



Our reference: MM13/0020

7 March 2013

Mr Malcolm Mars
24 Bareena Road
TAROONA TAS 7053

Dear Mr Mars

Your complaint to the Integrity Commission

I refer to your complaint of 22 February 2013 about Mr Paul Harriss MLC and members of the Legislative Council Select Committee on the Tasmanian Forests Agreement Bill 2012 (the Committee).

Your complaint alleges that Mr Harriss and the member of the Committee 'have failed to declare conflict of interest' in respect of matters presently under consideration before the Committee.

The Integrity Commission has jurisdiction with respect to misconduct by public officers.

A member of the Legislative Council is a 'public officer' for the purpose of the *Integrity Commission Act 2009*¹ (the Act).

The term 'misconduct' is defined by s.4(1) of the Act in the following way:

"misconduct" means –

- (a) Conduct, or an attempt to engage in conduct, of or by a public officer that is or involves –
 - (i) a breach of a code of conduct applicable to the public officer; or
 - (ii) the performance of the public officer's functions or the exercise of the public officer's powers, in a way that is dishonest or improper; or
 - (iii) a misuse of information or material acquired in or in connection with the performance of the public officer's functions or exercise of the public officer's powers; or
 - (iv) a misuse of public resources in connection with the performance of the public officer's functions or the exercise of the public officer's powers; or

¹ The expression 'public officer' includes 'a person who holds any office ... by way of ... election'. (s.4(1))

(b) conduct, or an attempt to engage in conduct, of or by any public officer that adversely affects, or could adversely affect, directly or indirectly, the honest and proper performance of functions or exercise of powers of another public officer

– but does not include conduct, or an attempt to engage in conduct, by a public officer, in connection with a proceeding in Parliament.’

It is self-evident that the work of the Committee is itself ‘a proceeding in Parliament’, or is ‘in connection with a proceeding in Parliament’. Accordingly, the actions of the members of the Committee about which you complain cannot constitute ‘misconduct’.

We also note your reference to Mr Evan Rolley and a suggestion of potential conflict arising from decisions made by Forestry Tasmania when he was Managing Director (1990–2006), due to his later taking a position (in 2012) with Ta Ann Tasmania. This allegation does not raise reasonably a suspicion of misconduct and so does not relate to the functions of the Commission.

Thank you for taking the time to bring your concerns to our attention.

Yours sincerely



Russell Pearce
Deputy Chief Executive Officer