

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

This obligation only applies if the 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 he or she participates in debate. If the Member has already disclosed the information in the Member's entry in the pecuniary interest register, he or she is not required to make a further disclosure during the parliamentary debate.

This resolution has continuing effect unless and until amended or rescinded by resolution of the House.

The Code forms part of the web of definitional terms of corrupt conduct in sections 8 and 9 of the *Independent Commission Against Corruption Act 1988*.

Section 8 of the Act is an inclusive provision which specifies the kind of acts that might constitute corrupt conduct. Section 9 is an exclusionary provision, establishing the boundaries of corrupt conduct. An action mentioned in section 8 will not constitute corrupt conduct unless it would amount to either:

- (a) a criminal offence;
- (b) a disciplinary offence; or
- (c) reasonable grounds for dismissing, dispensing with the services of or otherwise terminating the services of a public official.
- (d) In the case of conduct of a Minister of the Crown or a member of a House of Parliament

– a substantial breach of an applicable code of conduct.

THE PECUNIARY INTEREST REGISTER

The Pecuniary Interest Register is one of the principal mechanisms of accountability for ensuring that Members do not have conflicts of interest.

The regulations thus made are contained in the Constitution (Disclosures by Members) Regulation 1983.

New Members are required to lodge a primary return within 3 months of the date they take the Pledge of Loyalty (as at that date). The regulations further provide that a re-elected Member is not required to make a primary return. However, all Members are required to lodge an ordinary return for the prior financial year before 1 October each year, unless a primary return has been lodged after 30 April that year.

Amendments to the regulation, which came into force on 24 March 2007, require Members to lodge a supplementary ordinary return by 31 March each year in relation to the period 1 July to 31 December of the previous year or, in the case of new Members, who have previously lodged only a primary return, the period from the date of the primary return to 31 December of the previous year.

The amendments introduced in 2007 also provide for Members to make discretionary returns, when and if they consider it appropriate to do so.

Under the regulations a Register containing all the Returns is required to be compiled by the Clerk and tabled for publication as a parliamentary paper.



LEGISLATIVE ASSEMBLY

Parliament of New South Wales

THE CODE OF CONDUCT FOR MEMBERS OF PARLIAMENT AND THE PECUNIARY INTEREST REGISTER

No. 18

THE CODE OF CONDUCT FOR MEMBERS OF PARLIAMENT

Preamble to the Code of Conduct

The Members of the Legislative Assembly and the Legislative Council have reached agreement on a Code of Conduct which is to apply to all Members of Parliament.

Members of Parliament recognise that they are in the 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 that their principal 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.

The Code

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.

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.

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.

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.

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.

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.

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); and
- (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