



Ethics and Integrity Adviser

Ms Joy Burch, 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 2016 to 30 June 2017.

Yours sincerely

A handwritten signature in black ink, appearing to read "Stephen Skehill", is written over a horizontal line.

Stephen Skehill

7 July 2017

Ethics and Integrity Adviser Annual Report 2016-2017

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 then Speaker with effect from 1 March 2013 for the balance of the life of the Eighth Assembly and the following three months.

In November 2016 press advertisements were again placed seeking expressions of interest in appointment as the Ethics and Integrity Adviser. I was among those expressing interest.

On 14 January 2017 my then current appointment expired.

Subsequently I was reappointed as Ethics and Integrity Adviser by the current Speaker with effect from 1 February 2017 for the balance of the life of the Eighth Assembly and the following three months (i.e., to 10 January 2021).

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 \$14,016 (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).

Activities

During the 2016-2017 period, my advice was sought by thirteen Members on twenty-one 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:

- dealing with persons not on the Register of Lobbyists;
- whether it was appropriate to use Assembly contact details or to refer to a public servant in party-political publications;
- use of government-issued publications while campaigning for election;
- engaging in discussion with a constituent with current litigation against the Government;
- 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 allowances determined by the Remuneration Tribunal;
- whether it was appropriate to accept an honorary appointment to an foreign entity;
- whether it was appropriate for a Member to accept a gift, to passively receive another personal benefit, or to make public comment that might indirectly confer a benefit on a third person;
- whether it was appropriate for a Member to occupy a shadow-Ministerial office with responsibilities in areas in which they had some personal involvement;
- whether it was appropriate for a member to nominate a person for a community service award;
- whether particular personal interests were required to be included on a Member's Declaration of Registrable Interests;
- the interrelationship between a Member's role and their prior paid employment;
- whether it was appropriate for a Member to vote on a matter in which their spouse may have an affected interest; and
- personnel relationship issues with other Members and other persons.

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 responding to requests for advice from individual Members, I also engaged in a number of other activities during the year:

- consistent with established practice in relation to newly appointed Members, I met with all new Members during the course of their induction as Members following the most recent election;
- at the request of the Chief Minister's Directorate, I participated in an induction session for newly appointed Ministers and their staff;
- I made a submission to the Standing Committee on Administration and Procedure in relation to the referral of matters to the Commissioner for Standards;
- I made a submission to the Select Committee on an Independent Integrity Commission;
- I conducted a review of the Members' Code of Conduct and provided a report to the Standing Committee on Administration and Procedure; and

- I attended the *National Integrity 2017 – Building the Public/Private Alliance* conference organised by Transparent International Australia and Griffith University, in Brisbane on 16-17 March 2017.

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

7 July 2017

