

# Information for people under investigation

This information sheet is for Victorian members of parliament, including ministers and parliamentary secretaries, who are the subject of an investigation by the Commission.

## Our investigation process

### Referral received

Any person or body can report an allegation of parliamentary misconduct to the Commission. We call this allegation a **'referral'**.

### Assessment of referral

**2-4 weeks**

First, we **assess the referral** in line with [our legislation](#). To assist our assessment, we can request more information from any person or body, other than the subject (you). We may not notify you at this time.

**We will decide whether to investigate.** We can also handle matters through **dispute resolution**, or **dismiss**, redirect or defer matters. For more information about dispute resolution, see [our website](#).

### Notification of investigation

**1 week**

If we decide to investigate a referral, **we will notify you that a referral has been made about you.** We will always attempt to contact you directly and discretely. We may notify you as soon as we make the decision, or we may start collecting evidence before notifying you if we need to.

### Evidence collection

**5+ weeks**

We can collect evidence voluntarily or through **'investigation requests'**, which a person must comply with unless they have a 'reasonable excuse'. We can request you provide us information or objects, and we can request that you attend an interview with us.

In general, we will provide **7 calendar days' notice** to provide information or attend an interview. In setting timeframes, we will take into account your circumstances and consider all reasonable requests.

An interview provides you with an opportunity to respond to allegations in the referral and any evidence collected so far.

More information on investigation requests and interviews can be found [here](#).

## Our investigation process

### Draft investigative report

3-4 weeks

Once we finish collecting evidence, we will prepare a draft report.

If this report makes adverse (negative) findings about you, we will provide you with the report and give you an **opportunity to respond**. We must take your response into account.

In general, we will provide **7-10 calendar days' notice** to respond to our report, with more time provided for complex or lengthy reports.

### Final investigative report

3-4 weeks

We will prepare a final report. In the final report, we will state whether we have **made any findings** and whether we have applied or recommended any **sanctions**.

When the report is final, we will send it to you, the person who made the referral, and the Privileges Committee of the House of which you're a member (or to the Premier if you are a minister or parliamentary secretary).

We might also prepare a summary report, if we decide there are details in the final report which are not appropriate to release to the public.

### Tabling in Parliament

1+ weeks

The relevant **Privileges Committee** (if you are a member) or the **Premier** (if you are a minister or parliamentary secretary) is responsible for tabling our final report in Parliament.

For most reports, this must happen **as soon as practicable** after we send it.

For reports making a finding of serious parliamentary misconduct, this will take longer (see *Sanctions*, below).

### Sanctions

If we make a finding of **parliamentary misconduct**, we can apply sanctions. These include requiring you to apologise, explain your conduct, or attend a training session.

If we make a finding of **serious parliamentary misconduct**, we can recommend sanctions. The Privileges Committee/Premier will consider our recommendation and prepare their own recommendation regarding sanctions. You will have an opportunity to provide a response regarding the sanctions recommended to the Privileges Committee/Premier. When this process is complete, the Privileges Committee/Premier must table our report in Parliament.

## Frequently asked questions

### How long will the investigation take?

The Commission aims to finalise most investigations within four months. More complex investigations may take six months or longer.

The timeframes above are approximate and some investigations may take longer. We will keep you informed throughout the process, especially if the investigation is likely to take longer than expected.

## **Will the Commission keep the investigation confidential?**

Yes. The Commission, and its Commissioners, staff, and contractors, are subject to strict confidentiality provisions which restrict us from sharing information except in limited circumstances (such as to take steps to prevent harm to a person's health, safety or welfare).

## **Am I required to keep the investigation confidential?**

Generally, you are not required by law to keep investigations by the Commission confidential unless we issue you with a [confidentiality notice](#).

However, we ask that you consider keeping the investigation confidential for the integrity of the process and out of respect for other people who may be involved.

## **What is a confidentiality notice?**

A confidentiality notice is a formal direction that specifies what information must be kept private during an investigation. We use these notices to safeguard the integrity of the investigation and protect the privacy, safety, welfare and reputation of those involved in the investigation.

We can issue a confidentiality notice if we consider it necessary, specifying the restricted matters that must not be disclosed. If you receive a confidentiality notice, it will specify the information that cannot be disclosed, unless permitted by the Commission.

## **How will the Commission afford procedural fairness?**

We conduct our investigations free from bias.

Any adverse findings we make about you will be based on facts and will consider all the available information.

We will provide you with the opportunity to respond to allegations that have been made about you, including evidence collected so far. If those allegations change, we will inform you and give you another opportunity to respond.

We must provide you with the opportunity to respond to any adverse finding in any draft investigative report. We are required to take your response into account when preparing our final report.

We will conduct interviews fairly and provide you with accurate information. You can obtain your own legal advice and have a lawyer present at interview. You can bring a support person (this must be a person who is not involved in the investigation). We provide recordings of interviews to you and to our oversight body, Integrity Oversight Victoria.

We will give you due notice of timelines you are required to comply with. We will consider your reasonable requests for changing the time, location or format of an interview, or the subject matter of a request for information.

We will only issue confidentiality notices when it is absolutely required, for example to preserve the integrity of the investigation or to protect the safety, wellbeing or privacy of an affected person.

## **Will the investigative report be made public?**

The Commission must prepare an investigative report at the conclusion of every investigation.

This report will generally be tabled in Parliament. However, if the Commission considers that there is information in the investigative report that is not suitable to be made public, the Commission can also prepare a summary report that will be tabled instead of the full investigative report.

Despite this, the full investigative report will always be provided to the person who made the referral, the subject of the referral (you), and the relevant Privileges Committee (for a member) or the Premier (for a minister or parliamentary secretary).

## Will the investigation report be made public even if the Commission makes no finding of misconduct?

It depends. If the Commission does not make a finding of misconduct, we are required to ask your preference regarding whether the full investigation report is tabled in Parliament. We are not required to abide by your preference, but we will consider your preference, and we must note your preference in the report. If we decide not to table a full report, we will table a summary report instead.

## Will the investigation report name me?

Yes, in general, the full investigation report will name you.

The Commission may decide not to name you in a summary report (if one is prepared), especially if no finding of misconduct has been made.

## Can the Commission investigate the conduct of ministers and parliamentary secretaries?

Ministers and parliamentary secretaries are only subject to the Commission's jurisdiction in limited circumstances, depending on which role they are performing.

When a minister is acting in their capacity as a minister, the Commission can only consider their behaviour if it allegedly involves bullying, harassment, discrimination, victimisation or occupational violence or aggression within a parliamentary workplace. The same applies for parliamentary secretaries.

Additionally, when a minister or parliamentary secretary is acting in their capacity as a member, the Commission can consider their conduct involving:

- breaches of the Members of Parliament Code of Conduct
- deliberate breaches of the Register of Interests requirements
- deliberate misuse of parliamentary allowances or the Electorate Office and Communications Budget.

## "Privileges Committee/Premier"? Which is it – who receives the report about the investigation?

If you are a **member of parliament** (and not a minister or parliamentary secretary), we provide reports relating to your conduct to the Privileges Committee of the House of which you are a member.

If you are a **minister or a parliamentary secretary**, we provide reports:

- to the Premier, if you engaged in the alleged conduct in your capacity as a minister or parliamentary secretary
- to the relevant Privileges Committee, if you engaged in the alleged conduct in your capacity as a member, or if the report includes a failure to comply with sanctions imposed by the Commission. Depending on the circumstances, a copy of the report may also be provided to the Premier.

## What happens if I don't cooperate with an investigation?

It is an offence under the *Parliamentary Workplace Standards and Integrity Act 2024* (Vic) (PWSI Act) to:

- obstruct or hinder an investigation without a reasonable excuse (section 106 of the PWSI Act)
- knowingly provide false or misleading information to the Commission (section 107 of the PWSI Act)
- disclose restricted matters that are subject to a confidentiality notice (section 81 of the PWSI Act).

Additionally, if you fail to comply with an investigation request without a reasonable excuse, the Commission can:

- report this to the House of which you are a member
- recommend sanctions in our final report associated with this failure.

## What if I don't comply with a sanction?

We are required by law to report your non-compliance with any sanctions. In doing so, we can recommend that more serious sanctions be considered by the Privileges Committee or Premier.

## What support do you offer?

We acknowledge that investigations can be a stressful process. You can access support through the Employee Assistance Program provided by Converge, by calling 1300 687 327. Other organisations that provide support are detailed on our [website](#).

## What if I am unhappy with the way the Commission has handled the referral about me?

In the first instance, we encourage you to contact us with concerns or complaints about how we have handled the referral about you. You can contact us by emailing [enquiries@pwsic.vic.gov.au](mailto:enquiries@pwsic.vic.gov.au)

Our oversight body is Integrity Oversight Victoria (IOV), which is responsible for monitoring the Commission's use of investigation requests (coercive powers). IOV can also take complaints about the conduct of the Commission or Commission staff: [Contact us | integrityoversight](#).

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We acknowledge the Traditional Owners of Country throughout Victoria and pay our respect to them, their culture, and their Elders past and present.