

DRAFT SECOND READING SPEECH

HON. WILL HODGMAN MP

Parliamentary (Disclosure of Interests) Amendment Bill 2017

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I move – That the Bill now be read for the second time.

Madam Speaker, improving transparency and accountability continues to be a core priority of my Government. The community expects all of us, as Members of Parliament, to carry out our duties in a way that upholds the values and customs of this institution.

As elected representatives, we must continue to uphold the good governance principles of accountability, integrity and transparency. This includes making decisions that are informed and measured, and not making decisions under circumstances where a conflict of interest may exist, or may even be perceived.

We should carry out our official duties and arrange our private interests to a high ethical standard. We should do this in a manner that protects the public interest and enhances public confidence and trust in government, and the Parliament.

People are more likely to have confidence in us if we carry out our duties and make decisions in a transparent and accountable way.

This means actively sharing information about our interests with Tasmanians.

As part of my Government's ongoing commitment to the highest standards of public disclosure, transparency and accountability, I am pleased to introduce this Bill to amend the *Parliamentary (Disclosure of Interests) Act 1996*.

The Act has been in force for over 20 years. It was originally developed to protect the public interest and to enhance public confidence by requiring Members of Parliament to disclose their personal interests. It established a publicly accessible register of interests held by all parliamentarians. The Act now needs to be modernised to reflect contemporary community expectations.

The Act already places an obligation on all of us to share information with the public on a range of interests we might hold. Completing our returns also serves as an annual reminder for all of us that we are acting on behalf of Tasmanians and must manage our interests and public perceptions accordingly.

In the last 20 years, community expectations have shifted, with greater scrutiny being placed on government and the Parliament. Change is required to provide greater clarity to Members on what is required, and to enable the community to better access information about Members' interests.

This Bill proposes a series of changes to update our disclosure requirements. We have not rushed the development of this Bill. We have taken steps to ensure that this Bill is informed by a strong evidence base and meets the expectations of Tasmanians.

The practices and instruments of other Australian Parliaments have been reviewed to determine whether the Tasmanian instrument is consistent with best practice. All jurisdictions have their own disclosure regime, but vary in their approach. This Bill has been developed in consideration of how others have enacted and implemented their disclosure regimes.

As part of the Bill's development, in early 2017 I invited all Members from both the House of Assembly and Legislative Council to consider and provide input on the draft Bill. It was not my intent to pre-empt the Parliamentary process or preclude an appropriate public debate, but to seek Members' early feedback to inform the final Bill. I understand this Bill will impact on all of us, and I felt it important to engage with Members as soon as possible.

Key stakeholders, including the Parliamentary Standards Commissioner and the Integrity Commission were invited to provide input. The Bill was also published on the website of the Department of Premier and Cabinet during the consultation period.

This Bill makes a series of significant changes to the Act:

The Bill will require us to disclose any interests we hold as well as interests held by our spouse or partner. This is because the interests of our spouse or partner could, or could be perceived, to have the same ability to influence us in carrying out our duties as our own personal interests.

As Members know, we did consider including a requirement to disclose interests held by a dependent child and any other person dependent on the Member. We have not proceeded with this change, due to concerns about privacy and safety that were expressed during consultation.

Although dependents are not included in this Bill, Members are still required to declare any pecuniary interests under the Standing Orders. In addition, Members will continue to be able to voluntarily disclose any interests, including those of dependents, if they wish, under the discretionary disclosure provisions already contained in section 9 of the Act.

The Bill also requires registers to be published online, in addition to a hard copy being located in Parliament. Under this amendment, the information in our returns will be more readily accessible to the Tasmanian community. Currently, access to this information is limited to only people who are able to access Parliament House during business hours.

The Bill will also require the disclosure of more gifts. The definition of 'gift' is significantly broadened to include all items of personal property and real property, as well as financial or other benefits. Gifts given in a personal capacity that could not reasonably be perceived to have been given as a consequence of the Member's role or duties will not need to be disclosed. This is so that gifts, such as birthday gifts to our children from old friends, will not be captured unless there is some reason why they might give rise to a perceived conflict of interest

A similar exception is also applied in relation to travel. This is so travel, such as staying at a friend's shack, will not be captured unless there is some reason why it might give rise to a perceived conflict of interest.

While acknowledging the need for more information to be available to the public, we also recognise the seriousness of the penalty of being held in contempt of Parliament if Members do not comply with the requirements of the Act. Because of this, we have included two exemptions to contempt.

Firstly, a Member will not be guilty of contempt if they fail to disclose information in relation to a spouse as long as they have made all reasonable attempts to obtain the information, or if they could not reasonably be expected to be aware of the information.

Secondly, a Member will not be guilty of contempt if a return is lodged in good faith and complies with the Act at the time it is lodged. This clarifies that if circumstances change, a Member cannot be held in contempt for something that was correct at the time the return was lodged. This has always been the case, but we have made it explicit to ensure it is commonly understood.

With this significant broadening of disclosure requirements it is important that the information collected is published in a manner that maintains the privacy of those affected, and protects the integrity of the information. In recognition of this need, the requirement to declare full residential addresses is replaced with a requirement to declare only the suburb or locality of residence. In addition, a Clerk will be given the ability to delete information that, if published online, would in their view unreasonably compromise the privacy or safety of a person.

Further, to provide some comfort to Members on how returns will be published, we are developing draft regulations that provide for security properties to be applied to the returns. Under these regulations, it is proposed that completed returns are to be published as a scanned PDF document, with a watermark applied across the document to authenticate the information.

This Bill is significant and impacts on all Members. It is essential that we govern in a manner that upholds the honour of public office and the Parliament by ensuring the community has access to information on interests that could be perceived to influence us in carrying out our duties and making decisions that impact Tasmania and Tasmanians.

This Bill builds on measures already undertaken by my Government to improve transparency and accountability in government, including requiring the disclosure of ministerial spending, publication of all Right to Information disclosures, the release of the Open Data Policy and the whole-of-government Gifts, Benefits and Hospitality policy.

Through this Bill, we will increase accountability, transparency and openness by making information more readily available to Tasmanians.