



New South Wales

Independent Commission Against Corruption Amendment (Property Developer Commissions to MPs) Bill 2020

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Independent Commission Against Corruption Act 1988* to prohibit a member of Parliament from seeking or accepting a payment of a commission from a property developer, directly or through a third party.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

Clause 3 amends section 9 of the *Independent Commission Against Corruption Act 1988* to give effect to the object set out in the Overview. Part 3 of that Act sets out what is corrupt conduct for the purposes of the Act. Section 9 of that Act provides that conduct does not amount to corrupt conduct unless it could constitute or involve—

- (a) a criminal offence, or
- (b) a disciplinary offence, or
- (c) reasonable grounds for dismissing, dispensing with the services of or otherwise terminating the services of a public official, or
- (d) in the case of conduct of a Minister of the Crown or a member of a House of Parliament—
a substantial breach of an applicable code of conduct.

The amendments provide that a substantial breach of the prohibition set out above by a member of Parliament may also constitute corrupt conduct in the same way as a breach of the applicable code of conduct for a member of Parliament.



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No. , 2020

A Bill for

An Act to amend the *Independent Commission Against Corruption Act 1988* to prohibit a member of Parliament from seeking or accepting a payment of a commission from a property developer, directly or through a third party.

The Legislature of New South Wales enacts—	1
1 Name of Act	2
This Act is the <i>Independent Commission Against Corruption Amendment (Property Developer Commissions to MPs) Act 2020</i> .	3 4
2 Commencement	5
This Act commences on the date of assent to this Act.	6
3 Amendment of Independent Commission Against Corruption Act 1988 No 35	7
(1) Section 9 Limitation on nature of corrupt conduct	8
Insert at the end of section 9(1)(d)—	9
, or	10
(e) in the case of conduct of a member of Parliament—a substantial breach of subsection (7).	11 12
(2) Section 9(7)	13
Insert after section 9(6)—	14
(7) A member of Parliament must not accept or seek payment of a commission from a property developer, within the meaning of Part 3, Division 7 of the <i>Electoral Funding Act 2018</i> , either directly or through a third party.	15 16 17 18