

# PARLIAMENTARY STANDARDS ACT 2009

---

## EXPLANATORY NOTES

### SUMMARY

#### *Investigation and enforcement*

36. The Act establishes a Commissioner for Parliamentary Investigations (“the Commissioner”). The Commissioner will have the power to investigate any overpayments under the allowances scheme and failures to comply with requirements in the code relating to the registration of financial interests. The Commissioner will be able to initiate such investigations. An investigation may also be conducted at the request of a member or after an individual complaint. The IPSA must provide any information that the Commissioner reasonably requires for the purposes of an investigation.
37. The IPSA must determine procedures for the Commissioner to follow. These must include safeguards for the MP, including that the MP have an opportunity to make representations to the Commissioner during the investigation and in light of the Commissioner’s findings.
38. If the Commissioner finds that the member was overpaid an allowance or failed to comply with a requirement to register a financial interest, the Commissioner must refer his or her findings to the Committee on Standards and Privileges. However, there are exceptions to this requirement to refer if, amongst other criteria, the MP accepts the Commissioner’s findings and takes steps to rectify the matter. The Commissioner may also refer a finding to the Committee on Standards and Privileges if the Commissioner finds that the MP has not provided the Commissioner with information that he or she reasonably requires for the purposes of the investigation.
39. The Act will create a new criminal offence of knowingly providing false or misleading information in a claim for an allowance.