

Independent Parliamentary Workplace Complaints Mechanism

Resolution adopted 18 October 2021

That:

- (1) the House note:
 - (a) the duties and responsibilities of members and their staff employed under the *Members of Parliament (Staff) Act 1984*;
 - (b) that all members and their staff have obligations to comply with all applicable Australian laws, including understanding workplace health and safety duties and the steps to take to satisfy those duties, under the *Work Health and Safety Act 2011* and other workplace laws; and
 - (c) the establishment of the Parliamentary Workplace Support Service, which provides for an Independent Parliamentary Workplace Complaints Mechanism for serious incidents in a parliamentary workplace;
- (2) where the Parliamentary Service Commissioner makes a report in writing to the Speaker:
 - (a) finding that a member has not cooperated with a review under the Independent Parliamentary Workplace Complaints Mechanism or has not acted on the recommendations in a review conducted under the Independent Parliamentary Workplace Complaints Mechanism; and
 - (b) requesting that the Speaker refer the report to the Committee of Privileges and Members' Interests;
the Speaker must confidentially refer the report to that committee and the report may not be considered by any other committee;
- (3) in considering a report under this resolution, the committee must meet in private session;
- (4) the committee must confer with the Parliamentary Service Commissioner in seeking additional information for its report;

- (5) the committee must make one of the following recommendations, and report to the House accordingly:
 - (a) that a member cooperate with a review conducted under the Independent Parliamentary Workplace Complaints Mechanism;
 - (b) that a member act on the recommendations in a review conducted under the Independent Parliamentary Workplace Complaints Mechanism; or
 - (c) that no further action be taken by the House; and must not make any other recommendations;
- (6) the committee must provide a statement of reasons for the recommendation made in the report;
- (7) the committee must make its report referred to in paragraph (5) within 30 days of receiving a referral under this resolution, unless an explanation is provided in writing to the Speaker with the nomination of a new reporting date. The Speaker must inform the Parliamentary Service Commissioner of the new reporting date. The Parliamentary Service Commissioner must inform parties to the report of the revised date set by the committee;
- (8) any member who, without reasonable excuse, fails to comply with a recommendation of a report referred to in paragraph (5), and which has been adopted by the House, shall be guilty of a serious contempt of the House and shall be dealt with by the House accordingly. The question of whether any contempt has been committed must first be referred to the Committee of Privileges and Members' Interests for inquiry and report to the House and may not be considered by any other committee; and
- (9) notwithstanding paragraph (2), in the event that the Speaker is the subject of or directly and personally involved in a report by the Parliamentary Service Commissioner, the Parliamentary Service Commissioner must make a report in writing under paragraph (2) to the Deputy Speaker. In this event, references to the Speaker in this resolution shall be read as the Deputy Speaker.