

INQUIRY INTO REVIEW OF INDEPENDENT COMPLAINTS OFFICER SYSTEM (2023)

Organisation: NSW Independent Commission Against Corruption

Date Received: 15 April 2024

The Hon Stephen Lawrence MLC
Chair, Privileges Committee
Parliament House

By email: privilege@parliament.nsw.gov.au

Our Ref: AD24/0027

Dear Mr Lawrence

Inquiry into the review of the Independent Complaints Officer system (2023)

Thank you for your email dated 20 February 2024 attaching the terms of reference as well as the *Issues paper – Independent Complaints Officer* ("the discussion paper") regarding the Privileges Committee's inquiry into the review of the Independent Complaints Officer system (2023), and the invitation to make a submission.

The discussion paper raises several issues. The Commission's response addresses the following topics:

- Volume and type of complaints received
- Restrictions on investigations potentially involving corrupt conduct
- Safe reporting.

The Commission's submission is attached.

Thank you for the opportunity to make this submission. If you require further information or assistance on matters raised in the submission, please contact my office via

or Executive Director Corruption Prevention, on
or

Yours sincerely


The Hon John Platzer AM
Chief Commissioner

April 2024



INDEPENDENT COMMISSION
AGAINST CORRUPTION

NEW SOUTH WALES

**Submission by the NSW Independent Commission
Against Corruption to the Inquiry into the review of
the Independent Complaints Officer system (2023)**

April 2024

About the Commission

1. The NSW Independent Commission Against Corruption (“the Commission”) was established as an independent body in 1988 to investigate and prevent corruption in and affecting the NSW public sector.
2. The Commission’s principal functions are set out in s 13 of the *Independent Commission Against Corruption Act 1988* (“ICAC Act”). In summary, s 13 provides that the Commission:
 - as part of an investigation process, consider whether laws, methods of work, practices or procedures should be changed to reduce the likelihood of the occurrence of corrupt conduct
 - examine laws, practices and procedures of public authorities to facilitate the discovery of corrupt conduct
 - instruct, advise and assist public authorities on ways in which corrupt conduct may be eliminated or reduced, and the integrity and good repute of public administration promoted
 - enlist and foster public support in combating corrupt conduct and in promoting the integrity and good repute of public administration.

Scope of the Commission's submission

3. Consistent with the above functions, the Commission's submission is in response to the terms of reference of the Privileges Committee's *Inquiry into the review of the Independent Complaints Officer system (2023)* ("the inquiry"), and the *Issues paper – Independent Complaints Officer* ("the discussion paper") provided to the Commission on 20 February 2024.
4. The Commission's submission addresses the following topics as outlined in the Privileges Committee's discussion paper:
 - Volume and type of complaints received
 - Restrictions on investigations potentially involving corrupt conduct
 - Safe reporting.

Volume and type of complaints received

5. The resolutions passed by both Houses of Parliament in March 2022 outline the following function for the Independent Complaints Officer ("ICO"):

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; and*
- (iii) minor breaches of the pecuniary interests disclosure scheme.¹*

6. The discussion paper outlines the work of the ICO according to the reports and briefing received by the Privileges Committee to date. Of 13 complaints referenced in the discussion paper, seven of them (more than 50%) were not investigated as they were outside the jurisdiction of the ICO. The remaining six complaints related to conduct that was alleged to be bullying, harassment or other types of inappropriate conduct.
7. The Commission notes the ICO's publicly available submission to a similar inquiry by the Standing Committee on Parliamentary Privilege and Ethics, established on 21 August 2023. It summarises the following six matters that were potentially within the ICO's jurisdiction (in the period 1 September 2022 to 27 October 2023):

Of the six complaints that were potentially within the ICO jurisdiction:

- *One was investigated as far as draft findings but was not progressed as the member involved had received advice that their conduct was covered by parliamentary privilege.*

¹ Legislative Assembly, *Votes and Proceedings* No. 132, 29 March 2022, p. 1645. Legislative Council, *Minutes of Proceedings* No. 114, 22 March 2022, p. 3040.

- One had some preliminary inquiries made, and some minor resolution was obtained. However the preliminary inquiries indicated that the main matter at issue had its origins in a dispute of a political nature and was not a matter that the ICO could pursue.
- One was discontinued as the complainant was no longer a member of the parliamentary community following the election in March 2023.
- One was not investigated as the complainant decided to resign from their position and did not wish to pursue the matter.
- One was finalised but was appealed by the member involved to the relevant privileges committee. The committee determined that the conduct involved was covered by parliamentary privilege and not within the jurisdiction of the ICO.
- One matter was ongoing as at 27 October 2023.

All five of the concluded matters related to conduct that was alleged to be “bullying, harassment or other types of inappropriate conduct”.²

8. The ICO’s submission provides details about the seven matters that were outside of her jurisdiction. In summary:
 - two were concerned with matters arising prior to the resolutions passed by the Houses in March 2022 [that created the role of the ICO]
 - two matters did not relate to the conduct of a member
 - two matters originated from complainants not part of the Parliamentary community
 - one was about Parliamentary proceedings.³
9. The discussion paper notes advice from the ICO that there have been almost no complaints involving misuse of resources to date. This is confirmed by the ICO’s reports annexed to the discussion paper, as well as the ICO’s submission to the inquiry by the Standing Committee on Parliamentary Privilege and Ethics.⁴

Volume of complaints received

10. The discussion paper outlines conceivable reasons why more complaints were not received by the ICO, mentioning possible:
 - lack of awareness
 - reticence to risk coming forward
 - reduced need for complaints
 - increased awareness of appropriate workplace conduct.

² *Submission No 2, Review of the Independent Complaints Officer System (2023)*, Ms Rose Webb, Independent Complaints Officer, 27 October 2023, p. 2.
<https://www.parliament.nsw.gov.au/committees/inquiries/Pages/inquiry-details.aspx?pk=3007#tab-submissions>, accessed 12 March 2024.

³ Ibid

⁴ Ibid

11. The ICO's submission to the related inquiry by the Standing Committee on Parliamentary Privilege and Ethics outlines steps taken by the ICO to communicate the role and functions of the ICO to members of the Parliamentary community.⁵
12. The steps taken to communicate the role and functions of the ICO also relates to the 'type of complaints received' by the ICO, as well as to 'safe reporting'. The Commission will make submissions about ongoing training and awareness under the separate subheadings, below.
13. The ICO can only receive complaints from a limited number of persons, including current members of the NSW Parliament and staff.⁶ Former staff can only complain to the ICO for up to 21 days following the end of their employment (except in relation to their rights under any other legislation such as the *Work Health and Safety Act 2011* or the *Anti-Discrimination Act 1977*).⁷
14. The Commission's submission to the related inquiry by the Standing Committee on Parliamentary Privilege and Ethics has considered the standing of possible complainants, and the probable impediments for the ICO receiving complaints.⁸ The Commission has outlined why a tight timeframe for former staff to raise concerns may be problematic.

*Recently departed staff may be on holidays, in a new job or looking for a new job. Less often, they may be contemplating an unfair dismissal application following the end of their employment. This means that former staff may not have had time to consider whether they also have concerns that ought to be reported to the ICO before expiry of the 21 day time period.*⁹

15. As outlined by the Commission in its previous submission, a range of people other than members of Parliament and staff could have information that warrants investigation by the ICO. This could include family members and business associates of members/staff, members/staff of other parliaments, party members and officials, unions and business associations and political donors. The Commission observed that the ICO will be in a difficult position if they cannot take action in response to compelling information about misconduct by a member, simply because it comes from an impermissible class of complainant.¹⁰

⁵ Ibid, pp. 1 – 3.

⁶ Legislative Assembly and Legislative Council, Tabled Papers, 17 November 2022, *Independent Complaints Officer Protocols*, dated November 2022, para. 6.

⁷ Ibid, para. 6.6.

⁸ *Submission No 4, Review of the Independent Complaints Officer System (2023)*, NSW Independent Commission Against Corruption, 27 October 2023, p. 4ff.
<https://www.parliament.nsw.gov.au/committees/inquiries/Pages/inquiry-details.aspx?pk=3007#tab-submissions>, accessed 12 March 2024.

⁹ Ibid, p. 4

¹⁰ Ibid, p. 5.

16. Further, the Commission notes that the ICO can receive complaints from anonymous sources even though the ICO is unlikely to be able to confirm the standing of an anonymous source. It is possible that a person who is an impermissible class of complainant will decide to lodge an anonymous complaint as a means of having their matter assessed and investigated. This also places the ICO in a difficult position because it would require a judgement call to be made, with incomplete information, about jurisdiction. In addition, while it is considered better practice to permit anonymous complaints, it is preferable if an investigator is able to communicate with the complainant.
17. The current limitations of the standing of complainants could be an impediment for the ICO to receive and consider complaints, which in turn, would affect the volume of complaints received to date.

Submission 1

18. **NSW Parliament should consider expanding the classes of person/organisation that can make a complaint to the ICO and the time limits in which former staff can submit complaints.**
19. The Commission's submission to the related inquiry by the Standing Committee on Parliamentary Privilege and Ethics has considered the time periods that apply to complaints.¹¹
20. Pursuant to the ICO Protocols, the ICO may only receive complaints relating to matters arising after 22 March 2022 in relation to members of the Legislative Council or 29 March 2022 in relation to members of the Legislative Assembly (when the relevant resolutions were passed). Further, a complaint must be lodged within two years of the alleged events occurring (exceptions apply).¹²
21. It is possible that a complainant could present the ICO with information about wrongdoing that does not meet these requirements. It is not uncommon for significant periods of time to elapse between an incident of misconduct and the relevant complaint. This can happen if the matter is initially lodged with a different complaint-handler or if it takes time for the complainant to identify the relevant evidence or summon the will to come forward. It is also the case that an investigation into conduct can identify relevant evidence and witnesses.
22. The current time restrictions might be a further impediment regarding the volume of complaints received by the ICO.

¹¹ Ibid, p. 5ff.

¹² Legislative Assembly and Legislative Council, Tabled Papers, 17 November 2022, *Independent Complaints Officer Protocols*, dated November 2022, para. 6.

Submission 2

23. NSW Parliament should consider revising the existing time periods applying to complaints made to the ICO.

Type of complaints received

24. The complaints received by the ICO regarding alleged breaches of the Members' Code of Conduct relate principally to "bullying, harassment or other types of inappropriate conduct".¹³
25. As noted above at paragraph 9, the ICO, to date, has received almost no complaints involving the misuse of resources.
26. The Commission notes that the misuse of allowances and entitlements could amount to corrupt conduct.
27. The Commission notes that a submission by the Auditor-General for New South Wales to the related inquiry by the Standing Committee on Parliamentary Privilege and Ethics provides details of reports that variously highlight "both material and administrative non-compliance" with the Determination of the Parliamentary Review Tribunal. It also references an open recommendation from 2016 to enhance transparency of member claims.¹⁴ The Commission supports this recommendation.
28. It is possible that enhanced transparency of claims by members could assist complainants to identify the relevant information.
29. The Commission in its report into the investigation known as Operation Keppel into the conduct of Daryl Maguire, the former member for Wagga Wagga, made findings of serious corrupt conduct involving the misuse of taxpayer-funded resources. As noted in the report:

*Mr Maguire used public resources, including his parliamentary office, parliamentary staff, the parliamentary letterhead (which included the NSW coat of arms) and his parliamentary email address, with a view to gaining benefits for G8wayInternational. He also used his parliamentary business card that displayed the NSW Government logo to promote private interests.*¹⁵

¹³ Submission No 2, *Review of the Independent Complaints Officer System (2023)*, Ms Rose Webb, Independent Complaints Officer, 27 October 2023, p. 2.

<https://www.parliament.nsw.gov.au/committees/inquiries/Pages/inquiry-details.aspx?pk=3007#tab-submissions>, accessed 12 March 2024.

¹⁴ Submission No 1, *Review of the Independent Complaints Officer System (2023)*, Auditor-General for New South Wales, 26 October 2023.

<https://www.parliament.nsw.gov.au/committees/inquiries/Pages/inquiry-details.aspx?pk=3007#tab-submissions>, accessed 12 March 2024.

¹⁵ NSW ICAC, *Investigation into the conduct of the then member of parliament for Wagga Wagga and then Premier and others (Operation Keppel)*, Sydney, June 2023, Volume 2, para. 14.47, p. 334.

30. The Operation Keppel report included specific recommendations aimed at promoting the proper use of public resources.¹⁶
31. Further, the Commission's Operation Keppel report made seven specific recommendations regarding an expanded professional development program for elected public officials and their staff to assist in raising awareness and in supporting a culture of ethical behaviour.¹⁷
32. The Commission has not received a progress report from NSW Parliament regarding whether this recommendation has been implemented. The Commission anticipates that the implementation of these recommendation would increase the awareness of elected public officials and their staff, particularly concerning the proper use of public resources, and affect the types of complaints received by the ICO.
33. Further, the Commission expects that the implementation of these recommendations would assist in addressing the possible reasons identified in the discussion paper regarding why more complaints were not received by the ICO.

Submission 3

34. **As outlined in the Operation Keppel report, NSW Parliament should consider implementing the Commission's recommendations regarding an expanded professional development program for elected public officials and their staff, including those aimed at promoting the proper use of public resources.**
35. The ICO reports annexed to the discussion paper indicate that no complaints were received about minor breaches of the pecuniary interest disclosure scheme.
36. The Commission notes that the Privileges Committee is currently conducting a separate inquiry into the draft Constitution (Disclosures by Members) Regulation 2024 ("the Draft Regulation"), which was tabled in the Legislative Council on 8 February 2024.
37. As outlined in a media release by the Premier and the Special Minister of State dated 7 February 2024,¹⁸ the Draft Regulation is part of a suite of integrity reforms by the NSW Government, including moves to address recommendations made by the Commission in its report into the investigation known as Operation Witney.¹⁹
38. The media release states that the aim of the Draft Regulation is to implement recommendations 1 and 4 of the Operation Witney report "and bring NSW into line with

¹⁶ Ibid, see recommendations 3, 4 and 5, p. 335ff.

¹⁷ Ibid, see recommendations 10, 11, 12, 13, 14, 15 and 16, p. 344ff.

¹⁸ Media release, *NSW Government introduces integrity reforms*, The Premier, Special Minister of State, 7 February 2024. See <https://www.nsw.gov.au/media-releases/nsw-government-introduces-integrity-reforms>, accessed 12 March 2024.

¹⁹ NSW ICAC, *Investigation into the conduct of the local member for Drummoyne*, Sydney, July 2022, recommendations 1 and 4.

the disclosure obligations in other Australian jurisdictions, including the Commonwealth".²⁰ The proposal is to:

- *expand the interests required to be disclosed by Members of Parliament*
- *require Members to disclose new matters including conflicts of interest*
- *require all Members to make disclosures on an ongoing basis instead of periodically, for publication on the NSW Parliament website.*²¹

39. The Draft Regulation provides for:

- (a) *the ongoing disclosure by Members of Parliament of pecuniary interests and other matters relating to Members and their immediate family members, and*
- (b) *the publication of publicly accessible and searchable electronic registers of the disclosures on the website of the NSW Parliament.*²²

40. The Commission notes that the Draft Regulation proposes to introduce so called "Further interest disclosure returns" in Part 2, namely:

- (1) *A Member must, within 1 month, lodge a further interest disclosure return with the Clerk if—*
 - (a) *a matter disclosed, or required to be disclosed, in an interest disclosure return changes, or*
 - (b) *a matter required to be disclosed under this regulation arises, or*
 - (c) *the Member becomes aware of a mistake in an interest disclosure return lodged by the Member.*²³

41. It stands to reason that increased transparency as well as the requirement to lodge a further disclosure within one month under certain circumstances, as proposed by the Draft Regulation, would also assist in identifying relevant information regarding pecuniary interests and other matters, and affect the type of complaints being received by the ICO.

Submission 4

42. NSW Parliament should consider implementing the recommendations aimed at enhancing transparency contained in the Operation Witney report and the reforms to enhance disclosure obligations as outlined in the draft Constitution (Disclosures by Members) Regulation 2024.

²⁰ Media release, *NSW Government introduces integrity reforms*, The Premier, Special Minister of State, 7 February 2024. See <https://www.nsw.gov.au/media-releases/nsw-government-introduces-integrity-reforms>, accessed 12 March 2024.

²¹ *Ibid.*

²² Tabling draft, Constitution (Disclosures by Members) Regulation 2024 under the Constitution Act 1902, Explanatory note, p. 1.

²³ *Ibid.*, p. 5.

Restrictions on investigations potentially involving corrupt conduct

43. The Commission is required, as far as practicable, to direct its attention to serious and systemic corrupt conduct.²⁴ In addition, conduct by a member cannot be corrupt unless it could constitute or involve a criminal offence or a substantial breach of an applicable code of conduct, or brings the integrity of the office concerned, or of Parliament, into serious disrepute (and also constitutes a breach of law).²⁵
44. The functions of the ICO as set out in the resolutions passed by both Houses of Parliament in March 2022 have been outlined in paragraph 5, above, and includes investigating complaints in relation to alleged breaches of the Members' Code of Conduct, including:
- (i) *misuse of allowances and entitlements;*
 - (ii) *other less serious misconduct matters falling short of corrupt conduct; and*
 - (iii) *minor breaches of the pecuniary interests disclosure scheme.*
45. Because the misuse of allowances and entitlements could amount to corrupt conduct, clauses (i) and (ii) above are potentially in conflict.
46. As outlined in the discussion paper, stakeholders are invited to respond to the specific questions:
- *Should the ICO be able to continue investigation of complaints that may potentially involve corrupt conduct if these are relatively minor?*
 - *Should the ICO be empowered to consider complaints about potential breaches of the Members' Code of Conduct referred from the ICAC?*²⁶
47. The Commission's submission to the related inquiry by the Standing Committee on Parliamentary Privilege and Ethics has covered this ground as well.²⁷
48. The ICO Protocols tabled in both Houses, which outline the current ICO procedures and the types of complaints that the ICO can consider, refer to "low level minor misconduct matters" and to "alleged breaches of the Members' Code of Conduct including misuse of allowances and entitlements, less serious misconduct matters falling short of corrupt conduct and minor breaches of the pecuniary interest disclosure scheme that involves potential corrupt conduct".²⁸

²⁴ Section 12A ICAC Act

²⁵ Section 9(1) and (4) ICAC Act.

²⁶ Privileges Committee, *Issues paper – Independent Complaints Officer*, February 2024, p. 6.

²⁷ *Submission No 4, Review of the Independent Complaints Officer System (2023)*, NSW Independent Commission Against Corruption, 27 October 2023, p. 1ff.

²⁸ Legislative Assembly and Legislative Council, *Tabled Papers*, 17 November 2022, Independent Complaints Officer Protocols, dated November 2022.

49. Pursuant to s 53 of the ICAC Act²⁹, the Commission may refer a matter to “any person or body considered by the Commission to be appropriate in the circumstances”. Before making a referral, the Commission must consult with the relevant party and consider its views. The ICO Protocols reflect the Commission’s referral powers but at present, there is little point in referring matters if the ICO cannot investigate minor corrupt conduct. In addition, the Commission has power to require “any person or body” to submit a report (to the Commission) in relation to the referral (see s 54 of the ICAC Act). Consequently, the Commission could compel the ICO to report on action taken in response to a referral but again, there would be limited value in using this power given the ICO’s current remit.
50. In practice, most matters reported to the Commission that involve reasonable suspicions of corrupt conduct³⁰ are dealt with by the relevant public authority. The Commission takes into account the responsibility and role of other public authorities and public officials in the prevention of corrupt conduct.³¹ Usually, less than 1% of matters received are made the subject of a Commission investigation.³²
51. As it stands, there is a jurisdictional gap between matters for the Commission to investigate, which focus on serious and systemic corrupt conduct,³³ and matters that the ICO can investigate, which involve less serious misconduct matters falling short of corrupt conduct. This gap should be closed by giving the ICO remit to investigate matters that could constitute corrupt conduct. This would place the ICO in the same situation as any other investigator working in or for a NSW public authority.
52. The Commission would continue to investigate the more serious or systemic matters involving members and their staff but with an expanded remit, the ICO would tackle a range of potentially corrupt conduct that could include alleged breaches of applicable codes of conduct and the disclosure requirements of the Constitution (Disclosures by Members) Regulation 1983.

Submission 5

- 53. The remit of the ICO ought to be expanded to allow investigation of matters that could constitute corrupt conduct.**

²⁹ Please note that there is a typographical error in the ICO Protocol, as it refers to ICAC Act 1998 rather than 1988.

³⁰ Section 11 ICAC Act

³¹ Section 12A ICAC Act

³² NSW ICAC, *Annual Report 2021-2022*, p. 29.

³³ For details and the range of factors that Commission takes into account in determining whether conduct could amount to “serious corrupt conduct” pursuant to section 74BA of the ICAC Act, see NSW ICAC, *Annotated Code of Conduct for Members*, 2nd ed, January 2024, Appendix 1.

54. Ideally, the proposed expansion of the ICO's remit would involve the creation of satisfactory liaison and referral arrangements with the Commission, including referring matters to the Commission.³⁴
55. Section 11 of the ICAC Act requires the principal officer of a public authority to "report to the Commission any matter that the person suspects on reasonable grounds concerns or may concern corrupt conduct". However, neither the Legislative Assembly, the Legislative Council nor the Parliament itself is defined as a "public authority" for the purposes of the ICAC Act and as such, the s 11 reporting requirement does not apply.
56. Furthermore, pursuant to the resolutions of both Houses and the ICO Protocols, the ICO is not required to notify the Commission of matters that potentially involve corrupt conduct.³⁵
57. However, the ICO Protocols provide the ICO with a discretion to notify the Commission of a matter as an "exceptional circumstance" and with regard to a matter that is "notably serious or substantial" and if "there would be a strong public interest in the ICAC being informed".³⁶
58. The ICO Protocols state that where a matter could involve corrupt conduct, the ICO will suggest that the complainant should raise the matter with the Commission. While a complainant in this situation may follow the suggested course of action, if the complainant is anonymous or unwilling to contact the Commission, the complaint may never be actioned.
59. While the Commission respects the right of Parliament to determine its own operating procedures, the absence of a mandatory reporting mechanism means that the Parliament's overall controls are less robust than typical NSW public sector agencies. Some options for consideration include:
- inserting a mandatory reporting requirement into the ICO Protocols (akin to a s 11 of the ICAC Act requirement)
 - giving the ICO an unfettered discretion to report matters to the Commission. That is, removing the "exceptional circumstance", "notably serious or substantial" and "strong public interest" limitations
 - developing a memorandum of understanding that better articulates the types of matter the ICO can or should refer to the Commission
 - improving education among members and staff about the importance of reporting suspected corrupt conduct, including to the Commission.

³⁴ Legislative Assembly, Standing Committee on Parliamentary Privilege and Ethics, *Review of the proposed resolution for the establishment of a Parliamentary Compliance Officer, Report 1/57*, July 2021, p. 22, para. 2.14.

³⁵ Legislative Assembly, *Votes and Proceedings No. 132*, 29 March 2022, p. 1647. Legislative Council, *Minutes of Proceedings No. 114*, 22 March 2022, p. 3042. *Tabled Papers*, 17 November 2022, Independent Complaints Officer Protocols, dated November 2022, para 15 and para 23.5.

³⁶ *Ibid*, *Tabled Papers*, para. 15.3

Submission 6

60. **That the Committee consider the options for improving the reporting of suspected corrupt conduct to the Commission.**

Safe reporting

61. As outlined in paragraph 10, above, the discussion paper outlines conceivable reasons why more complaints were not received by the ICO, mentioning possible reticence to risk coming forward. The discussion paper also mentions the topic of safe reporting, in relation to a recommendation made by the Broderick Review.
62. The Commission in its Operation Keppel report recommends that the training program for members' staff be reviewed to ensure its content includes the processes relating to making a public interest disclosure.³⁷ The Commission also recommends that guidance for parliamentary and electorate staff be reviewed and strengthened, including regarding seeking advice and lodging a complaint.³⁸
63. The Commission notes that the NSW Ombudsman's submission to the related inquiry by the Standing Committee on Parliamentary Privilege and Ethics mentions the potential application of the *Public Interest Disclosures Act 2022* to complaints made to the ICO, and for Parliament to consider whether the ICO is to be a nominated disclosure officer.³⁹
64. As outlined by the Commission in its submission to the similar inquiry by the Standing Committee on Parliamentary Privilege and Ethics, paragraph 11.1 of the ICO Protocols refers to the *Public Interest Disclosures Act 1994* but a relevant footnote points to the new legislation (now the *Public Interest Disclosures Act 2022*).

Submission 7

65. **In addition to updating the legislative reference in the ICO Protocols, steps should be taken by NSW Parliament to ensure its complaint handing regime is consistent with the *Public Interest Disclosures Act 2022*.**

³⁷ NSW ICAC, *Investigation into the conduct of the then member of parliament for Wagga Wagga and then Premier and others*, Sydney, June 2023, Volume 2, recommendation 14, para. 14.124, p. 345.

³⁸ Ibid, recommendation 16, para. 14.126, p. 345.

³⁹ *Submission No 6, Review of the Independent Complaints Officer System (2023)*, NSW Ombudsman, 27 October 2023.

<https://www.parliament.nsw.gov.au/committees/inquiries/Pages/inquiry-details.aspx?pk=3007#tab-submissions>, accessed 14 March 2024.