

2019-2020

The Parliament of the  
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

*Presented and read a first time*

**Commonwealth Parliamentary  
Standards Bill 2020**

**No.     , 2020**

*(Dr Haines)*

**A Bill for an Act to enhance the integrity of the  
Parliament of Australia, and for related purposes**



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# Contents

<b>Part 1—Preliminary</b>	5
1 Short title .....	5
2 Commencement .....	5
3 Objects of Act .....	6
4 Saving of powers, privileges and immunities .....	7
5 Act binds the Crown .....	7
6 Application of Act .....	7
7 Definitions .....	8
<b>Part 2—Parliamentary values and conduct</b>	13
<b>Division 1—Statement of parliamentary values</b>	13
8 Parliamentary values .....	13
<b>Division 2—Parliamentary code of conduct</b>	14
9 Upholding democracy and respecting others regardless of background .....	14
10 Conflicts of interest .....	14
11 Using position for profit .....	15
12 Outside employment and activities .....	15
13 Accepting any gift, hospitality or other benefit .....	15
14 Use of influence .....	15
15 Use of public resources .....	16
16 Personal conduct .....	16
17 Managing confidential and personal information .....	16
18 Post-retirement activities .....	17
19 Staff of parliamentarians .....	17
20 Extending code of conduct .....	17
<b>Part 3—Registers of Interests</b>	18
21 Register of interests—House of Representatives .....	18
22 Register of interests—Senate .....	18
<b>Part 4—Parliamentary Integrity Adviser</b>	19
<b>Division 1—Establishment and functions and powers of the         Parliamentary Integrity Adviser</b>	19
23 Parliamentary Integrity Adviser .....	19
24 Functions of Parliamentary Integrity Adviser .....	19
<b>Division 2—Provision of advice</b>	21
<b>Subdivision A—Requests for advice</b>	21

---

25	Parliamentarian, former parliamentarian or staff may request advice .....	21
26	Minister may request advice .....	22
27	Presiding officer or chair of committee may request advice .....	23
28	Requirements relating to requests for advice .....	23
29	Provision of advice .....	23
30	Limited protection from acting on conflict of interest issue .....	24
	<b>Subdivision B—Confidentiality of information</b> .....	<b>25</b>
31	Interpretation .....	25
32	Authorised use or disclosure—performing functions etc .....	25
33	Authorised use or disclosure—required or authorised by law .....	26
34	Authorised disclosure—person to whom information relates .....	26
35	Offence for unauthorised use or disclosure .....	26
36	No requirement to provide information to courts etc .....	26
37	Offence for unauthorised use or disclosure—any person .....	27
	<b>Division 3—Better practices guides and fact sheets</b> .....	<b>28</b>
38	Better practices guides and fact sheets .....	28
	<b>Division 4—Annual report</b> .....	<b>29</b>
39	Annual report .....	29
	<b>Part 5—Parliamentary Standards Commissioner</b> .....	<b>31</b>
	<b>Division 1—Establishment and functions and powers of the Parliamentary Standards Commissioner</b> .....	<b>31</b>
40	Parliamentary Standards Commissioner .....	31
41	Functions of Parliamentary Standards Commissioner .....	31
	<b>Division 2—Alleged or suspected contraventions of parliamentary code of conduct</b> .....	<b>33</b>
42	Referral of alleged or suspected contravention .....	33
43	How alleged or suspected contraventions must be dealt with .....	34
44	Assessment and preliminary enquiries .....	36
45	Inquiries .....	37
46	Report of inquiry .....	39
47	Opportunity to be heard .....	40
48	Parliamentary Standards Commissioner to give report to Committee .....	42
49	Advice of outcome of inquiry .....	42
50	Public advice of outcome of inquiry .....	43
51	Report to House .....	43
52	Failure to comply with parliamentary code of conduct .....	44

---

---

<b>Division 3—Alleged or suspected contraventions of ministerial code of conduct</b>	46
53 Referral of alleged or suspected contravention.....	46
54 How alleged or suspected contraventions must be dealt with.....	46
55 Assessment and preliminary enquiries.....	48
56 Inquiries.....	50
57 Report of inquiry .....	51
58 Opportunity to be heard.....	53
59 Parliamentary Standards Commissioner to give report to Prime Minister.....	54
60 Advice of outcome of inquiry.....	54
61 Public advice of outcome of inquiry.....	55
62 Report to House.....	56
<b>Division 4—Confidentiality of information</b>	57
63 Interpretation .....	57
64 Authorised use or disclosure—performing functions etc.....	57
65 Authorised use or disclosure—required or authorised by law .....	58
66 Authorised disclosure—person to whom information relates .....	58
67 Offence for unauthorised use or disclosure .....	58
68 No requirement to provide information to courts etc.....	59
69 Offences for unauthorised use or disclosure—any person.....	59
<b>Division 5—Annual report</b>	61
70 Annual report.....	61
<b>Part 6—Administrative provisions relating to the Parliamentary Integrity Adviser and Parliamentary Standards Commissioner</b>	63
<b>Division 1—Administrative provisions relating to the Parliamentary Integrity Adviser</b>	63
71 Appointment of Parliamentary Integrity Adviser .....	63
72 General terms and conditions of appointment .....	64
73 Other paid work.....	64
74 Remuneration .....	64
75 Leave of absence .....	65
76 Resignation.....	65
77 Removal from office.....	65
78 Disclosure of interests .....	66
79 Acting appointments.....	66
80 Assistance to Parliamentary Integrity Adviser.....	67

---

---

<b>Division 2—Administrative provisions relating to the Parliamentary Standards Commissioner</b>	68
81 Appointment of Parliamentary Standards Commissioner .....	68
82 General terms and conditions of appointment .....	69
83 Other paid work.....	69
84 Remuneration .....	69
85 Leave of absence .....	70
86 Resignation.....	70
87 Removal from office.....	70
88 Disclosure of interests .....	71
89 Acting appointments.....	72
90 Assistance to Parliamentary Standards Commissioner .....	72
91 Assistant Parliamentary Standards Commissioner.....	73
<b>Division 3—Approval or rejection of recommendations for appointments</b>	74
92 Committees may approve or reject recommendation for appointment.....	74
<b>Part 7—Miscellaneous</b>	75
93 Offence of victimisation .....	75
94 Protection from liability.....	75
95 Immunities from certain State and Territory laws .....	76
96 Review relating to Independent Parliamentary Standards Authority .....	76
97 Review relating to lobbying and post-separation employment .....	77
98 Review relating to political finance, funding, donations and campaign regulation .....	79
99 Review of operation of Act .....	80
100 Schedules.....	81
101 Regulations.....	81
<b>Schedule 1—House of Representatives—Register of Members’ Interests</b>	82
<b>Schedule 2—The Senate—Register of Senators’ Interests</b>	86
<b>Schedule 3—Amendments</b>	90
<i>Public Interest Disclosure Act 2013</i>	90

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1 **A Bill for an Act to enhance the integrity of the**  
2 **Parliament of Australia, and for related purposes**

3 The Parliament of Australia enacts:

4 **Part 1—Preliminary**  
5

6 **1 Short title**

7 This Act is the *Commonwealth Parliamentary Standards Act 2020*.

8 **2 Commencement**

9 (1) Each provision of this Act specified in column 1 of the table  
10 commences, or is taken to have commenced, in accordance with

## Part 1 Preliminary

### Section 3

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1 column 2 of the table. Any other statement in column 2 has effect  
2 according to its terms.

3

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#### Commencement information

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Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. Sections 1 and 2 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	
2. Sections 3 to 101	The later of: (a) day after the day on which the Consolidated Revenue Fund is appropriated under an Act to the Department in which this Act is administered for payment for the purposes of this Act; and (b) the day section 3 of the <i>Australian Federal Integrity Commission Act 2020</i> commences.  However, the provisions do not commence at all unless both of the events mentioned in paragraphs (a) and (b) occur.	
3. Schedules 1 to 3	At the same time as the provisions covered by table item 2.	

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4 Note: This table relates only to the provisions of this Act as originally  
5 enacted. It will not be amended to deal with any later amendments of  
6 this Act.

7 (2) Any information in column 3 of the table is not part of this Act.  
8 Information may be inserted in this column, or information in it  
9 may be edited, in any published version of this Act.

### 3 Objects of Act

11 (1) The object of this Act is to promote public trust and confidence in  
12 the integrity of the institutions of the Parliament, and of  
13 parliamentarians, and ensure that the responsibilities and

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1 obligations of parliamentarians reflect community expectations and  
2 community standards, by:

- 3 (a) providing for a statement of values for parliamentarians, and  
4 their staff; and  
5 (b) providing for a code of conduct for parliamentarians, and  
6 their staff; and  
7 (c) providing for a register of interests for parliamentarians; and  
8 (d) helping parliamentarians, their staff, and others to deal  
9 appropriately with ethics or integrity issues including by  
10 complying with this Act; and  
11 (e) providing for the investigation, referral and resolution of  
12 alleged contraventions of this Act or associated standards;  
13 and  
14 (f) making consequential amendments to certain other Acts;

15 (2) To assist in achieving the objects in paragraphs (1)(a) to (d), this  
16 Act establishes the office of the Parliamentary Integrity Adviser.

17 (3) To assist in achieving the objects in paragraph (1)(e), this Act  
18 establishes the office of the Parliamentary Standards  
19 Commissioner.

#### 20 **4 Saving of powers, privileges and immunities**

21 Except as expressly provided otherwise in this Act, this Act does  
22 not affect the powers, privileges and immunities of each House of  
23 the Parliament, and of the members and committees of each House.

#### 24 **5 Act binds the Crown**

25 This Act binds the Crown in right of the Commonwealth.

#### 26 **6 Application of Act**

27 This Act applies both within and outside Australia and extends to  
28 every external Territory.

1 **7 Definitions**

2 (1) In this Act:

3 ***applicable code of conduct*** means:

4 (a) in the case of a Minister:

5 (i) a Ministerial code of conduct imposed by the Prime  
6 Minister on the Prime Minister's Ministers, including  
7 the *Statement of Ministerial Standards* dated 30 August  
8 2018 and as revised from time to time and any  
9 replacement document; or

10 (ii) a Ministerial code of conduct prescribed by the  
11 regulations for the purposes of this definition; or

12 (iii) a Ministerial code of conduct adopted by resolution of  
13 the House of which the Minister is or was a member; or

14 (b) in the case of a parliamentarian (including a Minister)—a  
15 parliamentary code of conduct.

16 ***Assistant Federal Integrity Commissioner for Education***  
17 ***Training and Prevention*** has the same meaning as in the  
18 *Australian Federal Integrity Commission Act 2020*.

19 ***Assistant Federal Integrity Commissioner for Research and***  
20 ***Public Interest*** has the same meaning as in the *Australian Federal*  
21 *Integrity Commission Act 2020*.

22 ***child***: without limiting who is a child of a person for the purposes  
23 of this Act, someone is the ***child*** of a person if he or she is a child  
24 of the person within the meaning of the *Family Law Act 1975*.

25 ***civil penalty provision*** means a provision of a law of the  
26 Commonwealth or of a State or Territory in relation to a  
27 contravention of which a civil penalty may be imposed.

28 ***conflict of interest*** has its ordinary meaning and, without limiting  
29 the ordinary meaning, includes a parliamentarian:

30 (a) participating; or

31 (b) making a decision;

32 in the execution of the parliamentarian's office which furthers the  
33 private interests of the parliamentarian, or the private interests of a

1 specified person or organisation, or the interests of a foreign  
2 power.

3 ***conflict of interest issue*** is an issue whether a person:

- 4 (a) had, or may have had, a conflict of interest; or  
5 (b) has, or may have, a conflict of interest; or  
6 (c) will, or may at any time in the future, have a conflict of  
7 interest;

8 and includes a reasonably held perception that a person had, has or  
9 will have a conflict of interest.

10 ***criminal offence*** means an offence against a law of the  
11 Commonwealth or of a State or Territory.

12 ***disciplinary proceeding*** has the same meaning as in the *Australian*  
13 *Federal Integrity Commission Act 2020*.

14 ***engage in conduct*** means:

- 15 (a) do an act; or  
16 (b) omit to do an act.

17 ***ethics or integrity issue*** means an issue concerning ethics or  
18 integrity and includes a conflict of interest issue.

19 ***former parliamentarian*** means person who was, but is no longer, a  
20 parliamentarian.

21 ***frivolous***, in relation to an allegation or referral, includes  
22 allegations or referrals that are:

- 23 (a) trivial in nature and have no serious purpose or value; or  
24 (b) so meritless that further investigation would be a waste of  
25 time or cost.

26 ***gift*** means a gift whether it is or is not registrable in accordance  
27 with this Act or a resolution or resolutions of a House of the  
28 Parliament.

29 ***interest*** means an interest whether it is or is not registrable in  
30 accordance with this Act or a resolution or resolutions of a House  
31 of the Parliament.

Section 7

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1                    ***Law Enforcement Integrity Commissioner*** means the person  
2                    appointed under section 175 of the *Law Enforcement Integrity*  
3                    *Commissioner Act 2006* as the Integrity Commissioner.

4                    ***paid work*** means work for financial gain or reward (whether as an  
5                    employee, a self-employed person or otherwise).

6                    ***parliamentarian*** means:

- 7                    (a) a senator; or  
8                    (b) a member of the House of Representatives; or  
9                    (c) a Minister of State who is not a senator or member of the  
10                    House of Representatives; or  
11                    (d) a person who is taken to be the President of the Senate under  
12                    the *Parliamentary Presiding Officers Act 1965* and who is  
13                    not a senator or member of the House of Representatives; or  
14                    (e) a person who is taken to be the Speaker of the House of  
15                    Representatives under the *Parliamentary Presiding Officers*  
16                    *Act 1965* and who is not a senator or member of the House of  
17                    Representatives.

18                    ***parliamentary code of conduct*** means.

- 19                    (a) the code of conduct in Division 2 of Part 2; or  
20                    (b) a code of conduct for parliamentarians adopted by resolution  
21                    of the House of which the parliamentarian is or was a  
22                    member, to the extent that the code is of effect in accordance  
23                    with section 20.

24                    ***parliamentary remuneration, expenses or allowances*** means  
25                    official allowances (including allowances by way of salary),  
26                    expenses and entitlements (including superannuation entitlements)  
27                    of parliamentarians under the *Remuneration Tribunal Act 1973*,  
28                    *Independent Parliamentary Expenses Authority Act 2017* or any  
29                    other law of the Commonwealth.

30                    ***Presiding Officer*** means:

- 31                    (a) in relation to the Senate—the President of the Senate; or  
32                    (b) in relation to the House of Representatives—the Speaker of  
33                    the House of Representatives.

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- 1           **Presiding Officers** means the President of the Senate and the  
2           Speaker of the House of Representatives acting jointly.
- 3           **protected Adviser information**: see subsection 31(1).
- 4           **protected Commissioner information**: see subsection 63(1).
- 5           **public official** has the same meaning as in the *Australian Federal*  
6           *Integrity Commission Act 2020*.
- 7           **relevant document** means:
- 8           (a) for a request for advice under Subdivision A of Division 4 of  
9           Part 4—see subsection 31(2); or
- 10           (b) for an alleged or suspected contravention of a provision of an  
11           applicable code of conduct under Division 2 or 3 of Part 5—  
12           see subsection 63(2).
- 13           **sensitive information** has the same meaning as in the *Australian*  
14           *Federal Integrity Commission Act 2020*.
- 15           **staff**, in relation a parliamentarian, means a person employed by  
16           the parliamentarian under the *Members of Parliament (Staff) Act*  
17           *1984*.
- 18           **use**, in relation to information, includes make a record of.
- 19           **vexatious** in relation to an allegation or referral, includes  
20           allegations or referrals that are:
- 21           (a) solely focused on the harassment, frustration or the bringing  
22           of undue financial burden upon an individual or organisation;  
23           or
- 24           (b) unduly repetitive, burdensome, and unwarranted when  
25           compared to their merits.
- 26           (2) For the purposes of this Act, a family member, in relation to any  
27           person, is taken to include the following (without limitation):
- 28           (a) a de facto partner of the person (within the meaning of the  
29           *Acts Interpretation Act 1901*);
- 30           (b) someone who is the child of the person, or of whom the  
31           person is the child, because of the definition of **child** in this  
32           section;
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**Part 1** Preliminary

Section 7

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- 1 (c) anyone else who would be a family member of the person if  
2 someone mentioned in paragraph (a) or (b) is taken to be a  
3 family member of the person.

1 **Part 2—Parliamentary values and conduct**

2 **Division 1—Statement of parliamentary values**

3 **8 Parliamentary values**

4 (1) Parliamentarians are public officials who have responsibility to  
5 secure and sustain the public trust against abuse or harm.

6 (2) Parliamentarians should demonstrate the following values in  
7 carrying out their public duties:

8 (a) selflessness;

9 (b) integrity;

10 (c) objectivity;

11 (d) accountability;

12 (e) openness;

13 (f) honesty;

14 (g) leadership.

15 (3) The code of conduct in Division 2 sets out the manner in which a  
16 parliamentarian demonstrates the values set out in subsection (2) of  
17 this section.

1       **Division 2—Parliamentary code of conduct**

2       **9 Upholding democracy and respecting others regardless of**  
3               **background**

4               A parliamentarian must:

- 5               (a) make the performance of their public duties their prime  
6                       responsibility; and  
7               (b) exercise reasonable care and diligence in performing their  
8                       public duties; and  
9               (c) submit themselves to the lawful scrutiny appropriate to their  
10                      office; and  
11              (d) treat all persons with respect and have due regard for their  
12                      opinions, beliefs, rights and responsibilities.

13       **10 Conflicts of interest**

14              (1) A parliamentarian must:

- 15              (a) declare any actual or perceived conflict of interest, including  
16                      when speaking or voting in parliamentary proceedings  
17                      (including the proceedings of parliamentary committees); and  
18              (b) avoid any actual or perceived conflict of interest, including,  
19                      where appropriate, by recusing themselves from speaking or  
20                      voting in parliamentary proceedings (including the  
21                      proceedings of parliamentary committees).

22              (2) Without limiting subsection (1), a parliamentarian has a conflict of  
23                      interest if the parliamentarian:

- 24                      (a) participates; or  
25                      (b) makes a decision;

26                      in the execution of the parliamentarian's office which furthers the  
27                      private interests of the parliamentarian, or the private interests of a  
28                      specified person or organisation, or the interests of a foreign  
29                      power.

30              (3) Without limiting subsection (1), a parliamentarian does not have a  
31                      conflict of interest if the parliamentarian or a specified person is  
32                      only affected as a member of the public or a broad class of persons.



1 **11 Using position for profit**

2 (1) A parliamentarian must not:

3 (a) receive a fee, payment, retainer or reward; or

4 (b) permit any compensation to accrue to their beneficial interest  
5 or the beneficial interest of a specified person; or

6 (c) entertain or accept an offer or expectation of a future fee,  
7 payment, retainer, reward or compensation to themselves or a  
8 specified person;

9 for, or on account of, or as a result of the use of, their position as a  
10 parliamentarian.

11 (2) Subsection (1) does not apply to any parliamentary salary or  
12 work-related parliamentary expenses or allowances, the Budget or  
13 other public resources under the *Remuneration Tribunal Act 1973*,  
14 *Independent Expenses Authority Act 2017* or any other law.

15 **12 Outside employment and activities**

16 A parliamentarian may engage in employment, business and  
17 community activities outside of their duties as a parliamentarian,  
18 but must avoid any actual or perceived conflict of interest that  
19 might arise from those activities, including where the activities  
20 compromise the parliamentarian's ability to fulfil their public  
21 duties.

22 **13 Accepting any gift, hospitality or other benefit**

23 A parliamentarian must not accept any gift, hospitality or other  
24 benefit which:

25 (a) creates an actual or perceived conflict of interest; or

26 (b) might create a perception of an attempt to influence the  
27 parliamentarian in the exercise of their public duties.

28 **14 Use of influence**

29 A parliamentarian:

30 (a) must exercise their influence as a parliamentarian  
31 responsibly; and

Section 15

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- 1 (b) must not use their influence to improperly further their  
2 private interests, or the private interests of a specified person  
3 or organisation, or the interests of a foreign power.

4 **15 Use of public resources**

- 5 A parliamentarian must comply with:  
6 (a) the *Remuneration Tribunal Act 1973*, the *Independent*  
7 *Parliamentary Expenses Authority Act 2017* and any  
8 regulations made under those Acts; and  
9 (b) any other law, rule or guidance regarding the use of public  
10 resources.

11 **16 Personal conduct**

- 12 (1) A parliamentarian must ensure that their conduct as a  
13 parliamentarian does not bring discredit upon the Parliament.
- 14 (2) A parliamentarian:  
15 (a) must act ethically, reasonably and in good faith when using,  
16 and accounting for the use of, public resources in relation to  
17 the performance of their public duties;  
18 (b) must not deliberately mislead the Parliament or the public  
19 about any matter relating to the performance of their public  
20 duties; and  
21 (c) must not bully or harass any person.
- 22 (3) A parliamentarian must be fair, objective and courteous:  
23 (a) in their dealings with the community; and  
24 (b) without detracting from the importance of robust public  
25 debate in a democracy, in their dealings with other  
26 parliamentarians.

27 **17 Managing confidential and personal information**

- 28 (1) A parliamentarian must not use confidential information gained in  
29 the performance of their public duties to further their private  
30 interests, or the private interests of a specified person or  
31 organisation, or the interests of a foreign power.

- 1 (2) A parliamentarian must respect the confidentiality of information  
2 they receive in the course of their public duties.

3 **18 Post-retirement activities**

- 4 A former parliamentarian must not take improper advantage of any  
5 office held as a parliamentarian after they cease to be a  
6 parliamentarian.

7 **19 Staff of parliamentarians**

- 8 The duties and obligations of this Part apply to a person employed  
9 under the *Members of Parliament (Staff) Act 1984* as if that person  
10 were a parliamentarian.

11 **20 Extending code of conduct**

- 12 (1) Subject to subsection (2), this Act is not intended to exclude or  
13 limit the power of a House of the Parliament to adopt, by  
14 resolution, a code of conduct or the operation of such a code of  
15 conduct.
- 16 (2) A code of conduct adopted by a House of the Parliament that is  
17 inconsistent with this Division has no effect to the extent of the  
18 inconsistency, but the code of conduct is taken to be consistent  
19 with this Division to the extent that the code of conduct is capable  
20 of operating concurrently with this Division.

1 **Part 3—Registers of Interests**  
2

3 **21 Register of interests—House of Representatives**

4 (1) A member of the House of Representatives must register the  
5 member's interests as provided for in Schedule 1.

6 (2) The House of Representatives may, by resolution carried by two  
7 thirds of Members, impose additional requirements to those in  
8 Schedule 1, so long as the additional requirements are not  
9 inconsistent with Schedule 1.

10 **22 Register of interests—Senate**

11 (1) A senator must register the senator's interests as provided for in  
12 Schedule 2.

13 (2) The Senate may, by resolution carried by two thirds of Senators,  
14 impose additional requirements to those in Schedule 2, so long as  
15 the additional requirements are not inconsistent with Schedule 2.

1 **Part 4—Parliamentary Integrity Adviser**

2 **Division 1—Establishment and functions and powers of the**  
3 **Parliamentary Integrity Adviser**

4 **23 Parliamentary Integrity Adviser**

- 5 (1) There is to be a Parliamentary Integrity Adviser.
- 6 (2) The Parliamentary Integrity Adviser is an independent officer of  
7 the Parliament.
- 8 (3) Subject to this Act and to any other laws of the Commonwealth,  
9 the Parliamentary Integrity Adviser is not subject to direction by  
10 any person in the performance or exercise of the Parliamentary  
11 Integrity Adviser’s functions or powers.

12 **24 Functions of Parliamentary Integrity Adviser**

- 13 (1) The Parliamentary Integrity Adviser has the following functions:
- 14 (a) at the request of a parliamentarian, a former parliamentarian,  
15 or a person employed under the *Members of Parliament*  
16 *(Staff) Act 1984*, to provide independent confidential advice,  
17 which may be requested to be in writing, to that  
18 parliamentarian or person about:
- 19 (i) an applicable code of conduct, including a  
20 parliamentary code of conduct; or
- 21 (ii) parliamentary remuneration, expenses or allowances; or
- 22 (iii) an ethics or integrity issue; or
- 23 (iv) an interest, including an actual or potential conflict of  
24 interest issue; or
- 25 (v) a matter of propriety, including the receipt of a gift; or
- 26 (vi) any similar issue;
- 27 whether the request for advice relates to an issue that arose  
28 before or after the commencement of this Act in relation to  
29 the parliamentarian, the former parliamentarian or the person  
30 employed under the *Members of Parliament (Staff) Act 1984*;

**Part 4** Parliamentary Integrity Adviser

**Division 1** Establishment and functions and powers of the Parliamentary Integrity Adviser

**Section 24**

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- 1 (b) at the request of a Minister, to provide independent  
2 confidential advice, which may be requested to be in writing,  
3 to that Minister about the Minister's compliance with an  
4 applicable code of conduct being a Ministerial code of  
5 conduct, whether the request for advice relates to an issue  
6 that arose before or after the commencement of this Act in  
7 relation to the Minister;
- 8 (c) to work with the Federal Integrity Commissioner and  
9 Assistant Federal Integrity Commissioner for Research and  
10 Public Interest to understand the nature, scope, and impact of  
11 corruption risk and prevalence within the Parliament;
- 12 (d) to act as the registrar of statements of interests for members  
13 of the House of Representatives and for senators, as provided  
14 for in Schedules 1 and 2;
- 15 (e) at the request of a presiding officer or a committee of a  
16 House of the Parliament, to provide independent confidential  
17 written advice in relation to any matter related to the objects  
18 of this Act;
- 19 (f) to prepare better practice guides and fact sheets, in relation to  
20 matters of conduct, propriety and ethics, for Ministers,  
21 parliamentarians, former parliamentarians and persons  
22 employed under the *Members of Parliament (Staff) Act 1984*;
- 23 (g) to provide an annual report to the Parliament outlining the  
24 nature of all matters considered under paragraphs (a) and (b),  
25 without identifying any of the parties involved;
- 26 (h) any other function conferred by this Act or another Act (or an  
27 instrument under this Act or another Act) on the  
28 Parliamentary Integrity Adviser.
- 29 (2) The Parliamentary Integrity Adviser has power to do all things  
30 necessary or convenient to be done for or in connection with the  
31 performance of the Parliamentary Integrity Adviser's functions.

1 **Division 2—Provision of advice**

2 **Subdivision A—Requests for advice**

3 **25 Parliamentarian, former parliamentarian or staff may request**  
4 **advice**

5 (1) A parliamentarian, a former parliamentarian, or a person employed  
6 under the *Members of Parliament (Staff) Act 1984*, may request  
7 advice from the Parliamentary Integrity Adviser about:

- 8 (a) an applicable code of conduct, including a parliamentary  
9 code of conduct; or  
10 (b) parliamentary remuneration, expenses or allowances; or  
11 (c) an ethics or integrity issue; or  
12 (d) an interest, including an actual or potential conflict of interest  
13 issue; or  
14 (e) a matter of propriety, including the receipt of a gift; or  
15 (f) any similar issue;

16 whether the request for advice relates to an issue that arose before  
17 or after the commencement of this Act.

18 (2) A request for advice must be about a matter relating to:

- 19 (a) the parliamentarian or the former parliamentarian requesting  
20 the advice; or  
21 (b) the person employed under the *Members of Parliament*  
22 *(Staff) Act 1984* requesting the advice; or  
23 (c) a family member of the parliamentarian, the former  
24 parliamentarian or person employed under the *Members of*  
25 *Parliament (Staff) Act 1984* requesting the advice; or  
26 (d) a person employed or formerly employed under the *Members*  
27 *of Parliament (Staff) Act 1984* by the parliamentarian or the  
28 former parliamentarian requesting the advice.

29 (3) Despite subsection (2), a parliamentarian who is the leader of a  
30 political party may request advice about a matter relating to:

- 31 (a) a parliamentarian who is a member of that political party; or

Section 26

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- 1 (b) a person employed under the *Members of Parliament (Staff)*  
2 *Act 1984* by a parliamentarian who is a member of that  
3 political party; or  
4 (c) a family member of a parliamentarian who is a member of  
5 that political party;  
6 provided that in all cases, the leader of the political party must first  
7 inform the parliamentarian, person or family member concerned of  
8 their intention to request the advice.
- 9 (4) To avoid doubt, a request for advice may not be about a matter  
10 relating to any other parliamentarian or person, except as provided  
11 for in subsection (2) or (3).

12 **26 Minister may request advice**

- 13 (1) A Minister may request advice from the Parliamentary Integrity  
14 Adviser about any issue relating to compliance with an applicable  
15 code of conduct, being a Ministerial code of conduct, whether the  
16 request for advice relates to an issue that arose before or after the  
17 commencement of this Act.
- 18 (2) A request for advice must be about a matter relating to:  
19 (a) the Minister requesting the advice; or  
20 (b) a family member of the Minister requesting the advice; or  
21 (c) a person employed or formerly employed under the *Members*  
22 *of Parliament (Staff) Act 1984* by the Minister requesting the  
23 advice.
- 24 (3) Despite subsection (2), the Prime Minister may request advice  
25 about a matter relating to:  
26 (a) a Minister or former Minister; or  
27 (b) a person employed under the *Members of Parliament (Staff)*  
28 *Act 1984* by a Minister; or  
29 (c) a family member of a Minister;  
30 provided that in all cases, the Prime Minister must first inform the  
31 Minister, person or family member concerned of their intention to  
32 request the advice.



- 1 (4) To avoid doubt, a request for advice may not be about a matter  
2 relating to any other parliamentarian or person, except as provided  
3 for in subsection (2) or (3).

4 **27 Presiding officer or chair of committee may request advice**

5 A presiding officer or a chair of a committee of a House of the  
6 Parliament may request advice from the Parliamentary Integrity  
7 Adviser about any ethics or integrity issue, or any general matter  
8 relating to ethics and integrity including revision or development  
9 of a code of conduct, as may relate to the roles, functions and  
10 operations of that House or committee.

11 **28 Requirements relating to requests for advice**

- 12 (1) If requested by the Parliamentary Integrity Adviser, a request for  
13 advice under section 25, 26 or 27 must be in writing.
- 14 (2) The person making the request for advice must disclose to the  
15 Parliamentary Integrity Adviser all information relevant to the  
16 matter or issue the subject of the request.
- 17 (3) The Parliamentary Integrity Adviser may request additional  
18 information from the person for the purpose of giving the advice.  
19 The request must explain how the additional information relates to  
20 request for advice.

21 **29 Provision of advice**

- 22 (1) If a person makes a request for advice on a matter or issue under  
23 section 25, 26 or 27, the Parliamentary Integrity Adviser must give  
24 the person advice on the matter or issue.
- 25 (2) However, subsection (1) does not apply if the Parliamentary  
26 Integrity Adviser:  
27 (a) reasonably believes that:  
28 (i) the Parliamentary Integrity Adviser does not have  
29 sufficient information in relation to the matter or issue  
30 to give the advice (whether or not after making a request  
31 for additional information under section 28); or

**Section 30**

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- 1 (ii) the advice is asked for in circumstances where the  
2 giving of the advice would not be in keeping with the  
3 objects of this Act; and  
4 (b) gives the person written reasons for refusing to give the  
5 advice.
- 6 (3) If the person requests advice in writing, or the Parliamentary  
7 Integrity Adviser decides that the advice should be provided in  
8 writing, then the advice must be in writing.
- 9 (4) In giving advice under subsection (1), the Parliamentary Integrity  
10 Adviser:  
11 (a) must have regard to the ethical principles set out in an  
12 applicable code of conduct; and  
13 (b) may have regard to any other ethical standards the  
14 Parliamentary Integrity Adviser considers appropriate.

**30 Limited protection from acting on conflict of interest issue**

- 15  
16 (1) This section applies if a person:  
17 (a) requests advice under section 25, 26 or 27 on a conflict of  
18 interest issue involving the person; and  
19 (b) discloses all information relevant to the matter or issue the  
20 subject of the request when seeking the advice; and  
21 (c) makes the request in writing; and  
22 (d) receives written advice from the Parliamentary Integrity  
23 Adviser on the issue; and  
24 (e) does an act to resolve the conflict of interest issue  
25 substantially in accordance with the Parliamentary Integrity  
26 Adviser's advice on the issue.
- 27 (2) The person is not subject to any civil liability for, or in relation to,  
28 the act.
- 29 (3) To avoid any doubt, subsection (2) does not affect the person's  
30 liability for any act or omission done or made in connection with  
31 the conflict of interest issue before the person receives the  
32 Parliamentary Integrity Adviser's advice.

1 **Subdivision B—Confidentiality of information**

2 **31 Interpretation**

3 (1) **Protected Adviser information** is information about a person,  
4 matter or issue obtained by the Parliamentary Integrity Adviser in  
5 the course of exercising powers, or performing duties or functions,  
6 under or in accordance with this Division.

7 (2) Each of the following documents is a **relevant document** for a  
8 request for advice under Subdivision A:

9 (a) a written request, if made in writing;

10 (b) any other records of the request;

11 (c) any documents given under subsection 28(2) in relation to the  
12 request;

13 (d) any additional information given under subsection 28(3) in  
14 relation to the request;

15 (e) any written reasons given by the Parliamentary Integrity  
16 Adviser under subsection 28(3) in relation to additional  
17 information sought;

18 (f) any written advice given by the Parliamentary Integrity  
19 Adviser under subsection 29(1) in relation to the request.

20 (3) A reference in this Subdivision to the Parliamentary Integrity  
21 Adviser includes a reference to a person assisting the  
22 Parliamentary Integrity Adviser under section 80.

23 **32 Authorised use or disclosure—performing functions etc.**

24 The Parliamentary Integrity Adviser may use or disclose protected  
25 Adviser information if the Parliamentary Integrity Adviser uses or  
26 discloses the information for the purposes of performing functions  
27 or duties or exercising powers under this Division.

28 Note 1: This section is an authorisation for the purposes of other laws,  
29 including the Australian Privacy Principles.

30 Note 2: Use, in relation to information, includes make a record of (see the  
31 definition of **use** in section 7).

1       **33 Authorised use or disclosure—required or authorised by law**

2                   The Parliamentary Integrity Adviser may use or disclose protected  
3                   Adviser information if the use or disclosure is required or  
4                   authorised by or under a law of the Commonwealth, or of a State or  
5                   Territory.

6                   Note :       This section is an authorisation for the purposes of other laws,  
7                   including the Australian Privacy Principles.

8       **34 Authorised disclosure—person to whom information relates**

9                   The Parliamentary Integrity Adviser may disclose protected  
10                  Adviser information to the person to whom the protected Adviser  
11                  information relates.

12                 Note :       This section is a requirement for the purposes of other laws, including  
13                 the Australian Privacy Principles.

14       **35 Offence for unauthorised use or disclosure**

- 15                 (1) A person commits an offence if:  
16                   (a) the person is or was the Parliamentary Integrity Adviser; and  
17                   (b) the person has obtained protected Adviser information; and  
18                   (c) the person uses or discloses the information; and  
19                   (d) the use or disclosure is not authorised or required by a  
20                   provision in this Subdivision.

21                 Penalty: Imprisonment for 2 years or 120 penalty units, or both.

- 22                 (2) Subsection (1) does not apply to a person to the extent that the  
23                 person uses or discloses protected information in good faith and in  
24                 purported compliance with a provision in this Subdivision.

25                 Note:       A defendant bears an evidential burden in relation to the matters in  
26                 this section (see subsection 13.3(3) of the *Criminal Code*).

27       **36 No requirement to provide information to courts etc.**

28                 Except where it is necessary to do so for the purposes of giving  
29                 effect to this Act, the Parliamentary Integrity Adviser is not to be  
30                 required to disclose protected Adviser information, or produce a  
31                 document containing protected Adviser information, to:

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- 1 (a) a court; or  
2 (b) a tribunal, authority or person that has the power to require  
3 the answering of questions or the production of documents.

4 **37 Offence for unauthorised use or disclosure—any person**

- 5 (1) A person other than the Parliamentary Integrity Adviser must not  
6 record, use or disclose information in relation to an ethics or  
7 integrity issue about another person that came to the person's  
8 knowledge because of the person's involvement in the  
9 administration of this Act.

10 Penalty: Imprisonment for 2 years or 120 penalty units, or both.

- 11 (2) Subsection (1) does not apply to a person's recording, use or  
12 disclosure of information if the recording, use or disclosure is:  
13 (a) in the performance of his or her functions under this Act; or  
14 (b) authorised under this or another Act.

15 Note: A defendant bears an evidential burden in relation to the matters in  
16 this section (see subsection 13.3(3) of the *Criminal Code*).

- 17 (3) A person other than the Parliamentary Integrity Adviser who is or  
18 has been involved in the administration of this Act is not, in any  
19 proceeding, compellable to disclose information in relation to an  
20 ethics or integrity issue about another person that came to the  
21 person's knowledge because of the person's involvement in the  
22 administration of this Act.

1        **Division 3—Better practices guides and fact sheets**

2        **38 Better practices guides and fact sheets**

3                        The Parliamentary Integrity Adviser may promote better practice in  
4                        relation to matters of conduct, propriety, ethics and integrity for  
5                        parliamentarians, former parliamentarians, and persons employed  
6                        under the *Members of Parliament (Staff) Act 1984*, by preparing  
7                        and disseminating better practice guides and fact sheets to those  
8                        persons.

1 **Division 4—Annual report**

2 **39 Annual report**

- 3 (1) The Parliamentary Integrity Adviser must prepare and give:  
4 (a) the President of the Senate for presentation to the Senate; and  
5 (b) the Speaker of the House of Representatives for presentation  
6 to the House of Representatives;  
7 a report on the activities of the Parliamentary Integrity Adviser  
8 during a financial year.

9 Note: See also section 34C of the *Acts Interpretation Act 1901*, which  
10 contains extra rules about annual reports.

- 11 (2) A report under subsection (1) must include:  
12 (a) the number of times advice was prepared by the  
13 Parliamentary Integrity Adviser during the year, including  
14 information about:  
15 (i) the number of times advice related to an applicable code  
16 of conduct or a part thereof; and  
17 (ii) the types of gifts to which advice related; and  
18 (iii) the types of interest to which advice related; and  
19 (b) the general nature of the advice that was prepared by the  
20 Parliamentary Integrity Adviser during the year; and  
21 (c) details of any better practice guides or fact sheets prepared  
22 and disseminated by the Parliamentary Integrity Adviser  
23 during the year.
- 24 (3) A report under subsection (1) may include such other information  
25 relating to the objects of this Act and the activities of the  
26 Parliamentary Integrity Adviser, as the Parliamentary Integrity  
27 Adviser considers appropriate.
- 28 (4) Despite subsection (3), a report under subsection (1) must not  
29 include information likely to identify a specific request for the  
30 Parliamentary Integrity Adviser's advice on any matter or issue,  
31 including information likely to identify:  
32 (a) a person who requested the Parliamentary Integrity Adviser's  
33 advice; or
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**Part 4** Parliamentary Integrity Adviser

**Division 4** Annual report

Section 39

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- 1 (b) in the case of a family member or employee about whom the  
2 Parliamentary Integrity Adviser's advice was requested, that  
3 family member or employee.



1 **Part 5—Parliamentary Standards Commissioner**

2 **Division 1—Establishment and functions and powers of the**  
3 **Parliamentary Standards Commissioner**

4 **40 Parliamentary Standards Commissioner**

- 5 (1) There is to be a Parliamentary Standards Commissioner.
- 6 (2) The Parliamentary Standards Commissioner is an independent  
7 officer of the Parliament.

8 **41 Functions of Parliamentary Standards Commissioner**

- 9 (1) The Parliamentary Standards Commissioner has the following  
10 functions:
- 11 (a) to investigate alleged or suspected contraventions of this Act  
12 or any applicable code of conduct, including a parliamentary  
13 code of conduct;
- 14 (b) at the request of a Minister, including the Prime Minister, to  
15 investigate alleged or suspected contraventions of an  
16 applicable code of conduct, being a Ministerial code of  
17 conduct, whether the request for advice relates to an issue  
18 that arose before or after the commencement of this Act in  
19 relation to the Minister;
- 20 (c) to lead corruption education, training and prevention  
21 initiatives in collaboration with the Federal Integrity  
22 Commissioner and the Assistant Federal Integrity  
23 Commissioner for Education, Training and Prevention;
- 24 (d) at the request of a presiding officer or a committee of a  
25 House of the Parliament, to inquire into and report upon any  
26 matter related to ethical and integrity standards among  
27 parliamentarians or their staff;
- 28 (e) to provide an annual report to the Parliament outlining the  
29 nature of all matters considered under paragraphs (a) and (b),  
30 without identifying any of the parties involved;

**Part 5** Parliamentary Standards Commissioner

**Division 1** Establishment and functions and powers of the Parliamentary Standards Commissioner

**Section 41**

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- 1 (f) any other function conferred by this Act or another Act (or an  
2 instrument under this Act or another Act) on the  
3 Parliamentary Standards Commissioner.
- 4 (2) The Parliamentary Standards Commissioner has power to do all  
5 things necessary or convenient to be done for or in connection with  
6 the performance of the Parliamentary Standards Commissioner's  
7 functions.

1 **Division 2—Alleged or suspected contraventions of**  
2 **parliamentary code of conduct**

3 **42 Referral of alleged or suspected contravention**

- 4 (1) A person who considers that there has been a contravention of a  
5 provision of a parliamentary code of conduct may refer the alleged  
6 or suspected contravention to:
- 7 (a) the Presiding Officer of the House of the Parliament of which  
8 the Member who is alleged to have contravened the  
9 requirement is a Member; or
  - 10 (b) the Privileges Committee of the House of the Parliament of  
11 which the Member who is alleged to have contravened the  
12 requirement is a Member; or
  - 13 (c) the Parliamentary Standards Commissioner.
- 14 (2) Without limiting subsection (1):
- 15 (a) the person may refer the allegation or information  
16 anonymously; and
  - 17 (b) the person may refer the allegation or information either  
18 orally or in writing.
- 19 (3) If the person refers the allegation or information orally, the  
20 Presiding Officer, Privileges Committee or Parliamentary  
21 Standards Commissioner may require the person to put the  
22 allegation or the information in writing.
- 23 (4) Whether the person refers the allegation or information orally or in  
24 writing, the Federal Integrity Commissioner may require the  
25 person to identify, in writing, the nature of the person's  
26 relationship with any other persons or agencies identified in the  
27 referral.
- 28 (5) If the person is asked to put the allegation or information in writing  
29 under subsection (3) the Presiding Officer, Privileges Committee  
30 or Parliamentary Standards Commissioner may refuse to deal  
31 further with the allegation or information until the allegation or  
32 information is put in writing.

1 **43 How alleged or suspected contraventions must be dealt with**

2 (1) A Presiding Officer or Privileges Committee who receives a  
3 referral under subsection 42(1) must refer the alleged or suspected  
4 contravention to the Parliamentary Standards Commissioner.

5 (2) If the Parliamentary Standards Commissioner determines that a  
6 referral under this Division may involve conduct that may  
7 constitute a criminal offence, the Parliamentary Standards  
8 Commissioner must refer the alleged contravention to the Federal  
9 Integrity Commissioner, the Australian Federal Police or another  
10 appropriate law enforcement agency.

11 Note: Division 2 of Part 4 of the *Australian Federal Integrity Commission*  
12 *Act 2020* provides how the Federal Integrity Commissioner deals with  
13 corruption issues including criminal offences.

14 (3) If the Parliamentary Standards Commissioner determines that a  
15 referral under this Division involves a corruption issue within the  
16 meaning of the *Australian Federal Integrity Commission Act 2020*,  
17 the Parliamentary Standards Commissioner must deal with the  
18 corruption issue in one of the following ways:

- 19 (a) by inquiring into the corruption issue;  
20 (b) by referring the corruption issue to the Federal Integrity  
21 Commissioner.

22 (4) The Parliamentary Standards Commissioner may inquire into the  
23 corruption issue under paragraph (3)(a) either alone or jointly with  
24 the Federal Integrity Commissioner or with another government  
25 agency with appropriate functions or powers for the purpose.

26 (5) The Parliamentary Standards Commissioner may refer the  
27 corruption issue under paragraph (3)(b) with any of the following:

- 28 (a) a request for the Federal Integrity Commissioner to  
29 investigate or otherwise deal with the corruption issue;  
30 (b) a request for advice on how the corruption issue should be  
31 investigated;  
32 (c) a request for a joint investigation.

- 1 (6) In deciding how to deal with a corruption issue under  
2 subsection (3), the Parliamentary Standards Commissioner must  
3 have regard to the following:
- 4 (a) whether the corruption issue may involve serious and/or  
5 systemic corrupt conduct based on advice from the Federal  
6 Integrity Commissioner and the Assistant Federal Integrity  
7 Commissioner for Research and Public Interest;
  - 8 (b) the need to ensure that the corruption issue is fully  
9 investigated;
  - 10 (c) the rights and obligations of the Federal Integrity  
11 Commissioner or any other agency to investigate the  
12 corruption issue;
  - 13 (d) the rights and obligations of any person who refers or  
14 provides information in relation to the corruption issue,  
15 including any need to protect the person's identity or  
16 confidentiality or to protect the person from reprisal or  
17 detrimental action;
  - 18 (e) if a joint investigation with the Federal Integrity  
19 Commissioner is being considered—the extent to which the  
20 Federal Integrity Commissioner is able to cooperate in the  
21 investigation;
  - 22 (f) the resources that are available to investigate the corruption  
23 issue;
  - 24 (g) the need to ensure a balance between:
    - 25 (i) the Federal Integrity Commissioner's role in dealing  
26 with corruption issues (particularly in dealing with  
27 significant corruption issues); and
    - 28 (ii) ensuring that the Parliament takes responsibility for the  
29 conduct of parliamentarians and their staff;
  - 30 (h) the remoteness of the person who made the referral under  
31 subsection 42(1) from the corruption issue;
  - 32 (i) the likely significance of the corruption issue for the  
33 Parliament and for the Commonwealth.
- 34 (7) Subsection (6) does not limit the matters to which the  
35 Parliamentary Standards Commissioner may have regard.

1 **44 Assessment and preliminary enquiries**

2 (1) This section applies if:

- 3 (a) an alleged or suspected contravention is referred to the  
4 Parliamentary Standards Commissioner under this Division;  
5 and  
6 (b) the Parliamentary Standards Commissioner does not refer the  
7 alleged or suspected contravention under either  
8 subsection 43(2) or (3).

9 (2) The Parliamentary Standards Commissioner must deal with the  
10 alleged or suspected contravention in one of the following ways:

- 11 (a) by making preliminary enquiries to determine whether to  
12 further inquire into the alleged or suspected contravention;  
13 (b) by inquiring into the alleged or suspected contravention;  
14 (c) at any time, by determining to take no further action.

15 (3) The Parliamentary Standards Commissioner may make preliminary  
16 enquiries under paragraph (2)(a) in such manner as the  
17 Parliamentary Standards Commissioner sees fit.

18 (4) The Parliamentary Standards Commissioner may decide under  
19 paragraph (2)(c) to take no further action in relation to an alleged  
20 or suspected contravention, at any time, only if the Parliamentary  
21 Standards Commissioner is satisfied on reasonable grounds that:

- 22 (a) the contravention is already being, or will be, investigated by  
23 another Commonwealth agency or resolved by another  
24 process; or  
25 (b) the referral of the allegation, or information, that raised the  
26 contravention is frivolous or vexatious; or  
27 (c) the conduct which is the subject of the alleged or suspected  
28 contravention has been, is or will be, the subject of  
29 proceedings before a court; or  
30 (d) the subject matter of the allegation or suspicion does not  
31 sufficiently relate to any provision of an applicable code of  
32 conduct; or  
33 (e) there is insufficient information or evidence with which to  
34 deal or inquire into the contravention; or

- 1 (f) after due consideration, including any enquiries, there is  
2 insufficient basis for concluding that a contravention has  
3 occurred; or  
4 (g) that the person who referred the allegation, or information,  
5 that raised the contravention, is too remote from the  
6 allegation or information; or  
7 (h) further action in relation to the alleged or suspected  
8 contravention is not warranted having regard to all the  
9 circumstances.
- 10 (5) Without limiting paragraph (4)(d), the Parliamentary Standards  
11 Commissioner may determine that the subject matter does not  
12 sufficiently relate to any provision of an applicable code of conduct  
13 on the grounds that it solely or overwhelmingly concerns:  
14 (a) the political position, policy, platform, views or opinions of a  
15 parliamentarian; or  
16 (b) the private or personal life of a parliamentarian or of other  
17 persons.
- 18 (6) If, at any time, the Parliamentary Standards Commissioner forms  
19 the opinion that:  
20 (a) a particular action by a parliamentarian, Presiding Officer or  
21 Privileges Committee could be taken to rectify or resolve an  
22 issue giving rise to the alleged or suspected contravention;  
23 and  
24 (b) the action would not prejudice any further inquiry or other  
25 inquiry, or the making of a report in relation to the  
26 contravention or any related matter;  
27 the Parliamentary Standards Commissioner may convey that  
28 opinion to the parliamentarian, Presiding Officer or Privileges  
29 Committee, with a recommendation that they take such action.

## 30 **45 Inquiries**

- 31 (1) This section applies if the Parliamentary Standards Commissioner  
32 decides under subsection 44(2) to undertake an inquiry into the  
33 alleged or suspected contravention.

Section 45

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- 1 (2) The following provisions apply in relation to an inquiry that is  
2 conducted by the Parliamentary Standards Commissioner under  
3 subsection (1) (with references to the Auditor-General being  
4 replaced by references to the Parliamentary Standards  
5 Commissioner):  
6 (a) sections 32, 33 and 35 of the *Auditor-General Act 1997*;  
7 (b) any other provisions of the *Auditor-General Act 1997*, or of  
8 regulations under that Act, that are relevant to the operation  
9 of section 32, 33 or 35 of that Act.
- 10 (3) The Parliamentary Standards Commissioner must advise:  
11 (a) the Privileges Committee of the House or Houses to which  
12 the contravention relates; and  
13 (b) the parliamentarian or parliamentarians and any other persons  
14 to which the contravention relates;  
15 of the decision to inquire into the contravention, and of any  
16 decision to take no further action in relation to the contravention.
- 17 (4) However, the Parliamentary Standards Commissioner need not  
18 advise a person under subsection (3), if doing so would be likely to  
19 prejudice:  
20 (a) the inquiry or any other inquiry; or  
21 (b) the protection of the identity or confidentiality of any person  
22 who referred or provided information in relation to the  
23 contravention, or protection of such a person from reprisal or  
24 detrimental action; or  
25 (c) any action taken as a result of an inquiry referred to in  
26 paragraph (a).
- 27 (5) A parliamentarian or person employed under the *Members of*  
28 *Parliament (Staff) Act 1984* is to cooperate and assist with an  
29 inquiry.
- 30 (6) The Parliamentary Standards Commissioner may keep any person  
31 (or a representative nominated by the person) informed of the  
32 progress of an inquiry, if the person:  
33 (a) raised the alleged or suspected contravention; or  
34 (b) is a parliamentarian or other person to whom the  
35 contravention or inquiry relates.



1 (7) Except where disclosed or authorised by the Parliamentary  
2 Standards Commissioner, a House or a Committee, or in  
3 accordance with this Act, a person may not disclose any relevant  
4 document relating to an alleged or suspected contravention under  
5 this Division.

6 Note: Subsection 69(4) provides that relevant documents, as defined by  
7 subsection 63(2), are in camera evidence for the purposes of  
8 section 13 of the *Parliamentary Privileges Act 1987*. The penalty for  
9 unauthorised disclosure is, in the case of a natural person,  
10 imprisonment for 6 months or 50 penalty units or, in the case of a  
11 corporation, 250 penalty units.

## 12 **46 Report of inquiry**

### 13 *Report and its contents*

14 (1) After completing an inquiry into an alleged or suspected  
15 contravention, the Parliamentary Standards Commissioner must  
16 prepare a report on the inquiry.

17 (2) The report must set out:

18 (a) the Parliamentary Standards Commissioner's findings on the  
19 contravention; and

20 (b) the evidence and other material on which those findings are  
21 based; and

22 (c) any recommendations that the Parliamentary Standards  
23 Commissioner thinks fit to make and, if recommendations are  
24 made, the reasons for those recommendations.

25 This subsection has effect subject to subsections (4) and (5).

26 Note: See section 47 for the need for the Parliamentary Standards  
27 Commissioner to give certain people an opportunity to be heard before  
28 including critical statements in a report.

29 (3) Without limiting paragraph (2)(c), the Parliamentary Standards  
30 Commissioner may recommend:

31 (a) taking action to rectify or mitigate the effects of a  
32 contravention; or

33 (b) the adoption of measures to remedy deficiencies in policy,  
34 procedures or practices that facilitated a contravention; or

Section 47

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- 1 (c) taking appropriate action to initiate disciplinary proceedings  
2 against a person; or  
3 (d) taking appropriate action with a view to having a person  
4 charged with a criminal offence; or  
5 (e) such actions as the Parliamentary Standards Commissioner  
6 considers will assist to resolve a contravention.
- 7 (4) The Parliamentary Standards Commissioner may exclude  
8 information from the report if the Parliamentary Standards  
9 Commissioner is satisfied that:
- 10 (a) the information is sensitive information or the inclusion of  
11 the information may:  
12 (i) endanger a person's life or physical safety; or  
13 (ii) prejudice proceedings brought as a result of the inquiry,  
14 or another inquiry under this Act; and  
15 (b) it is desirable in the circumstances to exclude the information  
16 from the report.
- 17 (5) In deciding whether to exclude information from the report under  
18 subsection (4), the Parliamentary Standards Commissioner must  
19 seek to achieve an appropriate balance between:
- 20 (a) the public interest that would be served by including the  
21 information in the report; and  
22 (b) the prejudicial consequences that might result from including  
23 the information in the report.

24 *Supplementary report*

- 25 (6) If the Parliamentary Standards Commissioner excludes information  
26 from a report under subsection (4), the Parliamentary Standards  
27 Commissioner must prepare a supplementary report that sets out:  
28 (a) the information; and  
29 (b) the reasons for excluding the information from the report  
30 under subsection (4).

31 **47 Opportunity to be heard**

- 32 (1) Subject to subsection (2), the Parliamentary Standards  
33 Commissioner must not include in a report under section 46 in

- 1 relation to an investigation of a corruption issue an opinion or  
2 finding that is critical of a person (either expressly or impliedly)  
3 unless the Parliamentary Standards Commissioner has taken the  
4 action required by subsection (3) before completing the  
5 investigation.
- 6 (2) Subsection (1) does not apply if the Parliamentary Standards  
7 Commissioner is satisfied that:
- 8 (a) a person may have:
- 9 (i) committed a criminal offence; or  
10 (ii) contravened a civil penalty provision; or  
11 (iii) engaged in conduct that could be the subject of  
12 disciplinary proceedings; or  
13 (iv) engaged in conduct that could be grounds for  
14 terminating the person's appointment or employment;  
15 and
- 16 (b) taking action under subsection (3) would compromise the  
17 effectiveness of:
- 18 (i) the inquiry into the contravention or another inquiry; or  
19 (ii) any action taken as a result of an inquiry referred to in  
20 subparagraph (i).
- 21 (3) If the opinion or finding is critical of a person, the Parliamentary  
22 Standards Commissioner must give the person:
- 23 (a) a statement setting out the opinion or finding; and  
24 (b) a reasonable opportunity to appear before him or her and to  
25 make submissions in relation to the opinion or finding.
- 26 (4) Submissions under subsection (3) may be made orally or in  
27 writing.
- 28 (5) A person referred to in subsection (3):
- 29 (a) may appear before the Parliamentary Standards  
30 Commissioner personally; or  
31 (b) may, with the Parliamentary Standards Commissioner's  
32 approval, be represented by another person.

1       **48 Parliamentary Standards Commissioner to give report to**  
2                               **Committee**

3               The Parliamentary Standards Commissioner must give the  
4               Privileges Committee of the House or Houses to which the report  
5               relates:

- 6                       (a) the report prepared under subsection 46(1); and  
7                       (b) if a supplementary report is prepared under subsection 46(6)  
8                       in relation to the inquiry—the supplementary report.

9       **49 Advice of outcome of inquiry**

10               (1) The Parliamentary Standards Commissioner may advise a person  
11               (or a representative nominated by the person) of the outcome of an  
12               inquiry, if the person:

- 13                       (a) raised the alleged or suspected contravention; or  
14                       (b) is a parliamentarian or other person to whom the  
15                       contravention or inquiry relates.

16               (2) However, if the report of the Parliamentary Standards  
17               Commissioner under subsection 46(1) included:

- 18                       (a) a finding that a contravention occurred; or  
19                       (b) a recommendation that any action be taken as a result of a  
20                       contravention;

21               the Parliamentary Standards Commissioner may only advise a  
22               person of the outcome of an inquiry after the report has been  
23               considered by the Privileges Committee of each House to which  
24               the inquiry relates.

25               (3) One way of advising a person (or the representative) is to give a  
26               copy of all or part of any report prepared under subsection 46(1) in  
27               relation to the investigation.

28               (4) In advising a person of the outcome of the investigation, the  
29               Parliamentary Standards Commissioner may exclude information  
30               from the advice if the Parliamentary Standards Commissioner is  
31               satisfied that:

- 32                       (a) the information is sensitive information; and

1 (b) it is desirable in the circumstances to exclude the information  
2 from the advice.

3 (5) In deciding whether to exclude information from the advice under  
4 paragraph (4)(b), the Parliamentary Standards Commissioner must  
5 seek to achieve an appropriate balance between:

6 (a) the person's interest in having the information included in the  
7 advice; and

8 (b) the prejudicial consequences that might result from including  
9 the information in the advice.

## 10 **50 Public advice of outcome of inquiry**

11 (1) If, in the opinion of the Parliamentary Standards Commissioner:

12 (a) an alleged or suspected contravention has been the subject of  
13 public attention or debate; and

14 (b) no contravention occurred, or it could not be concluded that a  
15 contravention occurred;

16 the Parliamentary Standards Commissioner may, if he or she  
17 considers it to be in the public interest to do so, issue public advice  
18 summarising the outcome of the inquiry.

19 (2) In determining whether the issuing of public advice under  
20 subsection (1) is in the public interest, the Parliamentary Standards  
21 Commissioner must consult:

22 (a) the person or persons in relation to whom the contravention  
23 was alleged or suspected; and

24 (b) the Privileges Committee of each House to which the alleged  
25 or suspected contravention related.

## 26 **51 Report to House**

27 (1) If:

28 (a) the Parliamentary Standards Commissioner gives a Privileges  
29 Committee a report prepared under subsection 46(1); and

30 (b) the report included:

31 (i) a finding that a contravention occurred; or

32 (ii) a recommendation that any action be taken as a result of  
33 a contravention;

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Section 52

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- 1 the Committee must table the report in each House of the  
2 Parliament within 5 sitting days of that House after its receipt by  
3 the Committee.
- 4 (2) To avoid doubt, a Privileges Committee is not required by  
5 subsection (1) to cause a supplementary report prepared under  
6 subsection 46(6) to be tabled in the House.
- 7 (3) In tabling a report of the Parliamentary Standards Commissioner, a  
8 Committee may table in the House such further advice or  
9 recommendations about the report, or about actions to be taken as a  
10 result of the report, as the Committee sees fit.

11 **52 Failure to comply with parliamentary code of conduct**

- 12 (1) This section applies where either House of the Parliament  
13 determines, following an inquiry under section 45 and  
14 consideration of a report tabled under section 51, that a person has  
15 contravened a requirement of a provision of a parliamentary code  
16 of conduct.
- 17 (2) A wilful contravention of a requirement of a provision of the  
18 parliamentary code of conduct is a contempt of the Parliament and  
19 may be dealt with accordingly.
- 20 (3) In addition to any other punishment that may be awarded by either  
21 House of the Parliament under subsection (2), if a parliamentarian  
22 or other person is determined to have contravened a requirement of  
23 a provision of the parliamentary code of conduct, the House of  
24 which the parliamentarian is a member may impose any of the  
25 following penalties:
- 26 (a) a requirement to apologise to the House;
- 27 (b) a requirement to rectify a statement of interests provided by  
28 the parliamentarian or other person, or any information  
29 included in the register of interests, under Schedule 1 or 2;
- 30 (c) a requirement to pay a specified fine (not exceeding 100  
31 penalty units) to the Presiding Officer for payment into the  
32 Consolidated Revenue Fund;
- 33 (d) a formal censure or reprimand by the House;

- 1 (e) the suspension of the parliamentarian from the House for the  
2 period (not exceeding 2 months) determined by the House;  
3 (f) such other penalty as the House deems appropriate in the  
4 circumstances.
- 5 (4) A motion of a House of Parliament proposing to impose the  
6 penalty specified in paragraph (3)(e) must be passed by a special  
7 majority.
- 8 (5) For the purposes of subsection (4), special majority means two  
9 thirds of the whole number of the members of the House of  
10 Parliament.
- 11 (6) If a parliamentarian does not comply with a penalty imposed under  
12 paragraph (3)(a), (b) or (c), within the time ordered by the House,  
13 the parliamentarian is to be declared to be suspended from the  
14 House for a period of time determined by the House, or until such  
15 time as they comply.
- 16 (7) Nothing in subsections (1) to (6) limits the matters about which the  
17 Parliamentary Standards Commissioner may make  
18 recommendations in a report under section 46, or a Privileges  
19 Committee may make recommendations under section 51, or a  
20 House may take action under subsection (2).

1 **Division 3—Alleged or suspected contraventions of**  
2 **ministerial code of conduct**

3 **53 Referral of alleged or suspected contravention**

4 (1) A person who considers that there has been a contravention of a  
5 provision of an applicable code of conduct, being a Ministerial  
6 code of conduct, may refer the alleged or suspected contravention  
7 to:

- 8 (a) the Prime Minister; or  
9 (b) the Parliamentary Standards Commissioner.

10 (2) Without limiting subsection (1):

- 11 (a) the person may refer the allegation or information  
12 anonymously; and  
13 (b) the person may refer the allegation or information either  
14 orally or in writing.

15 (3) If the person refers the allegation or information orally, the Prime  
16 Minister or Parliamentary Standards Commissioner may require  
17 the person to put the allegation or the information in writing.

18 (4) If the person is asked to put the allegation or information in writing  
19 under subsection (3), the Prime Minister or Parliamentary  
20 Standards Commissioner may refuse to deal further with the  
21 allegation or information until the allegation or information is put  
22 in writing.

23 **54 How alleged or suspected contraventions must be dealt with**

24 (1) If the Parliamentary Standards Commissioner receives a referral  
25 under subsection 53(1), the Parliamentary Standards Commissioner  
26 must refer the alleged or suspected contravention to the Prime  
27 Minister.

28 (2) If, after referring the alleged or suspected contravention to the  
29 Prime Minister, the Prime Minister or Parliamentary Standards  
30 Commissioner determines that a referral under this Division may  
31 involve conduct that may constitute a criminal offence, the Prime



1 Minister or Parliamentary Standards Commissioner must refer the  
2 alleged contravention to the Federal Integrity Commissioner, the  
3 Australian Federal Police or another appropriate law enforcement  
4 agency.

5 Note: Division 2 of Part 4 of the *Australian Federal Integrity Commission*  
6 *Act 2020* provides how the Federal Integrity Commissioner deals with  
7 corruption issues including criminal offences.

- 8 (3) If the Parliamentary Standards Commissioner determines that a  
9 referral under this Division involves a corruption issue within the  
10 meaning of the *Australian Federal Integrity Commission Act 2020*,  
11 the Parliamentary Standards Commissioner must, when referring  
12 the allegation or suspected contravention to the Prime Minister  
13 under subsection (1):
- 14 (a) recommend to the Prime Minister that the Parliamentary  
15 Standards Commissioner inquire into the corruption issue;
  - 16 (b) recommend to the Prime Minister that the corruption issue be  
17 referred to the Federal Integrity Commissioner.
- 18 (4) The Parliamentary Standards Commissioner may inquire into a  
19 corruption issue under paragraph (3)(a) either alone or jointly with  
20 the Federal Integrity Commissioner or with another government  
21 agency with appropriate functions or powers for the purpose.
- 22 (5) In deciding what to recommend in respect of a corruption issue  
23 under subsection (3), the Parliamentary Standards Commissioner  
24 must have regard to the following:
- 25 (a) whether the corruption issue may involve serious corrupt  
26 conduct or systemic corrupt conduct;
  - 27 (b) the need to ensure that the corruption issue is fully  
28 investigated;
  - 29 (c) the rights and obligations of the Federal Integrity  
30 Commissioner or any other agency to investigate the  
31 corruption issue;
  - 32 (d) the rights and obligations of any person who refers or  
33 provides information in relation to the corruption issue,  
34 including any need to protect the person's identity or  
35 confidentiality or to protect the person from reprisal or  
36 detrimental action;

**Section 55**

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- 1 (e) if a joint investigation with the Federal Integrity  
2 Commissioner is being considered—the extent to which the  
3 Federal Integrity Commissioner is able to cooperate in the  
4 investigation;
- 5 (f) the resources that are available to investigate the corruption  
6 issue;
- 7 (g) the need to ensure a balance between:  
8 (i) the Federal Integrity Commissioner’s role in dealing  
9 with corruption issues (particularly in dealing with  
10 significant corruption issues); and  
11 (ii) ensuring that the Prime Minister takes responsibility for  
12 the conduct of Ministers and their staff;
- 13 (h) the likely significance of the corruption issue for the  
14 Parliament and for the Commonwealth.
- 15 (6) Subsection (5) does not limit the matters to which the  
16 Parliamentary Standards Commissioner may have regard.

**55 Assessment and preliminary enquiries**

- 17
- 18 (1) This section applies if:  
19 (a) an alleged or suspected contravention is referred to the Prime  
20 Minister under this Division; and  
21 (b) the alleged or suspected contravention is not referred under  
22 either subsection 54(2) or (3).
- 23 (2) The Prime Minister may refer the alleged or suspected  
24 contravention to the Parliamentary Standards Commissioner for  
25 advice, assessment or inquiry.
- 26 (3) If a contravention is referred under subsection (2), the  
27 Parliamentary Standards Commissioner must deal with the alleged  
28 or suspected contravention in one of the following ways:  
29 (a) by making preliminary enquiries to determine whether to  
30 further inquire into the alleged or suspected contravention;  
31 (b) by inquiring into the alleged or suspected contravention;  
32 (c) at any time, by determining to take no further action.

- 1 (4) The Parliamentary Standards Commissioner may make preliminary  
2 enquiries under paragraph (3)(a) in such manner as the  
3 Parliamentary Standards Commissioner sees fit.
- 4 (5) The Parliamentary Standards Commissioner may decide under  
5 paragraph (3)(c) to take no further action in relation to an alleged  
6 or suspected contravention, at any time, only if the Parliamentary  
7 Standards Commissioner is satisfied on reasonable grounds that:
- 8 (a) the contravention is already being, or will be, investigated by  
9 another Commonwealth agency or resolved by another  
10 process; or
- 11 (b) the referral of the allegation, or information, that raised the  
12 contravention is frivolous or vexatious; or
- 13 (c) the conduct which is the subject of the alleged or suspected  
14 contravention has been, is or will be, the subject of  
15 proceedings before a court; or
- 16 (d) the subject matter of the allegation or suspicion does not  
17 sufficiently relate to any provision of an applicable code of  
18 conduct; or
- 19 (e) there is insufficient information or evidence with which to  
20 deal or inquire into the contravention; or
- 21 (f) after due consideration, including any enquiries, there is  
22 insufficient basis for concluding that a contravention has  
23 occurred; or
- 24 (g) further action in relation to the alleged or suspected  
25 contravention is not warranted having regard to all the  
26 circumstances.
- 27 (6) Without limiting paragraph (5)(d), the Parliamentary Standards  
28 Commissioner may determine that the subject matter does not  
29 sufficiently relate to any provision of an applicable code of conduct  
30 on the grounds that it solely or overwhelmingly concerns:
- 31 (a) the political position, policy, platform, views or opinions of a  
32 parliamentarian; or
- 33 (b) the private or personal life of a parliamentarian or of other  
34 persons.
- 35 (7) If, at any time, the Parliamentary Standards Commissioner forms  
36 the opinion that:
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**Section 56**

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- 1 (a) a particular action by the Prime Minister or a parliamentarian  
2 could be taken to rectify or resolve an issue giving rise to the  
3 alleged or suspected contravention; and  
4 (b) the action would not prejudice any further inquiry or other  
5 inquiry, or the making of a report in relation to the  
6 contravention or any related matter;  
7 the Parliamentary Standards Commissioner may convey that  
8 opinion to the Prime Minister or parliamentarian, with a  
9 recommendation that they take such action.

10 **56 Inquiries**

- 11 (1) This section applies if the Parliamentary Standards Commissioner  
12 decides under subsection 55(3) to undertake an inquiry into the  
13 alleged or suspected contravention.
- 14 (2) The following provisions apply in relation to an inquiry that is  
15 conducted by the Parliamentary Standards Commissioner under  
16 subsection (1) (with references to the Auditor-General being  
17 replaced by references to the Parliamentary Standards  
18 Commissioner):  
19 (a) sections 32, 33 and 35 of the *Auditor-General Act 1997*;  
20 (b) any other provisions of the *Auditor-General Act 1997*, or of  
21 regulations under that Act, that are relevant to the operation  
22 of section 32, 33 or 35 of that Act.
- 23 (3) The Parliamentary Standards Commissioner must advise:  
24 (a) the Prime Minister; and  
25 (b) the parliamentarian or parliamentarians and any other persons  
26 to which the contravention relates;  
27 of the decision to inquire into the contravention, and of any  
28 decision to take no further action in relation to the contravention.
- 29 (4) However, the Parliamentary Standards Commissioner need not  
30 advise a person of a decision to inquire into the contravention, if  
31 doing so would be likely to prejudice:  
32 (a) the inquiry or another contravention inquiry; or  
33 (b) the protection of the identity or confidentiality of any person  
34 who referred or provided information in relation to the

- 1                                   contravention, or protection of such a person from reprisal or  
2                                   detrimental action; or  
3                                   (c) any action taken as a result of an inquiry referred to in  
4                                   paragraph (a).
- 5                                   (5) A parliamentarian or person employed under the *Members of*  
6                                   *Parliament (Staff) Act 1984* is to cooperate and assist with an  
7                                   inquiry.
- 8                                   (6) The Parliamentary Standards Commissioner may keep any person  
9                                   (or a representative nominated by the person) informed of the  
10                                   progress of an inquiry, if the person:  
11                                   (a) raised the alleged or suspected contravention; or  
12                                   (b) is a parliamentarian or other person to whom the  
13                                   contravention or inquiry relates.
- 14                                   (7) Except where disclosed or authorised by the Parliamentary  
15                                   Standards Commissioner, a House or a Committee, or in  
16                                   accordance with this Act, a person may not disclose any relevant  
17                                   document relating to an alleged or suspected contravention under  
18                                   this Division.
- 19                                   Note:        Subsection 69(4) provides that relevant documents, as defined by  
20    subsection 63(2), are in camera evidence for the purposes of  
21    section 13 of the *Parliamentary Privileges Act 1987*. The penalty for  
22    unauthorised disclosure is, in the case of a natural person,  
23    imprisonment for 6 months or 50 penalty units or, in the case of a  
24    corporation, 250 penalty units.

## 25       **57 Report of inquiry**

### 26                                   *Report and its contents*

- 27                                   (1) After completing an inquiry into an alleged or suspected  
28                                   contravention, the Parliamentary Standards Commissioner must  
29                                   prepare a report on the inquiry.
- 30                                   (2) The report must set out:  
31                                   (a) the Parliamentary Standards Commissioner's findings on the  
32                                   contravention; and  
33                                   (b) the evidence and other material on which those findings are  
34                                   based; and
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Section 57

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- 1 (c) any recommendations that the Parliamentary Standards  
2 Commissioner thinks fit to make and, if recommendations are  
3 made, the reasons for those recommendations.

4 This subsection has effect subject to subsections (4) and (5).

5 Note: See section 58 for the need for the Parliamentary Standards  
6 Commissioner to give certain people an opportunity to be heard before  
7 including critical statements in a report.

- 8 (3) Without limiting paragraph (2)(c), the Parliamentary Standards  
9 Commissioner may recommend to the Prime Minister:
- 10 (a) taking action to rectify or mitigate the effects of a  
11 contravention; or
- 12 (b) the adoption of measures to remedy deficiencies in policy,  
13 procedures or practices that facilitated a contravention; or
- 14 (c) taking appropriate action to initiate disciplinary proceedings  
15 against a person; or
- 16 (d) taking appropriate action with a view to having a person  
17 charged with a criminal offence; or
- 18 (e) such actions as the Parliamentary Standards Commissioner  
19 considers will assist to resolve a contravention.
- 20 (4) The Parliamentary Standards Commissioner may exclude  
21 information from the report if the Parliamentary Standards  
22 Commissioner is satisfied that:
- 23 (a) the information is sensitive information or the inclusion of  
24 the information may:
- 25 (i) endanger a person's life or physical safety; or  
26 (ii) prejudice proceedings brought as a result of the inquiry,  
27 or another inquiry under this Act; and
- 28 (b) it is desirable in the circumstances to exclude the information  
29 from the report.
- 30 (5) In deciding whether to exclude information from the report under  
31 subsection (4), the Parliamentary Standards Commissioner must  
32 seek to achieve an appropriate balance between:
- 33 (a) the public interest that would be served by including the  
34 information in the report; and
- 35 (b) the prejudicial consequences that might result from including  
36 the information in the report.
-

1 *Supplementary report*

- 2 (6) If the Parliamentary Standards Commissioner excludes information  
3 from a report under subsection (4), the Parliamentary Standards  
4 Commissioner must prepare a supplementary report that sets out:  
5 (a) the information; and  
6 (b) the reasons for excluding the information from the report  
7 under subsection (4).

8 **58 Opportunity to be heard**

- 9 (1) Subject to subsection (2), the Parliamentary Standards  
10 Commissioner must not include in a report under section 46 in  
11 relation to an investigation of a corruption issue an opinion or  
12 finding that is critical of a person (either expressly or impliedly)  
13 unless the Parliamentary Standards Commissioner has taken the  
14 action required by subsection (3) before completing the  
15 investigation.
- 16 (2) Subsection (1) does not apply if the Parliamentary Standards  
17 Commissioner is satisfied that:  
18 (a) a person may have:  
19 (i) committed a criminal offence; or  
20 (ii) contravened a civil penalty provision; or  
21 (iii) engaged in conduct that could be the subject of  
22 disciplinary proceedings; or  
23 (iv) engaged in conduct that could be grounds for  
24 terminating the person's appointment or employment;  
25 and  
26 (b) taking action under subsection (3) would compromise the  
27 effectiveness of:  
28 (i) the inquiry into the contravention or another inquiry; or  
29 (ii) any action taken as a result of an inquiry referred to in  
30 subparagraph (i).
- 31 (3) If the opinion or finding is critical of a person, the Parliamentary  
32 Standards Commissioner must give the person:  
33 (a) a statement setting out the opinion or finding; and

Section 59

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- 1 (b) a reasonable opportunity to appear before him or her and to  
2 make submissions in relation to the opinion or finding.
- 3 (4) Submissions under subsection (3) may be made orally or in  
4 writing.
- 5 (5) A person referred to in subsection (3):  
6 (a) may appear before the Parliamentary Standards  
7 Commissioner personally; or  
8 (b) may, with the Parliamentary Standards Commissioner's  
9 approval, be represented by another person.

10 **59 Parliamentary Standards Commissioner to give report to Prime**  
11 **Minister**

- 12 (1) The Parliamentary Standards Commissioner must give the Prime  
13 Minister:  
14 (a) the report prepared under subsection 57(1); and  
15 (b) if a supplementary report is prepared under subsection 57(6)  
16 in relation to the inquiry—the supplementary report.
- 17 (2) The Prime Minister may take such actions in relation to, or as a  
18 result of, the report, as the Prime Minister sees fit.

19 **60 Advice of outcome of inquiry**

- 20 (1) The Parliamentary Standards Commissioner may advise a person  
21 (or a representative nominated by the person) of the outcome of an  
22 inquiry, if the person:  
23 (a) raised the alleged or suspected contravention; or  
24 (b) is a parliamentarian or other person to whom the  
25 contravention or inquiry relates.
- 26 (2) However, if the report of the Parliamentary Standards  
27 Commissioner under subsection 57(1) included:  
28 (a) a finding that a contravention occurred; or  
29 (b) a recommendation that any action be taken as a result of a  
30 contravention;



- 1 the Parliamentary Standards Commissioner may only advise a  
2 person of the outcome of an inquiry after the report has been  
3 considered by the Prime Minister.
- 4 (3) One way of advising a person (or the representative) is to give a  
5 copy of all or part of any report prepared under subsection 46(1) in  
6 relation to the investigation.
- 7 (4) In advising a person of the outcome of the investigation, the  
8 Parliamentary Standards Commissioner may exclude information  
9 from the advice if the Parliamentary Standards Commissioner is  
10 satisfied that:
- 11 (a) the information is sensitive information; and  
12 (b) it is desirable in the circumstances to exclude the information  
13 from the advice.
- 14 (5) In deciding whether to exclude information from the advice under  
15 paragraph (4)(b), the Parliamentary Standards Commissioner must  
16 seek to achieve an appropriate balance between:
- 17 (a) the person's interest in having the information included in the  
18 advice; and  
19 (b) the prejudicial consequences that might result from including  
20 the information in the advice.

## 21 **61 Public advice of outcome of inquiry**

- 22 (1) If, in the opinion of the Parliamentary Standards Commissioner:  
23 (a) an alleged or suspected contravention has been the subject of  
24 public attention or debate; and  
25 (b) no contravention occurred, or it could not be concluded that a  
26 contravention occurred;  
27 the Parliamentary Standards Commissioner may, if he or she  
28 considers it to be in the public interest to do so, issue public advice  
29 summarising the outcome of the inquiry.
- 30 (2) In determining whether the issuing of public advice under  
31 subsection (1) is in the public interest, the Parliamentary Standards  
32 Commissioner must consult:

**Part 5** Parliamentary Standards Commissioner

**Division 3** Alleged or suspected contraventions of ministerial code of conduct

Section 62

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- 1 (a) the person or persons in relation to whom the contravention  
2 was alleged or suspected; and  
3 (b) the Prime Minister.

4 **62 Report to House**

- 5 (1) The Prime Minister may table, or cause to be tabled, a report under  
6 this Division by the Parliamentary Standards Commissioner, in the  
7 House of which the Minister is a member; or in both Houses.
- 8 (2) Nothing in this Division prevents the tabling in either House of a  
9 report of an inquiry into an alleged or suspected contravention of a  
10 parliamentary code of conduct under Division 2, in relation to a  
11 parliamentarian who also happens to be a Minister.

1 **Division 4—Confidentiality of information**

2 **63 Interpretation**

3 (1) ***Protected Commissioner information*** is information about a  
4 person, matter, issue or allegation obtained by the Parliamentary  
5 Standards Commissioner in the course of exercising powers, or  
6 performing duties or functions, under or in accordance with  
7 Division 2 or 3.

8 (2) Each of the following documents is a ***relevant document*** for an  
9 alleged or suspected contravention of a provision of an applicable  
10 code of conduct under Division 2 or 3:

11 (a) a written allegation or information relating to a  
12 contravention, if given in writing;

13 (b) any other records of an allegation or information, including  
14 an acknowledgement of an allegation and correspondence  
15 relating to how an allegation is being dealt with;

16 (c) any documents, information or evidence provided or gathered  
17 as a part of preliminary enquiries under subsections 44(3) or  
18 55(4);

19 (d) any documents, information or evidence provided or gathered  
20 as a part of an inquiry under sections 45 or 56, or as part of  
21 the preparation of a report under sections 46 or 57.

22 (3) A reference in this Division to the Parliamentary Standards  
23 Commissioner includes a reference to a person assisting the  
24 Parliamentary Standards Commissioner under section 90.

25 **64 Authorised use or disclosure—performing functions etc.**

26 The Parliamentary Standards Commissioner may use or disclose  
27 protected Commissioner information if the Parliamentary  
28 Standards Commissioner uses or discloses the information for the  
29 purposes of performing functions or duties or exercising powers  
30 under Division 2 or 3.

31 Note 1: This section is an authorisation for the purposes of other laws,  
32 including the Australian Privacy Principles.

Section 65

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1 Note 2: Use, in relation to information, includes make a record of (see the  
2 definition of *use* in section 7).

3 **65 Authorised use or disclosure—required or authorised by law**

4 The Parliamentary Standards Commissioner may use or disclose  
5 protected Commissioner information if the use or disclosure is  
6 required or authorised by or under a law of the Commonwealth, or  
7 of a State or Territory.

8 Note : This section is an authorisation for the purposes of other laws,  
9 including the Australian Privacy Principles.

10 **66 Authorised disclosure—person to whom information relates**

11 The Parliamentary Standards Commissioner may disclose  
12 protected Commissioner information to a person to whom the  
13 protected Commissioner information relates.

14 Note : This section is a requirement for the purposes of other laws, including  
15 the Australian Privacy Principles.

16 **67 Offence for unauthorised use or disclosure**

- 17 (1) A person commits an offence if:  
18 (a) the person is or was the Parliamentary Standards  
19 Commissioner; and  
20 (b) the person has obtained protected Commissioner information;  
21 and  
22 (c) the person uses or discloses the information; and  
23 (d) the use or disclosure is not authorised or required by a  
24 provision in this Division.

25 Penalty: Imprisonment for 2 years or 120 penalty units, or both.

- 26 (2) Subsection (1) does not apply to a person to the extent that the  
27 person uses or discloses protected information in good faith and in  
28 purported compliance with a provision in this Division.

29 Note: A defendant bears an evidential burden in relation to the matters in  
30 this section (see subsection 13.3(3) of the *Criminal Code*).

1       **68 No requirement to provide information to courts etc.**

2               Except where it is necessary to do so for the purposes of giving  
3               effect to this Act, the Parliamentary Standards Commissioner is not  
4               to be required to disclose protected Commissioner information, or  
5               produce a document containing protected Commissioner  
6               information, to:

7               (a) a court; or

8               (b) a tribunal, authority or person that has the power to require  
9               the answering of questions or the production of documents.

10       **69 Offences for unauthorised use or disclosure—any person**

11           (1) A person other than the Parliamentary Standards Commissioner  
12           must not record, use or disclose information in relation to an  
13           alleged or suspected contravention of a code of conduct that came  
14           to the person's knowledge because of the person's involvement in  
15           the administration of this Act.

16           Penalty: Imprisonment for 2 years or 120 penalty units, or both.

17           (2) Subsection (1) does not apply to a person's recording, use or  
18           disclosure of information if the recording, use or disclosure is:  
19           (a) in the performance of his or her functions under this Act; or  
20           (b) authorised under this or another Act.

21           Note:       A defendant bears an evidential burden in relation to the matters in  
22                       this section (see subsection 13.3(3) of the *Criminal Code*).

23           (3) A person other than the Parliamentary Standards Commissioner  
24           who is or has been involved in the administration of this Act is not,  
25           in any proceeding, compellable to disclose information in relation  
26           to an ethics or integrity issue about another person that came to the  
27           person's knowledge because of the person's involvement in the  
28           administration of this Act.

29           (4) A relevant document under subsection 63(2), provided by or to any  
30           person, is taken to be a document or evidence provided in camera  
31           to either or both Houses of Parliament, for the purposes of  
32           section 13 of the *Parliamentary Privileges Act 1987*.

**Part 5** Parliamentary Standards Commissioner

**Division 4** Confidentiality of information

Section 69

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- 1 Note: The penalty for unauthorised disclosure of in camera documents or  
2 evidence is: in the case of a natural person, imprisonment for 6 months  
3 or 50 penalty units; or in the case of a corporation, 250 penalty units.  
4 See section 13 of the *Parliamentary Privileges Act 1987*.

1 **Division 5—Annual report**

2 **70 Annual report**

- 3 (1) The Parliamentary Standards Commissioner must give:  
4 (a) the President of the Senate for presentation to the Senate; and  
5 (b) the Speaker of the House of Representatives for presentation  
6 to the House of Representatives;  
7 a report on the activities of the Parliamentary Standards  
8 Commissioner during a financial year.

9 Note: See also section 34C of the *Acts Interpretation Act 1901*, which  
10 contains extra rules about annual reports.

- 11 (2) A report under subsection (1) must include:  
12 (a) the number of alleged or suspected contraventions of this Act  
13 received and investigated by the Parliamentary Standards  
14 Commissioner during the year, including information about  
15 the number of times a contravention was established; and  
16 (b) the general nature of the contraventions; and  
17 (c) the actions recommended by the Parliamentary Standards  
18 Commissioner or taken by the presiding officers, Privileges  
19 Committees or the Parliament in response to any  
20 contraventions.

- 21 (3) A report under subsection (1) may include such other information  
22 relating to the objects of this Act and the activities of the  
23 Parliamentary Standards Commissioner, as the Parliamentary  
24 Standards Commissioner considers appropriate.

- 25 (4) Despite subsection (3), a report under subsection (1) must not  
26 include information likely to identify a specific contravention, or  
27 alleged or suspected contravention, of this Act, including  
28 information likely to identify:  
29 (a) a person who referred an alleged or suspected contravention;  
30 or  
31 (b) a parliamentarian or other person to whom the alleged or  
32 suspected contravention relates;

33 unless:

**Part 5** Parliamentary Standards Commissioner

**Division 5** Annual report

Section 70

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- 1 (c) the information referred to has already been made public by  
2 the House or in a report under subsection 46(6); and  
3 (d) the Parliamentary Standards Commissioner is satisfied that,  
4 in all the circumstances, it is in the public interest to do so.



1 **Part 6—Administrative provisions relating to the**  
2 **Parliamentary Integrity Adviser and**  
3 **Parliamentary Standards Commissioner**

4 **Division 1—Administrative provisions relating to the**  
5 **Parliamentary Integrity Adviser**

6 **71 Appointment of Parliamentary Integrity Adviser**

- 7 (1) The Parliamentary Integrity Adviser is to be appointed by the  
8 Presiding Officers by written instrument.

9 Note: Subject to subsection 72(1), the Parliamentary Integrity Adviser may  
10 be reappointed: see section 33AA of the *Acts Interpretation Act 1901*.

- 11 (2) Before the Presiding Officers appoint a person as the Parliamentary  
12 Integrity Adviser, the Presiding Officers must be satisfied that the  
13 person has.

- 14 (a) suitable qualifications or experience, including a high level of  
15 knowledge and experience in parliamentary practice,  
16 parliamentary law and parliamentary privilege; and  
17 (b) is of good character.

- 18 (3) Before the Presiding Officers appoint a person as the Parliamentary  
19 Integrity Adviser:

- 20 (a) the Presiding Officers must refer the proposed  
21 recommendation for the appointment to the Senate  
22 Committee of Privileges and the House of Representatives  
23 Committee of Privileges and Members' Interests under  
24 section 92; and

- 25 (b) for each of those committees, either:

- 26 (i) the period that the committee has under that section to  
27 consider the proposed recommendation has ended  
28 without the committee rejecting the proposed  
29 recommendation; or  
30 (ii) the committee notifies the Presiding Officers that it has  
31 decided to approve the proposed recommendation.

**Part 6** Administrative provisions relating to the Parliamentary Integrity Adviser and Parliamentary Standards Commissioner

**Division 1** Administrative provisions relating to the Parliamentary Integrity Adviser

Section 72

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1 **72 General terms and conditions of appointment**

- 2 (1) The Parliamentary Integrity Adviser holds office for the period  
3 specified in the instrument of appointment. The period must not  
4 exceed 5 years. The sum of the periods for which the Parliamentary  
5 Integrity Adviser holds office must not exceed 10 years.
- 6 (2) The Parliamentary Integrity Adviser may be appointed on a  
7 full-time or part-time basis.
- 8 (3) The Parliamentary Integrity Adviser holds office on the terms and  
9 conditions (if any), in relation to matters not covered by this Act,  
10 that are determined by the Presiding Officers.

11 **73 Other paid work**

- 12 (1) If the Parliamentary Integrity Adviser is appointed on a full-time  
13 basis, the Parliamentary Integrity Adviser must not engage in paid  
14 work outside the duties of the Parliamentary Integrity Adviser's  
15 office without the Presiding Officer's approval.
- 16 (2) If the Parliamentary Integrity Adviser is appointed on a part-time  
17 basis, the Parliamentary Integrity Adviser must not engage in any  
18 paid work that, in the Presiding Officers' opinion, conflicts or  
19 could conflict with the proper performance of the Parliamentary  
20 Integrity Adviser's duties.

21 **74 Remuneration**

- 22 (1) The Parliamentary Integrity Adviser is to be paid the remuneration  
23 that is determined by the Remuneration Tribunal. If no  
24 determination of that remuneration by the Tribunal is in operation,  
25 the Parliamentary Integrity Adviser is to be paid the remuneration  
26 that is prescribed by the regulations.
- 27 (2) The Parliamentary Integrity Adviser is to be paid the allowances  
28 that are prescribed by the regulations.
- 29 (3) This section has effect subject to the *Remuneration Tribunal Act*  
30 *1973*.

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1 **75 Leave of absence**

- 2 (1) The Parliamentary Integrity Adviser has the recreation leave  
3 entitlements that are determined by the Remuneration Tribunal.
- 4 (2) The Presiding Officers may grant the Parliamentary Integrity  
5 Adviser leave of absence, other than recreation leave, on the terms  
6 and conditions as to remuneration or otherwise that the Presiding  
7 Officers determine.

8 **76 Resignation**

- 9 (1) The Parliamentary Integrity Adviser may resign the Parliamentary  
10 Integrity Adviser's appointment by giving the Presiding Officers a  
11 written resignation.
- 12 (2) The resignation takes effect on the day it is received by the  
13 Presiding Officers or, if a later day is specified in the resignation,  
14 on that later day.

15 **77 Removal from office**

- 16 (1) The Presiding Officers may remove the Parliamentary Integrity  
17 Adviser from office if each House of the Parliament, in the same  
18 session of the Parliament, presents an address to the Presiding  
19 Officers asking for the removal of the Parliamentary Integrity  
20 Adviser on the ground:  
21 (a) of misbehaviour; or  
22 (b) that the Parliamentary Integrity Adviser is unable to perform  
23 the duties of the Parliamentary Integrity Adviser's office  
24 because of physical or mental incapacity.
- 25 (2) The Presiding Officers must remove the Parliamentary Integrity  
26 Adviser from office if any of the following apply:  
27 (a) the Parliamentary Integrity Adviser:  
28 (i) becomes bankrupt; or  
29 (ii) applies to take the benefit of any law for the relief of  
30 bankrupt or insolvent debtors; or  
31 (iii) compounds with the Parliamentary Integrity Adviser's  
32 creditors; or

**Part 6** Administrative provisions relating to the Parliamentary Integrity Adviser and Parliamentary Standards Commissioner

**Division 1** Administrative provisions relating to the Parliamentary Integrity Adviser

**Section 78**

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- 1 (iv) makes an assignment of the Parliamentary Integrity  
2 Adviser's remuneration for the benefit of the  
3 Parliamentary Integrity Adviser's creditors;
- 4 (b) if the Parliamentary Integrity Adviser is appointed on a  
5 full-time basis:
- 6 (i) the Parliamentary Integrity Adviser engages, except  
7 with Presiding Officers' approval, in paid work outside  
8 the duties of the Parliamentary Integrity Adviser's  
9 office; or
- 10 (ii) the Parliamentary Integrity Adviser is absent, except on  
11 leave of absence, for 14 consecutive days or for 28 days  
12 in any 12 months;
- 13 (c) if the Parliamentary Integrity Adviser is appointed on a  
14 part-time basis—the Parliamentary Integrity Adviser is  
15 absent, except on leave of absence, to an extent that the  
16 Presiding Officers consider excessive;
- 17 (d) the Parliamentary Integrity Adviser fails, without reasonable  
18 excuse, to comply with section 78.

19 **78 Disclosure of interests**

- 20 (1) The Parliamentary Integrity Adviser must give written notice to the  
21 Presiding Officers of all interests, pecuniary or otherwise, that the  
22 Parliamentary Integrity Adviser has or acquires and that conflict or  
23 could conflict with the proper performance of the Parliamentary  
24 Integrity Adviser's functions.
- 25 (2) The notice must be published on the Parliamentary Integrity  
26 Adviser's website.

27 **79 Acting appointments**

- 28 (1) The Presiding Officers may, by written instrument, appoint a  
29 person to act as the Parliamentary Integrity Adviser:
- 30 (a) during a vacancy in the office of the Parliamentary Integrity  
31 Adviser (whether or not an appointment has previously been  
32 made to the office); or
- 33 (b) during any period, or during all periods, when the  
34 Parliamentary Integrity Adviser:

- 1 (i) is absent from duty or from Australia; or  
2 (ii) is, for any reason, unable to perform the duties of the  
3 office.
- 4 (2) The Presiding Officers must not appoint the Federal Integrity  
5 Commissioner, the Law Enforcement Integrity Commissioner, the  
6 Whistleblowing Protection Commissioner, an Assistant  
7 Commissioner of the Australian Federal Integrity Commission, or  
8 the Parliamentary Standards Commissioner to act as the  
9 Parliamentary Integrity Adviser.

## 10 **80 Assistance to Parliamentary Integrity Adviser**

- 11 (1) A Department of the Parliament may assist the Parliamentary  
12 Integrity Adviser in the performance of the Parliamentary Integrity  
13 Adviser's functions.
- 14 (2) The assistance may include the following:  
15 (a) the provision of information;  
16 (b) the provision of advice;  
17 (c) the making available of resources and facilities;  
18 (d) the making available of staff.
- 19 (3) If an officer or employee of a Department mentioned in  
20 subsection (1) assists the Parliamentary Integrity Adviser, the  
21 officer or employee is taken, for the purposes of this Act, to be a  
22 person assisting the Parliamentary Integrity Adviser under this  
23 section.

1 **Division 2—Administrative provisions relating to the**  
2 **Parliamentary Standards Commissioner**

3 **81 Appointment of Parliamentary Standards Commissioner**

- 4 (1) The Parliamentary Standards Commissioner is to be appointed by  
5 the Presiding Officers by written instrument.

6 Note: Subject to subsection 82(1), the Parliamentary Standards  
7 Commissioner may be reappointed: see section 33AA of the *Acts*  
8 *Interpretation Act 1901*.

- 9 (2) Before the Presiding Officers appoint a person as the Parliamentary  
10 Standards Commissioner, the Presiding Officers must be satisfied  
11 that the person has.

- 12 (a) suitable qualifications or experience, including a high level of  
13 knowledge and experience in parliamentary practice,  
14 parliamentary law and parliamentary privilege; and  
15 (b) is of good character.

- 16 (3) Before the Presiding Officers appoint a person as the Parliamentary  
17 Standards Commissioner:

- 18 (a) the Presiding Officers must refer the proposed  
19 recommendation for the appointment to the Senate  
20 Committee of Privileges and the House of Representatives  
21 Committee of Privileges and Members' Interests under  
22 section 92; and  
23 (b) for each of those committees, either:  
24 (i) the period that the committee has under that section to  
25 consider the proposed recommendation has ended  
26 without the committee rejecting the proposed  
27 recommendation; or  
28 (ii) the committee notifies the Presiding Officers that it has  
29 decided to approve the proposed recommendation.

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## 82 General terms and conditions of appointment

- 1
- 2 (1) The Parliamentary Standards Commissioner holds office for the  
3 period specified in the instrument of appointment. The period must  
4 not exceed 5 years. The sum of the periods for which the  
5 Parliamentary Standards Commissioner holds office must not  
6 exceed 10 years.
- 7 (2) The Parliamentary Standards Commissioner may be appointed on a  
8 full-time or part-time basis.
- 9 (3) The Parliamentary Standards Commissioner holds office on the  
10 terms and conditions (if any), in relation to matters not covered by  
11 this Act, that are determined by the Presiding Officers.

## 83 Other paid work

- 12
- 13 (1) If the Parliamentary Standards Commissioner is appointed on a  
14 full-time basis, the Parliamentary Standards Commissioner must  
15 not engage in paid work outside the duties of the Parliamentary  
16 Standards Commissioner's office without the Presiding Officer's  
17 approval.
- 18 (2) If the Parliamentary Standards Commissioner is appointed on a  
19 part-time basis, the Parliamentary Standards Commissioner must  
20 not engage in any paid work that, in the Presiding Officers'  
21 opinion, conflicts or could conflict with the proper performance of  
22 the Parliamentary Standards Commissioner's duties.

## 84 Remuneration

- 23
- 24 (1) The Parliamentary Standards Commissioner is to be paid the  
25 remuneration that is determined by the Remuneration Tribunal. If  
26 no determination of that remuneration by the Tribunal is in  
27 operation, the Parliamentary Standards Commissioner is to be paid  
28 the remuneration that is prescribed by the regulations.
- 29 (2) The Parliamentary Standards Commissioner is to be paid the  
30 allowances that are prescribed by the regulations.

**Part 6** Administrative provisions relating to the Parliamentary Integrity Adviser and Parliamentary Standards Commissioner

**Division 2** Administrative provisions relating to the Parliamentary Standards Commissioner

**Section 85**

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1 (3) Subsections 7(9) and (13) of the *Remuneration Tribunal Act 1973*  
2 do not apply in relation to the office of the Parliamentary Standards  
3 Commissioner.

4 Note: The effect of this subsection is that remuneration or allowances of the  
5 Parliamentary Standards Commissioner will be paid out of money  
6 appropriated by an Act other than the *Remuneration Tribunal Act*  
7 *1973*.

8 (4) This section has effect subject to the *Remuneration Tribunal Act*  
9 *1973* (except as provided by subsection (3)).

10 **85 Leave of absence**

11 (1) The Parliamentary Standards Commissioner has the recreation  
12 leave entitlements that are determined by the Remuneration  
13 Tribunal.

14 (2) The Presiding Officers may grant the Parliamentary Standards  
15 Commissioner leave of absence, other than recreation leave, on the  
16 terms and conditions as to remuneration or otherwise that the  
17 Presiding Officers determine.

18 **86 Resignation**

19 (1) The Parliamentary Standards Commissioner may resign the  
20 Parliamentary Standards Commissioner's appointment by giving  
21 the Presiding Officers a written resignation.

22 (2) The resignation takes effect on the day it is received by the  
23 Presiding Officers or, if a later day is specified in the resignation,  
24 on that later day.

25 **87 Removal from office**

26 (1) The Presiding Officers may remove the Parliamentary Standards  
27 Commissioner from office if each House of the Parliament, in the  
28 same session of the Parliament, presents an address to the  
29 Presiding Officers asking for the removal of the Parliamentary  
30 Standards Commissioner on the ground:

31 (a) of misbehaviour; or



- 1 (b) that the Parliamentary Standards Commissioner is unable to  
2 perform the duties of the Parliamentary Standards  
3 Commissioner's office because of physical or mental  
4 incapacity.
- 5 (2) The Presiding Officers must remove the Parliamentary Standards  
6 Commissioner from office if any of the following apply:
- 7 (a) the Parliamentary Standards Commissioner:
- 8 (i) becomes bankrupt; or  
9 (ii) applies to take the benefit of any law for the relief of  
10 bankrupt or insolvent debtors; or  
11 (iii) compounds with the Parliamentary Standards  
12 Commissioner's creditors; or  
13 (iv) makes an assignment of the Parliamentary Standards  
14 Commissioner's remuneration for the benefit of the  
15 Parliamentary Standards Commissioner's creditors;
- 16 (b) if the Parliamentary Standards Commissioner is appointed on  
17 a full-time basis:
- 18 (i) the Parliamentary Standards Commissioner engages,  
19 except with Presiding Officers' approval, in paid work  
20 outside the duties of the Parliamentary Standards  
21 Commissioner's office; or  
22 (ii) the Parliamentary Standards Commissioner is absent,  
23 except on leave of absence, for 14 consecutive days or  
24 for 28 days in any 12 months;
- 25 (c) if the Parliamentary Standards Commissioner is appointed on  
26 a part-time basis—the Parliamentary Standards  
27 Commissioner is absent, except on leave of absence, to an  
28 extent that the Presiding Officers consider excessive;
- 29 (d) the Parliamentary Standards Commissioner fails, without  
30 reasonable excuse, to comply with section 88.

## 31 **88 Disclosure of interests**

32 The Parliamentary Standards Commissioner must give written  
33 notice to the Presiding Officers of all interests, pecuniary or  
34 otherwise, that the Parliamentary Standards Commissioner has or  
35 acquires and that conflict or could conflict with the proper

**Part 6** Administrative provisions relating to the Parliamentary Integrity Adviser and  
Parliamentary Standards Commissioner

**Division 2** Administrative provisions relating to the Parliamentary Standards  
Commissioner

Section 89

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1 performance of the Parliamentary Standards Commissioner's  
2 functions.

3 **89 Acting appointments**

- 4 (1) The Presiding Officers may, by written instrument, appoint a  
5 person to act as the Parliamentary Standards Commissioner:  
6 (a) during a vacancy in the office of the Parliamentary Standards  
7 Commissioner (whether or not an appointment has previously  
8 been made to the office); or  
9 (b) during any period, or during all periods, when the  
10 Parliamentary Standards Commissioner:  
11 (i) is absent from duty or from Australia; or  
12 (ii) is, for any reason, unable to perform the duties of the  
13 office.
- 14 (2) The Presiding Officers must not appoint the Federal Integrity  
15 Commissioner, the Law Enforcement Integrity Commissioner, the  
16 Whistleblowing Protection Commissioner, an Assistant  
17 Commissioner of the Australian Federal Integrity Commission, or  
18 the Parliamentary Integrity Adviser to act as the Parliamentary  
19 Standards Commissioner.

20 **90 Assistance to Parliamentary Standards Commissioner**

- 21 (1) A Department of the Parliament may assist the Parliamentary  
22 Standards Commissioner in the performance of the Parliamentary  
23 Standards Commissioner's functions.
- 24 (2) The assistance may include the following:  
25 (a) the provision of information;  
26 (b) the provision of advice;  
27 (c) the making available of resources and facilities;  
28 (d) the making available of staff.
- 29 (3) If an officer or employee of a Department mentioned in  
30 subsection (1) assists the Parliamentary Standards Commissioner,  
31 the officer or employee is taken, for the purposes of this Act, to be

1 a person assisting the Parliamentary Standards Commissioner  
2 under this section.

3 **91 Assistant Parliamentary Standards Commissioner**

- 4 (1) The Presiding Officers may appoint one or more Assistant  
5 Parliamentary Standards Commissioners.
- 6 (2) Sections 81 to 89 apply to the appointment of an Assistant  
7 Parliamentary Standards Commissioner, as if a reference to the  
8 Parliamentary Standards Commissioner were a reference to an  
9 Assistant Parliamentary Standards Commissioner.
- 10 (3) The Parliamentary Standards Commissioner may, in writing,  
11 delegate all or any of the Parliamentary Standards Commissioner's  
12 functions or powers under this Act to an Assistant Parliamentary  
13 Standards Commissioner.

14 Note: Sections 34AA to 34A of the *Acts Interpretation Act 1901* contain  
15 provisions relating to delegations.

1       **Division 3—Approval or rejection of recommendations for**  
2                                   **appointments**

3       **92 Committees may approve or reject recommendation for**  
4                                   **appointment**

- 5                   (1) If the Presiding Officers refer a proposed recommendation for an  
6                   appointment of the Parliamentary Integrity Adviser or the  
7                   Parliamentary Standards Commissioner to the Senate Committee  
8                   of Privileges and the House of Representatives Committee of  
9                   Privileges and Members' Interests for approval, each committee  
10                  must:
- 11                   (a) approve or reject the proposed recommendation within 10  
12                   sitting days after receiving it; or  
13                   (b) notify the Presiding Officers in accordance with  
14                   subsection (2).
- 15                  (2) A committee may notify the Presiding Officers within 10 sitting  
16                  days after receiving a proposed recommendation that it needs more  
17                  time to consider the proposed recommendation. If the committee  
18                  does so, the committee must approve or reject the proposed  
19                  recommendation within 20 sitting days after receiving it.
- 20                  (3) If a committee does not make a decision on a proposed  
21                  recommendation by the required time, the committee is taken, at  
22                  that time, to have approved the proposal.
- 23                  (4) The committee must notify the Presiding Officers of its decision in  
24                  relation to a proposed recommendation as soon as practicable after  
25                  making the decision.
- 26                  (5) A notification under this section must be in writing.
- 27                  (6) A committee must report to both Houses of the Parliament on its  
28                  decision in relation to a proposed recommendation.

1 **Part 7—Miscellaneous**  
2

3 **93 Offence of victimisation**

4 (1) A person commits an offence if the person causes, or threatens to  
5 cause, detriment to another person (the *victim*) on the ground that  
6 the victim, or any other person:

7 (a) has referred, or may refer, to a Presiding Officer or the  
8 Parliamentary Standards Commissioner an allegation, or  
9 information, that raises a possible contravention of this Act;  
10 or

11 (b) has requested, or may request, advice from the Parliamentary  
12 Integrity Adviser; or

13 (c) has given, or may give, information to a Presiding Officer,  
14 the Parliamentary Standards Commissioner or the  
15 Parliamentary Integrity Adviser in accordance with this Act;  
16 or

17 (d) has produced, or may produce, a document or thing to a  
18 Presiding Officer, the Parliamentary Standards  
19 Commissioner or the Parliamentary Integrity Adviser in  
20 accordance with this Act.

21 Penalty: Imprisonment for 2 years.

22 (2) For the purpose of subsection (1), a threat may be:

23 (a) express or implied; or

24 (b) conditional or unconditional.

25 (3) In a prosecution for an offence against subsection (1), it is not  
26 necessary to prove that the person threatened actually feared that  
27 the threat would be carried out.

28 **94 Protection from liability**

29 (1) Subsection (2) applies to the following persons:

30 (a) the Parliamentary Integrity Adviser;

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Section 95

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- 1 (b) a person assisting the Parliamentary Integrity Adviser under  
2 section 80;
- 3 (c) the Parliamentary Standards Commissioner;
- 4 (d) a person assisting the Parliamentary Standards Commissioner  
5 under section 90;
- 6 (e) an Assistant Parliamentary Standards Commissioner.
- 7 (2) A person referred to in subsection (1) is not liable to civil  
8 proceedings for loss, damage or injury of any kind suffered by  
9 another person as a result of the performance or exercise, in good  
10 faith, of the person's functions, powers or duties under or in  
11 relation to this Act.
- 12 (3) Subsection (4) applies if information, evidence or a document has  
13 been given or produced to a person referred to in subsection (1).
- 14 (4) A person is not liable to an action, suit or proceeding in respect of  
15 loss, damage or injury of any kind suffered by another person by  
16 reason only that the information, evidence or document was given  
17 or produced.

18 **95 Immunities from certain State and Territory laws**

- 19 The Parliamentary Integrity Adviser or Parliamentary Standards  
20 Commissioner is not required under, or by reason of, a law of a  
21 State or Territory:
- 22 (a) to obtain or have a licence or permission for doing any act or  
23 thing in the exercise of the person's powers or the  
24 performance of the person's duties as the Parliamentary  
25 Integrity Adviser or Parliamentary Standards Commissioner;  
26 or
- 27 (b) to register any vehicle, vessel, animal or article belonging to  
28 the Commonwealth.

29 **96 Review relating to Independent Parliamentary Standards**  
30 **Authority**

- 31 (1) It is the intention of Parliament that:

- 1 (a) the *Independent Parliamentary Expenses Authority Act 2017*  
2 be replaced by an *Independent Parliamentary Standards*  
3 *Authority Act*; and  
4 (b) the functions, powers and resources of the Independent  
5 Parliamentary Expenses Authority be expanded to those of an  
6 Independent Parliamentary Standards Authority; and  
7 (c) the Independent Parliamentary Standards Authority be an  
8 authority of the Parliament; and  
9 (d) the Independent Parliamentary Standards Authority support  
10 the administration of this Act and the functions and  
11 assistance of the Parliamentary Integrity Advisor and  
12 Parliamentary Standards Commissioner.
- 13 (2) The Minister must cause to be undertaken a review of the preferred  
14 legislative options to achieve the objectives in subsection (1).
- 15 (3) The review must commence no sooner than 18 months after the  
16 commencement of this section but no later than 24 months after  
17 that commencement.
- 18 (4) The Minister must consult with the Presiding Officers regarding  
19 the manner of the review, and may refer any or all of the questions  
20 for the review for advice and recommendation by a Parliamentary  
21 committee or committees.
- 22 (5) The Minister must ensure that public consultation is undertaken in  
23 connection with the undertaking of the review.
- 24 (6) The Minister must cause to be prepared a written report of the  
25 review.
- 26 (7) The report must be completed within 6 months after the review is  
27 completed.
- 28 (8) The Minister must cause a copy of the report to be laid before each  
29 House of the Parliament within 15 sitting days of that House after  
30 the day on which the Minister receives the report.

## 31 **97 Review relating to lobbying and post-separation employment**

- 32 (1) It is the intention of Parliament that:
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Section 97

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- 1 (a) the Australian Government Lobbying Code of Conduct and  
2 policies, rules and standards for the post-separation  
3 employment of Commonwealth public officials be revised to  
4 meet national and international best practice; and  
5 (b) the administration and enforcement of the Lobbying Code of  
6 Conduct, Register of Lobbyists and policies, rules and  
7 standards for the post-separation employment of  
8 Commonwealth public officials be given a statutory basis;  
9 and  
10 (c) there be enhanced administration and enforcement of the  
11 Australian Government's lobbying and post-separation  
12 employment regimes by the Independent Parliamentary  
13 Standards Authority and Australian Federal Integrity  
14 Commission.
- 15 (2) The Minister must cause to be undertaken a review of the preferred  
16 legislative options to achieve the objectives in subsection (1).
- 17 (3) The review must commence no sooner than 18 months after the  
18 commencement of this section but no later than 24 months after  
19 that commencement.
- 20 (4) The Minister may refer any or all of the issues in subsection (1) for  
21 advice and recommendation by a Parliamentary committee or  
22 committees.
- 23 (5) The Minister must ensure that public consultation is undertaken in  
24 connection with the undertaking of the review.
- 25 (6) The Minister must cause to be prepared a written report of the  
26 review.
- 27 (7) The report must be completed within 6 months after the review is  
28 completed.
- 29 (8) The Minister must cause a copy of the report to be laid before each  
30 House of the Parliament within 15 sitting days of that House after  
31 the day on which the Minister receives the report.



1 **98 Review relating to political finance, funding, donations and**  
2 **campaign regulation**

- 3 (1) It is the intention of Parliament that:
- 4 (a) Commonwealth legislation and enforcement for  
5 transparency, integrity and accountability in political  
6 campaign finance and campaign regulation be revised to  
7 meet national and international best practice; and
- 8 (b) reform should be undertaken to bring about consistency and  
9 alignment between Commonwealth, State and Territory rules  
10 and processes for political campaign finance and campaign  
11 regulation; and
- 12 (c) there be enhanced administration and enforcement of  
13 Commonwealth rules and processes for political campaign  
14 finance and campaign regulation by the Parliamentary  
15 Standards Commissioner, Independent Parliamentary  
16 Standards Authority, Australian Federal Integrity  
17 Commission and Australian Electoral Commission.
- 18 (2) The Minister must cause to be undertaken a review of the preferred  
19 legislative options to achieve the objectives in subsection (1).
- 20 (3) The review must commence no sooner than 18 months after the  
21 commencement of this section but no later than 24 months after  
22 that commencement.
- 23 (4) The Minister may refer any or all of the issues in subsection (1) for  
24 advice and recommendation by a Parliamentary committee or  
25 committees.
- 26 (5) The Minister must consult with the States and Territories in the  
27 course of the review.
- 28 (6) The Minister must ensure that public consultation is undertaken in  
29 connection with the undertaking of the review.
- 30 (7) The Minister must cause to be prepared a written report of the  
31 review.
- 32 (8) The report must be completed within 12 months after the review is  
33 completed.

Section 99

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- 1 (9) The Minister must cause a copy of the report to be laid before each  
2 House of the Parliament within 15 sitting days of that House after  
3 the day on which the Minister receives the report.

4 **99 Review of operation of Act**

5 *Undertaking the review*

- 6 (1) The presiding officers must cause an independent review to be  
7 undertaken of the first 3 years of the operation of this Act.

8 *Report to presiding officers*

- 9 (2) The persons undertaking the review must give the presiding  
10 officers a written report of the review within 6 months after the end  
11 of the 3-year period.

12 *Submissions*

- 13 (3) The review must include an opportunity for:  
14 (a) parliamentarians, former parliamentarians and persons  
15 employed under the *Members of Parliament Staff Act 1984*;  
16 and  
17 (b) members of the public;  
18 to make written submissions on the operation of this Act.

19 *Assistance*

- 20 (4) The Parliamentary Integrity Adviser and Parliamentary Standards  
21 Commissioner may, if requested to do so by the persons  
22 undertaking the review, assist them in:  
23 (a) conducting the review; and  
24 (b) preparing the written report.

25 *Tabling of report*

- 26 (5) The presiding officers must cause a copy of the report of the  
27 review to be tabled in each House of the Parliament within 15  
28 sitting days of that House after the presiding officers receive the  
29 report.

1                    *Section not to apply if review conducted by Parliamentary*  
2                    *committee*

3                    (6) However, this section does not apply if a committee of one or both  
4                    Houses of the Parliament has reviewed the operation of this Act, or  
5                    started such a review, before the end of the 3-year period.

6                    *Definition*

7                    (7) In this section:

8                    *independent review* means a review undertaken by a person or  
9                    persons who, in the presiding officers' opinions, possess  
10                    appropriate qualifications to undertake the review.

## 11                    **100 Schedules**

12                    Legislation that is specified in Schedule 3 to this Act is amended or  
13                    repealed as set out in the applicable items in that Schedule, and any  
14                    other item in that Schedule has effect according to its terms.

## 15                    **101 Regulations**

16                    (1) The Governor-General may make regulations prescribing matters:  
17                    (a) required or permitted by this Act to be prescribed; or  
18                    (b) necessary or convenient to be prescribed for carrying out or  
19                    giving effect to this Act.

20                    (2) The regulations may require that information or reports that are  
21                    required to be given under prescribed provisions are also to be  
22                    given to prescribed persons in specified circumstances.

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# Schedule 1—House of Representatives— Register of Members' Interests

Note: See section 21.

## 1. Registration of Members' interests

(1) Within 28 days of making and subscribing an oath or affirmation as a Member of the House of Representatives each Member shall provide to the Registrar of Members' Interests, a statement of—

- (a) the Member's registrable interests, and
- (b) the registrable interests of which the Member is aware—
  - (i) of the Member's spouse and
  - (ii) of any children who are wholly or mainly dependent on the Member for support,

in accordance with resolutions adopted by the House and in a form determined by the Committee of Members' Interests or by the Committee of Privileges and Members' Interests from time to time, and shall also notify any alteration of those interests to the Registrar within 28 days of that alteration occurring.

(2) The statement to be provided by a Member shall include:

- (i) in the case of a Member who was not a Member of the House of Representatives in the immediately preceding Parliament, interests held at the date of his or her election and any alteration of interests which has occurred between that date and the date of completion of the statement, and
- (ii) in the case of a Member who was a Member of the House of Representatives in the immediately preceding Parliament, interests held at the date of dissolution of the House of Representatives in the previous Parliament and any alteration of interests which has occurred between that date and the date of completion of the statement.

## 2. Registrable interests

That the statement of a Member's registrable interests to be provided by a Member shall include the registrable interests of which the Member is aware (1) of the Member's spouse and (2) of any children who are wholly or mainly dependent on the Member for support, and shall cover the following matters:

- 
- 1 (a) shareholdings in public and private companies  
2 (including holding companies) indicating the name  
3 of the company or companies;  
4 (b) family and business trusts and nominee  
5 companies—  
6 i. in which a beneficial interest is held, indicating  
7 the name of the trust, the nature of its operation  
8 and beneficial interest, and  
9 ii. in which the Member, the Member's spouse, or  
10 a child who is wholly or mainly dependent on  
11 the Member for support, is a trustee (but not  
12 including a trustee of an estate where no  
13 beneficial interest is held by the Member, the  
14 Member's spouse or dependent children),  
15 indicating the name of the trust, the nature of  
16 its operation and the beneficiary of the trust;  
17 (c) real estate, including the location (suburb or area  
18 only) and the purpose for which it is owned;  
19 (d) registered directorships of companies;  
20 (e) partnerships indicating the nature of the interests and  
21 the activities of the partnership;  
22 (f) liabilities indicating the nature of the liability and the  
23 creditor concerned;  
24 (g) the nature of any bonds, debentures and like  
25 investments;  
26 (h) saving or investment accounts, indicating their  
27 nature and the name of the bank or other institutions  
28 concerned;  
29 (i) the nature of any other assets (excluding household  
30 and personal effects) each valued at over \$7,500;  
31 (j) the nature of any other substantial sources of  
32 income;  
33 (k) gifts valued at more than \$750 received from official  
34 sources, or at more than \$300 where received from  
35 other than official sources provided that a gift  
36 received by a Member, the Member's spouse or  
37 dependent children from family members or  
38 personal friends in a purely personal capacity need  
39 not be registered unless the Member judges that an  
40 appearance of conflict of interest may be seen to  
41 exist;  
42 (l) any sponsored travel or hospitality received where
-

- 1 the value of the sponsored travel or hospitality  
2 exceeds \$300;
- 3 (m) membership of any organisation where a conflict of  
4 interest with a Member's public duties could  
5 foreseeably arise or be seen to arise, and
- 6 (n) any other interests where a conflict of interest with a  
7 Member's public duties could foreseeably arise or be  
8 seen to arise.
- 9

10 **3. Register and Registrar of Members' Interests**

- 11 (a) at the commencement of each Parliament, and at  
12 other times as necessary, Mr Speaker shall appoint  
13 the Parliamentary Integrity Adviser as the Registrar  
14 of Members' Interests and that officer shall also  
15 assist the Committee of Privileges and Members'  
16 Interests in relation to matters concerning Members'  
17 interests;
- 18 (b) the Registrar of Members' Interests shall, in  
19 accordance with procedures determined by the  
20 Committee of Privileges and Members' Interests,  
21 maintain a Register of Members' Interests in a form  
22 to be determined by that committee from time to  
23 time;
- 24 (c) as soon as possible after the commencement of each  
25 Parliament the chairman of the Committee of  
26 Privileges and Members' Interests shall table in the  
27 House a copy of the completed Register of  
28 Members' Interests and shall also table from time to  
29 time as required any notification by a Member of  
30 alteration of those interests, and
- 31 (d) the Register of Members' Interests shall be available  
32 for inspection by any person under conditions to be  
33 laid down by the Committee of Privileges and  
34 Members' Interests from time to time.

35 Any Member of the House of Representatives who—

- 36 (a) knowingly fails to provide a statement of registrable  
37 interests to the Registrar of Members' Interests by the due  
38 date;
- 39 (b) knowingly fails to notify any alteration of those interests  
40 to the Registrar of Members' Interests within 28 days of
-

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1                                   the change occurring, or  
2                                   (c) knowingly provides false or misleading information to the  
3                                   Registrar of Members’ Interests,  
  
4                                   shall be guilty of a serious contempt of the House of Representatives  
5                                   and shall be dealt with by the House accordingly, but the question  
6                                   whether any senator has committed such a serious contempt shall first  
7                                   be referred to the Privileges Committee and/or the Parliamentary  
8                                   Standards Commissioner for inquiry and report and may not be  
9                                   considered by any other committee.

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## Schedule 2—The Senate—Register of Senators’ Interests

Note: See section 22.

### 1. Registration of Senators’ Interests

(1) Within:

- (a) 28 days after the first meeting of the Senate after 1 July first occurring after a general election; and
- (b) 28 days after the first meeting of the Senate after a simultaneous dissolution of the Senate and the House of Representatives; and
- (c) 28 days after making and subscribing an oath or affirmation of allegiance as a senator for a Territory or appointed or chosen to fill a vacancy in the Senate;

each senator shall provide to the Registrar of Senators’ Interests a statement of:

- (a) the senator’s registrable interests; and
- (b) the registrable interests of which the senator is aware:
  - (i) of the senator’s spouse or partner, and
  - (ii) of any children who are wholly or mainly dependent on the senator for support;

in accordance with this Schedule and in a form determined by the Committee of Senators’ Interests from time to time, and shall also notify any alteration of those interests to the Registrar within 35 days of that alteration occurring.

(2) Any senator who:

- (a) knowingly fails to provide a statement of registrable interests to the Registrar of Senators’ Interests by the due date;
- (b) knowingly fails to notify any alteration of those interests to the Registrar of Senators’ Interests within 35 days of the change occurring; or
- (c) knowingly provides false or misleading information to the Registrar of Senators’ Interests;



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1 shall be guilty of a serious contempt of the Senate and shall be  
2 dealt with by the Senate accordingly, but the question whether  
3 any senator has committed such a serious contempt shall first be  
4 referred to the Privileges Committee and/or the Parliamentary  
5 Standards Commissioner for inquiry and report and may not be  
6 considered by any other committee.

7 **2. Registrable interests of spouses or partners and dependants**

8  
9 Statements of the registrable interests of a senator's spouse or partner or  
10 of any dependent children submitted in accordance with paragraph (1)  
11 shall be maintained in a separate part of the register and shall remain  
12 confidential to the Parliamentary Integrity Adviser and the Committee of  
13 Senators' Interests, except where the committee or the Parliamentary  
14 Standards Commissioner considers that a conflict of interest arises, at  
15 which time the committee may table the declaration or the Parliamentary  
16 Standards Commissioner may include it in a relevant report.

17  
18 **3. Registrable interests**

19  
20 The statement of a senator's registrable interests to be provided by a  
21 senator shall include the registrable interests of which the senator is  
22 aware of the senator's spouse or partner and of any children who are  
23 wholly or mainly dependent on the senator for support, and shall cover  
24 the following matters:

- 25 (a) shareholdings in public and private companies (including  
26 holding companies) indicating the name of the company  
27 or companies;
- 28 (b) family and business trusts and nominee companies:
- 29 (i) in which a beneficial interest is held, indicating the  
30 name of the trust and the nature of its operation and  
31 beneficial interest, and
- 32 (ii) in which the senator, the senator's spouse or  
33 partner, or a child who is wholly or mainly  
34 dependent on the senator for support, is a trustee  
35 (but not including a trustee of an estate where no  
36 beneficial interest is held by the senator, the  
37 senator's spouse or partner or dependent children),

- 
- 1    indicating the name of the trust, the nature of its  
 2    operation and the beneficiary of the trust;  
 3    (c) real estate, including the location (suburb or area only)  
 4    and the purpose for which it is owned;  
 5    (d) registered directorships of companies;  
 6    (e) partnerships, indicating the nature of the interests and the  
 7    activities of the partnership;  
 8    (f) liabilities, indicating the nature of the liability and the  
 9    creditor concerned;  
 10     (g) the nature of any bonds, debentures and like investments;  
 11     (h) saving or investment accounts, indicating their nature and  
 12     the name of the bank or other institutions concerned;  
 13     (i) the nature of any other assets (excluding household and  
 14     personal effects) each valued at more than \$7,500;  
 15     (j) the nature of any other substantial sources of income;  
 16     (k) gifts valued at more than \$750 received from official  
 17     sources (such sources being an Australian or foreign  
 18     national, state, provincial or local government or a person  
 19     holding an office in such a government) or at \$300 or  
 20     more where received from other than official sources,  
 21     provided that a gift received by a senator, the senator's  
 22     spouse or partner or dependent children from family  
 23     members or personal friends in a purely personal capacity  
 24     need not be registered unless the senator judges that an  
 25     appearance of conflict of interest may be seen to exist;  
 26     (l) any sponsored travel or hospitality received where the  
 27     value of the sponsorship or hospitality exceeds \$300;  
 28     (m) being an office holder of or financial contributor donating  
 29     \$300 or more in any single calendar year to any  
 30     organisation; and  
 31     (n) any other interests where a conflict of interest with a  
 32     senator's public duties could foreseeably arise or be seen  
 33     to arise.

35     **4. Register and Registrar of Senators' Interests**

- 36  
 37     (3) At the commencement of each parliament, and at other times as  
 38     necessary, the President shall appoint the Parliamentary  
 39     Integrity Adviser as the Registrar of Senators' Interests and that
-

- 1 officer shall also be secretary of the Committee of Senators'  
2 Interests.  
3 (4) The Registrar of Senators' Interests shall, in accordance with  
4 procedures determined by the Committee of Senators' Interests,  
5 maintain a Register of Senators' Interests in a form to be  
6 determined by that committee from time to time.  
7 (5) As soon as possible after receipt of statements of registrable  
8 interests in accordance with section 1(1), the chairman of the  
9 Committee of Senators' Interests shall table in the Senate a copy  
10 of the completed Register of Senators' Interests and shall also  
11 table every 6 months any notification by a senator of alteration  
12 of those interests.  
13 (6) The Register of Senators' Interests shall be available for  
14 inspection by any person under conditions to be laid down by  
15 the Committee of Senators' Interests from time to time.  
16 (7) That part of the Register of Senators' Interests relating to  
17 spouses or partners and dependent children shall remain  
18 confidential to the Committee of Senators' Interests as provided  
19 for in paragraph 2.  
20

## 21 **5. Interpretation**

22  
23 For the purposes of paragraphs 1 to 4 of this Schedule, 'partner' means  
24 a person who is living with another person in a bona fide domestic  
25 relationship.

1  
2

## Schedule 3—Amendments

3

### *Public Interest Disclosure Act 2013*

4

#### **1 Subsection 69(1) (before table item 1)**

5

Insert:

1A	A parliamentarian.	The Parliament.
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1B	A staff member of a parliamentarian (within the meaning of the <i>Members of Parliament Staff Act 1984</i> ).	The Parliament.
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6