

Criminal Code and Other Legislation (Misconduct, Breaches of Discipline and Public Sector Ethics) Amendment Bill 2009

Explanatory Notes for Amendments to be moved during consideration in detail by the Honourable Cameron Dick MP

Title of the Bill

Criminal Code and Other Legislation (Misconduct, Breaches of Discipline and Public Sector Ethics) Amendment Bill 2009

Objectives of the Amendments

Proposed clause 79 of the Bill includes the reference of a Member of the Legislative Assembly. This amendment will unintentionally enable the Premier to seek advice about a conflict of interest issue relating to any non Government Member (Section 30 (2) of the *Public Sector Ethics Act 1994*).

It is intended to allow the Leader of the Opposition to seek advice about a conflict of interest issue involving any Member of the Legislative Assembly that are member of the same party as the Leader of the Opposition.

It is therefore proposed to make two amendments to section 30 of the *Public Sector Ethics Act 1994* to include:

- at subsection (2) - after the word person insert the words : ‘other than a non-government member’; and
- insert a new subsection (2A) which gives effect to the position that the Leader of the Opposition may seek advice about a conflict of interest issue involving any Member of the Legislative Assembly that are member of the same party as the Leader of the Opposition.

Amend the Schedule (Dictionary) to include the definition for the Leader of the Opposition.

Achievement of the Objectives

These amendments will clarify the intent of the proposed changes to designated persons within the Bill and enable the Leader of the Opposition to seek advice about a conflict of interest issue involving any Member of the Legislative Assembly that are member of the same party as the Leader of the Opposition.

Consultation

The Leader of the Opposition

NOTES ON PROVISIONS

Clause 79A amends section 30(2) of the *Public Sector Ethics Act 1994* by inserting after person ‘other than a non government member’ so that the Premier does not have the power to seek advice about a conflict of interest issue involving a non government member. It also inserts (2A) The Leader of the Opposition may seek advice about a conflict of interest issue involving a non-government member who is a member of the political party to which the Leader of the Opposition belongs.’

Clause 81 Amend the Schedule (Dictionary) to include the definition for the Leader of the Opposition which means the member of the Legislative assembly recognised in the Assembly as the Leader of the Opposition.