

LEGISLATIVE ASSEMBLY

MEMBERS OF PARLIAMENT (STANDARDS) BILL 2010

(Amendments and New Clause to be moved by Mr Clark)

1. Clause 3, page 3, line 26, after "*hospitality*" insert ", other than in relation to section 20(1)(g),".
2. Clause 3, page 3, after line 28 insert—
"*immediate family*, in relation to a Member, means the Member's spouse, domestic partner or child;".
3. Clause 3, page 5, after line 5 insert—
"*public service* has the same meaning as in the **Public Administration Act 2004**;".
4. Clause 3, page 5, line 10, omit "26" and insert "27".
5. Clause 3, page 5, after line 10 insert—
"*relevant public office or position* means an office or position in or with a department of the Parliament, the public service or a public authority;".
6. Clause 3, page 6, after line 2 insert—
"() For the purposes of this Act a reference to the office, public duties, position or influence of a Member includes a reference to the office, public duties, position or influence of a Member as—
 - (a) a Minister; or
 - (b) a Parliamentary Secretary; or
 - (c) the Speaker of the Legislative Assembly; or
 - (d) the President of the Legislative Council."
7. Clause 6, after line 14 insert—
"() use their office in a way that does not infringe the privileges of either House of the Parliament; and".
8. Clause 13, line 12, after "as Members" insert "(including public funds and resources of a Government department for which they are a responsible Minister)".
9. Clause 13, after line 13 insert—
"() Without limiting subsection (2), Members who are Ministers must not—

- (a) use public funds or resources in a way that is contrary to the Criteria for government-funded publicity activities; or
 - (b) permit a Government department or public authority for which they are a responsible Minister to use public funds or resources in a way that is contrary to the Criteria for government-funded publicity activities.
 - () In this section ***Criteria for government-funded publicity activities*** means the criteria set out in Appendix C to the Report of the Auditor-General on Government Advertising of September 2006."
10. Clause 19, after line 31 insert—
 - "() the location by suburb or town or, where that is not applicable, the nearest town, of the Member's primary place of residence;"
 11. Clause 19, page 13, line 10, omit "(c)" and insert "(d)".
 12. Clause 19, page 13, after line 12 insert—
 - "() in relation to any land referred to in paragraphs (d) and (e), other than a primary or secondary place of residence of the Member or of a member of the Member's family, the capital improved value of the land disclosed in the most recent municipal valuation notice issued in respect of that land or, in relation to land outside of Victoria, the nearest equivalent valuation figure, if any, available in the jurisdiction where the land is located;"
 13. Clause 19, page 13, line 30, omit "(g)" and insert "(i)".
 14. Clause 19, page 13, line 32, omit "(a) to (d)" and insert "(a), (b), (d), (e) and (f)".
 15. Clause 19, page 13, line 34, omit "(a) to (d)" and insert "(a), (b), (d), (e) and (f)".
 16. Clause 19, page 14, after line 11 insert—
 - "() the name of any political party, body or association or trade or professional organisation of which the Member is a member;"
 17. Clause 19, page 14, after line 17 insert—
 - "() a description of any on-going agreement, arrangement or understanding to which the Member is a party under which the Member has undertaken, or is expected or required, to vote or take part in any other decision-making process in the course of his or her duties as a Member, in support of or in opposition to—
 - (i) a particular outcome; or
 - (ii) an outcome to be determined in accordance with the agreement, arrangement or understanding;
 - () a description of any relevant public office or position to or in which a member of the immediate family of the Member is appointed, engaged or employed, including—

- (i) the name of the department of the Parliament, Government department or public authority in which the office or position exists; and
 - (ii) if the office or position is, or is equivalent to, an executive position or non-executive position at Grade 5 or above in the public service, the level or equivalent designation of the office or position;".
- 18. Clause 19, page 14, line 23, omit "(1)(g) or (1)(h)" and insert "(1)(i) or (1)(j)".
- 19. Clause 19, page 14, line 30, omit "(1)(j)" and insert "(1)(m)".
- 20. Clause 19, page 14, line 34, omit "22 to 24" and insert "23 to 25".
- 21. Clause 20, after line 19 insert—
 - "() the location by suburb or town or, where that is not applicable, the nearest town, of the Member's primary place of residence;".
- 22. Clause 20, line 29, omit "(c)" and insert "(d)".
- 23. Clause 20, after line 31 insert—
 - "() in relation to any land referred to in paragraphs (d) and (e), other than a primary or secondary place of residence of the Member or of a member of the Member's family, the capital improved value of the land disclosed in the most recent municipal valuation notice issued in respect of that land or, in relation to land outside of Victoria, the nearest equivalent valuation figure, if any, available in the jurisdiction where the land is located;".
- 24. Clause 20, page 16, after line 7 insert—
 - "() a description of any travel undertaken by the Member outside of Australia that was funded by the State or a public authority, including the dates, destinations and purposes of that travel, the amount of funding provided, and the name of the Government department or public authority that funded the travel;".
- 25. Clause 20, page 16, line 24, omit "(i)" and insert "(l)".
- 26. Clause 20, page 16, line 26, omit "(a) to (e)" and insert "(a), (b), (d), (e), (f) and (g)".
- 27. Clause 20, page 16, line 29, omit "(a) to (e)" and insert "(a), (b), (d), (e), (f) and (g)".
- 28. Clause 20, page 17, after line 6 insert—
 - "() the name of any political party, body or association or trade or professional organisation of which the Member was a member;".
- 29. Clause 20, page 17, after line 12 insert—
 - "() a description of any on-going agreement, arrangement or understanding to which the Member is a party under which the Member has undertaken, or is expected or required, to vote or take part in any other decision-making

process in the course of his or her duties as a Member, in support of or in opposition to—

- (i) a particular outcome; or
 - (ii) an outcome to be determined in accordance with the agreement, arrangement or understanding;
- () a description of any relevant public office or position to or in which a member of the immediate family of the Member was appointed, engaged or employed, including—
- (i) the name of the department of the Parliament, Government department or public authority in which the office or position exists; and
 - (ii) if the office or position is, or is equivalent to, an executive position or non-executive position at Grade 5 or above in the public service, the level or equivalent designation of the office or position;
- () a description of any work, and the number of hours of work, undertaken by any employee of the public service or of a public authority who is made available to work for or under the direction or supervision of the Member, other than work undertaken by a Ministerial officer or Parliamentary adviser (within the meaning of the **Public Administration Act 2004**) for the Member in his or her capacity as a Minister or Parliamentary Secretary;"

- 30. Clause 20, page 17, line 18, omit "(1)(i) or (1)(j)" and insert "(1)(l) or (1)(m)".
- 31. Clause 20, page 17, line 25, omit "(1)(l)" and insert "(1)(p)".
- 32. Clause 20, page 17, line 29, omit "22 to 24" and insert "23 to 25".
- 33. Clause 21, line 36, omit "19 or 20" and insert "20 or 21".
- 34. Clause 21, page 18, after line 3 insert—

"() Without limiting subsection (1), a Member must submit to the Clerk the information relating to travel referred to in sections 21(1)(h) and 21(1)(i) within 30 days of the completion of that travel."
- 35. Clause 22, line 31, omit "19(1)(g)" and insert "20(1)(i)".
- 36. Clause 22, line 32, omit "20(1)(i)" and insert "21(1)(l)".
- 37. Clause 23, line 3, omit "22" and insert "23".
- 38. Clause 24, line 12, omit "23" and insert "24".
- 39. Clause 24, page 20, line 7, omit "22(1)(a)" and insert "23(1)(a)".
- 40. Clause 24, page 20, line 10, omit "22(1)(d)" and insert "23(1)(d)".

41. Clause 25, line 22, omit "24" and insert "25".
42. Clause 29, line 28, omit "Part" and insert "Part, or a description of a material change or information submitted to the Clerk under section 22,".
43. Clause 30, after line 11, insert—
- "() A person may not be found to have wilfully contravened Part 3 or 4 unless a report of the Ombudsman under section 16 of the **Ombudsman Act 1973** finding that that wilful contravention has occurred has been received by the Parliament in accordance with this section.
 - () If the President of the Legislative Council or the Speaker of the Legislative Assembly receives a complaint in writing signed by the person making the complaint alleging that a Member has wilfully contravened Part 3 or 4, the President or the Speaker must refer the matter to the Ombudsman for investigation and report.
 - () A referral under subsection (4) is taken to be a referral by the Legislative Council or the Legislative Assembly (as the case requires) under section 16(1) of the **Ombudsman Act 1973**.
 - () Despite section 16(2) of the **Ombudsman Act 1973**, the Ombudsman may refuse to consider the matter of a complaint referred to the Ombudsman under subsection (4) if—
 - (a) in the Ombudsman's opinion—
 - (i) the subject-matter of the complaint is trivial; or
 - (ii) the complaint is frivolous or vexatious or is not made in good faith; or
 - (b) the complainant had knowledge for more than 12 months of the alleged contravention complained about, and failed to give a satisfactory explanation for the delay in making the complaint; or
 - (c) in relation to an alleged contravention of Part 3, the complainant is not affected by the alleged contravention which is the subject of the complaint, unless—
 - (i) the complainant is a Member; or
 - (ii) the complainant is a person who is considered suitable by the Ombudsman to represent the interests of a person affected by the alleged contravention who has died or who in the opinion of the Ombudsman is unable to act for himself or herself.
 - () Section 16(3) of the **Ombudsman Act 1973** does not apply to a report prepared by the Ombudsman on a matter referred to the Ombudsman under subsection (4).
 - () The Ombudsman must cause that report to be transmitted to each House of the Parliament as soon as practicable after it is completed.
 - () Sections 25AA (2) to (7) of the **Ombudsman Act 1973** apply to that report.

- () Despite anything to the contrary in this section and in section 16(2) of the **Ombudsman Act 1973**, the Ombudsman is not required to report on a matter referred to the Ombudsman under subsection (4) unless the Ombudsman finds that a wilful contravention of Part 3 or 4 has occurred."

44. Clause 31, line 14, omit "30" and insert "31".

NEW CLAUSE

45. Insert the following New Clause to follow clause 15—

"A Members activities on leaving Parliament

- (1) A Member must not, for the period of 18 months after ceasing to be a Member, lobby, advocate or have business meetings with members of the Government, the Parliament or the public service on any matters on which he or she had official dealings as a Minister or Parliamentary Secretary in his or her last 18 months as a Member.
- (2) A Member must not, on ceasing to be a Member, use to further his or her private interests or the interests of a prescribed person any confidential information to which he or she had access as a Member."