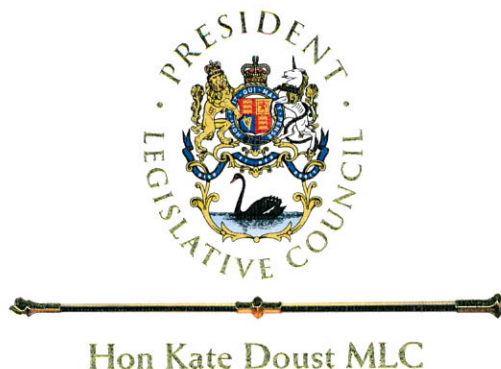


**REVIEW OF THE CONSTITUTION (DISCLOSURES BY MEMBERS)  
REGULATION 1983**

**Organisation:** Legislative Council, Western Australia

**Date Received:** 13 September 2018



13 September 2018

Mr Mark Taylor MP  
Committee Chair  
Committee on Parliamentary Privilege and Ethics  
Legislative Assembly of New South Wales  
Parliament House  
Macquarie Street  
SYDNEY NSW 2000

Dear Mr Taylor

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

Thank you for your email, dated 23 August 2018, inviting a submission to your committee's inquiry into the pecuniary interests regime in your jurisdiction.

The Legislative Council of Western Australia's scheme for disclosure of members' financial interests was established by the *Members of Parliament (Financial Interests) Act 1992*. The Act requires disclosure of certain interests without requiring any judgement about the interests or potential conflicts between them and a member's responsibilities as a member.

**Method and Scheme of Disclosure in Western Australia**

The Act requires members to lodge returns with the Clerk of the House of which they are a member. It is only the source or nature of financial interests that is to be disclosed, not their value or amount, although in certain cases, interests below a certain value do not have to be declared at all.

All newly elected members must make a primary return within 30 days from the date on which they are sworn in. Annual returns have to be lodged by 30 September in each year. The first of those annual returns covers the period between the day after a newly elected member was sworn in and the next succeeding 30 June. Second and subsequent annual returns apply to full years from 1 July to 30 June. Forms for the returns have been promulgated as regulations under the Act.

When the returns are delivered to the Clerk, they are incorporated in a register which is available for inspection at the office of the Clerk and a copy of any part of that register may be made. The initial information in the register was tabled in the House and published as a Parliamentary paper. Subsequent additions to the register are tabled and published annually.

If a member does not lodge a return, he or she is guilty of a contempt and the House may deal with the member accordingly. No punishment for contravening or failing to comply with any provision of the Act may be undertaken except by the House of Parliament to which the offending member has been elected.


The overall view is that the existing arrangements in the Legislative Council appear to function well. However, the inability to table corrections or amendments to the register during the following year is an area that if addressed would give the scheme greater utility.

For your Committee's further information, I have attached to this letter a copy of the following documents:

- Disclosure of Financial Interests — A Guide for Members of the Legislative Council;
- Primary Return Form; and
- Annual Return Form.

I trust that the information provided is of use to your Committee and I wish you well in your deliberations.

Yours sincerely



**Hon Kate Doust MLC**  
**President of the Legislative Council**



# Disclosure of Financial Interests

## A Guide for Members of the Legislative Council

### Introduction

An important matter for all members is how to deal with any conflict of interest between public duties and private interests, especially where financial interests are concerned.

The *Members of Parliament (Financial Interests) Act 1992* ('the Act') requires disclosure of a number of categories of financial interests. When introducing the Act in 1989, the then Premier stated that 'the disclosure of interests by members of Parliament is a desirable and necessary step to maintain public confidence that members are discharging their public duties without bias, and free of the influence of private interests or personal advantage. It will reinforce the well recognised principle that any conflict between public duty and private interests should preferably be avoided altogether, but, at very least, always declared'<sup>1</sup>.

Only the source or nature of the financial interest requires disclosure under the Act and not the actual value or amount. The disclosure requirements also relate to the financial interests of members only and the Act does not cover the interests of family members. While the Clerk and the Deputy Clerk will assist you in any way possible, **a declaration made under the Act represents a personal declaration for which you alone are responsible.**

#### QUICK REFERENCE

#### Page

How do I disclose my financial interests?....	1
What happens to my return? .....	2
What is the deadline for lodging a return? ...	2
What if I have nothing new to disclose? .....	2
What do I need to disclose?.....	2
Interests previously declared .....	6
What is the role of the Clerk? .....	6
Can I amend my return? .....	7
How do I amend my return? .....	7
What happens if I don't comply? .....	7
Interference with the Register .....	7
Restrictions on comment .....	8
Where can I get more information? .....	8
Glossary .....	9

### How do I disclose my financial interests?

You are required to lodge a return on the prescribed form (which will be provided to you by the Clerk) and returned to the Clerk.

#### PRIMARY RETURN (Form 1)

A primary return is the first return you lodge upon becoming a member.

Disclosures of the following financial interests are made in your primary return and refer to interests held **on the day** that you were sworn in:

- interests in real property;
- interests in trusts;
- interests and positions in corporations;
- positions in trade unions and professional or business associations; and
- debts for which you are liable.

Sources of income are also disclosed in your primary return; however this relates to income which you **reasonably expect to receive** in the period commencing on the first day after being sworn in, and ending on the next succeeding 30 June.

If there is insufficient space on the form to include all your details, an appropriately identified appendix can be attached and signed by the member.

#### ANNUAL RETURN (form 2)

##### First annual return

Your first annual return covers the period commencing on the day after being sworn in and ending on the next succeeding 30 June.

##### Ordinary annual return

The only difference between your first annual return and subsequent annual returns is the length of the 'return period'. While your first annual return will likely cover a return period of less than 12 months, your second and subsequent annual returns will cover the full 12 months of the financial year, being from 1 July to 30 June.

<sup>1</sup> Hon. Peter Dowding, Parliamentary Debates (*Hansard*), Legislative Assembly (31 August 1989), p1585.

The disclosure of financial interests in your annual return refers to interests held **at any time** during the return period.

## What is the deadline for lodging a return?

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You need to lodge a primary return with the Clerk within 30 days after being sworn in.

An annual return needs to be lodged with the Clerk by 30 September each year.

## What if I have nothing new to disclose?

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You must still lodge a return.

If there is nothing to be disclosed in a section, you should write 'NIL' on the form.

In an annual return, it is not necessary to disclose information that you have already disclosed in the previous return. If this is the case, you can write 'No Change' under the relevant section to avoid repeating information already provided.

## What happens to my return?

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Part IV of the Act requires the Clerk to compile and maintain a Register comprising the returns lodged by members.

The information contained within the Register is tabled in the House, within 14 sitting days after the last day for lodgement, under s.18 of the Act. Information subsequently added to the Register is tabled annually.

## Inspection of Register

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The Register is kept at the office of the Clerk and is open to inspection by any person between 10 am and 4 pm on any day except Saturday, Sunday or a public holiday. Members may also inspect the Register at any time when the House is sitting. A person inspecting the Register may take a copy of any part of the Register.

## What do I need to disclose?

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The information that needs to be disclosed is detailed in Part III of the Act. The form is divided into 11 questions. The categories of interests can be summarised as follows:

### 1. REAL PROPERTY (s.6)

**What is it?** Real property in general refers to land, dwellings, and rights over land. An 'interest' in real property is defined by the Act as being 'any estate, interest, right or power whatever, whether at law or in equity, in or over real property' (s.6(3)).

**What does the Act say needs to be disclosed?** The requirements under s.6(1) may be summarised as follows:

- **The address of each parcel of real property** being the postal address of the property **OR** title particulars; and
- **The nature of the interest in each parcel of real property** for example, 'owner' or 'part owner'.

You do not need to disclose an interest in real property (s.6(2)) if:

- you are the executor or administrator of a deceased estate and you are not a beneficiary under the will or intestacy;
- you are a trustee and the interest was acquired in the ordinary course of an occupation not related to your duties as a member;
- the interest is by way of security for a debt.

### 2. SOURCES OF INCOME (s.7)

**What is meant by 'income'?** Income refers to assessable income within the meaning of the *Income Tax Assessment Act 1936* (Commonwealth). Simply put, if you have to declare it in your tax return, income exceeding \$500 must be disclosed in your financial interest return. This **does not** include your salary and allowances paid to you as a member. If in doubt about what constitutes 'assessable income', refer to the *Income Tax Assessment Act* or seek professional advice.



**What does the Act say needs to be disclosed?** The requirements under s.7(2) may be summarised as follows:

- **Income derived from a trade, profession or vocation**
  - a description of the trade, profession or vocation;
  - name and address of your employer or, if you are the holder of an office, a description of that office; and
  - the name of any partnership you have entered into.
- **Income from a trust**
  - the name and address of the settlor and trustee.
- **Any other income**
  - a description sufficient to identify the person from whom, or circumstances in which, income is derived.

You do not need to disclose income from a particular source if it is less than \$500 in the relevant period (s.7(3)).

### 3. TRUSTS (s.8)

**What is a trust?** In broad terms, a trust involves property held and managed by one party (the trustee) for the benefit of another (the beneficiary). A settlor is the original legal owner who creates a trust and establishes the terms and conditions upon which the trust is to be administered by the new legal owner, the trustee.

**What does the Act say needs to be disclosed?** The following information is required under s.8:

- **The name and address of the settlor;** and
- **The name and address of the trustee.**

This applies if you are the beneficiary of any trust **or** if you are the trustee or entitled to receive property under any discretionary trust. A discretionary trust is one where the trustee has discretion to manage the trust property as he or she sees fit for the benefit of the beneficiary.

You do not need to disclose an interest in a trust if you have already done so under s.7

(Sources of Income). You should only make a disclosure under s.7 if you have received income from a trust, otherwise disclosure of information relating to trusts should be made in this section.

### 4. GIFTS (s.9)

**What constitutes a gift?** In broad terms, a gift is a financial benefit or property received which you have not fully paid for. A 'gift' is defined by the Act (s.9(4)) as being 'any disposition of property, or the conferral of any other financial benefit, made by one person in favour of another otherwise than by will (whether with or without an instrument in writing), without consideration in money or money's worth passing from the person in whose favour it is made to the other, or with such consideration so passing if the consideration is not fully adequate, but does not include any financial or other contribution to travel'.

**What does the Act say needs to be disclosed?** The following information is required under s.9(1):

- **A description of each gift received;** and
- **The name and address of the person who gave each gift.**

If you received gifts from 2 or more related bodies corporate<sup>2</sup> you should disclose this information as if the gifts had been given by a single corporation (s.3(4)).

Please also note that in 2016 the Commonwealth Parliamentary Association, Western Australian Branch, received advice from the Attorney General that members must disclose as a gift any honorariums paid to WA branch members by a host branch or the international CPA entity for providing voluntary services at a CPA sponsored event, for example when acting as a CPA resource person.

You do not need to disclose a gift (s.9(2)) if:

- the amount<sup>3</sup> of the gift or combined amount of 2 or more gifts received from

<sup>2</sup> 'Related bodies corporate' is defined in the Glossary of this guide.  
<sup>3</sup> The 'amount' of a gift as it refers to property other than money, or to financial benefit is deemed to be an amount equal to the value of the property or financial benefit (s.9(3)).



the same person during the return period is less than \$500; or

- the donor was a relative<sup>4</sup>.

## 5. CONTRIBUTIONS TO TRAVEL (s.10)

**What are contributions to travel?** Examples are air travel upgrades, free or subsidised accommodation and familiarisation tours you haven't paid for. The Act refers to 'any financial or other contribution to any travel undertaken by the member at any time during the return period' (s.10(1)). Travel also includes accommodation incidental to a journey (s.10(3)).

### What does the Act say needs to be disclosed?

Under s.10(1), you are required to disclose the **name and address** of each person who made a contribution.

If you received contributions to travel from 2 or more related bodies corporate you should disclose this information as if the contributions had been made by a single corporation (s.3(4)).

You do not need to disclose a contribution to travel (s.10(2)) if the contribution was made:

- from public funds;
- by a relative;
- in the ordinary course of your trade, profession or vocation provided this is not related to your duties as a member;
- by a political party<sup>5</sup> of which you are a member for travel undertaken in order to carry out the political activities of the party or to represent the party;
- or
- if the amount<sup>6</sup> of the contribution or combined amount from 2 or more contributions received from the same person during the return period is less than \$500.

Please also note that in 2016 the Commonwealth Parliamentary Association, Western Australian Branch, received advice from the Attorney General that Members must disclose airfare and accommodation (including meals and incidentals) contributions paid for by

a host CPA branch (other than the WA branch), or the international CPA entity where this contribution is made directly by the host branch, the international CPA entity or a third party.

## 6. INTERESTS AND POSITIONS IN CORPORATIONS (s.11)

**What is meant by 'interest'?** An interest means a relevant interest in any securities issued or made available by the corporation<sup>7</sup> (s.11(2)). The Act adopts the meanings of 'relevant interest' and 'securities' as given by the *Corporations Act 2001* (Commonwealth). **As at April 2006**, under s.92 of this legislation, 'securities' when used in relation to a body (such as a body corporate) means shares, debentures, interests in a managed investment scheme, and units of shares.

The basic rule for having a 'relevant interest' is defined as **holding or controlling voting or disposal of securities**. Under s.608 of the *Corporations Act*, a person has a relevant interest in securities if they hold securities, have the power to exercise or control the exercise of a right to vote attached to the securities, or have the power to or control the exercise of a power to dispose of the securities.

A person has a relevant interest in securities held through any body corporate in which the person's **voting power is above 20% or the person controls the body corporate** (s.608(3)). Control of the body corporate means the person has the capacity to determine the outcome of decisions about the body corporate's financial and operating policies (s.608(4)). The *Corporations Act*, and in particular s.608 and s.609 (the latter details situations which do not qualify as relevant interests) provides an understanding of interests in relation to corporations and you are advised to refer directly to this legislation should you require more information. If in any doubt on this matter, it is suggested you seek professional advice.

**What does the Act say needs to be disclosed?** The requirements under s.11(1) may be summarised as follows:

<sup>4</sup> 'Relative' is defined in the Glossary of this guide.

<sup>5</sup> 'Political party' is defined in the Glossary of this guide.

<sup>6</sup> The 'amount' of a contribution (other than a financial contribution) is deemed to be an amount equal to the value of the contribution (s.10(2)(d)).

<sup>7</sup> 'Corporation' is defined in the Glossary of this guide.

<sup>8</sup> 'Address' in relation to a corporation is defined in the Glossary.

<sup>9</sup> As at April 2006, a prescribed financial market means a financial market listed in Regulation 7.1.01 of the *Corporations Regulations 2001*.



- **The name and address<sup>8</sup> of each corporation** you were a member of, or in which you otherwise had an interest, or held any position (whether remunerated or not);
- **The nature of the interest or a description of the position held** in each corporation;
- **A description of the principal business of each corporation**, unless the corporation has shares quoted on a prescribed financial market<sup>9</sup> in Australia.

Note that bodies incorporated under the *Associations Incorporation Act 1987* are **not** covered by this disclosure requirement.

## 7. POSITIONS IN TRADE UNIONS AND PROFESSIONAL OR BUSINESS ASSOCIATIONS (s.12)

**What does association mean?** The Act defines a professional or business association as 'a body or organisation, whether incorporated or unincorporated, having as one of its objects or activities the **promotion of the economic interests of its members** in any occupation' (s.12(2)).

**What does the Act say needs to be disclosed?** The requirements under s.12(1) may be summarised as follows:

- **The name** of each trade union and each professional or business association in which you held any position (whether remunerated or not);
- **A description of the position held.**

It should be noted that 'position' includes being a member of the association.

## 8. DEBTS (s.13)

**What are debts?** In general, a debt refers to liability to repay a loan of money, or to pay for the supply of goods or services irrespective of when the repayment is due. It doesn't include debts to banks or to certain others whose ordinary business is to lend money.

**What does the Act say needs to be disclosed?**

- Under s.13(1) you are required to disclose the **name and address** of each person to whom you are liable to pay any debt.
- A liability to pay a debt needs to be disclosed whether or not the amount or any part of the amount to be paid was due and payable on the day on which you were sworn in (in the case of a declaration made in a primary return) or **at any time** during the return period (in the case of an annual return) (s.13(2)).

If you received a loan or goods or services from 2 or more related bodies corporate you should disclose this information as if the loans had been made, or the goods or services had been supplied, by a single corporation (s.3(4)).

You do not need to disclose a liability to pay a debt (s.13(3)) if:

- the amount of the debt or combined amount of 2 or more debts to be paid to the same person was less than \$500 during the relevant period;
- the debt was to a relative;
- the debt arises from a loan of money and you are liable to repay the debt to an authorised deposit-taking institution (within the meaning given to it under s.5 of the *Banking Act 1959* (Commonwealth)) or other person whose ordinary business is to lend money and the loan was made in the ordinary course of business of the lender;
- the debt arises from the supply of goods or services supplied within the 18 months immediately preceding the day on which you were sworn in (in the case of a declaration made in a primary return) or were supplied during the return period (in the case of an annual return); or
- the debt arises from the supply of goods or services supplied in the ordinary course of your trade, profession or vocation, provided this is not related to your duties as a member.

## 9. DISPOSITION OF PROPERTY (s.14)

**What dispositions are included?** In relation to **real property**, in broad terms a declaration is required if you have disposed of property during the return period **and** you have the right to continue using, or benefiting from, the property or reacquire the property. In relation to **other property**, you must make a declaration if you have obtained a use or



benefit of property as a result of a disposition carried out under your arrangements.

More specifically, the Act defines the disposition of property as meaning 'any conveyance, transfer, assignment, settlement, delivery, payment or other alienation of property and includes -

- the allotment of shares in a company;
- the creation of a trust in respect of property;
- the grant or creation of any lease, mortgage, charge, easement, licence, power, partnership or interest in respect of property;
- the release, discharge, surrender, forfeiture or abandonment, at law or in equity, of any debt, contract or chose in action, or of any interest in respect of property;
- the exercise by a person of a general power of appointment over property in favour of any other person; and
- any transaction entered into by any person with intent thereby to diminish, directly or indirectly, the value of his own property and to increase the value of the property of another person' (s.14 (3)).

**What does the Act say needs to be disclosed?** The requirements under s.14 may be summarised as follows:

➤ **Particulars of each disposition of real property** whereby you have retained, either wholly or in part, the use and benefit of the property or the right to reacquire the property at a later time;

➤ **Particulars of each disposition of property to a person by any other person made under your arrangements**, whereby you obtained, either wholly or in part, the use and benefit of the property.

#### **EXAMPLE - How do I disclose the sale of a house in my annual return?**

As the Act requires you to disclose interests in real property that you had at any time during the return period, the fact that you owned a house at some time during the year needs to be disclosed under s.6 ('Real Property'). Even if you sold the house before the end of the financial year, you would record the details of

the property in your annual return as required under s.6.

In your subsequent annual return covering the next financial year, you would simply leave out the details of the house as you no longer have the interest. If you wished, you could also make a discretionary disclosure under s.15 to note that you no longer have an interest in the property because it had been sold.

If you did not retain an interest in the property after the sale you **do not** record it under 'Dispositions of Property'.

## **10. DISCRETIONARY DISCLOSURES GENERALLY**

The Act enables discretionary disclosures to be made in both primary and annual returns.

### **What does the Act say may be disclosed?**

Under s.15 of the Act, you may disclose any **direct or indirect benefits, advantages or liabilities, whether pecuniary or not**, which do not require disclosure under any other section of the Act, and which you consider might appear to raise a conflict between your private interests and public duty, or which you otherwise desire to disclose.

Common examples of discretionary disclosures may be details of tickets to sporting events or concerts that have been provided to you free of charge and where you are not certain of their value.

### **Do I have to declare interests that I declared in previous years?**

No. Under the Act, you are not required to include any information in an annual return that has already been disclosed in a previous return (s.4(3)). In these circumstances, you can just write 'No Change' under the relevant section of the form, provided nothing else has changed in that category.



## What is the role of the Clerk?

The Clerk<sup>810</sup> is responsible for compiling and maintaining a 'Register of Members' Financial Interests' ('the Register'), making the Register available for inspection and ensuring the tabling in the House of information from the Register. The Clerk and the Deputy Clerk may also assist by providing advice on any aspect of the **procedure** for disclosing financial interests.

## Can I amend my return?

While the Act does not make specific provision for amending returns, the Clerk takes the view that members should not be precluded from correcting or amending information provided in a return.

In providing a procedure for amending or adding to information in a return, the following points have been taken into consideration:

- The Register is an official statutory record;
- If you become aware of errors or omissions in any of your returns you should be entitled to correct the information as soon as possible;
- The integrity of the Register must be maintained and any intended modifications to returns should be forwarded to the Clerk, who is responsible for the Register.
- The member should write to the Clerk, outlining the change. The letter will be attached to the register.

## How do I amend my return?

- If, **PRIOR TO 30 SEPTEMBER**, you have already lodged your annual return for the immediate past return period and become aware of an error or omission and wish to amend the return, you may ask the Clerk either to substitute a fresh return form from you, or give you access to the Register to enable you to amend and initial your existing return.
- If, **AFTER 30 SEPTEMBER**, you have lodged your annual return and you become aware of an error or omission and wish to amend the return, write a letter to the Clerk stating which information is incorrect and what the correct information is. That letter will be added to your last existing annual

return and if necessary a note referring to your letter will be placed with previous returns.

## What happens if I don't comply with the Act?

In s.20, the Act states:

'A Member of either House who wilfully contravenes or fails to comply with section 4(1) is guilty of a contempt of the House of which he is a Member, and that House may deal with him accordingly'.

Section 4(1) requires lodgement of an initial primary return and subsequent annual returns.

A contravention or failure to comply with any provision of the Act is only dealt with by the Legislative Council and not by any outside court or body.

## Interference with the Register

If a member interferes with the Register this may constitute, depending on the circumstances, a **contempt of Parliament**.

Also, it is considered that in some circumstances an interference with the Register could potentially be interpreted as '**misconduct**' under the *Corruption, Crime and Misconduct Act 2003*.

## Restrictions on comment

In s.19, the Act states:

- '(1) Notwithstanding any other law, a Member shall not publish in the course of the proceedings of Parliament -
  - (a) any information derived from a register unless that information -
    - (i) constitutes a fair and accurate report or summary of information contained in the register; and
    - (ii) is published in good faith;
  - or
  - (b) any comment on the facts set forth in a register unless that comment -
    - (i) is fair; and
    - (ii) is published in good faith.

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<sup>10</sup>References to 'the Clerk' in this document refer to the Clerk of the Legislative Council



- (2) A Member who publishes, in the course of the proceedings of Parliament, any information or a comment in contravention of subsection (1), is guilty of a contempt of Parliament and the House of which he is a Member may deal with him accordingly.'

## Where can I get more information?

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You are advised to refer directly to the provisions of the Act and seek professional advice if necessary regarding any specific queries you may have about your obligations under the Act or how these relate to your particular circumstances. The Clerk can give you advice on **procedures** under the Act.

A copy of the Act can be obtained by contacting the Clerk, or the Legislative Council Administration Office.

**Should you have any queries with respect to this guide or any aspect of the procedure for disclosing financial interests, please contact:**

**Nigel Pratt**  
**Clerk of the Legislative Council**  
☐ 9222 7214  
**Email: [npratt@parliament.wa.gov.au](mailto:npratt@parliament.wa.gov.au)**

**Paul Grant**  
**Deputy Clerk of the Legislative Council**  
☐ 9222 7294  
**Email: [pgrant@parliament.wa.gov.au](mailto:pgrant@parliament.wa.gov.au)**

This Members Guide has been prepared by the Office of the Clerk of the Legislative Council and the information is correct as at July 2016.

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## Glossary

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Unless otherwise stated, the following definitions are as at June 2014, and as per s.3(1) of the Act.

### address

- in relation to a person other than a corporation, the last residential or business address of the person known to the member disclosing the address;
- in relation to a corporation, the address of the registered office or principal place of business of the corporation in the State or, where there is no such office or place, the address of the principal office or place of business of the corporation in the place in which it is incorporated or taken to be registered; or
- in relation to any real property, the postal address of the property or the particulars of title of the property.

### corporation

any body corporate, whether formed or incorporated within or outside the State, and includes any 'company' or 'foreign company' (as those terms are defined in the *Corporations Act 2001* (Commonwealth)) but does not include:

- a body corporate that is incorporated within Australia or an external Territory and is a public authority or an instrumentality or agency of the Crown;
- a corporation sole;
- a society registered under the *Cooperative and Provident Societies Act 1903*; or
- an association, society, institution or body incorporated under the *Associations Incorporation Act 1987*.

### de facto partner

The reference in the definition of 'relative' to the de facto partner of the member or of any relative specified in that definition means a person who was, at the relevant time, living as a de facto partner of the member or relative and has been so living during the whole of the 2 years immediately preceding that time, and for the purposes of this subsection 'the relevant time' means the time when the member received the gift or contribution or, in the case of the liability to pay a debt, the time to which the return relates or the time of the commencement of the period to which the return relates, as the case may be (s.3(5)).

**political party**

a body or organisation, whether incorporated or unincorporated, having as one of its objects or activities the promotion of the election to the Parliament of this State of a candidate or candidates endorsed by it or by a body or organisation of which it forms part (s.10(3)).

**property**

includes money

**related bodies corporate**

as defined in the *Corporations Act 2001* (Commonwealth) (s.3(4)).

According to s.50 of the *Corporations Act*, "Where a body corporate is:

- (a) a holding company of another body corporate; or
- (b) a subsidiary of another body corporate; or
- (c) a subsidiary of a holding company of another body corporate;

the first-mentioned body and the other body are related to each other."

**relative**

in relation to any member, means any of the following -

- a parent, grandparent, brother, sister, uncle, aunt, nephew, niece, or lineal descendant of the member or of the member's spouse or de facto partner; or
- the spouse or de facto partner of the member or of any relative specified above.

and in deducing any relationship for the purposes of this definition-

- an adopted person shall be treated as the legitimate child of his adopters; and
- an illegitimate person shall be treated as the legitimate child of his parents.

**sworn in**

is a reference to the day on which a member takes and subscribes the oath, or makes the affirmation, required under section 22 of the *Constitution Act 1889* (s.3(2))



## Members of Parliament (Financial Interests) Act 1992

**PRIMARY RETURN****Directions**

- (1) Disclosures are required by the *Members of Parliament (Financial Interests) Act 1992*. Notes in parentheses and italics on this form are intended only as a guide.
- (2) Returns must be lodged within 30 days of the primary return date. The **primary return date** for newly elected members is the date on which they are sworn in.
- (3) All particulars are to be written in ink block letters or typed.
- (4) If space for particulars is insufficient, attach an appendix which is properly identified and signed by the member.
- (5) If there is nothing to be disclosed under a heading, place "NIL" in the appropriate space.

Disclosure of financial interests of \_\_\_\_\_ **MLA/MLC**

(full name of member)

as at \_\_\_\_\_  
(primary return date)

1. **INTERESTS IN REAL PROPERTY** on the primary return date (section 6)  
(*"interest" means any estate, interest, right or power whatever, whether at law or equity, in or over real property*)

Address	Nature of interest

2. **SOURCES OF INCOME** of more than \$500 per source reasonably expected to be received between the day after the primary return date and the next succeeding 30 June (section 7)  
(*"income" means assessable income within the meaning of the Income Tax Assessment Act 1936 (Commonwealth), but does not include remuneration payable under the Salaries and Allowances Act 1975*)

(a) **income from trade, profession or vocation**

Description of trade, profession or vocation	Name and address of employer or description of the office held	Partnership name, if applicable

(b) **income from a trust**

Name and address of settlor	Name and address of trustee

**(c) other income**

*(disclose person from whom, or circumstances in which, income was, or is reasonably expected to be, received)*

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**3. INTERESTS IN TRUSTS** on the primary return date (section 8)

*(trusts in which the member held a beneficial interest, or any discretionary trust of which the member was a trustee or object)*

Name and address of settlor	Name and address of trustee

**4. MEMBERSHIP OF AND INTERESTS AND POSITIONS IN CORPORATIONS** on the primary return date (section 11)

*("interest" means a relevant interest, as defined in the Corporations Act 2001 (Commonwealth), in any securities, as defined in the Corporations Act, issued or made available by the corporation)*

Name and address of corporation	Nature of interest or position held	Principal business if unlisted corporation



**5. POSITIONS IN TRADE UNIONS AND PROFESSIONAL OR BUSINESS ASSOCIATIONS** held on the primary return date (section 12)

*("professional or business association" means a body or organisation, whether incorporated or unincorporated, having as one of its objects or activities the promotion of the economic interests of its members in any occupation)*

Name of union or association	Position held

**6. DEBTS FOR WHICH LIABLE** on the primary return date (section 13)

*(excluding debts where the debt is \$500 or less in total owed to any one source; or the debt is payable to a relative; or the debt arises from a loan of money due to a person, including banks etc, whose ordinary business includes the lending of money and the loan was made in the ordinary course of that business; or if the debt arises from the supply of goods or services in the 18 months prior to the primary return date; or if the debt arises from the supply of goods or services in the ordinary course of the member's business not related to duties as a member)*

Name of lender	Address of lender

**7. DISCRETIONARY DISCLOSURES** (section 15)

*(at member's discretion, disclose benefits, advantages or liabilities not required to be disclosed and which may appear to the member to raise a conflict of interest between private interests and public duty as a member, or which the member desires to disclose)*

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(Signature of Member)

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(Date)

Name and address of settlor	Name and address of trustee



**(c) other income***(disclose person from whom or circumstances in which income was received)*


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**3. INTERESTS IN TRUSTS at any time during the return period***(trusts in which member held a beneficial interest, or any discretionary trust of which the member was a trustee or object) (section 8)*

Name and address of settlor	Name and address of trustee

**4. GIFTS RECEIVED during the return period***(excluding gifts to the value of \$500 or less in total from any one person during the period, or gifts from a relative) (section 9)*

Description of gift	Name and address of giver

**5. CONTRIBUTIONS TO TRAVEL RECEIVED***(financial or other contributions to travel undertaken during the return period -****including** contributions to accommodation incidental to a journey;****excluding** contributions of \$500 or less in total from any one source, **or** from public funds, **or** from a relative, **or** made in the ordinary course of the member's business not related to duties as a member, **or** from the member's political party for the political activity or representation of the party) (section 10)*

Name of contributor	Address of contributor

**6. MEMBERSHIP OF AND INTERESTS AND POSITIONS IN CORPORATIONS at any time during the return period**

*("interest" means a relevant interest, as defined in the Corporations Law, in any securities, as defined in the Corporations Law, issued or made available by the corporation) (section 11)*

Name and address of corporation	Nature of interest or position held	Principal business if unlisted corporation

**7. POSITIONS IN TRADE UNIONS AND PROFESSIONAL OR BUSINESS ASSOCIATIONS held at any time during the return period**

*("professional or business association" means a body or organisation, whether incorporated or unincorporated, having as one of its objects or activities the promotion of the economic interests of its members in any occupation) (section 12)*

Name of union or association	Position held

**8. DEBTS FOR WHICH LIABLE at any time during the return period**

*(excluding debts where the debt is \$500 or less in total owed to any one source, or the debt is payable to a relative, or the debt arises from a loan of money due to a person, including banks etc., whose ordinary business includes the lending of money and the loan was made in the ordinary course of that business, or if the debt arises from the supply of goods or services in the return period, or if the debt arises from the supply of goods or services in the ordinary course of member's business not related to duties as a member) (Section 13)*

Name of lender	Address of lender



**9. DISPOSITIONS OF REAL PROPERTY at any time during the return period**

*("dispositions of property" means any conveyance, transfer, assignment, settlement, delivery, payment or other alienation of property)*

*(disclose particulars of real property disposed of by the member whereby the member retained whole or part use and benefit or a right to re-acquire the property (section 14 (1))*

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**10. DISPOSITIONS OF PROPERTY at any time during the return period**

*("dispositions of property" means any conveyance, transfer, assignment, settlement, delivery, payment or other alienation of property)*

*(disclose particulars of property, including money, disposed of to any person or by any other person under arrangements made by the member whereby the member retained whole or part use and benefit (section 14 (2))*

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**11. DISCRETIONARY DISCLOSURES**

*(at member's discretion, disclose benefits, advantages or liabilities not required to be disclosed and which may appear to the member to raise a conflict of interest between private interests and public duty as a member, or which the member desires to disclose) (section 15)*

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(Signature of Member)

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(Date)