

**Submission  
No 1**

## **REVIEW OF THE INDEPENDENT COMPLAINTS OFFICER SYSTEM (2023)**

**Organisation:** Auditor-General for New South Wales

**Date Received:** 26 October 2023

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The Chair  
Legislative Assembly Standing Committee on  
Parliamentary Privilege and Ethics  
Parliament House  
Macquarie Street  
Sydney NSW 2000

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Our ref: R014-1198018347-2598

26 October 2023

Dear Chair

### **Submission to the review of the Independent Complaints Officer system**

Thank you for the invitation to make a submission to the review of the Independent Complaints Officer (ICO) system.

Many aspects of the ICO system and the review's terms of reference are outside the scope of my role and audit-related activities, and on these I don't have comment. However, in relation to the role of the ICO in considering complaints about alleged breaches of the Code of Conduct for Members including the misuse of allowances and entitlements, I would like to draw your attention to my series of special reports to Parliament on members' additional entitlements (see attachment 1).

Presenting findings from the limited assurance reviews that I conduct each year on members' compliance with requirements of the Determination of the Parliamentary Review Tribunal, these reports have continued to variously highlight both material and administrative non-compliance. Most recently, in the [2022 report](#), I found 38 departures from the Tribunal's determination that were of an administrative nature, including \$22.5 million in claims submitted after 60 days.

In addition to these and other findings about members' compliance with the determination, there is an open recommendation from 2016 to enhance transparency of member claims. In my 2022 report, I again draw attention to this matter by recommending the Department of Parliamentary Services continue to work with presiding officers, members, the clerk of the Parliaments and the clerk of the Legislative Assembly to enhance reporting of members' expenditure. The Annual Reports of the Legislative Assembly and the Legislative Council, published on the Parliament's website, currently list the total amount claimed during the year by each member for each allowance. However, transparency around members' claims would be enhanced if information was more extensively and regularly published on the Parliament's website.

Copies of the reports can be accessed on the Audit Office website. I plan to table my next report on Member's additional allowance and entitlements, for the financial year ending 2022-23, in December 2023.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Margaret Crawford'.

Margaret Crawford  
Auditor-General for New South Wales

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## ATTACHMENT 1

### Special reports to Parliament on Member's additional entitlements

**Members' additional entitlements 2022**, Tabled 15 December 2022

[www.audit.nsw.gov.au/our-work/reports/members-additional-entitlements-2022](http://www.audit.nsw.gov.au/our-work/reports/members-additional-entitlements-2022)

**Members' additional entitlements 2021**, Tabled 16 December 2021

[www.audit.nsw.gov.au/our-work/reports/members-additional-entitlements-2021](http://www.audit.nsw.gov.au/our-work/reports/members-additional-entitlements-2021)

**Members' additional entitlements 2021**, Tabled 16 December 2021

[www.audit.nsw.gov.au/our-work/reports/members-additional-entitlements-2021](http://www.audit.nsw.gov.au/our-work/reports/members-additional-entitlements-2021)

**Members' additional entitlements 2020**, Tabled 15 December 2020

[www.audit.nsw.gov.au/our-work/reports/members-additional-entitlements-2020](http://www.audit.nsw.gov.au/our-work/reports/members-additional-entitlements-2020)

**Members' additional entitlements 2019**, Tabled 12 December 2019

[www.audit.nsw.gov.au/our-work/reports/members-additional-entitlements-2019](http://www.audit.nsw.gov.au/our-work/reports/members-additional-entitlements-2019)

**Members' additional entitlements 2018**, Tabled 28 February 2019

[www.audit.nsw.gov.au/our-work/reports/members-additional-entitlements-2018](http://www.audit.nsw.gov.au/our-work/reports/members-additional-entitlements-2018)

**Members' additional entitlements 2017**, Tabled 27 September 2018

[www.audit.nsw.gov.au/our-work/reports/members-additional-entitlements-2017](http://www.audit.nsw.gov.au/our-work/reports/members-additional-entitlements-2017)

**Members' additional entitlements 2016**, Tabled 21 March 2017

[www.audit.nsw.gov.au/our-work/reports/additional-entitlements-for-members-of-parliament-2016](http://www.audit.nsw.gov.au/our-work/reports/additional-entitlements-for-members-of-parliament-2016)