

**THE PARLIAMENTARY JOINT SELECT COMMITTEE ON ETHICAL CONDUCT  
MET IN COMMITTEE ROOM 2, PARLIAMENT HOUSE, HOBART, ON  
THURSDAY 11 SEPTEMBER 2008.**

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**Ms CASSY O'CONNOR**, MP, WAS CALLED AND EXAMINED.

**CHAIR** (Mr Wilkinson) - Cassy, thank you very much for coming along. There is no need to be sworn in because that has already been done. It is good to see you before a committee for the first time. It is informal, but what we normally do is allow you to make an opening and then we will ask questions.

**Ms O'CONNOR** - Thank you very much, Mr Chairman. I made a personal submission to this committee based principally on two things: the fact that I had grown up in Queensland and as a young person witnessed gross abuses of public trust and corrosion of the Westminster system; and also more recently as a 'Ralphie' for the past four-and-a-half years as a member of the 'Save Ralphs Bay' group and experiencing the gobsmacking frustration of dealing with a government that was absolutely in the developer's thrall at the expense of the public interest and ignoring what the community felt. I know you have an excellent submission from Save Ralphs Bay, which details some of the what I call 'institutionalised corruption' - which is corruption that is about political gain rather than personal gain. From the very beginning there was the decision to sell a crown land conservation area to a private developer, the decision to throw the Government's support behind the developer's proposal and not to be impartial in its treatment of that development, to support the project of State significance. I am sure there was some kind of discussion before Walker Corporation pulled its development proposal six months before the State election. I was one member of a very suspicious community about that development's reappearance three months after the State election. Subsequent to that we had one of the most appalling abuses of legislative power I have ever known, which was the Ralphs Bay Conservation Area so-called 'clarification' bill. Upper House members will remember that from our briefing last year. That was quite simply a piece of law drafted by government, with the help of Walker Corporation lawyers, designed to shrink the conservation area to one-tenth of its size, in total contravention of standard surveying law.

I am sitting here - and thank you for this opportunity - out of frustration as a Tasmanian, having been part of that community, which I am still part of, for the past four-and-a-half years and prior to that as a journalist here in Tasmania having witnessed, experienced and reported on politics in Tasmania. There is this lingering smell about the way government does business with business in Tasmania.

I disagree with Professor Herr on one point. I agree with him on just about everything, but we really do need to follow the lead set by other States and set up an independent investigative body. We are 20 years behind the game with Queensland, New South Wales and Western Australia. It is very clear from such things as the payment to Richard Butler, the Pulp Mill Assessment Act and the poker machine monopoly licence that we need better governance structures in Tasmania. There does need to be an investigative body set up that is totally independent of the executive, accountable to the Parliament, with its head appointed by a parliamentary committee. It must be well

resourced to be able to initiate its own investigations and to investigate retrospectively instances and allegations of misconduct or corruption in public office. I think it should have a very important educational role in fostering a rebirth of ethical standards in public life in Tasmania.

**CHAIR** - In relation to the set-up of the commission, how should that occur? There has been some talk of a 'triage committee', a committee set up within parliament, an oversight committee, which meets from time to time with the DPP, the Auditor-General and the person in charge of the Public Service to see how things are going and whether any standards need to be increased or whether parties or bodies need to be spoken with. After that, it then can go, if necessary, to this ethics commission.

**Ms O'CONNOR** - Sure, but the ethics commission, the integrity commission or the anti-corruption commission - whatever you want to call it - needs to be empowered to initiate its own investigations and to largely set its own course. I agree that there should be some kind of tripartite parliamentary committee established which can appoint the head of that committee. It has to be independent of the executive and I think a parliamentary committee makes the most sense.

**CHAIR** - You could argue that there are already committees in place. There is the Privileges Committee, the Public Accounts Committee, the GBE committees, Estimates, Parliament itself.

**Ms O'CONNOR** - They obviously work as a structure but what other mechanism would there be for making sure that that commission was independent? If it is accountable to Parliament, by what other mechanism than through a parliamentary committee?

**Mr ROCKLIFF** - Cassy, in terms of ethical standards and training - and as a new MP I guess this is a good question to ask - what would you envisage a new MP should have at their disposal by way of induction in terms of ethical standards, what is expected of them, parliamentary and otherwise, and for continuous ongoing development? Would you be an advocate for such a system to be put in place?

**Ms O'CONNOR** - I would. I think also, though, when you go back to the Standing Orders and you have a look at the code which we agree to operate under, if there was more of an emphasis on that when you go in then I think that would be helpful. I don't know exactly what sort of framework you could set up for parliamentarians to have. If you have an integrity commission, one of the roles of which is to foster ethical conduct in public life, I think that is where it would come into play with new members, but I don't think it should apply just to new members of parliament. I think it should be ongoing, but also for public servants and members of the police force and local government. There needs to be a new ethical culture here that goes across all areas of public life. We are here to operate in the public interest, and I think sometimes public figures or people representing the public forget that.

**Mr HALL** - I have read your submission and the word 'corruption' is a recurring theme throughout your submission. You could argue, I suppose, that that is perhaps an overly emotive and provocative sort of allegation in lots of ways. Would your submission have been better encapsulated in terms of lack of due process, lack of political judgment and all that sort of thing rather than corruption, which has some pretty severe connotations, I

have to say. I am not saying there hasn't been perhaps some form; I don't know, it's hard to say.

**Ms O'CONNOR** - When you go back through some of the literature there's a lot of debate about how you actually define corruption. I think that what we have experienced, and to some extent continue to experience in Tasmania, is a form of institutionalised corruption. So it doesn't mean you've got what you had in Queensland, with bag men giving money to police commissioners. You've got this can-do culture here where politicians say to developers, 'No worries, we'll get that through'. That is a form of corruption because it works against the public interest.

So I stand by every use of the word corruption in my submission because I do believe there is a very good reason why the Tasmanian public has lost faith in government in Tasmania, and that's because there is a very strong smell of corruption in the State. You only have to look at the entire history of the Lennon Labor Government and all those things that I have mentioned in my submission, which run directly counter to the public interest and which by definition are a form of institutionalised corruption.

**Mr HALL** - I think you mentioned that if an ICAC were set up for example that there ought to be retrospectivity. You would go back there?

**Ms O'CONNOR** - Absolutely, of course - and so does the Director of Public Prosecutions. You can't move forward until you deal with the black marks on the past, and I think the Tasmanian community would have a very high expectation -

**Mr HALL** - How far, in that case, do you think we ought to be going back?

**Ms O'CONNOR** - I am not an expert on these things, but you certainly need to be going back to the full period of the previous Premier's reign.

**Mr HALL** - Do you really think it would deliver results? In the past in other countries that process has been gone through and it hasn't in fact really delivered any results.

**Ms O'CONNOR** - Is that an excuse for not investigating, because I think the Tasmanian community would have an expectation that those matters of concern that led to this huge erosion in their public trust would be investigated. You can't move forward until you deal with your history. I totally support what the DPP said about the need for this body to have a retrospective investigative capacity.

**Mr BEST** - On that issue of corruption - and obviously you put in a full explanation to what you think is corrupt - if a member of parliament brings in a falsified statutory declaration that is fraudulent do you agree that is corrupt?

**Ms O'CONNOR** - No, I do not believe that is corrupt. I was not in Parliament when any of this happened so I am not going to go to that matter.

**Mr BEST** - So you do not think it is corrupt if someone fraudulently manufactures a statutory declaration?

**Ms O'CONNOR** - If someone manufactures a statutory declaration there is a problem.

**Mr BEST** - And brings it into Parliament.

**Mr McKIM** - No-one has done that.

**Mr BEST** - I am just asking a question.

**Mr McKIM** - I know, but I am just making the point that no-one's done that.

**Mr BEST** - Well, you're not the witness.

**Mr McKIM** - I'm just making the point that no-one has done that. You can ask hypothetical questions if you like, that is fine.

**Mr BEST** - So if someone did do that, what do you think ought to be the punitive measure that -

**Ms O'CONNOR** - Why are you asking me what kind of punitive measures any sort of integrity commission ought to bring in? That is not my ambit of responsibility. I am simply putting a case for an independent investigative body to deal with some of the matters of your Government's administration in the past 10 years at the very least. You have been part of this Government - complicit.

**Mr BEST** - You have put in a submission and I am asking what your views are on certain things. If you are not going to answer questions that is fine; I will not ask any more questions.

**Ms O'CONNOR** - Sure; I answered your question.

**CHAIR** - In relation to the make-up of this body or whatever we might call it, that is probably a fair question - what should the body be called? People have mentioned a number of different names - an anticorruption commission, an ICAC, an ethics commission, an integrity commission - what should it be called?

**Ms O'CONNOR** - In my submission I have argued for it to be called the Tasmanian Integrity Commission because that is foundational philosophy, if you like, and goes to matters of misconduct, corruption, maladministration and unethical behaviour. What should it be made up of?

**CHAIR** - If you were setting it up how would you set it up?

**Ms O'CONNOR** - The first thing I would do is get on the phone to Tony Fitzgerald who ran the Fitzgerald inquiry in Queensland and absolutely gave new life to good governance in Queensland.

**CHAIR** - We have endeavoured to make contact with him.

**Ms O'CONNOR** - That would absolutely be the best possible scenario to have someone like Tony Fitzgerald in on it.

**CHAIR** - We have endeavoured to make contact with him -

**Ms O'CONNOR** - I am really delighted to hear that.

**CHAIR** - but as yet he has not made contact with us. It certainly has not been for lack of trying on our part. So if we had Tony Fitzgerald should we ask him as to how it should be made up?

**Ms O'CONNOR** - I think that you would want people in there of the highest integrity with legal expertise. I would probably argue that you need to have some kind of community representation there, academics, but again, this is not my area of expertise. You need good investigators and people who have a very thorough understanding of the law and a good track record in dealing with these sorts of issues.

**Mr HALL** - Cassy, I think you mentioned before that we were 20 years behind the game because New South Wales, Queensland and WA have organisations of some sort and obviously Victoria and South Australia therefore do not. Are you concerned at all about some of the stories that have come out of those other States where MPs in particular have been accused of something, have been maligned, have had, if I can argue, no real natural justice and for 12 months their name has been dragged through the media? That can happen. I am just suggesting that can be a downside of having something like this sort of process in place.

**Ms O'CONNOR** - Well, the alternative is what you have here in Tasmania, which is absolutely no mechanism for independent investigations and you have your Director of Public Prosecutions saying that there is no independent investigative capacity in Tasmania. I think given that we are 20 years behind the game we can also learn from the experience of Queensland, New South Wales and Western Australia and perhaps provide better protection for people who might be the subject of spurious claims or allegations.

**Mr HALL** - Can you refresh my memory - in your submission, did you have a really firm proposal for an actual structure within that?

**Ms O'CONNOR** - No, I didn't, other than that it should be independent of the Executive, accountable to the Parliament and all those things that are listed off. I just think that this committee has a really important and rare opportunity to come up with a framework here in Tasmania that will restore public faith because people here have been almost psychologically brutalised by the relationship between the Government and big business in Tasmania and I think it is time that something was done about it because then we can move forward as a State.

**Mr McKIM** - Cassy, you have said that you think the proposed integrity commission should have investigative powers broadly equivalent to a commission of inquiry established under the act in Tasmania. Would you envisage that the commission would have at least a permanent skeleton investigative staff in order to carry out investigations with those powers and, if so, would you see a scenario where staff may also be seconded from other jurisdictions to deal with issues like, for example, the police investigating themselves in Tasmania?

**Ms O'CONNOR** - Absolutely. I do not think you can have a body here that comes together only from time to time; it needs to be a well-resourced standing structure and there will be times when it is absolutely necessary, because of the nature of the allegations that have been made, to bring in expertise from interstate. This needs to be a body that is properly funded, well resourced and exists as a stand-alone structure, like the Ombudsman's office. You just cannot come up with a minimalist approach for this sort of thing because it is -

**CHAIR** - Sure. One argument might be the Ombudsman's office is there to look at complaints therefore are we trying to recreate the wheel by having another body or should we run it through the Ombudsman's office? The Ombudsman's office - and I am just putting a scenario to you - is the filter to say whether there should or should not be an investigation and if they believe that there should be, it then goes to this body that we are talking about. Is that a fair filter or should it be all within this separate secretariat?

**Ms O'CONNOR** - I think it has to be separate. The Ombudsman investigates individual grievances or complaints of maladministration and if they find a prima facie case of corruption they can refer it to the appropriate body, which I guess in Tasmania is the police, but I do not believe the Ombudsman here has any authority over members of parliament. Is that true?

**CHAIR** - The situation would be that the Ombudsman's office, number one, would have to be better resourced and, number two, have more powers than they presently have.

**Ms O'CONNOR** - I think you would need to separate the two; the experience in Victoria is that an Ombudsman's office is not enough, and I believe that Tasmania resources its Ombudsman's office the most poorly of all Australian States which is something that needs to be fixed up too.

**CHAIR** - It was spoken about in the upper House a short time ago.

**Mr McKIM** - Cassy, I just wanted to ask whether you had a view on whether Tasmania should have State-based donation disclosure laws and whether you have a view on whether people or organisations that politically advertise during election campaigns should be compelled to declare who they are and where their funds come from?

**Ms O'CONNOR** - Of course, absolutely. I think that's a no-brainer, and thanks for the leading question, Nick.

*Laughter.*

**Mr McKIM** - Well, I have asked it of every witness who has been in front of this committee.

**Ms O'CONNOR** - Of course we should, and this goes back to the public interest and the public's right to know when they go into the ballot box who is pouring money into which political party, and we still do not know to this day. Walker Corporation sinks tens of thousands of dollars into State Labor parties, particularly in Victoria and New South Wales. The structures here are so opaque you would not know if they were. We still do not know who Tasmanians for a Better Future are, and it is just not good enough. I was reading earlier that the Australian Electoral Commission has been pushing for reforms of

its donation disclosure laws for about 20 years and both the Labor and Liberal parties keep blocking it at the Federal level.

**Ms THORP** - Actually, that has changed.

**Ms O'CONNOR** - I know that is changing but I think it is only changing in terms of the threshold and not necessarily some of the reporting structures -

**Mr McKIM** - The Rudd Government is bringing in a lot of proposals that will favour Labor above every other political party. They are doing good things with where they are setting the bar in terms of reducing from \$10 000 to \$1 000 but there are a lot of problems in everything else he is proposing, in my opinion.

**Ms O'CONNOR** - I think donations disclosure would be a profound and straightforward means of beginning to re-establish public trust in political parties and in governments too. It is a simple thing; it is a bit of a no-brainer. Why shouldn't we know which corporations are sinking money into government?

**CHAIR** - I suppose you would go as far as saying that that is not just within Tasmania. You have given the example of the Walker Corporation and the money involved in the State. Should that be known as well, not just within Tasmania but also interstate?

**Ms O'CONNOR** - I guess so, if it relates to matters here in Tasmania. We think it is relevant that Walker Corporation pays large sums of money and is one of the biggest private donors to the Labor Party in Victoria and New South Wales, so why wouldn't they see this as another opportunity to contribute to the Labor Party's coffers and hopefully have favourable treatment by the party? Walker Corporation doesn't give money to the Labor Party because it believes in the Labor Party's philosophy.

**CHAIR** - Richard was saying that if you don't know who you have to do battle with you don't know what armoury to have and therefore he is saying there has to be a royal commission before anything occurs. The question I will ask him at some stage is what happens from now until the time when the royal commission, if there is to be one, hands down its findings. There should be a body set up in the interim, one could argue, because we don't want a Nero-fiddles-and-Rome-burns situation. That is probably exaggerating what is going on but there can be that comment made. Do you agree with that?

**Ms O'CONNOR** - If it is the right sort of body. Are you talking about a temporarily constituted body to deal with any allegations that come between now and a commission of inquiry? So we are talking about having a commission of inquiry as a purging exercise, if you like, before we institute an ethics, integrity, anticorruption body?

**CHAIR** - That is the evidence that has been given by a couple, yes.

**Ms O'CONNOR** - What you are putting to me is whether or not there should be something temporary between now and a commission of inquiry?

**Ms THORP** - No, whether or not you support the commission of inquiry.

**Ms O'CONNOR** - Definitely, of course.

**CHAIR** - So you support the commission of inquiry?

**Ms O'CONNOR** - Absolutely.

**Mr McKIM** - We voted for it on the Floor of the House - the one that the Government voted down only a couple of weeks ago at the Albert Hall.

**Ms O'CONNOR** - There are a number of outstanding investigations and allegations -

**Mr ROCKLIFF** - We supported it too, for the record.

**CHAIR** - So there is this commission of inquiry matter that we are speaking about. Do you believe that an integrity commission should be set up as of now, as opposed to waiting for the results of the commission of inquiry?

**Ms O'CONNOR** - No, I wouldn't support that. What we are here arguing about today is the need for an integrity commission or an anticorruption commission. I don't think anyone disputes - or anyone reasonable in politics in Tasmania - that we need an independent investigative body of some sort. I wouldn't see the point of delaying the establishment of that body until after you have had a commission of inquiry. If there is an agreement that we need this body, then you start taking the steps towards the establishment of the body but a commission of inquiry would be a very good purging, if you like, I think, of some of these matters that are raising public concern today.

**CHAIR** - So to those who might argue that the integrity commission should only be set up after the commission of inquiry is concluded, you would say no, that it should be set up now to run hand in hand with the commission?

**Ms O'CONNOR** - You need to take steps to make sure that you have this independent body. I can't see a sound argument for delaying the establishment of that body while you're having a commission of inquiry. Although, in Queensland they had the Fitzgerald Inquiry and then they set up the Crime and Misconduct Commission as it is now. That was born out of the Fitzgerald Inquiry but they hadn't been having these sorts of important discussions before the Fitzgerald Inquiry.

**Mr McKIM** - You are a new member of parliament. Did you get any ethics training or counselling at all before you took your seat?

**Ms O'CONNOR** - As a Tasmanian Greens member of parliament, I entered the Parliament with a strong ethical understanding.

*Laughter*

**CHAIR** - Can put away your violin and continue the answer?

**Ms O'CONNOR** - No, I have no halo, I am as chaotic as the next person.



**Mr McKIM** - Did the Parliament or any external organisation offer you any counselling or training in ethics?

**Ms O'CONNOR** - Certainly not, none whatsoever, and what I read in the Standing Orders is pretty much as far as it has been taken. There is obviously an implicit understanding that when you enter Parliament you will be acting in the public interest but it is certainly nothing formal.

**Mr McKIM** - And no training or counselling as to what that might be or how you might form judgments around that?

**Ms O'CONNOR** - No, that is right.

**Ms THORP** - I think it is fair to say none of us received it.

**Mr McKIM** - I was about to go there because that is certainly the case for me and I assume every other member and in that case, Cassy, I wanted to ask you, you said that you think a group of people, including new MPs, should receive this kind of counselling but would you also have the view that people who have been in Parliament for 10 or 15 years and who have not yet received that counselling and training should also be provided with the opportunity to engage in that kind of learning?

**Ms O'CONNOR** - Of course, and I did not make that clear before. I certainly did not mean to imply that it should only be new MPs who had this training because obviously there is a deficit here. There are 40 members and you cannot just have the new ones who come in from time to time having some higher level of ethical education than their colleagues who have been there for a very long time.

**CHAIR** - What about your CPD, your continuing professional development? My belief personally is that there should be something along those lines within Parliament. There is in other professions and it is just something which, from time to time, can regenerate the issues that we are talking about now. Do you believe there should be and, if so, how often?

**Ms O'CONNOR** - Continuing professional development?

**CHAIR** - Yes, if it is done properly?

**Ms O'CONNOR** - I do not know about this. I am a journalist who learnt on the job and my continuing professional development was just by looking, learning and working hard. I would not argue against continuing professional development. I just think that if you are a good member of parliament and you work hard, every day is a continuing professional development.

**CHAIR** - But if you start with -

**Ms O'CONNOR** - Sorry, Mr Chairman. I would separate that from the need for continuing ethical education as a member of parliament.

**Ms THORP** - I think it is fair to say, isn't it, that in the day-to-day busyness of it, the opportunity to be able to step back and deal with theoreticals perhaps, so you examine the way you approach a particular issue or problem. In my family it is called the fish test; if it smells it is probably not right. So that opportunity to sit back with colleagues and discuss these issues and also work through the hypothetical ethical dilemmas and how you deal with them I could see being really valuable.

**Ms O'CONNOR** - I would not disagree at all and, as I said, I think that the ongoing ethical training and fostering that culture of ethical conduct among parliamentarians is extremely important. When the Chair before was talking about continuing professional development, I was not sure if that was relating to your parliamentary work more mechanically. I think that the ethical issue is profoundly important.

**CHAIR** - Ethics could be one area of it. There could be a number of different areas. What is happening, it would seem to me, is people can start in Parliament and have the wrong ideas. They continue on with those ideas. They are either reinforced; from time to time and they are knocked down, I suppose, with the hustle and bustle of Parliament. But I cannot see any real reason something like a continuing professional development program should not be developed so we are able to look at these things away from Parliament to see whether you can improve on the job that you are doing.

**Ms O'CONNOR** - Sure, I would not disagree with that. I think it could be a function of your commission, of your independent body which has been given responsibility for fostering that ethical standard in public life, sure. I think, though, if we come into this job and we hold ourselves to those principles of selflessness, integrity, objectivity, honesty and leadership, which are in the House of Commons Committee on Standards and Public Life, if we are totally committed to that set of standards, we will need refreshers of course, but I think that -

**Ms THORP** - I would rather give an oath to that than to the Queen, quite frankly.

**Ms O'CONNOR** - My word, although she is a lovely lady. But it is how you make sure that politicians are abiding by or applying those standards in their public contact that might be the question.

**CHAIR** - Cassy, thanks for coming along. Thanks for your time in preparing the submission and also for answering the questions in the way you have.

**THE WITNESS WITHDREW.**