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The Secretary  
Joint Select Committee on Ethical Conduct  
Parliament House TAS 7000

28 July 2008

Dear Committee Members,

**Re: Submission to the Joint Select Committee on Ethical Conduct**

I wish to make a submission for consideration as part of your deliberations with regard to matters including ethical conduct, standards and integrity of Parliamentary and public representatives.

As part of my post-graduate studies at Australian National University (specifically - "Corruption and Anti-Corruption") in 2006, I researched and wrote a paper titled *Political Corruption and Anti Corruption in Tasmania since Self Government*. I attach a copy for your reference as I thought it may be of interest.

Below I have outlined some points I believe should be key considerations. I have used the term "anti-corruption agency" in place of "ethics commission" as I suggest that the latter would be liable to confuse people regarding its purpose and role. "Ethical" is a subjective term. For example, I only invest in companies I consider ethical, but that does not mean that other investors are necessarily in the wrong. The role of an anti-corruption authority is comparatively clear.

Key points I wish you to consider include:

**Adequate funding required for existing ethics/anti-corruption agencies**

Tasmania's existing ethics/anti-corruption agencies – the Auditor General and Ombudsman – are some of the most poorly funded in Australia. Funding of these agencies should be independently reviewed in consultation with their staff.

**The existing agencies – Auditor General and Ombudsman – provide a base level ethics/anti-corruption service as they are largely reactive**

Tasmania currently has very limited agency capacity to educate and promote awareness in the political and public sector – state and local government and beyond. For example, as a member of a board of management for a Tasmanian non-government organisation I

drafted a policy on open and accountable procurement practice. In investigating approaches, I found the best advisory information available in Australia had been produced by the NSW Independent Commission Against Corruption (ICAC).

Tasmania's 29 local governments would presumably each have to research and determine the accountability of their contemporary operations. It seems logical here and for state agencies to have guidance of a Tasmanian anti-corruption agency in developing and reviewing policies and practices.

In events of recent years involving former Ministers Bryan Green and Steve Kons, naivety and/or ignorance have been suggested as playing a role in these men's inappropriate decisions and actions. The existence of a proactive anti-corruption agency for Tasmania would assist significantly in ensuring ignorance cannot be used as an excuse, without blatant incompetence being suggested.

Such an agency can provide a reference point for political and public officers for guidance on appropriateness of decisions and actions.

### **Don't put unfair expectations on the Tasmanian Police to perform anti-corruption roles**

Leading anti-corruption expert Professor Jon Quah of the National University of Singapore says "the first best practice in curbing corruption is: do not let the police handle the task of controlling corruption" as this increases the potential and temptation for processes to be subverted (Quah in Noble 2006).

In the 1980s, Queensland had the same anti-corruption protections that Tasmania currently has, and despite this the Fitzgerald Inquiry (1987-1989) found corruption all the way up to the police commissioner and senior ministers.

Police are subject to influence by political culture.

### **Extending capacity for openness and accountability**

Contemporary anti-corruption agencies function to allow greater openness and accountability in government by being available to ensure public concerns are thoroughly and appropriately investigated.

Should a citizen or Member of Parliament wish for a questionable matter to be independently investigated, a contemporary democracy should have mechanisms in place for this to occur. The effectiveness of independent anti-corruption agencies in other Australian states has been demonstrated again and again over the past two decades. I have heard suggestions made that our small state of Tasmania does not have the same issues, or that "the current system is doing its job". I believe this represents ignorance similar to that illustrated elsewhere in the past. Some basic research shows that similar expressions were made historically in situations such as 1980s Queensland, prior to systemic corruption being revealed by independent investigations.

Tasmania needs a contemporary anti-corruption agency for a more democratic and accountable governance. I do not agree that an organisation titled "Ethics Commission" is a good investment though. It would be bound to confuse and its value and role would inevitably be questioned.

Please consider that through the 1970s our Houses of Parliament remained undecided on whether an Ombudsman's Office was worthwhile or not. We were the last state in Australia to adopt this initiative. However, as potentially with an anti-corruption agency, were able to assess and learn from the experiences of the other states. An anti-corruption agency for Tasmania could never attempt to replicate the scale and scope of the likes of NSW Independent Commission Against Corruption. However, I strongly believe that we need an independent anti-corruption agency that works to the scale and scope affordable to Tasmania.

Thank you considering my submission.

Yours sincerely,

Michael Noble.