

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

COMMITTEE OF MEMBERS' INTERESTS

REPORT ON THE OPERATIONS OF THE COMMITTEE FOR 1987

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COMMITTEE OF MEMBERS' INTERESTS

(34th Parliament)

Membership

- Dr R.E. Klugman, M.P. (Chairman)
- Hon. A.E. Adermann, M.P.
- Hon N.A. Brown, Q.C., M.P. (to 10 September 1985)
- 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. (from 10 September 1985)

Clerk to the Committee

- Mr L.M. Barlin

(35th Parliament)

Membership

- Dr R E Klugman, M.P. (Chairman)
- Hon. A.E. Adermann, MP
- Mr D.M. Cameron, MP
- Mr L. Kent, M.P.
- Mr E.J. Lindsay, R.F.D., M.P.
- Mr P.M. Ruddock, M.P.
- Mr J.L. Scott, M.P.

Clerk to the Committee

- Mr L.M. Barlin

## COMMITTEE OF MEMBERS' INTERESTS

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### STANDING ORDER 28A

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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.

**HOUSE OF REPRESENTATIVES**  

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**REGISTRATION AND DECLARATION OF  
MEMBERS' INTERESTS**  

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**Requirements of the House of Representatives  
from 22 October 1986**  

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*Resolutions adopted by the House on 9 October 1984 a.m. as amended on 13 February  
1986 and 22 October 1986*

That the following resolutions relating to the registration and declaration of Members' interests be adopted, such resolutions to have effect from the commencement of the 34th Parliament and to continue in force unless and until amended or repealed by the House of Representatives in this or a subsequent Parliament:

**(1) Declaration of Members' interests**

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

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

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

**(2) Registrable interests**

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

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

- (h) saving or investment accounts, indicating their nature and the name of the bank or other institutions concerned;
- (i) the nature of any other assets (excluding household and personal effects) each valued at over \$5,000;
- (j) the nature of any other substantial sources of income;
- (k) gifts valued at more than \$250 received from official sources, or at more than \$100 where received from other than official sources provided that a gift received by a Member, the Member's spouse or dependent children from family members or personal friends in a purely personal capacity need not be registered unless the Member judges that an appearance of conflict of interest may be seen to exist;
- (l) any sponsored travel or hospitality received;
- (m) membership of any organisation, and
- (n) any other interests where a conflict of interest with a Member's public duties could foreseeably arise or be seen to arise.

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

That—

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

**(4) Declaration of interest in debate and other proceedings**

That, notwithstanding the lodgment by a Member of a statement of the Member's registrable interests and 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 the incorporation of that statement in a Register of Members' Interests, a Member shall declare any relevant interest—

- (a) at the beginning of his or her speech if the Member should participate in debate in the House, committee of the whole House, or a committee of the House (or of the House and the Senate), and
  - (b) as soon as practicable after a division is called for in the House, committee of the whole House, or a committee of the House (or of the House and the Senate) if the Member proposes to vote in that division, and
- the declaration shall be recorded and indexed in the *Votes and Proceedings* or minutes of proceedings (as applicable) and in any *Hansard* report of those proceedings or that division:

Provided that it shall not be necessary for a Member to declare an interest when directing a question seeking information in accordance with standing order 142 or 143.

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

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

That any Member of the House of Representatives who—

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

(c) knowingly provides false or misleading information to the Registrar of Members' Interests,  
shall be guilty of a serious contempt of the House of Representatives and shall be dealt with by the House accordingly.

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*Note*

The requirements set out above are those in force from 22 October 1986.

No reference has been made to—

- (1) earlier registration requirements deleted on 13 February 1986, or 22 October 1986,  
*and*
- (2) resolutions of 21 March 1985 and 13 February 1986 which related to the lodgement of initial statements of interests by Members of the 34th Parliament.





## REPORT

### Introduction

1. Standing order 28A provides that the Committee of Members' Interests 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. This report for the calendar year 1987 is divided into two parts, the first covering the operation of the Committee appointed during the 34th Parliament from 1 January 1987 to the dissolution of the House of Representatives (and the Senate) on 5 June 1987 and the second dealing with the operations of the Committee appointed in the 35th Parliament.

### THIRTY-FOURTH PARLIAMENT

#### Activities of the Committee

2. The Committee appointed on 20 March 1985 had been largely responsible for establishing procedures for the registration of Members' Interests and resolving many of the difficulties experienced in the initial stages of the Register. During the period 1 January 1987 to 5 June 1987 it was necessary for the Committee to meet on two occasions only to consider matters relating to the registration requirements.

3. In addition to agreeing to the report on its operations during the calendar year 1986, the Committee considered several matters of particular interest. Because some of these issues have been raised on more than one occasion, they are referred to specifically in this report for the information of Members generally.

Registration of shareholdings in public and private companies

4. The resolutions of the House require the registration of "shareholdings in public and private companies (including holding companies) indicating the name of the company or companies".

Several Members sought advice on the need to register under shareholdings the name of a company (B) where the Member, the Member's spouse or dependent children, held shares in another company (A) and that company held shares in company (B). Having considered the matter, the Committee confirmed that the requirement for the registration of shareholdings in public and private companies is appropriately set out in the Explanatory Notes approved and issued by the Committee. The relevant portion of those explanatory notes is as follows:

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 in the 34th Parliament, the Committee determined that it was 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.

### Need to notify all alterations of interests

5. The Committee also considered a request for advice as to whether it would constitute compliance with the requirements of the House if, at the end of each month, a statement of net changes in interests was supplied. It resolved that the supply of monthly statements of net changes would not comply with the requirements of the House and that it was necessary to notify all alterations of interests within 28 days of the alteration occurring.

### Notification of alterations of interests after dissolution of House

6. Following the announcement of the impending dissolution of the House the Committee gave consideration to the need for Members to notify any alterations of interests which occurred after the dissolution and prior to the date of election. The Committee authorised the Chairman and the Registrar to seek legal advice in relation to the matter and this indicated that dissolution had the effect of ceasing the application to current Members of the House of the relevant part of the resolutions. Members of the 34th Parliament were not required therefore to notify alterations of interests after 5 June 1987, the date of dissolution of the House.

### Access to Register after dissolution of House

7. The Committee also considered whether the Register should be available for public inspection after the dissolution of the House. The Registrar was asked to determine the practice in the United Kingdom House of Commons upon which much of the procedure of the House of Representatives Register is based. This inquiry revealed that the Register is not available for public inspection after a dissolution occurs. However, the matter proved somewhat academic as the Chairman was able to table all notifications of alterations of interests received up to the last sitting day. Furthermore, in view of the legal advice received that the

resolutions ceased to apply to Members after a dissolution, none of the notifications of alterations of interests received after the dissolution were actually registered. No request to inspect the Register was received after the dissolution but it was the Registrar's intention to refuse any request and direct the inquirer to the tabled material.

### THIRTY-FIFTH PARLIAMENT

#### Appointment of Committee and Registrar of Members' Interests

8. The Committee was appointed on 23 September 1987. Five of the members of the Committee of the previous Parliament were appointed to the Committee ensuring that the experience and knowledge gained by the previous Committee was not lost. The Registrar in the previous Parliament was also re-appointed by Madam Speaker on 15 September 1987.

#### Notification of requirements to Members

9. With the requirements for Members to provide statements of interests within 28 days of making an oath or affirmation in the new Parliament, it was necessary for the Registrar to write to Members informing them of the requirement before the Committee was appointed. The Committee subsequently endorsed the advice conveyed to Members by the Registrar, some of which is referred to in the following paragraph.

#### Registration requirements

10. The newly appointed Committee noted the advice provided in the previous Parliament that the requirement to register interests ceased at the dissolution of that Parliament. It noted also that following discussions with the Chairman of the previous Committee, the Registrar had advised re-elected Members that it was necessary for them to include in their statements of interests to be provided in the new Parliament, details of all

relevant gifts, sponsored travel and hospitality received after the dissolution and which had not been previously registered. In the case of newly elected Members, they were informed that it was necessary to register all relevant gifts, sponsored travel and hospitality received on and after the date of their election.

11. Despite the special arrangements endorsed by the Committee in respect of gifts, sponsored travel and hospitality, the House should be aware that, as presently provided, Members are not required to register other interests from the date of dissolution in one Parliament to the date they supply statements of interests in the new Parliament. This can be as late as the 28th day after they have made an oath or affirmation in the new Parliament. In the case of most Members re-elected on 11 July 1987, the requirements ceased at dissolution on 5 June 1987 and statements of interests need not have been provided until 12 October 1987. In the case of some re-elected Members who made an oath or affirmation later than the first day of meeting of the new Parliament, the period was substantially longer. The House may wish to consider whether the present arrangements meet its intentions.

#### Completed Register

12. On 23 November 1987 the Chairman tabled in the House the completed Register of Members' Interests for the 35th Parliament together with notifications of alterations of interests received during the period 17-20 November 1987 after preparation of the Register for tabling. Notifications of alterations of interests received during the period 21 November - 9 December 1987 were tabled by the Chairman on the last day of sitting on 10 December 1987 prior to the summer adjournment of the House.

#### Declaration of interest in debate and other proceedings

13. Following a point of order raised in the House on 17 November 1987, the Committee gave some consideration to the provisions of resolution (4) adopted by the House on 9 October

1984 requiring the declaration of a relevant interest in debate or proceedings. The resolution provides as follows:

(4) Declaration of interest in debate and other proceedings

That, notwithstanding the lodgement by a Member of a statement of the Member's registrable interests and 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 the incorporation of that statement in a Register of Members' Interests, a Member shall declare any relevant interest -

(a) at the beginning of his or her speech if the Member should participate in debate in the House, committee of the whole House, or a committee of the House (or of the House and the Senate), and

(b) as soon as practicable after a division is called for in the House, committee of the whole House, or a committee of the House (or of the House and the Senate) if the Member proposes to vote in that division, and

the declaration shall be recorded and indexed in the Votes and Proceedings or minutes of proceedings (as applicable) and in any Hansard report of those proceedings or that division:

Provided that it shall not be necessary for a Member to declare an interest when directing a question seeking information in accordance with standing order 142 or 143.

The Committee intends giving further consideration to the effect of the requirement. Relevant to its consideration will be the provisions of standing order 196 of the House which provides as follows:

"196. No Member shall be entitled to vote in any division upon a question (not being a matter of public policy) in which he has a direct pecuniary interest not held in common with the rest of the subjects of the Crown. The vote of a Member may not be challenged except on a substantive motion moved immediately after the division is completed, and the vote of a Member determined to be so interested shall be disallowed."

#### Registration of interests by other classes of persons

14. Under the provisions of standing order by which it is established, the Committee is required

"to consider what classes of persons (if any) other than Members ought to be required to register and declare their interests".

Since its appointment in the 35th Parliament the Committee has not given further consideration to this aspect of its terms of reference.

#### Complaints

15. Standing order 28A also requires the Committee to consider any specific complaints made in relation to the registration and declaration of interests. The Committee received no complaints during this period.

#### Access to Register

16. The resolutions of the House provide that 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. In the previous Parliament the Committee determined that

"(1) In any Parliament, the Register of Members' Interests shall not be available for public inspection until after the first completed

Register for that Parliament has been tabled by the Chairman of the Committee of Members' Interests, and

- (2) Thereafter, by prior appointment, the Register shall be available for public inspection between the hours of 10 a.m. - 12 noon and 2 p.m. - 4 p.m. on working days in the Office of the Registrar of Members' Interests (Room ---). Appointments may be made by telephoning extension ----".

Reference is also made in paragraph 7 to the non-availability of the Register after a dissolution of the House.

17. The Registrar has reported that in the 35th Parliament a number of requests to inspect the Register were received prior to the tabling of the completed Register by the Chairman on 23 November 1987. These requests were refused in accordance with the determination made by the previous Committee. Since the completed Register was tabled on 23 November 1987 only one inspection of the updated Register occurred.

#### Conclusion

18. The outstanding matters referred to in this report will be considered by the Committee as soon as possible in 1988 and, if necessary, brought to the attention of the House.

R.E. KLUGMAN

CHAIRMAN

17 February 1988



HOUSE OF REPRESENTATIVES

COMMITTEE OF MEMBERS' INTERESTS

34th Parliament - 15th Meeting

Minutes of Proceedings of meeting held on  
18 February 1987 at 3.46 p.m.

(1) Present:

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.

(2) Minutes of Proceedings

The Minutes of Proceedings of the meeting held on 23 September 1986 were confirmed.

(3) Amendment of resolutions of the House

The Chairman presented an extract from the Votes and Proceedings No. 132 dated Wednesday, 22 October 1986 amending the resolutions of the House of Representatives to require full statements of interests to be provided once only each Parliament in lieu of on an annual basis.

(4) Registration of shareholdings

The Registrar having sought advice from the Committee on the need for the registration of certain shareholdings

Resolved - On the motion of Mr Maher - That the Committee confirms that the requirement for the registration of shareholdings in public and private companies is appropriately set out in the 2 points contained in Item 1 of the Explanatory Notes relating to this matter.

(5) Annual Report for 1986

The Chairman brought up his Draft Annual Report of the Committee for 1986.

Report, by leave, taken as a whole, amended and agreed to.

Resolved - On the motion of Mr Adermann - That the draft Annual Report, as amended, be the Annual Report of the Committee for 1986.

(6) Adjournment

At 4.15 p.m. the Committee adjourned until a date and hour to be determined by the Chairman.

Confirmed.

CHAIRMAN

HOUSE OF REPRESENTATIVES

COMMITTEE OF MEMBERS' INTERESTS

34th Parliament - 16th Meeting

Minutes of Proceedings of meeting held on  
27 May 1987 at 4 p.m.

(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 February 1987 were confirmed.

(3) Annual Report:

The Chairman informed the Committee that the Annual Report of the Committee for 1986 was tabled in the House on 23 February 1987.

(4) Notifications of alterations of interests:

The Committee considered a request for advice from a Member as to whether it is compliance with the Register of Members' Interests if, at the end of each month, a statement of net changes in interests was supplied.

The Committee deliberated.

Resolved - On the motion of Mr Maher -  
That Members be required to notify any alteration of interests within 28 days of that alteration occurring, and that the supply of monthly statements of net changes does not comply with the requirements of the House.

(5) Tabling of notifications of alterations of interests:

Resolved - On the motion of Mr Lindsay -  
That appropriate action be taken by the Registrar  
and the Chairman to ensure that notifications  
of alterations up to the latest possible date  
are tabled in the House prior to any dissolution  
of the House of Representatives or double  
dissolution of the Parliament.

(6) Reminder letter sent to all Members:

The Chairman informed the Committee that the  
Registrar had sent a letter to all Members  
on 13 May 1987 reminding them of the requirement  
to notify alterations of interests within 28  
days of the alteration occurring.

(7) Need for notification of alterations of interests  
after a dissolution of the House or both Houses  
and public access to the Register during a Recess  
period:

The Registrar sought advice as to whether -

- (1) current Members should be required to notify  
any alterations of interests after a dissolu-  
tion of the House or both Houses, and
- (2) the Register of Members' Interests should  
be available for public inspection during  
any Recess period, i.e. during the period  
from the dissolution of the House or both  
Houses to the date of first meeting in  
a new Parliament.

Resolved - On the motion of Mr Maher -  
That the Registrar should seek informal  
advice from the Attorney-General's Department  
and that the matter should be left to Chairman  
and the Registrar for determination on  
this occasion.

(8) Reprinting of return form:

Resolved - On the motion of Mr Adermann -  
That the Registrar should arrange for reprinting  
of the return form for possible use in a new  
Parliament.

(9) Adjournment:

At 4.23 p.m. the Committee adjourned until  
a date and hour to be determined by the Chairman.

Confirmed

CHAIRMAN

HOUSE OF REPRESENTATIVES

COMMITTEE OF MEMBERS' INTERESTS

35th Parliament - 1st Meeting

Minutes of Proceedings of meeting held on  
6 October 1987 at 4.05 pm

(1) Present:

Mr D.M. Cameron, MP  
Mr L. Kent, MP  
Dr R.E. Klugman, MP  
Mr E.J. Lindsay, RFD, MP  
Mr P.M. Ruddock, MP  
Mr J.L. Scott, MP

(2) Appointment of Registrar of Members' Interests

Mr L.M. Barlin, Deputy Clerk of the House of Representatives, announced receipt of an extract from the Votes and Proceedings of the House of Representatives No. 2 of Tuesday, 15 September 1987 recording his appointment by Madam Speaker as Registrar of Members' Interests and therefore Clerk to the Committee.

(3) Membership of Committee

An extract from Votes and Proceedings No. 8 of 23 September 1987 recording the appointment of members to the Committee, was announced.

(4) Chairman

On the motion of Mr Kent, Dr Klugman was elected as Chairman.

(5) Statements of interests by Members

The Committee deliberated in relation to the need to include certain matters in the statements of interests to be provided by Members.

Resolved - On the motion of Mr D.M. Cameron - That the Committee endorses the letter dated 15 September 1987 forwarded by the Registrar to Members in relation to the provision of statements of interests.

(6) Adjournment

The Committee adjourned at 5.10 pm until a date to be determined.

Confirmed

CHAIRMAN

HOUSE OF REPRESENTATIVES

COMMITTEE OF MEMBERS' INTERESTS

35th Parliament - 2nd Meeting

Minutes of Proceedings of meeting held on  
8 December 1987 at 3.55 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 P.M. Ruddock, MP  
Mr J.L. Scott, MP

(2) Minutes of Proceedings

The Minutes of Proceedings of the meeting held on 6 October 1987 were confirmed.

(3) Tabling of completed Register of Members' Interests

The Chairman informed the Committee that he had tabled on 23 November 1987 the completed Register of Members' Interests for the 35th Parliament, together with notifications of alterations of interests received during the period 17-20 November 1987. He proposed to table further notifications of interests received since 20 November 1987 before the rising of the House for the summer adjournment.

(4) Interpretation of aspects of the resolution of the House:

The Committee deliberated in respect of certain aspects of the resolutions of the House for the registration and declaration of Members' Interests.

(5) Adjournment

At 4.30 pm the Committee adjourned until a date and hour to be determined by the Chairman.

Confirmed

CHAIRMAN