

TASMANIA

POST-MINISTERIAL PROBITY BILL 2008

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[Bill No. 12]

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POST-MINISTERIAL PROBITY BILL 2008

(Brought in by Margaret Ann Putt MHA)

A BILL FOR

An Act to regulate the post-Ministerial employment of Ministers, by placing limits on the post-separation employment of Ministers and ministerial staff for up to two years after leaving the Parliament, and for related purposes.

Be it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

Short Title

1. This Act may be cited as the *Post-Ministerial Probity Act 2008*.

Commencement

2. This Act commences on the day on which it receives the Royal Assent.

Interpretation

3. In this Act, unless the contrary intention appears -
 - ‘*ceasing to be a Minister*’ in relation to a Minister means ceasing to be a Minister in accordance with section 8B of the *Constitution Act 1934*.
 - ‘*department or agency*’ includes any body for which the Minister had ministerial responsibility during his or her term as Minister.
 - ‘*former Minister*’ means a Minister who has ceased to be a Minister in accordance with section 8B of the *Constitution Act 1934*.
 - ‘*former ministerial adviser*’ means a person who has ceased to be employed as a ministerial adviser.

‘Minister’ means a minister appointed in accordance with section 8B of the *Constitution Act 1934* and for the purposes of this Act includes a Parliamentary Secretary.

‘ministerial adviser’ means a person appointed as a member of staff of an office-holder, where that appointment is to the level, of a Senior Executive Officer.

Act to bind Crown

4. This Act binds the Crown in right of Tasmania and, so far as the legislative power of Parliament permits, in all its other capacities.

Conduct relating to employment before ceasing to be a Minister or a ministerial adviser

5. Ministers and ministerial advisers shall not allow themselves to be influenced in the conduct of their official duties and responsibilities by plans for or offers of employment or other remuneration for when they cease to be Ministers or ministerial advisers.

Conduct relating to employment after ceasing to be a Minister

6. A former Minister shall not, within two years after ceasing to be a Minister:
 - (a) provide advice for personal profit or for commercial advantage on any aspect of the work of any department or agency for which the former Minister had ministerial responsibility for any period of time during the last two years of service as a Minister; or
 - (b) accept employment with a person or entity, association or union or an appointment to the board of directors or equivalent body of an entity that had significant dealings with a department or agency for which the former Minister had ministerial responsibility for any period of time during the last two years of service as a Minister; or
 - (c) enter into a contract for services with any commercial entity which had significant commercial dealings with any department or

agency for which the former Minister had ministerial responsibility for any period of time during the last two years of service as a Minister; or

- (d) make representations in return for any consideration for or on behalf of any other person or entity to a department or agency for which the former Minister had ministerial responsibility for any period of time during the last two years of service as a Minister.

Conduct relating to employment after ceasing to be a Ministerial Adviser

- 7. A former ministerial adviser shall not, within two years after ceasing to be employed as a ministerial adviser:

- (a) provide advice for personal profit or for commercial advantage on any aspect of the work of any department or agency for which the ministerial adviser's Minister had ministerial responsibility for any period of time during the ministerial adviser's last two years of employment with the Minister; or
- (b) accept employment with a person or entity, association or union or an appointment to the board of directors or equivalent body of an entity that had significant dealings with a department or agency for which the former ministerial adviser's Minister had ministerial responsibility for any period of time during the ministerial adviser's last two years of employment with the Minister; or
- (c) enter into a contract for services with any commercial entity which had significant commercial dealings with any department or agency for which the former ministerial adviser's Minister had ministerial responsibility for any period of time during the ministerial adviser's last two years of employment with the Minister; or
- (d) make representations in return for any consideration for or on behalf of any other person or entity to a department or agency for which the former ministerial adviser's Minister had ministerial responsibility for any period of time during the ministerial adviser's last two years of employment with the Minister.

Exceptions

8. Sections 6 and 7 do not prevent a former Minister or former ministerial adviser from taking action on behalf of or engaging in the service of:
 - (a) a charitable organisation; or
 - (b) a political party.

Offences and penalties

9. A person who contravenes section 5, 6 or 7 is guilty of an offence.

Penalty: Imprisonment for two years or a fine not exceeding 2500 penalty units.

Act to prevail

10. In the event of any inconsistency between this Act and any other Act commenced before or after the commencement of this Act, this Act prevails to the extent of the inconsistency unless a contrary intention is stated in the subsequent Acts.