



New South Wales

# Independent Commission Against Corruption Amendment (Ministerial Code of Conduct—Property Developers) Bill 2021

## 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 NSW Ministerial Code of Conduct (which is set out in the Appendix to the *Independent Commission Against Corruption Regulation 2017*) to provide that Ministers and Parliamentary Secretaries must not remain or become property developers.

The Bill also amends the NSW Ministerial Code of Conduct to provide that—

- (a) a Minister or Parliamentary Secretary must take all reasonable steps to cease to be a property developer before or, if that is not practicable, as soon as practicable after appointment, and
- (b) the Premier may give a ruling to approve a Minister or Parliamentary Secretary remaining or becoming a property developer in special specified circumstances, and
- (c) a Minister or Parliamentary Secretary must promptly take steps to cease to be a property developer if the Premier, being satisfied that being a property developer has the potential to give rise to a conflict of interest, directs the Minister or Parliamentary Secretary to do so.

## 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** gives effect to the object of the proposed Act outlined in the overview above.



New South Wales

# Independent Commission Against Corruption Amendment (Ministerial Code of Conduct—Property Developers) Bill 2021

## Contents

		Page
	1 Name of Act	2
	2 Commencement	2
Schedule 1	<b>Amendment of Independent Commission Against Corruption Regulation 2017</b>	<b>3</b>



New South Wales

# Independent Commission Against Corruption Amendment (Ministerial Code of Conduct—Property Developers) Bill 2021

No           , 2021

---

## **A Bill for**

An Act to amend the NSW Ministerial Code of Conduct set out in the Appendix to the *Independent Commission Against Corruption Regulation 2017* to prohibit Ministers and Parliamentary Secretaries from remaining or becoming property developers; and for related purposes.

---

<b>The Legislature of New South Wales enacts—</b>	1
<b>1 Name of Act</b>	2
This Act is the <i>Independent Commission Against Corruption Amendment (Ministerial Code of Conduct—Property Developers) Act 2021</i> .	3
	4
<b>2 Commencement</b>	5
This Act commences on the date of assent to this Act.	6

<b>Schedule 1</b>	<b>Amendment of Independent Commission Against Corruption Regulation 2017</b>	1 2
<b>[1] Appendix NSW Ministerial Code of Conduct</b>		3
Insert “, 4A(3)” after “3(5)” in the definition of <i>ruling</i> in clause 11.		4
<b>[2] Appendix, Schedule, clauses 4A and 4B</b>		5
Insert after clause 4—		6
<b>4A Property developers</b>		7
(1) A Minister or Parliamentary Secretary must not remain or become a property developer.		8 9
(2) A Minister or Parliamentary Secretary must take all reasonable steps to cease to be a property developer before or, if that is not practicable, as soon as practicable after appointment.		10 11 12
(3) However, a Minister or Parliamentary Secretary may remain or become a property developer where—		13 14
(a) the person is a property developer only by virtue of being a spouse of a person, and		15 16
(b) that other person’s property developer business is not likely to give rise to a conflict of interest, and		17 18
(c) the Premier gives a ruling that the Premier approves the Minister or Parliamentary Secretary remaining or becoming a property developer in those circumstances.		19 20 21
(4) In this clause, <i>property developer</i> has the same meaning as it has in Part 3, Division 7 of the <i>Electoral Funding Act 2018</i> .		22 23
<b>4B Divestiture at the direction of the Premier—property developers</b>		24
(1) In addition to clause 4A, a Minister or Parliamentary Secretary must promptly take steps to cease to be a property developer if the Premier, being satisfied that being a property developer has the potential to give rise to a conflict of interest, directs the Minister or Parliamentary Secretary to do so.		25 26 27 28
(2) Transferring an interest to a family member or to a trust in which the Minister or Parliamentary Secretary or a family member has a beneficial interest does not constitute adequate steps for the purposes of this clause.		29 30 31
<b>[3] Appendix, Schedule, clause 27(2), note</b>		32
Insert “, 4A(3)” after “3(5)”.		33