

GP10/139.

tabled by Premier  
Keneally 14/9/10.

The Hon Kristina Keneally MP

Minister for Planning | Minister for Heritage | Minister for the Environment

COPY

4 February 2009

The Hon N Rees MP  
Premier and Minister for the Arts  
Level 40 GMT  
1 Farrer Place  
SYDNEY NSW 2000

Dear Premier

**Personal and Confidential**

I write to make a voluntary disclosure to you regarding a change in circumstances in relation to the pecuniary interests of my spouse, Mr Ben Keneally.

Ben finished employment with the New South Wales Department of Premier and Cabinet on 30 January 2009.

As I advised you on the telephone on 2 February 2009, Ben received on 1 February 2009 an offer of employment from the company "Better Place," which operates a network for electric cars.

I can confirm to you today that he has accepted this offer and commenced work.

Given that the business proposition behind "Better Place" is in line with general government trends to reduce greenhouse gas emissions, it is possible that the company may have reason to interact with state governments and the Commonwealth government, or be affected by government policy.

**I have sought advice from the NSW Legislative Assembly as to my requirements to disclose the pecuniary interests of my spouse.** The advice from the Assembly is that the regulation only requires disclosure of a Member's pecuniary interests – not that of their family members.

**I have also sought advice from the Department of Premier and Cabinet in relation to the Ministerial Code of Conduct.** I am aware of what the Code requires from me regarding the disclosure of pecuniary interests and the management of any potential or perceived conflicts of interest.



The Ministerial Code of Conduct says that I must:

- conform with the Parliament's disclosures requirements
- give the Premier a copy of my disclosure to the Parliament
- update the Premier if the circumstances on my disclosure change
- disclose anything else the Premier might require me to disclose, including the pecuniary interests of my spouse or children. The Department of Premier and Cabinet tells me that there is a directive from the former premier to disclose anything relating to ministerial spouses or children that might impact on their ministerial duties, but that there has been no confirmation from the you to do the same. I can, if I choose, make a voluntary disclosure to you.

The Code also says that in relation to conflict of interest:

- I may not take part in a decision where the outcome would confer a pecuniary or other personal advantage on me, my spouse or child (if the advantage is greater than that conferred to any member of the public at large).
- If it is a decision I make directly, then I must either divest myself of the interest or confer with the Premier if another Minister should be appointed or if I can be authorised to continue to act.
- If it is a decision taken by Cabinet or any committee thereof in which I participate, I must disclose the conflict and abstain from participating and voting.

The Code also says I must maintain the secrecy of the Cabinet and not use information gained in office for personal advantage.

Furthermore, I can advise you that:

- I am writing today to seek advice from the Parliamentary Ethics Advisor to confirm that I have properly understood my disclosure obligations and to enquire as to whether there are any additional or appropriate steps that I should take.
- Ben is aware of the potential for a perceived conflict of interest because of my position, and that he will manage this by avoiding involvement, wherever possible, in any discussions between "A Better Place" and the NSW Government.

If you have any questions or wish to discuss any aspect of this voluntary disclosure, please do not hesitate to contact me.

Kind regards



The Hon Kristina Keneally MP

6 February 2009

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

**COPY**

Dear Mr Grove,

**Personal and Confidential**

I write to seek your advice regarding a change in circumstances in relation to the pecuniary interests of my spouse, Mr Ben Keneally. Below I outline the steps I have taken as a result of his changed circumstances, and I am seeking your advice if there are any additional or appropriate steps I should take.

Ben finished employment with the New South Wales Department of Premier and Cabinet on 30 January 2009.

On 2 February 2009, he accepted an offer of employment with the company "Better Place," which operates a network for electric cars.

Given that the business proposition behind "Better Place" is in line with general government trends to reduce greenhouse gas emissions, it is possible that the company may have reason to interact with state governments and the Commonwealth government, or be affected by government policy.

**I have sought advice from the NSW Legislative Assembly as to my requirements to disclose the pecuniary interests of my spouse.** The advice from the Assembly is that the regulation only requires disclosure of a Member's pecuniary interests – not that of their family members.

**I have also sought advice from the Department of Premier and Cabinet in relation to the Ministerial Code of Conduct.** I am aware of what the Code requires from me regarding the disclosure of pecuniary interests and the management of any potential or perceived conflicts of interest.

**I have made a voluntary disclosure to the Premier.**

I also advise you that Ben is aware of the potential for a perceived conflict of interest because of my position, and that he will manage this by avoiding involvement, wherever possible, in any discussions between "Better Place" and the NSW Government.

If you believe I have not properly understood my obligations under the Members Code of Conduct. I have also written to the Parliamentary Ethics Advisor Mr Ian Dixon. If there are any other steps I should take, I would welcome your advice.

Kind regards



The Hon Kristina Keneally MP

6 February 2009

**COPY**

Mr Ian Dixon  
Parliamentary Ethics Advisor  
Parliament House  
Macquarie Street  
SYDNEY NSW 2000

Dear Mr Dixon,

**Personal and Confidential**

I write to seek your advice regarding a change in circumstances in relation to the pecuniary interests of my spouse, Mr Ben Keneally. Below I outline the steps I have taken as a result of his changed circumstances, and I am seeking your advice if there are any additional or appropriate steps I should take.

Ben finished employment with the New South Wales Department of Premier and Cabinet on 30 January 2009.

On 2 February 2009, he accepted an offer of employment with the company "Better Place," which operates a network for electric cars.

Given that the business proposition behind "Better Place" is in line with general government trends to reduce greenhouse gas emissions, it is possible that the company may have reason to interact with state governments and the Commonwealth government, or be affected by government policy.

**I have sought advice from the NSW Legislative Assembly as to my requirements to disclose the pecuniary interests of my spouse.** The advice from the Assembly is that the regulation only requires disclosure of a Member's pecuniary interests – not that of their family members.

**I have also sought advice from the Department of Premier and Cabinet in relation to the Ministerial Code of Conduct.** I am aware of what the Code requires from me regarding the disclosure of pecuniary interests and the management of any potential or perceived conflicts of interest.



The Ministerial Code of Conduct says that I must:

- conform with the Parliament's disclosures requirements
- give the Premier a copy of my disclosure to the Parliament
- update the Premier if the circumstances on my disclosure change
- disclose anything else the Premier might require me to disclose, including the pecuniary interests of my spouse or children. The Department of Premier and Cabinet tells me that there is a directive from the former premier to disclose anything relating to ministerial spouses or children that might impact on their ministerial duties, but that there has been no confirmation from the current premier to do the same. I can, if I choose, make a voluntary disclosure to the current premier.

The Code also says that in relation to conflict of interest:

- I may not take part in a decision where the outcome would confer a pecuniary or other personal advantage on me, my spouse or child (if the advantage is greater than that conferred to any member of the public at large).
- If it is a decision I make directly, then I must either divest myself of the interest or confer with the Premier if another Minister should be appointed or if I can be authorised to continue to act.
- If it is a decision taken by Cabinet or any committee thereof in which I participate, I must disclose the conflict and abstain from participating and voting.

The Code also says I must maintain the secrecy of the Cabinet and not use information gained in office for personal advantage.

**I have made a voluntary disclosure to the Premier.**

I also advise you that Ben is aware of the potential for a perceived conflict of interest because of my position, and that he will manage this by avoiding involvement, wherever possible, in any discussions between "Better Place" and the NSW Government.

If you believe I have not properly understood my obligations under the Members Code of Conduct or the Ministerial Code of Conduct, or if there are any other steps I should take, I would welcome your advice.

Kind regards



The Hon Kristina Keneally MP

6 February 2009

**COPY****PRIVATE AND CONFIDENTIAL**

Ms Leigh Sanderson  
Deputy Director General (General Counsel)  
Department of Premier and Cabinet  
Level 39 GMT  
1 Farrer Place  
SYDNEY NSW 2000

Dear Ms Sanderson,

Please find enclosed a copy of my pecuniary interest that was sent to the Premier dated 4 February 2009. I have also written to the Clerk of the Legislative Assembly, Mr Russell Grove and the Parliamentary Ethics Advisor, Mr Ian Dixon.

Should you require any further information please do not hesitate to contact me.

Yours sincerely



The Hon Kristina Keneally MP

The Hon Nathan Rees MP  
Premier  
Level 40, Governor Macquarie Tower  
1 Farrer Place  
Sydney NSW 2000

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Dear Premier

Pursuant to the letter of 4 February 2009 from Ms Leigh Sanderson, Deputy Director General (General Counsel), Department of Premier & Cabinet, I write to update the return I lodged with you on the same date in relation to the pecuniary interests of my spouse, Mr Ben Keneally.

You will recall in that letter I advised you that Ben commenced employment on 1 February 2009 with Better Place Australia, a privately owned company.

Ben advises me that:

- He has recently been issued with 3,000,000 management shares in Better Place Australia at an approximate cost of 33 cents per share.
- He has received a no-interest, non-recourse loan from Better Place Australia to finance these shares. These management shares convert to full shares on the achievement of certain performance targets. There is no scope to trade these shares until the company experiences a liquidity event.

If you have any questions or wish to discuss any aspect of this disclosure, please do not hesitate to contact me.

Kind regards



The Hon Kristina Keneally MP  
30 November 2009

