**31 October 2013, as amended May and August 2017**

**COMMISSIONER FOR STANDARDS**

That this Assembly requests the Speaker to appoint a Legislative Assembly Commissioner for Standards on the following terms:

1. The Speaker must, after each Assembly is elected or whenever the office becomes vacant, appoint a Commissioner for the life of that Assembly and the period of six months after each election. The appointment is for the term of the Assembly and the period of six months after the election at the conclusion of that term. The Speaker may decide not to seek expressions of interest if only one term has been served by the Commissioner.
2. Before appointing a Commissioner, the Speaker must consult with the Chief Minister, the Leader of the Opposition and Crossbench Members.
3. The Commissioner may be dismissed only following a resolution of the Legislative Assembly resolving to require the Speaker to end the Commissioner’s appointment—
	1. for misbehaviour; or
	2. for physical or mental incapacity, if the incapacity substantially affects the exercise of the Commissioner’s functions.

However, a motion for such a resolution may only be debated after the Standing Committee on Administration and Procedure (‘the Committee’) has reported to the Assembly that it is satisfied that the Commissioner is unfit for the office or unable to fulfil the Commissioner’s functions.

1. The functions of the Commissioner are to:
	1. investigate complaints about Members lodged via the Clerk to the Commissioner;
	2. report to the Standing Committee on Administration and Procedure; and
	3. if the Assembly is not sitting when the Commissioner provides a report to the Committee, the Committee may send its report to the Speaker, or, in the absence of the Speaker, to the Deputy Speaker, who is authorised to give directions for its printing, publication and circulation.
2. 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.
3. If the Commissioner receives a complaint about a Member pursuant to paragraph (5) and the Commissioner believes on reasonable grounds that—
	1. there is sufficient evidence as to justify investigating the matter; and
	2. the complaint is not frivolous, vexatious or only for political advantage;

the Commissioner will investigate the matter and report to the Committee.

1. In exercising the functions of Commissioner the following must be observed:
	1. The Commissioner must not make a report to the Committee if the Member about whom the complaint was made has agreed that he or she has failed to register or declare an interest if —
		1. in the Commissioner’s opinion the interest involved is minor or the failure was inadvertent; and
		2. the Member concerned has taken such action to rectify the failure as the Commissioner may have required within any procedure approved by the Committee for this purpose.
	2. The Commissioner must not make a report to the Committee unless the Commissioner has—
		1. given a copy of the proposed report to the Member who is the subject of the complaint under investigation;
		2. the Member has had a reasonable time to provide comments on the proposed report; and
		3. the Commissioner has considered any comments provided by the Member.
	3. The Commissioner must report by 31 August each year to the Speaker on the exercise of the functions of the Commissioner.