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INVESTIGATION SUMMARY

Alleged Inappropriate Conduct by Cr Paul Tully

1. Introduction

Ipswich City Council received a referral from the Office of the Independent Assessor on 19 May 2020 relating to the suspected inappropriate conduct of one of its Councillors. This involved a posting on the Paul Tully Facebook Page on 17 April entitled “Funny Friday” which attracted a number of complaints from members of the public. The complainants alleged that the post showed a lack of respect for women, reinforced negative gender stereotypes and conduct that is not becoming of a Councillor.

After receiving a referral by the Independent Assessor of an instance of suspected inappropriate conduct, the Local Government must complete an investigation into the alleged conduct. In accordance with Council Policy, the Mayor is responsible for overseeing such investigations. The Mayor sought assistance from Council staff and Wise Workplace solutions were appointed to undertake an independent investigation.

As part of this investigation Cr Tully was interviewed and provided with an opportunity to respond to the allegations. Cr Tully’s responses included that the page was not his official Councillor page, that the posts were put up by his proxy rather than himself and that it was removed after approximately an hour when negative comments had been noticed.

Below is an excerpt from the executive summary of the report:

2. Background

1.1 Wise Workplace was appointed by Ipswich City Council to undertake a desktop review of the evidence provided by the OIA and investigate the complaints, to:

- *ascertain whether or not the social media posting complained of, breached the conditions imposed by policies and/or legislation;*
- *provide a report and make findings, including:*
 - *factual findings as to whether the alleged incident occurred*
 - *identify possible breaches of policies, procedure or legislation arising from the incident*
 - *identify any systemic issues arising from the investigation, and*
 - *Identify any management issues or successes in dealing with the complaint.*

3. Executive Summary

Allegation 1

It is alleged on 17 April 2020, Paul Tully did post on the Paul Tully Facebook page, a meme titled ‘Funny Friday’ which contained the wording,

‘I asked my trainer which machine at the gym I should use to impress beautiful women. He pointed outside and said “The ATM machine”.

Particular (a)

The post on the Paul Tully Facebook page:

Friday, 21 August 2020

- i. showed a lack of respect for women; and
- ii. reinforced negative gender stereotypes.

Particular (b)

The conduct of posting the meme was not consistent with meaningful engagement with the community.

We find that allegation 1 and particulars (a) and (b) are substantiated.

We find that the social media post could amount to a breach of the Code of Conduct for Councillors in Queensland, specifically:

- Behavioural standard 2 – Treat people in a reasonable, just, respectful and non-discriminatory way; or
- Behavioural Standard 3 – Ensure conduct does not reflect adversely on the reputation of Council; or
- Value 3 – In representing and meaningfully engaging with the community a Councillor will show respect to all persons.

Whilst we find the allegation substantiated and advise that this conduct could amount to a breach of the Code of Conduct for Councillors in Queensland, it is acknowledged that the meme was posted with the intent of it being humorous for the Paul Tully Facebook followers. There is no indication or evidence that it was posted by Cr Tully or ██████ acting as proxy, with any intent to purposely show disrespect for women even though it was deemed offensive for a number of people.

4. Events leading to investigation

- i. The OIA wrote to Councillor (Cr) Tully on 28 April 2020 informing him that community complaints had been received regarding a post he made on his 'Paul Tully' Facebook page on 17 April 2020. The reference numbers for the complaints were provided in the header of the letter as C/20/00257 and C/20/00259 – C/20/00263.
- ii. Cr Tully was provided with a copy of the post and a Notice and opportunity to respond (the Notice) which advised that there were five community complaints. The invitation to respond back to the OIA pursuant to Section 150AA of the Local Government Act 2009 was due by 6 May 2020.
- iii. Cr Tully did not respond to the invitation and the OIA subsequently informed David Farmer, CEO of Ipswich City Council in a letter dated 19 May 2020 that six complaints were received and that Cr Tully may have breached behavioural standards of the Code of Conduct for Councillors in Queensland and potentially breached Section 150K(1)(a) of the Local Government Act 2009, when he posted a meme titled 'Funny Friday' on Facebook. The OIA advised they had determined in the absence of a response from Cr Tully, to refer the matter to Council to be dealt with under Chapter 5A, Part 2 Division 5 of the Local Government Act 2009.
- iv. Cr Tully was informed in writing by the OIA of this action and also advised that the conduct had to be investigated by Council in accordance with their Investigation Policy.
- v. The OIA subsequently advised Mr Farmer via email on 20 May 2020, that one complaint had been withdrawn, with reference C/20/00257.

Friday, 21 August 2020

Your reference
Our reference Brett McGrath
Contact Officer 3810 7760
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Mr John Hughes
Chairman
Swifts Leagues Club Ltd
PO Box 401
BOOVAL QLD 4303

7 August 2020

Dear Mr Hughes

Re: Potential Disposal of Council Asset to Swifts Leagues Club

On 29 July 2020, a meeting was held between representatives of Swifts (yourself and Mr Paul Morris) and Ipswich City Council (Mayor Teresa Harding and I) to discuss the potential disposal of the facility currently leased by Swifts, located at 95a Brisbane Road, Booval.

As an outcome of our meeting, the Mayor and I made a commitment to provide you with the minutes of previous meetings and these are attached. We also committed to provide an estimated timeframe on the various options in the attached report, which will be considered by the Council at the next meeting on 27 August 2020.

Should the Council decide to proceed with option three (3) in the report and dispose of the facility pending the results of the community consultation, it is anticipated that the consultation process will take three (3) to four (4) months to complete in its entirety. This would be from 27 August 2020 to the point at which Council makes a final decision on the outcome of this community consultation.

Council would coordinate this community consultation on the proposal to dispose of the facility to Swifts, which will be subject to the reasons behind Swifts desire to purchase the facility and its proposed plans to support the disposal. Swifts will need to provide all relevant information requested by Council in order to deliver an open, ethical and transparent community engagement process that meets the expectations of the members of the public and local residents and helps them to make an informed decision on the proposal.

An open and accountable process will ensure the public understands Swifts future plans for the site as well as other implications of Council's disposal of this asset to your organisation.

It is particularly important to outline any planned changes to the facility or operation of the Club that will impact neighbours. There has been some debate during this process concerning the potential involvement of third party organisations (such as Easts Leagues). If this could be addressed from the outset it would assist in streamlining the consultation process and ensuring transparency. The Board will need to be available for any consultation or engagement with members of the public on this matter and also provide information to respond to any reasonable requests made by the public.

Provided that Swifts can commit to the above requirements and given your advice that the Club's intention is that the current footprint of the facility will remain, with a number of comparatively modest adjustments to improve functionality, there will be no requirement for a masterplan.

As you might appreciate, Council did not support the disposal based on the outcomes of the previous community consultation led by Swifts. This was on the basis of feedback from stakeholders that the process did not meet reasonable expectations of a community consultation process, in particular, that the public were not fully-informed.

We hope that by providing this opportunity for a second round of community consultation on the disposal, led by Council and with input and support from Swifts, a more open and transparent process will be delivered and the uncertainties previously identified will be addressed.

Should you require any further information or wish to discuss any aspect further, please don't hesitate to make further contact.

Yours sincerely



David Farmer
CHIEF EXECUTIVE OFFICER



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24 August 2020

Ipswich City Council
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IPSWICH QLD 4305

council@ipswich.qld.gov.au

Attention: Chief Executive Officer

Dear Mr Farmer

Re: Potential Disposal of Council Asset at Swifts Leagues Club

Thank you for your letter dated 7 August 2020 and the consideration Council is giving to the above. We need comment on some of what is said in the letter.

Bryce Hines told Swifts on 11 September 2018 (that is a little over two years ago) that Council had the option to subdivide Swift's site [from Cameron Park], put the land on the market and anyone could buy it (Swifts does not agree with this) but later in that meeting said that his preference was that Council sell to Swifts using an exemption under the LGA. This would mean Council would not need to spend money so that it meets and continues to meet its obligations under the lease and the sale would end the dispute about that.

While we continue to discuss the potential sale to Swifts we continue to allow Council not to spend money on the improvements on the land. This is costing Swifts money each month because the club is not operating as it could and should. We continue to be asked why we are not spending money on the main building when Council officers know that some of what needs be done first requires other works and these are among the works in dispute.

In the fourth paragraph of Council's letter you say that Swifts needs provide "all relevant information". Please, in a letter in reply to this letter, specify what that information is and assure us that this will not change during the proposed consultation and sale process.

In the fifth paragraph you refer to "other implications of Council's disposal of this asset to your organization". Please inform us what that means.

In the second paragraph on page 2 you say that it is Swifts intention that the current footprint of the facility will remain with a number of comparatively modest adjustments. We propose extending the current lower level of the club house to accommodate a cafe and kitchen and to accommodate between 120 and 150 electronic gaming machines. We confirm that we will also be reducing the number of bowls greens to one and at some time none due to a reduction in the number of players and to increase car parking. We thought we made this clear in our meeting on 29 July 2020. We anticipate that some of the changes to the main building might require Swifts make a Development Application and therefore Council will have an opportunity to review this.

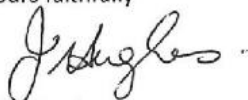
We confirm that we have spoken to Easts Leagues Club Brisbane about it providing management services to us similar to those it provided to Broncos Leagues Club. We first asked Easts for this assistance nearly two years ago but the Council then offered the land to us and Easts asked us to finalize any such arrangement as it would have regard to this and what money might be spent when deciding the terms of any agreement with us. What is Council's concern about this?

We have therefore not pressed Council to further discuss or litigate the dispute of the lease and works during that time and to do this first borrowed money to support the business in the club house and more recently use money from the sale of our Purga property.

Four months from 27 August 2020 is 27 December 2020. This would mean that works could not commence on the club house until after Christmas and probably not until sometime after March 2021. Is Council prepared to inform Swifts the proposed sale/purchase price by Friday 11 September 2020 and agree that if the sale/purchase does not complete before Friday 18 December 2020 Swifts does not need recommence the dispute resolution process stated in the lease and it can commence legal proceedings in regard to the works in dispute?

On this basis Swifts would negotiate a management agreement with Easts between 11 September 2020 and 18 December 2020 and commence having works carried out on the basis that if the purchase does not proceed Swifts can recover the cost of the works which a court later finds were the responsibility of the Council as lessor together with whatever damages it is otherwise entitled to.

Yours faithfully



John Hughes

Chair of the Board

Swifts Leagues Club Ltd

