

Legislative Assembly for the
Australian Capital Territory

Legislative Assembly Commissioner for Standards – Appointment 2014

made under the resolution of the Legislative Assembly for the Australian Capital Territory dated 31 October 2013

Legislative Assembly Commissioner for Standards – Appointment

Appointment of Legislative Assembly Commissioner for Standards

I appoint:

Kenneth John Crispin, QC

as the Legislative Assembly Commissioner for Standards, in accordance with the conditions in the attached schedule.

Vicki Dunne MLA
Speaker
6 March 2014

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**Schedule to the Appointment of Kenneth John Crispin, QC as
Legislative Assembly Commissioner for Standards (Appointee)**

Conditions

1. Duration of Appointment

The Appointee's appointment commences on 6 March 2014 and ends three months after the election of the 9th Legislative Assembly.

2. Duties

(1) The Appointee will:

(a) investigate specific matters referred to him—

(i) by the Speaker of the Legislative Assembly (**Speaker**) in relation to complaints against Members of the Legislative Assembly (**Members**); or

(ii) by the Deputy Speaker of the Legislative Assembly (**Deputy Speaker**) in relation to complaints against the Speaker; and

(b) report to the Standing Committee on Administration and Procedure (**the Committee**).

(2) In carrying out the duties pursuant to this appointment, the Appointee shall exercise all the care, skill and diligence that can reasonably be expected of a person having the same responsibilities under an equivalent appointment.

3. Reports

In exercising his functions under paragraph 1(b), the Appointee:

(a) must not make a report to the Committee concerning a complaint that a Member or the Speaker failed to register or declare an interest if the Member or the Speaker about whom the complaint was made has agreed that he or she failed to do so and —

(i) in the Appointee'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 Appointee may have required within any procedure approved by the Committee for this purpose.

(b) must not make a report to the Committee unless he has—

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

4. Remuneration and Reimbursement

- (1) The Appointee will be remunerated at the rate of \$20,000 per annum. The rate of remuneration will be indexed on 1 March each year in accordance with movements in the Consumer Price Index as published for the December quarter preceding the indexation date. Where any period of appointment is for less than a year, the rate of remuneration is to be pro-rated on a monthly basis over that period.
- (2) The Appointee will be reimbursed such reasonable expenses as he reasonably incurs in the performance of his duties, upon presentation of a receipt or such other evidence of payment satisfactory to the Clerk of the Assembly. Unless otherwise agreed, all of the Appointee's travel and accommodation requirements, if any, will be arranged through the Assembly.
- (3) The Appointee will be responsible for the cost of his own telephone and any other communication or information technology equipment, unless otherwise agreed and/or provided by the Assembly.

5. Confidentiality and Conflicts of Interest

The Appointee shall execute a deed of confidentiality and conflict of interest in a form approved by the Speaker and will otherwise:

- (a) maintain the confidentiality of information provided to him and any reports prepared in exercising the Appointee's role, but may make public any report if the Member subject of the report gives permission for it to be made public or as required by the Assembly;
- (b) disclose to the Speaker any conflict, including any potential conflict, of interest or circumstances which might reasonably be perceived as giving rise to a conflict, or potential conflict, with the performance of the Appointee's duties, and will resolve the conflict or circumstances in a manner directed by the Speaker;

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- (c) not engage in activities, whether for remuneration or otherwise, that could conflict with the proper performance of the Appointee's duties without the approval of the Speaker in writing.

6. Property and Confidentiality

- (1) Subject to applicable legislation, all documents, papers and materials that are provided to the Appointee by the Assembly (including any of its committees) during the term of the appointment in connection with the performance of any duties referred to in these conditions shall, unless otherwise notified by the Speaker or the Clerk of the Assembly to the Appointee, remain the property of the Assembly and the Appointee shall keep such documents, papers and materials and the information contained in them confidential unless such are already in the public domain.
- (2) The Appointee will retain copies of materials concerning his performance of his duties for a period of seven years from the date of appointment.

7. Termination

- (1) The Appointee may be dismissed only following a resolution of the Assembly to require the Speaker to end the Appointee's appointment for:
 - (a) misbehaviour; or
 - (b) physical or mental incapacity, if the incapacity substantially affects the exercise of the Appointee's functions.
- (2) A motion for such a resolution may only be debated after the Committee has reported to the Assembly that it is satisfied that the Appointee is unfit for the office or unable to fulfil the Appointee's duties.

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