

6 December 2021

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

SUBJECT: Submission – Oversight of the Independent Assessor, as established under Schedule 6 of the Standing Rules and Orders of the Queensland Legislative Assembly (Standing Orders).

I refer to the Committee's Inquiry of the above and I wish to make a submission on my experience in dealing with the Independent Assessor.

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 in my Register.

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could have amended my Register of Interest; however, as the family company had been de-registered and the interest was no longer current; I was unable to do this.

In their research of the anonymous complaint the Office of the Independent Assessor found that I was a Director with the Palm Island Economic Development Corporation Pty Ltd. Of note is that 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 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.

I am now in my 20th year of local government; having served six years as a Councillor and I am now in my fourth term as Mayor.

Preparing this submission has been challenging as I again dealt with emotional distress and disbelief that the Councillor Conduct Tribunal on 5th August 2019 made a finding of Misconduct against me.

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.”

My costs, which I personally funded, included legal fees of \$9,136.16, the Councillor Conduct Tribunal finding that I reimburse the Burdekin Shire Council \$250.00 towards their cost, and I voluntarily paid Burdekin Shire Council the remainder of costs that it incurred from the Tribunal of \$1,550.00. As well as the financial costs, how do you put a price on my

emotional distress, hours of lost productivity and time to prepare for the Councillor Conduct Tribunal hearing.

I believe the Independent Assessor saw my case as an 'easy win' which increased the number of decisions adding weight to the necessity for the Office of the Independent Assessor.

Considering that if I was a Director of either identity at the time of the findings, I could have amended my Register to comply with the requirements.

I believe that the Independent Assessor's actions in dealing with my complaint was not consistent with the intent of the local government complaints system and in accordance with the public interest for the following reasons:

- There was no intention to deceive the Council and ratepayers.
- There was no intention to mislead the Council and ratepayers.
- There was no risk to Council.
- There was no financial cost to Council.
- There was no benefit to the family company.
- There was no political gain for the Councillor or family company.
- There was no financial gain/loss for the Councillor or family company.
- There are no decisions by Council that involved the family company.
- The family company was not in the Council area.
- The family company did not transact any business with the Council.
- The family company did 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 have 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.

On 8 January 2020, I prepared a Submission to the Electoral and Other Legislation (Accountability, Integrity and Other Matters) Amendment Bill 2019 with suggested amendments for consideration. I can make this available if required.

I am extremely disappointed that the action taken by the Independent Assessor in dealing with the complaint against me was not an effective use of resources for what was an administrative oversight for which I gained no financial or other benefit. It blemished my impeccable record and tarnished my reputation, with the resulting publicity causing me great personal distress.

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,
Lynette Angela McLaughlin

