

Ethics and Integrity Adviser Annual Report 2022-2023

Creation of the Adviser 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 (Continuing 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 Continuing 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 amendment of 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 Ninth Assembly and the following three months (i.e., to 10 January 2021).

On 15 January 2021 I was again reappointed as Ethics and Integrity Adviser by the current Speaker for the balance of the life of the Tenth Assembly and the following three months. On this occasion the appointment was made without publicly seeking expressions of interest but, I was informed, with the support of all party leaders.

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.

At the beginning of the year under review, remuneration was at the rate of \$15,728 (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). That rate was adjusted to \$16,829 (exclusive of GST) by reference to CPI increases in the year to March 2023 and applied to invoices issued from 1 July 2023.

During the period under review, I spent around 30 hours on activities connected with the position of Ethics and Integrity Adviser and thus was not entitled to any additional per-hour remuneration.

Activities

During 2022-2023, my advice was sought by 13 Members on 27 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:

- publicly promoting local businesses as a Member;
- engaging in additional paid employment and potential related conflicts of interest;
- the notice issued by Workplace ACT to the Assembly;
- potential conflict of interest when sitting as a member of an Assembly committee examining an issue in which Member had had some previous involvement;
- involvement of a staff member on a party working group on matters subject to examination by an Assembly committee of which the employing Member is a member;
- constituent concerns about the manner of community liaison by a Member;
- ownership of shares in companies whose activities are potentially affected by government policy and legislation;
- potential extracurricular activities while on official travel;
- promotion of the extracurricular activities of an ACT public servant;
- acceptance of appointment to a university advisory council;
- setting remuneration for a member of staff;
- potential conflict between ministerial responsibilities and community interaction activities;
- staff team planning workshop activities;
- supporting an application for a government grant;
- responsibility for unauthorised acts of staff;

- decision-making on grant applications that may benefit a class of persons that includes a relative;
- use of official Assembly resources in the period prior to an election;
- use of the former communications allowance;
- declarations of personal interests and receipt of discounts; and
- supporting a project proposal where one proponent may reap a commercial reward.

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.

The Assembly resolution creating the position of Adviser precludes the Adviser from providing legal advice. On one occasion during the year, I had to decline a request for advice for that reason.

In addition to the provision of case-specific advice as discussed above:

- I met with the Standing Committee on Administration and Procedure to discuss my annual report for the previous year;
- I provided a brief submission to that Committee on its review of Assembly's Standing Orders;
- I met with a newly appointed Member as part of their Assembly induction; and
- I met and communicated with Mr Ian Govey AM in relation to the review of the *Integrity Commission Act 2018*.

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

5 July 2023