



Our Ref: A1089091

13 April 2023

Hon Anastacia Palaszczuk MP  
Premier

By email: [thepremier@premiers.qld.gov.au](mailto:thepremier@premiers.qld.gov.au)

LAID UPON THE TABLE OF THE HOUSE	
No:	5723T448
	14 APR 2023
MP:	Hon Anastacia Palaszczuk
Clerk's Signature:	

Dear Premier

**Outcome regarding an allegation against the Member for Ipswich West**

On Monday 10 April 2023 I received a referral from Ms Kate Flanders, State Secretary of the ALP regarding a complaint about the Member for Ipswich West alleging the misuse of the Members' Electorate and Communications Allowance (ECA).

As the accountable officer for the Legislative Assembly and Parliamentary Service under s.66 of the *Financial Accountability Act 2009* (FAA), I conducted an investigation into the complaint.

I am writing to you in your capacity as my "responsible Minister" under the FAA to provide the outcome of my investigation into that matter.

***Intersection with the Crime and Corruption Act 2001***

I note that in addition to my role under the FAA, I have an obligation under s.38 of the *Crime and Corruption Act 2001* to notify the Crime and Corruption Commission (CCC) if I reasonably suspect that a complaint, or information or matter (also a complaint), involves, or may involve, official misconduct.

My investigation did not cause a reasonable suspicion such as to warrant a notification to the CCC.

However, due to media attention relating to this matter, I was contacted by an appropriate officer within the CCC about the action being undertaken in the matter. I briefed the officer of the status of my investigation and undertook to keep the CCC updated. I have taken the liberty of copying the Chair of the CCC into this correspondence to discharge that undertaking.

***Complaint detailed in State Secretary's referral***

The complaint considered by me in my role as accountable officer and the subject of this letter is:

[Name deleted] also told me about you buying her a photograph of a butterfly from the Clermont special school art auction on 14 September 2018, using public funds. You then asked her to return it (approx November 2018), as the controversy grew about Andrew Antoniolli using ratepayer money to buy items at charity auctions. [Asking for the item back probably lines up with Antoniolli's successful defence that there was no dishonesty in buying charity items.]

### ***Outcome summary***

In summary, I have found **the complaint is not substantiated**. No misuse of the ECA as particularised above has been established. The artwork the subject of the complaint was never acquitted through the acquittals database and is as a consequence the personal property of the member.

### ***Methodology***

My investigation included:

- Interrogation of the ECA acquittals database. ECA expenditures must be acquitted. I require members to acquit the expenditure through a portal (data base), with details (ie supplier), descriptions (category of expenditure), and attach receipts or other proof of expenditure. The entries are auditable and closed at the end of each financial period. Members certify that expenditures comply at the end of each period and there is high level reporting to the Assembly. We have retained electronic records pertaining to this timeframe. The ECA policy framework also allows members to claim up to \$1,000 per annum without needing to provide substantiation or receipts, however for the period examined no claims were made under the “non-receipted” category.
- Telephone interviews with the original complainant, electorate office staff and the member.

### ***The allowance system***

Some overview of how the ECA operates is important to understand the outcome.

- All members are paid the allowance in advance every six months. Payments are made into a bank account nominated by the member. In most cases, members set up specific bank accounts or sub-accounts specifically for the allowance to assist with managing their acquittals, but this is not mandatory.
- Members acquit expenditure against the allowance via an online portal as outlined above.
- At the end of the financial year, expenditure actually acquitted is reconciled against the allowance amount paid. If the member has not acquitted the entire allowance amount, a small portion (10% of annual allowance) can be carried over and acquitted in the next period, with remainder of any unspent allowance repaid by the member. The consequence is that if a member does not acquit a transaction, it ends up as a private expense being paid for personally.
- The Parliamentary Service implements a number of checks and balances throughout the year to help ensure expenditure complies with guidance material provided. Importantly, the acquittal processes and the checks and balances applied by the Parliamentary Service do not extend to matching amounts acquitted against the member’s bank balances or transactions appearing on bank statements. For example, while most members will try to segregate their official and personal expenditure by paying from separate bank accounts, it is not uncommon that some official expenditure may be incurred against a member’s personal credit card (e.g. at a school fete on a weekend) and eventually acquitted. Likewise there may be occasions where expenditure that is paid out of a bank account set up for the ECA is a private expense and is not acquitted. It may or may not be reimbursed to that account. In any event, the consequence is that if a member does not acquit a transaction, it ends up as a private expense being paid for personally.
- As a result of the above, there are often occasions where amounts acquitted do not perfectly align with transactions recorded on ECA bank account statements. The key issue and matching process for the Parliamentary Service is simply to make sure that the total

allowance amount paid is either acquitted or reimbursed by the member, regardless of where the original payment was sourced.

Under the ECA guidelines, members can purchase items like paintings, photographs or memorabilia for fund raising purposes by local schools or organisations and claim it against the Allowance (as "Support for Organisations"). Often the amount paid for an item, does not reflect the true value of the item, but is effectively a donation. For items that have little/no commercial value at an auction or sale, (e.g. children's artwork), the member is free to decide what to do with the works. Items that do have a commercial value (e.g. signed State of Origin football jersey) must only be purchased (a) with an intent to be donated to a local organisation (essentially re-gifted); or (b) for display/use at the electorate office until they are eventually donated (essentially re-gifted).

Part 7 of the Code of Ethical Standards outlines each member's ethical responsibilities <<https://documents.parliament.qld.gov.au/assembly/procedures/CodeOfEthicalStandards.pdf>>

## 7. APPROPRIATE USE OF ENTITLEMENTS

*Members must ensure that the administrative rules or requirements which apply, from time-to-time, to any entitlement or allowance they receive via the Parliamentary Service are observed.*

### 7.1.1 Members' Remuneration Handbook

*The Members' Remuneration Handbook outlines the salary, allowances and entitlements of Members and provides for the manner in which such allowances and entitlements may be claimed. Whilst the Clerk of the Parliament is the Accountable Officer for the Legislative Assembly, and as such is responsible for the financial administration of the Parliament, it is the personal responsibility of each member to:*

- *familiarise themselves with the Members' Remuneration Handbook and the requirements set out in the Handbook;*
- *lodge any claim or acquittal prescribed for an allowance or benefit; and*
- *ensure that any claim or acquittal lodged contains the necessary detail and is accurate in all respects.*

*Whilst a Member may wish to delegate the compiling of claims or acquittals to persons (such as their electorate officer), their **personal responsibility** for ensuring that such claims and acquittals are appropriate and accurate cannot be delegated.*

### **Facts established**

My investigation revealed the following:

1. The member purchased three photographs, including a photograph of a butterfly, from the Clermont Special School art auction on 14 September 2018 totalling \$185. (It is likely the butterfly photo was \$125 of the \$185.)
2. The school was paid by a cheque drawn on an account held by the member. This account may have been the same account that the member held funds deposited by the Parliamentary Service for the ECA.
3. One of the photographs (the butterfly photograph) was given to a third party, but subsequently retrieved by the member from that third party.
4. Whether by omission or intention, the \$185 for the photographs was never acquitted through the members' entitlement system (Acquittals system).

5. The consequence of not acquitting the photographs is that they were not paid out of public funds, but were by default paid for by the member personally.
6. The three photographs have been in storage at the electorate office since 2018 and remain at the office.

***Public outcome***

Normally the outcome of an internal investigation of a matter such as this by an accountable officer is not publically reported but is, if appropriate, reported to the complainant (or referring person), the relevant Minister, the CCC or the Auditor-General. In the matter under consideration, simply advising the referring person that the complaint has not been substantiated appears to be an insufficient outcome. This is because the complaint has received widespread public exposure. It is suggested that at some stage there will need to be some public 'closure' of this matter.

One option that I believe would be fair to the member the subject of the complaint, and in the public interest, is for a copy of this letter to be published via tabling in the Legislative Assembly. However, I leave the manner of finalising this matter to you.

Yours sincerely



Neil Laurie  
The Clerk of the Parliament

Enc

cc. Mr Bruce Barbour, Chairperson, Crime and Corruption Commission  
Ms Kate Flanders, State Secretary, ALP