

1993

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

COMMITTEE OF MEMBERS' INTERESTS

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HOUSE OF REPRESENTATIVES

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REPORT ON THE OPERATIONS OF THE COMMITTEE FOR

1992

COMMITTEE OF MEMBERS' INTERESTS

Membership

(37th Parliament)

**Mr E L Grace MP
(Chairman)**

Ms M J Deahm MP

Hon J D M Dobie MP

Mr R P Elliott MP

Mr B Lloyd MP

Hon N B Reid MP

Mr R W Sawford MP

Clerk to the Committee

Mr L M Barlin

REPORT

Introduction

(1) The Committee of Members' Interests is required by standing order 28A by which it is established to prepare and table in the House as soon as possible after 31 December in each year a report on its operations during that year. With the dissolution of the House of Representatives in the 36th Parliament on 8 February 1993, the Committee of Members' Interests in that Parliament did not have the opportunity to complete and present a report on its operations during 1992. Furthermore, the end of the 36th Parliament saw the retirement of the Chairman, Mr S C Dubois, and the subsequent appointment in the 37th Parliament of a membership none of whom had previously served on the Committee.

(2) Given these circumstances, the newly appointed Committee in the 37th Parliament has decided to adopt in full the draft report for 1992 which had been prepared by the former Chairman and distributed by him to members of that committee for their consideration. The report follows these introductory paragraphs.

(3) This Committee wishes to place on record its thanks to the Chairman of the former committee, Mr S C Dubois, and other members of the Committee for their significant contribution to the registration arrangements.

E L GRACE
Chairman

27 May 1993

REPORT PREPARED BY THE CHAIRMAN
OF THE COMMITTEE IN THE 36TH PARLIAMENT

COMMITTEE OF MEMBERS' INTERESTS

Membership

Mr S C Dubois MP (Chairman)
Mr D M Connolly MP
Mr D B Cowan MP
Mr E J Lindsay RFD MP
Mr L R T O'Neil MP
Mr P M Ruddock MP
Mr J L Scott MP

Clerk to the Committee

Mr L M Barlin

COMMITTEE OF MEMBERS' INTERESTS

Standing order 28A

Committee of Members' Interests

28A. (a) A Committee of Members' Interests shall be appointed at the commencement of each Parliament—

- (i) to inquire into and report upon the arrangements made for the compilation, maintenance and accessibility of a Register of Members' Interests;
- (ii) to consider any proposals made by Members and others as to the form and content of the register;
- (iii) to consider any specific complaints made in relation to the registering or declaring of interests;
- (iv) to consider what changes to any code of conduct adopted by the House are necessary or desirable;
- (v) to consider what classes of person (if any) other than Members ought to be required to register and declare their interests, and
- (vi) to make recommendations upon these and any other matters which are relevant.

(b) The committee shall consist of 7 members, 4 Members to be nominated by either the Prime Minister, the Leader of the House or the Government Whip and 3 Members to be nominated by either the Leader of the Opposition, the Deputy Leader of the Opposition or the Opposition Whip:

Provided that, where the Opposition is composed of 2 parties, the committee shall consist of 4 Members to be nominated by either the Prime Minister, the Leader of the House or the Government Whip, 2 Members to be nominated by either the Leader of the Opposition, the Deputy Leader of the Opposition or the Opposition Whip, and 1 Member to be nominated by either the Leader of the Third Party, the Deputy Leader of the Third Party or the Third Party Whip.

(c) The committee shall elect as chairman of the committee one of the Members nominated either by the Prime Minister, the Leader of the House or the Government Whip.

(d) The committee shall have power to send for persons, papers and records but shall not exercise that power, nor undertake an investigation of the private interests of any person, unless approved by not less than 4 members of the committee other than the chairman.

(e) The committee shall have power to confer with a similar committee of the Senate.

(f) The committee shall, as soon as practicable after 31 December in each year, prepare and table in the House a report on its operations during that year and shall also have power to report from time to time.

1990
THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

REGISTRATION OF MEMBERS'
INTERESTS

Requirements of the House of Representatives

Resolutions adopted by the House on 9 October 1984 a.m., amended on 21 March 1985, 13 February 1986, 22 October 1986 and 30 November 1988 and having continuing force unless amended or repealed by the House of Representatives

(1) Declaration of Members' interests

That within 28 days of making and subscribing an oath or affirmation as a Member of the House of Representatives each Member shall provide to the Registrar of Members' Interests, a statement of—

- (1) the Member's registrable interests, and
- (2) the registrable interests of which the Member is aware (a) of the Member's spouse and (b) of any children who are wholly or mainly dependent on the Member for support,

in accordance with resolutions adopted by the House and in a form determined by the Committee of Members' Interests from time to time, and shall also notify any alteration of those interests to the Registrar within 28 days of that alteration occurring.

(2) Registrable interests

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

- (a) shareholdings in public and private companies (including holding companies) indicating the name of the company or companies;
- (b) family and business trusts and nominee companies—
 - (i) in which a beneficial interest is held, indicating the name of the trust, the nature of its operation and beneficial interest, and
 - (ii) in which the Member, the Member's spouse, or a child who is wholly or mainly dependent on the Member for support, is a trustee (but not including a trustee of an estate where no beneficial interest is held by the Member, the Member's spouse or dependent children), indicating the name of the trust, the nature of its operation and the beneficiary of the trust;
- (c) real estate, including the location (suburb or area only) and the purpose for which it is owned;
- (d) registered directorships of companies;
- (e) partnerships indicating the nature of the interests and the activities of the partnership;
- (f) liabilities indicating the nature of the liability and the creditor concerned;
- (g) the nature of any bonds, debentures and like investments;
- (h) saving or investment accounts, indicating their nature and the name of the bank or other institutions concerned;
 - (i) the nature of any other assets (excluding household and personal effects) each valued at over \$5,000;
 - (j) the nature of any other substantial sources of income;

- (k) gifts valued at more than \$250 received from official sources, or at more than \$100 where received from other than official sources provided that a gift received by a Member, the Member's spouse or dependent children from family members or personal friends in a purely personal capacity need not be registered unless the Member judges that an appearance of conflict of interest may be seen to exist;
- (l) any sponsored travel or hospitality received;
- (m) membership of any organisation, and
- (n) any other interests where a conflict of interest with a Member's public duties could foreseeably arise or be seen to arise.

(3) Register and Registrar of Members' Interests

That—

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

Additional resolutions adopted by the House on 13 February 1986

That this House re-affirms the requirement for the registration and declaration* of the interests of Members, their spouses and dependent children adopted by the House of Representatives on 9 October 1984 a.m.

That any Member of the House of Representatives who—

- (a) knowingly fails to provide a statement of registrable interests to the Registrar of Members' Interests by the due date,
- (b) knowingly fails to notify any alteration of those interests to the Registrar of Members' Interests within 28 days of the change occurring, or
- (c) knowingly provides false or misleading information to the Registrar of Members' Interests,

shall be guilty of a serious contempt of the House of Representatives and shall be dealt with by the House accordingly.

Notes

*1 The requirements set out above are those in force from the first sitting day of the House of Representatives in 1989 from which day the requirement for oral declarations of interests during certain proceedings was removed.

2 No reference has been made to—

- (a) earlier registration and declaration requirements deleted on 13 February 1986, 22 October 1986 and 30 November 1988, and
- (b) resolutions of 21 March 1985 and 13 February 1986 which related to the lodgement of initial statements of interests by Members of the 34th Parliament.

REPORT

Introduction

- (1) On 9 October 1984 the House of Representatives adopted resolutions requiring each Member of the House of Representatives to provide a statement of the registrable interests of the Member, the Member's spouse and any dependent children within 28 days of making an oath or affirmation as a Member of the House of Representatives. The resolutions also required any alterations in those interests to be notified within 28 days of the alteration occurring and set out the matters requiring notification. Some amendments have been made to these matters but essentially the requirements remain in force. The current requirements are set out in detail at the beginning of this report.
- (2) At the same time as the initial adoption of the resolutions, the House of Representatives also agreed to the insertion of standing order 28A establishing a Committee of Members' Interests whose responsibilities are to oversee the registration requirements. The full terms of the standing order are also set out at the beginning of this report. The Committee is required to present an annual report to the House of Representatives on its operations. This is the report of the Committee for the calendar year 1992. The Committee's previous report for 1991 was tabled on 5 March 1992.

Arrangements made for the compilation, maintenance and accessibility of the Registrar of Members' Interests

- (3) When the first statements of interests were received by the Registrar of Members' Interests, the Committee determined that the Register itself should comprise a photocopy of the actual statement lodged by each Member together with any notifications of alterations of interests. Similarly, the copy of the Register to be tabled in the House should be a photocopy of Members' statements and any notifications of alterations of interests lodged by Members. This system was devised because of its simplicity, and elimination of the possibility of error in transcription.
- (4) It is the practice of the Committee to have the Chairman table the completed Register as soon as possible after all statements are received from Members at the commencement of each Parliament. Notifications of alterations of interests are tabled by the chairman towards the end of each of the Autumn and Budget sittings each year.

- (5) After a copy of the completed Register has been tabled in each Parliament, the Register itself is open for inspection so that it is possible for an inquirer to obtain up-to-date information prior to the tabling of the next batch of notifications. These arrangements have worked satisfactorily and no alteration is contemplated.
- (6) During the year, notifications of alterations of interests for the period 28 November 1991 to 24 June 1992 were tabled on 25 June 1992 and notifications of alterations of interests for the period 24 June 1992 to 15 December 1992 were tabled on 16 December 1992.
- (7) The Register itself was inspected by prior appointment on 13 occasions. These inspections were, of course, additional to the perusal of the copies tabled in the House.

Proposals made by Members and others as to the form and content of the Register

- (8) The committee received no formal proposal for alteration of the form or content of the Register.

Complaints made in relation to the registering of interests

- (9) No formal complaint was lodged with the Committee or the Registrar of Members' Interest in relation to the registering of interests by Members.

Changes to any Code of Conduct

- (10) In its report for 1991, the Committee stated that it was understood that a proposal had been made to develop a Code of Conduct for Members. This has not yet occurred although it is known that a working party was established to look at the question. In the absence of a Code of Conduct this Committee has not been required to initiate any review.

Registration of interests by other classes of person

- (11) The Committee gave no formal consideration to this question during 1992.

Other matters

- (12) In its 1991 report the Committee drew attention to three issues upon which it sought review by the House. They were :
 - whether there was a need for the registration of the membership of all organisations;

the need for the registration of interests held during the period from the dissolution of the House in one Parliament and the provision of statements of interests in the next Parliament; and

the need to up-date the value of gifts requiring registration to reflect current values since these values have remained unchanged since the introduction of the registration requirements in 1984.

- (13) It is a cause of regret to the Committee that these recommendations, the second and third of which have been made on more than one occasion, remain undebated by the House and no action has been taken to alter the requirements. Any changes to the requirements have to be made by the House itself and, in the absence of such action, the Committee itself is unable to initiate any action to up-date the requirements.

Conclusion

- (14) It was necessary for the Committee to meet on one occasion only during 1992 which may be considered an indication that the existing arrangements for the compilation, maintenance and accessibility of the Register are satisfactory. The Committee believes this to be the case.
- (15) As I do not propose to re-contest the 1993 general elections for the House of Representatives, this will be the last occasion upon which I will be reporting to the House on behalf of the Committee of Members' Interests. Similarly, it is understood that Mr Cowan, Mr O'Neil and Mr J L Scott will not be re-contesting the forthcoming election. I should like to place on record my appreciation of the support and assistance received from them and all other members of the Committee during the period I have been its Chairman. I wish the Committee well in its future deliberations.

S C DUBOIS
Chairman

HOUSE OF REPRESENTATIVES

COMMITTEE OF MEMBERS' INTERESTS

36th Parliament - 5th Meeting

Minutes of Proceedings of meeting held on
4 March 1992 at 3.45 pm

(1) Present

Mr S C Dubois MP (Chairman)
Mr D B Cowan MP
Mr E J Lindsay RFD MP
Mr L R T O'Neil MP
Mr P M Ruddock MP
Mr J L Scott MP

(2) Minutes of Proceedings

The Minutes of Proceedings of the meeting held on 9 October 1991 were amended by omitting "3rd Meeting" and substituting "4th Meeting", and confirmed.

(3) Matters arising from the Minutes of Proceedings

The Chairman informed the Committee that although it had been decided at the meeting on 9 October 1991 that a Special Report would be drafted for presentation to the House concerning the two issues discussed at that meeting and any outstanding matters, it had not been possible to prepare the draft report in sufficient time for its consideration and that on 28 November 1991 he had advised members of the Committee that he proposed to include these matters in the report on the operations of the Committee for 1991.

(4) Tabling of notifications of alterations of interests

The Chairman informed the Committee that on 28 November 1991 he had tabled notification of alterations of interests received during the period 6 June 1991 to 27 November 1991.

(5) Draft Annual Report for 1991

The Chairman brought up his draft Annual Report for 1991, copies of which had been distributed to Committee members on 12 February 1992.

Ordered - That the report be taken as a whole.

Resolved - On the motion of Mr O'Neil -

That the draft report be agreed to and be the report of the Committee of the House - Mr Ruddock dissenting.

The Chairman advised that he proposed to table the report on Thursday, 5 March 1992.

(6) Reminder to all Members

The Chairman advised that the Registrar would be writing to all Members on Thursday, 5 March 1992 reminding them of the requirement to notify any alterations of interests within 28 days of the alteration occurring.

(7) Registration arrangements

The Committee had a general discussion in respect of the existing arrangements and its responsibilities set out in standing order 28A.

(8) Adjournment

The Committee adjourned at 4.05 pm until a date and hour to be determined by the Chairman.

Confirmed

CHAIRMAN

