



Standing Committee on Parliamentary Privilege and Ethics

REPORT 2/56 – NOVEMBER 2018

REVIEW OF THE PECUNIARY INTERESTS REGISTER



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The motto of the coat of arms for the state of New South Wales is “Orta recens quam pura nites”. It is written in Latin and means “newly risen, how brightly you shine”.

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Membership

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Chair's Foreword

I am pleased to present the Committee's second report of the 56th Parliament. The Committee has reviewed and made recommendations to improve the current pecuniary interests disclosure register for members of the NSW Parliament.

This report continues the Committee's good work in strengthening the transparency and integrity of members' activities and promoting public trust in the institution of Parliament.

To this end, having examined the current Regulation and listened to the views of stakeholders, the Committee has made four recommendations. The recommendations aim to simplify compliance with the Regulation and make the thresholds for disclosing income and gifts more appropriate to a modern context.

On behalf of the Committee I would like to extend my sincere thanks to the individuals and agencies that contributed to this inquiry, and whose considered views were so valuable to the development of the Committee's recommendations.

I would also like to thank my Committee colleagues for their contributions to the inquiry and the collegiate and productive manner in which they worked together throughout the process. In particular, I want to thank the former Committee Chair, Mr Mark Taylor MP, for his stewardship of the Committee for much of the inquiry's duration.

Lastly, I would like to thank the Committee staff for their ongoing assistance in the conduct of the inquiry and the preparation of the Committee's final report.

A handwritten signature in blue ink that reads "Jai Rowell". The signature is fluid and cursive, with a prominent initial "J" and a long, sweeping underline.

Jai Rowell MP
Chair

Recommendations

Recommendation 1 _____ 4

That the Regulation be reviewed and re-made to simplify its structure and provide clearer definitions of key terms.

Recommendation 2 _____ 4

That the Committee be consulted on the review and a draft Regulation be provided to the Committee for comment.

Recommendation 3 _____ 5

That six monthly returns be replaced with a continuous disclosure model, with members being required to submit:

- A primary return, and notify the Registrar of any changes to their interests within one month of the change
- An annual 'confirmation of correct particulars', confirming that their interests remain up-to-date.

Recommendation 4 _____ 6

That disclosure thresholds be increased to \$1,000 for income, gifts or debts and \$500 for contributions to travel, and that the thresholds be indexed annually.

Chapter One – Purpose of the Regulation

- 1.1 Members have private interests, pecuniary or otherwise, which can potentially conflict with their duty to act in the public interest.
- 1.2 The *Constitution (Disclosures by Members) Regulation 1983* (the Regulation) requires members to lodge periodic returns, which disclose certain categories of pecuniary and other interests. These returns are collated into registers, which are maintained by the Clerks of the Legislative Assembly and Legislative Council respectively.
- 1.3 The overarching purpose of the Register is to place on the public record certain private interests of members. This then allows for the identification of interests that may conflict with a member’s public duty.
- 1.4 However, there is an important distinction between disclosing an interest and having a conflict of interest. For example, the pecuniary interests that must be disclosed on the Register may never come into conflict with the duty of a member. There are also interests that are not required to be disclosed but which could give rise to a conflict of interest if they are not managed appropriately.
- 1.5 The Register is part of a wider ethical and compliance framework that includes a code of conduct, standing orders and an Ethics Adviser, as set out below:

Table 1: Ethical and Compliance Framework

Code of Conduct	Governs conduct of members generally, including some aspects of the disclosure of pecuniary interests. Substantial breach of Code may constitute corrupt conduct under ICAC Act.
Standing Orders	Creates consequences for failing to disclose pecuniary interests, including by disallowing votes or expulsion from the Legislative Assembly.
Constitution Act 1902	A member’s seat can be declared vacant under s 14A(2) for a wilful contravention of the Regulation.
Parliamentary Privilege and Ethics Committee	Can advise on ethical standards (but not actual or alleged conduct) and investigate certain matters referred under the Standing Orders relating to privilege or contempt.
Parliamentary Ethics Adviser	Confidentially advises members on ethical issues, including potential conflicts of interest.
ICAC	Can investigate allegations of corruption, including matters referred by Parliament.

Chapter Two – The current Regulation

Operation of the Regulation

2.1 In NSW, there are four types of return that members can lodge under the Regulation:

Table 2: Types of returns

Type	When	Return period
Primary return	Within 3 months of a new member taking the pledge of loyalty	Usually, as at the date of the pledge of loyalty or within the 'primary return period' ¹
Ordinary return	Usually by 1 October each year, unless a primary return has been lodged after 30 April that year	Previous financial year
Supplementary ordinary return	Usually by 31 March each year	1 July to 31 December of the previous year or, for new members, date of primary return to 31 December of previous year
Discretionary return	Any time before the date on which the member is next required to lodge an ordinary or supplementary ordinary return	No prescribed period, but may contain such disclosures as the Member wishes to make concerning any or all of matters required or permitted to be disclosed in ordinary return

2.2 The Clerks of the Legislative Assembly and the Legislative Council are each required to compile and maintain the returns in the register of disclosures (the Register).²

2.3 The Register is in loose-leaf form and comprises returns lodged by members within the previous 8 years.³

2.4 The Register must be given to the Speaker or President for tabling in the Assembly or the Council within 21 sitting days after the last day for lodgement of returns.⁴ The Assembly Register is also published online in the tabled papers database on the NSW Parliament's website, as a single PDF.

¹ Direction 5 in Form 1 of Schedule 1 to the Regulation defines 'primary return period' as the period commencing on the day on which the Member took the pledge of loyalty and ending on the next succeeding 30 June.

² [Constitution \(Disclosures by Members\) Regulation 1983](#) (NSW), clauses 17 and 18.

³ [Constitution \(Disclosures by Members\) Regulation 1983](#) (NSW), clause 19.

⁴ [Constitution \(Disclosures by Members\) Regulation 1983](#) (NSW), clause 21.

- 2.5 The Register can be inspected between 10am and 4pm on any business day by members of the public and media. Members can also access the relevant Register when the Assembly or Council is sitting.⁵

Interests requiring disclosure

- 2.6 Members must generally disclose the interests set out in Part 3 of the Regulation, including:
- a. interests in real property;
 - b. sources of income above \$500, including as an employee, as an office-holder, as a member of a partnership, and from a trust;
 - c. gifts above \$500;
 - d. contributions to travel above \$250;
 - e. interests and positions in corporations, trade unions and other business associations;
 - f. debts above \$500;
 - g. dispositions of real property; and
 - h. details of client services provided by the Member, involving the use of their parliamentary position, regardless of whether a payment or benefit is received.
- 2.7 Members can also choose to disclose in any return (including a discretionary return) any direct or indirect benefits, advantages or liabilities, whether pecuniary or not.⁶

⁵ [Constitution \(Disclosures by Members\) Regulation 1983](#) (NSW), clause 20.

⁶ [Constitution \(Disclosures by Members\) Regulation 1983](#) (NSW), clause 16.

Chapter Three – Recommendations for reform

- 3.1 There are three main problems with the Regulation:
- a. It is complex and difficult to understand – the Regulation has not been reviewed since its introduction in 1983.
 - b. There are too many returns – the number and timing of returns makes the Register too complex.
 - c. The monetary thresholds are too low – the Regulation now captures expenditure that it was not originally intended to capture.
- 3.2 Suggested recommendations for reform are summarised below, informed by insights from other Parliaments and submissions from key stakeholders.

Clear and simple obligations

Recommendation 1

That the Regulation be reviewed and re-made to simplify its structure and provide clearer definitions of key terms.

Recommendation 2

That the Committee be consulted on the review and a draft Regulation be provided to the Committee for comment.

- 3.3 The Regulation has been in force since 1983 and has not been comprehensively reviewed or modernised since then. Unlike most other Regulations, there is no requirement under the *Subordinate Legislation Act 1989* that it be reviewed and re-made every five years.⁷
- 3.4 There have been a number of amendments to the Regulation since its inception, and it has been submitted that 'piecemeal amendments over time has resulted in unhelpful inconsistencies creeping into a reporting system instituted within the NSW Constitution over 35 years ago'.⁸
- 3.5 Ronda Miller, former Clerk of the Legislative Assembly, submitted that the overly complex and ambiguous structure of the Regulation actively hindered Members who, in good faith, take care to comply with its legal requirements. While she did not suggest a change in the range of matters required to be reported, she suggested that the structure of the Regulation and definitions of key terms be simplified. Compared to other jurisdictions, the Regulation is 'notably wordier' and 'important definitions are scattered around the Regulation, rather than contained within the pertinent subject clause'.⁹

⁷ [Subordinate Legislation Act 1989](#), Schedule 4, clause 3.

⁸ Submission 8, Ms Ronda Miller, Former Clerk of the Legislative Assembly.

⁹ Submission 8, Ms Ronda Miller, Former Clerk of the Legislative Assembly.

3.6 Dr Robert Waldersee submitted that 'compliance with regulations and policies in general is enhanced when they are easily understood, remembered and complied with'. He considered that 'the current Regulation is extraordinarily dense and legalistic in construction...' He gave the following example of the definition of 'gift' under the Regulation:

gift means any disposition of property made otherwise than by will (whether with or without an instrument in writing), without consideration in money or money's worth passing from the disponent to the donee, or with such consideration so passing if the consideration is not fully adequate, but does not include any financial or other contribution to travel.

3.7 He argued that the legalistic and unclear definitions increase the likelihood of mistakes, without adding to the integrity of the Parliament. He suggested that the Regulation be 'simplified where possible and constructed in a way that emphasizes ease of use'.¹⁰

Continuous disclosure

Recommendation 3

That six monthly returns be replaced with a continuous disclosure model, with members being required to submit:

- **A primary return, and notify the Registrar of any changes to their interests within one month of the change**
- **An annual 'confirmation of correct particulars', confirming that their interests remain up-to-date.**

3.8 One of the issues contributing to the complexity of the Regulation is the number and timing of returns.

3.9 Currently a member is required to submit both an ordinary return, and a supplementary ordinary return in the middle of the ordinary return period. These may contain overlapping content.¹¹

3.10 While lodging a supplementary return means that interests are updated at least once every 6 months, in practice the interests of some members are unlikely to change during this period.

3.11 However, in some cases the Register may also not be up to date because a return is only required at least once every 6 months. There may also be a significant lag before such information is tabled or is available online.

¹⁰ Submission 6, Dr Robert Waldersee.

¹¹ [Constitution \(Disclosures by Members\) Regulation 1983](#) (NSW), clause 6A(5). That clause provides that a Member is not excused from disclosing pecuniary interests in an ordinary return because they have already disclosed those interests in a supplementary ordinary return which covered part of that ordinary return period.

- 3.12 To provide a more complete picture of a member's interests, disclosures should be timely and reflect the interests of members in 'real time', or as close to real time as is practicable.
- 3.13 Ideally, members should only need to submit one return and update that return when and if their interests change. Unlike NSW, none of the jurisdictions examined in this discussion paper appear to require a supplementary ordinary return. Instead, many of the jurisdictions - including Queensland, the Federal Parliament, Canada and the UK – require a single return that must be updated within a set period (usually one month) as their interests change.
- 3.14 In NSW, the Ministerial Code of Conduct already requires that Ministers notify the Premier of a change in their interests under the Regulation, or the interests of family members, as soon as practicable.¹²
- 3.15 A less complex regime of continuous disclosure would reduce the administrative complexity of the scheme while also providing a more accurate and timely picture of a member's interests.
- 3.16 Also, the Register should be easy for most people to access and navigate. For instance, many Australian and international Parliaments publish members' returns on a designated webpage, including the Federal Parliament, Queensland, South Australia, Victoria and the United Kingdom. Mr Jonathan O'Dea MP submitted that consideration be given to 'creating an online pecuniary interest register to enable members to update it on a regular and independent basis, in real time, consistent with the digital transformation of NSW.'¹³ This suggestion should be considered if a continuous disclosure regime is implemented.

Increased monetary thresholds

Recommendation 4

That disclosure thresholds be increased to \$1,000 for income, gifts or debts and \$500 for contributions to travel, and that the thresholds be indexed annually.

- 3.17 Members should only be required to disclose pecuniary interests above a meaningful monetary threshold.
- 3.18 The monetary thresholds for disclosure of certain interests have not been increased since the Regulation was first made in 1983. The Committee proposes that these thresholds now be increased to better account for inflation.
- 3.19 The Register captures income, gifts and debts above \$500 and contributions to travel above \$250. In today's money, those amounts correspond to approximately \$1,600 and \$800 respectively.
- 3.20 As a result, the Register now captures small amounts of expenditure which it was not designed to capture, and which may not meaningfully assist with the

¹² [Independent Commission Against Corruption Regulation 2017](#), Schedule to the NSW Ministerial Code of Conduct, clause 7.

¹³ Submission 4, Mr Jonathan O'Dea MP

overarching purpose of the Register. This may unnecessarily increase the administrative burden on members and the Registrar.

- 3.21 As set out in the next chapter, Parliaments such as Queensland and South Australia already impose higher monetary thresholds, which in Queensland are indexed annually. A Bill before the Victorian Parliament also proposed to increase most thresholds to \$2,000. The monetary thresholds in both houses of the Federal Parliament range from \$300 to \$7,500, although it is noted that some interests, including liabilities, do not have a threshold.
- 3.22 For the above reasons, the Committee proposes to increase the monetary thresholds in the Regulation to \$1,000 (for income, gifts or debts) and \$500 (for contributions to travel), both of which should be indexed annually.

Chapter Four – Disclosure of family interests

- 4.1 The ICAC has recommended expanding the Register to require disclosure of related person interests:

The benefits of expanding the register include added transparency, minimising perceptions of members avoiding scrutiny, and dealing with the potential for family interests to influence decision-making. It should also be noted that many other Australian parliaments require the disclosure of various third-party interests in a register.

...the Commission believes that the expansion of the Register of Disclosures to capture family interests will complement any revision of the conflict of interest provisions in the Code of Conduct for Members. For the sake of completeness, this should specifically include family trusts and companies...¹⁴

Disclosure by spouses and dependent children

- 4.2 With the exception of Victoria and WA, all other Parliaments in Australia require members to disclose the interests of spouses, partners, and dependent children.¹⁵ In many cases, 'spouse' is not defined. However, in Queensland, 'spouse' is defined to include de facto partners. In Tasmania, 'spouse' includes a person in a 'significant relationship' with a member within the meaning of the *Relationships Act 2003* (Tas).

- 4.3 Most jurisdictions require the interests of members' children to be disclosed if:

- a. the child is wholly or mainly dependent on the member for support - e.g. the Federal Parliament, the ACT and the Northern Territory
- b. the child is under 18 and normally resides with the member – e.g. South Australia
- c. the person is substantially or totally dependent on the member and either: the person is the member's child; or, the person's affairs are so closely connected with the member's affairs that a benefit derived by the person, or a substantial part of it, could pass to the member – e.g. Queensland

- 4.4 If any decision were made to require disclosure by spouses and dependent children, the Committee considers that the confidentiality of the interests of related persons should be maintained as far as is reasonably possible. This is because members' families also have a right to privacy, and importantly are not bound by the same special duties that apply to members.

¹⁴ ICAC, [Reducing the opportunities and incentives for corruption in the State's management of coal resources](#), October 2013, p 43

¹⁵ However, the Australian House of Representatives appears only to require disclosure of the interests of a member's spouse. 'Spouse' is not defined in the relevant resolution. In addition, while Tasmania generally requires the interests of spouses and partners to be disclosed, it does not require disclosure of the interests of children.

- 4.5 There are two main ways that privacy concerns associated with the disclosure of related person interests can be managed.
- 4.6 Firstly, related person interests could be kept in a separate register that is confidential. This is the approach adopted in Queensland, where the register of related persons' interests can only be inspected by people such as the Speaker, the Premier, Ethics Committee and the Crime and Corruption Commission. A similar approach is also adopted by the Australian Senate.
- 4.7 The interests of related persons may also be disclosed so that they are indistinguishable from those of the member. This is the approach adopted in South Australia. Ministers in NSW are also required to disclose the interests of immediate family members in this way. The Committee does not support this approach.

Family trusts and companies

- 4.8 As noted above, the ICAC has suggested that the Regulation should expressly require the disclosure of relevant interests in family trusts and companies.
- 4.9 In South Australia, the register captures other interests relating to trustees of a family trust and family companies. The interests requiring disclosure include income, gifts, debts, interests in companies and trusts, certain uses of property and certain contracts with the Crown.¹⁶
- 4.10 A family company is defined to be a company where a member of the member's family is a shareholder, and in respect of which a family member (or members) are in a position to cast, or control the casting vote of, one-half of the maximum number of votes that might be cast at a general meeting. A family trust means a trust where the member or a family member is a beneficiary, and which is established or administered in the interests of the member or a member (or members) of their family.
- 4.11 In Victoria, family interests in trusts must also be disclosed if the member is the trustee. Victorian members are also required to disclose any other substantial interests held by family members, of which the member is aware and considers might appear to raise a material conflict with his or her public duty.

¹⁶ [Members of Parliament \(Register of Interests\) Act 1983](#) (SA), sections 2 and 4.

Chapter Five – Other pecuniary interest models

- 5.1 This Chapter canvasses other pecuniary interest models which have informed this Committee's proposed reforms of the Regulation. A comparative summary table appears at Appendix Two.

Domestic models

Queensland

- 5.2 Section 69C of the *Parliament of Queensland Act 2001* requires the Clerk to keep a register of members' interests and related persons' interests. Related person means a member's spouse or someone who is substantially or totally dependent on the member. This dependent person may be the member's child or someone whose affairs are so closely connected with those of the member that a benefit derived by the person, or a substantial part of it, could pass to the member.¹⁷
- 5.3 Members must lodge a statement of interests (member) and a statement of interests (related persons) within 1 month of taking their seat.¹⁸ Members must then notify the Clerk within 1 month of any changes to their interests. The standing orders also provide that each year, within 1 month of 30 June, the member must provide to the Clerk a 'confirmation of correct particulars', for which there is a prescribed form.
- 5.4 The thresholds for interests which require disclosure are indexed and published annually by the Clerk. For example, in 2018 the threshold for disclosure of gifts and income was over \$950, and \$19,000 for liabilities.¹⁹
- 5.5 The Register of Members' Interests is tabled as soon as practicable after the first sitting day of each Parliament and 30 June each subsequent year. The word-processed PDF version of the register is published online. Updates occur as soon as practicable and no later than 1 week after receipt of a change.
- 5.6 There is no requirement under the standing orders to publish or table the Register of Related Persons' Interests. Inspection of the register is restricted to certain persons, including the Speaker, the Premier, Ethics Committee and Crime and Corruption Commission.²⁰
- 5.7 Queensland has an Integrity Commissioner who, in certain circumstances, provides advice to members about compliance with the disclosure regime.²¹ The Clerk also provides advice about what must be disclosed, rather than potential

¹⁷ [Parliament of Queensland Act 2001](#) (Qld), section 69A.

¹⁸ [Parliament of Queensland Act 2001](#) (Qld), section 69B.

¹⁹ [Appendix A – Published indexed thresholds to amounts contained in Schedule 2 – Register of Interests](#), tabled 15 February 2018.

²⁰ [Standing Orders](#), Schedule 2, clause 13.

²¹ [Integrity Act 2009 \(Qld\)](#), Part 3.

conflicts arising from those interests.²² The Clerk also has the power to refer questions as to what should be disclosed to the Committee of the Legislative Assembly in certain circumstances.²³ The Integrity Commissioner can meet with members to provide conflict of interest advice, although this is done rarely.²⁴

- 5.8 Third parties who inspect the register, including members of the public and other members, can make allegations of non-compliance to the Clerk. In accordance with the standing orders, the Clerk refers allegations by members to the Ethics Committee, while allegations by the public are only referred to the Committee if the Clerk believes there are reasonable grounds to do so.²⁵

Victoria

- 5.9 Although this section will discuss the current Victorian model, the *Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Bill 2017*, which was introduced in December 2017, proposed changes to the disclosure regime. That Bill would have required more interests to be disclosed (including family interests in trusts) and would also increase and index existing disclosure thresholds.
- 5.10 The current Victorian model requires members to lodge a primary return, then an ordinary return each financial year. Members can choose to notify the Clerk of any change in their interests.²⁶
- 5.11 The model also involves a regulation, though it is noted that at 10 pages in length it is much shorter and clearer than the NSW regulation. This is partly because fewer interests require disclosure.
- 5.12 The interests that must be disclosed are generally confined to those of the member. However, members must disclose any beneficial interests in land or a trust. They must also disclose if they are a trustee of a family trust in which a family member has a beneficial interest. In addition, members must also disclose 'any other substantial interest (whether of a pecuniary nature or not) held by you or a member of your family of which you are aware and that you consider might appear to raise a material conflict with your public duty as a Member.'²⁷
- 5.13 Beneficial interests and gifts of more than \$500 must generally be disclosed. In contrast, the source of contributions to travel need only be disclosed if it is a 'significant contribution'. However, the Bill before the Victorian Parliament proposed to increase the threshold for gifts, income, beneficial interests and debt to \$2,000, and \$500 for contributions to travel.
- 5.14 The Clerk prepares a summary of the information contained in the returns, which is then tabled in each House within 14 days of preparation if Parliament is sitting or, if not, within 14 days of the next meeting of Parliament. Changes are tabled

²² Integrity Commissioner, *Annual Report 2015 – 16*, p 11.

²³ *Standing Orders*, Schedule 2, clause 8.

²⁴ Annual Report, p 11. The Commissioner met with MPs on 3 occasions during 2015-16.

²⁵ *Standing Orders*, Schedule 2, clauses 14 and 16.

²⁶ *Members of Parliament (Register of Interests) Act 1978* (Vic), section 6.

²⁷ *Members of Parliament (Register of Interests) Regulation 2013* (Vic).

periodically. A word-processed PDF version of the summary of the register, or changes to the register (as the case may be), is published as a single document in the tabled papers database periodically.

- 5.15 Under the Act, the Clerk has to ensure that only those who are authorised to discharge functions of the Clerk, for the purpose of official duties, can inspect the complete register.²⁸
- 5.16 The Victorian Act only permits publication of details of the register if it represents a fair and accurate summary. Comment on the contents is allowed if it is fair, in the public interest, and published without malice.²⁹
- 5.17 Members who wilfully contravene the Act may be held in contempt of Parliament or receive a \$2,000 fine.³⁰ Members can also be expelled for a conflict of interest, but this has not occurred in Victoria since 1869.³¹

Tasmania

- 5.18 Members lodge primary returns within 3 months of taking the oath and ordinary returns annually.³² Members may choose to disclose a change in interests.³³
- 5.19 The interests requiring disclosure are similar to NSW and the thresholds for disclosure are also generally between \$250 (for contributions to travel) and \$500 (for income, gifts and debts).
- 5.20 The register is to be tabled in each House within 21 sitting days after the last day for lodgement of the relevant return.
- 5.21 However, the Tasmanian Parliament recently passed a Bill which amends the *Parliamentary (Disclosure of Interests) Act 1996* to require the interests of spouses to be disclosed.³⁴ A 'spouse' is defined to include a person in a 'significant relationship' with a member within the meaning of the *Relationships Act 2003* (Tas). For relationships that are not registered, whether a relationship is significant depends on a number of factors set out in the Act, including the duration of the relationship and the ownership, use and acquisition of property.³⁵
- 5.22 The register is available for inspection at times and in a manner prescribed by the *Parliamentary (Disclosure of Interests) Regulation 2017*. The register must then be published online within 7 days of tabling. However, the Clerk can omit

²⁸ [Members of Parliament \(Register of Interests\) Act 1978](#) (Vic), section 7.

²⁹ [Members of Parliament \(Register of Interests\) Act 1978](#) (Vic), section 8.

³⁰ [Members of Parliament \(Register of Interests\) Act 1978](#) (Vic), section 9.

³¹ Legislative Assembly of Victoria, [Fact Sheet E2: Member's Code of Conduct](#), viewed 7 September 2017.

³² [Parliamentary \(Disclosure of Interests\) Act 1996 \(Tas\)](#), sections 4 and 5.

³³ [Parliamentary \(Disclosure of Interests\) Act 1996 \(Tas\)](#), section 22.

³⁴ See [Votes and Proceedings No 157](#), 12 September 2017, viewed 19 September 2017. See also [Parliamentary \(Disclosure of Interests\) Amendment Bill 2017](#).

³⁵ See [Relationships Act 2003 \(Tas\)](#), section 4.

information from the online version of the register if it would unreasonably compromise a person's privacy or safety.³⁶

- 5.23 Tasmania's Integrity Commission regularly monitors compliance with the register and provides guidance and training to members.³⁷ While the Act does not define the meaning of 'monitor', the Integrity Commission has adopted a conservative approach and simply checks whether the form has been completed correctly.³⁸
- 5.24 Tasmania also has a Parliamentary Standards Commissioner, who can provide confidential advice to members,³⁹ and an Integrity Commission which can advise on issues relating to the operation of the pecuniary interests register and ethical issues.

South Australia

- 5.25 Members are required to lodge a primary return within 30 days of taking the oath or affirmation and an ordinary return within 60 days of 30 June each year.⁴⁰ The interests that require disclosure are similar to those in NSW but also include the interests of spouses, domestic partners and dependent children, and in some cases, family companies and the trustees of family trusts.⁴¹ The minimum threshold for disclosure is generally \$750 for gifts and contributions to travel.
- 5.26 A member may notify the registrar of any changes to their interests at any time.⁴²
- 5.27 A word-processed PDF statement of information contained in returns is published annually. The statement is then tabled in each House within 14 days of preparation if Parliament is sitting or if not within 14 days of the next meeting of Parliament.
- 5.28 Members of the public can inspect and make copies of the register.⁴³ However, members can disclose information in a way that does not distinguish between their own information and the information of related persons.⁴⁴
- 5.29 Like Victoria, the Act also restricts publication of the contents of the register in certain circumstances, including by requiring that any comment on the register must be fair, published in the public interest and made without malice. A breach of the provision for those outside Parliament can result in a fine of \$25,000 for a corporation or \$5,000 and 3 months' imprisonment for an individual.⁴⁵

³⁶ [Parliamentary \(Disclosure of Interests\) Act 1996 \(Tas\)](#), section 21(ca).

³⁷ [Integrity Commission Act 2009 \(Tas\)](#), section 30.

³⁸ Report of the Integrity Commission – No 1 of 2017, [Monitoring Parliamentary Disclosure of Interests Register – Report for the period 1 July 2015 to 30 June 2016](#), p 5.

³⁹ [Integrity Commission Act 2009 \(Tas\)](#), section 28.

⁴⁰ [Members of Parliament \(Register of Interests\) Act 1983 \(SA\)](#), section 3. See also [Members of Parliament \(Register of Interests\) Regulation 2008 \(SA\)](#).

⁴¹ [Members of Parliament \(Register of Interests\) Act 1983 \(SA\)](#), section 4.

⁴² [Members of Parliament \(Register of Interests\) Act 1983 \(SA\)](#), section 4.

⁴³ [Members of Parliament \(Register of Interests\) Act 1983 \(SA\)](#), section 5.

⁴⁴ [Members of Parliament \(Register of Interests\) Act 1983 \(SA\)](#), section 4.

⁴⁵ [Members of Parliament \(Register of Interests\) Act 1983 \(SA\)](#), section 6.

- 5.30 Any person who wilfully contravenes or fails to comply with the Act may receive a fine of up to \$5,000.⁴⁶

Federal Parliament

- 5.31 The federal pecuniary interest schemes were established by way of resolution in both the House of Representatives and the Senate.⁴⁷
- 5.32 Members and senators must disclose certain interests within 28 days of taking the oath or affirmation. Re-elected members and senators must also disclose certain interests within 28 days of the first meeting of each House in a new Parliament. Members are required to disclose any change in interests within 28 days and senators within 35 days.
- 5.33 In the House of Representatives, the register is tabled as soon as possible after the commencement of each Parliament by the Standing Committee of Privileges and Members' Interests. In the Senate, the Chair of the Standing Committee of Senators' Interests tables the statement as soon as practicable after receipt. Changes are tabled in the Senate every 6 months.
- 5.34 In both Houses, statements are published on the Committee website as separate scanned PDFs, with weekly updates as required. The Committee understands that the Senate is currently investigating the development and implementation of a real-time disclosure application whereby senators could complete forms online before they are then published.
- 5.35 The interests that must be disclosed are broadly similar to the NSW system; however, members and senators must also disclose any other interests where a conflict of interest with a member's public duties could foreseeably arise or be seen to arise.
- 5.36 The monetary thresholds for disclosure in both the House of Representatives and the Senate are set out in the standing orders and range from \$300 (for sponsored travel or hospitality), \$300 (for gifts not from official sources) and \$7,500 (for assets). There appears to be no monetary threshold for the disclosure of liabilities, but any other sources of income which are 'substantial' are required to be disclosed.
- 5.37 The House of Representatives requires a member to disclose the interests of spouses and dependent children. The Senate requires the same but also captures partner interests.
- 5.38 In the House of Representatives, there is no express requirement that the part of the register relating to the interests of related persons is kept confidential. The register is available for inspection by any person on conditions laid down by the

⁴⁶ [Members of Parliament \(Register of Interests\) Act 1983 \(SA\)](#), section 7.

⁴⁷ [Registration of Members' Interests: Requirements of the House of Representatives](#), resolution adopted 4 October 1984, last amended 13 February 2008, viewed 12 September 2017.

[Registration and declaration of senators' interests: resolutions of the Senate relating to registration and declaration of senators' interests and the receipt of gifts](#), viewed 12 September 2017.

relevant Committee from time to time.⁴⁸ In contrast, the standing orders of the Senate provide that the registrable interests of related persons are maintained in a separate part of the register and remain confidential to the relevant Committee, except where the Committee considers that a conflict of interest arises.

- 5.39 Failing to lodge a return or to disclose certain interests, or providing false or misleading information, may amount to serious contempt of the House of Representatives and ‘shall be dealt with by the House accordingly.’ The Standing Committee of Privileges and Members’ Interests also has the power to investigate specific complaints relating to the register of interests.⁴⁹
- 5.40 In contrast, a senator can only be guilty of serious contempt if they fail to declare a gift or if they provide false or misleading information, and the Senate Standing Committee of Privileges agrees that the conduct amounts to serious contempt.⁵⁰ The Senate also has a Standing Committee on Senators’ Interests, which oversees and reports on the register of senators’ interests.

International models

Canada

- 5.41 The *Conflict of Interest Code for Members of the House of Commons* was adopted by the House of Commons in 2004 and forms part of the standing orders.⁵¹
- 5.42 New members of the House of Commons have to provide the Conflict of Interests and Ethics Commissioner with a confidential statement of their private interests. This extends to the interests of spouses or common-law partners and dependent children. The Commissioner may meet with the member and the member’s family to ensure that adequate disclosures are made.
- 5.43 The Commissioner then prepares a disclosure summary. The Code excludes certain disclosures from the summary, including if a departure from the principle of public disclosure is justified in the circumstances.⁵² The member has 60 days to review, sign and lodge the summary, which is then published separately online in word-processed form. There appears to be no express requirement to table the summaries.
- 5.44 Each year the Office of the Commissioner contacts members to review and if necessary update the information in their confidential statements and disclosure summaries. In the meantime, any material changes must be notified within 60 days. The interests that are disclosed include:

⁴⁸ [Registration of Members’ Interests: Requirements of the House of Representatives](#), resolution adopted 4 October 1984, last amended 13 February 2008, clause 3(d).

⁴⁹ House of Representatives Committee of Privileges and Members’ Interests, [Role of the Committee](#), viewed 12 September 2017.

⁵⁰ The Senate, [Registration and declaration of senators’ interests: resolutions of the Senate relating to registration and declaration of senators’ interests and the receipt of gifts](#), viewed 12 September 2017, p 161.

⁵¹ [Conflict of Interest Code for Members of the House of Commons](#), consolidated version as of 29 November 2016.

⁵² Clause 24 of the Code.

- a. income over \$1,000 received in the past 12 months or which will be received over the following 12 months;
- b. revenue, liabilities and assets with a value of \$10,000 or more;
- c. trust income from which he or she could, currently or in the future, either directly or indirectly, derive a benefit or income;
- d. interests in private corporations and partnerships; and
- e. all positions of office.

5.45 Members can request that the Commissioner provide advice regarding matters to be disclosed. This advice is confidential and binding. The Commissioner can also commence a private inquiry into potential non-compliances of their own initiative, upon referral by the House or another member. The Commissioner then reports to the House and makes recommendations.

5.46 The Standing Committee on Access to Information, Privacy and Ethics has some powers related to the Office of the Conflict of Interest and Ethics Commissioner and can consider matters referred by the Parliament.

5.47 The Senate of Canada has a broadly similar system which is set out in the Ethics and Conflict of Interest Code for Senators.⁵³ The disclosure summary is also confidential. However, instead of a Commissioner the Senate has a Senate Ethics Officer (SEO). The SEO also has the power to hold inquiries (which can be public) but reports to the Committee on Ethics and Conflict of Interest for Senators. The Committee then produces its own report to the Senate, with recommendations.

United Kingdom

5.48 In the UK, members of the House of Commons are required under the Code of Conduct⁵⁴ to register all their current financial interests and any registrable benefits (other than earnings) received in the 12 months before the election.

5.49 Members are required to register any change of interests within 28 days.⁵⁵ However, the interests of relatives or spouses are generally not required to be disclosed.

5.50 The disclosure thresholds include £100 (for certain employment income), £300 (for gifts, benefits, hospitality or contributions to travel), £10,000 (for annual rental income), £70,000 (for some shareholdings) and £100,000 (for total land or property value).

5.51 The Parliamentary Commissioner for Standards maintains the register and provides confidential advice to members about registration of interests. The Commissioner can also investigate specific matters which have come to his or her

⁵³ [Ethics and Conflict of Interest Code for Senators](#), viewed 12 September 2017.

⁵⁴ [House of Commons - Code of Conduct](#).

⁵⁵ [The Guide to the Rules Relating to Conduct of Members – House of Commons](#), Chapter 1: Registration of Members' Financial Interests.

attention relating to the conduct of members. In certain circumstances the Commissioner can also report to the Committee for Standards.⁵⁶

- 5.52 A word-processed PDF version of returns is published as a single document in the tabled papers database periodically. The register is updated by the Parliamentary Commissioner for Standards fortnightly online when Parliament is sitting, and less frequently otherwise.
- 5.53 When conducting inquiries, the Commissioner can make findings. Minor breaches may be resolved by the rectification procedure, where a member apologises and takes appropriate action. No formal report to the Committee is then made. Serious breaches are always formally reported to the Committee, as well as minor breaches for which a member does not take responsibility or 'rectify'. The Committee then makes its own report, findings and recommendations for further action, including an apology or suspension from the House.⁵⁷
- 5.54 The Commissioner has quite an active role. For instance, in 2016-17, the Commissioner undertook 22 inquiries, some of which related to a failure to lodge a return or failure to register an interest.⁵⁸ Two of the four formal reports which were made to the Committee that year concerned a failure to register interests.⁵⁹ The results of inquiries are published on the Commissioner's website. The Commissioner also delivers workshops on the register, five of which were in 2016 - 17.⁶⁰
- 5.55 The Committee for Standards oversees the Commissioner generally and considers complaints referred to it by the Commissioner.⁶¹
- 5.56 The House of Lords also has a separate register of Lords' interests. The interests that are required to be disclosed are set out in the Code of Conduct⁶² and are all 'relevant interests, in order to make clear what are the interests that might reasonably be thought to influence their parliamentary actions'.
- 5.57 An interest is relevant if a reasonable member of the public might think it could influence the way in which a member of the House of Lords discharges his or her parliamentary duties. Relevant interests include both financial and non-financial interests. Members are to register any change in interests within one month of the change.
- 5.58 The register is updated online continuously throughout each sitting day and at regular intervals on other days. There is also a House of Lords Commissioner for Standards who is responsible for investigating breaches of the Code of Conduct. The Sub-Committee on Lords' Conduct also reviews the Code of Conduct and

⁵⁶ [Standing Orders Public Business 2017](#), The House of Commons, as in force on 20 April 2017, Standing Order No 150.

⁵⁷ The Parliamentary Commissioner for Standards, [Annual Report 2016 – 17](#), printed 13 July 2017, p 17

⁵⁸ The Parliamentary Commissioner for Standards, [Annual Report 2016 – 17](#), printed 13 July 2017, p 20

⁵⁹ The Parliamentary Commissioner for Standards, [Annual Report 2016 – 17](#), printed 13 July 2017 p 22 – 23

⁶⁰ The Parliamentary Commissioner for Standards, [Annual Report 2016 – 17](#), printed 13 July 2017, p 33

⁶¹ Standing Order No 149

⁶² [Code of Conduct for Members of the House of Lords](#).

accompanying guide, and can receive reports from the Commissioner for Standards about members of the House of Lords.

New Zealand

- 5.59 The pecuniary interests regime in New Zealand is set out in the standing orders.⁶³
- 5.60 Every member must file an initial return within 90 days of taking an oath or affirmation. Members must also file a return annually as at 31 January, but there is no requirement to declare a change in interests until the next return.⁶⁴
- 5.61 The interests that require disclosure are broadly similar to NSW, and the interests of related persons generally do not have to be disclosed.
- 5.62 However, where applicable, the thresholds for disclosure are slightly different to NSW, and include: \$500 (gifts), \$500 (debts owed by member but paid by someone else) and \$50,000 (for debts owed to member).
- 5.63 Within 90 days of the return due date, a fair and accurate summary must be published online. Aside from this, all returns and information held in relation to the register is confidential.⁶⁵ The registrar provides a return summary to the Speaker, who then provides a copy to the House of Representatives.
- 5.64 The register is administered by the Deputy Clerk or a person appointed by the Clerk.⁶⁶ The registrar advises members in connection with their obligations. The registrar also receives and determines requests for an inquiry, and may conduct and report to the House on any such inquiry. However, the scope of an inquiry is limited and can only be initiated upon request by a member who has 'reasonable grounds' to believe that there is a non-compliance.
- 5.65 The Auditor-General also reviews returns and advises the registrar of any matters arising from that review.⁶⁷

⁶³ [Standing Orders of the House of Representatives](#), 23 August 2017, Standing Order No. 163.

⁶⁴ Standing Orders, Appendix B: clause 20(5).

⁶⁵ Standing Orders, Appendix B: clause 21(1).

⁶⁶ Standing Orders, Appendix B: clause 13.

⁶⁷ Standing Orders, Appendix B: clause 15.

Appendix One – Background to the inquiry

- A. In 2014 the Committee and the Legislative Council’s Privileges Committee both tabled reports that recommended several reforms to the pecuniary interests regime in light of the ICAC’s report entitled *Reducing the opportunity and incentives for corruption in the State’s management of coal resources*.
- B. On 21 June 2016, the Presiding Officers of the Legislative Assembly and Legislative Council wrote to the Premier, responding to the Premier’s request that the recommendations in the two reports be consolidated by the Houses of Parliament into a single set of recommendations. The letter also confirmed that:
 - a. the President of the Legislative Council would prepare an exposure draft on an agreed model for an Ethics/Standards Commissioner; and
 - b. the Speaker of the Legislative Assembly would oversee the preparation of a draft regulation and a new Code of Conduct for members.
- C. The letter also noted that this Committee was undertaking a review of the Code of Conduct.
- D. On 8 August 2016, the Committee resolved to expand its inquiry to include the matters raised in the Presiding Officers’ letter.

Appendix Two – Comparative summary of select jurisdictions

	Frequency of disclosure	Must notify changes?	Disclosure thresholds (where applicable)	Supplementary return?	Related persons?	Confidential disclosure of certain interests?	Frequency and nature of online publication	Frequency of tabling	Instruments establishing scheme	Ethics Commissioner or similar?	Ethics Committee or similar?
NSW	Primary return – Within 3 months of pledge Ordinary return – usually 1 October each year Supplementary return – usually 31 March each year	No.	Generally \$500 (gifts, debt, income) and \$250 (contributions to travel)	Yes	No	No	Scanned PDF of entire register available online.	Within 21 sitting days of lodgement	Constitution Act 1902; Constitution (Disclosures by Members) Regulation 1983	No, Parliamentary Ethics Adviser	Yes, Parliamentary Privilege and Ethics Committee – LA. Privileges Committee – LC
Qld	Within 1 month of taking seat. Confirmation of correct particulars annually.	Yes, within 1 month	In 2018 \$950 (gifts and income) and \$19,000 (liabilities). Indexed annually.	No	Yes, generally spouse and dependent children	Yes, related persons' interests can only be inspected by certain persons. Not tabled or published	Word-processed PDF of entire register available online. Weekly updates occur as soon as practicable and no later than 1 week after receipt of a change	As soon as practicable after the first sitting day of each Parliament and 30 June each subsequent year	Parliament of Queensland Act 2001; Standing Rules and Orders; Integrity Act 2009	Yes, Integrity Commissioner	Yes, referral to Ethics Committee
Vic <i>[NB: A Bill introduced in Dec 17 which would amend the</i>	Primary return – within 30 days of taking seat. Ordinary return – on or within 60 days of 30 June each year	Optional. However, Bill would require member to notify material changes as	Beneficial interests and gifts of more than \$500 must generally be disclosed. Contributions to travel need	No	No, but must disclose any other substantial interest held by member of family which may raise	Sometimes. Summary published and only certain people can inspect register	Word-processed PDF of entire register, and changes (as case may be) published online in	Summary tabled within 14 days of preparation if Parliament sitting, or within 14 days of next meeting of Parliament	Members of Parliament (Register of Interests) Act 1978; Members of Parliament (Register of	No	No referral to Ethics Committee. However, both Houses have privileges committees

Review of the Pecuniary Interests Register
Comparative summary of select jurisdictions

<i>scheme has not been passed.]</i>		soon as practicable.	only be disclosed if it is a 'significant contribution'. However, Bill would increase threshold to \$2,000 (gifts, income, beneficial interests and debts) and \$500 (contributions to travel).		material conflict. Also trusts of which the member is a trustee and where a family member has a beneficial interest.		tabled papers database	Changes tabled periodically	Interests) Regulation 2013		
SA	Primary return – within 30 days of taking seat Ordinary return – on or within 60 days of 30 June each year	Optional	Generally \$750 (for gifts, contributions to travel and certain property transactions.)	No	Yes, spouses, domestic partners, and children under 18 who reside with member. 'Person related to member' also includes trustees of family trust and family companies.	No. Members of public can inspect. However, Member can disclose information in a way that does not distinguish between own information and that of related persons	Word-processed PDF statement of info contained in returns published annually	Summary tabled within 14 days of preparation if Parliament sitting, or within 14 days of next meeting of Parliament	Members of Parliament (Register of Interests) Act 1983; Members of Parliament (Register of Interests) Regulation 2008	No	No
Tas	Primary return – within 3 months of taking oath Ordinary return – before 1 October each year	Optional	Generally \$500 (gifts, debt, income) and \$250 (contributions to travel).	No	Bill recently passed to require disclosure of interests of spouses	Register available for inspection during business hours. However, before publishing the Clerk can omit information that may unreasonably compromise the privacy or safety of any person.	Act now allows for online publication of register.	Register tabled within 21 sitting days after last day for lodgement.	Parliamentary (Disclosure of Interests) Act 1996, recently amended by Parliamentary (Disclosure of Interests) Amendment Bill 2017. Parliamentary (Disclosure of Interests)	Integrity Commission – monitors compliance with register; Parliamentary Standards Commissioner – provides confidential advice	Both Houses have privileges committees

Review of the Pecuniary Interests Register
Comparative summary of select jurisdictions

									Regulation 2017.		
Cth	All members and senators must disclose interests within 28 days of taking oath or affirmation or new Parliament.	Yes – within 28 days (members) or 35 days (senators)	Generally \$300 (for sponsored travel or hospitality), \$300 (for gifts not from official sources) and \$7,500 (for assets). No threshold for liabilities. ‘Substantial’ sources of income to be disclosed.	No	Yes, members required to disclose interests of spouses and dependent children, senators also disclose interests of partners.	Yes and no. No express requirement that House of Representatives register is confidential – available for inspection on conditions to be laid down by relevant Committee. In Senate, interests of related persons in separate part of register and are generally confidential to Committee	Scanned PDFs published online, weekly updates as required. Senate currently investigating real-time disclosure application where senators could complete forms online before they are published	House of Representatives – as soon as possible after commencement of Parliament; Senate – as soon as practicable after receipt, changes tabled every 6 months.	Registration of Members’ Interests: Requirements of House of Representatives, resolution adopted 4 Oct 1984; Registration and declaration of senators’ interests: resolutions of Senate relating to registration and declaration of senators’ interests and receipt of gifts	No	Yes. House of Representatives Standing Committee of Privileges and Members’ Interests; Senate Standing Committee of Privileges; Senate Standing Committee on Senators’ Interests
Canada	House of Commons and Senate have similar process. New members and senators provide confidential statement of interests. Summary prepared, member has 60 days to review, sign and lodge.	Yes – within 30 (Senate) or 60 days (House of Commons) of material change.	\$1,000 (income), \$10,000 (revenue, liabilities and assets), any trust income which member has derived or may expect to derive, directly or indirectly, within next year.	No	Yes, spouses, partners and dependent children	Statements of private interests confidential. Summaries then exclude certain information, including if a departure from principle of public disclosure is justified in circumstances	Summaries published online, frequency unclear	Unclear if express requirement to table	Parliament of Canada Act; Conflict of Interest Act; Conflict of Interest Code for Members of the House of Commons; Ethics and Conflict of Interest Code for Senators	Yes, Conflict of Interest and Ethics Commissioner and Senate Ethics Officer	Yes, Standing Committee on Procedure and House Affairs; Standing Committee on Access to Information, Privacy and Ethics; Committee on Ethics and Conflicts of Interests for Senators.

Review of the Pecuniary Interests Register
Comparative summary of select jurisdictions

	Annual confirmation that information is correct										
UK	Within one month of election	Yes, within 28 days	House of Commons sets various monetary thresholds ranging from £100 (for employment income) , £300 (gifts, benefits and contributions to travel), £10,000 (annual rental income), £70,000 (shareholdings), £100,000 (total land and property value). House of Lords do not appear to impose thresholds.	No	No	Unclear, however private addresses appear not to be disclosed	Word-processed PDF version of returns published as single document. Updated fortnightly when Parliament is sitting, less frequently otherwise	Unclear	House of Commons – Code of Conduct; Standing Orders Public Business 2017; Code of Conduct for Members of the House of Lords	Yes, Parliamentary Commissioner for Standards (House of Commons) and Commissioner for Standards (House of Lords)	Yes, Committee for Standards (House of Commons) and Sub-Committee on Lords' Conduct (House of Lords)
NZ	Initial return – within 90 days of oath or affirmation. Ordinary return – annually by 31 January	No	\$500 (gifts), \$500 (debts owed by member but paid by someone else) and \$50,000 (for debts owed to member).	No	No	Yes, register expressly confidential and only summary published online	Fair and accurate summary to be published online within 90 days of due date	Within 90 days of due date, registrar provides summary of returns to Speaker, who then provides a House of Representatives	Standing Orders of the House of Representatives	Yes, Auditor-General reviews returns and Deputy Clerk can undertake inquiries and report to House	No

Appendix Three – Extracts from minutes

MINUTES OF MEETING No. 5

2:00pm, Monday 8 August 2016

Room 1254, Parliament House

Members Present

Mr Mark Coure MP (Chair), Mr Jai Rowell MP (Deputy Chair), Mr Kevin Conolly MP, Mr Ron Hoenig MP, Mr Greg Aplin MP

Officers in Attendance

Ms Ronda Miller, Clerk of the Legislative Assembly, Ms Helen Minnican, Deputy Clerk of the Legislative Assembly, Mr Jonathan Elliott, Director, Procedural Research and Training, Ms Rickee Murray, Parliamentary Officer

Meeting opened at 2:00pm.

1. Apologies

Mr Adam Marshall MP

Resolved, on the motion of Mr Kevin Conolly, seconded by Mr Greg Aplin: That the apologies be accepted.

...

3. Presiding Officers' correspondence

The Chair drew Members' attention to the correspondence from the Presiding Officers to the Premier regarding recommendations contained in *Report 2/55 of the Standing Committee on Parliamentary Privilege and Ethics* and *Report No. 70 of the Legislative Council Privileges Committee*, dated 21 June 2016, discussion ensued.

Resolved, on the motion of Mr Kevin Conolly, seconded by Mr Jai Rowell: That the Committee expands its current review of the Code of Conduct to include consideration of those matters raised by the Presiding Officers in their correspondence expands its current review of the Code of Conduct to include consideration of those matters raised by the Presiding Officers in their correspondence to the Premier of 21 June 2016.

The Chair directed the secretariat to prepare briefing papers on those matters for the Committee's consideration at future meetings.

...

MINUTES OF MEETING No. 20

12:00pm, Wednesday 23 May 2018

Room 1254, Parliament House

Members present:

Mr Mark Taylor MP (Chair), Mr Kevin Conolly MP, Mr Ron Hoenig MP, Mr Damien Tudehope MP, Mr Greg Aplin MP

Officers in attendance:

Ms Carly Maxwell, A/Clerk-Assistant, Table, Mr Jonathan Elliott, Director, Committees, Ms Rickee Murray, Parliamentary Officer

Chair opened meeting at 12:09pm

1. Apologies

Mr Michael Johnsen MP (Deputy Chair).

...

5. General Business

The A/Clerk-Assistant Table advised the Committee that a paper on the Members' pecuniary interest register and relevant regulations was being drafted for consideration at a future meeting.

...

MINUTES OF MEETING No. 21

12:15pm, Wednesday 20 June 2018

Room 1254, Parliament House

Members present:

Mr Mark Taylor MP (Chair), Mr Kevin Conolly MP, Mr Ron Hoenig MP, Mr Damien Tudehope MP

Officers in attendance:

Ms Carly Maxwell, A/Clerk-Assistant, Table, Mr Jonathan Elliott, Director, Committees, Ms Stephanie Mulvey, Research Officer, Ms Rickee Murray, Parliamentary Officer

Chair opened meeting at 12:16pm

1. Apologies

Mr Michael Johnsen MP (Deputy Chair) and Mr Greg Aplin MP.

...

4. Members' pecuniary interest register

The Chair distributed a paper that had been prepared on the Members' pecuniary interest register and relevant regulations for the Committee's consideration.

Discussion ensued.

Committee secretariat to circulate an electronic copy of the draft discussion paper and proposed reporting timetable for Members' consideration.

To be considered further at the next Committee meeting.

...

MINUTES OF MEETING No. 22

12:00pm, Thursday 9 August 2018

Room 1254, Parliament House

Members present:

Mr Mark Taylor MP (Chair), Mr Michael Johnsen (Deputy Chair), Mr Kevin Conolly MP, Mr Ron Hoenig MP, Mr Damien Tudehope MP, Mr Greg Aplin MP

Officers in attendance:

Ms Helen Minnican, Clerk of the Legislative Assembly, Ms Carly Maxwell, A/Clerk-Assistant, Table, Mr Jonathan Elliott, Director, Committees, Ms Stephanie Mulvey, Research Officer, Ms Rickee Murray, Parliamentary Officer

Chair opened meeting at 12:02pm

1. Apologies

None received.

...

5. Members' pecuniary interest register

The Chair noted that a paper had been prepared and circulated at the last meeting on the Members' pecuniary interest register and relevant regulations for the Committee's consideration. A draft timetable for the inquiry was sent to members on 27 June for consideration.

The Chair noted that comments on the paper had been received from Mr Greg Aplin and My Kevin Conolly.

Discussion ensued.

The Committee agreed to call for submissions and write to stakeholders. Committee staff agreed to draft a letter calling for submissions and a stakeholder list for the next Committee meeting.

...

MINUTES OF MEETING No. 23

12:00pm, Thursday 16 August 2018

Room 1254, Parliament House

Members present:

Mr Mark Taylor MP (Chair), Mr Michael Johnsen (Deputy Chair), Mr Kevin Conolly MP, Mr Ron Hoenig MP, Mr Greg Aplin MP

Officers in attendance:

Mr Jonathan Elliott, Director, Committees, Ms Stephanie Mulvey, Research Officer, Ms Rickee Murray, Parliamentary Officer

Chair opened meeting at 12:03pm

1. Apologies

Mr Damien Tudehope MP.

...

3. Review of the *Constitution (Disclosures by Members) Regulation 1983*

The Chair noted that, as agreed to at the last meeting, the secretariat had prepared a draft letter and a list of proposed stakeholders for the Committee's consideration.

Resolved, on the motion of Mr Kevin Conolly, seconded by Mr Ron Hoenig: that the Committee call for submissions to be received by 14 September 2018 and write to stakeholders on the targeted list requesting submissions.

...

MINUTES OF MEETING No. 24

12:00pm, Thursday 20 September 2018

Room 1254, Parliament House

Members present:

Mr Mark Taylor MP (Chair), Mr Michael Johnsen (Deputy Chair), Mr Kevin Conolly MP, Mr Ron Hoenig MP, Mr Damien Tudehope MP, Mr Greg Aplin MP

Officers in attendance:

Ms Helen Minnican, Clerk of the Legislative Assembly, Ms Carly Maxwell, Director, Procedural Research and Protocol, Mr Jonathan Elliott, Director, Table and Chamber Services, Ms Stephanie Mulvey, Research Officer, Ms Rickee Murray, Parliamentary Officer

Chair opened meeting at 12:17pm

1. Apologies

None received.

...

3. Correspondence

The Chair noted that a copy of correspondence from DPC to the LC Privileges Committee had been received in relation to their inquiry into the Code of Conduct and pecuniary interests disclosure regime for Members of Parliament.

Resolved, on the motion of Mr Michael Johnsen, seconded by Mr Kevin Conolly: that the Committee notes the correspondence.

The Chair advised Members that correspondence from The Hon. Lynda Voltz MLC in relation to the review of the *Constitution (Disclosures by Members) Regulation 1983* had been received.

Resolved, on the motion of Mr Damien Tudehope, seconded by Mr Greg Aplin: that the Committee respond to The Hon. Lynda Voltz MLC advising that the submission is outside of the terms of reference.

2. Review of the *Constitution (Disclosures by Members) Regulation 1983*

The Chair noted that the Committee had received 7 submissions and all had been distributed to Members in their meeting papers.

Resolved, on the motion of Mr Kevin Conolly, seconded by Mr Ron Hoenig: that the Committee publish submissions 2–7 on the Committee's website.

The Chair advised Members that correspondence had been received regarding submission 1, requesting that the name of the submission maker, along with identifying information, not be published.

Resolved, on the motion of Mr Michael Johnsen, seconded by Mr Greg Aplin: that the Committee publish submission 1 on the Committee's website, excluding the name and identifying information of the submission maker.

The Chair advised Members that it is expected there will be some late submissions to the inquiry and that the Committee may wish to consider whether to extend the submission period until Friday 5 October 2018.

Resolved, on the motion of Mr Ron Hoenig, seconded by Mr Damien Tudehope: that the Committee extend the call for submissions until 5 October 2018.

The Chair proposed that the Committee consider whether to hold a public hearing and/or conduct private briefings to gather further evidence. The Committee requested that the secretariat explore options to hold a public hearing for half a day in late October 2018.

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MINUTES OF MEETING No. 25

1:00pm, Thursday 27 September 2018

Room 813, Parliament House

Members present:

Mr Michael Johnsen (Deputy Chair), Mr Kevin Conolly MP, Mr Damien Tudehope MP, Mr Greg Aplin MP, Mr Jai Rowell MP

Officers in attendance:

Mr Jonathan Elliott, Director, Table and Chamber Services, Ms Rickee Murray, Parliamentary Officer

The Chair having been discharged, the Deputy Chair opened meeting at 1:08pm.

1. Apologies

Mr Ron Hoenig MP.

3. Committee membership

The Deputy Chair reported a change in membership of the Committee as recorded in the *Votes and Proceedings*, no. 192 Thursday 20 September 2018, entry 27.

Mr Jai Rowell appointed to the Committee in place of Mr Mark Taylor discharged.

4. Election of Chair

There being a consequential vacancy in the office of Chair of the Committee, in accordance with Standing Order 282, the Deputy Chair sought nominations for the office of Chair.

Resolved, on the motion of Mr Greg Aplin, seconded by Mr Damien Tudehope: that Mr Jai Rowell be elected Chair of the Committee.

Members noted their thanks to the recently discharged Chair, Mr Mark Taylor for his contribution to the work of the Committee.

...

CONFIRMED MINUTES OF MEETING No. 26

10:00am, Monday 12 November 2018

Room 1254, Parliament House

Members present:

Mr Jai Rowell MP (Chair), Mr Michael Johnsen (Deputy Chair), Mr Kevin Conolly MP, Mr Damien Tudehope MP

Officers in attendance:

Ms Helen Minnican, Clerk of the Legislative Assembly, Mr Jonathan Elliott, Director, Table and Chamber Services, Ms Stephanie Mulvey, Research Officer, Ms Rickee Murray, Parliamentary Officer

Chair opened meeting at 10:03am.

1. Apologies

Mr Greg Aplin MP and Mr Ron Hoenig MP.

...

3. Correspondence

The Chair noted correspondence received from the Legislative Council Privileges Committee in relation to the Review of the *Constitution (Disclosures by Members) Regulation 1983*.

Resolved, on the motion of Mr Michael Johnsen, seconded by Mr Kevin Conolly: that the correspondence from the Legislative Council Privileges Committee be noted.

4. Review of the *Constitution (Disclosures by Members) Regulation 1983*

The Chair noted that a further submission had been received and distributed to Members in their meeting papers.

Resolved, on the motion of Mr Michael Johnsen, seconded by Mr Damien Tudehope: that the Committee publish submission 8 on the Committee's website.

The Committee Secretariat to update the inquiry timeline and circulate to Members for their consideration.

...

UNCONFIRMED MINUTES OF MEETING No. 27

12:00pm, Wednesday 21 November 2018

Room 1254, Parliament House

Members present:

Mr Jai Rowell MP (Chair), Mr Michael Johnsen (Deputy Chair), Mr Kevin Conolly MP, Mr Damien Tudehope MP, Mr Greg Aplin MP, Mr Ron Hoenig MP

Officers in attendance:

Ms Helen Minnican, Clerk of the Legislative Assembly, Ms Carly Maxwell, Director, Procedural Research and Protocol, Ms Stephanie Mulvey, Research Officer, Ms Rickee Murray, Parliamentary Officer

Chair opened meeting at 12:07pm.

1. Apologies

None received.

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3. Review of the Pecuniary Interests Register

The Chair noted that the report on the Pecuniary Interests Register had been previously circulated.

Resolved, on the motion of Mr Ron Hoenig, seconded Mr Tudehope, that the following recommendation be inserted after Recommendation 1:

'Recommendation 2

That the Committee be consulted on the review and a draft Regulation be provided to the Committee for comment.'

Resolved, on the motion of Mr Michael Johnsen, seconded by Mr Ron Hoenig:

- That the draft report be adopted by the Committee and that it be signed by the Chair and presented to the House;
- That the Committee staff be permitted to correct stylistic, typographical and grammatical errors; and
- That, once tabled, the report be published on the Committee's webpage.

...