

Standing Committee on Parliamentary Privilege and Ethics

Report on inquiry into the Pecuniary Interests Register

Supplementary Returns

Ordered to be printed 4 December 2002

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Terms of Reference

- 1)** That this House notes the requirements of section 14A (1) of the Constitution Act 1902 and the Constitution (Disclosures by Members) Regulation 1983 for Members to disclose the following pecuniary interests or other matters:
 - (a) real property
 - (b) sources of income
 - (c) gifts
 - (d) contributions to travel
 - (e) interests and positions in corporations
 - (f) positions in trade unions and professions or business associations
 - (g) debts
 - (h) dispositions of property, and
 - (i) discretionary disclosures.
- 2)** That this House further notes section 14A (2) of the Constitution Act 1902 which states:
 - (2) If a Member of either House of Parliament wilfully contravenes any regulation made under subsection (1), that House may, in accordance with subsection (3), declare his seat vacant and the seat of the Member shall thereupon become vacant.
- 3)** That this House notes that in response to Questions without Notice directed to the Honourable Edward Obeid, he stated, among other things:
 - (a) "...Since I became a minister I have had no active part in any professional practice or in any business." – Letter to Premier in Hansard, 8 September 1999, p. 64,
 - (b) "...my pecuniary interests of 1999 stand." – Hansard, 29 August 2000, p. 8392,
 - (c) "I have complied with the requirements of my pecuniary register every year." – Hansard, 31 August 2000, p. 8555,
 - (d) "My pecuniary interests are well in order..." – Hansard, 5 September 9 2000, p. 8602
 - (e) "...I have answered enough questions on my pecuniary interests. They are there for everyone to see. They comply with the requirements of the Constitution..." – Hansard, 31 October 2000, p. 9331,
 - (f) "...Anything I have to say about my pecuniary interests is well recorded. Any time that I feel it should be corrected, I have done so." – Hansard proof, 18 September 2002, p. 16.

- 4)** That the Standing Committee on Parliamentary Privilege and Ethics investigate and report on:
- (a) whether, under section 14A (2) of the Constitution Act 1902, the Honourable Edward Obeid, Minister for Mineral Resources and Minister for Fisheries, has wilfully contravened the requirements of clause 12 of the Constitution (Disclosures by Members) Regulation 1983 by failing to disclose any pecuniary interest as required under the Regulation,
 - (b) what, if any, sanctions should be enforced in relation to the conduct of the Honourable Edward Obeid, Minister for Mineral Resources and Minister for Fisheries, in this matter, and
 - (c) whether the provisions of the Constitution (Disclosures by Members) Regulation 1983 should be amended to provide for the provision of supplementary or amended disclosures by Members.
- 5)** That the Committee have power to take evidence, and to send for persons, papers, records and things.
- 6)** That leave be given to Members and Officers of the Legislative Council to appear and give evidence to the Committee in relation to the inquiry.
- 7)** That the Committee report in relation to paragraph 4 (a) and (b) by Thursday 31 October 2002, and in relation to paragraph 4 (c) as the Committee thinks fit.

These terms of reference were referred to the Committee by resolution of the House on 25 September 2002 (*Minutes of the Proceedings of the Legislative Council*, No. 36, Wednesday 25 September 2002, entry 14).

Committee membership

The Hon Helen Sham-Ho MLC *Chair*

Independent

The Hon Patricia Forsythe MLC *Deputy Chair*

Liberal Party

The Hon Amanda Fazio MLC

Australian Labor Party

The Hon Jenny Gardiner MLC

National Party

The Hon John Hatzistergos MLC¹

Australian Labor Party

The Hon Tony Kelly MLC

Australian Labor Party

The Revd the Hon Fred Nile MLC

Christian Democratic Party (Fred Nile Group)

The Hon Peter Primrose MLC

Australian Labor Party

¹ Appointed to the Committee to replace the Hon Janelle Saffin MLC on 26 September 2002: *Minutes of the Proceedings of the Legislative Council*, No. 37, 26 September 2002, entry no. 5.

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Chair's Foreword

This report concludes the inquiry by the Standing Committee on Parliamentary Privilege and Ethics into the Pecuniary Interests Register, referred to the Committee by the House on 25 September 2002. The Committee's first report, which in accordance with the terms of reference, dealt with matters concerning the conduct of the Hon Edward Obeid MLC, was tabled on 31 October 2002. This report deals with the remaining aspect of the terms of reference, "whether the provisions of the Constitution (Disclosures by Members) Regulation 1983 should be amended to provide for the provision of supplementary or amended disclosures by Members." The report contains one recommendation only:

That the Constitution (Disclosures by Members) Regulation 1983 be amended to provide for supplementary returns by Members.

I note in this regard that the submission received from the Clerk of the Parliaments included two options for the provision of supplementary returns, each of which would be appropriate.

The report also notes that, during the course of this inquiry, a number of issues have arisen in relation to the Pecuniary Interests Register, which are outside the terms of reference for this inquiry. Consideration was therefore given to the Committee seeking a further reference from the House, to enable a broad ranging review of these matters. On 3 December 2002, the House agreed to a new reference to this Committee:

That the Standing Committee on Parliamentary Privilege and Ethics inquire into and report on the possible amendment of Standing Order 126 to include reference to the direct pecuniary interests of a Member's spouse or the Member's children, and any other relevant and associated matters.

The Committee is of the view that the new reference will enable the Committee to conduct the desired broad ranging review of matters relating to pecuniary interests disclosure, including the Pecuniary Interests Register. Some of the issues which have arisen and which the Committee may decide to examine during the course of the new inquiry include:

- the question of whether the status of a person as a chargee amounts to an interest in a corporation required to be disclosed under the Constitution (Disclosures by Members) Regulation 1983;
- the appropriateness or otherwise of the current disclosure requirements in respect of members' interests and/or positions in corporations in view of the form in which such information is now provided to and available from the Australian Securities and Investments Commission (ASIC); and
- the range of sanctions available in the case of non "wilful" contraventions of the Regulation.

The community is demanding enhanced transparency and accountability and I look forward to the outcomes of the Committee's ongoing inquiries into these important issues.

I would like to thank the Committee Secretariat for their work on this report. Finally, I would like to thank my fellow Committee Members for their constructive approach to this report and for their work on the Standing Committee on Parliamentary Privilege and Ethics over the last four years.

Hon Helen Sham-Ho

Chair

Summary of Recommendations

Recommendation 1 *Page 6*

That the Constitution (Disclosures by Members) Regulation 1983 be amended to provide for supplementary returns by Members.

Chapter 1 Provision for Supplementary Returns by Members

Background to this report

- 1.1** On 31 October 2002 the first report on the inquiry into the Pecuniary Interests Register was tabled in the Legislative Council.² The first report dealt with the matters set out in paragraphs 4 (a) and (b) of the terms of reference, concerning the conduct of the Hon Edward Obeid MLC, in relation to which the House had imposed a reporting deadline of 31 October 2002.
- 1.2** Paragraph 4 (c) of the terms of reference requires the Committee to investigate and report on:
- c) whether the provisions of the Constitution (Disclosures by Members) Regulation 1983 should be amended to provide for the provision of supplementary or amended disclosures by Members.
- 1.3** At its meeting on 21 November 2002, the Committee deliberated in relation to paragraph 4 (c) of the terms of reference. The Committee resolved to recommend that the Constitution (Disclosures by Members) Regulation 1983 be amended to provide for supplementary returns by Members, and noting the provisions of section 14A (5) of the *Constitution Act 1902*.

The current situation in relation to supplementary returns

- 1.4** The submission received from the Clerk of the Parliaments notes that:
- Members' primary and ordinary returns are the only form of return required or permitted by the Regulation – the need for supplementary returns by Members was not anticipated in the Regulation. The practice of the provision of additional information by Members who wish to add to or correct their primary or ordinary returns was adopted early in the administration of the Register. This additional information is not tabled in the House, although they are filed in the Register with the Member's return for the relevant year. As a result of this practice the additional information is open to public inspection as part of the compiled Register.³
- 1.5** Paragraphs 5.23 to 5.34 of the Committee's *Report on Inquiry into Pecuniary Interests Register* outline the additional information provided by the Hon Edward Obeid MLC in relation to his pecuniary interest returns. Appendix 8 of the *Report on Inquiry into Pecuniary Interests Register* lists all those Members of the Legislative Council and Legislative Assembly who

² Standing Committee on Parliamentary Privilege and Ethics, *Report on inquiry into Pecuniary Interests Register*, Report 20, October 2002

³ Clerk of the Parliaments, Submission, 9 October 2002, p. 6.

have provided additional information in relation to their pecuniary interest returns since 1983. This information is reproduced as Appendix One to this report.

Options for the provision for supplementary returns

1.6 The submission received from the Clerk of the Parliaments sets out two options for reform in relation to the question of supplementary returns by Members.

Is there a need for the regulation to be amended to allow for supplementary returns?

I note the 19 occasions additional information has been provided since the register was begun in 1983. It is my opinion that it would be appropriate for the Regulation to be amended to allow for supplementary returns and to specify the manner in which they should be made and accepted. This could be achieved by having a supplementary return form similar to the existing primary and ordinary return forms, which could form a separate part of the Register. The Register for each year would then comprise:

- Primary return lodged by new Members,
- Ordinary returns, and
- Supplementary returns

Alternatively, the Committee might want to consider the following option. Members would be required to lodge the following returns:

- A pecuniary interest return within three (3) months of the beginning of a parliament or election as a Member, and
- Supplementary returns within 28 days of a change in interests declared in the pecuniary interest return.

Other Jurisdictions

1.7 Set out below is a comparison of the provisions in relation to supplementary returns which apply in other Australian Parliaments and the United Kingdom. There appear to be four positions in relation to supplementary returns:

- No provision for supplementary returns (like NSW);
- Primary returns only required (ie no requirement for annual returns), together with notification of changes to registered interests; and
- Primary returns and annual returns required, together with discretionary notification of changes in registered interests;

- Primary returns and annual returns required, together with compulsory notification of changes in registered interests.

No provision for supplementary returns (like NSW)

- 1.8** The only other jurisdiction in which there is no provision in relation to supplementary returns is Western Australia.⁴

Primary returns only required (ie no requirement for annual returns), together with notification of changes to registered interests

- 1.9** In the following jurisdictions, Members are required to submit a primary return or initial statement of their interests within a certain period of being elected or of making the oath or affirmation (usually one month). There is no provision for annual returns or statements, but any changes to Members' registered interests must be notified to the Registrar within a certain period of the change occurring (usually one month). The provisions relating to notification of changes are extracted below.

(a) House of Commons (United Kingdom)

- 1.10** After the initial publication of the Register (or, in the case of Members returned at by-elections, after their initial registration) it is the responsibility of Members to notify changes in their registrable interests within four weeks of each change occurring.⁵
- 1.11** There is also a procedure for rectifying minor or inadvertent errors in the register:

In the case of admitted failures to register or declare interests where the interest involved is minor or the failure to register or declare was inadvertent, the Commissioner has discretion to allow the Member to rectify the matter. In the case of non-registration, rectification requires a belated entry in the current Register, with an appropriate explanatory note; in the case of non-declaration, it requires an apology to the House by means of a point of order. Any rectification is reported briefly to the Committee [on Standards and Privileges].⁶

(b) Australian Senate

- 1.12** The relevant order of the Senate provides that a Member "shall also notify any alteration of those interests to the Registrar within 28 days of that alteration occurring."⁷

⁴ *Members of Parliament (Financial Interests) Act 1992* (WA).

⁵ *The Guide to the Rules relating to the Conduct of Members*, at www.publications.parliament.uk, p. 3.

⁶ *ibid*, pp. 26-27.

⁷ Special Order 17/03/94, J. 1421, amended 21/6/95, 13/5/98, 22/11/99, para 1.

(c) House of Representatives

- 1.13** The relevant resolution of the House of Representatives also requires notification of alterations in interests.⁸

(d) ACT

- 1.14** The relevant resolution of the ACT Legislative Assembly requires that Members “shall notify any alteration of those [interests] to the Speaker within 28 days of that alteration occurring.”⁹

Primary returns and annual returns required, together with discretionary notification of changes in registered interests.

- 1.15** In the following jurisdictions, Members must lodge a primary return or initial statement of their registrable interests within a certain period of being elected or making the oath or affirmation, **and** submit annual returns. Members may also notify the Clerk/registrar of changes or variations in the details of their registered interests. The relevant provisions relating to changes or variations are noted below.

(a) Victoria

- 1.16** The Victorian *Members of Parliament (Register of Interests) Act 1978* provides that:

A Member may at any time notify the Clerk of the Parliaments of any change or variation in the information appearing on the register in respect of himself or a member of his family.¹⁰

(b) Tasmania

- 1.17** The Tasmanian *Parliamentary (Disclosure of Interests) Act 1996* provides for the discretionary notification of variations in interests:

22(1) A Member may notify the Clerk of any variation in any liability or information contained in a return a return lodged by that Member if the Member considers it necessary.

(2) After being notified of any variation in a return, the Clerk is to amend the return accordingly.¹¹

⁸ Resolution 9/10/94, amended 21/3/85, 13/2/86, 30/11/88, 9/11/94, para 1(a)(ii).

⁹ Resolution, 7/4/92, amended 27/8/98.

¹⁰ *Members of Parliament (Register of Interests) Act 1978* (Vic), section 6(4).

¹¹ *Parliamentary (Disclosure of Interests) Act 1996* (Tas), section 22.

(c) South Australia

- 1.18** The South Australian *Members of Parliament (Register of Interests) Act 1983* also provides for the discretionary notification of changes or variations in interests:

A Member may at any time notify the Registrar of any change or variation in the information appearing on the Register in respect of himself or a member of his family.¹²

Primary returns and annual returns required, together with compulsory notification of changes in registered interests.**(a) Queensland**

- 1.19** The Queensland Parliament's *Code of Ethical Standards* requires notification of any change in the details of interests within one month of the Member becoming aware of the change:

A Member must notify the Registrar in writing of any change in the details contained in the last statement of interests given by the Member within one month of becoming aware of the change.¹³

- 1.20** The Queensland *Code* also requires an annual return where there has been no change.

(b) Northern Territory

- 1.21** The Northern Territory *Legislative Assembly (Register of Members' Interests) Act* requires annual returns to be submitted to the Clerk. The Act also requires notification of any changes in interests:

7. Change in information in Register

(1) Subject to subsection (2), a member shall, within 60 days of any change occurring in relation to information in respect of himself or his family contained in the Register, notify the Clerk of such change and supply the Clerk with such detail as the Clerk requires to enable the Register to be amended in accordance with subsection (3).

(2) Subsection (1) shall not require a member to notify the Clerk of any change in information contained in the register which occurs after 1 April in each year.

(3) Where the Clerk is notified in pursuance of subsection (1), he shall amend the Register accordingly.¹⁴

¹² *Members of Parliament (Register of Interests) Act 1983* (SA), section 4(5).

¹³ *Code of Ethical Standards*, Legislative Assembly of Queensland, 4/9/01, Appendix 1, para 5(2).

¹⁴ *Legislative Assembly (Register of Members' Interests) Act* (NT), section 7.

Section 14A (5) Constitution Act 1902

1.22 Section 14A (5) of the *Constitution Act 1902* provides:

(5) The Governor shall, before making a regulation under subsection (1):

(a) afford any committee of either House of Parliament established for the purpose an opportunity of considering and making representations with respect to the proposed regulation, and

(b) take into account any such representations.

1.23 The submission received from the Clerk of the Parliaments states that the procedures set out in section 14A (5) of the *Constitution Act 1902* would need to be activated in order for any amendment to the Constitution (Disclosures by Members) Regulation 1983 to provide for supplementary returns by Members to be effected.

The procedures in section 14A(5) of the *Constitution Act 1902*, as described in paragraph 2.2 above would need to be followed should the Parliament choose to amend the Constitution (Disclosures by Members) Regulation 1983.

[Paragraph 2.2: The Act applies equally to Members of both Houses of Parliament. Pursuant to section 14A(5), committees were established in both Houses in November 1982 for the purpose of making recommendations to the Governor with respect to a proposed regulation under section 14A(1) of the Constitution Act 1902. Under section 14A(5)(b) of the Act, the Governor was bound to take the recommendations of these committees into consideration before making any regulation under section 14(1).]

The Committee's Conclusions

1.24 The Committee is of the view that the Constitution (Disclosure by Members) Regulation 1983 should be amended to provide for supplementary returns by Members.

1.25 The Committee also notes the provisions of section 14A (5) of the *Constitution Act 1902*. It would appear that, in order for any amendment to the Constitution (Disclosures by Members) Regulation 1983 to provide for supplementary returns by Members to be effected, it will be necessary for any proposed amendment to be referred to a committee of each House for consideration.

Recommendation 1

That the Constitution (Disclosures by Members) Regulation 1983 be amended to provide for supplementary returns by Members.

1.26 During the course of this inquiry a number of issues have arisen in relation to the Constitution (Disclosures by Members) Regulation 1983 which are outside the Committee's terms of reference. In order to facilitate examination of these issues,

consideration was being given to the Committee recommending that the matter of the Pecuniary Interests Register be re-referred to this Committee (or another specifically constituted Committee) for a broad ranging review, although (as outlined above) the Committee notes that for any changes to the Regulation to be effected these matters will need to be considered by committees of each House.

1.27 On 3 December 2002 the Legislative Council agreed to the following reference to this Committee:

That the Standing Committee on Parliamentary Privilege and Ethics inquire into and report on the possible amendment of Standing Order 126 to include reference to the direct pecuniary interests of a Member's spouse or the Member's children, and any other relevant and associated matters.

1.28 The Committee is of the view that the reference of the House, dated 3 December 2002, will enable the Committee to conduct a broad ranging review of matters related to pecuniary interests disclosure, including the Pecuniary Interests Register.

Appendix 1

Additional disclosures by Members

Table 1 Additional disclosures by Members of the Legislative Council

Date	Member	Nature of information
29/1/85	Hon Ted Pickering	Change of company name
25/7/86	Hon Peter Philips MLC	Additional detail in relation to disclosed interests
18/12/97	Hon JJ Doohan MLC	Correction of detail in disclosed interest
02/11/90	Hon John Hannaford MLC	Additional travel disclosure
02/11/92	Hon Delcia Kite MLC	Additional shareholdings
19/10/93	Hon Stephen Mutch MLC	Additional income \$250 fee for lecture
15/11/94	Hon Elisabeth Kirkby MLC	Additional income \$6,447.81 commission on book royalties
27/9/96	Hon Ian Cohen MLC	Additional interest in real property
01/11/96	Hon E Obeid MLC	Additional shareholdings
11/10/99	Hon E Obeid MLC	Additional shareholdings
09/11/99	Hon E Obeid MLC	Additional directorships
20/10/99	Hon Ian Macdonald MLC	Additional travel disclosure
17/01/00	Hon John Della Bosca MLC	Additional gifts
04/04/00	Hon John Della Bosca MLC	Additional directorship / trusteeship
22/05/00	Hon Jan Burnswoods MLC	Additional real property ownership
16/10/00	Hon Henry Tsang MLC	Additional real property ownership
05/06/01	Hon Mike Gallacher MLC	Additional shareholding
24/09/01	Hon John Hatzistergos MLC	Additional shareholding
03/10/01	Hon Carmel Tebbutt MLC	Additional gifts
17/10/01	Hon Malcolm Jones MLC	Additional gift
03/09/02	Hon E Obeid MLC	Additional directorship
17/09/02	Hon E Obeid MLC	Additional shareholdings/directorships/ "technical interests"

Table 2 Additional disclosures by Members of the Legislative Assembly

Date	Member	Nature of information
29/9/83	Garry McIlwaine	Additional real property held as executor
15/6/84	Bob Carr	Additional source of income (\$500 from published article)
15/10/84	Paul Landa	Additional real property
28/3/85	Wilfred Petersen	Additional source of income (rent)
30/9/85	Garry McIlwaine	Additional real property held as executor
14/10/85	Neville Wran	Additional travel disclosure
7/11/85	Robert Webster	Sale of real property
29/1/86	Bob Carr	Additional travel disclosure
26/2/86	Neville Wran	Additional shareholding (and sale of)
23/4/86	Andrew Refshauge	Additional shareholding
13/8/86	Garry McIlwaine	Additional real property held as executor
30/10/86	Richard Mochalsky	Additional shareholding
18/8/92	Michael Knight	Additional travel disclosure
23/10/92	Kerry Chikarovski	Resigned directorship and other positions; additional position with association
29/10/92	Ralph Clough	Additional travel disclosure
28/10/92	Faye Lo Po	Additional source of income (as Alderman)
3/11/92	Faye Lo Po	Additional source of income (as Alderman)
3/11/92	Anne Cohen	Additional interest in real property (lease)
10/12/92	Andrew Tink	Additional gift
23/12/93	Jeremy Kinross	Additional source of income (as member Board of Law Foundation)
22/3/94	Jim Small	Additional real property
17/10/94	Barry Morris	Additional travel disclosure

Date	Member	Nature of information
10/11/94	Wendy Machin	Additional sources of income (rents); correction of company name
22/11/95	Barry O'Farrell	No longer holds real property
23/11/95	Bob Debus	Additional real property; deletion of real property; deletion of position with association
15/11/96	John Brogden	Additional real property
19/11/96	John Aquilina	Additional shareholding
20/10/97	John Aquilina	Additional interest in corporation (previously listed only under 'sources of income')
23/12/97	John Mills	Additional shareholding
27/7/98	Barry O'Farrell	Additional travel disclosure
4/8/98	Bruce MacCarthy	Membership of 2 organisations
17/8/98	Liz Kernohan	Additional shareholding
24/8/98	Bob Harrison	Correction of detail of travel disclosure
1/9/98	Jill Hall	Correction of detail of travel disclosure
9/9/98	Clover Moore	Receipt of proceeds of deceased estate
28/9/98	Jeff Hunter	'Income' from sale of property
13/10/98	Peter Macdonald	Sale of real property
14/10/98	Malcolm Kerr	Error in printed version of return
22/10/98	Morris Iemma	Additional shareholding
9/11/98	Paul Whelan	Additional shareholding
1/9/99	Clover Moore	Receipt of further proceeds of deceased estate
11/1/99	Paul Whelan	Sale of shareholding
26/10/99	Paul Crittenden	Additional real property
7/1/00	Bob Carr	Additional gifts and travel disclosure
10/1/00	David Barr	Additional gifts under \$500

Date	Member	Nature of information
12/1/00	Rob Oakeshott	Additional travel disclosure
28/3/00	Peter Webb	Additional real property
11/5/00	Ian Armstrong	Additional position in corporation
24/5/00	Thomas George	Interest in superannuation fund
13/10/00	Ian Glachan	Additional shareholding
13/10/00	Marianne Saliba	Additional gifts
3/11/00	Ian Slack-Smith	Additional shareholding
12/6/01	David Barr	Additional real property
3/10/01	Brad Hazzard	Additional gifts
9/10/01	John Watkins	Additional gift
23/10/01	Richard Face	Additional gifts
6/2/02	Kerry Chikarovski	Correction of detail of travel disclosure
6/3/02	Reba Meagher	Sale of real property; additional source of income (rent)
1/7/02	Craig Knowles	Sale of real property; additional real property
3/9/02	John Brogden	Additional directorship (in relation to 1996-97 return) (also additional disclaimer)

Appendix 2

Minutes of the Committee's proceedings

Minutes

Note: Asterisks indicate text which has been omitted as not relevant to the current inquiry.

Meeting No. 26

Thursday 21 November 2002

at Parliament House, Sydney at 1.00 pm

MEMBERS PRESENT

Mrs Sham-Ho (in the Chair)

Ms Fazio	Mr Kelly
Ms Forsythe	Revd Mr Nile
Ms Gardiner	Mr Primrose
Mr Hatzistergos	

In attendance: Lynn Lovelock, David Blunt, Velia Mignacca and Janet Williams.

Confirmation of Minutes

The minutes of meeting no. 25, as circulated, were taken as read.

Resolved, on the motion of Ms Forsythe, that the minutes be amended to indicate that, in the fifth and sixth divisions during the meeting, Mrs Sham-Ho had voted with the Noes.

Resolved, on the motion of Mr Hatzistergos, that the minutes be amended to indicate that the Committee had resolved that dissenting statements be lodged by 8 pm.

Resolved, on the motion of Mr Hatzistergos, that the minutes, as amended, be confirmed.

Inquiry into the Pecuniary Interests Register

The Committee deliberated.

Ms Fazio moved: That the Committee notes that at the conclusion of the last meeting, on 30 October 2002, members were left with the impression that dissenting reports would be allowed. Subsequent advice was obtained that dissenting reports were not allowed. The Committee further notes that the Chair, the Hon Helen Sham-Ho, used the Chair's Foreword as a "de facto dissenting report" which represented her personal opinions and was critical of the Committee deliberations and the majority decisions of the Committee. In view of these facts, the Committee places on record its displeasure with the actions of the Hon Helen Sham-Ho.

Debate ensued.

Question put.

Ayes: Ms Fazio
Mr Hatzistergos
Mr Kelly
Revd Mr Nile
Mr Primrose

Noes: Mrs Forsythe
Ms Gardiner.
Mrs Sham-Ho

Question resolved in the affirmative.

The Committee deliberated in relation to options for progressing stage two of the inquiry.

Resolved, on the motion of Revd. Mr Nile, that the briefing paper circulated to Members be developed into a Chair's draft report including a recommendation that the Constitution (Disclosures by Members) Regulation 1983 be amended to provide for supplementary returns by Members and noting the provisions of section 14A (5) of the *Constitution Act 1902* (which appears to require any proposed amendment to the Regulation to be reviewed by committees of each House, which would occur in the new Parliament).

The Committee adjourned at 2.20 pm *sine die*.

Meeting No. 27

Tuesday 3 December 2002

at Parliament House, Sydney at 1.00 pm

MEMBERS PRESENT

Mrs Sham-Ho (in the Chair)

Ms Fazio	Mr Kelly
Ms Forsythe	Revd Mr Nile
Ms Gardiner	Mr Primrose
Mr Hatzistergos	

In attendance: Lynn Lovelock, David Blunt, Velia Mignacca and Janet Williams.

Confirmation of Minutes

The minutes of meeting no. 26, as circulated, were confirmed on the motion of Revd Mr Nile.

Inquiry into the Pecuniary Interests Register

The Chair's draft report entitled "Report on inquiry into the Pecuniary Interests Register: Supplementary Returns", together with possible amendments circulated on 3 December 2002, as circulated, was taken as read.

The Committee deliberated.

Resolved, on the motion of Ms Fazio: That paragraph 1.27 [1.26 in the report as tabled] be amended by inserting after the words "broad ranging review" the words ", although (as outlined above) the Committee notes that for any changes to the Regulation to be effected these matters will need to be considered by committees of each House."

Resolved, on the motion of Revd Mr Nile: That the report, as amended, be adopted.

Resolved, on the motion of Revd Mr Nile: That the report be signed by the Chair and presented to the House.

The Committee adjourned at 2.00 pm *sine die*