



PARLIAMENT OF VICTORIA

Legislative Council Privileges Committee and
Legislative Assembly Privileges Committee

Review of the Ongoing Resolution on the Parliamentary Integrity Adviser

Parliament of Victoria

Legislative Council Privileges Committee and Legislative Assembly Privileges Committee

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Committee membership



Hon Martin Pakula
Keysborough



Hon Harriet Shing
Eastern Victoria



Hon Jacinta Allan
Bendigo East



Mr Bruce Atkinson
Eastern Metropolitan



Mr Jeff Bourman
Eastern Victoria



Hon Ben Carroll
Niddrie



Hon David Davis
Southern Metropolitan



Mr Stuart Grimley
Western Victoria



Hon Jill Hennessy
Altona



Hon Shaun Leane
Eastern Metropolitan



Mr Frank McGuire
Broadmeadows



Mr David Morris
Mornington



Hon Gordon Rich-Phillips
South Eastern Metropolitan



Ms Steph Ryan
Euroa



Ms Louise Staley
Ripon



Hon Jaclyn Symes
Northern Victoria



Hon Gayle Tierney
Western Victoria



Hon Kim Wells
Rowville

About the Committee

Legislative Council Privileges Committee

Address c/o Assistant Clerk Committees, Legislative Council
Parliament House, Spring Street
EAST MELBOURNE VIC 3002

Phone 61 3 9651 8696

Email council@parliament.vic.gov.au

Web <https://www.parliament.vic.gov.au/lc-privileges>

Legislative Assembly Privileges Committee

Address c/o Assistant Clerk Committees, Legislative Assembly
Parliament House, Spring Street
EAST MELBOURNE VIC 3002

Phone 61 3 9651 8555

Email vaughn.koops@parliament.vic.gov.au

Web <https://www.parliament.vic.gov.au/la-privileges>

This report is available on the Committees' websites.

Staff

Mr Richard Willis, Assistant Clerk Committees, Legislative Council
Dr Vaughn Koops, Assistant Clerk Committees, Legislative Assembly
Ms Juliana Duan, Chamber Procedure Officer, Legislative Council
Ms Stef Tardiff, Manager Procedure Officer, Legislative Assembly

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Recommendations

Review of the Ongoing Resolution on the Parliamentary Integrity Adviser

RECOMMENDATION 1: Opportunities for general training on integrity and ethics for new and current members should be provided by the Parliamentary Integrity Adviser (PIA) on a regular and agreed basis, in a variety of formats including in-person, by way of written materials, and online. The PIA should prepare a written resource that members can access in much the same way as the Members Guide.

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RECOMMENDATION 2: That the contract for the Parliamentary Integrity Adviser (PIA) in the next Parliament include a requirement for the PIA to conduct a set minimum number of hours in preparation and implementation of training per reporting period.

5

RECOMMENDATION 3: That no changes be made to the Ongoing Resolution on the Parliamentary Integrity Adviser at this time but that consideration of future changes may be warranted in light of findings and recommendations set out in the Operation Watts report of the Victorian Ombudsman and the Independent Broad-based Anti-corruption Commission.

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Review of the Ongoing Resolution on the Parliamentary Integrity Adviser

Preamble

1. In 2019, the Houses agreed to a joint ongoing Resolution for the appointment of a Parliamentary Integrity Adviser. Under the Resolution, the Joint Privileges Committees of the Council and Assembly (the Committees) must conduct a review of the operation of the Resolution to establish a Parliamentary Integrity Adviser in the final year of each Parliament.
2. A report of the review must be tabled in each House before the expiration of the Assembly under section 38 of the *Constitution Act 1975*.

Resolution to establish a Parliamentary Integrity Adviser

3. The Resolution establishing the Parliamentary Integrity Adviser (PIA) was agreed to by the Legislative Council on 30 April 2019 and by the Legislative Assembly on 1 May 2019. A copy of the Resolution is provided in Appendix A.
4. In summary, the Resolution deals with:
 - a) The PIA's role to provide advice to members of Parliament (MP) on ethical issues and integrity matters concerning the exercise of a member's role as an MP, including the use of members' entitlements and declaration of potential conflicts of interests.
 - b) The PIA's role to provide periodic education and training to members of Parliament about related ethical issues and integrity matters.
 - c) The PIA's requirement to keep records of advice given.
 - d) A requirement that the PIA meet at least once every 12 months with the joint Privileges Committees of the Assembly and the Council to discuss matters relevant to and issues arising from the operation and application of the parliamentary standards framework.
 - e) Matters relating to the appointment, resignation and removal of the PIA.
 - f) A requirement that the joint Privileges Committees of the Council and the Assembly table a review of the operation of the establishment Resolution in the final year of each Parliament.
 - g) Matters relating to the rules and conduct of meetings of the joint Privileges Committees.

Appointment of Parliamentary Integrity Adviser

5. On 29 August 2019, the Committees tabled a report in both Houses on the appointment of a Parliamentary Integrity Adviser. The report recommended that:

In accordance with (5)(a) of the 2019 resolution, the Legislative Council and the Legislative Assembly appoint Mr Ray Purdey as parliamentary integrity adviser under the terms and conditions of appointment [in Appendix A of this report], which have been agreed in consultation with the Speaker and the President, for the period that terminates on the day that is four months after the next general election.

6. Both Houses accepted this recommendation and agreed to a joint Resolution on 29 August 2019 to appoint Mr Purdey as Parliamentary Integrity Adviser from 1 September 2019 until the day that is four months after the next general election. The Parliament agreed to pay the PIA an annual fee of \$50,000 plus GST.
7. The term of appointment for the PIA expires four months after the 2022 general election, and the Committees are required to table a joint report recommending a person for appointment as PIA within three months of the position becoming vacant. Therefore, the joint Privileges Committees of the 60th Parliament will be required to recommend a person for appointment, and consider terms and conditions for appointment in consultation with the Speaker and President, by 26 June 2023.

Reporting

8. Part 4 (a) of the Resolution requires the PIA, at least once every 12 months, to meet with the Committees to discuss matters relevant to and issues arising from the operation and application of the parliamentary standards framework. Meetings took place on 7 August 2020, 18 October 2021, and 26 August 2022.
9. Part 4 (b) of the Resolution requires the PIA to table an annual report on his advisory and education functions. These reports were tabled in Parliament on 1 September 2020, 26 October 2021, and 1 September 2022. Information and statistics from these reports are summarised below.
10. Part 4 (c) of the Resolution states that the PIA may, at his or her discretion, report to the Parliament from time to time on—
- (i) any issues with the parliamentary standards framework arising from requests for ethics or integrity advice, including suggested proposals to address such issues;
 - (ii) the provision of guidance to members of Parliament on particular issues, including publication of de-identified case studies in order to educate members on their obligations;
 - (iii) any other matter the Parliamentary Integrity Adviser considers appropriate.
11. No reports were made under Part 4 (c) of the Resolution during the 59th Parliament.

Advice

12. Part 1 of the Resolution defines the role of the PIA to provide advice to any member of Parliament, including former members of Parliament, when asked to do so by that member, on ethical issues and integrity matters concerning the exercise of their role as a member of Parliament.
13. Advice may be provided on a range of matters including, but not limited to, the application of any legislation or other guidelines adopted by Parliament that are relevant to members of Parliament, the use of members' entitlements and the declaration of potential conflicts of interest.
14. Advice given must be consistent with legislation, regulations and any other rules or guidelines adopted by Parliament but must not constitute legal advice.
15. Annual reports by the PIA over the past three years provide statistics on the advisory function reporting as required by the Resolution (Table 1).

Table 1

Advisory function reporting	2019-20	2020-21	2021-22
Number of ethical matters raised	16	11	15
Members of the Legislative Council who sought advice	3	2	2
Members of the Legislative Assembly who sought advice	11	9	12
Former members who sought advice	0	0	0
Number of times advice given	20	13	18
Amount of time performing duties (hours)	88	30	31

16. The Privileges Committees of the Assembly and the Council note that the PIA spent more time performing duties in 2019-20 than in 2020-21 and 2021-22, on account of hours spent on administration and research associated with establishing the role. In the first year of appointment, time was spent on several meetings with relevant officers in relation to the operation of the parliamentary standards framework.

Education and Training

17. Part 2 of the Resolution describes the role of the PIA in relation to education and training. Under Part 2 (a), the Parliamentary Integrity Adviser is to provide periodic education and training to members of Parliament about ethical issues and integrity matters concerning, but not limited to, the functions, roles, powers, and responsibilities of members of Parliament.

18. Part 2 (b) of the Resolution requires that the Parliamentary Integrity Adviser provide —
- (i) training to new members of Parliament at the start of each Parliament;
 - (ii) training to new members of Parliament who are elected at a by-election or appointed to fill a casual vacancy; and
 - (iii) training on any amendments or changes to the parliamentary standards and integrity system.

19. Table 2 summarises activities performed by the PIA under Part 2 of the Resolution during the 59th Parliament.

Table 2

Education and Training reporting	2019–20	2020–21	2021–22
Members Integrity and Ethics training	1	0	1
Training to new members of Parliament at the start of Parliament	N/A	N/A	N/A
Training to new members of Parliament elected or appointed mid-Parliament	1	1	0
Training on amendments or changes to the parliamentary standards and integrity system	0	0	0

20. The Resolution requires the PIA to hold periodic training sessions for members. Two general training sessions on members’ integrity and ethics were held since the appointment of the PIA, on 13 November 2019 and 31 August 2022. All members of Parliament were invited, with 32 members attending the first training session held on 13 November 2019, and seven members attending the training session on 31 August 2022. No training sessions were held in 2020 or 2021. The sessions covered—

- The role and responsibilities of the PIA
- Parliamentary standards framework
 - Values
 - Code of Conduct
 - Expenditure principles
- Monitoring, compliance and enforcement provisions relating to work-related parliamentary allowances and the budget
- Relevant Officer and Compliant Officer roles

21. Two former members participated in the 2019 training session and discussed their experiences in relation to ethics and values as members of Parliament.

22. The PIA was appointed on 1 September 2019, nine months into the 59th Parliament. As such, there was no specific training conducted for new members of Parliament under Part 2(b)(i) of the Resolution. No amendments or changes to the parliamentary standards and integrity system were made over this reviewing period.

23. Since the appointment of the PIA, there were no new members of the Legislative Assembly elected at a by-election. Five new members were appointed to fill casual vacancies in the Legislative Council. The PIA indicated in his annual reports over the past three years that two newly appointed members were provided with training under Part 2(b)(ii) of the Resolution. The Committees note that the PIA has not conducted training for the other three Council members appointed to fill casual vacancies.

Joint Committees review of the Standing Resolution

24. The Committees are required to conduct a joint review of the operation of the Resolution in the final year of each Parliament, and to table a report of the review in each House before the expiration of each Parliament.
25. The Committees note that during the period of this review, disruptions caused by the COVID-19 pandemic affected how the role of the PIA could be performed from time to time, and in particular, the ability of the PIA to conduct in-person training and education sessions. The Committees also note that despite the significant interruption to face-to-face engagement, the PIA did not prepare any written or online materials or training information resources for members to access.
26. The PIA conducted two general integrity and ethics training sessions for members during the three-year period under review. While the Committees accept that COVID-19 made convening training sessions more challenging, it is the Committees' expectation that developing and delivering a minimum amount of training (including through alternative means such as in written format, or in online modules) should be a requirement of the role. To this end, the Committees consider that the PIA might be more proactive in exploring other options for the delivery of integrity and ethics training to members. Ideally and in recognition of the regard in which the role of the PIA is held, opportunities for general training on integrity and ethics for members should be provided by the PIA on a regular basis, and potentially in a variety of formats including in-person and online. The Committees also consider that the PIA should prepare a written resource that members can access in much the same way as the Members Guide.

27. **RECOMMENDATION 1:** Opportunities for general training on integrity and ethics for new and current members should be provided by the Parliamentary Integrity Adviser (PIA) on a regular and agreed basis, in a variety of formats including in-person, by way of written materials, and online. The PIA should prepare a written resource that members can access in much the same way as the Members Guide.

28. **RECOMMENDATION 2:** That the contract for the Parliamentary Integrity Adviser (PIA) in the next Parliament include a requirement for the PIA to conduct a set minimum number of hours in preparation and implementation of training per reporting period.

29. The Committees also note that the recently released report on *Operation Watts*¹, following a joint investigation conducted by the Independent Broad-based Anti-corruption Commission and the Victorian Ombudsman recommended that the role of the PIA be continued in future parliaments, and that the role complement other reforms recommended in that report. At this time, changes arising from those wideranging recommendations have not been implemented.
30. The Committees note that if changes to integrity and ethics training for members arise in response to recommendations from the *Operation Watts* report, complementary changes to the role of the PIA will likely be required, and at this time the Committees are not in a position to anticipate what those changes might be. Therefore, the Committees do not recommend any change to the Resolution at this time.
31. **RECOMMENDATION 3:** That no changes be made to the Ongoing Resolution on the Parliamentary Integrity Advisor at this time but that consideration of future changes may be warranted in light of findings and recommendations set out in the *Operation Watts* report of the Victorian Ombudsman and the Independent Broad-based Anti-corruption Commission.

**Adopted by the Legislative Assembly and Legislative Council Privileges Committees
Parliament of Victoria, East Melbourne
8 September 2022**

¹ Independent Broad-based Anti-corruption Commission / Victorian Ombudsman, *Operation Watts: Investigation into allegations of misuse of electorate office and ministerial office staff and resources for branch stacking and other party related activities*, July 2022, State of Victoria, 2022.

Appendix A

Ongoing Resolution on the Parliamentary Integrity Adviser

[Agreed to by the Legislative Council on 30 April 2019 and by the Legislative Assembly on 1 May 2019]

This House establishes the position of Parliamentary Integrity Adviser in accordance with the following terms:

(1) **Provision of advice**

- (a) The Parliamentary Integrity Adviser is to advise any member of Parliament, including former members of Parliament, when asked to do so by that member, on ethical issues and integrity matters concerning the exercise of his or her role as a member of Parliament.
- (b) The Parliamentary Integrity Adviser's advice may be sought on a range of parliamentary matters including, but not limited to, the application of any legislation or other guidelines adopted by Parliament that are relevant to members in their capacity as members of Parliament, the use of members' entitlements and declaration of potential conflicts of interest.
- (c) Any advice given by the Parliamentary Integrity Adviser should be consistent with legislation, regulations and any other rules or guidelines adopted by Parliament, but must not constitute legal advice.

(2) **Education and training**

- (a) The Parliamentary Integrity Adviser is to provide periodic education and training to members of Parliament about ethical issues and integrity matters concerning, but not limited to, the functions, roles, powers, and responsibilities of members of Parliament.
- (b) The Parliamentary Integrity Adviser must provide —
 - (i) training to new members of Parliament at the start of each Parliament;
 - (ii) training to new members of Parliament who are elected at a by-election or appointed to fill a casual vacancy; and
 - (iii) training on any amendments or changes to the parliamentary standards and integrity system.

(3) **Records**

- (a) The Parliamentary Integrity Adviser is required to keep, for the duration of his or her tenure, a record of all advice given, including any supporting material and information upon which the advice is based.

- (b) Subject to (3)(e)(ii), the Parliamentary Integrity Adviser must not divulge, to any person, entity or committee of either House, other than the person who requested the advice —
 - (i) any information provided to him or her in the course of his or her duties under this Resolution;
 - (ii) the content or details of any advice given in accordance with this Resolution — unless the person who requested the advice has given express permission for such information and/or advice to be made public.
- (c) The Parliamentary Integrity Adviser must not comply with any order for the production of records by either House relating to advice given by the Parliamentary Integrity Adviser unless the person who requested the advice —
 - (i) is a member or former member of the House that made the order; and
 - (ii) in the case of advice given under (1)(a)–(c), has sought to rely on the advice for any reason; and
 - (iii) has given express permission for the records to be released to the relevant House.
- (d) Subject to 3(e), if the Parliamentary Integrity Adviser considers that the confidential advice provided to a member or former member has been publicly misrepresented, the Parliamentary Integrity Adviser may release a statement to correct the misrepresentation.
- (e) In releasing a statement under (3)(d), the Parliamentary Integrity Adviser —
 - (i) must not publicise the advice provided unless the person who requested the advice has given express permission for it to be made public; or
 - (ii) if the person who requested the advice refuses permission for it to be made public, may release the advice to the Privileges Committee of the relevant House if that Committee makes a request as part of a related inquiry connected to that person.

(4) Reporting

- (a) At least once every 12 months, the Parliamentary Integrity Adviser will meet jointly with the Privileges Committees of the Assembly and the Council to discuss matters relevant to and issues arising from the operation and application of the parliamentary standards framework.
- (b) The Parliamentary Integrity Adviser must, every 12 months, report to the Parliament on —
 - (i) advisory functions including —
 - (A) the number of ethical matters raised during the reporting period;
 - (B) the number of members and former members who sought advice during the reporting period;

- (C) the number of times advice was given during the reporting period; and
- (D) the amount of time spent in the course of performing duties under the terms of this Resolution during the reporting period; and
- (ii) education functions including —
 - (A) the number of training sessions provided during the reporting period, and the number of members who attended each training session; and
 - (B) a brief description of the content of training sessions and any other training provided during the reporting period.
- (c) The Parliamentary Integrity Adviser may, at his or her discretion, report to the Parliament from time to time on —
 - (i) any issues with the parliamentary standards framework arising from requests for ethics or integrity advice, including suggested proposals to address such issues;
 - (ii) the provision of guidance to members of Parliament on particular issues, including publication of de-identified case studies in order to educate members on their obligations;
 - (iii) any other matter the Parliamentary Integrity Adviser considers appropriate.
- (d) A report of the Parliamentary Integrity Adviser under (4)(b) or (4)(c) —
 - (i) will be tabled in each House; and
 - (ii) must not divulge or cause to be divulged the identity of any person who has requested advice in accordance with this Resolution.
- (e) A House or committee of the Parliament cannot —
 - (i) refer a matter to the Parliamentary Integrity Adviser;
 - (ii) require the Parliamentary Integrity Adviser to report on the conduct of a specific member or former member, or a specified group of members and/or former members, of Parliament; or
 - (iii) require the Parliamentary Integrity Adviser to investigate any allegations of misconduct.

(5) Appointment, resignation and removal

- (a) A person will be appointed by resolution of the Council and the Assembly, on the joint recommendation of the Privileges Committees of the Council and the Assembly in accordance with (5)(c), as Parliamentary Integrity Adviser.
- (b) An appointment under (5)(a) must —
 - (i) subject to (5)(b)(iii), be made whenever the position becomes vacant; and
 - (ii) be for a period that terminates on the day that is four months after the general election that is held immediately following the Parliament during which the appointment is made; and

- (iii) in the case of the first appointment of the Parliamentary Integrity Adviser, be made within four months after this Resolution has been agreed to by both Houses.
- (c) Prior to a resolution under (5)(a), a joint report of the Privileges Committees of the Council and the Assembly will be tabled in each House specifying —
 - (i) a person recommended for appointment as Parliamentary Integrity Adviser; and
 - (ii) the terms and conditions of appointment of the Parliamentary Integrity Adviser, including any remuneration, as agreed in consultation with the Speaker and the President.
- (d) If, within three months of the position becoming vacant, the Privileges Committees of the Council and the Assembly fail to report under (5)(c), a joint sitting of Parliament in accordance with JSO 22 will be held to appoint a person as Parliamentary Integrity Adviser on the terms and conditions, including any remuneration, agreed by the Speaker and the President.
- (e) The Parliamentary Integrity Adviser may engage in any outside employment that does not conflict with his or her role as Parliamentary Integrity Adviser.
- (f) The Parliamentary Integrity Adviser may resign in writing to the President and the Speaker.
- (g) The Parliamentary Integrity Adviser may be removed from office by resolution of the Council and the Assembly for —
 - (i) insolvency; or
 - (ii) proven misbehaviour; or
 - (iii) mental incapacity.
- (h) Prior to a resolution under (5)(g), the Privileges Committees of the Council and the Assembly must meet and confer jointly on the alleged grounds for removal and, if the grounds are found to be valid, make a joint recommendation to Parliament that the Parliamentary Integrity Adviser be removed from office.
- (i) A joint recommendation under (5)(h) will —
 - (i) be tabled in each House; and
 - (ii) include the reasons for the recommendation unless the Privileges Committees agree that it would be contrary to the public interest to do so.
- (j) The Parliamentary Integrity Adviser may be suspended from office whilst any alleged grounds for removal from office are dealt with under the terms of this Resolution.

(6) Review

The Privileges Committees of the Council and the Assembly must, in the final year of each Parliament –

- (a) cause a joint review to be made of the operation of this Resolution; and
- (b) table a report of the review in each House before the expiration of the Assembly under section 38 of the *Constitution Act 1975*.

(7) Privileges Committee

- (a) The Privileges Committee of this House is authorised and required to meet and confer jointly with the Privileges Committee of the other House for the purposes of exercising its role, functions and powers in accordance with the terms of this Resolution.
- (b) The provisions relating to the role, functions and powers of the Privileges Committee under the terms of this Resolution constitute a standing reference to the Committee for the Parliament during which its members are appointed until the dissolution or other lawful determination of the Assembly.
- (c) For the purposes of joint meetings of the Privileges Committees of the Council and the Assembly under the terms of this Resolution –
 - (i) the Chair of the Assembly Privileges Committee and the Chair of the Council Privileges Committee are joint chairs; and
 - (ii) meetings shall be chaired by the joint chairs on an alternating basis; and
 - (iii) a joint chair shall take the Chair whenever the other joint chair is not present; and
 - (iv) every Committee member shall have a deliberative vote only; and
 - (v) the Standing Orders of the Assembly shall otherwise apply insofar as they are not inconsistent with the terms of this Resolution.

and this Resolution shall continue in force unless and until it is amended or rescinded by a resolution of the Council and the Assembly in this or a subsequent Parliament.

