

1996-97

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

COMMITTEE OF MEMBERS' INTERESTS

REPORT ON THE OPERATIONS OF THE COMMITTEE FOR

1996

COMMITTEE OF MEMBERS' INTERESTS

Membership (37th Parliament) (House of dissolved 29 January 1996)

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

38th Parliament

Hon N B Reid MP (Chairman)
(Resigned as member of committee
14 October 1996)

Mr A M Somlyay MP (Chairman)
(elected as Chairman 14 October 1996)

Mr K J Andrews MP
(appointed 14 October 1996)

Mr E L Grace MP

Mr H A Jenkins MP

Hon S P Martin MP

Mr P C Neville MP

Mr M J C Ronaldson MP
(Resigned as member of committee 14 October 1996)

Mr W L Taylor MP
(appointed 14 October 1996)

Clerk to the Committee

Mr L M Barlin

REPORT

Introduction

- (1) Under the provisions of standing order 28A by which the Committee is established, the Committee is required, as soon as practicable after each 31 December, to prepare and table in the House a report on its operations during that year. With the dissolution of the House of Representatives on 29 January 1996 the Committee of Members' Interests of the 37th Parliament ceased to exist on that day, having not met during the calendar year 1996. This is the report of its successor in the 38th Parliament.

Responsibilities of the Committee

- (2) Standing order 28A sets out the following terms of reference for the Committee of Members' Interests:
 - (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 persons (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.

A report on each of these terms of reference follows.

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

- (3) No change was made to the arrangements by which the Register is maintained. However, following considerable demand for access to the Register, on 29 October 1996 the Committee agreed to the following motion to amend the conditions of access agreed to by the Committee on 28 May 1986 to read as follows:

By prior appointment, the Register of Members' Interests shall be available for public inspection during the hours of 10.00am - 12.00 noon and 2.00pm - 4.00pm on working days in the office of the Registrar of Members' Interests.

Provided that the Registrar may grant permission for the Register to be inspected outside those times if he is satisfied that the circumstances surrounding the request warrant the exercise of his discretion in respect of that particular request.

- (4) Following the amendment of the conditions of access, the Registrar exercised his discretion on 11 occasions. In total, the Registrar was inspected on 69 occasions during the year. Such inspections take no account of the copies made available through the Table Office of statements of interests and notifications of alterations of interests tabled by the Chairman. A copy of the completed Register containing statements of interests and notifications of alterations of interests received up to 17 June 1996, and further notifications of alterations of interests received during the period 18-24 June 1996 were tabled by the Chairman on 25 June 1996. Further statements of interests and notifications of alterations of interests received during the period 25 June - 11 December 1996 were tabled on 12 December 1996.

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

- (5) Following the amendments to the standing resolutions made by the House of Representatives on 9 November 1994 requiring, among other matters, the registration of interests by (a) re-elected Members from the date of dissolution of the House of Representatives in the previous Parliament and (b) newly elected Members from the date of their election, the previously agreed statement forms and explanatory notes were sent to and used by Members in providing their Statements of Registrable Interests in the 38th Parliament.
- (6) No proposals were received for the alteration of the form or content of the Register. However, following inquiries by Members, and the receipt of legal advice, the Committee itself later made changes in the explanatory notes accompanying the form. These are referred to later in this report.

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

- (7) No formal complaint in relation to the registration of interests was received during the year. The House of Representatives itself had deleted the requirement for oral declarations of interests in 1989 and this part of the requirements set out in standing order 28A is no longer applicable.

Changes to any code of conduct

- (8) The House has not adopted any code of conduct for Members notwithstanding the tabling of such a draft code by the Speaker, on behalf of a working group, on 21 June 1995. The Committee was, therefore, not required to consider this matter.

Registration of interests by other classes of person

- (9) The Committee did not consider this matter during 1996.

The Use of Frequent flyer points

- (10) Following the judgment of the Federal Court of Australia in a case involving the use of frequent flyer points not related to Members of the Parliament, the Committee sought advice from the Attorney-General's Department to determine whether any change was necessary to the Committee's previous determination. Following the receipt of this legal advice, the Committee decided that there was no effect on the position previously determined by the Committee requiring the notification of the use of frequent flyer points accrued through travel undertaken at official expense.
- (11) The Committee also determined that frequent flyer points accrued by Members prior to their election, and not accrued from travel undertaken at official expense, did not form part of the registration requirements.

Shareholdings of family and business trusts, nominee companies and partnerships.

- (12) Of particular significance during the year was the consideration the Committee found it necessary to give to the question of the need for Members to register actual shareholdings held by a family or business trust, nominee company or partnership. Previously it had been considered sufficient to register the fact that a family or business trust, nominee company or partnership was engaged in making investments or share-trading without requiring the notification of actual shareholdings held by the trust, nominee company or partnership. However, following concerns expressed and inquiries from Members, the Committee obtained legal advice in respect of aspects of the resolutions of the House. Having obtained this advice it was clear to the Committee that where a Member, the Member's spouse or dependent children (or two or more of the Member, the Member's spouse

or a dependent child or dependent children acting together) are able to exercise control over the right to vote or dispose of shareholdings held by a family or business trust, nominee company or partnership, then it was necessary for a Member to notify details of such shareholdings for the Register.

- (13) Having so decided, the Committee determined that the new arrangements should apply from the commencement of the Parliamentary sittings in 1997 with notifications in respect of such shareholdings held on that date being required to be provided to the Registrar within 28 days of that date. Similarly, it was decided that where such circumstances arise in the future, notifications are to be made within the usual period of 28 days.
- (14) As a consequence of these decisions, the Committee directed that the explanatory notes should be amended to reflect the decisions and that as early as possible Members should be informed of the Committee's decisions and provided with copies of the revised explanatory notes.

Appreciation

- (15) The Committee records its appreciation of the contribution of the Chairman in the 37th Parliament, Mr E L Grace, MP and members of the previous Committee, some of whom are no longer Members of the House of Representatives.
- (16) The first Chairman in the 38th Parliament, the Hon N B Reid MP, felt obliged to resign from the Committee because of his lengthy absence at the United Nations General Assembly during a period of sustained activity by the Committee. It was his intention to seek re-appointment to the Committee upon his return to Australia. Mr Somlyay replaced Mr Reid as Chairman during that period. Mr Ronaldson also resigned from the Committee upon his appointment as Parliamentary Secretary to the Minister for Transport and Regional Development and was replaced by Mr Taylor.

N B REID
Chairman

5 March 1997

1997

HOUSE OF REPRESENTATIVES

Register of Members' Interests

EXPLANATORY NOTES

**Statement
of
Registrable Interests**

STATEMENT OF REGISTRABLE INTERESTS

EXPLANATORY NOTES

General

The purpose of the Statement of Registrable Interests form is to place on the public record Members' interests 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 Corporations Law) 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. This includes shares held by a family or business trust, a nominee company or a partnership where a Member, the Member's spouse or dependent children (or two or more of the Member, the Member's spouse, or a dependent child or dependent children acting together) are able 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 any 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.
 - In respect of shareholdings held by a family or business trust or nominee company, see the note under "1. Shareholdings," etc.

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.
 - The Committee has also determined that in the case of the purchase or disposal of real estate, the date of settlement is to be considered the date of alteration of interests and notification should be made within 28 days of that date.
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.).*
 - In respect of shareholdings held by a partnership, see the note under “1. Shareholdings,” 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 requiring registration are those 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.
- Travel undertaken by a Member, the Member’s spouse or dependent children using frequent flyer points accrued through travel at official expense should be notified. In addition, the receipt of upgraded travel provided by an airline to a Member, the Member’s spouse or dependent children should be notified.
- “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.*
- 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.

13. Membership of any organisation where a conflict of interest with a Member’s public duties could foreseeably arise or be seen to 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.
- Generally it would be expected that membership of a local community, sporting or charitable organisation would not pose or be seen to pose a potential conflict of interest.

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
COMMITTEE OF MEMBERS' INTERESTS

38th Parliament - 1st Meeting

Minutes of Proceedings of meeting held on
19 June 1996 at 3.55pm

1. **Present**

Mr E.L. Grace, MP
Mr H.A. Jenkins, MP
Mr P.C. Neville, MP
Hon. N.B. Reid, MP
Mr M.J.C. Ronaldson, MP
Mr A.M. Somlyay, MP

2. **Appointment of Registrar of Members' Interests**

Mr L.M. Barlin, Clerk of the House of Representatives, presented an extract from the *Votes and Proceedings* No. 2 of 1 May 1996 recording his appointment by the Speaker as Registrar of Members' Interests and the appointment of Mr B.C. Wright, First Clerk Assistant, to act as Registrar during any absence of Mr Barlin.

3. **Membership of the Committee**

An extract from the *Votes and Proceedings* No. 14 of 29 May 1996 recording the appointment of Messrs Grace, Jenkins, Martin, Neville, Reid, Ronaldson and Somlyay as members of the Committee was reported by the Clerk.

4. **Election of Chairman**

On the motion of Mr Somlyay, seconded by Mr Ronaldson, Mr Reid was elected Chairman and took the Chair.

5. **Appreciation of contribution of former Chairman**

The Committee recorded its appreciation of the contribution of its former Chairman, Mr E.L. Grace, MP.

6. **Notification of requirements to Members**

The Clerk informed the Committee that following the swearing-in of Members on 30 April 1996 and his appointment as Registrar on 1 May 1996, he had on 1 May 1996 written to all Members advising them of the registration requirements. The text of the letter and the registration form and explanatory notes had been approved by the previous Committee following the amendments made to the resolutions of the House on 9 November 1994.

Statements of interests had been received from all Members and it was proposed that the Register be compiled from those Statements and any notifications of alterations of interests received to 17 June 1996, in the same form as that previously prepared.

Resolved - On the motion of Mr Grace—

That the Register be prepared as proposed by the Clerk and that it be presented to the House by the Chairman as soon as possible.

7. **Report on the operations of the Committee for 1995**

The Chairman presented a draft report on the operations of the Committee for 1995.

The Committee deliberated.

Resolved—On the motion of Mr Grace—

That the report:

- (a) be agreed to; and
- (b) be the report of the Committee to the House.

8. **Notification required in respect of the nature of operation of family and business trusts and nominee companies**

The Clerk informed the Committee of inquiries he had received concerning the requirement for the notification of the nature of the operation of family and business trusts and nominee companies and the possible need to notify shareholdings held by such bodies.

The Committee deliberated.

Resolved—On the motion of Mr Grace—

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

9. **The notification of the use of frequent flyer points accrued from official travel**

The Committee deliberated on the requirement having regard to a recent court judgment in respect of the use of frequent flyer points.

Resolved—On the motion of Mr Somlyay—

That, having regard to a recent court judgment on the use of frequent flyer points, advice be sought from the Attorney-General's Department on the need for the notification of the use of frequent flyer points accrued from official travel.

Resolved—On the motion of Mr Jenkins—

That the Committee endorses the Clerk's action in advising newly elected Members that frequent flyer points accrued by Members prior to their election to the House of Representatives did not form part of the existing registration requirement.

10. **Adjournment**

The Committee adjourned at 4.40pm until a date and hour to be determined by the Chairman.

Confirmed

CHAIRMAN

HOUSE OF REPRESENTATIVES

COMMITTEE OF MEMBERS' INTERESTS

38th Parliament - 2nd Meeting

Minutes of Proceedings of meeting held on
21 August 1996 at 4.00pm

1. **Present**

Hon. N.B. Reid, MP (Chairman)
Mr E.L. Grace, MP
Mr H.A. Jenkins, MP
Hon. S.P. Martin, MP
Mr P.C. Neville, MP
Mr M.J.C. Ronaldson, MP
Mr A.M. Somlyay, MP

1. **Minutes of Proceedings**

The minutes of proceedings of the meeting held on 19 June 1996 were confirmed.

2. **Presentation of Register and notifications of alterations of interests**

The Chairman informed the Committee that on 25 June 1996 he had presented to the House copies of:

- (a) the completed Register of Members' Interests for the 38th Parliament including notifications of alterations of interests received to 17 June 1996; and
- (b) notifications of alterations of interests received during the period 18-24 June 1996.

3. **Report on the operations of the Committee for 1995**

The Chairman informed the Committee that on 25 June 1996 he had presented to the House the report on the operations of the Committee for 1995.

4. **Forthcoming absence of Chairman and election of Acting Chairman**

The Chairman informed the Committee of his forthcoming absence as a representative of the Parliament at the United Nations and advised that as standing order 28A made no provision for the election of a Deputy Chairman it was desirable that the Committee elect an Acting Chairman should it be necessary to convene meetings during the absence of the Chairman.

Resolved—On the motion of Mr Ronaldson—

That Mr Somlyay be elected as Acting Chairman for the period of the forthcoming absence of the Chairman.

5. **Advice from Attorney-General's Department**

The Chairman presented copies of the request sent by the Clerk to the Attorney-General's Department, and the response of that Department, seeking advice in respect of the requirements to notify:

- (a) the use of frequent flyer points accrued through travel at official expense; and
- (b) shareholdings held by family and business trusts and nominee companies.

The Committee deliberated.

Resolved—On the motion of Mr Somlyay—

That, in view of the advice of the Attorney-General's Department dated 19 August 1996, there is no effect on the position previously determined by the Committee requiring the notification of the use of frequent flyer points accrued by Members through travel at official expense.

The Committee further deliberated.

Resolved—On the motion of Mr Neville—

That the Clerk seek further advice from the Attorney-General's Department in relation to its letter of 19 August 1996 concerning the need for the notification of shareholdings held by family and business trusts and nominee companies.

6. **Adjournment**

The Committee adjourned at 4.25pm until a date and hour to be determined by the Chairman, or in the event of the absence of the Chairman, by the Acting Chairman.

Confirmed

CHAIRMAN

HOUSE OF REPRESENTATIVES

COMMITTEE OF MEMBERS' INTERESTS

38th Parliament - 3rd Meeting

Minutes of Proceedings of meeting held on
15 October 1996 at 3.40 pm

1. **Present**

Mr K.J. Andrews, MP
Mr E.L. Grace, MP
Mr H.A. Jenkins, MP
Hon. S.P. Martin, MP
Mr P.C. Neville, MP
Mr A.M. Somlyay, MP
Mr W.L. Taylor, MP

2. **Membership of the Committee**

An extract from the *Votes and Proceedings* No. 38 of Monday, 14 October 1996 recording the resignation of Messrs Reid and Ronaldson and the appointment of Messrs K.J. Andrews and Taylor was reported by the Clerk.

3. **Election of Chairman**

The Clerk informed the Committee that following the resignation of Mr Reid, Chairman, and notwithstanding the appointment at the previous meeting of Mr Somlyay as Acting Chairman, he believed the Committee should first proceed to the election of a new Chairman.

On the motion of Mr Taylor, seconded by Mr Grace, Mr Somlyay was elected Chairman and took the Chair.

4. **Minutes of Proceedings**

The minutes of proceedings of the meeting held on 21 August 1996 were confirmed .

5. **Advice sought and obtained from the Attorney-General's Department**

The Chairman presented copies of:

- (a) the request by the Clerk dated 27 August 1996 to the Attorney-General's Department seeking clarification of earlier advice in relation to the need for the registration of actual shareholdings held by family and business trusts, and
- (b) an opinion dated 9 October 1996 from the Attorney-General's Department.

6. **Consideration of opinion of Attorney-General's Department**

The Committee deliberated in relation to the opinion provided by the Attorney-General's Department on the need for the registration of shareholdings held by family or business trusts.

The Committee noted advice from the Clerk that a Member was awaiting a determination of the Committee as to whether a change was to be made in respect of the registration of shareholdings held by a family or business trust and his desire to comply fully with any determination by the Committee.

Resolved—That further consideration of the matter be deferred until the next meeting of the Committee to be held during the next sitting week.

7. **Adjournment**

The Committee adjourned at 4.35 pm until a date and hour during the next sitting week to be determined by the Chairman.

Confirmed

CHAIRMAN

HOUSE OF REPRESENTATIVES
COMMITTEE OF MEMBERS' INTERESTS

38th Parliament - 4th Meeting

Minutes of Proceedings of meeting held on
29 October 1996 at 4.10 pm

1. **Present**

Mr A.M. Somlyay, MP (Chairman)
Mr K.J. Andrews, MP
Mr E.L. Grace, MP
Mr H.A. Jenkins, MP
Hon. S.P. Martin, MP
Mr P.C. Neville, MP
Mr W.L. Taylor, MP

2. **Minutes of Proceedings**

The minutes of proceedings of the meeting held on 15 October 1996 were confirmed .

3. **Access to the Register**

The Clerk informed the Committee that due to the recent heavy demand for access to the Register of Members' Interests he had decided to allow persons to inspect the Register outside the hours of 10 am - 12 am and 2 pm - 4 pm which are provided for in the conditions of access determined by the Committee on 20 May 1986.

The Committee deliberated.

Resolved - On the motion of Mr Taylor—That the conditions of access to the Register of Members' Interests agreed to by the Committee on 20 May 1986 be amended to read as follows:

By prior appointment, the Register of Members' Interests shall be available for public inspection during the hours of 10 am - 12 noon and 2 pm - 4 pm on working days in the Office of the Registrar of Members' Interests.

Provided that the Registrar may grant permission for the Register to be inspected outside those times if he is satisfied that the circumstances surrounding the request warrant the exercise of his discretion in respect of that particular request.

4. **Registration requirements**

The Committee deliberated in respect of the opinions received from the Attorney-General's Department in respect of the need for the registration of shareholdings held by a family or business trust, and on related issues.

Resolved—On the motion of Mr Martin—That the Chairman, Mr Andrews and the Clerk be authorised, if they consider it necessary, to prepare a letter to the Office of General Counsel, Attorney-General's Department, seeking further advice on the applicability of the requirements of the House to various types of Trusts.

5. **Adjournment**

The Committee adjourned at 4.50pm until Tuesday, 5 November 1996, at 4.00pm.

Confirmed

CHAIRMAN

HOUSE OF REPRESENTATIVES
COMMITTEE OF MEMBERS' INTERESTS

38th Parliament - 5th Meeting

Minutes of Proceedings of meeting held on
5 November 1996 at 4.05pm

1. **Present**

Mr A.M. Somiyay, MP (Chairman)
Mr K.J. Andrews, MP
Mr E.L. Grace, MP
Mr H.A. Jenkins, MP
Hon. S.P. Martin, MP
Mr W.L. Taylor, MP

2. **Minutes of Proceedings**

The minutes of proceedings of the meeting held on 29 October 1996 were confirmed .

3. **Registration requirements**

The Committee deliberated in respect of a draft form of words prepared by Mr Andrews seeking clarification of aspects of the advice received from the Attorney-General's Department in respect of the need for the registration of shareholdings held by a family or business trust.

Resolved - On the motion of Mr Taylor—That the Clerk write to the Attorney-General's Department seeking further advice as proposed in the draft form of words considered by the Committee.

4. **Adjournment**

The Committee adjourned at 4.15pm until a date and hour to be determined by the Chairman.

Confirmed

CHAIRMAN

HOUSE OF REPRESENTATIVES
COMMITTEE OF MEMBERS' INTERESTS

38th Parliament - 6th Meeting

Minutes of Proceedings of meeting held on
11 December 1996 at 4.20pm

1. **Present**

Mr A.M. Somlyay, MP (Chairman)
Mr K.J. Andrews, MP
Mr E.L. Grace, MP
Hon. S.P. Martin, MP

2. **Minutes of Proceedings**

The minutes of proceedings of the meeting held on 5 November 1996 were confirmed .

3. **Advice from Attorney-General's Department**

The Chairman presented a copy of a letter from the Office of General Counsel, Attorney-General's Department, dated 28 November 1996 in response to the request of the Clerk to the Committee of 5 November 1996 in which further advice was sought in relation to the need for the registration of shareholdings held by family and business trusts.

4. **Registration requirements**

The Committee deliberated in respect of the need for the registration of shareholdings held by family and business trusts and partnerships.

Resolved - On the motion of Mr Martin—That following careful consideration of the advice received, the Committee resolves that:

- (1) it is necessary for Members to register details of shareholdings held by family and business trusts, nominee companies and partnerships where a Member, the Member's spouse or dependent children (or two or more of the Member, the Member's spouse, or a dependent child or dependent children acting together) are in a position to exercise control over the right to vote or dispose of those shares;
- (2) Members should be informed by letter of the Committee's determination;

- (3) the new arrangements should apply from the commencement of the Parliamentary sittings in 1997 with notifications in respect of existing circumstances to be made within 28 days of that date and where such circumstances arise in the future, notifications to be provided within the usual period of 28 days; and
- (4) the Explanatory Notes be amended to reflect the Committee's determination.

5. **Presentation of Registrable Interests and notifications of alterations of interests received during the period 25 June 1996 to 11 December 1996**

The Chairman informed the Committee that it was his intention to present to the House tomorrow, 12 December 1996, Statements of Registrable Interests and notifications of alterations of interests received during the period 25 June 1996 to 11 December 1996.

6. **Adjournment**

The Committee adjourned at 5.05pm until a date and hour to be determined by the Chairman.

Confirmed

CHAIRMAN