

**THE JOINT SELECT COMMITTEE ON ETHICAL CONDUCT MET IN THE CONFERENCE ROOM, HENTY HOUSE, LAUNCESTON, ON FRIDAY 7 NOVEMBER 2008.**

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**Mr CLIVE STOTT** WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

**CHAIR** (Mr Wilkinson) - Thank you, Clive, for coming in. I will leave it to you to speak to your submission and then we will ask you some questions.

**Mr STOTT** - There is one alteration I would like to make to my submission. On page 2, the second last paragraph, I would like to delete the word 'environment'. I have some other documents I would like to tender in relation to my submission. As I mentioned in the submission, I wasn't going to provide everything at that point in time. Do you want those tendered separately or as we go along? I have done a copy for you people.

**CHAIR** - You can tender them all now.

**Mr STOTT** - Firstly, I would like to go to one of the last points in my written submission concerning children with asthma, and then move on to deaths in our community as a result of planned-burn smoke in this State.

As someone who worked for Health in this State for approximately 15 years in charge of engineering and biomedical engineering and, in addition, looked after respiratory patients in the north-east of Tasmania with oxygen equipment, I find this quite sickening. I have in front of me a letter I which I have just tabled to the committee. It is a letter I wrote to a Mr Peter Rowlands, the Mersey district forest manager and is dated 12 June 2008. It says:

'Dear Sir

Planned-burn smoke

This is to confirm yesterday's meeting at home with my wife, Annette, and your Mr Bob Knox, coordinator of works, and Miss Jane Becker, community liaison officer at Forestry Tasmania, Mersey division.

Whilst the two-and-a-half hour meeting was mostly taken up promoting Forestry Tasmania burning practices that create huge amounts of smoke for people to breathe, it was also acknowledged by Mr Knox that seeds will germinate well without burning. It was acknowledged that smoke intensity across Tasmania had increased in the last couple of years.

I raised the point that lengthening the burn season will not lessen the health impact on people exposed to smoke. In actual fact they would end up inhaling more over the extended period because they would not be able to see it or smell it but their lungs would still feel it.

I made it clear that the effects of breathing this smoke did not just go away for most people when the smoke stops. It causes lasting damage that needs costly special treatment, and it can even result in death.

However, not lessening the importance of those above facts, what was of major concern to me was the fact that Forestry Tasmania admits to having to refer children affected by planned-burn smoke to the Asthma Foundation for management of their condition. To put these children into deliberately-induced asthma episodes and then to offer to support them with their treatment, in conjunction with the Asthma Foundation, so that Forestry can continue to create more damaging smoke, I believe is simply unforgivable.'

It is not only children. You people are probably aware of what happened to me. I was at home with asthma and I was quite well until the burn season started. I tried to manage my condition at home because I have all the gear I need and the hospital people know me. Two weeks later I ended up in Accident and Emergency seriously ill. To cut the story short, I ended up in A&E four times with clots in the calf, clots in the back of the knee, clots in the groin, clots going through my heart into both lungs and DVT in the leg - a very serious matter. Because they know me in A and E and because they were short of beds they started me on blood thinners, which I'll be on for the rest of my life, and we're still having trouble trying to stabilise those. That is lifelong and it's still life threatening for me because once you clot your body wants to clot.

That's as a direct result of those planned burns, which is what the senior medical officer from the environmental health department who read my reports with the hospital decided. There were elevated breathings of smoke particles in my vicinity and at the recording stations at the time of those attacks, which confirms what has happened.

**CHAIR** - Have the doctors confirmed that as well?

**Mr STOTT** - My doctor agrees with me. There is a person at Patersonia whom I was going to mention later, who has bought a kombivan to head out when the smoke gets that bad - I will mention the person's name because she's approved that I can - Angelika Allen at Patersonia. Her doctor has stated that her asthma condition is caused by smoke pollution from forestry burns during that period. She has to leave her home in middle of the night sometimes, drive 100 kilometres around trying to find somewhere where there's no smoke and it's been impossible for her to find anywhere; she has to leave her husband, family, animals and everything at home, to be able to live.

That's simply what it was with me; trying to survive, sitting in a chair for months, trying to breathe on oxygen support and trying to get to the doctor and even having to cancel medical appointments with specialists and doctors. Sadly, my wife was having radiation treatment at that time and I could not get out of the chair to even drive her in for the last part of that radiation when she really needed me. All I could do was sit in the chair and cry; 59 years old.

I didn't know where to write, who to contact - in the first instance I wrote to Jodie Campbell, however, that letter has been passed on to nearly everybody that I know within Federal and State government and I've had very little feedback from it, quite frankly, but I've tabled that letter this morning for you to read.

**Mr BEST** - What was the date of that one?

**Mr STOTT** - The date of that one was 21 April, a letter from me to Jodie Campbell.

**Mr BEST** - Okay, thank you. He's carbon copied it, I think.

**CHAIR** - Yes, so, you've put in the complaints to the relevant bodies?

**Mr STOTT** - I have. It's very difficult; who do you ring? Who do you contact? I have produced a web site and in doing a lot of work for that I have found out there are two 1800 numbers to call; one is the environment department and one is environment health. As smoke increased and as it made me sick, whether I came to Launceston or was at Grindelwald, I would ring those people and lodge a complaint.

**CHAIR** - As you probably know, this committee can look at what you've just stated, but it's not here to investigate it and then report, as you probably understand -

**Mr STOTT** - Yes.

**CHAIR** - It's here to say, look, should there be a body set up to look at ethics and integrity, et cetera of members of parliament -

**Mr STOTT** - Well, the point about that is - and I'm coming to this just down the track - there is no body that is purely responsible for smoke in Tasmania. I will digress at this point and will just change things around a bit from I what I had planned. There are a lot of acts. In actual fact I tendered that again today - standard codes and acts. These are just ones that I have been involved with. It is not complete by any means. I will show it to the committee. It goes across lots of different government departments and to even get to speak to ministers about it is impossible. That is another thing: I believe that ministers are guarded by people within their departments so that you cannot get to speak to them. I have tried for so long to speak to Michelle O'Byrne for a 10-minute talk, just 15 minutes away. I have been denied time and time again. I will give you facts and evidence on that in a minute.

We are talking about all these acts. We are talking about Forestry. We are talking about Parks and Wildlife. We are talking about local councils, we are talking about lots of different government departments and it is not pulled together anywhere. Smoke is being emitted by all of them at random and all these talks of 'it is going to be fixed this year' - I left Scottsdale almost 11 years ago because of this same problem, and it is now worse. I bought above the smoke line and my condition has become worse and worse, not through age. I have been quite healthy until this all started. We look at the number of acts in that - there are probably 20 if you pick up the ones that I have missed all cutting across different departments, and nobody really has control. What I have suggested in my submission is that one department, Environmental Health, be put in charge of this. I have had dealings with their senior medical officers and Dr Roscoe Taylor on this.

**Mr BEST** - What did he say? What was his opinion?

**Mr STOTT** - He has put himself onto the FPA - Forest Practices Association - but I do not really believe he has any power because he is not a board member. That is about the best we have done so far. This is my personal opinion and it is the opinion of other air groups that are emerging across the north of the State as a result of people's worsening medical conditions. There is quite a consensus that, because it is an environmental issue and it is a health issue, that it should go under the Environmental Health department.

**Mr BEST** - I have not done any real research in this area so excuse my ignorance.

**Mr STOTT** - That is fine.

**Mr BEST** - What happens interstate? Is there anything that you are aware of interstate with regards to how it might be controlled? Or it is an area that no-one has really concentrated on, or anywhere else for that matter?

**Mr STOTT** - All I can say in answer to that is to have a look on my web site.

**Mr BEST** - What is your web site, sorry?

**Mr STOTT** - The web site is [www.cleanairtas.com](http://www.cleanairtas.com). That is in my submission.

**Mr BEST** - I see. It is all in there.

**Mr STOTT** - I make reference to it. The links and nearly all of the letters that I am referring to today have been posted on the correspondence page for you to read. Going back to your question with regards to what happens interstate, I have had enough trouble, quite honestly, with my health and time available to try to handle this at a local level. I do not know -

**Mr HALL** - I appreciate your problems and you did mention that National Parks obviously have to do fuel reduction burns and the Emergency Services do, the Fire Service does, farmers do and then of course you have wild bushfires on top of that. How did you go when the Tippogoree Hills were alight there a couple of years ago? That produced an enormous amount of smoke and something beyond control. That is just the point I am making, sometimes you cannot control some of these things, can you?

**Mr STOTT** - Can I just correct what you have just said? You are saying that Parks, Wildlife, Forestry, councils and all these people have to do planned burns for fuel reduction. They do not. They actually do not have to burn. This is the sad part about all of this. People are getting sicker and sicker with all this smoke. I put in a submission that was cabled today to the Chief Forest Practices Officer of the Forest Practices Authority, and there it is. I will just show you. There is a doctor tied up with the Armidale Air Quality Group, Dr Dorothy L. Robson, and I will just read what she said. This is a letter dated 17 September to me.

'Hi Clive. I thought of you when I read this and it is all about a biomass power station in Western Australia where they are not burning as such, they are burning it under controlled conditions producing power and there is no smoke being released into the community.'

There are other ways they can use air burn curtains which are like a shipping container that has fire in it with forced air across it. There is a loader dropping full logs into it and the only time that a whiff of smoke comes out into the community is as that log drops into it and it breaks the air curtain. That is one method - all explained. Then there are what we call masticators. There it is. You might think, 'They can't do what a fire can do'. They can do it better and they can do it without smoke.

This is nothing new, it has all been tried overseas and working successfully. We do not have to reinvent the wheel.

**Mr HALL** - But what about the wildfire situation? Some of those things you just cannot -

**Mr STOTT** - Do we have wildfires in Tasmania? This term has been spread quite wrongly throughout Tasmania. We do not have wildfires. We have bushfires in Tasmania. Wildfires are normally caused in countries where they have fires in these big plantations that we are developing in Tasmania now. We will have wildfires if we keep going in this direction and do not employ these methods to -

**Mr HALL** - We will go back and say 'bushfires' then.

**Mr STOTT** - Bushfires - you cannot fully control bushfires but you can make fire breaks using these methods that I have produced which will reduce the impact of bushfires, exactly the same as they go out now and they burn fire breaks. We do not have to burn. It is just something that has evolved which was the easy way, it was the cheap way. They said the Aborigines burnt. Goodness me, surely our forestry industry has progressed past that over all these years. We do not have to burn. We have come up with modern methods and there is pyrolysis which will develop byproducts and can produce power and that sort of thing.

So with these methods we do not have to burn. I am convinced that we do not have to burn.

**CHAIR** - Are you saying, Clive, that there has to be a body in place to listen to people who wish to complain, or otherwise, about the burns?

**Mr STOTT** - Yes.

**CHAIR** - And you're saying that body should be who?

**Mr STOTT** - One body. If you read the correspondence on my web site you'll see how, when I write to somebody they say it's somebody else's jurisdiction, and it goes round and round. Then they say that they don't have any regulatory control.

**CHAIR** - If I can, because we started a bit late yet we're trying to keep it to time, if we can.

**Mr STOTT** - Yes, sure. One body -

**CHAIR** - And how is that body to be made up?

**Mr STOTT** - I believe that that one body to do with smoke should be handled by environmental health.

**Mr BEST** - So Roscoe Taylor, or something like that.

**Mr STOTT** - And his officers under him. People that are qualified in the health effects of smoke. At present, who's controlling this? It's the FPA and the EPA that are at arm's length from the Government. They're not even responsible to the Government. The FPA mainly consists of people with a forestry background, so they've been brought up thinking this way and they have an interest in forestry only, not smoke. Tas Fire Service is interested in -

**CHAIR** - I hear what you say. You're saying that it should be a Roscoe Taylor and environmental health people. Roscoe is the person you believe should be in charge of that body, and if there is a complaint your complaint should be filtered through to Roscoe and his group, and they should be able to act as a result of that complaint.

**Mr STOTT** - Correct. Can I just expand one little point. Tas Fire Service has come up now and said that their responsibility is only for protecting assets and stopping fire spreading. They are quite happy to go and do clean burns but they're not interested in smoke. I am, people are.

**Mr BEST** - Can I get a copy of that letter that you sent?

**Mr STOTT** - Yes, I have made them all available.

**Mr BEST** - Oh, thank you.

**Mr MARTIN** - Basically, what you're saying is there needs to be a whole-of-government approach channelled into one body in relation to burning in general.

**Mr STOTT** - Yes, and so that the public know where they have to go to. At present it's fragmented, there is not one body you can go to where you know that that will be recorded and that that body has powers to investigate and prosecute.

**CHAIR** - Thanks, Clive. I understand what you're saying. Did you want to sum up very quickly?

**Mr STOTT** - Yes. There's one small point that I haven't raised. Because some government departments aren't very interested in releasing information, I have had problems with Forestry Tasmania. I have had to put in a freedom of information request. They were put in months and months ago, in actual fact the first one on 8 June, and they are still not resolved. They are going through the Ombudsman to finally get the rest of the information.

Not only that, despite what Forestry states,

'In keeping with Forestry Tasmania's commitment to release to the media all copies of responses to Freedom of Information requests, Forestry Tasmania has posted on its web site documents included in response to recent requests. The documents relate to a request from Mr Clive Stott.'

It hasn't even been posted properly, they posted ones that didn't even comply with my request.

**CHAIR** - There has been some evidence in relation to Freedom of Information and the slowness of the information.

**Mr STOTT** - Can I just actually add to that. Following up on that, a gentleman the other day rang up the Ombudsman and said, 'What's happened? We're a long time over the 30 days with what's happening'. They cannot cope because there is so much restriction on these major government departments in providing this information that the Ombudsman is absolutely overloaded and always asking for extra time. It is a major problem, not just with Forestry Tasmania but with lots of other things.

The last point I would like to raise is something that concerned me. I live at Grindelwald and I had this item I have tabled today put in my letterbox. It has a joint logo in place of a letterhead, the Tasmania Fire Service logo and the Tamar Ridge Estates logo. For those who are not aware, that is owned by Gunns. They have said that they want to burn next autumn right behind my property and I am objecting to it on smoke grounds. I don't believe they need to burn, they can use the other method that we have mentioned today. We live 10 minutes from the West Tamar Council's green waste station and if you drive down the West Tamar highway at present you will see some of it already stacked up that could be taken to the green waste station and chipped. It is being left there to burn - big log piles that won't dry out for probably several years. This concerns me because the fire service came to my house and I asked them where Gunns fitted into the process of this burn. They said that they have every right to enter our property and conduct these burns as they wish. Sorry, but I don't believe that Gunns has any right to enter our properties and conduct a burn under the guise of the Tasmanian Fire Service. Surely not?

**CHAIR** - I don't believe that would be correct. I think the information you were given was wrong.

**Mr STOTT** - There it is, there's the letter. I met with Ian Cawthorn, signatory of this, from the Tasmania Fire Service. He came to our place and I have witnesses to what he said.

**Mr BEST** - I don't doubt what you say. Can I have a look?

**Mr STOTT** - Sure, you can keep it.

**CHAIR** - Is that in the documents?

**Mr STOTT** - Yes.

**CHAIR** - Thank you very much for that evidence, Clive. Thanks for your time and your submission.

**Mr STOTT** - I appreciate the opportunity to come along and give my oral submission.

**THE WITNESS WITHDREW.**

**Ms CATHRAN BOWYER** WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

**CHAIR** (Mr Wilkinson) - Thanks, Cathran, for coming along and giving evidence.

**Ms BOWYER** - You have a copy of my submission. I came to this State eight years ago after living for 27 years in Western Australia. Living in Western Australian, I must say, I have seen it all happen; I was there. I worked with the Bond company when it virtually controlled the State. They took over the company I worked for.

**CHAIR** - Which was that?

**Ms BOWYER** - The Swan Brewery. It became Bond Brewing and I saw it all from the inside. When I came here I made friends, my parents lived here already. I started asking questions about things and I was told, 'Hey, it is just the way that it is done; that is what happens here'. I found that people were showing deference to certain people in the community which I was not used to. I do not doff my cap to anybody. You are all the same as I am; I do not think that you are any better or any worse.

**CHAIR** - No argument with that.

**Ms BOWYER** - I came here and I found this hierarchical system which I thought ridiculous. When I came from England in 1974 I had left that behind so for eight years I have been watching and waiting for an opportunity. I find that if you talk about things and you question things in the general community they say, 'Well, that is just the way that it is done here'.

To me, the acceptance of certain things is not acceptable. Specifically, I looked closely at the Bill Manning affair when that was going on. It sickened me that someone who thought that they were doing the right thing ended up being ostracised, vilified, threatened, demoted because they were a whistleblower. He was someone who thought he was doing the right thing, who saw something that he thought was wrong in his workplace. It was proved; I read the transcripts and I have looked at the documents. I thought, 'There is a silence that covers the State on certain issues. It is accepted that you do not go there, you do not do that and that is the way that it works.'

As a citizen of Australia, resident of the State and a voter I do not accept it. I have come to the fact now that I do not even accept the Government. I do not think they are acting on my behalf; they are not acting in my best interest. I spent two weeks on the 'Restore Democracy' tent in the park. That was a real eye-opener.

**CHAIR** - Where was that?

**Ms BOWYER** - In the park here. It was an eye-opener for two reasons: the things that the general public were coming in and saying and the things that politicians were coming in and saying. Some came, some did not. The ones that came were more interested in whether they had a good photo on the photo board than why they were there. To top it off we had Michael Hodgman come in and buy a corruption sticker. I did not think it



was funny and he carefully placed it in his wallet, told us he had been a Greenie and defended Lake Pedder. We said, 'Well what about what is going on now?', and he said, 'That is different'. We told him, 'No, no, you must have changed sides'. We had a bit of a discussion with him and then he bought a 'Tasmania: explore the corruption' sticker. They were very popular, we sold out.

You might think that is funny but I think that is terrible. I think that it is sad, that people want to tell visitors and tourists that is what they think of this State. I have so many visitors from all over Australia who come to Tasmania.

**CHAIR** - How do define corruption?

**Ms BOWYER** - I define corruption as something that if it were out in the open would not be acceptable to decent people. It would not seem fair and it would not seem acceptable.

**Mr MARTIN** - Does that involve money?

**Ms BOWYER** - It could involve money, or other gains. It does not always involve money because, as I said, I have seen this in action before. It can involve lots of other things. It can involve promotion, it can involve favours, it can involve other material things that are not specifically an amount of money.

**CHAIR** - As a result of what you have heard and the evidence you have given to date, I take it that you are saying that there is a need for a body, a commission of integrity or an ethics commission?

**Ms BOWYER** - I definitely think there is.

**CHAIR** - How should that be made up?

**Ms BOWYER** - I have heard people say that if you have an ICAC it takes out the innocent and it destroys lives. I have heard all the excuses, but to me it does not matter how high the body is and how far it can go; if you have nothing to hide, if you have nothing to be ashamed of, if you have done nothing unlawful, if you can sit there and say, 'To the best of my ability, as far as I can tell, and my allegiance to this State and the oath I have taken to the Governor', or whoever, I can go through that and I can stand up to it.

**Mr HALL** - I appreciate what you are saying, but on the other hand it would seem that people's reputations have been besmirched before they have had a chance to prove themselves because they have had a trial by media, in other words. It has happened in Western Australia, where you come from.

**Ms BOWYER** - It has happened in Western Australia, it has happened in Queensland, it has happened in New South Wales.

**Mr HALL** - Is that fair, do you think?

**Ms BOWYER** - But for the good of the State you cannot take into account what happens to the few.

**Mr BEST** - I think that's pretty harsh.

**Ms BOWYER** - It is pretty harsh.

**Mr BEST** - That is an extreme view.

**Ms BOWYER** - It is an extreme view.

**Mr HALL** - What about people's natural justice and everything else?

**Ms BOWYER** - Well, we can't help what the press does. I believe the press in this State is actually corrupt. I believe that.

**Mr BEST** - That is a pretty harsh statement.

**Ms BOWYER** - Oh, yes - and don't think I'm unique here, sitting here. I could represent a lot of -

**Mr BEST** - Yes, but it is not that so much, it is making such a harsh statement without presenting something to illustrate it. It is fine to express a view; that is your democratic right and I respect and appreciate that. I guess what I am saying is that these are extreme views.

**Ms BOWYER** - You think they are extreme, do you? That is your opinion.

**Mr BEST** - Yes, you might say you know lots of people who have this extreme view.

**Ms BOWYER** - Well, I do.

**Mr BEST** - But I guess I am saying how do you justify that everyone is so corrupt?

**Ms BOWYER** - If you think it is not working in other States -

**Mr BEST** - No, I am talking about Tasmania here.

**Ms BOWYER** - Yes, but you have just said in other States it has ruined reputations -

**Mr BEST** - No, I never said that.

**Ms BOWYER** - Somebody just said that.

**Mr HALL** - I did.

**Ms BOWYER** - in Western Australia. But are they going to abandon their system because of that? Do you think they are?

**CHAIR** - It is interesting, though, isn't it, because my personal view is that something has to be set up because to me, perception within the community is a big thing.

**Ms BOWYER** - It is.

**CHAIR** - People may perceive that certain things are happening which may well not be happening -

**Ms BOWYER** - That's right.

**CHAIR** - but because of the perception out there, it is a bit like a fire, I suppose - once it gets some fuel behind it it spreads, so there needs to be something to ensure that there is a body that people can come to if they honestly believe that there is something occurring. One of the things with that is if that is the case, you could argue that body should investigate the matter to a degree a bit like your crimes commission, where the person they are investigating at the outset has anonymity which means that their names are not thrown all over the papers. It is only when that person may come to court at a later stage if they have been found to be doing something wrong -

**Ms BOWYER** - That is right, if it has gone that far.

**CHAIR** - Then so be it.

**Ms BOWYER** - So be it.

**CHAIR** - But up to that stage it should be in private.

**Ms BOWYER** - Well, yes.

**CHAIR** - That is my belief and I would take it that that is your belief as well because you believe in natural justice et cetera.

**Ms BOWYER** - Yes. I do not believe in trial by media. If things are leaked, that is unfortunate and not right, in my view, but it happens. It happens because in a trial of these things happening there could be someone so far removed who actually knows who leaks like that, so I would say there is always a chance of a leak.

**CHAIR** - Leaks happen everywhere, don't they?

**Ms BOWYER** - Leaks happen everywhere and newshounds love leaks. I do not know what goes on with anything that has ever happened to me with the newspapers. I had my photograph in there a few weeks ago and received the most threatening phone calls I have had in my life.

**CHAIR** - Did you?

**Ms BOWYER** - Yes, just because I said my name and where I lived. I live alone. I was worried when going to work, I thought, 'I hope there is nothing wrong with my house when I get home', and that was because I had my photo in the paper, and this was organised from as far away as the Huon. They actually said who they were - Joe Blow from the Huon - and I am thinking, 'What?'.

**Mr ROCKLIFF** - You are right Cathran, it is very intimidating; we receive similar things as politicians from the other side of the pulp mill debate as well. A lot of people put

forward evidence for the need for ethics training amongst MPs and local government. Would you subscribe to that view?

**Ms BOWYER** - I think it should be mandatory.

**Mr HALL** - And bureaucrats?

**Ms BOWYER** - Yes, and local government too, because a lot of what I see and what I saw in Western Australia started at local government level because that is where things can start happening and there is a lot of power in local government. And people are not qualified. I mean, what qualifications do you guys have to do your job? Local government is the same thing. You are a popular person and yes, people -

**Mr ROCKLIFF** - Do you think there should be some training once an MP or a local government councillor or alderman is first elected and that should be ongoing every couple of years?

**Ms BOWYER** - Yes. There is a feeling out there that if you are not prepared to act in a completely ethical manner, do not do that job; forget it, because we will be watching you. You have to have something there. When you do any other job you have to sign a contract or agreement that you will act in a certain way. Of course.

**CHAIR** - It is the same with members of parliament; they have to take an oath when they get voted in.

**Ms BOWYER** - They do.

**CHAIR** - So it is the same type of thing that you are saying.

**Ms BOWYER** - Yes, it is the same type of thing, but I think that many people who want to be on local government use it as a stepping-stone often for politics. How many of you have been on council?

**Mr HALL** - Three of us have.

**Ms BOWYER** - There you go. It is a stepping-stone and you would think a training ground, so it is a good place to start.

**Mr HALL** - With local government often it depends on the council. Often they do have quite good induction sessions and they go through a lot of those processes, particularly in terms of conflict of interest and everything else and, of course, as members of parliament there is a register down there which is open to the public and we have to record every 12 months what our interests are. So those things are there.

I will just go back to the ICACs again. Do not get me wrong, the committee will be setting up something but what the model will be is yet to be seen of course. We have a lot more deliberations to take through. There are three at the moment - one in Queensland, one in New South Wales and one in Western Australia, but not in Victoria or South Australia. They have had their issues and we have heard evidence to say that since they set up the ICAC in New South Wales the place has gone backwards even

further and also in two of those States, because of the issues they have had and in Western Australia, they have had to have somebody else independently oversighting the ICACs, which becomes another concern, if you see what I mean?

**Ms BOWYER** - Yes, but you cannot just say, 'Oh well, we won't do any of that' -

**Mr HALL** - No, we will be doing something.

**Mr BEST** - We are saying that maybe the ICAC is not - maybe we need something more -

**Ms BOWYER** - Maybe the ICAC is not perfect. Maybe you can get the best out of all of those systems and maybe even somewhere else in the world.

**Mr BEST** - That is the thing. We have had quite a deal of information that has been put to us along the lines of perhaps having - and we do not know what it might be called and we have not made any decisions, so I am not trying to talk out of school here - something maybe along the lines of an integrity commission or an ethics commission, where you would have a commissioner and some dedicated people employed in that unit, but they would put on the expertise with extra resourcing to say, the Auditor-General, where they can go in and do their expert research and investigations. It may be the Commissioner for Public Service, or it may be the Solicitor-General or the Ombudsman's office. If there were a complaint they would have a role of investigating to work out whether there has been unethical conduct or a breach.

**Ms BOWYER** - When you are talking about unethical are we taking into account unlawful as well? Unethical can cover different parameters.

**Mr BEST** - That is a very good point you raise. What I have been hearing from witnesses is that it is actually not the unlawful part that most people are concerned about; it is this grey area of what might be legal but still not appropriate.

**Ms BOWYER** - That is on the edge.

**Mr BEST** - That is on the edge, yes, that perhaps needs to be investigated. There could be a regulatory function such as this but also an educational function, such as the training we have talked about, and also perhaps mediation. People should know what is appropriate and what is not but maybe, depending upon the seriousness, there might be some mediation to explain that that behaviour is not acceptable. If it is very serious it might be referred to the police.

**Ms BOWYER** - So you would have that kind of committee with a fall-back, as we do now - the DPP, the legal process.

**Mr BEST** - Yes. There are some expert skills that perhaps the Auditor-General, for example, might not have, such as - if it is very serious - phone-tapping. This is from some of the evidence that we have had.

**Ms BOWYER** - Would you want that to go that far, to phone-tapping?

**Mr BEST** - If it is unlawful you might need to gather evidence to charge someone if it is particularly bad.

**Ms BOWYER** - What about things like whistleblower protection laws?

**CHAIR** - There is a whole suite of things that can be done.

**Ms BOWYER** - That is another side of it. People are too fearful to speak. I believe that. They are too fearful to speak for lots of different reasons.

**CHAIR** - So therefore do you think you need a body with a commissioner or whoever you want to call the person at the top, and under that the secretariat. The people who wish to put forward their problem can come to the secretariat, and the problem can be aired there. The secretariat then speaks with the commissioner. The commissioner says this matter deserves real attention so this is what we will do. If they get to a situation where it becomes unlawful, contrary to the law, then it goes to the police because the police are trained to do that work, and to the DPP. If that is not the case, if it falls short of being unlawful but is behaviour which should not be entered into and you need a good smack on the backside as a result, where does it go? Does it go then to a government committee of four, a joint House committee, for a name-and-shame situation, or is it left with the commissioner to name and shame?

**Ms BOWYER** - It depends on whether it becomes too cumbersome and how many steps it would include. Let us face it, for aspiring politicians this could be a deterrent.

**CHAIR** - It shouldn't be, though, should it?

**Ms BOWYER** - In reality it is 'I have to play the game' but what if they are tempted? Don't tell me people are not tempted. They are.

**Mr BEST** - One of the things that has also been canvassed is perhaps that something such as this might not just apply to politicians. It could apply to councillors and also to the public service - basically everyone in the game, so to speak.

**Ms BOWYER** - The bureaucracy, yes.

**Mr BEST** - So it is not just a case of if you want to be a candidate do not go into politics because of this. It could apply to everyone so that we have a good place to live.

**Ms BOWYER** - Yes, and a good attitude to the State and not, 'Oh well, that just goes on here. There is nothing that can be done; it has been that way for years'. That is totally unacceptable to me.

**Mr BEST** - What are your thoughts about something like that? Do you think that would be a positive?

**Ms BOWYER** - Yes. What we have not talked about here is retrospectivity.

**Mr MARTIN** - What is your view on that?

**Ms BOWYER** - In light of what I have witnessed going on in the last five years, I would say yes. Instances have come out in the news and have been admitted to by high-ranking public servants and members of committees - things that have gone on recently. What cannot speak, cannot lie. That has happened with what has gone on recently. If I were a politician I would be cringing because the public are thinking we are all like this.

**CHAIR** - The majority of people are not, as you know. It is like anything; the vast majority of people endeavour to do the right thing.

**Ms BOWYER** - Of course. But it only takes the ones in the newspaper and on the TV -

**CHAIR** - To tarnish it for the other people.

**Ms BOWYER** - It does not matter how much you say 'I am not like that'. People do not think like that.

**CHAIR** - It is easy to say that, though.

**Ms BOWYER** - I mean, look at the reaction to the size of Parliament. They are not thinking that we need a bigger Parliament. They are thinking, 'No, not more politicians. We do not want that at all'. You are all on the nose.

**CHAIR** - Yes, that is why I have showers a couple of times a day.

**Ms BOWYER** - Yes. Being in the park in the tent, the things that people were saying to do with democracy, with corruption, with everything else was amazing.

**Mr BEST** - We were just talking about ethical training, as Jeremy spoke about where people could run off to TAFE or who knows where. You go and do a certain amount of units and maybe, whilst you are elected, each year you go back again to refresh or whatever the case may be. As things change on the world stage maybe there are other things you need to be educated in as well. We are probably venturing into an area where there has been maybe a lack of understanding about what constitutes ethical conduct, although from what I have seen most people have a good handle on it. We could use guidelines that you might design, say, in 2008 or 2009 against what has happened in the past. There might be some things that fit such that people obviously should know what constitutes good conduct, but there may be other things where we go, 'Hang on a second, no-one has thought about this'. To my way of thinking there have been things that have been put to this committee about gaps even in some regulations that no-one has considered, but now those things should not operate in that way, perhaps. I suppose it is a bit hard to investigate something where it is a practice that you might discover really should not be happening but maybe it is.

**Ms BOWYER** - It has been the common practice or allowed to happen or is even lawful, yes.

**Mr BEST** - The DPP, for example, came in and said that he did not think the act was right with regard to how the police interact with the minister. The act says that the Commissioner of Police is to provide advice. That is his job, but maybe we need to delineate what that is.

**Ms BOWYER** - That has been the accepted way but that does not mean it cannot change.

**Mr BEST** - Is it better to just say, 'Right, this is how it should occur from here on in. The act needs to be changed'?

**Ms BOWYER** - I think so. I think there are two issues.

**Mr BEST** - Some things you might not be able to investigate; that is what I am saying. It may be quite a challenge.

**Ms BOWYER** - Yes, there are some issues that might not be -

**Mr BEST** - I am not saying you should not but it might be so hard to do because -

**Ms BOWYER** - Yes, they have actually been lawful under the act. Maybe that is a separate issue from things like retrospectivity when you are talking about a particular issue, a particular occurrence, a particular something that someone has blown the whistle on.

**Mr HALL** - We talked about retrospectivity. We've had some mixed views on that, particularly from a couple of academics, could I say, one of whom cited the situation in Ireland where they went back through the witch-hunt process, if you like, and ended up with no result; ended up with a lot of lawyers making a lot of money. That was one unfortunate consequence. Another one mentioned - I won't mention his name but he was from UTAS - that it was better not to be retrospective because it could cause problems getting a new, fresh start. That was just his view, that we ought to look forward and not back and make sure we get this process right. I'm not saying what the committee might recommend. They were just a couple of opinions expressed to us.

**Ms BOWYER** - Yes. Terry, you were going to say something about retrospectivity.

**Mr MARTIN** - No, I was just going to ask for your opinion, which you gave.

**Ms BOWYER** - Yes.

**Mr MARTIN** - I do have a strong view about it. Just listening to this discussion, one of the issues that I think we have to tackle as a committee is the fact that when we talk about ethics or morals and standards or values or whatever word you want to give it, it is a subjective thing; every human being has a different belief on all of those things. I can think of one particular person I know well. I believed his actions were wrong; he wouldn't for a minute think that what he did was wrong. How do we legislate for that?

**Ms BOWYER** - With difficulty because if that's that person's mindset it's very hard to change. That's where the ethical training comes in, I think, in talking about fresh starts and new people coming into either local government, even the bureaucracy or into politics. I don't know, I'm not a politician but I'm sure once you're bolted in and you start work it's a whole new ball game. It's like starting a job without the most important rules.

**Mr MARTIN** - You can finish up with a group of people that come from all walks of life, hopefully.



**Ms BOWYER** - Yes, indeed, and that's a good thing.

**Mr MARTIN** - You don't want a pack of robots that all think the same way.

**Ms BOWYER** - No, you don't.

**Mr MARTIN** - What the public want is this set of rules by which they deliberate. The difficulty as I can see it in coming up with that is coming up with a set of rules or a set of standards for something that is subjective. With cultural issues, religious issues and so on I think we all form our views as human beings mostly through the journey we've had through life.

**Ms BOWYER** - Of course, and that's how we come up with our own standards. Having said that, when we go into a job there are certain rules. We do get people that stray and you always will get people that stray, but I would just like to say that I think it's fantastic that you're doing this and allowing people to come along and give their views. For eight years I've been thinking, 'Why isn't something done? Why don't they do something to show that, yes, you can have an honest politician, you can sort the mess out?' I want to be proud of Tassie; it's a great place. I chose to live here. I wasn't born here; I chose to live here because it said home to me from my roots where I came from in Wales. I hate to see what I'm seeing and I hate the feeling that's out there.

**CHAIR** - Cathran, hopefully we can do something to try to change it and change it so it's going to work.

**Ms BOWYER** - I know, and it isn't going to be easy for you guys; there are lots of issues.

**CHAIR** - We can only make recommendations and then it's up to the Government to accept those recommendations. Thank you very much for your time.

**Ms BOWYER** - Thank you very much.

**THE WITNESS WITHDREW.**

**Mr PETER MEADLEY WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.**

**CHAIR** (Mr Wilkinson) - Peter, thank you for coming along. You probably heard how the process progresses. I do not know whether you were here, though, when we said that the evidence you give here is privileged evidence, which means that whatever you say is protected because of that privilege. If you say something that is protected in here, it is not protected when you are outside the committee. If there is anything that you want to say in private, or in camera, please let us know and we will have a look at that and more than likely say yes, go ahead.

**Mr MEADLEY** - I do not think there is.

**CHAIR** - Okay.

**Mr MEADLEY** - Firstly, thank you for inviting me to come along today. I think the fact that this committee has been set up is a really great step forward. Just as background, I am appearing as a private citizen. I have had some 30 years working in the Australian Public Service, involved in things including looking at public service principles and codes of conduct and stuff like that. I am also a qualified mediator accredited with the Attorney-General's department and I am academically qualified in mediation as well.

Is it okay if I say some stuff first?

**CHAIR** - Yes, that is what we have been doing. You go first and then we will ask you questions.

**Mr MEADLEY** - Okay. The first thing I would like to talk about is a little bit about the past and I guess the way I feel. As you know from the media and some of the submissions you have received, there is considerable concern about ethical standards and at the very least about lack of openness in relation to a number of issues, and perhaps the most outstanding one at this stage is the way the whole pulp mill business has been handled, and that includes the amount of State support for the mill, including the bus that visited the towns, the action of the former Premier in relation to the RPDC, the whole business about the Pulp Mill Assessment Act - the way it was drawn up, the inclusion of the provisions of section 11, the extension of the deadline, and also some perceived threats about what might happen in order to ensure that the pipeline itself goes ahead.

I guess the concerns about this relate to whether there are any undeclared conflicts of interests or undue pressures and the way in which the original approval process was short and it was allowed to be overtaken by new legislation. That in some ways has become a real boiling point I think for people. Whether they are for or against the mill, I think people are worried about that process.

The controversy over the appointment of an acting police commissioner and the accusations against Bryan Green and Steve Kons, alleged breaches of forest practices, are all matters that I think could well have benefited from a better form of independent investigation than we have had to date. That is in terms of the politicians.

There have also been questions raised, though, about the actions of some State bureaucrats at different times. I know that the State Service Act incorporates principles and a code of conduct but it is very difficult for these things to be applied, I think, beyond the areas of discipline or quality assurance. It is very difficult to move on from them to things like genuine openness, genuine consultation, genuine ethical behaviour, which are things that I think our bureaucrats really should have in a desirable and ethical kind of society.

I am not fully aware of the situation regarding ministerial staff, but I think they are covered under similar provisions if not the same provisions as the State Service Act, but with ministerial staff there is always that level of ambiguity, I think, between their responsibilities to the minister and their responsibilities to the public and so on - a very difficult area.

Moving to the local government area, I know the Local Government Act does have provisions for complaints relating to breaches of codes of conduct by a councillor. I think that codes of conduct can be sufficiently ambiguous for complaints to be used as a means of persecuting a councillor with whom one disagrees. I know that has been done.

**Mr BEST** - Are you saying a code of conduct could be used to persecute a councillor?

**Mr MEADLEY** - Yes.

**Mr BEST** - In the reverse sort of thing.

**Mr MEADLEY** - Yes. If I disagree with what a councillor is doing I can bring a code of conduct complaint - that is what I meant.

**Mr BEST** - I see, so you mean that in the sense of rectifying something?

**Mr MEADLEY** - I mean in the sense of just getting at the councillor.

**Mr BEST** - Unnecessarily then, you mean?

**Mr MEADLEY** - Yes. I don't think the procedures in place for handling codes of conduct in local government inspire great confidence in their independence. Nor does there appear to be any robust means of complaining about the actions of the general manager in a council or of council staff.

**Mr BEST** - Sorry, I do not want to interrupt but I am just really interested. What do you think there? Obviously you believe a code of conduct should exist in that case but do you think that the mechanisms are not quite right because it can be used against a councillor inappropriately?

**Mr MEADLEY** - I believe in codes of conduct. I believe in principles of service and all that kind of thing. I think the actual process involved in the local government situation is simply not independent. Take a code of conduct against a councillor as an example. As far as I know, anyone can lodge it. It goes to a code of conduct committee, and the way they are selected need not be terribly independent at all.

**Mr BEST** - Whereas if you had something -

**Mr MEADLEY** - If you had someone else -

**Mr BEST** - Yes, they could be dealt with properly and then they could say, 'Hang on, you've overstepped the mark. That complaint is not real'.

**Mr MEADLEY** - That is right.

**Mr BEST** - Okay, thank you.

**Mr MEADLEY** - I am not saying that in all cases these people are biased or wrongly appointed.

**Mr BEST** - It is just the system.

**Mr MEADLEY** - The system and the appearances is what it is all about.

**Mr BEST** - And that is the same for a general manager or is that a different point you are getting to?

**Mr MEADLEY** - The general manager I think is a little different in that I do not think there is a code of conduct ability to do anything with the general manager. As far as I can see there is nothing you can do about a general manager except complain to the mayor, and if he does not want to do anything, bad luck. That is not on, it is not good enough.

**Mr MARTIN** - Under the last amendments to the act the mayor just cannot put up and say no, it has to go to the full council.

**Mr MEADLEY** - You have to get it to the full council, though, and that is not necessarily easy. If I complain to the mayor, for example, and he says, 'No, you're just wrong', what do I do?

**Mr MARTIN** - Then you write to the general manager and he has to put it up to the full council.

**Mr MEADLEY** - And then again it is not necessarily independent, though, is it?

**Mr MARTIN** - No.

**Mr MEADLEY** - I think it is equally as bad with council staff. I can complain to the general manager and they say, 'No, you're wrong'.

**Mr HALL** - It is a fact that in virtually all councils the general manager has an annual review of course and in the council I was involved in it was done externally. I am often asked to report on - I have five councils in my area - and that is done so that is then up to the council and the mayor to then consider that peer review, if you like, and from people outside. So there is a check and a balance on the performance of the general manager, even though you might disagree through the year on a particular issue, I understand that.

**Mr MEADLEY** - I would agree there is a check and a balance but I would say it is not an independent one and that is my problem with it. The councils here are not terribly political and that is really good but -

**Mr HALL** - That is right, at this stage only the Greens are standing candidates.

**Mr MEADLEY** - That is right but there are nevertheless alliances. Whether they be on party-political bases or ideological bases or whatever, there are alliances and therefore although you have that possibility of review of the general manager's performance, if you have a five-four council and they want to go with the general manager you have no independence there in that review, and that is my concern with that.

**Mr BEST** - I think it is a very good point you make in the sense that it works both ways. Where there could be unfair complaints being made about, say, a GM or a councillor, there is not any really good clearing-house and if people are making frivolous and unsubstantiated claims then what better way to clear someone than to have it done very transparently? Likewise, if someone has a genuine claim, it should be done the same, shouldn't it?

**Mr MEADLEY** - I think so, yes.

My problem is that there doesn't appear to be any independent investigative body with both the power and the specific responsibility to investigate these matters without direction from government. Among other things, I am talking about the need to create transparency. Whether or not they have been crimes or just misjudgments or even merely unfortunate rumours, it is in the interests of both the Government and the people that somehow these be cleared up. That is why I think an independent investigation can be very useful. That is basically why I feel it is not working.

**Mr ROCKLIFF** - Peter, you mentioned in your submission that there seems to be a severe lack of understanding of concepts relating to conflict of interest at all levels of government. Have you had personal experience of that? Do you think ethics training is enough to stamp that out?

**Mr MEADLEY** - Not in itself, no. I have had personal experience of a complete lack of understanding of, for example, conflict of interest. I don't know whether I can give this example or not.

**Mr BEST** - Hang on, you might need to get some advice here if it is going to get personal.

*Evidence taken in camera.*

**Mr BEST** - The question that Jeremy asked about ethics training, do you think that probably does not solve the conflict of interest so much? Would it be that maybe whatever we may end up with, an integrity commission or ethical commission or something like that, that that would be the place where someone would finally go for a decision? Say, if they were not sure within themselves about what they should be doing, they could say, 'This is coming up, this is my involvement, should I be voting on this or should I be doing that?' They could then say, 'Yes, you can' or 'No, you can't'.

**Mr MEADLEY** - I think that one of the responsibilities of such a body might well be to provide advice to councillors or other people who simply require advice as to what would be the ethical and proper thing to do. It would be rather nice if you could go to the commissioner and say, 'This thing is coming up and I do not know whether I should vote or not; should I or not?' He would say, 'Yep', so you would get a bit of paper with that and be covered for life. It is not going to be that simple but you may be able to get some sort of advice.

**Mr BEST** - Or guidelines or whatever.

**CHAIR** - Still something that is important with that is you should express your dilemma if you want to debate the issue. You could say that you believe that you have a conflict of interest for whatever reason, take advice and as a result of that advice vote or debate the issue. That would give you a double safeguard, wouldn't it?

**Mr MEADLEY** - Yes.

**CHAIR** - It would let people know, from reading the transcript, that you have realised that there may have been a conflict or interest, you have taken advice for that problem and you have proceeded in the way that you have.

**Mr MEADLEY** - Incidentally, a transcript of local government meetings would be quite a good idea. They do not seem very keen to do it, though.

**Mr MARTIN** - They do not have parliamentary privilege. If there was not parliamentary privilege transcripts of *Hansard* could create problems for a lot of us.

**Mr MEADLEY** - Perhaps you could legislate some other kind of privilege. It should not be insurmountable.

**Mr MARTIN** - That is right. Can I just -

**Mr MEADLEY** - I tried to say what I think is wrong. I was going to say what I suggest might happen but I am happy to -

**Mr MARTIN** - No, I will leave mine.

**Mr MEADLEY** - Very briefly I think that we need an independent anti-corruption body not just an ethics body. I think that it should be responsible to the Parliament or a parliamentary committee to enhance its independence. I think that we probably need to have a commissioner or someone like that as a full-time person and a couple of appointed assistants who might be called on as required. I also think that we need some kind of bureaucratic staff if the thing is going to operate. As far as the commission is concerned, there does seem to be a bit of a problem in the size of Tasmania and reluctantly I would say that I think that we should have someone from outside Tasmania involved rather than all Tasmanians. I am sure that you understand the problem.

**CHAIR** - Sometimes that is a problem in itself though. I do not want to be disrespectful to him but the Governor, an interstate appointment a while back and a couple of other appointments resulted in people saying, 'Gosh, why did you appoint that person?'

**Mr MEADLEY** - Yes, they did and I think that one of things that that particular appointment shows us is the fact that insufficient advice was sought. A wide range of people in responsible positions throughout Australia could have provided some advice that might have suggested an alternative appointment.

I think in terms of the staff necessary, it is important not to have, when doing an investigation and so on, police seconded from our own police force. Again, I think the State is too small. You either need a separate force or you need to bring people in. I also think that you need sufficient staff educational activities that I want to talk about in a moment.

The area of oversight should include ministers, members of parliament, servants of the State including ministerial staff, councillors, council general managers and council staff, I believe. The body should have wide-ranging investigative powers, including the power to investigate serious allegations of past corruption. No doubt you will ask me about that.

**Mr MARTIN** - Do they need to have retrospective powers?

**Mr MEADLEY** - Yes, and I will explain why, if you want. I think our feelings against retrospectivity stem from our problems with retrospective legislation that tries to make something wrong now that was not wrong before. Obviously that's not a good thing, whether it be taxation legislation, criminal legislation, or whatever. If it was right then, you shouldn't be able to go back and prosecute people for it now, but there are clearly areas that were not right. There may well be things that were not right when they were done, and whether they be criminal or non-ethical, I think we should have the power to go back and investigate them.

That having been said, I think that when they are investigated the commissioner, or whoever, needs to have a reasonable and sensible attitude to how they're going to go about that. There's no purpose in dragging names through the mud just for the heck of it, so there would need to a responsible judgment made that there is a very genuine possibility that something is wrong that should require some kind of remedy, and not just make it a mud-slinging exercise. That's what I think about retrospectivity.

**Mr BEST** - When you say 'something is wrong', what do you really mean by that? I am not trying to ask a tough question although it is a tough one, I suppose.

**Mr MEADLEY** - Let's take an example of the widespread rumours about the ex-Premier's house. If there were something actually corrupt about that, I think it should be investigated, and that may mean an open investigation. The commissioner would need to do some initial investigations to see whether it would deteriorate into a mud-slinging exercise or whether there was the likelihood of a genuine case. Does that answer your question?

**Mr BEST** - It is interesting because we had one of the professors from the Faculty of Law - I am trying to think of his name now - was it Rick Snell? He spoke about something like that. He gave an example - I hope I'm quoting him correctly - where his neighbour had a builder who was renovating, and in order to get a good builder like the one that the

neighbour had, he would have to wait some time. The neighbour said, 'Use my builder, I'll just have a quick chat to him', so he not only had the work done quickly, but also at a good rate. That was because of someone he knew. His definition was that there was nothing wrong with that because there was no benefit, the builder wasn't doing it so that he would do something in return.

I suppose in giving that example the initial point of inquiry would be to ascertain whether there was something in return. Other than that there's probably not much you could really investigate. Just because somebody renovates a house and they might know someone in a small State like Tasmania, it doesn't necessarily amount to corruption. Apart from the perception where people go, 'Oh, something's not right here', it can be just the fact that people know each other.

**Mr MEADLEY** - It can be, but I think we've got to distinguish between my neighbour and me and anyone who's in a position of power.

**Mr BEST** - I agree.

**Mr MEADLEY** - Also whether you like it or not, I think the question of perception is terribly important. We shouldn't be just talking about conflicts of interest, we should be talking about possible perceptions of conflict of interest.

**Mr BEST** - I agree. I am not saying you shouldn't look at these things. I think the point you raise in regard to the council situation should apply, and I think this is probably what we might end up with here. It could be a really good thing in the sense that there are a lot of accusations that go on from time to time, and this could be the best clearing house. The thing is, though, you're going to end up with a wide list of things that might have absolutely no point and you'll have the media running around with all these things - here are 90 things that are being investigated. Anyway, that is a point of how you manage that I suppose.

**Mr MEADLEY** - I think it is and what I was trying to say is realistically a decision would have to be made. I am saying you do not pursue everything.

**CHAIR** - If you appoint a commissioner there, the commissioner has to use his discretion.

**Mr MEADLEY** - Absolutely and that is what I am trying to get at.

**Mr ROCKLIFF** - You mentioned that we do need an ICAC in Tasmania as opposed to an ethics commission.

**Mr MEADLEY** - Whatever you call it.

**Mr ROCKLIFF** - How do you distinguish between the two? What is your distinguishing point between an ethics commission and an Independent Commission Against Corruption?

**Mr MEADLEY** - I am not an expert in this but my feeling is that an ICAC has more power - more investigative power.



**CHAIR** - So what you are saying is that if there was a body that had the same type of powers such as phone tapping if necessary, surveillance and whatever, they go before a magistrate. The magistrate says yes there is a prima face case, therefore you can do it. What you are saying really it is more to the power as opposed to let us pick the New South Wales model, the Queensland model or Western Australian model.

**Mr MEADLEY** - Absolutely. I do not care about the name. I think there are flaws in all the models and it would be up to you to find something that does not have those flaws. To be fair though there are flaws in models that do not involve ICACs as well. If you take the example at the moment of that lawyer in WA who has been named as a prime suspect by the police. There is a flaw in that kind of model too.

**Mr BEST** - Absolutely.

**Mr MEADLEY** - Could I just quickly talk about -

**CHAIR** - We are running over time, I realise that, but -

**Mr MEADLEY** - I am trying to help you catch up.

**CHAIR** - Yes, that is right. That is what I was going to ask.

**Mr MEADLEY** - I would like to talk briefly about continuous education because I think that really is a very important role for this body.

**CHAIR** - I think everybody accepts that. The question of CPD, continuing professional development, has been raised a number of times.

**Mr MEADLEY** - Even if you bring in an accreditation system, like the one lawyers and other professional people have, that might help to do it. I think there is need for education of the community at large, including in schools. It should not be restricted to people that this body would be responsible for oversighting but it should start at the bottom and work through. I have only been in Tasmania for five years and I have been really surprised at the different attitudes towards accountability and transparency and so on here compared with what I had been used to.

**Mr MARTIN** - Better or worse?

**Mr MEADLEY** - Well that would be a value judgment, wouldn't it. Much worse.

**Mr MARTIN** - Do you think it is much worse in Tasmania?

**Mr MEADLEY** - I think it is much worse in Tassie, yes. I think that is in the populace generally, not just in the politicians. Just generally. No doubt there are historical reasons for it. It also stems from an interesting belief in the goodness of the powers that be as they are frequently called here. The number of people who say 'look, this could not be harmful because if it were the Government would not let it happen'. That is a trust that I am sure you would value but one that I think is perhaps somewhat naïve. I think there is a real need for an education campaign and it should cover areas such as ethical behaviour, accountability, conflicts of interest, transparency, the meaning of genuine

consultation. Also, because of my background I guess, I would like to see some ideas at least about the concepts of conflict resolution, which I think is sadly lacking - not just here but throughout. The only other thing I think I would like to add is that I think this body should take some responsibility for looking after whistle blowers because I do not think they are very well covered either.

**CHAIR** - Peter, some might have argued that you have been sitting in on the committee's deliberations since it started.

**Mr MEADLEY** - When you were talking before I thought I should just go away. I am sorry if you are just going to keep getting the same old thing.

**CHAIR** - No, it has not been the same old thing, that is what I am saying. It has been a summary of probably some other things that have been occurring without the witnesses. It has been very good, thank you. You have summarised a lot of things very well indeed. Thank you very much for your time. Thank you for your interest and thanks for the professional way in giving your evidence.

**Mr BEST** - Those last three, I had transparency, what constitutes meaning of genuine consultation.

**CHAIR** - It would be on the transcript.

**Mr BEST** - Just that last line, you are right. The third last.

**Mr MEADLEY** - I had, ethical behaviour, accountability, conflicts of interest, transparency, the meaning of genuine consultation and concepts of conflict resolution. It comes from my background I guess, but I am rather amused by what people seem to think mediation is in certain situations.

**Mr ROCKLIFF** - Like in the forestry ads.

**Mr MEADLEY** - I know, and you think, I would like to mediate something like that but, no, it is just not possible.

**THE WITNESS WITHDREW.**

**Mr SVEN WIENER** WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

**CHAIR** - Thanks for coming along and thanks for giving us your submission first and now coming on to speak to it. Have you given evidence before a parliamentary committee before?

**Mr WIENER** - No.

**CHAIR** - What we are doing is allowing you to say what you want to say, ask you questions maybe along the way or alternatively at the end of your evidence. What you say in here is privileged, which means that nobody can come and drag you away as a result of what you say here. If you then go outside and say the same thing outside this committee, you will not have the same protection that you have whilst giving evidence to the committee. If there is anything you want to say also in camera - in private - because you believe it might embarrass yourself or somebody else and you believe that that then may be a problem, please let us know and we will most probably hear it in private which is just for the eyes and ears of the people within the committee.

**Mr WIENER** - I have been involved in trying to petition local government about the pulp mill and it has certainly been quite an eye opener of an exercise, particularly in relation to the George Town Council. I am from West Tamar. I grew up in the West Tamar and have lived there most of my life. On 13 September a group of us submitted a petition to George Town Council to get an elector poll and public meeting happening. Around 23 October the council met to decide whether to have the public meeting. Under the Local Government Act they should have really had the public meeting within 30 days of resolving to have the public meeting. But they decided that it would be better if they held it more than 30 days after which was in breach of the Local Government Act. At first glance I thought well, what is a few days, but as it turned out it meant the difference between having the meeting before or after the Federal election. In relation to the area's support for the pulp mill, what we have found out since the meeting is that the municipality is split roughly 50/50 regarding the issue. So it is not quite as much of a winner out there as some people might think at first glance, in backing the mill project.

From my experience with inquiring where to hold meetings in the town, I know that the claims that the council had made about not having a suitable venue were very likely exaggerated. They said that renovations to their town hall meant they could not have it in there. The fact of the matter is that there are a number of schools in the area that have quite large buildings where it could very easily have taken place or, alternatively, Hillwood Hall. That is only 20 kilometres south and it could have taken place there, but the council laws said that this issue of not having a suitable venue was sufficient to justify holding this public meeting a couple of days after the Federal election, as opposed to a couple of days before it which should have been the limit on when it could have taken place.

I referred the matter to the State Ombudsman and they looked at it very promptly, which I was very pleased about, but they didn't get back to me with an answer until after the public meeting had taken place. A conclusion was that the law had been broken, but the Ombudsman didn't believe that this would have been of material significance in regard to

what people might have thought at the time that they had voted at the Federal election. That is a point which I tended to disagree with strongly, based on my experience having talked to a lot of people - probably over 800 people - around the municipality about what they think of the power. From what I have been able to judge, just doorknocking in a lot of cases, is that they rely heavily on what is in the *Examiner*. The exercise of collecting all these signatures - there were two petitions: a public meeting petition with 600 signatures and after than an elector poll petition, which took place after the Federal election, of about 380 signatures - it was very evident from the coverage that we were getting in the *Examiner* that it almost seemed as though they were working with the council to provide coverage that the council wanted, specifically in relation to the elector poll. The *Examiner* was even printing the elector poll questions, putting in misprints to make it look as though it was a waste of time running it, which is what the council was trying to argue. There was a probable cost of \$20 000 and the whole exercise was just a waste of time for the council; council couldn't do anything about the issue anyway.

I would argue that a lot of these George Town municipality residents were relying on that printed media to get their information regarding the process happening for assessing the pulp mill and various aspects of how it would affect residents of the municipality. It was heavily reliant on the *Examiner* whereas, if this public meeting had occurred prior to the Federal election, it would have given the residents an opportunity to hear from both proponents and opponents of projects the opportunity to present.

**CHAIR** - As you probably know, as a committee we cannot go back and investigate that issue.

**Mr WIENER** - Quite so.

**CHAIR** - We are here to say if there is or isn't a reason why there should be a body set up and, if so, how that body is to be set up.

**Mr WIENER** - I complained to the Ombudsman and the Local Government Office and I found the Local Government Office quite unsatisfactory in that they seemed to be not very independent at all.

**Mr ROCKLIFF** - Is this LGAT you're talking about?

**Mr WIENER** - No, the Local Government Office within DPAC, not the Local Government Association. It seemed as though the Local Government Office was providing advice to the council and the council had said, 'We have legal advice'. My suspicion is that they got legal advice from Gunns' lawyer, who also happens to be the council's lawyer for a lot of things - Shaun McElwaine. The reason I am being that specific -

**CHAIR** - They were using Andrew Abbott in Hobart a while ago.

**Mr WIENER** - Really? So they do change lawyers from time to time on various things?

**CHAIR** - They may well do, I don't know.

**Mr WIENER** - It is hard to know. I know that Shaun McElwain has provided them advice in relation to certain matters because that is the name they were using. The reason that I

mention Shaun McElwain is that he is also advising West Tamar Council, with whom I have been having similar difficulty in getting them to abide by the Local Government Act as of the second half of this year. I have gone to Local Government Office within DPAC. It was even worse going to the Local Government Office this time, so I referred the matter to the Ombudsman. I am hopeful that the Ombudsman will conclude once again, as they did in relation to the George Town public meeting delay issue, that the law has been broken. That would be valuable as it would make things much simpler when explaining it to people like yourselves, to say, 'Yes, the Ombudsman concluded the law had been broken'.

**Mr BEST** - My understanding is that Shaun McElwaine had two cases in Devonport - which is part of my electorate - one about composting at the mushroom farm and odour emission from rendering works where he represented residents very successfully to remove what were quite serious nuisances. I wanted to put that in context of. I do not know what you are trying to say to the commission about him. I think he is very professional. I do not know him personally but from what I have seen I think he is very independent. If you were to hire him he would represent you the same as anyone else. In the lead-up to the Federal election with your elector poll - do I have that right?

**Mr WIENER** - What we do is a public meeting petition in the lead-up to the election.

**Mr BEST** - Did you do a fair bit of doorknocking?

**Mr WIENER** - Yes.

**Mr BEST** - Of residents' homes?

**Mr WIENER** - Yes.

**Mr BEST** - Is this in George Town?

**Mr WIENER** - Yes, and Low Head.

**Mr BEST** - Did you get much information, leaflet-wise, letter-dropping, that sort of thing?

**Mr WIENER** - Not a lot. It is a big job. We tried to do a little as we could get away with because there were not many volunteers for it. It was just me, pretty much.

**Mr BEST** - Wore out the shoes then?

**Mr WIENER** - Yes, and bike tyres. There is a lot of broken glass around that place.

**Mr BEST** - Did you say there were two petitions, one of 360 and one of 380?

**Mr WIENER** - The one in the lead-up to the Federal election was 600. Then there were 380 signatures after the Federal election and after the public meeting for the elector poll petition.

**Mr BEST** - How many people then went to the meeting after?

**Mr WIENER** - I am pretty sure that they were full to capacity. As I understand some people could not get in.

**Mr BEST** - So 1 000 or so?

**Mr WIENER** - Maybe something like around 250. They said that, for to occupational health and safety reasons, nobody would be allowed to stand in the George Town municipal hall in order to be able to evacuate the building if there was fire. It holds around 250.

**Mr BEST** - Could you have had an outside address?

**Mr WIENER** - I was not very happy with the way they tried to run that public meeting because they did not even put details regarding it on their web site until about the day before, as though they were content to abide by the minimum requirements under the Local Government Act, that is only to advertise it twice in the newspaper. For the West Tamar Council public meeting held in August of last year, we did request the council put a public address system outside. That was well utilised on the night.

**CHAIR** - Your actual submission talks about a body that should be set up.

**Mr WIENER** - Yes.

**CHAIR** - How should that body be encompassed?

**Mr WIENER** - I definitely would like to see someone from outside the State overseeing otherwise you would never know what political motivations the person in charge of it might have. Even in the case of the Ombudsman - and I do not want to criticise Simon Allston at all - I think at some stage Damon Thomas was State Ombudsman and that sort of surprises me because in relation to the pulp mill he just seems to be a one-way street. It is quite extraordinary. I would not be very happy if I had to lodge complaints regarding the pulp mill if Damon Thomas was the State Ombudsman. So, yes, definitely someone in charge from outside the State rather than -

**CHAIR** - Sometimes that can cause a problem, though, can it not? The Governor a couple of governors ago was from outside the State, and some might say that other people who have held high positions that have come from out of the State have not been anywhere near, I do not think, as good as the people we have within the State.

**Mr WIENER** - Yes, on average I would hope -

**CHAIR** - It depends on the individual.

**Mr WIENER** - Yes, it does.

**CHAIR** - And just because an individual may not agree with your point of view, whichever point of view you have, should not be -

**Mr WIENER** - Quite true. They do not necessarily need to agree with the point of view, but just give me a fair go. I do not know too much about Simon Allston so I am hopeful -

**CHAIR** - He is doing the best he can with limited resources.

**Mr WIENER** - That is another issue because it does make me worry. I actually lodged this latest complaint with the Ombudsman on 29 August and they said that they would give the West Tamar Council right of reply, which is fair enough, regarding the allegations that I put in my complaint. October 17 was supposed to be the date that the Ombudsman would decide as to whether there would be a basis for investigating the matter in detail. I rang them up yesterday and they said that they had 100 complaints and they were trying to get onto it.

**Mr HALL** - Putting aside local issues we have to come up with some recommendations as to what sort of model we end up with. As you know there were three ICACs in other States. In New South Wales it has been put to us that in fact since they instituted the ICAC things have got worse, not better. In New South Wales and WA in particular, because of the issues they have had with their ICACs they have had to now appoint another independent person or persons to supervise the ICACs. I am just saying there are some issues with them so we are going to be very careful about the model that we put up here.

**Mr WIENER** - Yes.

**Mr HALL** - It has also been put to us that ethics training for MPs, local government councillors and bureaucrats is something which should happen.

**Mr WIENER** - I agree very strongly with that, otherwise we cannot blame them for getting it wrong.

**Mr HALL** - You concur with that?

**Mr WIENER** - Definitely yes, because otherwise if I were elected as a councillor, for example, I would not know quite often because there can be grey areas on a lot of occasions.

**Mr HALL** - Yes, that is right, conflicts of interest and that sort of thing. We talked about that with previous witnesses.

**Mr WIENER** - It is actually quite surprising, say, in the choice of a lawyer that a council chooses to retain - Shaun McElwaine, for example. The West Tamar Council had a motion put to them recently in September that they not use him in relation to matters involving Gunns considering the fact he is also doing work for Gunns from time to time, but the council voted to ignore that and just keep using him. I was really quite surprised because even if perhaps Shaun McElwaine should be aware that he has responsibilities and is accountable to the Law Society, you would hope that the councillors would, if they had the training, realise that perhaps it is best because of perceived conflict of interest.

**Mr BEST** - I know Shaun McElwaine and he does a lot of work for various councils in the north of the State, particularly in a planning role. What I found when I was Mayor of Meander Valley was that always and immediately, if he had a conflict or he was acting for somebody else, he would withdraw from what he was doing.

**Mr WIENER** - That is interesting because he did actually provide them with the advice regarding what to do with this pipeline. Councillors have said, 'Yes, Shaun McElwaine is the one we would use', and it is certainly a Gunns-related issue. He hasn't withdrawn from providing counselling services but perhaps he is not providing advice to Gunns about the pipeline.

**Mr MARTIN** - I suppose that what you are talking about is the perception.

**Mr WIENER** - Yes, it is terrible because you know that it is a hot topic in the West Tamar so they should be more considerate. He is a very good lawyer but there are other ones who are quite good in Launceston. Actually Shaun McElwaine is also a West Tamar Council resident. Perhaps that might be getting a bit too picky if one says that the council should only use people from outside their municipality -

**CHAIR** - You can think there is a conspiracy under every rock if you want to.

**Mr WIENER** - Yes.

**Mr BEST** - It is interesting the way you interpret some of the things about perception. Some of the things that have been canvassed have been about having maybe a commissioner and a few staff dedicated to investigation, mediation, education. If people wanted to complain because someone lived in a town and they were providing a service then that would go to the ethics commissioner and they would say it is okay and you do not have to shift house.

**Mr WIENER** - Yes that is true. They could clarify and cut short a lot of these suspicions.

**Mr BEST** - If people are upset, if they feel that way, someone can have a look at it and they can say yes or no.

**Mr WIENER** - I think considering what the State Ombudsman had undertaken - to decide by 17 October - perhaps I misinterpreted and really they were only going to start deciding by 17 October. Who knows how long they will eventually take to decide whether to go and investigate West Tamar Council's decision to ignore this public meeting and petition.

The Local Government Office within DPAC did actually provide advice to West Tamar Council that they would have to hold a public meeting. But as I understand, and this is just through the rumour mill, it seems Shaun McElwaine advised West Tamar Council not to do anything. 'If Sven Wiener is really serious about this he will take this to the Supreme Court.' That would take ages by that time. As far as I am aware the Supreme Court does not fully hear things inside a year, and justice delayed it is very much justice denied.

The Ombudsman seems to be a bit short of funding and perhaps they also feel that they are reliant on State Government funding.

**Mr BEST** - I know how you feel about what has happened and so forth. Were you aware that the Greens in 2006 made the pulp mill an election issue? They campaigned around opposition to the mill and they said that government would be formed based on people voting for or against the mill. I just thought that I would mention that.



**Mr WIENER** - That is good because I was actually out of the State around that election time and had an absentee vote.

**CHAIR** - You are saying is that, yes, there is a necessity for a body?

**Mr WIENER** - Definitely, because I feel that the Ombudsman is saying that basically the law has been broken.

**CHAIR** - I hear what you say about the Ombudsman, but if there is a need for a body, that body has to be suitably resourced and likewise the Ombudsman's office also should be suitably resourced.

**Mr WIENER** - It would be good but if one goes to the Ombudsman and basically they do not seem to have done a lot, then this ethics committee - the ICAC - would be the one you would really be relying on to be suitably resourced.

**CHAIR** - So would this commission, or ICAC, whatever you want to call it, be restricted to corruption/ethics/morality or are you saying it should be a general body to appeal to if you have an issue, whatever the issue might be?

**Mr WIENER** - If you think that the reasons could possibly be related to the political powers that be at the time - perhaps that has been the reason we have had difficulties dealing with local or State governments.

**CHAIR** - I understand what you are also saying is that there should be retrospectivity?

**Mr WIENER** - Definitely, yes. That is very important, in my opinion.

**CHAIR** - Thank you for your time, your interest and your submission.

**Mr WIENER** - That is all right. As I was saying, the Ombudsman had said, 'Yes, the law's broken in relation to the George Town Council holding the public meeting after the election. If you have a problem with the law having been broken, take it to the Supreme Court'. But, as I have been advised, that is a very bad move to pursue unless you are very sure of your case.

**CHAIR** - That is right. I would not say it is a bad move but you certainly have to be sure of your case, otherwise you could be at a loss, monetary-wise.

**Mr WIENER** - Especially if justice delayed things.

**CHAIR** - Thanks.

**THE WITNESS WITHDREW.**

**Mr OVIE TAYLOR** WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

**CHAIR** - Ovie, have you given evidence before a parliamentary committee before?

**Mr TAYLOR** - No.

**CHAIR** - It is a fairly informal process so please do not feel under pressure to say or do things in a way you believe the committee would like you to do it because it is informal and we are here to just hear what you say. What you do say, though, is privileged information. In other words, there can be no defamation case, or anything like that, commenced as a result of the evidence you give within the committee, but if you then go outside and say exactly the same thing, then you are not covered by that same privilege. It is only the evidence within this room now that is privileged information. If you want to give any evidence in camera because of the belief that it might embarrass you, or somebody else, please feel free to ask us and in 99 per cent of cases we will agree to do so. That evidence is only for the ears and eyes of the people around this table.

We will now let you speak to your submission and we will ask questions along the way or at the end.

**Mr TAYLOR** - I presume that you are familiar with the submission that we put in.

**CHAIR** - We have marked it submission 96.

**Mr TAYLOR** - We have a very small interest in the whole thing, which obviously centres on the pulp mill, particularly the conduct of the various bodies, including government and Gunns' representatives of the proponents of the mill, and the process it took from conception to where it is today.

Our concerns have been that we trusted the Government, we trusted those who were overseeing the process to do it in a diligent, honest and legal manner. Events that have transpired have led us to believe that this has not been done in a transparent and honest manner. We particularly relied on the process through the RPDC to assess this properly, but we believe that the removal of the process from the RPDC was not for the reasons stated but to circumvent an obvious negative assessment by the RPDC.

We do not believe that the process to the Parliament has been an exhaustive and professional, reliable process. We just cannot see how this could have taken place in the time that it took the people that were charged - and I am not detracting or saying anything detrimental about the people who were involved with the process - I just do not see that laymen, as well intentioned as they are, could have foreseen or assessed the effect of the mill in a comprehensive manner.

So we do not rely and we do not trust the outcome of the parliamentary approval process, or the establishment of an EPA to oversee the mill's operation. We cannot rely on that because we believe that it will go the same way as the RPDC did. If something is found to be inadequate, if it was producing emissions or operating in a way outside of the

guidelines, the EPA would not have the power, it would be circumvented and it would not be able to enact the role that it was set up to do. So we do not have any faith in that.

Our grave concern of course centres on the fact that we live one kilometre from the pulp mill site; most of that is open water and there is nothing between us and them. Rowella is quite a significant area and we believe that it has been sidelined and marginalised as being irrelevant and inconsequential to the operation of the mill. It is a very significant tourist hamlet. There are a lot of tourist venues at Rowella which will be, we believe, severely affected by this.

From reports of Gunns, it appears that there will be a large amount of chlorine manufactured on the site, and we all know chlorine in a valley is a very dangerous chemical. Gunns themselves have not denied that there will be odours from this mill and there will be rotten gas smells from the mill - the frequency is debatable, but we believe that as the mill gets older the frequency will be untenable for residents in the area.

If this occurs, as our submission states, we will not be able to live there because of the smell, and we will not be able to sell a property because of the smell - nobody will buy it. So we stand to lose - we came down to this State to retire and develop -

**CHAIR** - Where did you come from?

**Mr TAYLOR** - The Blue Mountains. We came to Tassie eight or nine years ago, loved the place and wanted to retire here. I have long since retired but I have been involved in the community - I belong to Beaconsfield Improvement Committee with the council, that was, with some instigation from myself, set up to develop and improve the area. I helped start up the West Tamar Chamber of Commerce - I am the secretary of the West Tamar Chamber of Commerce and we are entering our third year now and growing and developing.

I am aware of the feelings of people in the West Tamar, particularly in the business community. We certainly do not represent everybody there, but there is this uncertainty and lack of trust and fear that the interests of the people are being set aside in favour of big business.

**CHAIR** - As you know, this committee is not here to look at the pulp mill, or to look at asthma complaints that people have had previously. We are here to hear the issue you have and the reason you believe something should occur. I take it therefore you are saying there should be a body set up.

**Mr TAYLOR** - From the beginning we wrote to the Legislative Council before the approval was given requesting that our concerns that some safeguards would be put in place for the residents of Rowella who had a signed petition requesting that something be built into the legislation that would protect us. We did not even get an acknowledgment of that request. We requested again several times that we would be protected if something should occur. We are the closest people to the mill and I thought, as I said in our submission, the further away you get the more academic the argument becomes. There is no doubt or question that we will be severely impacted and we were asking for some protection. Instead we have, as you have said, section 11, which as we understand it indemnifies everybody. It not only gives us no protection but it indemnifies anybody

who caused that to occur. We feel that this is unconstitutional, immoral and unethical, if not corrupt.

**Mr BEST** - We heard about some issues that could be put into what might constitute ethical conduct or conduct with good integrity and that would be transparency with processes; what might constitute meaningful consultation; accountability; looking after whistleblowers - but that might not really fit with what you are here with today. Someone put those up today as maybe being some good criteria to consider. The sense of your argument is with the process. I think you said at the start you were hoping you would be protected in what might eventuate with a proposal. Would you envisage maybe some sort of charter of conduct that could -

**Mr TAYLOR** - I don't feel qualified to recommend or suggest how this commission or ethical committee would work except to say that there is so much spin put on things by people who employ people to do that consultation, the negotiation. I just heard this week, while talking about climate change, the Forestry Commission felt that they had a very great part to play in climate change with forests. My interpretation of that is that it is an excuse to chop down trees to plant plantations to protect the environment and soak up carbon. There is so much spin and doubletalk and confusion through these processes that the ordinary layman just can't keep track of it unfortunately. I think it needs a very qualified legal-centred ethics committee to analyse everything that is said and done and to expose issues that are -

**Mr HALL** - Spin comes from all viewpoints, doesn't it. The Wilderness Society, Forestry - they all have their spins.

**Mr TAYLOR** - Yes, that's exactly right.

**Mr HALL** - So, I suppose, as the Chairman said, our focus here is to try to work out what is the best way forward. I appreciate it is difficult for witnesses to say what is the best model - there are three models of ICACs in three other States and two others don't have them. It's been put to us that now in New South Wales things are worse than they were before. You come from New South Wales; since the ICAC was put in, it was said by a witness yesterday, I think, who came from New South Wales, that things are worse there now, even with the ICAC. There are certainly some issues so we've really got to try to do whatever is appropriate to give people confidence here in Tasmania.

**Mr TAYLOR** - That's right.

**Mr MARTIN** - You've put forward a fairly specific recommendation.

**Mr TAYLOR** - Yes.

**Mr MARTIN** - I'd like to hear you speak to that.

**Mr TAYLOR** - I would think there needs to be a body with at least somebody from outside of the State that can look at it objectively and not subjectively. It has to be properly funded and reported upon. I think that those are minimum requirements.

**Mr BEST** - So who would it report to?

**Mr TAYLOR** - To Parliament.

**Mr MARTIN** - You don't want to talk about retrospective investigation powers and whether that's important?

**Mr TAYLOR** - I think so, yes; particularly in terms of what has happened. On 29 March Paula Wriedt gave the assurance on radio that if the pulp mill were built and was found to be breaching the tough and stringent environmental guidelines it would be shut down immediately until the issues were rectified. If the issues were as a result of the mill being incapable of complying with emissions standards and so on, there's no way that a \$2 billion project would be shut down. So, statements like that coming out of government as fact are obviously just not going to happen.

**CHAIR** - It was interesting because it comes in relation to your comment that people from interstate should be in charge of this body and when you look at -

**Mr TAYLOR** - Not in charge of, but should have an influence.

**Mr MARTIN** - I think he said the Tasmanian Parliament should be in charge of it.

**Mr TAYLOR** - No.

**Mr ROCKLIFF** - Reporting to Parliament.

**Mr TAYLOR** - Yes, reporting to Parliament.

**CHAIR** - As I understood it, the commissioner or the person who is at the top of this, whether there is one commissioner or however many, you were saying that person should come from interstate?

**Mr TAYLOR** - Well, I don't know how many people would be on a committee like that. I presume it wouldn't be just one but if it's a team of two or three people I would say that one of them should be here, but not necessarily the person who is in charge of it. We need balance; we need outside -

**CHAIR** - Sure. Of course with that pulp mill assessment there was Australia's chief scientist. What's his name? Peacock, was it?

**Mr TAYLOR** - Yes.

**CHAIR** - Jim Peacock, Australia's chief scientist. One of the problems, I think, that we've encountered here is obviously people have different points of view and that's what a democratic system's all about. Sometimes, and I'm definitely not saying you, but sometimes people are saying because a different point of view has come forward there must be corruption or there must be some funny business going on. How do you overcome that? Just because people have a different point of view other people say they must be corrupt.

**Mr TAYLOR** - At the moment it seems that everybody - and as you say, from both sides of the argument, whatever it is, whether it's the pulp mill or anything else - feels free to make the most outrageous and extravagant claims one way or the other, without any form of accountability. I think that is because there is nowhere to call them to account.

**Mr ROCKLIFF** - Ovie, you mentioned that before in the spin from all sides. I think, to paraphrase, you said that we need a body to make them accountable in terms of what they say. Are you saying that whatever body we set up needs to monitor what members of parliament, ministers, big business, the Greens or whoever else, say to sort out that spin from the facts? Rather than someone who has evidence of corruption go to a body and say, 'Investigate this', do you think the investigative body should be keeping a watchful eye on everything that is going on in terms of what people say and everything else?

**Mr TAYLOR** - I think so, but if it is outside of Parliament I don't know how manageable that would be. I see the anticorruption body as being one that can filter through that spin to prevent government from making decisions based on spin, or on vested interests or maybe other influences that proponents can have on government through various methods. I am not going to cast any aspersions as to how or why that happens, but whether it is spin or direct or indirect influence on government, this body can act as a filter so that the decisions that government makes can be relied on as being free of interference or spin from whoever is involved.

**CHAIR** - There would have to be a complaint first, would there? For that to occur it would be huge.

**Mr TAYLOR** - I think there would be plenty of avenues for complaint and there would be lots of people sitting and waiting.

**CHAIR** - So that is the bounce of the ball, the complaint, and then the body looks into it?

**Mr TAYLOR** - I think it would have to work that way because I can't see this being a system that could work otherwise. Otherwise accountability would rest with the commission and if they miss something we would be back to where we are now.

**Mr BEST** - I tend to think - and that is why I was trying to discuss those things with you - that freedom of speech is a difficult thing. Whilst there is spin on either side, I don't really think it is a good idea. I think it comes down to what is considered good ethical conduct in the sense of negotiation, consultation or process. I think if you have that spelt out then that gives a yardstick to say, 'Hang on, the proponent has stepped way over the line here. They're not acting ethically', or alternatively a lobby group, for example, is not really going through a good process. They are my thoughts as to how you could manage this fairly.

On the issue of retrospectivity, I think there are some difficulties in the sense of what you investigate, what people might propose to want to be investigated and what might constitute good public benefit in being investigated and what might be just headline-type set-ups, 'Here we go, more bad coverage of the State and more negative-inspired thinking within the State'. Do you think maybe what would be a good thing to investigate retrospectivity-wise, if there is to be something like that, for a commission to look at

what flaws there are within processes to say, 'This was done this way' or 'That person was involved that way'? They could look at the guidelines that they think constitute good ethical conduct, but now find they haven't covered and they believe that sort of conduct shouldn't be allowed in the future so they could draw upon the past to work out what should make a good Tasmania in the future.

**Mr TAYLOR** - Of course. I think that is absolutely right. I think that we cannot just draw a line. Again, using the pulp mill process as an example, we believe that the approval was driven largely on the claims of the jobs it would provide and the financial benefits to the State. Section 11 is our concern, the claims of jobs that this mill will provide are eroding and I think are now half of what was originally claimed. If the proponents have to find a partner to build the mill, where will the profits go? The benefits to the State are decreasing dramatically and going off-shore. Where does the viability of the decision stand now and should it be looked at retrospectively as being perhaps a decision made in error or incorrectly or badly?

**CHAIR** - Are you saying that the goalposts have changed and therefore there should be another debate?

**Mr TAYLOR** - The Government has said the decision is final. It has been approved.

**CHAIR** - I hear what you say, but because of the allegations that were made at the time, they have been proved to be, you believe, not correct and as a result -

**Mr TAYLOR** - Yes.

**CHAIR** - I do not want to cut you off. Is there anything you want to say to someone?

**Mr TAYLOR** - No, I think I have vented my spleen sufficiently.

**CHAIR** - Thank you very much for coming along and giving your submission and then speaking to it.

**Mr TAYLOR** - Thank you for the opportunity. I am grateful to live in a democratic society.

**THE WITNESS WITHDREW.**

**Mr ANDREW RICKETTS** WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

**CHAIR** - Thank you for coming along to speak to your submission. We ask you to speak to your submission and then questions will be asked, either as we go along or alternatively, during the conversation or during your opening.

**Mr RICKETTS** - Thank you. May I start by asking for clarification about the functions of the committee?

**CHAIR** - The functions of the committee are as set out in the terms of reference in relation to what we are here to look at. There is a bit of a catch-all, 'any other matters incidental thereto' -

**Mr RICKETTS** - It says 'to inquire into and report on', so it has no other function than to provide a report after making its inquiries.

**CHAIR** - That is right. You make your recommendations after your findings and then the report goes to the Government. It is up to the Government as to what they do with it.

**Mr RICKETTS** - It becomes a football.

**CHAIR** - Not really because if the Government does not act then obviously questions will be asked.

**Mr BEST** - It goes to both Houses.

**Mr RICKETTS** - Apart from taking the submissions and listening to the verbal supporting material, do you make other inquiries?

**CHAIR** - Yes. We have requested evidence from people who we believe may be experts in the field. We will also be speaking with people in New South Wales and Queensland who have been involved with ICACs up there to get their expertise and experience as well.

**Mr RICKETTS** - Thank you for that clarification. It is clear from the words of the functions of the committee that there is a perception that ethical conduct and standards are about people, yet the operating environment of the people is principally the legislation under which they operate. It is very important in our opinion that if the legislation provides vast discretion then essentially you have a laissez-faire situation where people can make a lot of decisions without ethical guidance.

At the moment if you look to find ethical underpinning in legislation you often do not find it, or if you do find it it is frequently old or out of date. Some legislation is extremely deficient, sometimes simply because it is old. The Crown Lands Act, for example, is very frustrating and poor. My personal experience of Crown Land Services is that it does not live up to the expectations of a modern department.



I wish to say that many interactions with government and the State public service are highly satisfactory. The unfortunate thing about an inquiry like this is that you can overlook the fact that significant parts of government are high satisfactory. Whenever I walk into Service Tasmania I am always satisfied.

**Mr HALL** - Except when you need to pay a bill.

**Mr RICKETTS** - They do an excellent job - even when you have to pay a bill. It is usually fast and prompt and accurate and mistakes are not made.

**CHAIR** - And they take your money with a smile.

**Mr RICKETTS** - And there are other examples. I make that point because I think it is important that our view of government is that it is not perpetually riddled with problems. What is interesting about your inquiry is that you have a focus on ethical conduct - 'conduct' meaning behaviour or process. That is the way of interpreting that term to my way of thinking. 'Ethical' is interesting in that the dictionary definition takes you back to the word 'ethic'. I will read from the *Shorter Oxford Dictionary*, and I just photocopied the page. It defines 'ethic' as:

'the science of morals; a treatise on the science, specifically that of Aristotle; the moral system of a particular writer or school of thought;' - that dates to 1651 - 'the rules of conduct recognised in certain limited departments of human life; the science of human duty in its widest extent including, besides ethics proper, the science of law, whether civil, political or international.'

So my interpretation of the word 'ethics' is the wider one which takes you to an interpretation as to how government operates in the public interest. If you look at Tasmanian legislation you don't really find a definition of the public interest; you find little bits and pieces here and there. The Local Government Act does cover something about the public interest.

Public interest can broadly be defined into two categories: the environment, that is everything apart from the human interaction; and the human interaction culture, if you like, or society, which has under its umbrella the gamut of the components of society, including economics. I notice that in the terms of reference there is no particular reference to the economic viability of what is proposed, or the economic consequences. I think that is appropriate. It would be a distortion and an irrelevant consideration to constrain your thinking over issues of how much does this cost. It's more important, in our view, that you consider what might be effective. There is no point creating additional bureaucracy if it's not effective. So whether you have one person or 100 people, I put in a plea to make sure that the public money is well spent.

**CHAIR** - That depends on the body itself, though.

**Mr RICKETTS** - That does. Over a number of years I have talked to the Legal Services Commissioner. I was convinced that that person was a very diligent person who ran a one-person department, and yet problems with the legal services provided in the State are many. I am aware that there have been changes, but whether or not the resources and the

new legislation that support the changes, and the arrangements under that legislation, are sufficiently ethical to protect the individual within the State for which you have a duty of care to me is a question that I can't easily answer. It's a concern.

If you look at various pieces of legislation around the place you end up asking yourself whether or not this legislation does actually support ethical conduct, whether it provides the background, the environment for people to operate in an ethical manner. So whilst your committee is set up to deal at first sight with the behaviour of people, I am arguing that incidentally hereto is the competence of the legislation and the characteristics of the legislation.

**Mr BEST** - I do not want to ruin your presentation but I want to say that one of the concepts that has been suggested to the committee is that - and I will not talk about the actual investigative thing or whatever it might be - there could be an overarching continuing type of structure that could be made up of not just parliamentarians but others as well and their role would be to monitor what is happening not only here but also internationally and to appraise what might be happening at an investigative, educational or whatever level so that we do continue to have this thing that appraises how this is all working and it is accountable. That is one concept. I am just interested in what your view might be on that.

**Mr RICKETTS** - My view is that there is no one simple solution. There is a whole raft of problems. Recently I was involved, and I am involved so there is a limited amount I am going to tell you about it, but I am going to tell you about this one issue.

**Mr BEST** - Is it confidential?

**Mr RICKETTS** - No, no, it is all right. I appealed a development. I proposed mediation. The legislation underpinning the tribunal did not provide for legislation. The Alternate Dispute Resolution Act is relatively recent and is designed to provide mediation for courts. It is also designed to provide mediation for tribunals. It is an ethical issue because when somebody comes and wants to mediate that is a lower cost to the State. That is less conflict to the State and faster resolution. They are all ethical issues.

You have raised the issue, Mr Hall, of avoiding appeals that are frivolous or vexatious. The legislation only provides for a solution for certain tribunals if there is any regulation. No regulation has been written under that act of parliament. So a simple solution would be to write the regulation that applies, that provides for mediation across all the tribunals. Another solution is to just get rid of all those tribunals and simply have a more simple system instead of making the tribunals the end of the road because that takes you to the Judicial Review Act and the Supreme Court and I have done quite a lot of thinking about this since the recent inquiry into the statewide planning system. We currently have a tribunal-based system; we do not have a land and environment court. Therefore you do not have a right of appeal in actual fact to the tribunal decision. You only have a right if there has been a procedural problem, if there has been an irrelevant consideration or if relevant considerations have not been taken into account.

The point is that there are a variety of solutions that could improve the ethical outcomes, not just one.

**Mr BEST** - No, and I am not distracting you, but if you had something that that could go to and you could say, 'You have not got the regulations'.

**Mr RICKETTS** - At the moment you do not have a mechanism for the public coming to the Government and saying, 'I don't like this legislation'. You have a partnership agreement with the University of Tasmania and that is all. There is no compulsion for the Parliament to consider anything. There is no formal avenue, no transparent avenue for dealing with the underpinning - whether it is ethics or whether it is some other issue - and you do not have simple processes of resolution for complaints which might be of an ethical or a procedural nature apart from the Ombudsman's office. For example, the State Service Act does not allow me to lodge a complaint against a State public servant. Why not? The act says that the State public servants are there to serve the public interest and to be honest and all that sort of stuff. The stuff in the State Service Act is quite good but it only allows complaints for employees of the State public service so it would be very easy and very cheap to change the legislation. Just one line and it would be fixed.

So things like that, and the same applies to local government. There deserves to be greater local government oversight and responsibility for a number of reasons. In part it is the training ground for Parliament, certain people move through local government and then into Parliament so it is important that it acts with procedural fairness and with natural justice. It is responsible for making many decisions. My personal view is that you do not need to have planning under local government, that planning is currently a function of local government, it can be easily separated. You are just separating water. Why? Does local government, with its propensity for vested interest, have to have planning in it? It does not. It is not necessary. Many of those people do not understand the planning rules anyway and they make decisions that are not necessarily correct.

**Mr HALL** - If I might say, you are almost mounting an argument for the abolition of local government because if you take away planning and we have water and sewerage gone, there is not much left.

**Mr RICKETTS** - I would respond to that by saying we have 29 councils and half a million people.

**Mr HALL** - That will probably change, I suspect.

**Mr RICKETTS** - When I first moved to Tasmania in 1988 I moved to Launceston. I think it is a great place, but I am still scratching my head. There is some boundary out there in Riverside and there is some boundary up there in Prospect. I really cannot understand it. I come from the Meander Valley Council area and our organisation is based there. They are petrified that if you take away Prospect their rates base is shot to pieces. You simply have to change the financial arrangements. It is what is the community of interest. So it is an ethical issue to take Launceston, chop it up into little bits and ask that Launceston function in a proper planning way. It is not going to do so. The people up at Prospect pay far less rates than the people in Launceston. Ethically, why is that? Those are broader ethical issues than the ethical conduct but when you have such irregularities it makes it very difficult to proceed in an ethical fashion. Why should the people of Prospect be subject to a different planning scheme to the people in Riverside? It is a five-minute drive or a 10-minute drive from Prospect to Riverside.

**Mr HALL** - You could argue that between Glenorchy and Hobart. The same thing happens all over.

**Mr RICKETTS** - You will find here a supporter for a more streamlined system and with vast economic savings.

**CHAIR** - We are not here to talk about local government at the moment, unless we're asking if we believe there should or shouldn't be a body.

**Mr RICKETTS** - Well, it is part of the State because it is controlled by State legislation. I believe that anything you set up should cover local government - included, not excluded.

**CHAIR** - Now we're back on line.

**Mr RICKETTS** - You have partnership agreements with them; you are wanting a cooperative approach and you clearly need it. It is about what is going to serve the people best in the long term.

I wish to talk a little bit about environmental ethics, as they are probably not being considered otherwise. They are very important and include things such as the precautionary principle and the burden of proof. Currently in land planning in Tasmania the burden of proof always falls to the appellant. That does not support ethically-sustainable development. It is reasonable that sustainable development can demonstrate sustainability, whatever you determine sustainability to be. We are not going to get into that, but sustainable development is an ethical issue. At the moment it has objectives in the Land Use and Planning Act but no supporting structure or policies.

You have about two or three policies in the State but no supporting policies: the much-beleaguered PAL policy, the equally-beleaguered coastal policy, and the water policy, which is hard to understand. It is very difficult to have sustainable development when you don't have a full raft of policies. What I am suggesting to you is a fundamental change in that when the burden of proof rests with the proponent, the proponent makes sure that they have ticked the boxes and have a good quality proposal. Good quality proposals, I argue, don't get objected to.

When you introduce an ethical base that encourages good quality proposals, the number of appeals goes down, because the proposals are more acceptable. When you are faced with unacceptable proposals, you appeal. When they are a crock of the proverbial, you appeal. You want a system that reduces the propensity to appeal so that the important appeals are where the resources get devoted, because they are substantial resources, whether it is a private individual, the community, local government or government departments. It consumes lots of resources.

I would like to pass over a document from the United Nations Education, Scientific and Cultural Organisation. It was a draft paper in 2004 and I would like to leave that with you. I am happy to also leave with you the photocopied extract of the Shorter Oxford Dictionary's definition of ethics, which I think is important. In terms of ethics and corruption, clearly corrupt behaviour is unethical. I wrote down a list of things about people's behaviours, and they are stupidity, ignorance, incompetence, bigotry, cronyism, dishonesty, bias - which I think is most misunderstood and crops up quite often; vested

interests, which is also perhaps misunderstood and often interpreted as direct financial interest - and by the term 'vested interest' I'm talking about the broader term of having an interest in something; favouritism, malfeasance - I interpret malfeasance as non-criminal wrongdoing; discrimination - I believe that the Anti-Discrimination Act is very convoluted and doesn't necessarily support ethical outcomes, unfortunately, because there was an attempt to put in a very wide range of things in that legislation; graft, crime - which I'm sure the Department of Public Prosecutions are interested in - and systemic corruption.

That was sort of like a brainstorm, and the first few things are not really unethical - stupidity, ignorance and incompetence - but the management of the State Public Service has a responsibility to institute training and other means to overcome those things, so that's an ethical issue for those people. I provided that list because I think that periodically a range of those things occur.

We work on a wide range of issues. We frequently run into the very unsatisfactory Forest Practices Act, which is really a terrible piece of legislation, and the Forest Practices Code, which is being described as a planning scheme. I have to tell you and I wish to tell the Parliament of Tasmania that it is not a planning scheme - right? At the moment they are reviewing the code -

**CHAIR** - Can I tell you that you've got about five minutes left?

**Mr RICKETTS** - Right - they're busy consulting with one stakeholder.

**Mr BEST** - This is your key thing so I don't want to hold you up but can I just say -

**Mr RICKETTS** - It's not really; it's just a very offensive problem.

**Mr BEST** - Okay. It is just that we heard earlier today - as you talk about people and systems and behaviour - a discussion about guidelines of what would constitute ethical conduct which could be educational but also could be some yardstick as to how we should look towards undertaking decisions or behaviour or whatever. I'll just run through what I had put down because you've got a whole heap of sort of negative ones in a sense - but I mean, there's no problem with raising it because that's what we want to avoid.

**Mr RICKETTS** - Yes.

**Mr BEST** - I've got here: transparency; what constitutes meaningful consultation; accountability; looking after whistleblowers; and what constitutes conflict resolutions. Then I had another one from another fellow who came in today which I've written but he never actually put that, and that was what constitutes good negotiations. Would you have any others?

**Mr RICKETTS** - Yes - honesty and trustworthiness. The most important one is probably trustworthiness. If the Government doesn't behave in a trustworthy fashion, people won't trust you. It doesn't matter whether it's the politicians, the people supporting the politicians, the State Public Service, or local government. If they don't behave in a

trustworthy fashion, people won't trust you. That's a fundamental public-interest problem.

One of the things that I'd like to very briefly say is that Tasmania Together has done a whole pile of work on the public interest, but at one stage, in about 2003, the Government intervened in Tasmania Together over the old-growth forest benchmark, and it's a trustworthiness problem; it's an ethical problem. They interfered in what was a public-interest process. Now, I think there are lots of good things in Tasmania Together that go to ethical conduct that should be in your investigation. You should look at Tasmania Together to see what the public thought was an ethical quid pro quo, because there's stuff in there in a whole range of things, some of them specifically relate to government employees, some of them are broader.

I wish to read a short passage from a book, this is a sentence from the Penguin *Guide to Retirement Hotspots* by Rick Osborne, it's fairly recent, 2006. He goes through State by State. He says:

'Tasmania is just amazing. There are three groups of Tasmanians: the pro-loggers, the pro-green and perhaps the largest group, those who believe that logging and conservation can coexist.'

And this is a guy who lives on the mainland. He then goes into a rave about the fact that we think we're a separate country and that Australia's the mainland. And he is right, and there is nothing the matter with that. He goes on:

'The logging issue is the number one festering sore in Tasmania's future'.

I think this a guy who simply visited Tasmania writing a book, he travelled around Australia and wrote a book about the place, and that was his opinion of Tasmania. I think that's very unfortunate that people develop that opinion, because Tasmania has a lot to offer.

**CHAIR** - It was interesting, wasn't it, because as you probably know Christine Milne put forward that there should be an independent body look into forestry within Tasmania. It was delivered about two months ago, I think.

**Mr RICKETTS** - Oh, right. I wasn't aware of that.

**CHAIR** - And this independent body from overseas spoke quite highly of forestry within Tasmania..

**Mr RICKETTS** - Right. I'm not aware of that. I have to say about our community -

**CHAIR** - The Wilderness Society asked for that.

**Mr RICKETTS** - I'd like to place it on the record that it is against our community association's constitution to be politically aligned - specifically against our constitution. Whilst there might be a perception that some of our philosophical ethics are more aligned with one political party or another, we go to some considerable extent to play the issue independently.

**CHAIR** - Sure. I wasn't trying to say because you're from TEA you're supporting a political view. What I was saying is in all walks of life there is always another opinion. With Rick Osborne coming and saying this and then the Wilderness Society asking this body, 'Can you please go away and look at our forest practices and then come back and report on it', and then they come back with 'highly commendable' - views from both sides.

**Mr RICKETTS** - Right. One of the opportunities I see for this ethical committee and one of the problems in Tasmania is the politicisation of certain issues. I don't see that is of benefit, so an ethical opportunity is to think of structures and processes which is what you're really looking at, I think, as well as behaviours, especially certain longstanding contentious issues, out of the political arena. You might find resolutions when you move away from that - because when it becomes a political football, it's this person's spin versus that person's spin, and it doesn't resolve the problem.

**CHAIR** - Andrew, spin is going to play a big part in the India-Australia test as well. I don't want to completely put a full stop, but we have run overtime.

**Mr RICKETTS** - Thank you very much for the opportunity. I hope -

**CHAIR** - Thanks for your interest.

**Mr HALL** - We deliberate well. Is that what you meant to say?

**Mr RICKETTS** - I hope it's been useful. Thank you.

**THE WITNESS WITHDREW.**

**Mr PETER and Mrs SANDRA HUNTER WERE CALLED, MADE THE STATUTORY DECLARATION AND WERE EXAMINED.**

**CHAIR** - Thank you for coming along Sandra and Peter. It is an informal process giving evidence to this committee. The evidence you give is privileged evidence which means that you are protected with whatever you say and nobody can sue you but if you take the evidence outside and say what you have said in here you are not covered by that same protection. If there is any evidence that you want to give in camera, or in private, please let us know and that can occur which means the evidence is only for our ears and it is not made public. So if there is anything embarrassing or whatever that you think should be heard just by us please let us know that as well.

The way we deal with it is we let you read or speak to your submission and then we ask you questions. So we will let you start.

**Mrs HUNTER** - Well I will kick off. We have listed a few examples of what concerns us within the State. We are particularly concerned about the pulp mill process because we live near that area and we are Tamar Valley people so we are particularly worried about that.

We are worried about allegations of political interference in judicial appointments, allegations of corruption and ethical misconduct within the State Government. We have had the Bryan Green fiasco, the Steve Kons fiasco, the entire pulp mill assessment procedure including the fast track legislation allegedly with proponent Gunns' own lawyer assisting the process. We are not sure about that but that certainly is the perception out there in the community that Gunns actually had their own person, lobbyist, assisting with that. I find that incredible if that is true in that we can have a company with such a big stake and yet they can have an input that nobody else could have and with a benefit to them in that stake, in that legislation. That is a perception that is out there, whether it is true or not. People are worried that this company has more shall we say benefit from political input than any other company in this State.

We have actually sent in many submissions over this issue. We have one here. The Chairman of the RPDC, Mr Julian Green, was concerned about the activities of the Government's instrumentality, the Pulp Mill Task Force, and alleged political interference and I will let Peter take over from that one about Mr Green.

**Mr HUNTER** - As my wife said, we live in close proximity to the pulp mill site. That is the view from our lounge room looking directly at the pulp mill site - five kilometres away. When the pulp mill was first proposed we were very interested, to say the least, so we decided to get involved, being good citizens. We had a gentleman from the Pulp Mill Task Force called Mr Dario Tomat come to our house to explain things that were going to happen. I believe he is high up in Forestry somewhere in the south. Perhaps my wife should tell the story because I was not there, I was in hospital at the time.

**Mrs HUNTER** - I will take over from there. Dario explained it all to me and said how good it would be for us and then he said, 'I do not know why you are worried, Mrs Hunter, this is only going to smell for only four or five days of the year and you may not want to go outside during that time'. I said to him, 'Which four or five days of the year, Mr Tomat, is it the day I am having a barbecue, the day I am having guests around or is it a day I



might want to choose to just sit outside in the sun?' I must say, I grabbed him by the arm, dragged him outside onto our bank and said, 'Now, what do you see?' He was quite confused because all he saw was the river. It was a beautiful day and I said, 'Tell me what you see.' He said, 'Yes, it is very beautiful.' I said, 'That's right, it is very beautiful, but it will not be beautiful if nobody can sit outside and enjoy this, if no tourists want to come here and if we do not want to live here indeed.' So he made his escape.

**Mr HUNTER** - Subsequently, we became interested and we have sent a total of four submissions, I think three to the RPDC and one directly to Gunns. I believe the whole RPDC process was compromised right from the word go, before the RPDC even became involved and we had this Pulp Mill Task Force bus going around the districts giving away free balloons and information about what a wonderful thing this pulp mill was going to be and that we could drink the effluent. They said the only thing that will come out of the chimney is water vapour and so on. This is before the RPDC even started considering submissions.

We had submission 127 for the RPDC. We came home one day to find a glossy brochure in our letterbox full of Pulp Mill Task Force propaganda, pro-mill stuff, DVDs, what a wonderful thing it is, saying we can drink the effluent and there is only water vapour coming out of the chimney, it is going to be so wonderful for all of Tasmania, you will get \$800 each or something. Quite frankly, we were incensed that we had put 100 hours into our submission, asking questions that we wanted answers to and yet another government body, funded by the taxpayer, was spreading this information around the district before it had even been considered by the RPDC. This is our letter to Julian Green and I quote:

'In a democratic society it is incongruous to have a government commission which promises transparency and justice, while another government body distributes this appallingly biased material funded from the public purse during the RPDC's decision-making process. We await your written response to our serious concerns.'

I think we were quite entitled to send that to Julian. He wrote back to us:

'Dear Mr and Mrs Hunter,

Thank you for your letter dated 25 November 2006. The Commission shares your concerns as set out in your letter and is making its own inquiries with regards to the activities of the Pulp Mill Task Force. I will let you know the outcome of their inquiries'.

That was the last we ever heard from Julian Green. The rest is history. He has resigned, taken a fair lump sum and we have never heard from him since. He could claim political interference. That is our experience with our submission. It went from bad to worse. Next thing we had Justice Wright in charge of the process. We went along to a second directions hearing. I asked a question of Justice Wright which was in view of the Premier's recent statements where he said that he may not necessarily be bound by the decision of the RPDC, was the RPDC was on a road to nowhere? He said, 'That may well be the case, Mr Hunter, but while I am in charge here things will be done in a right

and proper fashion'. The rest is history. The next thing Justice Wright was complaining about improper political interference and the Premier was acting at the behest of Gunns.

**Mrs HUNTER** - Mr Wright, speaking of the ex-Premier Paul Lennon, said he was trying to please Gunns and it was a completely inappropriate attempt to pressure him. Those were his words. How did that make us feel? It made us feel very bad because this affects us so much. It is not whether there is corruption, it is a perception of corruption. That is so important, and let me tell you we certainly have a perception. We hope that something comes out of this. We are also a bit concerned that there is an air of fear. We are prepared to come here today to say how we feel, but there are many who are not because they are afraid of the consequences. I am so sad about that in Tasmania; it should not be the case.

**Mr HALL** - What are the consequences they are afraid of?

**Mrs HUNTER** - Consequences of a company that bullies perhaps employees who want to speak out. Not all employees of this company like the company and we know of people who would speak out but they are afraid, and that is concerning. It is concerning that when you have a whistleblower in this State that they are not treated very fairly.

**CHAIR** - As you are aware, the committee will say whether there has to be a body, if there is to be a body how it will be constituted, what happens if there is illegality, whether that should go to the DPP to investigate, et cetera. If there is no illegality, should it be a name and shame process or where should we go?

**Mrs HUNTER** - We believe it should be a fully-funded, independent anticorruption body. We would like to see wide-ranging retrospective investigative powers -

**CHAIR** - My personal view is, and I do not know if it is the committee's as well, that they would have to have some retrospectivity because if you look at an issue, how could you suddenly say you could not look at what happened yesterday as opposed to today?

**Mr HUNTER** - I think Ms Giddings said she would like to see a committee that had teeth but not fangs, but I would like to see a committee that had a blow lamp.

**CHAIR** - Yes, you need a committee to do the committee's job and that would have to be, I would have thought, at the discretion of the independent person in charge without interference from government.

**Mr HALL** - If I could be the devil's advocate, we also had evidence from eminent people that retrospectivity is not the way to go. It has been proven in Ireland where they have been down the track of looking at past alleged misdeeds over a period of five years or so. They achieved nothing, all they ended up with was making all the lawyers rich - with due deference to Mr Wilkinson. That has happened and they said we should move forward and not back and we ought to look at the best models. I am just been the devil's advocate, I am not saying -

**Mrs HUNTER** - You certainly are.

**Mr HUNTER** - This whole thing has been going on for four years. The First World War only lasted that long. We are living a nightmare. It is not just us, there are hundreds of people in our district, all wondering if they should put a coat of paint on the house, whether they should put that extra room on, whether they should seal the driveway or whether they are just going to send good money after bad. The house and property have been absolutely devalued by this whole process. Our local real estate agent - I call in and see him regularly. We are on first-name terms: 'How are things this week, Tim? 'Mate, the market is crap down your way', 'Pulp mill?', 'Yes'. I say, 'You are prepared to come out in public and say that?' He said, 'No' -

**Mr HALL** - The market is 30 per cent down down in Hobart at the moment too.

**Mr HUNTER** - Yes, but see what it would be like if you had a pulp mill established in Sandy Bay. Anyway, where was I going after that?

**Mrs HUNTER** - We were talking about the make-up of the body.

**Mr HUNTER** - Yes, it must have retrospective powers because, as I say, after four years we find ourselves living in a home that is seriously devalued by this whole thing. After all our work with our submissions and everything we find that the pulp mill, if it goes ahead, is not bound by the State's air quality act - the only industry I think in this State that does not have to abide by the air quality act. For the first two years of its operation there is unlimited releases of what is called TRS emissions - that is the stinking hydrogen sulphide, rotten egg stuff - two years' unlimited release. We have the Pulp Mill Task Force man telling us that there will only be four or five days of the year where we won't want to go outside.

Then on top of all that, we have this rotten Pulp Mill Assessment Act and in particular the odious clause 11 that says to my wife and myself that if your health or the health of your children is affected and can directly be attributed to the pulp mill, you have no recourse to law. I ask you, gentlemen, what politician who says prayers before they sit down to do their work for the day would ever vote for that, that would deny the citizens the right to their day in court if their health is affected?

**CHAIR** - I hear what you say. So if there is this body, you would hope it to do what?

**Mr HUNTER** - I hope the body would be able to find out if Gunns' lawyers actually helped draft this legislation. I would like this body to tell me or tell the public that Tony Fletcher is allowed free range through the corridors of the upper House, that he actually sits down in committee with the members.

**CHAIR** - That was not correct - not sitting down in committee. There was no committee that was taking place at that time.

**Mr HUNTER** - I can only go on what I hear around the traps.

**Mrs HUNTER** - Perceptions.

**CHAIR** - Perceptions, that is right. That is what the issue is.

**Mr HUNTER** - I hold Don Wing in the highest regard and his comment on the whole Pulp Mill Assessment Act is that it has been the saddest and darkest two years in his memory.

**CHAIR** - There was no committee though that Tony Fletcher sat on. This is the committee and there was no committee like this that Tony Fletcher sat on.

**Mrs HUNTER** - We accept that.

**Mr HUNTER** - During the pulp mill debate.

**CHAIR** - There was no committee at all. There were briefings.

**Mrs HUNTER** - Was it a briefing?

**CHAIR** - But they are totally different.

**Mr HUNTER** - We heard that he had just wandered freely through the Parliament, our Parliament. Am I allowed to wander freely through the Parliament?

**Mr MARTIN** - He was entitled to as a former member.

**Mr HUNTER** - As a former member. A paid lobbyist.

**Mr HALL** - As so we had an enormous amount of briefings from all sides and particularly more, I have to say, from the anti side than the pro side. Much more.

**CHAIR** - Fifty hours of briefings.

**Mrs HUNTER** - We would like to see this body reporting to the Tasmanian Parliament, not to the Tasmania Government.

**CHAIR** - I know that area personally but I have a question mark over how you do it.

**Mrs HUNTER** - I do not know.

**CHAIR** - It would seem to me that, if there was a body that was in place in relation to ethics, corruption - whatever you want to call it - if that body with their investigative work found that there was illegality then that matter should go to the DPP because if there is illegality, if it is against the law, if it is criminal, it should go to the DPP because they are experienced to look after that area. If it falls short of illegality and becomes immoral, unethical, whatever it might be, should it go to a joint committee of the House for a name and shame type situation or should that name and shame be within the powers of the commissioner to name and shame the person who, let us say, has fallen short of illegality but done something which you would not want your children to do?

**Mr HUNTER** - I think there is any number of models you can use. I think the Fitzgerald Inquiry in Queensland cleaned that place up a bit.

**CHAIR** - It did originally, yes. Then they have the argument that it was \$53 million in perpetuity and it cost an absolute fortune for, in the end, not much sort of return.

**Mr HUNTER** - What price do you put on justice?

**CHAIR** - I agree with that, no argument with that, but what price do you put on people also in a situation where they closed it down in the end - there is a different body up there now - because of the way it was working. At first it was good. Often it occurs at the start, as you know with New South police and in Western Australia with the police. That is how they originally started. Once they weeded that out there has to be an ability, I think, for a person to say 'Okay, now what do we do? Do we continue it on or do we have a person as a commissioner set up in a position where if there is a complaint made he has the ability to look out for that complaint and investigate it and then come down with the findings. Can you see what I am getting at?

**Mrs HUNTER** - I can. I think we are trying to say that we want a body that nobody can hide from -

**CHAIR** - Sure.

**Mrs HUNTER** - or be protected by members.

**Mr HUNTER** - When you go through with a lamp someone is going to get singed.

**CHAIR** - If they deserve to be singed there is no argument.

**Mr HUNTER** - I do not have a problem there.

**Mrs HUNTER** - No.

**CHAIR** - That is right, and I do not think any of the committee has an argument with that. When you say it is answerable to the Parliament, how is it to be answerable to the Parliament? Is it to be answerable to the Parliament via this joint standing committee or does just the actual recommendation of the commissioner go to both Houses of Parliament? Can you see the difference?

**Mrs HUNTER** - I can. I have not given that enough thought to be able to say which would be best, I must say.

**Mr HUNTER** - I do not think there is any point taking it to the DPP because he will only talk to the Governor. He has lost complete confidence in the Government altogether. He will only talk to the Governor.

**CHAIR** - Yes, although I think he said that was only in relation to that certain issue. There was a proviso with that.

**Mrs HUNTER** - There is yet another perception for the people of Tasmania that they witnessed as well.

**Mr HALL** - In regard to a matter we have had brought up a few times in regard to ethical training, it has been suggested that perhaps for members of parliament, senior

bureaucrats, members of local government, there ought to be a formalised course in training on ethics. Have you an opinion on that?

**Mr HUNTER** - I think it is a sad day when people have to do an ethics course. I know what is ethical, I know what is right, I know what is wrong. Clearly a lot of people in the past don't.

**Mrs HUNTER** - Do you have to be taught not to abuse your position?

**CHAIR** - I do not think you do. I think the majority of people, whatever they do, do what they believe is the right thing on the evidence that they have before them but it is a perception issue, as you say. Part of that perception issue, I think, may be assisted by continued professional development. Some might ask whether you need that. The argument is yes you do, that is why they have it, and it is a bit like that, that people have to be reminded from time to time.

**Mr MARTIN** - I think one of the problems we have in addressing this as a committee and as a society is that when we are talking about ethics, whether you call it ethics or morals or standards or values or whatever term we use, the fact is that everyone has a different view; it is a subjective thing. In different societies and cultures they have different standards. What we are trying to do is come up with a set of rules by which we all abide by. I think the beauty of democracy when it works properly is that you get a cross-section of the population making the decisions on behalf of the population. You don't work from a set of rules where you have road-blocks all coming from one perspective. Every human being's values or morals are the result of their journey through life from the day they are born, their education and what they have done in later life. So where I think we have the difficulty is in coming up with a set of rules. As to the actions of one particular person who has been mentioned in the last half-hour, I think his actions were appalling, but he would not think he had done anything wrong. That's the problem.

**Mr BEST** - If I can answer that, we had some evidence given this morning about guidelines of what would constitute ethical conduct but also as a yardstick for whatever it is we want to end up with, and these are some of the topics that have been presented: transparency; what constitutes meaningful consultation; accountability; looking after whistleblowers; what constitutes conflict resolution; what constitutes negotiations; and honesty and trustworthiness. They were things that could be perhaps better defined for all and that would not apply to, say, elected people, being government members, but also people in local government and perhaps even the Public Service.

**Mr HUNTER** - They're all nice words and everything, but you didn't mention political donations.

**Mr BEST** - Well, Nick McKim is not here and that has been his pet question which has been put to people.

**Mr HUNTER** - I think the matter of political donations is at the heart of all these problems we have. When a company or an individual makes a donation to a certain political party, he expects something in return.

**CHAIR** - Should it only be political donations of an individual? It is where to stop in relation to that, isn't it? Should it be the family? It should be more than donations of money, shouldn't it?

**Mrs HUNTER** - Are we talking about acts of generosity?

**CHAIR** - Yes.

**Mrs HUNTER** - That could encompass quite a lot.

**CHAIR** - That is right. There has been a lot of evidence that political donations should be made public, but it would seem to me that it doesn't only have to be a donation. It can be, as you say, acts of generosity, free work done, free holidays or whatever it might be.

**Mr HUNTER** - Or a kitchen renovation.

**CHAIR** - It can encompass a lot of different things. Somebody also brought up that in the Education Act there is to be an academy and a polytechnic. What this person, who is an educationalist, was asking was why isn't parliament, ethics - whatever it might be called; it used to be modern government many years ago - a part of the polytechnic and should it be a part of the polytechnic? If you're a doctor you practise medicine before you become a doctor; if you're a teacher you study teaching, and lawyers study law et cetera. Members of parliament go in without any real training. If they get elected, they get a pat on the back and are told, 'All the best', but that is about the only training they get other than their life experience up until the time they are elected. They were talking about a subject within a polytechnic which might become part of this CPD - continuing professional development - which might be worthwhile. Again, it is the perception issue that you have been talking about.

**Mr HALL** - That was the point I was trying to get across before and Jim has talked about it in a more formal sense as to how it might be achieved. Whilst, as he said, we all have life experience - and mine is in agriculture and law; Jeremy is agriculture - we are all different and we have all had different backgrounds. Local government, for example, is part of the background I have had and Terry and Brenton have had. Some councils do have inductions and explain what conflicts of interest are and they do that quite well, but others do not.

**Mr BEST** - In the police force, for example, it is part of their training to study ethical conduct.

**Mrs HUNTER** - If I shake my hand with you on a deal as perhaps a lawyer, a farmer, dentist or whatever, I know where we stand, whether I am coming from a teaching background or you are coming from a legal background or a farming background. I do not need a piece of paper to say that the expectations of this deal are that you will be honest. We all know what honesty is.

**CHAIR** - But we know some people do need that bit of paper, don't we?

**Mrs HUNTER** - Do they?

**CHAIR** - Yes, they do.

**Mrs HUNTER** - Or are they just dishonest?

**CHAIR** - Well, probably because they push the boundaries on whatever it might be and as a result, that is why agreements are written agreements.

**Mrs HUNTER** - But it will not matter how much you teach those people.

**Mr HUNTER** - Do you think one of the flaws in our democratic system is that all the political parties put up who they want and you vote for him or you vote for the other? If he gets into power, does he do what is best for these people out here or does he do what is best for him? In a lot of cases, he does what is best for him. Until we have a system where, perhaps like this pulp mill issue, everyone is given a vote on it, 'Do you want this pulp mill - yes or no?', then the system is going to bog down.

**Mr BEST** - I have listened to what you have said and I accept much of what you have said about -

**Mr HUNTER** - All, I hope.

**Mr BEST** - Yes. I suppose the thing that I pick up from what you have explained today and your experiences is that you have quite serious questions about the process, and what I hope to do on this committee is to come up with some sort of body and process that ensures that these sorts of things do not occur in Tasmania because it is not the sort of Tasmania that I particularly want to be part of. As to whether you have a conscience vote on a planning issue, I just think you should have the proper processes in place to make sure that planning issues are dealt with properly and you do not have the sorts of experiences that you have had, and if it did end up off the rails that you would have somewhere to go because with the complaints you have, really you do not have a lot of scope to take them to get them investigated, because it is about behaviour or failures.

**Mr HUNTER** - It must be retrospective, because what we are complaining about is second legislation which we consider to be absolutely appalling.

**CHAIR** - There is no argument with retrospectivity, I do not believe, because that is the only way you can properly investigate something. You cannot investigate something from tomorrow if the majority of it happened yesterday.

**Mr HUNTER** - With a large issue like this pulp mill thing, why have you never given the people a vote on it? Why have you not said, 'Let's have a referendum'?

**CHAIR** - That was obviously an option but it is outside the realms of this committee.

**Mr HUNTER** - Why is it that every time there is an election it will be majority government or some other issue that comes along that has completely nothing to do with what is affecting our lives?

**CHAIR** - I hear what you say. Some argue that the ballot box is the ultimate device where you say whether you agree or disagree. I know time runs from three to six years -



**Mrs HUNTER** - Exactly - that legislation is now enshrined and that was not there, so perhaps it would have been a different ballot box.

**CHAIR** - But that is one of the issues.

**Mrs HUNTER** - We are very worried about this legislation that takes away all rights from us and our neighbours. There is no right at all. If, for instance, I have a piece of land with the pipeline going through it and this pipeline burst and damaged my property, I have no redress, none.

**CHAIR** - I question that.

**Mrs HUNTER** - Please read it carefully. There is no redress.

**Mr HUNTER** - We consider it an appalling piece of legislation, and for Christian people who say prayers before they sit and pass this is beyond us.

**CHAIR** - We hear what you are saying.

**Mr HUNTER** - The West Tamar Council had a voter poll on the pulp mill and 56 per cent of people voted no. But our mayor, who is a pro-pulp mill man - and that is on the record - said that was not really representative because not everyone in the municipality voted on that day. On the other hand, we had a voter poll in George Town where 56 per cent of people were in favour of it which the mayor said was a ringing endorsement for the pulp mill. Yet our mayor says it was not representative. So you are in the hands of your mayor, really, aren't you?

**CHAIR** - You do not have to accept what he says and I think that most people could read into that what has occurred, anyone with an ounce of intelligence, anyway.

**Mrs HUNTER** - Needless to say, the council has changed its point of view.

**Mr HUNTER** - You don't have to be Norman Einstein - sorry, that is an in-joke. It's a football coach's saying over the years.

**CHAIR** - It wasn't Jack Dyer, was it?

**Mrs HUNTER** - No it was some coach over on the mainland who said, 'Look, boys, you don't have to be Norman Einstein'.

**Mr HUNTER** - So thank you, gentleman, for listening to us. I have to say that we and hundreds of other people in our district have lost confidence in this Government and in our planning processes.

**Mrs HUNTER** - We'll include the Opposition in that as well. That is how we feel.

**Mr HUNTER** - Mr Martin can come to Launceston any time and get a standing ovation, no worries.

**CHAIR** - Thank you for coming along.

**THE WITNESS WITHDREW.**