

# Rights and responsibilities statement

## Request for information

This document provides information about your rights and responsibilities during an investigation.

### About the Commission

The Parliamentary Workplace Standards and Integrity Commission (the Commission) can investigate reports of parliamentary misconduct by Members of Parliament, Ministers and Parliamentary Secretaries under the *Parliamentary Workplace Standards and Integrity Act 2024* (Vic) (PWSI Act).

### Request for information

The Commission may request a person to provide information, documents or any other thing in a person's possession that is considered necessary for the purpose of an investigation, within 28 days or longer by exception (section 22(1) of the PWSI Act).

In general, the Commission will request a person provide information within 7 to 10 days. This is because the Commission is required to act as expeditiously and with as little formality as possible (section 15 PWSI Act).

### Responsibilities

A person is required to comply with a request for information unless they have a reasonable excuse not to comply.

Section 76 of the PWSI Act protects you from any criminal, civil, administrative or disciplinary proceedings if you give information to the Commission in good faith.

#### Reasonable excuse not to comply with a request for information

A reasonable excuse is an excuse that is accepted by the Commission. Section 25(3) of the PWSI Act provides that a reasonable excuse includes a request that would contravene a secrecy requirement or an entitlement to claim privilege.

If you consider you have a reasonable excuse, you must submit this in writing to the Commission (section 25(4) of the PWSI Act). The Commission may request further evidence from you to establish a claim of reasonable excuse (section 25(5) of the PWSI Act). The Commission may also apply to the Supreme Court of Victoria to determine whether a reasonable excuse is established (section 26(1) of the PWSI Act).

If the Commission is satisfied that a person has a reasonable excuse not to comply with an investigation request, the Commission must withdraw the request or vary the request by further written notice (section 25(2) of the PWSI Act).

For a current or former Member of Parliament, failure to comply without a reasonable excuse may result in sanctions or referral to Parliament for further action (section 27 of the PWSI Act).

### **Requesting a variation or withdrawal of our request**

The Commission may withdraw or vary an investigation request by written notice (section 25(1) of the PWSI Act). To seek a variation or withdrawal of the investigation request you need to:

- notify the Commission in writing that you cannot comply with the request, and explain your reason for seeking a variation of the request, or
- notify the Commission in writing that you have a reasonable excuse not to comply with the request in accordance with section 25(4) of the PWSI Act.

The Commission must withdraw or vary an investigation request by further written notice if the Commission and the person agree that the person is not able to comply with the request or the person has a reasonable excuse not to comply with the request (section 25(2) of the PWSI Act).

### **Confidentiality notice**

The Commission can issue a confidentiality notice if we consider it necessary, specifying the restricted matters that must not be disclosed (section 77 of PWSI Act). If you are issued a confidentiality notice, it will specify the information that cannot be disclosed, unless permitted by the Commission.

A person involved in our investigation who is issued a confidentiality notice may seek legal advice about the notice.

### **Offences**

It is an offence under the 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).

## **Rights**

### **Legal advice**

A person involved in our investigation is not required to seek legal advice but may choose to do so. A person may consult with a legal practitioner in relation to our investigation and any requests we make.

### **Rules of evidence and procedural fairness in an investigation**

The Commission is not bound by the rules of evidence but is bound by the rules of procedural fairness. We will ensure that investigations are conducted fairly and give individuals a chance to respond to proposed findings.

At the end of the investigation, the Commission will prepare a report with findings and may also impose sanctions or recommend the imposing of sanctions.

The evidence you provide may be included in the report. If the Commission intends to report a finding that is considered adverse to you, you will be provided with the relevant sections of the draft report and given an opportunity to respond. The Commission is required to take your response into account when completing the final report and to fairly set out your response in the report (section 28(6) of the PWSI Act).

## Wellbeing

The Commission is committed to supporting the safety and wellbeing of people who come into contact with our office. You can seek counselling and access supports listed on our website: [Resources and support](#).

## Oversight of the Commission

Integrity Oversight Victoria (IOV) 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](#).

## Contact the Commission

Address: 3 Treasury Place, East Melbourne, VIC, 3002

Email: [enquiries@pwsic.vic.gov.au](mailto:enquiries@pwsic.vic.gov.au)

Website: [www.pwsic.vic.gov.au](http://www.pwsic.vic.gov.au)

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