



LEGISLATIVE
ASSEMBLY

Standing Committee on Parliamentary Privilege and Ethics

REVIEW OF THE PROPOSED DRAFT CONSTITUTION
(DISCLOSURES BY MEMBERS) REGULATION 2008

February 2008

MEMBERSHIP AND STAFF

Chairman	Mr Paul Pearce MP, Member for Coogee
Members	Hon Richard Amery MP, Deputy-Chairman, Member for Mount Druitt
	Mr Phillip Costa MP, Member for Wollondilly
	Mr Malcolm Kerr MP, Member for Cronulla
	Ms Lylea McMahon, MP, Member for Shellharbour
	Ms Clover Moore MP, Member for Sydney
	Mr Frank Terenzini MP, Member for Maitland
	Mr John Turner MP, Member for Myall Lakes
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CHAIRMAN'S FOREWORD

On 29 November 2007 the Committee tabled its first report of the 54th Parliament, on the Constitution (Disclosures by Members) Further Amendment Regulation 2007. The Committee supported the minor amendments to the Regulation that were proposed. The minor amendments followed from a major redesign of the forms used for disclosure of interests, which were aimed at assisting Members by giving examples and guidance to the requirements of the Regulation.

The Committee's report also recommended changes to the size of the forms used for reporting, and noted the need for a minor amendment of the Discretionary Return form.

The proposed draft Regulation adopts this recommendation of the Committee. The proposed Regulation also contains a number of other minor amendments to clarify application of existing provisions, and ensure consistency between different sections of forms.

The Committee has reviewed the draft Constitution (Disclosures by Members) Amendment Regulation 2008 and supports the amendments contained therein.

I commend this report to the House.

Paul Pearce, MP
Committee Chairman

CHAPTER 1: INITIATION OF THE INQUIRY

In 2007 the Parliament was asked to review and report on draft amendments to the Constitution (Disclosures by Members) Further Amendment Regulation 2007. Under section 14A (5) of the Constitution Act 1902 the Governor is required, before making a regulation relating to the disclosure of interests by Members, to provide any Parliamentary committee established for the purpose of considering the proposed regulation an opportunity to comment on the regulation, and is to take into account any such representations.

The draft amendment was forwarded to the Legislative Assembly Standing Committee on Parliamentary Privilege and Ethics for review.

This Committee reported on 29 November 2007, agreeing that the proposed amendments contained in the Draft Constitution (Disclosures by Members) Further Amendment Regulation 2007 be adopted. The amendments reflected minor changes to the reporting requirements, that had previously been forwarded to the Committee for consideration. The Committee had reported in September 2006 on its Review of the Proposed Amendments to the Code of Conduct and Draft Constitution (Disclosures by Members) Regulation 2006, commenting on the need for review of the forms used for reporting. Consequently, the forms prescribed by the Regulation were reformatted for use by Members reporting in 2007.

As noted in the Committee's report in November 2007, the increased size of the form has resulted in a very large document for publication. Also, the inclusion of examples within the form has resulted in some readers misinterpreting the document. The Committee therefore recommended that the prescribed forms be further amended, to separate explanatory notes and examples from the actual return which is tabled and published.

On 4 February 2008 the Director General of the Department of Premier and Cabinet wrote to the Clerk of the Legislative Assembly advising of a proposal to make a minor change to the return forms used by Members of Parliament when disclosing their pecuniary interests. A copy of the proposed draft Constitution (Disclosures by Members) Amendment Regulation 2008 was enclosed for consideration by the Committee, with a request that the Committee report on the draft Regulation by Monday 18 February 2008 if possible. The Clerk has again forwarded the proposed draft Regulation to the Committee on Parliamentary Privilege and Ethics for inquiry and report.

The Chapters below discuss the proposed amendments and revised forms.

CHAPTER 2: PROPOSED CHANGES TO THE LAYOUT OF PRESCRIBED FORMS

The Committee's last report recommended that the form be divided into two sections, with the first section containing the text of the clause and an example entry, and the second section containing the blank fields which Members are required to complete. Members would then only need to return the final section of the form, but have the benefit of examples and direct reference to the Regulation.

When publishing the compiled Register of Members Disclosures, the Clerk would compile the full set of Members' returns behind a single copy of the first section. This would both reduce the size of the published document, and make each Member's return easier to read.

The revised draft Regulation forwarded for the Committee's consideration has adopted this recommendation. The forms in the consultation Draft Regulation are now in two parts. The first section contains the text of the relevant clause and an example entry, and the second section contains the blank fields which members are required to complete.

Consequential minor amendments arising from the separation of the examples from the form, include:

- directions have been included in the forms to guide Members as to how they are to be completed and returned, now that they are formatted into two separate sections.
- amendments to those definitions which refer to the forms in clause 3 of the Principal Regulation.

The Committee agrees with these amendments.

CHAPTER 3: OTHER MINOR AMENDMENTS TO THE REVISED DRAFT REGULATION

The letter forwarding the draft Regulation also advised that the revised Regulation includes the following amendments:

1. Form 4 (Discretionary return) – change to “date” notation

In accordance with the Committee’s recommendation, Form 4 is amended to change the reference to the dates recording the period of time that the form covers. Currently, the Discretionary return form requires a Member to enter dates “in respect of the period from”, and in effect nominate a start date and end date. The need for Members to specify a defined period is not clear, and has caused problems.

The Committee’s 2007 report recommended that reference to a time period on the Discretionary return form should be optional. As the choice to disclose a matter is at a 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.

Form 4 in the consultation draft Regulation now only requires a Member making a discretionary disclosure to specify a “date”.

2. All examples to be consistent in requiring “NIL” notation, if nothing to disclose

In the examples under Part 3 of Form 1, part 5 of Form 2 and Part 5 of Form 3, rather than leaving any cell of the table blank, a “NIL” entry has been included. This is consistent with the directions for completing other the forms, and with other fields of the form.

3. Definition and reference to “listed public company”

The references in clause 12 and corresponding parts of the forms to a “Public company” have been amended to clarify that they refer to a “listed public company” as that term is understood under the Corporations Act 2001 (Cth).

Clause 12 concerns the requirement to disclose interests and positions in corporations. The reference to a “public company” is in clause 12 (1)(c) which clause provides that in the case of a public company, a Member is not required to give a description of the principal objects of such a corporation.

Currently, under the principal Regulation, a “public company” is defined as a “listed company within the meaning of section 9 of the Corporations Act 2001 of the Commonwealth”. That section of the Commonwealth Act defines “*listed*” as follows: “a company, managed investment scheme or other body is *listed* if it is included in the official list of a prescribed financial market operated in this jurisdiction” (ie, by definition, the Australian Stock Exchange Limited; Bendigo Stock Exchange Ltd; National Stock Exchange of Australia Limited).

The Director-General of the Department of Premier and Cabinet has advised that the proposed amendment, by inserting the word “listed” (which applies pursuant to the definition in the Regulation) into the actual text of the clause, will not alter the meaning of the clause, 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”.

The Committee agrees with the above amendments.

RECOMMENDATION:

That the proposed draft Constitution (Disclosures by Members) Amendment Regulation 2008 be supported.

1: Excerpts from Minutes of Meetings of the Committee

Minutes of Proceedings of the Standing Committee on Parliamentary Privilege and Ethics (no. 1)

9.45 am Friday 22 June 2007

Parliament House

Members Present

Mr Amery, MP

Mr Costa, MP

Ms McMahon, MP

Mr Pearce, MP

Mr Terenzini, MP

Mr J. H. Turner, MP

Apologies

Apologies were received from Mr Kerr and Ms Moore.

Introduction

The Clerk-Assistant (Committees) Assembly, on behalf Clerk of the Legislative Assembly, opened the meeting and read the following extract from the Votes and Proceedings of Wednesday 20 June 2007, entry 22 –

“Standing Committee on Parliamentary Privilege and Ethics

Mr Aquilina moved, by leave:

That notwithstanding anything to the contrary in the standing orders:

- (1) A Standing Committee on Parliamentary Privilege and Ethics (referred to as “the committee”) be appointed to consider and report upon any matters relating to privilege which may be referred to it under standing order 92 or by resolution of the House.
- (2) The committee is the designated committee for the purpose of exercising the functions in part 7A Division 2 of the Independent Commission Against Corruption Act 1988, relating to Parliamentary ethical standards including the review of the code of conduct.
- (3) The committee consist of eight members being: Mr Amery, Mr Costa, Mr Kerr, Ms McMahon, Ms Moore, Mr Pearce, Mr Terenzini and Mr J.H.Turner.
- (4) Any five members of the committee shall constitute a quorum.
- (5) That the committee have leave to make visits of inspection within the state of New South Wales and other states and territories of Australia.
- (6) The committee have power to confer with any similar committee appointed by the Legislative Council.”

Election of Chair and Deputy Chair

Pursuant to Standing Order 282—

Resolved, on the motion of Mr Amery, seconded by Mr Terenzini:

That Mr Pearce be elected Chair of the committee.

Resolved, on the motion of Mr Terenzini, seconded by Mr Costa:

That Mr Amery be elected Deputy Chair of the committee.

The Clerk-Assistant (Committees) then introduced the Ronda Miller, Clerk-Assistant (Procedure) and Serjeant-at-Arms, who will be the chief officer serving the committee.

Procedural Motions

Resolved, on the motion (in globo) of Mr Terenzini, seconded by Mr Costa:

1. That arrangements for the calling of witnesses and visits of inspection be left in the hands of the Chair and the Committee Manager to the committee.
2. That, unless otherwise ordered, witnesses appearing before the committee shall not be represented by any member of the legal profession.
3. That, unless otherwise ordered, when the committee is examining witnesses, the press and public (including witnesses after examination) be admitted to the hearing being conducted by the committee.
4. That persons having special knowledge of the matters under consideration by the committee may be invited to assist the committee.
5. That press statements on behalf of the committee be made only by the Chair after approval in principle by the committee or after consultation with Committee members.
6. That, unless otherwise ordered, access to transcripts of evidence taken by the committee be determined by the Chair and not otherwise made available to any person, body or organisation: provided that witnesses previously examined shall be given a copy of their evidence; and that any evidence taken in camera or treated as confidential shall be checked by the witness in the presence of the Committee Manager to the committee or another officer of the committee.
7. That the Chair and the Committee Manager to the committee be empowered to negotiate with the Speaker through the Clerk of the Legislative Assembly for the provision of funds to meet expenses in connection with advertising, operating and approved incidental expenses of the committee.
8. That the Chair be empowered to advertise and/or write to interested parties requesting written submissions.
9. That upon the calling of a division or quorum in either House during a meeting of the committee, the proceedings of the Committee shall be suspended until the committee again has a quorum.
10. That the Chair and the Committee Manager make arrangements for visits of inspection by the committee as a whole to undertake the entire itinerary.
11. That pursuant to Standing Order 297, evidence, submissions or other documents presented to the committee which have not been reported to the House are not be disclosed or published by any Member or by any other person unless first authorised by the House or the committee.

Minutes of Proceedings of the Standing Committee on Parliamentary Privilege and Ethics (no. 2)

1.00pm Wednesday 7 November 2007

Waratah Room, Parliament House

Members Present

Mr Pearce MP (Chair)

Mr Amery, MP

Mr Kerr, MP

Ms McMahon, MP
Mr J. H. Turner, MP

Mr Terenzini, MP

Apologies

Apologies were received from Mr Costa and Ms Moore.

In attendance: Mr Ian Dickson, Parliamentary Ethics Adviser

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2. Meeting with the Parliamentary Ethics Adviser

The Chair welcomed Mr Ian Dickson, the Parliamentary Ethics Adviser, who had been invited to meet the Committee. A copy of the resolution of the House appointing the Parliamentary Ethics Adviser was circulated.

Mr Dickson briefed the Committee on his work during the previous year, which would form the basis of his forthcoming annual report to Parliament. Discussion ensued.

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3. General Business

The Chair noted that future work of the Committee included the statutory review of the Code of Conduct, which was required once every Parliament.

As parliamentary privilege was also relevant to the Committee's role, the Clerk also undertook to circulate information to the Committee on current issues and developments in other States as they came to notice.

Minutes of Meeting of Members of the Standing Committee on Parliamentary Privilege and Ethics (no. 3)

1.00pm, Wednesday 14 November 2007, Waratah Room

Parliament House

Members Present

Mr Pearce, MP (Chair)
Mr Amery, MP (Vice-Chair)
Mr Kerr, MP
Mr J. H. Turner, MP

Apologies

Apologies were received from Ms McMahon and Ms Moore.

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2. Letter from the Clerk to the Chair, enclosing correspondence from The Cabinet Office and the proposed amendment to the Constitution (Disclosure by Members) Regulation

The meeting considered the letter, which had been previously circulated.

The meeting noted the reference of the draft regulation. Debate ensued. The meeting recommended THAT the draft amendment be circulated to all Members for comment.

3. Letter from the Speaker to the Chair, dated 13 November 2007 (Appendix B).

The meeting considered the letter, which had been previously circulated.

The meeting noted the Speaker's letter. Debate ensued. The meeting recommended THAT the inquiry also consider the forms used to report interests.

The views of the Auditor-General, the Ombudsman, the Parliamentary Ethics Adviser and the ICAC Commissioner would also be formally sought.

4. Inquiry Time-table

In view of the reporting date of 30 November, response would be sought by 23 November, with a view to circulating comments, and consideration of a draft report on Wednesday 28 November.

Minutes of Meeting of the Standing Committee on Parliamentary Privilege and Ethics (no. 4)

1.00pm, Wednesday 28 November 2007, Waratah Room

Parliament House

Members Present

Mr Pearce, MP (Chair)

Mr Amery, MP (Vice-Chair)

Mr Costa, MP

Ms McMahon, MP

Ms Moore, MP

Mr J. H. Turner, MP

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2. Correspondence from The Clerk of the Legislative Assembly and the Parliamentary Ethics Adviser

The committee considered the letters, which were noted as received.

The Clerk to the Committee advised that the contents of the letters will be incorporated into the draft report.

3. Draft Report on the Constitution (Disclosures by Members) Further Amendment Regulation 2007

The committee considered the draft report, which had been previously circulated. The Clerk outlined the format and contents of each chapter.

Chapters 1 – 3 were considered, and agreed to.

Chapter 4 was considered. The Committee deliberated, and agreed that the Ordinary Return form, as it currently stands, does not meet the objective of clearly disclosing areas where conflict of interest may arise. It was suggested that the report recommend that consideration be given to amending the form, possibly along the lines suggested by the Clerk of the

Legislative Assembly, to reduce the number of pages which were required to be returned to the Clerk for publication.

The Committee also noted that the Commissioner of the ICAC had written to the Committee commenting on the draft amending Regulation, drawing attention to the Recommendation contained in the 2003 ICAC *Report on Regulation of secondary employment for Members of the NSW Legislative Assembly*. Recommendation 11 in that report was:

That the register of pecuniary interests be established as an electronic database that can be accessed via the Internet by Members of Parliament and members of the public.

Chapter 5 was considered. The Committee deliberated, and 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 Regulation is very broad, the need to specify a time-frame is not clear.

Clause 16 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.*

Members of the Committee also suggested that, given that the new Register is considerably bulkier than earlier editions, further consideration could be given to use of the internet for registration of interests, or the Register could be published in CD-Rom format for distribution.

The Clerk undertook to incorporate the Committee's comments and recommendations into the draft report and to circulate it to Members for consideration and further amendment if required.

The Committee resolved, upon the motion of Mr Amery, seconded Mr Turner, that the report agree to by the Committee be adopted, and tabled in the Parliament before Friday 30 November, 2007.

**Minutes of Meeting of the Standing Committee on Parliamentary Privilege and Ethics
(no. 4)**

10.00 am, Wednesday 27 February 2008, Waratah Room, Parliament House

Members Present:

Mr Pearce, MP (Chair)

Mr Amery, MP (Vice-Chair)

Mr Costa, MP

Mr Kerr, MP

Ms McMahon, MP

Mr Terenzini, MP

Mr J. H. Turner, MP

Apologies: Ms Moore MP

1. Minutes of the meeting held 28 November 2007

The minutes of the meeting recording the recommendations made by the Committee at the meeting held on 28 November 2007, which had been previously circulated, were adopted on the motion of Mr Turner, seconded by Ms McMahon.

2. Correspondence from The Clerk of the Legislative Assembly referring request from the Director-General, Department of Premier and the Cabinet for an inquiry (Appendix A).

The committee noted the letters, and the appended draft Regulation.

3. Constitution (Disclosures by Members) Amendment Regulation 2008 (Appendix B).

The Committee considered the draft Regulation, and briefing note on the proposed amendments, which had been previously circulated.

Debate ensued. The Chair noted that Cabinet Officer had advised that the amendment concerning "listed" public companies did not reflect a change in policy, but was a technical amendment to bring the definition into alignment with the text of the relevant clause. Members of the Committee agreed in principle to the draft Regulation.

The Committee resolved, on the motion of Mr Amery, seconded Ms McMahon, that a draft report be prepared reflecting the Committee's view, and that the report be circulated to members, with members to advise the Committee Clerk of any amendments, additions or comments, for recirculation, prior to the report being tabled on 4 March 2008.

There being no general business, meeting adjourned at 10.19 am, sine die.

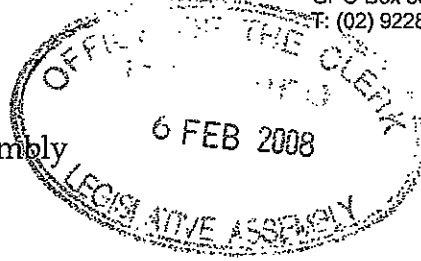
APPENDIX 2

1. Letter from the Director General, Department of Premier and Cabinet dated 4 February 2008 forwarding the draft Constitution (Disclosures by Members) Regulation 2008 for consideration by a Parliamentary committee
2. Draft Constitution (Disclosures by Members) Regulation 2008



Governor Macquarie Tower,
1 Farrer Place, Sydney NSW 2000
GPO Box 5341, SYDNEY NSW 2001
T: (02) 9228 5300 F: (02) 9228 3062

Mr Russell Grove
Clerk of the Legislative Assembly
Parliament House
Macquarie Street
Sydney NSW 2000



- 4 FEB 2008

Dear Mr Grove

Last year, I wrote to you enclosing a copy of a proposed draft *Constitution (Disclosure by Members) Further Amendment Regulation 2007* (the "Amending Regulation"), requesting that it be referred to the Legislative Assembly Standing Committee on Parliamentary Privilege and Ethics for review.

The draft of the Regulation was also sent to the Clerk of the Legislative Council to be referred to the Legislative Council Privileges Committee.

On 29 November 2007, both Committees tabled reports supporting the proposed amendments.

In its report, the Legislative Assembly Standing Committee on Parliamentary Privilege and Ethics suggested that consideration should also be given to reformatting the forms that are contained in the *Constitution (Disclosure by Members) Regulation 1983* (the "Principal Regulation").

The first section would contain the text of the relevant clause and an example entry, and the second section would contain the blank fields which Members are required to complete. Members could then complete, remove and return only the final section of the forms. All of the returned forms could then be published under a single copy of the first section, which would both reduce the size of the published document and make each Member's return easier to read.

A revised version of the Amending Regulation has now been drafted incorporating the Committee's suggestion. A copy is enclosed.

The revised Regulation also includes the following amendments:

- New directions have been included in the forms to guide Members as to how they are to be completed and returned, now that they are formatted into two separate sections. Other minor consequential amendments have also been made, for example, to those definitions which refer to the forms in clause 3 of the Principal Regulation.

- In accordance with a further recommendation of the Legislative Assembly Committee, Form 4 is to be amended to omit the reference to the disclosures in that form applying in respect of a particular period of time. Such a time reference is unnecessary for the type of discretionary disclosures made under that form.
- In the examples under Part 3 of Form 1, Part 5 of Form 2 and Part 5 of Form 3, rather than leaving any cell of the table blank, a "NIL" entry has been included. This is consistent with the directions for completing the forms (see, for example, direction 6 in Form 1). It is also consistent with the manner in which the other examples have been completed.
- The references in clause 12 and corresponding parts of the forms to a "public company" have been amended to clarify that they refer to a "listed public company" as that term is understood under the *Corporations Act 2001* (Cth).

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".

I would be grateful if you would refer the revised draft regulation to the Legislative Council Privileges Committee for review.

As you know, the next round of supplementary ordinary returns are required to be returned by 31 March 2008. If approved, it is possible that the Amending Regulation could be made in time for Members to use the new forms for that return.

If possible, therefore, I would be grateful if comments on the draft regulation could be provided to me by Monday 18 February 2008.

If you have any questions about the proposed amendments, please contact Mr Paul Miller, Senior Principal Legal Officer (9228 4393).

Yours sincerely



Leigh Sanderson
for Robyn Kruk
Director General



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*.

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.

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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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Constitution (Disclosures by Members) Amendment Regulation 2008

Schedule 1 Amendments

[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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Constitution (Disclosures by Members) Amendment Regulation 2008

Amendments

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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Constitution (Disclosures by Members) Amendment Regulation 2008

Schedule 1 Amendments

- (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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Schedule 1 Amendments

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:

- the name and address of each corporation,
- the nature of the interest (if any) or a description of the position held,
- 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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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:

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

Example entry only:

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

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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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Amendments

Schedule 1

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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Constitution (Disclosures by Members) Amendment Regulation 2008

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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Constitution (Disclosures by Members) Amendment Regulation 2008

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Schedule 1

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:

- 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
- from a trust (use Part 2.2 of the return), and
- 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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Schedule 1 Amendments

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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Schedule 1

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:

- 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
- is a political donation disclosed, or required to be disclosed, under Part 6 of the *Election Funding Act 1981*, or
- 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:

- 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 during the ordinary return period, or
- 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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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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- (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

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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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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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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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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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- 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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- (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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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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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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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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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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.....
(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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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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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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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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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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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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(full name of Member)

.....
(Member's signature)

.....
(Date)

Discretionary disclosures
