

### Recommendation 1

That the Code of Conduct for Members and the NSW Ministerial Code of Conduct be amended to provide for a set of principles of conduct and guiding values addressing the:

- seven general principles of conduct which underpin public life developed by the United Kingdom's Committee on Standards in Public Life (and the 2021 descriptors to those principles)
- three guiding values of public trust, public interest and public duty.

### Recommendation 2

That the NSW Parliament, in consultation with the Commission, develops a comprehensive framework applicable to members that addresses the avoidance, disclosure and management of conflicts of interest. The framework should provide members with practical guidance about how to avoid, disclose and manage common conflicts of interest.

### Recommendation 3

That the NSW Parliament's designated committees review and amend the Code of Conduct for Members and the *Members' Entitlements Handbook* (1 July 2022) in relation to the use of public resources, to clarify the limited circumstances in which it is acceptable to intermingle parliamentary duties with personal or private activities. In particular, this review should address the use of:

- parliamentary staff
- parliamentary offices
- stationery
- allowances relating to travel.

### Recommendation 4

That the relevant parliamentary department reviews and amends the Code of Conduct for Members' Staff, in relation to the use of public resources, to clarify the limited circumstances in which it is acceptable to intermingle parliamentary duties with personal or private activities. In particular, this review should address the use of:

- parliamentary staff
- parliamentary offices
- stationery
- allowances relating to travel.

### Recommendation 5

That the Presiding Officers and Department of Parliamentary Services ensure that relevant guidance material clarifies that the parliamentary crest and coat of arms, including on official letterheads and business cards, must only be used for parliamentary duties, and in accordance with established practices and conventions.

## **Recommendation 6**

That the Presiding Officers review the Parliamentary Friendship Groups Policy and amend it to include a requirement that, in an active and timely manner, members keep each other informed of all activities involving the parliamentary friendship group, including:

- travel on behalf of the parliamentary friendship group
- sending invitations
- offering hospitality
- offering assistance
- hosting events and visitors
- making representations on behalf of the friendship group.

## **Recommendation 7**

To further clarify that the Code of Conduct for Members applies to parliamentary friendship groups it is recommended:

- that the Presiding Officers strengthen the Parliamentary Friendship Groups Policy to specify that all activities undertaken by members under the auspices of a parliamentary friendship group must be in accordance with the Code of Conduct for Members and related guidelines and procedures
- that the NSW Parliament's designated committees consider amending the Code of Conduct for Members to specifically mention that its application extends to activities involving parliamentary friendship groups.

## **Recommendation 8**

That the NSW Government considers amending s 111E of the *Independent Commission Against Corruption Act 1988* to set requirements for the premier on behalf of the NSW Government and Presiding Officers of each House of Parliament to respond to the corruption prevention recommendations of the Commission.

## **Recommendation 9**

That the NSW Government reviews the wording of clause 23 of the Constitution (Disclosures by Members) Regulation 1983 to ensure consistency with section 14A of the *Constitution Act 1902* (NSW).

## **Recommendation 10**

That the Presiding Officers, NSW Parliament's designated committees and the relevant parliamentary departments devise a permanent ongoing professional education program for members.

## **Recommendation 11**

That the Presiding Officers, NSW Parliament's designated committees and the relevant parliamentary departments ensure that the existing induction program and the ongoing education development

program for members address the obligations and duties of elected public officials, including (but not limited to):

- (a) principles and values that guide members in performing their public role
- (b) disclosing interests via registration
- (c) how to avoid, resolve and manage a conflict of interest
- (d) guidance on secondary employment or outside business interests
- (e) disclosing gifts and benefits
- (f) the prohibition on improper influence
- (g) guidance on the use of public resources
- (h) guidance on the proper use of confidential information
- (i) enforcement mechanisms
- (j) risks and processes relating to lobbying
- (k) restrictions on post-parliamentary careers
- (l) procedures for reporting suspected corrupt conduct.

#### **Recommendation 12**

That the NSW Parliament should incentivise participation in education, for example, by developing standards and publishing attendance records.

#### **Recommendation 13**

That letters and forms by the Clerk of the Legislative Assembly and the Clerk of the Legislative Council provided to members about their disclosure obligations contain clear warnings about potential consequences for non-compliance under the *Constitution Act 1902*, the Constitution (Disclosures by Members) Regulation 1983 and the *Independent Commission Against Corruption Act 1988*.

#### **Recommendation 14**

That the Presiding Officers and the relevant parliamentary departments review the training program for members' staff to ensure its content includes:

- the limits of the terms of their employment as outlined in the *Members of Parliament Staff Act 2013*, which stipulates that the role of a member of Parliament's staff is limited to assisting the member in exercising his or her functions as a member of Parliament
- the content of the Code of Conduct for Members' Staff
- the content of the Code of Conduct for Members

- who to contact internally and externally for confidential advice about working for a member
- the processes relating to making a public interest disclosure, both internally and externally under the *Public Interest Disclosures Act 1994* (and the *Public Interest Disclosures Act 2022*, once it is in force)
- minimum or recommended training standards.

#### **Recommendation 15**

That the Presiding Officers and the relevant parliamentary departments ensure induction and regular ongoing training for members' staff (conducted at least every two years) and make such training mandatory.

#### **Recommendation 16**

That the Presiding Officers and the relevant parliamentary departments review and strengthen guidance for parliamentary and electorate staff with a view to minimising the risk of staff being asked by a member to support private activities or other misuse of their public office. Position descriptions should be reviewed accordingly. The *Electorate Office Guide* should be reviewed to ensure it includes guidance about:

- the role of electorate and/or parliamentary staff, including more detailed advice concerning what is acceptable assistance and what is not
- the *Members of Parliament Staff Act 2013*
- seeking advice and lodging a complaint.

#### **Recommendation 17**

That the NSW Government develops and publishes guidelines for the preparation and funding of business cases by government in respect of applications for grants by non-government entities.

#### **Recommendation 18**

That the NSW Government, the Presiding Officers, NSW Parliament's designated committees and the relevant parliamentary departments ensure that the induction and ongoing education programs for ministers and members address the management of political interests when exercising public power. For example, members should be aware that public power to appoint to a public office must be exercised for a public purpose, not for a private or a political purpose. Further, a public power cannot be exercised in relation to the location of a public facility because it will assist the re-election of a party member, rather than it being the proper place for it.