



Hon Peter Primrose MLC
 Chair
 Legislative Council Privileges Committee
 Parliament House
 Macquarie Street
 Sydney NSW 2000

Dear Mr Primrose

Re: Draft regulation on disclosure of pecuniary interests

Thank you for the invitation to comment on the draft Constitution (Disclosures by Members) Regulation 2006, exception reporting and other matters relating to the reporting of pecuniary interests of Members of Parliament.

In Western Australia, Members of Parliament are required to disclose their pecuniary interests pursuant to the *Members of Parliament (Financial Interests) Act 1992* (Attachment 1). The Act requires disclosure of certain interests without requiring any judgement about the interests or potential conflicts between them and a Member's responsibility as a Member. The legislation is largely self-explanatory; however explanatory notes are available (Attachment 2). Newly elected Members are required to lodge with the Clerk a Primary Return (Attachment 3) and lodge an Annual Return thereafter (Attachment 4). There is no legislative provision for a "supplementary return" equivalent to that proposed by your draft regulation.

Responses to specific questions

(a) *How are Members pecuniary interests registered in your House?*

The Act requires Members to lodge returns with the Clerk of the House of which they are a Member. Forms for returns have been promulgated as regulations under the Act. These forms are provided to Members by the staff of the Papers or Procedure Offices of the relevant House. Newly elected Members have 30 days from the date on which they are sworn in to lodge their primary return. Existing Members have to lodge their annual returns by 30 September each year. Pursuant to Part IV of the Act, the Clerk of each House maintains a register called the "Register of Members' Financial Interests".

(b) *Where is the register published?*

The Presiding Officers each table a copy of the returns lodged by Members of their respective Houses for the year: s18. This is duly recorded in the Minutes of Proceedings or in the case of the Legislative Assembly, the Votes and Proceedings.

(c) *Who has access to the register?*

The register is open to inspection by any person and copies are made available: s17.

(d) *When was the current scheme adopted?*

At the commencement of the *Members of Parliament (Financial Interests) Act 1992* on 24 November 1992.

(e) *Have any amendments been made to the scheme since it was adopted?*

Yes, minor amendments, see compilation table on page 21 of the Act.

(f) *What are the satisfaction levels with the scheme and have there been any problems?*

- If there are no changes since a primary return was lodged, Members can write in their annual return "No change". This makes it difficult for someone trying to ascertain a Member's pecuniary interests as they may have to go through a number of annual returns and back to the primary return - the returns are a "cumulative" record and rely on each previous return.
- Members can transfer their assets to their spouse and show "Nil" on their return in order which might circumvent inspection.
- Recently the Legislative Assembly Procedure and Privileges Committee reported on an "*Inquiry into a Matter referred to the Committee by the Legislative Assembly on 1 December 2005*", in which the Committee found that the actions of the Member for Kalgoorlie, then Leader of the Opposition, with regard to his efforts to alter the Register of Members' Financial Interest amounted to a contempt of the Legislative Assembly (Attachment 5).

Yours sincerely



Hon Nick Griffiths MLC
President

22 August 2006