

25 August 2019

The Hon. Troy Grant
Former Minister for Police and
Minister for Emergency Services

(Sent via eMail)

Dear Troy

**Post-separation employment of the Hon. Troy Grant,
former Minister for Police, and Minister for Emergency Services –
Racing NSW Integrity Assurance Committee**

You have asked for my advice on accepting a voluntary part-time position with Racing NSW as Chairman of the Integrity Assurance Committee (referred to as the IA Committee), following your ceasing to hold office as Minister for Police, and Minister for Emergency Services on 2 April 2019.

Background

Part 5, clause 24, of the Schedule to the *NSW Ministerial Code of Conduct*¹ (the Code), which commenced on 20 September 2014, requires a Minister who, within 18 months after ceasing to hold office, wishes to consider accepting an offer of post-separation employment must, if it relates to any of the portfolio responsibilities held during the last 2 years of Ministerial office, first obtain the advice of the Parliamentary Ethics Advisor. A similar requirement applies under paragraph (2) the resolution of both Houses adopted in June 2014.

Post-separation employment is defined in section 11 of the Code, to include “any employment of the Minister, or engagement of the Minister to provide services (including indirectly through a business) after the Minister has ceased to hold office as a Minister.”²

The Ministerial Code is an applicable code of conduct for the purposes of section 9 of the Independent Commission Against Corruption Act 1988³ (ICAC Act). Accordingly, a substantial breach of the Code, including a knowing breach of any

¹ Appendix and Schedule to *Independent Commission Against Corruption Amendment (Ministerial Code of Conduct) Regulation 2014*

² Under section 11 of the Code, Minister includes a former Minister in relation to Part 5 of the Schedule to the Code (Employment after leaving Ministerial office)

³ Part 1A, Section 4A, *Independent Commission Against Corruption Regulation 2010*

provision of the Schedule to the Code, may constitute corrupt conduct for the purposes of the ICAC Act.⁴

Proposed post-separation employment – Racing NSW Integrity Assurance Committee

I note that your portfolio responsibilities held during the last two years were as Minister for Police, and Minister for Emergency Services from 30 January 2017 to 2 April 2019. I also note that, although outside the past two year period, that you were previously Minister for Hospitality, Gaming and Racing from 23 April 2014 to 2 April 2015, and Minister for Racing from 2 April 2015 to 23 January 2017.

You advise that you have been approached by Racing NSW, for appointment to the position of Chairman of the IA Committee, for a period of 2 years, under section 23 of the Thoroughbred Racing Act 1996 (NSW). This is a voluntary role with a daily out-of-pocket expense allowance.

Under section 23 of the Thoroughbred Racing Act 1996, the IA Committee “is to have primary oversight of those aspects of the functions of Racing NSW that relate to race stewards, drug testing and control, licensing, handicapping and horse racing appeals” . . . and . . . “such other functions as Racing NSW may confer on it or as are conferred on it by this (the) Act.”

You also advise that the role does not require you to lobby the Government.

Furthermore, you advise that during your last two years in Ministerial office, you had no involvement in the development of departmental policy, the award of grants or regulatory work affecting Racing NSW, nor have you had any official dealings with competitors of Racing NSW during your last two years in Ministerial office.

Advice

In accordance with paragraph (3) of the resolution of both Houses and Part 5 of the Ministerial Code, I am of the opinion that your proposed role with Racing NSW IA Committee does not give rise to a reasonable concern that your conduct while in office was influenced by the prospect to engage in the proposed employment, or that you might make improper use of confidential information to which you had access while in office.

⁴ Preamble clause 9, sections 3 and 4 of the Code

I draw your attention to section 10 of the Ministerial Code, which imposes an obligation on former Ministers on the misuse of information acquired in office for private benefit.⁵

I advise that I see no reason why you should not be able to accept the offer of post-separation employment with the IA Committee, subject to the following conditions:

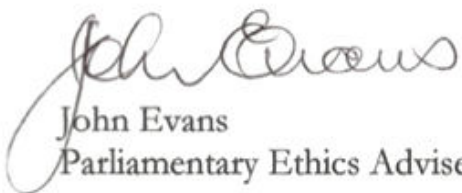
1. That you must not improperly use any information acquired in the course of your official functions, including in the course of Cabinet deliberations, for the private benefit of yourself or any other person.⁶
2. That you must not improperly communicate any such information to any other person for the purpose of the information being used for the private benefit of that person, yourself, or any other person.⁷

You should also be aware that the *Lobbying of Government Officials Act 2011* imposes a restriction on the ability of a former Minister to engage in lobbying activities within 18 months after leaving Ministerial office.⁸

Would you kindly inform me when you accept the offer of post-separation employment with the IA Committee, or it is publicly announced, as I am required to provide a copy of this advice to the Speaker of the Legislative Assembly for tabling in the House.

I thank you for seeking my advice.

Yours faithfully



John Evans
Parliamentary Ethics Adviser

⁵ Section 10 (3). See definition of **private benefit** in section 11 of the Code

⁶ Section 10 (1) of the Code. See definition of **person** in section 11 of the Code

⁷ Section 10 (2) of the Code

⁸ See Part 3, section 8 and definitions in Part 1, section 3.