



New South Wales

# Independent Commission Against Corruption Amendment (Property Developer Commissions to MPs) Bill 2020

## Explanatory note

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

## Overview of Bill

The object of this Bill is to amend the *Independent Commission Against Corruption Act 1988* to prohibit a member of Parliament from seeking or accepting a payment of a commission from a property developer, directly or through a third party.

## 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 the date of assent to the proposed Act.

**Clause 3** amends section 9 of the *Independent Commission Against Corruption Act 1988* to give effect to the object set out in the Overview. Part 3 of that Act sets out what is corrupt conduct for the purposes of the Act. Section 9 of that Act provides that conduct does not amount to corrupt conduct unless it could constitute or involve—

- (a) a criminal offence, or
- (b) a disciplinary offence, or
- (c) reasonable grounds for dismissing, dispensing with the services of or otherwise terminating the services of a public official, or
- (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 amendments provide that a substantial breach of the prohibition set out above by a member of Parliament may also constitute corrupt conduct in the same way as a breach of the applicable code of conduct for a member of Parliament.



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# Independent Commission Against Corruption Amendment (Property Developer Commissions to MPs) Bill 2020

No. \_\_\_\_\_, 2020

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## **A Bill for**

An Act to amend the *Independent Commission Against Corruption Act 1988* to prohibit a member of Parliament from seeking or accepting a payment of a commission from a property developer, directly or through a third party.

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<b>The Legislature of New South Wales enacts—</b>	1
<b>1 Name of Act</b>	2
This Act is the <i>Independent Commission Against Corruption Amendment (Property Developer Commissions to MPs) Act 2020</i> .	3 4
<b>2 Commencement</b>	5
This Act commences on the date of assent to this Act.	6
<b>3 Amendment of Independent Commission Against Corruption Act 1988 No 35</b>	7
(1) <b>Section 9 Limitation on nature of corrupt conduct</b>	8
Insert at the end of section 9(1)(d)—	9
, or	10
(e) in the case of conduct of a member of Parliament—a substantial breach of subsection (7).	11 12
(2) <b>Section 9(7)</b>	13
Insert after section 9(6)—	14
(7) A member of Parliament must not accept or seek payment of a commission from a property developer, within the meaning of Part 3, Division 7 of the <i>Electoral Funding Act 2018</i> , either directly or through a third party.	15 16 17 18