

ACT COMMISSIONER FOR STANDARDS

ANNUAL REPORT 2022/2023

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 and 15 January 2021.

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.

Complaints

I dealt with the following complaints during the year ended 30 June 2023.

1. On 6 September 2022 I received a complaint concerning a Member of the Assembly, but after due consideration concluded that an investigation was not warranted. I informed the complainant of my decision later that day. I also informed both the Member. and the Committee of the complaint and of my decision but, in compliance

with paragraph 2 of the protocol, neither the complainant's identity nor the nature of the complaint were revealed.

2. On 7 September 2022 I received another complaint concerning another³ Member of the Assembly, but again concluded that an investigation was not warranted. The complainant was informed of my decision later that day. I also informed the Member and the Committee of the complaint and of my decision, but did not reveal either the complainant's identity or the nature of the complaint.
3. On 22 February 2023 I received a complaint concerning the conduct of two Members of Assembly, but after due consideration concluded that an investigation was not warranted. The complainant was informed of my decision on 24 February 2023. I again informed the Members and the Committee of the complaint and of my decision, but did not reveal either the complainant's identity or the nature of the complaint.
4. On 30 March 2023 I received a letter of complaint from the Speaker concerning an email apparently issued by Rebecca Vassarotti MLA on 27 March. The email invited recipients to attend a rally concerning the "Housing Crisis" and join the Greens and Senate cross bench in calling for the Federal Government to do more. As the Speaker noted, whilst the email related to a Greens party policy, the email address and title suggested that the rally had been endorsed by Ms Vassarotti in her role as Minister for Homelessness and Housing Services. The complaint also raised questions about the address from which the email had been sent and whether the email addresses of some recipients had been extracted from correspondence she had received in her official capacity as a Minister. I formed the view that the issue of the email concerning the rally may have involved breaches of the *Code of Conduct for all Members of the Legislative Assembly for the Australian Capital Territory* (the Code). However, Ms Vassarotti responded to my request for an explanation, acknowledging the impropriety of what had occurred, but explaining that the email had been sent by a junior member of her staff without her authorisation. She had become aware of the email later that day and, after counselling the staff member and other members of her team, had immediately written to both the Chief Minister and the Ethics Advisor, to inform them of what had occurred and of her

response. She had also sought their advice as to any further action that may have been required. I provided a report to the Committee on 4 April 2023, stressing the responsibilities of Ministers, but noting that there had been no reason to doubt Ms Vassarotti's explanation that the email had been sent without her authorisation or knowledge. Hence, I was not satisfied that she had committed a breach of the Code. I also noted that she had since apologised and taken reasonable steps to prevent further errors of that kind. My report was duly tabled and adopted by the Assembly.

5. On 4 April I received a complaint concerning another Member of the Assembly, but after due consideration concluded that an investigation was not warranted. The complainant was informed of my decision later that day. I also informed the Member the subject of the complaint and the Committee of the complaint and of my decision, but did not reveal either the complainant's identity or the nature of the complaint.



Commissioner for Standards

2 July 2023