

## COMMISSIONER FOR STANDARDS ANNUAL REPORT 2017/2018

### **The position of Commissioner for Standards**

By Continuing Resolution SAA 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 9th Legislative Assembly.

I was reappointed by the current Speaker on substantially similar terms following the election of the 9th Legislative Assembly on 15 October 2016.

### **Protocol**

Following my initial appointment I 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 Commissioners 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.*

It has not yet proven necessary to receive oral evidence to address any of the complaints that have been referred to me.

### **Amendment of resolution**

Continuing resolution 5AA was amended by the Assembly on 3 August 2017 to eliminate the earlier requirement for the Speaker to determine whether there were adequate grounds for the referral of a complaint to the Commissioner. The resolution now provides that:

- (5) *Members of the public, members of the ACT Public Service and Members of the Assembly may make a complaint to the Commissioner via the Clerk of the Legislative*

*Assembly about a Member's compliance with the Members' Code of Conduct or the rules relating to the registration or declaration of interests.*

*(6) If the Commissioner receives a complaint about a Member pursuant to paragraph (5) and the Commissioner believes on reasonable grounds that—*

*(a) there is sufficient evidence as to justify investigating the matter; and*

*(b) the complaint is not frivolous, vexatious or only for political advantage; the Commissioner will investigate the matter and report to the Committee.*

## **Complaints**

Since this amendment I have received three complaints.

- The first involved potentially serious allegations against a Member of the Assembly, but they were expressed in broad terms by a complainant who declined to permit me to be informed of his name, to provide any particulars of the allegations or to offer any evidence in support of them. The complainant was advised that the generalised allegations would not, of themselves, enable me to form a belief on reasonable grounds that there was sufficient evidence as to justify investigating the matter. However, he failed to provide any further information. Accordingly, I advised the Member that a complaint had been made but that I had declined to conduct an investigation.
- The second was made by one Member of the Assembly against another. The complainant promptly complied with my request for the provision of a copy of a relevant document and I was satisfied that the complaint was not frivolous, vexatious or only for political advantage. However, after duly considering the issues, I was again unable to form a belief on reasonable grounds that there was sufficient evidence to justify investigating the matter.
- The third complaint was also made by one Member against another. It was received only on 29 June 2018 and, whilst I have written to both the Member against whom the complaint was made and the complainant, the investigation has obviously not been completed.

## **Other activities**

I also made a submission to the Select Committee on an Independent Integrity Commission.



K J Crispin QC  
Commissioner for Standards  
1 July 2018