

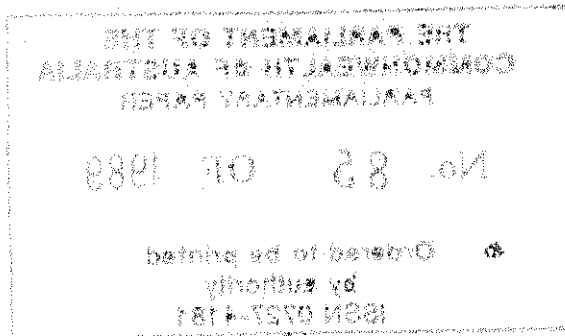
THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

COMMITTEE OF MEMBERS' INTERESTS

REPORT

RELATING TO  
THE REQUIREMENT FOR  
REGISTRATION OF GIFTS



COMMITTEE OF MEMBERS' INTERESTS

Membership

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## REPORT

- (1) In accordance with the resolutions of the House relating to the registration of interests by Members, it is necessary for Members to notify the receipt by them, their spouses or dependent children of gifts valued at more than \$250 when received from official sources or \$100 when received from other sources. A qualification to the requirement which was recommended by this Committee on 18 September 1985, and adopted by the House on 13 February 1986, makes it clear that it is not necessary to register gifts received from family members or personal friends in a purely personal capacity unless the Member judges that an appearance of conflict of interest may be seen to exist. The full terms of the resolutions of the House are shown in Appendix I.
- (2) The Committee has given consideration to the application of the requirements to the receipt of gifts by Ministers in their official positions while travelling overseas, from overseas visitors in Australia and from Australian sources. This is a matter which was considered by the previous Committee in the 34th Parliament and referred to in that Committee's report for 1986. That Committee resolved that the requirement to register the receipt of gifts is a separate obligation cast upon each Member of the House irrespective of any other obligations that the Member may have as a Minister. However, these gifts are subject to guidelines adopted by the Government in May 1983 which are quite separate from, and should not be confused with, the requirements of the House in respect of the registration of interests for the Register of Members' Interests. A copy of these guidelines is attached as Appendix II.
- (3) Under the Government's guidelines, gifts received in their official capacity by Ministers are to be regarded as Commonwealth property and all gifts, other than token gifts, are to be declared to the Department of the Prime Minister and Cabinet and moved to the custody of that Department as soon as possible. Valuations by accredited valuers are arranged by that Department and gifts may be transferred to the recipient on request where the assessed value does not exceed \$250 if received from official sources (i.e. Government) or \$100 from other sources (industry or private). Where the assessed value is greater than these limits, the recipient may pay the difference and retain the gift.

(4) An examination of the Government's guidelines makes it clear that Ministers in that capacity cannot freely retain any item valued at more than \$250 received from official sources or \$100 where received from other sources. They are required to pay personally the difference between those sums and the assessed value of the item if they wish to retain it. As a consequence, the gift component of an item allowed to be retained by them can not exceed the values fixed by the House in its resolutions relating to the registration of interests. In these circumstances, the Committee is satisfied that it is not necessary for Ministers to notify such gifts for the Register of Members' Interest.

(5) There will, of course, be occasions when Ministers receive gifts in a capacity other than their ministerial capacity. In these cases, Ministers who are Members of the House of Representatives are obliged to deal with such gifts in accordance with the resolutions of the House which apply to all Members of the House.

(6) In its report dated 18 September 1985 relating to the registration requirements, the Committee recognised that the disclosure of gifts received by a Member or his or her immediate family is an essential element of the registration requirements. It went on to say that the offer and acceptance of a gift has the potential for a conflict of interest, or to be seen by some as a conflict of interest and that its public disclosure reduces or eliminates such a perception. The Committee remains of the same view.

(7) The same report from the Committee went on to recommend that the monetary values set by the resolutions should be reviewed periodically with the objective of maintaining those values in real terms. Notwithstanding this recommendation of September 1985, the values fixed by the House on 9 October 1984 a.m. remain unchanged. The Committee re-iterates its belief that the value of gifts requiring registration should be reviewed periodically and again recommends this course of action to the House.

R E KLUGMAN  
CHAIRMAN

11 APRIL 1989

1987-88-89

## THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

## HOUSE OF REPRESENTATIVES

REGISTRATION AND DECLARATION OF  
MEMBERS' INTERESTSRequirements of the House of Representatives  
from the first sitting day in 1989

*Resolutions adopted by the House on 9 October 1984 a.m. as amended on 21 March 1985, 13 February 1986, 22 October 1986 and 30 November 1988*

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.

*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.

**Note**

The requirements set out above are those in force from the first sitting day of the House of Representatives in 1989.

No reference has been made to—

- (1) earlier registration and declaration requirements deleted on 13 February 1986, 22 October 1986 and 30 November 1988, 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.

## APPENDIX II

### PRESENT POLICY ON GIFTS RECEIVED

The present guidelines were endorsed in May 1983 and apply to Ministers and their staff (including families) who receive gifts as a result of their official positions while travelling overseas, from overseas visitors in Australia, and from Australian sources. In summary, the guidelines mean that:

- (a) gifts received are to be regarded as Commonwealth property;
- (b) all gifts, other than token gifts, are to be declared to the Department of the Prime Minister and Cabinet (PM&C);
- (c) gifts are to be moved by the Minister to custody of PM&C, Canberra, as soon as possible;
- (d) valuations by accredited valuers are arranged by PM&C (for customs entry purposes, the value of the gift is equivalent to the overseas wholesale price: gifts received from Australian sources are valued at the Australian wholesale price);
- (e) gifts may be transferred to the recipient on request where the assessed value does not exceed \$250 if received from official sources (ie Government) or \$100 from other sources (industry or private);
- (f) where the assessed value is greater than the above limits, the recipient may pay the difference and retain the gift;
- (g) if a recipient wishes to retain a particular gift but is unwilling to pay the difference between the limits and the assessed value, PM&C can arrange for it to be loaned to the recipient for display in Government premises. (The gift, however, remains Commonwealth property and would have to be returned to the Department when the Minister no longer holds office.); and
- (h) the Department of the Prime Minister and Cabinet is responsible for the disposal of all official gifts.

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The primary purpose of this document is to provide information regarding the activities of the [redacted] and the [redacted] in the [redacted] area. This information is being provided to you for your information and is not to be disseminated outside your agency.

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2. The [redacted] has been identified as a [redacted] of the [redacted] and is being provided to you for your information.

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