



PARLIAMENTARY INTEGRITY ADVISER

ANNUAL REPORT

2020 – 2021

This is the second Annual Report of the Parliamentary Integrity Adviser.

Background

In 2019 each House of the Victorian Parliament agreed to a resolution establishing the position of the Parliamentary Integrity Adviser¹. A copy of the resolution is attached in Appendix 1.

The Legislative Council and Legislative Assembly Privileges Committees in a Joint Report on the appointment of a Parliamentary Integrity Adviser² recommended my appointment to the position of Parliamentary Integrity Adviser. Both Houses accepted this recommendation and agreed a joint resolution on 29 August 2019 formally appointing me to the position. Appendix 1 of the Joint Report of the Privileges Committees set out the terms and conditions of my appointment.

Role of the Parliamentary Integrity Adviser

The Parliamentary Integrity Adviser essentially has three functions – provision of advice, education and training, and reporting.

Provision of advice

On request, to provide current and former members of Parliament advice on ethical issues and integrity matters concerning the exercise of their roles as members of Parliament.

Advice may be provided on a range of matters including, 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.

Advice given must be consistent with legislation, regulations and any other rules or guidelines adopted by Parliament but must not constitute legal advice.

Education and training

Provision of periodic education and training to members about ethical issues and integrity matters concerning, the functions, roles, powers, and responsibilities of members of Parliament.

To provide training –

- (1) to new members of Parliament at the start of each Parliament;
- (2) to new members of Parliament who are elected or appointed to fill casual vacancies;
and
- (3) on any amendments or changes to the parliamentary standards and integrity system.

¹ Pp 112-115 Legislative Council Minutes of Proceedings 30 April 2019 and pp 111-116 Legislative Assembly Votes and Proceedings 1 May 2019

² Parliamentary Paper No 66, Session 2018-2019

Reporting

Report annually on –

- advice given;
- training provided; and
- the amount of time spent performing integrity adviser duties.

Discretion to report on –

- any issues concerning the parliamentary standards framework;
- provision of guidance on particular issues; and
- any other matter considered appropriate.

The integrity adviser must also annually meet jointly with the privileges committees to discuss issues arising from the operation and application of the parliamentary standards framework.

Meetings

As required, a joint meeting with the Legislative Council and Legislative Assembly Privileges Committees occurred in October 2021.

Training

A training session for Ms Sheena Watt, the newly appointed Member for the Northern Metropolitan Region was provided in September 2021. This session covered the following topics –

- Role and responsibility of the Parliamentary Integrity Adviser
- 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

Advice

The following details relate to advice provided to Members during the reporting period –

Number of ethical matters raised	11
Number of Members and former Members who sought advice	
Members of the Legislative Council	2

Members of the Legislative Assembly	9
Former Members	Nil
Number of times advice was given	13
The amount of time performing the duties – 30 hours	

Ray Purdey
Parliamentary Integrity Adviser

Appendix 1

Resolution establishing 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