

REVIEW OF THE CODE OF CONDUCT FOR MEMBERS OF THE NEW SOUTH WALES PARLIAMENT.

SUBMISSION BY EDWARD IAN DICKSON PARLIAMENTARY ETHICS ADVISER.

THE DISCLOSURE OF PECUNIARY INTERESTS BY MEMBERS OF THE NEW SOUTH WALES PARLIAMENT

**\*The publication of the 'Register of Disclosures by Members' on the Parliament's website.**

As the Register is open to public inspection I can see no reasonable argument not to make the Returns of Members available on the website in their present form but subject to the suggested amendment to clarify Clause 15 of the Regulation.

It is noted that the Register at any time comprises the returns lodged by members within the previous eight years. This may be a requirement of retention of archives but I cannot see that this is clearly understood by Members. I also assume that the returns of Members who have left the Parliament are not culled from the Register. It is suggested that a review of this condition be undertaken.

**\*The disclosure of partners' interests.**

The disclosure of partners pecuniary interests should be carefully considered for the reasons outlined in the discussion paper.

In addition such an amendment could effect the decision of a potential parliamentary candidate from pursuing a political career or continuing his or her parliamentary pursuits.

The disclosure of a partners pecuniary interests could be seen as making undue disclosure of the partners business dealings that might have the potential to damage the interests of others not also in public life such as business associates or shareholders.

In certain portfolios held by Ministers an argument could exist for the disclosure of partners and relatives interests that could conflict with his or her management of the portfolio or be perceived as being in danger of creating a conflict of interest. Such circumstances may not necessarily involve public disclosure but be maintained in confidence by the Premiers Department. A predetermined structure for such portfolios could be established for appointments.

To overcome concerns that non-disclosure creates a lack of confidence in the parliamentary process the existing provisions dealing with participation in debates or voting could be strengthened by amendments to instructions to include indirect pecuniary interests such as those of a partner. The deterrent for failing to disclose by the resulting embarrassment in disclosure by the media or others could be a sufficient penalty for avoidance. On the other hand such a situation may not arise for many Members in their life in the Parliament.

**\*The Educative Function of the Privileges Committee concerning members' ethics.**

With cultural views having conflicting ethical standards this area remains a difficult concept for educators and members. While the general public has various concepts there are issues for those who take on public life that should be understood. These include the expectations of the public for members to do the right thing, and to act in the interests of their constituents above family members and friends.

These attitudes or expectations may best be outlined by representatives of Departments playing a more formal role in corruption, public actions and having regard to proper accounting procedures. These expectations and the effects of the actions and decisions by members could best be represented by the Auditor General, Ombudsman and the Independent Commisisoner Against Corruption citing actual examples with outcomes. It is suggested that the Committee considers that at least on two occasions in the life of the Parliament presentations be made by these officers to members.

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