



PARLIAMENT OF AUSTRALIA  
HOUSE OF REPRESENTATIVES

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OFFICE OF THE CLERK OF THE HOUSE

Hon Peter Primrose, MLC  
Chair  
Legislative Council Privileges Committee  
Macquarie Street  
SYDNEY NSW 2000

Dear Mr Primrose

I am writing in response to your letter of 3 July in which you informed the Speaker, Mr Hawker, of your committee's inquiry into a draft regulation on the declaration of members' interests. You also sought information on the arrangements in the House of Representatives for the declaration of members' interests. Mr Hawker has asked me to provide details on the aspects of interest to your committee.

**How are members' pecuniary interests registered?**

Members' interests are recorded by members completing forms within 28 days of being sworn in or making an affirmation (ie at the beginning of each Parliament or after election at a by-election). The forms reflect exactly the requirements for declaration set out in a resolution of the House. The details of the resolution are at

[www.aph.gov.au/house/committee/mbrint/index.htm](http://www.aph.gov.au/house/committee/mbrint/index.htm)

As you will see, the requirements go beyond pecuniary interests and require members to declare membership of any organisation, or any other interests, where a conflict of interest with a Member's public duties could foreseeably arise or be seen to arise. The resolution requires that members notify any alterations of their relevant interests within 28 days of the alteration occurring.

**Where is the register published?**

The original declarations of interests and alterations are kept on a file for each member, but photocopies are made of each declaration or alteration. A copy of each is placed in a set of binders kept in the Registrar's Office. In addition, three times each year (usually the last sitting day of a period of sitting weeks) a set of notifications received since the last tabling is tabled in the House and bulk copies made for distribution to the media and other interested persons. The register is not published electronically, it takes the form of photocopies of documents received from members, whether printed documents or handwritten (although members may download the standard forms, complete them electronically, print them out and sign

them). The completed register is a very large set of documents and copies are not mailed out.

**Who has access to the register?**

The up to date register may be inspected by any person in the office of the Registrar. An appointment is necessary, standard times are 10-12 and 2-4 Monday - Friday, but the Registrar has discretion to make appointments outside these times.

**When was the current scheme adopted?**

The scheme was adopted by resolution of the House on 9 October 1984.

**Have any amendments been made to the scheme?**

Yes. Amendments to the actual requirements have been relatively minor - the most substantive was the decision, in 1988, to remove the requirement for members to make oral declarations of any interests before speaking on a measure. The view was that as such interests had been declared in written form the additional oral declaration should not be required - although members are free to make such oral declarations if they wish to. Other alterations have concerned the adjustment of threshold values for the category of 'other assets' and gifts and the setting of value limits for sponsored travel or hospitality. In each case the changes have been made after a report recommending the changes from the Committee of Members' Interests.

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

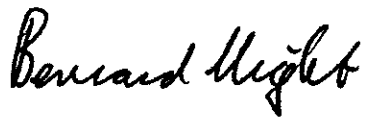
Three comments can be made on this aspect. First, members are able to receive completely confidential advice on the requirements from the Registrar of Members' Interests. At present the Deputy Clerk is the Registrar. The Registrar will not disclose details of any such conversations or advice to a member's party colleague or to anybody else or, for example, tell anybody which members may or may not have lodged declarations at any time.

Secondly, a Committee of Members' Interests exists to maintain a general oversight of the requirements and to consider any complaints. The committee has approved guidelines on the interpretation of the House's resolution. If a member raises a completely new point with the Registrar the Registrar will ask the member whether he or she would like the matter to be raised with the committee. If the member wants this done, his or her identity is not revealed to the committee, the Registrar simply advise 'member X has raised the following matter ....'. When the committee reaches a conclusion the Registrar can then inform the particular member accordingly. If the point is of wider interest all members may be advised of the interpretation and, if necessary, the guidelines may be amended. As experience has been gained, fewer and fewer new or novel points have arisen.

The third point is that the Committee of Members' Interests is authorised to consider complaints. Since 1984 many issues have arisen about the declaration of particular member's interests. Despite the fact that the Committee of Members' Interests is authorised to consider complaints, in practice however each of these disputes have been argued out in the House itself and through wider political processes. This perhaps illustrates that there is commonly a heavy political overlay to the consideration of these matters.

I hope this is of assistance and will be happy to provide any more information you may require.

Yours sincerely



BERNARD WRIGHT  
Registrar of Members' Interests  
14/8/00

**REGISTRATION OF MEMBERS' INTERESTS**

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**Requirements of the House of Representatives**

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*Resolutions adopted by the House of Representatives on 9 October 1984 a.m. amended on, 13 February 1986, 22 October 1986, 30 November 1988, 9 November 1994 and 6 November 2003 and having continuing force unless amended or repealed by the House*

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**(1) Registration of Members' interests**

That—

- (a) within 28 days of making and subscribing an oath or affirmation as a Member of the House of Representatives each Member shall provide to the Registrar of Members' Interests, a statement of-
  - (i) the Member's registrable interests, and
  - (ii) the registrable interests of which the Member is aware (a) of the Members' spouse and (b) of any children who are wholly or mainly dependent on the Members' for support;
 in accordance with resolutions adopted by the House and in a form determined by the Committee of Members' Interests from time to time, and shall also notify any alteration of those interests to the Registrar within 28 days of that alteration occurring, and
- (b) the statement to be provided by a Member shall include:
  - (i) in the case of a Member who was not a Member of the House of Representatives in the immediately preceding Parliament, interests held at the date of his or her election and any alteration of interests which has occurred between that date and the date of completion of the statement, and
  - (ii) in the case of a Member who was a Member of the House of Representatives in the immediately preceding Parliament, interests held at the date of dissolution of the House of Representatives in the previous Parliament and any alteration of interests which has occurred between that date and the date of completion of the statement.

**(2) Registrable interests**

That the statement of a Member's registrable interests to be provided by a Member shall include the registrable interests of which the Member is aware (1) of the Member's spouse and (2) of any children who are wholly or mainly dependent on the Member for support, and shall cover the following matters

- (a) shareholdings in public and private companies (including holding companies) indicating the name of the company or companies;
- (b) family and business trusts and nominee companies,

- (i) in which a beneficial interest is held, indicating the name of the trust, the nature of its operation and beneficial interest, and
- (ii) in which the Member, the Member's spouse, or a child who is wholly or mainly dependent on the Member for support, is a trustee (but not including a trustee of an estate where no beneficial interest is held by the Member, the Member's spouse or dependent children), indicating the name of the trust, the nature of its operation and the beneficiary of the trust;
- (c) real estate, including the location (suburb or area only) and the purpose for which it is owned;
- (d) registered directorships of companies;
- (e) partnerships indicating the nature of the interests and the activities of the partnership;
- (f) liabilities indicating the nature of the liability and the creditor concerned;
- (g) the nature of any bonds, debentures and like investments;
- (h) saving or investment accounts, indicating their nature and the name of the bank or other institutions concerned;
- (i) the nature of any other assets (excluding household and personal effects) each valued at over \$7500;
- (j) the nature of any other substantial sources of income;
- (k) gifts valued at more than \$750 received from official sources, or at more than \$300 where received from other than official sources provided that a gift received by a Member, the Member's spouse or dependant children 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;
- (l) any sponsored travel or hospitality received where the value of the sponsored travel or hospitality exceeds \$300;
- (m) membership of any organisation where a conflict of interest with a Member's public duties could foreseeably arise or be seen to arise, and
- (n) any other interests where a conflict of interest with a Member's public duties could foreseeably arise or be seen to arise.

**(3) Register and Registrar of Members' Interests**

That—

- (a) at the commencement of each Parliament, and at other times as necessary, Mr Speaker shall appoint an officer of the Department of the House of Representatives as the Registrar of Members' Interests and that officer shall also be clerk to the Committee of Members' Interests;
- (b) the Registrar of Member's Interests, shall in accordance with procedures determined by the Committee of Members' Interests maintain a Register of Members' Interests in a form to be determined by that committee from time to time;
- (c) as soon as possible after the commencement of each Parliament the chairman of the Committee of Members' Interests shall table in the House a copy of the completed Register of Members' Interests and shall also table from time to time as required any notification by a Member of alteration of those interests, and

- (d) the Register of Members' Interests shall be available for inspection by any person under conditions to be laid down by the Committee of Members' Interests from time to time.
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*Additional resolution adopted by the House on 13 February 1986*

That any member of the House of Representatives who—

- (a) knowingly fails to provide a statement of registrable interests to the Registrar of Members' Interests by the due date;
  - (b) knowingly fails to notify any alteration of those interests to the Registrar of Members' Interests within 28 days of the change occurring, or
  - (c) knowingly provides false or misleading information to the Registrar of Members' Interests, shall be guilty of a serious contempt of the House of Representatives and shall be dealt with by the House accordingly.
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