

Draft amendments to the Legislative Assembly's and Legislative Council's Code of Conduct

The following sets out the full Code of Conduct for Members with the proposed amendments underlined.

That:

1. This House adopt, for the purposes of section 9 of the Independent Commission Against Corruption Act 1988, the following code of conduct:

PREAMBLE

- The Members of the Legislative Assembly and the Legislative Council have reached agreement on a Code of Conduct which is to apply to all Members of Parliament.
- Members of Parliament recognise that they are in a unique position of being responsible to the electorate. The electorate is the final arbiter of the conduct of Members of Parliament and has the right to dismiss them from office at regular elections.
- Members of Parliament accordingly acknowledge their responsibility to maintain the public trust placed in them by performing their duties with honesty and integrity, respecting the law and the institution of Parliament, and using their influence to advance the common good of the people of New South Wales.
- Members of Parliament acknowledge that their principal responsibility in serving as Members is to their constituents and to the people of New South Wales.

THE CODE

1 Disclosure of conflict of interest

- (a) Members of Parliament must take all reasonable steps to declare any conflict of interest between their private financial interests and decisions in which they participate in the execution of their office.
- (b) This may be done through declaring their interests on the Register of Disclosures of the relevant House or through declaring

their interest when speaking on the matter in the House or a Committee, or in any other public and appropriate manner.

(c) A conflict of interest does not exist where the member is only affected as a member of the public or a member of a broad class.

2 Bribery

Members must not knowingly or improperly promote any matter, vote on any bill or resolution or ask any question in the Parliament or its committees in return for any remuneration, fee, payment, or reward, direct or indirect, which the Member, any member of his or her family, a business associate of the Member or any other person or entity from whom the Member expects to receive a financial benefit has received, is receiving or expects to receive.

A breach of the prohibition on bribery constitutes a serious breach of this Code of Conduct.

3 Gifts

(a) Members must declare all gifts and benefits received in connection with their official duties, in accordance with the requirements for the disclosure of pecuniary interests.

(b) Members must not accept gifts that may pose a conflict of interest or which might give the appearance of an attempt to corruptly influence the Member in the exercise of his or her duties.

(c) Members may accept political contributions in accordance with part 6 of the Election Funding Act 1981.

4 Use of public resources

Members must apply the public resources to which they are granted access according to any guidelines or rules about the use of those resources.

5 Use of confidential information

Members must not knowingly and improperly use official information which is not in the public domain, or information obtained in confidence in the course of their parliamentary duties, for the private benefit of themselves or others.

6 Duties as a Member of Parliament

It is recognised that some members are non-aligned and others belong to political parties. Organised parties are a fundamental part of the democratic process and participation in their activities is within the legitimate activities of Members of Parliament.

7 Secondary employment or engagements

Members must take all reasonable steps to disclose at the start of any proceedings in Parliament to which they intend to contribute (other than by voting only) the identity of any person (natural or corporate) who employs or engages the Member (or who has employed or engaged the Member in the previous two years), and the identity of any client or former client of any such person who benefited from the Member's services within the previous two years, and the nature of the interest of the person and any client or former client in the proceedings if:

- (i) the Member is aware, or ought to be aware, that the person, client or former client might have an interest in the proceedings beyond the interest of persons generally; and
- (ii) the Member's entry in the Register of Pecuniary Interests does not at the time of the start of the proceedings disclose the identity of the person, the client or the former client (as applicable) and the nature of their interest in the proceedings.

2. This resolution has continuing effect unless and until amended or rescinded by resolution of the House.