

Media Release

“An absolute appalling waste of ratepayer funds”

“It’s an absolute appalling waste of ratepayer funds”, said Alderman Marti Zucco (Mercury 10/8/2021) relating to the City of Hobart spending a few dollars to make parking signs in North Hobart easier to understand.

So why did Ald Zucco waste \$46,370 defending a Code of Conduct complaint where he was found guilty of 21 breaches, and reprimanded. \$25,402 of this was paid by us ratepayers. This is certainly an absolute appalling waste of ratepayer funds. HNH calls on Ald Zucco to refund this amount.

When an elected member for a Local Council decides to defend a Code of Conduct case he should not automatically assume that all costs will be borne by the Council (i.e. ratepayers) or its insurers. And, when an elected member is guilty of 21 breaches and this follows several appearances before the Code of Conduct Panel over the years, surely he should have to seek preliminary advice as to whether, or not, he would be covered for legal costs. When an elected member is found guilty of 21 charges why should ratepayers be responsible for any of the legal costs?

We ask that Ald Marti Zucco pay for his failed Code of Conduct 'defence'.

Having been found guilty, and reprimanded, for 21 breaches of the Code of Conduct, including bullying and harassment, making false accusations of racism and fascism against 'Ratepayer', Hobart Not Highrise (HNH), and its president Brian Corr, Ald Zucco should immediately refund the \$25,402 paid by us ratepayers.

There is no worse accusation than that of 'racism' and Ald Zucco's accusations against 'Ratepayer', HNH, and president Brian Corr, were without a shred of evidence, and designed to destroy their reputations and good standing in the community.

This high cost to ratepayers was caused by Ald Zucco defending his actions when, clearly, he had no chance of winning.

During the long, and very 'legal' process, the number of submissions made by Ald Zucco made it obvious to Mr Corr that Ald Zucco had received extensive legal advice. Mr Corr found this advice to be 'lots of words with little substance' and believes that its intention was to scare him so he would drop the case. However, as a result, Mr Corr spent 80 to 100 hours working on submissions, all to protect the good reputation of 'Ratepayer', HNH, and himself as its President.

It was also obvious to Mr Corr that the amount of documentation could only have resulted in the Code of Conduct Panel (3 senior members + secretariat) also spending many hours working on this complaint.

Ald Zucco was found guilty of 21 breaches of the Code of Conduct and reprimanded.

At the City of Hobart Council Meeting on the 5th July 2021, during Public Question Time, Mr Corr asked for details of the costs for the Code of Conduct complaint.

The City's reply, from CEO Kelly Grigsby, details the following costs:

- + 30,500 Ald Zucco's legal expenses
- + 3,032 3rd party legal advice
- + 2,556 Code of Conduct Panel
- + 10,282 Code of Conduct Panel

- + 46,370 Total Cost

- 20,968 Insurance reimbursement

- + 25,402 Paid by ratepayers**

The cost of time spent on the issue by the City of Hobart staff is not included in the above.

Mr Corr understands that the insurance excess is \$5,000, so why did the ratepayers pay \$25,402? And what is the \$3,032 "*third party legal advice in relation to whether the reimbursement sought [by Ald Zucco] met the criteria of the [insurance] Policy*"?

This raises questions: Did the City get third party legal advice because Ald Zucco's claim was such a high amount, or inconsistent with the Policy? Why did the insurance company refuse to pay the full amount claimed by Ald Zucco?

It is important that elected members behave as per the Code of Conduct, treat others with respect, and that they do not waste ratepayers money like Ald Zucco has done in this case.

Ratepayers should not have to pay for this "absolute appalling waste of ratepayer funds". We call on Ald Zucco to pay it back. It's not his money – it's ours.

Brian Corr
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11th August 2021

Attached:

- 'Appendix A' – direct quotes from the Code of Conduct Panel Decision
- Letter from CEO Kelly Grigson detailing costs
- Code of Conduct Determination against Ald Zucco

Appendix A – Extracts from Code of Conduct Determination

The Code of Conduct Panel determined that (these are direct quotes):

- Ald Zucco was not treating 'Ratepayer' fairly in the characterisation of the email as racist and circulating that characterisation to all elected members of the Council [p8]
- a reasonable person could be offended or embarrassed by this branding and the manner of its communication to all elected members. Given the circumstances in which the email found its way to the Complainant, 'Ratepayer' was clearly offended or embarrassed by it. [p8]
- Ald Zucco accuses Mr Corr of initiating the 'race debate', and refers to Hobart Not Highrise as a 'racist and potentially fascist' lobby group. Mr Corr is president of Hobart Not Highrise. The Panel determines that the use of the words 'racist' and 'fascist' in association with Mr Corr in a public arena (viz., Facebook) could cause a reasonable person offence and/or embarrassment and did in fact cause Mr Corr offence and embarrassment. The Panel determines that the use of the word 'fascist' in accordance with Ald Zucco's own definition, but with no material or argument to support its use, is unfair to Mr Corr. [p10-11]
- Ald Zucco has treated Mr Corr unfairly by continuing his unfounded accusations of racism in a public forum [p12]
- In this email, Ald Zucco accused Mr Corr of inciting hatred towards persons for not being Tasmanian, and escalating the Welcome Stranger debate to 'racism and furthermore fascism'. Ald Zucco wrote that he would not tolerate Mr Corr's 'harassment and bullying tactics.' The Panel determines that by sending this email to all elected members of Council, Ald Zucco has treated Mr Corr unfairly with his unsupported accusation of racism and fascism, and in his accusation of harassment and bullying by Mr Corr. Mr Corr belonged to a lobbyist organisation. The members of the organisation were lobbying for what they believed to be the right course for the Council to take in respect of a development application and their actions did not constitute bullying or harassment. [p13]
- by his public accusation of racism against Mr Corr personally, and his accusation that the lobby group named in conjunction with Mr Corr is racist and 'somewhat' fascist, Ald Zucco is treating Mr Corr unfairly. [p15]
- the media release is disrespectful of the office of Lord Mayor, and of Mr Corr, and that it has the potential to reflect adversely on the reputation of the Council, in particular because of the inappropriate use of the terms 'racist' and 'fascist'. [p15]
- Ald Zucco cited the phrase 'The developers, based in Melbourne but mostly from China and Mexico', from the email sent by 'Ratepayer' and said that this was not only racist, but fascist. He also said well if they don't live in Tasmania then they're being fascists.' Given Hobart Not Highrise had already been named by another elected member, and Mr Corr's role in opposing the planning application was well known, a reasonable person could infer that they're being fascists refers to Mr Corr and 'Ratepayer'. [p18]

- Ald Zucco repeatedly, unfairly, and unfoundedly referred to Mr Corr or Mr Corr's actions or the group which Mr Corr leads as 'racist' or 'fascist'. [p18]
- Ald Zucco treated members of the public, including 'Ratepayer' and Mr Corr, unfairly in his public speech during debate, when they collectively and individually had no means to respond or defend their positions. [p17]