

**INDEPENDENT COMMISSION AGAINST CORRUPTION AMENDMENT
(REGISTER OF DISCLOSURES BY MEMBERS) BILL 2012
Second Reading**

The Hon. MICHAEL GALLACHER (Minister for Police and Emergency Services, Minister for the Hunter, and Vice-President of the Executive Council) [10.53 a.m.]: I move:
That this bill be now read a second time.

The purpose of the bill is to remove any doubt about the ability of the Independent Commission Against Corruption to consider and, if appropriate, make findings in relation to the registers of disclosures by members of Parliament. I seek leave to have the second reading speech incorporated in *Hansard*.

Leave granted.

All members are well acquainted with the requirements of the Constitution (Disclosures by Members) Regulation 1983.

The regulation requires members of Parliament to disclose their pecuniary interests and other matters in the form of returns provided to the Clerk of the House in which they are a member.

The Clerks maintain these returns in the Registers of Disclosures of each House, and these are made available for public inspection.

The registers are an important tool in providing transparency and ensuring integrity, and they serve to enhance the accountability of members and of the Parliament.

Members will also be aware that the Independent Commission Against Corruption is shortly to commence public inquiries into alleged corrupt conduct by certain former Ministers and members.

In the context of those investigations, the Independent Commission Against Corruption has sought and obtained a copy of the Register of Disclosures of Members of the Legislative Council for the relevant periods.

The Presiding Officer of the Legislative Council—acting properly and responsibly in the discharge of his duties to uphold the privileges of this Parliament—raised the question as to whether the registers might be subject to parliamentary privilege, even though they are already publicly available and open to public scrutiny.

Parliamentary privilege is essential to our system of responsible and representative democracy.

Members will be aware that, by operation of the 1689 Bill of Rights—which continues to have effect in New South Wales—"The freedom of speech and debates or proceedings in Parliament ought not to be impeached or questioned in any court or place out of Parliament".

The Presiding Officers—after seeking advice from the Crown Solicitor and consulting with the Independent Commission Against Corruption—have requested that legislation be enacted to ensure that, if the registers are subject to parliamentary privilege, this does not impede the ability of the Independent Commission Against Corruption to use the registers in its

investigations.

Accordingly, the bill provides that the Independent Commission Against Corruption may use and make findings in respect of the registers. It also provides that, if necessary, parliamentary privilege in respect of the registers is waived to the extent that it might otherwise prevent the Independent Commission Against Corruption from doing that.

Any parliamentary privilege that applies to the registers will continue to apply for other purposes, such as court proceedings.

It is not at all clear that the registers are in fact subject to parliamentary privilege.

It is, however, appropriate that legislation be enacted to remove any doubt in relation to the Independent Commission Against Corruption investigations.

Parliamentary privilege exists to support the proper functioning of Parliament, primarily by protecting freedom of speech.

It is not designed to shield members from proper accountability for misconduct.

This bill will not otherwise change the important privileges of the Houses of Parliament or their members.

Scrutiny of the register by the Independent Commission Against Corruption will not adversely impact on the business of Parliament. It will not inhibit debate. It will not undermine freedom of speech. It will not impede any activities which members of Parliament undertake in the exercise of their representative and parliamentary duties.

To the contrary, what it will do is to enhance the integrity and standing of this place. It will further ensure that all members make full and proper disclosure in accordance with the Constitution Regulation.

And it will ensure that they are properly held to account if they do not.

I commend the bill to the House.