Department of Justice

Tasmania

Tasmanian Government Response to Recommendations in the Final Report of the Joint Select Committee on Ethical Conduct ('Public Office is Public Trust')

Final Report

4 November 2009

'Public Office is Public Trust' – Government Response to Recommendations

This paper constitutes the Government's response to the recommendations in the Joint Select Committee's final report which were not directly related to the establishment of an Integrity Commission. The remaining recommendations are being addressed by means of the Integrity Commission Bill 2009.

The Integrity Commission Bill 2009 will be introduced to the Parliament in the current sitting of Parliament and constitutes the Government's response to recommendations 4, 6, 7, 16, 17, 24, 29, 30 and 31.

Recommendation 1:

That the *Parliamentary (Disclosure of Interests) Act 1996* be strengthened by amendments to provide for the following:

(1) The definition of 'related person' to be added. Such definition to mean –

(a) the spouse of a Member;

(b) a child of a Member who is wholly or substantially dependent on the Member; or

(c) any other person –

(i) who is wholly or substantially dependent on the Member; and

(ii) whose affairs are so closely connected with the affairs of the member that a benefit derived by the person, or a substantial part of it, could pass to the Member.

(2) Consequential amendments to require the declaration of a related person's interests in the Registers of Interests.

Discussion:

The *Parliamentary (Disclosure of Interests) Act 1996* establishes a register of interests for the members of each House which contains information on any pecuniary and other interests of members. The register of each House is available for public scrutiny and contains full details of the interests disclosed by members. The registers are also required to be tabled in Parliament to ensure that the public can readily see any interests of members which might be perceived to impact on decisions being made in the Parliament.

Concerns brought to the attention of the Committee relating to the Registers of Members' Interests suggested a broadening of the application of the Act to include the immediate family of Members.

The arguments against the declaration of family interests are twofold: the invasion of privacy, and the difficulty for a Member to know of the relevant interests. The counter argument, of course, is that family interests are just as capable of raising an actual or apparent conflict of interest as the Member's own interests and second, that their exclusion would leave open an avenue of avoidance, the mere existence of which could undermine public confidence.

In the Integrity Commission Bill 2009 the Government is seeking amendment to the *Parliamentary (Disclosure of interests) Act 1996* to move responsibility for the Register of Interest from the Clerk of each House of Parliament to a Parliamentary Standards Commissioner, who is to be appointed by the Integrity Commission.

As a consequence the Government believes that this recommendation and its implementation are best explored in more detail by the Integrity Commission once established.

The Government will implement amendments in the form to be recommended by the Integrity Commission.

Government position:

This recommendation is accepted in principle.

Recommendation 2:

That the *Local Government Act 1993* be amended to provide for a Register of Interests for each Local Government Council.

Discussion:

In order to encourage consistent governance and accountability, there is an argument that local government ought to be subject to the same requirements to disclose pecuniary and other interests as State Government.

The establishment of a register of interests was explored in some detail in the 2003-04 review of the *Local Government Act 1993* and it was agreed at that time that no changes should be made to the existing provisions.

The Government accepts that there may be a case for consistency, but is also mindful that councillors do not generally commit to full time public life in the same way as Members of Parliament.

Registers of Interest for local government are handled in a variety of ways across Australian jurisdictions, with no single approach standing out from the others.

The Government believes that further research and greater consultation with Local Government stakeholders is required before changing the current approach.

This work should be undertaken jointly by the Local Government Division and the Integrity Commission in consultation with Councils and therefore the Government will request the Local Government Division to commence the consultation so that the outcomes of that consultation can be referred to the Commission for advice once it is established.

The Government will implement the changes recommended by the Integrity Commission.

Government position:

This recommendation is accepted in principle.

Recommendation 3:

That, with the exception of the detail of each Member's residential address, the Register of Interest of Members of the Legislative Council and the Register of Interests of Members of the House of Assembly be published on the internet site of the Parliament of Tasmania.

Discussion:
Publication of these registers is consistent with Premier Bartlett's Ten Point Plan.

Given the changes to responsibility for the Register with the establishment of the Parliamentary Standards Commissioner and the Integrity Commission, the publishing of the Register will be through the Integrity Commission website although this does not preclude the Legislative Council or House of Assembly deciding to publish in advance of the establishment of the Integrity Commission.

Government position:

This recommendation is accepted.

Recommendation 5:

That the Legislative Council adopt a Code of Ethical Conduct and a Code of Race Ethics.

Discussion:
Non-legislative prescriptions for the conduct of Members such as the Code of Ethical Conduct and the Code of Race Ethics were adopted in the House of Assembly as Standing Orders in 1996 following an inquiry of the House of Assembly Select Committee on the Reform of Parliament.

The Code of Ethical Conduct contains a preamble, statement of commitment and a list of nine general declarations about a range of issues relating to enhancement of ethical conduct, preventing conflicts of interest, gifts and using public property for personal gain. Post Parliamentary employment is also dealt with in the Code.

The Code of Race Ethics comprises a number of commitments including: respect of cultural beliefs; valuing diversity; help without discrimination; and Aboriginal reconciliation.

Members of the House of Assembly are required to declare that they have read and subscribe to the Codes when they are sworn in following their election to the House. Since the inclusion of these Standing Orders, no breach of either of these Codes has been formally alleged in the Assembly.

The Legislative Council does not have equivalent provisions within its Standing Orders.

The implementation of this recommendation sits with the Legislative Council, but Government members will support the introduction of these Codes in the Council.

Government position:

This recommendation is supported.

Recommendation 8:

That the Council and the Assembly adopt procedures to enable Members to raise matters of privilege other than 'suddenly arising' as follows:-

1 A Member desiring to raise a matter of privilege must inform the President/Speaker of the details in writing.
2 The President/Speaker must consider the matter within 14 days and decide whether a motion to refer the matter to the relevant Privilege Committee is to be given precedence. The President/Speaker must notify this decision in writing to the Member.
3 While a matter is being considered by the President/Speaker, a Member must not take any action or refer to the matter in the House.
4 If the President/Speaker decides that a motion for referral should take precedence, the Member may, at any time when there is no business before the House, give notice of a motion to refer the matter to the Committee. The debate on the motion must take precedence on the next sitting day.
5 If the President/Speaker decides that the matter should not be the subject of a notice of referral, a Member is not prevented from giving a notice of motion in relation to the matter. Such notice shall not have precedence.

If notice of a motion is given under paragraph (4), but the House is not expected to meet on the day following the giving of the notice, with the leave of the House, the motion may be moved at a later hour of the sitting at which the notice is given.

Discussion:

Pursuant to their respective Standing Orders, at the commencement of every Parliament, both Houses each appoint a Privileges Committee to "report upon complaints of breach of privilege which may be referred to it by the House". The practice for such complaints being made is for a member to rise in their place and speak to the matter of privilege 'suddenly arising'. There is no provision for matters, other than those 'suddenly arising', to be referred to the Privileges Committees.

It is, of course possible for the Houses to refer matters to their respective Committees by way of substantive motion. However, the Committee was of the view that a need exists to prescribe a mode of referral of matters to Privileges Committees other than immediately in the relevant House.

The Government will introduce a motion to refer this issue to the Joint Select Committee on the Working Arrangements of parliament to consider any amendments to the standing orders prior to establishment of the Privileges Committees in the new Parliament which will follow the election in March 2010.

Government position:

This recommendation is supported.

Recommendation 9:

That the House of Assembly prescribe that resolutions of its Privileges Committee may only be reached by a bi-partisan majority of the Committee in circumstances where one political party has a majority of members on the Committee.

Discussion:

The current 'self-regulatory' approach to the enforcement of ethical standards of Members has been criticised for the lack of safeguards against political partisanship. The current methodology for referrals to the House of Assembly Privileges Committee and the membership of the Committee itself exposes that Committee to claims of partisanship in the conduct of its affairs.

The Government will introduce a motion to refer this issue to the Joint Select Committee on the Working Arrangements of parliament to consider any amendments to the standing orders prior to establishment of the Privileges Committees in the new Parliament which will follow the election in March 2010.

Government position:

This recommendation is supported.

Recommendation 10:

That a review of the Privilege Acts and other legislation pertinent to the operation and processes of the Parliament of Tasmania be undertaken in full consultation with the Council and the Assembly.

Discussion:

There are six Acts specifically dealing with aspects of Parliamentary privilege and the jurisdiction of both Houses of the Parliament of Tasmania. These are:

- *Parliamentary Privilege Act 1858*;
- *Parliamentary Privilege Act 1885*;
- *Parliamentary Privilege Act 1898*;
- *Parliamentary Privilege Act 1957*;
- *Parliament House Act 1962*; and
- *Parliament House Act 1988*.

A review of the nature recommended by the Committee offers opportunities to:

- consolidate disparate statutory provisions, some of which are quite old;
- Incorporate contemporary practices, procedures and, where appropriate, Common Law; and
- Allow for the use of contemporary language.

Given the timing of the next election the Government believes that this review is best conducted following the establishment of the new Parliament in 2010. The Government will facilitate this review in 2010.

Government position:

This recommendation is accepted.

Recommendation 11:

That prior to finalising the annual appropriations of Parliament and of independent Statutory Office holders, the Treasurer and/or the Budget Sub-Committee of Cabinet must receive and consider submissions for the annual proposed expenditure for the services of: the Legislative Council; the House of Assembly; Legislature-General; Office of the Ombudsman; Office of the Auditor-General; Office of the Director of Public Prosecutions; and the Tasmanian Integrity Commission for inclusion each year in the *Consolidated Fund Appropriation (No. 2) Bill.*

Discussion:

This recommendation is consistent with the current practice and will be implemented by the Government in the development of its budgets. However it should be noted in relation to this recommendation and recommendations 18, 20 and 21 that the precise form of the Budget development process is the prerogative of the Government of the day. We are unable to bind future Governments who may wish to adopt alternative processes.

Government position:

This recommendation is accepted.

Recommendation 12:

That the annual expenditure submissions of Parliament and Statutory Office holders, as submitted to the Budget Sub-Committee of Cabinet, be tabled in each House of Parliament by 30 April each year.

Discussion:

The annual expenditure submissions are assessed in light of the State's overall financial position and its ability to provide resources for government activities and other services. The outcome of this assessment is reflected in the annual State Budget.

The Joint Select Committee report does not provide any explanation of how the provision of this information will assist Parliament or the resourcing of statutory officers.

As a matter of course it is noted that any issues relating to the resourcing of these bodies can be pursued by any Member of Parliament during the annual Budget Estimates Committee hearings.

Government position:

This recommendation is <u>not</u> accepted.

Recommendation 13:

That in relation to future *Consolidated Fund Appropriation (No. 2) Bills*, the Clause entitled "Issue, application and appropriation of …" be drafted to properly reflect that such funds are to be applied for the services of the Parliament and Statutory Offices rather than the current form which states that such funds are applied "for the services of the Government".

Government position:

This recommendation is accepted

Recommendation 14:

That an independent inquiry be conducted into:-

- whether or not there should be an increase of the number of members elected to the Legislative Council and the House of Assembly;
- if an increase is recommended, to report on the way such increase should be achieved; and

any matters incidental thereto.

Discussion:

The Joint Select Committee concluded that the basic community concern is that the number of Members of Parliament of Tasmania is insufficient for the Parliament to properly fulfil its roles in:

- providing the members of the Executive; and
- scrutinising the Executive.

The Government provides many opportunities for the Tasmanian community to talk direct to the Government, not least through Community Cabinets. As a result of those consultations the Government does not accept that the call for an expansion of Parliament is widespread or accepted by the majority of the community.

The reduction in the size of the Parliament was a direct response to calls from the community for Parliament to honour a promise from the then Liberal Government and the Government does not accept that community attitudes to the size of parliament have significantly shifted since that time.

The broader community is saying to Government that the expansion of Parliament, and therefore greater expenditure on Members of Parliament, should not be a priority at a time of global financial crisis.

Government position:

This recommendation is not accepted.

Recommendation 15:

That the development of guidelines, definitions and instructions applicable to all Members of Parliament and political parties in relation to the appropriate expenditure of public funds be expedited and provided to all members of Parliament.

Discussion:

The Parliamentary Standing Committee of Public Accounts in the report on its 'Inquiry into Television Advertisements by the Tasmanian Greens' (released in 2008) recommended that a set of guidelines, definitions and instructions applicable to all Members of Parliament and political parties in relation to the appropriate expenditure of public funds be developed and provided to all members of Parliament. It was further recommended that the Auditor-General be requested to develop such instructions, guidelines and processes.

These recommendations were made after finding, amongst other findings, that the guidelines and Policy applying to the use of public funds that had been provided to the Greens were out of date and/or deficient, that communication of relevant information only occurred in an ad hoc manner, and that there was no authoritative source of advice or guidance immediately available to non-Government Members as to what is acceptable or not in relation to material which is distributed in any format.

The Government accepts the need for these guidelines and work is already underway in the Department of Premier and Cabinet and will be completed before the end of 2009.

Government position:

This recommendation is accepted.

Recommendation 18:

That […] the Auditor-General furnish the Treasurer and/or the Budget Sub-Committee of Cabinet with advice appropriate to inform the annual formulation of the proposed expenditures for the Office of the Auditor-General for inclusion each year in the *Consolidated Fund Appropriation (No. 2) Bill.*

Discussion:

The Auditor-General is responsible for audits made pursuant to the provisions of the *Financial Management and Audit Act 1990*, the *Government Business Enterprises Act 1995*, the *Local Government Act 1993*, and other Acts. The Auditor-General also has responsibilities in respect of Commonwealth grants and payments to the State under Commonwealth legislation.

As well as matters pertaining to financial management, the Auditor-General has a role in conducting performance audits designed to test the efficiency, effectiveness and economy of activities of the Government.

The Auditor-General reports directly to Parliament which emphasises the independence of the office and reinforces the role of Parliament in holding the Government to fulfilling its financial responsibilities.

The level of requests to the Auditor-General to conduct audits has increased significantly over the last three to four years, and a case for extra resources was put to the Treasurer in 2007.

This recommendation is consistent with the current practice, and it is envisaged that it will continue to be implemented during the future Budget development periods.

Government position:

This recommendation is accepted.

Recommendation 19:

That the *Ombudsman Act 1978* be amended as follows:-

1. To establish a Joint Parliamentary Committee with the following functions:-

a) To monitor and review the performance by the Ombudsman of the Ombudsman's functions under the Act;
b) To report to both Houses on any matter concerning the Ombudsman, the Ombudsman's functions or the performance of the Ombudsman's functions that the Committee considers should be drawn to the attention of both Houses;
c) To examine each annual report tabled under this act and, if appropriate, to comment on any aspect of the report; and
d) To report to both Houses any changes to the functions, structures and procedures of the Office of Ombudsman the Committee considers desirable for the more effective operation of the Act.
e) To inquire into, consider and report upon
   (i) a suitable person for appointment to the Office of Ombudsman; and
   (ii) other matters relating to the performance of the functions of the Office of Ombudsman; and
   (iii) any other matter referred to the Committee by the Minister responsible for the administration of the Ombudsman Act; and
   (iv) to perform other functions assigned to the Committee under the Ombudsman Act or any other Act or by resolution of both Houses.

2. To provide for the review of the non-implemented recommendations of the Ombudsman through the Tasmanian Integrity Commission.

Discussion:

The Ombudsman is an independent statutory officer reporting directly to Parliament whose functions are prescribed by the *Ombudsman Act 1978*. The Ombudsman's role is to investigate complaints about public authorities. This includes State Government departments, Tasmania Police, Local Government Councils, Government Business Enterprises and the University of Tasmania, but excludes the Director of Public Prosecutions, the Solicitor-General, the Auditor-General and judges and magistrates.

The Ombudsman also has responsibilities under the *Freedom of Information Act 1991*, the *Public Interest Disclosures Act 2002*, the *Telecommunications (Interception) Tasmania Act 1999*, the *Witness Protection Act 2000*, and the *Personal Information Protection Act 2004*.

The establishment of the Ombudsman's office owes its origins to the desire by parliaments to provide relief and redress from unfair and improper executive action. It should, therefore, be put fully beyond influence from the Crown to avoid even the appearance of executive interference.

The Joint Standing Committee established by the Integrity Commission Bill will be assigned a scrutiny role for the Ombudsman and State Service Commissioner (in relation to their role in dealing with misconduct) which effectively implements this recommendation.

Government position:

This recommendation will be implemented via the Integrity Commission Bill 2009.

Recommendation 20:

That […] the Ombudsman furnish the Treasurer and/or the Budget Sub-Committee of Cabinet with advice appropriate to inform the annual formulation of the proposed expenditures for the Office of the Ombudsman for inclusion each year in the *Consolidated Fund Appropriation (No. 2) Bill.*

Discussion:
This recommendation is generally consistent with the current practice and information relating to the Office of the Ombudsman is received by the Treasurer and/or Budget Committee as part of a Budget Submission. It is envisaged that similar consultation will continue to be implemented during future Budget development periods.

Government position:

This recommendation is accepted.

Recommendation 21:

That […] the Director of Public Prosecutions furnish the Treasurer and/or the Budget Sub-Committee of Cabinet with advice appropriate to inform the annual formulation of the proposed expenditures for the Director of Public Prosecutions for inclusion each year in the *Consolidated Fund Appropriation (No. 2) Bill.*

Discussion:
The Director of Public Prosecutions (DPP) is appointed under the *Director of Public Prosecutions Act 1973*. The DPP and Office undertakes a wide range of activities, including:

- The prosecution of all criminal trials, pleas of guilty, breaches of suspended sentences or conditional discharges, and bail applications in the Supreme Court;
- The conduct of lower court appeals and appeals in the Court of Criminal Appeal;
- The conduct of all civil litigation on the behalf of the State of Tasmania;
- The provision of representation and advice to Agencies and Departments involved in prosecutions and proceedings in the Magistrates Court and Tribunal; and
- The provision of representation in appropriate circumstances for officers of Courts and Tribunals and other decision makers whose decisions or actions were the subject of review.

The DPP has complete independence in decision-making but remains accountable to Parliament through an annual report. Recent annual reports of the DPP have consistently drawn the attention of the Government to issues regarding resources provided to the DPP's office.

Government position:

This recommendation is accepted.

Recommendation 22:

That section 7 of the Police Service Act 2003 be amended to properly reflect the convention that the Executive cannot direct Tasmania Police on matters of an operational nature.

Recommendation 23:

That guidelines be prescribed by the Government in consultation with Tasmania Police to clarify the difference between policy and operational matters and where any serious doubt exists as to whether a particular direction related to a policy or operational matter the Commissioner of Police may apply to the Supreme Court of Tasmania for a Declaratory Order.

Discussion:

The *Police Service Act 2003* establishes a police service in Tasmania. The principal role of the police is to investigate criminal activity and enforce the law.

Section 7 of the Police Service Act sets out the responsibilities of the Commissioner. Considerable discussion regarding section 7 has raised conflicting views as to whether or not the Tasmania Police is statutorily independent of the Executive and so seen to be beyond political influence. The arguments focussed on the word 'under the direction of the Minister' and whether or not such directions applied to what are generally known as 'operational matters'. The particular importance of the argument surrounding these words lies in the possibility that political influence may be brought to bear on the conduct or indeed the 'non-conduct' of criminal investigations by the Minister for Police inappropriately directing the Commissioner.

Conflicting legal views reinforce the finding that section 7 of the Police Service Act is ambiguous, and that the divergence of opinion in the interpretation of the section leads to the perception that operational matters, including criminal investigations, may be directly influenced by members of the Executive. Mechanisms should also be put into place to allow for the appropriate clarification of differences between policy and operational matters.

The Government has already committed to both of these recommendations, but, on advice, has concluded that implementation should not proceed until all current legal proceedings in relation to the Commissioner are completed.

Government position:

These recommendations are accepted.

Recommendation 25:

That the Government show cause why the recommendations of the Law Reform Institute Report on the *Commissions of Inquiry Act 1995* have not been acted upon.

Discussion:

The *Commissions of Inquiry Act 1995* provides for the establishment of a Commission of Inquiry into any matter of public importance. It is the highest level of inquiry that may be instigated in Tasmania and is analogous to a Royal Commission. The Act was introduced to ensure that commissions of inquiry are conducted fairly, that witnesses are treated equitably, and that there are sufficient safeguards to prevent the unchecked exercise of the power of inquiry.

There has been only one inquiry held under this Act, which was the Commission of Inquiry into the death of Joseph Gilewicz established in February 2000. In the course of this inquiry the Commissioner, Dennis Mahoney QC, formed the view that aspects of the Commissions of Inquiry Act were problematic, particularly section 18 and the lack of power to apply for a warrant to use listening devices.

In March 2002 the Law Reform Institute received a reference from the Attorney-General to examine and report on the operations of the Act, and in particular to examine the need for any extension of powers and to examine the practical operation of section 18.

The Law Reform Institute's recommendations for amendments to the *Commissions of Inquiry Act 1995* relate to:

- the power for a commission of inquiry to apply for a warrant to use a listening device and

- the procedural aspects of commissions of inquiry dealing with allegations or potential findings of misconduct (section 18 of the Act).

The first of these issues is covered in Recommendation 26 below. The second issue had already been addressed in 2000 by way of amendments to section 18 made at

the request of the Commissioner Mahoney and the Law Reform Institute proposed further amendments to section 18 which differed from the later recommendations by Commissioner Mahoney.

While the Institute's recommendations have not been implemented in future the vast majority of issues of misconduct will be considered by the Integrity Commission or an Integrity Tribunal established under the Integrity Commission Act. This Act has been drafted to take a less prescriptive approach to the procedural fairness aspects of findings of misconduct than that which is embodied in the Commissions of Inquiry Act.

The Government's policy on dealing with allegations of misconduct is embodied in the Integrity Commission Bill and it does not believe (subject to recommendation 26) further amendments to the Commissions of Inquiry Act are necessary at this time. The Government will give consideration to any recommendations for further change the Integrity Commission may make in the light of its experience with allegations of misconduct.

Government position:

This recommendation is dealt with above.

Recommendation 26:

That the *Commissions of Inquiry Act 1995* be amended to provide that on application of a commissioner of inquiry, a magistrate be granted the power to issue a warrant to use listening devices to a commissioner [….]. That such power be restricted by the same restrictions as apply to the granting of such warrants to police officers under the provisions of the *Listening Devices Act 1991*.

Discussion:
Amendments to the *Commission of Inquiry Act 1995* covering the use of listening devices are included in the Integrity Commission Bill 2009.

Government position:

This recommendation is accepted.

Recommendation 27:

That the Attorney-General initiate a review of section 69 of the *Criminal Code Act 1924* to ascertain its current applicability or the need for an amendment to remove any ambiguity or perceived ambiguity.

Recommendation 28:

That the Attorney-General request the Tasmania Law Reform Institute to examine and report upon the *Criminal Code Act 1924* with a view to proposing recommendations for any necessary legislative change. Such review to be adequately funded by the Government.

Discussion:

The Criminal Code applies to all public officers, whether elected Parliamentary representatives or servants of the State, and regulates the most serious of potential unethical conduct.

The Criminal Code includes a number of offences that apply specifically to the behaviour of members of Parliament and also individuals who may interfere with the office of a member of Parliament. It also includes a number of specific provisions that apply to the conduct and behaviour of public servants and to those trying to influence the performance of a public officer's duties.

However, it is clear that much has changed from the time in which the Code was drawn up (in 1924), including the way our political institutions operate. In common with much of the Code the sections dealing with corrupt conduct are difficult for non-lawyers to understand. Many of the provisions are ambiguous, which means that cases involving individuals charged with these offences can involve complex legal argument and be difficult to prove. Furthermore, as there have been very few persons charged, the courts have had limited opportunities to consider and clarify the meaning of the relevant sections of the Code.

Of the few cases that have gone to court, the most recent was the case of Tasmania v Green, Nicholson and White [2007]. In this case section 69, which deals with interfering with an executive officer (Governor or Ministers), was considered in particular. The then Chief Justice in that case spent considerable time in his judgment dealing with submissions by prosecution and defence lawyers about the proper meaning of section 69. It has been suggested that this complexity contributed to the failure of two juries to reach a verdict although the judge does not appear to have found any difficulty with the meaning of the provision .

Government position:

This principle that the relevant Criminal Code provisions warrant review is accepted.

Recommendation 32:

That a review of the *Electoral Act 2004* be conducted to provide for the disclosure of the identity of sponsors of political advertising conducted by persons or organisations other than political parties during election campaigns.

Discussion:

There is strong feeling that disclosure laws, particularly of the source or identity of donations to political parties, are one of the important issues that affect the quality and ethical standard of government in Tasmania. It was considered that the public has a right to know who is donating to political parties and how much, and it should be a matter of public record. Without this there is always the risk of perception that there may be strings attached or favours done in return.

Any law relating to donor disclosure should apply equally to any person or organisation conducting a promotion of a political nature during electoral campaigns.

The Commonwealth Government has released two Green Papers on Electoral Reform. The first paper focussed on disclosure of donations and electoral funding.

Green Paper no 2 deals with other aspects of electoral reform: representation and voting systems; electoral processes; franchise and enrolments; registration of political parties and candidates (including the regulation of advertising activities); campaign processes; polling; counting and scrutiny of votes; dispute resolution; electronic transactions; and education and civic participation. This paper is currently the subject of a consultation process.

Tasmania, like other states and territories, was involved in the preparation of the Green Paper and has agreed to cooperate in progressing any nationally agreed reforms across electoral and political system.

Enacting state based law to regulate donations is important, but consistent reform across jurisdictions is preferable. This should minimise the potential for donors to exploit different disclosure limits in jurisdictions – thereby potentially creating a loophole to avoid Tasmanian limits

Government position:

This recommendation is accepted, subject to agreement of a nationally consistent approach.

Recommendation 33:

The establishment of a Lobbyists Register and calls upon the Government to progress its commitment to develop such a register.

Government position:

This recommendation has already been implemented.