

Legislative Assembly (Members' Staff) Code of Conduct for Ministerial Staff and Staff of Other Office-holders Determination 2015*

Disallowable instrument DI2015-319

made under the

Legislative Assembly (Members' Staff) Act 1989, s 5 (3) (Office-holders may employ staff)

1 Name of instrument

This instrument is the *Legislative Assembly (Members' Staff) Code of Conduct for Ministerial Staff and Staff of Other Office-holders Determination 2015*.

2 Commencement

This instrument commences on the day after its notification day.

3 Notes

A note included in this instrument is explanatory and is not part of this instrument.

Note See Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

4 Definition

In this instrument:

Act means the *Legislative Assembly (Members' Staff) Act 1989*.

Minister means a minister as defined in the *Australian Capital Territory (Self-Government) Act 1988*.

Other Office-holder means an office-holder of the Legislative Assembly as defined in the *Legislative Assembly (Members' Staff) Act 1989*, other than a minister.

5 Approval for Act, s 5

This instrument determines arrangements under which the staff of ministers and other office-holders are employed under the Act, section 5.

6 Class of persons to whom this determination applies

This determination applies to persons employed by ministers and other office-holders under subsection 5(1) of the Act.

*Name amended under Legislation Act, s 60

7 Code of Conduct

The class of person specified in column 2 below to whom this determination applies, must, in discharging their duties, comply with the Code of Conduct set out in the schedule specified in column 3 below:

column 1 item	column 2 class of persons	column 3 schedule
1	Ministerial staff	Schedule 1
2	Staff of Other Office-holders	Schedule 2

Dated 14 December 2015

Andrew Barr
Chief Minister

Schedule 1 Code of Conduct for Ministerial Staff

(see cl 7)

1. Ministerial staff are required to familiarise themselves with, and meet their obligations under, the following:
 - a) the terms of any industrial agreement or employment contract relevant to their employment;
 - b) *Continuing Resolutions of the Legislative Assembly for the ACT* in particular, the Members' Code of Conduct in continuing resolutions no. 5 and the Assembly's endorsement of the Commonwealth (Latimer) House Principles on the Three Branches of Government in continuing resolutions no. 8A;
 - c) the *Legislative Assembly (Members' Staff) Act 1989* and relevant disallowable instruments made under the Act;
 - d) the *Cabinet Handbook*;
 - e) the *Code of Conduct for Ministers*; and
 - f) this Code of Conduct.

2. Ministerial staff must:
 - a) act with propriety, honesty and integrity;
 - b) act with fidelity and in good faith;
 - c) avoid conflicts of interest and report any potential conflicts to their Minister or supervisor as soon as possible after the relevant facts come to their notice;
 - d) never solicit nor accept a payment or other benefits as reward for anything done in connection with their employment;
 - e) not unlawfully coerce a member of the public or another public employee;
 - f) not inappropriately use or disclose information acquired in the course of their employment;
 - g) not make, or seek to make, improper use of their position or access to information to gain, or seek to gain, a benefit or advantage for themselves or any other person, including after leaving the Minister's office;
 - h) not misuse or misappropriate resources provided by the Territory;
 - i) demonstrate appropriate standards of professional conduct in their interaction with officials.
 - j) promote the public interest in all official dealings;
 - k) recognise that executive decisions are the preserve of Ministers, statutory officers and public servants acting in accordance with their duties and not ministerial staff acting in their own right;
 - l) respect the impartiality of the ACT Public Service and its complementary role in supporting Ministers in the discharge of their duties; and

3. As part of their general obligations of employment, Ministerial staff are required to:
 - a) perform duties diligently, with care and to the best of their skill and ability;
 - b) comply with any lawful and reasonable direction given by a person having authority to give the direction;
 - c) observe appropriate standards of behaviour at all times;
 - d) treat others with respect, courtesy and with proper regard for their human rights;
and
 - e) support their employing Minister's compliance with any code of conduct that applies to that Minister.

Schedule 2 Code of Conduct for Staff of Other Office-holders

(see cl 7)

1. Staff of Other Office-holders are required to familiarise themselves with, and meet their obligations under, the following:
 - a) the terms of any industrial agreement or employment contract relevant to their employment;
 - b) *Continuing Resolutions of the Legislative Assembly for the ACT*, in particular the Members' Code of Conduct in continuing resolution no. 5 and the Assembly's endorsement of the Commonwealth (Latimer) House Principles on the Three Branches of Government in continuing resolutions no. 8A;
 - c) the *Legislative Assembly (Members' Staff) Act 1989* and relevant disallowable instruments made under the Act; and
 - d) this Code of Conduct.

2. Staff of Other Office-holders must:
 - a) act with propriety, honesty and integrity;
 - b) act with fidelity and in good faith;
 - c) avoid conflicts of interest and report any potential conflicts to their employing member or supervisor as soon as possible after the relevant facts come to their notice;
 - d) never solicit nor accept a payment or other benefits as reward for anything done in connection with their employment;
 - e) not unlawfully coerce a member of the public or another public employee;
 - f) not inappropriately use or disclose information acquired in the course of their employment;
 - g) not make, or seek to make, improper use of their position or access to information to gain, or seek to gain, a benefit or advantage for themselves or any other person;
 - h) not misuse or misappropriate resources provided by the Territory; and
 - i) demonstrate appropriate standards of professional conduct in their interaction with officials.

3. As part of their general obligations of employment, staff of Other Office-holders are required to:
 - a) perform duties diligently, with care and to the best of their skill and ability;
 - b) comply with any lawful and reasonable direction given by a person having authority to give the direction;
 - c) observe appropriate standards of behaviour at all times;
 - d) treat others with respect, courtesy and with proper regard for their human rights; and

- e) support their employing member's compliance with any code of conduct that applies to that member.