

**THE JOINT SELECT COMMITTEE ON ETHICAL CONDUCT MET IN THE CONFERENCE ROOM, HENTY HOUSE, LAUNCESTON ON 6 NOVEMBER 2008**

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

**CHAIR** - Peter, thank you for coming along and for your submission. If you want to present your submission, then we will ask questions.

**Mr GODFREY** - Basically, to me and to a lot of people I have spoken to, an ethics committee will not cover enough. We want an ICAC because we want retrospective powers to look into things in the past and -

**CHAIR** - An ethics committee could do that, couldn't it?

**Mr GODFREY** - No, ethics sounds a little bit flaky.

**CHAIR** - It depends on what you call it.

**Mr GODFREY** - I was in Sydney when the ICAC came in in New South Wales and it was fabulous because the rats just ran and hid. It had teeth. I heard Lara Giddings's comment about reading them all and thinking we did not want an ICAC. I thought she did not get past reading everybody's first names because the people I know who have put submissions in, we all want an ICAC. I have a few other things I want to table. I have been an activist in the forest industry especially for five years. I do studies on forest coupes and I write to the authorities and get them to go and have a survey and look around. I noticed a fair bit going on. There seems to be a fair bit of collusion in the industry and it is a shame they have to write to the industry to complain about the industry.

There are some e-mails from an FOI request when we tried to stop a private timber reserve in Reedy Marsh. The level of collusion that appears to go on in the industry is reflected in the e-mails. Gunns are telling the regulators what they want them to do and what they do not want them to do, especially when they write to them and say, 'We think it is time to hit the sensitive and contentious coupes'. A few of them that I have worked on have been very sensitive and very contentious. To me, that is not the regulator's job, to be told which coupes should be logged and which coupes should not be logged. It should be the other way around. In a second e-mail Gunns are talking about changing the names of forest communities in order to allow those coupes to be logged. I know both coupes. I have done a 200-page study on the one at Caveside. I was asked by our deputy mayor to have a look at it. To change a threatened forest community - such as wet viminalis, which is protected under the RFA - into another name in order to be allowed to log it just seems pretty dodgy.

I don't know if an ethics committee would cover that sort of thing whereas something like an ICAC would be able to investigate what appears, without too much depth of reading, to be collusion between the regulators and the industry. I think that it has to go deeper than that, to tell the regulator that Fred Duncan, chief botanist with the Forest

Practices Authority, has had a look and we should be able to get around this by calling it something else, just doesn't add up to things being above board.

Tasmania's a small place and we find things out that we wouldn't find out if we lived on the mainland. People seem to want to know the real truth of the matter, what really went on with some of the collusion that went into the pulp mill approvals. That was, obviously from what Mr Kons's driver said in the other hearings, about a meeting a month before they pulled out of the RPDC. Our gut feeling was that there was collusion going on or it wouldn't have just popped up so quickly. People want to know what the truth is behind that stuff, what really went on.

**CHAIR** - How do you think the committee, or ICAC, should be made up?

**Mr GODFREY** - It needs to consist of completely independent people and you probably need to bring a commissioner from another State, as they did for the Fitzgerald Inquiry in Queensland.

**CHAIR** - Who would employ that person?

**Mr GODFREY** - It's a bit of a problem, isn't it? Who do we have who's really independent? I think it would probably have to be a cross party select committee like this to select the people rather than the Government, which couldn't really do it because they're seen to be right in the middle of it. It would have to be a balanced cross-party selection committee or probably the judiciary would have to have a look at it.

I had a look at an annual return for political donations and we noticed that there's a huge amount of collusion between industry and the union, the fact that the CFMEU argued for Gunns pulp mill back and forth. There is a political donation you may have seen, where the CFMEU gave the Paul Lennon Foundation Trust \$10 000. Normally those donations go to a political party, not a particular person. It seems that they're buying politicians. Another donation goes to the Mount Gambier ALP. If a donation's being made, it should go to the Tasmanian ALP, not the Paul Lennon Foundation Trust. That appears to be another attempt to buy favours and votes. That's how people I've talked to see it. Where did the money go? We don't know. Where did the money go for the house renovations done by Hinman Wright & Manser for Mr Lennon? The last statement we heard was there was a dispute over the workmanship. What happened? We don't know but it just smells bad when someone's pushing a public project or a private project so hard and then using a subsidiary of that company to renovate their house.

**CHAIR** - So you're saying the perception is -

**Mr GODFREY** - The perception is that there is corruption. You're a lawyer, so you'd know that you have to have a separation between those things. The perception must be that everything is above board. We have to have trust in our politicians, otherwise we cannot come here and talk to you, can we?

**Mr HALL** - Peter, if I could just mention to you that the matters you raised with regard to Steve Kons' former driver are separate -

**Mr GODFREY** - They are another committee?

**Mr HALL** - They are another committee which Mr Wilkinson, Mr Martin and myself are on, so that is a separate issue to this one that is being looked at.

**Mr GODFREY** - It is still an ethics matter, though, isn't it?

**Mr HALL** - Yes.

**Mr GODFREY** - If a politician is bypassing Cabinet and deciding a month before an event that that happens -

**Mr HALL** - Well, we are yet to determine whether that is totally correct or whatever.

The other issue you raised was that you said when you were living in New South Wales you saw first-hand what a difference the ICAC has made to the way the place is run. There are basically three States that have them - New South Wales, Western Australia and Queensland. South Australia and Victoria have a different system.

We have also had evidence to say that a full-blown ICAC has caused quite a few issues in its own right and they have had to have somebody independent to oversight what they do, and you would be aware of what happened in New South Wales recently where they tried to do a sting on the streets and all sorts of things.

**Mr GODFREY** - Yes.

**Mr HALL** - The other side of the story is that we have had evidence to say that people's reputations have been besmirched and totally compromised because they have been trialled by the media before they even get a run. So what I am putting to you is that in a small State like Tasmania you could have somebody who is totally innocent being railroaded before they even start. Do you see that as problem?

**Mr GODFREY** - It would have to be kept out of the media before a real investigation got under way because -

**Mr HALL** - Hard to do.

**Mr GODFREY** - you can't have trial by media. I just remember how much Sydney was run by certain crime figures and it was amazing. Everyone knew who ran Sydney and who had the Lord Mayor's ear and immediately that ICAC came in they went to ground and disappeared and I think a few of them ended up in jail.

**Mr HALL** - Yes.

**Mr GODFREY** - It made a really big difference to how the place felt. You felt the difference. I don't know whether you did or not, but you felt the difference when John Howard went and Rudd took over in Australia - all of a sudden it lightened up. Well, Sydney lightened up like that.

**Mr HALL** - But I put to you that in Tasmania we do not have the organised crime that there is in Victoria and New South Wales, for example, and the links between organised Mafia bosses and politicians is not quite as relevant.

**Mr GODFREY** - Well, we hope we don't, but we have a lot of strange events that go on in government that appear to the people to be not above board and not even-handed and balanced. It doesn't appear, from what we are hearing, that Cabinet really gets that much of a say. I have only sat in Parliament one day and I do not know how you guys can put up with it. You couldn't pay me enough to put up with that rubbish, it was so bloody boring! I watched question time and I thought, 'This is question time', and I heard the questions but no answers came out. It is not like an open thing where people are actually trying to get through issues and to explain to the Opposition their point of view, it was just a load of rubbish. If you listen to them on the radio it is like the English schoolboy bully system being extended. It would be really nice to hear politicians go, 'Yes, that is right'.

**Mr HALL** - You are talking about the House of Assembly, obviously?

**Mr GODFREY** - Yes, I haven't heard you blokes.

**Mr HALL** - Another story.

**Mr GODFREY** - You're a different mob altogether.

*Laughter.*

**Mr GODFREY** - To get some faith in the system is what we need, and we need answers to get that.

**Mr BEST** - Peter, we had an interesting submission yesterday from someone from the education area that when people are elected to office - not just government but councils as well as perhaps the Public Service - there could be some sort of educative process so that people are compelled to do some basic training on what constitutes ethical conduct and things like that. The point that was put by the person who made that submission was along the lines that most people come in with good intentions but get caught up by not knowing what is a grey area and what is not, and I am wondering what your thoughts might be about something like that, for example?

**Mr GODFREY** - Obviously they need it. People come in with a background, don't they? It is pretty well known in the bush that if you're driving along a dirt road and you see tar for a stretch and then a corner with a house on it, that that guy used to work for or be in the Government at some stage. People get in there to feather their own nests. There are not that many completely altruistic people around who are just getting in there because they want something for the people of the future. That needs to be plugged into. I worked as a youth worker in a detention centre and we had two weeks of solid training on ethics and the law before we were even allowed to walk in the door, and even then, there were lots of grey areas that you had to be very careful with.

We have situations where you get people from industry backgrounds who are getting into the councils and community groups with interests getting into the councils. You are

always going to have them; you can't say, 'We're going to take you in and wipe your brain clean - clean the hard drive up - and start again'. There needs to be some education, but how do you educate people?

**Mr BEST** - One of the ideas that was put up was a leaning or an attitude towards servant-type leadership.

**Mr GODFREY** - They don't call you 'public servants' for nothing, do they?

**Mr BEST** - No.

**Mr GODFREY** - That's what you get paid for.

**Mr BEST** - I am interested in how you feel about that.

**Mr GODFREY** - If you look at it, a council or government job is a community service job. The theory is that you should be there because you want to make the place better for the people living here now and for the future and leave a better place behind when you peg it. That's how I look at it. I am not one of them; I am an electrician - I go around trying to save people's lives by fixing their wiring. You do what you're trying to do, and everyone has a part to play. We are only here for a short time, aren't we, so we may as well try to do something useful and good and leave something for the little kids so they can say, 'Gee, this planet's still here'.

**Mr McKIM** - Pete, on the e-mails you have tabled, I think the second one was in relation to the coupes at Caveside but I know they were from a few years ago. Were they logged as proposed?

**Mr GODFREY** - Porters - the Reedy Marsh one - has been declared a private timber reserve - it is 1 100 hectares and yes, it has been logged, but not all of it. There are some threatened vegetation communities and areas in there that aren't really loggable but they are in the process of converting what they have logged into plantation now. Caveside was logged in a category A karst system that muddied the waters of the Lobster Rivulet and filled people's hot water tanks up half with silt after that logging. It was also converted to plantation and the scar is starting to heal over now. There were quite a few breaches of the code up there at Caveside that they had to fix up, but they are all private timber reserves.

**Mr McKIM** - I think one of your assertions was a reclassification of some forest communities at Caveside. Can you talk me through it? It says that wet viminalis 0101 can go into DSC or wet vim under the RFA. Are you able to expand on what that means?

**Mr GODFREY** - There are different classifications under the RFA of what is a threatened vegetation community. The wet vim 0101 is a TasVeg code for what type of forest is in amongst that wet white gum forest. The RFA had only a few different definitions of 'forest'. They had tall obliqua, DSC was damp sclerophyll, but they didn't bother to divide the forest communities into very many different classifications. What they have done with Caveside is said, 'We'll just call wet vim 0101 DSC or wet vim under RFA'. There are different floristic communities in there that shouldn't be touched and should be

classified as reserved land. They have said, 'We'll call it something else' and got Fred Duncan, the chief botanist, to agree. There are other communities. There is one at South Mole Creek which they have renamed 'wet delicatensis' - which is white-top stringy bark forest - and called that tall obliqua, so they could convert that to plantation in the same category A karst. Caveside and South Mole Creek were really sensitive areas. They are in national heritage database-registered karst areas which should have come under the EPBC but for some reason it does not apply to forestry, which is a bit of a disaster. The e-mails are saying, 'We want to hit the sensitive bits'. Once we've logged them it is open slather from there, isn't it. The whole Western Tiers can be logged and converted, and geologically that land should not be. At Caveside and Chudleigh we have had two events of logging on the tiers above the karst. Both events have caused siltation and mineralisation problems in the Lobster Rivulet and both times the farmers got the blame. Greg would know, some farmers are good but these guys can make mud flow back uphill so they are really special. I have asked for studies and I get a really dodgy scientific study to say, 'Oh yes, the farmers caused it', which is impossible.

**Mr McKIM** - Peter, please correct me if I am wrong, but I understand you are asserting that the classification of forest communities was changed so that a forest community which either could not have been logged or converted actually then could be logged or converted, is that right?

**Mr GODFREY** - That is what I am saying. That is what it reads like to me. It is difficult to say exactly what was in their minds. You might have to bring them in here and quiz them but that is what it appears to be, to say, 'We can find a way around something'. It means you are trying to dodge the issue, aren't you? You are trying to change something to something else. Otherwise they would say there are threatened communities and we will reserve those. They are not saying we will reserve them; they are saying we will find a way around them.

**Mr MARTIN** - Peter, just on a minor point on the document you tabled, do you FOI the donor annual returns?

**Mr GODFREY** - No, someone gave it to me. They must have got it under FOI. I am not sure.

**Mr McKIM** - I thought it was on the AEC web site.

**Mr BEST** - Yes, it would be public knowledge.

**Mr MARTIN** - Is there a Paul Lennon Foundation Trust, or would it be Jim Bacon?

**Mr GODFREY** - That is what it says. It says Paul Lennon. It is very odd, isn't it? I just find it odd. People say, 'Well hang on, that's pretty strange. What's going on?' That is why we want some sort of an ethics body or an ICAC that can explain, that we can write to and say, 'What's the story with this?' and you guys can look at it and say, 'Oh yes, that's pretty aboveboard. That's okay'. But now they just say, 'Not answering you. Bad luck, go away, you're a pest'.

**CHAIR** - Have you tried the Ombudsman?

**Mr GODFREY** - I have a complaint against the forest practices with the Ombudsman at the moment and that has been about six months long because I felt they were contemptuous towards me when I asked them to look at breaches of the Forest Practices Code. So I am still working on that one with him but he is pretty slow, I reckon. He has either no money or he goes on long holidays, one of the two.

**Mr McKIM** - It is the former.

**CHAIR** - He does not go on long holidays.

**Mr GODFREY** - He has no dough. It is very, very slow to do anything with him. He wrote back to me on that one and said, 'If I don't hear from you in 14 days I'll consider it all cleared up'. I said, 'All cleared up? I haven't got an answer yet. What are you talking about?' So he has not written back yet. It takes a long time. Actually he is in this building and I was thinking of dropping in today and seeing if he could make a cuppa and explain while we are there. I will see what happens. Obviously if the Ombudsman's office take six months to answer a really simple thing, they are pretty snowed under. I wonder if we need 10 ombudsmen or something. We need someone we can write to who can look at the stuff and say, 'You're off the air' or, 'Yes, that's right, we'll go into the deeply'. We want someone we can trust too. We cannot write to the regulators and say, 'What's the story?' Even Bill Manning said yesterday on the radio that the problem with the forest industry is that they are regulating themselves and it is foresters regulating foresters. That is like if you write to the lawyers' ethics thing, what are you writing to? You are writing to lawyers about lawyers, aren't you?

**CHAIR** - Normally they eat their young!

**Mr GODFREY** - You have to try something, don't you, but we need some faith in that system, something that will work.

**Mr HALL** - Peter, in regard to Porters and Caveside, were there expanded reserves within those with threatened communities which were left unlogged?

**Mr GODFREY** - There would on Porters, for sure, because it is such a big property. With Caveside, streamside reserves were left, which they have to leave anywhere.

**Mr HALL** - Yes.

**Mr GODFREY** - There were swamp areas at Caveside that were logged, drained and planted out.

**Mr HALL** - Just for my information, was this at The Heads?

**Mr GODFREY** - No, The Heads is further down. That is the last one they did that created havoc. It used to belong to A G Claridge - actually Gunns bought them out. It was a PTR registered to A G Claridge and then there was another block next to them that was S D Arnolds', I think, and those two blocks - mainly the Gunns' block - had an atrocious road put through. It was fixed up under Claridge's mill but it goes through a swamp and so all the batter collapsed and slumped and all that mud went into the rivers and down

through Honeycombe Caves. Forest Practices didn't issue any official breaches but they made them fix quite a lot of things up, so there were problems.

The water coming out of there feeds into sinkholes, which is a major problem if you are putting sprays into them because the growth and the crystals that grow and the animals that live in the caves and the sinkholes are really affected by turbidity and affected by mud and crap going in there. That is why Kevin Kiernan spent a whole year around Mole Creek studying those things and writing something called the *Forest Sinkhole Manual* that they are supposed to follow. It is a pretty thick manual on how to look after sinkhole areas and they just ignored that, pushed him aside and decided to ignore his recommendations.

**Mr ROCKLIFF** - Peter, you mentioned some retrospectivity or retrospective powers that should be available to an ethics commission or ICAC, or whatever is set up. Do you have any ideas on how long back we should be looking?

**Mr GODFREY** - How long is a bit of string? Perhaps I can use the pulp mill as an example - if there is a chain of events that leads to the proper planning systems being bypassed, then you need to go right back to the beginning, don't you? You can say, 'What happened and what is the chain of events?' I wouldn't say how long you could possibly go back but it needs to go back to whatever the beginning of the event is to give people an answer. If you rob a bank, they don't say, 'You didn't do it today so it's okay', do they? It is, 'What were you doing? When were you there? What did you do?', they go right back. So I don't think that you could put a time frame on. Corruption is corruption and misleading people is misleading people and if they need an answer, they need an answer.

**Mr BEST** - Interestingly enough - and, Nick, please don't think I am suggesting this for one minute - a lot of these issues that you have raised this morning are about perceptions, complaints or innuendo, whichever way you want to look at it, or your conclusions, if you like, about the forest industry, and I know we have the Forest Practices Board but I am thinking while listening to your contribution that, for example, in health we have a specific health complaints commissioner who is an ombudsman that deals with these issues. What are your thoughts, given that there is quite a deal of controversy at times, that maybe there should be someone dedicated to forestry to whom people like yourself can go when they have a complaint or are not sure about the information that they have or believe that they are very sure about the information that they have?

**Mr GODFREY** - It would be really great because I have five years worth of studies that none of you guys would want to read through; each time I do a coupe study it ends up about 200 pages long. I go sometimes before they log, after they log, I go there when it rains a lot, I write letters to Forest Practices, to the Ombudsman and everyone else, and it all goes into a big folder and sits on my bench at home while I try to get someone who is interested in looking at it. I have proof that they breached the Forest Practices Code because I have had them fine Gunns and Rayonier for breaches. When they go out and say, 'Yes, hand over your money and fix it', that reasonably vindicates my stance. Every time I have said, 'Go and have a look at this', there is something wrong. It is not the fact that they left a stump a millimetre higher than they should have done, it is things such as a creek that runs brown, the colour of this table, when it is normally crystal clear at all other times.



**Mr BEST** - Essentially one of the things you are saying is that it has taken quite a lot of time to get things investigated. It is quite involved isn't it? You probably need someone who works -

**Mr GODFREY** - It has sometimes taken three letters because they keep fobbing me off, or they will say, 'You don't know what you are talking about.' I have to say, 'Excuse me, here is a scientist who backs me up, or a report.' Basically I get fobbed off as much as possible.

**Mr BEST** - Would it be less conflicting then, do you think, if it could be dealt with quickly by someone who would say yes or no?

**Mr GODFREY** - If I could go to someone and say, /  
'Drag that bloke in' or 'Here is what I am saying', it would help.

**Mr BEST** - It is not always going to be in your favour either, is it?

**Mr GODFREY** - It is not going to be in my favour all the time. It is industry guys regulating industry guys. All the guys in the Forest Practices either rotate from Gunns to there or from there back to Gunns. It is a closed loop.

**Mr MARTIN** - In the question I was going to ask, that is a reasonable suggestion from Brenton, but who should that person be responsible to?

**Mr GODFREY** - It would have to be someone who has not been in the industry here, who has fairly good qualifications in science and could understand things we are talking about, things like karst, for example. It would have to be an environmental scientist or a small panel of people who understand the issues but have not worked in those companies.

**Mr MARTIN** - Perhaps resources under the current Ombudsman's office, for example?

**Mr GODFREY** - Yes, if he has the dough. The poor bloke seems pretty cash-strapped. If you could throw a few more bucks at him it might help.

**CHAIR** - Any final questions to Peter? I know we are running to a pretty tight schedule.

**Mr McKIM** - Very quickly, Mr Chairman, just making sure that the committee has accepted the documents as tabled.

**CHAIR** - Peter, thank you very much for coming. Thank you for providing your time again for a committee and thank you for the time you spent providing the submission and then coming along.

### **THE WITNESS WITHDREW**

**Ms EVA GUTRAY-BUKOVEN, Ms MARIA BORKOWSKI AND Ms PATRICIA AUSTIN WERE CALLED, MADE THE STATUTORY DECLARATION AND WERE EXAMINED.**

**Ms AUSTIN** - May I ask a question before we start? Can you tell me who runs the State Trustees? Are the State Trustees and the Public Trustees the same?

**CHAIR** - We could get back to you in relation to that. The Public Trustees are a company as you know and they are run by a board.

**Ms AUSTIN** - I am just wondering who is ultimately responsible. Is it the Government or the board?

**CHAIR** - If it is a government company the Government would have some intervention powers but if it is a private company it would just be solely the board. I have not looked at it so I could not tell you exactly and I certainly would not want to be saying that without going back to see exactly what the correct answer is.

Thank you very much for coming along, ladies. Thank you first for providing the submission and for coming along to prosecute that submission. I do not know if you have given evidence before to a committee. It is fairly informal so please do not feel nervous; it is an informal process. I can see that you are feeling a bit nervous but please do not. We allow you to say what you want and then we ask you questions as a result of what you have said.

Anything that you want said in private, so that only the walls and the people inside know, please let us know. The evidence that you give is privileged whilst in here, which means that there can be no action taken against you for saying something that might be defamatory or whatever, but if you then go outside and say it then it is a different story. It is privileged whilst you are in here giving evidence to a committee. So I hand over to you.

**Ms GUTRAY-BUKOVEN**- I have been helping Maria for the past two-and-a-half years. I have here a sheet that I can read for you. The main concern of Maria is that she was not allowed a fair hearing to defend herself against claims relating to her capacity in circumstances where her alleged incapacity is strongly disputed by many friends, neighbours, acquaintances and family.

In particular, she was denied her right to an independent medical opinion of her choice prior to the first hearing by those in charge of her at the time - cancellation of appointment with Dr McClaine Cross, specialist. Over a period of two years Dr McClaine Cross has not found any sign of dementia and is prepared to witness this.

The evidence of friends, neighbours, family and acquaintances was discounted by GAB. Maria's family and friends were treated with suspicion and, at times, ridicule. They were seen by the GAB as not having a proper and natural interest in Maria's future. Furthermore, the steps taken by her family and friends to help Maria protect her assets were distorted as acting against her interests - for example, the tenancy agreement to

prevent Maria's home being easily sold by her attorney, Mrs Sutherland, and the attempts to remove Mrs Sutherland as attorney.

This was in stark contrast to the benign treatment shown by Mrs Sutherland and Dr Radford. At no time did the Guardianship and Administration Board examine the circumstances or quality of the medical evidence proffered by Dr Radford. Dr Radford had conflicting medical evidence. On the one hand she had stated that Maria had significant dementia while a few months earlier she had witnessed her capacity to appoint Mrs Sutherland as her enduring guardian.

This was whilst Maria was in hospital and was unaware of the nature or effect of the document she had been asked to execute. This was also at the same time that Mrs Sutherland was seeking to have Maria assessed for a nursing home and had cleared her property of all its contents and personal belongings. All visits to any doctor were always accompanied by Mrs Sutherland.

The medical evidence gathered by Maria in support of her case was entirely discounted, including that of eminent psychiatrist Professor Mendelsson and her new GP, Dr Kulinski. Maria was not being treated for dementia by Dr Kulinski for the last two years. She, however, had a knee operation last year. Maria's own evidence of her abusive treatment at the hands of Mrs Sutherland, her seeking help and sanctuary at Eva's house - that is me - her request of assistance from her family in England, her lack of awareness of her own purported dementia, even her allegations against Mrs Sutherland, were seen by the Guardianship Board as evidence of her disability.

Her appointed guardian, Mr Hillier, tried to persuade Maria that 'Bev was good'. She was forced into respite care against her wishes in order to 'clear her head' at a time when she was afraid of Mrs Sutherland and had sought the protection of friends and family.

At the first hearing, Maria, much to her horror, found herself facing the person whom she least wished to see - Mrs Sutherland. Mrs Sutherland was permitted to speak freely. Maria was not permitted by Anita Smith to state why she disliked Mrs Sutherland. In short, Maria found the hearing and her treatment at the hands of the Guardianship and Administration Board oppressive and intimidating and against natural justice.

In addition, Maria has found that her lawful rights to seek redress against Mrs Sutherland through the criminal courts have also failed, due to intervention by the Public Trustee with the Director of Public Prosecutions. Following his intervention, the DPP failed to take Maria's case to trial. No reasons were given for his intervention or for the case being dropped. The chief DPP in Hobart is married to Anita Smith, President of the Guardianship and Administration Board. In the meantime Maria has assets that are missing. The Public Trustee made no attempts to recover assets and thwarted Maria's own attempts to do so. Maria now finds herself labelled as a person with dementia by the Guardianship and Administration Board and has no rights to her own property or self-determination. She feels degraded and humiliated.

In conclusion, it is clear that in the interests of natural justice, the highest standards and proof beyond reasonable doubt are required before removing a person's rights over their own property and affairs. The highest standard of investigation and proof has been demonstrably lacking in this case. It is clear to any normal and right-minded person that

Maria is not a person suffering from even slight dementia. Her medical complaint is a lack of mobility that means she relies on assistance of others, and those others could and have abused that reliance. However, that in itself is not a reason why her freedom should be curtailed.

It is simply not right that a person's freedom can be deprived solely on the basis of one doctor's opinion, as in this case, particularly so where the circumstances surround that opinion are questionable.

**CHAIR** - Peter Maloney is the fellow you speak with. He is the CEO at the Public Trustee's Office. That is a government office and a government appointment. If you wish to speak with anybody then he is the person who is in charge of it.

**Mr MARTIN** - Who is Mrs Sutherland?

**Mrs GUTRAY-BUKOVEN** - Mrs Sutherland is my and Maria's childhood friend. Maria has known her a longer time because I met Maria 36 years ago.

**Mr MARTIN** - She was her power of attorney and not a lawyer?

**Mrs GUTRAY-BUKOVEN** - When she approached Maria in 1995 she was an administrative placement. She needed somebody to speak for her and she was already going to the doctor. I said to Maria, 'It's great; she's an Australian lady and you know her from when you were 10 years old.' I appointed her. I did not realise myself what an appointment it was. I advise her, 'Maria, we have power of attorney and -

**CHAIR** - Was that an enduring power of attorney or just a power of attorney?

**Ms GUTRAY-BUKOVEN** - No. Enduring power of attorney was drafted in hospital and we stepped in when we started questioning the situation. But they quickly rushed to my case. That was dismissed by the Guardianship and Administration Board because there were questions on medical grounds.

**CHAIR** - I do not want to disappoint you in saying that this committee cannot look into the actual complaint itself because the actual terms of reference of this committee are whether we believe there should be an ethics commission or an integrity commission or an ICAC - whatever you want to call it - in order for there to be a body for people who have complaints. If there should be a body, what is the best way to have that body? Should there be one person on it, a number of people on it et cetera. We cannot in this committee look at your actual complaint except as far as saying, 'Yes, as a result of your complaint we believe there should be some type of commission set up'. That is the type of thing that we are here to decide.

**Ms GUTRAY-BUKOVEN** - Recalling why her court case was stopped by the DPP, we found out he was related to the lady that put together the questioning on Maria. Did they have any reason to do that? Maria's husband left her 200 priceless coins and they are missing. The land in Lulworth -

**Mr BEST** - Did someone take possession of that?

**Ms GUTRAY-BUKOVEN** - There is now a new owner of the land. Maria can produce her contract of sale - only the new contract which was done in 2002. They are saying that she sold it in 1984. Her husband still was alive then so we do not believe it because he left her that. He was dying that year and they knew.

**CHAIR** - If it was sold in 1984 there would be a record in the Land Titles office as to whether it was sold or not.

**Ms AUSTIN** - But apparently the titles office record has gone. That is what I understand.

**Ms GUTRAY-BUKOVEN** - Lifted out.

**CHAIR** - Does the titles office have any indication at all if the property was sold?

**Ms GUTRAY-BUKOVEN** - At the end of the documents you have four documents relating to that from the gentleman that was searching. I did get from Mr Verrell a letter that he knew that it was sold on 14 March 1986. The titles office do not have that evidence.

**Mr BEST** - So you do not have a transaction to a bank account for payment and there was no record with titles.

**Ms GUTRAY-BUKOVEN** - No.

**Mr BEST** - The coins are missing and you do not know whether they were taken into possession?

**Ms GUTRAY-BUKOVEN** - She did not deny that she took the coins from the house.

**Mr BEST** - Someone is not denying that?

**Ms GUTRAY-BUKOVEN** - Mrs Sutherland is saying she took them and she did not return all of them - only 60. There were 200. We have a witness who signed an affidavit they know she had 200. One was from the gentleman who wanted to purchase them. He believed they would be priceless - from wartime.

**Mr BEST** - What you are really asking from us, as a committee, is that if there was some mechanism that could investigate some of the things that happened between the Guardianship Board and the DPP -

**Ms GUTRAY-BUKOVEN** - I opened the case in the Supreme Court.

**Mr BEST** - You are seeking from us some mechanism that could investigate relationships between the DPP and the Guardianship Board and what has happened with the trustee management of the land and the coins. Is that right?

**Ms GUTRAY-BUKOVEN** - All of that.

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

**Ms GUTRAY-BUKOVEN** - What Mrs Sutherland did when she panicked about me asking questions, she handed it to the Public Trustee before the hearing on 24 February. I was naive and I sent her a copy of our lodgment with the Title Office for revocation. She signed that debt on 9 February and then we received a letter about a meeting with Ms Hillier in Launceston and another woman who was involved. I did not appear at the meeting; I declined. They ordered Maria around. A lot of people came from dementia and a nurse from another organisation. They checked on her in my house, because she was staying with me. When we fronted Dr Radford on 27 February, Maria wanted to know what the tablets were because they were making her ill. She was very rude to us and in our presence she called Mrs Sutherland and what we had related to her in confidence she told her. That was my first grievance - that I complained to the Ombudsman and was not heard out. No complaint was taken from us and we have one other statement that the gentleman brought but they never investigated it. Why? I was a witness at the anti-discrimination court hearing about one woman who called another names and that was investigated.

**Mr ROCKLIFF** - Preceding that letter, there is a letter written to Inspector Wright, Police Headquarters on 24 September and you have cc'd it, copied it to the Governor General, Attorney-General, Premier, the Prime Minister, Julia Gillard, our Attorney-General in Tasmania, Don Wing and Ivan Dean. Have you had any replies from Inspector Wright or any of the people you contacted?

**Ms GUTRAY-BUKOVEN** - No, he said they don't investigate.

**Mr ROCKLIFF** - Any replies from the Attorney-General of Tasmania?

**Ms GUTRAY-BUKOVEN** - Yes.

**Mr ROCKLIFF** - What did they say?

**Ms GUTRAY-BUKOVEN** - That the matter will be looked into.

**Mr ROCKLIFF** - So the State Attorney-General, Lara Giddings, replied to you and said she will investigate it?

**Ms GUTRAY-BUKOVEN** - Her secretary.

When I made an appointment for Maria to see doctors we first went to Dr Barker. He did a test on her and sent her to see Dr McClaine Cross. We made an appointment and explained how urgent the matter was before 16 June - that is the second meeting - and the secretary called me and said that Maria could come. She was already in respite; they removed her from my house. I contacted the lady - for 28 days she was her carer - Ms Hillier, and she told me, 'No, I decide whom she sees'. Dr McClaine Cross made his statement. Dr Radford and Ms Hillier cancelled the appointment. What right do they have to do that? She wanted proof she was not stupid - how they portrayed her. That angered me because no-one had the right to push her around.

**Mr BEST** - So the Public Guardian cancelled the appointments?

**Ms GUTRAY-BUKOVEN** - Yes.

**CHAIR** - Did you go to a solicitor?

**Ms GUTRAY-BUKOVEN** - We can't because they seized her money and no-one wants to take her without money.

**Mr BEST** - Did you go to the Legal Aid office?

**Ms BARKOWSKI** - Yes, they said it's a civil matter.

**CHAIR** - But some civil matters can be investigated.

**Ms GUTRAY-BUKOVEN** - Somebody is stopping us. We cannot go anywhere.

**Mr BEST** - Have you made an application for legal aid?

**Ms GUTRAY-BUKOVEN** - Yes. They said it's a civil matter.

**CHAIR** - Have you been to a private solicitor?

**Ms GUTRAY-BUKOVEN** - One was honest with us and he said higher up is stopping this case.

**CHAIR** - What can occur is a private solicitor can write to the Legal Aid office and put a case that a matter should be classed as a matter of what is called public interest and therefore it should be funded. They can do that and that wouldn't cost you any money.

**Ms GUTRAY-BUKOVEN** - We have done that and no-one wants it.

**CHAIR** - Who?

**Ms GUTRAY-BUKOVEN** - We went to a lawyer -

**CHAIR** - A private lawyer?

**Ms GUTRAY-BUKOVEN** - Yes. He said this case would not go in Tasmania. He advised me to write to the Human Rights people, which I did. They are interested; they sent me folders and papers to fill out after looking at the skeleton documents that I sent them through the Internet. They said we had exploited all our avenues in Tasmania and they can look into that.

**Ms AUSTIN** - There's a problem because Mrs Sutherland, who is head of all the bodies and the wife of somebody high up, is where every inquiry lands up so they go back to the same person.

**Ms GUTRAY-BUKOVEN** - When I asked her where to complain about this hearing which was a shambles no-one asked her anything, only Mrs Sutherland who wanted to resign her power of attorney, she sneered at me in an arrogant way and said, 'To whom? I am the boss.' I said, 'Maria you've lost it', and we walked out. That was on 24th.

**Ms AUSTIN** - I haven't known Eva for that long but she's like a bulldog. She's been everywhere.

**Ms GUTRAY-BUKOVEN** - I would do that for you, for me, for everybody. I come from Poland; I've seen enough bullying and I ran from that. Why should it be here in such a good nation? Don't ruin it; stop this corruption. When you let them it's like cancer that will eat you slowly.

**Ms AUSTIN** - If I could add that the reason I'm interested is the same thing happened to my auntie. I had no way of knowing what to do about it and she just lost everything. It's really wrong.

**Ms GUTRAY-BUKOVEN** - I have only one daughter and I don't know if she will have children or not. I want her to cherish and build her country; this is her country to love. You don't come here when you don't feel something for this country. She doesn't go to the English family of her husband.

**Ms AUSTIN** - Her husband said to her that he wanted her to stay in Australia because it was the best place on earth and she's been aware of people being shot in their homes and things.

**Ms GUTRAY-BUKOVEN** - They were lying to her and how many lied to me that they were giving her tablets to eat. When they proclaimed her to be demented there was a letter which she brought to her family in England. Demented people do not write long letters like this. That opened my eyes to something not being fair here.

**CHAIR** - It would seem to me that prima facie what happens if you want to get some evidence to show that you aren't suffering from dementia the only way you can get that evidence is by going to see an independent doctor -

**Ms AUSTIN** - Which she's done.

**CHAIR** - Yes.

**Ms GUTRAY-BUKOVEN** - And they stopped her.

**CHAIR** - My prima facie view is you should be able to do that. As I say, we're not, here to investigate that issue. You have an argument, it would seem, prima facie. What you're saying is there's no place where you can properly prosecute that argument and therefore you would hope there is a body that could be put in place which would enable you to investigate the issue and make the complaint then have it investigated. That's what you're saying, isn't it?

**Ms GUTRAY-BUKOVEN** - We've tried everywhere.

**CHAIR** - Yes.

**Ms AUSTIN** - I have heard from people first hand - and I have no proof of this; but I am a nurse, I have seen it all - that workers in big medical centres are offered money to refer



people who may be able to be put into the care of GAB or the State Trustees or whatever, and there seems to be a connection between the two.

**Ms GUTRAY-BUKOVEN** - I can bring proof for you - in helping Maria we came across migrants that were disposed of this way.

**Mr MARTIN** - Where is Maria living now?

**Ms GUTRAY-BUKOVEN** - She lives in her own house. My daughter must pretend that she has lived with her as a tenant so she can stay in her own house, which Mr Verrell from the Public Trustee calls 'draconian', because she's done it hard.

**Ms AUSTIN** - I could say too that Eva has been everywhere, and her next step is the Geneva Convention, and I do not want to see that happen for Australia's sake.

**Ms GUTRAY-BUKOVEN** - We said we would try to resolve this at home because the lady said, 'Why must the taxpayer pay millions to them because they will keep the money?' We don't want that - and look how much they charged her. This is making money from innocent people - \$7 735 in the past year - from her assets.

**Ms AUSTIN** - You can get that from any solicitor, Eva - they charge everybody huge amounts with no reason for them and there are things made up. I went over my aunt's accounts and there were so many things made up that weren't true.

**Ms GUTRAY-BUKOVEN** - The Public Trustee must be investigated for sure because they never contacted her to acknowledge, 'Look, Mrs Borkowski, this and this we obtained from Mrs Sutherland.' We get it from the police, not from them. When I confronted Mr Verrell, he said, 'Who you are? You are a new Australian, what do you know?'

**CHAIR** - We are running to a fairly strict timetable because there are a number of witnesses, but I hear what you say and the Committee hears what you say. As I understand your evidence you are saying that what has happened to Maria isn't good and you would hope that there is a body set up to enable you to put your argument to that body for investigation if they believe it is appropriate.

**Ms AUSTIN** - Can you tell me again the name of the person you said just then?

**CHAIR** - Peter Maloney is the fellow down in Hobart who is in charge of the Public Trustee.

**Ms GUTRAY-BUKOVEN** - They stopped her pension for four-and-a-half months, if you take time to read through the folder. The Public Trustee stopped her pension after 16 June and what is important is that Mrs Anita Smith appointed single-handedly because the meeting was finished and one sitting member left for the plan and when Mr - what is his name? - the lawyer for the Public Trustee, Mr McMahon, I think, said that we already had her assets and had better manage her things. I was there because I came as the last witness and she sat with them too and said, 'Okay I can do it for three years' - that was right. The committee said, 'Mary doesn't need them, she's free to go'. Her great-nephew came from England to support her but he was dismissed. They even asked him, 'Are we supposed to speak to you in Polish?' He is born English, second generation, and they want to ask him this! I am just bringing up this matter, all right?

**CHAIR** - I hear what you say.

**Ms GUTRAY-BUKOVEN** - Sorry.

**CHAIR** - No, that's okay.

**Ms GUTRAY-BUKOVEN** - I hope your heart is in the right place and you will see to it and don't let corruption spread.

**Ms AUSTIN** - Can you do anything for her?

**CHAIR** - This committee can only note what she has said and say as a result of what she has said whether there should be a body set up - an integrity or a corruption or an ethics commission - to enable people like Maria to come before that body and put her case and then it is up to the body to say whether they should or should not proceed. That is as far as the committee is allowed to go under its terms of reference.

**Ms AUSTIN** - So at the moment there is nothing that they can do?

**CHAIR** - My advice is that if the Public Trustee is in charge of the property I would be contacting Peter Maloney; he is the first port of call.

**Ms GUTRAY-BUKOVIN** - When we questioned it, he said she will never be free from them.

**Ms AUSTIN** - If I can say too - sorry to bring my aunt into it but it is so identical, it is just ridiculous. It is like a replay. She sat in the bank on her own, an old lady of 90-something, waiting for money and they never gave it to her for three weeks. If she hadn't had me, I don't know what she would have done.

**CHAIR** - Sometimes when public trustees are in charge of your estate, there would be a person designated to being in charge of your property. They will then say whether they believe you need the money or not. They will look at the account and say, 'Look, we supplied you with x amount last week, we don't believe' -

**Ms AUSTIN** - But they don't give you the money first; they leave you without anything until -

**Ms GUTRAY-BUKOVIN** - They never contacted her. I must support her.

**CHAIR** - Yes, that is very kind of you. My advice is to speak with Peter Maloney because he is in charge and he could give you some information in relation to it.

**Ms GUTRAY-BUKOVIN** - We have sent that letter to him now but there is no response. I would like this committee to investigate Mr Tim Ellis and Mrs Anita Smith and ask them why have (*inaudible*) to the court on 17 charges and -

**CHAIR** - But this committee cannot do that, that is what we are saying, do you understand that? It is part of the terms of reference that we cannot do that. All we can say is whether there should be a body set up to investigate the matters you are talking about.

**Mrs AUSTIN** - And it is Australia-wide.

**Ms GUTRAY-BUKOVIN** - Where are we supposed to go with this matter? We found out that on 17 May 1996 somebody, after 12 years of Mr Borkowski passing, altered in his name a bank account which was operating until this day. Who is supposed to investigate that?

**CHAIR** - The police, I would have thought.

**Ms GUTRAY-BUKOVIN** - I went and he said, 'No, that matter is closed'.

**CHAIR** - I would have thought the police would have been the people to go to with that because if they opened an account after his death in his name, to me that smacks of something strange going on.

**Ms GUTRAY-BUKOVIN** - When Mr Borkowski died there was \$300 000 in the account and by the year she was renting property, she sold that property, the woman.

**CHAIR** - Sorry, we are running short of time; we are 10 minutes over. What I would be first doing is giving Mr Maloney a ring at Public Trustees.

**Mrs AUSTIN** - Apparently she has done that and got nowhere. He said she will never get free.

**Ms GUTRAY-BUKOVIN** - Antidiscrimination, Ombudsman - no reply.

**Mrs AUSTIN** - I do not know if this has any basis but I have heard a whisper that it is financing drug companies, but that is only hearsay, I do not know.

**Ms GUTRAY-BUKOVIN** - We know that some of the women are in that business - that we know.

**CHAIR** - I hate to say that is it, but that is it. Thank you very much for coming along and prosecuting your case.

**Mrs AUSTIN** - Do you want to these things back?

**Ms GUTRAY-BUKOVIN** - No, I want them to have a look.

**Mrs AUSTIN** - But they are not going to do anything with them.

**Ms GUTRAY-BUKOVIN** - It does not matter, they can read it.

**CHAIR** - They are part of the evidence. All the best, Maria.

**THE WITNESS WITHDREW.**

**Cr KARL STEVENS** WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

**CHAIR** - Karl, thanks very much for coming along. I understand that you gave us three submissions.

**Cr STEVENS** - Yes - my submissions were graphical. I never really thought that I would be asked to come along and give evidence to this committee.

**CHAIR** - We are opening it up to everyone who wants to come along, no matter what was in the submissions, so that is why we said come along if you wish and put your case we will hear that and then proceed from there. Anything that you wish to be private and in camera, please let us know because that can occur. Your evidence in this committee is privileged but if you then go outside and say anything to the press or whatever, it does not become privileged. But what you say here to us now is privileged.

**Cr STEVENS** - I was listening to a little of what you were saying to the last people. Are you looking at generalities or specifics because it seems to me that you are more interested in general concepts rather than specific examples of whether something is right or not?

**CHAIR** - It does not matter really. What we are here to do is to say whether there should be a body set up and if that body is to be set up, how should it be set up.

**Cr STEVENS** - I am very much in favour of an independent commission against corruption. I have no real professional reasons for saying that. I have a younger brother with a law degree who has told me that the Premier in New South Wales, Nick Greiner, who set up an ICAC, eventually became a victim of that ICAC. As a human being in his fifties, I think that corruption is human nature. It is going to be here forever, it has been here forever and it is not going to go away.

**CHAIR** - How do you define corruption? What do you say it is?

**Cr STEVENS** - I think corruption is putting a person's personal interests before the interests of the community or the State. I think that corruption has been defined for as long as people like Plato and Socrates, the Chinese - Confucius' whole philosophy was based on morals and ethics - have been around.

**Mr MARTIN** - So are you saying it does not necessarily have to involve someone receiving money?

**Cr STEVENS** - Not necessarily. I think money is just one state of wealth. It is only money when you go to bank and withdraw isn't really? I do not look it specifically in terms of money, no. It can be lots of things, gifts.

I would like to mention a little bit about myself. I moved to Tasmania in 2001 and I had a small inheritance and I bought some property in the Tamar Valley at Beaconsfield. In the following years the pulp mill was announced and I ignored it. I thought, the Government looks after everything. I was not a politicised person, I was just your average guy. I was a taxi driver in Sydney for 10 years. I listened to Parliament, I could see the dynamic that was going on but I was not really a politicised person. So I ignored

this whole pulp mill thing, thinking, it is fine, somebody else will look after it. Eventually I started to realise that the Government and the builder of the pulp mill seemed to be in partnership. They were interchangeable in many areas. Eventually I was taken along to some of the meetings in a local area with activists and became really quite interested in the whole thing and became politicised by it, which culminated in my standing for election in the local government, simply on a platform of opposing what I thought was corruption. I went in there very naive. I knew there was nothing in it for myself really. I had set up my own business, which is quite successful, a small computer business. It was just another opening in my life. I was not there for any personal gain, just for the community really, and nothing has really changed. I am there for the community, I am not there for myself or for anybody else. Really, I am not attached to it and I have nothing to lose. I do not care if they merge or if I lose an election, it just does not bother me.

That is where I am coming from. Since I have been in this council I have come across some problems and I would call them specifics. I have always liked art so another part of my life was doing political cartoons which, for me, was really therapeutic. If something is really bugging you, you just have to put it out there and share it. You will get feedback and people will either say you are insane and seek help or that it is really good, we agree with you. For me it was really therapeutic because otherwise I am liable to go round and kick the dog. It really makes you frustrated. They are building a pulp mill. I live 10 kilometres away from it, I do not agree with it, I do not agree with the way it was assessed and the way the two parties seem to me to be colluding. That was presenting a wall of frustration to the locals. We cannot ask Liberals to vote against it and Labor is all for it so there are just the minor parties and the independents.

There was real frustration there and that gave birth to this local group TAP who are really looking very much at endorsing people in elections and being politically active, but not endorsing people who are members of the major parties. That group is incredibly courageous because they, in effect, took on both major parties, the largest company in Tasmania and a State government and a Federal government in effect. They have not given up. They are still fighting. They feel that they have been wrongly done by, that this is an intrusion into their lives, into their valley, that they do not need it and they were not consulted. They have a real grievance. They are angry and disenfranchised, I guess. That happened to me and I became disenfranchised. I thought, this is not right, I can do something so that is where the cartoons are coming from. I will keep doing it if I get the time. I try to do some work within the council. We have had problems with a pipeline, a particular solicitor. I have lodged a complaint to the Law Society and I have been told that that complaint has no merit so it will not be pursued. I just accept that. That is life.

**CHAIR** - What happens in relation to that is - I am a lawyer -

**Cr STEVENS** - I realise that.

**CHAIR** - If there is a complaint that is lodged it goes before a body of people and that body of people then decide whether they should proceed with that complaint or not. They discuss it quite earnestly for a period of time and then decided whether it should or should not proceed. It is not unusual for a number of matters to proceed, not unusual at all, so it is not a situation where complaints come in and complaints go out and do not proceed. I can indicate that certain discussion is had about it, a pretty vigorous debate is

had about it and then it is a decision amongst the group whether they should or should not proceed. That is the process with it.

**Cr STEVENS** - I accept the fact that it will not proceed. My complaint was based on conflict of interest. I am now looking at just what constitutes a conflict of interest in Tasmania. It seems to be pretty vague.

**CHAIR** - The problem is too that in Tasmania with its small size, if people want to believe that something is happening and if it is, they should be caned. If it is not they think because he is related to so and so or he has been a business partner or something like that, there must be something fishy in relation to it because of Tasmania's size. That happens sometimes.

**Cr STEVENS** - Maybe that should be written into the sort of business code of ethics somewhere that, because of Tasmania's size, conflict of interest has a completely different meaning here than it does everywhere else in Australia and probably the British Commonwealth or civilised world or whatever.

**CHAIR** - I do not know about that because there are a lot of small places like Tasmania around the world, aren't there?

**Cr STEVENS** - Not that many though.

**CHAIR** - I do not know about that.

**Cr STEVENS** - I have been thinking a little bit about Tasmania lately and have been looking for parallels and one of the parallels I came up with is Sicily. It is a small island off the southern coast of a country just like Tasmania and it actually became completely controlled by organised crime. Whether or not that is actually the case here in Tasmania is not up for me to say.

**Mr HALL** - I think that is a pretty hard call.

**Cr STEVENS** - Sorry?

**Mr HALL** - I think that is a pretty hard call to make.

**Cr STEVENS** - I acknowledge that it is a matter of perception.

**Mr HALL** - You come from Sydney so that was the place that was controlled by organised crime in places, wasn't it?

**Mr STEVENS** - Possibly it was.

**Mr HALL** - I do not think that you would see that here.

**Mr STEVENS** - Would you say Queensland was a place that was controlled by organised crime or corruption generally?

**Mr HALL** - It could be.

**Mr STEVENS** - It could be, yes. That is pretty much the point that I am making, I do not know whether it is or not. There is certain evidence that the forestry industry is a fulcrum, or a focus point of whatever is happening in Tasmania. That is how I see it. It seems to call the shots.

**Mr HALL** - I noticed in your submission that you think that we will recommend a limp-wristed ethics commission rather than a full-blooded ICAC because Tasmania is over-exposed to the woodchip industry. Can you explain why people are over-exposed to the woodchip industry? Are you talking about politicians or, what are you saying? Also can you verify it, can you back that up?

**Cr STEVENS** - You would have voted for the Pulp Mill Assessment Act 2007?

**Mr HALL** - Yes, I did.

**Cr STEVENS** - I think Mr Wilkinson did also.

**Mr WILKINSON** - I did. I voted against the process, as I did not believe the process was correct. But we lost that vote with the issue before and I voted for it, yes.

**Cr STEVENS** - That was perceived as almost an attack on the people in the Tamar Valley. How would you like it if a pulp mill was built kilometres from your home? How would you feel?

**Mr HALL** - I would not be concerned, quite frankly. What I am saying is that as an independent I made my own assessments of that and others did too. You have to recognise the sovereignty of Parliament, in that 30 out of 38 elected representatives voted for it. Whether you agree with that or not, that is a fact of life. To say that I am over-exposed to the woodchip industry or imply that there is some corruption, I take offence at that quite frankly.

**Cr STEVENS** - Yes, but the chairperson said that it is a small island where conflict of interest has a slightly different meaning than it does in other places.

**CHAIR** - I think, if I might, it still has the same meaning. A conflict of interest is a conflict of interest and there is no argument about that. It is a perception issue and it can be perceived because within a smaller community people have a relationship with somebody who may be involved in something.

As far as I am concerned I am independent. I know that even though I might be friendly with somebody, if I believe that person is doing the wrong thing then that person is doing the wrong thing and you cannot say that he is doing the right thing. No argument with that. Different people might do different things but it is a perception thing. Because I know Joe Bloggs, who wants to do this, somebody might vote for the issue and say as you know Jim Wilkinson, there must be corruption even though there is nothing at all. It is a perception that is hard to deal with in a small community. All you can do is express your conflict of interest. I am a lawyer, so to let people -

**Cr STEVENS** - I realise that and a practising lawyer too, I think.

**CHAIR** - When I get time yes; at the moment I do not practice that much at all, even though I get criticised for it from time to time. It is a situation where as long as you express that conflict of interest, if your vote is going to be affected you don't vote. That has happened to members of parliament in the past. They say that they cannot vote because of this conflict. Alternatively you can mention a conflict, put your argument in and walk away from it. That happens as well. Members of parliament do that.

**Mr HALL** - If you talk about collusion between governments and Gunns for example, I put it to you that - and I admit that the process was far from perfect - given that it was such a major project is it not reasonable for the Government to be interacting with a proponent of a major industry?

**Cr STEVENS** - I would put it to you that that is the equivalent of saying because it is genocide it is not murder because we just kill millions of people rather than just one or two. That is meaningless so far as ethics go, how big the actual project is. It is completely meaningless. It doesn't matter if it is big or small. People were transported to Tasmania for stealing a loaf of bread.

**Mr HALL** - If developers in Tasmania per se need to get a project up they talk to government, don't they? I don't see a problem with that.

**Cr STEVENS** - I don't see a problem with it either. I do see a problem with the Government spending taxpayers' money on the actual project, which is what is happening. That is our money. When we register our car it ends up promoting a private company and that gets transferred into shareholder dividends. Those shareholder dividends go outside of Tasmania.

**Mr HALL** - Or inside in some cases.

**Cr STEVENS** - Yes. As far as this pulp mill goes, I would like to look at the future. I don't want to dwell on the past too much. If it goes ahead, they build their huge pulp mill and start knocking down forests and tree plantations, we will have an ecological crisis here. That doesn't bother me because I can go and live in some other part of Australia -

**CHAIR** - But it should though, shouldn't it?

**Cr STEVENS** - Yes, it should. My wife is a Tasmanian. Have it your way, have your pulp mill, destroy your little island, so what? What have you proven? The majority of the money will go offshore and go into those big funds in the United States.

**Mr HALL** - With respect, Mr Chair, we are getting off the point here. I could answer that by saying that those plantations will be woodchipped and sent out anyway, so it is a nonsense to say that.

**Cr STEVENS** - They don't have to. They are talking about using them for -

**CHAIR** - We are getting off the point a bit. We are talking about the merits or otherwise of the pulp mill. I know it is a passionate issue to some people and I accept that, but what we are endeavouring to confine ourselves to here is whether there should be a committee, a



commission, an ICAC or whatever it might be set up and how it should be set up - the membership, who should be in charge and that type of thing. That is really what we are here to prosecute. We hear what you're saying. I think the vast amount of evidence we have heard is that it is a perception thing. We have to look at what is the best way to do it.

**Cr STEVENS** - You certainly don't have to reinvent the wheel; it has been done in three other States in Australia and they all have some sort of committee or commission looking at ethics, I would say.

**CHAIR** - You're looking at Western Australia, Queensland and New South Wales. Victoria doesn't have an ethics commission, they have a police integrity thing. They are the States that have something. Some of the argument has been that in Tasmania you do not need this huge affair like an ICAC that costs a significant sum of money, which maybe could be put to better use in health, education or whatever. That is what we are trying to find out, if there is something how it should be made up.

**Cr STEVENS** - It needs to be tailored to the needs. There are only half a million people here so you only need a small ICAC.

**CHAIR** - But you still need enough. It is like cricket, just because we have half a million people doesn't mean we play the Sheffield Shield with seven players. We still need a certain number of people to play the game properly and to do the job properly. How do we do that? That is what I am struggling with.

**Cr STEVENS** - I could recommend looking at all of the alternatives. If you don't have an ICAC, if you recommend nothing then we will have nothing. We will just have business as usual and look at the outcomes. I can see things really deteriorating. I think we are lucky that corruption in Tasmania, if there is corruption, seems to revolve around trees. Thank God it doesn't revolve around the poppy harvest because you would have serious problems then. If you don't have any ICAC you are just opening the door to other opportunistic organisations, and they exist. In the Riverina, the Murray area where they were growing marijuana, there is organised crime in Australia and all over the world. If you do not have firewalls towards this sort of opportunistic crime, you'll get it. It is just the way it is. That is reality. That is your alternative. If you do not have an ICAC you are going to have organised crime.

**Mr HALL** - Karl, it has been put to us by a couple of witnesses that perhaps politicians and bureaucrats and indeed local government members ought to have some sort of formal training in ethics. Have you an opinion on that?

**Cr STEVENS** - Yes, I think they should. I think that they should do at least one ethics workshop per year for everybody in local government and anybody in the public service.

**Mr HALL** - What sort of induction did you have at the West Tamar Council, just as a matter of interest?

**Cr STEVENS** - My induction consisted of the general manager saying - and you are going to hate this but I worked as an accountant at the woodchip mill and so did the mayor - 'Here's your badge' and that was it.

**Mr BEST** - What have you then undertaken in study for your own purposes with council meetings and that sort of thing in what might constitute and assist you with good ethical conduct and decision making?

**Cr STEVENS** - I have read quite a bit of the Local Government Act. I have read the council code of conduct on pecuniary interest and I have been prepared to declare any pecuniary interest, but so far it has not come up. There was one matter, a housing development, involving a customer in my computer business which I would not have voted on but they took it off the agenda anyway so I did not vote on it. I am quite prepared to completely exclude myself from anything at all that I have a financial interest in and I am not even a wealthy person.

**Mr BEST** - You obviously have some interest in things about corruption, ICAC and that sort of thing. What have you studied yourself, though, about what might constitute good ethical conduct? There are people at university here in Tasmania. From what we have heard from other witnesses, the Local Government Act probably, whilst we have heard from the Local Government Association that they think there are good systems in place, the actual going about your business, so to speak, what sort of things have you researched that you could tell us about?

**Cr STEVENS** - I spend a fair bit of time with community groups in my area and the perception that they have is that public servants and politicians are our servants but they are not acting as our servants. That has been completely usurped in Tasmania and they are acting either for political allegiances or for commercial allegiances; the concern of the community or the population or the people who voted them into office has been overlooked. That is the concern that I see.

**Mr BEST** - Yes and I appreciate that but you have made a point to the committee that you think that there should be an ICAC and that you want to comment on ethical conduct. I am just asking you what research you have undertaken yourself to come in here today, given you are an elected councillor, to comment on these things? What actual independent research have you undertaken yourself? Have you undertaken any?

**Cr STEVENS** - Yes, I have.

**Mr BEST** - What would that be?

**Cr STEVENS** - I have studied a fair bit of the history of Tasmania and I see a history of State Government-sanctioned destruction. The thylacine was made extinct through policy of the State Government where they actually paid people to wipe them out. Possibly the Tasmanian Aboriginal is another example where it has been State policy to just destroy it. Tasmania has a shocking history and there comes a time when we have to say that we do not really need this colonial mentality of we are the sort of gods that can just come in here and destroy it for a short-term financial gain. We need to turn that around, we have to come into the twenty-first century and say, 'Here we are, we have made mistakes'.

**Mr BEST** - I think you are telling us things we already know. I am interested in what you have studied regarding ethical conduct and what your proposals are regarding the independent research and advice that you would like to give the committee. I think, from

what I am getting, that you have not actually done any independent study apart from the cartoons.

**Cr STEVENS** - The cartoons is not a study. I would not call it a study.

**Mr McKIM** - I just wanted to ask you, Karl, about the pecuniary interest disclosures for local government councillors. You have indicated that you have been prepared to withdraw from a vote on a particular issue. You are a local government councillor currently - what do you think about a more proactive approach to pecuniary interest disclosure by local government - for example, a law requiring all councillors to proactively disclose anything that they think may influence any decisions they made or any pecuniary interests they think they might hold, and that information being made available to the public?

**Cr STEVENS** - I do not have a problem with that personally. I think some councils and mayors would have a problem with that. It is not really the real issue. The real issue comes down to the actual meaning of pecuniary interest. This is probably for you, Brenton, as well. Our mayor, Barry Easter, owns a tree plantation next to his house. Does that prevent him from voting on a pulp mill? No, it does not, because a tree plantation is very much different from a pulp mill. Somewhere along the line there is a disconnect there. In my mind, trees usually end up in a pulp mill around here. He really has not demonstrated that they have not, that his tree plantation will not end up in a pulp mill, yet he is okay to vote on anything to do with Gunns' pulp mill. I think that that is where the problem lies, because the law is not clearly defined in that area. A lot of these acts are pretty old.

**CHAIR** - If I can, your answer to Nick is, yes, there should be - if there are going to be donations or whatever they should be made known, or if a person is going to benefit - in other words, your public interest for public interest's sake - if there is going to be a donation from a party or from a person or a company to a party that should be made known.

**Cr STEVENS** - Or if you have financial interests in something that might potentially influence the way you vote. I would put it that that is actually quite easy to subvert. I did some research in at -

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

**Cr STEVENS** - It should be there. I cannot see any reason why it should not. You could just put in the property that you own. I mean, I think you already have to declare gifts.

**Mr HALL** - Can I also put it to you, Karl, that if you were a member, say, of TAP - which I think you said you were - then you belong to a political activist organisation. You are going into a council meeting with a preconceived idea or notion so therefore should you also declare that interest and therefore not vote on that particular matter?

**Cr STEVENS** - I have thought about that quite a bit. I notice that there was a suggestion that any of those issues should preclude a vote in local government. I actually do not agree with that. I stood on a platform of, say, opposing the pulp mill and getting rid of vested interests - or doing something about vested interests at local government in my area.

**Mr MARTIN** - No-one in the Tamar Valley would not know you are a member of TAP?

**Cr STEVENS** - Would not know? Quite possibly.

**Mr MARTIN** - You stood on their platform.

**Cr STEVENS** - Yes, I did.

**Mr HALL** - Therefore, if a mayor, for example, was a member of the Timber Communities Australia then the same view would apply? That mayor would not have a conflict of interest?

**Cr STEVENS** - All I said was tree plantations. I got it right back to basics. I think that a person is entitled to their beliefs and if you start saying to a person, 'You cannot vote on this because you do not believe in it' then you are just fast-tracking -

**CHAIR** - I do not want to cut it short because we are getting into good debate but would you agree with me that you would hope that any person who has to vote in any forum votes after having done their homework by looking at all competing views and then as a result of that, makes their mind up without any pressure being applied by either side? Sometimes people accept that view, sometimes people do not. That is what it is all about.

**Cr STEVENS** - Yes, I would go along with that. That is an ideal situation. To me, it has never been that black and white. I can never work out how a guy can have a couple of wines over lunch and then go and vote on important issues. I would not be able to do it. I just can't do it.

**Mr BEST** - Who does that?

**Cr STEVENS** - I would say quite a lot of the councillors spending ratepayers' money at their council lunches.

**Mr BEST** - Who does that in parliament?

**CHAIR** - I wouldn't say that.

**Mr BEST** - I wouldn't say that either.

**CHAIR** - Years ago maybe.

**Mr HALL** - They don't now.

**Cr STEVENS** - There is a tradition in my council in doing that.

**Mr McKIM** - I have seen people drinking at lunchtime and going back into the Parliament. It does happen.

**Mr BEST** - I've never seen it.

**CHAIR** - Karl, thank you for coming along. Thanks for your cartoons.

**Cr STEVENS** - Can I leave this with the committee? It is a little dossier. It is in electronic form and it is statements made by Gunns on the pulp mill. They have announced something like 10 to 12 different start dates. People live here. There is an old lady in the Tamar Valley; her husband has died but she cannot move into a retirement home because she cannot sell the house because they keep threatening to build a pulp mill year after year. In the time they announced this pulp mill they have built one at Penola in South Australia a closed loop system and Gunns are still talking about their pulp mill.

**THE WITNESS WITHDREW**

**Mr GEORGE CHANDLER** WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

**CHAIR** - So you know what is involved, anything you say in here is privileged and anything then that you take outside -

**Mr CHANLDER** - Is privileged also?

**CHAIR** - Is not privileged.

**Mr CHANLDER** - Isn't it?

**CHAIR** - No, it is only within this room. If you want anything to be in camera, in private, then please let us know if you think there is going to be an issue which is going to embarrass you or others. It can be in private, in camera, only for the ears of the people in here.

**Mr CHANLDER** - I will start up with the line, 'People want politics in Tasmania cleaned up.' That was said by Richard Flanagan on Monday night; I imagine you all saw that. This program was broadcast nationally.

My name is George Chandler and I have worked in four different government departments - two Federal and two State. I am a retired trained structural social worker and a TAFE teacher and I have taught legal studies to the more earthy members of our community.

Before I start I would like to thank you for this because I think what you are doing is important. I believe that ethical conduct engenders trust and nowhere demands trust more than an effective working democracy. If trust is lost it flows down into the instrumentalities of that government and people then cease to support hospitals and police and regulators and ambulance operators and all the people that make our society operate. Worse, if people believe there has been injustice and corruption then they take out their own little reprisals, and that is absolutely dysfunctional. That is not good.

**CHAIR** - Do you think, George, that sometimes people say that if somebody has a different point of view then there is corruption involved? 'How can you have that point of view? So there must be corruption involved.' That is not right. As you know, people might have made their minds up.

**Mr CHANLDER** - Everybody has a right to their own views.

**CHAIR** - That is right. So it is this perception where people think, even where there is not, that there must a conspiracy. How do we get rid of that?

**Mr CHANDLER** - There are four points I want raise as introduction: democracy, society as a whole, Tasmanian society, and how I see your role. In Athenian democracy those who mattered sat around and discussed a particular issue or problem and then voted on it and the minority had to accept it. Representative democracy came in in eighteenth or nineteenth century England and that was because people were spread around. Colonies were operating and in order to have some say in government they tried to find someone

to represent their say. You elected them, and if they didn't do their job after a period of time then you got rid of them. That was necessary because communication was so slow. There are still a lot of people who believe that that is what democracy is. If I could quote the Mayor of Devonport, just recently she said, 'Seven councillors voted to cease recycling and that's democracy'. What she was really saying was that if the majority of people in Devonport don't believe in it, then cop it and vote them out at the next election. There is a longer thing about recycling, isn't there, a bigger picture, but that is representative democracy.

The third type is modern democracy and that has been brought about by electronic media. People now get a world perspective, news is faster, it informs the public extensively and without delay. We have Internet. Librarians now are a fantastic source of information because they can make the Internet sing; they are absolutely wonderful. All that is available to us. We have news radio and news channels and all the rest of it. You can get specialist knowledge through the Internet within minutes, specialist knowledge that you'd never be able to get a few years ago. What that has meant is that people now are looking for different things than just straight simple representative government. That is why seven politicians are sitting here. I don't think that would have happened 20 years ago.

**CHAIR** - With committees it would have.

**Mr CHANDLER** - Yes, but would we be looking at an ICAC, ethics or ethical committees? Probably not. You can see the problem. This has brought about different expectations. People are better able to critique information today and there is a greater interest in political stuff. How many of you didn't vote for either Obama or McCain on that Internet voting site?

**CHAIR** - I didn't.

**Mr CHANDLER** - All around the world was an Internet voting site for which one you wanted to vote for. They had Australia and the figures for both. They had it for countries all over the world. That wouldn't have happened 20 years ago. There is that increased interest and that is why you're getting people coming to talk to you now. This new system, we will call it 'modern democracy', is technically possible and organisations such as GetUp are using it for people to vote. This is going to keep going; you can't stop it. People will resist it, there's no doubt about it, but the Internet is not going to go away. As I said, we are here because of that very movement.

Modern democracy really is going to rely on trust and modern democracy must engender trust. But here is where the sociologist's view comes in. There is a bit of problem. Society worldwide has picked up two terribly important things. One is greed. We are really pushing greed. Our heroes now are Warren Buffett, not people like Daisy Bates or Albert Schweitzer. If you ask the average Australian who Reg and Catherine Hamlin are, nobody would know. The focus is on greed and there's been a further push on greed. That makes people a little bit suspicious about why he is really doing this.

The second point is spin. We've brought in this whole thing of spin. I'll give you a quick definition. It is defined as a pejorative term signifying biased portrayal of an event in one's own favour. Spin often, though not always, implies disingenuousness, deceptive

and highly manipulative tactics. You will have all seen obvious examples of getting a public relations officer, or a spin doctor to make a point. That's made people very suspicious. There are other points from recent Tasmanian history: the attempted bribing of Jim Cox, the pressuring of Justice Wright, the Wriedt and Chaffey matter, John White pleading guilty to a related offence, Bryan Green not being found innocent; Shreddergate -

**Mr BEST** - He wasn't found guilty either.

**Mr CHANDLER** - No, he wasn't found guilty and he wasn't found innocent.

**CHAIR** - The legal side of that, as you know, is that if you can't be found guilty beyond reasonable doubt you are innocent.

**Mr CHANDLER** - That's true, but what's the general opinion in society of it? The general, average person in society.

**CHAIR** - It should be, but it's not.

**Mr McKIM** - The situation is that he's certainly innocent because he wasn't found guilty and he is entitled to the presumption of innocence but the fact remains that he wasn't found not guilty twice.

**Mr BEST** - So he's not guilty.

**Mr CHANDLER** - The fact of the matter is that Tasmanians have lost a bit of trust due to all those factors. The second one -

**CHAIR** - The other interesting issue is the John White issue. When you look at the comments of the judge in questioning what all this was about, you see that it was a section 7F, which is a conditional discharge. The media didn't help it, because they didn't print what is -

**Mr CHANDLER** - But what I'm asking is has that affected Tasmanians' level of trust? I'm contending it has a bit.

I'd also say that most Tasmanians have never known a time when the Government has been as much in conflict with the people. If you start at St Helens with people not wanting the sprays in their water and the action taken; if you look at Federal Hotels being given the ability to build at Coles Bay; if you look at projects in Hobart such as Ralphs Bay and Sullivan's Cove; the T junction at Broadmarsh; the pulp mill -

**CHAIR** - There are people for and against most developments.

**Mr CHANDLER** - Yes, but have you ever known as many in one time? I'm 66 years of age.

**Mr BEST** - There are more projects on the go at the moment.

**CHAIR** - Battery Point Progress Association complained about coffee being roasted on a Sunday morning in Battery Point.



**Mr CHANDLER** - My point is, all this happening means that people want to be involved, but has it lifted their trust and their belief? That's the point I'm making.

The fourth thing is how I see your task. Please jump on me if I am wrong. I see a State in which trust has been lost, to a degree, and I see your role as producing a structure that will re-establish the trust in government and - and this is the tough bit - maintain that trust into the future whatever happens.

**CHAIR** - That covers lot of things.

**Mr CHANDLER** - It is a tough one. When I put my name down to come and talk to you I thought, would I like this job? Not real sure I would.

**CHAIR** - But you can set up a structure that you believe in. My strong view is that all that anybody can do is look at all the evidence and then, as a result of that evidence, come forward with an answer and recommendations. It could be the best structure that's in place, but if you have people wanting to undermine it even though it is the best, people will say that it doesn't work because it's not getting the public attention that it should get, maybe because of the media, or people saying things which are just totally false and misguided. We do not know. It seems to be something that you could put in place and then hopefully things will grow from that. That is all you can do, isn't it?

**Mr CHANDLER** - Yes, that is exactly right and leads me to my recommendation, your point about evidence. We need an ICAC that is set up to gain evidence, either for or against, not leaving things up in the air like the Bryan Green matter. This body needs to collect very clear evidence for or against and I am not too sure that just an ethics committee can pull together that evidence and would have the power to do it. I am therefore saying that I recommend the establishment of an independent commission against corruption. I think that the aim of that is to expose instances of corruption at the political and upper government level. I think it also has a terribly important role in establishing modern, binding ethics. I listened with interest to your comments to the previous speaker because ethics are definitely important, no risk, if a person gets away with breaching ethics long enough.

Finally, I think that the role of an ICAC would be to bring those involved in both corruption and breaches of ethics to account.

**CHAIR** - How could that be?

**Mr CHANDLER** - The ethics is the toughest one. I have included a bit on ethics.

**CHAIR** - You can call this body anything, an ICAC could be the same as an ethics commission. It is a name. It is what is behind the name -

**Mr CHANDLER** - What it's aim is.

**CHAIR** - You can say that that body is installed, looks at an issue, gets people to properly investigate it because you need to have the teeth to investigate it, and they then find that there has been a crime. That should go to the DPP because that is a crime and the DPP

should then proceed or otherwise. If it is not that, if it is an ethical or morality thing you know that is not right, but it is not a crime, what do we do?

**Mr CHANDLER** - And look at the mitigating circumstances. Everybody is doing it so an ethic changes depending on whether everybody is doing it or not.

**CHAIR** - How do we deal with that? Do we name and shame?

**Mr CHANDLER** - But the evidence has to be there. Your point about the evidence is spot on. You do not name and shame unless the evidence is there and I believe you need a really good, properly funded, properly set up organisation to look at the evidence for and against.

**Mr BEST** - Can we talk a bit more about your proposal before you go to ethics?

**Mr CHANDLER** -What would an ICAC need to operate? It must be established under proper legislation and people have to believe in that legislation. Sections 9, 4 and 11 of the Pulp Mill Assessment Act did shatter public confidence in legislation so it has to be set up to be open to people with a really effective opposition and looked at by a really independent-thinking, strong Legislative Council because then people will have more faith in it. Anything shoved through, pushed through, not involved, you are going to get what you deserve. Society, as I said earlier, needs trust in their political system.

First, it needs to be under proper legislation. It must be properly funded and that means money for sufficient staff and the right staff, the right equipment and sometimes surveillance equipment is needed; the Police use it all the time. It needs money to pay for information. Once any whistleblower has given information he or she will have to get a new career and maybe even relocate. I think all of us in this room know things that we would not say a word about because the problems for us would be pretty frightening. You have to have that money to pay for information. It is unfortunate, but if you do not, you are not going to get it, are you? So it must be properly funded. The legislation must be retrospective, because Tasmanian people are saying at the moment, 'What has not surfaced yet?' I do not know, you do not know, but there may well be more information about other things that have not surfaced yet.

**CHAIR** - I think any body looking into a complaint made should have the ability to properly look into it without having any rules built in front of them.

**Mr CHANDLER** - You are saying it should be retrospective?

**CHAIR** - My view is that you should not just start as at 1 January 2009 and not be able to look at anything prior to that.

**Mr CHANDLER** - Certainly the Criminal Code is not like that, is it?

**CHAIR** - That is right.

**Mr CHANDLER** - So, yes, I think we are in agreement there. The Liberal Party may put up some opposition because of what the royal commission into the Jim Cox affair said about Robin Gray and the statements the commissioner made about David McQuestin. The

reason for that is that Sam McQuestin is now the president of the Liberal Party and if any nasties came up they may stick. So there will be areas I think where you may get opposition to the retrospectivity.

**Mr ROCKLIFF** - We would like some retrospectivity, obviously.

**Mr CHANDLER** - I have misjudged and I am very sorry about that.

**CHAIR** - In matters where you have individuals involved there is a bigger mass around the issue and, after getting all that evidence, the bigger mass normally vote in the way that people expect with things like that, just because we are independents. But just because, let us say, somebody who was my cousin did the wrong thing, I am not going to stand up and defend that. I would say, 'You have done the wrong thing. You have to cop it'. I think that is the majority view.

**Mr CHANDLER** - That is right, but then there are organisations where people swear an oath or there is an unwritten oath that they will support the organisation. I think there are a lot of areas where that is important. The group support becomes important.

**CHAIR** - Not where there is something illegal.

**Mr CHANDLER** - No, not at all. Legislation must enable integrity testing. A police constable signs a document that says that at any time he can be integrity tested. He has a sergeant above him and an inspector above there, a commander above there, an assistant commissioner, a deputy commissioner, a commissioner. Politicians, I do not think, have that six-tier structure above them. A police constable works with different police officers and different areas of police all the time, so he is being watched by his fellows. But today people have recording devices and movie cameras in their mobile phones. Police officers cannot do anything without being watched. So if it is good enough for police officers my point is that it should be good enough for politicians and senior heads of department to sign a declaration saying they will be integrity tested. I have written down here, 'should you fear the introduction of an integrity testing for all politicians then you understand very well why it is needed. If you do not fear it then, by crikey, it is going to establish public trust if you institute it.' So it is a sort of win-win that one, is it not?

**CHAIR** - How do you do it?

**Mr CHANDLER** - On the back of my presentation here I have taken the liberty of photocopying the integrity-testing sections of the Police Service Act. I like the Police Service Act. It is a good act, it is simple. I think it is a cracker, personally; one of our best. That deals with integrity testing and financial statements. There are two sections - section 48 and section 49.

**Mr BEST** - I was going to ask a few questions.

**CHAIR** - Can this be tabled?

**Mr CHANDLER** - Yes, please. These are just my speaking notes. I think that is very important. But I do not know. Again, this is my opinion and I am open to questions.

The integrity testing is terribly important. I do believe that there is a very strong educative role in an ICAC for candidates for political parties. It is a hard thing if you have put up, been elected and then inducted and found that there is stuff that you are a bit worried about and start to wonder whether you should have taken the job on. We really need to get to people before they are put into senior public service positions. I think all public servants go through an induction process before they are appointed. They need to go through that induction before they are appointed, rather than when they are appointed at the bottom of the pile and certainly senior public servants at the top of the pile definitely should go through an induction before they are appointed to the position. I think that the political candidates should as well.

The role, as I see it, of the ICAC would be in educating the general public about the ethics required. I know what the ethics of doctors are - 'whatsoever things I see, whatsoever things I hear, that shall I' and so on; you have all heard it. I know the ethics required of me as a teacher, I know the ethics required of me as a social worker, I know the ethics of the police, they are laid out beautifully in the Police Service Act but I do not know the ethics as they relate to politicians. It is not publicly known so I think that ICAC has a really solid role in putting that out in the general public.

Maybe if I just finish off at that point because I could go on forever. In summary, what I have said is, you are part of establishing an unstoppable modern democracy. It is there and it is growing. Technology has probably caused it. Tasmanians are a bit cynical for a number of reasons. The next thing, an ICAC, I see as the choice and an ICAC would need proper legislation, proper funding, retrospectivity, integrity testing and would have a role in establishing ethics.

I will just finish off with Richard Flannagan: 'People want politics in Tasmania to be cleaned up'.

**Mr HALL** - George, whatever the committee ends up recommending, that is yet to be seen. We are here to take their evidence and everything else. You probably heard me ask the previous witness about ethics training for local government and for politicians and members of the public service. Would you support that view, that there ought to be some formalised method of training?

**Mr CHANDLER** - Of course, yes, definitely.

**Mr HALL** - You were talking about ethics testing, I think it was, wasn't it?

**Mr CHANDLER** - Yes, it is called integrity testing. It is already in the act, so it is not as if there are a group of people being really difficult and setting up something nasty. Here is something that already exists for ranks of the public service at a much lower level.

**Mr HALL** - There is a matter of perhaps formalising it. I put it to you that, in my view, without being too sanctimonious about it, most politicians go in there for the right reasons and try to do the best job that they can.

**Mr CHANDLER** - Yes, but like businessmen, when they are in there I think they are subject to an awful lot of pressures. And I make mistakes.

**Mr HALL** - Undoubtedly that happens in the whole of society. We are all subject to it. Even if I put another hat on as a farmer, there are all sorts of pressures and things that come up and you have to make a judgment call

**Mr CHANDLER** - We all make mistakes because of things happening in our private lives and things happening in our public lives. We all make mistakes.

**Mr HALL** - Some of the previous evidence we had suggested that is what ought to happen. Whether it happens with the polytechnic or whatever, as we had evidence yesterday, that is something that could happen.

**Mr CHANDLER** - There was a question asked of a previous speaker that was a cracker and that is, where to do ethics start and finish. I have a vested interest in aged care, education, road safety, good transport -

**Mr HALL** - You had better not stand for Parliament, George.

**Mr CHANDLER** - No, I know. My vested interests, like everyone in this room I would imagine, are pretty wide. At the moment I am a member of a group trying to get a better system than T-junctions on the Dilston bypass. That is a vested interest. I am a school teacher so I do not want to see the kids in school buses t-boned by a 69 tonne B-double, and there is a cheaper and safer alternative. When I put it forward, 'Wait a minute, you're one of the residents', it is a vested interest.

**CHAIR** - George, thank you very much for coming.

**Mr CHANDLER** - Thank you for listening to me and I am sorry to harangue you fellows. If I impugned the situation with -

**Mr HALL** - No, Mr Rockliff will get over it.

**Mr CHANDLER** - They are just some things that I thought about, saw and said, 'What are the conditions under which I would fight against an ICAC'. Again, that is not about Mr Rockliff. That is about a group of businessmen behind the whole system. I have no doubts about your ethics but I do have doubts about some of the businessmen supporting any party.

**CHAIR** - Thank you, George, for your time.

**THE WITNESS WITHDREW.**

**Mr MIKE BOLAN** WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

**CHAIR** (Mr Wilkinson) - Thank you for your submission and for coming along to prosecute that submission. What you say in here is privileged, however if you take what you say in here out to the public then we cannot offer you that same privilege.

**Mr BOLAN** - I am an adult. I maintain my beliefs regardless of the circumstance.

**CHAIR** - And if there is anything that you wish to say in camera then please let us know.

**Mr BOLAN** - That will not happen. I am a complex-systems consultant and that means I look at very large complex systems that are highly interconnected. In such systems, which are growing in complexity by the day, it is very important in order to maintain stability that the entire system is understood and managed as a whole system. Our experience is not to do that. Our experience is to manage things as bits and pieces and when we do that we run into serious trouble. The reason I wrote to you was not to reveal anything in particular or to do anything except to put some views in front of the committee that may help you. That is the only reason I am here. I have nothing to disclose. I have not overheard people speaking in taxis and if I had I would not be disclosing it to you. Rather I believe that in part your job is a job of design. You have to say to somebody else, 'We think you should do  $x$ ' and  $x$  presumably is supposed to achieve some result in some wider complex system, presumably the system that is known as Tasmania.

As a complex-system consultant we do a lot of that kind of work, so the reason I am here is to pass across the level we can describe that you may find useful or you may not. That is why I am here.

First of all on the business of ethics, in complex systems we believe it is really important to define our terms. For our purposes I define ethics as a adherence to some set of principles that produce trustworthy behaviour that is conducive to long-term stable relationships and that acts as a model or an exemplar, if you like, for the behaviour of others. So if I exhibit dishonest behaviours in front of my children then I should not be too surprised if my children become dishonest.

In government you would imagine that one of the purposes of ethical and so forth behaviour is to set out a set of behaviours for the whole population, so if we behave like this therefore we expect you to do the same thing. As our systems become more complex and more interconnected so those things have more impact and become more important. Complex-systems consultants can identify non-viable elements and causes of dysfunctional behaviour. I believe that there are various dysfunctions in Tasmania. They are important and institutionalised and are creating massive unnecessary conflict. I will speak very quickly about that.

Basically, ethics implies standards. There's not much point having ethics if we don't know what the standards are. It also implies definitions. For our purposes, I would suggest to you that corruption is any condition in which a system works against its own wider interests or causes the system to become unsustainable. For example, I can say

that a cancer that suddenly takes over and starts growing at the expense of everything else is a corruption of my body's normal processes. That is what we mean by corruption; we don't mean money in paper bags. That might be one form of corruption but corruption means to corrupt a system into working against its own purposes.

The Universal Declaration of Human Rights in 1948 stated:

'All are equal before the law and they are entitled, without any discrimination, to equal protection of the law.'

That is not true in Tasmania. That demonstrates, as far as I can see, that for the entire population the Government is entirely hypocritical. Whether it is the government of the day or previous governments, that class of problem is creating major anger amongst community members.

The second thing is that everyone has the right of equal access to the public service in this country. That is not true in Tasmania. Many people have been denied access to elements of the public service, most particularly in the pulp mill assessment business. That denial is creating anger. Let us take hairdressers. If I say to all hairdressers institutionally, 'The parking laws don't apply to you', then that will create problems that I can't predict because they are in a system which is predictable because everybody is obeying particular laws, but I have suddenly introduced an exception. When these hairdressers start parking and impeding other people, people will be angry at the hairdressers. If I leave that situation alone then finally I will have created a division between the rest of the community and hairdressers. It has been created institutionally by the way I have organised things. I believe that is a fundamental error. It creates so many problems.

The other thing is unfairness. When we say to one group, 'We are relieving you of those responsibilities', then we create chaos in the system because we can't predict it. The best example I can give you is the example of the United States relieving the financial institutions, and most particularly the investment banks, from the rules that apply to everyone else and the result is global chaos. We are yet to see how seriously this impacts us all. Relieving some group of responsibilities that apply to everyone else and just making different rules for them is a huge systemic error. I have nothing to say about hairdressers; they are entitled to do their business. The main problem I have here is with the forest industry. I have no problem with forestry; the problem is the institutionalisation of that class of problem. The second component to it comes under the rules and principles of natural justice, which have been around since Roman times - in other words, they are a couple of thousand years old. Why are they there? Because without them we get social chaos of various types.

The first component and one of the most important is that the decision maker is impartial, so if I am deciding on a case, I am not partial to the answer. We have created a whole industry that decides cases about the public when the public has a grievance against that industry and they decide usually in their favour. That is unjust; it is a definition of unjust. It is absolutely inappropriate as it relates to the principles of natural justice. In the Pulp Mill Assessment Act they even remove the rights to go back to the Judicial Review Act, which encompasses the principles of natural justice. In other words, the Government has said, 'Impartiality and a fair hearing are not part of your

world, Mr Community'. That makes people angry - just that. Forget about the issue at hand. It is like the hairdressers parking in the street. If the hairdressers parked three across the road because they are allowed to and block the road then people would be angry at hairdressers. All that is happening here is that due to the fact that we have institutionalised these errors these divisions and this anger are being created which is unnecessary and the costs are enormous. The cost of all this is staggering.

The costs of relieving the US investment banking industry from the normal rules applied to everybody else are going to run into the tens of trillions of dollars. We do not know what it is yet but it looks like it could bankrupt whole countries and all that was done with good intentions, needing to help these guys take risks, et cetera, all good intentions but they are breaking fundamental principles. My view is that your job is a non-trivial task. You have to decide for yourselves whether or not you support the idea that all people should be treated equally, whether you believe that ethical behaviour is worthwhile or if you think you should be an exception to that. If you think you should be an exception to that what does that mean?

On the matter of corruption, if we say that there is a condition in which a system works against its own wider interests then I can say the system has already been corrupted because it is costing money, it is creating division and so forth which is totally unnecessary. We have created a condition in which the system has become corrupt. Many of the population members that I listen to use the word 'corruption' in that context. They are not saying, 'You, Mr Politician, are taking bags of money from somebody and I can't prove it'. What they are saying is the system is not working for me, the taxpayer. It is working for those guys but not me. It is unfair. It is corrupted. The whole idea of a democracy is so that in a tightly interconnected system like your body you cannot afford to have one element go off and do its own thing. You cannot afford to take a rest for a week or even an hour or even 10 minutes - you die.

**CHAIR** - Some say your mind does though from time to time.

**Mr BOLAN** - Some people's are permanently at rest.

Basically in complex systems - and I will say this - there is no negotiation. I saw on television a character - like Nick McKim, racing identity - as their climate negotiator. I am sorry to tell you, you cannot negotiate with the climate. The climate is the climate. The climate is going to do what the climate is going to do and in a big, complex system you cannot negotiate what is going to happen. The American Government could not negotiate the outcomes of freeing the investment banks from the rules that applied to everyone else any more than the Tasmanian Government can negotiate what happens with the population when they free one industry from the planning rules and all the other rules that apply to them.

I have met people who are dying because of this. You have probably all heard of a character with Clean Air Tas who is dying because the Government has created an exception and he has no recourse. The only place he can go to take his complaint is to the very industry that is killing him and he has been there and he has done it and it is a waste of time and everybody knows it. I would have to ask and you have to make this decision, what kind of governance situation are you trying to create? What is the purpose of your recommendation? Where are you trying to take Tasmania? That basically seems



to me the challenge you are facing. You can go in with a bunch of relatively petty things and say that politicians should disclose their interests or whatever it is, but these are relatively petty. Ethical behaviour is a human behaviour, and if I want other people to replicate this behaviour I have to have a means to help them do that. What is it? At the moment, the means are to watch the people who get paid the most money and who allegedly have the greatest respect and then copy what they are doing. What they are doing is frequently unethical and ethics requires consistency. In other words, in a long-term relationship, if I am going to be honest today I had better be honest tomorrow and next week and the week after because if you catch me being dishonest you are going to say, 'Wait a minute, can we trust anything this guy is saying to us?' My view is there is a degree of consistency across the whole thing.

I believe that I could characterise your task as both simple and difficult. In a complex system if you try to review all the aspects of things that demonstrates some need for action against corruption and/or unethical behaviour you will be here for a very long time and you will have a vast amount of work that you just will not be able to cope with. On the other hand, if you say, 'Well, here's where we're trying to go, how are we going to get there?' then there are some simple rules that have been learned over thousands of years to help you to do that. The first is to demonstrate the very behaviours that you believe other people should be doing. If I think it is a good idea to sit upright then I should be sitting upright and if I think you should be doing it I had better be doing that behaviour. One of the most common problems with government in Australia, and not just Tasmania, is that it is a case of 'do what we say' and not 'do what we do' and that is the definition of hypocrisy. If the Government wishes to demonstrate behaviours that others should copy they should be doing those behaviours themselves. Why wasn't the hospital, for example, open to all opinions before a site was chosen? Why did they have to wait? It looks like working behind closed doors and that is what people think it is. I do not know what it is and I don't care. What I can say is that the appearance generates the reality, so I would encourage you to think carefully on those questions and I will now shut up and answer any questions you may have.

**Mr BEST** - Who is your hairdresser?

*Laughter.*

**Mr BEST** - We have had some interesting contributions and so I want to pose a couple of things along the lines of your contribution. One is that an integrity or an ethics commission, whatever you want to call it, could exist utilising some existing structures so that it would have its own funding, a full-time dedicated commissioner and maybe a couple of others and pull on the resources of the Public Service Commissioner, the Auditor-General, or maybe the Ombudsman whilst it would require more funding. That is one thing that has been proposed and with that there would also be an investigative body which could refer matters if there needs to be some specialised police monitoring and it could receive complaints.

Where there is a complaint it could also function as a mediator where people need to understand what they have done wrong or where they have varied and it could also have an educational-type role. One of the things canvassed is the notion of all elected people, including the entire public service, perhaps undertaking some training in ethics. I am interested in your view of something like that operating in Tasmania.

**Mr BOLAN** - At the moment, with my level of knowledge of your deliberations, that sounds like a structural solution when I do not know what the problem is. When I say I do not know what the problem is, it seems to me that the question of the purpose of this body we are talking about is what is it supposed to be doing.

**Mr BEST** - It is somewhere people can take complaints about unethical conduct.

**Mr BOLAN** - That is a complaints commission. Basically I need to know what is 'ethical', what is the purpose of having it, what do we mean by that and then and only then can I start to say what structures might help you. You have probably had a lot of complaints I am not here to complain I am here only to try to contribute something.

**Mr BEST** - But you have given us some complaints already about the pulp mill process for example -

**Mr BOLAN** - They are not complaints.

**Mr BEST** - You have given us examples of complaints and I suppose that is why -

**Mr BOLAN** - But if people take complaints to a body and then the body does something, that is a fairly long and extensive design question. It is an important one but from a systems point of view there are three fundamental things that systems people always do because nothing else works. A complex system is a bit like a Rubik's cube. There are three billion ways of getting it wrong and there are two or three ways of getting the answer and unfortunately the systems are pretty much like that. Happily the ways of getting it right are relatively straightforward, they are not simple but they are straightforward. The first is to work out the purpose of this body. What are we doing with this body and why is it there? What is it supposed to achieve?

**Mr BEST** - Ethical and accountable government.

**Mr BOLAN** - Yes, but that is a big question and what does that mean? The first thing is to establish the purpose because only when we know the purpose can we design something to fulfil a purpose. If the purpose is to shut the population up then you can have a complaints commission, but if the purpose is to change the behaviour of government or produce a different class of democracy you have a different solution on your hands. In struggling to answer I would say first that you need to establish the purpose of whatever the body is and your recommendations. What are you trying to achieve? Second, what evidence would have to come into existence to prove to you that you had achieved it? Third, how are you going to produce that evidence? That is a fairly simple set of steps. They are very tough and demanding but they leave out a lot of consideration such as how much should we give them, should it include the Public Service Commissioner, should they have free parking, should they use their own cars, all that kind of stuff. It basically tries to use the knowledge and wisdom of the committee to focus everything into a useful set of principles. So that is the best answer I can give you.

**Mr McKIM** - Mike, your submission mentions donations to political parties more than once. Obviously this is a committee that is made up of some members of political parties but

also independent MPs. Can I take it as read that your comments would also include independent members of parliament as well as MPs who represent political parties?

**Mr BOLAN** - Absolutely.

**Mr McKIM** - Thanks. You have mentioned public funding of political parties. Specifically in relation to donations disclosure, what do you think about the fact that Tasmania does not have State-based donations disclosure laws at the moment, uniquely in Australia, and that as a result the public, voters, go to the ballot box in often complete ignorance about who has donated, how much and to whom up to 18 months prior to the election?

**Mr BOLAN** - I think it fuels massive suspicion. Although I make representations on behalf of different groups, I do not have any political preference. I will pick whoever looks as though they are going to do the right job. The business of donations has become more and more complicated as the business of getting elected gets more expensive. In the United States, what did Obama spend - \$600 million or something, an outrageous amount of money. As that becomes more and more expensive, so donations need to go up in order for the person to have a chance of getting into power. Whether or not there are deals done about those donations, I do not know. All human history would say, 'Well, of course', but whether we really know or not, I do not know. As far as the public is concerned, just commonsense says that if I give you \$100 000 to help you get elected, there is an agreement of some kind; there is a quid pro quo. I do not know what the quid pro quo is, neither do the public and consequently it fuels suspicion. As far as I can see, there are sufficient flaws in the Tasmanian system, and I do not blame the individuals, I blame the system itself. The system is dysfunctional. There are sufficient flaws in there that many, many people now are getting more and more suspicious. It used to be, let us say 15 years ago, that you relied for all of your information on the *Examiner*, the radio and the TV. Now that has changed and one of the things, for example with the pulp mill, and I am not talking about a pulp mill here, but the people who were opposed to it surfed the Net, they got information from all over the world. They communicated with scientists everywhere. They knew more than the politicians. So when it comes down to political donations, the situation is now different and although I do not think it was ever acceptable, I think now with the scale of the donations, the information search that people have and the distortions that we see in the decision-making process - for example, PMAA which said to people you do not have any rights - basically those distortions fuel further and further suspicion and that becomes hostility very quickly. I do not see those as useful outcomes from any system, to be honest, so my view is all donations should be disclosed. Personally I would prefer you just took the money from the taxpayers. It is cheaper.

**Mr McKIM** - Just to be clear, when you suggest public funding that would be as a replacement for political donations?

**Mr BOLAN** - Absolutely. You are entitled to represent your requirements to get elected. You are fully entitled to tell us what you are going to do. That costs money, yes. I think it is much cheaper to get it from the taxpayers, frankly, basically to stop all the hostility and the nonsense that is going on.

**Mr McKIM** - Most States in Australia do have public funding. I think it is South Australia and Tasmania that do not have public funding on a State basis because they have not ruled out donations at the same time.

**Mr BOLAN** - In New South Wales where all the dodgy development promotions are going on, basically if you look at the surveys politicians score very low on the credibility stakes. That is part of the reason. Each thing they do and say appears hypocritical when you are in a distorted system.

**Mr HALL** - Mike, have you looked at the three models that are already existing in Australia in terms of ICACs, the one in New South Wales, Queensland and WA?

**Mr BOLAN** - I was relatively familiar with the outcomes of the New South Wales one because I lived up there for a while. As far as independent commissions against corruption go, again it is very easy for them to become little more than a sort of formalised witch-hunt to go and get somebody.

**Mr HALL** - That has happened too.

**Mr BOLAN** - That is right, and I think that is a great shame. It is really easy to go down the punishment track. I will say this very quickly. Do I have a couple of minutes?

**CHAIR** - Yes.

**Mr BOLAN** - What humans have learnt - and it is dysfunctional - is that when there is a series of outcomes and a mean, some are above and some are below the mean. They drift around. They are never the same. Your body temperature is never the same day in, day out. It varies about a mean like this. Everything varies about a mean. When that happens and we apply a performance standard or whatever, when the performance is below the mean we punish and lo and behold, the next performance then is closer to the mean because that is what would happen anyway. When the performance is above the mean, we reward and the next performance is closer to the mean - in other words, it is not as good. We learn from that that punishment works better than reward. It does not. It is a false learning. This is a large study but we learnt it is a false learning. So an ICAC tends to be a punishment regime - 'Let's get them'. I think there is merit to that when there is evidence of corruption - for example, money changing hands in exchange for favours. I think there is a lot of evidence for that. I think the way it is structured needs also to comprise a way of ensuring that the population is shown how to behave rather than only told what behaviours to avoid. So I do not think it is good enough. If you bring children up by only punishing them you are going to have dysfunctional children who do not know what to do. They need to understand how to behave. One of the things about behaviour is if you model good behaviour and it is shown that that is the model that people respect, other people will want to copy it.

**Mr HALL** - I appreciate what you are saying. I think that is essentially correct, that -

**Mr MARTIN** - Before we move on from that, can I clarify something?

**Mr HALL** - Yes.

**Mr MARTIN** - I agree totally too - punishment not being the answer to correcting behaviour. But does that mean you do not punish someone? Are you saying we do not seek out and punish someone if they have done something wrong?

**Mr BOLAN** - No, not at all. I do not want to take this analogy too far but it is somewhat like bringing up children or pets. If you only punish them they will become afraid of you and they will avoid you and they will do anything to avoid punishment, including disobeying what you say but basically making sure they are not caught. That hardly seems to me to be a development pathway for a whole society. So to me, what we need to do is exemplify what we want and then when there are intransigent people who want to breach those standards then have graded punishment, so first offence, second offence, third offence - whatever it is. My view is that too often a political class - and I will use New South Wales - will rush in, they will bung an ICAC in place in an attempt to clean up the appearance of government. It just does not work.

The Government in New South Wales is just as dreadful now as it was before they ever introduced an ICAC. They are taking money from developers. They have been caught in all kinds of problems. Basically I think the ICAC has probably done some good things but it is mainly at a middle bureaucrat level. They have mainly copped people who are saying, 'I'm stuck in this job. I have to make some money somehow'. They are catching those guys and crunching them but they are not really solving the overall problem of New South Wales, which is rot and corruption at the very top, and it is institutionalised; they are wasting money and they are nearly broke. The ICAC has not helped them. What people need, in my view, are things that help them do the right thing first. If they insist on doing the wrong thing, okay, blam, but here is what you should be doing.

I believe those directions are much more positive and much more useful. It is just too easy to say, 'I've done my job because I have a way of hurting these people'. We have a whole police force which is designed to prevent criminal behaviour. Does it? No. You have all the criminals living in the same place. We know the suburbs they live in. We know what they are doing, we know why they are doing it - disadvantage - and basically the entire penal system does not stop them doing what they are doing. So in terms of a political system where you are trying to say, 'We are trying to produce something that actually people respect' then I would argue punishment would be well down the path. It is necessary component of correction of human behaviour but it would not be my first pick. I would be saying, 'What do we do?' So you note that I come here and I say purpose, evidence, strategies. I am suggesting to you what I would do. I am not saying that is what you should do. I have come here to tell you what you should not do, whether or not it will help.

**CHAIR** - Thank you very much for your time and effort.

**THE WITNESS WITHDREW.**

**Ms ESTELLE ROSS** WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

**CHAIR** - Thank you for coming along. I do not know whether you have given evidence before in a committee but it is a fairly informal process. We let you speak to your submission and then we ask you questions on that submission. The evidence that you give within the committee is privileged evidence, in other words nothing can happen as a result of what you say. If you repeat it outside you do not have that same protection. If there is anything that you wish to say in private or in camera please let us know.

**Ms ROSS** - I added four items to my original submission and I see here that you have to declare that. I have a photocopy for you all.

**CHAIR** - Thank you very much.

**Ms ROSS** - I will start with an explanatory note. I lived in several countries before arriving in Tasmania in 1988 and I regard it as one of the most beautiful places in the world. However, there is always a serpent in the garden and in Tasmania's case I am afraid it is the State Government. I have attended three different sessions of parliament over the past few years and I am very disappointed at the behaviour of most politicians.

I appreciate that the party-based Westminster system is adversarial but the constant bickering, mud slinging, arrogance, rudeness and childish behaviour shown by many politicians is a disgrace. You are elected and paid for by the people you represent and we are certainly not getting our money's worth at the moment. It is not just your in-house behaviour that concerns me but the much more serious and numerous scandals which have beset parliament over the past several years which are the reason for my submission.

You are late. What is your excuse? Too much lunch?

*Laughter.*

**Mr BEST** - That is rude, I think.

**CHAIR** - You weren't a teacher, Estelle, were you?

**Ms ROSS** - No. I have never been a teacher.

**Mr BEST** - Don't teach us manners then.

**Ms ROSS** - I do not know how they manage it year after year.

**CHAIR** - It sounded very teacher-like.

**Ms ROSS** - It is only polite to be on time.

**CHAIR** - Did you want to speak to your submission?

**Ms ROSS** - I think they are self explanatory really. I do not know if you have read them all yet or if there is anything you want to ask me about.

**CHAIR** - You believe there should be some body set up.

**Ms ROSS** - Yes, and not just an ethical one. It has to be something with powers that can subpoena people and call witnesses and that sort of thing. Something with teeth.

**CHAIR** - It is just a naming thing; you can call it ethics or integrity.

**Ms ROSS** - The name does not matter, it is powers that is has.

**CHAIR** - What should it be called?

**Ms ROSS** - I do not know. I suppose the ICAC is as good as anything.

**CHAIR** - How should it be made up? Have you focused on that?

**Ms ROSS** - I believe in the complete independence of the panel members. They must disclose if they have ever had dealings with members of parliament, thus avoiding claims of bias. The trouble is in somewhere as small as Tasmania everybody knows everybody, so whether it is like a body that comes in from another State and sits once a year, or however often is needed, I am not sure.

**CHAIR** - Does it really matter whether you do know somebody?

**Ms ROSS** - Well, that it is the perception. You have to be very open and honest about something like this and there is always a perception of boys club and the like. You have to have something that is completely independent.

**Mr McKIM** - How would you describe the perception of the State Government at the moment?

**Ms ROSS** - Absolutely appalling. I cannot believe that in such a beautiful place we have such a rotten bunch of people. Not all of you; some of you are really good but most of you are just absolutely appalling.

**CHAIR** - Why do you say that?

**Ms ROSS** - It is obvious with all the scandals and things that have been happening over the years. It is just mind-blowing.

**CHAIR** - Like what?

**Ms ROSS** - Well, you name it. The Steve Kons affair. Anything to do with the pulp mill has been tainted from the word go. The rushing through of the Pulp Mill Assessment Act. I cannot believe that you passed section 11. That is just appalling. Nowhere in the world would you find legislation like that. It is criminal almost.

**CHAIR** - Are they the matters you are really focusing on when you say that?

**Ms ROSS** - I am very, very upset about the behaviour of this Government. The trouble is when you have a party system I feel that on really important matters - not the more mundane laws that go through, but really important matters - there should be a conscience vote. I know you have to have more or less party lines but those who are not happy with something should still be able to vote accordingly, like poor Terry Martin when he was so brave to go against the rest of you Labor people, that was just amazing. He should not have had to go through that. Everybody is entitled to do so. When you are representing the people and with all the polls that went through Tasmania, you must have realised that a lot of the Tasmanians were very much against not just the mill itself, that started off like that, but it is now the democratic process. It has been stuffed, quite frankly.

**CHAIR** - Are you against the party? On this committee there are four independents and four party people.

**Ms ROSS** - Yes, I know. Obviously you have to have a certain amount of party lines, otherwise people do not have a guide to go from for voting. You still could allow people on really important matters to have a conscience vote without being denigrated and maligned by the other people in the parties.

**Mr McKIM** - Sounds like the Greens, Estelle. That is our model. We get a conscience vote on every issue.

**Ms ROSS** - Well, good for you. You should not be hamstrung. I feel very strongly about that.

**CHAIR** - I hear what you say and I am not saying it because I am independent, but it is very difficult for parties to have these conscience votes on each item.

**Ms ROSS** - Not necessarily on minor items but on items of importance.

**CHAIR** - Their argument is that the debate takes place in a party room, I would imagine. I have not been part of a party but I would imagine that is what the argument would be. It takes place in the party room.

**Mr BEST** - No good asking Terry as he never debated anything in the party room. He was only there twice.

**Ms ROSS** - You see, that's the trouble - stop making silly comments. Just sit back and listen to Mr Wilkinson.

**Mr BEST** - Yes, well, I won't be lectured by you, thank you very much.

**Ms ROSS** - Excuse me! You can be rude to all the members of parliament but I am here and you are to respect me when I am here as well.

**Mr BEST** - Well, you talk nicely, too. It works both ways, doesn't it?

**Ms ROSS** - I have done. It is you who is all causing all the trouble.



**Mr BEST** - You were rude from the start.

**CHAIR** - Order. Please excuse us. We will get down to what we are here to talk about.

What I am saying is that often the party people might argue that the debate has been had in the party room and whoever wins out in that debate they have to accept - either they win or lose - and then they come into the Parliament and vote accordingly, but I hear what you are saying.

**Ms ROSS** - Yes, but they still should have a conscience vote, I reckon - definitely. It is not just your party that you are supposed to be aligned with but you are representing your electorates as well, so if a majority of your electorate says one thing and your party people say the other thing, where are your allegiances going to be, to the party or to the people you supposedly represent?

**CHAIR** - When you are talking about a body in place to focus on the issues we have been speaking about, you are saying that there should be a body, that body should be independent and could sit once a year -

**Ms ROSS** - Or whenever it is required, but obviously if there were no scandals it wouldn't need to sit.

**CHAIR** - Yes.

**Ms ROSS** - Hopefully, there would not be any.

**CHAIR** - Would the body answer to anybody, or would there be a connection between the body itself and Parliament? Should there be another oversight committee within Parliament?

**Ms ROSS** - Presumably they would have to give their findings to Parliament but surely if it got as bad as a real scandal that might be criminal then the police should be involved. Again I put in here that it should not be Tasmanian police because it is very uncomfortable for them to have to interview their own members, like what has just happened recently. They should really be people from another State, like maybe police from Victoria should come down.

**CHAIR** - It would depend upon the issue, though, of course, wouldn't it?

**Ms ROSS** - Yes, but if it looked like it was going to be something really criminal and police were involved then I feel that maybe police from another State should handle it because it must be terribly hard for like a junior officer just recently to have to investigate a senior officer. How is that going to affect his career later on? We wouldn't know.

**Mr McKIM** - A very good question.

**Mr HALL** - We are looking for ways forward, obviously, and what we end up with recommending, who knows; that is yet to be seen. We have had some evidence to say

that it might be a good idea if new members of parliament or members generally get some training in ethics.

**Ms ROSS** - I have that in my last item.

**Mr HALL** - At the bottom - I see, yes.

**Ms ROSS** - 'There should be a printed code of ethics and training sessions given to all existing -

**Mr HALL** - Do you think that ought to apply to bureaucrats as well and also to local government members?

**Ms ROSS** - Yes, I do actually. I also have another one here which I have added. There should also be a register of lobbyists to Government available for public scrutiny because, there again, you should not be so enmeshed with corporate affairs like with Gunns, for example. You must have above-board sort of things that people can look at. Maybe you could have a web site and for anybody who comes to lobby Parliament, you could just put a little bit of information about when they came and what they talked about, that sort of thing - so I put that in there as well.

I've also written that all parliamentary positions, from lowest to highest, should be advertised in the media, and there should be no automatic jobs for the boys or girls as well, because that has not happened recently either.

**Mr McKIM** - Estelle, something that I do not think your submission has gone to is oversight of any body that would be set up, like an ICAC or an integrity commission. Who watches the watchers? Do you understand what I mean because if you set up a body, who may investigate allegations of corruption or misbehaviour against people on the body?

**Ms ROSS** - Maybe a retired High Court judge or someone like that, someone who is totally above reproach, like Christopher Wright.

**Mr McKIM** - Who you could bring in on a case-by-case basis.

**Ms ROSS** - Yes, or that guy who did the Queensland police -

**Mr McKIM** - Fitzgerald.

**Ms ROSS** - Yes, someone like that who is totally above reproach and could be relied on to be totally unbiased as well.

**Mr HALL** - Following on from Nick's question, I think that has happened in two States now, where the ICACs have not performed as well they ought to and they have had to appoint another independent person or persons to oversee the ICACs.

**Ms ROSS** - It is never-ending.

**Mr HALL** - There you go - it's a muddle, isn't it?

**Ms ROSS** - You could go up and up.

**Mr ROCKLIFF** - Estelle, you have mentioned here that there should be a provision for retrospective investigation. Do you have any thoughts as to a time limit or a limitation on how far that retrospectivity should go back?

**Ms ROSS** - It depends if that thing is still carrying on today, maybe.

**Mr ROCKLIFF** - Right, okay.

**CHAIR** - Retrospectivity, I suppose, would depend upon what the evidence was. If you wanted to make a complaint against me, for example -

**Ms ROSS** - For something you did 10 years ago but wasn't relevant now?

**CHAIR** - Well, it would depend upon the seriousness of it, I suppose. But it is a situation where you could not just say everything is to commence as of 1 January 2009, could you?

**Ms ROSS** - No, because a lot of things that happened a few years ago are still relevant now and still ongoing, like the pulp mill stuff and Steve Kons and Bryan Green, that affair as well. Even going back as far as the Edmund Rouse affair -

**CHAIR** - They had a royal commission into that.

**Ms ROSS** - Yes, I know.

**CHAIR** - But you would not bring that up again, would you? That would be my argument, because it had a royal commission; Street came down, who is a judge from interstate, and he held the investigation into that.

**Ms ROSS** - Yes. I also said that if allegations are proved, then the defendant should be prepared to accept the consequences; meaning jail terms and/or severe financial penalties, and that if anybody is convicted they should not be able to have parliamentary perks like superannuation or travel concessions, if they are found to be guilty.

**CHAIR** - In relation to that, a lot of the matters which occur may not be criminal because if they are criminal, some might argue that they should go to the DPP or the police to be investigated. But if they are not criminal; if they fall short of criminality but amount to immorality or poor ethics and things like that, what should happen there?

**Ms ROSS** - I think they should still be penalised.

**CHAIR** - How would you penalise them?

**Ms ROSS** - Well, no perks, for a start - no superannuation. I mean, we are paying you to govern us in a suitable fashion. If you were working in any other industry and you stuffed up like some of you have done, you would have been out the door years ago. So

even if it is not criminal, if it is just really poor ethical behaviour, why should you still get the benefits?

**Mr HALL** - Somebody who is sacked from their job in private enterprise would still be entitled to their superannuation benefits. We do not get any travel perks and superannuation is just 9 per cent, like anybody else, except for those people who have been here for longer.

**Mr MARTIN** - Superannuation perks were eliminated around 10 years ago.

**Ms ROSS** - Were they?

**CHAIR** - There are three areas of superannuation - the really old benefits which were the indexed benefits; the benefit that I'm on; and then another one as well, which is the 9 per cent.

**Ms ROSS** - It is so long since I was in the work force and I never got superannuation anyway. I was self-employed. Is there anything else?

**Mr MARTIN** - It is all pretty straightforward.

**CHAIR** - Did you want to say anything in summary? I know it is straight to the point.

**Ms ROSS** - No, I think it speaks for itself. You can talk too much sometimes. I am not a talker, I am an action person. I think there's too much talk and not enough action.

**CHAIR** - What was the old saying - stand up to be seen, speak up to be heard and shut up to be appreciated?

*Laughter.*

**Ms ROSS** - It has been quite a week because I was at the community Cabinet yesterday evening and I had a one-on-one with Tony Bourke's head of department as well. So it has been a very interesting week, one way or the other.

**CHAIR** - Thank you very much, Estelle, for coming along. All the best. Hopefully we can come back with some recommendations and findings.

**Ms ROSS** - How long do you think it will take you to sort something out?

**CHAIR** - There is still quite a bit of evidence. There are over 120 submissions and that being the case, we are allowing the opportunity for those who made submissions to come and speak, so there are probably another five full days.

**THE WITNESS WITHDREW.**

**Ms ANNIE ZON WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED**

**CHAIR** - Annie, thanks for coming along. The process here is that if you wish, you can speak to your submission that you have made to us. I know there is another one that is going to be forwarded to us which you were up until 3 o'clock this morning preparing, so please feel free to send that to us when it is ready. But we will let you proceed with what you want to say and then ask you questions. As I say, it is an informal process and we will leave it to you to do it in the most comfortable way.

**Ms ZON** - Thank you, Mr Chairman. I am very disappointed in myself that I have come without my presentation which I had intended to just read and then I would not have imagined that there would have been very many questions about it. It really is just a reflection. I am just an ordinary citizen of Tasmania and I was very pleased to hear about the possibility of a formal structure being established, as there has been longstanding opposition to any formal structure that might have more investigative powers than currently are available to the ordinary citizen of Tasmania, and the hope of more transparency in public administration. I was just reinforcing that particular need and that was where I was thinking I would begin and end it, really.

**CHAIR** - So you are saying that you believe there should be a body set up to look at issues such as ethics and morals?

**Ms ZON** - Yes, I do. I know that is what we are looking at and I know that, probably because that is what you are looking at, we are likely to have something. It is well and truly long overdue. Just because we do not have one does not mean that we have not had the need for one for a really long time.

**Mr ROCKLIFF** - You mentioned in your second dot point down the bottom of your submission the significant ethics education. What form do you have in mind there?

**Ms ZON** - I think ethics is a reasonably new concept in the public mind.

**Mr ROCKLIFF** - Obviously you mean State MPs, but local government as well?

**Ms ZON** - Absolutely, at all levels of public decision-making administration, for sure.

**Mr McKIM** - For the Public Service as well, Annie? Would you envisage an educative component for senior public servants or all public servants who make decisions that impact on people's lives?

**Ms ZON** - I think it should be part of the orientation of anybody to their position. It should just be part of it. Sometimes people think it is about sucking eggs, but you take it outside of the normal practice and blow it up into something that you do not usually give much time for. I think in public administration a worker or an employee at whatever level can be led to a definition of ethics and a recognition of where it applies in their daily operations.

**CHAIR** - How do you think the body should be made up, Annie?

**Ms ZON** - I did not come with any sort of idea of how the body should look. I think there are bodies everywhere, in almost every State - not in all States, not in all countries even, not in all western democracies, but there are structures, there are ethics, and we are taught right from wrong, and some of the mistakes have appeared to have been made at very senior government levels. If I had an understanding that your mother did not teach you right from wrong - what is commonsense? What is deliberate obfuscation of the administration?

**Mr HALL** - Do you think that in a small jurisdiction like Tasmania there ought to be an open-ended chequebook in terms of the cost? I refer to the three States that do have ICACs - New South Wales, Queensland and Western Australia - which have budgets running into many tens of millions of dollars each year. Do you think there should be some sort of financial cap on where we are in terms of setting up such a body? Also, in a couple of the States, because of an issue, the ICACs there are now introducing independent people to oversight the ICAC.

**Ms ZON** - It can be as complicated as you want to make it; it can be as well-resourced as you can afford. On the other hand, there has already been a 10-point plan issued by the new Premier appointed after Lennon left. Contained in the 10-point plan, as I understand it, is an undertaking that resources for current structures and mechanisms would be reviewed. I should imagine that, in that exercise, the costings for any body that is set up in the future would be included. I think that the costs that concern me most are the costs of a citizen of Tasmania having faith that what the Government is doing is what it should be doing and knowing that it is doing it above board and we can feel that our democratic rights are being respected and not taken for granted. That is the price and that is an intrinsic cost that is very difficult to measure. But I think that public faith in the proper administration is the poorer for not having something that guarantees these things.

**Mr McKIM** - What do you think the current level of public faith is in public administration in Tasmania at the moment?

**Ms ZON** - I can only speak for me and my own social milieu, but I think it is rock-bottom and basically laughable. It is appalling.

**CHAIR** - A lot of it comes from what leads a person and that is what is reported in the press, doesn't it?

**Ms ZON** - I don't think we'd know anything if it weren't for the press. How else would we know anything that was going on?

**CHAIR** - So should there be something as well in relation to the press to ensure that the reporting is proper - is in fact fact, as opposed to non-fact?

**Ms ZON** - I think journalists have their own standards of ethics and if they get caught acting outside certain codes, then they should feel the recriminations associated with that. For my part I just wish there was a whole heap more that was available to the press. Half the time I feel very angry that the press isn't pursuing it more than it seems to do.

**CHAIR** - Again, the press has a lot -

**Ms ZON** - The press has to have its own contacts and inroads, and there could be threats associated with asking things. We don't know; we can only project and imagine what must be going on when the things that come out do come out. It has been pulling teeth all the way; none of this information has been volunteered.

**CHAIR** - Some might argue that the press might have their own biases and therefore -

**Ms ZON** - I am sure they do.

**CHAIR** - Should that be - it's probably getting to a situation where it is getting too complex -

**Ms ZON** - With all institutions in society there is a spectrum of left-to-right belief. They will always have their own axes to grind. But within that space there is central ground where people come together and are honest with each other in their dealings. If they are not and the public can't see they are not, and the public can see that they are being prevented from seeing, then how can you blame anyone for concluding that something is not right? That is my conclusion. Something is not right and it is great that there is this committee, and I am very grateful for the opportunity to discuss it. I really believe that if you don't avail yourself of these opportunities, it is your own fault that you are not participating in your own democracy.

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

**THE WITNESS WITHDREW.**

**Mr ALISTER MILLS** WAS CALLED, MADE THE STAUTORY DECLARATION AND WAS EXAMINED.

**Mr BEST** - For the purpose of *Hansard* I wish to clarify a comment that I made during a former witness regarding the number of times that Mr Martin attended PLP. I want to retract my comment that he attended only two as he would have attended more than two.

**CHAIR** - Thank you. Alister, thank you for coming along and for your submission number 60. We have over 120 of those so there is plenty of evidence before us. Have you given evidence before a committee before?

**Mr MILLS** - No.

**CHAIR** - It is pretty informal. We ask you to speak to your submission and then we will ask questions. If you want anything to be in private or in camera please let us know. You cannot be charged with anything you say because it is privileged but if you repeat them outside the committee that is not privileged.

**Mr MILLS** - I was not actually quite prepared for acting like a witness.

**CHAIR** - You are a witness in support of your submission. It might help if you want to pick out matters within that submission or read parts of it.

**Mr MILLS** - I responded because I think something needs to be done.

**CHAIR** - Do not feel forced to give evidence; you do not have to if you do not want to.

**Mr McKIM** - From what you sent to the committee you obviously have a belief that we should have some kind of an independent investigative agency in Tasmania. You are from the community as we are but you have formed a view based on perhaps discussions with people. What is your view on the perception of the State Government and governance processes in Tasmania at the moment?

**Mr MILLS** - In a section of the community that I come from there has been a bit of doubt over whether the system is working as well as it could. From the news that is out there and the fact that people are asking questions about the way things are working, I believe there must be reasons for those questions to be asked.

**CHAIR** - So where there is smoke there is fire?

**Mr MILLS** - That is it, yes. You don't get a great amount of information on it, just a bit of news. I guess that is because there is no news institution at the moment with the power to really lay it open and create media attention.

**Mr McKIM** - This is a follow-on question to that, Alister. If there were to be some kind of an independent authority established to have the capacity to independently investigate allegations of corruption or malfeasance in the public sector, what impact do you think that would have on community views of the standards of governance in Tasmania? Do you think it would improve the community's confidence?



**Mr MILLS** - Yes, I believe at the moment there really isn't much transparency in the institution which currently has that role so if people are aware that we have what is recognised as a -

**CHAIR** - A body?

**Mr MILLS** - Yes, and that would give greater confidence for sure.

**CHAIR** - Already some might argue, Alister, there is the Auditor-General if there are any issues involving government finances. He is there as a watchdog. There is the State Service Commissioner, there is the Ombudsman, there is Parliament itself, which some might argue has uncovered matters that have arisen, there are the Public Accounts Committee and Privileges Committee. Some may say that there are already a number of organisations in place which could be looking at matters like this and what we are endeavouring to find out is whether there should be something more to investigate complaints. Are you saying there should be something over and above what we already have?

**Mr MILLS** - I feel that that is the case because what news reports get out show that deals are being done behind the scenes in Parliament.

**CHAIR** - What type of deals are we talking about?

**Mr MILLS** - Basically between legislators and money-makers.

**CHAIR** - Can you point to any examples of those?

**Mr MILLS** - I believe that there is some sort of collusion between the Gunns' company and some members of the political parties.

**CHAIR** - Is it mainly as a result of what happened with the pulp mill assessment that raised your ire or other things as well?

**Mr MILLS** - I think that is basically the nub of it, but the way corruption works is there are events of vested interest and then there is the public interest, and the public is not receiving any money so the Parliament is supposed to serve the public and the money cramps the issue.

**CHAIR** - If there was any money changing hands for votes to be cast in certain ways then that becomes a criminal matter, and a matter which should be prosecuted in the courts. I haven't heard of that occurring -

**Mr MILLS** - No, I haven't either, but I think it's much more subtle than that.

**CHAIR** - If it did, that should become a criminal matter which is to be prosecuted within the courts as opposed to a body like this.

**Mr MILLS** - This is not just a prosecuting body, is it? It is more a body with powers just to investigate and report.

**CHAIR** - Yes. Then if the evidence found was that it is criminal, do you believe that that should go to the police to prosecute but if it falls short of criminality there should be something like a name and shame within the powers of this body?

**Mr MILLS** - Yes.

**Mr HALL** - Alister, there are three ICACs in other States. Two do not have them - South Australia and Victoria have some other similar model. So New South Wales, Queensland and WA have them. You could argue that they cost an inordinate amount of money to run in some cases - particularly New South Wales - the ICAC has not improved anything in terms of public administration. Do you have any response to that? Do you see that as being a concern? And there is the fact that they have actually had to appoint in two States watchers over the ICACs themselves. I do not know what sort of model our committee will propose. It may not be that, but it may be. Being the devil's advocate I am just raising those issues. As well as that, in some cases, people's reputations have been maligned quite severely.

**Mr MILLS** - I do not have enough knowledge of those particular circumstances.

**Mr HALL** - I was just pointing it out to you some of the evidence that we have received.

**Mr MILLS** - I guess when you end up with watchdogs you just may need to have a closer look at what is going on.

**CHAIR** - How it is handled?

**Mr MILLS** - Yes. But I still think that does not change it. You do need the idea, at least. Someone is going to -

**CHAIR** - I am not arguing with that proposition. I am just putting that forward to you.

**Mr BEST** - There have been a few submissions that we have had around the idea of maybe some additional funding to existing people such as the Public Service Commissioner, the Auditor-General, and maybe even the Solicitor-General and the Ombudsman. There could be perhaps a commissioner for integrity or for ethics where they might have purposefully employed two or three people, maybe something like that, where someone could go to them with a complaint, and they could refer it to the right person with the skills to investigate and ascertain whether charges should be laid or whatever might happen from there. Also they could perhaps mediate with people to explain what has happened, whether it is right or wrong. And also perhaps they could have some educational-type role with people, public service and people elected to, say, any sort of office from council through to government. What do you think about that sort of concept?

**Mr MILLS** - So basically the core of your idea is adding funds to the existing bodies.

**Mr BEST** - Bringing them together, say, in one body with some people appointed specifically. But perhaps they could do other things about maintaining ethics and integrity in government.

**Mr MILLS** - If the existing bodies are having their ability questioned then I think you need to restructure, I would imagine rather than just adding funds.

**Mr BEST** - Yes, I understand what you mean.

**Mr MILLS** - Perhaps adding people from more diverse institutions. I guess one of the points here was with one mainland appointee so that people are less likely to be -

**Mr HALL** - Related?

**Mr MILLS** - Yes, related.

**Mr BEST** - If they needed to tap phones or record conversations and things like that, you really need people that are actually quite specialised at that don't you?

**Mr MILLS** - I imagine. Yes. I do not know much about that.

**Mr BEST** - I think that does happen now in certain cases where police have powers to do that but it is just that we do not have a body to look at complaints.

**CHAIR** - Police have the power to go to a magistrate to request that a person's phone be tapped or there be other surveillance placed on that person and if the prosecution put forward an appropriate case then the magistrate could say that that could occur. That is available.

**Mr MILLS** - Rather than sort of just trying to find out more information, just having the power to get people to really get to the nub of existing.

**CHAIR** - You might say you do not know because it has not been investigated, but do you believe that the community thinks that there is any major large-scale criminality taking place or is it just jobs for the boys, cronyism, 'you scratch my back I will scratch your back' type of behaviour, or you do not want to comment?

**Mr MILLS** - I do not mind commenting. It is just the way things work, I guess.

**CHAIR** - Like what?

**Mr MILLS** - These people provide jobs; it is basically the way you want the State to provide work and quality of life for its people.

**Mr MARTIN** - Alister, if that were the case, that where you scratch my back, I'll scratch yours, would you consider that is still corruption?

**Mr MILLS** - Yes, I guess if it does not meet your written laws. I think everything should be open to public scrutiny.

**CHAIR** - The public scrutiny allows a cleansing, does it not, of what takes place? If there is this transparency, what you are saying is that there is less likelihood of these secret deals going on.

**Mr MILLS** - You do get an idea of what is acceptable behaviour within a small group.

**CHAIR** - Alister, did you want to summarise?

**Mr MILLS** - No.

**CHAIR** - Thanks for coming along. Thanks for giving up your time and putting forward your views and also your submission.

**THE WITNESS WITHDREW.**

**Mr ROBERT AND Mrs WENDY EDWARDS WERE CALLED, MADE THE STATUTORY DECLARATION AND WERE EXAMINED.**

**CHAIR** - Robert and Wendy, thank you for coming along. The evidence you give within the room is privileged information to the committee. That means that nothing can happen if you say something and you believe that it might be used in a charge for defamation or something like that. It cannot because it is evidence within this committee which is privileged. If you go outside and repeat the same evidence, then you are not covered by privilege. If there is any evidence that you want to give that you believe should be in camera, just for the ears of the people around the table, then please let us know and we will discuss that and probably consent to that as well.

**Mrs EDWARDS** - I have a small problem in that the issue that we have is with the Public Trustee. Although they have said that I have no interest whatsoever in the property that we are arguing over, they have me in the Supreme Court. But it is sine die and has stalled - the second time in two years.

**CHAIR** - It is probably best that it be in camera because if it is being argued out in the Supreme Court you would not want that evidence to become public evidence. We can have an interim report or a final report. Everybody can see that and there might be something there which may jeopardise part of the evidence which is already in the Supreme Court or about to be given in the Supreme Court.

**Mrs EDWARDS** - That is the problem, you see. The Public Trustee will not do discovery, so it could remain there for the next 20 years.

**CHAIR** - Your comments might affect that case so I do not believe you should be giving your evidence in the open. It should be in camera so that it is just for the ears of this committee because you might be saying something which might jeopardise your case at some later stage.