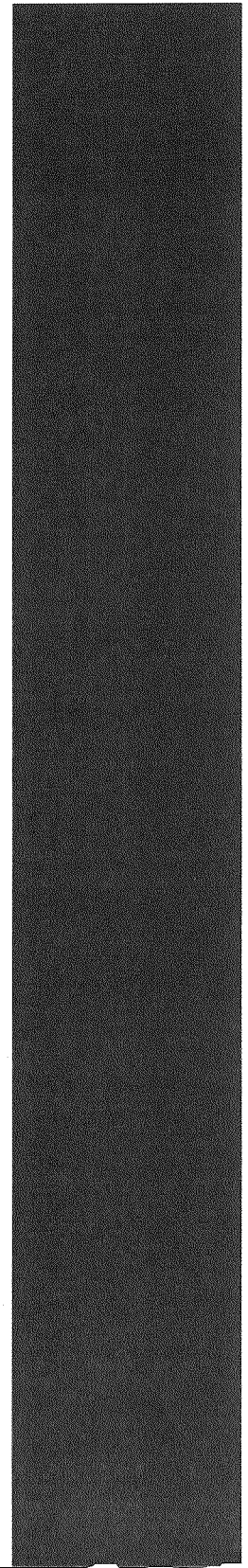


LEGISLATIVE ASSEMBLY

Standing Committee on Parliamentary Privilege and Ethics

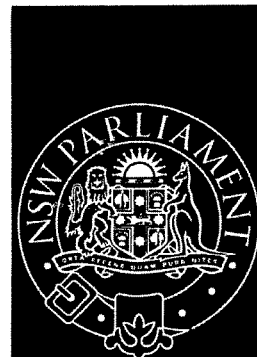
June 2008

Further Review of the Consultation Draft Constitution (Disclosures by Members) Amendment Regulation 2008





LEGISLATIVE ASSEMBLY



Standing Committee on Parliamentary Privilege and Ethics

FURTHER REVIEW OF THE CONSULTATION DRAFT
CONSTITUTION (DISCLOSURES BY MEMBERS)
AMENDMENT REGULATION 2008

June 2008

**FURTHER REVIEW OF THE CONSULTATION DRAFT
CONSTITUTION (DISCLOSURES BY MEMBERS)
AMENDMENT REGULATION 2008**

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CHAIRMAN'S FOREWORD

This report arises from the Committee's comments on the proposed draft Constitution (Disclosures by Members) Regulation 2008, which was referred to the Committee in February 2008. The Committee reported on that draft on 4 March 2008, and supported the amendments contained in the Regulation, which amendments had been proposed by the Committee in its earlier report tabled on 29 November 2007.

The Committee had been asked to consider three matters: an amendment to the definition of "listed public company"; a change to a date notation in the discretionary disclosure form; and the division of the prescribed return forms into two separate parts. When reporting on these proposed amendments this Committee, and the Privileges Committee in the Legislative Council, raised two other minor matters for attention. Both committees have recommended in several reports that consideration be given to permitting members to declare the *area* or *suburb* of their principal place of residence, rather than street address or title particulars. Members have also raised with the committees the need to be able to use the notation "N/A", in addition to the notation "Nil".

The Committee has now reviewed the revised draft Constitution (Disclosures by Members) Amendment Regulation 2008 which incorporates these amendments, and supports the Regulation.

I commend this report to the House.

Paul Pearce, MP
Committee Chairman

CHAPTER 1: INITIATION OF THE INQUIRY

On 12 May 2008, the Director General of the Department of Premier and Cabinet wrote to the Clerk of the Legislative Assembly enclosing a revised draft of the Constitution (Disclosures by Members) Amendment Regulation 2008.

A copy of the draft Regulation is provided at Appendix 2.

This revised draft was the outcome of a consultation process with this committee and the Legislative Council Privileges Committee on proposed amendments regarding the layout of the forms used by members for lodging their returns, and other minor amendments.

Under the Constitution the Governor is required, before making a regulation relating to the disclosure of interests by members, to provide any parliamentary committee established for the purpose of considering the proposed regulation an opportunity to comment on the regulation, and to take into account any such representations.

This committee and the Legislative Council Privileges Committee have supported the previous draft Regulations forwarded by the Department of Premier and Cabinet.

In its report dated February 2008 the Privileges Committee made further recommendations:

- That the Department of Premier and Cabinet re-examine the use of the word "NIL" in the examples provided in Forms 1, 2 and 3, and whether in some instances the use of the term "N/A" would be more appropriate.
- That the Constitution (Disclosure by Members) Regulation 1983 be further amended to:
 - (a) omit the requirement in clause 8 for members to disclose the postal address or title particulars of their principal place of residence; and
 - (b) include a new requirement for members to identify their principal place of residence and second place of residence in which they have an interest which is otherwise required to be registered in a way which will not compromise the privacy and safety of members and their families, such as the suburb or local government area in which the property is located or the purpose for which the property is owned.

The Department of Premier and Cabinet advised in its letter dated 12 May 2008 that it had considered those recommendations and a further draft Amending Regulation has been prepared incorporating the changes proposed by the Committee. A number of other minor drafting corrections were also incorporated into the redrafted Regulation.

The Clerk has now referred the revised draft amending Regulation to the Legislative Assembly Standing Committee on Parliamentary Privilege and Ethics for review, as required pursuant to the Constitution.

Chapter 2 discusses the proposed amendments.

CHAPTER 2: CHANGES TO THE DRAFT REGULATION

2.1 Description of location of real property

The Privileges Committee of the Legislative Council recommended that the Constitution (Disclosures by Members) Regulation 1983 be further amended to:

- (a) omit the requirement in clause 8 for members to disclose the postal address or title particulars of their principal place of residence
- (b) include a new requirement for members to identify their principal place of residence and second place of residence in which they have an interest which is otherwise required to be registered under the Constitution (Disclosures by Members) Regulation 1983 in a way which will not compromise the privacy and safety of members and their families, such as the suburb or local government area in which the property is located or the purpose for which the property is owned.

2.2 Background to the recommendation

Clause 8 of the Regulation currently requires members to disclose in their returns the "address" of each parcel of real property in which they had an interest during the relevant reporting period, subject to certain exceptions concerning deceased estates and trustees.

"Address" is defined in clause 7 to mean:

- (c) in relation to any real property-the postal address of the property or the particulars of title of the property.

The issue of the amount of information required to be given to identify the location of a member's real property has previously been reported on by the Standing Committee on Parliamentary Privilege and Ethics in earlier Parliaments. The Independent Commission Against Corruption had recommended, in its 2003 report on Regulation of Secondary Employment by Members of the Legislative Assembly, that the register of declared interests, currently held in the Clerk's office, be accessible to the public through the internet. The ICAC recognised that privacy issues, such as the ability to block out the street address, would need to be considered if the register were to be made available on the internet.

The issue of the level of detail required to be disclosed about location of real property was further discussed in the Committee's review of the proposed amendments to the Code of Conduct and the Draft Constitution (Disclosure by Members) Regulation 2006. The Committee agreed that in order for the Register to work effectively in disclosing interests, it should be accessible through the Parliament's web site. However, for reasons of privacy and the personal safety of Members and their families, if access to the register were to be available this way, the Committee recommended that the Regulation should be amended to require disclosure of the location of real property by town or suburb, rather than postal address or particulars of title.

This Committee noted the proposed amendment, and agree to the proposed change, provided that members have the option of disclosing postal street address, or particulars of title, or location by town or suburb.

2.3 Use of “N/A” instead of “NIL” when completing the return forms

The Regulation currently requires all Members to insert the word “NIL” where there is otherwise no substantive disclosure to be made. This requirement was to ensure that Members understood that they needed to complete all sections of the form and could not leave any section blank.

However, it has been pointed out that in some instances there are thresholds or conditions to be met before disclosure becomes necessary. In these cases a report of “NIL” would be incorrect. For example, in some fields such as where principal objects of a company are required to be disclosed except where the company is a listed public company, “N/A” would be the more appropriate entry.

The Committee agree to the proposed change.

2.4 Other minor amendments

The draft Regulation also contains further consequential minor amendments to the instructions and examples in the forms:

- The examples in the form are not consistent in using postcodes when an address is given. Postcodes are now consistently entered in all addresses shown in different sections of the form.
- There are consequential amendments to examples and instructions in the forms, arising from the amendments which extend the options for giving information disclosing real property.

The Committee does not object to these amendments.

APPENDIX 1: Excerpts from Minutes of Meetings of the Committee

Minutes of Meeting of the Standing Committee on Parliamentary Privilege and Ethics (no. 5)

12 noon, Wednesday 4 June 2008, Waratah Room, Parliament House

Members Present

Mr Pearce, MP (Chair)

Mr Amery, MP (Vice-Chair)

Mr Kerr, MP

Ms McMahon, MP

Ms Moore MP

Mr Terenzini, MP

Mr J. H. Turner, MP

Apologies: Mr Costa, MP

1. Minutes of the meeting held 27 February 2008

The minutes of the meeting recording the recommendations made by the Committee at the meeting held on 27 February 2008, which had been previously circulated, were adopted on the motion of Mr Amery, seconded by Mr Kerr.

2. Correspondence from the Director-General, Department of Premier and Cabinet forwarding Draft Constitution (Disclosures by Members) Further Amendment Regulation 2008 (Appendix A).

The committee noted the letter and briefing note on the draft Regulation.

The Committee considered the proposed change to the description of the location of real property. Debate ensued. It was resolved, on the motion of Mr Amery, seconded Ms McMahon, that the Committee agree to the proposed change, provided that members have the option of disclosing postal address, particulars of title, or location by town or suburb.

The Committee considered the proposed amendment permitting use of "N/A" instead of "NIL" when completing return forms. Debate ensued. It was resolved, on the motion of Mr Amery, seconded Mr Turner, that the Committee agree to the proposed change.

The Committee resolved, on the motion of Mr Terenzini, seconded Mr Kerr, that the draft Constitution (Disclosures by Members) Further Amendment Regulation 2008 be agreed to.

The Committee resolved, on the motion of Mr Amery, seconded Ms McMahon, that a draft report be prepared reflecting the Committee's view, and that the report be forwarded to members, with members to advise the Committee Clerk of any amendments, additions or comments, which would be circulated for consideration, prior to the report being tabled.

3. Correspondence from the Director-General, Department of Premier and Cabinet concerning amendment of the Constitution (Disclosures by Members) Regulation through the Miscellaneous Acts Amendment (Relationships) Bill 2008

The Committee noted the correspondence, on the motion of Ms Moore, seconded Ms McMahon. The Committee also noted the briefing note on the proposed amendment to the Regulation, which had been previously circulated. The Miscellaneous Acts Amendment (Relationships) Bill 2008 had been passed by the Legislative Council on 3 June 2008, and was listed on the Business Paper for the Legislative Assembly.

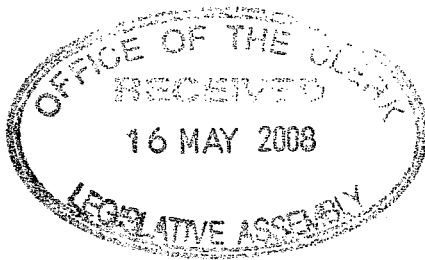
There being no general business, meeting adjourned at 12.09 pm, sine die.

Chair

Clerk to the Committee

APPENDIX 2:

1. Letter from the Director General, Department of Premier and Cabinet dated 12 May 2008 forwarding a revised draft Constitution (Disclosures by Members) Regulation 2008 for consideration by a Parliamentary committee
2. Consultation Draft-Constitution (Disclosures by Members) Regulation 2008



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

12 MAY 2008

Dear Mr Grove

Last year, I wrote to you enclosing a copy of a proposed draft *Constitution (Disclosure by Members) Further Amendment Regulation 2007* (the "Amending Regulation"), requesting that it be referred to the Legislative Assembly Standing Committee on Parliamentary Privilege and Ethics for review.

The draft of the Regulation was also sent to the Clerk of the Legislative Council to be referred to the Legislative Council Privileges Committee.

On 29 November 2007, both Committees tabled reports supporting the proposed amendments.

Following consideration of recommendations made by the Legislative Assembly Standing Committee on Parliamentary Privilege and Ethics, a revised draft of the Amending Regulation was prepared.

On 4 February 2008, I wrote to you, and to the Clerk of the Legislative Council, enclosing the revised draft and requesting that it be referred back to the relevant Committees.

On 20 February 2008, the Legislative Assembly Standing Committee on Parliamentary Privilege and Ethics tabled its report and, on 28 February 2008, the Legislative Council Privileges Committee tabled its report.

Again, both Committees supported the proposed amendments, although the Legislative Council Privileges Committee made the following further recommendations:

- That the Department of Premier and Cabinet re-examine the use of the word "NIL" in the examples provided in Forms 1, 2 and 3, and whether in some instances the use of the term "N/A" would be more appropriate.
- That the Constitution (Disclosure by Members) Regulation 1983 be further amended to:

✓ Copy to Mrs Muller for referral & attention of the
www.nsw.gov.au Privileges & Ethics Committee
16/5

- (a) omit the requirement in clause 8 for members to disclose the postal address or title particulars of their principal place of residence; and
- (b) include a new requirement for members to identify their principal place of residence and second place of residence in which they have an interest which is otherwise required to be registered in a way which will not compromise the privacy and safety of members and their families, such as the suburb or local government area in which the property is located or the purpose for which the property is owned.

The Department has considered those recommendations and a further draft Amending Regulation has been prepared incorporating the changes proposed by the Legislative Council Privileges Committee. A number of other minor drafting corrections have also been made.

I would be grateful if you would refer the revised draft Amending Regulation to the Legislative Assembly Standing Committee on Parliamentary Privilege and Ethics for review.

If possible, it would be appreciated if any comments could be provided by 23 May 2008.

If you have any questions about the proposed amendments, please contact Mr Paul Miller, Senior Principal Legal Officer (9228 4393).

Yours sincerely



Leigh Sanderson
for Robyn Kruk
Director General



New South Wales

Constitution (Disclosures by Members) Amendment Regulation 2008

under the

Constitution Act 1902

[The following enacting formula will be included if the Regulation is made:]

Her Excellency the Governor, with the advice of the Executive Council and in compliance with the provisions of section 14A (5) of the *Constitution Act 1902*, has made the following Regulation under the *Constitution Act 1902*.

Premier

Explanatory note

The object of this Regulation is to amend the *Constitution (Disclosures by Members) Regulation 1983*:

- (a) to enable Members of Parliament to disclose more generalised information about the location of properties in which they reside instead of disclosing the addresses of such properties, and
- (b) to restructure the Forms for returns set out in Schedule 1 to the Regulation so that Members of Parliament are not required to lodge returns that contain the directions, notes and examples set out in the Forms, and
- (c) to provide new examples in the restructured Forms in relation to disclosures relating to interests and positions in corporations and interests in real property, and
- (d) to make consequential amendments and other minor amendments in nature of law revision.

This Regulation is made under section 14A (Disclosure of pecuniary interests and other matters by Members) of the *Constitution Act 1902*.

consultation draft

Clause 1 Constitution (Disclosures by Members) Amendment Regulation 2008

**Constitution (Disclosures by Members) Amendment
Regulation 2008**

under the

Constitution Act 1902

1 Name of Regulation

This Regulation is the *Constitution (Disclosures by Members) Amendment Regulation 2008*.

2 Amendment of Constitution (Disclosures by Members) Regulation 1983

The *Constitution (Disclosures by Members) Regulation 1983* is amended as set out in Schedule 1.

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Constitution (Disclosures by Members) Amendment Regulation 2008

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 2)

[1] Clause 3 Interpretation

Insert "Section 2 of" before "Form" in the definition of *ordinary return* in clause 3 (1).

[2] Clause 3 (1), definition of "primary return"

Insert "Section 2 of" before "Form".

[3] Clause 3 (1), definition of "supplementary ordinary return"

Insert "Section 2 of" before "Form".

[4] Clause 3 (2)

Omit the subclause. Insert instead:

(2) A reference in this Regulation to a primary return or an ordinary return that was last lodged by a Member includes:

(a) a reference to a primary return or ordinary return in or to the effect of the relevant form set out in Schedule 1 (as in force before its substitution by the *Constitution (Disclosures by Members) Amendment Regulation 2007*) if that was the last return lodged by the Member, or

(b) a reference to a primary return or ordinary return in or to the effect of the relevant form set out in Schedule 1 (as in force before its substitution by the *Constitution (Disclosures by Members) Amendment Regulation 2008*) if that was the last return lodged by the Member.

[5] Clause 3A Forms

Omit "A Form" from clause 3A (2).

Insert instead "The relevant portion of a Form that is required to be completed by a Member".

[6] Clause 3A (2) (b)

Omit "completing the Form".

[7] Clause 3A (4)

Omit "completing a Form".

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Constitution (Disclosures by Members) Amendment Regulation 2008

Schedule 1 Amendments

[8] Clause 7 Interpretation: Part 3

Omit the definition of *public company* from clause 7 (1).

Insert in alphabetical order:

listed public company means a listed public company within the meaning of the *Corporations Act 2001* of the Commonwealth.

[9] Clause 8 Real property

Insert after clause 8 (1):

(1A) A Member may provide all of the following information about a parcel of land in which the Member has an interest as an alternative to disclosing the address of the parcel if the parcel is used by the Member for residential purposes:

- (a) a statement that the parcel is the principal place of residence for the Member or a secondary place of residence for the Member (as the case requires),
- (b) the location of the parcel by suburb or area.

[10] Clause 12 Interests and positions in corporations

Insert "listed" before "public company" in clause 12 (1) (c).

[11] Schedule 1

Omit the Schedule. Insert instead:

Schedule 1 Forms

(Clauses 3 (1) and 3A)

Form 1 Primary return

(Clause 3 (1), definition of "primary return")

Directions

- 1 This form is in two sections. The first section (Section 1—Guidance Notes and Examples) outlines the requirements of the *Constitution (Disclosures by Members) Regulation 1983* for each type of interest to be disclosed, and gives examples as to how to make entries on the return. The second section of the form (Section 2—Member's Primary Return) sets out the return that is to be filled in by the Member. Only the second section of this form needs to be lodged with the Clerk.
- 2 The pecuniary interests and other matters required to be disclosed in the return set out in Section 2 of this form are prescribed in clauses 8, 9, 12, 13, 14 and 15A of the *Constitution (Disclosures by Members) Regulation 1983*.
- 3 The particulars required to complete this form are to be written in block letters or typed.

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Constitution (Disclosures by Members) Amendment Regulation 2008

Amendments

Schedule 1

- 4 If any space is insufficient in this form for all the particulars required to complete it, attach an appendix for that purpose which is properly identified and signed by the Member.
- 5 A reference in this form to the *primary return period* in relation to a Member is a reference to the period commencing on the day on which the Member took the pledge of loyalty and ending on the next succeeding 30th June.
- 6 If a Member is not required to disclose a kind of pecuniary interest or other matter under a particular main heading in this form, "NIL" or "N/A" (as relevant) is to be placed in an appropriate space under that heading.
- 7 The entries marked as "Example entry only" or "Example entries only" are provided by way of example only.
- 8 Matter marked with an asterisk (*) is to be omitted if it is not appropriate for the Member concerned.

SECTION 1—GUIDANCE NOTES AND EXAMPLES

Part 1 Real property

Under clause 8 of the *Constitution (Disclosures by Members) Regulation 1983*, you must disclose in Part 1 of the return the address of each parcel of real property in which you had an interest (or the alternative information permitted by the Regulation if you use the parcel for residential purposes) on the date on which you took the pledge of loyalty and the nature of the interest in the real property. Make a separate entry for each parcel of real property held, separated by a line, in Part 1 of the return.

Example entries only:

Address of each parcel of real property	Nature of interest
Principal place of residence Suburb—Surry Hills	Lessee
1 Pitt Street, Sydney NSW 2000	Joint tenant

Part 2 Sources of income

Under clause 9 of the *Constitution (Disclosures by Members) Regulation 1983*, you must disclose in Part 2 of the return each source of income that you received, or reasonably expect to receive, during the primary return period. You must disclose income received, or which you expect to receive:

- (a) as an employee, as part of a partnership, as an office holder (including an office holder in a corporation or body) or under any other contract, agreement or arrangement (such as a self-employed consultant/contractor) (use Part 2.1 of the return), and
- (b) from a trust (use Part 2.2 of the return), and
- (c) from any other source (use Part 2.3 of the return).

2.1 Income from employment, offices, partnerships and services

Under clause 9 (2) (a)–(d) of the *Constitution (Disclosures by Members) Regulation 1983*, you must disclose in Part 2.1 of the return any income you have received or

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Constitution (Disclosures by Members) Amendment Regulation 2008

Schedule 1 Amendments

reasonably expect to receive during the primary return period as an employee, as part of a partnership, as an office holder (including an office holder in a corporation or body) or under any other contract, agreement or arrangement (such as a self-employed consultant/contractor).

You must also describe the services you provide in receiving that income. The description of the services provided must be reasonably sufficient to identify the service provided in return for that income. Services from which you do not derive any income do not need to be disclosed.

You must make a separate entry for each different source of income in the appropriate Table in Part 2.1 of the return. For example, if you are employed and hold an office, two separate entries should be made respectively in Tables 2.1.1 and 2.1.2 in Part 2.1 of the return. Separate multiple entries in each Table by a line. Where the Table is not relevant to your circumstances because you do not receive that kind of income, enter "NIL" in that Table (for example, if you do not derive any income, whether as an employee, as an office holder, from a partnership or otherwise under a contract, agreement or arrangement, you must enter "NIL" in all Tables). Where the Table (or part of a Table) is not relevant to your circumstances because the conditions under which you would be required to make a disclosure do not apply in relation to you, enter "N/A" in that Table or part of the Table (for example, if you are not required to disclose the nature of the business of your employer because the services you provided did not arise from or relate to the use of your position as a Member).

Where you provide services that "arise from or relate to the use of" your position as a Member, you must complete the last column in each Table. This includes (but is not limited to) where you engage in:

- (a) the provision of public policy advice, or
- (b) the development of strategies or the provision of advice on the conduct of relations with the Government or Members, or
- (c) lobbying the Government or other Members on a matter of concern to the person to whom the service is provided.

Note, where the provision of services "arise from or relate to the use of" your position as a Member, you may also need to complete Part 6 of the return.

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Constitution (Disclosures by Members) Amendment Regulation 2008

Amendments

Schedule 1

Table 2.1.1 Income received as an employee—Example entry only:

Name of occupation	Description of kinds of services provided or to be provided	Name and address of employer	Nature of business of the employer (where the services provided or to be provided relate to your position as a Member)
Solicitor	Employed solicitor providing legal services to clients, in the areas of criminal and family law	ABC Lawyers, 1 Pitt Street, Sydney NSW 2000	N/A

Table 2.1.2 Income received as holder of office—Example entry only:

Name or title of the office and a description of kinds of services provided or to be provided	Name and address of corporation or body (if any) in which the office is held	Nature of business carried on by the entity (where the services provided or to be provided relate to your position as a Member)
Local councillor	Hurstville City Council, MacMahon Street, Hurstville NSW 2220	N/A

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Constitution (Disclosures by Members) Amendment Regulation 2008

Schedule 1 Amendments

Table 2.1.3 Income from partnership—Example entry only:

Name of occupation (if any)	Description of kinds of services provided or to be provided	Name and address of the partnership	Nature of business carried on by the partnership (where the services provided or to be provided relate to your position as a Member)
Solicitor	Partner of the law firm and to provide commercial legal services specialising in litigation, property, intellectual property, competition and corporate law	XYZ Lawyer, 3 Smith Street, Paddington NSW 2021	N/A

Table 2.1.4 Income from services provided under any other contract, agreement or arrangement—Example entry only:

Name of occupation (if relevant) and a description of services provided or to be provided	Name and address of parties to any contract, agreement or arrangement to provide services	Nature of business carried on by the other party to the contract, agreement or arrangement (where the services provided or to be provided relate to your position as a Member)
Public affairs consultant—Providing public affairs advice, including lobbying MPs and government departments on the issue of regulation of electrical appliances	XYZ Corporation, 1 Pitt Street, Sydney NSW 2000	Manufacturer of electrical appliances

2.2 Income from a trust

Under clause 9 (2) (e) of the *Constitution (Disclosures by Members) Regulation 1983*, you are required to disclose in Part 2.2 of the return any source of income which you

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Constitution (Disclosures by Members) Amendment Regulation 2008

Amendments

Schedule 1

received or reasonably expect to receive during the primary return period from a trust, including the name and address of the settlor and the trustee. Make a separate entry in Part 2.2 of the return (separated by a line) for each trust.

Example entry only:

Name and address of settlor	Name and address of trustee
XY Settlor, 2 George Street, Sydney NSW 2000	AB Trustee, 10 George Street, Sydney NSW 2000

2.3 Other income

Under clause 9 (2) (f) of the *Constitution (Disclosures by Members) Regulation 1983*, you are required to disclose in Part 2.3 of the return any other income received or which you expect to receive during the primary return period and provide a description sufficient to identify the person from whom, or the circumstances in which, the income was, or is reasonably expected to be, received.

Example entry only:

Disclosure of other income

Income from the operation of a farm at 1 Pitt Street, Orange NSW, 2800 of which I am the sole proprietor.

Part 3 Interests and positions in corporations

Under clause 12 of the *Constitution (Disclosures by Members) Regulation 1983*, you must disclose in Part 3 of the return the following particulars for each corporation in which you had an interest or held any position (whether remunerated or not) on the date on which you took the pledge of loyalty:

- the name and address of each corporation,
- the nature of the interest (if any) or a description of the position held,
- except in the case of a listed public company, a description of the principal objects of each such corporation.

If you received income in respect of any position held in a corporation, that information should be disclosed in Part 2 of the return.

Example entries only:

Name and address of corporation	Nature of interest (if any) or description of position held	Description of principal objects of corporation (where corporation is not a listed public company)
CD Corporation Limited, 1 Martin Place, Sydney NSW 2000	Shareholder	N/A

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Constitution (Disclosures by Members) Amendment Regulation 2008

Schedule 1 Amendments

Name and address of corporation	Nature of interest (if any) or description of position held	Description of principal objects of corporation (where corporation is not a listed public company)
MD Corporation Pty Limited, 33 Kingsgrove Road, Kingsgrove NSW 2208	Majority shareholder	To provide financial advice to its clients

Part 4 Positions in trade unions and professional or business associations

Under clause 13 of the *Constitution (Disclosures by Members) Regulation 1983*, you must disclose in Part 4 of the return the name of each trade union and professional or business association in which you held any position (whether remunerated or not) on the date on which you took the pledge of loyalty and a description of the position held.

Example entry only:

Name of trade union or association	Description of position
ABC Trade Union	Member Honorary Secretary

Part 5 Debts

Under clause 14 of the *Constitution (Disclosures by Members) Regulation 1983*, you must disclose in Part 5 of the return the name and address of each person to whom you were liable to pay any debt on the date on which you took the pledge of loyalty. You must disclose all debts, whether or not the amount to be paid was due and payable on the date on which you took the pledge of loyalty.

You do not need to disclose a debt that:

- (a) does not exceed \$500 unless the debt was 1 of 2 or more debts owed to 1 person and the amount of those 2 or more debts together exceeds \$500 in aggregate, or
- (b) is owed to a relative of yours (as defined by clause 7 (1) of the *Constitution (Disclosures by Members) Regulation 1983*), or
- (c) is owed to a bank, building society, credit union or other person whose ordinary business includes the lending of money and the loan was made in the ordinary course of business of the lender, or
- (d) arises from the supply of goods and services which were supplied in the 12 month period immediately preceding the primary return date, or
- (e) arises from the supply of goods and services in the ordinary course of any occupation not related to your duties as a Member.

Example entry only:

Disclosure of debts
Personal loan made by Mr John Smith of 1 Pitt Street, Sydney NSW 2000.

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Constitution (Disclosures by Members) Amendment Regulation 2008

Amendments

Schedule 1

Part 6 Client services

Under clause 15A of the *Constitution (Disclosures by Members) Regulation 1983*, you must disclose the details set out in Part 6 of the return if you have provided, or reasonably expect to provide, "client services" at any time during the primary return period.

Client services are provided by you if:

- (a) you are engaged by a person (whether an individual or corporation) to provide services to or on behalf of any of that person's clients, and
- (b) that person has received or is reasonably expected to receive consideration in money or money's worth from the client for your services, and
- (c) the services relate to your Parliamentary position.

You are engaged by a person (whether an individual or corporation) to provide services if you provide services in connection with:

- (a) any contract of employment with the person, or
- (b) your role as an officer of the person (such as a corporation), or
- (c) any other contract, agreement or arrangement that you have entered into with the person in respect of which you receive consideration in money, or money's worth, for providing the services.

Services relate to your Parliamentary position if the services "arise from or relate to the use of" your position as a Member. This includes (but is not limited to) where you engage in:

- (a) the provision of public policy advice, or
- (b) the development of strategies or the provision of advice on the conduct of relations with the Government or Members, or
- (c) lobbying the Government or other Members on a matter of concern to the person to whom the service is provided.

You are required to disclose the persons who receive the benefit of your client services even if you did not directly receive any payment from that person.

You must make a separate entry in Part 6 of the return for each person who directly receives the benefit of your services. You must also disclose who receives the benefit of your services if the client of the person who engages you requests that the services be provided to some other person. For example, if you are employed by, or are a director of Company X, and Company X contracts with Person Y for you to provide consultancy services to Company Z, you must disclose the provision of client services to both Person Y and Company Z.

Please note, your engagement with a person to provide client services should be disclosed in Part 2 of the return.

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Constitution (Disclosures by Members) Amendment Regulation 2008

Schedule 1 Amendments

Example entry only:

Names and addresses of persons who benefit or are likely to benefit from the services	Description of the services reasonably sufficient to identify the nature of the service provided or to be provided	Nature of business of persons who directly benefited or are likely directly to benefit
Smith Constructions Pty Ltd, 1 Orange Street, Paddington NSW 2021	Advising on public policy regarding public infrastructure and the development of strategies on the conduct of relations with the Government, and lobbying government departments in relation to projects managed by the company	Construction company specialising in public infrastructure such as roads

Part 7 Discretionary disclosures

Under clause 16 of the *Constitution (Disclosures by Members) Regulation 1983*, a Member may disclose in Part 7 of the return any direct or indirect benefits, advantages or liabilities that are not required to be disclosed by the Regulation but which the Member considers might appear to raise a conflict between his or her private interests and his or her public duty as a Member or which he or she otherwise wishes to disclose.

SECTION 2—MEMBER'S PRIMARY RETURN

Constitution (Disclosures by Members) Regulation 1983

Primary Return—Legislative *Council/*Assembly

Disclosures of pecuniary interests and other matters by:

..... as at

(full name of Member) *(primary return date)*

.....

(Member's signature)

.....

(Date)

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Constitution (Disclosures by Members) Amendment Regulation 2008

Amendments

Schedule 1

Part 1 Real property

Address of each parcel of real property	Nature of interest

Part 2 Sources of income

2.1 Income from employment, offices, partnerships and services

Table 2.1.1 Income received as an employee

Name of occupation	Description of kinds of services provided or to be provided	Name and address of employer	Nature of business of the employer (where the services provided or to be provided relate to your position as a Member)

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Constitution (Disclosures by Members) Amendment Regulation 2008

Schedule 1 Amendments

Table 2.1.2 Income received as holder of office

Name or title of the office and a description of kinds of services provided or to be provided	Name and address of corporation or body (if any) in which the office is held	Nature of business carried on by the entity (where the services provided or to be provided relate to your position as a Member)

Table 2.1.3 Income from partnership

Name of occupation (if any)	Description of kinds of services provided or to be provided	Name and address of the partnership	Nature of business carried on by the partnership (where the services provided or to be provided relate to your position as a Member)

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Constitution (Disclosures by Members) Amendment Regulation 2008

Amendments

Schedule 1

Table 2.1.4 Income from services provided under any other contract, agreement or arrangement

Name of occupation (if relevant) and a description of services provided or to be provided	Name and address of parties to any contract, agreement or arrangement to provide services	Nature of business carried on by the other party to the contract, agreement or arrangement (where the services provided or to be provided relate to your position as a Member)

2.2 Income from a trust

Name and address of settlor	Name and address of trustee

2.3 Other income

Disclosure of other income

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Constitution (Disclosures by Members) Amendment Regulation 2008

Schedule 1 Amendments

Part 3 Interests and positions in corporations

Name and address of corporation	Nature of interest (if any) or description of position held	Description of principal objects of corporation (where corporation is not a listed public company)

Part 4 Positions in trade unions and professional or business associations

Name of trade union or association	Description of position

Part 5 Debts

Disclosure of debts

Part 6 Client services

Names and addresses of persons who benefit or are likely to benefit from the services	Description of the services reasonably sufficient to identify the nature of the service provided or to be provided	Nature of business of persons who directly benefited or are likely directly to benefit

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Constitution (Disclosures by Members) Amendment Regulation 2008

Amendments

Schedule 1

Names and addresses of persons who benefit or are likely to benefit from the services	Description of the services reasonably sufficient to identify the nature of the service provided or to be provided	Nature of business of persons who directly benefited or are likely directly to benefit

Part 7 Discretionary disclosures

Disclosures that are discretionary

Form 2 Ordinary return

(Clause 3 (1), definition of "ordinary return")

Directions

- 1 This form is in two sections. The first section (Section 1—Guidance Notes and Examples) outlines the requirements of the *Constitution (Disclosures by Members) Regulation 1983* for each type of interest to be disclosed, and gives examples as to how to make entries on the return. The second section of the form (Section 2—Member's Ordinary Return) sets out the return that is to be filled in by the Member. Only the second section of this form needs to be lodged with the Clerk.
- 2 The pecuniary interests and other matters required to be disclosed in the return set out in Section 2 of this form are prescribed by clauses 8 to 15A of the *Constitution (Disclosures by Members) Regulation 1983*.
- 3 The particulars required to complete this form are to be written in block letters or typed.
- 4 If any space is insufficient in this form for all the particulars required to complete it, attach an appendix for that purpose which is properly identified and signed by the Member.
- 5 A reference in this form to the **ordinary return period** in relation to a Member is a reference to:
 - (a) where the last return lodged by the Member was an ordinary return—the period of 12 months ending on 30th June in the year this return is required to be lodged, or
 - (b) where the last return lodged by the Member was a primary return—the period commencing on the day on which the Member took the pledge of loyalty and ending on 30th June in the year this return is required to be lodged.
- 6 If a Member is not required to disclose a kind of pecuniary interest or other matter under a particular main heading in this form, "NIL" or "N/A" (as relevant) is to be placed in an appropriate space under that heading.
- 7 The entries marked as "Example entry only" or "Example entries only" are provided by way of example only.

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Constitution (Disclosures by Members) Amendment Regulation 2008

Schedule 1 Amendments

- 8 You must disclose ALL matters required to be disclosed as set out in the return in Section 2 of this form (and as required by the *Constitution (Disclosures by Members) Regulation 1983*) for the ordinary return period applicable to you. Specifically, even where you have listed a pecuniary interest for the period of 1 July to 31 December of the previous year in your most recent supplementary ordinary return (such as a source of income, gift, contribution to travel, disposition of property or client services), you must again list that item in this return.
- 9 Matter marked with an asterisk (*) is to be omitted if it is not appropriate for the Member concerned.

SECTION 1—GUIDANCE NOTES AND EXAMPLES

Part 1 Real property

Under clause 8 of the *Constitution (Disclosures by Members) Regulation 1983*, you must disclose in Part 1 of the return the address of each parcel of real property in which you had an interest (or the alternative information permitted by the Regulation if you used the parcel for residential purposes) at any time during the ordinary return period and the nature of the interest in the real property. Make a separate entry for each parcel of real property held, separated by a line, in Part 1 of the return.

Example entries only:

Address of each parcel of real property	Nature of interest
Principal place of residence Suburb—Surry Hills	Lessee
1 Pitt Street, Sydney NSW 2000	Joint tenant

Part 2 Sources of income

Under clause 9 of the *Constitution (Disclosures by Members) Regulation 1983*, you must disclose in Part 2 of the return each source of income that you received during the ordinary return period. You must disclose income received:

- (a) as an employee, as part of a partnership, as an office holder (including an office holder in a corporation or body) or under any other contract, agreement or arrangement (such as a self-employed consultant/contractor) (use Part 2.1 of the return), and
- (b) from a trust (use Part 2.2 of the return), and
- (c) from any other source (use Part 2.3 of the return).

2.1 Income from employment, offices, partnerships and services

Under clause 9 (2) (a)–(d) of the *Constitution (Disclosures by Members) Regulation 1983*, you must disclose in Part 2.1 of the return any income you have received during the ordinary return period as an employee, as part of a partnership, as an office holder (including an office holder in a corporation or body) or under any other contract, agreement or arrangement (such as a self-employed consultant/contractor).

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Constitution (Disclosures by Members) Amendment Regulation 2008

Amendments

Schedule 1

You must also describe the services you provide in receiving that income. The description of the services provided must be reasonably sufficient to identify the service provided in return for that income. Services from which you do not derive any income do not need to be disclosed.

You must make a separate entry for each different source of income in the appropriate Table in Part 2.1 of the return. For example, if you are employed and hold an office, two separate entries should be made respectively in Tables 2.1.1 and 2.1.2 in Part 2.1 of the return. Separate multiple entries in each Table by a line. Where the Table is not relevant to your circumstances because you do not receive that kind of income, enter "NIL" in that Table (for example, if you do not derive any income, whether as an employee, as an office holder, from a partnership or otherwise under a contract, agreement or arrangement, you must enter "NIL" in all Tables). Where the Table (or part of a Table) is not relevant to your circumstances because the conditions under which you would be required to make a disclosure do not apply in relation to you, enter "N/A" in that Table or part of the Table (for example, if you are not required to disclose the nature of the business of your employer because the services you provided did not arise from or relate to the use of your position as a Member).

Where you provide services that "arise from or relate to the use of" your position as a Member, you must complete the last column in each Table. This includes (but is not limited to) where you engage in:

- (a) the provision of public policy advice, or
- (b) the development of strategies or the provision of advice on the conduct of relations with the Government or Members, or
- (c) lobbying the Government or other Members on a matter of concern to the person to whom the service is provided.

Note, where the provision of services "arise from or relate to the use of" your position as a Member, you may also need to complete Part 9 of the return.

Table 2.1.1 Income received as an employee—Example entry only:

Name of occupation	Description of kinds of services provided	Name and address of employer	Nature of business of the employer (where the services provided relate to your position as a Member)
Solicitor	Employed solicitor providing legal services to clients, in the areas of criminal and family law	ABC Lawyers, 1 Pitt Street, Sydney NSW 2000	N/A

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Constitution (Disclosures by Members) Amendment Regulation 2008

Schedule 1 Amendments

Table 2.1.2 Income received as holder of office—Example entry only:

Name or title of the office and a description of kinds of services provided	Name and address of corporation or body (if any) in which the office is held	Nature of business carried on by the entity (where the services provided relate to your position as a Member)
Local councillor	Hurstville City Council, MacMahon Street, Hurstville NSW 2220	N/A

Table 2.1.3 Income from partnership—Example entry only:

Name of occupation (if any)	Description of kinds of services provided	Name and address of the partnership	Nature of business carried on by the partnership (where the services provided relate to your position as a Member)
Solicitor	Partner of the law firm and to provide commercial legal services specialising in litigation, property, intellectual property, competition and corporate law	XYZ Lawyer, 3 Smith Street, Paddington NSW 2021	N/A

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Constitution (Disclosures by Members) Amendment Regulation 2008

Amendments

Schedule 1

Table 2.1.4 Income from services provided under any other contract, agreement or arrangement—Example entry only:

Name of occupation (if relevant) and a description of services provided	Name and address of parties to any contract, agreement or arrangement to provide services	Nature of business carried on by the other party to the contract, agreement or arrangement (where the services provided relate to your position as a Member)
Public affairs consultant—Providing public affairs advice, including lobbying MPs and government departments on the issue of regulation of electrical appliances	XYZ Corporation, 1 Pitt Street, Sydney NSW 2000	Manufacturer of electrical appliances

2.2 Income from a trust

Under clause 9 (2) (e) of the *Constitution (Disclosures by Members) Regulation 1983*, you are required to disclose in Part 2.2 of the return any source of income which you received during the ordinary return period from a trust, including the name and address of the settlor and the trustee. Make a separate entry in Part 2.2 of the return (separated by a line) for each trust.

Example entry only:

Name and address of settlor	Name and address of trustee
XY Settlor, 2 George Street, Sydney NSW 2000	AB Trustee, 10 George Street, Sydney NSW 2000

2.3 Other income

Under clause 9 (2) (f) of the *Constitution (Disclosures by Members) Regulation 1983*, you are required to disclose in Part 2.3 of the return any other income received during the ordinary return period and provide a description sufficient to identify the person from whom, or the circumstances in which, the income was received.

Example entry only:

Disclosure of other income
Income from the operation of a farm at 1 Pitt Street, Orange NSW 2800 of which I am the sole proprietor.

Part 3 Gifts

Under clause 10 of the *Constitution (Disclosures by Members) Regulation 1983*, you are required to disclose in Part 3 of the return any gifts (including gifts of cash)

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Constitution (Disclosures by Members) Amendment Regulation 2008

Schedule 1 Amendments

received during the ordinary return period and the name and address of the person from whom the gift was received.

You do not need to disclose a gift that:

- (a) does not exceed \$500 in value unless the gift was 1 of 2 or more gifts made by 1 person at any time during the ordinary return period and the amount of those 2 or more gifts together exceeds \$500 in aggregate, or
- (b) is a political donation disclosed, or required to be disclosed, under Part 6 of the *Election Funding Act 1981*, or
- (c) is from a donor who is a relative of yours (as defined by clause 7 (1) of the *Constitution (Disclosures by Members) Regulation 1983*).

Example entry only:

Description of each gift I received at any time during the ordinary return period	Name and address of donor
4 tickets to the XYZ sporting event	XYZ Sports Union, 1 Pitt Street, Sydney NSW 2000

Part 4 Contributions to travel

Under clause 11 of the *Constitution (Disclosures by Members) Regulation 1983*, you are required to disclose the information set out in Part 4 of the return for any contribution to any travel (including accommodation incidental to a journey) undertaken by you during the ordinary return period.

You do not need to disclose a contribution if:

- (a) the contribution was made from public funds (including a contribution arising from travel on free passes issued under any Act or from travel in government vehicles), or
- (b) the contribution was made by a relative of yours (as defined by clause 7 (1) of the *Constitution (Disclosures by Members) Regulation 1983*), or
- (c) the contribution was made in the ordinary course of any occupation which is not related to your duties as a Member, or
- (d) the amount of the contribution did not exceed \$250 unless the contribution was 1 of 2 or more contributions made by 1 person at any time during the ordinary return period and the amount of those 2 or more contributions exceeded, in the aggregate, \$250, or
- (e) the contribution was a political contribution disclosed, or required to be disclosed, under Part 6 of the *Election Funding Act 1981*, or
- (f) the contribution was made by a political party of which you are a member and the travel was undertaken for the purpose of political activity of the party in New South Wales or to enable you to represent the party within Australia.

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Constitution (Disclosures by Members) Amendment Regulation 2008

Amendments

Schedule 1

Example entry only:

Name and address of each person who made any financial or other contribution to travel undertaken at any time during the ordinary return period	Dates on which travel was taken	Names of States, Territories of the Commonwealth and overseas countries in which travel undertaken
Brisbane City Council, 1 Smith Street, Brisbane QLD 4000	31 August to 4 September	Brisbane, Queensland

Part 5 Interests and positions in corporations

Under clause 12 of the *Constitution (Disclosures by Members) Regulation 1983*, you must disclose in Part 5 of the return the following particulars for each corporation in which you had an interest or held any position (whether remunerated or not) at any time during the ordinary return period:

- (a) the name and address of each corporation,
- (b) the nature of the interest (if any) or a description of the position held,
- (c) except in the case of a listed public company, a description of the principal objects of each such corporation.

If you received income in respect of any position held in a corporation, that information should be disclosed in Part 2 of the return.

Example entries only:

Name and address of corporation	Nature of interest (if any) or description of position held	Description of principal objects of corporation (where corporation is not a listed public company)
CD Corporation Limited, 1 Martin Place, Sydney NSW 2000	Shareholder	N/A
MD Corporation Pty Limited, 33 Kingsgrove Road, Kingsgrove NSW 2208	Majority shareholder	To provide financial advice to its clients

Part 6 Positions in trade unions and professional or business associations

Under clause 13 of the *Constitution (Disclosures by Members) Regulation 1983*, you must disclose in Part 6 of the return the name of each trade union and professional or

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Constitution (Disclosures by Members) Amendment Regulation 2008

Schedule 1 Amendments

business association in which you held any position (whether remunerated or not) at any time during the ordinary return period and a description of the position held.

Example entry only:

Name of trade union or association	Description of position
ABC Trade Union	Member Honorary Secretary

Part 7 Debts

Under clause 14 of the *Constitution (Disclosures by Members) Regulation 1983*, you must disclose in Part 7 of the return the name and address of each person to whom you were liable to pay any debt at any time during the ordinary return period. You must disclose all debts, whether or not the amount to be paid was due and payable at any time during that period.

You do not need to disclose a debt that:

- (a) does not exceed \$500 unless the debt was 1 of 2 or more debts owed to 1 person and the amount of those 2 or more debts together exceeds \$500 in aggregate, or
- (b) is owed to a relative of yours (as defined by clause 7 (1) of the *Constitution (Disclosures by Members) Regulation 1983*), or
- (c) is owed to a bank, building society, credit union or other person whose ordinary business includes the lending of money and the loan was made in the ordinary course of business of the lender, or
- (d) arises from the supply of goods and services which were supplied during the ordinary return period, or
- (e) arises from the supply of goods and services in the ordinary course of any occupation not related to your duties as a Member.

Example entry only:

Disclosure of debts

Personal loan made by Mr John Smith of 1 Pitt Street, Sydney NSW 2000.

Part 8 Dispositions of property

Under clause 15 of the *Constitution (Disclosures by Members) Regulation 1983*, you must disclose in Part 8 of the return particulars of each disposition of:

- (a) real property by you at any time during the ordinary return period whereby you retained, wholly or in part, the use and benefit of the property or the right to reacquire the property at a later time, or
- (b) property to a person by any other person under arrangements made by you during the ordinary return period whereby you obtained, either wholly or in part, the use and benefit of the property.

Example entry only:

Disclosure of dispositions of property

Disposition of Lot 5, DP1234 on 30 May to XYZ Corporation, whereby a right is conferred on Mr Smith MP to use the property.

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Constitution (Disclosures by Members) Amendment Regulation 2008

Amendments

Schedule 1

Part 9 Client services

Under clause 15A of the *Constitution (Disclosures by Members) Regulation 1983*, you must disclose the details set out in Part 9 of the return if you have provided “client services” at any time during the ordinary return period.

Client services are provided by you if:

- (a) you are engaged by a person (whether an individual or corporation) to provide services to or on behalf of any of that person’s clients, and
- (b) that person has received or is reasonably expected to receive consideration in money or money’s worth from the client for your services, and
- (c) the services relate to your Parliamentary position.

You are engaged by a person (whether an individual or corporation) to provide services if you provide services in connection with:

- (a) any contract of employment with the person, or
- (b) your role as an officer of the person (such as a corporation), or
- (c) any other contract, agreement or arrangement that you have entered into with the person in respect of which you receive consideration in money, or money’s worth, for providing the services.

Services relate to your Parliamentary position if the services “arise from or relate to the use of” your position as a Member. This includes (but is not limited to) where you engage in:

- (a) the provision of public policy advice, or
- (b) the development of strategies or the provision of advice on the conduct of relations with the Government or Members, or
- (c) lobbying the Government or other Members on a matter of concern to the person to whom the service is provided.

You are required to disclose the persons who receive the benefit of your client services even if you did not directly receive any payment from that person.

You must make a separate entry in Part 9 of the return for each person who directly receives the benefit of your services. You must also disclose who receives the benefit of your services if the client of the person who engages you requests that the services be provided to some other person. For example, if you are employed by, or are a director of Company X, and Company X contracts with Person Y for you to provide consultancy services to Company Z, you must disclose the provision of client services to both Person Y and Company Z.

Please note, your engagement with a person to provide client services should be disclosed in Part 2 of the return.

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Constitution (Disclosures by Members) Amendment Regulation 2008

Schedule 1 Amendments

Example entry only:

Names and addresses of persons who benefit or are likely to benefit from the services provided at any time during the ordinary return period	Description of the services reasonably sufficient to identify the nature of the service provided	Nature of business of persons who directly benefited or are likely directly to benefit
Smith Constructions Pty Ltd, 1 Orange Street, Paddington NSW 2021	Advising on public policy regarding public infrastructure and the development of strategies on the conduct of relations with the Government, and lobbying government departments in relation to projects managed by the company	Construction company specialising in public infrastructure such as roads

Part 10 Discretionary disclosures

Under clause 16 of the *Constitution (Disclosures by Members) Regulation 1983*, a Member may disclose in Part 10 of the return any direct or indirect benefits, advantages or liabilities that are not required to be disclosed by the Regulation but which the Member considers might appear to raise a conflict between his or her private interests and his or her public duty as a Member or which he or she otherwise wishes to disclose.

SECTION 2—MEMBER'S ORDINARY RETURN

**Constitution (Disclosures by Members) Regulation 1983
Ordinary Return—Legislative *Council/*Assembly**

Disclosures of pecuniary interests and other matters by:

.....
(full name of Member)

in respect of the period from to
(ordinary return period)

.....
(Member's signature)
.....

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Constitution (Disclosures by Members) Amendment Regulation 2008

Amendments

Schedule 1

(Date)

Part 1 Real property

Address of each parcel of real property	Nature of interest

Part 2 Sources of income

2.1 Income from employment, offices, partnerships and services

Table 2.1.1 Income received as an employee

Name of occupation	Description of kinds of services provided	Name and address of employer	Nature of business of the employer (where the services provided relate to your position as a Member)

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Constitution (Disclosures by Members) Amendment Regulation 2008

Schedule 1 Amendments

Table 2.1.2 Income received as holder of office

Name or title of the office and a description of kinds of services provided	Name and address of corporation or body (if any) in which the office is held	Nature of business carried on by the entity (where the services provided relate to your position as a Member)

Table 2.1.3 Income from partnership

Name of occupation (if any)	Description of kinds of services provided	Name and address of the partnership	Nature of business carried on by the partnership (where the services provided relate to your position as a Member)

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Constitution (Disclosures by Members) Amendment Regulation 2008

Amendments

Schedule 1

Table 2.1.4 Income from services provided under any other contract, agreement or arrangement

Name of occupation (if relevant) and a description of services provided	Name and address of parties to any contract, agreement or arrangement to provide services	Nature of business carried on by the other party to the contract, agreement or arrangement (where the services provided relate to your position as a Member)

2.2 Income from a trust

Name and address of settlor	Name and address of trustee

2.3 Other income

Disclosure of other income

Part 3 Gifts

Description of each gift I received at any time during the ordinary return period	Name and address of donor

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Constitution (Disclosures by Members) Amendment Regulation 2008

Schedule 1 Amendments

Part 4 Contributions to travel

Name and address of each person who made any financial or other contribution to travel undertaken at any time during the ordinary return period	Dates on which travel was taken	Names of States, Territories of the Commonwealth and overseas countries in which travel undertaken

Part 5 Interests and positions in corporations

Name and address of corporation	Nature of interest (if any) or description of position held	Description of principal objects of corporation (where corporation is not a listed public company)

Part 6 Positions in trade unions and professional or business associations

Name of trade union or association	Description of position

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Constitution (Disclosures by Members) Amendment Regulation 2008

Amendments

Schedule 1

Part 7 Debts

Disclosure of debts

Part 8 Dispositions of property

Disclosure of dispositions of property

Part 9 Client services

Names and addresses of persons who benefit from the services provided at any time during the ordinary return period	Description of the services reasonably sufficient to identify the nature of the service provided	Nature of business of persons who directly benefited or are likely directly to benefit

Part 10 Discretionary disclosures

Disclosures that are discretionary

Form 3 Supplementary ordinary return

(Clause 3 (1), definition of "supplementary ordinary return")

Directions

- 1 This form is in two sections. The first section (Section 1—Guidance Notes and Examples) outlines the requirements of the *Constitution (Disclosures by Members) Regulation 1983* for each type of interest to be disclosed, and gives examples as to how to make entries on the return. The second section of the form (Section 2—Member's Supplementary Ordinary Return) sets out the return that is to be filled in by the Member. Only the second section of this form needs to be lodged with the Clerk.

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Constitution (Disclosures by Members) Amendment Regulation 2008

Schedule 1 Amendments

- 2 The pecuniary interests and other matters required to be disclosed in the return set out in Section 2 of this form are prescribed by clauses 8 to 15A of the *Constitution (Disclosures by Members) Regulation 1983* (as applied to the return by clause 6A of the Regulation).
- 3 You must complete **EITHER** Division A or Division B of the return in Section 2.
- 4 The particulars required to complete this form are to be written in block letters or typed.
- 5 If any space is insufficient in this form for all the particulars required to complete it, attach an appendix for that purpose which is properly identified and signed by the Member.
- 6 You should refer to the *Constitution (Disclosures by Members) Regulation 1983* and the instructions in your last ordinary return (if any) to identify whether pecuniary interests should be disclosed.
- 7 A reference in this form to the *supplementary ordinary return period* in relation to a Member is a reference to:
- (a) in the case of a Member whose previous return was an ordinary return—the period commencing on 1st July and ending on 31st December of the previous year, or
 - (b) in the case of a Member whose previous return was a primary return:
 - (i) where the Member took the pledge of loyalty on or before 1st July of the previous year—the period commencing on 1st July and ending on 31st December of the previous year, or
 - (ii) where the Member took the pledge of loyalty after 1st July of the previous year—the period commencing on that date and ending on 31st December in the previous year.
- 8 The entries marked as "Example entry only" or "Example entries only" are provided by way of example only.
- 9 Matter marked with an asterisk (*) is to be omitted if it is not appropriate for the Member concerned.

SECTION 1—GUIDANCE NOTES AND EXAMPLES

- 1 A supplementary ordinary return is designed to update the pecuniary interests disclosed in the ordinary return or primary return last filed by you that covered the return period ending on 30 June last year. Specifically, the purpose of this form is for you to identify additional pecuniary interests for the period 1 July to 31 December of last year. The return must generally be filed by 31 March. Certain interests do not need to be disclosed if they have been disclosed in your most recent ordinary return or primary return.
- 2 In the case of new Members (other than re-elected Members) who have not yet filed an ordinary return, your primary return is to be treated as your most recent ordinary return for the purposes of completing this supplementary ordinary return. It should also be noted that new Members do not need to disclose anything that occurred, or was received or had, before the date on which the pledge of loyalty was taken. Also, as a result of this, some new Members will have a supplementary ordinary return period that is shorter than the period 1 July to 31 December of last year.
- 3 Additional pecuniary interests must be disclosed where, during the supplementary ordinary return period, you have:

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Constitution (Disclosures by Members) Amendment Regulation 2008

Amendments

Schedule 1

- (a) held any interests in real property, which are additional to those already disclosed in your most recent return, or
 - (b) received income from any source, or
 - (c) received any gifts or contributions to travel, or
 - (d) held any interests or positions in corporations, which are additional to those already disclosed in your most recent return, or
 - (e) held any positions in trade unions or professional or business associations, which are additional to those already disclosed in your most recent ordinary return, or
 - (f) incurred a liability to pay a debt to any person, which is additional to those already disclosed in your most recent ordinary return, or
 - (g) had any dispositions of property (within the meaning of Part 3 of the *Constitution (Disclosures by Members) Regulation 1983*) in which you have retained a benefit, or
 - (h) provided any "client services".
- 4 Complete either Division A or Division B of the return, but not both.
- Division A** must only be completed where, in respect of the supplementary ordinary return period last year, you do not have any additional pecuniary interests to disclose as required by the *Constitution (Disclosures by Members) Regulation 1983*.
- Division B** must only be completed if you have additional pecuniary interests set out in item 3 (a) to (h) of these notes in respect of the supplementary ordinary return period last year. You must identify each of the additional pecuniary interest in the relevant table in Division B. You must disclose the following kinds of pecuniary interests even if you disclosed them in the same or a similar entry in your most recent return:
- (a) income received from any source,
 - (b) any gifts or contributions to travel that you received,
 - (c) any dispositions of property (within the meaning of Part 3 of the *Constitution (Disclosures by Members) Regulation 1983*),
 - (d) any "client services" you provided.
- 5 If you are not required to disclose a kind of pecuniary interest or other matter under a particular main heading in Division B, "NIL" or "N/A" (as relevant) is to be placed in an appropriate space under that heading.
- 6 If you have ceased to hold a pecuniary interest that you disclosed in your most recent ordinary return (for example, you have divested yourself of real property), you may (but are not required to) attach a separate document identifying those pecuniary interests that you have ceased to hold.

Part 1 Real property

List in Part 1 in Division B of the return any interests in real property you held during the supplementary ordinary return period, which are additional to those that you have already disclosed in your most recent return.

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Constitution (Disclosures by Members) Amendment Regulation 2008

Schedule 1 Amendments

Example entries only:

Address of each parcel of real property	Nature of interest
Principal place of residence Suburb—Surry Hills	Lessee
1 Pitt Street, Sydney NSW 2000	Joint tenant

Part 2 Sources of income

List in Part 2 in Division B of the return all sources from which you received income during the supplementary ordinary return period. You must list all sources of income for that period, even if you listed the same or a similar matter in your most recent return for the previous return period.

2.1 Income from employment, offices, partnerships and services

List in the appropriate Tables in Part 2.1 in Division B of the return income from employment, offices, partnerships and services.

Table 2.1.1 Income received as an employee—Example entry only:

Name of occupation	Description of kinds of services provided	Name and address of employer	Nature of business of the employer (where the services provided relate to your position as a Member)
Solicitor	Employed solicitor providing legal services to clients, in the areas of criminal and family law	ABC Lawyers, 1 Pitt Street, Sydney NSW 2000	N/A

Table 2.1.2 Income received as holder of office—Example entry only:

Name or title of the office and a description of kinds of services provided	Name and address of corporation or body (if any) in which the office is held	Nature of business carried on by the entity (where the services provided relate to your position as a Member)
Local councillor	Hurstville City Council, MacMahon Street, Hurstville NSW 2220	N/A

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Amendments

Schedule 1

Table 2.1.3 Income from partnership—Example entry only:

Name of occupation (if any)	Description of kinds of services provided	Name and address of the partnership	Nature of business carried on by the partnership (where the services provided relate to your position as a Member)
Solicitor	Partner of the law firm and to provide commercial legal services specialising in litigation, property, intellectual property, competition and corporate law	XYZ Lawyer, 3 Smith Street, Paddington NSW 2021	N/A

Table 2.1.4 Income from services provided under any other contract, agreement or arrangement—Example entry only:

Name of occupation (if relevant) and a description of services provided	Name and address of parties to any contract, agreement or arrangement to provide services	Nature of business carried on by the other party to the contract, agreement or arrangement (where the services provided relate to your position as a Member)
Public affairs consultant—Providing public affairs advice, including lobbying MPs and government departments on the issue of regulation of electrical appliances	XYZ Corporation, 1 Pitt Street, Sydney NSW 2000	Manufacturer of electrical appliances

2.2 Income from a trust

List in Part 2.2 in Division B of the return any income from trusts.

Example entry only:

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Schedule 1 Amendments

Name and address of settlor	Name and address of trustee
XY Settlor, 2 George Street, Sydney NSW 2000	AB Trustee, 10 George Street, Sydney NSW 2000

2.3 Other income

List in Part 2.3 in Division B of the return any other income.

Example entry only:

Disclosure of other income

Income from the operation of a farm at 1 Pitt Street, Orange NSW, 2800 of which I am the sole proprietor.

Part 3 Gifts

List in Part 3 in Division B of the return all gifts you received during the supplementary ordinary return period. You must list all gifts for that period, even if you listed the same or a similar matter in your most recent return for the previous return period.

Example entry only:

Description of each gift I received at any time during the supplementary ordinary return period	Name and address of donor
4 tickets to the XYZ sporting event	XYZ Sports Union, 1 Pitt Street, Sydney NSW 2000

Part 4 Contributions to travel

List in Part 4 in Division B of the return all contributions to travel you received during the supplementary ordinary return period. You must list all contributions to travel for that period, even if you listed the same or a similar matter in your most recent return for the previous return period.

Example entry only:

Name and address of each person who made any financial or other contribution to travel undertaken at any time during the supplementary ordinary return period	Dates on which travel was taken	Names of States, Territories of the Commonwealth and overseas countries in which travel undertaken
Brisbane City Council, 1 Smith Street, Brisbane QLD 4000	31 August to 4 September	Brisbane, Queensland

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Amendments

Schedule 1

Part 5 Interests and positions in corporations

List in Part 5 in Division B of the return all positions or interests in corporations you held during the supplementary ordinary return period that are additional to those positions or interests that you have already disclosed in your most recent return. If you received income in respect of any position held in a corporation, that information should be disclosed in Part 2 in Division B of the return.

Example entries only:

Name and address of corporation	Nature of interest (if any) or description of position held	Description of principal objects of corporation (where corporation is not a listed public company)
CD Corporation Limited, 1 Martin Place, Sydney NSW 2000	Shareholder	N/A
MD Corporation Pty Limited, 33 Kingsgrove Road, Kingsgrove NSW 2208	Majority shareholder	To provide financial advice to its clients

Part 6 Positions in trade unions and professional or business associations

List in Part 6 in Division B of the return all positions in trade unions and professional or business associations you held during the supplementary ordinary return period that are additional to those positions or interests that you have already disclosed in your most recent return.

Example entry only:

Name of trade union or association	Description of position
ABC Trade Union	Member Honorary Secretary

Part 7 Debts

List in Part 7 in Division B of the return the name and address of persons to whom you were liable for a debt during the supplementary ordinary return period that are additional to those which you have already listed in your most recent return.

Example entry only:

Disclosure of debts
Personal loan made by Mr John Smith of 1 Pitt Street, Sydney NSW 2000.

Part 8 Dispositions of property

List in Part 8 in Division B of the return all dispositions of property (within the meaning of Part 3 of the *Constitution (Disclosures by Members) Regulation 1983*) in which you have retained a benefit during the supplementary ordinary return period.

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Schedule 1 Amendments

You must list all such dispositions occurring during that period, even if you listed the same or a similar matter in your most recent return for the previous return period.

Example entry only:

Disclosure of dispositions of property

Disposition of Lot 5, DP1234 on 30 May to XYZ Corporation, whereby a right is conferred on Mr Smith MP to use the property.

Part 9 Client services

List in Part 9 in Division B of the return all client services you provided during the supplementary ordinary return period. You must list all client services provided during that period, even if you listed the same or a similar matter in your most recent return for the previous return period.

Example entry only:

Names and addresses of persons who benefit or are likely to benefit from the services provided at any time during the supplementary ordinary return period	Description of the services reasonably sufficient to identify the nature of the service provided	Nature of business of persons who directly benefited or are likely directly to benefit
Smith Constructions Pty Ltd, 1 Orange Street, Paddington NSW 2021	Advising on public policy regarding public infrastructure and the development of strategies on the conduct of relations with the Government, and lobbying government departments in relation to projects managed by the company	Construction company specialising in public infrastructure such as roads

Part 10 Discretionary disclosures

List in Part 10 any other disclosures you wish to make.

SECTION 2—MEMBER'S SUPPLEMENTARY ORDINARY RETURN

Constitution (Disclosures by Members) Regulation 1983

Supplementary Ordinary Return—Legislative *Council/*Assembly

*Division A

consultation draft

Constitution (Disclosures by Members) Amendment Regulation 2008

Amendments

Schedule 1

Disclosures of pecuniary interests and other matters by:

.....
(full name of Member)

I certify that there are no new pecuniary interests that I need to disclose as required by clause 6A of the *Constitution (Disclosures by Members) Regulation 1983* in respect of the period from to
(supplementary ordinary return period)

.....
(Member's signature)

.....
(Date)

***Division B**

Disclosures of pecuniary interests and other matters by:

.....
(full name of Member)

I certify that the additional pecuniary interests set out in the Parts to this Division are the interests that I am required to disclose by clause 6A of the *Constitution (Disclosures by Members) Regulation 1983*

in respect of the period from to
(supplementary ordinary return period)

.....
(Member's signature)

.....
(Date)

Part 1 Real property

Address of each parcel of real property	Nature of interest

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Constitution (Disclosures by Members) Amendment Regulation 2008

Schedule 1 Amendments

Address of each parcel of real property	Nature of interest

Part 2 Sources of income

2.1 Income from employment, offices, partnerships and services

Table 2.1.1 Income received as an employee

Name of occupation	Description of kinds of services provided	Name and address of employer	Nature of business of the employer (where the services provided relate to your position as a Member)

consultation draft

Constitution (Disclosures by Members) Amendment Regulation 2008

Amendments

Schedule 1

Table 2.1.2 Income received as holder of office

Name or title of the office and a description of kinds of services provided	Name and address of corporation or body (if any) in which the office is held	Nature of business carried on by the entity (where the services provided relate to your position as a Member)

Table 2.1.3 Income from partnership

Name of occupation (if any)	Description of kinds of services provided	Name and address of the partnership	Nature of business carried on by the partnership (where the services provided relate to your position as a Member)

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Constitution (Disclosures by Members) Amendment Regulation 2008

Schedule 1 Amendments

Table 2.1.4 Income from services provided under any other contract, agreement or arrangement

Name of occupation (if relevant) and a description of services provided	Name and address of parties to any contract, agreement or arrangement to provide services	Nature of business carried on by the other party to the contract, agreement or arrangement (where the services provided relate to your position as a Member)

2.2 Income from a trust

Name and address of settlor	Name and address of trustee

2.3 Other income

Disclosure of other income

Part 3 Gifts

Description of each gift I received at any time during the supplementary ordinary return period	Name and address of donor

consultation draft

Constitution (Disclosures by Members) Amendment Regulation 2008

Amendments

Schedule 1

Part 4 Contributions to travel

Name and address of each person who made any financial or other contribution to travel undertaken at any time during the supplementary ordinary return period	Dates on which travel was taken	Names of States, Territories of the Commonwealth and overseas countries in which travel undertaken

Part 5 Interests and positions in corporations

Name and address of corporation	Nature of interest (if any) or description of position held	Description of principal objects of corporation (where corporation is not a listed public company)

Part 6 Positions in trade unions and professional or business associations

Name of trade union or association	Description of position

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Constitution (Disclosures by Members) Amendment Regulation 2008

Schedule 1 Amendments

Name of trade union or association	Description of position

Part 7 Debts

Disclosure of debts

Part 8 Dispositions of property

Disclosure of dispositions of property

Part 9 Client services

Names and addresses of persons who benefit from the services provided at any time during the supplementary ordinary return period	Description of the services reasonably sufficient to identify the nature of the service provided	Nature of business of persons who directly benefited or are likely directly to benefit

Part 10 Discretionary disclosures

Disclosures that are discretionary

Form 4 Discretionary return

(Clause 3 (1), definition of "discretionary return")

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Constitution (Disclosures by Members) Amendment Regulation 2008

Amendments

Schedule 1

Constitution (Disclosures by Members) Regulation 1983
Discretionary Return—Legislative *Council/*Assembly

Directions

- 1 If a Member considers it appropriate to do so, a Member may make any disclosures in a discretionary return concerning any or all of the matters that a Member is required or permitted to disclose under the *Constitution (Disclosures by Members) Regulation 1983* in an ordinary return, before the date on which the Member is next required to lodge an ordinary return or supplementary ordinary return.
- 2 The particulars required to complete this form are to be written in block letters or typed.
- 3 If any space is insufficient in this form for all the particulars required to complete it, attach an appendix for that purpose which is properly identified and signed by the Member.
- 4 Matter marked with an asterisk (*) is to be omitted if it is not appropriate for the Member concerned.

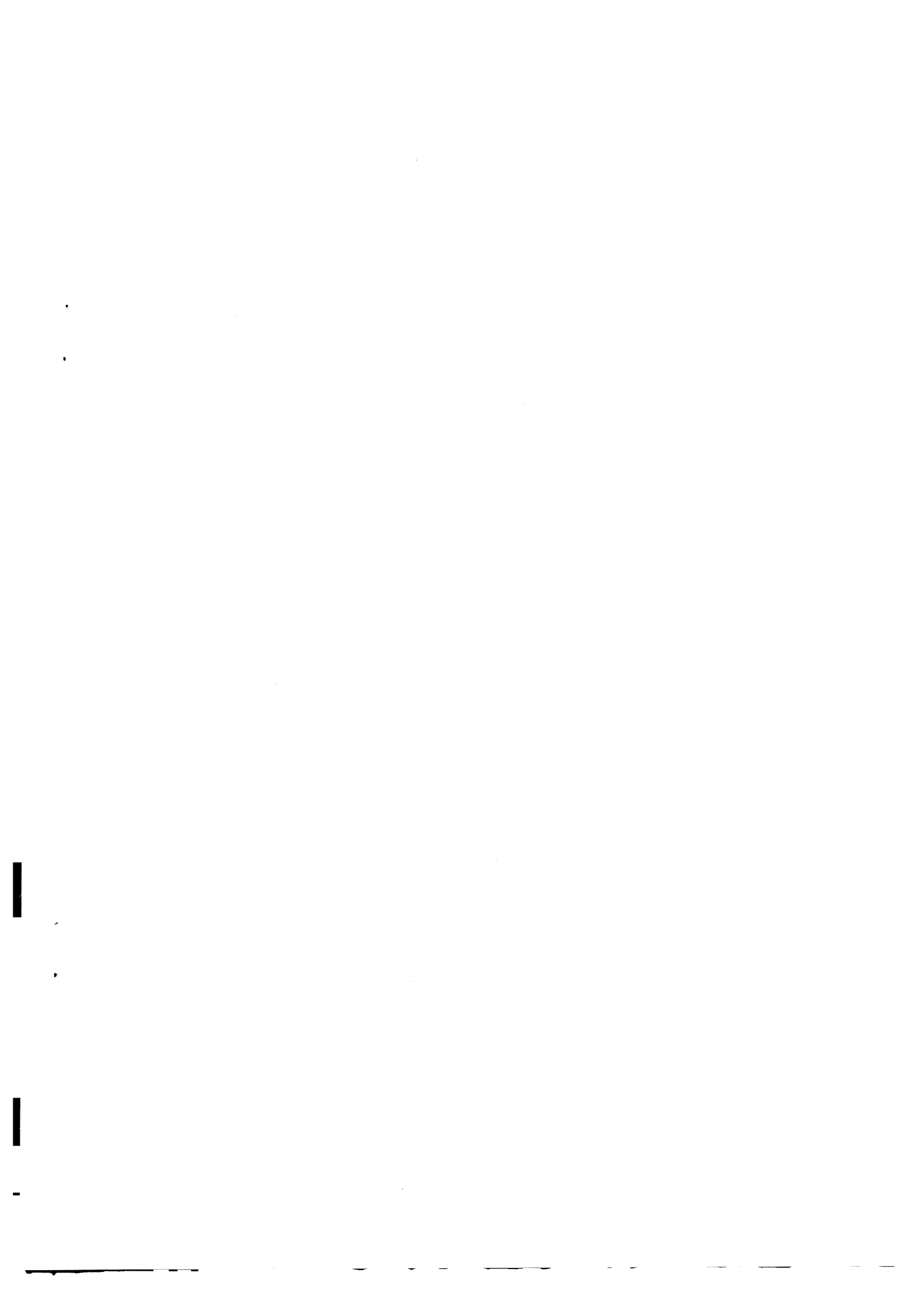
Disclosures of pecuniary interests and other matters by:

.....
(full name of Member)

.....
(Member's signature)

.....
(Date)

Discretionary disclosures





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