



ETHICAL CONDUCT AND POTENTIAL
MISCONDUCT RISKS IN TASMANIAN
PARLIAMENTARY ELECTIONS RESEARCH
PAPER SERIES

29 July 2026

PAPER 3:
THE USE AND MISUSE OF
PUBLIC RESOURCES
DURING ELECTION
CAMPAIGNS



INTEGRITY
COMMISSION
TASMANIA



The objectives of the Integrity Commission are to:

- improve the standard of conduct, propriety and ethics of public authorities in Tasmania
- enhance public confidence that misconduct by public officers will be appropriately investigated and dealt with, and
- enhance the quality of, and commitment to, ethical conduct by adopting a strong, educative, preventative and advisory role.

We acknowledge and pay our respects to Tasmanian Aboriginal people as the traditional owners of the land upon which we work.

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This report and further information about the Commission can be found on the website at:

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INTEGRITY
COMMISSION
TASMANIA

Project Acropolis III:

The use and misuse of public resources during election campaigns

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Executive summary

Tasmania has one of the oldest democracies in the world, marked by a strong history of innovation. Even so, state elections are still exposed to risks that can affect how fair they are. For some time, concerns have been raised in Tasmania and across Australia about the lack of transparency and regulation around political donations and practices like indirect electoral bribery.

This research report looks at another risk - the misuse of taxpayer-funded resources for party political or partisan purposes, especially during election campaigns. Tasmania lags behind other states in setting clear rules about how public resources can be used, both generally and during election periods, when political activity is most intense. Where rules do exist, there are limited systems to properly oversee them, investigate breaches, and hold public officials accountable.

When the integrity of democratic processes is undermined, public trust in institutions declines. This loss of confidence weakens the perceived legitimacy of elected governments and democratic institutions, making it harder for them to govern effectively.

This report follows the earlier release of a public consultation paper and has been informed by submissions received during that process.¹ It examines the regulation of public resources which are at particular risk of being misused during election campaigns, with a focus on the House of Assembly. It makes recommendations which have been informed by submissions to the public consultation as well as good practice examples in other jurisdictions.

Briefly, the recommendations relate to:

- ▼ the use of public resources
- ▼ recording time spent on public duties by electorate officers and ministerial staff
- ▼ government advertising and communications
- ▼ the Members' Resource Allowance
- ▼ amendments to the *Integrity Commission Act* to ensure that members of parliament and ministers fall within the Commission's jurisdiction during election periods, and
- ▼ policy and election commitment costings.

This project is not an investigation into individual or systemic misconduct in Tasmania but serves the Integrity Commission's pro-integrity and misconduct prevention functions. In producing this report and developing recommendations, we seek to contribute to enhancing public confidence in the democratic process as well as the operation of government more broadly.

Some of the recommendations are complex and involve consideration of various legal, industrial, logistical and administrative factors. Because of this, putting them into action may be challenging and will require careful planning. Those affected by any changes must be provided with appropriate education and guidance.

The paper does not set out to resolve questions about how the recommendations should be implemented. These are matters for the Department of Premier and Cabinet to determine. We do however acknowledge that successful implementation of the recommendations will rely on adequate skilled resourcing by government, a point that was made in a number of submissions to the draft Final Report.

The recommendations may appear onerous, but they do support the delivery of a more transparent and accountable democracy to the Tasmanian public.

The following people made a submission to the Consultation Paper and/or a request by the Commission to stakeholders for feedback on the draft Final Report.

Eloise Carr – Director, Australia Institute (Tasmania)

Peter Coulson – former State Director, Liberal Party (Tasmania)

Craig Garland MP – Member for Braddon

Shane Gregory – Associate Secretary, Department of Premier and Cabinet

Andrew Hawkey – Electoral Commissioner

Casey Hiscutt MLC – Member for Montgomery

Jeremy Rockliff MP – Premier

Laura Ross – Clerk of the House

Gary Swain - Secretary, Department of Treasury and Finance

Catherine Vickers – Clerk of the Legislative Council

Meg Webb MLC – Member for Nelson

Josh Willie MP – Leader of the Opposition

Rosalie Woodruff MP – Leader of the Tasmanian Greens.

We also received two anonymous submissions to the Consultation Paper.

Recommendations

Recommendations

1. That the Department of Premier and Cabinet update all relevant policies, handbooks and guidelines with
 - a) a statement that Members of Parliament (MPs) and ministers must use public resources for the dominant purpose of performing their public duties, based on the principles described in this report
 - b) an express prohibition against the use of public resources for personal, commercial and partisan purposes, based on the principles described in this report
 - c) examples of conduct which infringes the principles set out in this report, and
 - d) examples of conduct which does not infringe the principles set out in this report.
2. That the Premier include the statements set out in recommendation 1 in all MPS staff instruments of appointment and secondment arrangements, the Ministerial Code and the standalone Ministerial Staff Code.
3. That the Joint Standing Committee on Integrity makes recommendations to each House of Parliament to include the statements set out in recommendation 1 in the Members of Parliament Code of Conduct.
4. That the Department of Premier and Cabinet adopt:
 - a) time recording mechanisms for MPs' staff and ministers' staff and that MPs and ministers be required to certify that their staff have not been engaged in partisan activities during any recorded work hours; or
 - b) alternatively to (a), a method of ensuring that MPs' staff and ministers' staff do not engage in partisan activities during work hours provided that the adopted method can be tested or reviewed by an independent auditor and MPs and ministers certify that their staff have not engaged in partisan activities during work hours.
5. That the Attorney-General amend the *Integrity Commission Act 2009* (Tas) to ensure that members of parliament and ministers fall within the Commission's jurisdiction during election periods.
6. That the Integrity Commission conduct mandatory audits of a random sample of MPS staff time recording mechanisms following State elections.
7. That the Department of Premier and Cabinet include an express prohibition against using government advertising and communications for partisan purposes in the Tasmanian Government Corporate Brand Identity and Communications Policy.
8. That the Department of Premier and Cabinet develop more explicit guidance addressing the direct and indirect ways in which government advertising and communications can be politicised, based on the examples of Victoria and the Australian Capital Territory.
9. That the Tasmanian Audit Office conduct mandatory audits of a random sample of government advertising following State elections.
10. That the Department of Premier and Cabinet adopt the Legislative Council's Members' Resource Allowance Policy for House of Assembly MPs.

Recommendations

11. That the Department of Premier and Cabinet and both Houses of Parliament develop and publicly release annual, itemised MP allowance expenditure reports per MP which must be certified by each MP.
12. That the Houses of Parliament Clerks or finance teams conduct random audits of the electorate allowance, recover misspent allowances, and report on any recovered monies in the annual MP allowance expenditure report.
13. That the Treasurer amend the *Charter of Budget Responsibility Act 2007* (Tas) to expressly provide that independents and minor parties (regardless of size) may submit policies for costing.
14. That the Treasurer amend the *Charter of Budget Responsibility Act 2007* (Tas) to make it mandatory to submit details of all policies proposed to be implemented by a fixed time.
15. That the Department of Treasury and Finance provide more detailed Costing Guidelines and associated costing request and reporting templates to capture a greater level of qualitative detail.
16. That the Department of Treasury and Finance cost 'self-costing' policies according to whether the pledged amount is a realistic assessment of what it would cost to achieve the policy objective.
17. That the Treasurer amend the *Charter of Budget Responsibility Act* to provide that the Department of Treasury and Finance may issue public statements to correct errors and address misrepresentations of costings.
18. That the Treasurer amend the *Charter of Budget Responsibility Act* to provide for the development of a Budget Impact Statement.
19. That the Department of Treasury and Finance maintain every State election's policy and election commitment costing webpages.
20. That the Tasmanian Parliamentary Standing Committee on Public Accounts consider the recommendations from this chapter in the course of their *Inquiry into the Establishment of a Parliamentary Budget Office*.

1. Introduction

The Integrity Commission (the Commission) is an independent statutory authority established by the *Integrity Commission Act 2009* (Tas) (IC Act).

The Commission's objectives are to:

- ▼ improve the standard of conduct, propriety and ethics of public authorities in Tasmania
- ▼ enhance public confidence that misconduct by public officers will be appropriately investigated and dealt with, and
- ▼ enhance the quality of, and commitment to, ethical conduct by adopting a strong, educative, preventative and advisory role.

As part of that function, the Commission has decided to release a series of research papers about ethical conduct and potential misconduct risks in Tasmanian parliamentary elections. The Commission has released two papers in the series: one about electoral offences and campaign conduct under the *Electoral Act 2004* (Tas), and another about grant commitments in election campaigns.²

This research paper is the third in the series. It examines the misconduct risk of the misuse of resources during election campaigns and provides recommendations to address this risk. In producing this paper, our aim is to ensure the public is made aware of the risk and to promote discussion about potential solutions.

2. About this research report

Voting in elections is the primary means by which people participate in their democracy. It is vital that the integrity of elections is safeguarded so that people can trust that election outcomes are legitimate expressions of their will and have not been influenced by other factors.

For these reasons, among others, actual and perceived fairness in electoral competition is paramount. The ability for candidates to campaign on an equal basis is not only a fundamental aspect of political equality, but it also gives voters free and genuine choice among prospective members of parliament (MPs).³ In this way, fair electoral competition improves the chances that parliament is a place in which the diverse interests of society are represented.⁴

As observed in submissions to this project, Tasmania's democracy is one of the world's oldest, and one distinguished by a history of innovation.⁵ This pedigree notwithstanding, Tasmanian State elections are not immune to risks which may impact their fairness. Lack of transparency and regulation around political donations and indirect electoral bribery ('pork barrelling'), for example, have been the subject of scrutiny and calls for reform for some time in Tasmania and Australia more broadly.⁶

Another related risk to electoral fairness which is receiving increased attention in Australia is the misuse of public resources for election campaigning, the subject of this research report. Commission holdings, open-source research and submissions to this project have highlighted that Tasmania lags behind other states in regulating the use of public resources generally as well as during the highly politicised periods of elections. Moreover, where standards and rules do exist, there is a lack of effective oversight and enforcement mechanisms to pursue breaches and hold public officers to account.⁷

This report examines the regulation of some public resources which are at particular risk of being misused during election campaigns. It makes recommendations which have been informed by submissions as well as good practice in other jurisdictions. In producing this report and developing recommendations, we seek to contribute to enhancing public confidence in the democratic process as well as the operation of government more broadly. As a research project, this report has not relied on our coercive powers.

This report is divided into five parts:

- ▼ the first part introduces and defines key concepts and explains the report's methodology and scope

- ▼ the second part concerns the use of certain ministerial and parliamentary support (MPS) staff during election campaigns
- ▼ the third part addresses the use of government advertising and communications allowances for partisan purposes
- ▼ the fourth part looks at the election commitment and policy costing process
- ▼ the final part concludes the report and provides a list of all recommendations.

2.1. Scope and methodology

This report examines the regulation of the use of public resources in Tasmanian State elections, that is, House of Assembly elections. Nonetheless, while not the focus of this report, some of the discussion may be relevant to Legislative Council elections.

This report was borne out of complaints and other material in our holdings. However, it does not rely on any information obtained via our coercive powers. The report is informed by cross-jurisdictional research of legislation, policies, codes of conduct, and integrity agency reports from Australian states and territories, as well as academic research where relevant.

Further, in August 2024 and September 2024, we ran a public consultation process to canvass the views of the public and key stakeholders, such as members of Parliament, major and minor parties, Tasmanian State Service departments and oversight agencies. We thank those individuals and organisations who made submissions, as well as those who provided their assistance and cooperation when we requested further information from them.

2.2. What are public resources?

MPs have varied duties and responsibilities. These responsibilities include, but are not limited to, advocating for, and communicating with, their constituents, participating in community initiatives and events, managing their electorate offices, developing, scrutinising, and debating legislation, debating matters of public importance and conducting research into these matters, as well as serving on parliamentary committees.⁸

MPs are provided with public resources – that is, taxpayer funded salaries, staff, infrastructure, allowances and services – to support them to fulfil their public duties. In Tasmania, MPs are entitled to, among other things, electorate offices and electorate officers to staff them, as well as travel and communications allowances, to ensure that they can communicate with, access, and be accessible to, their constituents.⁹

Public resources are not distributed equally among all MPs. In the House of Assembly, MPs who are members of the Government typically have the greatest access to resources, followed by Opposition members, minor party members, then independents.¹⁰ For example, some Government MPs have the added responsibility of being ministers, which means that they are entitled to additional public resources such as ministerial offices separate from their electorate offices, and to ministerial staffers, such as policy and media advisers.¹¹

Aside from the entitlements and allowances that are available to MPs on an individual basis, there are public resources which are exclusively available to the Government. For example, taxpayer-funded advertising is available to the government of the day to inform the public of their rights, obligations, and entitlements, and to educate and mobilise the public to respond to public health or safety threats.¹²

Public resources are expected to be used exclusively in the service of the public interest. For this reason, many Australian and international jurisdictions expressly prohibit the use of public resources for party political or partisan purposes, including for election campaigning.¹³ In Tasmania, public resources (including salaries) remain available to MPs during an election campaign period, even though MPs technically cease to be members from the date of the dissolution of the House.¹⁴ Ministers remain as such during the campaign period.

2.3. What are partisan activities?

For the purposes of this research report, ‘partisan activities’ refers to any activity which is undertaken for the dominant purpose of advancing the political or electoral interests of a party and/or individual MP. We use the term ‘partisan’ instead of ‘party political’ to reflect the fact that some MPs are not party affiliated but ought to be similarly constrained in their use of public resources to enhance their own political prospects.¹⁵

Partisan activities may be broken down into two categories:

- ▼ election campaigning or electioneering, which refers to activities directed at influencing the way electors vote in an election, including by promoting or opposing a political party or individual MP (the primary focus of this report), and
- ▼ party specific activities, which refers to activities directed at supporting the management or administration of parties, including member recruitment and fundraising.

2.4. Why is the use of public resources for partisan activities a problem?

Public resources, funded by taxpayers, allow MPs to serve their communities properly, both in terms of their electorates and the State as a whole. If public resources are instead directed toward partisan activities, such as to an MP seeking re-election, the community may be deprived of support and services that should have been available to it.¹⁶

Setting aside the principle that public resources should only be used for public purposes, public resources are not available to all MPs on an equal basis. These resources are not available at all to people standing as candidates for election who are not already members of parliament. Differential access to resources means that those with greater access enjoy an advantage which, should they choose to misuse resources, has implications for the fairness of the electoral contest.¹⁷

It may be argued that to suggest there is a difference between the ordinary work of MPs and partisan activities is simplistic and naive. As some submissions noted, all the business of MPs and their staff is ‘political’ in a way.¹⁸ One submission stated that ‘[m]inisterial staffers and electorate officers ... spend all of their time acting politically and seeking to advance the political prospects of their employers (not just during election campaigns and the caretaker period).’¹⁹ However, as another submission argued, to conflate ‘political’ activities with ‘partisan’ ones is misleading, a point with which we agree.²⁰ Moreover, the principle that public resources should be used only for public purposes – both during and outside of election periods – is a long-standing and widely accepted one, even if the observance of this principle has weakened over time.

The above discussion highlights another problem associated with the misuse of resources for partisan activities: the normalisation of unethical practices in politics and government.²¹ It is no secret that public trust in democracy, its institutions, and its key actors, such as politicians, is eroding. Indeed, a 2023 survey by the Australian Public Service Commission (APSC) found that 49% of Australians ‘believe that corruption is a widespread issue in Australia’s democratic institutions and processes’, and that only 41% believe that there are ‘enough checks to ensure politicians and officials can’t abuse their power’.²² Putting political self-interest ahead of the public good risks worsening this trend of distrust, disconnection and alienation between the citizenry and its government, destabilising our democracy as a result.

3. Ministerial and Parliamentary Support staff

3.1. Introduction and background

Ministerial and Parliamentary Support (MPS) staff are employed to support ministers, certain parliamentary office holders and House of Assembly members as electorate officers, ministerial staffers and support staff.²³ Broadly:

- ▼ electorate officers help MPs discharge their responsibilities to their electorates by liaising with constituents and supporting the fulfilment of parliamentary duties, and
- ▼ ministerial staffers provide political context and advice and assistance to ministers to carry out their portfolio responsibilities.

The term ‘MPS staff’ as used in the paper does not include individuals working within Parliament House, permanently or temporarily, employed under the provisions of the *Parliamentary Privilege Act 1898* or independent contractors. We acknowledge that many of the issues discussed below also arise in relation to electorate officers employed to support Members of the Legislative Council but the focus of the research paper is on the House of Assembly.

Unlike state servants, MPS staff are not required to be apolitical in the performance of their roles. However, this does not mean that they are permitted to undertake partisan activities on behalf of their member or minister as a part of their jobs. In the wake of recent integrity body investigations, many Australian jurisdictions have moved to prohibit MPS staff from engaging in partisan activities – especially election campaigning – during business hours.²⁴ This prohibition notwithstanding, an MPS staff member’s time outside of business hours is their own, meaning that they may engage voluntarily in partisan activities, including election campaigning, in their personal time.²⁵

This part outlines the current Tasmanian standards and regulations relating to politically partisan conduct by certain MPS staff. It examines the strengths and limitations of these standards against good practice developments in other Australian jurisdictions and makes recommendations to address shortfalls.

3.2. Regulation of MPS staff conduct in Tasmania

House of Assembly MPS staff are employed as either Crown prerogative appointees or as secondees from the Tasmanian State Service. They are subject to the terms and conditions of either an instrument of appointment or secondment arrangement. Irrespective of the employment mechanism, all MPS staff employment arrangements must be approved by the Premier or their delegate.²⁶ The period of appointment for MPS staff is either at the pleasure of the Premier, until the resignation or the termination of the Government, or for a period specified in their employment mechanism, whichever occurs first.²⁷

Some aspects of the guidance and controls on partisan activity apply to both electorate officers and ministerial staffers. For the purposes of this section however, the requirements and expectations for electorate officers and ministerial staffers are discussed separately.

Electorate officers

Relevant requirements and expectations of electorate officers and their supervising MPs are as follows.

Crown Prerogative appointments and secondment arrangements

House of Assembly electorate officer instruments of appointment and secondment arrangements incorporate twelve standards for electorate officer conduct.²⁸ None of these standards prohibit electorate officers from engaging in partisan activity on behalf of their supervising MP on work time during and/or outside of election periods, although there is a general exhortation to ‘use Tasmanian Government resources in a proper manner’.²⁹

Electorate officers are subject to the direction and control of the MP in the office in which they are assigned duties.³⁰ However, it is the Premier who has the authority to terminate an electorate officer’s appointment if they have been found to have ‘engaged in serious and wilful misconduct’.³¹

Handbook for Elected Members of the House of Assembly and Prescribed Parliamentary Office Holders

While there do not appear to be any clear prohibitions against electorate officers engaging in partisan activities in the course of their employment, their supervising MPs are subject to requirements about the appropriate use of public resources which appear to include their staff.

The Government publication, *Handbook for Elected Members of the House of Assembly and Prescribed Parliamentary Office Holders* (Members’ Handbook) provides guidance to House of Assembly MPs to ‘assist them to carry out their parliamentary roles and responsibilities’.³² Section 3.4 lists the public resources funded from the Tasmanian Government State Budget for Ministerial and Parliamentary Support, which include ‘staffing support’.³³ Section 3.4.1 outlines ‘principles for the use of public funds’ which stipulate that MPs ‘must avoid any arrangement which may give rise to an accusation that... public money is being diverted for the benefit of a political organisation’ and that they ‘may only use publicly funded resources in connection with official duties and not for... party political activity’.³⁴ The Handbook does not provide a definition of ‘party political activity’, however a series of examples are provided at Appendix B to illustrate conduct which may entail inappropriate use of funds. For instance, the example of ‘[s]taff employed on party political duties’ is given to illustrate an inappropriate use of MPS staff.³⁵

The Handbook directs MPs seeking advice on the appropriate use of public funds to the Department of Premier and Cabinet's (DPAC's) Corporate and Government Services Division, the functions of which are now undertaken by Budget and Finance within the Office of the Secretary Group.³⁶ According to the Associate Secretary of DPAC, 'key contacts' from the Premier's Office or the Leader of the Opposition's Office contact DPAC Finance periodically to seek advice. Requests for advice are then referred to the Specialist Accountant (Financial Reporting and Operations) for consideration. In cases where the matter is complex or unclear, the matter is referred to the Chief Financial Officer for a decision. In some circumstances, the issue may be referred to the Associate Secretary or the Secretary of DPAC.³⁷

For advice on compliance with the Handbook generally, MPs are encouraged to consult the Parliamentary Standards Commissioner.³⁸ The Parliamentary Standards Commissioner, established under the *Integrity Commission Act 2009* (Tas), is empowered to provide advice to MPs on, relevantly, the interpretation of any codes of conduct and guidelines relating to the conduct of MPs.³⁹

The Members' Handbook states that alleged breaches of the Handbook committed by Cabinet Ministers should be directed to the Premier in the first instance.⁴⁰ In cases where the Premier or a non-Cabinet MP is alleged to have committed a breach, the matter should be referred to the Chief Executive Officer of the Integrity Commission.⁴¹ However, as MPs lose their status as members during election periods, we do not have jurisdiction over incumbent MPs at those times – although we do have jurisdiction over their staff.

The Handbook does not specify what, if any, sanctions the Premier might apply in the event of a breach by a Cabinet minister. As regards the Integrity Commission, if a complaint is made to the Commission and we consider it to be sufficiently serious and/or systemic, among other factors, we may choose to investigate the matter. At the conclusion of an investigation, the investigator makes findings of fact, and the Board may make recommendations and resolve to table the report in Parliament or conduct an inquiry.⁴² A finding that misconduct or serious misconduct has occurred may only be made after an inquiry by an Integrity Tribunal.⁴³

Members of the Parliament of Tasmania Code of Conduct (MPs' Code)

The MPs' Code 'sets out ethical standards and principles to assist [MPs] in observing expected standards of conduct in public office'.⁴⁴ For House of Assembly Members, a version of the MPs' Code is contained in the House of Assembly Standing Orders and Rules, although this version does not contain the 'general information' section found at the end of the standalone Code which provides brief advice for MPs and notes on breaches of the Code.⁴⁵

Under 'Use of public resources', the MPs' Code expects that MPs 'use public resources and assets strictly for the purpose of performing their role as a member of parliament, and in accordance with any rules and guidelines regarding the use of those resources and assets.'⁴⁶ Further, MPs 'must not use public resources, or allow such resources to be used by others, for personal advantage or benefit.'⁴⁷

The MPs' Code does not define 'public resources' or 'personal advantage or benefit'. However, in requiring the adherence to guidelines regarding the use of public resources, such as the Members' Handbook, it may be inferred that the use of electorate officers for partisan purposes is an inappropriate use of funds.

As with the Members' Handbook, MPs may seek advice on the MPs' Code from the Parliamentary Standards Commissioner, 'including advice on how to avoid or deal with a possible breach'.⁴⁸ According to the standalone MPs' Code, breaches may be determined by the relevant House.⁴⁹ For House of Assembly MPs, according to the Standing Orders, it appears that the Privileges and Conduct Committee is empowered to 'enquire into a report upon complaints of breach of ... the provisions of the Code of Conduct which may be referred to it by the House.'⁵⁰

Integrity Commission Act 2009 (Tas)

As public officers under the *Integrity Commission Act*, electorate officers fall within the Commission's jurisdiction.⁵¹ Electorate officers spending work time on partisan activities may be engaged in misconduct as defined under section 4 of the *IC Act*, namely:

- ▼ 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; and/or
- ▼ 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.⁵²

MPs are designated public officers (DPOs) under the *Integrity Commission Act*. If MPs direct or instruct their electorate officers to spend work time on partisan activities, they may be engaged in misconduct as defined under section 4 of the *IC Act*, namely:

- ▼ a breach of a code of conduct applicable to the public officer; and/or
- ▼ 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; and/or
- ▼ 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.⁵³

However, as MPs lose their status as members during election periods, we do not have jurisdiction over incumbent MPs at those times – although we do have jurisdiction over their staff.

Ministerial staffers

Relevant requirements and expectations of ministerial staffers and their supervising ministers are as follows.

The Ministerial Staff Code of Conduct (Ministerial Staff Code)

The Ministerial Staff Code is contained in a standalone document and is also incorporated into the instruments of appointment and/or secondment arrangements for ministerial staffers.⁵⁴ It contains the same twelve standards that apply to electorate officers, none of which prohibit ministerial staffers from engaging in partisan activities in the course of their employment.⁵⁵

Ministerial staffers are subject to the direction and control of the Chief of Staff in the Office of the Premier.⁵⁶ As with electorate officers, it is the Premier who has the authority to terminate a ministerial staffer's appointment if they have been found to have 'engaged in serious and wilful misconduct'.⁵⁷

As there is a code of conduct, the Integrity Commission also has a role to play which is discussed later in this part.

Code of Conduct for Ministers (Ministerial Code)

Once again, while there do not appear to be prohibitions against ministerial staffers engaging in partisan activities, there are some that apply to their supervising ministers.

The Ministerial Code outlines the expected standards of behaviour and conduct of ministers.⁵⁸ Similar to the MPs' Code, the Ministerial Code states that '[m]inisters must not use public resources, or allow such resources to be used by others, for personal advantage or benefit', and that they 'must use and manage public resources in accordance with any rules or guidelines regarding the use of those resources'.⁵⁹ Guidance on the use of public resources states that

Ministers are to avoid using government departmental offices for private or party-political purposes. Party political functions or events are not to be paid for out of departmental funds, and neither should anything connected with an election campaign.⁶⁰

The Ministerial Code applies between the Premier and each minister.⁶¹ The Guidance Notes to the Ministerial Code state that ministers may seek confidential advice from the Parliamentary Standards Commissioner on any matter arising under the Code.⁶²

Any allegation that a minister has breached the Code is to be referred to the Premier. Ministers are obliged to report Code non-compliance – including their own – to the Premier.⁶³ The Premier must report his or her own non-compliance to Cabinet.⁶⁴

The Premier determines if or how complaints are to be investigated. The Premier at his or her discretion may impose sanctions for breaches such as by requiring that the minister in question:

- ▼ apologise
- ▼ take remedial action
- ▼ be counselled
- ▼ be reprimanded
- ▼ be required to stand aside from any or all ministerial responsibilities for a period of time
- ▼ be asked to resign as minister, or
- ▼ be recommended to the Governor for dismissal from his or her ministerial appointments.⁶⁵

Integrity Commission Act 2009 (Tas)

As public officers under the *Integrity Commission Act*, ministerial staffers fall within our jurisdiction.⁶⁶ Ministerial staffers spending work time on partisan activities may be engaged in misconduct as defined under section 4 of the *IC Act*, namely:

- ▼ a breach of a code of conduct applicable to the public officer, and/or
- ▼ 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, and/or
- ▼ 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.⁶⁷

Ministers are designated public officers (DPOs) under the *Integrity Commission Act*. If ministers direct or instruct their ministerial staffers to spend work time on partisan activities, they may be engaged in misconduct as defined under section 4 of the *IC Act*, namely:

- ▼ 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, and/or
- ▼ 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.⁶⁸

While ministers continue to hold office as ministers during the election period, the Commission only has jurisdiction over ministers by virtue of their role as MPs. Therefore, we do not have jurisdiction over ministers during an election period.

Guidelines on the Caretaker Conventions and the Operations of Government during the Caretaker Period (State Election) (Caretaker Conventions Guidelines)

During election periods, the Caretaker Conventions Guidelines apply to ministers, ministerial staff and state service employees and officers.⁶⁹ The Caretaker Conventions Guidelines are 'intended to explain the [caretaker] conventions and practices in more detail and to provide guidance for the handling of business during the caretaker period.'⁷⁰

The Guidelines are predominantly directed at managing the relationship between ministerial offices and state service agencies and departments to ensure that the apolitical nature of the state service is respected during the highly politicised time of elections.⁷¹ Nonetheless, as acknowledged in the Guidelines, there are 'established conventions and practices associated with the caretaker conventions that are directed at ... avoiding the use of government resources in a manner to advantage a particular party.'⁷²

However, as in all Westminster systems, caretaker conventions are 'neither legally binding nor hard and fast rules.'⁷³ Further, as academics Jennifer Menzies and Anne Tiernan have noted, '[p]ublic officials can apply the caretaker guidelines, but ... [t]hey do not have the power to enforce the observance of the conventions. This responsibility sits with ministers ... or the Premier.'⁷⁴

3.3. Analysis and discussion

As indicated above and in the submissions received, while it has some merit, Tasmania's regulatory framework for managing potential misuse of MPS staff time on partisan activities is ambiguous and fragmented.⁷⁵ Submissions noted that the framework was lacking in consistent standards and did not have sufficiently detailed explanatory material to guide MPS staff, MPs and ministers.⁷⁶ These issues not only increase the risk of the inadvertent misuse of staff, but also allow room for the deliberate, strategic use of electorate officers and ministerial staffers for partisan purposes, particularly during election campaigns.

Even if appropriate and robust standards and guidance existed, there are limitations regarding internal and external oversight and enforcement. In terms of internal oversight, it appears that, with respect to House of Assembly MPs generally, the Privileges and Conduct Committee is responsible for determining breaches of the MPs' Code, although it is unclear what sanctions might be applied should a breach be established. The situation is clearer regarding the oversight of ministers, with this responsibility lying with the Premier or their delegate.

As for external oversight, it is suggested that the Integrity Commission is the most appropriate body to investigate serious or systemic misconduct, such as the misuse of MPS staff for electioneering. However, we do not have jurisdiction over incumbent MPs during election periods. Further, as has been identified in other jurisdictions, there is the question of what evidence would be available to assess whether MPS staff time was being misdirected. Anti-corruption investigations into the use of electorate officers and ministerial staffers for partisan activities in Victoria, the Northern Territory and Western Australia all encountered evidentiary challenges which made it difficult to verify claims about whether employees engaged in partisan activities during standard work hours, or whether they made up for any time spent on partisan activities by fulfilling their public duties in their own time.⁷⁷

To address these compliance, oversight and enforcement issues, as well as to bring Tasmania in line with other jurisdictions, we propose:

- ▼ the development of standardised definitions and principles
- ▼ the introduction of transparent compliance mechanisms
- ▼ the establishment of an independent internal investigatory function in parliament, and
- ▼ adjustments to the Commission's jurisdiction.

Proposed solutions

Standardised definitions and principles

One of the challenges under the current Tasmanian framework is that principles and guidance on the proper and improper use of all public resources, including staff, are dispersed across multiple documents and with varying degrees of detail. Other Australian jurisdictions have sought to resolve similar issues through the introduction of standardised definitions which outline, and, importantly, differentiate between the public activities for which public resources may appropriately be used from partisan activities for which they may not.

Parliamentary and electorate duties are the common features of inter-jurisdictional definitions of MPs' public activities. Generally, parliamentary duties refer to

- ▼ parliamentary sittings
- ▼ serving on committees
- ▼ developing and reviewing legislation
- ▼ engaging in parliamentary debate, and
- ▼ attending functions.⁷⁸

Typically, electorate duties refer to providing advice and assistance to constituents and representing their interests.⁷⁹

In some cases, definitions of parliamentary duties do extend to limited party political activities, for example, where they are incidental to other legitimate public activities, such as attendance at parliamentary party meetings on a sitting day, or attendance at party conferences.⁸⁰ However, in the majority of cases, public activities do not extend to election campaigning, pre-selection activities, party fundraising, or activities relating to growing or sustaining party membership (i.e. 'partisan' activities).⁸¹ Indeed, it is more often than not the case that jurisdictions have introduced express prohibitions on the use of public resources for these partisan activities.⁸²

Nonetheless, the intersection between public and partisan activities is such that an overly strict demarcation between these activities is not realistic. In the context of staffing support, for instance, the ordinary work of an electorate officer may confer some incidental political advantage to their supervising MPs, in that their constituent engagement may reflect well on the MP, contributing to the MPs chances of re-election.⁸³ To acknowledge this situation, in keeping with other Australian jurisdictions we propose that relevant definitions include a dominant purpose test for the use of Tasmanian public resources generally (including the use of MPS staff), which would allow for an appropriate level of flexibility without undermining the ethical principle at stake.⁸⁴ For the sake of clarity, the test could refer to commercial and personal interests and/or be supported by the inclusion of examples of proscribed conduct to ensure that inappropriate uses of public funds are captured and understood.

Recommendations

1. That the Department of Premier and Cabinet update all relevant policies, handbooks and guidelines with
 - a) a statement that MPs and ministers must use public resources for the dominant purpose of performing their public duties, based on the principles described in this report, and
 - b) an express prohibition against the use of public resources for personal, commercial and partisan purposes, based on the principles described in this report
 - c) examples of conduct which infringes the principles set out in this report, and
 - d) examples of conduct which does not infringe the principles set out in this report.
2. That the Premier include the statements set out in recommendation 1 in all MPS staff instruments of appointment and secondment arrangements, the Ministerial Code and the standalone Ministerial Staff Code.
3. That the Joint Standing Committee on Integrity makes recommendations to each House of Parliament to include the statements set out in recommendation 1 in the Members of Parliament Code of Conduct.

Transparent compliance mechanisms

While MPS staff must not engage in partisan activities during their work hours, their personal time (that is, before or after work hours, weekends, public holidays, recreation leave, or time off in lieu (TOIL)) is their own where they may voluntarily participate in partisan activities, including election campaigning. However, electorate officers and ministerial staffers often work non-standard hours due to the unusual nature of their positions. This reality, if coupled with a lack of time recording mechanisms to document when these staff are performing their public duties, makes it difficult to audit and verify whether electorate officers and ministerial staffers are 'on the clock' or otherwise.⁸⁵

To address this issue, interstate anti-corruption commissions have recommended that time recording mechanisms for electorate officers and ministerial staff be introduced which must be certified by their supervising MP or minister.⁸⁶ Time recording mechanisms are auditable instruments which should record:

- ▼ start and finish times
- ▼ number of hours worked
- ▼ periods of recreation leave and TOIL taken, and
- ▼ public holidays.

The key accountability feature of any time recording system is the certification process. Having supervising MPs and ministers certify time recording mechanisms as accurate recognises that these senior public officers are responsible for their use of public resources which includes what they instruct their staff to do.⁸⁷ Certifying time recording mechanisms, which can then be subject to auditing, gives effect to the onus placed on MPs and ministers to use public funds appropriately.

In recognition of the fact that State elections are high risk periods for the misuse of ministerial staffers and electorate officers, we propose that audits of a random sample of MPS staff time recording mechanisms be conducted following State elections. It is suggested that we are well-placed to perform this work. However, our ability to do so is hindered by the fact that incumbent MPs and ministers do not fall within the Commission's jurisdiction during election periods. This means that while we can investigate the conduct of MPS staff, we cannot examine their supervising MPs or ministers who may have directed their staff to engage in electioneering or other partisan activities during work time.

The Commission received several submissions expressing concern about the practicality and administrative burden of time recording for MPS staff. The Commission acknowledges these issues. As an alternative to time recording, it is suggested that the Department of Premier and Cabinet may adopt another method of ensuring that MPS staff do not engage in partisan activities during work hours provided that the adopted method can be tested or reviewed by an independent auditor and MPs or ministers certify that their staff have not engaged in partisan activities during work hours

Recommendations

4. That the Department of Premier and Cabinet adopt:
 - a) time recording mechanisms for MPs' staff and ministers' staff and that MPs and ministers be required to certify that their staff have not been engaged in partisan activities during any recorded work hours; or
 - b) alternatively to (a), a method of ensuring that MPs' staff and ministers' staff do not engage in partisan activities during work hours provided that the adopted method can be tested or reviewed by an independent auditor and MPs and ministers certify that their staff have not engaged in partisan activities during work hours.
5. That the Attorney-General amend the *Integrity Commission Act 2009* (Tas) to ensure that members of parliament and ministers fall within the Commission's jurisdiction during election periods.
6. That the Integrity Commission conduct mandatory audits of a random sample of MPS staff time recording mechanisms following State elections.

4. Advertising and communications

4.1. Introduction and background

Government advertising and communications are used to impart important information to the public, such as their rights and obligations under existing policies and laws.⁸⁸ They are also used to educate and ask the public to act on public health and safety threats.⁸⁹

Government advertising is different from political advertising. While government advertising is supposed to be apolitical, objective and neutral in tone, political advertising is designed to promote a political party, candidate or political agenda.⁹⁰ Political advertising should be funded by the party and/or candidate, not by the taxpayer.⁹¹

Government advertising is worth a considerable amount of money. For example, in 2023-24, the Tasmanian Government spent \$39.4 million on advertising and promotion alone.⁹² For this reason, government advertising has been described as one of the most significant benefits of incumbency, and, as evident in Australian and international jurisdictions, is liable to being politicised, particularly in the lead-up to elections.⁹³

Politicised government advertising may involve the use of party slogans, logos, or colour schemes or the ‘spruiking’ of the Government’s achievements and performance. It may also involve the strategic commencement of otherwise legitimate campaigns (such as health campaigns) before an election. Ultimately, ‘[p]oliticised campaigns do not look to be made solely in the public interest, but instead have an element or elements that seek to confer a political advantage.’⁹⁴

Apart from government advertising, the Government and its ministers may have state service agency-managed online platforms, including social media pages and websites. Further, all MPs, Government and non-Government alike, are entitled to certain allowances which they may use towards communications, including the electorate allowance and the Members’ Resource Allowance (MRA). The use of these allowances has attracted controversy in the past.⁹⁵

This part outlines the current Tasmanian standards and regulations relating to the partisan use of government advertising and communications. It examines the strengths and limitations of these standards against good practice developments in other Australian jurisdictions and provides recommendations to address shortfalls. The issue of the regulation of political advertising paid via political donations or by parties, or truth in political advertising, is beyond the scope of this report.

4.2. Regulation of government advertising and communications in Tasmania

According to a 2022 report from the Grattan Institute, Tasmania's regulations on government advertising and communications are 'very limited', such that the Institute did not attempt to include Tasmania in a comparison table of Australian jurisdictions' government advertising rules.⁹⁶ Nonetheless, there are some Tasmanian regulations on government advertising and communications which are set out in the following section of this report.

Government advertising campaigns

Tasmanian Government Corporate Brand Identity and Communications Policy (Communications Policy)

The Communications Policy, revised in 2024 and administered by DPAC, governs the development of Tasmanian Government advertising campaigns and other communications. The Communications Policy applies to all state service agencies, but not to MPs, ministers, or their staff.⁹⁷

The Communications Policy states that Tasmanian Government advertising is for:

- ▼ promoting government policies, programs and services
- ▼ promoting engagement opportunities, and
- ▼ informing the public of their rights, obligations and entitlements.⁹⁸

'Campaigns' are defined as a sustained series of communications activities used to inform, educate or change attitudes or behaviours of the target audiences. Campaigns include sustained communications activities that:

- ▼ directly link to an election commitment or Government policy as identified by the Government Communications Office
- ▼ involve a television media schedule or public consultation component, or
- ▼ relate to a project or initiative that is topical in the media at the time of the campaign.⁹⁹

A key principle of the Communications Policy is that all Tasmanian Government communications are 'inclusive, objective and apolitical'. According to this principle, '[i]nformation should be presented in unbiased, factual and objective language and not contain personal opinions', and communications 'should be apolitical and perform their function in an impartial, ethical and professional manner.'¹⁰⁰ Further, at the beginning of the caretaker period, the Communications Policy notes that it is expected that state service agencies

review all communications activity, including television and print advertising, newsletters, and information on websites, to ensure that it is apolitical and does not promote the government's policies or emphasise the achievements of a government or a minister.¹⁰¹

Beyond these principles, there is little advice or guidance in the Policy as to the distinction between legitimate and politicised advertising.

In terms of advice on advertising campaigns, according to the Policy, the first point of contact is an agency's Communications Manager, although the Government Communications Office in the Premier's Office is responsible for, among other things:

- ▼ reviewing and approving communications strategies, content and creative concepts for campaigns by Tasmanian Government agencies, and
- ▼ providing advice and approvals for campaign advertising in relation to content relating to Government policy, themes or messaging.¹⁰²

DPAC's Communications Unit also has responsibility for, among other things:

- ▼ providing advice and approvals for all campaign advertising, and
- ▼ reviewing evaluation of advertising campaigns where required.¹⁰³

It appears that the distinction between the Government Communications Office and DPAC's Communications Unit's advice and approval functions is that:

- ▼ the Government Communications Office is responsible for advising on and approving campaign content, and
- ▼ DPAC's Communications Unit advice and approval function is directed towards Policy compliance.

It is assumed that ensuring Policy compliance would also encompass checking that advertising campaigns are apolitical, in accordance with the Policy's mandatory key principles. However, DPAC has indicated that the Communications Unit's compliance function is primarily focused on stylistic issues, such as correct logo use and placement, accessibility considerations, font usage and size, corporate brand identify, colour palettes and licensing requirements.¹⁰⁴ As such, it appears that there is no centralised advisory or oversight and enforcement function to ensure government advertising is apolitical, and that this responsibility falls to agency Communications Managers only. However, DPAC has indicated that during the caretaker period, if an agency Communications Manager 'has any doubts about whether the approval of a communication campaign is appropriate', they 'contact DPAC's Communications Manager for advice.'¹⁰⁵

Audit Act 2008 (Tas) and Integrity Commission Act 2009 (Tas)

In terms of external oversight, the Tasmanian Audit Office, like interstate and international audit offices, may conduct an examination or investigation of government advertising and communications under section 23 of the *Audit Act 2008*.¹⁰⁶ The Integrity Commission may also investigate complaints about the misuse of public money for politicised government advertising, noting, however, our limited jurisdiction during election periods. Both oversight agencies may then present their findings and recommendations to parliament for consideration.

Caretaker Conventions Guidelines

Section 7 of the Caretaker Conventions Guidelines addresses management of communications and advertising and information campaigns during the caretaker period. As noted in the Communications Policy, state services agencies are expected to review all advertising campaigns that are likely to be conducted during the caretaker period.

The Caretaker Conventions Guidelines state that advertising and information campaigns should not:

- ▼ promote the policies or achievements of the Government
- ▼ highlight the role of particular ministers, or
- ▼ relate to issues that are a matter of contention between the Government and non-Government parties.¹⁰⁷

Campaigns may continue if they are:

- ▼ operational in nature, such as public health or road safety campaigns, and
- ▼ appropriately authorised in accordance with legislation.¹⁰⁸

As noted earlier, however, the caretaker conventions guidelines are not enforceable.

Electoral Act 2004 (Tas)

The *Electoral Act 2004* (Tas) provides for the holding of elections and regulates the conduct of those elections. The Act also regulates election campaign advertising materials. The communication of 'electoral matter'; that is, 'matter communicated, or intended to be communicated, for the dominant purpose of influencing the way electors vote in an election, including by promoting or opposing a political entity or a member', must contain the name and address of the person responsible for communicating the matter.¹⁰⁹

This provision is intended to enhance:

- ▼ the transparency of campaigning, by allowing voters to know who is communicating electoral matter, and

- ▼ the accountability of those persons participating in public debate relating to electoral matter, by making those persons responsible for their communications,
- ▼ the traceability of communications of electoral matter, by ensuring that obligations imposed by this Division in relation to those communications can be enforced.¹¹⁰

The *Electoral Act* makes it an offence to communicate electoral matters without the appropriate authorisation particulars.¹¹¹ The offence carries a significant penalty, namely, a fine not exceeding 100 penalty units or imprisonment for a term not exceeding three months, or both.¹¹²

It could be argued that, on its face, politicised government advertising conducted during an election campaign period would breach this offence provision as it would not contain the appropriate authorisation particulars. However, this would be a difficult case to make due to section 4(5) which provides that, unless the contrary is proved, communication for the purpose of educating or encouraging debate on an issue of public policy is presumed to be the dominant purpose and is not taken to be for the purpose of influencing the way electors vote in an election.¹¹³ It would appear to be likely that the presumption that government advertising is made for educative purposes or to contribute to public policy debate would be applied.

Other Government communications and electronic platforms

Apart from Government advertising, the Government and its ministers may generate media announcements and are provided with state service agency managed electronic platforms, such as websites and social media pages, where media announcements may be made or reproduced. The regulations concerning other Government communications are as follows.

Communications Policy

The Communications Policy notes that media announcements may be made by ministers, senior officials and state service employees to cover Tasmanian Government policies, programs, services and opportunities.¹¹⁴ The Policy provides examples of Government activities which may warrant a media announcement, including:

- ▼ the launch of a new program, project, service or opportunity
- ▼ the announcement of funding through grant funding to community groups or to support priority business sector growth or emergency funding support
- ▼ the opening of a new tourist attraction or building
- ▼ the completion of a major infrastructure project
- ▼ the opening of a Tasmanian Government-supported event
- ▼ the release of a strategic report informed by community consultation

- ▼ the release of government advice or an announcement about policies on issues of public interest such as public health matters
- ▼ to respond to a crisis, and
- ▼ to acknowledge the passing of a revered Tasmanian.¹¹⁵

According to the Policy, media announcements must be made in consultation with the relevant minister's office and, if required, the relevant agency secretary.¹¹⁶

Caretaker Conventions Guidelines

The Caretaker Conventions Guidelines provide detailed guidance about the content of electronic platforms hosted or managed by agencies on behalf of the Government and its ministers. The Guidelines note that such online platforms should remain apolitical during the caretaker period,¹¹⁷ and encourage agencies to:

- ▼ review all agency-managed websites, online and social media platforms to identify material that requires removal¹¹⁸
- ▼ check the wording of any icons and links to ensure that they cannot be interpreted as promoting a government policy or achievement,¹¹⁹ and
- ▼ remove any 'likes' or 'follows' that link to political candidates, members or sites.¹²⁰

It is also recommended that:

- ▼ links to social media accounts or personal ministerial platforms are removed from agency-managed platforms,¹²¹ and
- ▼ ministerial media releases and alerts are placed on the website of the relevant political party during the caretaker period.¹²²

According to the policy, agency staff working on ministerial platforms should only add material relating to matters of existing policy or purely factual material,¹²³ such as:

- ▼ portfolio-related announcements, if that is the usual practice. This will require judgement within each agency, but, as an example, a ministerial release relating to a public health warning might appropriately be added
- ▼ agency-related announcements of a routine, apolitical nature if that is the usual practice (for example, a bushfire safety message)
- ▼ purely factual information, and
- ▼ information about existing policies and programs, unless the information includes attacks on non-government parties or members or other political material.¹²⁴

Agencies should not add material that could be construed as being political, such as material concerning future policies, election commitments or issues, how-to-vote material or media releases and speeches that criticise non-government parties or members or promote the Government.¹²⁵ Nor should agencies add any material that contains, or links to, political material, such as:

- ▼ ministerial announcements relating to election promises (including media releases)
- ▼ any political information, including information that contains attacks on non-government parties or members, or other political material, and
- ▼ information that contains links to political material or pages.¹²⁶

MP electorate allowance

Parliamentary Salaries, Superannuation and Allowances Act 2012 and the Tasmanian Industrial Commission (TIC) Determinations and Reports

The electorate allowance is provided ‘to cover expenses incurred by MPs in servicing the electorate, other than those expenses specifically covered by other allowances.’¹²⁷ It is provided for under the *Parliamentary Salaries, Superannuation and Allowances Act 2012*.

In relation to communications, the electorate allowance may be used for, among other things:

- ▼ postage, including newsletters and pamphlet drops,
- ▼ communications with the electors, such as through surveys and focus groups, and
- ▼ advertisement of the MP’s parliamentary activities within the electorate.¹²⁸

The electorate allowance is designed to be flexible, such that MPs could make ‘informed choices as to where their priorities might lie within the constraint of the available funds.’¹²⁹

The electorate allowance is paid fortnightly, untaxed, to each MP by the relevant House of Parliament along with their basic salary.¹³⁰ Depending on the size of the MP’s electorate, the allowance is valued between approximately \$30,000–\$54,000 per year.¹³¹

While it is expected that MPs spend their electorate allowance on relevant work expenses, how – and whether – it is expended is at their discretion. MPs are not required to return any unspent allowance and may essentially pocket it as income, although doing so may result in a heavy tax bill.¹³² The tax implications mean that there is an incentive to ensure that the allowance is spent, or claimed to have been spent, on appropriate work expenses which can then be claimed as deductions.¹³³ It is in theory possible for incumbent MPs to apply their electorate allowance towards election campaign expenses, which in turn can be claimed as deductions.¹³⁴

Outside of the Australian Taxation Office, there is no monitoring of how the electorate allowance is expended, and there is no transparency over how electorate allowances are spent.

Members' Resource Allowance

Members' Handbook

The Members' Resource Allowance (MRA) is an annual allowance paid to each MP. Currently House of Assembly members receive \$15,000 and Legislative Council members receive \$10,000. It is funded and administered by DPAC for House of Assembly MPs.¹³⁵ The availability of the allowance is subject to annual Government review.¹³⁶

The MRA is for 'any purpose in the carrying out of their duties as a member of Parliament'¹³⁷ and can be used for 'research and support, or equipment relevant to assist Members in the performance of their duties.'¹³⁸ It may also be used for:

- ▼ the printing of material or social media campaigns detailing policy positions of an MP or their party, or
- ▼ the printing of material or social media campaigns detailing matters of fact.¹³⁹

This material can contain party logos.¹⁴⁰ The only restriction is that the material 'cannot be deemed to be election material, e.g. contains words such as "votes" or "Vote 1" or "Vote for".'¹⁴¹

MPs are expected to seek approval to make purchases using the MRA from the Chief of Staff of the Premier's Office or the Manager of Premier and Ministerial Services. The Chief of Staff or Manager then liaises with DPAC for a purchase order to be raised and charged against that MP's MRA. There is also an option to be reimbursed on presentation of invoices/documentation and 'appropriate approval'.¹⁴² A monthly report is provided to MPs to assist them to keep track of MRA expenditure.¹⁴³

Where an expense item does not fall within the purpose of the MRA, it should be brought to the attention of DPAC's Chief Financial Officer.¹⁴⁴ In their response to questions, DPAC stated that, when this happens, the Chief Financial Officer 'refer[s] the issue with [sic] the responsible Ministerial Head of Staff and the Business Manager of the Premier's Office. Where appropriate, the Chief Financial Officer will authorise raising an accounts payable invoice for recouping the expenditure. According to DPAC:

[n]o specific criteria is used to make this determination. This is purely a judgement around if the expenditure is reasonable for the member to undertake their duties and that the expenditure is of an operational nature.¹⁴⁵

4.3. Analysis and discussion

There is some evidence to support Grattan Institute's assessment that Tasmania has 'very limited requirements' with respect to regulating taxpayer-funded advertising. However, there is evidence of good practice in existing Tasmanian regulations. For example, the Communications Policy provides a good level of detail on the appropriate scope and purpose of government advertising and communications more broadly, and the Caretaker Conventions Guidelines describe the ways in which advertising and communications may be politicised, such as by emphasising the Government's or a minister's achievements. Nonetheless, existing guidance could be strengthened with the inclusion of an express prohibition against using taxpayer-funded advertising and communications for partisan purposes. Further, the advice given could be improved by outlining the subtle ways in which advertising and communications may be politicised, including through the use of party colour schemes.

The key weaknesses in the regulatory framework for advertising and communications relate to transparency, oversight and enforceability. Departmental review of government advertising and communications before the commencement of the caretaker period is an acceptable mechanism, if not as robust as independent review.¹⁴⁶ However, the lack of consistent internal and external oversight and the absence of consequences for misuse of taxpayer funded advertising and communications leaves these high value resources open to misuse, particularly during election campaigns. Similar weaknesses apply to the electorate allowance and the MRA, where there is negligible to non-existent transparency and accountability for these allowances.

To address these issues, as well as to bring Tasmania in line with other jurisdictions, we propose:

- ▼ clearer guidance to deter politicised Government advertising and communications
- ▼ regular auditing of government advertising and communications in State Election years
- ▼ tightening guidance for MRA use
- ▼ public reporting of allowance expenditure, and
- ▼ where required, recovery of misspent funds for MP allowances.

Proposed solutions

Clearer guidance for Government advertising and communications

While the Communications Policy and Caretaker Conventions Guidelines serve a valuable purpose, they would benefit from the inclusion of an explicit prohibition against the use of Government advertising and communications for partisan purposes and more expansive guidance which highlights the subtle or indirect ways in which Government advertising and communications may be politicised.

As regards a prohibition against politicised Government advertising and communications, the principle outlined in Recommendation 1 could be adopted. However, given the high value of Government advertising and communications and the subtle ways that these resources may be politicised, we consider it preferable that a more explicit prohibition against the use of Government advertising and communications for partisan purposes is introduced where the dominant purpose test is not a feature. For example, both New South Wales and Victoria have enshrined in legislation that Government advertising and communications must not be designed to influence support directly or indirectly for a political party or candidates.¹⁴⁷

Moreover, several jurisdictions have comprehensive guidance which illustrates both the direct and indirect ways in which Government advertising and communications may be politicised. The Victorian *Public Administration Act 2004* and its associated regulations and the Australian Capital Territory's *Government Agencies (Campaign Advertising) Act 2009* are particularly comprehensive, in that they capture a broad range of means by which government communications can be politicised and could serve as suitable models to guide conduct in Tasmania.

Under the Victorian Regulations, prescribed public sector communications must not:

- ▼ refer to a political party
- ▼ include a slogan, image, logo or the branding of a political party
- ▼ include links to the website of a political party, candidate for election or an MP
- ▼ denigrate without any basis individuals, groups or organisations
- ▼ present statistics or comparisons in a manner that is deliberately inaccurate or is deliberately misleading
- ▼ present information as fact if that information is not reasonably able to be substantiated as fact, or
- ▼ name, portray or promote members of parliament in a manner regarded as excessive or gratuitous.¹⁴⁸

Further, the Australian Capital Territory legislation provides that information in a government campaign must not be directed at promoting the government or party political interests in any way, including by way of timing and geographic or demographic targeting.¹⁴⁹

Recommendations

7. That the Department of Premier and Cabinet include an express prohibition against using government advertising and communications for partisan purposes in the Tasmanian Government Corporate Brand Identity and Communications Policy.
8. That the Department of Premier and Cabinet develop more explicit guidance addressing the direct and indirect ways in which government advertising and communications can be politicised, based on the examples of Victoria and the Australian Capital Territory.

Regular auditing of government advertising in State election years

As noted, the Tasmanian Audit Office has the capacity to conduct audits of government advertising under section 23 of the *Audit Act 2008*. Indeed, in October 2009 the then-Tasmanian Auditor-General did as much in a special report on government communications.¹⁵⁰ Empowering Auditors-General to conduct audits of government advertising is common in Australia. For example, the *Government Advertising Act 2011* (NSW) requires the Auditor-General to undertake a performance audit of the activities of one or more government agencies in relation to government advertising campaigns in each financial year.¹⁵¹

While annual audits may be best practice, it is our opinion that mandatory audits following State Elections is a sufficient minimum standard, with the Auditor-General able to conduct ad hoc audits outside of election years should they consider it necessary.

Recommendations

9. That the Tasmanian Audit Office conduct mandatory audits of a random sample of government advertising following State elections.

Tightening guidance for MRA use

According to DPAC, MPs are expected to use the MRA in accordance with the principles for the use of public funds. Indeed, some requests for MRA use have been denied, including requests to cover:

- ▼ costs of accommodation for an advisor to attend a political party conference
- ▼ radio advertising during an election campaign that suggested that an incumbent candidate should be re-elected, and

- ▼ pamphlets which did not promote factual information, encouraged people to vote against a particular party or parties and promoted a particular party.¹⁵²

Nonetheless, communications funded out of the MRA may contain party logos and detail party policies. It is our position, consistent with other jurisdictions, that communications may still be considered partisan even if they do not contain the phrases ‘vote 1’ or ‘vote for’, so it is unclear why it is considered appropriate for taxpayers to fund any such partisan material. The Legislative Council’s MRA policy is more stringent and should apply to House of Assembly MRA use. For example, to qualify for the use of the MRA for an electorate newsletter, the newsletter must not include:

- ▼ party political logos or other party political material
- ▼ material expressly promoting the election of the member or any other person whatsoever, and
- ▼ must not be published or distributed during the period between 1 January and the polling day for an electoral division of the Legislative Council to which the newsletter relates.¹⁵³

Further, final drafts of these newsletters must be forwarded to the Legislative Council Clerk or Deputy Clerk for consideration.¹⁵⁴

Recommendations

10. That the Department of Premier and Cabinet adopt the Legislative Council’s Members’ Resource Allowance Policy for House of Assembly MPs.

Public reporting and auditing of allowance expenditure

The lack of transparency and accountability for the use of electorate and other allowances in Tasmania is out of step with other Australian jurisdictions and best practice. At the federal level and in Queensland, Victoria, South Australia and Western Australia, MPs are obliged to report publicly on the use of some or all parliamentary allowances.¹⁵⁵ The most detailed reporting occurs at the federal level, where MPs’ expenditure is reported quarterly, both itemised and in aggregate.¹⁵⁶

While this may be best practice in terms of transparency, a more balanced and less resource-intensive approach may be found in Western Australia, which has mandated annual public reporting on certain parliamentary allowances and entitlements.¹⁵⁷ Within 90 days of the end of the financial year, Western Australian MPs must submit an allowance expenditure report, which includes a completed form with details in aggregate terms of how moneys were expended, and a certification that this expenditure has complied with use of funds principles.¹⁵⁸

Recommendations

11. That the Department of Premier and Cabinet and both Houses of Parliament develop and publicly release annual, itemised MP allowance expenditure reports per MP which must be certified by each MP.

Recovery of misspent funds

For communications-related allowances, the ability to audit and recover funds is essential. With respect to the MRA, it appears that DPAC has adequate processes for recovering misspent funds. However, this should be the subject of public reporting in appropriate circumstances, such as when deliberate wrongdoing is involved. With respect to parliamentary allowances, in many jurisdictions the responsibility for recovering misspent funds falls to an independent remuneration tribunal. However, the Queensland model may be more appropriate for Tasmania. In Queensland, the Clerk of the parliament (noting that Queensland has a unicameral parliament) must conduct an annual random audit of acquittals and supporting documentation to test compliance, requiring Members to substantiate individual expenditure items under each allowance category.¹⁵⁹ The Member is liable to repay any overpayment(s) if the Clerk considers the member has not satisfactorily accounted for the expenditure of the allowance or part thereof.¹⁶⁰

We propose that a similar process be adopted in Tasmania, whereby the House of Assembly Clerk and/or relevant finance team conduct random audits of the electorate allowance. For consistency, this process should also be adopted in the Legislative Council. Any misspent parliamentary allowances should also be disclosed in appropriate circumstances.

Recommendations

12. That the Houses of Parliament Clerks or finance teams conduct random audits of the electorate allowance, recover misspent allowances, and report on any recovered monies in the annual MP allowance expenditure report.

5. Policy and election commitment costing process

5.1. Introduction and background

In several Australian jurisdictions, political parties and, in some cases, independents, may seek an impartial assessment of the cost of policies they wish to put forward during election campaigns from either a relevant public service department or a standalone Parliamentary Budget Office (PBO).¹⁶¹ This process is intended to serve as a transparency measure to inform voters about the potential financial impact of election campaign policy announcements on the government budget. It also serves to ‘level the playing field’ by giving non-Government parties and/or independents access to authoritative, apolitical financial expertise which ordinarily would only be available to the Government.¹⁶²

In Tasmania, the Premier and the Leader of an Opposition party may request that the Secretary of the Department of Treasury and Finance (DoTF) cost their party’s publicly announced election policies during the election period.¹⁶³ Evidence suggests that the costing of policy and election commitments is valued by Tasmanian voters. During the 2024 State Election, the Treasury webpages established for the election costing period were viewed over 5000 times by 470 users.¹⁶⁴

The release of policy and election commitment costings is intended to support Tasmanians to be informed voters and encourage public debate. It is important that this process, and the way parties use it, gives genuine effect to its aims of fairness and transparency. In that regard, we consider that there is room for improvement.

This section outlines the current Tasmanian regulations relating to the policy and election commitment costing process. It examines the strengths and limitations of these standards against good practice developments in other Australian jurisdictions and provides recommendations to address identified shortfalls.

5.2. Regulation of the policy and election commitment costing process in Tasmania

Charter of Budget Responsibility Act 2007 (Tas)

Background

Under Part 6 of the *Charter of Budget Responsibility Act 2007 (Tas)*, the Premier and the Leader of an Opposition party may request in writing that the DoTF Secretary cost their party's publicly announced election policies during the period between the dissolution of the House of Assembly and the closure of the election polls.¹⁶⁵ The Act does not provide for minor parties and independents to submit their own announced policies for costing. However, in practice, DoTF does cost the policies of the Tasmanian Greens and would be prepared to cost those of independents and minor parties.¹⁶⁶

The Act requires that requests for a publicly announced election policy:

- ▼ may be submitted by the Premier or the Leader of an Opposition party
- ▼ must be submitted in writing
- ▼ must outline fully the policy to be costed, giving relevant details, and
- ▼ must state the purpose or intention of the policy.¹⁶⁷

As soon as practicable after a costing request is received, the DoTF Secretary must provide the requestor, the Premier or the Leader of an Opposition party, with the costing before releasing it publicly.¹⁶⁸ The Secretary may request additional information from the requestor if required to complete the costing.¹⁶⁹

If the Secretary does not have sufficient information, or has not had sufficient time, to prepare and publicly release a costing of a publicly announced policy before polling day for the election, the Secretary must publish a statement indicating as much before polling day.¹⁷⁰

The Secretary is not obliged or authorised to take any further action, in relation to a request for the costing of a publicly announced policy, on or after polling day.¹⁷¹

Department of Treasury and Finance Guidelines for Costing Election Policies (Costing Guidelines)

The Act mandates that the DoTF Secretary issue written guidelines for preparing costings of publicly announced policies.¹⁷² The Costing Guidelines are issued by the Secretary in accordance with the requirements of the Act and aim to support the consistent and transparent costing of election policies.¹⁷³ The Guidelines are reviewed and, if necessary, updated before each State Election.

The Guidelines are primarily concerned with procedural aspects, such as the requirement to nominate a contact person for the request and that requests must be submitted in writing. They do not elaborate on the legislative requirement to ‘outline fully the policy to be costed, giving relevant details’, other than to suggest that the costing request ‘outline the design features of the policy, including the assumptions that parties have used in making their own assessment of the cost of an election policy.’¹⁷⁴

The Costing Guidelines include as appendices a costing request template and a costing report template. The costing request template requests a description of the policy, and details of the assumptions upon which the policy is based as follows:

- ▼ implementation (Department or entity responsible)
- ▼ time frame (fixed term or ongoing), and
- ▼ start date (commencement year).

The costing report template also notes that the requester may include any other relevant information to support the financial implications including impacts on balance sheet estimates, such as changes to equity investments in government businesses.¹⁷⁵

The costing report template contains the same details as the costing request template. However, the Secretary may include other relevant information or comments regarding the financial implications of the policy.¹⁷⁶ In practice, it appears that these costing reports often contain minimal qualitative detail and thus provide little contextual information to assist voters to understand the implications of policy proposals beyond a dollar figure. Indeed, in some cases, parties have been known to submit policies for costing with a dollar figure already attached, which is then costed as the same figure. For example, an election commitment of \$20,000 is costed at \$20,000 without any explanation or information as to whether the set amount is sufficient to cover the costs of the policy’s intended outcomes.

Public statements on non-costed policies

In accordance with section 14(3) of the Act, if the Secretary does not have sufficient information, or has not had sufficient time, to prepare and publicly release an election policy costing before the election polling day, the Secretary is required to release publicly a statement to that effect before polling day. In the 2024 election, just over half of the policies submitted, 110 out of 215, could not be costed due to insufficient information or time.

Party fiscal strategy statements

In accordance with section 6 of the Act, the Premier and the Leader of an Opposition party are to announce publicly their respective parties’ fiscal strategy statements within 15 days of the commencement of the election costing period.¹⁷⁷ The fiscal strategy statements must:

- ▼ specify the long-term objectives within which budgets will be framed

- ▼ specify the key fiscal measures against which fiscal policy will be set and assessed
- ▼ specify the fiscal objectives and targets for the budget year and the following three financial years, and
- ▼ identify how the fiscal objectives and strategic priorities relate to the principles of sound fiscal management.¹⁷⁸

The purpose of the fiscal strategy statements is to increase public awareness of the fiscal policies of the Government and Opposition parties.¹⁷⁹ However, as observed by economist, Saul Eslake, in his review of Tasmania's state finances, in practice the parties release their strategy statements on the Friday before polling day, largely defeating the purpose of informing voters and giving interested parties, including the media, the opportunity to scrutinise and analyse their content.¹⁸⁰

5.3. Analysis and discussion

The release of policy and election commitment costings is intended to support Tasmanians to be informed voters. It is important that this process – and the way parties and candidates use it – gives genuine effect to its aims of fairness and transparency. In that regard, we consider that there is room for improvement.

The costing process is not formally available to minor parties and independent candidates. It is a voluntary process, with the effect that not all policies and commitments are submitted for costing. Moreover, of those commitments which are submitted, many of them cannot be costed due to lack of information or insufficient time. For example, in the 2024 State Election, just over half of the policies submitted could not be costed because the parties did not provide adequate information or submit the requests in sufficient time for the policies to be costed.¹⁸¹

In contrast to other jurisdictions, the costing process does not appear to be as robust or informative as it could be. Costing reports about individual policies and commitments are light on detail with respect to what data, assumptions, and methodologies underpin the costed policies. Further, in many cases, parties submit policies with an indication of the funds to be committed. This is described by the New South Wales Legislative Assembly Public Accounts Committee *Report on the Parliamentary Budget Office 2023 Post-Election Report* as submitting 'both a funding limit and a fixed or hard policy outcome.'¹⁸² The policy will then be costed in accordance with the amount of funds pledged. A commitment of \$20,000 submitted is then costed at \$20,000. The utility and propriety of 'self-costing' policies as regards the appropriate use of public resources is thus questionable. In such cases, the real question is not, "what would the policy cost", but is the pledged amount a realistic assessment of what it would cost to achieve the policy objective.

Another issue which undermines the transparency and accountability aims of the policy and election commitment costing process is the way in which parties politicise or seek to take advantage of the costing process. For example, in the 2018 election, half of the total policies and commitments submitted for costing were not submitted until the last week of the campaign.¹⁸³ In the 2024 election, both major parties released their fiscal strategy statements and costings within two days of the close of the polls.¹⁸⁴ Moreover, there are no mechanisms under the *Charter of Budget Responsibility Act* to correct deliberate or inadvertent misrepresentations of departmental costings as there are in other jurisdictions.¹⁸⁵

Submissions and the recent Eslake Review also highlighted issues about the transparency around parties making unfunded election commitments and their potential impact on the State budget.¹⁸⁶ Unlike other jurisdictions, there is no public, apolitical analysis of the potential budgetary implications of each party's policy platform.¹⁸⁷

To address these issues, we propose that the policy and election commitment policy process be strengthened through

- ▼ enabling minor parties and independents to submit costings
- ▼ making policy and election commitment costing submissions mandatory
- ▼ including more qualitative, contextual detail in costing requests and reports
- ▼ costing 'self-costing policies' in accordance with the policy outcome sought
- ▼ legislating the ability for the Department of Treasury and Finance to correct errors or misrepresentations of policy and election commitment costings
- ▼ the release of an apolitical pre-election analysis of costings and budgetary impact,
- ▼ the ongoing maintenance of relevant policy costing websites as a matter of public record, and
- ▼ consideration being given to these recommendations in the possible establishment of a Tasmanian Parliamentary Budget Office.

Proposed solutions

Levelling the playing field

Submissions highlighted that the costing process is not formally open to minor parties and independent candidates.¹⁸⁸ While DoTF is prepared, in practice, to cost commitments and policies submitted by candidates outside of the major parties, this should be formalised in legislation.

Recommendations

13. That the Treasurer amend the *Charter of Budget Responsibility Act 2007* (Tas) to expressly provide that independents and minor parties (regardless of size) may submit policies for costing.

Mandatory submission of costings

The New South Wales *Parliamentary Budget Officer Act 2010* makes it mandatory to submit details of all policies that are proposed to be implemented if a party is elected.¹⁸⁹ The relevant parliamentary leader must advise the Parliamentary Budget Officer in writing on the fifth last day before the State election is due to be held that all such policies of the leader's party have been notified to the Parliamentary Budget Officer.¹⁹⁰ In the NSW PBO's 2023 report, the PBO recommended that the deadline be changed to the twelfth last day before the election to ensure there was sufficient time to produce a more accurate Budget Impact Statement and allow for the public and media to scrutinise and examine this information, particularly in light of the trend of early voting evident in New South Wales and other jurisdictions, including Tasmania.¹⁹¹

Recommendations

14. That the Treasurer amend the *Charter of Budget Responsibility Act 2007* (Tas) to make it mandatory to submit details of all policies proposed to be implemented by a fixed time.

Greater transparency on costings implications

There is little qualitative information contained in the costing reports to contextualise proposals. In contrast, the Commonwealth Parliamentary Budget Office costing reports are particularly detailed, with key assumptions, methodology, data sources outlined, and financial implications over the forward estimates and the medium term provided. For the Commonwealth PBO, the standard conventions for the preparation of policy costings are:

- ▼ costings will provide the PBO's best estimate of the full cost of a policy (including departmental expenses). Estimates of departmental expenses will be included where these are expected to be material
- ▼ assumptions used in costings will be based on the best professional judgment of the Parliamentary Budget Officer
- ▼ costings will focus on the effect of a policy on the Commonwealth Government's key budget aggregates (both cash and accrual). Impacts on the headline cash balance will be provided where appropriate. Where relevant, the revenue and expense components of a policy will be separately identified.

- ▼ costings will be produced in a manner consistent with normal budget costing methodologies
- ▼ economic data and forecasts used in the preparation of costings will be consistent with the Pre-election economic and fiscal outlook report
- ▼ wherever possible, costings will take into account the impact of a change in policy on the behaviour of groups that are directly affected by the policy
- ▼ as a general rule, costings will not take account of broader economic or ‘second-round’ effects of a policy proposal, although the PBO may discuss such effects in qualitative terms, and
- ▼ costings will include an assessment of the uncertainties in relation to the estimates.¹⁹²

Including this level of qualitative information helps to ensure that voters have as comprehensive a picture as possible of the implications of a proposed policy or election commitment, including transparency about the limitations or constraints which impact the accuracy of the costings.

Recommendations

15. That the Department of Treasury and Finance provide more detailed Costing Guidelines and associated costing request and reporting templates to capture a greater level of qualitative detail.

Costing policies according to outcome sought, not amount committed

With regard to ‘self-costing’ policies and commitments, in at least one other jurisdiction, the relevant independent body costs these ‘self-costing’ proposals in accordance with the policy’s intended outcome, rather than simply reproducing the proposed dollar figure in a costing report. This is the practice of the New South Wales Parliamentary Budget Office, which in the 2023 New South Wales State election ‘completed these kinds of costings based on the policy outcome sought, setting aside the declared costs identified by the parliamentary leader.’¹⁹³

Recommendations

16. That the Department of Treasury and Finance cost ‘self-costing’ policies according to whether the pledged amount is a realistic assessment of what it would cost to achieve the policy objective.

Correcting errors and misrepresentations

In New South Wales, Victoria, and at the federal level, the PBO may issue public statements to correct errors and, critically, misrepresentations of policies and election commitments costed by them.¹⁹⁴ The New South Wales PBO's Operational Plan 2022-23 provides some examples of misrepresentations which they would feel obliged to correct, including

- ▼ a factual misstatement (for example, 'the PBO says this policy costs \$20M' when in fact the PBO costing indicated the correct figure was \$50M)
- ▼ a statement which misrepresents a policy in a misleading way by misquoting a single year or selected years (for example, 'the PBO costing shows this policy costs \$10M over four years' when the correct figure is actually \$10M in each year, so \$40M over four years. Note that if the statement is accurate but a simplification, there is no misrepresentation).
- ▼ attribution of an opinion or value judgment to the PBO (eg 'the PBO thinks this is a good or bad policy'). Note that the parties can make their own value judgments, as long as these are not attributed to the PBO (for example, 'we think this policy is good value for NSW, based on a PBO costing that indicates it costs \$40M' would be fine; a statement that 'the PBO thinks this is good value' would be a misrepresentation).
- ▼ a statement suggesting a policy has been costed when it has not, or conversely, a statement suggesting a policy was not costed by the PBO when it in fact was.¹⁹⁵

Recommendations

17. That the Treasurer amend the *Charter of Budget Responsibility Act* to provide that the Department of Treasury and Finance may issue public statements to correct errors and address misrepresentations of costings.

Apolitical pre-election budget impact assessments

In several jurisdictions, departments and/or independent bodies charged with responsibility for the policy costing process produce pre- or post-election reports which consider the budgetary impact of each parties' costings in aggregate. For example, the Commonwealth PBO, within 30 days after the end of the caretaker period, or 7 days before the first sitting of Parliament, publishes a report that sets out the budgetary impacts of each of the election commitments of the major parliamentary parties, including their aggregate impact on the fiscal position.¹⁹⁶ According to the PBO, 'the Election commitments report helps Parliament and the public hold parties to account by creating a record of all the promises made during an election and their impact on the budget.'¹⁹⁷ The NSW PBO publishes a pre-election Budget Impact Statement which provides summaries of the assessed financial impact on the NSW Budget and forward estimates of each costed policy, and the net impact of all costed policies, for each parliamentary leader.¹⁹⁸

In our opinion, a pre-election budget impact statement would be most beneficial to Tasmanian voters. We note that one of the Eslake Review's recommendations has a similar aim, that is, that the *Charter of Budget Responsibility Act* be amended to require political parties to indicate how they propose to pay for their expenditure or revenue commitments, or, alternatively, to state explicitly that they will pay for those commitments by running smaller budget surpluses or large deficits [Recommendation 23].¹⁹⁹ However, we believe that there is significant value in assessments about budgetary impact being made without the possibility of influence from political considerations.

Recommendations

18. That the Treasurer amend the *Charter of Budget Responsibility Act* to provide for the development of a Budget Impact Statement.

Maintenance of costings webpages for transparency and accountability

Unusually compared to other jurisdictions, DoTF disables the policy costing webpages once the election has concluded. It is our opinion that these webpages and relevant links should be maintained as a matter of public record.

Recommendations

19. That the Department of Treasury and Finance maintain every State election's policy and election commitment costing webpages.

A Tasmanian Parliamentary Budget Office

Submissions to this project and the Eslake report contemplated the merits of establishing a Tasmanian Parliamentary Budget Office.²⁰⁰ Doing so would allow for non-Government parties and MPs to access authoritative advice on the financial implications of policy platforms year-round, not just during election periods, levelling the playing field and improving its quality. A Tasmanian PBO would also be charged with executing the election costing process, although the DoTF would likely still be instrumental in this process.

At the time of writing, the Tasmanian Parliamentary Standing Committee on Public Accounts is inquiring into the establishment of a PBO.²⁰¹ We are supportive of the establishment of an ongoing Tasmanian PBO, particularly in light of the resource-intensive nature of the recommendations in this chapter.

Recommendations

20. That the Tasmanian Parliamentary Standing Committee on Public Accounts consider the recommendations from this chapter in the course of their *Inquiry into the Establishment of a Parliamentary Budget Office*.

6. Conclusion

The Tasmanian Government and parliament must be supported to undertake their work. Tasmanians fund public resources, such as staff and allowances, to enable MPs and ministers to serve their communities and the State to the highest of standards – ‘the unstated but important “compact” between elected representatives and electors.’²⁰² In other words, Tasmanians entrust politicians with publicly funded resources and rightly expect that politicians will use them prudently and for proper purposes. Co-opting public resources purely for political gain, such as to further one’s prospects of re-election, is a breach of that trust.

This research report and its recommendations are intended to bring Tasmania in line with other Australian jurisdictions and to improve transparency and accountability over the use of public resources both during and outside of election campaigns. In so doing, we seek to contribute to enhancing public confidence in the democratic process as well as the operation of government more broadly.

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