

**Submission  
No 2**

**INQUIRY INTO RECOMMENDATIONS OF THE ICAC  
ARISING OUT OF OPERATION KEPPEL**

**Organisation:** Parliamentary Ethics Adviser

**Date Received:** 1 May 2024

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30 April 2024

The Honourable Stephen Lawrence MLC  
Committee Chair  
Legislative Council Privileges Committee  
Parliament House  
SYDNEY NSW 2000

### **Inquiry into the recommendations of the ICAC arising out of Operation Keppel**

Dear Stephen

1. You have invited me to make a submission to the Committee on the recommendations of the ICAC arising out of the Operation Keppel report.
2. I make the following comments on two issues raised in the Discussion Paper.

#### **Code of Conduct – Guiding principles**

3. The current Preamble to the Members Code of Conduct is one paragraph and is followed by 5 paragraphs outlining the Purpose of the Code.
4. The Preamble has reference to public trust, honesty and integrity, while the Purpose refers to public interest, conflicts of interest and acting dishonestly.
5. I would support revision of the Preamble and Purpose under the one heading of Preamble to encompass wording which included the principles of public life that are not already included, such as selflessness, objectivity, openness and leadership.
6. The NSW Ministerial Code of Conduct 2014 has 12 points in the Preamble. I believe it would be beneficial if the wording used in both codes were, where relevant, similar in context.
7. I also suggest that the paragraphs of the Code be appropriately numbered to allow for easier reference and citation.

#### **Code of Conduct -Conflicts of Interest**

8. Conflicts of Interest are dealt with in section 7 of the Code requiring members to “to take reasonable steps to avoid, resolve or disclose any conflict between their private interests and the public interest”.

9. Section 7 (3) of the Ministerial Code has a definition of conflict of interest and it would be useful if a similar definition was contained in the members Code.
10. There are many documents available on managing of conflicts of interest in the public sector much of which applies similarly to members of Parliament as public office holders.
11. I would support the development of guidelines for Members of Parliament on Managing conflicts of interest, with input from the ICAC, the Parliament and the Parliamentary Ethics Adviser. I could perhaps provide useful anonymous annotations of requests for advice on conflicts of interest.
12. I would be happy to meet with your committee to further discuss these issues.

Yours sincerely

John Evans  
Parliamentary Ethics Adviser