

Media Release - The Redland City Council Defamation Report

Ombudsman releases report on Redland City Council defamation action against two residents

5 January 2017

Queensland Ombudsman Phil Clarke today released an investigative report about Redland City Council's threat of defamation action against two residents in response to comments published on social media.

The investigation was launched following receipt of complaints from the two residents, who had received letters from council threatening to commence legal action against them under the *Defamation Act 2005*.

The letters were in response to alleged defamatory comments about council, council officers and the Mayor on a petition website.

In addition, council wrote to the employer of one of the complainants advising that she had published defamatory material online which included her work email signature block.

The investigation determined that council did not have a policy to guide decision-making around whether to fund private legal action on behalf of councillors or council employees.

The Department of Infrastructure, Local Government and Planning has agreed to provide guidance to all Queensland councils on the appropriate content and scope for a policy about funding private legal action for councillors and council employees.

Mr Clarke's recommendations to council included:

- ensuring that key officers receive further training about defamation law including what may, and may not, constitute defamation under Queensland law
- preparing a policy to guide decision-making around whether to fund private legal action on behalf of employees or councillors and disclosing any such expenditure in publicly available financial reports.

"Considering the risk of a recurrence of this type of incident, providing guidance to councils about funding private legal action for employees is a positive development to assist councils to navigate complex situations involving public criticism by residents," Mr Clarke said.

The Queensland Ombudsman is an independent officer of the Parliament.

The Ombudsman ensures public agencies make fair and balanced decisions for Queenslanders by investigating complaints and conducting own-initiative investigations that tackle broader, systemic concerns.

The Ombudsman can investigate complaints about state government departments, local councils and

publicly-funded universities.

The Ombudsman can make recommendations to rectify unfair or unjust decisions and improve administrative practice.

[The Redland City Council defamation report: An investigation into the unreasonable threat of legal action against residents by Redland City Council](#)

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