

The Secretary
Joint Select Committee on Ethical Conduct
Parliament House
Hobart TAS 7000
E-Mail: shane.donnelly@parliament.tas.gov.au

Jo McRae
5 Langford Ct
Lenah Valley TAS 7008

29 July 2008

Dear Members of the Joint Select Committee,

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

Tasmania has had a long history of suspect government deals which have not been subsequently dealt with in an open manner. As a result the public perception of state government is, at best, dodgy. When there is a rumour of wrongdoing it is believed because it has happened before. To achieve truly open, transparent governance should be the aim of any honest government, and, one would hope, of the revamped Tasmanian Government. But to achieve this, there has to be changes in the processes and procedures.

Recent examples of the need for change include

- ◇ Allegations of corruption and serious ethical misconduct at the state government level have been ignored or not being fully investigated.
- ◇ The "Shreddergate" affair raised unanswered questions, including regarding a magistrate appointment.
- ◇ "Shreddergate" also highlighted the need for Whistleblower protection.
- ◇ Other allegations regarding political offering of a judicial appointment have yet to be dealt with.
- ◇ The *Pulp Mill Assessment Act 2007* even provides that no review for criminal conduct operates to delay the issue of the Pulp Mill Permit nor any actions authorized by it: s 11(3). My perception of the PMAA is that it is contrary to the Constitution, in that it contravenes our rights.

As the Director of Public Prosecutions, Tim Ellis SC, stated in a letter of 11 April 2008, Tasmania lacks any independent investigative body. Tasmanians need such a body so the public can have faith that questions of corruption or ethical misconduct will be dealt with confidentially, professionally, efficiently and effectively.

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

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

Such a commission should include both an ethics education component and significant investigative capacity equivalent to anti-corruption bodies in NSW, Queensland and Western Australia, including:

- ◇ The ability to investigate past offences, 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; and
 - the ability to conduct hearings in camera to maintain the confidentiality of investigations.

Looking forward to your response.

Yours Sincerely,

Jo McRae