



The Hon Will Hodgman MP
Premier of Tasmania
11th Floor, Executive Building
15 Murray Street
HOBART TAS 7000

03 6777 1013
PO Box 5140 Launceston TAS 7250
Public Buildings, 53 St John Street
Launceston TAS 7250
sarah.courtney@tpac.tas.gov.au
SarahCourtneyMP

Dear Premier *Will*

I write in response to your request for advice in relation to conflicts of interest pertaining to my assigned portfolio responsibilities of Resources and, Building and Construction.

I do not believe there is a conflict of interest of a general nature relating to the portfolios, but I do wish to alert you to the following interests:

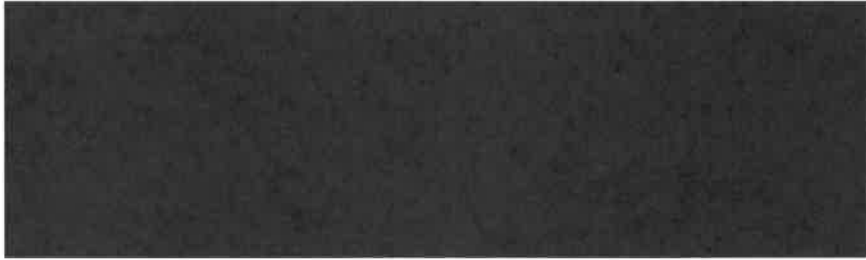
- I am the sole Director of, and a shareholder in, Fish Hook Wines Pty Ltd, which owns a vineyard and produces wine for eventual sale. I note that this vineyard is located in the current fruit fly control zone;
- I may have a potential perceived conflict of interest in that I indirectly own shareholdings in the publicly listed companies held by the M&S Courtney Family Super Fund and/or Fish Hook Wines Pty Ltd (see Attachment 1 for details of each interest held). Whilst it is unlikely that decisions I may take as Minister could materially benefit the Companies listed, I felt it important that you were aware of these holdings; and

• [Redacted]

My interests in Fish Hook Wines Pty Ltd and M&S Courtney Family Super Fund have been disclosed as required by the *Parliamentary (Disclosure of Interests) Act 1996*.

Furthermore, I have a significant relationship with Dr John Whittington, Secretary, Department of Primary Industries, Parks, Water and Environment. Dr Whittington discloses his interest separately and in compliance with the *State Service Act*, the *State Service Principles* and *State Service Code of Conduct*, however I have also listed these below in the interests of full disclosure.





Given the nature of my portfolio responsibilities, and my above interests, I consider it appropriate to seek the advice of the Secretary, Department of Premier and Cabinet (and through her, the advice of the Solicitor-General) on the most appropriate way to manage any potential conflict of interest that could arise going forward.

I will also ensure the Secretary of the Department of State Growth and the Secretary of Justice are informed of these matters.

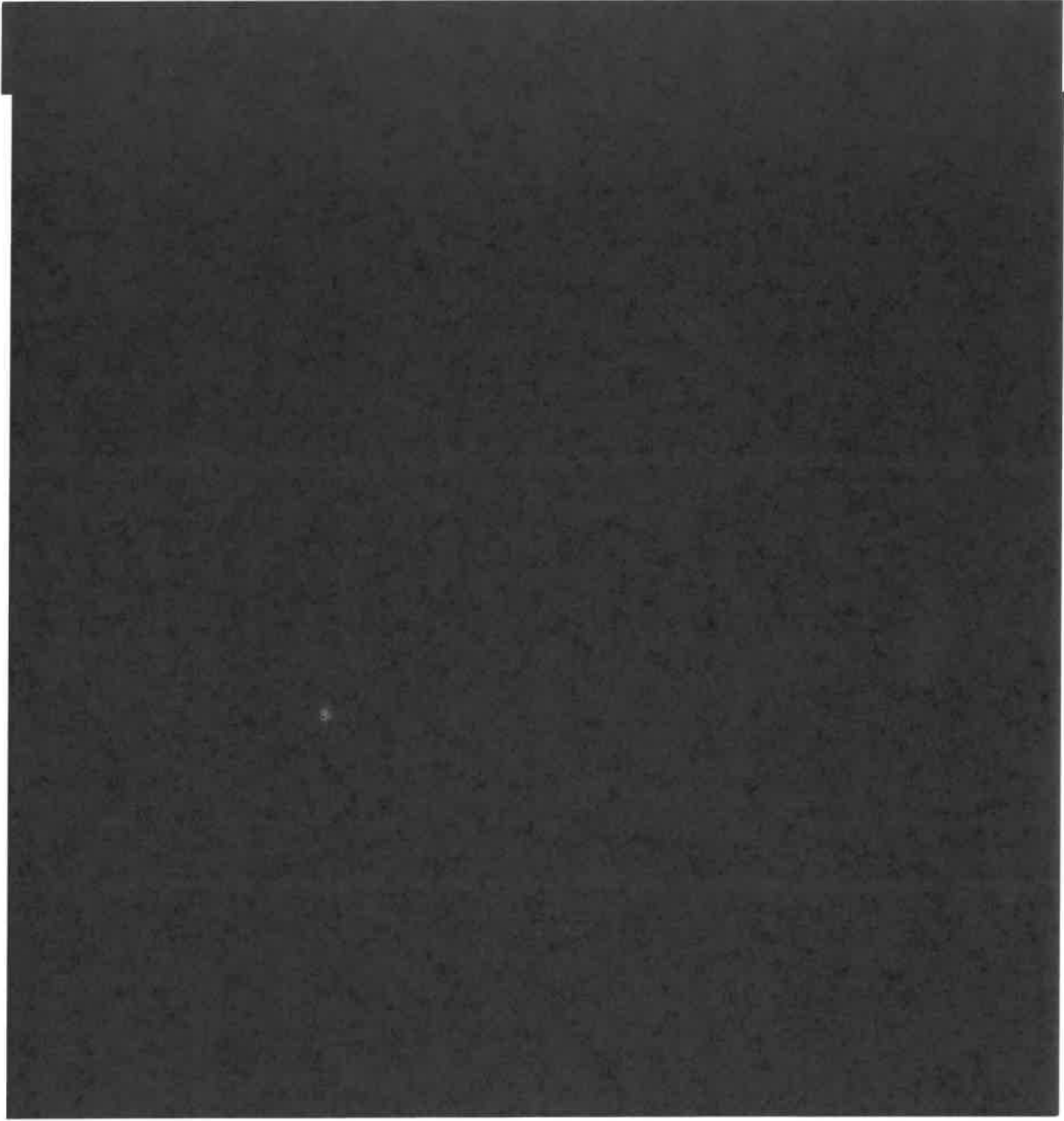
I will keep you updated once the advice is received from the Secretary.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Sarah Courtney'.

1/11/18

Sarah Courtney MP
Member for Bass



Procedure for managing Ministerial Conflicts of Interest

March 2018

1. Minister to contact Secretary, Department of Premier and Cabinet (DPAC) to seek procedural advice regarding possible conflict of interest.
2. Minister to write to the Premier to advise and provide details of conflict of interest.
3. Premier consults with DPAC regarding management of conflict of interest.
4. Through DPAC, Premier seeks Solicitor-General advice on matter if required.
5. Premier writes to Minister providing advice and confirmation on the process to how the conflict of interest will be managed.
6. Where necessary a copy of the letter will be sent to the Secretary/Secretaries of Departments concerned.



PREMIER OF TASMANIA

Hon Sarah Courtney MP
MINISTER FOR RESOURCES
MINISTER FOR BUILDING AND CONSTRUCTION

POTENTIAL CONFLICTS OF INTEREST

Thank you for your advice of 1 November 2018 concerning the potential for your directorship and shareholding interests as well as your declared relationship with Dr John Whittington, Secretary, Department of Primary Industries, Parks, Water and Environment (DPIPWE) to cause a conflict with your Ministerial duties.

I agree with you that these interests do not give rise to a general conflict with your Ministerial duties. I note that the Code of Conduct for Ministers explicitly allows for a Minister to hold a directorship in a private company operating a family farm, business or investment with my written approval. Accordingly, I approve you retaining your disclosed interests as I am satisfied that no conflicts of interest exist.

However, it is clearly judicious to establish a procedure to allow you to manage or avoid any specific actual or perceived or potential conflict that may arise in your work as a Minister.

I have sought the advice of Ms Jenny Gale, Secretary, Department of Premier and Cabinet (DPAC) who has also liaised with the office of the Solicitor-General.

Given the declared relationship with the Secretary, DPIPWE and the nature of your directorship and shareholding interests it is prudent for you to be alert to any matter that comes to you for a decision as Minister (a 'decision of concern') or to Cabinet for discussion and decision (a 'matter of concern') that directly affects a company in which you have an interest, or otherwise may create an actual, perceived or potential conflict of interest over your duty as a Minister of the Crown due to your declared relationship with Dr Whittington.

In either case, if a concern arises, you should declare a potential conflict of interest at that time and follow one of the procedures described below. Of course, before initiating a procedure, you may seek advice from the Secretary, DPAC, or directly from the Solicitor-General, about the potential for the matter or decision to be of concern.

Decision of Concern

- As soon as you become aware that you could be asked or required to make a decision of concern, you are to contact me (or the Acting Premier) or my office with details of the situation (including nominating a Minister to act for and on your behalf).
- I can then arrange for formal notification to the nominated Minister to act for and on your behalf in relation to the matter or for a period of time to allow a matter to be considered and a decision made.

- The nominated Minister is to be briefed appropriately by your office and/or departmental staff and can, if appropriate, make a decision for and on behalf of you as Minister for Resources and/or Minister for Building and Construction.
- I have attached a draft example of an 'Acting Minister Authorisation' template.

Matter of Concern

- If you become aware of a matter of concern before a meeting of Cabinet you are to inform me (or the Acting Premier) beforehand and you are to absent yourself from any part of the Cabinet discussion at which the matter of concern is discussed.
- If during a meeting of Cabinet you form the opinion that a matter of concern is being or is about to be discussed, you are to inform me (or the Acting Premier) as soon as you form that opinion. On being so advised, the Chair will suspend the part of the business of the meeting that gives rise to the matter of concern and defer its further consideration to a suitable time at which you will ensure that you are absent while the matter of concern is discussed.
- In either case, any Cabinet Decision that records the deliberation of Cabinet for the matter of concern will record the fact that you disclosed the conflict and were not present and did not take part in the making of the Decision.

Scope of Conflict of Interest Procedures and Cabinet documents

- Ultimately the management of conflicts of interest are a matter for each Minister.
- You will need to exercise due diligence to ensure that you do not take part in Cabinet matters or in making any other decisions in which there is an actual or perceived or potential conflict of interest.

Delegations

- Should it be necessary to delegate one of your powers or functions as Minister, it is important to ensure that the correct legal process is followed. For that purpose you should contact the Office of the Solicitor-General to assist with the preparation of the delegation to ensure that the decision is valid.

If staff in your office or departmental officers have any queries in relation to this advice or the procedures proposed, in the first instance they can contact [REDACTED]

I have also provided a copy of this memorandum to the Secretaries of DPAC, the Department of State Growth and the Department of Justice together with a copy of your letter of 1 November 2018.



Will Hodgman MP
Premier

Attachment
Acting Minister Authorisation template

Copy to: Secretary, DPAC
Secretary, State Growth
Secretary, Justice

TASMANIA
PREMIER OF TASMANIA

To the Hon <Minister's Name> MP
MINISTER FOR <PORTFOLIO>

[ACTING MINISTER FOR RESOURCES] OR [ACTING MINISTER FOR BUILDING AND CONSTRUCTION]

The Hon Sarah Courtney MP is unable to act as ([the Minister for Resources] or [the Minister for Building and Construction]):

(Select one of following options)

between (date and time) and (date and time) and I request and authorise you to act as ([the Minister for Resources] or [the Minister for Building and Construction]) during this period.

to deal with the matter of <insert detail of matter requiring consideration or decision> and I request and authorise you to act as ([the Minister for Resources] or [the Minister for Building and Construction]) in relation to this matter.

Any document which requires your signature as the Minister acting on behalf of ([the Minister for Resources] or [the Minister for Building and Construction]) should be executed as follows:

(signature)

Minister for <Portfolio>

acting for and on behalf of ([the Minister for Resources] or [the Minister for Building and Construction])

Will Hodgman MP
Premier

From: oppmedia@googlegroups.com on behalf of Labor Media
 <labor.media@parliament.tas.gov.au>
Sent: Tuesday, 20 November 2018 5:07 PM
Subject: Government must publicly release Sarah Courtney conflict of interest protocols

Follow Up Flag: Follow up
Flag Status: Flagged

Michelle O’Byrne MP
 Deputy Labor Leader

20 November 2018

Government must publicly release Sarah Courtney conflict of interest protocols

- **Government must reveal protocols to manage conflict of interest concerns**
- **Still potential for further conflict of interest breaches**
- **Tasmanians need confidence over Minister’s decision making processes**

The Government must reveal what protocols it has put in place to manage conflict of interest concerns surrounding Minister Sarah Courtney.

It is unacceptable that the liberals continue to try to sweep this under the carpet.

Despite the fact that Minister Courtney breached the Ministerial Code of Conduct over her relationship with Departmental Secretary Dr John Whittington, she will still be required to work with him as Minister, therefore there is potential for future decisions to be tarnished.

Deputy Labor Leader, Michelle O’Byrne, said Tasmanians needed to know what measures had been put in place to manage this situation.

“Minister Courtney has admitted that her new role will bring her into contact with Dr Whittington and we need to know how the Government is managing this clear conflict of interest,” Ms O’Byrne said.

“If the Government has put protocols in place to manage this, these need to be released publicly so that Tasmanians can have confidence that Minister Courtney’s decision making processes aren’t being adversely influenced.”

More information: Melissa Lewarn 0427 354 058

Putting people first

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[Redacted]
[Redacted]
[Redacted]
From: [Redacted]
Sent: Friday, 14 December 2018 12:56 PM
To: [Redacted]
Cc: [Redacted]
Subject: Re: Protocols

Yep

On 14 Dec 2018, at 12:51 pm, [Redacted] wrote:

Yes, are you OK with this [Redacted] -- it's basically what he said in Parliament.

From: [Redacted]
Sent: Friday, 14 December 2018 12:45 PM
To: [Redacted]
[Redacted]
Subject: RE: Protocols

Good to go to ABC from spokesperson?

[Redacted]
[Redacted]
Office of the Premier, the Hon Will Hodgman MP

Level 11, 15 Murray Street HOBART TAS 7000
Phone [Redacted]
e-mail [Redacted]
<image001.jpg>

www.premier.tas.gov.au <image002.jpg>

From: [Redacted]
Sent: Friday, 14 December 2018 11:15 AM
To: [Redacted]
[Redacted]
Subject: RE: Protocols

Thanks [Redacted] that's good for me.

[Redacted]
[Redacted]

Office of the Premier
The Hon Will Hodgman MP
Premier of Tasmania
Minister for Tourism, Hospitality and Events
Minister for Parks
Minister for Trade

11th Floor, 15 Murray Street, Hobart 7000
Mobile: [Redacted]
Email: [Redacted]
www.premier.tas.gov.au

From: [REDACTED]
Sent: Friday, 14 December 2018 11:09 AM
To: [REDACTED]
Subject: RE: Protocols

How is this:

As the Premier said in his media statement of 31 October, the perception of a conflict has been avoided with the change in Ministerial responsibilities.

As the Premier further told the House on 28 November, the Secretary of DPAC and the Solicitor-General reviewed the interactions between DPIPWE and Ms Courtney's new portfolios before Ms Courtney took on the new portfolio. The advice was there were no impediments to Ms Courtney taking on these portfolio responsibilities.

While it is up to all Ministers to manage any potential conflicts and compliance with the Ministerial Code of Conduct, measures have been put in place to ensure that no advice will go directly from the Secretary, DPIPWE, to Ms Courtney. The Minister's interactions will be with statutory officers, such as the EPA Director, a delegate for the Director-General of Lands, or with a delegate of the Secretary DPIPWE.

These delegations are already in place to ensure Dr Whittington will not be directly briefed or advising the Minister for Resources.

From: [REDACTED]
Sent: Friday, 14 December 2018 10:54 AM
To: [REDACTED]
Subject: FW: Protocols

Did we land on words for Courtney?

[REDACTED]
Office of the Premier, the Hon Will Hodgman MP
Level 11, 15 Murray Street HOBART TAS 7000
Phone: [REDACTED]
e-mail: [REDACTED]
<image001.jpg>

www.premier.tas.gov.au <image002.jpg>

From: [REDACTED]
Sent: Thursday, 13 December 2018 9:12 AM
To: [REDACTED]
Subject: Protocols

Hi [REDACTED]

[REDACTED]

And can you please provide me with a copy of the protocols in place to manage any potential conflict of interest arising for Sarah Courtney in her new role?

Thank you,



[REDACTED]

[REDACTED]

www.abc.net.au/news

<image004.jpg>

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[Redacted]

From: [Redacted]
Sent: Friday, 14 December 2018 2:00 PM
To: [Redacted]
Subject: RE: Protocols
Attachments: Protocol for Managing Possible Conflicts of Interest - [Redacted]

Dear [Redacted]

[Redacted]

Please see below comments attributable to a Government spokesperson;

"As the Premier said in his media statement of 31 October, the perception of a conflict has been avoided with the change in Ministerial responsibilities."

"As the Premier further told the House on 28 November, the Secretary of DPAC and the Solicitor-General reviewed the interactions between DPIPWE and Ms Courtney's new portfolios before Ms Courtney took on the new portfolio. The advice was there were no impediments to Ms Courtney taking on these portfolio responsibilities."

"While it is up to all Ministers to manage any potential conflicts and compliance with the Ministerial Code of Conduct, measures have been put in place to ensure that no advice will go directly from the Secretary, DPIPWE, to Ms Courtney. The Minister's interactions will be with statutory officers, such as the EPA Director, a delegate for the Director-General of Lands, or with a delegate of the Secretary DPIPWE."

"These delegations are already in place to ensure Dr Whittington will not be directly briefing or advising the Minister for Resources."

Kind regards

[Redacted]

Office of the Premier, the Hon Will Hodgman MP

Level 11, 15 Murray Street HOBART TAS 7000

Phone: [Redacted]

e-mail: [Redacted]

[Redacted]

www.premier.tas.gov.au



From: [Redacted]
Sent: Thursday, 13 December 2018 9:12 AM
To: [Redacted]
Subject: Protocols

Hi [Redacted]

And can you please provide me with a copy of the protocols in place to manage any potential conflict of interest arising for Sarah Courtney in her new role?

Thank you,



[Redacted]

[Redacted]

W abc.net.au/news



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