

## LEGISLATIVE COUNCIL

## PARLIAMENTARY WORKPLACE STANDARDS AND INTEGRITY BILL 2024

(Amendments and New Clauses to be proposed in Committee by SARAH MANSFIELD)

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

**"non-compliance report** means a report prepared by the Commission under section 32A(1);".

## NEW CLAUSES

2. 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."

3. Clause 41, lines 1 and 2, omit "**investigative report or summary report**" and insert "**reports**".
4. Clause 41, line 4, omit "or a summary report" and insert ", a summary report or a non-compliance report".
5. Clause 41, lines 6 to 7, omit "or a summary report" and insert ", a summary report or a non-compliance report".
6. Clause 61, page 73, after line 2 insert—
  - "(fa) a function under section 32A (preparing and providing a non-compliance report);".
7. Clause 83, page 94, line 29, omit "reports and" and insert "reports,".
8. Clause 83, page 94, line 30, after "reports" insert "and non-compliance reports".
9. Clause 83, page 95, line 1, omit "reports and" and insert "reports,".
10. Clause 83, page 95, line 2, after "reports" insert "and non-compliance reports".
11. Clause 139, line 6, before "In" insert "(1)".

12. Clause 139, after line 8, insert—

- '(2) After section 21(4) of the **Parliamentary Committees Act 2003** insert—
- "(5) Not more than half of the members of a Joint Investigatory Committee may be members of a political party forming the Government.".'

NEW CLAUSE

13. Insert the following New Clause to follow clause 139—

**"139A Membership of Pandemic Declaration Accountability and Oversight Committee**

Section 21A(5) of the **Parliamentary Committees Act 2003** is **repealed**."

14. Clause 140, line 14, omit "(1)".

15. Clause 140, line 19, omit "Council." and insert 'Council.".'

16. Clause 140, lines 20 to 23, omit all words and expressions on these lines.

17. Clause 141, lines 25 to 27, omit all words and expressions on these lines and insert—

'For section 22(1A) of the **Parliamentary Committees Act 2003** **substitute**—

- "(1A) The chairperson of a Joint Investigatory Committee must not be a member of a political party forming the Government.".'

NEW CLAUSE

18. Insert the following New Clause to follow clause 141—

**'141A New section 50A inserted**

After section 50 of the **Parliamentary Committees Act 2003** insert—

**"50A Membership and chairperson of Privileges Committee**

- (1) Not more than half of the members of a Privileges Committee may be members of a political party forming the Government.
- (2) The chairperson of a Privileges Committee must not be a member of a political party forming the Government.
- (3) In this section—

*Privileges Committee* means the parliamentary committee of the Assembly or the Council that is responsible for determining whether there has been a breach of parliamentary privilege or a contempt of that House or of the Parliament.".'