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No. 68/1986

The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES
COMMITTEE OF MEMBERS' INTERESTS

Report relating to
the Form of Return for
Registration of Interests

20 March 1979

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HOUSE OF REPRESENTATIVES

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COMMITTEE OF MEMBERS' INTERESTS

Membership

Dr R.E. Klugman, M.P. (Chairman)

Hon. A.E. Adermann, M.P.

Mr D.M. Cameron, M.P.

Mr L. Kent, M.P.

Mr E.J. Lindsay, R.F.D., M.P.

Mr M.J. Maher, M.P.

Mr J.M. Spender, Q.C., M.P.

Clerk to the Committee

Mr L.M. Barlin

QUESTION 1

1.1.1. The following table shows the number of students who took part in a school sports day. The students were asked to bring a friend to the sports day.

Number of students	Number of friends
1	1
2	2
3	3
4	4
5	5
6	6
7	7
8	8
9	9
10	10

1.1.2. The following table shows the number of students who took part in a school sports day. The students were asked to bring a friend to the sports day.

Number of students	Number of friends
1	1
2	2
3	3
4	4
5	5
6	6
7	7
8	8
9	9
10	10

1.1.3. The following table shows the number of students who took part in a school sports day. The students were asked to bring a friend to the sports day.

Number of students	Number of friends
1	1
2	2
3	3
4	4
5	5
6	6
7	7
8	8
9	9
10	10

1.1.4. The following table shows the number of students who took part in a school sports day. The students were asked to bring a friend to the sports day.

Number of students	Number of friends
1	1
2	2
3	3
4	4
5	5
6	6
7	7
8	8
9	9
10	10

REPORT

1. On 8 October 1985 the Committee reported to the House of Representatives on difficulties foreseen in the requirements for the registration of Members' Interests and sought direction from the House on a number of issues. On 13 February 1986, on the motion of the Leader of the House, the Hon. M.J. Young, M.P., the House adopted resolutions

- (a) re-affirming the requirement for the registration and declaration of the interests of Members, their spouses and dependent children originally adopted by the House on 9 October 1984 am;
- (b) making a number of amendments to the matters requiring registration;
- (c) directing the Committee of Members' Interests to determine a form for the registration of interests by 10 April 1986;
- (d) requiring each current Member of the House of Representatives to provide to the Registrar of Members' Interests by 30 June 1986 a statement of registrable interests, and
- (e) providing that any Member of the House of Representatives who
 - (i) knowingly fails to provide a statement of registrable interests by the due date;
 - (ii) knowingly fails to notify any alteration of those interests within 28 days of the change occurring or

(iii) 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.

The full terms of the resolutions are attached as Appendix I to this report.

2. Since the adoption of the resolution of the House on 13 February 1986, the Committee has determined a form to be used by Members for the registration of the required interests. The form is reproduced as Appendix II.

3. The Committee felt it necessary to determine a day as the day on which interests held are to be included in the initial return. Since completed statements are required to be provided to the Registrar of Members' Interests by 30 June 1986, the Committee felt that the appropriate date was 1 June 1986 and so determined. In doing so, it recognised that any gifts, sponsored travel or hospitality received prior to 1 June 1986 would not be required to be registered. However, it should be appreciated that any gifts, sponsored travel or hospitality received after that date would be required to be registered within 28 days of their receipt as indeed is the case in respect of any alteration in any registrable interests.

4. It was clear to the Committee from the speech of the Leader of the House in proposing the resolutions on 13 February 1986 that trustees of estates who have no beneficial interest in the estates should not be required to disclose their trustee arrangements. An

amendment to give effect to this intention was made by the House to paragraph (b) of resolution (2) of 9 October 1984 a.m. It now appears to the Committee that a similar amendment should have been made to paragraph (a) of that resolution in respect of share-holdings in public and private companies and to paragraph (c) in respect of legal title in real estate where the Member, the Member's spouse or dependent children are not beneficiaries of the estate. It is the intention of the Committee to apply a similar qualification to those requirements to give effect to the clear intention of the House.

5. The Registrar of Members' Interests has been instructed to forward registration forms to all Members as soon as possible and in sufficient time for Members to meet the registration date. Explanatory notes approved by the Committee to accompany the form are attached as Appendix III.

6. Paragraph (v) of standing order 28A establishing the Committee of Members' Interests requires it to consider what classes of persons (if any) other than Members ought to be required to register and declare their interests. In this regard the Committee notes that on 17 December 1985, the United Kingdom House of Commons adopted a resolution which required (in part) -

- (a) those holding permanent passes as lobby journalists, as journalists accredited to the Parliamentary Press Gallery or for parliamentary broadcasting to register not only the employment for which they had received their pass, but also any other paid occupation or employment where their privileged access to Parliament is relevant, and

(b) holders of permanent passes as Members' secretaries or Members' research assistants to register any relevant gainful occupation which they may pursue other than that for which the pass is issued.

The Committee will be giving early consideration to this and other matters required of it and will be reporting further to the House as soon as possible.

R.E. KLUGMAN
CHAIRMAN

18 March 1986

MINUTES OF PROCEEDINGS

HOUSE OF REPRESENTATIVES

COMMITTEE OF MEMBERS' INTERESTS

34th Parliament - 9th Meeting

Minutes of Proceedings of meeting held on
11 March 1986 at 3.40 pm

(1) Present:

Dr R.E. Klugman, MP (Chairman)
Hon. A.E. Adermann, MP
Mr D.M. Cameron, MP
Mr L. Kent, MP
Mr E.J. Lindsay, RFD, MP
Mr M.J. Maher, MP

(2) Minutes of Proceedings:

The Minutes of Proceedings of the meeting held on 18 September 1985 were confirmed.

(3) Resolution of the House of Representatives:

The Chairman presented an extract from Votes and Proceedings No.69 dated Thursday, 13 February 1986 containing a resolution:

- (1) re-affirming the requirement for the registration and declaration of the interests of Members, their spouses and dependent children adopted by the House on 9 October 1984 a.m.,
- (2) making amendments to resolution (2) of the House of 9 October 1984 a.m.;
- (3) providing that the Committee of Members' Interests be required to determine a form for the registration of interests by 10 April 1986;
- (4) requiring each current Member of the House of Representatives to provide to the Registrar of Members' Interests by 30 June 1986 a statement of registrable interests, and

(5) providing that any Member of the House of Representatives who

- (a) knowingly fails to provide a statement of registrable interests by the due date;
- (b) knowingly fails to notify any alteration of those 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.

(4) Revised draft return form and explanatory notes:

The Chairman presented a revised draft return form and explanatory notes prepared by the Clerk to give effect to the amended resolutions of the House.

(5) Consideration of revised draft return form and explanatory notes:

The Committee proceeded to consider and amend the revised draft form and the accompanying explanatory notes.

Ordered: That further revised forms and explanatory notes incorporating amendments made by the Committee be prepared for the Committee's consideration at the next meeting.

(6) Date of commencement:

The Committee deliberated in respect of the date of commencement of the registration requirements.

Mr Cameron moved - That those interests held on 1 June 1986 are the interests required to be included in the initial statements of interests to be provided to the Registrar of Members' Interests by 30 June 1986.

Debate ensued.

Question - put and passed - Mr Maher dissenting.

(7) Adjournment:

The Committee adjourned at 4.55 pm until Tuesday, 18 March 1986 at 3.30 pm.

Confirmed

Chairman

HOUSE OF REPRESENTATIVES

COMMITTEE OF MEMBERS' INTERESTS

34th Parliament - 10th Meeting

Minutes of Proceedings of meeting held on
18 March 1986 at 3.40 p.m.

(1) Present:

Dr R.E. Klugman, MP (Chairman)
Hon. A.E. Adermann, MP
Mr L. Kent, MP
Mr E.J. Lindsay, RFD, MP
Mr M.J. Maher, MP
Mr J.M. Spender, QC, MP

(2) Minutes of Proceedings:

The Minutes of Proceedings of the meeting held
on 11 March 1986 were confirmed.

(3) Revised draft return form and explanatory notes:

The Chairman presented a further revised return
form and revised explanatory notes.

The Committee deliberated.

Explanatory notes further amended.

Resolved - On the motion of Mr Adermann -

That, having regard to the statement of the
Leader of the House on 13 February 1986, this
Committee determines that it is not necessary
for Members to notify

(a) shareholdings held in public and private
companies and

(b) legal title held in real estate,

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.

Mr Kent moved -

That this Committee determines that the revised
form be the form for the registration of Members'
interests, as required by resolution (1) of
9 October 1984 a.m.

Question - put and passed - Messrs Adermann
and Spender dissenting.

Mr Kent moved -

That the revised explanatory notes, as amended, be agreed to.

Question - put and passed - Messrs Adermann and Spender dissenting.

(4) Report to House of Representatives:

The Chairman brought up a draft report to the House relating to the form of return for registration of interests.

The Committee proceeded to consider the report.

Paragraph 4 amended.

Report, as amended, agreed to.

Resolved - On the motion of Mr Kent -

That the report, as amended, be the report of the Committee to the House.

(5) Adjournment:

The Committee adjourned until a day and hour to be determined by the Chairman.

Confirmed

Chairman

Resolutions adopted by the House of Representatives
on 13 February 1986

That—

- (1) 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.;
- (2) the following amendments be made to resolution (2) of the House of Representatives of 9 October 1984 a.m.:
 - (a) sub-paragraph (b) (ii) after "trustee" insert "(but not including a trustee of an estate where no beneficial interest is held by the Member, the Member's spouse or dependent children)";
 - (b) omit paragraph (d), substitute the following paragraph:
"(d) registered directorships of companies;"
 - (c) omit paragraph (e), substitute the following paragraph:
"(e) partnerships indicating the nature of the interests and the activities of the partnership;"
 - (d) paragraph (f) omit "(excluding short-term credit arrangements)";
 - (e) paragraph (i) omit "including collections, but";
 - (f) at the end of paragraph (k) add "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";
 - (g) omit paragraph (m), substitute the following paragraph:
"(m) membership of any organisation, and", and
 - (h) at the end of the resolution add the following paragraph:
"(n) any other interests where a conflict of interest with a Member's public duties could foreseeably arise or be seen to arise.";
- (3) the Committee of Members' Interests be required to determine a form for registration of interests by 10 April 1986;
- (4) each current Member of the House of Representatives be required to provide to the Registrar of Members' Interests by 30 June 1986 a statement of the registrable interests of the Member, the Member's spouse and any children who are wholly or mainly dependent on the Member for support, as provided by the resolutions of 9 October 1984 a.m. as amended by this resolution", and
- (5) 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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APPENDIX II

RETURN FORM

11/11/2023 10:11:11 AM

11/11/2023 10:11:11 AM

11

11

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

REGISTER OF MEMBERS' INTERESTS

ANNUAL RETURN

Notes:

- (1) It is suggested that the accompanying Explanatory Notes be read before the return is completed.
- (2) The information which you are required to provide is contained in a resolution agreed to by the House of Representatives on 9 October 1984, a.m. amended on 13 February 1986. It consists of the Member's registrable interests and 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. For the definition of a dependent child see the introduction to the Explanatory Notes.
- (3) If there is insufficient space on this form for the information you are required to provide, you may attach additional papers for that purpose. Each paper attached to this form should be signed and dated.

SURNAME OTHER NAMES

ELECTORAL DIVISION STATE

1. SHAREHOLDINGS IN PUBLIC AND PRIVATE COMPANIES (INCLUDING HOLDING COMPANIES)
INDICATING THE NAME OF THE COMPANY OR COMPANIES

Name of company - (including holding and subsidiary companies if applicable)

Self	_____
Spouse	_____
Dependent	_____
Children	_____

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

	Name of Trust/nominee company	Nature of its operation	Beneficial interest
Self			
Spouse			
Dependent Children			

(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

	Name of Trust/nominee company	Nature of its operation	Beneficiary of the trust
Self			
Spouse			
Dependent Children			

3. REAL ESTATE, INCLUDING THE LOCATION (SUBURB OR AREA ONLY) AND THE PURPOSE FOR WHICH IT IS OWNED

	Location	Purpose for which owned
Self		
Spouse		
Dependent Children		

4. REGISTERED DIRECTORSHIPS OF COMPANIES

	Name of company	Activities of company
Self		
Spouse		
Dependent Children		

5. PARTNERSHIPS, INDICATING THE NATURE OF THE INTERESTS AND THE ACTIVITIES OF THE PARTNERSHIP

	Name	Nature of interests	Activities of Partnership
Self			
Spouse			
Dependent Children			

6. LIABILITIES INDICATING THE NATURE OF THE LIABILITY AND THE CREDITOR CONCERNED

	Nature of liability	Creditor
Self		
Spouse		
Dependent Children		

7. THE NATURE OF ANY BONDS, DEBENTURES AND LIKE INVESTMENTS

	Type of investment	Body in which investment is held
Self		
Spouse		
Dependent Children		

8. SAVING OR INVESTMENT ACCOUNTS, INDICATING THEIR NATURE AND THE NAME OF THE BANK OR OTHER INSTITUTIONS CONCERNED

	Nature of account	Name of bank/institution
Self		
Spouse		
Dependent Children		

9. THE NATURE OF ANY OTHER ASSETS (EXCLUDING HOUSEHOLD AND PERSONAL EFFECTS) EACH VALUED AT OVER \$5000

Nature of any other assets

Self

Spouse

Dependent
Children

10. THE NATURE OF ANY OTHER SUBSTANTIAL SOURCES OF INCOME

Nature of income

Self

Spouse

Dependent
Children

11. 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

Details of gifts

Self

Spouse

Dependent
Children

12. ANY SPONSORED TRAVEL OR HOSPITALITY RECEIVED

Details of travel/hospitality

Self

Spouse

Dependent
Children

13. MEMBERSHIP OF ANY ORGANISATION

	Name of organisation
Self	
Spouse	
Dependent Children	

14. ANY OTHER INTERESTS WHERE A CONFLICT OF INTEREST WITH A MEMBER'S PUBLIC DUTIES COULD FORESEEABLY ARISE OR BE SEEN TO ARISE

	Nature of interest
Self	
Spouse	
Dependent Children	

SIGNATURE..... DATE.....

11/11/2023

APPENDIX III

EXPLANATORY NOTES TO ACCOMPANY RETURN FORM

EXPLANATORY NOTES

RETURN
OF
PRIVATE
INTERESTS

RETURN OF PRIVATE INTERESTS

EXPLANATORY NOTES

General

The purpose of the Return of Private 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 13 February 1986.

- . 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 declared.

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 a "dependent child" means a dependent child under 16 years of age or a dependent full-time student 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. Reflecting the advice of the Leader of the House, 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.

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.
- . Reflecting the advice of the Leader of the House, 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 as this is a "universal" benefit). 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 judgement of the Member, involve sensitivity or be capable of misconstruction should be included.
11. 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 the 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. Gifts received prior to 1 June 1986 should not be included.

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 groups 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.
- . Sponsored travel or hospitality received prior to 1 June 1986 should not be included.

13. Membership of any organisation.

- . Membership of all organisations should be disclosed.

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.
