



Disclosures about Members of Parliament

www.ibac.vic.gov.au

Public servants and politicians make vital decisions every day that impact community infrastructure and services. The community has a right to expect those decisions are made honestly, fairly and in the public interest.

This information sheet provides guidance on:

- how to report suspected corruption or misconduct by Members of Parliament
- how disclosures about Members of Parliament are managed.

Reporting corruption

Anybody can make a complaint about improper conduct by a member of the Legislative Assembly or the Legislative Council.

Complaints can be made anonymously, however this may affect the ability to assess the complaint if more information is required.

Protections for disclosers

If the complaint is determined to be a public interest complaint, the discloser may receive the following protections under the *Public Interest Disclosures Act 2012* (PID Act):

- immunity from civil or criminal liability
- immunity from breaching confidentiality provisions
- protection from defamation action
- protection from detrimental action in reprisal for making the disclosure (such as threatening, abusing or carrying out other forms of harassment directly or indirectly against the discloser, their family or friends).

To receive these protections, the complaint must be:

- about improper conduct (including corrupt conduct) or detrimental action taken against someone in reprisal for making an earlier complaint.
- made to the right person to be protected (see page 2 for more information).

Examples of improper conduct include:

- taking a bribe or receiving a payment in exchange for the discharging of a public duty, influencing a decision or taking no action
- misusing parliamentary allowances to pay for personal items
- selling or disclosing confidential information to benefit themselves or someone else.

Where to make a complaint

To receive protections under the PID Act, a complaint must be made to the right person or body.

Subject of the disclosure	Who to make the disclosure to
Member of the Legislative Council	President of the Legislative Council
Member of the Legislative Assembly	Speaker of the Legislative Assembly
Speaker of the Legislative Assembly	Clerk or Deputy Clerk of the Legislative Assembly
President of the Legislative Council	Clerk or Deputy Clerk of the Legislative Council
Ministerial Officer, parliamentary officer, parliamentary advisor, electorate officer	IBAC

What do I include in my report?

You should provide as much detail and information as you can and clearly outline:

- what, when and where it happened
- who said what to who
- if there are any witnesses (names and contact details if known)
- any evidence to support the complaint (either oral or in writing)
- whether it has already been reported to another agency (eg. Victoria Police or a state government department, the Victorian Ombudsman, or proceeded through a Court or Tribunal).

Is my complaint confidential?

All complaints are handled confidentially.

What happens to complaints about Members of Parliament

If someone makes a complaint to the Speaker of the Legislative Assembly or Legislative Council, the Presiding Officer may then notify the disclosure to IBAC for assessment. If IBAC receives a notification and determines it to be a public interest complaint, the IBAC Commissioner and the Presiding Officer will discuss whether it is appropriate to notify the subject Member of the disclosure.

If the matter is one of significant public interest, the Presiding Officer may – with the consent of the IBAC Commissioner – make a statement in the House advising the matter has been referred to IBAC.

The Parliament of Victoria will give its full support to a Member who is the subject of a disclosure where the allegations are clearly wrong or unsubstantiated. If the matter has been publicly disclosed, the Presiding Officer will consider any request by that Member to issue a statement of support setting out that the allegations were clearly wrong or unsubstantiated.

The Victorian Public Service also recognises that any officers against whom public interest disclosures are made must also be supported during the handling and investigation of the disclosure. Public sector agencies employing ministerial, parliamentary or electorate officers have obligations under the PID Act to provide welfare support during the handling and investigation of a disclosure as the circumstances require.

Other sources of information

The *Members of Parliament (Standards) Act 1978* includes a code of conduct that lists Parliament's expectations of Members to prevent conflicts of interest. It states Members must avoid actual conflicts of interest, and have management strategies for anything which could be perceived as a conflict of interest.

In consultation with IBAC, the Victorian Public Sector Commission has released a guide for organisations to help manage their risks in relation to conflict of interest. You can download *Managing Conflicts of Interest: A guide to policy development and implementation* at www.vpsc.vic.gov.au.

The Department of Parliamentary Services has produced guidance on the *Code of Conduct for Electorate Officers and also the Code of Conduct for Parliamentary Officers*. The Codes were developed generally consistent with the Parliamentary officer values contained in section 5 of the *Parliamentary Administration Act 2005*. Although Parliamentary electorate officers are not specifically covered by this Act, the Presiding Officers believe that the values outlined in this Act equally apply to the work performed by Parliamentary electorate officers. As such, the Presiding Officers have incorporated these values into the Code. The purpose of the Code is to promote adherence to these values.

IBAC, in partnership with the Victorian Ombudsman and Victorian Auditor-General's Office has produced a guide to Victoria's integrity system. *Safeguarding integrity: a guide to the integrity system in Victoria*, was developed to assist public officers and the community understand the integrity system and to recognise misconduct and corrupt conduct, as well as what to do about it. You can download the guide at www.ibac.vic.gov.au.

About IBAC

IBAC prevents and exposes corruption in Victoria's public sector. This includes the conduct of Members of Parliament, and electorate and parliamentary officers.

IBAC's key objectives are to:

- identify, investigate and expose serious corrupt conduct, and police personnel misconduct
- help improve the capacity of the public sector to prevent corruption
- educate the public sector and the community about the impact of corruption and ways it can be prevented.

IBAC is independent of the government of the day and is accountable to the community through the Parliament of Victoria.

Level 1, North Tower
459 Collins Street,
Melbourne VIC 3000
GPO Box 24234,
Melbourne, VIC 3001

T 1300 735 135
F (03) 8635 6444

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IBAC is Victoria's anti-corruption agency responsible for preventing and exposing public sector corruption and police misconduct. We do this by:

- investigating serious corruption and police misconduct
- informing the public sector, police and the community about the risks and impacts of corruption and police misconduct, and ways in which it can be prevented.

To report corruption now, visit www.ibac.vic.gov.au or call **1300 735 135**.

If you need help with translation, call the Translating and Interpreting Service on **13 14 50** or visit www.ibac.vic.gov.au/general/accessibility/tr

This sheet is for informational purposes only and should not be considered a substitute for legal advice.