

Memorandum to the Premier.

I have, as requested, conducted an enquiry and concluded that Minister Courtney, who advised you by letter on October 14th that she had a conflict of interest because of a personal relationship which had developed with the Secretary of her Department, Dr. John Whittington, ought to have made that disclosure earlier.

The workplace relationship between the Minister and Dr. Whittington, which commenced on her elevation to the Ministry in March this year, had been formal and appropriately diarized. In early September they were accompanied by two other work colleagues when they joined your Trade Mission to Asia.

The Minister returned to Tasmania on September 13th and in the three weeks before she travelled overseas on leave on October 4th her developing personal relationship had become one which would cause to the outside observer a perception of a conflict of interest between the Minister's personal life and her public duty as Minister of the Department of which Dr. Whittington was Secretary.

I say perception because I have accepted the Minister's explanation that she did not consider that she was actually conflicted until the time when she gave you formal notice and stepped down as Minister. But the test for perceived conflict of interest is more stringent than that and for this reason I consider that there has been a minor breach of your Ministerial Code in that the first reasonable opportunity to report that situation to you in writing was, I believe, back in Tasmania on September 13th or soon after.

The provisions of your code were ultimately followed by the Minister and during the three weeks I have mentioned all official duties, decisions and actions of the Minister followed appropriate protocols and procedures. You have a broad range of options available to you under the Code and, as I have said, I regard the breach as minor.

Yours faithfully,



Damian J. Bugg AM, QC

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The Hon Will Hodgman MP
Premier of Tasmania
Level 11, 15 Murray Street
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Dear Premier

I refer to your letter of 17 October 2018 in which you requested that I undertake a review of all relevant decisions of the Hon Sarah Courtney MP, in response to the declared relationship between the Minister and Dr John Whittington, Secretary Department of Primary Industries, Parks, Water and the Environment.

In response to your request, a comprehensive range of documents relating to the decisions of Minister Courtney was obtained, including Ministerial Briefings, Minutes and letters signed by Minister Courtney, correspondence and relevant Cabinet documents. I note that the time period for the assessment of relevant decisions has been informed by the findings in the report of Mr Damian Bugg QC, who undertook the Ministerial Code of Conduct investigation into Minister Courtney.

A review of that documentation has now been independently completed by staff within DPAC. This review has been undertaken in consultation with the Solicitor-General.

I wish to formally advise that the review has not identified any material issues in relation to the decisions made by Minister Courtney during the relevant period.

Yours sincerely

A handwritten signature in cursive script that reads "Jenny Gale".

Jenny Gale
Secretary

29/10/18.