
Code of Conduct for Ministers and Conflicts of Interest

Talking Points

Ministerial Code of Conduct

- Government commits to uphold the highest standards of public office and to act honestly, professionally and with accountability in the performance of its duties.
- The Code of Conduct for Ministers is a commitment by Government to act with integrity and propriety for the people of Tasmania.
- In accepting office, Ministers agree to comply with the Code and to serve the people of Tasmania as we work to build their future and implement our long-term plan for our State.
- The Code applies to the Premier and each Minister. Ministers must observe the Code at all times and the consequences of any failure to do so is a matter between the Premier and the Minister concerned, and will depend on the merits of each case.
- The Government has made changes to a number of the sections of the Code, including the section relating to respect for persons, to ensure there is no doubt that the Government will operate in a manner that withstands the closest public scrutiny.
- The Government is committed to ensuring and enabling both women and men work in a safe, respectful and inclusive environment that is free from discrimination, harassment, sexual harassment and bullying.
- In the Government, we value diversity and work respectfully with people of different cultures, ages, ethnicities, religions, abilities and sexual orientations and identities.
- The updated Code is available on the Department of Premier and Cabinet (DPAC)'s website.

Conflict of Interest

- To protect and uphold the public interest, Ministers must take reasonable steps to avoid, resolve or disclose any material conflict of interest, financial or non-financial, that arises or is likely to arise, between their personal interests and their official duties.
- All Ministers have completed their declarations of interest. No actual conflicts have been declared. Any potential conflict of interest that may arise will be managed in accordance with the Code of Conduct for Ministers.

Background

Respect for persons

- The Code has been updated to better articulate and reflect community standards of behaviour and issues of community concern, particularly with respect to the treatment of women.

Conflict of Interest

- The Code and associated guidelines provide clear guidance to Ministers on how to deal with potentially difficult accountability issues, including conflicts of interest and any pecuniary interests.
- Any material conflict between a Minister's private interest and their official duty which arises, must be resolved promptly in favour of the public interest.

TABLE 1 – Summary of Ministerial Conflicts of Interest Declarations – May 2022

Minister/MP	Date of Declaration	Type	Summary and Action Taken
Jacque Petrusma, Minister for Police, Fire and Emergency Management	20 May 2021 Updated 21 March 2022	Potential for perception of conflict of interest in certain circumstances	<p><u>Summary:</u> Brother-in-law, s.36 [redacted] s.36 is a Tasmania Police Officer. s.36 [redacted] s.36 is not a member of the Police Leadership Group and does not have any direct role in briefing or advising the Minister.</p> <p><u>Action:</u> s.27 [redacted]</p> <p>s.27</p>
Nic Street, Minister for Sport and Recreation	17 February 2022	Potential for perception of conflict of interest in	<p><u>Summary:</u> First cousin is s.36 [redacted] CEO of Cricket Tasmania.</p>

Minister/MP	Date of Declaration	Type	Summary and Action Taken
		certain circumstances	Minister Street is a Member of Kingston Beach Golf Club. <u>Action:</u> s.27 s.27
Madeleine Ogilvie, Minister for Racing, Minister for Small Business, Minister for Women, Minister for Disability Services, Minister for Hospitality and Events	28 February 2022	Potential conflict of interest in certain circumstances	<u>Summary:</u> Membership of the Law Society of Tasmania and current legal practicing certificate. <u>Action:</u> s.27 s.27
Madeleine Ogilvie, Minister for Racing, Minister for Small Business, Minister for Women, Minister for Disability Services, Minister for Hospitality and Events	26 April 2022	Potential conflict of interest in certain circumstances	<u>Summary:</u> Husband s.36 is employed with Motorola Solution and provides services as a part of the Tasmanian Government Radio Network (TasGRN) contract. <u>Action:</u> s.27 s.27

Minister/MP	Date of Declaration	Type	Summary and Action Taken
Jeremy Rockliff, Premier, Minister for Health, Minister for Mental Health and Wellbeing, Minister for Tourism and Minister for Trade.	20 April 2022	Potential conflict of interest in certain circumstances	<p><u>Summary:</u> Wife Sandra Knowles and Premier Rockliff own a property which is advertised as available for a holiday rental.</p> <p><u>Action:</u> s.27</p> <p>s.27</p>
Nic Street, Minister for Community Services and Development; Minister for Hospitality and Events; Minister for Sport and Recreation; Minister for Local Government and Leader of the House.	02 May 2022	Potential conflict of interest in certain circumstances	<p><u>Summary:</u> Brother s.36 is an elected member of the Kingborough Council.</p> <p><u>Action:</u> s.27</p> <p>s.27</p>
Michael Ferguson, Deputy Premier, Treasurer, Minister for Infrastructure and Transport, Minister for Planning	11 May 2022	Perceived conflict of interest in certain circumstances	<p><u>Summary:</u> Has a holiday home available for short stay rental. Planning permit issued by Glamorgan-Spring Bay Council.</p> <p><u>Action:</u> s.27</p> <p>s.27</p>

Ministerial Portfolio: Premier

Output: Management of Executive Government Processes 2.1

Declaration of Interests for DPAC SES

Talking Points

- To promote good governance across the State Service, the Department of Premier and Cabinet (DPAC) has undertaken a range of actions to actively manage conflicts of interests, particularly in recruitment practices.
- In 2015, DPAC implemented a policy for all Senior Executive Service officers to declare outside interests and associations.
- DPAC's Declaration of Interests Policy incorporates requirements regarding:
 - the disclosure of information relating to trusts;
 - the disclosure of positions held in any incorporated associations; and
 - the mandatory disclosure of other direct and indirect benefits.
- These requirements were recommended by the Auditor-General, as they are matters that may give rise to an actual or potential conflict of interest which, if declared, may be identified early and managed appropriately.
- DPAC's Declaration of Interest Policy is underpinned by the need to have transparency about the personal interests of decision makers within the Department.
- Managing potential conflicts of interest is an important element of enhancing the integrity framework of the Tasmanian State Service.
- The fact that an officer has an interest or association outside of work, however, does not necessarily amount to a conflict of interest.

Additional Talking Points

- DPAC's Declaration of Interests Policy applies to all officers who are appointed under section 31 of the *State Service Act 2000* and to the Head of Agency appointed under section 30 of the Act.
- Under the Policy, declarations of interest must be completed within 20 working days of the officer's appointment, or by 31 July each year, whichever is earlier. Declarations are made to the Secretary via a Deputy Secretary.

Background

- The Policy results from an Integrity Commission recommendation following its 2014 report into allegations of nepotism in the Tasmanian State Service. The Integrity Commission recommended that: “All Heads of Agency and Senior Executive Officers should be required to declare all outside interests and associations whether pecuniary or not, on an annual basis.”
- The Policy was updated in 2018 to be consistent with the draft whole-of-government policy, which is still being developed by the State Service Management Office.
- The Policy only applies to officers, not employees.
- A separate *Conflict of Interest Policy* applies to all DPAC employees and officers, which requires them to declare:
 1. their interests in property, shareholdings, positions in corporations, community engagement; and
 2. any direct or indirect benefits, advantages or liabilities, whether pecuniary or not, and whether or not the Officer considers they may raise a potential, actual or perceived conflict between their private interests and their duties as an Officer.
- The DPAC *Conflict of Interest Policy* only then applies if any of their interests amount to an actual or potential conflict between the officer's public duties and private interests.

Parliamentary Disclosure of Interests

Talking Points

- The Tasmanian Government is committed to the highest standards of public disclosure, transparency and accountability.
- As part of that commitment, the Government updated the *Parliamentary Disclosure of Interests Act 1996* (the Act) in 2017 to ensure that Members' interests are available for public scrutiny.
- The amendments were based on recommendations put forward by key stakeholders including the Integrity Commission and the Parliamentary Standards Commissioner.
- The amendments made a number of significant changes to disclosure requirements, including requiring:
 - the register of interests to be published online;
 - the disclosure of the interests of spouses (which includes de facto partners); and
 - the disclosure of a broader range of gifts and benefits, such as non-monetary gifts.
- The Registers of Parliamentary Members' interests can be accessed on the Parliamentary website.

Additional Talking Points

- The Integrity Commission has responsibility under section 30(a) of the *Integrity Commission Act 2009* to monitor the operation of the Parliamentary Disclosure of Interest Register.

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- The Integrity Commission has previously advised that it does not plan to release a formal report on the Parliamentary Disclosures of Interest Register, given that the register is now publicly available.
- Under the Act, Members of Parliament are required to complete an Annual Return Form on or before 1 October each year. New Members are required to complete a Primary Return within three months of taking the Oath.

Background

- The *Parliamentary (Disclosure of Interests) Act 1996* (the Act) has been in place for over 20 years. In this time, community expectations have changed, with increased demand for openness and transparency of the actions of the Government and the Parliament.
- In 2016-17, the Department of Premier and Cabinet (DPAC) reviewed the Act and considered the recommendations of a number of external reviews and the practices of other Australian jurisdictions. This research informed the development of the *Parliamentary (Disclosure of Interests) Amendment Act 2017* (the Amendment Act).
- The Amendment Act received final endorsement by the House of Assembly on 21 September 2017 and received Royal Assent on 16 October 2017. The Amendment Act was proclaimed on 1 December 2017.
- The Regulations, gazetted on 29 November 2017, prescribe:
 - the register is to comprise the returns of Members lodged within the previous eight years, be divided into two parts (Primary Returns and Annual Returns) and may comprise multiple electronic files on a website;
 - the relevant Clerk is to make a hard copy of the register available for inspection at the Parliamentary Library during normal business hours;
 - the relevant Clerk is to publish a register online within seven days after tabling before the relevant House of Parliament and ensure it has a series of security properties, which include: that the register be uploaded in a file format that cannot be edited, that it have a watermark applied across each page, and have removed any other information deleted in accordance with Section 21 of the Act;
 - in forming an opinion to delete certain matters that would unreasonably compromise the privacy or safety of a person under section 21 of the Act, the relevant Clerk may seek confidential advice from a third party and ask a Member to provide reasons; and

- the relevant Clerk is to amend the register if a return is amended by a Member.
- DPAC developed revised Primary Return, Annual Return and Variation Return forms to support Members to meet the revised disclosure requirements.

Integrity Commission Report on the Parliamentary Disclosures Register

- On 2 May 2018, the Integrity Commission released its report arising from a review of the Parliamentary Disclosures of Interest Register in 2016-17.
- The Report identified instances of what it states are matters of 'administrative non-compliance'. The instances of 'non-compliance' reported include where Members have used the incorrect terminology on their forms, such as writing 'nil' rather than 'not applicable' and a failure to complete all parts of the forms.
- The amendments to the Act are designed to address this, including the development of a new form, with more complete guidance notes for Members.