

## **CONSTITUTION (DISCLOSURES BY MEMBERS) AMENDMENT BILL, 1981**

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### **EXPLANATORY NOTE**

**(This Explanatory Note relates to this Bill as introduced into Parliament)**

The object of this Bill is to require members of Parliament to disclose certain pecuniary interests and other matters. It will be necessary, by virtue of section 7A of the Constitution Act, 1902, for the Bill to be submitted to a referendum and approved by a majority of the electors before the Bill is presented to the Governor for Her Majesty's assent.

The Bill empowers each House of Parliament to declare vacant the seat of any member of that House who wilfully contravenes any regulation made under the Constitution Act, 1902, for or with respect to the disclosure by members of pecuniary interests or other matters. The regulations may specify the pecuniary interests or other matters to be disclosed, prescribe the manner in which, and the times at which, those pecuniary interests or other matters are to be disclosed and provide for the compilation, maintenance, inspection and publication of registers of pecuniary interests or other matters disclosed by members (Schedule 1 (2) and (3)).

The Bill also excludes from the operation of section 7A of the Constitution Act, 1902, a provision which specifies, in similar terms in respect of both Houses of Parliament, the circumstances in which the seat of a member becomes vacant (Schedule 1 (1)).

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CONSTITUTION AND BY-LAWS OF THE MEMBERS  
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ARTICLE I

(The following is a list of the members of the Association)

The Association shall be organized and shall have the following purposes: to promote the interests of the members of the Association and to secure the best possible results in the management of the business of the Association. The Association shall be a non-profit organization and shall not have any pecuniary interest. The Association shall be organized and shall have the following purposes: to promote the interests of the members of the Association and to secure the best possible results in the management of the business of the Association. The Association shall be a non-profit organization and shall not have any pecuniary interest.

The Association shall also have the following powers: to acquire and hold real and personal property, to sell, lease, convey, mortgage, and otherwise dispose of the same, to execute and deliver any instrument necessary or proper for the carrying out of its purposes, and to do all such other things as may be necessary or proper for the carrying out of its purposes.

**CONSTITUTION (DISCLOSURES BY MEMBERS)  
AMENDMENT BILL, 1981**

No.           , 1981.

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**A BILL FOR**

An Act to require Members of Parliament to disclose certain pecuniary interests and other matters.

[MR WRAN—13 *April*, 1981.]

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*Constitution (Disclosures by Members) Amendment.*

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**BE** it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, with the approval of the electors as required by the Constitution Act, 1902, and by the authority of the same, as follows:—

**Short title.**

**1.** This Act may be cited as the "Constitution (Disclosures by Members) Amendment Act, 1981".

**Amendment of Act No. 32, 1902.**

**10 2.** The Constitution Act, 1902, is amended in the manner set forth in Schedule 1.

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SCHEDULE 1.

(Sec. 2.)

AMENDMENTS TO THE CONSTITUTION ACT, 1902.

**15 (1) (a)** Section 7A (1) (b)—

Omit "or" where lastly occurring.

**(b)** Section 7A (1) (c)—

**20** Omit "be enacted unless it applies in the same way to the persons capable of being elected or of sitting and voting as Members of the other House of Parliament," insert instead "be enacted; or".

**(c)** Section 7A (1) (d)—

After section 7A (1) (c), insert:—

**25 (d)** any provision with respect to the circumstances in which the seat of a Member of either House of Parliament becomes vacant be enacted,

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*Constitution (Disclosures by Members) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE CONSTITUTION ACT, 1902—*continued.*

- (d) Section 7A (6) (a) (i)—  
Omit “13 (2), 14,”.
- 5 (e) Section 7A (6) (b)—  
Omit “or”.
- (f) Section 7A (6) (c)—  
Omit “Parliament.”, insert instead “Parliament;”.
- (g) Section 7A (6) (d), (e)—  
10 After section 7A (6) (c), insert:—
- (d) a provision with respect to the persons capable of being  
elected or of sitting and voting as Members of either  
House of Parliament which applies in the same way to  
15 the persons capable of being elected or of sitting and  
voting as Members of the other House of Parliament; or
- (e) a provision with respect to the circumstances in which  
the seat of a Member of either House of Parliament  
becomes vacant which applies in the same way to the  
20 circumstances in which the seat of a Member of the  
other House of Parliament becomes vacant.
- (2) Section 14A—  
After section 14, insert:—
- Disclosure of pecuniary interests and other matters by Members.**
- 14A. (1) The Governor may, subject to subsections (4) and (5),  
25 make regulations for or with respect to—
- (a) the disclosure by Members of either House of Parliament  
of all or any of the following pecuniary interests or other  
matters:—
- (i) real or personal property;

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*Constitution (Disclosures by Members) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE CONSTITUTION ACT, 1902—*continued.*

- (ii) income;
- 5 (iii) gifts;
- (iv) financial or other contributions to any travel;
- (v) shareholdings or other beneficial interests in corporations;
- (vi) partnerships;
- (vii) trusts;
- 10 (viii) positions (whether remunerated or not) held in, or membership of, corporations, trade unions, professional associations or other organisations or associations;
- (ix) occupations, trades, professions or vocations;
- 15 (x) debts;
- (xi) payments of money or transfers of property to relatives or other persons by, or under arrangements made by, Members;
- 20 (xii) any other direct or indirect benefits, advantages or liabilities, whether pecuniary or not, of a kind specified in the regulations;
- (b) prescribing the manner in which, and the times at which, pecuniary interests or other matters shall be disclosed and providing for the verification by statutory declaration or otherwise of any such disclosure; and
- 25 (c) the compilation and maintenance of registers of pecuniary interests or other matters disclosed by Members of either House of Parliament and the inspection and publication of any such register.
- 30 (2) If a Member of either House of Parliament wilfully contravenes any regulation made under subsection (1), that House may, in accordance with subsection (3), declare his seat vacant and the seat of the Member shall thereupon become vacant.

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*Constitution (Disclosures by Members) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE CONSTITUTION ACT, 1902—*continued.*

(3) A declaration under subsection (2) shall—

- 5 (a) specify the circumstances that constitute the contravention;
- (b) declare that the House is of the opinion that the con-  
travention is of such a nature as to warrant the seat of the  
Member being declared vacant; and
- 10 (c) be made in accordance with such Standing Rules and  
Orders of the House as may regulate the making of the  
declaration.

(4) A regulation shall not be made under subsection (1) for  
or with respect to the disclosure by Members of either House of  
Parliament of pecuniary interests or other matters unless it applies  
in the same way to the disclosure by Members of the other House of  
15 Parliament of pecuniary interests or other matters.

(5) The Governor shall, before making a regulation under  
subsection (1)—

- 20 (a) afford any committee of either House of Parliament  
established for the purpose an opportunity of considering  
and making representations with respect to the proposed  
regulation; and
- (b) take into account any such representations.

(6) Notwithstanding anything to the contrary in the  
25 Interpretation Act, 1897, or any other Act, a regulation made under  
subsection (1), or any part thereof, shall not cease to have effect  
upon its disallowance by either House of Parliament unless it has  
previously been disallowed by the other House of Parliament.

(7) The publication, pursuant to any regulation made under  
30 subsection (1), of a register of pecuniary interests or other matters  
disclosed by Members of either House of Parliament shall, for the  
purposes of the Parliamentary Papers (Supplementary Provisions)  
Act, 1975, be deemed to have been authorised by that House.

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*Constitution (Disclosures by Members) Amendment.*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE CONSTITUTION ACT, 1902—*continued.*

(3) (a) Section 15 (1) (f)—

Omit “Assent.”, insert instead “Assent; and”.

5 (b) Section 15 (1) (g)—

After section 15 (1) (f), insert:—

(g) any other matter that, by or under this Act, is required or permitted to be regulated by Standing Rules and Orders.



CONSTITUTION (DISCLOSURES BY MEMBERS)  
AMENDMENT ACT, 1981, No. 103

New South Wales



ANNO TRICESIMO

ELIZABETHÆ II REGINÆ

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Act No. 103, 1981.

An Act to require Members of Parliament to disclose certain pecuniary interests and other matters. [Reserved, 12th November, 1981. Assent proclaimed, 29th January, 1982.]

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*Constitution (Disclosures by Members) Amendment.*

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**BE** it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, with the approval of the electors as required by the Constitution Act, 1902, and by the authority of the same, as follows:—

**Short title.**

1. This Act may be cited as the "Constitution (Disclosures by Members) Amendment Act, 1981".

**Amendment of Act No. 32, 1902.**

2. The Constitution Act, 1902, is amended in the manner set forth in Schedule 1.

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SCHEDULE 1.

(Sec. 2.)

AMENDMENTS TO THE CONSTITUTION ACT, 1902.

(1) (a) Section 7A (1) (b)—

Omit "or" where lastly occurring.

(b) Section 7A (1) (c)—

Omit "be enacted unless it applies in the same way to the persons capable of being elected or of sitting and voting as Members of the other House of Parliament," insert instead "be enacted; or".

(c) Section 7A (1) (d)—

After section 7A (1) (c), insert:—

(d) any provision with respect to the circumstances in which the seat of a Member of either House of Parliament becomes vacant be enacted,

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*Constitution (Disclosures by Members) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE CONSTITUTION ACT, 1902—*continued.*

(d) Section 7A (6) (a) (i)—

Omit “13 (2), 14,”.

(e) Section 7A (6) (b)—

Omit “or”.

(f) Section 7A (6) (c)—

Omit “Parliament.”, insert instead “Parliament;”.

(g) Section 7A (6) (d), (e)—

After section 7A (6) (c), insert:—

(d) a provision with respect to the persons capable of being elected or of sitting and voting as Members of either House of Parliament which applies in the same way to the persons capable of being elected or of sitting and voting as Members of the other House of Parliament; or

(e) a provision with respect to the circumstances in which the seat of a Member of either House of Parliament becomes vacant which applies in the same way to the circumstances in which the seat of a Member of the other House of Parliament becomes vacant.

(2) Section 14A—

After section 14, insert:—

**Disclosure of pecuniary interests and other matters by Members.**

14A. (1) The Governor may, subject to subsections (4) and (5), make regulations for or with respect to—

(a) the disclosure by Members of either House of Parliament of all or any of the following pecuniary interests or other matters:—

(i) real or personal property;

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*Constitution (Disclosures by Members) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE CONSTITUTION ACT, 1902—*continued.*

- (ii) income;
  - (iii) gifts;
  - (iv) financial or other contributions to any travel;
  - (v) shareholdings or other beneficial interests in corporations;
  - (vi) partnerships;
  - (vii) trusts;
  - (viii) positions (whether remunerated or not) held in, or membership of, corporations, trade unions, professional associations or other organisations or associations;
  - (ix) occupations, trades, professions or vocations;
  - (x) debts;
  - (xi) payments of money or transfers of property to relatives or other persons by, or under arrangements made by, Members;
  - (xii) any other direct or indirect benefits, advantages or liabilities, whether pecuniary or not, of a kind specified in the regulations;
- (b) prescribing the manner in which, and the times at which, pecuniary interests or other matters shall be disclosed and providing for the verification by statutory declaration or otherwise of any such disclosure; and
- (c) the compilation and maintenance of registers of pecuniary interests or other matters disclosed by Members of either House of Parliament and the inspection and publication of any such register.

(2) If a Member of either House of Parliament wilfully contravenes any regulation made under subsection (1), that House may, in accordance with subsection (3), declare his seat vacant and the seat of the Member shall thereupon become vacant.

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*Constitution (Disclosures by Members) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE CONSTITUTION ACT, 1902—*continued.*

(3) A declaration under subsection (2) shall—

- (a) specify the circumstances that constitute the contravention;
- (b) declare that the House is of the opinion that the contravention is of such a nature as to warrant the seat of the Member being declared vacant; and
- (c) be made in accordance with such Standing Rules and Orders of the House as may regulate the making of the declaration.

(4) A regulation shall not be made under subsection (1) for or with respect to the disclosure by Members of either House of Parliament of pecuniary interests or other matters unless it applies in the same way to the disclosure by Members of the other House of Parliament of pecuniary interests or other matters.

(5) The Governor shall, before making a regulation under subsection (1)—

- (a) afford any committee of either House of Parliament established for the purpose an opportunity of considering and making representations with respect to the proposed regulation; and
- (b) take into account any such representations.

(6) Notwithstanding anything to the contrary in the Interpretation Act, 1897, or any other Act, a regulation made under subsection (1), or any part thereof, shall not cease to have effect upon its disallowance by either House of Parliament unless it has previously been disallowed by the other House of Parliament.

(7) The publication, pursuant to any regulation made under subsection (1), of a register of pecuniary interests or other matters disclosed by Members of either House of Parliament shall, for the purpose of the Parliamentary Papers (Supplementary Provisions) Act, 1975, be deemed to have been authorised by that House.

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*Constitution (Disclosures by Members) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE CONSTITUTION ACT, 1902—*continued.*

## (3) (a) Section 15 (1) (f)—

Omit "Assent.", insert instead "Assent; and".

## (b) Section 15 (1) (g)—

After section 15 (1) (f), insert:—

- (g) any other matter that, by or under this Act, is required or permitted to be regulated by Standing Rules and Orders.

*Reserved for the signification of Her Majesty's pleasure.*

J. A. ROWLAND,  
*Governor.*

*Government House,  
Sydney, 12th November, 1981.*

*Assented to by Her Majesty the Queen in Council on 16th December,  
1981.*

J. A. ROWLAND,  
*Governor.*

*Government House,  
Sydney, 20th January, 1982.*







CONSTITUTION (DISCLOSURES BY MEMBERS)  
AMENDMENT ACT, 1981, No. 103

New South Wales



ANNO TRICESIMO

**ELIZABETHÆ II REGINÆ**

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Act No. 103, 1981.

An Act to require Members of Parliament to disclose certain pecuniary interests and other matters. [Reserved, 12th November, 1981.]

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*Constitution (Disclosures by Members) Amendment.*

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**BE** it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, with the approval of the electors as required by the Constitution Act, 1902, and by the authority of the same, as follows:—

**Short title.**

1. This Act may be cited as the "Constitution (Disclosures by Members) Amendment Act, 1981".

**Amendment of Act No. 32, 1902.**

2. The Constitution Act, 1902, is amended in the manner set forth in Schedule 1.

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**SCHEDULE 1.**

(Sec. 2.)

**AMENDMENTS TO THE CONSTITUTION ACT, 1902.**

(1) (a) Section 7A (1) (b)—

Omit "or" where lastly occurring.

(b) Section 7A (1) (c)—

Omit "be enacted unless it applies in the same way to the persons capable of being elected or of sitting and voting as Members of the other House of Parliament," insert instead "be enacted; or".

(c) Section 7A (1) (d)—

After section 7A (1) (c), insert:—

(d) any provision with respect to the circumstances in which the seat of a Member of either House of Parliament becomes vacant be enacted,

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*Constitution (Disclosures by Members) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE CONSTITUTION ACT, 1902—*continued.*

(d) Section 7A (6) (a) (i)—

Omit “13 (2), 14.”.

(e) Section 7A (6) (b)—

Omit “or”.

(f) Section 7A (6) (c)—

Omit “Parliament.”, insert instead “Parliament;”.

(g) Section 7A (6) (d), (e)—

After section 7A (6) (c), insert:—

(d) a provision with respect to the persons capable of being elected or of sitting and voting as Members of either House of Parliament which applies in the same way to the persons capable of being elected or of sitting and voting as Members of the other House of Parliament; or

(e) a provision with respect to the circumstances in which the seat of a Member of either House of Parliament becomes vacant which applies in the same way to the circumstances in which the seat of a Member of the other House of Parliament becomes vacant.

(2) Section 14A—

After section 14, insert:—

**Disclosure of pecuniary interests and other matters by Members.**

14A. (1) The Governor may, subject to subsections (4) and (5), make regulations for or with respect to—

(a) the disclosure by Members of either House of Parliament of all or any of the following pecuniary interests or other matters:—

(i) real or personal property;

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*Constitution (Disclosures by Members) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE CONSTITUTION ACT, 1902—*continued.*

- (ii) income;
  - (iii) gifts;
  - (iv) financial or other contributions to any travel;
  - (v) shareholdings or other beneficial interests in corporations;
  - (vi) partnerships;
  - (vii) trusts;
  - (viii) positions (whether remunerated or not) held in, or membership of, corporations, trade unions, professional associations or other organisations or associations;
  - (ix) occupations, trades, professions or vocations;
  - (x) debts;
  - (xi) payments of money or transfers of property to relatives or other persons by, or under arrangements made by, Members;
  - (xii) any other direct or indirect benefits, advantages or liabilities, whether pecuniary or not, of a kind specified in the regulations;
- (b) prescribing the manner in which, and the times at which, pecuniary interests or other matters shall be disclosed and providing for the verification by statutory declaration or otherwise of any such disclosure; and
- (c) the compilation and maintenance of registers of pecuniary interests or other matters disclosed by Members of either House of Parliament and the inspection and publication of any such register.

(2) If a Member of either House of Parliament wilfully contravenes any regulation made under subsection (1), that House may, in accordance with subsection (3), declare his seat vacant and the seat of the Member shall thereupon become vacant.

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*Constitution (Disclosures by Members) Amendment.*

---

SCHEDULE 1—*continued.*AMENDMENTS TO THE CONSTITUTION ACT, 1902—*continued.*

- (3) A declaration under subsection (2) shall—
- (a) specify the circumstances that constitute the contravention;
  - (b) declare that the House is of the opinion that the contravention is of such a nature as to warrant the seat of the Member being declared vacant; and
  - (c) be made in accordance with such Standing Rules and Orders of the House as may regulate the making of the declaration.
- (4) A regulation shall not be made under subsection (1) for or with respect to the disclosure by Members of either House of Parliament of pecuniary interests or other matters unless it applies in the same way to the disclosure by Members of the other House of Parliament of pecuniary interests or other matters.
- (5) The Governor shall, before making a regulation under subsection (1)—
- (a) afford any committee of either House of Parliament established for the purpose an opportunity of considering and making representations with respect to the proposed regulation; and
  - (b) take into account any such representations.
- (6) Notwithstanding anything to the contrary in the Interpretation Act, 1897, or any other Act, a regulation made under subsection (1), or any part thereof, shall not cease to have effect upon its disallowance by either House of Parliament unless it has previously been disallowed by the other House of Parliament.
- (7) The publication, pursuant to any regulation made under subsection (1), of a register of pecuniary interests or other matters disclosed by Members of either House of Parliament shall, for the purposes of the Parliamentary Papers (Supplementary Provisions) Act, 1975, be deemed to have been authorised by that House.

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*Constitution (Disclosures by Members) Amendment.*

---

SCHEDULE 1—*continued.*AMENDMENTS TO THE CONSTITUTION ACT, 1902—*continued.*

## (3) (a) Section 15 (1) (f)—

Omit "Assent.", insert instead "Assent; and".

## (b) Section 15 (1) (g)—

After section 15 (1) (f), insert:—

- (g) any other matter that, by or under this Act, is required or permitted to be regulated by Standing Rules and Orders.

*Reserved for the signification of Her Majesty's pleasure.*

J. A. ROWLAND,  
*Governor.*

*Government House,  
Sydney, 12th November, 1981.*

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BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1981



