



Legislative Assembly—Reporting and complaints referral framework

What is this document for?

The Assembly precincts accommodate Members of the Legislative Assembly (MLAs), their staff, staff of the Office of the Legislative Assembly (OLA), and officials from ACT Government directorates working in ministers' offices (e.g., Directorate Liaison Officers (DLOs)).

There are a number of laws, parliamentary resolutions, and policies that govern the conduct of those working in the Assembly workplace and provide avenues for making complaints or reporting possible misconduct or concerns.

This document contains a high-level overview of relevant requirements to provide a general understanding to those working in the Assembly precincts of their reporting obligations and options. Some of these complaint mechanisms are optional and issues may be resolved faster and more satisfactorily by using internal processes first.

Additional advice

For more detailed advice,¹ Members of the Legislative Assembly (MLAs), their staff, staff of the Office of the Legislative Assembly (OLA) should seek further guidance as follows.

For non-executive MLAs, their staff and staff of the Office	▪ Clerk—x50191 ▪ Deputy Clerk—x50171 ▪ Executive Manager, Business Support—x50181 ▪ Senior Director, Office of the Clerk—x50018
For ministers and their staff	▪ Executive Group Manager, Corporate, CMTEDD—x75868 ▪ Ministerial and Executive Support in CMTEDD—x70372
For DLOs or other public servants—	▪ The relevant HR or corporate area within your directorate or agency

¹ If required, officials may seek legal advice from the Government Solicitor's Office to address particular queries.

Reporting and complaints

Obligations and options for reporting	Reporting entity / contact
Reporting criminal offences and abuse or neglect of a child Mandatory reporting of sexual offence against a child - Under s 66AA of the Crimes Act 1900, if an adult obtains information that leads them to have a reasonable belief that a sexual offence has been committed against a person under the age of 18 commits, it is an offence if they do not report that information to the police. - The Crimes Act provides for certain exceptions, including where a report has been made under Division 11.1.2 (Reporting abuse and neglect of children and young people) of the <i>Children and Young People Act 2008</i>.² Other criminal offences - The Assembly's <i>Child Safety Code of Conduct and Policy</i> (available on the Assembly website and intranet) requires an MLA or Assembly staff member who obtains information that leads them to have a reasonable belief that a criminal offence of any kind has been committed against a person under the age of 18 to report that information to ACT Policing as soon as practicable. There are certain exceptions that are outlined in the policy.	ACT Policing - Emergency—000 - General inquiries—131 444
Child protection - Among other classes of person, public servants who, in the course of their employment as a public servant, work with, or provide services personally to, children and young people or families, are 'mandated reporters' under the Children and Young People Act 2008.³ - If a mandated reporter believes, on reasonable grounds, that a child or young person has experienced or is experiencing sexual abuse or non-accidental physical injury; and the reasons for the belief arise from information obtained by the person during the course of, or because of, the person's work (whether paid or unpaid), they must make a report to the responsible Director-General.⁴ - This is done by making a report to ACT Child and Youth Protection Services with the child or young person's name or description and the reasons for the person's belief. NB MLAs and their staff are not mandated reporters but may make a voluntary report pursuant to section 354 of the <i>Children and Young People Act 2008</i>. - If a person believes or suspects that a child is being abused, neglected or is at risk of abuse or neglect, they may make a	ACT Child and Youth Protection Services 1300 556 729 childprotection@act.gov.au Reporting form

² Crimes Act, s 66AA(2)

³ Children and Young People Act, s 356(3)(m).

⁴ Children and Young People Act, s 357.

Obligations and options for reporting	Reporting entity / contact
voluntary report of the belief or suspicion and the reasons for the belief or suspicion to the Director-General. ⁵	
Child Safety Code of Conduct and Policy • A complaint about an alleged breach of the Assembly's Child Safety Code of Conduct or the Child Safety Policy, that is not a potentially criminal offence, can be made to the Speaker. Suspected criminal offences against a child should be reported to ACT Policing and the Speaker informed that such a report has been made. • All complaints will be treated with due seriousness and will be dealt with in a way that is respectful to both the complainant and subject of the complaint. • The Speaker will refer complaints to the appropriate person/entity for assessment and possible investigation. Refer to the Child Safety Code of Conduct or the Child Safety Policy.	Speaker of the Legislative Assembly • Speaker@parliament.act.gov.au • (02) 6205 0020.
Ministerial code of conduct Under the Ministerial Code of Conduct, ministers must follow a number of ethical principles, including: a. Integrity Ministers must act according to the highest standards of personal integrity and probity, and uphold the ACT's system of responsible government. Ministers must not use their position or information gained in the performance of their duties to gain a direct or indirect advantage for themselves or their families or acquaintances that that would not be available to the general public. b. Honesty Ministers must act honestly at all times and be truthful in their statements. c. Diligence Ministers must be diligent in the performance of their duties and fulfil their obligations to the highest standards. d. Transparency Ministers must make their decisions and actions as open to scrutiny as is possible consistent with the conventions of responsible government. e. Accountability Ministers are accountable for their own behaviour and the decisions and actions of their staff. They are accountable, within accepted Westminster conventions, for their portfolio and directorates/agencies. f. Fairness Ministers must act fairly and apply the principles of natural justice in their decision making. g. Respect	The Chief Minister Under section 7 of the Ministerial Code, allegations that a minister has breached the code are to be referred to the Chief Minister. Contact details for the Chief Minister's office are available on the Assembly intranet.

⁵ Children and Young People Act 2008, s 354.

Obligations and options for reporting	Reporting entity / contact
Ministers must display respect for all people in their conduct. Ministers must treat others fairly, with sensitivity to their rights, entitlements, duties and obligations. Ministers must not dishonestly or recklessly attack the reputation of any other person, including under parliamentary privilege. h. Responsibility Ministers must use the powers of office responsibly and in the interests of the people of the ACT. i. Respect for the law and the administration of justice Ministers must respect and uphold the laws of the Territory and the Commonwealth as they relate to the ACT. The ministerial code is periodically updated. The 2020 version of the code is available on the CMTEDD website.	
Code of Conduct for MLAs - Any person can make a complaint to the Legislative Assembly Commissioner for Standards about a suspected breach, by an MLA, of: - the Code of Conduct for all Members of the Legislative Assembly (Assembly continuing resolution 5); or - the requirements for declaring members' interests (Assembly continuing resolution 6). - Complaints are to be directed to the Clerk of the Assembly who will then pass the complaint on to the Commissioner.	Legislative Assembly Commissioner for Standards (via the Clerk) clerk@parliament.act.gov.au - Phone: (02) 6205 0191
Code of conduct for staff of MLAs There are two codes of conduct for staff employed by MLAs—one for staff employed by ministers and other office holders⁶ and one for staff employed by non-executive members.⁷ The codes set out a range of obligations, including that staff must: - act with propriety, honesty and integrity; - act with fidelity and in good faith; - avoid conflicts of interest and report any potential conflicts to their employing member or supervisor as soon as possible after the relevant facts come to their notice; - never solicit nor accept a payment or other benefits as reward for anything done in connection with their employment; - not unlawfully coerce a member of the public or another public employee; - not inappropriately use or disclose information acquired in the course of their employment;	Members of the Legislative Assembly Each MLA is responsible for the employment of their staff and staff conduct. Complaints about possible breaches of the relevant code of conduct can be directed to a staff member's employing MLA. Contact details of MLAs are available on the Assembly website.

⁶ [Legislative Assembly \(Members' Staff\) Code of Conduct for Ministerial Staff and Staff of Other Office-holders Determination 2015](#)

⁷ [Legislative Assembly \(Members' Staff\) Code of Conduct for Staff of Non-Executive Members Determination 2015](#)

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g) not make, or seek to make, improper use of their position or access to information to gain, or seek to gain, a benefit or advantage for themselves or any other person; h) not misuse or misappropriate resources provided by the Territory; and i) demonstrate appropriate standards of professional conduct in their interaction with officials.	
Code of Conduct for staff of the Office of the Legislative Assembly There are two codes that apply to staff of the Office of the Legislative Assembly— 1. Public Sector Management (ACT Public Sector) Code of Conduct 2022; and 2. Public Sector Management (Office of the Legislative Assembly) Code of Conduct 2018.	OLA supervisors or the Clerk Complaints about a possible breach of the codes by an Office staff member can be made directly to the person's supervisor or to the Clerk (See internal contact list available via the Assembly intranet). All relevant contact details for Office staff, including the Clerk and senior managers are available on the Assembly intranet.
Corrupt conduct - Any person can report suspected 'corrupt conduct' (see s 9 of the Integrity Commission Act 2018) to the ACT Integrity Commission. - An MLA, a Chief of Staff of a minister or a chief of staff of the Leader of the Opposition, must notify the Commission about any matter the member suspects on reasonable grounds involves serious or systemic corrupt conduct by: - another member of the Legislative Assembly; or - a member of staff of an MLA.⁸ - The Clerk and senior executives from the Office of the Legislative Assembly (OLA) are also required to report any that they suspect involve serious or systemic corrupt conduct.⁹ - For more information on mandatory corruption notifications, see Integrity Commission (Mandatory Corruption Notification) Directions 2019 (No 2).	Integrity Commissioner https://report.integrity.act.gov.au/ (02) 6205 9899
Fixated individuals - Concerns about fixated individuals can be reported to the ACT Fixated Threat Assessment Centre (ACTFTAC) comprising officers from ACT Policing and medical personnel from Canberra Health Services. - Concerns can also be discussed with OLA's Manager, Security and Building Services (02) 6205 0441.	ACT Policing 131 444 - For emergencies—000

⁸ Integrity Commission Act, s 63.

⁹ Integrity Commission Act, s 62.

Obligations and options for reporting	Reporting entity / contact
Public interest disclosure - Under the Public Interest Disclosure Act 2011, any person may make a public interest disclosure (PID) about ‘disclosable conduct’. - Disclosable conduct is an action or a policy, practice or procedure of a public sector entity, or public official for a public sector entity, that— (a) is maladministration; or (b) results in a substantial and specific danger to public health or safety, or the environment. - A PID <u>does not</u> include actions or policy practices or procedures of a public sector entity, or a public official for a public sector entity, that— (a) relate to a personal work-related grievance of the person disclosing the conduct; or (b) give effect to a policy of the Territory about amounts, purposes, or priorities of public expenditure. - PIDs about a MLAs or their staff can be made to the Clerk of the Legislative Assembly or the ACT Integrity Commissioner. - The ACT Integrity Commissioner is responsible for investigating PIDs about an MLA, a staff member of an MLA or a staff member of the Office of the Legislative Assembly.¹⁰	Integrity Commissioner https://report.integrity.act.gov.au/ (02) 6205 9899 Clerk of the Legislative Assembly (02) 620 50191 clerk@parliament.act.gov.au
Reportable conduct Under the Ombudsman Act 1989, there is an obligation on the part of administrative units, schools, health services and other organisations (called ‘designated entities’) to report ill-treatment or neglect of a child to the Ombudsman.¹¹	ACT Ombudsman (02) 5117 3650 Online form
Workplace bullying, harassment or discrimination - The Assembly’s Respect in the Workplace Policy makes it clear that respect in its workplaces is essential to a safe working environment and that bullying, harassment or workplace violence are not tolerated. The policy is endorsed by the Speaker, Chief Minister, Leader of the Opposition, Leader of the ACT Greens, and the Clerk of the Assembly. - A formal report can be made to anyone in authority about breaches of the policy. For example: - For staff of members—an employing member, Chief of Staff or Party Leader. Complaints may also be made to relevant point of contact within a given political party. - For OLA staff—the Executive Manager, Business Support, or the Clerk. - For MLAs—the Clerk who may refer the matter to the Assembly Commissioner for Standards (if the complaint is also a possible breach of the Code of Conduct for MLAs). - A worker who reasonably believes that they have been bullied or harassed at work may apply to the Fair Work Commission for an order to stop bullying or a stop sexual harassment order.	Assembly workplace contacts - See the Assembly intranet for the most recent telephone and other contact details of MLAs and staff. Fair Work Commission Order to stop bullying Stop sexual harassment order. - Applications must include a completed and signed application form. ACT Human Rights Commission 1300 656 419 HRCIntake@act.gov.au Online complaint form

¹⁰ PID Act, s 19(3).

¹¹ See reportable conduct provisions in the Ombudsman Act, Div 2.2A.

Obligations and options for reporting	Reporting entity / contact
Applications must include a completed and signed application form. • The ACT Human Rights Commission can investigate and conciliate complaints about unlawful discrimination, including discrimination, harassment or sexual harassment in the workplace. • Reports about psychosocial hazards in the workplace can also be reported to WorkSafe ACT (see below).	
Workplace health and safety • Under the Work Health and Safety Act 2011 (WHS Act), all persons conducting a business or undertaking (a PCBU), including the Clerk and all 25 MLAs, have the primary duty of care for the health and safety of workers. This includes ensuring that psychosocial risks, such as those that can arise from bullying or harassment, are eliminated. • To report health and safety issues in the Assembly precincts, including in a member's office, you can contact your supervisor, employing MLA, a Health and Safety Representative or the Assembly's Health and Safety Committee through the Office's Executive Manager, Business Support. • To make a complaint about a possible breach of the WHS Act or the WHS Regulations, you can make a complaint to WorkSafe ACT. Sexual assault incident • In addition to reporting allegations of sexual assault to the police or under the CYP Act (see above), the WHS Act requires that all sexual assault incidents that are alleged to have occurred in the workplace must be reported to WorkSafe Act. • Under the WHS Act, a 'sexual assault incident' means an incident (including a suspected incident) in relation to a workplace, that exposes a worker or any other person at the workplace to sexual assault. • All PCBUs (MLAs/the Clerk) must ensure that WorkSafe ACT is notified immediately after aware that a sexual assault incident (and other types of notifiable incident) has occurred. • Please note that the only details required to be given to the regulator about the incident are: • the name and contact details of the person conducting the business or undertaking; • a description of the workplace where the incident happened; • whether or not the incident was reported to police. • The person conducting the business or undertaking must not give information disclosing the identity of any person involved in the incident when notifying the regulator.¹²	Assembly's Health and Safety Committee • Executive Manager, Business Support (Ph: 6205 0181) • OLAHRandEntitlements@parliament.act.gov.au WorkSafe ACT • Phone: 13 22 81 • Email: worksafe@worksafe.act.gov.au • Online reporting

¹² *Work Health and Safety Act 2011*, s 38(9).

Additional resources and contacts

The following table contains contact details and website links to relevant support and advisory services.

Organisation	Contact
ACT Ombudsman Reportable conduct	Phone: (02) 6276 3773 Indigenous line: 1800 060 789 International: +61 2 6276 0111
ACT Policing	000 (for emergencies) 131 444 (for assistance) 1800 333 000 (Crime Stoppers)
Blue Knot Helpline	1300 657 380
Canberra Rape Crisis Centre	(02) 6247 2525
Canberra Youth Refuge (crisis and emergency accommodation)	(02) 6247 0330
Child and Young People Commissioner	(02) 6205 2222
Child protection and youth justice Reporting abuse or neglect	1300 556 729 1300 556 728 childprotection@act.gov.au
Domestic Violence Crisis Service	(02) 6280 0900 0408 006 616
Every Man (Support service for men)	(02) 6230 6999
Kids helpline	1800 55 1800
Legal Aid ACT	1300 654 314
Lifeline (telephone counselling)	131 114
Mensline Australia (telephone counselling for men)	1300 789 978
National Office for Child Safety	
Parentline ACT	(02) 62873833
Resources for parents and carers	
Service Assisting Male Survivors of Sexual Assault	(02) 6287 3935
Survivors and Mates Support Network (SAMSN)	1800 472 676
Toora Women Inc (Support service for women)	Toora domestic violence service (02) 6122 7000 / intake@toora.org.au Toora alcohol and other drug services (02) 6122 7027 intake@toora.org.au Toora counselling services (02) 6122 7000 intake@toora.org.au
Victims of Crime Commissioner	(02) 6205 2222
Victim Support ACT	1800 822 272 (02) 6205 2066

Organisation	Contact
Women's Legal Centre	(02) 6257 4377
Youth Engagement Team (outreach services for young people)	(02) 6282 3037