

INQUIRY INTO REVIEW OF MEMBERS' CODE OF CONDUCT (2018)

Organisation: Legislative Council of New South Wales

Date Received: 31 July 2018



LEGISLATIVE COUNCIL

OFFICE OF THE CLERK

25 July 2018

D18/25446
LCC18/37.01

The Hon Natasha Maclaren-Jones MLC
Chair
Privileges Committee
Legislative Council
Parliament House
SYDNEY NSW 2000

Dear Mrs Maclaren-Jones,

Submission – review of the Code of Conduct for Members

Thank you for the invitation to make a submission to the review of the Code of Conduct for Members being undertaken by the Legislative Council's Privileges Committee.

The discussion paper for the review refers to the recommendations of the previous Privileges Committee in its 2014 review of the Code of Conduct and notes that a number of those recommendations have been repeatedly made by Legislative Council Privileges Committees over a number of parliaments. I commend those recommendations.

I note that the discussion paper identifies four issues for consideration by the Committee in this review. This submission will briefly address each of those issues. A number of attachments are provided, which may be of interest to the Committee, particularly in relation to the Committee's educative function.

Improper influence

The discussion paper notes the recommendation of the previous Privileges Committee in 2014 for a new clause to be added to the Code of Conduct concerning improper influence. The discussion paper also notes that the proposed new Code included in the Legislative Assembly Committee's discussion paper includes a similar clause.

The only thing I would add in relation to this matter is to draw the Committee's attention to the recent prosecutions for, and new case law concerning, the common law offence of misconduct in public office. This has been a significant development in the area of conduct by Members of Parliament and other public officials. I will return to this subject below, under the heading "Educative

function.” I do not suggest this development is in any way an impediment to the inclusion in the Code of a new clause on improper influence. However, the Committee may wish to consider the recent case law on the common law offence and whether any of the language used could be picked up in the wording of the proposed new clause.

Exception reporting

I note the recommendations in the 2014 report of the previous Committee, and similar recommendations of earlier Committees, for the interest disclosure regime to move to a system of exception reporting. Those recommendations remain equally valid today, for all of the reasons articulated in those earlier reports. Indeed, over the last four years since 2014, many established and new Members, and other stakeholders, have continued to struggle with the overly complex and unhelpful reporting regime, involving primary, ordinary, supplementary ordinary, and discretionary disclosures. The sooner the reporting regime moves one of an initial primary disclosure, followed by exception reporting of updates as necessary, the better.

Online publication of the register of Disclosures

I note that previous Committees have recommended the amendment of the Constitution (Disclosures by Members) Regulation 1983 to provide for the online publication of disclosures. My predecessor took the view that, given previous Committees had recommended the Regulation be amended to provide for online publication, without such an amendment it would not be appropriate to publish the register of disclosures online. Up until now I have adopted the same position. However, this position is now becoming difficult to justify.

Clerks of the Legislative Assembly have now been publishing the Register of Disclosures of Legislative Assembly Members online for some years. As far as I am aware this has not attracted any criticism. Indeed, the fact that the disclosures of members of the Legislative Council are not published online has been the subject of regular criticism (directed to me). It has also been the cause of frustration and cost to stakeholders who have as a consequence been required to travel to Sydney to inspect the register in person and to the Department of the Legislative Council in printing and mailing out copies of the bulky full register. It is therefore now my intention, unless an objection is expressed by this Committee in its forthcoming report on this inquiry, to move to publish online the disclosures of members of the Legislative Council. This will bring the legislative Council into line, not only with the Legislative Assembly, but also most other Australian Parliaments. In preparation for this step, I have been at pains in recent years to counsel all members to not disclose their street address in their disclosures, but rather, as provided for in the regulation, to instead refer solely to the general location or suburb of their residence, so as to protect Members’ privacy.

Educative function

I have enclosed three attachments that might be of interest to the Committee in relation to its educative function:

- A copy of the submission that I made jointly with the former Clerk of the Legislative Assembly, in December 2014, to the Panel of Experts – Political Donations, in response to a request from the panel for our “views on how best to implement mandatory ongoing education of Members of Parliament and their staff, including... ideas on the possible format and delivery of training.” Attached to that submission was information on the induction program held for newly elected members following the 2011 election.

- Information on the induction program held for newly elected members of the Legislative Council following the 2015 election, including the slides from my presentation, together with the Parliamentary Ethics Adviser, on the Code of Conduct for Members.
- A document summarising ICAC investigations into the conduct of Members of Parliament, dated April 2015, which was provided to newly elected members following the 2015 election.

The Committee might be interested in the information in the submission to the Expert Panel on the challenges in relation to induction programs and the development of such programs over the years. The Committee might also be interested in the ideas put forward concerning the possible content of a program of mandatory continuing education for members, including an annual seminar for all members, and how to ensure all Members are engaged in such ongoing education.

This subject was discussed during a session on professional development for members at the annual Commonwealth Parliamentary Association (CPA) Australia and Pacific Regions Conference hosted at the Parliament of NSW in October 2017. The Deputy President, the Member for Ku-ring-gai and a former Clerk of the Legislative Assembly each addressed the subject. An interesting idea to emerge from the subsequent discussion was the option, if mandatory continuing education for Members was to be prioritised, of scheduling a regular seminar during a sitting day. With sufficient support from the political party leaders and whips a mandatory seminar could, for example, be scheduled for two hours during an adjournment of both Houses during the first week back after the summer recess and winter recesses. That would help facilitate full attendance and participation.

In relation to induction programs for newly elected members, it should be noted that whilst the 2011 induction was held jointly for new Members of both Houses, the 2015 induction program was held separately for Members of each House. This was a consequence of the time required for completion of the counting process for the Legislative Council and need for Members of the Legislative Assembly to be inducted before the declaration of the poll for the Legislative Council. It is likely that the 2019 induction program and future such programs will also be held separately.

The document summarising ICAC investigations into the conduct of Members of Parliament will be updated, in collaboration with the ICAC, and included in the package of information presented to newly elected members following the 2019 election. In addition to that document, given the recent prosecutions for, and new case law about, the offence of misconduct in public office, I am also looking to have a suitably qualified expert (eg a legal academic) prepare a brief document on the offence of misconduct in public office, for inclusion in the 2019 induction package. These documents (on ICAC investigations concerning Members of Parliament and the offence of misconduct in public office) might also be of interest to serving members – perhaps they would be the sorts of things that could usefully be presented at regular mandatory continuing education seminars?

I trust this information is of assistance to the Committee in its deliberations. Please do not hesitate to contact me if the Committee requires any further information on any of these matters.

Yours sincerely,



David Blunt
Clerk of the Parliaments

Ronda Miller
Clerk of the Legislative Assembly



David Blunt
Clerk of the Parliaments

2 December 2014

D14/28430

Dr Kerry Schott
Chair
Panel of Experts – Political Donations
GPO Box 5341
SYDNEY NSW 2001

Dear Dr Schott

Education for Members of Parliament

We refer to your letter, dated 28 October 2014, concerning the interim report of the Expert Panel on Political Donations.

We note that you indicate that the panel supports “mandatory ongoing education for all Members and their staff on their obligations under election funding laws and ethical behaviour in general” and that you have therefore written to us requesting our “views on how best to implement mandatory ongoing education of Members of Parliament and their staff, including ... ideas on the possible format and delivery of the training.”

Set out below is some background information on the induction programs delivered to newly elected members since 2011, ongoing education and training initiatives and the challenges involved in this area. Also discussed are options as to how to best ensure engagement of members in such initiatives, the possible scope of future inductions, together with annual refresher training if it is to become mandatory as you suggest. Some brief observations are made about training and education for members’ staff. Finally, some brief observations are made about enforcement.

Any developments in this area will impact across all three parliamentary departments and we have therefore consulted the Executive Manager of the Department of Parliamentary Services in the development of this submission.

Induction programs

Over the years induction programs for newly elected members have become more extensive and more sophisticated. Hopefully they have also become more useful. We suspect that the criticisms some former Members have made about the inductions (or lack thereof) they had received are a function of the limited formal programs provided at those former times. Certainly the feedback from Members elected in 2011 suggests that the induction program they received was helpful, and that a number of key messages have continued to resonate.

Enclosed is a copy of the program for the two day induction program for newly elected members held on Monday 11 and Tuesday 12 April 2011. Almost all of those members elected in 2011 attended the program.

One of the challenges in relation to these inductions programs is timing. The results in Legislative Assembly electorates tend to be declared soon after polling day. Whilst the first 17 or 18 seats in the Legislative Council tend to be readily predictable, it is not until the NSW Electoral Commission actually runs the computer program to count all preferences that the last few seats become clear on the day the Legislative Council poll is declared, which is not until mid-April. Whilst Legislative Assembly Members naturally want to get set up immediately they are declared elected, if a joint induction program is to be delivered, it cannot realistically take place until a date after the declaration of the Legislative Council poll. This leaves little time for the induction program to be delivered before the first sitting day of the new Parliament.

Another challenge is to balance the level of detail provided to the needs of incoming Members. Many new Members simply wish to obtain the keys to their office, their mobile phone, computer log-in and to employ staff, and are already facing constituent demands and a range of other responsibilities by the time the induction program is delivered. An appropriate amount of information about ethics and the Code of Conduct, pecuniary interest disclosure, rules and guidelines for the use of members' entitlements, and best practice in staff selection and supervision, needs to be provided in order to cover all key messages but not so much detail as to lose the attention of Members or blur key messages in "information overload."

The panel's attention is particularly drawn to the session on "Ethics and introduction to the members' Code of Conduct." Also enclosed is new publication to which reference was made and that was distributed at the 2011 induction program, a "Summary of ICAC investigations into the conduct of members of Parliament," produced by the two House departments in consultation with the ICAC. It is intended that an updated version of this document will be included in the 2015 induction program.

One of the sessions that received the most positive feedback was the panel discussion involving eminent former members "The role of a Member of Parliament – practical advice, tips and pitfalls." One of the members of the Expert Panel participated in that discussion.

On-line module and follow up training sessions

Another new initiative in 2011 was the development of an on-line module on ethics, the Code of Conduct and pecuniary interest disclosure that was made available to all Members, including newly elected Members. Following considerable discussion at the time, the module was offered as an opt-in voluntary measure and no records were kept of which members participated. (At the time one option that was briefly considered was to make completion of the on-line module mandatory before a Member could receive their first pay at the end of April, however, this suggestion did not garner support and was not implemented.)

It was always envisaged that the initial two day induction program in 2011 would be followed up by a series of training and information sessions. These included presentations by the:

- Parliamentary Ethics Adviser,
- Auditor-General,
- Ombudsman, and
- Representatives of the Independent Commission Against Corruption.

As noted above, almost all newly elected members attended the two day induction program. Unfortunately attendance at the follow up sessions was extremely poor (often there were less than five members present, and the audience was almost entirely made up of parliamentary officers.)

Another opportunity for ongoing education and training of Members is provided through seminars held by the NSW Chapter of the Australasian Study of Parliament Group, on topics such as parliamentary privilege, electoral redistributions and elections in other jurisdictions. The Commonwealth Parliamentary Association also holds an Australian Region seminar each year, to which all Members are welcome as a professional development exercise, and Members also have opportunities to undertake CPA funded study tours.

Engagement of Members in these programs

It is understood that the very high level of attendance by newly elected members at the 2011 induction program was a direct result of party leaders and whips making it clear to all newly elected that were expected / required to attend. We would also like to hope it was also assisted by the quality of the program.

The question of how to engage newly elected and other members with ongoing education and training programs clearly requires further attention. Whilst Members' busy schedules and the myriad competing demands on their time (particularly during sitting days) are an issue, it may be that strong encouragement by party leaders and whips could assist to ensure participation in ongoing education programs.

Active and full participation will also be enhanced by ensuring that all sessions are appropriately targeted, succinct, authoritative and professionally delivered. A combination of external presenters (such as those listed above) and parliamentary officers (who these days are frequently delivering training and educational presentations to senior public servants with very good feedback) should be able to deliver such a program.

If the panel decides to recommend mandatory continuing education and training, a point of leverage will need to be found to ensure that it becomes truly mandatory. We note that many professions have requirements for mandatory continuing education. We have personal experience of the requirements for solicitors to undertake 10 hours of mandatory continuing legal education each year in order to be able to have their practicing certificates renewed. As Members of Parliament do not require a practicing certificate some other form of leverage or compulsion would be required. It has been suggested that one option might be to make participation in an annual program of mandatory continuing education an essential pre-requisite to the allocation of some part of a Members' entitlements (eg their Logistic Support Allocation or Electoral Communication Allowance). This would require a reference (from the Premier) to the Parliamentary Remuneration Tribunal for a special determination.

Possible content of a program of mandatory continuing education and training

Initial induction program for newly elected members

Planning is underway for the initial induction program for newly elected members to be delivered in April 2015, following the 28 March election. In addition to sessions dealing with parliamentary procedure (delivered separately by each House Department to their relevant members) we would

expect there to be joint sessions for all newly elected members covering similar ground to the 2011 induction program, including:

- Code of Conduct
- Pecuniary disclosure requirements
- ICAC investigations
- Guidelines and Rules for the Use of Entitlements
- Best Practice in Staffing recruitment and supervision
- Tips from a panel of eminent former members
- Health (physical and mental) issues and resilience

An attendance list will be kept and Members will need to certify that they receive a copy of the Code of Conduct and the Guide to the Use of Entitlements.

Annual seminar for all members

Should the panel decide to pursue the idea of mandatory continuing education and training for all Members, one method by which this could be achieved would be an annual seminar co-ordinated by the Presiding Officers, Clerks and Executive Manager. The same seminar with identical content could perhaps be repeated on a number of occasions to give members options as to when to attend. A good time to offer the seminar might be June each year (particularly if attendance was to become a pre-requisite to the allocation of some entitlements).

A two hour seminar could include the following:

- Brief refresher sessions on the Code of Conduct and pecuniary interest disclosure requirements,
- Internal and external audit findings concerning Members use of entitlements (including a presentation by the Auditor General),
- Any ICAC investigations of relevance to members (presented by a representative of the ICAC),
- An update on developments and requirements in relation to Election Funding (presented by the Electoral Commissioner),
- Effective staff supervision, and
- Health (physical and mental) issues and resilience

Whilst the above issues would be mandatory each year, there could also be an opportunity for the inclusion of other relevant information on a discretionary basis (eg the sort of cultural awareness training that Members of the Legislative Council's Standing Committee on Law and Justice recently found so helpful in preparation for the commencement of their Bowraville inquiry.) Such a seminar, jointly run and aimed at all Members, could be supplemented by a brief House specific session dealing with any procedural changes during the previous year.

Ongoing on-line education and training

The Parliament is about to commence a trial of a Learning Management System (LMS) to provide e-learning modules to Members and staff. The LMS can be configured to deliver both voluntary

and mandatory online training courses, on a broad range of topics including ethics, workplace behaviour, principles of effective staff management and so forth.

If continuing education and training for members is to become mandatory, use may be able to be made of the capacity in the LMS to link to log-ons and access to the parliamentary network (this has not yet been approved for activation and is merely flagged as an option), so that participation in on-line programs can be monitored. There would be a number of options of what could be done with the information generated about participation. One option would be for it to be publicly reported (eg the annual reports of the parliamentary departments, or in real time), another would be for non-completion of mandatory training to become a trigger for some further action.

Ongoing education and training for members' staff

All newly appointed Members' staff now receive a formal half-day induction program. These sessions are co-ordinated by the Department of Parliamentary Services and cover the Code of Conduct for members' Staff and human resources issues, as a well as brief presentations from House department staff on parliamentary procedure.

Considerable work over recent years has gone into education and training of the staff of Members of the Legislative Council in relation to parliamentary procedure, through both face to face seminars and recently the development and provision of on-line training modules.

There is no reason why Members' staff could not also receive the same information as provided to Members in any mandatory annual seminar, as suggested above. Delivery methods would need to be explored to ensure equitable coverage of all Members' staff including staff located in electorate offices (perhaps through on-line provision of the information).

Enforcement

We note the observation in the panel's interim report that "Education is one means to drive this cultural change. Education on its own, however, will be insufficient – it must be accompanied by other drivers, in particular, more rigorous investigation and enforcement..."

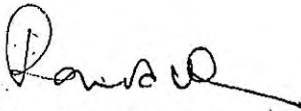
We therefore draw the attention of the panel to the reports of the two Privileges Committees tabled in June and July this year in relation to various matters raised by the ICAC in the wake of its reports on its investigations into mining matters in 2013. We enclose copies of these reports, which include important recommendations concerning:

- The strengthening of the Code of Conduct for members
- The overhaul of the pecuniary disclosure regime, and
- The establishment of either a Parliamentary Commissioner for Standards or an Ethics Commissioner.

The two reports are still awaiting a government response.

Please do not hesitate to contact us if you require any further information about any of the matters raised in this submission.

Yours sincerely



Ronda Miller
Clerk of the Legislative Assembly



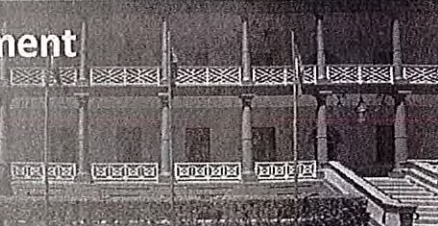
David Blunt
Clerk of the Parliaments

Encls:



Program for New Members of Parliament

Monday, 11 April - Tuesday, 12 April 2011
Parliament House, Level 7



MONDAY 11 APRIL

8.30-9.30

Registration

Location: Strangers' Lounge

- Official photographs for individual members of the Legislative Assembly, as previously scheduled (Private Dining Room)
- Coffee and tea available

Please note: Parliamentary staff will be available at the Registration Desk throughout both days to assist with specific enquiries and administration, including the provision and return of forms from members. Legislative Council members may book appointments with Council staff for their official individual photographs on the afternoon of Monday, 2 May.

9.30-10.00

Welcome

Location: Strangers' Function Area

Presiding Officers

The Hon. Richard Torbay MP, Speaker of the Legislative Assembly

The Hon. Amanda Fazio MLC, President of the Legislative Council

Clerks

Lynn Lovelock, Clerk of the Parliaments

Russell Grove, Clerk of the Legislative Assembly

Kim Smith, Acting Executive Manager, Department of Parliamentary Services - Master of Ceremonies

10.00-10.45

Introduction to the role of Parliament

Location: Strangers' Function Area

Presenters

Lynn Lovelock, Clerk of the Parliaments

Russell Grove, Clerk of the Legislative Assembly

Session end: Group photograph of new members

10.45-11.15

Morning tea

- Official photographs for individual members of the Legislative Assembly continued (Private Dining Room)

11.15-12.30

Panel discussion: The role of a member of Parliament - practical advice, tips and pitfalls

Location: Macquarie Room

Panel of former members

The Hon. Diane Beamer, former member of the Legislative Assembly

The Hon. Ian Cohen, former member of the Legislative Council

The Hon. Michael Egan, former member of the Legislative Council

Andrew Tink, former member of the Legislative Assembly

- Question and answer session to be chaired by the Presiding Officers

12.30-1.30

Lunch

Location: Members' Dining Room

1.30-2.00

Administration

Location: Strangers' Lounge

- Official photographs for individual members of the Legislative Assembly continued (Private Dining Room)
- Optional tour of Parliament House

2.00-3.00

Ethics and introduction to the Members' Code of Conduct

Location: Macquarie Room

Presenters

Lynn Lovelock, Clerk of the Parliaments

Russell Grove, Clerk of the Legislative Assembly

3.00-3.30

Afternoon tea

Location: Strangers' Lounge

- Official photographs for individual members of the Legislative Assembly continued (Private Dining Room)

3.30-3.45

Personal security for members of Parliament

Location: Strangers' Function Area

Presenters

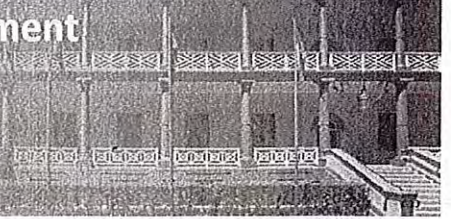
Inspector Mark Hargreaves, Dignitary Protection

Detective Chief Inspector Andrew Slattery



Program for New Members of Parliament

Monday, 11 April - Tuesday, 12 April 2011
Parliament House, Level 7



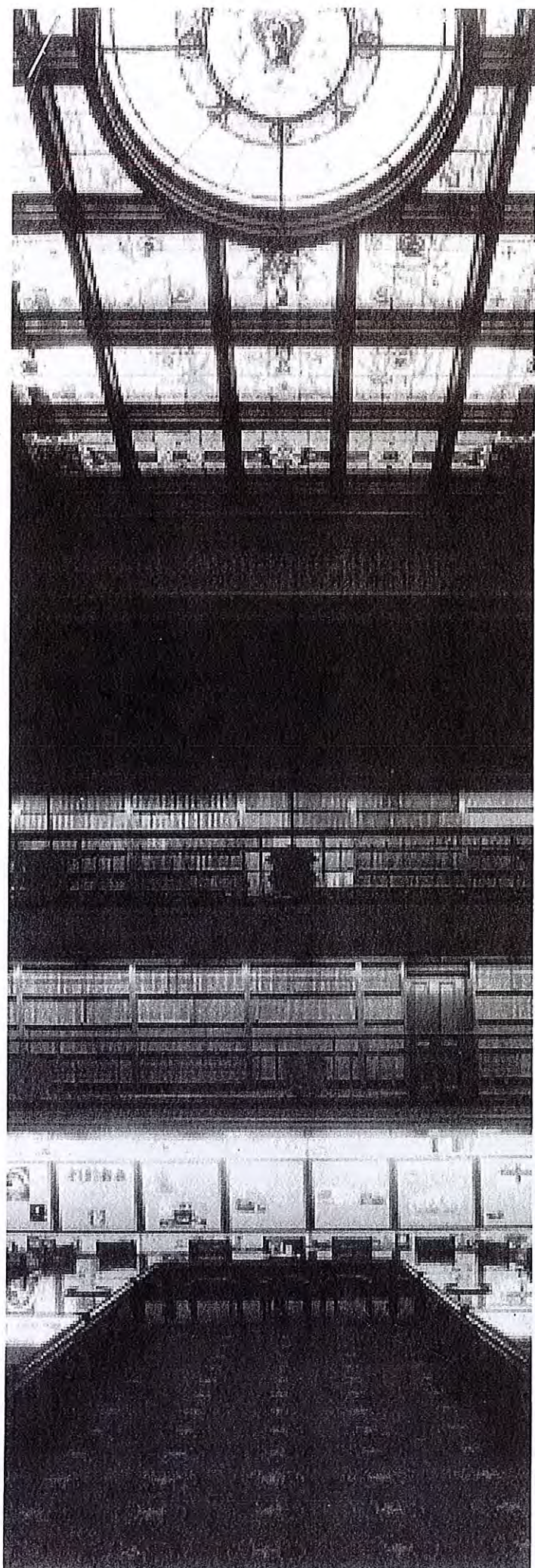
MONDAY 11 APRIL

- 3.45-4.00 Salary**
Location: Strangers' Function Area
Presenter
Kim Smith, Acting Executive Manager, Department of Parliamentary Services
- Overview of salary, taxation and superannuation
- 4.00-5.00 Entitlements and allowances**
Location: Strangers' Function Area
Presenter
Stuart Lowe, Manager, Members' Services Unit, Department of Parliamentary Services
- Members requiring further information may make follow-up appointments at the end of this session

TUESDAY 12 APRIL

- 8.30-9.00 Administration**
Location: Strangers' Lounge
- Official photographs for individual members of the Legislative Assembly continued (Private Dining Room)
 - Coffee and tea available
- 9.00-9.45 Staffing - Part A**
Location: Strangers' Function Area
Presenters
Colin Brown, Manager, Training, Development and Recruitment, Department of Parliamentary Services
Christine Schlesinger, OH&S & Injury Management Officer, Department of Parliamentary Services
- Recruitment and employment options and conditions; relevant legislation and policies
- 9.45-10.30 Staffing - Part B**
Location: Strangers' Function Area
Presenter
Sharon Bent, Bent Psychology
- Selection and management of staff, including approaches to resolving difficult situations
- 10.30-11.00 Morning tea**
Location: Strangers' Lounge
- Official photographs for individual members of the Legislative Assembly continued (Private Dining Room)
- 11.00-12.30 Overview of the functions of the Department of Parliamentary Services**
Location: Strangers' Function Area
Presenter
Kim Smith, Acting Executive Manager, Department of Parliamentary Services
- 12.30-1.30 Lunch**
Location:
Members of the Legislative Council - President's Dining Room
Members of the Legislative Assembly - Speaker's Garden and Dining Room
- 1.30-2.30 Briefing on certain procedural matters**
Location:
Members of the Legislative Council - Legislative Council Chamber
Members of the Legislative Assembly - Legislative Assembly Chamber

Conclusion of Program



Summary of ICAC investigations into the conduct of members of Parliament

Program for new members
of Parliament

April 2011

Department of the Legislative Council
Department of the Legislative Assembly





LEGISLATIVE COUNCIL

PRIVILEGES COMMITTEE

**Recommendations of the ICAC
regarding aspects of the *Code of
Conduct for Members*, the interest
disclosure regime and a
parliamentary investigator**

Report 70

June 2014



www.parliament.nsw.gov.au



LEGISLATIVE ASSEMBLY

STANDING COMMITTEE ON
PARLIAMENTARY PRIVILEGE AND ETHICS

INQUIRY INTO MATTERS ARISING FROM THE ICAC REPORT
ENTITLED "REDUCING THE OPPORTUNITIES AND INCENTIVES
FOR CORRUPTION IN THE STATE'S MANAGEMENT OF COAL
RESOURCES"

REPORT 2/55 – JULY 2014



Mr David Blunt
Clerk of the Parliaments
Parliament House, Macquarie Street
Sydney NSW 2000

By email: David.Blunt@parliament.nsw.gov.au

28 October 2014

Dear Mr Blunt

Panel of Experts – Political Donations – Education for Members of Parliament

As you are aware, the Expert Panel was appointed to consider long term reform of political donations laws in New South Wales.

We have consulted extensively on the matters raised in our terms of reference. We have met with each of the six parties represented in the Parliament of New South Wales and the two independent Members, as well as the Election Funding Authority (EFA) and the Independent Commission Against Corruption (ICAC). We have received over 70 written submissions from stakeholders and members of the public, and held roundtable discussions with leading academics.

In our Interim Report (attached, see pp 8-10) we note that one of the issues raised in our consultations is the need for better education of candidates and Members of Parliament about their obligations under the *Election Funding, Expenditure and Disclosures Act 1981* (NSW). Pre-election education is currently delivered by the EFA to inform candidates about election funding laws. The Parliament delivers an induction program for new Members and their staff, as well as providing ongoing training on issues including parliamentary procedure, Members' entitlements and the Codes of Conduct for Members and Parliamentary Staff. During our consultations we heard that some Members do not take the Parliament's induction and ongoing education programs as seriously as they should. We support mandatory ongoing education for all Members and their staff on their obligations under election funding laws and ethical behaviour in general. In our Interim Report we note that the Parliament could draw on the expertise of relevant agencies, including the EFA and the ICAC, to provide such training. Our Interim Report indicates that we will be consulting further on these issues.

Panel of Experts – Political Donations

■ GPO Box 5341 Sydney NSW 2001 ■ Tel: (02) 9228 5807

www.dpc.nsw.gov.au/announcements/panel_of_experts_-_political_donations

I am therefore writing to you and your colleague Ms Ronda Miller, Clerk of the Legislative Assembly to request your views on how to best implement mandatory ongoing education of Members of Parliament and their staff, including your ideas on the possible format and delivery of the training.

Yours sincerely



Kerry Schott

Chair

Panel of Experts – Political Donations



Program for new Legislative Council Members

Monday, 20 April 2015

9.00 – 9.30	Registration – LC Members' Lounge Also an opportunity to speak with relevant staff on hand to arrange IT (phones and computers), answer questions/complete forms.
9.30 – 10.00	Welcome – Legislative Council Chamber Welcome by the President. Brief overview by Executive Manager and Clerk of their roles and the services provided by their departments.
10.00 – 10.30	Ethics and introduction to the Code of Conduct for Members – Macquarie Room Overview by the Clerk on Code of Conduct for Members. Parliament's Ethics Adviser to be introduced (but not to present).
10.30 – 11.00	Group photo – Strangers' Lounge Morning tea – Macquarie Room
11.00 – 11.30	Salary and allowances – Macquarie Room Overview by Executive Manager and other staff on salary and PRT matters, LSA.
11.30 – 11.50	Information Services – Macquarie Room Overview by Information Services Branch – with focus on IT use and access, and intro to Library, Hansard.
11.50 – 12.00	Parliamentary Education – Macquarie Room Overview of the role of Parliamentary Education.
12.00 – 12.30	Security and Facilities – Macquarie Room Overview by Facilities Branch - security, wearing passes, car park. Brief presentation by Police on personal security for members.
12.30 – 1.45	Lunch – President's Dining Room Lunch with the President in his private dining room. Overview of catering services.
1.45 – 2.45	Panel discussion: The role of a member of Parliament – practical advice and tips – Legislative Council Chamber Former members.
2.45 – 3.15	Staffing – Macquarie Room Overview by Human Services section on MOPs and employment of staff, WHS.
3.15	Working afternoon tea – Macquarie Room
3.15 – 4.15	Selection and management of staff – Macquarie Room Session to be delivered by Sharon Bent.
4.15 – 4.45	Optional tour of Parliament House Also further opportunity for members to meet with Parliamentary staff to discuss IT, staffing, accommodation, security passes.

Welcome and brief overview

Induction seminar for new
Members of the Legislative Council

20 April 2015

Key contacts



David Blunt, M Phil, LLB (Hons)
Clerk of the Parliament and Clerk of the Legislative Council



Steven Reynolds, BEc, LLB, MPS
Deputy Clerk



Susan Warr, B (Soc Sci) MPS
Usher of the Black Rod and A/Clerk Assistant - Procedure



Beverly Duffy, BSW (Hons)
Clerk Assistant - Committees

Welcome and congratulations!

- What is a Member of Parliament?
- Roles and responsibilities
- Accountabilities

Ethics and the Code of Conduct for Members

Induction seminar for new
Members of the Legislative Council

20 April 2015

Department of the Legislative Council

DEPARTMENT OF THE LEGISLATIVE COUNCIL ORGANISATIONAL CHART
prepared as at 19 June 2014



This session

- Introduction from the Clerk: two key messages
- Address by the Parliamentary Ethics Adviser
- The Code of Conduct by clause
- Pecuniary interest disclosure requirements and relevant Standing Orders
- Further resources

Key messages

- A rules based ethical framework
- The Code of Conduct and the ICAC Act:
 - The definition of public official includes Members of Parliament
 - The definition of corrupt conduct
 - **In effect, a substantial breach of the Members' Code of Conduct may amount to "corrupt conduct" under the Act**

Ethics induction



Parliamentary Ethics Adviser

- Mr John Evans PSM
- Former Clerk of the Parliaments : 1989 to 2007
- Email: ethicsnswparliament@gmail.com
- Or telephone via the Office of the Clerk: 9230 2773

Some terms are confusing



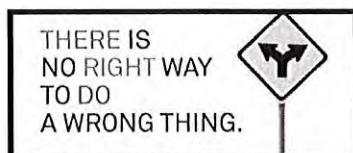
Linked to Parliament



Take the high road



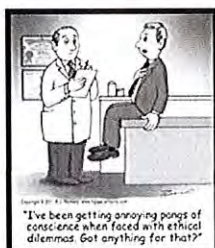
Preamble



Preamble

- Members of Parliament recognise that they are in a unique position of being responsible to the electorate. The electorate has the right to dismiss them from office at regular elections.
- 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 of Parliament, and using their influence to advance the common good of the people of New South Wales.
- Members of Parliament acknowledge that their principal responsibility in serving as Members is to the people of New South Wales.

If you have an ethical dilemma, don't see your Doctor, consult the Ethics Adviser



Clause 1: Disclosure of conflict of interest

- (a) Members of Parliament must take all reasonable steps to declare any conflict of interest between their private financial interests and decisions in which they participate in the execution of their office.
- (b) This may be done through declaring their interests on the Register of Disclosures of the relevant House or through declaring their interest when speaking on the matter in the House or a Committee, or in any other public and appropriate manner.
- (c) 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.

Code of Conduct for Members

- A preamble
- 7 clauses:
 - disclosure of conflicts of interest
 - bribery
 - gifts
 - use of public resources
 - use of confidential information
 - duties as a member of Parliament and
 - secondary employment or engagements.

Clause 1: Disclosure of conflict of interest

- The address by the Parliamentary Ethics Adviser
- Disclosure through pecuniary interest returns
- Ad hoc disclosure and discretionary returns
- Case studies:
 - Serious consequences of non-disclosure
 - If in doubt always disclose

Clause 2 - Bribery

(a) A Member must not knowingly or 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 the member has received, is receiving or expects to receive.

(b) A Member must not knowingly or 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:

- (i) a member of the Member's family;
- (ii) a business associate of the Member; or
- (iii) any other person or entity from whom the Member expects to receive a financial benefit.

(c) A breach of the prohibition on bribery constitutes a substantial breach of this Code of Conduct.

Clause 3 - Gifts

- Pecuniary disclosure requirements:

- Any gifts (or multiple gifts) valued at more than \$500
- No distinction between gifts in official or private capacity
- Except if from a relative

- Case studies:

- Serious consequences of non-disclosure
- If in doubt always disclose

Clause 2 - Bribery

- The address by the Parliamentary Ethics Adviser
- **Any breach automatically a "substantial breach": go directly to ICAC!**
- Case studies:
 - Cash for questions scandal in the UK
 - More recent manifestations

Clause 4: Use of public resources

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

Clause 3 - Gifts

(a) Members must declare 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 accept gifts that may pose a conflict of interest or which might give the appearance of an attempt to improperly influence the Member in the exercise of his or her duties.

(c) Members may accept political contributions in accordance with part 6 of the Election Funding Act 1981.

Clause 4: Use of public resources

- Guidelines and rules that need to be followed:

- Parliamentary Remuneration Tribunal determination
- Members' Entitlements Handbook
- Members' Guide
- Memoranda and policies issued by Presiding Officers and department heads
- Claim forms requirements

- Case studies:

- Previous ICAC inquiries

Clause 5 – Use of confidential information



Members must not knowingly and improperly use official information which is not in the public domain, or information obtained in confidence in the course of their parliamentary duties, for the private benefit of themselves or others.

Clause 6 – Duties as a member of Parliament



- PRT determination distinguishes between:
 - Those activities for which additional entitlements can be used – eg participation in party meetings (including branch and executive meetings) and conferences, and
 - Those for which additional entitlements must not be used – eg activities of a direct electioneering or political campaigning nature, party fundraising, pre-selection activities, party membership drives
- Some observations:
 - Increasingly cautious approach by members
 - Constant vigilance of opponents

Clause 5 – Use of public resources



- Official information includes:
 - Information provided by constituents
 - Government information from briefings or party meetings
 - Confidential committee information
- Case studies:
 - Extremely time sensitive information
 - Disclosure of unreported confidential committee information
 - Misuse of information accidentally received

Clause 7 – Secondary employment or engagements



Members must take all reasonable steps to disclose at the start of a parliamentary debate:

(a) the identity of any person by whom they are employed or engaged or by whom they were employed or engaged in the last two years (but not if it was before the Member was sworn in as a Member);

(b) the identity of any client of any such person or any former client who benefited from a Member's services within the previous two years (but not if it was before the Member was sworn in as a Member); and

(c) the nature of the interest held by the person, client or former client in the parliamentary debate.

This obligation only applies if a member is aware, or ought to be aware, that the person, client or former client may have an interest in the parliamentary debate which goes beyond the general interest of the public.

This disclosure obligation does not apply if a Member simply votes on a matter; it will only apply when the member participates in a debate. If the Member has already disclosed the information in the their entry in the pecuniary interest register, the member is not required to make a further disclosure during the parliamentary debate.

Clause 6 – Duties as a member of Parliament




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

Clause 7 – Secondary employment or engagements



- Secondary employment not precluded by the Code
- This clause requires disclosure, where relevant, if not already disclosed in pecuniary interest disclosure returns
- However, any secondary employment or engagements in any way related to anything a Member is doing in Parliament is fraught with risk and needs to be approached with great caution

Pecuniary interest disclosure regime




- Current regime includes:
 - Primary returns (at commencement of parliamentary career)
 - Ordinary (annual) returns
 - Supplementary returns (a six monthly update)
 - Discretionary returns
- Sanctions for non-disclosure:
 - Seat can be declared vacant
 - Within ICAC's jurisdiction

Standing Orders



- SO 113 (2): precludes voting on a matter in which you have a direct pecuniary interest
- SO 210 (10), as amended by sessional order: precludes taking part in a committee inquiry where the member has a direct pecuniary interest in the inquiry

Primary return




- Primary return date is the date you take the pledge of loyalty (eg 5 May 2015)
- Must be lodged within three months (eg by 5 August)
- Your interests as at the primary return date (eg 5 May)
- Together with any expected additional sources of income (or anticipated client services) from primary return date to 30 June

For further information

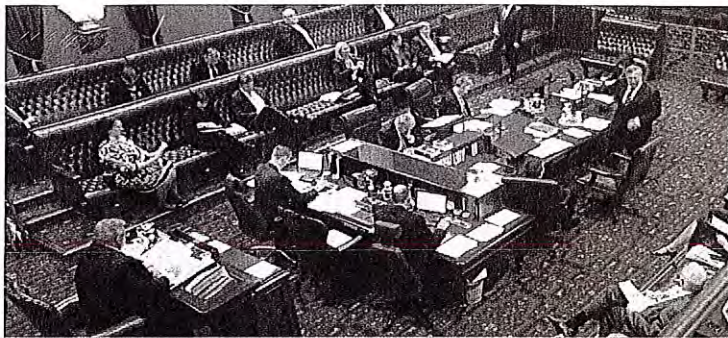


- Parliamentary Ethics Adviser: Mr John Evans PSM
 - Email: ethicsnswparliament@gmail.com
 - Or telephone via the Office of the Clerk: 9230 2773
- Clerk of the Parliaments: Mr David Blunt
 - Room 840
 - Telephone: 9230 2773
- Legislative Council Members' Guide
- Members' Entitlements Handbook
- On-line ethics module

Primary return – matters to be disclosed



- Real property
- Sources of income
- Interests and positions in corporations
- Positions in trade unions and professional or business associations
- Debts
- Client services
- Discretionary disclosures



Legislative Council New Members

Procedural training session

Date

Monday 4 May 2015

Venue

Legislative Council Chamber
Parliament of NSW
Macquarie Street
Sydney

Time

10.00 am to 1.00 pm
includes refreshments

Photograph

Please contact Kate Cadell on
(02) 9230 2773 to make a 10 minute
appointment for your official
photograph to be taken or for any
other inquiries you may have.



Time

Session

9.00 am

Official photographs (by appointment)

10.00 am

Welcome by the Clerk of the Parliaments

10.15 am

A new member's guide to the Chamber:

- Being sworn in
- Giving your inaugural speech
- Courtesies in the Chamber

How to:

- Speak in debate, seek the call
- Move motions and amendments
- Ask questions
- Present a petition
- Table a paper
- Take a point of order

Helpful resources:

- Notice paper
- Running record
- Where to go for assistance

11.00 am

Morning tea – Members' Lounge

11.15 am

Office of the Black Rod:

- What it does

11.30 am

The legislative process:

- How to draft a bill or amendments

12.00 pm

Committees:

- Role and structure of committee system
- Operation of committees and inquiry process

12.30 pm

Parliamentary privilege and final questions

1.00 pm

Official photographs (by appointment)

LEGISLATIVE



Summary of ICAC investigations into the conduct of members of Parliament

April 2015

Department of the Legislative Council
Department of the Legislative Assembly



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2015

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Introduction and summary of ICAC investigations into the conduct of members

ICAC was established in 1989 under the Independent Commission Against Corruption Act 1988. Since 1989, 23 of ICAC's published investigation reports have dealt, at least in part, with the conduct of members of Parliament¹. These investigations can be classified into two broad groups: those which have concerned members' use of parliamentary entitlements; and those which have concerned other conduct.

Copies of ICAC's reports on its investigations for the past 10 years are available online (www.icac.nsw.gov.au). Earlier reports are available from ICAC on request.

Investigations concerning the use of parliamentary entitlements

Seven of the 23 investigations ICAC has conducted on the conduct of members since 1989 have concerned members' use of parliamentary entitlements. Such entitlements are provided to members to assist them in the performance of their parliamentary duties subject to various conditions and guidelines. Matters addressed in the seven investigations include:

- false claims for payment of entitlements such as entitlements relating to parliamentary travel
- use of parliamentary staff and office facilities for party political work
- use of parliamentary staff and office facilities for the purpose of a member's private business.

A recurring theme in these investigations has been members' failure to comply with the Code of Conduct for Members and in particular clause 4 of the Code which concerns the use of public resources. Clause 4 provides that:

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

The 'guidelines or rules' referred to in clause 4 of the Code include the conditions and guidelines concerning the use of entitlements issued by the Parliamentary Remuneration Tribunal. These conditions and guidelines are referred to in the Members' Entitlements Handbook and other relevant handbooks or guides provided to members by the Parliament.

In five of the seven investigations since 1989 which have concerned members' use of entitlements, ICAC has found that the relevant member engaged in 'corrupt conduct' within the meaning of the Independent Commission Against Corruption Act 1988. The particular grounds on which corrupt conduct was found in these cases include that the member's conduct amounted to:

- conduct which could constitute or involve a criminal offence, under section 9(1)(a) of the Act
- conduct which could constitute or involve a substantial breach of the Code of Conduct for Members, under section 9(1)(d) of the Act
- conduct which would cause a reasonable person to believe that it would bring the integrity of the office concerned or of Parliament into serious disrepute and which constitutes a breach of the law, under section 9(4) and (5) of the Act.

¹ The 23 reports do not include reports on investigations which have focused on systemic or regulatory aspects of members' conduct generally such as the system of parliamentary travel entitlements (1998 and 1999), the regulation of members' secondary employment (2004), and the laws and practices relating to lobbying (2010).

In each of the five investigations where corrupt conduct was found, ICAC recommended that consideration be given to the prosecution of the member for a criminal offence or multiple offences. In two of the five investigations ICAC also recommended that the relevant House of Parliament consider taking action with respect to the member's membership of the House.

In the remaining two investigations of members' use of entitlements where ICAC made no findings of corrupt conduct, ICAC nevertheless expressed views about the members' conduct which could be considered adverse to the members concerned. These views included that a member had acted without due care and diligence and should repay to Parliament the amount of the entitlements that the member had wrongly claimed, and that a member had misused parliamentary staff and resources albeit not in such a way which amounted to corrupt conduct under the Act. These seven investigations are considered in Appendix 1.

Investigations concerning other conduct

The other 17 ICAC investigations relating to the conduct of members since 1989 have concerned conduct other than members' use of parliamentary entitlements. These investigations have concerned a diverse range of matters.

Six of the 17 investigations included consideration of specific conduct of particular members other than ministers². These investigations concerned various issues including lobbying and the use of influence, dealings with constituents, and dealings with informants. In each of these investigations ICAC made findings or comments considered adverse to the members concerned. These are examined in Appendix 2.

Nine of the 17 investigations examined matters of ministers' conduct, in their capacity as ministers, rather than the conduct of members as such³. These are considered in Appendix 3.

The remaining two investigations examined possible corruption in relation to wider issues and resulted in no adverse findings. Those issues concerned the decision of trustees of the parliamentary superannuation fund to approve payment of a pension to a former member who had been convicted of criminal offences, and a possible cover-up of an alleged offence at Parliament House⁴. See Appendix 4.

Conclusion

Members should be aware that the sorts of matters ICAC has investigated in the past are not necessarily the sorts of matters ICAC will investigate in the future. Further, ICAC's findings in particular investigations reflect the circumstances of those cases and may not be replicated in future investigations of similar conduct. Members must comply with the standards of conduct which apply to them at all times, even where there has been no ICAC investigation with respect to the application of a particular standard, or ICAC has made no adverse findings following an investigation of a possible breach of a particular standard.

2 Reports published in July 1990, April 1991, December 1998, July 2013 (Operation Jasper), June 2014 (Operation Cyrus), June 2014 (Operations Meeka and Cabot).

3 Reports published in June 1992, February 2003, April 2005, August 2005, December 2011, July 2013 (Operation Jarilo), July 2013 (Operation Jasper), July 2013 (Operation Indus) and August 2013 (Operation Acacia). A further investigation, reported in July 1990, examined conduct of ministers as well as other members.

4 Reports published in February 1995 and December 2000.

APPENDIX 1: Use of Members' Entitlements

Date	Report	Conduct Issue	Findings	Recommended action against member
April 1998	Investigation into parliamentary and electorate travel: first report	False claims for travel entitlements (Parliamentary/electorate travel)	Corrupt Conduct under s.9(1)(a) ¹	Consideration should be given to prosecution of the member for criminal offences House should consider action with respect to the member's membership of the House
October 2000	Section 74 report on Parliamentary travel	False Travel entitlements	No findings of corruption	Member acted without due care, attention and diligence, and should repay to Parliament the sum he had wrongly claimed.
July 2003	Investigation into conduct of the Hon Malcolm Jones MLC (Operation Athens)	Claims for Sydney Allowance when member a resident in Sydney Use of postage and stationery for political party membership drives Use of staff for political party membership drives	Corrupt conduct under s.9(1)(a) and s.9(1)(d)	Consideration should be given to prosecution of the member for criminal offences House should consider expulsion of the member
June 2004	Investigation into conduct of the Hon J. Richard Face (Operation Wingate)	Taking stationery and postage for personal use Making false and misleading statements to ICAC	Corrupt conduct under s.9(1)(a) and s.9(1)(d)	Consideration should be given to prosecution of the former member for criminal offences
December 2004	Investigation into the conduct of the Hon Peter Breen MLC (Operation Triton)	Use of Parliamentary staff/resources to prepare certain books Use of parliamentary staff to promote election of candidates to parliament Claims for Sydney allowance when living in Sydney	No findings of corruption	Member misused staff and resources for purposes not connected to parliamentary duties (did not amount to corrupt conduct). Member also misused staff for work not connected to parliamentary duties. Questions of whether member had met conditions for claiming the allowance
July 2010	Investigation into the submission of false claims for sitting day relief payments to a NSW MP and staff (Operation Corinth)	False sitting day relief claims	Corrupt conduct s.9(1)(a) and s.9(1)(d)	Consideration should be given to prosecution of the member for criminal offences
December 2010	Investigation into false claims for sitting day relief entitlement by Angela d'Amore MP and her staff (Operation Syracuse)	False sitting day relief claims	Corrupt conduct under s.9(1)(a) and (d), and s.9(4) and (5)	Consideration should be given to prosecution of the member for criminal offences

¹ This investigation concerned conduct which occurred in 1994 before the commencement of amendments which inserted section 9(1)(d) into the Act.

APPENDIX 2: Corruption and adverse findings against non-ministerial members

Date	Report	Issue	Conduct of member	ICAC findings or comments
July 1990	Investigation into north coast land development	Lobbying; use of influence	Two members had assisted developers to gain ministerial support for development proposals in return for political donations Four members had supported development proposals in representations to the Premier relying uncritically on information supplied by development proponents with whom two of the members had had previous dealings not at arms' length	There was evidence warranting consideration of the prosecution of the members for the common law offence of bribery The members' conduct was 'conducive to' corrupt conduct ¹
April 1991	Investigation concerning Neal and Mochalski	Dealings with constituent	A member had profited from his relationship with a constituent by referring him to a lawyer with whom he had a fee-sharing arrangement and had sought to become involved in aspects of the constituent's business	The member had got himself into a conflict between the duty he owed to a constituent and his personal interests
December 1998	Investigation into allegations made by Louis Bayeh against the member for Londerry, Paul Gibson MP	Dealings with informant	A member had cultivated an unnecessarily close relationship with an informant, which had resulted in the informant making allegations of impropriety against the member	The member had been unwise to allow such a relationship to develop. Had the member insisted on dealing with the informant more formally and at arm's length he would have been less likely to have been exposed to allegations of impropriety
July 2013	Investigation into the conduct of Ian Macdonald, Edward Obeid Senior, Moses Obeid and others (Operation Jasper)	Misuse of influence	The Minister for primary industry and mineral resources approved certain mining exploration licences which financially benefited an MLC of the same political party, Edward Obeid, and his family, pursuant to an agreement between the minister and Mr Obeid	The report found that the minister, the member and one his sons had engaged in corrupt conduct and that consideration should be given to their prosecution for various criminal offences. ICAC also provided information and made recommendations to the Australian Taxation Office and NSW Crime Commission.

¹ The *Independent Commission Against Corruption Act 1988* was later amended to remove provision for ICAC to investigate conduct 'conducive to' corrupt conduct.

APPENDIX 2 CONT: Corruption and adverse findings against non-ministerial members

Date	Report	Issue	Conduct of member	ICAC findings or comments
June 2014	Investigation into the conduct of the Hon Edward Obeid MLC and others concerning Circular Quay retail lease policy (Operation Cyrus)	Misuse of influence; improper exercise of official functions	<p>A member, Edward Obeid, misused his position as an MLC to attempt to influence certain ministers and other public officials to exercise their official functions with respect to retail leases at Circular Quay to benefit party donors or without disclosing that he and his family or a related entity had an interest.</p> <p>Another member, Mr Tripodi, deliberately failed to disclose to his Cabinet colleagues his awareness of the Obeid family's financial interests in Circular Quay leases, knowing that those interests would benefit from Cabinet's endorsement of changes to the commercial lease policy</p>	The report found that Mr Obeid, Mr Tripodi and another public official had engaged in corrupt conduct and consideration should be given to the prosecution of Mr Obeid by the DPP.
June 2014	Investigation into the conduct of the Hon Edward Obeid MLC and others in relation to influencing the granting of water licenses and the engagement of Direct Health Solutions Pty Ltd (Operations Meeka and Cabot)	Misuse of influence	A member, Edward Obeid, misused his position as an MLC to attempt to influence public officials to make decisions concerning Direct Health Solutions Pty Ltd and certain water licenses to benefit his family's financial interests	The report found that Mr Obeid had engaged in corrupt conduct and consideration should be given to his prosecution by the DPP

APPENDIX 3: Corruption and adverse findings against ministers

Date	Report	Issue	Conduct of member	ICAC findings or comments
July 1992	Investigation into the Metherell resignation and appointment	Corruption surrounding appointment of a former member to the public service	ICAC investigated concerns regarding the resignation of a member, Terry Metherell, and his subsequent appointment to a position in the NSW Senior Executive Service and the role of the Premier and the Minister for the Environment	ICAC found that the Premier and the Minister for the Environment had committed corrupt conduct. The findings of corrupt conduct were later overturned by the NSW Court of Appeal.
February 2003	Investigation into conduct concerning the Woodward Park project	Corruption regarding building development	It was alleged that a minister had attempted to solicit a payment for the Australian Labor Party in return for government support of the Woodward Park development in Liverpool	ICAC made no findings of corruption but concluded that consideration should be given to the prosecution of a witness for giving false or misleading information to ICAC
April 2005	Investigation into alleged mistreatment of nurses (Operation Jardine)	Alleged mistreatment of nurses	Former NSW Minister for Health, the Hon Craig Knowles, was alleged to have mistreated nurses who had come to him to complain about misconduct within the South Western Sydney Area Health Service	ICAC found no evidence of corruption and made no recommendations
August 2005	Investigation into planning decisions relating to the Orange Grove Centre (Operation Sirius)	Allegations regarding planning decisions	ICAC investigated the circumstances surrounding the refusal by the Minister Assisting the Minister for Infrastructure and Planning to approve an amendment to the draft Liverpool Local Environmental Plan relating to the Orange Grove Centre	The report found no corrupt conduct on behalf of anyone in the investigation but made three corruption prevention recommendations to the NSW Government and the Department of Infrastructure, Planning, and Natural Resources
December 2011	Investigation into the unauthorised purchase of property at Currawong by the chief executive of the Land and Property Management Authority (Operation Napier)	Misconduct in public office	The investigation revealed that the Minister for Lands, Tony Kelly, had created a backdated letter which conveyed the impression that the Land and Property Management Authority had had approval to purchase certain property at the time contracts were exchanged	ICAC found that the Minister and two officers of the Land and Property Management Authority had engaged in corrupt conduct and that consideration should be given to their prosecution for certain criminal offences
July 2013	Investigation into the conduct of Ian MacDonald, Ronald Medich and others (Operation Jarilo)	Misuse of influence in exchange for reward	The Minister for Energy, Ian MacDonald, used his influence as a minister to facilitate meetings between Ron Medich and energy executives in return for which he received the services of a woman and hotel accommodation	The investigation found Mr MacDonald had committed corrupt conduct and that consideration should be given to his prosecution by the DPP

APPENDIX 3: Corruption and adverse findings against ministers

Date	Report	Issue	Conduct of member	ICAC findings or comments
July 2013	Investigation into the conduct of Ian Macdonald, Edward Obeid Senior, Moses Obeid and others (Operation Jasper)	Misuse of power, influence and confidential information	The Minister for Primary Industries and Mineral Resources, Ian Macdonald, arranged for the allocation of mining exploration licences for the benefit of another member, Edward Obeid, and members of his family, pursuant to an agreement between the minister and the member which included the provision of confidential information by the minister. The Obeid family made substantial financial gains following the provision of the licences	The report found that Mr MacDonald and Edward and Moses Obeid had engaged in corrupt conduct and that consideration should be given to their prosecution to the DPP. ICAC also provided information and made recommendations to the Australian Taxation Office and NSW Crime Commission.
July 2013	Investigation into the conduct of Moses Obeid, Eric Roozendaal and others (Operation Indus)	Receipt of a benefit	Moses Obeid had provided a \$10,800 benefit towards the purchase of a car by a minister, Eric Roozendaal, as an inducement for Mr Roozendaal to show favour to Obeid interests in the exercise of his official functions	The ICAC found that the minister had acted with a lack of judgment but that there was insufficient evidence to establish that he had exercised corrupt conduct. It also found that consideration should be given to obtaining the advice of the DPP with respect to the prosecution of Moses Obeid and three others for providing misleading information to ICAC
August 2013	Investigation into the conduct of Ian Macdonald, John Maitland and others (Operation Acacia)	Misuse of power	The Minister for Mineral Resources, Ian MacDonald, consented to an application for a coal exploration licence to benefit a friend who was chairman of a mining company	ICAC found that Mr MacDonald had engaged in corrupt conduct and recommended that consideration be given to his prosecution by the DPP. Findings of corrupt conduct were also made against the chairman of the mining company and other persons.

APPENDIX 4: ICAC investigations on wider issues with no adverse findings

Date	Report	Investigation	ICAC findings or comments
February 1995	Investigation into the circumstances surrounding the payment of a parliamentary pension to Mr P.M. Smiles	ICAC investigated the circumstances surrounding the payment of a parliamentary pension to a former MP who had been convicted of taxation offences	The investigation found no corrupt conduct on behalf of any public official, but concluded that the law regarding the effects of conviction on members of parliament was in need of clarification
December 2000	Investigation into aspects connected with an alleged indecent assault at Parliament House on 14/15 September 2000	ICAC investigated allegations of a cover-up of an alleged indecent assault by a member at Parliament House	ICAC made no findings of corruption as no one had acted improperly, withheld information, or attempted to persuade others not to report the incident

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