

Chapter 30 Register of Pecuniary and other Interests

The rationale behind the disclosure of pecuniary interests by members is aimed at addressing any potential conflict of interest between a member's public and private interests.

On 13 April 1981, the then Premier, the Hon. N.K. Wran QC MP, introduced the *Constitution (Disclosures by Members) Bill 1981*. When introducing the bill, the Premier said:

The establishment of a scheme whereby members of Parliament can be seen to be above reproach not only enhances the prestige of our parliamentary system but also protects the members themselves against scurrilous attacks which in the past they have found difficult to rebut.¹

The *Constitution (Disclosure by Members) Amendment Act 1981*, introduced s. 14A into the *Constitution Act 1902* which provides:

- (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;
 - (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.

The section goes on to state that wilful contravention by a member of any regulation may lead to the House declaring that member's seat vacant; that the regulations apply equally to both Council and Assembly members; Parliamentary committees be afforded the opportunity to make representations to the Governor on the proposed

¹ PD 13/04/1981, p. 5710.

regulations² and that resolutions of both Houses are required to disallow any regulation made in this area.

In 1982, committees of both Houses reported to the Governor on the regulations which in their opinion should be made to enforce these provisions. The regulations thus made under s. 14A are contained in the *Constitution (Disclosures by Members) Regulation 1983*.³

Amendments to the regulation introduced in 2007 broadened the categories of pecuniary interests to be disclosed by members. Members must now disclose information about any service they provide to a person or, to that person's clients, that involves the use of the member's Parliamentary position if they are receiving payment for this service.

New members are required to lodge a primary return setting out their pecuniary interests within three months of the date they take the pledge of loyalty in accordance with section 12 of the *Constitution Act 1902*. A re-elected member is not required to make a primary return. All members are required to lodge an ordinary return for the prior financial year before 1 October each year, unless a primary return has been lodged after 30 April that year.

Amendments to the regulation, which came into force on 24 March 2007, require members to lodge a supplementary ordinary return by 31 March each year in relation to the period 1 July to 31 December of the previous year, or in the case of new members, who have previously lodged only a primary return, the period from the date of the primary return to 31 December of the previous year.

The amendments introduced in 2007 also provide for members to make discretionary returns, when and if they consider it appropriate to do so. Discretionary returns may contain such disclosures as the member wishes to make concerning any or all of the matters that are required or permitted to be disclosed in an ordinary return.

Pecuniary interest disclosure forms are available from the Procedure Office and are normally sent to all members after their initial election and before the two reporting periods.

A register containing all the returns is required to be compiled by the Clerk. It is required to be open to the public for inspection in the Clerk's Office between 10.00 a.m. and 4.00 p.m. on any work day and at all times whilst the House is sitting.

The Clerk of the Legislative Assembly is required to furnish to the Speaker a copy of the Register of Disclosures by Members for tabling in the House as a Parliamentary paper within 21 sitting days after the lodgement of ordinary returns. This Parliamentary paper will include the supplementary ordinary returns and any discretionary returns lodged within the previous 12 months.

² In accordance with this provision in 2006 proposed amendments to the regulation were referred by the House to the Legislative Assembly Standing Committee on Parliamentary Privilege and Ethics on 25 May 2006. The committee tabled its report on the proposed amendments on 1 September 2006.

³ The regulation has been amended in 2001 and 2007.

The schedule below sets out the dates and time-frames for reporting:

Type of return	Reporting period	Due date
Primary returns – Members elected for the first time	<i>most clauses:</i> As at on the “primary return date” i.e. as at Date of the first sitting day when Members take their seat in the Assembly	Primary return is to be lodged within 3 months after taking the pledge or oath (clause 4)
Ordinary Return	“at any time during the ordinary return period” ie 1 July – 30 June (clause 3)	by 1 October each year (clause 6)
Supplementary ordinary return	1 July – 31 December 2007 (clause 6A(1)(a)) For a new member who has previously only submitted a primary return in which case it is from the date the member took the pledge of loyalty or oath until 31 December.	by 31 March each year (clause 6A)
Discretionary return	Any time before due date for lodging next return that Member considers it appropriate to do so	