

*The Hon Dr K J Crispin QC*

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18 July 2016

Mrs Vicki Dunne, MLA,  
Speaker,  
GPO Box 1020,  
CANBERRA ACT 2601.

*clerk  
to H of P  
DLD  
8/7/16*

Dear Madam Speaker

**Commissioner for Standards Annual report 2015/6**

I enclose my report for the period 1 July 2015 to 30 June 2016.

Yours sincerely



Ken Crispin QC

## COMMISSIONER FOR STANDARDS ANNUAL REPORT 2015/2016

### **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 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.*

### **Appointment**

I was appointed as the inaugural Commissioner for Standards 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 9<sup>th</sup> Legislative Assembly.

The schedule defined my duties as Commissioner for Standards in similar terms to those used in the resolution and added that:

- (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.*

The schedule also contained certain provisions concerning reports made in the exercise of my functions as Commissioner for Standards and dealt with issues of remuneration and reimbursement, confidentiality and conflicts of interest, property and confidentiality and termination.

### **Protocol**

I subsequently prepared a draft protocol concerning the manner in which an investigations made in the course of my duties would be undertaken. The protocol was duly adopted by the Standing Committee on Administration and Procedure on 24 March 2015.

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.*

## **Complaint**

The only complaint referred to me during the course of the financial year was made by the Leader of the Opposition in a letter to the Speaker of the Legislative Assembly, Ms Vicki Dunne MLA, dated 13 May 2016. It suggested that, in providing a video recorded endorsement for a private company, the Chief Minister may have breached one or more sections of *The Code of Conduct for all Members of the Legislative Assembly of the Australian Capital Territory*.

The complaint was referred to me by the Speaker by letter dated 16 May 2016.

I wrote to the Chief Minister on 17 May 2016 inviting him to submit a written response and requesting that this be done within 14 days.

Later that day I received an email from the Leader of the Opposition providing a hyperlink to the editorial in the Canberra Times on 14 May 2016 which was, of course, published after he had formulated his complaint. I immediately sent a copy of the link to the Chief Minister to ensure that he would have an opportunity to comment on the editorial in his response should he wish to do so.

The Chief Minister responded on 30 May 2016. Since the factual basis of the complaint was not disputed and the Chief Minister's response essentially confirmed earlier comments reported by ABC News, it was not necessary to seek further clarification from the Leader of the Opposition, receive oral evidence or make extensive enquiries.

A draft copy of my report was given to the Chief Minister on 3 June 2016 (as required by continuing resolution 5AA) and he was invited to make further comments for my consideration.

The Chief Minister responded on 9 June 2016, indicating that he did not wish to make any comments.

My report concerning the complaint was provided to the Clerk of the Assembly on 10 June 2016



Ken Crispin QC  
Commissioner for Standards,  
18 July 2016