

COMMITTEE OF MEMBERS' INTERESTS

Membership

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.

REPORT

Introduction

- (1) Resolutions adopted by the House of Representatives on 9 October 1984 a.m., and later amended in a number of respects, require each Member of the House of Representatives to provide a statement of the registrable interests of the Member, the Member's spouse and any dependent children. The statements are required to be provided to the Registrar of Members' Interests within 28 days of a Member making an oath or affirmation as a Member and any alteration of those interests is required to be notified within 28 days of the alteration occurring. The statements and notifications of alterations comprise the Register of Members' Interests.
- (2) The Committee of Members' Interests was established to oversight the registration arrangements. The full terms of reference of the Committee are contained in standing order 28A, which was adopted on 9 October 1984, as follows:
 - (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.

The standing order also requires the committee, as soon as practicable after 31 December in each year, to 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 1991.

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

- (3) The resolutions of the House require the Chairman of this Committee to table as soon as possible after the commencement of each Parliament a copy of the completed Register of Members' Interests and to also table from time to time as required any notification by a Member of alteration of interests. A practice has been developed by this Committee, and its predecessors in previous Parliaments, of the Chairman tabling a copy of the completed Register as soon as possible after its completion at the commencement of a Parliament and tabling batches of notifications of alterations of interests received once only during each of the Autumn and Budget sittings of the House. In accordance with these previously agreed arrangements, on 6 June 1991 the Chairman tabled copies of notifications of alterations of interests received during the period 6 December 1990 to 5 June 1991 and on 28 November 1991, the Chairman tabled notifications of alterations of interests, and a statement of registrable interests lodged by a newly elected Member, during the period 6 June 1991 to 27 November 1991.
- (4) The Register itself is required to be available for inspection by any person under conditions laid down by the Committee of Members' Interests. The Committee of the 34th Parliament laid down conditions providing that the Register could be inspected, by prior appointment, in the office of the Registrar on any working day between 10 a.m. and 12 noon and 2 p.m. and 4 p.m. No alteration has been made to these conditions and they appear to remain appropriate to the needs of persons wishing to inspect the Registrar.
- (5) During the reporting period, the Register was inspected on four occasions only.
- (6) Arrangements for the compilation and maintenance of the Register were first put in place by the Committee of the 34th Parliament. Under these arrangements, the Register itself consists of photocopies of all statements of interests and notifications of alterations of interests supplied by Members to the Registrar. Material tabled by the Chairman as required by the resolutions of the House consists of a further photocopy of these statements and notifications of alterations. The originals of the statements and notifications of alterations, together with correspondence with individual Members, are maintained in secure storage on individual files by the Registrar. The system is simple to maintain, overcomes the risk of error in transcription and has been found to be satisfactory in all respects. No change in these arrangements is contemplated.

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

- (7) No proposals as to the form and content of the Register were made to the Committee by Members or other persons during the reporting period. However, the Committee itself has considered some aspects of the

requirements. These matters are referred to later in this report and specific recommendations are made for changes to the resolutions.

Complaints made in relation to the registering of interests

- (8) During the year no complaint was received by the Committee. In fact, no complaint in relation to the registering of interests has been received by any Committee of Members' Interests since the registration requirements were first established.

Changes to any Code of Conduct

- (9) The House has not adopted a Code of Conduct in respect of Members. However, the Committee understands that following a suggestion made by Mr Mack, MP, the then Prime Minister, Mr Hawke, wrote to the Presiding Officers proposing that a working party be established under the aegis of the Presiding Officers to develop a seminar on standards of behaviour expected of Members and Senators. The Presiding Officers welcomed the proposal but indicated that they thought the working party's initial task should be to develop a Code of Conduct which would have general application to all Federal parliamentarians including Ministers and Office Holders. This proposal has been accepted and nominations from the various Parties in the Parliament have been sought.
- (10) The Committee will be monitoring progress by the Working Party in so far as it may affect the Committee's responsibilities to the House.

Registration of interests by other classes of persons

- (11) During 1991 the Committee gave no further consideration to the question as to whether classes of persons other than Members ought to be required to register their interests.

Other matters

- (12) In its report for 1990 the Committee drew attention to three matters of concern to it - the need for the registration of membership of all organisations, the desirability of requiring the registration of interests held during the period from the dissolution of the House in one Parliament and the provision of statements in the next, and the value of gifts requiring registration. The first and second of these matters have been the subject of further consideration by the Committee and its recommendations follow. The matter of the value of gifts requiring registration was referred to in the report of the Committee for 1990 but is again referred to later in this report.

The need for registration of membership of all organisations

- (13) When first adopted by the House of Representatives on 9 October 1984 a.m. the resolutions provided (in part) 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.”.

In its review of the registration requirements prior to the preparation of the first Register, the Committee gave careful consideration to this requirement. In its report to the House of 18 September 1985 the Committee dealt with the difficulties of attempting to lay down a definition of “conflict of interest” and went on to say -

“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.”.

- (14) Following the Committee's report, on 13 February 1986 the House amended the resolutions in a number of respects, one of which changed the particular 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.”.

- (15) On 12 September 1986 the then Leader of the House, Mr Young, wrote to the Committee suggesting that the amended requirement went beyond what is necessary and suggested a return to the original wording. At that time the Committee was not prepared to support the proposed change and stood by its earlier decision.

- (16) The matter has been further considered by the Committee. Whilst there is some reluctance within the Committee to alter the existing arrangements, there is a majority view that changes should be made. Many of the notifications of membership of organisations clearly have no potential for a conflict of interest situation to arise, e.g. membership of a small sporting club. It is possible that quite inadvertently some Members may have overlooked the

requirement to notify membership of such an organisation or to have not notified becoming a Member within the required 28 days. The Committee recognises that Members are very busy people and can very easily overlook these minor requirements. It is the majority view of the Committee that in many instances the requirement places an unnecessary burden upon Members and serves little or no purpose. Accordingly, it recommends that the following change be made to the resolution of the House:

Resolution 2, omit paragraph (m), substitute the following paragraph:

“(m) membership of any organisation where a conflict of interest with a Member's public duties could foreseeably arise or be seen to arise, and”.

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

- (17) The annual report of the Committee for 1990 stated that it proposed giving further consideration to the situation where under existing resolutions of the House, 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. The Committee had drawn attention to this situation previously in its annual reports for 1987, 1988 and 1989. Having further considered the matter, the Committee believes that the existing “gap” in the registration requirements needs to be closed.
- (18) The period between Dissolution in one Parliament and the date of the opening of the new Parliament can be quite substantial. In the case of the most recent General Election, the 35th Parliament was dissolved on 19 February 1990 and the 36th Parliament met for the first time on 8 May 1990. Members who were sworn in on that date were required to provide statements of interest by 5 June 1990. As a consequence, a situation could arise where a continuing Member need not have registered interests, or alterations of interests from 23 January 1990 to 5 June 1990. The period could have been even longer if a Member had not been sworn in on the first day of meeting of the 36th parliament. To the Committee's way of thinking this is not a satisfactory position.
- (19) A somewhat similar situation arises in respect of newly elected Members. In the case of those Members first elected to the 36th Parliament at the General Election held on 24 March 1990, statements of interests would not have been required until 5 June 1990, and later still if a Member was not sworn in on the Opening Day of the 36th Parliament.
- (20) The Committee is satisfied that continuing Members should be required to notify interests held at the date of Dissolution in one Parliament and alterations of interests occurring between that date and the lodgement of a

statement of registrable interests in the next Parliament. In the case of Members elected to the House for a first time, the statement of interests to be provided should include the interests held on the day of election and alterations of interests occurring from that day to the day of lodgement of the statement of interests. To achieve these objectives, the Committee recommends that resolution (1) should be omitted and the following substituted:

“(1) *Registration of Interests*

That -

(a) 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 -

(i) the Member's registrable interests, and

(ii) 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, and

(b) the statement to be provided by a Member shall include -

(i) in the case of a Member who was not a Member in the immediately preceding Parliament, interests held at the date of his or her election and any alteration of interests which have occurred between that date and the completion of the statement, and

(ii) in the case of a Member who was a Member of the House of Representatives in the immediately preceding Parliament, interests held at the date of dissolution of the House of Representatives in the previous Parliament and any alteration of interests which has occurred between that date and the date of completion of the statement.”.

The value of gifts requiring registration

- (21) In its report of 18 September 1985 relating to the registration requirements, the Committee recommended that the monetary values of gifts requiring registration should be reviewed periodically with the objective of maintaining those values in real terms. Again, in its annual report for 1990 the Committee drew attention to the need to revise the values and recommended that the value of gifts received from official sources should be increased from \$250 to \$400 and those received from other than official sources should be increased from \$100 to \$150. The sums recommended were based on the ABS Consumer Price Index and represented movements which had occurred since the values were first set in October 1984.
- (22) The Committee again strongly recommends that the resolutions of the House should be amended to reflect the current values set out in the preceding paragraph. Furthermore, the Committee again recommends that the sums be reviewed periodically to maintain the values in real terms.

Conclusion

- (23) The Committee urges the House to give early consideration to the matters it has raised in this report. Notwithstanding these proposed alterations, the Committee believes that generally the registration requirements continue to operate in a satisfactory manner.
- (24) I again record my appreciation of the assistance received from members of the Committee during the year.

S C DUBOIS
Chairman

4 March 1992

HOUSE OF REPRESENTATIVES

COMMITTEE OF MEMBERS' INTERESTS

36th Parliament - 3rd Meeting

Minutes of Proceedings of meeting held on
12 February 1991 at 4.25 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) Matters to be discussed at meeting

Mr Ruddock indicated that because of commitments in the House, he would have to leave the meeting early and put forward views to be considered later by the Committee.

(3) Minutes of Proceedings

The Minutes of Proceedings of the meeting held on 13 November 1990 were confirmed.

(4) Matters arising from the Minutes of Proceedings

Ordered - That those matters be deferred until after consideration of the Chairman's draft Annual Report for 1990.

(5) Draft Annual Report for 1990

The Chairman brought up his draft Annual Report for 1990.

Ordered - That the report be taken as a whole.

Resolved - On the motion of Mr Cowan -

That the draft report be agreed to and be the report of the Committee to the House.

(6) Matters arising from the Minutes of Proceedings

Tabling of notifications of alterations of interests -

The Chairman informed the Committee that on 6 December 1990 he had tabled copies of notifications of alterations of interests received by the Registrar up to 5 December 1990.

The value of gifts requiring notification -

The Committee was advised of advice received from the Parliamentary Research Specialist, Parliamentary Research Service, Statistics Group, that using the latest available data, the updated values at 23 November 1990 of the sums of \$100 and \$250 set in October 1984 were \$154 and \$384, respectively. Consequently, the sums included in the Committee's Annual Report had been rounded to \$150 and \$400, respectively in respect of gifts received from (a) other than official sources and (b) official sources.

Registration of membership of organisations

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

Resolved - On the motion of Mr Cowan -

That further consideration be deferred to a future meeting and that the Clerk prepare options for circulation to committee members.

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

The Committee deliberated.

Resolved - On the motion of Mr O'Neil -

That further consideration be deferred to a future meeting and that the Clerk prepare options for circulation to committee members.

(7) Adjournment

The committee adjourned at 5.12 p.m. until a date and hour to be determined by the Chairman.

Confirmed

CHAIRMAN

HOUSE OF REPRESENTATIVES

COMMITTEE OF MEMBERS' INTERESTS

36th Parliament - 4th Meeting

Minutes of Proceedings of meeting held on
9 October 1991 at 3.55 p.m.

(1) Present:

Mr S C Dubois, MP (Chairman)
Mr D M Connolly MP
Mr D B Cowan MP
Mr E J Lindsay RFD MP
Mr P M Ruddock MP

(2) Minutes of Proceedings

The Minutes of Proceedings of the meeting held on 12 February 1991 were confirmed.

(3) Matters arising from the Minutes of Proceedings

The Chairman presented a copy of a paper providing notes and options prepared by the Clerk concerning (a) the registration of membership of organisations and (b) the registration of interests between Dissolution of the House in one Parliament and the provision of statements in the next Parliament, copies of which had been distributed to Committee members previously.

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

The Committee deliberated.

Resolved - On the motion of Mr Lindsay -

That the Committee:

- (1) believes that (a) in the case of a Member who was not a Member in the immediately preceding Parliament, the statement of interests to be provided should include interests held on the day of election and any alteration of interest occurring from that day and (b) in the case of a Member who was a Member in the immediately preceding Parliament, the statement of interests to be provided should include interests held on the day of dissolution of the House of Representatives in the previous Parliament and any alteration of interests occurring from that day; and
- (2) considers that these objectives can be achieved by adding at the end of resolution (1) of the House:

"(b) That the statement to be provided by a Member shall include—

- (1) in the case of a Member who was not a Member in the immediately preceding Parliament, interests held at the date of that election and any alteration of interests which has occurred between that date and the date of completion of the statement, and
- (2) in the case of a Member who was a Member of the House of Representatives in the immediately preceding Parliament, interests held at the date of dissolution of the House of Representatives in the previous Parliament and any alteration of interests which has occurred between that date and the date of completion of the statement"; and
- (3) authorises the Clerk to obtain the advice of the Attorney-General's Department to ensure that the proposed amendment set out in paragraph (2) would achieve the Committee's intentions.

(5) Registration of membership of organisations

The Committee deliberated.

Mr Lindsay moved -

That the Committee -

- (1) believes that the need for Members to register membership of all organisations places an unnecessary burden on them and that it may serve little or no purpose;
- (2) considers that it should only be necessary to register membership of those organisations where a conflict of interest with a Member's public duties could foreseeably arise or be seen to arise;
- (3) proposes that the Committee's objectives can be achieved by adding at the end of paragraph (m) of resolution (2) of the House:

"where a conflict of interest with a Member's public duties could foreseeably arise or be seen to arise, and";
and

- (4) authorises the Clerk to obtain advice from the Attorney-General's Department to ensure that the proposed amendment set out in paragraph (3) would achieve the Committee's intentions.

Motion agreed to - Mr Ruddock dissenting.

(6) Outstanding recommendations of the Committee

The Committee deliberated in respect of recommendations which it had made to the House and in respect of which no action had been taken or response received by it.

Resolved - On the motion of Mr Cowan -

That the report to be made to the House in respect of those matters determined at this meeting also draw attention to any recommendation of the Committee upon which no action has been taken or response received.

(7) Adjournment

The committee adjourned at 4.20pm until a date and hour to be determined by the Chairman.

Confirmed

CHAIRMAN