TABLE OF PROVISIONS

<table>
<thead>
<tr>
<th>Clause</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PART 1—PRELIMINARY</strong></td>
<td>1</td>
</tr>
<tr>
<td>1 Purposes</td>
<td>1</td>
</tr>
<tr>
<td>2 Commencement</td>
<td>2</td>
</tr>
<tr>
<td>3 Definitions</td>
<td>2</td>
</tr>
<tr>
<td><strong>PART 2—STATEMENT OF VALUES</strong></td>
<td>7</td>
</tr>
<tr>
<td>4 Statement of Values</td>
<td>7</td>
</tr>
<tr>
<td><strong>PART 3—CODE OF CONDUCT</strong></td>
<td>8</td>
</tr>
<tr>
<td>5 Outline of Part</td>
<td>8</td>
</tr>
<tr>
<td>6 Upholding democracy</td>
<td>8</td>
</tr>
<tr>
<td>7 Respecting others regardless of background</td>
<td>8</td>
</tr>
<tr>
<td>8 Conflicts of interest</td>
<td>8</td>
</tr>
<tr>
<td>9 Using position for profit</td>
<td>9</td>
</tr>
<tr>
<td>10 Outside employment and activities</td>
<td>9</td>
</tr>
<tr>
<td>11 Accepting gifts, hospitality and other benefits</td>
<td>9</td>
</tr>
<tr>
<td>12 Use of influence</td>
<td>10</td>
</tr>
<tr>
<td>13 Use of public resources</td>
<td>10</td>
</tr>
<tr>
<td>14 Personal conduct</td>
<td>10</td>
</tr>
<tr>
<td>15 Managing confidential and personal information</td>
<td>10</td>
</tr>
<tr>
<td>16 <strong>Constitution Act 1975</strong> not affected</td>
<td>11</td>
</tr>
<tr>
<td><strong>PART 4—REGISTER OF INTERESTS</strong></td>
<td>12</td>
</tr>
<tr>
<td>17 Submission of primary returns</td>
<td>12</td>
</tr>
<tr>
<td>18 Submission of ordinary returns</td>
<td>12</td>
</tr>
<tr>
<td>19 Information to be included in primary returns</td>
<td>12</td>
</tr>
<tr>
<td>20 Information to be included in ordinary returns</td>
<td>15</td>
</tr>
<tr>
<td>21 Further requirement to submit information</td>
<td>17</td>
</tr>
<tr>
<td>22 Threshold amounts for information submitted</td>
<td>18</td>
</tr>
<tr>
<td>23 Threshold amounts for year ending 30 June 2011</td>
<td>19</td>
</tr>
<tr>
<td>24 CPI adjusted threshold amounts</td>
<td>19</td>
</tr>
<tr>
<td>25 Notice of CPI adjusted threshold amounts</td>
<td>20</td>
</tr>
<tr>
<td>26 Register of Interests</td>
<td>20</td>
</tr>
<tr>
<td>27 Reporting of Members</td>
<td>21</td>
</tr>
</tbody>
</table>
Clause | Page
---|---
28 Restriction on publication | 21
29 Tabling of returns | 21

PART 5—GENERAL | 22
30 Failure to comply with Part 3 or 4 | 22
31 Default of payments of fine | 22
32 Regulations | 22
33 Repeal of Members of Parliament (Register of Interests) Act 1978 | 22

ENDNOTES | 23
PARLIAMENT OF VICTORIA

Introduced in the Assembly

Members of Parliament (Standards) Bill 2010

A Bill for an Act to provide for a Statement of Values and Code of Conduct for Members of the Parliament of Victoria, to establish a Register of Interests for those Members and for other purposes.

The Parliament of Victoria enacts:

PART 1—PRELIMINARY

1 Purposes

The main purposes of this Act are—

(a) to promote public trust and confidence in Members of Parliament by—

(i) establishing a Statement of Values for Members of Parliament; and

(ii) setting out a Code of Conduct for Members of Parliament; and
(iii) establishing a Register of Interests for Members of Parliament; and

(b) to repeal the Members of Parliament (Register of Interests) Act 1978.

2 Commencement

This Act comes into operation on 1 July 2010.

3 Definitions

(1) In this Act—

beneficial interest includes an interest in a private superannuation fund;

Clerk means the Clerk of the Parliaments;

debt does not include a debt—

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

(b) owed to an authorised deposit-taking institution; or

(c) owed to a person whose ordinary business includes the lending of money; or

(d) arising from the supply of ordinary household or office-related goods and services;

domestic partner of a person means—

(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
Part 1—Preliminary

3 Members of Parliament (Standards) Bill 2010

5 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—

(i) for fee or reward; or

(ii) on behalf of another person or an organisation (including a government or government agency, a body corporate or 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) parliamentary salaries and allowances; 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 a person who is for the time being—

(a) a member of the Legislative Assembly; or

(b) a member of the Legislative Council;

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

(a) a Member; or

(b) a Minister;

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

prescribed person means—

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

(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

(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 authorised deposit-taking institution or other persons whose ordinary business includes the lending of money or the supply of ordinary household or office-related goods or services; or

(d) a donor of a gift to the Member;
Part 1—Preliminary

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

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

Register means the Register of Interests established and maintained under section 26;

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

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

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

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

(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) of the Relationships Act 2008 as may be relevant in a particular case; and
(c) a person is not a domestic partner of another person only because they are co-tenants.
PART 2—STATEMENT OF VALUES

4 Statement of Values

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

(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;
(f) diligence;
(g) leadership.
PART 3—CODE OF CONDUCT

5 Outline of Part

(1) This Part sets out the Code of Conduct that Members must observe when carrying out their public duties.

(2) The Code of Conduct sets out the manner in which a Member demonstrates the values set out in section 4.

6 Upholding democracy

Members must—

(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.

7 Respecting others regardless of background

Members must treat all persons with respect and have due regard for their opinions, beliefs, rights and responsibilities.

8 Conflicts of interest

(1) Members must—

(a) avoid actual and perceived conflicts of interest; and

(b) declare any actual or perceived conflict of interest when speaking in parliamentary proceedings, including the proceedings of parliamentary committees.

(2) Without limiting subsection (1), a Member has a conflict of interest if the Member participates in, or makes a decision in the execution of, the
Part 3—Code of Conduct

Member's office which furthers the private interests of the Member or the private interests of a prescribed person.

(3) Without limiting subsection (1), a Member does not have a conflict of interest where the Member or a prescribed person is affected as a member of the public or section of the public.

9 Using position for profit

(1) Members must not receive a fee, payment, retainer or reward, or permit any compensation to accrue to their beneficial interest or the beneficial interest of a prescribed person 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 Members' parliamentary salaries or allowances.

10 Outside employment and activities

(1) Members may engage in employment, business and community activities outside of their duties as Members 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 his or her public duties.

(2) Members who are Ministers must devote their time and talents to carrying out their public duties.

11 Accepting gifts, hospitality and other benefits

Members must not accept gifts, hospitality or other benefits which—

(a) create an actual or perceived conflict of interest; or

(b) might create a perception of an attempt to influence the Member in the exercise of his or her public duties.
12 **Use of influence**

Members must exercise their influence as Members responsibly and must not use their influence to improperly further their private interests or the private interests of a prescribed person.

13 **Use of public resources**

(1) Members must comply with any laws or applicable rules regarding use of parliamentary allowances and facilities.

(2) Members must use all public funds and resources provided to them as Members responsibly and only for legitimate purposes.

14 **Personal conduct**

(1) Members must ensure their conduct as Members does not bring discredit upon the Parliament.

(2) Members must act with honesty and integrity in all official dealings and must not deliberately mislead the Parliament or the public about any matter relating to the performance of their public duties.

(3) Members must be fair, objective and courteous in their dealings with the community and, without detracting from the importance of robust public debate in a democracy, their colleagues.

15 **Managing confidential and personal information**

(1) Members must not use confidential information gained in the performance of their public duties to further their private interests or the private interests of a prescribed person.

(2) Members must respect the confidentiality of information they receive in the course of their public duties.
16 Constitution Act 1975 not affected

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.
PART 4—REGISTER OF INTERESTS

17 Submission of primary returns

A person who becomes a Member after the commencement of this Act must submit a primary return to the Clerk within 30 days after taking and subscribing the oath or affirmation as a Member.

18 Submission of ordinary returns

A Member must submit an ordinary return to the Clerk within 30 days after 30 June 2010 and within 30 days after 30 June for each subsequent year.

19 Information to be included in primary returns

(1) A primary return must be in the prescribed form and contain the following information as at the date of the primary return—

(a) 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 and, where the income arises from services provided by the Member, a description of those services;

(b) 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 beneficial interest for the benefit of the Member, a description of that interest including the number of any shares held 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;
(c) the location by suburb or town or, where that is not applicable, the nearest town, of any land in which the 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) the 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 way of security for a debt;

(e) 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;

(f) a description of any personal debt held by the Member, including the name of the creditor;

(g) 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;

(h) in the case of a trust referred to in paragraph (g)—

(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
(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 their public duty;

(i) the name of an estate in which the Member is appointed as executor and holds a beneficial interest, and a description of that interest;

(j) 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;

(k) 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 subsections (1)(g) or (1)(h) 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.

(3) In addition to the requirement under subsection (1)(j), the Member may include the name of any other organisation of which the Member is a member or with which the Member is 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 source of any income received by the Member, including the name and address of the payer and, where the income arose from services provided by the Member, a description of those services;

(b) the name of any corporation, partnership or other body in which the Member held a beneficial interest, or in which a private superannuation fund held a beneficial interest for the benefit of the Member, a description of that interest including the number of any shares held 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;

(c) the location by suburb or town or, where that is not applicable, the nearest town, of any land in which the Member held a beneficial interest, other than by way of security for a debt, that was used as a primary or secondary place of residence by any person;

(d) the 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 held a beneficial interest, other than by way of security for a debt;

(e) a description of any gift received by the Member, including the name and address of the donor;
(f) a description of any travel undertaken by the Member outside of Victoria that was funded 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;

(g) the name of any corporation, partnership or other body in which the Member held 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;

(h) a description of any personal debt held by the Member, including the name of the creditor;

(i) a description of any trust under which the Member held a beneficial interest, or in respect of which the Member was a trustee and a member of the Member's family held a beneficial interest, and a description of the activities of the trust;

(j) in the case of a trust referred to in paragraph (i)—

(i) the information referred to in paragraphs (a) to (e), of which the Member was aware or ought to have been aware, as if a reference in paragraphs (a) to (e) to the Member were a reference to the trust; and

(ii) any other substantial interest held or received by the trust, of which the Member was aware or ought to have been 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 their public duty;

(k) the name of an estate in which the Member was appointed as executor and held a beneficial interest, and a description of that interest;

(l) the name of any other organisation of which the Member was a member or with which the Member was otherwise associated, if a conflict of interest could arise, or reasonably be seen to arise, because of that membership or association;

(m) a description of any other interest that the Member had 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 subsections (1)(i) or (1)(j) 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)(l), 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.

21 Further requirement to submit information

If, after a Member has submitted a primary return or an ordinary return to the Clerk but before submitting an ordinary return for the following return period, the Member becomes aware of a material change in any information required to be submitted under section 19 or 20, the Member
must submit to the Clerk, as soon as is practicable, a description in the prescribed form of the material change.

22 Threshold amounts for information submitted

(1) A Member is not required to include in a return submitted under this Part information relating to—

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

(b) a beneficial interest in a particular corporation, partnership or other body—if the total value of the beneficial interest held in that corporation, partnership or other body does not exceed the threshold amount for beneficial interests; or

(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

(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.

(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) or 20(1)(i) (other than a blind trust) is to be taken into account in determining the total value of income, beneficial interests or gifts.
23 Threshold amounts for year ending 30 June 2011

The threshold amounts for the matters referred to in section 22 for the year ending 30 June 2011 are as follows—

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

24 CPI adjusted threshold amounts

(1) A threshold amount for a matter referred to in section 23 for the year ending 30 June 2012 and for each subsequent year is the CPI adjusted threshold amount for that matter for that year.

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

\[ C = \frac{T \times A}{B} \]

where—

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;
A is the sum of the consumer price index numbers for the 4 consecutive quarters of June, September, December and March, with the June quarter being the June quarter of the previous year;
Part 4—Register of Interests

B is the sum of the consumer price index numbers for the 4 consecutive quarters of June, September, December and March, with the June quarter being the June quarter of the year that is 2 years before the year.

(3) The CPI adjusted threshold amount determined for a matter in 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.

(5) In this section—

consumer price index means the Consumer Price Index (All Groups Index) for Melbourne issued by the Australian Statistician (or, if the regulations prescribe another economic index for the purposes of this section, that other index).

25 Notice of CPI adjusted threshold amounts

The Clerk must notify Members of a CPI adjusted threshold amount determined in accordance with section 24 before 30 June 2012 and before 30 June for each subsequent year.

26 Register of Interests

(1) The Clerk must establish and maintain a Register of Interests for Members.

(2) The Clerk must enter into the Register the information included in returns submitted under this Part.

(3) The Clerk must not make a record of, or communicate to any person, any information received by the Clerk under this Act, or use that information for any purpose, other than in accordance with this Act.
27 Reporting of Members

The Clerk is required to report a Member to the Presiding Officer of the Member's House if—

(a) the Member does not submit a return within the time required under this Act and, after the Clerk has given the Member a further reasonable period to submit the return, the return is still not submitted; or

(b) the Clerk reasonably believes that a Member has submitted an inaccurate return and, after the Clerk has given the Member a reasonable opportunity to correct the return, the return remains inaccurate.

28 Restriction on publication

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

(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

(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

The Clerk must cause a return submitted under this Part to be laid before each House of Parliament as soon as practicable after receiving that return.
PART 5—GENERAL

30 Failure to comply with Part 3 or 4

(1) Any wilful contravention of a requirement under Part 3 or 4 by any person is to be a contempt of the Parliament and may be dealt with accordingly.

(2) In addition to any other punishment that may be awarded by either House of the Parliament for a contempt of the House of which the Member is a Member, the House may determine and impose a fine on a Member of an amount not exceeding 35 penalty units.

31 Default of payments of fine

In default of the payment of any fine imposed on a Member under section 30 to the Consolidated Fund within the time ordered by the House the seat of the Member is to become vacant.

32 Regulations

The Governor in Council may make regulations prescribing any matters or things authorised or required or necessary to be prescribed for the purposes of this Act.

33 Repeal of Members of Parliament (Register of Interests) Act 1978

The Members of Parliament (Register of Interests) Act 1978 is repealed.
ENDNOTES