget workshops Increasing councillor small grant pool in line with annual budget – budget workshops.

4. Carryove	4. Carryover Agenda Items					
Date	Description					
02/05/2024	City Christmas Function – What is the collective appetite for the city Christmas function(s) and an appropriate \$ amount					
02/05/2024	Committees and boards					

4. Actio	. Action Items					
Date	Description	Status				
02/05	1:1 meetings to be scheduled	Complete				
02/05	Protocol re. advising councillors if mayor is attending something in their division	Complete				
02/05	Mayors calendar not to be shared at this time	NFA				
02/05	Mayor COMSEQ update to standard agenda	Complete				
02/05	Team building – owning your perceptions	In progress				
02/05	Issues and strategy sessions	In progress				
02/05	Aim to commence mayor/councillor informal meetings no earlier than 9:30am	In progress				

Councillor Briefing Workshop 18 November 2024 - Councillor Briefing Agenda

Councillor Briefings & Workshops





Monday 18 November 2024

Cleveland Administration Building

Please note:

- Briefings are held in Council Chambers unless otherwise advised.
- Briefings and workshops are confidential. Conflicts of interest can be declared at any time.
- Councillors will be required to sign an attendance sheet for briefings attended.

Session	Time	Agenda Item	Description
Session 1	8.30am- 9.30am (60 min)	Mayor and Councillor Preparatory Discussion	This session provides an opportunity for the Mayor and Councillors to discuss the General Meeting Agenda and reports.
Session 2	9.30am- 9.45am (15 min)	General Meeting Questions & Key Messages	This session provides an opportunity for Councillors to ask questions relating to the General Meeting Agenda.
Session 3	9.45am- 10.30am (45min)	ELT Briefing, Councillor Q&A and Major Projects Update	Councillors to receive an update from the Executive Leadership Team on any other matters of business.
Session 4	10:30am- 11:45am (75 min)	Birkdale Community Precinct – Lagoon Update	To provide Councillors an update on the Lagoon design and discuss proposed way forward.
Session 5	11:45am- 12:15pm (30 min)	Review of Affordable Housing Policy (LUP-004) and Guideline	Provide Councillors with an update on the request to review the guideline supporting the Affordable Housing Policy (LUP -004).
			Lunch 12.15 – 12.30pm
Session 6	12.30pm- 1:15pm (45 min)	Housing Crisis: Caravans on residential properties	As the housing crisis continues, an increase in complaints regarding Caravans being used as living spaces for family members of residential property owners or as stand-alone living have increased. Seeking guidance (policy perspective) for how the Councillors would like to address these types of matters.
Session 7	1.15pm- 2:00pm (45 min)	Short Term Accommodation: North Stradbroke Island and the Southern Moreton Bay Islands	Discuss with Councillors proposed options to manage short term accommodation on North Stradbroke Island and the Southern Moreton Bay Islands.
Session 8	2.00pm- 3:00pm (60 min)	Desktop review of Media Relations and Speeches Guideline - (ENG-002-001-G)	Present desktop review of learnings from RCC Media Guideline (ENG-002-001-G) compared to other Qld LGAs.
Session 9	3.00pm- 4:00pm (60 min)	Councillor Portfolios	Discussion and consultation on the proposed development of a Councillor Portfolio system.

Current as at 13 November 2024

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Councillor Briefing Sessions & Workshops

Cleveland Administration Building



COUNCILLOR ATTENDANCE SHEET – 18 NOVEMBER 2024

Please sign and indicate sessions attending (√or X)

Session Prep	eparation General Eccussion Questions & Key Message	ELT Briefing, Cllr Q&A and Major s Projects Update	4. Birkdale Community Precinct – Lagoon Update	Review of Affordable Housing Policy and Guideline	Housing Crisis Caravans on residential properties	Short Term Accommodation: NSI and the SMBIs	Review of Media Relations & Speeches Guideline	Cllr Portfolios	Signatures
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			Update	Update	Guideline	properties		Guideline	
Mayor	WASNIT IN CALENDAR				PERSON	AL REASK	25.		
Division 1	\checkmark	\checkmark	1	1	/	1	1	/	16
Division 2		1	V		1		/		/
Division 3	√	\checkmark	/	/	~	✓	/	<i></i>	~
Division 4			- on	LINE					
Division 5	V		/			/		1. 1	
Division 6	May .	/		/	/	/		/	/
Division 7	1	$\sqrt{}$	/	/	/	/	/	/	
Division 8		/							V
Division 9	V	$\sqrt{}$		/	/	\checkmark	/		/
Division 10			-					~	_

Councillor Briefing Workshop 18 November 2024 - Session 9 Councillor Portfolios



Committees and Councillor Portfolios Discussion

Councillor Briefing Workshop 18 November 2024 - Session 9 Councillor Portfolios



Purpose

- Exploratory discussion on portfolios and committees
- Request from Councillors was made during the budget process on 11 April 2024
- Provide options for consideration, and a recommendation
- Consider alongside review of Media Guideline

Councillor Briefing Workshop 18 November 2024 - Session 9 Councillor Portfolios





Information Provided

- Committee Structure Options Paper
- Councillor Portfolios Options Paper
 - Draft Policy and Guideline Councillor Portfolios

Councillor Briefing Workshop 18 November 2024 - Session 9 Councillor Portfolios





- 2016 to current Workshops and General Meeting
- 2013 to 2016 Portfolio Structure was in place
- 2007 to 2013 Committee Structure was in place

Councillor Briefing Workshop 18 November 2024 - Session 9 Councillor Portfolios





- Outline of what portfolios and committees are
- Benefits
- Time and Cost Implications
- Statutory Requirements
- Governance Arrangements
- Benchmarking
- Media Guidelines

Councillor Briefing Workshop 18 November 2024 - Session 9 Councillor Portfolios



Next Steps and Options

- 1. Note the presentation; or
- 2. Request further information and another workshop; or
- 3. Request a report to be brought to a future General Meeting to resolve to commence Portfolios or Committee arrangements; or
- 4. Pause further work, and reconsider options once CEO appointment is confirmed

Councillor Briefing Workshop 18 November 2024 - Session 9 Councillor Portfolios



Questions?

Committee Structure Options

Executive Summary

This report presents an analysis of three options for the structuring of Council meetings, focusing on the introduction of a formal committee system versus the current meeting structure. The primary objective is to assess the impact of each structure on time commitments, time costs, and administrative resources. It compares the financial and operational implications of a committee system with and without workshops and evaluates the costs associated with each option.

Introduction

The Local Government Regulation 2012 provides Councils the ability to establish standing committees. These committees help delegate specific functions and responsibilities, allowing for recommendations to be made to the full Council Meeting (General Meeting). Standing committees must comply with relevant legislation and Council standing orders, ensuring transparency in decision-making.

The proposed options to present to Councillors are as follows:

- Option 1: Current Structure
- Option 2: Committee Structure with Workshops, where committee meetings are added in addition to workshops.
- Option 3: Committee Structure without Workshops, which eliminates workshops and introduces committees as the sole forum for discussions and decision-making.

This report outlines features of Standing Committees and analyses the internal costs and resource implications associated.

Key Features of Standing Committees

Standing Committees are statutory meetings that:

- Are **public meetings** open to the public gallery.
- Are livestreamed for public accessibility.
- · Have agendas, minutes, and recordings available on the Council's website.

Committees are designed to receive presentations on reports and provide recommendations to a full Council Meeting for adoption. Council may also delegate decision-making powers to Committees in some circumstances. This structure would reduce the time required for General Meetings as they would mainly involve the adoption of committee reports and recommendations.

Recommendation

It is recommended Council continue the current model and not proceed to implement a committee structure given the additional cost impost as outlined below.

Instead of implementing Committees, Council might find the introduction of additional workshop time may provide the Councillors the opportunity to gain access to officers and receive more detailed briefings on matters, and whilst this comes at a cost, it is a reduced cost

Report on Committee Structure Options

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to the Committee model. Alternatively, the Portfolio model might be another consideration for Council that enables more detailed briefings of the Portfolio Councillor, without incurring the additional costs of Committees.

Proposed Committee Composition

Committees can consist of a small number of Councillors or include the whole of Council. To ensure fairness and transparency, a whole of Council approach is preferred. A typical committee structure might look as follows:

- First Tuesday of the Month:
 - o 9:00 am 12:00 pm: Office of CEO and AMPED Committee
 - 12:30 pm 4:30 pm: Infrastructure and Operations Committee
- First Wednesday of the Month:
 - o 9:00 am 12:00 pm: Organisational Services Committee
 - 12:30 pm 4:30 pm: Community and Customer Services Committee
- Third Wednesday of the Month:

 o 9:00 am 11:00 am: General Meeting

Attendance Cost to Council per hour

Position	Approx Cost Per Hour
Councillors	\$735.00
ELT	\$1492.00
Governance Staff	\$274.00 (3 staff)
TOTAL	\$2501.00

Option 1 - Current Model (preferred option)

Attendance at Meetings Cost	Yearly Cost	Hours per meeting	Meetings per year	Cost per Meeting
Workshops x 2 days per month	\$420,168.00	7	24	\$17,507.00
General Meetings (including Special Budget)	\$162,565.00	5	13	\$12,505.00
Total Attendance Cost	\$582,733.00	Note: Time for presenting manager not included in calculations		

Administrative Meetings Costs (General Only)	Hourly Rate	Hours per Meeting	Meeting per year	Total Cost
Agenda, Minutes and Actions Preparation	53	70	13	\$48,230.00

ELT Meeting Review Costs (General Only)	Hours per Meeting	Meeting per year	Total Cost
ELT Meetings and Approvals	5	13	\$96,980

Report on Committee Structure Options

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Option 2 - Committee Structure Including Workshops

Attendance at Meetings Cost	Yearly Cost	Hours per meeting	Meetings per year	Cost per Meeting
Workshops x 2 days per month	\$420,168.00	7	24	\$17,507.00
Committee Meetings (2 Committees per day based on department) x 2 days per month	\$420,168.00	7	24	\$17,507.00
General Meetings (including Special Budget)	\$162,565.00	5	13	\$12,505.00
Total Attendance Cost with Committee Structure per annum	\$1,002,901.00	Note: managers calculation		presenting ncluded in

Administrative Meetings Costs (Committees and General Only)	Hourly Rate	Hours per month	Total Cost
Agenda, Minutes and Actions Preparation (four Committees and General Meeting)	53	80	\$55,120.00

ELT Review Costs (Committees and General only)	Hours per Meeting	Meeting per year	Total Cost
ELT Meeting and Approvals (2 per month)	5	25	\$186,500.00

Option 3 - Committee Structure, no Workshops

Attendance at Meetings Cost	Yearly Cost	Hours per meeting	Meetings per year	Cost per Meeting
Committee Meetings (2 Committees per day based on department) x 2 days per month	\$420,168.00	7	24	\$17,507.00
General Meetings (including Special Budget)	\$162,565.00	5	13	\$12,505.00
Total Attendance Cost with Committee Structure per annum	\$582,733.00	3.00 Note: Time for presenting managers not included in calculations		

Administrative Meetings Costs (Committees and General Only)	Hourly Rate	Hours per month	Total Cost
Agenda, Minutes and Actions Preparation (four Committees and	53	80	\$55,120.00
General Meeting)			

Report on Committee Structure Options

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ELT Review Costs (Committees and General only)	Hours per Meeting	Meeting per year	Total Cost
ELT Meeting and Approvals (2 per month)	5	25	\$186,500.00

Please note option costings do not include Managers and Officers time in preparing reports. Special Budget Meeting is included with General Meetings,

Report on Committee Structure Options

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Councillor Portfolio Options

Executive Summary

Following a request from Councillors through the budget process, this report explores the options of a Councillor Portfolio Structure.

Key Features of Portfolios

- Specialised Expertise: By assigning Councillors to portfolios, each councillor can develop expertise in their designated area, leading to more informed decision-making and policy outcomes.
- Enhanced Accountability: Clear ownership of specific policy areas increases accountability to the community.
- Improved Governance and Efficiency: Focusing on specific policy areas allows for more targeted leadership, reduces overlap in responsibilities, and streamlines decision-making processes.
- Better Community Engagement: With designated portfolio responsibilities, councillors can engage more deeply with community members, fostering stronger relationships with community groups, businesses, and residents.

Importantly, Portfolio Councillors do not have decision-making or policy setting powers. Their role will focus on providing information, advice, and advocacy at General Meetings, ensuring that Council decisions reflect their portfolio's expertise and community priorities.

Benchmarking

There are various Councils in Queensland that have adopted a Portfolio Structure as below. The composition varies, however, every Councillor is assigned to a portfolio in each of the Councils below:

Sunshine Coast Council

- o Regional projects, advocacy & intergovernmental relations
- Community
- o Environment & Livability
- Economy
- Service Excellence
- o Outstanding Organisation
- City of Moreton
 - o Vibrant communities
 - o Healthy Environments
 - Well Planned Places
 - Well Connected Places
 - o Progressive Economy
 - An Engaged Council
- Gympie Regional Council
 - o Governance, Risk & Disaster Management
 - Environment & Waste
 - o Planning & Regulatory Compliance
 - Water & Waste Water
 - \circ $\;$ Civil works & design, Facilities, Asset Management property and Open space

Councillor Portfolio Options

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- o IT & Finance
- o Arts, culture Libraries, community development & customer service
- o Economic development, tourism, events and communication
- Rockhampton Regional Council
 - o Economic development
 - o Waste & Recycling
 - o Environmental sustainability
 - o Infrastructure
 - Planning & Regulation
 - o Parks sport and Public Spaces
 - o Communities Culture & Heritage
 - Water
- Bundaberg Regional Council
 - o Regional development & economic policy
 - o Natural resources & environment
 - o Roads & Infrastructure
 - o Finance
 - o Community Resilience & Connection
 - Community Livability Sport & Recreation
 - o Water, Waste and Renewable Economy
 - Governance & Integrity
 - o Arts, Heritage & Asset management

Portfolio Options

Below are four options for portfolios for discussion. Each option offers a different approach and focuses on various areas of responsibility. The options are:

- Option 1 Corporate Plan-based Structure
- Option 2 Organisational Structure-based Portfolio Model
- Option 3 Service Area-based Structure
- Option 4 Strategic Areas-based Portfolio Model

Detailed descriptions of these options and compositions are outlined in the following. Please note it is recommended that Portfolio leads are rotated every two years to ensure Councillors' knowledge is broadened across all local government functions in accordance with responsibilities under the *Local Government Act 2009*.

Councillor Portfolio Options

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	Option 1 - Corporate Plan		
Portfolio	Functional Area	Composition	
City Leadership	Communication Community Engagement Strategic Partnerships City Deal Smart City	One Councillor	
Strong Communities	Health Safety & Wellbeing Local Arts, Festivals & Events Diversity Physical, social & economic environment Community inclusion - ages, abilities & cultures	Two Councillors	
Quandamooka Country	Native Title Reconciliation	One Councillor	
Natural Environment	Natural assets, wildlife protection Vegetation management, marine & waterways Waste management Ecological sustainable development/planning Climate change & extreme weather impacts	Two Councillors	
Liveable Neighbourhoods	Planning, placemaking, management of community assets Economic, environmental & liveability outcomes Active transport Redland City Plan, LGIP	Two Councillors	
Thriving Economy	Vibrant connected precincts & centres	Two Councillors	
Efficient & Effective Organisation	Decrease costs, enhance customer experience Business transformation Build a thriving organisation Good governance Healthy work environment	One Councillor	

Councillor Portfolio Options

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Option 2 - Organisational Structure			
Portfolio	Functional Area	Composition	
Regional Matters and Advocacy	All matters	One Councillor	
Office of CEO	Business Transformation Corporate Plan	Two Councillors	
Organisational Services	All matters	Two Councillors	
Infrastructure and Operations	All matters	Two Councillors	
AMPED	Major Projects Economic Development	Two Councillors	
Community and Customer Services	All Matters	Two Councillors	

Option 3 - Service Areas			
Portfolio	Composition		
Regional Projects, Advocacy, Intergovernmental Relations & Disaster Management	One Councillor		
Business Transformation, Digital Transformation, Corporate Planning & Strategy	One Councillor		
Finance and Procurement	One Councillor		
Legal, Governance & Integrity	One Councillor		
Infrastructure, Operations & Asset Management	One Councillor		
Planning & Development	One Councillor		
Environment & Regulation	One Councillor		
Sport, Facilities, Communities & Community Resilience	One Councillor		
Customer, Cultural Services and Indigenous Partnerships	One Councillor		
Tourism, Events, Communications and Economic Development	One Councillor		
Waste, Water & Transport	One Councillor		

Councillor Portfolio Options

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Option 4 - Strategic Focus Areas		
Portfolio	Composition	
Olympics and Sporting Venues	One Councillor	
Smart Cities and Digital Transformation	One Councillor	
Economic Growth and Attraction	One Councillor	
Island Living and Connectivity	One Councillor	
Regional Planning and Infrastructure	One Councillor	
Cultural Heritage & Creative Industries	One Councillor	
Finance and Governance	One Councillor	
Community Assets, Environmental Resilience and Amenity	One Councillor	
Community Engagement and Social Inclusion	One Councillor	
Vibrant Destination and Events	One Councillor	
Accessible Services (three R's)	One Councillor	

Policy and Guideline

Attached is a draft Policy and Guideline that will provide Governance around the Councillor Portfolio Structure.

Councillor Portfolio Options

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Councillor Portfolios Policy

Policy Identifier: GOV-0XX-P

Approved by:
Date of Approval:
Effective Date:
Review Date:

Version:

Head of Power

Corporate Plan Our Future Redlands – A Corporate Plan to 2026 and Beyond Local Government Act 2009
Local Government Regulation 2012

Policy Objective

To provide a governance framework for Councillor Portfolios that will assist the organisation to facilitate engagement with the community and to advance the delivery of Council's strategic priorities.

Policy Statement

Redland City Council, through its Corporate Plan, is committed to providing services that deliver our community's shared vision and collective aspirations: *Naturally wonderful lifestyle. Connected community. Embracing opportunities.* We are a values led organisation and our organisational values encapsulate what we care about, influence how we operate and support our mission: Make a difference, make it count.

Council is committed to establishing an effective portfolio system that will:

- Lead the strategic direction of the organisation and contribute to the delivery of Council's Corporate Plan.
- Strengthen Council's decision-making process by ensuring Councillors have in-depth knowledge of portfolio matters.
- Provide strategic leadership opportunities for Councillors and enhance knowledge on strategic matters.
- Enhance Councillor engagement with the community.
- Strengthen Councillors and Executive Leadership Team engagement on strategic matters.
- Facilitate effective communication and information sharing between all Councillors on strategic matters
 of relevance to the portfolio.

Definitions

Term	Definition
Corporate Plan	Council's 5 year outline of the strategic direction of the local government as
	required pursuant to the Local Government Regulation 2012.
Portfolio	Specific areas of responsibilities relative to the delivery of key functions and
	services to the community.

For Corporate Governance Use Only					
Department:	Organisational Services	Group:	Corporate Governance	Page 1 of 2	

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Councillor Portfolios Policy

Associated Documents

Our Future Redlands – A Corporate Plan to 2026 and Beyond Councillor Portfolio Guideline (xxxxx)
Councillor Briefing Sessions and Workshops Guideline (A2841316)
Acceptable Requests Guideline (A316496)

Document Control

Only Council can approve amendments to this document by resolution of a Council Meeting, with the exception of administrative amendments which can be approved by the relevant ELT member. Refer to *Policy Instrument Development Manual* for an explanation on administrative amendments (A4063988).

Any requests to change the content of this document must be forwarded to relevant Service Manager(s).

Reviewed documents must be submitted to the Corporate Meetings and Registers Team to progress for final approval, publish and register.

Version Control

Version number	Date	Key Changes
1	Date/Month	New policy
	changes are	
	being made	

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Councillor Portfolios Guideline

Guideline Identifier: GOV-0XX-001-G

Approved by: General Manager Organisational Services

Date of Approval: Date this document was approved

Effective Date: Date this document comes into effect (normally approval date)

Review Date: Date this document should be reviewed (normally 3 years from date of approval

Version: 1

Scope

This guideline applies to the Mayor, Councillors and employees and any other persons engaged in the portfolio system for strategic matters.

Purpose

The purpose of this guideline is to provide a governance framework around the establishment of portfolios and appointment of Councillors to a portfolio. The guideline also outlines the role of portfolio Councillors in addition to their responsibilities as a Councillor under the *Local Government Act 2009*.

Actions and Responsibilities

Councillors and employees are to ensure their actions and responsibilities remain in accordance with legislation, policies, guidelines and respective codes of conduct.

Establishment of Portfolios

Portfolios should align to the core pillars of Council's Corporate Planning framework. In consultation with Councillors, the Executive Leadership Team will establish the portfolio areas after the development of the Corporate Plan.

Appointment of Councillors to Portfolios

Appointment of Councillors and proxies to portfolios will be by resolution of Council. A Councillor will be appointed for two-years on rotation, unless otherwise resolved by Council.

As prescribed in the Local *Government Act 2009*, the Councillors' responsibilities, endeavours, interest and influence must be focused on the strategic level of issues of their portfolio, and not the day-to-day operational matters that fall under the domain of the administration.

Role of Portfolio Councillors

In addition to their responsibilities as a Councillor under the *Local Government Act 2009*, Councillors appointed to a portfolio are required to:

- 1. Familiarise themselves with the Corporate Plan and Operational Plan, in particular the objectives, strategies, issues and activities which are relevant to their portfolio.
- 2. Keep informed of Council proposals, issues and activities relevant to their portfolio.
- 3. Act as the official Council spokesperson or representative on portfolio matters.

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Department:	Organisational Services	Group:	Corporate Governance	Page 1 of 4		

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Councillor Briefing Workshop 18 November 2024 - Session 9 Councillor Portfolios



Councillor Portfolios Guideline

- 4. Provide input and advice to Council employees (not direct employees) on portfolio matters.
- Be a key point of contact and engage with industry, community groups and associations on portfolio matters.
- 6. Ensure there is consistent communication and messaging on portfolio matters.
- 7. Provide advice and guidance to Council and the organisation on portfolio matters through participation, discussion and debate at Council Meetings.
- Keep the Mayor and the relevant divisional Councillor (as appropriate) fully informed on portfolio matters
- Lead the advancement of Council's key priorities and decision relevant to their portfolio responsibilities.

Limitations

- 1. Portfolio Councillors do not hold any specific statutory or governance responsibilities related to their portfolio beyond those which they ordinarily hold as an elected member.
- 2. The Local Government Act 2009 and the Portfolio system do not provide for formal delegated authority to a Portfolio Councillor for policy determination and operational decision-making for portfolio matters.
- 3. Consistent with the *Local Government Act 2009*, Portfolio Councillors must not give a direction to Council employees.

Engagement and Operating Procedures

Organisation

Portfolio Councillors will be supported by the organisation to enable them to:

- Be informed of portfolio matters and proposals proposed to be tabled at Council Meetings.
- · Be ready to present and advocate portfolio matters with the community.
- Be informed and understand the implications of decisions by Council and other levels of government on portfolio matters.

Executive Leadership Team and relevant Managers

The Executive Leadership Team and relevant managers are responsible for engagement with Portfolio Councillors:

- On all portfolio matters where there is an intention to develop a Council report.
- Where it is proposed to conduct community engagement activities on a portfolio matter.
- Where a portfolio matter is likely to generate media or strong community interest.

To ensure inclusivity, the Executive Leadership Team and relevant Managers:

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Councillor Briefing Workshop 18 November 2024 - Session 9 Councillor Portfolios



Councillor Portfolios Guideline

- should meet regularly with Portfolio Councillors to ensure they are kept informed of current information, issues and strategies that impact their portfolio.
- Will brief Portfolio Councillors on all reports proposed to be tabled at a Council Meeting to ensure they
 are fully briefed on the content and direction. The Portfolio Councillor must not direct the advice or
 recommendations in a report or delay the progress of a report.

Responsibilities of the Mayor

The Portfolio system does not override the functions of the Mayor as prescribed under Section 12 (4) of the Local Government Act 2009.

Communication and Media

(To be determined)

All media will be undertaken in accordance with Council's Media Policy and Guideline.

Reports to General Meetings of Council

Reports to a General Meeting of Council which relate to a portfolio, should be introduced by the Portfolio Councillor. The Portfolio Councillor does not have to agree with the Officer's Recommendation in a report, however should be aware a report is proposed for a meeting and is fully briefed on the content, directions and recommendations in the report.

Conflicts of Interest

Conflicts of Interests are to be managed in accordance with legislation and the Code of Conduct for Councillors in Queensland.

Definitions

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Department:	Organisational Services	Group:	Corporate Governance	Page 3 of 4

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Councillor Briefing Workshop 18 November 2024 - Session 9 Councillor Portfolios



Councillor Portfolios Guideline

Term	Definition		
CEO	Chief Executive Officer		
	A person who holds an appointment under section 194 of the Act. This		
	includes a person acting in this position.		
Corporate Plan	Council's 5 year outline of the strategic direction of the local government as		
	required by the Local Government Regulation 2012.		
Councillor/s	The Mayor and/or Councillors of Council, within the meaning of the Act.		
Employee	Local government employee:		
	(a) The CEO; or		
	(b) A person holding an appointment under section 196 of the Act.		
Executive Leadership	CEO, General Managers, Executive Group Managers.		
Team			
General Meeting	Statutory Meeting of Council.		
Portfolio	A specified strategic priority, service and/or function of Council.		
Portfolio Councillor	A Councillor who has been allocated responsibility of a portfolio by Council.		
Region / Regional	Redland City Council area defined by the Local Government Areas of		
	Queensland.		
Report	Documents and information that relate to the business to be dealt with at a		
	General Meeting of Council.		

Reference Documents

This Guideline has been developed to support the application or administration of GOV-XXX-P Councillors Portfolio Policy.

Associated Documents

GOV-004-004-G Acceptable Requests Priority Guideline

Code of Conduct for Councillors in Queensland

Document Control

Only an ELT member (of the relevant Department/Group) can approve amendments to this document. Any requests to change the content of this document must be forwarded to relevant Service Managers(s). Approved documents must be submitted to the Corporate Meetings and Registers Team for registration.

Version Information

Version number	Date	Key Changes
1	Date/Month	New guideline
	changes are	
	being made	

For Corporate Governance Use Only				
Department:	Organisational Services	Group:	Corporate Governance	Page 4 of 4

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From:

Sent on: Thursday, 14 November 2024 13:11:58

Subject: New material available in Diligent Boards - Cllr Briefing Program 18 November 2024

Dear Cllrs and ELT
The Councillor Briefing Program 18 November 2024 contains new material for you to view. Noting awaiting presentations for sessions 6, 7, 8 and 9.
Thanks

Please log into your Redland City Council site in Diligent Boards to view this new material. https://urldefense.com/v3/_https://aus01.safelinks.protection.outlook.com/?url=https*3A*2F*2Fdirector.diligentboards.com*2Fs*2FRedlandCC*2Fd*2FZGEk*2Fp*2F1*3Fb*3D9ZYd&data=05*7C02*7CMichelle.Richards*40redland.qld.gov.au*7C473ac15e78424c5fb3f208dd045ab7mN5LuXs8_W-zJQdZT3j1Wco_z3JCuliWvjvojjUhJbrriiaXtw_cNqjFYYwK5Ac3PU36LBSTRn84HTOg\$

From:

Sent on: Friday, 15 November 2024 15:05:31

 $\textbf{Subject:} \ \ \text{New material available in Diligent Boards - Cllr Briefing Program 18 November 2024 - Session 8 and 9}$

Dear Cllrs and ELT
The book Councillor Briefing Program 18 November 2024 contains new material for you to view - sessions 8 and 9.
Thanks

Please log into your Redland City Council site in Diligent Boards to view this new material. https://urldefense.com/v3/__https://aus01.safelinks.protection.outlook.com/? url=https://aus01.safelinks.protection.outlook.com/? url=https://a/2*PZ-FGetcion.outlook.ordi/gentboards.com/2*F2*PGetencodords.com/2*F2*PGetencodords.com/2*F2*PGetencodords.com/2*F2*PGEtencodords.

From:		
Sent on:	: Friday, 14 Febru	ary 2025 19:52:27
To:		
CC:		

Subject: Re: Portfolios

I believe you are correct about the mayors suggestion to leave until the CEO is appointed

Regards

Get Outlook for iOS

From:

Sent: Friday, February 14, 2025 7:50:25 PM

To: Cc:

Subject: Re: Portfolios

Hi

Portfolios and committees were workshopped with councillors as requested by councillors. I believe the Mayor may not have been in attendance at that Councillor workshop. is putting forward a notice of motion at February general meeting on portfolios.

The Mayor has previously advised me she does not want portfolios considered prior to the new CEO being appointed. Regards

Get Outlook for iOS

From:

Sent: Friday, February 14, 2025 7:00:49 PM

To Cc

Subject: Portfolios

Hi

Can you provide an outline of what information the Mayor had about a desire to implement Councillor representatives to Portfolios.

Thank you,

GENERAL MEETING MINUTES

18 DECEMBER 2024

18 NOTICES OF MOTION

18.1 CR JASON COLLEY - TO DEVELOP AND DELIVER AN ADVOCACY CAMPAIGN CONDEMNING BULLYING AND POOR BEHAVIOUR TOWARDS COUNCIL OFFICERS AND COUNCILLORS

Objective Reference: A11682575

Attachments: Nil

In accordance with section 6.16 of *Council Meeting Standing Orders*, at the General Meeting scheduled for Wednesday, 18 December 2024, notice is hereby given that Cr Colley intends to move the motion as follows:

COUNCIL RESOLUTION 2024/28371

Moved by: Cr Jason Colley Seconded by: Cr Lance Hewlett That Council resolves as follows:

- 1. To develop and deliver an advocacy campaign, fronted by the Mayor and Councillors, condemning bullying and poor behaviour towards Council officers and Councillors.
- To commit to taking pro-active action against bullying and poor conduct towards Council officers and Councillors on social media by:
 - (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.
 - (b) Refusing to engage with any social media posts/pages which could reasonably be determined to defame or unjustly damage the reputation of Council officers and/or Councillors.

CARRIED 11/0

Crs Jos Mitchell, Wendy Boglary, Peter Mitchell, Paul Gollè, Lance Hewlett, Shane Rendalls, Julie Talty, Rowanne McKenzie, Tracey Huges, Jason Colley and Paul Bishop voted FOR the motion.

The second

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Item 18.1

From:

Subject: Distribution of General Meeting Documents

Date: Priday, 14 February 2025 09:14:07

Good morning,

The Notice of Meeting, General Meeting Agenda and Confidential Meeting Agenda for the General Meeting scheduled 19 February 2025 are now available on Diligent Boards.

Please log into your Redland City Council site in Diligent Boards to view this new material.

Thank you,

GENERAL MEETING AGENDA 19 FEBRUARY 2025

18 NOTICES OF MOTION

18.1 DEPUTY MAYOR JULIE TALTY - COUNCILLOR REPRESENTATIVE PORTFOLIO STRUCTURE

Objective Reference: A11837371

Attachments: Nil

In accordance with section 6.16 of *Council Meeting Standing Orders*, at the General Meeting scheduled for Wednesday, 19 February 2025, notice is hereby given that Deputy Mayor Julie Talty intends to move the motion as follows:

MOTION

That Council resolves to request that a report be tabled at the General Meeting on 19 March 2025, finalising the Councillor Representative Portfolio Structure and the supporting Policy and Guideline.

BACKGROUND

At a Councillor Workshop on 18 November 2024, Councillors discussed the introduction of a portfolio structure and discussed various options. Discussions were held around how the portfolios would function and what the responsibilities would be. To ensure that it is clear that Portfolios have no decision-making powers and are predominantly a conduit between the organisation, Councillors and the community, I am proposing we introduce a Councillor Representative Portfolio structure.

Representative roles will focus on providing information and advocacy at General Meetings, ensuring that Council decisions reflect strategic and community priorities. This would be an additional communication and information channel designed to work in both directions. These roles rather than being aligned to group structures within Council's organisation, are representative roles and centre upon areas of service delivery and community interests.

Councillor Representative Portfolios will enhance governance and efficiency by streamlining communication and responsibility. Representatives serve as a direct point of contact for the organisation, Councillors and the community. This focused approach allows Councillors to develop expertise, ensuring good communication and informed decision-making. Moreover, it fosters a more collaborative environment for Councillors, improving its overall effectiveness and transparency.

All Divisional Area Councillors have been consulted and all those who expressed a desire to take on this extra role are included in their preferred portfolio area of interest in the following table. I request that the following Councillor Representative Portfolio structure and representative nominations be included in the report for consideration:

Item 18.1 Page 76

GENERAL MEETING AGENDA 19 FEBRUARY 2025

Portfolio	Representative/s
Planning, Strategic Planning and City Plan	Cr Rowanne McKenzie Cr Shane Rendalls (Deputy)
Waste, Waste Transfer Stations, Capping and Remediation	Cr Tracey Huges
Centres, Centres Strategy, Economic Development and Olympics Legacy	Cr Peter Mitchell Cr Jason Colley (Deputy)
Audit and Finance, Tourism, Galleries and RPAC	Cr Wendy Boglary
Community Sport and Facilities (sports fields, halls and leasing)	Cr Jason Colley
Parks and Open Space, Environment, Environmental Management, Local Laws, Indigiscapes, RSPCA Wildlife, Community Programs & Events and Tracks & Trails	Cr Julie Talty
Pest management, Mosquito Control and Fire Ant Management	Cr Paul Golle

Budget and Corporate Plan matters have not been included in any Representative Portfolio and will be workshopped with all Councillors as is currently the protocol. Current workshop programs and intent are not proposed to change with the introduction of these portfolio Representative roles, they are instead proposed to function as deliberate expanded and improved pathways of communication between the Councillors, service delivery groups within Council and the community.

Note: The Mayor has not been allocated an Representative role as she already leads multiple Committees and functions on behalf of Council, including the Local Disaster Management Group, Audit and Risk Management Committee, as well as represent Council in inter- governmental relations, LGAQ and Council of Mayors SEQ. The Mayor's role and those of all Councillors including Representatives will intersect and work to enhance information sharing, public understanding of services and delivery and roles of local government within our community. The Mayor also represents Council as a whole on all non-specific matters.

Item 18.1 Page 77

From: Jos Mitchell

Subject: Date:

Re: Confidential - written statement Thursday, 12 June 2025 12:04:16 PM

CAUTION: This email originated from outside of BDO in Australia. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Good morning

Attached are my 3am phone drafted notes. I went off script on the day and lost my place as I scrolled, so the recording will differ to my notes.

Kind regards Jos Mitchell

All following statements I make throughout this interview are my own personal opinion.

Firstly I state that I now don't think there is, based on evidence, any point to this process. I do not believe there is any natural justice.

I have had 3 investigations occurring over the last approx 6 months as well as other OIA complaints. Most or many of these complaints have apparently been anonymous.

While I am paying for my own legal costs, ratepayers are paying for the investigations and staff time about investigations relating my Facebook page, when I have pointed out issues of concern.

I am making this statement with the understanding that the information that should not be in the public realm, and that may impinge of my or my support person's privacy, will be redacted.

I should be able to provide my version of events and evidence without fear of reprisal. However, reprisal occurred after the release of the last report into the public realm, with the editor of the local paper texting me in the morning and then writing a negative story the same day. He believes he was mentioned in the report and wrote to council and then texted me. Then a negative news story followed the same day.

For the public record, I have also requested to see the unredacted version of the entire investigation report for the second investigation, by Ashdale. I have only been provided with a redacted version of the report while all other councillors have been able to see the unredacted version. How is that'll fair? One or more of those councillors could be the

complainant. One was a complaint in the first investigation.

I believe the complaints system is being used vexatiously. I wrote to the OIA advising of this months ago.

History of voting on investigations

The first investigation in relation to me determined outcomes of "unsubstantiated" on both complaints. Council then deliberated for about 2.5 hrs to determine its outcome. At that meeting, Dept of Local Gov reps were in attendance.

The second investigation delivered 2 further findings of "unsubstantiated". That report went to the May 2025 General Meeting. I asked that Dept of Local Gov reps be in attendance. Given the hostility, and what I heard about the previous process. I felt that would be appropriate. I was informed by the that the reps could not attend. Council voted in the majority (the same councillors who have exhibited strong hostility since the campaign period) to determine one of the complaints was substantiated.

As per the Act, I acknowledge the majority decision of council is council decision.

However, that resolution contains a factual error and I do not believe provides sufficient reasoning as to why the majority have chosen to disregard the independent investigation's determination.

I am now taking part in the third investigation.

Prior examples of outcomes Last term, I understand, the Conduct by an independent investigation. However, the majority voted to take no action.
I understand community petitions about an issue where never heard by council because the chose not to present them.
On another occasion, a councillor who spoke out about the was found not to have breached the Code of Conduct by an independent investigation but the same majority disregarded the independent investigation and resolved that had beached the Code.
I believe this illustrates a clear pattern and use of the current complaints system.
On every occasion I have spoken up about something I didn't believe was appropriate or right, there have been complaints. I believe this is another example of a technique to silence commentary about council or question areas of concern regarding the way things are done.
The argument that when you speak out about an issue you don't feel is right or express an opinion is bringing council into disrepute seems like an overreach and an attempt to control the dialogue.
Council has spent a considerable amount in tracking on-line commentary about the organisation. However, it has, on a number of occasions, left up negative commentary about me on its own Facebook page. I have had to send requests to remove the comments on a number of occasions.

Under this process a councillor can make a complaint anonymously and then vote in a
council meeting to determine the outcome of the very same complaint.
In my opinion, Redland City Council has many many good people working hard to deliver for our city but the relationship between councillors makes that job needlessly difficult at times.
I have been told that changes are being proposed to Redland City Investigation Policy that council will vote whether or not to send matters to investigation. That means the majority will be able to pick and choose which matters even get investigated.
If there is doesn't. majority, they will then control what gets investigated and what

matter was able to vote on whether or not it should be investigated.	

I am also confused, because I thought this process had already taken place when council voted to determine the investigation of the SMBI visit complaint. The complainant in that

From: Jos Mitchell

Sent on: Monday, 09 June 2025 19:55:08

To:

Subject: Jos Mitchell, Email from OIA titled - Fwd: URGENT: Your social media post

CAUTION: This email originated from outside of BDO in Australia. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Good afternoon

I'm following up with the information requested.

(1) Travel times btw France and UK

12-15 February 2025 incl time difference.

(2) Emails from OIA re Facebook post removal. There is one chain sent to my personal email (2a) and another sent to my work email (2b).

(3) Email from Council's re Facebook post.

(4) Facebook comments on other pages eg. Facebook page, Facebook page

Facebook page and Facebook page.

This is -

(2a) Below is an email trail sent to my private email by sent at about 8am on Saturday 17 May 2025.

The wording of my post is highlighted. The email from the contains some opinion and interpretation of the Facebook post I made, and then removed at the suggestion of the

I do not know who contacted the OIA or if further complaints are coming.

As I said during the interview, my concern has been that other mayors have both told me that they have received calls from contact directly from the OIA.

I have now had 7 complaints referred back to council for investigation relating to my Facebook page. 1 was withdrawn and 6 have progressed to investigation. All relate to posts in which I have referred to things that have occurred that I do not believe were appropriate. I was expressing my opinion in relation to those matters.

I believe the comments made by residents in this instance to be their personal opinion and neither damaging or defamatory.

As I said, I normally remove comments with names, as a matters of course, but that is a separate issue and not mentioned in the Dec 2025 resolution.

Regards Jos Mitchell

Begin forwarded message:

From:

Date: 20 May 2025 at 1:00:07 pm AEST

To: Jos Mitchell <josmitchell4mayor@gmail.com> Subject: RE: URGENT: Your social media post

Hi Mayor

I understand. There is a limit to what I can provide to anyone – the other party and yourself.

The other party was not told that I had written to you and I did not speak to media. The other party was told that I had taken some steps and the post was now down. Out of respect for yourself no further information was provided. Similarly, out of respect for the other party I don't feel I can provide further comment.

I did not receive a formal complaint about your post and the steps I took were in attempt to avoid the receipt of a formal complaint. It is perhaps that the removal of the post resolved their concerns but I have no information either way on that point.

Thanks for your time.

From: Jos Mitchell <josmitchell4mayor@gmail.com>

Sent: Tuesday, 20 May 2025 12:53 PM

To:

Subject: Re: URGENT: Your social media post

I very much appreciate the preventative approach by contacting me. I'd really like to close this one out because there are other OIA matters to deal with.

Thanks for letting me know you were contacted but it doesn't explain how the paper would know that you wrote to me.

Would you mind letting me know the below so I can understand how this occurred. I'm sure you can appreciate that this has now had a further detrimental impact to me and my reputation.

- (1) Does that mean that the person who contacted you with the concern was told that you would write to me?
- (2) Did the paper contact you for comment or did you provide follow up advice to the person who contacted you?

The only comment I provided was that I had taken some steps and understood the post was now down.

(3) Does this mean this is now subject to a complaint, or that a concern was raised by someone and my removing the post resolved their concern?

Kind regards Jos Mitchell

On 20 May 2025, at 7:27 am, wrote:

Thanks Mayor.

On Friday night and Saturday morning I received concerns about your social media post. As you are aware, one of the ways I approach my role is preventative ie understanding that the Act is complex and councillors won't always correlate a particular action with a concern under the Act. If I can take some steps to assist earlier rather than later, I will normally do so. Usually saves everyone some pain down the track! The only comment I provided was that I had taken some steps and understood the post was now down. I too am disappointed that that has been conveyed in the way it has been but I also acknowledge that the information I provided wasn't marked as confidential and would not, in itself, be taken as a matter for the councillor complaint framework. The Act talks about information "confidential to local government" and this information would not satisfy that definition. However, I acknowledge that it is symptomatic of the overarching big picture and note your concerns about confidentiality breaches across councillors. Let's discuss further next week.

From: Jos Mitchell < josmitchell4mayor@gmail.com>

Sent: Monday, 19 May 2025 8:42 PM

To:

Subject: Re: URGENT: Your social media post

Thanks for your reply. I am very concerned about the implication of a collective course of conduct and I am, quite seriously, unable to perform the functions of my role under the Local Government Act.

Could you please let me know what the OIA will do regarding the leak of your correspondence to me, dated Saturday 17 May 2025, to the local newspaper? I assume this involves 2 parties - the OIA and me. I did not leak the information so I would like to make a formal complaint. Could you please let me know the process?

Kind regards
Jos Mitchell

On 19 May 2025, at 11:29 am,
wrote:

Thanks Mayor for your email.

We all spend so much time at work that when you are feeling like this, we need to think through options.

It would be good to discuss further.
Kind Regards

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From: Jos Mitchell < josmitchell4mayor@gmail.com >

Sent: Sunday, 18 May 2025 7:52 AM

To:

Subject: Re: URGENT: Your social media post

Confidential

Good morning

Response timeframe

Thank you for your advice on a Saturday. I am on Stradbroke Island overnight for work with intermittent phone coverage. My work phone does not have coverage and I feel it important to reply, for the record. I tried to send yesterday but it does not appear to have gone through.

Response

I appreciate your advice and, in response to your email dated 17 May 2025, I immediately removed the social media post as you suggested. As per my previous email that looks like it did go through yesterday, the removal has resulted in immediate media coverage which also expressed a level of knowledge about the visit last week. It seems to imply wider

I have heard via numerous sources that complaints about me have also been made to the

I want to stress that I did not make comment in relation to the OIA process

The assumption that is the case is not correct.

I made general reference to information that was already in the public domain - An investigation process untaken by an external investigator.

I will state, for the record, that I do believe the OIA process is manifestly flawed in choosing to return complaints to a council to determine an outcome. I also believe allowing a complainant to vote in any part of the complaint process is unjust. I acknowledge that the OIA believes that is not the case.

Page 128 redacted for the following reason:

For the record, I consider that as having a negative impact upon the process and prejudicial towards me.	
process and prejudicial towards me.	

Kind regards Jos Mitchell

On 17 May 2025, at 8:06 am,

Dear Mayor Mitchell

My apologies for writing on a weekend. I acknowledge the importance of councillors being able to disconnect on a weekend.

I am aware of your facebook post on the evening of 16 May 2025 where you state:

FOLLOW FOR FACTS • Tomorrow, I'll be commenting on the ratepayer money being spent on OIA complaint investigations that have been found to be unsubstantiated; and I'll ask what you think that money could have been better spent on.

I am writing because I am concerned about your post, particularly in light of our discussion around social media when we visited council this week. I am hopeful my email may assist you in considering further steps.

In your facebook post you state – "that have been found to be unsubstantiated" and you reference "investigations", suggesting more than one. As you are aware, the second conduct breach matter is yet to be considered by councillors under section 150AG of the Local Government Act. As such, it is incorrect to suggest that multiple investigations have been unsubstantiated. My concern is that your post pre-empts a statutory process yet to be undertaken by your fellow councillors under section 150AG. This places them in a difficult position of the community believing an investigation has been unsubstantiated, when it has not. This arguably stifles their ability to perform their responsibilities under the Act.

Similarly, I strongly remind you that this is a matter in which you hold a conflict of interest. Any comment you intend to make today regarding this matter poses a real possibility of breaching section 150EZ of the LGA. I encourage you to either make no comment noting that the matter is still under consideration, or to seek your own legal advice regarding what you can say. I always encourage councillors to make no comment about conduct breach matters whilst the matter is still under consideration.

Your post suggests that complaints made to the OIA are a waste of ratepayer funds. Whilst I appreciate the financial impact these complaints do have on councils, the OIA very sparingly refers matters to local governments for consideration under section 150AG. Similarly, it is important that the community understands that local government officials have a duty to notify the OIA of concerns under section 150R of the Act. Similarly, we encourage members of the public to report concerns to us for consideration. A transparent and accountable system is premised on everyone feeling safe to make a complaint where they hold certain information.

Finally, I note the following comment on your post:

"Who were the complaints? Bet they were working with the voting cliq".

This comment should be moderated, as we discussed on Monday.

With this in mind, I encourage you to seek advice prior to any further statement on this matter. I also encourage you to consider whether the post should be amended or removed, out of respect for the process still to be undertaken.

Again, apologies for a weekend email, I am just hopeful this email may assist you in considering further posts today on this issue in particular.

Kind Regards

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in error please notify the sender by return email or telephone, and destroy and delete all copies. The Department does not accept any responsibility for any loss or damage that may result from reliance on, or use of, any information contained in this email and/or attachments.

From: <u>Jos Mitchell</u>							
Sent on: Monday, 09 June 2025 19:56:43							
To:							
Subject: Jos Mitchell - FILE NOTE -							

CAUTION: This email originated from outside of BDO in Australia. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Good morning

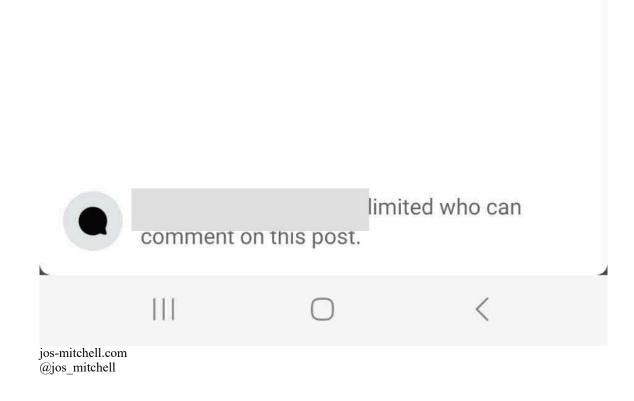
(4) For comparison re comments from other councillor Facebook pages. Here are comments recently left on Facebook page. mother.

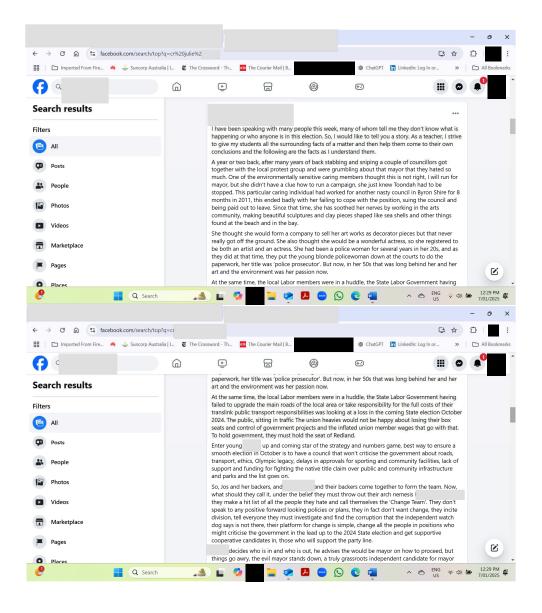
Regards Jos Mitchell

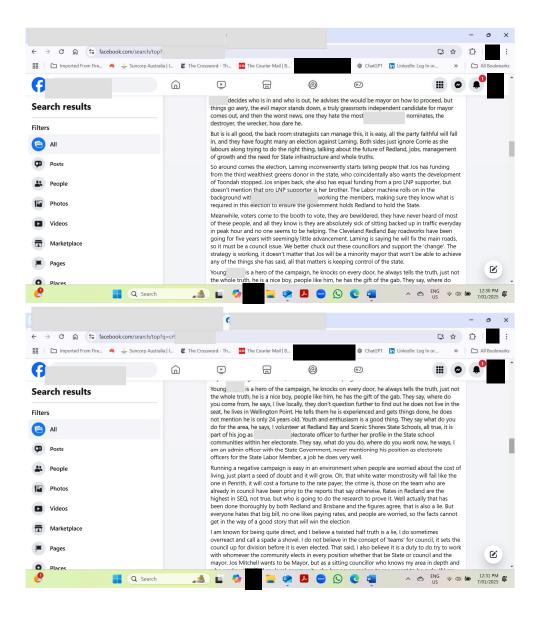
Subject: FILE NOTE -

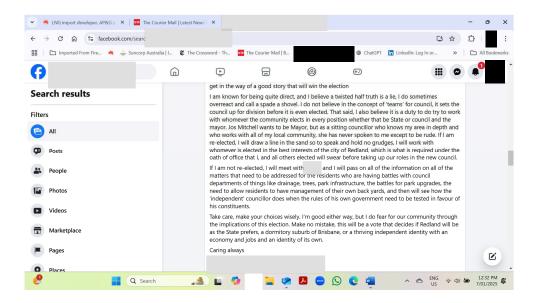
4 March 2025











Monday, 09 June 2025 22:03:11 Jos Mitchell - Fw: FILE NOTE - post rant 14 March 2024.docx (2.17 MB) is email originated from outside of BDO in Australia. Do not click links or ope	
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ing	
d was forwarded to me by a Redland resident. I blocked receiving a direct message from	from my social media during the election
ost refers to me as is correlates directly with my CV on LinkedIn	I have since changed settings on that app.
to be attached to the report, I ask that the sender's photo and ider e is very concerned about retribution by and a group of	ntifying information be removed/covered. He councillors and staff.
1	
itchell <jos4redlands@gmail.com></jos4redlands@gmail.com>	
dd virecost	was forwarded to me by a Redland resident. I blocked begiving a direct message from refers to me as is correlates directly with my CV on LinkedIng to remove the attached post just after the election (We met at However, did not remove the post and it was still visible as who sent me these screenshots in January 2025. be attached to the report, I ask that the sender's photo and ider is very concerned about retribution by and a group of

Sent: Tuesday, 7 January 2025 5:45 PM

To: Mayor Jos Mitchell < Jos. Mitchell@redland.qld.gov.au>

Subject: FILE NOTE -

<u>jos4redlands@gmail.com</u> appears similar to someone who previously sent you email, but may not be that person. <u>Learn why this could be a risk</u>

I have been forwarded the attached by a resident.

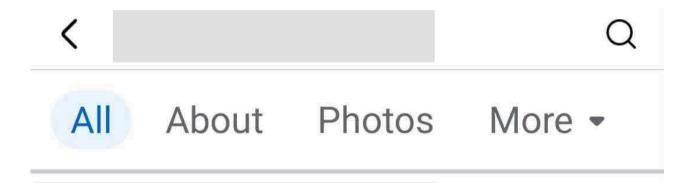
From:	Mayor Jos Mitchell					
Sent on:	Monday, 09 June 2025	22:16:21				
To:						
Subject:	Jos Mitchell Fwd: FIL	E NOTE -				
Attachments	: FILE NOTE -		(1013 KI	B), FILE NOTI	E -	(638 KB)
CAUTION: This e know the conten		e of BDO in Au	stralia. Do no	ot click links or op	en attachments unless	you recognise the sender and
Good morning						
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-						
In the commer worked in the	nts, comments are made		ring to a T	chirt worn by	who until ru another councillor,	nning for the election, that had "Be
Kind" written	on it.	SHC IS TOTAL	ing to a 1	-silit worli by	anomer councilior,	that had be
The other con	nment, which I would	aansidar da	famatory	to	is written by a re	gular commentator who I
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Regards Jos Mitchell						
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From: Jos Mitchell

Sent on: Monday, 13 January 2025 22:46:14

To: <u>Mayor Jos Mitchell</u>

Subject: FILE NOTE -

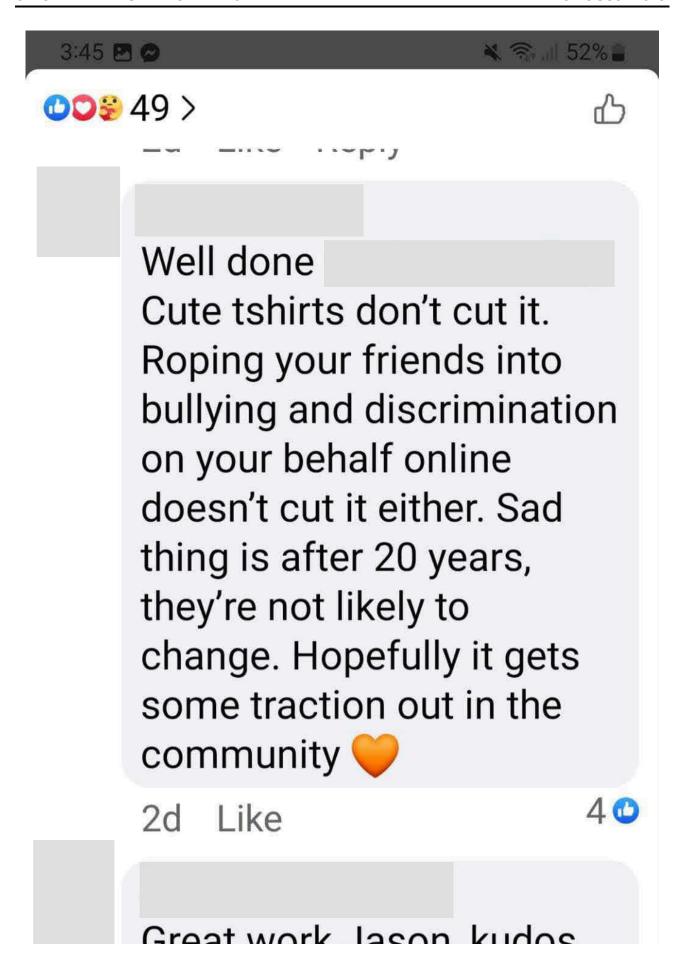


At this month's General Meeting, I presented a motion calling for Council to develop a campaign condemning bullying and poor behaviour towards council officers and councillors. It also called for a commitment from councillors to take positive action against this conduct on social media.

Thank you to for seconding my motion and to the mayor and councillors for your unanimous support. We have a

responsibility to model the standard of behaviour that is expected of the community.

Watch my full speech in the comments +



to you for confronting issues. Only hope you get the support to implement necessary changes

1d Like Reply

10



This sort of action needs to be addressed also



jos-mitchell.com @jos_mitchell

From: Jos Mitchell

Sent on: Tuesday, 10 June 2025 10:46:49

To:

Subject: Jos Mitchell - Time difference during travel

CAUTION: This email originated from outside of BDO in Australia. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Good morning

Apologies for the number of emails but I am responding to the points raised/queries raised during the interview.

Time difference between Paris, UK and Brisbane

I am not sure when the 19 February General Meeting Agenda was circulated to all councillors. I did not see it before I was made aware of the Redland City News article by a resident.

I am also not sure when the news article was posted. I just made my post when I was made aware of the article and the quotes made by the

This should also be evident from the record of the questions I asked in the General Meeting and the responses from the

There is an 8 hr time difference between Brisbane and Paris and a 9 hr time difference between Brisbane and London. There is also Daylight Savings and I'm not sure if that was in effect. I don't recall it was but I was pretty ill throughout.

I was in Paris until the morning of the 14 February (Paris time). I then travelled to the UK with my at about 9.30am, and arrived at about lunchtime - 12.30 -1pm.

2 weeks after the meeting, I also wasn't contacted to advise a cyclone was headed for Redlands. A QPS Acting Inspector, councillor and some community members informed me. Neither the

This is one of the aspects that I have been raising; that I am not kept informed about what is happening in council. The visit to the SMBI islands (1st investigation) and the changes to the Media Guideline (2nd investigation) are further examples of this.

I hope that provides enough information to answer the queries.

Regards Jos Mitchell

Your Ref:
Our Ref:
Direct Line:
Email:

20 June 2025

BDO

Level 10, 12 Creek Street
BRISBANE QLD 4000

BY EMAIL:



PRIVATE AND CONFIDENTIAL

Dear

RE: JOCELYN MITCHELL

We refer to the preliminary report. There are two (2) matters for further input.

Issue #1 - Further Documents

Upon further investigations due to an unrelated matter, our client has identified three (3) documents which, for completeness, are **enclosed**.

These documents had not been located, nor recalled, prior to discovering them recently (ie since the interview).

The documents are (in our client's words):

1. 2 emails dated 4 February 2025

I emailed the before leaving for the Council of Mayors (SEQ) delegation overseas to provide a handover.

I remember thinking about what to write for a while because I was worried about what they would try to push through while I was away. There had already been a push to appoint the while they knew I would be overseas. I had forgotten I had asked about portfolios. NB Media guideline changes had occurred without advice in December 2024 and this was the subject of OIA investigation #2 when I posted about that change.

replied to the emails advising she did not have time to meet and did not provide any information re portfolios. NB All councillors were aware of when I was leaving and of my travel dates. They had all been advised in advance during a general meeting as I transparently tabled a report and ensured there was no cost to council for my travel (That meeting is another example of conduct by the same group of councillors - Dec 2024) and the dates were also raised again in a workshop.

 An email dated 15 February 2025 from recently since the interview).

that I hadn't read before (ie discovered only

This was sent after my Facebook post, which was made on the 14 February 2025.

Robinson Locke Litigation Lawyers Pty Ltd ABN 96 151 428 929

Level 10, 420 George Street BRISBANE QLD 4000 Telephone: (07) 3210 5200 Web: www.robinsonlocke.com.au PO Box 12019 GEORGE ST QLD 4003 Email: mail@robinsonlocke.com.au

"Liability limited by a scheme approved under professional standards legislation."

BDO

Re: Jocelyn Mitchell - C24 00988

20 June 2025

I returned early from leave because of the approaching Tropical Cyclone Alfred - 4 March did not contact me to advise of the cyclone. Instead, I learnt via QPS A/Insp community members and another councillor.

These respectfully show that the did not address portfolios, even when given opportunity.

As can be seen, in the background history of changes to documents without advice (including the Media Guideline as per investigation, exclusion from meetings and visits (including the SMBI visit as per investigation and the general conduct of some Councillors and senior staff, our client was trying to understand what they planned to do while she was away on the Council of Mayors (SEQ) delegation.

Issue #2 - Lack of Good Faith Issue

We raised in our letter to you of 4 June 2025 that, for various reasons, the complaint has been pursued for ulterior purpose and not in good faith. This is significant due to the contents of Section 150AWA of the *Local Government Act*, regarding vexatious complainants.

Your comments in the last paragraph to the second allegation identify concerns similar to that complaint appearing on other Councillor Facebook pages.

If so, it would be hypocritical for such complainant to proceed and clearly the complaint is not in good faith. We have explained in our earlier letter our reasoning regarding the above.

We respectfully submit that you should identify this issue in your report, and even though the complainant is unidentified, call out the lack of good faith. This is a matter that ought be dealt with by OIA after your report is completed. However, we respectfully submit it ought form part of your report.

Should you have any queries, please contact

f this office.

Yours faithfully ROBINSON LOCKE

Mayor Jos Mitchell			
From:			
Sent:	Tuesday, 4 February 2	025 12:42 PM	
Го:	Mayor Jos Mitchell		
Subject:	Re: Handover		
Thank you Jos			
will, and am happy to proschedule today and vour	departure this evening, I	don't think we will be able	
would like me to do (the s confirm that I would not b not be making any directi	e to clarify if I am here would be to handove staff can convey any info be taking any steps or act ons etc to the organisati	while you are on leave er, but happy to take any m rmation I expect). Similarly tions that would not be rur on other than the simple ru	of the mill activities and will unning of the general meeting
etc or any disaster manag	gement that may unexpe	ctedly come up with advic	e and support of the group.
With thanks, and good lu	ck with your trip, I hope y	ou find stacks of interesting	ng matters to bring back and
discuss. I hope you feel b	etter quickly and travel s	safe.	
Get Outlook for iOS		EMAL TO	
		Ellitte 10	
From: Mayor Jos Mitchell <jo Sent: <u>Tuesda</u>y, February 4, 20</jo 	(1977년 1977년 1일	/.au>	
Го			
Subject: Handover			
		1	
		1	

Good morning We have councillor briefings this morning. Do you have time to catch up so we can do a handover? Either before of after. As everyone knows and, as previously discussed, I'll be attending the COMSEQ mission from tonight until the 14 February. I'll be dialing into the general meeting on the 19 February. Thank you for agreeing to chair the meeting. I've heard from some other councillors that you've approached them and offered them portfolios so it would also be good to hear what's happening. See you soon. Thanks Cr Jos Mitchell **Mayor of Redland City Redland City Council** P+617 3829 8623 Redland Redlands I acknowledge the traditional custodians of the lands and seas where I work. I pay my respects to Elders, past, present and future.

Pages 153 through 154 redacted for the following reasons:

Your Ref: Our Ref: Direct Line: Email:

4 June 2025



BDO

Level 10, 12 Creek Street BRISBANE QLD 4000

BY EMAIL:

PRIVATE AND CONFIDENTIAL

Dear

RE: JOCELYN MITCHELL

We write to provide submissions on behalf of Jos Mitchell in response to your letter of 28 May 2025. The aim of this letter is to assist in your investigation.

The complaints

The complaints are

- 1. Complaint #1 -S. 150K(1)(a)
 - Engaged in a conduct breach pursuant to section 150K(1)(a) of the Local Government Act 2009 (Qld) [the Act] in that the mayor's conduct contravened behavioural standard 3.3 of the code of conduct for councillors in Queensland.

This is said to have arisen through Mayor Mitchell's comments about a media article published in the Redland City News on 14 February 2025, which the Mayor reposted on her Facebook page, titled: "I AM DEEPLY CONCERNED TO READ THIS IN THE LOCAL MEDIA". In the post it is alleged Mayor Mitchell falsely claimed that she had not been consulted nor had input towards the major proposed restructuring of the Council, and that the proposal that Mayor Mitchell would not be assigned a portfolio had been put forward without her knowledge or consent.

- 2. Complaint #2 S. 150K(1)(b)
 - 2. Engaged in a conduct breach pursuant to section 150K(1)(b) of the Act 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.

The nature of a conduct breach

By s. 150SD(4)(a) of the Act, the Assessor only refers a matter to the Local Government for a "conduct breach".

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BDO

Re: Jocelyn Mitchell 4 June 2025

By s. 150K the concept of a Conduct Breach is defined:

150K What is a conduct breach

- (1) The conduct of a councillor is a conduct breach if the conduct contravenes—
 - (a) a behavioural standard; or
 - (b) a policy, procedure or resolution of the local government.
- (2) Also, the conduct of a councillor is a conduct breach if-
 - (a) the conduct contravenes an order of the chairperson of a local government meeting for the councillor to leave and stay away from the place at which the meeting is being held;
 - (b) for conduct of a councillor, including the chairperson, at local government meetings—it is part of a course of conduct leading to orders for unsuitable meeting conduct being made against the councillor on 3 occasions within a period of 1 year.
- (3) For subsection (2)(b)—
 - (a) the conduct that led to the orders being made, taken together, is the conduct breach;
 - (b) orders for the councillor's unsuitable meeting conduct include any orders made against the councillor as the chairperson of a local government meeting.
- (4) However, a conduct breach does not include conduct that is-
 - (a) unsuitable meeting conduct, to the extent the conduct is not conduct mentioned in subsection (2); or
 - (b) misconduct; or
 - (c) corrupt conduct.

Burden of Proof

It is worthy of note that that this is a disciplinary matter. Therefore, Briginshaw Test must apply.

The usual extract cited for this point is from the judgment of Dixion J in the case *Briginshaw v Briginshaw [1938] HCA 34; (1938) 60 CLR 336* [emphasis added by underlining]:

Except upon criminal issues to be proved by the prosecution, it is enough that the affirmative of an allegation is made out to the <u>reasonable satisfaction</u> of the tribunal. <u>But reasonable satisfaction</u> is not a state of mind that is attained or established independently of the nature and consequence of the fact or facts to be proved. The seriousness of an allegation made, the inherent unlikelihood of an occurrence of a given description, or the gravity of the consequences flowing from a particular finding are considerations which must affect the answer to the question whether the issue has been proved to the reasonable satisfaction of the tribunal. In such matters "reasonable satisfaction" should not be produced by inexact proofs, indefinite testimony, or indirect inferences. ... This does not mean that some standard of persuasion is fixed intermediate between the satisfaction beyond reasonable doubt required upon a criminal inquest and the reasonable satisfaction which in a civil issue may, not must, be based on a preponderance of probability. It means that the <u>nature of the issue necessarily affects the process by which reasonable satisfaction is attained</u>.

Accordingly, this is not simply a matter to be assessed in the usual way on the balance of probabilities.

Relevant Law - Complaint #1 - s. 150K(1)(a)

The concept of a behavioural standard refers to a standard in the Code of Conduct.

BDO

Re: Jocelyn Mitchell

4 June 2025

The letter from OIA refers to clause 3.3 of the Code of Conduct, being:

3. 'Ensure conduct does not reflect adversely on the REPUTATION of the local government'.

3.3 'At all times 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.

This should be read in context of the preamble to the Code on page 4:

Each standard of behaviour is not intended to cover every possible scenario. However, they provide general guidance about the manner in which councillors are expected to conduct themselves. It is important to note that the principles, values and standards set out in the Code of Conduct are of equal importance.

From paragraph 3.3, it can be seen that:

- 1. Firstly, there are 2 limbs:
 - (a) to strive to maintain and strengthen public trust and confidence in the integrity local and government; and
 - (b) to avoid action which might diminish the standing, authority or dignity of the Council.

First Limb - subjective intention required

- 2. The first limb requires the Councillor to strive to achieve the relevant standard. It is not an absolute statement that anything that is different from the standard is a breach. The standard could only be breached if the Councillor did not "strive" to achieve the standard.
- 3. In concept, to "strive" is to make significant efforts to achieve the result.
- 4. To strive to do something requires the <u>subjective intention</u> of the Councillor to achieve the
- As such for there to be a breach the first limb, it must be demonstrated that the Councillor, subjectively, did not make efforts to maintain the relevant public trust and confidence in the integrity of Council.

First Limb - public trust and confidence in the integrity local and government

- 6. The second part of the first limb is directed to the reputation of Council as a whole.
- 7. Conceivably, an action might denigrate Council's reputation and therefore infringe the section.
- However, if an action upholds one part of Council's reputation, but diminishes another part then clearly some weighing process is required as to whether overall the action is beneficial.
- 9. This is clearly not a mathematical exercise but a broadbrush assessment.
- 10. Take for example an action which upholds the dignity of one Councillor (eg the Mayor) but might be seen as affecting the reputation in some way of another councillor (or even group of Councillors).

BDO

: Jocelyn Mitchell

4 June 2025

First Limb - overarching summary

11. Putting the above together, to infringe the first limb of paragraph 3.3 there must be a finding that the subjective intention of the Councillor was overall to diminish public trust and confidence in the integrity local and government.

Second Limb- subjective intention required

- 12. The second limb requires the Councillor to avoid action which might diminish the standing, authority or dignity of the Council.
- 13. To avoid something requires intention to take a step to prevent something occurring hence again requires demonstration of a <u>subjective element</u>.
- 14. As such for there to be a breach of the second limb, it must be demonstrated that the Councillor, subjectively, did something which did not avoid action which might diminish the standing, authority or dignity of the Council.

Second Limb - diminish the standing, authority or dignity of the Council

- 15. Similar to the first limb, this is directed to the reputation of Council as a whole.
- 16. Again, to assess an action which upholds one part of Council's <u>standing</u>, <u>authority or dignity</u>, but diminishes another part, clearly some weighing process is required as to whether overall the action is negative to Council.
- 17. Again, this is clearly not a mathematical exercise but a broadbrush assessment.

Second Limb - overarching summary

18. Putting the above together, to infringe the second limb of paragraph 3.3 there must be a finding that the subjective intention of the Councillor was overall to diminish of Council's standing, authority or dignity.

Relevant Law - Complaint #2 - s. 150K(1)(b)

It is complained that actions contravene a resolution of Council made on 18 December 2024.

In concept it could not possibly be any conduct inconsistent with the resolution that constitutes breach. Breach must require the conduct contravene in a substantial way to be worthy of a conduct breach.

This conduct must be assessed on an objective basis.

Consideration of the facts

Our client will cooperate in an interview, and provide information as needed. We shall not repeat that information here.

However, we make the following submissions to assist:

Count #1 - s. 150K(1)(a)

- 1. Jos Mitchell, as mayor, is part of Council.
- 2. The thrust of this complaint is that she falsely claimed:

BDO Re: Jocelyn Mitchell

4 June 2025

- (a) She had not been consulted, nor had input towards restructuring of council; and
- (b) As Mayor, she would not be assigned a portfolio.
- 3. Her position, as she will explain, is that these matters are correct in that:
 - (a) She had not been consulted, nor had input towards restructuring of council. In fact, she was overseas, on Council business, when this was raised
 - (b) As Mayor, she has not been assigned a portfolio.
- 4. Her comments were clearly aimed at upholding (ie maintaining and strengthening) public trust and confidence in the integrity local and government namely in herself as Mayor.
- Her actions were such as to avoid action which might diminish the standing, authority or dignity of the Council. It is critical to the dignity of Council that the elected representatives have proper voice.
- 6. All of this should be assessed from her subjective opinion which she expressed very clearly.
- 7. She clearly:
 - (a) Aimed to uphold the public trust and confidence in the integrity local and government; and
 - (b) Had no intention of doing anything which might diminish of Council's standing, authority or dignity

Count #2 - s. 150K(1)(b)

We understand Jos Mitchell will explain that she was not aware of any offending posts on social media – and that is notwithstanding diligent monitoring of same.

She can only possibly do what is possible. If she was not aware of commentary, then it would not be possible to remove it.

Certainly, prior to your investigation, no person, Councillor or otherwise, notified her of the posts referred to in your email of 2 June 2025. One would have thought that a genuine and sincere approach by the complainant, whomever that is, would be to contact Jos Mitchell.

Possible lack of good faith in making complaint

S. 150AWA relates to vexatious complainants. The concept of a vexatious complainant can arise where at least 3 complaints have been made other than in good faith.

Whilst that is not the primary focus of your investigation, whether or not your recommendation is to dismiss, your report should consider whether the complaint has been made in good faith. This must be relevant to the 3-strikes in s. 151AWA.

The important point is that responding to the complaint will clearly take up a lot of the Mayor's time – distracting her from being able to perform her duly elected role.

The importance of this can perhaps be seen from an email on 19 May 2025 from to the Mayor:

Dear Mayor,

As we approach the conclusion of the budget process, I believe it is critical that you are engaged in the budget deliberations. I would respectfully request that you listen to the

BDO

Re: Jocelyn Mitchell

4 June 2025

budget discussions, participate in person in the budget discussions, and present your preferred position and rationale at the next meeting.

Many thanks,

The Mayor's response is worthy of note:

Good evening

I request that if you have a suggestion, you contact me directly and cease your group email approach. I assume, as you continue to do it, it is an attempt to belittle and try to create a record for some purpose.

Your email infers I do not participate or listen and I find that offensive.

Unfortunately, OIA complaints utilise a great deal of my time and I would prefer to be able to spend my time solely focused on important issues.

Regards

It can be seen that one Councillor has expressed concern that the Mayor is not participating adequately in Council affairs. Whilst that is strenuously denied, the fact and significance of distraction from her duly elected role by responding to this complaint can be seen clearly.

The identity of the complainant is not known. However, it seems a clear inference that it is motivated by political purposes to distract the Mayor from being able to put 100% of her time on Council affairs. This is particularly so of the second complaint, where there has been no prior concern raised.

As to the significance and veracity of this point:

- You are aware of previous complaint, from your previous investigation, which you
 recommended to be dismissed:
- 2. Since then, a second complaint was investigated by another investigator.
- 3. There have been other complaints to OIA, dismissed by it;
- 4. There was complaint about the legal costs of responding to Complaints might have been a gift.

The sheer volume of complaints raises suspicion and, we submit, a clear inference that it is not made in good faith.

In anticipation you agree:

- The finding of bad faith (ie improper motives) should itself be a basis to dismiss; and
- We submit your role includes comment about this issue in your report.

Conclusion

The result is that there has been no conduct breach and there should be a finding under s. 150A that there is no conduct breach, and the charges should be dismissed.

As stated above, we also press for inclusion in your report about whether the complaint has been made in good faith.

		/	
BDO			
Re:	Jocelyn Mitchell		4 June 2025
S	hould you have any queries, please contac		
	ours faithfully		
<u>R</u>	OBINSON LOCKE		

Office of the **Independent Assessor**



Our ref: C/25/00117, C/25/00118

13 March 2025

Redland City Council

By email:

REFERRAL NOTICE (Section 150AC Local Government Act 2009)

Dear

On 18 February 2025, the Office of the Independent Assessor (OIA) received two notifications in relation to the conduct of Mayor Jocelyn Mitchell of Redland City Council.

Details of the conduct and complaint¹

The two notifications registered as C/25/00117 and C/25/00118 were received by the OIA on 18 February 2025 and involved the same substantive issues, alleging that:

Allegation 1:

It is alleged that Mayor Mitchell engaged in a conduct breach pursuant to section 150K(1)(a) of the Local Government Act 2009 (Qld) [the Act] in that the mayor's conduct contravened behavioral standard 3.3 of the code of conduct for councillors in Queensland. This is said to have arisen through Mayor Mitchell's comments about a media article published in the Redland City News on 14 February 2025, which the Mayor reposted on her Facebook page, titled: "I AM DEEPLY CONCERNED TO READ THIS IN THE LOCAL MEDIA". In the post it is alleged Mayor Mitchell falsely claimed that she had not been consulted nor had input towards the major proposed restructuring of the Council, and that the proposal that Mayor Mitchell would not be assigned a portfolio had been put forward without her knowledge or consent.

Allegation 2:

It is also alleged that Mayor Mitchell engaged in a conduct breach pursuant to section 150K(1)(b) of the Act 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.

This matter has now been assessed.

Office of the Independent Assessor PO Box 15031 City East Qld 4002

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¹ Local Government Act 2009, s 150AC(2)(a).

Reasons why the assessor (or delegate) reasonably suspects a conduct breach²

In conducting this assessment, I considered the application of Chapter 5A of the *Local Government Act 2009* (Qld) [the Act], in particular:

- the reasons the assessor must dismiss the notifications or decide to take no further action in relation to the notice or information.³
- the reasons the assessor may dismiss the notifications or decide to take no further action in relation to the notice or information,⁴ and
- other factors the assessor may have regard to.⁵

Having considered all the information available, I am satisfied that the provisions of this chapter do not require the notifications to be dismissed or for no further action to be taken.

I also reasonably suspect the conduct the subject of the notifications, if proven, is a conduct breach. I have decided to refer the matter to the Council to deal with. 7

Based on the evidence discussed below, I reasonably suspect that Mayor Jos Mitchell has engaged in the following conduct breach/es from the relevant notifications:

Allegation 1

I reasonably suspect that Mayor Mitchell had engaged in a conduct breach as defined by section 150K(1)(a) of the *Local Government Act 2009* (the Act) on the basis that the conduct contravenes a behavioral standard set out in the code of conduct for councillors in Queensland, including but not limited to standard 3.3 that councillors will at a minimum 'At all times 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.'

Allegation 2

I reasonably suspect that Mayor Mitchell failed to moderate her Facebook page to remove commentary that could reasonably be said to be unfair or damaging to the reputation of councillors. Council had, on 18 December 2024, passed a resolution in relation to online bullying and councillors being responsible for the pro-active management of such commentary including:

- '(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.
- (b) Refusing to engage with any social media posts/pages which could reasonably be determined to defame or unjustly damage the reputation of Council officers and/or Councillors.'

This conduct is reasonably suspected of being a conduct breach as defined by section 150K(1)(b) of the Act on the basis that the conduct contravened a resolution of the local government.



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² Ibid s 150AC(2)(b).

³ Ibid s 150SD(2)(a) - (e).

⁴ Ibid s 150SD(3)(a) - (e).

⁵ Ibid s 150SD(5)(a) - (c).

⁶ Ibid s 150K.

⁷ Ibid s 150SD(4)(a).

Information about the facts and circumstances forming the reasonable suspicion8

In making this decision, I considered the following information:

- The notifications received.
- Social media posts and media articles.
- Minutes and recordings of the Redland City Council ordinary meeting of 18 December 2024
- Information obtained from the Redland City Council as a part of a preliminary assessment of the complaint.
- Relevant provisions of the Act.
- The Queensland Human Rights Act 2019 sections 15, 21, 23 and 25.

The two notifications raised similar issues and information as evidence that Mayor Mitchell had engaged in a conduct breach by making false and misleading claims in Facebook posts that she had not been consulted nor had input towards the major proposed restructuring of the Council, and that the proposal she would not be assigned a portfolio had been put forward without her knowledge or consent.

Allegation 1 - false and misleading statements

Social media post on 28 January 2025

On 14 February 2025, on her mayoral Facebook page, Mayor Mitchell shared a media article published in the Redland City News stating that she was, "deeply concerned to read this in the local media and that she had not been consulted nor had input towards this major proposal restructuring of our council".

In speaking to the news article Mayor Mitchell additionally wrote, "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."

Evidence contrary to the mayor's assertions about her knowledge of the proposed portfolio structure

The notifications raised that the mayor's claims in respect of her awareness of the proposed portfolio structure are knowingly or recklessly false or misleading and have resulted in highly negative commentary about other councillors and the Council generally from members of the community, purportedly reducing community confidence in the integrity of the local government.

Information in the possession of the OIA identified the following instances where the mayor received communications or notifications regarding the proposed guidelines that would indicate that she was aware of the proposed changes prior to 14 February 2025:

- Implementing a portfolio system at Council was discussed with Mayor Mitchell and the other councillors at an informal meeting on 2 May 2024.
- Councillors received a briefing on the Portfolio at a scheduled briefing day on 18 November 2024. Councillors, including the mayor, received the briefing program and material approximately five days prior to the briefing

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⁸ Ibid. s 150AC(2)(c).

- The briefing program is attached to councillor's calendar bookings and the briefing papers are uploaded to Diligent Boards for pre reading prior to the briefing day
- Briefings are recorded and available soon after on Microsoft teams which the mayor has
 access to and the mayor had the opportunity to pre read the material listen to the briefing
 discussions and provide input on the implementation of the Portfolio system
- Claiming that a Portfolio system is a 'major restructuring of our Council' is also misinformation
 to the public. This statement implied that Councillors were making significant changes to the
 way that Council operated internally, which is reportedly not the case. The mayor had access
 to the General Meeting Agenda via Diligent Boards on the morning of February 14th and was
 able to read the proposed motion prior to making this allegedly untrue statement on her social
 media page.
- After the social media post, the mayor advised senior staff members that she did not want
 portfolios considered prior to the new CEO being appointed. A clear indication the mayor had
 knowledge about the matter relating to the proposal to have Portfolios.

Allegation 2 - breach of a council resolution

Evidence relating to allegation 2

On 18 December 2024, during an ordinary meeting of council a motion was moved, and unanimously carried, that council resolved:

- 1. To develop and deliver an advocacy campaign, fronted by the Mayor and Councillors, condemning bullying and poor behaviour towards Council officers and Councillors.
- 2. To commit to taking pro-active action against bullying and poor conduct towards Council officers and Councillors on social media by:
 - 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.
 - Refusing to engage with any social media posts/pages which could reasonably be determined to defame or unjustly damage the reputation of Council officers and/or Councillors.

In response to Mayor Mitchell's Facebook post of 14 February 2025, there was extensive commentary by third parties. Several of the comments from people who presented as members of the community could reasonably be considered to defame or unjustly damage the reputation of councillors and the Council.

Below are only some of the examples raised in the complaints of the allegedly unfair and damaging comments by members of the community which at the time of the complaint remained published on the mayor's Facebook page:

Get rid of the troublemakers Mayor Jos. Their noses have been in the trough too long. 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."

"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"



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"This is an absolute disgrace. The community does not deserve such blatant disregard and contempt"

Himmon seems to this 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

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

Maybe needs to remember that we voted Jos Mitchell in as Mayor not is a councillor and possibly all the councillors who support her 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.

It is suspected that Mayor Mitchell failed to moderate her Facebook page to remove potentially defamatory and/or inappropriate commentary by members of the community, as required by council's resolution passed on 18 December 2024 in relation to online bullying.

The responsibility for the mayor to moderate her Facebook page by removing potentially defamatory comments by third-parties, such as other Facebook users, was also highlighted in the High Court decision of *Fairfax Media Publications Pty Ltd v Voller*⁹, which related to third-party posts which were defamatory in nature that may expose a person to civil liability for defamation.

The case of Voller held that by maintaining public Facebook pages where defamatory comments were posted, the appellants facilitated, encouraged, and thereby assisted the posting of comments by the third-party Facebook users, rendering the appellants publishers of the defamatory comments.

By virtue of the Court's decision in Voller, it could be argued that by posting an initial statement and inviting comments from third parties, Mayor Mitchell could be considered to be the publisher of comments made by third-party Facebook users on her page as and when they are accessible in a comprehensible form by another Facebook user.

Council's Investigation of the Suspected Conduct Breach

Please note, that councils are now responsible for the natural justice process, that is, asking a councillor for their side of the story, before a decision is made. This was previously done by the OIA as a section 150AA Notice for inappropriate conduct. The OIA will no longer be providing such material.

This referral of a suspected conduct breach must be managed in accordance with the Council's investigation policy.¹⁰

Council must investigate the suspected conduct breach after receiving a referral notice unless:11

- · the complainant withdraws the complaint;
- the complainant consents to the investigation not being started or being discontinued;
- there is insufficient information to investigate the conduct.

¹¹ Ibid s 150AEA.



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⁹ Fairfax Media Publications Pty Ltd v Voller (2021) 392 ALR 540

¹⁰ Ibid s 150AE.

After conducting an investigation, the Council must decide whether the councillor has engaged in inappropriate conduct and what action, if any, the Council will take to discipline the councillor. ¹² ¹³

The Council has certain obligations under the Act where an investigation report about a suspected conduct breach is given to the Council to assist in the making of a decision at a Council meeting.

Before making a decision, Council must prepare a summary of the investigation report and make the summary publicly available on or before the day and time prescribed by regulation. The summary must include certain particulars as listed in the Act, 4 excepting the following information, namely:

- if the investigation relates to the conduct of a councillor that was the subject of a complaint

 the name of the person who made the complaint or any other person, other than the councillor; or information that could reasonably identify the person who made the complaint or any other person other than the councillor;
- if a person, other than the councillor, provided information for the purposes of the
 investigation including, for example, by giving an interview or making a submission or
 affidavit the name of the person or information that could reasonably be expected to
 identify the person or any other person, other than the councillor;
- any other information the local government is entitled or required to keep confidential under a law. ¹⁵

After making a decision, the Council must make the investigation report publicly available. If the decision is made at a Council meeting, the investigation report must be made publicly available on or before the day and time prescribed by regulation. In any other case, the investigation report must be made publicly available within 10 business days after the decision is made.¹⁶

Notice to the Independent Assessor after Council Decision

The Council must give the Independent Assessor a notice as soon as practicable after deciding:

- not to start, or to discontinue, an investigation of the councillor's; or
- whether or not the councillor has engaged in a conduct breach.¹⁷

The notice must state the decision, the reasons for the decision and, if disciplinary action is taken by the Council under section 150AH, the details of the order.



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¹² Ibid s 150AG.

 $^{^{13}}$ lbid s 150AH.

¹⁴ Ibid s 150AFA(4).

¹⁵ Ibid s 150AFA(5).

¹⁶ Ibid s 150AGA. ¹⁷ Ibid s 150AHA.

If you have any questions about this referral to Council, please contact Senior Assessment Officer			
in you have any queedione about this followard to countrie, produce contact contact reconstruction			
Yours sincerely			



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Council of Mayors

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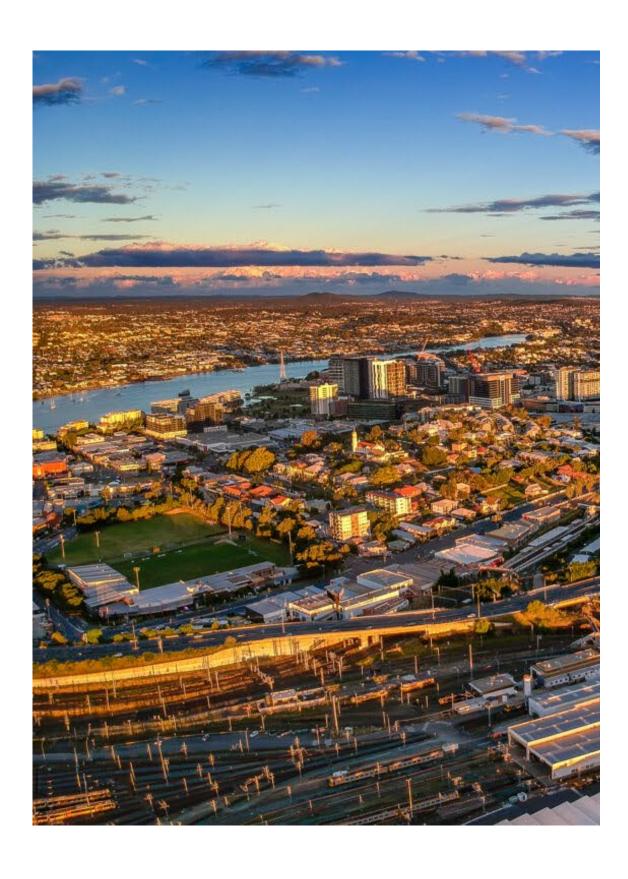
Item 4.1- Attachment 2

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Mayors lead global search to deliver lasting legacy for South East Queensland

• January 30, 2025

The Mayors of South East Queensland will embark on a 10-day mission to meet with global leaders and examine legacy opportunities that will help keep South East Queensland moving now, during the 2032 Games and beyond.



The Mayors of South East Queensland will embark on a 10-day mission to meet with global leaders and examine legacy opportunities that will help keep South East Queensland moving now, during the 2032 Games and beyond.

The delegation will examine transport, urban renewal, housing and waste management opportunities, as well as emerging examples of legacies delivered through major infrastructure and events such as the Paris 24 Games.

It will also seek to strengthen partnerships with Asia Pacific economic powerhouse, Singapore, is one of Australia's largest two-way trading partners and was responsible for A\$141 billion of foreign direct investment with Australia in 2023.

This includes how these city-regions have successfully leveraged public-private partnerships to support infrastructure delivery programs. For example how Singapore has accelerated the rollout of world-class digital connectivity and water security, Manchester's proposed redevelopment of Old Trafford Stadium District, as well as catalytic public transport investments that are now connecting more venues and cities and communities across the Paris region.

The whirlwind mission will take place in February 2025 in Singapore, Manchester and Paris, with mayors to meet with global leaders such as Paris Mayor Anne Hidalgo, the Lord Mayor of Manchester Paul Andrews and senior officials from the Singaporean Government including technology leaders; Chew Sing Bin, Chief Information Officer, NCS Group and Sean Chiao, Group CEO, SJ Group.

Objectives of the Mission include:

- Examining regional and coordinated approaches to managing growth, housing affordability, sustainability, waste management and resource recovery (including the management of residual waste).
- Investigating how local governments are becoming more financially sustainable and responding to growth through innovative funding approaches such as city deals and public-private partnerships.
- Reviewing how local governments are improving regional mass transport outcomes
 through the adoption of new smart mobility solutions and mass movement of people
 and goods.
- Exploring strategic funding and policy outcomes to enhance regional connectivity and digital infrastructure.
- Investigating how city-regions leverage major events to create a compelling global identity, promote trade and investment attraction and deliver economic and urban renewal.
- Examining innovative solutions to enhance our region's sustainability and resilience, focusing on waste management, circular economy and water security.
- Exploring plans for the rollout of advanced air mobility (AAM) infrastructure in other global regions, following work being undertaken in SEQ.
- Engaging with global leaders to develop strategic relationships that will generate strong social and economic outcomes for each city.

Past missions undertaken by the Council of Mayors (SEQ) have helped support critical partnerships with other levels of government and the private sector, including the Mayors'

pursuit of the \$1.8B SEQ City Deal, the Brisbane 2032 Olympic and Paralympic Games, advanced air mobility, as well as the SEQ Public Transport and Mobility Strategy which is now a key Elevate 2042 Games legacy commitment and deliverable of the new Brisbane 2032 independent delivery authority – GIICA.

Quotes attributable to Council of Mayors (SEQ) Chair, Lord Mayor Adrian Schrinner:

"As our region continues to grow it's important we engage with other global cities to understand how they are addressing both the challenges and opportunities of growth.

"The 2032 Olympic and Paralympic Games are a once-in-a-lifetime opportunity to secure a lasting legacy that will keep our region moving now and into the future.

"Learning how other cities are delivering long-term advantages for their residents is an important step to ensuring South East Queensland continues to be one of the best places in the world to live.

"While Councils are increasingly delivering more for their communities, our share of the funding pie continues to get smaller.

"The Games are a catalyst for all levels of government and the private sector to work together to deliver positive outcomes for our communities.

"To make sure that happens, we need to better understand the things that are working well for other regions, and more importantly, the things they would do differently.

"Whether it's better transport, investment in local jobs and industry, urban renewal or waste management, we're keen to learn world-leading practices so we can help deliver them here at home."

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We know we need global insights, innovative solutions and world-leading legacies to tackle South East Queensland's growth pressures ahead of the Brisbane 2032 Games.

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We'll be meeting with government, business and industry leaders and we're keen to get an inside look at what they're doing differently, and how they're working collaboratively to address funding challenges, housing shortages and better connectivity.

Innovative approaches and aspirations that will help us to think differently about the challenges we're facing at home, and how we respond to them into the future.

A key reason the South East chose to pursue the Olympic and Paralympic Games was to deliver critical transport and infrastructure, and boost opportunities for trade and investment.

SINGAPORE:

The delegation will seek to strengthen partnerships and opportunities for future investment and trade between the South-East and Singapore.

The mission will explore Singapore's world-class public transport network, and how they are using intelligent transport systems and Ai to boost the efficiency of their city networks and services.

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This includes understanding their experience with solutions like energy from waste and we'll explore their newest facility which is now diverting up to 800-tonnes of waste from landfill daily.

The mission also marks the 60th anniversary of Singapore's independence and bilateral relations between Singapore and Australia.

The Mayors will join the Australian High Commissioner to Singapore and up to 600 key Singaporean business and government officials, to commemorate the historic milestone.

Key Engagements, Site Visits and Technical Meetings in Singapore:

- Keppel Seghers Waste to Energy Incineration Plant: 800 tonnes of solid waste daily and is the newest of the four waste incineration plants currently operating in Singapore.
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- **G'Day by the Bay** 60th Anniversary of Singapore hosted by the Australian High Commissioner, including Singapore government official and business and industry leaders.

GREATER MANCHESTER:

Manchester is home to the first City Deal, and recently secured its seventh generation deal focussed on supporting Greater Manchester's strategic growth and driving net zero initiatives, housing, and employment outcomes.

After being inspired by Manchester in 2014, South East Queensland secured the inaugural SEQ City Deal in March 2021, providing a 20-year commitment to support the region's growth.

The foundation SEQ City Deal included an initial investment of \$1.8 billion over five-years and included a range of priority planning and business case projects.

Almost three years into the SEQ City Deal and with just 7 years before the Brisbane 2032 Games, South East Queensland Mayors are keen to progress discussions with State and Federal governments on the next generation of funding and partnership opportunities for South East Queensland.

The Mayors will seek to better understand Manchester's journey and their work evolving their Deal to meet the changing needs of their region and successive governments.

This includes how Manchester's Deal is responding to transport needs, housing pressures and supporting urban regeneration including a new Housing Investment Fund that has unlocked almost AUD \$600M to enable Greater Manchester's councils to deliver over 15,000 new homes.

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As one of the UK's largest urban regeneration projects, Salford Quays is now home to 250 companies, including BBC, ITV Granada, Dock 10, and the University of Salford.

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There are significant efforts by Greater Manchester to improve its local public transport to London standards. This includes the rollout of new technologies that have helped to ease congestion and improve traffic flow by up to 23 per cent.

We're keen to learn more about these pragmatic solutions which could be applied across South East Queensland.

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PARIS REGION:

By 2030, the Paris region's public transport network is expected to double in size with an ambitious expansion program that will include 350km of new lines and 139 new stations, enhancing the region's capacity to support future large-scale events and providing long-term benefits to residents and visitors.

The delegation will explore a number of significant mass public transit initiatives, including upgrades prioritised ahead of the Paris24 Games which included a new metro line and improvements to suburban rail and bus networks.

We're keen to understand the public transport investment that is being prioritised in other global regions, and considering the 7-year runway to 2032, a stronger understanding of what could be delivered intime for our own Games.

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The delegation will explore how regions around Paris have delivered long-term legacy benefits for their communities, including how councils and businesses successfully worked in partnership with Games organisers and other levels of government.

We'll meet with Mayors and senior officials across the Paris region and Saint-Denis to better understand city operations and opportunities associated with hosting the Games for local economic development, urban renewal and community outcomes.

This will include exploring a number of comparable venues which are planned for Brisbane 2032 to better understand their immediate and surrounding legacy impacts, including Adidas Indoor Arena and The Vaires-sur-Marne Nautical Stadium (whitewater venue).

We're particularly keen to understand the experiences and learnings of Councils and communities during Paris24, including the scale and extent of impacts on city services as well as initiatives to reduce traffic congestion, extend bike lanes and unlock more space for pedestrians including urban parklands.

The delegation will also meet with the Mayor of Saint-Denis, the second-largest city in Île-de-France, receiving around 80% of public investment, and was a key hub for the Paris24 Games, including Stade de France, the Aquatics Centre and Athletes Village.

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- Mayor of Paris, Anne Hidlago
- Mayor of St Denis, Mathieu Hanotin,
- President of Seine Saint Denis, Stephane Troussel, and Director of SOLIDEO (Independent Olympic Delivery Authority).
- Deputy Mayor of Town Planning, Architecture, Greater Paris

ENDS

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Stronger together: Backing SEQ's Booming Growth

South East Queensland is booming with new data from the 2024 SEQ regional economic dataset, developed by the National Institute of Economic and Industry Research (NIEIR), revealing strong population, job and economic growth.

Read More

Page 181 redacted for the following reason:

SEQ City Deal Innovation Economy Fund Announcement

The Council of Mayors (SEQ) welcomes today's \$200 million announcement through the SEQ City Deal's Innovation Economy Fund. This funding unlocks \$217 million worth



One region, one voice.

Council of Mayors (SEQ) is a local government advocacy organisation uniting South East Queensland.

Get in Touch

- Level 18, Suite 3, 141 Queen Street, Brisbane
- <u>admin@seqmayors.qld.gov.au</u>
- 07 3040 3460

Connect with us on LinkedIn

Linkedin

Acknowledgement of Country

We would like to acknowledge the traditional owners and custodians of the land of the Barunggam, Bigambul, Danggan Balun, Githabul, Jagera, Jinibara, Kabi Kabi, Quandamooka, Turrbal, Wakka Wakka, Yuggera Ugarapul people. We wish to acknowledge and respect their continuing connection to land, waters and culture, and the contribution they make to the life of this region. We pay our respects to their elders past, present and emerging.

Image/Video Credits: Brisbane City Council, Ipswich City Council, Lockyer Valley Regional Council, Logan City Council, City of Moreton Bay, Noosa Council, Redland City Council, Scenic Rim Regional Council, Somerset Regional Council, Sunshine Coast Council, Toowoomba Regional Council, Gary Cranitch @ Queensland Museum, Experience

Somerset, BEDA, Discover Ipswich, Sunshine Coast Council, Wisk Aero LLC, Tourism and Events Queensland, Tourism Noosa.

Statistics Reference: National Institute of Economic and Industry Research (NIEIR) 2024, ShapingSEQ 2023, South East Queensland Regional Plan

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3 February 2025

Reading Time: 8 mins read

АА



Paris was host city for the 2024 Olympic and Paralympic Games.

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The mayors of south-east Queensland will embark on a 10-day mission to meet with global leaders and examine legacy opportunities that will help keep south-east Queensland moving now, during the 2032 Games and beyond.

The delegation, including Redland City Mayor Jos Mitchell, will examine transport, urban renewal, housing and waste management opportunities, as well as emerging examples of legacies delivered through major infrastructure and events such as the Paris 24 Olympic and Paralympic Games.

It will also seek to strengthen partnerships with Asia Pacific economic powerhouse, Singapore, which is one of Australia's largest two-way trading partners and was responsible for A\$141 billion of foreign direct investment with Australia in 2023.

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This includes how these city-regions have successfully leveraged public-private partnerships to support infrastructure delivery programs.

Mayor Mitchell said the delegation was about promotion and knowledge building.

"This is an opportunity for south-east Queensland city leaders to learn from other civic leaders in cities who have lived experience in providing innovative solutions, to a range of issues and facility management," the Mayor said.

"I am looking forward to undertaking the Council of Mayors (SEQ) mission with 10 other mayors and representatives in order to learn and promote our region.

"If we do not look to the successes on a global stage, then we may miss opportunities.

"The aim is to return with knowledge that can have a strong and positive impact on specific issues currently faced by our councils."

The whirlwind mission will take place in February 2025 in Singapore, Manchester and Paris, with mayors to meet with global leaders such as Paris Mayor Anne Hidalgo, the Lord Mayor of Manchester Paul Andrews and senior officials from the Singaporean Government including technology leaders Chew Sing Bin, Chief Information Officer, NCS Group and Sean Chiao, Group CEO, SJ Group.

Objectives of the mission include:

- Examining regional and coordinated approaches to managing growth, housing affordability, sustainability, waste management and resource recovery (including the management of residual waste)
- Investigating how local governments are becoming more financially sustainable and responding to growth through innovative funding approaches such as city deals and public-private partnerships
- Reviewing how local governments are improving regional mass transport outcomes through the adoption of new smart mobility solutions and mass movement of people and goods
- Exploring strategic funding and policy outcomes to enhance regional connectivity and digital infrastructure
- Investigating how city-regions leverage major events to create a compelling global identity, promote trade and investment attraction and deliver economic and urban renewal
- Examining innovative solutions to enhance our region's sustainability and resilience, focusing on waste management, circular economy and water security
- Exploring plans for the rollout of advanced air mobility (AAM) infrastructure in other global regions, following work being undertaken in south-east Queensland
- Engaging with global leaders to develop strategic relationships that will generate strong social and economic outcomes for each city.

Past missions undertaken by the Council of Mayors (SEQ) have helped support critical partnerships with other levels of government and the private sector, including the Mayors' pursuit of the \$1.8 billion SEQ City Deal, the Brisbane 2032 Olympic and Paralympic Games, advanced air mobility, as well as the SEQ Public Transport and Mobility Strategy which is now a key Elevate 2042 Games legacy commitment and deliverable of the new Brisbane 2032 independent delivery authority – GIICA.

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"As our region continues to grow it's important we engage with other global cities to understand how they are addressing both the challenges and opportunities of growth.

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"We know we need global insights, innovative solutions and world-leading legacies to tackle south-east Queensland's growth pressures ahead of the Brisbane 2032 Games.

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What's on the agenda

SINGAPORE



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- · Mayor of St Denis, Mathieu Hanotin
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- Deputy Mayor of Town Planning, Architecture, Greater Paris

Tags: 2032BRISBANE 2032 OLYMPIC AND PARALYMPIC GAMESBRISBANE GAMESMANCHESTEROLYMPICSPARISSEQ CITY DEALSINGAPORE

Related Stories

Pages 199 through 202 redacted for the following reasons:

From:
To: Jos Mitchell Mayor
Cc:
Bcc:

Subject: OIA Complaint - Jocelyn Mitchell

Date: Monday, 16 June 2025 4:26:00 PM

Attachments: Conduct breach investigation Preliminary Findings.pdf

Dear and Mayor Mitchell,

Please find attached the preliminary findings of the investigation in regard to the allegations against Mayor Joclyn Mitchell. The attached is provided to provide the Mayor with the opportunity to provide any response which will be considered prior to preparation of the final report.

Should the Mayor wish to respond, please provide the response by close of business on Monday 23 June 2025. Following that, the final report of the independent investigation will be completed and provided to Council.

Should you have any questions at all, please let me know.

Regards



Statement of Preliminary Findings

The Investigator has assessed the evidence set out in the investigation report and, taking into account the seriousness of the allegations, has made findings on the balance of probabilities.

The table below contains a summary of the allegations and the investigator's findings.

A detailed summary of the evidence and findings is provided in the full investigation report

CONDUCT ALLEGATIONS

Allegation	Finding
Allegation: It was alleged Mayor Mitchell engaged in a conduct breach pursuant to section 150K(1)(a) of the Local Government Act 2009 (Qld) in that her conduct contravened behavioural Standard 3.3 of the Code of Conduct for Councillors in Queensland. Particulars: This is said to have arisen through her comments about a media article in the Redland City News on 14 February 2025, which she reposted on her Facebook page, titled '"I AM DEEPLY CONCERNED TO READ THIS IN THE LOCAL MEDIA.' It is alleged that Mayor Mitchell falsely claimed that she had not been consulted nor had input	Substantiated / Not Substantiated: The allegation is not substantiated Summary of Evidence: Letter to Council from the OIA - 13 March 2025 Bayside Redland News article - 14 February 2025 Mayor Mitchell's Facebook post concerning the abovementioned article - 14 February 2025 Code of Conduct for Councillors in Queensland 2 May 2024 Informal Mayor and councillor meeting - Agenda and minutes Email chain between cc'd - Call for agenda items for 2 May 2024 meeting 18 November 2024 Councillor Briefing Session & Workshop - Attendance sheet - Workshop agenda
towards the major proposed restructuring of the Council, and that the proposal that she would not be assigned a portfolio had been put forward without her knowledge or consent.	 18 November 2024 Councillor Briefing Session & Workshop - Session 9 Councillor Portfolios information PowerPoint and draft policies
	 Emails - 14 and 15 November 2024 noting that information about the 18 November 2024 briefing session and workshop is available on Diligent Boards
	18 December 2024 Council General Meeting - Agenda and minutes

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Allegation	Finding
	 Email 14 February 2025 informing Councillors that meeting agendas for 19 February 2025 are available on Diligent Boards
	19 February 2025 Council General Meeting agenda document
	19 February 2025 Council General Meeting - Agenda, minutes and audio-visual recording
	BDO's interview with Mayor Mitchell
	Email from Mayor Mitchell - Written statement made in interview
	Email from Mayor Mitchell - Clarification on time differences between Paris, France, and Brisbane, Australia
	Email and attachments from Mayor Mitchell - Mayor Mitchell and OIA email discussions.
	Summary of Reasons for Finding:
	It is not in dispute, based on the complaints raised, screenshots of information posted on Mayor Mitchell's Facebook page and the evidence provided by Mayor Mitchell that Mayor Mitchell reposted the news article in question and provided her own commentary in relation to the proposed councillor portfolios. This commentary included statements that she had not been consulted nor had input in the proposal, and that the statement that she would not be assigned a portfolio was put forward without her knowledge and consent.
	Mayor Mitchell stated she was overseas in Paris at the time that the article was posted on 14 February 2025. Mayor Mitchell advised that she was shocked to read the article, as no one had contacted her and stated that she was deeply concerned by it (as she stated in her Facebook post on the subject).
	Based on the information provided, the proposal was not formally discussed in any setting within Council where Mayor Mitchell was present to provide input.
	Mayor Mitchell confirmed that portfolios was one of the matters discussed at an informal meeting on 2

2



Allegation	Finding	
	May 2024. According to the Mayor, this informal meeting included discussions whereby Councillors put forward their views on committees or portfolios and spoke of the history of portfolios being used by Council a number of terms ago.	
	Committees and Portfolios was one of the items discussed at a briefing session and workshop day on 18 November 2024. However, according to the attendance sheet, Mayor Mitchell was not in attendance when this matter was discussed. Mayor Mitchell confirmed that she had received the material for the workshop via the email on 15 November 2024 advising that the material was available to review in Diligent Boards.	
	Therefore, it is accepted that Mayor Mitchell had the opportunity to review the content from the workshop, despite not having attended herself. Whilst this is noted, a review of the discussion paper identified that whilst there was information presented on both committees and portfolios as possible structures Council could consider, there were no references to specific allocations recorded in the discussion paper.	
	Mayor Mitchell advised that she could not recall being involved in any discussions between this workshop and the 19 February 2025 meeting about portfolios. This was supported by discussions between and Mayor Mitchell during the 19 February 2025 Council General Meeting. Commentary at this meeting demonstrated that whilst all other councillors were spoken to by about the portfolios, this did not extend to Mayor Mitchell.	
	with the other Councillors to understand their preferences and that is how the proposed portfolios had been assigned.	
	It was also noted that the agenda for the 19 February 2025 meeting was circulated to Councillors on the morning of 14 February 2025, at 12:14am Paris time (UTC+1) and approximately 6.75 hours before Mayor Mitchell's Facebook post. The agenda included	



Allegation	Finding
	information on portfolios, including the Councillors assigned and a statement as to why the Mayor had not been assigned a portfolio. The news article was published at 3:28am Paris time.
	Mayor Mitchell advised that she had not seen the agenda prior to her Facebook post at 7:03am Paris time. Considering the short window between the agenda being released (12:14am), the article being published (3:28am) and the Facebook post (7:03am), together with the time zone differences where Mayor Mitchell was located at the time, it is considered reasonable that Mayor Mitchell may not have seen the agenda. Further, had Mayor Mitchell seen the agenda, including prior to the publication of the article, it would not impact the outcome in that, prior to the agenda item, Mayor Mitchell had not had input into the assigned portfolios, including that she not been assigned a portfolio.
	Based on this information, the statements made by Mayor Mitchell in her Facebook post in question are not false claims, but in fact are accurate representations of her involvement in the portfolio proposal processes.
Allegation:	Substantiated / Not Substantiated:
It was alleged that Mayor Mitchell engaged in a conduct breach pursuant to section 150(1)(b) of the Act by contravening a resolution of Council which was passed on 18 December 2024, in that she 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	The allegation is not substantiated
	Summary of Evidence:
	Letter to Council from the OIA - 13 March 2025
	 Minutes of Council's General Meeting on 18 December 2024
	Screenshots of comments made on Mayor Mitchell's Facebook post concerning the Bayside Redland News article on 14 February 2025
her post on 14 February 2025.	BDO's interview with Mayor Mitchell



Allegation

Particulars:

Seven comments were outlined by the OIA as potentially being in breach of the abovementioned Council resolution. These comments are as follows:

- "Get rid of the troublemakers Mayor Jos. Their noses have been in the trough too long. 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."
- THIMMENT SEEMS to this 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
- "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"
- is looking to be Mayor by default is seems to me, this has got to be stopped..."
- "This is an absolute disgrace.
 The are
 abhorrent. The Redlands
 community does not deserve
 such blatant disregard and
 contempt"

Finding

- Email from Mayor Mitchell Written statement made in interview
- Email and attachments from Mayor Mitchell -Comments on Facebook
- Email and attachment from Mayor Mitchell Facebook post 14 March 2024 and Mayor Mitchell's request for removal
- Email and attachment from Mayor Mitchell Facebook post and comments
- Email chain from Mayor Mitchell emailing Mayor Mitchell about a Facebook comment.

Summary of Reasons for Finding:

Based on screenshots of Mayor Mitchell's Facebook post in question, and the comments section of this post, it is not in dispute, that the seven comments outlined were made and were visible to the public.

It is also not in dispute that on 18 December 2024, Council resolved that Councillors would remove 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.

Mayor Mitchell stated in her interview that, prior to being made aware of the specific comments that are the subject of the allegations when organising the interview, she had not seen the comments and therefore was not aware of them. Mayor Mitchell stated that no one, including anyone from Council or the OIA, had contacted her about the comments or raised them as an issue.

The council resolution requires that comments reasonably determined to defame or unjustly damage the reputation of Council officers or Councillors be removed. Given anonymity, BDO were unable to interview the complainant to understand why they thought the complaints to be defamatory and/or

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Allegation

- "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"
- "Maybe needs to remember that we voted Jos Mitchell in as Mayor not is a councillor and possibly all the councillors who support her 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."

Finding

inappropriate. As such an objective comparative test, including against other public comments on Councillor's social media, was conducted as part of the investigation.

Mayor Mitchell disputed that the comments were of a defamatory or inappropriate nature, particularly in comparison to other comments she has seen posted on other Councillor's Facebook posts. Mayor Mitchell's view was that each comment was a person's opinion, and she was concerned what the resolution does in terms of not affording community members their right to have a view.

Mayor Mitchell stated that her personal standard approach is to remove comments that reference a specific councillor. It was noted that three of the comments in question mentioned however, as previously noted Mayor Mitchell stated that she was not aware of the comments prior to BDO's contact with her regarding the allegations.

It is further noted that there were over 260 comments on the Facebook post, and as such is considered reasonable that Mayor Mitchell had not seen them. Mayor Mitchell stated that although she did not agree that the comments contravened the resolution, given the complaint raised, she did remove them after being made aware of them.

In applying an objective comparison test, BDO considered:

- Each comment in isolation against the definition of defamatory and unjust
- Comments contained on social media for other Councillors, to establish a baseline for what other Councillors leave on their Facebook pages

As a result, none of the seven comments were deemed as being defamatory or unjust in terms of the council resolution. As noted, there were three comments that included references to by name.

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Allegation	Finding
	In considering these three comments, an expression of honest opinion was considered against the definition of defamation. In each of the three instances, it was accepted that the comments were the opinion of the individual who posted them. It was 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 the Redland Bayside News article.
	The comments were also considered against other comments that have remained on other RCC Councillor Facebook pages. Comments of a similar nature were observed, including ones which specifically named Councillors (including Mayor Mitchell) in the same vain as the comments in question. This is indicative of a standard that has been set by RCC Councillors that these types of comments are permissible and not subject to the resolution passed on 18 December 2024. Therefore, the allegation is not substantiated.

Date: 16 June 2025

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IN CONFIDENCE

TRANSCRIPT OF INTERVIEW

FILE NUMBER:	
Interviewee:	Jocelyn Mitchell (JM)
Legal Rep:	
Interviewers:	

Interview conducted at level 10, 12 Creek Street, Brisbane on 6 June 2025.

BDO

Interview Transcript: Jocelyn Mitchell
Date of Interview: 6 June 2025

- Okay. Today is Friday, the 6th of June. The time is 10:27 am. This is an interview between myself of BDO, and Jocelyn Mitchell, the mayor of Redlands City Council. I'm just going to go through some preliminary details including getting the people present to state some details before we get into the interview proper. Okay. Present in the room at the moment is myself, from BDO. I also have my colleague, from BDO, from Robinson Locke Litigation Lawyers and mayor Jocelyn Mitchell of Redlands City Council. The office is being, sorry, the interview is being held at BDO Brisbane offices at level 10 12 Creek Street, Brisbane. Do you agree with the date and time...
- JM Yes.
- SG ...Jocelyn?
- JM Yes.
- 5. SG Okay. For the benefit of the recording, and it's audio recording only, not video so if I could just get you to answer yes or no and try not to speak over each other throughout the interview. For recognition purposes in terms of transcripts could I just get each person here to state their full name, spell it out and where they're from and, Jocelyn, if we start with you.
- 6. **JM** Yeah. Sure. Jocelyn, J-O-C-E-L-Y-N, Mitchell, M-I-T-C-H-E-L-L, and I am currently the mayor of Redlands city.
- 7. **SG** Okay.
- 8. solicitor from Robinson Locke Litigation Lawyers. I'm Jos' solicitor.
- 9. **OS** Yep. a senior manager in BDO.
- 10. **SG** And I'm a partner at BDO Forensic. Jocelyn, as you're aware, I'm recording the interview using the digital audio device here in front of us. Do you consent to that recording?
- 11. JM Yes.
- 12. **SG** Okay. And we are able to provide a copy of that recording to you should you like that...

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Interview Transcript: Jocelyn Mitchell
Date of Interview: 6 June 2025

- 13. JM Yes, please.
- 14. SG ...following the investigation if you, you do want a copy of that?
- 15. JM Yes, please.
- 16. SG Okay. Great. We'll arrange that. Okay. As I noted, it's sound only, audio only so if we can be clear and not speak over each other through the interview and use yes or no as opposed to nodding or shaking your head.

As noted, I'm a partner of BDO Forensics. We're not employed by council. We are wholly independent. It's also worth noting, given the complaint originated of the Office of the Independent Assessor, that we are not employed by them either so we are wholly independent. The content of the interview is confidential and we would ask that you do not discuss the matters under investigation with anyone aside from your personal or legal advisors so is obviously included in that, understand the matter is strictly confidential and that it's for the purposes of seeking advice that you have, can have those conversations. The support person is not to have any involvement in the matter so obviously is your legal representative so that's fine, not involved in the investigation in any way at all.

I do note that any material that you do provide will be used, taken into consideration may be used by us in subsequent reporting and if you do have anything that you want to provide even post interview, that can be taken into consideration as well. We do have some material here that we will show you during the interview as we go through the details of the complaint. Just in relation to the support person, you've go here in that role. Is that right?

- 17. **JM** Yes.
- 18. **SG** Okay. So, just flagging that the support person's role is to listen and observe the process so you're not to participate in the interview nor can you advocate for Jocelyn or answer questions on her behalf.
- 19. Understood.
- 20. SG Okay. Again as I mentioned, the purpose of the interview or the content of the interview is confidential so aside from the mayor herself we'd ask that you do not discuss it outside the legal requirements for representation. If you need a break

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Interview Transcript: Jocelyn Mitchell
Date of Interview: 6 June 2025

at any time just let us know and we can, we can organise that. All right. That's the formal part. So is there anything you want to add or state prior to commencing the actual formal interview?

21. **JM** Yes, please. I'd like to make the following statement: so all following statements I make throughout the interview are my own personal opinion. Firstly, I state that I don't think there is, there is now based on evidence any point to this process. I do not believe there is any natural justice in what I have experienced to date. I have had three investigations occurring over the last six months as well as other OIA complaints. Most or many of these complaints have apparently been anonymous. While I am paying for my own legal costs ratepayers are paying for the investigations and staff time about investigations relating to my Facebook page when I have pointed out issues of concern. By comparison I understand the who undertook an incident or was part of an incident has never faced any actions in relation to breaching the code of conduct and by comparison that seems a much more serious case.

I am making this statement with the understanding that the information that should, there is information that should not perhaps appear in the public realm and that may, that may impinge my or my support person's privacy and I understand that they will be redacted. I should be able to provide my version of events and evidence without fear of reprisal.

For the public record I have also requested to see the unredacted version of the entire investigative report from the second investigation by Ashdale. I have not, I have not been provided with that unredacted version, only the redacted copy. I do note that all other councillors were provided with the unredacted version of the report so I am the only councillor to not have seen it.

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BDO

File Number:	: Date of Interview: 6 June 2025
	and I understand
	someone will redact the information that's not going to be in the public or not, or should not be in the public realm so I'll continue,

The first investigation in relation to me determined outcomes unsubstantiated on both complaints. Council then deliberated for two and a half hours to determine its outcome. At that meeting department of local government reps were in attendance. The second investigation delivered two further findings unsubstantiated. That report went to the May 2025 general meeting. I asked the department of local government representatives be in attendance. I asked and what I have heard about the previous process. I for that given the

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Interview Transcript: Jocelyn Mitchell
Date of Interview: 6 June 2025

felt that that would be appropriate. I was informed by the could not be in attendance at that time.

Council voted in the majority, the same councillors who have exhibited strong since the campaign period to determine one of the complaints was substantiated. That resolution contains a factual error and I do not believe it provides sufficient reasoning as to why the majority have chosen to disregard the independent investigation's determination. I do acknowledge, as per the Act, that that decision is a majority decision of councillors and has become a council resolution. I'm now taking part today in the third investigation. Prior examples of outcomes of investigations: last term in the last electoral cycle I understand the was found to have breached the code of conduct by an independent investigation, however in that instance the majority voted to take no action.

On another occasion a councillor who had spoken out about the was found to have not breached the code of conduct by an independent investigation but again the majority disregarded the report and resolved that she had breached the code of conduct. I understand community petitions were an issue that were never heard by council because the at the time chose not to present them, and that related to the first one that I mentioned. I believe these kinds of incidents combined with mine illustrate a clear pattern and the use of current complaints system. On every occasion I have spoken up about something that I did not believe was appropriate or right there have been complaints. I believe this is another example of a technique used to silence or quash commentary around council or question areas of concern regarding the way things are done. I do not believe this is bringing council into disrepute. I believe people have a right to make and state their personal opinions.

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Interview Transcript: Jocelyn Mitchell
Date of Interview: 6 June 2025

The argument that when you speak out about an issue you don't feel is right or express an opinion is bringing council into disrepute seems like an overreach in an attempt to control the dialogue. Council has spent a considerable amount in tracking online commentary about the organisation, however it has on a number of occasions left up negative commentary about me on its own Facebook page. I have a number of emails where I have sent the communications team requests to remove the comments about me.

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BDO	BDO Interview Transcript: Jocelyn M	
File Number:	Date of Interview	6 June 2025
		n relation to
	investigation policy I've been told that changes are coming to F	
	Council's investigation policy, that council will vote whether or	not to send
	matters to investigation. That means that the majority will be able	e to now pick
	and choose which matters even get investigated. If there is a	majority
	they will then control what gets investigated and what doesn't.	

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Interview Transcript: Jocelyn Mitchell
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22. SG Okay. Thank you. As you are aware, we'll kick off with the formal interview part for the current matter. As you're aware, there's two allegations that have been raised from the OIA, the first being in relation to Facebook posts that you made in response to a newspaper article about the restructure of council and council portfolios and there were some components to that, then the second one was failing to moderate the Facebook page to remove commentary that could be reasonably said to be unfair and damaging to the reputation of councillors, and there's seven comments specifically that we'll talk to as we go the process and I've got some examples here that we'll show you as you, as we go through.

The first allegation in detail, it's alleged that you engaged in a conduct breach pursuant to section 150K(1)(a) of the Local Government Act 2009 in that the conduct contravened behavioural standard 3.3 of the code of conduct arisen through comments made about a media article in the Redlands City News on the 14th of February 2025 which you reposted on your Facebook page titled or under the title I am deeply concerned to read this in the local media. It's alleged that you falsely claimed that you had not been consulted nor had input towards the mayor, the major proposed restructuring of the council and the proposal that you would not be assigned a portfolio had been put forward without your knowledge and consent. Are you aware of the article I'm referring to?

- 23. **JM** The, yes, so that was the article that appeared, I was overseas at the time...
- 24. **SG** Yeah.
- 25. **JM** ...on a Council of Mayors South East Queensland organised delegation and I was made aware of a news article.
- 26. SG Yeah. And there was a second component to the article after your Facebook post which is the, the article was edited essentially to add the I am, which is on this one here, just adds the I am deeply concerned component.
- 27. JM So that's my Facebook post.
- 28. **SG** Yeah.

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- 29. JM So that's the article.
- 30. **SG** Yep.
- 31. JM I then shared the article and made that comment on my Facebook post, yes.
- 32. **SG** Yeah. Okay. What can you tell us about the article generally? Do you have a statement in relation to the article itself and the content thereof?
- 33. **JM** I haven't read it since that time but it relates to the announcement that portfolios would be put forward by council. The has obviously provided I guess the story in relation to it. It's about the putting forward these portfolios with the councillors attached to each portfolio.
- 34. **SG** Okay. And the article indicates that the councillors were involved in that discussion.
- 35. JM Well, those councillors, the councillors that have been awarded a portfolio.
- 36. **SG** Yes.
- 37. JM Yes.
- 38. SG Okay. All right. When did you first become aware of the article?
- 39. JM Just before I reposted it.
- 40. SG Okay.
- 41. JM Yeah.
- 42. **SG** And how did you become aware?
- 43. JM I think a community member sent it to me. I'm getting, I don't follow a lot of these things. To be quite honest I don't have the time to but I've got an active, community members send me links when they see something that they think that, you know, I should know about.
- 44. **SG** Okay. And you mentioned that you posted not long after you became aware of it, so it was the same day.
- 45. JM I believe so, yes.
- 46. SG Okay. And was that, given the short timeframe, was that an immediate decision

Item 4.1- Attachment 2

Interview Transcript: Jocelyn Mitchell
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to post it, to post your response?

- 47. JM Was that a?
- 48. **SG** An immediate decision on reading the article to post your response on Facebook?
- 49. JM I think so, yeah. There wasn't, I was, I was, I was shocked to read it going wow. Why hasn't anyone contacted me? Why don't I know that this is going forward so, yeah.
- 50. **SG** Okav.
- 51. **JM** So as, I think, yeah, I was deeply concerned because I thought wow, this is pretty major and no one's bothered to contact me and I was still contactable.
- 52. SG Were you aware of any discussions around portfolios?
- 53. **JM** So we had, when I, when I came into council I found out that the mayor and councillors hadn't had group meetings for some time. There had been existing discord within the collective group and there had been some change with the election. So I called mayor and councillor meetings and I can't remember the exact month but we did raise, one of the councillors raised, and it might have been the actually, raised then that she was interested in portfolios. So there was, it wasn't an in-depth discussion but we did, did talk to portfolios and I said I'm interested in, I'm interested personally in committees because I think there's greater governance around committees and that they have to keep records and minutes and it's more structure to it.

I didn't understand portfolios. When spoke about them there wasn't a lot of framework around them. It was a generalised discussion. There were a couple of other councillors, two or three from memory who said that portfolios had existed previously in council sometime in the past, quite a few terms ago I think, and they spoke to how they hadn't worked because of a range of reasons because largely I believe what they were saying was the discord that existed within the council members meant that they didn't share the information anyway so apparently portfolios at that time petered out over time.

So there was that initial discussion which wasn't an in-depth one and then there was commentary at some point. The made a comment in a

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meeting I remember, it wasn't a specialised meeting. It wasn't directed but that topic came up and he said he didn't support portfolios and then there was a workshop on the, on the 18th of November 2024.

- 54. **SG** Okay. And the purpose, so the portfolios was an agenda on the workshop. It wasn't a purpose of it?
- 55. **JM** The portfolios was an agenda on the workshop. The purpose of workshops, my understanding, is to provide information to councillors to aid in any decisions so it is not about making decisions within council or determining decisions. I believed this was a topic for discussion that would at some point, you know, we'd have more discussion about what would happen after a workshop. So this was an information provision exercise as I understood. There are other councillors who had that view as well.

The 18th of November, that particular day I was not in attendance the whole day

- 56. **SG** Sorry, when you say you, you mean
- 57. **JM** Sorry,
- 58. **SG** Yeah.
- 59. **JM**

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present for the rest of the day...

- 60. SG Right.
- 61. JM ...and I missed the portion of this portfolio discussion.
- 62. SG Right. So that was later in the agenda.
- 63. JM And that was, that was towards the end of agenda, yeah.
- 64. **SG** Okay. You mentioned your attendance record was published in the press. Do you know who provided that to the media?
- 65. JM No. I don't know if that was part of the Ashford report or...
- 66. SG Ashdale.
- 67. JM Sorry, Ashdale report. A lot of information about me ends up in the media so I'm not sure who provided. So I'm not sure if that's part of the Ashdale report or whether that was provided by somebody else.
- 68. SG Okay. But it wasn't you.
- 69. **JM** It wasn't me, no.
- 70. **SG** Okay. All right. So when, you mentioned that the first generalised discussion around portfolios and that was followed by the subsequent meetings which seemed on the face of the complaint to have more formalised the discussions around who, which councillors were interested in which...
- 71. **JM** No.
- 72. **SG** No.
- 73. JM No, it wasn't because this was, this was a general discussion that seemed to be, seemed to be led by the learning that this was the learning that this was the learning I asked one of the officers because I noticed that there was a comment in the general meeting which was the February 2025 general meeting that staff said that the report was almost complete in relation to portfolios. Now, I was unaware that any report was being written about portfolios so I gather there was some discussion between operational council and the

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that I was not aware of. I have a statement here from another councillor who states that she wasn't aware of this either until shortly before this general meeting where she was approached by the and offered a portfolio.

- 74. **SG** Right. Okay. So when, you mentioned that somebody mentioned to you that the report was almost complete. That was a council staff member?
- 75. **JM** That was, that was in the link that I sent to you for the February 2025 general meeting.
- 76. **SG** Okay.
- 77. **JM** I don't, I think it's around the, I can't remember the timing now. I think I sent you the minutes.
- 78. **SG** Yep.
- 79. JM So for that the minutes, and, sorry, I couldn't get a transcript of that but in that section where that item, agenda item was being heard there should be an audio and from my recollection, I haven't gone back to listen to it but I was trying to ask questions. As I said, I was overseas and incredibly ill and it was about, I don't know, somewhere between 1 am and 6 am at the time so I stayed on for the entirety of the general meeting and it was, there were questions at the time. I was trying to ask the questions about how this came to be, who determined who got the portfolios and in those questions if you listen to that said that general meeting from memory this was idea, that approached councillors. acknowledged I believe that I wasn't approached or this wasn't discussed with me and during that same meeting there was a staff but I was listening, yeah, listening to the member, I believe it was audio and the screen of the room was that big but from memory I think it was who made a comment that the report would be complete, was almost finished and they could bring this matter back to the next council meeting.
- 80. SG Okay. So that day or that meeting was the first that you were aware of a more structured discussion around portfolios and the allocation of them. So prior to that it was general. Is that right?
- 81. **JM** So prior to that it was, prior to that it was this workshop. So it was, so prior to that it was this workshop. So obviously I knew that it was, you know, of interest.

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It had been raised months before in a mayor councillor meeting. We'd had this workshop and I assumed that there would be, yeah, some further discussion around what format this would take place because, yeah, decisions aren't made in workshops.

- 82. **SG** Yeah. So is that, the workshop that you're referring to there, is that the one where, were you in attendance there or is that the one that you weren't because of the...
- 83. **JM** Yeah, so that's the one on the 18th, on the 18th and this is on Facebook on the Redlands City News page.
- 84. MR November, I think.
- 85. SG Yeah, I think that's right.
- 86. **OS** Yeah, the 18th.
- 87. **JM** Yeah.
- 88. SG Okay. November.
- 89. JM So I believe that that's, that's the day I went
- 90. **SG** Okay.
- 91. **JM** Yeah.
- 92. SG So this workshop, was it, is it true to say it was a general discussion at the end that you weren't present for rather than a structured discussion as far as you're aware?
- 93. JM Well, workshops, yeah, workshops are provided for information. Like they're discussion as, and this is my understanding: workshops are points of, it says it there, committees and councillor portfolios discussion 18th of November 2024.
- 94. SG So can I ask what that document says about portfolios?
- 95. JM Yeah. So it's got purpose, explanatory discussion on portfolios and committees, request from councillor was made during the budget process on the 11th of April 2024 private, so I'm assuming then our, I'm assuming then that our mayor councillor when it was brought up at round table, it must have been before then, provided options for consideration and a recommendation and the commentary

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from the general manager, that would be, I'm assuming that would be recorded then. That may have occurred, not from the general manager, from the

that may have occurred on the 11th of April 2024. I just remember he made a comment that he wasn't like necessarily in favour of portfolios.

So it says why it is, it's consideration alongside the review of the media guideline which has, was, came up in a previous complaint or previous investigation, investigation number 2. It says information provided, committee structure options paper, councillor portfolios option paper, so it's got discussion points, any questions and then supporting documentation around portfolio options, drafted policy, drafted guideline.

- 96. **SG** Okay.
- 97. JM And I wasn't there for that.
- 98. **SG** So, yeah, this was, just for clarity, this was the meeting you couldn't attend.
- 99. JM Yes.
- 100. SG And when did you become aware of that document there that you have?
- 101. **JM** So they're loaded onto Diligent Boards...
- 102. **SG** Okay.
- 103. JM ...before workshops and I scanned it. I scanned it to be honest quickly because I knew that we were going to go through it in the workshop. So prior to, usually the staff will print me out a paper copy prior to workshops so I can go through and make notes on a paper work. I find it easier. That's my personal preference. And then, yeah, I thought I would get more information in the, in the workshop but due to circumstances that changed.
- 104. SG Okay. So prior to the meeting and then, you had the opportunity to scan the document. Obviously you weren't at the meeting so there was no opportunity to participate. Following that was there any follow-up meeting or discussion in relation to the portfolios prior to the newspaper article?
- 105. **JM** No, not with, not with me as far as I'm aware, no, not from my memory, no.
- 106. **SG** Okay.

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- 107. JM I did a search. I tried to do a search last night on any other information that I was provided in relation to workshops but no. And according to the general meeting they were the questions that I was trying to ask or did ask the

 So from the general meeting approached councillors. said that did not approach me and approached them to see what portfolios they would like. said it was pretty much self determining that they chose the areas of interest that they would like to be a portfolio and that then became motion.
- 108. SG And the list that was published in the press.
- 109. JM Yes. Yeah.
- 110. **SG** Okay. Just for completeness I'm going to go, I'll come back to the Diligent Boards component. I'm just going to go through some, a timeline of a couple of things just to get your view on these components. So this, bear with me. This will just step back a little bit. So we've been made aware of an informal mayor councillor meeting discussion between yourself and the other councillors on the 2nd of May 2024 where the implementation of portfolio system was supposedly discussed. Just to help prod your memory this is a screenshot of a...
- 111. JM A meeting.
- 112. SG ...meeting, yeah...
- 113. **JM** Yeah.
- 114. **SG** ...provided by who I understand is your
- 115. JM Yep.
- 116. SG Yeah. Okay. So I mean it doesn't say much other than it's the meeting.
- 117. **JM** It's a, yes.
- 118. SG Yeah. Okay. Do you recall that?
- 119. JM So that might have been the meeting that I was referencing before but it wasn't, it wasn't a discussion on just portfolios. That was raised as a general discussion around committees, portfolios and options.
- 120. SG Okay. So it was much broader than just portfolios.

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Interview Transcript: Jocelyn Mitchell
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- 121. JM Absolutely, yeah.
- 122. **SG** Yeah.
- And again, as I said earlier, I, there was some discussion at the time because some councillors were against portfolios saying that they'd had them many terms ago and they hadn't worked and some of the councillors at that time were still there. I think three of them spoke to that aspect of it. I said that I wasn't against forming, you know, some structure around that but my preference was committees for that governance aspect and that I thought that any committees should relate directly to the operations of business, not, you know, and I'll reference what I think now what we've ended up with a number of areas that's been self-selected areas of interest. My thoughts and just my personal thoughts are committees offer stronger governance and they offer a direct line of sight through all of the planning process and you have recorded actions and outcomes.
- 124. SG Yep. Okay.
- 125. **JM** The portfolio, I'll just note this for the record too: the current portfolio structure that we've got, and I raised this at our mayor councillor meeting yesterday when I asked what formal process do we have to record the meetings that you have with staff members, minutes, outcomes and there, they answered that there isn't a formal structure yet. And I said well, my concern again is around governance, around, we've got councillors meeting with council staff and they can hypothetically push an agenda forward without it coming to all councillors and being part of a formal discussion process.
- 126. SG Okay. So there's no current process for documentation of activity, minutes, etcetera for portfolio discussions.
- 127. **JM** No, and in the February general meeting, February 2025 general meeting you'll hear who is the from memory I asked a question of her or someone did, I thought it was me, and she states then that there is no requirement under the portfolio structure as it currently is to provide a record of any meetings that are kept or any minutes.
- 128. **SG** Yep. Okay. Next up there's an email chain here that I have where a councillor asks who's the

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to add committees and portfolios to the agenda and there's a copy of the agenda which shows committees and portfolios listed under item 5.3 general budget. So was that, that one you can have a look at, appendix D.

- 129. JM So, sorry, where's this going to? To the informal mayor and councillor meeting.
- 130. SG Yes.
- 131. **JM** Okay.
- 132. **SG** So this is the prior general meeting, right?
- 133. **JM** No.
- 134. SG The general...
- 135. JM No.
- 136. **SG** No. Okay.
- 137. JM So this is the informal mayor, so this is our round table that I started. They're the discussions that I started as a, it's not a formal meeting. It's a, we sit around a table and have a discussion as, so that's what, call for agenda items, fortnightly informal mayor councillor discussion.
- 138. SG Yeah.
- 139. JM Yeah.
- 140. **SG** This is the list if that helps. So 5.3 of that appendix E lists portfolios. Was it discussed at that meeting?
- 141. **JM** 5.3 general budget?
- 142. **SG** Yeah, under general budget. So the...
- 143. **JM** Yeah.
- 144. **SG** Yeah.
- 145. **JM** So that's the discussion then, that's what I was referring to before, committees and portfolios.
- 146. SG Yeah.

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- 147. JM Yeah. So that's the, that's the discussion then. That's how, yeah, that occurred.
- 148. SG So that was the high level discussion still at this point.
- 149. **JM** Yeah. Yeah. So it's talking about, that's the one where people had input then. So it was, I didn't realise that it was on an agenda. I couldn't remember back that far but, yeah. So it's the same thing where, yeah, it was a discussion around, as I said before, I made the reference to governance. Other councillors said that there had been portfolios before. I know was very in favour of portfolios. Some of the other councillors were too. So it was a general high level discussion.
- 150. **SG** Yep. Okay. And I note that under 5 point, it literally just says committees, portfolios. There's no additional detail.
- 151. JM No.
- 152. SG Are those meetings minuted or recorded at all?
- 153. **JM** So they're, no, because they're informal.
- 154. SG Yeah.
- 155. **JM** There's the agenda and there is someone with me to take, to take, yeah, minutes or notes. So they're again, usually they're dot points...
- 156. SG Yeah.
- 157. **JM** ...of outcomes or any actions to be taken.
- 158. **SG** Okay. Just, and this is really for confirmation, I've got here a copy of the attendance sheet for the meeting. So this is the meeting on the 18th of November which I'm assuming if I could get you to validate this is the one that appeared in the media.
- 159. **JM** Yes, that's, that is the one that appeared in the media, yes.
- 160. **SG** Okay.
- 161. **JM** I should like to point out too, as I've pointed out to the OIA previously, this is an area of concern for me where the, and I've noticed this before and I have raised it with the that this attendance sheet is usually handed around at the

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beginning of the day. Councillors will go through and tick that they are present but then they have previously left at lunchtime or gone out and then come back. So just from a record keeping perspective I've raised this as an issue. I've also requested in the last 14 months, which is now taking place, that meetings be recorded.

- 162. **SG** Okay. So, but looking at this you've got, under session 1 for your name it's got wasn't in calendar noted, section 2 general meeting you've got a tick for attendance and then the rest has personal reasons so you were in non-attendance. So noting your concerns, we've got, is there anything to say that the rest of the attendance here is inaccurate?
- 163. JM I don't know. You'd have to check the tape. They might have all been there...
- 164. SG Yeah.
- 165. **JM** ...so, yeah.
- 166. **SG** Okay. That's fine.
- 167. JM I wasn't there. I can't...
- 168. SG Yeah.
- 169. **JM** ...make comment, yeah.
- 170. **SG** Yeah. No, that's fine. On the 14th and 15th of November, so just prior to that meeting there was an email sent to councillors and the ELT from stating that new materials concerning the briefing were published on Diligent Boards which you mentioned earlier. So this is, I assume the materials are for the workshop on the 18th.
- 171. **JM** For the workshop.
- 172. **SG** Yeah. Okay. Did you, you mentioned earlier that you, normally your staff would print them. Has that happened in this instance?

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- 173. **JM** Honestly I can't remember. I'd have to go back. So what I do is keep those. I'd have to go back and see if they were printed. I can't honestly remember. I do, I do believe I, like I, like I said, I scanned through all this. So usually, depending on timing and schedule, like I'll scan through, bearing in mind that this was a discussion. Yeah, I scan through to think about, you know, look at what's happening, you know, what information have they provided.
- 174. **SG** Okay. Then there's, on the 15th of November which was, of 2024 which was a Friday there's another one again from the office of the CEO which has the subject line new materials available on Diligent Boards councillor briefing program 18th of November session 8 and 9 which I understand relates to portfolios.
- 175. **JM** Yes. Okay.
- 176. SG Yep. All right.
- 177. **JM** So that's again a notice saying that the information for this discussion piece for workshops is on Diligent Boards.
- 178. **SG** Is available.
- 179. JM Yeah.
- 180. SG Yeah. Okay. All right. Okay. And then you've got that material so we can, if you can confirm later whether you still have the printed. You mentioned you make notes and things on it. Do you normally retain those?
- 181. **JM** It depends on if I think that they're, yeah, important enough, if not, they'll go into the secure shredding bin...
- 182. **SG** Okay.
- 183. JM ...so, yeah.
- 184. SG All right. Regardless, the one you've got there, and I...
- 185. JM I printed this. Yeah. So they, I asked the office to print this out for me but you've got a copy already.
- 186. SG Yeah.

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- 187. JM Yeah.
- 188. SG I'll just note that that's...
- 189. **JM** Yeah.
- 190. SG ...the same as our exhibit I...
- 191. **JM** Yeah.
- 192. **SG** ...here which is a summary of the committees and councillor portfolios discussion.
- 193. **JM** Yeah.
- 194. SG Okay. Great. All right. So I guess at the time of receiving that and, so you've got the opportunity to review it if you want to, noting it's a discussion, scan through it. Was there anything raised prior? I note that you weren't there for the actual discussion of the meeting given the circumstances that arose. So was there any, or did you participate in any discussions or communications prior to, or between the receipt of this material, so the discussion paper and the actual meeting itself?
- 195. **JM** In February?
- 196. **SG** Yeah.
- 197. **JM** In February not that I can recall. I'd have to go through the system to see if I could find anything but not that I recall off the top of my head.
- 198. SG Okay.
- 199. **JM** Obviously I've always stated my preference would be a committee structure because of the governance issues around that and because of the concerns raised by some of the councillors in relation to the success of or the lack maybe the, the non-success of portfolios in the past and also taking into account the comments as well.
- 200. SG Yeah. Okay. Okay. And suffice to say given your comments just then that there was nothing between that and the subsequent meeting on the 18th of November, which is very short, it's only a couple of days, there was no other discussions or communications entered into that you recall?

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- 201. JM Not that I recall.
- 202. **SG** Okay. All right. If we move forward then to the Facebook post and in that you refer to the portfolios as a major restructure of council. Do you recall that at all?
- 203. JM I thought I'd taken that from the news article, that that was referred to in the news article. That's what I was quoting...
- 204. SG Okay.
- 205. JM ...from the news article bearing in mind that the news article I do now, I know now changes because they've just done that to a post that was posted about me. They go in, edit it and change the wording or the commentary. So from my memory I took that wording from the news article.
- 206. SG Right. Okay. It has been raised that in relation to the claim of it being a major restructure that this is misinformation to the public given that it implies that councillors are making significant change to the way council operates. Can I have any thought or comment on that?
- 207. JM So at the time, as I said, from my memory I used that wording that was the same wording within the news article. So it was, it was drawing direct reference from that to my mind.
- 208. **SG** Okay.
- 209. JM No intention to mislead. As per investigation number 1 and investigation 2, these incidents are usually raised in a negative about me and I would expect that. As part of the political dialogue I know things go out into the media. That's happened many, many times but I would like to as mayor be included in the discussion. So it's not intended to mislead in any way as per the same questions in investigation 1 and 2 but I believe at the time I was using the words that were selected at the time.
- 210. Jos, I think the question was do you think that is a major restructuring?
- 211. JM Do I believe it's a major restructuring? I believe it changes the face at the time, sorry, it changes the way that council could, could work but again acknowledging there's still no clarity around how portfolios are meant to work. So do I personally believe it's a major restructure? No.

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- 212. **SG** Okay. So just so I can be clear, so you're stating that that term major restructure of council, you've derived that from the article.
- 213. JM Yeah.
- 214. **SG** And further then, you're not the source of that text in the article.
- 215. JM No. No.
- 216. SG Okay.
- 217. JM I had no knowledge, I had no knowledge of the article or the fact this was coming to council. As I said, I was overseas at the time. There were a number of items on that agenda that were, I felt, pushed forward and I was not aware of this one.
- 218. SG Okay. All right.
- 219. **OS** Sorry, just for clarity, so, because the reason that it's got edit history on there, so, as you said, they, the posts are edited...
- 220. JM Yeah.
- 221. **OS** ...but the screen grab that's been provided is what we understand was the post at the time that you'd reposted...
- 222. JM At the time, the article.
- 223. **OS** ...on Facebook.
- 224. JM Yeah.
- 225. OS That was what the content of the article...
- 226. **JM** Yeah.
- 227. OS ...was and within that, because I can't see the reference to the major restructure.
 So are you able to provide some clarity around that?
- 228. JM So I don't know. I'd have to get the, I'm just going from memory from February bearing in mind I was overseas and I, as you could probably hear in the general meeting, incredibly ill but I thought when I reposted that that I had derived those comments from the news article.
- 229. SG So there may be...

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- 230. **JM** Is there...
- 231. SG ...a previous version?
- 232. JM Is there a previous version?
- 233. **OS** We can certainly have a look at that. So that was, what's captured there is what was on Facebook at the time that your...
- 234. JM The news, what happens with Facebook...
- 235. **OS** Yeah.
- 236. **JM** ...is though that it updates, it updates with the current, so if I create a link to the article, if someone updates it it updates the whole thing.
- 237. **OS** Yeah, that's right.
- 238. **JM** So, yeah, so...
- 239. OS So what we've, we've done it based on the time, so the time of your Facebook post and then looked at what the post was at the time for Redland Bay News as well.
- 240. **JM** Yeah.
- 241. **OS** Yeah.
- 242. **JM** So at that time but it doesn't necessarily mean that their article didn't have that in its earlier version or...
- 243. SG So prior to you posting?
- 244. **JM** So prior to me posting. So from my memory I used that terminology because it was in the, in the article.
- 245. **OS** That's okay. We'll go back and have a look the...
- 246. JM Yeah.
- 247. **OS** ...prior versions...
- 248. **SG** Prior versions, yep.
- 249. **OS** ...of the Redland Bayside News...

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- 250. JM Yeah.
- 251. OS ...Facebook post.
- 252. **JM** But, as I said in investigation 1 or 2, there's no intent to create any detrimental impact to council's, sorry, what were the words you used?
- 253. SG Misinformation to the public.
- 254. **JM** Misinformation, no. But in terms of our council, I'm referring not to the council as a whole as to our elected, like it's our elected council I make reference to and I also, yeah, I also point out too that the impact of these portfolios is now, as I've, you know, as we've gone on through time, as I said, they're still trying to formulate their governance and, as I understand it, meetings have already taken place and councillors have met with staff and they don't have to provide meeting notes and they haven't. They haven't been circulated. So a number of councillors have indicated yesterday that they are now meeting staff and they are talking about issues and, you know, what to progress and so that's already started and my question yesterday was well, how is that information getting shared with all of us?

So in hindsight I guess if I'm, if I'm thinking about the information, it does, it does, it does provide a change to our elected council and how council is going to function and no one at this point has still been able to ask, answer the question about where these portfolios are deriving their actions from, what they're trying to achieve, what are the outcomes, whose speaking with who, how that's being recorded. Hypothetically we could have a situation where a couple of councillors get together or one, go to some staff members say we really should, you know, push this article or this, you know, this thing. We want this to happen. And then that can, could, you know, be the catalyst for driving a report or an issue forward.

And I to my mind think that there should be a discussion around all of us. There's 11 councillors all with a vote, all with an input and I just think for appropriate governance that it should be done in a way that's recorded and available for everybody so that we are really transparent. So in that mind if I think about the elected council and the impact that it could have and going back to the original comment, it does have a fairly large or could have a fairly large impact.

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- 255. SG Okay. If we move forward to the general meeting on the 19th or the lead-up to the general meeting on the 19th of February 2025, so we understand there's an email at 9:14 on the 14th of February. So the councillors including yourself and the ELT team received it stating that the general confidential meeting agendas are available on Diligent Boards. It's just a reference, exhibit J.
- 256. JM Dated the same date as my post while I was overseas.
- 257. SG Yeah.
- 258. JM Yeah. Okay.
- 259. SG Was there a reference to the portfolios?
- 260. JM In this, in this email?
- 261. SG Yeah, or the agenda that associated which I can give you here.
- 262. **JM** So bearing in mind this email is sent on the 14th of February at 9:14 am in Australia, I'm, I was overseas and made the post then. I wasn't aware of this email. I...
- 263. SG Okay.
- 264. **JM** ...didn't see it from the CRMT. It doesn't say who this one's to but I'm assuming it's all councillors.
- 265. **SG** Yep.
- 266. JM So I hadn't seen that because that's the same day as the post and, as I said, I was overseas.
- 267. SG Okay. So can I just ask where you were?
- 268. **JM** UK.
- 269. SG UK. Okay.
- 270. **JM** Hang on, no, by then I'd been, by then I was...
- 271. This was the council of mayors trip with about...
- 272. JM This was the council of mayors trip where we went...

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- 273. ...with about seven council Lord mayors from...
- 274. JM There were 10 of us I think.
- 275. SG Yep. It's the time zone difference I'm interested in.
- 276. JM Yeah. Yeah. Also I'll note too there was communication where I was having great difficulty with comms at that time too backwards and forwards. Yeah. That should be noted as well.
- 277. **SG** Sure.
- 278. **JM** On the 14th of February, actually I can look at my phone.
- 279. If, rather than slow the meeting down, if Jos can't find that there would be a whole itinerary so...
- 280. JM Yeah, there is.
- 281. ...Jos could later email the...
- 282. SG If she could.
- 283. ...something which would disclose time and place.
- 284. **JM** I'd be able...
- 285. **SG** That would be great.
- 286. JM I'd be able to tell you.
- 287. **SG** If you could go either side given this was 9:14 am in Australia on the 14th so that would still be the 13th potentially in a foreign country so if we could look at those dates from, even from the 12th through to the, to the 14th wherever you were locally.
- 288. **JM** hasn't actually, COMSEC mission, okay. So that was in, that was in transition. So I was at that time somewhere between France and the UK.
- 289. **SG** France and the UK. Okay. If I could trouble you for details of the agenda from say the...
- 290. JM COMSEC, the COMSEC mission concluded on the 13th.

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291.	SG	13 th of February.
292.	JM	February, yeah, and I was still really ill.
293.	SG	Yep.
294.	JM	So my came and picked me up and took me back to apartment.
295.	SG	So this was in the UK?
296.	JM	So that was in France.
297.	SG	In France.
298.	JM	So that was overnight. So on the 14th, yeah, I was either in France or the UK.
299.	SG	Okay. So it was a transit day.
300.	JM	It was a transit day.
301.	SG	Okay. All right. Transit to the UK.
302.	JM	And then we went to my
303.	SG	Okay. Did you, did you fly or catch a train?
304.	JM	Train.
305.	SG	Train. Okay. And do you know how long roughly that journey is?
306.	JM	I was really ill. It wasn't that long and I slept the whole way. I think it's only, it's pretty quick. It's only like off the top of my head two hours.
307.	SG	Yeah.
308.	JM	So, yeah, that would maybe, yeah, it's not that long. I'll have to find out for you.
309.	SG	Okay. So we'll
310.	JM	I don't think there's much of a different time delay between France and UK.
311.	SG	Yeah. No, that's fine. So what, so that email was sent at 9:14 as noted
312.	JM	Yeah.
313.	SG	and there's the accompanying notice of motion from the in relation to council representative portfolio structure so, and this is the one that

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includes the table of proposed portfolios for the councillors. So what I'd like to do is understand your availability given you were in transit between France and the UK and noting the time zone differences of the ability to have seen the document or read it and be aware of it...

- 314. JM Yeah.
- 315. SG ...prior to the subsequent Facebook post.
- 316. JM Okay. Yeah.
- 317. SG So do you understand what I...
- 318. JM Yeah, I see, I see what you mean.
- 319. **SG** Yeah.
- 320. JM Yeah. Yeah.
- 321. **SG** Yeah.
- 322. JM Yeah.
- 323. **SG** So noting that the Facebook post stated, included a comment that said the statement that I as mayor will not be assigned a portfolio has been put forward without my knowledge and consent, which I'll come back to in a moment but this was provided prior in Australian time. So I just want to confirm where it, where it came out...
- 324. JM Yeah. So I had...
- 325. **SG** ...given your location.
- 326. **JM** Yeah, I had not, I had not seen that. No one had contacted me. I understand that's the same day. I had not seen that or was aware of that.
- 327. SG At the time of making the post.
- 328. JM At the time of making the post, yeah.
- 329. SG Yeah. Okay.
- 330. JM In fact, that's actually the first that I'm aware of it now.

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- 331. **SG** Okay.
- 332. **JM** So...
- 333. SG This is exhibit K, the motion, if you want to have a closer look at it.
- 334. JM Well, it came up in the, I did see it at the general meeting.
- 335. **SG** Yeah.
- 336. **JM** Yeah.
- 337. SG Okay. So if I can get you to check your itinerary and look at the travel times between, so when you were in France, travel times for the train between the two and we'll back convert to Australian time and see what that looks like because we just need to be clear about the timeline.
- 338. JM Yeah. So I just want to make a note of this before we move on.
- 339. **SG** Sure.
- 340. JM So check travel times.
- 341. **SG** Yeah, if you could be as specific as you can from say the, the 13th and 14th are our particular key dates of interest. So if you say 12th to 15th you'll more than cover it.
- 342. **JM** Yeah.
- 343. SG So we don't need to go any broader than that.
- 344. JM Sure. Thank you.
- 345. **SG** Okay. So...
- 346. **JM** Do you want that back too?
- 347. OS Thank you.
- 348. SG Thank you.
- 349. JM And I've got A and B here as well.
- 350. **OS** Yeah.

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351. SG Cheers. Yeah.

Okay. So just for clarity again I'll note here that you were in transit. So do you have any additional response to the statement, the posted statement saying the statement that I as mayor will not be assigned a portfolio has been put forward without my knowledge and consent. The allegation, that's a false statement noting...

- 352. JM No, so, sorry.
- 353. **SG** No, no, I was going to say noting that, your comments in relation to transit then, is there a formal comment you...
- 354. **JM** Yeah, I'd like to just I guess make a complete response. Actually would I, could I have point A, I think it was A...
- 355. SG The email?
- 356. JM ...or B, sorry, it was the...
- 357. **OS** B, the post.
- 358. JM ...post?
- 359. **OS** [unintelligible "(ui)"].
- 360. JM Yes, please.
- 361. **SG** Yep.
- 362. **OS** (Ui).
- 363. JM So I'd like to go through that comment if I may...
- 364. SG Sure. Sure.
- 365. JM ...in totality. So I am deeply concerned to read this in the local media. So that's a personal statement around how I am feeling and I believe I'm entitled to make that comment.
- 366. **SG** And, sorry, just to interrupt, so at the time of posting that, just so I'm clear, you've read the media article...
- 367. JM Yes.

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- 368. SG ...but you've not yet seen...
- 369. JM No.
- 370. SG ...this motion.
- 371. JM No.
- 372. SG Okay.
- 373. **JM** So that's a statement in relation to that. That's my, you know, personal feelings, my personal opinion. I have not been consulted nor put, had input towards the major proposed restructuring of our elected council as outlined in this post. So I had not, I had not been consulted. I had not had any input in relation to this structure of portfolios or in fact that portfolios would be put forward ahead of committees in a more formal sense. So I had no put in relation to those discussions at all so I was not aware that a portfolio structure was coming to the council meeting with these councillors assigned these portfolios.

In the general meeting in the recorded session in February 2025 there is a series of questions that I ask the hat I believe illustrate that fact that that was not discussed with me in any way. Please also if further information is required in relation to those discussions contact

and to see how they were approached in terms of how those councillor portfolios came about.

- 374. **SG** Yeah.
- 375. **JM** I believe that the acknowledged that I hadn't been in that February meeting consulted in relation to that.
- 376. **SG** Is there a reason that a mayor wouldn't be consulted in relation to the allocation of portfolios?
- 377. JM Well, I would think that given that it is a major way of changing the way that things are done that as mayor I would be part of the discussion, yes, I would have thought.
- 378. **SG** So there's no reason particularly that you could think of that you wouldn't be or you wouldn't have been approached?

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- 379. **JM** Well, if I go back to investigation number 1 and investigation number 2 in relation to those complaints, this is part of what I believe I am struggling with is that not being included in some of these major decisions. So, for instance, in a previous investigation in relation to a visit to the SMBI islands I was not aware of a visit with a group of councillors to form a leadership delegation. In relation to this instance again if you look at whose been awarded or assigned portfolios and at the timeline when you talk to other councillors about when they were approached for portfolios, again I wasn't part of the discussion.
- Jos, I think the question was was there any, can you think of any legitimate reason why (ui).
- 381. JM Can I, sorry. Yeah. Thank you for clarity.
- 382. That's really, that's the name of the, nature of the question, isn't it?
- 383. SG Yes.
- 384. **JM** So thank you for the clarity. No, I cannot, I cannot, I cannot see why, why I would not be informed this would be coming to council given that it involves a lot of, or most of the other councillors why I wouldn't have been informed because the discussions had all taken place with other councillors clearly and, as stated in the February 2025 meeting, I do not know why the wouldn't come to me and say by the way I'm having discussions with councillors. I didn't believe, I believe she said in the meeting that was the mayor so...
- 385. **SG** Okay. And didn't provide any additional clarity other than the fact that you were the mayor?
- 386. **JM** You'd have to listen to the February 2025 meeting but from view I was the mayor and busy already I think were answers. I've got other things to be focused on.
- 387. SG I do notice to that point in the article there was a reference to the mayor not being allocated a portfolio because of other activities and responsibilities. Did you have any awareness of or any discussion around that?
- 388. **JM** No, none at all, no. So I was not approached by bearing in mind this is motion. I was not approached by at all to

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notify me that was having discussions with councillors around portfolios and that would not be putting forward or having a discussion about how I might feel about that or if I would like a portfolio too.

- 389. SG Okay. Would you disagree with that statement in the media?
- 390. JM Yes, I would, sorry, so I would...
- 391. SG Specifically on, sorry, I'm referring to the references to the mayor being not assigned a portfolio because of other activities.
- 392. JM Well, I think it's a statement obviously probably, assuming this has come from because it relates to so, and it's come out then at the same time that it's been listed then around the same time as the release of the agenda item which is not yet public, not yet publicly facing. So I assume then the media release would have come from So I agree with the fact that hasn't assigned me a portfolio. reasonings would be own because, as I said, there's no discussion with me.
- 393. SG Okay. But you don't agree with those reasonings?
- 394. **JM** No. I would like to have had some discussion around input. I think I am the mayor and if we're going to work in a collegial way then it would have been nice, given that this is a, well, not even nice. It would have been appropriate, given this is a fairly major thing if I'm going to go back to the terminology, that I would have, I would have been included...
- 395. **SG** Okay.
- 396. **JM** ...in the discussion. I think if you're going to approach pretty much every other councillor but not the mayor it seems, it just seems unusual to me.
- And would you also think the mayor might have any input as to selection as to who gets what portfolio?
- 398. **JM** I think it would be, I think it would be appropriate given a mayor's general leadership role to work collaboratively and have a discussion around what do you think? So I've been, just for example, so I've been approaching councillors or more appropriately I've got this idea. I really want to push forward portfolios. I would have come back with I really would like to see committees. Is there some

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sort of way we can combine the two or create a structure for portfolios if you really want those to satisfy my thoughts around governance, and then what are you, you know, what are you seeing? What is the feedback? I'd come with you. Let's have a discussion, some sort of attempt to work together.

- 399. **SG** Given your stated preference for committees versus stated preference for portfolios, and that was discussed prior, flagged in the earliest discussions prior...
- 400. **JM** No.
- 401. **SG** ...was it addressed at all as far as you're aware in either any of the subsequent, either in the workshop or...
- 402. **JM** So, as...
- 403. **SG** ...as to why portfolios over committees?
- 404. **JM** No, I don't know. So, as you can see, this is a committees and councillor portfolio discussion. So, no, I don't know why the portfolio structure was put forward except that that's choice to bring forward that notice of motion.
- 405. **SG** Yep.
- 406. **JM** So, as she said in the February 2025 general meeting when I asked those questions, she said this was idea. It was motion and approached those councillors and they self-selected their particular area of interest.
- 407. SG Yeah. Okay.
- Another point of note is that in talking since one of the councillors,

 said when I, said that she was approached by

 as said, but that the portfolio that was offered to her changed and said was shocked at the general meeting because the change wasn't discussed with either. The change just became apparent at the general meeting and said that should be evident from the February 2025 meeting.
- 409. SG Okay. So the change meaning that she was given another portfolio?

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- 410. JM I'm not entirely sure...
- 411. **SG** Okay.
- 412. **JM** ...but her, the discussion and the portfolio that changed at the general meeting and said was shocked because that change hadn't even been discussed with
- 413. **SG** Right. So that seems at odds with the earlier comments around self-selection?
- 414. **JM** In that particular councillor's case but all the rest remain the same.
- 415. **SG** Okay. All right. In closing out your post you made the statement I believe this is another tactic to sideline me as the elected mayor of Redlands City. I will therefore not be supporting this motion. Can you just explain what you meant there referring to a tactic to sideline me?
- 416. **JM** So over the course of the now 14 months but less in February, 10 months I have had instances where I have not been invited to meetings or again SMBI visit case in point which was the subject of investigation number 1. These gatherings or opportunities seem to largely focus around and a group of councillors. We have had, as per the second investigation, changes to the media guideline which altered the media spokesperson role for the office of mayor and again these consistent or ongoing actions seem to either cultivate a division or remove me or don't offer me the same opportunities as a select group of councillors or reduce, yeah, the visibility or opportunity to speak within that council environment.
- 417. **SG** Okay. In relation to the complaints that were raised generally and that statement specifically that we've just discussed, it was raised that it contravenes the code of conduct for councillors being, or a component being councillors will at a minimum conduct themselves in the following manner, and under 3.3 strive to maintain and strengthen the public's trust and confidence in the integrity of local government and avoid any action that may diminish its authority or dignity or standing. Do you have a response to that?
- 418. **JM** So a response has been provided in relation to that I believe via my legal representative in part so I stand by that particular response and also, no, I personally do not believe that. I have a right to express my personal views. I

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was not speaking on behalf of council at that time. This is my personal Facebook page and I'm providing my personal commentary. You are able to actually express that you do not agree with some things. I think we are on a dangerous path if we are trying to remove the ability to express your personal feelings or your personal concerns.

- 419. **SG** Okay. Just for the recording I note the letter we received from dated 4th of June is the response that you're referring to.
- 420. JM Yes.
- 421. **SG** Yep. Okay.
- 422. **JM** And I should also note that other councillors have put personal comments up around their feelings for certain topics. has made reference, you know, more recently on a state member's Facebook page saying disagreed with a particular comment and that will contact that that former state member's boss. So I don't have the time to monitor everyone's Facebook page. I feel like I am personally under intense scrutiny by not just one, by many. I have been contacted on the weekend by asking me to remove or suggesting I remove a comment so it indicates to me that my Facebook page is under intense scrutiny. The OIA, I was over on Stradbroke Island for a work event and I think that was two weekends ago and the OIA contacted me saying we've received, two councillors have made a comment about your Facebook. Could you, suggest you remove the post, and it was a pretty innocuous post but I just removed it because I thought oh. She said I'm just, she said I'm trying to be helpful because this is, you know, knowing this, they will probably put in more complaints.
- 423. **SG** Right.
- 424. **JM** So I removed the post and then that immediately became a news story in the local newspaper again.
- 425. **SG** The actual removal?
- 426. JM Yes.
- 427. **SG** Right. Okay. You said contacted you on the weekend. Was that in writing or by phone?

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- 428. **JM** I think that was in email from memory. So, yes, has contacted me on the weekend before to remove a comment...
- 429. SG Right.
- 430. JM ...that someone else put up. I read the comment and again thought it's pretty innocuous but I removed the comment and was kind of surprised that would comment, contact me on a weekend to remove someone's comment on, I hadn't even seen it. It took me, it took me, I did put that in writing. It did take me a while to find it. I had to go, I asked if could identify the post so I could find it and then it took me quite some time to find the comment and I read it and went at the time, really, but removed it and wondered why would be contacting me on a weekend about what I considered to be a fairly innocuous comment but I did remove it.
- 431. **SG** Okay. We will move on to the second allegation which is around the allegation of failure to moderate your social media account. Whilst we're talking about the subject of removal, and we will go through each one of the seven points in detail but can I ask whether you were similarly contacted by the OIA, by or anyone else for that matter in relation to the similar type of removal or request for...
- 432. JM No.
- 433. **SG** ...removal of comments?
- 434. **JM** No, so I have never been and, as I indicated, when people have contacted me in the two examples that I've just given I did remove them. So when contacted me on a weekend, as I said, I'd spent considerable time on my weekend trying to find the comment which meant going through posts and comments going like, I couldn't find it initially so, and when I did I removed it. The OIA, when contacted me again I read it and went I disagree but to save, to save all this drama and cost to ratepayers and to myself and everyone else's time I removed the post.
- 435. SG Was that, was the OIA contact by email or phone?
- 436. **JM** That was by email. The OIA contacted me on my personal email and also my work email.

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- 437. SG Okay.
- I am concerned about what this does in terms of shutting down dialogue. As I said, I've got intense scrutiny and pretty reactionary and immediate which means that people are watching my page constantly and while I don't agree, I'm now in a case of, and I'm now replying to people, you know, it's a, it's a hard line because then you're shutting down people being able to provide their opinion so now I'm now saying, now I'm trying to heavily moderate if there's anything, where we get into territory then, like this 2015 matter, where I'm now curtailing I feel personally negative comment. I'm now in the territory where I'm thinking wow, I can't leave any negative comment up about council so I took one down recently. I hid it going that's a generalised comment about council but could the words used be construed as defamatory. Oh my God, I'm going to end up here again taking up a week of my time over each of these matters. I can't afford it so I'm going to have to not afford that community member their right to actually express a negative view. So it's a dangerous line I think we're treading now.
- 439. **SG** Okay.
- 440. JM But, so to your point, in these comments again I was overseas. In relation to this, so I was not aware of comments. I've gone back and looked. There were 200 and something, 260 or something comments and that's after I've tried to remove some. I just, when I spoke to you the other day I went and removed more, hid them because I was aware of them.
- 441. MR You mean you became aware of them.
- 442. **JM** Yeah, I became aware of them, yeah, after speaking to you.
- 443. **SG** Yeah.
- 444. **JM** So I went through and went oh my God, okay, I'll hide, I'll hide those, anything that mentions anyone. So I'm a diligent person. I am not here to create any discord or bring council into disrepute, quite the opposite. My mission and goal through the election was to bring transparency and try and lift everything up. So that's not my intention at all. As indicated just previously, if something is brought to my attention or I became aware of it I go through, find it, take the time, take it down. I did not know about the comments but as soon as I did I went through

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and hid them but this is quite some time ago. I was overseas at the time.

- 445. **SG** Yeah. So when you say as soon as you did, you went through and hid them, is that because you looked at them and were concerned about them or because of the fact that it was us or the OIA or some (ui)?
- 446. **JM** The OIA, look, I hadn't, like I said, I wasn't, I wasn't aware of these. I can't remember them. I was overseas and I wasn't, I was sick and then busy so I wasn't really paying any attention. I wasn't...
- 447. **SG** So, okay.
- 448. **JM** But I hid, as soon as you raised them as an issue I went back to the post because when I spoke to you I remember saying if thing, if people, if they're people's names then I take them down. I don't, I don't allow comments with people's individuals names in them that's personal generally unless it's a positive so I said that to you and then when I went, I got online and then saw that there were some that had personal comments so I hid them immediately.
- 449. SG Okay. So...
- 450. **JM** And that, the reason that I did that is because, yes, they were raised by you.
- 451. **SG** Yeah. Okay. So noting that I've raised them because of the OIA letter and that your subsequent action was to hide them, I wanted to check in terms of your action to hide them was there an associated change in position that you're hiding them because you think that they were in accordance with the code of conduct but they were diminishing to council or...
- 452. **JM** No, it's just because talking to you and thinking, like I'm now in a situation where I've had three investigations within so many months. Now I'm in a situation, like I said before, that this is just easier to hide anything. Someone rings. I'm now in a situation where I feel I can't allow community members an opinion because it's costly to not only the community but to me.
- 453. **SG** So if you had read those comments without the context of them coming from me via the OIA or this complaint process, and I'm thinking about the same specific comments here, would they be ones that you would have hidden?
- 454. JM I'd have to go through each one.

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455. SG We'll go through each one (ui).

456. **JM** And again this is, this is, this is the trouble. So we have a resolution and I raised this at the time, so the complaint number 2 relates to a resolution brought in December 2024, as I understand it, so that's a motion that was raised by

457. **SG** Just on that, so I've got exhibit M. Can you just confirm that that's the, that's the motion that you're talking about?

458. JM Yes.

459. SG Yep. Okay.

So we have a really subjective resolution and at the time I raised concerns about this resolution and so did from memory

The reason for those concerns were, and the spoke to them at the time saying that the concerns could be dealt with at a later date, and the concerns at the time when I read this resolution, and it was put through again with little, you know, with, relatively quickly with a whole lot of political story around it that it's very subjective so, which, so 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 which are managed by councillors we are able to do so.

So defamation and unjustly damage the reputation, so it's a subjective test and

councillor

Facebook page on the day that this resolution was made. So this resolution was made and then had a comment on his social media page which someone sent through to me because it mentioned me and he left that comment up and that comment stated that, it made reference to, and in one of these folders of hundreds of emails I'll have a copy of it, I just didn't have time to pull it out this week, that this should relate to

who assaulted a female councillor and the mayor should have reprimanded him. It's a disgrace or something like, the words are something like it's a disgrace the mayor hasn't reprimanded him, so lots of inaccuracies there, not my role to reprimand a councillor and to my knowledge didn't assault a female councillor. That in itself is fairly defamatory. That was

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left up on page. I made a complaint to the OIA. The OIA wrote back to me and said no further action would be taken but they had rung him to remove the post.

- 461. SG And did he remove it?
- 462. JM As I understand. That's what the OIA told me. I haven't been back to check.
- 463. **SG** Sure.
- 464. JM I've blocked councillors, particular councillors for their interactions so...
- 465. **SG** Right. Okay. So that's the same circumstances that you're describing in relation to your own removal of posts where the OIA or somebody has intervened to say this should be removed and then the action was taken.
- 466. **JM** Yeah, absolutely. So I have only been contacted, so the contact from the happened around September or October last year.

That's the only time I've been contacted.

So if things are brought to my attention, as I said, my intention is not to damage anyone and in the instance that I've given I've removed the comments then that's fine but in no other circumstance has anyone contacted me. There are multiple platforms to manage. There is a heavy workload and it's even heavier because I have spent so much time in the last six months dealing with these matters. What's really interesting to me is these matters have come too, for the record, during budget deliberation. So this is a heavy work schedule and I have spent an inordinate amount of time dealing with OIA investigations during what should be a very focused process and this has not allowed me to do my job effectively.

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- 467. **SG** Okay. We will go through each of the seven issues so I'll check on each one but I'm keen to understand whether it had, and I note you've already mentioned across the board that you haven't had any particular contact in relation to those to highlight somebody's thought that they were either inappropriate or should be otherwise removed. Okay. All right. Now, I noticed, just before we get to the specific ones, in a general sense you've mentioned that you've got several platforms to review and is it, is it the moderation of those a task that you do yourself? You don't have somebody else that does that or...
- 468. JM No.
- 469. SG ...delegate that.
- 470. **JM** And I've put up a set of rules of engagement which say that like I moderate when I can. It can be lengths of time before I can get to it but I moderate, I moderate as I can, yeah, and certainly if anyone drew attention to an issue, as I've evidenced in the other circumstances, then of course I would address it.
- 471. **SG** Okay. Just while it's on my mind, you mentioned previously you've had two contacts, one from the and one from the OIA via email in relation to removal of posts unrelated to this but in general...
- 472. JM Yes.
- 473. **SG** ...and that you've taken action as a result of that.
- 474. **JM** Yes, that's correct.
- 475. **SG** When you get the opportunity could you provide us with copies of those two emails?
- 476. JM Sure, absolutely.
- 477. **SG** Now, I guess...
- Also she mentioned that other councillors have left up defamatory stuff. Do you want copies of those?
- 479. SG If you've got them.
- 480. JM Yeah. has...

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- 481. I think rather than list them now...
- 482. JM Yeah. Okay.
- 483. SG Yeah. Yeah.
- 484. **JM** Sure.
- 485. SG Just send it through.
- 486. MR ...that's for later.
- 487. **SG** Because it is, what I'm looking at is the subjective test I guess and we'll look at each, we'll go through each of the comments now but in terms of overall council behaviour councillors in the operation of council.
- 488. JM Yeah. Sure.
- 489. SG All right. So on...
- 490. JM Sorry, just before we go on...
- 491. **SG** Sure.
- 492. **JM** ...just clarifying, so I, you, so it's the emails.
- 493. SG You mentioned one from the OIA and one from
- 494. **JM** Yeah.
- 495. **SG**
- 496. JM Yes.
- 497. SG ...on a weekend.
- 498. JM Yes.
- 499. SG And if you could just note which, what they refer to.
- 500. **JM** Yeah.
- 501. SG I'm assuming it will be in the email but...
- 502. JM Yeah.

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SG Yeah. So the first, the first comment is one by a, excuse my pronunciation, dated 14th of February at 4:13 pm which says words, I'll quote get rid of the trouble makers, Mayor Jos. Their noses have been in the trough too long. should have taken them with her. They certainly don't represent me. The one supposedly representing me, you never see them get a scribble pad and a fridge magnet near election time, absolutely disgusting. Sorry, rant over. Do you recall that comment?

From when I saw it after speaking to you I think it was one of the ones still up. I'm not sure. It might not have been. I know, I can't remember, so I went through and removed anything that was in here. I think some, I'm not sure actually now but I know after I spoke to you I went oh my God, went back to the post and then removed anything that I thought could possibly trigger any more OIA complaints. That, so if I look at that, that is a personal opinion, a fairly generalised opinion. I don't know where she lives. For the record I think you pronounce that

505. **SG** Okay.

506. **JM** I think that spelling, that's the name having seen it before.

507.

508. **JM** yeah.

509. **SG** Okay. All right.

510. JM I, you know, it's a personalised comment. How far do we go? Removing every negative comment about a council? I think we're treading dangerously close if, yeah, I think, so if people have a personal opinion not happy, yeah, we're getting, we're getting into dangerous territory if we remove everything. So if I, unless I script something and say if you have a personal negative feeling about council word it in this manner. So if I go to, and I did go and have a look at

Facebook page. The reason I looked at

Facebook page is that in a similar situation in reverse where she is in a minority position as well. She recently had, or there was recently an OIA investigation go through to Ipswich Council and the majority of councillors, the finding was that a breach of conduct had occurred by a particular councillor and

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the majority of councillors in that instance voted to take no action.

So it's the reverse of what happened to me. I have looked at

Facebook page and taken screenshots. The commentary on her page is colourful. I would say a lot of instances it's more colourful than exists here. She is an experienced mayor. This is her second term as mayor with a history of being a councillor as well so I was looking at her page for guidance. The comments that appear here, like I said, aren't inconsistent and in some cases there is more colourful...

- 511. **SG** Yeah.
- 512. **JM** ...commentary.
- 513. **SG** And noting your earlier comments that you've removed the comment because of the information that I provided you from the, coming from the, or originating from the OIA, is it, is there any other reason that it would be removed or would it be your contention that standing on its own, putting aside the complaint for a moment, that it, you mentioned there that it's innocuous or it doesn't identify anyone. So is it your contention that the removal was purely because of the complaint as opposed to feeling that it should be removed for bringing council into disrepute or impugning council reputation?
- 514. **JM** So, so I wasn't aware of all of these so I have after speaking to you and becoming aware that there could be comments still up there, so I got the, I got the initial complaint by the OIA and to be perfectly honest there were a couple of OIA complaints that all came in at once and I'm feeling pretty demoralised by now so at the time I just went oh...
- 515. Jos, I think the question is...
- 516. **JM** ...more complaints so...
- 517. ...not about those things.
- 518. **JM** No.
- 519. Just stand alone looking at it now.
- 520. **JM** So stand alone looking at it now, we can go through each one but I removed them or hid them the other day after talking to you and my initial response...

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- No, the question is not why did, looking at that now do you think that...
- 522. JM This particular comment?
- 523. Is that good or bad, if I could, that's not what the question was but...
- 524. JM So...
- 525. **SG** On its own merits do you think it's a comment that brings the council into disrepute?
- 526. **JM** I think it's a personalised comment. Disrepute, no. People have, people have commentary all the time. On all of the community pages they write some pretty, you know, again colourful stuff. Where do we stop the commentary? If you have a real problem and if it's defamatory then take action, and this is the problem with this particular resolution I feel because you're asking for a subjective test that's a really complex issue and I think that it's up to councillors to pursue if they think it's defamatory and this is the problem that I have. My...
- Jos, is it your position that disrepute means something far more than a mere blemish on the reputation of council...
- 528. JM Yes.
- 529. ...and a mere blemish, even if that's a mere minor besmirchment, that does not make it of the gravity...
- 530. **JM** Absolutely.
- 531. Isn't that what you're trying to say?
- 532. JM Yeah. Yeah. So, for example...
- 533. I'm not putting words in her mouth. I'm just...
- 534. **JM** You say...
- 535. **SG** No. No.
- 536. ...trying to...
- 537. **SG** I just...
- 538. **JM** Yeah.

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BDO Interview Transcript: Jocelyn Mitchell File Number: Date of Interview: 6 June 2025 539. **SG** I'm basically saying put aside the complaint. The reason, you've noted already that... 540. **JM** Yeah. 541. **SG** ...the reason you've removed these is because I've made you aware of them but putting that aside... 542. JM So, no, I don't think, this is... 543. **SG** ...in of itself is it... 544. **JM** This is a get rid of the trouble makers, Mayor Jos. I mean honestly... 545. **SG** Sure. 546. **JM** ...you know, there's many more. The eferred to me as a sociopath on social media the other day. I've been called a parasite on their, with their cohort, their followers. 547. **SG** And they remain, those comments remain? 548. **JM** That's on, they're made on other pages. 549. **SG** Okay. Like this is, this is... 550. **JM** 551. **SG** But in of itself you don't think it's appropriate, inappropriate, sorry, as it is. 552. **JM** No. Would I write that? No. But, you know, it's just, it's a comment, it's a personalised comment by a member of the community... 553. SG Okay. All right. ...expressing an opinion. On councillor Facebook page 554. **JM** got commentary up around my non-attendance at workshops. put up a photo of again a meeting in process. I'm not in the photo. People have made comments, followers saying I'm not at things present and comment back saying she wasn't there. You'd have to ask her why not. You know, there's commentary going on all the time. Do I think that is, no, I think

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that's just a comment.

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- 555. **SG** Okay. All right. The next one, comment B, is by at 4:28 pm on the same date, 14th of February 2025 that says mmm, seems this 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,
- 556. **JM** Again a personal opinion. I removed it after you pointed out that there were comments on the Facebook page in relation to this complaint.
- 557. SG But in of itself...
- 558. JM No.
- 559. SG You don't think it's inappropriate?
- 560. **JM** I don't think it's inappropriate. I think it's a personalised comment. Would I normally take it down because it mentioned a personal name? Yes. As I said, I wasn't aware of it. If anyone had contacted me, if had contacted me or anyone else saying that they felt it was an issue I would have removed it.
- 561. **SG** So until I raised it with you or the OIA, out of the OIA no one had contacted you about it?
- 562. JM No one had contacted me. In relation to any of these complaints on this post or any other apart from the two instances that I've told you no one has ever contacted me to take it down.
- 563. **SG** Okay.
- If one of these councillors did have an issue, and we don't know who made this complaint so I don't know if it's a councillor or not, they could just reach out and say hey, could you please take that down.

 has a post, as I understand it, still up on her councillor Facebook page from the 14th of March 2024 which refers to me at great length in a negative way. I did ask her to take it down but she never did. I don't know if it's still there, yeah.
- 565. **SG** Sorry, when was that dated, March 2024?
- 566. **JM** March 2024, the 14th.
- 567. **SG** The 14th.
- 568. **JM** I've got a copy of that. It's very, it's quite lengthy.

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File Number: Date of Interview: 6 June 2025 569. **SG** Okay. 570. **JM** She... 571. **SG** If you could provide that. 572. **JM** Yeah. She expresses her views very articulately. 573. **SG** Okay. The next one is by an (?) at 4:47 pm on the same date, 14th of February 2025 that says, quote, we paying for this shit show. This is why nothing gets done in the Redlands. Too busy squabbling like children. FFS sort it out and get on with the job. Again I guess that includes me as well, so again I feel that's public commentary. 574. **JM** They're obviously not happy with any of us by the sound of it. It sounds like it's a collective and to be honest I'm kind of feeling with the time I'm taking with this in that way too. I think it's a commentary about the general state of affairs. 575. **SG** 576. JM So, no, normally that's someone's opinion. 577. SG So in of itself not inappropriate? 578. JM No. 579. **SG** Okay. And no one's asked you to remove it previously. 580. **JM** No, no one's asked me to remove it. And I should also point out that I don't know, I have had to block, I don't know, I recognise some names as being legitimate. I don't know, there is, I, my personal opinion is quite a high level of either anonymous pages, there's one Redlands City News election, Redlands City News election information 2024 that pumps out a lot of very defamatory kind of content. There are a lot of fake pages that post comments. So I'll just note for the record that I don't know, I know is a real person. I think I've seen that name before and maybe 581. **SG** Okay. I haven't seen that name. I haven't seen that 582. **JM** I don't know, name. So I just want to note that sometimes fake Facebook pages comment as well.

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596. **SG** Of you?

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583.	SG	Yeah.
584.		Jos, have you seen the words shit show used elsewhere and
585.	JM	I
586.		whether that's considered objectively
587.	JM	I did, I did just, yes, I just did note that. Noting that this is on the 14 th of February, actually, yeah, okay. So while I was away overseas on the 21 st of February I believe it is there was a front page news story. A link was sent to me from another mayor saying have you seen this? The, well, it was an article, not front page but there was an article on, in the Courier-Mail, in the Courier-Mail. The mayor sent me the link and said have you seen this? And I wrote back oh my God, no.
588.	SG	Okay. And again in of itself not, you wouldn't consider it
589.	JM	Again
590.	SG	an inappropriate comment?
591.	JM	Again would it be something I'd write? No. But I get comments like that. So, no, it's, and fair comment at me too. That reads like it's directed at me too. Stop squabbling like children and get on with the job so I would leave that up. It includes me, yeah.
592.	SG	Okay. And just while, again while I think of it, you mentioned that there's a couple of names you recognise so how do you recognise them?
593.	JM	As commenters, that comment, regularly comment. I've met in person so I know she exists.
594.	SG	They're not affiliated with you?
595.	JM	No. she didn't volunteer but she's been, she's dropped off flowers in support.

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597.	JM	Of me. At council she's left flowers a couple of times, yeah, so I know she's a real person.
598.	SG	Yeah. Okay. And none of the others?
599.	JM	No. I've seen, but I've seen some of their names appear on my Facebook page before.
600.	SG	Okay. All right. The next one is
601.	JM	Except I haven't seen that name before.
602.	SG	Right. Okay. The next one is by a 4:54 pm on the 14 th of February 2025. So is looking to be mayor by default it seems to me. This has got to be stopped.
603.	JM	Again a personal comment.
604.	SG	In of itself inappropriate?
605.	JM	I don't see how. It's a, it's a personal comment.
606.	SG	Okay.
607.	JM	He says it seems to me so his personal comment.
608.	SG	And no one's ever contacted you to remove it?
609.	JM	No one's ever contacted me to remove it but I did, I don't know if that, yeah, I did remove, as I said, I went through anything that mentioned a personal name I removed from the Facebook page.
610.	SG	So the reference to there would have been enough for you to
611.	JM	Yeah, I would have gone no, I'll just remove it.
612.	SG	Okay. All right. The next one is by a 6:34 am on the 15 th of February 2025. This is an absolute disgrace. The are abhorrent. The Redlands community does not deserve such blatant disregard and contempt.
613.	JM	Again personal comment.
614.	SG	Okay. Do you, have you heard of the or what that refers to?

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615.	JM	No.
616.	SG	Okay.
617.	JM	But it's not naming anyone, personal comment, yeah.
618.	SG	So in of itself you don't think it's inappropriate?
619.	JM	No.
620.	SG	
621.	JM	
622.	SG	
623.	JM	
624.	SG	
625.	JM	
626.	SG	
627.		
628.	SG	Sure.

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BDO Interview Transcript: Jocelyn Mitchell File Number: Date of Interview: 6 June 2025 629. **JM** So can I... 630. **SG** No, and I'm not... 631. **JM** Yeah. 632. **SG** ...going to ask for any names. 633. **JM** No. No. 634. **SG** I'm just trying to understand what the likelihood of the is that's quoted... 635. **JM** Yeah, I see what you mean. 636. **SG** ...as referring to... 637. **JM** To six. ...councillors and without, again without being specific about which councillors 638. **SG** there's a connotation there to me... 639. **JM** 640. **SG** That's fine. I'm trying, I'm trying, I'm trying to. I don't know. 641. **JM** 642. **SG** Yeah. That's fine. When I read it, and obviously I don't have a detailed knowledge of the individual councillors at Redland. So when I first read it I assumed that the particularly given it's in the quote mark, relates to councillors generally, right. So from an objective test of looking at it, and this

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comes back to the question of do you think it's inappropriate or not.

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- 643. JM Mmm.
- 644. **SG** It doesn't name them and without a detailed knowledge of council or councillors (ui).
- 645. **JM** That's, that's just it and this is where the test is a very difficult one so...
- 646. **SG** Yeah.
- 647. **JM** The Redlands community does not deserve such blatant disregard and contempt, well, that's again personal opinion. They're entitled to make that. Absolute disgrace, same. The doesn't list anyone in particular. I don't know.
- 648. **SG** And that's not a term, you mentioned that's not a term that you've heard before.
- 649. JM No, never.
- 650. **SG** Okay. All right. Okay. Again in of itself you don't think it's inappropriate comment?
- Well, no. It's, again this is the line between, you know, where do we draw the line with public commentary and people's, you know, people's expression of displeasure or, are we in territory, you know, where we just don't allow anyone to make a negative comment or express a view? If, and I'll give you another example. The other day I alerted the council page, council, Redland, sorry, Redland City Council's Facebook page. They had a comment up that elected, elective representatives are and that was up for over a day and this is an organisation that has paid for monitoring and I've contacted them previously on a number of occasions around comments about me specifically that have been left up for days. I've had community members contact me saying I don't think this is right that council leaves these comments up about you.
- 652. **SG** Who's responsible for monitoring that?
- 653. **JM**
- 654. SG What's her role in council?
- 655. **JM**
- 656. **SG** Okay. And it is externally monitored?

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- As I understand. I only just found out because the response I got into this particular inquiry from the said we have, I wrote and said I'm disappointed these comments are left up because it relates to all of us. So when I act, I act, I try and act with everyone in mind. I said it relates to all of us. You know, could it be removed? Again I've raised this issue before. Again I, you know, you know, I think that it should be monitored. And the response came back that their external monitoring had, their external moderation had now been altered to include extra search criteria namely the word paedophile and paedo.
- 658. SG Yeah. Okay. All right. When did that communication occur?
- 659. JM That was last week.
- 660. SG Okay. All right.
- 661. JM Today, Friday, it might have been this week, yeah, recently, yeah.
- 662. **SG** Yeah. Okay. The next one is by
 6:28 pm on the 15th of February
 2025 and stated it seems to me that there is a large amount of divisiveness in
 council which is not a good thing. Targeting an elected member of council,
 specifically the mayor, with behind the scenes plotting and planning is
 detrimented to a well functional council and therefore detrimental to the
 community. I think we the electors need to keep a close eye on this sort of
 behaviour and route it and the perpetrated out if necessary.
- 663. **JM** Again personal opinion. Where do I draw the line between personal commentary and not? Again...
- 664. **SG** In of itself you don't think it's inappropriate?
- 665. **JM** No, it's not. It's, I wouldn't call it defamatory. It doesn't say anyone in particular. The person mentions me but it doesn't mention any other councillor and it's personal commentary.
- 666. SG No one's ever...
- 667. **JM** No one's...
- 668. **SG** ...flagged...
- 669. JM And, no, no one, as I said before, no one has contacted me to remove any of

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these one, two, three, four, five, six, seven, no one has commented or asked me to remove these posts.

- 670. SG Yeah. Okay.
- 671. **JM** And on two previous occasions when I have been contacted I have removed them.
- 672. **SG** Yep. The final one by 9 pm on the 15th of February 2025, maybe needs to remember that we voted Jos Mitchell in as mayor, not the councillor and possibly all the councillors who support need to get back to work for their communities instead of building their little empires so it's time for an administrator to be appointed to clean up this council. Thoughts on that one?
- 673. **JM** Again personal commentary. Again where do you join (sic) the line? Do we stop people making any negative comment or expressing their views around council?
- 674. SG No nobody including
- 675. JM No.
- 676. **SG** ...has commented on (ui)?
- 677. **JM** Nobody, has, seen me numerous times between February the 14th and now and she has not raised these issues with me to remove any of these comments. If she had raised them I would have removed them. In fact, previously when comments have been made about individual councillors on my posts I have, I have removed them. In the previous investigation complaint, investigation number 2 I went through this process where the complaint had been made about comments on my Facebook page and they had been removed. I had, I had removed comments so...
- 678. SG Okay.
- 679. JM Yeah.
- 680. **SG** And this one, noting your earlier comments about it names a person, is this one that you would have removed given it names
- 681. **JM** Yeah. So generally, as I said, if it names a particular councillor, just because I don't, I, because of the relationship obviously and the environment that I'm

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currently in, I'm very conscious of the environment, as I said in my initial statement, that I'm working within. So I don't intentionally do anything that's going to cost me more money and the ratepayers more money. So I have been removing things with individual names on them.

- 682. **SG** Yeah.
- 683. JM And certainly just stressing that had I been contacted by or any of the councillors or anyone, who has shown that they have reached out to me before, I would have removed them and noting that I have myself approached to remove a post in relation to me and acknowledged that the post was about me at the time but chose not to remove that post. That's as of a couple of months ago when a community member raised it with me again. It was still there and that's, you know, that's a long, long time after it was posted.
- 684. **SG** Yeah. And that conversation you had with person?
- 685. **JM** That was in person.
- 686. SG Okay.
- 687. **JM** Yeah.
- 688. **SG** Was there anything in writing to follow it up?
- 689. **JM** No. It was at a coffee shop. It was at Barcella's coffee shop at Victoria Point and I sat down and said look, you know, I'd like you to remove the post. And said would think about it. And I said well, I feel that it's, you know, not appropriate. It's not how I want to conduct myself. You know, I wouldn't leave a post up like that about you, and it's a very long post.
- 690. SG Okay. Is that, that' the one that you referred to earlier?
- 691. **JM** That's the one that I referred to earlier.
- 692. **SG** We'll look into that. Okay. So as a side note I know that of the seven posts is referenced in three of them. Do you have any view or thoughts on that?

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693. **JM** No, except I guess she was the subject of the person who brought the, that's the forwarded or the shared news article...

694. **SG** Okay.

695. **JM** ...as the person who brought the motion.

696. **SG** Yeah. Okay. In relation to the code of conduct component of the allegations, section 1.2 notes that councillors will at a minimum have the following responsibilities, 1.2 being respect and comply with all policies, procedures and resolutions of local government. Overall given the two allegations including the seven posts that we've discussed today, do you maintain that your conduct throughout the process has been aligned with the code of conduct?

697. JM Absolutely. So I'm entitled I believe to state in relation to the first complaint my personal opinion. As per the minutes and the recording of the February 2025 general meeting, I did not have prior knowledge of this motion coming forward and it was not discussed with me and I would expect that as mayor and given that other councillors were part of the discussion that I would be included too. That would be a natural assumption I believe as a member of the council and particularly as mayor.

In relation to the second part of the complaint, as I pointed out before, I raised at the time of this notice of motion my concerns around the way this would be used and I find it very interesting that this has now been used three times in consecutive investigations in as many months particularly when it relates to me and no other councillor taking into account that was afforded a phone call from the OIA but no one until I raised with the OIA that I heard that other mayors were contacted, given the opportunity to remove posts. Prior to that that has not happened.

I think these particular comments, I don't think they defame anyone. If we, again subjective test, I don't know how we go through and determine that. That's a very difficult and costly exercise but that's up to each individual councillor to pursue I believe. When you raised it with me I went through and found them and there were a lot of comments and hid them. I've given an indication or given examples where when it's been raised with me I've removed them immediately and I would do, and since this time and now I've seen

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times or any other person, if they'd raised it with me, they had every opportunity to and I would have simply taken them down and, believe me, I don't want to spend any more money and time on doing this again.

- 698. **SG** Okay. Noting the itinerary that was referenced earlier in the two email communications around posts earlier, anything, of course, following the conclusion of today's proceedings and the interview don't feel that there's, if there's anything else, don't feel there's nothing else you can't put forward should it be relevant. If there is anything else that comes to mind after today feel free to be able to send it through and we will take it into consideration in relation to the outcome of the investigation and our reporting. And, as I say, I note those two emails and the itinerary for your travel...
- 699. JM Yes.
- 700. SG ...separately.
- 701. JM Yeah, I've noted those.
- 702. **SG** I'm going to, that's all the questions I have at this point. I'm going to wrap up. Prior to doing so is there any other comment that you wish to make or statement...
- 703. **JM** I think...
- 704. **SG** ...you wish to make?
- No, just the same statement. The process concerns me. This is a costly way of doing it. I don't know who the complainant is. I am very disappointed that it went through the OIA process and there would have been an opportunity to advise me as they have chosen to do since to simply contact me about these concerns bearing in mind that it's been done for other mayors. They did it on the last occasion when I raised it with about this very motion and a post on the page. They offered him that opportunity but I have not been afforded the same opportunity so I am disappointed at the disparity that that shows in relation to these processes. I think personally I feel that is unfair.

When I became aware of it after speaking to you I simply removed them. It is simply a case of not wanting, as I said, to generate more time and cost to ratepayers and myself and it's a double dip there because I'm a ratepayer as

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well. It's not my intention to do that. I believe in a high set of standards and I do not believe that this commentary and what I have done breaches the code of conduct and I fully acknowledge that the independent report could determine either way but ultimately, as I've seen from the last investigation, it doesn't really matter either way.

- 706. **SG** Okay. All right. I've got a couple of quick things that I'll run through to close out the interview. Have you understood everything that you've been asked today?
- 707. JM Yes, I have.
- 708. **SG** Has anyone coerced you including by threat, punishment or offer of money in order to get you to attend today's interview?
- 709. **JM** No.
- 710. SG You've answered all my questions of your own free will?
- 711. JM Yes.
- 712. SG Okay. And I take the opportunity to remind both of you of the confidential nature of the investigation and that you should not speak to other persons outside of legal representation. The matter remains confidential. And we will move forward through the normal process so there will be this other report prior to which you'll get your seven days to respond to and then that will be followed by the final investigation report.
- 713. **JM** And the seven days is a new thing because I didn't get the seven days the first time before they, so that's a new timeframe?
- 714. **SG** There's an unrelated matter that provided, highlighted a turnaround timeframe for the subject person i.e. yourself...
- 715. **JM** Because I raised that...
- 716. **SG** ...to respond in the timeframe.
- 717. **JM** Yeah, I raised that on the first investigation, the timeframe. I think I had two days or, two, two days or three days and I, yeah, I didn't see it initially because I get quite a few emails...
- 718. **SG** Okay.

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- 719. **JM** ...and so I did raise that timeframe and they've now said that they'll extend it.
- 720. SG Okay. Yeah. You'll be given seven days...
- 721. JM Seven days. Okay.
- 722. **SG** ...to respond, yeah. Okay. And then, as we mentioned earlier, I understand it's going to be put forward because of the time, so obviously we've still got to finalise things, receive that additional material from yourself together with anyone else, take everything into consideration, finalise the investigation, the reporting will be pushed back to the July council...
- 723. JM General meeting.
- 724. SG ...general meeting, yeah.
- 725. JM Yeah. Okay.
- 726. **SG** Okay. It is now 12:37 pm Friday, the 6th of June and I'll terminate the interview there.

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