

Privileges Committee

**Draft Constitution
(Disclosures by Members)
Amendment Regulation
2008**

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How to contact the committee

Members of the Privileges Committee can be contacted through the Committee Secretariat. Written correspondence and enquiries should be directed to:

The Clerk

Privileges Committee

Legislative Council

Parliament House, Macquarie Street

Sydney New South Wales 2000

Internet www.parliament.nsw.gov.au

Email privilege@parliament.nsw.gov.au

Telephone 02 9230 2323

Facsimile 02 9230 2761

Terms of Reference

That under section 14A of the *Constitution Act 1902*, the draft Constitution (Disclosures by Members) Amendment Regulation 2008 be referred to the Privileges Committee for inquiry and report by Thursday, 6 March 2008.

LC Minutes (27/2/2008) 454

Committee Membership

The Hon Kayee Griffin MLC *Chair*

Australian Labor Party

The Hon Jenny Gardiner MLC *Deputy Chair*

The Nationals

The Hon Greg Donnelly MLC

Australian Labor Party

The Hon Amanda Fazio MLC

Australian Labor Party

The Hon Don Harwin MLC

Liberal Party

Revd The Hon Fred Nile MLC

Christian Democratic Party (Fred Nile Group)

The Hon Ian West MLC

Australian Labor Party

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Summary of Recommendations

Recommendation 1

10

That the Constitution (Disclosures by Members) Amendment Regulation 2008 be made in time for the preparation of the supplementary ordinary returns by members that are due on 31 March 2008.

Recommendation 2

11

That following the making of the Constitution (Disclosures by Members) Amendment Regulation 2008 and the lodging of supplementary ordinary returns by members that are due on 31 March 2008, the Department of Premier and Cabinet re-examine the use of the word 'NIL' in the examples provided in Forms 1, 2 and 3, and whether in some instances the use of the term 'N/A' would be more appropriate.

Recommendation 3

14

That following the making of the Constitution (Disclosures by Members) Amendment Regulation 2008 and the lodging of supplementary ordinary returns by members that are due on 31 March 2008, that the Constitution (Disclosures by Members) Regulation 1983 be further amended to:

- (a) omit the requirement in clause 8 for members to disclose the postal address or title particulars of their principal place of residence
- (b) include a new requirement for members to identify their principal place of residence and second place of residence in which they have an interest which is otherwise required to be registered under the Constitution (Disclosures by Members) Regulation 1983 in a way which will not compromise the privacy and safety of members and their families, such as the suburb or local government area in which the property is located or the purpose for which the property is owned.

Chapter 1 Introduction

Background to the inquiry

- 1.1 In 2007 this Committee and its counterpart in the Legislative Assembly¹ conducted inquiries into the draft Constitution (Disclosures by Members) Further Amendment Regulation 2007. The draft Regulation proposed amendments to the Constitution (Disclosures by Members) Regulation 1983, the principal Regulation which governs the disclosure of members' interests in New South Wales. Specifically, the proposed amendments concerned the Forms in Schedule 1 to the principal Regulation which members of Parliament are required to use when preparing their disclosure returns.
- 1.2 In reporting on the 2007 draft Regulation, both this Committee and the Assembly Committee expressed support for the proposed amendments.² In addition, however, the Assembly Committee also addressed certain aspects of the principal 1983 Regulation, which had been raised by members of the Assembly with the Speaker and the Clerk of that House.
- 1.3 In particular, the Assembly Committee noted that the returns provided by members under the current Regulation are unduly lengthy and complex, as the Forms which are used to prepare those returns include extensive explanatory material as well as members' actual disclosures.³ The Committee also drew attention to an anomaly in Form 4 (which is used for Discretionary returns) concerning the period of time to which a discretionary disclosure relates.⁴
- 1.4 In view of the comments made by the Assembly Committee concerning these matters, the 2007 draft Regulation was not progressed in that year. In February 2008, however, the Government released a new draft amending Regulation, the draft Constitution (Disclosures by Members) Amendment Regulation 2008. That draft Regulation includes:
- the amendments to the principal 1983 Regulation proposed by the 2007 draft further amendment Regulation (with minor variations)
 - further amendments to the principal Regulation to address the additional matters raised by the Assembly Committee in its 2007 report, and
 - other minor amendments to the principal Regulation.
- 1.5 A copy of the 2008 draft Regulation is provided at Appendix 1.

¹ Standing Committee on Parliamentary Privilege and Ethics

² Legislative Council Privileges Committee, *Draft Constitution (Disclosures by Members) Further Amendment Regulation*, Report No 39, November 2007; Legislative Assembly Standing Committee on Parliamentary Privilege and Ethics, *Review of the draft Constitution (Disclosures by Members) Further Amendment Regulation*, November 2007

³ Legislative Assembly Standing Committee on Parliamentary Privilege and Ethics, *op cit*, chapter 4

⁴ *Ibid*, chapter 5

Establishment of the inquiry

- 1.6** On 27 February 2008 the Legislative Council resolved to refer the draft Constitution (Disclosures by Members) Amendment Regulation 2008 to this Committee for inquiry and report. The terms of reference for the inquiry are set out on page (iv) of this report.
- 1.7** The draft Regulation proposes amendments to the Constitution (Disclosures by Members) Regulation 1983 which was made under section 14A of the *Constitution Act 1902*. Section 14A(5) of that Act requires that, before making a regulation relating to disclosures by members, the Governor must provide any parliamentary committee established for the purpose of considering the proposed regulation an opportunity to comment on the regulation, and take into account any such representations. While there is currently no committee established for that purpose, the referral of the draft Regulation to this Committee is intended to satisfy the requirement in section 14A(5) in relation to the Legislative Council.

Conduct of the inquiry

- 1.8** On 27 February 2008 the Committee met to consider the inquiry terms of reference. Following deliberation, the Committee resolved to adopt this report.

Structure of this report

- 1.9** Chapter 2 outlines the amendments proposed by the 2008 draft Regulation, and the Committee's views with regard to those amendments.
- 1.10** Chapter 3 discusses a further aspect of the 1983 Regulation, concerning interests in real property, which the Committee also considered in the course of this inquiry.

Chapter 2 The proposed amendments

As discussed in Chapter 1, the disclosure of members' interests in New South Wales is governed by the Constitution (Disclosures by Members) Regulation 1983. That Regulation is proposed to be amended by the draft Constitution (Disclosures by Members) Amendment Regulation 2008.

This chapter begins with an overview of the requirements of the 1983 Regulation. It then outlines the changes proposed by the 2008 draft Regulation, and the Committee's views with regard to those changes.

Constitution (Disclosures by Members) Regulation 1983

- 2.1 Under the 1983 Regulation, members of Parliament are required to lodge periodic returns with the Clerk of their respective House, disclosing certain pecuniary and other interests. The returns provided by all members of the House are tabled by the Clerk in the House each year. Once tabled, the returns are available for public inspection, and a number of copies are published.
- 2.2 The nature of the interests to be disclosed by members in their returns is described in various clauses of the Regulation. The Forms which members use to prepare their returns are set out in Schedule 1 to the Regulation. Form 1 is to be used for Primary returns (the first return lodged by a member in each Parliament), Form 2 for Ordinary returns (lodged in each subsequent year of the Parliament), Form 3 for Supplementary ordinary returns (lodged at six monthly intervals following each Primary and Ordinary return), and Form 4 for Discretionary returns.
- 2.3 Each of the Forms includes explanatory material as well as space for members to make their disclosures. The explanatory material consists of Directions explaining how the Form is to be completed, together with specific instructions concerning each different type of disclosable interest and one or more illustrative examples.

The 2008 draft Regulation

- 2.4 The main amendments proposed by the 2008 draft Regulation concern:
 - The examples in Form 1 (Primary return), Form 2 (Ordinary return) and Form 3 (Supplementary ordinary return) illustrating the information to be disclosed by members with regard to 'Interests and positions in corporations'
 - The formatting of Form 1 (Primary return), Form 2 (Ordinary return) and Form 3 (Supplementary ordinary return)
 - An anomaly in Form 4 (Discretionary return)
 - The meaning of 'public company' in clause 12 of the principal Regulation.
- 2.5 The amendments relating to each of these issues are considered in turn below.

The illustrative examples in Forms 1, 2 and 3: 'Interests and positions in corporations'

- 2.6 Two sets of changes to the examples in Forms 1, 2 and 3 are proposed.
- 2.7 The first set address inconsistencies between certain aspects of the current examples and clause 12 of the principal Regulation, which is the source of the disclosure obligation with regard to interests and positions in corporations.
- 2.8 The second set concern the type of entry to be made in the Forms to show that a member has no disclosable interests in relation to a particular matter.

Changes to promote consistency with clause 12

- 2.9 This group of changes is largely the same as previously proposed by the 2007 draft further amendment Regulation discussed in Chapter 1 and considered in detail by this Committee in 2007.⁵ The main effect of the changes is to make it clear that under clause 12:
- a member who holds shares in a corporation need not disclose the number of shares, but need only state 'Shareholder' (or 'Majority shareholder' if that is the case) in the section of the Form which calls for the nature of the member's interest to be described
 - where a member has an interest or position in a corporation which is a public company, the principal objects of the corporation need not be disclosed.
- 2.10 The proposed changes to Forms 1, 2 and 3 concerning 'Interests and positions in corporations' are shown below:

Example entries only:

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)
CD Corporation Limited, 1 Martin Place, Sydney NSW 2000	20 shares Shareholder	To provide public affairs advice to its clients NIL
MD Corporation Pty Limited, 33 Kingsgrove Road, Kingsgrove NSW 2208	Majority shareholder	To provide financial advice to its clients

⁵ Legislative Council Privileges Committee, *Draft Constitution (Disclosures by members) Further Amendment Regulation*, Report No 39, November 2007

- 2.11** In its November 2007 report, the Committee supported the largely identical changes proposed by the 2007 draft amending Regulation. It maintains the same position with regard to the current proposals.

No disclosable interest

- 2.12** As noted above, both the 2007 and 2008 draft Regulations have included a proposal to omit the current reference to the principal objects of a corporation in a particular example which makes it clear that the corporation is a public company. There is a difference, however, in the way in which this amendment is shown in the two draft Regulations. In the 2007 version, the omission was shown by the simple deletion of existing text, leaving a blank in the relevant cell. In the 2008 version, a 'NIL' entry has been made in the cell. The difference can be seen by reference to the right hand column of each of the tables below:

2007 draft Regulation:

Name and address of corporation	Nature of interest (if any) or description of position held	Description of principal objects of corporation
---------------------------------	---	---

Examples only:

CD Corporation Limited, 1 Martin Place, Sydney NSW 2000	20 shares shareholder	To provide public affairs advice to its clients
---	----------------------------------	--

2008 draft Regulation:

Example entries only:

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)
CD Corporation Limited, 1 Martin Place, Sydney NSW 2000	20 shares Shareholder	To provide public affairs advice to its clients NIL

- 2.13** The use of 'NIL' in the example, rather than leaving a blank, is derived from the Directions to Forms 1 to 3, which include the following instruction:

Where there are no pecuniary interests or other matters of the kind required to be disclosed under a particular main heading in this form, the word 'Nil' is to be placed in an appropriate space under that heading.⁶

- 2.14** The word 'NIL' is also used in other examples contained in the Forms.⁷
- 2.15** The Committee appreciates the intention behind this amendment which is to ensure members understand they must make a disclosure in each part of each Form and not leave any part blank. The Committee considers, however, that a distinction needs to be drawn between those parts of the Forms which call for the disclosure of an interest, in which case a NIL entry is appropriate where no interest is held, and those parts of the Forms which only call for the disclosure of information if a particular condition is met. In the example cited above, an entry of 'N/A' would seem more appropriate, given that members are not required to provide a description of the principal objects of the corporation (because it is a public company).
- 2.16** However, in view of the improvements to the practical operation of the disclosure regime that will result from the making of the Constitution (Disclosures by Members) Amendment Regulation 2008, and the imminent deadline of 31 March 2008 for the return of the next round of supplementary ordinary returns, the Committee does not wish to see implementation of the regulation delayed while this issue is resolved.

Format of Forms 1 to 3

- 2.17** The 2008 draft Regulation proposes to amend Form 1 (Primary return), Form 2 (Ordinary return), and Form 3 (Supplementary ordinary return) so that each Form is split into two separate Sections. The first Section, to be headed 'Guidance Notes and Examples', would contain the Directions and examples illustrating how the Form is to be completed. The second Section, headed by reference to the name of the return to which the Form relates (eg 'Member's Primary Return'), would contain the blank tables to be filled in by members and lodged with the Clerk. Only the second Section would need to be lodged with the Clerk.
- 2.18** It is also proposed to include a new Direction 1 in the Forms to guide members as to how the Forms are to be completed in view of the formatting changes. Other minor consequential amendments are also to be made, such as changes to certain definitions which refer to the Forms in clause 3 of the principal Regulation.
- 2.19** The separation of Forms 1, 2 and 3 into two Sections is in accordance the recommendations of the Legislative Assembly Standing Committee on Parliamentary Privilege and Ethics.⁸ This was proposed to address concerns relating to the current length of the Forms, and the resulting bulk of the compiled volumes of returns which are tabled in the House each year and published. The Committee was also concerned that with the current format of the Forms

⁶ See for example Direction 5 of the current Directions in Form 1 (Primary return), which appears as Direction 6 in the draft Regulation 2008

⁷ See for example the illustrative examples in Form 1 concerning income received as an employee (Table 2.1.1) and income received as an office holder (Table 2.1.2)

⁸ Legislative Assembly Standing Committee on Parliamentary Privilege and Ethics, *Review of the draft Constitution (Disclosures by members) Further Amendment Regulation*, November 2007

there is the potential for the entries made by members to be confused with the illustrative examples, and for the large amounts of interpretative text to detract from those entries.⁹

- 2.20** This Committee agrees that the proposed new format would make the Forms easier for members to complete, and the resulting returns easier for readers to interpret. It would also streamline the process of compiling, tabling, and publishing the annual volumes of members' returns.

Form 4 (Discretionary return)

- 2.21** While certain interests must be disclosed on a regular basis under the principal 1983 Regulation (for which purpose Form 1, 2 or 3 is used depending on the stage in the disclosure cycle), there is also provision for members to disclose additional matters, at their discretion, if they consider it appropriate. Such provision is made in clause 16 of the principal Regulation, which states:

16 Discretionary disclosures generally

A member may, at his or her discretion, disclose in any return any direct or indirect benefits, advantages or liabilities, whether pecuniary or not:

- (a) which are not required to be disclosed by any provision of this Part, and
- (b) 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 desires to disclose.

- 2.22** Discretionary disclosures are made using Form 4. That Form includes Directions on how the Form is to be completed and space for the disclosures to be made by members, as is to be expected. In addition, however, it also includes an instruction requiring members to state the particular period to which the interest relates:

Disclosures of pecuniary interests and other matters by:

.....

(full name of Member)

in respect of the period from *to* (emphasis added)

- 2.23** In its report on the 2007 draft further amendment Regulation, the Legislative Assembly Standing Committee on Parliamentary Privilege and Ethics objected to the requirement in Form 4 for members to state the period to which the interest relates. The Committee noted that there is no requirement in clause 16 for the relevant period to be disclosed. It argued that it should be up to the member making the disclosure to determine whether or not it is appropriate to specify the period:

⁹ *Ibid*, pp 13 - 14

The need for members to specify a defined period is not clear, and has caused problems. No example is given, although conceivably in some circumstances it would be appropriate to nominate the date of the last reporting period, up to the date of making the discretionary disclosure.

The Committee ... agreed that reference to a time period on the Discretionary Disclosure return form should be optional. As the choice to disclose a matter was at the member's discretion, and clause 16 of the Constitution (Disclosures by Members) Regulation 1983 is very broad, it should be up to the member making the disclosure to specify the time period, if any, that is relevant to the disclosure.¹⁰

2.24 In line with the Committee's views, the 2008 draft Regulation omits from Form 4: 'in respect of the period from to'. The resulting content of the amended Form would be as follows:

<p>Directions</p> <ol style="list-style-type: none"> 1 If a Member considers it appropriate to do so, a Member may make any disclosures in a discretionary return concerning any or all of the matters that a Member is required or permitted to disclose under the Constitution (Disclosures by Members) Regulation 1983 in an ordinary return, before the date on which the Member is next required to lodge an ordinary return or supplementary ordinary return. 2 The particulars required to complete this form are to be written in block letters or typed. 3 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. 4 Matter marked with an asterisk (*) is to be omitted if it is not appropriate for the Member concerned. <p>Disclosures of pecuniary interests and other matters by:</p> <p style="text-align: center;">.....</p> <p style="text-align: center;"><i>(full name of Member)</i></p> <p>in respect of the period from to</p> <p style="text-align: right;">.....</p> <p style="text-align: right;"><i>(Member's signature)</i></p> <p style="text-align: right;">.....</p> <p style="text-align: right;"><i>(Date)</i></p> <hr/> <p>Discretionary disclosures</p> <hr/>
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¹⁰ Ibid, p 16

- 2.25 This Committee agrees that members should not be required to specify the period to which a discretionary disclosure relates as such disclosure is not required by clause 16. There is no basis in the Regulation for the inclusion of such a requirement in the Form. If a member *wishes* to indicate the period to which an interest relates they can do so in the 'Discretionary disclosures' section of the Form. There is no need for any separate provision to be made in the Form

'Public company'

- 2.26 As noted earlier, under clause 12 of the principal 1983 Regulation, where a member has an interest or position in a 'public company', the principal objects of the company need not be disclosed. 'Public company' is defined in clause 7 of the principal Regulation as 'a listed company within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth'.
- 2.27 The draft Regulation proposes to replace reference to a 'public company' in clauses 7 and 12 with reference to a 'listed public company' and to make corresponding changes to the Forms. The intention of the amendment is to clarify that 'public company' in the principal Regulation refers to a 'listed public company' as that term is understood under the *Corporations Act 2001* (Cth).¹¹ In that regard, the Department of Premier and Cabinet has advised:

Currently, under the principal Regulation, 'public company' is defined as a 'listed company within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth'. The proposed amendment will not alter this meaning but will remove the confusion that might otherwise arise, given that a 'public company', under the *Corporations Act 2001* (Cth), is a type of company that may or may not be listed.¹²

- 2.28 The amendments to clauses 7 and 12 as proposed by the draft Regulation are shown below:

7 Definitions

(...)

listed public company means a listed company within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth.

~~**public company** means a listed company within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth.~~

(...)

12 Interests and positions in corporations

(1) A Member shall disclose in a primary return and an ordinary return:

- (a) the name and address of each corporation in which he or she had an interest or held any position (whether remunerated or not) on the

¹¹ Letter to the Clerk of the Parliaments from the Director General, Department of Premier and Cabinet, 4 February 2008, p 2

¹² *Ibid*

primary return date or at any time during the ordinary return period, as the case may be,

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

2.29 The Committee supports this amendment as clarifying the operation of clause 12 of the principal Regulation.

Committee's conclusions

2.30 The amendments proposed by the draft Constitution (Disclosures by Members) Amendment Regulation 2008 are relatively minor in nature, concerning matters such as the illustrative examples contained in the Forms in Schedule 1 to the principal 1983 Regulation, and the format of those Forms. If the draft amendments were to be adopted, however, they would enhance the practical operation of the disclosure regime.

2.31 In particular, by removing existing discrepancies in the Forms, and reducing the current level of complexity, they would make it easier for members to prepare their disclosure returns in accordance with the requirements of the principal Regulation. They would also make the information disclosed in those returns easier for readers to interpret. Further, the proposed changes to the format of the Forms would reduce the current bulk of members' individual returns and the resulting size of the compiled volumes of returns which are tabled in the House and printed each year.

2.32 The Committee therefore recommends that the Constitution (Disclosures by Members) Amendment Regulation 2008 be made in time for the preparation of the supplementary ordinary returns by members that are due on 31 March 2008.

Recommendation 1

That the Constitution (Disclosures by Members) Amendment Regulation 2008 be made in time for the preparation of the supplementary ordinary returns by members that are due on 31 March 2008.

2.33 In the longer term, following the making of the Constitution (Disclosures by Members) Amendment Regulation 2008 and the lodging of supplementary ordinary returns by members that are due on 31 March 2008, the Committee recommends that the Department of Premier and Cabinet re-examine the use of the word 'NIL' in the examples provided in Forms 1, 2 and 3, and whether in some instances the use of the term 'N/A' would be more appropriate.

Recommendation 2

That following the making of the Constitution (Disclosures by Members) Amendment Regulation 2008 and the lodging of supplementary ordinary returns by members that are due on 31 March 2008, the Department of Premier and Cabinet re-examine the use of the word 'NIL' in the examples provided in Forms 1, 2 and 3, and whether in some instances the use of the term 'N/A' would be more appropriate.

Chapter 3 Interests in real property

During the inquiry, the Committee also considered another aspect of the Constitution (Disclosures by Members) Regulation 1983: the requirement in clause 8 of the Regulation for members to disclose certain identifying details of any parcels of real property in which they have an interest. This requirement has given rise to concerns relating to the privacy and security of members and their families, as well as questions as to the effectiveness of such details in achieving the objects of the disclosure regime. In this chapter, the Committee describes the nature of the current requirement and the attendant concerns, and recommends appropriate action.

Identification of real property

3.1 Clause 8 of the 1983 Regulation requires members to disclose in their returns the ‘address’ of each parcel of real property in which they had an interest during the relevant reporting period, subject to certain exceptions concerning deceased estates and trustees:

8 Real property

- (1) A Member shall disclose in a primary return and an ordinary return:
 - (a) the address of each parcel of real property in which the Member had an interest:
 - (i) in the case of a primary return—on the primary return date, or
 - (ii) in the case of an ordinary return—at any time during the ordinary return period, and
 - (b) the nature of the interest in each such parcel of real property.
- (2) An interest in a parcel of real property need not be disclosed by a Member in a primary return or an ordinary return if:
 - (a) the Member had the interest only in his or her capacity as the executor or administrator of the estate of a deceased person and the Member was not a beneficiary under the will or intestacy, or
 - (b) the Member had the interest only in his or her capacity as a trustee and the Member acquired the interest in the ordinary course of any occupation of the Member which is not related to his or her duties as a Member.

3.2 The meaning of ‘address’ is defined in clause 7 of the Regulation as follows:

- (...)
- (c) in relation to any real property—the postal address of the property or the particulars of title of the property.

- 3.3 The requirement to disclose such details has formed part of the 1983 Regulation since its inception. It is intended to promote transparency and accountability in relation to the property interests of members. It is questionable, however, whether the disclosure of such detailed information is the most meaningful and effective form of disclosure for the purpose of achieving that intention, and whether a more concise and less technical form of description might not be more relevant. Further, it could be argued the disclosure of such specific information, from which it is possible to identify the precise location of a member's home, has the effect of seriously compromising the privacy and security of members and their families.
- 3.4 This issue was addressed by the Committee when reporting on the draft Constitution (Disclosures by Members) Amendment Regulation 2006,¹³ which introduced certain changes to the disclosure regime such as expanded requirements for the disclosure of sources of income and a requirement for supplementary returns. While property interests were not addressed in that draft Regulation, the issue was touched on in a submission provided by the Independent Commission Against Corruption (ICAC) to the inquiry. In that submission, the ICAC argued that the Register of members' interests should be placed on the internet to improve public access, but recognised that if this were to occur there would be privacy issues to be considered, including the need for references to street addresses to be blocked.
- 3.5 Having considered the ICAC's submission during the course of that inquiry, the Committee concluded that the postal address or particulars of title should not be required to be disclosed by members in their returns but that a more general identifier such as the suburb or town should be required instead.¹⁴ In that regard, the Committee noted that in certain other Parliaments members are not required to make available to the public their home address in the way that is currently expected in New South Wales. For example, as set out in Appendix 7 of the Committee's report, there seems to be no express requirement to disclose an address or title particulars in the Senate, House of Representatives, South Australia, Queensland, New Zealand, or the House of Commons (UK). In those jurisdictions, the relevant provisions refer to:
- 'real estate, including the location (suburb or area only), and the purpose for which it is owned' (Senate and the House of Representatives)
 - 'address *or* description of any land' (emphasis added) (Victoria and South Australia)
 - 'interests in real estate (showing location by suburb or area; approximate size; purpose for which property to be used and intended to be used and nature of interest held)' (Queensland)
 - 'location of each parcel of real property' (New Zealand)
 - 'nature of the property' (House of Commons UK)
 - 'Property used for the personal residential purposes of the member or the member's spouse or partner (that is, homes and second homes) does not need to be registered' (subject to certain exceptions)

¹³ Privileges Committee, *Review of Members' Code of Conduct and Draft Constitution (Disclosures by Members) Amendment Regulation 2006*, Report 35, October 2006

¹⁴ *Ibid*, p 14, para 3.42

- Entries should be reasonably specific as to the nature of the property and its general location, for example, 'Woodland in Perthshire'; 'Dairy farm in Wiltshire'; 3 'Residential rented properties in Manchester'.

3.6 While in that inquiry the Committee was considering property disclosures from the perspective of the impact of publication on the web, under the current disclosure regime, such disclosures are available for public inspection and published in hard copy. As such, the concerns relating to the disclosure of personal information identified above are equally valid under the current regime, although such concerns would only be further reinforced were there ever a move to put the Register of Disclosures by Members on the web.

3.7 In that context, the Committee recommends:

Recommendation 3

That following the making of the Constitution (Disclosures by Members) Amendment Regulation 2008 and the lodging of supplementary ordinary returns by members that are due on 31 March 2008, that the Constitution (Disclosures by Members) Regulation 1983 be further amended to:

- (a) omit the requirement in clause 8 for members to disclose the postal address or title particulars of their principal place of residence
 - (b) include a new requirement for members to identify their principal place of residence and second place of residence in which they have an interest which is otherwise required to be registered under the Constitution (Disclosure by Members) Regulation 1983 in a way which will not compromise the privacy and safety of members and their families, such as the suburb or local government area in which the property is located or the purpose for which the property is owned.
-

**Appendix 1 Draft Constitution (Disclosures by
Members) Amendment Regulation 2008**

consultation draft



New South Wales

Constitution (Disclosures by Members) Amendment Regulation 2008

under the

Constitution Act 1902

[The following enacting formula will be included if the Regulation is made:]

Her Excellency the Governor, with the advice of the Executive Council and in compliance with the provisions of section 14A (5) of the *Constitution Act 1902*, has made the following Regulation under the *Constitution Act 1902*.

Premier

Explanatory note

The object of this Regulation is to amend the *Constitution (Disclosures by Members) Regulation 1983*:

- (a) to restructure the Forms for returns set out in Schedule 1 to the Regulation so that Members of Parliament are not required to lodge returns that contain the directions, notes and examples set out in the Forms, and
- (b) to provide new examples in the restructured Forms in relation to disclosures relating to interests and positions in corporations, and
- (c) to make consequential amendments and other minor amendments in nature of law revision.

This Regulation is made under section 14A (Disclosure of pecuniary interests and other matters by Members) of the *Constitution Act 1902*.

consultation draft

Clause 1 Constitution (Disclosures by Members) Amendment Regulation 2008

**Constitution (Disclosures by Members) Amendment
Regulation 2008**

under the

Constitution Act 1902

1 Name of Regulation

This Regulation is the *Constitution (Disclosures by Members) Amendment Regulation 2008*.

2 Amendment of Constitution (Disclosures by Members) Regulation 1983

The *Constitution (Disclosures by Members) Regulation 1983* is amended as set out in Schedule 1.

consultation draft

Constitution (Disclosures by Members) Amendment Regulation 2008

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 2)

[1] Clause 3 Interpretation

Insert "Section 2 of" before "Form" in the definition of *ordinary return* in clause 3 (1).

[2] Clause 3 (1), definition of "primary return"

Insert "Section 2 of" before "Form".

[3] Clause 3 (1), definition of "supplementary ordinary return"

Insert "Section 2 of" before "Form".

[4] Clause 3 (2)

Omit the subclause. Insert instead:

(2) A reference in this Regulation to a primary return or an ordinary return that was last lodged by a Member includes:

- (a) a reference to a primary return or ordinary return in or to the effect of the relevant form set out in Schedule 1 (as in force before its substitution by the *Constitution (Disclosures by Members) Amendment Regulation 2007*) if that was the last return lodged by the Member, or
- (b) a reference to a primary return or ordinary return in or to the effect of the relevant form set out in Schedule 1 (as in force before its substitution by the *Constitution (Disclosures by Members) Amendment Regulation 2008*) if that was the last return lodged by the Member.

[5] Clause 3A Forms

Omit "A Form" from clause 3A (2).

Insert instead "The relevant portion of a Form that is required to be completed by a Member".

[6] Clause 3A (2) (b)

Omit "completing the Form".

[7] Clause 3A (4)

Omit "completing a Form".

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[8] Clause 7 Interpretation: Part 3

Omit the definition of *public company* from clause 7 (1).

Insert in alphabetical order:

listed public company means a listed public company within the meaning of the *Corporations Act 2001* of the Commonwealth.

[9] Clause 12 Interests and positions in corporations

Insert "listed" before "public company" in clause 12 (1) (c).

[10] Schedule 1

Omit the Schedule. Insert instead:

Schedule 1 Forms

(Clauses 3 (1) and 3A)

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 30 June.
- 6 Where there are no pecuniary interests or other matters of the kind required to be disclosed under a particular main heading in this form, the word "NIL" 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

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Schedule 1

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 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 entry only:

Address of each parcel of real property	Nature of interest
1 Pitt Street, Sydney, NSW 2000	Joint tenant

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 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 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:

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- (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	NIL

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

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)
Local councillor	Paddington Local Council	NIL

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Table 2.1.3 Income from partnership—Example entry only:

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)
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	NIL

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

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)
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	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

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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:

Name and address of settlor	Name and address of trustee
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:

Disclosure of other income
Income from the operation of a farm at 1 Pitt Street, Orange 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:

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)
CD Corporation Limited, 1 Martin Place, Sydney NSW 2000	Shareholder	NIL

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Schedule 1

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)
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:

- 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
- is owed to a relative of yours (as defined by clause 7 (1) of the *Constitution (Disclosures by Members) Regulation 1983*), or
- 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
- arises from the supply of goods and services which were supplied in the 12 month period immediately preceding the primary return date, or
- 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.

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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.

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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)

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Schedule 1 Amendments

Part 1 Real property

Address of each parcel of real property	Nature of interest

Part 2 Sources of income

2.1 Income from employment, offices, partnerships and services

Table 2.1.1 Income received as an employee

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)

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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)

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Schedule 1 Amendments

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

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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

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

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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

Part 7 Discretionary disclosures

Disclosures that are discretionary

Form 2 Ordinary return

(Clause 3 (1), definition of "ordinary 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 Ordinary 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 by clauses 8 to 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 *ordinary return period* in relation to a Member is a reference to:
 - (a) where the last return lodged by the Member was an ordinary return—the period of 12 months ending on 30th June in the year this return is required to be lodged, or
 - (b) where the last return lodged by the Member was a primary return—the period commencing on the day on which the Member took the pledge of loyalty and ending on 30th June in the year this return is required to be lodged.
- 6 Where there are no pecuniary interests or other matters of the kind required to be disclosed under a particular main heading in this form, the word "NIL" 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.

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- 8 You must disclose ALL matters required to be disclosed as set out in the return in Section 2 of this form (and as required by the *Constitution (Disclosures by Members) Regulation 1983*) for the ordinary return period applicable to you. Specifically, even where you have listed a pecuniary interest for the period of 1 July to 31 December of the previous year in your most recent supplementary ordinary return (such as a source of income, gift, contribution to travel, disposition of property or client services), you must again list that item in this return.
- 9 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 at any time during the ordinary return period 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 entry only:

Address of each parcel of real property	Nature of interest
1 Pitt Street, Sydney, NSW 2000	Joint tenant

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 during the ordinary return period. You must disclose income received:

- (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 during the ordinary 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.

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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 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 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 9 of the return.

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

Name of occupation	Description of kinds of services provided	Name and address of employer	Nature of business of the employer (where the services 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	NIL

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

Name or title of the office and a description of kinds of services 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 relate to your position as a Member)
Local councillor	Paddington Local Council	NIL

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Table 2.1.3 Income from partnership—Example entry only:

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

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

Name of occupation (if relevant) and a description of services 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 relate to your position as a Member)
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	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 during the ordinary return period from a trust, including the name and address

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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:

Name and address of settlor	Name and address of trustee
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 during the ordinary return period and provide a description sufficient to identify the person from whom, or the circumstances in which, the income was received.

Example entry only:

Disclosure of other income
Income from the operation of a farm at 1 Pitt Street, Orange of which I am the sole proprietor.

Part 3 Gifts

Under clause 10 of the *Constitution (Disclosures by Members) Regulation 1983*, you are required to disclose in Part 3 of the return any gifts (including gifts of cash) received during the ordinary return period and the name and address of the person from whom the gift was received.

You do not need to disclose a gift that:

- (a) does not exceed \$500 in value unless the gift was 1 of 2 or more gifts made by 1 person at any time during the ordinary return period and the amount of those 2 or more gifts together exceeds \$500 in aggregate, or
- (b) is a political donation disclosed, or required to be disclosed, under Part 6 of the *Election Funding Act 1981*, or
- (c) is from a donor who is a relative of yours (as defined by clause 7 (1) of the *Constitution (Disclosures by Members) Regulation 1983*).

Example entry only:

Description of each gift I received at any time during the ordinary return period	Name and address of donor
4 tickets to the XYZ sporting event	XYZ Sports Union, 1 Pitt Street, Sydney

Part 4 Contributions to travel

Under clause 11 of the *Constitution (Disclosures by Members) Regulation 1983*, you are required to disclose the information set out in Part 4 of the return for any contribution to any travel (including accommodation incidental to a journey) undertaken by you during the ordinary return period.

You do not need to disclose a contribution if:

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- (a) the contribution was made from public funds (including a contribution arising from travel on free passes issued under any Act or from travel in government vehicles), or
- (b) the contribution was made by a relative of yours (as defined by clause 7 (1) of the *Constitution (Disclosures by Members) Regulation 1983*), or
- (c) the contribution was made in the ordinary course of any occupation which is not related to your duties as a Member, or
- (d) the amount of the contribution did not exceed \$250 unless the contribution was 1 of 2 or more contributions made by 1 person at any time during the ordinary return period and the amount of those 2 or more contributions exceeded, in the aggregate, \$250, or
- (e) the contribution was a political contribution disclosed, or required to be disclosed, under Part 6 of the *Election Funding Act 1981*, or
- (f) the contribution was made by a political party of which you are a member and the travel was undertaken for the purpose of political activity of the party in New South Wales or to enable you to represent the party within Australia.

Example entry only:

Name and address of each person who made any financial or other contribution to travel undertaken at any time during the ordinary return period	Dates on which travel was taken	Names of States, Territories of the Commonwealth and overseas countries in which travel undertaken
Brisbane City Council, 1 Smith Street, Brisbane	31 August to 4 September	Brisbane, Queensland

Part 5 Interests and positions in corporations

Under clause 12 of the *Constitution (Disclosures by Members) Regulation 1983*, you must disclose in Part 5 of the return the following particulars for each corporation in which you had an interest or held any position (whether remunerated or not) at any time during the ordinary return period:

- (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.

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Example entries only:

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)
CD Corporation Limited, 1 Martin Place, Sydney NSW 2000	Shareholder	NIL
MD Corporation Pty Limited, 33 Kingsgrove Road, Kingsgrove NSW 2208	Majority shareholder	To provide financial advice to its clients

Part 6 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 6 of the return the name of each trade union and professional or business association in which you held any position (whether remunerated or not) at any time during the ordinary return period 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 7 Debts

Under clause 14 of the *Constitution (Disclosures by Members) Regulation 1983*, you must disclose in Part 7 of the return the name and address of each person to whom you were liable to pay any debt at any time during the ordinary return period. You must disclose all debts, whether or not the amount to be paid was due and payable at any time during that period.

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 during the ordinary return period, 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.

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Constitution (Disclosures by Members) Amendment Regulation 2008

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Example entry only:

Disclosure of debts

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

Part 8 Dispositions of property

Under clause 15 of the *Constitution (Disclosures by Members) Regulation 1983*, you must disclose in Part 8 of the return particulars of each disposition of:

- (a) real property by you at any time during the ordinary return period whereby you retained, wholly or in part, the use and benefit of the property or the right to reacquire the property at a later time, or
- (b) property to a person by any other person under arrangements made by you during the ordinary return period whereby you obtained, either wholly or in part, the use and benefit of the property.

Example entry only:

Disclosure of dispositions of property

Disposition of Lot 5, DP1234 on 30 May to XYZ Corporation, whereby a right is conferred on Mr Smith MP to use the property.

Part 9 Client services

Under clause 15A of the *Constitution (Disclosures by Members) Regulation 1983*, you must disclose the details set out in Part 9 of the return if you have provided "client services" at any time during the ordinary 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

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Constitution (Disclosures by Members) Amendment Regulation 2008

Schedule 1 Amendments

- (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 9 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 from the services provided at any time during the ordinary return period	Description of the services reasonably sufficient to identify the nature of the service 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 10 Discretionary disclosures

Under clause 16 of the *Constitution (Disclosures by Members) Regulation 1983*, a Member may disclose in Part 10 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 ORDINARY RETURN

Constitution (Disclosures by Members) Regulation 1983

Ordinary Return—Legislative *Council/*Assembly

Disclosures of pecuniary interests and other matters by:

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Constitution (Disclosures by Members) Amendment Regulation 2008

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Schedule 1

.....
(full name of Member)

in respect of the period from to
(ordinary return period)

.....
(Member's signature)

.....
(Date)

Part 1 Real property

Address of each parcel of real property	Nature of interest

Part 2 Sources of income

2.1 Income from employment, offices, partnerships and services

 consultation draft

Constitution (Disclosures by Members) Amendment Regulation 2008

Schedule 1 Amendments

Table 2.1.1 Income received as an employee

Name of occupation	Description of kinds of services provided	Name and address of employer	Nature of business of the employer (where the services provided relate to your position as a Member)

Table 2.1.2 Income received as holder of office

Name or title of the office and a description of kinds of services 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 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	Name and address of the partnership	Nature of business carried on by the partnership (where the services provided relate to your position as a Member)

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Schedule 1

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

2.2 Income from a trust

Name and address of settlor	Name and address of trustee

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Constitution (Disclosures by Members) Amendment Regulation 2008

Schedule 1 Amendments

 2.3 Other income

 Disclosure of other income

 Part 3 Gifts

Description of each gift I received at any time during the ordinary return period	Name and address of donor

 Part 4 Contributions to travel

Name and address of each person who made any financial or other contribution to travel undertaken at any time during the ordinary return period	Dates on which travel was taken	Names of States, Territories of the Commonwealth and overseas countries in which travel undertaken

 Part 5 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)

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Constitution (Disclosures by Members) Amendment Regulation 2008

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Schedule 1

Part 6 Positions in trade unions and professional or business associations

Name of trade union or association	Description of position

Part 7 Debts

Disclosure of debts

Part 8 Dispositions of property

Disclosure of dispositions of property

Part 9 Client services

Names and addresses of persons who benefit from the services provided at any time during the ordinary return period	Description of the services reasonably sufficient to identify the nature of the service provided	Nature of business of persons who directly benefited or are likely directly to benefit

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Constitution (Disclosures by Members) Amendment Regulation 2008

Schedule 1 Amendments

Part 10 Discretionary disclosures

Disclosures that are discretionary

Form 3 Supplementary ordinary return

(Clause 3 (1), definition of "supplementary ordinary 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 Supplementary Ordinary 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 by clauses 8 to 15A of the *Constitution (Disclosures by Members) Regulation 1983* (as applied to the return by clause 6A of the Regulation).
- 3 You must complete EITHER Division A or Division B of the return in Section 2.
- 4 The particulars required to complete this form are to be written in block letters or typed.
- 5 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.
- 6 You should refer to the *Constitution (Disclosures by Members) Regulation 1983* and the instructions in your last ordinary return (if any) to identify whether pecuniary interests should be disclosed.
- 7 A reference in this form to the *supplementary ordinary return period* in relation to a Member is a reference to:
 - (a) In the case of a Member whose previous return was an ordinary return—the period commencing on 1st July and ending on 31st December of the previous year, or
 - (b) in the case of a Member whose previous return was a primary return:
 - (i) where the Member took the pledge of loyalty on or before 1st July of the previous year—the period commencing on 1st July and ending on 31st December of the previous year, or
 - (ii) where the Member took the pledge of loyalty after 1st July of the previous year—the period commencing on that date and ending on 31st December in the previous year.
- 8 The entries marked as "Example entry only" or "Example entries only" are provided by way of example only.
- 9 Matter marked with an asterisk (*) is to be omitted if it is not appropriate for the Member concerned.

SECTION 1—GUIDANCE NOTES AND EXAMPLES

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Constitution (Disclosures by Members) Amendment Regulation 2008

Amendments

Schedule 1

-
- 1 A supplementary ordinary return is designed to update the pecuniary interests disclosed in the ordinary return or primary return last filed by you that covered the return period ending on 30 June last year. Specifically, the purpose of this form is for you to identify additional pecuniary interests for the period 1 July to 31 December of last year. The return must generally be filed by 31 March. Certain interests do not need to be disclosed if they have been disclosed in your most recent ordinary return or primary return.
 - 2 In the case of new Members (other than re-elected Members) who have not yet filed an ordinary return, your primary return is to be treated as your most recent ordinary return for the purposes of completing this supplementary ordinary return. It should also be noted that new Members do not need to disclose anything that occurred, or was received or had, before the date on which the pledge of loyalty was taken. Also, as a result of this, some new Members will have a supplementary ordinary return period that is shorter than the period 1 July to 31 December of last year.
 - 3 Additional pecuniary interests must be disclosed where, during the supplementary ordinary return period, you have:
 - (a) held any interests in real property, which are additional to those already disclosed in your most recent return, or
 - (b) received income from any source, or
 - (c) received any gifts or contributions to travel, or
 - (d) held any interests or positions in corporations, which are additional to those already disclosed in your most recent return, or
 - (e) held any positions in trade unions or professional or business associations, which are additional to those already disclosed in your most recent ordinary return, or
 - (f) incurred a liability to pay a debt to any person, which is additional to those already disclosed in your most recent ordinary return, or
 - (g) had any dispositions of property (within the meaning of Part 3 of the *Constitution (Disclosures by Members) Regulation 1983*) in which you have retained a benefit, or
 - (h) provided any "client services".
 - 4 Complete either Division A or Division B of the return, but not both.

Division A must only be completed where, in respect of the supplementary ordinary return period last year, you do not have any additional pecuniary interests to disclose as required by the *Constitution (Disclosures by Members) Regulation 1983*.

Division B must only be completed if you have additional pecuniary interests set out in item 3 (a) to (h) of these notes in respect of the supplementary ordinary return period last year. You must identify each of the additional pecuniary interest in the relevant table in Division B. In Division B, where there are no pecuniary interests or other matters of the kind required to be disclosed under a particular heading in the form, the word "NIL" is to be placed in the appropriate space under that heading. You must disclose the following kinds of pecuniary interests even if you disclosed them in the same or a similar entry in your most recent return:

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Constitution (Disclosures by Members) Amendment Regulation 2008

Schedule 1 Amendments

- (a) income received from any source,
 (b) any gifts or contributions to travel that you received,
 (c) any dispositions of property (within the meaning of Part 3 of the *Constitution (Disclosures by Members) Regulation 1983*),
 (d) any "client services" you provided.
- 5 If you have ceased to hold a pecuniary interest that you disclosed in your most recent ordinary return (for example, you have divested yourself of real property), you may (but are not required to) attach a separate document identifying those pecuniary interests that you have ceased to hold.

Part 1 Real property

List in Part 1 in Division B of the return any interests in real property you held during the supplementary ordinary return period, which are additional to those that you have already disclosed in your most recent return.

Example entry only:

Address of each parcel of real property	Nature of interest
1 Pitt Street, Sydney, NSW 2000	Joint tenant

Part 2 Sources of income

List in Part 2 in Division B of the return all sources from which you received income during the supplementary ordinary return period. You must list all sources of income for that period, even if you listed the same or a similar matter in your most recent return for the previous return period.

2.1 Income from employment, offices, partnerships and services

List in the appropriate Tables in Part 2.1 in Division B of the return income from employment, offices, partnerships and services.

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

Name of occupation	Description of kinds of services provided	Name and address of employer	Nature of business of the employer (where the services 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	NIL

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Constitution (Disclosures by Members) Amendment Regulation 2008

Amendments

Schedule 1

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

Name or title of the office and a description of kinds of services 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 relate to your position as a Member)
Local councillor	Paddington Local Council	NIL

Table 2.1.3 Income from partnership—Example entry only:

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

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Constitution (Disclosures by Members) Amendment Regulation 2008

Schedule 1 Amendments

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

Name of occupation (if relevant) and a description of services 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 relate to your position as a Member)
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	Manufacturer of electrical appliances

2.2 Income from a trust

List in Part 2.2 in Division B of the return any income from trusts.

Example entry only:

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

2.3 Other income

List in Part 2.3 in Division B of the return any other income.

Example entry only:

Disclosure of other income
Income from the operation of a farm at 1 Pitt Street, Orange of which I am the sole proprietor.

Part 3 Gifts

List in Part 3 in Division B of the return all gifts you received during the supplementary ordinary return period. You must list all gifts for that period, even if you listed the same or a similar matter in your most recent return for the previous return period.

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Schedule 1

Example entry only:

Description of each gift I received at any time during the supplementary ordinary return period	Name and address of donor
4 tickets to the XYZ sporting event	XYZ Sports Union, 1 Pitt Street, Sydney

Part 4 Contributions to travel

List in Part 4 in Division B of the return all contributions to travel you received during the supplementary ordinary return period. You must list all contributions to travel for that period, even if you listed the same or a similar matter in your most recent return for the previous return period.

Example entry only:

Name and address of each person who made any financial or other contribution to travel undertaken at any time during the supplementary ordinary return period	Dates on which travel was taken	Names of States, Territories of the Commonwealth and overseas countries in which travel undertaken
Brisbane City Council, 1 Smith Street, Brisbane	31 August to 4 September	Brisbane, Queensland

Part 5 Interests and positions in corporations

List in Part 5 in Division B of the return all positions or interests in corporations you held during the supplementary ordinary return period that are additional to those positions or interests that you have already disclosed in your most recent return. If you received income in respect of any position held in a corporation, that information should be disclosed in Part 2 in Division B of the return.

Example entries only:

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)
CD Corporation Limited, 1 Martin Place, Sydney NSW 2000	Shareholder	NIL

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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)
MD Corporation Pty Limited, 33 Kingsgrove Road, Kingsgrove NSW 2208	Majority shareholder	To provide financial advice to its clients

Part 6 Positions in trade unions and professional or business associations

List in Part 6 in Division B of the return all positions in trade unions and professional or business associations you held during the supplementary ordinary return period that are additional to those positions or interests that you have already disclosed in your most recent return.

Example entry only:

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

Part 7 Debts

List in Part 7 in Division B of the return the name and address of persons to whom you were liable for a debt during the supplementary ordinary return period that are additional to those which you have already listed in your most recent return.

Example entry only:

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

Part 8 Dispositions of property

List in Part 8 in Division B of the return all dispositions of property (within the meaning of Part 3 of the *Constitution (Disclosures by Members) Regulation 1983*) in which you have retained a benefit during the supplementary ordinary return period. You must list all such dispositions occurring during that period, even if you listed the same or a similar matter in your most recent return for the previous return period.

Example entry only:

Disclosure of dispositions of property
Disposition of Lot 5, DP1234 on 30 May to XYZ Corporation, whereby a right is conferred on Mr Smith MP to use the property.

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Constitution (Disclosures by Members) Amendment Regulation 2008

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Schedule 1

Part 9 Client services

List in Part 9 in Division B of the return all client services you provided during the supplementary ordinary return period. You must list all client services provided during that period, even if you listed the same or a similar matter in your most recent return for the previous return period.

Example entry only:

Names and addresses of persons who benefit from the services provided at any time during the supplementary ordinary return period	Description of the services reasonably sufficient to identify the nature of the service 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 10 Discretionary disclosures

List in Part 10 any other disclosures you wish to make.

SECTION 2—MEMBER'S SUPPLEMENTARY ORDINARY RETURN

Constitution (Disclosures by Members) Regulation 1983

Supplementary Ordinary Return—Legislative *Council/*Assembly

***Division A**

Disclosures of pecuniary interests and other matters by:

.....
(full name of Member)

I certify that there are no new pecuniary interests that I need to disclose as required by clause 6A of the *Constitution (Disclosures by Members) Regulation 1983* in respect of the period from to

(supplementary ordinary return period)

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Constitution (Disclosures by Members) Amendment Regulation 2008
 Schedule 1 Amendments

.....
(Member's signature)

.....
(Date)

***Division B**

Disclosures of pecuniary interests and other matters by:

.....
(full name of Member)

I certify that the additional pecuniary interests set out in the Parts to this section are the interests that I am required to disclose by clause 6A of the *Constitution (Disclosures by Members) Regulation 1983*

in respect of the period from to
(supplementary ordinary return period)

.....
(Member's signature)

.....
(Date)

Part 1 Real property

Address of each parcel of real property	Nature of interest

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Constitution (Disclosures by Members) Amendment Regulation 2008

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Schedule 1

Address of each parcel of real property	Nature of interest

Part 2 Sources of income

2.1 Income from employment, offices, partnerships and services

Table 2.1.1 Income received as an employee

Name of occupation	Description of kinds of services provided	Name and address of employer	Nature of business of the employer (where the services provided relate to your position as a Member)

Table 2.1.2 Income received as holder of office

Name or title of the office and a description of kinds of services 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 relate to your position as a Member)

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Constitution (Disclosures by Members) Amendment Regulation 2008

Schedule 1 Amendments

Table 2.1.3 Income from partnership

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

2.2 Income from a trust

Name and address of settlor	Name and address of trustee

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Constitution (Disclosures by Members) Amendment Regulation 2008

Amendments

Schedule 1

Name and address of settlor	Name and address of trustee

2.3 Other income

Disclosure of other income

Part 3 Gifts

Description of each gift I received at any time during the supplementary ordinary return period	Name and address of donor

Part 4 Contributions to travel

Name and address of each person who made any financial or other contribution to travel undertaken at any time during the supplementary ordinary return period	Dates on which travel was taken	Names of States, Territories of the Commonwealth and overseas countries in which travel undertaken

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Constitution (Disclosures by Members) Amendment Regulation 2008

Schedule 1 Amendments

Part 5 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 6 Positions in trade unions and professional or business associations

Name of trade union or association	Description of position

Part 7 Debts

Disclosure of debts

Part 8 Dispositions of property

Disclosure of dispositions of property

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Constitution (Disclosures by Members) Amendment Regulation 2008

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Schedule 1

Part 9 Client services

Names and addresses of persons who benefit from the services provided at any time during the supplementary ordinary return period	Description of the services reasonably sufficient to identify the nature of the service provided	Nature of business of persons who directly benefited or are likely directly to benefit

Part 10 Discretionary disclosures

Disclosures that are discretionary

Form 4 Discretionary return

(Clause 3 (1), definition of "discretionary return")

Constitution (Disclosures by Members) Regulation 1983

Discretionary Return—Legislative *Council/*Assembly

Directions

- 1 If a Member considers it appropriate to do so, a Member may make any disclosures in a discretionary return concerning any or all of the matters that a Member is required or permitted to disclose under the *Constitution (Disclosures by Members) Regulation 1983* in an ordinary return, before the date on which the Member is next required to lodge an ordinary return or supplementary ordinary return.
- 2 The particulars required to complete this form are to be written in block letters or typed.
- 3 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.
- 4 Matter marked with an asterisk (*) is to be omitted if it is not appropriate for the Member concerned.

Disclosures of pecuniary interests and other matters by:

.....

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Constitution (Disclosures by Members) Amendment Regulation 2008
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(full name of Member)

.....
(Member's signature)

.....
(Date)

Discretionary disclosures

Appendix 2 Minutes of proceedings

Note: Asterisks indicate text which has been omitted as not relevant to the current inquiry.

Minutes No. 6

Wednesday, 27 February 2008, Members' Lounge, Parliament House at 5.40 pm.

1. Members present

Ms Griffin (Chair)
Miss Gardiner (Deputy Chair)
Mr Donnelly
Mr Harwin
Ms Fazio
Revd Mr Nile
Mr West

In attendance: David Blunt, Stephen Frappell, Velia Mignacca, Jenelle Moore.

2. Confirmation of Minutes of previous meeting

Resolved, on the motion of Mr Donnelly: That Minutes no. 5 be confirmed.

3. Correspondence

The Committee noted the following item of correspondence received:

- Letter dated 4 February 2008 to the Clerk from the Department of Premier and Cabinet forwarding the draft Constitution (Disclosures by Members) Amendment Regulation 2008 for inquiry and report.

4. Inquiry into the draft Constitution (Disclosures by Members) Amendment Regulation 2008

The Committee considered the Chair's draft report.

The report was read.

The Committee deliberated.

Resolved, on the motion of Mr Harwin, that Recommendation 3, part (b) be amended by:

- Inserting after the words 'principal place of residence' the following words: 'and second place of residence in which they have an interest which is otherwise required to be registered under the Constitution (Disclosure by Members) Regulation 1983'
- Inserting before the word 'area' the following words: 'local government'.

Resolved, on the motion of Revd Nile:

1. That the report be adopted.
2. That the report, as amended, be the report of the Committee and be presented to the House.
3. That pursuant to section 4 of the *Parliamentary Papers (Supplementary Provisions) Act 1975* and under the authority of Standing Order 223, the Committee authorises the publication of all correspondence and minutes.
4. That the report of the Committee, on tabling and publication, be forwarded to the Department of Premier and Cabinet in response to the letter dated 4 February 2008.

6. Adjournment

The Committee adjourned at 6.00 pm *sine die*.

David Blunt
Clerk to the Committee