



Standing Committee on Justice and Community Safety

Inquiry into Annual and Financial Reports 2022-2023 ANSWER TO QUESTION TAKEN ON NOTICE

Asked by Dr Marisa Paterson MLA on 13 November 2023: Mr David Fintan took on notice the following question(s):

Reference: Hansard uncorrected proof transcript 13 November 2023 [PAGE 4-5]

In relation to:

DR PATERSON: My question is in respect of the reportable conduct scheme. I am just wondering do MLAs fall under a reportable conduct scheme?

Mr Anderson: I will ask Mr Fintan to answer that, please.

Mr Fintan: I do not believe that MLAs do. The scheme is based on whether an entity is a designated entity and I do not believe that MLAs fall within the definition in the Act. I can take on notice definitively confirming that because I do not want to mislead the committee, but I understand that—

ACT Ombudsman: The answer to the Member's question is as follows:—

Members of the Legislative Assembly do not fall under the ACT reportable conduct scheme, insofar as a member is not:

- a 'designated entity' as defined in section 17EA of the *Ombudsman Act 1989* (the Act), and therefore does not have obligations with respect to reporting allegations of reportable conduct, or
- an 'employee' of a 'designated entity' as defined in section 17EAC of the Act, and therefore the Legislative Assembly and Speaker are not required to report allegations of reportable conduct involving a member.

Broadly speaking, for an allegation to fall within the ACT reportable conduct scheme, it must involve 'reportable conduct' (section 17E), which was allegedly engaged in by an 'employee' (section 17EAC) of a 'designated entity' (section 17EA).

However, any allegation involving potentially criminal conduct should be reported to ACT Policing.

Approved for circulation to the Standing Committee on Justice and Community Safety

Signature:



Date: 23/11/2023

By the ACT Ombudsman and Inspector of the ACT Integrity Commission, Mr Iain Anderson