



New South Wales

Independent Commission Against Corruption Amendment (Ministerial Code of Conduct—Property Developers) Bill 2021

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 NSW Ministerial Code of Conduct (which is set out in the Appendix to the *Independent Commission Against Corruption Regulation 2017*) to provide that Ministers and Parliamentary Secretaries must not remain or become property developers.

The Bill also amends the NSW Ministerial Code of Conduct to provide that—

- (a) a Minister or Parliamentary Secretary must take all reasonable steps to cease to be a property developer before or, if that is not practicable, as soon as practicable after appointment, and
- (b) the Premier may give a ruling to approve a Minister or Parliamentary Secretary remaining or becoming a property developer in special specified circumstances, and
- (c) a Minister or Parliamentary Secretary must promptly take steps to cease to be a property developer if the Premier, being satisfied that being a property developer has the potential to give rise to a conflict of interest, directs the Minister or Parliamentary Secretary to do so.

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 gives effect to the object of the proposed Act outlined in the overview above.



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Independent Commission Against Corruption Amendment (Ministerial Code of Conduct—Property Developers) Bill 2021

No. _____, 2021

A Bill for

An Act to amend the NSW Ministerial Code of Conduct set out in the Appendix to the *Independent Commission Against Corruption Regulation 2017* to prohibit Ministers and Parliamentary Secretaries from remaining or becoming property developers; and for related purposes.

The Legislature of New South Wales enacts—

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1 Name of Act

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This Act is the *Independent Commission Against Corruption Amendment (Ministerial Code of Conduct—Property Developers) Act 2021*.

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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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Schedule 1	Amendment of Independent Commission Against Corruption Regulation 2017	1 2
[1] Appendix NSW Ministerial Code of Conduct		3
	Insert “, 4A(3)” after “3(5)” in the definition of <i>ruling</i> in clause 11.	4
[2] Appendix, Schedule, clauses 4A and 4B		5
	Insert after clause 4—	6
4A Property developers		7
(1)	A Minister or Parliamentary Secretary must not remain or become a property developer.	8 9
(2)	A Minister or Parliamentary Secretary must take all reasonable steps to cease to be a property developer before or, if that is not practicable, as soon as practicable after appointment.	10 11 12
(3)	However, a Minister or Parliamentary Secretary may remain or become a property developer where—	13 14
(a)	the person is a property developer only by virtue of being a spouse of a person, and	15 16
(b)	that other person’s property developer business is not likely to give rise to a conflict of interest, and	17 18
(c)	the Premier gives a ruling that the Premier approves the Minister or Parliamentary Secretary remaining or becoming a property developer in those circumstances.	19 20 21
(4)	In this clause, <i>property developer</i> has the same meaning as it has in Part 3, Division 7 of the <i>Electoral Funding Act 2018</i> .	22 23
4B Divestiture at the direction of the Premier—property developers		24
(1)	In addition to clause 4A, a Minister or Parliamentary Secretary must promptly take steps to cease to be a property developer if the Premier, being satisfied that being a property developer has the potential to give rise to a conflict of interest, directs the Minister or Parliamentary Secretary to do so.	25 26 27 28
(2)	Transferring an interest to a family member or to a trust in which the Minister or Parliamentary Secretary or a family member has a beneficial interest does not constitute adequate steps for the purposes of this clause.	29 30 31
[3] Appendix, Schedule, clause 27(2), note		32
	Insert “, 4A(3)” after “3(5)”.	33