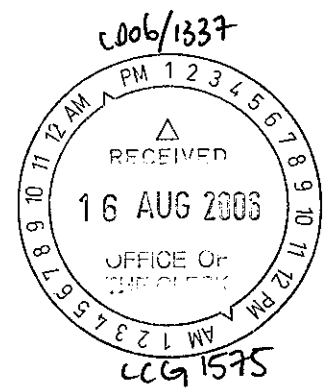


11th August, 2006

The Hon Peter Primrose M.L.C.,
Chair,
Privileges Committee,
Legislative Council,
Parliament House,
SYDNEY NSW



Dear Mr. Primrose,

Draft Regulation and draft amendments to Code of Conduct.

Thank you for the invitation to comment on the draft regulation, draft amendments to the Code and specific matters in the terms of reference. I am pleased to provide my brief overview of these matters and perhaps when the relevant Committees of both houses have considered the proposals and submissions that I may have the opportunity to comment further on any issues.

Code of Conduct.

In the first instance let me say that I have not experienced any difficulties in performing my duties as the Parliamentary Ethics Adviser under the terms of my agreement with the Clerk of the Parliaments and the Clerk of the Legislative Assembly under the existing terms of the Code. When invited to comment on the Code in previous years I have indicated that in my opinion no amendments are necessary.

Having said this I am conscious that the Independent Commission Against Corruption has in its recommendations, arising out of several investigations, made reference to the Code and appropriate amendments. The draft amendments reflect the recommendations of the Independent Commission Against Corruption.

Further I am aware that media reports continue to reflect public opinion supporting views that also reflect the recommendations of the Commission. I am of the view that these opinions should be taken into consideration.

Consequently I do not have any problem with the draft amendments to the code however I make the following observations.

* I am given to understand that it could be seen that some of the proposed amendments could conflict with existing sections of the Code. I have not seen any detailed statements of these perceived conflicts.

For example the inclusion of the additional paragraph to the preamble section relating to Members responsibility in serving as Members of Parliament is to their constituents etc may be seen to conflict with the existing section 6 on duties as a Member of Parliament. Further that the existing criteria under the preamble are satisfactory in themselves to include the intention of the additional paragraph.

*As regards the additional wording under the Section on Bribery I again have not seen any specific objections. It could be said that having regard to the Status of the Code of Conduct the inclusion of the additional final sentence is irrelevant. On the other hand I would prefer to see the inclusion of the words Paid Advocacy in the heading to add further emphasis.

*New Section 7 Secondary employment or engagements apparently arises from recommendations of the ICAC within its Report on Regulation of Secondary Employment for Members of the NSW Legislative Assembly. Such recommendations appear to be generally consistent with existing provisions in the British House of Commons, the Scottish Parliament and the Ontario Legislative Assembly and have been accepted with little reservations.

However before introduction the Section needs to be supported by detailed operations and guidelines by the Houses for this rule so that Members are clear on its intention. In some minor cases it may be found that the two year retrospective rule for disclosure could be onerous.

Terms of Reference - Specific Matters

- I understand that the Clerks are proposing to introduce a streamlined process for up dating the Pecuniary Interest Register possibly involving a loose leaf format.
- The use of exception reporting or supplementary returns is supported. My general advice to members is if in doubt put it in the register. I also see no value to members in withholding changes to details in the register until the required submission dates. If changes occur to their circumstances then I am of the view that such changes should be notified within thirty days.

Draft Constitution (Disclosure by Members) Regulation 2006

Retention of 3 month return for new Members.

The new clause on Primary Returns requires a Member (not being a re-elected Member) to lodge this return with the Clerk within 1 month after the date on which he or she takes the pledge of loyalty. While candidates contesting State Elections are issued with information pertaining to duties of Members of Parliament and again after being elected I suggest that the existing period of 3 months be retained to ensure as far as possible that the Return is understood and completed with accuracy .

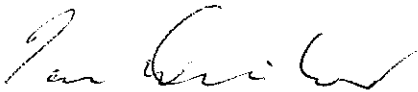
Forms

I have not had the opportunity to consider or discuss the effectiveness of the forms proposed in the Draft and how such forms compare with concerns I understand have been raised with the Clerks on the existing documents.

I recall a visit to the Parliament in September 2005 by His Honour Judge Anand Satyanand, Registrar of Members' Pecuniary Interests New Zealand Parliament to compare working arrangements on this subject. The forms introduced for Members of the New Zealand Parliament appeared to be effective both in obtaining the required information and ease in completion for most Members and could be of assistance in reviewing the Draft.

I thank you again for the opportunity to comment on these matters.

Yours sincerely,



E. I. Dickson,
Parliamentary Ethics Adviser,
36 Surveyor Abbot Drive,
Glenbrook NSW 2773
Tel/fax 47394308