

1990 - 91

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

COMMITTEE OF MEMBERS' INTERESTS

REPORT ON THE OPERATIONS OF
THE COMMITTEE FOR 1990

COMMITTEE OF MEMBERS' INTERESTS

Membership

35th Parliament

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

36th Parliament

Mr S C Dubois, MP (Chairman)
Mr D M Connolly, MP
Mr D B Cowan, MP
Mr E J Lindsay, RFD, MP
Mr L R T O'Neil, MP
Mr P M Ruddock, MP
Mr J L Scott, MP

Clerk to the Committee

Mr L M Barlin

COMMITTEE OF MEMBERS' INTERESTS

Standing order 28A

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
**REGISTRATION OF MEMBERS'
INTERESTS**

Requirements of the House of Representatives

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on 21 March 1985, 13 February 1986, 22 October 1986 and 30 November 1988 and having continuing force unless amended or repealed by the House of Representatives

(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.

Notes

*1 The requirements set out above are those in force from the first sitting day of the House of Representatives in 1989 from which day the requirement for oral declarations of interests during certain proceedings was removed.

2 No reference has been made to—

- (a) earlier registration and declaration requirements deleted on 13 February 1986, 22 October 1986 and 30 November 1988, *and*
- (b) resolutions of 21 March 1985 and 13 February 1986 which related to the lodgement of initial statements of interests by Members of the 34th Parliament.

R E P O R T

Introduction

- (1) By resolutions first adopted by the House of Representatives on 9 October 1984 a.m. and subsequently amended in some respects, each Member of the House is required to provide a statement of registrable interests of the Member, the Member's spouse and any dependent children within 28 days of making an oath or affirmation as a Member, and to also notify any alteration to those interests within 28 days of the alteration occurring. The statements and notifications of alterations provided comprise the Register of Members' Interests.
- (2) Standing order 28A of the House of Representatives provides that 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.
- (3) The standing order also provides that 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. This is the report of the committee for the calendar year 1990 covering the operations of the committee appointed during the previous (35th) Parliament and the newly appointed committee in the 36th Parliament.

Membership

- (4) The dissolution of the House of Representatives on 19 February 1990 and the election held on 24 March 1990 saw the voluntary retirement of Dr R E Klugman who had been

chairman of the committee and guided its establishment and operation since its first appointment on 20 March 1985 and the voluntary or involuntary retirement of three other members of the committee. In the new Parliament which began on 8 May 1990, membership of the committee was appointed on 16 May 1990 and the committee held its first meeting the following day. Mr S C Dubois was elected as Chairman of the Committee.

Meetings of the Committee

- (5) A meeting of the Committee of the 35th Parliament scheduled to be held in February 1990 lapsed with the dissolution of the House on 19 February. In the new Parliament, it has been necessary for the newly elected committee to meet on two occasions only. At the first of these meetings, the committee endorsed the annual report for 1989 which had been prepared by the previous Chairman but not formally adopted before dissolution. At the same meeting, the committee endorsed the action of the Registrar in writing to all Members on 9 May 1990 informing them of matters which should be included in their statements of registrable interests.

Statements of interests and notifications of alterations of interests

- (6) In response to the Registrar's letter of 9 May 1990, statements of interests were received from all Members of the House. These statements, together with notifications of alterations of interests received to 2 July 1990, were tabled by the Chairman when the House met for the commencement of the Budget sittings on 21 August 1990. Further statements of interests received during the period 3 July 1990 to 5 December 1990 were tabled on 6 December 1990.
- (7) In accordance with the practice adopted by previous committees, it is the intention of the committee that the Chairman will table batches of notifications of alterations of interests once during each of the Autumn and Budget sittings each year. Periodic reminders of the registration requirements will be sent to all Members by the Registrar of Members' Interests.

Public access to the Register

- (8) Once a completed Register has been tabled in the House shortly after commencement of a new Parliament, the Register itself is available for inspection by prior appointment in the office of the Registrar by any person between the hours of 10 a.m. - 12 noon and 2 p.m. - 4 p.m. on any working day. As a consequence, although notifications of alterations of interests are not tabled in the House as soon as they are received, the Register itself is updated immediately and can be inspected by any person.

In the reporting period, it was inspected on four occasions.

Other responsibilities of the Committee

(9) During 1990 (a) no proposals were made by Members or others as to the form and content of the register, (b) no complaints were made in relation to the registering of interests, (c) because no code of conduct has been adopted by the House there was no cause to consider any changes to a code of conduct, and (d) the committee did not consider whether other classes of person should be required to register interests. The committee did, however, give consideration to three aspects of the registration requirements and these are referred to below.

The value of gifts requiring registration

(10) When the registration requirements were adopted on 9 October 1984 a.m., the House fixed the value of gifts which were required to be registered at more than \$250 if received from official sources or at more than \$100 if received from other than official sources. In its report of 18 September 1985 relating to the registration requirements, the committee recommended that the monetary values set by the requirements should be reviewed periodically with the objective of maintaining those values in real terms. No action has been taken by the House to give effect to that recommendation and the sums remain as fixed in 1984.

(11) At the committee's request, on 23 November 1990 the Statistics Group of the Parliamentary Research Service of the Parliamentary Library advised the Registrar of the new updated values as follows:

Amount in October 1984 Value in September Quarter 1990

\$ 100	\$ 154
\$ 250	\$ 384

The Statistics Group advised that these valuations were based on the ABS Consumer Price Index, using the Index levels of 135.9 for the December quarter 1984 and 208.9 for the September quarter 1990, with the figures rounded to the nearest dollar.

(12) The committee again recommends to the House that the sums be updated to approximately current values. It suggests that the sums should be amended immediately to \$150 and \$400 respectively. It further recommends that the figures should be reviewed at least annually to maintain the same approximate value in real terms.

Registration of membership of organisations

(13) The resolutions adopted by the House on 9 October 1984 a.m. provided for the registration of -

"(m) any other interests, such as membership of organisations, where a conflict of interest with a Member's public duties could foreseeably arise or be seen to arise."

The requirement was carefully considered by the committee and referred to in its report relating to the registration requirements on 18 September 1985. After dealing with the difficulties of attempting to lay down a definition of "conflict of interest", the committee stated:

"56. Whilst the resolutions limit the requirement to the registration of membership of organisations 'where a conflict of interests with a Member's public duties could foreseeably arise or be seen to arise' it has become apparent to the Committee that membership of any organisation, be it political, sporting, recreational, religious or community based, may have the potential for a conflict of interest situation to arise. For this reason, the Committee is reluctantly forced to the conclusion that it will be necessary for it to require the registration of the membership of all organisations. It seeks the concurrence of the House in this approach to the registration requirements."

On 13 February 1986, the House gave effect to several of the committee's recommendations contained in that report and, among other matters, changed the requirements to read:

"(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."

(14) The matter was further considered following suggestions made to the then Leader of the House and conveyed to the committee on 12 September 1986 that the resolution as amended goes beyond what is necessary and that a return to the resolution as originally drafted, specifying a conflict of interest, may be more appropriate. The committee considered the suggestion but on 24 September 1986 advised the Leader that it stood by its earlier decision, contained in its report of 18 September 1985 and adopted by the House on 13 February 1986, that Members are required to register membership of any organisation.

(15) The committee's attention has again been directed to this issue. After some preliminary discussion it resolved that further consideration of the matter should be deferred to

the next meeting of the committee which will occur early in the 1991 sittings of the House.

Registration of interests between dissolution of the House in one Parliament and the provision of statements in the next Parliament

- (16) In its annual reports for 1987, 1988 and 1989, the committee drew attention to the fact that under the existing requirements there is no obligation placed upon Members to register interests from the date of dissolution of the House of Representatives in one Parliament until the 28th day after making an oath or affirmation in the next Parliament. No action has been taken by the House in relation to the matter.
- (17) After some preliminary discussion of the issue, the committee resolved at its meeting on 13 November 1990 that further consideration should be deferred to a future meeting of the committee.

Conclusion

- (18) As the newly elected chairman of this committee, I wish to place on record my appreciation of the achievements of the chairman and members of the committee in previous Parliaments who established most satisfactory arrangements to give effect to the registration requirements of the House. I also record my thanks to my fellow members on the present committee who have already demonstrated their willingness to continue this successful work.

S C DUBOIS
Chairman

12 February 1991

HOUSE OF REPRESENTATIVES

COMMITTEE OF MEMBERS' INTERESTS

36th Parliament - 1st Meeting

Minutes of Proceedings of meeting held on
17 May 1990 at 3.40 p.m.

(1) Present:

Mr D M Connolly, MP
Mr D B Cowan, MP
Mr S C Dubois, MP
Mr E J Lindsay, RFD, MP
Mr L R T O'Neil, MP
Mr P M Ruddock, MP

(2) Appointment of Registrar of Members' Interests

Mr L M Barlin, Deputy Clerk of the House, announced the receipt of an extract from the Votes and Proceedings No. 2 of 9 May 1990 notifying his appointment by Mr Speaker as Registrar of Members' Interests, and therefore Clerk to the Committee, and the appointment of Mr B C Wright, Clerk Assistant, to act as Registrar during any period of absence of Mr Barlin.

(2) Membership of the Committee

An extract from Votes and Proceedings No. 6 of 16 May 1990 was reported notifying the appointment of Mr D M Connolly, MP, Mr D B Cowan, MP, Mr S C Dubois, MP, Mr E J Lindsay, RFD, MP, Mr L R T O'Neil, MP, Mr P M Ruddock, MP and Mr J L Scott, MP, as members of the Committee.

(4) Election of Chairman

On the motion of Mr O'Neil, Mr Dubois was elected as Chairman and took the Chair.

(5) Notification of requirements to Members

The Registrar advised the Committee of the terms of a letter which he had sent to all Members of the House on 9 May 1990 notifying them of the requirements for the registration of interests.

Resolved - On the motion of Mr Cowan -

That the Committee endorses the action of the Registrar.

(6) Report on the operations of the Committee for 1989:

The Chairman presented a draft report on the operations of the Committee for 1989 comprising a draft report prepared by the Chairman of the Committee in the 35th Parliament and 3 additional introductory paragraphs.

Resolved - On the motion of Mr Lindsay -

That the report

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

(7) Adjournment

At 4 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

36th Parliament - 2nd Meeting

Minutes of Proceedings of meeting held on
13 November 1990 at 3.40 p.m.

(1) Present:

Mr S C Dubois, MP (Chairman)
Mr D B Cowan, MP
Mr E J Lindsay, RFD, MP
Mr L R T O'Neil, MP
Mr P M Ruddock, MP
Mr J L Scott, MP

(2) Minutes of Proceedings

The Minutes of Proceedings of the meeting held on 17 May 1990 were confirmed.

(3) Reminder letter to all Members

The Chairman informed the Committee that as the completed Register of Members' Interests had not been tabled until 21 August 1990, no letter had yet been sent to Members reminding them of the requirement to notify alterations of interests. The Registrar proposed to send a reminder to all Members on 14 November 1990.

(4) Tabling of notifications of alterations of interests

The Chairman informed the Committee that as 6 December 1990 is the last scheduled sitting day for 1990 he proposed to table on that day notifications of alterations of interests received up to 5 December 1990.

(5) Registration requirements

(a) The value of gifts requiring notification

The committee deliberated in respect of the need to review the value of gifts requiring notification which had remained unchanged since the resolutions were first adopted on 9 October 1984.

Resolved - On the motion of Mr Cowan - That

- (i) the Clerk ascertain the current equivalent value of the sums fixed in October 1984 and
- (ii) the committee recommend in its Annual Report for 1990 that the House amend the resolutions to reflect the current values, and that the values should be automatically reviewed and up-dated periodically.

(b) Membership of organisations

The committee deliberated on the need to register membership of all organisations.

Resolved - On the motion of Mr Lindsay -

That consideration of this matter be deferred until the next meeting of the committee.

(c) Registration of interests between Dissolution of the House in one Parliament and the provision of statements in the next Parliament:

The committee deliberated on the existing provisions whereby there is no requirement for Members to register interests from the date of dissolution of the House of Representatives in one Parliament until the 28th day after making an oath or affirmation in the next Parliament.

Resolved - On the motion of Mr Lindsay -

That consideration of this matter be deferred to a future meeting of the committee.

(6) Annual Report

The Chairman informed the committee that it was anticipated that the draft annual report of the committee for 1990 would be distributed in time for its consideration in the first sitting week in February 1991.

(7) Adjournment

The committee adjourned at 4.35 p.m. until a date and hour to be determined by the Chairman.

Confirmed

CHAIRMAN

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes the need for transparency and accountability in financial reporting.

2. The second part of the document outlines the various methods and techniques used to collect and analyze data. It highlights the importance of using reliable sources and ensuring the accuracy of the information gathered.

3. The third part of the document focuses on the analysis and interpretation of the collected data. It discusses the various statistical and analytical tools used to identify trends and patterns in the data.

4. The fourth part of the document discusses the importance of communication and reporting. It emphasizes the need for clear and concise communication of the findings and conclusions of the study.

5. The fifth part of the document discusses the importance of ethical considerations in research. It highlights the need for researchers to adhere to ethical standards and to be transparent about any potential conflicts of interest.

6. The sixth part of the document discusses the importance of ongoing evaluation and improvement. It emphasizes the need for researchers to regularly assess the quality of their work and to make adjustments as needed.

7. The seventh part of the document discusses the importance of collaboration and teamwork. It highlights the need for researchers to work together and to share their knowledge and expertise.

8. The eighth part of the document discusses the importance of staying up-to-date on the latest research and developments in the field. It emphasizes the need for researchers to continue to learn and to grow in their profession.

9. The ninth part of the document discusses the importance of maintaining a professional and ethical reputation. It highlights the need for researchers to be honest, transparent, and to adhere to the highest standards of conduct.

10. The tenth part of the document discusses the importance of contributing to the field and to society. It emphasizes the need for researchers to share their findings and to use their knowledge to make a positive impact on the world.

11. The eleventh part of the document discusses the importance of being open to feedback and criticism. It highlights the need for researchers to be receptive to constructive criticism and to use it to improve their work.

12. The twelfth part of the document discusses the importance of being a role model for others. It emphasizes the need for researchers to be professional, ethical, and to demonstrate the highest standards of conduct.