

ACT COMMISSIONER FOR STANDARDS

ANNUAL REPORT 2024/2025

The position of Commissioner for Standards

By Continuing Resolution 5AA made on 31 October 2013, the Assembly requested the Speaker to appoint a Legislative Assembly Commissioner for Standards ('the Commissioner') on certain terms. The resolution stated that:

(1) The functions of the Commissioner are to:

(a) investigate specific matters referred to the Commissioner-

(i) by the Speaker in relation to complaints against Members; or

(ii) by the Deputy Speaker in relation to complaints against the Speaker; and

(b) report to the Standing Committee on Administration and Procedure.

The Continuing resolution was amended on 3 August 2017 to eliminate the earlier requirement for the Speaker to determine whether there were adequate grounds for the referral of a complaint to the Commissioner, leaving it to the Commissioner to determine whether any investigation was warranted.

Appointment

I was appointed as the inaugural Commissioner by an instrument made by the Speaker on 6 March 2014. Conditions of my appointment were specified in an attached schedule, which provided that my appointment would commence on that day and end three months after the election of the 9th Legislative Assembly.

I was reappointed on substantially similar terms on 15 October 2016, 15 January 2021 and 20 April 2025.

Protocol

Following my initial appointment I prepared a draft protocol concerning the manner in which investigations made in the course of my duties would be undertaken. The protocol was adopted by the Standing Committee on Administration and Procedure ('the Committee') on 24 March 2015 and amended in August 2017 and February 2022. It may be viewed on the Assembly's website.

The protocol includes the statement that:

It is the Commissioner's intention to rely upon written material and not to hold any face to face discussions or otherwise receive oral evidence unless such a course

proves necessary for the fair and satisfactory completion of a particular investigation.

It has not yet proven necessary to engage in face to face hearings to address any of the complaints that have been referred to me, though I have received some oral evidence by telephone.

In February 2022 paragraph 2 of the protocol was amended to read:

If the Commissioner receives a complaint and the Commissioner believes on reasonable grounds that there is insufficient evidence to justify an investigation or that the complaint is frivolous, vexatious or only for political advantage, the Commissioner will inform the complainant that the matter will not be further investigated. The Commissioner will also inform (without revealing the complainant's identity or the nature of the complaint) both the committee and the Member the subject of the complaint that a complaint has been received but not further investigated.

The Code of Conduct

The *Code of Conduct for all Members of the Australian Capital Territory Legislative Assembly* (the Code of Conduct) was substantially amended on 31 August 2023, with provisions added to specifically address issues relating to bullying, sexual and other forms of harassment, sexual assault and discrimination.

Complaints

I dealt with the following complaints during the year ended 30 June 2025.

1. On 2 July I received a complaint alleging that a Member of the Assembly had engaged in inappropriate sexual conduct whilst overseas. It was not suggested that the relevant conduct was not between consenting adults or that it was directly related to the Member's role and a Member of the Assembly. Paragraph (6) of Resolution 5AA authorises me to conduct an investigation only if I believe on reasonable grounds that there is sufficient evidence of a breach of the Code of Conduct to justify investigating the matter. The complaint did not reveal evidence that was in my opinion capable of satisfying this requirement. In my opinion, none of the provisions in the Code of Conduct were intended to constrain consensual acts between adults unless, of course, they occurred in the context of harassment or other conduct proscribed by law or by the Code of Conduct. The Member was advised later that day that a complaint had been made against him but that it would not be further investigated. The complainant was also informed of this decision.
2. On 15 July I received a complaint concerning particular procedures that had been adopted by two Members of the Assembly for constituents to communicate with them. Whilst conscious of the obligation imposed by paragraph (B)(5) of the Code for Members to be reasonably

accessible to the people of the electorate they have been elected to serve, I was not satisfied that the evidence suggested any breach of the Code of Conduct. The complainant and the Member against whom the complaint had been made were duly informed of my decision not to conduct an inquiry later that day. However, I suggested that the issue of principle identified in the complaint should be raised with the Standing Committee on Administration and Procedure.

3. On 20 August, I received a complaint concerning questions asked by a Member at a meeting of the Estimate Committee about whether witnesses were parties to a confidential inquiry being undertaken by the Integrity Commission. Proceedings before the Estimates Committee are subject to parliamentary privilege and I concluded that any investigation would inevitably infringe that privilege. Accordingly the complainant and the Member were informed later that day that an investigation would not be conducted.
4. On 4 September I received a complaint alleging that Mr Hanson MLA and Mr Cocks MLA had issued an unsigned letter that included the complainant's name without her consent and that they had also maintained a website with a misleading name. It was suggested that this may have been done with the intention of inappropriately "harvesting" email addresses for political purposes on the pretext of promoting legitimate petitions to the Legislative Assembly. The complainant's suspicion about the letter was understandable, but I was unable to find any evidence that the letter had actually been written or distributed by Mr Hanson or Mr Cocks and both denied having had any involvement with it. Whilst acknowledging that the name of the website, *murrumbidgeemlas.com.au* was in one sense literally accurate, I agreed with the complainant's view that it was potentially misleading. I was not satisfied that it had been chosen for a dishonest purpose, but recommended that Mr Hanson and Mr Cocks be directed to change it. Both Mr Hanson and Mr Cocks denied acting for inappropriate purposes and, whilst the volume and timing of petitions lent some weight to the complainant's suspicions, there was no actual evidence that they had engaged in data harvesting or that they had misused contact information provided by signatories. The investigation was complicated by a number of factors, including a claim by Mr Hanson that advice had been obtained from the Electoral Commissioner that activities taken in relation to proposed petitions were legitimate MLA activities and would not be considered electioneering or campaigning by the Electoral Commission. The Electoral Commissioner's response to my enquiry revealed that this was untrue. No such advice had been provided. When this was pointed out in a draft report, Mr Hanson and Mr Cocks both sought further time to enable them to obtain legal advice. The solicitors they engaged to make representations on their behalf subsequently provided evidence that Mr Hanson had simply accepted what a staff member had told him about the wording of the advice obtained from the Electoral Commissioner. The evidence included contemporaneous emails as well as a rueful acknowledgement from the staff member and I had no reason to doubt it. Accordingly, I accepted that Mr Hanson may have been misled and acted without dishonest intent. However, I found that he had failed to exercise due diligence in simply accepting a staff member's account of advice attributed to the Electoral Commissioner without checking the accuracy of what he had been told. A similar finding was not made against Mr Cocks. The need for due investigation and the additional time sought by Mr Hanson and Mr Cocks for successive responses, meant that the report could not be completed until 12 October.
5. On 29 January 2025 I received a complaint concerning the conduct of Mr Mark Parton MLA in what was described as "advertising a local bike shop." The complaint suggested a number of possible breaches of the Code of Conduct. However, there was no evidence to suggest that Mr

Parton had sought or anticipated receiving any financial gain or other personal benefit from his actions. I had no reason to doubt his observation that statements endorsing or promoting local businesses are frequently made by Members of the Assembly and that such statements may be in the public interest. Whilst there are some ethical requirements that should be kept in mind by Members in providing such endorsements, none seemed to have been infringed by Mr Parton and I accepted that he had genuinely believed that his promotion of the business had been in the interests of the people of the Australian Capital Territory. His post had also been intended to highlight a danger caused by glass and debris on the shoulder of a roadway and and garner support for government action to have it removed. My report, submitted on 12 February, recommended that the complaint be dismissed.

6. On 20 May I received a complaint that a Member had been seen in a public place wearing a shirt displaying material promoting the election of a member of the same political party in the then pending Commonwealth election. I formed the view that an investigation was not warranted. The complainant and the Member were informed of my decision later that day.
7. On 26 June I received a complaint alleging that a Member had spoken to staff members inappropriately on several occasions. I wrote to the complainant later that day seeking further information about the allegations and asking her to address a number of questions. She replied on the same day, informing me that she was about to leave on an overseas trip, would not be back until 31 July and would not be able to provide an adequate response during that evening. I informed her and the Clerk of the Assembly that I would take no further action until her return.

Other matter

On 10 July 2024 I submitted my annual report for the year ended 30 June 2024.

On 14 February I recommended minor amendments to the next instrument of appointment and also to the protocol for the resolution of complaints.

K J Crispin KC
Commissioner for Standards
1 July 2025