

Senate Standing Committee on Finance and Public Administration

ANSWERS TO QUESTIONS ON NOTICE

Prime Minister and Cabinet Portfolio
Department of the Prime Minister and Cabinet
Additional Estimates Hearings 18 February 2008



Question: PM22

Outcome 1, Output 4

Topic: Code of Conduct

Hansard Page: F&PA 77-78

Senator Abetz asked: Senator ABETZ - It is full of holes; I agree with you on that. But at the third line of 7.2 it says:

Ministers will be required to resign if convicted of a criminal offence.

So you can be convicted. What does that mean? Somebody who is expert in criminal law might be able to tell us. You may be found guilty but then not necessarily convicted on sentencing, or you might be convicted without penalty. Does it mean that if you are convicted that is it-over and out, no ifs and buts, no weasel words later on that the judge said, 'Look, yes, are you convicted, you are found guilty, but it was such a minor offence I'm not going to fine you or impose any penalty'?...

Senator ABETZ - Yes-'Record a conviction and let you go'. Would that require the minister to resign?...

Senator Chris Evans - I am happy to take that on notice...

Senator ABETZ - For the purposes of a criminal offence, does that include offences under the Police Offences Act or only under criminal codes?

Answer: The *Standards of Ministerial Ethics* states that Ministers will be required to resign if convicted of a criminal offence. As indicated in the footnote to the term 'criminal offence', Ministers would not be required to resign if they received an infringement notice such as an 'on the spot' fine in relation to an offence.