



NSW Government response to recommendations 1, 4 and 8 of the July 2022 Independent Commission Against Corruption report entitled *Investigation into the conduct of the local member for Drummoyne (Operation Witney)*

Recommendation	Government response
<p>Recommendation 1</p> <p>That the NSW Government, in consultation with NSW Parliament’s Legislative Assembly Privilege and Ethics Committee and Legislative Council Privileges Committee (“NSW Parliament’s designated committees”), amends the Constitution (Disclosures by Members) Regulation 1983 to require:</p> <ul style="list-style-type: none">• the details of interests in trusts, including discretionary trusts and self-managed superannuation funds, to be disclosed as a standalone item• the details of real property held by discretionary trusts, where a member of Parliament is a potential beneficiary, to be disclosed• the details of the interests of immediate family members to be disclosed (noting the option to limit access to certain information for privacy reasons)• the dispositions of interests to family members or other associates to be disclosed• ongoing (within 28 days) requirements to update disclosures of interests, including for members leaving Parliament• electronic databases to improve transparency of the registers.	<p>The NSW Government will consult the Legislative Council Privileges Committee, Legislative Assembly Privilege and Ethics Committee and the Clerks of the Legislative Council and the Legislative Assembly on a Regulation to amend the Constitution (Disclosures by Members) Regulation 1983 requiring Members of Parliament to disclose expanded pecuniary interests on an ongoing basis, consistent with this recommendation.</p> <p>The Government notes the concerns previously raised by the Legislative Assembly Privilege and Ethics Committee regarding the privacy of the immediate family members of Members, who did not seek election and are not subject to the special duties of Members. The amendments will strike a balance between the appropriate disclosure of Members’ pecuniary interests, including immediate family members’ interests, and respecting the privacy of third-party individuals.</p> <p>The Government will also consult with the Clerks of the Legislative Council and the Legislative Assembly regarding options for establishing the Registers of Pecuniary Interests electronically and enhancing the transparency of the Registers.</p> <p>The Government will also introduce a Bill to the NSW Parliament proposing amendment of the regulation-making power in section 14A of the <i>Constitution Act 1902</i> to put beyond doubt that this recommendation may be implemented by amendment of the Constitution (Disclosures by Members) Regulation 1983.</p>

Recommendation	Government response
<p>Recommendation 4</p> <p>That the NSW Government, in consultation with NSW Parliament's designated committees, amends the Constitution (Disclosures by Members) Regulation 1983 to provide for the mandatory registration of conflicts of interest by members of Parliament via the creation of a register for this purpose (noting the option to limit access to certain information for privacy reasons).</p>	<p>The Government will consult the Legislative Council Privileges Committee, Legislative Assembly Privilege and Ethics Committee and the Clerks of the Legislative Council and the Legislative Assembly on a Regulation to amend the Constitution (Disclosures by Members) Regulation 1983 to provide for the disclosure of conflicts of interest and the establishment of a relevant register.</p> <p>The Government will also introduce a Bill to the NSW Parliament proposing amendment of the regulation-making power in section 14A of the <i>Constitution Act 1902</i> to put beyond doubt that this recommendation may be implemented by amendment of the Constitution (Disclosures by Members) Regulation 1983.</p>
<p>Recommendation 8</p> <p>That the NSW Government considers the introduction of amending legislation to clarify that an applicable code of conduct in relation to a parliamentary secretary is a ministerial code of conduct prescribed or adopted for the purposes of s 9(3) of the ICAC Act.</p>	<p>The Government will introduce a Bill to the NSW Parliament proposing amendments to the <i>Independent Commission Against Corruption Act 1988</i> clarifying that the Ministerial Code of Conduct is a prescribed code of conduct in respect of Parliamentary Secretaries.</p>