

**Submission
No 2**

**REVIEW OF THE CONSTITUTION (DISCLOSURES BY MEMBERS)
REGULATION 1983**

Organisation: House of Representatives Standing Committee of Privileges and
Members' Interests

Date Received: 13 September 2018



PARLIAMENT *of* AUSTRALIA
HOUSE *of* REPRESENTATIVES

STANDING COMMITTEE OF PRIVILEGES AND MEMBERS' INTERESTS

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12 September 2018

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Chair
Standing Committee on Parliamentary Privilege and Ethics
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Dear Mr Taylor

Review of the Constitution (Disclosures by Members) Regulation 1983

Thank you for your email of 23 August 2018 seeking comments as part of your committee's inquiry into the pecuniary interests regime outlined in the Constitution (Disclosures by Members) Regulation 1983.

Rather than commenting on the NSW Parliament's pecuniary interests regime, I will outline for your committee's information the pecuniary interests regime in operation in the Australian House of Representatives.

The requirement for Members of the House of Representatives to register their interests is established by ongoing resolutions of the House, first adopted on 9 October 1984. The full text is reproduced as an attachment to the Standing Orders¹. The House requires each Member to record his or her financial and other interests in the publicly accessible Register of Members' Interests. Members are also required to declare the interests, of which they are aware, of their spouse and dependent children.

At the commencement of each Parliament, the Speaker appoints an employee of the Department of the House of Representatives (in recent years the Deputy Clerk) to be the Registrar of Members' Interests. The Registrar maintains the Register of Members' Interests and assists the Committee of Privileges and Members' Interests in relation to matters concerning Members' interests. Each Member must lodge their first statement with the Registrar within 28 days of making his or her oath or affirmation of allegiance. After this, Members must notify any alterations to the initial statement within 28 days of the alteration occurring.

¹ www.aph.gov.au/StandingOrders (see also *House of Representatives Practice*, 7th edn, pp. 151–3, www.aph.gov.au/practice)

The matters which Members are required to register are:

- shareholdings in public and private companies;
- family and business trusts and nominee companies, subject to certain conditions;
- real estate, including the location and the purpose for which it is owned;
- registered directorships of companies;
- partnerships, including the nature of the interests and the activities of the partnerships;
- liabilities, indicating the nature of the liability and the creditor concerned;
- the nature of any bonds, debentures and like investments;
- savings or investment accounts, indicating their nature and the name of the bank or other institution concerned;
- the nature of any other assets, excluding household and personal effects, each valued at over \$7500;
- the nature of any other substantial sources of income;
- gifts valued at more than \$750 from official sources or more than \$300 from other sources, provided that a gift from family members or personal friends in a purely personal capacity need not be registered unless the Member judges that an appearance of conflict of interest may be seen to exist;
- any sponsored travel or hospitality received where the value of the sponsored travel or hospitality exceeds \$300;
- Membership of any organisation where a conflict of interest with a Member's public duty could foreseeably arise or be seen to arise; and
- any other interests where a conflict of interest with a Member's public duties could foreseeably arise or be seen to arise.

The initial resolution of the House (in 1984) requiring registration of Members' interests specified lower monetary thresholds for declaration of assets, gifts and hospitality: \$5000 for assets, \$250 for gifts from official sources, \$100 for gifts from other sources and no minimum for sponsored hospitality. These thresholds have been increased through amendments to the resolution over the years and reached their current levels on 6 November 2003. The thresholds are not subject to indexing or any other form of automatic adjustment.

The Register of Members' Interests is publicly available online (<http://www.apf.gov.au/register>). Also, the Chair of the Committee of Privileges and Members' Interests tables the statements of Members' interests at the beginning of the Parliament and presents periodic updates as the Parliament proceeds.

I trust this information is of use to your committee in conducting its inquiry. Please don't hesitate to seek any further detail about our Members' interests regime and related processes through the committee's secretariat should you require it.

Yours sincerely



ROSS VASTA MP
Chair