

**THE JOINT SELECT COMMITTEE ON ETHICAL CONDUCT MET IN THE
FEDERATION ROOM, DEVONPORT ENTERTAINMENT CENTRE,
DEVONPORT, ON 5 NOVEMBER 2008**

Mr JOHN HAYWARD WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

CHAIR (Mr Wilkinson) - John, the way we normally proceed it is open it up to the person who is making the submission first. Then we open it up to questions. If there is anything you want to say but you are concerned that it might be an issue that will cause embarrassment please let us know and we can go into camera in relation to that. If it's in camera then the only people who will hear it are people within this room.

Mr HAYWARD - You ask the crowd to leave?

Laughter.

CHAIR - That's right, yes, that normally does happen.

Mr HAYWARD - Okay.

CHAIR - So, I hand it over to you to proceed as you wish.

Mr HAYWARD - I came to talk principally about a very large land transaction that commenced back in 1997 with an innocuous deed of arrangement that went through Parliament. It provided for an exchange of land, an unspecified quantity, between the Crown and Forestry Tasmania. The curious thing about it - or one of the many curious things about it - was the vagueness. It didn't specify how much land or where it was or the nature of it and that's how it remained. It whisked through Parliament, I guess on the supposition that there was a simple transfer of undesignated State forests to Forestry Tasmania and a corresponding transfer of State forests back. There it sat until 2000 when an employee in the Lands Office became alarmed at getting all these titles for a very considerable amount of crown land coming into his office to be transferred to Forestry Tasmania as freehold. The strange aspect of it and the alarming thing for him was that he was to keep it off the valuation roll, which means, of course, that it would not attract any sort of land tax or rates or anything.

There was also supposed to be a corresponding transfer of Forestry Tasmania land back to the crown. That raised the issue of where this land was going to come from because Forestry Tasmania would have no reason to have large quantities of freehold land because they would have to pay taxes on it anyway and it never eventuated. The matter became public. Shayne Murphy was given the issue and he raised it and from there it has been nothing but fog.

CHAIR - So have you followed it up and found out what has happened with it?

Mr HAYWARD - As well as we could. The titles of the land given to Forestry Tasmania as freehold - to the tune of nearly 78 000 hectares - relate to Malcolm Ryan, who is a

councillor at Burnie. That which we could easily trace turned out to be almost exclusively plantation. That sort of land was valued in a deed of arrangement at variously, I think, \$27 million with another valuation of \$32 million. If you followed the dealings with Rayonier when the State went into a joint venture with them, it was valuing its plantation at \$3 200 a hectare. Under this arrangement the land would have been worth about \$367. Now when crown land is disposed of it is supposed to be disposed of at commercial rates but even the Rayonier deal of \$3 200 is seen as pretty much a gift to the company. So you are asking about 10 per cent of its value. I have never been able to get any explanation of why this was the case.

We forwarded our queries to Kim Evans and it was finally claimed that there was some 70 000 hectares returned to the crown but they could not find any record of it. You were simply asked to accept that was done. The Lands Office did not have any record of where this land was or under what form - either its new custodian or what tenure of land it was. So we're left with the sale, apparently, of nearly 78 000 hectares, of plantation largely, something in the order of \$200 million worth of land that as far as we can tell, as far as we have any evidence for, was transferred to freehold for nothing. You could ask why would they do this, why would Forestry Tasmania want this land which they already had, that they were already managing, why would they want it in the form that they would have to pay rates and taxes and so forth. The explanation they gave was that they needed it to enter into joint ventures, which was a nonsense because governments do not need to provide collateral or guarantees of that sort, they can just simply give an undertaking. At any rate, the land is apparently still under Forestry Tasmania control. It should be noted that it has not been as expensive as it might have been because I approached the Kentish Council in respect to one 3 300 hectare block as part of the transfer of land to them and asked them what they were getting in rates for it in 2005, and the answer was that it had not yet been valued so they were not getting any rates at all from it.

Mr BEST - Is that crown land you are talking about, the rates on crown land?

Mr HAYWARD - No, this is part of the nearly 78 000 hectares that was transferred to freehold.

Mr BEST - I think there has been some debate certainly around Burnie about what the rates should be.

Mr HAYWARD - There is a special arrangement in the Land Valuation Act wherein any land classified as plantation attracts the same rates as completely undeveloped land. That is a bit strange when you consider that in their prospectuses and so forth Forestry claims a value of I think \$68 000 a hectare for pine plantation and about \$10 for eucalypt which is a far cry from anything that the council is getting back in rates.

Mr BEST - The 78 000 hectares that you are saying have been made into plantations, did Forestry Tasmania own the trees but not the land? Did they own the plantation trees?

Mr HAYWARD - Okay, that is an interesting aspect as well. It turns out that at the time Forestry Tasmania had about I think 84 000 hectares of plantation but they only owned the trees in about 24 000 hectares.

Mr BEST - So who owned the others, do you know?

Mr HAYWARD - Private interests.

Mr BEST - Those prospectus-type companies you talk about that maybe grew the trees.

Mr HAYWARD - No, because those who were planting the trees could not be selling it as MIS. They can only do that with private land of their own. So it would have to have been Gunns or somebody like that.

Mr McKIM - As a joint venture, John, with Forestry Tasmania or were any of the trees JV that you know of?

Mr HAYWARD - Yes. The rest of it we do not know, which is odd in itself. All I know is that on most of this land the trees were privately owned.

Mr McKIM - And presumably still are?

Mr HAYWARD - Yes. As I say, you are talking about \$200 million. The documentation of all this was extremely hazy and vague. There was mention of 19 000 hectares which, from the documentation, we could not tell was being surrendered to the Crown or was being taken out by Forestry Tasmania. It turns out that it was already Forestry Tasmania land which was supposed to go back to the Crown but they were retaining it nonetheless because it was for forestry uses only - presumably plantations.

That takes the total up to 97 000 hectares of land. Then on top of that, in the 2000-01 Forestry Tasmania Annual Report they mentioned that 121 000 hectares of State forest had been reallocated. It did not specify where. So I chased it up with Lands and Titles and was told that it had been returned not to State forest but to crown land under the management of Parks and Wildlife. I asked them where this land was and they informed me that they did not have any records of where it was.

With that much land you can see it from outer space, so you would have to know where it was. But no. I repeatedly queried that, FOied that and I still do not have any answer as to where that 121 000 hectares is.

Mr McKIM - Would you just clarify for me, John, what the source of your belief is that 121 000 hectares was transferred to Parks and Wildlife by FT? Where did that original information come from?

Mr HAYWARD - The fact that it disappeared from the State forests was in Forestry Tasmania's annual report. The story that it had been transferred to Parks and Wildlife came from, I think, Kim Evans.

Mr McKIM - In correspondence to you?

Mr HAYWARD - In correspondence, yes.

Mr McKIM - Okay, thank you.

Mr HAYWARD - The 121 000 hectares may be part of the whole transaction taking it out of the State forest. So you might have a grand total of 121 000 or you might have something in excess of 200 000 hectares. At any rate, it is very considerable.

Mr McKIM - John, if I could just interrupt you there just briefly on that issue, are you aware of whether any of that land was subsequently placed into Tasmania's reserve system or did it just stay as unallocated crown land under the management of Parks and Wildlife?

Mr HAYWARD - I asked where it had gone. If it was in a reserve it would have to be on a map but apparently there is no map that could inform them of where it was.

Mr McKIM - Of course the Government is selling off a lot of unallocated crown land under the CLAC process.

Mr HAYWARD - Yes. And I kept an eye on that and it did not involve anything like the areas involved here. Those were little tiny bits of 3 or 4 hectares or 12 maybe in those cases. It just does not explain the whole thing.

Mr HALL - Mr Hayward, after I read your submission yesterday I checked on the web site what the Auditor-General had said about that and I will quote a little bit there:

I conclude from this investigation that despite some relatively minor differences in the various documents -

- (1) exchange of land was based on valuations independently prepared;
- (2) legislative requirements were complied with; and
- (3) documentation supported the land exchange as adequate, however:
 - (a) the fact that the exchanged land had no financial impact on the operations of FT could have been more clearly explained; and
 - (b) public information about the planned exchange and its consequences could have been handled better.'

Do you have a view on that statement? Quite obviously the Auditor-General has been through it and had a look at it.

Mr HAYWARD - It seems to be a pure smokescreen. Mr Blake was originally was quite satisfied with everything he had been told by Forestry Tasmania and then for some reason he suddenly announced that due to public demand he was going to do an investigation of the whole thing. The public demand consisted of one article in the *Financial Review* by Annabel Day and there was one another one by a different journalist. It was a difficult issue to get up because most people do not understand the difference between crown land and freehold. It is very important in this case. For one thing freehold in the hands of Forestry Tasmania can be on-sold at any price they wish and it does not have to be disclosed to the public, whereas under the Crown Lands Act if they dispose of crown land they have to sell it, as I mentioned before, at a commercial price. This would be immensely attractive if somebody were trying to get land in the

hands of friends in the private sector to have it as freehold and that is something we should all be wondering about.

Mr McKIM - I take it, John, because you do not know exactly where this land is and from what you have told us not many people do, that you do not know whether any of this land might have been sold by Forestry Tasmania subsequent to the transfer.

Mr HAYWARD - It appears that, at least from our queries, it has not although there was one 3 300-hectare block at Beulah that was part of the land given as freehold to them. I followed this up and it showed up on the Lands Titles documentation as being something like 15 hectares which might have been to do with a number of consolidations and so forth but it is all extremely vague, you cannot track it down. Some of the land was impossible to trace on the second schedule and so forth, it does not have any sort of documentation that could reasonably be ascertained and located.

I said there is seemingly a huge devaluation of the land in the transfer, which seems to be against the law in terms of the Crown Lands Act, and there has been no explanation of that. Back to Mr Blake's explanation, he admitted that he could not actually physically locate any of the land supposedly surrendered to the Crown as exchange as land of equal value anywhere from 78 000 to 97 000 hectares that was given to them as freehold.

CHAIR - I am reading from Forestry Tasmania land swap report that land vested in the Crown, 77 113 hectares, the value is \$32.15 million, land surrendered, 71 598, value \$32.32 million therefore Forestry Tasmania received 5 515 hectares more than it surrendered but the value of the land surrendered was greater \$170 000, according to the Auditor-General's report. This is consistent with the proclamation that required that land equal to or in value greater than should be surrendered. One would think to get the value of the land, you would have to know where the land was for it to be valued. How can it be valued if nobody knows where it is? It would seem, on the face of it, that there must have been some identification of where the land was, otherwise there couldn't have been a valuation of it.

Mr HAYWARD - There should have been but there is no evidence that there was and I got various stories in trying to find out what had happened to it. One story that was planted by an ex-Forestry Tasmania person was that they owned the land all alone but all the land purchased by the Forestry Commission was the private land of Forestry Tasmania when it became Forestry Tasmania from the commission which, of course, is a nonsense. The Forestry Commission was a government instrumentality and the land it bought became crown land. That was a nonsense explanation which they subsequently dropped.

We still don't have any explanation of where this land is and how you basically swap plantation which, as I mentioned earlier, starts at something in excess of \$3 000 a hectare, for less land - presumably undeveloped land - which is worth more, unless it is all mahogany or something. It is just absurd. This is undeveloped land that is worth more than plantation - how does that happen?

There are so many anomalies in this that it boggles the mind. Mr Blake's explanation didn't wash with me at all. It didn't answer any of the essential questions of why the land was transferred at such a low rate, when it was land being sold by the Crown. Of course, there is no explanation of the land going the other way and its valuation, and there is no

reason to believe that there was that amount of land. As I have mentioned before, it makes no sense for Forestry Tasmania to be holding tens of thousands of hectares of freehold land and paying taxes on it, which their annual reports show no sign that they have ever done.

The worry is that if you look at clause 7 of the wood supply agreement, it allows for the transfer of the ownership of the roading to Gunns. Then there is a vague follow-on that that can be consolidated with the forestry resource - something of that sort - which seems to indicate that the whole lot, both roading and forest, can be sold, particularly if it is in the stumping zone.

If this is in fact the plantation that was transferred to Forestry Tasmania and there is freehold, it means that we'll never know if they got a cent for it. It is their private land now and, given the quantum, it seemed to me that it is something that we very much need to know.

The valuation of the 19 199 hectares that is floating in mid-air on top of the 77 800 hectares that was transferred came out of it with a value of \$218 a hectare. So it was worth even less than the plantation land that was being handed over.

David Boyle is the name of the surveyor for Forestry Tasmania who wrote the letters to the paper and whom I corresponded with subsequently. Also, the issue was raised in the *Four Corners* program, if you recall. The land swap was going to be the primary focus of that program and they only backed off because they could not find any evidence of any land going back. All they had was the fact they were supposed to. You really cannot write a story about something that is not there. So they stepped back from that.

CHAIR - I suppose one could argue that we do not know what was handed back and we do not know what was handed over, do we? Like the ship that never was.

Mr HAYWARD - Yes. I saw a man who was not there - that type of thing. They were just baffled that this transaction had gone on and there was absolutely no evidence for anything. That itself is a story, but it would take a great amount of digging to get to the bottom of that. It has to start in the highest levels of government to approve those things.

All of this is being very rapidly compressed by me and I suppose a lot of it seems unclear, so it might be best if you express areas of confusions you might have.

Mr ROCKLIFF - The Auditor-General's report said that public information could have been handled better. By what process do you think the Government or Forestry Tasmania should have made information more accessible to the public and open and transparent?

Mr HAYWARD - It is not a horrifically complex transaction if you simply state it. The fact is that they did not and the difficulty I had in getting anything through FOI was extraordinary. Kim Evans ended telling me that he would no longer correspond after I pointed out the fact that he had not answered the basic mysteries of the case. He said, 'I am not going to talk to you anymore if you are not satisfied with the little I have given you.'

Mr ROCKLIFF - So regarding this committee's task in investigating and putting together some sort of ethics body or investigative body to deal with concerns that any Tasmanians might have, what are your ideas? If an ethics body was established in Tasmania, an ICAC or some investigative body, do you feel as though you would have taken your issue to that body to be investigated? Where do you see an anticorruption-like body in Tasmania? Where do you see that going? Is that what you are advocating in your submission as well?

Mr HAYWARD - In a government that is functioning properly you shouldn't need it. The integrity of each section should ensure that you will get some major propriety. It's when there is so much fear and deference in the system that things don't work, when queries go unanswered and FOI requests are ignored or refused. That is when you have to go to a more independent body. That has been the case throughout this. I do not know how much you have in files around the Parliament but there is a lot of documentation of this that is technically available but hasn't been canned somewhere.

Mr MARTIN - John, has the document you have been tabled?

Mr HAYWARD - I am working from a larger one. I just wrote a summary. Frankly, having had previous queries to a number of government bodies ignored, I saw little point in presenting the same thing to a committee that is dominated by the same people who ignored it before.

Mr MARTIN - Is it possible for you to table that?

Mr HAYWARD - Yes. I will have to get copies of everything.

Mr McKIM - Just for clarity, John, you should be aware that that makes it a public document.

Mr HAYWARD - Yes, I will be quite happy to. This was roughly thrown together but I don't resile from any of it.

CHAIR - We will leave it with you at the moment but at the conclusion, if you would hand that to Shane, it then becomes a public document.

Mr HAYWARD - I can hand him this.

CHAIR - You can copy it and send it to us, if that's better for you. What would you rather do?

Mr HAYWARD - I can do either because obviously I have copies of it.

It is extremely worrying to see the extent of influence by the logging industry. There is seemingly no effort to look after the public interest in respect of these forestry matters; they are simply handing things over to Gunns with no quid pro quo.

CHAIR - I hear what you are saying, that if it was a Utopia you wouldn't need a police force, but do you believe there is a need for an integrity or ethics commission or committee to

be able to hear matters that you've brought forward today or do you believe that there are already government agencies in place to do that, such as the Ombudsman's office?

Mr HAYWARD - The Ombudsman will not do it. The Ombudsman goes to ground, particularly if you're dealing with forestry. At one stage I complained about the fact that one of the local governments was violating the law and the Ombudsman said it was all in order. I documented the areas in which they are violating the law and he replied, 'I've looked at it myself and I've come to these conclusions' - and he came up with the same ones I did - 'and I have spoken to the council'. The council denied that that had ever happened. In any case, the council continued with the same behaviour which appears, on the face of it, to be illegal.

CHAIR - What's the illegality?

Mr HAYWARD - The illegality is they are not following planning procedures in administering the forestry issue.

CHAIR - They are acting contrary to the planning regulations?

Mr HAYWARD - Yes, contrary to LUPAA. That is quite common. Also quite common is seeing the law changed to accommodate their interests. I have been involved in a couple of legal cases which have eventuated in something like six changes to the law either by Parliament or through precedent, all of which militated in favour of Forestry. They did not bother to give answers - we will fix it.

Forestry Tasmania is supposed to have permission from a council in order to establish forestry. That seems to be reasonable enough so what do they do? The next thing we see is a change of the law whereby a private timber reserve can be established on land where forestry is prohibited, without any reference to the council. How do you explain that? And that happens all the time.

CHAIR - Therefore the Ombudsman, you are saying, is unable to do it. The Ombudsman's office is under-resourced, there is no doubt about it, very much under-resourced, it would seem to me. How should this body be made up?

Mr HAYWARD - I would like to see it made up of expert people with no connection to any of the existing regulatory bodies down here. If that means bringing in people from interstate I think it is worth doing but as anyone who reads the papers will have seen, there is a chronic accusation against the Tasmanian Government that it is riddled with cronyism. Everything is done for the mates and so forth.

CHAIR - Regarding independent people coming in, let's say, from interstate, somebody would have to bring them in -

Mr HAYWARD - I know.

CHAIR - one would argue the Government would have to bring them in and therefore the Government, because it would be a body which would be paid for by government -

Mr HAYWARD - Yes, but they are also susceptible to it. It is almost impossible to get a body that is completely immune from pressure and influence but other places have found it worthwhile to establish these bodies and if you do give them some measure of independence and some pride in that designation, they sometimes do maintain it. It might take a while for it to be broken down but that would still amount to a huge improvement over the present situation.

CHAIR - You have spoken about people from interstate forming a body. Have you cast your mind to how big the body should be and what powers the body should have?

Mr HAYWARD - I am amongst those people who think that the problem here is particularly severe and it should have something at least the equivalent of, as Mr Martin suggested, the New South Wales ICAC, which has been criticised for being a bit heavy handed and possibly even corrupted by its own power but nonetheless -

CHAIR - It is interesting, isn't it, that the New South Wales body, because of the revelations that surfaced approximately two months ago -

Mr HAYWARD - Yes, I know. But if we can get two different corrupt bodies fighting with each other that would be an improvement; it is just the collusion that is deadly here because you cannot seem to get an argument going in Parliament about a lot of these things, particularly that deal with forestry.

CHAIR - So your main concern as far as this body is concerned is the forestry issue?

Mr HAYWARD - I think they are easily the most dominant and the most pernicious influence on government. The name keeps coming up, the issues keep coming up again and again and again. Why was Mr Cooper knocked back? You can run that back to Forestry. They are so needful of having basically governmental support that they're going to be working very hard on governments to make sure they get it. A huge amount of subsidies, a huge amount of legislative help is required to have a forestry industry like we do here. It would never operate in a free market. They're going to do everything in their power to make sure that they keep it and they'll pay anything, I believe, in order to maintain the status quo.

Mr McKIM - There is no argument from me there. John, you've obviously presented one particular issue that's of concern to you. In the context of any recommendations this committee might make about establishing an independent investigative agency I'm taking, from the fact that you're presenting concerns about a particular matter that's in the past, that you think the agency, if it were set up, should have retrospective powers - in other words, it should be able to investigate issues that have occurred prior to its establishment.

Mr HAYWARD - Certainly; that is absolutely essential because, as we see, in this case we're looking at, if nothing is done about the land swap it looks as though the public has been deprived of something like \$200 million, at least \$200 million worth of a resource. Regarding the wood supply agreement, if you've noticed in the Heads of Agreement to it, it actually provides for it to survive even if the mill doesn't get up. It's required that Gunns agree to any replacement for the wood supply agreement in the event that the mill doesn't get up. Under those conditions, that will have to be at least as good as the wood

supply agreement itself. There's no sign that anyone is going to, basically, try to claw back the huge advantage that they're enjoying in respect to the Government. A few years ago, in 2004, Gunns was clearing about 35 per cent on equity a year and Forestry Tasmania, a bit less than 1 per cent. That has never been explained. Nobody said, 'There's a very good reason for this; it's in the public interest that we support this industry'. That has never been raised. There's not even been a token explanation for that sort of inequality and that sort of apparent loss to the public purse.

CHAIR - We've got about 10 minutes. I don't want to cut you short. Do you wish to continue through or have you concluded your major thrust?

Mr HAYWARD - I'm trying to get any little tidbits that might be fairly pungent. I mentioned the Valuation of Land Act and the strange, extraordinary sort of perks that are given to the industry for that.

That's all tied in with also the method of appointments in the State. There's been continual discussion in the press of the bullying that goes on within the public service. The previous Ombudsman, Ms O'Grady, complained quite bitterly on her departure. We had the Equal Opportunity Ombudsman also complaining very publicly about the bullying and so forth, and that is not done unless it works; if it does work, that's corrupt. Just as if the reason for Mr Kons changing his views on Mr Cooper was sheer persuasion, I've never seen any like it.

CHAIR - Mind you, both people, Simon Cooper and Glenn Hay, were ideal people to be selected as magistrates.

Mr McKIM - It's not really about their -

Mr HAYWARD - It's not about them.

CHAIR - No, I'm just saying that because I think it is worth pointing out.

Mr HAYWARD - We're talking about why Mr Cooper was replaced.

CHAIR - I'm involved in another committee in relation to that.

Mr HAYWARD - I hope you understand how that looks to the public. The reasons given and the way it was done don't leave any ground for believing that it was really an honest appraisal of who is the best man for the job. No-one has any grounds for believing that.

I shall forward a copy of this document. If there is a reasonable explanation for this, I hope that it will be presented to the public. Nothing close to it has been presented as yet, not even a hint of a persuasive justification for it. We can't really afford this sort of gift anyway.

Mr McKIM - John, we've had some questions about the Auditor-General's report in relation to this. I am not familiar with all the details of that report but going from some of the excerpts that have been read, it seems to me that the Auditor-General was more concerned with some detail issues around this transaction than a broader look at whether it resulted in public good or if it was a poor transaction for the Tasmanian community. Is

that a fair assessment? Would you agree with that interpretation of the Auditor-General's report?

Mr HAYWARD - No. The explanation for the conversion from crown to freehold wasn't really addressed. He concentrated on the vagueness, the failure to find any of the surrendered land. Where it was inconvenient in respect to the enormous anomalies of the case, the imbalance between the seemingly unimproved land - which couldn't be found in any case - the valuation, even the freehold given to Forestry Tasmania, that wasn't done at all. It is not quite good enough for him to say, 'I'm convinced that everything was done appropriately but there's a few little edges that could have been sharpened up a bit'. That doesn't wash at all.

CHAIR - John, thank you for your submission and for agreeing to forward that document to Shane in the near future. Thank you for giving up your time today to present your submission.

Mr HAYWARD - Thank you for the opportunity. I hope that this whole process does not end here. I don't think it can because it can only get worse on the present route.

THE WITNESS WITHDREW.

Mr PETER ELKIN WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

CHAIR - Thank you. I do not know whether you have given evidence before a committee before.

Mr ELKIN - No, I have not.

CHAIR - It is a fairly informal affair, as you have probably just witnessed. The way we do it is to allow you to speak to your submission and then if there are any questions those questions will be asked, or if there is anything pressing whilst you are presenting your submission, questions will be asked. If there is any evidence that you wish to give in camera - in other words, if you believe that it might cause embarrassment to you or another - please let us know and that evidence can be looked at by the committee in camera. If it is in camera it stays within the walls of this committee and is not published at a later stage when the interim report is handed down or, alternatively, the final report is handed down.

Mr ELKIN - By not published do you mean not recorded?

CHAIR - It is recorded, but it is just for the ears and the eyes of this committee. What we do then is look at the evidence in camera and that assists us in making our findings and recommendations, even though it cannot be referred to.

Mr ELKIN - Sure. It is not my intention to say anything that I do not wish to be made public, but I may be reticent with some of my answers to some of your questions, depending on the question.

CHAIR - The evidence you give is privileged; in other words, nobody can sue you as a result of your evidence whilst in this committee, but if you go outside and repeat that evidence then of course you do not have the protection you have within this committee. I will hand it over to you to start, please.

Mr ELKIN - Sure. I do not know how fresh in your minds my original submission would be - I guess not particularly.

CHAIR - We have it before us so everyone is aware of it .

Mr ELKIN - Okay. Rather than rely on my memory I have written out a statement which I would like to read which adds to it, although it covers slightly different aspects.

First of all, it is probably appropriate that I make a declaration about myself. I am a Tasmanian and a citizen of Australia. I am a landowner and resident of the Meander Valley municipality and I am a retired public servant. I will not read out my original submission; I am sure that you can do that yourself. I have some additional material that I would like to put before you.

In my experience, public servants are mostly dedicated, conscientious, competent and of good will. Yet disturbingly, there are spreading views of public servants as lazy, overpaid and unaccountable, serving the interests of the particular government of the day

and serving sectional interests, red-tape bureaucrats impeding self-interest, and tax collectors. Such expressions are undesirable and unacceptable, although not entirely invalid.

It is not mere coincidence that open government and support for and encouragement of the public service is not what it might be; that lack of accountability and by-passing of fair process is seen as increasing; that some public servants are not assiduously independent, often through inadequate direction or misunderstanding but occasionally due to their careers, and are seeming to rely on other than frank and fearless advice and decision-making; that the public to an extent lacks confidence in and feels increasingly alienated from public processes, especially with their perceived ability to be effectively involved or noticed; that there are currently not adequate mechanisms for expression of concern by public servants and the public; that the Government and the public service is seen as not respecting and sometimes impeding public involvement; that government is seen as not representing the public interest but as a soother of sectional and self interests.

Many of these matters compounding and self-fulfilling, yet surely must be effectively remedied. The public servant, appropriately maintaining distance and independence, is restrained from participating in this debate. The public servant should be, and be seen as, motivated by the public interest and be respected and admired as an independent promoter and enabler of the public interest.

Your committee should have a priority regard to the standing of and respect for the public servant and for the morale and self-respect, integrity, commitment and energy of the public servant. Your committee should promote the integrity and positive role of public service. Many a public servant wishing to remain independent and at a distance from decision-making processes outside usual responsibilities would be understandably reticent to approach this committee with concerns and suggestions.

No doubt your committee will be hearing much from others of particular purported instances of corrupt practices, unethical conduct or poor standards. That these matters have been brought to you, I submit, manifestly shows that current mechanisms to support ethical and open government are inadequate. While some mechanisms do exist, I submit that an enabled, encompassing, independent commission would be better placed to adequately oversee matters of conduct, standards and the public interest generally. Alone, reassurance and confidence are reason enough to compel such a body.

Any proposed commission should not be merely a corruption-buster or a political witch-hunter. It should be concerned with more than just ethical standards and should be a promoter and independent overseer of the public interest and an enabler of a civil society. It should oversight conduct of all elected public representatives of State and local government, all public bodies, statutory authorities, State public servants and senior local government officials. It should be independent of government, yet accountable to Parliament, and not be unreasonably constrained as to reporting to the public.

It should be able to initiate inquiry without requiring direction to effectively recommend action and not be unreasonably constrained in its actions. It should not be hamstrung by funding concerns. It should review Freedom of Information legislation and operation, including scope and benefits of exemptions. It should enable open, accountable government by ensuring an avenue for statements of pecuniary interest, and an avenue

for otherwise neglected public interest concerns, including those often pejoratively termed whistleblowing, to enable a legitimate means and thus calm the use of leaking. It should not be denied, impeded or misinformed in its access to information and it should be able to initiate sanction of uncooperative behaviour. It should have a role in the education in and promotion of involvement in open government, including advocacy for the public interest and respect of public service as a good and worthwhile profession.

It would seem appropriate for such a body to be linked with the offices of the Ombudsman and the Auditor-General. Appropriately, such a body could be called the independent commission for the oversight of the public interest. Undue delays in either the reporting of your committee or resultant actioning will not assist public perception and confidence.

On the matter of declarations of pecuniary interest, currently a register of pecuniary interests is maintained by Parliament of elected State representatives. This is not adequately an open document and does not adequately serve its ostensible purpose. It needs to be updated as details change, not just yearly, to remain current and to provide a record of changes. I would recommend the on-line publication of a summary document where the details of quantity of wealth would not be necessary; rather, a statement of types of interest declared.

CHAIR - That would be changing daily at the moment, Peter, wouldn't it? The wealth day-to-day from superannuation policies et cetera?

Mr ELKIN - I am avoiding quantity of wealth; I am talking about types.

CHAIR - I hear what you are saying.

Mr ELKIN - So mention would be made of shares in a specific company or landholding in a particular municipality, rather than the particular changes in detail of wealth. This model would be appropriate also for senior ministerial staff, heads of government, senior public servants, board members of statutory authorities, local government representatives and general managers.

Such declarations are not intended to impede involvement in the private sector, nor to preclude involvement in decision-making where there may be a perceived conflict of interest. That is not the intention. Rather, it is to free-up and to contextualise that involvement and to openly give guidance and assistance to others in assessing that involvement. I think a pecuniary interest does not, of itself, imply or militate self-serving behaviour, rather that to openly and adequately declare that interest inspires confidence and trust.

Mr HALL - Mr Elkin, the model that you suggested, could I say, is extremely wide-ranging but I think you also made the comment that it should not be constrained by finance. Can I put it to you that in a very small jurisdiction like Tasmania that would be difficult to perhaps finance, given some of the models that we have had evidence of in Queensland, New South Wales and Western Australia? They are the only three States to have an ICAC at this stage. Victoria and South Australia do not.

Mr ELKIN - Don't they? I though Victoria did and I thought South Australia did.

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Mr HALL - No.

Mr McKIM - Victoria has the Office of Police Integrity, which is external to police.

Mr ELKIN - So generically there are others. I see your hesitation about far-reaching effects. I have answered that by saying that the amount of work required would depend on the amount of work needed. If there was very little to discover and inquire and action, there would not be the work.

Mr HALL - But if you have something permanently set up which has a huge amount of staff and public servants, which you referred to, that is obviously going to be a recurrent cost every year to the State.

Mr ELKIN - Sure. I would not emphasise 'huge'. I would emphasise 'effective'.

Mr MARTIN - From what has been said of the size of the New South Wales one, you would not need a bureaucracy as big as that in Tasmania because the quantity of work you would expect to be less?

Mr ELKIN - I do not know any details about the New South Wales system but I am aware Tasmania is a small place - which brings its own problems.

Mr HALL - It does. Could I expand on that and just go to another point? We have had quite a bit of evidence to say that when something has been brought up, particularly in Western Australia, before an ICAC then people are virtually ostracised, maligned and everything else before they have had a chance to prove their innocence, which is the other side of setting up a commission like this. The media get hold of it and somebody is named, whether it be a politician or a senior bureaucrat, and it has virtually wrecked their lives in that respect. That is the down-side of something like this.

Mr ELKIN - If the proceedings were made public as they were proceeding then that would be the case. I doubt that would happen. It would seem extraordinary if an independent commission was to publicise the preliminary workings. I would find that extraordinary.

Mr HALL - The media get into a feeding frenzy, as you know, particularly in a small State like Tasmania. An allegation is made and then away it goes.

Mr ELKIN - I don't wish to comment on the media but I would wonder about the public interest and public benefit of a public debate. I don't see whether having a commission or not would make a difference to the public debate. I would see the commission operating within itself. I wouldn't see it as a leaking body, as such, and accountable to the media. I would see it as accountable to the Parliament and to the public. There are difficulties, of course, but they are difficulties that have to be answered to bring about this.

Mr HALL - In regard to your pecuniary interest register, I think you said it is not an open document at this stage. As far as I am aware it is an open document. As members of parliament we produce one of those each year. We have to declare our interest and it is open to the public. I just thought I would let you know that.

Mr ELKIN - I think I said 'adequately open' but it doesn't adequately fulfil its ostensible purpose. Yes, I am aware that the register is available in Parliament House but it is very difficult for people in the rest of the State.

Mr ROCKLIFF - You would like it to be more accessible?

Mr ELKIN - Yes, accessible. Also, the form of it at the moment, I feel, is not adequate. Yes, I do understand it is open to the public in Parliament itself.

Mr McKIM - I presume that you are supportive of the concept of it being available online, at least, as a step towards making it more accessible?

Mr ELKIN - I suggested that. I don't see another way; I don't see an in-between. There are dangers with publishing online, that it really does open up the world to a person's affairs, which is why I wanted to suggest that quantity of wealth wasn't the point.

CHAIR - It depends though, doesn't it, because if it was made available online by request it is a bit different to just having it there for every Tom, Dick and Harry as they're surfing the net.

Mr ELKIN - There would be workability issues, yes.

Mr McKIM - What is the problem with Tom, Dick and Harry having a look at the pecuniary interest register, no matter what time of day?

CHAIR - Yes, it is up to the individual. What I am saying is that for people in the north-west, west and north who cannot get to Parliament to view the document it causes a problem. As I understood your evidence, you were saying that you don't want it to go to the extent of knowing anybody's exact wealth from time to time. You just want to know what interests they have in relation to whatever matter it may be that might come up for debate at some stage and where there is a conflict of interest. It can be done if you e-mailed somebody - 'I request the personal interest document of Nick McKim' - and then that comes forward to you. That might be a way to do it.

Mr ELKIN - Yes, there may well be other ways. Online does seem to be the way things are going and it would seem to be a simple, workable and bureaucratically easy solution.

Mr HALL - Have you had a look at the register that we have to provide? Have you ever had a look at that?

Mr ELKIN - No. I am aware of the format. I do not remember particularly but I have read the initial legislation.

Mr HALL - So you list all of your assets, looking at whatever portfolios you might have, shares and so on. Do you see then that that should follow on to senior bureaucrats in local government?

Mr ELKIN - Absolutely, yes. At what level do you draw the line? I do not have a particular level that I would draw it at, though I use the particular title 'senior'. If you took this up

that would be your job. There is one other matter about that pecuniary interest which I did touch on. Yes, it is an onerous form, I would guess. I guess that is part of your being accountable. It is however only required to be updated yearly. To me that would not seem adequate. There would be several reasons. I am not suggesting it happens but we are dealing a lot here with perception. It would seem quite an easy thing to be buying in August and selling in June and avoiding the register. Also, without a record of the change and dates of changes, particularly with something like shareholdings, the dates at which those changes occur might well be coming under question as to when particular decisions are made. That would not be evident in a yearly statement.

Mr McKIM - You touched on the tradition of frank and fearless advice in your submission. Can I ask you whether you think that having senior public servants on short-term contracts threatens the vision of frank and fearless advice?

Mr ELKIN - Personally I believe it does, yes. I would not wish to give any particular examples to the committee but, yes, I am aware of these matters, not just in Tasmania.

Mr McKIM - Without seeking to lead you down the path to any specifics, is it your argument that the reason that short-term contracts potentially do threaten frank and fearless advice is that people will or may consider their employment future when they are formulating their advice?

Mr ELKIN - Yes, I do believe that. There is also the matter of the appointment when it comes to contracts.

CHAIR - Long-term contracts may be exactly the same. If you are on a 10-year contract, you come to your seventh year and you think, 'I have made some pretty valiant decisions up until now. I had better watch what I am doing otherwise it might not be renewed in three years' time'.

Mr ELKIN - Yes, sure. All these matters are really a matter of whether can we do better. We must try to get better, not kid ourselves that we will get something perfect.

Mr MARTIN - One of the issues that has come up is whether the body should have retrospective powers.

Mr ELKIN - It is complicated. I see it as unavoidable to look at things retrospectively, but I think the emphasis should be on the future. But it is unavoidable because retrospectivity has currency.

Mr MARTIN - Another item you mention was that you thought your body should be linked with the Ombudsman and the Auditor-General. What do you mean by 'linked'?

Mr ELKIN - Yes, I was deliberately vague on that because I am unsure of it. It would seem if we were to start from scratch that perhaps a single body encompassing all three would be the way to go and there may well be other aspects that could be included. There are positives for keeping an independent ombudsman even if there were a commission. An independent oversight commission almost needs someone to look at them but then, agreed, we come into this rolling extensive bureaucracy.

Mr McKIM - It is the hall of mirrors, really; who watches the watcher?

Mr ELKIN - It is difficult. There is no such thing as knowing the answer but I think your committee has to try to do the best it can.

CHAIR - Presently, the Auditor-General, the Ombudsman and the Public Service Commissioner do meet at regular intervals to discuss matters and I take it that what you are saying is that yes, that is a loose relationships. If there was this body to be commenced then that body should also meet with these people as a loose relationship or as a cordial relationship.

Mr ELKIN - I would not have a specific suggestion. If they were to be very closely linked it is difficult because they have different roles. In some way your committee was to set up a commission as an ombudsman with extended powers and an extended role that makes it difficult to answer the question but if it was to encompass all those roles then it might well be handy that the Auditor-General, for instance, has some independence within the single body. The Auditor-General would be able to give you advice as to his need for independence within such a committee.

CHAIR - And the beauty about a relationship is that as a public servant, if somebody came to you and said, 'I want to complain about something' you could say, 'Look, that's not my area, you have to go to somewhere else'. People do not know the exact body to come before if they have not dealt with the issue before so if you had this link it would be much easier to forward them to the other body because you would know exactly what the other body do.

Mr ELKIN - I think you are right. Part of the link also is that it would prevent separate authorities from consulting with each other and impeding each other. That would be the advantage of the link, to prevent any impeding or obstruction, because with different responsibilities come different interests.

Mr HALL - Peter, I noticed in your submission that you have obviously got yourself into a bit of a brawl with the RPDC when you were giving some evidence as you used the word 'corrupt'. Could you expand on that a little? Do you think corruption means dishonesty, all those sorts of things, or that lack of due process and lack of judgment might be a better way of describing things? If you had evidence of corruption would you not go to the police to get that investigated?

Mr ELKIN - Are you implying that -

Mr HALL - I am saying that 'corruption' is a word that is bandied around a lot by some people in the State and that maybe it is not the appropriate word to use, but rather lack of due process and lack of judgment and some of those other phrases. If it is corruption as an individual you could go to the police and say, 'I have evidence there is corruption' but often we do not see that happen. People bandy the word around but then don't go to the police.

Mr ELKIN - I suppose people do bandy the word around. I do not think I was bandying it. Perhaps you understand corruption to be related to misplaced money but I think corruption as well as being related to pecuniary or vested interests is also, as you

mentioned, improper, impaired, inadequate and not open processes; I see corruption as all of those things.

As to the particular issue, I believe it encompassed all of those matters. I believe it was a matter of pecuniary interests as well as improper, impaired, inadequate and not open processes. So I believe I used the word wisely.

Mr HALL - Yes, pecuniary interests by a particular individual in this case was it?

Mr ELKIN - I am hesitant to give details about individuals. Largely I don't know; I am not telling your committee what your terms of reference are but I would not have thought they were to look at particular matters, rather the generalities. I can elaborate a bit more on the matter though in general terms; I am quite happy to do it in general terms and if that is not satisfactory to you I didn't come prepared with documentation of particularly details but I am -

CHAIR - What you are here to do though is tell us why you believe there should be a body. You believe there should be a body because of what you have already told us and because, I take it, of personal experience?

Mr ELKIN - Well, yes, but I am still happy to answer your question and I think it is fair that you should ask me further questions.

In the original submission I generalised about things that happened, wanting to show that you should be concerned with local government and statutory authorities as well as State members of parliament.

In the particular instance with the RPDC and the Meander Valley Council and talking about corruption I was talking about non-disclosure of pecuniary interests by councillors, by consultants and the interrelations between them, and I am using the word 'corrupt' in the sense of pecuniary and vested interests and improper and inadequate processes, that the consultants' contractual opportunities were deliberately enhanced by resolution and by reporting recommendations, and that pecuniary dependence was continually reliant on certain outcomes and that those outcomes were influenced improperly. There was collusion and there were biased considerations towards certain sectoral interests and against others. There was abrogation of independence in the report and the resultant policies and by outsourcing of natural resource management responsibilities to interested parties.

There were inadequate and improper appraisals and decisions. Even higher than the RPDC there were corrupt processes and outcomes in the State Policy on the Protection of Agricultural Land, which my submissions were related to.

A further matter to corruption is that when there is a lack of confidence in fairness and independence I would tend to call that corruption. I would probably think it is corrupt, though I wouldn't say it and I wouldn't think it was incorrect to say it was corrupt if your committee were to hinder or impede public interest solutions. I wouldn't really say that but I would think it is probably a true use of the word 'corrupt'. So that puts the context of my definition of 'corrupt'. When I say something is 'corrupt', I don't necessarily mean some person becoming remarkably wealthy through illegal activity.

I made some inquiries about following up some of the matters coming out of my interaction with the RPDC. The levels of police I was talking to were helpfully hosing down any anticipation that they may be able to help. That is understandable. My only other avenue after the RPDC appeal was with the Supreme Court. I am not in a position to -

Mr HALL - This was in regard to a planning matter, I take it?

Mr ELKIN - Yes, in relation to a planning matter arising out of the State Policy on the Protection of Agricultural Land - how the local council took on board that policy and applied it to the local government planning scheme. I know I'm giving you generalities. It is difficult for you too because you are from that area and none of us really wants to be involved with particular individuals, so I am moving aside from individuals. If it was important to you, I would -

Mr HALL - No, that is okay.

Mr ELKIN - Also I do not want to unnecessarily give someone a bad reputation when it may well just be my opinion.

Mr MARTIN - Peter, I think from reading your submission and listening to you then your problem is that you either had evidence or you had a perception that in the decision-making process leading to planning decisions you believed there might have been corruption and you define the word 'corruption'. You raised it at the RPDC but of course it is way outside their powers to consider these issues and the RPDC appeal is strictly about the planning issue.

Mr ELKIN - Sorry, no it isn't.

Mr MARTIN - Well, they could investigate the process by which the decision was made, but there is a limit to the investigative powers they have to look deep into an issue. In my 20 years' experience in land-use planning they wouldn't be able to delve into the sorts of issues that you were raising. They weren't prepared to do so, they didn't have the powers to do so and you had nowhere else to go, other than the Supreme Court? You had no other body to investigate the incident?

Mr ELKIN - As you would probably be aware - and I hadn't known you were with the land-use planning people -

Mr MARTIN - Through a building company.

Mr ELKIN - I see. When someone wishes to take a matter further from that local government authority they can appeal to the RPDC and that is the end of the matter. It is legislated that that is the end of the matter. It's legislated that that is the end of the matter. You would therefore have to take it to the Supreme Court and show that they improperly or inadequately considered the matter as a point of law, whether they were right or wrong. I actually think that the RPDC, in this particular instance, should have at least asked me for some more details or not prevented me from giving details as to those

issues involved. I don't believe it was out of their jurisdiction to do that but either way, the point is -

Mr MARTIN - You had nowhere else to go?

Mr ELKIN - There was nowhere to go, yes.

Mr MARTIN - Our terms of reference are looking at a body that would have given you, in that case, somewhere else to go.

Mr ELKIN - And oversight, the decision-making that led to that.

CHAIR - Peter, do you wish to sum up or do you believe you've put what you want to put?

Mr ELKIN - No, I think you've given me a very fair opportunity and I thank you very much. I'd just emphasise that confidence and perception are really what this is about. Don't imagine that the world's suddenly going to be great and all the baddies will be in jail as a result of it, but let's try to do the right thing because confidence and perception really are important. I'd like to re-emphasise the role of the public service and of public servants is really something that should be, even wider than this committee's terms of reference, given more regard.

Mr MARTIN - To clarify your particular issue, without going into the details, did you go to the Ombudsman's office?

Mr ELKIN - Yes, they are the ones who gave me my options. They reassured me that my options were limited to the Supreme Court.

CHAIR - Thank you for coming along. Thanks for giving us your submission first and for presenting.

Mr ELKIN - Thank you.

THE WITNESS WITHDREW.

Mr DALLAS WILLIAMS WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

CHAIR (Mr Wilkinson) - Dallas, thank you for coming along. I do not know whether you have given evidence to a committee before. It is a fairly informal affair, so nothing bad is going to come and try to bite you at the earliest opportunity. We allow you to speak to your submission first. After that, we ask you questions or if something is pressing whilst you are giving your submission, questions will be asked then. It is privileged information you give to this committee which means that nothing can occur as a result of what you say whilst within this committee. If there is something that may be defamatory that you say within this committee, you are privileged. As soon as you go outside and say it again it is no longer privileged and there can be ramifications from that.

If there is any of your evidence that you want to give in camera, please feel free to do that - that is, evidence that you feel that you cannot give in an open hearing. Let us know and we will discuss it and then probably can have give that evidence in camera which means that only the committee knows what you say. I will leave it to you to speak to your submission, please.

Mr WILLIAMS - Thank you and thank you for the opportunity. Regarding the style of things that I am interested in as a citizen, certainly governance is one of them. This was an opportunity to have a conversation about processes that concern governance and at a more specific level, personal ethics.

As a fairly rigorous follower of parliamentary process over my lifetime, it has always intrigued me that the Westminster system has had as its first port of call, if you wish, almost an adversarial style of politics and naively, but not uninformedly, I saw this as an opportunity to raise the topic about there being other ways of doing things. I am well aware of the direction I have taken with this.

The submission that I forwarded was an abbreviated version of a longer study that I had undertaken on servant leadership. The servant leadership notion initially, in regard to the compacting of this paper, was picking up on the actual terms of public servants being servants of the State or servants of the community and I thought that in the sense of where that is headed at a community perception level quite often that may not appear to be the case. I think there are all sorts of reasons for that. I think people are elected by a local community but in lots of instances represent political parties and I think that there are certain protocols then which impact on how representation occurs. That is not a criticism, it is just an observation of process.

The mini paper that I presented went to three notions. One was let us re-jig the emphasis, given this opportunity, on what ethics and governance is all about. The first of that is about personal character. As an educator, although I am here as a private citizen, I suppose that I have lots of instances during my career that I could cite where my students or peers when I have been presenting to them have questioned, given that we take a notion of democracy as being collaborative, inclusive and representative, why that is not so much represented when we see - and I realise they are stereotypical shots - the snapshots of Parliament in operation where we see people being fairly aggressive towards each other.

I suppose as a person who has lived in this community for a long time I would like to see the notion of leadership as being more community representative, outcomes based, that if a party had a good idea, the other was prepared to support it; if an individual has a good idea within politics but is not a member of a party then the parties may pick it up. People who are represented and represent me I would like to be of very strong character. It is about the common good and I think that sometimes we lose sight of that.

The second of the three notions that I would like to put forward is this aspect of interpersonal skills. I think that the most fundamental aspect of governance and ethical behaviour is about being able to form really solid, honest, open, trusting relationships, and I think that they have to be transparent. In the sense of how I perceived the question that the committee is looking at then interpersonal skills need to be high on the priorities.

The third and final notion is professional competence. I think that part of the notion of integrity in any sort of organisation, whether it is politics or industry or whatever, is about the professional competence of those who are elected to represent.

I do not think that any of the three that I have mentioned should be taken as givens, nor do I think they are automatically there. As a single individual system, I think that this is an opportunity for me to say, 'Let's put this on the table and have a conversation'. What I am suggesting, in a fairly abbreviated form, is the notion of servant leadership as a mind change, as a philosophy and then we look at how we infrastructure the processes around that.

In regard to forwarding that initial document, as I said, it was an abbreviated one of a longer study and I have tightened up a second document, if the committee is agreeable, to table. There is not a lot of difference; it is just that there were a few things in there that were a bit loose initially.

I have a supplementary note. I think that it is all very well for me to sit here - and others like me - and to espouse a position but I would also like to offer a direction. I think that Tasmania at the moment is in a unique position. In regard to the Tasmania Tomorrow document and the re-jigging of education post-compulsory, the polytechnic component of that offers a unique example of an adult learning institution that will provide, or could provide, Tasmania with an agency by which to move forward with some of this thinking.

What I am suggesting is, through the supplementary document, the notion of setting up a centre of excellence, if you wish, within the centres of learning at the polytechnic whereby public servants, politicians, general people in industries could go through almost a training program. In other words, you could have a diploma course or a certification course in governance and the notion of ethical behaviour, if you wish. A lot of universities already offer them, lots of organisations worldwide offer them and I am suggesting that given the notion that we are moving into a new direction with post-compulsory education, this framework, which is the polytechnic which is different to the university because the university is not controlled by the State but the polytechnic will be, through the State Government has a capacity that stands alone within the State to offer a training organisation, a training provider, if you wish, to move in a direction that would support a lot of the things that I have inferred in that initial submission and that is things about behaviour.

CHAIR - Are you saying that if you wish to proceed to university to do an arts degree majoring in political science, that would lead on to that - at Melbourne university years ago it was called Modern Government A and that was the subject you did - that type of thing?

Mr WILLIAMS - Yes. I am saying that the polytechnic would have the capacity to provide that to an advanced diploma level. I am not suggesting that public servants or politicians need to go through a process whereby it is a degree course, but I am saying that in regard to the notion of lifelong learning. Those of us who are in professions have an obligation to ensure that we are current with our thinking and that we are continually honing our capacities to the best we can and I am suggesting that it would be in the interests of good governance if, as part of the process of being a member of government or the public service, this was a requirement. It does not have to be something that stereotypes people but it is a capacity to make people aware - you see, I do not think people go to the table of conversation from the notion that they are going to be difficult or they are going to make bad decisions or they are going to create bad relationships or not do the right thing; very often it is just because they are uninformed. Where public servants sit with that, where politicians sit with that, depends on where people have come from - their background. Some come to that from a very informed position, others have come from a background where they have not had to have any sort of formal training in ethics or governance or whatever, it is just the situation as it sits, but I think that given the responsibility that is given to public servants and particularly politicians, it should not be unexpected that there are some requirements that needs to be met to allow them to fulfil their obligations to people.

Mr HALL - When you are talking about public servants, how far down the food chain are you talking about? Are you talking about senior bureaucrats or are you talking about right through the whole public sector?

Mr WILLIAMS - Without my being perceived to be mischievous with this, would there be a difference? I think that if you take on the notion of being a representative of people in whatever capacity, there is an obligation there of mutuality and that is about trust, honesty, openness, transparency, doing the right thing so yes, I would suggest that it is from seniors to whoever; anyone who by definition fits the category of public servant.

Mr HALL - Yes. I noticed in your third recommendation, 'adopt a biennial review of politicians' and public servants' performances'. I am not au fait with what happens right throughout the public sector but I presume that a lot of people have to meet certain KPIs and that sort of thing -

Mr WILLIAMS - They do.

Mr HALL - and politicians are judged every time they go to the polls.

Mr WILLIAMS - And to a degree I am totally accepting of that but what I am also saying is that quite often the polls are a long way away and quite often whether someone is perceived to be performing or not is masked under the umbrella, if you wish, of the protection of a political party, as in where they sit in the ranking of being the first or

second or third preferred candidate, and I am talking about Federal as well as State obviously.

Mr BEST - Mr Chairman, the police force, as I understand it, have to undergo some ethical training.

Mr WILLIAMS - Yes, they do.

Mr BEST - So there is some out there but I think what you are proposing is quite a good idea. We have heard some submissions from people that have suggested that with whatever might occur with an integrity commission, there ought to be maybe some separate parliamentary committee that may involve others that looks at emerging issues that may have the potential to occur here, where ethical conduct or a breach of ethical conduct may have occurred internationally somewhere and how we would deal with that here. There has been some talk about the concept of having education but perhaps not at the level that you want to discuss today. We do not all have to be doctors of philosophy, as you say, but there are probably some good reasons we should also know what constitutes good ethical conduct.

Mr WILLIAMS - I have no intention of proposing something like McCarthyism, in the sense that if you are looking at a review of people, over whatever time period, if you're looking at a commission, whatever the process, I don't think it is healthy to have an organisation whose role is punitive. I think I would really err on the side of caution with that notion. In the sense of meeting the common good, doing the right thing - and I know these things sound very trite but maybe trite is what I am about with this - what we are saying is, 'Let's really look at what is basically part of our humanity' - and that is about how we relate to one another, how we serve one another, how we get on with one another, how we do the best thing that we can with the capacities that we have. If, in the notion of setting up a commission or an organisation - whatever we want to call it, because as soon as we put a label to it, it automatically gives it an inference of style; I am not trying to suggest that, I am just using the words - there is something there to support the process positively -

CHAIR - If there is a body set up, what should it be called, do you think? We have had some say an ethics commission, some say an anticorruption commission, integrity commission -

Mr WILLIAMS - Again, Jim, I think that the wording is really important. Part of my life is use of language and I think if you talk in terms of something being an anticorruption commission, automatically the reverse of that is that we are dealing with a corrupt community or a corrupt group, and that is not what we should be on about at all. We shouldn't be naive about that, but I think 'ethics commission' - although there is an underpinning of what a 'commission' is, too, in regard to community language - if you're talking in terms of ethics, I think that is the notion that we are talking about. 'Ethics' is fairly neutral; there can be good and bad. What we are talking about is a neutrality of understanding.

CHAIR - As we have with the Ombudsman, maybe an ethicist or someone.

Mr WILLIAMS - That's exactly right.

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Mr McKIM - While we are talking about what it might be called - and I am pushing my personal barrow here and I will declare that - would you think that the word 'integrity' is actually applied ethics? Wouldn't you think that is what we are aiming for here, rather than almost a philosophical discussion of what ethics is? Aren't we trying to apply that to the public sector and politicians and in that context, what do you think of something called an 'integrity commission'?

Mr WILLIAMS - Integrity is applied ethics, and I would agree with you.

Mr McKIM - I really enjoyed reading your submission and thank you very much for putting it in. I mean this in a complimentary way, it is not really the standard submission we have received and I think that is to your credit.

Mr WILLIAMS - It wasn't intended to be either.

Mr McKIM - What your submission doesn't go to, though, is any kind of investigative capacity for any body that the committee might decide to recommend. What is your view on whether you think there is a case in Tasmania for there to be an investigative component to any body that the committee might recommend, if we leave aside the educative powers and functions for the purposes of this question?

Mr WILLIAMS - If you're looking at a holistic notion of what a commission might be, it certainly would have to have a range of capacities. Picking up the notion of applied ethics, which is the integrity component of it, and ensuring that we have a community that is fulfilling that, there would need to be a capacity to have an investigative component to it.

I am not a lawyer but my lawyer friends would probably cite that it is within the realms of something like their brief to deal with that style of thinking, but I do not think necessarily, personally, that it is solely the brief of lawyers. I think that with any of that investigative component we need to make sure that we are representative of the community, because too often the normal communities within our wider community can be sidelined because they don't have the capacity - if we are taking something purely from a legal point of view - to engage at that level. But they have every right and every capacity to engage at what they consider to be an appropriate community level about whether a process has been right or wrong, and whether the outcome, even though it may be a good one, has been obtained by a good process. I think that the notion of whether the outcome is reflective of an appropriate process is something that is part of what I would hope this group is processing as well, because sometimes we'll get a good outcome, but the process to obtain that might be questionable.

Mr MARTIN - Dallas, I am particularly interested in the notion of servant leadership. In my previous life in local government I have probably seen a lot of standard sort of process and practice working well. With the nature of party politics, though, do you think it is possible in a system that is focused on the parties to apply your notion of leadership?

Mr WILLIAMS - I am going to take my naïve approach with this and be honest. As a student of politics, the party process that we have is quite restrictive. That is not to say that it's not good or bad, but it is restrictive because by identifying with a group you are

committing to a philosophy, and that is part of what a party would want from anyone. That commitment is a good thing, but I think whether or not certain leadership could exist within that style of framework goes to the question of the character of the people who make up the party. Nick made a comment about my paper being out of left field; so is this comment, because I don't see why party politics should restrict a person's capacity to be true to themselves and to the community they represent. I know some of you here have found other sources of that, but having said that, at a purely conversational level - and that is the notion I am putting; I would be more than happy to work out the pragmatics at another time with another umbrella over me - I don't see why there can't be a change of thinking.

There are examples worldwide where even though people have operated within a particular party style they have taken a much more open approach to governance and people being individuals, because the anomaly with the party system is that in most cases, even though in some aspects of our governance, whether it is upper or lower House, people can be listed as whatever and you are voted in according to where they place you on the ticket. In most instances the community elects the person, and the person happens to be a member, in most cases, of a party, but the election process is because they are known within the community, and Brenton and Jeremy would have both been elected in this area because they are known by the community. In a sense, it is academic as to whether one is Labor or Liberal.

Mr McKIM - Some of us might suggest that, practically, it is academic whether one is Labor or Liberal.

Mr ROCKLIFF - I might ask a question following on from Greg's question on your point number 3 - adopt a biannual review of politicians' and public servants' performances. Quite a few people who have come to give evidence have discussed the issue of a smaller parliament and the consequences of that back in 1998. Some of the consequences of a smaller parliament are that it puts more power into the Executive and less backbench pressure on ministers, there is a smaller opposition and harder to keep everyone accountable. Greg made the point that we are all accountable to the electorate every four years. Some would say that because the quota is more and we have five members standing rather than seven as we were pre-1998, that that in fact gives an unfair advantage to those sitting members and therefore excludes other members who may well have made up a larger ticket. Do you have a view, as a student of politics, with respect to the size of the lower House in Tasmania?

Mr WILLIAMS - It is too small.

Mr ROCKLIFF - I thought you might say that.

Laughter.

Mr WILLIAMS - Well, pragmatically, for good governance you need to have critical mass, and to have critical mass you need to have the appropriate number of representations. With all due respect to the current Government, certainly one would believe that there is a certain level of stress because of the fact there have been significant changes in personnel moving around and so on. In a larger capacity you would have more flexibility with being able to meet changes that occur just as a process within the normal

living of government. Things will happen within any government, but you need that critical mass to allow changes to occur - and it does not have to be within parties, it could be critical mass with independents or whatever, it is just the mass of people. The notion, though, that a lot of that can be picked up an infrastructure of public service support I think has to be viewed with a degree of caution. I think that the people, which is what the Parliament represents, are represented by the politicians, and I think that implicit in that is an expectation that they are the ones who are going to meet their needs.

The Public Service is purely there to provide the infrastructure support to meeting the needs of community through the representation. If I had the capacity to change things, I would have the Parliament larger, with fewer senior bureaucrats within the public service, and the Parliament being more a House of collegial cooperation and inclusiveness whereby an agenda about what is appropriate with regard to outcomes drives the process. In the same way that the party can have restrictions on a person's individual capacity, I think the Public Service can also have restrictions on how some politicians are able to function. Does that answer your question, Jeremy?

Mr McKIM - Just a supplementary on that subject, if I might, I completely agree about the size of the House, by the way, Dallas. To provide some context, we have spoken already today and have listened to you speak about how high the bar is set, and there has been some discussion about perhaps, if we were to go back to 35 members, for arguments' sake, instead of going back to seven members in the existing electorates, that we would actually create new electorates and have seven electorates and just keep five members in each electorate. In other words, the bar would remain where it is now at 16.7 per cent rather than at, I think, 14.2 per cent, from memory, prior to the change. Do you have a view on where the bar ought to be set in terms of a quota that a successful member is required to achieve?

Mr WILLIAMS - Honestly, I cannot say I have thought about it. But thinking about it, if I go from the notion that I think that the Parliament would be better served if there were more members, I do not know that it necessarily would matter then as to how that was arrived at. I think it was 16 per cent you mentioned. If we take that upper number, I would suspect that there is more community confidence represented in that vote for a particular person than there would be for someone who made it 14 or 12 or whatever percentage it might be. My notion of representation is probably what I would like to table as opposed to the mechanics of that; I think that those who are elected to represent a community need to be elected to represent the community and that means they need to have the confidence of the backing of a fair proportion of that community. I am saying it should not be by default. If we are saying we are going to get a better quality candidate by having a higher benchmark, I would be all in favour of that, but running parallel to that, I think the Parliament needs to be larger.

Mr BEST - Yes, more members would get fewer votes to be elected to a larger parliament. I have a leading question here, because a lot of people say we are over-governed which I suppose is a separate question to your thoughts about the numbers in parliament that -

Mr WILLIAMS - I am more than happy to answer your question.

If we talk in terms of general governance then I believe we are. If we are talking in terms of whether we are over-represented at State government level, no we are not.

Where I think we are over-represented is at the local level. I think that Federally we are okay, but that State is critical and the local government is the area where we could make some significant inroads into better governance. Some of the local governments - and this is not a criticism it is just an observation - do not have the critical capacity to manage well. People do their best and a lot of it is really nothing more than voluntary, particularly at a local council level. I think that given the size of Tasmania we could do far better in regards to that.

I think there are certain aspects at the State level where we need to make sure that we have the 't's' firmly crossed and 'i's' dotted. I do not think we are anywhere near that at the moment and we need more in the lower House in particular to do that.

Mr BEST - On the issue that you have raised about good ethical leadership within the party structure, in my experience if you do have an issue within the party structure you can debate that in the party room and there can be a vote. If you want to get personal about it, I did not see you ever putting roads up in the PLP, Terry, when you were a mayor, but I have on occasions. At the end of the day you are within a party structure, you put up a vote and you debate it. What is largely different about that?

Mr WILLIAMS - I think the party can be as appropriate or not based on the modelling of the leadership. I am not talking about any party, I am talking about a generic party. I think if you have leadership of a party that follows a certain style of behaviour, their being in that position and modelling certain styles of behaviour has a ripple effect with the membership of the group. If you have a group in power within the party that is fairly autocratic, secretive, et cetera that models what is appropriate behaviour to those who are coming in as newly elected members, and it also presents to a wider community a vision or view of what that group might be like. So I think that -

Mr BEST - That gets back to your polytechnic idea of everybody being trained or having access to good decision-making?

Mr WILLIAMS - I think a lot of it, Brenton, is about creating an awareness. As I said, I do not think people naturally go to a position with the intention of doing something that is inappropriate or following an autocratic style or whatever. I think they are almost by osmosis morphed into that as a result of what they then work within. I think if you have the appropriate leadership models within any organisation then the organisation at all levels will reflect that. In that sense a political party could be as open, transparent, community focused individualistic, accommodating of difference as any group. It is all about, though, the style of leadership that is modelled to the membership.

Mr ROCKLIFF - Dallas, your recommendation 4, talks of the establishment of a commission made up of 'experts' and 51 per cent of community members. Would you like to expand on how you think they would be appointed?

Mr McKIM - Or elected.

Mr WILLIAMS - I made some adjustments to this second document, which, if it's appropriate, I will table. That the ethics commission notion I've now run in conjunction with the ethics centre that I've developed in a supplement about the polytechnic capacity or potential. The 51 per cent is me playing with numbers. What I'm saying is that I

would not like to see a commission. I would not like to see it become something that is divorced from the people. I think there needs to be community capacity that has real strength within whatever is established. I do believe, though, that as a normal citizen there are huge areas in which I do not have capacity. For instance, my notion of experts; if you're talking about the law you would need people who have a really good understanding of that; if you are talking about finance and whether or not something has been inappropriately followed through at a financial level you'd need people who could work in that area. The notion of experts is in the sense of having that intellectual capacity available to the group to make reasonable decisions about whatever possibilities might be presented.

I really think the community component is important. If we are taking the notion, a very left-field position, let's change our mindset about what is possible and dream for a moment or two about what a vision might look like. I think re-engaging the vast majority of our community in some sort of capacity with governments, is a huge step forward. You only have to look at the numbers who vote in local government; why don't they? It is the most grassroots thing that affects them because they are disengaged, in lots of ways, from it. We have compulsory voting at other levels. One would question what the level might be.

CHAIR - How are we going to do that? I hear what you're saying in relation to having experts and there are probably two models for that: a panel of experts you could pick from or a person or a number of people asking experts to give their evidence and then base their decision upon their evidence. In relation to - and I know you're saying you were playing with numbers - 51 per cent community, how would you do that? Would they be on the integrity commission or would they as a body give evidence to that commission in order that they make findings and recommendations? If there was 51 per cent community representation, because the experts are community as well as the commissioner community as well -

Mr WILLIAMS - True.

CHAIR - Could it become unwieldy?

Mr WILLIAMS - I suppose part of my idea with community was apolitical, in other words they weren't members of political groups. The notion that a community member could be an expert still sits with that, but what I wouldn't be suggesting from my position is that a commission be established which really is a political commission. In other words, it is very representative of the Government that is in power.

CHAIR - How could we do that? Could we make it independent, like the Auditor-General and just draw a person like the Auditor-General to select people to sit with him from time to time or to select a body that will be there if needs be for a certain period or -

Mr WILLIAMS - Absolutely. I think you used the example before yourself, be honest with them. That notion of having someone or some body aside from a political umbrella. That could then have the capacity to elect to run a process by which it became representative of the community. For 10 years I served on an NGO nationally. It was an NGO to the United Nations and election to that group was through the community. It had the capacity to have an underpinning framework attached to it which was made up of

politicians, senators, lawyers, whatever, but the group itself was representative of the communities from which they came. When that group met and they needed to make decisions on things they had representatives there who were experts but they also had other panels of experts to provide unique experiences and understanding that operated at the level the group needed to operate at. I do not see why something like this could not occur. That is the sort of model I am suggesting.

Mr MARTIN - What is your definition of apolitical in this sense?

Mr WILLIAMS - I am saying that it needs to be non-party aligned.

Mr MARTIN - What would constitute a party?

Mr WILLIAMS - In the Tasmanian context I am talking in terms of Liberals, Greens and Labor.

Mr MARTIN - A paid-up member?

Mr WILLIAMS - By whatever definition you are used to, I would suggest.

Mr MARTIN - I hear what you saying. There would be a lot of people who are Labor inclined or Liberal inclined who are not necessarily paid-up members.

Mr WILLIAMS - I do not necessarily know that I would stretch my comment as far as saying someone who may at one election put up their hand to be Labor or at another one be Green. It goes back to a comment I made I think in the early part of this conversation and that is that if a person has become a party member it is to the level that they are committed to that party. That commitment then translates into being a membership member. In other words, they are a paid member and often then take a capacity at State council and so on within that process, but for the normal person who may have a Labor bent or a Liberal bent or a Greens bent, no, I am not talking in terms of them being necessarily politically aligned but certainly those who are identified.

Mr HALL - Just following up on point 5 of your recommendations, to provide ongoing professional learning to politicians and public servants in the area of ethics et cetera. We have had other evidence to suggest a similar thing. You also talk about local government and the fact that we are over-represented at a local level. That will probably be sorted out, I would suggest, after sewerage and water reform and everything else; there will be things that will happen that will change the dynamics of how many councils we have in this State and everything else. Just getting back to the point of the professional learning in terms of ethics and everything else, should that also in your view apply at a local government level as well as at State government level?

Mr WILLIAMS - Yes. I think that if you are taking a position where you are at paid level representative of community, and local government meets that requirement, then I think there is equally a conversation needed there in regards to how people are trained. If you are going into law you are trained. If you are going into medicine, teaching, whatever you are trained. You are not going to practise law unless you have a degree. Why do we practise governance without it? I am not saying you have a degree but what I am saying is that people who put themselves forward in a governance capacity should also have an

expectation to prepare themselves to best meet the requirements of the role that they have offered themselves for.

Mr HALL - I agree with that. I think Terry and I would both know that within local government in Tasmania some councils do run some pretty good induction sessions -

Mr WILLIAMS - Absolutely.

Mr HALL - and the Local Government Association of Tasmania do at times, getting people to them, but there are others that do not do anything. I think as State politicians we have had nothing in that respect.

Mr WILLIAMS - I am not saying it does not happen. This stage in Tasmanian history, particularly with the State Government, and I mean the Government in general, where we have the capacity with this new organisation of a polytechnic which is able to offer programs at adult learning level from a certificate through to an advanced diploma, is a unique moment to move into having that as part of a capacity. The State Government does not have the same capacity to determine or to interact with the university but it does with the polytechnic.

CHAIR - So that is why you are saying it cannot be at the academy level?

Mr WILLIAMS - The academy level is 16- to 19-year-olds. The adult learning component of the polytechnic is 16 to whatever. Within that framework at the moment, which is TAFE, but which will, as of next year on 1 January, become the polytechnic, there is a lifelong learning process or framework there already in existence that would meet this educative need that I am offering as a suggestion for those who move into the area of governance or public service or whatever. It could be a partnership that the Government has with the polytechnic. Within the learning centre nature of the polytechnic there is a framework being established to meet a particular need, and we are talking about in this State at the moment, in a whole range of spheres, meeting niche markets. In a sense, what I am offering here is the establishment of a niche market that is educative and the polytechnic, I am suggesting through Belinda McMillan, has the capacity to meet that.

CHAIR - I have been interested in this area because I know when I first went into politics, it was a case of you get in, this is your room and this is where you are going sit and here are the Standing Orders, all the best. I think most people had that as an introduction to going into Parliament or a sitting for the first day, not really knowing what went on and not really knowing how to deal with bills and when to debate et cetera. One of the areas that I know we have had some evidence about is preparing people who are members of parliament to have this training course. But you are going one better really, in saying that we have the polytechnic, it is already there, and you can either study at any age or if you become a member of parliament you can enrol in a course.

Mr MARTIN - That is a technical point. Are you saying that you cannot stand for Parliament unless you have done the course or that you can do it after you are elected?

Mr WILLIAMS - My suggestion would be that if you become elected it becomes part of your requirement.

Mr MARTIN - Within a certain time frame?

Mr WILLIAMS - That will be for Parliament to determine.

CHAIR - There is nothing new with that, is there, because with law, for instance, if you are to keep your insurance premiums down, continuing professional development. There are a number of different professions around the world where you have to do your CPD.

Mr WILLIAMS - It is that sort of model, Jim, that I am suggesting, as opposed to every four years.

Laughter.

CHAIR - It is a moveable feast though isn't it? Doctors who received their degree 30 years ago have to keep up to date, likewise with members of parliament. You have to keep up to date and that is why, if we had that CPD again encompassed with the polytechnic, it could be useful.

Mr WILLIAMS - I think that it was Nick who had the notion initially of this applied ethics with integrity. If the process by which our representatives are articulated into Parliament and then maintained in Parliament or in the public service or local government, if it has these underpinnings of people being aware that you are going through this process and you are continually informing yourself so that you can be the best performer, demonstrate the best capacity, have the best understanding and get the best outcomes if you can, then I think the community perception of a whole range of things would be fairly positive.

What I am suggesting through this process is that for someone like myself, who is fairly passionate about this sort of thing but also fairly pragmatic, this to me was an opportunity to have this conversation. I would not have had that opportunity in a lot of other circumstances with the same potential outcome, if for no other reason than my being able to talk with you and to listen to you and to express some of these left-field views. That is what I am talking about. We are modelling here

CHAIR - They are not 'left-field views', though, are they? They could be to some, but continuing professional development and learning is certainly, I would have thought, a view that was held by left, right and centre.

Mr WILLIAMS - Absolutely, but under the umbrella of the whole concept of servant leadership to government, which is almost a paradox in lots of instances.

Mr McKIM - The idea of housing such a course within the polytechnic is new to me. You have said that you do not think the State Government has the capacity to interact with the university in such a way. However, with the Law Reform Institute, for example, at the university, the State Government funds that to conduct specific inquiries or references. There would be the capacity to house it somewhere else. Is there any other reason that you think it should be at the polytechnic?

Mr WILLIAMS - No, not at all. The uni runs a whole series of centres of excellence and this could become one of them. Certainly the vice-chancellor is very open to these sorts

of conversations. I would suggest that either organisation would jump at the chance to go into partnership with government with regard to something like this. It would be unique. Potentially you could have almost a beacon institute that could be lighthoused anywhere; it could be replicated everywhere. I am talking, though, from the view that the polytechnic will be very much Tasmanian and that it is under the auspices of the public service. It is part of that framework. If it could be better met through UTas then fine.

Mr McKIM - I wanted to make sure that there was no philosophical objection -

Mr WILLIAMS - No, not at all. It is just that when I was playing around with the idea there was a certain naturalness about it sitting where I have articulated it.

Mr McKIM - I have asked this of most people that have come in to give evidence to the committee and who have mentioned ethics and integrity in their submission. Tasmania does not have State-based donations disclosure laws. In other words, alone among all Australian jurisdictions we do not have to declare under State legislation where donations come from to either independent MPs or to political parties. We are caught by a federal donations disclosure system but the lag is up to 18 months at times, which means that inevitably that people go to the ballot box without knowing who has donated to which of their candidates or parties. How does that sit within any kind of ethical or integrity framework?

Mr WILLIAMS - Personally, my view is that there should be disclosure. If we are talking about transparency, then why would that be any different? The idea that influence can be gained discretely is contrary to the style and ethos that I am trying to convey with this. I am certainly not naïve enough to think that political parties in particular are not influenced or could not be influenced by significant contributors. It is a fact of society.

The issue at an ethical level is political parties and those industries not wishing to be open enough to have donations on the table. I do not mind who sponsors whom; what I want to know is that they are doing that. It is as simple as that.

Mr MARTIN - In the past you did a more substantive paper?

Mr WILLIAMS - I have been working in the area of values education for the last 10 years nationally. One of the components of values education is ethics and part of that study has been on ethical governance. That is in a whole range of contexts. Some of it is paper-based, some of it is PowerPoint based and I have taken workshops on it with organisations and so on so. Yes, I have more material. I have papers a bit larger than this.

CHAIR - Dallas, did you want to sum up or summarise what you have just stated?

Mr WILLIAMS - No, just to thank you. I have found the experience to be very engaging. Thank you for the naturalness of that; it has been very useful. I thank you for the process, too. Certainly coming from where I am, the capacity to talk with people who have an opportunity to make a difference is part of what I am saying we need to have more of. This in a sense is what I am articulating as a modelling process. Why not create this at a whole range of different levels whereby we can have these sorts of

conversations and inform one and another, opening up those conversation levels about transparency and be moving things forward.

CHAIR - It is an interesting comment because how can you do that as members of parliament? You can have your travelling shows, so to speak, but Parliament is where they are focused on themselves with legislation as opposed to the community. One might argue that members of the area are advocates for that area and bring the views back to Parliament. Some might argue that if you're down south and there is an issue up here then you don't really understand the issue until you come up here and speak with the people, even though you can listen to the members up here. Do you go on a road trip where you have a day like today and bring in people who want to speak with you? What do you do?

Mr WILLIAMS - Again, Jim, I think this is about almost a change of mindset. I think we get locked very much into what we see as the required roles of all of us. When we are in that position to do what you are articulating then I think we need to step back from it a bit and say, 'Okay, what are the things that we do that need to be the most important?'. It is about prioritising. Engaging with community in conversation and awareness-creation and seeking opinion and advice and expertise, if that is part of what we see as transparency - and I am saying we should - and integrity in government then I think that becomes a priority. If that then means that as public servants or politicians we need to rejig how we operate then that becomes part of the requirement. Going to various areas may be that. At a local level, though, it could be initially as straightforward as people like Brenton and Jeremy doing similar things with groups from around here, working out where the greater Devonport area sits in regard to a whole range of issues. They are the representatives of this community, so why not have them go back to talk in large groups in Hobart about that. I know both of them do this because they are always out and about. It is about engaging in a more formal way, probably, as opposed to just going to the open days and bits and pieces. It is engaging in a more formal way and collecting that community input. Then the community is able to see that it is actually being articulated elsewhere. I think that is part of the problem, too. Things tend to get lost in committee or lost in conversation somewhere and time lines blow out. All of those things are pragmatic aspects but they need to be addressed.

CHAIR - Thank you very much.

THE WITNESS WITHDREW.