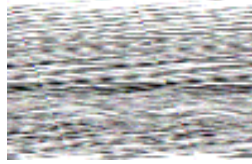


2008

(No.)



2008

PARLIAMENT OF TASMANIA

**JOINT SELECT COMMITTEE ON
ETHICAL CONDUCT**

Interim Report

*Brought up by Mr Wilkinson and presented to the President of the Legislative Council pursuant to
Standing Order 197 (L.C.).*

MEMBERS OF THE COMMITTEE

Legislative Council

Mr *Wilkinson* (Chair)
Mr *Hall*
Mr *Martin*
Ms *Thorp*

House of Assembly

Mr *Best*
Mr *Llewellyn*
Mr *McKim*
Mr *Rockliff*

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By Authority: Government Printer, Tasmania

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APPOINTMENT AND TERMS OF REFERENCE

The motion for the establishment of the Committee was moved in the House of Assembly on Wednesday, 28 May last and agreed to, with an amendment, by the Legislative Council on Tuesday, 10 June last. The Resolution, as amended, was agreed to by the House of Assembly on Wednesday, 11 June last.

The Resolution provides as follows:-

That a Joint Select Committee be appointed, with power to send for persons and papers, with leave to sit during any adjournment of either House exceeding 14 days, and with leave to adjourn from place to place to inquire into and report upon the issue of ethical conduct, standards and integrity of elected Parliamentary representatives and servants of the State in performing their duties with particular reference to—

- (a) a review of existing mechanisms currently available to support ethical and open Government in Tasmania and the capacity to conduct independent investigations;*
- (b) an assessment of whether those mechanisms need to be augmented by the establishment of an Ethics Commission or by other means and if so by what means; and*
- (c) any matters incidental hereto.*

INQUIRY

The Committee resolved at its first meeting of 17 June last to invite, by way of advertisement on the Parliament of Tasmania internet page and in the three daily regional newspapers, interested persons and organisations to make a submission to the Committee in relation to the Terms of Reference. In addition to such general invitation, the Committee directly invited a number of persons and organisations to provide the Committee with any information they deemed to be relevant to the inquiry.

The Committee has, to date, received 130 submissions and in addition, many documents have been provided as exhibits.

PROGRESS REPORT

The Committee resolved at its first meeting to operate under the Standing Orders of the Legislative Council. Standing Order 200 of the Legislative Council states that “The evidence taken by a Select Committee of the Council, and the documents presented to such Committee, which have not been reported to the Council shall not be referred to in the Council by any Member, or published or disclosed by any

Member or by any other person.” Generally, this provision ensures that documents received by the Committee remain confidential to the Members of the Committee until the Committee reports to the House/s, whereupon all such documents, except any that the Committee has ordered to remain confidential, become public.

The subject matter of the inquiry is of such great public interest and the Committee has received a number of representations from interested persons seeking to know the contents of submissions. It is anticipated that this inquiry will not be completed for some months, and accordingly, were the usual procedure to be followed, the submissions would remain confidential for that period of time.

In the interests of openness and to allow maximum public exposure to the issues to which the Committee is addressing itself, the Committee has resolved to table an Interim Report pursuant to Standing Order 199 of the Legislative Council. Such Interim Report provides the mechanism to enable the submissions to become public documents.

EVIDENCE

The Committee is of the view that the clear intention of both Houses is for the Committee to examine the relevant structures and Offices which are in place and whether or not such structures and Offices may be improved or augmented in any way.

The Committee was sent a number of submissions from persons which detailed their negative experiences in dealings with public bodies and/or officials in the apparent expectation that the Committee is a form of appeals body or investigative authority which has powers and functions that would allow it to investigate or revisit such cases and recommend a specific remedy. It is quite clear in the view of the Committee that the inquiry does not extend to an investigation of such cases.

The Committee carefully considered the receipt of all submissions. Such deliberations were conducted within the context of both: the strong desire of the Committee for an open process; and the need to ensure the inquiry is conducted in such a manner so as to ensure that reputational harm is not effected by the publication of evidence with the protection of Parliamentary privilege without affording those who are named as the subject of claims an opportunity to refute such claims.

Accordingly, with the exception of one submission which the Committee resolved not to receive as it was submitted anonymously and a further submission regarding which enquiries have been made as to authorship, all submissions were received and taken into evidence, thus informing the Committee’s inquiry.

The Committee further resolved however, that some of these submissions should not be reported in order to ensure that no breaches of natural justice occurred by the denial of any right of reply and the possible denial of natural justice.

The documents received, taken into evidence and ordered by the Committee to be reported are listed in Annexure ‘A’. Such documents are reported herewith.

The documents received, taken into evidence and ordered by the Committee not to be reported or made public are listed in Annexure 'B'.

The document not received by the Committee is listed in Annexure 'C'.

RECOMMENDATIONS

It is the very strong desire of the Committee to hear evidence throughout the State from those who have made submissions and to give an opportunity for any other interested persons and organisations to participate in this inquiry. The volume and complexity of the subject matter of the inquiry is also such that the requirement to report by Tuesday, 28 October next cannot be achieved.

Accordingly, the Committee recommends to both Houses that the reporting date for the Committee be extended until Thursday, 30 April next.

The Committee further recommends in accordance with Legislative Council Standing Order 202 that the documents listed in Annexure 'B' be not published.

**Parliament House
Hobart
11 September 2008**

**Hon. J. S. Wilkinson M.L.C.
Chair**

ANNEXURE 'A'

No.	Details
1	Dallas Williams – Submission dated 20 June 2008
2	Philip Lowe – Submission dated 26 June 2008
11	John Forsyth – Submission undated
15	Residents of Elliott Road, Glenorchy – Joint Submission dated 9 July 2008
16	Allan Garcia, Local Government Association Tasmania – Submission dated 9 July 2008
19	Robert Patterson - Submission dated 13 July 2008
20	Patrick Synge – Submission dated 16 July 2008
21	Malcolm and Karen Mars – Submission dated 18 July 2008
22	Randolph Wierenga, President, Police Association of Tasmania – Submission undated
23	Hon Terry Martin MLC – Draft Independent Commission Against Corruption Bill 2008
24	Robert Edwards – Submission dated 18 July 2008
25	Wendy Edwards – Submission dated 18 July 2008
26	Emeritus Professor Stuart McLean, School of Pharmacy, University of Tasmania – Submission dated 23 July 2008
27	Peter Godfrey – Submission dated 23 July 2008
28	Mike Bolan – Submission dated 24 July 2008
29	Anne Layton-Bennett & John Donnachy – Submission dated 25 July 2008
30	Corey Peterson – Submission dated 26 July 2008
31	Helen Thyne – Submission dated 24 July 2008
32	John Hayward – Submission dated 26 July 2008
33	G. H. Chandler – Submission dated 26 July 2008
34	Diana Nunn – Submission dated 24 July 2008
35	William Mooney – Submission dated 27 July 2008
36	Professor W. J. Spence – Submission dated 27 July 2008
37	Dave Groves – Submission dated 28 July 2008
38	Mark Rickards – Submission dated 27 July 2008
39	John O'Dell – Submission dated 28 July 2008
40	Karl Stevens – Submission dated 26 July 2008
42	Gerri Rantall-Sykes – Submission dated 24 July 2008

- 43 Jacqueline & Philip Crouch – Submission dated 28 July 2008
- 44 Emeritus Professor Peter Boyce, School of Government, University of Tasmania – Submission dated 24 July 2008
- 45 Prof Richard Herr, Honorary Research Associate, University of Tasmania – Submission undated
- 46 Jennie Herrera, Tasmanian Quaker Peace & Justice Committee – Submission dated 21 July 2008
- 47 H.M. Blake, Auditor-General – Submission dated 23 July 2008
- 49 Jonathan Bedloe – Submission dated 28 August 2008
- 50 Kenneth R. Harris – Submission dated 27 July 2008
- 51 Barbara Daly – Submission dated 25 July 2008
- 52 D. J. Le Fevre – Submission dated 28 July 2008
- 53 Duplicate of Submission 43
- 54 Jack Lomax – Submission dated 28 July 2008
- 55 Professor John Biggs – Submission dated 28 July 2008
- 56 Annie Zon – Submission dated 28 July 2008
- 57 Simon Paul – Submission dated 28 July 2008
- 58 John O’Dell – Submission dated 25 July 2008
- 59 Mark Rickards – Duplicate submission 38
- 60 Alister Mills – Submission undated
- 61 Mr Karl Stevens – Submission dated 29 July 2008
- 62 Jo McRae – Submission dated 29 July 2008
- 63 Peter Pullinger – Submission dated 28 July 2008
- 64 Leonie Pullinger – Submission dated 29 July 2008
- 65 Marrette Corby – Submission dated 28 July 2008
- 66 Arnold Rowlands – Submission dated 29 July 2008
- 67 James T. Graham – Submission dated 28 July 2008
- 68 Melanie Stone – Submission dated 27 July 2008
- 69 Dr Torsten Hartmann – Submission dated 30 July 2008
- 70 Serena Rule – Submission dated 30 July 2008
- 71 Deborah Drinkell – Submission dated 30 July 2008
- 72 Dr David Obendorf – Submission dated 30 July 2008
- 73 Lucia Ikin – Submission dated 30 July 2008
- 74 Les C. Cartledge – Submission dated 30 July 2008
- 75 Andrew Holliday – Submission undated
- 76 Elizabeth Perey – Submission dated 30 July 2008

- 77 David Mazengarb – Submission dated 26 July 2008
- 78 Alan Matfin – Submission dated 25 July 2008
- 79 Peter A. Elkin – Submission dated 30 July 2008
- 80 Benedict Bartl, Hobart Community Legal Service Inc. on behalf of
Rodney Nichols – Submission dated 31 July 2008
- 81 Dr Frank Nicklason – Submission dated 31 July 2008
- 82 Dr Elizabeth Smith – Submission dated 31 July 2008
- 83 Jess Wright, Environment Tasmania Inc. – Submission dated 31 July
2008
- 84 Clive M. Stott – Submission dated 30 July 2008
- 85 Brian Sampson, New Town Community Association Inc. – Submission
dated 31 July 2008
- 86 Cathran Bowyer – Submission dated 31 July 2008
- 87 Ula Majewski, Still Wild Still Threatened – Submission dated 31 July
2008
- 88 Karl Stevens – Submission dated 31 July 2008
- 89 Susan Austin, Social Alliance – Submission dated 30 July 2008
- 90 W. Peter Meadley – Submission dated 31 July 2008
- 91 Tim Douglas – Submission dated 31 July 2008
- 92 Sven Wiener – Submission dated 31 July 2008
- 93 Michael Noble – Submission dated 28 July 2008
- 94 Jacob Knevett, Waimea Heights Primary School – Submission undated
- 95 Michael Ahrens, Transparency International Australia – Submission
dated 31 July 2008
- 96 O.V. & P.A. Taylor – Submission dated 1 August 2008
- 97 Andrew Ricketts, The Environment Association Inc. – Submission
dated 1 August 2008
- 98 Marion Nicklason, Tasmanians for a Healthy Democracy – Submission
dated 1 August 2008
- 99 The Wilderness Society (Tasmania) Inc. – Submission dated July 2008
- 100 Marion Nicklason – Submission dated 29 July 2008
- 1A Sandra & Peter Hunter – Submission dated 1 August 2008
- 2A Wayne Crawford – Submission dated 1 August 2008
- 3A Susan F. Gunter – Submission dated 4 August 2008
- 4A James Ingles – Submission dated 1 August 2008
- 5A Bruce Scott - Submission – Submission dated 1 August 2008

- 6A T.J. Ellis S.C., Director of Public Prosecutions – Submission dated 30 July 2008
- 7A Hon Will Hodgman MP, Leader of the Opposition – Submission dated 1 August 2008
- 8A P. G. Holloway – Submission dated July 2008
- 9A J. Johnston, Commissioner of Police – Submission dated 1 August 2008
- 10A Maureen A. Murray – Submission dated 29 July 2008
- 11A E. Pugh – Submission dated 30 July 2008
- 12A Gwenith P. Trueman – Submission dated 30 July 2008
- 13A Simon Allston, Ombudsman – Submission dated 4 August 2008
- 14A James Ingles – Submission dated 1 August 2008
- 15A Paul Davis – Submission dated 1 August 2008
- 16A Mrs Jane MacDonald, Save Ralphs Bay Inc – Submission dated 1 August 2008
- 17A Liila Hass, Convener, Future Tasmania – Submission undated
- 18A Dr/Ms Wynne E. Russell – Submission dated 8 August 2008
- 19A Peter Brownscombe – Submission dated 8 August 2008
- 20A Jeff Malpas, Professor of Philosophy, University of Tasmania – Submission dated 8 August 2008
- 21A Dr Andrew Vidor – Submission dated 8 August 2008
- 22A Michael Stokes, Senior Lecturer, Law School, University of Tasmania – Submission undated
- 23A Cassy O’Connor MP – Submission dated 11 August 2008
- 24A Kevin Lindeberg – Submission dated 18 August 2008
- 25A Tasmanian Government Submission – Submission dated 22 August 2008
- 27A George and Jennifer Ettershank – Submission dated 20 August 2008
- 28A Suzanne Lockhart – Submission dated 1 September 2008
- 29A Andrew Paul, General Manager, Clarence City Council – Submission dated 8 September 2008
- 30A Suzanne Lockhart – Submission dated 5 September 2008

ANNEXURE 'B'

3	Alwyn Johnson – Submission dated 1 July 2008
4	Alwyn Johnson – Submission dated 2 July 2008
5	Alwyn Johnson – Submission dated 4 July 2008
6	Alwyn Johnson – Submission dated 6 July 2008
7	Alwyn Johnson – Submission dated 5 July 2008
8	Alwyn Johnson – Submission dated 5 July 2008
9	Alwyn Johnson – Submission dated 6 July 2008
10	Alwyn Johnson – Submission dated 6 July 2008
12	Alwyn Johnson – Submission dated 8 July 2008
13	Alwyn Johnson – Submission dated 8 July 2008
14	Alwyn Johnson – Submission dated 9 July 2008
17	Alwyn Johnson – Submission dated 14 July 2008
19	Robert Patterson – Annexures to Submission
48	John Hawkins – Submission dated 23 July 2008
80	Benedict Bartl, Hobart Community Legal Service Inc. on behalf of Rodney Nichols - Annexures to Submission
5A	Bruce Scott – Annexures to Submission
26A	Geraldine Allan – Submission dated 18 August 2008

ANNEXURE 'C'

41 Anonymous submission dated 24 July 2008