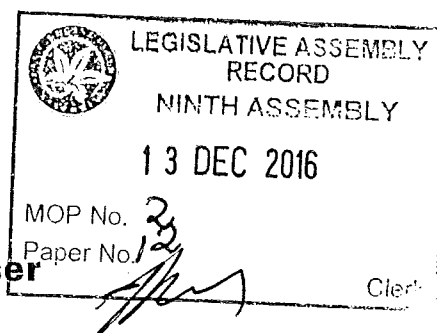




## Ethics and Integrity Adviser



Mrs Vicki Dunne, MLA  
Speaker  
Legislative Assembly for the Australian Capital Territory  
Civic Square  
London Circuit  
CANBERRA ACT 2600

Dear Madam Speaker

Pursuant to Continuing Resolution 6A of 10 April 2008, I enclose herewith my report as Ethics and Integrity Adviser for Members of the Legislative Assembly for the Australian Capital Territory for the period 1 July 2015 to 30 June 2016.

Yours sincerely

**Stephen Skehill**

3 September 2016

**Celebrating twenty years of democracy**

**11 May 1989 - 11 May 2009**

Legislative Assembly for the Australian Capital Territory  
Civic Square, London Circuit (GPO Box 1020) Canberra ACT 2601

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## **Ethics and Integrity Adviser Annual Report 2015-2016**

### **Creation of the Position**

The June 1999 *Report of the Select Committee on the Report of the Review of Governance* supported the adoption of a code of conduct and the appointment of an ethics commissioner for all Members of the Legislative Assembly for the Australian Capital Territory.

These matters were subsequently referred to the Assembly's Standing Committee on Administration and Procedure, together with a discussion paper entitled *A Parliamentary Ethics Adviser for the ACT Legislative Assembly*.

Following the 2001 report of that Committee on that reference and a further report by it in 2004, a code of conduct was adopted by the Assembly, on the motion of the then Speaker, on 25 August 2005. [In 2013 the Assembly resolved to adopt a new Code of Conduct for Members. The Assembly also agreed to the appointment of a Commissioner for Standards to investigate, on reference from the Speaker, complaints about non-compliance with that Code.]

A motion requesting that the Speaker appoint an Ethics and Integrity Adviser for Members of the Legislative Assembly was agreed on 10 April 2008 (Standing Resolution 6A). That resolution specified that such appointment would be only for the period of the Assembly in which the appointment was made.

Subsequently, on 21 August 2008, that resolution was amended to provide that an appointment was to be "for the life of the Assembly and the period of three months after each election". This amendment was designed to ensure that an Adviser would be available to all, but especially new, Members immediately after each election.

### **Appointment of Adviser**

Following the passage of Standing Resolution 6A, advertisements calling for expressions of interest in appointment as Ethics and Integrity Adviser for Members of the Legislative Assembly for the Australian Capital Territory were placed in the national and local press.

On 25 June 2008 the then Speaker appointed me to the position of Ethics and Integrity Adviser for the period ending on 18 October 2008. Following the amendment to Standing Resolution 6A on 21 August 2008, that appointment was extended to 18 January 2009.

In January 2009 the then Speaker reappointed me as Ethics and Integrity Adviser for the life of the Seventh Assembly and the following three months.

In January 2013 press advertisements were again placed seeking expressions of interest in appointment as the Ethics and Integrity Adviser. I was among those expressing interest.

On 18 January 2013 my then current appointment expired.

Subsequently I was reappointed as Ethics and Integrity Adviser by the current Speaker with effect from 1 March 2013 for the balance of the life of the Eighth Assembly and the following three months.

### **Terms of Appointment**

Continuing Resolution 6A sets out various terms of appointment for the Ethics and Integrity Adviser. These are supplemented by the Instrument of Appointment made by the Speaker. In particular, these instruments provide for the remuneration of the Adviser and require that a deed of confidentiality and conflict of interest be executed by the Adviser.

Remuneration was last set at the rate of \$13,000 (exclusive of GST) for up to 40 hours per annum and at a pro rata rate per hour for time spent in excess of 40 hours per annum (each adjusted annually for increases in the Consumer Price Index, with the effect that the current annual rate is \$13,578.00 (exclusive of GST)).

### **Activities**

During the 2015-2016 period, my advice was sought by seven Members on fourteen issues.

I am required by the Assembly Resolution to protect the confidentiality of matters raised with me by Members and of the advice which I provide to them.

However the nature of the matters on which my advice was sought in the period under review related in general terms to the following issues:

- whether it was appropriate for a Member to undertake travel where some or all of the cost was being borne by a foreign Government;
- the appropriate use of the Communications Allowance determined by the Remuneration Tribunal;
- whether it was appropriate for a Member to accept an offer of free goods made by a Territory government business enterprise;
- whether it was appropriate for a Member occupying Ministerial office to act as a Minister in deciding a matter on which they had received representations from an individual who was a member of and donor to the political party they represented in the Assembly;
- whether it was appropriate for a Member to be involved in particular fundraising activities of the political party they represented in the Assembly;
- whether it was appropriate for Member occupying Ministerial office to support the nomination of a candidate seeking preselection for the political party the Member represented in the Assembly where the Member and the candidate had dealings with each other in the course of their official duties;

- the interrelationship between a Member's role and the paid employment or voluntary work of their spouse;
- whether it was appropriate for a Member's spouse, in connection with the spouse's occupation, to accept a financial grant from a Commonwealth government body and funded travel from a third party; and
- personnel management issues.

It is of course open to a Member to release or otherwise publicly discuss any advice they have received from, or interaction they have had with, the Adviser and this occurred on some occasions during the course of the year.

In addition to the provision of case-specific advice as discussed above, I was also asked by the Speaker to provide advice of general application on the acceptance by Members of third-party benefits, and I did so under a separate consultancy agreement. I invited comments from all Members on a draft of that advice before finalising it. The final advice was subsequently tabled by the Speaker in the Assembly.

I was invited to meet, and met, with the members of the ACT Remuneration Tribunal in relation to their reconsideration of the Communications Allowance and on matters relating to third-party funded travel.

Finally, consistent with established practice in relation to newly appointed Members, I made arrangements to hold a general, introductory meeting with Mr Jason Hinder MLA following his appointment to the Assembly.

**Stephen Skehill**  
**Ethics and Integrity Adviser for Members of**  
**the Legislative Assembly for the Australian Capital Territory**

3 September 2016