

Legislative Council

Hansard

Tuesday 10 September 2024

[excerpt...]

Disclosure of Ministerial and Cabinet Secretary Diaries

[11:27 a.m.]

Ms WEBB (Nelson) – Mr President, I move –

- (1) That the Legislative Council notes the resolution of this House on 28 March 2023 requesting the Tasmanian Government undertakes to introduce mandated requirements for the regular and routine disclosure of all Ministerial and Cabinet Secretary official diaries, detailing scheduled meetings, and their purpose, with stakeholders and organisations, including third parties and lobbyists; and when developing this disclosure regime to also:
 - (a) ensure the process is informed by best practice examples of mandatory disclosure of Ministerial diary requirements established in other jurisdictions, including examples of oversight and compliance requirements; and
 - (b) develop and publicly consult on a proposed Tasmanian mandatory disclosure of Ministerial diaries scheme.

- (2) That the Legislative Council further notes that:
 - (a) public consultation on a proposed Tasmanian mandatory disclosure of Ministerial diaries scheme did not occur;
 - (b) the Tasmanian Government introduced quarterly routine disclosure of Ministerial diaries commencing with the January/March 2023 quarter; and
 - (c) the current routine disclosures of Ministerial diaries system is not mandatory under statute; does not occur in a reliable and timely manner; and the format and details disclosed remain deficient.

- (3) And that the Legislative Council calls on the Tasmanian government to:
 - (a) undertake comprehensive and public consultation on a best practice mandatory disclosure of Ministerial diaries model, and that process is to provide for input into the design, disclosure details, timeliness, application, and any other related matter; and
 - (b) report back to the Legislative Council by 28 November 2024 in relation to the above.

I rise to speak to motion No. 6 on the notice paper in my name. I am conscious that the Chamber has a number of important items to be debated today, so I will be endeavouring to keep my contributions in support of this motion as concise as possible.

As members will note, my motion is in three main sections. Parts 1 and 2 provide the context for and detail the recent processes surrounding the current discretionary ministerial diaries disclosure system, which is in place, as well as summarising the shortcomings of the current scheme. Part 3 straightforwardly details a specific proposal by which to develop a more

rigorous, comprehensive and timely disclosure system for ministerial diaries to deliver on the intent of having such a scheme in the first place.

Mr President, for the benefit of members who were elected to this place since the last time this matter was raised in this Chamber, it is only fair and appropriate to provide some small amount of context.

As stated in part 1 of the motion before us, on Tuesday, 28 March last year, this Chamber resolved to support the proposal that the state government be requested to, and I quote:

Develop and publicly consult on a proposed Tasmanian mandatory disclosure of ministerial diaries scheme.

This resolution on 28 March 2023 was subsequently conveyed formally to the Premier on that same date. However, instead of the requested consultation process to help inform the most effective disclosure model, the government introduced the current 'quarterly in arrears' system, which is administered by the Department of Premier and Cabinet.

This leads us to the question: what is the problem? Why is the current disclosure scheme not delivering on community expectations? To be frank, the current system is so minimalist, it could qualify as demonstrating a more extreme, frugal-with-facts school of minimalisation quite well.

Currently, the so-called routine disclosures are released every quarter in arrears. For example, theoretically in late July is when the ministerial diaries for April, May and June are released. It will be some time in October before we see those equivalent disclosures for July, August and September. However, the disclosures on the DPAC website are not always released publicly in a reliable, timely manner. For example, both the last two routine disclosures were late to the extent that in both instances stakeholders raised with me the absent diary disclosures and frustration at the lack of timeliness. A lot can happen in three months. Legislation can be announced, tabled, debated and passed within a three-month period in this place, meaning there is a real likelihood that, under the current system, the parliament and public may not have access to important information and insights into meetings between government and lobbyists, for example, that relate to the legislation under debate. That does not inspire confidence in government decision-making, which we would all understand to be a key intent of a ministerial diary disclosure regimen.

Even once the diaries are disclosed, the details contained in the current system leave much to be desired. To take one example, the routine diary disclosure for the quarter of 1 October 2023 to 31 December 2023 for the Deputy Premier, Treasurer and, at that time, minister for Infrastructure and Transport, contains 120 entries across the three-month period. Those included meetings, attendance at events and media events. In a corresponding column which should contain the purpose of the meetings, 72 per cent of them solely used the phrase 'various matters' or 'various issues' to describe the purpose. This is farcical in terms of delivering on the intent of a ministerial diary disclosure regimen. It is offensive to note meetings and have a column that says 'Purpose', only to fill it with nonsensical phrases like 'various matters' rather than an accurate and brief description of the topic of those meetings.

In the context of a serious policy debate, for example, the saga of the new Spirit vessels and apparent tensions between two state-owned entities, TasPorts and TT-Line, imagine if the

following entry in the then Infrastructure minister's diary disclosures had contained more meaningful information and been released in a more timely manner. An entry from 10 November 2023 notes a meeting with the then minister for Infrastructure and Transport with TasPorts and TT-Line. The purpose of that meeting was 'terminal infrastructure'. Perhaps more detailed entries there might have started to flag some things to be followed up on in the public interest, if they had been available at the time. Ten months later, that entry certainly has broader connotations.

Time constraints prevent me from going through the multiple examples of obfuscation, the significance of which has become apparent when cross-referenced with later developments and debates that come to light in the public domain. I will, however, mention another disturbing example of how these frugal-with-facts, delayed disclosures are used to further government obfuscation, instead of their intended outcome of transparency and accountability. Members may recall at least two recent examples where questions asked in this place regarding ministerial meetings concerning matters of public policy went unanswered. Instead, the questioner was told flippantly to look up the ministerial diary disclosures in answer to the question. In at least one instance, that requested information would be in diaries not scheduled for public release until at least the next quarter. It is an unacceptable approach, one that treats transparency measures and the Tasmanian electorate, on whose behalf these systems should operate, with arrogance and contempt.

That contempt and blatant perversion of the intent of this transparency and accountability mechanism, has reinforced for me that this Council got it right on the matter last March. The step skipped by government following the passage of the resolution here last year was the critical one of developing and publicly consulting on a proposed mandatory disclosure of ministerial diary scheme to ensure the model was best practice and provided oversight and compliance requirements. It is now clear that leapfrogging that step was at the expense of transparency, accountability and community confidence, all of which were essential outcomes of putting a scheme in place.

People are tired of the Orwellian gaslighting to which this government is increasingly addicted, and the self-congratulatory backslapping for being so very upfront and transparent following weeks or months of obstruction, and information being dragged out into the light of day bit by bit under extreme resistance.

It should not take verbal calisthenics to obtain straight answers to questions. It should not take months for factual information to be divulged. It should not take circular referrals from one supposed accountability mechanism of question time to inadequate diary disclosures and then back to question time again. Quite frankly, we have more of a ministerial diaries' dissimulation racket than a disclosure model. For most Tasmanians, the phrase 'right to information' is considered the punchline of a bad joke illustrated by thick black rectangles across an otherwise blank page.

Orwell's Mr Winston Smith would feel quite at home; a ministry of transparency in Tasmania could easily be Tasmania's contribution to 1984's Government of Oceania's Ministries of Peace, Love, Plenty and Truth.

To put it bluntly, this government has considerable ground to make up to re-earn Tasmanians trust and confidence, particularly when it comes to genuine transparency and accountability. This motion before us today presents a real and meaningful stepping stone towards rebuilding that community trust. This motion in effect says a year on from when the

current quarterly ministerial diaries model was implemented, let's take a health check. It is considered standard and best practice in the community and private sectors to routinely undertake periodic reviews of the implementation of new initiatives. There is no shame for the government or the parliament to also do so; rather it is a professional and responsible approach to take. Further, it is also considered responsible and best practice to consult with affected stakeholders when undertaking such periodic reviews.

That is the crux of the third part of the motion before us today. It formally requests the government to provide the Tasmanian community and stakeholders the opportunity to have input into the design and application of a best practice and mandatory ministerial diary disclosure system compared to the current model.

What does the community need to see and within what time frame for the disclosure model to inform them usefully and in a timely fashion - and crucially to restore confidence in our system of government? That's the key question at the centre of such consultation.

To conclude, I reiterate what this motion seeks to secure today and I emphasise what this motion is not trying to do. This motion is not seeking to impose any particular ministerial diary disclosure model. Today's debate is not about any one individual or grouping of MPs declaring we know what a viable, mandatory, rigorous and best practice ministerial diary disclosure model should be and should look like - or seeking to impose such a model on the basis of a single majority vote in this Chamber. That is not the intent of this this motion.

Yes, it seeks to establish the criteria by which any revised model should be assessed and consulted. However, it is not proposing or imposing any particular model, nor is this motion imposing a deadline for the requested public consultation to be completed - or by which any proposed reforms to the ministerial diaries model must be implemented.

To be very clear, so there is no room for misapprehension or misinterpretation, the motion's final paragraph, (3)(b), merely requires a formal update to be provided to this Council by this year's final parliamentary sitting day, 28 November.

The status of any imminent public consultation process, or those already perhaps underway, can be included in that update as works in progress - should that be the case. In order to comply with the intent and spirit of this paragraph, it does require that some action is underway that could be reported on by that date of 28 November. I contend it is an appropriate accountability and benchmarking mechanism that this Chamber has a right to exercise on behalf of the electorate, a report back on progress.

Finally, the main thing this motion is not, is contentious. It is a fact that routine disclosures of ministerial work diaries are recognised as standard - a standard piece of our transparency and good governance democratic architecture is evident by the fact that a system, albeit a currently flawed and inadequate system, but currently in place. It is safe to conclude the call for a ministerial diary disclosure scheme is not contentious in and of itself. That has been established. This transparency and accountability mechanism is well accepted. However, as discussed, whether and how the implementation of this transparency mechanism meets community expectations is a matter of contention. Hence, the formal request contained in paragraph (3)(a) for the public consultation process, which, I remind members was agreed to by this Chamber in 2023, when we first considered this matter to seek input into regarding how to improve the current model so it could meet public expectations, should be a well-accepted way forward. How could asking the Tasmanian community for their opinion, ideas and input possibly be conceived as contentious? A truly transparent and accountable government

committed to the delivery of democratic good governance would not think twice about undertaking such a consultation. It certainly would not take being asked twice to do so.

To close, the question now before the Chamber is not whether Tasmanians should be able to exercise transparency and accountability via a ministerial diary disclosure system. Instead, the question presented by this motion is whether Tasmanians should be asked if they consider the current discretionary model to be fit for purpose or whether there are potential improvements in design, disclosure, application and timeliness and the mandatory reporting requirements contained therein.

I commend this motion to the House.

[11.58 a.m.]

Ms WEBB (Nelson) - Mr President, I thank the member for Hobart for her contribution and support of the motion, and the government for its comments. I will pick up on a couple of things there because I thought it was quite extraordinary. I will start at the end. It was not clear to me where the government was proposing to consider this broader scheme of all MPs disclosing their diaries in some format. The Leader of the government posited it but did not actually speak about a mechanism to explore the introduction of such a scheme.

I welcome the introduction of a scheme like that. In fact, the government has had a lobbyist framework, developed through a rigorous process by the Integrity Commission, sitting there waiting to be legislated for over 12 months. The government has made no effort that I am aware of to progress that scheme for better disclosure across all MPs and across the parliament. If the government wants to shoot across the bow at the opposition, independent MPs and the like by talking about that, then put up or shut up. Step up and do it. You have a lobbyist framework sitting there ready to go, developed by your Integrity Commission. Legislate the damned thing. Just do it. I think we are all prepared to participate in transparent disclosure.

Ms Rattray - I might need another executive assistant, though.

Ms WEBB - Indeed. Perhaps the government could make sure we do not get excluded from administrative funding for doing this, as we were in the donations bill. If they are going to progress such a thing, perhaps they can make sure it is fair across both Chambers of this parliament. My message on this is clear: put up or shut up. You have a lobbyist framework ready to legislate. Do it. It annoys me when the government gets up here in response to a very reasonable motion like this and pretends it has an interest in progressing something meaningful when it comes to greater transparency on its part. Instead, it tries to intimidate other members and the opposition. This is rubbish. For a start, the current discretionary disclosure being undertaken by the government is not the first time it has happened in this state, as I spoke about in my contribution last year. In 2010, then premier David Bartlett began disclosing his diary. That was the first time it happened in this state. It was part of a suite of integrity measures that premier was pursuing during his time in the role. This is nothing new, and just because the government has this discretionary scheme, it does not mean it is doing it well and in a way we should be able to expect.

The intent of such a scheme is confidence in government decision-making and confidence that the allocation of public resources is being done appropriately, not being influenced inappropriately through secret meetings and influence. The scheme we currently have fails on that front.

It is not timely. In fact, twice in the year-and-a-half the scheme has been in place, I have had to issue media releases asking, 'where is the issue disclosure?', when it has been more than a month past the end of the quarter and no sign of it. I heard the Leader of Government Business talk about the July-September quarter being due to be released by the end of this month. Let us see if it is, because past experience suggests it will not be released until the end of October, if we are lucky. Let us see if it happens, or whether I will have to issue another media release calling for it. If it is released at the end of September on the dot, that would be, at least, the best iteration of the current flawed system.

There is a range of models in the other states and I am glad the Leader brought that up. In the interest of trying to be brief in my contribution, I did not go back and rehash that material. I will not do it to a great extent now other than to pick up on two matters that the Leader raised when she spoke about the various models. Ours is definitely not the best model. We can talk about best practice and look across the jurisdictions to identify the elements of best practice. No jurisdiction is embodying all those elements, but we are one of the furthest from it of those that have a system in place. We could emulate the best practice demonstrated by Queensland, for example, by having monthly disclosures. That is clearly better practice than quarterly.

We could also do what New South Wales did, which was undertake a 12-month review after a year of their mandated ministerial diary disclosure scheme being in place. Best practice is to undertake a review, which is just what my motion is calling for. Here we are 18 months later: time to review. New South Wales did that 12-month review and it recommended a range of improvements. Other jurisdictions accept that you can put a system in place and then, a little bit down the track, ask how it is working and how it can be done better. Nothing controversial and everything positive about doing that. Let us be sensible, look to other jurisdictions and consult with our community about what suits best here, because nobody is saying we have to emulate another jurisdiction in its entirety. We need to figure out what will suit here in delivering the intent of this disclosure regimen.

The government spoke about the RTI review being undertaken as part of the JLN agreement and the like. That is just a red herring, as far as I am concerned. There is nothing to suggest that that review has anything to do with ministerial diary disclosure. The Leader certainly did not, from what I could hear, confirm in her contribution that the government was intending to include, in the review of the RTI act and the like, anything relating to ministerial diary disclosures. You can speak about the other disclosures that are occurring at the moment as a result of the commission of inquiry. Again, nothing to do with ministerial diary disclosure. I think that muddying the water by talking about unrelated matters is a shame.

This is an entirely uncontroversial motion. It follows up on the motion that this Chamber supported last year and asks for it to be delivered in its intent more genuinely. We now have 18 months under our belt of the current system that was put in place. It is timely to review it. As part of that, we expect there to be a process of community consultation. It is just plain good practice. If the government actually had a genuine interest in transparency and accountability, they would welcome this motion. We would be done and dusted with this discussion. They would welcome the motion and they would do it. We would move forward knowing that the Tasmanian public will be delivered a better opportunity to have confidence in government decision making and the allocation of public resources in this state. It is such a telling action from this government to resist this really straightforward and sensible call.

I hope members will support the motion. It is straightforward, it is uncontroversial, it is towards an end that delivers integrity to a greater measure in this state. I commend the motion to members.

Motion agreed to.