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PARLIAMENT OF TASMANIA

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**JOINT STANDING COMMITTEE ON  
INTEGRITY**

**A Code of Conduct for Members of  
the Parliament of Tasmania  
Report No. 2**

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*Laid upon the Tables of both Houses of Parliament pursuant to section 26  
of the Integrity Commission Act 2009*

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**MEMBERS OF THE COMMITTEE**

**Legislative Council**

Mr Dean (Chair)  
Mr Gaffney  
Mr Valentine

**House of Assembly**

Ms Giddings  
Mr Shelton  
Dr Woodruff

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## **1 INTRODUCTION**

- 1.1 Pursuant to section 24(1)(c) of the Integrity Commission Act 2009<sup>1</sup> (the Act), the Joint Standing Committee on Integrity (the Committee) further reports to the Legislative Council and the House of Assembly on its examination of the draft “Code of Conduct for Members of Parliament” (Code of Conduct).
- 1.2 In May 2016 the Integrity Commission prepared a report “Review of Codes of Conduct for Members of Parliament, Ministers and Ministerial Staff, Summary Report” (Summary Report 2016). The report included the 2016 “Revised Draft Code of Conduct for Members of Parliament” (2016 Draft Code of Conduct) as a revision of the 2011 Code of Conduct proposed by the Integrity Commission in its report, tabled in both Houses on 23 June 2011.<sup>2</sup>

## **2 “A CODE OF CONDUCT FOR MEMBERS OF PARLIAMENT” REPORT**

- 2.1 In response to the Integrity Commission’s Summary Report 2016 and 2016 Draft Code of Conduct, the Committee resolved to conduct an inquiry into the introduction of a Code of Conduct for Members of Parliament in Tasmania.
- 2.2 On 19 September 2016, the Committee invited Members of both Houses as well as Rev. Prof. Michael Tate (AO), Parliamentary Standards Commissioner, to comment on the draft Code of Conduct.
- 2.3 Responses were received from the following: Hon. Premier Will Hodgman MP, on behalf of the Parliamentary Liberal Party; Mr Bryan Green MP, on behalf of the Parliamentary Labor Party; Ms Rosalie Woodruff MP, on behalf of the Tasmanian Greens; and Rev. Prof. Michael Tate (AO).
- 2.4 The Committee tabled its report “A Code of Conduct for Members of Parliament” on 15 November 2016.
- 2.5 The report contained the following recommendations:
  - The Parliament adopt a single Code of Conduct for all Members of both Houses of Parliament and the Draft

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<sup>1</sup> Integrity Commission Act 2009 (No. 67 of 2009)

<sup>2</sup> “Code of Conduct for Members of Parliament, Ministers and Ministerial Staff in Tasmania”,

Code of Conduct be the basis of the single Code of Conduct.

- The Presiding Officers and Party Leaders meet to discuss the wording of the Code in an attempt to gain consensus on the wording of the Code.
- The Code be debated by both Houses of Parliament prior to the end of the Autumn session of Parliament in 2017.
- Once a Code of Conduct has been adopted by both or either House of Parliament the Integrity Commission develop guidelines to assist with the application of the Code.
- That the Integrity Commission Act 2009 be amended to enable the Integrity Commission to investigate complaints referred by at least three Members of Parliament into breaches of the Code following examination by the House.

### **3 RESPONSE TO REPORT**

- 3.1 On 26 May 2017, the Committee wrote to the Presiding Officers, the Premier, the Leader of the Opposition, the Leader of the Tasmanian Greens and each of the independent Members, drawing their attention to the recommendations contained in the report which included an approaching deadline for implementation of a Code of Conduct.
- 3.2 On 20 September 2017, the Committee wrote to the Presiding Officers, the Premier, the Leader of the Opposition and the Leader of the Tasmanian Greens and each of the independent Members to advise that the Committee did not receive a response to its letter dated 26 May 2017. The Committee wrote:
- Over ten months had passed since the report was published, the Autumn session of Parliament had concluded and the Spring session was close to completion and yet no progress had been made in relation to the Committee's recommendations;
  - In reference to the recommendation for the Presiding Officers and Party Leaders to meet in an attempt to gain consensus on the wording of the Code, the Committee

asked whether such discussions had taken place, and if not, when such discussions were likely to occur.

- 3.3 The Committee received responses to this letter from: Madam Speaker, Hon. Elise Archer MP; the President, Hon. Jim Wilkinson MLC; Premier, Hon. Will Hodgman MP; Leader of the Opposition, Hon. Rebecca White MP; Leader of the Greens, Ms. Cassie O'Connor MP and Hon. Rosemary Armitage MLC. (copies of correspondence in Appendix)
- 3.4 On 19 October 2017, the Committee again wrote to the Presiding Officers, the Premier, the Leader of the Opposition, the Leader of the Tasmanian Greens and each of the independent Members to advise:
- The Committee had resolved to request that a Code of Conduct for Members be introduced and finalised in the House of Assembly and the Legislative Council by the end of 2017, in time for the commencement of the next Parliament;
  - The Committee considered the introduction of a Code of Conduct by the end of 2017 to be reasonable as the Government and the Parliament had had almost a year to consider the revised draft Code following the tabling of the Committee's report;
  - As a revised draft Code of Conduct had already been produced by the Integrity Commission, the Committee believed minimal work was required for a Code of Conduct to be introduced in both the House of Assembly and the Legislative Council and therefore could be debated before the conclusion of the parliamentary year; and
  - Tasmania remains the only state or territory in Australia to not have a comprehensive Code of Conduct in place to guide Members of Parliament.
- 3.5 The Committee received responses from: the Speaker, Hon. Mark Shelton MP; the President, Hon. Jim Wilkinson MLC; Premier, Hon. Will Hodgman MP; Leader of the Opposition, Hon. Rebecca White MP; and Hon. Ruth Forrest MLC. (copies of correspondence in Appendix)

## **4 RECOMMENDATION**

- 4.1 The Joint Standing Committee on Integrity makes the following recommendation:

**A comprehensive Code of Conduct, with reference to the Integrity Commission's 2016 Draft Code of Conduct, is pursued as a matter of priority in the next term of government with a view of implementing a comprehensive code for Members of Parliament in both Houses by the end of 2018.**

**Parliament House  
HOBART  
30 November 2017**

**Hon. Ivan Dean MLC  
CHAIRPERSON**

# **APPENDIX**



HOUSE OF ASSEMBLY

*Speaker's Rooms  
Hobart*

21 September 2017

Hon. Ivan Dean MLC  
Chair  
Joint Standing Committee on Integrity  
Parliament House  
**HOBART**

Dear Chair,

Thank you for your letter of 20 September last regarding the Report of the Joint Standing Committee on Integrity on "A Code of Conduct for Members of the Parliament of Tasmania" (Paper No. 27 of 2016).

Recommendation 5.1 of the Committee is that the "Parliament adopt a single Code of Conduct for all Members of both Houses of Parliament...". Given that the House has both a Code of Ethical Conduct and a Code of Race Ethics prescribed in Standing Order 2, Recommendation 5.1 will require consideration of what is essentially a 'policy position' that will require the approval of the House itself. Such a significant change should properly be debated by the House and a resolution arrived at.

The House has not given any consideration to the Report and I am unaware of any proposals to do so.

Accordingly, as Resolution 5.2 is predicated upon the House agreeing to the resolution abovementioned, no discussions have been initiated and I can give no indication as to when, or if, they will take place for the reasons outlined above.

Yours sincerely,

**Hon. Elise Archer MP**  
**SPEAKER**





**HON REBECCA WHITE MP**  
**TASMANIAN LABOR LEADER**

Hon Ivan Dean MLC

Chair

**Joint Standing Committee on Integrity**

By email: [ivan.dean@parliament.tas.gov.au](mailto:ivan.dean@parliament.tas.gov.au)

by email: [todd.buttsworth@parliament.tas.gov.au](mailto:todd.buttsworth@parliament.tas.gov.au)

Dear Mr Dean

Thank you for your recent correspondence regarding a Code of Conduct for Members of the Parliament of Tasmania.

The Parliamentary Labor Party remains strongly supportive of the introduction of a Code of Conduct, as previously stated in our submission to the Joint Standing Committee on Integrity.

It is not unreasonable to have expected that the Government of the day would initiate the necessary meetings to progress this matter. Sadly, this has not occurred.

Following receipt of your letter, I can advise that I have written to the Premier, Will Hodgman, requesting a meeting at the earliest opportunity to finalise the Code.

It would be a matter of deep regret if a Code could not be introduced by the end of this Parliamentary session.

Best regards

A handwritten signature in blue ink, appearing to read 'Rebecca White'.

Rebecca White MP

**Tasmanian Labor Leader**

22 September 2017



HON ROSEMARY ARMITAGE MLC  
Member for Launceston

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September 26, 2017

The Hon. Ivan Dean MLC,  
Chair,  
Joint Standing Committee on Integrity,  
Parliament of Tasmania.

Dear Mr Dean,

**Re: A Code of Conduct for Members of the Parliament of Tasmania**

I have received your letter dated September 20, 2017 regarding your report titled "A Code of Conduct for Members of the Parliament of Tasmania", and the recommendations detailed in your letter.

I note the Committee's recommendations, and advise that I have no knowledge of a meeting for Presiding Officers and Party Leaders having been held.

Yours sincerely,

*Rosemary*

Hon. Rosemary Armitage MLC  
Independent Member for Launceston  
Ph: 0419341178 Office: 63242001

*Rosemary*



**THE HON. ROSEMARY ARMITAGE MLC**

Independent Member for Launceston

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PREMIER OF TASMANIA

13 OCT 2017

Hon Ivan Dean MLC  
Chair  
Joint Standing Committee on Integrity  
House of Assembly  
Parliament House  
HOBART TAS 7000

Dear Mr Dean

Thank you for your letter regarding the Committee's Report "A Code of Conduct for Members of the Parliament of Tasmania" and I apologise for the delay in responding to you.

As you are aware, the Government dealt with a number of competing priorities during this Parliament session. Our focus has recently included consideration of initiatives such as amendments to the Standing Orders and the passing into law of the *Parliamentary (Disclosure of Interests) Amendment Bill 2017*, which included significant changes to current disclosure requirements, based on recommendations put forward by the Integrity Commission and the Parliamentary Standards Commissioner. Unfortunately, given the prioritisation of this important work, further consideration of a single Code wasn't progressed.

In relation to the Report's recommendation 5.2, I can advise that while such discussions have not yet taken place, I would propose to raise the matter in the first instance with the President of the Legislative Council and the newly-elected Speaker of the House of Assembly after the existing vacancy for Speaker has been filled. However, given the small number of Parliamentary sitting days remaining, it is my expectation that progressing this matter more broadly will be a matter for the next Parliament.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Will Hodgman'.

Will Hodgman MP  
Premier

**From:** OconnorC  
**Sent:** Friday, 13 October 2017 4:15 PM  
**To:** Ivan Dean  
**Cc:** Rosalie Woodruff; Andrea Dawkins; Shane Donnelly  
**Subject:** Letter from Integrity Committee re Code of Conduct for Members  
**Importance:** High

Dear Mr Dean,

I write in response to the attached correspondence. Please accept my apologies for not responding earlier.

On behalf of the three Greens MPs, I can indicate strong support for the development of a single Code of Conduct for Members of both Houses of the Tasmanian Parliament.

Regrettably, there has, to date, been no meeting of Presiding Officers and Party Leaders to seek consensus on wording of the final Code of Conduct. I will raise this with the Premier and Opposition Leader when Parliament returns next week.

Kind regards,

**Cassy O'Connor MP**  
Leader of the Tasmanian Greens  
Member for Denison

7 Franklin Wharf, Hobart TAS 7000  
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OFFICE OF THE PRESIDENT

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18 October 2017

Hon Ivan Dean MLC  
Chair  
Joint Standing Committee on Integrity  
Parliament House  
HOBART 7000

Dear Ivan

Thank you for your letter relating to a Parliament Code of Conduct.

It would seem appropriate that there would be one code of conduct for all Members of Parliament and that being the case I will contact the Speaker and obtain the views of the House of Assembly in relation to a Parliament Code of Conduct. I will then arrange for a draft Code to be sent to all Legislative Council Members for their perusal and discussion.

I will advise you of the outcome of that conversation in the near future.

Yours sincerely

A handwritten signature in blue ink, appearing to read "Jim Wilkinson", is written over a faint, larger blue ink signature.

**JIM WILKINSON MLC**  
**President**



HOUSE OF ASSEMBLY

*Speaker's Rooms  
Hobart*

23 October 2017

Hon. Ivan Dean MLC  
Chair  
Joint Standing Committee on Integrity  
Parliament House  
**HOBART**

Dear Chair,

Thank you for your letter of 19 October last which again referred to the introduction of a Code of Conduct for Members of the Parliament of Tasmania.

Regrettably, you appear to be unaware that the day before your communication above, the House voted against the following motion:-

*That the House:—*

- (1) Notes that in November 2016 the Joint Standing Committee on Integrity recommended the adoption of a single code of conduct for Members of Parliament.*
- (2) Adopts the revised Code of Conduct drafted by the Integrity Commission with the following additions:—*
  - (a) include a clause similar to that in the Ministerial Code of Conduct which states "Ministers are to treat everyone with respect, courtesy and in a fair and equitable manner without harassment, victimization or discrimination;" and*
  - (b) clarify the process for the handling of complaints and consequences for breaches and include for complaints to be escalated to the Integrity Commission if complaints cannot be resolved by the Parliament.*
- (3) Calls on the Government to amend the Integrity Commission Act 2009 to enable the Integrity Commission to investigate complaints referred by at least three Members of Parliament into breaches of the Code following examination by the House.*

- (4) *Debate a motion to adopt the Code of Conduct in the week of 28 November 2017 to enable a new Code of Conduct to be passed in time for the beginning of a new Parliament.*

As Speaker of the House, I have no ability to act in any manner contrary to this clear expression of opinion by the House, to do so would be quite improper.

Unless this vote is rescinded, this question may not be revisited in what remains of this Parliament.

With respect, your claim that "Tasmania remains the only state or territory in Australia to not have a comprehensive Code of Conduct in place...", is factually incorrect. Standing Order 2 of the House of Assembly provides that Members of the House of Assembly must subscribe to the Code of Ethical Conduct and Code of Race Ethics which are prescribed.

Yours sincerely,



**Hon. Mark Shelton MP**  
**SPEAKER**





**HON REBECCA WHITE MP**  
**TASMANIAN LABOR LEADER**

Hon Ivan Dean MLC  
Chair  
Joint Standing Committee on Integrity  
Parliament House  
HOBART TAS 7000  
[ivan.dean@parliament.tas.gov.au](mailto:ivan.dean@parliament.tas.gov.au)

Dear Mr Dean

Thank you for your correspondence dated 19 October 2017 regarding a Code of Conduct for Members of the Parliament of Tasmania.

As previously stated the Parliamentary Labor Party remains strongly supportive of the introduction of a Code of Conduct for Members of the Parliament of Tasmania.

We believe this is an important issue and that is why Labor moved on Wednesday 18 October 2017 in the House of Assembly a motion to this effect:

That the House

- (1) Notes that in November 2016 the Joint Standing Committee on Integrity recommended the adoption of a single code of conduct for Members of Parliament.
- (2) Adopts the revised Code of Conduct drafted by the Integrity Commission with the following additions –
  - (a) include a clause similar to that in the Ministerial Code of Conduct which states 'Ministers are to treat everyone with respect, courtesy and in a fair and equitable manner without harassment, victimisation or discrimination', and

- (b) clarify the process for the handling of complaints and consequences for breaches and include for complaints to be escalated to the Integrity Commission if complaints cannot be resolved by the Parliament.
- (3) Calls on the Government to amend the Integrity Commission Act 2009 to enable the Integrity Commission to investigate complaints referred by at least three Members of Parliament into breaches of the Code following examination by the House.
- (4) Debate a motion to adopt the Code of Conduct in the week of 28 November 2017 to enable a new Code of Conduct to be passed in time for the beginning of a new Parliament.

I note that both the Labor Party and the Greens have worked to progress this matter and are certainly happy to adopt a Code of Conduct.

However, what we need now is the commitment of the Liberal Government to provide tripartite support because without the commitment of the Premier in investing in a code of conduct and in the ethical standards and integrity of our roles as members of parliament, I fear that nothing more will happen.

As the only state or territory in Australia not to have a comprehensive Code of Conduct it is imperative that the recommendations of the Joint Standing Committee on Integrity are implemented.

Kind regards



Rebecca White MP

**TASMANIAN LABOR LEADER**  
**MEMBER FOR LYONS**

23 October 2017



Division of  
MURCHISON

King  
Island

Division of  
MURCHISON

Hon Ruth Forrest MLC  
Member for Murchison

Our ref: 02/10/10

02 November, 2017

Hon Ivan Dean MLC  
Chair  
Joint Standing Committee on Integrity  
Parliament House  
HOBART TAS 7000

Dear Mr Dean

**RE: A CODE OF CONDUCT FOR MEMBERS OF PARLIAMENT OF TASMANIA**

I apologise for my late response to your recent letter regarding report by the Joint Standing Committee on Integrity titled "A Code of Conduct for Members of the Parliament of Tasmania" and thank you for drawing it to my attention

I fully support the introduction of a Code of Conduct and the recommendation that the Presiding Officers and Party Leaders meet in an attempt to gain consensus on the wording of the Code.

I believe any Code of Conduct should apply to all Members of Parliament.

Yours sincerely

Hon Ruth Forrest MLC  
**INDEPENDENT MEMBER FOR MURCHISON**



PREMIER OF TASMANIA

10 NOV 2017

Hon Ivan Dean MLC  
Chair  
Joint Standing Committee on Integrity  
House of Assembly  
Parliament House  
HOBART TAS 7000

Dear Mr Dean

Thank you for your further letter regarding the Committee's Report "A Code of Conduct for Members of the Parliament of Tasmania".

As you would be aware, the Government's representative on the Committee, Member for Lyons – and now Speaker of the House – Mr Mark Shelton voted against recommendation 5.3 of the Report "*The Code be debated by both Houses of Parliament prior to the Autumn session of Parliament in 2017*" as well as making a dissenting statement regarding recommendation 5.5 which proposed amending the *Integrity Commission Act 2009*.

As this late stage in the Parliamentary cycle, it is the Government's view that progressing the Report should be a matter for the next Parliament.

With a number of existing members not re-contesting, and the potential change of other seats due to the election, it would be preferable for this Parliament to not bind members of another to a new code at such a late stage.

In the meantime, members continue to be bound by the Code of Ethical Conduct, together with the statement of commitment and the declaration of principles, the Code of Race Ethics and, if applicable, the Ministerial Code of Conduct.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Will Hodgman'.

Will Hodgman MP  
Premier