

# Form 1 Primary return

(Clause 3 (1), definition of “primary return”)

## Directions

1. This form is in two sections. The first section (Section 1—Guidance Notes and Examples) outlines the requirements of the *Constitution (Disclosures by Members) Regulation 1983* for each type of interest to be disclosed, and gives examples as to how to make entries on the return. The second section of the form (Section 2—Member’s Primary Return) sets out the return that is to be filled in by the Member. Only the second section of this form needs to be lodged with the Clerk.
2. The pecuniary interests and other matters required to be disclosed in the return set out in Section 2 of this form are prescribed in clauses 8, 9, 12, 13, 14 and 15A of the *Constitution (Disclosures by Members) Regulation 1983*.
3. The particulars required to complete this form are to be written in block letters or typed.
4. If any space is insufficient in this form for all the particulars required to complete it, attach an appendix for that purpose which is properly identified and signed by the Member.
5. A reference in this form to the **primary return period** in relation to a Member is a reference to the period commencing on the day on which the Member took the pledge of loyalty and ending on the next succeeding 30th June.
6. If a Member is not required to disclose a kind of pecuniary interest or other matter under a particular main heading in this form, “NIL” or “N/A” (as relevant) is to be placed in an appropriate space under that heading.
7. The entries marked as “Example entry only” or “Example entries only” are provided by way of example only.
8. Matter marked with an asterisk (\*) is to be omitted if it is not appropriate for the Member concerned.

## SECTION 1—GUIDANCE NOTES AND EXAMPLES

### Part 1 Real property

Under clause 8 of the *Constitution (Disclosures by Members) Regulation 1983*, you must disclose in Part 1 of the return the address of each parcel of real property in which you had an interest (or the alternative information permitted by the Regulation if you use the parcel for residential purposes) on the date on which you took the pledge of loyalty and the nature of the interest in the real property. Make a separate entry for each parcel of real property held, separated by a line, in Part 1 of the return.

**Example entries only:**

Address of each parcel of real property	Nature of interest
Principal place of residence Suburb—Surry Hills	Joint tenant
1 Pitt Street, Sydney NSW 2000	Sole owner

### Part 2 Sources of income

Under clause 9 of the *Constitution (Disclosures by Members) Regulation 1983*, you must disclose in Part 2 of the return each source of income that you received, or reasonably expect to receive, during the primary return period. You must disclose income received, or which you expect to receive:

- (a) as an employee, as part of a partnership, as an office holder (including an office holder in a corporation or body) or under any other contract, agreement or arrangement (such as a self-employed consultant/contractor) (use Part 2.1 of the return), and
- (b) from a trust (use Part 2.2 of the return), and
- (c) from any other source (use Part 2.3 of the return).

#### 2.1 Income from employment, offices, partnerships and services

Under clause 9 (2) (a)–(d) of the *Constitution (Disclosures by Members) Regulation 1983*, you must disclose in Part 2.1 of the return any income you have received or reasonably expect to receive during the primary return period as an employee, as part of a partnership, as an office holder (including an office holder in a corporation

or body) or under any other contract, agreement or arrangement (such as a self-employed consultant/contractor).

You must also describe the services you provide in receiving that income. The description of the services provided must be reasonably sufficient to identify the service provided in return for that income. Services from which you do not derive any income do not need to be disclosed.

You must make a separate entry for each different source of income in the appropriate Table in Part 2.1 of the return. For example, if you are employed and hold an office, two separate entries should be made respectively in Tables 2.1.1 and 2.1.2 in Part 2.1 of the return. Separate multiple entries in each Table by a line. Where the Table is not relevant to your circumstances because you do not receive that kind of income, enter “NIL” in that Table (for example, if you do not derive any income, whether as an employee, as an office holder, from a partnership or otherwise under a contract, agreement or arrangement, you must enter “NIL” in all Tables). Where the Table (or part of a Table) is not relevant to your circumstances because the conditions under which you would be required to make a disclosure do not apply in relation to you, enter “N/A” in that Table or part of the Table (for example, if you are not required to disclose the nature of the business of your employer because the services you provided did not arise from or relate to the use of your position as a Member).

Where you provide services that “arise from or relate to the use of” your position as a Member, you must complete the last column in each Table. This includes (but is not limited to) where you engage in:

- (a) the provision of public policy advice, or
- (b) the development of strategies or the provision of advice on the conduct of relations with the Government or Members, or
- (c) lobbying the Government or other Members on a matter of concern to the person to whom the service is provided.

**Note, where the provision of services “arise from or relate to the use of” your position as a Member, you may also need to complete Part 6 of the return.**

**Table 2.1.1 Income received as an employee—Example entry only:**

Name of occupation	Description of kinds of services provided or to be provided	Name and address of employer	Nature of business of the employer (where the services provided or to be provided relate to your position as a Member)
Solicitor	Employed solicitor providing legal services to clients, in the areas of criminal and family law	ABC Lawyers, 1 Pitt Street, Sydney NSW 2000	N/A

**Table 2.1.2 Income received as holder of office—Example entry only:**

<b>Name or title of the office and a description of kinds of services provided or to be provided</b>	<b>Name and address of corporation or body (if any) in which the office is held</b>	<b>Nature of business carried on by the entity (where the services provided or to be provided relate to your position as a Member)</b>
Local councillor	Hurstville City Council, MacMahon Street, Hurstville NSW 2220	N/A

**Table 2.1.3 Income from partnership—Example entry only:**

<b>Name of occupation (if any)</b>	<b>Description of kinds of services provided or to be provided</b>	<b>Name and address of partnership</b>	<b>Nature of business carried on by the partnership (where the services provided or to be provided relate to your position as a Member)</b>
Solicitor	Partner of the law firm and to provide commercial legal services specialising in litigation, property, intellectual property, competition and corporate law	XYZ Lawyer, 3 Smith Street, Paddington NSW 2021	N/A

**Table 2.1.4 Income from services provided under any other contract, agreement or arrangement—Example entry only:**

<b>Name of occupation (if relevant) and a description of services provided or to be provided</b>	<b>Name and address of parties to any contract, agreement or arrangement to provide services</b>	<b>Nature of business carried on by the other party to the contract, agreement or arrangement (where the services provided or to be provided relate to your position as a Member)</b>
Public affairs consultant – Providing public affairs advice, including lobbying MPs and government departments on the issue of regulation of electrical appliances	XYZ Corporation, 1 Pitt Street, Sydney NSW 2000	Manufacturer of electrical appliances

## 2.2 Income from a trust

Under clause 9 (2) (e) of the *Constitution (Disclosures by Members) Regulation 1983*, you are required to disclose in Part 2.2 of the return any source of income which you received or reasonably expect to receive during the primary return period from a trust, including the name and address of the settlor and the trustee. Make a separate entry in Part 2.2 of the return (separated by a line) for each trust.

**Example entry only:**

<b>Name and address of settlor</b>	<b>Name and address of trustee</b>
XY Settlor, 2 George Street, Sydney NSW 2000	AB Trustee, 10 George Street, Sydney, NSW 2000

## 2.3 Other income

Under clause 9 (2) (f) of the *Constitution (Disclosures by Members) Regulation 1983*, you are required to disclose in Part 2.3 of the return any other income received or which you expect to receive during the primary return period and provide a description sufficient to identify the person from whom, or the circumstances in which, the income was, or is reasonably expected to be, received.

**Example entry only:**

<b>Disclosure of other income</b>
Income from the operation of a farm at 1 Pitt Street, Orange NSW, 2800 of which I am the sole proprietor.

### **Part 3 Interests and positions in corporations**

Under clause 12 of the *Constitution (Disclosures by Members) Regulation 1983*, you must disclose in Part 3 of the return the following particulars for each corporation in which you had an interest or held any position (whether remunerated or not) on the date on which you took the pledge of loyalty:

- (a) the name and address of each corporation,
- (b) the nature of the interest (if any) or a description of the position held,
- (c) except in the case of a listed public company, a description of the principal objects of each such corporation.

If you received income in respect of any position held in a corporation, that information should be disclosed in Part 2 of the return.

**Example entries only:**

<b>Name and address of corporation</b>	<b>Nature of interest (if any) or description of position held</b>	<b>Description of principal objects of corporation (where corporation is not a listed public company)</b>
CD Corporation Limited, 1 Martin Place, Sydney NSW 2000	Shareholder	N/A
MD Corporation Pty Limited, 33 Kingsgrove Road, Kingsgrove NSW 2208	Majority shareholder	To provide financial advice to its clients

### **Part 4 Positions in trade unions and professional or business associations**

Under clause 13 of the *Constitution (Disclosures by Members) Regulation 1983*, you must disclose in Part 4 of the return the name of each trade union and professional or business association in which you held any position (whether remunerated or not)

on the date on which you took the pledge of loyalty and a description of the position held.

**Example entry only:**

Name of trade union or association	Description of position
ABC Trade Union	Member Honorary Secretary

## Part 5 Debts

Under clause 14 of the *Constitution (Disclosures by Members) Regulation 1983*, you must disclose in Part 5 of the return the name and address of each person to whom you were liable to pay any debt on the date on which you took the pledge of loyalty. You must disclose all debts, whether or not the amount to be paid was due and payable on the date on which you took the pledge of loyalty.

You do not need to disclose a debt that:

- (a) does not exceed \$500 unless the debt was 1 of 2 or more debts owed to 1 person and the amount of those 2 or more debts together exceeds \$500 in aggregate, or
- (b) is owed to a relative of yours (as defined by clause 7 (1) of the *Constitution (Disclosures by Members) Regulation 1983*), or
- (c) is owed to a bank, building society, credit union or other person whose ordinary business includes the lending of money and the loan was made in the ordinary course of business of the lender, or
- (d) arises from the supply of goods and services which were supplied in the 12 month period immediately preceding the primary return date, or
- (e) arises from the supply of goods and services in the ordinary course of any occupation not related to your duties as a Member.

**Example entry only:**

Disclosure of debts
Personal loan made by Mr John Smith of 1 Pitt Street, Sydney NSW 2000.

## Part 6 Client Services

Under clause 15A of the *Constitution (Disclosures by Members) Regulation 1983*, you must disclose the details set out in Part 6 of the return if you have provided, or reasonably expect to provide, “client services” at any time during the primary return period.

Client services are provided by you if:

- (a) you are engaged by a person (whether an individual or corporation) to provide services to or on behalf of any of that person's clients, and
- (b) that person has received or is reasonably expected to receive consideration in money or money's worth from the client for your services, and
- (c) the services relate to your Parliamentary position.

You are engaged by a person (whether an individual or corporation) to provide services if you provide services in connection with:

- (a) any contract of employment with the person, or
- (b) your role as an officer of the person (such as a corporation), or
- (c) any other contract, agreement or arrangement that you have entered into with the person in respect of which you receive consideration in money, or money's worth, for providing the services.

Services relate to your Parliamentary position if the services "arise from or relate to the use of" your position as a Member. This includes (but is not limited to) where you engage in:

- (a) the provision of public policy advice, or
- (b) the development of strategies or the provision of advice on the conduct of relations with the Government or Members, or
- (c) lobbying the Government or other Members on a matter of concern to the person to whom the service is provided.

You are required to disclose the persons who receive the benefit of your client services even if you did not directly receive any payment from that person.

You must make a separate entry in Part 6 of the return for each person who directly receives the benefit of your services. You must also disclose who receives the benefit of your services if the client of the person who engages you requests that the services be provided to some other person. For example, if you are employed by, or are a director of Company X, and Company X contracts with Person Y for you to provide consultancy services to Company Z, you must disclose the provision of client services to both Person Y and Company Z.

Please note, your engagement with a person to provide client services should be disclosed in Part 2 of the return.



**Example entry only:**

Names and addresses of persons who benefit or are likely to benefit from the services	Description of the services reasonably sufficient to identify the nature of the service provided or to be provided	Nature of business of persons who directly benefited or are likely directly to benefit
Smith Constructions Pty Ltd, 1 Orange Street, Paddington NSW 2021	Advising on public policy regarding public infrastructure and the development of strategies on the conduct of relations with the Government, and lobbying government departments in relation to projects managed by the company	Construction company specialising in public infrastructure such as roads

## **Part 7 Discretionary disclosures**

Under clause 16 of the *Constitution (Disclosures by Members) Regulation 1983*, a Member may disclose in Part 7 of the return any direct or indirect benefits, advantages or liabilities that are not required to be disclosed by the Regulation but which the Member considers might appear to raise a conflict between his or her private interests and his or her public duty as a Member or which he or she otherwise wishes to disclose.

**SECTION 2—MEMBER’S PRIMARY RETURN**

***Constitution (Disclosures by Members) Regulation 1983***

**Primary Return—Legislative \*Council/\*Assembly**

Disclosures of pecuniary interests and other matters by:

..... as at .....

*(Full name of Member)* *(primary return date)*

.....

*(Member’s signature)*

.....

*(Date)*

**Part 1      Real property**

<b>Address of each parcel of real property</b>	<b>Nature of interest</b>

**Part 2 Sources of income**

**2.1 Income from employment, offices, partnerships and services**

**Table 2.1.1 Income received as an employee**

<b>Name of occupation</b>	<b>Description of kinds of services provided or to be provided</b>	<b>Name and address of employer</b>	<b>Nature of business of the employer (where the services provided or to be provided relate to your position as a Member)</b>

**Table 2.1.2 Income received as holder of office**

Name or title of the office and a description of kinds of services provided or to be provided	Name and address of corporation or body (if any) in which the office is held	Nature of business carried on by the entity (where the services provided or to be provided relate to your position as a Member)

**Table 2.1.3 Income from partnership**

Name of occupation (if any)	Description of kinds of services provided or to be provided	Name and address of the partnership	Nature of business carried on by the partnership (where the services provided or to be provided relate to your position as a Member)

**Table 2.1.4 Income from services provided under any other contract, agreement or arrangement**

Name of occupation (if relevant) and a description of services provided or to be provided	Name and address of parties to any contract, agreement or arrangement to provide services	Nature of business carried on by the other party to the contract, agreement or arrangement (where the services provided or to be provided relate to your position as a Member)

**2.2 Income from a trust**

Name and address of settlor	Name and address of trustee

**2.3 Other income**

Disclosure of other income

**Part 3 Interests and positions in corporations**

Name and address of corporation	Nature of interest (if any) or description of position held	Description of principal objects of corporation (where corporation is not a listed public company)

**Part 4      Positions in trade unions and professional or  
business associations**

Name of trade union or association	Description of position

**Part 5      Debts**

Disclosure of debts



**Part 6 Client services**

<b>Names and addresses of persons who benefit or are likely to benefit from the services</b>	<b>Description of the services reasonably sufficient to identify the nature of the service provided or to be provided</b>	<b>Nature of business of persons who directly benefited or are likely directly to benefit</b>

**Part 7 Discretionary disclosures**

<b>Disclosures that are discretionary</b>