

**Submission
No 2**

DRAFT CONSTITUTION (DISCLOSURES BY MEMBERS) REGULATION 2025

Name: Mr John Evans
Position: Parliamentary Ethics Adviser
Date Received: 1 October 2025

1 October 2025

Mr Alex Greenwich MP

Chair

Legislative Assembly Standing Committee on Parliamentary Privilege and Ethics

Parliament House

SYDNEY NSW 2000

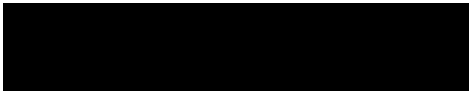
**Inquiry into the draft Constitution (Disclosures by Members) Regulation
2025**

Dear Alex

1. I refer to your request inviting me to make a submission to your Committee on the inquiry into the draft Constitution (Disclosures by Members) Regulation 2025.
2. I support the new draft regulations and note that most of recommendations raised in the report of your committee on the 2024 draft regulations have been addressed.
3. I note the provisions in the 2024 draft, dealing with mandatory disclosure of conflicts of interest and disclosure of interests of family members have been omitted.
4. In this regard, I have read the Government's response to your Committee's report on disclosure of interests of family members which requested that the Parliamentary Privilege and Ethics Committee and the Privileges Committee further consider mechanisms for Members to disclose the interests of their immediate family members.
5. Similarly, in regard to conflicts of interest the Government's response requested both Committees consider mechanisms for Members to disclose and manage conflicts of interest through amendment of the Members' Codes of Conduct.
6. I note that Clause 4 provides for the appropriate parliamentary committee to issue guidelines in the completion of disclosure forms by Members.
7. Disclosures made by Members of tenanted real property will now be kept in a confidential register to protect the privacy and safety of persons occupying real property.

8. Clause 23 provides for the disclosure of the confidential register to certain persons. Does clause 23 (4) (a) permit a committee to disclose the confidential register to the Parliamentary Ethics Adviser and the Independent Complaints Officer.
9. Part 1, clause 3, Definitions has a typographic error. Schedule 1 should read Schedule 3.
10. 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?
11. Also, I feel as a matter of public record, the Clerks should table in the House annually, a printed copy of the publicly available register as a published parliamentary paper. (*See also Independent Commission Against Corruption Act 1988, section 122 (4).*)
12. Should it be considered necessary, I would be pleased to meet with your committee to further discuss the draft regulation.

Yours sincerely



John Evans
Parliamentary Ethics Adviser