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THE PARLIAMENT OF THE COMMONWEALTH OF  
AUSTRALIA

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HOUSE OF REPRESENTATIVES

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COMMITTEE OF MEMBERS' INTERESTS

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REPORT ON THE OPERATIONS OF THE COMMITTEE FOR

1994



## **COMMITTEE OF MEMBERS' INTERESTS**

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### **Membership**

Mr E L Grace MP  
(Chairman)

Ms M J Deahm MP

Hon J D M Dobie MP

Hon 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



## 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 of Representatives on 9 October 1984 a.m. amended on 21 March 1985, 13 February 1986, 22 October 1986, 30 November 1988 and 9 November 1994 and having continuing force unless amended or repealed by the House*

## (1) Registration of Members' interests

That—

- (a) within 28 days of making and subscribing an oath or affirmation as a Member of the House of Representatives each Member shall provide to the Registrar of Members' Interests, a statement of—
- (i) the Member's registrable interests, and
  - (ii) the registrable interests of which the Member is aware (a) of the 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, and
- (b) the statement to be provided by a Member shall include:
- (i) in the case of a Member who was not a Member of the House of Representatives in the immediately preceding Parliament, interests held at the date of his or her election and any alteration of interests which has occurred between that date and the date of completion of the statement, and
  - (ii) in the case of a Member who was a Member of the House of Representatives in the immediately preceding Parliament, interests held at the date of dissolution of the House of Representatives in the previous Parliament and any alteration of interests which has occurred between that date and the date of completion of the statement.

## (2) Registrable interests

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

- (a) shareholdings in public and private companies (including holding companies) indicating the name of the company or companies;
- (b) family and business trusts and nominee companies—
  - (i) in which a beneficial interest is held, indicating the name of the trust, the nature of its operation and beneficial interest, and
  - (ii) in which the Member, the Member's spouse, or a child who is wholly or mainly dependent on the Member for support, is a trustee (but not including a trustee of an estate where no beneficial interest is held by the Member, the Member's spouse or dependent children), indicating the name of the trust, the nature of its operation and the beneficiary of the trust;
- (c) real estate, including the location (suburb or area only) and the purpose for which it is owned;
- (d) registered directorships of companies;
- (e) partnerships indicating the nature of the interests and the activities of the partnership;
- (f) liabilities indicating the nature of the liability and the creditor concerned;
- (g) the nature of any bonds, debentures and like investments;

## COMMITTEE OF MEMBERS' INTERESTS

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STANDING ORDER 28A ADOPTED BY THE  
HOUSE OF REPRESENTATIVES  
ON 9 OCTOBER 1984, a.m.

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### 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.

- (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 \$500 received from official sources, or at more than \$200 where received from other than official sources provided that a gift received by a Member, the Member's spouse or dependant children from family members or personal friends in a purely personal capacity need not be registered unless the Member judges that an appearance of conflict of interest may be seen to exist;
- (l) any sponsored travel or hospitality received;
- (m) membership of any organisation where a conflict of interest with a Member's public duties could foreseeably arise or be seen to arise, and
- (n) any other interests where a conflict of interest with a Member's public duties could foreseeably arise or be seen to arise.

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

That—

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

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*Additional resolutions adopted by the House on 13 February 1986*

That this House reaffirms the requirement for the registration and declaration\* of the interests of Members, their spouses and dependant 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.

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\* 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.

*Note*

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

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### Introduction

- (1) On 9 October 1984 a.m. the House of Representatives first adopted resolutions requiring the oral declaration and written registration of certain interests by Members. On the same day, the House also adopted standing order 28A by which was established the Committee of Members' Interests with responsibilities in respect of the registration requirements. This is the report of the Committee for the calendar year 1994.

### The registration requirements

- (2) The original resolutions of the House were amended on a number of occasions, the most significant change being the *elimination of the requirement for the oral declaration of interests in proceedings of the House*. However, apart from this alteration and other less significant changes, the resolutions remained substantially unaltered until 9 November 1994 when proposals which had been made by the Committee on a number of occasions were agreed to by the House.
- (3) The alterations made by the House fall into four categories as follows:
  - the need for newly elected Members to notify interests held at the date of election (previously, the interests to be registered were those held at the date of completion of a Member's statement which was required within 28 days of being sworn-in - in practical terms many weeks after election);
  - the need for re-elected Members to register interests held at the date of dissolution of the House in the previous Parliament and any alteration of interests which occurs between that date and the date of completion of the statement of interests in the new Parliament (previously, there was no requirement for the registration of interests during the period between dissolution of the House in one Parliament and the making of full statements of interests in the next Parliament - in practical terms a period of up to several months);

- for the value of gifts requiring registration to be updated to reflect current values, having not been changed since the values were first set in October 1984; and
  - the need for the registration of the membership of organisations only where there was a possibility of a conflict of interest to arise or be seen to arise.
- (4) The Committee believes that the changes made by the House on its recommendations will prove a more realistic approach to the issue of registration of interests. The current resolutions reflecting these changes form part of this report.
- (5) As a consequence of these changes, the Committee has amended the explanatory notes relating to the requirements and a copy of the revised notes is attached to this report as Appendix 1.

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

- (6) The Committee has maintained the arrangement whereby the actual Register consists of photocopies of statements of interests and notifications of alterations of interests received from each Member. Similarly, the material tabled in the House by the Chairman of the Committee of Members' Interests consists of photocopies of the same material.
- (7) With the revision of the sitting calendar of the House, the Committee has adopted a practice of the Chairman tabling relevant material at the end of the summer sittings at the end of March, the Budget sittings at the end of June and the spring sittings at the end of November or early December. The Register itself remains available for public inspection and anyone requiring completely up-to-date information from the Register should inspect it rather than rely on the tabled material which is tabled in batches three times each year.
- (8) During the calendar year 1994, the Register itself was inspected 65 times which is by far the greatest number of occasions for any year since the requirements commenced.

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

- (9) As indicated, alterations were made by the House to the registration requirements on the initiative of the Committee itself. No formal proposal for the alteration of the form or content of the Register was received from any other person.

Specific complaints made in relation to the registering or declaring of interests

- (10) The requirement for the oral declaration was abolished effective from the first sitting day in 1989. No complaint was received during the reporting period in respect of the registration of interests.

Changes to any code of conduct

- (11) Although the matter remains under active consideration by Members, the House has not yet adopted a Code of Conduct for Members. The Committee was therefore not required to consider this issue.

Registration of interests by other classes of person

- (12) This matter was not considered by the Committee during the year.

Other matters

- (13) At the end of the year the Committee had under consideration the need for Members to register any additional travel undertaken as a consequence of the accumulation of frequent flyer points from official travel undertaken as a Member of the House. It was awaiting legal advice on the matter before making a determination. Apart from this matter, there were no other outstanding issues awaiting the Committee's attention.

E.L. GRACE  
Chairman

28 February 1995

**APPENDIX 1**

1994

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HOUSE OF REPRESENTATIVES

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Register of Members' Interests

EXPLANATORY NOTES

Statement  
of  
Registrable Interests

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# STATEMENT OF REGISTRABLE INTERESTS

## EXPLANATORY NOTES

### General

The purpose of the Statement of Registrable Interests form is to place on the public record Members' interest which may conflict, or may be seen to conflict, with their public duty. Matters which Members are required to register are set out in a resolution of the House of Representatives of 9 October 1984 a.m. amended by the House on 21 March 1985, 13 February 1986, 22 October 1986, 30 November 1988 and 9 November 1994.

- No form can cover all possible circumstances and Members should consequently bear in mind the purpose and spirit of the return in deciding which matters should be registered.

The Statement of Registrable Interests to be provided by a Member shall include:

- (i) in the case of a Member who was not a Member of the House of Representatives in the immediately preceding Parliament, interests held at the date of his or her election and any alteration of interests which has occurred between that date and the date of completion of the statement, and
- (ii) in the case of a Member who was a Member of the House of Representatives in the immediately preceding Parliament, interests held at the date of dissolution of the House of Representatives in the previous Parliament and any alteration of interests which has occurred between that date and the date of completion of the statement.

Note the need to include under all headings interests to the extent to which the Member is aware of them of the Member's spouse (including *de facto* spouse) and any children who are wholly or mainly dependent on the Member for support.

For the purposes of the registration requirements "dependent children" means dependent children under 16 years of age or dependent full-time students under 25 years of age.

- When interests are held jointly with a spouse or dependent children the interests need be included only as interests of the Member with an appropriate notation such as "jointly owned with spouse".

Where interests could be included under more than one heading, it is suggested they need be included only under the most specific heading unless two aspects need to be disclosed (e.g. real estate, plus a mortgage liability on that real estate).

### 1. Shareholdings in public and private companies (including holding companies) indicating the name of the company or companies.

- Notify any relevant interest in any shares as (defined in the *Companies Act 1981*) including equitable as well as legal interests, whether held directly or indirectly, which enables a Member, the Member's spouse or dependent children to exercise control over the right to vote or dispose of those shares. The Committee has determined that it is not necessary to notify shareholdings held as an executor or trustee of a deceased estate where the Member, the Member's spouse or dependent children are not beneficiaries of that estate.
- Where interests are held in a private holding company (i.e. a proprietary company formed for the purpose of investing in subsidiary companies) all such subsidiary companies, and any subsidiary companies held by those subsidiary companies, should be named.
- Where shareholdings held amount to a controlling interest in a company it is necessary to register shareholdings held by that company in another company or other companies.

### 2. 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.

- Note that both beneficial interests and trustee responsibilities (except as trustee of a deceased estate where neither the Member, the Member's spouse nor dependent children are beneficiaries of the estate) should be specified.
3. Real estate, including the location (suburb or area only) and the purpose for which it is owned.
- "Location"—There is no need to specify street address—general location (e.g. suburb, or area, and State) is adequate.
  - "Purpose for which owned"—Specify whether property is used as a residence, as a holiday home, as a farm, or is held for investment or other business purposes.
  - The Committee has determined that it is not necessary to notify legal title to real estate held as an executor or trustee of a deceased estate where the Member, the Member's spouse or dependent children are not beneficiaries of that estate.
4. Registered directorships of companies.
- Indicate the name of the company and the activities of the company.
5. Partnerships indicating the nature of the interests and the activities of the partnership.
- Under "Nature of the interests" specify level of current involvement in partnership (e.g. "financial (sleeping partner), consultant", etc.).
  - Specify the purpose or operations of the partnership (e.g. investment, consultancy, etc.).
6. Liabilities indicating the nature of the liability and the creditor concerned.
- Include all liabilities (e.g. mortgages, hire-purchase arrangements, personal loans and overdrafts).
  - Liabilities incurred on a department store account need not be disclosed.
  - Liabilities incurred on a credit card need not be disclosed unless the credit card has been used to obtain a cash advance in excess of \$5000 and the advance is outstanding for a period in excess of 60 days.

7. The nature of any bonds, debentures and like investments.
- "Investments" means all investments including placement of monies, which attract interest or other benefits.
8. Saving or investment accounts, indicating their nature and the name of the bank or other institutions concerned.
- Ordinary, non-interest-bearing cheque accounts should not be included, but savings accounts and investment accounts should be included.
9. The nature of any other assets (excluding household and personal effects) each valued at over \$5000.
- List all personal possessions of value other than ordinary household or personal effects.
  - Motor vehicles for personal use need not be included.
  - Collections need not be included.
  - Items which might be listed under more specific headings (e.g. investments, gifts received, etc.) need not be included here.
  - Private life assurance policies should be included but Parliamentary superannuation entitlements under a State or the Commonwealth scheme need not be included.
  - As a general rule of thumb, items of under \$5000 value may not require inclusion under this heading unless they are of a nature which might be sensitive to implications of conflict of interest.
10. The nature of any other substantial sources of income.
- The Member's own salary and allowances as a Member of Parliament need not be included.
  - Include a spouse's income from employment or a business undertaking and any income by the Member, the Member's spouse or dependent children from investments, annuity arrangements, pensions or under governmental assistance schemes (but not including family allowances). There is no need to show the actual amount received. A simple reference to "income from investments set out above" is sufficient for investment income.

- Note that no minimum income is specified as notifiable and Members will need to use their discretion in this regard. As a general rule of thumb, income over \$1000 per annum might be notifiable but smaller amounts from sources which might, in the judgment of the Member, involve sensitivity or be capable of misconstruction should be included.
11. Gifts valued at more than \$500 received from official sources, or at more than \$200 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.
- Note that gifts received by Members and their families from family members or personal friends in a purely personal capacity need not be disclosed unless the Member judges an appearance of a conflict of interest may be seen to exist.
12. Any sponsored travel or hospitality received.
- "Sponsored travel" means any free or concessional travel undertaken by the Member, the Member's spouse or dependent children sponsored wholly or partly by any person, organisation, business or interest group or foreign Government or its representative. It does not include the travel entitlements received by a Member, the Member's spouse or dependent children under any determination by the Remuneration Tribunal nor travel undertaken as a member of an official Parliamentary delegation. The purpose for which the travel was undertaken should be shown.
  - "Hospitality" refers to free or concessional accommodation provided to the Member, the Member's spouse or dependent children wholly or partly by any person, organisation, business or interest group or foreign Government or its representative. It includes the provision of free or concessional meals provided as part of an accommodation arrangement but does not include hospitality provided in a purely social way by friends or colleagues. Entertainment received from concerned constituents and interest groups legitimately exercising their powers of political persuasion, explanation, or argument on the merits of an issue to further a particular cause or concern need not be included. There is also no need to include entertainment received in common with significant numbers of other Members or persons such as a reception or dinner hosted by a High Commissioner or Ambassador.
13. Membership of any organisation where a conflict of interest with a Member's public duties could foreseeably arise or be seen to arise.
- In all cases in deciding whether travel or hospitality should be included in a return, a Member should exercise his or her judgment having regard to any appearance of conflict of interest that may arise.
  - It is only necessary to disclose the membership of an organisation where a conflict of interest with a Member's public duties could foreseeably arise or be seen to arise.
14. Any other interests where a conflict of interest with a Member's public duties could foreseeably arise or be seen to arise.
- List any other interest which, in the opinion of the Member, holds the potential for a real or apparent conflict of interest with a Member's public duties to arise.

HOUSE OF REPRESENTATIVES

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COMMITTEE OF MEMBERS' INTERESTS

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37th Parliament - 2nd Meeting

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Minutes of Proceedings of meeting held on  
2 March 1994 at 10.45am

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(1) Present

Mr E L Grace MP (Chairman)

Ms M J Deahm MP  
Hon J D M Dobie MP  
Hon R P Elliott MP  
Mr B Lloyd MP  
Hon N B Reid MP

(2) Minutes of Proceedings

The Minutes of Proceedings of the meeting held on 27 May 1993 were confirmed.

(3) Matters arising from the Minutes of Proceedings

The Chairman advised that:

- (i) following the receipt of the remaining statement of interests, on 30 September 1993 he had tabled the completed Register of Members' Interests incorporating notifications of alterations of interests received to 3 September 1993 and further notifications of alterations of interests received during the period 4-29 September 1993;

(ii) on 16 December 1993 he had tabled notifications of alterations of interests received during the period 30 September 1993 to 15 December 1993; and

(iii) on 27 May 1993 he had tabled the annual report for 1992.

(4) Annual report for 1993

The Chairman brought up his draft Annual Report for 1993:

Paragraphs 1-11	taken together and agreed to
Paragraph 12	agreed to
Paragraph 13	agreed to
Paragraph 14	amended and agreed to
Paragraph 15	agreed to
Paragraph 16	amended and agreed to
Paragraph 17	agreed to

Resolved - On the motion of Mr Dobie -

That the draft report, as amended, be agreed to.

Resolved - On the motion of Mr Reid -

That the report be the report of the Committee to the House.

(5) Tabling statement by Chairman

The Committee deliberated.

Ordered -

That, when presenting the report to the House, the Chairman should make a statement drawing attention to outstanding recommendations of the Committee upon which no action has been taken or response received.

(6) Tabling of notifications of alterations of interests

The Committee deliberated.

Ordered -

That, with the revision of the sitting arrangements of the House, it would be appropriate for the Chairman to table notifications of interests three times each year, namely, those received up to the end of each of the autumn, Budget and spring meetings of the House.

(7) Reminder to Members of the need to notify alterations of interests

The Committee deliberated.

Resolved - On the motion of Ms Deahm

That, in writing to Members reminding them of the requirement to notify alterations of interests within 28 days of the alteration occurring, copies of the notification proforma form should be forwarded to each Member.

(8) Adjournment

The Committee adjourned at 11.20am until a date and hour to be determined by the Chairman.

Confirmed

**CHAIRMAN**

HOUSE OF REPRESENTATIVES

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COMMITTEE OF MEMBERS' INTERESTS

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37th Parliament - 3rd Meeting

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Minutes of Proceedings of meeting held on  
7 December 1994 at 4.35pm

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(1) Present

Mr E.L. Grace MP (Chairman)  
Ms M.J. Deahm MP  
Hon J.D.M. Dobie MP  
Mr B. Lloyd MP  
Hon N.B. Reid MP  
Mr R.W. Sawford MP

(2) Minutes of Proceedings

The Minutes of Proceedings of the meeting held on 2 March 1994 were confirmed.

(3) Matters arising from the Minutes of Proceedings

The Chairman advised that, in accordance with the earlier decisions of the Committee on 8 December 1994 he would table copies of notifications of interests received during the period 30 June 1994 to 7 December 1994.

(4) Request for legal advice from Attorney-General's Department

The Chairman advised that as a consequence of a request from a Member for advice on the need to notify a particular matter, the Clerk had on 11 November sought legal advice from the Attorney-General's Department, the advice had been received on 18 November 1994 and the Member provided with advice in accordance with the legal opinion obtained.

The Committee deliberated.

(5) Resolution of the House of Representatives

The Chairman presented an extract from *Votes and Proceedings* No. 105 of Wednesday, 9 November 1994 containing a resolution of the House amending the requirements for the registration of interests to provide:

- the need for newly elected Members to notify interests from the date of their election;
- the need for re-elected Members to notify interests held at the date of dissolution of the House in the previous Parliament and any alteration of interests which occur between that date and the date of completion of the statement of interests by the Member in the new Parliament;
- for the value of gifts requiring registration to be amended to \$500 in the case of gifts received from official sources and \$200 for gifts received from other sources; and
- for the registration of membership of organisations only where there was a possibility of a conflict of interest to arise or be seen to arise.

(6) Amendment of the Explanatory Notes in respect of the Statement of Registrable Interests

The Chairman presented a draft revision of the Explanatory Notes in respect of the Statement of Registrable Interests to take account of the amendments made by the House of Representatives to the registration requirements.

The Committee deliberated.

Resolved - On the motion of Mr Sawford -

That the revised Explanatory Notes be adopted.

(7) Need to notify additional travel undertaken as a consequence of the accumulation of frequent flier points

The Clerk informed the Committee that he had received a request from the Department of Administrative Services requesting advice as to whether there would be a requirement for Members to notify for the Register of Members' Interests additional travel undertaken as a consequence of the accumulation of frequent flier points from official travel undertaken as a Member of the House.

The Committee deliberated.

Resolved - On the motion of Mr Lloyd -

That the Clerk seek legal advice on the matter from the Attorney-General's Department and that the Committee consider this advice before making a decision on the matter.

Resolved - On the motion of Mr Reid -

That the Clerk inform the Department of Administrative Services that legal advice was being sought from the Attorney-General's Department, that the advice would be considered by the Committee at its next meeting and that it was possible that the Committee would require the registration of such additional travel.

(8) Adjournment

The Committee adjourned at 5.10pm until a date and hour to be determined by the Chairman.

Confirmed

**CHAIRMAN**