



New South Wales

Independent Commission Against Corruption Amendment (Ethics Committee) Bill 2003

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

Part 7A of the *Independent Commission Against Corruption Act 1988* (the **ICAC Act**) establishes a statutory committee called the Standing Ethics Committee:

- (a) to prepare and review codes of conduct for members of the Legislative Assembly, and
- (b) to carry out educative and advisory work on ethical standards applying to members of the Legislative Assembly.

Part 7A of the ICAC Act requires the Legislative Council to designate one of its existing committees to carry out equivalent functions in relation to members of the Legislative Council. The Standing Committee on Parliamentary Privilege and Ethics has been designated for this purpose.

The objects of this Bill are:

- (a) to replace the statutory Standing Ethics Committee, providing instead for the Legislative Assembly to designate a committee to carry out the functions concerned, in line with the provisions applying to the Legislative Council, and
- (b) to require the designated committees to review the codes of conduct applying to members of the Legislative Assembly and the Legislative Council, respectively, on a 4-yearly basis, rather than the current 2-yearly basis.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Clause 3 is a formal provision that gives effect to the amendments to the *Independent Commission Against Corruption Act 1988* set out in Schedule 1.

Schedule 1 Amendments

Schedule 1 [1] and [7] replace the requirement for the codes of conduct applying to members of the Legislative Council and the Legislative Assembly, respectively, to be reviewed at least once in each period of 2 years, with a requirement that they be reviewed at least once every 4 years.

Schedule 1 [2] provides for the Legislative Assembly to designate one of its committees to carry out functions relating to the code of conduct and ethical standards applying to members of the Legislative Assembly, in place of the existing Standing Ethics Committee. **Schedule 1 [3], [5], [6] and [8]** make consequential amendments.

Schedule 1 [4] enables the committee designated by the Legislative Assembly to appoint any member of the public for the purpose of assisting the committee to carry out any of its functions in relation to the Legislative Assembly's code of conduct, including the review of the code of conduct.

Schedule 1 [9] enables the making of regulations of a savings and transitional nature as a consequence of the enactment of the proposed Act.



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No. , 2003

A Bill for

An Act to amend the *Independent Commission Against Corruption Act 1988* in relation to the designation of a committee of the Legislative Assembly to carry out functions concerned with parliamentary ethical standards; and for other purposes.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Independent Commission Against Corruption Amendment (Ethics Committee) Act 2003</i> .	3 4
2 Commencement	5
This Act commences on a day or days to be appointed by proclamation.	6 7
3 Amendment of Independent Commission Against Corruption Act 1988 No 35	8 9
The <i>Independent Commission Against Corruption Act 1988</i> is amended as set out in Schedule 1.	10 11

Schedule 1 Amendments

(Section 3)

[1] Section 72C Functions of committee

Omit section 72C (5) and (6). Insert instead:

- (5) The designated committee is to review a code of conduct adopted by the Legislative Council at least once every 4 years.

[2] Sections 72D and 72DA

Omit section 72D. Insert instead:

72D Definition

In this Division:

designated committee means the committee of the Legislative Assembly that is for the time being designated under section 72DA.

72DA Designation of committee

- (1) As soon as practicable after the commencement of this section and the commencement of the first session of each Parliament, a committee of the Legislative Assembly is to be designated by resolution of the Legislative Assembly as the designated committee for the purposes of this Division.
- (2) Another committee of the Legislative Assembly may be designated by such a resolution from time to time in place of any previously designated.
- (3) The designation of a committee under this section does not affect the functions that the committee has apart from this Division.

[3] Section 72E Functions of committee

Omit “Standing Ethics Committee” wherever occurring in section 72E (1)–(4).

Insert instead “designated committee”.

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Schedule 1 Amendments

[4] Section 72E (1A)	1
Insert after section 72E (1):	2
(1A) The designated committee may appoint any member of the public for the purpose of assisting the committee to carry out any of its functions under this section in relation to a code of conduct.	3 4 5 6
[5] Section 72E (3) (c)	7
Omit “the Committee”. Insert instead “the committee”.	8
[6] Section 72E (4)	9
Omit “The Committee”. Insert instead “The committee”.	10
[7] Section 72E (5)	11
Omit section 72E (5) and (6). Insert instead:	12
(5) The designated committee is to review a code of conduct adopted by the Legislative Assembly at least once every 4 years.	13 14 15
[8] Sections 72F–72K	16
Omit the sections.	17
[9] Schedule 4 Savings, transitional and other provisions	18
Insert at the end of clause 1 (1):	19
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