

Mrs Vicki Dunne, MLA
Speaker
Legislative Assembly for the Australian Capital Territory
Civic Square
London Circuit
CANBERRA ACT 2600

Dear Madam Speaker

Pursuant to Continuing Resolution 6A of 10 April 2008, I enclose herewith my report as Ethics and Integrity Adviser for Members of the Legislative Assembly for the Australian Capital Territory for the period 1 July 2014 to 30 June 2015.

Yours sincerely

Stephen Skehill

22 July 2015

Ethics and Integrity Adviser Annual Report 2014-2015

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. [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 (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.

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 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 current Speaker with effect from 1 March 2013 for the balance of the life of the Eighth 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 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.

Remuneration was last set at the rate of \$13,000 (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, with the effect that the current annual rate is \$13,350.96 (exclusive of GST)).

Activities

During the 2014-2015 period, my advice was not sought by eight Members on twelve occasions.

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:

- whether it was appropriate for a Member to participate in the work of a Committee of the Assembly in light of their family relationships;
- whether it was appropriate and sufficient for a Member to disclose to a Committee of which they were a member their private involvement in a matter having some potential connection with the subject of a Committee inquiry;
- whether it was appropriate for a Member to make representations on behalf of an entity unrelated to the Assembly of which they were a member to another entity unrelated to the Assembly seeking a benefit on behalf of that first entity;
- whether it was appropriate for a Member of occupying Ministerial office to act as a Minister in accordance with or to question official advice provided to them which they considered may raise ethical issues;
- whether it was necessary for a Member of occupying Ministerial office to decline to take decisions as Minister that might confer some perceived personal benefit upon themselves where that benefit would also accrue to members of the community more generally;
- whether and when disclosure of the personal interests of a Member's partner was required;

- the interrelationship between a Member's role as a Member and their prior employment;
- access to and use of office and travel entitlements and frequent flier points; and
- personnel management issues.

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

22 July 2015