



PARLIAMENT OF TASMANIA

**JOINT STANDING COMMITTEE ON
INTEGRITY**

**A Code of Conduct for Members of
the Parliament of Tasmania
Report No. 3**

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

MEMBERS OF THE COMMITTEE

Legislative Council

Mr Dean
Mr Gaffney
Mr Valentine (Deputy)

House of Assembly

Mr Hidding (Chair)
Ms Houston
Mr Shelton

Table of Contents

1	Introduction	2
2	The Forty-Eighth Parliament	2
3	The Forty-Ninth Parliament.....	3
4	Recommendation.....	4
	Appendix.....	5

1 INTRODUCTION

- 1.1 Pursuant to section 24(1)(c) of the Integrity Commission Act 2009¹ (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 2011.²

2 THE FORTY-EIGHTH PARLIAMENT

- 2.1 In response to the Integrity Commission’s Summary Report 2016 and 2016 Draft Code of Conduct, the Committee conducted an inquiry into the introduction of a Code of Conduct for Members of Parliament in Tasmania.
- 2.2 The Committee tabled a report for the inquiry titled “A Code of Conduct for Members of Parliament” on 15 November 2016, which contained the following recommendations:
 - The Parliament adopt a single Code of Conduct for all Members of both Houses of Parliament and the Draft 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

¹ Integrity Commission Act 2009 (No. 67 of 2009)

² Integrity Commission: Summary Report and Report: “Codes of Conduct for Members of Parliament, Ministers and Ministerial Staff in Tasmania”, June 2011.

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.

2.3 Once the deadline for the introduction of a Code of Conduct had passed, as contained in the Committee's recommendation, and no progress had been made by either House, the Committee published a subsequent report titled "A Code of Conduct for Members of Parliament No. 2" on 30 November 2017. The report contained 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.

3 THE FORTY-NINTH PARLIAMENT

- 3.1 Following the House of Assembly General Election and the opening of the new Parliament on 1 May 2018, the Legislative Council and House of Assembly each appointed Members to the Committee.
- 3.2 The Committee at its first meeting of the new session resolved to as soon as possible bring about a Code of Conduct for Members.
- 3.3 On the 22 August 2018, the House of Assembly passed a motion that the House noted the Committee's report, "A Code of Conduct for Members of Parliament of Tasmania Report No. 2" and accepted the recommendation that: "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."
- 3.4 At this time, the Premier also indicated that Government Members would advance their considerations of the draft Code, with a view to a resolution of remaining issues by the end of calendar year 2018.
- 3.5 On 31 August 2018, the Committee wrote to the Presiding Officers advising the Committee was in agreeance with the wording of the

Draft Code of Conduct prepared by the Integrity Commission and supported identical Codes for both Houses. The Committee requested that Members advise the Committee of any concerns held over the contents and language used in the latest draft of the Code of Conduct.

- 3.6 On 26 September 2018, the Committee wrote to all Members advising that it seeks to achieve consensus on the wording of the Code prior to its introduction in the Houses and to have the finalised Code of Conduct tabled in the Legislative Council on the week beginning 20 November 2018.
- 3.7 The Committee received responses from: the Speaker, the Leader of the Opposition, Hon. Rebecca White MP; Hon. Tania Rattray MLC; Hon. Leonie Hiscutt MLC; and Hon. Rob Valentine MLC.
- 3.8 On 29 October 2018, the Committee met to determine which amendments to the draft Code of Conduct were required and to finalise the document. Reverend Professor Michael Tate AO, Parliamentary Standards Commissioner, was in attendance at the meeting to provide advice, on invitation from the Committee.
- 3.9 The Committee is satisfied that the draft Code of Conduct (as produced in the Appendix) clarifies the values, principles and responsibilities of Members of both the House of Assembly and the Legislative Council.

4 RECOMMENDATION

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

That the House of Assembly and the Legislative Council adopt the Code of Conduct for Members of Parliament as produced in the Appendix.

Parliament House
HOBART
20 November 2018

Hon. Rene Hidding MLC
CHAIR

APPENDIX

Draft Code of Conduct for Members of Parliament by the Joint Standing Committee on Integrity November 2018

PREAMBLE

Members of Parliament recognise that their actions have an impact on the lives of all Tasmanian people. Fulfilling their obligations and discharging their duties responsibly requires a commitment to the highest ethical standards to maintain and strengthen the democratic traditions of the State and the integrity of its institutions.

Compliance with the law may not always be enough to guarantee an acceptable standard of conduct. Members must not only act lawfully, but also in a manner that will withstand close public scrutiny.

This Code sets out ethical standards and principles to assist Members in observing expected standards of conduct in public office and to act as a benchmark against which their conduct can be measured.

Neither the law nor this Code is designed to be exhaustive, and there may be instances where Members find it necessary to adopt more stringent norms of conduct in order to protect the public interest, and to enhance public confidence and trust. In making choices about conduct, Members should have regard to community values and standards.

Members should also, where possible, avoid giving unnecessary offence to groups in the community whose beliefs and views differ from those held by the Members or by groups the Member represents.

Members are expected to promote and support this Code by leadership and example.

STATEMENT OF VALUES

This Code is derived from the fundamental values of the institution of the Parliament in this State. By adopting and upholding this Code, all Members of Parliament share in and support these values.

As Members of Parliament, we value:

- the public interest and the fundamental objective of public office to act solely in terms of the public interest;
- the improvement of the economic and social conditions of all Tasmanian people, and our service to our fellow citizens to achieve this;
- the promotion of human, social and environmental welfare through the responsible execution of our official duties;
- integrity, honesty, accessibility, accountability, fairness, transparency, courtesy, respect and understanding, without harassment, victimisation or discrimination;
- respect for differences, equity and fairness in political dealings, with fellow Members of Parliament; and
- ethical political practices that support the democratic traditions of our State and its institutions, and the rejection of political corruption.

ETHICAL STANDARDS

Conflict of interest

A Member protects and upholds the public interest by taking all reasonable steps to avoid, disclose and manage any conflict of interest that arises, or is likely to arise, between their personal interests and their official duties.

A conflict of interest may be financial or non-financial and may be potential, actual or perceived.

A conflict of interest does not exist where the Member, their spouse or domestic partner, relative or associate is affected only as a member of the public or of a broad class of persons.

Each Member is individually responsible for avoiding and managing conflicts of interest.

Declaration of personal interests

A Member is personally responsible for full and accurate disclosure of their financial and other interests, in accordance with their obligations under the *Parliamentary (Disclosure of Interests) Act 1996*.

Use of public office

A Member makes proper use of their office to represent and serve the community, conducting themselves in ways that maintains the trust and confidence of the public.

A Member must not use their influence as a Member to improperly obtain appointment, promotion, advancement, transfer or any other advantage or benefit on behalf of themselves or other persons.

A Member must not appoint their spouse, domestic partner or relative to a position in their own office.

A Member must not receive or seek to receive any fee, payment, retainer or reward, nor permit any compensation to accrue to their beneficial interest, for or on account of, or as a result of, their position as a Member, other than compensation to which they are entitled as a Member of Parliament.

Use of official information

A Member makes appropriate use of official information strictly for the purpose of performing their role as a Member of Parliament in the best interests of the public.

A Member must take care to protect confidential and official information in their possession or knowledge.

A Member must not use official information which is not in the public domain, or information obtained in confidence in the course of their official duties or position, for the advantage or benefit of themselves or another person.

Use of public resources

A Member uses public resources and assets strictly for the purpose of performing their role as a Member of Parliament, and in accordance with any rules and guidelines regarding the use of those resources and assets.

A Member must not use public resources, or allow such resources to be used by others, for personal advantage or benefit.

A Member must be scrupulous in ensuring the legitimacy and accuracy of any claim they make on the public account.

Gifts and benefits

A Member must adhere to standards of transparency and accountability in relation to gifts or benefits, and carry out their duties as a Member of Parliament without being influenced by gifts or benefits.

A Member must not solicit, encourage or accept gifts, benefits or favours which may improperly influence the Member in the exercise of their duties, or may give the appearance of improper influence. Exceptions to this are incidental gifts or customary hospitality of nominal value.

A Member must declare gifts and benefits received, as required by the *Parliamentary (Disclosure of Interests) Act 1996*.

Accuracy of statements

A Member must only make statements in Parliament and in public that are, to the best of their knowledge, accurate and honest.

A Member must not mislead Parliament or the public in statements that they make.

Whether any misleading was intentional or unintentional, a Member is obliged to correct the Parliamentary record, or the public record, at the earliest opportunity in a manner that is appropriate to the circumstances.

Outside employment

A Member must manage employment outside of Parliament to ensure that any such employment does not interfere with their duties as a Member of Parliament.

A Member must not engage in any employment outside Parliament that involves a substantial commitment of time and effort to the extent that it interferes with their duties as a Member.

Upholding the principles of respect, justice and inclusion for all Tasmanians

Members agree to respect the religious and cultural beliefs of others, in accordance with the Universal Declaration of Human Rights.

Members agree to uphold the principles of justice and inclusion among our multicultural society, making efforts to generate understanding of all groups.

Members agree to recognise and value diversity as an integral part of Australia's social and economic future.

Members should promote reconciliation with Indigenous Australians.

Parliamentary conduct

A Member conducts themselves in Parliament in ways that will protect the public interest, and enhance public confidence and trust in Parliament.

A Member must observe proper standards of parliamentary conduct by complying with Standing Orders, and directions of the Presiding Officer.

A Member must take particular care to consider the rights and reputations of others before making use of the unique protection available under parliamentary privilege. This privilege should never be used recklessly or without due regard to accuracy.

GENERAL INFORMATION

Advice for Members

Members may seek confidential advice from the Parliamentary Standards Commissioner in relation to any matter arising under this Code including advice on how to avoid or deal with a possible breach of this Code.

Members should seek professional advice if they have any concerns regarding a potential conflict of interest.

Members have a personal duty to make themselves aware of all legislation pertaining to the role of a Member of the Tasmanian Parliament.

In any public expressions, Members are expected not to set aside the constitutional values of the freedoms of speech, association and religion, or the principle of the separation of powers.

Breaches of the Code

A breach of this Code will constitute a breach of Standing Orders to be determined by the House.

Review of the Code

The Code will be reviewed every four years by the Parliamentary Joint Standing Committee on Integrity.