

PARLIAMENT OF VICTORIA

**Victorian Independent Remuneration Tribunal and
Improving Parliamentary Standards Bill 2019**

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PARLIAMENT OF VICTORIA

Introduced in the Assembly

Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Bill 2019

A Bill for an Act to reform the current system relating to salaries, allowances and standards for Members of Parliament by establishing the Victorian Independent Remuneration Tribunal and making amendments to the **Parliamentary Salaries and Superannuation Act 1968**, the **Members of Parliament (Register of Interests) Act 1978** and the **Parliamentary Administration Act 2005**, and to make related amendments to the **Public Administration Act 2004** and consequential amendments to certain other Acts and for other purposes.

The Parliament of Victoria enacts:

Part 1—Preliminary

1 Purposes

The main purposes of this Act are—

- (a) to establish the Victorian Independent Remuneration Tribunal to—

5

Part 1—Preliminary

- 5
- (i) determine salaries, work-related parliamentary allowances and the Budget for Members of Parliament under the **Parliamentary Salaries and Superannuation Act 1968**; and
- (ii) determine remuneration bands for executives employed in prescribed public entities; and
- 10
- (iii) determine remuneration bands for executives employed in public service bodies; and
- (iv) perform such other functions as are specified; and
- 15
- (b) to amend the **Parliamentary Salaries and Superannuation Act 1968** to—
- (i) rename the Act and provide for the purpose of the Act; and
- (ii) insert a Statement of Principles in relation to the use of public resources by Members of Parliament; and
- 20
- (iii) provide for work-related parliamentary allowances and the Budget; and
- (iv) create a new parliamentary travel allowance to support the travel of Members of Parliament where necessary for the performance of their public duties; and
- 25
- (v) replace the resettlement allowance with a separation payment; and
- 30
- (vi) establish a monitoring, compliance and enforcement system to be administered by the relevant Officer; and

- (vii) provide for a Compliance Officer to hear and determine appeals in relation to determinations; and
- 5 (c) to amend the **Members of Parliament (Register of Interests) Act 1978** to promote public trust and confidence in Members of Parliament by—
- (i) renaming the Act and providing for the objective of the Act; and
- 10 (ii) inserting a Statement of Values for Members of Parliament; and
- (iii) updating the Code of Conduct for Members of Parliament; and
- 15 (iv) expanding the Register of Interests for Members of Parliament; and
- (v) making other necessary amendments; and
- (d) to amend the **Parliamentary Administration Act 2005** to clarify the role of electorate officers; and
- 20 (e) to make related amendments to the **Public Administration Act 2004** and consequential amendments to certain other Acts.

25 **2 Commencement**

- (1) Parts 1, 2, 3, 4 and 5, sections 46 and 47, Parts 7 and 8 and sections 83 to 85 come into operation on the day after the day on which this Act receives the Royal Assent.
- 30 (2) Section 61 is to be taken to have come into operation on 1 July 2018.
- (3) Section 55 is to be taken to have come into operation on 23 November 2018.

- (4) The remaining provisions of this Act come into operation on the day after the expiry of the period of 180 days from the day on which this Act receives the Royal Assent.

5 **3 Definitions**

In this Act—

10 *additional salary* means the additional salary payable to a Member who is a specified parliamentary office holder in respect of that specified parliamentary office as set out in a Determination that is currently in effect;

basic salary means the basic salary payable to a Member as set in a Determination that is currently in effect;

15 *Budget* means the Electorate Office and Communications Budget of a Member;

Chair means the Chair of the Tribunal under section 7(3);

20 *Compliance Officer* means the Compliance Officer appointed under Part 4;

Determination means a Determination made by the Tribunal under Part 3;

Member means member of the Parliament of Victoria;

25 *public entity* has the same meaning as it has in section 4(1) of the **Public Administration Act 2004**;

30 *public service body* means a public service body within the meaning of section 4(1) of the **Public Administration Act 2004**;

public service body Head has the same meaning as it has in section 4(1) of the **Public Administration Act 2004**;

specified occupational group means
an occupational group specified in
section 6(1)(a), (b), (d), (e), (f), (g) or (h);

5 *specified parliamentary office* means any of
the following offices held by a Member
in addition to their role as a Member—

- (a) Premier;
- (b) Deputy Premier;
- 10 (c) any other responsible Minister of the
Crown;
- (d) Leader of the Opposition;
- (e) President;
- (f) Speaker;
- (g) Deputy President;
- 15 (h) Deputy Speaker;
- (i) Deputy Leader of the Opposition in
the Assembly;
- (j) Leader of the Opposition in the
Council;
- 20 (k) Leader of the Third Party (unless they
are also the Leader or Deputy Leader
of the Opposition or a Minister of the
Crown);
- (l) Cabinet Secretary;
- 25 (m) a Shadow Minister;
- (n) a Chairperson of a parliamentary
committee (including a Joint
Investigatory Committee within
30 the meaning of the **Parliamentary
Committees Act 2003**, a standing
committee, a select committee and
a domestic committee);

Part 1—Preliminary

- 5
- (o) a Deputy Chairperson of a parliamentary committee (including a Joint Investigatory Committee within the meaning of the **Parliamentary Committees Act 2003**, a standing committee, a select committee and a domestic committee);
- 10
- (p) Government Whip in the Assembly;
- (q) Deputy Leader of the Opposition in the Council;
- 15
- (r) a Parliamentary Secretary;
- (s) Deputy Leader of the Third Party (unless they are also the Leader or Deputy Leader of the Opposition or a Minister of the Crown);
- (t) Government Whip in the Council;
- (u) Opposition Whip in the Assembly;
- (v) Opposition Whip in the Council;
- 20
- (w) Whip of the Third Party in the Assembly;
- (x) Whip of the Third Party in the Council;
- (y) Secretary of the Party forming the Government;
- (z) Secretary of the Opposition Party;
- 25
- (za) Secretary of the Third Party;
- (zb) any other prescribed parliamentary office;
- 30
- specified parliamentary office holder* means a Member who holds a specified parliamentary office;
-

Tribunal means the Victorian Independent Remuneration Tribunal established under section 4;

5 ***Tribunal member*** means a member of the Tribunal;

Tribunal officer means an employee made available to the Tribunal under section 15(1);

work-related parliamentary allowances means the following—

- 10 (a) an electorate allowance;
- (b) any expense allowance;
- (c) a parliamentary accommodation sitting allowance;
- (d) a travel allowance;
- 15 (e) a motor vehicle allowance;
- (f) any other prescribed allowance.

Part 2—Victorian Independent Remuneration Tribunal

4 Establishment

5 The Victorian Independent Remuneration Tribunal is established.

5 Independence of the Tribunal and Tribunal members

- 10 (1) The Tribunal must act independently and impartially in performing its functions and exercising its powers.
- (2) The Tribunal and Tribunal members are not in the performance of their functions and the exercise of their powers when making a Determination subject to the direction or control of any person, including any Minister.
- 15

6 Functions and powers of the Tribunal

- (1) The Tribunal has the following functions—
- 20 (a) inquire into and determine the basic salary and the value of work-related parliamentary allowances for Members;
- (b) inquire into and determine the additional salary and value of parliamentary allowances for specified parliamentary office holders;
- (c) inquire into and determine the Budget;
- 25 (d) inquire into and determine the remuneration bands for executives employed in prescribed public entities;
- (e) issue guidelines with respect to the placement of executives within the remuneration bands determined under
- 30 paragraph (d);

Part 2—Victorian Independent Remuneration Tribunal

- 5
- (f) at the request of the Minister, inquire into and determine the remuneration package for a Chief Executive Officer employed in a prescribed public entity;
- (g) inquire into and determine the remuneration bands for executives employed in public service bodies;
- 10
- (h) issue guidelines with respect to the placement of public service body Heads and other executives within the remuneration bands determined under paragraph (g);
- 15
- (i) provide advice about requests to approve remuneration for public service body Heads and other executives which is above the relevant remuneration band;
- (j) make recommendations to the Minister about the remuneration of any specified occupational group;
- 20
- (k) conduct reviews and analyse public sector remuneration trends in relation to any specified occupational group;
- (l) provide advice to the Minister on any matter relating to the remuneration of any specified occupational group;
- 25
- (m) prepare and publish information on any matter relating to the remuneration of any specified occupational group.
- 30
- (2) Subject to subsection (3), the Tribunal has the power to do all things necessary or convenient to be done in connection with the performance of its functions.
- (3) For the avoidance of doubt, the Tribunal does not have the power to perform any function or make any Determination in relation to any matter that is

within the jurisdiction of the Commonwealth Fair Work Commission.

7 Membership of the Tribunal

- 5 (1) The Tribunal is to consist of up to 3 Tribunal members.
- (2) A Tribunal member must be an eligible person under section 8 appointed by instrument of appointment by the Governor in Council on the recommendation of the Minister.
- 10 (3) One of the Tribunal members is to be appointed in the instrument of appointment to be the Chair of the Tribunal.

8 Eligibility to be appointed as a Tribunal member

- 15 (1) Subject to subsection (2), a person is eligible to be appointed as a Tribunal member only if the person has extensive or specialist knowledge, expertise or experience in one or more of the following fields—
- (a) Government;
 - 20 (b) community affairs;
 - (c) economics;
 - (d) human resource management;
 - (e) industrial relations;
 - (f) law;
 - 25 (g) public administration;
 - (h) public finance;
 - (i) public sector ethics;
 - (j) any other field the Minister considers relevant.
- 30 (2) Despite subsection (1), a person is not eligible to be appointed as a Tribunal member if the person—
-

- 5
- (a) nominates for election as a Member or is elected as a Member; or
 - (b) is employed as an executive in a prescribed public entity or as an executive in a public service body.

9 Terms and conditions of appointment

- 10
- (1) A Tribunal member holds office for the period not exceeding 5 years as is specified in the instrument of appointment.
 - (2) A Tribunal member—
 - (a) is appointed on a part-time basis; and
 - (b) subject to section 8, is eligible for re-appointment; and
 - (c) is entitled to be paid the prescribed remuneration; and
 - (d) subject to this Act, is appointed on the terms and conditions that are specified in the instrument of appointment.
 - (3) The remuneration of a Tribunal member cannot be reduced during their term of office unless they consent to the reduction.
 - (4) The **Public Administration Act 2004** does not apply to a Tribunal member in respect of the office of Tribunal member.

10 Vacancy, resignation and removal from office

- 25
- (1) A Tribunal member ceases to hold office if the Tribunal member—
 - (a) resigns by writing delivered to the Governor in Council; or
 - (b) becomes an insolvent under administration; or
- 30

Part 2—Victorian Independent Remuneration Tribunal

- 5
- (c) is convicted, or found guilty, of an indictable offence or an offence that, if committed in Victoria, would be an indictable offence; or
- (d) has nominated for election as a Member or is elected as a Member; or
- (e) is employed as an executive or Chief Executive Officer in a prescribed public entity or as an executive in a public service body; or
- 10
- (f) becomes a represented person within the meaning of the **Guardianship and Administration Act 1986**; or
- (g) is removed from office in accordance with subsection (2); or
- 15
- (h) dies.
- (2) The Governor in Council may remove a Tribunal member from office on any of the following grounds—
- (a) misconduct;
- 20
- (b) neglect of duty;
- (c) inability to perform the duties of the office;
- (d) any other ground on which the Governor in Council is satisfied that the Tribunal member is unfit to hold office.

25

11 Acting Tribunal member

- (1) The Governor in Council may on the recommendation of the Minister appoint a person to act in the office of a Tribunal member during—
- 30
- (a) any vacancy in the office of a Tribunal member; or

Part 2—Victorian Independent Remuneration Tribunal

- 5
- (b) any period when the person holding the office—
- (i) is absent from duty; or
- (ii) is for any other reason unable to perform the duties of the office.
- (2) The Governor in Council may at any time remove a person acting in the office of a Tribunal member appointed under subsection (1).
- 10 (3) The Minister may appoint a person as an acting Tribunal member for a period not exceeding 6 months as is specified in the instrument of appointment.
- (4) The Minister may at any time remove a person acting in the office of a Tribunal member under subsection (3).
- 15 (5) A person cannot be appointed to be an acting Tribunal member unless the person satisfies the eligibility requirements under section 8 to be appointed as a Tribunal member.
- 20 (6) While a person is appointed as an acting Tribunal member, the person—
- (a) has and may exercise all the powers, and must perform all the functions, of the office of Tribunal member; and
- 25 (b) if appointed under subsection (1), is entitled to be paid the prescribed remuneration; and
- (c) if appointed under subsection (3), is entitled to be paid the remuneration specified in the instrument of appointment as an acting
- 30 Tribunal member.

12 Meetings of the Tribunal

- 5
- (1) The Chair may convene meetings of the Tribunal.
- (2) The Chair must preside at any meeting of the Tribunal at which the Chair is present.
- 5
- (3) If the Chair is not present at a meeting of the Tribunal, another Tribunal member nominated by the Chair must preside.
- (4) Subject to this Act, at a meeting of the Tribunal—
- 10
- (a) the procedure is to be determined by the Tribunal; and
- (b) 2 Tribunal members constitute a quorum; and
- (c) all questions are to be decided by a majority of votes of the Tribunal members present and voting; and
- 15
- (d) the Chair or other Tribunal member presiding at the meeting has a deliberative vote and, in the event of an equality of votes, also has a casting vote.
- 20
- (5) The Tribunal must keep minutes of its meetings that record all decisions, Determinations and rulings of the Tribunal.

13 Method of inquiry by the Tribunal

- 25
- In the performance of the functions of the Tribunal, the Tribunal—
- (a) may inform itself in any manner that the Tribunal decides is appropriate; and
- (b) may seek and receive written or oral statements; and
- 30
- (c) is not required to conduct proceedings in a formal manner; and
- (d) is not bound by the rules of evidence.
-

14 Disclosure of interests

- 5
- (1) This section applies to a Tribunal member if—
- (a) the Tribunal member has a direct or indirect interest, financial or otherwise, in a matter being considered, or about to be considered, by the Tribunal; and
 - (b) the interest could conflict with the proper performance of the Tribunal member in considering the matter.
- 10
- (2) As soon as practicable after the relevant facts come to the Tribunal member's knowledge, the Tribunal member must disclose the nature of the interest at a meeting of the Tribunal.
- 15
- (3) The Tribunal member must not take part, or take further part, in any consideration of, or decision about, the matter without the consent of the other Tribunal members.
- 20
- (4) A disclosure under subsection (2) must be recorded in the minutes of the meeting of the Tribunal.

15 Tribunal officers

- 25
- (1) The Secretary to the Department must make available employees employed under Part 3 of the **Public Administration Act 2004** to the Tribunal as Tribunal officers to enable the Tribunal to perform its functions and exercise its powers.
- 30
- (2) The Chair may, by instrument, delegate to a Tribunal officer any function or power of the Chair, other than this power of delegation or any powers under section 12.

Part 2—Victorian Independent Remuneration Tribunal

5 (3) If the public sector values referred to in section 7(1)(a)(i) and (c)(iii) of the **Public Administration Act 2004** would, but for this subsection, apply to a Tribunal officer, those public sector values do not apply to the Tribunal officer in respect of their employment or engagement as a Tribunal officer.

Note

10 Section 7(1)(a)(i) and (c)(iii) of the **Public Administration Act 2004** deal with providing advice to the Government and implementing Government policies and programs.

Part 3—Determinations

16 Power to make Determinations

- 5
- (1) The Tribunal has the power to make Determinations in accordance with this Part.
 - (2) A Determination is not a legislative instrument within the meaning of the **Subordinate Legislation Act 1994**.

17 Determinations in relation to Members

- 10
- (1) The Tribunal must make a Determination setting the value of the following salaries and allowances for Members—
 - (a) the basic salary;
 - (b) additional salaries;
 - (c) work-related parliamentary allowances;
 - 15 (d) any other prescribed allowance;
 - (e) the Budget.
 - (2) A Determination may provide for the following—
 - (a) the additional salary for specified parliamentary office holders to vary according to—
 - 20 (i) the office held; or
 - (ii) any other prescribed criteria;
 - (b) the additional salary for the purposes of paragraphs (n) and (o) of the definition of specified parliamentary office to vary according to the parliamentary committee of which the Member is Chairperson or Deputy Chairperson;
- 25
-

Part 3—Determinations

- (c) a work-related parliamentary allowance to vary according to—
- (i) the area of the electorate represented by the Member; or
 - 5 (ii) the number of electors represented by the Member; or
 - (iii) the place at which a Member usually resides; or
 - (iv) any other prescribed criteria.
- 10 (3) When making a Determination, the Tribunal must—
- (a) not set the basic salary at a rate that is higher than the basic salary for Members of the Parliament of the Commonwealth; and
 - 15 (b) take into account the salary and allowances for, and the roles and responsibilities of, Members of the Parliaments of the Commonwealth, other States and the Territories; and
 - 20 (c) take into account existing guidelines and rulings governing the use of work-related parliamentary allowances and the Budget, including any relevant rulings by the Australian Taxation Office; and
 - 25 (d) ensure that individual Members are in an overall position that is no less favourable than the arrangements that are in place before the making of the Determination, taking into account
 - 30 the basic salary, additional salary, the Budget, work-related parliamentary allowances and superannuation and pension arrangements; and
-

Part 3—Determinations

- 5 (e) in setting the value of the electorate allowance, take into account that the purpose of the electorate allowance is for costs associated with Members providing services to their constituents.
- 10 (4) Without limiting the generality of subsection (2), a Determination, except the first Determination made under subsection (1) in relation to the value of the electorate allowance, may set the value of an allowance at zero.
- (5) The first Determination made under subsection (1) must—
- 15 (a) include a comprehensive review of the existing basic salary, additional salaries, work-related parliamentary allowances and other funding and superannuation and pension arrangements provided to Members; and
- 20 (b) set a portion of basic salary that is basic salary for the purposes of the definition of basic salary in section 10(1) of the **Parliamentary Salaries and Superannuation Act 1968** (the *basic salary portion*); and
- 25 (c) provide for the annual indexation of the basic salary portion; and
- (d) set the value of the electorate allowance at not less than \$20 000; and
- 30 (e) provide for any other matter that the Tribunal considers relevant.
- (6) The first Determination under subsection (1) takes effect on the day after the expiry of the period of 180 days from the day on which this Act receives the Royal Assent.
-

(7) The Tribunal must make a new Determination under subsection (1) within 6 months after the first sitting day of each subsequent Parliament which—

5 (a) includes a comprehensive review of the existing salaries, additional salaries, work-related parliamentary allowances and other funding and superannuation and pension arrangements provided to
10 Members; and

(b) provides for any other matter that the Tribunal considers relevant.

18 Determinations for annual adjustments in relation to Members

15 (1) Subject to subsection (2), the Tribunal must make a Determination providing for an annual adjustment to the values set in the current Determination under section 17.

20 (2) The Tribunal must not make a Determination under subsection (1) if a Determination has been made under section 17(1) or (7) in the preceding period of 9 months.

19 Determinations in relation to executives employed in prescribed public entities

25 (1) The Tribunal must make a Determination setting the values of the remuneration bands for executives employed in prescribed public entities, which must—

30 (a) include a comprehensive review of the roles of executives employed in prescribed public entities and the existing remuneration provided to executives; and

(b) provide for any other matter that the Tribunal considers relevant.

- 5
- (2) The Tribunal must make a new Determination under subsection (1) at the end of each subsequent period of 4 years after the previous Determination was made under subsection (1).
- (3) A new Determination under subsection (1) must—
- 10
- (a) include a comprehensive review of the roles of executives employed in prescribed public entities and the existing remuneration bands; and
- (b) provide for any other matter that the Tribunal considers relevant.

20 Determination for annual adjustments in relation to executives employed in prescribed public entities

- 15
- (1) Subject to subsection (2), the Tribunal must make a Determination providing for an annual adjustment to the values set in the current Determination under section 19.
- (2) The Tribunal must not make a Determination under subsection (1) if a Determination has been made under section 19 in the preceding period of 9 months.
- 20

21 Determinations in relation to remuneration bands for executives employed in public service bodies

- 25
- (1) The Tribunal must make a Determination setting the values of the remuneration bands for executives employed in public service bodies which must—
- 30
- (a) include a comprehensive review of the roles of executives employed in public service bodies and the existing remuneration provided to executives under the **Public Administration Act 2004** as in force before the commencement of Part 7 of this Act; and
- 35
- (b) provide for any other matter that the Tribunal considers relevant.
-

- 5
- (2) The Tribunal must make a new Determination under subsection (1) at the end of each subsequent period of 4 years after the previous Determination was made under subsection (1).
- 10
- (3) A new Determination under subsection (1) must—
- (a) include a comprehensive review of the roles of executives employed in public service bodies and the existing remuneration provided to executives; and
- (b) provide for any other matter that the Tribunal considers relevant.

22 Determinations for annual adjustments in relation to executives employed in public service bodies

- 15
- (1) Subject to subsection (2), the Tribunal must make a Determination providing for an annual adjustment to the values set in the current Determination under section 21.
- 20
- (2) The Tribunal must not make a Determination under subsection (1) if a Determination has been made under section 21 in the preceding period of 9 months.

23 Determination in relation to matter requested by the Minister

- 25
- (1) The Minister may request the Tribunal to make a Determination in relation to any matter relating to the remuneration of executives employed in prescribed public entities and executives employed in public service bodies being a matter in respect of which the Tribunal has the power to make a Determination.
- 30
- (2) The Tribunal must make a Determination in relation to a request under subsection (1) within a reasonable period after receiving the request.
- 35
- (3) Sections 24 and 26 do not apply to a Determination made under this section.
-

24 Requirements in relation to the making of a Determination

- (1) Before the Tribunal makes a Determination, the Tribunal must—
- 5 (a) publish notice of its intention to make a Determination; and
- (b) include details about the proposed Determination in the public notice; and
- 10 (c) give any affected person or a class of affected persons a reasonable opportunity to make a submission in relation to the proposed Determination.
- (2) The Tribunal must, in making a Determination, consider the following—
- 15 (a) any statement or policy issued by the Government of Victoria which is in force with respect to its wages policy (or equivalent) and the remuneration and allowances of any specified occupational
- 20 group;
- (b) the financial position and fiscal strategy of the State of Victoria;
- (c) current and projected economic conditions and trends;
- 25 (d) submissions received in relation to the proposed Determination;
- (e) any other prescribed matter.
- (3) The Tribunal must include a statement of reasons in a Determination.

30 **25 When does a Determination take effect**

- (1) Subject to section 17(6) and subsections (3) and (4), a Determination has effect from the day specified in the Determination.

- 5
- (2) The day specified in a Determination to which subsection (1) applies may be a day before it is made.
- (3) The first Determination made under section 19(1) takes effect on the day after the expiry of the period of 12 months from the day on which this Act receives the Royal Assent.
- 10
- (4) The first Determination made under section 21(1) takes effect on the day after the expiry of the period of 6 months from the day on which this Act receives the Royal Assent.
- (5) A Determination made under section 18, 20 or 22 takes effect on 1 July of the year in which the Determination is made.

15 **26 Tabling and publication of Determinations**

- (1) The Chair must provide a copy of a Determination relating to Members to the Clerk of each House of Parliament as soon as practicable after it is made.
- 20
- (2) The Clerk of each House of Parliament must as soon as practicable after receiving a copy of a Determination relating to Members—
- 25
- (a) notify each Member of that House that the Determination has been received; and
- (b) make copies of the Determination available to Members of that House; and
- (c) cause the Determination to be laid before that House on the next sitting day.
- (3) As soon as practicable after a Determination is made, the Chair must publish the Determination.

Part 4—Compliance Officer

27 Office of Compliance Officer

There is established the office of Compliance Officer attached to the Tribunal.

5 **28 Function and powers of the Compliance Officer**

(1) The function of the Compliance Officer is to hear and determine appeals under section 7E of the **Parliamentary Salaries and Superannuation Act 1968**.

10 (2) In performing the function of the Compliance Officer, the Compliance Officer—

(a) may seek and receive written or oral statements; and

15 (b) is not bound by the rules of evidence or any practices or procedures applicable to courts of record, except to the extent that the Compliance Officer adopts the rules of evidence or any practices or procedures; and

20 (c) subject to this section and section 7E of the **Parliamentary Salaries and Superannuation Act 1968**, may inform themselves as they see fit; and

25 (d) must conduct a proceeding as expeditiously and with as little formality and technicality as the requirements of the **Parliamentary Salaries and Superannuation Act 1968** and a proper consideration of the appeal permit.

30 (3) The Compliance Officer is not subject to the direction or control of any person, including the Minister, in the performance of the function of the Compliance Officer.

- 5
- (4) The function of the Compliance Officer is to be performed—
- (a) by the primary Compliance Officer; or
 - (b) if the primary Compliance Officer is unable to hear an appeal, by the secondary Compliance Officer.
- 10
- (5) A reference in this Act and section 7E of the **Parliamentary Salaries and Superannuation Act 1968** to the Compliance Officer is a reference to whichever of the primary Compliance Officer or the secondary Compliance Officer is hearing the appeal.

29 Appointment provisions

- 15
- (1) There is to be appointed a primary Compliance Officer and a secondary Compliance Officer.
- 20
- (2) A person appointed to be a primary Compliance Officer or secondary Compliance Officer must be an eligible person under subsection (3) appointed by instrument of appointment by the Governor in Council on the recommendation of the Minister.
- 25
- (3) A person is eligible to be appointed as a primary Compliance Officer or secondary Compliance Officer if the person—
- (a) is, or has been, qualified for appointment as a judge of the High Court, the Federal Court or the Supreme Court of Victoria or another State or a Territory of the Commonwealth; or
 - (b) has extensive or specialist knowledge, expertise or experience in—
- 30
- (i) government, law or public administration; or

Part 4—Compliance Officer

(ii) any other field that the Minister considers is relevant to the performance of the function of the Compliance Officer.

5 (4) A person is not eligible to be appointed as a primary Compliance Officer or a secondary Compliance Officer if the person is a Member or nominates for election as a Member.

10 **30 Veto of proposed primary Compliance Officer or proposed secondary Compliance Officer**

(1) Subject to subsection (4), the Minister must not make a recommendation under section 29 unless—

15 (a) the Minister has submitted details of the proposed recommendation to the Parliamentary Committee; and

(b) either—

20 (i) within the time specified in subsection (2), the Parliamentary Committee has informed the Minister that it has decided not to veto the recommendation; or

25 (ii) the time specified in subsection (2) has elapsed and the Parliamentary Committee has not vetoed the recommendation.

30 (2) The Parliamentary Committee must make a decision under this section within 30 days after the Minister has submitted details of the proposed recommendation to the Parliamentary Committee.

Part 4—Compliance Officer

(3) The Parliamentary Committee—

(a) may decide to veto or not to veto the proposed recommendation; and

5 (b) must notify the Minister in writing of its decision within the period specified in subsection (2).

10 (4) Subsections (1) to (3) do not apply to the appointment of the first primary Compliance Officer and the first secondary Compliance Officer under this Act and the Minister may make the recommendation for the appointment of the first primary Compliance Officer and the first secondary Compliance Officer after the Premier has consulted in relation to the proposed
15 recommendation with the member of the Legislative Assembly who is for the time being the Leader of Her Majesty's Opposition.

20 (5) In this section, *Parliamentary Committee* means the Accountability and Oversight Committee established under section 5(aa) of the **Parliamentary Committees Act 2003**.

31 Terms and conditions of appointment

25 (1) A primary Compliance Officer or secondary Compliance Officer holds office for the period not exceeding 5 years as is specified in the instrument of appointment.

(2) A primary Compliance Officer or secondary Compliance Officer—

30 (a) is appointed on a sessional basis; and

(b) is not eligible for re-appointment; and

(c) is entitled to be paid the prescribed remuneration; and

- (d) subject to this Act, is appointed on the terms and conditions that are specified in the instrument of appointment.
- 5 (3) The remuneration of a primary Compliance Officer or secondary Compliance Officer cannot be reduced during their term of office unless they consent to the reduction.
- 10 (4) The **Public Administration Act 2004** does not apply to a primary Compliance Officer or secondary Compliance Officer in respect of the office of primary Compliance Officer or secondary Compliance Officer.
- 32 Vacancy, resignation and removal from office**
- 15 (1) A primary Compliance Officer or secondary Compliance Officer ceases to hold office if the primary Compliance Officer or secondary Compliance Officer—
- (a) resigns by writing delivered to the Governor in Council; or
- 20 (b) becomes an insolvent under administration; or
- (c) is convicted, or found guilty, of an indictable offence or an offence that, if committed in Victoria, would be an indictable offence; or
- 25 (d) nominates for election as a Member or otherwise becomes a Member; or
- (e) becomes a represented person within the meaning of the **Guardianship and Administration Act 1986**; or
- 30 (f) is removed from office in accordance with subsection (2); or
- (g) dies.

(2) The Governor in Council may remove a primary Compliance Officer or secondary Compliance Officer from office on any of the following grounds—

- 5
- (a) misconduct;
 - (b) neglect of duty;
 - (c) inability to perform the duties of the office;
 - (d) any other ground on which the Governor in Council is satisfied that the primary Compliance Officer or secondary Compliance Officer is unfit to hold office.
- 10

33 Conflict of Interest

- 15
- (1) A Compliance Officer must avoid any actual or potential conflict of interest with their function as a Compliance Officer.
 - (2) A Compliance Officer may declare that they are unable to hear an appeal if the Compliance Officer believes that they have an actual or potential conflict of interest in relation to any matter relating to the appeal.
- 20

34 Immunity provision

- 25
- (1) A Compliance Officer has, in the performance of their function as a Compliance Officer, the same protection and immunity as a judge of the Supreme Court has in the performance of their duties as a judge.
 - (2) An affected party, including the former Member who has appealed to a Compliance Officer and the Clerk of the relevant House of the Parliament who made the determination in respect of which the appeal has been made, has the same protection and immunity as a party to proceedings in the Supreme Court.
- 30

35 Publication absolutely privileged

5 If a Compliance Officer publishes a statement
of findings and any required actions on the
Tribunal's Internet site, the publication is
absolutely privileged and the provisions of
sections 73 and 74 of the **Constitution Act 1975**
and any other enactment or rule of law relating
to the publication of the proceedings of the
Parliament apply to and in relation to that
10 publication as if it were a document to which
those sections applied and had been published
by the Government Printer under the authority
of the Parliament.

Part 5—General

36 Tribunal may make and publish guidelines

- 5
- (1) Subject to subsection (2), the Tribunal may make guidelines for or with respect to the use of work-related parliamentary allowances and the Budget.
- (2) The Tribunal cannot make guidelines for or with respect to—
- 10
- (a) the use of electorate allowances or any terms or conditions relating to the use of electorate allowances; or
- (b) the use of expense allowances (if any) or any terms or conditions relating to the use of expense allowances (if any).
- 15
- (3) The first guidelines made under subsection (1) take effect on the day after the expiry of the period of 180 days from the day on which this Act receives the Royal Assent.
- 20
- (4) The Chair must provide a copy of the guidelines made under subsection (1) to the Clerk of each House of Parliament as soon as practicable after the guidelines are made.
- 25
- (5) The Clerk of each House of Parliament must as soon as practicable after receiving a copy of the guidelines under subsection (4)—
- (a) notify each Member of that House that the guidelines have been received; and
- (b) make copies of the guidelines available to Members of that House; and
- 30
- (c) cause the guidelines to be laid before that House on the next sitting day.

- 5
- (6) The Tribunal may make guidelines for or with respect to the placement of—
- (a) executives employed in prescribed public entities within the remuneration bands set by a Determination; and
 - (b) public service body Heads and other executives employed in public service bodies within the remuneration bands set by a Determination.
- 10
- (7) As soon as practicable after guidelines are made under this section, the Chair must publish the guidelines.
- 15
- (8) Guidelines made under this section are not a legislative instrument within the meaning of the **Subordinate Legislation Act 1994**.

37 Tribunal may provide advice

- (1) If an employer proposes to pay—
- (a) an executive employed in a prescribed public entity remuneration that exceeds the maximum of the relevant remuneration band set by a Determination; or
 - (b) a public service body Head or other executive employed in a public service body remuneration that exceeds the maximum of the relevant remuneration band set by a Determination—
- the employer must apply to the Tribunal for advice as to the remuneration proposed to be paid and consider the advice provided.
- 20
- 25
- 30
- (2) The Tribunal must provide advice on an application under subsection (1) within a reasonable time.

- 5
- (3) The Minister may request the Tribunal to provide advice about any matter relating to the following—
- (a) remuneration or funding relating to any specified occupational group;
 - (b) remuneration in relation to prescribed public sector bodies.
- 10
- (4) The Tribunal must provide advice to the Minister within a reasonable time after receiving the request.

38 Tribunal may undertake reviews and publish reports

15

The Tribunal may on its own motion undertake reviews and publish reports about any matter relating to remuneration and allowances of any specified occupational group.

39 Tribunal to conduct review and report on superannuation arrangements for Members under Parts 3 and 4 of the Parliamentary Salaries and Superannuation Act 1968

- 20
- (1) The Tribunal must, within the period of 18 months after the commencement of this section, review and report on the superannuation arrangements for Members under Parts 3 and 4 of the **Parliamentary Salaries and Superannuation Act 1968**, including potential inequalities and irregularities between the superannuation arrangements.
- 25
- (2) In conducting the review under subsection (1), the Tribunal must not consider any option that would result in an existing Member or a former Member being in an overall position that is less favourable than before the making of the report.
- 30

40 Annual report

- 5 As soon as practicable after the end of the financial year but not later than the following 31 October, the Tribunal must submit to the Minister an annual report containing the following in relation to the period of 12 months ending on the preceding 30 June—
- 10 (a) information about the number of Determinations made by the Tribunal;
 - (b) details of any disclosure of an interest recorded in the minutes of a meeting of the Tribunal under section 14(4);
 - 15 (c) a review of the operations of the Tribunal, including the work undertaken by the Tribunal;
 - (d) the number of Members who have not complied with requests for further information by the Compliance Officer in the preceding year in relation to 20 Determinations about separation payments;
 - (e) the number of appeals heard by the Compliance Officer in the preceding year in relation to separation payments and the outcome of the appeals;
 - 25 (f) the number of Members who have not complied with requests for further information by the Compliance Officer in the preceding year in relation to appeals relating to work-related parliamentary allowances and the Budget;
 - 30 (g) the number of appeals heard by the Compliance Officer in the preceding year in relation to appeals relating to work-related parliamentary allowances and the Budget and the outcome of the appeals;
 - 35
-

- (h) a report on the performance of the function of the Compliance Officer in the preceding year;
- (i) any other prescribed matter.

5 **41 Confidentiality of information**

A person who is or was a Tribunal member, Tribunal officer or Compliance Officer must not knowingly disclose any information acquired by the person by reason of being a Tribunal member, Tribunal officer or Compliance Officer, or in the course of the performance of functions under this Act, except—

- 10 (a) for the performance of the functions of the Tribunal member, Tribunal officer or Compliance Officer under this Act; or
- 15 (b) if the information is in the public domain at the time of the disclosure, otherwise than as a result of a disclosure that the person knows or ought to have known was unlawful; or
- 20 (c) as is otherwise authorised or required under this Act or any other Act.

42 Disclosure or provision of information by Tribunal member, Tribunal officer or Compliance Officer

25 (1) A Tribunal Member, Tribunal officer or Compliance Officer may at any time provide or disclose any information referred to in section 41, or give any document or other thing, to any person or body that has public or official functions if the Tribunal member, Tribunal officer or Compliance Officer—

- 30 (a) considers that the information, document or other thing is relevant to the performance of the functions of the person or body; and

(b) considers it appropriate to disclose the information or give the document or other thing to the person or body.

5 (2) If a document or other thing is given to a person or body under subsection (1), the person or body must, at the request of a Tribunal member, Tribunal officer or Compliance Officer, return the document or other thing if it ceases to be
10 reasonably necessary for the person or body to retain the document or other thing for the purposes for which it was given to the person or body.

43 Taking advantage of information

- 15 (1) This section applies to a person to whom information is given by a Tribunal member, Tribunal officer or Compliance Officer during the course of the performance of the Tribunal's or Compliance Officer's functions.
- 20 (2) The person to whom the information is given must not take advantage of the information to benefit the person or any other person.
- 25 (3) Subsection (2) does not apply if the information is in the public domain at the time the person takes advantage of the information, otherwise than as a result of a disclosure that the person knows or ought to have known was unlawful.

44 Regulations

30 The Governor in Council may make regulations for or with respect to any matter or thing required or permitted by this Act to be prescribed or necessary to be prescribed to give effect to this Act.

45 Minister to conduct review

The Minister must—

- 5
- (a) cause a review to be made of the first 10 years of operation of this Act from the date on which this section comes into operation; and
 - (b) cause a copy of a report of the review to be laid before each House of Parliament on or before the end of the period of 12 months after the day on which the review is completed.
- 10

Part 6—Amendment of Parliamentary Salaries and Superannuation Act 1968

46 Principal Act in this Part

5 In this Part, the **Parliamentary Salaries and Superannuation Act 1968** is called the Principal Act.

47 Amendment of section 3 and Table to section 6

(1) In section 3 of the Principal Act **insert** the following definition—

10 "***Compliance Officer*** has the same meaning as it has in section 3 of the **Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019**";.

15 (2) In the Table at the foot of section 6 of the Principal Act, for—

"Leader of the Third Party in the Assembly (unless he or she is also Leader or Deputy Leader of the Opposition or a Minister of the Crown)	32	10
--	----	----

substitute—

"Leader of the Third Party (unless the Leader of the Third Party is also Leader or Deputy Leader of the Opposition or a Minister of the Crown)	32	10
--	----	----

."

Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Bill 2019

Part 6—Amendment of Parliamentary Salaries and Superannuation Act 1968

(3) In the Table at the foot of section 6 of the Principal Act **omit**—

"Leader of Third Party in the Council (unless he or she is also Leader or Deputy Leader of the Opposition or a Minister of the Crown) 18

".

(4) In the Table at the foot of section 6 of the Principal Act, for—

"Deputy Leader of the Third Party in the Assembly (unless he or she is also Leader or Deputy Leader of the Opposition or a Minister of the Crown) 14

".

5

substitute—

"Deputy Leader of the Third Party (unless the Deputy Leader of the Third Party is also Leader or Deputy Leader of the Opposition or a Minister of the Crown) 18

".

(5) In the Table at the foot of section 6 of the Principal Act, for—

"Whip of the Third Party in the Council 4

".

substitute—

"Whip of the Third Party in the Council 11

".

48 Parliamentary Salaries and Superannuation Act 1968 renamed

- 5 (1) In the title to the Principal Act, after "**Salaries**" insert "**, Allowances**".
- (2) In section 1(1) of the Principal Act, after "**Salaries**" insert "**, Allowances**".

49 New section 2 inserted—Purpose

After section 1 of the Principal Act insert—

"2 Purpose

10 The purpose of this Act is to—

- (a) provide for salaries and additional salaries for Members; and
- 15 (b) provide for allowances and the Budget for Members to support them in the performance of their public duties; and
- (c) set out a Statement of Principles with respect to the use of public resources by Members; and
- 20 (d) establish a monitoring, compliance and enforcement scheme in relation to the use of work-related parliamentary allowances and the Budget by Members; and
- 25 (e) provide superannuation arrangements for Members and former Members."

50 Amendment of section 3—Definitions

- (1) In section 3 of the Principal Act—
- (a) for the definition of *basic salary substitute*—
- 30 "*basic salary* means the basic salary payable to a Member as set in a Determination that is currently in effect;"

(b) for the definition of *member substitute*—

"*Member* means Member of the Parliament of Victoria;"

(2) In section 3 of the Principal Act **insert** the following definitions—

5

"*additional salary* means the additional salary payable to a Member who is a specified parliamentary office holder in respect of that specified parliamentary office as set out in a Determination that is currently in effect;

10

Budget means the Electorate Office and Communications Budget of a Member under section 7F;

15

Determination has the same meaning as it has in section 3 of the **Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019**;

prescribed means prescribed by regulations made under this Act;

20

public duties has the same meaning as it has in section 2(1) of the **Members of Parliament (Standards) Act 1978**;

25

public resources means the work-related parliamentary allowances and other funding, resources or facilities, including the Budget, provided for use by Members in the performance of their public duties but does not include—

30

- (a) basic salaries and additional salaries; or
- (b) the separation payment under section 7E;

relevant Clerk means—

- (a) if the Member is a Member of the Assembly, the Clerk of the Assembly; or
- 5 (b) if the Member is a Member of the Council, the Clerk of the Council;

relevant Officer means—

- 10 (a) in relation to work-related parliamentary allowances, the relevant Clerk; or
- (b) in relation to the Budget, the Secretary of the Department of Parliamentary Services;

15 ***specified parliamentary office*** means any of the following offices held by a Member in addition to their role as a Member—

- (a) Premier;
- (b) Deputy Premier;
- 20 (c) any other responsible Minister of the Crown;
- (d) Leader of the Opposition;
- (e) President;
- (f) Speaker;
- (g) Deputy President;
- 25 (h) Deputy Speaker;
- (i) Deputy Leader of the Opposition in the Assembly;
- (j) Leader of the Opposition in the Council;

- 5
- (k) Leader of the Third Party (unless they are also the Leader or Deputy Leader of the Opposition or a Minister of the Crown);
- (l) Cabinet Secretary;
- (m) a Shadow Minister;
- 10
- (n) a Chairperson of a parliamentary committee (including a Joint Investigatory Committee within the meaning of the **Parliamentary Committees Act 2003**, a standing committee, a select committee and a domestic committee);
- 15
- (o) a Deputy Chairperson of a parliamentary committee (including a Joint Investigatory Committee within the meaning of the **Parliamentary Committees Act 2003**, a standing committee, a select committee and a domestic committee);
- 20
- (p) Government Whip in the Assembly;
- (q) Deputy Leader of the Opposition in the Council;
- (r) a Parliamentary Secretary;
- 25
- (s) Deputy Leader of the Third Party (unless they are also the Leader or Deputy Leader of the Opposition or a Minister of the Crown);
- (t) Government Whip in the Council;
- 30
- (u) Opposition Whip in the Assembly;
- (v) Opposition Whip in the Council;
- (w) Whip of the Third Party in the Assembly;

- 5
- (x) Whip of the Third Party in the Council;
 - (y) Secretary of the Party forming the Government;
 - (z) Secretary of the Opposition Party;
 - (za) Secretary of the Third Party;
 - (zb) any other prescribed parliamentary office;

10 *specified parliamentary office holder* means a Member who holds a specified parliamentary office;

Tribunal has the same meaning as it has in section 3 of the **Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019**;

15 *Tribunal Guidelines*, in Divisions 4 and 5 of Part 2, means guidelines made by the Tribunal under section 36(1) of the **Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019**;

20 *work-related parliamentary allowances* means the allowances specified in section 6(2)."

51 Amendment of heading to Part 2

25 In the heading to Part 2 of the Principal Act, after "ALLOWANCES" insert "AND THE BUDGET".

52 New Division 1 inserted in Part 2

Before section 6 of the Principal Act **insert—**

"Division 1—Statement of Principles

4 Outline of Division

5 This Division sets out a Statement of Principles that applies in respect of the use of public resources by Members.

4A Fair and reasonable recompense for public duties

10 (1) A Member should receive fair and reasonable recompense for performing their public duties.

(2) Public resources are provided to a Member to support them in performing their public duties.

15

4B Good faith and integrity

A Member must act ethically, reasonably and in good faith when using, and accounting for the use of, public resources in relation to the performance of their public duties.

20

4C Personal responsibility and accountability

(1) A Member must be responsible and accountable for their use of public resources.

(2) A Member must be prepared for their claims to be made publicly available.

25

(3) A Member must be able to publicly justify their use of public resources."

53 Consequential amendment

Before section 6 of the Principal Act **insert—**

**"Division 2—Salaries, work-related
parliamentary allowances and other
allowances".**

5

54 Section 6 substituted—Members' salaries and allowances and work-related parliamentary allowances

For section 6 of the Principal Act **substitute—**

10

"6 Members' salaries and allowances and work-related parliamentary allowances

(1) A Member is to be paid—

15

(a) a basic salary and the electorate allowances and the expense allowances (if any); and

20

(b) if the Member is a specified parliamentary office holder, the additional salary payable in respect of that specified parliamentary office.

25

(2) Subject to this Act and the regulations, a Member is to receive the following work-related parliamentary allowances to support them in the exercise of their public duties—

30

- (a) a parliamentary accommodation sitting allowance;
- (b) a travel allowance;
- (c) subject to subsection (6), a motor vehicle allowance;
- (d) any other prescribed allowance.

- 5 (3) A Member who concurrently holds more than one specified parliamentary office is only entitled to receive one additional salary, being the highest additional salary to which the Member is entitled.
- 10 (4) The Leader of the Opposition must notify the relevant Clerk of a House in writing of the name of any Member of that House who holds the specified parliamentary office of Shadow Minister within 7 days of the Member holding or ceasing to hold that office.
- 15 (5) The Leader of the Opposition may under subsection (4) notify a number of Members who hold the specified parliamentary office of Shadow Minister being a number that is not greater than the number of Members who currently hold the specified parliamentary office of Minister.
- 20 (6) A Member may elect, in accordance with the regulations, to be provided with a motor vehicle in lieu of receiving a motor vehicle allowance under subsection (2)."

55 Section 7E substituted—Separation payment

25 For section 7E of the Principal Act **substitute—**

"7E Separation payment

- (1) This section applies to a person who is not a member of the Scheme under Part 3 and who—
- 30 (a) dies whilst in office as a Member of Parliament; or
- (b) otherwise ceases to be a member of either House of the Parliament or does not seek re-election at a general election for any reason, other than
- 35

corrupt conduct or a significant and wilful breach.

- 5
- (2) Subject to this section, a person to whom this section applies is entitled to a separation payment calculated in accordance with subsections (3) and (4).
- 10
- (3) The separation payment is the total amount determined in accordance with this subsection and subsection (4), as is applicable—
- 15
- (a) if the person served as a member in the Parliament for a period of up to one term or a period of one term, an amount equivalent to 3 months of the annual basic salary payable to the member immediately before the day that the person died or otherwise ceased to be a member or did not seek re-election; or
- 20
- (b) if the person served as a member for a period of 2 terms or more, an amount equivalent to 6 months of the annual basic salary payable to the member immediately before the day that the person died or otherwise ceased to be a member or did not seek re-election.
- 25
- (4) If the person served as a member in the Parliament for more than one term but less than two terms, the separation payment in relation to the period not served as a full term is to be determined on a pro rata basis in accordance with the following formula—
- 30

$$\frac{A}{B} \times C$$

where—

- 5 **A** is the number of months the person served in that term (rounded up to the nearest whole number of months);
- B** is the number of months (rounded up to the nearest whole number of months) that the person would have served if the person had served a full term during that Parliament;
- 10 **C** is an amount equal to 3 months of the annual basic salary.
- (5) A person must repay a separation payment received under this section if, during the Parliament immediately after the general election at which the person ceased to be a member, the person—
- 15 (a) is declared elected as a result of a declaration of the Court of Disputed Returns under the **Electoral Act 2002**; or
- 20 (b) is re-elected as a member of either House of the Parliament; or
- (c) becomes a member as a result of being chosen under section 27A of the **Constitution Act 1975** to fill a casual vacancy in the Council.
- 25 (6) If a person ceases to be a member of either House of the Parliament because of their death, the separation payment to which the person would be entitled if they had not died is to be paid to—
- 30 (a) a person or persons that had been nominated in writing to the Clerk of the relevant House of the Parliament by the member; or
- 35
-

- 5 (b) if the member had not made a nomination under paragraph (a) before their death, a person or persons that the Clerk of the relevant House of the Parliament is satisfied is or are the beneficiary or beneficiaries of the member.
- 10 (7) If a former Member is convicted of corrupt conduct in connection with their period in office as a Member, the separation payment made to the former Member becomes a debt due to the State and may be recovered by the Clerk of the relevant House of the Parliament as a debt due to the State in a court of
- 15 competent jurisdiction.
- 20 (8) If the Clerk of the relevant House of the Parliament determines that a former Member has committed a significant and wilful breach in connection with their period in office as a Member, the separation payment made to the former Member becomes a debt due to the State and may be recovered by the Clerk of the relevant House of the Parliament as a debt due to the State in a court of
- 25 competent jurisdiction.
- 30 (9) The Clerk of the relevant House of the Parliament may request a former Member by notice in writing to provide any information which the Clerk of the relevant House of the Parliament considers is reasonably necessary to determine whether the former Member has committed a significant and wilful breach in connection with their period in office as a Member.

- 5 (10) If a former Member does not comply with a request under subsection (9), the Clerk of the relevant House of the Parliament may determine that the former Member has committed a significant and wilful breach in connection with their period in office as a Member.
- 10 (11) If the Clerk of the relevant House of the Parliament proposes to make a determination that the former Member has committed a significant and wilful breach in connection with their period in office as a Member, the Clerk of the relevant House of the Parliament must provide the former Member—
- 15 (a) reasonable notice of the proposed determination; and
- (b) a reasonable opportunity to make submissions in relation to the proposed determination.
- 20 (12) A former Member may within 28 days of being advised by the Clerk of the relevant House of the Parliament of the determination made by the Clerk of the relevant House of the Parliament under subsection (8) appeal in the prescribed form to the Compliance Officer against the determination.
- 25 (13) The Compliance Officer must provide the former Member who has appealed and the Clerk of the relevant House of the Parliament who made the determination a reasonable opportunity to make submissions in relation to the appeal.
- 30

- 5 (14) The Compliance Officer may request the former Member who has appealed or the Clerk of the relevant House of the Parliament who made the determination to provide further information in relation to the appeal.
- (15) If the former Member does not comply with a request under subsection (14), the Compliance Officer may reject the appeal and notify the former Member accordingly.
- 10 (16) The Compliance Officer must consider any submissions under subsection (13) and any further information under subsection (14) before determining the appeal.
- 15 (17) If the Compliance Officer determines to uphold the appeal, the Compliance Officer must—
- (a) notify the former Member and the Clerk of the relevant House of the Parliament; and
 - 20 (b) if the Compliance Officer considers that the statement of findings should be published in the particular case, publish a statement of findings on the Tribunal's Internet site.
- 25 (18) If the Clerk of the relevant House of the Parliament is notified under subsection (17) that the Compliance Officer has upheld the appeal, the former Member retains the separation payment.
- 30 (19) If the Compliance Officer determines to reject the appeal, the Compliance Officer must—

- 5
- (a) notify the Member and the Clerk of the relevant House of the Parliament; and
- (b) if the Compliance Officer considers that the statement of findings and any required actions should be published in the particular case, publish a statement of findings and any required actions on the Tribunal's Internet site.
- 10
- (20) If the Compliance Officer determines to reject the appeal, the separation payment made to the former Member becomes a debt due to the State and may be recovered by the Clerk of the relevant House of the Parliament as a debt due to the State in a court of competent jurisdiction.
- 15
- (21) A former Member is not entitled to the reimbursement of any legal costs incurred by the Member in relation to this section.
- 20
- (22) The Clerk of the relevant House of the Parliament must include the following in the annual report of the Parliament—
- (a) the number of Members who received a separation payment;
- 25
- (b) the number of determinations made under subsection (8);
- (c) the number of former Members who have not complied with a request under subsection (9).
- 30
- (23) In this section—
corrupt conduct has the meaning given in section 4 of the **Independent Broad-based Anti-corruption Commission Act 2011**;
-

general election includes—

- 5
- (a) a supplementary election held as a result of a failed election at a general election; or
 - (b) a re-election held as a result of a tied election at a general election;

10

significant and wilful breach means a significant and wilful breach of the Code of Conduct under the **Members of Parliament (Standards) Act 1978**."

56 New Division 3 inserted in Part 2

After section 7E of the Principal Act **insert**—

"Division 3—The Budget

15 **7F The Budget**

- (1) A Member is to be provided with an Electorate Office and Communications Budget.
- (2) The Budget is available to a Member to—
 - 20 (a) fund the operating costs and maintenance of their electorate office; and
 - (b) communicate with their electorate in relation to the performance of their public duties.
- (3) The Budget is to be funded in the annual Appropriation (Parliament) Act."

25 **57 Consequential amendments**

- (1) Sections 8, 8A and 8B of the Principal Act are **repealed**.

- 5 (2) In section 31(2)(a)(ii) of the Principal Act, for "he or she was the holder of an office specified in the first column of the Table to section 6" **substitute** "the Member was a specified parliamentary office holder".

58 Amendment of section 9—Application of Consolidated Fund

In section 9(1) of the Principal Act, after "Part 4" **insert** "but excluding the Budget".

10 **59 New Divisions 4, 5, 6 and 7 inserted in Part 2**

After section 9 of the Principal Act **insert**—

15 **"Division 4—Monitoring, compliance and enforcement provisions relating to work-related parliamentary allowances and the Budget**

9A Value for money

20 A Member must provide value for money in using their work-related parliamentary allowances and Budget by ensuring that the costs incurred are reasonable and proportionate to the costs of performing their public duties.

9B Dominant purpose test

- 25 (1) A Member must not claim or use a work-related parliamentary allowance or their Budget unless it is claimed for the dominant purpose of performing their public duties.
- 30 (2) A Member can only claim or use a work-related parliamentary allowance or their Budget for the travel expenses of another individual if that individual's travel is essential to support and execute the Member's public duties.
-

9C Member must not make claims or use or incur expenses in breach of Tribunal Guidelines or terms or conditions

- 5
- (1) A Member must claim or use work-related parliamentary allowances and the Budget provided to them responsibly and only for legitimate purposes in connection with their public duties.
- 10
- (2) The relevant Officer may impose terms and conditions in respect of the provision, claim and use of work-related parliamentary allowances and the Budget in addition to any prescribed terms and conditions.
- 15
- (3) A Member must be aware of, and comply with, the Tribunal Guidelines and the terms and conditions that apply to the provision, claim and use of the work-related parliamentary allowances and the Budget.
- 20
- (4) A Member must not make a claim for, or use, a work-related parliamentary allowance or the Budget if that claim or use would be in breach of the Tribunal Guidelines or a term or condition to which the work-related parliamentary allowance or the Budget is
- 25
- subject.
- (5) Any term or condition imposed by a relevant Officer under subsection (2) must not be inconsistent with any regulation made under section 9K.
- 30
- (6) If any term or condition imposed by a relevant Officer under subsection (2) is inconsistent with any regulation under section 9K in effect before or after the imposing of the term or condition, the
- 35
- regulation prevails to the extent of the inconsistency.
-

(7) Any term or condition imposed by a relevant Officer under subsection (2) must not be inconsistent with any Tribunal Guidelines.

5

(8) If any term or condition imposed by a relevant Officer under subsection (2) is inconsistent with any Tribunal Guidelines in effect before or after the imposing of the term or condition, the Tribunal Guidelines prevail to the extent of the inconsistency.

10

9D Travel allowance to be claimed as a reimbursement

A Member may only claim a travel allowance by making a claim for the reimbursement of costs incurred in relation to the use of the travel allowance.

15

9E Claim for work-related parliamentary allowance or under the Budget

(1) A claim for a work-related parliamentary allowance or under the Budget must—

20

(a) be lodged with the relevant Officer; and

(b) include a certificate given by the Member that the claim complies with this Act and the regulations and any other prescribed document and the Tribunal Guidelines; and

25

(c) if the claim when added to any previous claims made in respect of travel allowances in a calendar year exceeds 68 nights in that calendar year, include an explanation by the Member.

30

(2) A claim for a work-related parliamentary allowance or under the Budget must be accompanied by—

- 5
- (a) the prescribed supporting documentation; and
 - (b) if the claim when added to any previous claims made in respect of travel allowances in a calendar year exceeds 68 nights in that calendar year, any additional prescribed documentation.

10 **9F Relevant Officer may request further information**

- (1) The relevant Officer may request a Member by notice in writing to provide further information—

- 15
- (a) in support of the claim for a work-related parliamentary allowance or under the Budget; or
 - (b) about the claim for, or conduct in relation to, a work-related parliamentary allowance or under the Budget—
- 20

which the relevant Officer considers is reasonably necessary to determine the claim for a work-related parliamentary allowance or under the Budget.

- 25
- (2) If a Member does not comply with a request under subsection (1), the relevant Officer may determine that they are not satisfied that the claim for, or conduct in relation to, a work-related parliamentary allowance or the Budget made by the Member complies with this Act and the regulations and any other prescribed document and the Tribunal Guidelines.
- 30

9G Relevant Officer must make determination

(1) The relevant Officer must determine whether—

- 5 (a) the claim for a work-related parliamentary allowance or under the Budget; and
- 10 (b) the conduct in relation to the work-related parliamentary allowance or the Budget—

complies with this Act and the regulations and any other prescribed document and the Tribunal Guidelines.

(2) If the relevant Officer determines that—

- 15 (a) the claim for a work-related parliamentary allowance or under the Budget; and
- 20 (b) the conduct in relation to the work-related parliamentary allowance or the Budget—

complies in whole or in part with this Act and the regulations and any other prescribed document and the Tribunal Guidelines, the relevant Officer must pay the Member the value of the claim for the work-related parliamentary allowance or under the Budget that complies in whole or in part.

(3) If the relevant Officer proposes to determine that they are not satisfied that—

- 30 (a) the claim for a work-related parliamentary allowance or under the Budget; or

- 5
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- (b) the conduct relating to the work-related parliamentary allowance or the Budget—
complies in whole or in part with this Act and the regulations and any other prescribed document and the Tribunal Guidelines, the relevant Officer must provide the Member who made the claim for the work-related parliamentary allowance or under the Budget—
 - (c) reasonable notice of the proposed determination; and
 - (d) a reasonable opportunity to make submissions in relation to the proposed determination.
- (4) If the relevant Officer is satisfied after considering a submission under subsection (3) that—
- (a) the claim for a work-related parliamentary allowance or under the Budget; and
 - (b) the conduct in relation to the work-related parliamentary allowance or the Budget—
complies in whole or in part with this Act and the regulations and any other prescribed document and the Tribunal Guidelines, the relevant Officer must pay the Member the value of the claim for the work-related parliamentary allowance or under the Budget that complies in whole or in part.

- 5
- (5) If the relevant Officer is not satisfied after considering all the submissions made under subsection (3) that—
- (a) the claim for a work-related parliamentary allowance or under the Budget; and
- (b) the conduct in relation to the work-related parliamentary allowance or the Budget—
- 10 complies in whole or in part with this Act and the regulations and any other prescribed document and the Tribunal Guidelines, the relevant Officer must—
- (c) reject the claim for the work-related parliamentary allowance or under the Budget; and
- 15
- (d) advise the Member that the claim for the work-related parliamentary allowance or under the Budget has
- 20 been rejected.
- (6) Subsection (7) applies if—
- (a) the relevant Officer has determined that they are not satisfied that the claim or
- 25 part of the claim for a work-related parliamentary allowance or under the Budget or the conduct in relation to the claim for the work-related parliamentary allowance or under the Budget complies with this Act and the
- 30 regulations and any other prescribed document and the Tribunal Guidelines; and

- 5 (b) the Member has already received a payment in respect of the claim or part of the claim for the work-related parliamentary allowance or under the Budget.
- 10 (7) If this subsection applies, the Member must within 28 days of being advised by the relevant Officer, or if the Member has lodged an appeal and is advised by the Compliance Officer that the appeal has been rejected, within 28 days of being advised by the Compliance Officer—
- 15 (a) repay the amount of the claim or part of the claim for the work-related parliamentary allowance or under the Budget received in breach of this Act and the regulations and any other prescribed document and the Tribunal Guidelines; and
- 20 (b) pay a penalty that is equal to 25 per cent of the amount specified in paragraph (a).
- 25 (8) If the Member does not repay the amount under subsection (7), the relevant Officer may—
- 30 (a) deduct that amount from any salary or allowance or Budget payable to the Member; or
- (b) recover the amount as a debt due to the State in a court of competent jurisdiction.
- 35 (9) A Member is not entitled to the reimbursement of any legal costs incurred by the Member in relation to this section.
-

9H Member may appeal

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- (1) This section applies if a Member is aggrieved by a determination of the relevant Officer under section 9G.
 - (2) A Member may within 28 days of being advised by the relevant Officer of the determination made by the relevant Officer under section 9G appeal in the prescribed form to the Compliance Officer against the determination.
 - (3) The Compliance Officer must provide the Member who has appealed and the relevant Officer who made the determination a reasonable opportunity to make submissions in relation to the appeal.
 - (4) The Compliance Officer may request the Member who has appealed or the relevant Officer who made the determination to provide further information in relation to the appeal.
 - (5) If the Member does not comply with a request under subsection (4), the Compliance Officer may reject the appeal and notify the Member accordingly.
 - (6) The Compliance Officer must consider any submissions under subsection (3) and any further information under subsection (4) before determining the appeal.
 - (7) If the Compliance Officer determines to uphold the appeal, the Compliance Officer must—
 - (a) notify the Member and the relevant Officer; and

- 5
- (b) if the Compliance Officer considers that the statement of findings should be published in the particular case, publish a statement of findings on the Tribunal's Internet site.
- 10
- (8) If the relevant Officer is notified under subsection (7) that the Compliance Officer has upheld the appeal, the relevant Officer must accept the claim and make the payment of the claim for the work-related parliamentary allowance or under the Budget.
- 15
- (9) If the Compliance Officer determines to reject the appeal, the Compliance Officer must—
- 20
- (a) notify the Member and the relevant Officer; and
- (b) if the Compliance officer considers that the statement of findings and any required actions should be published in the particular case, publish a statement of findings and any required actions on the Tribunal's Internet site.
- 25
- (10) The Member must within 28 days of being notified under subsection (9) that the appeal has been rejected—
- 30
- (a) repay the amount of the claim for the work-related parliamentary allowance or under the Budget received in breach of this Act and the regulations and any other prescribed document and the Tribunal Guidelines; and
- 35
- (b) pay a penalty that is equal to 25 per cent of the amount specified in paragraph (a).
-

- 5
- (11) If the Member does not repay the amount under subsection (10), the relevant Officer may—
- (a) deduct that amount from any salary or allowance or Budget payable to the Member; or
- (b) recover the amount as a debt due to the State in a court of competent jurisdiction.
- 10
- (12) A Member is not entitled to the reimbursement of any legal costs incurred by the Member in relation to this section.
- 9I Prescribed details to be published**
- 15
- The relevant Officer must publish the prescribed details in respect of claims for work-related parliamentary allowances or under the Budget and expense allowances (if any) and electorate allowances made to the relevant Officer during each period of 3 months ending 31 March, 30 June, 20
- 30 September and 31 December as soon as practicable after the end of each period.
- 9J Information to be included in annual report**
- 25
- The relevant Officer must include in the annual report of the Parliament the prescribed details in respect of—
- 30
- (a) claims and determinations in respect of work-related parliamentary allowances or under the Budget and expense allowances (if any) and electorate allowances lodged with the relevant Officer by Members during the year; and

- 5
- (b) Members who have submitted claims for a travel allowance exceeding 68 nights for that year and the documentation provided in support; and
 - (c) Members who have not complied with a request made by the relevant Officer under section 9F during the year; and
 - (d) any other prescribed matter.

Division 5—Regulations and guidelines

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9K Regulations

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(1) The Governor in Council may make regulations for or with respect to any matter or thing required or permitted by Part 1 and this Part to be prescribed or necessary to be prescribed to give effect to Part 1 and this Part.

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(2) Without limiting the generality of subsection (1), the Governor in Council may make regulations for or with respect to—

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(a) prescribing a parliamentary office to be a prescribed parliamentary office for the purposes of paragraph (zb) of the definition of *specified parliamentary office* in section 3;

30

(b) prescribing allowances payable under this Part;

(c) the terms and conditions which are to apply to the provision and use of work-related parliamentary allowances and the Budget;

- 5
- (d) the provision of any article, equipment or service to Members;
- (e) the terms and conditions which are to apply to the provision and use of the article, equipment or service;
- 10
- (f) the calculation and imposition of any contribution which the Member is required to make from the salary of the Member towards the cost of providing the article, equipment or service.
- (3) Without limiting the generality of subsection (1), the Governor in Council may make regulations for or with respect to—
- 15
- (a) the provision of motor vehicles to Members;
- (b) the terms and conditions which are to apply to the provision and use of that motor vehicle.
- 20
- (4) The Minister must not submit for making any regulations proposed to be made under subsection (2)(a) unless the Minister has obtained the approval of the Presiding Officers.
- 25
- (5) For the purposes of this section and any regulations made under subsection (3), **motor vehicle** includes any related equipment or services.
- (6) The regulations may—
- 30
- (a) leave any matter or thing to be from time to time determined, applied, dispensed with or regulated by a specified person or specified class of persons;
-

- 5
- (b) confer powers or impose duties in connection with the regulations on any specified person or specified class of persons;
- 10
- (c) apply, adopt or incorporate (with or without modification) the provisions of any document, code, standard, rule, specification or method whether as formulated, issued, prescribed or published at the time the regulations are made.
- 15
- (7) Any regulations made under this section must not be inconsistent with a Determination.
- 20
- (8) If a regulation made under this section is inconsistent with a Determination in effect before or after the making of the regulation, the Determination prevails to the extent of the inconsistency.
- 25
- (9) Any regulations made under this section must not be inconsistent with any Tribunal Guidelines.
- 30
- (10) If a regulation made under this section is inconsistent with any Tribunal Guidelines in effect before or after the making of the regulation, the Tribunal Guidelines prevail to the extent of the inconsistency.
- (11) Regulations made under this section may be disallowed in whole or in part by resolution of either House of Parliament in accordance with the requirements of section 23(2) of the **Subordinate Legislation Act 1994**, which disallowance is deemed disallowance by Parliament for the purposes of that Act.

9L Minister may make guidelines

- 5
- (1) The Minister may, in relation to regulations made under section 9K(3), make guidelines containing policies and procedures for or with respect to the provision of motor vehicles to Members.
 - (2) A Member must comply with any guidelines made under this section.

Division 6—Transitional provisions

10 **9M Purpose of this Division**

The purpose of this Division is to provide transitional arrangements which are to apply until the relevant Determinations are made.

9N Application of Act

- 15
- (1) Despite the repeal of sections 8 and 8A by section 57(1) of the **Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019**, any regulations made under section 8 or 8A and in force immediately before the commencement of section 57(1) of the **Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019** continue in force as if made under section 9K—
 - 20 (a) until the regulations are repealed by regulations made in substitution for those regulations under section 9K; or
 - 25 (b) except to the extent that they are inconsistent with any Determination made after that commencement.
- 30

- 5 (2) Despite the repeal of section 8B by
section 57(1) of the **Victorian Independent
Remuneration Tribunal and Improving
Parliamentary Standards Act 2019**,
any guidelines made under section 8B
and in force immediately before the
commencement of section 57(1) of the
10 **Victorian Independent Remuneration
Tribunal and Improving Parliamentary
Standards Act 2019** continue in force as if
made under section 9L—
- (a) until the guidelines are revoked by
guidelines made in substitution for
those guidelines under section 9L; or
- 15 (b) except to the extent that they are
inconsistent with any Determination
made after that commencement.

Division 7—Review

90 Minister to conduct review

- 20 The Minister must—
- (a) cause a review to be made of the first
10 years of operation of this Part from
the date on which all the amendments
made to this Part by the **Victorian
Independent Remuneration Tribunal
and Improving Parliamentary
Standards Act 2019** have commenced;
and
- 25 (b) cause a copy of a report of the review
to be laid before each House of
Parliament on or before the end of the
period of 12 months after the day on
30 which the review is completed."

60 Amendment of section 10—Definitions

In section 10(1) of the Principal Act—

- (a) in the definition of *basic salary*, for "means basic salary as defined in section 3" **substitute—**

5

"but before the first Determination is made under section 17 of the **Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019** means basic salary as defined in section 3, and in relation to any period commencing on or after the first Determination is made, means the basic salary portion indexed annually—

10

15

- (a) by the annual indexation of the basic salary portion as set out under section 17(5)(c) of the **Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019**; or

20

- (b) by the annual increase in the All Groups Consumer Price Index number for Melbourne—

whichever results in the greater value;"

25

- (b) after the definition of *basic salary* **insert—**

"*basic salary portion* means the basic salary portion set under section 17(5)(b) of the **Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019**;"

30

61 Amendment of sections 30 and 31—State's obligations to make contributions

- 5 (1) In section 30 of the Principal Act **omit** "a month if all or part of the month is in".
- (2) In section 31(1) of the Principal Act **omit** "in respect of a month".
- (3) In section 31(2) of the Principal Act—
- 10 (a) in paragraph (a)(i) **omit** "in respect of the month";
- (b) in paragraph (a)(ii) **omit** "for some or all of the month".
- (4) After section 31(3) of the Principal Act **insert**—
- 15 "(3A) For the purposes of determining the amount of the contribution for the financial year ending 30 June 2019, the amount of parliamentary salary and the amount (if any) of additional salary to which the member is entitled is to be determined in respect of the whole of the financial year."
- 20 (5) In section 31(4) of the Principal Act, for "the State is not required by this section to pay contributions" **substitute** "the Member may request in writing that the State limit employer contributions to the amount specified in the request".
- 25

62 New Part 5 inserted

After Part 4 of the Principal Act **insert**—

"Part 5—General

44 Construction provision

- 30 (1) Any reference to the **Parliamentary Salaries and Superannuation Act 1968** in any Act, subordinate instrument, agreement or other document, so far as it relates to
-

- 5 any period after the commencement of section 48 of the **Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019**, is to be construed as a reference to the **Parliamentary Salaries, Allowances and Superannuation Act 1968**, unless the contrary intention appears.
- 10 (2) Any reference to member or members in this Act or the regulations, so far as it relates to any period after the commencement of section 50(1) of the **Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019**, is to be construed as a reference to Member or
- 15 Members, unless the contrary intention appears."

Part 7—Amendment of Public Administration Act 2004

63 Amendment of section 4—Definitions

5 In section 4(1) of the **Public Administration Act 2004** insert the following definition—

10 "*Tribunal* means the Victorian Independent Remuneration Tribunal established under section 4 of the **Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019**;"

64 Amendment of section 6—What are special bodies?

After section 6(1)(gb) of the **Public Administration Act 2004** insert—

"(gc) the Tribunal;"

65 Amendment of section 25—Executive employment governed by contract

After section 25(3) of the **Public Administration Act 2004** insert—

20 "(4) The remuneration paid to an executive under a contract of employment—

- 25 (a) must be within the relevant remuneration band in a Determination made by the Tribunal; or
- 30 (b) may exceed the maximum of the relevant remuneration band only if the employer of the executive has obtained the advice of the Tribunal under section 37 of the **Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019**."
-

66 Amendment of section 44—Terms and conditions of appointment

After section 44(1) of the **Public Administration Act 2004** insert—

- 5 "(1A) The remuneration paid to the Commissioner under subsection (1)—
- (a) must be within the relevant remuneration band in a Determination made by the Tribunal; or
- 10 (b) may exceed the maximum of the relevant remuneration band only if the employer of the Commissioner has obtained the advice of the Tribunal under section 37 of the **Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019**."
- 15

67 Amendment of section 47—Acting Commissioner

After section 47(6) of the **Public Administration Act 2004** insert—

- 20 "(6A) The remuneration paid to the Acting Commissioner under subsection (6)—
- (a) must be within the relevant remuneration band in a Determination made by the Tribunal; or
- 25 (b) may exceed the maximum of the relevant remuneration band only if the employer of the Acting Commissioner has obtained the advice of the Tribunal under section 37 of the **Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019**."
- 30

68 Amendment of section 99—Employment of Parliamentary advisers

For section 99(1), (2), (2A), (2B) and (2C) of the **Public Administration Act 2004** substitute—

- 5 "(1) Subject to the directions of the Premier in respect of conditions of employment and termination of employment, an elected member of the Parliament of Victoria referred to in subsection (2) may, on behalf of the Crown, employ a person as a Parliamentary adviser for a term, not exceeding 4 years, specified in the person's contract of employment.
- 10
- 15 (2) The following elected members may employ Parliamentary advisers in accordance with this section—
- (a) the Leader of the Opposition;
- (b) if one or more other parties not forming Government are represented in the Parliament of Victoria—
- 20 (i) the Leader of each party; or
- (ii) if a party does not have a leader, a member of the party nominated by the party for the purposes of this section; or
- 25 (c) each independent elected member of the Parliament.
- 30 (2A) A party Leader or the nominee of a party is entitled to employ the following Parliamentary advisers in respect of so much of each financial year that the party Leader or nominee is an elected member—
- 35 (a) if the party has only one elected member, the equivalent of one Parliamentary adviser;
-

- 5
- (b) if the party has more than one but fewer than 6 elected members, the equivalent of—
- (i) 2 Parliamentary advisers; and
 - (ii) one additional Parliamentary adviser for each 2 elected members;
- 10
- (c) if the party has more than 5 but fewer than 12 elected members, the equivalent of—
- (i) one Parliamentary adviser; and
 - (ii) one additional Parliamentary adviser for each 2 elected members;
- 15
- (d) if the party has more than 11 elected members, the equivalent of one Parliamentary adviser for each 2 elected members.
- 20
- (2B) Each person who is an independent elected member of the Parliament of Victoria is entitled to employ the equivalent of one Parliamentary adviser in respect of so much of each financial year that the person is an elected member.
- 25
- (2C) The total costs attributable to the employment of Parliamentary advisers by an elected member in respect of a financial year must not exceed the total costs that would reasonably be attributable to the employment, on a full-time basis in respect of the financial year, of the number of Parliamentary advisers specified in subsection (2A) or (2B) in relation to the
- 30
- elected member."
-

**69 Consequential amendment of section 99—
Employment of Parliamentary advisers**

5 In section 99(2D) of the **Public Administration Act 2004**, for "(2), (2A), (2B) and (2C)" substitute "(2A) and (2B)".

**70 New section 119 inserted—Transitional provision—
Victorian Independent Remuneration Tribunal
and Improving Parliamentary Standards Act 2019**

10 After section 118 of the **Public Administration Act 2004** insert—

**"119 Transitional provision—Victorian
Independent Remuneration Tribunal
and Improving Parliamentary Standards
Act 2019**

15 Despite the commencement of Part 7 of the **Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019**, this Act as in force
20 immediately before that commencement continues to apply in respect of the remuneration of an executive, the Commissioner or the Acting Commissioner, until the relevant Determination takes effect under the **Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019**".

25

Part 8—Parliamentary Standards— Amendments to the Members of Parliament (Register of Interests) Act 1978

71 Principal Act in this Part

5 In this Part, the **Members of Parliament (Register of Interests) Act 1978** is called the Principal Act.

72 Members of Parliament (Register of Interests) Act 1978 renamed

- 10 (1) In the title to the Principal Act, for "**Register of Interests**" substitute "**Standards**".
- (2) In section 1(1) of the Principal Act, for "**Register of Interests**" substitute "**Standards**".

73 Renumbering

- 15 (1) Before section 1 of the Principal Act insert—
- "Part 1—Preliminary"**.

 (2) Section 1(3) of the Principal Act is **repealed**.

74 Section 2 substituted—Definitions

 For section 2 of the Principal Act substitute—

20 **"2 Definitions**

- (1) In this Act—
- beneficial interest* means a beneficial interest specified in section 19(1) or 20(1) and includes an interest in a private superannuation fund;

25 **Budget** means the Electorate Office and Communications Budget;

debt does not include a personal debt of the Member—

- (a) owed to a member of the Member's family; or
- 5 (b) owed to an ADI; or
- (c) owed to a person whose ordinary business includes the lending of money; or
- 10 (d) arising from the supply of ordinary household or office-related goods and services;

domestic partner of a person means—

- 15 (a) a person who is in a registered domestic relationship with the person; or
- (b) an adult person to whom the person is not married but with whom the person is in a relationship as a couple where one or each of them provides personal or financial commitment and support of a domestic nature for the material benefit of the other, irrespective of their genders and whether or not they are living under the same roof, but does not include a person who provides domestic support and personal care to the person—
 - 20 (i) for fee or reward; or
 - 25 (ii) on behalf of another person or an organisation (including a government or government agency, a body corporate or
 - 30
 - 35

Part 8—Parliamentary Standards—Amendments to the Members of Parliament (Register of Interests) Act 1978

a charitable or benevolent organisation);

family, in relation to a Member, means the Member's spouse, domestic partner, child, grandchild, parent or grandparent, or any other person reasonably considered to be a member of the Member's family;

gift includes a transfer of property or the conferral of a financial benefit, including hospitality, made without consideration or without adequate consideration, but does not include—

- (a) a political donation; or
- (b) a gift made by a member of the Member's family;

hospitality does not include hospitality provided to the Member when the Member is acting in an official capacity;

income has the same meaning as *assessable income* has in the Income Tax Assessment Act 1997 of the Commonwealth but does not include—

- (a) any parliamentary salary or work-related parliamentary allowances, the Budget or any other public resources; or
- (b) income from savings or investment accounts and public superannuation funds;

listed corporation has the same meaning as in section 9 of the Corporations Act;

Member means Member of the Parliament of Victoria;

Part 8—Parliamentary Standards—Amendments to the Members of Parliament (Register of Interests) Act 1978

official capacity, in relation to a Member, means acting as, or on behalf of—

- (a) a Member; or
- (b) a Minister;

5 *political donation* has the same meaning as in the **Electoral Act 2002**;

prescribed means prescribed by regulations made under this Act;

10 *private superannuation fund* means a self managed superannuation fund within the meaning of the Superannuation Industry (Supervision) Act 1993 of the Commonwealth;

public duties includes the following—

- 15
- (a) committee business;
 - (b) electorate business;
 - (c) Ministerial business;
 - (d) parliamentary business;

20 *public resources* means the work-related parliamentary allowances and other funding, resources or facilities, including the Budget, provided for use by Members in the performance of their public duties but does not

25 include the following—

- (a) basic salaries and additional salaries payable under the **Parliamentary Salaries and Superannuation Act 1968**;
- 30 (b) the separation payment under section 7E of the **Parliamentary Salaries and Superannuation Act 1968**;

public superannuation fund means a superannuation fund that is not a private superannuation fund;

5 ***Register*** means the Register of Interests continued and maintained under section 26;

return period, in relation to an ordinary return of a Member, means—

10 (a) in the case of a Member whose last return was a primary return, the period between the date of the primary return and 31 January or 30 June next following; and

15 (b) in the case of any other Member, the period between the date of the Member's last ordinary return and 31 January or 30 June next following;

specified person means—

20 (a) a member of the Member's family; or

25 (b) a corporation or entity in which the Member has an interest as an officer, a person with a controlling beneficial interest or a member; or

30 (c) a creditor or debtor of the Member, except where the debt is owed to or by a member of the Member's family, an ADI or other persons whose ordinary business includes the lending of money or the supply of ordinary household or office-related goods or services; or

35 (d) a donor of a gift to the Member;

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trade or professional organisation means any body corporate or unincorporate of employers or employees of persons engaged—

- 5 (a) in primary, secondary or tertiary industry; or
- (b) in any profession, trade or other occupation—

10 any of the objects of which is the furtherance of the industrial or economic interest of the body or any of its members;

work-related parliamentary allowances means the following allowances under the **Parliamentary Salaries and Superannuation Act 1968**—

- 15 (a) a parliamentary accommodation sitting allowance;
- (b) a travel allowance;
- 20 (c) a motor vehicle allowance;
- (d) any other prescribed allowance.

(2) For the purposes of the definition of *domestic partner* in subsection (1)—

- 25 (a) *registered domestic relationship* has the same meaning as in the **Relationships Act 2008**; and
- (b) in determining whether persons who are not in a registered domestic relationship are domestic partners of each other, all the circumstances of their relationship are to be taken into account, including any one or more of the matters referred to in section 35(2)
- 30

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of the **Relationships Act 2008** as may be relevant in a particular case; and

- 5 (c) a person is not a domestic partner of another person only because they are co-tenants."

75 New section 3 inserted—Objective of Act

After section 2 of the Principal Act **insert—**

"3 Objective of Act

10 The objective of this Act is to ensure that the responsibilities and obligations of Members reflect community expectations and community standards."

76 New Part 2 inserted—Statement of Values

Before Part I of the Principal Act **insert—**

15 **"Part 2—Statement of Values**

4 Statement of Values

Members should demonstrate the following values in carrying out their public duties—

- 20 (a) serving the public interest;
(b) upholding democracy;
(c) integrity;
(d) accountability;
(e) respect for the diversity of views and backgrounds within the Victorian community;
25 (f) diligence;
(g) leadership."

77 Part I substituted

For Part I of the Principal Act **substitute**—

"Part 3—Code of Conduct

5 Outline of Part

- 5 (1) This Part sets out the Code of Conduct that Members must observe when carrying out their public duties.
- 10 (2) The Code of Conduct sets out the manner in which a Member demonstrates the values set out in section 4.

5A Effect of Code of Conduct

The Parliament does not intend that the Code of Conduct—

- 15 (a) creates in any person any legal right or gives right to any civil cause of action; or
- (b) affects in any way the interpretation of any Act or law in force in Victoria other than this Act.

20 **6 Upholding democracy and respecting others regardless of background**

A Member must—

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

7 Conflicts of interest

- 5 (1) A Member must avoid any actual or perceived conflict of interests with their private interests.
- (2) Without limiting subsection (1), a Member has a conflict of interest if the Member—
- (a) participates; or
- (b) makes a decision—
- 10 in the execution of the Member's office which furthers the private interests of the Member or the private interests of a specified person.
- (3) Without limiting subsection (1), a Member does not have a conflict of interest if the Member or a specified person is affected as a member of the public or a broad class of persons.
- 15

8 Using position for profit

- 20 (1) A Member must not—
- (a) receive a fee, payment, retainer or reward; or
- (b) permit any compensation to accrue to their beneficial interest or the beneficial interest of a specified person—
- 25 for, or on account of, or as a result of the use of, their position as a Member.
- (2) Subsection (1) does not apply to any parliamentary salary or work-related parliamentary allowances, the Budget, electorate allowances, expense allowances (if any) or other prescribed allowances or other public resources under the **Parliamentary Salaries and Superannuation Act 1968**.
- 30

9 Outside employment and activities

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

10 **10 Accepting any gift, hospitality or other benefit**

A Member must not accept any gift, hospitality or other benefit which—

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

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

20 **11 Use of influence**

A Member—

(a) must exercise their influence as a Member responsibly; and

25 (b) must not use their influence to improperly further their private interests or the private interests of a specified person.

12 Use of public resources

A Member must comply with—

30 (a) the **Parliamentary Salaries and Superannuation Act 1968** and any regulations made under that Act; and

(b) any other law, rule or guidance regarding the use of public resources.

13 Personal conduct

- 5
- (1) A Member must ensure that their conduct as a Member does not bring discredit upon the Parliament.
- (2) A Member—
- 10
- (a) must act ethically, reasonably and in good faith when using, and accounting for the use of, public resources in relation to the performance of their public duties; and
- (b) must not deliberately mislead the Parliament or the public about any matter relating to the performance of their public duties.
- 15
- (3) A Member must be fair, objective and courteous—
- (a) in their dealings with the community; and
- 20
- (b) without detracting from the importance of robust public debate in a democracy, in their dealings with other Members.

14 Managing confidential and personal information

- 25
- (1) A Member must not use confidential information gained in the performance of their public duties to further their private interests or the private interests of a specified person.
- 30
- (2) A Member must respect the confidentiality of information they receive in the course of their public duties.

Part 8—Parliamentary Standards—Amendments to the Members of Parliament (Register of Interests) Act 1978

15 Post-retirement activities

- (1) A former Member must not take improper advantage of any office held as a Member of Parliament after they cease to be a Member.
- 5 (2) In this section, *improper advantage* means—
- (a) using official information—
 - (i) that is not in the public domain; or
 - (ii) that was obtained in the course of their public duties—
 - 10 for advantage or benefit to themselves or another person; or
 - (b) breaching confidentiality obligations regarding information obtained in the course of their public duties; or
 - 15 (c) using their status as a former Member to obtain preferential treatment or privileged access to Government after ceasing to be a member of Parliament.

16 Constitution Act 1975 not affected

20 Nothing in this Part is intended to repeal, alter or vary, or affect the operation of, Division 8 of Part II of the **Constitution Act 1975**."

78 Part II substituted

25 For Part II of the Principal Act substitute—

"Part 4—Register of Interests

17 Submission of primary returns

- (1) A person who is a Member as at the commencement of section 78 of the
- 30 **Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019** must submit a primary
-

return to the Clerk of the Parliaments within 28 days after that commencement.

- 5
- (2) A person who becomes a Member after the commencement of section 78 of the **Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019** must submit a primary return to the Clerk of the Parliaments within 28 days after taking and subscribing the oath or affirmation as a Member.
- 10

18 Submission of ordinary returns

A Member must submit an ordinary return to the Clerk of the Parliaments within 28 days after 31 January and 30 June each year.

19 Information to be included in primary returns

- 15
- (1) A primary return must be in the prescribed form and contain the following information as at the date of the primary return—
- 20
- (a) income—the source of any income that the Member has or expects to have before 30 June next following, including the name and address of the payer, but if the address is a residential address the Member may provide alternative contact details, and, where the income arises from services provided by the Member, a description of those services;
- 25
- (b) beneficial interest—
- (i) the name of any corporation, partnership or other body in which the Member holds a beneficial interest, or in which a private superannuation fund holds a
- 30
- 35

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- beneficial interest for the benefit of the Member; and
- 5 (ii) a description of that interest including an indication of the range in which the value of the shares falls being the following—
- (A) greater than \$2000 but less than \$10 000;
- 10 (B) greater than or equal to \$10 000 but less than \$50 000;
- (C) greater than or equal to \$50 000; and
- 15 (iii) except in the case of a listed corporation, the address of the corporation, partnership or body, but if the address is a residential address the Member may provide alternative contact details, and a
- 20 description of its objects and activities;
- (c) land—the location by suburb or town or, where that is not applicable, the nearest town, of any land in which the
- 25 Member holds a beneficial interest, other than by way of security for a debt, that is used as a primary or secondary place of residence by any person;
- (d) beneficial interest in other land—the
- 30 address or, if there is no address, a precise description of the location, of any land, other than land referred to in paragraph (c), in which the Member holds a beneficial interest, other than by
- 35 way of security for a debt;

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- 5 (e) office holder—the name of any corporation, partnership or other body in which the Member holds office, a description of that office and, except in the case of a listed corporation, the address of the corporation, partnership or body, and a description of its objects or activities;
- 10 (f) personal debt—a description of any personal debt held by the Member, including the name of the creditor;
- 15 (g) trusts—a description of any trust under which the Member holds a beneficial interest or in respect of which the Member is a trustee and a member of the Member's family holds a beneficial interest, and a description of the activities of the trust;
- 20 (h) trusts—in the case of a trust referred to in paragraph (g)—
- 25 (i) the information referred to in paragraphs (a) to (d), of which the Member is aware or ought to be aware, as if a reference in paragraphs (a) to (d) to the Member were a reference to the trust; and
- 30 (ii) any other substantial interest held or received by the trust, of which the Member is aware or ought to be aware, whether of a pecuniary nature or not, that would raise, or reasonably be seen to raise, a material conflict between the Member's private interest and
- 35 their public duties;

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- 5
- (i) estate—the name of an estate in which the Member is appointed as executor and holds a beneficial interest, and a description of that interest;
- 10
- (j) membership—the name of any political party, body or association or trade or professional organisation of which the Member is a member;
- 15
- (k) other membership or association—the name of any other organisation of which the Member is a member or with which the Member is otherwise associated, if a conflict of interest could arise, or reasonably be seen to arise, because of that membership or association;
- 20
- (l) other interest—a description of any other interest that the Member has where a conflict of interest could arise, or reasonably be seen to arise, because of that interest.
- (2) A Member is not required to comply with—
- 25
- (a) subsection (1)(a) in respect of information specified in subsection (1)(g) or (1)(h), or
- (b) subsection (1)(b);
- 30
- in respect of a trust under which the Member holds a beneficial interest, if the trust is a blind trust but in the primary return the Member must provide the name and address of the person who manages the blind trust.
- 35
- (3) In addition to the requirements under subsections (1)(j) and (1)(k), the Member may include the name of any other organisation of which the Member is a member or with which the Member is
-

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otherwise associated, if the Member chooses to do so.

(4) This section is subject to sections 22 to 24.

20 Information to be included in ordinary returns

(1) An ordinary return must be in the prescribed form and contain the following information in relation to the return period—

(a) the information specified in section 19(1)(a) to (1)(l);

(b) gift—a description of any gift received by the Member, including the name and address of the donor;

(c) travel—a description of any travel undertaken by the Member outside of Victoria that was funded fully or partially by another person, other than the State or a member of the Member's family, including the dates, destinations and purposes of that travel, and the name and address of the donor of the travel contribution.

(2) A Member is not required to comply with subsection (1)(a) in respect of information specified in section 19(1)(g), (1)(h) or 20(1)(b) in respect of a trust under which the Member holds a beneficial interest if the trust is a blind trust but in the ordinary return the Member must provide the name and address of the person who manages the blind trust.

(3) In addition to the requirement under subsection (1)(a) in respect of information specified in section 19(1)(j) and (1)(k), the Member may include the name of any other organisation of which the Member was a

member or with which the Member was otherwise associated, if the Member chooses to do so.

(4) This section is subject to sections 22 to 24.

5

21 Further requirement to submit information

10

If a Member becomes aware of a material change in any information required to be submitted under section 19 or 20, the Member must submit a description of the material change in the prescribed form to the Clerk of the Parliaments as soon as is practicable.

15

22 Threshold amounts for information submitted

(1) Subject to subsection (3), a Member is not required to include in a return submitted under this Part information relating to—

20

(a) a source of income—if the total amount of income from that source does not exceed the threshold amount for income; or

25

(b) a beneficial interest—if the total value of the beneficial interest of that kind does not exceed the threshold amount for beneficial interests; or

30

(c) a personal debt with a particular creditor—if the total value of personal debts with that creditor does not exceed the threshold amount for debts; or

(d) a gift from a particular source—if the total value of gifts received from that source does not exceed the threshold amount for gifts; or

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- 5 (e) travel contributions from a particular source—if the total value of travel contributions received from that source does not exceed the threshold amount for travel contributions.
- 10 (2) For the purposes of subsection (1), the value of any income, beneficial interests or gifts held or received by a trust referred to in section 19(1)(g) (other than a blind trust) is to be taken into account in determining the total value of income, beneficial interests or gifts.
- 15 (3) A Member is required to include in a return submitted under this Part information relating to an interest referred to in subsection (1) if—
- 20 (a) the Member holds or receives on 2 or more occasions any income, beneficial interests or gifts with or from a particular source; and
- (b) the total amount of the value of the income, beneficial interests or gifts exceeds the threshold amount for income, beneficial interests or gifts.
- 25 **23 Threshold amounts for year ending 30 June 2019**
- 30 (1) The threshold amounts for the matter referred to in section 19(1)(b)—beneficial interest—for the year ending 30 June 2019 are as follows—
- (a) \$2000;
- (b) \$10 000;
- (c) \$50 000.

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(2) The threshold amounts for the matters referred to in section 22 for the year ending 30 June 2019 are as follows—

- (a) for income—\$2000;
- 5 (b) for beneficial interests—\$2000;
- (c) for debts—\$2000;
- (d) for gifts—\$500;
- (e) for travel contributions—\$500.

24 CPI adjusted threshold amounts

10 (1) A threshold amount for a matter referred to in section 23 for the year ending 30 June 2020 and for each subsequent year is the CPI adjusted threshold amount for that matter for that year.

15 (2) A *CPI adjusted threshold amount* is to be determined in accordance with the following formula—

$$C = \frac{T \times A}{B}$$

where—

20 **C** is the CPI adjusted threshold amount being determined, rounded down to the nearest 2 decimal places;

T is the threshold amount for the previous year;

25 **A** is the All Groups Consumer Price Index number for Melbourne for the December quarter in the preceding financial year as last published by the Australian Bureau of Statistics for that
30 quarter;

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- 5 **B** is the All Groups Consumer Price Index number for Melbourne for the December quarter in the financial year preceding the financial year referred to in A as last published by the Australian Bureau of Statistics for that quarter.
- 10 (3) The CPI adjusted threshold amount determined for a matter in section 19(1)(b) or section 22(1)(a), (b) or (c) is to be rounded up or down to the nearest \$500.
- (4) The CPI adjusted threshold amount determined for a matter in section 22(1)(d) or (e) is to be rounded up or down to the nearest \$100.
- 15 **25 Notice of CPI adjusted threshold amounts**
- The Clerk of the Parliaments must notify Members of a CPI adjusted threshold amount determined in accordance with section 24 before 30 June 2020 and before 30 June for each subsequent year.
- 20
- 26 Register of Interests**
- 25 (1) The Clerk of the Parliaments must continue to maintain the Register of Interests for Members established under section 7(1) of the **Members of Parliament (Register of Interests) Act 1978** as in force immediately before the commencement of section 78 of the **Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019**.
- 30 (2) The Clerk of the Parliaments must enter into the Register the information included in returns submitted under this Part.

- 5 (3) The Clerk of the Parliaments or any authorised person must not make a record of, or communicate to any person, any information received under this Act by the Clerk of the Parliaments or authorised person, or use that information for any purpose, other than in accordance with this Act.
- 10 (4) For the purposes of subsection (3), *authorised person* means any person appointed or employed for the purposes of this Act or authorised to discharge any functions of the Clerk of the Parliaments for or on behalf of the Clerk of the Parliaments.

15 **27 Reporting of Members**

The Clerk of the Parliaments must report a Member to the Presiding Officer of the Member's House if—

- 20 (a) the Member does not submit a return within the time required under this Act and, after the Clerk of the Parliaments has given the Member a further reasonable period to submit the return, the return is still not submitted; or
- 25 (b) the Clerk of the Parliaments reasonably believes that a Member has submitted an inaccurate or incomplete return and, after the Clerk of the Parliaments has given the Member a reasonable opportunity to correct the return, the return remains inaccurate or
- 30 incomplete.

28 Restriction on publication

A person must not publish, whether in the Parliament or outside of the Parliament—

- 5 (a) any information derived from the information entered into the Register unless that information amounts to a fair and accurate summary of the information entered into the Register; or
- 10 (b) any comment on the information entered into the Register unless that comment is fair and published in the public interest without malice.

29 Tabling of returns

15 The Clerk of the Parliaments must cause a return submitted under this Part to be laid before the House of Parliament of which the Member submitting the return is a Member—

- 20 (a) within 14 days of the return being submitted if that House of Parliament is then sitting; or
- 25 (b) if that House of Parliament is not then sitting, within 14 days of the next sitting of that House of Parliament."

79 Part III substituted

For Part III of the Principal Act **substitute**—

"Part 5—General

30 Referral of alleged breach of Part 3 or 4

- 30 (1) A Member who considers that there has been a contravention of a requirement under Part 3 or 4 may refer the alleged contravention to the Presiding Officer of

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the House of which the Member who is alleged to have contravened the requirement is a Member.

- 5
- (2) A Presiding Officer who receives a referral under subsection (1) must determine whether to refer the alleged contravention to the relevant Privileges Committee.
- 10
- (3) If a Presiding Officer determines that a referral under subsection (1) may involve conduct that may constitute a criminal offence, the Presiding Officer must refer the alleged contravention to the appropriate law enforcement agency.

31 Failure to comply with Part 3 or 4

- 15
- (1) Any wilful contravention of a requirement under Part 3 or 4 by any person is a contempt of the Parliament and may be dealt with accordingly.
- 20
- (2) In addition to any other punishment that may be awarded by either House of the Parliament for contempt of the Parliament, the House of Parliament of which the Member is a Member may determine to impose any of the following penalties—
- 25
- (a) the Member or other person must apologise to the House of Parliament;
- 30
- (b) the Member or other person must rectify the return provided by the Member or other person or any information included in the Register;
- 35
- (c) the Member or other person must pay the specified fine (not exceeding 100 penalty units) to the Presiding Officer for payment into the Consolidated Fund;

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- 5
- (d) the Member is suspended from the House for the period determined by the House;
- (e) the Member's seat in the House is declared vacant.
- 10
- (3) A motion of a House of Parliament proposing to impose the penalty specified in subsection (2)(d) or (e) must be passed by a special majority.
- (4) For the purposes of subsection (3), special majority means three quarters of the whole number of Members of the House of Parliament.
- 15
- (5) If a Member does not comply with a penalty imposed under subsection (2)(a), (b) or (c), within the time ordered by the House, the seat of the Member in the House is to become vacant.
- 20
- 32 Regulations**
- The Governor in Council may make regulations for or with respect to any matter or thing required or permitted by this Act to be prescribed or necessary to be prescribed to give effect to this Act.
- 25
- 33 Construction of references**
- Any reference to the **Members of Parliament (Register of Interests) Act 1978** in any Act, subordinate instrument, agreement or other document, so far as it relates to any period after the commencement of section 72 of the **Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019**, is to be construed as a reference to the **Members of Parliament**
- 30
- 35

(Standards) Act 1978, unless the contrary intention appears.

Part 6—Review

34 Minister to conduct review

5

The Minister must—

10

- (a) cause a review to be made of the first 10 years of operation of this Act from the date on which all the amendments made to this Act by the **Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019** have commenced; and

15

- (b) cause a copy of a report of the review to be laid before each House of Parliament on or before the end of the period of 12 months after the day on which the review is completed."

Part 9—Amendments to other Acts and repeal

80 Amendment of Members of Parliament (Standards) Act 1978

- 5 (1) In section 2(1) of the **Members of Parliament (Standards) Act 1978**, in the definitions of *public resources* and *work-related parliamentary allowances*, for "**Parliamentary Salaries and Superannuation Act 1968**" (wherever occurring)
- 10 substitute "**Parliamentary Salaries, Allowances and Superannuation Act 1968**".
- (2) In sections 8(2) and 12(a) of the **Members of Parliament (Standards) Act 1978**, for "**Parliamentary Salaries and Superannuation Act 1968**" substitute "**Parliamentary Salaries, Allowances and Superannuation Act 1968**".
- 15

81 References to Parliamentary Salaries and Superannuation Act 1968

- 20 (1) In the **Emergency Services Superannuation Act 1986**—
- (a) in section 3(1), in the definitions of *eligible beneficiary*, *Parliamentary Contributory Superannuation Fund* and *Superannuation Act*; and
- 25 (b) in sections 4(10), 22DO(2)(a) and (b), 22DO(3) and 22DT; and
- (c) in section 22DN, in the definition of *Parliamentary Trustee*—
- after "**Salaries**" insert "**, Allowances**".
- 30 (2) In section 16 of the **National Parks Act 1975**, after "**Salaries**" (where twice occurring) insert "**, Allowances**".

(3) In section 4(1) of the **Parliamentary Administration Act 2005**, in the definition of *third party*, after "Salaries" insert ", Allowances".

5 (4) In Schedule 1 to the **Public Administration Act 2004**, in clause 2(1)(b) and (2)(b), after "Salaries" insert ", Allowances".

82 **Amendment of the Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019**

10

(1) In section 17(5)(b) of the **Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019**, for "Parliamentary Salaries and Superannuation Act 1968" substitute "Parliamentary Salaries, Allowances and Superannuation Act 1968".

15

(2) In section 28 of the **Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019**—

20

(a) in subsections (1), (2)(c) and (5), for "section 7E of the **Parliamentary Salaries and Superannuation Act 1968**" substitute "sections 7E and 9H of the **Parliamentary Salaries, Allowances and Superannuation Act 1968**";

25

(b) in subsection (2)(d), for "**Parliamentary Salaries and Superannuation Act 1968**" substitute "**Parliamentary Salaries, Allowances and Superannuation Act 1968**".

30

(3) In section 34(2) the **Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019**, for "former Member who has appealed to a Compliance Officer and the Clerk of the relevant House of the Parliament"

35

substitute "Member or former Member who has appealed to a Compliance Officer and the relevant Officer".

5 (4) After section 34(2) of the **Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019** insert—

10 "(3) In this section, *relevant Officer* has the same meaning as it has in section 3 of the **Parliamentary Salaries, Allowances and Superannuation Act 1968**".

15 (5) In the heading to section 39 of the **Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019**, for "**Parliamentary Salaries and Superannuation Act 1968**" substitute "**Parliamentary Salaries, Allowances and Superannuation Act 1968**".

20 (6) In section 39 of the **Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019**, for "**Parliamentary Salaries and Superannuation Act 1968**" substitute "**Parliamentary Salaries, Allowances and Superannuation Act 1968**".

83 Amendment of Protected Disclosure Act 2012

25 After section 4(3) of the **Protected Disclosure Act 2012** insert—

30 "(4) This Act does not apply to a disclosure relating to any conduct that may constitute a criminal offence in relation to an alleged contravention under section 30 of the **Members of Parliament (Standards) Act 1978** that must be referred by the Presiding Officer to the appropriate law enforcement agency under section 30(3) of that Act."

35

84 Amendment of Parliamentary Administration Act 2005

After section 30(4) of the **Parliamentary Administration Act 2005** insert—

- 5 "(5) Despite subsection (4), the member who nominated a person to be employed as an electorate officer must not determine that the person can, should or must perform a party specific activity.
- 10 (6) For the purposes of this section, *party specific activity* means any activity for the dominant purpose of directing how a person should vote at an election, by promoting or opposing—
- 15 (a) the election of any candidate at the election; or
- (b) a registered political party; or
- (c) an elected member."

85 Repeal of amending Parts 6 to 9

20 Parts 6 to 9 are **repealed** on the first anniversary of the first day on which all the provisions of this Act are in operation.

Note

25 The repeal of Parts 6 to 9 does not affect the continuing operation of the amendments made by those Parts (see section 15(1) of the **Interpretation of Legislation Act 1984**).

Endnotes

1 General information

See www.legislation.vic.gov.au for Victorian Bills, Acts and current authorised versions of legislation and up-to-date legislative information.