



STANDARDS FOR

# CODES OF CONDUCT

FOR MEMBERS OF PARLIAMENT AND THE  
PARLIAMENTARY WORKPLACE

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*Minimum standards, additional measures and supporting  
structures*

## About the CPA

The Commonwealth Parliamentary Association (CPA) connects, develops, promotes and supports parliamentarians and their staff to identify benchmarks of good governance and the implementation of the enduring values of the Commonwealth. The CPA collaborates with parliaments and other organisations, including the intergovernmental community, to achieve its statement of purpose. It brings parliamentarians and parliamentary staff together to exchange ideas among themselves and with experts in various fields, to identify benchmarks of good practices and new policy options they can adopt or adapt in the governance of their societies.

## About the authors

The CPA Headquarters Secretariat extends its thanks to the authors of this publication, namely Deakin University, and in particular Andrew Young, former Clerk of the Legislative Council and Clerk of the Parliaments, Victoria, Associate Professor Amy Nethery, Dr Peter Ferguson, and Associate Professor Zim Nwokora at Deakin University with editorial support from Matthew Salik, Head of Programmes, CPA.

Developed in partnership with:



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## Acknowledgement

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This publication acknowledges the *Recommended Benchmarks for Codes of Conduct applying to Members of Parliament*, (the Benchmarks 2016) by Associate Professor Hon. Dr Ken Coghill, Monash University, Australia, published by the Commonwealth Parliamentary Association (CPA) in 2016. While this publication has updated the Benchmarks 2016 in line with emerging standards and expectations, we acknowledge the excellent and enduring content and guidance published in 2016.

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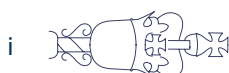
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# Foreword

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Parliamentarians are entrusted with significant power and responsibility in a democratic society and as such must demonstrate the highest ethical standards.

As stipulated in the *CPA Recommended Benchmarks for Democratic Legislatures*, parliaments should encourage values around ethical governance. In particular:

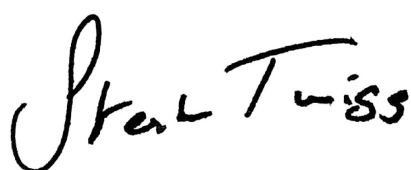
***“Legislators should maintain a high standard of accountability, transparency, responsibility, and propriety in the conduct of all public and parliamentary matters including strict adherence to codes of conduct, and interest disclosure rules.”***

Codes of conduct for Members of Parliament help to maintain public trust, establish clear ethical standards, help to prevent corruption and the abuse of power, seek to prevent harassment and bullying within the workplace, promote fairness and equity, and importantly for parliamentarians, set guidelines for public officers to uphold the highest standards of good governance. Its importance to the fabric of parliamentary life is unquestionable.

With this in mind I am delighted to present the *Standards for Codes of Conduct for Members of Parliament and the Parliamentary Workplace*. These Standards have evolved from the CPA’s existing [Recommended Benchmarks for Codes of Conduct Applying to Members of Parliament](#), which were first published in 2016. My thanks go to Associate Professor Hon. Dr Ken Coghill and his colleagues at Monash University for their exemplary work in establishing these invaluable early Benchmarks. The initial Benchmarks have proved their worth in aiding parliaments who have taken the important steps in establishing their own Codes. But in an ever-changing world, it is important to seek continuous improvement and to adapt and adopt new practices. Whereas in 2016, the primary focus of the Benchmarks was on tackling corruption, today the additional challenges of harassment, bullying and abuse in the workplace must also be tackled, especially when technology and online harms are added to the current landscape. In 2023, the time came for the CPA to work on updating the existing Benchmarks, and with the support of Deakin University and its team led by Dr Amy Nethery and Andrew Young, a new set of Standards have been developed, which I am confident will have equal value to parliaments across the globe.

I strongly encourage parliamentarians and parliamentary officials to pay close attention to the Standards as drafted in this publication and its accompanying report *Standards for Codes of Conduct for Members of Parliament: Context, Research Findings, and Recommendations*. This additional resource provides more information on the context and reasoning for codes of conduct and its application across the globe.

It would be remiss of me not to highlight the important role played by all those parliaments, Members and officials who have taken the time to feed into these updated Standards and their belief in its value and significance. I hope that we can continue the conversation with our colleagues on the implementation of codes of conduct. The CPA’s commitment in championing the highest principles of parliamentary democracy means this work shall not end at the publishing of the Standards, we will continue to work with our parliaments to help them adopt codes of conduct where requested.



Stephen Twigg, Secretary General,  
Commonwealth Parliamentary Association

KNOW THE  
RULES

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# INTRODUCTION

## Why codes of conduct, standards of behaviour and related structures are important

For a parliament to effectively perform its functions, it must ensure a high level of integrity of its Members and its operations. The public's trust in its elected Members of Parliament is a fundamental aspect of good governance and an open, democratic society.

Members of Parliament have individual responsibility for the functioning and integrity of the Parliament in two fundamental ways:

1. By upholding the ideals of democratic government, particularly by respecting the separation of powers and the rule of law; and
2. By demonstrating high standards of integrity and ethical behaviour, including workplace behaviour, consistent with their important public interest roles, especially when they are making laws for their community and scrutinising the government.

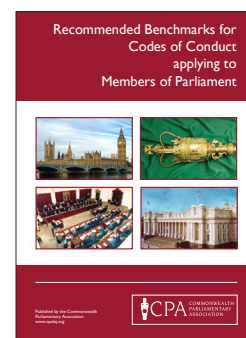
Codes of conduct for Members and standards of behaviour expected of all persons at the parliamentary workplace can help a parliament to function with integrity, to encourage ethical behaviour, and build public trust.

## Updating the CPA Benchmarks 2016

The CPA published its inaugural Recommended Benchmarks for *Codes of Conduct applying to Members of Parliament* in 2016. These provide some enduring content and well researched guidance for this updated Standards for Codes of Conduct.

Since 2016, several conduct issues in parliaments around the world have necessitated a revision of the scope of codes of conduct and related structures. There is increasing recognition that parliaments are both law-making institutions and workplaces in which Members, staff and others should be safe and respected. In the same period, social media and artificial intelligence have developed rapidly, and the ethical handling of information has become increasingly complex.

This publication has updated the content of the earlier version in line with emerging standards and expectations. It also updates the terminology from 'Benchmarks' to 'Standards'.



## How to use these standards

### Implementation

The standards are designed to facilitate best practice by enabling incremental implementation from minimum standards to additional measures.

This design recognises that CPA member parliaments vary greatly in size, resources, cultural settings, and parliamentary practice.

We recommend flexibility in the implementation of codes of conduct. However, all CPA parliaments should implement at least the minimum standards of conduct.

The standards are designed so that a parliament can monitor its progress in a meaningful way, separate from a more formal self-assessment or external assessment. They are not intended to be the exact measures for assessment of implementation, but rather serve as the basis for developing a separate assessment tool.

Written guidance may be developed to accompany the code but not form part of it unless the guidelines have been resolved by the Parliament as enforceable rules in addition to the code of conduct. The most common and practical purpose of guidelines is to assist in understanding the rules in the code, not to provide additional rules.

A separate code of conduct for Ministers should be developed within government. A separate code for ministerial staff should similarly be established within government, but this should not exempt ministerial staff from behavioural standards in the parliamentary workplace whenever they are on the parliamentary precinct.

### ***Standing Orders/Resolutions, Legislation, or both?***

Existing codes of conduct for Members of Parliament throughout the CPA's membership may be found in standing orders, standing resolutions and/or legislation.

Related or complementary functions and structures, such as ethics / integrity advisers, standards commissions and workplace support services are found in both standing orders/resolutions and/or legislation.

Who develops the written guidance might depend on whether the code is legislated or found in standing orders or standing resolutions. Where the code is legislated on the basis of work done by government officials in support of the government of the day, it may be more likely that the government will also take responsibility for preparing the written guidance.

However, when the code is in standing orders or standing resolutions, the House may delegate the writing of guidance to the presiding officer (assisted by the clerk), a procedure/standing orders/ethics committee, a corporate board of the Parliament or similar body. The code itself may require one of these groups to prepare written guidance.

### ***Standards organised into themes***

The standards for codes of conduct and related structures (advisory and enforcement processes and offices) are organised into nine themes.

1. Commitment to parliamentary democracy, institutional integrity and a code of conduct
2. General conduct in public office
3. Disclosure and publication of financial and other interests and conflicts of interest
4. Commitment to a safe and respectful workplace
5. Online behaviour, social media, artificial intelligence and information management
6. Complaints, independent investigations, and procedural fairness
7. Rectification and sanctions
8. Ethics adviser
9. Awareness and education

Each theme has minimum standards that should be adopted by all Commonwealth parliaments. Each theme also has additional measures that may be adopted now or in the future by some parliaments; for other parliaments, because of contextual factors associated with the countries in which they operate, these additional measures might only ever be partially adopted.

The minimum standards and additional measures are followed by a discussion about the key considerations for standards of conduct and related structures, which is intended to prompt consideration of the context in which each parliament operates (such as its size and financial capacity, parliamentary practice, cultural factors, and legal framework).



*moral,*  
**ethics**

*never*

## COMMITMENT TO PARLIAMENTARY DEMOCRACY, INSTITUTIONAL INTEGRITY AND A CODE OF CONDUCT

### Minimum standards

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The House(s) shall have a code of conduct for Members.

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The code of conduct for Members applies to all Members of the House(s), including the presiding officer and all ministers (who are also Members).

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Each Member should affirm in the House their commitment to the code of conduct at least once every parliamentary term, ideally within three sitting weeks following a general election. This may occur as part of the ceremony of being sworn in or at another, similarly significant time in proceedings.

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The code of conduct shall provide that it be reviewed not less than once every two parliamentary terms and the report of the review be tabled in the House(s) regardless of whether any amendments to the code are recommended.

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The code of conduct may be adopted by legislation, standing orders, a standing resolution of the House(s) or a combination of these.

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### Additional measures

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Parliaments may develop written guidance for applying and adhering to the code of conduct. The code may expressly permit or even require that guidelines be made. Such guidelines or instructions do not form part of the code, unless the Parliament has resolved or enacted that the guidelines be enforceable standards or rules.

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### Key considerations for developing codes of conduct and related structures

The code of conduct is vital for the Parliament to be an effective and respected democratic institution. It demonstrates a commitment to transparency, accountability, and responsibility of all Members.

The House(s) should have a code that is specifically for Members, distinct from codes applying to a broad group of people (such as 'public office holders'). As elected representatives, Members should be guided by a higher ethical obligation. Therefore, the standards and expectations of behaviour for Members should be equal to or higher than the standards expressed in other codes.

Some parliaments have developed codes of conduct after first undertaking a democratic legislature benchmarking exercise, which may bring to light areas for improvement in ethical governance. While democratic





legislature benchmarking is of great value to all parliaments, the need for a code of conduct is universal to all parliaments and there is no need to delay development of a code until after a democratic legislature benchmarking exercise.

Some parliaments have undertaken a very consultative approach to developing a code by inviting public submissions or releasing a draft code and inviting public feedback.

## Definitions, interpretations

*Members' affirmation of commitment to the code of conduct* – affirmation may be individual, such as at the time of swearing in, or collectively, such as a motion in the House affirming all Members' commitment to the code.

## FURTHER RESOURCES

The United Nations Sustainable Development Goal 16, Peace, Justice and Strong Institutions, [Goal 16 | Department of Economic and Social Affairs \(un.org\)](#)

Commonwealth Latimer House Principles, CPA Library ([cpahq.org](#))

CPA Recommended Benchmarks for Democratic Legislatures, [CPA Library \(cpahq.org\)](#)

Anguilla – CPA, Benchmarks for Democratic Legislatures, Final Report of Self-assessment of the House of Assembly, provides an example of how a democratic legislature benchmarking exercise was able to identify gaps in ethical governance and the need for a code of conduct, [anguilla-benchmarks-report-2020.pdf \(cpahq.org\)](#)

Commonwealth Parliament of Australia, Joint Select Committee on Parliamentary Standards, Final Report, November 2022, [Joint Select Committee on Parliamentary Standards 47th Parliament – Parliament of Australia \(aph.gov.au\)](#)

United States of America, House of Representatives, Committee on Ethics, Ethics Manual, see *Chapter 1 General Ethical Standards*, pp. 1-20, [House Committee on Ethics |](#)

Anguilla House of Assembly, Call for feedback, Code of Conduct and Register of Interests for Members, 2023, [Call for Public Feedback on Draft Code of Conduct and Register of Interests for Members of House of Assembly.pdf \(gov.ai\)](#)

Kenya, *The Public Officer Ethic Act*, Chapter 183, (revised ed. 2009), provides an example of a generic code applicable to all public officers, including MPs, but with a requirement (section 5) that each body develop its own, separate code including all provisions in the general code and any additional standards beyond those in the general code, [www.kenyalaw.org](#)

Scottish Parliament, Code of Conduct, 8th Edition, 6 May 2021, see *Introduction, para 5, statement that separate guidelines to the code are not part of the code and not enforceable*, [c160dbee10264603aafe30f11d3ffaed.ashx \(parliament.scot\)](#)

Northwest Territories (Canada) Legislative Assembly, Guide to the rules relating to the conduct of Members, see p.1 – *Introduction – guidelines are made pursuant to statute and approved by resolution of the Legislative Assembly as enforceable rules, read in conjunction with the Code*, [code\\_of\\_conduct\\_guide.pdf \(ntassembly.ca\)](#)

Welsh Parliament (Senedd), Code of Conduct on the Standards of Conduct of Members of the Senedd, March 2021, [Code of Conduct on the Standards of Conduct of Members of the Senedd](#)

ACT Legislative Assembly, Code of conduct for all members of the Legislative Assembly of the Australian Capital Territory, Continuing Resolution 5, see *paragraph (E) regarding affirmation of commitment to the code Standing orders - ACT Legislative Assembly*

### Minimum standards

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The code of conduct shall include in a preamble, or opening section, a commitment from Members to:

- uphold democratic values, the separation of powers and the rule of law;
- conduct themselves in accordance with the following principles:

**Selflessness** - *Members of Parliament should act solely in terms of the public interest.*

**Integrity** – *Members of Parliament must avoid placing themselves under any obligation to people or organisations that might try to inappropriately influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any potential conflicts of interest.*

**Objectivity** - *Members of Parliament must act and take decisions impartially, fairly and on merit, using the best available evidence and without discrimination or bias.*

**Accountability** - *Members of Parliament are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.*

**Openness** - *Members of Parliament should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.*

**Honesty** – *Members of Parliament should be truthful.*

**Leadership** - *Members of Parliament should lead by example by exhibiting these principles in their own behaviour and treat others with respect. They should actively promote and robustly support the principles and be willing to challenge poor behaviour whenever it occurs.*

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Members shall prioritize and attend sittings of the House and committees, except with reasonable excuse, or in the case of extended absences, if excused in accordance with the practice of the House.

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Elected Members shall meet with and attend to the needs of their constituents in a manner consistent with their representative role.

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Elected Members shall represent the interests of constituents on an equitable basis, not because of personal or political affiliations or inducements.

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Members shall use public funds, property and facilities only in the public interest and as permitted by law.

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Members shall not engage in outside employment or activity to such a degree that it interferes with the Member's ability to perform their public duties as a Member.

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Members shall not engage in paid lobbying, paid advice or paid advocacy in any way that relates to their parliamentary work (or that might be perceived as such).

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Members shall not use their position to seek or secure future employment, paid lobbying, consultancy work or other remuneration or benefit upon ceasing to be a Member of Parliament. This does not prevent a Member from obtaining such work, on merit, after ceasing to be a Member, subject to any restrictions otherwise provided by law, this code or any other code to which a Member may be subject (such as a ministerial code of conduct).

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Members shall respect the roles, independence, rights and responsibilities of parliamentary staff, public servants and other staff who do not work at the direction of Members.

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## **Additional measures**

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In the event that a decision of the Member's political party requires the Member to act in a manner that is inconsistent with the code of conduct, the Member shall comply with the code.

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The House shall tolerate Members' employment or paid activities outside of the Parliament only to the extent that it is reasonable in the context of their MP salary and demands of their public duties.

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A former Member shall not undertake paid lobbying or consultancy related to their work as a Member or minister for at least one year after ceasing to be a Member.

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Members are accountable for the welfare of their staff. Members are accountable for their staff being mindful of the Members' obligations and commitment to the code of conduct.

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Members should avoid employing family members in any parliamentary /Member support roles and should not seek to gain advantage for their family members in securing other roles in the parliamentary workplace.

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## **Key considerations for developing codes of conduct and related structures**

The values that inform the minimum standards - selflessness, integrity, objectivity, accountability, openness, honesty and leadership - are the seven principles of public life, known as the Nolan principles. The principles, first prescribed in 1995, outline the ethical standards those working in the public sector are expected to adhere to. The only amendment to the principles arising from the most recent review in 2021 was the inclusion of 'treat others with respect' in the description of 'Leadership'. While the committee has not added principles to its list, it is accepting of organisations choosing to include additional principles in their own codes or statements of principles of conduct.

It is recommended that they are included in their exact or fit for purpose form in a preamble to the codified standards because they are general principles that provide the foundation for a code of conduct.

Members' daily conduct and the processes that lead them to take a certain position in the House, a committee, and in their constituency, should derive from the Nolan principles, rather than their own personal benefit.

Members of Parliament must avoid placing themselves under any obligation to people or organisations that might try to inappropriately influence their judgement.

The concept of the Member always acting in the public interest can have a number of different practical implications. For example, it might mean that they should vote or contribute to committee proceedings according to their conscience, or according to their party's political platform or to promote certain constituents' views.

A code for Members may or may not mention political parties. Parties should structure their activities so that they accord with the code; in the event that a party directive requires a Member to act contrary to the code, the Member has a clear obligation to act in accordance with the code.

### **Members' staff**

Not all Members have staff. However, many Members have constituency staff, political staff, volunteers or similar, working at the direction of the Member, or assigned to the Member. Regardless of who the legal employer of those staff is, Members are accountable for their staff. This means:

- Members are responsible for the welfare of their staff; and
- Members are responsible for their staff being mindful of the Member's responsibilities and commitment to the code of conduct.

Members should avoid employing family members in a constituency office or other political role, even if the family member is qualified for that role. The perception of a conflict of interest in such situations may harm the reputation of the Parliament.

### **Other staff**

Members deal with other staff, including parliamentary or chamber officers, public servants and others, none of whom work at the direction of Members. These staff may be subject to a separate code of conduct. Members must respect the roles and independence of these staff and treat these staff respectfully in the workplace (also addressed in a later theme).

### **Overlap with privilege and other parliamentary procedures**

Some existing codes encourage or require Members to avoid abusing the protection they require to speak freely in the chamber. In other words, Members are encouraged to carefully consider their privileged freedom of speech in circumstances where its use could damage the reputation of another person.

Some codes include general reference to Members having to conduct themselves in an orderly manner in the chambers and committees in accordance with certain standing orders and to comply with committee confidentiality.

A parliament may have reason to reinforce aspects of privilege, practice and procedure applying to the chamber and committees, but it is not essential that all codes do this.

## **Definitions, interpretations**

*Public duties* – for the purposes of code of conduct standards, includes constituency business, parliamentary business (including sittings of the House), committee business and ministerial business.



## FURTHER RESOURCES

The Seven Principles of Public Life (“Nolan Principles”) for holders of public office, Committee on Standards in Public Life, UK. (1995). First set out by Lord Nolan in 1995 in the [first report of the Committee on Standards in Public Life](#) and they are included in a range of codes of conduct across public life. Descriptions and analysis of alternative approaches were updated and included in the 14th Report of the Committee on Standards in Public Life, *Standards Matter, A review of best practice in promoting good behaviour in public life*, January 2013. They were most recently reviewed in the Committee’s 2021 report, *Upholding Standards in Public Life*, Final Report of the Standards Matter 2 review. [www.gov.uk/government/publications/the-7-principles-of-public-life](http://www.gov.uk/government/publications/the-7-principles-of-public-life)

Bermuda House of Assembly, Code of Conduct for Members of the Legislature, November 2021, *see in particular Section 4, which lists the seven principles of public life and refers to the CPA’s benchmarks for codes of conduct*, [The-Code-of-Conduct-for-Members-of-the-Legislature-Bermuda-November-8-2021.pdf \(bernews.com\)](#)

ACT Legislative Assembly, Code of conduct for all members of the Legislative Assembly of the Australian Capital Territory, Continuing Resolution 5, *see paragraph (C) (5) for an example of a code requiring Members to be careful in their use of the privilege of freedom of speech*, [Standing orders - ACT Legislative Assembly](#)

Scottish Parliament, Code of Conduct, 8th Edition, 6 May 2021, *see section 7, paras 9-16 ‘Conduct in the chamber and committees’ and ‘Confidentiality rules’ for an example of a code referring to matters that are also governed by standing orders and procedural practice*, [c160dbee10264603aafe30f11d3ffaed.ashx \(parliament.scot\)](https://www.parliament.scot/~/media/parliament/2021/05/20210506_code_of_conduct_8th_edition.pdf)

## DISCLOSURE AND PUBLICATION OF FINANCIAL AND OTHER INTERESTS AND CONFLICTS OF INTEREST

### Minimum standards

#### *For the Code of Conduct*

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A Member shall not accept any form of inducement that could give rise to a real or perceived conflict of interest or influence their behaviour.

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A Member shall not provide any form of financial inducement to another Member, including the gifting or lending of money to another Member.

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The code of conduct shall require Members to disclose their personal financial and other interests in a Register of Members Interests.

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The information to be registered shall be prescribed in the code of conduct or in a separate code.

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The personal financial and other interests to be prescribed shall be those that may reasonably be perceived to have the potential to conflict with the public duties of Members, or that a public officer should reasonably declare in the interests of transparency.

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These prescribed interests shall be disclosed (subject to any disclosure threshold) immediately following election (or appointment) and continuously updated within a reasonable period specified by the Parliament.

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The annual or periodic report of Members' interests (the register) shall be tabled and made publicly available upon request.

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The administration, including collection of information from Members, shall be undertaken by the clerk or another body that is separate from executive government.

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Members shall publicly account for their receipt and use of travel, allowances, constituency / electorate resources and similar (which may be in accordance with separate rules established by Act or administrative policy).

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A Member shall declare a personal financial or other interest in relation to a matter of debate, including a bill, in the House or in a matter before a committee when it would be reasonable for others to think that the Member could be influenced by their personal interest.

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A Member shall not vote on a question about a matter in which he or she has a direct pecuniary interest.

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***For the Code of Conduct or a separately enacted or prescribed Register of Interests of Members of Parliament***

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Each Member shall disclose to the Parliament all relevant interests that a reasonable person might think could give rise to a conflict of interest between the Member's duties and responsibilities and his/her personal interests, including but not limited to:

- land and property assets;
- shareholdings;
- gifts;
- provision of funding, staff or other benefits by a third party in support of the Member's parliamentary duties (including when the Member shares the benefit from the third party with other Members);
- non-personal travel, including, but not limited to parliamentary travel fully or partially paid for by a third party such as a foreign government, another parliament or interest group;
- sources of income, including remunerated employment (other than employment as a Member);
- directorships and trusteeships;
- trusts and blind trusts of which the MP is a beneficiary;
- liabilities;
- financial loans made to or received from an individual(s) other than immediate family members, who are not a financial institution in the ordinary business of lending money;
- hospitality; and
- affiliations.

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Relevant interests, gifts or other donations may be subject to specified thresholds (monetary values).

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Failure to report interests or serious inaccuracy in a report will be referred to the House's privileges/ethics/standards committee or the standards commissioner for inquiry and report back to the House.

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## **Additional measures**

***For the Code of Conduct – Declaration of a Personal Interest***

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The obligation to declare an interest lies with the Member who holds it, but a failure to declare an interest that becomes known may be dealt with by the House or referred to the privileges committee (or standards committee or other committee) as a potential contempt of parliament.

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***For the Code of Conduct or a separately enacted or prescribed Register of Interests of Members of Parliament***

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The Parliament shall publish the interests disclosed and the purposes and amounts of expenditure of public funds by each Member as soon as practicable in the most accessible means available (for example, on the parliamentary website).

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Relevant interests held by the Member's spouse, partner or close family members are clearly included in the requirements of a register of interests and any other rules or practices relating to declarations of conflict of interest.

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Where there is no separate law or rule requiring election campaign donations to be declared, the register of interests should include a requirement for financial and non-financial donations to be declared where such donations are made to the Member directly by the donor.

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There should be an effective mechanism to verify any disclosure and to immediately notify any discrepancy in a public report to the House. Sanctions, such as public apology, admonishment by the House or suspension of the Member for one or more sitting days are prescribed in relation to any breach of the requirements.

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## Key considerations for developing codes of conduct and related structures

In the parliamentary context 'conflicts of interest' can exist between a Member's personal interest and the public interest. The public interest should always prevail in the Member's deliberations on all matters.

It is not enough to simply declare a relevant personal interest; all public duties, including voting in the House, should be carried out according to the public interest. This requires Members to recuse themselves from debating and voting on issues in which they have a conflict of interest.

Beyond direct pecuniary interests, this document cannot provide a complete list of interests that should be disclosed, declared or that might otherwise give rise to a conflict of private and public interest. The first point of guidance for the criteria should be the core principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

### **Register of Interests**

It is ideal to capture most interests in one reporting process and document, which may be called a Register of Interests of Members of Parliament (Register of Interests). The word 'financial' is not appropriate in the title, because not all interests that should be reported are financial.

When designing the rules for a register of interests there may be several objectives, for example:

- increasing the transparency of individual Members' interests;
- increasing the reputation of Members and the Parliament as a whole;
- providing a basis upon which a Member and the House may better judge whether the Member should absent themselves from a particular vote or proceeding; and
- acting as an incentive for Members to avoid the conflict of interest in the first place by either divesting themselves of the personal interest, or not attaining a certain personal interest in the first place.

The last objective is part of a broader theme of improving the Parliament's culture of transparency and ethical governance. It does not mean that a register of interests is designed to prohibit a Member from owning private possessions or having personal interests.

The rules for reporting financial interests may be complex and require separate legislation or a schedule to the code, in which case the code need not duplicate the rules but may refer to the crucial link between the Register of Interests and the integrity aims of the code.

If there is no separate law, standing order or other provision in place requiring a declaration of interests by Members, the House(s) should consider the following:

- whether Members already have to report separately in relation to certain things such as travel and allowances. If so, there may be no need to include it as a registrable interest under the code of conduct or register of interests;
- a Member may benefit directly from something owned by or gifted to their spouse/partner. As such, relevant





- assets or interests of spouses, partners and family members should be reported; and
- when considering what and how interests are to be declared, there is a balance between transparency and protecting the privacy of the Member and their family. For example, a Member might be required to declare land holdings by including the name of the town or city, but not the street address. However, the privacy of the Member and their family should not outweigh the public interest of transparency.

Interests change over time, and it is appropriate that Members regularly update their declaration, at least annually, in the form of a new return or a report of any amendments to the previous return. Material changes that arise between the comprehensive reporting dates should be reported and made publicly available in as close to real time as possible and at a minimum within 30 days of the material change occurring.

It is important that Members can seek guidance from, and report required interests to, a nonpartisan office. The clerk, or another officer independent of executive government, is the most appropriate person to carry out this function.

It is not enough for interests to simply be reported. To achieve transparency and address any perceptions of conflict and ultimately increase public faith in the Parliament, the register of interests must be public. An authorising Act, the code itself or standing orders should require the register to be tabled or that it be published on the Parliament's website or similar public location.

Gifts may be given and received with no intention of creating a conflict of interest. They may be given or received as a matter of protocol, such as parliamentary delegations and international visits. Regardless of the circumstances of the giving or receiving of gifts, it is widely accepted that Members should publicly report the receipt of gifts.

In the case of gifts and reportable interests more generally, monetary thresholds should be set above which reporting is mandatory. Some gifts or items owned by Members may be of such little value that a reasonable person would not think it necessary for the Member to report. Such thresholds may be adjusted over time according to rules about how and when such adjustments should be made.

Donations made to the Member to assist their election campaign should be part of a register of interests if no separate law, rule and process is already in place to regulate and report such activity. Consideration of the inclusion of campaign donations should include:

- whether donations are made directly to the Member or to the Member's party, in which case reporting may be difficult or impractical;
- an election candidate, who has not been a Member, would need to know in advance that it is a requirement to report campaign donations if they are successfully elected as a Member; and
- financial thresholds may be required if it is considered that very small donations are not required to be reported.

### ***Declaration of personal interest or conflict of interest***

One test for when Members should declare a personal interest on a matter is when a reasonable person would think the Member's vote or contribution to debate or committee could be influenced by their personal interest. An equally effective test is how a reasonable member of the public would respond if it became known that the Member had not disclosed their interest. The obligation to declare the interest lies with the Member. This requirement may be expressed in standing orders or be understood as a matter of parliamentary practice to be upheld by the presiding officer, the House and the Member themselves.

## **Definitions, interpretations**

*Interest* – may be a financial or non-financial interest (such as an affiliation or membership) but is different from an opinion, view, life experience or party affiliation.

*Direct pecuniary interest – matters on which a Member should not vote* – The Member should not vote if the relevant pecuniary (financial) interest is held by the Member alone or the Member and a small number of other persons and not broader sections of the community. Where a bill or other question before the House is a matter of public policy which coincides with an interest of a Member, but the Member is one of many people who have the same interest, the Member may not be prevented from voting.

*Declaration of a personal interest or conflict of interest* – declaration of a personal interest on a particular matter before the House or committee in which a reasonable member of the public would think the Member could be influenced by their personal interest.

*Registration of interests* – Registration of Members interests at regular, prescribed intervals and for general reporting purposes.

*Gift* – may be monetary or things that are not money, but which have a financial value or other benefit.

*Spouse/partner* – according to local laws/customs of what constitutes a married or other civil union or legally recognized relationship. It will usually involve the Member and spouse/partner living together.

## FURTHER RESOURCES

House of Lords, UK, Guide to the Code of Conduct, 12th edition, June 2022, see paras 104 & 105 for an explanation of 'registration' and 'declaration' of interests, [Code of Conduct for Members of the House of Lords, Guide to the Code of Conduct and Code of Conduct for House of Lords Members' Staff \(parliament.uk\)](#)

House of Commons, Code of Conduct, December 2022, Guide to the rules relating to the Conduct of Members, see Section 1 Registrations of Members' Financial Interests and Section 2 Declaration of Members' Interests, [Code of Conduct and Guide to the Rules \(parliament.uk\)](#)

Parliament of the Republic of South Africa, Code of Conduct, see Section 5 – Conflict of Financial or Business Interests; and Section 6 – Prohibited Business Activity, for an example of a member's 'immediate family' being included as persons who should not improperly benefit from the member's conflict of interest, [Code of Conduct - Parliament of South Africa](#)

McGee, Parliamentary Practice in New Zealand, 5th edition, 2023, (edited by David Wilson), see Chapter 10, sections 10.11 and 10.12, pp 124 & 125, for an explanation of declarations of financial interests in business before the House and Members' personal interests, [Parliamentary Practice in New Zealand - New Zealand Parliament \(www.parliament.nz\)](#)

Members of Parliament (Standards) Act 1978 (as amended to 16 September 2019), Victoria, Australia, see Part 4 Register of Interests, [Members of Parliament \(Standards\) Act 1978 \(legislation.vic.gov.au\)](#)

Legislative Council, New South Wales, Australia, Review of Members' Code of Conduct (2022), Report 90, November 2022, re: 'conflict of interest' see paras 3.21 – 3.31; and re: 'improper influence' and 'online access to the Register of Disclosures' see paras 3.42 – 3.49, [Report \(nsw.gov.au\)](#)

House of Lords, UK, Conduct Committee, 5th Report, September 2023, Parliamentary advice and services: proposed changes to the Code of Conduct and Guide to the Code of Conduct (provides an updated rule for the prohibition of Members receiving payment from others for the performance of parliamentary duties and activities, [Conduct Committee - Publications - Committees - UK Parliament](#)

Welsh Parliament (Senedd), Standing Orders 2020, see Standing Order 2 Financial and Other Interest of Members: Annex for an approach to declarations of interests that includes a Member's 'partner' and a clear definition of 'partner'; and see Standing Order 4 Recording Time Involved in Registrable Activity, which requires Members to indicate the number of hours spent on other paid employment, not related to their parliamentary duties, [www.senedd.wales](#)





# CONDUCT

### Minimum standards

#### *For the Code of Conduct*

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Every Member commits to making the Parliament a safe and respectful workplace for all Members, staff and visitors.

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Members commit to use their role as leaders to ensure that the Parliament is a safe and respectful workplace.

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Members will not abuse their power, influence and authority.

---

Members commit to upholding the letter and spirit of laws relating to the rights and obligations of people in the workplace.

---

Members commit to respecting all people, by encouraging and promoting diversity, equality, and emotional/psychological safety in the workplace.

---

No Member will behave in the parliamentary workplace in a manner that constitutes–

- discrimination (e.g. based on gender, ethnicity, race, religion, age or disability);
  - bullying;
  - harassment;
  - sexual harassment and sexual assault;
  - victimisation.
- 

Members will take appropriate action if they observe another person engaging in unacceptable workplace behaviour.

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#### *For a statement of standards of behaviour for all in the parliamentary workplace*

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Separate from a code of conduct for Members, the Parliament should publish or display a brief 'Standards of behaviour in the workplace' that obliges everyone, including ministerial staff, visitors, contractors, media and others to ensure a safe and respectful workplace.

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## Additional measures

### *For the Code of Conduct*

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Members will take care to consider the rights and reputations of others when speaking with the protection of parliamentary privilege in parliamentary proceedings.

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Members will comply with the terms and conditions on which their personal staff are engaged and with all applicable laws and policies. It is the responsibility of Members to be aware of these conditions, laws and policies.

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Members are accountable for making their personal staff aware of their rights and obligations in the workplace. Members will ensure that their personal staff are mindful of the Member's commitment to the code of conduct.

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### *Supporting structures and processes*

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An office of parliamentary staff and Member staff support shall be set up independent of Members and executive government.

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The office may provide the following: advice in relation to workplace rights, health and safety; counselling services in support of employees' psychological wellbeing; and resolution of local workplace/office disputes for issues that are below the threshold for an investigative standards commission or other body tasked with investigating a code of conduct breach, and/or breach of employment or criminal law.

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## Key considerations for developing codes of conduct and related structures

### ***Parliaments as a safe and respectful workplace***

Every parliament is a workplace. Members, staff, the media and other visitors to the Parliament should be in a safe and respectful environment.

Parliaments have a duty of care for all who work in and visit parliamentary workplaces. Parliamentary staff, public servants and other workers are usually subject to codes of behaviour and it is reasonable to expect that the code of conduct for Members will include standards relating to the behaviour of Members in the workplace to further ensure that the parliamentary workplace is safe and respectful for everyone.

### ***General behaviour on the precinct / parliament workplace – obligations for everyone, including visitors***

Every parliament will likely have visitors: people who are not Members, Members' staff or parliamentary staff. Visitors come to watch proceedings, appear before committees, and undertake contracted work on the precinct. They include visitors to electorate/constituency offices and school groups participating in civic education.

It is reasonable to expect that visitors and other non-Members will act courteously when they are on the Parliament precinct. Some parliaments publish or display signs that set out a standard or code of behaviour for everyone on the precinct. This is separate from the Members code of conduct and should be considered part of setting the overall culture of the workplace.

### ***Acceptable and unacceptable workplace behaviours***

It is not enough for the code to simply require Members to be courteous. There cannot be a meaningful workplace behaviour component of a code of conduct if some behaviours are not at least listed in basic terms and described as unacceptable.

Discrimination, bullying, harassment, sexual harassment and sexual assault are unacceptable. For the purpose of this document, these terms are included in the definitions section that follows. Local laws might override the definition provided.

These standards explicitly prohibit sexual harassment and sexual assault. Both sexual harassment and sexual assault may be criminal offences listed in a criminal code. Nevertheless, it is important to also include them in the code of conduct because of the broad chilling effects of this behaviour on the participation in political life of women and those with diverse gender identities. Parliaments should ensure that there is an explicit statement or principle within the codes of conduct that condemns such behaviours.

### ***The Parliament chamber and committees***

The parliamentary sittings in the chamber and formal committee meetings constitute 'proceedings of parliament' that attract parliamentary privilege, most importantly, freedom of speech. A code of conduct should not override parliamentary privilege.

Nevertheless, acknowledging that the chamber and committees are part of the workplace, it is reasonable that a code of conduct requires Members to exercise their freedom of speech and privilege responsibly. This does not diminish the presiding officer's role in applying normal standing orders and practice to the content and tone of debate, but it may contribute to the overall culture of a safer and more respectful workplace for Members.

### ***Staff***

Parliaments with Members who have staff should include Members' management obligations in the code, regardless of whether the Member is an employer of the staff or the supervisor of the staff.

For example, it may be relevant for the code to require Members to instruct their staff to behave appropriately towards others, and a failure to provide such instruction might then be a failure subject to sanction or corrective action. Similarly, consideration should also be given to the extent to which Members are responsible for informing staff of their legal workplace rights.

The code of conduct for Members should not impose obligations on Members' staff, however. Members' staff and parliamentary staff should be governed by separate codes of conduct, enforced by corporate managers/employers, and not subject to investigations or sanctions by the chamber, privileges committees or other bodies that are better suited to regulating Member obligations.

Where the Members' staff are employed by a public sector agency or the Parliament, the Members' management obligations should be consistent with any codes of conduct or rules to which the staff are subject.

## **Definitions, interpretations**

*Members' staff* – Electorate, administrative, political/policy advisers.

*Ministerial staff* – Staff employed to assist ministers carry out their political and ministerial work, often employed in the minister's office, rather than the public service.

*Parliamentary staff* – Staff employed to provide services to the Parliament or a House as a whole, for all Members equally and in a nonpartisan manner, not for one Member or a minister or the government of the day. Such staff include the clerk, chamber staff, committee staff, security, Hansard etc.

*Employment, health and safety laws* – These are typically laws that include many aspects of conduct in the workplace, but are much broader than codes of conduct because they include matters of industrial relations, such as employee age qualification, salary, leave, termination and the like. However, they are likely to include rules that are relevant for codes of conduct, such as rules around discrimination, harassment, bullying, psychological and physical safety and the like.



*Parliamentary workplace* – May include but not be limited to: the Parliament House and precincts; electorate/constituency offices; any place a committee is meeting; official travel of Members (and staff) on delegations, committees and the like.

The following definitions are used as a guide only and there should be reference to any laws or relevant codes in each jurisdiction.

*Discrimination* – Treating someone differently based on their personal attributes, including but not limited to: gender; age; ethnicity; religious beliefs; disability.

*Bullying* – Repeated, unreasonable behaviour directed at a worker or group of workers that creates a risk to physical or mental health and safety.

*Harassment* – The unwanted behaviour directed at an individual which has the effect of humiliating, disrespecting, intimidating, or offending them.

*Sexual Harassment* – An unwanted or unwelcome sexual advance, or an unwelcome request for sexual favours, to another person.

*Sexual Assault* – An act of a sexual nature carried out against a person's will through the use of physical force, intimidation or coercion, including any attempts to do this.

# Sexual Harassment Complaint Form

By signing and submitting Sexual Harassment Complaint Form, I certify that this application is complete and all information provided is true and accurate and contains no willful false or misrepresentation. I understand that falsifications, representations, or omissions made from consideration to this position. I hereby authorize responsible person to contact previous employers for verification, conduct a background investigation, and maintain a record.

Full legal name	Last Name
Home Phone:	

## FURTHER RESOURCES

ACT Legislative Assembly, Code of conduct for all members of the Legislative Assembly of the Australian Capital Territory, Continuing Resolution 5, *see paragraph (D)*, [Standing orders - ACT Legislative Assembly](#)

Anti-harassment Policy Guidelines: A toolkit for Commonwealth Parliaments, CPA, 2020, [cwp-anti\\_harassment-guidelines.pdf \(cpahq.org\)](#)

*Set the Standard: Report on the Independent Review into Commonwealth Parliamentary Workplaces*, Australian Human Rights Commission, November 2021, [Set the Standard: Report on the Independent Review into Commonwealth Parliamentary Workplaces \(2021\) | Australian Human Rights Commission](#)

Parliament of Sri Lanka, Code of Conduct, *see Part VIII Attendance, Behaviour and Civility, which applies the standards inside and outside the chamber*, [code-of-conduct.pdf \(parliament.lk\)](#)

UK Gender Sensitive Parliament Audit 2018, *Report of the gender-sensitive Parliament audit panel to the House of Commons Commission and the House of Lords Commission*, 26 November 2018 (Audit facilitated by Inter-Parliamentary Union), [UK Parliament Gender Sensitive Parliament Audit Report](#)

The Bullying And Harassment Of House Of Commons Staff, Independent Inquiry Report, Dame Laura Cox DBE, October 2018 (Report commissioned by House of Commons Commission), [dame-laura-cox-independent-inquiry-report.pdf \(parliament.uk\)](#)

Working for an MP website, UK, [w4mp – The site for everyone working for an MP](#)

Commonwealth Parliament of Australia – Parliamentary Workplace Support Service, ([pwss.gov.au](#))

Independent Complaints and Grievance Scheme UK Parliament re: UK Parliament Behaviour Code; Bullying and Harassment Policy; Sexual Misconduct Policy, [www.parliament.uk/about/independent-complaints-and-grievance-scheme/](#)

Broderick, Elizabeth. 2022. *Leading for Change: Independent Review of Bullying, Sexual Harassment and Sexual Misconduct in NSW Parliamentary Workplaces 2022*. Sydney, [Independent Broderick Report.pdf \(nsw.gov.au\)](#)

Welsh Parliament (Senedd), Code of Conduct on the Standards of Conduct of Members of the Senedd, March 2021, [Code of Conduct on the Standards of Conduct of Members of the Senedd](#)

House of Commons, Canada, Members of the House of Commons Workplace Harassment and Violence Prevention Policy, January 2021 – [www.ourcommons.ca/content/boie/pdf/policy\\_preventing\\_harassment-e.pdf](#)

Legislative Assembly of Saskatchewan, Anti-Harassment Code of Conduct, *example of a code exclusively for allegations of personal harassment and sexual harassment between Members*, [Anti-Harassment Code of Conduct \(legassembly.sk.ca\)](#)

United States House of Representatives Rules, Rule XXIII, Code of Official Conduct, *see Sections 9 and 18*, [Code of Official Conduct | House Committee on Ethics](#)

- New Zealand Parliament - *Code of Conduct – How things are done at the office of the Clerk of the House of Representatives* – [office-of-the-clerk-code-of-conduct-2021.pdf \(www.parliament.nz\)](#)







**i**  
**False Information**  
Checked by independent fact-checkers

See Why

## ONLINE BEHAVIOUR, SOCIAL MEDIA, ARTIFICIAL INTELLIGENCE AND INFORMATION MANAGEMENT

### Minimum standards

---

Members shall be open and honest in their use of social media and other online activities.

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Members shall not use social media, email or any other online activity/forum to bully, harass or otherwise treat another person, including another Member, in a way that would breach workplace and community standards or the rules and practices of the chamber.

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Members shall not misrepresent their identity or be anonymous when using social media or other online tools.

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Members are accountable for the context in which they share third-party content on their social media.

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A Member shall not use for personal benefit any confidential information (i.e. non-public information) gained as a public officer.

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Information about individual constituents that comes into possession of Members should be kept confidential by Members unless they have a valid reason to use the information in proceedings of parliament, or with the consent of the individual, or unless required by law.

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Members will not use artificial intelligence (AI) in any way that breaches their obligation to be open, honest and accountable.

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Members will not use artificial intelligence or any other online, technology-based information and communication systems to misrepresent another individual or group, distort the appearance of community sentiment or otherwise provide disinformation about an issue or public policy matter.

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### Additional measures

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Members are accountable for the content posted in their accounts by their authorized staff.

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Members are accountable for making their staff aware of relevant information and social media and online behaviour laws and policies.

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## Key considerations for developing codes of conduct and related structures

### **Online behaviour and social media**

In most jurisdictions, Members are expected to be accessible and active online. As community leaders, Members should set an example of honest, respectful and responsible use of social media.

Many jurisdictions have laws about appropriate use of communications technologies, information, and information management. Standards of behaviour and compliance by Members should be equal to, or higher, than existing laws and community standards.

Members should be particularly mindful that misuse of social media, email and other information technologies can be harmful.

In addition, Members themselves can be harmed by the use of social media by members of the public. When this harm is directed at Members, Parliaments should take action to support the Member.

In many cases Members engage in online activities using resources provided by the Parliament, such as phones, computers, and communications infrastructure. Members are responsible for using these communications resources with integrity.

### **Information management and protection of private information by Members**

Members come into possession of a large amount of information that is not publicly available, including:

- private information regarding individuals (e.g., constituents), who have come to the Member in confidence; and
- parliamentary information that is confidential, such as committee matters that have not yet been made public.

The code of conduct should include reference to the requirements and responsibilities of Members to maintain the confidentiality of such information.

### **Artificial Intelligence**

Artificial Intelligence (AI) is a rapidly-developing technology that can generate outputs that resemble human-produced text, articles, speeches, submissions and social media content. AI, therefore, has the capacity to generate disinformation and produce false narratives. Online disinformation may include videos and audio of people saying things they have never actually said.

The requirement for Members to be open, honest and accountable also applies to their responsible use, or avoidance, of AI. As such, Members should provide truthful information, engage in debate and proceedings according to their own conscience, and actually author the contributions over which they claim authorship.

The value of including reference to AI in a code of conduct is to acknowledge its risks, to increase Members' awareness of the risks, and make codes of conduct more ready to adapt to further challenges that may arise as this technology and its applications evolve.

## Definitions, interpretations

*Artificial intelligence (AI), sometimes referred to as generative AI* – the ability of a digital computer or other capable machine to perform tasks and functions commonly associated with human intelligence. As an emerging technology, the definition of AI will change over time.

*Online disinformation* - the intentional creation and/or dissemination online of false information with the intention to deceive.

## FURTHER RESOURCES

Centre for Countering Digital Hate, [Center for Countering Digital Hate | CCDH \(counterhate.com\)](#)

Seema Shah (2015) *Guidelines for the Development of a Social Media Code of Conduct for Elections*, International IDEA, 1-18, [www.idea.int/publications/catalogue/guidelines-development-social-media-code-conduct-elections](http://www.idea.int/publications/catalogue/guidelines-development-social-media-code-conduct-elections)

UK Gender Sensitive Parliament Audit 2018, *Report of the gender-sensitive Parliament audit panel to the House of Commons Commission and the House of Lords Commission*, 26 November 2018 (Audit facilitated by Inter-Parliamentary Union), see pp. 2, 6, 16, [UK Parliament Gender Sensitive Parliament Audit Report](#)

*Set the Standard: Report on the Independent Review into Commonwealth Parliamentary Workplaces*, Australian Human Rights Commission, November 2021, see pp. 86, 99, 119, 120, 163, paras 4.17-4.19, [Set the Standard: Report on the Independent Review into Commonwealth Parliamentary Workplaces \(2021\) | Australian Human Rights Commission](#)

*Social media guide for parliaments and parliamentarians*, Inter-parliamentary Union (IPU), 2021, [Social Media Guidelines | Inter-Parliamentary Union \(ipu.org\)](#)

Welsh Parliament (Senedd), *Guidance on the Code of Conduct for Members of the Senedd*, March 2021, *While the Welsh code does not have a social media rule, the Guidance includes reference to use of social media by Members in the context of other principles and rules*, [code\\_of\\_conduct\\_guidance-en-template.pdf \(senedd.wales\)](#)

*Members' Integrity Act 1994*, Ontario, Canada – provisions relating to Members' use of social media accounts were inserted into the Act in 2021. The Integrity Commissioner, established by the same Act, can inquire into and report their opinion on an alleged contravention of the Act, [SO 1994, c 38 | Members' Integrity Act, 1994 | CanLII](#)

### **Members' protection of private information**

Legislative Assembly of Saskatchewan, *Code of Ethical Conduct* (2015), see in particular, rules relating to Members protecting the personal information of citizens – [Code of Ethical Conduct \(legassembly.sk.ca\)](#)

### **Artificial Intelligence (AI)**

*Parliamentary Handbook on Disinformation, AI and Synthetic Media*, CPA in partnership with OAS, 2023, [handbook-on-disinformation-ai-and-synthetic-media.pdf \(cpahq.org\)](#)

*A Democratic Approach to Global Artificial Intelligence (AI) Safety*, Alex Read, Westminster Foundation for Democracy, Policy Brief, November 2023, [A democratic approach to global AI safety | Westminster Foundation for Democracy \(wfd.org\)](#)

*Recommendation on the Ethics of Artificial Intelligence*, UNESCO, November 2021, [Recommendation on the Ethics of Artificial Intelligence - UNESCO Digital Library](#)

AI Principles, OECD, May 2019, <https://oecd.ai/en/ai-principles>





## COMPLAINTS, INDEPENDENT INVESTIGATIONS, AND PROCEDURAL FAIRNESS

### MINIMUM STANDARDS

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A Member will only make a complaint about the compliance of another Member with the code of conduct where they believe there are reasonable grounds to suspect non-compliance.

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A Member who makes a complaint of non-compliance against another Member that is frivolous or vexatious is in breach of the code and may be subject to sanction.

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A person who is not a Member may make a complaint that a Member has not complied with the code of conduct by referring their complaint to the appropriate authority.

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A Member and the complainant shall treat any complaint in confidence other than any necessary communication with investigators, direct managers and support services.

---

Members shall cooperate with, and assist, an investigator inquiring into a complaint under the code of conduct.

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A Member who is aware of evidence of a breach of criminal law shall refer such evidence to the police or integrity/anticorruption agency as appropriate.

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Members who are aware of another Member or person making a complaint of bullying, harassment, sexual assault and harassment, discrimination or other inappropriate workplace behaviour, shall provide support to the person and respect any decision the person makes about whether and how they pursue their complaint.

---

A Member will not imply, threaten, take detrimental action or otherwise victimize a person because they have or intend to make a complaint against a Member.

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The process for lodging a complaint that a Member has not complied with the code will be published by the Parliament on the website or by other means that are readily available to the public.

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### ***Procedural fairness***

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A Member who makes a complaint and a Member who is the subject of the allegation shall not sit on the committee or body that is responsible for inquiring into the complaint, or for making findings.

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A Member who is alleged to have breached the code of conduct shall be provided with the evidence that is being used in support of the allegation and be given reasonable time to seek advice and prepare answers or defence of the allegations.

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The parliamentary committee, standards commissioner, or other body that is inquiring into the complaint will not make any findings until it has provided the Member with reasonable time to answer the allegation and until it has considered the Member's answers or submissions.

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The parliamentary committee, standards commissioner, or other body inquiring into a complaint against a Member shall not unduly delay the matter such that a complainant or the respondent Member are denied justice.

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### ***Report of findings***

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The report of the investigation shall be presented to the relevant parliamentary committee or to the presiding officer (or Deputy if concerning the presiding officer) who must determine whether a breach has occurred, and if a breach has occurred, refer the report to the House for further proceedings in accordance with its rules.

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If a complaint has become known publicly and has not been upheld, or is found to have been frivolous or vexatious, this outcome shall be made public.

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### ***Appeal or Review***

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The code of conduct shall provide that a Member against whom a complaint has been upheld, has right to appeal or review unless such complaint has been upheld by the House itself.

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## **ADDITIONAL MEASURES**

### ***For the code of conduct – a standards commissioner / independent investigator***

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A complaint alleging a breach of the code by a Member shall be made to an independent investigator, being a standards commissioner or other independent officer, who must, as soon as possible, make a preliminary determination as to whether to inquire further or not.

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The investigator may determine that a complaint is frivolous or vexatious and cease investigation and report back.

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The independent investigator is an independent office holder who is appointed for a fixed term.

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*The investigator must be selected by a non-partisan process designed to ensure multiparty support. Such a process should be led by the presiding officer and clerk.*

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*An investigator shall have knowledge, investigative skills, experience, personal qualities and standing suitable to the office.*

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### **Supporting structures and legislation – a parliamentary standards commission**

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A parliamentary standards commission should be a statutory authority that is independent of ministerial direction and the government of the day.

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A parliamentary standards commission is separate from and independent from an anticorruption agency.

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There should be a non-partisan process for appointment of senior office holder(s) of the standards commission.

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There should be a non-partisan process of parliamentary oversight of the commission and for recommending annual appropriations for the commission that is arms-length from government.

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The legislation providing for the commission should include rules for procedural fairness and rights of appeals.

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The legislation establishing the independent office shall prescribe the burden of proof to be applied in substantiating a complaint.

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Unless separate legislation permits a sanction to be imposed by the independent agency, the report of the agency should be presented to the presiding officer for any further action by the House in relation to sanctions for breach of the code and, if relevant, contempt of parliament.

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## **Key considerations for developing codes of conduct and related structures**

For a code of conduct to have credibility there must be fair, safe and transparent processes for investigation of complaints of non-compliance by a Member. This is particularly the case as codes of conduct develop to include workplace behaviour standards that may result in a staff member or other non-Member being a complainant.

As the range of standards in a code of conduct may be broad and require professional investigative skills, it may





be that a privileges committee or other parliamentary committee is not the most appropriate investigator. In some cases, particularly where it is appropriate that a privileges committee recommend rectification or sanctions flowing from the investigation, the independent investigator should be required to report to the privileges committee.

Not all jurisdictions will have the financial or technical capacity to establish a standing independent parliamentary standards commission, in which case it is important that the Parliament consider other options. These may include appointing an independent investigator if and when required, or sharing a standards commissioner with other jurisdictions.

Where a privileges, ethics or other parliamentary committee remains the only option for investigation of a breach of the code, the committee can commit to standards of procedural fairness that would be applied by an independent commission.

## **Definitions, interpretations**

*Oversight* – in relation to a parliamentary standards commission or similar office tasked with investigating alleged breaches of the code of conduct, may include appointment of office holders, consultation and recommendations about annual funding (appropriations) of the commission and monitoring general performance (not reviewing individual investigations).

*Parliamentary Standards Commissioner* – an office or office holder established by statute or resolution of the Parliament, who is independent of the government, who investigates alleged breaches of the code and reports back to either the House(s), presiding officer or relevant committee.

*Procedural fairness* – acting fairly in the process of investigation and making findings which, at a minimum, ensures that all sides receive a fair hearing and that those making finding are not biased and have not pre-judged the complaint or allegation.

## FURTHER RESOURCES

Parliament of the Republic of South Africa, Code of Conduct, see *Section 10 Breaches of the Code of Conduct and the Investigation Procedures, which provides a detailed process of investigation and procedural fairness and a 'balance of probabilities' threshold*, [Code of Conduct - Parliament of South Africa](#)

House of Commons, Code of Conduct, December 2022, see *Part E – Rules relating to upholding the Code*, [House of Commons Code of Conduct and Guide to Rules - UK Parliament](#)

Independent Complaints and Grievances Scheme UK Parliament re: making and handling complaints, see [www.parliament.uk/globalassets/documents/icgs-documents/making-a-complaint-a-guide-for-complainants.pdf](http://www.parliament.uk/globalassets/documents/icgs-documents/making-a-complaint-a-guide-for-complainants.pdf)

House of Commons, UK, Procedural Protocol in respect of the Code of Conduct, February 2023, see *Appeals (to Independent Expert Panel) paras 86 – 102*, [Procedural Protocol in respect of the Code of Conduct - House of commons \(parliament.uk\)](#)

ACT Legislative Assembly, Commissioner for Standards, Continuing Resolution 5AA, provides an example of a commissioner established by resolution and appointed by the Speaker, [Standing orders - ACT Legislative Assembly](#)

Bermuda House of Assembly, Code of Conduct for Members of the Legislature, November 2021, see *Sections 7.3 and 7.5 for a description of the role of the Legislative Appeals Committee, which can hear appeals against findings or sanctions recommended by the Parliament's Ethics Complaints and investigations Committee*, [The-Code-of-Conduct-for-Members-of-the-Legislature-Bermuda-November-8-2021.pdf \(bernews.com\)](#)

United States of America, House of Representatives, Committee on Ethics, Rules Adopted February 28, 2023, 118th Congress, see *Rules 19 – 27 for an example of procedural fairness rules adopted by a committee of Members responsible for investigating complaints against Members*, [Committee Rules | House Committee on Ethics](#)

States of Jersey, Commissioner for Standards – Statement, Presented to the States on 4th April 2023, revised statement 2 June 2023 by the Privileges and Procedures Committee, [r.93-2023.pdf \(gov.je\)](#)

States of Alderney, Code of Conduct for States Members, as amended to January 2023, see in particular *Part III in relation to investigation of complaints and rights of appeal for Members*, [CHttpHandler.ashx \(gov.gg\)](#)

Ontario Legislative Assembly, Members' Code of Conduct on Harassment, provides an example of a code dealing only with behaviour between Members and prescribing formal roles for the clerk, party Whips and select committee in dealing with complaints; further provides a process for less formal and mediated resolution of complaints, [Report of the Speaker's Panel to Establish a Members' Code of Conduct on Harassment \(ola.org\)](#)

Saskatchewan Legislative Assembly, Anti-Harassment Code of Conduct, provides an example of a complaint resolution process that includes options for mediation or more formal investigation, corrective action and appeal rights in relation to allegations of personal harassment and sexual harassment between Members, [Anti-Harassment Code of Conduct \(legassembly.sk.ca\)](#)

Zambia, *The Parliamentary and Ministerial Code of Conduct Act 1994*, Chapter 16 of the Laws of Zambia, see *Section 14 in which a tribunal is established by the Chief Justice to inquire into allegations of a breach of the code, which then reports back to the presiding officers and see Section 17 which provides a penalty for anyone found to have 'knowingly' made a false allegation*, [Printing - The Laws of the Republic of Zambia \(parliament.gov.zm\)](#)

CPA Recommended Benchmarks for Democratic Legislatures 2018. See section on natural justice. <https://www.cpahq.org/media/10jkk2nh/recommended-benchmarks-for-democratic-legislatures-updated-2018-final-online-version-single.pdf>





### Minimum standards

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The code of conduct shall require that the privileges committee (standards committee or other relevant committee), upon inquiry and substantiation of a breach of the code, make a report to the House recommending that the Member take rectification (corrective) action or be sanctioned.

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The code of conduct shall state that the privileges committee and the House will have regard to the seriousness of the breach of the code and that the corrective action or sanction should be proportionate.

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The code of conduct shall state that findings and sanctions in relation to a breach of the code by a Member should be consistent with principles of justice and shall not be based on political advantage.

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The code of conduct shall specify that a Member convicted of a breach of the criminal law or workplace law, may in addition be subject to a sanction or penalty if found to have breached the code.

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### Additional measures

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The code of conduct may prescribe or provide guidance for proportionate sanctions for breaches of the code according to the impact on a person(s) and effects on the functioning and reputation of the Parliament.

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Where a standards commission has the power to inquire into alleged breaches and make findings, the code of conduct or legislation establishing the commission should require reports of more serious breaches to be made to the privileges committee, who shall be required to recommend a sanction to the House.

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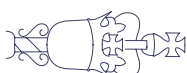
The code of conduct should state that the Member found by the standards commission or privileges committee to have breached the code may make a submission to the privileges committee in relation to the sanction to be recommended to the House.

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### Key considerations for developing codes of conduct and related structures

There are two fundamental matters that a code should address in relation to rectifications and sanctions -

1. What sanction should be imposed for a particular breach of the code.
2. Who should determine the sanction to be imposed or recommended.



The sanctions to be imposed on Members who have breached the code should be determined by the seriousness of the breach. It may not be practical to list potential breaches in the code because there would be too many.

On the other hand, it may be possible to list potential rectifications and sanctions, or indicative sanctions in an order that is not an exact hierarchy or gradation of sanctions, but which provides a commission, the privileges committee and the House with some guidance.

While these standards do not prescribe exact sanctions, the following table provides an indicative guide as to what is meant by sanctions that are proportionate to the breach committed by a Member. These are indicative only, and parliaments should have regard to their own context.

Breach of the code of conduct	Proportionate sanction
A standards commission or equivalent, or internal parliamentary office, finds that a Member has inadvertently made a one-off claim for a small expense for a type of office supply that is not covered by the office expenses eligible for reimbursement. The claim was paid to the Member in error.	<p>Corrective action is undertaken. The amount claimed is repaid by the Member, who is reminded about the rules. The matter is not made public.</p> <p>The presiding officer and/or clerk may be advised if there is a requirement to keep a record of minor breaches.</p>
A Member is found to have not reported a registrable interest, such as a direct, but small shareholding in a company. There is no evidence that the Member deliberately failed to report the interest, but the House is concerned that Members take compliance with the code and the register of interests very seriously.	The Member is required to make a public apology in the House and the Register of Interests is amended.
A Member is found to have shouted at a staff member on two separate occasions in a week, where the staff member has done nothing to provoke such behaviour. The Member is remorseful and cooperative with the investigation of the staff member's complaint. The Member has not victimized or otherwise reacted poorly to the complaint being lodged.	<p>The Member is required to make an in person, private apology to the staff member and to attend a 'respectful workplace' training session.</p> <p>A report of the matter may be made public, or just an outcome made public, only if the code or related rules require it for such matters.</p>
A Member is found to have harassed another Member who did not support their motion during a committee meeting. The offending Member is found to have entered the other Member's office at the Parliament on several occasions in one week to make heated comments and to have continuously rung the other Member's phone and posted content on Facebook that claims the other Member is lazy. There is evidence that the other Member emailed the offending Member to request that they stop the behaviour because they found it intimidating and upsetting, but the behaviour continued.	<p>The House resolves that the behaviour is unacceptable and suspends the Member from the chamber for one sitting week.</p> <p>The House might also consider a resolution removing the offending Member from being a member of any committee for 6 months.</p>
A standards commission report finds that a Member has claimed two weeks' accommodation and expenses on an overseas trip that was not official travel, but was private travel, contrary to the rules.	<p>The House may decide to publicly admonish the Member and suspend the Member from the service of the chamber for a period of time.</p> <p>The standards commission may have power to order the repayment of the monies claimed by the Member.</p> <p>Depending on local laws, the investigation might be referred onto Police or an anticorruption agency.</p>
A Member is found to have sexually harassed a staff member.	<p>The House resolves that the behaviour is unacceptable and suspends the Member from the chamber for four sitting weeks.</p> <p>The Member's salary is withheld for all or part of the period of the suspension.</p> <p>The Member is required to attend 'respectful workplace' awareness training.</p>

The list does not include an expulsion of the Member; that is, where the House resolves that a Member's seat is vacant and the Member is no longer a Member of the House. The power of a House to impose this most serious of sanctions may not exist in some jurisdictions or there may be legal uncertainty about the power. These standards leave the matter to the determination of each jurisdiction.

Where a standards commission or equivalent has the power to both investigate a breach of the code and impose sanctions, it is better practice that the commission be limited to sanctions or corrective actions that are lesser than a suspension of the Member. The exclusive cognisance of the House is part of the law of the Parliament. The House is the regulator of its own affairs, including any decisions affecting a Member's ability and right to attend the precincts, the House and committee proceedings. Suspension directly affects these rights of a Member. The House might delegate other, lesser matters to a standards commission, but should not delegate the power of suspension of Members.

A standards commission may be empowered to investigate a matter which would otherwise be inquired into by a privileges committee. A commission could be empowered to impose corrective actions or sanctions including:

- private apology or other corrective action in relation to a matter of inappropriate behaviour involving another Member, a staff member or other non-Member;
- public apology;
- repayment of an allowance or other financial benefit claimed in breach of rules or standards.

Where a standards commission makes a finding of a more serious breach, it is important that the code require that the commission's report be transmitted to the privileges committee and the committee be required to recommend a sanction.

## Definitions, interpretations

*Breach of the code of conduct* – a failure to comply with a provision(s) of the code, which may be found to be deliberate or inadvertent.

*Privileges Committee* – may also be an ethics committee, standards committee or other committee with appropriate terms of reference to deal with conduct and standards of Members.

*Public apology* – Where the sanction imposed on a Member is that they are required to make a public apology, the apology should be made in public proceedings of the House, recorded in Hansard and the minutes (votes and proceedings) of the House.

*Sanction* – a penalty which may be financial or non-financial and a failure of the Member to comply with the sanction would constitute contempt of the House.



## FURTHER RESOURCES

Parliament of Kenya, see Factsheet 5 – Rules Governing Conduct of Members – *provides a graduated list of statutory sanctions for the House to impose, from the less serious, ‘formal warning’ to most serious, ‘vacation of seat’*, [FS05 Rules Governing Conduct of Members.pdf \(parliament.go.ke\)](#)

Parliament of the Republic of South Africa, Code of Conduct, see Section 10.7.7 – *Penalties - for an example of a code prescribing specific penalties for certain breaches and a more open ended approach for other breaches*, [Code of Conduct - Parliament of South Africa](#)

House of Commons, UK, Procedural Protocol in respect of the Code of Conduct, February 2023, see *Parliamentary Commissioner for Standards rectification procedures, paras 47 – 52; see Committee on Standards sanctions, paras 78 – 85*, [Procedural Protocol in respect of the Code of Conduct - House of commons \(parliament.uk\)](#)

*Members of Parliament (Standards) Act 1978* (as amended to 16 September 2019), Victoria, Australia, see Part 5, Sections 30 and 31, [Members of Parliament \(Standards\) Act 1978 \(legislation.vic.gov.au\)](#)

Independent Complaints and Grievance Scheme UK Parliament re: Informal resolution of certain complaints, see [The Independent Complaints and Grievance Scheme \(ICGS\) - UK Parliament](#)

United States of America, House of Representatives, Rules of the Committee of Ethics, 2023, see *Rule 24. Sanction Hearing and Consideration of Sanctions or Other Recommendations*, [House Committee on Ethics](#)

### Minimum standards

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Members shall seek advice from suitably qualified and/or appointed persons in relation to rules and practices governing matters of integrity in public office and seek advice more generally in relation to ethical dilemmas.

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The adviser shall not disclose the fact that they have been consulted, nor any information provided by the Member or any advice given to the Member.

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Advice sought and given is confidential and shall not be accessible through provisions for freedom of information.

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A person or entity who provides advice to a Member shall not investigate any complaint.

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When the clerk or another officer is not a specialist in providing ethics advice but is expected to be the main source of ethical advice to Members, they should be provided with ethics training.

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### Additional measures

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It shall be mandatory for Members to attend ethics training at least once per parliamentary term.

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A specialist ethics adviser to Members should be appointed on a fixed term.

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The adviser shall be selected by a non-partisan process or other method designed to secure multiparty support.

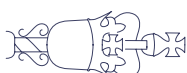
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The adviser shall have knowledge, experience, personal qualities, and standing within the community suitable to the office; skill in professional ethics or law is desirable.

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The code of conduct shall protect the adviser from removal except for proven misbehaviour or other reasonable grounds.

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The ethics adviser may be given complementary roles, such as providing ethics training and awareness sessions for Members, which may include code of conduct awareness and training.

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An ethics adviser should be required to keep a written record of all advice given to Members, including written advice (correspondence, emails etc) and advice provided orally on the phone or in person.

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The code of conduct should require the ethics adviser to keep records of advice confidential except where:

- an order of the House requires that a record of advice be provided to the House or the privileges committee because a Member is defending an allegation by relying on the advice; or
  - the Member who sought and received the advice gives permission for it to be made public.
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The code should clearly state that advice provided by an ethics adviser is not legal advice. Members who wish to seek legal advice should do so separately.

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## Key considerations for developing codes of conduct and related structures

An ethics adviser is an important role that can complement a code of conduct. An adviser may help to prevent breaches of the code of conduct.

Describing the importance of ethical behaviour and how it differs from simply acting legally is difficult to describe in code of conduct standards and may be better addressed in accompanying guidelines.

The term 'ethics adviser' is a preferable term to 'integrity adviser' because it is a clearer expectation that the adviser will be available to provide advice to Members not only about rules, but also about conduct that is not covered by written rules. Some choices may be more ethical than others or might require the Member to choose between two actions that are usually seen as good, for example having to choose between being loyal and being truthful. These can be described as ethical dilemmas.

Naming the position *Ethics and Integrity Adviser* is also appropriate if the clear intent is that the adviser provide guidance to Members on both rules of conduct and ethical dilemmas.

In some parliaments there may be impediments to appointing and remunerating a full-time ethics adviser. There are several options that could be considered:

- An ethics adviser may be part-time, depending on the number of Members in the House(s) and the size of additional tasks, such as running general ethics training and awareness sessions for Members.
- The clerk or another senior parliamentary officer could be given the role of providing ethics advice in addition to the usual advice about rules of conduct and procedure. In this case, the clerk should be provided with additional ethics training, even if such training must be sourced from outside the jurisdiction.
- An ethics adviser already serving other public offices, such as public servants, police and others, could have their scope expanded to include Members of Parliament.
- An ethics adviser need not be on-site at the Parliament, other than occasionally, as most advice can be sought and provided by phone, email or other virtual methods. This creates the opportunity for smaller legislatures to share an ethics adviser.

It is strongly advised that the role of providing confidential advice to Members is kept separate from the role of investigating complaints. It is equally strongly advised that integrity agencies, standards commissions and privileges committees respect the confidentiality of the ethics adviser's notes which might reflect both information provided in confidence by a Member and the advice provided. It is also strongly advised that advisors' notes are not subject to Freedom of Information (FOI) provisions.

## Definitions, interpretations

*Ethical behaviour* – ethical behaviour is more nuanced than behaviour that is compliant with the law. A Member may act in compliance with the law or a rule, but still have alternative courses of action to choose from. Some of these alternatives may be contrary to the public interest, or may cause the public to lose faith in the Parliament, and should not be the chosen course of action even when they are legal.

*Ethical training and advice* – because ethical behaviour includes making choices between alternative courses of action, ethical training and advice aims to assist Members to develop skills in making good choices.

*Ethics Adviser or Ethics and Integrity Adviser* – a role whose occupant provides advice to Members about integrity matters, including compliance with written rules of conduct, and ethical matters, where Members must make a judgement about the best way to act on a matter. The adviser will also provide general awareness training and education to Members. The adviser will be separate from a standards commissioner or any person who investigates complaints against Members.

## FURTHER RESOURCES

Bermuda House of Assembly, Code of Conduct for Members of the Legislature, November 2021, see Section 6 for a description of the appointment and role of the Ethics Adviser, [The-Code-of-Conduct-for-Members-of-the-Legislature-Bermuda-November-8-2021.pdf \(bernews.com\)](#)

ACT Legislative Assembly, Ethics and Integrity Adviser, Continuing Resolution 6A, provides an example of an adviser established by resolution and appointed by the Speaker; required to meet annually with the relevant standing committee and report annually to the House on level of activity (without breaching individual Members' confidentiality), key issues/themes and proposals to address these issues, [Ethics and accountability - ACT Legislative Assembly](#)

United States of America, House of Representatives, House Committee on Ethics, [House Committee on Ethics](#)

Victorian Parliament, Integrity Adviser, ongoing resolution can be found in Legislative Assembly Standing Orders, [Assembly standing orders \(parliament.vic.gov.au\)](#)

Sweden, Rikstag – A code of conduct for members of the Rikstag 2017, Guidelines, see p.9 for an explanation of ethical behaviour by Members. (version at October 2022), [uppforandekod-eng-webb-nov-2022.pdf \(riksdagen.se\)](#)

For an approach to understanding ethics as a process of an individual questioning, discovering and defending their values, principles and purpose, see [What is ethics? We have the answer - The Ethics Centre](#)





### Minimum standards

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The code of conduct and any related provisions or structures, such as an ethics adviser and standards commissioner, shall be made available to Members.

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Induction of new Members after an election shall include training in the code of conduct, harassment and violence prevention (safe workplace) training and ethics.

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Returning Members shall attend training in the code of conduct, harassment and violence prevention (safe workplace) training and ethics after an election.

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The code of conduct shall encourage every Member to participate in activities to enhance their ethical competence on an ongoing basis.

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The code of conduct and any related information shall be made available to the public.

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### Additional measures

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The legislative code or resolution establishing the ethics adviser includes a prominent role for the adviser to provide rules of conduct awareness training to Members at least once per year.

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The adviser is also required to provide ethics education training to Members at least once per year.

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Members are required to attend the awareness and education sessions and failure to attend is recorded in the adviser's annual report to the House.

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Members are required to attest in the House at least once per year, and after any significant amendment, that they have read and understood the provisions of the code of conduct.

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The ethics adviser is required to meet at least once per year with the relevant committee that oversees Member standards to discuss general issues that have arisen and any proposals to address them, but no confidentiality requirements are to be breached in this process.

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## Key considerations for developing codes of conduct and related structures

Awareness and education of Members includes:

- training that focuses on awareness of the code of conduct, appropriate workplace behaviour, declaration of interests and other rules of conduct; and
- education of Members in relation to ethics, such as making judgements where only some or no rules may be in place and the Member has a choice of how to act, presenting the Member with uncertainty or an ethical dilemma.

While these activities are best delivered in person, they could be conducted online, if resources permit and if it assists Members to comply with their obligation to attend such sessions.

Awareness and education objectives include the broader parliamentary community and the public. The activities of the Parliament to promote ethical decision making and integrity of conduct may contribute to public faith in the Parliament and help to improve community, government and private sector standards of conduct and ethics.

### Definitions, interpretations

*Induction of new Members* – training provided shortly after an election to Members elected for the first time. Such training may be mandatory, may be sponsored by the presiding officer and may be provided by clerks, parliamentary staff and ethics advisers, with contributions from former Members and others, where appropriate.

## FURTHER RESOURCES

House of Lords UK, *Code of Conduct for Members of the House of Lords, 12th Edition, June 2022, paragraph 19, and Guide to the Code of Conduct, paragraph 124*, [Code of Conduct for Members of the House of Lords, Guide to the Code of Conduct and Code of Conduct for House of Lords Members' Staff](#) ([parliament.uk](http://parliament.uk))

House of Commons, Canada, Members of the House of Commons Workplace Harassment and Violence Prevention Policy, January 2021, see *Harassment and Violence Prevention Training*, [policy\\_preventing\\_harassment-e.pdf](#) ([ourcommons.ca](http://ourcommons.ca))

Australian Senate, Safe and Respectful Workplaces Training Program, [Safe and Respectful Workplaces Training Program Register – Parliament of Australia](#) ([aph.gov.au](http://aph.gov.au))

CPA Handbook for Parliaments in Election Planning, [https://www.cpahq.org/media/vilpux02/election-planning-handbook\\_final.pdf](https://www.cpahq.org/media/vilpux02/election-planning-handbook_final.pdf)



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