



Ethics and Integrity Adviser

Mrs Joy Burch, 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 2020 to 30 June 2021.

Yours sincerely

A handwritten signature in black ink, appearing to read "Stephen Skehill", is written over a horizontal line.

Stephen Skehill

6 July 2021

Ethics and Integrity Adviser Annual Report 2021-2021

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 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 Eighth 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 Ninth 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 \$14,802 (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 prevailed throughout the year as the terms of the most recent appointment provided for CPI adjustment only from 1 July 2021 (by reference to CPI increases in the year to the preceding March).

During the period under review, I spent 35.2 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 2020-2021, my advice was sought by 6 Members on 21 issues. On two additional occasions I had to decline to provide advice requested because it would have required the provision of legal advice contrary to the Assembly resolution creating the position of Adviser.

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:

- transition from private occupations and activities upon appointment as a Member;

- interaction between the duties of Members and their private activities, external appointments or applications for government assistance;
- continued conduct of private business activities while a Member;
- potential for conflict of interest as a member of an Assembly committee;
- accepting an appointment to the board of a community-based organisation;
- acceptance of hospitality or gifts;
- declaration of private interests;
- involvement in, and providing support for, community organisations; and
- providing references in support of constituents or acquaintances.

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.

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 participated in the induction of newly appointed Member following the most recent elections; and
- under a separate contract, I conducted a review of the Members' Code of Conduct and the Declaration of Member's Interests, the recommendations of which were accepted by the Assembly on 30 March 2021.

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

6 July 2021