



Legislative Council

**House—Rules, Resolutions, Officeholders
and Ministerial representation**

First Session of the Fifty-Seventh Parliament

Current as at 11 August 2022

Introduction

Under the NSW Constitution, the Legislative Council has the power to make standing rules and orders to regulate the proceedings of the House and its committees.

From June 2022 the House has adopted new standing rules which will determine the operation of the House and its committees for the remainder of the sittings during 2022. These are published in the [Proposed Standing Rules and Orders](#).

From time to time the House adopts rules that override, vary or supplement the standing orders. These are known as 'sessional orders' as they lapse at the end of each parliamentary session. In addition to sessional orders, the House may also make 'temporary orders' for a defined period of time (such as the calendar year), or resolutions that have an ongoing effect until amended or rescinded by the House, known as 'resolutions of continuing effect'.

The purpose of this document is to complement the Proposed Standing Rules and Orders, by collating the various sessional orders, temporary orders, and resolutions of continuing effect for the 57th Parliament.

Information relating to officeholders and ministerial representation is also contained at the end of the document.

For information regarding sessional orders and resolutions related to the operation of Legislative Council committees, including committee membership, please refer to [Committees—Rules, Resolutions and Membership](#).

David Blunt
Clerk of the Parliaments
June 2022

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Part 1 – Sessional and Temporary Orders

1. Sitting days (SO35)

That, in accordance with standing order 35, during the current session and unless otherwise ordered, this House meet for the despatch of business each sitting week as follows:

Monday	11.00 am
Tuesday	2.30 pm
Wednesday	10.00 am
Thursday	10.00 am
Friday	11.00 am.

[Resolved 8 May 2019, amended 26 February 2020]

2. Sitting Calendar 2022

- (1) That, unless otherwise ordered, the days of meeting of the House in 2022 be as follows:

Budget sittings:

February 22, 23, 24

March 22, 23, 24, 29, 30, 31

May 10, 11, 12, 17, 18, 19

June 7, 8, 9, 21, 22, 23

Spring sittings:

August 9, 10, 11

September 13, 14, 15, 20, 21, 22

October 11, 12, 13, 18, 19, 20

November 8, 9, 10, 15, 16, 17 (reserve days 22, 23, 24).

- (2) That, unless otherwise ordered, for the purposes of the Budget Estimates inquiry 2021-2022 additional hearings be scheduled over 12 days from 28 February to 4 March 2022, 7 March to 11 March 2022, and 14 March to 15 March 2022.
- (3) That, unless otherwise ordered, for the purposes of the Budget Estimates inquiry 2022-2023:
- (a) initial hearings be scheduled over 12 days from 22 August to 26 August 2022, 29 August to 2 September 2022, and 5 September to 6 September 2022, and
- (b) supplementary hearings be scheduled over five days from 24 October to 28 October 2022.
- (4) That, unless otherwise ordered, or a committee resolves that a committee activity is urgent, no committee activity may be undertaken on the following dates:
- (a) 10 January to 21 January 2022,
- (b) 11 April to 14 April 2022,
- (c) 4 July to 8 July 2022,
- (d) 26 September to 30 September 2022, and
- (e) 21 December to 23 December 2022.

[Resolved—16 November 2021, p 2713.]

3. Scheduling of government and private members' business (SO40)

That, in accordance with standing order 40, during the current session and unless otherwise ordered:

- (1) Government business is to take precedence of private members' business on Monday, Tuesday, Thursday and Friday each sitting week.
- (2) Private members' business is to take precedence on Wednesday each sitting week.

[Resolved 8 May 2019, amended 26 February 2020]

4. Time for questions without notice (SO 47)

That, in accordance with standing order 47, during the current session and unless otherwise ordered:

- (1) Questions are to commence at 4.00 pm on Monday and Tuesday, and at 12.00 noon on Wednesday, Thursday and Friday.
- (2) Whenever the House adjourns to a day and time that is later than the time appointed in paragraph 1, questions are to commence 30 minutes after the time appointed for the meeting of the House.

[Resolved 8 May 2019]

5. Scheduling and duration of debate on committee reports and government responses (SO41)

That, during the current session and unless otherwise ordered, and in accordance with standing order 41, debate on committee reports and government responses is to take precedence after Questions on Tuesdays until 6.30 pm.

[Resolved 8 May 2019]

6. Members' Statements (SO40A)

That, during the current session, for 30 minutes immediately after questions on Wednesdays, private members may make statements without any question before the Chair, provided that a member shall not speak for more than 3 minutes.

[Resolved 8 May 2019, amended 26 February 2020]

7. Electronic petitions

That for duration of the current session and notwithstanding anything to the contrary in the standing orders:

(1) Presentation of electronic petitions

- (1) An electronic petition may only be presented to the House by a member.
- (2) At the time provided a member may present an electronic petition on public or individual grievances, if it relates to a matter over which the House has jurisdiction.
- (3) When presenting a petition, a member may state:
 - (a) the petitioners,

- (b) the number of signatures,
 - (c) the subject matter of the petition, and
 - (d) the request for action.
- (4) When presenting a petition, a member may move:
- (a) “That the petition be received”, and
 - (b) “That the petition be read by the Clerk”.
- (5) No amendment or debate may be made on questions relating to electronic petitions.
- (6) A member may not present a electronic petition from that member.
- (7) An electronic petition may not be presented to the House once the House proceeds to the orders of the day, except by leave of the House.
- (8) The Clerk must refer a copy of every electronic petition which is received by the House to the Minister responsible for the administration of the matter the subject of the petition.

(2) Form of electronic petitions

- (1) An electronic petition must:
- (a) contain the request of the petitioner expressed in no more than 250 words,
 - (b) be supported by at least five people before it is open to the public for signatures, with the petitioner and all signatories residents of New South Wales,
 - (c) be supported by a member who agrees to present the electronic petition,
 - (d) be open for signatures for a period of one, three or twelve weeks.

(3) Content of electronic petitions

- (1) No reference may be made in an electronic petition to any debate in Parliament of the same session, unless it is relevant to the petition.
- (2) An electronic petition must be respectful, decorous and temperate in its language, and must not contain language disrespectful to the Parliament.
- (3) A member presenting an electronic petition must be acquainted with its contents, and take care that it is in conformity with the rules and orders of the House.
- (4) An electronic petition must not request, either directly or indirectly, a grant of public money.

(4) Government response

- (1) When an epetition referred to a Minister under this sessional order contains more than 500 signatures, the Clerk must also refer the petition to the Leader of the Government in the House who must table a response within 35 calendar days of the petition being received by the House.
- (2) If at the time the Leader of the Government in the House is required to table the response the House is not sitting, the response may be lodged with the Clerk.
- (3) A response presented to the Clerk is:

- (a) on presentation, and for all purposes, deemed to have been laid before the House,
 - (b) to be printed by authority of the Clerk,
 - (c) for all purposes, deemed to be a document published by order or under the authority of the House, and
 - (d) to be recorded in the Minutes of the Proceedings of the House.
- (4) A copy of the response provided by the Leader of the Government is to be forwarded by the Clerk to the member who lodged the petition.
 - (5) When a response to a petition has not been received within 35 calendar days, the President is to inform the House on the next sitting day. If the Leader of the Government has not provided the response by the end of that sitting week, the President is to again inform the House on the first day of each sitting week until the response is provided.

[Resolved 19 October 2021]

8. Conduct of divisions—COVID-19 Pandemic (Stand up divisions)

That, due to the current COVID-19 pandemic and until otherwise ordered, the conduct and counting of divisions be varied as follows:

- (1) Members will stay in their places for each division.
- (2) After the bells have been rung for five minutes, the Chair may direct the Clerk to continue the bells until the Chair is satisfied that all members intending to vote are present.
- (3) When the doors have been locked, the Chair will ask members who are voting 'Aye' to stand in their place.
- (4) The Chair will appoint tellers from the Ayes who will count the Ayes standing, and the Noes sitting.
- (5) When the tellers for the Ayes have counted the votes, the Chair will ask those members to be seated.
- (6) The Chair will then ask members who are voting 'No' to stand in their place.
- (7) The Chair will appoint tellers from the Noes who will count the Noes standing, and the Ayes sitting.
- (8) When the tellers for the Noes have counted the votes for the Noes, the Chair will ask those members to be seated and will declare the result to the House.

[Resolved—2 June 2020 p. 963, suspended—12 October 2021 pp 2399-2400, resumed to have effect during the current COVID-19 pandemic until otherwise ordered—19 October 2021 p 2503]

9. Remote Participation

- (1) The President, or if the President is unable to act on account of illness or other cause, the Deputy President, may determine that the system for remote participation in Legislative Council proceedings should be made available to members on specified days to enable them to participate in sittings while they are prevented from physically attending the Legislative Council because of COVID-19 related factors.
- (2) Determinations under paragraph (1) will be made in writing following consultation with the leader or designated representative of each party and independent crossbench members and these rules will apply on any sitting day for which such a determination is made and published.
- (3) The rules for remote participation are as follows:

- (a) Members participating remotely must satisfy the Chair that the quality of the audio link or audio visual link allows the Chair to verify the identity of that member and for the member to participate
- (b) While these rules are in effect, a member may seek and receive the call to speak by video or audio link by addressing the Chair.
- (c) In order to assist members participating remotely, the Chair will use a formal call list to allocate the call for each debate where practical and members wishing to participate remotely may seek the call by:
 - (i) informing their whip, or the whip's representative, who will inform the Chair in advance — for a Government or Opposition member,
 - (ii) informing the Clerk, who will inform the Chair in advance — for any other member,
- (d) Members participating remotely may move:
 - (i) amendments to a bill in committee of the whole,
 - (ii) any other motion by leave of the House,
- (e) Members participating remotely may not:
 - (i) be counted in the formation of a quorum,
 - (ii) draw attention to the lack of a quorum,
 - (iii) call for or participate in a division,
 - (iv) interject,
 - (v) take, speak on, a point of order unless it is taken by another member during their speech or relates to the answer to a question they have asked,
- (f) to avoid doubt:
 - (i) the standing orders and other orders of the Legislative Council, including the standing orders relating to the conduct of members and rules of debate, otherwise apply to members participating remotely, to the extent they are capable of applying,
 - (ii) the contributions of remote participants form part of Council proceedings and are to be incorporated in the Hansard record,
- (g) standing orders that require or rely on the provision of documents to the President or the Clerk, as the case may be, or the presentation of documents to the Council will be satisfied by the provision or presentation of a digital copy of the document. A document provided in digital format will not be taken to be received unless its receipt is acknowledged by or on behalf of the President or the Clerk,
- (h) a member who participates remotely will be identified in the Minutes of Proceedings, and
- (i) the President may issue guidelines about remote participation.

[Resolved—12 October 2021 pp 2398-2399]

10. Orders for the production of documents by committees (SO208)

That, notwithstanding anything to the contrary in the standing orders, for the duration of the current session:

- (1) Whenever a committee resolves to order the production of documents under standing order 208(c):
 - (a) a copy of the order is to be communicated to the Department of Premier and Cabinet by the Clerk, and
 - (b) a summary of the terms of the order are to be reported to the House by the President on the next sitting day.
- (2) The terms of the order agreed to by a committee must specify the inquiry to which the order relates, and the date by which the documents are to be returned.

- (3) When returned, the documents will be lodged with the Clerk of the Parliaments and made available to members of the House.
- (4) The committee may authorise the publication of documents received, subject to paragraphs (6) – (8).
- (5) A return under the order is to include an indexed list of all documents returned, showing the date of creation of the document, a description of the document and the author of the document.
- (6) Where a document is considered to be privileged:
 - (a) a return is to be prepared showing the date of creation of the document, a description of the document, the author of the document and reasons for the claim of privilege, and
 - (b) the documents are to be delivered to the Clerk of the Parliaments by the date and time required in the resolution of the committee and not published or copied without an order of the committee.
- (7) A member of the committee may, by communication in writing to the Clerk of the Parliaments, dispute the validity of the claim of privilege in relation to a particular document or documents. On receipt of such communication, the Clerk of the Parliaments is authorised to release the disputed document or documents to an independent legal arbiter, for evaluation and report as to the validity of the claim.
- (8) The independent legal arbiter is to be appointed by the President and must be a Queen’s Counsel, a Senior Counsel or a retired Supreme Court Judge.
- (9) A report from the independent legal arbiter is to be lodged with the Clerk of the Parliaments and:
 - (a) made available only to members of the committee, and
 - (b) not published or copied without an order of the committee.
- (10) Documents returned to an order of a committee under standing order 208(c), which are in the custody of the Clerk of the Parliaments, are documents presented to the committee and form part of the evidence of the inquiry to which they relate.

[Resolved 8 May 2019]

Part 2 – Resolutions of continuing effect

1. Broadcast of Proceedings

Sound and audio-visual broadcast of proceedings of the House

- (1) That this House authorises the sound and audio-visual broadcast of the proceedings of the House:
 - (a) on the broadcast system within the precincts of Parliament House,
 - (b) by direct signal to the media gallery in Parliament House,
 - (c) to persons and organisations outside Parliament House approved by the President, on terms and conditions determined by the President from time to time,
 - (d) by webcast on the Internet, and
 - (e) by live-captioning.

[As amended—LC Minutes 21 June 2022 p. 3461]

Broadcasting

- (2) The live broadcast or rebroadcast of proceedings of the Legislative Council is authorised on the following conditions, and any other terms and conditions, not inconsistent with this paragraph, determined by the President from time to time:
 - (a) excerpts may be taken from the proceedings of the House from the time of the meeting of the House until the adjournment of the House,
 - (b) recordings and broadcasts must only be made from the sound or audio-visual signal provided by the Legislative Council,
 - (c) broadcasts of excerpts must be used only for the purposes of fair and accurate reports of proceedings and must provide a balanced presentation of differing views,
 - (d) excerpts must not be used for:
 - (i) political party advertising or election campaigns,
 - (ii) the purpose of satire or ridicule,
 - (iii) commercial sponsorship or commercial advertising,
 - (e) excerpts of proceedings which are subsequently withdrawn may be broadcast if the withdrawal is also broadcast,
 - (f) excerpts must be placed in context,
 - (g) where audio excerpts of proceedings are used on radio and television, commentators must identify Members by name,
 - (h) where audio excerpts of proceedings are used on television, their use may be that of audio over still frames, or overlay material,
 - (i) where excerpts are used on commercial stations, the station must ensure that advertising before and after excerpts is of an appropriate nature,
 - (j) events in the Galleries are not part of the proceedings and excerpts of those events must not be used,

- (k) access to proceedings for the purpose of recording is on the basis of an undertaking to observe these conditions. A breach of these conditions by a station may result in the suspension or withdrawal of permission by the President for the station to broadcast excerpts of the proceedings of the House,
- (l) the instructions of the President or delegated representatives, on the use of recorded excerpts, must be observed at all times, and
- (m) the President may approve filming, on request, by persons or organisations, according to the terms and conditions set out in this resolution.

Still photography

- (3) That this House authorises access to the proceedings of the Legislative Council by still photographers on the following terms and conditions:
 - (a) photographers from the print media who are accredited members of the Parliamentary Press Gallery may, with the approval of the President, take photographs during Question Time and at other times,
 - (b) photographers who are accredited members of the Parliamentary Press Gallery require the approval of the President and a signed undertaking to comply with the terms and conditions set out in this resolution,
 - (c) accreditation passes are to be worn and clearly visible at all times whilst a photographer is on the Parliamentary premises,
 - (d) photographs must be used only for the purposes of fair and accurate reports of proceedings and must provide a balanced presentation of differing views,
 - (e) photographs must not be used for:
 - (i) political party advertising or election campaigns,
 - (ii) the purpose of satire or ridicule,
 - (iii) commercial sponsorship or commercial advertising,
 - (f) photographs must be placed in context,
 - (g) photographs of individual Members, not speaking in debate, are not permitted,
 - (h) photographs taken with telephoto lenses or zoom lenses must not show any Member closer than at “head and shoulders” distance,
 - (i) telephoto lenses or zoom lenses must not be used to inspect Members’ documents or computer screens, and close up photographs of Members’ documents or computer screens must not be taken,
 - (j) photographs of persons in the galleries must not be taken, with the only exception being photographs of distinguished visitors at the time they are welcomed to the House by the Chair,
 - (k) photographs of disturbances by visitors or any other persons is not permitted,
 - (l) the use of flash or other sources of additional lighting and motor driven cameras is not permitted,
 - (m) photographs are not to be digitally enhanced, touched up or altered in any form,
 - (n) cropping from single or group photographs is not permitted,
 - (o) as a general rule, photographers should be as unobtrusive as possible and not disturb the view of visitors in the galleries,
 - (p) photographers shall observe the instructions of the President, or the President’s delegate, at all times, and

- (q) non-compliance with these conditions by a photographer or media organisation may result in the suspension or withdrawal of accreditation.

Sound and audio-visual broadcast of proceedings and still photography of committee proceedings

- (4) That this House authorises a committee, by a vote of the committee, to:
 - (a) authorise the filming and broadcasting and still photography of its public proceedings by accredited members of the Parliamentary Press Gallery,
 - (b) authorise the filming and broadcasting and still photography of its public proceedings by a person or organisation not an accredited member of the Parliamentary Press Gallery on an undertaking by the person or organisation, in writing, to comply with the terms and conditions set out in this resolution and any other terms and conditions determined by the committee,
 - (c) authorise the broadcast and rebroadcast of its public proceedings in the Legislative Council chamber on the terms and conditions set out in paragraph 2,
 - (d) give instructions for the observance of terms and conditions determined not inconsistent with this resolution, and
 - (e) order that part of its proceedings not be recorded or broadcast.
- (5) That if a committee authorises the filming or broadcast or still photography of proceedings, a witness who is to appear before the Committee in those proceedings must be given a reasonable opportunity, before appearing in the proceedings, to object to the broadcasting or televising of proceedings. The witness may state the grounds of the objection. The Committee must consider an objection having regard to the protection of the witness and the public interest in the proceedings. If the Committee decides to permit the broadcast or rebroadcast of proceedings despite an objection of a witness, the witness must be informed before appearing in the proceedings of the Committee.

Details of organisations and terms and conditions

- (6) That the President is to report to the House:
 - (a) details of the persons and organisations authorised from time to time to receive the sound and audio-visual broadcast, and
 - (b) details of additional terms and conditions determined under this resolution.

[Resolved—LC Minutes 18 October 2007 p. 279-281]

2. Code of Conduct

- (1) That this House adopt, for the purposes of section 9 of the Independent Commission Against Corruption Act 1988, the following Code of Conduct:

PREAMBLE

Members of Parliament acknowledge their responsibility to maintain the public trust placed in them by performing their duties with honesty and integrity, respecting the law and the institution and conventions of Parliament, and using their influence to advance the common good of the people of New South Wales.

THE CODE

1 Purpose of the Code

The purpose of this Code of Conduct is to assist all Members in the discharge of their parliamentary duties and obligations to the House, their electorates and the people of NSW.

The Code applies to Members in all aspects of their public life.

In complying with this Code, Members shall base their conduct on a consideration of the public interest, avoiding conflict between personal interest and their duties as a Member of Parliament. It does not apply to Members in their purely private and personal lives.

Members will not act dishonestly for their own personal gain, or that of another person.

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

PROPER EXERCISE OF POWER

2 Improper influence

- (a) No member shall act as a paid advocate in any proceeding of the House or its committees.
- (b) A Member must not knowingly and improperly promote any matter, vote on any bill or resolution or ask any question in the Parliament or its Committees in return for any remuneration, fee, payment, reward or benefit in kind, of a private nature, which any of the following persons has received, is receiving or expects to receive as a consequence:
- (iv) The Member;
 - (v) A member of the Member's family;
 - (vi) A business associate of the Member; or
 - (vii) Any other person or entity from whom the Member expects to receive a financial benefit.
- (c) A Member must not knowingly and improperly use his or her influence as a Member to seek to affect a decision by a public official including a Minister, public sector employee, statutory officer or officer of a public body, to further, directly or indirectly, the private interests of the Member, a member of the Member's family, or a business associate of the Member.

3 Use of public resources

The use of public resources should not knowingly confer any undue private benefit on the Member or, on any other person, or entity.

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

Commentary

There is a range of information available to Members to assist them in determining the accurate and appropriate use of resources including:

- *The Legislative Assembly Members' Guide;*
- *The Legislative Council Members' Guide;*
- *The Department of Parliamentary Services Members' Entitlements Handbook; and*
- *The Parliamentary Remuneration Tribunal's Annual Report and Determination of Additional Entitlements for Members of the Parliament of New South Wales.*

In addition it is open to any Member to seek advice on these matters from the Clerks of the House, Senior Parliamentary Officers, or the Parliamentary Ethics Adviser.

4 Use of confidential information

Information which Members receive in confidence in the course of their parliamentary duties should be used only in connection with those duties. It must never be knowingly and improperly used for the private benefit of themselves or any other person or persons.

5 Limitation on breach of Code

This code is not breached by reason of a benefit or interest that could be or was advanced or received by the persons set out in 2(b)(i)-(iv) by reason of them being a member of the public or a member of a broad class.

OPENESS AND ACCOUNTABILITY

6 Disclosure of interests

Members shall fulfil conscientiously the requirements of the House in respect of the Register of Disclosures by Members.

Commentary

The Constitution (Disclosures by Members) Regulation 1983 (the Regulation) requires that Members lodge regular returns, disclosing certain interests such as real property, interests and positions in corporations, income, debts and gifts.

The Regulation also requires that each Clerk compile and maintain a Register of Disclosures for their respective Houses. The purpose of the Register of Disclosures is to promote greater transparency, openness, and accountability in the parliamentary process.

Members' attention is drawn to the following sources of information and advice on compliance with the requirements of the Regulation:

- *Schedule 1 of the Regulation outlines the requirements for each type of interest to be disclosed, and gives examples as to how to make entries on the return;*
- *The respective guides for Members of the Legislative Assembly and the Legislative Council explain the requirements of the pecuniary interest disclosure regime in plain language, with examples where possible; and*
- *It is also open to any Member to seek advice on these matters from the Clerks of the House or the Parliamentary Ethics Adviser.*

In conjunction with the Regulation and this code, the following Standing Orders apply in relation to personal or pecuniary interests:

- *Legislative Assembly Standing Orders 176-7 and Legislative Council Standing Order 113(2) on voting in divisions; and*
- *Legislative Assembly Standing Order 276 and Legislative Council Standing Order 210(10) on participating in committee inquiries.*

7 Conflicts of interest

Members must take reasonable steps to avoid, resolve or disclose any conflict between their private interests and the public interest. The public interest is always to be favoured over any private interest of the Member.

Members shall take reasonable steps to draw attention to any conflicts between their private interests and the public interest in any proceeding of the House or its committees, and in any communications with Ministers, members, public officials or public office holders.

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

Commentary

Members should be aware of the important distinction between disclosing an interest and having a conflict of interest.

There are certain pecuniary interests that must be disclosed on the Register of Disclosures although these may never come into conflict with a Members' duties. There are also interests that are not required to be disclosed on the Register of Disclosures but which could give rise to a conflict of interest if they are not managed appropriately.

It is open to any Member to seek advice on these matters from the Clerks of the House or the Parliamentary Ethics Adviser.

8 Gifts

- (a) Members must take reasonable steps to disclose all gifts and benefits received in connection with their official duties, in accordance with the requirements for the disclosure of pecuniary interests.
- (b) Members must not knowingly accept gifts that could reasonably be expected to give rise to a conflict of interest or could reasonably be perceived as an attempt to improperly influence the Member in the exercise of his or her duties.
- (c) Nothing in this Code precludes the giving or accepting of political donations in accordance with the *Electoral Funding Act 2018*.

Commentary

The Constitution (Disclosures by Members) Regulation 1983 (the Regulation) requires that Members lodge regular returns, disclosing certain interests such as real property, interests and positions in corporations, income, debts and gifts.

The Regulation also requires that each Clerk compile and maintain a Register of Disclosures for their respective Houses. The purpose of the Register of Disclosures is to promote greater transparency, openness, and accountability in the parliamentary process.

Members' attention is drawn to the following sources of information and advice on compliance with the requirements of the Regulation:

- *Schedule 1 of the Regulation outlines the requirements for each type of interest to be disclosed, and gives examples as to how to make entries on the return;*
- *The respective guides for Members of the Legislative Assembly and the Legislative Council explain the requirements of the pecuniary interest disclosure regime in plain language, with examples where possible; and*
- *It is also open to any Member to seek advice on these matters from the Clerks of the House or the Parliamentary Ethics Adviser.*

UPHOLDING THE CODE

9 Upholding the Code

Members have a duty to cooperate fully with any processes established under the authority of the House concerning compliance with this Code.

Breaches of this Code may result in actions being taken by the House in relation to the Member. A minor breach of this Code may be the subject of an investigation by the Independent Complaints Officer. A substantial breach of the Code may constitute corrupt conduct for the purposes of the *Independent Commission Against Corruption Act 1988*.

10 Treatment of staff and others

A Member must treat their staff and each other and all those working for Parliament in the course of their parliamentary duties and activities with dignity, courtesy and respect, and free from any behaviour that amounts to bullying, harassment or sexual harassment.

Commentary

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

(2) That this resolution has continuing effect unless and until amended or rescinded by resolution of the House.

[Resolved LC Minutes 24 March 2020, pp883-886, as amended—LC Minutes 8 June 2022 p. 3420-3421]

3. Parliamentary Contributory Superannuation Fund

Under section 14 of the Parliamentary Contributory Superannuation Act 1971, the Honourable Don Harwin be appointed as Trustee of the Parliamentary Contributory Superannuation Fund.

[Resolved as Formal Business—LC Minutes 31 May 2007 p. 90]

Under section 14 of the Parliamentary Contributory Superannuation Act 1971, the Honourable Greg Donnelly be appointed as Trustee of the Parliamentary Contributory Superannuation Fund.

[Resolved—23 June 2011 p. 277]

4. Parliamentary Ethics Advisor

The Parliamentary Ethics Adviser shall have the following functions.

Advice to Members of Parliament

(1)

- (a) The Parliamentary Ethics Adviser is to advise any member of Parliament, when asked to do so by that member, on ethical issues concerning the exercise of his or her role as a member of Parliament (including the use of entitlements and potential conflicts of interest).

- (b) The Parliamentary Ethics Adviser is to be guided in giving this advice by any Code of Conduct or other guidelines Resolved by the House (whether pursuant to the Independent Commission Against Corruption Act or otherwise).
- (c) The Parliamentary Ethics Adviser’s role does not include the giving of legal advice.

Advice to Ministers on post-separation employment

(2) The Parliamentary Ethics Adviser must on request by a Minister provide written advice to the Minister as to whether or not the Adviser is of the opinion that the Minister’s:

- (a) acceptance of an offer of post-separation employment or engagement which relates to the Minister’s portfolio responsibilities (including portfolio responsibilities held during the previous two years of ministerial office); or
- (b) decision to proceed, after the Minister leaves office, with a proposal to provide services to third parties (including a proposal to establish a business to provide such services) which relates to the Minister’s portfolio responsibilities (including portfolio responsibilities held during the previous two years of ministerial office),

would give rise to a reasonable concern that:

- (c) the Minister’s conduct while in office was influenced by the prospect of the employment or engagement or the proposal to provide services; or
- (d) the Minister might make improper use of confidential information to which he or she has access while in office.

(3) The Adviser must on request by a person who has ceased to hold ministerial office within the previous 18 months (“the former Minister”) provide written advice to the former Minister as to whether or not the Adviser is of the opinion that the former Minister’s:

- (a) acceptance of an offer of employment or engagement which relates to the former Minister’s former portfolio responsibilities during the last two years in which the Minister held ministerial office; or
- (b) decision to proceed with a proposal to provide services to third parties (including a proposal to establish a business to provide such services) which relate to the former Minister’s former portfolio responsibilities during the last two years in which the Minister held ministerial office,

would give rise to a reasonable concern that:

- (c) the former Minister’s conduct while in office was influenced by the prospect of the employment or engagement or the proposal to provide services; or
- (d) the former Minister might make improper use of confidential information to which he or she had access while in office.

(4) If the Adviser is of the opinion that accepting the proposed employment or engagement or proceeding with the proposal to provide services might give rise to such a reasonable concern, but the concern would not arise if the employment or engagement or the provision of services were subject to certain conditions, then he or she must so advise and specify the necessary conditions.

(5) The Adviser’s advice must include:

- (a) a general description of the position offered, including a description of the duties to be undertaken, or the services to be provided, based on material provided by the Minister or former Minister but excluding any information that the Minister or former Minister indicates is confidential; and

- (b) the Adviser's opinion as to whether or not the position may be accepted, or the services may be provided, either with or without conditions.
- (6) Where the Adviser becomes aware that a Minister or former Minister has accepted a position, or has commenced to provide services, in respect of which the Adviser has provided advice, the Adviser must provide a copy of that advice to the Presiding Officer of the House to which the Minister belongs or to which the former Minister belonged.

Keeping of records

- (7) The Parliamentary Ethics Adviser shall be required to keep records of advice given and the factual information upon which it is based.
- (8) Subject to clause 6, the Parliamentary Ethics Adviser shall be under a duty to maintain the confidentiality of information provided to him in exercising his function and any advice given, but the Parliamentary Ethics Adviser may make advice public if the person who requested the advice gives permission for it to be made public.
- (9) This House shall only call for the production of records of the Parliamentary Ethics Adviser if the person to which the records relate has:
 - (a) in the case of advice given under clause 1(a), sought to rely on the advice of the Parliamentary Ethics Adviser; or
 - (b) given permission for the records to be produced to the House.

Annual meeting with committees

- (10) The Parliamentary Ethics Adviser is to meet annually with the Standing Committee of each House designated for the purposes of Part 7A of the Independent Commission Against Corruption Act.

Report to Parliament

- (11)
 - (a) The Parliamentary Ethics Adviser shall be required to report to the Parliament annually on the number of ethical matters raised with him, the number of members who sought his advice, the amount of time spent in the course of his duties and the number of times advice was given.
 - (b) The Parliamentary Ethics Adviser may report to the Parliament from time to time on any problems arising from the determinations of the Parliamentary Remuneration Tribunal that have given rise to requests for ethics advice and proposals to address these problems.

[Resolved and message sent to Assembly—LC Minutes 28 June 2007 p. 208-210]

Alcohol and Drug Free Policy for the Parliament

- (1) That the President request the Parliamentary Ethics Adviser to consider and advise on the desirability and practicability of implementing an Alcohol and Drug Policy for the Parliament.
- (2) That the Parliamentary Ethics Adviser consider the terms of the Notice of Motion given by Ms Rhiannon relating to an amendment of standing order 190 and the Notice of Motion given by the Revd Mr Nile relating to an alcohol-free and drug-free Parliament workplace.

[Resolved—17 March 2004 p. 616-617]

Resignation of Parliamentary Ethics Advisor

The President informed the House that Mr Ian Dickson had given notice of his resignation from the position of Parliamentary Ethics Advisor effective 31 December 2013—26 November 2013 p. 2260.

Message received from the Assembly 17 June 2014 p. 2576-2579. Resolved and message sent to Assembly—18 June 2014 p. 2597-2600

That this House directs the President to join with the Speaker to make arrangements for the appointment of Mr John Evans PSM as Parliamentary Ethics Adviser, on a part-time basis, on such terms and conditions as may be agreed from the period beginning 1 July 2014.

5. Presidents Gallery and Visitors' Galleries Rules

- (1) That the following rules apply to visitors in the President's Gallery and visitors' galleries:
 - (1) No audible conversations must take place.
 - (2) Applause, jeering or any other gestures responding to the proceedings are not permitted.
 - (3) Visitors to the galleries are not to converse with members in the chamber.
 - (4) Visitors are not to trespass on the chamber floor or to impede the access of members entering or leaving the chamber.
 - (5) The use of mobile telephones, radios, iPods and other electronic equipment that creates sound in the chamber is not permitted in the galleries.
 - (6) Food and drink are not permitted in the chamber at any time.
 - (7) Protests or other actions that interrupt the proceedings of the House are not permitted and banners, posters and clothing with messages that may be used to protest are not to be worn or taken into the galleries.
 - (8) Photographs may not be taken unless permission has been granted by the President.
 - (9) Visitors in the President's Gallery when the House is sitting are subject to the same dress code as applies to members.
 - (10) Visitors must comply with instructions given by chamber and support staff or other parliamentary staff.
- (2) That this resolution have continuing effect until amended or rescinded.

[Resolved—LC Minutes 10 November 2009 p. 1487-1488]

6. Records of the House

- (1) That this House notes that the State Records Act 1998 provides for exempt public offices, including the Houses of Parliament, to enter into agreements with the State Records Authority for the application, with or without specified modifications, of any of the provisions of the Act to their records.
- (2) That this House accordingly authorises the Clerk to enter into a memorandum of agreement with the State Records Authority for the transfer of records of the Legislative Council to the care of, but not control of, the State Records Authority.
- (3) That, under standing order 50, this House authorises the Clerk to transfer, from time to time as occasion may require, to the care of, but not control of, the State Records Authority the records of the Legislative Council not currently in use.
- (4) That any documents transferred to the care of the State Records Authority be subject to access orders in terms of the spirit of Part 6 of the State Records Act 1998, as follows:
 - (a) documents tabled in the House and authorised to be made public are to be open to public access,
 - (b) documents tabled in the House and not made public are to remain closed to public access for 30 years from the date of tabling, after which the Clerk may make a direction that the documents be open to public access, and
 - (c) documents which have not been published by authority of the House or a committee, such as in camera evidence and confidential submissions, are to remain closed to public access unless authorised by resolution of the House.
- (5) That this resolution have continuing effect until amended or rescinded.

[Resolved—LC Minutes 23 November 2006 p. 432]

7. Smoke-Free Parliament

That from 1 January 1994 the enclosed areas of the precincts of the Parliament shall be a smoke-free environment, other than areas designated by the Presiding Officers, having regard to the provisions of the Occupational Health and Safety Act 1983 and any relevant regulations and codes of practice made under that Act.

[Resolved and message sent to Assembly—LC Minutes 9 November 1993 p. 363-364]

8. Message Stick

That, during the present session and unless otherwise ordered:

- (a) the message stick presented to the New South Wales Parliament on 11 October 2017, during the ceremony to mark the introduction of the Aboriginal Languages Bill 2017 in the Legislative Council, be placed on permanent display in the President's Gallery,
- (b) the House authorise the placement of the message stick on the Table during proceedings on opening of Parliament, or during other special occasions at the discretion of the President, and
- (c) on those occasions set out in paragraph (b), an Aboriginal Language group, selected on a rotational basis from a list of Aboriginal Language groups maintained by the President and the Aboriginal Languages Establishment Advisory Group and, once established, the Aboriginal Languages Trust, nominate an elder who will be invited to:
 - (i) remove the message stick from the display cabinet,
 - (ii) briefly address members from the Bar of the House in their language,
 - (iii) hand the message stick to the Usher of the Black Rod for placement on the Table.

[Resolved—LC Minutes 21 June 2018 p. 2804-2805]

9. Procedural Fairness for Inquiry Participants

1. That the House adopts the following procedures to provide procedural fairness for inquiry participants:
 1. **Inviting and summoning witnesses**
A witness will be invited to give evidence at a hearing unless the committee decides that a summons is warranted.
 2. **Information for witnesses**
A witness will normally be given reasonable notice of their hearing and will be provided with the inquiry terms of reference, a list of committee members and a copy of these procedures.
 3. **Opportunity to make a submission before a hearing**
A witness will normally be given the opportunity to make a submission before their hearing.
 4. **Opportunity to request a private (*in camera*) hearing**
A witness may request, before or during their hearing, that some or all of their evidence be heard in private (*in camera*). The committee will consider this request and if it declines, will advise the witness of the reasons why.
 5. **Publication of evidence taken in private (*in camera*)**
Prior to their private (*in camera*) hearing, a witness will be informed that the committee and the Legislative Council have the power to publish some or all of the evidence given. If the committee intends to publish, it will normally consult the witness, advise them of the outcome, and give reasonable notice of when the evidence will be published.
 6. **Attendance with a legal adviser**
With the prior agreement of the committee, a witness may be accompanied by and have reasonable opportunity to consult a legal adviser during their hearing. The legal adviser cannot participate in the hearing and will not be sworn in or give evidence, unless the committee decides otherwise.
 7. **Attendance with a support person**
With the prior agreement of the committee, a witness may be accompanied at their hearing by a support person. The support person will not be sworn in or give evidence, unless the committee decides otherwise.

8. **Witnesses to be sworn**

At the start of their hearing a witness will, unless the committee decides otherwise, take an oath or affirmation to tell the truth, and the provisions of the *Parliamentary Evidence Act 1901* will then apply.
9. **Chair to ensure relevance of questions**

A committee chair will ensure that all questions put to witnesses are relevant to the inquiry.
10. **Questions to public officials**

Public officials will not be asked to give opinions on matters of policy, and will be given reasonable opportunity to refer questions to more senior officials or to a minister.
11. **Questions on notice**

A witness may request to take a question on notice and provide the answer in writing at a later date to be determined by the committee.
12. **Objections to answering questions**

Where a witness objects to answering a question, they will be invited to state the grounds for their objection. If a member seeks to press the question, the committee will consider whether to insist on an answer, having regard to the grounds for the objection, the relevance of the question to the inquiry terms of reference, and the necessity to the inquiry of the information sought. If the committee decides that it requires an answer, it will inform the witness of the reasons why and may consider allowing the witness to answer the question on notice or in private (*in camera*).

Witness appearing by invitation

 - (a) If a witness who appears by invitation continues to refuse to answer the question, the committee may consider summoning the witness to reappear later, and will advise the witness that as they will be under oath and so subject to section 11 of the *Parliamentary Evidence Act 1901*, they may be compelled to answer the question.

Witness appearing under summons

 - (b) The continued refusal by a witness, having been summoned, to answer the question while under oath, may constitute a contempt of parliament under the *Parliamentary Evidence Act 1901*, and the committee may report the matter to the Legislative Council.
13. **Evidence that may seriously damage the reputation of a third party**

Evidence about to be given

 - (a) Where a committee anticipates that evidence about to be given may seriously damage the reputation of a person or body, the committee may consider hearing the evidence in private (*in camera*).

Evidence that has been given

 - (b) Where a witness gives evidence in public that may seriously damage the reputation of a person or body, the committee may consider keeping some or all of the evidence confidential.

Opportunity to respond

 - (c) Where a witness gives evidence that may seriously damage the reputation of a person or body, the committee may give the person or body reasonable access to the evidence, and the opportunity to respond in writing or at a hearing.
14. **Evidence that places a person at risk of serious harm**

Where a witness gives evidence that places a person at risk of serious harm, the committee will immediately consider expunging the information from the transcript of evidence.

15. **Tendering documents**
A witness may tender documents during their hearing. The committee will decide whether to accept and to publish such documents.
 16. **Inviting and ordering the production of documents**
A witness will be invited to produce documents unless the committee decides that an order to produce the documents is warranted.
 17. **Requests for confidentiality**
A person or body may request that documents provided to a committee be kept confidential in part or in full. The committee will consider the request and if it declines, will advise the person or body of the reasons why, and give reasonable notice of when the documents will be published.
 18. **Transcripts**
A witness will be given the opportunity to correct transcription errors in their transcript of evidence. Amendments to or clarifications of evidence may be requested in writing.
 19. **Treatment of witnesses**
Witnesses will be treated with courtesy at all times.
 20. **Improper treatment of inquiry participants**
Where a committee has reason to believe that a person has been improperly influenced in respect of the evidence they may give to a committee, or has been penalised, injured or threatened in respect of evidence given, the committee will take all reasonable steps to ascertain the facts of the matter. If the committee is satisfied that such action may have occurred, the committee may report the matter to the Legislative Council.
 21. **Inquiry participants before the Privileges Committee**
Where the Privileges Committee inquiries into a matter which may involve an allegation of contempt, the committee may adopt additional procedures as it sees fit in order to ensure procedural fairness and the protection of inquiry participants.
2. That this resolution have continuing effect until amended or rescinded.

[Resolved—LC Minutes 25 October 2018 p. 3138-3140]

10. Parliamentary procurement and modern slavery

That, commencing from the 2022-2023 financial year starting 1 July 2022:

- (1) The Department of Parliamentary Services of the Parliament of New South Wales must take reasonable steps to ensure goods and services procured by and for the Houses of Parliament are not the product of modern slavery.
- (2) The Chief Executive, Department of Parliamentary Services must, within 5 months of the end of each financial year, prepare a report (an annual report) that contains the following:
 - (a) a statement of the action taken by the Department of Parliamentary Services in relation to any issue raised by the Anti-slavery Commissioner during the year concerning the operations of the Department and identified by the Commissioner as being a significant issue, and
 - (b) a statement of steps taken to ensure goods and services procured by and for the Department during the year were not the product of modern slavery.
- (3) The annual report prepared under this resolution must be:
 - (a) presented to the Presiding Officer of each House of Parliament,
 - (b) tabled in each House of Parliament by the Presiding Officer within 14 sitting days of receipt of the annual report, and
 - (c) forwarded to the Anti-slavery Commissioner.
- (4) That this resolution have continuing effect until amended or rescinded.

[Resolved—LC Minutes 25 November 2021 p. 2899-2900]

11. Independent Complaints Officer

- (1) That this House adopt the following resolution to establish an Independent Complaints Officer:

(1) Establishment of position

That this House directs the President to join with the Speaker 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,
- (iii) allegations of bullying, harassment and other types of inappropriate behaviour,
- (iv) minor breaches of the pecuniary interests disclosure scheme.

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

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

- (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 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) Amendment of the Code of Conduct for Members

The Members' Code of Conduct is amended by

- (a) the addition of the following paragraph:

"Clause 10

A Member must treat their staff and each other and all those working for Parliament in the course of their parliamentary duties and activities with dignity, courtesy and respect, and free from any behaviour that amounts to bullying, harassment or sexual harassment"

Commentary

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

- (b) the insertion into the second paragraph of clause 9 the following words:

“A minor breach of this Code may be the subject of an investigation by the Independent Complaints Officer”

(4) 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.

(5) 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 referral 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).

- (b) Standing

This protocol shall include definitions of standing such that:

- only current members of the parliamentary community, that is Members of the NSW Parliament, those who work for Members of the Parliament of NSW in their capacity as Members or Ministers, those who work for the parliamentary departments, contractors or subcontractors, volunteers, interns and trainees, have standing to lodge complaints
- that an individual may make a complaint up until 21 days following termination from their employment, but not have standing after that date if not part of the parliamentary community
- 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

Members of the parliamentary community 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 finds that there has been a misuse of an allowance or entitlement, the Independent Complaints Officer may recommend repayment of funds misused. Where the Independent Complaints Officer finds that a member has otherwise breached the Members' Code of Conduct the Independent Complaints Officer 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 Committee will consider whether to adopt the recommendations of the Independent Complaints Officer and whether to report to the House.

(f) Minor breach

Where the Independent Complaints Officer investigates a matter and finds that a member has breached the Code or Regulations but in the Independent Complaints Officer'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 Independent Complaints Officer 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 Independent Complaints Officer 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 finds no evidence or insufficient evidence to substantiate a breach of the Code of Conduct for Members or 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 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 Independent Complaints Officer 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 Independent Complaints Officer'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 Independent Complaints Officer'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 Independent Complaints Officer'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.

(6) 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.

(7) 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 in accordance with clause 5 (a), or where the member requests that the records be made public.

A member requesting 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 Independent Complaints Officer, on the recommendation of the Officer that expeditious publication is required.

(8) Reports to Parliament

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

- the number and types of complaints received
- the number of investigations undertaken
- the number of matters found by an Independent Complaints Officer 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 an 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 but not to the House
- the number of matters an 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.

(9) Annual meeting with relevant committees

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

(10) Review of the Independent Complaints Officer System

The privileges committees of both Houses are 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 complaints 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.

[Resolved and message sent to Assembly—LC Minutes 22 March 2022 p. 3039-3035, amended and message sent to Assembly—LC Minutes 8 June 2022 p. 3420-3421]

The President informed the House that Ms Rose Webb has been appointed as the Parliament's inaugural Independent Complaints Officer effective 11 August 2022—11 August 2022 p. 3587.

Part 3 – Officeholders and ministerial representation

1. Officeholders

President	The Honourable Matthew Mason-Cox—4 May 2021 (sitting day 24 March 2021), p. 2073
Deputy President and Chair of Committees	The Honourable Wes Fang—22 March 2022, p. 3027
Assistant President	The Honourable Rod Roberts—17 June 2020, p. 1053
Leader of the Government	The Honourable Damien Tudehope
Deputy Leader of the Government	The Honourable Sarah Mitchell—7 May 2019, p. 12
Leader of the House	The Honourable Damien Tudehope—4 August 2020, p. 1110
Parliamentary Secretaries	The Honourable Lou Amato—22 February 2022, p. 2958 The Honourable Taylor Martin—22 February 2022, p. 2958 The Honourable Shayne Mallard—22 February 2022, p. 2958
Government Whip	The Honourable Peter Poulos—22 February 2022, p. 2958
Deputy Government Whip	The Honourable Scott Farlow—22 February 2022, p. 2959
Leader of the Opposition	The Honourable Scott Barrett—22 March 2022, p. 3028
Deputy Leader of the Opposition	The Honourable Penny Sharpe—8 June 2021, p. 2258
Opposition Whip	The Honourable John Graham—8 June 2021, p. 2258
Deputy Opposition Whip	The Honourable Mark Buttigieg—6 August 2019, p. 304
Temporary Chairs of Committees	The Honourable Anthony D'Adam—6 August 2019, p. 304 The Honourable Courtney Houssos—28 May 2019, p. 126 Ms Abigail Boyd—8 June 2021, p. 2255 The Honourable Adam Searle—24 March 2022, p.3089 The Honourable Christopher Rath—9 August 2022, p.3550
Parliamentary Contributory Superannuation Fund Trustees	The Honourable Don Harwin—31 May 2007, p. 90 The Honourable Greg Donnelly—23 June 2011, p. 277

2. Assembly Ministers represented in the Council

The Hon Damien Tudehope MLC
Minister for Finance and Minister for Employee Relations,
Vice-President of the Executive Council

The Hon Dominic Perrottet MP	Premier
The Hon Matthew John Kean MP	Treasurer and Minister for Energy
The Hon. Victor Dominello MP	Minister for Customer Service and Digital Government and Minister for Small Business and Minister for Fair Trading

The Hon Sarah Mitchell MLC,
Minister for Education and Early Childhood Learning

The Hon Paul Toole MP	Deputy Premier, Minister for Regional New South Wales and Minister for Police
The Hon. Alister Henskens SC MP	Minister for Skills and Training and Minister for Science, Innovation and Technology and Minister for Enterprise, Investment and Trade and Minister for Sport

The Hon Bronnie Taylor MLC
Minister for Women, Minister for Regional Health and Minister for Mental Health

The Hon Brad Hazzard MP	Minister for Health
The Hon. Anthony Roberts MP	Minister for Planning and Minister for Homes

The Hon Natalie Ward MLC
**Minister for Metropolitan Roads and Minister for Women’s Safety and the Prevention of Domestic
Violence and Sexual Assault**

The Hon David Andrew Elliott MP	Minister for Transport and Veterans and Minister for Western Sydney
The Hon Mark Speakman SC MP	Attorney General
The Hon. Rob Stokes MP	Minister for Infrastructure, Minister for Cities and Minister for Active Transport

The Hon Ben Franklin MLC
Minister for Aboriginal Affairs, Minister for the Arts and Minister for Regional Youth

The Hon. Kevin Anderson MP	Minister for Lands and Water and Minister for Hospitality and Racing
The Hon. James Griffin MP	Minister for Environment and Heritage
The Hon. Mark Coure MP	Minister for Multiculturalism and Minister for Seniors.

The Honourable Natasha Maclaren-Jones MLC
Minister for Families and Communities and Minister for Disability Services

The Hon. Dr. Geoff Lee MP
The Hon. Wendy Tuckerman MP

Minister for Corrections
Minister for Local Government

The Honourable Sam Farraway MLC
Minister for Regional Transport and Roads

The Hon. Dugald Saunders MP
The Hon. Steph Cooke MP

Minister for Agriculture and Minister for Western
New South Wales
Minister for Emergency Services and Resilience

3. Council Ministers represented in the Assembly

The Hon Damien Tudehope MLC
Minister for Finance and Minister for Employee Relations,
Vice-President of the Executive Council

The Hon Matthew John Kean MP

Treasurer and Minister for Energy

The Hon Sarah Mitchell MLC,
Minister for Education and Early Childhood Learning

The Hon. Alister Henskens SC MP

Minister for Skills and Training and Minister for
Science, Innovation and Technology and Minister for
Enterprise, Investment and Trade and Minister for
Sport

The Hon Bronnie Taylor MLC
Minister for Women, Minister for Regional Health and Minister for Mental Health

The Hon Brad Hazzard MP

Minister for Health

The Hon Natalie Ward MLC
**Minister for Metropolitan Roads and Minister for Women’s Safety and the Prevention of Domestic
Violence and Sexual Assault**

The Hon Mark Speakman SC MP

Attorney General

The Hon Ben Franklin MLC
Minister for Aboriginal Affairs, Minister for the Arts and Minister for Regional Youth

The Hon. Kevin Anderson MP

Minister for Lands and Water and Minister for
Hospitality and Racing

The Honourable Natasha Maclaren-Jones MLC
Minister for Families and Communities and Minister for Disability Services

The Hon. Dr. Geoff Lee MP

Minister for Corrections

The Honourable Sam Farraway MLC
Minister for Regional Transport and Roads

The Hon. Dugald Saunders MP

Minister for Agriculture and Minister for Western
New South Wales
