

# SUBMISSION TO THE JOINT SELECT COMMITTEE ON ETHICAL CONDUCT

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Members of the Joint Select Committee  
Select Committee on Ethical Conduct  
Parliament House  
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Members of the Joint Select Committee

## **Re: Inadequate Existing Mechanisms for Ethical and Accountable Government in Tasmania. Recommendations for Independent Investigative Body**

Thank you for allowing us the opportunity to contribute towards the discussion process for Ethical and Accountable Government in Tasmania.

We believe the current existing Tasmanian mechanisms designed to ensure ethical and accountable government are inadequate, and we call on the Tasmanian state government to establish an independent body to address the questions of corruption and ethical misconduct in this state with investigative as well as educative powers.

A number of recent developments in Tasmania are strongly suggestive that those mechanisms designed to ensure good governance are failing to work properly.

It is of concern to us that allegations of corruption and serious ethical misconduct at the state government level have failed to be fully investigated. It is also of concern to us that a deputy premier who was found to have lied to Parliament has retained his seat and may be undergoing political rehabilitation, while allegations of serious political interference in judicial appointments have yet to be reported to the public.

It is of even more concern to us that the *Pulp Mill Assessment Act 2007* even provides that no review for criminal conduct operates to delay the issues of the Pulp Mill Permit, nor any actions authorised by it. In fact Section 11 of the Act effectively removes all right of redress about any impact the pulp mill might have on the health, livelihoods, businesses, property values - anything at all in fact that is detrimental or harmful to individuals who may be adversely affected by the mill.

The Director of Public Prosecutions, Tim Ellis SC, has stated that Tasmania lacks any independent investigative body capable of addressing such issues. We believe it is important that an independent investigative body be available to Tasmanians, where the public can have faith that questions of governance will be dealt with confidentially, professionally, efficiently and effectively.

We therefore call on the Joint Select Committee to establish an independent anti-corruption body with:

- at least one mainland appointment
- an independent and guaranteed budget indexed to the CPI
- reporting to Parliament, not to government

That such a body should include both an ethics education component and significant investigative capacity, including the ability to engage in retrospective investigation where there is a continued impact on public policy, subject to statutes of limitations.

We believe it should also include adequate mechanisms to maintain the confidentiality of investigations, that protects both individuals raising allegations, and individuals subject to allegations, including:

- whistleblower protection
- the ability to conduct hearings in camera to maintain the confidentiality of investigations

We look forward to your response, and thank you for the opportunity to present this submission.

Yours sincerely,

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