



Legislative Assembly for the Australian Capital Territory

Standing Committee on Administration
and Procedure

Report on the conduct of Mr Cocks MLA

Legislative Assembly for the Australian Capital Territory
Standing Committee on Administration and Procedure

Approved for publication

Report 9
10th Assembly
August 2023

About the committee

Establishing resolution

The Standing Committee on Administration and Procedure Committee is established pursuant to Standing Order 16:

16. (a) A Standing Committee on Administration and Procedure is established at the commencement of each Assembly to:
 - (i) undertake self-referred inquiries or inquiries referred by the Assembly and, in addition, in the third year of an Assembly term the committee shall inquire into and report on the operation of the standing orders and continuing resolutions of the Assembly with a view to ensuring that the practices and procedures of the Assembly remain relevant and reflect best practice;
 - (ii) advise the Speaker on:
 - (A) Members' entitlements including facilities and services;
 - (B) the operation of the transcription service (Hansard);
 - (C) the availability to the public of Assembly documents;
 - (D) the operation of the Assembly library;
 - (iii) arrange the order of private Members' business and Assembly business; and
 - (iv) as required by continuing resolutions of the Assembly, consider, inquire and report on matters relating to citizen's right of reply, claims of parliamentary privilege, reports of the Commissioner for Standards and the Ethics and Integrity Adviser and the implementation of Latimer House Principles.
- (b) the Committee shall consist of:
 - (i) the Speaker;
 - (ii) the Government whip;
 - (iii) the Opposition whip; and
 - (iv) a representative of the crossbench (or if a single party, the whip of that party);
- (ba) Should a whip be unable to attend a meeting, the Party nominated deputy whip may attend in their place;
- (c) the Speaker shall be the Chair of the Committee; and
- (d) the Committee shall have the power to consider and make use of the evidence and records of the Standing Committee on Administration and Procedure appointed during the previous Assemblies.

Committee members

Ms Joy Burch MLA, Chair

Ms Leanne Castley MLA (Deputy Chair, Deputy Whip)

Mr Andrew Braddock MLA

Ms Suzanne Orr MLA

Secretariat

Tom Duncan, Committee Secretary

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Terms of Reference

Continuing resolution 5AA

Commissioner for Standards



This resolution provides for the appointment of a Legislative Assembly Commissioner of Standards.

Resolution agreed by the Assembly

31 October 2013 (amended 3 August 2017, 22 August 2019 and 10 February 2022)

Commissioner for standards

That this Assembly requests the Speaker to appoint a Legislative Assembly Commissioner for Standards on the following terms:

- (1) The Speaker must, after each Assembly is elected or whenever the office becomes vacant, appoint a Commissioner for the life of that Assembly and the period of six months after each election. The appointment is for the term of the Assembly and the period of six months after the election at the conclusion of that term. The Speaker may decide not to seek expressions of interest if only one term has been served by the Commissioner.
- (2) Before appointing a Commissioner, the Speaker must consult with the Chief Minister, the Leader of the Opposition and Crossbench Members.
- (3) The Commissioner may be dismissed only following a resolution of the Legislative Assembly resolving to require the Speaker to end the Commissioner's appointment—
 - (a) for misbehaviour; or
 - (b) for physical or mental incapacity, if the incapacity substantially affects the exercise of the Commissioner's functions.

However, a motion for such a resolution may only be debated after the Standing Committee on Administration and Procedure ('the Committee') has reported to the Assembly that it is satisfied that the Commissioner is unfit for the office or unable to fulfil the Commissioner's functions.

- (4) The functions of the Commissioner are to:
- (a) investigate complaints about Members lodged via the Clerk to the Commissioner;
 - (b) report to the Standing Committee on Administration and Procedure; and
- (4A) The Committee will inquire into and report on any report provided to it by the Commissioner pursuant to subparagraph 4(b) of this resolution.
- (5) Anyone may make a complaint to the Commissioner via the Clerk of the Legislative Assembly about a Member's compliance with the Members' Code of Conduct or the rules relating to the registration or declaration of interests. The Integrity Commissioner established pursuant to the [*Integrity Commission Act 2018*](#) may also refer matters to the Commissioner for Standards for consideration via the Clerk of the Legislative Assembly about matters the Integrity Commissioner considers should be referred. *(Amended 22 August 2019)*
- (6) If the Commissioner receives a complaint about a Member pursuant to paragraph (5) and the Commissioner believes on reasonable grounds that—
- (a) there is sufficient evidence as to justify investigating the matter; and
 - (b) the complaint is not frivolous, vexatious or only for political advantage;
- the Commissioner may investigate the matter and report to the Committee. If the Commissioner considers that the complaint is more properly the purview of the Integrity Commissioner, the Commissioner shall refer the matter to the Integrity Commissioner.
- (7) In exercising the functions of Commissioner the following must be observed:
- (a) The Commissioner must not make a report to the Committee if the Member about whom the complaint was made has agreed that he or she has failed to register or declare an interest if —
 - (i) in the Commissioner's opinion the interest involved is minor or the failure was inadvertent; and
 - (ii) the Member concerned has taken such action to rectify the failure as the Commissioner may have required within any procedure approved by the Committee for this purpose.
 - (b) The Commissioner must not make a report to the Committee unless the Commissioner has—

- (i) given a copy of the proposed report to the Member who is the subject of the complaint under investigation;
 - (ii) the Member has had a reasonable time to provide comments on the proposed report; and
 - (iii) the Commissioner has considered any comments provided by the Member.
- (c) 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. *(Inserted 10 February 2022)*
- (d) The Commissioner must report by 31 August each year to the Speaker on the exercise of the functions of the Commissioner.

Continuing resolution 5

Code of conduct for all members of the Legislative Assembly for the Australian Capital Territory

5

This resolution provides for a code of conduct for Members of the Legislative Assembly.

Resolution agreed by the Assembly

25 August 2005 (amended 16 August 2006, 24 October 2013, 3 August 2017, 30 July 2019 and 30 March 2021)

The Members of the Legislative Assembly for the Australian Capital Territory acknowledge that, in a parliamentary democracy they cannot command, but must constantly strive to earn and maintain, the respect and support of those who have elected them to their positions of honour and privilege as Members.

In committing to this Code of Conduct, Members undertake, to the community and to one another, that they shall not act in a manner inconsistent with their duties and obligations as Members and that the following principles shall guide their conduct as Members in all matters:

- (1) Members should at all times act with integrity, honesty and diligence.
- (2) Members should act only in the interests of, and with respect for, the people of the Australian Capital Territory and in conformity with all laws applicable in the Territory.
- (3) Members should uphold the separation of powers and the rule of law
- (4) Members should always act in the public interest, make decisions and choices on merit, and not seek to gain financial or other benefit for themselves, their family or friends.
- (5) Members should be reasonably accessible to the people of the electorate they have been elected to serve, and should represent their interests conscientiously.
- (6) Members should be transparent in, and accountable for, their decisions and actions and should submit themselves to appropriate scrutiny.

- (7) Members should make only proper use of those public resources to which they have access and should do so in a manner designed to make effective and efficient use of those resources.
- (8) Members should respect the dignity and privacy of individuals, and not disclose confidential information to which they have official access other than with consent or as required by law.
- (9) Members should treat each other with courtesy and propriety, observe proper standards of parliamentary conduct, and observe respect for differences and fairness in their political dealings.
- (10) Members should promote and support these principles by leadership and example, in order to maintain and support public trust and confidence in the integrity of the Assembly and the conduct by its Members of public business.

Consistent with the above principles, Members further undertake that they should:

- (11) Treat all people with courtesy, and respect the diversity of their backgrounds, experiences and views.
- (12) Actively seek to avoid or prevent any conflict of interest, or the perception of such a conflict, arising between their duties as a Member and their personal affairs and interests, take all reasonable steps to resolve any such conflict or perception of a conflict that does arise, and:
 - (a) comply with section 15 of the *Australian Capital Territory (Self-Government) Act 1988* (Cth);
 - (b) declare their private interests and those of their immediate family and ensure that their declaration is kept up to date, as required by Continuing Resolution 6 (as amended or replaced from time to time); and
 - (c) disclose at a time and in a manner appropriate to the circumstances any financial or non-financial interest that they may hold, or which they may be reasonably perceived to hold (other than as a member of the public or of a broad class of persons) and any friendship, relationship or other circumstance which a reasonable observer, informed of that matter, might perceive as giving rise to a conflict of interest with the performance of the Member's duty as a Member.
- (13) Ensure that outside occupational or other pursuits do not unreasonably impact on their duties as a Member.

- (14) Not solicit to undertake, or undertake, any activity as a Member in return for the provision, promise or expectation of any improper benefit to the Member or to another person, and not accept any inappropriate benefit in connection with their activity as a Member.
- (15) Take care to consider the rights and reputations of others before making use of their unique protection of parliamentary privilege consistent with the resolution of the Assembly 'Exercise of freedom of speech' agreed to on 4 May 1995 (as amended or replaced from time to time).
- (16) Not use information received by them as a Member that is not in the public domain in breach of any obligation of confidence applicable to their receipt of that information unless required by law, or improperly for the private benefit of themselves or another person.
- (17) In their capacity as an employer on behalf of the Territory under the *Legislative Assembly (Members' Staff) Act 1989*:
 - (a) familiarise themselves and comply with the terms and conditions on which their personal staff are engaged and with all applicable policies and practices (including those related to occupational health and safety, discrimination, harassment and bullying, equal employment opportunity and use of information technology);
 - (b) not employ a family member as defined in that Act;
 - (c) take all reasonable steps to ensure that, as far as practicable, their personal staff are mindful of the Member's commitment to this Code of Conduct, and assist the Member to comply with this Code of Conduct; and
 - (d) not seek to require or encourage their personal staff to engage in any conduct that may amount to a breach of any code of conduct applicable to those staff from time to time.
- (18) In all their dealings with staff of the Assembly, staff of other Members and members of the ACT Public Sector:
 - (a) extend professional courtesy and respect;
 - (b) act consistently with accepted workplace conduct standards; and
 - (c) recognise the unique position of impartiality and the obligations of public sector officials, including members of the ACT Public Service .

- (19) Only make a complaint about the compliance of another Member with this Code of Conduct where they believe there are reasonable grounds to suspect non-compliance and not make any such complaint that is frivolous or vexatious or only for political advantage.
- (20) Cooperate fully with any official inquiry that may be commenced in connection with their compliance with this Code of Conduct, or that of another Member.
- (21) Within the first six months after an election for the Assembly, the Assembly shall reaffirm its commitment to the principles, obligations and aspirations of the code.
- (22) Where a member who had not voted on the most recent reaffirmation required under clause (21) is elected to the Assembly, that member shall, before he or she makes an inaugural speech or otherwise participates in parliamentary processes, affirm that he or she will abide by the code.
- (23) At the end of each Assembly the Code of Conduct shall be reviewed by a suitably qualified person, appointed by the Speaker, in consultation with the Standing Committee on Administration and Procedure.

About this inquiry

Under Continuing Resolution 5 and 5AA, complaints against Members who may have breached the Members Code of Conduct (The Code) can be raised with the Commissioner for Standards, who will determine if an investigation is required, and if so, provide a report of the investigation to the Standing Committee on Administration and Procedure.

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Recommendations

Recommendation 1

The Committee recommends that no further action be taken against Mr Cocks for a breach of the Code of Conduct.

Recommendation 2

The Committee recommends that Members:

- be cognisant of and fully aware of their responsibilities to ensure that staff fully comply with appropriate procedures relating to the expenditure of public funds, including the maintenance of accurate records;
- recognise that they are provided with staff to assist them in performing their duties as Members of the Assembly and that it is a Member's responsibility to review and confirm that their staff have accurately recorded work and leave hours in their timesheets each week;
- note that providing (and approving) false or inaccurate information on timesheets may give rise to potential reputational damage and fraud and corruption risks for Members and their staff as well as a potential breach of Paragraph (7) of the *Members Code of Conduct* which specifically states that: *Members should make only proper use of those public resources to which they have access and should so in a manner designed to make effective and efficient use of those resources. The Legislative Assembly (Members' Staff) Code for Conduct* would also be offended by such activities, and in addition, relevant provisions of the *Integrity Commission Act 2018* may be engaged; and
- be aware that as PCBU's, they have a primary duty of care under the *Work Health and Safety Act 2011* to ensure the health and safety of workers and others at the workplace, so far as is reasonably practicable. There are significant risks for the Assembly where an individual is performing work for a Member outside of their recorded work hours or during periods where they are not employed. This includes situations where an individual is injured in the community and, as such, would not be covered by the ACTPS workers' compensation scheme.

1. Introduction

- 1.1. On 5 July 2023 the Commissioner for Standards received a complaint from the Executive Manager, Business Support, Office of the Legislative Assembly, that a Member may have breached the Members Code of Conduct. It concerned variations to the contract of employment for a staff member in a member's office.
- 1.2. The complainant raised issues relating to the improper expenditure of public resources for political purposes and the incorrect recording of hours of work.
- 1.3. The Commissioner noted that the Code of Conduct does not apply to others who may be staff members or supporters of political parties but who have not themselves been elected to the Legislative Assembly. Hence, the investigation was concerned with the conduct of Members' staff only insofar as it was relevant to the complaint.
- 1.4. The Committee has de-identified staff members named in Commissioner's report. Although it agreed to do this in this report, the Committee agreed it was not to be taken as a precedent and may, in future reports, make a different decision.
- 1.5. The Commissioner conducted an investigation into the matter and provided his report to the Standing Committee on Administration and Procedure on Thursday, 13 July 2023.
- 1.6. A copy of the Commissioner's report (de-identified) is attached at Appendix A.

2. Conduct of the Commissioner's inquiry

- 2.1. The Commissioner's investigation was conducted in accordance with the protocols adopted by the Standing Committee on Administration and Procedure on 24 March 2015 (revised August 2017, August 2019 and February 2022).
- 2.2. The Commissioner wrote to Mr Cocks on 6 July 2023, seeking an explanation of his knowledge of the matter and any relevant decisions or action he may have undertaken in relation to the issues raised.
- 2.3. The Commissioner also wrote to Executive Manager, Business Support, seeking further information and also to Staff Member A, Staff Member B and Staff Member C seeking an explanation in relation to the timesheets and especially:
 - who suggested the change;
 - who was informed about it;
 - who approved it; and,
 - if there was any conversation with Mr Cocks concerning the arrangement, what was said.
- 2.4. All correspondents had replied on 6 July 2023.
- 2.5. Mr Cocks advised that he had not directed any staff to enter false or misleading information and was aware that no staff should be undertaking political campaigning. He suggested that there had been some miscommunication and a misunderstanding in relation to activities to be undertaken.
- 2.6. He provided the Commissioner with a copy of the document that was "letterboxed".
- 2.7. Staff Member A advised the Commissioner that the proposed change to his time sheet was suggested to him by Staff Member C and that Staff Member B had made and approved the changes. Staff Member A assumed that it had been discussed with Mr Cocks.
- 2.8. The Commissioner sought additional information from Staff Member A and Mr Cocks and found that the additional explanations consistent with previous accounts.
- 2.9. In relation to Paragraph (1) of the Code of Conduct – *Members should at all times act with integrity, honesty and diligence* – the Commissioner determined that the leaflet issued by Mr Cocks was not overtly political and seemed to reflect a genuine attempt to gain the views of constituents. It described him as the "Liberal Member for Murrumbidgee". It, in the view of the Commissioner, fell within the scope of his role as a Member and therefore it was not inappropriate to use his staff to facilitate its distribution.
- 2.10. The arrangements made by Staff Members A, B and C to facilitate the payment to Staff Member A by changing timesheets and inaccurately recording work hours was considered by the Commissioner to be unsatisfactory, however Mr Cocks had no knowledge of these arrangements and no opportunity to address them and therefore had not acted without due integrity, honour or diligence.

- 2.11. In relation to Paragraph (7) of the Code of Conduct – *Members should make only proper use of those public resources to which they have access and should do so in a manner designed to make effective, efficient and economic use of those resources* – the Commissioner found that there was no evidence that Mr Cocks instructed Staff Member B to alter the time sheets of Staff Member A, and, as such, had not breached this requirement.

3. The Commissioner's findings

- 3.1. The Commissioner found that Mr Cocks' had not breached the Code of Conduct.
- 3.2. He did however, believe that the issue was appropriately raised as a complaint due to the statement of Staff Member A that "a campaign of leafletting" was to be undertaken. Staff of the Office of the Legislative Assembly were concerned Staff Member A would be paid in advance from public funds for work to be undertaken in promoting a political campaign of some kind after the expiration of his contract but also the seriousness of approving inaccurate timesheets. This may have involved breaches of the Code of Conduct and possible criminal offences.
- 3.3. The Commissioner recommended that:
- The complaint of a breach of the Code of Conduct by Mr Cocks be dismissed; and
 - Members be reminded of their responsibilities to ensure that staff fully comply with appropriate procedures relating to the expenditure of public funds, including the maintenance of accurate records.

4. The Committee's consideration of the Commissioner's report and recommendations

- 4.1. The Committee, at its meeting on 20 July 2023 and in accordance with continuing resolution 5AA, considered the report of the Commissioner for Standards relating to the alleged breaches of the Code of Conduct by Mr Cocks.
- 4.2. The Committee agrees with the Commissioner's assessment and noted that conduct issues as they relate to Members staff, are addressed through other means. The Committee, in its discussion of the Commissioner's report, agreed that Members be reminded of their responsibilities to ensure that staff fully comply with appropriate procedures relating to the expenditure of public funds, including the maintenance of accurate records.
- 4.3. In addition, the Committee, through this report, remind Members that they are provided with staff to assist them in performing their duties as Members of the Assembly and that it is a Members' responsibility to review and confirm that their staff have accurately recorded work and leave hours in their timesheets each week.
- 4.4. Providing (and approving) false or inaccurate information on timesheets may give rise to potential reputational damage and fraud and corruption risks for Members and their staff as well as a potential breach of Paragraph (7) of the [Members Code of Conduct](#) which specifically states that: *Members should make only proper use of those public resources to which they have access and should so in a manner designed to make effective and efficient use of those resources. The [Legislative Assembly \(Members' Staff\) Code for Conduct](#) would also be offended by such activities, and in addition, relevant provisions of the *Integrity Commission Act 2018* may be engaged.*
- 4.5. The Committee also raised potential Work Health and Safety issues relating to staff out of the office doing letterboxing. Members are aware that as PCBUs, they have a primary duty of care under the *Work Health and Safety Act 2011* to ensure the health and safety of workers and others at the workplace, so far as is reasonably practicable. There are significant risks for the Assembly where an individual is performing work for a Member outside of their recorded work hours or during periods where they are not employed. This includes situations where an individual is injured in the community and, as such, would not be covered by the ACTPS workers' compensation scheme.

Recommendation 1

The Committee recommends that no further action be taken against Mr Cocks for a breach of the Code of Conduct.

Recommendation 2

The Committee recommends that Members:

- be cognisant of and fully aware of their responsibilities to ensure that staff fully comply with appropriate procedures relating to the expenditure of public funds, including the maintenance of accurate records;
- recognise that they are provided with staff to assist them in performing their duties as Members of the Assembly and that it is a Member's responsibility to review and confirm that their staff have accurately recorded work and leave hours in their timesheets each week;
- note that providing (and approving) false or inaccurate information on timesheets may give rise to potential reputational damage and fraud and corruption risks for Members and their staff as well as a potential breach of Paragraph (7) of the [Members Code of Conduct](#) which specifically states that: *Members should make only proper use of those public resources to which they have access and should so in a manner designed to make effective and efficient use of those resources. The [Legislative Assembly \(Members' Staff\) Code for Conduct](#) would also be offended by such activities, and in addition, relevant provisions of the *Integrity Commission Act 2018* may be engaged;* and
- be aware that as PCBUs, they have a primary duty of care under the *Work Health and Safety Act 2011* to ensure the health and safety of workers and others at the workplace, so far as is reasonably practicable. There are significant risks for the Assembly where an individual is performing work for a Member outside of their recorded work hours or during periods where they are not employed. This includes situations where an individual is injured in the community and, as such, would not be covered by the ACTPS workers' compensation scheme.

Joy Burch MLA

Chair

August 2023

Appendix A: Report of the Commissioner for Standards (de-identified)

REPORT INTO A COMPLAINT AGAINST MR ED COCKS MLA

Background

1. On 19 June 2023 Ed Mr Cocks MLA, Shadow Minister for Mental Health, Regulatory Services and Jobs and Welfare Affairs, sent an email to a member of the HR and Entitlements team asking her to arrange for the contract under which Staff Member A was employed in his office to be varied to authorise some additional hours of work. Mr Cocks was asked to confirm the details of this request and did so by a further email on 20 June.
2. On 21 June the contract was duly varied.
3. On 3 July 2023 an officer in the human resources section of the Office of the Legislative Assembly (OLA) noted two irregularities in timesheets for Staff Member A. There was no indication that the timesheets had been approved by his supervisor and there were discrepancies between the hours recorded on them and those specified in the amended contract. A member of the HR and Entitlements team wrote to Staff Member B, asking him to confirm that Staff Member A had carried out the additional hours of work and to review and approve the outstanding timesheets.
4. Staff Member B responded at 3.03 pm on 4 July, asking the HR and Entitlements team to change hours the hours on the timesheets to “the contract hours”.
5. She sent Staff Member B a further email to Staff Member B at 3:10 on 4 July asking them to confirm the “start and end hours” so that they could amend the timesheets for approval.
6. He responded at 3.35 on that day providing what appears to have been a list of the hours worked by Staff Member A during the last seven business days of the financial year ended 30 June 2023.
7. At 6.08 pm on 4 July Staff Member A sent an email to the HR and Entitlements team in the following terms:

Hi [REDACTED], it is a long story as to why the timesheets are the way they are. My contract has ended however Ed is having a campaign of leafletting soon. My former boss Staff Member C wants me to be involved in this campaign and I agreed. The solution he came up with was for me to put in how many hours I will be working in the campaign in my last two timesheets so that I get paid for the campaign in advance. I understand this is probably quite uncommon, you can

confirm these details with Ed Cocks, Staff Member C and Staff Member B (also works for Ed).

The complaint

8. I received the complaint from Ms Rachel Turner, Executive Manager, Business Support, on 5 July 2023. The complaint raises issues about whether the amendment to Staff Member A's contract may have been intended to facilitate the improper expenditure of public resources for political campaigning and whether a staff member may have been instructed to incorrectly record hours of work.

The application of the Code

9. *The Code of Conduct for All Members of the Legislative Assembly for the Australian Capital Territory* (the Code) applies to Members who undertake that the principles expressed in it "shall guide their conduct as Members in all matters." It does not apply to others who may be staff members or supporters of political parties but who have not themselves been elected to the Legislative Assembly. Hence, my investigation was concerned with the conduct of Mr Cocks' staff only insofar as it was relevant to the complaint against him.

The investigation

10. On 6 July I wrote to Mr Cocks seeking an explanation of his knowledge of the matter and of any relevant decisions or actions he may have undertaken in relation to the issues raised.
11. I also wrote to Ms Turner seeking some further information which she promptly provided.
12. I also wrote to Staff Member A, Staff Member B and Staff Member C inviting each to explain what had occurred in relation to the timesheets and, in particular:
 - (a) who suggested the change;
 - (b) who was informed about it;
 - (c) who approved it; and,
 - (d) if there was any conversation with Mr Cocks concerning the arrangement, what was said.
13. The responses were prompt, with all of the recipients replying during the evening of 6 July.
14. Mr Cocks stated that he had never directed any of his staff to enter false or misleading information in time sheets and that no staff members should be

undertaking political campaigning. He suggested that there may have been some degree of miscommunication in that Staff Member A may have been referring to “the letterboxing work he was undertaking in relation to gathering constituent views on a range of issues through a suburb survey.” He maintained that this was the only work he had directed Staff Member A to undertake throughout the term of his contract, including the additional hours authorised by the amendment. Mr Cocks provided a photograph of the document distributed for the purposes of the survey. He also undertook to investigate the matter and provide a more detailed response.

15. Staff Member A confirmed that Staff Member C had suggested the change. He had told him that Mr Cocks was intending to run a leaflet campaign soon and wanted him to help. He was apparently unable to carry out the additional work prior to the expiration of his contract on 30 June but was willing to do so shortly thereafter. He said that Staff Member C thought it would “just be easier” to change the time sheets for the last two weeks of his contract to reflect the hours he would be working during the leafleting campaign. Staff Member B was the one who changed the time sheets and approved them. Staff Member A did not speak to Mr Cocks about this, but assumed that Staff Member C or Staff Member B would have told him. Staff Member A said that he did not believe he had been doing anything wrong and that he was sorry for the trouble this had caused.
16. Staff Member B also said that the increase in hours related to the distribution of documents for a suburb survey that Staff Member A had been working on throughout his entire contract.
17. Staff Member B explained that, when asked whether Staff Member A had completed the hours specified in his contract or the hours stated on his time sheet, he remembered approving the timesheets before taking leave, but did not recall what hours had been recorded on them. He arranged for Staff Member C to contact Staff Member A, who responded to him directly, indicating that he had worked 23 hours a week. Staff Member B informed the human resources centre of this, but was subsequently asked to specify start, finish and break times. When he was unable to quickly obtain this information from Staff Member A, he “completed the 23hrs time sheets spread evenly over the working days.” He explained that, “given the flexible working hours and not being any public holidays I decided that these hours were most likely.” He said that he had not thought that the timings of the hours were important. He then sent a note of these hours to Staff Member A who responded with “a thumbs up.” He assumed that the work would be completed during the University break and “if the pay week finished mid week it would be ok if Staff Members A was still delivering late in the week/weekend so long as the 46hrs were completed.” He said that he had no communication with Mr Cocks about these hours.
18. Staff Member C also suggested that there may have been a breakdown of communication. He said that Staff Member A had contacted him to let him know that he was unable to fulfil his obligations to fulfil his increased contract hours as he was apparently moving home. Staff Member C had asked him whether he still wished to

do the additional work and “as we endeavour to make work as flexible as possible I believed that would be fine.” He said that Staff Member A had then filled his time sheets accurately. This did not correspond with the increased number of hours specified in the amended contract. When contacted by Staff Member B about the need for further information, he had rung Staff Member A and asked him to contact the human resources section to explain that he still intended to work the additional hours that had been approved. When Staff Member A had been unable to “get through” to the section, Staff Member C had asked him to ring Staff Member B. He said that there had been no conversation with Mr Cocks about the delay in the additional work by Staff Member A.

19. On 8 July I wrote to Staff Member A again, asking him to provide a copy of the leaflets he had been asked to distribute during the additional hours and, if he did not have any copies left, to explain their content.
20. Staff Member A duly provided photographs of the leaflet which proved to be identical to the one provided by Mr Cocks in his initial response.
21. I then wrote to Mr Cocks, indicating that I saw no reason to doubt the propriety of the survey and did not require any further explanation from him in relation to this issue.
22. However, I wrote to Staff Member A again on 11 July, pointing out that his earlier responses had seemed to suggest that there was to be a new campaign rather than the continuation of an existing distribution of pamphlets relating to the survey. I asked him for further clarification.
23. Staff Member A immediately responded, explaining that he had used the word "campaign" to describe what had been supposed to be a week long effort where everyone from the office would have been involved in handing out “the exact same leaflets” as the one shown in the photographs attached to his earlier email.
24. This further explanation is generally consistent with the explanations offered by Mr Cocks, Staff Member B and Staff Member C.

Suggested breaches of the Code

25. The complaint raises issues as to whether the Code may have been breached in a number of respects.

(1) Members should at all times act with integrity, honesty and diligence

26. There has been no suggestion that Mr Cocks was not entitled to seek an amendment of Staff Member A’s contract to increase the number of hours for which he could be employed to assist Mr Cocks in his role as a Member of the Assembly. The leaflet issued by Mr Cocks to facilitate the survey describes him as the “Liberal Member for

Murrumbidgee” but is not overtly political in nature and seems to reflect genuine attempt to ascertain the view of his constituents on a variety of issues. I see no reason to doubt that this fell within the legitimate scope of his role as a Member.

27. Despite the reference to a “campaign of leafletting” in Staff Member A’s email to the HR and Entitlements team, this now seems to have been the only leaflet that he was asked to distribute on Mr Cocks’ behalf.
28. The manner in which issues arising from this arrangement were subsequently dealt with by Mr Cocks’ staff seems to have been somewhat unsatisfactory, but Mr Cocks has explained that he had no awareness of these issues prior to my correspondence with him and hence no opportunity to address them. Staff Member A apparently assumed that Staff Member C or Staff Member B would have told him of the arrangement to change his timesheets, but each has effectively confirmed that he did not do so.
29. In these circumstances, I can see no basis for any inference that Mr Cocks failed to act with due integrity, honour and diligence.

(7) Members should make only proper use of those public resources to which they have access and should do so in a manner designed to make effective, efficient and economic use of those resources.

30. There is no evidence that Mr Cocks instructed Staff Member B or any other member of his staff to make incorrect records of the hours worked by Staff Member A and hence no reason to believe that he committed any breach of this requirement.

Conclusion

31. I recommend that the complaint be dismissed.

Other matters

32. The issues raised in the complaint were quite properly referred to me for investigation. Staff Member A’s email to the HR and Entitlements team clearly warranted concern that there may have been a proposal for public funds to be used to pay him in advance for work to be undertaken in promoting a political campaign of some kind after the expiration of his contract. Any such conduct would obviously have involved breaches of the Code and probably one or more criminal offences. Whilst it now seems clear that this was not intended, the confusion caused by this email and by the manner in which the time sheets were dealt with by Staff Member B caused inconvenience to staff of the OLA and cast understandable suspicion on the propriety of Mr Cocks’ conduct.
33. I recommend that Members be reminded of their responsibilities to ensure that staff fully comply with appropriate procedures relating to the expenditure of public funds, including the maintenance of accurate records.

34. A draft copy of this report in substantially similar terms was sent to Mr Cock on 11 July. He responded on 12 July, indicating that he had no major concerns about the content of the report, but asked whether the names of staff members would be redacted. Whilst I understand his concern, I have taken the view that any question of redacting the names of people who have provided me with information during an investigation is a matter for the Standing Committee on Administration and Procedure.

Ken Crispin KC
Commissioner for Standards
13 July 2023



... Have your Say! →

Ed COCKS MLA

Liberal Member for Murrumbidgee

SUBURB SURVEY



What is your favourite thing about living in your suburb?

If you could fix one thing in your suburb, what would it be?

What other local issues are important to you?

☐ Maintenance of public spaces

☐ Footpath maintenance

☐ Lack of parking at the shops

☐ Over development/ Urban intensification

☐ Public transport

☐ Traffic

☐ Crime

☒ Select all that apply

Is there a specific local issue in your suburb you are concerned about?

What territory issues are most important to you?

☐ Cost of Living

☐ Rates payments

☐ City Services

☐ Policing and Crime

☐ Schools and Education

☐ Public transport

☐ Planning and Development

☐ Housing Affordability

☐ Community and Social Housing

☐ Hospitals and Health System

Is there anything else you would like to let us know?

Contact details:

Name

Suburb

Email

Please return your completed form to:

 ed@edcocks.com.au

 PO Box 393
Woden ACT 2606

 Take a photo of this form and SMS to 0412 221 052



Authorised by Ed Cocks MLA

... Have your Say! SUBURB SURVEY

Ed COCKS MLA
Liberal Member for Murrumbidgee