

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

**Annual Report  
2011-2012**

**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.

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.

Interviews were conducted by a committee comprising the then Speaker (Mr Wayne Berry), the ACT Human Rights and Discrimination Commissioner (Dr Helen Watchirs) and the Clerk of the Assembly (Mr Tom Duncan).

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 current Speaker reappointed me as Ethics Integrity Adviser for the life of the Seventh 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 Instruments of Appointment made by the former and current Speakers. 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 is set at the rate of \$12,000 per annum and \$300 per hour for time spent in excess of 40 hours per annum (each adjusted annually for increases in the Consumer Price Index). In the period under review, I have not made any claim for payment at the hourly rate.

### **Activities**

During the 2011-2012 period my advice was sought by 3 Members, on 4 occasions.

This is an increase on previous periods as follows:

- During the period of the Sixth Assembly, my advice was sought on a number of occasions by one Member. I was also approached by a second Member asking me to make contact in a few days' time. When I did so, that Member advised that the issue prompting the initial contact had "moved on" and that advice was not required at that time, although it might be required at some future date.
- In the period of the Seventh Assembly, to 30 June 2009, my advice was sought by 4 Members.
- In the year to 30 June 2010, my advice was sought individually by only one two Members. Additionally, my advice was sought by a resolution of the Assembly as a whole in relation to Standing Order 156.
- In the year to 30 June 2011, my advice was sought by 5 members on 6 occasions.

The nature of the issues raised with me and on which I provided advice during the period under review can be briefly described as follows:

- whether a Member could participate as a member of an Assembly committee considering a matter that related to the interests of an organisation of which the Member had previously been a member;
- whether, and in what circumstances, a Member could access official Assembly and Public Service resources to respond to queries raised with them via a private blog account;
- whether, and in what circumstances, a Member should support the employment of a relative of another member in the office of a third Member; and
- what a Minister should do to ensure that an independent statutory officer was able to deal properly with a matter arising within the Minister's portfolio in relation to an organisation with which a relative of the Minister had a connection.

So far as I am aware, no Member to whom I have provided advice has acted inconsistently with that advice.

During the 2011/2012 year I also:

- met with the Standing Committee on Administration and Procedure to discuss my 2010/11 annual report;

- responded to a request from the Chair of the Standing Committee on Administration and Procedure in relation to the Committee's review of the *Australian Capital Territory (Self Government) Act 1988* (Cth); and
- commenced a review of the Assembly's Code of Conduct for Members (which was completed in August 2012).

**Stephen Skehill**

3 October 2012