



Parliamentary Workplace Support Service Act 2023

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About this compilation

This compilation

This is a compilation of the *Parliamentary Workplace Support Service Act 2023* that shows the text of the law as amended and in force on 14 March 2026 (the *compilation date*).

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. Any uncommenced amendments affecting the law are accessible on the Register (www.legislation.gov.au).

Application, saving and transitional provisions

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Presentational changes

The *Legislation Act 2003* provides for First Parliamentary Counsel to make presentational changes to a compilation. Presentational changes are applied to give a more consistent look and feel to legislation published on the Register, and enable the user to more easily navigate those documents.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. Any modifications affecting the law are accessible on the Register.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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An Act to establish the Parliamentary Workplace Support Service, and for related purposes

Part 1—Preliminary

1 Short title

This Act is the *Parliamentary Workplace Support Service Act 2023*.

2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this Act	A single day to be fixed by Proclamation. However, if the provisions do not commence within the period of 6 months beginning on the day this Act receives the Royal Assent, they commence on the first day of the first calendar month to start after the end of that period.	1 October 2023 (F2023N00347)

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

Section 3

3 Objects of this Act

The objects of this Act are:

- (a) to support safe and respectful workplaces for parliamentarians, MOPS employees and other Commonwealth parliamentary workplace participants; and
- (b) to support positive cultural change in those workplaces; and
- (c) to provide centralised human resources support to parliamentarians and MOPS employees; and
- (d) to promote and enforce compliance by Commonwealth parliamentary workplace participants with the Behaviour Codes.

4 Simplified outline of this Act

This Act establishes the Parliamentary Workplace Support Service.

The functions of the PWSS include:

- (a) its human resources functions; and
- (b) its support function; and
- (c) its complaint resolution function; and
- (d) its policy development function; and
- (e) its education and training functions; and
- (g) to monitor, review and evaluate certain matters; and
- (h) to prepare and publish reports.

The Independent Parliamentary Standards Commission is also established by this Act.

The functions of the IPSC include:

- (a) assisting the Commissioners in the performance of their functions; and
- (b) publishing guidance about its functions and the functions of the Commissioners.

The functions of the Commissioners include:

- (a) dealing with conduct issues in accordance with Divisions 3 to 6 of Part 2A; and
- (b) preparing and publishing IPSC public statements in accordance with Division 7 of Part 2A.

Parliamentarians must comply with certain training requirements, consultation requirements and requests for information under this Act. A failure to comply may result in details of the non-compliance being published in a public report.

There is to be a Chief Executive Officer of the PWSS. The CEO is responsible for the management of the PWSS and the IPSC, for ensuring that the PWSS performs its functions and for assisting the IPSC and Commissioners to perform their functions and exercise their powers.

This Act also establishes:

- (a) the Parliamentary Workplace Support Service Advisory Board, to advise the CEO on matters relevant to the PWSS or CEO; and
- (b) the Parliamentary Workplace Support Service Consultative Committee, to enable parliamentarians and MOPS employees to be consulted on matters relevant to the PWSS; and
- (c) the Parliamentary Joint Committee on Parliamentary Standards, to oversee the work of the IPSC.

5 Definitions

In this Act:

AFP appointee has the same meaning as in the *Australian Federal Police Act 1979*.

Agency Head has the same meaning as in the *Public Service Act 1999*.

Section 5

before the IPSC: for when a conduct issue is *before the IPSC*, see section 24AD.

Behaviour Code: see section 24AC.

CEO means the Chief Executive Officer of the Parliamentary Workplace Support Service.

Chair Commissioner means the Chair Commissioner appointed under section 36E.

Code commencement day: see section 24AC.

Commissioner means a Commissioner appointed under section 36E and includes the Chair Commissioner.

Commonwealth entity has the same meaning as in the *Public Governance, Performance and Accountability Act 2013*.

Commonwealth judicial officer means:

- (a) a Justice of the High Court; or
- (b) a judge or justice of a court created by the Parliament.

Commonwealth parliamentary workplace means:

- (a) a place in the precincts (within the meaning of the *Parliamentary Precincts Act 1988*); or
- (b) premises provided or paid for under the *Parliamentary Business Resources Act 2017*; or
- (c) any other place where a Commonwealth parliamentary workplace participant performs duties as a Commonwealth parliamentary workplace participant.

Commonwealth parliamentary workplace participant means:

- (a) a core participant; or
- (b) a non-core participant.

complainant means:

- (a) in relation to a conduct complaint—the person who made the conduct complaint; or

- (b) in relation to a conduct issue referral, if the referrer became aware of the conduct issue because of a complaint made to the referrer—the person who made the complaint to the referrer.

conduct complaint: see subsection 24C(3).

conduct issue: see subsection 24AA(1).

conduct issue referral means a referral of a conduct issue under section 24CA or 24CB.

core participant means:

- (a) a parliamentarian; or
- (b) a MOPS employee; or
- (c) a Parliamentary Service employee; or
- (ca) the Secretary of a Parliamentary Department; or
- (cb) the Parliamentary Librarian; or
- (cc) an Agency Head whose predominant place of work as an Agency Head is a place covered by paragraph (a) or (b) of the definition of **Commonwealth parliamentary workplace** in this section; or
- (cd) an AFP appointee whose predominant place of work as an AFP appointee is a place covered by paragraph (a) or (b) of the definition of **Commonwealth parliamentary workplace** in this section; or
- (d) an APS employee whose predominant place of work as an APS employee is a place covered by paragraph (a) or (b) of the definition of **Commonwealth parliamentary workplace** in this section; or
- (e) a person employed by the Commonwealth as a driver to provide the car-with-driver transport service known as COMCAR, to the extent the person's duties relate to parliamentarians; or
- (f) a designated worker.

Note: **APS employee** is defined in the *Acts Interpretation Act 1901*.

Section 5

court/tribunal order has the same meaning as in the *Privacy Act 1988*.

decision-maker for a conduct issue: see subsection 24CT(2).

designated worker means a worker (within the meaning of the *Work Health and Safety Act 2011*) who:

- (a) carries out work in any capacity for a business or undertaking of the Commonwealth constituted by the provision of support to a parliamentarian; and
- (b) carries out the work mentioned in paragraph (a) predominantly at a place covered by paragraph (a) or (b) of the definition of ***Commonwealth parliamentary workplace*** in this section; and
- (c) is not a person covered by paragraphs (a) to (e) of the definition of ***core participant*** in this section.

detriment includes (without limitation) any of the following:

- (a) dismissal of an employee;
- (b) injury of an employee in their employment;
- (c) alteration of an employee's position to their disadvantage;
- (d) discrimination between an employee and other employees of the same employer;
- (e) harassment or intimidation of a person;
- (f) harm or injury to a person, including psychological harm;
- (g) damage to a person's property;
- (h) damage to a person's reputation;
- (i) damage to a person's business or financial position;
- (j) any other damage to a person.

election period: see subsection 6(3).

employer, for a respondent, means:

- (a) if the respondent is a MOPS employee—the employing individual (within the meaning of the *Members of Parliament (Staff) Act 1984*) for the respondent; or

- (b) otherwise—the person who employs the respondent in the respondent’s capacity as a Commonwealth parliamentary workplace participant.

engage in conduct means:

- (a) do an act; or
(b) omit to perform an act.

entrusted person means:

- (a) the CEO; or
(b) a Commissioner; or
(c) a person referred to in section 40A (persons assisting the IPSC); or
(d) a person referred to in section 40B (consultants).

final report means a report prepared under section 24CZ.

identifying information means information that identifies, or is likely to enable the identification of, a person.

independent member means a member of the PWSS Consultative Committee who is not a parliamentarian or a MOPS employee.

investigating Commissioner for a conduct issue: see subsection 24CD(2).

IPSC means the Independent Parliamentary Standards Commission established by section 24B.

IPSC public statement means a statement under Division 7 of Part 2A.

legal practitioner means a barrister, a solicitor, a barrister and solicitor or a legal practitioner of the High Court or of the Supreme Court of a State or Territory.

mandatory education or training program: see paragraph 18(2)(a).

mandatory policy or procedure: see subsection 17(3).

Section 5

member of the PWSS Advisory Board includes the Chair of the PWSS Advisory Board.

Minister: see section 6A.

MOPS employee means a person who is employed under the *Members of Parliament (Staff) Act 1984*.

non-core participant means a person, other than a core participant, who performs work (whether or not paid work) predominantly at a place covered by paragraph (a) or (b) of the definition of **Commonwealth parliamentary workplace** in this section.

original decision: see subsection 24DD(1).

paid work means work for financial gain or reward (whether as an employee, a self-employed person or otherwise).

parliamentarian: see section 6.

parliamentarian decision panel for a conduct issue: see subsection 24CS(1).

Parliamentary Department means any of the following:

- (a) the Department of the Senate;
- (b) the Department of the House of Representatives;
- (c) the Department of Parliamentary Services;
- (d) the Parliamentary Budget Office.

Parliamentary Joint Committee means the Parliamentary Joint Committee on Parliamentary Standards for the time being constituted under Part 6A.

Parliamentary party means a political party (within the meaning of the *Commonwealth Electoral Act 1918*) at least one member of which is a member of the Parliament of the Commonwealth.

parliamentary sanction, in relation to a member of a House of the Parliament, means:

- (a) the suspension of the member for a period of no more than the maximum period for which a member of that House may be suspended under the standing orders of that House; or
- (b) the discharge of the member from a committee of one or both Houses of the Parliament; or
- (c) a deduction from the member's annual base salary (within the meaning of the *Parliamentary Business Resources Act 2017*), by way of fine, of an amount that is more than 2%, but less than 5%, of that salary.

Parliamentary Service employee has the same meaning as in the *Parliamentary Service Act 1999*.

personal information has the same meaning as in the *Privacy Act 1988*.

post-Code conduct: see subsection 24AB(2).

pre-Code conduct: see subsection 24AB(1).

Presiding Officer means:

- (a) the President of the Senate or a person covered by paragraph 6(1)(d); or
- (b) the Speaker of the House of Representatives or a person covered by paragraph 6(1)(e).

Privileges Committee of a House of the Parliament means the committee of that House responsible for inquiring into matters of privilege.

protected disclosure: see section 24H.

public report means a report under section 22 that is published by the PWSS on its website.

PWSS means the Parliamentary Workplace Support Service established by section 12.

PWSS Advisory Board means the Parliamentary Workplace Support Service Advisory Board established by section 42.

Section 5

PWSS Consultative Committee means the Parliamentary Workplace Support Service Consultative Committee established by section 57.

PWSS rules means rules made under section 69.

referrer, for a conduct issue referral, means the person who makes the referral.

relevant conduct means:

- (a) pre-Code conduct; or
- (b) post-Code conduct.

respondent for a conduct issue: see subsection 24AA(2).

responsible Commissioner or Commissioners: see section 24AE.

review decision: see subsection 24DD(5).

review panel: see subsection 24DD(1).

Secretary, in relation to a Parliamentary Department, means the Secretary of that Department for the purposes of the *Parliamentary Service Act 1999*.

sensitive information means information the disclosure of which:

- (a) could prejudice the security, defence or international relations of Australia; or
- (b) would prejudice relations between:
 - (i) the Commonwealth Government and the Government of a State or Territory; or
 - (ii) the Government of a State or Territory and the Government of another State or Territory; or
- (c) would involve disclosing:
 - (i) deliberations or decisions of the Cabinet, or of any committee of the Cabinet, of the Commonwealth or of a State; or

- (ii) deliberations or advice of the Federal Executive Council or the Executive Council of a State or the Northern Territory; or
- (iii) deliberations or decisions of the Australian Capital Territory Executive or of a committee of that Executive; or
- (d) could endanger a person's life or physical safety; or
- (e) could prejudice the protection of public safety; or
- (f) would prejudice the fair trial of any person or the impartial adjudication of a matter; or
- (g) would prejudice the proper enforcement of the law; or
- (h) would involve disclosing information whose disclosure is prohibited (absolutely or subject to qualifications) by or under another law of the Commonwealth; or
- (i) would involve unreasonably disclosing a person's personal information; or
- (j) would involve unreasonably disclosing confidential commercial information.

serious breach finding, in relation to the respondent for a conduct issue: see paragraph 24CY(1)(d).

serious offence means:

- (a) an offence against a law of the Commonwealth, a State or a Territory involving assault or sexual assault; or
- (b) any other offence prescribed by the PWSS rules.

staff of the PWSS means the staff described in section 38.

State or Territory law enforcement entity means:

- (a) a police force or police service of a State or Territory; or
- (b) any other authority or person responsible for the enforcement of the laws of a State or Territory.

support person, for a person, means someone approved as a support person for that person under subsection 24FC(4) or 24FI(2).

Section 6

vacancy, in relation to the office of a member of the PWSS Advisory Board, has a meaning affected by section 7.

work health and safety law means:

- (a) the *Work Health and Safety Act 2011*; or
- (b) a corresponding WHS law (within the meaning of that Act).

6 Meaning of parliamentarian

- (1) For the purposes of this Act, **parliamentarian** means:
 - (a) a senator; or
 - (b) a member of the House of Representatives; or
 - (c) a Minister of State who is not a senator or member of the House of Representatives; or
 - (d) a person who is taken to be the President of the Senate under the *Parliamentary Presiding Officers Act 1965* and who is not a senator or member of the House of Representatives; or
 - (e) a person who is taken to be the Speaker of the House of Representatives under the *Parliamentary Presiding Officers Act 1965* and who is not a senator or member of the House of Representatives; or
 - (f) a person not covered by any of paragraphs (a) to (e) or (g) who is covered by subsection (2) at a particular time; or
 - (g) a person not covered by any of paragraphs (a) to (f) who held the office of Prime Minister.
- (2) A person is covered by this subsection at a particular time if:
 - (a) the person was a senator or member of the House of Representatives immediately before an election period; and
 - (b) the person is a candidate at the election to which the election period relates; and
 - (c) the time is within the election period.
- (3) In this section:

election period, in relation to an election (within the meaning of the *Commonwealth Electoral Act 1918*), means the period:

- (a) commencing on the day of issue of the writ for the election;
and
- (b) ending on the day of the declaration of the poll in the election.

6A References to the Minister

Despite section 19 of the *Acts Interpretation Act 1901*, a reference to “the Minister” in a provision of this Act or the PWSS rules at a particular time is a reference to:

- (a) the Special Minister of State, if there is a Minister identified by that title at that time; or
- (b) otherwise—the Minister, or any of the Ministers, administering the provision at that time.

Note: A reference to a Minister in paragraph (a) or (b) of this section may include a reference to a person acting for or on behalf of the Minister (see subsection 19(4) of the *Acts Interpretation Act 1901*).

7 Vacancy in the office of a member of the PWSS Advisory Board

For the purposes of a reference in:

- (a) this Act to a vacancy in the office of a member of the PWSS Advisory Board; or
- (b) the *Acts Interpretation Act 1901* to a vacancy in the membership of a body;

there are taken to be 4 offices of members of the PWSS Advisory Board in addition to the Chair of the PWSS Advisory Board.

8 Crown to be bound

This Act binds the Crown in right of the Commonwealth.

9 Extension to external Territories

This Act extends to every external Territory.

10 Extra-territorial operation

This Act extends to acts, omissions, matters and things outside Australia, whether or not in a foreign country.

Part 2—Parliamentary Workplace Support Service

Division 1—Simplified outline of this Part

11 Simplified outline of this Part

This Part establishes the Parliamentary Workplace Support Service.

The functions of the PWSS include:

- (a) its human resources functions; and
- (b) its support function; and
- (c) its complaint resolution function; and
- (d) its policy development function; and
- (e) its education and training functions; and
- (g) to monitor, review and evaluate certain matters; and
- (h) to prepare and publish reports.

The PWSS may prepare reports about matters relating to the functions of the PWSS, IPSC or CEO. The PWSS must prepare a report each financial year about certain matters, including:

- (a) gender and diversity characteristics of parliamentarians and MOPS employees; and
- (b) gender equality in relation to remuneration for parliamentarians and MOPS employees; and
- (c) the employment of MOPs employees; and
- (d) the prevention of, and responses to, relevant conduct.

Parliamentarians must comply with certain training requirements, consultation requirements and requests for information under this Act. A failure to comply may result in details of the non-compliance being published in a public report.

Division 2—Establishment and functions of the PWSS

12 Parliamentary Workplace Support Service

- (1) The Parliamentary Workplace Support Service is established by this section.

Note 1: The PWSS does not have a legal identity separate from the Commonwealth.

Note 2: In this Act, ***PWSS*** means the Parliamentary Workplace Support Service—see section 5.

- (2) The PWSS consists of:
- (a) the CEO; and
 - (b) the staff of the PWSS referred to in section 38; and
 - (c) persons whose services are made available to the PWSS under section 39.

13 Functions of the PWSS

The PWSS has the following functions:

- (a) its human resources functions (under section 14);
- (b) its support function (under section 15);
- (c) its complaint resolution function (under section 16);
- (d) its policy development function (under section 17);
- (e) its education and training functions (under section 18);
- (g) to monitor, review and evaluate:
 - (i) the matters covered by paragraphs 22(2)(a) to (f); and
 - (ii) other matters relating to any of its other functions;
- (h) to prepare and publish reports as mentioned in Division 3;
- (i) to make resources and facilities available to the IPSC, the PWSS Advisory Board and the PWSS Consultative Committee;
- (j) to assist the CEO in the performance of the CEO's functions;
- (k) such other functions as are conferred on the PWSS by this Act or by any other law of the Commonwealth;

- (l) to do anything incidental to, or conducive to, the performance of the above functions.

Note: This subsection does not prevent another Commonwealth entity from performing a function that falls within the functions of the PWSS (including its human resources functions).

14 Human resources functions

The PWSS has the following human resources functions:

- (a) to advise and assist current and former parliamentarians in connection with their employment of MOPS employees, or their engagement of designated workers;
- (b) to advise and assist current and former parliamentarians in connection with their obligations under:
 - (i) policies and procedures determined by the PWSS under section 17; and
 - (ii) the Behaviour Codes that apply to them;
- (c) to advise and assist current and former MOPS employees in connection with their employment as MOPS employees, including in connection with their obligations under:
 - (i) policies and procedures determined by the PWSS under section 17; and
 - (ii) the Behaviour Codes that apply to them;
- (d) to advise and assist current and former designated workers in connection with their engagement as designated workers, including in connection with their obligations under policies and procedures determined by the PWSS under section 17;
- (e) without limiting paragraphs (a), (b), (c) and (d)—to provide human resources services to parliamentarians, MOPS employees and designated workers in connection with the following:
 - (i) the employment of MOPS employees;
 - (ii) the engagement of designated workers;
 - (iii) work health and safety matters that arise in connection with the duties of parliamentarians, MOPS employees or designated workers.

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15 Support function

- (1) The support function of the PWSS is to provide support services to current and former Commonwealth parliamentary workplace participants under subsection (2).
- (2) The PWSS may provide support services in relation to alleged relevant conduct to a person who is a current or former Commonwealth parliamentary workplace participant in accordance with the following table:

Support services			
Item	If, at the time the alleged conduct was engaged in, the person was...	the PWSS may provide support services to the person if the alleged conduct...	and occurred...
1	a core participant	was engaged in by, or affected, the person	in the course of the person performing duties as a core participant
2	a non-core participant	was engaged in by a core participant and affected the person	in the course of the core participant performing duties as a core participant
3	a non-core participant	was engaged in by, or affected, the person	(a) in the course of the person performing duties as a non-core participant; and (b) at a place covered by paragraph (a) or (b) of the definition of Commonwealth parliamentary workplace in section 5

- (3) For the purposes of this section, the provision of support services includes the provision of early intervention services.

16 Complaint resolution function

- (1) The complaint resolution function of the PWSS is to provide services to current and former Commonwealth parliamentary workplace participants under subsection (2) to facilitate the independent resolution of complaints involving alleged relevant conduct.
- (2) The PWSS may provide services to facilitate the independent resolution of complaints involving alleged relevant conduct to both of the following parties:
- (a) one or more current or former Commonwealth parliamentary workplace participants who are alleged to have engaged in relevant conduct (the *first party*);
 - (b) one or more current or former Commonwealth parliamentary workplace participants who are affected by the alleged relevant conduct (the *second party*);
- in accordance with the following table:

Complaint resolution services			
Item	If, at the time the alleged conduct was engaged in, the first party was...	and the second party was...	the PWSS may provide the services in relation to...
1	a core participant	a core participant or a non-core participant	alleged relevant conduct engaged in in the course of the first party performing duties as a core participant
2	a non-core participant	a core participant or a non-core participant	alleged relevant conduct engaged in: (a) in the course of the first party performing duties

Section 16

Complaint resolution services

Item	If, at the time the alleged conduct was engaged in, the first party was...	and the second party was...	the PWSS may provide the services in relation to...
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as a non-core participant; and

(b) at a place covered by paragraph (a) or (b) of the definition of *Commonwealth parliamentary workplace* in section 5

(2A) If the first party apologises to the second party for the alleged relevant conduct while the PWSS is providing services under this section to the parties, the making of the apology:

- (a) is not an admission of fault or liability; and
- (b) is not admissible in evidence against the first party in any civil proceedings in respect of the conduct.

(2B) Subsection (2A) does not apply in relation to conduct that would constitute an offence.

(3) It is not a function of the PWSS under this section to:

- (a) investigate a complaint; or
- (b) make a finding of fact; or
- (c) arbitrate any matter.

However, paragraph (a) does not prevent the PWSS from seeking information for the purposes of providing a service mentioned in subsection (2).

(4) For the purposes of this section, the provision of services to facilitate the independent resolution of complaints includes the provision of early intervention services.

17 Policy development function

- (1) The policy development function of the PWSS is to determine policies and procedures:
 - (a) relating to workforce strategies for the employment of MOPS employees; or
 - (b) for the purposes of supporting parliamentarians to discharge their obligations in relation to the employment of MOPS employees; or
 - (c) relating to work health and safety matters that arise in connection with the duties of parliamentarians, MOPS employees or designated workers; or
 - (d) for the purposes of supporting Commonwealth parliamentary workplaces to be safe and respectful.
- (2) It is not a function of the PWSS under subsection (1) to determine a policy or procedure:
 - (a) that applies only to a specified Commonwealth parliamentary workplace participant; or
 - (b) for the terms or conditions of employment of a MOPS employee.
- (3) A policy or procedure determined under subsection (1) may declare that it is a ***mandatory policy or procedure***.
- (4) A parliamentarian must comply with a requirement of a mandatory policy or procedure that applies to the parliamentarian.

Note: The PWSS may take action in relation to a parliamentarian who fails to comply with such a requirement: see Division 4.
- (5) A mandatory policy or procedure must be determined by the CEO, by legislative instrument.
- (6) Before the CEO determines a mandatory policy or procedure:
 - (a) the CEO must consult the PWSS Consultative Committee about the proposed mandatory policy or procedure; and

Section 18

- (b) the CEO must have referred the proposed mandatory policy or procedure to the PWSS Advisory Board under section 44; and
 - (c) one of the following must have occurred:
 - (i) the PWSS Advisory Board was taken to have approved the proposed mandatory policy or procedure under subsection (4) of that section;
 - (ii) the PWSS Advisory Board has notified the CEO that it has decided to approve the proposed mandatory policy or procedure.
- (7) The PWSS must publish a policy or procedure determined under this section on its website.

18 Education and training functions

- (1) The PWSS has the following education and training functions:
 - (a) to provide and arrange for education of, and for informing, Commonwealth parliamentary workplace participants about:
 - (i) the functions of the PWSS and the IPSC; and
 - (ii) work health and safety matters that arise in connection with the duties of parliamentarians, MOPS employees or designated workers; and
 - (iii) the Behaviour Codes; and
 - (iv) for parliamentarians and MOPS employees—matters relating to the employment of MOPS employees or establishing and maintaining safe and respectful workplaces;
 - (b) without limiting paragraph (a)—to provide, or arrange for the provision of, education or training programs to parliamentarians and MOPS employees about matters referred to in that paragraph;
 - (c) to develop and maintain, and make information available in relation to, a learning and professional development program for MOPS employees.
- (2) The CEO may, by legislative instrument, determine:

- (a) that a specified education or training program provided under paragraph (1)(b) is a **mandatory education or training program**; and
 - (b) requirements for the completion of a mandatory education or training program.
- (3) A parliamentarian must comply with a requirement determined under paragraph (2)(b) that applies to the parliamentarian.
- Note: The PWSS may take action in relation to a parliamentarian who fails to comply with such a requirement: see Division 4.
- (4) The CEO must not determine under subsection (2) that an education or training program is a mandatory education or training program only for a specified parliamentarian or MOPS employee.
- (5) Before the CEO determines a mandatory education or training program or requirements for completing such a program:
- (a) the CEO must consult the PWSS Consultative Committee about the proposed program or requirements; and
 - (b) the CEO must have referred the proposed program or requirements to the PWSS Advisory Board under section 44; and
 - (c) one of the following must have occurred:
 - (i) the PWSS Advisory Board was taken to have approved the proposed program or requirements under subsection (4) of that section;
 - (ii) the PWSS Advisory Board has notified the CEO that it has decided to approve the proposed program or requirements.

20 Independence of the PWSS

Subject to this Act and other laws of the Commonwealth, the PWSS:

- (a) has discretion in the performance or exercise of the functions or powers of the PWSS; and
- (b) is not subject to direction by any person in relation to the performance or exercise of those functions or powers.

Section 21

21 PWSS has privileges and immunities of the Crown

The PWSS has the privileges and immunities of the Crown in right of the Commonwealth.

Division 3—Reports by the PWSS

22 Reports by the PWSS

- (1) The PWSS may prepare reports about matters relating to the functions of the PWSS, IPSC or CEO.
- (2) Without limiting subsection (1), at least once each financial year, the PWSS must prepare a report that contains information relating to the following:
 - (a) gender and diversity characteristics of parliamentarians and MOPS employees;
 - (b) gender equality in relation to remuneration for parliamentarians and MOPS employees;
 - (c) the employment of persons under the *Members of Parliament (Staff) Act 1984* and the engagement of designated workers;
 - (d) progress in the prevention of, and responses to, alleged relevant conduct that is engaged in:
 - (i) in the course of a core participant performing duties as a core participant; or
 - (ii) at places covered by paragraph (a) or (b) of the definition of ***Commonwealth parliamentary workplace*** in section 5;
 - (e) the culture and performance of workplaces covered by paragraph (a) or (b) of the definition of ***Commonwealth parliamentary workplace*** in section 5;
 - (f) work health and safety matters connected with the duties of parliamentarians, MOPS employees and designated workers;
 - (g) conduct complaints and conduct issue referrals received, and conduct issues dealt with, by the IPSC, including general information about:
 - (i) the investigation of conduct issues; and
 - (ii) any actions taken as a result of those investigations.

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- (3) The PWSS rules may prescribe details about a matter mentioned in any of paragraphs (2)(a) to (g) that must or must not be included in a report required by subsection (2).
- (4) The PWSS must publish a report required by subsection (2), and may publish any other report under this section, on its website.
- (5) Before the PWSS publishes a report under this section on its website, the PWSS must give each Presiding Officer a copy of the report.
- (6) A Presiding Officer of a House of the Parliament must cause a copy of the report to be presented to that House as soon as practicable after the Presiding Officer receives the copy under subsection (5).
- (7) The PWSS must not publish the report before a copy of the report has been presented to a House of the Parliament in accordance with subsection (6).
- (8) This section does not limit section 46 of the *Public Governance, Performance and Accountability Act 2013* (annual report for Commonwealth entities).
- (9) A report under this section must not include personal information (subject to section 23).

Note: Information that is de-identified (within the meaning of the *Privacy Act 1988*) is not personal information.
- (10) To avoid doubt, a report under this section is not a periodic report for the purposes of section 34C of the *Acts Interpretation Act 1901*.

Division 4—Taking action against parliamentarians for certain non-compliance

23 Including details of certain non-compliance by parliamentarians in a public report

- (1) This section applies if a parliamentarian:
 - (a) fails to comply with a request for information under subsection 64(1) within the period specified in the request; or
 - (b) fails to comply with a provision of the *Members of Parliament (Staff) Act 1984* that requires the parliamentarian to consult with the PWSS before terminating the employment of a MOPS employee; or
 - (c) fails to comply with a requirement determined under paragraph 18(2)(b) (completion of mandatory training or education program) that applies to the parliamentarian.
- (2) The CEO may determine that the PWSS will include details about the failure in a public report.
- (3) If the parliamentarian is a member of a Parliamentary party, the CEO must inform the Leader of the party of the CEO's determination before the public report is given to the President of the Senate and the Speaker of the House of Representatives under subsection 22(5).
- (4) In considering whether details should be included in a public report, the CEO may have regard to any relevant matter and must have regard to the following:
 - (a) the nature of the failure and the circumstances in which it occurred;
 - (b) the reason (if any) given by the parliamentarian for the failure;
 - (c) any previous failure by the parliamentarian of a kind covered by subsection (1);
 - (d) the consequences of the failure;

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- (e) if the failure relates to a person other than the parliamentarian—whether the inclusion of the details would identify the other person;
- (f) any submissions made under subsection (5) or (7) in relation to the failure.

Consultation with parliamentarians

- (5) Before the CEO makes a determination under subsection (2), the CEO must give the parliamentarian a written notice:
 - (a) stating that the CEO is proposing for the PWSS to include details about the failure in a public report; and
 - (b) inviting the parliamentarian to make submissions to the CEO in relation to the proposal within a reasonable period specified in the notice.
- (6) The CEO must give the parliamentarian a written notice informing the parliamentarian of the CEO's decision on the proposal.

Consultation with other persons

- (7) If:
 - (a) the failure relates to a person other than the parliamentarian; and
 - (b) the inclusion of details about the failure in a public report identifies, or is likely to enable the identification of, the person;then before the CEO makes a determination under subsection (2), the CEO must give the person a written notice:
 - (c) stating that the CEO is proposing for the PWSS to include details about the failure in a public report; and
 - (d) inviting the person to make submissions to the CEO in relation to the proposal within a reasonable period specified in the notice.
- (8) The CEO must give the person a written notice informing the person of the CEO's decision on the proposal.

24 Notifying parliamentary Leaders of certain non-compliance

- (1) This section applies if a parliamentarian:
 - (a) fails to comply with a request for information under subsection 64(1) within the period specified in the request; or
 - (b) fails to comply with a provision of the *Members of Parliament (Staff) Act 1984* that requires the parliamentarian to consult with the PWSS before terminating the employment of a MOPS employee; or
 - (c) fails to comply with a requirement of a mandatory policy or procedure that applies to the parliamentarian; or
 - (d) fails to comply with a requirement determined under paragraph 18(2)(b) (completion of mandatory training or education program) that applies to the parliamentarian.
- (2) If the parliamentarian is a member of a Parliamentary party, the CEO must inform the Leader of the party of the failure.

Part 2A—Independent Parliamentary Standards Commission

Division 1—Introduction

Subdivision A—Simplified outline of this Part

24A Simplified outline of this Part

This Part establishes the Independent Parliamentary Standards Commission.

The IPSC consists of:

- (a) the Commissioners; and
- (b) persons made available by the CEO to assist the IPSC to perform its functions.

The functions of the IPSC include:

- (a) assisting the Commissioners in the performance of their functions; and
- (b) publishing guidance about its functions and the functions of the Commissioners.

The Commissioners are able to investigate conduct issues that arise from a complaint or referral made to the IPSC, or that the Chair Commissioner becomes aware of in any other way.

A conduct issue is an issue of whether a person has engaged in relevant conduct. Relevant conduct means:

- (a) pre-Code conduct, which is certain conduct engaged in by parliamentarians, MOPS employees or non-core participants before the Behaviour Codes have commenced; or

Section 24AA

- (b) post-Code conduct, which is conduct in breach of a Behaviour Code that is engaged in by any Commonwealth parliamentary workplace participant.

If a person is found to have engaged in such conduct, the Commissioners may:

- (a) recommend actions to be taken against the person; and
- (b) if the person is a current or former parliamentarian—impose sanctions on the person; and
- (c) if the person is a current member of a House of the Parliament and a serious breach finding is made—refer the finding to the Privileges Committee of that House.

Division 4 provides for internal reviews of decisions made by Commissioners.

Division 5 deals with the process for referring a serious breach finding to the Privileges Committee of a House of the Parliament.

Division 6 deals with information-gathering powers, confidentiality notices, and the circumstances in which an entrusted person may record or disclose information.

Division 7 sets out the Commissioners' power to make public statements about conduct issues that were or are before the IPSC.

Division 8 provides protections and immunities for persons who make complaints about or refer conduct issues, or provide other information, under this Act.

Subdivision B—Key concepts for the IPSC

24AA Meanings of *conduct issue* and *respondent*

- (1) A *conduct issue* is an issue of whether a person has engaged in, or is engaging in, relevant conduct.

Section 24AB

Note: In this Act, *relevant conduct* means pre-Code conduct or post-Code conduct (see section 5).

(2) The person is the *respondent* for the conduct issue.

24AB Meanings of *pre-Code conduct* and *post-Code conduct*

- (1) *Pre-Code conduct* is conduct that:
- (a) is engaged in before the Code commencement day; and
 - (b) consists of any of the following:
 - (i) sexual assault;
 - (ii) assault;
 - (iii) sexual harassment;
 - (iv) harassment;
 - (v) another person being bullied at work (within the meaning of the *Fair Work Act 2009*);
 - (vi) unreasonable behaviour towards another person that creates a risk to work health or safety; and
 - (c) is engaged in by a person (the *first person*) covered by column 1 of an item of the following table; and
 - (d) affects a person (the *second person*) covered by column 2 of that item; and
 - (e) meets the requirements in column 3 of that item.

Pre-Code conduct—persons and requirements			
Item	Column 1 First person	Column 2 Second person	Column 3 Requirements
1	A parliamentarian or MOPS employee	A parliamentarian, MOPS employee or Parliamentary Service employee	The conduct was engaged in in the course of either the first person or second person performing duties as a parliamentarian, MOPS employee or Parliamentary Service

Section 24AB

Pre-Code conduct—persons and requirements			
Item	Column 1	Column 2	Column 3
	First person	Second person	Requirements
			employee (as the case requires)
2	A non-core participant	A parliamentarian, MOPS employee or Parliamentary Service employee	The conduct was engaged in: (a) in the course of either the first person or second person performing duties as a non-core participant, parliamentarian, MOPS employee or Parliamentary Service employee (as the case requires); and (b) at a place in the precincts (within the meaning of the <i>Parliamentary Precincts Act 1988</i>)

- (2) **Post-Code conduct** is conduct that:
- (a) is engaged in on or after the Code commencement day; and
 - (b) is engaged in by a Commonwealth parliamentary workplace participant; and
 - (c) constitutes or involves a breach of a Behaviour Code, as in force at the time of the conduct; and
 - (d) either:
 - (i) affects a Commonwealth parliamentary workplace participant; or
 - (ii) does not directly affect another person.

Section 24AC

24AC Meanings of *Behaviour Code* and *Code commencement day*

- (1) Each of the following is a ***Behaviour Code***:
- (a) a determination, under subsection 13(2) of the *Members of Parliament (Staff) Act 1984*, that a MOPS employee must comply with a code or standard of behaviour (other than the Ministerial Staff Code of Conduct) as a term and condition of employment, as in force from time to time;
 - (b) a code or standard of behaviour for persons in Commonwealth parliamentary workplaces that is approved, from time to time, by a resolution of both Houses of the Parliament.
- (2) The ***Code commencement day*** is the first day on which both of the following are in force:
- (a) a determination mentioned in paragraph (1)(a);
 - (b) a code or standard mentioned in paragraph (1)(b).

24AD Meaning of *before the IPSC*

A conduct issue is ***before the IPSC*** if:

- (a) both of the following apply:
 - (i) the issue arises from a conduct complaint or conduct issue referral made to the IPSC;
 - (ii) a Commissioner has not yet been assigned to deal with the issue; or
- (b) the Chair Commissioner has become aware of, and is considering whether to assign themselves to deal with, the issue; or
- (c) any other action is being taken in relation to the issue under this Part.

24AE Meaning of *responsible Commissioner or Commissioners*

- (1) The ***responsible Commissioner or Commissioners*** for a conduct issue covered by an item of column 1 of the following table are the Commissioners mentioned in column 2 of the item.

Section 24AE

Responsible Commissioner or Commissioners for conduct issues		
Item	Column 1 Conduct issue	Column 2 Responsible Commissioner or Commissioners
1	A Commissioner has not yet been assigned to deal with the conduct issue	the Chair Commissioner
2	A Commissioner has been assigned to deal with the conduct issue, and neither table item 3 nor 4 applies	the investigating Commissioner
3	The conduct issue is, or has been, before a parliamentary decision panel and table item 4 does not apply	a majority of the Commissioners on the parliamentary decision panel
4	The conduct issue is, or has been, before a review panel	a majority of the Commissioners on the review panel

- (2) If a Commissioner who would be covered by column 2 of the table in subsection (1) is no longer a Commissioner, the Chair Commissioner is taken to be that Commissioner.

Division 2—Establishment and functions of the IPSC

24B Independent Parliamentary Standards Commission

- (1) The Independent Parliamentary Standards Commission is established by this section.

Note 1: The IPSC does not have a legal identity separate from the Commonwealth.

Note 2: In this Act, *IPSC* means the Independent Parliamentary Standards Commission (see section 5).

- (2) The IPSC consists of:
- (a) the Commissioners; and
 - (b) the persons referred to in paragraphs 40A(1)(a) and (b).

24BA Functions of the IPSC

The IPSC has the following functions:

- (a) to assist the Commissioners in the performance of their functions;
- (b) its guidance function (under section 24BB);
- (c) such other functions as are conferred on the IPSC by this Act or by any other law of the Commonwealth;
- (d) to do anything incidental to, or conducive to, the performance of the above functions.

24BB Guidance function

- (1) The guidance function of the IPSC is to develop and publish guidance about:
- (a) the functions and powers of the Commissioners; and
 - (b) the functions of the IPSC.
- (2) The guidance must include information about:
- (a) the importance of early reporting to the police of relevant conduct that may constitute an offence; and

- (b) the consequences of failing to do so on future investigations and prosecutions of such conduct.

24BC IPSC has privileges and immunities of the Crown

The IPSC has the privileges and immunities of the Crown in right of the Commonwealth.

Division 3—How the IPSC deals with conduct issues

Subdivision A—Complaints and referrals

24C Conduct complaints

- (1) A person may make a complaint to the IPSC if:
 - (a) the complaint is about alleged post-Code conduct; and
 - (b) the person was or is affected by the alleged conduct; and
 - (c) the person was or is a Commonwealth parliamentary workplace participant at the time of the alleged conduct.
- (2) A person may also make a complaint to the IPSC if:
 - (a) the complaint is about alleged pre-Code conduct; and
 - (b) the person was or is affected by the alleged conduct; and
 - (c) the person was or is a parliamentarian, MOPS employee or Parliamentary Service employee at the time of the alleged conduct.
- (3) A complaint made under this section is a *conduct complaint*.
- (4) A conduct complaint must:
 - (a) be made in writing; and
 - (b) include the following:
 - (i) details of the alleged conduct;
 - (ii) any evidence to support the complaint;
 - (iii) the complainant's name and contact details.
- (5) The complainant may amend the complaint with the agreement of:
 - (a) the investigating Commissioner for the conduct issue arising from the complaint; or
 - (b) if there is no investigating Commissioner—the Chair Commissioner.

24CA Conduct issue referrals by parliamentarians

Parliamentarians generally

- (1) A parliamentarian may refer a conduct issue to the IPSC if:
 - (a) the complainant or respondent is employed by the parliamentarian; or
 - (b) the complainant's or respondent's predominant place of work is at an office provided to the parliamentarian:
 - (i) under the *Parliamentary Business Resources Act 2017*;
or
 - (ii) at a place in the precincts (within the meaning of the *Parliamentary Precincts Act 1988*).

Presiding Officers

- (2) A Presiding Officer may refer a conduct issue to the IPSC if:
 - (a) either:
 - (i) the Presiding Officer is the President of the Senate or a person covered by paragraph 6(1)(d), and the respondent is a senator; or
 - (ii) the Presiding Officer is the Speaker of the House of Representatives or a person covered by paragraph 6(1)(e), and the respondent is a member of the House of Representatives; and
 - (b) the Presiding Officer is reasonably satisfied that the conduct concerned does not form part of proceedings in Parliament for the purposes of section 16 of the *Parliamentary Privileges Act 1987*.

Leaders of Parliamentary parties

- (3) The Leader of a Parliamentary party may refer a conduct issue to the IPSC if the respondent is or was, at the time of the conduct concerned:
 - (a) a parliamentarian; and
 - (b) a member of that party.

Section 24CB

Application

- (4) To avoid doubt, subsection (1) is not limited by subsection (2) or (3).

24CB Conduct issue referrals by the CEO

- (1) The CEO may refer a conduct issue to the IPSC.
- (2) However, the CEO must not refer a conduct issue to the IPSC if the issue arises from an anonymous statement.
- (3) The CEO may, in writing, delegate the CEO's power under subsection (1) to a member of the staff of the PWSS who is:
- (a) an SES employee or an acting SES employee; or
 - (b) an APS employee who holds or performs the duties of an Executive Level 2 position or an equivalent position.

Note: Sections 34AA to 34A of the *Acts Interpretation Act 1901* contain provisions relating to delegations.

- (4) In exercising a power under a delegation under subsection (3), the delegate must comply with any written directions of the CEO.

24CC Requirements for referrals

- (1) A conduct issue referral must:
- (a) be made in writing; and
 - (b) include the following information:
 - (i) details of the conduct issue;
 - (ii) any evidence relevant to the conduct issue;
 - (iii) the name and contact details of the referrer.
- (2) If the referrer became aware of the conduct issue because of a complaint made to the referrer:
- (a) the referral must not be made unless either:
 - (i) the complainant consents to the referral; or

- (ii) the referrer is reasonably satisfied that making the referral is necessary to comply with a duty or obligation under a work health and safety law; and
 - (b) the referral must also include the name and contact details of the complainant.
- (3) To avoid doubt, this Subdivision does not require a person to refer a conduct issue to the IPSC.

Subdivision B—Dealing with conduct issues

24CD Assignment of investigating Commissioner

- (1) The Chair Commissioner:
 - (a) must assign a Commissioner to deal with a conduct issue arising from a conduct complaint or conduct issue referral; and
 - (b) may, subject to section 24CE (conduct issues arising from anonymous statements), assign themselves to deal with a conduct issue that the Chair Commissioner becomes aware of in any other way.
- (2) The Commissioner assigned to deal with a conduct issue is the *investigating Commissioner* for the conduct issue.
- (3) The Chair Commissioner may vary or revoke an assignment under paragraph (1)(a) at any time.

24CE Conduct issues arising from anonymous statements

- (1) The Chair Commissioner must not deal with a conduct issue if the Chair Commissioner becomes aware of the issue because of an anonymous statement.
- (2) However, the Chair Commissioner must:
 - (a) refer the conduct issue to be dealt with by the PWSS, if the Chair Commissioner is satisfied that the statement:

Section 24CF

- (i) is not frivolous, vexatious, misconceived or lacking in substance; and
- (ii) was made in good faith; and
- (b) if the contact details of the person who made the statement are known to the Chair Commissioner—take reasonable steps to contact the person and advise them of the services provided by the PWSS under section 15 (support function).

24CF How conduct issues may be dealt with

The investigating Commissioner must deal with a conduct issue by doing any of the following:

- (a) investigating the issue;
- (b) referring the issue under:
 - (i) section 24CI (decision not to investigate—referral to PWSS); or
 - (ii) section 24CJ (decision not to investigate—referral to Agency Head etc.); or
 - (iii) section 24CK (decision not to investigate—referral under another law);
- (c) taking no action, or no further action, in relation to the issue.

24CG Preliminary inquiries

- (1) The investigating Commissioner may make any preliminary inquiries, of any person, that the Commissioner considers necessary for the purposes of determining how to deal with a conduct issue.
- (2) This section does not limit the information, documents or things to which the investigating Commissioner may have regard in making a decision about how to deal with a conduct issue.

24CH When conduct issue may or may not be investigated

When Commissioner may decide to investigate

- (1) The investigating Commissioner may decide to investigate a conduct issue only if:
 - (a) the Commissioner is satisfied on reasonable grounds that there is sufficient evidence or information to justify doing so; and
 - (b) if the issue arose from a conduct complaint or conduct issue referral—either:
 - (i) the Commissioner has consent to investigate the issue; or
 - (ii) the Commissioner is reasonably satisfied that a serious risk to work health or safety arises, or could arise, from the conduct concerned.
- (2) For the purposes of this section, the investigating Commissioner has ***consent to investigate*** a conduct issue if:
 - (a) the issue arose from a conduct complaint and the complainant has not withdrawn the complaint; or
 - (b) all of the following apply:
 - (i) the issue arose from a conduct issue referral for which there is a complainant;
 - (ii) the referral was made with the consent of the complainant;
 - (iii) the complainant has not withdrawn that consent; or
 - (c) the issue arose from a conduct issue referral for which there is no complainant.

Commissioner may consult before deciding whether to investigate

- (3) Before deciding whether to investigate a conduct issue, the investigating Commissioner may consult with any person affected by the conduct concerned as the Commissioner considers appropriate.

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When Commissioner must decide not to investigate etc.

- (4) The investigating Commissioner must decide not to investigate a conduct issue, or (if the investigation has started) not to investigate a conduct issue further, if:
- (a) the issue arose from a conduct complaint or conduct issue referral and at the time of the conduct concerned, both the complainant and respondent were non-core participants; or
 - (b) at the time of the conduct concerned, the respondent was:
 - (i) an APS employee who is not a MOPS employee; or
 - (ii) a Parliamentary Service employee; or
 - (iii) an Agency Head; or
 - (iv) the Secretary of a Parliamentary Department; or
 - (v) the Parliamentary Librarian; or
 - (vi) an AFP appointee; or
 - (c) the conduct concerned forms part of proceedings in Parliament for the purposes of section 16 of the *Parliamentary Privileges Act 1987*; or
 - (d) the conduct concerned may constitute a serious offence against a person and the person does not consent to the investigation.

When Commissioner may decide not to investigate etc.

- (5) The investigating Commissioner may decide not to investigate a conduct issue, or (if the investigation has started) not to investigate a conduct issue further, if:
- (a) if the issue arose from a conduct complaint or conduct issue referral—the Commissioner is satisfied that the complaint or referral is frivolous, vexatious, misconceived or lacking in substance or was not made in good faith; or
 - (b) if the issue arose from a conduct complaint or conduct issue referral and the Commissioner does not have consent to investigate the issue—the Commissioner is satisfied that it is unreasonable to continue the investigation, taking into account the progress of the investigation and fairness between the persons affected by the investigation; or

- (c) the Commissioner is satisfied that the conduct concerned:
 - (i) would be more appropriately dealt with through a service provided under section 16 (complaint resolution function), or under another law of the Commonwealth or a law of a State or Territory; or
 - (ii) is being dealt with through a service provided under section 16 (complaint resolution function); or
 - (iii) is being dealt with under another law of the Commonwealth or a law of a State or Territory and it would be inappropriate to conduct an investigation under this Act at the same time; or
 - (iv) has already been dealt with under this Part, another law of the Commonwealth or a law of a State or Territory and there are no further matters concerning the conduct that warrant investigation; or
- (d) the conduct concerned is, or has been, the subject of criminal or civil proceedings (including any preliminary investigations or action that might lead to criminal or civil proceedings); or
- (e) if the respondent is a non-core participant—the Commissioner is satisfied that the issue would be more appropriately dealt with by the respondent’s employer; or
- (f) the Commissioner is satisfied it is inappropriate or impracticable for the issue to be investigated for any other reason.

24CI Decision not to investigate—referral to PWSS

- (1) This section applies if the investigating Commissioner:
 - (a) decides not to investigate a conduct issue, or not to investigate a conduct issue further; and
 - (b) does so because:
 - (i) the issue arose from a conduct complaint or conduct issue referral and at the time of the conduct concerned, both the complainant and respondent were non-core participants; or

Section 24CJ

- (ii) the Commissioner is satisfied that the conduct concerned would be more appropriately dealt with through a service provided under section 16 (complaint resolution function).
- (2) This section also applies if the investigating Commissioner:
 - (a) decides not to investigate a conduct issue; and
 - (b) does so because:
 - (i) the issue arose from a conduct issue referral for which there is a complainant; and
 - (ii) the Commissioner does not have consent to investigate the issue (within the meaning of subsection 24CH(2)); and
 - (iii) the Commissioner is not satisfied as required by subparagraph 24CH(1)(b)(ii) (which deals with serious risks to work health or safety).
 - (3) The investigating Commissioner must, as soon as reasonably practicable, take reasonable steps to refer the conduct issue to be dealt with by the PWSS.
 - (4) However, if the conduct issue arose from a conduct complaint or a conduct issue referral for which there is a complainant, the investigating Commissioner must not refer the issue under this section unless the complainant consents to the referral.

24CJ Decision not to investigate—referral to Agency Head etc.

- (1) This section applies if the investigating Commissioner:
 - (a) decides not to investigate a conduct issue, or not to investigate a conduct issue further; and
 - (b) does so because, at the time of the conduct concerned, the respondent was:
 - (i) an APS employee who is not a MOPS employee; or
 - (ii) a Parliamentary Service employee; or
 - (iii) an Agency Head; or
 - (iv) the Secretary of a Parliamentary Department; or

- (v) the Parliamentary Librarian; or
 - (vi) an AFP appointee.
- (2) The investigating Commissioner must, as soon as reasonably practicable, take reasonable steps to refer the conduct issue to be dealt with by:
- (a) if the respondent is an APS employee of an Agency (within the meaning of the *Public Service Act 1999*)—the Agency Head of that Agency; or
 - (b) if the respondent is a Parliamentary Service employee of a Parliamentary Department—the Secretary of that Department; or
 - (c) if the respondent is an Agency Head—the Australian Public Service Commissioner; or
 - (d) if the respondent is the Secretary of a Parliamentary Department—each Presiding Officer; or
 - (e) if the respondent is the Parliamentary Librarian—the Secretary of the Department of Parliamentary Services; or
 - (f) if the respondent is an AFP appointee—the Commissioner of Police (within the meaning of the *Australian Federal Police Act 1979*).
- (3) However, if the conduct issue arose from a conduct complaint or a conduct issue referral for which there is a complainant, the investigating Commissioner must not refer the issue under this section unless the complainant consents to the referral.

24CK Decision not to investigate—referral under another law

- (1) This section applies if:
- (a) the investigating Commissioner:
 - (i) decides not to investigate a conduct issue, or not to investigate a conduct issue further; and
 - (ii) does so because the Commissioner is satisfied that the conduct concerned would be more appropriately dealt with under another law of the Commonwealth or a law of a State or Territory; and

Section 24CL

- (b) section 24CJ (decision not to investigate—referral to Agency Head etc.) does not apply.
- (2) The investigating Commissioner must, as soon as reasonably practicable, take reasonable steps to refer the conduct issue to be dealt with under the other law.
- (3) However, if the conduct concerned may constitute a serious offence against a person, the investigating Commissioner must not refer the issue under this section to the Australian Federal Police or the police force or police service of a State or Territory unless:
 - (a) the person consents to the referral; or
 - (b) the Commissioner is required to do so by or under a law of the Commonwealth, a State or a Territory, or a court/tribunal order.

24CL Notice of decision about investigating conduct issue

Decision to investigate

- (1) The investigating Commissioner must take reasonable steps to give written notice of a decision to investigate a conduct issue to the following:
 - (a) the respondent;
 - (b) if any of the following applies—the respondent’s employer:
 - (i) the issue did not arise from a conduct complaint or conduct issue referral;
 - (ii) the issue arose from a conduct complaint or conduct issue referral and the complainant consents to the giving of the notice;
 - (iii) the issue arose from a conduct issue referral for which there is no complainant;
 - (iv) the Commissioner is reasonably satisfied that the issue is relevant to a duty or obligation of the employer under a work health and safety law;
 - (c) if the issue arose from a conduct complaint or conduct issue referral—the complainant;

Section 24CM

- (d) if the issue arose from a conduct issue referral—the referrer.
- (2) A notice under subsection (1) must set out:
 - (a) the reasons for the decision; and
 - (b) details of the conduct issue concerned; and
 - (c) the effect of section 24CP (requirement to cooperate); and
 - (d) if the notice is given to the respondent or complainant—information about the services provided by the PWSS under section 15 (support function).

Decision not to investigate

- (3) The investigating Commissioner must take reasonable steps to give written notice of a decision not to investigate a conduct issue, or not to investigate a conduct issue further, to the following:
 - (a) if the Commissioner has previously made the respondent aware of a matter relating to the issue (whether by giving a notice under this Act or otherwise)—the respondent;
 - (b) any other person to whom the Commissioner has previously given a notice under this Act in relation to the issue;
 - (c) if the issue arose from a conduct complaint or conduct issue referral—the complainant;
 - (d) if the issue arose from a conduct issue referral—the referrer.
- (4) A notice under subsection (3) must set out the reasons for the decision.

24CM Notice of amended complaint

- (1) This section applies if:
 - (a) the investigating Commissioner gives notice of a decision to investigate a conduct issue to the respondent; and
 - (b) the issue arose from a conduct complaint; and
 - (c) the complainant amends the complaint after the notice is given.
- (2) The investigating Commissioner must, as soon as practicable, give written notice of the amended complaint to the respondent.

Section 24CN

Subdivision C—Investigating conduct issues

24CN Application of Subdivision

This Subdivision applies if the investigating Commissioner decides to investigate a conduct issue.

24CO Conduct of investigations

- (1) The investigating Commissioner may investigate the conduct issue in such manner as the Commissioner thinks fit.
- (2) The investigating Commissioner must:
 - (a) complete the investigation as quickly as the requirements of this Act and a proper consideration of the conduct issue permits; and
 - (b) observe the requirements of procedural fairness when conducting the investigation.
- (3) Conduct issues may be investigated together.

24CP Requirement to cooperate

- (1) This section applies if the respondent is:
 - (a) a person covered by paragraph 6(1)(a) or (b); or
 - (b) a MOPS employee.
- (2) The respondent must cooperate with any person who is performing functions, or exercising powers, under this Act in relation to the investigation.

Note: A failure to comply with this subsection may constitute a breach of a Behaviour Code.

24CQ Commissioner may recommend suspension for non-parliamentarians during investigation

- (1) This section applies if the respondent is not a parliamentarian.

- (2) The investigating Commissioner may recommend that the respondent's employer suspend the respondent from duties:
 - (a) if the Commissioner is reasonably satisfied that the employer should do so to comply with a duty or obligation under a work health and safety law; and
 - (b) for a specified period of no longer than 30 days.
- (3) The investigating Commissioner must consult the respondent's employer in determining:
 - (a) whether to make the recommendation, if a recommendation has previously been made under this section in relation to the respondent; and
 - (b) the period to be specified.

Subdivision D—Report of investigation into conduct issue

24CR Application of Subdivision

This Subdivision applies after an investigation into a conduct issue is completed.

24CS Parliamentarian decision panel

- (1) If the respondent is a current or former parliamentarian, the Chair Commissioner must, as soon as practicable, constitute a panel (the *parliamentarian decision panel*) for the conduct issue.
- (2) The parliamentarian decision panel must consist of:
 - (a) the investigating Commissioner; and
 - (b) 2 other Commissioners.
- (3) The Chair Commissioner may reconstitute the parliamentarian decision panel at any time.
- (4) Anything done by the parliamentarian decision panel must be agreed to by a majority of the panel's members.

Section 24CT

24CT Draft report on investigation

- (1) The decision-maker must prepare a draft report on the investigation.
- (2) The *decision-maker* for the conduct issue is:
 - (a) if the respondent is a current or former parliamentarian—the parliamentarian decision panel for the issue; or
 - (b) otherwise—the investigating Commissioner.
- (3) If the decision-maker is a parliamentarian decision panel:
 - (a) the investigating Commissioner must provide to the panel relevant evidence and other material gathered during the investigation; and
 - (b) the panel may request the investigating Commissioner to obtain such other evidence or material about the conduct issue as the panel requires; and
 - (c) the panel must consider the evidence and other material in preparing the draft report.

24CU Contents of draft report

The draft report must set out:

- (a) the decision-maker’s preliminary findings on the conduct issue, including whether the respondent has engaged in relevant conduct; and
- (b) a summary of the evidence and other material on which those preliminary findings are based; and
- (c) if there is a preliminary finding that the respondent has engaged in relevant conduct—any recommendations that the decision-maker proposes to make in relation to the respondent; and
- (d) if there is a preliminary finding that the respondent has engaged in relevant conduct and the respondent is a current or former parliamentarian—any sanctions that the decision-maker proposes to impose on the respondent; and
- (e) if:

- (i) there is a preliminary serious breach finding in relation to the respondent; and
- (ii) the respondent is a current member of a House of the Parliament; and
- (iii) there is a preliminary finding that it is appropriate for a parliamentary sanction to be imposed on the respondent; whether the decision-maker proposes to refer the preliminary serious breach finding to the Privileges Committee of that House.

Note: The decision-maker is not required to propose a recommendation, sanction or referral, even if there is a preliminary finding that the respondent has engaged in relevant conduct.

24CV Opportunity to respond to preliminary findings and proposed sanctions etc.

- (1) This section applies if the draft report sets out:
 - (a) a preliminary finding that is critical (either expressly or impliedly) of a person; or
 - (b) a proposed recommendation to take an action in relation to a person; or
 - (c) a proposed sanction to be imposed on a person; or
 - (d) a proposed referral of a serious breach finding in relation to a person to the Privileges Committee of a House of the Parliament.
- (2) The decision-maker must give the person:
 - (a) a statement setting out the preliminary finding or proposal; and
 - (b) a reasonable opportunity to respond to the preliminary finding or proposal.

24CW Draft report may be given to respondent or complainant

- (1) The decision-maker may, if the decision-maker considers it appropriate to do so, give a copy of the draft report to either or both of the following:

Section 24CX

- (a) the respondent;
 - (b) if the conduct issue arose from a conduct complaint or conduct issue referral—the complainant.
- (2) The decision-maker must exclude from the copy any information that the decision-maker is satisfied is sensitive information.

24CX Apologies by the respondent

- (1) This section applies if:
- (a) before the draft report is prepared, the investigating Commissioner is satisfied as mentioned in subsection (2); or
 - (b) after the draft report is prepared and before a decision is made under section 24CY, the decision-maker is satisfied as mentioned in subsection (2) of this section.
- (2) For the purposes of paragraphs (1)(a) and (b), the investigating Commissioner or decision-maker must be satisfied that:
- (a) it would be appropriate in the circumstances, taking into account the seriousness of the conduct concerned, for the respondent to apologise to a person affected by the conduct concerned; and
 - (b) the conduct concerned would not constitute an offence.
- (3) The investigating Commissioner or decision-maker may facilitate, in such manner as they see fit, the making of the apology if:
- (a) the respondent consents to making the apology; and
 - (b) the person consents to receiving the apology.
- (4) The making of the apology:
- (a) is not an admission of fault or liability; and
 - (b) is not admissible in evidence against the respondent in any civil proceedings in respect of the conduct concerned.
- (5) The decision-maker may take the apology into account in making a decision under section 24CY.

24CY Decision on conduct issue

Decision on conduct issue

- (1) After considering the responses (if any) given on the draft report, the decision-maker must decide:
 - (a) whether the decision-maker is satisfied, on the balance of probabilities, that the respondent has engaged in relevant conduct; and
 - (b) if the decision-maker is satisfied that the respondent has engaged in relevant conduct—whether to make any recommendations in relation to the respondent; and
 - (c) if the decision-maker is satisfied that the respondent has engaged in relevant conduct, and the respondent is a current or former parliamentarian—whether to impose any sanctions on the respondent; and
 - (d) if:
 - (i) the decision-maker is satisfied that the respondent has engaged in relevant conduct that is serious; and
 - (ii) the respondent is a current member of a House of the Parliament; and
 - (iii) the decision-maker is satisfied that it is appropriate for a parliamentary sanction to be imposed on the respondent; whether to refer the finding (the *serious breach finding*) that the respondent has engaged in the relevant conduct to the Privileges Committee of that House.

Note 1: To avoid doubt, a finding by the decision-maker that the respondent has engaged in relevant conduct is not a finding of guilt in relation to an offence against a law of the Commonwealth, a State or a Territory.

Note 2: The decision-maker is not required to make a recommendation, impose a sanction or make a referral, even if the decision-maker is satisfied that the respondent has engaged in relevant conduct.

Note 3: The decision-maker may, in making a decision under this section, take into account any apology made by the respondent that was facilitated by a Commissioner (see subsection 24CX(5)).

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- (2) The decision-maker may decide to make a recommendation, impose a sanction or refer a serious breach finding only if the decision-maker is satisfied that doing so is necessary to promote appropriate conduct in Commonwealth parliamentary workplaces.
- (3) A decision made by the decision-maker comes into operation on:
 - (a) if an application under section 24DA for review of the decision has been made within the period specified in that section—the day after the application is finally determined; or
 - (b) if an application under section 24DA for review of the decision has not been made within the period specified in that section—the day after the end of that period.

Note: If a review panel varies or substitutes the decision, the decision as varied or the substituted decision is taken to be the decision of the decision-maker (see subsection 24DD(6)).

Recommendations that may be made

- (4) For the purposes of paragraph (1)(b), the following recommendations may be made:
 - (a) if the respondent is a MOPS employee—a recommendation for the respondent’s employer to take any of the following actions within a specified period:
 - (i) give the respondent a written reprimand;
 - (ii) require the respondent to undertake training or professional development;
 - (iii) require the respondent to enter into an agreement with the employer about the respondent’s future behaviour;
 - (iv) re-assign the respondent’s duties, if it is reasonably practicable to do so;
 - (v) deduct from the respondent’s annual salary, by way of fine, an amount not exceeding 2% of that salary;
 - (vi) terminate the respondent’s employment;
 - (b) if the respondent is a non-core participant—a recommendation for a Presiding Officer to restrict or remove the respondent’s access to the precincts (within the meaning

of the *Parliamentary Precincts Act 1988*) for a specified period;

- (c) if the respondent is a former MOPS employee—a recommendation for the respondent’s former employer to give the respondent a written reprimand;
- (d) if the respondent is neither a parliamentarian nor a MOPS employee—a recommendation for the respondent’s employer to take, within a specified period, any action that the decision-maker considers appropriate, taking into account the seriousness of the conduct concerned.

Sanctions that may be imposed

- (5) For the purposes of paragraph (1)(c), the following sanctions may be imposed:
 - (a) a written reprimand;
 - (b) a requirement that the respondent undertake training or professional development within a specified period;
 - (c) a requirement that the respondent enter into an agreement with the IPSC about the respondent’s future behaviour.

Deduction of amounts from salary

- (6) If the decision-maker recommends that an amount be deducted from the respondent’s salary by way of fine:
 - (a) the fine may be deducted from a payment of salary made to the respondent; or
 - (b) 2 or more amounts that in total equal the fine may be deducted from 2 or more payments of salary made to the respondent.

24CZ Final report on investigation

- (1) The decision-maker must prepare a final report on the investigation that sets out:
 - (a) the decisions made by the decision-maker; and

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- (b) any other findings on the conduct issue that the decision-maker thinks fit to make; and
 - (c) a summary of the evidence and other material on which those decisions and findings are based.
- (2) The decision-maker must, as soon as practicable after preparing the final report, give a copy of the report to:
 - (a) the respondent; and
 - (b) if the conduct issue arose from a conduct complaint or conduct issue referral—the complainant; and
 - (c) if the respondent is a MOPS employee—the respondent’s employer.
- (3) If an application under section 24DA for review of a decision set out in the report has not been made within the period specified in that section, or has been made and dismissed, the decision-maker must give a copy of the report to:
 - (a) if the conduct issue arose from a conduct issue referral—the referrer; and
 - (b) if the report contains a decision to recommend that a Presiding Officer take an action—that Presiding Officer; and
 - (c) if both of the following apply—the Prime Minister:
 - (i) the respondent is a Minister (whether or not the respondent was a Minister at the time of the conduct concerned);
 - (ii) the report contains a finding that the respondent has engaged in relevant conduct; and
 - (d) if the respondent is a member of a Parliamentary party and both of the following apply—the Leader of that Parliamentary party:
 - (i) the respondent is a Presiding Officer;
 - (ii) the report contains a decision to refer a serious breach finding in relation to the respondent to the Privileges Committee of a House of the Parliament; and
 - (e) if both of the following apply—the respondent’s employer:
 - (i) the respondent is not a MOPS employee;

- (ii) the report contains a decision to recommend that the employer take an action; and
- (f) if all of the following apply—the respondent’s former employer:
 - (i) the respondent is a former MOPS employee;
 - (ii) the report contains a decision to recommend that the respondent’s former employer give the respondent a written reprimand;
 - (iii) it is reasonably practicable to do so.

Note: If an application for review has been made and has not been dismissed, a copy of the final report may be given to some of the persons mentioned in this subsection after the review is completed (see subsection 24DE(4)).

- (4) If the respondent is a parliamentarian or MOPS employee, the decision-maker may give a copy of the report to the CEO for purposes connected with the performance or exercise of the CEO’s functions or powers.
- (5) The decision-maker must exclude from a copy of a report given under this section any information that the decision-maker is satisfied is sensitive information.

Division 4—Review

24D Application of Division

This Division applies in relation to a decision made under section 24CY by the decision-maker for a conduct issue.

24DA Applying for internal review

Who can apply

- (1) The respondent for the conduct issue may apply to the IPSC for review of the following decisions:
 - (a) a decision to make a finding that the respondent has engaged in relevant conduct;
 - (b) if the respondent is a core participant—any or all of the following:
 - (i) a decision to make one or more recommendations in relation to the respondent;
 - (ii) a decision to make a particular recommendation in relation to the respondent;
 - (iii) a decision to impose one or more sanctions on the respondent;
 - (iv) a decision to impose a particular sanction on the respondent;
 - (v) a decision to refer a serious breach finding in relation to the respondent to the Privileges Committee of a House of the Parliament.
 - (2) If the conduct issue arose from a conduct complaint or conduct issue referral, the complainant may apply to the IPSC for review of the following decisions:
 - (a) a decision to make a finding that the respondent has not engaged in relevant conduct;
 - (b) if the respondent is a core participant—any or all of the following:
-

- (i) a decision to make one or more recommendations in relation to the respondent;
 - (ii) a decision to make a particular recommendation in relation to the respondent;
 - (iii) a decision to impose one or more sanctions on the respondent;
 - (iv) a decision to impose a particular sanction on the respondent;
 - (v) a decision to refer a serious breach finding in relation to the respondent to the Privileges Committee of a House of the Parliament;
- (c) if a finding is made that the respondent has engaged in relevant conduct—either or both of the following:
- (i) a decision not to make a recommendation in relation to the respondent;
 - (ii) a decision not to impose a sanction on the respondent;
- (d) if a serious breach finding is made in relation to the respondent—a decision not to refer the finding to the Privileges Committee of a House of the Parliament.
- (3) If the respondent for the conduct issue is a MOPS employee, the respondent’s employer may apply to the IPSC for review of a decision to make a recommendation for the employer to take an action in relation to the respondent.

Requirements for application

- (4) An application for review of a decision must:
- (a) be made in writing; and
 - (b) set out the reasons for making the application; and
 - (c) be made within:
 - (i) 28 days after the applicant is given, under section 24CZ, a copy of the final report that sets out the decision; or
 - (ii) if the period within which the application may be made is extended under section 24DB—the extended period.

Section 24DB

24DB Extension of period for applying for review

- (1) A person may apply to the Chair Commissioner to extend the period during which the person may apply for review of a decision.
- (2) The application must:
 - (a) be made in writing; and
 - (b) set out the reasons for making the application; and
 - (c) be made within 28 days after the person is given, under section 24CZ, a copy of the final report that sets out the decision.
- (3) The Chair Commissioner may extend the period if the Chair Commissioner considers that there are reasonable grounds to do so.

24DC Notice of application

- (1) The Chair Commissioner must give written notice of an application made under section 24DA to:
 - (a) the respondent for the conduct issue concerned; and
 - (b) if the conduct issue concerned arose from a conduct complaint or conduct issue referral—the complainant; and
 - (c) if the respondent is a MOPS employee—the respondent’s employer.
- (2) The notice must set out the effect of section 24DG (requirement to cooperate).

24DD Internal review

Review panel

- (1) The Chair Commissioner must, as soon as practicable after an application for review of a decision (the **original decision**) is made under section 24DA, constitute a panel (the **review panel**) to deal with the application.

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- (2) The review panel must consist of 3 Commissioners, which must not include any Commissioner who made, or was involved in making, the original decision.
- (3) The Chair Commissioner may reconstitute the review panel at any time.

Review panel may dismiss application

- (4) The review panel may, at any time, dismiss the application if satisfied that the application:
 - (a) is frivolous, vexatious, misconceived or lacking in substance or was not made in good faith; or
 - (b) has no reasonable prospects of success; or
 - (c) is otherwise an abuse of the process of the IPSC.

Process for review

- (5) After reviewing the original decision, the review panel must make a decision (the **review decision**):
 - (a) affirming the original decision; or
 - (b) varying the original decision; or
 - (c) setting aside, and making a decision in substitution for, the original decision.
- (6) If the review panel makes a review decision mentioned in paragraph (5)(b) or (c), the original decision as varied, or the decision made in substitution for the original decision, is taken to be a decision of the Commissioner or parliamentary decision panel that made the original decision.

24DE Notice of review decision etc.

Notice of review decision

- (1) The review panel must, as soon as practicable after the review decision is made, give written notice of the decision and the reasons for the decision to:

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- (a) the applicant for the review; and
 - (b) if the conduct issue concerned arose from a conduct complaint or conduct issue referral—the complainant; and
 - (c) if the conduct issue concerned arose from a conduct issue referral—the referrer; and
 - (d) the respondent for the conduct issue concerned; and
 - (e) if both of the following apply—the Prime Minister:
 - (i) the respondent for the conduct issue concerned is a Minister (whether or not the respondent was a Minister at the time of the conduct);
 - (ii) the review decision is to make, or affirm the original decision to make, a finding that the respondent has engaged in relevant conduct; and
 - (f) if the respondent for the conduct issue concerned is a MOPS employee—the respondent’s employer; and
 - (g) if the review decision is to make, or affirm the original decision to make, a recommendation for a person to take an action—that person.
- (2) The notice under subsection (1) must also be given to the Leader of a Parliamentary party if:
- (a) the respondent for the conduct issue concerned is a Presiding Officer who is a member of that party; and
 - (b) the review decision is to refer, or affirm the original decision to refer, a serious breach finding in relation to the respondent to the Privileges Committee of a House of the Parliament.
- (3) If the respondent for the conduct issue concerned is a parliamentarian or MOPS employee, the notice under subsection (1) may be given to the CEO for purposes connected with the performance or exercise of the CEO’s functions or powers.

Copy of final report

- (4) The review panel must also give a copy of the final report that sets out the original decision to:

- (a) if the conduct issue concerned arose from a conduct issue referral—the referrer; and
- (b) if the original decision was to make a recommendation for a Presiding Officer to take an action and the review decision affirms the original decision—that Presiding Officer; and
- (c) if all of the following apply—the Prime Minister:
 - (i) the respondent for the conduct issue concerned is a Minister (whether or not the respondent was a Minister at the time of the conduct);
 - (ii) the original decision was to make a finding that the respondent has engaged in relevant conduct;
 - (iii) the review decision affirms the original decision; and
- (d) if the respondent for the conduct issue concerned is a member of a Parliamentary party and all of the following apply—the Leader of that Parliamentary party:
 - (i) the respondent is a Presiding Officer;
 - (ii) the original decision was to refer a serious breach finding in relation to the respondent to the Privileges Committee of a House of the Parliament;
 - (iii) the review decision affirms the original decision; and
- (e) if all of the following apply—the employer of the respondent for the conduct issue concerned:
 - (i) the respondent is not a MOPS employee;
 - (ii) the original decision was to make a recommendation for the employer to take an action;
 - (iii) the review decision affirms the original decision.

Sensitive information

- (5) The review panel must exclude any information that the panel is satisfied is sensitive information from:
 - (a) a notice given under subsection (1); and
 - (b) a copy of a report given under subsection (4).

Section 24DF

24DF Conduct of reviews etc.

- (1) A review panel may review a decision in such manner as the members of the panel think fit.
- (2) The review panel must:
 - (a) complete the review as quickly as the requirements of this Act and a proper consideration of the matters before the panel permits; and
 - (b) observe the requirements of procedural fairness when conducting the review.
- (3) Anything done by the review panel must be agreed to by a majority of the panel's members.

24DG Requirement to cooperate

- (1) This section applies in relation to a review of a decision on a conduct issue if the respondent for the issue is:
 - (a) a person covered by paragraph 6(1)(a) or (b); or
 - (b) a MOPS employee.
- (2) The respondent must cooperate with any person who is performing functions, or exercising powers, under this Act in relation to the review.

Note: A failure to comply with this subsection may constitute a breach of a Behaviour Code.

Division 5—Referral of serious breach findings to Parliament

24E Application of Division

This Division applies if:

- (a) both of the following apply:
 - (i) the decision-maker for a conduct issue decides to refer a serious breach finding in relation to the respondent to the Privileges Committee of a House of the Parliament;
 - (ii) an application under section 24DA for review of a decision has not been made within the period specified in that section, or has been made and dismissed; or
- (b) a review panel makes a review decision to refer, or affirm the original decision to refer, a serious breach finding in relation to the respondent for a conduct issue to the Privileges Committee of a House of the Parliament.

24EA Referral to Privileges Committee

- (1) The decision-maker or review panel must, as soon as practicable:
 - (a) refer the serious breach finding to the Privileges Committee; and
 - (b) give a statement to the Committee that sets out such information as the decision-maker or review panel considers necessary to assist the Committee to understand the reasons for the decision.

Notice of proposal to include identifying information—other than for respondent parliamentarians

- (2) Before including identifying information in the statement, the decision-maker or review panel must give the person concerned a written notice stating that they are proposing to include the information in the statement.

Section 24EB

- (3) Subsection (2) does not apply if the identifying information relates to the respondent.

Requirement to consult on proposal to include identifying information

- (4) The written notice must also invite the person to:
- (a) make submissions to the decision-maker or review panel in relation to the proposal; and
 - (b) do so within the period specified in the notice, which must be a reasonable period.
- (5) If the person makes the submissions, the decision-maker or review panel must:
- (a) have regard to the submissions in deciding whether or not to include the identifying information; and
 - (b) give the person written notice of their decision.

24EB Privileges Committee to make recommendations to House

- (1) The Privileges Committee must:
- (a) decide whether to recommend that the House impose on the respondent:
 - (i) any parliamentary sanctions; and
 - (ii) any other sanctions that the Committee considers necessary to promote appropriate conduct in Commonwealth parliamentary workplaces; and
 - (b) report the Committee's decision to the House.

Note: The Committee may decide not to recommend that the House impose any sanction on the respondent.

- (2) The Privileges Committee must make the decision within:
- (a) 60 calendar days after the referral of the serious breach finding; or
 - (b) if the Committee requires additional time to make the decision—such longer period after the referral as the Committee resolves.

24EC House may resolve to impose sanctions

- (1) At any time after the Privileges Committee reports its decision to recommend that the House impose a sanction on the respondent, the House may resolve to impose:
 - (a) that sanction; and
 - (b) any other sanction that the House considers necessary to promote appropriate conduct in Commonwealth parliamentary workplaces.

Deduction of fines

- (2) If the House resolves to deduct an amount from the respondent's salary by way of fine, the relevant Secretary may:
 - (a) deduct the fine from a payment of salary made to the respondent; or
 - (b) deduct 2 or more amounts that in total equal the fine from 2 or more payments of salary made to the respondent.
- (3) For the purposes of subsection (2), the *relevant Secretary* is:
 - (a) if the House is the House of Representatives—the Secretary of the Department of the House of Representatives; or
 - (b) if the House is the Senate—the Secretary of the Department of the Senate.

24ED Powers of Houses not limited

To avoid doubt, this Division does not limit the power of a House of the Parliament to suspend, or take any other action in relation to, a member of that House, whether or not the member is the subject of a serious breach finding.

Division 6—Information management

Subdivision A—Requiring information and documents etc.

24F Notice to give information etc.

Application

- (1) This section applies if:
 - (a) the investigating Commissioner for a conduct issue has reasonable grounds to believe that a person has information, or a document or thing, that is relevant to:
 - (i) a preliminary inquiry mentioned in section 24CG in relation to the issue; or
 - (ii) the investigation of the issue under Subdivision C of Division 3; or
 - (iii) the preparation of a report under Subdivision D of Division 3 on the issue; or
 - (b) a review panel dealing with an application for review under Division 4 has reasonable grounds to believe that a person has information, or a document or thing, that is relevant to the review.

Notice to give information etc.

- (2) The Commissioner or panel may, by written notice given to the person, require the person to:
 - (a) give any such information to the Commissioner or panel; or
 - (b) produce any such document or thing to the Commissioner or panel; or
 - (c) attend an interview with the Commissioner or panel, including to make a statement or answer questions.

Note: This does not affect the law relating to parliamentary privileges and immunities (see section 67).

- (3) The notice must:
-

- (a) if the notice requires the person to give information or produce a document or thing—specify:
 - (i) the period (which must be at least 14 days after the notice is given to the person) within which the person is required to comply with the notice; and
 - (ii) the manner in which the person is required to comply with the notice; and
- (b) if the notice requires the person to attend an interview—specify:
 - (i) a time and place at which the person is to attend; and
 - (ii) the nature of the matter to which the interview will relate; and
- (c) in any case—state the effect of sections 24FA (when compliance with notice is not required) and 24FB (offence—failure to comply with notice to give information etc.) of this Act, and sections 137.1 and 137.2 of the *Criminal Code* (false or misleading information or documents).

Person may notify Commissioner or panel if unable to attend interview

- (4) If:
 - (a) the notice requires the person to attend an interview; and
 - (b) there is a reason why it is not reasonably practicable for the person to do so;the person may, within 7 days after receiving the notice, notify the Commissioner or panel of the reason.

Note: A person commits an offence if the person fails to comply with a requirement of a notice under this section unless it is not reasonably practicable for the person to do so (see section 24FB).

24FA When compliance with notice is not required

- (1) A person (the *recipient*) is not required to comply with a requirement of a notice given to the recipient under section 24F if subsection (2) or (3) of this section applies.

Section 24FA

Information etc. relating to support services

- (2) This subsection applies if the requirement relates to information, a document or a thing obtained or brought into existence in the course of, or for the purposes of, providing a service under section 15 (support function).

Information etc. relating to informant's identity

- (3) This subsection applies if:
- (a) the requirement relates to information, a document or a thing given by a person (the **informant**), whether directly or indirectly:
 - (i) to another person who works in a professional capacity as a journalist; and
 - (ii) in the normal course of the journalist's work as a journalist; and
 - (b) the journalist reasonably believes that the informant has provided the information on the express or implied understanding that the informant's identity would not be disclosed; and
 - (c) compliance with the requirement would disclose the identity of the informant or enable that identity to be ascertained; and
 - (d) the recipient is:
 - (i) the journalist; or
 - (ii) the journalist's employer; or
 - (iii) assisting the journalist and employed or engaged by the journalist's employer; or
 - (iv) assisting the journalist in the recipient's professional capacity.
- (4) If the journalist is a staff member of a Commonwealth entity, the reference in subsection (3) to the journalist's employer is taken to include a reference to:
- (a) if the accountable authority (within the meaning of the *Public Governance, Performance and Accountability Act 2013*) of the entity is a single person—that person; or

- (b) if the accountable authority (within the meaning of that Act) of the entity is a governing body or other group of persons:
 - (i) the chief executive officer (however described) of the entity (unless subparagraph (ii) applies); or
 - (ii) if the PWSS rules prescribe another person as the head of the entity—that other person.
- (5) For the purposes of subsection (4), the following are *staff members* of a Commonwealth entity:
 - (a) an official (within the meaning of the *Public Governance, Performance and Accountability Act 2013*) of the entity;
 - (b) an individual who is employed by, or engaged in assisting:
 - (i) the entity; or
 - (ii) a staff member of the entity on behalf of the entity or the Commonwealth.

24FB Offence—failure to comply with notice to give information etc.

- (1) A person commits an offence if:
 - (a) the person is required to give information, produce a document or thing or attend an interview in accordance with a notice given to the person under section 24F; and
 - (b) the person fails to comply with the requirement.

Penalty: 30 penalty units.

- (2) Subsection (1) does not apply if it is not reasonably practicable for the person to comply with the requirement.

Note: A defendant bears an evidential burden in relation to the matter in subsection (2) (see subsection 13.3(3) of the *Criminal Code*).

24FC Interviews

Conduct of interview

- (1) If a person (the *interviewee*) is required under section 24F to attend an interview with an investigating Commissioner or review panel, the interview must take place in private.

Section 24FC

- (2) The Commissioner or panel may conduct the interview in such manner as the Commissioner or panel thinks fit.
- (3) Subject to subsection (8), the following are entitled to be present at the interview:
 - (a) a support person for the interviewee;
 - (b) a legal practitioner engaged by the interviewee.

Note: A *support person* for the interviewee may be approved under subsection (4) of this section or subsection 24FI(2) (see the definition of that term in section 5).

Support persons

- (4) On application by the interviewee, the Commissioner or panel must, in writing, approve a person as a support person for the interviewee if satisfied that the presence of the person at the interview would not prejudice any process, or any action, taken in accordance with Division 3 or 4.
- (5) An approval under subsection (4) is not a legislative instrument.

Legal practitioners

- (6) If a legal practitioner engaged by the interviewee is present during the interview, the Commissioner or panel must:
 - (a) allow the interviewee to consult with the legal practitioner in private and provide reasonable facilities for that consultation; and
 - (b) allow the legal practitioner to give advice to the interviewee.

Directions about conduct that unreasonably interferes with interview

- (7) If:
 - (a) a person mentioned in subsection (3) is present during the interview; and
 - (b) the Commissioner or panel is of the opinion that the person is engaging in conduct that unreasonably interferes with the interview;

the Commissioner or panel may direct the person to cease engaging in the conduct.

- (8) A person who fails to comply with a direction under subsection (7) is no longer entitled to be present during the interview.

24FD Retaining documents and things

- (1) This section applies if a document or thing is produced to an investigating Commissioner or review panel under section 24F.
- (2) The Commissioner or panel:
- (a) may make copies of the document or thing, or take extracts from the document; and
 - (b) may retain possession of the document or thing for such period as is necessary for the purposes of the performance of the Commissioner's or panel's functions.
- (3) While the Commissioner or panel retains the document or thing, the Commissioner or panel must allow a person who would otherwise be entitled to inspect the document or view the thing:
- (a) to do so at all reasonable times; and
 - (b) to copy the document or thing.
- (4) Subsection (3) does not apply if:
- (a) possession of the document or thing by the person could constitute an offence; or
 - (b) inspecting or copying the document or thing (as the case requires) would compromise or damage the document or thing; or
 - (c) the Commissioner or panel is satisfied that allowing the person to inspect the document or view the thing would prejudice the performance of the Commissioner's or panel's functions.

Section 24FE

24FE When documents and things must be returned

- (1) This section applies if an investigating Commissioner or review panel is satisfied that a document or thing produced to the Commissioner or panel under section 24F is not required (or is no longer required) for the purposes of the performance of the Commissioner's or panel's functions.
- (2) The Commissioner or panel must take reasonable steps to return the document or thing to the person from whom it was received, or to the owner if that person is not entitled to possess it.
- (3) However, the Commissioner or panel does not have to take those steps if:
 - (a) possession of the document or thing by the person could constitute an offence; or
 - (b) the document or thing may otherwise be retained, destroyed or disposed of under a law of the Commonwealth or a State or a Territory, or a court/tribunal order; or
 - (c) the document or thing is forfeited or forfeitable to the Commonwealth or is the subject of a dispute as to ownership.

24FF Privilege against self-incrimination and legal professional privilege not abrogated

Self-incrimination

- (1) Nothing in this Subdivision affects the right of a person to refuse to answer a question, give information, or produce a document, on the ground that the answer to the question, the information or the production of the document might tend to incriminate the person.

Legal professional privilege

- (2) Nothing in this Subdivision affects the right of a person to refuse to answer a question, give information, or produce a document, on the ground that:

- (a) the answer to the question or the information would be privileged from being given on the ground of legal professional privilege; or
- (b) the document would be privileged from being produced on the ground of legal professional privilege.

Other legislation not affected

- (3) The fact that this section is included in this Subdivision does not imply that the privilege against self-incrimination or legal professional privilege is abrogated in:
 - (a) any other provision of this Act; or
 - (b) any other Act.

Subdivision B—Confidentiality notices

24FG Application of Subdivision

This Subdivision applies to information that:

- (a) relates to any process, or any action, taken in accordance with Division 3, 4 or 5 in relation to a conduct issue that was or is before the IPSC; and
- (b) has not been lawfully made available to the public.

24FH Confidentiality notices

Confidentiality notices

- (1) The responsible Commissioner or Commissioners may, by written notice given to a person (the *recipient*), impose such conditions on:
 - (a) the making of a record of the information by the recipient or other persons; and
 - (b) the disclosure of the information by the recipient or other persons;as the responsible Commissioner or Commissioners considers appropriate to do any or all of the following:
 - (c) prevent prejudice to:

Section 24FH

- (i) any process, or any action, taken in accordance with Division 3, 4 or 5; or
 - (ii) the fair trial of any person or the impartial adjudication of a matter; or
 - (iii) the proper enforcement of the law;
 - (d) protect the identity of:
 - (i) a complainant, respondent or any other person affected by the conduct issue; or
 - (ii) any person who has given, or who the responsible Commissioner or Commissioners reasonably believe may give, information to the responsible Commissioner or Commissioners in connection with the conduct issue;
 - (e) prevent unreasonable detriment to a complainant, respondent or any other person affected by the conduct issue;
 - (f) prevent the publication of sensitive information.
- (2) A notice under subsection (1) must:
- (a) set out the effect of sections 24FI (disclosures etc. to which confidentiality notices do not apply) and 24FJ (offence—failure to comply with confidentiality notice); and
 - (b) specify the period for which a condition is in force.

Period of notice

- (3) The period specified in the notice must end:
- (a) if paragraph (b) does not apply—no later than the end of the day on which the conduct issue is concluded; or
 - (b) if the responsible Commissioner or Commissioners are satisfied that it is appropriate for the period to end at a later time in order to do any or all of the things mentioned in paragraphs (1)(c) to (f)—that later time.
- (4) For the purposes of paragraph (3)(a), a conduct issue is **concluded**:
- (a) if a decision on the issue is made under section 24CY and an application under section 24DA for review of the decision is made within the period specified in paragraph 24DA(4)(c)—when that application is finally determined; or

- (b) if a decision on the issue is made under section 24CY and an application under section 24DA for review of the decision is not made within the period specified in paragraph 24DA(4)(c)—when that period ends; or
- (c) otherwise—when the issue is dealt with in accordance with section 24CF.

24FI Disclosures etc. to which confidentiality notices do not apply

- (1) A condition imposed on a person (the *recipient*) under subsection 24FH(1) does not apply to:
 - (a) the making of a record or disclosure:
 - (i) that is required or authorised by or under this Act, another law of the Commonwealth, a law of a State or Territory or a court/tribunal order; or
 - (ii) that is required by or under, or for the purpose of obtaining advice in relation to, a contract of insurance; or
 - (iii) that is required by or under, or for the purpose of obtaining advice in relation to, a policy of insurance issued by the Commonwealth; or
 - (iv) to protect life or safety; or
 - (b) the making of a disclosure:
 - (i) to the PWSS for the purpose of a service provided under section 15 (support function) to the recipient; or
 - (ii) by the recipient to the recipient's employer, or to a person who supervises or manages the recipient, if the disclosure is of information that does not reveal the conduct issue; or
 - (iii) to a legal practitioner for the purpose of obtaining legal advice or representation in relation to a conduct issue, or a process or action taken in accordance with Division 3, 4 or 5; or
 - (iv) to a medical practitioner or psychologist for the purpose of obtaining medical or psychiatric care, treatment or counselling (including psychological counselling); or

Section 24FJ

(v) by the recipient to a support person for the recipient.

Note: A *support person* for the recipient may be approved under subsection 24FC(4) or subsection (2) of this section (see the definition of that term in section 5).

- (2) On application by the recipient, the responsible Commissioner or Commissioners must, in writing, approve a person as a support person for the recipient if satisfied that:
- (a) the recipient intends to make the disclosure to the person for the purpose of seeking support from the person; and
 - (b) the making of the disclosure to the person would not prejudice any process, or any action, taken in accordance with Division 3, 4 or 5.
- (3) An approval under subsection (2) is not a legislative instrument.

24FJ Offence—failure to comply with confidentiality notice

A person commits an offence if:

- (a) the person engages in conduct; and
- (b) the person's conduct breaches a condition under subsection 24FH(1).

Penalty: Imprisonment for 6 months or 30 penalty units, or both.

Subdivision C—Secrecy of information

24FK Unauthorised disclosure of information

- (1) A person who is or was an entrusted person commits an offence if:
- (a) the person (whether directly or indirectly and whether while, or after ceasing to be, an entrusted person):
 - (i) makes a record of any information; or
 - (ii) discloses any information; and
 - (b) the person obtained the information in the course of or for the purposes of:
 - (i) performing functions or duties, or exercising powers, under this Part; or

- (ii) assisting another person to perform functions or duties, or exercise powers, under this Part.

Penalty: Imprisonment for 6 months or 30 penalty units, or both.

- (2) Subsection (1) does not apply if the making of the record, or the disclosing of the information, is authorised by sections 24FL to 24FR.

24FL Disclosure etc. for purposes connected with functions and powers

The person may make a record of, or disclose, information (including personal information) if:

- (a) the person makes the record, or discloses the information, for purposes connected with the performance or exercise of functions or powers under this Act or another Act; and
- (b) the information does not relate to a conduct issue involving conduct that may constitute a serious offence against another person.

Note: A defendant bears an evidential burden in relation to the matter in this section (see subsection 13.3(3) of the *Criminal Code*).

24FM Disclosure etc. of information relating to serious offences

- (1) This section applies if the information relates to a conduct issue involving conduct that may constitute a serious offence against another person (the *potential victim*).
- (2) The person may make a record of the information (including personal information) for purposes connected with the performance or exercise of functions or powers under this Act or another Act.

Note: A defendant bears an evidential burden in relation to the matter in this subsection (see subsection 13.3(3) of the *Criminal Code*).

- (3) The person may disclose the information (including personal information) if the disclosure is:
 - (a) other than to the Australian Federal Police or the police force or police service of a State or Territory; and

Section 24FN

- (b) for purposes connected with the performance or exercise of functions or powers under this Act or another Act.

Note: A defendant bears an evidential burden in relation to the matter in this subsection (see subsection 13.3(3) of the *Criminal Code*).

- (4) The person may disclose the information (including personal information) to the Australian Federal Police, or the police force or police service of a State or Territory, if any of the following applies:

- (a) the potential victim consents to the disclosure;
- (b) the disclosure is for the purposes of deciding how to deal with the conduct issue;
- (c) the disclosure is required by or under another law of the Commonwealth, a law of a State or a Territory, or a court/tribunal order.

Note: A defendant bears an evidential burden in relation to the matter in this subsection (see subsection 13.3(3) of the *Criminal Code*).

24FN Disclosure etc. required or authorised by law

- (1) The person may make a record of, or disclose, information (including personal information) if the making of the record or the disclosure is required or authorised under this Act or another Act.

Note: A defendant bears an evidential burden in relation to the matter in this subsection (see subsection 13.3(3) of the *Criminal Code*).

- (2) To avoid doubt, and without limiting subsection (1), the disclosure of information is authorised under this Act if:

- (a) the investigating Commissioner refers a conduct issue to another person in accordance with this Act; and
- (b) the information is disclosed as part of the referral; and
- (c) the investigating Commissioner is satisfied that the disclosure is necessary to enable the other person to take appropriate action in relation to the issue.

24FO Disclosure etc. to protect life, health or safety

The person may make a record of, or disclose, information (including personal information) if the person reasonably believes that it is necessary to lessen or prevent a serious threat to the life, health or safety of any individual, or to public health or safety.

Note: A defendant bears an evidential burden in relation to the matter in this section (see subsection 13.3(3) of the *Criminal Code*).

24FP Disclosure etc. of publicly available information

The person may make a record of, or disclose, information (including personal information) if the information has already been lawfully made available to the public.

Note: A defendant bears an evidential burden in relation to the matter in this section (see subsection 13.3(3) of the *Criminal Code*).

24FQ Disclosure etc. to comply with requirement to produce

The person may make a record of, or disclose, information (including personal information) to a court, tribunal, authority or person that has the power to require the production of documents or the answering of questions.

Note: A defendant bears an evidential burden in relation to the matter in this section (see subsection 13.3(3) of the *Criminal Code*).

24FR Disclosure to employers

Disclosure with consent

- (1) The person may disclose information (including personal information) that relates to a conduct complaint or conduct issue referral if:
 - (a) the disclosure is to the employer of:
 - (i) the complainant; or
 - (ii) the respondent for the conduct issue concerned; and
 - (b) the complainant has consented to the disclosure; and

Section 24FR

(c) the disclosure is in accordance with that consent.

Note: A defendant bears an evidential burden in relation to the matter in this subsection (see subsection 13.3(3) of the *Criminal Code*).

Disclosure for work health and safety reasons

(2) The person may disclose information (including personal information) that relates to a conduct complaint or conduct issue referral if:

(a) the disclosure is to the employer of:

(i) the complainant; or

(ii) the respondent for the conduct issue concerned; and

(b) the person is satisfied that the information is relevant to a duty or obligation of the employer under a work health and safety law.

Note: A defendant bears an evidential burden in relation to the matter in this subsection (see subsection 13.3(3) of the *Criminal Code*).

Division 7—Public statements

24G Public statements to afford fairness

- (1) This section applies if:
 - (a) a conduct issue was or is before the IPSC; and
 - (b) any matter relating to the issue is already publicly available.
- (2) The responsible Commissioner or Commissioners may publish a statement containing information about the conduct issue if they are satisfied that doing so:
 - (a) would afford fairness to any person; or
 - (b) is otherwise necessary to correct erroneous reporting.
- (3) This section has effect subject to section 24GC (requirements for including identifying information in IPSC public statements).

24GA Public statements about parliamentarians

- (1) This section applies if, in relation to a conduct issue that was or is before the IPSC:
 - (a) a parliamentary decision panel imposes a sanction on a parliamentarian, and another parliamentary decision panel has previously made a finding that the parliamentarian has engaged in relevant conduct; or
 - (b) a parliamentary decision panel imposes a sanction on a parliamentarian and the parliamentarian fails to comply with the sanction.
- (2) The responsible Commissioner or Commissioners may publish a statement containing information about the conduct issue, which must include the identity of the parliamentarian.
- (3) However, before doing so, the responsible Commissioner or Commissioners must give the parliamentarian a written notice stating that they are proposing to publish the statement.

Section 24GB

- (4) This section has effect subject to section 24GC (requirements for including identifying information in IPSC public statements).

24GB Content and detail in IPSC public statements

The content and level of detail to be included in an IPSC public statement are to be determined by the responsible Commissioner or Commissioners concerned.

24GC Requirements for including identifying information in IPSC public statements

Notice of proposal to include identifying information—other than for respondent parliamentarians

- (1) Before including identifying information in an IPSC public statement, the responsible Commissioner or Commissioners must give the person concerned a written notice stating that they are proposing to include the information in the statement.
- (2) Subsection (1) does not apply if:
- (a) the statement is published under section 24GA (public statements about parliamentarians); and
 - (b) the identifying information relates to the parliamentarian whose conduct is the subject of the statement.

Requirement to consult on proposal to include identifying information

- (3) The written notice must also invite the person to:
- (a) make submissions to the responsible Commissioner or Commissioners in relation to the proposal; and
 - (b) do so within the period specified in the notice, which must be a reasonable period.
- (4) If the person makes the submissions, the responsible Commissioner or Commissioners must:

Section 24GC

- (a) have regard to the submissions in deciding whether or not to include the identifying information; and
- (b) give the person written notice of their decision.

Division 8—Protections and immunities

24H Meaning of protected disclosure

A person makes a *protected disclosure* if:

- (a) the person makes a conduct complaint; or
- (b) the person makes a conduct issue referral; or
- (c) the person gives information about a conduct issue to the IPSC, a Commissioner or the CEO; or
- (d) the person gives information to a parliamentarian and either:
 - (i) the parliamentarian uses the information to make a conduct issue referral; or
 - (ii) the person does so with the intention that the parliamentarian will use the information to make a conduct issue referral (whether or not the conduct issue referral is actually made); or
- (e) the person gives information, or produces a document or thing, to a Commissioner or review panel:
 - (i) under section 24F; or
 - (ii) in compliance with a request made by the Commissioner or panel.

24HA Offences—causing detriment in relation to protected disclosures

Causing detriment to another person

- (1) A person (the *first person*) commits an offence in relation to another person (the *second person*) if:
 - (a) the first person engages in conduct; and
 - (b) engaging in the conduct results in detriment to the second person; and
 - (c) when the conduct is engaged in, the first person believes or suspects that the second person, or any other person:
 - (i) has made a protected disclosure; or

- (ii) may have made a protected disclosure; or
- (iii) proposes to make a protected disclosure; or
- (iv) could make a protected disclosure; and
- (d) the belief or suspicion is the reason, or part of the reason, for engaging in the conduct.

Penalty: Imprisonment for 2 years or 120 penalty units, or both.

Threatening to cause detriment to another person

- (2) A person (the **first person**) commits an offence in relation to another person (the **second person**) if:
- (a) the first person engages in conduct; and
 - (b) engaging in the conduct consists of, or results in, a threat to cause detriment to the second person; and
 - (c) the first person is reckless as to whether the second person fears that the threat will be carried out; and
 - (d) when the conduct is engaged in, the first person believes or suspects that the second person, or any other person:
 - (i) has made a protected disclosure; or
 - (ii) may have made a protected disclosure; or
 - (iii) proposes to make a protected disclosure; or
 - (iv) could make a protected disclosure; and
 - (e) the belief or suspicion is the reason, or part of the reason, for engaging in the conduct.

Penalty: Imprisonment for 2 years or 120 penalty units, or both.

- (3) Subsection (2) applies whether or not the threat mentioned in paragraph (2)(b) is:
- (a) express or implied; or
 - (b) conditional or unconditional.

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Exception—reasonable administrative action

- (4) Subsections (1) and (2) do not apply if the conduct engaged in by the first person is administrative action that is reasonable to protect the second person from detriment.

Note: A defendant bears an evidential burden in relation to the matter in this subsection (see subsection 13.3(3) of the *Criminal Code*).

No requirement to prove matters related to protected disclosure

- (5) In a prosecution for an offence against this section, it is not necessary to prove that any person:
- (a) has made a protected disclosure; or
 - (b) may have made a protected disclosure; or
 - (c) proposes to make a protected disclosure; or
 - (d) could make a protected disclosure.

Note 1: For actions that constitute *detriment*, see the definition of that term in section 5.

Note 2: Proof of intention, knowledge or recklessness will satisfy a fault element of recklessness (see subsection 5.4(4) of the *Criminal Code*).

24HB Immunity from liability for protected disclosures

- (1) If a person makes a protected disclosure:
- (a) the person is not subject to any civil, criminal or administrative liability (including disciplinary action) for making the disclosure; and
 - (b) no contractual or other remedy may be enforced, and no contractual or other right may be exercised, against the person on the basis of the disclosure.
- (2) Without limiting subsection (1):
- (a) the person has absolute privilege in proceedings for defamation in respect of the disclosure; and
 - (b) a contract to which the person is a party must not be terminated on the basis that the disclosure constitutes a breach of the contract.

- (3) Subsection (1) does not prevent the making of the disclosure from giving rise to a conduct issue.

24HC Liability for false or misleading disclosures unaffected

- (1) Section 24HB does not apply to civil, criminal or administrative liability (including disciplinary action) for knowingly making a disclosure that is false or misleading.
- (2) Without limiting subsection (1), section 24HB does not apply to liability for:
- (a) an offence against section 137.1 or 137.2 of the *Criminal Code* (about false or misleading information or documents) that relates to the disclosure; or
 - (b) an offence against section 144.1 or 145.1 of the *Criminal Code* (about forgery) that relates to the disclosure.

24HD Person's liability for own conduct not affected

To avoid doubt, whether a person's disclosure of their own conduct is a protected disclosure does not affect the person's liability for the conduct.

24HE Claims for protection

- (1) If, in civil or criminal proceedings (the *primary proceedings*) instituted against a person in a court, the person makes a claim (relevant to the proceedings) that, because of section 24HB, the person is not subject to any civil, criminal or administrative liability for making a particular disclosure:
- (a) the person bears the onus of adducing or pointing to evidence that suggests a reasonable possibility that the claim is made out; and
 - (b) if the person discharges that onus—the party instituting the primary proceedings against the person bears the onus of proving that the claim is not made out; and
 - (c) the court must deal with the claim in separate proceedings; and

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- (d) the court must adjourn the primary proceedings until the claim has been dealt with; and
 - (e) none of the following:
 - (i) any admission made by the person in the separate proceedings;
 - (ii) any information given by the person in the separate proceedings;
 - (iii) any other evidence adduced by the person in the separate proceedings;is admissible in evidence against the person except in proceedings in respect of the falsity of the admission, information or evidence; and
 - (f) if the person or another person gives evidence in the separate proceedings in support of the claim—giving that evidence does not amount to a waiver of privilege for the purposes of the primary proceedings or any other proceedings.
- (2) To avoid doubt, a right under section 126K of the *Evidence Act 1995* not to be compelled to give evidence is a privilege for the purposes of paragraph (1)(f) of this section.

24HF Protection has effect despite other Commonwealth laws

Section 24HB has effect despite any other provision of a law of the Commonwealth, unless:

- (a) the provision is enacted after the commencement of this section; and
- (b) the provision is expressed to have effect despite this Division or section 24HB.

Part 2B—Application of the finance law

24J Simplified outline of this Part

This Part deals with the application of the finance law (within the meaning of the *Public Governance, Performance and Accountability Act 2013*).

24K Application of the finance law

For the purposes of the finance law (within the meaning of the *Public Governance, Performance and Accountability Act 2013*):

- (a) the following combination of bodies is a listed entity:
 - (i) the PWSS;
 - (ii) the IPSC; and
- (b) the listed entity is to be known as the Parliamentary Workplace Support Service; and
- (c) the CEO is the accountable authority of the listed entity; and
- (d) the following persons are officials of the listed entity:
 - (i) the CEO;
 - (ii) the Commissioners;
 - (iii) the staff of the PWSS referred to in section 38;
 - (iv) persons whose services are made available to the PWSS under section 39; and
- (e) the purposes of the listed entity include:
 - (i) the functions of the PWSS referred to in section 13; and
 - (ii) the functions of the IPSC referred to in section 24BA; and
 - (iii) the functions of the CEO referred to in section 27; and
 - (iv) the functions of the Commissioners referred to in section 36C.

Part 3 Chief Executive Officer of the PWSS

Division 1 Introduction

Section 25

Part 3—Chief Executive Officer of the PWSS

Division 1—Introduction

25 Simplified outline of this Part

There is to be a Chief Executive Officer of the PWSS.

The CEO's functions are:

- (a) to manage the affairs of the PWSS and IPSC; and
- (b) to ensure the PWSS performs its functions; and
- (c) to assist the IPSC and the Commissioners to perform their functions and exercise their powers.

The CEO is to be appointed by the Minister.

Division 2—Establishment and functions of the CEO

26 Chief Executive Officer

There is to be a Chief Executive Officer of the Parliamentary Workplace Support Service.

Note: In this Act, *CEO* means the Chief Executive Officer of the PWSS—see section 5.

27 Functions of the CEO

The functions of the CEO are:

- (a) to manage the affairs of the PWSS and IPSC; and
- (b) to ensure the PWSS performs its functions; and
- (ba) to assist the IPSC and the Commissioners to perform their functions and exercise their powers; and
- (c) any other functions conferred on the CEO by or under this Act or another law of the Commonwealth.

28 Independence of the CEO

Subject to this Act and other laws of the Commonwealth, the CEO:

- (a) has discretion in the performance or exercise of the functions or powers of the CEO; and
- (b) is not subject to direction by any person in relation to the performance or exercise of those functions or powers.

Division 3—Appointment of the CEO

29 Appointment of CEO

- (1) The CEO is to be appointed by the Minister by written instrument.

Note: The CEO may be reappointed: see section 33AA of the *Acts Interpretation Act 1901*.

- (2) A person must not be appointed as the CEO unless the Minister is satisfied that the person has skills, knowledge or experience in one or more of the following fields:

- (a) parliamentary workplaces;
- (b) human resources, work health and safety or industrial relations;
- (c) public administration or corporate governance.

- (3) Before the Minister appoints a person as the CEO, the Minister:

- (a) must consult with the Leader of each Parliamentary party that:
 - (i) does not form part of the Government; and
 - (ii) has at least 5 members who are senators or members of the House of Representatives; and
- (b) may consult with such other parliamentarians as the Minister considers appropriate.

- (4) The CEO holds office on a full-time basis.

- (5) The CEO holds office for the period specified in the instrument of appointment. The period must not exceed 5 years.

- (6) The appointment of a person as the CEO is not invalid because of a defect or irregularity in connection with the person's appointment.

30 Appointment of acting CEO

- (1) The Minister may, by written instrument, appoint a person to act as the CEO:

- (a) during a vacancy in the office of the CEO (whether or not an appointment has previously been made to the office); or
- (b) during any period, or during all periods, when the CEO:
 - (i) is absent from duty or Australia; or
 - (ii) is, for any reason, unable to perform the duties of the office.

Note: For rules that apply to acting appointments, see sections 33AB and 33A of the *Acts Interpretation Act 1901*.

- (2) A person must not be appointed to act as the CEO unless the Minister is satisfied that the person has skills, knowledge or experience in one or more of the following fields:
 - (a) parliamentary workplaces;
 - (b) human resources, work health and safety or industrial relations;
 - (c) public administration or corporate governance.

Division 4—Terms and conditions for the CEO

31 Remuneration of the CEO

- (1) The CEO is to be paid the remuneration that is determined by the Remuneration Tribunal. If no determination of that remuneration by the Tribunal is in operation, the CEO is to be paid the remuneration that is prescribed by the PWSS rules.
- (2) The CEO is to be paid the allowances that are prescribed by the PWSS rules.
- (3) This section has effect subject to the *Remuneration Tribunal Act 1973*.

32 Leave of absence of the CEO

- (1) The CEO has the recreation leave entitlements that are determined by the Remuneration Tribunal.
- (2) The Minister may grant the CEO leave of absence, other than recreation leave, on the terms and conditions as to remuneration or otherwise that the Minister determines.

33 Other employment of the CEO

The CEO must not engage in paid work outside the duties of the CEO's office without the Minister's approval.

34 Resignation of the CEO

- (1) The CEO may resign the CEO's appointment by giving the Minister a written resignation.
- (2) The resignation takes effect on the day it is received by the Minister or, if a later day is specified in the resignation, on that later day.

35 Termination of appointment of the CEO

Misbehaviour, incapacity or unsatisfactory performance

- (1) The Minister may terminate the appointment of the CEO:
 - (a) for misbehaviour; or
 - (b) if the CEO is unable to perform the duties of the CEO's office because of physical or mental incapacity; or
 - (c) if the performance of the CEO has been unsatisfactory for a significant period of time.

Bankruptcy etc.

- (2) The Minister may terminate the appointment of the CEO if:
 - (a) the CEO:
 - (i) becomes bankrupt; or
 - (ii) applies to take the benefit of any law for the relief of bankrupt or insolvent debtors; or
 - (iii) compounds with the CEO's creditors; or
 - (iv) makes an assignment of the CEO's remuneration for the benefit of the CEO's creditors; or
 - (b) the CEO is absent, except on leave of absence, for 14 consecutive days or for 28 days in any 12 months; or
 - (c) the CEO engages, except with the Minister's approval, in paid work outside the duties of the CEO's office (see section 33); or
 - (d) the CEO fails, without reasonable excuse, to comply with section 29 of the *Public Governance, Performance and Accountability Act 2013* (which deals with the duty to disclose interests) or rules made for the purposes of that section.

Consultation before termination

- (3) Before the Minister terminates the appointment of the CEO under subsection (1) or (2), the Minister:

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- (a) must consult with the Leader of each Parliamentary party that:
 - (i) does not form part of the Government; and
 - (ii) has at least 5 members who are senators or members of the House of Representatives; and
 - (b) may consult with such other parliamentarians as the Minister considers appropriate.
- (4) A failure to comply with paragraph (3)(a) does not affect the validity of a termination.

36 Other terms and conditions of the CEO

The CEO holds office on the terms and conditions (if any) in relation to matters not covered by this Act that are determined by the Minister.

Part 3A—Commissioners of the IPSC

Division 1—Introduction

36A Simplified outline of this Part

There is to be:

- (a) a Chair Commissioner of the IPSC; and
- (b) at least 6, and not more than 8, other Commissioners of the IPSC.

The Commissioners' functions include:

- (a) dealing with conduct issues in accordance with Divisions 3 to 6 of Part 2A; and
- (b) preparing and publishing IPSC public statements in accordance with Division 7 of Part 2A.

Commissioners are to be appointed by the Governor-General.

Division 2—Establishment and functions of Commissioners

36B Commissioners

- (1) There is to be:
 - (a) a Chair Commissioner of the IPSC; and
 - (b) at least 6, and not more than 8, other Commissioners of the IPSC.
- (2) At least 4 Commissioners must be women.

36C Functions of the Commissioners

A Commissioner has the following functions:

- (a) to deal with conduct issues in accordance with Divisions 3 to 6 of Part 2A;
- (b) to prepare and publish IPSC public statements in accordance with Division 7 of Part 2A;
- (c) such other functions as are conferred on a Commissioner by this Act or by any other law of the Commonwealth;
- (d) to do anything incidental to, or conducive to, the performance of the above functions.

36D Independence of the Commissioners

Subject to this Act and other laws of the Commonwealth, a Commissioner:

- (a) has discretion in the performance or exercise of the functions or powers of a Commissioner; and
- (b) is not subject to direction by any person in relation to the performance or exercise of those functions or powers.

Division 3—Appointment of Commissioners

36E Appointment of Commissioners

Appointment by Governor-General

- (1) A Commissioner (including the Chair Commissioner) is to be appointed by the Governor-General, by written instrument, on the recommendation of the Minister.

Qualification for appointment

- (2) A person must not be appointed as a Commissioner unless the Minister is satisfied that:
- (a) the selection of the person for the appointment is the result of a process that:
 - (i) was merit-based; and
 - (ii) included public advertising of the position; and
 - (b) one or more of the following apply:
 - (i) the person is enrolled as a legal practitioner and has been so enrolled for a period of 5 years;
 - (ii) the person is a former Commonwealth judicial officer;
 - (iii) the person is a former judge of the Supreme Court of a State or Territory;
 - (iv) the person has skills, knowledge or experience in investigating workplace misconduct.
- (3) Before the Minister makes a recommendation to the Governor-General:
- (a) the Minister must have referred the proposed recommendation to the Parliamentary Joint Committee under section 59H; and
 - (b) one of the following must have occurred:
 - (i) the Parliamentary Joint Committee is taken to have approved the proposed recommendation under subsection 59H(4);

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- (ii) the Parliamentary Joint Committee has notified the Minister that it has decided to approve the proposed recommendation.
- (4) A person must not be appointed as a Commissioner (including as the Chair Commissioner) if the person has previously been appointed as the Chair Commissioner.

Period of appointment

- (5) A Commissioner (including the Chair Commissioner) holds office for the period specified in the instrument of appointment. The period must not exceed 5 years.
- (6) A Commissioner (other than the Chair Commissioner) may be reappointed (other than as the Chair Commissioner) on one occasion after the Commissioner's first appointment.
- (7) A Commissioner (other than the Chair Commissioner) may be reappointed as the Chair Commissioner.

Basis of appointment

- (8) A Commissioner (including the Chair Commissioner) holds office on a part-time basis.

36F Acting Commissioners

- (1) The Minister may, by written instrument, appoint a person to act as a Commissioner:
 - (a) during a vacancy in the office of a Commissioner (whether or not an appointment has previously been made to the office);
or
 - (b) during any period, or during all periods, when a Commissioner:
 - (i) is absent from duty or Australia; or

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(ii) is, for any reason, unable to perform the duties of the office.

Note: For rules that apply to acting appointments, see sections 33AB and 33A of the *Acts Interpretation Act 1901*.

- (2) A person must not be appointed to act as a Commissioner unless the Minister is satisfied that the person is qualified, as mentioned under paragraph 36E(2)(b), to be appointed as a Commissioner.
- (3) Despite subsections 36E(4), (6) and (7), a person may be appointed to act as a Commissioner (including as the Chair Commissioner) if the person has previously been appointed as a Commissioner (including as the Chair Commissioner).

Division 4—Terms and conditions for Commissioners

36G Training requirements

- (1) Subject to subsection (2), a Commissioner must, as soon as practicable after being appointed as a Commissioner, complete:
 - (a) a course of training relating to trauma awareness; and
 - (b) a course of training relating to gender-based violence; and
 - (c) any other courses of training prescribed by the PWSS rules.
- (2) Subsection (1) does not apply to an acting Commissioner who has completed the courses of training mentioned in that subsection within the period of 2 years before their appointment as an acting Commissioner.

36H Remuneration of Commissioners

- (1) A Commissioner is to be paid the remuneration that is determined by the Remuneration Tribunal. If no determination of that remuneration by the Tribunal is in operation, a Commissioner is to be paid the remuneration that is prescribed by the PWSS rules.
- (2) A Commissioner is to be paid the allowances that are prescribed by the PWSS rules.
- (3) Subsections (1) and (2) have effect subject to the *Remuneration Tribunal Act 1973*.

36J Leave of absence

- (1) The Minister may grant leave of absence to the Chair Commissioner on the terms and conditions that the Minister determines.
- (2) The Chair Commissioner may grant leave of absence to another Commissioner on the terms and conditions that the Chair Commissioner determines.

36K Resignation

- (1) A Commissioner may resign the Commissioner's appointment by giving the Governor-General a written resignation.
- (2) The resignation takes effect on the day it is received by the Governor-General or, if a later day is specified in the resignation, on that later day.

36L Termination of appointment

- (1) The Governor-General may terminate the appointment of a Commissioner if each House of the Parliament, in the same session of the Parliament, presents an address to the Governor-General praying for the removal of the Commissioner on one of the following grounds:
 - (a) misbehaviour;
 - (b) the Commissioner is unable to perform the duties of the Commissioner's office because of physical or mental incapacity.
- (2) The Governor-General must terminate the appointment of a Commissioner if the Commissioner:
 - (a) becomes bankrupt; or
 - (b) applies to take the benefit of any law for the relief of bankrupt or insolvent debtors; or
 - (c) compounds with the Commissioner's creditors; or
 - (d) makes an assignment of the Commissioner's remuneration for the benefit of the Commissioner's creditors.

Part 4 Staff of the PWSS and IPSC etc.

Division 1 Introduction

Section 37

Part 4—Staff of the PWSS and IPSC etc.

Division 1—Introduction

37 Simplified outline of this Part

The staff of the PWSS are to be persons engaged under the *Public Service Act 1999*.

The CEO and the staff together constitute a Statutory Agency for the purposes of the *Public Service Act 1999*.

The PWSS may be assisted by other officers and employees, including officers and employees of Agencies (within the meaning of the *Public Service Act 1999*).

The CEO may engage consultants to assist the PWSS.

The CEO must make available staff of the PWSS, and other persons assisting the PWSS, to assist the IPSC as required by the Chair Commissioner.

The Commissioners may engage consultants.

PWSS and IPSC officials are not liable to civil proceedings for things done in good faith in the performance or exercise of functions, powers or duties under this Act.

Division 2—Staff of the PWSS etc.

38 Staff

- (1) The staff of the PWSS must be persons engaged under the *Public Service Act 1999*.
- (2) For the purposes of the *Public Service Act 1999*:
 - (a) the CEO and the staff of the PWSS together constitute a Statutory Agency; and
 - (b) the CEO is the Head of that Statutory Agency.

39 Persons assisting the PWSS

The PWSS may be assisted:

- (a) by officers and employees of Agencies (within the meaning of the *Public Service Act 1999*); or
- (b) by officers and employees of authorities of the Commonwealth; or
- (c) by officers and employees of a State or Territory; or
- (d) by officers and employees of authorities of a State or Territory;

whose services are made available to the PWSS in connection with the performance of any of its functions.

40 Consultants

The CEO may, on behalf of the Commonwealth, engage consultants to assist in the performance of the functions of the PWSS.

Division 3—Staff of the IPSC etc.

40A Persons assisting the IPSC

- (1) The CEO must, to such extent as the Chair Commissioner reasonably requires, make available the following persons to assist the IPSC to perform its functions:
 - (a) the staff of the PWSS;
 - (b) persons whose services are made available to the PWSS under section 39;
 - (c) consultants engaged under section 40.
- (2) A person made available to assist the IPSC is subject to the directions of the Chair Commissioner in relation to that assistance.

40B Consultants

Assisting the IPSC

- (1) The Chair Commissioner may, on behalf of the Commonwealth, engage consultants to assist in the performance of the IPSC's functions.
- (2) A consultant engaged under subsection (1) to assist the IPSC is subject to the directions of the Chair Commissioner in relation to that assistance.

Assisting a Commissioner

- (3) A Commissioner may, on behalf of the Commonwealth, engage consultants to assist in the performance of the functions of that Commissioner.
- (4) A consultant engaged under subsection (3) to assist a Commissioner is subject to the directions of that Commissioner in relation to that assistance.

Division 4—Immunity from liability

40C Immunity from liability for PWSS and IPSC officials

- (1) This section applies to the following persons (the *protected persons*):
 - (a) the CEO;
 - (b) the Commissioners;
 - (c) the staff of the PWSS;
 - (d) persons whose services are made available to the PWSS under section 39;
 - (e) consultants engaged under section 40;
 - (f) persons made available under section 40A to assist the IPSC;
 - (g) consultants engaged under section 40B.
- (2) A protected person is not liable to civil proceedings in relation to an act done, or omitted to be done, in good faith, in the performance or purported performance, or exercise or purported exercise, of the protected person's functions, powers or duties under this Act.

Part 5 PWSS Advisory Board

Division 1 Introduction

Section 41

Part 5—PWSS Advisory Board

Division 1—Introduction

41 Simplified outline of this Part

This Part establishes the Parliamentary Workplace Support Service Advisory Board.

The main function of the PWSS Advisory Board is to advise the CEO on the performance of the functions of the PWSS or CEO.

Members of the PWSS Advisory Board are to be appointed by the Minister.

Division 2—Establishment and functions of the PWSS Advisory Board

42 Parliamentary Workplace Support Service Advisory Board

The Parliamentary Workplace Support Service Advisory Board is established by this section.

Note: In this Act, *PWSS Advisory Board* means the Parliamentary Workplace Support Service Advisory Board—see section 5.

43 Functions of the PWSS Advisory Board

- (1) The functions of the PWSS Advisory Board are:
 - (a) to advise the CEO in relation to the performance of the functions of the PWSS or CEO; and
 - (b) to consider in accordance with section 44:
 - (i) proposed mandatory policies or procedures; and
 - (ii) proposed mandatory education or training programs, and proposed requirements for completing those programs; and
 - (c) such other functions as are conferred on the PWSS Advisory Board by this Act or by any other law of the Commonwealth.
- (2) However, it is not a function of the PWSS Advisory Board to:
 - (a) direct the activities of the PWSS; or
 - (b) give or seek advice or information about, or in relation to, a particular person or case.
- (3) The PWSS Advisory Board may give advice as mentioned in subsection (1):
 - (a) on the PWSS Advisory Board's own initiative; or
 - (b) at the request of the CEO.
- (4) The PWSS Advisory Board may invite representatives of the PWSS to attend a meeting of the PWSS Advisory Board.

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44 PWSS Advisory Board must approve or reject certain proposals

- (1) The PWSS Advisory Board must approve or reject any of the following referred to the PWSS Advisory Board by the CEO:
 - (a) proposed mandatory policies or procedures;
 - (b) proposed mandatory education or training programs, and proposed requirements for completing those programs.

Decision to approve or reject

- (2) The PWSS Advisory Board must make a decision under subsection (1) within:
 - (a) 14 calendar days after the referral; or
 - (b) if, within the first 14 calendar days after the referral, the PWSS Advisory Board notifies the CEO that it requires additional time to consider the referral—44 calendar days after the referral.
- (3) As soon as practicable after making the decision, the PWSS Advisory Board must give the CEO written notice of the decision.
- (4) The PWSS Advisory Board is taken to have approved:
 - (a) a proposed mandatory policy or procedure; or
 - (b) a proposed mandatory education or training program; or
 - (c) proposed requirements for completing a mandatory education or training program;if the PWSS Advisory Board does not give notice under subsection (3) within the period specified in paragraph (2)(a) or (b) as the case requires.

Division 3—Membership of the PWSS Advisory Board

45 Membership of the PWSS Advisory Board

- (1) The PWSS Advisory Board consists of the following members:
 - (a) a Chair;
 - (b) at least 3, and not more than 4, other members.
- (2) At least 2 members of the PWSS Advisory Board must be women.
- (3) At least one member of the PWSS Advisory Board must be:
 - (a) a former Commonwealth judicial officer; or
 - (b) a former judge of the Supreme Court of a State or Territory.

46 Appointment of members of the PWSS Advisory Board

- (1) A member of the PWSS Advisory Board is to be appointed by the Minister by written instrument.

Note: A member of the PWSS Advisory Board may be reappointed: see section 33AA of the *Acts Interpretation Act 1901*.
- (2) A person is not eligible for appointment as a member of the PWSS Advisory Board unless the Minister is satisfied that the person has skills, knowledge or experience in one or more of the following fields:
 - (a) parliamentary workplaces;
 - (b) human resources, work health and safety or industrial relations;
 - (c) public administration or corporate governance.
- (3) In appointing a person as a member of the PWSS Advisory Board, the Minister must have regard to the desirability of ensuring that there is a balance of skills, knowledge and experience in the fields listed in subsection (2) among members of the PWSS Advisory Board.

Part 5 PWSS Advisory Board

Division 3 Membership of the PWSS Advisory Board

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- (4) However, subsections (2) and (3) do not apply to the appointment of a person as required by subsection 45(3).
- (5) Before the Minister appoints a person as the Chair, or as a member, of the PWSS Advisory Board, the Minister:
 - (a) must consult with the Leader of each Parliamentary party that:
 - (i) does not form part of the Government; and
 - (ii) has at least 5 members who are senators or members of the House of Representatives; and
 - (b) may consult with such other parliamentarians as the Minister considers appropriate.
- (6) A member of the PWSS Advisory Board holds office on a part-time basis.
- (7) The appointment of a person as a member of the PWSS Advisory Board is not invalid because of a defect or irregularity in connection with the person's appointment.

47 Period of appointment for members of the PWSS Advisory Board

A member of the PWSS Advisory Board holds office for the period specified in the instrument of appointment. The period must not exceed 5 years.

48 Acting members of the PWSS Advisory Board

Acting Chair of the PWSS Advisory Board

- (1) The Minister may, by written instrument, appoint a person to act as the Chair of the PWSS Advisory Board:
 - (a) during a vacancy in the office of the Chair of the PWSS Advisory Board (whether or not an appointment has previously been made to the office); or
 - (b) during any period, or during all periods, when the Chair of the PWSS Advisory Board:

- (i) is absent from duty or Australia; or
- (ii) is, for any reason, unable to perform the duties of the office.

Note: For rules that apply to acting appointments, see sections 33AB and 33A of the *Acts Interpretation Act 1901*.

Acting member of the PWSS Advisory Board (other than the Chair)

- (2) The Minister may, by written instrument, appoint a person to act as a member of the PWSS Advisory Board (other than the Chair of the PWSS Advisory Board):
- (a) during a vacancy in the office of a member of the PWSS Advisory Board (other than the Chair of the PWSS Advisory Board), whether or not an appointment has previously been made to the office; or
 - (b) during any period, or during all periods, when a member of the PWSS Advisory Board (other than the Chair of the PWSS Advisory Board):
 - (i) is absent from duty or Australia; or
 - (ii) is, for any reason, unable to perform the duties of the office.

Note: For rules that apply to acting appointments, see sections 33AB and 33A of the *Acts Interpretation Act 1901*.

Division 4—Terms and conditions for members of the PWSS Advisory Board

49 Remuneration

- (1) A member of the PWSS Advisory Board is to be paid the remuneration that is determined by the Remuneration Tribunal. If no determination of that remuneration by the Tribunal is in operation, a member of the PWSS Advisory Board is to be paid the remuneration that is prescribed by the PWSS rules.
- (2) A member of the PWSS Advisory Board is to be paid the allowances that are prescribed by the PWSS rules.
- (3) This section has effect subject to the *Remuneration Tribunal Act 1973*.

50 Disclosure of interests

- (1) A member of the PWSS Advisory Board must give written notice to the Minister of any direct or indirect pecuniary interest that the member has or acquires and that conflicts or could conflict with the proper performance of the member's duties.
- (2) A member of the PWSS Advisory Board who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the PWSS Advisory Board must disclose the nature of the interest to a meeting of the PWSS Advisory Board.
- (3) The disclosure must be made as soon as possible after the relevant facts have come to the member's knowledge.
- (4) The disclosure must be recorded in the minutes of the meeting.
- (5) Unless the PWSS Advisory Board otherwise determines, the member:
 - (a) must not be present during any deliberation by the PWSS Advisory Board on the matter; and

- (b) must not take part in any decision of the PWSS Advisory Board with respect to the matter.
- (6) For the purposes of making a determination under subsection (5), the member:
 - (a) must not be present during any deliberation of the PWSS Advisory Board for the purpose of making the determination; and
 - (b) must not take part in making the determination.
- (7) A determination under subsection (5) must be recorded in the minutes of the meeting of the PWSS Advisory Board.

51 Leave of absence

- (1) The Minister may grant leave of absence to the Chair of the PWSS Advisory Board on the terms and conditions as to remuneration or otherwise that the Minister determines.
- (2) The Chair of the PWSS Advisory Board may grant leave of absence to a member of the PWSS Advisory Board on the terms and conditions that the Chair determines.

52 Resignation

- (1) A member of the PWSS Advisory Board may resign the member's appointment by giving the Minister a written resignation.
- (2) The resignation takes effect on the day it is received by the Minister or, if a later day is specified in the resignation, on that later day.

53 Termination of appointment

- (1) The Minister may terminate the appointment of a member of the PWSS Advisory Board:
 - (a) for misbehaviour; or
 - (b) if the member is unable to perform the duties of the member's office because of physical or mental incapacity.

Part 5 PWSS Advisory Board

Division 4 Terms and conditions for members of the PWSS Advisory Board

Section 54

- (2) The Minister may terminate the appointment of a member of the PWSS Advisory Board if:
- (a) the member:
 - (i) becomes bankrupt; or
 - (ii) applies to take the benefit of any law for the relief of bankrupt or insolvent debtors; or
 - (iii) compounds with the member's creditors; or
 - (iv) makes an assignment of the member's remuneration for the benefit of the member's creditors; or
 - (b) the member fails, without reasonable excuse, to comply with section 50 (disclosure of interests); or
 - (c) the member is absent, except on leave of absence, from 3 consecutive meetings of the PWSS Advisory Board.

Consultation before termination

- (3) Before the Minister terminates the appointment of a member of the PWSS Advisory Board under subsection (1) or (2), the Minister:
- (a) must consult with the Leader of each Parliamentary party that:
 - (i) does not form part of the Government; and
 - (ii) has at least 5 members who are senators or members of the House of Representatives; and
 - (b) may consult with such other parliamentarians as the Minister considers appropriate.
- (4) A failure to comply with paragraph (3)(a) does not affect the validity of a termination.

54 Other terms and conditions

A member of the PWSS Advisory Board holds office on the terms and conditions (if any) in relation to matters not covered by this Act that are determined by the Minister.

Division 5—PWSS Advisory Board procedures

55 PWSS Advisory Board procedures

- (1) The PWSS rules may prescribe matters relating to the operation of the PWSS Advisory Board.
- (2) If no PWSS rules are in force for the purposes of subsection (1), the PWSS Advisory Board may operate in the way it determines.

Part 6—PWSS Consultative Committee

56 Simplified outline of this Part

This Part establishes the Parliamentary Workplace Support Service Consultative Committee.

Generally, the functions of the PWSS Consultative Committee are:

- (a) to discuss matters that are relevant to parliamentarians and MOPS employees in so far as those matters relate to the functions of the PWSS; and
- (b) to communicate views about those matters to the PWSS.

The PWSS Consultative Committee is to consist of members who are parliamentarians, MOPS employees or independent members.

The PWSS rules may make provision for the appointment of members of the PWSS Consultative Committee, and other matters.

57 Parliamentary Workplace Support Service Consultative Committee

The Parliamentary Workplace Support Service Consultative Committee is established by this section.

Note: In this Act, *PWSS Consultative Committee* means the Parliamentary Workplace Support Service Consultative Committee—see section 5.

58 Functions of the PWSS Consultative Committee

- (1) The functions of the PWSS Consultative Committee are:
 - (a) to discuss matters of relevance to parliamentarians and MOPS employees in so far as those matters relate to the functions of the PWSS; and
 - (b) without limiting paragraph (a):

- (i) to consider proposed policies and procedures developed by the PWSS for the purposes of section 17; and
 - (ii) to consider each proposed mandatory policy or procedure, each proposed mandatory education or training program, and proposed requirements for completing those programs; and
 - (c) to communicate views about the matters mentioned in paragraphs (a) and (b) to the PWSS.
- (2) It is not a function of the PWSS Consultative Committee to:
- (a) direct the activities of the PWSS; or
 - (b) give or seek advice or information about, or in relation to, a particular person or case.
- (3) The PWSS Consultative Committee may invite representatives of the PWSS to attend a meeting of the committee for the purposes of paragraph (1)(c).

59 Membership of the PWSS Consultative Committee etc.

Membership

- (1) The PWSS Consultative Committee consists of the following members:
- (a) a Chair, who must be an independent member;
 - (b) one other member who is an independent member;
 - (c) an equal number of:
 - (i) members who are parliamentarians; and
 - (ii) members who are MOPS employees.

Note: In this Act, *independent member* means a member of the PWSS Consultative Committee who is not a parliamentarian or a MOPS employee—see section 5.

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PWSS rules may provide for matters relating to the PWSS Consultative Committee

- (2) The PWSS rules may make provision for or in relation to the PWSS Consultative Committee, including for or in relation to the following:
- (a) operation and procedures of the committee;
 - (b) membership of the committee (subject to subsection (1));
 - (c) appointment of members;
 - (d) terms of appointment of members;
 - (e) remuneration of independent members;
 - (f) resignation of members;
 - (g) disclosure of interests by members;
 - (h) termination of appointment of members;
 - (i) leave of absence of members;
 - (j) deputies of members.

Independent members

- (3) PWSS rules made for the purposes of subsection (2) must require that, in appointing a person (the *appointee*) as an independent member, the person making the appointment must have regard to the independence of the appointee from:
- (a) parliamentarians; and
 - (b) MOPS employees; and
 - (c) registered political parties (within the meaning of the *Commonwealth Electoral Act 1918*); and
 - (d) the PWSS and the PWSS Advisory Board.

Other matters relating to appointments

- (4) PWSS rules made for the purposes of subsection (2) must require that, in appointing a person as a member of the PWSS Consultative Committee, the person making the appointment must have regard to the desirability of ensuring that:
- (a) there is representation among members of the PWSS Consultative Committee by the following:

- (i) persons who represent the views of the Government;
 - (ii) persons who represent the views of Parliamentary parties that do not form part of the Government and have at least 5 members who are senators or members of the House of Representatives;
 - (iii) persons who do not represent the views of the Government or Parliamentary parties to which subparagraph (ii) applies; and
- (b) the PWSS Consultative Committee is comprised of members of different genders.

Minister must consult CEO before making PWSS rules

- (5) Before making PWSS rules for the purposes of subsection (2), the Minister must consult the CEO on the proposed PWSS rules.

Part 6A—Parliamentary Joint Committee on Parliamentary Standards

59A Simplified outline of this Part

This Part provides for the Parliamentary Joint Committee on Parliamentary Standards.

The Parliamentary Joint Committee is to be appointed as soon as practicable after the commencement of the first session of each Parliament.

The functions of the Parliamentary Joint Committee include:

- (a) considering proposed recommendations for the appointment of Commissioners; and
- (b) reviewing the operation and effectiveness of each Behaviour Code; and
- (c) monitoring and reviewing the performance by the Commissioners of their functions; and
- (d) reporting to both Houses of the Parliament on any matter connected with the performance of the functions of the IPSC or the Commissioners.

59B Parliamentary Joint Committee on Parliamentary Standards

- (1) As soon as practicable after the commencement of the first session of each Parliament, a joint committee of members of the Parliament, to be known as the Parliamentary Joint Committee on Parliamentary Standards, is to be appointed according to the practice of the Parliament.
- (2) The Parliamentary Joint Committee is to consist of 12 members, being:

- (a) 6 members of the Privileges Committee of the Senate appointed by the Senate; and
 - (b) 6 members of the Privileges Committee of the House of Representatives appointed by that House.
- (3) The 6 members appointed by each of the Senate and the House of Representatives must consist of the following:
- (a) 3 members of the Government;
 - (b) 2 members of the Opposition;
 - (c) 1 member of the Parliament who is a member of neither the Government nor the Opposition.

59C Chair of the Parliamentary Joint Committee

Office of Chair of the Parliamentary Joint Committee

- (1) There must be a Chair of the Parliamentary Joint Committee, who must be a member of the Government elected by the members of the Parliamentary Joint Committee from time to time.
- (2) The Chair holds office during the pleasure of the Parliamentary Joint Committee.
- (3) A person holding office as Chair ceases to hold the office if the person:
 - (a) ceases to be a member of the Parliamentary Joint Committee;
 - or
 - (b) resigns the office.
- (4) A person holding office as Chair may resign the office by giving a signed notice of resignation to a meeting of the Parliamentary Joint Committee.

Votes of the Chair

- (5) At meetings of the Parliamentary Joint Committee at which the Chair is present, the Chair:
 - (a) has a deliberative vote; and

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- (b) has a casting vote if votes are equal.

59CA Deputy Chair of the Parliamentary Joint Committee

- (1) There must be a Deputy Chair of the Parliamentary Joint Committee, who must be a member of the Opposition elected by the members of the Parliamentary Joint Committee from time to time.
- (2) The Deputy Chair holds office during the pleasure of the Parliamentary Joint Committee.
- (3) A person holding office as Deputy Chair ceases to hold the office if the person:
 - (a) ceases to be a member of the Parliamentary Joint Committee;
or
 - (b) resigns the office.
- (4) A person holding office as Deputy Chair may resign the office by giving a signed notice of resignation to a meeting of the Parliamentary Joint Committee.

59D Eligibility for appointment as a Parliamentary Joint Committee member

A member of the Parliament is not eligible for appointment as a member of the Parliamentary Joint Committee if the member is:

- (a) a Minister; or
- (b) the President of the Senate; or
- (c) the Speaker of the House of Representatives; or
- (d) the Deputy President and Chair of Committees of the Senate;
or
- (e) the Deputy Speaker of the House of Representatives.

59E Terms of office of Parliamentary Joint Committee members

- (1) A member of the Parliamentary Joint Committee holds office during the pleasure of the House of the Parliament by which the member was appointed.
- (2) A person ceases to hold office as a member of the Parliamentary Joint Committee if:
 - (a) the House of Representatives expires by the passing of time or is dissolved; or
 - (b) the person becomes the holder of an office specified in any of the paragraphs of section 59D; or
 - (c) the person ceases to be a member of the House of the Parliament by which the person was appointed; or
 - (ca) the person ceases to be a member of the Privileges Committee of the House of the Parliament by which the person was appointed; or
 - (d) the person resigns the person's office as provided by subsection (3) of this section.
- (3) A member of the Parliamentary Joint Committee appointed by a House of the Parliament may resign the member's office by giving the Presiding Officer of that House a written resignation.
- (4) A House of the Parliament may appoint a member of its Privileges Committee to fill a vacancy among the members of the Parliamentary Joint Committee appointed by that House.

59F Powers and proceedings of the Parliamentary Joint Committee

All matters relating to the powers and proceedings of the Parliamentary Joint Committee are to be determined by resolution of both Houses of the Parliament.

59G Functions of the Parliamentary Joint Committee

- (1) The Parliamentary Joint Committee has the following functions:

Section 59G

- (a) to consider, in accordance with section 59H, proposed recommendations for the appointment of Commissioners;
 - (b) to review, in accordance with section 59J, each Behaviour Code;
 - (c) to monitor and review the performance by the Commissioners of their functions;
 - (d) to report to both Houses of the Parliament, with such comments as it thinks fit, on any matter connected with the performance of the functions of the IPSC or the Commissioners that the Parliamentary Joint Committee considers should be directed to the attention of the Parliament;
 - (e) to examine and report to the Parliament on any matter relating to the IPSC appearing in, or arising out of, a report prepared under subsection 22(2);
 - (f) to inquire into any question in connection with the Parliamentary Joint Committee's functions that is referred to it by either House of the Parliament, and to report to that House on that question;
 - (g) other functions as are conferred on the Parliamentary Joint Committee by resolution of both Houses of the Parliament.
- (2) Subsection (1) does not authorise the Parliamentary Joint Committee to:
- (a) direct the activities of the IPSC, a Commissioner or a panel of Commissioners; or
 - (b) investigate a conduct issue; or
 - (c) reconsider a decision made by the decision-maker for a conduct issue; or
 - (d) review an investigation into a conduct issue that has not been completed; or
 - (e) give or seek advice or information about, or in relation to, a particular person or conduct issue.

59H Parliamentary Joint Committee must approve or reject recommendation for appointment

- (1) The Parliamentary Joint Committee must approve or reject a proposed recommendation, referred to the Parliamentary Joint Committee by the Minister, for the appointment of a Commissioner.
- (2) The Parliamentary Joint Committee must make the decision on the proposed recommendation within:
 - (a) 14 calendar days after the referral; or
 - (b) if, within the first 14 calendar days after the referral, the Parliamentary Joint Committee notifies the Minister that it requires additional time to consider the referral—44 calendar days after the referral.
- (3) As soon as practicable after making the decision, the Parliamentary Joint Committee must:
 - (a) give the Minister notice of the decision; and
 - (b) report the decision to both Houses of the Parliament.
- (4) The Parliamentary Joint Committee is taken to have approved the proposed recommendation if it does not give notice under paragraph (3)(a) within the period specified in paragraph 2(a) or (b), as the case requires.

59J Review of Behaviour Codes

- (1) The Parliamentary Joint Committee:
 - (a) must commence a review under this section within one year after the commencement of the first session of each Parliament that commences after the commencement of this section; and
 - (b) may, if the Committee resolves to do so, commence a review under this section at any other time.
- (2) A review under this section must consider the operation and effectiveness of each Behaviour Code.

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- (3) The Parliamentary Joint Committee must report the Committee's findings of a review under this section to both Houses of the Parliament as soon as practicable after completing the review.

Part 7—Information sharing

Division 1—Introduction

60 Simplified outline of this Part

This Part enables:

- (a) the PWSS or IPSC to disclose information to certain entities and persons; and
- (b) certain entities and persons to disclose information to the PWSS or IPSC; and
- (c) the PWSS to disclose information to the IPSC; and
- (d) the IPSC to disclose information to the PWSS.

However, that information may only be disclosed or used if it is reasonably necessary for the performance of functions, or the exercise of powers, of the PWSS, IPSC, entity or person.

The PWSS may request some Commonwealth entities or persons to give the PWSS information for the purposes of a public report.

The CEO and the Chair Commissioner may enter into arrangements with certain entities and persons relating to the disclosure and use of information.

The PWSS may request a parliamentarian or MOPS employee to give the PWSS specified information. A failure by a parliamentarian to comply with the request may result in the non-compliance being published in a public report.

Division 2—Information sharing between the PWSS, IPSC and other entities and persons

61 Information sharing between the PWSS, IPSC and other entities and persons

Authorisation to disclose information—to and by various entities and persons

- (1) The PWSS or IPSC may disclose information (including personal information) to:
 - (a) another Commonwealth entity; or
 - (b) an individual who holds any office or appointment under a law of the Commonwealth; or
 - (ba) a Presiding Officer;
if the disclosure is reasonably necessary to assist the entity, individual or Presiding Officer to:
 - (c) perform any of the functions or activities of the entity, individual or Presiding Officer; or
 - (d) exercise any of the powers of the entity, individual or Presiding Officer.
- (1A) The IPSC may also disclose information (including personal information) to a State or Territory law enforcement entity if the disclosure is reasonably necessary to assist the entity to:
 - (a) perform any of the functions or activities of the entity; or
 - (b) exercise any of the powers of the entity.
- (2) A Commonwealth entity, an individual who holds any office or appointment under a law of the Commonwealth, or a Presiding Officer may disclose information (including personal information) to the PWSS or IPSC if the disclosure is reasonably necessary to assist:
 - (a) the PWSS or IPSC to perform any of its functions or exercise any of its powers; or

- (b) the CEO to perform any of the CEO's functions or exercise any of the CEO's powers; or
- (c) a Commissioner to perform any of the Commissioner's functions or exercise any of the Commissioner's powers.

Authorisation to disclose information—between PWSS and IPSC

- (2A) The PWSS may disclose information (including personal information) to the IPSC if the disclosure is reasonably necessary to assist:
 - (a) the IPSC to perform any of its functions or exercise any of its powers; or
 - (b) a Commissioner to perform any of the Commissioner's functions or exercise any of the Commissioner's powers.
- (2B) The IPSC may disclose information (including personal information) to the PWSS if the disclosure is reasonably necessary to assist:
 - (a) the PWSS to perform any of its functions or exercise any of its powers; or
 - (b) the CEO to perform any of the CEO's functions or exercise any of the CEO's powers.

Parliamentarians not taken to be office-holders etc.

- (3) To avoid doubt, a parliamentarian does not hold an office or appointment under a law of the Commonwealth for the purposes of paragraph (1)(b) or subsection (2).

Rules applying to disclosures

- (4) Information may be disclosed under subsection (1), (1A), (2), (2A) or (2B) on the initiative, or at the request, of the PWSS, IPSC, Commonwealth entity, individual, Presiding Officer, or State or Territory law enforcement entity (as the case requires).
- (5) Subsections (1) to (2B) do not apply to a disclosure of information if:

Part 7 Information sharing

Division 2 Information sharing between the PWSS, IPSC and other entities and persons

Section 61

- (a) the disclosure would, apart from this section, constitute an offence against a law of the Commonwealth; and
 - (b) that law does not contain an exception or defence for a disclosure authorised by a law of the Commonwealth.
- (5A) Subsection (1) does not apply to a disclosure of information by the IPSC to a person or entity if:
- (a) the information relates to a conduct complaint or a conduct issue referral; and
 - (b) the person or entity is the employer of:
 - (i) the complainant; or
 - (ii) the respondent for the conduct issue concerned; and
 - (c) the complainant does not consent to the disclosure.
- (5B) Subsections (1) and (1A) do not apply to a disclosure of information by the IPSC to the Australian Federal Police, or the police force or police service of a State or Territory, if the information relates to a conduct issue involving conduct that may constitute a serious offence against a person, unless:
- (a) the person consents to the disclosure; or
 - (b) the disclosure is for the purposes of deciding how to deal with the issue; or
 - (c) the disclosure is required by or under another law of the Commonwealth, a law of a State or a Territory, or a court/tribunal order.
- (6) Before disclosing information under subsection (1) that was obtained by the PWSS in the course of performing its review function under section 19 (as in force immediately before the repeal of that section by the *Parliamentary Workplace Support Service Amendment (Independent Parliamentary Standards Commission) Act 2024*), the PWSS must have regard to whether the disclosure would be likely to result in harm to an individual to whom the information relates (other than mere damage to the individual's reputation).

Authorisation to use information

- (7) Information disclosed to a person or entity under subsection (1), (1A), (2), (2A) or (2B) may be used by the person or entity for the purposes of performing the functions, or exercising the powers, of the person or entity.

Note: This section constitutes an authorisation for the purposes of the *Privacy Act 1988* and other laws.

62 Giving information to PWSS for certain reports

- (1) The PWSS may, in writing, request a person covered by subsection (2) to give the PWSS, within a specified period, specified information (including personal information) for the purposes of the PWSS preparing a report required by subsection 22(2).
- (2) This subsection covers the following persons:
- (a) the Secretary of the Department;
 - (aa) the Chair Commissioner;
 - (b) a Secretary of a Parliamentary Department;
 - (c) if a Commonwealth entity is specified in the PWSS rules for the purposes of this paragraph—the Head (however described) of the Commonwealth entity;
 - (d) if an office or appointment under a law of the Commonwealth is specified in the PWSS rules for the purposes of this paragraph—the individual holding that office or appointment.
- (3) A person covered by subsection (2) must comply with a request given to the person under subsection (1) unless doing so would constitute an offence against a law of the Commonwealth.
- (4) The PWSS may:
- (a) use the information for the following purposes:
 - (i) preparing a report required by subsection 22(2);
 - (ii) monitoring and reviewing matters relating to any of its functions; and

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- (b) disclose the information in a report required by subsection 22(2) (subject to sections 22 and 63).

Note 1: This section constitutes an authorisation for the purposes of the *Privacy Act 1988* and other laws.

Note 2: Subsection 22(9) provides that a report under section 22 must not include personal information (subject to section 23).

63 CEO may make arrangements for sharing information with or by the PWSS

- (1) The CEO may make an arrangement, in writing, with:
- (aa) the Chair Commissioner; or
 - (a) the Head (however described) of a Commonwealth entity; or
 - (b) an individual who holds any office or appointment under a law of the Commonwealth; or
 - (ba) a Presiding Officer;
- relating to:
- (c) the disclosure of information to, or by, the PWSS under subsection 61(1), (2), (2A) or (2B) or 62(3); or
 - (d) the use by the PWSS, IPSC, other Commonwealth entity, individual, or Presiding Officer of information disclosed under any of those subsections.
- (2) Without limiting subsection (1), an arrangement made under that subsection may make provision for the confidentiality of information disclosed in accordance with the arrangement.
- (3) The PWSS must ensure that an arrangement made under subsection (1) is published on its website.
- (4) An arrangement made under subsection (1) is not a legislative instrument.
- (5) If an arrangement under subsection (1) is in force, then:
- (a) the disclosure to, or by, the PWSS of information to which the arrangement applies is not authorised under subsection 61(1), (2), (2A) or (2B) or 62(3); and

(b) the use of information to which the arrangement applies is not authorised under subsection 61(7) or 62(4);
if the disclosure or use of the information would contravene the arrangement.

63A Chair Commissioner may make arrangements for sharing information with or by the IPSC

- (1) The Chair Commissioner may make an arrangement, in writing, with:
 - (a) the Head (however described) of a Commonwealth entity; or
 - (b) an individual who holds any office or appointment under a law of the Commonwealth; or
 - (c) a Presiding Officer; or
 - (d) a State or Territory law enforcement entity;relating to:
 - (e) the disclosure of information to, or by, the IPSC under subsection 61(1), (1A), (2), (2A) or (2B); or
 - (f) the use by the PWSS, IPSC, Commonwealth entity, individual, Presiding Officer, or State or Territory law enforcement entity of information disclosed under any of those subsections.
- (2) Without limiting subsection (1), an arrangement made under that subsection may make provision for the confidentiality of information disclosed in accordance with the arrangement.
- (3) The IPSC must ensure that an arrangement made under subsection (1) is published on its website.
- (4) An arrangement made under subsection (1) is not a legislative instrument.
- (5) If an arrangement under subsection (1) is in force, then:
 - (a) the disclosure to, or by, the IPSC or the Chair Commissioner of information to which the arrangement applies is not authorised under subsection 61(1), (1A), (2), (2A) or (2B); and

Part 7 Information sharing

Division 2 Information sharing between the PWSS, IPSC and other entities and persons

Section 63A

- (b) the use of information to which the arrangement applies is not authorised under subsection 61(7);
if the disclosure or use of the information would contravene the arrangement.

Division 3—Requesting information from parliamentarians and MOPS employees

64 Requesting information from parliamentarians

- (1) The PWSS may, in writing, request a parliamentarian to give the PWSS, within a specified period, specified information (including personal information):
 - (a) that relates to any of the following matters in relation to a person who is or was a MOPS employee employed by, or a designated worker engaged by, the parliamentarian:
 - (i) the person's name;
 - (ii) whether the person is or was a MOPS employee or a designated worker;
 - (iii) matters relating to when, and the circumstances in which, the person was employed as a MOPS employee or engaged as a designated worker;
 - (iv) matters relating to when, and the circumstances in which, the person ceased to be employed as a MOPS employee or engaged as a designated worker; or
 - (b) that relates to work health and safety matters arising in connection with the duties of parliamentarians or MOPS employees; or
 - (c) that is reasonably necessary for the purposes of providing a service under section 16 (complaint resolution function) to a person who is or was a MOPS employee employed by, or a designated worker engaged by, the parliamentarian.
- (2) Paragraph (1)(c) does not apply if the alleged relevant conduct referred to in section 16 was engaged in by the parliamentarian.
- (3) The period specified in the request must be reasonable in the circumstances.

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- (4) The request must include details about the effect of Division 4 of Part 2 (taking action against parliamentarians for certain non-compliance).
- (5) A parliamentarian must comply with a request under subsection (1) within the period specified in the request, and may comply with any other request by the PWSS for information (including personal information), unless doing so would constitute an offence against a law of the Commonwealth.

Note: This subsection constitutes an authorisation for the purposes of the *Privacy Act 1988* and other laws.

- (6) This section does not limit the power of the PWSS to request information from a parliamentarian or any other person.

65 Requesting information from MOPS employees

- (1) The PWSS may, in writing, request a MOPS employee to give the PWSS, within a specified period, specified information (including personal information) that relates to:
 - (a) any of the functions or powers of the PWSS; or
 - (b) any of the functions or powers of the CEO.

- (2) The period specified in the request must be reasonable in the circumstances.

- (3) A MOPS employee may comply with a request under subsection (1) within the period specified in the request, and may comply with any other request by the PWSS for information (including personal information), unless doing so would constitute an offence against a law of the Commonwealth.

Note: This subsection constitutes an authorisation for the purposes of the *Privacy Act 1988* and other laws.

- (4) This section does not limit the power of the PWSS to request information from a MOPS employee or any other person.

Part 8—Miscellaneous

66 Simplified outline of this Part

This Part deals with miscellaneous matters, such as the making of the PWSS rules.

67 Effect of this Act on parliamentary privileges and immunities

To avoid doubt, this Act does not affect the law relating to the powers, privileges and immunities of any of the following:

- (a) each House of the Parliament;
- (b) the members of each House of the Parliament;
- (c) the committees of each House of the Parliament and joint committees of both Houses of the Parliament.

68 Periodic review of operation of this Act

- (1) The Minister must cause a review of the operation of this Act and the PWSS rules to be conducted as soon as practicable after:
 - (a) 22 March 2026; and
 - (b) the end of the period of 5 years beginning on 23 March 2026; and
 - (c) the end of each later 5-year period.
- (2) The persons undertaking the review must give the Minister a written report of the review.
- (3) The Minister must cause a copy of the report to be tabled in each House of the Parliament within 15 sitting days of that House after the day on which the Minister receives the report.

Section 69

69 PWSS rules

- (1) The Minister may, by legislative instrument, make rules (the *PWSS rules*) prescribing matters:
 - (a) required or permitted by this Act to be prescribed by the PWSS rules; or
 - (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.
- (2) To avoid doubt, the PWSS rules may not do the following:
 - (a) create an offence or civil penalty;
 - (b) provide powers of:
 - (i) arrest or detention; or
 - (ii) entry, search or seizure;
 - (c) impose a tax;
 - (d) set an amount to be appropriated from the Consolidated Revenue Fund under an appropriation in this Act;
 - (e) directly amend the text of this Act.

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe how an amendment is to be made. If, despite the misdescription, the amendment

Endnotes

Endnote 1—About the endnotes

can be given effect as intended, then the misdescribed amendment can be incorporated through an editorial change made under section 15V of the *Legislation Act 2003*.

If a misdescribed amendment cannot be given effect as intended, the amendment is not incorporated and “(md not incorp)” is added to the amendment history.

Endnote 2—Abbreviation key

Endnote 2—Abbreviation key

ad = added or inserted	orig = original
am = amended	p = page(s)
amdt = amendment	para = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
ch = Chapter(s)	prev = previous
cl = clause(s)	(prev...) = previously
cont. = continued	pt = Part(s)
def = definition(s)	r = regulation(s)/Court rule(s)
Dict = Dictionary	reloc = relocated
disallowed = disallowed by Parliament	renum = renumbered
div = Division(s)	rep = repealed
ed = editorial change	rs = repealed and substituted
exp = expires/expired or ceases/ceased to have effect	s = section(s)/subsection(s) /rule(s)/subrule(s)/order(s)/suborder(s)
gaz = gazette	sch = Schedule(s)
LA = <i>Legislation Act 2003</i>	SLI = Select Legislative Instrument
LIA = <i>Legislative Instruments Act 2003</i>	SR = Statutory Rules
(md) = misdescribed amendment can be given effect	sub ch = Sub-Chapter(s)
(md not incorp) = misdescribed amendment cannot be given effect	sub div = Subdivision(s)
mod = modified/modification	sub pt = Subpart(s)
No. = Number(s)	<u>underlining</u> = whole or part not commenced or to be commenced
Ord = Ordinance	

Endnotes

Endnote 3—Legislation history

Endnote 3—Legislation history

Act (Register ID)	Number and year	Assent	Commencement	Application, saving and transitional provisions
Parliamentary Workplace Support Service Act 2023 (C2023A00072)	72, 2023	20 Sept 2023	1 Oct 2023 (s 2(1) item 1)	
Parliamentary Workplace Support Service (Consequential Amendments and Transitional Provisions) Act 2023 (C2023A00070)	70, 2023	19 Sept 2023	sch 2: 1 Oct 2023 (s 2(1) item 2) sch 3: repealed before commencing (s 2(1) item 3)	sch 2
as amended by Parliamentary Workplace Support Service Amendment (Independent Parliamentary Standards Commission) Act 2024 (C2024A00086)	86, 2024	17 Sept 2024	sch 1 (items 81, 82): 14 Oct 2024 (s 2(1) item 3)	
Parliamentary Workplace Support Service Amendment (Independent Parliamentary Standards Commission) Act 2024 (C2024A00086)	86, 2024	17 Sept 2024	sch 1 (items 1-3): 18 Sept 2024 (s 2(1) item 2) sch 1 (items 15-80), sch 2: 14 Oct 2024 (s 2(1) items 3, 4)	sch 2
Parliamentary Workplace Support Service Act 2023 (C2026A00011)	11, 2026	13 Mar 2026	sch 1 (items 3, 4): 14 Mar 2026 (s 2(1) item 1)	—

Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
Part 1	
s 3.....	am No 86, 2024
s 4.....	am No 86, 2024
s 5.....	am No 86, 2024
Part 2	
Division 1	
s 11.....	am No 86, 2024
Division 2	
s 12.....	am No 86, 2024
s 13.....	am No 86, 2024
s 14.....	am No 86, 2024
s 16.....	am No 86, 2024
s 18.....	am No 86, 2024
s 19.....	rep No 86, 2024
Division 3	
s 22.....	am No 86, 2024
Division 4	
s 23.....	am No 86, 2024
Part 2A	
Part 2A.....	ad No 86, 2024
Division 1	
Subdivision A	
s 24A.....	ad No 86, 2024
Subdivision B	
s 24AA.....	ad No 86, 2024
s 24AB.....	ad No 86, 2024
s 24AC.....	ad No 86, 2024
s 24AD.....	ad No 86, 2024

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
s 24AE	ad No 86, 2024
Division 2	
s 24B	ad No 86, 2024
s 24BA	ad No 86, 2024
s 24BB	ad No 86, 2024
s 24BC	ad No 86, 2024
Division 3	
Subdivision A	
s 24C	ad No 86, 2024
s 24CA	ad No 86, 2024
s 24CB	ad No 86, 2024
s 24CC	ad No 86, 2024
Subdivision B	
s 24CD	ad No 86, 2024
s 24CE	ad No 86, 2024
s 24CF	ad No 86, 2024
s 24CG	ad No 86, 2024
s 24CH	ad No 86, 2024
s 24CI	ad No 86, 2024
s 24CJ	ad No 86, 2024
s 24CK	ad No 86, 2024
s 24CL	ad No 86, 2024
s 24CM	ad No 86, 2024
Subdivision C	
s 24CN	ad No 86, 2024
s 24CO	ad No 86, 2024
s 24CP	ad No 86, 2024
s 24CQ	ad No 86, 2024
Subdivision D	
s 24CR	ad No 86, 2024
s 24CS	ad No 86, 2024

Endnote 4—Amendment history

Provision affected	How affected
s 24CT.....	ad No 86, 2024
s 24CU.....	ad No 86, 2024
s 24CV.....	ad No 86, 2024
s 24CW.....	ad No 86, 2024
s 24CX.....	ad No 86, 2024
s 24CY.....	ad No 86, 2024
s 24CZ.....	ad No 86, 2024
Division 4	
s 24D.....	ad No 86, 2024
s 24DA.....	ad No 86, 2024
s 24DB.....	ad No 86, 2024
s 24DC.....	ad No 86, 2024
s 24DD.....	ad No 86, 2024
s 24DE.....	ad No 86, 2024
s 24DF.....	ad No 86, 2024
s 24DG.....	ad No 86, 2024
Division 5	
s 24E.....	ad No 86, 2024
s 24EA.....	ad No 86, 2024
s 24EB.....	ad No 86, 2024
s 24EC.....	ad No 86, 2024
s 24ED.....	ad No 86, 2024
Division 6	
Subdivision A	
s 24F.....	ad No 86, 2024
s 24FA.....	ad No 86, 2024
s 24FB.....	ad No 86, 2024
s 24FC.....	ad No 86, 2024
s 24FD.....	ad No 86, 2024
s 24FE.....	ad No 86, 2024
s 24FF.....	ad No 86, 2024

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
Subdivision B	
s 24FG.....	ad No 86, 2024
s 24FH.....	ad No 86, 2024
s 24FI.....	ad No 86, 2024
s 24FJ.....	ad No 86, 2024
Subdivision C	
s 24FK.....	ad No 86, 2024
s 24FL.....	ad No 86, 2024
s 24FM.....	ad No 86, 2024
s 24FN.....	ad No 86, 2024
s 24FO.....	ad No 86, 2024
s 24FP.....	ad No 86, 2024
s 24FQ.....	ad No 86, 2024
s 24FR.....	ad No 86, 2024
Division 7	
s 24G.....	ad No 86, 2024
s 24GA.....	ad No 86, 2024
s 24GB.....	ad No 86, 2024
s 24GC.....	ad No 86, 2024
Division 8	
s 24H.....	ad No 86, 2024
s 24HA.....	ad No 86, 2024
s 24HB.....	ad No 86, 2024
s 24HC.....	ad No 86, 2024
s 24HD.....	ad No 86, 2024
s 24HE.....	ad No 86, 2024
s 24HF.....	ad No 86, 2024
Part 2B	
Part 2B.....	ad No 86, 2024
s 24J.....	ad No 86, 2024
s 24K.....	ad No 86, 2024

Endnote 4—Amendment history

Provision affected	How affected
Part 3	
Division 1	
s 25.....	am No 86, 2024
Division 2	
s 27.....	am No 86, 2024
Part 3A	
Part 3A.....	ad No 86, 2024
Division 1	
s 36A.....	ad No 86, 2024
Division 2	
s 36B.....	ad No 86, 2024
s 36C.....	ad No 86, 2024
s 36D.....	ad No 86, 2024
Division 3	
s 36E.....	ad No 86, 2024
s 36F.....	ad No 86, 2024
Division 4	
s 36G.....	ad No 86, 2024
s 36H.....	ad No 86, 2024
s 36J.....	ad No 86, 2024
s 36K.....	ad No 86, 2024
s 36L.....	ad No 86, 2024
Part 4	
Part 4 heading.....	am No 86, 2024
Division 1	
Division 1 heading.....	ad No 86, 2024
s 37.....	am No 86, 2024
Division 2	
Division 2 heading.....	ad No 86, 2024
Division 3	
Division 3.....	ad No 86, 2024

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
s 40A	ad No 86, 2024
s 40B	ad No 86, 2024
Division 4	
Division 4	ad No 86, 2024
s 40C	ad No 86, 2024
Part 6A	
Part 6A	ad No 86, 2024
s 59A	ad No 86, 2024
s 59B	ad No 86, 2024
s 59C	ad No 86, 2024
s 59CA	ad No 86, 2024
s 59D	ad No 86, 2024
s 59E	ad No 86, 2024
s 59F	ad No 86, 2024
s 59G	ad No 86, 2024
s 59H	ad No 86, 2024
s 59J	ad No 86, 2024
Part 7	
Division 1	
s 60	am No 86, 2024
Division 2	
Division 2 heading	am No 86, 2024
s 61	am No 86, 2024
s 62	am No 86, 2024
s 63	am No 86, 2024
s 63A	ad No 86, 2024
Part 8	
s 68	am No 11, 2026
