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THE HOUSE OF ASSEMBLY SELECT COMMITTEE ON CARETAKER CONVENTIONS MET IN COMMITTEE ROOM 1, PARLIAMENT HOUSE, HOBART ON MONDAY, 15 JUNE 2026

Minister for Energy and Renewables

The Committee met at 9 a.m.

CHAIR (Ms Badger) - Welcome to today's hearing of the House of Assembly Select Committee on Caretaker Conventions. Thank you for your attendance. This is the first hearing of this committee, so we have Mr Vermey, myself as Chair, Mr Winter, and Mr Garland here as well. Minister, thank you for joining us. We'll just get yourself to state your name and the capacity of which you're joining the committee, and if you wish, you can introduce those around the table, or they might wish to do that themselves.

Mr DUIGAN - Thank you, Chair. So Nick Duigan, Minister for Energy and Renewables. With me is Vanessa Pinto, who is Acting CEO of Renewables, Climate and Future Industries Tasmania (ReCFIT), and to my left, Mr Shane Gregory, who is the Acting Secretary of Department of State Growth.

CHAIR - Thank you. Can I confirm that you have received and read the guide sent to you by the committee secretary?

Mr DUIGAN - I have. Thank you.

CHAIR - Thank you. Just note, this hearing is covered by parliamentary privilege, allowing individuals to speak with freedom without fear of being sued or questioned in any court or place out of Parliament. This protection is not accorded to you if statements that may be defamatory or are repeated or referred to by you outside the parliamentary proceedings. This hearing is public, the public and media may be present. Should you wish any aspects of your evidence to be heard in private, you may make this request to the Committee at the time.

Mr SHANE GREGORY, ACTING SECRETARY, DEPARTMENT OF STATE GROWTH, and **Ms VANESSA PINTO**, ACTING CEO, ReCFIT, WERE CALLED, MADE THE STATUTORY DECLARATION AND WERE EXAMINED.

CHAIR - Minister, do you wish to make an opening statement?

Mr DUIGAN - Thank you, Chair. Yes, I will, and I thank the Committee for its time.

A positive final investment decision (FID) for stage 1 of Project Marinus was announced on 1 August 2025. It's important to note that while the FID had to be made during caretaker period, the Tasmanian Government commenced planning for how the state would approach the decision making process well before this time. The Tasmanian Government had endorsed a Tasmanian FID plan in May 2025 ahead of the election being called. Work on FID was overseen by a Secretary-level Energy Executive Seering Committee, chaired by the Department of State Growth (DSG) Secretary. There was also a Project Marinus taskforce established to assess Project Marinus against multiple criteria and considering the benefits, costs, risks and trade-offs in making a FID.

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The FID assessment was based on a number of inputs including the Whole-of-State Business Case, FID recommendations from Marinus Link Proprietary Limited and TasNetworks, advice and modelling from Hydro Tasmania, independent advice and assurance from detailed analysis from the Project Marinus Task Force.

The FID assessment confirmed that there was both a credible and strong investment case for the Tasmanian Government to consider taking a positive FID for stage 1 of project Marinus. This positive FID was consistent with advice received in the Project Marinus FID Assessment Report, the Report said the Energy Executive Steering Committee recommends that the Government make a positive Final Investment Decision for Project Marinus. The recommendation that the Tasmanian government take a positive FID for Project Marinus was because it considered the benefits in economic stimulus, returns to the state budget and improved energy security outweighed and could offset the residual impacts to customers. The Tasmanian Government always said it would only take a positive FID if the arrangement stacked up for Tasmania. Project Marinus is on its way to being delivered and we're on track for the planned commencement of construction later this year.

The positive FID was taken while the Tasmanian Government was in caretaker during the Tasmanian state election, due to MLPL having the urgent need to issue notices to proceed to suppliers. The Government was advised that there was no credible option to delay the FID, as this would have resulted in significant and adverse project impacts. The caretaker conventions were adhered to and the Opposition and other Members of both Houses of Parliament briefed and provided confidential access to the unredacted FID documents. Unredacted material has also been provided to the [Joint Select Committee on] Energy Matters Committee. Documents such as the Whole-of-State Business Case and FID assessment report are publicly available online and we have sought to be transparent at all times and I welcome questions.

CHAIR - Thank you. So on the matter of being transparent at all times: the government had previously committed to releasing the whole-of-state business case 30 days prior to a decision being made; part of caretaker conventions is not exclusively consulting with the opposition parties but ensuring there is transparency for the community. Why then did you not transparently put forward the whole-of-state business case at the time of making that decision, let alone 30 days prior to making the decision, as you had pledged to do?

Mr DUIGAN - Thank you, Chair. I think what is very important to understand is that at that time and through that period of time up until, you know, the signing of the Tasmanian Government Final Investment Decision for Marinus, there were very material conversations happening with the Commonwealth Government about the Tasmanian position and what we were seeking from the Commonwealth as one of the shareholders in Project Marinus to help the Tasmanian position, and I believe we got to a really positive place in that in terms of capping our equity, securing a very large grant; but the important part, the Whole-of-State Business Case, contained confidential information, particularly around Hydro Tasmania, and we were very keen that that information not be in the public realm and not be shared with the Commonwealth because that would seek to undermine our negotiating position. So, that was the key rationale for why we couldn't put the Whole-of-State Business Case out in the public, because it was unhelpful in the conversations that we were having with the Commonwealth.

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CHAIR - So, just to clarify that decision, even putting out a redacted version you chose not to do on the basis of Hydro's figures; and was it you, Minister, that made the decision not to put out the Whole-of-State Business Case?

Mr DUIGAN - So, the whole-of-state business case is a Treasury document.

CHAIR - Okay. So, Treasury decided not to release it as you'd previously promised?

Mr DUIGAN - Yes. Well, it doesn't live in my realm, so, no, it was not a decision I made.

Mr WINTER - Minister, thanks for being here, and thanks for your team being here. Actually, to follow up on that line of questioning, given what you said about the reasons why you couldn't release the Whole-of-State Business Case, why was the commitment made initially that you would?

Mr DUIGAN - Well, I think, you know, in the normal course of events, you know, potentially that was what we would have hoped to have done. There may have been some redactions required, but, you know, as it was - and I won't speak for the Treasury, but as it turned out, there was this period of negotiation that was ongoing and did not complete until Tasmania took a FID decision. So, in the context of that we felt that the benefit of keeping that information private and not giving the Commonwealth the opportunity to look under the hood of Hydro was worth, you know, not putting that information into the public realm.

Mr WINTER - The way Ms Badger just outlined this - correctly, if I recall - is that the statement was that you would release the business case at least 30 days prior to a decision being made, which demonstrates there'd been some thought put into it; what was the change in thinking from when the Government initially said you would release the business case, until afterwards, when you wouldn't?

Mr DUIGAN - So, you know, again, I would lean on the fact that we had these ongoing negotiations with the Commonwealth, you know, they were material. We're talking about millions upon millions of dollars year on year that we were able to secure in that last piece of those negotiations, and it was agreed that we wouldn't jeopardise those negotiations by releasing information that might run counter to those aims.

Mr WINTER - So, Minister, I want to start by looking at the period immediately following the state election on 19 July [2025]. So, obviously as the Minister for Energy, you were aware that there were some critical timelines coming up, we were in a really sensitive part of a very large infrastructure project. Can you run us through the situation, as of 19 July [2025], where discussions were at and what the timelines you were looking at for decision were at that point?

Mr DUIGAN - In terms of timeline -

Mr WINTER - You specifically had some contract validity stuff with the Prysmian Group; is that right, yes?

Mr DUIGAN - Yes, in terms of the hard dates that we had, we had hard dates with Prysmian for the cable, and we had hard dates with Hitachi for the converter stations, and there was no ambiguity about how hard those dates were, and in terms of Marinus Link and

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TasNetworks having the time required to finalise the documentation, particularly around the Clean Energy Finance Corporation (CEFC) financing model, the time that that would take, I think that was, you know, that they needed at least a week to get that done.

Mr WINTER - What were those dates, what were those hard dates for Hitachi and Prysmian?

Mr DUIGAN - Sorry, Ness, if I can, you've got the timeline in front of you.

Ms PINTO - No, that's okay.

Mr DUIGAN - I think Committee has - have you got the timeline?

Mr WINTER - I just wanted to lay it all out.

Ms PINTO - Yes, certainly. So, through you, Minister to the Committee, there was a notice to proceed date that was hardwired in to towards the end of August, and in order for that to be met by Marinus Link Pty Ltd, a number of things had to occur leading up to that in sort of successive order, if that makes sense. So, shareholders needed to make a decision as to whether they were going to then proceed, then the Clean Energy Finance Corporation, which was the significant financier for the project, needed to meet and also make a decision. In between all of that, Marinus Link board itself needed to meet, and all of those needed to then occur for equity and debt to be finalised, for then Marinus Link to be in a position to proceed with the commitment. So, it was all quite tight through that timeframe, if that makes sense.

Mr WINTER - What date were you given by the other shareholders to make a decision?

Mr DUIGAN - I believe it was 1 August [2025], wasn't it?

Ms PINTO - So, through you, Minister, the preliminary timeframe that all shareholders were working to was the middle of July [2025], but a series - Tasmania's situation was obviously one of them, causing challenges to that timeframe, of which what all parties sought to do was to work as best as they could to move dates towards the end of July [2025], as the Minister noted.

Mr WINTER - So, that mid-July [2025] date, was there an explicit date, or just at a period during the middle of July [2025]?

Ms PINTO - So, the middle of July - 15 July [2025], approximately that timeframe - was preliminary timeframe that the shareholders were aiming to work to, and that, as I noted, there were a series of decision points and meetings and board meetings that needed to occur. So, if those dates were to move at all, there had to be agreement across shareholders and entities as to those movements of which, as I just noted, Tasmania, as a shareholder, and its particular circumstances were a factor into how that would run.

Mr WINTER - Sure. So, 15 July [2025] - or around that period of time - we obviously had the election on 19 July [2025]. So, Minister, you must have, in the six weeks before that, been aware that there was this date coming up in which you would need to make a decision. What engagement did you have through caretaker conventions with the Opposition during that time in preparation for needing to consult on that timeline?

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Mr DUIGAN - So, you know, I was in engaged with my Secretary, the Secretary of DSG and, you know, I think all of my communications and all of my advice was around the fact that caretaker conventions would be adhered to and would be sought to be complied with, and that was absolutely my position that there would be, you know, at the right time, the need to consult with the Opposition and, indeed, as we did with the rest of the Parliament.

Mr WINTER - Was it your request, or was it the Tasmanian Government as a shareholder's request that that timeline moved from being around 15 July to 1 August [2025]? Was that your request?

Mr DUIGAN - No, the original movement of that date was a request from the Victorian Government, as I recall -

Ms PINTO - That's correct.

Mr DUIGAN - that I think the Victorian energy minister may have been elsewhere or something like that.

Mr WINTER - Sure. So that moved back to 1 August [2025] in terms of the date that was required. So, recognising the, you know, sheer scale of this project that people talk about the stadium being a big project, as you know better than anyone, this is significantly larger and more complex. At what point in time did you believe was the right time to engage with the Opposition around your responsibilities under caretaker?

Mr DUIGAN - I was reliant on advice, and perhaps Shane you might be best placed for to answer that question. But it was always my understanding - you know, when it became apparent that the decision could be taken after the election, I think we were all very pleased with that because there was a very real chance that a government would be able to make the decision and it wouldn't need to be made in caretaker. That was always forefront in our thinking; that this was a decision that you wouldn't ordinarily like to take in a caretaker environment, that this is a decision for a government, and to have that date extended then gave us the prospect of that occurring.

That became, as events unfolded, looking less likely, but in terms of the timing of briefings, Shane, perhaps that's one that you might be able to add some detail.

Mr GREGORY - Through you, Minister. I think you've essentially captured this. There were a couple of key things that happened, you will recall that the Commonwealth was very keen to get the decision out of Tasmania essentially immediately after the election, but I recall the Premier wrote to the Prime Minister asking for that to be deferred on the basis it would be better to wait until we had a known election result and the government-elect, if you like, could make that decision properly.

Mr WINTER - Sure.

CHAIR - That was going to be my next question as well. Obviously, federal governments are also subject to caretaker conventions, as is the Victorian Government. Certainly, when we've seen the Federal Government have to make decisions in caretaker conventions, they are emergency situations, they're not quite on the same level as this. What was their response, if

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the Premier asked them to move this decision timeline out further so that we did have a formed government in place? They seemed to be lacking a little bit of flexibility there.

Mr DUIGAN - There was genuine lack of flexibility. I think - and I would pass to Ness or Shane to talk about that extension of period of time - but I think, the reality was we were running into a wall and it was movable to a point and it moved, as far as I'm aware, to that point.

Ms PINTO - Certainly, through you, Minister. I think the Australian Government and Victorian Government as shareholders completely appreciated the situation our jurisdiction was in and endeavoured as best as they could to support. Noting as well that Victoria had its own matters it had to deal with, which meant that the July [2025] timeframe was going to get pushed anyway. But the pushing to 1 August [2025] as being the penultimate date was it; the project could not go any later than that. If it were to go any later than that, it would have put at jeopardy the entire project and it would have significant commercial ramifications. I'm not in a position to share the quantum of those because that is a commercial in confidence matter for the Australian Government, but it would have had significant commercial ramifications.

Mr DUIGAN - I think a point that we shouldn't lose is the fact that to do nothing, you know, to not make a decision, was essentially to give a negative FID. I think advice to me, and I'm relying on my memory, but, you know, to lose that cable and converter spot looked like a five-year delay. So, if we said, 'We need to wait, we need to wait', and those slots got lost, then it was essentially, you know, there was no - a do nothing had the effect of a 'no'.

Mr WINTER - Minister, when did you believe that you should be engaging with the Opposition as part of your caretaker convention requirements?

Mr DUIGAN - Again, I was just relying on advice from the Department, you know, it wasn't a matter of 'if'. We were always, as I understood - unless a new government could be formed in the time that we'd been given - that at an appropriate time there would be consultation with the Opposition. We felt that it was a decision with enough gravitas to go beyond what would be normal, because I think the normal caretaker convention is that the Minister would engage with the with the Opposition spokesperson. We felt that it was right and proper that all of Parliament be engaged and briefings were - I understand there's some level of criticism around that, noting the volume of documentation that was provided. But, Shane, anything that you're able to add on why the timing was, what the timing was?

Mr GREGORY - Through you, Minister, there was a lot of consideration around the decision and caretaker conventions. I was at the Department of Premier and Cabinet (DPAC) at the time, and there was advice sought from DPAC around whether the caretaker conventions would apply and the decision, as the Minister said, it wasn't if they applied, they clearly would apply in this case. Then it was a matter of sort of working through how that affected dates and how things would come together. There was quite a bit of thought given to when was the appropriate time knowing that there had to be consultation. I think we just ended up running very close to polling day, and as the Minister said, the opportunity to have a decision made by a sort of government-elect was certainly a consideration for Government, as I understand it.

Mr WINTER - So, Minister, on 26 July [2025] there was an article in *The Australian* newspaper, and I'll read from it. It says:

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The handling of the issue -

Which is Marinus.

Is causing division within the government with Liberal sources accusing Premier Jeremy Rockliff or his staff of blocking a briefing to Labor by Energy Minister Nick Duigan.

Mr Duigan's office is understood to have been keen to brief Labor and create bipartisan support for a timely decision.

Is that correct?

Mr DUIGAN - Look, not to the best of my recollection. No. As I say, it wasn't a question of 'if', but merely a question of 'when'. There was no question about would there be a briefing; there was going to be a briefing.

Mr WINTER - Did you and/or your Chief of Staff seek to brief the Opposition earlier than it did occur?

Mr DUIGAN - Not to my knowledge. No.

Mr WINTER - I just want to, I think I know the answer, but just want to make sure it's really clear: at no point did you have any direct conversations with the Shadow energy minister, Janie Finlay, ahead of those briefings that occurred?

Mr DUIGAN - I believe I spoke to Ms Finlay post the briefing, would be my recollection, just to offer - because again, I was aware of the criticism that had been raised about the time available to get head around the documents, so I offered, again, access to the documents and the Department [of State Growth], which I think was subsequently taken up, but I don't believe prior to.

Mr WINTER - I just want to make it absolutely clear: at no point in time was your office blocked from providing caretaker discussions with the Opposition?

Mr DUIGAN - No.

Mr WINTER - Okay.

Mr DUIGAN - So, you know, I guess we would have been involved in conversations that were going on, but no.

CHAIR - Minister, I just want to go back to the Whole-of-State Business Case. I'm just interested - obviously, the Government made a commitment to make that public. I think that was in March or April earlier in the year [2025]. Why, then, did you make that commitment to then not do so? At what point in time did you determine that you couldn't, as you said before, release that publicly and transparently as per your previous commitment?

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Mr DUIGAN - Well, again, I think it was in light of conversations that were occurring with the Commonwealth. Vanessa, you might be able to provide some more detail around when and why.

Ms PINTO - Yes, certainly. I'm just going back and just checking dates. So, 12 June [2025] the state election was called. We're talking about a Government that committed to release ahead of a financial investment decision. So, things were happening real-time to pathways that were occurring for the Government in Tasmania in relation to this project. So, at that really pivotal time for the project, the Government went into an election and it went into an election as a jurisdiction without a budget. The Budget did not have the next lot of equity that this jurisdiction needed to provide in order to even enter into a financial investment decision point. We were in an extremely challenging position as a shareholder to a project without equity for that purpose. Further, we were also in the middle of a negotiation that had not reached a penultimate point, if that makes sense.

I think they're the very important elements that occurred at that time, of which, as the Minister has noted, the Whole-of-State Business Case had really material information in it that then would have impacted on those discussions between this jurisdiction and the Commonwealth.

CHAIR - So, just to pinpoint a little bit further, can you just remind me the date that you got the Whole-of-State Business Case? Then, from what you're saying - and forgive me if I've interpreted this wrong - you're saying in entering into caretaker without the Budget having passed, that was also sort of determining the decision not to release the Whole-of-State Business Case publicly?

Mr GREGORY - Through you, minister, the importance of not releasing the business case in totality really relates directly to the negotiations with the Commonwealth. What the [DSG] Secretary at the time, Secretary [Craig] Limkin, was trying to do was to get the best outcome for the people of Tasmania in negotiating the Marinus arrangements, including the North West Transmission. The state was trying to get the best deal it could and minimise its equity into the project and get the best outcome. The state's view was getting that result was independent of the underlying value of Hydro. The Commonwealth's view was, 'No, the underlying value of Hydro was very important in its decision about how much Tasmania should pay'.

In essence, the Commonwealth wanted to look under the bonnet of Hydro and look at that underlying value that had been built up over 80 years of hydroelectric investment and go, 'Well, that should influence how much you pay for this next component'. Our view was, 'Well, no, that was 80 years of investment by the Tasmanian people in its hydroelectric capability; that had nothing to do with how much it should pay for Marinus'. That's the important element of not releasing the business case during that period of negotiation.

CHAIR - Cool. We're just trying to understand the timeline in terms of how it plays out in relation to caretaker conventions and the transparency that has to be provided to the Tasmanian people, as they were promised. I'll just go back to the original question: can you remind me the date that you received the Whole-of-State Business Case, if you have that information at hand?

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Ms PINTO - Through you, Minister, I might just make reference, I believe that Department of Treasury and Finance may have also responded through to the Committee and, as that advice has noted, the Whole-of-State Business Case was provided to the Treasurer on 17 April, and on 20 May, the Whole-of-State Business Case was then presented to Government.

CHAIR - The other component to that, further, is obviously in caretaker the Government can't, or shouldn't, make any decisions that could be of benefit politically to themselves, disadvantage any other incoming government. I'm just interested in some of what the Premier said on 28 June last year [2025] in relation to Marinus, as he said, as you have, Minister, that there are significant economic benefits for Tasmania but the Tasmanian Government will only sign up if - part of it was 'Marinus must deliver lower power prices to Tasmanian consumers than without it', and 'direct-connection customers will not bear transmission impacts of Marinus', and that 'Tasmanian consumers are protected'. Can you just point out for us where in the Whole-of-State Business Case it actually says that that is going to be an outcome?

Mr DUIGAN - I think it's really important to understand what the Whole-of-State Business Case is. It's not the Bible for Project Marinus. You know, it's a point in time, and obviously there are issues that it addresses, but it doesn't necessarily address everything going forward and it doesn't contemplate the future. In terms of protecting Tasmanian customers, I would point to those conversations that were happening with the Commonwealth at the time, so that \$346 million grant is a way of protecting the Tasmanian customer, capping our equity contribution to Marinus Link - the undersea cable component of Project Marinus - which I think most people would agree is where the risk component most broadly sits in terms of cost overrun.

In policy terms, the Government has committed to a pricing review to make sure that we've got our settings correct going forward, as Project Marinus will drive a change to the electricity landscape, supply and demand landscape in Tasmania. We've also, from a policy perspective, said that we would shield those direct-connected transmission customers from the direct impacts of Marinus because it is, at the end of the day, a transmission buildout and those customers would be disproportionately impacted. You'll see in the Budget this year [2025] there is \$16 million there to protect those customers. That will be something that we will do going forward.

The Whole-of-State Business Case is one input, there are a whole range of other things that are also considered. The FID assessment report, I think better contemplates a lot of those 'what if, then' kind of questions around what will we do that aren't necessarily dealt with in the Whole-of-State Business Case.

CHAIR - Yeah, there's also the Deloitte report that says that prices would be higher for Tasmanians under Marinus than without it. I just want to -

Mr DUIGAN - It's important to recognise that that Deloitte report in that circumstance is talking about spot prices rather than wholesale prices. These spot prices are beneficial to Hydro, but Tasmanian customers don't pay spot price.

CHAIR - Sure thing, Minister. I guess for Tasmanians who couldn't see the Whole-of-State Business Case, they're blissfully unaware of that. Based on that timeframe, you committed to making that Whole-of-State Business Case public after the Government had

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received it. I just want to go back to the timeframe when exactly that then changed. Was it, just to clarify, because we went into caretaker without a Budget?

Mr DUIGAN - My recollection - and I'm happy to be corrected - but my recollection is much more around those conversations that were happening with the Commonwealth and the fact that Tasmania is one of the very few states - maybe the only state in the country - that still owns its generating asset. Often, we get asked to use that generating asset to do things that other jurisdictions are not asked to do; that is, use Hydro profits as a lever to do other things.

Mr VERMEY - Minister, renegotiating those negotiations with the Federal Government ultimately meant that we were in a better position out of that. You know, there was the pause, but getting that done actually put us in a better position?

Mr DUIGAN - No doubt, I would say, as I've mentioned here, the capping of the equity position is a good position to be in, in terms of our risk to the Budget. That's a really good place to be and that comes with the dilution of our shareholding. But importantly, we do get to retain a seat at the board, and we do get reserve rights in a number of matters. For example, if Marinus II goes ahead, that's obviously something that would need to be by unanimous agreement of shareholders. So, that's good that we're at the table for that; a \$346 million grant against TasNetworks' base assets, which I think translates into an ongoing saving of around \$15 million a year for customers, that's a really important thing, and also concessional financing and other things like that. So, I would say our position materially improved over the course of those weeks of negotiation, and you know, I take the opportunity to thank the Federal Government and Minister Bowen in that, because they were good counterparties. They did want to look under the bonnet of Hydro, they did want to know what it meant for Hydro, but we were very keen to keep that away from them, because you know, they wouldn't be asking if it was AGL [Energy Ltd].

Mr WINTER - Minister, back onto the negotiation points: so, there's a pushback in the drop-dead date track to 1 August [2025]. We have an election on the 19th [of July 2025]. By Monday the 21st [of July 2025], it was pretty clear that there was going to need to be a number of negotiations. Can you tell us why you didn't open those discussions around caretaker with the opposition for another week, until 28 July [2025]?

Mr DUIGAN - My recollection of that time was there is the real prospect of there being a government-elect; you know, before August 1 [2025], which was what, almost two weeks after the election, I think the thinking was that there is the very real possibility that there would be a government-elect, was there not?

Mr WINTER - It's not a matter of - it's actually a matter of interpretation, Minister -

Mr DUIGAN - Yes, but, you know, I just recall, you know, at the time -

Mr WINTER - It was ambitious, I would call it.

Mr DUIGAN - All right, well, 39 per cent of the vote is a landslide in most places, but, you know, again I would reiterate that if there was the possibility of doing this not in a caretaker circumstance, then that was very much everybody's preference.

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Mr WINTER - I understand that from your point of view. I just want to take you through what happened on the other side, which was on the 28th [of July 2025] at 2.41 p.m., opposition parties, including crossbenchers, Greens, Labor received a letter from yourself, the Treasurer and the Premier combined, inviting them to briefings. In my case, the briefing was the next morning at 11 a.m., I think, in fact, intended to do it earlier in the day, at a time when I simply wasn't there. It was held in this room; I was able to dial in because I was on the wrong end of the state. More than 1000 pages of documents were provided, laid out on the table. Members weren't able to take them with them, had no advice, hadn't seen any of the documents before. Do you think it was reasonable to ask other Members of Parliament, with no engagement in this, to make a decision about whether this is in the best interests of the state based on that form of engagement?

Mr DUIGAN - Look, you know, I think throughout the course of that period I was provided with advice. I followed that advice. Shane, I'll ask you to speak to the mechanics of the briefing and the reasonableness of it, if I could.

Mr GREGORY - Through you, Minister, look, I think there's no question the timeline was challenging and there was a substantial amount of information. We talked a lot, we did give quite a bit of thought about how we would do the briefing and how we could make the information available, particularly the large quantity of documents and pages and how we can make them available. I would acknowledge that there were a number of Members who had dialled in from the north of the state, and that became, I think, a challenging process for those Members; but we did try to get documents to various parts of the state, just acknowledging there was a large volume of material involved.

Mr WINTER - Minister, I want to take you to the caretaker conventions, 2.5 says:

If circumstances require the Government to make a major policy decision during the caretaker period that would bind an incoming government, the relevant Minister, after agreement with the Premier, would usually consult with relevant Opposition spokespersons beforehand.

That happened: that's fine.

The requirement to consult does not require the government to obtain the endorsement of non-government parties.

Is that pretty clear to you, there was not a requirement for opposition parties to actually sign off?

Mr DUIGAN - Yes. That was my understanding. Obviously, you know, given, I think, particularly the Labor Party's commentary around Project Marinus and encouraging us to get on with it, and things of that nature, we were - well, I was hopeful, I would say, of having an endorsement, but you know, I understand that that was not a prerequisite.

Mr WINTER - So, that's my understanding as well, that the Opposition isn't required to - and we will hear from Anne Twomey later, wait for her evidence around how this works in a broader context; but how do you explain the correspondence then and public commentary from the Premier where he claimed that the Opposition needed to sign off on Project Marinus?

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Did he just have incorrect advice? Or how did he come to that conclusion that he required the Opposition to sign off on Project Marinus?

Mr DUIGAN - Look, you won't be all that surprised if I don't reflect on, you know, correspondence from the Premier.

Mr WINTER - His correspondence says:

I therefore write to confirm that, pending your agreement, the Tasmanian Government intends to make a positive Marinus FID on the basis of the Australian Government's new and current offer.

So, the Premier claimed publicly that he required sign off; do you know where he got that advice from?

Mr DUIGAN - No, you know, I would only say that, you know, from my perspective, given statements that have been made by yourself and by the shadow spokesperson, Ms Finlay, around the benefits of Marinus that, you know, I would have appreciated a bipartisan support for it, but, you know, it was never my understanding that that was a requirement.

Mr WINTER - So, the request for response came by 9 a.m. on Thursday 31 July [2025]. Were you aware of the of the Premier seeking the opposition sign off by that date, or was that done without your involvement?

Mr DUIGAN - Was it in the public realm? Was it reported on?

Mr WINTER - Well, I think it was pretty heavily reported during that week.

Mr DUIGAN - So, I was aware of it from that perspective, yes.

Mr WINTER - Sure. So, in terms of this engagement, you were pretty clear from reading the caretaker conventions that you're only required to consult - and albeit not all of us were very happy with the way we were consulted before the final decision was made, which actually, in this case, in my view, probably does meet the caretaker requirements. Given that, though, the Premier also stated on that day that he was seeking legal advice about his requirements under caretaker conventions, were you aware - have you sighted that legal advice where he claimed that he needed to find out whether the Opposition had to sign off?

Mr DUIGAN - So, to that point specifically, no, but certainly through the course of, you know, that period of time, that month of time I think that all this was pretty live, you know, I was getting advice from my Department [DSG] and, you know, it was always couched in, you know, 'caretaker conventions will be adhered to' and all of those sorts of things. So, I'm not aware of the specific advice that may have been given there.

Mr WINTER - Did DPAC ever give any advice that the caretaker conventions might require the Opposition to sign off on the decision?

Mr DUIGAN - Again, relying on my memory, I would say, in my circumstance, no.

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Mr WINTER - So, you're not aware of where the Premier got the idea that he required the opposition to sign off?

Mr DUIGAN - Again, I won't speculate on that, no.

Mr WINTER - What was the Federal Government's interpretation of - obviously for them I'm assuming at this point in time it's a very big deal, because they've got a national energy rollout that requires more renewable energy from Tasmania. What was their engagement during this period of time? Were they seeking - did you provide them with any advice about how caretaker conventions would work?

Mr DUIGAN - I'm not sure in terms of written advice; I would need to check whether that - I think, certainly, you know, Minister Bowen and I were exchanging letters through that period of time, and my memory would say that that all of my correspondence would reference that the Tasmanian Government was acting in line with caretaker conventions. So, certainly the Commonwealth Government was very well aware, as you'd expect. What was the question?

Mr WINTER - Was the Australian Government ever told that your Government required the Opposition to sign off on Marinus before FID was made?

Mr DUIGAN - Not from my perspective, no.

CHAIR - Just on a different energy matter during the caretaker period that's not Marinus. Obviously, on 1 July [2025] the Premier announced his endorsement of the Firmus AI factory at St Leonards, which of course is now across multiple sites. At that point in time, it wasn't clear what specific public commitments or discussions were happening; it was just an endorsement and announcing the world's first AI factory zone, which of course has no legislative or regulatory powers. At that point in time, are you aware of discussions that were underway in terms of energy commitments to Firmus or GBEs undertaking work in terms of looking at what connections would be necessary for their factories across the state at the scale that they were planning

Mr DUIGAN - 1 July 2025?

No, not specifically around Firmus. Obviously Hydro has a contracting framework and Aurora similarly. But to Firmus in particular, no, I was not aware of anything.

CHAIR - So, when the Premier announced that on 1 July [2025], and backing them - he backed them not knowing whether we would have enough power to supply them, given that we now know they're going to be the state's largest power consumer?

Mr DUIGAN - Look, again, I'm not here to comment on comments that the Premier's made other -

CHAIR - Sure.

Mr DUIGAN - It's not my role to do that.

CHAIR - He hadn't had discussions with you about that or anything at that point in time?

Mr DUIGAN - Certainly, we're all, I think, as people are generally, aware of data and the interest that would naturally flow to having those sorts of facilities in Tasmania, given its climate, given its green grid and those sorts of things.

CHAIR - Right. As a part of that announcement, did you speak to the Premier or Firmus off the back of that to look at how that would actually look for the state? They're very sort of general assumptions about Tasmania's climate and green branding to apply to it - certainly something that's come under a lot of scepticism from academics and professional fund investors. Did you look for verification of any of the claims? For example, around the St Leonard's AI factory and whether their power efficiency could actually be met?

Mr DUIGAN - Well, certainly subsequent to that announcement in July last year [2025], I've spoken with Firmus and sought to understand how they see the world and what their understandings of what we would see as their obligations in terms of power use in Tasmania.

Mr WINTER - Minister, we get back to the end of that week and, by this stage, we're at 30 July [2025] and the Premier has written to the Opposition saying that he requires the Opposition to sign off. You've said that that's not your understanding of how caretaker convention works and it's pretty clear that it's not. Then, the Opposition replies to the Premier on the 30th [of July 2025] and says:

While Tasmania Labor supports Project Marinus, it is critical we get this right. Due to your appalling breach of caretaker conventions, inadequate consultation and lack of transparency, I cannot reasonably endorse your decision by the deadline of 9.00 a.m. tomorrow morning.

What happened from that point in time once you didn't get the sign off from the Opposition?

Mr DUIGAN - Let me think. Again, relying on my memory, I think the reality is that your letter there is fairly unambiguous that that wouldn't be occurring. I would need to go back and - but I think -

Mr WINTER - Was there any legal advice sought at that point in time around the requirement or otherwise for an opposition to sign off?

Mr DUIGAN - I would imagine so, but I, again, would be relying on my memory, so I won't do that. Shane, do you have - or Ness, anyone got good memory of that of that period of time?

Ms PINTO - Not specific to that question, no.

Mr DUIGAN - I think the reality was we would have, I would have, and I'm sure - well, I won't speak for the Premier, but I suspect the Premier would have preferred to have, you know, bipartisan support. I think probably when that became apparent that was unlikely to occur, then it became a matter of, 'Well, our deadline hasn't changed and we need to get on with making a decision because the failure to make a decision has substantial impact'.

Mr WINTER - So, from his letter and his public statements, it wasn't that he preferred to have the Opposition support, it was that he was claiming that he had to have it, that was, he

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required to have sign off, because otherwise the deal actually couldn't go through. So, I'm assuming that when you get the letter from the Opposition that says that the Opposition's not going to sign off on it, then surely that's a bit of a panic moment because your position at that point in time was that you legitimately couldn't sign off. So, I'm just trying to understand what happened. Surely at that point in time there's quite some discussion.

Mr DUIGAN - My memory of that, the advice that had come to me, was that it was not necessarily a deal-breaker should the opposition not provide its support as, you know, as set out in the caretaker convention.

Mr WINTER - If it's not necessarily required, why was the Premier claiming to Members of Parliament, to the public, that he required full sign off in order to proceed with this - this is the largest infrastructure project in Tasmanian history, you've got a Premier claiming he requires Opposition sign off, he even said he'd get legal advice afterwards, but you're saying you were clear the whole time that he never needed it?

Mr DUIGAN - Well again, you know, my advice, I suspect, was probably coming via DSG. His advice was probably coming via DPAC, Shane. Anything you would say there?

Mr GREGORY - Through you, Minister, just that I recall at the time the DPAC advice was consultation needed to occur, and I believe - stretching my memory a bit - that it was consultation only that was required. And our advice was [DPAC's] - I provided some of that advice through to DSG.

Mr WINTER - So, DPAC was providing the advice to DSG, who was then providing advice to the Minister. Is that correct?

Mr DUIGAN - Well, I think caretaker conventions live in DPAC, do they not? Yes.

Mr WINTER - Yes, I think that would make sense. But I'm trying to understand where the Premier was getting his advice from; the polar opposite to your advice, because you've got clear advice and I have to say I agree with your position, Minister, that the caretaker conventions are crystal clear: 2.5 says that you need to consult, but quite specifically says you do not need to get the sign off. So, do you have any idea where the Premier got this idea that he needed sign off from the Opposition parties?

Mr DUIGAN - Look, I think that's probably a question that you'd put to the Premier.

Mr WINTER - Could it be that this was part of the Premier's political strategy? That he would try and bring the opposition in to Project Marinus as part of his negotiations with the crossbench?

Mr DUIGAN - I won't speculate on any of that. I can speak for myself and what my understandings were, and, you know, I think I've been reasonably clear on that.

Mr WINTER - It seems odd though, doesn't it? That DPAC, we've heard, hasn't provided any advice that he requires sign off; the caretaker conventions are explicit that you don't require sign off, yet he's run around for a week telling people that he needs the sign off of the Opposition. It sounds pretty dishonest to me, do you agree?

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Mr DUIGAN - Well, you know, I think we would all say that it would have been - it was preferable given, as I say, there were a number of public statements by yourself and others in the Labor Party about the importance of Marinus and get on with Marinus and just get it done, that we had that bipartisan support. I think that would have been helpful. I think that's probably the outcome -

Mr WINTER - Do you think it's appropriate that the Opposition and crossbench were deliberately misled by the Premier during these negotiations?

Mr DUIGAN - I have nothing to say on that. I think that's to speculate.

Mr VERMEY - Chair, can I just say -

CHAIR - Do you have a question?

Mr VERMEY - Well, just a statement on that. I think we've got to be careful of what - with the way of questioning. You know, obviously the Minister knows what he knows, but he can't really read the mind of the Premier. We've just got to be a little bit careful on how much we assume.

Mr GREGORY - Minister, through you, if I can just clarify: When I was at DPAC, the advice I provided was to the Energy Executive Steering Committee of the Department of State Growth.

Mr WINTER - Not specifically to the Premier?

Mr GREGORY - I didn't provide advice to the Premier.

Mr WINTER - Thank you for that, appreciate it.

CHAIR - Can I ask, in terms of the consultation that occurred when Members were provided the unredacted Whole-of-State Business Case, how did the design for that consultation come to be? We were still in caretaker mode, of course, it's the role of any department to ensure that everyone from all political sides has the same advantage and access to those documents. So, given they were only given a constrained period of time to look at those documents, it was arranged last minute. Who helped shape what that consultation actually looked like?

Mr DUIGAN - I was pretty clear through that that this should be department-led, you know, that this was not to be a political kind of circumstance; I didn't want that. We had had some precedent in the 2024 election, which you may recall, there was a caretaker requirement for Project Marinus in that period around the shareholders' agreement. That was a departmentally run briefing and I think was broadly well received and so we sought to do something similar to that again. Shane, your thoughts on how we got to where we got to?

Mr GREGORY - Through you, Minister, it was discussed extensively at the Energy Executive Steering Committee about the information available, volume of information, how to present it, what was appropriate to present unredacted and so on. So, there was quite a bit of discussion. Then there was some consultation through DPAC with the Premier's office around

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the arranging of the briefings, so departments don't arrange briefings directly with Members of Parliament. So, that was done in consultation with the Premier's office.

Mr GARLAND - Marinus is all based on assumptions which some experts have highlighted are questionable. Basslink was pretty much the same, and I've since found out that some of the assumptions based in Basslink were false. We were given two hours with the Whole-of-State Business Case - is that what we were given to go over it with the redacted documents? I can't remember; it was an afternoon, but I think that's all we had. To me it's sort of - this has been rushed through and we've been denied proper scrutiny of it all, and the whole process to me was questionable.

Mr DUIGAN - Look, I do take your point about two hours to go through the volume of information is [not] a lot.

Mr GARLAND - Bearing in mind it's one of our biggest infrastructure projects.

Mr DUIGAN - I agree. Strictly read, the caretaker convention probably, you know, talks about the Opposition party, doesn't talk about all of Parliament. So, this was a broadening by us at that time to invite everybody in so everybody had the same opportunity to have a look at this stuff. What I think's really important, though, is to recognise that the decision-making process to get us to where we got to on 1 August [2025] started months, if not years, prior to that. There were committees set up, a really clear assessment by the businesses involved, by the Government, by Secretary-level, you know, all the best heads in our Government to get us to a point where we could with confidence take that decision. I'm actually quite proud of the framework placed around that decision. I think if you go back - and I know you've got access to all the unredacted documents now, all of them - and if you go back and look through all of those documents, you know, I think there is a very clear and a logical and a well interrogated path that gets us to where we got to. I would seek to use that for future large investment decisions that we might make in the energy space.

But I do take your point that two hours is not a long time to get your head around some of this stuff, and you know people will make assertions about various aspects of the project and Basslink and so on. I take that point, but on balance, all of the evidence, all of the recommendations, pointed to the fact that this was, on balance, a good decision for Tasmania.

CHAIR - Just noting the time is 10 a.m., I believe you have to leave us, Minister. Thank you all for appearing before us today, and just quickly noting that what you have said to us here today is protected by parliamentary privilege, as we said by the outset, and once you leave the table, you need to be aware that privilege does not attach to comments you may make, to anyone, including the media, even if you are just repeating what you said to us today. Is that understood?

WITNESSES - Yes.

CHAIR - Thank you.

The witnesses withdrew.

The Committee suspended at 10 a.m.

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Professor Emerita Anne Twomey

The Committee resumed at 10.15 a.m.

CHAIR - Thank you and welcome back to the hearing of the House of Assembly Select Committee on Caretaker Conventions. Thank you all for your attendance. Online, Professor Twomey, I will just get you to please state your name and the capacity in which you are appearing before the Committee.

Prof TWOMEY - My name is Anne Twomey, and my capacity is just as an individual who's been asked to give, I presume, my academic view on caretaker conventions.

Professor Emerita ANNE TWOMEY WAS CALLED, VIA MICROSOFT TEAMS, AND WAS EXAMINED.

CHAIR - Thank you, and can I confirm that you have received and read the guide sent to you by the Committee Secretary?

Prof TWOMEY - Yes, I have.

CHAIR - This hearing, just for your background, is covered by parliamentary privilege, allowing individuals to speak with freedom without fear of being sued or questioned in any court or place outside of Parliament, and this protection is not accorded to you if statements that may be defamatory are repeated or referred to by you outside of the parliamentary proceedings. This hearing is public. The public and media may be present. Should you wish any aspects of your evidence to be heard in private, you must make this request to the Committee at the time. Did you want to make a short opening statement at all or general comments around -

Prof TWOMEY - No, you can go ahead, ask questions.

CHAIR - Fantastic. Thank you very much. I might dive straight in then, if that's okay. Thank you very much for your statements and videos that have been online. Certainly the process or mechanisms of caretaker conventions are something that we all talk about around election time but fully understanding what they actually mean is something else entirely. So it's been enlightening, perhaps not for the best reasons in this last election cycle, to fully understand what they are and what they mean.

Of course, only being conventions, there's a lack of enforceability and a degree of interpretation. From the Committee's perspective, in terms of looking at any potential breaches, and you know any kind of outcomes and recommending moves forward, I was wondering if you could talk us through any examples that you could think of kind of high-profile definitive breaches of caretaker conventions, across Australia, sort of examples that we could be looking at and putting this into a comparable context, if that's possible?

Prof TWOMEY - Okay, alright, so the first thing I will just say is that anything I know about caretaker conventions is in my book called *The Veiled Sceptre*. There's a whole chapter in there. So, if I don't happen to remember off the top of my head now, you can refer to that later because that will have anything in there that's useful. So, all right. Caretaker breaches tend

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to arise - well, the obvious ones are in relation to appointments, and then of course also in relation to contracts and projects. Appointments are the more obvious ones, because they're definitive things that happen, and they don't tend to have connected to them other kinds of pressures like contracts do. For example, there might be other reasons why you have to enter into a contract now, but normally there's no particular necessity for appointing someone at a particular time.

Sorry, breaches of caretaker conventions in relation to appointments tend to be more relevant, I was just having a short look before the hearing through the bits of my book on this. The most spectacular one is not Australian, it was Canadian, but it was when an election had been held, the Government lost the election but still wanted to exercise a power after it had lost the election, before the new Government had been sworn in, to appoint a whole lot of senators and other people, and that was baulked at, understandably, by the Governor-General at the time in Canada; and although some of the appointments were made to lower-status positions, he was not prepared to appoint senators to stack the Senate from a government that had lost. So, that's the screamingly obvious sort of one. Another example that in Australia, at this time, which is - well, it happened at the very beginning of when the caretaker conventions were becoming more formalised and that was when Don Dunstan was in Government in South Australia. Very shortly before an election, he wanted to appoint a new Governor, and it was so shortly before the election that Buckingham Palace was quite worried about that, lest the new government, if there was a change of government, came in and wouldn't support it. The upshot was that Buckingham Palace effectively delayed doing anything so that there wasn't the appointment of a state Governor immediately before an election in the caretaker period. They're a couple of examples.

From recollection, there was also an example that wasn't so much a breach, but one that led to negotiation. I think - I might have this wrong because I haven't checked it up - but I think it was the appointment of a new Police Commissioner in Victoria and, I think, it was in the period where the Kennett Government had - there was an election and there was a long period after that during which there were negotiations to see who would form government, and there was some issue there about appointing the Police Commissioner. I think it ended up as a matter that was negotiated between the parties, but I might have that story a bit wrong, so check it out in my book just to make sure you've got the right details. So, they're kinds that deal with appointments.

In terms of contracts and decisions: again, there's a spectacular one in Canada, another one in Canada. There was a controversy in 2004 in Australia, where the Howard Government sent Special Air Service officers to rescue two Australians who were kidnapped in Iraq during the caretaker period. There were some allegations then that it breached the caretaker conventions. But the Defence Minister noted that the decision was not binding in any way on a future government. They were just going in there to rescue people; they weren't exactly starting a war. And that it had also been taken in accordance with pre-existing policy to deal with kidnappings that had been approved before the caretaker period. That's another factor that comes up in these sorts of things: even if you're doing something in the caretaker period, but it is on the basis of something that has been approved - a decision had already been made before the caretaker period, then that's sometimes used as an exception as well.

CHAIR - Obviously in terms of only being a convention, are there any examples of accountability for the breaches, or is it something that is negotiated moving forward, whereby someone makes a decision that they shouldn't under the conventions, therefore the new

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incoming government, whoever that is, then determines whether that was appropriate or not to make that decision and overthrow it? Or is there a mechanism for any kind of accountability?

Prof TWOMEY - The accountability is, essentially, political. So, if publicly the people think that the government has been behaving in an inappropriate way, that may reflect how they vote in an election, for example. That's a bit more difficult, where the breach of the caretaker convention, of course, happens after the election has been held, but you're in a period of caretaker governance after the election.

I'm thinking in New Zealand, there was a particularly controversial one in relation to the devalue of the dollar when the Lange Government was elected but had not yet formed government. So, there was an issue as to whether the outgoing government should act in a way that was consistent with the policies of the ingoing government in relation to devaluation of the dollar in New Zealand. Again, it was more an issue of the public support for, in this case, now a former government - sorry, it was more a case of the public losing confidence in or trust in a government that exploits the caretaker conventions.

So, in terms of actual ramifications of that kind, no. Sometimes decisions are overturned - now, sometimes that's easy and sometimes it's hard. So, it may well be that a decision of an appointment, for example, was made on a temporary basis until the new government came in. Then the new government might decide no, they don't want so and so to be appointed to a particular office and therefore the appointment doesn't proceed. Or, you know, it's for a fixed term, is limited and then the person is replaced.

With contracts this can be more difficult. Again, sometimes if you are in a caretaker position, you might be able to negotiate a term into the contract that you're required to enter into during that caretaker period, that a new government has a way out, and that's one way of dealing with contracts that come into place during a caretaker period, but often that won't be the case.

I have a vague recollection of New South Wales, I think it was maybe a new government came in and there had been commitments in relation to something about contracts concerning tolls and toll roads and the new government had a policy against it and discovered that there would be absolutely massive financial penalties against it if it tried to proceed to revoke what had been done previously. So, sometimes there are financial imperatives that prevent contracts from being broken or reneged upon, and therefore it's just not feasible.

CHAIR - I'm just going to see if anyone else in the committee had any follow up to that line of questioning or something else?

Mr WINTER - I've got something else. Thanks for being with us, Professor. I've just noted before we went on air that when we were going through this caretaker period, we were getting our own advice, but the advice we kept getting was to listen to what you were saying. So I feel very comfortable and confident that we're talking to the right person.

Prof TWOMEY - Thank you.

Mr WINTER - Our terms of inquiry, we've got a few different matters within it, but a broad question for you is around what examples there are, or perhaps there aren't any examples, of where caretaker conventions might require an opposition to actually formally sign off?

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In our caretaker conventions as they're drafted by the Department of Premier and Cabinet, they're quite explicit that it requires consultation but not sign-off. But is there any other jurisdictions you're aware of that would actually require a formal sign-off from an opposition or a crossbench party in order for an executive government to make a decision?

Prof TWOMEY - No, I couldn't think of one off the top of my head. Normally it is a matter of consultation, and that is because you have to have someone in government who can make decisions and you can't paralyse yourself by not being able to make a decision. Normally I think the answer is no. I just have somewhere in the back of my head a concern that there is some small specific area where you may need opposition agreement, but I just can't at the moment, it doesn't come to mind precisely what it is.

I mean, I know for example, one of the other issues that comes up here is intergovernmental negotiations. So, if there is an intergovernmental negotiation of some kind going on while you're in caretaker mode, or if there's some kind of international summit you have to attend; this is where you're a Prime Minister, you know, can you go ahead and do those sorts of things? Normally you can, but sometimes you take the opposition with you if there is uncertainty about who is going to form a government, for example.

There's certainly been examples of that, where the existing leader and the potential new leader or relevant minister will together travel to an intergovernmental agreement. So I think there might be something in the intergovernmental area, not so much as a matter of sign-off, but where participation is permitted, where there's intergovernmental negotiations. But, as a general principle, the answer I think is no, you do not normally require agreement of the opposition to these things.

This is all about principles and negotiation and good behaviour, but they're not legal requirements at all.

Mr WINTER - Are there any examples where caretaker conventions have been actually legislated, for example?

Prof TWOMEY - Not that I'm aware of, no. I mean, there are manuals. So there are like, you know, manuals and handbooks and the like, but they're all treated as not law because, you know, that's what they are: conventions. They might be put into words, in guides and manuals and those sorts of things. But no, I've never seen anything in actual statute.

Mr WINTER - And in any of those examples that - you've talked a lot about Canada - pretty incredible stories, actually - but in any of those examples, have there been any repercussions for governments who breach caretaker conventions, and if so, what have they been?

Prof TWOMEY - Well, there's certainly been repercussions in terms of, you know, consequences. There was some particular one about an airport, I think, in Canada where there was a problem. Maybe they were selling the airport or something or other, but there been repercussions in terms of, you know, financial issues as a consequence of particular actions or whether contracts have been able to go ahead or those sorts of things, but I can't - got one here about - so this is Canada, 1979, the Prime Minister said he would not proceed with a \$2 billion contract for the acquisition of jet fighters during a caretaker period and he said he didn't have

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authority, therefore, to enter a contract. So there's an example of sort of the reverse where a leader says that they won't go ahead with certain things; but I think - I mean, in all of these sorts of circumstances, it's really about public support for political parties, if they behave in a way that's inappropriate and that's really the main ramification for the political party concerned.

CHAIR - In terms of collaboration, certainly we had a situation where the Hare-Clark count was going on and naturally takes some time for the final few seats. The Government were at that time collaborating, consulting with, as it says in the caretaker conventions, the Opposition at that time. There are obviously a crossbench that the Tasmanian Parliament has in addition to the Labor Party that's currently in opposition, so the Greens and a series of independents as well. While, you know, they may - or in the future one of them might be a leader in in some respect, you know, similar to what we see in the New Zealand Parliament with multiple parties that have to collaborate in that minority situation, should it be the case, and maybe it's where we need to see our caretaker notes updated that the Government is better ensuring that not just a representative from the Opposition, but the entire crossbench, has adequate and fair consultation on any decisions that they might be making. Is that something that's sort of commonplace in other jurisdictions to make sure it is fair, or is it also quite narrow, where it might just be the Leader of the other major Opposition party?

Prof TWOMEY - Well in the Australian ones, normally it's the relevant spokesperson for that particular area in the other party. So if you're dealing with defence, it's normally the - you know, the opposition defence person, they presumably also speak with their Leader about it. I think one of the issues here is that, at least in Australia and most of these other countries, it really has been effectively a two-party system. So you've got a government, you've got an opposition and nobody much thinks about anyone else; but we are drifting towards a different kind of system where it's not that way, and so you might end up with three main political parties or you might end up with groups that aren't political parties at all, and that's when it starts to become more difficult because, you know, how many people can you, you know, effectively consult and take into account their views, and if you're taking into account the view of an independent, well, that's all well and good, but they're one person out of a, you know, entire parliament, and if they themselves are not going to be able to form government, then they're not the one who's going to be bound potentially by the decision that you're making, and so there would be difficulties with how broadly you did that.

So maybe one of the things you need to consider in doing that well is, you know, well, which groups are potentially likely to form an alternative government; because the whole idea about the caretaker conventions is to make things are fair for an incoming government, so they're not bound by particular decisions made by an outgoing government. So in considering that, you might want to take that into account too. So say for example in Tasmania, you were a Liberal government heading into caretaker mode, but there was a possibility that the incoming government might be a coalition of Greens and Labor, would it therefore be appropriate not just to consult Labor, but also to consult the Greens if they hadn't been a coalition in the opposition period? That's something that you may want to consider when you're looking at your caretaker guidelines and how to redraw them in the future. If you have more than one party, but they might together form a government, that might give you more reason for consulting the minor party of the two or the smaller party of the two; but going further and consulting every single independent of the parliament, even though the number of independents might be relatively large, is going to be more difficult for you because you wouldn't be able to say that any particular independent is likely to be representative of an incoming government.

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CHAIR - I had a question about the formal timing that caretaker convention comes into effect. Naturally it's the dissolving of the Parliament or the House of Assembly. What is that exact moment? We have a case where the Liberal Government says that the caretaker mode commenced on 12 June [2025], but the governor had certainly announced her intention to dissolve Parliament on 11 June [2025]. Is there a specific action that has to be done that then caretaker conventions come into play? Or is it open to, 'okay, this is happening, therefore we will notify everyone that we're in caretaker mode.'

Prof TWOMEY - For reasons of formality, it's helpful to have a particular point of time. Otherwise, we will all be arguing about it forever and a day as to exactly when is an appropriate period of time. It's easier to peg that to the relevant dissolution of Parliament. There are in fact some jurisdictions that will peg it to a later point, and that is an issue of the writs for the election as well. Some are an issue of the writs, some are dissolution of Parliament. It helps to have some kind of a formal type of provision. The other thing about it is as well, if you're looking at the principle of caretaker conventions and why they're there and what they're trying to do, frankly, you shouldn't be making important decisions or appointments or whatever 10 minutes before caretaker mode comes into being because that's not treating the principle appropriately.

If the principle is one of fairness and not binding an incoming government and you know that an election is about to be held and that parliament is going to be dissolved tomorrow, should you be banking up every controversial decision that you can possibly make today beforehand? Well, the answer is obviously no. It's a question of appropriateness and again, any ramifications for doing so are going to be potential ramifications from voters who may not like the fact that you then made 17 different kinds of decisions immediately before the caretaker period starts and think, well, wait a minute, that's not fair play.

Again, it's a political issue. It will potentially hurt a party more because that period of caretaker is before the election. It's when members of the public are quite sensitive to what the government is doing. It's more problematic when they do things after the election has happened, so immediate accountability is less able to be achieved, because by the time you get to the following election, probably everybody has forgotten. Certainly, if you're looking at the beginning of caretaker periods it's helpful to have a definite point to say formally, yes, we're in caretaker mode. Obviously, governments in the lead-up to caretaker mode, particularly if you know that there's a lead-up - for example, you've got a fixed-term parliament, you know that on a particular date in the future caretaker mode is going to begin - then in the few weeks beforehand you should be winding down doing anything particularly controversial as well. That's just a matter of appropriateness and fair play and good politics as well, I would have thought.

CHAIR - I agree with you there. The other component that this Committee is looking at, in addition to large financial decisions binding future government, is the use of public businesses, resources to promote or advertise things for the Government. Is there other, like, key examples or high-profile examples where that's happened elsewhere?

Prof TWOMEY - So there are real issues in relation to government spending on advertising in the lead-up to elections, whether or not you count them as - I mean, I wouldn't count them as caretaker convention issues. I think the way you use the public service and the way you deal with advertising is actually a separate issue. That's just my view. Other people sort of see it in the whole ballpark of caretaker conventions; but one way or another, you absolutely should have restrictions upon how governments can use public funding or public

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services in order to advertise themselves in the period prior to the election, because it's just fundamentally not fair. Now governments will always say, 'oh well, it's just public service, we're telling people that look here's this particular policy that we've introduced and it's giving you all these fantastic advantages and we want people to know about it'; well, that's just rubbish, it's actually advertising for political benefit, and it's a complete and utter exploitation of public funds.

So, I'm personally cross about these things, it really, really annoys me, and I think that as a general principle, probably almost all governments have inadequate rules about Government advertising during election periods. So I think that would be a very good place to go and look to deal with those sorts of things. The other one that just came to mind, and this wasn't so much government advertising, but it was about the use of the public service during that period to send out a message; you might remember, I think it was on election day when the Morrison Government was in government, there was a controversy about a boat potentially arising, and there was an issue about getting the public service to put out a press release saying that there was a boat of people, potentially claiming refugee status, coming to Australia; and there was a deal of consternation within the public service about the extent to which they should go to do this, because normally, as you would remember, there was a policy of keeping on-water matters secret.

So, deliberately going out and putting this post out, you know, into the public, deliberately making public a press release saying that there was this sort of particular boat on the way, when it was ordinarily contrary to what you would do, and to do that on the instruction of politicians on election day, was seen to be extremely inappropriate. So those are two parallel things where governments are potentially trying to use either government resources, in terms of formal advertising, or whether they're using the public service through press releases and the like, as a form of effectively advertising during a political period, and I think they're things that we need to be quite careful about to make that distinction between politics and government, and government should not be exploiting their power in relation to government to achieve political wins.

CHAIR - Beautifully put. Just noticing the time, does anyone have any last-minute rapid-fire questions? No? Excellent. Thank you very much for joining us today, Professor Twomey. Just like to note that what you have said to us here today, as we said at the start, is protected by parliamentary privilege. So once you log off online, you do need to be aware that privilege does not attach to comments that you may make to anyone, including the media, even if you are just repeating what you said to us here today. Do you understand that?

Prof TWOMEY - I do, and the other thing I would just add was: if you need to, and you probably should, check the details of any examples I gave you, do check them from the book, I'm sure the library will have it, because none of us want to be inaccurate.

CHAIR - Absolutely. And thank you so much again for joining us today.

The witness withdrew.

The Committee suspended at 10.44 a.m.

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Pulse Media Group

The Committee resumed at 10.50 a.m.

CHAIR - Welcome to you, Josh Agnew, to the House of Assembly Select Committee on Caretaker Conventions, and thank you for coming. If you could please state your name and the capacity in which you are appearing before the committee.

Mr AGNEW - I'm Josh Agnew, managing director of Pulse Media Group.

CHAIR - And can you confirm that you have received and read the guide sent to you by the Committee Secretary?

Mr AGNEW - Yes.

CHAIR - Just reiterating that this hearing is covered by parliamentary privilege, allowing individuals to speak with freedom without fear of being sued or questioned in any court or place out of Parliament. This protection is not accorded to you if statements that may be defamatory are repeated or referred to by you outside of parliamentary proceedings. This hearing is public. The public and media may be present. Should you wish for aspects of your evidence to be heard in private, you can make that request to the Committee at that time. Could you please take the statutory declaration which is in front of you?

JOSH AGNEW, MANAGING DIRECTOR, PULSE MEDIA GROUP, WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

CHAIR - Thank you, and did you wish to make any opening statements to the committee?

Mr AGNEW - Yeah, look, of course, I welcome the opportunity to respond to the Committee. I'm sure you've seen the response that I provided on May 4 [2026]. I think that gives a good overview of the matters at hand, and I'm happy to take questions.

CHAIR - Thank you.

Mr WINTER - Yeah, thanks for being here with us today, Mr Agnew. We appreciate it and particularly appreciate you providing that submission early. It gives us a good basis to make this relatively simple.

So I just wanted to talk about the way that you were engaged. Firstly, in your submission, in early May [2026], DPAC approached Pulse Media Group for a proposal and quotation to advertise the Tasmanian Budget on Pulse Tasmania. Is that the first year this has happened or has this happened over a few different budgets?

Mr AGNEW - Yeah, look, I mean, we work with a number of companies and businesses, government departments, GBEs, right across Tasmania to advertise their messaging. This was the first time we had been engaged by the state Government to promote the Budget. They reached out to us in early May to request a quotation and that quotation was then accepted.

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Mr WINTER - What part of - you said DPAC, which is obviously pretty large agency. What part of DPAC reached out?

Mr AGNEW - Sure. Look, the initial request came from the Government Media Office (GMO).

Mr WINTER - Yep. In terms of how you - I haven't, forgive my ignorance, I haven't dealt with this before. So is that standard for you to engage directly with the Government Media Office around advertising?

Mr AGNEW - Sure. Look, I mean the Government have a number of advertising agencies that they work with. They also directly buy campaigns themselves. In this instance, the Government approached us directly, but we worked with them in the same way we would if it was through their agency.

Mr WINTER - Is this the only time that you've engaged directly with them?

Mr AGNEW - No, we -

Mr WINTER - Sorry, or at that point, was it the first time you've engaged -

Mr AGNEW - It was the first time we'd engaged directly with them.

Mr WINTER - Sure. Following that, has this become a more standard way of doing business then? Was that the start of a new process?

Mr AGNEW - No, look, we worked with the state Government or the GMO to advertise the Budget last year [2025] and we worked with them again to advertise the Budget in the same, or a similar manner, this year [2026] and that's the extent of our commercial relationship.

Mr WINTER - With the GMO specifically?

Mr AGNEW - With the GMO.

Mr WINTER - Yeah, sure. Okay, and then further in your - you've said in your submission that DPAC approached Pulse Media Group for proposal and quotation et cetera. In terms of your engagement with DPAC, what other ways would you normally engage with DPAC that's not through the GMO?

Mr AGNEW - Yeah, look, we offer advertising, as I said, to a number of Government Departments and GBEs. In this instance, we were engaged to provide advertising that would promote the messaging of the Budget. The products they purchased, which was one social advertorial and a number of digital takeovers on our website and our app were used to promote the messaging that they wanted to convey to our audience for the Budget and of course it was separate to the editorial content that it surrounded.

Mr WINTER - In terms of the - oh, sorry.

CHAIR - I just wanted to ask from the RTI documents that came forward, I believe I note that you talk about the extension on 11 June [2025] that was made in your submission. I

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just want to go back before that, the \$9000 extension that was purchased on 6 June [2025], so that was obviously a day after the no-confidence motion in the Premier had happened, we were kind of aware that the Budget hadn't been passed, so it was, you know, kind of definitely had the feeling that the election was, was being threatened at that point, although it hadn't been formally called. Did you have any concerns at that point about the Government taking out an extension to advertising at that point in time?

Mr AGNEW - Oh, look, we were engaged to provide a service. Any questions about the intention of that advertising buy would be a matter for the Government.

CHAIR - Do you happen to have a copy of the advertisement that they were taking out at that point that you're able to provide?

Mr AGNEW - I do, yes.

CHAIR - Oh, you're so organised.

Mr AGNEW - The extensions that were booked were consistent with the original campaign. So the extensions were purchased, but there was no modification to the creative that was displayed.

CHAIR - Yeah, because they initially took out eight dates for the full digital takeover. Do you have those eight dates specifically handy as well for the Committee?

Mr AGNEW - I believe it was eight consecutive days from the day of which the Budget was handed down.

CHAIR - Sure. Thank you.

Mr WINTER - And the digital advertorial, what was the digital advertorial?

Mr AGNEW - Yeah, the social advertorial was a single -

Mr WINTER - Oh, a social advertorial.

Mr AGNEW - Yes, a social advertorial is a single post on Pulse's Facebook and Instagram page. It's the product that we routinely sell to all forms of Tasmanian businesses from food and retail outlets, to companies running events that want to promote their ticket sales. In this case, it was one post that ran on the afternoon of the Budget being handed down, which was clearly disclosed as an advertorial and conveyed the messaging that it was showcasing investments that the Government wanted to put in front of our audience.

Mr WINTER - Sure. I just want to get back to that question from earlier. You've outlined that this was the first time you'd engaged directly with the GMO about them purchasing advertising. What other ways had you ever engaged with DPAC specifically? Is there a particular part of DPAC separate to the GMO that you'd engaged with to advertise in the past?

Mr AGNEW - Yeah, look, I mean we've sold a number of advertising campaigns to the Government as have our commercial competitors in the news space. Purchasing advertising is routine and standard procedure for Government -

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Mr WINTER - Is that through a marketing department or - what part of DPAC does that occur?

Mr AGNEW - Yeah, look, there's a number of levels of Government that purchase advertising. There's a number of different units within departments that purchase their own advertising, and that's often done directly and often done through their agencies.

Mr WINTER - Specifically for DPAC, though, what's the standard way you would engage with DPAC if they wanted to advertise?

Mr AGNEW - Yeah, look, there's a multitude of ways, I mean the Government has, I believe over 30 agencies on its list of approved marketing buyers. So there's never one set way in which we, or other news publishers, receive advertising orders from Government.

Mr WINTER - So you've talked about the extension and the caretaker period within your submission, and then the RTIs actually show that there was quite a bit of interest within Government into how the advertising was performing, and then you received an email from a Government media adviser. Is that the same media adviser that you'd initially engaged with around the advertising, or was it a different person?

Mr AGNEW - Look, I don't have the full extent of the information in front of me, but I believe it was one person that we were engaging with.

Mr WINTER - Sure. And that person is also a media adviser for the Premier, is that correct?

Mr AGNEW - That's right.

Mr WINTER - So there was an extension booked for 24 hours which went live at 12.01 a.m. on 11 June [2025]. You then go on to say that the advertising extensions consisted solely of a full digital takeover and the creative remained unchanged - the material originally supplied by DPAC at the start of the campaign in May 2025. Did you think it was odd that they were seeking to advertise a Budget that appeared to have no chance of passing the parliament?

Mr AGNEW - Look, we sold a standard and routine commercial product. Any question about the intention of the purchase is one for Government.

Mr WINTER - Was there any discussion at this point in time around this with the Premier directly?

Mr AGNEW - No.

Mr WINTER - Was there any discussion about editorial content during this period?

Mr AGNEW - No, our commercial relationships have no bearing on our editorial output. Our editorial output is defined by what's newsworthy and in the public interest. Of course, we would never allow any form of commercial relationship to interfere with the editorial coverage we produce.

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Mr WINTER - But at the same point you were, the person you were purchasing through was also a media adviser for the Premier. Is that correct?

Mr AGNEW - That's right.

Mr WINTER - Do you think it's difficult to maintain a separation between advertising and editorial, given that you're engaging with the media adviser to do this?

Mr AGNEW - Look, we engaged with the staff member from the Government who reached out to us to request the quote, and we provided that quote, and they accepted that quote.

Mr VERMEY - Mr Agnew, is it sort of a common - and I know that your particular - Pulse is fairly high up there, and it's a different way of doing advertising and promoting nowadays, would this have been something that would have probably happened in *Mercury* or other things in the past? Would this sort of procedure be a common thing, in your knowledge? Would you say this is what would happen from any governments at any time, looking back?

Mr AGNEW - Thank you for the question. I mean, this is an incredibly common opportunity. Of course, this is something that you will see on, as you mentioned, *The Mercury* or any other of the Tasmanian commercial media publishers every day. This particular product that we're discussing here, the takeover, has identical specifications for the material required to the product offered by our competitors. So, certainly nothing out of the ordinary that was purchased here.

CHAIR - From your submission, you proactively took the advertisement down. What time and date - was that on the 12th [of July 2025]?

Mr AGNEW - That was on the night of which the election was called. Look, we of course were aware of the caretaker conventions and our obligations under that. I think we were the first news outlet in the state to report that the election had been called, and people clicking on that breaking news notification on the Pulse website or app to view that announcement would not have seen Government advertising.

CHAIR - Do you know, or do you have a record, of exactly the date and time that it was taken down, or that you took actions to take it down, understanding it might not be effective immediately?

Mr AGNEW - Look, I don't have that information in front of me. Happy to take it on notice, though.

CHAIR - So, you did that sort of unprompted by DPAC or the Premier's office? If and when did they have communications with you about this at that point? Or did you inform them that you've taken it down? Or how did that conversation take place?

Mr AGNEW - We took the advertising down proactively and then at an appropriate time notified the Government that the advertising had ceased due to caretaking conventions.

CHAIR - That appropriate time was the next day in office hours or what?

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Mr AGNEW - I believe so.

CHAIR - Okay. Thank you.

Mr WINTER - I'm just trying to put two things together here because, on the one hand, you've told us that this is the first time you've engaged directly with the GMO around advertising, but in your submission you've said:

This [was a] routine, annual procurement in which DPAC engages a range of media outlets.

Mr AGNEW - That's right.

Mr WINTER - So, can you explain how that's consistent, if you're saying it's a routine, standard procurement, but also it's the first time that you'd engaged like this?

Mr AGNEW - As I said, this was the first time that we were engaged by DPAC to promote the Budget. Of course, they engage a number of media outlets and other advertising providers each year to promote the state Budget. We were engaged to put it on Pulse, given the breadth of our audience across the state.

Mr WINTER - But doesn't that mean that it's not standard? I mean, it was the first time.

Mr AGNEW - It was the first time Pulse was engaged. They engage with a number of media outlets and advertising providers each year.

Mr WINTER - Right. In terms of over that period of time, you've got - you're the Managing Director - that was your position at the time as well - so, you're both doing the advertising, you're also writing editorial for the website; is that correct?

Mr AGNEW - Look, obviously, Pulse, we're a small business; we're a Tasmanian-owned local business.

Mr WINTER - That's not a criticism. I'm just trying to understand.

Mr AGNEW - People in small business tend to wear a lot of hats. We're an ever-growing team; we've recently employed a dedicated advertising sales manager who takes care of these types of relationships. We also have a number of people on our team working in the editorial space because, of course, we want to ensure that there is the greatest amount of separation possible between our commercial relationships and our editorial output.

Mr WINTER - So, you can categorically state that during this time you didn't have any communication with - by phone, email, text message or any other messaging - with the Premier regarding your editorial content at that period of time?

Mr AGNEW - I met with the Premier on a number of occasions in the months surrounding the election and the no-confidence period. I don't have the exact dates in front of me, but certainly there was no discussion between myself and the Premier about the advertising and its relation to our editorial content, if that's your question.

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Mr WINTER - Did you meet with him between 29 May [2025] and 11 June [2025]?

Mr AGNEW - I don't have the exact dates in front of me, but I believe I did meet with him over the course of May [2025] and June [2025].

Mr WINTER - But you didn't discuss the advertising at all?

Mr AGNEW - I believe the advertising may have already been - or the quote for the advertising may have already been requested and/or accepted at the point I met him - the extension, of course, was not discussed.

Mr WINTER - You did discuss the initial advertising with him; is that correct?

Mr AGNEW - It's my understanding that the advertising had already been discussed by the person I engaged with when I met with the Premier. Of course I don't have -

Mr WINTER - Did you discuss with the Premier the advertising during that meeting?

Mr AGNEW - I don't believe so. I don't have the dates in front of me to line up, but I'm happy to take that question on notice.

CHAIR - A vote one to seven Liberal and then a Labor-Greens attack-style ad were a part of a digital takeover that were live on the Pulse website from 16 and 17 July [2025], respectively. Can you confirm that they were paid for by the Liberal Party and not DPAC under any other previous arrangement?

Mr AGNEW - They were paid by the Liberal Party. To that I'd add, we, like every other commercial news outlet in Tasmania, provide advertising opportunities for political parties during election periods and we're obligated to charge full rates and an equal rate to every candidate or political party. The Pulse advertising opportunities for the election were provided to every party.

CHAIR - Thank you.

Mr WINTER - The authorisation of that final 24-hour extension that went live at 12.01a.m. on 11 June [2025], was that an instruction issued by the GMO itself?

Mr AGNEW - I believe so.

Mr WINTER - That didn't go through to you directly? You say you believe so, but that authorisation didn't go through you? That was through someone else at Pulse?

Mr AGNEW - No. At the time, that was through myself.

Mr WINTER - So the answer is, yes, it did.

Mr AGNEW - Yes.

Mr WINTER - We've talked about the purpose behind that. I think you've already answered this, but I'm trying to understand, at what point did you then take that content off?

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Mr AGNEW - We removed the ads from our platforms the moment the election was called - people clicking onto the breaking news alert to see that the election had been called at Government House did not see Government advertising.

CHAIR - We've just been having this discussion about when exactly when it is called, exactly when caretaking conventions come into effect; obviously, there were intentions put in place by the Governor on the evening of 11 June [2025], which actually would have been prior to this advertisement going live versus the next day, I guess that's why we are really keen to hear the exact moment of when it was taken down, and the interpretation of when caretaker conventions come into effect then.

Mr AGNEW - Look, we took proactive steps to ensure that the advertising was removed before there was any assumption that the Government had entered caretaker period, and so we proactively took the advertising down before, I believe, our story announcing the election had been called went live.

Mr WINTER - There has obviously been a conversation that you had with the GMO around advertising; was that something you pitched to the GMO that you wanted to be doing more advertising with government before that?

Mr AGNEW - Yes, look, the state Government spends tens of millions of dollars each year across whole of Government on advertising; in comparison to our commercial competitors, I think newspapers and TV operators, we, I would suggest, receive the least amount of Government advertising revenue. Advertising revenue for an outlet like Pulse, which makes its content freely accessible, allows us to employ journalists to produce the news content that Tasmanians can rely on and trust. We do welcome Government advertising in its forms as such that they provide to other outlets like Pulse, because it allows us to provide the scrutiny of Government decisions in our editorial content.

Mr WINTER - You would have dealt with, again, you deal with these people a lot more than I do, but there's a separation between the communications unit and the Government Media Office, is that correct?

Mr AGNEW - Yes.

Mr WINTER - And so you'd deal with the Communications Unit more commonly in terms of advertising, is that correct?

Mr AGNEW - Yes. The only campaign we've worked with the GMO is for the Budget.

Mr WINTER - Yeah, and so what campaigns have you done with the Communications Unit in the past?

Mr AGNEW - Look, I don't have that information in front of me, but I'm happy to take that on notice.

Mr WINTER - Have you got an example of the sort of -

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Mr AGNEW - Yeah, look, I mean, the government advertise all sorts of various public information messaging. That can be from, you know, I think back to the COVID days where you had, you know, all sorts of public health messaging, there's messaging about vaccines or all sorts of information.

Mr WINTER - Had you pitched to the Communications Unit in the past that you'd be a part of their Budget sales pitch?

Mr AGNEW - Look ,we routinely approach all the agencies that are on the Government's approved list and the agencies and the departments themselves to make them aware of the services and products that we have on offer and the audiences that we reach.

Mr WINTER - Appears as though they'd said no to advertising with Pulse for the Budget, is that correct?

Mr AGNEW - I'm sorry?

Mr WINTER - So in the past, the communications unit had chosen not to advertise with Pulse for their Budget?

Mr AGNEW - No, I don't believe we were approached in the year prior [2024], but we were approached last year [2025], and we were approached this year [2026] as well.

Mr WINTER - Sure, but you hadn't had any discussions with the Communications Unit about advertising any previous budgets then?

Mr AGNEW - No.

Mr WINTER - Thank you.

CHAIR - Mr Garland or Mr Vermeij, do you have any other questions?

Mr GARLAND - No, I'm good.

Mr VERMEIJ - No, not really. No, I again, I suppose, you know, comes back to the acceleration and if you're, you know, you want to go to the number one person or entity that's pushing stuff out. So, you know, potentially they may have been with other media outlets beforehand but if you're perceived as the top of the tree, you're going to go to the person who's going to be getting your biggest bang for buck. You know, that's how in business from where I've come from, that's where you want to be going. So, you know, I suppose that's why we'd be looking at you compared to the others.

Mr AGNEW - Certainly, I mean, recent Enterprise Marketing and Research Services (EMRS) polling, which we co-commissioned, released last Friday demonstrated quite clearly that Pulse is the most preferred commercial news publisher in Tasmania. We are preferred by 31 per cent of Tasmanians who responded through that survey, and we reach over 200,000 Tasmanians each day with free and local news and we're committed to growing our team, increasing that audience and increasing the amount of quality news items that we publish each day.

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CHAIR - If there are no further questions?

Mr WINTER - Well, I'm still a bit unclear on one of the - is the takeover - the decision to take the Budget spend off when caretaker hit - so I just want to be really clear. You, of your own volition, because you understood caretaker conventions, you made that decision to withdraw it yourself with no intervention or request from Government?

Mr AGNEW - Absolutely.

Mr WINTER - Okay. That's good; a bit surprising. Very good. So, if you hadn't had taken that position, then the advertising would have continued, is that correct?

Mr AGNEW - At that point the Government had only booked a single 24-hour takeover. So, if we hadn't have taken the advertising offline it would have finished at midnight that night.

Mr WINTER - So, the advertising wasn't stopped because the GMO or DPAC asked it to stop. It stopped because you perceived that we'd gone into a caretaker mode and should therefore stop the advertising?

Mr AGNEW - That's right.

Mr WINTER - Did it surprise you that you're being asked to advertise the Budget during that period of time.

Mr AGNEW - Look, we are a news outlet that provided a commercial service in the same manner of which we provide to a multitude of other Tasmanian businesses and Government Departments.

CHAIR - When you contacted whoever to notify them that you'd taken the ad down, do you recall who it was that you spoke to?

Mr AGNEW - I believe we maintained communication with the same person throughout the campaign period.

Mr VERMEY - Along that line, whoever you spoke to fully understood and just said, 'Yep, got it', that type of thing? There wasn't any pushback to say, 'Oh, but can we?'

Mr AGNEW - Certainly, there was very much a mutual understanding between the Government and Pulse that taking those ads off at that time was the right thing to do and is what they expected.

CHAIR - Did that then result in any kind of refund to the Government if they didn't take out their full advertising spend or is that something that was foregone due to the circumstances?

Mr AGNEW - No. I think the advertising was in its final hours and we took it down that evening.

Mr WINTER - Then in terms of your then changeover from caretaker into an election mode and you've received - I'm sure you did multiple political parties would have advertised

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with you - do you deal with the same people around Liberal Party advertising as you did the Budget advertising?

Mr AGNEW - Look, I don't have that information in front of me. We dealt with a number of different people for election advertising. But certainly, as I said, we had one set package offer for political advertising and that was distributed to all parties and candidates for them to consider.

Mr WINTER - Did you discuss with the GMO advertising for the Liberal Party?

Mr AGNEW - It was not discussed with the GMO.

Mr WINTER - So, at no point in time you discussed Liberal Party advertising with the Government Media Office staff?

Mr AGNEW - Look, I understand, of course, the Government Media Office staff, some of which worked on the Liberal Party campaign, but we dealt with the Liberal Party for Liberal Party advertising and we dealt with the Government for Government advertising.

Mr WINTER - Did you at any point discuss with GMO staff Liberal Party advertising?

Mr AGNEW - We had no discussions with the Government at the time that they were in Government about Liberal Party advertising.

Mr WINTER - I think I understand the answer, but I just want to make sure. No member of the Government Media Office ever discussed with you Liberal Party advertising?

Mr AGNEW - Before the election was called, we had no discussions with the government in relation to Liberal Party advertising.

Mr WINTER - And then once the election was called, did you have any discussions with GMO staff around Liberal Party advertising?

Mr AGNEW - Look, a number of staff in the GMO were engaged by the Liberal Party to work on their campaign. Their team and their staffing for their party campaign is a question for their party.

Mr WINTER - So, you were having discussions with members of the GMO around the Liberal Party's advertising spend. How many of those discussions do you think you would have had?

Mr AGNEW - Look, to my knowledge, we did not discuss any advertising surrounding the Liberal Party with anyone before the election was called.

Mr WINTER - Yes, but after the election was called, so we're now in caretaker mode. That's what this is about. So, once the election was called, you had discussions with members of the GMO around Liberal Party advertising. How many of those discussions or how frequently were those discussions happening?

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Mr AGNEW - Look, we have discussions with every political party about the opportunity for them to advertise on Pulse during the election. Those discussions, in this case, resulted in the Liberal Party taking out an advertising buy and they simply accepted our proposal and sent their creative to be published.

CHAIR - Thank you. Alright. Well, thank you so much for coming in. I have to read you this statement after evidence. What you have said to us here today is protected by parliamentary privilege. Once you leave the table, you need to be aware that that privilege does not attach to comments that you make to anyone, including the media, even if you are just repeating what you have said to us. Do you understand that?

Mr AGNEW - I do.

CHAIR - Excellent. Thank you very much.

The witness withdrew.

The Committee suspended at 11.19 a.m.

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CorComms

The Committee resumed at 11.30 a.m.

CHAIR - Thank you, Mr Turner and everybody. Final hearing of the day for the House of Assembly Select Committee on Caretaker Conventions. Thank you for your attendance. If you could please state your name and the capacity in which you are appearing before the committee.

Mr TURNER - So my name is Nicolas Turner. I'm the Executive Chairman of CorComms. We provide internal and external communications advice to Tasracing and a number of other GBEs and state-owned companies, but in this context, Tasracing.

CHAIR - Thank you. Can I confirm that you have received and read the guide sent to you by the Committee Secretary?

Mr TURNER - Yes.

CHAIR - Thank you. Just noting that this hearing is covered by parliamentary privilege, allowing individuals to speak with freedom without fear of being sued or questioned in any court or place out of Parliament. This protection is not accorded to you if statements that may be defamatory are repeated or referred to you outside of the parliamentary proceeding. This hearing is public. The public and media may be present. Should you wish for aspects of your evidence to be held in private, you may make this request to the committee at the time. I'll now ask you to please take the statutory declaration which is in front of you.

Mr NICOLAS TURNER, EXECUTIVE CHAIRMAN, CORPORATE COMMUNICATIONS (TAS) PTY LTD, WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

CHAIR - Thank you. Would you like to make any opening statements?

Mr TURNER - Yes, a brief statement, if that's okay, Chair. CorComms, trading as Corporate Communications (Tas) Pty Ltd is the longest-running PR, marketing, publishing and advertising agency in Tasmania. I've been employed by the consultancy for 33 years and its executive chairman for just under a decade. I work in the corporate affairs space. Clients include GBEs and state owned companies, TT-Line, Tasracing, and Metro; statutory authorities like the Macquarie Point Development Corporation; ASX-listed private companies and community organisations. Given the time I've been employed with the business through the GBEs and/or the SOCs, I've worked with Labor and Liberal governments and the Labor-Greens Accord. Nick McKim was the Minister for Sustainable Transport in the late 2010s, so I worked with his office in a Metro context, and I mentioned that just to demonstrate to the committee that CorComms is apolitical, doesn't work for nor favour any political party in a professional context. While we do work for GBEs and SOCs, we do not, nor will we work for any particular political party.

As to the specifics of the evidence related to your Inquiry. As I mentioned, I provide external and internal communication advice to Tasracing. I was asked to prepare a message to industry about the proposed TasInsure policy by CEO Andrew Jenkins, with particular

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reference to workers' compensation and how that element of the insurance package would benefit the Tasmanian racing industry, particularly the Thoroughbred Code. I prepared the words in line with the request and forwarded them to Andrew for approval and distribution. Once approved by him, as per normal practice, I sent them to the Minister's office for its information. And I'm happy to take any questions.

CHAIR - Thank you. Just to kick it off, just going back to the initial idea, to the best of your recollection, whose initial idea was it to communicate the details of the TasInsure policy via Tasracing communication channels? Was it through Tasracing or the Minister's office?

Mr TURNER - Definitely through Tasracing. I think it's important to note I work for Tasracing, not the government and there's a clear delineation or a clear distinction certainly in my mind and in Tasracing's mind. I mean, it pay the bill.

CHAIR - Thank you.

Mr WINTER - Okay. Yeah. Thanks for being with us, Mr Turner. So, obviously aware of your work across the GBEs and you've outlined that really well at the start. You were asked to prepare the communications by Andrew Jenkins. Was he specific in terms of what those communications would be, the text message, et cetera or did you do that part?

Mr TURNER - No, so what we do is I just write the message and if it's a media release, I will send it out given my media contacts. If it's an industry-specific message, Tasracing does that. So, I'm really responsible for the message preparation and then depending on the delivery method, I'll hand it over or I'll do it myself. But in this instance, I wrote it, gave it to Andrew, and Andrew sent it or Andrew's team sent it.

Mr WINTER - Yeah. And so you've drafted here, I assume you got a phone call from Mr Jenkins on 2 July and then we've got an RTI now, that on 2 July [2025] you wrote to Mr Jenkins said:

Hey mate, see below.

And then you've drafted a set of words. And you haven't been explicit in terms of how that'll be communicated, in line with the evidence you've already given. Then there's a further email at 6.16 p.m., in which you forward it and say:

Hey mate, see below. Luke says okay for tonight now.

Is that Luke Gaetani from the Minister's office?

Mr TURNER - Yes, absolutely.

Mr WINTER - And when you say 'Luke says okay', what did that - can you give us some context around that?

Mr TURNER - So, when Adam Holmes, who was the reporter who contacted me for that, about that RTI story, I said to him, and I'll say to you, my specific recollection - I have no specific recollection as to the conversation, other than - and I have reflected on that in terms of preparing for this. I speak to Minister's offices and the Government Media Office regularly,

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and all I need is line of sight - so an acknowledgement that the message has been seen - and then we can do what we want with it. I think that - and again, this is to the best of my recollection - we wanted to make the most of the news cycle, so the TasInsure policy had been announced. We looked at it, or Andrew and I looked at it, from a 'what's the benefit for the industry here' and the workers' compensation factor was the key thing. So, we wanted to strike while the iron was hot, really, and get it out as quickly as we could.

CHAIR - While you don't recall the exact details of that conversation. Do you remember how you had it? Was it a phone call?

Mr TURNER - Yeah, phone call. So, that's how, and that's how we engaged, and when you urgently need to get something out, you do what you can.

Mr WINTER - And so the content - you've crafted a set of words, and Luke says 'it's okay for tonight now', was Luke aware of what form that communication would come out in?

Mr TURNER - No. Again, all I worry about is them - the Government - seeing what we're going to say, just from a professional communication perspective, because we don't want them to read about it in, you know. So, I just needed him to - needed it, the Government or the Minister's office to have seen it and that's all I care about. So, there's never a conversation about how we're going to distribute it, because, honestly, you make those decisions, you know, we decided that we didn't need to do media, we decided that the best thing for us to do was just industry, so we communicated directly to industry.

Mr WINTER - Did you require him to sign off though?

Mr TURNER - No, so it's not a sign off, we don't need approval. It's a for-information. As I mentioned in my evidence, given the clients that I work for in a Government context, we don't provide an opportunity for the Government to rewrite what I write. But if I've made a mistake and they want to correct it, that's a different thing altogether.

Mr WINTER - So it's more fact-checking the content?

Mr TURNER - Information.

Mr WINTER - It's confirming, correct me if I'm wrong, not trying to lead you here, but you're trying to confirm that what your communicating is accurate in terms of what the Liberal Party's policy.

Mr TURNER - Not in not in that instance, not in the TasInsure instance. I mentioned the other things only because, just to give a bit of context around why I would change a statement if I'd written it. You know, obviously we don't want to send out stuff that's incorrect. But in the TasInsure instance, it's really just line of sight. It was, you know, 'we're going to say this at some point', and it's just for their acknowledgement or their knowledge.

CHAIR - Can we just delve a bit further into that a little bit more? Like in your email it says 'Luke says okay for tonight', which sort of implies that there may have been discussions around some kind of timeline with the Minister's adviser, what discussions had you had around that sort of timeframe and going out?

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Mr TURNER - Again, my recollection isn't clear as to the conversation that I had with him other than the 'okay' bit, and the fact that that was an acknowledgement that he had sighted it and we could do with what we will. I really don't recall if we spoke about the timing. For all I know, and for all I remember, all I can recollect, is that the conversation with Andrew around timing was exactly that. As I mentioned before, wanting to make the most of the news cycle and get a message out to industry that demonstrated, because, you know, workers' compensation for the thoroughbred code in particular has been a hot topic. Some industry participants have indicated that they may have to leave the industry because of some of these costs. We saw it as an opportunity to push that. So yes, my recollection is that the timing wasn't discussed with Luke, and this could have been my assessment of it, in terms of talking to Andrew about getting something out.

CHAIR - You just mentioned before about - I just want to confirm that the full content of the message was seen by Luke in the Minister's office?

Mr TURNER - Yes.

CHAIR - What does that mean for us? Unpack what the full content is that he was able to see.

Mr TURNER - He would have seen the message that was sent to industry, which was, I think - and I could provide a copy of that - in the ABC RTI documentation that was released, and it was certainly published online. In fact, I have a copy of it here. Yes, so he would've seen - if it was four paragraphs, he would have seen the entirety of the message. But we wouldn't have said 'We're going to send this as a media release', or 'We're going to send this as an SMS', or 'We're going to put it online'; we would have just said 'This is what we're going to say'.

CHAIR - And did you text that to him?

Mr TURNER - Email.

CHAIR - Email. Thank you.

Mr TURNER - The only reason I remember is because of the RTI - because it's there in the RTI.

Mr WINTER - Is it fair to say that Mr Gaetani was aware of Tasracing's intended plan to issue public communication about TasInsure?

Mr TURNER - You'd probably need to ask him, but -

Mr WINTER - From your perspective?

Mr TURNER - Well, I sent him the message. The message was clear about what we wanted to say but, again, we didn't talk about timing nor did we talk about the method of delivery.

Mr WINTER - But just to be clear, he was aware that Tasracing intended to issue public communication about Tasracing's policy?

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Mr TURNER - Well, yes. We sent that to him in that context. As I mentioned, across all ministerial offices, we do send, as a courtesy, what we're going to say.

Mr WINTER - Are you aware that the Government's tabled a statutory declaration in the House of Assembly from Mr Gaetani that says:

I can confirm that at no time was I aware of Tasracing's intended plan to issue any public communication about the TasInsure policy on any platform.

Mr TURNER - I was aware that he'd tabled stat decs, but I wasn't aware of the content. Again, those are -

Mr WINTER - Doesn't sound very accurate, though, does it?

Mr TURNER - Well, that's a matter for him. I'm telling you what - all I can speak to is what we do, what CorComms does, and we certainly sent the message for line of sight.

Mr WINTER - What's your knowledge - so, Mr Jenkins rang you on that day and told you about the policy and the reason why he thought it was important for Tasracing. Are you aware of whether Mr Jenkins had spoken to the Minister for Racing ahead of that?

Mr TURNER - No, I'm not aware of any conversations that he has had or where he received his information from. And, to be honest with you, I didn't ask. He gave me a task and it was late in the day so we knocked it over.

Mr WINTER - I guess it's something that the Parliament has struggled with, in getting to the bottom of this, is that, to my knowledge, I've not seen any other communication to the racing industry about the workers' compensation component to this policy until the Tasracing communications. Do you know where Mr Jenkins received information that TasInsure would apply to workers' compensation?

Mr TURNER - No, I don't know where he got the information from, but I can speak more broadly to that workers' compensation factor. I certainly have been in meetings with both Andrew and the chairman and industry members just talking about insurance more broadly across the codes, but with specific reference to the Thoroughbred Code. It's always been top of mind for it. But no, as to where Mr Jenkins received his briefing or the information, I can't speak to that.

Mr WINTER - So, you're not aware of Mr Jenkins having spoken to Minister Howlett ahead of this?

Mr TURNER - No. But I'm sure those are questions that -

Mr WINTER - Yes, I'm not - just wondering your awareness around the context of this.

CHAIR - I just wanted to follow up on that a bit a little bit as well. So, 20 minutes after you sent your email with the updated text to the Tasracing CEO, he sent it on to a range of Tasracing staff asking for it to be communicated SMS, email, the website, et cetera.

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Mr TURNER - Yes.

CHAIR - So, it does look like, from that timeframe, that he was waiting on final sign off from the minister's office so that it was ready to go when it came through. Is that your understanding, that Mr Jenkins was waiting on your contact with the Minister's office before sending out the instruction more broadly?

Mr TURNER - He would have - again, you can speak to Mr Jenkins about this specifically, but what we generally do is we'd get it ready, we'd set it all up ready to go, so we can just press the button when we have that. Again, I want to stress, it's not approval, it's just that line of sight. It's the acknowledgement that the Minister's office has seen it and is aware of what we're going to communicate, purely and simply off the back of just wanting to be professional, because we don't want, in any context, anyone that is a stakeholder to read about it other than directly from us.

CHAIR - Your email highlights a change to the text from the original draft.

Mr TURNER - Yes.

CHAIR - Can you confirm for us if that change was made based on the conversation with the ministerial adviser, or how did that come to be?

Mr TURNER - It would have definitely come from Andrew. As I say, Andrew - the process would be he will brief me, I will write it, he will change it, a word here or there, and then that's the version that would have been sent to the Minister's office. Like I said before, we would only change messaging if it was factually incorrect. We're not in - we're sort of reasonably rigid about that. It's Andrew - again, it sounds a bit mercenary, but I work for him. I don't work for the Government.

Mr WINTER - I'm struggling here because you've given evidence - your evidence - I mean, actually, it's in the RTI as well; it's pretty clear what has happened here. You've said, 'Luke's okay for tonight.' The text message is here, and yet the Minister claims that she knew nothing about any of it, and Mr Gaetani has provided the Parliament with a statutory declaration that says:

I can confirm that at no time was I aware of Tasracing's intended plan to issue any public communication about the TasInsure policy on any platform.

Is there any explanation as to how he could not have been aware, given -

Mr TURNER - Well, I think that's a question for Luke Gaetani rather than me. All I can speak to is the - I call it a protocol in my brain, but it's not, it's a process. It's not agreed to, it's not written down anywhere. It's more about just making sure that when we are about to communicate anything that we do provide a copy. As to those specifics, you need to talk to him and to the Minister, probably. I can only speak to the role that I play in that.

Mr WINTER - In terms of the evidence that we've received, we've received correspondence that was sent from the Department of Premier and Cabinet to Tasracing that outlines that, in the Secretary's view, there was a breach of caretaker conventions; what's your

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understanding, either as a consultant of Tasracing of their awareness about the caretaker conventions, and that these sort of communications were potentially a breach?

Mr TURNER - I think it's quite good now. I think that Andrew Jenkins is on the record, maybe in scrutiny or post-scrutiny, I don't recall, but certainly taking responsibility for the decision. I know that when you raised it with the chairman, it was dealt with directly. I think that - again, all I can speak to probably is that Andrew and I applied that operational metric. We weren't looking at it politically at all. It was purely and simply about getting a message to industry. Now, I've seen the correspondence from, I think, Shane Gregory as the acting -

Mr WINTER - Kathrine Morgan-Wicks as well.

Mr TURNER - Indeed. I think that there's acknowledgement that there was an error and I can't imagine it will happen again. There has been some -

Mr WINTER - During those discussions, were caretaking conventions ever mentioned, or -

Mr TURNER - No, it didn't come up. It didn't. It wasn't even - it's a bit of a kicking ourselves moment. We look back on it now as an error. I'm not sure how to articulate it other than that, but we were driven by wanting to deliver a message to industry. Again, in terms of thinking about this and thinking about the evidence, if it's - to me it wouldn't necessarily matter if it was a Government thing or an industry thing; if there was a significant change looming and we needed to talk to industry about it, whatever the industry, we would embrace that and jump at it.

Mr WINTER - I acknowledge that workers compensation insurance for the racing industry is a huge issue here. You'd be, in fact, probably more aware than me about this being a big issue, and so I can see why Tasracing is really interested in it. I guess - and these may be questions for others, but please just do your best to answer - what I'm struggling with here is the component where Mr Jenkins obtains information that this policy was going to apply to the racing industry - unfortunately, TasInsure doesn't even exist and people won't get that support - but do you have any awareness of where Mr Jenkins got the inspiration or information that TasInsure would apply for workers' compensation in racing?

Mr TURNER - No, and that didn't come up in the conversations that we were having at the time. He just basically briefed me about the fact that we should communicate with industry about the benefit.

Mr WINTER - He didn't say, 'Oh, the minister has called me -

Mr TURNER - No.

Mr WINTER - or Mr Gaetani has called me', he just -

Mr TURNER - No.

Mr WINTER - He just said, 'This is what I want to do?'

Mr TURNER - Yes, absolutely.

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Mr WINTER - Sure.

Mr TURNER - And look, I think that the timeline that Adam Holmes reports on is pretty tight. So basically, you know, we just needed to get singing, so we just started the process.

CHAIR - A little bit more to follow up on that, you spoke at the start around wanting to jump on the day's news cycle and getting straight into it.

Mr TURNER - Yes.

CHAIR - How does that then fit in, because obviously it went out on social media and that sort of thing, which is a 24-hour news cycle -

Mr TURNER - Yes. Okay. So we -

CHAIR - so fill in the gaps of that strategy.

Mr TURNER - Yes, sorry for interrupting. So I think that what I mean by that is that the policy has been announced; our racing industry participants are likely to be reading about it in the press or watching it on the news. So, if we could provide a bit more information about how the proposed policy might benefit industry participants, directly from us, then we thought that was a good thing. We thought it was a bit of extra detail and, as I say, the benefit for - particularly the thoroughbred industry code, was an important factor that we wanted to get out there to them because as to my earlier evidence, it is an issue - continues to be an issue for it. Does that answer your question?

CHAIR - Yes.

Mr TURNER - Great.

CHAIR - Thank you. I just wanted to go back, so the evidence before was that you would have made changes to the message based on the options from Mr Jenkins, not from the Minister's office -

Mr TURNER - Absolutely

CHAIR - but the email where the change is made to Mr Jenkins is after the conversation with the Minister's office. So, I just want to be absolutely clear that there is no chance that that factual change was due to the conversation with the adviser?

Mr TURNER - Absolutely - sorry, go.

CHAIR - Absolutely yes or absolutely no?

Mr TURNER - Absolutely yes, sorry. So no, it's absolutely my practice not to - it would have to be an absolute belting mistake for me to make changes based on advice from the Minister's office, and we're very careful about that. Again, often, the GBEs or the state-owned companies with which I work, their reason for communicating is different to that of the Government, and we want to have that clear delineation.

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CHAIR - Yes. I do understand though, that that change was clarifying a policy detail, though, so - but it still came through -

Mr TURNER - Yes, but it would have absolutely been through Andrew. It wouldn't have been - yes. And look, you know, as to any conversations Andrew has had with others, I can't speak to that. I can just speak to the fact that the change was made with Andrew and I and he highlighted it, and that was the version that was sent out.

CHAIR - Thank you.

Mr WINTER - Obviously, there's been a breach in caretaker conventions here; have you had any communication from DPAC or Tasracing about what might need to be done at this point forward?

Mr TURNER - I think the communication from DPAC to Tasracing indicated - which I've seen - indicated some measures that would be put in place. I wouldn't like to speak to those because they're for Andrew Jenkins and/or Gene Phair to speak to, but I believe that there were some actions that had to be taken by Tasracing.

Mr WINTER - Have you had any direct conversations with the Minister or her office following this becoming a public issue around -

Mr TURNER - I've had conversations with them, but not about this specifically.

Mr WINTER - Okay. Not about the TasInsure text messages, though?

Mr TURNER - I think that, as to the process or the protocol, when ABC contacted me for comment, I absolutely would have advised them what I was saying, because I think I - yeah, well, I did. I spoke as, not for a Tasracing spokesperson, as a spokesperson for CorComms, and I would have communicated that, I would have said, 'I'm going to say this, just for line of sight', but that would have been - yeah that's my recollection.

CHAIR - I hate to be a pain and go back to the email, but I just, you made a change about a policy detail in that email and that added in products that are expected to be applicable. So, just to confirm, the Minister's office absolutely didn't give you that detail on the policy to add in.

Mr TURNER - Absolutely. So, my engagement -

CHAIR - Absolutely they didn't? Just to be really clear, I'm so sorry but it's important.

Mr TURNER - No, it's completely fine. No, no, let me speak more clearly, yes, absolutely any amendments to that message absolutely, definitely would have come from Andrew Jenkins, not from the Minister's office. As to where Andrew gets his information from that, you know, that's yeah, that's a question for him. Absolutely.

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Mr WINTER - There's an exchange with the Minister during parliamentary Estimates¹, you might have even been there. A quote from myself, I said to the Minister:

I want to confirm with you that you and no one in your office or the government was aware that the text message about TasInsure from Tasracing was going out.

Minister Howlett says:

I can certainly tell you that I, and no one in my office, was aware.

Mr Turner, is that statement from Ms Howlett correct?

Mr TURNER - I don't think that - I don't know that I'm - all I can do is tell you what I did, and what I did was provide a version of what Tasracing was going to say to the Minister's office. I can't speak to why she said that. Maybe the message wasn't communicated to her, I don't know. I think that Andrew Jenkins also indicated that he was unaware also, in terms of that -

Mr WINTER - Mr Jenkins was unaware of?

Mr TURNER - Well, I think that what Andrew, I think even later on in that same hearing, there was reference to the fact that, I mean - I think Andrew was asked if he was aware, and in terms of, I've certainly spoken to him about that, and though I work with him and for him, this is a bit of a set-and-forget process for us. We just do it as a matter of course. So, Andrew doesn't necessarily need to ring me and go, 'Hey, have you spoken to the Minister's office about this?' We just do it. We just get it and do it. So, as to why the Minister said that or Andrew said that, they're questions for him.

Mr WINTER - You're not, just be clear, you don't have any awareness whether Mr Gaetani told the Minister at that point in time.

Mr TURNER - Don't know. So, my relationship with them is - it's not at arm's length but for want of a better expression it's, you know, again, I'm a consultant to Tasracing, and my role with the Minister's office is basically just facilitating information flow.

CHAIR - Noting you are a consultant, at any point did Tasracing provide you with a copy of the caretaker conventions that are routinely provided to all departments, GBES, et cetera, functions of Government, for that period of time?

Mr TURNER - No, I think the first time I became aware of it being a breach was when Mr Winter contacted the chairman, and then the chairman contacted us to find out what had happened, and then we took the message down. So, you know, breaching the caretaker convention, it didn't even occur to us. I mentioned at the outset that we publish three newspapers, so I'm extraordinarily across the rules of advertising when you know the election writ is issued. So, yeah, again, it just didn't occur to us.

¹ Government Business Enterprise Scrutiny Hearings, 2025

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CHAIR - So, you've given evidence saying that the Minister's office was emailed the content of the message, and that message, it starts with the phrase:

Tasracing is pleased to advise that TasInsure, a Tasmanian insurer that will be established by a Liberal government if re-elected.

Do you think that makes it clear that the message is intended for external communication, given it is talking about Tasracing being pleased to advise whoever the message is going to?

Mr TURNER - It's certainly - it's written with an industry audience in mind. I'm not quite sure of the question or what you're looking for, or what you're asking?

CHAIR - Just a bit more of a broad understanding about the intention of that going out. Like, yes, it is for the industry specifically, but it's also quite broadly, in terms of spruiking that policy. I don't know if you can elaborate any more on the intention of that?

Mr TURNER - Probably just to repeat what I've already said, which is probably not overly helpful. But again, it was about communicating a potential benefit to the industry, which is obviously Tasracing's key stakeholder.

Mr WINTER - Further, on 4 March this year [2026] in an answer to a question from the Leader of the Opposition, the Minister for Racing said:

Tasracing has dealt with this issue. As to whether my office knew about the text message, I've been clear, it did not.

Is that an accurate statement?

Mr TURNER - The bit about Tasracing dealing with it, I think, is accurate because I'm pretty sure Andrew and/or Gene and/or both are on the record as suggesting that, you know, there was an error made. Again, I can't speak for what the Minister has said. I think I can only speak for what I have said or what, you know, to a certain extent, what Tasracing has said. But I mean, I've provided evidence that - look, what wasn't communicated to the Minister's office was how we were going to communicate - whether it was a text, email, online, media release - that wasn't communicated, but the content was.

Mr WINTER - She's been asked multiple occasions whether she had awareness of communications and the answer's been no.

Mr TURNER - Well, they're matters for her, I think.

Mr WINTER - That's quite right. They're very serious matters for her, unfortunately. Chair, I'm not sure - I think Mr Turner's has been a very good witness, and I really appreciate - you've clarified - these are questions we've been asking in Parliament for a long time. I wish we'd done this bit earlier, frankly.

CHAIR - Yes, this has been exceptionally helpful. I'm going to be in absolute pain, and just say: can you confirm the evidence that you gave before, that you didn't receive policy details about TasInsure from the Minister's office?

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Mr TURNER - I did not. Absolutely not.

CHAIR - Thank you.

Mr TURNER - Have I got that right?

CHAIR - Absolutely. Thank you so very much for coming in today. I just have to let you know that what you have said to us here today is protected by parliamentary privilege, but once you leave the table, you need to be aware that privilege does not attach to comments that you may make to anyone, including the media, even if you're just repeating what you said to us. Do you understand that?

Mr TURNER - I do. Thank you.

CHAIR - Thank you very much.

The witness withdrew.

The Committee adjourned at 12.03 p.m.