

'Legal issue' stops independent review into Tasmania's Integrity Commission

By state political reporter [Adam Langenberg](#)

Anti Corruption Agencies

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Miriam Beswick (centre) and her former Jacqui Lambie Network colleagues, Andrew Jenner and Rebekah Pentland, had called for the review. (ABC News: *Ebony ten Broeke*)

In short:

The Tasmanian government signed a supply and confidence deal with the Jacqui Lambie Network in April last year, committing to an independent review of the state's Integrity Commission, with "an eye to giving it greater capacity".

Premier Jeremy Rockliff says that can't go ahead because of a legal issue, where the review might conflict with the powers of a parliamentary committee

What's next?

Independent MPs Miriam Beswick and Rebekah Pentland say they're "disappointed", but understand — and are not tearing up their deal with the government as a result.

An independent review of the powers of Tasmania's Integrity Commission can't go ahead because of a legal issue, Premier Jeremy Rockliff has announced.

The review, a key condition of the minority government's confidence and supply deal with the Jacqui Lambie Network (JLN), "is unable to proceed" because it might interfere with the functions of a parliamentary committee on integrity, tasked with monitoring and reviewing and reporting on the performance and functions of the Integrity Commission, Mr Rockliff said.

"It is the government's view that the appointment of an independent reviewer to conduct a review of the Integrity Commission may be in conflict with that function," Mr Rockliff said.

The deal with the three Jacqui Lambie Network MPs — Andrew Jenner, Rebekah Pentland and Miriam Beswick — lapsed last year when Ms Pentland and Ms Beswick quit the party and decided to run as independents.

Mr Jenner has not reached a new supply and confidence deal with Mr Rockliff, but Ms Pentland and Ms Beswick signed a new deal in August, which stipulated a number of commitments, including the integrity review should be "retained and fulfilled in this new agreement and within the originally intended time frames".

The two independents said on Friday that they were "disappointed" the review would not proceed, but understood the legal issue.

"The government's not going back on trying to produce that review, it just can't happen given the legislation," Ms Pentland said.

Ms Beswick said her expectation was the joint committee on integrity could still look into the Integrity Commission and potentially "have more powers" than an independent reviewer.

"It is disappointing, but obviously there is the opportunity there for the committee to do that work, and that is what the committee was designed for," she said.

"So we're really hoping that they take that that on, and get the review going."



Miriam Beswick, Andrew Jenner and Rebekah Pentland had started the political term as JLN MPs, but only Mr Jenner remains in the party. (ABC News: Luke Bowden)

The deal with the government suggested the review needed to be conducted with "an eye to giving it greater capacity to conduct its work", and Ms Beswick said nothing had changed in the 10 months since it was signed.

"We definitely need to see that the Integrity Commission is working the way it's intended to be," she said.

"So it'll be really exciting to see what, presumably, comes out of the committee's work."

Mr Jenner was less understanding of the position change than his former party members, saying the cancellation confirmed neither the premier or his government "can be trusted".

"I entered into a post-election agreement with the premier in good faith, but it is now clear that it was not worth the paper it was written on," Mr Jenner said.

He said the Integrity Commission was crucial to maintaining "rigorous standards of accountability" in public administration, and its "secrecy and slow pace" in dealing with serious allegations, including into Members of Parliament, showed there was "an urgent need for review and reform".

"The reasons given by the government for not undertaking an independent review don't stack up," he said.

"The bigger question is, what is he and his government trying to hide?"



Premier Jeremy Rockliff says it is "the government's view the appointment of an independent reviewer to conduct a review of the Integrity Commission may be in conflict with that function". (ABC News: Ebony ten Broeke)

'Looks like an excuse', says independent MLC

Independent MLC Meg Webb expressed doubts legal issues were a legitimate reason not to proceed with the review, but if they were, said they should have been detected soon after the deal with the JLN was signed.

"It's now been 10 months since the government made its arrangement with the JLN, which included this review.

"Now at the eleventh hour, they've come forward with what looks like an excuse," she said.

"If in fact it is prevented by something in the act, that should have come to light earlier."

Ms Webb said the government had "avoided all scrutiny" on Integrity Commission matters — including on implementing the recommendations of a 2016 review into the Integrity Commission Act — since the state election on the basis the review would go ahead.

"What we know for a fact is that our Integrity Commission here in Tasmania is drastically underfunded to the extent it's unable to complete the work it's legislated to do. It's also impeding by legislation that needs updating, the Cox Review from 2016 told us that, we've been waiting for those reforms to be brought forward," she said.

"We need progress on this. It's not up to the government to just come out with an excuse at the eleventh hour, it's up to them to deliver on the intent of this promise, to improve our commission, to improve integrity in this state and to find a way forward to have this review conducted."

The government is yet to respond to questions about when it detected the legal issue, and why this review could not go ahead when the 2016 review into the commission was able to proceed.

A spokesperson argued the 2016 review into the Integrity Commission was only able to proceed because of a legislative change "which provided for a one-off independent review as soon as possible after 31 December 2015".

"That provision is now extinguished. Section 24 of the Act sets out that ongoing oversight responsibility rests with the Joint Standing Committee on Integrity," the spokesperson said.

Committee chair Rosemary Armitage said conducting a review would be discussed at the next meeting on March 11.



Opposition Leader Dean Winter says the independents "don't hold this premier to account at any time", despite pledging to do so. (ABC News: Luke Bowden)

Independents' response 'farcical', Labor says

Labor leader Dean Winter said both the government and the two northern independents had questions to answer.

"Jeremy Rockliff was so desperate to do a deal to keep himself in power that he's agreed to do this review that he now says is effectively unlawful, he should have done his homework at the time before he committed to doing it," he said.

"But frankly the response from the independents so far has been farcical as well. These independents don't hold this premier to account at any time. This is their own commitment that they sought, they gained, and now they appear happy for the premier to just roll over and not do."

Ms Pentland rejected suggestions she and Ms Beswick were not holding the government to account.

"We've tried our hardest to get an independent review on the table but unfortunately given the legislation, we can't," she said.

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