



Hon Peter Primrose, MLA  
Chair  
Privileges Committee  
NSW Legislative Council  
Parliament House  
Macquarie Street  
SYDNEY NSW 2000

Office of the Speaker

Dear Mr Primrose

I refer to your letter dated 19 April 2006 asking me to comment on the operation of the Members' Code of Conduct as it operates in your House.

Whilst I am grateful of the opportunity to comment on your code, I do not have any comments on what additional issues that I believe the Code should include, nor any suggested strategies to improve understanding and awareness by members and staff of the Code.

I thought I would take this opportunity to inform you that the Assembly last year adopted a code of conduct for Members for the first time. I have attached a copy of the code for your information.

To date there have been no major issues in relation to the code, although the Committee which I chair (Standing Committee on Administration and Procedure) is currently considering whether the code should be amended to address the issue of Members employing family members. Currently there is an inconsistency between the Minister's code of conduct (which states that Ministers "should not appoint close relatives to positions in their own offices or any other place of employment where the Minister's approval is required") and the Members' Code (which merely asks Members to carefully consider the implications of employing persons in close relationships where there may be perceived conflicts of interest).

Thank you for the opportunity to comment on the matter, and I wish you well in your deliberations.

Yours sincerely

A handwritten signature in black ink, appearing to read "Wayne Berry".

Wayne Berry, MLA  
Speaker

16 May 2006



**CODE OF CONDUCT**  
**FOR ALL MEMBERS OF THE LEGISLATIVE ASSEMBLY**  
**FOR THE AUSTRALIAN CAPITAL TERRITORY**

**Resolution agreed by the Assembly**

**25 August 2005**

**Preamble**

Members of the Legislative Assembly acknowledge their diversity of background and personal beliefs and that of Australian society, and maintain their loyalty to the Commonwealth of Australia and the people of the Australian Capital Territory.

In so doing, Members agree to respect and uphold the law, not discredit the institution of Parliament, and maintain their commitment to the public good through personal honesty and integrity in all their dealings.

**Duties as Members of the Assembly**

Members should avoid any decision or action which may depreciate the reputation of the Assembly and, endeavour to reasonably adhere to the Assembly's code of conduct to ensure that their personal conduct meets generally accepted standards and does not discredit or call into question their office or the Assembly.

Members acknowledge that they have an obligation to electors to make decisions on their behalf and as such place emphasis on their dedication to this obligation. As elected representatives, Members will act honestly in all their dealings to maintain the public trust placed in them.

**Code of Conduct**

**Conflict of interest**

Members have an obligation to use the influence conferred upon them in the public's interest and not for personal gain.

Notwithstanding the provisions set out in section 15 of the *Australian Capital Territory (Self-Government) Act 1988* and standing order 156 of the Legislative Assembly, Members are individually responsible for preventing personal conflicts of interest or the perception of a conflict of interest, and must endeavour to arrange their private affairs to prevent such conflicts arising or take all reasonable steps to resolve any conflict that does arise.

- (i) A conflict of interest exists where a Member participates in or makes a decision in the execution of his or her office knowing that it will improperly and dishonestly further his or her private interest or will improperly and dishonestly further the private interest of another person.
- (ii) A conflict of interest does not exist where the Member or other person benefits only as a member of the general public, or a broad class of persons.

**Disclosure of pecuniary interests**

The actions and decisions taken by Members are accountable through the Assembly to the people of the Australian Capital Territory. Members' actions and decisions should be transparent and bolster public confidence in the Assembly and the legislative process. In accordance with this transparency, Members are required to disclose their pecuniary interests pursuant to the resolution

### **Use of entitlements**

Members have a personal duty to ensure that entitlements and allowances of office pursuant to Remuneration Tribunal Determinations and as summarised in the Members' Guide are used appropriately in the service of the people of the Australian Capital Territory and not for personal gain.

Members should familiarise themselves with the entitlements available and must ensure the accuracy of all claims made in accordance with the guidelines outlined in the Members' Guide. Members should be aware that items purchased using a Member's allowance remain the property of the Assembly.

### **Use of public resources/property or services**

Members must ensure that the resources provided to them at public expense as Members of the Legislative Assembly for the Australian Capital Territory, are only used for legitimate parliamentary and electorate purposes. Members must not misuse or permit the misuse by any other person or body of these resources.

Members shall not misuse monies allocated for official purposes.

### **Continuing support**

This code of conduct has been established to assist Members as they serve and represent the people of the Australian Capital Territory. The Legislative Assembly respectfully requests that former Members support the spirit of this code as private citizens.

This resolution have effect from the date of its passage in the Assembly and continue in force unless and until amended or repealed by this or a subsequent Assembly.