

Standing Committee on  
Parliamentary Privilege and Ethics



LEGISLATIVE  
ASSEMBLY

## Draft Constitution (Disclosures by Members) Regulation 2025



Report 7/58 – October 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

I am pleased to present the Committee's report, its seventh of the 58th Parliament, which examines the Draft Constitution (Disclosures by Members) Regulation 2025 (2025 Draft Regulation). The Committee's report is made in response to the referral from the House, pursuant to subsection 14A(5) of the Constitution, which provides for the making of representations to the Governor before the regulations are made.

The Committee published its report examining the previous version of the Draft Regulation, the Draft Constitution (Disclosures by Members) Regulation 2024 (2024 Draft Regulation) in August 2024. The 2025 Draft Regulation implements seven of the eight recommendations made by the Committee in its report on the 2024 Draft Regulation. It also is drafted in terms that reflect the agreement reached between the Chief Commissioner of the ICAC, the Hon. John Hatzistergos AM, the Chair of the Legislative Council's Privileges Committee, the Hon. Stephen Lawrence MLC and myself as Chair of the Committee on 15 November 2024.

I wish to highlight the progress the 2025 Draft Regulation makes to improving the transparency and useability of the pecuniary interest disclosure scheme. The electronic register for the publication of Members' pecuniary interests provided for under the 2025 Draft Regulation is a disclosure scheme with ongoing currency that will be searchable and publicly accessible. It also will include disclosure requirements in relation to trusts, superannuation funds, water access licenses and related interests.

Having carefully scrutinised the 2025 Draft Regulation, the Committee makes six recommendations concerning details of the scheme that aim to ensure more comprehensive record keeping, provide clarity for Members using the scheme, and aid the Parliamentary Ethics Adviser and the Independent Complaints Officer in the performance of their important roles and functions. This includes recommendations around:

- the tabling of the online register, Members' annual declarations and first interest disclosure returns
- exempting returning members from the requirement to lodge an interest disclosure return following each General Election
- including guidance notes and examples in the interest disclosure form
- requiring departing Members to complete a final declaration before they conclude their term as Member of Parliament
- providing the Parliamentary Ethics Adviser and the Independent Complaints Officer with ongoing access to the confidential register.

It is critical that throughout the transition to the new scheme, that Members receive the support and assistance necessary to ensure compliance with the new requirements, particularly given the serious consequences that can apply to non-compliance.

On behalf of the Committee, I would like to thank the Chair of the Legislative Council's Privileges Committee and the Chief Commissioner of the ICAC for their contributions towards

settling key aspects of the new scheme. There will be further consultation as the draft regulation is implemented and the Committee undertakes the review of the Code of Conduct for Members of the Legislative Assembly, which is required to be completed before the end of the parliamentary term.

I am grateful to Members of the Committee for their collaborative approach to this inquiry. I thank the Clerk of the Legislative Assembly and the Secretariat for their advice and support. Finally, I take this opportunity to thank the Clerk as Registrar and the staff of the Clerk's Office who work to maintain the pecuniary interest register.

I commend the Committee's report to the House.

**Mr Alex Greenwich MP**

Chair

# Findings and recommendations

## Finding 1 \_\_\_\_\_ 5

The Draft Constitution (Disclosure by Members) Regulation 2025 allows for an electronic register for the publication of Members' pecuniary interests, which is now a continuous disclosure scheme. Additional disclosure requirements are also included, for example in relation to trusts, superannuation funds, water access licenses and related interests. These measures will improve the transparency and useability of the scheme.

## Recommendation 1 \_\_\_\_\_ 6

The regulations should include a requirement for the online register and Members' annual declarations to be tabled together, in the relevant House at the first available opportunity after the lodgement of annual declarations. Further, the regulations should include a requirement for the first interest disclosure return by a Member to be tabled as soon as possible after the required lodgement date under the proposed regulation.

## Recommendation 2 \_\_\_\_\_ 8

That clause 5(1) of the regulations be amended to exempt returning members from the requirement to lodge an interest disclosure return within 1 month of the date on which the Houses first assemble after each General Election, consistent with the distinction drawn between new and returning members in relation to primary returns under clause 4 of the Current Regulation.

## Recommendation 3 \_\_\_\_\_ 9

The regulations should provide guidance notes and examples in the interest disclosure form to provide for further guidance to Members on the completion of their returns.

## Recommendation 4 \_\_\_\_\_ 10

The regulations should require departing Members to complete an annual declaration before they conclude their term as Member of Parliament irrespective of when they conclude, or the circumstances around the end of their membership.

## Recommendation 5 \_\_\_\_\_ 11

That clause 23(3) of the 2025 Draft Regulation be amended to include reference to a further category of persons, being a person appointed by resolution of the House to undertake duties relating to the provision of advice to individual Members concerning their interests or the handling of matters, including complaints, relating to the register of Members' interests.

## Recommendation 6 \_\_\_\_\_ 11

That the House amend the resolutions establishing the roles of Parliamentary Ethics Adviser and Independent Complaints Officer to provide those roles with access to the confidential register required by clause 21(1b) of the 2025 Draft Regulation.

# Chapter One – Overview

## Background

1.1 All Members of the NSW Legislative Assembly are required to disclose their pecuniary interests under the Constitution (Disclosures by Members) Regulation 1983 (**Current Regulation**). The Clerk maintains a register of these disclosures, which is tabled annually in the House.

1.2 The Current Regulation was last updated in 2010.<sup>1</sup>

## 2024 Draft Regulation

1.3 The Committee reported on the earlier revised draft version of the regulation, the Draft Constitution (Disclosures by Members) Regulation 2024 (**2024 Draft Regulation**) in August 2024.<sup>2</sup>

1.4 The 2024 Draft Regulation was enclosed to the Committee on 6 February 2024 by letter from the Premier, the Hon. Chris Minns MP. In his letter, the Premier referred to the July 2022 report of the Independent Commission Against Corruption (**ICAC**), entitled Investigation into the Conduct of the Local Member for Drummoyne (**Operation Witney report**). The Operation Witney report recommended that the NSW Government, in consultation with this Committee, amend the Current Regulation to require a range of additional disclosures by Members of Parliament.

1.5 Following the Operation Witney report, the Parliament passed the *Integrity Legislation Amendment Act 2022* (NSW) in November 2022. The amendments were said to 'to lay the groundwork' for the implementation of the former Government's response to the ICAC's recommendations, and to 'provide clarity and certainty' around the powers needed to implement them.<sup>3</sup>

1.6 The 2024 Draft Regulation intended to implement the ICAC's recommendations in the Operation Witney report.<sup>4</sup>

1.7 In the Committee's report on the 2024 Draft Regulation, it made eight recommendations around amendments to the 2024 Draft Regulation.<sup>5</sup>

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<sup>1</sup> The [Constitution \(Disclosures by Members\) Amendment \(De Facto Relationships\) Regulation 2010](#) (NSW) entered into force on 17 December 2010.

<sup>2</sup> Standing Committee on Parliamentary Privilege and Ethics, [Draft Constitution \(Disclosures by Members\) Regulation 2024](#), report 3/58, Parliament of New South Wales, August 2024.

<sup>3</sup> NSW Legislative Assembly, [Parliamentary Debates \(Hansard\)](#), 9 November 2022, Integrity Legislation Amendment Bill 2022 (Mr Alister Henskens SC MP – Second Reading Debate), p. 9143.

<sup>4</sup> Responses of the Cabinet Office to Questions on Notice, 15 March 2024, pp. 1–2.

<sup>5</sup> Standing Committee on Parliamentary Privilege and Ethics, [Draft Constitution \(Disclosures by Members\) Regulation 2024](#), report 3/58, Parliament of New South Wales, August 2024.

- 1.8 The Legislative Council's Privileges Committee tabled its report on the 2024 Draft Regulation in September 2024.<sup>6</sup>
- 1.9 On 15 November 2024, the Chief Commissioner of the ICAC, the Hon. John Hatzistergos AM, the Chair of this Committee, Alex Greenwich MP, the Chair of the Legislative Council's Privileges Committee, and the Hon. Stephen Lawrence MLC (accompanied by the Clerk of each House) met to discuss the potential for agreement around those areas of the 2024 Draft Regulation that had been the subject of different approaches by each Committee and the Commission. Subsequently, Mr Greenwich wrote to the Premier confirming the basis for the consensus reached at the meeting, a copy of which was forwarded to the Chair of the Legislative Council's Privileges Committee and the Chief Commissioner (copy of correspondence, dated 21 November 2024, is attached at Appendix One).
- 1.10 The Premier wrote to the Committee on 11 February 2025 advising that a Government response to the Committee's recommendation would be provided 'in the coming weeks'.<sup>7</sup>

#### *2025 Draft Regulation*

- 1.11 On 19 August 2025, the Premier, the Hon. Chris Minns MP, wrote to the Committee enclosing:
- (1) a revised Draft Constitution (Disclosures by Members) Regulation 2025 (**2025 Draft Regulation**)<sup>8</sup>
  - (2) a Government response to report 3/58 of the Legislative Assembly Parliamentary Privilege and Ethics Committee 'Draft Constitution (Disclosures by Members) Regulation 2024'<sup>9</sup>
  - (3) Implementation of Government response to report no. 96 of the Legislative Council Privileges Committee 'Draft Constitution (Disclosures by Members) Regulation 2024'.<sup>10</sup>
- 1.12 The 2025 Draft Regulation implements seven of the eight recommendations made by the Committee in its report on the 2024 Draft Regulation. It also is drafted in terms that reflect the agreement reached with the Chief Commissioner on 15 November 2024.
- 1.13 On 15 September 2025, the Acting Chief Commissioner of the ICAC, the Hon. Helen Murrell SC, wrote to the Premier acknowledging receipt of the 2025 Draft Regulation and noting progress made in relation to:
- Continuous pecuniary interest disclosure requirements for Members

<sup>6</sup> Privileges Committee, [Draft Constitution \(Disclosures by Members\) Regulation 2024](#), report 96, Parliament of New South Wales, September 2024.

<sup>7</sup> [Correspondence](#) from the Premier to the Chair of the Standing Committee on Privileges and Ethics and the Clerk of the Legislative Assembly, 11 February 2025.

<sup>8</sup> [Draft Constitution \(Disclosures by Members\) Regulation 2025](#) (2025 Draft Regulation).

<sup>9</sup> [Government Response to report 3/58 of the Standing Committee on Privileges and Ethics](#), 19 August 2025.

<sup>10</sup> [Government Response to report 96 of the Privileges Committee](#), 19 August 2025.

- an electronic register for the publication of Members' pecuniary interests
- additional disclosure requirements relating to trusts, superannuation funds and other beneficial interests, and
- omitting the reference to the use of a Member's parliamentary position to provide services.<sup>11</sup>

1.14 The Commission further noted that the 2025 Draft Regulation does not require the disclosure of:

- interests of immediate family members
- conflicts of interest (which are to be disclosed at the discretion of the Member).

1.15 It went on to suggest that the disclosure of the interests of immediate family members could be made on the same confidential register created for the purpose of disclosing the addresses of parcels of tenanted real property.

1.16 The Committee notes that both of these matters were discussed at the meeting held on 15 November 2024 and the Committee is confident that, as conveyed by the Chair in his correspondence to the Premier, there are appropriate mechanisms available for each House to adopt. In particular, there will be an opportunity for this Committee to examine a scheme around conflicts of interest for Members when it undertakes the review of the Legislative Assembly's Members' Code of Conduct, as required before the end of this Parliament.

### Terms of reference

1.17 Subsection 14A(5) of the *Constitution Act 1902* (NSW), and the House's resolution of 17 November 2022, affords this Committee the opportunity of 'considering and making representations with respect to' the 2025 Draft Regulation.<sup>12</sup>

1.18 On 16 September 2025, the 2025 Draft Regulation was tabled in the House. The Legislative Assembly then referred an inquiry to the Committee on the motion of the Hon. Ron Hoenig MP, Leader of the House, with the following terms of reference:

- (a) That under section 14A of the *Constitution Act 1902* (NSW), the Draft Constitution (Disclosures by Members) Regulation 2025 be referred to the Parliamentary Privilege and Ethics Committee for inquiry and report by 13 October 2025.

<sup>11</sup> [Submission 1](#) – NSW Independent Commission Against Corruption.

<sup>12</sup> Legislative Assembly, Votes and Proceedings no. 164, 17 November 2022, item 21, p. 2040. Regulations made under the Constitution are not subject to the requirements regarding the making of statutory rules under the Subordinate Legislation Act 1989 (NSW), s. 3 (definition of "statutory rule") and Sch 4.

- (b) If required, the Committee has leave of the House to confer with the Privileges Committee of the Legislative Council in order to meet the requirements of Standing Order 311.<sup>13</sup>

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<sup>13</sup> Standing Committee on Parliamentary Privilege and Ethics, [Terms of Reference](#), Draft Constitution (Disclosures by Members) Regulation 2025.

## Chapter Two – Comments and Analysis

### The 2025 Draft Regulation

- 2.1 As noted above, the 2025 Draft Regulation implements seven of the eight recommendations made by the Committee in its report on the 2024 Draft Regulation.<sup>14</sup> The Committee values the opportunity afforded to it to provide greater input into the draft versions of the Current Regulation. It notes the progress the 2025 Draft Regulation makes in offering greater transparency and timely access to the register of disclosures.
- 2.2 The Committee has made six recommendations relating to the particulars of the scheme which are set out below.

### Particulars of the Scheme

#### Registers

##### Finding 1

**The Draft Constitution (Disclosure by Members) Regulation 2025 allows for an electronic register for the publication of Members' pecuniary interests, which is now a continuous disclosure scheme. Additional disclosure requirements are also included, for example in relation to trusts, superannuation funds, water access licenses and related interests. These measures will improve the transparency and useability of the scheme.**

- 2.3 Clause 4(1) of the Draft Constitution (Disclosures by Members) Regulation (**2025 Draft Regulation**) allows for disclosure forms to be lodged electronically.<sup>15</sup>
- 2.4 Clause 21(2) of the 2025 Draft Regulation requires that the register be kept electronically, and clause 21(3) requires the Clerk to update the register as soon as is practical after a disclosure return is lodged.<sup>16</sup>
- 2.5 The Explanatory Note to the 2025 Draft Regulation sets out that the regulation provides for: 'the publication of publicly accessible and searchable electronic registers of the disclosures about Members of Parliament on the website of the NSW Parliament.'<sup>17</sup>
- 2.6 Clause 19 of the Current Regulation sets out that that the register of disclosures by Members 'shall be in loose-leaf form,' and clause 20(1) sets out a requirement for the register to be available for public inspection in the office of the Clerk on any weekday.<sup>18</sup>

<sup>14</sup> Standing Committee on Parliamentary Privilege and Ethics, [Draft Constitution \(Disclosures by Members\) Regulation 2024](#), report 3/58, Parliament of New South Wales, August 2024.

<sup>15</sup> [2025 Draft Regulation](#), cl 4(1).

<sup>16</sup> [2025 Draft Regulation](#), cl 21.

<sup>17</sup> [2025 Draft Regulation](#).

<sup>18</sup> [Constitution \(Disclosures by Members\) Regulation 1983](#) (NSW) (Current Regulation).

- 2.7 Under the Current Regulation Members may choose to lodge their disclosure returns with the Clerk by electronic means, such as e-mail. This does not affect the requirement for the Clerk to compile and maintain a printed copy of the register for public inspection.
- 2.8 Clause 21 of the Current Regulation<sup>19</sup> outlines the requirement for a Clerk to, within 21 days after the last day of lodgement for ordinary returns, furnish to the Presiding Officer of their House for tabling a copy of the part of the Register of Disclosures that has not been previously tabled.
- 2.9 In accordance with the Current Regulation, additions to the register are tabled in Parliament in each non-election year following the lodgement of supplementary ordinary returns by 31 March and the lodgement of ordinary returns by 1 October. During election years, the primary returns of newly elected Members are also tabled in Parliament. All tabled documents are added to the tabled papers database on the Parliamentary website.
- 2.10 While members of the public may inspect a printed copy of the current register at any time during business hours, additions to the register are only made available electronically on a biannual basis in non-election years at present.
- 2.11 The 2025 Draft Regulation outlines a requirement for a publicly accessible electronic register to be updated on an ongoing basis following the lodgement of an individual Member's initial or first disclosure return.
- 2.12 The Committee notes that in comparison to the scheme under the Current Regulation, the 2025 Draft Regulation improves transparency by providing the public with timely and practical access to Members' disclosure returns. It requires regular, annual declarations by Members attesting to the accuracy of the information lodged in their returns. Further, the 2025 Draft Regulation increases the categories of information required to be disclosed, including information relating to trusts, superannuation funds, water access licences and related interests.

### Recommendation 1

**The regulations should include a requirement for the online register and Members' annual declarations to be tabled together, in the relevant House at the first available opportunity after the lodgement of annual declarations. Further, the regulations should include a requirement for the first interest disclosure return by a Member to be tabled as soon as possible after the required lodgement date under the proposed regulation.**

- 2.13 Clause 26(2) of the 2025 Draft Regulation<sup>20</sup> proposes that Members 'lodge an interest disclosure return with the Clerk on or before 31 March 2026' and clause 21 sets out the form of the proposed register the Clerk is to keep. There is no general provision in the 2025 Draft Regulation regarding the tabling of the online register. The 2024 Draft Regulation also did not include a tabling provision. However, the 2025 Draft Regulation does make specific provision for tabling and

<sup>19</sup> [Current Regulation](#), cl 21.

<sup>20</sup> [2025 Draft Regulation](#), cl 26.

publication of the confidential part of the register, pursuant to a resolution of the relevant parliamentary committee and in accordance with the Standing Orders or a resolution of the relevant House.

- 2.14 As outlined above, clause 21 of the Current Regulation provides for the tabling of the pecuniary interest register for the membership of each House. Each Presiding Officer tables the ordinary and primary returns for Members in their respective Houses, within 21 sitting days of the last date for lodgement. Where the pecuniary interest register is not ordered to be printed by the House, clause 21(4) provides for the relevant Clerk to cause the register to be published but only where the House has not previously ordered its publication.
- 2.15 While the language and arrangements that underpin the current clause are outdated (documents are now published to the Parliament's website, not printed, and there is no Government Printer), it is significant that tabling still occurs and that the House authorises the register's publication.
- 2.16 Despite the proposed move to an online register, which ensures more timely publication of returns, the Committee considers that tabling of the public register by the Speaker in the Legislative Assembly should be retained. The Committee is supportive of the requirement within the 2025 Draft Regulation for the register to be kept electronically. However, the inclusion of a provision requiring annual tabling would ensure that additions to the register continue to have the status of a parliamentary paper and form part of the parliamentary record.
- 2.17 This will ensure that there is consistency across relevant legislation.<sup>21</sup> For instance, the Committee notes that preserving the register and declarations as tabled papers also would ensure that the regulation is completely consistent with s.122 of the *Independent Commission Against Corruption Act 1988*. This section of the Act preserves parliamentary privilege and provides that:
- Nothing in this Act shall be taken to affect the rights and privileges of Parliament in relation to the freedom of speech, and debates and proceedings, in Parliament.
- 2.18 However, s.122(2) empowers the NSW Independent Commission Against Corruption to use a 'relevant register':
- (a) "for the purpose of any investigation into whether or not a member of Parliament publicly disclosed a particular matter or as to the nature of any matter disclosed, and
  - (b) for the purpose of any finding, opinion or recommendation concerning the disclosure or non-disclosure,
- and for that purpose Parliament is taken to have waived any parliamentary privilege that may apply to the register."

<sup>21</sup> [Submission 2](#) – Mr John Evans, p. 2. 'Finally, while the registers will now be kept electronically by the Clerks and be publicly made available on the website of the Parliament, does the defence of absolute privilege apply to the register under section 27 of the Defamation Act 2005?'

- 2.19 Importantly, 'relevant register' includes "a copy of any such register (or of a part of any such register) that is published as a parliamentary paper or otherwise".<sup>22</sup> The Committee notes that this express waiver is for specific purposes relating to the Commission's investigations into disclosures or non-disclosures by Members, and the making of related findings, opinions or recommendations.
- 2.20 Making provision within the regulation for the tabling of the online register also is consistent with arrangements in other jurisdictions in relation to registers of Members' interests. For instance, in the Australian Senate, the Chair of the Committee of Senators' Interests is required to table in the Senate 'a copy of the completed Register of Senators' Interests... as soon as possible after the receipt of statement of registrable interests in accordance with resolution 1(1)'.<sup>23</sup>
- 2.21 Section 7 of the 2025 Draft Regulation requires Members to lodge an annual declaration with the Clerk 'within 1 month after each 30 June'. The Committee recommends that the online register entries for each Member, and their accompanying declaration, be tabled together and that the House should authorise their publication as soon as possible after the annual declarations are required to be made.
- 2.22 The Committee further recommends that each Member's first declaration should be tabled and authorised to be published as soon as possible after being made. This means, in the case of first disclosures made by current Members, tabling would occur as soon as possible after 31 March 2026. First declarations also would be tabled as soon as possible after the lodgement date required following a General Election. First disclosures also would be tabled as soon as possible for Members lodging following a by-election.
- 2.23 This would ensure that a copy of the pecuniary interest register and declarations would form part of the historic, public record and would provide a clear account of a Member's interests at this particular point in time each year. Where the House is not sitting for any extended period, provision should be made for the Clerk to table the online register entries and declarations together. These tabled documents should be lodged as a tabled paper on the relevant part of the Parliament's website.

## Interest disclosure returns

### Recommendation 2

**That clause 5(1) of the regulations be amended to exempt returning members from the requirement to lodge an interest disclosure return within 1 month of the date on which the Houses first assemble after each General Election, consistent with the distinction drawn between new and returning members in relation to primary returns under clause 4 of the Current Regulation.**

- 2.24 Clause 5(1) of the 2025 Draft Regulation requires all Members at the date on which the Houses of Parliament first assemble following a General Election, to lodge an interest disclosure return with the Clerk within 1 month of that date.

<sup>22</sup> [Independent Commission Against Corruption Act 1988](#), s 122(4a).

<sup>23</sup> Senate of Australia, [Standing Order 4\(3\)](#).

Under clause 5(2) Members who enter Parliament part-way through a parliamentary term, e.g. at a by-election, also are required to lodge a return within 1 month of taking the pledge of loyalty or oath of allegiance, as required by s.12 of the *Constitution Act 1902*.<sup>24</sup>

- 2.25 The 2025 Draft Regulation makes no distinction between the disclosure requirements of a Member who is newly elected at a General Election and a Member who is returned to their seat. The 2024 Draft Regulation also did not make this distinction.
- 2.26 The Committee recommends that the 2025 Regulation be amended to distinguish between newly-elected Members and returning Members for the purposes of lodging first interest disclosure returns.
- 2.27 There is little utility in requiring new disclosure returns every 4 years for returning Members when the 2025 Draft Regulation provides for ongoing disclosure, including adjustments and corrections in accordance with clause 6, discretionary disclosures under clause 19, and annual declarations. A requirement for returning Members to lodge a completely new disclosure return after the commencement of each Parliament following a General Election would create an unnecessary administrative burden during a period which is traditionally very busy for Members and staff.
- 2.28 The Committee considers it would be more practical for the initial first disclosure returns lodged by Members upon entering Parliament to be preserved and continually updated for the duration of each Member's parliamentary career.
- 2.29 The Committee additionally considers that the exemption for returning Members outlined in paragraph 2.26 also should apply to those Members who vacate their seat in one House of Parliament and subsequently become a Member of the other House of Parliament.

### Recommendation 3

**The regulations should provide guidance notes and examples in the interest disclosure form to provide for further guidance to Members on the completion of their returns.**

- 2.30 Schedule 1 of the Current Regulation sets out the return forms to be completed by Members (Form 1 and Form 2)<sup>25</sup>. At the start of the forms there is a 'Directions' section which provides useful detail for Members on how to fill out the forms. Under each part of the form, instructions are provided containing the clause of the Current Regulation that correlates with that part of the form. 'Example entries' are provided in each table in the form which Members are required to fill in for further guidance.
- 2.31 Schedule 1 of the 2025 Draft Regulation<sup>26</sup> sets out the interest disclosure return form. While the form contains some short directions below some of the tables

<sup>24</sup> [2025 Draft Regulation](#), cl 5.

<sup>25</sup> [Current Regulation](#), sch 1.

<sup>26</sup> [2025 Draft Regulation](#), sch 1.

required to be filled out by Members, the 2025 Draft Regulation omits any example entries and detailed directions at the start of the form.

- 2.32 The Committee is of the view that having example entries and detailed directions within the interest disclosure form would provide useful guidance for Members to properly complete the form in order to satisfy their obligations under the 2025 Draft Regulation. In particular, Members are likely to benefit from the examples and instructions the first time they have to complete their interest disclosure return form.
- 2.33 The Committee further considers that having the guidance and examples contained within the form would reduce the reliance on guidance from each of the Clerks as the Registrar in their respective Houses, and reduce the potential for any inconsistency in the interpretation of the 2025 Draft Regulation.

#### Annual declarations

#### Recommendation 4

**The regulations should require departing Members to complete an annual declaration before they conclude their term as Member of Parliament irrespective of when they conclude, or the circumstances around the end of their membership.**

- 2.34 The Current Regulation, 2024 Draft Regulation and 2025 Draft Regulation do not outline any specific disclosure requirements for departing Members.
- 2.35 Where a Member has declared that they do not intend to recontest their seat at a General Election, the Clerk of the Legislative Assembly formally writes to them recommending that they should lodge a discretionary return to disclose any changes in their circumstances for the period since the date of their most recent return until the date of their resignation. This practice was adopted in light of ICAC investigations and recommendations.<sup>27</sup>
- 2.36 The same advice is provided to Members who unsuccessfully contest a General Election.
- 2.37 Where a Member resigns their seat in writing to the Speaker of the Legislative Assembly, the Clerk of the Legislative Assembly will, as far as possible, formally recommend to the Member that they should lodge a discretionary return to disclose changes to their circumstances from the date of their last return up until the date of their resignation. However, it is not always possible for the Clerk to provide this advice to a Member who resigns their seat.

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<sup>27</sup> Report of the Independent Commission Against Corruption, [Investigation into the conduct of the Local Member for Drummoynne](#), July 2022, p.176 - see recommendation 1. Earlier advice had indicated that: from the date on which a person ceases to be a Member of Parliament there is no obligation of disclosure; a 'return' lodged by a person who is no longer a Member cannot be included in the register; and there is no sanction in the case of a Member who has resigned, given that the only sanction for a wilful contravention is the possibility of a Member's seat being declared vacant. Legal advice from the Crown Solicitor to the Clerk of the Legislative Assembly, dated 24 October 1986, concerning the application of the Constitution (Disclosures by Members) Regulation 1983 to former Members.

- 2.38 The Committee considers that the practice of lodging a final return prior to a Member's resignation or departure at an election increases transparency and accountability under the current disclosure scheme. This practice should be formalised in the 2025 Draft Regulation by requiring Members to complete a final annual declaration within one month of the end of their membership of the Legislative Assembly.

#### Access to the confidential register

#### Recommendation 5

**That clause 23(3) of the 2025 Draft Regulation be amended to include reference to a further category of persons, being a person appointed by resolution of the House to undertake duties relating to the provision of advice to individual Members concerning their interests or the handling of matters, including complaints, relating to the register of Members' interests.**

#### Recommendation 6

**That the House amend the resolutions establishing the roles of Parliamentary Ethics Adviser and Independent Complaints Officer to provide those roles with access to the confidential register required by clause 21(1b) of the 2025 Draft Regulation.**

- 2.39 Both the Parliamentary Ethics Adviser and the Independent Complaints Officer (ICO) are established by way of House resolution and their respective remits are relevant to the register of members' interests. In the case of the ICO, minor breaches of the current pecuniary interests disclosures scheme falls within their remit. Under the resolution passed by the Legislative Assembly on 29 March 2022<sup>28</sup>, paragraph 2(iii) provides that the ICO "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.*"  
(emphasis added)

- 2.40 While clause 23 of the 2025 Draft Regulation permits a confidential part of the register to be disclosed to a person specified by the appropriate parliamentary committee<sup>29</sup>, being in the case of the Legislative Assembly the Committee on Parliamentary Privilege and Ethics, it is recommended that the Legislative Assembly's resolution for both the Parliamentary Ethics Adviser and the ICO be amended to provide such access to each officer *on an ongoing basis* for the performance of their roles and functions.

<sup>28</sup> Legislative Assembly of NSW, Votes and Proceedings no. 132, 29 March 2022, item 15, p. 1645.

<sup>29</sup> [2025 Draft Regulation](#), cl 23.

- 2.41 This approach differs to that provided for in clause 23(4)(a) of the 2025 Draft Regulation, which appears to be intended for access on more of an ad hoc basis, as needed in certain circumstances. It would be impractical and inefficient for the individuals occupying these two positions to have to approach the Committee on a case-by-case basis for permission to access the confidential part of the register.
- 2.42 In addition to the House putting the question of access for these two positions beyond doubt by amending the resolutions establishing each role, it is also recommended that clause 23(3) of the 2025 Draft Regulation be amended to include reference to a further category of persons, being a person appointed by resolution of the House to undertake duties relating to the provision of advice to individual Members concerning their interests or the handling of matters, including complaints, relating to a Member's interests. This would capture both the current Parliamentary Ethics Adviser and ICO roles, but would accommodate any relevant changes to these positions, for instance, a change in title or in the position holder.

## Appendix One – Letter from the Chair to the Premier dated 21 November 2024



### LEGISLATIVE ASSEMBLY

Standing Committee on Parliamentary Privilege and Ethics

21 November 2024

D24/058462

The Hon. Chris Minns MP  
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Member for Kogarah  
Parliament House  
6 Macquarie Street  
SYDNEY NSW 2000

By email: [jenny.williams@premier.nsw.gov.au](mailto:jenny.williams@premier.nsw.gov.au)

Dear Premier

I write in relation to matters arising from the Committee's report to the Legislative Assembly on the draft pecuniary interest regulation, dated August 2024, and a subsequent meeting convened with the Chief Commissioner of the ICAC, the Hon. John Hatzistergos AM, the Chair of the Legislative Council's Privileges Committee, the Hon. Stephen Lawrence MLC, and senior officers of each House and the Commission.

The purpose of the meeting was to discuss the potential for reaching agreement on the terms of a revised draft regulation that could be brought forward for Parliament's consideration. The revised draft regulation would seek to address key findings and recommendations from the ICAC's reports on Operation Witney and Keppel, particularly in relation to the declaration and management of conflicts of interest. It also would implement other changes flowing from the *Integrity Legislation Amendment Act 2023*.

As a result of the recent discussions with Mr Hatzistergos and Mr Lawrence, and further deliberations on the part of the Committee, I can confirm that there would appear to be support for an approach that would involve:

- a. Retaining in a revised draft regulation all of the proposed additional categories of disclosure, with the exception of the mandatory reporting of Members' conflicts of interest and the interests of immediate family members. This means that two new categories of disclosure would be included in the revised regulation -
  - water entitlements and other interests in water – water access licences (proposed cl.21); and
  - trusts and related arrangements (proposed cl.11).
- b. Dealing with Members' conflicts of interest under the existing Standing Orders, a House disclosures register (see c), the Code of Conduct for Members and the common law.

c. Establishing a House disclosures register, by way of resolution, to provide for –

- the disclosure of Members' conflicts of interest;
- the disclosure of the interests of their immediate family members of which they are aware;
- such disclosures to be made on a confidential basis to the Clerk, as registrar;
- access for the ICAC to inspect the confidential disclosures;
- wilful contraventions of the House resolution and disclosures scheme to be dealt with as a possible contempt and, where necessary, referred to the relevant Privileges Committee for investigation.

(Note this approach to conflicts of interest would not displace the ability of the ICAC to investigate a matter involving a conflict of interest of sufficient seriousness in relation to possible corrupt conduct subject to the ICAC's jurisdiction, e.g. in relation to the common law offence of misconduct in public office that may involve the improper exercise of a Member's official duties. Nor would the House resolution diminish the jurisdiction of the courts in relation to the conduct of Members that is capable of amounting to a criminal offence, as indicated by the NSW Court of Criminal Appeal in *Obeid v R* (2017) 350 ALR 103.)

d. in clause 7 of the Members' Code of Conduct on conflict of interest –

- clarifying that in accordance with the position that has developed under the common law, "a conflict of interest need not be pecuniary in nature" (see cl.15(3) of the earlier 2024 draft pecuniary interest regulation)
- linking and adding to the commentary for clause 7 of the Code, relevant case law and the ICAC's investigative reports, e.g. specific extracts from pages 23-24 of the ICAC's report on Operation Witney relating to the elements of the common law offence of misconduct in public office, and the factors considered when determining culpability in an actual conflict between public duty and private interest.

e. Retaining the provision for discretionary disclosures in the new regulation (proposed clause 22), which would enable any Member to make public a matter covered in a confidential disclosure lodged under the House scheme.

On behalf of the Committee, I would request that the Government consider bringing forward a revised draft pecuniary interest regulation along these lines for Parliament's consideration as soon as possible in 2025, which would enable a new referral to be made to the Privileges Committee in each House. Given the discussions held to date, I consider that the broad approach outlined above would afford the best prospect of success in obtaining support from both the Houses on the terms of the new draft regulation, which also would address the concerns raised by the Chief Commissioner. I also anticipate a short turnaround time for each Committee's consideration of the proposed regulation.

I have forwarded a copy of this correspondence to the Chair of the Legislative Council's Privileges Committee and the Chief Commissioner for their information and would like to express my appreciation for the cooperative manner in which they approached discussions on these matters.

The Clerk of the Legislative Assembly and I would be available to meet with officers from The Cabinet Office to discuss any aspects of this correspondence and the terms of the proposed new regulation, prior to the Executive bringing forward a revised draft regulation for Parliament's consideration.

Yours sincerely



Alex Greenwich MP  
Chair



## Appendix Two – Extracts from minutes

### Minutes of meeting no. 31

<b>TIME &amp; DATE</b>	<b>1:45 PM TUESDAY 16 SEPTEMBER 2025</b>	<b>LOCATION</b>	<b>LA CLERK'S MEETING ROOM (850B)</b>
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#### MEMBERS PRESENT

Mr Greenwich (Chair), Ms Voltz (Deputy Chair), Mr Li, and Ms Haylen.

Apologies: Mr Griffin.

#### OFFICERS PRESENT

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

The Chair opened the meeting at 1.47pm.

#### AGENDA ITEMS

##### 1. Confirmation of Minutes

Resolved on the motion of Ms Voltz: That the draft minutes of Meeting no. 30 on 4 August 2025 be confirmed.

##### 2. \*\*\*

#### COMMITTEE INQUIRIES

##### 3. Constitution (Disclosure by Members) Regulation 2025

The Committee noted the following items of correspondence sent and received:

1. Letter from the Premier dated 19 August 2025 to the Committee (previously circulated to Members) requesting a response by 15 September 2025 to the enclosed:
  - Draft Constitution (Disclosures by Members) Regulation 2025

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- Government response to report 3/58 of the Legislative Assembly Parliamentary Privilege and Ethics Committee 'Draft Constitution (Disclosures by Members) Regulation 2024' (August 2024)
    - Implementation of Government response to report no. 96 of the Legislative Council Privileges Committee 'Draft Constitution (Disclosures by Members) Regulation 2024' that was tabled on 2 December 2024
  - 2. Letter from the Chair of the Committee to the Premier dated 29 August 2025 providing that the Committee will respond as soon as it's had the opportunity to consider the revised regulation
  - 3. Letter from the Hon. Helen Murrell SC, Acting Chief Commissioner of the NSW ICAC to the Premier dated 15 September 2025 responding to the Draft Constitution (Disclosures by Members) Regulation 2025.

The Clerk provided a verbal briefing.

On 16 September 2025 at approximately 1.15pm, the House provided the Committee with Terms of Reference to inquire and report on:

1. Under section 14A of the Constitution Act 1902 (NSW), the draft Constitution (Disclosures by Members) Regulation 2025 be referred to the Parliamentary Privilege and Ethics Committee for inquiry and report by 13 October 2025.
2. If required, the Committee has leave of the House to confer with the Privileges Committee of the Legislative Council in order to meet the requirements of Standing Order 311.

Resolved, on the motion of Ms Voltz:

That the Committee:

- a) formally commence its inquiry into the Draft Constitution (Disclosures by Members) Regulation 2025 in accordance with the Terms of Reference provided by the House.
- b) open the public submissions portal on its webpage from 17 September to 1 October 2025
- c) write to the following targeted stakeholders seeking written submission to the inquiry by 1 October 2025:
  - all Members of the Legislative Assembly
  - Professor Emerita Anne Twomey AO
  - Mr John Evans PSM, Parliamentary Ethics Advisor

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**6. Next meeting**

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The Committee adjourned at 1.55pm until a date and time to be confirmed.

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## Unconfirmed minutes of meeting no. 32

<b>TIME &amp; DATE</b>	<b>4:00 PM MONDAY 13 OCTOBER 2025</b>	<b>LOCATION</b>	<b>LA CLERK'S MEETING ROOM (850B) AND BY VIDEOCONFERENCE</b>
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### MEMBERS PRESENT

Mr Greenwich (Chair), Ms Voltz (Deputy Chair), Mr Li (*by videoconference*), and Ms Haylen (*by videoconference*).

Apologies: Mr Griffin.

### OFFICERS PRESENT

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

The Chair opened the meeting at 4.03pm.

### AGENDA ITEMS

#### 7. Confirmation of Minutes

Resolved, on the motion of Ms Voltz:  
That the draft minutes of Meeting no. 31 on 16 September 2025 be confirmed.

### COMMITTEE INQUIRIES

#### 8. Constitution (Disclosure by Members) Regulation 2025

The Committee noted the following items of correspondence sent and received by the Chair:

##### Received:

1. Letter from the Hon Helen Murrell SC, Acting Chief Commissioner of the NSW ICAC dated 15 September 2025.

##### Sent:

2. Email from the Chair to targeted stakeholders (Members of the Legislative Assembly, Professor Anne Twomey and Mr John Evans) seeking submissions dated 19 September 2025.

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Received:

3. Submission from Mr John Evans, Parliamentary Ethics Adviser dated 1 October 2025 (submission 2).

The Committee agreed to treat the letter from the Acting Chief Commissioner of the NSW ICAC as a submission, as requested by the ICAC (submission 1).

Resolved, on the motion of Ms Voltz:

That the Committee publish submissions 1 and 2 in full.

The Chair's draft report was circulated to Members of the Committee prior to the meeting.

Resolved, on the motion of Ms Voltz:

That the Committee consider the Chair's draft report in globo.

Resolved, on the motion of Ms Voltz:

a) The draft report, without amendment, be the report of the Committee, signed by the Chair and presented to the House.

b) That the Chair and secretariat be permitted to correct stylistic, typographical and grammatical errors.

c) That once tabled, the report be published on the Committee's webpage.

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**4. \*\*\***

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**5. Next meeting**

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The Committee adjourned at 4.22pm until a date and time to be confirmed.

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