

# Submission:- Tasmanian Integrity Commission Consultation Paper

## *The use and misuse of public resources in parliamentary elections: Ethical conduct and misconduct risks in Tasmanian parliamentary elections.*

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### Introduction

I welcome this opportunity to contribute to the *Ethical conduct and misconduct risks in Tasmanian parliamentary elections Consultation Paper: the use and misuse of public resources in parliamentary elections (the Consultation Paper)*.

As will be discussed in broader detail below I am of the very strong opinion that this research project is long overdue.

This submission will present specific examples of potential misuse of the state public purse – the publicly-funded resources occurring during recent Tasmanian election campaigns, but also – and of equal concern – will highlight the difficulty experienced in trying to report those instances and the lack of action taken by regulatory authorities at the time.

These difficulties experienced when seeking to have those election-related reports taken seriously and acted upon in a timely manner, is indicative of a broader political and regulatory culture that has allowed the blurring of lines to occur between ethical and unethical use of publicly funded resources. This could be due to confusion over which state entity has responsibility and in which circumstances, lack of resourcing of regulatory entities, as well as a dismissive approach that has failed to recognise that by turning a blind eye to seemingly minor instances becomes a perceived endorsement that such behaviour is the norm.

The *Consultation Paper* details the current Tasmanian legal and regulatory framework but as this submission contends, the current framework contains many gaps and loopholes when trying to ascertain who is responsible for, or has regulatory authority over, the different ‘moving parts’ within specific circumstances:

- Incumbent government and non-government MPs recontesting election;
- Candidates seeking election;
- Political appointee staff (Crown-prerogative contracts & not State Service employees) in House of Assembly government, Opposition parties; and Independent MPs’ offices;
- Departmental seconded staff (State Service employees) in government ministerial offices;
- Electorate office staff in Legislative Council government, Opposition parties; and Independent MPs’ office (Legislative Council administered contracts & not State Service employees);
- Tasmanian State Service employees.

As will be demonstrated via the examples discussed in this submission, no matter how comprehensive a regulatory framework appears on paper, it risks remaining ineffective and open to being undermined if it is unclear who is responsible for ensuring compliance by all involved parties, or should those entities be reluctant to enforce compliance, due to concerns of potential politicisation, particularly during election campaign periods.

This submission presents three recent parliamentary election case-studies which contain examples of campaign materials demonstrating the alleged misuse of publicly-funded resources.

Each case studies respective campaign material, and its associated contemporary correspondence where relevant, are provided in the attached set of Appendices:

- **Appendix A:** 2024 election campaign email received by PAHSMA staff
- **Appendix B:** Derwent and Windermere 2021 election campaign material examples and associated correspondence
- **Appendix C:** Rosevears 2020 election campaign material examples and associated correspondence

The analysis of each of these three case studies occurs within the context of the current regulatory framework, the discussion prompts contained in the *Consultation Paper*, as well as the broader political culture.

As stated, this is a timely examination however given recent election experiences, however it is to be hoped that rather than an academic exercise, clearly identified steps for reform and recommendations are forthcoming from this process.

## Overview & Contextual Comments

### *Political vs partisan politics*

‘Political’ isn’t a dirty word. At the outset it is important to establish that there isn’t anything inherently wrong with staff employed in politicians’ offices undertaking political work, whether during or outside election campaign periods.

Staff based either in an electorate or parliamentary office assisting constituents with their issues, or undertaking research on policy matters, preparing for parliamentary debates on Bills and motions, drafting correspondence and media releases, or attending meetings on behalf of the MP for example, is all valid political work.

Likewise, State service bureaucrats and employees developing and implementing public policy at the direction of the government of the day, preparing ministerial briefs, undertaking public consultation processes which engage with current public discourse, are also undertaking appropriate political work.

It is important to be clear that the issue of potential misuse of public funds isn’t that it is being used for political purposes, but that it is being used to benefit **party political** - or **partisan** (to be inclusive of non-party aligned MPs) – or **personal** purposes.

An apolitical state sector does not mean it is non-political, for example. As stated above, the machinery of the state bureaucracy by its very function is political in that it provides the expertise and implementation know-how for the development and delivery of public policy. But it is essential that such a bureaucracy is apolitical, in that it is not connected to, or favours, any one particular political party. It must not be partisan.

Similarly, political appointee staff working for an MP will be undertaking perfectly appropriate political work, utilising taxpayer-funded resources while they do so (in the form of their salary, office equipment etc).

The key issue is whether those publicly-funded resources are being used by those political appointee staff to further the valid parliamentary and electorate work of the elected representative(s), or to benefit the political party represented by that MP or MPs, or personally benefit them in some manner, such as re-election campaigns.

For example, it is quite appropriate for a political staffer to write during office hours and distribute a media release using office equipment extolling the work of their MP employer on a particular policy or Bill, as the electorate elected that MP to participate in such work. However, it would not be appropriate for those same publicly funded resources to be used to issue a media release saying 'Vote 1' for that MP – whether party-endorsed or independent, as that is perceived as being in their private and personal interest, rather than the public interest.

Both hypothetical media releases are examples of political work undertaken, however the specific purpose, and the perceived beneficiaries, of that work determines whether it is problematic or not, rather than the mere fact it is political.

Last year the *Electoral Disclosure and Funding Act 2023* was passed by the state parliament, but which has yet to commence. Part 12 of the Act provides for Administrative funding for Members of the Assembly to assist, amongst other things, those MPs' capacity to comply with the political donations disclosure requirements of the Act. Such publicly-funded political activity is specifically legislated under this Act. However, should those same publicly-funded political appointee staff who are employed in accordance with this Act actively spruik for political donations that would be an inappropriate and gross misuse of their publicly funded resources. To reiterate, it is the context and perceived beneficiaries which determines whether publicly-funded political activity is ethical or not.

I would urge that, should this research project move forward, that the use of 'political' or 'political activity' as blanket terminology be avoided (see pg 5 of the *Consultation Paper*) as not only can it be misleading to do so, but it risks adding to the current confusion regarding the appropriate use or misuse of publicly-funded resources.

### ***Clarifying the range of political staff employment situations***

When seeking to discuss and analyse the use, and the risk of misuse, of resources during Tasmanian parliamentary elections it is important to identify clearly the range of different taxpayer-funded players involved during parliamentary elections, as well as the functions of those roles.

The background section of the *Consultation Paper* (page 2) identifies the public resources potentially at risk of misuse as the publicly funded "*staff, advertising and communications, and other allowances.*"

It goes on to identify the potential consequences of the misuse of resources during parliamentary elections having the potential to include:

- The **misdirection of taxpayer-funding resources** from their appropriate use by government for the public's benefit; and
- The **incumbency benefit being exploited and creating adverse impacts** on electoral competition between governments and their political opponents.

This submission agrees these are real and serious risks, and not just during election campaigns. However, the following Section 3 of the *Consultation Paper* is rather confused, or at least simplistic, when discussing staff, particularly regarding the distinction between staff in ministerial offices, and those working for non-government MPs.

Specifically, the *Consultation Paper* refers to staff employed in ministerial and non-government MPs as “public officers.” The application of this term as a generalised ‘blanket’ term, is potentially misleading in this context.

Other than departmental bureaucrats seconded to ministerial offices, usually as portfolio advisers, there are probably very few ministerial, and non-government staff working in Opposition parties’ offices and for independent MPs who would recognise the term ‘public officer’ as relating to their respective positions. For many, the term ‘public officer’ refers to State Service employees: those clearly employed by the State, paid for from the public purse to work in the public interest. This work in the public interest is usually via the government of the day either within the state bureaucracy, statutory entities, as well as seconded portfolio-specialists within ministerial offices, for example.

In contrast, publicly funded MPs’ staffers are considered political appointees. Rightly or wrongly, the imperative to be working in the public interest is not explicit for political appointees, in the same way it is required of State sector employees.

Most of these ministerial and House of Assembly non-government MPs’ staffers are appointed on Crown Prerogative contracts administered via the Department of Premier and Cabinet (DPAC), reflecting the fact the staffing allocation granted to Government, Opposition and Independent MPs occurs at the discretion of the Premier of the day.

Crown Prerogative contracts usually do include provisions of the State Service Code of Conduct, however the basis of political appointees’ employment, and even potential termination from employment, is distinct from the state service and does not require adherence to an apolitical or non-partisan political policy.

Legislative Council MPs staff, usually categorised as electorate staff, are instead employed via contracts administered by the Clerks of the Council with oversight by the President - a role which can be held by a party-affiliated Member. In contrast with House of Assembly arrangements, it appears the Council political staff have strict requirements to not participate in election campaigns during their work time, or using work resources.

None of the above is to imply there isn’t room for greater stringency or improvement. Instead, the point is to accurately address any potential misuse of publicly funded staff, or those publicly funded staff being responsible for misuse of publicly funded resources during election campaigns, requires a clear understanding of the nuanced distinction between the grounds on which those staff are employed.

Further, it is also important to recognise that within the context of potential misdirection of taxpayer-funded resources to benefit the government of the day instead of the public interest, the capacity to exploit that potential benefit predominantly lies with ministerial and government offices, and potentially State Service employees.

However, the incumbency benefit risk - despite that risk being heightened for ministerial offices – can still apply to political appointees employed by non-government MPs, particularly those working for House of Assembly MPs on employment contracts which may not include explicit restrictions on party-political election campaigning.

### ***Within and without election campaign periods***

Additionally, it is important for any successful regulatory framework to recognise the misuse of public resources can occur outside parliamentary elections as well as during those campaign periods. In fact, if any such misuse is normalised during the potential years-long non-election campaign period, it becomes all that much harder for it to be recognised as inappropriate and potentially wrong-doing during the shorter formal election campaign period.



For example, if taxpayer-funded political appointee staff in the Government Media Unit use their work time to write a media release on behalf of the Premier of the day congratulating a fellow party-endorsed candidate for a local government election, or an Upper House election (so elections which do not involve the Premier as a House of Assembly MP), and that media release is then issued via the official government DPAC email system and utilising the official government logo – that is a misuse of publicly-funded resources on multiple levels due to the fact it is electioneering for a party-endorsed candidate. That political appointee’s pay, and publicly funded office resources have been used to benefit a political party, rather than serve the public interest.

But if that activity is not identified at the time as inappropriate and pulled up in a timely manner, such activity becomes normalised. By the time an Assembly election does occur, this could be entrenched behaviour that occurs frequently to benefit the Assembly candidates endorsed by the same party as the government seeking re-election.

It also risks other Opposition parties and MPs seeing the government using its taxpayer-funded resources in this partisan political manner, and decide to do the same.

Further, to revisit the previous example of Assembly political appointee staff whose job it could be to administer the political donations disclosure requirements for their MP employer – it would be a misuse of publicly funded resources should that staffer proactively seek political donations for their MP employer both outside a formal election campaign period as well as during.

### ***Legal and regulatory framework***

The *Consultation Paper* provides a list of relevant legislation, policies and guidelines (see page 4). While acknowledging it doesn’t claim to provide an exhaustive list a few key elements are omitted.

- **Auditor-General** – under the *Audit Act 2008* the Office of the Auditor General can undertake audits examining the public sector and appropriate use of public resources by public officers. Additionally, there are examples of the Auditor-General being engaged to assess and comment upon appropriate use of publicly funded resources, such as employment of staff. The 2010 Special Report No 87 into the *Employment of Staff to support MPs* was instrumental in the cessation of MPs employing family members in their parliamentary and electorate offices.<sup>1</sup>
- **Integrity Commission** – under the *Integrity Commission Act 2009* the Integrity Commission has a range of legislated duties, including the investigation of apparent misconduct, relating to public officers and public authorities which include MPs, political staff, state service employees, amongst others.
- **Parliamentary Standards Commissioner** - section 27 of the *Integrity Commission Act 2009* establishes the Office of the Parliamentary Standards Commissioner. This role is to provide advice to MPs and the Integrity Commission on matters relating to ethical conduct, codes and guidelines relating to conduct for MPs and employees in MPs’ offices, as well as guidance and training on matters of conduct, integrity and ethics.
- **Electoral Disclosure and Funding Act 2023** – once commenced this new Act will provide public funding for House of Assembly elections (see Part 11), as well as Administrative funding for Assembly MPs which provides for a range of activities which also involve staff of MP offices (see Part 12). Some of the new reporting and disclosure requirements are to be administered by the Tasmanian Electoral Commission – however this new Act does present additional areas requiring training and guidelines to ensure appropriate use of these publicly funded resources.

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<sup>1</sup> AUDITOR-GENERAL SPECIAL REPORT No. 87 *Employment of staff to support MPs*, June 2010. <https://www.audit.tas.gov.au/wp-content/uploads/Employment-of-staff-to-support-MPs.pdf>

## Misuse of Public Resources: Case Studies 2024, 2021, and 2020

As stated above, those with the more immediate capacity to divert taxpayer-funded resources intended to represent, and be used for the benefit of the greater public good as represented by the State, are staff working in ministerial offices. This is where the blurring of the line of work undertaken on behalf of the government of the day, and on behalf of the political party in government can occur more frequently.

While noting the use of pertinent interstate examples of inappropriate use of public resources to benefit the political parties in government at the time – I have previously provided to external authorities, including the Integrity Commission, examples of alleged equivalent misuse of public resources during Tasmanian election campaigns in real time.

In both these instances, one during the 2020 election for the Upper House seat of Rosevears, and the other during the Upper House elections for Derwent and Windermere, I received a polite acknowledgement, but requests for investigation in both instances were declined. These are discussed below as **Case Study 2: Public Funds used for Party Political Purposes – Derwent and Windermere Election 2021**; and **Case Study 3: Public Funds Used for Party Political Purposes: Rosevears Election 2020**.

### Case Study 1: March 2024 Liberal Election Campaign Material

More recently the following instance has been reported to me. I have permission from those who provide this email example to me, for a de-identified version to be used in my submission to this consultation process.

**Image 1: Example of party-political electioneering email sent from publicly funded email address to state service employee work email - 2024**



The complainant(s) work within a statutory entity, the Government Business Enterprise, the Port Arthur Historic Site Management Authority (PAHSMA). As staff of PAHSMA they are employed under the *State Service Act 2000*, and as such are required to be non-politically partisan when using work resources.

When the recent March state election was called, state sector employees, including those at PAHSMA, received an emailed reminder from the State Service Management Office (SSMO) that publicly funded work resources, including work emails, were not to be used for political purposes. It would be a breach of employment contracts under the *State Service Act 2000*, and the State Service Code of Conduct to do so.

However, these specific state servants have raised with me they subsequently received electioneering emails sent on behalf of a Liberal government candidate sent from a parliamentary email address – see de-personalised copy of the email received below.

This email presented as Case Study 1 is problematic on two levels: the content of the candidate’s material is clearly electioneering material, to the point that it contains a liberal party email address as the candidate’s contact - as distinct from a government DPAC address or a parliamentary address (pertinent in this case as the 2024 candidate was former MP seeking re-election) – but the email itself was sent from a parliament email address. This infers it was sent from either the candidate’s electorate office, or on behalf of the candidate by other Liberal government parliamentary staff.

That parliament email address should not be used for the distribution of material that does not relate to the work of that office or MP undertaken in that specific capacity. It certainly should not be used to circulate clearly partisan party-political electioneering campaign material such as the email below.

Equally importantly, such party-political election campaign material should not be sent to state service employees - whether they are members of that political party or not (it is worth noting that in this specific example, the recipient complainants are not members of any political parties).

Arguably, this case study presents an example of both misdirection of taxpayer-funded resources to benefit the party political aspirations of those in office, plus the deliberate exploitation of incumbency to further party political advantage.

Critically, should the PAHSMA recipients have sent this email from the same work email address upon which they received this electioneering material, they would be in breach of the State Service Code as well as their employment contract. Yet, there doesn’t appear to be equivalent clear sanctions applicable to the political sender, as there would be should a state servant send similar election material from their work address.

This case study raises the following matters of concern:

- ▶ Who has oversight of the political candidate in this instance? This particular candidate was an MP but had resigned from one Chamber in order to contest another – so according to the Integrity Commission that entity does not have any regulatory oversight role over the candidate. According to the then-Secretary of the Department of Premier and Cabinet (DPAC) in 2020, that role does not have any authority over MPs, former MPs or candidates.
- ▶ Who is responsible for the parliamentary staffer whose email address was used to distribute this election campaign material? In all likelihood they are not employed under the *State Service Act 2000*, so once again the DPAC Secretary will not have authority. If employed under a Legislative Council employment contract such use of a work email may be in breach.
- ▶ Although the recipient state service employee did not do anything wrong by receiving unsolicited party-political election campaign material, if they were to forward it on to other state service colleagues, technically that could risk a breach – despite the poor example being set by others.

A copy of this redacted email is also provided at the end of this submission as **Appendix A**.

## Case Study 2: Public Funds used for Party Political Purposes – Derwent and Windermere Election 2021

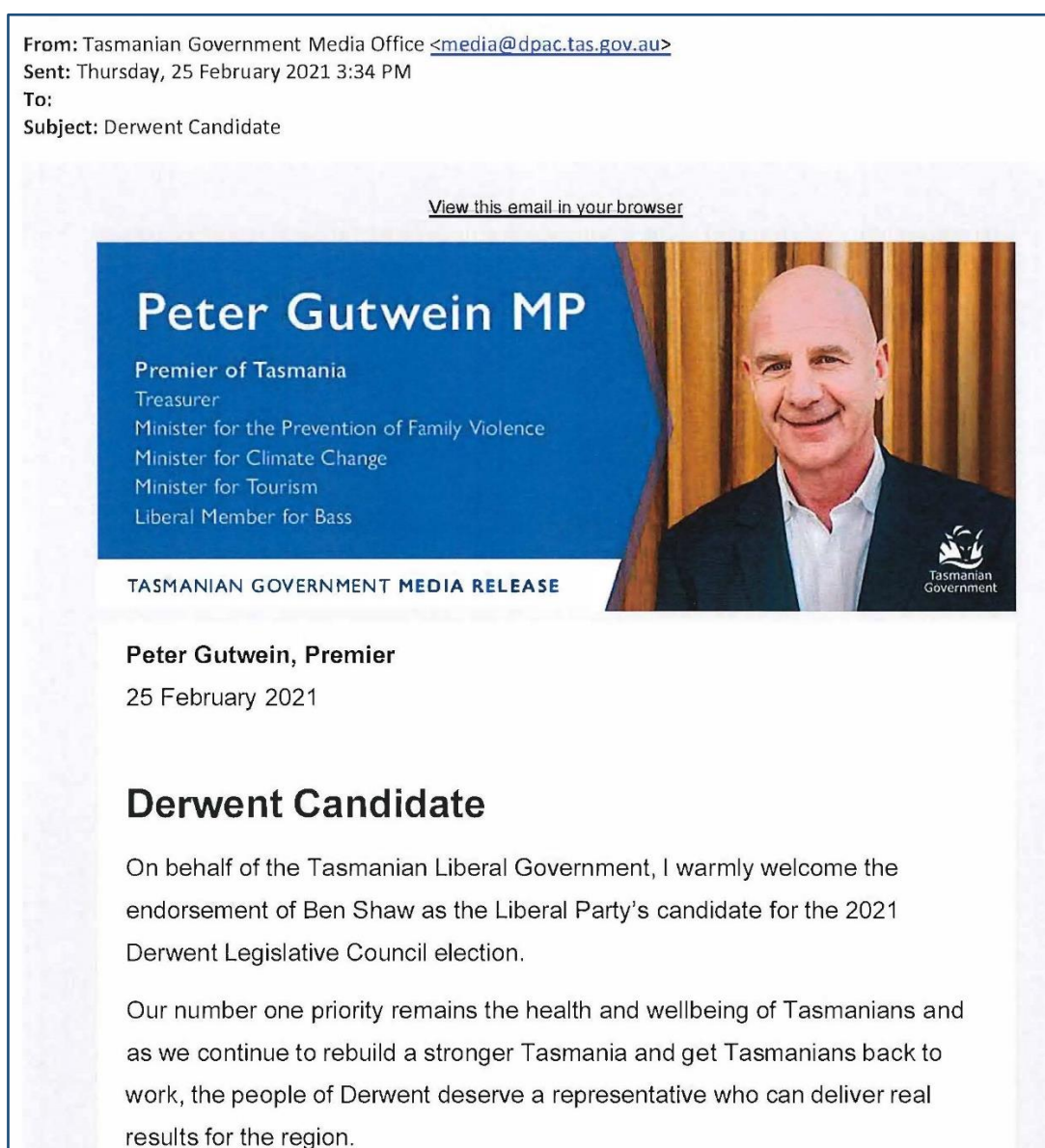
On Saturday the 1<sup>st</sup> of May 2021, three Legislative Council divisions were up for election: Derwent, Windermere and Mersey.

The 2021 elections were notable in that the then-Liberal Premier, Mr Peter Gutwein, also decided to take the unprecedented step of calling a coinciding general election for the Assembly on that same 1<sup>st</sup> of May date.

Mersey saw the sitting incumbent returned unchallenged, whereas a field of candidates, including Liberal party endorsed candidates contested the other two Legislative Council seats.

During this election campaign there were instances where electioneering media releases supporting Liberal Upper House candidates were issued from the Premier, utilising the official Tasmanian government logo, sent from the publicly-funded government media unit DPAC email addresses, and presumably sent by publicly-funded staff.

### Image 2: Example of party-political electioneering email sent from publicly funded email address-2021



This is highly inappropriate in my view, and presents an example of both the “**misdirection of taxpayer-funded resources**” which are meant to be utilised for the benefit of Tasmanians and not the political fortunes of a particular political party, as well as providing an example of “**adverse effects on electoral competition**” where the party in government exploits public resources for party political purposes.

Additionally, these examples arising from the Derwent and Windermere election campaigns also raise concerns regarding implications under Section 5 of the *Electoral Act 2004*, which specifies that political parties cannot incur expenditure on behalf of Legislative Council candidates.

This case study raises the following matters of concern:

- ▶ It would not appear the Derwent candidate was at fault in this example. However, the Premier has clearly used publicly-funded resources -including staff, DPAC email addresses and equipment, plus the official government logo – for partisan political purposes. This use of publicly funded resources is intended to benefit the political party in question.
- ▶ In this instance, however, the Integrity Commission would have had appropriate jurisdiction as the Premier was still a Member of Parliament at this stage, as the 2021 state election was not called until the 26<sup>th</sup> of March. However, despite raising this example directly with the Integrity Commission, no action was taken.
- ▶ Again, it raises questions over the capacity for the Secretary of DPAC to have any intervening role, even to offer advice to current Cabinet members regarding the appropriate use – and risks of electioneering misuse – of official government logos, and publicly-funded staff and office resources.

Arguably the Premier’s statement in Image 2 breached the Tasmanian Government Communications Policy (4<sup>th</sup> edition) current at the time the media release was issued as well as the 2018 DPAC *Handbook for Elected Members of the House of Assembly and Parliamentary Office Holders*, section 3.4 ‘Use of Public Funds’:

*“Members may only use publicly funded resources in connection with official duties and not for personal benefit or for party political activity.”*

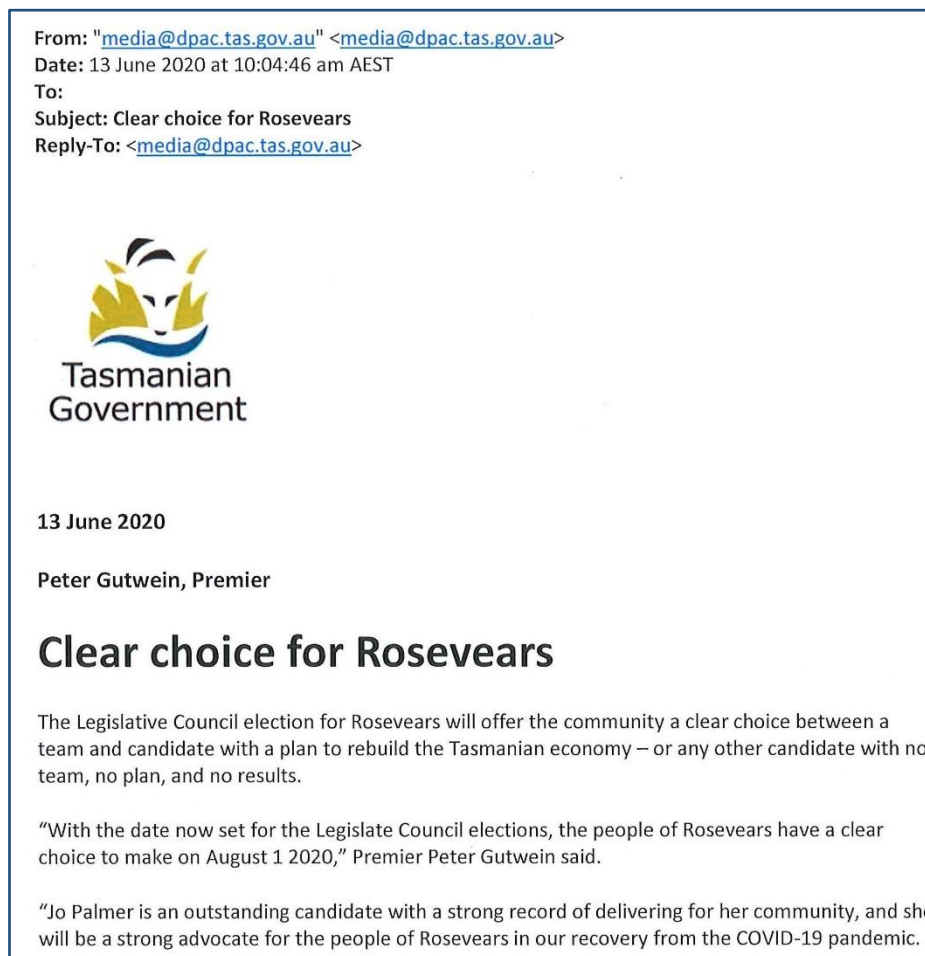
- ▶ Would or should the Parliamentary Standards Commissioner have had a role?
- ▶ Given the potential implications under the *Electoral Act 2004*, in light of apparent party contributions towards Upper House candidate campaigns, should the Tasmanian Electoral Commission be the recipient of complaints?

March 2021 correspondence between myself and the Integrity Commission, containing the above media release of 25 February 2021 in full, regarding concerns over this apparent politicisation of publicly-funded resources, is provided as **Appendix B** to this submission.



### Case Study 3: Public Funds Used for Party Political Purposes: Rosevears Election 2020.

Image 3: Example of party-political electioneering email sent from publicly funded email address-2020



The correspondence pertaining to this 2020 case study is included at the end of this submission as **Appendix C**.

Rather than repeat the content of that correspondence here, instead the key points have been distilled in the timeline below.

- 13 June 2020 – Tasmanian Government Media unit issues a media release on behalf of the Premier advocating the Liberal Party-endorsed candidate for Rosevears
- 19 June 2020 – Meg Webb MLC writes 1<sup>st</sup> letter to DPAC Secretary raising concerns
- 15 July 2020 - Meg Webb MLC writes 2<sup>nd</sup> letter to DPAC Secretary
- 20 July 2020 – DPAC Secretary responds to Meg Webb MLC
- 23 July 2020 - Meg Webb MLC writes 3<sup>rd</sup> letter to DPAC Secretary
- 10 August 2020 – Meg Webb MLC submits material to the Auditor-General
- 11 August 2020 - – DPAC Secretary sends 2<sup>nd</sup> letter to Meg Webb MLC stating they do not have authority to conduct formal review of concerns raised regarding publicly funded resources use.
- 12 August 2020 - Meg Webb MLC sends addendum of additional material to the Auditor-General.
- 18 August 2020 – Auditor General writes to Meg Webb MLC informing that he has referred the matter to the Integrity Commission for consideration.

- 22 September 2020 – Integrity Commission informs Meg Webb MLC that they will retain information forwarded regarding the Rosevears election campaign on file.
- 15 December 2020 – Meg Webb MLC update to the Auditor-General.
- 2 February 2021 – Meg Webb MLC meets with the Auditor-General to discuss concerns about not only the potential misuse of publicly funded resources during election campaigns, but the ongoing lack of clarity over the appropriate authority responsible for oversight and enforcement.
- 3 March 2021 – Meg Webb MLC correspondence to the Integrity Commission reiterating outstanding concerns of the 2020 Rosevears election and the imminent Derwent and Windermere Upper House elections.
- 17 March 2021 – Integrity Commission correspondence to Meg Webb reiterating material will be kept on file.

As can be seen by the above timeline, read in conjunction with the provided Appendix 3 a key problem once a potential, or alleged, misuse of public funding is raised is to know where to report that potential breach.

According to information received during this particular election period, the DPAC Secretary did not have authority, despite the alleged breach involving publicly funded resources utilised by the government of the day, the Auditor-General did not have specific authority – despite the Auditor-General at the time acknowledging the issues raised were problematic and warranted some form of action. Nor did the Integrity Commission see fit to prioritise action at the time the actual election period was underway.

### ***Summary of Case Studies Provided***

All three case studies above discussed above provide examples of publicly funded resources, in the form of political staff and government and/or parliament emails, being used for party political purposes during election campaigns.

As such, this submission contends, all three case studies discussed provide examples of both the:

- **“misdirection of taxpayer-funded resources”** for the benefit of a particular political party; and
- **“adverse effects on electoral competition”** where government incumbency is exploited by misappropriating public resources for party political purposes.

Despite all these examples involving governments-of the day misusing publicly funded resources for electioneering purposes, I am not asserting that it is only the government, or only one political party which is at risk of this misuse of public resources. I am aware of at least one other political party also issuing candidate-specific media releases – as opposed to media releases relating to an MPs parliamentary or electorate work – from parliamentary email addresses, however I do not have examples of those instances.

Even if I did have saved copies, experience would indicate that authorities would be reluctant to take responsibility for any investigation or remedial action in any instance of alleged misuse of public resourced by non-government MPs or staff.



## Responses to Submission Prompts

This section of my submission will address briefly each of the *Consultation Paper's* submission prompts. The brief responses below reiterate the key points made in the discussion of the three examples provided.

**1. *Do you have any general comments or observations on the appropriateness and effectiveness of this legal and regulatory framework?***

My provided examples of attempts to report and see action taken during two consecutive election campaign periods form the basis of my opinion that the current legal and regulatory framework is utterly ineffective.

I made multiple attempts to report instances of concern to multiple authorities: the DPAC Secretary, the Auditor-General, and the Integrity Commission. In all instances they either did not believe they had the authority to take action, were concerned about intervening where another oversight entity may have authority, or were just unable to prioritise action at the time.

I also note the Tasmanian Electoral Commissioner issued a general reminder to leaders of political parties in May 2021 regarding implications of Section 5 of the *Electoral Act 2004*. However, the TEC is not in a position to intervene in any perceived misuse of publicly funded resources for party political purposes, but during this particular election were more focused on ensuring political parties were clear they were not to resource party endorsed Upper House candidates.

**2. *Do the codes of conduct, caretaker convention guidelines, Members' handbook and other sources provide enough guidance to Ministers and MPs about the duties of ministerial staff, electorate officers and state servants during election campaigns? If not, what are the gaps/weaknesses?***

**3. *What should be done to improve transparency, oversight and accountability to prevent the misuse of ministerial and parliamentary support staff during election campaigns?***

In 2020 I had proposed, (see correspondence to Auditor-General of 10 August 2020) a specific investigation into whether the State's existing codes of conduct, guidelines and oversight frameworks were sufficient and fit for purpose, similar to the *Consultation Paper* prompts 2 and 3 above.

I still contend such a thorough and rigorous examination is required. The following arguments submitted to support my 2020 request for such an examination, I believe, still stand:

- **Elections.** Codes of conduct and guidelines' mention elections usually in the sole context of general elections for the House of Assembly - hence there is a reliance upon guidelines for caretaker governments during caretaker periods. It is arguable the caretaker principles regarding sensitivity to the use of public funds for partisan political purposes should apply to other election campaigns, such as for the Legislative Council and Local Government, given the growing trend of endorsed party candidates contesting these other governance tiers.
- **Party political purposes.** Available codes of conduct and guidelines which mention this tend to do so solely within the context of general elections. It is arguable this regulatory framework needs to be expanded to specifically address the matter of public fund and resources being used for party-political purposes by both government and non-government elected representatives outside formal general elections, as the recent Legislative Council election-related incidents highlight. The bulk of MPs' elected terms in office occurs outside formal election periods, therefore the codes of conduct regulatory framework should provide appropriate guidance for non-election related activities additional to election related.

- **Provisions that cover Ministerial and Parliament Support staff and political appointees** (Crown Prerogative contracts). Current codes of conduct and departmental guidelines for State Service employees provide some of the clearest guidance existing covering definitions of work consisting of party-political activity and/or expenditure of public funds for party political benefit. As highlighted by the previously cited correspondence from the Secretary of DPAC, it does not appear there is equivalent clear and decisive guidelines detailing similar constraints, expectations or requirements for both government and non-government elected representatives, their offices and any Ministerial and Parliament Support staff funded by the DPAC state budget allocation.
- **Expanded clarification of what equates public expenditure and political use of public funds.** Current guidelines, and the 2009 review, are primarily focused upon (paid) advertising as an example of the expenditure of public funds. Equivalent clarity is required regarding the use of publicly funded resources by government and non-government elected representatives, including MPS staff and offices, during both election and non-election periods of their terms in office.
- **Elected representatives' media releases and electronic communications.** Again, current guidelines provide specific direction regarding ensuring political media releases are not issued by state service staff, nor uploaded to departmental websites or social media accounts. While it is an appropriate electorate accountability and communication mechanism for elected representatives of political parties to generate, issue and post publicly political statements endorsing their respective policies and/or criticising their political opponents, generally it is not considered appropriate to use public resources and communication platforms provided in their capacity as elected representatives to electioneer on behalf of political parties, or other party affiliated candidates. It is presumed that any such communication refers to, and is supported by, their work as elected representatives. However, this is not explicitly codified under the current available guidelines.
- **Logos.** Current guidelines do provide clarity regarding the legitimate reason for, and role of, the use of party logos on communication materials by elected representatives in meeting the community's transparency expectations. However, while the codes and guidelines provide very specific guidelines of when it is appropriate to use the official government logo(s), it is silent on when it should not be used (ie electioneering).

***4. Do the Electoral Act 2004, communications policy, caretaker conventions guidelines and other sources provide adequate guidance on taxpayer-funded advertising and communications during election campaigns?***

I do not believe they do – for the reasons stated above.

***5. What should be done to improve transparency, oversight and accountability to prevent the misuse of taxpayer-funded advertising and communications during election campaigns?***

Critical steps would be the very clear and transparent:

- allocation of responsibility for staff and MP training in this area, either in inductions for example;
- allocation of oversight and enforcement of the codes and other regulatory frameworks;
- reporting mechanisms.

6. *Do the Parliamentary Salaries, Superannuation and Allowances Act 2012; Tasmanian Industrial Commission reports; Members' handbook; and other sources provide adequate guidance on the use of taxpayer-funded travel and other allowances?*
7. *What should be done to improve transparency, oversight and accountability to prevent the misuse of travel allowances during election campaigns?*

The Acts, reports and Handbooks may provide sufficient information and details, for those that know to go and read them. Again, mandatory requirements versus optional but vague 'best practice' need to be clearly articulated and incorporated into new MP and political staffer inductions as matter of course.

Of equal importance, to reiterate previous statements, is the need for it to be equally clear and transparent as to where to go for clarification and/or submit a complaint. Who are the regulatory and compliance entities for which circumstance? Is it the same regulatory entity for non-government political staffers, as for government ministerial staff? For MPs versus staff?

It should also be made clear that potential misuse of publicly funded resources for party political purposes applies across both election and non-election campaign periods.

8. *Does the Tasmanian policy and election commitment costing process deliver value to the Tasmanian public?*
9. *How should this process be changed to ensure that it delivers value to the public?*

The Tasmanian *Charter of Budget Responsibility Act 2007* requires both the caretaker government and the Leader of an Opposition Party represented in the House of Assembly to issue a fiscal strategy statement within 15 days of the commencement of the election costing period during a general state election.

It also provides for all parties contesting the election to submit election policies for costing to the Department of Treasury and Finance.

There is some justified criticism that this process is not as efficient or effective as it could be given parties' timeframes, whether Treasury has the resources to provide rigorous costings of policies prior polling day, particularly should a number be submitted all at once.

It may be advantageous, and in the broader public interest, for an independent Parliamentary Budget Office to be established – similar to that in place in the Federal Parliament. This would then be available to all opposition parties and cross-bench members to continuously, so not just restricted to the already crowded election campaign period, to seek policy costings throughout the year, just as the government of the day has recourse to Treasury officials throughout its tenure.

A permanent Parliamentary Budget Office – similar to the current Parliamentary Research Service which was established specifically to address the policy development inequity between governments having access to departmental expertise, and Opposition and cross bench MPs in both Chambers – would also be an investment in capacity building across the parliament, and improved costed policy development by opposition and cross bench Members. Further, those costed policies and ideas will have the time and space to be tested on their merits via public debates both outside and within election campaign periods.

## Conclusion

To reiterate, the current Integrity Commission Research Project and *Consultation Paper* into the use and misuse of public resources in parliamentary elections, are not only timely, but are long over-due.

As highlighted by the examples provided by this submission, I contend that not only are there many recent and historic examples of such misuse, but that the culture that fostered such misuse has been long entrenched, to the extent that the multiple instances cited are considered by many as ‘the norm’, and the way political campaign business is done in this state.

The degree to which the co-option of publicly funded resources within political offices has become so normalised was made evident when I attempted to report it and seek real time action on the examples brought to my attention.

It then became quite apparent that jurisdiction and responsibility for protection of publicly funded resources against misuse for party political and electioneering use is minimal, unclear and fraught.

How can MPs and staff responsible for the daily proper and appropriate use of publicly funded resources be clear on what those resources are, and what they can and cannot be used for – when the supposed regulatory compliance and oversight entities refute they have responsibility and/or turn a blind eye?

We need both clearer and stronger regulatory frameworks delineating what qualifies as publicly funded resources, as well as what constitutes their appropriate use during both election and non-election periods.

Further, we also need clear and unequivocal demarcation as to which entities have training, oversight and compliance responsibilities. Not only do MPs and political staff need to know how to do the right thing, we, the broader community and the media, also need to know where to report any alleged instances of the wrong thing occurring.

## Appendices

- **Appendix A:** 2024 election campaign email received by PAHSMA staff
- **Appendix B:** Derwent and Windermere 2021 election campaign material examples and associated correspondence
- **Appendix C:** Rosevears 2020 election campaign material examples and associated correspondence

## Appendix A

**From:** [Name Redacted] <[\[Name Redacted\]@parliament.tas.gov.au](mailto:[Name Redacted]@parliament.tas.gov.au)>  
**Sent:** Friday, 22 March 2024 9:03 PM  
**To:** <[\[Name redacted\]@portarthur.org.au](mailto:[Name redacted]@portarthur.org.au)>  
**Subject:** A Strong Plan for the Tasman



A Strong Plan for the Tasman region

Dear [Redacted],

As the former member for the Legislative Council seat of Prosser, I know what it takes to effectively represent regional communities in Tasmania.

I understand the importance of regional Tasmania and the value of investing in local projects.

Now, as your Liberal candidate for Lyons, I'm pleased to advise that a re-elected majority Liberal Government has made the following commitments to the Tasman region:

- 27 community paramedics recruited over four years to treat Tasmanians at home in local communities and treat walk-ins at district hospitals including the Tasman Peninsula
- Stand up a team of 10 GPs as part of a new GP NOW Rapid Response Team to deploy to local areas when they're needed, and quickly, like GP closures at short notice.
- Install virtual infrastructure in all district hospitals over the next 12 months, including on the Tasman.
- \$50,000 for renovations to the Nubeena Tennis Clubrooms and resurfacing of courts.
- \$65,000 for replacement of the Premaydena Sports Ground cricket pitch and drainage works.
- \$150,000 towards refurbishment of the Tasman Ex-Services Club including disability access.
- Invest \$1.9 million to establish a 4km multi-access walking path between Nubeena and White Beach.

Since the Liberal Government was elected in 2014, 53 000 new jobs have been created, the unemployment rate has almost halved, and we are seeing more jobs and opportunities than ever before.

Only with a majority Rockliff Liberal government and our 2030 Strong Plan for Tasmania's Future will our State have the stability and certainty it needs to thrive.

**On March 23, Vote 1 Jane Howlett, Liberal for Lyons and 2 to 7 for our other Liberal candidates in the order of your choice.**

If you would like to contact me, or if I can assist you in any way, please do not hesitate to reach out. I can be contacted at [jane.howlett@tas.liberal.org.au](mailto:jane.howlett@tas.liberal.org.au).

Yours,

A handwritten signature in black ink, appearing to read 'Jane Howlett', written in a cursive style.

Jane



# MEG WEBB MLC

Independent Member for Nelson

Mr Michael Easton  
CEO  
Tasmanian Integrity Commission  
Via email: [Michael.Easton@integrity.tas.gov.au](mailto:Michael.Easton@integrity.tas.gov.au)

3 March 2021

Dear Mr Easton

**Urgent re: Unresolved issue of potential misuse of public resources for electioneering purposes**

I am writing to raise directly with you and the Integrity Commission the outstanding matter of the use, and potential misuse of public resources for partisan electioneering purposes, and I am doing so in light of the current election campaigns underway by candidates contesting the 2021 Legislative Council elections.

As you may recall, I first raised concerns about the use of the official Tasmanian government logo and branding being used on media releases and other promotional communications, such as the Premier's website and social media accounts, last year during the August 2020 Legislative Council election campaigns.

At the time, I highlighted that unless this matter was addressed clearly, these problematic practices would be perceived as being legitimised and appropriate. Recent media statements in support of a party-endorsed candidate have been issued on behalf of the Tasmanian Premier and which were again:

- branded using the official Tasmanian government logo
- issued by taxpayer-funded staffers
- utilising taxpayer-funded office resources, as indicated by the issuing @dpac.tas.gov.au email address.

I have attached copies for your consideration.

Further, at least one of these media releases was also loaded onto the Department of Premier and Cabinet-hosted website of the Premier of Tasmania.



[meg.webb@parliament.tas.gov.au](mailto:meg.webb@parliament.tas.gov.au) | [megwebb.com.au](http://megwebb.com.au)

P: 03 6212 2290 | M: 0427 911 719

Suite 3, 32 Channel Hwy Kingston 7050 | PO Box 694, Kingston 7051





I also wish to use this opportunity to update you regarding my 2 February 2021 meeting with the Auditor General, Mr Rod Whitehead, regarding the potential misuse of public funds and resources for electioneering purposes during the 2020 Legislative Council election period, which I had raised with the Audit Office last year and which are still outstanding.

I can clarify that the purpose of the February meeting was not for Mr Whitehead to discuss work undertaken on the identified matter at hand, as I think may have been misunderstood at the time. Instead, the meeting focused on identifying potential appropriate courses of action available by which to pursue the outstanding matters raised by myself last year. The Integrity Commission was identified during this discussion as being one such option.

I note that until now, the unresolved matter in question, has not been raised formally by myself with the Commission, but instead had been referred by Mr Whitehead to the Commission in August 2020, and that subsequently the Commission advised me on 22 September 2020 that the information forwarded by Mr Whitehead would be retained on file. For your information I have reattached the 2020 material provided to Mr Whitehead at the time, plus additional subsequent correspondence and, as mentioned above, I have also included recent examples pertaining to the forthcoming 2021 Upper House elections.

As you will note in the attached 2020 material, a key concern identified is the serious inadequacy of current codes of conduct available to both government and non-government Members of Parliament and their respective office staff. Specifically, in the lack of clear guidance regarding the use of publicly funded political office staffs and resources for the purposes of party political electioneering, whether for general or other elections. Additionally, the inadequacy of the current guidelines and codes of conduct regime to identify the use of the official Tasmanian state government logo on materials endorsing a party-endorsed election candidate as problematic, or to clearly delineate responsibility for implementation, compliance and enforcement of those guidelines and conduct codes.

I am particularly interested to explore how these matters arising from the 2020 Legislative Council election would fall under section 30 of the Integrity Commission Act 2009 (the Act):

### 30. Functions of chief executive officer in relation to Members of Parliament

The chief executive officer is to –

- (a) monitor the operation of the Parliamentary disclosure of interests register, declarations of conflicts of interest register and any other register relating to the conduct of Members of Parliament; and
- (b) prepare guidance and provide training for Members of Parliament and persons employed in the offices of Members of Parliament on matters of conduct, integrity and ethics; and (c) review, develop and monitor the operation of any codes of conduct and guidelines that apply to Members of Parliament; and
- (d) where appropriate, propose to a Parliamentary integrity entity possible modifications of any code of conduct or guidelines.

I appreciate that the Commission cannot advise or assist in the writing of a formal complaint, however I am unclear whether a formal complaint is required to instigate a review of the matters raised in the attached material as per s 30 (b) and (c) of the Act?

Hence I am now seeking an urgent meeting with the Commission to discuss the unresolved matters arising from both the 2020 and now 2021 instances of apparent use of public funds and resources for electioneering purposes which you have on file, and specifically the appropriate options available by which to seek resolution of those matters as a matter of priority.

Or, if it is considered that a formal complaint is the first appropriate course of action, please advise accordingly.

Again, I stress there is an increasing urgency to have this matter pursued and resolved in light of the upcoming 2021 Legislative Council elections. Due to the further recent instances of perceived potential misuse of publicly funded staff and resources for partisan political purposes already evident for these 2021 elections, I respectfully urge your assistance in progressing resolution of these outstanding matters as a matter of urgency.

Kind regards



Hon Meg Webb MLC

**Cc:** Ms Sarah Frost, Director-Operations

**Attached:**

1. 25 February 2021 – supporting the endorsed Liberal candidate for the seat of Derwent
2. 28 February 2021 – supporting the endorsed Liberal candidate for the seat of Windermere
3. 28 February - Screenshot of the Winderemere support media release loaded onto the Premier's website
  
4. Copy of correspondence sent to the Auditor-General dated:-
  - 10 August 2020
  - 12 August 2020
  - 15 December 2020

---

**Subject:** FW: Derwent Candidate

**From:** Tasmanian Government Media Office <[media@dpac.tas.gov.au](mailto:media@dpac.tas.gov.au)>

**Sent:** Thursday, 25 February 2021 3:34 PM

**To:**

**Subject:** Derwent Candidate

[View this email in your browser](#)

A banner featuring a blue background on the left with white text listing Peter Gutwein's roles: Premier of Tasmania, Treasurer, Minister for the Prevention of Family Violence, Minister for Climate Change, Minister for Tourism, and Liberal Member for Bass. On the right is a portrait of Peter Gutwein, a bald man in a dark suit and white shirt, smiling. The Tasmanian Government logo is in the bottom right corner of the banner.

**Peter Gutwein MP**  
Premier of Tasmania  
Treasurer  
Minister for the Prevention of Family Violence  
Minister for Climate Change  
Minister for Tourism  
Liberal Member for Bass

TASMANIAN GOVERNMENT MEDIA RELEASE

**Peter Gutwein, Premier**

25 February 2021

## Derwent Candidate

On behalf of the Tasmanian Liberal Government, I warmly welcome the endorsement of Ben Shaw as the Liberal Party's candidate for the 2021 Derwent Legislative Council election.

Our number one priority remains the health and wellbeing of Tasmanians and as we continue to rebuild a stronger Tasmania and get Tasmanians back to work, the people of Derwent deserve a representative who can deliver real results for the region.

Having served as Derwent Valley Mayor since 2018, Ben is already a strong voice for the community and I have no doubt that if he is elected, he will

continue to advocate strongly for the people of Derwent as Tasmania continues to recover from the pandemic.

Importantly, our plan to rebuild a stronger Tasmania is working, with jobs returning to pre-pandemic levels, and the lowest unemployment rate of any State, underpinning confidence and providing a strong foundation for continued economic growth and recovery.

Whilst running against a sitting member is always challenging and we will be the underdog in this contest, Ben is the only candidate who can continue this momentum and get results.

**Contact:** Chris Medhurst      **Phone:** 0410 600 400



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---

**Subject:** FW: Windermere candidate

**From:** Tasmanian Government Media Office <[media@dpac.tas.gov.au](mailto:media@dpac.tas.gov.au)>

**Sent:** Sunday, 28 February 2021 1:43 PM

**To:**

**Subject:** Windermere candidate

[View this email in your browser](#)

A banner featuring a blue background on the left with white text listing Peter Gutwein's roles: Premier of Tasmania, Treasurer, Minister for the Prevention of Family Violence, Minister for Climate Change, Minister for Tourism, and Liberal Member for Bass. On the right is a portrait of Peter Gutwein, a bald man in a dark suit and light shirt, smiling. The Tasmanian Government logo is in the bottom right corner of the banner.

**Peter Gutwein MP**  
Premier of Tasmania  
Treasurer  
Minister for the Prevention of Family Violence  
Minister for Climate Change  
Minister for Tourism  
Liberal Member for Bass

TASMANIAN GOVERNMENT MEDIA RELEASE

**Peter Gutwein, Premier of Tasmania**

28 February 2021

**Windermere candidate**

Congratulations to Nick Duigan who has been endorsed as the Liberal Party's candidate for the 2021 Windermere Legislative Council election.

Nick is well-known in the electorate, having worked in television and media for over 30 years and been involved in a number of community and sporting organisations.

As we continue to recover from the COVID-19 pandemic, having a strong local representative that backs jobs and growing our economy is more important than ever and Liberal candidates like Nick will be vital in our plan to rebuild a stronger Tasmania.

We are already seeing our plan working, with jobs returning to pre-pandemic levels, and the lowest unemployment rate of any State, but we know more needs to be done and we

must continue the momentum.

I am confident Nick will be a great addition to the Liberal team, and a fantastic advocate for the Windermere electorate, should he be successful at the May election.

Contact: Lucy Langtry      Phone: 0435236359



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Peter Gutwein

Premier of Tasmania

Share

28 February 2021

Peter Gutwein, Premier

## Windermere candidate

Congratulations to Nick Duigan who has been endorsed as the Liberal Party's candidate for the 2021 Windermere Legislative Council election.

Nick is well-known in the electorate, having worked in television and media for over 30 years and been involved in a number of community and sporting organisations.

As we continue to recover from the COVID-19 pandemic, having a strong local representative that backs jobs and growing our economy is more important than ever and Liberal candidates like Nick will be vital in our plan to rebuild a stronger Tasmania.

We are already seeing our plan working, with jobs returning to pre-pandemic levels, and the lowest unemployment rate of any State, but we know more needs to be done and we must continue the momentum.

I am confident Nick will be a great addition to the Liberal team, and a fantastic advocate for the Windermere electorate, should he be successful at the May election.

[More Media Releases from Peter Gutwein \(/media\\_release\\_search?queries\\_member\\_query=221807\)](#)

[More Media Releases from the Premier \(/media\\_release\\_search?queries\\_portfolio\\_query=Premier\)](#)

### Latest releases

Supporting our farmers on the Harvest Trail  
([http://www.premier.tas.gov.au/releases/supporting\\_our\\_farmers\\_on\\_the\\_harvest\\_trail](http://www.premier.tas.gov.au/releases/supporting_our_farmers_on_the_harvest_trail))

Skills for economic recovery ([http://www.premier.tas.gov.au/releases/skills\\_for\\_economic\\_recovery](http://www.premier.tas.gov.au/releases/skills_for_economic_recovery))

Further support for Tasmania's screen industry during COVID-19  
([http://www.premier.tas.gov.au/releases/putting\\_downward\\_pressure\\_on\\_fuel\\_prices\\_in\\_tasmania2](http://www.premier.tas.gov.au/releases/putting_downward_pressure_on_fuel_prices_in_tasmania2))

Young Tasmanian Aboriginal Leaders Scholarships  
([http://www.premier.tas.gov.au/releases/young\\_tasmanian\\_aboriginal\\_leaders\\_scholarships](http://www.premier.tas.gov.au/releases/young_tasmanian_aboriginal_leaders_scholarships))

Supporting our primary industries ([http://www.premier.tas.gov.au/releases/supporting\\_our\\_primary\\_industries](http://www.premier.tas.gov.au/releases/supporting_our_primary_industries))

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Our ref: MM20/0165

17 March 2021

**TO BE OPENED BY ADDRESSEE ONLY**

The Hon Meg Webb MLC  
Parliament of Tasmania

Via email: [meq.webb@parliament.tas.gov.au](mailto:meq.webb@parliament.tas.gov.au)

Dear Ms Webb,

**Matter raised with the Integrity Commission**

Thank you for your letter about the alleged use of public funds for party political purposes, which we received on 3 March 2021. We note you raised these issues with us in 2020, and are concerned the practice is continuing and have provided examples of the alleged conduct from the upcoming Legislative Council election campaigns. Please accept my apologies for the delay in getting back to you.

You asked whether you should make a formal complaint to the Commission, and whether this is required for us to investigate the issues raised. Under the *Integrity Commission Act 2009* (the IC Act) we can consider matters of concern either by way of a complaint or following a determination of the Commission's Board to conduct an investigation of its own-motion.

If you choose to make a complaint, the complaint must allege misconduct by a person who is or was a public officer at the time of the alleged misconduct. We will then decide what action to take. Please note that given the issues you have raised involve designated public officers as defined in s 6(1)(a) of the *IC Act*, we can only determine to dismiss or further investigate the complaint – we have no legislative capacity to refer the matter to another entity. If we determine to assess and possibly then investigate a complaint, we will focus on the specific allegations of misconduct made in the complaint.

Separately, an own-motion investigation can be 'in respect of any matter that is relevant to the achievement of the objectives of this Act in relation to misconduct ...' and includes investigating the 'policies, practices or procedures of a public authority or of a public officer, or the failure of those politics, practices or procedures' (s 45 of the *IC Act*). This means that the terms and reference and scope of an own-motion investigation can be set by the Commission's Board, based on what it considers to be the relevant misconduct risks.

When we receive information such as your correspondence, we process the information as an 'information report.' Information reports are monitored and reviewed in light of other serious and/or systemic misconduct risks, and can eventually lead to a recommendation to the Board that it conduct an own-motion investigation.

In our letter to you on 22 September 2020, we noted that the issues you previously raised would not, at that time, be proceeding to an own-motion investigation. While that remains the case, we are cognisant of the issues you have raised and the associated potential misconduct risks.

I hope that the above assists you to make an informed decision about how to proceed in raising integrity issues with the Commission. If you require further information, please contact our Director, Operations, Sarah Frost, on 1300 720 289 or [sarah.frost@integrity.tas.gov.au](mailto:sarah.frost@integrity.tas.gov.au)

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Easton', followed by a period.

Michael Easton  
**CHIEF EXECUTIVE OFFICER**



# MEG WEBB MLC

Independent Member for Nelson

Mr Rod Whitehead  
Auditor-General  
Tasmanian Audit Office  
Level 8, 144 Macquarie Street  
Hobart TAS 7000  
Via email: rod.whitehead@audit.tas.gov.au

**RE: Public funds used for party political purposes**

Dear Mr Whitehead

I am writing to raise concerns over the potential for publicly funded resources being used for party political purposes, and the related issue of whether Tasmania has adequate guidelines and enforcement mechanisms in place to provide transparency, coherence and clarity for elected representatives, their Ministerial and Parliamentary Support (MPS) and other staff, and the public.

Recent incidents have highlighted conflicting perceptions and confusion over what constitutes potentially inappropriate use of public funds for party political purposes and/or benefit, and an apparent gap in apolitical mechanisms available by which to provide resolution to such concerns.

The incidents in question revolve around the use of State government logo and Department of Premier and Cabinet (DPAC) supported Tasmanian Government Media Unit office resources in the production and distribution of media statements released on behalf of the Premier related to the recent Legislative Council elections held on Saturday 1 August 2020, specifically the seat of Rosevears which was contested by an endorsed Liberal Party candidate (unlike the other Upper House electorate under contention, Huon).

The Tasmanian Government Media Unit-issued media statements in question include:

1. 13 June 2020-media statement released on behalf of the Premier (see *Attachment 1*);
2. 5 July 2020-media advisory released on behalf of the Premier (see *Attachment 2*); and
3. 2 August 2020-media statement released on behalf of the Premier (see *Attachment 3*).

In the case of the media releases, these have also been posted to the Premier's DPAC-hosted website, screenshots of which are attached (see *Attachments 1a and 3a*).



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Prior the Saturday 1 August 2020 Legislative Council polling day the two issued media statements of the 13 June and 5 July 2020 contain arguably electioneering content for the endorsed Liberal party candidate contesting the Legislative Council election for the seat of Rosevears. Due to these media documents being issued with the official state government logo, referencing Mr Gutwein in his capacity as Premier despite the apparent electioneering content, and the utilisation of taxpayer-funded office resources indicated by the use of the DPAC email system to distribute the statements and the DPAC-funded media unit staffers listed on the statements, I submitted these documents to the DPAC Secretary requesting a clarification of whether this is an appropriate use of publicly funded resources. I have attached the correspondence between the DPAC Secretary and myself for your information (see *Attachments 4 – 4c*). The 13 June media release also generated coverage in the local newspapers, copies of these articles are also attached (see *Attachments 1b-1e*).

Subsequent to the Legislative Council polling day, the Tasmanian Government Media Unit issued on Sunday 2 August 2020 another election related statement on behalf of the Premier, congratulating the Rosevears endorsed Liberal candidate and specifically describing the provisional outcome as a “*strong endorsement of the Liberal Party’s policies*”, rather than an endorsement of government strategies etc (see *Attachment 3*). Further, this media statement’s political partisan nature is highlighted by the absence of any broader mention of the Legislative Council elections conduct or outcomes, including for the other seat of Huon.

#### **Correspondence with the Secretary, DPAC**

As mentioned above, I initially sought clarification from the DPAC Secretary regarding concerns over the politically partisan nature of the pre-polling day election-related material being generated by a publicly funded government office. As you can see from the correspondence between the Secretary and myself a clear finding on the compliance or otherwise of these media statements against the principle of not using publicly funded resources for party political purposes was not forthcoming.

I believe the attached body of correspondence (see *Attachments 4 – 4c*) speaks for itself so will not reiterate in detail the content here. However, the correspondence highlights the following outstanding issues:

1. The lack of any clear determination regarding the appropriateness or otherwise of the perceived partisan party political content in government branded documents, such as the highlighted media statements;
2. The lack of any clear determination regarding the appropriateness or otherwise of the use of publicly funded MPS staff and other office resources for the generation and distribution of the highlighted media statements; and
3. The lack of clear reference and compliance guidelines for departmental officials, elected representatives and MPS staff by which to ascertain whether activity complies with, or breaches, current use of public resources standards, including a clearly designated independent authority who has responsibility for implementation and compliance.

#### **Request for an investigation under the *Audit Act 2008***

Section 23 of the *Audit Act 2008* provides for the Auditor-General to undertake an examination or investigation of, among other matters, “*any matter relating to public money or other money, or to public property or other property*” (S. 23 (c)), and “*the compliance of a State entity or a subsidiary of a State entity with written laws or its own internal politics*” (S. 23 (d)).

Given the apparent lack of jurisdiction for the DPAC Secretary to take action, or make a determination, in relation to the appropriateness or otherwise of the cited media statements of 13 June and 5 July 2020, and also given the relevant findings and recommendations of the previous *Auditor-General Special Report No. 83, Communications by Government and The Tasmanian Brand project 2009*, I am submitting to you the following request for an investigation in two parts:

1. An investigation into, and a specific determination upon, the appropriateness of the afore mentioned three government logo-branded media statements issued by the Tasmanian Government Media Unit on behalf of the Premier (13 June, 5 July and 2 August 2020) and subsequent posting on the Premier's official webpage and social media accounts respectively, including but not limited to, perceived party political electioneering content, use of publicly funded office resources in their generation and distribution, including any MPS staff and DPAC email accounts, and whether there currently exists a designated 'manager' responsible for ensuring compliance with the current appropriate use of public funds guidelines available, and to whom concerns or complaints can be submitted; and
2. An examination of the State's existing codes of conduct, guidelines and oversight framework available to departmental officials, elected representatives and their staff, with specific reference to use of public funds for party political purposes provisions, to assess if that framework is suitably comprehensive and fit-for-purpose including, but not limited to, whether:
  - a) Clear guidance is provided to departmental officials and staff (State Service employees), elected representatives and their publicly funded MPS staff, including Crown Prerogative Instrument of Appointment employees, regarding what constitutes party political activity by government and non-government elected representatives and/or their staff;
  - b) The guidelines are suitably clear regarding party political activity both during and outside election campaign periods, across all general state elections, Legislative Council elections and Local government elections (recognising that endorsed party candidates contest all tiers);
  - c) It is clearly articulated who has compliance oversight responsibility of the use of publicly funded resources including budgetary line items, staff, and office resources by elected representatives and their MPS staff, and whether clear directions are available as to where any concerns or complaints should be directed;
  - d) Relevant recommendations contained in the *Auditor General Special Report No. 83, 2009* were implemented, and whether any outstanding recommendations should still be implemented or revised; and
  - e) Any other matter incidental.

#### **Summary of current guidelines for State elected representatives**

Included in the materials attached is a working document compiled by my office summarising the current relevant codes of conduct and guidelines of which we are aware (see *Attachment 5*).

Objectives of previous reviews or investigations, such as the *2009 Auditor-General Special Report No. 83*, were to assess specific issues of concern regarding expenditure of public funds for political advertising, and particular campaigns. While valuable in addressing those particular matters at the time, the current concerns discussed above regarding perceived government use of taxpayer resources for party political purposes highlight 'gaps' in both focus of previous enquiries, as well as specific and clear recommendations to clarify the purpose, intent and scope of guidelines and codes of conduct.

The identified gaps in the current regulatory framework for use of public funds and resources by elected representatives include:

- **Elections.** Codes of conduct and guidelines' mention elections usually in the sole context of general elections for the House of Assembly – hence there is a reliance upon guidelines for caretaker governments during caretaker periods. It is arguable the caretaker principles regarding sensitivity to the use of public funds for partisan political purposes should apply to other election campaigns, such as for the Legislative Council and Local Government, given the growing trend of endorsed party candidates contesting these other governance tiers.
- **Party political purposes.** Available codes of conduct and guidelines which mention this tend to do so solely within the context of general elections. It is arguable this regulatory framework needs to be expanded to specifically address the matter of public fund and resources being used for party political purposes by both government and non-government elected representatives outside formal general elections, as the recent Legislative Council election-related incidents highlight. The bulk of MPs' elected terms in office occurs outside formal election periods, therefore the codes of conduct regulatory framework should provide appropriate guidance for non-election related activities additional to election related.
- **Provisions that cover Ministerial and Parliament Support staff and political appointees (Crown Prerogative contracts).** Current codes of conduct and departmental guidelines for State Service employees provide some of the clearest guidance existing covering definitions of work consisting of party political activity and/or expenditure of public funds for party political benefit. As highlighted by the previously cited correspondence from the Secretary of DPAC, it does not appear there is equivalent clear and decisive guidelines detailing similar constraints, expectations or requirements for both government and non-government elected representatives, their offices and any Ministerial and Parliament Support staff funded by the DPAC state budget allocation.
- **Expanded clarification of what equates public expenditure and political use of public funds.** Current guidelines, and the 2009 review, are primarily focused upon (paid) advertising as an example of the expenditure of public funds. Equivalent clarity is required regarding the use of publicly funded resources by government and non-government elected representatives, including MPS staff and offices, during both election and non-election periods of their terms in office.
- **Elected representatives' media releases and electronic communications.** Again, current guidelines provide specific direction regarding ensuring political media releases are not issued by state service staff, nor uploaded to departmental websites or social media accounts. While it is an appropriate electorate accountability and communication mechanism for elected representatives of political parties to generate, issue and post publicly political statements endorsing their respective policies and/or criticising their political opponents, generally it is not considered appropriate to use public resources and communication platforms provided in their capacity as elected representatives to electioneer on behalf of political parties, or other party affiliated candidates. It is presumed that any such communication refers to, and is supported by, their work as elected representatives. However, this is not explicitly codified under the current available guidelines.
- **Logos.** Current guidelines do provide clarity regarding the legitimate reason for, and role of, the use of party logos on communication materials by elected representatives in meeting the community's transparency expectations. However, while the codes and guidelines provide very specific guidelines of when it is appropriate to use the official government logo(s), it is silent on when it should not be used (ie electioneering).

### **Necessity for requested investigation**

As discussed above, despite public media coverage and criticism of the government's apparent misuse of publicly funded resources for party political purposes at the time, and my subsequent formal request to the Secretary of DPAC to review the appropriateness of the Premier's media statements in question, at the time of writing to you, no such review has occurred. Nor has a public update or explanation been provided.

Instead there is now greater confusion regarding the status of the variety of existing handbooks for elected representatives, codes of conduct and guidelines, as well as whether there exists an independent authority responsible for ensuring compliance against these guidance documents. Further, potentially the official silence in response to concerns raised publicly in the media will be interpreted as endorsement of these media statements attributed to Premier Gutwein, which could now be perceived as a de facto precedent for future party political electioneering-related communications generated within publicly funded elected representatives' offices.

I recognise that due to the consequences of the coronavirus pandemic these are very difficult times with resources stretched thin. However, in my mind, the ongoing confusion and opaqueness of this matter raises serious concerns regarding the rigor, fairness and transparency of Tasmania's governance system, and equally serious concerns about the potential impact upon Tasmanians' confidence and trust in their democratic institutions. Hence, based upon the points of consideration highlighted above, I urge your consideration of my investigation request.

Please do not hesitate to contact me if you wish to discuss these matters further.

Kind regards,

A handwritten signature in black ink, appearing to read 'Meg Webb', written in a cursive style.

Meg Webb MLC  
Independent Member for Nelson



**Attachments:**

1. Premier's Rosevears Media Release "Clear choice for Rosevears", 13 June 2020
  - 1a. Screen-shot: Premier's Media Website page with uploaded Rosevears MR, 13 June 2020
  - 1b. *Examiner* newspaper article, 17 June 2020
  - 1c. *Mercury* newspaper article, 17 June 2020
  - 1d. *Mercury* newspaper Editorial "Don't Abuse Public Purse", 17 June 2020
  - 1e. *Mercury* newspaper article, 19 June 2020
  
2. Premier's Media Advisory, 5 July 2020
  - 2a. Screen-shot: Premier's Facebook page, 5 July 2020
  
3. Premier's Media Release "Legislative Council elections", 2 August 2020
  - 3a. Screen-shot: Premier's Media Website page with uploaded LC Elections MR, 2 August 2020
  
4. Copy of 1<sup>st</sup> letter to DPAC Secretary from M. Webb MLC, 19 June 2020
  - 4a. Copy of 2<sup>nd</sup> letter to DPAC Secretary from M. Webb MLC, 15 July 2020
  - 4b. Copy of letter to M. Webb MLC from DPAC Secretary, 20 July 2020
  - 4c. Copy of 3<sup>rd</sup> letter to DPAC Secretary from M. Webb, 23 July 2020
  
5. Table of current MPs & staff Guidelines and Codes of Conduct, August 2020

From: "[media@dpac.tas.gov.au](mailto:media@dpac.tas.gov.au)" <[media@dpac.tas.gov.au](mailto:media@dpac.tas.gov.au)>

Date: 13 June 2020 at 10:04:46 am AEST

To:

Subject: Clear choice for Rosevears

Reply-To: <[media@dpac.tas.gov.au](mailto:media@dpac.tas.gov.au)>



13 June 2020

Peter Gutwein, Premier

## Clear choice for Rosevears

The Legislative Council election for Rosevears will offer the community a clear choice between a team and candidate with a plan to rebuild the Tasmanian economy – or any other candidate with no team, no plan, and no results.

“With the date now set for the Legislative Council elections, the people of Rosevears have a clear choice to make on August 1 2020,” Premier Peter Gutwein said.

“Jo Palmer is an outstanding candidate with a strong record of delivering for her community, and she will be a strong advocate for the people of Rosevears in our recovery from the COVID-19 pandemic.

“There is no doubt that coronavirus has been the single biggest health, economic and societal shock to hit Tasmania in our lifetime, and Jo Palmer is the only candidate who is part of a team with a plan to rebuild a stronger Tasmania.

“My message to the people of Rosevears is very clear- at this critical time, Jo is the only candidate who can get results for you, so please vote for Jo Palmer on 1st August.”

Liberal candidate for Rosevears Jo Palmer said the revised date was good news and would allow the community to focus on who can best represent them.

“I am thrilled the people of Rosevears will now have the opportunity to decide who is best placed to represent them.

“I feel privileged to be standing for election at such a critical time in Tasmania’s history, as we continue to recover and rebuild following the COVID-19 pandemic.

“The pandemic has had a devastating impact on so many people and businesses throughout the Rosevears community, and should I be elected, the community can rest assured I will do everything possible to help them back on their feet.”

Contact: Lucy Langtry

Phone: 0435236359

# Peter Gutwein

## Premier of Tasmania



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13 June 2020

Peter Gutwein, Premier

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6/17/2020

Greens accuse Labor party of misusing public money | The Examiner | Launceston, TAS

## Greens accuse Labor party of misusing public money



[Emily Jarvie](#)

[Local News](#)

f t m A A A



Greens leader Cassy O'Connor. Picture: file

The use of Parliamentary resources for political campaigning has been questioned by the Greens.

Greens leader Cassy O'Connor said on multiple occasions Labor had let its Legislative Council candidates effectively issue media releases via the Parliamentary email system, with no elected MP quoted and with a Labor staffer as the media contact.

"This is a blatant misuse of public money," Ms O'Connor said.

"In recognition of the fact these are publicly funded resources, electioneering or party business is not on, whether it's footing the bill for party promotional material, or using the time of a highly paid staff member to promote political candidates.

"The opposition leader's staff have no business electioneering for the Labor Party.

"The guidelines are provided to MPs are very black and white."

### In other news:

- [Dates set for appeal against GP Hotels five-star Launceston hotel proposal](#)
- [Campaigning through coronavirus: Rosevears candidates tell of election bid like no other](#)
- [Level of specialised eating disorder services questioned by experts](#)
- [Decision to turn car park into bus stop to benefit ratepayers](#)

Labor leader Rebecca White said when her party had been issuing press releases representing its Rosevears and Huon candidates it had been in relation to current matters, particularly around COVID-19 and the delay in the elections.

"We thought it was important from a point of view of informing the public that we provide an update on those matters to let people now what was happening with those campaigns," Ms White said.

The government issued a similar release on behalf of Premier Peter Gutwein on June 13, titled 'Clear choice for Rosevears', which included quotes from the Liberals' Rosevears candidate.

Deputy Premier Jeremy Rockliff said his understanding of the release was that it was not inappropriate for the Premier to highlight the new election date for the upper house seats of Rosevears and Huon, given the election had been delayed.

"Looking forward we will ensure the Liberal party is responsible for any candidate information presented," Mr Rockliff said.

When asked if was fair the government had used its significant resources to promote a candidate considering other candidates such as independents did not access to such resources, Mr Rockliff said all candidates irrespective of their political affiliation had the same spending cap for their campaign.

He said he would seek advice as to if the media release had broken any rules.

A government spokesperson said after a period of uncertainty about the Legislative Council elections due to coronavirus it was appropriate the Premier's media release confirmed the new date for the elections to be held.

"It is not unusual for candidates of all persuasions to do media events with sitting members," the spokesperson said.



## RECOMMENDED



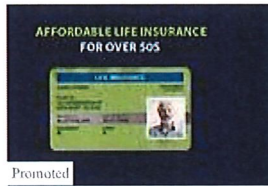
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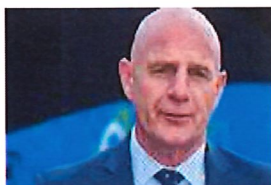
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## POLITICS

# Greens say other parties breaching parliamentary rules

**The Tasmanian Greens have accused the major political parties of using taxpayer-funded staff and parliamentary resources inappropriately.**

DAVID KILLICK, Political Editor, Mercury

Subscriber only

|

June 17, 2020 7:30am

THE Liberal and Labor parties were breaching parliamentary rules by using taxpayer-funded staff and parliamentary resources for political campaigning, according to the Greens.

The party has complained about media releases issued by the parliamentary staff of both parties, which promoted their candidates for the upcoming Huon and Rosevears Legislative Council elections.

The Handbook for Elected Members given to MPs says it is inappropriate to use parliamentary resources for “political activity which encourages people to vote for or against a particular party”.

The Greens have written to the Department of Premier and Cabinet, which administers the rules, but have not received a response, Greens leader Cassy O’Connor says.

“As members of parliament, our resources — including staff — are paid for by Tasmanians,” she said.

“On multiple occasions, (Labor leader) Rebecca White has allowed Labor candidates to effectively issue media releases via the parliamentary email system, with no elected MP quoted and with a Labor staffer as the media contact.

“In recognition of the fact these are publicly funded resources, electioneering or party business is not on, whether it’s footing the bill for party promotional material, or using the time of a highly paid staff member to promote political candidates. This is a blatant misuse of public money.”

Deputy Premier Jeremy Rockliff said the Government had only ever issued media releases to provide the public with helpful information.

“Given the interest, and the fact that the election has been delayed, the Premier clearly highlighted the 1st of August was the new date,” he said.

“Any candidate information moving forward, of course, will be the responsibility of the political party.”

Ms White said Labor was trying to keep people up to date with a complex and changing situation.

“It’s not unprecedented for political parties to include references to candidates in the press releases that they issue,” she said.

“These are times when we are trying to update the community about what’s occurring with these elections, they’ve been disrupted because of coronavirus and I don’t think anything inappropriate has occurred here.”



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Help

# Don't abuse public purse

It is a very sad reflection on the state of the Australian body politic that our story on page 11 is unlikely to lead to any revolutionary change in our system of governance. Greens leader Cassy O'Connor was quite right to raise concerns about the major parties using taxpayer-funded resources to effectively promote their candidates in the upcoming Hoon and Rosevear Legislative Council elections.

Across Australia, the number of people employed on the public purse to make our elected leaders look good has increased dramatically over the past three decades. Where once journalists could rely on getting information directly from the relevant decision maker, today questions are more likely to be emailed across and the response is frequently so heavily spun it is essentially incomprehensible.

Before the current coronavirus, which has seen a number of political leaders across the country rise to an extraordinary challenge, the general public's opinion of politicians was low. That was ironic, because we've never spent more money on making them look good. The truth is, the reason Australians held politicians in such low regard is the widely held belief they will do and say anything to get elected. Conduct such as that detailed in our report today falls into precisely this category.

**IT SHOULD NOT BE THE CASE THAT TAXPAYER-FUNDED PERSONNEL ARE ASKED TO USE TAXPAYER-FUNDED EQUIPMENT AND OFFICES TO DO THE WORK WHICH SHOULD FALL TO PARTY OFFICIALS AND VOLUNTEERS**

If a party wishes to promote its candidates, then it has a well-oiled machine in place which is aimed at first raising donations and then using that money to purchase advertising — already a murky system in Tasmania, given the lack of transparency around the registration of donations.

It should not be the case that taxpayer-funded personnel are asked to use taxpayer-funded equipment and offices to do the work which should fall to party officials and volunteers.

Meanwhile, though, it is pleasing to see additional steps being taken towards reopening Australia for domestic travel. Premier Peter Gutwein has been widely applauded for his no-nonsense approach to coronavirus restrictions, and now that Tasmania has eliminated the virus, understandably there are concerns opening up that interstate travel could lead to further outbreaks on the island.

Tasmania's tough restrictions undoubtedly saved lives, but the next steps are equally as important.

South Australia reopening its borders — to Tasmania, the Northern Territory and Western Australia — is a positive step. Of course, because our border remains closed, while a person can travel into South Australia from Tasmania unrestricted, they will have to quarantine for two weeks upon return.

Last week, Mr Gutwein said he would provide a date for our border measures in early July, yet yesterday he said he would move that date forward to June 26. So, by next week, we should know when our state will be open again — a date likely to be late July if everything goes to plan. These decisions are not easy ones to make. But Mr Gutwein continues to impress Tasmanians. He provides strong leadership but is absolutely adaptable in this ever-evolving saga.

Responsibility for all editorial comment is taken by the Editor, Jenna Cairney, Level 1, 2 Salamanca Square, Hobart, TAS, 7000

places has so much merit. The public embraced the sea-change with Nipaluna (where Hobart sits), Larapuna (Eddystone Point), Kanamaluka (Tamar River) and Nungu (West Point, in North-West Tasmania) now in common use. Authorities accepted that the dual-naming process had to be Aboriginal driven, given the language belonged to Aboriginals.

Then, last year, for purely political reasons, the Tasmanian Government intervened and insisted anyone could nominate Aboriginal words for dual-naming to its hand-picked advisory body. This meant authenticity of Aboriginal language was placed in the hands of a non-Aboriginal advisory body. Already we have seen groups nominating bogus words taken straight from books in this flawed arrangement. The Aboriginal people had no choice but to withdraw our language from a process that makes a mockery of something that started out with much promise and mutual respect.

**Michael Mansell  
Launceston**

## Let's move forward too

GOOD to see a city looking forward. Having looked at the trend in cities in Europe, over the next two years Melbourne will remove hundreds of city parking places and replace them with 40km of bike paths. This is a result of a 300 per cent increase in cyclists and a change of work practices during the pandemic. So many are riding electric bikes these days, which make it a lot easier — there is no reason why Hobart should not make a brave move and follow this lead.

**Yvonne Stark  
Battery Point**

## When will works end?

I NOTE recent correspondence regarding incomplete, and ongoing works in the Salamanca Precinct. These works seem to have been underway for several months without an end in sight. One would have assumed that when the Hobart City Council commences construction work that it would be a simple, but essential need for the managers of said works to provide clear signage, to indicate the scope of the works, and the definitive end date for completion of the works, and when the public can be informed that fences will come down and areas reopened for public enjoyment.

**Ronald Gifford  
Sandford**

## Not much in it for us

THE proposed Marinus Link should not be considered in isolation from the construction of the additional 1500 megawatts



**POPULAR MOVE:** Eddystone Point was recently renamed, Iarapuna/Eddystone Point, in recognition of the original name given to it by its first inhabitants, the palawa people.

PICTURE: ROB BURNETT

of Tasmanian generating capacity that makes it viable. Each will have its own social and environmental impacts and so need to be considered as a whole with the link.

I can't see how we get the better end of the deal when the electricity is the raw material, it's the transformation of that electricity into jobs on the mainland, where the real value will be realised. When this mega project is complete it will have degraded the state's landscape values for the addition of a few maintenance jobs.

**Geoffrey Lea  
Mt Stuart**

## Have some manners

WHY must there be people who are carefully told the rules of a restaurant, in relation to starting and finishing times, etc — and then they sit at a table and not move — even after they have been told nicely several times to leave as their time was up? We were first to arrive at our prescribed time and made to wait being the fifth group to be seated.

Everyone else left as directed, why does there always have to be one "fly in the ointment" who think they can disobey the rules and make others wait! However, we had a wonderful time and were glad to be able to eat again in one of our favourite restaurants and yes we did leave on time. Service and food etc was excellent. It will

be nice in the future to be able to sit for longer if everyone sticks to the rules.

**DI Manser  
Austins Ferry**

## ABC is a vital service

I THINK the Liberal Government's failure to continue funding, and in fact drastically cut the funding, from the ABC is a terrible move. There is a huge population that requires responsible reporting and engagement. The ABC is vital for Australian arts, entertainment, democracy and jobs. Vital. I am appalled the Federal Government can yank funding from important organisations that Australians rely on and deserve.

**Calista Anderson-Leitch  
West Hobart**

## Apology to Kai Yang

ON April 11, 2020, The Mercury published an article entitled "A little give, lot of take". It stated the Federation of Chinese Associations Tasmania had purchased personal protection medical equipment in Tasmania and sent it to China with Secretary-General Kai Yang donating 16,000 surgical face masks. The Mercury has been advised this is incorrect. Mr Yang purchased the masks from Japan, not in Tasmania. The Mercury apologises for the error.

# Every school should be a good school

TO those pressing for an inner-city public high school, it will never happen and it should never have been raised by former Premier Will Hodgman.

Between New Town and Taroona the area is zoned Private and Catholic.

Think St Mary's College, St Michael's Collegiate, The Hutchins School, Fahan School, Mt Carmel, and 'The Friends' School.

There are no public high schools in

this zone. If one was built, the provision of a high socio-economic status public school in the city, without fees of up to \$19,000 per year, would see students from these schools flocking in droves to enrol.

A solution might be to review the enrolment criteria that exist for students to be automatically accepted into a particular high school but this would require some political courage.

School-hopping in Grades 5 or 6 for example to enable guaranteed access for a child to attend a specific high school needs scrutiny.

Every school should be a good school but if this isn't the perception then greater efforts and additional resourcing must be provided to see that it is.

**Terry Polglase  
Lindisfarne**



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NEWS 09

# Parties slammed over breach of 'political ethics'

DAVID KILLICK

THE use of taxpayer-funded parliamentary resources to promote party political candidates was unacceptable, a leading political expert says.

University of Tasmania Associate Professor Rick Snell said there were no shades of grey about using public funds for campaigning.

On June 13, the Premier used the resources of the government media unit to issue a nine-paragraph media release entitled "Clear choice for Rosevears". The document, issued under a Tasmanian Government logo by a Premier's Department staffer, endorsed Liberal Party candidate Jo Palmer and included quotes from the candidate.

Labor parliamentary staff have recently issued two press releases sent in support of candidate Bastian Seidel.

"It's unethical," Prof Snell said. "I don't think you can justify it. It is in many ways a breach of our parliamentary system. The use of taxpayers' funds to effectively fund election campaigning or supporting candidate is a no-go area.

"There used to be a time in Australian politics when parties would bend over backwards not to be seen to be going anywhere near this area. The lines kept on blurring."

The media releases appear to breach the principles outlined in the Handbook for Elected Members, which states "Members may only use publicly funded resources in con-

nection with official duties, and not for personal benefit or for party political activity."

They also appear to contravene the Tasmanian Government Communications Policy, which states "Communications activities should not have political purpose."

Legislative Council independent Meg Webb said the practice was unfair on others

standing for election — particularly independents running against party candidates.

"This is political ethics and accountability 101," she said. "When it comes to using public funds you need to ask yourself, who does this benefit?"

A press release in favour of Dr Seidel issued yesterday came instead from party state secretary Stuart Benson.

Help

# In esteemed company



**EXCITED:** Robert Clifford, founder of Hobart boat builder Incat, has been complimented on Twitter by Elon Musk.   
 PICTURE: NIKKI DAVIS-JONES

## Musk shouts out to Incat founder

**NAVARONE FARRELL**

ONE of the world's most eccentric billionaires has shouted out to a Tasmanian company on social media — which could lead to an innovative meeting of the minds.

Entrepreneur Elon Musk, founder of Tesla cars and the SpaceX project, tweeted at INCAT, a cutting edge shipping company based in Derwent Park, that was responsible for the world's fastest, gas-turbine powered ship.

Robert Clifford, founder and chairman of INCAT, said they had been liaising with Mr Musk's company for almost 10 years already on several projects.

"We've made several proposals to them, they've asked lots of questions about what we can do and what we can't do," he said.

Mr Clifford is "hopeful" the small interaction will help firm up work in the future.

"One of our future projects is battery-powered ships, and that's very, very exciting — he can certainly help us with that," he said.

"He recognises we have the world's fastest ship, which was the last one we sent to South America, which was a 57 knot ship. He's aware of these things, but two innovative companies sharing information is what it's all about."

Mr Clifford said there was an "excellent chance" of the companies working together.

"That's the future. Electric ships are certainly on the agenda," he said.

At home, the company survived the COVID-19 pandemic with no impact on its workforce, but due to overseas manufacturing of key parts, there have been delays.

"The one that is closest to launch is going to Trinidad and Tobago," Mr Clifford said. "We're waiting on gearboxes which are being flown out from Germany."

The 100m ferry — about half the size of a Spirit of Tasmania vessel — is worth more than \$100 million.

Mr Clifford said most of the business's operational problems had been due to outside COVID-19 forces, such as international delivery.

"They've been delayed due to the (coronavirus) problems in Europe," he said. "They've held us up for a month or two. We can see some light at the end of the tunnel — they're on their way, we believe."

He also is confident the ship's crew will be able to fly to Tasmania to undertake the 10,000+ nautical mile journey to its final destination. "When it gets there, typically, if there are any kinks that need to be ironed out, our crew would go out there," he said.

INCAT will also be delivering ships to Korea, Spain and South America in the near future.



TWEET: Elon Musk

## Aussie arrivals plummet by 98.9 per cent

NEW figures reveal the overseas traveller wipeout caused by pandemic shutdowns.

In May, there were only 19,400 arrivals in Australia — a 98.8 per cent drop compared

to the same time last year, says an ABS report. Returning Australians comprised 11,100 of the total, while there were 2320 New Zealand citizens, or 12 per cent of the total.

Next were Indians with 1310 arrivals (down 97.9 per cent), 620 Chinese (down 99.5 per cent), 540 UK citizens (down 99 per cent), and 310 Pakistanis (down 92.1 per cent).

## Investigators fly in after King Island blaze

FIRE investigators will today explore what caused a blaze that destroyed a King Island home yesterday.

Fire crews from Currie, Grassy and North King Island

brigades responded to the East Wickham Road property at Yambacoona around 9am yesterday after a brigade member passing by noticed the house was "well alight".

No one at the three-bedroom house was home at the time of the fire. Fire investigators will today travel to King Island to determine the cause of the blaze.

From: "[media@dpac.tas.gov.au](mailto:media@dpac.tas.gov.au)" <[media@dpac.tas.gov.au](mailto:media@dpac.tas.gov.au)>

Date: 5 July 2020 at 9:04:33 am AEST

To:

Subject: Media Advisory

Reply-To: <[media@dpac.tas.gov.au](mailto:media@dpac.tas.gov.au)>



5 July 2020

## Media Advisory

Tasmanian Premier Peter Gutwein will be available to discuss the upcoming Legislative Council elections.

WHEN: TODAY July 5 at 11am.

WHERE: Door of Hope Centre, Glen Dhu Street, South Launceston

Contact: Martin Gilmour

Phone: 0417030632



**Peter Gutwein**  
@petergutweinmp

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**Peter Gutwein**  
5 July at 11:32

Pleased to be here today launching Jo Palmer - Liberal Candidate for Rosevears campaign for Rosevears



13,466 Views

**Jo Palmer - Liberal Candidate for Rosevears**  
5 July at 11:30

LIVE NOW: Join our campaign launch with Premier Peter Gutwein

158

14 comments 5 shares

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**Susan Williamson** We can re build Tasmanian economy as United Tasmanians please don't open up Tasmanian borders until September Peter as so many Tasmanian ppl are stating that is their thoughts . Wishing Jo all the very best results in her electorate I'm sure the ppl won't let you down your so very loved Tasmania wide not just in Rosevears

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**From:** [media@dpac.tas.gov.au](mailto:media@dpac.tas.gov.au) <[media@dpac.tas.gov.au](mailto:media@dpac.tas.gov.au)>

**Sent:** Sunday, 2 August 2020 2:46 PM

**To:**

**Subject:** Legislative Council elections



2 August 2020

Peter Gutwein, Premier

## Legislative Council elections

I'd like to congratulate Jo Palmer for her enormous efforts in campaigning for the Legislative Council seat of Rosevears.

While it remains a tight race and too early to call, Jo has received the most primary votes counted to date. This is a strong endorsement of the Liberal Party's policies and plans to rebuild a stronger Tasmania from the impacts of COVID-19.

It's been a challenging environment to campaign in and we are cautiously optimistic that Jo will win the seat after postal votes are counted, preferences are distributed and the vote is finalised in coming days.

Contact: Carly Dolan

Phone: 0437 925 010

# Peter Gutwein

## Premier of Tasmania



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2 August 2020

Peter Gutwein, Premier

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[More Media Releases from Peter Gutwein](#)

[More Media Releases from the Premier](#)



# MEG WEBB MLC

Independent Member for Nelson

Attachment 4

Ms Jenny Gale  
Secretary to the Department of Premier and Cabinet  
Executive Building  
7/15 Murray St  
Hobart TAS 7000

Via email: [Jenny.Gale@dpac.tas.gov.au](mailto:Jenny.Gale@dpac.tas.gov.au)

19 June 2020

 COPY

Dear Ms Gale,

I am writing to you to raise concerns over a media statement issued under the name of the Premier on Saturday the 13<sup>th</sup> of June, titled 'Clear Choice for Rosevears', see attached.

I am concerned this media release is an example of taxpayer-funded resources being used for party-political purposes, and as such breaches provisions of both the *Tasmanian Government Communications Policy* and the *DPAC Handbook for Elected Members of the House of Assembly and Prescribed Parliamentary Office Holders*. These serious concerns have also been reiterated by others, including widely respected administrative law specialist, Professor Rick Snell who is reported as describing as "unethical" recent examples of taxpayers' funds apparently being used for election campaigning (see *the Mercury*, 19<sup>th</sup> June).

This particular media release is branded with the Tasmanian Government logo, was issued via the government media unit DPAC email address, and contains the contact details of a government media unit employee, who as such is presumably funded by the Tasmanian taxpayer. The media statement has subsequently been loaded onto the government media website.

This media release is clearly electioneering for the upcoming Legislative Council election. The title refers to a specific Upper House electorate, Rosevears, reiterated by the opening paragraph, which also draws a direct link between that specific electorate and a specific party-endorsed candidate who is apparently part of a team, "...with a plan..." which is clearly a reference to the current political party in government.

The statement then provides four quotations attributable to Mr Gutwein in his formal government role as Tasmanian Premier, three of which mention the Liberal candidate by name, culminating in a clear call for the electorate to, "...please vote for Jo Palmer on 1<sup>st</sup> August." The statement then refers to "Liberal candidate for Rosevears Jo Palmer...", who is provided three quotations all directly related to her campaign for election to public office as a party endorsed candidate.



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Despite reports in the local media at the time (see *the Examiner* 16<sup>th</sup> June and *the Mercury*, 17<sup>th</sup> June), that the use of government resources for this statement was due to the need to ensure the Tasmanian community is aware of the designated date for the rescheduled Legislative Council elections, there are only two mentions of the 1 August polling date, both attributable to the Premier, and both made in a highly politicised context in which a particular candidate is highlighted.

None of the above would look out of place on a Liberal Party branded media release issued via the Liberal Party Salamanca Place office and using staff and resources paid for by the Liberal Party office. Nor would it look out of place on [tas.liberal.org.au](http://tas.liberal.org.au)

However, the release is out of place when branded as a government statement. Its contents do not relate to public policy work by government, or by the Premier in any of his portfolio responsibilities undertaken in the public interest. It specifically targets a specific potential election outcome in the Liberal Party's interest. Therefore, I am concerned the use of taxpayer-funded resources, including government branding and office and staff resources, for the purpose of blatant Liberal Party electioneering breaches the following section of the *Tasmanian Government Communications Policy* fourth edition, page 8:

***Present information in an objective and apolitical manner***

*Communications activities should not have political purpose and should be delivered with the intent of effectively informing the public of their obligations, rights and entitlements. Communication should be presented in unbiased and objective language, be free from political argument and project a neutral impression of any political party or a party's political interests.*

Further, I draw your attention to the March 2018 DPAC *Handbook for Elected Members of the House of Assembly and Prescribed Parliamentary Office Holders*, specifically page 8 section 3.4 'Use of Public Funds':

***3.4.1 Principles for the use of public funds***

*Members must ensure that their use of public money is above reproach and there can be no grounds for a suggestion of misuse of public money.*

*Members must avoid any arrangement which may give rise to an accusation that they, or someone close to them, are obtaining an immediate benefit or subsidy from public funds, or that public money is being diverted for the benefit of a political organisation.*

*Members may only use publicly funded resources in connection with official duties and not for personal benefit or for party political activity.*

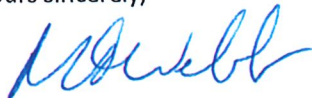
I note that the attached newspaper articles also mention allegations of other political parties represented in the House of Assembly potentially misusing their taxpayer-funded parliamentary resources for party election-related campaigning. I do not have any examples of other party-political campaign materials of this nature so cannot comment on the veracity of these complaints. However, if such allegations are proven to be the case, then I would raise similar concerns as I have expressed here. These media reports reinforce the need for public clarification of this issue to ensure community expectations are met and faith in Tasmania's system of governance is maintained.

As a matter of urgency, I am now requesting that you as Secretary to DPAC undertake a formal review of this media release and its issuing as a government statement supported by taxpayer-funded office and staff resources, including its current location on the Premier's formal media release website, in context of the intent and spirit of the *Government Communications Policy*, the *Handbook for Elected Members of the House of Assembly and Prescribed Parliamentary Office Holders*, and the *Code of Conduct for Members*.

There is an urgent public interest in having this matter resolved swiftly, as I'm sure you will appreciate given the Legislative Council elections currently underway. Tasmanians expect a fair and level playing field to be provided to all candidates whether party-endorsed or independent. If all cannot access taxpayer-funded resources to assist in their respective election campaigns, then surely none should.

I look forward to your reply at your earliest convenience.

Yours sincerely,



Meg Webb MLC  
Independent Member for Nelson

**Attached:**

- 1) copy of Premier's media statement, 'Clear choice for Rosevears', Saturday 13 June 2020
- 2) copy of article, *the Mercury*, Friday 18 June 2020
- 3) copy of article, *the Mercury*, Wednesday 17 June 2020
- 4) copy of article, *the Examiner*, Wednesday 16 June 2020





# MEG WEBB MLC

Independent Member for Nelson

Ms Jenny Gale  
 Secretary to the Department of Premier and Cabinet  
 Via email: [Jenny.Gale@dpac.tas.gov.au](mailto:Jenny.Gale@dpac.tas.gov.au)

15 July 2020



**RE: Concerns over the use of taxpayer funds for partisan election campaigning purposes**

Dear Ms Gale, *Jenny*

I am writing to you further to my initial correspondence to you on this matter (19 June 2020) regarding concerns over the use of taxpayer funds for partisan election campaigning purposes.

In that letter I attached a media statement issued under the name of the Premier on Saturday 13 June, titled 'Clear Choice for Rosevears'. Since then I have had my attention drawn to a subsequent Media Advisory dated 5 July 2020 stating the Premier would be commenting on the Legislative Council elections. This again uses the formal Tasmanian State government logo, and was issued by the government media unit.

Although the Advisory does not mention by name any Legislative Council candidate, the Premier's facebook site post for 5 July 2020 at 11:32am, which is within proximity to the Advisory's notification of 11am, clearly has the Premier attending the launch of the Tasmanian Liberals' endorsed candidate for Rosevears (see attached screenshot).

To clarify, I am not alleging there is anything inappropriate should the Leader of a Party wish to launch a party-endorsed candidate in their own time per se. However serious questions are warranted should taxpayer-funded resources be used to promote that partisan launch, including advising the media the Premier is available to comment in his official capacity as Premier of Tasmania.

In this instance, what public comments were made in the public interest by the Premier to any media responding to the 5 July-issued Advisory that related to the forthcoming Legislative Council elections in both the Rosevears and Huon electorates? Further, were any candidate-specific comments made by the Premier? I note that it does not appear the Premier issued a media release following the media opportunity promoted by the government media unit-distributed Advisory.



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Given the Legislative Council elections currently underway with polling day on 1 August, I once again request a public clarification regarding the use of taxpayer-funded resources, including staff, for election campaigning purposes as a matter of urgency. This is clearly a matter in the public interest, and goes to the heart of community confidence in the transparency and integrity of our democratic institutions and processes.

If you are unable to provide an immediate response to my correspondence of 19 June 2020, or to the subsequent matters raised above, may I please receive an indication by when I can expect your response?

Kind regards,



Hon Meg Webb MLC

Attached:

1. Tasmanian Government Media Advisory, 5 July 2020
2. Screenshot, Premier's Facebook site post of 5 July 2020; 11:32 am.

From: "[media@dpac.tas.gov.au](mailto:media@dpac.tas.gov.au)" <[media@dpac.tas.gov.au](mailto:media@dpac.tas.gov.au)>

Date: 5 July 2020 at 9:04:33 am AEST

To:

Subject: Media Advisory

Reply-To: <[media@dpac.tas.gov.au](mailto:media@dpac.tas.gov.au)>



**Tasmanian  
Government**

5 July 2020

## **Media Advisory**

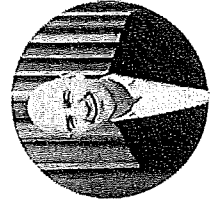
Tasmanian Premier Peter Gutwein will be available to discuss the upcoming Legislative Council elections.

WHEN: TODAY July 5 at 11am.

WHERE: Door of Hope Centre, Glen Dhu Street, South Launceston

Contact: Martin Gilmour

Phone: 0417030632



**Peter Gutwein**  
@petergutweinmp

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**Peter Gutwein**  
5 July at 11:32

Pleased to be here today launching Jo Palmer - Liberal Candidate for Rosevears campaign for Rosevears



13,450 Views  
**Jo Palmer** - Liberal Candidate for Rosevears  
 5 July at 11:30

LIVE NOW: Join our campaign launch with Premier Peter Gutwein

159 | 14 comments | 5 shares

Like Comment Share  
 Most relevant  
 Write a comment...  
 Peter Gutwein 5:55

**Susan Williamson** We can re build Tasmanian economy as United Tasmanians please don't open up Tasmanian borders until September Peter as so many Tasmanian ppl are stating that is their thoughts . Wishing Jo all the very best results in her electorate I'm sure the ppl won't let you down your so very loved Tasmania wide not just in Rosevears

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## Department of Premier and Cabinet

Executive Building 15 Murray Street HOBART TAS 7000 Australia  
GPO Box 123 HOBART TAS 7001 Australia  
Ph: 1 300 135 513 Fax: (03) 6233 5685  
Web: [www.dpac.tas.gov.au](http://www.dpac.tas.gov.au)



 **COPY**

20 JUL 2020

The Hon Meg Webb MLC  
Independent Member for Nelson  
[meg.webb@parliament.tas.gov.au](mailto:meg.webb@parliament.tas.gov.au)

Dear Ms Webb 

I am writing in relation to your letter dated 19 June 2020 asking that I undertake a formal review of the issuing of a media release by the Premier, the Hon Peter Gutwein MP, on 13 June 2020 within the context of the *Government Communications Policy the Handbook for Elected Members of the House of Assembly and Prescribed Parliamentary Office Holders* (the Handbook) and the *Code of Conduct for Ministers* (the Code of Conduct) I also refer to your letter of 15 July 2020 on similar matters related to a media advisory and Facebook post issued on 5 July 2020.

I apologise for the delay in responding to your first letter and will now respond to both letters. I needed to seek more information about any role I may have in relation to the matters you have raised.

The Handbook and the Code of Conduct are guidelines for elected Members. I do not have the authority to conduct a formal review under those documents.

Similarly, the *Government Communications Handbook* is a policy document reflecting guidelines for adherence by Tasmanian State Servants. I have been advised no State Servants were involved in issuing the media release from the Premier's Office on 13 June 2020, or involved in the releases related to 5 July 2020.

Thank you for raising these matters with me.

Yours sincerely

Jenny Gale  
Secretary



# MEG WEBB MLC

Independent Member for Nelson

Attachment 4c

Ms Jenny Gale  
Secretary  
Department of Premier and Cabinet  
Executive Building, 7/15 Murray St  
Hobart TAS 7000  
Via email: [Jenny.Gale@dpac.tas.gov.au](mailto:Jenny.Gale@dpac.tas.gov.au)

23 July 2020



Dear Ms Gale,

Thank you for your letter of 20 July 2020 replying to my previous correspondence regarding the use of tax-payer funded resources, including the official Tasmanian government logo, for apparent partisan political purposes. Specifically, perceived electioneering during the current Legislative Council elections.

I acknowledge these are extremely busy and difficult times for government and the State Service, and I do appreciate the information provided in your response.

However, unfortunately I am still unclear about whether the Premier's media release of 13 June, and the subsequent Media Advisory of 5 July, comply with the principles of good governance and probity.

To clarify, my initial letter to you raised serious concerns specifically relating to the Premier's media release's apparent election-related content and distribution method. The formal review requested was within the context of assessing compliance of these media communiques against the good governance principles contained in documents available.

Hence the crux of my core initial query remains outstanding. Is it possible to obtain a clear assessment by you whether it is appropriate for taxpayer funded resources - including Department of Premier and Cabinet (DPAC)-administered Ministerial and Parliamentary support staff (MPS), office infrastructure and the use of the government logo – to be used in a manner which appears to be for the benefit of a political party, as illustrated by the two government media unit-issued communiques forwarded to you in my previous correspondence?



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To look at my core query from a different perspective; can other political parties, now and into the future, which are publicly funded via state budget output groups administered by DPAC (for example, the output groups which provide Ministerial and Parliamentary Support) consider it acceptable for them to use those resources for the purpose of campaigning for the election of their respective party-endorsed candidates? Further, that it is acceptable for MPS staff employed on Crown Prerogative instruments of appointment to engage in activities in support of party-endorsed candidates seeking election to public office?

As you pointed out in your response, State Service employees were not involved in issuing the two media communiques in question. By this I infer it would be considered inappropriate if there had been, further highlighting the important query as to whether, and if so why, it is considered acceptable for MPS employees to be involved in their employed capacity in election campaigning for party-endorsed candidates?

The March 2018 *Handbook for Elected Members of the House of Assembly and Prescribed Parliamentary Office Holders* (the Handbook – see attached) details that MPS staff who are not secondees from the State Service are appointed by the Crown Prerogative Instruments of Appointment mechanism. Section 7.5 of the Handbook details Instrument of Appointment/Secondment Arrangement Conduct requirements for MPS employees including the expectation that they, “(h) use *Tasmanian Government resources in a proper manner*” (pg 29).

Are you able to clarify whether the current Instrument of Appointment contract still contains this Conduct requirement, or similar provisions? If it has been amended since 2018 can you please provide a current pro format Instrument of Appointment? If there has been no alteration to the Instrument of Appointment contract, can you please detail DPAC expectations of how MPS employees are meant to interpret the above Instrument of Appointment Conduct requirement? Who is responsible for determining “proper manner” in this context, and what guidance is provided to the employee and their designated manager to facilitate compliance?

I also seek clarification regarding the status of the attached March 2018 *Handbook for Elected Members of the House of Assembly and Prescribed Parliamentary Office Holders* (the Handbook). Your letter states this is a guideline document for elected Members under which you do not have the authority to conduct a formal review. However, the March 2018 version to which I am referring is branded as published by the Department of Premier and Cabinet, and details that, “*variations [to the Handbook] may be made from time to time by the Director, Corporate and Culture, DPAC*” (section 1.3; pg 1), and further, “[it] is also distributed by DPAC to *Tasmanian Government departments, the Clerk of the Legislative Council and the Clerk of the House of Assembly*”. Section 1.3 of the Handbook gives the clear impression that responsibility for content and distribution is shared between DPAC and the Premier’s Chief of Staff, rather than the Clerks of the Parliament.

Is the attached March 2018 edition of this Handbook the most current, and if not, may I please be provided the current version in operation? Further, where should compliance queries be directed? If the 2018 version remains current, should I redirect my enquiry to the DPAC Director of Corporate and Culture as indicated above, and if not, can you please clarify who would be the appropriate apolitical authority to whom compliance-related queries should be directed?



To further clarify, I apologise if I inadvertently inferred by my inclusion of a range of codes of conduct and guidelines available to MPs and the public, that any investigation into the appropriateness or otherwise of the media releases in question should be limited to those highlighted code and guideline documents. I did not intend for that short list to be prescriptive, instead my citation of such references was for the purpose of providing context regarding the perceived disparity between the established principles contained in those codes and the example of the afore mentioned media communiques issued. I am happy to be advised if there are more appropriate documents or authorities to ascertain compliance or otherwise of the identified media communications against the good governance and probity principles of non-partisan political use of tax-payer funded resources.

If it is not within your role as the Secretary of DPAC to respond to my initial core query as detailed above, or any of the subsequent clarification queries arising, please advise to which appropriate authority I should redirect my queries.

Kind regards

A handwritten signature in black ink, appearing to read 'Meg Webb', written in a cursive style.

Meg Webb MLC  
Independent Member for Nelson

**Attachment: *Handbook for Elected Members of the House of Assembly and Prescribed Parliamentary Office Holders*, Department of Premier and Cabinet, March 2018.**

## Attachment 5: Guidelines & Codes of Conduct for Elected Representatives and Political Staff

Compiled: July 2020

Guidelines/Codes	Applies to...	Managed by... (who tests compliance?)	Comments/Questions Raised
<a href="#">Tasmanian Government Communications Policy</a>	“... is a policy document reflecting guidelines for adherence by Tasmanian State Servants.” <sup>1</sup>	Manager, Communications and Protocol Unit (DPAC)  “The Manager, Communications and Protocol Unit in the Department of Premier and Cabinet is responsible for managing the Tasmanian Government Communications Policy and the Tasmanian Government Communications Website, including advising agencies on communications policy interpretation and application and evaluating the effectiveness of the policy in helping the Government to meet its objectives.” – pg 44.	Apparently it only applies to Tasmanian State Servants, and not political appointees under a Crown prerogative ‘Instrument of Appointment’ contract. Nor Elected MPs, even those in government. <sup>2</sup>  The Comms Policy document states: “The policy statements provide overarching guidance to all Tasmanian Government communications activities.” – pg 7.  “Present information in an objective and apolitical manner - Communications activities should not have political purpose and should be delivered with the intent of effectively informing the public of their obligations, rights and entitlements. Communication should be presented in unbiased and objective language, be free from political argument and project a neutral impression of any political party or a party’s political interests” – pg 8
<a href="#">Handbook for Elected Members of the House of Assembly and Prescribed Parliamentary Office Holders March 2018</a>	<ul style="list-style-type: none"> <li>• House of Assembly MPs: government and non-government</li> <li>• Leader of the government in the Legislative Council &amp; the Deputy Leader of the Government in the Legislative Council</li> </ul>	DPAC/Premier’s Office (?)  S1.3 “This Handbook is issued to each elected Parliamentary Member of the House of Assembly and Parliamentary Office Holders in the Legislative Council, on behalf of the Premier, by the Premier’s Office Chief of Staff. Variations may be made from time to time by the Director, Corporate and Culture, DPAC. Variations to the Handbook will be discussed with the Premier’s Office Chief of Staff prior to issue. The Handbook is also distributed by DPAC to Tasmanian Government departments, the Clerk of the Legislative Council and the Clerk of the House of Assembly.” – pgs 1-2.	Introduction states: “it [Handbook] includes the procedural framework covering interaction by Government and non-Government Members and their staff, with the State Service” – pg 1.  <b>Sections of interest:</b> <ul style="list-style-type: none"> <li>• 4.7.5 – Electorate office staffing (cross-references to DPAC administrative responsibilities)</li> <li>• 7.1 &amp; 7.5 Crown Prerogative Appointees &amp; Conduct</li> <li>• 8.3.1.1 Crown Prerogative Appointees</li> <li>• Appendix B – Appropriate and inappropriate use of funds</li> </ul>

<sup>1</sup> As described by Secretary, DPAC (J. Gale) in correspondence to M. Webb MLC, 20 July 2020.

<sup>2</sup> Paraphrasing Secretary, DPAC (J. Gale) in correspondence to M. Webb MLC, 20 July 2020.

<p><a href="#">Code of Conduct for Ministers</a></p>	<p>Ministers of the Crown (predominantly sourced from the Assembly, but on occasion will also apply to Members of the Legislative Council when Ministers)</p>	<p>Appears to rely upon self-monitoring by Cabinet. Preamble (pg 2) states, "Ministers are obliged to report any Code non-compliance by themselves or by another Minister to the Premier, or in the case of the Premier to Cabinet". And "Ministers may seek confidential advice from the Parliamentary Standards Commissioner as to any matter arising under this Code." Breaches – pg 6.</p>	<p>Copy available on DPAC is still under the name of Will Hodgman, dated 21 March 2018.  Does not specifically address issue of avoiding using tax-payer funded resources for partisan political purposes. Closest is section "Improper Use of Public Resources" – pg 5.</p>
<p><a href="#">Guidelines on the Caretaker Conventions and the Operations of Government During the Caretaker Period: State Election 2018</a></p>	<p>Applies to, "... all Tasmanian Government Ministers, Ministerial staff and all employees and officers of Tasmanian State service agencies" (S1.14: pg 2).</p>	<p>The Secretary, DPAC</p>	<p>Obviously, no mention of the Leg Council. But does potentially provide a prototype of electioneering sensitivity towards use of tax-payer resources which could/should be extended to (a) political staffers - for all elections (b) all non-general elections (ie Leg Council &amp; Local government).</p>
<p>House of Assembly Handbook</p>	<p>Elected Members of the House of Assembly</p>	<p>Clerk of the House of Assembly (?) Privileges Committee (?)</p>	<p>Available to MPs on the Parliament of Tasmania intranet site.</p>
<p>Legislative Council Members Guide</p>	<p>Elected Members of the Legislative Council</p>	<p>Clerk of the Legislative Council (?) Privileges Committee (?)</p>	<p>Available to MPs on the Parliament of Tasmania intranet site.</p>
<p>Crown Prerogative Instrument of Appointment/Secondment Arrangement Contract(s)</p>	<p>Ministerial and Parliamentary Support staff (MPS)</p>	<p>The Secretary, DPAC (?) Funded via state budget output groups administered by DPAC. And/or Allocated MP (?)</p>	<p>Section 7.5 of the Handbook for Elected Members 2018 details Instrument of Appointment/Secondment Arrangement Conduct requirements for MPS employees including the expectation that they, "(h) use Tasmanian Government resources in a proper manner" - pg 29.</p>





# MEG WEBB MLC

Independent Member for Nelson

Mr Rod Whitehead  
Auditor-General  
Tasmanian Audit Office  
Level 8, 144 Macquarie Street  
Hobart TAS 7000  
Via email: [rod.whitehead@audit.tas.gov.au](mailto:rod.whitehead@audit.tas.gov.au)

12 August 2020

**RE: Public funds used of party political purposes**

Dear Mr Whitehead

Further to my letter to you dated 10 August 2020, in the interests of providing a comprehensive collation of documents for your consideration, I am forwarding related materials pertinent to the matters raised in my initial correspondence as an addendum.

The attached documents include:

- Attachment 1 - the latest correspondence received from the Secretary, Department of Premier and Cabinet, 11 August 2020
- Attachment 2 – Media Advisory issued on behalf of the Premier, 11 August 2020
- Attachment 3 - Media Release issued on behalf of the Premier, Congratulations Jo Palmer, 11 August 2020
- Attachment 4 – Screen Shot-Premier’s Release on Premier’s DPAC website, 11 August 2020.

I am aware of the time constraints under which your office is working and appreciate any consideration of this issue you can provide.

Kind regards,

A handwritten signature in black ink, appearing to read 'Meg Webb'.

Meg Webb MLC  
Independent Member for Nelson



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11 AUG 2020

The Hon Meg Webb MLC  
[meg.webb@parliament.tas.gov.au](mailto:meg.webb@parliament.tas.gov.au)

Dear Ms Webb

I refer to your further letter of 23 July 2020 relating to my response to your letters of 19 June and 15 July 2020.

In those letters you asked me to undertake a formal review and I explained that I did not have authority to do so. You now ask me many detailed questions about policy and legal issues. I can only reiterate that it is not my role or responsibility to provide you with the type of advice, opinion or detailed information you appear to be seeking.

I am able to provide you, of course, with answers to some of your specific factual questions you ask:

- The Ministerial and Parliamentary Support (MPS) Instrument of Appointments still contain the clause that Government resources are to be used in a proper manner, at Schedule 4, 4.2 (h).
- Each MPS staff is responsible to his/her respective Chief of Staff.
- I can confirm that the March 2018 edition of the *Handbook for Elected Members of the House of Assembly and Prescribed Parliamentary Office Holders* is the most current edition.

Yours sincerely



Jenny Gale  
Secretary



**From:** [media@dpac.tas.gov.au](mailto:media@dpac.tas.gov.au) <[media@dpac.tas.gov.au](mailto:media@dpac.tas.gov.au)>  
**Sent:** Tuesday, 11 August 2020 3:47 PM  
**To:**  
**Subject:** Media Advisory



**11 August 2020**

**Peter Gutwein, Premier**

## **Media Advisory**

Premier Peter Gutwein will congratulate Jo Palmer on her election to the seat of Rosevears.

**WHEN:** 4:30pm TODAY

**WHERE:** Media Room, Executive Building Hobart

**Contact:** Rebecca Ellston

**Phone:** 0477555227

**From:** [media@dpac.tas.gov.au](mailto:media@dpac.tas.gov.au) <[media@dpac.tas.gov.au](mailto:media@dpac.tas.gov.au)>  
**Sent:** Tuesday, 11 August 2020 5:04 PM  
**To:**  
**Subject:** Congratulations Jo Palmer



11 August 2020

Peter Gutwein, Premier

## **Congratulations Jo Palmer**

Congratulations to Jo Palmer on her election to represent the community of Rosevears

This is a significant achievement, and the efforts of Jo, her husband Andrew and entire team throughout the campaign must be applauded.

Having lived and worked in the region for many years, Jo will be an outstanding advocate and representative for the people of Rosevears.

Jo's election is a solid endorsement of the Liberal Government's plan to rebuild an even stronger Tasmania as we continue to recover from the COVID-19 pandemic.

I look forward to Jo joining the team and working with her to deliver on our commitment to build ourselves out of the COVID-19 crisis.

Contact: Rebecca Ellston

Phone: 0477555227



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# Peter Gutwein

## Premier of Tasmania



11 August 2020

Peter Gutwein, Premier

### Congratulations Jo Palmer

Congratulations to Jo Palmer on her election to represent the community of Rosevears

This is a significant achievement, and the efforts of Jo, her husband Andrew and entire team throughout the campaign must be applauded.

Having lived and worked in the region for many years, Jo will be an outstanding advocate and representative for the people of Rosevears.

Jo's election is a solid endorsement of the Liberal Government's plan to rebuild an even stronger Tasmania as we continue to recover from the COVID-19 pandemic.

I look forward to Jo joining the team and working with her to deliver on our commitment to build ourselves out of the COVID-19 crisis.

[More Media Releases from Peter Gutwein](#)

[More Media Releases from the Premier](#)

### Latest releases

Labor fail to get behind vital infrastructure projects yet

again

Our ref: MM20/0165

22 September 2020

**TO BE OPENED BY ADDRESSEE ONLY**

The Hon Meg Webb MLC

Parliament of Tasmania

Via email: [meg.webb@parliament.tas.gov.au](mailto:meg.webb@parliament.tas.gov.au)

Dear Ms Webb,

**Matter raised with the Auditor-General**

I am writing to you about a matter you raised with the Auditor-General, and which he subsequently sent to us by way of letter dated 18 August 2020. The matter concerned alleged use of public funds for party political purposes.

Please be advised that we registered the matter as an Information Report, and considered it at a recent internal working group meeting. The internal working group assesses potential own-motion investigation topics against our legislated objectives, known risk areas, and resources.

The group determined, in light of our current work plan and the perceived risks, not to proceed to an own-motion investigation into this matter at this time. However, we will keep the information on file, and the decision may be revisited in the future. We will advise the Auditor-General of this decision.

Thank you for reporting this, it is valuable for us to be aware of these kinds of matters.

Yours sincerely,



Sarah Frost

**Acting Director, Operations**