

# Review of the Code of Conduct for Members of the Legislative Assembly

August 2023

## Introduction

The Code of Conduct for Members of the Legislative Assembly of the Australian Capital Territory is set out in Continuing Resolution 5.

It provides that:

*At the end of each Assembly the Code of Conduct shall be reviewed by a suitably qualified person, appointed by the Speaker, in consultation with the Standing Committee on Administration and Procedure.*

On 1 May 2023 I was advised that the Committee had resolved to ask me to undertake that review and, in particular, that it wished me *to examine the code to ensure that it reflects best practice after considering the reviews conducted in the Federal Parliament, the NSW Parliament, the SA Parliament and the Tasmanian Parliament.*

## **Conduct of the Review**

On 28 May 2023 I wrote to all Members of the Assembly as follows:

*To assist me in the conduct of the review, I would welcome any comments you may have on the current Code and, in particular on:*

- *Whether any current provision of the Code imposes an unwarranted imposition on your conduct as a Member;*
- *Whether there are any circumstances where the Code does not currently provide guidance on your conduct as a Member but should do so; and*
- *Whether any current provision of the Code should be amended to provide further and better guidance to you as a Member.*

*In relation to the more specific issues of bullying, sexual and other harassment, sexual assault and discrimination in parliamentary workplaces, I would welcome*

*your views both generally and more specifically on the following questions:*

- *Noting that the Code already contains various provisions requiring people to be treated with courtesy and respect, should the Code make more specific provision dealing with the issues of bullying, sexual and other harassment, sexual assault and discrimination;*
- *If so, should that provision be simply a high-level 'headline' clause expressing, for example, zero tolerance for bullying, sexual and other harassment, sexual assault and discrimination in parliamentary workplaces;*
- *Alternatively, should the Code go further and provide principles (as opposed to detailed procedures) for the guidance of Members in relation to related issues such as calling out infringing conduct by others, supporting complainants, reporting a/legations to appropriate authorities and retaliatory action against complainants; and*
- *If the Code should make provision in relation to discrimination, should it do so only generally or should it more explicitly extend to discrimination based on all or only some of the following attributes which were identified (in descending order of frequency) as the cause for complaints in the report prepared for the Tasmanian Parliament:*
  - *Gender*
  - *Family responsibilities*
  - *Age*
  - *Political belief, affiliation or activity*
  - *Parental status (having or not having children)*
  - *Association with someone who has one of the other attributes*
  - *Marital status or relationship status*
  - *Sexual orientation*
  - *Religious belief, affiliation or activity*
  - *Pregnancy*
  - *Industrial activity*
  - *Disability (including temporary disability)*
  - *Gender identity*
  - *Race*

- o *Breastfeeding.*

I requested responses from Members by 30 June 2023.

Only two members responded to my request, and I take this opportunity to thank them for doing so.

In addition to seeking the views of Members, I also reviewed the advices I had provided to Members since the Code was last reviewed. I concluded that, in each case, the current Code provided pertinent guidance that allowed me to formulate the advice I gave and that none of the requests for advice I had received raises any significant area of conduct not covered by the Code.

### **Views of Members in relation to the current Code**

One of the members who responded stated that their *main consideration for change of the Code of Conduct is that MLA's should declare super and any beneficial or other interest in land, shares, income etc under a trust arrangement.*

The current Code already provides that Members should:

- (b) *declare their private interests and those of their immediate family and ensure that their declaration is kept up to date, as required by Continuing Resolution 6 (as amended or replaced from time to time); and*
- (c) *disclose at a time and in a manner appropriate to the circumstances any financial or non-financial interest that they may hold, or which they may be reasonably perceived to hold (other than as a member of the public or of a broad class of persons) and any friendship, relationship or other circumstance which a reasonable observer, informed of that matter, might perceive as giving rise to a conflict of interest with the performance of the Member's duty as a Member.*

The Declaration of Member's Private Interests form currently provides:

*At Item 6: You must list here any trust under which a beneficial interest is held by you or a member of your immediate family, or in which you or a member of your immediate family is a trustee and another member of your (immediate or extended) family holds a beneficial interest ...*

*At Item 7: You must list here any blind trust under which you or a member of your immediate family holds a beneficial interest ...*

*At Item 10: You must list here assets that are not listed in any other category on this form (such as savings or investment accounts, debentures, bonds, superannuation accounts, etc ...).*

In light of the above, I concluded that the current Code already makes adequate provision for the disclosure of superannuation and trust interests.

The second Member who responded to my request for comment raised a number of points about the current Code. This member said:

- *One area the current code does not provide guidance is point 3 Member should uphold the separation of powers and the rule of law.*
  - *Firstly where there are disputed interpretations of the rule of law which have not yet had the opportunity to be resolved by the courts, Members may seek to follow the interpretation that is most advantageous to them without acknowledging or respecting alternative interpretations.*
  - *Secondly I would argue the separation of powers needs emboldened/emphasised (sic) given:*
    - *We have a unicameral legislature {albeit with proportional representation}*
    - *A single party has been in power more than two decades;*
    - *Recent experience where an arm of the executive shut down the parliament and a breach of privilege was found*
    - *Numerous sections of the community have been calling for government intervention in the judiciary over sentencing.*

In my view it is neither legally possible nor desirable for the Assembly, through a Code of Conduct for Members, to seek to codify the content of such fundamental matters as the rule of law or the separation of powers which underlie the very basis of Australian democracy.

Moreover, where a Member follows one interpretation of the law, it is always open to other persons to challenge their actions, including in the courts. And community calls for "government intervention" in sentencing by the judiciary may lead to relevant legislative amendments on that subject, which is a legitimate role of the Assembly.

I thus suggest no change to the current provision that requires that *Members should uphold the separation of powers and the rule of law.*

This Member also said:

*I have also seen complaints made to the Commissioner for Standards concerning claims made by a current member, which were ruled to be within the jurisdiction of the Elections Commissioner as a 'truth in advertising' matter. I would appreciate you turning your mind as to whether the code should also cover statements made by members that are subject to this legislation.*

The Code already provides that *Members should ... act ... in conformity with all laws applicable in the Territory.* Those laws of course include legislation administered by the ACT Electoral Commission. The Code also provides that *Members should be transparent in, and*

*accountable for, their decisions and actions and should submit themselves to appropriate scrutiny".*

It seems to me that it would be inappropriate for the Code to make specific reference to compliance with laws relating to 'truth in advertising' in the electoral context when that subject is governed by existing statutes. If such a matter was to be covered by the Code, it could not be in terms inconsistent with those statutes. To do so would also raise questions as to why compliance with other statutory requirements was not also specifically required by the Code. In my view, the Code should not be seen as a detailed compendium of all the diverse pre-existing obligations on Members.

This Member also drew my attention to the Report of the Select Committee on Privileges 2022 entitled *Imposition of a prohibition notice by WorkSafe ACT* and said:

*I recommend that you review the Privileges Committee report which contained some findings and recommendations that need to be considered as part of a review of the code.*

*As above from Privileges I would include the following recommendations:*

- o Recommendation 6 that all Ministers ensure that they and their offices keep appropriate written records of significant matters. - whilst this recommendation specified Ministers I believe this should be applicable to all Members.*
  
- o Recommendation 7 that Ministers should take care to provide accurate information to the media and the public, particularly on any matters that could risk the reputation of the assembly or the Government. - whilst this recommendation specified Ministers I believe this should be applicable to all Members.*

The relevant recommendations of the Select Committee were as follows:

*Recommendation 6*

*The Committee recommends that all Ministers ensure that they and their offices keep appropriate written records of significant matters.*

*Recommendation 7*

*The Committee recommends that Ministers should take care to provide accurate information to the media and the public, particularly on key matters that could risk the reputation of the Assembly or the Government.*

*Recommendation 8*

*The Committee recommends that in the next review of the Latimer House principles, the Speaker refer:*

- (1) for assessment the Executive's compliance with the objectives enunciated in the*

*principles, particularly in its relationship with the Legislative Assembly; and*

- (2) *to the Standing Committee on Administration and Procedure whether Continuing Resolution BA requires amendment or re-affirmation to accentuate the independence of the legislature from Executive interference, in terms similar to the motion passed by the Senate.*

#### *Recommendation 9*

*The Committee recommends that Continuing Resolution 5 relating to the code of conduct for all Members of the Legislative Assembly for the Australian Capital Territory be amended to make clear that Members, in carrying out their responsibilities, have a duty to act in way that does not unreasonably place the health, safety and wellbeing of others at risk.*

As is apparent from the text of the recommendations 6, 7 and 8, the Committee did not recommend any amendment to the Code of Conduct (the Latimer House principles being governed by a separate Standing Resolution).

Given that the current Code already requires all Members to be *transparent in, and accountable for, their decisions and actions* and to *submit themselves to appropriate scrutiny*, I consider that there is in the Code a pre-existing obligation to provide accurate information to the media and the public. Moreover, I do not think it is necessary for the Code to go further and specify exactly how Members should meet these obligations, such as through the keeping of "written records" as opposed to other processes.

In contrast, recommendation 9 does recommend a specific amendment to the Code. In the context of making that recommendation, the Committee said:

*Members occupy a privileged place in the governance of the Territory. With that privilege comes a responsibility to act in a manner that does not jeopardise the health, safety and wellbeing of others, be they members of the public, Territory officials, other Members or staff. As such the Committee is of the view that that obligation be recognised in the Members' code of conduct.*

In the same vein, in its December 2022 submission to the Standing Committee on Administration and Procedures' Review of Standing Orders and Continuing Resolutions, the Office of the Legislative Assembly stated as follows:

#### *WHS duties*

*In its report, the Select Committee on Privileges 2022 recommended that the code of conduct be amended to make provision that members have a 'duty to act in a way that does not unreasonably place the health, safety and wellbeing of others at risk'. (Recommendation 8, Select Committee on Privileges 2022)<sup>1</sup> The Office submits that in the interests of consistency, it may be sensible to strengthen the provision to more closely align with the proactive duties of the WHS Act (i.e., that members have a duty to eliminate or minimise health and safety risks so far as reasonably practicable).*

I have sought to reflect what I think is the spirit of recommendation 9 in the amendment suggested in what would become clause C.(7)(a) as shown in the revision-mode version of the Code at Attachment A to this report. This amendment would build on the existing Code provisions requiring Members to comply with applicable laws and with policies and practices including those relating to occupational health and safety, discrimination, harassment and bullying. [It also seeks to promote a workplace that is not only safe but also collegiate, inclusive and diverse, which would, I believe, be an appropriate extension of the existing Code.]

I note that I have couched this new clause in terms of a Member's obligation as an employer rather than more generally. This because it seems to me that it is only in that capacity that a Member has the capacity and authority to affect the health, safety and wellbeing of people on Assembly premises. Other relevant capacity and authority rests in the Assembly itself, the office of the Speaker and the Assembly's administrative arm, the Office of the Legislative Assembly, each of which is not subject to the Member's Code of Conduct.

### **Bullying, sexual and other harassment, sexual assault and discrimination**

Over recent years there have been numerous reviews of the culture of, and allegations of serious events in, parliamentary workplaces in Australia and various other countries.

These reports generally paint a very disturbing picture and highlight numerous problems involving allegations of bullying, sexual and other harassment, sexual assault and discrimination. They generally make multiple recommendations. These cover various topics such as training for members of Parliament and their staff, the establishment of effective complaint-handling mechanisms and procedures, and the establishment or amendment of codes of conduct to deal with such issues. The question of dealing with such issues in the Members' Code of Conduct falls squarely within the scope of this review; while other matters such as training do not, I note that the Assembly already has an established mechanism and procedures for dealing with complaints alleging breach of the Code.

There is no comparable report in relation to the ACT Legislative Assembly, and I am unaware of any systemic or historic problems of the nature highlighted in the reports of the various reviews. Nevertheless, I consider that it would be short-sighted and inappropriate to consider that issues of this nature could not arise in the future.

In its December 2022 submission to the Standing Committee on Administration and Procedures' Review of Standing Orders and Continuing Resolutions, the Office of the Legislative Assembly stated as follows:

*Bullying and harassment*

*Currently, the Code of Conduct for all Members of the Legislative Assembly requires that Members are to 'extend professional courtesy and respect' and 'act consistently with*

*accepted workplace conduct standards' in their dealings with 'staff of the Assembly, staff of other Members and members of the ACT Public Sector'. However, in the course of a recent gender audit undertaken by Commonwealth Women Parliamentarians (CWP) it has been noted that the Assembly code does not make specific provision in relation to the prohibition of bullying or harassment, including in relation to sexual harassment.*

*Specific provision would provide a firmer basis on which the Legislative Assembly Commissioner for Standards could proceed to investigate a Member where relevant provisions of continuing resolution SAA were also satisfied.*

Coincidentally, in my own 19 October 2022 submission to that review I had suggested that, when the Code of Conduct was next reviewed,

*it would be appropriate to consider, in light of experience in other parliaments, whether or not the Code should more closely address the culture and safety of those who work within the context of the Assembly.*

The current code already embodies at a high level the concepts of respect for all people of the ACT and for their interests, dignity, privacy and diversity. While bullying, sexual and other harassment, sexual assault and discrimination would infringe those principles, I consider that the mere expression of such high-level concepts is insufficient to provoke concentrated thought about, and deter, such actions. Prevention is far better than cure, and dealing expressly with such issues in the Members' Code of Conduct may raise levels of awareness and assist in deterring future conduct of this nature.

The one Member who offered comment on this matter advised that:

*In response to my question Noting that the Code already contains various provisions requiring people to be treated with courtesy and respect, should the Code make more specific provision dealing with the issues of bullying, sexual and other harassment, sexual assault and discrimination:*

*I am of the view and explicit statement of what is unacceptable sends a more powerful message;*

*In response to my question should the Code go further and provide principles (as opposed to detailed procedures) for the guidance of Members in relation to related issues such as calling out infringing conduct by others, supporting complainants, reporting allegations to appropriate authorities and retaliatory action against complainants:*

*I would support an active duty on members to act rather than just remain bystanders and*

*In response to my question If the Code should make provision in relation to discrimination, should it do so only generally or should it more explicitly extend to discrimination based on all or only some of the [listed] attributes which were identified (in descending order of frequency) as the cause for complaints in the report prepared for the*

*Tasmanian Parliament:*

*I recommend that it do so generally to allow flexibility to deal with all of these elements plus whatever else we may not have thought of.*

I agree with that Member that the Members' Code of Conduct should include an express statement of what is unacceptable, and that it should impose a duty on Members to take appropriate action in relation to infringing conduct by others rather than simply act as a bystander. While I agree that the Code should not limit the scope of *discrimination* and be flexible enough to allow other bases to be dealt with as they emerge, I differ in thinking that the Code should go beyond merely proscribing an undefined concept.

While various reports have proposed that these issues be specifically dealt with in parliamentary codes of conduct, I have identified only one Australian code that actually does so to date. This is the *South Australian Code of Conduct for Members of Parliament*, in the Standing Orders of the Legislative Council and of the House of Assembly, which relevantly states as follows:

*Standards of Behaviour*

5. *Members of Parliament must not harass, sexually harass, or discriminate against:*
  - a. *A member of their staff;*
  - b. *Another Member of Parliament;*
  - c. *A member of the staff of another Member of Parliament;*
  - d. *An officer or member of the staff of the Parliament;*
  - e. *Any other person who in the course of employment performs duties at Parliament House.*

*Definitions*

*For the purposes of this Code -*

*a person sexually harasses another (the person harassed) if —*

- (i) the person makes an unwelcome sexual advance, or an unwelcome request for sexual favours, to the person harassed; or*
- (ii) engages in other unwelcome conduct of a sexual nature in relation to the person harassed,*

*in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the person harassed would be offended, humiliated or intimidated; and*

- (a) conduct of a sexual nature includes making a statement of a sexual nature to a person, or in the presence of a person, whether the statement is made orally*

*or in writing;*

- (b) *a person is harassed if, an individual or a group of individuals repeatedly behaves unreasonably towards the person, and the behaviour creates a risk to health and safety.*
  
- (c) *a person is discriminated against when they are treated less favourably than another person in the same or similar circumstances due to their attributes or characteristics, and includes unlawful discrimination under the Equal Opportunity Act 1984.*

While this was undoubtedly a step in the right direction, I do not consider that it provides a 'model' that should be simply adopted by the Assembly. It does not deal squarely with sexual assault or bullying, or the actions of a person other than the parliamentarian. And, very importantly, it does not make any provision in relation to the handling of complaints of infringing behaviour. Experience in recent years clearly shows that the way a complaint of such behaviour is handled may greatly exacerbate the trauma of the behaviour itself.

The Commonwealth Parliament does not have a code of conduct for either Members of the House of Representatives or for Senators. However, Recommendation 2 of the November 2022 report of the Joint Select Committee on Parliamentary Standards is as follows:

*The committee recommends the House of Representatives and the Senate adopt the following Behaviour Standards and Codes (as outlined in Appendix 1 of this report) into their respective standing orders in the first sitting week after the establishment of the Independent Parliamentary Standards Commission:*

- *Behaviour Standards for Commonwealth Parliamentary Workplaces; and*
- *Behaviour Code for Parliamentarians.*

This represents a major step forward for the Commonwealth Parliament which for decades has rejected calls for the establishment of a code of conduct for Members and Senators. However, the relevant provision of the recommended Behaviour Code for Parliamentarians does not, in my view, provide a 'model' that should be adopted by the Assembly. It provides as follows:

*Prohibited behaviours*

*11) Bullying and harassment, sexual harassment and assault, discrimination in all its forms including on the grounds of race, age, sex, sexuality, gender identity, disability, or religion is unacceptable. Such behaviour will not be tolerated, condoned or ignored.*

While it avoids certain of the problems identified above in relation to the South Australian Codes, it similarly does not make any provision in relation to the handling of complaints of

infringing behaviour. In my view, this matter cannot be left unaddressed.

Looking beyond Australia, I have found no code in any other country that I consider would provide a 'model' that might be adopted by the Assembly. For example, the Code of Conduct for Members of the House of Lords in the UK provides only that:

*18. Members are required to treat those with whom they come into contact in the course of their parliamentary duties and activities (including parliamentary proceedings) with respect and courtesy. Behaviour that amounts to bullying, harassment or sexual misconduct is a breach of this Code.*

I have therefore drafted more comprehensive provisions for consideration in the Assembly Code. These are shown at Clause D in the revision-mode version at [Attachment A](#). In the table below I provide an explanation of the reasoning behind my drafting.

<b>Provision</b>	<b>Comment</b>
Through this Code of Conduct, Members express that they have zero tolerance for bullying, sexual and other harassment, sexual assault and discrimination and pledge that they will not themselves engage in such conduct.	I have drafted this provision in unqualified terms. It is therefore not limited to conduct by Members, or conduct connected to the Assembly or the work of Members. In my view, there can be no circumstances in which bullying, sexual and other harassment, sexual assault and discrimination (as defined in the footnote, discussed below) can be, or seen to be, condoned.
Consistently with this, Members undertake that, in the course of their duties and activities as a Member, they will:	I have drafted the balance of Clause D so that it seeks to regulate the conduct of Members only to the extent of their duties and activities as a Member. I have done this to avoid any suggestion that Members have an obligation to intervene or act in relation to infringing behaviour in the community at large and unconnected to their position as a Member.

<p>Consistently with this, Members undertake that, in the course of their duties and activities as a Member, they will:</p>	<p>I have drafted the balance of Clause D so that it seeks to regulate the conduct of Members only to the extent of their duties and activities as a Member. I have done this to avoid any suggestion that Members have an obligation to intervene or act in relation to infringing behaviour in the community at large and unconnected to their position as a Member.</p>
<p>(1) offer and provide support to a person who indicated that they are making (or may wish to make) a complaint alleging bullying, sexual and other harassment, sexual assault or discrimination;</p>	<p>It is clear from relevant reports and the events of recent years that those who have been (or allege that they have been) the subject of bullying, sexual and other harassment, sexual assault and discrimination may need considerable support in deciding whether or not to make a complaint or in progressing a complaint once made. I have not, however, sought to impose an obligation on Members to "believe" anything that such a person may say. Whether what they say is believable is a matter for determination by a court or other dispute resolution body.</p>
<p>(2) seek to be sensitive to the needs and feelings of any such complainant and to recognise their possible need for trauma- informed care;</p>	<p>I have inserted this provision in an endeavour to make sure that interactions with a complainant are not viewed as routine "business" meetings and to foster recognition that they may require a very different approach. This may extend to what is known as trauma- informed care as it is possible that the individual may be suffering from PTSD or other psychological damage by reason of the conduct of which they complain.</p> <p>In this and subsequent provisions I have referred to "complainant" rather than "victim". I consider this terminology to be important in recognition of the presumption of innocence that should be afforded to the person who is the subject of</p>

	<p>the complaint unless and until a court or other dispute resolution body has made an adverse finding against them.</p>
<p>(3) as appropriate, seek expert advice and assistance as to the manner in which the Member should act in such circumstances;</p>	<p>I have inserted this provision essentially as a reminder to Members that they may need expert assistance in their dealings with complainants who may be in considerable emotional distress and potentially require or already be receiving psychological or psychiatric care. The first source of such advice may well be within the Office of the Legislative Assembly. It may thus be appropriate for the Clerk to consider whether or not any OLA staff require some special training in this regard, such as that offered by Phoenix Australia, the Australian National Centre of Excellence in Posttraumatic Mental Health.</p>
<p>(4) recognise and respect that it is the right of a complainant as to whether and how they seek and pursue official investigation of their complaint;</p>	<p>While there have been some suggestions that anyone with knowledge of an offence should be bound to report it to the police, unless and until the law provides to that effect I consider it vital to recognise that the complainant should have agency to decide for themselves whether and how to progress their complaint.</p>
<p>(5) respect the confidentiality of personal information concerning a complainant;</p>	<p>Clearly matters concerning a complaint of bullying, sexual and other harassment, sexual assault and discrimination are deeply personal and, unless otherwise required by law, should not be divulged without the knowledge and consent of the complainant.</p>

<p>(6) not imply, threaten or take detrimental action against a person because they are, or have indicated that they may become, a complainant;</p>	<p>To take such action may leave the Member themselves open to a complaint of bullying.</p> <p>The proposed obligation to not take retaliatory action mirrors that in the Public Interest Disclosure Act.</p>
<p>(7) not offer any improper inducement to a person to not take, or to withdraw, such a complaint;</p>	<p>Limiting this provision to an "improper" inducement would not preclude a Member from agreeing, for example, to change working arrangements within their office so that a complainant was no longer required to report to the person alleged to have committed infringing behaviour where the complainant had indicated that such a change would resolve their concerns</p>
<p>(8) seek to preserve any evidence that may be relevant to the investigation of such a complaint;</p>	<p>Care should be taken to not destroy, cleanse or otherwise tamper with documents, CCTV footage or other material that may be of forensic advantage to an investigator in dealing with a complaint.</p>
<p>(9) fully cooperate with any official inquiry in connection with a complaint; and</p>	<p>This provision mirrors the existing provision requiring a Member to cooperate with an inquiry into a complaint of a breach of the Code itself.</p>
<p>(10) take appropriate action if they observe another person engaging in bullying, sexual and other harassment, sexual assault and discrimination.</p>	<p>Under this provision a Member may be expected, for example, to counsel a heckler at a community engagement meeting about intemperate discriminatory language, or to suggest that another person should refrain from making unwelcome physical gestures or approaches to another at an official social function. However, I have limited this provision to require only "appropriate" action. This is because privacy or defamation laws may apply in some circumstances if there were an absolute and unqualified obligation on a Member to "call out" any and all infringing behaviour.</p>

<p>1 In this Code "discrimination" means differential treatment of a person based on personal attributes such as gender; family responsibilities; parental status (having or not having children); marital status or relationship status; pregnancy; breastfeeding; sexual orientation; gender identity; religious belief, affiliation or activity; industrial activity; disability (including temporary disability); race; age; association with someone who has one of these attributes; or other attributes unrelated to the person's education, qualifications, experience, capacity or performance.</p>	<p>I have drafted this definition of "discrimination" to cover most of the bases for discrimination that have been the subject of complaints in parliamentary work places. However, I have not included discrimination based on "political belief, affiliation or activity" as I consider this would be an inappropriate limitation on the activities of a parliamentarian. The proposed definition is not "closed" and would allow other unstated forms of discrimination to come within scope at a later stage, as suggested by the Member who commented in this regard. The closing words concerning "education, qualifications, experience, capacity or performance" are intended to make clear that ordinary "employer" decisions (such as promotion or the allocation of roles amongst staff) do not involve discrimination even though they result in differential treatment of individuals</p>
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**Recommendations**

In light of all of the above, I recommend that the Assembly consider amending the current Code of Conduct for Member along the lines shown in the revision-mode version at Attachment A to this report. The substantive amendments related to workplace safety and wellbeing (Clause C.(7)(a)) and bullying, sexual and other harassment, sexual assault and discrimination (Clause D.). Other changes shown in revision-mode are only minor, to clarify the numbering and grammatical sense of the existing Code.

A "clean" version of the revised draft Code with the revision-mode changes accepted is at Attachment B.

I would of course be happy to discuss these recommendations with the Committee at any time.

**Stephen Skehill**

**Ethics and Integrity Adviser to the Members of the Legislative Assembly  
Of the Australian Capital Territory**

4 August 2023