

REPORT OF THE INTEGRITY COMMISSION

No. 1 of 2017

Monitoring Parliamentary Disclosure
of Interests Register: Report for the
period 1 July 2015 to 30 June 2016



The objectives of the Integrity Commission are to –

- improve the standard of conduct, propriety and ethics in public authorities in Tasmania;
- enhance public confidence that misconduct by public officers will be appropriately investigated and dealt with; and
- enhance the quality of, and commitment to, ethical conduct by adopting a strong, educative, preventative and advisory role.

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This report and further information about the Commission can be found on the website

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President
Legislative Council
Parliament House
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Speaker
House of Assembly
Parliament House
HOBART 7000

Dear Mister President

Dear Madam Speaker

Pursuant to section 11(3) of the *Integrity Commission Act 2009* (the Act), the Integrity Commission presents a report to Parliament arising from a review of the Parliamentary disclosure of interests register for the period 1 July 2015 to 30 June 2016, undertaken in accordance with s 30(a) of the Act.

Yours sincerely,



Aziz Gregory Melick AO RFD SC
Chief Commissioner
On behalf of the Board



Michael Easton
(Acting) Chief Executive Officer

2 May 2017

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Monitoring Parliamentary Disclosure of Interests Register

**Report for the period 1 July 2015 to
30 June 2016**

May 2017

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Distribution

This report was tabled by the Commission in both Houses of Parliament, in accordance with section 11(3) of the *Integrity Commission Act 2009*.

The report has also been provided to the: Joint Standing Committee on Integrity; Parliamentary Standards Commissioner; and Secretary of the Department of Premier and Cabinet.

1. Introduction

- [1] This report relates to the Integrity Commission's function to monitor the operation of the Parliamentary disclosure of interests register, pursuant to s 30(a) of the *Integrity Commission Act 2009* ('*Integrity Commission Act*'). The Parliamentary disclosure of interests register is in fact two registers (collectively, 'the Register'),¹ with one each kept by the Clerk of each House of Parliament in accordance with the *Parliamentary (Disclosure of Interests) Act 1996* ('*Disclosure Act*'). The review period for this report is from 1 July 2015 to 30 June 2016.
- [2] Since 2010, the Commission has reported annually on its monitoring of the Register; however, this is the first time that such a report has been tabled in Parliament. The public release of this report follows the Commission's review of key issues relating to the Register in its 2014–15 report (provided to the Joint Standing Committee on Integrity), and a general inclination to make more information relating to the Commission's role publicly accessible. This ensures that the Commission is meeting its objectives under the *Integrity Commission Act*, and that the disclosures of parliamentarians are sufficient to safeguard public confidence in transparent and accountable government.
- [3] The Commission is cognisant of the State Government's current review of the *Disclosure Act*. The Commission has provided the Government with its views on key issues relating to that Act and the Commission's role under the *Integrity Commission Act*. The Commission provided a submission on the draft Parliamentary (Disclosure of Interests) Amendment Bill 2017 ('the Amendment Bill'), distributed by the Department of Premier and Cabinet (DPaC) in January of this year (refer Appendix 1) and has previously provided a draft disclosure form to address many of the issues identified in this report.

1.1. Key terms

- [4] The *Disclosure Act* provides definitions for terms relevant to this report.

Primary returns must be lodged by a person who becomes a Member of Parliament ('Member') within three months of the day on which the person takes the oath of allegiance for office.² The *Disclosure Act* prescribes the information to be disclosed by a Member in a primary return,³ subject to exceptions contained in the Act.⁴

Ordinary returns are lodged by all Members by 1 October of each year for the preceding year to 30 June, unless the date of a Member's primary return is after 30 April of that year.⁵ The *Disclosure Act* prescribes the information to be disclosed by a Member in an ordinary return,⁶ subject to exceptions contained in the Act.⁷

¹ Previous reports prepared by the Integrity Commission have also referred to the registers as the 'parliamentary registers of interest'.

² *Disclosure Act* s 4.

³ *Disclosure Act* s 6.

⁴ *Disclosure Act* ss 10–14.

⁵ *Disclosure Act* s 5.

⁶ *Disclosure Act* s 7.

The **Register** is to comprise the returns lodged by Members within the previous eight years. They are to be in a loose-leaf form, and divided into two parts (one containing primary returns, and one containing ordinary returns), with the returns filed in alphabetical order according to the Members' surnames.⁸

1.2. The role of the Commission

- [5] The Commission is established by the *Integrity Commission Act* to, among other things, improve the standard of conduct, propriety and ethics in Tasmania's public sector.
- [6] In accordance with s 30 of the *Integrity Commission Act*, one of the Commission's functions is to involve itself in the development and operation of guidelines, codes of conduct, registers, and training relating to the conduct of Members. Part of that function is to monitor the operation of the Register.
- [7] 'Monitor the operation' is not defined in the Act and to date the Commission has taken a conservative view of the scope of this function. The reviews have largely been a process of checking whether Members have completed the return form correctly, and has not involved any further inquiry into the accuracy or comprehensiveness of the information contained within. The Commission has however determined that future reviews may be more forensic in nature.
- [8] The purpose of the Register is to provide a mechanism for Members to disclose interests that may potentially affect, or be perceived to affect, the objectivity of their decision making. Disclosure of interests is the first step in the management of such interests, and enhances the confidence of the Tasmanian public in the transparency of Parliamentary processes; it is an important component of parliamentary integrity.
- [9] The Commission has reviewed the primary and ordinary returns of Members of both Houses of Parliament since 2010. The Commission has provided reports on the returns to the DPaC and the Joint Standing Committee on Integrity, along with recommendations for improving the process.

1.3. Process

- [10] A copy of the Register relating to the previous financial year is provided to the Commission by each Clerk after 1 October of every year. For the current reporting period, the Commission received each register in October 2016. The delay in publication of this report is due to the reduced capacity of the Commission to both review the material and devote resources to preparation of this report.
- [11] The Commission's practice is to inspect the primary or ordinary return of each Member, and to analyse whether the information disclosed complies with the applicable requirements of the *Disclosure Act*. To date, the Commission has not sought to verify the accuracy of the information provided, nor whether it constitutes a full disclosure.

⁷ *Disclosure Act* ss 10–14.

⁸ *Disclosure Act* s 17.

- [12] The Commission worked with DPaC in 2013 to update the return forms for both Houses of Parliament. However the House of Assembly has continued to use the superseded form. Consequently, the Commission's review has considered different forms for each House.

2. Analysis of returns

2.1. Summary of compliance issues

- [13] The following tables provide a summary of compliance issues seen in forms completed by Members for the period 1 July 2015 to 30 June 2016. In general terms, compliance issues are relatively minor, and relate to instances where Members have not completed sections of the form correctly. Types of non-compliance are summarised in Table 2.
- [14] While some types of non-compliance appear administrative in nature, the Commission cannot discount all types or instances of non-compliance as being administrative only. The Commission has not analysed the information on the returns to determine the accuracy of the information, and therefore cannot comment on the accuracy or otherwise of the information itself.
- [15] Since the previous year, the overall number of instances of non-compliance decreased for both the House of Assembly and the Legislative Council.

Table 1: Number of non-compliant responses in returns

		House of Assembly (n=25)		Legislative Council (n=15)	
		2015–2016	2014–2015	2015–2016	2014–2015
Part A: Sources of income	Occupation	10	9	7	4
	Trust	8	6	5	7
	Other	8	15	3	4
Part B: Real property		9	6	8	7
Part C: Interests and positions in corporations	Failure to provide address	10	11	5	2
	Failure to provide principal object	4	6	1	2
Part D: Positions in trade unions, professional or business		6	5	4	6
Part E: Debts		5	6	5	7
Part F: Dispositions of property		6	7	4	6
Part G: Contributions to travel		9	6	8	7
Part H: Gifts		4	3	5	7
Part I: Discretionary disclosures		6	10	6	6
Total		85	90	61	65

Table 2: Types of non-compliance issues in returns

	House of Assembly (n=25) <i>No. of instances</i>	Legislative Council (n=15) <i>No. of instances</i>
Response to a question was left blank	37	25
Member used 'n/a' rather than 'nil' as required by the form	11	14
Member provided unnecessary detail in a response	2	3
Member did not provide sufficient detail to reflect 'nature of interest' in real property	9	8
Member did not provide sufficient detail at Part C to comply with requirements of the form	10	5

2.2. General observations

- [16] While the forms were updated in 2013 to provide greater clarity and explanation as to the information required, instances of non-compliance have continued on the updated forms.
- [17] The *Disclosure Act* requires Members who have no interests to disclose to lodge a 'nil return'. This is indicated on the current form, with the statement: 'If you do not have any interests to disclose, tick this box and leave the rest of the form blank'.
- [18] The form directs Members to 'write "Nil"' clearly in each relevant column or row where there is no information to be provided. Across all sections (on both the superseded and current forms), Members frequently used 'n/a' or left the section blank rather than writing 'nil'. While this may appear semantic, 'n/a' is ambiguous: it could indicate that a particular asset or income exists but that the Member does not think it should be 'applicable'; this may have a significantly different meaning to 'nil'. Questions left unanswered (i.e. blank) are also an issue: a blank response may prompt further questions about the reason for the omission.

2.3. Specific observations

Part A: Sources of income

- [19] This question is in three parts, and relates to income from an occupation, a trust or any other source. Across the Legislative Council and House of Assembly, 41 instances of non-compliance were recorded for this question (amounting to 25% of all non-compliances, a reduction from 29% in the previous year).
- [20] Since the previous year, the number of instances of non-compliance in this section have decreased for the House of Assembly, and remained the same for the Legislative Council.
- [21] 'Income' is defined in the *Disclosure Act* as 'assessable income within the meaning of the *Income Tax Assessment Act 1936* of the Commonwealth, whether or not derived in Tasmania'. The fields within the current form do not accurately reflect this requirement.

- [22] Some Members are not completing each question in Part A, and are instead writing 'n/a' or leaving the section blank.
- [23] Some Members also record their parliamentary income as a source of income, despite the explanatory notes indicating that this is not required. This is an issue that recurs annually, and may indicate that Members are not receiving the full benefit of the explanatory notes.

Part B: Real property

- [24] Some Members are not correctly specifying the nature of their interest in real property, and the number of instances of non-compliance has increased in the last year. Although the explanatory notes on the current form provide greater clarity than the superseded form, there still appears to be confusion as to the types of interest a Member may have in real property.

Part C: Interests and positions in corporations

- [25] Some Members are not providing the address of each corporation in which they had an interest or held a position. The number of instances of non-compliance here has decreased for the House of Assembly, and increased for the Legislative Council.

Parts D – H

- [26] Members are asked to state any interests and positions in corporations, positions in trade unions and professional or business associations, debts, dispositions of property, contributions to travel, and gifts (or discounts). Currently, some Members who have no interests are leaving these sections blank or writing 'n/a'. Since the previous year, the number of instances of non-compliance in this section have marginally increased for the House of Assembly, and remained the same for the Legislative Council.
- [27] For Part D ('Positions in trade unions and professional or business associations'), the explanatory note states that it is only necessary for Members to disclose if they are an actual office-holder. This is not specified in the *Disclosure Act*.
- [28] The explanatory notes for Part F ('Dispositions of property') may confuse Members as they are legalistic in nature and may be difficult to comprehend.
- [29] Part H does not currently require Members to indicate a value (actual or estimated) of the declared gift or discount.

Part I: Discretionary disclosures

- [30] This part arises as a result of s 9 of the *Disclosure Act*. It provides the opportunity for Members to disclose any pecuniary or non-pecuniary interests that may result in a conflict between their private interests and their duties as Members that are not covered elsewhere in the form.
- [31] There is no separate conflicts of interest register for Members of Parliament, despite the reference to such a register in s 30(a) of the *Integrity Commission Act*. Consequently, this part of the return is the main mechanism for Members to disclose

relevant interests that fall outside of the mandatory reporting requirements of the *Disclosure Act*.

- [32] This section is completed by very few Members and the current explanatory notes reinforce the optional nature of any disclosures.

3. Recommendations

Recommendation 1

That both the primary and ordinary return forms for both Houses of Parliament be reformatted to match the form provided at Appendix 2.⁹

- [33] In order to address the non-compliance issues identified in the report, the form has been revised as follows:

General

- Inclusion of an initial 'Yes/No' option in each question, with Members only being required to provide further details when 'Yes' is selected. This requires Members to address each question and gain a better understanding of the interests required to be disclosed.
- Provision of greater clarity on key terms, and additional guidance through the use of examples (where appropriate).
- Movement of the explanatory notes for each part to sit directly below the question posed to the Member, to ensure that maximum guidance is provided to answer the question.

Part A

- Specific exclusion of Members' Parliamentary income from the lead question.
- Inclusion of specific fields for the types of income required to be disclosed to the Australian Taxation Office. The specific fields reduce ambiguity and associated confusion for Members as to what they are required to include.

Part B

- Inclusion of examples of interests in property to clarify Members' reporting requirements.

Part C

- Inclusion of the requirement for Members to provide the address of the registered office of each corporation of which they hold an interest.

⁹ It is noted that the final return forms shall need to be considered in light of the Government's amendments to the *Disclosure Act*.

Part D

- Removal of the explanatory note that indicates Members have no obligation to disclose a position in trade unions, and professional or business associations, unless they are an actual office-holder.

Part F

- Inclusion of examples of disposition of property to provide further guidance for Members.

Part H

- Inclusion of a requirement for Members to indicate the value (either actual or estimated) of a gift or discount.

Part I

- Inclusion of an explanatory note that encourages Members to disclose any identified direct or indirect benefits, advantages or liabilities.¹⁰

Recommendation 2

That the return forms be in fillable PDF format. This would enable prompts where sections are incomplete, and enable Members to fill, sign, save and submit the form efficiently.

4. Conclusion

- [34] The Commission notes the instances of non-compliance identified in Members' returns over the review period. The data indicates a minor reduction in the number of non-compliant responses in the returns since 2014–15.
- [35] The main recommendation of this report is that a new return form be adopted for the disclosure of interests of Members. The revised form would address the causes of non-compliance by Members and ensure that Members are adequately informed when disclosing their interests. The form should have electronic capability to maximise efficiency.
- [36] The Commission intends to continue to monitor the Register; in future, this may include verification of the information disclosed by Members and the tabling of further reports.

¹⁰ The Commission's view is that the *Disclosure Act* should require mandatory disclosure of any conflict for a Member arising from any identified benefits, advantages or liabilities (refer Appendix 1, pg 5). The Commission notes that this issue was not addressed in the draft Amendment Bill for the *Disclosure Act*.

Appendix 1

Response to draft Parliamentary (Disclosure of Interests) Amendment Bill 2017

Response to Parliamentary (Disclosure of Interests) Amendment Bill

Background

The Commission takes a keen interest in the review of the *Parliamentary (Disclosure of Interests) Act 1996* (the *Disclosure Act*), given that one of the functions of the Commission is to monitor the operation of the Parliamentary disclosure of interests register (the register).¹

The Commission has undertaken this task over recent years, and has provided feedback to the Department of Premier and Cabinet and to the clerks of both Houses of Parliament. The Commission has also assisted in the revision of the forms used by members of Parliament for their annual returns.

As it has stated elsewhere, the Commission considers that

*the parliamentary registers of interests are a key – albeit somewhat neglected – method of achieving accountability and trust. Along with a code of conduct, they are central integrity mechanisms for elected members.*²

The Commission has previously raised the issue of its role in monitoring the register, and of the accessibility of the register to the public. For ease of reference, the Commission has attached an extract from a report it provided to the Joint Standing Committee on Integrity regarding these issues (refer Attachment 1). The nature of the Commission's oversight was also raised in its submission to the Independent Review of the *Integrity Commission Act 2009*,³ and is discussed further below.

The Commission's response to the Amendment Bill mirrors the Bill, but also includes discussion of other issues that the Commission believes should be addressed in the *Disclosure Act*. The Commission has only addressed those clauses on which it has a particular opinion; other clauses may be taken to be supported by the Commission.

Response to the Amendment Bill

Clause 4

Definition of 'gift'

The Commission supports the broadening of the definition to capture all items of personal and real property.

In addition, it is the Commission's view that the definition of 'gift' should capture the connection to the role of a Member of Parliament. This would eliminate much unnecessary reporting of irrelevant (i.e. purely personal) gifts, and remove the need for the exception in

¹ *Integrity Commission Act 2009* (Tas) s 30(a).

² Integrity Commission, *Enhancing accountability mechanisms for members of parliament and ministerial staff: a progress update* (2015) pg 7.

³ Integrity Commission, *Submission to Independent Reviewer: Review of the Integrity Commission Act 2009* (2016) pg 12–13 & 90. To access the submission, see http://www.integrity.tas.gov.au/reports_and_publications/reviews.

s 14(1)(b) of the *Disclosure Act*. The Commission proposes that the definition be redrafted as follows:

***gift* means a disposition of real or personal property, or the conferral of a financial or other benefit, other than any financial or other contribution to travel, **that is or could reasonably be perceive to have, been given by any person or entity in relation to the role and duties of the Member** and is –**

(a) free of charge; or

(b) for a substantially discounted value;

If this proposal is accepted, s 14(1)(b) of the *Disclosure Act* should be removed (see discussion below).

Definition of ‘relevant person’

The Commission strongly supports the extension of disclosure requirements to include any interests which could have a direct or indirect influence on decision making.

The Commission supports the insertion of ‘relevant person’ into the *Disclosure Act*, and generally supports the definition as it stands. The Commission notes that the definition in cl 4 of the Amendment Bill is a slightly simplified version of Recommendation 1 of the 2009 report, *Public Office is Public Trust*.⁴

The Commission considers however that the definition should be expanded from that proposed in the Amendment Bill to encompass people who are not necessarily ‘dependent’ on the Member, but whose affairs are so closely connected with the Member’s affairs that a benefit derived by the person, or a substantial part of it, could pass to the Member. This expansion would, for example, capture adult children whose financial affairs are closely connected to the Member’s financial affairs. The Commission proposes that the definition be redrafted as follows:

relevant person* means a Member, the spouse of a Member, a dependent child of a Member, any other person who is dependent on a Member, **and any other person whose affairs are so closely connected with the Member’s affairs that a benefit derived by the person, or a substantial part of it, could pass to the Member;*

The Commission notes that declarations of the interests of relevant persons other than the Member may not need to be made publicly available (refer Attachment 1, [65]–[66], and below).

Clause 6

The Commission notes that the form used for the returns will require further revision to take account of these amendments.

The Commission considers that – in regard to ss 6(e) and 7(e) of the *Disclosure Act* – members should be required to declare the principal object of all relevant corporations. This is contrary to both the Amendment Bill and the *Disclosure Act* as it currently stands. The basis for this view is that, despite the principal object of a corporation being publicly available, this information will not necessarily be easily accessible to a member of the public. Consequently, in the interests of full disclosure, members should have a duty to state the

⁴ Joint Select Committee on Ethical Conduct, Parliament of Tasmania, *Public Office is Public Trust* (2009) pg 10.

principal object of corporations in which they have an interest in their disclosure form. Such disclosure may also prompt members to think more deeply about any possible related conflicts of interests.

Clauses 10–12

The variations in cl 10–12 incorporating ‘relevant person’ into ss 12(b), 13(1)(b) and 14(1)(b) of the *Disclosure Act* has the perhaps unintended consequence of widening the scope of exceptions to required disclosures for debts, contributions to travel, and gifts. It is the opinion of the Commission that this widening of exceptions is not appropriate.

The Commission proposes the following wording would be a suitable substitute for the current exception in s 12(b) of the *Disclosure Act* (as opposed to the draft provision set out in cl 10(d) of the Amendment Bill):

*the relevant person is liable to pay the debt to a relative **and the debt was incurred in a purely personal capacity, and there is no connection, conflict of interest, or possible perception of a conflict of interest, with the Member’s duties.***⁵

The Commission proposes the following wording would be a suitable substitute for the current exception in s 13(1)(b) of the *Disclosure Act* (as opposed to the draft provision set out in cl 11(b) of the Amendment Bill):

*the contribution was made by a relative of the relevant person **and the contribution was received in a purely personal capacity, and there is no connection, conflict of interest, or possible perception of a conflict of interest, with the Member’s duties.***

As noted above under ‘Clause 4’, if the Commission’s proposed revised definition of ‘gift’ is accepted, the exception outlined in s 14(1)(b) of the *Disclosure Act* (and the draft provision set out in cl 12 of the Amendment Bill) would be unnecessary and should be removed.

If the Commission’s proposed definition of ‘gift’ is not adopted, the Commission proposes that the following wording would be a suitable substitute for the exception outlined in s 14(1)(b) of the *Disclosure Act* (as opposed to the draft provision set out in cl 12 of the Amendment Bill):

*the donor was a relative of the relevant person **and the gift was received in a purely personal capacity, and there is no connection, conflict of interest, or possible perception of a conflict of interest, with the Member’s duties.***

Clause 13

The Commission supports the ability to prescribe the form of the register in regulations.

The Commission notes that, in the interests of practicality, the declaration forms should be provided in electronic (fillable PDF) format. An electronic format could provide prompts where sections are incomplete, and enable members to complete and submit the form efficiently for easy uploading to the relevant website. It would also enable members to review previous returns each subsequent year, and easily re-submit where there are no changes to their interests.

⁵ The base wording of the Commission’s three proposed exceptions have been taken from Queensland, Legislative Assembly, Standing Rules and Orders of the Legislative Assembly, 1 December 2016, pg 75 & 77 [cl 1]
<<https://www.parliament.qld.gov.au/documents/assembly/procedures/StandingRules&Orders.pdf>>.

The Commission offers its assistance in the finalisation of both the regulations and the form of the register.

Clause 16

The Commission strongly supports the online publication of the register (refer Attachment 1, [67]–[72]). However, the Commission notes:

- its comments in relation to the publication of private information of relevant persons other than a Member (refer ‘Clause 4’ above and Attachment 1, [66]); and
- that Recommendation 3 of *Public Office is Public Trust* – while recommending that the register be published online – notes that the detail of each Member’s residential address should be excluded from publication on the internet site of the Parliament of Tasmania.⁶

Issues not addressed in the Amendment Bill

Monitoring the operation of the register

The Commission’s function to ‘monitor the operation’ of the register arises in s 30(a) of the *Integrity Commission Act 2009*. The Commission has concerns about the vagueness of ‘monitor the operation’, as discussed in Attachment 1 at [53]–[61].

The Commission also noted the issue in its submission to the Independent Review of the *Integrity Commission Act 2009*, and submitted that amendments should be made so that

*the actual returns and declarations are monitored rather than just the register itself, and to enable the CEO to make recommendations to either or both the individual Members and to the Clerk of each House of Parliament.*⁷

Recommendation 50 of the Independent Reviewer’s report endorsed this request,⁸ and the Government has accepted the recommendation.⁹

The Commission also notes that *Public Office is Public Trust* recommended that the Commission be given a legislated role in relation to alleged breaches of the *Disclosure Act*:

*Recommendation 4 – The Committee recommends that, in order to provide a further level of public accountability, the Parliamentary (Disclosure of Interests) Act be amended to provide that complaints regarding alleged breaches of the Act may be made to the Tasmanian Integrity Commission (vide Recommendation 29).*¹⁰

The Commission believes that this would remove some of the vagueness surrounding its current function in regard to the register, and it would not be averse to such a role.

⁶ Joint Select Committee on Ethical Conduct, Parliament of Tasmania, *Public Office is Public Trust* (2009) pg 10.

⁷ Integrity Commission, *Submission to Independent Reviewer: Review of the Integrity Commission Act 2009* (2016) pg 12–13 & 90.

⁸ Independent Reviewer the Honourable William Cox AC, RFD, ED, QC, *Independent Review of the Integrity Commission Act 2009: Report of the Independent Reviewer*, May 2016, pg 8.

⁹ Tasmanian Government, *Tasmanian Government Response: Independent Review of the Integrity Commission Act 2009*, November 2016, pg 18.

¹⁰ Joint Select Committee on Ethical Conduct, Parliament of Tasmania, *Public Office is Public Trust* (2009) pg 10.

Discretionary disclosure of conflicts under s 9 of the Disclosure Act

Section 9 of the *Disclosure Act* is entitled *Discretionary disclosure* and provides:

*A Member **may** disclose in any return any direct or indirect benefits, advantages or liabilities, whether pecuniary or not, that –*

(a) are not required to be disclosed under this Act; or

(b) the Member considers may raise a conflict between the Member's private interests and his or her duties as a Member. (Emphasis added)

As discussed in Attachment 1 at [75] – [82], the Commission considers that

the effect of [the current s 9] is that Tasmania is one of only three Australian parliamentary jurisdictions in which a Member's obligation to disclose a conflict of interest in the Register is discretionary.

As it stands, the Amendment Bill does not include any changes to s 9.

The Commission considers that, in the interests of good practice in government and the maintenance of high standards of accountability and transparency, all conflicts of interest must be disclosed.

The Commission recommends that the Amendment Bill repeal s 9 of the *Disclosure Act* and substitute the following:

9. Additional disclosures

In addition to the disclosures required under this Act, a Member must disclose in any return any direct or indirect benefits, advantages or liabilities, whether pecuniary or not, that the Member considers may raise a conflict between the Member's private interests and his or her duties as a Member.

Attachment 1

Extracted from a report provided to the Joint Standing Committee on Integrity (Integrity Commission, *Monitoring Parliamentary Disclosure of Interests Register: Report for the period 1 July 2014 to 30 June 2015*, 2016).

3. Further issues for consideration

- [50] The Commission has set out below further issues for consideration relating to its function to monitor the operation of the Registers and other registers. Some of the issues relate to the *Disclosure Act*, while others relate to the Commission's role and functions under the *Integrity Commission Act*. The Commission seeks to highlight these issues for discussion with the Joint Standing Committee and ultimately by Parliament.
- [51] The Commission understands that the Government is considering reviewing the *Disclosure Act*, and the Commission has advised the Secretary of DPaC of its interest in participating in such a review.
- [52] The Commission has made submissions on some of the issues discussed below to the Five Year Independent Review of the *Integrity Commission Act*.¹¹ The issues have also been broadly discussed with the Parliamentary Standards Commissioner, and both the Speaker of the House of Assembly and President of the Legislative Council. The Commission has not, however, set out to convey the views of those parties, nor to suggest that they necessarily endorse the Commission's views as set out below.

3.1. The Commission's role to 'monitor the operation' of the Registers

- [53] Section 30 of the *Integrity Commission Act* provides for the Chief Executive Officer (CEO) of the Commission to:
- (a) monitor the operation of the Parliamentary disclosure of interests register, declarations of conflicts of interest register and any other register relating to the conduct of Members of Parliament;
- [54] 'Monitor' is not defined in the *Integrity Commission Act*, and the Commission has, to date, interpreted the word narrowly.¹² This has resulted in its role being limited to critically observing whether the returns under the *Disclosure Act* and other declarations comply with prescribed forms. To date, the Commission has not sought to effect greater transparency of the disclosure process, or to make any recommendations in that regard.
- [55] Consequently, there is currently no oversight of the accuracy of information provided by Members under the *Disclosure Act*. The Commission is concerned that the full potential of the disclosure regime under the *Disclosure Act*, as a means of enhancing accountability and trust, has not been realised. Further, it considers that the full potential benefit to Members has not been realised, given Members would likely prefer a system which identified discrepancies or omissions before they (may) become larger issues.

¹¹ The review was undertaken in accordance with *Integrity Commission Act* s 106. The report of the reviewer was tabled in both Houses of Parliament on 23 August 2016.

¹² Integrity Commission, *Enhancing accountability mechanisms for members of parliament and ministerial staff: a progress update (2015)*, pg 8.

- [56] Consistent with the broader intent of the *Integrity Commission Act*, the term ‘monitor the operation’ pertains to the object of ensuring integrity and public confidence in the various registers and information cited within the Act. The Commission considers that, despite the previous narrow interpretation of its role, a more contemporary and robust interpretation would ensure that its monitoring functions are commensurate with the high level of accountability required of Members of Parliament.
- [57] In its Three Year Review of the Commission, the Joint Standing Committee supported amending s 30(a):
- ... so that the actual returns and declarations are monitored rather than just the register itself, and to enable the CEO to make recommendations to either or both the individual Members and to the Clerk of each House of Parliament.*¹³
- [58] The Commission adopted the Joint Standing Committee’s recommendation as part of its submission to the Five Year Independent Review of the *Integrity Commission Act*. The position was endorsed by the Independent Reviewer.¹⁴
- [59] An amendment to s 30(a), as recommended by the Independent Reviewer, would provide a clear legislative mandate for the Commission to be more forensic in its monitoring of the Register. This makes better use of the Commission’s expertise and powers, and would support greater accountability on the part of Members for the accuracy of information contained in the individual returns.
- [60] It is acknowledged that such detailed reviews of Members’ returns may not be necessary on an annual basis. One option could be to maintain a broader review of the Registers on an annual basis, with a more forensic analysis of the information contained in the returns on a three-year cycle.
- [61] The Commission notes that another option could be to consider – as part of the review of the *Disclosure Act* – setting out the Commission’s role in the *Disclosure Act* itself. However, the Commission’s preference is for the role to remain within the *Integrity Commission Act*, subject to the relevant amendment as discussed above.

3.2. Extension of the Register to Members’ immediate families

- [62] As it stands, the *Disclosure Act* requires Members to disclose only their individual interests. The Commission considers that this is inadequate, and that, in order to improve transparency and the disclosure of potential conflicts, Members should be required to disclose relevant interests held by (at least) their partners and spouses.
- [63] *The Commission’s view aligns with the recommendation of the Joint Select Committee on Ethical Conduct in Public Office is Public Trust, released in 2009. The Committee noted:*

5.14 The disclosure of the private financial and other interests of Parliamentarians is an imposition that is warranted, on balance, in the public interest as it provides a level of transparency which enables one to determine that Members are serving the public, not private, interest when they take office. Specifically, that they are not using their public office for private gain.

...

¹³ Joint Standing Committee on Integrity, Parliament of Tasmania, *Three Year Review – Final Report* (2015), schedule 2, item 5.

¹⁴ *Independent Review of the Integrity Commission Act 2009: Report of the Independent Reviewer* (2016), pg 112, cl 8.13.2 (referring to item 5 from Attachment 2 of the report).

5.17 The Committee carefully considered widening the application of the Act to include the family of a Member. Gerard Carney summarises the arguments against the declaration of family interests as being twofold: “the invasion of privacy and the difficulty for a Member in knowing of the relevant interests”.

5.18 The counter argument of course is that family interests are just as capable of raising an actual or apparent conflict of interest as the Member’s own interests and second, that their exclusion would leave open an avenue of avoidance, the mere existence of which could undermine public confidence in the registers.

- [64] The Committee ultimately recommended that the *Disclosure Act* be amended to require that Members disclose interests of relatives:

Recommendation 1 - The Committee recommends that the Parliamentary (Disclosure of Interests) Act 1996 be strengthened by amendments to provide for the following:

(1) The definition of ‘related person’ to be added. Such definition to mean –

(a) the spouse of a Member;

(b) a child of a Member who is wholly or substantially dependent on the Member; or

(c) any other person –

(i) who is wholly or substantially dependent on the Member; and

(ii) whose affairs are so closely connected with the affairs of the Member that a benefit derived by the person, or a substantial part of it, could pass to the Member.

(2) Consequential amendments to require the declaration of a related person’s interests in the Registers of Interests.

- [65] The justification for requiring disclosure of the interests of immediate or dependent family members is that a Member may be just as influenced by the interests of their partner or children, as they would be by their own personal interests. As of December 2015, Tasmania was one of only three jurisdictions in Australia in which Members of Parliament do not have to disclose the interests of immediate family members.¹⁵
- [66] The Commission supports amending the *Disclosure Act* to at least require the interests of spouses and partners to be disclosed in Members’ annual returns. However, it would not be averse to such information being excluded from public access (as occurs in Queensland and in the Commonwealth Senate). The information should be made available to the Commission to ‘monitor’ and scrutinize as part of its current role, but disallowing public access would protect the privacy of Members’ partners and spouses. This may necessitate the information being provided in a separate section of the return, given that the returns themselves make up the Registers.

3.3. Public access to the Register

- [67] The Commission supports the publication of the Register online on the Parliament’s website, subject to the exclusion of information pertaining to the interests of Members’ partners and spouses (as discussed at [66], above). The Commission can see no reason for the Registers to only be available for inspection in hard copy at Parliament House, and submits that this unnecessarily narrows the accessibility of the Registers.

¹⁵ Integrity Commission, *Enhancing accountability mechanisms for members of parliament and ministerial staff: a progress update (2015)*, pg 17.

[68] The *Joint Select Committee on Ethical Conduct in Public Office is Public Trust* recommended that:

... with the exception of the detail of each Member's residential address, the Register of Interest of Members of the Legislative Council and the Register of Interests of Members of the House of Assembly be published on the internet site of the Parliament of Tasmania.¹⁶

[69] Currently, the *Disclosure Act* provides for the registers to be inspected in hard copy:

18. Inspection of registers

(1) *The Clerk of each House of Parliament is to make the register available for inspection by any person at the office of the Clerk between the hours of 10 a.m. and 4 p.m. on any day except –*

(a) *a Saturday or Sunday; or*

(b) *a public holiday.*

(2) *The Clerk of each House of Parliament is to make available the register for inspection by any Member during any time that House is sitting.*

[70] The Commission has previously reviewed the existing publication requirements in other Australian jurisdictions.¹⁷ Tasmania is one of three (of a total of nine) parliamentary jurisdictions that does not publish the registers of either of its Houses of Parliament online.

[71] The Commission considers that the electronic reporting form recommended as part of this report will assist in the facilitation of online publication.

[72] The Commission also notes that both the register of gifts and benefits for Ministers, and the register of lobbyists (discussed below) are currently required to be published online.

3.4. Other registers

[73] Beyond the disclosure of interests register, s 30(a) of the *Integrity Commission Act* provides for the Commission to '*monitor the operation of the ... declarations of conflicts of interest register and any other register relating to the conduct of Members of Parliament*'.

[74] The Commission has been advised by DPaC that there is no legislative requirement for a conflict of interests register or any other register, as envisaged in the *Integrity Commission Act*. The clerks of both Houses of Parliament have indicated that no other registers are maintained by either House.

Conflicts of interest

[75] As discussed in Chapter 2, the *Disclosure Act* requires Members to make disclosures relating to various interests, including income, real property and received gifts. The disclosure form provided to Members contains sections aligned to the required disclosures under the Act, and is an 'Approved form' under the *Disclosure Act*.

¹⁶ *Joint Select Committee on Ethical Conduct, Public Office is Public Trust* (2009), Recommendation 3.

¹⁷ Integrity Commission, *Enhancing accountability mechanisms for members of parliament and ministerial staff: a progress update* (2015).

- [76] The *Disclosure Act* also provides for Members to make a discretionary disclosure about additional conflicts of interest:

9. Discretionary disclosure

A Member may disclose in any return any direct or indirect benefits, advantages or liabilities, whether pecuniary or not, that –

- (a) are not required to be disclosed under this Act; or*
- (b) the Member considers may raise a conflict between the Member's private interests and his or her duties as a Member.*

- [77] This provides a 'catch-all' for additional interests that are not prescribed in the *Disclosure Act*. However the effect of this provision is that Tasmania is one of only three Australian parliamentary jurisdictions in which a Member's obligation to disclose a conflict of interest in the Register is discretionary.
- [78] The Commission notes that Government Ministers are required to make disclosures of conflicts of interest in accordance with the Code of Conduct for Ministers, while the Tasmanian Government Members' Handbook requires all Members to declare any conflicts of interest in relation to procurement. However, there appears to be no central management system or register of any such disclosures.
- [79] The Commission's proposed revised form retains the provision for Members to declare additional interests that may result in a conflict (refer Appendix 2, part I), however this is subject to the potential review of s 9 of the *Disclosure Act* (as discussed in [81]–[82], below). The revised form gives greater guidance on the disclosures, and requires Members to state the nature of any benefit, advantage or liability.
- [80] Declaring all conflicts of interest is supportive of good practice in government and assists in maintaining high standards of accountability and transparency. The approach helps to minimise ethical risks by removing potential misinterpretation by Members, and ensures that all potential, perceived and actual conflicts of interest are recorded in the Register and available for public viewing.
- [81] The Commission considers that the terminology used in s 9 of the *Disclosure Act* enhances the potential for misinterpretation of the need to disclose conflicts of interest. Section 9 provides for disclosure of conflicts outside of the interests prescribed in the earlier sections of the Act; this is important and is supported by the Commission. However, where such conflicts arise, it should be mandatory that they be declared by Members ie not left to a Member's discretion.
- [82] The Commission suggests that, to address the above issue, the heading of s 9 – 'Discretionary disclosure' – be termed 'Additional disclosures'. The wording of the provision could then be rephrased to require any identified conflict of interest to be disclosed:

9. Additional disclosures

In addition to the disclosures required under this Act, a Member must disclose in any return any direct or indirect benefits, advantages or liabilities, whether pecuniary or not, that the Member considers may raise a conflict between the Member's private interests and his or her duties as a Member.

...

3.5. Reporting

[92] To date, the Commission has provided minimal reporting on its monitoring of the disclosure of interests register. The Commission has previously provided feedback to DPaC on the forms used for Members' returns, and ensured that the Clerk of each House of Parliament has been informed of each review.

[93] The *Integrity Commission Act* makes no specific requirement for the Commission to report on its monitoring of any of the registers. However, the Act provides for the Commission to:

*... at any time, lay before each House of Parliament a report on any matter arising in connection with the performance of its functions or exercise of its powers.*¹⁸

[94] It is considered that, in the interests of transparency and public accountability, future reports on the Commission's functions relating to the registers discussed in this report should be tabled in Parliament. This may necessitate the exclusion of certain sensitive information that is not in the public interest, for instance information relating to Members' partners' or spouses' interests (refer [66], above). However, this current report shall be provided only to the Joint Standing Committee, the Clerk of each House of Parliament, the Parliamentary Standards Commissioner and DPaC, and will not be released publicly.

¹⁸ *Integrity Commission Act* s 11(3).

Appendix 2

Proposed form for primary and ordinary returns for both Houses of Parliament under the *Parliamentary (Disclosure of Interests) Act 1996*

DRAFT

Proposed form (for both ordinary and primary returns)

PARLIAMENTARY (DISCLOSURE OF INTERESTS) ACT 1996

Form 2

ORDINARY RETURN – LEGISLATIVE COUNCIL/HOUSE OF ASSEMBLY

Introduction:

The [Parliamentary \(Disclosure of Interests\) Act 1996](#) ("the Act") provides for the disclosure of interests of Members of the House of Assembly and the Legislative Council.

Ordinary Return (ongoing disclosure):

All Members must lodge an Ordinary Return (this Form 2) on or before 1 October in any year unless the Primary Return for the Member is lodged after 30 April in that year.

The required disclosure must be made by way of the approved forms (this Form 2, and the corresponding Form 1). A Member is guilty of contempt of Parliament if the Member fails to lodge a return as required by the Act; fails to disclose any information required under the Act; or provides false or misleading information on a return.

The Directions and Explanatory Notes provided in this form are intended as a guide only. If you are in doubt about whether or not an interest is required to be disclosed you should refer to the Act and/or seek legal advice.

DIRECTIONS:

- a) The pecuniary and other interests required to be disclosed in this return are prescribed in Section 7 of the Act.
- b) Members are to lodge a return even if they have no interests to disclose. If there is nothing at all to declare, please indicate this by ticking 'no' at each question. All questions must be addressed.
- c) If any space is insufficient in this form for all the particulars required to complete it, attach an appendix for that purpose which is properly identified and signed by the Member. Appendix numbers (if more than one is attached) should be indicated in the body of the form for cross referencing purposes
- d) Professional advice may need to be sought to ensure that the requirements of the Act are complied with, particularly in relation to the information to be provided concerning income, property ownership and interests in corporations.
- e) The returns must be lodged with the Clerk of the House of Assembly or the Legislative Council (depending on which House the person is a Member of).

DISCLOSURE OF PECUNIARY INTERESTS AND OTHER MATTERS BY

.....

(full name of Member)

IN RESPECT OF THE PERIOD FROM

..... TO *(ordinary return period)*

.....

(Member's signature)

.....

(Date)

A. SOURCES OF INCOME

Did you receive any income in the ordinary reporting period, excluding Parliamentary income?

Explanatory notes:

- 'Income' means assessable income (each category is included below) as defined in Division 2 of the [Income Tax Assessment Act 1936](#)
- Only record a source of income here if you received income from that particular source in excess of \$500 during the relevant period

☐ **No** – continue to Part B on next page

☐ **Yes** – continue to questions below

Please indicate the **source** of income (amounts are not necessary):

1. Employment income:

Description of occupation	Name and address of employer or description of office held (if applicable)

2. Pensions, annuities and government payments

Name of payer(s)	Category of payment (i.e. pension, annuity or government payment)

3. Investment income

Source (e.g. name of company issuing shares, financial institution, tenant)	Category of payment (i.e. interest, dividends, rent, managed investment funds, capital gains)

4. Business, partnership and trust income

Source (e.g. name of business, the name(s) under which a partnership is conducted, the name of the settlor and trustee of a trust)	Address of business or trustee

5. Foreign income

Source (e.g. foreign pensions and annuities, foreign employment income, foreign investment income, foreign business income, capital gains on overseas assets)	Name of payer(s)

6. Other income

Source (e.g. compensation and insurance payments for lost salary or wages, discounted shares or rights to acquire shares under employee share schemes, prizes and awards, ATO interest – remissions or recoupments)	Name of payer(s)

7. Crowd funding

Your role: <ul style="list-style-type: none"> the initiator of the project or venture (the 'promoter') the organisation providing the crowd funding website or platform (the 'intermediary') individuals or entities that contribute or pledge money ('funders') 	Name of crowd funding project

8. From any other sources:

Person from whom received	Circumstances in which received

B. REAL PROPERTY

Did you hold any interest ([as defined in the Act](#)) in real property (whether or not in Tasmania) during the ordinary return period?

Explanatory notes:

- 'Real property' (often referred to as real estate) is property consisting of land or buildings.
- You are not required to declare an interest in property if:
 - you are the executor of an estate of which you are not a beneficiary
 - you are a trustee, and your interest was acquired in the ordinary course of your occupation (unrelated to your duties as a Member)

☐ **No** – continue to Part C on page 6

☐ **Yes** – continue to questions below

Postal address of each parcel of real property you had an interest in during the ordinary return period	Nature of interest: a box MUST be ticked for each property (see the guidance on the following page to assist in determining the nature of your interest)
	<input type="radio"/> Sole owner <input type="radio"/> Joint tenant <input type="radio"/> Tenant in common <input type="radio"/> Equitable interest and/or beneficial owner <input type="radio"/> Actual life estate <input type="radio"/> Interest not stated above (provide details):
	<input type="radio"/> Sole owner <input type="radio"/> Joint tenant <input type="radio"/> Tenant in common <input type="radio"/> Equitable interest and/or beneficial owner <input type="radio"/> Actual life estate <input type="radio"/> Interest not stated above (provide details):
	<input type="radio"/> Sole owner <input type="radio"/> Joint tenant <input type="radio"/> Tenant in common <input type="radio"/> Equitable interest and/or beneficial owner <input type="radio"/> Actual life estate <input type="radio"/> Interest not stated above (provide details):

Guidance: what is my 'interest' in property?

Which of the following best describes your ownership:	Your interest may be:
'I possess <u>sole legal title to the property</u>' (this includes group/strata title properties and perpetual leaseholds).	Sole owner
'I possess legal title to a <u>property with somebody else</u>' (this includes group/strata title properties and perpetual leaseholds).	Joint tenant (if either of the joint owners die, the surviving owner automatically owns the property absolutely, no matter what provision is made in the Will of the deceased joint owner about that property)
	Tenant in common (each owner has a separate interest in the property which is capable of being left by a Will. If either owner dies, his/her share in the property does not automatically pass to the other owner, but forms part of his/her estate). Tenants in common can hold in either equal or unequal shares.
'I enjoy the benefits of ownership (including; usage, income, profits) even though the legal title is in another name.'	Equitable and/or beneficial ownership <ul style="list-style-type: none"> - <i>Example:</i> You help your son buy an investment property by paying the deposit. The agreement is made on the understanding that you will receive a third of the profits when the property is sold. The title is in your son's name, and your son lives in the house and pays the mortgage. You still have an equitable interest in the property, and have 'beneficial ownership'. - <i>Example:</i> Legal title of a rental property is held under a trust by a corporation, and you are a beneficiary of the trust.
'I have a current right to possession and enjoyment of the property and its income until my death, but no ability to pass that right on to another party.'	Actual life estate <p>Your right to the property is actually being exercised (ie it is not potential/future life estate). Your right to the property may also be contingent upon something (e.g. your marriage).</p>

C. INTERESTS AND/OR POSITIONS IN CORPORATIONS

Did you hold an interest or any position in any corporation during the ordinary return period?

Explanatory notes:

- *Interest means any relevant interest within the meaning of the Corporations Act 2001 in any securities issued or made available by the corporation (whether or not the corporation is taken to be registered in Tasmania under the Corporations Act). Examples might include 'shareholder' or 'majority shareholder'.*
- *Disclosure is not required where the corporation is:*
 - *formed for a community purpose*
 - *must apply any profits to promoting its objects; and*
 - *does not pay dividends to members.*
- *It is not relevant whether or not the position is remunerated.*
- *Public company means a company whose shares are listed for quotation on the stock market of a stock exchange in Tasmania.*
- *If a member holds shares in, for instance, a self-managed superannuation fund or 'syndicate', and is unsure whether or not it should be disclosed, it is recommended that the Member consider seeking professional advice.*

☐ **No** – continue to Part D on next page

☐ **Yes** – continue to questions below

Name of each corporation in which you had an interest or held a position at any time during the ordinary return period	Registered office address of corporation	Nature of interest (if any)	Description of position (if any)	Description of principal objects of corporation (except in case of public company)
Example only:				
XYZ Corporation, Hobart TAS 7000	1 Imaginary Place, Hobart TAS 7000	Shareholder	n/a	To provide financial advice to its clients

D. POSITIONS IN TRADE UNIONS AND PROFESSIONAL OR BUSINESS ASSOCIATIONS

Did you hold a position/s in any trade unions, professional or business associations ([as defined in the Act](#)) during the ordinary reporting period?

- ☐ **No** – continue to Part E on next page
- ☐ **Yes** – provide details below

<i>Name of each trade union and each professional or business association in which you held any position (whether remunerated or not) in the period</i>	<i>Description of position</i>
<i>Example only:</i>	
<i>XYZ Trade Union</i>	<i>Member Honorary Secretary</i>

E. DEBTS

Were you liable to pay any debt during the ordinary return period?

Explanatory notes:

- *Only debts of \$500 or more must be disclosed, unless the debt was one of two or more debts to the same person that exceed \$500 in total.*
- *The following classes of debt are excluded from disclosure:*
 - *a debt to a relative, as defined under the Act;*
 - *a personal loan (such as a mortgage) from a recognised financial institution; and*
 - *a debt arising from the supply of goods or services that were supplied during the 12 months immediately preceding the primary return date in the ordinary course of the Member's trade, profession or vocation and not related to his or her duties as a Member.*

☐ **No** – continue to Part F on next page

☐ **Yes** – provide details below

Name of each person to whom you were liable to pay any debt at any time during the ordinary return period	Address

F. DISPOSITIONS OF PROPERTY

Explanatory notes:

- A 'disposition of property' may include (but is not limited to) any sale, transfer, conveyance, payment, or assignment.

1. Did you make any dispositions of property (i.e. real property or money) during the ordinary return period whereby you retained, either wholly or in part, the use and benefit of the property or the right to reacquire the property at a later time?

☐ No – continue to Question 2 below

☐ Yes – provide particulars below before continuing to Question 2

Particulars of each disposition of property

Note: particulars should be sufficiently detailed to disclose the nature of your interest in the past, present and/or future interest as is relevant (see the examples in the explanatory notes below for further assistance)

Example only:

A Member sold their holiday home to their daughter, but the Member continues to use the holiday home from time to time.

2. Did you arrange for any dispositions of property from one person to another, whereby you obtained (either wholly or in part) the use and benefit of the property?

☐ No – continue to Part G on next page

☐ Yes – provide particulars below

Particulars of each disposition of property

Note: particulars should be sufficiently detailed to disclose the nature of your interest in the past, present and/or future interest as is relevant (see the examples in the explanatory notes below for further assistance)

Example only:

A Member has arranged for a business associate to sell his holiday home to his daughter, and the Member then uses the holiday home from time to time.

G. CONTRIBUTIONS TO TRAVEL

Did any person make any financial or other contribution to any travel undertaken by you in the ordinary return period?

Explanatory notes:

- *Only contributions of \$250 or more (or if non-financial, valued at \$250 or more) must be disclosed, unless the contribution was one of two or more contributions made during the period by the same person that exceed \$250 in total.*
- *The following types of contributions are excluded from disclosure:*
 - *contributions from public funds*
 - *contributions arising from travel on free passes issued under an Act*
 - *contributions arising from travel in a government vehicle*
 - *contributions from a relative*
 - *contributions made in the ordinary course of any occupation of the Member which is not related to the Member's duties as a Member*
 - *contributions made by the Member's political party and travel on party business.*

☐ **No** – continue to Part H on next page

☐ **Yes** – provide details below

Name and address of each person who made any financial or other contribution to any travel undertaken by me at any time during the ordinary return period	Dates on which travel was undertaken	Names of States, Territories of the Commonwealth and overseas countries in which travel undertaken

H. GIFTS (OR DISCOUNTS)

Did you receive any gifts or discounts ([as defined in the Act](#)) during the ordinary reporting period?

Explanatory notes:

- The following gifts do not need to be disclosed:
 - Gifts under \$500 (unless you received two gifts from the same person that together exceed \$500)
 - A gift from a relative (as defined in the Act)

☐ **No** – continue to Part I on next page

☐ **Yes** – provide details below

Description of each gift (or discount) you received at any time during the ordinary return period	Name of donor	Address of donor	Value	
			\$.....	Is this: <input type="radio"/> Estimated value <input type="radio"/> Actual value
				Is this: <input type="radio"/> Estimated value <input type="radio"/> Actual value

I. DISCRETIONARY DISCLOSURES

Do you wish to disclose any additional direct or indirect benefits, advantages, or liabilities?

Explanatory note:

- In the interests of transparency, members are encouraged to disclose any direct or indirect benefits, advantages or liabilities, whether pecuniary or not, that are not stated elsewhere in this form.*
- Members should consider any possibility for a conflict between their private interests and their duties as Members ([s 9 of the Act](#)). A conflict of interest can be actual, perceived or potential; pecuniary or non-pecuniary (see resources below for further information).*

☐ No

☐ Yes – provide details below

Disclosure	Nature of benefit/advantage/liability



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