



New South Wales

# Independent Commission Against Corruption Amendment (Ministerial Diary Disclosure) Bill 2023

## 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 Regulation 2017* to require, under the NSW Ministerial Code of Conduct, the publication of information relating to certain meetings involving Ministers, including Parliamentary Secretaries, and external persons.

## 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.

## **Schedule 1      Amendment of Independent Commission Against Corruption Regulation 2017**

**Schedule 1** gives effect to the overview of the Bill.



New South Wales

# Independent Commission Against Corruption Amendment (Ministerial Diary Disclosure) Bill 2023

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# Independent Commission Against Corruption Amendment (Ministerial Diary Disclosure) Bill 2023

No. \_\_\_\_\_, 2023

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## **A Bill for**

An Act to amend the *Independent Commission Against Corruption Regulation 2017* to require, under the NSW Ministerial Code of Conduct, the publication of information relating to certain meetings involving Ministers, including Parliamentary Secretaries, and external persons; and for related purposes.

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**The Legislature of New South Wales enacts—**

1

**1 Name of Act**

2

This Act is the *Independent Commission Against Corruption Amendment (Ministerial Diary Disclosure) Act 2023*.

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**2 Commencement**

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This Act commences on the date of assent to this Act.

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<b>Schedule 1</b>	<b>Amendment of Independent Commission Against Corruption Regulation 2017</b>	1
		2
<b>Appendix NSW Ministerial Code of Conduct</b>		3
Insert after the Schedule to the NSW Ministerial Code of Conduct, Part 4—		4
<b>Part 4A</b>	<b>Publication of ministerial diaries</b>	5
<b>22A</b>	<b>Relevant meetings</b>	6
(1)	In this part, a <i>relevant meeting</i> means a meeting or discussion, whether or not scheduled in advance, involving—	7
		8
(a)	a Minister and an external person, and	9
(b)	a matter that may be considered by the Minister, whether formally or informally, in the Minister’s role as a—	10
		11
(i)	portfolio Minister or member of Cabinet, or	12
(ii)	Parliamentary Secretary.	13
	<b>Note—</b> In this Code, Minister includes a Parliamentary Secretary—see this Code, clause 11.	14
		15
(2)	A relevant meeting may take place—	16
(a)	in person, or	17
(b)	by video conference or teleconference, or	18
(c)	by telephone.	19
(3)	In this clause—	20
	<i>external person</i> means a person other than—	21
(a)	a Minister,	22
(b)	ministerial or parliamentary staff,	23
(c)	a government official,	24
(d)	another person representing or engaged by the State or another jurisdiction.	25
		26
<b>22B</b>	<b>Summaries of relevant meetings must be published each quarter</b>	27
(1)	A Minister must, no later than 1 month after the end of each quarter, give to the Secretary a summary of relevant meetings attended by the Minister in the quarter.	28
		29
		30
(2)	The summary must include the following information in relation to each meeting—	31
		32
(a)	details of the purpose of the meeting,	33
(b)	the name of each individual who attended the meeting,	34
(c)	whether the individual attended the meeting—	35
		36
(i)	in a personal capacity, or	37
(ii)	as or on behalf of a third-party lobbyist, or	38
(iii)	in another capacity,	39
(d)	if an individual attended the meeting as or on behalf of a third-party lobbyist—the name of each person represented by the third-party lobbyist at the meeting,	40
		41

(e)	if an individual attended the meeting on behalf of a third-party lobbyist—the name of the third-party lobbyist,	1
		2
(f)	if an individual attended the meeting in another capacity—details of the capacity.	3
		4
(3)	The summary must be in the form approved by the Secretary.	5
(4)	The Secretary must publish the summary on the website of the Cabinet Office.	6
(5)	In this clause—	7
	<i>Secretary</i> means the Secretary of the Cabinet Office.	8
	<i>third-party lobbyist</i> has the same meaning as in the <i>Lobbying of Government Officials Act 2011</i> .	9
		10
<b>22C</b>	<b>Excluded meetings</b>	11
	Clause 22B does not apply to the following meetings—	12
(a)	a meeting at which only personal, electorate or party political discussions take place,	13
		14
(b)	a social or public function or event at which a relevant meeting does not take place,	15
		16
(c)	a meeting held overseas,	17
	<b>Note—</b> Meetings held overseas must be disclosed in accordance with the <i>Government Information (Public Access) Regulation 2018</i> , clause 6(1)(b).	18
		19
(d)	a meeting for which there is an overriding public interest against disclosure under the <i>Government Information (Public Access) Act 2009</i> .	20
		21