

The Secretary
Members of the Joint Select Committee
Joint Select Committee on Ethical Conduct
Parliament House
Hobart
TAS 7000

Lucia Ikin
68 Hamilton Street
West Hobart
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TAS 7000

July 30 2008

Dear Members of the Joint Select Committee,

RE: Inadequate Existing Mechanisms for Ethical and Accountable Government in Tasmania. Recommendations for Independent Investigative Body.

I am writing because I believe that the existing Tasmanian mechanisms designed to ensure ethical and accountable government are inadequate. I call on the Tasmanian government to establish an independent body to address questions of corruption and ethical misconduct in Tasmania with investigative as well as educative powers.

Recent developments in Tasmania have convinced me that existing mechanisms designed to ensure good governance are not working.

- ◇ Allegations of corruption and serious ethical misconduct at the state government level have not been fully investigated.
- ◇ A deputy premier found to have lied to Parliament is still in his seat and may be undergoing political rehabilitation.
- ◇ Allegations of serious political interference in judicial appointments have yet to be reported to the public.
- ◇ The *Pulp Mill Assessment Act 2007* even provides that no review for criminal conduct operates to delay the issues of the Pulp Mill Permit nor any actions authorized by it: s 11(3).

As the Director of Public Prosecutions, Tim Ellis SC, has in fact stated, Tasmania lacks any independent investigative body capable of addressing such issues. Tasmanians need an independent investigative body where the public can have faith that questions of governance will be dealt with confidentially, professionally, efficiently and effectively.

I am calling on the Joint Select Committee to establish an independent anti-corruption body with:

- ◇ At least one mainland appointment
- ◇ An independent and guaranteed budget indexed to the CPI
- ◇ Reporting to parliament, not to government.

Such a body should include both an ethics education component and significant investigative capacity, including

- ◇ The ability to engage in retrospective investigation where there is a continued impact on public policy, subject to statutes of limitations;
- ◇ Adequate mechanisms to maintain the confidentiality of investigations and protect both individuals raising allegations and individuals subject to allegations, including
 - whistleblower protection
 - the ability to conduct hearings in camera to maintain the confidentiality of investigations.

His Holiness the Dalai Lama states in his book *"Ethics for a New Millennium"* (p. v111)

"Rarely, if ever, is any situation totally black and white.

The same act will have different shades and degrees of moral value under different circumstances. At the same time, it is essential that we reach a consensus in respect of what constitutes negative conducts, what is right and what is wrong, what appropriate and what it inappropriate. "

This book provides a sound foundation for the basic understanding of ethical conduct in our personal lives, which then transpires into ethical conduct in communities and mechanisms of governance.

An independent Ethics Commission for Tasmania could provide mechanisms to assess past, current and future issues addressing ethical conduct.

Looking forward to your response.

Yours Sincerely,

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