

Standing Committee on
Parliamentary Privilege and Ethics



LEGISLATIVE
ASSEMBLY

Review of the Independent Complaints Officer System (2023)



Report 6/58 – May 2025

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The motto of the coat of arms for the state of New South Wales is "Orta recens quam pura nites". It is written in Latin and means "newly risen, how brightly you shine".

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Chair's foreword

In 2022 the Parliament of New South Wales established an Independent Complaints Officer (ICO) system “to expeditiously and confidentially deal with low level, minor misconduct matters so as to protect the institution of Parliament, all members and staff”.¹ I am pleased to present the Committee's report, its sixth of the 58th Parliament, which reviews the ICO system and its operations to date. The ICO is an important means by which we can ensure that the Parliament is a safe and respectful workplace for all.

The Committee has not recommended far reaching reforms to the ICO system however, we have made recommendations which we hope will lead to a better experience and outcomes for people using the system.

In some instances, complainants have been unaware of the limitations of the ICO system, leading to disappointing outcomes. The Committee supports concerted efforts by the Parliament to make the ICO a key part of its approach to ensure the parliament is a safe and respectful workplace. However, more could be done to raise awareness about the ICO's role and functions [**Recommendation 1**].

The Committee considers that the 21-day limit for former staff to bring complaints after leaving Parliament is too short and may restrict access to the ICO system, given the various factors that can lead to employment ending. We have recommended that the time period be extended to 90 days [**Recommendation 2**].

There are challenges when handling complaints with informal and sometimes unclear outcomes, and this can cause disappointment for the parties to complaints and erode trust in the ICO system. We have recommended that, in appropriate circumstances, the ICO focus on referring bullying and harassment complainants to suitable agencies or individuals who can achieve meaningful resolutions beyond the informal scope of the ICO process [**Recommendation 3**].

The Committee acknowledges the challenges the ICO faces in considering whether a complaint relates to proceedings of the Assembly or its Committees and is outside jurisdiction. Since the ICO may need expert advice on parliamentary law and practice, the Committee has recommended that the Clerk provide the ICO with a list of former Clerks who can offer guidance to the ICO [**Recommendation 4**].

The ICAC submitted that the jurisdiction of the ICO be extended to the investigation of corrupt conduct, enabling it to receive referrals from ICAC as a ‘relevant authority’ under Part 5 of the *Independent Commission Against Corruption Act 1988* (NSW) (**ICAC Act**).² The Committee considers it would be inappropriate for ICAC to refer matters to the ICO, as this would fundamentally alter the ICO's role and reporting structure. The ICAC is an inquisitorial investigatory body while the ICO investigates complaints on a voluntary basis. The ICO was established to provide confidential and timely complaint resolution for the Parliamentary

¹ Legislative Assembly, [Votes and Proceedings no. 132](#), 29 March 2022, Entry no. 15, pp. 1645–1650.

² At [5] of its submission, the ICAC refers to the ICO's lack of power to investigate “minor corrupt conduct”. However, at [9], the ICAC summarises its submission on this point by referring to “corrupt conduct” without qualification. The Committee's views would be the same even if the ICAC's submission were only directed to “minor corrupt conduct”.

community and is resourced accordingly. A referral arrangement could increase the workload of the ICO, require additional resources, and require a different skill set. Acting as both the ICO and an ICAC investigator could also compromise trust in the ICO's independence. The Committee has recommended that the ICO not be considered a 'relevant authority' under Part 5 of the ICAC Act [**Recommendation 5**].

The NSW Ombudsman suggested that the ICO be designated as a 'disclosure officer' to ensure complaints are assessed as public interest disclosures (PIDs) and receive legal protections. However, the Committee considers that this designation would be inappropriate, as it would involve the ICO in a statutory scheme for complaints about maladministration and corruption and could create uncertainty about the ICO's status and legal obligations. The Committee has recommended that the ICO not be designated as a disclosure officer under the PID Act [**Recommendation 6**].

The ICO has only been in operation for a little over two years. The Committee will continue to monitor its operation, including trends and issues identified in the quarterly reports and through regular meetings with the ICO.

I thank my fellow committee members for their collaborative approach to this inquiry. I am grateful to the ICO, Ms Rose Webb, for her assistance with this inquiry. I thank the Clerk, Deputy Clerk, and the Secretariat for their advice and support.

Alex Greenwich MP
Chair

Findings and recommendations

Recommendation 1 _____ 10

That the ICO and the parliamentary administration continue to identify areas where information about the ICO system can be integrated into and promoted through training and information initiatives for staff.

Recommendation 2 _____ 11

That the resolution establishing the ICO be amended so that an individual can make a complaint to the ICO up until 90 days (rather than 21 days) following the end of their employment.

Recommendation 3 _____ 12

That the ICO focus on referring bullying and sexual harassment complainants to appropriate agencies or persons who can achieve meaningful outcomes for complainants.

Recommendation 4 _____ 14

That the Clerk of the Legislative Assembly advise the ICO of a former Clerk or Clerks who could, where necessary, provide advice on complaints involving conduct related to proceedings of the Legislative Assembly or its committees.

Recommendation 5 _____ 16

That the ICO not be considered a “relevant authority” under Part 5 of the *Independent Commission Against Corruption Act 1988* (NSW).

Recommendation 6 _____ 16

That the ICO not be designated as a disclosure officer under the Public Interests Disclosures Act 2022 (NSW).

Chapter One – Background and operation

Background and context

Previous committee inquiries

- 1.1 The establishment of the Independent Complaints Officer (**ICO**) has a lengthy and complicated history. There have been various committee inquiries over the years concerning the establishment of an independent officer to investigate complaints about the conduct of Members.³
- 1.2 Following recommendations by the Independent Commission Against Corruption (**ICAC**), initial proposals focussed on the integrity of Members of Parliament with respect to financial and other matters, such as minor breaches of the Code of Conduct and statutory pecuniary interest regime.
- 1.3 In 2020, this focus was expanded to include bullying, harassment, and other inappropriate behaviour after the Clerks of both Houses received correspondence from Members referring to ‘the apparent lack of procedure or recourse available’ to Members to raise, investigate, or resolve allegations or concerns about certain types of misconduct and inappropriate behaviour in the parliamentary workplace. The Members stated:

In our opinion, a mechanism or process agreed upon by Members of both Houses of the New South Wales Parliament should be established to handle complaints of this nature and investigate them independently. By agreement it could also facilitate mediation.

This would at least provide some recourse or mechanism to those who wish to make a complaint and have it dealt with privately but nonetheless have it dealt with formally.⁴
- 1.4 In response, the then Presiding Officers requested that the Clerks of both Houses and the Chief Executive of the Department of Parliamentary Services develop a joint proposal to establish the position of ‘Compliance Officer’. In November 2020 the Committee received a referral from the House to review the proposal⁵ and the Legislative Council Privileges Committee received a similar referral. Both

³ See: Legislative Assembly Standing Committee on Parliamentary Privilege and Ethics, [Inquiry into Matters Arising from the ICAC Report entitled “Reducing Opportunities and incentives for corruption in the state’s management of coal resources”](#), Report 2/55, July 2014; [Review of the Proposed Resolution for the Establishment of a Parliamentary Compliance Officer](#), Report 1/57, July 2021. Legislative Council Privileges Committee, [Recommendations of the ICAC regarding aspects of the Code of Conduct for Members, the interest disclosure regime and a parliamentary investigator](#), Report 70, June 2014; [Proposal for a Compliance Officer for NSW Parliament](#), Report 83, May 2021; [Proposal for a Compliance Officer for the NSW Parliament No.2](#), Report 85, November 2021.

⁴ Legislative Assembly Standing Committee on Parliamentary Privilege and Ethics, [Review of the Proposed Resolution for the Establishment of a Parliamentary Compliance Officer](#), Report 1/57, July 2021, p.2.

⁵ Legislative Assembly, [Votes and Proceedings no. 77](#), 12 November 2020, Entry no. 13.

Committees subsequently tabled reports supporting the establishment of a Complaints Officer and providing commentary on the proposed model.⁶

- 1.5 In the later part of 2021, the Privilege Committees of both Houses were able to substantially agree on establishing an Independent Complaints Officer, in similar terms.⁷
- 1.6 The ICO system, as it operates in the Legislative Assembly, was then established by resolution of the House on 29 March 2022.

Parliamentary Advisory Group and Broderick Review

- 1.7 Other processes to review and advise on issues of bullying and sexual harassment were initiated while the Committee was inquiring into the establishment of an ICO.
- 1.8 In May 2021, the New South Wales Parliamentary Advisory Group on Bullying, Sexual Harassment and Serious Misconduct (**PAG**) was established as a collaborative forum committed to ‘seeing an end to bullying, sexual harassment and serious misconduct at Parliament’.⁸
- 1.9 In the context of developments in other jurisdictions, the Parliamentary Executive Group⁹ commissioned Elizabeth Broderick & Co. to review ‘the extent to which parliamentary workplaces are safe and inclusive and to identify areas where additional focus is required.’¹⁰ The Broderick Review found that ‘confidence in the reporting systems in NSW Parliamentary workplaces is extremely low’ due to lack of knowledge and confusion about process and concern about retribution for making a report.¹¹ The Broderick Review made a number of recommendations to strengthen the scope and resourcing of then the newly established role of Independent Complaints Officer.¹²

Functions of the ICO system

- 1.10 Under the Resolution of the House establishing the ICO, the ICO’s functions are to:

... receive and investigate complaints confidentially in relation to alleged breaches of the members’ code of conduct, not related to conduct in proceedings of the Legislative Council or Legislative Assembly or their committees, including:

- (i) misuse of allowances and entitlements;

⁶ See ; [Proposal for a Compliance Officer for NSW Parliament](#), Report 83, May 2021; [Proposal for a Compliance Officer for the NSW Parliament No.2](#), Report 85, November 2021.

⁷ See [Proposal for a Compliance Officer for the NSW Parliament No.2](#), Report 85, November 2021. There were some minor differences in the resolutions proposed by each House, which are outlined in Appendix 2 of this report.

⁸ Legislative Assembly, [Parliamentary Debates \(Hansard\)](#), 15 November 2022, p. 8704 (the Hon. Leslie Williams MP).

⁹ The Parliamentary Executive Group comprises the Speaker, President, Clerks of both Houses and the Chief Executive of the Department of Parliamentary Services.

¹⁰ Parliament of NSW, “[Independent Review into Bullying, Harassment and Sexual Misconduct at the Parliament of NSW](#)” [Broderick Review], p. 4.

¹¹ [Broderick Review](#), p. 80.

¹² [Broderick Review](#), p. 81.

(ii) other less serious misconduct matters falling short of corrupt conduct; and

(iii) minor breaches of the pecuniary interests disclosure scheme.¹³

1.11 The ICO was also given ‘the function of receiving and investigating complaints confidentially in relation to bullying, harassment and inappropriate behaviour by members, not related to conduct in proceedings of the Legislative Council or Legislative Assembly or their committees’.¹⁴

Protocols

1.12 On 17 November 2022, in accordance with the Resolution, protocols developed by the ICO outlining how the ICO may receive, assess, and investigate complaints were tabled in the House (the Protocols).¹⁵ The Protocols are provided in full at Appendix Three.

Operation

1.13 According to the ICO’s quarterly reports, a total of 23 matters have been dealt with by the ICO so far. The ICO’s reports across nine quarters from 1 September 2022 provide general, de-identified information about these matters. The Committee notes five key themes from this data.

Key themes in the ICO’s quarterly reports

- (1) The ***low volume of matters and complaints*** received and investigated.
- (2) The ***lack of standing*** to bring complaints, and the ***lack of jurisdiction*** for the ICO to investigate complaints.
- (3) The high proportion of matters alleging ***bullying, harassment, or inappropriate behaviour***.
- (4) The ***low number of reports of findings and recommendations*** by the ICO.
- (5) The number of people ***not proceeding*** with their complaints.

¹³ Independent Complaints Officer Resolution, clause 2(a).

¹⁴ Independent Complaints Officer Resolution, clause 2(a).

¹⁵ Legislative Assembly, [Tabled Papers Database](#), 17 November 2022.

The ICO's quarterly reports

Low volume of matters and complaints received and investigated

1.14 The ICO has dealt with 23 matters over 27 months.

1.15 The ICO commented to the Committee that she was unable to comment on 'whether all matters that could potentially have been the subject of a complaint to the ICO have come to my attention or whether there are factors that are making people reluctant to complain'. However, the ICO speculated that 'it is possible that the limits on the ICO jurisdiction (e.g. no ICAC matters, no complaints from people outside the Parliamentary community etc) or the ICO remedies (recommended actions only) have discouraged complaints'.¹⁶

1.16 The ICO also indicated that while the staff of the Department of Parliamentary Services and the two House Departments are aware of the role of the ICO, there may be some gaps when it comes to electorate office staff and those working outside of Parliament House.¹⁷

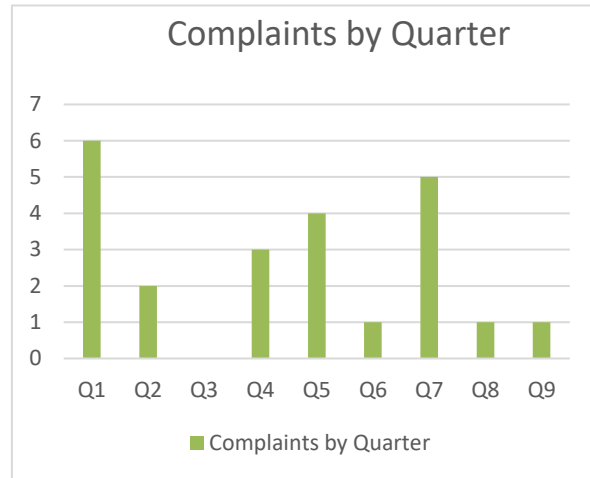


Figure 1 – Number of matters dealt with under the ICO system each quarter (1 September 2022–30 November 2024).

¹⁶ Rose Webb, Responses to Additional Questions, 15 April 2024.

¹⁷ Rose Webb, Responses to Additional Questions, 15 April 2024.

Lack of standing and jurisdiction

- 1.17 Of the 23 matters received by the ICO, only ten were able to be accepted as complaints.
- 1.18 In six matters there was a lack of **standing** by the complainant to bring the matter as a complaint. This was the case where the prospective complainant was either not a member of the parliamentary community to begin with (three matters) or where they ceased to be a member following an election or upon resigning as a staff member (three matters).
- 1.19 In another seven matters, while the complainant had standing to bring the complaint, the ICO lacked jurisdiction to receive or investigate it. This was the case where the complaint did not fall within the ICO's functions under the Resolution (two matters), where the complaint did not concern a Member of Parliament (two matters), or where the complaint related to 'conduct in proceedings' or the investigation was suspended as a claim of parliamentary privilege was made in respect of the conduct (three matters).
- 1.20 A lack of standing or jurisdiction to receive or investigate the complaint was a key trend in the ICO's first quarterly report, affecting four out of the five matters received during that initial quarter. This suggests that the ICO system possibly initially suffered from a lack of education as to its functions and limitations.
- 1.21 The ICO's first quarterly report also appears to reflect the fact that the ICO cannot consider complaints about incidents alleged to have occurred before the House passed the Resolution.¹⁸

What is "standing" and who has it?

Standing means a person's right to lodge a complaint with the ICO.

The ICO may only receive complaints from:

- (a) **Current Members** of the NSW Parliament
- (b) **Staff who work for Members** of the Legislative Assembly in their capacity as Members, not in their capacity as Ministers (but staff who work for Members of the Legislative Council can make a complaint about any Member).
- (c) **Staff who work for the parliamentary departments.**

Categories (b) and (c) include current contractors or subcontractors, current volunteers, current trainees, and current interns.

What is the ICO's jurisdiction?

In the context of the ICO, "jurisdiction" refers to whether the House has authorised the ICO to investigate or decide something, which depends on who and what the complaint is about.

For example, the ICO may only investigate complaints about current Members of the NSW Parliament and not their staff.

¹⁸ The resolution, clause (4)(b).

- 1.22 Overall, the ICO could not provide formal assistance to prospective complaints in almost 60% matters, as many matters were outside jurisdiction.

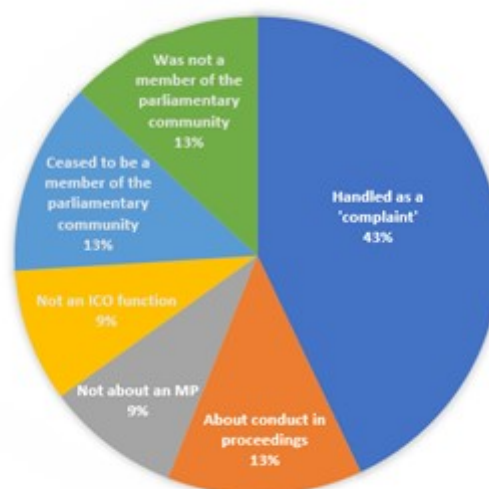


Figure 2 – Matters dealt with by the ICO, categorised by how they were resolved

High proportion of bullying, harassment, and inappropriate behaviour matters

- 1.23 Most of the complaints to the ICO have been made in respect of bullying, harassment, and inappropriate behaviour—14 of the 16 matters that were within the ICO's jurisdiction were brought on this basis.¹⁹ Of the ten matters referred to above that could ultimately be handled as "complaints", at least six (with a possible seventh) related to bullying, harassment, or inappropriate behaviour.²⁰

- 1.24 By contrast, only two matters involved a complaint about the misuse of entitlements and were, therefore, consistent with the initial proposals for an ICO system primarily concerned with financial integrity. The first of those matters was simultaneously reported to the ICAC. The ICO treated the matter as 'concluded' (to the extent the complainant had standing under the ICO system, noting the alleged conduct occurred before March 2022). In the second matter, the ICO determined that no breach of the guidelines had occurred. The other matters dealt with by the ICO, seven in total, were either of a general nature or raised 'workplace issues'.²¹

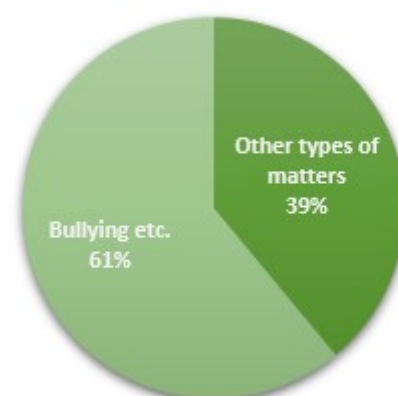


Figure 3 – Percentage by the ICO system involving bullying, harassment, or inappropriate behaviour.

¹⁹ The ICO questioned whether Matter no. 9 involved bullying and harassment or a dispute about "whether items were created during course of employment or were documents created by staff member in personal capacity". Unless otherwise noted, the statistics in this report reflect the basis on which the complaint was *brought* to the ICO.

²⁰ See footnote 18 above.

- 1.25 While the ICO has jurisdiction with respect to (i) misuse of allowances and entitlements, (ii) other less serious misconduct matters falling short of corrupt conduct, and (iii) minor breaches of the pecuniary interests disclosure scheme, the ICO's functions in practice have substantially involved complaints of bullying, harassment, or inappropriate behaviour or other workplace issues or conduct.

Low number of reported findings and recommendations

- 1.26 Aside from the ICO's quarterly reports, the ICO can report on matters in two circumstances:
- (1) There is a failure by Members, their staff, or parliamentary officers to cooperate with an investigation, in which case the ICO may report this to the Committee. The Committee then decides whether to recommend that 'the matter requires the determination of the matter by the House'.
 - (2) The ICO finds that there has been a misuse of an allowance or entitlement, or where a Member is found to have breached the *Code of Conduct for Members* or engaged in bullying, harassment, or inappropriate behaviour, and the Member does not accept the ICO's recommendation for 'corrective action', the ICO can report the matter to the Committee-but only with the complainant's consent in bullying, harassment, or inappropriate behaviour matters. The Committee then considers whether to adopt the ICO's recommendations.
- 1.27 Only three complaints were finalised by the ICO making a report. In relation to two complaints, the ICO did not make any formal findings or recommendations but, instead, suggested areas for improvement (e.g., in relation to "administrative and personnel processes").
- 1.28 The only report which made formal findings and recommendations was appealed to this Committee by the Member complained of. That appeal was upheld on the basis that the conduct in question was outside the ICO's jurisdiction.
- 1.29 The circumstances in which the ICO can report on matters is limited to protect the identity of complainants and also because the ICO system 'raises questions around confidentiality, protection against defamation and parliamentary privilege'.²²
- 1.30 The ICO system is intended to operate expeditiously, and with a level of formality relative to the 'low level' matters within the ICO's jurisdiction. The ICO handles complaints with the co-operation of the parties and does not have formal investigative powers. The system was never intended to operate as a quasi-judicial system and the lack of investigation reports by the ICO to date is not surprising.

²² Legislative Assembly Standing Committee on Parliamentary Privilege and Ethics, [Review of the Proposed Resolution for the Establishment of a Parliamentary Compliance Officer](#), Report 1/57, July 2021, Finding 5, p. 86.

People choosing not to proceed with their complaints

- 1.31 Finally, in seven matters, complainants withdrew their complaints or chose not to pursue them further with the ICO. The reasons involved pursuit of a workers' compensation claim, lack of further contact following a claim of parliamentary privilege, no longer being a member of the parliamentary community following an election, the alleged subject of harassment refuting the complainant's concerns made on their behalf, and resignation. In two matters, the reasons for the complainants not proceedings under the ICO system are unclear from the ICO's reports. In another matter, the parties resolved the complaint about bullying or harassment themselves.

Committee comment

- 1.32 The Committee has carefully considered the quarterly reports of the ICO, which detail the number and types of complaints that have been received so far. As outlined above, there were five key themes that emerged from the reports:
1. There has been a low volume of matters and complaints received and investigated.
 2. There are a high proportion of complaints where there has been a lack of standing of people to bring complaints, and the lack of jurisdiction for the ICO to investigate complaints.
 3. There has been a high proportion of matters alleging bullying, harassment, or inappropriate behaviour.
 4. There has been a low number of reports of findings and recommendations by the ICO.
 5. There are a number of people that chose not to proceed with their complaints.
- 1.33 The ICO has provided the Committee with some information about the possible reasons for the low number of complaints. The Committee is unable to provide any definitive reason for this trend, which has been consistent over the operation of the ICO. It could be that there is low trust in the system or people are unaware of the ICO. However, it also could be that the existence of the ICO and the other initiatives to promote a safe and respectful workplace are having an impact.
- 1.34 The ICO been in operation for less than three years. Ongoing monitoring of the operation of the scheme is essential to ensure its effectiveness, to identify emerging issues and measure the impact of change. The Committee will continue to monitor the operation of the ICO through analysis of the quarterly reports, as well as regular meetings with the ICO and others.

Chapter Two – Key issues

Awareness of the ICO system

- 2.1 As noted in Chapter One, there has been a low number of complaints to the ICO so far, and many people who sought to make complaints to the ICO appear not to have understood the requirements around standing or jurisdiction.
- 2.2 While the ICO believes that people understand that the system deals with conduct by Members of Parliament, the ICO submitted that there appears to be a lack of clarity about the:
- Types of conduct that can be considered, in particular, ‘the difference between conduct that a person doesn’t like or disagrees with and conduct that would be considered bullying, harassment or other inappropriate conduct’.
 - Outcomes the ICO system can achieve.²³
- 2.3 When first appointed, ‘communications about the role and functions were developed and distributed to all members of the parliamentary community in emails and through information on the intranet site’.²⁴ The ICO also developed an information resource on the NSW Parliament’s website and participated in members induction sessions.²⁵
- 2.4 The ICO has met with the DPS Communications Team quarterly to improve awareness around the ICO system, in particular, the ICO noted an email sent to Members and staff on 4 December 2023, reminding them of the work being done by the ICO.²⁶ The ICO has presented at meetings of the Department of the Legislative Assembly staff and a reference group representing Electorate Officers.²⁷

RISE training and staff induction

- 2.5 The ICO presented at the first session of the Respect Inclusion Safety and Effectiveness (**RISE**) training, which is run by the Department of Parliamentary Services and intended to address the recommendations in the Broderick Report around employee education and awareness. The ICO filmed a video about the ICO role which is shown at each RISE training session.
- 2.6 Information about the role of the ICO has been incorporated into the parliament’s induction program for new Members and new staff, including both department and Members’ staff.

²³ Rose Webb, Responses to Additional Questions, 15 April 2024.

²⁴ [Submission no. 2](#), Rose Webb, p. 1.

²⁵ [Submission no. 2](#), Rose Webb, p. 1.

²⁶ Rose Webb, Responses to Additional Questions, 15 April 2024.

²⁷ Rose Webb, Responses to Additional Questions, 15 April 2024.

Information on the intranet

- 2.7 Information about the ICO system is published on the Parliament's intranet. The ICO's page on the intranet sets out answers to questions like, 'Who is the ICO?', 'What can the ICO investigate?', 'Who can make a complaint?', 'How does the process work?', 'Is my complaint confidential?' and 'Who else can help?'.
- 2.8 The intranet lists a number of these people and agencies, namely: the NSW Police Force, Anti-Discrimination NSW, Safework NSW, the ICAC, and the Department of Premier and Cabinet.²⁸ The intranet lists general internal support services for staff such as the Parliament's Employee Assistance Program and ACON Pride EAP (which offers specialised support for those in the LGBTIQ+ community) and Yamurrah (a collective of first nations clinicians and professionals who provide specialist support). Contact details for external support services, including Lifeline, 1800RESPECT, Beyond Blue and others are also provided.

Committee comment

- 2.9 The Committee supports the wide range of initiatives by the ICO and the parliamentary administration to deliver and promote information about the ICO to the parliamentary community. However, the low volume of complaints and the number of complaints that are outside the jurisdiction of the ICO suggest that more could be done in this area.

Recommendation 1

That the ICO and the parliamentary administration continue to identify areas where information about the ICO system can be integrated into and promoted through training and information initiatives for staff.

Making complaints**Time for making complaints**

- 2.10 Currently, former staff have 21 days to bring a complaint. As noted above, three people did not have standing to lodge a complaint with the ICO because they left the parliamentary community.
- 2.11 The ICAC submitted that the 21 day limit should be reconsidered. They stated that:
- Recently departed staff may be on holidays, in a new job or looking for a new job. Less often, they may be contemplating an unfair dismissal application following the end of their employment. This means that former staff may not have had time to consider whether they also have concerns that ought to be reported to the ICO before the 21 day time period.²⁹

Committee comment

²⁸ The Committee notes in that the Premier's Department and The Cabinet Office commenced operations on 1 July 2023 as "separate but complementary agencies": nsw.gov.au/departments-and-agencies/premiers-department.

²⁹ [Submission no. 4](#), NSW Independent Commission Against Corruption, p.4.

- 2.12 The Committee's view is that more should be done to improve access to the ICO system. Having regard to the many possible factors that might lead to the end of an individual's employment, the Committee considers that 21 days may be too short, and consideration could be given to extending this time limit.

Recommendation 2

That the resolution establishing the ICO be amended so that an individual can make a complaint to the ICO up until 90 days (rather than 21 days) following the end of their employment.

Confidentiality

- 2.13 Confidentiality is likely to be a key concern for complainants given the potential consequences of coming forward with a complaint against a Member of Parliament, including public and media interest and scrutiny. Nothing can eliminate these consequences, which arise from the scrutiny that Members of Parliament are under as representatives in an open democracy. However, to reduce the potential for these consequences, the ICO system requires complainants to 'maintain confidentiality concerning complaints and investigations'. Members complained of are required to do likewise, 'except in extraordinary circumstances'. However, nothing about this expectation affects parliamentary privilege and, in particular, the parliamentary privilege of freedom of speech.³⁰

Investigating complaints

Other complaint pathways

- 2.14 As discussed above there are several agencies that the ICO could, depending on the circumstances, suggest to complainants as alternative complaint resolution pathways. The ICO explained to the Committee that complaints can be referred to the Workplace Support Team in the Department of Parliamentary Services.³¹ The ICO has met with SafeWork NSW and does not believe that 'there are any challenges or barrier to entry for making a complaint'. The ICO advised how 'if appropriate, and with the consent of the complainant' the ICO could 'contact SafeWork NSW on complainant's behalf'.³²
- 2.15 The ICO also explained how they could advise some complainants consider referral to the Anti-Discrimination Tribunal NSW. For 'a potential breach of the criminal law' the ICO could 'refer the complaint to the NSW Police' and, with the permission of the complainant, assist the complainant to make contact.³³ The Independent Commission Against Corruption, Ombudsman and the Privacy Commission were also listed as other potential agencies for complaint investigation, where relevant.³⁴

³⁰ Resolution, clause 4(c).

³¹ Rose Webb, Responses to Additional Questions, 15 April 2024.

³² Rose Webb, Responses to Additional Questions, 15 April 2024.

³³ Rose Webb, Responses to Additional Questions, 15 April 2024.

³⁴ Rose Webb, Responses to Additional Questions, 15 April 2024.

Committee comment

- 2.16 The Committee supports the information available on the intranet about other people and agencies who may be able to help complainants other than the ICO. The Committee considers that this could be further enhanced by a greater emphasis by the ICO during the complaint handling process on referring complainants to appropriate agencies with stronger powers and more defined outcomes.
- 2.17 A major frustration for any complaint handling system is when there is a lack of clear and meaningful outcomes. It can take courage and resilience, as well as time and effort, to bring a complaint. The absence of definitive or satisfactory outcomes can lead to disappointment, further distress and a loss of trust in the process. The Committee recognises that there is a limit to the outcomes that can be achieved by the ICO, which was set up as an informal and expeditious complaint handling process.
- 2.18 In appropriate circumstances, the ICO should also consider referring matters to external mediation services for resolution given the difficulties associated with the ICO to act as both complaint handler and mediator.

Recommendation 3

That the ICO focus on referring bullying and sexual harassment complainants to appropriate agencies or persons who can achieve meaningful outcomes for complainants.

Conduct in relation to proceedings in the House or committees

- 2.19 The resolution establishing the ICO provides that the ICO must not receive or investigate complaints ‘related to conduct in proceedings of the Legislative Council or Legislative Assembly or their committees’.³⁵ The Protocol provides that when a complaint is made that relates to conduct in proceedings, under the Protocols, it ‘will be referred to the relevant authorities such as the Presiding Officers, the Clerks or the Committee Chairs’.³⁶
- 2.20 The ICO submitted that the phrase ‘related to conduct in proceedings of the Legislative Council or Legislative Assembly or their committees’ is similar to the words used in relation to the Parliamentary privilege of freedom of speech. The ICO advised that they have ‘interpreted this part of the resolution as reflecting an intention that the ICO should not consider any conduct that would attract parliamentary privilege immunity’.³⁷ The ICO suggested that the Committee

³⁵ The wording and sentence structure of the Resolution is slightly different. It uses a permissive phrase—“the [ICO] *may receive and investigate* complaints”—followed by an exception to that phrase—“*not related* to proceedings”. However, when read in context, the two sentences in clause 2(a) convey a relatively unambiguous meaning, though one which could perhaps be expressed in clearer terms—the ICO cannot, and therefore must not, receive or investigate complaints “related to conduct in proceedings”.

³⁶ ICO protocols, [16.1].

³⁷ [Submission no. 2](#), Rose Webb, p. 3.

‘consider whether there should be a direct statement in the resolutions that conduct to which privilege attaches is outside the jurisdiction of the ICO’.³⁸

2.21 The ICO stated that:

Assuming that the practical effect of finding that conduct is “related to conduct in proceedings” is the same as finding that the conduct attracts parliamentary privilege immunity there may be an issue as to the role of the ICO in interpreting this phrase. Generally, the question of whether privilege applies is a matter for the Parliament (through the privileges committees).³⁹

2.22 The ICO submitted that there was uncertainty under the current arrangements whether it was intended that ‘the ICO should immediately cease consideration of a matter to refer questions about “conduct in proceedings” (and therefore privilege) to the relevant privileges committee or alternatively whether the ICO should make an initial determination as to whether the exemption for “conduct in proceedings” might apply with parties having an ability to appeal to the relevant committee if they do not agree with the ICO’s interpretation.’⁴⁰

Committee comment

2.23 The phrase ‘not related to conduct in proceedings’ was carefully chosen by the previous Committee and takes its meaning from the Resolution. It ensures that free speech and conduct in proceedings is not inhibited by concerns that the ICO will investigate what Members say or do in proceedings. It also respects that integrity and role of the other mechanisms the House has in place to deal with misconduct in proceedings, for example, under the Standing Orders.⁴¹

2.24 The Committee appreciates that while it will be relatively clear in some circumstances that conduct relates to proceedings in the House or a committee, there may be other circumstances where it is more difficult and less straightforward. The Committee also understands the ICO’s reluctance to decide on these issues given that the determination of whether matters relate to proceedings of the House or committees is not a compatible or appropriate role for the ICO.

2.25 While the Clerk is the Assembly’s expert adviser on parliamentary proceedings, it would not be appropriate for the current Clerk to act as a source of advice to the ICO on these matters. The Clerk is available to advise all members and this Committee; they should not be placed in a position where they are required to advise both members and the ICO on the same issue.

2.26 As identified in the Legislative Council Privileges Committee report, the most suitable source of advice to the ICO would be a former Clerk or Clerks. This would ensure that the ICO received appropriately expert advice, while maintaining the integrity of the current Clerk and their role as an independent adviser to all members. No amendment to the resolution would be required to facilitate this

³⁸ [Submission no. 2](#), Rose Webb, p. 3.

³⁹ [Submission no. 2](#), Rose Webb, p. 3.

⁴⁰ [Submission no. 2](#), Rose Webb, p. 3.

⁴¹ See [2.28]–[2.32] below.

arrangement, as the current resolution of the House establishing the ICO provides that the ICO can, during the course of an investigation, ‘engage the services of a person or persons to assist with or perform services’.⁴²

- 2.27 The current Clerk could provide the ICO with a list and details of former Clerks who are available to assist. The ICO should consult with a former Clerk as soon as they are aware there may be an issue about whether a matter relates to conduct in proceedings. The ICO should be conscious of any privacy or confidentiality concerns of the complainant when seeking this advice.

Recommendation 4

That the Clerk of the Legislative Assembly advise the ICO of a former Clerk or Clerks who could, where necessary, provide advice on complaints involving conduct related to proceedings of the Legislative Assembly or its committees.

- 2.28 Where a Member’s complaint relates to conduct in proceedings and is, therefore, outside the ICO’s jurisdiction, the Member has a range of other options for dealing with the matter in the House.
- 2.29 Members can raise complaints about other Members’ conduct in proceedings with the Speaker directly, while the House is in session, by seeking the call. The Member may be asked to withdraw any comments they made. Members can also raise the issue through various forms of the House, such as notices or personal explanations.⁴³
- 2.30 On 19 September 2024, the Speaker issued a guideline under the Standing Orders which describes the behaviour expected of Members and the potential consequences for disorder:⁴⁴

“Members are not to use language, make gestures, or behave in any way in the Chamber that is sexist, racist, homophobic or otherwise exclusionary or discriminatory. Such conduct may be considered offensive and disorderly, in accordance with Standing Order 74.

Where a Member has used such language, taking into account the context, tone and manner of the Member speaking, the Speaker may intervene and direct the Member to withdraw the remark, resume their seat or discontinue the behaviour concerned.

Under the authority of the relevant Standing Orders, it is the role and responsibility of the Speaker to deal with any such conduct as matters of disorder. Where a Member refuses to comply with a direction of the Speaker, further action may be taken, including directing the removal of the Member from the House under Standing Order 249 or 249A”

I also note that Standing Order 250(3) provides that a Member may be named by the Speaker for using offensive words, and refusing to withdraw them, with the potential consequence of suspension from the service of the House”.

⁴² Resolution, clause 4(i).

⁴³ *Defamation Act 2005* (NSW), s. 27(2).

⁴⁴ Legislative Assembly, [Votes and Proceedings no. 71](#), 19 September 2024, Entry no. 7, pp. 814–815.

- 2.31 Members might also choose instead to raise their complaints with the Speaker, or another senior Member of the House, privately.⁴⁵ The Speaker or the Member affected by the conduct, or another Member, may then call upon the Member who engaged in the conduct to apologise in the House. Alternatively, an apology might be given to the Member outside the House.
- 2.32 Finally, the House can ask this Committee to inquire into, and report on, any conduct alleged to have occurred in proceedings.

The ICO's relationship with the ICAC

- 2.33 The ICAC submits that, if the ICO had the power to investigate "corrupt conduct" rather than only "low level, minor misconduct", the ICAC would refer matters suspected of involving such conduct to her for investigation or other actions as a "relevant authority" under Part 5 of the *Independent Commission Against Corruption Act 1988* (NSW) (**ICAC Act**).⁴⁶ This would allow the ICAC to refer a matter for investigation to the ICO, and recommend what actions the ICO should take, and the time in which those actions should be taken.⁴⁷

Committee comment

- 2.34 The Committee's view is that it would be inappropriate for the ICAC to refer matters to the ICO.
- 2.35 The ICO is established by resolution of the House as a mechanism for the timely and confidential resolution of complaints. The ICO reports to this Committee and to the House and establishing a formal referral and reporting arrangement with ICAC would fundamentally change the nature and role of the ICO.
- 2.36 There are also practical difficulties with a referral arrangement from ICAC to the ICO. The ICO is currently resourced to operate within the terms of the resolution of the House. The number and complexity of the investigations which might be referred from ICAC, and associated demands on ICO resourcing, are unknown.⁴⁸ The ICO's skills and ability to investigate 'corrupt conduct' or 'minor corrupt conduct' would also need to be considered.
- 2.37 The ICO system depends on the trust of Members and staff that the ICO is independent and accountable only to the House. Were the ICO to perform the dual role, of an ICAC investigator as well as ICO, that trust could be undermined.

⁴⁵ For example, the Premier or Leader of the Opposition, the Leader of the House or Manager of Opposition Business, or the Chair of this Committee or one of its Members.

⁴⁶ At [5] of its submission, the ICAC refers to the ICO's lack of power to investigate "*minor corrupt conduct*". However, at [9], the ICAC summarises its submission on this point by referring to "*corrupt conduct*" without qualification. The Committee's views would be the same even if the ICAC's submission were only directed to "*minor corrupt conduct*".

⁴⁷ Although s. 53(3) of the *ICAC Act* speaks in terms of *recommendations* by the ICAC to the "relevant authority", s. 56 provides that it is "*the duty* of a relevant authority to comply with any requirement or direction of the Commission under [Part 5]" (emphasis added).

⁴⁸ In the ICO's submission, she notes that "[s]o far only one matter has come to the ICO that might have raised matters under the *ICAC Act*. In that case the complainant made the complaint simultaneously to the ICAC and the ICO in the same email and it was able to be discussed directly with the ICAC."

Recommendation 5

That the ICO not be considered a “relevant authority” under Part 5 of the *Independent Commission Against Corruption Act 1988* (NSW).

***Public Interest Disclosures Act 2022* (NSW)**

- 2.38 The *Public Interest Disclosures Act 2022* (NSW) (**PID Act**) establishes a framework to encourage people who work in the public sector to report serious wrongdoing. The NSW Ombudsman, who has oversight of the public interest disclosures (**PIDs**) scheme under the PID Act, submitted that the Parliament should consider whether the ICO should be a nominated ‘disclosure officer’. He submitted that designating the ICO to be a ‘disclosure officer’ ‘would ensure that any complaints brought to the ICO by public officials are appropriately assessed as PIDs and that those complainants benefit from the protections under the PID Act, including detrimental action being taken against them for having made their complaint’.
- 2.39 At this time, the Committee does not consider it would be appropriate to designate the ICO as a disclosure officer for the purposes of the PID Act as this designation would likely have unintended consequences and is not in keeping with the role of the ICO. The intention of the House in establishing the ICO position was to provide a mechanism for the effective resolution of complaints of bullying, harassment and sexual harassment including, where appropriate, through informal resolution.
- 2.40 Nomination of the ICO as a PID officer is inconsistent with this remit, as it would involve the position in formal statutory mechanisms for the investigation of disclosures concerning maladministration, corrupt conduct, and serious and substantial waste of public money. The ICO is established by resolution of the House and designation in statute might create uncertainty about the status and legal obligations attached to the role.

Recommendation 6

That the ICO not be designated as a disclosure officer under the *Public Interests Disclosures Act 2022* (NSW).

Appendix One – Terms of reference

This inquiry was self-referred on 21 August 2023:

That, in accordance with clause 9 of the resolution establishing the Independent Complaints Officer, agreed to by the Legislative Assembly on 29 March 2022, the Standing Committee on Parliamentary Privileges and Ethics review the Independent Complaints Officer system within 12 months of the establishment of the Independent Complaints Officer position, in consultation with key stakeholders. The committee must examine how the system is operating in practice and whether any changes are needed and in particular:

- the confidentiality provisions applying in respect of complaints and investigations under the system,
- the timeliness of complaints assessments and investigations conducted under the system, and
- the provisions applying with respect to standing for complainants and retrospectivity under the system.

Appendix Two – Resolution establishing the Independent Complaints Officer

**EXTRACT FROM LEGISLATIVE ASSEMBLY VOTES AND PROCEEDINGS NO. 132 – TUESDAY 29
MARCH 2022 – ITEM NO. 15**

15 INDEPENDENT COMPLAINTS OFFICER

Mr Peter Sidgreaves moved:

(1) That this House considers and adopts the revised proposal for the establishment of an Independent Complaints Officer, which was considered and agreed to by the Legislative Assembly's Standing Committee on Parliamentary Privilege and Ethics, during a meeting held earlier today.

(1) Establishment of position

That this House directs the Speaker to join with the President to make arrangements for the establishment of the position of an Independent Complaints Officer to expeditiously and confidentially deal with low level, minor misconduct matters so as to protect the institution of Parliament, all members and staff.

(2) Functions of position

The Independent Complaints Officer shall have the following functions:

(a) Receive and investigate complaints

The Independent Complaints Officer may receive and investigate complaints confidentially in relation to alleged breaches of the members' code of conduct, not related to conduct in proceedings of the Legislative Council or Legislative Assembly or their committees, including:

- (i) misuse of allowances and entitlements;
- (ii) other less serious misconduct matters falling short of corrupt conduct; and
- (iii) minor breaches of the pecuniary interests disclosure scheme.

The Independent Complaints Officer shall also have the function of receiving and investigating complaints confidentially in relation to bullying, harassment and inappropriate behaviour by members, not related to conduct in proceedings of the Legislative Council or Legislative Assembly or their committees.

In regard to bullying and harassment, consideration of complaints will take note of members' legal obligations including under the:

- Members of Parliament Staff Act 2013;
- Anti-Discrimination Act 1977; and
- Work Health and Safety Act 2011.

Section 22(b) of the Anti-Discrimination Act 1977 makes it unlawful conduct for a member to sexually harass a workplace participant or other member in the workplace, or for a workplace participant to sexually harass a member.

(b) Monitoring Code of Conduct for Members

The Independent Complaints Officer shall monitor the operation of the Code of Conduct for Members, the Constitution (Disclosures by Members) Regulation 1983 and the members' entitlements system, and provide advice about reform to the Legislative Assembly Committee on Parliamentary Privilege and Ethics ("Privileges Committee") as required.

(c) Educational presentations

The Independent Complaints Officer shall assist the Privileges Committee, Parliamentary Ethics Adviser and the Clerk as requested in relation to the education of members about their obligations under the Code of Conduct for Members and the Constitution (Disclosures by Members) Regulation 1983.

(3) Term of appointment

(a) Appointment by Presiding Officers

The Presiding Officers shall appoint an Independent Complaints Officer within three months of the mid-term point of each Parliament, or whenever the position becomes vacant, for the remainder of that Parliament and until the mid-term point of the following Parliament, on such terms and conditions as may be agreed upon with the Presiding Officers, not inconsistent with this resolution. The proposed appointment must have the support of the Privileges Committee in each House. An appointment may be extended for a period of up to six months so as to ensure there is no period in which there is no person holding the position.

(b) Contract with Clerks of both Houses – Independent Complaints Officer

The appointment of the Independent Complaints Officer is to be confirmed by the Clerks of both Houses entering into a contract of employment with the appointee.

(4) Complaints investigations

(a) Protocol

The Independent Complaints Officer shall, within three months of his or her appointment, develop a protocol to be approved by the Privileges Committee and tabled in the House by the committee chair, outlining how complaints may be received, the manner and method by which complaints will be assessed and investigated, the definition of low level, minor misconduct, and arrangements for the notification of matters between the Independent Complaints Officer and the Independent Commission Against Corruption and other relevant bodies (including the most appropriate agencies in relation to bullying and harassment matters), subject to relevant legislation (including section 122 of the Independent Commission Against Corruption Act 1988).

(b) Standing

This protocol shall include definitions of standing such that:

- Only current members of the NSW Parliament, those who currently work for members of the Parliament of NSW in their capacity as members, and those who currently work for the parliamentary departments, have standing to lodge complaints. This includes current contractors or subcontractors, current volunteers, current interns and current trainees.
- An individual may make a complaint up until 21 days following termination from their employment, but not have standing after that date if not remaining within any of the aforementioned categories.⁴⁹
- Complaints must be lodged within two years of the incident alleged to have occurred, unless this is not fair or reasonable to a complainant or member.
- No complaint may be considered which is alleged to have occurred prior to the passing of this resolution.

(c) Confidentiality

Individuals with standing who are not members of Parliament and who make complaints shall be required to maintain confidentiality concerning complaints and investigations. Others involved in any complaints investigations, for example witnesses shall be required to maintain confidentiality concerning complaints and investigations. There shall be an expectation that, except in extraordinary circumstances, members of Parliament will maintain confidentiality about complaints and investigations. However, nothing about this expectation affects parliamentary privilege and, in particular, the parliamentary privilege of freedom of speech.

(d) Protocol with the Independent Commission Against Corruption

Where the Independent Complaints Officer has concerns that a complaint may potentially involve corrupt conduct, he or she should cease the complaint investigation and invite the complainant to raise the matter with the Independent Commission Against Corruption.

The Independent Complaints Officer in determining to draw back from the investigation of a complaint may make a notification to the Independent Commission Against Corruption but should not hand over papers and records obtained under the Independent Complaints Officer system unless under legal compulsion. The Independent Complaints Officer is not required to notify the Independent Commission Against Corruption when he or she begins an investigation.

(e) Investigatory report to the House

Where the Independent Complaints Officer ("the investigator") finds that there has been a misuse of an allowance or entitlement, the investigator may recommend repayment of funds misused. Where the investigator finds that a member has otherwise breached the Members Code of Conduct or engaged in bullying, harassment or inappropriate behaviour the investigator may recommend corrective action. Subject to (f) below, the Independent Complaints Officer will make a report if the member does not accept the recommendation and, in the case of bullying, harassment and inappropriate behaviour matters, only where the complainant consents to the making of the report. This report will be presented to the Privileges Committee. The

⁴⁹ However, this does not affect timeframes for complainants to take action under the relevant legislation, for example, the *Work Health and Safety Act 2011* and the *Anti-Discrimination Act 1977*.

Committee will consider whether to adopt the recommendations of the Independent Complaints Officer.

(f) Minor breach

Where the Independent Complaints Officer ("the investigator") investigates a matter and finds that a member has breached the Code or Regulations or engaged in bullying, harassment or inappropriate behaviour, but in the investigator's opinion the breach is minor or inadvertent and the member has taken action to rectify the breach – including the making of appropriate financial reimbursement – the investigator shall advise the member in writing of the finding, and the complainant in writing of the finding and the action taken by the member. The investigator shall briefly report his or her findings and the rectification action taken by the member on a confidential basis to the Privileges Committee. However, if the matter relates to bullying, harassment or inappropriate behaviour, the report must only be made to the relevant Privileges Committee with the complainant's consent. No report to a House is required in this circumstance.

(g) Declines to investigate

If the Independent Complaints Officer receives a complaint but upon assessment declines to investigate the matter, or upon investigation the Independent Complaints Officer finds no evidence or insufficient evidence to substantiate a complaint of bullying, harassment or inappropriate behaviour; a breach of the Code of Conduct for Members; or a breach of the Constitution (Disclosures by Members) Regulation 1983, the Independent Complaints Officer shall advise in writing the member and the complainant of the decision. The Independent Complaints Officer shall also briefly report the decision to the relevant Privileges Committee on a confidential basis. However, if the complaint relates to bullying, harassment or inappropriate behaviour, the decision must only be reported to the Privileges Committee with the complainant's consent. No report to a House is required in this circumstance.

(h) Breaches where the member has failed or declined to take rectification action – reports and appeal rights

Where, after investigating a complaint, the Independent Complaints Officer ("the investigator") finds that a member has breached the Code of Conduct for Members or the Constitution (Disclosures by Members) Regulation 1983, or has engaged in bullying, harassment or inappropriate behaviour and the member has failed to undertake the stipulated rectification action or declined to do so pending appeal:

- the investigator shall report his or her findings and conclusions to the Privileges Committee on a confidential basis including recommendations as to the sanctions, if any, that should be imposed by the House. However, if the matter relates to bullying, harassment or inappropriate behaviour, the report to the Committee must only be made with the complainant's consent.
- the member in question shall also have the right to lodge an appeal against the investigator's findings, conclusions and recommendations with the Privileges Committee where they have been so reported to the Committee.

Further, after receiving:

- an investigatory report from the Independent Complaints Officer about a breach for which the member has failed to take the stipulated rectification action, and/or;
- an appeal from the member in question concerning the investigator's findings, conclusions and recommendations;

the Privileges Committee shall:

- form its own conclusions
- have the power to report its conclusions and recommendations – including as regards appropriate sanctions – to the House
- have the power to decide that a report to the House and/or sanctions are not warranted in a particular case e.g. where the Committee disagrees with the investigator's findings.

(i) Expert assistance

The Independent Complaints Officer shall be able to engage the services of a person or persons to assist with or perform services for the Independent Complaints Officer, and in the conduct of an investigation, within budget.

(5) Powers of the Independent Complaints Officer

The Independent Complaints Officer shall have power to request the production of relevant documents and other records from members and officers of the Parliament.

Members, their staff and parliamentary officers are required to reasonably cooperate at all stages with the Independent Complaints Officer's inquiries including giving a full, truthful and prompt account of the matters giving rise to a complaint.

The Independent Complaints Officer may report to the Privileges Committee any failure to comply with a request, and the committee will recommend whether the matter requires the determination of the matter by the House.

(6) Keeping of records

The Independent Complaints Officer shall be required to keep records of advice given and the factual information upon which it is based, complaints received and investigations. The records of the Independent Complaints Officer are to be regarded as records of the House and are not to be made public without the prior approval of the Independent Complaints Officer and resolution of the House, except for the notification of information between the Independent Complaints Officer and other relevant authorities in accordance with the protocol to be developed pursuant to clause 4(a), or where the member requests that the records be made public.

A member requesting the records be made public should table them in the House. During an extended break in sittings a member may table records with the Privileges Committee.

(7) Reports to Parliament

In addition to reports on investigations, the Independent Complaints Officer shall provide to the Chair of the Privileges Committee to table in the House quarterly reports that contain general, de-identified information about matters dealt with under the Independent Complaints Officer system including:

- the number and types of complaints received

- the number of investigations undertaken
- the number of matters found by an investigator to be unsustainable
- the number of matters involving breaches that were dealt with via the rectification procedure, and the rectification action that was taken for these matters, such as repayments
- the number of matters the Independent Complaints Officer found to involve breaches for which a member failed to undertake the required rectification actions that were reported to the Privileges Committee but not to the House
- the number of matters the Independent Complaints Officer found to involve breaches for which a member failed to undertake the required rectification action, that were reported to the Privileges Committee and to the House
- the results of matters reported to the House including the type of sanctions imposed.

(8) Annual meeting with relevant committees

The Independent Complaints Officer is to meet annually with the Privileges Committee of the House.

(9) Review of the Independent Complaints Officer System

The Privileges Committee is required to review the Independent Complaints Officer system within 12 months of the establishment of the Independent Complaints Officer position, in consultation with key stakeholders. The committee must examine how the system is operating in practice and whether any changes are needed and in particular:

- the confidentiality provisions applying in respect of complaints and investigations under the system,
- the timeliness of complaints assessments and investigations conducted under the system, and
- the provisions applying with respect to standing for complainants and retrospectivity under the system.

Following the initial review the committee is also required to review the Independent Complaints Officer system once every parliamentary term, in consultation with key stakeholders, to examine how it is operating in practice and whether any changes are needed.

(2) That this resolution have continuing effect until amended or rescinded.

(3) That a message be forwarded to the Legislative Council conveying the terms of the resolution agreed to by the House.

Debate ensued.

Question put and passed.

Appendix Three – Independent Complaints Officer Protocols

TABLED IN THE LEGISLATIVE ASSEMBLY ON 17 NOVEMBER 2022

Part 1 Preliminary

1. Protocol

This protocol outlines the procedures to be used by the Independent Complaints Officer appointed in accordance with the resolution of the Legislative Council of 22 March 2022 and the resolution of the Legislative Assembly of 29 March 2022.⁵⁰

The Legislative Assembly and Legislative Council have established the position of Independent Complaints Officer (ICO) to expeditiously and confidentially deal with low level minor misconduct matters.

The ICO is an independent, non-partisan officer appointed by the Presiding Officers.

The current ICO is Ms Rose Webb. The ICO can be contacted on ico@ico.parliament.nsw.gov.au or on 0437 914 525.

2. Terms used in this Protocol

“ICAC” means the NSW Independent Commission Against Corruption

“ICAC Act” means the Independent Commission Against Corruption Act 1988 (NSW)

“ICO” means the Independent Complaints Officer

“Member” means a member of either house of the Parliament of NSW

“Members’ Code” means the Code of Conduct for Members as adopted by the Legislative Council and the Legislative Assembly

“Ministers Code” means the NSW Ministerial Code of Conduct

“Parliament” means the Parliament of NSW

“Pecuniary Interests Disclosure Scheme” means the requirements for interests to be disclosed under the Constitution (Disclosures by Members) Regulation 1983

“Presiding Officers” means the President of the Legislative Council and the Speaker of the Legislative Assembly

⁵⁰ 1 Legislative Council Minutes of Proceedings, 22 March 2022, item 40 pages 3039-3025; Votes and Proceedings of the NSW Legislative Assembly, 29 March 2022, item 15, pages 1633-1639.

“Privileges Committee” means in relation to the Legislative Council, the Privileges Committee and in relation to the Legislative Assembly, the Parliamentary Privileges and Ethics Committee

Part 2 Lodging a complaint

3. What types of complaints can the ICO consider?

3.1 The ICO can consider complaints about alleged breaches of the Members’ Code of Conduct including misuse of allowances and entitlements, less serious misconduct matters falling short of corrupt conduct and minor breaches of the pecuniary interest disclosure scheme. The ICO can also consider complaints in relation to bullying, harassment and other types of inappropriate behaviour.

3.2 The ICO cannot consider complaints:

- (a) that relate to the proceedings of the Legislative Council or Legislative Assembly or their committees, or
- (b) about conduct that is solely a breach of the Ministerial Code of Conduct.

4. Who can you complain about?

4.1 Complaints may only be made about current members (including Ministers) of the Parliament of NSW.

5. Form of complaint

5.1 A complaint may be made to the ICO formally or informally. It is not necessary to have evidence to an admissible standard, or complete details of a matter, to make a complaint to the ICO.

5.2 A complaint can be made by email (at ico@icoparliament.nsw.gov.au) or by phone (0437 914 525).

5.3 Complaints may be made anonymously, but it should be noted that the ability of the ICO to investigate and resolve a matter may be considerably limited if a complaint is anonymous. (See further below at paragraph 20 as to how anonymous complaints will be handled.)

6 Who can complain to the ICO?

6.1 Complaints may be received from:

- (a) current members of the NSW Parliament
- (b) staff who work for members of the NSW Parliament in their capacity as members (eg electorate office staff, advisers, researchers, assistants)
- (c) staff who work for the parliamentary departments.

6.2 Categories 6.1(b) and 6.1(c) include current contractors or subcontractors, current volunteers, current trainees and current interns.

6.3 Under the resolution of the Legislative Council, staff who work for Members of the Legislative Council in their capacity as Ministers can make a complaint to the ICO (about any member of the Parliament).

6.4 Staff who work for Ministers can also utilise the Respectful Workplaces Policy published by the Department of Premier and Cabinet.

6.5 A member may “complain” about their own conduct if they wish to self-report and have a matter considered by the ICO.

6.6 Former staff may lodge a complaint with the ICO up to 21 days following the end of their employment. (This limitation does not affect a person’s rights under any other legislation such as the Work Health and Safety Act 2011 or the Anti-Discrimination Act 1977).

7. Complaints from other sources

7.1 The ICO has no power to conduct own motion complaints.

7.2 Under section 53 of the ICAC Act 1998 the ICAC may refer a matter for investigation or other action to any person or body it considers appropriate. Under agreement between the ICO and the ICAC, the ICAC will generally refer a matter to the ICO for information (not for investigation). The ICO will then follow the procedures outlined below to independently determine whether the matter should be investigated by the ICO.

7.3 Regardless of whether the complaint comes from the ICAC or through another source it will be necessary for the original “complainant” to be one of the persons listed in 6.1 above before the ICO can take action on the complaint.

8. Time periods for complaints

8.1 The ICO may only receive complaints relating to matters arising after 22 March 2022 in relation to members of the Legislative Council or 29 March 2022 in relation to members of the Legislative Assembly (when the relevant resolutions were passed).

8.2 A complaint must be lodged within two years of the alleged events occurring unless it would not be fair to a complainant or the member who is the subject of the complaint.

8.3 As noted above at 6.6, former staff members may complain only within 21 days of ceasing employment. Pursuant to the resolutions, this arrangement does not apply to members. Former members cannot complain to the ICO.

9. Confidentiality by the ICO on receipt of complaint

9.1 The ICO will not disclose the fact that a complaint has been lodged except as necessary to enable the complaint to be assessed and if applicable, investigated.

10. Confidentiality by complainants and others about complaint being lodged

10.1 Complainants and others who are not members of Parliament who lodge a complaint or who are aware that a complaint has been lodged are required to keep the fact of the complaint having been lodged confidential.

10.2 There is an expectation that, except in extraordinary circumstances, members will maintain confidentiality about complaints having been lodged. Nothing about this expectation affects parliamentary privilege and in particular the parliamentary privilege of freedom of speech.

10.3 Publication of the fact that a complaint has been lodged may lead to an adverse inference about the seriousness of the complainant in wishing to have a matter investigated.

11. Complaint that is also a Public Interest Disclosure matter

11.1 The ICO is not a disclosure officer for the purposes of the Public Interest Disclosure Act 1994⁵¹. However it is possible that a complaint made to the ICO is also a public interest disclosure, for example because the complainant has previously made a public interest disclosure to a disclosure officer in respect of the same matter. In these circumstances the protections provided under the Public Interest Disclosure Act will continue to protect the person making the complaint.

12. The ICO deals with complaints, not the provision of advice on specific matters

12.1 The ICO may not give advice about the Members' Code of Conduct and related matters. This is to eliminate the possibility of a conflict should the ICO later be asked to investigate a complaint related to a matter on which advice has been provided.

12.2 Should the ICO be asked for advice the ICO will suggest alternative sources of advice such as the Presiding Officers, the Clerks the Department of Parliamentary Services, or the Parliamentary Ethics Adviser.

12.3 The ICO will monitor the operation of the Code of Conduct for Members, the Constitution (Disclosure by Members) Regulation 1983 and the members' entitlement system and may provide advice about reform to the relevant Privileges Committee as requested.

Part 3 Initial Assessment of Complaints

13. Assistance for complainants

13.1 The ICO may identify that in addition to wishing to lodge a complaint with the ICO the complainant is seeking support to deal with the impact of an incident on their working or home life. The ICO cannot provide counselling or guidance but will assist in finding other sources for support. This will include ensuring that the complainant is

⁵¹ This position may change with the new public interest disclosure legislation due to commence in mid-2023.

aware of the EAP services offered by the NSW Parliament or if the complainant does not wish to use that service, finding an alternative source of support.

14. Determining that complaint can be dealt with by the ICO

14.1 On receipt of a complaint the ICO will first determine that it falls within the matters that the ICO can deal with pursuant to the resolutions of the Legislative Council and Legislative Assembly.

14.2 If the complaint cannot be dealt with by the ICO the ICO will inform the complainant within three working days and assist the complainant with identifying an alternative course of action.

14.3 At this assessment stage the ICO will not disclose the fact of the complaint having been made to any other person.

15. Complaint that alleges corrupt conduct

15.1 If the ICO determines that a complaint may potentially involve corrupt conduct the ICO cannot deal with the complaint and will instead suggest to the complainant that the matter should be raised with the Independent Commission Against Corruption (ICAC).

15.2 “Corrupt conduct” is defined in detail in section 8 and section 9 of the ICAC Act. Section 9 of the ICAC Act provides specifically that conduct does not amount to corrupt conduct in the case of a Minister or member unless it amounts to a substantial breach of a relevant code of conduct

15.3 Under the resolutions the ICO may notify the ICAC of a complaint. As a general rule the ICO will not inform the ICAC of the existence of the complaint, whether or not the complainant decides to raise the matter with the ICAC. However, if the complaint is notably serious or substantial and there would seem to be a strong public interest in the ICAC being informed of a complaint the ICO would consider notifying the ICAC as an exceptional circumstance. The ICO would tell the complainant that it has done so. The ICO cannot be compelled to refer a complaint to the ICAC.

15.4 The ICO will not provide any material or information that has come into their possession through the lodging of the complaint to the ICAC unless compelled to do so (see further paragraph 34.1 below).

16. Complaints that relate to the conduct of the Legislative Council or Legislative Assembly or their committees

16.1 Under the resolutions, the ICO cannot receive or investigate complaints related to conduct in proceedings of the Legislative Council or Legislative Assembly or their committees. This includes conduct during parliamentary sittings, committee hearings and the deliberations of committees. Should such a complaint be made to the ICO the complainant will be referred to the relevant authorities such as the Presiding Officers, the Clerks or the Committee Chairs.

17. Complaints about bullying, harassment and inappropriate behaviour – relationship with other legislation

17.1 Particularly for complaints about bullying and harassment and other inappropriate behaviour there is a possibility that the alleged conduct may be a breach of specific legislative provisions (such as the Work Health and Safety Act 2011 or the Anti-Discrimination Act 1977) or may be a criminal offence. The ICO may still consider and, if appropriate, investigate the matter.

17.2 The ICO may discuss with the complainant whether they have made, or may wish to make, a complaint to other relevant bodies charged with the administration of relevant legislation. However there will be no obligation on the complainant to make such a complaint to another authority. The ICO will not disclose any information to another authority without the specific consent of the complainant.

17.3 In particular, the ICO will not share information about the content or identity of specific matters with the Department of Parliamentary Services WHS team, SafeWork NSW, the NSW Anti-Discrimination Commission, the Police or any other person or agency without the express consent of the complainant unless the ICO is subject to a compulsory legal process (such as a Notice to Produce Documents or a subpoena) or a compulsory legal requirement to report.

Part 4 Preliminary Inquiries

18. Commencement of matter

18.1 On receipt of a complaint and having determined that it is a matter the ICO can deal with, the ICO will assign the matter a complaint number and open a file in their confidential complaints database.

19. Discussion with complainant

19.1 Before determining whether to commence an investigation the ICO will undertake preliminary inquiries into the matter. This may include an initial discussion with the complainant (in person, by phone or video meeting, or, if preferred via email) to obtain some further details and context about the matter.

19.2 This discussion will also canvass with the complainant what outcome they are looking for from the matter, and the next steps in the investigation. This will include ensuring that the complainant understands that it may be necessary to identify them to others as the source of a complaint and to consider what steps can be taken to protect their interests.

19.3 For example, the ICO may discuss with the complainant which possible witnesses they would feel comfortable knowing the details of the complaint, and which might cause them more concern. It might also be discussed whether the complainant requests that the ICO not disclose some particularly sensitive parts of the complaint during the course of the investigation.

20. Anonymous complaints

20.1 As noted above in paragraph 5.3, a complaint may be made anonymously, and will be recorded in the complaints database. A preliminary inquiry will be undertaken but given there will be no ability to obtain further information or context from a complainant, the complaint may not be able to be proceeded with further.

20.2 There are circumstances where an anonymous complaint may be pursued. For example, where the complaint is extremely detailed and able to be corroborated by objective evidence or where the complaint is consistent with other complaints that have been made on a non-anonymised basis.

20.3 The maker of an anonymous complaint should be alive to the possibility that during the course of preliminary inquiries or an investigation their identity as the maker of the complaint may become evident to others. While the ICO may not be able to identify who they are, other witnesses who know about the context may be able to deduce who has complained.

21. Discussions with other possible witnesses

21.1 As part of the preliminary inquiry process, the ICO may also confidentially discuss the matter with other potential witnesses and, depending on the circumstances, the member whose conduct is the subject of the complaint. The extent of the preliminary inquiries will depend on the nature of the matter and will be informed by the discussion with the complainant.

22. Decision not to investigate after preliminary inquiry phase

22.1 After preliminary inquiries the ICO may decide not to investigate a matter including for the following reasons:

- (a) it has become apparent during the preliminary inquiries that the matter is not within the jurisdiction of the ICO
- (b) it has been identified that the matter is being dealt with in another forum and it would be duplicative or counter-productive for the ICO to also carry out an investigation
- (c) the preliminary inquiries indicate that the complaint is without substance and / or is purely vexatious in nature
- (d) the preliminary inquiries indicate that there is no information available to determine whether the conduct complained of has occurred and that such information or evidence will not become available by further investigation
- (e) The matter has previously been investigated and no additional information has been provided

22.2 The ICO will advise the complainant (and any other person who has been made aware of the complaint during the course of the preliminary inquiry process) of this decision. If appropriate, the complainant will be assisted with finding an alternative route to address their concerns.

22.3 Pursuant to the resolutions, if the matter is not one involving bullying, harassment or inappropriate behaviour, the ICO will briefly report the decision not to

investigate to the relevant Privileges Committee. If the matter is one involving bullying, harassment or inappropriate behaviour the matter will only be briefly reported to the relevant Privileges Committee if the complainant consents to such a notification.

Part 5 Investigation of Complaints

23. Investigations will be conducted on a confidential basis

23.1 The ICO will carry out all investigations with a view to maintaining confidentiality so far as is possible without interfering with the efficacy of the investigation.

23.2 Complainants and others who are involved in investigations who are not members of parliament are required to maintain confidentiality concerning investigations.

23.3 There is an expectation that, except in extraordinary circumstances, members will maintain confidentiality about complaints and investigations. However nothing about this expectation affects parliamentary privilege and, in particular, the parliamentary privilege of freedom of speech.

23.4 Publication of the fact that an investigation has commenced may lead to an adverse inference about the seriousness of the complainant in wishing to have a matter investigated.

23.5 The ICO is not required to notify the ICAC (or any other person) when an investigation is commenced.

24. Obtaining information during an investigation

24.1 During the course of an investigation the ICO will obtain relevant information about the matter through a variety of means including meeting with the complainant, members and other witnesses (including other members of the parliamentary community, or where relevant, other members of the general public).

24.2 Any person asked to attend a meeting with the ICO may request that another person attend the meeting with them. That person would be bound by the same confidentiality obligations as the witness.

24.3 A note will be made of all meetings and a confidential copy of the note provided to those present at the meeting. The ICO will not be making a verbatim transcription of meetings.

24.4 The ICO may also obtain information by requesting the production of documents and other records from members and officers of the Parliament. The request will be made in writing, with a description of the documents requested and a date by which they should be provided.

24.5 The ICO may also liaise with the relevant Clerk to obtain access to relevant registers including disclosure of interests to the extent that this information is not publicly available.

24.6 Members, their staff and parliamentary officers are required to reasonably co-operate at all stages with the ICO's investigations including giving a full, truthful and prompt account of the matters giving rise to a complaint.

24.7 The ICO may report to the relevant Privileges Committees any failure to comply with a request for a meeting, or failure to respond to questions during the meeting or to a request for the production of documents and the committee will recommend whether the matter requires any determination by the House.

24.8 See below at paragraphs 33 and 34 about confidentiality and disclosure of information and documents obtained during the course of an investigation.

25. Procedural fairness on draft findings

25.1 Following the conduct of the investigation the ICO will make a draft finding. The draft finding will be provided to the member that is the subject of the complaint on a confidential basis and an opportunity provided to make submissions to the ICO. These submissions will be considered before the ICO makes final findings and any recommendations.

26. Assistance with investigations

26.1 The ICO can engage the service of a person or persons to assist with investigations or perform services for the ICO, and in the conduct of the investigation. This is most likely to occur where a complaint raises significant issues and assistance is needed to complete the investigation in an expedient manner. Depending on the nature of a complaint, expert work health and safety or accounting or financial services may be engaged.

26.2 Any person appointed to assist the ICO will have the same powers as the ICO to request information and conduct investigations. They will be under the same confidentiality obligation as the ICO.

Part 6 Outcomes of Investigations

27. No breach found

27.1 If, after an investigation, the ICO determines that no breach of the Members Code or regulations or other misconduct has occurred, the ICO will write a short report outlining the reasons for that decision. The ICO will notify the complainant, the member complained of and any other person who has assisted in the investigation of the outcome of the investigation.

27.2 No further report will be made identifying the specifics of the investigation. On an unidentified basis, the matter will be counted in the ICO's report of the "number of matters found to be unsustainable" in a quarterly report to the Privileges Committees.

10

28. Misuse of allowance or entitlement found – recommended action

28.1 Where the ICO finds that there has been a misuse of an allowance or entitlement, the ICO may recommend repayment of the funds misused and may make other recommendations for corrective action, including improvements to the member's record keeping and administrative requirements.

29. Minor or inadvertent misuse of allowance or entitlement

29.1 If following investigation the ICO concludes that the misuse is minor or inadvertent and that the member has taken the recommended action to rectify the breach no further action will be taken. The ICO will advise the member and the complainant in writing of the finding and note the rectification of the breach.

29.2 A brief report of the investigation and the rectification action taken will be made to the relevant Privileges Committee on a confidential basis.

30. Other breaches of the Code of Conduct or Regulations or bullying harassment or inappropriate conduct and corrective action taken

30.1 Where the ICO finds that there has been a breach of the Code of Conduct or regulations or a member has engaged in bullying or harassment or inappropriate conduct (other than misuse of an entitlement or allowance) the ICO may recommend corrective action by the member. If the corrective action is taken the ICO will advise the complainant and the member in writing of the finding and the corrective action that has been taken and finalise the complaint.

30.2 Except in the case of bullying, harassment and inappropriate behaviour matters, a brief report of the investigation and the rectification action taken will generally be made to the relevant Privileges Committee on a confidential basis.

30.3 In the case of bullying, harassment and inappropriate behaviour matters, no report will be made to the relevant Privileges Committee unless the complainant consents to the making of the report.

31. Failure to take rectification or corrective action or appeal of findings

31.1 If the member does not accept the ICO's recommended rectification or corrective action or declines to take the action pending an appeal the ICO will present a confidential investigatory report to the relevant Privileges Committee reporting the findings of the investigation and recommendations as to the action that should be taken including sanctions, if any, that should be imposed by the House.

31.2 However, if the matter involves bullying, harassment or inappropriate conduct an investigatory report will only be made with the complainant's consent. If consent is not provided the investigation will conclude. The records will be stored confidentially and only used for future related matters with the consent of the complainant.

31.3 Once an investigatory report has been made, the member in question will have the right to lodge an appeal against the ICO's findings, conclusions and recommendations. The relevant Privileges Committee will set the procedures under which appeals will be considered.

31.4 After receiving the investigatory report and, if any, appeal from the member, the relevant Privileges Committee will form its own conclusions as to whether it will accept the findings of the ICO. The Committee may decide to report its conclusions and recommendations, including about sanctions, to the House. The Committee can determine that a report to the House and / or sanctions are not warranted in a particular case, for example where the Committee disagrees with the ICO's findings.

Part 7 Record keeping and regular reporting

32. Record keeping by the ICO

32.1 The ICO will keep records of complaints received, assessments made, investigations conducted and all relevant information received in these activities. The records will be kept in a separate database on a confidential basis that is not accessible by others, including by any staff of the Parliament.

33. Publication of ICO records

33.1 The records of the ICO are considered to be records of the Legislative Council and Legislative Assembly and may be made public only with the prior approval of the ICO and resolution of the relevant House or where a member requests that the records be made public.

33.2 A member of the Legislative Council requesting that the records be made public should present the records to the Clerk, to be tabled in the House at the next sitting. During an extended break in sittings the Privileges Committee is empowered to publish records of the ICO if, on the recommendation of the ICO, expeditious publication is required.

33.3 A member of the Legislative Assembly requesting that the records be made public should table them in the House. During an extended break in sittings a member may table records with the Privileges Committee.

34. Provision of records to other agencies or persons

34.1 Any documents obtained by the ICO during the course of an investigation will not be provided to the ICAC unless under legal compulsion. If a notice under section 22 of the ICAC Act is received the ICO will ensure that procedural fairness is provided to any person who may be affected by the provision of the documents (subject to any obligations of confidentiality). This will include provision of an opportunity to claim parliamentary or any other relevant privilege.

34.2 The ICO will not provide records to any other agency or person unless there is a legal obligation to do so (for example pursuant to a subpoena from a court). Prior to the release of any information under a legal obligation, the ICO will inform any person who may be impacted by the release of the records. The ICO will also consider whether any claim of privilege (for example, parliamentary privilege or public interest immunity) may be made.

34.3 As the documents are considered to be records of the relevant house, the Government Information (Public Access) Act 2009 does not apply to the ICO's records.

35. Regular Reporting by the ICO

35.1 The ICO will provide quarterly reports to the relevant Privileges Committees to be published in the House that contain general, de-identified information about the matters dealt with under the ICO system including:

- (a) the number and types of complaints received
- (b) the number of matters assessed with no further action being taken, with a brief description of the reasons
- (c) the number of investigations undertaken
- (d) the number of matters resolved by rectification or corrective action and the types of rectification or corrective action undertaken
- (e) the number of matters where rectification or corrective action was proposed where the member failed to take the required action and the matter was reported to the relevant Privileges Committee, and when reported to the Committee and the House
- (f) the results of matters reported to the House.

35.2 The ICO will meet annually with the Privileges Committees.

35.3 A review of the ICO arrangements will occur after 12 months of the establishment of the ICO position in consultation with key stakeholders. Suggestions about the operation of the ICO and these protocols can be provided to ico@ico.nsw.parliament.gov.au at any time.

Appendix Four – Submissions

No.	Author
1	Auditor-General for New South Wales
2	Ms Rose Webb
3	Anti-Discrimination NSW
4	NSW Independent Commission Against Corruption
5	Confidential
6	NSW Ombudsman

Appendix Five – Conduct of Inquiry

Terms of Reference

The Committee resolved to formally adopt the inquiry on 21 August 2023, as required by clause 9 of the resolution establishing the Independent Complaints Officer.

Meeting with the NSW Independent Commission Against Corruption (ICAC)

In response to a written request from the ICAC received on 5 June 2023, the Committee conducted a meeting on 21 August 2023 with the Hon. John Hatzistergos AM, Chief Commissioner, and Mr Lewis Rangott, Executive Director Corruption Prevention. The Committee and the Chief Commissioner discussed integrity awareness initiatives for Members and related matters which were of relevance to the review of the Independent Complaints Officer system.⁵²

Meeting with the Independent Complaints Officer

At its meeting on 27 June 2023, the Committee resolved to obtain a briefing from the current Independent Complaints Officer, Ms Rose Webb, prior to commencing a 12-month review of the Independent Complaints Officer System. The Committee was briefed by Ms Webb on 21 August 2023 on the work undertaken since her appointment, as well as her understanding of the role's functions and jurisdiction. Ms Webb also indicated her willingness to provide the Committee with additional information to assist the inquiry.

Submissions

At its meeting on 15 September 2023, the Committee resolved to write to the following targeted stakeholders seeking written submissions by e-mail or post to its 12-month review of the Independent Complaints Officer (ICO) system:

- All Members of the Legislative Assembly
- Speaker of the Legislative Assembly
- Anti-Discrimination NSW
- Independent Complaints Officer
- Independent Commission Against Corruption
- Parliamentary Ethics Adviser
- NSW Department of Premier and Cabinet
- NSW Ombudsman
- NSW Auditor-General
- NSW Public Service Association
- Chair of the Legislative Council Privileges Committee
- Clerk of the Parliaments.

At its meeting on 16 October 2023, the Committee resolved to write to all Members of the Legislative Assembly advising of additional options to make a submission to the inquiry by meeting with the Committee or by making a confidential written submission via the Committee's webpage; and to write to all staff of the Department of the Legislative Assembly

⁵² Minutes of meeting no. 7, 21 August 2023, Legislative Assembly Standing Committee on Parliamentary Privilege and Ethics.

and all Electorate Office staff seeking written submissions by e-mail, post, or the Committee webpage.⁵³

The Committee met with two Members of the Legislative Assembly on 15 November 2023.⁵⁴

Meetings with ICO and Chief Executive of DPS

On 25 March 2024 the Committee met with Ms Rose Webb, Independent Complaints Officer, and Mr Mark Webb, Chief Executive of the Department of Parliamentary Services, to seek further information on the ICO system⁵⁵. Following these meetings, the Committee resolved to send additional questions on notice to both Ms Webb and Mr Webb. Their responses were received on 15 April 2024⁵⁶ and 29 April 2024⁵⁷ respectively. The Clerk subsequently provided the Committee with further information in relation to Mr Webb's responses on 12 August 2024.⁵⁸

Independent legal advice

On 17 June 2024 the Committee resolved to obtain independent legal advice on some matters which had arisen in relation to the Ombudsman's submission to the inquiry⁵⁹. Written draft advice by Mr Perry Herzfeld SC and Ms Christine Ernst of Counsel was provided to the Clerk on 6 August 2024 and a subsequent conference with Mr Herzfeld, Mr Mark Smyth (Partner, Herbert Smith Freehills) and Mr George Napier (Solicitor, Herbert Smith Freehills) was held on 27 August 2024.⁶⁰

Meeting with Anti-Discrimination NSW

The Committee held a meeting on 12 August 2024 with Ms Helen McKenzie, President of Anti-Discrimination NSW, and Ms Lynette Byrnes, Manager Enquiries & Conciliation at Anti-Discrimination NSW, to further discuss their submission to the inquiry and related matters.⁶¹

Correspondence from the PAG

On 22 July 2024 the Committee received correspondence from Dr Juliet Bourke, Chair of the Parliamentary Advisory Group on Bullying, Sexual Harassment and Serious Misconduct (PAG), dated 22 July 2024, enclosing correspondence for the Committee to consider as part of its

⁵³ Minutes of meeting no. 10, 16 October 2023, Legislative Assembly Standing Committee on Parliamentary Privilege and Ethics.

⁵⁴ Minutes of meeting no. 11, 15 September 2023, Legislative Assembly Standing Committee on Parliamentary Privilege and Ethics.

⁵⁵ Minutes of meeting no. 15, 25 March 2024, Legislative Assembly Standing Committee on Parliamentary Privilege and Ethics.

⁵⁶ Rose Webb, Responses to Additional Questions, 15 April 2024.

⁵⁷ Mr Mark Webb, Department of Parliamentary Services, Responses to Additional Questions, 29 April 2024.

⁵⁸ Minutes of meeting no. 18, 12 August 2024, Legislative Assembly Standing Committee on Parliamentary Privilege and Ethics.

⁵⁹ Minutes of meeting no. 17, 17 June 2024, Legislative Assembly Standing Committee on Parliamentary Privilege and Ethics.

⁶⁰ Minutes of meeting no. 19, 27 August 2024, Legislative Assembly Standing Committee on Parliamentary Privilege and Ethics.

⁶¹ Minutes of meeting no. 18, 12 August 2024, Legislative Assembly Standing Committee on Parliamentary Privilege and Ethics.

review of the ICO system⁶². The Chair acknowledged Dr Bourke's correspondence in a letter dated 29 August 2024.⁶³

⁶² Minutes of meeting no. 18, 12 August 2024, Legislative Assembly Standing Committee on Parliamentary Privilege and Ethics.

⁶³ Minutes of meeting no. 20, 5 September 2024, Legislative Assembly Standing Committee on Parliamentary Privilege and Ethics.

Appendix Six – Extracts from minutes

Minutes of meeting no. 7

TIME & DATE	10:00 AM MONDAY 21 AUGUST 2023	LOCATION	1254 AND WEBEX
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MEMBERS PRESENT

Mr Alex Greenwich MP (Chair), Ms Janelle Saffin MP (Deputy Chair), Mr Jason Li MP (until 10:48am), and Mrs Leslie Williams MP.

Apologies: Ms Lynda Voltz MP.

OFFICERS PRESENT

Ms Helen Minnican, Clerk of the Legislative Assembly; Ms Carly Maxwell, Deputy Clerk; Mr Alex O'Brien, Senior Parliamentary Officer; Ms Rickee Murray, Parliamentary Officer; and Ms Jessica Zhang, Parliamentary Officer.

The Chair opened the meeting at 10:04am.

AGENDA ITEMS

1. Confirmation of Minutes

Resolved, on the motion of Ms Williams:

That the draft minutes of meeting no. 6 on 27 June 2023 be confirmed.

2. ***

3. ***

4. Meeting with the Independent Complaints Officer

Resolved, on the motion of Ms Saffin:

That Ms Rose Webb, Independent Complaints Officer, be authorised to attend the Committee's meeting on 21 August 2023.

Ms Webb was admitted to the meeting at 10.57am.

The Chair noted that, in accordance with a resolution of the Committee at its meeting on 27 June 2023, the Committee was meeting with Ms Webb prior to the 12-month review of the Independent Complaints Officer system to obtain a brief from her about any issues that may arise.

- Ms Webb provided the Committee with a briefing on her work as the ICO, addressing her functions and jurisdiction and the protocol she developed for the role.

Ms Webb indicated that she was willing to provide the Committee with additional information to assist the 12 month review of the Independent Complaints Officer system prior to commencing scheduled leave from 26 September 2023 to 23 October 2023.

Ms Webb departed the meeting at 11:15am.

Discussion ensued.

Resolved, on the motion of Ms Williams:

- That the Committee formally commence its 12-month review of the Independent Complaints Officer system, as required by Clause 9 of the resolution for the establishment of an Independent Complaints Officer; and
- That the Chair write to key stakeholders, identified in the briefing note about the Independent Complaints Officer that was put before the Committee at meeting no. 6 on 27 June 2023, on behalf of the Committee seeking submissions for the 12-month review of the Independent Complaints Officer system.

5. ***

6. ***

7. ***

8. ***

9. ***

10. Next meeting

All members present indicated their availability to attend the next meeting of the Committee from 9:00am-11:00am on Monday, 11 September 2023.

Committee secretariat to contact Members' offices to confirm a suitable date and time for the next meeting.

The meeting was adjourned at 11:35am.

Minutes of meeting no. 8

TIME & DATE	1:30 PM FRIDAY, 15 SEPTEMBER 2023	LOCATION	1254 AND WEBEX
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MEMBERS PRESENT

Mr Alex Greenwich MP (Chair), Ms Janelle Saffin MP (Deputy Chair) (*by telephone*), the Hon. Leslie Williams MP (*by Webex*), Mr Jason Li MP (from 1:48pm) (*by Webex*), Ms Lynda Voltz MP.

Apologies: None.

OFFICERS PRESENT

Ms Helen Minnican, Clerk of the Legislative Assembly; Mr Todd Buttsworth, Director, House and Procedure & Deputy Serjeant-at-arms; Mr Alex O'Brien, Senior Advisor, Office of the Clerk; and Miss Jessica Zhang, Parliamentary Officer, Office of the Clerk.

The Chair opened the meeting at 1:40pm.

AGENDA ITEMS

1. Confirmation of Minutes

Resolved, on the motion of Mr Li:
That the draft minutes of meeting no. 7 on 21 August 2023 be confirmed.

2. ***

3. ***

4. ***

5. 12-month review of the Independent Complaints Officer

At the previous meeting, the Committee met with the Independent Complaints Officer (ICO), Ms Rose Webb, and resolved to formally commence its 12-month review into the Independent Complaints Officer system.

The ICO provided her Quarterly Report for the period 1 June 2023 to 31 August 2023. The ICO concluded two matters during the period. She received one complaint for which she is drafting findings and recommendations. The ICO will be on leave between 26 September and 26 October 2023.

In accordance with the Committee's resolution at the previous meeting, the Secretariat has drafted correspondence to the key stakeholders, seeking submissions in relation to the review. Possible targeted stakeholders from whom the Committee could seek written submissions are:

- The Speaker of the Legislative Assembly, the Hon. Greg Piper MP;
- Members of the Legislative Assembly;
- The President, Anti-Discrimination Board of NSW, Ms Helen McKenzie;
- The Independent Complaints Officer, Ms Rose Webb;
- The Chief Commissioner of the Independent Commission Against Corruption, the Hon. John Hatzistergos AM;
- The Parliamentary Ethics Adviser, Mr John Evans;
- The NSW Department of Premier and Cabinet;
- The Ombudsman of NSW, Mr Paul Miller PSM;
- The NSW Auditor-General, Ms Margaret Crawford; and
- The Public Service Association.

The Committee considered further suggestions for seeking submissions, as follows:

- The Chair of the Legislative Council Privileges Committee, the Hon. Stephen Lawrence MLC; and
- The Clerk of the Parliaments, Mr David Blunt.

Resolved, on the motion of Ms Voltz:

That the Secretariat send the correspondence seeking submissions in relation to the review to the aforementioned individuals and organisations.

6. ***

7. ***

8. ***

9. ***

10. Next meeting

Committee Secretariat to contact Members' offices to confirm a suitable time and date for the next meeting.

The meeting was adjourned at 2:30pm.

Minutes of meeting no. 9

TIME & DATE	1.30 PM FRIDAY, 22 SEPTEMBER 2023	LOCATION	CLERK'S MEETING ROOM AND WEBEX
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MEMBERS PRESENT

Mr Alex Greenwich MP (Chair), Ms Janelle Saffin MP (Deputy Chair) (*via Webex*), the Hon. Leslie Williams MP, Mr Jason Li MP (*via Webex*), Ms Lynda Voltz MP (*via Webex*).

Apologies: None.

OFFICERS PRESENT

Ms Helen Minnican, Clerk of the Legislative Assembly; Mr Todd Buttsworth, Director, House and Procedure & Deputy Serjeant-at-arms; Mr Alex O'Brien, Senior Advisor, Office of the Clerk; Mrs Rickee Murray, Parliamentary Officer, Office of the Clerk; and Miss Jessica Zhang, Parliamentary Officer, Office of the Clerk.

The Chair opened the meeting at 1:45pm.

AGENDA ITEMS

1. Confirmation of Minutes

Resolved, on the motion of Ms Williams:

That the draft minutes of meeting no. 8 on 15 September 2023 be confirmed.

2. Correspondence

Received:

1. Letter from the Hon. Stephen Lawrence, MLC, dated 20 September 2023, to the Chair informing him that the Legislative Council Privileges Committee has commenced its review of the Independent Complaints Officer.

Resolved, on the motion of Ms Voltz:

That the Committee notes the correspondence, and lists it for discussion at a subsequent meeting.

Sent:

1. Nil.
-

3. Complaint received by the Independent Complaints Officer from the Honourable Bronnie Taylor, MLC

On 21 September 2023, the Independent Complaints Officer (ICO), Ms Rose Webb, forwarded to the Clerk of the Legislative Assembly a complaint she received from the Honourable Bronnie Taylor, MLC, Deputy Leader of the Nationals, and forwarded to the Committee the report that the ICO had compiled in response.

On the same day, the ICO forwarded to the Clerk of the Legislative Assembly a letter she received from the Premier in relation to the complaint made by the Honourable Bronnie Taylor, MLC.

Following receipt of the complaint and the letter from the Premier, the Office of the Clerk contacted members of the Committee on behalf of the Chair, to convene an urgent meeting.

In accordance with Clause 1(a) of the resolution establishing the Committee, the Committee is appointed to "receive and consider reports from the Independent Complaints Officer and to undertake such other functions as are referred to in the resolution establishing the Independent Complaints Officer".

Discussion ensued.

Resolved unanimously, on the motion of Ms Saffin:

-
- That the Committee upholds the appeal of the Premier on the grounds that the Independent Complaints Officer did not have jurisdiction in this matter, noting Clause 16.1 of the ICO protocol, which states that:

16. Complaints that relate to the conduct of the Legislative Council or Legislative Assembly or their committees

16.1 Under the resolutions, the ICO cannot receive or investigate complaints related to conduct in proceedings of the Legislative Council or Legislative Assembly or their committees. This includes conduct during parliamentary sittings, committee hearings and the deliberations of committees. Should such a complaint be made to the ICO the complainant will be referred to the relevant authorities such as the Presiding Officers, the Clerks or the Committee Chairs.

- That the Committee will examine the conduct of the investigation as part of the 12-month review of the ICO for the purpose of providing clarity and guidance for the ICO on pathways when dealing with any matters that may fall outside jurisdiction.
- That the Committee will return the report to the Independent Complaints Officer following its upholding of the Premier's appeal, and that a copy of the correspondence could be provided by the Independent Complaints Officer to Ms Taylor and the Premier.

Ms Voltz departed the meeting at 2:26pm.

Ms Williams further noted that, prior to the completion of the 12-month review of the Independent Complaints Officer system, the committee should seek to provide the ICO with an indicative referral pathway to be followed if any similar matters should arise.

4. General business

None.

5. Next meeting

Committee Secretariat to contact Members' offices to confirm a suitable time and date for the next meeting.

The meeting was adjourned at 2:36pm.

Minutes of meeting no. 10

TIME & DATE	9:00 AM MONDAY, 16 OCTOBER 2023	LOCATION	ROOM 1254 AND WEBEX
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MEMBERS PRESENT

Mr Alex Greenwich MP (Chair), Ms Janelle Saffin MP (Deputy Chair), the Hon. Leslie Williams MP, Ms Lynda Voltz MP (from 9:27am) (*via Webex*).

Apologies: Mr Jason Li MP

OFFICERS PRESENT

Ms Helen Minnican, Clerk of the Legislative Assembly; Ms Carly Maxwell, Deputy Clerk of the Legislative Assembly; Mr Todd Buttsworth, Director, House and Procedure & Deputy Serjeant-at-arms; Mr Alex O'Brien, Senior Advisor, Office of the Clerk; Mrs Rickee Murray, Parliamentary Officer, Office of the Clerk; and Miss Jessica Zhang, Parliamentary Officer, Office of the Clerk.

The Chair opened the meeting at 9:08am.

AGENDA ITEMS

1. Confirmation of Minutes

Resolved, on the motion of Ms Saffin:

That the draft minutes of meeting no. 9 on 22 September 2023 be confirmed.

2. Correspondence

1. Email from the Member for Kiama to the Chair, dated 6 October 2023, in response to the email sent by the Chair the same day (see "Sent" below) requesting a meeting with the Committee to discuss his concerns about the Independent Complaints Officer (ICO) system.

Sent:

2. Letter from the Chair to the Independent Complaints Officer, Ms Rose Webb, dated 22 September 2023, notifying her that the Committee unanimously resolved at its meeting of the same date to:
 - a. Uphold the Premier's appeal on the grounds that the Independent Complaints Officer did not have jurisdiction to determine the complaint made by the Hon. Bronnie Taylor MLC; and
 - b. Examine the conduct of the investigation as part of its 12-month review.

In accordance with the Committee's resolution, the letter to Ms Webb noted that a copy of the letter could be provided to Ms Taylor and the Premier.

3. Emails from the Chair to Members of the Legislative Assembly and other key stakeholders (referred to in the minutes of the meeting of 15 September 2023), dated 6 October 2023, seeking submissions by 29 October 2023 in relation to the 12-month review of the ICO system.
-

3. ***

4. Review of the Independent Complaints Officer System

In accordance with the resolution of the Committee at the last meeting, the review of the ICO system will permit the Committee to review the ICO's investigation processes, including the complaint made by the Hon. Bronnie Taylor, MLC, and those raising questions of parliamentary privilege, for the purpose of providing clarity and guidance for the ICO on pathways when dealing with any matters that may fall outside jurisdiction.

As noted in item 2 above:

1. The Committee has sought submissions by 29 October 2023 in relation to the review of the Independent Complaints Officer system. While a submission was sought from the Public Service Association, the Committee has not considered whether submissions should be sought directly from members of staff at the Parliament.
2. Mr Ward MP has sought to discuss his concerns with the ICO system in person.

As noted at the last meeting, this Committee received a letter from the Hon. Stephen Lawrence, MLC, dated 20 September 2023, to the Chair informing him that the Legislative Council Privileges Committee has commenced its review of the Independent Complaints Officer. This Committee has sought a submission from Mr Lawrence as one of the key stakeholders to its review.

Discussion ensued.

Resolved, on the motion of Ms Williams, that the Secretariat:

1. Contact the Member for Kiama to confirm his availability to meet with the Committee on the next occasion.
 2. Contact the Leader of the House and Manager of Opposition Business to see whether they wish to meet with the Committee in relation to the ICO system and, if so, confirm their availability.
 3. Email all Members of the Legislative Assembly, further to the email sent on 6 October 2023, notifying them of additional options to provide feedback on the ICO system through a meeting with the Committee or by making a confidential submission through the Committee's webpage.
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4. Email staff of the Department of the Legislative Assembly and Electorate Office staff, notifying them of the review of the ICO system and inviting confidential submissions through the Committee's webpage.
-

5. ***

6. Next meeting

Committee secretariat to contact Members' offices to confirm a suitable time and date for the next meeting.

The Chair closed the meeting at 9:59am.

Minutes of meeting no. 11

TIME & DATE	3:00 PM WEDNESDAY, 15 NOVEMBER 2023	LOCATION	LA CLERK'S MEETING ROOM (850B) AND WEBEX
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MEMBERS PRESENT

Mr Alex Greenwich MP (Chair), Ms Janelle Saffin MP (Deputy Chair) (*by phone*), the Hon. Leslie Williams MP (*by Webex*), Mr Jason Li MP (*by Webex*), Ms Lynda Voltz MP.

Apologies: Nil.

OFFICERS PRESENT

Ms Helen Minnican (Clerk of the Legislative Assembly), Ms Carly Maxwell (Deputy Clerk of the Legislative Assembly), Mr Todd Buttsworth (Director, House and Procedure & Deputy Serjeant-at-Arms), Mr Alex O'Brien (Senior Advisor, Office of the Clerk), Mrs Rickee Murray (Parliamentary Officer, Office of the Clerk), and Miss Jessica Zhang (Parliamentary Officer, Office of the Clerk).

The Chair opened the meeting at 3:05pm.

AGENDA ITEMS

1. Confirmation of Minutes

Resolved, on the motion of Ms Voltz:

That the draft minutes of meeting no. 10 on 16 October 2023 be confirmed.

2. Correspondence

The Committee noted the following items of correspondence sent in relation to the review of the ICO system:

4. Email to Members of the Legislative Assembly, dated 19 October 2023, advising that the review of the Independent Complaints Officer system is accepting submissions by the following additional pathways: (1) private meetings with the Committee; and (2) the portal on the Committee's webpage.
 5. Email to staff of the Department of the Legislative Assembly, and Electorate Office staff, dated 19 October 2023, inviting submissions to the review of the ICO system.
-

3. Review of the Independent Complaints Officer System

On 29 October 2023, submissions in relation to the review of the ICO system closed. Submissions were received from the following persons:

1. Auditor-General for New South Wales, Ms Margaret Crawford, dated 26 October 2023.
2. Independent Complaints Officer, Ms Rose Webb, dated 27 October 2023.
3. Anti-Discrimination Board of NSW, President, Ms Helen McKenzie, 27 October 2023.
4. NSW Independent Commission Against Corruption, dated 27 October 2023.
5. Anonymous submission of an Electorate Office staff member, dated 27 October 2023.
6. NSW Ombudsman, Mr Paul Miller PSM, dated 27 October 2023.

A short extension of time was granted to one Electorate Office staff member.

Discussed ensued.

The Clerk noted that the Committee would be provided with a briefing note on submissions 2, 4, and 6.

Resolved, on the motion of Ms Voltz:

1. That the Hon. Ron Hoenig MP, Leader of the House, and Mr Gareth Ward MP, the Member for Kiama, are authorised to attend the Committee's meeting on 15 November 2023.
 2. That the Committee publish:
 - a. Submissions No. 1 and 6 with references to certain names and contact details (indicated in the publication table circulated with the meeting papers) redacted.
 - b. Submission No. 2 after the ICO's report for June to August 2023 is tabled in the House.
-

c. Submissions No. 3 and 4 in full.

3. That Submission No. 5 remain confidential to the Committee and not be published.
4. That the Committee consider all the submissions in its report on the Independent Complaints Officer system.

Mr Ward was admitted to the meeting at 3:21pm.

Discussion ensued.

Mr Ward withdrew at 3:36pm.

Mr Hoenig was admitted to the meeting at 3:37pm.

Discussion ensued.

Mr Hoenig withdrew at 3:51pm.

4. ***

5. ***

6. ***

7. Next meeting

The Committee secretariat will contact Members' offices to confirm a suitable date and time for the next meeting, possibly in mid-December.

Chair closed the meeting at 4:10pm.

Minutes of meeting no. 12

TIME & DATE	10:00 AM FRIDAY, 9 FEBRUARY 2024	LOCATION	LA CLERK'S MEETING ROOM (850B) AND WEBEX
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MEMBERS PRESENT

Mr Alex Greenwich MP (Chair), the Hon. Leslie Williams MP, Mr Jason Li MP (*by Webex*), Ms Lynda Voltz MP.

Apologies: Ms Janelle Saffin MP (Deputy Chair).

OFFICERS PRESENT

Ms Helen Minnican (Clerk of the Legislative Assembly), Ms Carly Maxwell (Deputy Clerk of the Legislative Assembly), Mr Todd Buttsworth (Director, House and Procedure & Deputy Serjeant-at-Arms), Mr Alex O'Brien (Senior Advisor, Office of the Clerk), Mrs Rickee Murray (Parliamentary Officer, Office of the Clerk), and Miss Jessica Zhang (Parliamentary Officer, Office of the Clerk).

The Chair opened the meeting at 10:06am.

AGENDA ITEMS

1. Confirmation of Minutes

Resolved, on the motion of Ms Voltz:

That the draft minutes of meeting no. 11 on 15 November 2023 be confirmed.

2. ***

3. ***

4. Review of the Independent Complaints Officer System

On 21 November 2023, the Chair tabled the Independent Complaints Officer (ICO)'s Quarterly Report for June to August 2023. On 4 December 2024, the ICO provided her Quarterly Report for September to November 2023, which was sent to Committee members on 1 February 2024 advising that the Chair would table it on 6 February 2024.

On 22 November 2023, the submissions in relation to the review of the ICO system were published in accordance with the resolutions of the Committee at Meeting No. 11. As previously noted, there are concerns about the submissions made by the ICAC, including its suggestion that the ICO become a "relevant authority" to whom the ICAC can refer matters involving "corrupt conduct" for investigation and reporting back to the ICAC. The Ombudsman has also submitted that the ICO should be a nominated "disclosure officer" within the *Public Interests Disclosure Act 2022* (NSW).

The Secretariat is drafting a report in consultation with the Chair, which will address the ICO's jurisdiction in relation to these issues and other matters raised during the review. The Chair's draft report will be circulated to the Committee in due course.

The Committee discussed various aspects of the inquiry, including the submissions, the outcomes and processes involved in the ICO's investigations, the operation of the ICO scheme in the context of the Broderick Review recommendations and possible areas for reform.

Resolved, on the motion of Ms Voltz:

1. That the Committee write to the Speaker, informing him of the Committee's intention to seek a briefing from Mark Webb, Chief Executive of the Department of Parliamentary Services, on the implementation of the Broderick Review recommendations and related expenditure relevant to the Committee's current inquiries. The purpose of the briefing would be to gather information concerning the implementation of those recommendations supportive of the role of the ICO, including measures to achieve a safe, inclusive and respectful workplace. This information will assist the Committee understand and examine specific recommendations relevant to the inquiry and the broader context for the ICO's work and the efficacy of the role.
2. That, accordingly, the Committee write to Mark Webb, seeking the briefing.
3. That the Committee write to Rose Webb inviting her to a meeting to discuss her submission to the inquiry and her view of her role in greater detail.

5. ***

6. ***

7. ***

8. Next meeting

The Committee agreed that the draft minutes of the meeting would be circulated to ensure concurrence of the Committee prior to the next meeting, scheduled for **3:00pm, Thursday, 29 February 2024** (subject to change in accordance with specific matters arising).

The Chair closed the meeting at 11:03am.

Minutes of meeting no. 13

TIME & DATE	3:00 PM THURSDAY, 29 FEBRUARY 2024	LOCATION	ROOM 1254 AND WEBEX
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MEMBERS PRESENT

Mr Alex Greenwich MP (Chair), Ms Janelle Saffin MP (Deputy Chair) (*by Webex*), the Hon. Leslie Williams MP (*by Webex*), Mr Jason Li MP (*by Webex*), Ms Lynda Voltz MP.

OFFICERS PRESENT

Ms Helen Minnican (Clerk of the Legislative Assembly), Ms Carly Maxwell (Deputy Clerk of the Legislative Assembly), Mr Todd Buttsworth (Director, House and Procedure & Deputy Serjeant-at-Arms), Ms Manuela Sudic (Executive Manager, Office of the Clerk), Mr Alex O'Brien (Senior Advisor, Office of the Clerk), Mrs Rickee Murray (Parliamentary Officer, Office of the Clerk), and Miss Jessica Zhang (Parliamentary Officer, Office of the Clerk).

The Chair opened the meeting at 3:15pm.

AGENDA ITEMS**1. Confirmation of Minutes**

Resolved, on the motion of Ms Voltz:

That the draft minutes of meeting no. 12 on 9 February 2024 be confirmed.

2. Correspondence

The Committee noted the following items of correspondence:

Sent:

- 1.
2. Letter to Ms Rose Webb, Independent Complaints Officer (ICO), dated 16 February 2024, seeking a meeting to discuss the Committee's review of the ICO System.
3. ***

3. ***

4. Review of the Independent Complaints Officer System

On 22 November 2023, the submissions in relation to the review of the ICO system were published in accordance with the resolutions of the Committee at Meeting no. 11. The Committee discussed issues of concern previously noted. The Secretariat advised that it is drafting a report for the Chair's approval, which will be circulated to the Committee in due course.

At Meeting no. 12 on 9 February 2024, the Committee discussed various aspects of the inquiry, including the submissions, the outcomes and processes involved in the ICO's investigations, the operation of the ICO scheme in the context of the Broderick Review recommendations and possible areas for reform.

The Committee noted that Ms Rose Webb and Mr Mark Webb had been unable to accept the Committee's invitation to brief the Committee at the meeting today.

Resolved, on the motion of Ms Voltz:

That the secretariat contact members' offices to confirm another suitable time for the Committee to meet with Mr Webb and Ms Webb.

5. ***

6. ***

7. ***

8. Next meeting

The Committee secretariat undertook to contact Members' offices seeking an earlier date on which to hold Meeting no. 14 (currently scheduled for Thursday 28 March, 3:00pm-4:00pm). In accordance with the Committee's resolution at this meeting under agenda item no. 4, it is anticipated that Meeting no. 14 will include separate meetings with Mr Mark Webb and Ms Rose Webb.

The Chair closed the meeting at 4:31pm.

Minutes of meeting no. 14

TIME & DATE	1:30 PM TUESDAY, 19 MARCH 2024	LOCATION	LA CLERK'S MEETING ROOM (850B) AND WEBEX
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MEMBERS PRESENT

Mr Alex Greenwich MP (Chair), Ms Janelle Saffin MP (Deputy Chair) (*from 1:36pm*), the Hon. Leslie Williams MP, Ms Lynda Voltz MP.

Apologies: Mr Jason Li MP.

OFFICERS PRESENT

Ms Helen Minnican (Clerk of the Legislative Assembly), Ms Carly Maxwell (Deputy Clerk of the Legislative Assembly), Mr Todd Buttsworth (Director, House and Procedure & Deputy Serjeant-at-Arms), Ms Manuela Sudic (Director, Office of the Clerk), Mr Alex O'Brien (Senior Advisor, Office of the Clerk), Miss Jessica Zhang (Parliamentary Officer, Office of the Clerk).

The Chair opened the meeting at 1:34pm.

AGENDA ITEMS

1. Confirmation of Minutes

Resolved, on the motion of Ms Voltz:

That the draft minutes of meeting no. 13 on 29 February 2024 be confirmed.

2. Correspondence

Resolved, on the motion of Ms Voltz:

That the Committee note the following items of correspondence.

Sent:

4. Letter to Mr Mark Webb, Chief Executive, Department of Parliamentary Services, dated 1 March 2024, seeking a meeting to discuss its 12-month review of the Independent Complaints Officer (ICO) system and its inquiry into four recommendations of the Broderick Review that refer directly to the Committee.

COMMITTEE INQUIRIES

3. ***

4. ***

8. Next meeting

The next meeting of the Committee is scheduled for Friday 22 March at 12:00pm.

The Chair closed the meeting at 1:48pm.

Minutes of meeting no. 15

TIME & DATE	3:00 PM MONDAY, 25 MARCH 2024	LOCATION	LA CLERK'S MEETING ROOM (850B) AND WEBEX
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MEMBERS PRESENT

Mr Alex Greenwich MP (Chair), Ms Janelle Saffin MP (Deputy Chair) (*by Webex*), Mr Jason Li MP (from 3:30pm), Ms Lynda Voltz MP (until 4:02pm), the Hon. Leslie Williams MP (until 3:52pm) (*by Webex*).

OFFICERS PRESENT

Ms Helen Minnican (Clerk of the Legislative Assembly), Ms Carly Maxwell (Deputy Clerk of the Legislative Assembly), Mr Todd Buttsworth (Director, House and Procedure & Deputy Serjeant-at-Arms), Mr Alex O'Brien (Senior Advisor, Office of the Clerk), Miss Jessica Zhang (Parliamentary Officer, Office of the Clerk).

The Chair opened the meeting at 3:00pm.

AGENDA ITEMS

1. Confirmation of Minutes

Resolved, on the motion of Ms Voltz:

That the draft minutes of meeting no. 14 on 19 March 2024 be confirmed.

2. ***

COMMITTEE INQUIRIES

3. Review of the Independent Complaints Officer system (2023)

At Meeting no. 12 on 9 February 2024, the Committee discussed various aspects of its 12-month review of the ICO system and its inquiry into four recommendations of the Broderick Review that refer directly to the Committee. Those discussions included the submissions

received to the ICO review, the outcomes and processes involved in the ICO's investigations, the operation of the ICO scheme in the context of the Broderick Review recommendations and possible areas for reform. A draft report on the ICO system is currently being prepared for the Chair's approval taking into account the Committee's concerns.

In accordance with the Committee's resolutions, Ms Rose Webb and Mr Mark Webb were each invited to meet with the Committee.

The Chair noted that he intended to provide Ms Webb and Mr Webb with the opportunity to take some questions on notice.

Resolved, on the motion of Ms Saffin:

1. That Ms Rose Webb, Independent Complaints Officer, be authorised to attend the Committee's meeting on 25 March 2024.
2. That Mr Mark Webb, Chief Executive, Department of Parliamentary Services, be authorised to attend the Committee's meeting on 25 March 2024.

Ms Webb was admitted to the meeting at 3:02pm.

The Committee and Ms Webb discussed the operation of the ICO system to date and potential changes to the system going forward. Topics of discussion included:

- Circumstances under which the ICO would seek advice from the Committee regarding a complaint;
- The ICO's role in mediation; and
- The ICO's role in referring complainants on to alternate pathways to resolve their issue.

Mr Li joined the meeting at 3:30pm.

The Chair stated that the Committee would write to Ms Webb following this meeting with supplementary questions arising from the discussion.

Ms Webb withdrew at 3:36pm.

Mr Webb was admitted to the meeting at 3:37pm.

The Committee and Mr Webb discussed the implementation of the Broderick Review recommendations and related expenditure relevant to the Committee's current review of the ICO system.

Mr Webb indicated that he would provide the Committee with the following information following this meeting:

- The total cost of the RISE (Respect, Inclusion, Safety and Effectiveness) training program so far;
- Breakdown of the Parliament's budget for the implementation of the Broderick Review recommendations over 4 years;
- Breakdown of expenses incurred to date in the 2023-2024 Financial Year in implementing the Broderick Review recommendations; and
- Breakdown of the expenditure incurred in implementing each of the Broderick Review recommendations.

The Chair stated that the Committee would write to Mr Webb following this meeting with supplementary questions arising from the discussion.

Ms Williams departed from the meeting at 3:52pm.

Ms Voltz departed from the meeting at 4:05pm.

Mr Webb withdrew at 4:13pm.

4. ***

5. ***

6. ***

7. Next meeting

The Secretariat to seek the availability of Members for Meeting no. 16 on 26 April 2024 or 29 April 2024.

The Chair closed the meeting at 4:20pm.

Minutes of meeting no. 16

TIME & DATE	11:00 AM MONDAY, 13 MAY 2024	LOCATION	LA CLERK'S MEETING ROOM (850B) AND WEBEX
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MEMBERS PRESENT

Mr Alex Greenwich MP (Chair), Ms Janelle Saffin MP (Deputy Chair), Ms Lynda Voltz MP.

Apologies: The Hon. Leslie Williams MP and Mr Jason Li MP.

OFFICERS PRESENT

Ms Helen Minnican (Clerk of the Legislative Assembly), Ms Carly Maxwell (Deputy Clerk of the Legislative Assembly), Mr Todd Buttsworth (Director, House and Procedure & Deputy Serjeant-at-Arms), Mr Alex O'Brien (Senior Advisor, Office of the Clerk), Miss Jessica Zhang (Senior Parliamentary Officer, Office of the Clerk).

The Chair opened the meeting at 11:06am.

AGENDA ITEMS

1. Confirmation of Minutes

The Clerk advised the Committee of a number of late amendments to the draft minutes of meeting no. 15, which were sent to the Chair prior to the commencement of this meeting.

Resolved, on the motion of Ms Voltz:

That the draft minutes of meeting no. 15 on 25 March 2024, as amended, be confirmed.

2. Correspondence

The Committee noted the following items of correspondence.

Sent:

1. Letter to Ms Rose Webb, dated 5 April 2024, requesting responses to questions relevant to the Committee's review of the Independent Complaints Officer (ICO) system.
2. Letter to Mr Mark Webb, Chief Executive of the Department of Parliamentary Services, dated 5 April 2024, requesting responses to questions relevant to the Committee's review of the ICO system and its inquiry into relevant recommendations of the Broderick Review.

Received:

3. Email from Ms Rose Webb, dated 15 April 2024, providing responses to the above request.
4. Letter from Mr Mark Webb, dated 29 April 2024, providing responses to the above request.

COMMITTEE INQUIRIES

3. Review of the Independent Complaints Officer system (2023)

The Committee noted Ms Webb's responses to questions on notice dated 15 April 2024.

The Committee noted Mr Webb's responses to questions on notice received on 29 April 2024.

Discussion ensued.

The Clerk informed the Committee of her intention to provide a response.

4. ***

6. ***

8. Next meeting

Scheduled for Monday 17 June at 9:00am.

The Chair closed the meeting at 12:02pm.

Minutes of meeting no. 17

TIME & DATE	9:00 AM MONDAY, 17 JUNE 2024	LOCATION	LA CLERK'S MEETING ROOM (850B) AND WEBEX
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MEMBERS PRESENT

Mr Alex Greenwich MP (Chair), Ms Janelle Saffin MP (Deputy Chair), Ms Lynda Voltz MP (from 9:05am), Mr Jason Li MP (*via Webex*).

Apologies: The Hon. Leslie Williams MP.

OFFICERS PRESENT

Ms Helen Minnican (Clerk of the Legislative Assembly), Ms Carly Maxwell (Deputy Clerk of the Legislative Assembly), Ms Manuela Sudic (Director, Office of the Clerk), Mr Todd Buttsworth (Director, House and Procedure & Deputy Serjeant-at-Arms), Mr Alex O'Brien (Senior Advisor, Office of the Clerk), Miss Jessica Zhang (Senior Parliamentary Officer, Office of the Clerk).

The Chair opened the meeting at 9:02am.

AGENDA ITEMS

1. Confirmation of Minutes

Resolved, on the motion of Ms Saffin:

That the draft minutes of meeting no. 16 on 17 June 2024 be confirmed.

2. ***

COMMITTEE INQUIRIES

3. Review of the Independent Complaints Officer system (2023)

The Independent Complaints Officer's quarterly report to the Committee for the period 1 March 2024 to 31 May 2024, circulated as part of the meeting papers, was tabled in the House by the Chair on 5 June 2024.

The Committee noted that the Chair's draft report is currently being prepared.

The Clerk advised the Committee that she has a written response drafted on certain aspects of Mr Webb's responses to Questions on notice, confirming her earlier informal advice, and would provide the response to the Committee for its next committee meeting.

Ms Voltz joined the meeting at 9:05am.

4. ***

6. ***

6. General business

The Clerk raised the question of the Ombudsman's jurisdiction in relation to the Parliament, which had arisen in relation to both the Ombudsman's submission to the ICO review and the related development of the new Parliament-wide Bullying, Sexual Harassment and Sexual Misconduct Policy, following on from the recommendations in the Broderick Review. Discussion ensued.

Resolved, on the motion of Ms Voltz:

That the Committee obtain independent legal advice on the extent of the Ombudsman jurisdiction with respect to the House and its members and officers, with particular reference to matters raised in the Ombudsman's submission, including in relation to the making of public interest disclosures about maladministration and the role of the ICO, and procedures for handling allegations of bullying, sexual harassment and sexual misconduct by Members of Parliament.

The Clerk was directed to draft instructions and engage the barrister, subject to the approval of the questions the subject of the advice, and to subsequently arrange a conference for the Chair and interested members, in accordance with previous procedures.

The Chair informed the Committee that the Clerk has written to the Chair of the Parliamentary Advisory Group on Bullying, Sexual Harassment and Serious Misconduct (PAG), advising on the progress of the Committee's inquiries responding to the Broderick Review recommendations.

The Committee agreed that it would accept any further correspondence from the PAG in relation to its current Review of the Independent Complaints Officer System (2023) as correspondence.

8. Next meeting

The committee secretariat will contact Members' offices to seek availability for the next meeting.

The Chair closed the meeting at 9:26am.

Minutes of meeting no. 18

TIME & DATE	2:00 PM MONDAY, 12 AUGUST 2024	LOCATION	ROOM 1254 AND WEBEX
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MEMBERS PRESENT

Mr Alex Greenwich MP (Chair), Ms Janelle Saffin MP (Deputy Chair), Ms Lynda Voltz MP, Mr Jason Li MP, the Hon. Leslie Williams MP

Apologies: None received.

OFFICERS PRESENT

Ms Helen Minnican (Clerk of the Legislative Assembly), Ms Carly Maxwell (Deputy Clerk of the Legislative Assembly), Ms Manuela Sudic (Director, Office of the Clerk), Mr Todd Buttsworth (Director, House and Procedure & Deputy Serjeant-at-Arms), Mr Alex O'Brien (Senior Advisor, Office of the Clerk), Miss Jessica Zhang (Senior Parliamentary Officer, Office of the Clerk).

The Chair opened the meeting at 2:03pm.

AGENDA ITEMS

1. Confirmation of Minutes

Resolved, on the motion of Ms Voltz:

That the draft minutes of meeting no. 17 on 17 June 2024 be confirmed.

2. Correspondence

The Committee noted the following items of correspondence.

Received:

1. Letter from Dr Juliet Bourke, Chair of the Parliamentary Advisory Group on Bullying, Sexual Harassment and Serious Misconduct (**PAG**), dated 22 July 2024, enclosing

correspondence for the Committee to consider as part of its review of the Independent Complaints Officer (ICO) system.

Sent:

2. Letter to the President of Anti-Discrimination NSW, Ms Helen McKenzie, dated 2 August 2024, seeking a meeting to discuss the Committee's review of the ICO system.

COMMITTEE INQUIRIES

3. Review of the Independent Complaints Officer system (2023)

3.1 Matters raised in the NSW Ombudsman's submission to the inquiry

The Committee is scheduled for a conference with Perry Herzfeld SC and the instructing solicitors from Herbert Smith Freehills in relation to independent legal advice sought by the Clerk in accordance with the Committee's resolution at Meeting no. 17 on 17 June 2024.

The Clerk advised the Committee that she will prepare a briefing note on key issues arising from the draft advice for circulation prior to the conference on 27 August 2024.

3.2 Correspondence from Dr Juliet Burke (Chair of PAG)

On 22 July 2024, the Committee received correspondence from Dr Juliet Bourke, Chair of the PAG, dated 22 July 2024, enclosing correspondence for the Committee to consider as part of its review of the ICO system (see item 2.1).

The Committee noted that the correspondence was addressed to the Committee from the Chair of the PAG on behalf of all PAG members.

3.3 Clerk's input

The Clerk produced further information in relation to Mr Mark Webb's written responses to questions on notice from the Committee regarding the ICO system dated 29 April 2024.

3.4 Meeting with President of Anti-Discrimination NSW and support staff

Resolved, on the motion of Ms Williams:

That Ms Helen McKenzie, President of Anti-Discrimination NSW, and Ms Lynette Byrnes, Manager Enquiries & Conciliation at Anti-Discrimination NSW, be authorised to attend the Committee's meeting on 12 August 2024.

Ms McKenzie and Ms Byrnes were admitted to the meeting at 2:11pm.

Discussion ensued.

Ms McKenzie and Ms Byrnes withdrew at 2:31pm.

4. ***

6. ***

6. ***

8. Next meeting

The Chair closed the meeting at 2:56pm.

Meeting no. 19 is scheduled for Tuesday, 27 August 2024 at 9:00am.

Minutes of meeting no. 19

TIME & DATE	9:00 AM TUESDAY, 27 AUGUST 2024	LOCATION	HERBERT SMITH FREEHILLS, 161 CASTLEREAGH ST, SYDNEY, AND MICROSOFT TEAMS
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MEMBERS PRESENT

Mr Alex Greenwich MP (Chair), Ms Lynda Voltz MP, Mr Jason Li MP (*via MS Teams*), the Hon. Leslie Williams MP (*via MS Teams*).

Apologies: Ms Janelle Saffin MP (Deputy Chair).

OFFICERS PRESENT

Ms Helen Minnican (Clerk of the Legislative Assembly), Ms Carly Maxwell (Deputy Clerk of the Legislative Assembly), Mr Todd Buttsworth (Director, House and Procedure & Deputy Serjeant-at-Arms), Mr Alex O'Brien (Senior Advisor, Office of the Clerk).

The Chair opened the meeting at 9:10am.

AGENDA ITEMS

1. Review of the Independent Complaints Officer System

Conference with Mr Perry Herzfeld SC, Mr Mark Smyth, Partner, Herbert Smith Freehills, and Mr George Napier, Solicitor, Herbert Smith Freehills, concerning legal advice sought by the

Committee for the inquiry, in accordance with the resolution passed at Meeting no. 17 on 17 June 2024.

Written draft advice by Mr Herzfeld SC and Ms Christine Ernst of Counsel—concerning the matters raised in the Ombudsman’s submission was provided to the Clerk on 6 August 2024.

The Clerk circulated a briefing note summary of the draft advice provided by the Solicitor to Members on 24 August 2024.

Mr Herzfeld SC gave an oral overview of the draft legal advice.

Discussion ensued.

2. Next meeting

The Chair closed the meeting at 10:11am.

Meeting no. 20 is scheduled for Thursday, 5 September 2024 at 2:00pm.

Minutes of meeting no. 20

TIME & DATE	2:00 PM THURSDAY, 5 SEPTEMBER 2024	LOCATION	LA CLERK'S MEETING ROOM (850B) AND WEBEX
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MEMBERS PRESENT

Mr Alex Greenwich MP (Chair), Ms Lynda Voltz MP, the Hon. Leslie Williams MP (*by phone*).

Apologies: Ms Janelle Saffin MP (Deputy Chair), Mr Jason Li MP.

OFFICERS PRESENT

Ms Helen Minnican (Clerk of the Legislative Assembly), Ms Carly Maxwell (Deputy Clerk of the Legislative Assembly), Ms Manuela Sudic (Director, Office of the Clerk), Mr Alex O'Brien (Senior Advisor, Office of the Clerk), Miss Jessica Zhang (Senior Parliamentary Officer, Office of the Clerk).

The Chair opened the meeting at 2:07pm.

AGENDA ITEMS

1. Confirmation of Minutes

Resolved, on the motion of Ms Voltz:

That the draft minutes of Meeting no. 18 on 12 August 2024 and Meeting no. 19 on 27 August 2024 be confirmed.

2. Correspondence

The Committee noted the following item of correspondence.

Sent:

1. Letter from the Chair to Dr Juliet Bourke, Chair of the Parliamentary Advisory Group on Bullying, Sexual Harassment and Serious Misconduct (PAG), dated 29 August 2024, acknowledging her correspondence, dated 22 July 2024, regarding the Committee's Review of the Independent Complaints Officer (ICO) system.
-

COMMITTEE INQUIRIES

3. Review of the Independent Complaints Officer system (2023)

On 21 August 2023, in accordance with Clause 9 of the resolution establishing the Independent Complaints Officer, the Committee commenced its review of the ICO system.

The Deputy Clerk provided an oral briefing on the Legislative Council Privileges Committee's report on its Review of the Independent Complaints Officer (2023), tabled on 2 September 2024.

The Committee considered possible models for reforming the ICO system.

Discussion ensued.

The Committee agreed to discuss the proposed models in greater depth at its next meeting.

4. ***

6. ***

6. ***

8. Next meeting

The Secretariat will contact Members' offices to seek availability for the next meeting on a suitable day in October.

The Chair closed the meeting at 2:48pm.

Minutes of meeting no. 21

TIME & DATE	3:30 PM THURSDAY, 3 OCTOBER 2024	LOCATION	LA CLERK'S MEETING ROOM (850B) AND WEBEX
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MEMBERS PRESENT

Mr Alex Greenwich MP (Chair), Ms Lynda Voltz MP, the Hon. Leslie Williams MP (*by Webex*), Mr Jason Li MP (*by Webex*).

Apologies: Ms Janelle Saffin MP (Deputy Chair).

OFFICERS PRESENT

Ms Helen Minnican (Clerk of the Legislative Assembly) (*by Webex*), Ms Carly Maxwell (Deputy Clerk of the Legislative Assembly) (*by Webex*), Ms Manuela Sudic (Director, Office of the Clerk) (*by Webex*), Mr Alex O'Brien (Senior Advisor, Office of the Clerk), Miss Jessica Zhang (Senior Parliamentary Officer, Office of the Clerk).

The Chair opened the meeting at 3:32pm.

AGENDA ITEMS**1. Confirmation of Minutes**

Resolved, on the motion of Ms Voltz:

That the draft minutes of Meeting no. 20 on 5 September 2024 be confirmed.

2. ***

COMMITTEE INQUIRIES**3. *****

4. Review of the Independent Complaints Officer System (2023)

On 21 August 2023, in accordance with Clause 9 of the resolution establishing the Independent Complaints Officer, the Committee commenced its review of the ICO system.

The Committee noted that the Chair's draft report is currently being prepared.

6. ***

8. Next meeting

Meeting no. 22 is scheduled for Thursday, 17 October 2024 at 1:30pm.

The Chair closed the meeting at 3:55pm.

Unconfirmed Minutes of meeting no. 28

TIME & DATE	1:30 PM TUESDAY 6 MAY 2025	LOCATION	ROOM 1254
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MEMBERS PRESENT

Mr Alex Greenwich MP (Chair), Ms Lynda Voltz MP, Mr Jason Li MP, Mr James Griffin MP, Ms Jo Haylen MP.

Apologies: Nil.

OFFICERS PRESENT

Ms Helen Minnican (Clerk of the Legislative Assembly), Ms Carly Maxwell (Deputy Clerk of the Legislative Assembly), Ms Alice Zwar (Committee Manager, House and Procedure), Miss Jessica Zhang (Senior Parliamentary Office, Office of the Clerk).

The Chair opened the meeting at 1:41pm.

AGENDA ITEMS

1. ***

2. Confirmation of Minutes

Resolved, on the motion of Mr Li:
That the draft minutes of Meeting no. 27 on 17 March 2025 be confirmed.

3. ***

4. ***

COMMITTEE INQUIRIES

5. Review of the Independent Complaints Officer System (2023)

The Chair referred to the Chair's draft report entitled *Review of the Independent Complaints Officer System (2023)* ('the Chair's draft report'), which was circulated to Members as part of the meeting papers on 1 May 2025.

Resolved, on the motion of Mr Griffin, seconded by Mr Li:

- a) That the Committee consider the Chair's draft report, in globo.
 - b) That the Committee adopt the Chair's draft report, subject to the words: 'That the resolution establishing the ICO be amended so that an individual can make a complaint to the ICO up until ? days (rather than 21 days) following the end of their employment' in Recommendation 2 being deleted and replaced with the words: 'That the resolution establishing the ICO be amended so that an individual can make a complaint to the ICO up until 90 days (rather than 21 days) following the end of their employment'.
 - c) That the Chair's draft report be the report of the Committee, and that it be signed by the Chair and tabled in the House on an appropriate sitting day in May 2025.
 - d) That the Secretariat be permitted to make appropriate final stylistic changes and correct typographical and grammatical errors as required.
 - e) That, once tabled, a copy of the report be published on the Committee's webpage.
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6. ***

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9. Next meeting

The Chair closed the meeting at 2:05pm.

The Secretariat will contact Members' offices to seek availability to hold the next meeting during the June sitting period.
