



TASMANIA
PREMIER OF TASMANIA

25 SEP 2020

Ms Cassy O'Connor
Leader of the Tasmanian Greens
Email: Cassy.OConnor@parliament.tas.gov.au

Dear Ms O'Connor

I have taken advice and write to you regarding the information erroneously obtained by the Greens, and inappropriately released publicly yesterday, material that was Cabinet-in-confidence.

Regardless of our differing views on the machinations of Parliament yesterday, as you are well aware from your previous experience as a Cabinet Minister, documents that reveal the deliberations of Cabinet are subject to public interest immunity, which protects the dealings of Cabinet, so that Cabinet can continue to have open and frank discussions and an exchange of views and advice. Collective responsibility lies at the heart of our system of responsible government. The conventional duty that the Parliament respects the immunity and should prevent the disclosure of cabinet deliberations is well established in long-held custom and practice.

As a result of your actions yesterday, a public servant is now deeply distraught, having learned that Cabinet-in-confidence material was forwarded erroneously to the Greens. It would have been obvious to the Greens' staff member who received the documents that Cabinet-in-confidence material had been forwarded erroneously, yet no action was taken to alert the public servant to an innocent mistake.

The resulting distress caused to them could have been avoided had the Greens properly acknowledged that the cabinet documents had been received as a result of an administrative error and then returned them in good faith to the public servant as soon as possible.

It is up to all Parliamentary Leaders and Members to uphold the principles of the Code of Conduct for Members of the Parliament of Tasmania. That Code includes a statement of values which commits Members to take care to protect confidential and official information in their possession or knowledge. It reads in particular: *"a member must not use official information which is not in the public domain, or information obtained in confidence in the course of their official duties or position, for the advantage or benefit of themselves or another person"*.

In view of these matters, your behaviour yesterday shows reckless disregard for Tasmania's system of government, including the maintenance of the integrity of the Cabinet process. By your actions you have also placed your political interests before the personal wellbeing of the public servant who made an inadvertent error.

In these circumstances, I request you to return all copies of the documents without delay, and desist from using them, or any further documents obtained inappropriately as was the case in Parliament yesterday. I would also ask that you consider a formal apology to the staff member concerned for placing them in this very distressing situation and acknowledging their discomfort.

I look forward to your assistance and timely response.

Yours sincerely

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke at the end.

Peter Gutwein MP
Premier