

Ethics and Integrity Adviser Annual Report 2012-2013

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.

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 is set at the rate of \$13,000 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). In the period under review, I have not made any claim for payment at the hourly rate.

Activities

During the 2012-2013 period, in contrast to previous years, my advice was not sought by any individual Member.

During the year I undertook the following activities:

- in July 2012 I completed a review of the Code of Conduct for Members of the Legislative Assembly and provided a report thereof to the Speaker, which was subsequently tabled in the Assembly in August 2012. In the course of conducting that review, I wrote to all Members offering to meet with them if they wish to have input into the review, met with 5 Members who sought such meetings, and corresponded with the Chief Minister about the need for and content of the Code;
- in August 2012 I participated in an interview with the *Canberra Times* which ran an article on the review of the Code of Conduct in August 2013;
- in October 2012 I provided my annual report for the 2011-12 year to the Standing Committee on Administration and Procedure;
- in November 2012 I participated in induction sessions for newly elected Members to advise them of the role and function of the Ethics and Integrity Adviser ;
- in December 2012, with the agreement of the Speaker, I attended a two day conference at Melbourne University entitled *Integrity in Government – A Work in Progress* and spoke as a member of a Panel during a session entitled *Integrity Standards and Institutions, for Better or Worse*; and
- In April 2013 I met with the Standing Committee on Administration and Procedure to discuss the report of the Code of Conduct Review and, in particular, the draft revised Code attached to the report and the appointment of a Legislative Assembly Commissioner for Standards as recommended in it..

5 August 2013