



2021-22 Investigation Tyndall

Sector	Local Government
Respondent level	Designated Public Officer Designated Public Officer – Elected Representative
Principal allegations	Failure to declare and manage a conflict of interest in procurement and misuse of public resources

Description

Investigation Tyndall considered alleged misconduct by the then Work, Health and Safety (WHS) Regulator and Chief Executive Officer of WorkSafe Tasmania (WST) and members of the Tasmanian Government in relation to the Regulator's response to forest protest activity.

The investigation's focus was on the conduct of the subject officers, including whether there was improper use of power or influence by the Regulator, and improper influence or interference by the members of the Government.

The investigation identified that a pro-timber industry lobbyist had regularly engaged with the Regulator and other WST staff, and members of the Government and their staff, in relation to safety concerns about the forest protest activity.

The investigation found that the Regulator's decisions to issue statutory notices relating to the forest protest activities were underpinned by genuine and reasonably held safety concerns about the activities, and were not influenced by members of the Government, and no such influence was attempted. Further, it was found that no Ministerial staff had failed to respect the Regulator's independence.

The investigation found that some aspects of the Regulator's decisionmaking – particularly in relation to the pro-timber industry lobbyist – could have led a reasonable person to perceive that they were not acting with independence.

Although no misconduct was found, the investigation identified that Ministers and Ministerial staff should be alive to the risk that lobbyists pose to both themselves and independent Regulators.

Outcome

Referred to Principal Officer for action
Summary report tabled in Parliament