

Parliament of Victoria

Parliamentary Workplace Standards and Integrity Bill 2024

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No. 7 | July 2024

Bill Brief

Parliamentary Library & Information Service

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Bill information

Introduced: 28 May 2024

House: Legislative Assembly

Second Reading: 29 May 2024

Commencement: 31 December 2024 (except Division 12 of Part 6 and Schedule 3, which will have a default commencement date of 13 May 2025)

Links to key documents including the Bill, Explanatory Memorandum, Statement of Compatibility and Second reading Speech can be found at the [Library's Infolink page for this Bill](#).

For further information on the progress of this Bill, please visit the [Victorian Legislation and Parliamentary documents website](#).

Executive summary

The Parliamentary Workplace Standards and Integrity Bill 2024 was introduced into the Victorian Parliament in May 2024. Arriving after extensive consultation, the Bill aims to reform the way allegations of bullying and harassment against Members of the Victorian Parliament are handled.

The Bill also comes against the background of increased attention being paid to the physical and psychological safety of Australian workplaces, particularly the experiences of women and particularly in Australian parliaments and government workplaces. This, paired with a focus on government integrity in the recent federal and Victorian elections, indicates the behaviour, accountability, and transparency of parliamentarians is of increasing importance to the community.

By legislating the Parliamentary Workplace Standards and Integrity Commission, a Parliamentary Integrity Adviser and a Parliamentary Ethics Committee, this Bill aims to respond to some of the major recommendations from Operation Watts by the Independent Broad-based Anti-corruption Commission and the Victorian Ombudsman.

This Bill Brief outlines the context that led to the changes proposed by the Bill. It also summarises relevant recommendations from several reports on parliamentary workplaces. After an overview of key sections of the Bill, the paper outlines some key stakeholder responses, and provides a jurisdictional comparison of other states', territories' and the federal government's progress in this area.

This Bill Brief is not intended to be an exhaustive or comprehensive description of the Bill, legal advice, or legislative interpretation. For further detail see the explanatory memorandum of the Bill.

Content warning: This Brief contains information that some readers may find distressing, as it refers to sexual violence.

If you or anyone you know needs support, these services can help:

- *The national domestic, family and sexual violence counselling service: **1800RESPECT** (1800 737 732)*
- *Lifeline: **13 11 14***
- *Beyond Blue: **1300 224 636***
- *No to Violence—Men's Referral Service: **1300 766 491***

Introduction

The Parliamentary Workplace Standards and Integrity Bill 2024 ('the Bill') was introduced into the Victorian Parliament in May 2024. Arriving after extensive consultation, the Bill aims to introduce a system for handling allegation of bullying and harassment against Members, ministers, and parliamentary secretaries of the Victorian Parliament. Members and ministers are obligated to abide by the Code of Conduct for Members of Parliament and the Ministerial Code of Conduct respectively, however recent investigations from the Independent Broad-based Anti-corruption Commission (IBAC), the Victorian Ombudsman, and the Australian Human Rights Commission have highlighted that there is no current independent system for dealing with allegations of inappropriate workplace behaviour from Members, ministers, and parliamentary secretaries ('parliamentarians'). The Bill seeks to remedy this by establishing an independent body designed to receive referrals about, investigate and recommend sanctions against allegations parliamentarians have engaged in misconduct.

The Bill comes amid increased attention to the physical and psychological safety of Australian workplaces, with a particular focus on the experiences of women. What's more, in the wake of several high-profile cases of alleged bullying and sexual harassment and assault in federal and state parliaments, pressure is building to address not only 'Members behaving badly' but the wider culture of Australian parliaments as workplaces. Finally, there has been an increased focus on government integrity in the recent federal and Victorian elections, meaning the behaviour, accountability, and transparency of elected officials is of increasing importance to voters.

By legislating the Parliamentary Workplace Standards and Integrity Commission ('the Commission'), a Parliamentary Integrity Adviser (PIA) and Parliamentary Ethics Committee (PEC), this Bill aims to implement some of the major recommendations from IBAC and the Victorian Ombudsman's joint investigation Operation Watts and the growing focus on the workplace safety of the parliamentary workplace more generally.

This Bill Brief outlines the context that led to the proposal to establish the bodies outlined in the Bill. Several allegations of parliamentary misconduct across Australian parliaments have kept the workplace safety of parliament in sharp focus, and the paper explores the key risk factors and drivers of the alleged misconduct and potential barriers to prevention. The paper also summarises relevant recommendations from reports on the parliamentary workplace, including Operation Watts, Operation Daintree from IBAC, and the *Respect@Work* and *Set the Standard* reports from the Australian Human Rights Commission. These reports found various ways the existing accountability structures governing the behaviour of ministers, Members, and parliamentary secretaries are insufficient. These insufficiencies can lead to unacceptable behaviour and even potential misconduct to go unreported and often result in little or no sanctions against the alleged perpetrator.

The paper also outlines some key stakeholder responses to the Bill and the proposed workplace standards bodies. Whilst many welcome the opportunities for increased scrutiny and accountability for parliamentarians, many have identified potential shortcomings of the proposed Commission and Committee. These include the fact they won't be able to receive retrospective referrals, the limits on investigating referrals regarding parliamentary staff such as electorate officers, parliamentary officers and ministerial advisers, and the potential for party dominance in the proposed PEC. Finally, the paper provides a jurisdictional comparison of other states and territories' progress and the federal government's progress in this area.

The paper provides an explanation of key sections of the Bill, however this is not intended to be exhaustive or comprehensive, legal advice, or legislative interpretation.¹

¹ For more detailed information, see the explanatory memorandum to the Bill.

Context and key issues

The Bill has been prompted by various reports and investigations regarding alleged misconduct and inappropriate behaviour in parliamentary and government workplaces. It has also been introduced into a wider context of greater attention being paid to workplace harassment and inappropriate behaviour, particularly that experienced by women.

Operation Watts report

The Bill is partly in response to the recommendations and findings of IBAC and the Victorian Ombudsman's joint investigation called Operation Watts. Concluded in July 2022, the operation investigated the Victorian branch of the Australian Labor Party allegedly misusing public funds allocated for electoral administrative purposes for party-political purposes between 2017 and 2020, among other matters.² Amongst its findings, the report observed that significant reforms were required to the ethics and integrity regime for Members and ministers, the complaints handling and investigation process for allegations of misconduct by Members and ministers, and wider problems with the integrity culture at parliament.³

Of its 21 recommendations, several were specific to improving standards of ethics and integrity in the conduct of Members, ministers, and parliamentary secretaries. The recommendations included that:

- a Parliamentary Ethics Committee (PEC) be established (Recommendation 1);
- a Parliamentary Integrity Commission (PIC) be established (Recommendation 2); and
- the role of the Parliamentary Integrity Adviser (PIA) be secured in legislation (Recommendation 5).

Table 1 details the Operation Watts recommendations that are addressed by the Bill.

² Independent Broad-based Anti-corruption Commission & Victorian Ombudsman (2022) *Operation Watts: Investigation into allegations of misuse of electorate office and ministerial office staff and resources for branch stacking and other party-related activities*, July, Melbourne, IBAC & VO, p.8.

³ *ibid.*

Table 1 Aspects of the Bill that respond to recommendations from the Operations Watts special report

Recommendation ⁴ (summarised)	How the Bill implements this recommendation
1: That the government and the parliament work together to establish a Parliamentary Ethics Committee (PEC).	The Bill amends the <i>Parliamentary Committees Act 2003</i> to establish the Parliamentary Ethics Committee as a Joint House Committee.
2: That the government and the parliament work together to establish a Parliamentary Integrity Commissioner as an independent officer of the parliament.	The Bill establishes the Parliamentary Workplace Standards and Integrity Commission, outlines the process for appointing a commissioner, and details the powers, functions, membership, and restrictions of the Commission.
<p>3: That:</p> <ul style="list-style-type: none"> a. the Privileges Committees of each House be reformed to dilute the capacity of the majority in each House to determine the privileges committees' priorities and decision making b. the privileges committee for the relevant House should receive the report of a Parliamentary Integrity Commissioner's investigation, provide the relevant MP [Member] with an opportunity to respond to it, and table the report in the House together with the privileges committee's comments and recommendations, within a fixed time of receiving the report c. if the privileges committee disagrees with all or some of the Parliamentary Integrity Commissioner's recommendations, it must provide a comprehensive explanation of its reasons when tabling the Commissioner's report d. the relevant House should vote within a fixed time of the tabling of the Parliamentary Integrity Commissioner's report to support or reject all or some of the Commissioner's or privileges committee's recommendations, but should not be permitted to amend them. 	<p>The Bill does not implement this recommendation, making no changes to the makeup of the privileges committees.</p> <p>The Bill details how and when a report should be sent to the relevant privileges committee and the required timeframes, as well as how the House should be informed of the result of any investigation or dispute resolution process.</p> <p>The Bill details how and when a privileges committee can disagree with the recommended sanctions of the Commission.</p> <p>The Bill does not detail the procedure for the Houses to respond to recommendations from the commissioner and the privileges committees.</p>

⁴ Independent Broad-based Anti-corruption Commission & Victorian Ombudsman (2022) op. cit., pp. 9-13.

<p>4: That the Parliamentary Integrity Adviser continue to provide confidential advice to Members of parliament on integrity and ethical issues and help the Parliamentary Integrity Commissioner and Parliamentary Ethics Committee with information and training activities.</p>	<p>The Bill establishes the Parliamentary Integrity Adviser in legislation and details their functions and their relationship with the Commission and PEC.</p>
<p>5: That IBAC and the Ombudsman recommend that whichever party or parties form government after the November 2022 state election commit to introducing and commencing the legislation to establish the Parliamentary Ethics Committee and Parliamentary Integrity Commissioner as recommended in this report, by June 2024.</p>	<p>The Bill amends the Parliamentary Committees Act to establish the PEC as a Joint House Committee.</p> <p>The Bill establishes the Parliamentary Workplace Standards and Integrity Commission and details the process for appointing a commissioner.</p>
<p>6: That the work of the Parliamentary Ethics Committee and Parliamentary Integrity Commissioner...promote an ethical culture in parliament.</p>	<p>The Bill details the functions of the PEC and the Commission.</p>
<p>15: That section 17 of the <i>Public Interest Disclosures Act 2012</i> be reviewed to establish an alternative course for a person who has reasonable grounds for not wishing to lodge a complaint with a Presiding Officer.</p>	<p>The Bill amends the Public Interest Disclosures Act, substituting section 17 to include the Commission and IBAC as options for making a public interest disclosure regarding a Member (either in their capacity as a Member, a minister, or a parliamentary secretary) (sub-clause 1 & 2), and adds the Commission as an option to which a person can lodge a complaint relating to a minister (sub-clause 3).</p>
<p>17: That the government and parliament clarify the extent to which it is intended that the Members of Parliament Code of Behaviour and the processes for dealing with breaches of the Code should cover the actions of ministers in relation to their ministerial portfolios.</p>	<p>Not addressed in the Bill.⁵</p>

⁵ Accountability Round Table (2024) ‘Victorian Integrity bill – our sub.’, ART website.

Operation Daintree report

Released in April 2023, the Operation Daintree special report was the result of an IBAC investigation into the awarding of a health worker safety training contract to a Labor-affiliated trade union's training entity in 2018.⁶ Among other findings, the investigation found that a poor system of accountability in terms of holding ministers, ministerial staff, and other public servants to account posed a risk of corruption. The report stated:

The absence of clear and 'safe' avenues to report misconduct and mechanisms to have it investigated and addressed creates a permissive environment where such conduct can grow. Further, to the extent that the required standard of conduct is known (as the Ministerial Staff Code of Conduct was not then publicly available), there appears to be a reticence to report the misconduct based on the belief that nothing will be done and the reporter will potentially suffer detrimental repercussions.⁷

The report reiterated the need for a Parliamentary Integrity Commission and a Parliamentary Ethics Committee (which by this time had been announced by the Victorian Government just under a year earlier in July 2022).⁸ The report further recommended reforms to the content and implementation of the Ministerial Code of Conduct and the Ministerial Staff Code of Conduct relating to their values and principles and ways of dealing with alleged misconduct. The report also recommended 'all relevant codes of conduct' be amended to explicitly ensure interference with an investigation, intimidation, and victimisation each constituted a breach of the applicable code and an offence.⁹ The report also recommended further protections for persons making allegations of misconduct about ministerial staff under the *Public Interests Disclosures Act 2012*.¹⁰

The Operation Daintree report also recommended amending the Code of Conduct for Victorian Public Sector Employees and the Ministerial Staff Code of Conduct so that the 'making of a frivolous, vexatious, or malicious allegation to the independent complaints process may constitute a breach of the relevant code with appropriate sanctions available to respond to such conduct'.¹¹ Finally, the report recommended the jurisdiction of the proposed Parliamentary Integrity Commission include alleged breaches of the Ministerial Staff Code of Conduct, not only the Members of Parliament Code of Conduct and the Ministerial Code of Conduct.¹²

Allegations of parliamentarians' misconduct

Concerns about the workplace safety of Victoria's Parliament House have been raised over the past decade, partly in response to several high-profile cases of alleged misconduct from Victorian parliamentarians, including Members and ministers.¹³ Individuals alleged to have behaved inappropriately in the parliamentary workplace have been forced to resign from cabinet, removed from their party caucuses, or barred from entering the parliamentary precinct.¹⁴ These alleged incidents occurred amid the background of and indeed contributed to a wider debate about harassment, bullying, and sexual harassment in workplaces in general and Australian parliaments in particular.¹⁵ Significant focus of this debate was on

⁶ Independent Broad-based Anti-corruption Commission (2023) *Operation Daintree: Special Report*, April, Melbourne, IBAC.

⁷ *ibid.*, p. 102.

⁸ D. Andrews, Premier (2022) *Sweeping integrity reforms for Victoria*, media release, 20 July.

⁹ Independent Broad-based Anti-corruption Commission (2023) *Operation Daintree: Special Report*, April, Melbourne, IBAC, p. 12.

¹⁰ *ibid.*

¹¹ *ibid.*, p. 4.

¹² *ibid.*, p. 11.

¹³ A. Smethurst & P. Sakkal (2022) 'State Liberal MP banned from entering parliament over allegations of inappropriate behaviour', *The Age*, 16 July; D. Estcourt (2021) 'Opposition MP names Labor MP accused of having sex in parliamentary office', *The Age*, 21 June; B. Kolovos (2024) 'Jacinta Allan dumps Victorian Labor MP from caucus after fresh allegations emerge', *The Guardian* 30 April; E. Green (2024) 'Police won't charge Victorian MP Will Fowles', *News.com*, 30 January.

¹⁴ *ibid.*

¹⁵ K. Curtis (2021) 'One in three parliamentary staffers say they've been sexually harassed', *Sydney Morning Herald*, 30 November.

the flow on effects of this alleged behaviour on Australian workplace culture and particularly the experiences of women.¹⁶

The Jenkins review

The Bill is also the result of wider discussions about workplace safety in and the culture of Australian parliaments. In 2021, following allegations of widespread bullying, sexual harassment and sexual assault in Australian Parliament House—including allegations that a federal ministerial staffer was raped by a colleague in a minister’s office in 2019¹⁷—the federal government established the Independent Review into Commonwealth Parliamentary Workplaces.¹⁸ Conducted by the Australian Human Rights Commission and led by the Australian Sex Discrimination Commissioner Kate Jenkins, the review was quickly dubbed the Jenkins Review, and resulted in the publication of *Set the Standard: Report on the Independent Review into Commonwealth Parliamentary Workplaces* (‘the *Set the Standard* report’) in November 2021.¹⁹

The review drew significant attention to the Australian parliamentary workplace, including the findings that over half of responding staff at Australian Parliament House reported they had experienced workplace bullying, sexual harassment, or sexual assault, and one in three respondents saying they had experienced sexual harassment.²⁰ The report found several ‘underlying drivers’ of misconduct in Parliament, including a lack of accountability and awareness of how to deal with alleged misconduct, a lack of visible sanctions, and unclear and unenforced standards of behaviour, particularly for those in leadership and senior positions.²¹

The *Set the Standard* report made 28 recommendations for reforming systems of employment that the commission found ‘encourage, tolerate and enable misconduct and processes that are not equipped to prevent or address the consequences of that behaviour’.²² The report recommended five ‘key shifts required to ensure safe and respectful work environments’ including establishing an independent Parliamentary Standards Commission ‘to provide safe and supported reporting options and oversee and enforce Codes of Conduct to hold people to account for misconduct through sanctions’.²³

As of February 2024, several of the recommendations have been implemented, including clarification that the *Work Health and Safety Act 2011* (Cth) applies to Members, Senators and officers, and the establishment of a Parliamentary Workplace Support Service in October 2023.²⁴ A Joint Select Committee on Parliamentary Standards was also established in 2022 to inquire into a potential code of conduct for Commonwealth Parliamentary Workplaces. Amongst the inquiry’s 16 recommendations was the adoption of behaviour standards for Commonwealth parliamentary workplaces and a behaviour code for parliamentarians into standing orders upon establishment of the proposed Parliamentary

¹⁶ C. Long & G. Breen (2022) ‘Workplace sexual harassment rates aren’t getting better. How do we make stop?’, *ABC News*, 30 November; S. Delazell (2020) ‘Workplace sexual harassment ‘prevalent and pervasive’ because laws have not kept up, report finds’, *ABC News* 5 March.

¹⁷ M. Bennis & C. Cuneo (2024) ‘Lisa Wilkinson, Ch10 win defamation case after Bruce Lehrmann found to have raped Brittany Higgins’, *Herald Sun*, 15 April; J. Toomey (2024) ‘Federal Court judge finds Bruce Lehrmann raped Brittany Higgins, defamation case fails’, *ABC News*, 15 April.

¹⁸ Australian Human Rights Commission (2022) ‘Independent Review into Commonwealth Parliamentary Workplaces’, AHRC website.

¹⁹ Australian Human Rights Commission (2021) *Set the Standard: Report on the Independent Review into Commonwealth Parliamentary Workplaces*, November, Canberra, AHRC.

²⁰ K. Curtis (2021) *op. cit.*

²¹ Australian Human Rights Commission (2021) *Set the Standard: Report on the Independent Review into Commonwealth Parliamentary Workplaces*, November, Canberra, AHRC.

²² Australian Human Rights Commission (2021) ‘Sex Discrimination Commissioner Kate Jenkins launches *Set the Standard*’, AHRC website, 30 November.

²³ *ibid.*

²⁴ Australian Government Parliamentary Leadership Taskforce (2024) *Set the Standard: Implementation Tracker*, February, Canberra, Australian Government.

Standards Commission.²⁵ The establishment of the independent Parliamentary Standards Commission is expected to be legislated by October 2024.²⁶

Employment arrangements

Operation Watts and the preceding so-called ‘red shirts’ investigation by the Victorian Ombudsman—in which several Labor Members were found to have breached the Member’s Code in relation to electorate officers engaging in party-political work²⁷—acted as a flashpoint in a wider debate regarding employment arrangements for parliamentary staff, with particular attention drawn to the framework for employing electorate officers.

Parliaments in Australia have been identified as difficult to regulate because of the unique employment arrangements that govern staff within the building and as part of the day-to-day operations of governance.²⁸ In Victoria, everyone in Parliament House, including staff and visitors, is bound by the Parliamentary Precincts Code of Conduct.²⁹ However, some staff work at Parliament to carry out both political work—such as Members, ministers, and ministerial staff—while others carry out strictly non-political work, such as parliamentary officers and department heads. Staff are employed under different Acts and must adhere to different codes of conduct, and therefore have different and often competing frameworks to govern behaviour and systems of accountability and reporting. Operation Watts, Operation Daintree, the Jenkins review and several other cases brought attention to how these employment arrangements can contribute to allowing alleged and perceived misconduct to go unreported, making investigation and sanctions difficult.

Members of Parliament

Members of Parliament must follow standing and sessional orders when they are in the chambers of Parliament House. In Victoria, the Code of Conduct for Members of Parliament (‘the Members’ Code’) is proscribed in the *Members of Parliament (Standards) Act 1978*.³⁰ Under that Act, alleged breaches of the Members’ Code can be referred to the relevant presiding officer, who can in turn refer the alleged breach to the relevant privileges committee, or to the appropriate law enforcement agency if they believe the breach may constitute a criminal offence.³¹ Wilful contravention is considered contempt of parliament and can be sanctioned by motion in a House of Parliament.³² These sanctions can include suspension from parliament and the Member’s seat being declared vacant.³³ A Member can only be expelled from parliament by a motion of special majority, under section 19 of the Constitution.³⁴ In addition, Members must meet their duties as a person who has the management or control of a workplace (i.e. the Member’s electorate office) under the *Occupational Health and Safety Act 2004*.³⁵

Members can also be bound by their party’s code of conduct, breaches of which may result in sanctions including expulsion from the party. The Victorian Labor Party, the Liberal Party (nationally), and the Victorian Greens all have codes of conduct that apply to all party

²⁵ Joint Select Committee on Parliamentary Standards (2022) *Joint Select Committee on Parliamentary Standards: Final report*, November, Canberra, The Committee.

²⁶ Australian Government Parliamentary Leadership Taskforce (2024) op. cit.

²⁷ Victorian Ombudsman (2018) *Investigation of a matter referred from the Legislative Council on 25 November 2015*, March, Melbourne.

²⁸ K. Barlow (2024) ‘Exclusive: Parliament House still unsafe in post-Jenkins world’, *Saturday Paper*, 25 May.

²⁹ Parliament of Victoria (date unknown) ‘Parliamentary Precincts Code of Conduct’, Parliament of Victoria website.

³⁰ *Members of Parliament (Standards) Act 1978*.

³¹ *ibid.*, s 30.

³² *ibid.*, s 31.

³³ *ibid.*

³⁴ Section 19 of the Constitution outlines how Victoria has inherited a bundle of rights and immunities from the UK House of Commons in 1855. Through these measures, the House can expel a member. Further, Section 31(2)(e) of the Members of Parliament (Standards) Act 1978 allows for a seat to be declared vacant; See D. Natzler KCB & M. Hutton (eds) (2019) *Erskine May’s Treatise on The Law, Privileges, Proceedings and Usage of Parliament* [online], 25th edition, UK Parliament, par 11.33; *Constitution Act 1975*, s 19; *Members of Parliament (Standards) Act 1978*, s 31(2)(e).

³⁵ *Occupational Health and Safety Act 2004*, s26.

members, including Members of Parliament,³⁶ while the other elected parties do not have publicly available codes.³⁷

Risks of misconduct

Because a Member is elected by their constituency, even in the case of serious alleged breaches of the Members' Code, it is difficult to remove a Member from their position as an elected representative. Unlike other workplaces where a breach of an applicable code of conduct would be grounds for disciplinary action, including possible dismissal, a Member can only be removed from Parliament by a motion of a special majority, under section 19 of the Constitution.³⁸ This has been identified as posing an issue for workplace safety in other parliaments: one participant in the Jenkins review said 'there are no ramifications for bad behaviour because there is no risk of MPs getting fired, or otherwise being held accountable for their actions'.³⁹

In 2021, it was reported an internal legal review at the Victorian Parliament had found that because Members are not employees, they are effectively exempt from laws prohibiting inappropriate behaviour including bullying, harassment and victimisation in the workplace.⁴⁰ Members are only held to standing and sessional orders enforced in the chambers of Parliament, and this only applies to their behaviour whilst in the chambers.⁴¹ Then Speaker of the Legislative Assembly Colin Brooks said he was 'surprised to learn MPs were exempt from many workplace rules that cover other staff working at Parliament House'.⁴² It was reported the legal review was followed by consultation and proposals to amend laws governing Member behaviour in the parliamentary workplace and investigate a potential model under which complaints could be investigated.⁴³

Electorate officers and Parliamentary officers

Parliamentary officers

Parliamentary officers (POs) are employed under the Parliamentary Administration Act.⁴⁴ Parliamentary officers can be employed by the Clerk of the Legislative Assembly, the Clerk of the Legislative Council, or the Secretary of the Department of Parliamentary Services (DPS) to support the functioning of the Parliament, including the presiding officers and the Members of each House.⁴⁵ Parliamentary officers' employment is set out in an enterprise agreement and is underpinned by the parliamentary officer values set out in section 5 of the Parliamentary Administration Act.⁴⁶ The values outlined in the Act underpin the Parliamentary Officer Code of Conduct.

Electorate officers

Electorate officers (EOs) are employed under the Parliamentary Administration Act jointly by the presiding officers of each House of Parliament.⁴⁷ However, in practice this responsibility

³⁶ Victorian Labor Party (2023) *Safety & Respect: Australian Labor Party Code of Conduct*, Victorian Labor; Liberal Party of Australia (2019) *National Code of Conduct*, Liberal Australia; Australian Greens (2022) *Australian Greens Victoria By-laws*, Australian Greens, issued 18 August.

³⁷ The National Party NSW has a *Code of Conduct and Ethics* available on their website.

³⁸ Section 19 of the Constitution outlines how Victoria has inherited a bundle of rights and immunities from the UK House of Commons in 1855. Through these measures, the House can expel a member. Further, section 31 of the Members of Parliament (Standards) Act allows for a seat to be declared vacant. See D. Natzler KCB & M. Hutton (eds) (2019) *Erskine May's Treatise on The Law, Privileges, Proceedings and Usage of Parliament* [online], 25th edition, UK Parliament, par 11.33; *Constitution Act 1975*, s 19; *Members of Parliament (Standards) Act 1978*, s 31(2)(e).

³⁹ Australian Human Rights Commission (2021) *Set the Standard: Report on the Independent Review into Commonwealth Parliamentary Workplaces – Summary Report*, April, Canberra, AHRC, p. 18.

⁴⁰ A. Smethurst (2021) "Australian first' umpire could expel Victorian MPs for bullying staffers', *The Age*, 18 February.

⁴¹ *ibid.*

⁴² *ibid.*

⁴³ *ibid.*

⁴⁴ *Parliamentary Administration Act 2005*.

⁴⁵ *ibid.*

⁴⁶ *ibid.*

⁴⁷ *ibid.*

is delegated to the Secretary of DPS.⁴⁸ EOs support the functioning of Members' electorate offices, and these responsibilities are set out under an enterprise agreement and governed by the Parliamentary Administration Act and a Code of Conduct for Electorate Officers (the EO Code).⁴⁹ The EO Code also states that 'electorate officers are directly accountable and responsible to the Member of Parliament in whose electorate they are employed'.⁵⁰

One unique factor of EO employment is that it falls within the exception to the prohibition of discrimination on the basis of political belief or activity that is outlined in the *Equal Opportunity Act 2010*.⁵¹ This effectively allows Members to nominate a candidate for employment who is politically affiliated with the Member.

The EO Code was developed to be largely consistent with the Parliamentary Officer values outlined in the Parliamentary Administration Act.⁵² Issued in November 2022, the EO Code states that although they are not specifically 'covered' by the values set out in the Parliamentary Administration Act, 'the values outlined in the Act equally apply to the work performed by Parliamentary electorate officers'.⁵³

Risks of misconduct

The 'complex employment arrangements covering the many types of staff that interact in the parliamentary environment, as well as significant power imbalances between staff, and between parliamentarians and staff' often renders misconduct difficult to detect, report, and sanction.⁵⁴ Staff in Parliament House work under different legislation, industrial instruments, codes of conduct, and reporting structures, with some in positions of power not subject to requirements for independent review of alleged breaches of codes of conduct.

In the wake of the 'red shirts' investigation, Operation Watts, and Operation Daintree, attention was drawn to the employment arrangements for EOs in particular. EOs work directly for the Member who nominated them for employment, but are ultimately employed jointly by the presiding officers, who have delegated this power to the DPS Secretary.⁵⁵ The Operation Watts report found that arrangements for employing EOs were 'confusing and poorly understood', which it determined contributed to restrictions designed to prevent misuse or misconduct being breached.⁵⁶ Such an arrangement was identified as causing a lack of clarity on the body responsible for enforcing the EO Code of Conduct and proper avenues for reporting potential breaches. The report found that 'although DPS document the duties of electorate officers in a position description, it is rarely involved in the processes for the employment of electorate office staff'.⁵⁷ This has been found to contribute to a culture in which EOs perceived their employer as the Member, and were therefore disconnected from DPS, the presiding officers, and the parliamentary workplace.⁵⁸ Since the Operation Watts report, DPS has implemented several changes to address these findings, particularly in relation to the recruitment, management and training of EOs.⁵⁹

Operation Watts found numerous breaches of the Members' Code had been made. However, the report found that the processes and systems in place for EOs and ministerial staff for making complaints about Members and ministers were often unclear to staff and therefore inadequate, and resulted in cases of misconduct going unreported or not investigated.⁶⁰

⁴⁸ *ibid.*, s 32(3).

⁴⁹ Parliament of Victoria (2022) *Code of Conduct for Parliamentary Electorate Officers (no. 7)*, Parliament of Victoria, p. 6.

⁵⁰ *ibid.*

⁵¹ *Equal Opportunity Act 2010*, s 27.

⁵² Parliament of Victoria (2022) *Code of Conduct for Parliamentary Electorate Officers (no. 7)*, Parliament of Victoria, p. 6; *Parliamentary Administration Act 2005*.

⁵³ Parliament of Victoria (2022) *Code of Conduct for Parliamentary Electorate Officers (no. 7)*, Parliament of Victoria, p. 6.

⁵⁴ D. McKewon & M. Sloane (2022) 'Parliamentary codes of conduct: a review of recent developments', *Research Paper*, Parliamentary Library, Canberra, Parliament of Australia.

⁵⁵ Independent Broad-based Anti-corruption Commission & Victorian Ombudsman (2022) *op. cit.*, p. 27.

⁵⁶ *ibid.*, p. 193.

⁵⁷ *ibid.*, p. 38.

⁵⁸ Independent Broad-based Anti-corruption Commission & Victorian Ombudsman (2022) *op. cit.*

⁵⁹ Independent Broad-based Anti-corruption Commission & Victorian Ombudsman (2023) *Operation Watts: progress report*, September, Melbourne, IBAC & VO.

⁶⁰ Independent Broad-based Anti-corruption Commission & Victorian Ombudsman (2022) *op. cit.*

These findings were echoed at the federal level by both the *Set the Standard* report⁶¹ and the 2022 *Review of the Members of Parliament (Staff) Act 1984 (Cth)*, which found that ‘confusion about who the “employer” actually was’ led to confusion over accountability for inappropriate behaviour.⁶²

Furthermore, the Operation Watts report found a lack of clarity over where a person should report perceived misconduct by Members or ministers. The report also found that reporting ministers to the Premier’s office was difficult, likely to negatively impact the career of the referrer, or unlikely to have any effect, because of political and professional alignments between a Member or minister and their direct reports.⁶³ In particular, the report found that the Secretary of DPS, despite being the delegated employer of EOs, was not able to sufficiently investigate or sanction reported improper conduct.⁶⁴

The 2020 *Respect@Work* report from the Australian Sex Discrimination Commissioner Kate Jenkins specifically identified effective reporting systems as essential to fight workplace misconduct such as sexual harassment.⁶⁵ This finding preceded that of the *Set the Standard* report in 2021, in which Commissioner Jenkins found that reporting and investigation systems in parliaments were not sufficient to investigate and address misconduct and in fact often ‘encourage, tolerate and enable misconduct’.⁶⁶ The 2021 *Set the Standard* report also quoted several federal parliamentary workers as being unclear on employment arrangements, particularly relating to who is accountable for dealing with misconduct.⁶⁷

Ministers and parliamentary secretaries

The Ministerial Code of Conduct (‘the Ministerial Code’) applies to all Victorian ministers and parliamentary secretaries.⁶⁸ The Code establishes expectations for ministers and parliamentary secretaries, and alleged breaches of the code are to be reported to the Premier or their delegate. If the Premier regards a minister or parliamentary secretary’s behaviour as a breach of the Ministerial Code, they can require them to stand down from their position, or to resign if ‘the Premier is satisfied that they have breached or failed to comply with this Code in a substantive and material manner’.⁶⁹

Ministerial staff

Ministerial staff are employed by the Premier under section 98 the Public Administration Act and are required to assist a minister administer their portfolio, including advice and policy. Staff employed by a minister or a parliamentary secretary are covered by the Ministerial Staff Code of Conduct.⁷⁰ Alleged breaches of this code can be raised with the relevant chief of staff or the Premier’s chief of staff or their delegate.⁷¹ The Ministerial Staff Code of Conduct states that ‘a breach of the Code may result in disciplinary action which may include termination of employment’.⁷²

⁶¹ Australian Human Rights Commission (2021) *Set the Standard: Report on the Independent Review into Commonwealth Parliamentary Workplaces – Summary Report*, AHRC.

⁶² Department of The Prime Minister and Cabinet (2022) *Review of the Members of Parliament (Staff) Act 1984 (Cth)*, Australian Government, p. 7.

⁶³ Independent Broad-based Anti-corruption Commission & Victorian Ombudsman (2022) op cit., p. 161.

⁶⁴ *ibid.*

⁶⁵ Australian Human Rights Commission (2020) *Respect@Work: Sexual Harassment National Inquiry Report*, AHRC, 5 March.

⁶⁶ Australian Human Rights Commission (2021) *Sex Discrimination Commissioner Kate Jenkins launches Set the Standard*, AHRC website, 30 November.

⁶⁷ Australian Human Rights Commission (2021) *Set the Standard: Report on the Independent Review into Commonwealth Parliamentary Workplaces – Summary Report*, April, Canberra, AHRC, p. 20.

⁶⁸ Department of Premier and Cabinet (2023) ‘Ministerial Code of Conduct’, DPC, Melbourne.

⁶⁹ *ibid.*

⁷⁰ Office of the Premier, (2022) *Ministerial Staff Code of Conduct*, Office of the Premier, Melbourne.

⁷¹ *ibid.*

⁷² *ibid.*, p. 9.

Risks of misconduct

Ministerial staff and advisers often develop close working relationships with their minister, which has been identified as a corruption risk.⁷³ Those relationships also often make it difficult or uncomfortable for ministerial staff to report perceived misconduct of their superiors. This is exacerbated by the fact that allegations of misconduct are expected to be processed through the minister, their staff, or the Premier's office, rather than an independent and apolitical body. The Operation Watts report found that despite being formally employed by the Premier, ministerial staff felt they couldn't report alleged misconduct to the Premier's office:

because that office had little direct power over the running of a ministerial office, they were not confident that their claims would be dealt with on the merits, and they feared repercussions against them if they were to complain.⁷⁴

Government consultation

The first Parliamentary Integrity Adviser (PIA) was established in 2019 by resolutions agreed to in both Houses⁷⁵ and appointed by recommendation of the joint privileges committees,⁷⁶ having been promised by the government in 2017.⁷⁷ The PIA is jointly appointed each parliament by both privileges committees in consultation with the presiding officers, and remains in the position until four months after the following general election.⁷⁸ The current PIA is Professor Charles Sampford, who was appointed 21 June 2023.⁷⁹ The Bill will establish the PIA as a special body under the Public Administration Act (see 'The Bill').

As early as 2020, consultation was taking place across the Parliament of Victoria on how to improve the culture of workplace safety. In 2020 it was reported the presiding officers had engaged law firm Lander & Rogers to review the laws and policies regulating workplace behaviour of parliamentarians,⁸⁰ and found that standing orders that govern Member behaviour only apply to their behaviour in the chambers during sittings.⁸¹ The presiding officers published an internal discussion paper that was shared with all Members for consultation, proposing the formation of a 'workplace standards commissioner' with several 'workplace conduct officers'.⁸²

Changes announced

In July 2022, almost immediately after the Operation Watts report was released, the government announced it would establish a 'Parliamentary Integrity Commissioner' and work to establish a Parliamentary Ethics Committee, as recommended by the report (Recommendations 1 and 2), and that these would be legislated by June 2024.⁸³ Several months later, the government announced it had allocated \$8.52 million for implementation of the Operation Watts recommendations, and that drafting for legislation to implement

⁷³ Y.-F. Ng (2017) 'Between Law and Convention: Ministerial Advisers in the Australian System of Responsible Government', Senate Occasional Lecture Series at Parliament House, Canberra, 21 July; W. Partlett (2023) 'The rise of unaccountable ministerial advisers; why Victoria's IBAC report should concern all Australians', *The Conversation*, 20 April.

⁷⁴ Independent Broad-based Anti-corruption Commission & Victorian Ombudsman (2022) op cit., p. 161.

⁷⁵ Victoria, Legislative Assembly (2019) 'Parliamentary Integrity Adviser', *Votes and Proceedings*, no. 17, 1 May, p. 111; Victoria, Legislative Council (2019) 'Parliamentary Integrity Adviser', *Minutes of the Proceedings*, no. 13, 30 April, p. 112.

⁷⁶ Legislative Council Privileges Committee and Legislative Assembly Privileges Committee (2019) *Report on the appointment of a Parliamentary Integrity Adviser*, August, Melbourne, The Committee.

⁷⁷ D. Andrews, Premier (2017) *Major overhaul of Parliamentary allowances*, media release, 24 April.

⁷⁸ Legislative Council Privileges Committee and Legislative Assembly Privileges Committee (2023) *Appointment of a Parliamentary Integrity Adviser for the 60th Parliament*, final report, June, Melbourne, The Committee.

⁷⁹ *ibid.*

⁸⁰ M. Gepp (2022) 'Motions: Parliament of Victoria Workplace Safety', *Debates*, Victoria, Legislative Council, 8 June, p. 1987.

⁸¹ A. Smethurst (2021) op. cit.

⁸² N. Towell (2020) 'Inappropriate behaviour': politicians heaving badly put on notice', *The Age*, 11 December.

⁸³ D. Andrews, Premier (2022) *Sweeping integrity reforms for Victoria*, media release, 20 July.

Recommendations 1 and 2 had commenced.⁸⁴ In October 2023, the Premier announced the government was continuing to consult and that drafting on a Bill had begun.⁸⁵

The announcement followed a progress report from IBAC and the Victorian Ombudsman on the implementation of the recommendations from Operation Watts in September 2023, along with a media release in which the two agencies ‘impress[ed] upon the government the importance of implementing the recommendations in full and without delay’, given the ‘gravity and volume of misconduct that was catalogued in the Watts report’.⁸⁶

Second reading speech

The Premier, Jacinta Allan, introduced the Parliamentary Workplace Standards and Integrity Bill 2024 to the Legislative Assembly on 28 May 2024.⁸⁷ The second reading speech was given on 29 May 2024.⁸⁸

The Premier called the Bill ‘landmark legislation’ saying it will ‘promote the highest standards of accountability, integrity and behaviour’ and to ‘strengthen public confidence in ... elected representatives’.⁸⁹ She underscored that this is the first legislation of its kind introduced in Australia and will bring behavioural standards in line with other workplaces.⁹⁰

After outlining the goals and purpose of the new Parliamentary Workplace Standards and Integrity Commission, Parliamentary Ethics Committee and Parliamentary Integrity Adviser, the Premier also flagged that this Bill is one part of a suite of reforms, including updating the Ministerial Code.⁹¹ She concluded that these changes will ‘contribute to creating a more positive parliamentary workplace, aligned with community expectations and contemporary standards’.⁹²

The Bill

The purposes of the Bill are to establish the following bodies:

- Parliamentary Workplace Standards and Integrity Commission
- Parliamentary Integrity Adviser (PIA)
- Parliamentary Ethics Committee

While a PIA was appointed in 2019,⁹³ the Bill will establish it in legislation.⁹⁴

This section provides an overview of some of the key aspects of the Bill and the bodies it establishes. It is not intended to be exhaustive or comprehensive, legal advice, or legislative interpretation. For more detailed information, see the explanatory memorandum to the Bill.⁹⁵

⁸⁴ D. Andrews, Premier (2022) *Action and funding to deliver integrity reforms*, media release, 12 October.

⁸⁵ J. Allan, Premier (2023) *Parliamentary Integrity Commission consultation begins*, media release, 17 October.

⁸⁶ Independent Broad-based Anti-corruption Commission (2023) *IBAC and Victorian Ombudsman warn prompt reform needed one year on from Watts Report*, media release, 14 September.

⁸⁷ J. Allan, Premier (2024) ‘Introduction and First Reading: Parliamentary Workplace Standards and Integrity Bill 2024’, *Debates*, Victoria, Legislative Assembly, p. 1811.

⁸⁸ J. Allan, Premier (2024) ‘Second Reading: Parliamentary Workplace Standards and Integrity Bill 2024’, *Debates*, Victoria, Legislative Assembly, 29 May, p. 1942.

⁸⁹ *ibid.*

⁹⁰ *ibid.*

⁹¹ *ibid.*, p. 1948.

⁹² *ibid.*

⁹³ Legislative Council Privileges Committee and Legislative Assembly Privileges Committee (2019) *Report on the appointment of a Parliamentary Integrity Adviser*, August, Melbourne, The Committee.

⁹⁴ *Parliamentary Workplace Standards and Integrity Bill 2024*, cl 85.

⁹⁵ *Explanatory Memorandum*, Parliamentary Workplace Standards and Integrity Bill 2024.

Definitions

The following key definitions are included in clause 3 of the Bill.⁹⁶

Inappropriate parliamentary workplace behaviour	<p>any of the following behaviour in a parliamentary workplace—</p> <ul style="list-style-type: none"> (a) bullying; (b) sexual harassment or any other form of harassment; (c) discrimination; (d) victimisation; (e) occupational violence or aggression
Parliamentary misconduct	<ul style="list-style-type: none"> (a) in relation to a Member, means conduct engaged in by the Member as a Member that constitutes— <ul style="list-style-type: none"> (i) a contravention of the Members’ Code of Conduct; or (ii) a wilful, repeated or deliberate contravention of Part 4 of the Members of Parliament (Standards) Act 1978; or (iii) wilful, repeated or deliberate misuse of work-related parliamentary allowances; or (iv) wilful, repeated or deliberate misuse of the Electorate Office and Communications Budget provided to the Member under section 7F of the <i>Parliamentary Salaries, Allowances and Superannuation Act 1968</i>; or (v) inappropriate parliamentary workplace behaviour; or (b) in relation to a former Member, means— <ul style="list-style-type: none"> (i) conduct referred to in paragraph (a) that was engaged in by the former Member when they were a Member; or (ii) conduct engaged in by the former Member that constitutes a contravention of a provision of the Members Code of Conduct applicable to the former Member as a former Member; or (c) in relation to a minister or parliamentary secretary, means conduct engaged in by the Minister or parliamentary secretary as a minister or parliamentary secretary that constitutes inappropriate parliamentary workplace behaviour; or (d) in relation to a former minister or parliamentary secretary, means— <ul style="list-style-type: none"> (i) conduct referred to in paragraph (c) that was engaged in by the former minister or parliamentary secretary when they were a minister or parliamentary secretary; or (ii) conduct engaged in by the former minister or parliamentary secretary that constitutes a contravention of a provision of the Members’ Code of Conduct applicable to the former minister or

⁹⁶ Parliamentary Workplace Standards and Integrity Bill 2024, cl 3.

parliamentary secretary as a former minister or
parliamentary secretary

Parliamentary workplace	<p>(a) the parliamentary precincts; or</p> <p>(b) premises the use of which is paid for with a work-related parliamentary allowance referred to in section 6(2)(b) or (c) of the Parliamentary Salaries, Allowances and Superannuation Act; or</p> <p>(c) premises the use of which is provided or paid for by the State to enable a Member to undertake travel in performing duties as a minister or parliamentary secretary; or</p> <p>(d) any other place where a Member, minister or parliamentary secretary performs duties as a Member, minister or parliamentary secretary—</p> <p>but does not include a voting centre within the meaning of the <i>Electoral Act 2002</i></p>
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Serious parliamentary misconduct	<p>means parliamentary misconduct that—</p> <p>(a) is intentional, wilful or deliberate; or</p> <p>(b) occurs frequently or forms part of a pattern of behaviour; or</p> <p>(c) would provide reasonable grounds for vacating a Member's seat.</p>
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Parliamentary Workplace Standards and Integrity Commission

Part 3 of the Bill will establish the Parliamentary Workplace Standards and Integrity Commission ('the Commission'). This independent entity will 'contribute to the Bill's objectives to promote and uphold parliamentary standards and integrity'.⁹⁷ Seven guiding principles will support the Commission:

- integrity
- independence
- effectiveness
- accountability
- fairness
- transparency
- respect and safety⁹⁸

The functions of the Commission are set out in clause 45. Some of its key functions include:

- receiving and dealing with referrals about parliamentary misconduct;
- referring public interest disclosures to IBAC and investigating public interest complaints referred to it from IBAC;
- making findings and recommending sanctions in regards to parliamentary misconduct;
- assisting the Parliamentary Ethics Committee in preparing information on integrity and ethical issues and reviewing the Members Statement of Values and Members Code of Conduct; and
- conducting education and training.⁹⁹

⁹⁷ [Explanatory Memorandum](#), Parliamentary Workplace Standards and Integrity Bill 2024, p. 40.

⁹⁸ [Parliamentary Workplace Standards and Integrity Bill 2024](#), cl 44.

⁹⁹ *ibid.*, cl 45.

The Commission will consist of a commissioner appointed as chair and up to two additional commissioners if required.¹⁰⁰ The independence of the Commission is key for it to function so that it is not ‘subject to the direction or control of the Minister in respect of the performance of the commissioner’s functions’.¹⁰¹ The Minister must not make a recommendation on the appointment of the commissioners unless they have informed the Integrity and Oversight Committee.¹⁰²

A person may be appointed commissioner if the Minister considers that person to be ‘of good character and high standing in the community’.¹⁰³ A person being considered must also have knowledge in a specified area such as government, community affairs, the dynamics of sexual assault and other gender-based violence or be eligible for appointment as a Supreme Court Judge.¹⁰⁴ A person is not eligible to be a commissioner if in the last five years they have been a Member of or candidate for an Australian parliament or local council or a member of a registered political party or register of lobbyists.¹⁰⁵ A commissioner will be able to hold office for a period not exceeding five years and is eligible for reappointment once.¹⁰⁶ If there are grounds of misconduct, neglect of duty or inability to perform their duties the Governor in Council may suspend a commissioner.¹⁰⁷

Process for making a referral

Any person or body—including the Clerk of the Parliaments, presiding officers, law enforcement agencies or integrity bodies—may make a referral to the Commission that a current or former Member, minister or parliamentary secretary has engaged in parliamentary misconduct.¹⁰⁸ The referrals, which may be made anonymously, must be made within 12 months of the referrer becoming aware of the alleged misconduct, unless they provide an explanation for the delay.¹⁰⁹ Current or former parliamentarians can also self-refer to the Commission.¹¹⁰

The Commission may ask a referrer for more information before they commence an investigation or may redirect a referral to a more appropriate investigatory body.¹¹¹ Clause 11(1) of the Bill outlines when a referral must be dismissed or redirected. These include:

- conduct which occurred before the commencement of the Act;
- matters unrelated to the Commission;
- internal funding or decisions of a political party; or
- conduct that is subject to parliamentary privilege.

Clause 11(6) also lists circumstances where a referral *may* be dismissed, including where the Commission considers a referral to be:

- lacking substance or credibility;
- trivial, frivolous or vexatious; or
- related to a matter that has already been dealt with by another body, such as an integrity body, law enforcement, the presiding officers or a privileges committee.¹¹²

The Commission must give notice to the person who is the subject of a referral, unless under specified circumstances, such as if it is unsafe for a person, is not in the public interest or

¹⁰⁰ *ibid.*, cl 47, 50, 51.

¹⁰¹ *ibid.*, cl 48(1,7).

¹⁰² *ibid.*, cl 52.

¹⁰³ *ibid.*, cl 49(1).

¹⁰⁴ *ibid.*, cl 49(1,2).

¹⁰⁵ *ibid.*, cl 49(3).

¹⁰⁶ *ibid.*, cl 53.

¹⁰⁷ *ibid.*, cl 57.

¹⁰⁸ *ibid.*, cl 8.

¹⁰⁹ *ibid.*, cl 8.

¹¹⁰ *ibid.*, cl 8(1).

¹¹¹ *ibid.*, cl 10, 11 & 14.

¹¹² *ibid.*, cl 11, 14.

may breach confidentiality or secrecy provisions, or is likely to prejudice the safety of a person.¹¹³

Dealing with referrals

If the Commission accepts a referral, it can be dealt with either by an appropriate dispute resolution process or an investigation. While the Bill encourages appropriate dispute resolution processes, the Commission will also be able to investigate a referral if they or the affected person desires after a dispute resolution process has been attempted.¹¹⁴ The Commission will be required to deal with referrals expeditiously and as informally as possible.¹¹⁵ As outlined in the explanatory memorandum:

This is intended to reduce complexity for affected persons and persons subject to a referral, avoid adversarial outcomes and encourage informal resolutions of referrals where appropriate.¹¹⁶

If the Commission launches an investigation, it is not bound by the rules of evidence but is bound by the rules of procedural fairness.¹¹⁷

The Commission must also prepare a report on the outcome of a dispute resolution process (outcome report) or an investigation (investigative report).¹¹⁸ In the case of an investigation, the investigative report must include:

- any findings made by the Commission;
- any sanctions imposed or recommended by the Commission;
- details of any failures by the person who is the subject of the referral to comply with any requests from the Commission, including sanctions; and
- whether the Commission regards the transmission of the report to either House would be contrary to public interest, including any request for confidentiality or the preference of the referrer, and if the report does not include any findings of parliamentary misconduct.¹¹⁹

If the investigative report includes an adverse finding, the referred person must be provided the opportunity to respond to the report, and the Commission must consider their response in their report.¹²⁰ If the Commission recommends that the report not be transmitted to either House, it must provide a summary of the report that can be transmitted.¹²¹

The Commission can decide it is not in the public interest to prepare a report on the outcome of a dispute resolution process,¹²² but they cannot make this determination for reports on investigations.

An investigative report must not include:

- information that may identify a referrer or an affected person without their consent; or
- a finding or recommendation that a person is guilty or has committed an offence.¹²³

Table 2 outlines where the investigative report must be delivered for each subject of the referral.

¹¹³ *ibid.*, cl 12.

¹¹⁴ *ibid.*, cl 21(1,2).

¹¹⁵ *ibid.*, cl 15.

¹¹⁶ [Explanatory Memorandum](#), Parliamentary Workplace Standards and Integrity Bill 2024, p. 10

¹¹⁷ [Parliamentary Workplace Standards and Integrity Bill 2024](#), cl 21 (4).

¹¹⁸ *ibid.*, cl 20.

¹¹⁹ *ibid.*, cl 28(2,3,4).

¹²⁰ *ibid.*, cl 28(6).

¹²¹ *ibid.*, cl 28(9).

¹²² *ibid.*, cl 20(1).

¹²³ *ibid.*, cl 28(4).

Table 2 Where an investigative report must be delivered by subject of the referral¹²⁴

Subject of referral	Investigative report to be delivered to
Premier	Privileges committee of the Legislative Assembly
Minister (other than the Premier) or parliamentary secretary	Premier
Any other cases	Privileges committee of the House to which the subject is or was a Member

If the Commission provides an investigative report to a Privileges Committee and the person who is the subject of the referral is a Minister (other than the Premier) or parliamentary secretary, the Commission must also provide a copy of the report to the Premier.¹²⁵

In the case of a dispute resolution process, the person or committee who receives the outcome report must transmit the report to the House of the subject of the referral as soon as possible.¹²⁶ This report must not include identifying information about anyone other than the subject of the referral without their consent.¹²⁷

If the privileges committee receives an investigation report which does not include a finding of serious parliamentary misconduct, the committee must transmit the summary report or the report to the House.¹²⁸ If such a finding is made, the committee must prepare an investigation report to be transmitted to its House, which includes the recommendations of the committee in regards to sanctions. If the recommended sanctions are different to the Commission's, the report must contain an explanation.¹²⁹ If a report is sent to the Premier, their report to the House must also include a statement of actions the Premier has made and an explanation for any differences between the Commission's recommendations and the actions taken.¹³⁰

Sanctions

Clause 29 outlines what sanctions the Commission can recommend. The Commission can determine:

- a finding of serious parliamentary misconduct; and
- failure to comply with an investigation without a reasonable excuse.¹³¹

¹²⁴ *ibid.*, cl 28(7).

¹²⁵ *ibid.*, cl 28(8).

¹²⁶ *ibid.*, cl 20(4,5).

¹²⁷ *ibid.*, cl 20(3).

¹²⁸ *ibid.*, 31(1).

¹²⁹ *ibid.*, cl 31(1).

¹³⁰ *ibid.*, cl 32(2)(c)(ii).

¹³¹ *ibid.*, cl 29(1,3,5).

Serious parliamentary misconduct

In the case of a finding of serious parliamentary misconduct, some of the sanctions the Commission can recommend include:

- the subject of the finding gives a written apology or explanation to an affected person;
- the subject of the finding participates in a facilitated meeting with an affected person;
- withdrawal of services, removal of access to certain facilities or other restrictions on the subject of the finding;
- withdrawal of a commission or appointment as Minister or parliamentary secretary (if appropriate); or
- discharge from a Committee.

The Commission can also make a determination for the removal of the Member's separation payment under section 7E of the Parliamentary Salaries, Allowances and Superannuation Act. This reflects the community's expectation that a Member should not obtain a separation payment if they have misused their office during the time as a Member for serious parliamentary misconduct.¹³²

For contraventions of the Members Code of Conduct or a wilful, repeated or deliberated contravention of Part 4 of the Members of Parliament (Standards) Act, the Commission can recommend a penalty in accordance with section 31 of that Act.¹³³ These penalties include:

- a specified fine to the presiding officer to pay into the Consolidated Fund;
- suspension from the House; and
- the House declaring a Member's seat vacant.¹³⁴

These sanctions can only be recommended by the Commission, and 'it will be for the Parliament to consider and determine whether such sanctions should be imposed'.¹³⁵

Parliamentary misconduct

If a finding of parliamentary misconduct is made (i.e. not serious parliamentary misconduct), the Commission may impose sanctions requiring the subject to:

- give a public or written apology;
- participate in an education or training program;
- participate in mediation; or
- enter into a behaviour agreement with the presiding officer.¹³⁶

These sanctions differ depending on the position of the subject of the findings.

Public interest complaints

The Commission is also required to conduct investigations into public interest complaints referred to it by IBAC. IBAC, the Victorian Inspectorate (VI), or the Integrity and Oversight Committee (IOC) can receive public interest disclosures, which are disclosures that a person, public officer or public body has engaged in, is engaging or plans to engage in improper conduct.¹³⁷ IBAC, the VI, and the IOC can determine these disclosures are public interest complaints,¹³⁸ and IBAC can then refer them to the Commission.

The Commission will only deal with public interest complaints if they relate to Members, ministers or parliamentary secretaries and if the subject matter relates to parliamentary

¹³² [Parliamentary Workplace Standards and Integrity Bill 2024](#), cl 143.

¹³³ [Member of Parliament \(Standards\) Act 1978](#), s 31.

¹³⁴ *ibid.*, cl 29(2,4,6)

¹³⁵ [Explanatory Memorandum](#), Parliamentary Workplace Standards and Integrity Bill 2024, p. 18.

¹³⁶ *ibid.*, cl 30.

¹³⁷ [Public Interest Disclosures Act 2012](#).

¹³⁸ *ibid.*, s 26, 31, 31B.

misconduct (as outlined in subclauses 33(3) and 33(4)).¹³⁹ The Bill does not allow for the Commission to investigate things outside of the scope of its functions—for example it cannot investigate a minister outside of inappropriate parliamentary workplace behaviour.

If the Commission finds it necessary, it can treat a public interest complaint as a referral instead, and therefore deal with the referral under clause 8 (see above).¹⁴⁰ This may occur if the Commission decides the conduct does not reach the threshold for a public interest complaint but may still meet the threshold for parliamentary misconduct.¹⁴¹

Confidentiality

The Bill creates an offence of 120 penalty units (\$2,371)¹⁴² or 12 month's imprisonment or both for the offence of disclosing information learned during an investigation or dispute resolution process without proper approvals.¹⁴³ Proper approvals for the Commission, commissioners or commission officers to disclose such information include when they are performing the functions of the Act, they know a disclosure was unlawful, or they deem disclosure necessary to prevent harm. A commissioner may not take advantage of their role or function.

A person is also protected from criminal, civil, administrative, or disciplinary proceedings if they provide the commission with information in good faith. This includes protections from breaches of obligations of confidence.

The commissioner is required to issue a confidentiality notice to a person if the Commission believes that the disclosure of information could prejudice an investigation by another integrity body or the Commission's investigation.¹⁴⁴ It will be an offence for a person subject to a confidentiality notice to disclose the information covered by the notice unless under specified circumstances.

Parliamentary Integrity Adviser

Clause 86 establishes the role of the Parliamentary Integrity Adviser (PIA) in legislation.¹⁴⁵ The PIA will confidentially provide either oral or written advice to Members, ministers and parliamentary secretaries on their obligations in relation to ethics and integrity matters as well as offers of post-separation employment.

The PIA will also conduct education and training about integrity and ethical issues relating to their role and assist the Parliamentary Ethics Committee in providing information and training sessions to Members.¹⁴⁶ At the beginning of every parliament, the PIA must provide training for Members, ministers and parliamentary secretaries. This education must continue throughout the life of a parliament for Members elected at by-elections and further training for new ministers and parliamentary secretaries is required following their appointment.¹⁴⁷

Advice given by the PIA 'must be consistent with all applicable legislation, codes of conduct, rules and guidelines adopted by the Parliament and Government that are available' to the PIA.¹⁴⁸ The PIA must not give legal advice.¹⁴⁹

The Bill specifies that the PIA is independent from the Parliament¹⁵⁰ and must be a person considered of good character and in high standing in the community and holds extensive or specialist experience or knowledge in public sector governance or administration and/or public sector ethics and integrity.¹⁵¹ Like the requirements for a commissioner, the PIA cannot

¹³⁹ [Parliamentary Workplace Standards and Integrity Bill 2024](#), cl 33(3,4).

¹⁴⁰ *ibid.*, cl 34.

¹⁴¹ *ibid.*, cl 34.

¹⁴² Department of Justice and Community Safety (2024) '[Penalties and values](#)', DJCS website.

¹⁴³ [Parliamentary Workplace Standards and Integrity Bill 2024](#), cl 72 (1).

¹⁴⁴ *ibid.*, cl 77.

¹⁴⁵ *ibid.*, cl 86.

¹⁴⁶ *ibid.*, cl 87.

¹⁴⁷ *ibid.*, cl 87(3).

¹⁴⁸ *ibid.*, cl 87(4).

¹⁴⁹ *ibid.*, cl 87(5).

¹⁵⁰ *ibid.*, cl 88.

¹⁵¹ *ibid.*, cl 90.

have been a Member of any parliament, sat on a local council, been a member of a political party or appeared on the register of lobbyists in the last five years.¹⁵² They also cannot be insolvent. The current PIA will automatically become the first PIA once the Act passes.¹⁵³

The PIA must keep a record of any written advice given to a parliamentarian and ensure the confidentiality of their advice.¹⁵⁴

While a parliamentarian may provide the House with advice they received from the PIA,¹⁵⁵ the PIA may, if they believe their advice has been publicly misrepresented, release a statement to correct the misrepresentation.¹⁵⁶ However, the PIA may not include the content of the advice without consent of the person to whom the advice was given.¹⁵⁷ The PIA may give the content of the advice to the privileges committee of the parliamentarian's House.¹⁵⁸

Parliamentary Ethics Committee

The Bill will amend the Parliamentary Committees Act to establish the Parliamentary Ethics Committee (PEC) as a Joint House Committee.¹⁵⁹ The new committee will:

- inquire into, consider and report to the Parliament on anything to do with the effectiveness of the Member's Statement of Values and Members' Code, as well as the ethical obligations of Members;
- review the Members Code at least once every four years in a report to parliament (the first within 12 months of the Bill passing);
- promote the Members Code to Members and the public;
- write guidance material in relation to the ethical obligations of Members;
- deliver training and information sessions on integrity and ethical issues;
- receive reports from the Commission in relation to the ethical obligations of Members;
- monitor and review the performance and functions of the PIA; and
- consider and proposed appointment of a new PIA.

The Committee cannot investigate a matter relating to conduct that is subject to referral to the Commission or advice given by the PIA.

The Committee will have six, eight or ten members, with half from the Legislative Assembly and half from the Legislative Council. No more than half of the members may be members of a political party forming government and the chair must not be from the government.¹⁶⁰

The Integrity and Oversight Committee will also be able to monitor and review performance and functions of the Commission and report to both Houses of Parliament.

¹⁵² *ibid.*, cl 90.

¹⁵³ *ibid.*, cl 115.

¹⁵⁴ *ibid.*, cl 102.

¹⁵⁵ *ibid.*, cl 104.

¹⁵⁶ *ibid.*, cl 103.

¹⁵⁷ *ibid.*

¹⁵⁸ *ibid.*, cl 103(3).

¹⁵⁹ *ibid.*, cl 138.

¹⁶⁰ *ibid.*, cl 140.

Other

The responsible minister will review the operation of the Bill and any amendments as soon as practical after the second anniversary of the Act.¹⁶¹

The Bill also amends the definitions sections of the Members of Parliament (Standards) Act and inserts a new section to cover conduct allegedly engaged in by a Member outside or partially outside of Victoria, including overseas.¹⁶² Further, the Bill adds a new section 6A of the Act to require a Member to ‘foster a healthy, safe, respectful and inclusive environment in the parliamentary workplace that is free from bullying, sexual harassment, assault and discrimination’.¹⁶³ Finally, the Bill amends section 27 of the Act so that the Clerk of the Parliaments will be able to refer a matter to the Commission if the Clerk believes that a Member has ‘materially contravened register of interest reporting requirements’.¹⁶⁴

The Bill amends the *Ombudsman Act 1973* to allow ministers and parliamentary secretaries to receive public interest disclosures.¹⁶⁵ The Bill also amends the *Public Administration Act 2004* so that the Premier cannot order the Victorian Public Sector Commission to conduct an inquiry into the new Commission or the PIA.¹⁶⁶

Bill passes the Legislative Assembly

The Parliamentary Workplace Standards and Integrity Bill 2024 passed the Legislative Assembly on 20 June 2024.¹⁶⁷ The Bill was introduced and read a first and second time in the Legislative Council the same day.¹⁶⁸

Stakeholder responses

There has been little to no response to the introduction of the actual Bill. However, the Bill had a detailed consultation process, and its development has been public since around the release of the Operation Watts report in July 2022. This section therefore includes stakeholder responses to announcements relating to the Bill, and a parliamentary integrity commission more generally, from the previous 12 months.

Party responses

Opposition

In response to the government’s announcement of a Parliamentary Integrity Commission in October 2023, the Liberal Party stated it would work in ‘good faith’ with the government to implement the reforms.¹⁶⁹ However, the party drew attention to the delay between the announcement and the Operation Watts report and expressed concerns about the detail of the Commission and its make-up, powers, and functions.¹⁷⁰

When consultation on a parliamentary integrity commission was announced in October 2023, Shadow Attorney General Michael O’Brien stated he required more information before making a judgement on the proposed Commission, but drew attention to the fact its remit

¹⁶¹ *ibid.*, cl 113.

¹⁶² *ibid.*, cl 127.

¹⁶³ *ibid.*, cl 128.

¹⁶⁴ *ibid.*, cl 130.

¹⁶⁵ *ibid.*, cl 131.

¹⁶⁶ *ibid.*, cl 147.

¹⁶⁷ Victorian Legislation (2024) ‘Parliamentary Workplace Standards and Integrity Bill 2024’, Victorian Legislation website.

¹⁶⁸ *ibid.*

¹⁶⁹ D. Hodgett & M. O’Brien (2023) *New integrity body must not be a Labor protection racket*, media release, 17 October; D. Davis (2023) *Integrity reforms stall under Andrews government*, media release, 14 September.

¹⁷⁰ *ibid.*

would not be retrospective.¹⁷¹ ‘We have to be convinced that actually makes sense and is in the public interest’,¹⁷² he said, later stating ‘Forgive us for being a little cynical’.¹⁷³ O’Brien also flagged that he would have preferred political staffers be able to be referred to the Commission,¹⁷⁴ not only Members, ministers, and parliamentary secretaries.

When the Bill was introduced to Parliament in May 2024, Leader of the Opposition John Pesutto stated he had been ‘working constructively with the government on the bill but was yet to see the final draft’.¹⁷⁵ Pesutto also indicated he should have a say in the selection of the Commission’s make-up,¹⁷⁶ while Manager of Opposition Business James Newbury criticised the inability of the Commission to investigate ministers in relation to their ministerial work, calling it a ‘rigged system that protects rotten ministers’.¹⁷⁷

During the second reading debate in the Legislative Assembly in June, the Opposition did not oppose the Bill. They did however propose amendments that would require a majority in the Integrity and Oversight Committee to appoint a deputy commissioner, and would stipulate a longer exclusion period for a person who has been involved in politics—ten years instead of the proposed five years—in order for them to be considered eligible to be a commissioner.¹⁷⁸ The Bill passed the Legislative Assembly without these amendments. The Leader of the Nationals Peter Walsh commended the government’s open consultation on the Bill and supported the proposed amendments from the Shadow Attorney-General.¹⁷⁹

Crossbench

The Victorian Greens have long called for an independent body to investigate parliamentarians’ misconduct. In 2019 the Greens moved amendments to the government’s Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Bill 2019 that would have established an Independent Parliamentary Standards Commissioner,¹⁸⁰ but they were defeated. The Greens proposed a private member’s bill in 2022, which proposed the establishment of a Parliamentary Integrity Commission and legislating a code of conduct for ministers, but it was defeated in the Legislative Council.¹⁸¹ In March 2023, the Greens and Legalise Cannabis Victoria (LCV) reached an agreement with the government to reform the membership of the Integrity and Oversight Committee to avoid a government majority in the committee membership, a recommendation of Operation Watts.¹⁸²

In their response to the Victorian Ombudsman’s report on the politicisation of the public sector in June 2023,¹⁸³ the Greens called for Victoria’s integrity bodies to be given ‘broader powers to investigate breaches of the codes of conduct governing ministers, Members and public servants’.¹⁸⁴ They similarly called attention to the delay in legislating a parliamentary integrity commission following IBAC and the Ombudsman’s update on the Operation Watts

¹⁷¹ M. Clarke & S. Deery (2023) ‘Proposed new body to target Victorian politicians’, *Herald Sun*, 17 October.

¹⁷² *ibid.*

¹⁷³ A. Smethurst & R. Eddie (2023) ‘Bullying proves against MPs among powers proposed in integrity shake-up’, *The Age*, 17 October.

¹⁷⁴ (2023) ‘Victorian government to establish integrity commission investigating MP misconduct’, *ABC News*, 17 October.

¹⁷⁵ B. Kolovos (2024) ‘Victorian watchdog to investigate allegations of bullying, sexual assault and harassment in parliament’, *Guardian*, 28 May.

¹⁷⁶ M. Clarke & S. Deery (2023) *op. cit.*

¹⁷⁷ R. Eddie (2024) ‘Investigated body to handle MP complaints won’t be set up by deadline’, *The Age*, 28 April.

¹⁷⁸ ‘Opposition circulated amendments’, Parliamentary Workplace Standards and Integrity Bill 2024.

¹⁷⁹ P. Walsh (2024) ‘Second reading debate: Parliamentary Workplace Standards and Integrity Bill 2024’, *Debates* (proof), Victoria, Legislative Assembly, 18 June, pp. 47-48.

¹⁸⁰ Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Bill 2019.

¹⁸¹ Anti-corruption and Higher Parliamentary Standards (Strengthening Integrity) Bill 2022.

¹⁸² T. Read & R. Payne (2023) *Greens and Legalise Cannabis secure key integrity reform recommended by former IBAC commissioner*, media release, 21 March.

¹⁸³ Victorian Ombudsman (2023) *Alleged politicisation of the public sector: Investigation of a matter referred from the Legislative Council on 9 February 2022 – Part 2*, December, Melbourne, Victorian Ombudsman.

¹⁸⁴ Victorian Greens (2023) *IBAC needs more power to investigate public sector and politicians, following Ombudsman report*, media release, 6 December.

recommendations in September 2023.¹⁸⁵ They ‘welcomed’ the October 2023 announcement of the Commission as ‘an important step’ towards better integrity measures, but also criticised the fact it wouldn’t be able to investigate past allegations of misconduct.¹⁸⁶

During the second reading debate of the Bill in the Legislative Assembly in June 2024, the Greens proposed an amendment to address instances in which a Member refuses to comply with a sanction from the Commission for parliamentary misconduct (i.e. not serious parliamentary misconduct).¹⁸⁷ The proposed amendment would allow the Commission to further investigate the refusal to comply and that the refusal would be considered serious parliamentary misconduct. The Bill passed the Legislative Assembly without these amendments. The Greens also flagged they would propose further amendments if the Bill moved to the Legislative Council regarding the make-up of the privileges committees and all other investigative committees at Parliament.¹⁸⁸

Integrity bodies and experts

A parliamentary integrity commissioner and a parliamentary ethics committee were key recommendations of the Centre for Public Integrity’s (CPI) integrity roadmap for Victoria released in November 2022. Following the release of the Bill, CPI Fellow William Partlett stated that while laudable, the Bill did not go far enough ‘in tackling the problem of “parliamentarians behaving badly”’, noting the Bill ‘allows the government to shield its own members from real sanctions for misbehaviour’ and gives the commissioner ‘no real powers’ to investigate.¹⁸⁹ Partlett and others¹⁹⁰ also drew attention to the lack of changes to the make-up of the two privileges committees, meaning that the government majorities could potentially block investigations into particular referrals.¹⁹¹

In its report on Operation Daintree in April 2023, IBAC acknowledged the proposed Parliamentary Integrity Commission (flagged in 2022 in response to the Operation Watts report) but recommended it be expanded to include ministerial advisers as people who could be referred and investigated for alleged breaches of the Ministerial Staff Code.¹⁹² Acting IBAC Commissioner Stephen Farrow reiterated this in a hearing for the Integrity and Oversight Committee’s 2023 review of the performance of the Victorian integrity agencies 2021-22.¹⁹³ This concern was also raised by the Accountability Round Table (ART), who also recommended clarifying the inclusion of parliamentary staff in the definition of ‘public officer’ and expanding the definition of ‘parliamentary misconduct’ to include the behaviour of ministers in the discharge of their duties.¹⁹⁴

The ART made a full submission during the consultation period on the Bill. The group supported ‘independent and robust parliamentary integrity measures including those contemplated by the Bill’ and ‘welcomed’ many aspects of the Bill, including ‘the comprehensive ambit of the Bill’s definition of Parliamentary Workplace’, ‘the breadth of persons able to make referrals’, ‘the power to recommend sanctions’, and ‘protections for whistleblowers’.¹⁹⁵

However, the ART also made ten recommendations for improving the consultation draft of the Bill. The group drew attention to the need for the PIC and/or the privileges committee to be able to recommend the dismissal of a Member from parliament, stating that it is key to

¹⁸⁵ Victorian Greens (2023) *Greens lament government inaction on integrity after IBAC, Ombudsman update*, media release, 14 September.

¹⁸⁶ Sky News (2023) ‘NewsDay’, *Sky News Live*, 17 October.

¹⁸⁷ ‘Greens circulated amendments’, Parliamentary Workplace Standards and Integrity Bill 2024.

¹⁸⁸ P. Walsh (2024) op. cit., pp. 63.

¹⁸⁹ William Partlett (@WPartlett) (2024) ‘In my view, Vic’s Parliamentary...’, X, 30 May.

¹⁹⁰ C. Williams (2022) ‘Integrity reform necessary to restore trust in government’, *Sydney Morning Herald*, 23 November.

¹⁹¹ William Partlett (@WPartlett) (2024) op. cit.; L. Wong (2022) ‘Victorian government under pressure from Greens, opposition to speed up integrity reforms’, *ABC News*, 1 August.

¹⁹² Independent Broad-based Anti-corruption Commission (2023) *Operation Daintree: Special Report*, April, Melbourne, IBAC.

¹⁹³ Integrity and Oversight Committee (2023) *Performance of the Victorian Integrity agencies 2021/22*, final report, November, Melbourne, The Committee.

¹⁹⁴ Accountability Round Table (2024) op cit.

¹⁹⁵ *ibid.*

responsible government that ‘the executive does not exercise the power to impose sanction[s] or penalties for breaches, which may be over its own members/supporters, or, worse for democracy, non-government Members’.¹⁹⁶ The ART also recommended the Commission’s powers be retrospective, and that further steps be taken to avoid the government taking a majority in the Integrity and Oversight Committee; this latter recommendation echoed IBAC and the Ombudsman’s in their report on Operation Watts. The ART also called for stronger powers for IBAC and the legislation of the codes of conduct for ministers, advisers, and lobbyists to fight misconduct, among other reforms.¹⁹⁷

Other stakeholders

Attention was also drawn to the lack of coercive powers for the Commission, as well as its inability to investigate past allegations.¹⁹⁸ Similar concerns were raised that the Commission could not investigate electorate officers, with several news outlets recalling the ‘red shirts’ investigation, in which it is alleged Labor electorate officers were misused, as well as the matters investigated with Operation Watts.¹⁹⁹

Other jurisdictions

Other jurisdictions are also grappling with complex legislation regarding employment of Members, ministers, their staff and parliamentary staff and how to address issues of bullying and harassment. Parliaments have approached this in different ways. Table 3 examines publicly available key resources from Australian jurisdictions, the United Kingdom and New Zealand.

¹⁹⁶ *ibid.*

¹⁹⁷ Victorian Greens (2023) *Parliamentary Integrity Commissioner an important step, but more integrity reforms needed*, media release, 17 October.

¹⁹⁸ K. Matthews (2023) ‘Integrity body is nothing but politics of perception’, *Geelong Advertiser*, 21 October, p. 21.

¹⁹⁹ Editorial (2023) ‘Need for more accountability’, *Herald Sun*, 18 October, p. 22.

Table 3 Jurisdictional comparison of parliaments' codes of conduct, reviews, and integrity and standards bodies

Jurisdiction	Current bodies	Key external reports	Committees and committee reports	Codes of Conduct ²⁰⁰
Australian Capital Territory	<p>Commissioner for Standards Investigates complaints about Members lodged via the Clerk to the Commissioner</p> <p>Ethics and Integrity Adviser Advises Members of the LA on ethical issues, including the use of entitlements and potential conflicts of interest. Also gives advice that is consistent with any code of conduct</p> <p>ACT Integrity Commission</p>		<p>Standing Committee on Administration and Procedure (2023) <i>Review of the Standing Orders and Continuing Resolutions of the Tenth Assembly</i>, final report, August, ACT, The Committee.</p>	<p>Members' Code of Conduct</p> <p>Ministerial Code of Conduct</p> <p>Legislative Assembly (2021) Workplace Injury Prevention Policy Statement</p>
New South Wales	<p>Independent Complaints Officer Receives and investigates complaints about:</p> <ul style="list-style-type: none"> • minor alleged breaches of the Members' Code of Conduct; • the use of allowances and entitlements; • minor breaches of the pecuniary interests disclosure scheme; and • allegations of bullying, harassment, and inappropriate behaviour by Members. <p>Independent Commission Against Corruption</p>	<p>P. Goward (2021) <i>Review of policies and procedures for Ministerial offices—bullying, harassment, and sexual misconduct</i>, April.</p> <p>Elizabeth Broderick & Co. (2022) <i>Leading for Change: Independent Review into bullying, harassment and sexual misconduct in NSW Parliamentary Workplaces 2022</i>, EB & Co.</p>	<p>Legislative Assembly Standing Committee on Parliamentary Privilege and Ethics (2021) <i>Review of the Proposed Resolution for Establishment of a Parliamentary Compliance Officer</i>, final report, July, Sydney, The Committee.</p> <p>Legislative Council, Privileges Committee (2021) <i>Proposal for a Compliance Officer for the NSW Parliament No. 2</i>, final report, November, Sydney, The Committee.</p> <p>Legislative Council, Privileges Committee (2022) <i>Review of Members' Code of Conduct</i>, final report, November, Sydney, The Committee.</p> <p>Legislative Assembly, Standing Committee on Parliamentary Privilege and Ethics (2022) <i>Review</i></p>	<p>Code of Conduct for Members (LA)</p> <p>Members' Code of Conduct (LC)</p> <p>Ministerial Code of Conduct (Independent Commission Against Corruption Regulation 2017 Appendix)</p> <p>Code of Conduct for Parliamentary Staff (2013)</p>

²⁰⁰ Only publicly available codes of conduct have been included. Some parliaments may have other internal codes of conduct (especially for parliamentary staff).

			<p><i>of the Code of Conduct for Members</i>, final report, December, Sydney, The Committee.</p> <p>Legislative Assembly, Standing Committee on Parliamentary Privilege and Ethics (2023) <i>Relevant recommendations of the Broderick Report</i> (ongoing)</p> <p>Legislative Assembly, Standing Committee on Parliamentary Privilege and Ethics (2023) <i>Review of the Independent Complaints Officer System</i> (ongoing)</p> <p>Legislative Assembly, Standing Committee on Parliamentary Privilege and Ethics (2024) <i>Draft Constitution (Disclosures By Members) Regulation 2024</i> (ongoing)</p>	
Northern Territory	Office of the Independent Commissioner Against Corruption			<p><i>Legislative Assembly (Members' Code of Conduct and Ethical Standards) Act 2008</i></p> <p>Ministerial Code of Conduct (Cabinet Handbook Appendix A) (2023)</p>
Queensland	Crime and Corruption Commission Queensland		<p>Ethics Committee Investigates complaints about the ethical conduct of Members</p>	<p>Code of Ethical Standards together with the guide to the Code of Ethical Standards and Rules Relating To The Conduct Of Members (2023)</p> <p>Code of Conduct: Opposition Staff Members (2014)</p> <p>Ministerial Code of Conduct (2024)</p> <p>Code of Conduct: Ministerial Staff Members (2024)</p> <p>Code of Conduct for the Parliamentary Service (2023)</p>

<p>South Australia</p>	<p>Independent Commission Against Corruption</p>	<p>Equal Opportunity Commission (2021), <i>Review of Harassment in the South Australian Parliament Workplace</i>, Equal Opportunity SA, Adelaide.</p> <p>Parliament of South Australia (2022) <i>Review of Harassment in the South Australian Parliament Workplace</i>, Progress Report, Adelaide.</p> <p>Parliament of South Australia (2023) <i>Review of Harassment in the South Australian Parliament Workplace</i>, Second Progress Report, Adelaide.</p> <p>Parliament of South Australia (2023) <i>Review of Harassment in the South Australian Parliament Workplace</i>, Third Progress Report, Adelaide.</p>	<p>Joint Committee on the Recommendations Arising from the Equal Opportunity Commissioner's Report into Harassment in the Parliament Workplace (2021) <i>Report of the Joint Committee on the Recommendations Arising from the Equal Opportunity Commissioner's Report into Harassment in the Parliament Workplace</i>, final report, October, Adelaide, The Committee.</p>	<p>Members Code of Conduct (LA) (2021)</p> <p>Standing Orders of the Legislative Council (2022) (includes Code of Conduct)</p> <p>Ministerial Code Of Conduct</p>
<p>Tasmania</p>	<p>Integrity Commission</p>	<p>Integrity Commission (2011) <i>Codes of Conduct: for Members of Parliament, Ministers and Ministerial Staff in Tasmania</i>, Hobart, Integrity Commission.</p> <p>Equal Opportunity Tasmania (2022) <i>Motion for Respect: Report into Workplace Culture in the Tasmanian Ministerial and Parliamentary Services</i>, Hobart, Equal Opportunity Tasmanian Tasmania.</p>	<p>Workplace Culture Oversight established to oversee the recommendations contained in the Motion for Respect report. See Bolt Report Implementation Tracker.</p>	<p>Code of Conduct Members of the Parliament of Tasmania</p> <p>Code of Conduct for Ministers (2021)</p> <p>Ministerial Staff Conduct (2024)</p>
<p>Western Australia</p>	<p>Corruption and Crime Commission</p>			<p>Code of Conduct for Members of the Legislative Assembly</p> <p>Ministerial Code of Conduct (2023)</p>

<p>Commonwealth</p>	<p>Parliamentary Workplace Support Service National Anti-Corruption Commission</p>	<p>K. Jenkins (2021) <i>Set the Standard: Report on the Independent Review into Commonwealth Parliamentary Workplaces</i>, Sydney, Australian Human Rights Commission.</p> <p>S. Foster (2021) <i>Review of the parliamentary workplace: responding to serious incidents</i>, report prepared for Department of the Prime Minister and Cabinet, Canberra.</p> <p>Parliamentary Leadership Taskforce (2023) <i>Update on the implementation of recommendations from the Set the Standard report 2022 Annual Report</i></p> <p>Parliamentary Leadership Taskforce (2024) <i>Update on the implementation of recommendations from the Set the Standard report 2023 Annual Report</i></p>	<p>House of Representatives Standing Committee of Privileges and Members' Interests (2011) <i>Report into a draft code of conduct for Members of Parliament</i>, final report, November, Canberra, The Committee.</p> <p>The Senate, Committee of Senators' Interest (2012) <i>Code of Conduct Inquiry</i>, final report, November, Canberra, The Committee.</p> <p>Joint Select Committee on Parliamentary Standards (2022) <i>Final Report</i>, final report, November, Canberra, The Committee.</p> <p>House of Representatives, Standing Committee of Procedure (2023) <i>Raising the Standard Inquiry into recommendations 10 and 27 of Set the standard: report on the Independent Review into Commonwealth Parliamentary Workplaces</i>, final report, July, Canberra, The Committee.</p>	<p>Code of Conduct for Ministers (2022)</p> <p>Workplace bullying and harassment policy (2021)</p> <p>Parliamentary Service Code of Conduct</p>
<p>New Zealand</p>	<p>Serious Fraud Office</p>	<p>D. Francis (2019) <i>External Independent Review: Bullying and Harassment in the New Zealand Parliamentary Workplace – Final report</i>.</p> <p>D. Francis (2023) <i>Culture in the New Zealand Parliamentary Workplace: A future excellence horizon</i></p>		<p>New Zealand Parliament (2020) <i>Upholding the Mana of Pāremata Aotearoa</i>, New Zealand Parliament.</p> <p>Cabinet Manual (2023) <i>Ministers of the Crown: Appointment, Role, and Conduct</i>.</p> <p>Code of Conduct for Ministerial Staff (2017)</p> <p>Parliamentary Service Code of Conduct (2019)</p> <p>Office Of The Clerk Code Of Conduct (2021)</p>

<p>United Kingdom</p>	<p>Independent Adviser on Ministers' Interest Advises the Prime Minister on matters relating to the Ministerial Code</p> <p>Independent Expert Panel Determines appeals and sanctions in cases where complaints have been brought against MPs of bullying, harassment or sexual misconduct under the Independent Complaints and Grievance Scheme (ICGS)</p> <p>Parliamentary Commissioner for Standards (HoC) Responsible for monitoring the operation of the House of Commons Code of Conduct and Registers.</p> <p>House of Lords Commissioner for Standards (HoL) Responsible for the independent and impartial investigation of alleged breaches of the House of Lords Code of Conduct.</p> <p>Parliamentary and Health Service Ombudsman</p>	<p>Dame L. Cox (2018) <i>The bullying and harassment of House of Commons staff: independent inquiry report</i> October, London.</p> <p>G. White (2019) <i>Bullying and harassment of MPs' parliamentary staff</i>, Independent inquiry report, July, London.</p> <p>House of Commons Commission, 'Commission statement on Gemma White QC's report', July, London, House of Commons Commission.</p> <p>N. Ellenbogen (2019) <i>An independent inquiry into bullying in the House of Lords</i>, July, London.</p> <p>House of Lords Commission (2019) <i>House of Lords Commission respond to Ellenbogen report</i>, July, London, House of Lords Commission.</p> <p>P. Kernaghan (2024) <i>Independent review of the ICGS</i>, May, London.</p>	<p>House of Commons Committee on Standards:</p> <p><i>New Code of Conduct and Guide to the Rules: promoting appropriate values, attitudes and behaviour in Parliament (2022)</i></p> <p><i>Code of Conduct: Procedural Protocol (2022)</i></p> <p><i>New Guide to the Rules: final proposals (2022)</i>,</p> <p><i>The House of Commons standards landscape: how MPs' standards and conduct are regulated (2024)</i></p> <p>United Kingdom Government (2022) '<i>Government Response to the Committee's First, Second and Third Reports</i>', September, London, House of Commons Committee on Standards.</p> <p>House of Lords, Conduct Committee</p> <p><i>Amendments to the rules of conduct (2019)</i></p> <p><i>Progress report and amendments to the rules of conduct (2020)</i></p> <p><i>Remote voting and the Code of Conduct (2020)</i></p> <p><i>Amendments to the rules of conduct (2020)</i></p> <p>Further amendments to the Code of Conduct (2021)</p> <p>Revised Code of Conduct for House of Lords Members' Staff Minor changes to the Guide to the Code of Conduct (2021)</p> <p>Freedom of speech and the Code of Conduct (2022)</p>	<p>Code of Conduct and Guide to the rules relating to the conduct of members (2022) (HoC)</p> <p>Code of Conduct for Members of the House of Lords (2023) (HoL)</p> <p>Guide to the Code of Conduct (2023) (HoL)</p> <p>Code of Conduct for House of Lords Members' Staff (2023) (HoL)</p> <p>Ministerial Code (2022)</p> <p>UK Parliament 'Behaviour code'</p> <p>UK Parliament (2021) 'Bullying and harassment policy for UK Parliament'</p> <p>UK Parliament (2022) 'Sexual misconduct policy for UK Parliament'</p>
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Suggested citation

Florence, E. & A. Wright (2024), *Parliamentary Workplace Standards and Integrity Bill 2024*, Parliamentary Library & Information Service, Melbourne, Parliament of Victoria.

Acknowledgements

The Parliament of Victoria Library acknowledges the Traditional Owners of the lands on which we work and live. We pay our respects to Aboriginal and Torres Strait Islander Elders past and present, and we value Aboriginal and Torres Strait Islander history, culture and knowledge.

The authors would like to thank Angus Tonkin, Ben Reid, Caleb Triscari, Caley Otter, Debra Reeves, Kate Murray and Marianne Aroozoo for their assistance in the preparation of this paper. We are also grateful to Stephen James for his insights and feedback on the paper.

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Bill Brief

Parliamentary Library & Information Service

ISSN: 2204-4779 (Print) 2204-4787 (Online)