

## LEGISLATIVE ASSEMBLY

## PARLIAMENTARY WORKPLACE STANDARDS AND INTEGRITY BILL 2024

(Amendments and New Clauses to be moved by Dr Tim Read)

1. Clause 3, page 5, after line 29 insert—
 

*"non-compliance report* means a report prepared by the Commission under section 32A(1);".
2. Heading to clause 41, omit "**investigative report or summary report**" and insert "**reports**".
3. Clause 41, line 4, omit "or a summary report" and insert ", summary report or non-compliance report".
4. Clause 41, lines 6 to 7, omit "or a summary report" and insert ", summary report or non-compliance report".
5. Clause 61, page 73, after line 2 insert—
 

"(fa) a function under section 32A (preparing and providing a non-compliance report);".
6. Clause 83, page 94, line 29, omit "reports and" and insert "reports,".
7. Clause 83, page 94, line 30, after "reports" insert "and non-compliance reports".
8. Clause 83, page 95, line 1, omit "reports and" and insert "reports,".
9. Clause 83, page 95, line 2, after "reports" insert "and non-compliance reports".

## NEW CLAUSES

10. Insert the following New Clauses to follow clause 32—
 

**"32A Non-compliance with sanctions imposed by Commission**

  - (1) Subject to subsection (2), if the Commission considers that a person has failed to comply, within a reasonable time, with a sanction imposed under section 30, the Commission—
    - (a) must prepare a report of that failure; and
    - (b) may recommend that one or more sanctions be imposed on the person as if the Commission had made a finding of serious parliamentary misconduct by the person.
  - (2) The Commission must not prepare a non-compliance report unless the Commission has—

- (a) given the person an opportunity to respond to the proposed report; and
  - (b) considered any response by the person.
- (3) A non-compliance report must include the following—
- (a) the details of the Commission's finding that the person has failed to comply with the sanction;
  - (b) the sanctions (if any) that the Commission recommends be imposed on the person;
  - (c) any response by the person under subsection (2)(b).
- (4) The Commission must provide a non-compliance report as soon as practicable to the following—
- (a) the individual referrer (if any) who made the referral for which an investigative report was prepared and the sanction was imposed;
  - (b) the person who is the subject of the non-compliance report;
  - (c) any other person or body to whom the Commission provided the investigative report under section 28(7) or (8).

### **32B Presentation of non-compliance report to Parliament—Privileges Committee**

- (1) Subject to subsection (2), if a Privileges Committee receives a non-compliance report, the Privileges Committee must—
- (a) consider the report; and
  - (b) in the case that the report includes sanctions that the Commission recommends be imposed on the person who is the subject of the report—
    - (i) invite the person to provide within 30 days a written response regarding the sanctions recommended; and
    - (ii) consider any response provided within 30 days by the person; and
  - (c) prepare and cause to be transmitted to its House, no later than 10 sitting days after the period referred to in paragraph (b), a report that contains—
    - (i) the non-compliance report; and
    - (ii) the recommendations of the Privileges Committee regarding sanctions; and
    - (iii) an explanation for any differences between the recommendations of the Commission and the recommendations of the Privileges Committee.
- (2) As soon as practicable after a Privileges Committee receives a non-compliance report, a Member of the Privileges Committee who has a direct or indirect interest in the subject-matter of the report, being an

interest that could conflict with the performance of their duties as a Member of the Privileges Committee in considering the report, must—

- (a) recuse themselves from the consideration of the report until the Privileges Committee has caused a report to be transmitted to its House in accordance with subsection (1)(c); or
  - (b) resign from the Privileges Committee.
- (3) For the purposes of subsection (2), a direct or indirect interest in the subject-matter of a report does not include being a member of the same political party as the person who is the subject of the report.
- (4) A Privileges Committee must not reconsider or review any finding of the Commission in a non-compliance report.

**Note**

See section 112 for general requirements relating to transmission of reports to Parliament.

**32C Presentation of non-compliance report to Parliament—Premier**

- (1) If the Premier receives a non-compliance report, the Premier must—
- (a) consider the report; and
  - (b) in the case that the report includes sanctions that the Commission recommends be imposed on the person who is the subject of the report—
    - (i) invite the person to provide within 30 days a written response regarding the sanctions recommended; and
    - (ii) consider any response provided within 30 days by the person; and
  - (c) prepare and cause to be transmitted to the House of which the person who is the subject of the report is or was a Member, no later than 10 sitting days after the period referred to in paragraph (b), a report that contains—
    - (i) the non-compliance report; and
    - (ii) a statement of the actions that the Premier has taken in response to the non-compliance report; and
    - (iii) an explanation for any differences between the recommendations of the Commission and the actions taken by the Premier.
- (2) Subsection (1) does not apply in respect of a non-compliance report that is related to an investigative report received by the Premier under section 28(8).
- (3) The Premier must not reconsider or review any finding of the Commission in a non-compliance report.

**Note**

See section 112 for general requirements relating to transmission of reports to Parliament."