

8 January 2020

The Committee Secretary
Economics and Governance Committee
Parliament House
George Street
Brisbane Qld 4000

SUBJECT: Submission - Electoral and Other Legislation (Accountability, Integrity and Other Matters) Amendment Bill 2019

I refer to the Committee's review of the above Bill and wish to make a submission in relation to specific aspects of the Bill proposing amendments to the *Local Government Act 2009*. I wish to make this personal submission on the Bill.

The Bill includes a number of new sections in Chapter 5 which is headed 'Amendments relating to dishonest conduct of Councillors and other local government matters.'

Included in Part 2 of Chapter 5 is the proposed amendment of the definition of misconduct in Clause 101 which is titled 'What is misconduct'. The amendment proposes to include a number of new sections which if contravened would automatically be deemed to be misconduct.

I support the proposed amendments as presented with the exception of the inclusion of proposed sections 201(A) and 201(B), which relate to Register of Interest. I propose that another category needs to be included which would cover an inadvertent breach of the requirements relating to omissions from the Register of Interest in certain circumstances as detailed below from my own experience. Could I suggest that a fine be imposed rather than no option but a finding of misconduct?

In making this submission I wish to relate my own experience with a finding of Misconduct against me by the Councillor Conduct Tribunal on 5^h August 2019.

An Anonymous person reported to the Office of the Independent Assessor that I had not completed my Register of Interest correctly. When I became aware of this, I did not dispute the fact that I had omitted to include my position on a private family company and my position as a Director with the Palm Island Economic Development Corporation Pty Ltd.

Since the finding of misconduct by the Councillor Conduct Tribunal, I have been pursuing through the Minister for Local Government and Director General of the Department, to change the Legislation so that another category for administrative omissions in paperwork is introduced when:

- There is no intention to deceive the Council and ratepayers.
- There is no intention to mislead the Council and ratepayers.
- There is no risk to Council.
- There is no financial cost to Council.
- There is no benefit to the family company.
- There is no political gain for the Councillor or family company.
- There is no financial gain/loss for the Councillor or family company.
- There are no decisions by Council involving the family company.
- The family company is not in the Council area.
- The family company does not transact any business with the Council.
- The family company does not transact any business with any company in the Council area.
- I received no payment for my role as a Director.

- I only became a Director following the death of my brother.
- I owned 4.04% shares in the family company.
- I had declared that I received an income from my shares in the family company on my Register of Interest.

My concern is that in researching other findings of misconduct there has been instances such as:

- Potential benefit to a Councillor.
- Potential benefit to a family member/relative/close associate.
- Receipt of money in support of a Councillor during elections.
- Detrimental social media posts of another Councillor.
- Risks for the Council.
- Confidentiality breaches.

Do you think that my experience and the misconduct examples above are comparable?

The Independent Assessor informed me that if I was still involved with the family company, I could have amended my Register of Interest; however, as the family company had been de-registered; I was unable to do this.

In relation to the Palm Island Economic Development Corporation Pty Ltd, the Corporation had held no meetings, I had never received any correspondence from the Corporation and I had never received any payment from the Corporation. The other matters as listed above for the family company also relate to my position on this Corporation.

The Independent Assessor informed me that in relation to the Palm Island Economic Development Corporation Pty Ltd, I could have amended my Register of Interest; however, I had resigned as a Director.

The Councillor Conduct Tribunal in their findings stated:

“Councillor McLaughlin did not intentionally fail to record the particulars of her interest, the subject of the allegations, in her register of interest. The omissions were inadvertent.”

I sincerely ask members of the Economics and Governance Committee to consider my request for an amendment and for common sense to prevail. I am most concerned that someone else may have to endure the hurt and distress I have undergone and the huge financial cost to me for an inadvertent omission. Do you know anyone who hasn't made an administrative error in their working lives?

My own ordeal was happening at the same time as the Deputy Premier was answering to the \$700,000 house purchase.

I would welcome an opportunity to meet with members of the Economics and Governance Committee.

Thank you for the opportunity to present a submission.

Kind regards,
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