2025 (No. 26)

Parliament of Tasmania

First Session of the Fifty-Second Parliament

JOINT SESSIONAL COMMMITTEE

WORKPLACE CULTURE OVERSIGHT

INTERIM REPORT

Code of Conduct for Members

Independent Complaints Commissioner process

Alcohol and Other Drugs Members' Statement

Members of the Committee:

House of Assembly	Legislative Council
The Premier, Hon Jeremy Rockliff MP	The President, Hon Craig Farrell MLC
The Speaker, Hon Jacquie Petrusma MP	Hon Ruth Forrest MLC (Chair)
Hon Josh Willie MP	Hon Sarah Lovell MLC (Deputy Chair)
Dr Rosalie Woodruff MP	Hon Tania Rattray, MLC

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ABBREVIATIONS

Clerks	Clerk of the House of Assembly and Clerk of the Legislative Council, Parliament of Tasmania
Committee	Joint Sessional Committee on Workplace Culture Oversight
DPAC	Department of Premier and Cabinet
IPM	Motion for Respect – Independent Project Manager
MPS	Ministerial and Parliamentary Services
MRPT	Motion for Respect Project Team
Motion for Respect Report	Motion for Respect – *Report into Workplace Culture in the Tasmanian Ministerial and Parliamentary Services* – Full Report August 2022
Review	Independent Review into Parliamentary Practices and Procedures to Support Workplace Culture

EXECUTIVE SUMMARY

The Joint Sessional Committee on Workplace Culture Oversight (the Committee) resolved to publish an Interim Report to provide recommendations to the Parliament for implementation of a Code of Conduct for Members, an independent complaints and reporting process, and an Alcohol and Other Drugs Members' Statement in line with Recommendations 5, 6.1 and 6.5 from the Motion for Respect – *Report into Workplace Culture in the Tasmanian Ministerial and Parliamentary Services* – Full Report, August 2022 (Motion for Respect Report). This followed the Independent Review into Parliamentary Practices and Procedures to Support Workplace Culture (the Review) undertaken by Sarah Bolt, the Tasmanian Anti-Discrimination Commissioner.

This Review was undertaken to identify the current needs and gaps within the Ministerial and Parliamentary Services (MPS) workplace and to make recommendations to ensure a safe and respectful workplace that reflects best practice in preventing and dealing with workplace discrimination, sexual harassment and bullying.

The Motion for Respect Report, released in August 2022, provided 14 recommendations categorised into three groups:

Recommendations 1-3:	Acknowledge the need for change and initial steps for action
Recommendations 4-10:	Steps to create long-term change
Recommendations 11-14:	Measuring change

The Motion for Respect Report recommended the establishment of a committee comprising members of both Houses of Parliament. The role of this Committee is to support and oversee the work of the Motion for Respect - Independent Project Manager (IPM).

This Interim Report contains details of actions taken by this Committee and the Motion for Respect Project Team (MRPT) in the development of an alcohol policy, code of conduct and independent complaints and reporting framework for members of parliament. This is in line with Motion for Respect Report Recommendations 5, 6.1 and 6.5. This Interim Report makes recommendations for the adoption by resolution in each house of Parliament.

Extensive information is available on the Committee's webpage in relation to progress against other Motion for Respect Recommendations.

The work of the Committee, and thus progress on implementation of these recommendations, have experienced delays due to two early House of Assembly elections in March 2024 and July 2025.

Hon Ruth Forrest MLC
Chair
4 November 2025

COMMITTTEE ESTABLISHMENT

On 8 September 2022, the Joint Parliamentary Sessional Committee on Workplace Culture Oversight (the Committee) was established by joint resolution of both Houses of Parliament in the Fiftieth Parliament. The Committee first met on 27 September 2022 (in response to Motion for Respect Report Recommendation 2).

The Committee's Terms of Reference are as follows:

> **Terms of Reference**
>
> *That a Joint Sessional Workplace Culture Oversight Committee be appointed with power to send for persons and papers and with leave to report from time to time, to oversee the implementation of any recommendations, by the relevant employer, contained in the report Motion for Respect – Report into Workplace Culture in the Tasmanian Ministerial and Parliamentary Services.*
>
> **Membership of the Committee**
>
> *The President, Ms Forrest, Mrs Hiscutt; and Ms Lovell*
>
> *The Speaker, The Premier, Ms O'Connor; and Ms White*
>
> The establishment and membership of this Committee was debated by the Tasmanian Parliament by Notice of Motion, including changes to membership when these occurred. The House of Assembly debate can be accessed here and here. The Legislative Council debate can be accessed here.
>
> On 13 July 2023, Ms O'Connor resigned as Member for Clark in the House of Assembly and Dr Woodruff was appointed to this Committee.

The Committee held a total of fifteen meetings in the Fiftieth Parliament.

The Committee established a dedicated web-page at https://www.parliament.tas.gov.au/committees/joint-committees/sessional-committees/wco

On 14 February 2024, Proclamations were issued by Her Excellency the Honourable Barbara Baker AC, Governor of Tasmania proroguing the Fiftieth Parliament and dissolving the House of Assembly due to the calling of an early House of Assembly election. Therefore, all committee activity ceased.

The Committee was re-established by joint resolution of both Houses of Parliament in the Fifty-First Parliament and held its first meeting on 20 June 2024 to formally re-establish the Committee.

Membership of the Committee in the Fifty-First Parliament was constituted as follows:

House of Assembly	**Legislative Council**
The Premier, Hon Jeremy Rockliff MP (Deputy Chair)	The President, Hon Craig Farrell MLC
The Speaker, the Hon Michelle O'Byrne MP	Hon Ruth Forrest MLC (Chair)
Mrs Rebekah Pentland MP	Hon Leonie Hiscutt MLC (until 23 May 2025)
Dr Rosalie Woodruff MP	Hon Sarah Lovell MLC

In the Fifty-First Parliament the Committee held a total of eighteen meetings.

On 11 June 2025, proclamations were issued by Her Excellency the Honourable Barbara Baker AC, Governor of Tasmania to prorogue the Parliament and dissolve the House of Assembly for an early House of Assembly election. Therefore, all committee activity ceased.

The Committee was re-established by joint resolution of both Houses of Parliament in the First Session of the Fifty-Second Parliament and held its first meeting on 25 September 2025.

Membership of the Committee in the First Session of the Fifty-Second Parliament is constituted as follows:

House of Assembly	**Legislative Council**
The Premier, Hon Jeremy Rockliff MP	The President, the Hon Craig Farrell MLC
The Speaker, Hon Jacquie Petrusma MP	Hon Ruth Forrest MLC (Chair)
Hon Josh Willie MP	Hon Sarah Lovell MLC (Deputy Chair)
Dr Rosalie Woodruff MP	Hon Tania Rattray, MLC

To date the Committee has held a total of four meetings.

BACKGROUND

This section provides a key milestone timeline in the development of an Alcohol and Other Drugs Members' Statement; Code of Conduct for Members; and an independent complaints and reporting process in line with Motion for Respect Recommendations 5, 6.1 and 6.5.

On 17 September 2024, the Committee agreed to adopt the *Motion for Respect Project – sharing of responsibilities for implementation of Motion for Respect Recommendations – September 2024 (document)* following consultation with the IPM, Clerks and DPAC Secretary. The purpose of this document was to coordinate and allocate responsibilities for implementation of remaining Motion for Respect Recommendations between the IPM, Clerks and DPAC to avoid any unnecessary duplication.

Code of Conduct and Alcohol Policy for Members

On 19 November 2024, the Committee resolved to progress a draft code of conduct and alcohol policy (Motion for Respect Recommendations 6.1 and 6.5) as follows:

1. MRPT and Integrity Commission collaborate to develop a draft code of conduct for members and to consult members of Parliament and report back to the Committee.
2. MRPT develop an alcohol policy in collaboration with relevant stakeholder(s).

In early January 2025, the IPM resigned and Mr Andrew Young was appointed as a consultant to the Committee. Mr Young provided direction and support to the MRPT to oversee the work towards implementing the remaining recommendations previously assigned to the IPM/MRPT.

On 13 February 2025, the Committee wrote to all members of parliament advising of Mr Young's appointment noting the importance of consulting with all members of parliament to understand their views on the Code of Conduct and alcohol policy for members.

On 11 March 2025, Mr Young/MRPT submitted to the Committee for its consideration: a draft Code of Conduct for Members and draft Alcohol and Other Drugs Members' Statement. Mr Young provided information in relation to the initial draft Code of Conduct for Members as follows:

a. Recommended content and structure of code

Rather than an amendment of the current code (2018)[1] *the attached draft is a completely new code. Contemporary standards, including workplace behaviour and online behaviour are included.*

The draft code is in three Parts:

Part I is a preamble consisting of non-enforceable principles. It is designed to be aspirational and set a more positive tone before enforceable standards are dealt with.

Part II are the enforceable standards — both required and prohibited behaviours.

Part III are some governance aspects which refer, amongst other things, to related complaints and training processes and resources that will be presented in separate drafts.

b. Recommended framework that code will operate within

The code should be resolved by both Houses as a standing resolution. A resolution of the Houses will likely enjoy a greater degree of ownership by Members than a code presented in government legislation. A resolution will also provide a better guarantee that the code and its enforcement will be immune from judicial review. Guidelines to the Code of Conduct will be drafted and as per paragraph 16.1 of the draft code, it is recommended that they be non-enforceable guidelines issued by the Presiding Officers, acting jointly. There is no need for the Houses to resolve non-enforceable guidelines.

Mr Young advised consultation had occurred with various stakeholders and others in relation to the content of the code and aspects of the framework it would operate in as follows:

- Clerks;
- DPAC and MPS;
- Integrity Commission;
- Clerk of the House of Representatives
- Clerk of the ACT Legislative Assembly; and
- Clerk of North-West Territories, Canada.[2]

[1] See House of Assembly Standing Order 2. Legislative Council Standing Orders do not contain a similar standing order. Legislative Council Code of Conduct is available on the Legislative Council webpage.

[2] *Independent Project Team – Consultant's report to Committee,* 5 March 2025.

Mr Young provided the following information in relation to the initial draft Alcohol and Other Drugs Members' Statement as follows:

a. Recommended establishment

A first step for Members in recognising the risk associated with alcohol in the workplace is a non-enforceable Members' Statement.

The draft code of conduct includes a range of prohibited workplace behaviours, some of which may be contributed to by impairment from alcohol or other drugs. Enforcement of the code is based on complaints about conduct.

There are aspects of impairment and irresponsible use of alcohol and other drugs that may sit outside of the Code of Conduct. An attempt to codify intervention against a Member of Parliament on the basis of perceived impairment raises issues of interference with a Member (a contempt for breach of parliamentary privilege).

The Members' Statement should be resolved by both Houses to ensure their commitment is formal and public.

b. Content

The statement acknowledges the environment in which Members work and clearly states that 'we do not accept that our role as elected Members of Parliament excuse irresponsible consumption of alcohol or being more generally impaired by alcohol and other drugs'.

The statement then expresses a number of positive 'commitments'.

The statement provides that the Presiding Officers may issue guidelines in support of the Statement. The Independent Project Team and consultant are currently working on draft guidelines while also assessing whether guidelines should be established at all.

The Committee resolved to endorse the release of the draft document(s) to Mr Young/MRPT to proceed to consultation stage with members of parliament and report back to the Committee.

In early April 2025 consultation was undertaken. Seven in person consultation sessions took place on 1 and 2 April 2025 at Parliament House, some comprising groups of members and some with individual members. A further four took place on 7 and 8 April 2025.

Following the consultation sessions on 1 and 2 April, Mr Young/MRPT submitted two revised drafts to the Committee, which reflected proposed amendments from the consultation sessions including comments to explain why each change was recommended for the Committee's consideration.

On 23 April 2025, Mr Young/MRPT submitted for the Committee's information 'A comparison of contemporary Codes of Conduct in Australia and overseas' – see Appendix A.

Following consultation with members on 7 and 8 April, a further draft Code of Conduct for Members was submitted to the Committee for consideration on 6 May 2025. Feedback was provided to Mr Young/MRPT and it was agreed that a further draft be provided at the next meeting.

On 11 June 2025, proclamations were issued by Her Excellency the Honourable Barbara Baker AC, Governor of Tasmania to prorogue the Parliament and dissolve the House of Assembly for an early election. Therefore, Committee activity ceased.

The Committee was re-established by joint resolution of both Houses of Parliament in the First Session of the Fifty-Second Parliament and held its first meeting on 25 September 2025.

The Committee met on 20 October 2025 and received a progress briefing update from Mr Young and ex-MRPT officers'[3] and considered a small number of suggested amendments put forward by Mr Young/MRPT. The Committee agreed to these along with two amendments put forward by Dr Woodruff. The Committee also sought advice from Mr Young in relation to another possible amendment to the Code of Conduct of Members. The Committee also resolved to adopt the Alcohol and Other Drugs Members' Statement.

The Committee met on 28 October 2025 and received advice from Mr Young in relation to the possible amendment flagged at the last meeting. The Committee agreed to the amendment and resolved that the latest Draft Code of Conduct for Members be adopted as the Code of Conduct for Members. (Refer to Recommendation 1).

[3] MRPT officers' secondment from PAHSMA concluded 18 September 2025.

Independent complaints and reporting process

On 23 April 2025, Mr Young/MRPT submitted a draft resolution to establish an Independent Complaints Commissioner (ICC) (Motion for Respect Recommendation 5) to deal with breaches of the draft Code of Conduct for Members, for the Committee's consideration.

Consultation undertaken by Mr Young/MRPT on the draft ICC process was conducted with the following stakeholder(s):

- Clerks;
- DPAC;
- Integrity Commission; and
- Parliamentary Joint Standing Committee on Integrity.

On 6 May 2025, the Clerks and the Executive Director, Legislature-General briefed the Committee on the draft Code of Conduct for Members and draft ICC process. Following the briefing the Committee received a written summary. See Appendix B — Proposed Independent Complaints Model for Parliament.

At this meeting, Mr Young provided information in relation to *Integrity Commission Act 2009* – matters arising from establishment of an Independent Complaints Commissioner in standing orders of both Houses of Parliament - see Appendix C.

The Committee also resolved to endorse Mr Young/MRPT to consult with DPAC/MPS's People and Culture Team, the Parliamentary Services People and Culture Team, and the Workplace Support Contact Officers' about the flowchart version of the draft ICC process. The purpose of consultation was to detect any issues with the proposed process and increase buy-in from people who may be the first point of contact for anyone experiencing problems in the workplace. See Appendix D – ICC process flowchart.

On 3 June 2025, the Committee received a briefing from the Integrity Commission to understand their views on the draft ICC process. Mr Young/MRPT also provided a briefing at this meeting and advised the MRPT discussed issues surrounding a legislated model versus a model established by joint resolution of both Houses. A brief 'pros' and 'cons' of each approach is attached at Appendix E.

On 11 June 2025, proclamations were issued by Her Excellency the Honourable Barbara Baker AC, Governor of Tasmania to prorogue the Parliament and dissolve the House of Assembly for an early election. Therefore, Committee activity ceased.

The Committee was re-established by joint resolution of both Houses of Parliament in the First Session of the Fifty-Second Parliament and held its first meeting on 25 September 2025.

The Committee met on 20 October 2025 and received a progress briefing update from Mr Young and ex-MRPT officers'[4] and considered a small number of suggested amendments they put forward. The Committee agreed to these.

The Committee met on 28 October 2025 and resolved that the Draft ICC process be adopted. (Refer to Recommendation 1).

4 MRPT officers' secondment from PAHSMA concluded 18 September 2025.

RECOMMENDATIONS

The Committee makes the following five recommendations. The Committee recommends:

Recommendation 1:

The attached Code of Conduct for Members and the ICC process be established by resolution in each House at the commencement of each new Parliament.

Recommendation 2:

As required, Standing Orders of each House be amended to prevent a breach of the Code of Conduct for Members being referred to the Standing Committee on Privileges of the relevant House, in the first instance. Breaches of the Code of Conduct for Members should be referred to the ICC process.

Recommendation 3:

The House of Assembly Standing Orders be amended to remove the current Code of Conduct.

Recommendation 4:

The attached Alcohol and Other Drugs Members' Statement be established by resolution in each House at the commencement of each new Parliament.

Recommendation 5:

Once the Code of Conduct for Members, ICC process and the Alcohol and Other Drugs Members' Statement have been adopted by the Parliament, appropriate budget allocation be made available to the Parliament of Tasmania for matters related to the management, administrative and training practices.

Code of Conduct for Members

PART I PRINCIPLES AND SCOPE

1. Preamble

1.1. This Code sets out the ethical and behavioural standard of conduct expected of Members of Parliament elected by the people of Tasmania. The actions of Members of Parliament have an impact on the lives of all Tasmanian people through the legislation they enact, and the public confidence in parliament through the behaviours they model.

1.2. Members respect the rule of law and separation of powers.

1.3. Members commit to acting with respect, integrity, honesty, openness, accessibility, objectivity, selflessness, leadership, and accountability.

1.4. Members acknowledge Tasmanian Aboriginal people as Tasmania's first people and continuing custodians of Tasmanian lands and waters. Members respect the deep history of Tasmanian Aboriginal peoples' connection to Land, Waterways, Sea and Sky Country. Members respect Elders, past and present, and acknowledge their contribution and cultural knowledge.

1.5. Members ensure that bullying, harassment, sexual harassment or assault, discrimination or victimisation in any form is not tolerated, condoned or ignored in the parliamentary workplace. Members encourage the reporting of such behaviour and the importance of considering the welfare of those affected.

1.6. Members respect the roles, obligation to be impartial, rights and responsibilities of parliamentary staff, public servants and other staff who do not work at the direction of Members.

1.7. Members respect staff who work at their direction and support the rights and responsibilities of those staff while encouraging their adherence to the highest professional and ethical standards when acting on the Members' behalf.

1.8. Members are entitled to be safe and respected in the workplace.

1.9. Members commit to the highest standards of respect and safety for all, especially children and vulnerable people.

1.10. Members protect confidential and official information in their possession or knowledge.

1.11. Members acknowledge that people have different cultural beliefs and customs, different religious beliefs, and diversity of identity. Differences of opinion and belief are part of political discourse, but should be expressed respectfully.

2. Scope

2.1. This Code applies at all times to Members of both Houses, including Presiding Officers and Ministers, in their capacity as Members of Parliament. A former Member may be held to account for a breach of this Code, for an act or omission committed when they were a Member.

2.2. While Members enjoy freedom of speech in the official proceedings of parliament, they should be mindful of the principles in this Code, in particular respect for others and the right to a safe workplace for all, including other Members.

PART II ENFORCEABLE STANDARDS

This part of the Code of Conduct is enforceable. Failure to comply with any of the standards may give rise to a formal complaint and a finding that the Member has breached the Code.

3. Affirmation

3.1. Each Member shall publicly affirm, in their respective House, their commitment to the enforceable standards in this Code within the first two sitting weeks of being elected.

4. General conduct in public office

4.1 Members shall comply with all relevant rules regarding employment and engagement of staff, including disclosure of any potential or perceived conflict of interest where there is a personal relationship outside of a professional context.

4.2 Members shall comply with all relevant rules regarding lobbying and shall not engage in paid advice or paid advocacy in any way that relates to their parliamentary work.

4.3 Members shall comply with all relevant rules, laws, and policies regarding the use of public resources.

5. Financial and other interests

5.1 Members shall not undertake any activity as a Member in return for the provision, promise or expectation of any improper benefit to the Member or to another person, and not accept any inappropriate benefit in connection with their activity as a Member.

5.2 Members shall not provide any form of significant financial or other benefit to another Member, which could reasonably be perceived as being motivated by gaining a political advantage or outcome.

5.3 Members shall comply with the *Parliamentary (Disclosure of Interests) Act 1996.*

5.4. Members shall take all reasonable steps to avoid a conflict of interest with the performance of their duties. Members shall disclose any direct financial or non-financial interest in proceedings of the House and Committees which would give rise to a conflict of interest.

6. Commitment to a safe and respectful workplace

6.1 Members shall uphold the letter and spirit of workplace laws and will not behave in the parliamentary workplace in a manner that constitutes –

- discrimination;
- bullying;
- harassment;
- sexual harassment and sexual assault; or
- victimisation

as defined by, and consistent with, the application of all relevant laws.

6.2. Members shall take appropriate steps to protect the health and safety of their staff if they observe or receive a report of unacceptable workplace behaviour towards them.

6.3. Members shall act on allegations of unacceptable workplace behaviour made about their staff.

7. Online behaviour

7.1. Members shall be open, honest and transparent in their use of social media and any other online activities including artificial intelligence (AI).

7.2. Members shall not use social media, messaging services, email or any other online activity in breach of the *Commitment to a safe and respectful workplace* section of this Code.

7.3. Members will not use AI in any way that breaches their obligation to maintain confidentiality.

7.4. Members shall be accountable for the use of social media and other online platforms by their staff when authorised by the Member to act on the Member's behalf.

8. Information Management

8.1. Members shall not use any information received in confidence in the course of their parliamentary duties unless strictly in connection with those duties. Such information must never be used for the purpose of financial gain or any personal benefit, or for the benefit or advantage of others.

8.2. Members shall keep confidential any information about individual constituents that comes into their possession, unless there is a valid reason to use the information in the proceedings of parliament, or with the consent of the individual, or unless required by law.

9. Mandatory induction and training

9.1. All Members shall participate in induction and training in relation to this Code and its enforcement, and in relation to workplace health and safety, provided by the Parliament within the first 12 months of the resolution of this Code and thereafter within 6 months of the election of new and returning Members.

9.2. The Clerks shall maintain a record of Members' participation in induction and training.

10. Members' responsibilities as complainants

10.1 A Member shall not make a complaint alleging a breach of this Code by another Member unless they have reasonable grounds to suspect non-compliance.

10.2 A Member shall not make a complaint of non-compliance against another Member that is frivolous or vexatious.

PART III GOVERNANCE

11. Ethics and integrity advice

11.1. Members should seek advice whenever required for the purposes of complying with this Code and for the purposes of deciding a course of action where ethical choices exist or this Code is silent on a matter.

12. Induction and Training – resourcing and awareness

12.1. The Clerks will be provided with reasonable financial resources to ensure that Members receive appropriate induction and ongoing training.

12.2. Members should assist staff working at their direction to be familiar with the workplace rights, obligations and policies applicable to those staff.

12.3. Members should ensure that their staff are aware of the Member's obligations under this Code.

13. Complaints and investigations

13.1 An independent complaints, investigations and reporting process will be established by the Houses and resourced to provide the necessary level of service.

14. Findings, remedies, and sanctions

14.1 Investigations and reports of alleged breaches of this Code will be based on evidence, findings, remedies, and sanctions that are consistent with the principles of justice, proportionate, and not based on political advantage.

14.2 Members convicted of a breach of the criminal law or workplace law, may also be subject to a sanction or remedy if found to have breached this Code.

15. Review

15.1 This Code and any related procedures shall be reviewed not less than once every parliamentary term.

15.2 The review is to be conducted by the relevant Committee which shall consult with other relevant office holders who have responsibility for advice, oversight and enforcement of this Code.

15.3 A report of each review is to be tabled in both Houses regardless of whether any amendments are recommended.

16. Guidelines

16.1 The Presiding Officers, acting jointly, may publish guidelines for this Code. The Presiding Officers will consult with relevant committees, the Independent Complaints Commissioner, and external agencies when reviewing the guidelines.

16.2 Such guidelines are only for the purpose of assisting Members to understand and interpret this Code and are not enforceable provisions.

That this House –

Resolves to establish an Independent Complaints Commissioner in the following terms:

APPOINTMENT OF INDEPENDENT COMPLAINTS COMMISSIONER AND DEPUTY COMMISSIONER FOR INTERNAL COMPLAINTS AGAINST MEMBERS OF TASMANIAN PARLIAMENT

1. FUNCTIONS

1.1 The functions and exclusions of the Independent Complaints Commissioner (ICC) and Deputy are provided by this resolution.

1.1.1 Inclusions

(a) Receiving and assessing complaints in relation to any allegation that a Member of Parliament has breached the enforceable standards in the Members Code of Conduct, including a breach of the requirements of the *Parliamentary (Disclosure of Interests) Act 1996*. For the avoidance of doubt, this includes Ministers in relation to their duties and conduct as a Member.
(b) Receiving complaints in relation to any allegation that a Minister has breached the enforceable standards in relation to the Code of Conduct *Commitment to a safe and respectful workplace,* regardless of whether the behaviour was in the context of the performance of ministerial functions. For the avoidance of doubt, any other alleged breach of a ministerial code of conduct shall not be investigated by the ICC or Deputy.
(c) Offering services designed to facilitate the resolution of complaints including via the provision of information, problem solving, conciliation, and advice.
(d) Investigating complaints that cannot, or should not, be resolved at a dispute resolution level.
(e) Imposing remedies where investigations lead to a finding of a minor breach of the enforceable standards in the Code of Conduct for Members.
(f) Making findings and recommendations (including recommended sanctions) to the Privileges Committee (*wherever this term is used, it means the relevant Committee in each House*) for action in the House where investigations relate to a major breach of the enforceable standards.
(g) Providing information and education on the role of the ICC and Deputy and the processes associated with it.

1.1.2 Exclusions:

(a) Investigating complaints involving proceedings of the House of Assembly, Legislative Council, or a committee of either or both of those Houses
(b) Investigating serious misconduct as defined in the *Integrity Commission Act 2009,* Part 1, section 4.
(c) Investigating matters that would fall under the *Criminal Code Act 1924*

1.2 Appointment of Commissioner and Deputy Commissioner

1.2.1 The Presiding Officers, acting jointly, with the assistance of the Clerks, shall join with an appropriately qualified and experienced person who will bring an understanding of the required skills of candidates, such person not being a current or former Member of Parliament (the Appointment Panel) to fill positions:

1. a suitably qualified person to be appointed to the position of Independent Complaints Commissioner (ICC) by not later than three months after the date of this resolution.
    - The person appointed should not be a former Member of any Parliament.
    - It is preferable that the person resides in Tasmania.

2. A suitably qualified person to be appointed to the position of Deputy Independent Complaints Commissioner (Deputy) with the same requirements as above

1.2.2 The appointments should reflect gender balance.

1.3 Term of appointment and option for re-appointment

1.3.1 The term of appointment of the ICC and Deputy shall be for not less than three and not more than four years. The Appointment Panel may re-appoint the ICC and Deputy not more than once, so that they cannot serve more than two terms.

1.4 Consultation

1.4.1 The Appointment Panel shall undertake a consultation process prior to making any appointment. The panel shall consult with a Consultation Group comprised of the Premier, the Leader of the Opposition, the leader of any other parties with more than one elected Member, a representative of the cross-bench in the House of Assembly, and a representative of the cross-bench in the Legislative Council to be nominated by those cross-bench groups.

1.5 Terms and conditions

1.5.1 The Presiding Officers, acting jointly, may contract the ICC and Deputy on terms and conditions.

1.6 Dismissal

1.6.1 The Presiding Officers, acting jointly, may, with agreement by majority of the Consultation Group, remove the Commissioner or Deputy from office for physical or mental incapacity that substantially reduces the capacity of the ICC or Deputy to perform their duties, OR for failing to act consistently with the Guiding Principles of their role as described in section 2.

1.7 Scope

1.7.1 Only the following people may make a complaint to the ICC or Deputy about an alleged breach of the enforceable standards of the Members Code of Conduct:

- Members of the Tasmanian Parliament
- Those employed pursuant to an Act of Tasmania or by Crown Prerogative, whose duties require them to engage with Members of the Parliament of Tasmania in their capacity as Members or Ministers
- Contractors or sub-contractors engaged by any of the above
- Volunteers, interns, or work placements with any of the above

1.8 Timeframes for complaints

1.8.1 No complaint of a breach of the enforceable standards of the Code of Conduct for Members may be considered which is alleged to have occurred prior to its resolution in both Houses.

1.8.2 Complaints may be made against former Members who were Members at the time of the alleged conduct.

1.8.3 Complaints must be lodged within two years of the incident alleged to have occurred, unless this is not fair or reasonable to a complainant or Member, or former Member as determined by the ICC.

2. GUIDING PRINCIPLES

2.1 The Independent Complaints Commissioner (ICC) and Deputy are to be guided by the following principles in the performance of their functions:

Integrity – act with personal integrity in such a manner as to promote the integrity of the Parliament.

Independence – act in a manner free from political bias.

Fairness— promote and apply principles of procedural fairness, impartially consider all relevant facts and make decisions based on the available information.

Proportionality – any sanction recommended to a Privileges Committee or remedy imposed for a minor matter, will be based on the measure being consistent and proportionate to the breach.

Respect and safety – taking all reasonable steps to protect the welfare of complainants, witnesses, Members, and treating all persons with respect.

Accountability – responsive and honest in reporting relationships and within any limitations of this resolution, including confidentiality.

Efficiency - conduct investigations without unnecessary delay and resolve in as short a time as possible with due regard for other principles.

3. RECEIVING COMPLAINTS

3.1 Referral

3.1.1 The complaint or referral received must be assessed as eligible by the ICC or Deputy before the commencement of any investigation or other process permitted by this resolution.

3.1.2 If a complainant is referred to the ICC by another agency, the ICC shall in the first instance, verify the willingness of the complainant to proceed.

3.1.3 In relation to an alleged breach of the Code of Conduct on the basis of a prohibited workplace behaviour, the ICC is not to commence any examination unless the complainant is directly affected by the alleged behaviour.

3.2 Triage

3.2.1 Following the inaugural appointment of the ICC, the ICC shall be the first point of contact for complaints. If, on review, it is deemed appropriate by the Presiding Officers acting jointly, the ICC may establish protocols for the use of a complaints triage service (*an independent, contracted service that specialises in receiving complaints, determining eligibility, and directing the complainant to the correct entity*).

3.2.2 The triage service may be contracted by the Presiding Officers on terms and conditions that include the protocols developed by the ICC.

3.3 Advice

3.3.1 The ICC may seek advice from suitably qualified persons in relation to the nature of a complaint and jurisdictional issues arising.

3.3.2 The ICC may consult the Clerks on a matter of parliamentary procedure or privilege.

3.4 Communication

3.4.1 The ICC will communicate with the complainant and the Member at intervals requested and agreed on at the time the complaint is accepted

3.5 Conciliation

3.5.1 Where possible, the ICC will facilitate early, confidential resolution/conciliation of a complaint without progressing to formal processes.

3.6 Confidentiality

3.6.1 Complainants, witnesses and any persons with knowledge of a complaint, who are not Members of Parliament, shall maintain confidentiality concerning all aspects of the complaint and investigation, unless otherwise provided by this resolution.

3.6.2 Members of Parliament should observe the same level of confidentiality, but nothing in this resolution overrides the parliamentary privilege of free speech.

3.6.3 In exceptional circumstances where fairness to either party is the primary concern, the ICC may publicly confirm the fact that a complaint has been made.

3.6.4 If the matter relates to a provision in the *Commitment to a safe and respectful workplace* section of the Code of Conduct, and the ICC has been unable to resolve the matter via early conciliation, a report will only be presented to the Privileges Committee if the complainant consents to the making of the report.

3.6.5 In determining whether to accept the recommendations of the ICC in a report to the Privileges Committee, the Committee will consider the ICC's advice as to the amount of information that should be made public in a report to the House. For this purpose the ICC may submit a summary report to the Privileges Committee.

4. INVESTIGATIONS, REFFERALS AND REPORTS

4.1 Protocols

4.1.1 The ICC shall develop leading practice protocols, and amended protocols from time to time, and may consult with the Privileges Committees and the Clerks. The protocols and any subsequent amendments shall be tabled in each House by the Clerks.

4.2 Referral to other integrity and law enforcement agencies

4.2.1 At any time a matter is received or being investigated, the ICC may cease the investigation and recommend to the complainant that they make a complaint to a relevant integrity or law enforcement agency, unless the matter comprises a duty as a mandated reporter in which case, the ICC will follow the mandated reporting procedure.

4.3 Referrals to Privileges committee of relevant House

4.3.1 Where the ICC's findings and recommended sanctions would require consideration and enforcement by the relevant House, the ICC shall transmit their report to the Privileges Committee.

4.4 Call for persons, documents and other elements

4.4.1 The ICC may require a person to attend a meeting with the ICC and may require a person to produce documents or other records in support of an investigation.

4.4.2 If a person fails to comply with a direction of the ICC, the ICC may report the failure to the relevant Privileges Committee.

4.5 Refusal to cooperate with ICC

4.5.1 The Commissioner may make a report to the relevant Privileges Committee if a Member or former Member refuses to cooperate with an investigation.

4.6 Remedies and Sanctions

4.6.1 The ICC may recommend and impose a remedy following conciliation or other process in relation to minor breaches, which may include inadvertent breaches of the Code, including the Parliamentary (Disclosure of Interests) Act 1996.

4.6.2 In the event that a Member does not agree to a remedy, the ICC may report the matter and recommended remedy to the Privileges Committee.

4.6.3 Where a matter involves a more serious breach of the Code, the ICC shall make a summary report of their findings and recommended sanction to the Privileges Committee.

4.7 Responsibilities of the Privileges Committee

4.7.1 Where the Privileges Committee receives a report from the ICC with findings and recommended sanctions the Privileges Committee shall:

1. Consider the report
2. Invite the Member to provide a written response regarding the sanctions recommended for its consideration
3. Transmit a report to the House that contains:

a. Report or summary report of the ICC
b. The recommendations of the Privileges Committee regarding sanctions
c. An explanation for any differences between the recommendations of the ICC and the recommendations of the Privileges Committee.

4.8 Reporting duties

4.8.1 The ICC shall provide a yearly report of the following to the Clerks who shall cause the report to be tabled in each House:

a) data and trends including number of complaints received, number of complaints declined, number of complaints withdrawn (and at what stage this occurred), number of resolutions achieved at conciliation, number of referrals to Privileges Committee

b) any other relevant material with due consideration to section 3.6 of this resolution

c) reform needs, including amendments to this resolution; and

d) systemic issues and hazards

4.8.2 Where significant circumstances warrant the ICC making additional reports, the ICC shall transmit such reports to the Clerks who shall cause the report to be tabled in each House.

4.9 Records of the ICC

4.9.1 Records kept by the ICC shall remain confidential and shall be deposited with the Clerks when the person ceases to hold the position of ICC.

4.9.2 The ICC may request that the Clerk provide access to documents relating to a prior complaint in support of an investigation.

4.10 Review of this resolution

4.10.1 Not later than two years after the commencement of this resolution, the Privileges Committees will review the operation of this resolution and report to the Houses, including any recommended amendments. The Committees will consult with the ICC, the Integrity Commission and any other office holders and persons for this purpose.

4.10.2 Nothing in this resolution overrides the powers and functions of the Integrity Commission contained in its establishing Act.

Alcohol and Other Drugs

Members' statement

Our acknowledgements

Attendance at social and community events, official functions, protocol, and other activities where alcohol is served are frequent features of the work of an elected Member of Parliament.

We value the reputation of the institution of Parliament, public trust in Members, and the safety and welfare of the people with whom we work.

We acknowledge that impairment from alcohol or other drugs can significantly increase risks to Work Health and Safety, including during work related travel.

We acknowledge that alcohol use is correlated with sexual harassment and assault.

We accept that our role as elected Members of Parliament does not excuse irresponsible consumption of alcohol or being more generally impaired by alcohol and other drugs.

Our commitments

We commit to managing the risks associated with alcohol and other drug use and acknowledge our shared responsibility under the Work Health and Safety Act to maintain a safe and respectful workplace for all.

We commit to principles of responsible consumption of alcohol and preventing the adverse consequences of impairment from alcohol and drug use on staff and other Members in the workplace.

We respect the choice of an individual to not consume alcohol in any setting where alcohol is served.

We recognise and respond to inappropriate behaviour, intervening when needed, and encourage and support others to speak up.

A comparison of contemporary Codes of Conduct in Australia and overseas

3 reasons for a contemporary Code of Conduct

- A parliamentary workplace has the same reputational and legal risks as any other Australian workplace and has a legal obligation to provide employees with a safe workplace under WHS and other legislation.

- "Clear and consistent standards of conduct are necessary for a safe and productive workplace. The most effective way to ensure that those standards are lived across a workplace is by articulating, promoting and enforcing them". An absence of clear standards "lays the groundwork for misconduct, but also feeds a sense of fear and silence around reporting misconduct, with the imbalance of power in parliamentary workplaces a key driver of these fears".[1]

- The *Anti-Discrimination and Human Rights Legislation Amendment (Respect at Work) Act 2022* (Cth) introduced a new **positive duty** on employers and Persons Conducting a Business or Undertaking (PCBUs) to take measures to eliminate, as far as possible, certain discriminatory conduct that is already made unlawful under the *Sex Discrimination Act 1984* (Cth).[2]

Comparison of contemporary practice

Table 1 below compares approaches to Codes of Conduct for Members of Parliament. It includes several Australian states and other Commonwealth jurisdictions that have expanded the scope of their standards to explicitly address workplace behaviour such as bullying, harassment including sexual harassment, and discrimination.

[1] Australian Human Rights Commission (AHRC), *Set the Standard: Report on the Independent Review into Commonwealth Parliamentary Workplaces* (Set the Standard report), November 2021, pp. 218.
[2] Fact Sheet: Respect@Work - Changes to the Sex Discrimination Act 1984 and the Australian Human Rights Commission Act , (December 2022).

Table 1

Jurisdiction and Format	Code est.	Financial	Workplace Behaviour	Managing information	Mandatory training	Complaints Investigation	Other matters of interest
VIC							
Act. *Members of Parliament (Standards) Act 1978*, Victoria, Australia. Part 3 – *Code of Conduct*.	2019	**Part 3** Conflicts of interest; Using position for profit; Accepting benefits; Use of public resources. **Part 4** Register of Interests.	**Part 3** S. 6 - Respect for others (No. 5/2019); S. 6A -Appropriate Workplace behaviour (No. 27/2024); S.13 - Personal conduct (No. 5/2019)	**Part 3** S.14 Managing confidential and personal information (No. 5/2019)	X	Referral to Presiding Officer as matter of privilege.	
ACT							
Resolution. Continuing Resolution No. 5 Code of conduct	2005 (rev. 2006, 2013, 2017, 2019, 2021, 2023, 2024)	**Res. No. 5** (B)(7) – Use of public resources; (C)(2) Conflict of interests; (B)(4) – Accepting benefits. **Res. No.6** Declaration of private interests	**Res. No. 5** (C)(8) – "accepted" workplace conduct standards; (D) – bullying, harassment, discrimination.	X	X	**Res. No.5AA** Commissioner for Standards (2013, as amended). Oversight by *Standing Committee on Administration and Procedure*.	Complaints lodged via Clerk.

Jurisdiction and Format	Code est.	Financial	Workplace Behaviour	Managing information	Mandatory training	Complaints Investigation	Other matters of interest
NSW							
Resolution Leg. Assembly Legislative Assembly Standing Orders	2023	S.3 - Use of public resources; S. 6 – Disclosure of interests; S. 7 – Conflict of interest; S. 8 – Gifts.	X	S. 4. Use of confidential information	X	Minor breach – House as matter of privilege. Substantial breach (corrupt conduct) – ICAC. Bullying, harassment & inappropriate behaviour – Independent Complaints Officer (2022).	
Resolution Leg. Council Legislative Council Resolutions of Continuing Effect	2020	S.3 - Use of public resources; S. 6 – Disclosure of interests; S. 7 – Conflict of interest; S. 8 – Gifts.	S.10 – Treatment of staff and others	S. 4. Use of confidential information	X		Includes commentary on *Anti-Discrimination Act 1977* regarding sexual harassment.
Legislative Assembly of Ontario							
Members Integrity Act 1994, Ontario, Canada.	1994	Conflict of Interest; Gifts; Private Interests.		In relation to Commissioner.	X	Integrity Commissioner	Sec. 9 – Social Media provision (applies to all Members).
Resolution *Legislative Assembly Members' Code of Conduct on Harassment* *(Note: Ontario Code is linked within this document – not available online).*	2018		Code relates only to behaviour of Members towards each other.	X	X	Party Whips, Clerk, Speaker. A 'neutral investigator' is engaged by the Clerk after initial processes.	Requires pledge of compliance. Same status as Standing Orders.

Jurisdiction and Format	Code est.	Financial	Workplace Behaviour	Managing information	Mandatory training	Complaints Investigation	Other matters of interest
House of Commons, Canada							
Resolution The Code of Conduct for Members of the House of Commons: Sexual Harassment added as **Appendix II** to SO's. Applies to non-criminal sexual harassment between Members.	2016	**Appendix I** Conflict of Interest Code appended to SO's	Members of the House of Commons Workplace Harassment and Violence Prevention Policy 2021(updated 2024) (Does not cover situations between Members). + The Code of Conduct for Members of the House of Commons: Sexual Harassment (For situations between Members).	Only in relation to complaints resolution process.	**Appendix I** S.32 –The commissioner undertakes mandatory training for members, plus educational activities for members regarding this code [Conflict of Interest] and the role of the Commissioner. **Appendix II** of SO S.67 - The CHRO undertakes educational activities for members on content of code and prevention of sexual harassment. S.68 - ...at the start of each new Parliament.	External investigator engaged by Chief HR Officer (CHRO) of House of Commons Administration.	
Northwest territories, Canada							
Resolution Code of Conduct for Members of the Northwest Territories Legislative Assembly. + Guide to Members' Conduct	2019 2024	*Legislative Council and Executive Council Act 1999* – conflict of interest; gifts; interests' disclosure;	*Workplace Harassment Policy* 1999 -incorporated into Guide and now expressly includes sexual harassment & sexual assault.	Guide- B – 7. Explicitly addresses protection of constituent's information.	X	Integrity Commissioner.	

Jurisdiction and Format	Code est.	Financial	Workplace Behaviour	Managing information	Mandatory training	Complaints Investigation	Other matters of interest
UK							
Resolution House of Commons The Code of Conduct together with The Guide to the Rules relating to the Conduct of Members, 2022.	2022	Guide Ch. 1 Registration of financial interests; Ch. 2 - Declaration of Interests.	Code of Conduct D – Rules of conduct S.18 - Respect. + *Parliamentary Behaviour Code* (Resolution 2018) – that applies to everyone in the Parliamentary community.	Code of Conduct D (7) - Use of information received in confidence	X	Parliamentary Commissioner for Standards Independent Complaints and Grievance Scheme (ICGS)	An independent Complaints and Grievance Procedure (ICGP) underpins the Code with an independent services procedure for specialist investigations and informal dispute resolution.
Tynwald Court, Isle of Man							
Resolution *Code of Conduct*, **Annex 6** to Standing Orders	2017, rev. 2023	Register of Interests rule, **Annex 7** to Standing Orders.	*Required Standards of Conduct*, **Annex 4.** Contains policy against bullying & harassment.	Data privacy policy on each Members' profile on website.	X **Annex 6 -** 20 - The President shall ensure Members continue to receive guidance on the Code of Conduct.	Independent, non-political investigators.	
NZ							
Resolution House of Representatives SO's	2020	*Register of Pecuniary & other specified interest of Members of Parliament (2005)*, provided by	*Behavioural Statements for the Parliamentary Workplace (2020).*	X Except for mention in Behavioural Statement – "Being trustworthy	X	Deputy Clerk, as Registrar, may conduct investigations into pecuniary & other specified interests.	For staff to work in a Members office, the Member, the Parl. Service and the employee must all sign an agreement

		Appendix B of the SOs.		stewards of information".		For the purpose of investigating alleged breaches of workplace behaviour standards by Members, a Parliamentary Standards Commissioner was established in 2022.	stating they will abide by the Behavioural Statements and meet health and safety obligations.

Extracted from Report of the Speaker's Panel to establish a [Legislative Assembly of Ontario] Members' Code of Conduct on Harassment

MEMBERS' CODE OF CONDUCT ON HARASSMENT

PREAMBLE

In order to foster a culture in which Members of the Legislative Assembly of Ontario treat each other with respect and professionalism, it is desirable that the Assembly have a code of conduct that

- prohibits a Member from harassing another Member,
- takes seriously a Member's complaint that another Member has harassed the Member,
- creates a fair, confidential, respectful, and timely complainant-driven regime to receive, process, investigate, make findings and decisions on, resolve, and otherwise deal with a complaint that a Member has harassed another Member, and
- requires a Member to pledge to comply with the code.

PART A – INTRODUCTION

1 Establishment of a Code of Conduct

1.1 A Members' Code of Conduct on Harassment, as set out in this document, is hereby established.

1.2 The Code has the same status as the Standing Orders.

2 Application

2.1 The Code applies with respect to a Member's complaint that another Member has harassed the Member.

3 Harassment prohibited

3.1 A Member shall not harass another Member.

4 Pledge

4.1 In every Parliament, a Member shall sign the pledge set out in Form 1.

1

4.2 A Member shall provide the signed pledge to the Clerk within 30 days after the Code is adopted, and thereafter within 30 days after each occasion that notice of the Member's election to the Assembly is published in the *Ontario Gazette*.

PART B – COMPLAINT RESOLUTION MECHANISM

5 Informal process, formal process

5.1 Where a Member seeks to make a complaint, it shall be commenced by and proceed under

(a) the informal process set out in Part C, or

(b) the formal process set out in Part D,

whichever the complainant selects.

5.2 A complaint may also be commenced by and proceed under the formal process where a complaint under the informal process stands unresolved.

6 Mediation

6.1 At any stage of a process or proceeding under the Code, a complainant and respondent may enter into an agreement to engage a mediator to deal with the complaint, in which case such process or proceeding between them shall be temporarily suspended.

6.2 Where mediation resolves the complaint, the temporary suspension shall become permanent, and the complainant shall make no new complaint against the respondent that deals with the same incident.

6.3 Where mediation does not resolve the complaint, the temporary suspension shall be lifted.

7 Support person

7.1 In a process or proceeding under Parts B, C or D,

(a) a support person engaged by the complainant may advise and assist the complainant, and

(b) a support person engaged by the respondent may advise and assist the respondent.

7.2 A complainant or respondent (as the case may be) who engages a support person is responsible for any expense associated with the engagement.

PART C – INFORMAL PROCESS OF COMPLAINT RESOLUTION

8 Commencement

8.1 A complainant may commence an informal process by making a timely complaint, in writing or otherwise, to the complainant's Whip or the Clerk that the respondent has harassed the complainant.

9 Agreement on process

9.1 A complainant and respondent may enter into an agreement on how to deal with the complaint.

PART D – FORMAL PROCESS OF COMPLAINT RESOLUTION

10 Commencement

10.1 A complainant may commence a formal process by giving a timely notification to the Clerk that the respondent has harassed the complainant.

11 Particulars of notification

11.1 The notification shall be signed by the complainant and shall provide the material facts of the complaint.

12 Transmittal of notification

12.1 The Clerk shall provide a copy of the notification to the respondent.

12.2 The Clerk shall provide a copy of the notification to both the complainant's Whip and the respondent's Whip, if the complainant so wishes.

13 Request for additional material facts

13.1 The Clerk may request additional material facts from the respondent.

14 Clerk's facilitation role

14.1 The Clerk shall facilitate the formal process and maintain the record, and may facilitate discussions between the complainant and the respondent.

3

15 Investigation and report

15.1 The Clerk shall engage a neutral investigator after taking earlier steps under this Part.

15.2 The investigator shall:

(a) investigate the complaint in a fair and impartial manner;

(b) inform participants about their roles in the investigation, and the procedure to be followed in it;

(c) at the end of the investigation, provide to the Clerk a draft investigation report that includes one of the following findings:

1. There is sufficient evidence to support a claim that the respondent has harassed the complainant.

2. There is insufficient evidence to support a claim that the respondent has harassed the complainant.

3. There is insufficient evidence to support a claim that the respondent has harassed the complainant, and there is sufficient evidence that the complaint was frivolous, vexatious or not made in good faith.

15.3 The Clerk shall provide a copy of the draft investigation report to the complainant and respondent.

15.4 The complainant and respondent may provide the Clerk with written submissions on the draft investigation report, if they are provided within 15 days after receiving the report.

15.5 The Clerk shall provide the submissions (if any) to the investigator.

15.6 The investigator shall consider the submissions (if any), and then prepare a final investigation report that includes one of the findings referred to in paragraph 15.2 (c).

15.7 The investigator shall provide the final investigation report to the Clerk.

15.8 The Clerk shall provide a copy of the final investigation report to the complainant and respondent, and notify them about Part E.

PART E – POST-INVESTIGATION ACTION

16 Action by Whip

16.1 A complainant (in the case of a final investigation report with a finding under paragraph 15.2 (c) 1.) or respondent (in the case of a final investigation report with a finding under paragraph 15.2 (c) 3.) may notify the Clerk that further action on the report is warranted, if such notification is made within 15 days after the complainant or respondent (as the case may be) receives the report under paragraph 15.8.

16.2 The Clerk shall provide the notification and final investigation report to the respondent's Whip (in the case of a complainant's notification) or the complainant's Whip (in the case of a respondent's notification).

16.3 Within 15 days after receiving the notification and final investigation report, the respondent's Whip or complainant's Whip (as the case may be) shall notify the Clerk about a disciplinary action that such Whip proposes to implement with respect to the respondent or complainant respectively.

16.4 The Clerk shall provide the notification from the respondent's Whip or complainant's Whip (as the case may be) to the respondent and complainant.

16.5 A respondent or complainant who is dissatisfied with the proposed disciplinary action by the respondent's Whip or complainant's Whip (as the case may be) may notify the Clerk about an alternative proposed disciplinary action, if the notification is made within 15 days after the respondent or complainant respectively receives the notification under paragraph 16.4.

16.6 The Clerk shall provide a notification made under paragraph 16.5 to the Whip who had notified the Clerk about the original proposal under paragraph 16.3, after which such Whip shall, within three days, notify the Clerk about a proposed disciplinary action that is the same as or different than the one in the original proposal. The Clerk shall provide the notification made under this paragraph to the complainant and respondent.

16.7 Where the respondent and complainant agree to a Whip's proposed implementation of a disciplinary action under paragraph 16, the respondent's Whip (in the case of a proposed implementation on a respondent) or the complainant's Whip (in the case of a proposed implementation on a complainant) shall implement the action.

17 Action by select committee and Assembly

17.1 Where there is no agreement under paragraph 16.7,

(a) the complainant or complainant's Whip (in the case of a final investigation report with a finding under paragraph 15.2 (c) 1.), or

(b) the respondent or respondent's Whip (in the case of a final investigation report with a finding under paragraph 15.2 (c) 3.)

may notify the Speaker about the lack of agreement, if the notification is made between the thirtieth and sixtieth days after the day that the Clerk provides the notification made under paragraph 16.4.

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17.2 A notification by the complainant's Whip or respondent's Whip (as the case may be) under paragraph 17.1 requires the written consent of the complainant or respondent respectively.

17.3 The final investigation report shall be attached to a notification under paragraph 17.1.

17.4 Upon receiving a notification under paragraph 17.1, the Speaker shall forthwith advise the party House Leaders about the notification and paragraph 17.5.

17.5 Within 30 sessional days following the Speaker's receipt of the notification under paragraph 17.1, a select committee shall be appointed to deal with the complaint.

17.6 The membership of the select committee shall consist of the Chair and one Member from each party, none of whom has been a participant.

17.7 The Standing Orders shall apply to proceedings of the select committee, except that:

(a) its first meeting requires 48 hours' notice;

(b) it shall meet in closed session;

(c) it shall determine whether all or part of the final investigation report, or a summary of it, may be used as evidence in its proceedings;

(d) the complainant and respondent may provide oral and written submissions to the Panel;

(e) it shall write a report that:

(i) summarizes the final investigation report,

(ii) identifies no individual other than the respondent (in the case of a final investigation report with a finding under paragraph 15.2 (c) 1.) or complainant (in the case of a final investigation report with a finding under paragraph 15.2 (c) 3.), and

(iii) provides reasons for any conclusions and recommendations; and

(f) the report may recommend the imposition and enforcement of disciplinary action against the Member identified under paragraph 17.7 (e) (ii), including expelling such Member and declaring a vacancy in the Member's seat.

17.8 The Standing Orders shall apply to subsequent Assembly proceedings on the select committee's report, except that:

(a) on the day that the Chair presents the report to the Assembly, no question relating to the report shall be put, but an Order for a motion to adopt the report or the recommendations in the report (as the case may be) shall be placed on the *Orders and Notices Paper*; and

6

(b) the Order shall remain on the *Orders and Notices Paper* for the duration of the Parliament until the Assembly decides the question or orders otherwise.

17.9 A notification under paragraph 17.1 and a select committee's mandate under paragraph 17.5 are deemed to be withdrawn if, at any time before the presentation of the report,

(a) the complainant or respondent (as the case may be) notifies the Speaker that it is being withdrawn, or

(b) the complainant or respondent is no longer a Member.

17.10 A withdrawn notification shall not be reinstated, and the complainant shall not make a new complaint against the respondent that deals with the same incident.

PART F – MISCELLANEOUS PROVISIONS

18 Confidentiality

18.1 No participant shall provide, disclose or make available any information or document used in a process or proceeding under the Code for an unauthorized purpose.

18.2 All participants shall sign a Non-Disclosure Agreement with respect to the matters in paragraph 18.1.

19 Timeliness

19.1 Participants shall carry out their duties and responsibilities under the Code in a timely manner.

20 Record keeping

20.1 The Clerk shall retain all evidence and documents, including any closed session minutes and transcripts, used in a process or proceeding under the Code for five years after the occurrence of the last action taken under the Code on the process or proceeding, after which time the Clerk shall cause such evidence and documents as are not sessional papers to be destroyed.

21 Clerk's authority

21.1 The Clerk may reasonably:

(a) adjust timelines specified in the Code, except for the timelines in paragraph 17, and

(b) join complaints for administrative purposes under Parts B, C or D.

22 Police investigation and laying of charges

22.1 Where a Member is under police investigation, or is charged with a criminal or provincial offence, relating to conduct that is or might become the subject of a process or proceeding under the Code, no such process or proceeding (other than a parliamentary proceeding) relating to the conduct shall be commenced or continued (as the case may be) until the conclusion of the investigation or the final disposition of the charges (as the case may be).

23 Interpretation

23.1 In this Code,

(a) “Assembly” means the Legislative Assembly of Ontario;

(b) “behaviour” includes the making of an expression, gesture or symbol;

(c) “Clerk” means the Clerk of the Legislative Assembly of Ontario or a person designated in writing by the Clerk;

(d) “Code” means the Code referred to in paragraph 1.1;

(e) “complainant” means a Member who makes a complaint;

(f) “complaint” means a complaint made under the Code;

(g) “conduct” includes a behaviour, whether or not it is physical, sexual, verbal, or communicated by technology;

(h) “draft investigation report” means the draft investigation report referred to in paragraph 15.2 (c);

(i) “final investigation report” means the final investigation report referred to in paragraph 15.6;

(j) “formal process” means the formal process of complaint resolution referred to in Part D;

(k) “harass” means to engage in, assist in or encourage vexatious conduct (including bullying and intimidation) that is known or ought reasonably to be known to be unwelcome and that detrimentally affects the work environment;

(l) “informal process” means the informal process of complaint resolution referred to in Part C;

(m) “investigator” means the investigator referred to in paragraph 15.1;

(n) “mediator” means a person selected jointly by the complainant and the respondent from a list of neutral mediators provided by the Clerk;

(o) “Member” means a Member of the Assembly;

(p) “notify” means to notify in writing;

(q) “participant” means a Member, Clerk, mediator, support person, investigator, or any other individual involved in a process or proceeding under the Code;

(r) “party” means a recognized party as defined in Standing Order 2;

(s) “resolved” means resolved to the satisfaction of the complainant and respondent;

(t) “respondent” means a Member who is the subject of a complaint;

(u) “select committee” means a select committee under the Standing Orders;

(v) “sexual”, in relation to conduct, refers to conduct based on sex, sexual orientation, gender identity, or gender expression;

(w) “Speaker” means the Speaker of the Assembly or (where such person is a complainant or respondent or is unavailable) the next available most senior ranking Assembly presiding officer who is not a complainant or respondent;

(x) “Standing Orders” mean the Standing Orders of the Assembly;

(y) “support person” means the person referred to in paragraph 7.1;

(z) “unauthorized” means not authorized under the Code;

(aa) “unresolved” means not resolved to the satisfaction of the complainant and respondent;

(bb) “Whip” means

> (i) a party Whip,
>
> (ii) where the person in (i) is a complainant or respondent or has a conflict, the party House Leader of the same party, or
>
> (iii) where the person in (ii) is a complainant or respondent or has a conflict, the party Caucus Chair of the same party,

except that, where a complainant or respondent is an independent Member, a reference to a complainant’s Whip or respondent’s Whip in paragraph 16 is deemed to be a reference to the complainant or respondent respectively.

FORM 1

PLEDGE OF MEMBER OF THE LEGISLATIVE ASSEMBLY OF ONTARIO

Having read and understood the *Members' Code of Conduct on Harassment*,

I, ……, MPP

for the electoral district of ……………………………………………………………………………………..

in the province of Ontario, pledge to comply with its letter and spirit.

Signature: ____ Date: ______________________

Attachment A - Proposed Independent Complaints Model for Parliament

Introduction

Parliamentary workplaces, like courts, have been largely self-regulated institutions for many years. This has been largely for constitutional reasons – institutional integrity, tradition and the separation of powers and has often been cited as the reason to maintain self-regulation and long-standing convention. It was long held that only Members could regulate themselves. However, noting many reports over the last decade, media attention and inquiries into conduct of Members and regulation of the parliamentary workplace, change is imperative. It is against this backdrop more voices have been raised challenging the view that the sovereignty of parliament necessarily requires total self-regulation.

It is our contention that accountability if designed and delivered carefully is not necessarily incongruent with institutional independence and the rights, privileges and immunities of the Parliament and its Members.

This submission notes the high level principles that workplace standards and issues relating to Parliament. We also make some comments on the proposed model and submit that our preference would be for any such model to be underpinned by legislation.

Issues

It is noted that the work of UK Professor Dawn Oliver has identified that a self-regulated system of workplace standards and accountability in the parliamentary context must be governed by a set of principles. That is, the system must demonstrate:

- a genuine commitment by members [and officers/staff] to upholding standards of conduct
- (merited) public confidence in the system of self-regulation
- a degree of external involvement
- separation or independence from members [officers/staff] whose interests may be affected
- clear standards of conduct
- appropriate sanctions
- responsive to changing social expectations and standards
- effective public accountability.

It is acknowledged that Members are not employees and the usual workplace policies to address behaviour and deal with complaints are not applicable or readily transferable to Members but with an appropriate framework similar policies and standards can be applied.

A code of conduct for Members and a formalised complaints handling process, supported by an Independent Complaints Commissioner represent importance reforms to deliver accountability and lift standards of behaviour within the Parliament.

The overriding design objective for a Parliamentary Code of Conduct must be to ensure that its operation is seen to be both fair and effective. Only if that is so will the system command the confidence of Parliamentarians and of the public. "Seen to be" is crucial. It implies two qualities - transparency and clarity - which are essential to securing and maintaining confidence. The system needs to be open and its operation and implications easily understood by those affected by it. Its credibility also depends on it being based as far as practicable on inter-party and Member consensus.

It is also essential that the system should be seen to be fair to all who are involved. This is largely a matter of ensuring that the process accords with the rules of natural justice so that it is seen to be fair to those making allegations of a breach, to those alleged to have breached the code, and to those whose reputations may be affected by such allegations or an investigation into them (e.g., witnesses).

This is very important for staff and others who work at and in the institution of Parliament. As Clerks we have duties to provide a safe and respectful workplace for our employees, contractors and visitors, including providing mechanisms for the handling and resolution of grievances and complaints. This is necessary to protect the reputation of the institution of parliament itself.

It is our contention that an ineffective code will damage Parliament's reputation. Conversely a fair and effective code will protect it insofar as it demonstrates that those whose conduct is unacceptable have been identified and dealt with appropriately, leaving unsullied the reputation of those whose conduct adheres to the agreed standards.

Those features of transparency, clarity, fairness and effectiveness, are required of any system for regulating the conduct and ethics of a profession. In the context of a code of parliamentary conduct there are two other important features which also have to be taken into account: the constitutional status of parliament and its partisan character where politics can be a part of parliamentary determinations. The framework can address the intrusion of partisan considerations to a degree by the inclusion of independent mechanisms to examine and make recommendations as to the personal conduct of Members.

Any code should also recognise that parliament is sovereign, and its special privileges are safeguarded from interference from either the Crown or the courts by Article 9 of the Bill of Rights.

Comments on Model

The policy as set out in the draft resolution and code of conduct is sound and reflects contemporary workplace practice. It also addresses the considerations noted above and reflects the well accepted ‘Nolan principles’ on conduct in public life.

In our view the model does not impinge upon parliamentary privilege and is not concerned with the proceedings of parliament.

We support the model as proposed, but note that other professions, workplaces have legislation to underpin their models and which enhances their legitimacy and provide clarity as to the following:

- Who may make a complaint.
- What happens with a complaint, screening and assessment.

- How and who will investigate a complaint, testing evidence and making findings.
- What the outcome of a complaint or investigation may or may not be.

As part of the adoption of any model or mechanism with require resourcing to support its operation. For instance, the recruitment of and operations of an Independent Complaints Commissioner will require a budget allocation as will other ancillary aspects of the model e.g. with legal advice is required, on costs to support the Commissioner and embedding a training and development program. A separate analysis of budget allocation is required.

The model may be adopted by resolution or legislation. Our preference is legislation. The reasons for which are set out below for the Committee to consider.

Adoption of code of conduct and independent complaints commissioner model by legislation

Legislation is a form of mandating policy decisions and ensuring that the rule of law is respected. The concept of the rule of law includes a principle that ensures everyone, including public officials, is subject to and accountable under the law and fundamental rights and freedoms are protected.

Legislation often serves as the foundation for ensuring that an agreed approach is adopted in a formal and legally binding way. Legislation can also clearly articulate the powers and functions and the limits to the exercise of those powers and performance of those functions in a clear and transparent manner for the benefit of all. While a resolution may have similar effect, a resolution must be adopted at the commencement of a session of parliament and does not exist in perpetuity (or until such time as repealed).

Legislation can also serve to embed accountability and governance and serves as an option chosen to present a policy in a particularly powerful way or to create a state of affairs that can only be further changed or brought to an end by legislation. It also serves as a strong signal in the government's budget process that a program or service must be funded.

Where legislation underpins a policy or program or body this can ensure appropriate funding is applied to support the operation of the policy or program. Currently the budget process prioritises new initiatives and government commitments and as a Parliament we are often competing with other government agencies for resourcing and such a declaration of the importance of this model through statute would provide stronger impetus for the Parliament's budget request for resources to support the model.

As noted above, the proposed model is sound from a policy perspective, but without authorising legislation there may be impediments to its operation.

The Independent Complaints Commissioner (ICC) is a significant regulator and has powers to make findings that have serious consequences for Members and there is a question about how existing laws e.g. *Integrity Commission Act 2009* (investigations, education and role of Parliamentary Standards Commissioner), *Right to Information Act 2009* (record keeping and release of information) and *Public*

Interest Disclosures Act 2002 (whistleblower protection) interact with the proposed model. Some of the rule of law issues with a non-legislative model include, but are not limited to the following:

- The interaction with the Integrity Commission Act and Commission vis a vis its powers and functions – e.g. section 87 and the assessment and referral of complaints to a parliamentary entity (as defined) and role of the Independent Complaints Commissioner.
- The parliamentary workplace is a complex workplace, made up of many people with various employment arrangements covering different types of staff. Many are covered under other laws and there may be transitional and consequential things to consider in a scheme and the applicability or not of other laws and rights and responsibilities. Legislation, which is more accessible than a resolution, can clearly set out when and how a person may make a complaint.
- The role of the Parliamentary Standards Commissioner and whether this role could be enhanced in terms of training and advice and support a permanent office to incorporate the Independent Complaint Commissioner framework.
- Protection of rights of subject officers and complainants should be enshrined in legislation and have clear review processes, rather than reliance on the parliament. Note that Judicial Review often serves as a check and balance against the authority and actions of decision makers thereby enhancing institutional legitimacy, rights protection and reasonable decision making.
- The right to compel the production of documents and participation in an inquiry can only be dealt with a referral to the privileges committee and possible an order from the House – this may be problematic – it will put things back into a political realm and create delays. It is not in accordance with best practice complaint handling that requires clarity around processes, rights and review mechanisms.
- Record keeping obligations under relevant privacy and right to information laws. Institutions should be aware of legal, contractual, professional and other obligations to document complaint handling, maintain records and provide access to those records. Institutions should provide that all steps taken in the complaint handling process are documented – the model is not mature enough to ensure the protection and future use of information. Noting that records can provide insight into root causes and systemic issues.
- Clearly defined processes that respect rights and obligations of all parties to the complaint – the subject officer and complaint. For example, under the current law where a discrimination complaint is made there is a statutory framework for a complaint to be dealt with, including alternative resolution measures e.g. mediation.
- A legislative schemes would allow participants to assert rights in a consistent and enforceable manner often through the courts or other mechanisms. There may be complicated if a dispute arises as to the legitimacy of an action by an investigator or the Commissioner e.g. whether procedural fairness has been afforded to one or both of the parties. If such an issue arose under the proposed model who would determine it and how – would the matter need to be determined by the house or a privileges committee. While accepting parliamentary sovereignty and exclusive cognisance –in a practical sense there needs to be clear way for issues that may arise in investigations to be dealt with. This is important to both complainant and subject officers.
- Legislation could provide clarity and potentially entrenchment around sanctions and penalties e.g. fines could be included.

- Reduction of ‘political avenues’ and opportunities for partisan considerations e.g. privileges committee.
- Legislation exists in perpetuity and a resolution would require future parliaments to continue to adopt at the beginning of each session. It is questionable as to what the status of a complaint or investigation may be during a prorogation period and dissolution.
- It is also noted that one Parliament cannot bind another Parliament and legislation is the ultimate reflection of the parliament’s will and continues until such time as it is repealed.

Conclusion

In summary, the model proposed by the independent project consultant is sound, it could be adopted by a resolution, but it would be preferable to adopt through a legislative framework.

Legislation is in the interests of justice and provides confidence in the system of justice and the rule of law. Legislation sends a strong message that misconduct and allegations of inappropriate behaviour in the parliamentary workplace will not be tolerated and reduces the risk of matters being caught in complex legal cases where there is uncertainty as to powers.

It is noted that other professions and groups (e.g. local government and judicial officers) are subject to legislated schemes. Legislation could be modelled on the work of independent consultant and any recommendations of the Joint Sessional Committee.

The establishment of a statutory Commission would strongly reflect the recommendations of many reviews, the best aspects of existing integrity frameworks in other jurisdictions and accepted contemporary workplace standards. It represents an important step to strengthen Tasmania’s parliamentary standards and to bolster the integrity regime within the Tasmania.

Attachment

Integrity Commission Act 2009 – matters arising from establishment of an Independent Complaints Commissioner in standing orders of both Houses of Parliament

1 May 2025

An Independent Complaints Commissioner established by the Houses of Parliament

The Joint Sessional Committee on Workplace Culture Oversight may recommend that the Houses of Parliament adopt mirror standing orders to establish an Independent Complaints Commissioner (ICC). The ICC would receive complaints that a Member has breached the enforceable standards of the new Members Code of Conduct, including an alleged breach of *Parliamentary (Disclosure of Interests) Act 1996*.

Upon receipt of a complaint, the ICC could facilitate a resolution of the complaint, carry out an investigation if a resolution is not achieved or appropriate, impose a remedy or sanction, or make a report to the relevant Privileges Committee if the ICC recommends a sanction that requires a decision of the relevant House.

The ICC would be limited to receiving complaints from Members of Parliament and certain staff and others with connection to the parliamentary workplace.

The Houses have the power to make standing orders to regulate their own proceedings, but cannot supersede statute law. Standing Orders have to be read so that they are compatible with and in compliance with the *Integrity Commission Act 2009*.

The Integrity Commission Act 2009

For the purposes of understanding how the proposed standing orders intersect with the Act and the restrictions on the Integrity Commission being able to refer complaints to an Independent Complaint Commissioner (established by Parliament) the following definitions in the Act are noted –

A ***designated public officer*** includes a Member of Parliament (s. 6).

A ***Parliamentary integrity entity*** means the President of the Legislative Council or the Speaker of the House of Assembly (s. 4).

Misconduct includes a breach of a code of conduct by a public officer (s. 4).

Serious misconduct means misconduct by any public officer that could, if proved, be '(a) a crime or an offence of a serious nature; or (b) misconduct providing reasonable grounds for terminating the public officer's appointment' (s. 4)

The Integrity Commission has general powers to refer complaints for assessment or refer them to an 'appropriate person' for action (s. 35). The Act does not define 'an appropriate person' other than they be a person the Commission considers is appropriate. As such, if no other restrictions were present in the Act, the parliamentary ICC could be 'an appropriate person' for the Commission to refer a complaint or complainant to.

The Commission can also refer certain complaints to a Parliamentary integrity entity (s. 8 (1)). This would involve a complaint being forwarded by the Commission to the relevant presiding officer (Speaker or President).

However, for complaints about Members of Parliament, these general powers of the Commission do not apply. The Act treats complaints about Members of Parliament as peculiar.

The object of the Act is to promote and enhance standards of ethical conduct, which the Integrity Commission will achieve by, amongst other things, '(c) dealing with allegations of serious misconduct or misconduct by **designated public officers**' (s. 3).

The Commission is to perform its functions in such a way as to, amongst other things, '(e) deal with matters of misconduct by **designated public officers**; (s. 9 (e)). *(emphasis added)*

This particular requirement that the Commission 'deal' with matters of misconduct is properly explained and provided by s. 87 of the Act -

> **87. Investigation or dealing with misconduct by designated public officers**
>
> (1) *[Section 87 Subsection (1) amended by No. 55 of 2011, s. 21, Applied:22 Dec 2011]* The Integrity Commission is to assess, investigate, inquire into or otherwise deal with, in accordance with Parts 6 and 7 , complaints relating to misconduct by a designated public officer. ***(Part 6 requires appointment of an investigator and Part 7 is the establishment of an integrity tribunal)***

In other words, in the case of a complaint about a Member of Parliament, the Commission is limited to dealing with the complaint itself, which may include appointing an investigator (Part 6 of the Act) or a tribunal (Part 7 of the Act). The power to refer a complaint to an appropriate person or to the Presiding Officers, found in other Parts of the Act, is not available.

Conclusion

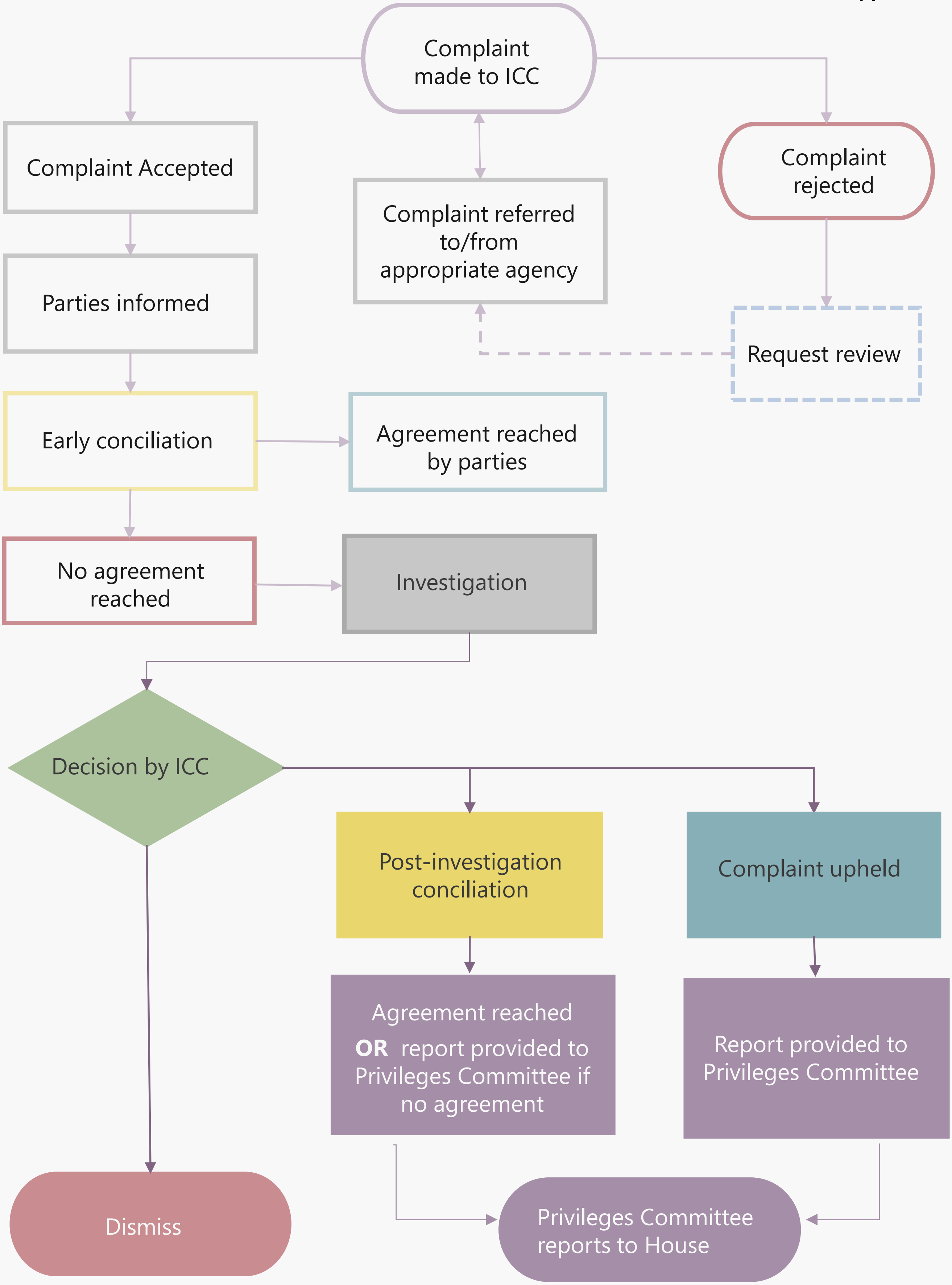
There is nothing in the Act that prevents a complaint that a Member of Parliament has breached the code of conduct, being made to a parliamentary Independent Complaints Commissioner, established by standing orders.

If, on the other hand, a complainant were to make their complaint to the Integrity Commission, there is no power for the Integrity Commission to exercise a discretion to refer the matter to a parliamentary Independent Complaints Commissioner.

It should be possible to provide a level of awareness and training to Members and parliamentary staff, ministerial staff and Member staff to ensure that they understand that there is an Independent Complaints Commissioner (ICC) who can receive and deal with complaints. In the event that the ICC determines that a complaint involves 'serious misconduct', which would be more appropriately dealt with by the Integrity Commission, nothing prohibits the ICC from advising the complainant to make their complaint with the Commission.

Independent Complaints Commissioner (ICC) process (*for consultation)*

Appendix D



Attachment – pros and cons of resolution versus legislation

Resolution

Pros	Cons
Procedural simplicity (easier and faster to implement through parliamentary procedures)	May not have financial allocations attached
Flexibility – can be more easily amended if necessary	Is potentially able to be significantly altered or revoked by a majority in one House (in terms of application of the Code to that House only)
Internally focussed –related specifically to the parliamentary environment and doesn't apply to anyone other than MPs or those directly working with them	No external oversight which could result in limited accountability – will be addressed by ICC if adopted
Retains Parliamentary autonomy i.e. protects the right of Parliament to govern its own affairs (not reviewable by the courts)	Parliamentary sanctions are the only accountability measures for incidents not covered by other legislation
Demonstrates parliamentary consensus on values and principles	Could create a perception of different standards between MPs and everyone else
Less legalistic and more accessible language	Harder for the general public to see, access, and understand which could be perceived as less transparent

Legislation

Pros	Cons
Financial allocation can be embedded to support effective implementation	Less ownership of the Code by Members (as a Bill will be presented by a Minister of Executive Government – could be lessened if the Code was first established by Standing Orders and legislated later)
Legal enforceability – obligations are enforceable and have defined consequences	Legislative process is time consuming
Much more difficult to amend, revoke or overturn	More difficult to amend
Can be detailed and include prescriptive frameworks that leave little room for misinterpretation	May be too prescriptive and not allow for interpretation in sensitive issues
Can create a perception of consistency in behavioural standards between MPs and everyone else	May face greater opposition during the legislative process
Is transparent and easily accessible to the public (as a document) although the language may still be prohibitive for the average reader	May overcomplicate issues that could be better addressed internally
	May face judicial review and constitutional challenges (e.g. if there were a perceived overlap with parliamentary privilege)
	Will require additional costs to implement as well as enforcement and compliance
	May inhibit reporting due to fear of litigation
	Increased risk that certain aspects of the regime (such as appointment of ICC and reporting duties) would be expressed as executive government functions rather than parliamentary functions