

REPORT OF THE **INTEGRITY COMMISSION**

Monitoring Parliamentary Disclosure of Interests Register

Report for the period 1 July 2014 to
30 June 2015



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.

© Integrity Commission 2016

Further information about the Commission can be found on the website

www.integrity.tas.gov.au

GPO Box 822,
Hobart
Tasmania 7001

Phone: 1300 720 289

Email: integritycommission@integrity.tas.gov.au



Monitoring Parliamentary Disclosure of Interests Register

**Report for the period 1 July 2014 to
30 June 2015**

August 2016

Contents

1. Introduction.....	4
2. Report on Parliamentary Disclosure of Interests Register: 2014 – 2015....	5
2.1. Key terms	5
2.2. The role of the Commission	5
2.3. Process.....	6
2.4. Analysis of returns	7
3. Further issues for consideration	12
3.1. The Commission’s role to ‘monitor the operation’ of the Registers	12
3.2. Extension of the Register to Members’ immediate families	13
3.3. Public access to the Register	15
3.4. Other registers	15
3.5. Reporting	18
4. Conclusion	19
Appendix 1.....	20
Appendix 2.....	31

Relevant reports

Independent Review of the Integrity Commission Act 2009: Report of the Independent Reviewer (2016)

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

Joint Select Committee on Ethical Conduct, *Public Office is Public Trust (2009)*

Joint Standing Committee on Integrity, Parliament of Tasmania, *Three Year Review – Final Report (2015)*

Distribution

This report is provided for information to the: Joint Standing Committee on Integrity; Clerks of both Houses of Parliament; 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 Registers'),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 the Registers is from 1 July 2014 – 30 June 2015.
- [2] The report also considers the ongoing role of the Commission in the context of 'monitoring the operation' of the Registers and any other registers relating to the conduct of Members of Parliament ('Members'). This is done with the aim of ensuring that the Commission is meeting the full parameters of its functions under the *Integrity Commission Act*, and ensuring that the disclosures of parliamentarians are sufficient to safeguard public confidence in transparent and accountable government.
- [3] The report is to be provided to the Joint Standing Committee on Integrity ('the Joint Standing Committee'), the Clerk of each House of Parliament, the Parliamentary Standards Commissioner; and the Department of Premier and Cabinet (DPaC). The report will not be publicly released.

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

2. Report on Parliamentary Disclosure of Interests Register: 2014 – 2015

2.1. Key terms

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

Primary returns must be lodged by a person who becomes an MP 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

The **Registers** are 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

[5] The Commission's function to **monitor the operation** of the Registers is provided in s 30(a) of the *Integrity Commission Act*. However 'monitor the operation' is not defined in the Act and the Commission has to-date taken a conservative view of the scope of this function.

2.2. The role of the Commission

[6] 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.

[7] In accordance with 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 of Parliament:

30. Functions of chief executive officer in relation to Members of Parliament

The chief executive officer is 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; and

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.

⁷ *Disclosure Act* ss 10–14.

⁸ *Disclosure Act* s 17.

(b) prepare guidance and provide training for Members of Parliament and persons employed in the offices of Members of Parliament on matters of conduct, integrity and ethics; and

(c) review, develop and monitor the operation of any codes of conduct and guidelines that apply to Members of Parliament; and

(d) where appropriate, propose to a Parliamentary integrity entity possible modifications of any code of conduct or guidelines.

[8] The Registers are a collection of returns, which are lodged annually by all Members. The Registers are maintained by the Clerk of each respective House, in accordance with the *Disclosure Act*.⁹

[9] The purpose of the Registers 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 it enhances the confidence of the Tasmanian public in the transparency of Parliamentary processes; it is an important component of parliamentary integrity.

[10] Since 2010, the Commission has reviewed the primary and ordinary returns of Members of both Houses of Parliament. The Commission has provided reports on the returns to the DPaC, along with recommendations for improving the process.

2.3. Process

[11] A copy of the Registers relating to the previous financial year are provided to the Commission by each Clerk after 1 October of every year. For this report, the register for the House of Assembly was provided to the Commission in October 2015, and the register for the Legislative Council was provided in November 2015. 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 the report itself, and to develop the issues outlined for further consideration in Chapter 3 of the report.

[12] The Commission's practice has been to inspect the primary or ordinary return of each Member, and to note if 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.

[13] The forms used for the returns are prepared by DPaC and are approved by the Premier as an approved form, as specified in the *Disclosure Act*. A copy of the current ordinary return form is attached to this report (refer Appendix 1).

[14] The forms were updated in 2013 to provide greater clarity, following feedback from the Commission on a number of substantive and procedural errors in the completion of the forms. The forms for both ordinary and primary returns should now be almost identical for both Houses; however (as discussed below), the House of Assembly has continued to use the previous form for its returns.

⁹ *Disclosure Act* ss 15–16.

- [15] The Commission will continue to provide advice on issues relating to compliance with the return forms and opportunities for improvement, based on its observations from monitoring the returns.

2.4. Analysis of returns

Summary of compliance issues

- [16] The Commission has identified that the House of Assembly has continued using the superseded forms from 2013. Consequently, the Commission's review has considered different forms for each House and evaluated the effectiveness of the amended form (as used in the Legislative Council) in reducing instances of non-compliance.
- [17] The following tables provide a summary of compliance issues seen in forms completed by Members for the period 1 July 2014 to 30 June 2015. In general terms, compliance issues are instances where Members have not completed sections of the form correctly. Types of non-compliances are summarised in Table 2.
- [18] 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.
- [19] Further detailed discussion of the nature of compliance issues for each section of the form is provided in the subsequent paragraphs.

Table 1: Non-compliant responses in returns 2014–15

		House of Assembly (n=25) <i>No. of non-compliant responses</i>	Legislative Council (n=15) <i>No. of non-compliant responses</i>
Part A: Sources of income	Source: occupation	9	4
	Source: trust	6	7
	Source: other	15	4
Part B: Real property		6	7
Part C: Interests and positions in corporations	Did not provide address of each	11	2
	Did not provide 'principal object'	6	2
Part D: Positions in trade unions, professional or business		5	6
Part E: Debts		6	7
Part F: Dispositions of property		7	6
Part G: Contributions to travel		6	7
Part H: Gifts		3	7
Part I: Discretionary disclosures		10	6
Total		90	65
Average number per question		8	5

Table 2: Types of non-compliance issues in returns 2014–15

	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	35	23
Member used 'n/a' rather than 'nil' as required by the form	10	5
Member provided unnecessary detail in a response	4	3
Member did not provide sufficient detail to reflect 'nature of interest' in real property	15	5
Member did not provide sufficient detail at Part C to comply with requirements of the form	9	5

General observations and recommendations

- [20] While the forms were updated in 2013 to provide greater clarity (and further explanation of the information required), instances of non-compliance have continued on the updated forms.
- [21] 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'.
- [22] The form directs Members to 'write "Nil" clearly in each relevant column or row' where there is no information to be provided.¹⁰ Across all sections (on both the superseded and current forms), Members frequently use 'n/a' or leave the section blank rather than indicating 'Nil'. While this may appear semantic, 'n/a' is ambiguous: it could indicate that a particular asset or income may exist but that the Member does not think it should be 'applicable', which may have a significantly different meaning to 'nil'. Questions left unanswered i.e. blank responses, are also an issue: a blank response may prompt further questions about the reason for the omission.

Recommendation

- [23] The Commission recommends that both the primary and ordinary return forms be reformatted to match the form provided at Appendix 2.¹¹
- [24] The revised form includes an initial 'yes/no' option in each question, meaning Members must address each question before proceeding to the next question. This would require Members to consider each question and gain a better understanding of the interests required to be disclosed. The suggested form also provides greater clarity on some of the key terms, and includes examples where appropriate to provide additional guidance.

¹⁰ Refer Direction (e) on pg 2 of the current form (provided in Appendix 1 of this report).

¹¹ The proposed form does not address the collection of information on the interests of members' spouses or partners, as discussed in [62]–[66] of this report.

- [25] It is recommended that the forms be in fillable PDF format. The form could then provide prompts where sections are incomplete, and this would enable Members to fill, sign, save and email the form efficiently. It would also enable Members to review previous returns each subsequent year, and easily re-submit where there are no changes to their interests.

Specific observations and recommendations

Part A: Sources of income

- [26] 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, 45 instances of non-compliance were recorded for this question (amounting to 29% of all non-compliances).
- [27] '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.
- [28] Some Members are not completing each question in part A, using 'n/a' or leaving the section blank.
- [29] 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.
- [30] Since the previous year, the number of instances of non-compliance in this section have increased for the House of Assembly, and decreased for the Legislative Council.

Recommendation

- [31] The proposed form (refer Appendix 2) includes specific fields for the types of income required to be disclosed to the Australian Taxation Office. These include: employment income; pensions, annuities, and government payments; investment income; business, partnership and trust income; foreign income; crowd funding; and other income. The specific fields reduce ambiguity and associated confusion for Members as to what they are required to include.
- [32] The proposed form restates the question to ensure Members are aware that Parliamentary income is not required: *Did you receive any income in the ordinary reporting period, excluding Parliamentary income?*
- [33] The explanatory notes have been moved to the area directly below the question posed to the Member, to ensure that adequate guidance is given in filling out the form.

Part B: Real property

- [34] Some Members are not correctly specifying the nature of their interest in real property. Although the explanatory notes on the current form provide greater clarity than the superseded form (and the number of instances of non-compliance has

decreased in the last year), there still appears to be confusion as to the types of interest a Member may have in real property.

Recommendation

- [35] Clarify what is meant by 'the nature of any interest' by including the text and examples as per the proposed form (refer Appendix 2).

Part C: Interests and positions in corporations

- [36] 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 increased from 2014).

Recommendation

- [37] Add a column for the address of the registered office of each corporation as per the proposed form (refer Appendix 2).

Parts D – H

- [38] 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'. There has been an increase in instances of non-compliance in these parts of the form generally since 2014.
- [39] 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*.
- [40] The explanatory notes for Part F ('Dispositions of property') may confuse Members as they are legalistic and difficult to comprehend.
- [41] Part H does not currently require Members to indicate a value (actual or estimated) of the declared gift or discount.

Recommendation

- [42] As per the proposed form, Members should be asked to answer 'yes' or 'no' to each question, and, only if the answer is 'yes', should they be required to provide details.
- [43] For Part D, the form should remove 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 (as reflected in the proposed form).
- [44] The explanatory notes for Part F should be rephrased in plain English to reduce confusion. Examples are also useful to provide further guidance (refer proposed form).
- [45] For Part H, Members should be required to indicate the value (either actual or estimated) of the gift or discount.

Part I: Discretionary disclosures

- [46] 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.
- [47] 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 channel for Members to disclose relevant interests that fall outside of the mandatory reporting requirements of the *Disclosure Act*.
- [48] This section is completed by very few Members and the current Explanatory Notes reinforce the optional nature of any disclosures.

Recommendation

- [49] Given the absence of a separate conflict of interest register, the question in this part should be retained and clarified (refer Appendix 2). Further discussion on this issue is provided in Chapter 3 of this report.

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*.¹² 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.¹³ 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.

¹² 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.

¹³ 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.*¹⁴
- [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.¹⁵
- [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

¹⁴ Joint Standing Committee on Integrity, Parliament of Tasmania, *Three Year Review – Final Report* (2015), schedule 2, item 5.

¹⁵ *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).

private, interest when they take office. Specifically, that they are not using their public office for private gain.

...

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.¹⁶

- [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.

¹⁶ Integrity Commission, *Enhancing accountability mechanisms for members of parliament and ministerial staff: a progress update* (2015), pg 17.

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.

[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.*¹⁷

[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.¹⁸ 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*'.

¹⁷ Joint Select Committee on Ethical Conduct, *Public Office is Public Trust* (2009), Recommendation 3.

¹⁸ Integrity Commission, *Enhancing accountability mechanisms for members of parliament and ministerial staff: a progress update* (2015).

- [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*.
- [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.

Gifts and benefits

- [83] Members of the House of Assembly must abide by the *Code of Ethical Conduct*. Under this code, a Member '*must not accept gifts, benefits or favours except for incidental gifts or customary hospitality of nominal value*'. No guidance is provided in relation to what constitutes an incidental gift or customary hospitality of nominal value, and there is no central register of declarations of received gifts and benefits.
- [84] Ministers must declare gifts and benefits in accordance with the Government's *Receipt and Giving of Gifts Policy*. The policy notes that DPAC '*maintains a register of official gifts received and given by Ministers*'.¹⁹ The register is tabled annually in the House of Assembly, and must be made available on the internet by DPAC.²⁰
- [85] To date, the Commission has not monitored the operation of the Ministerial gifts register. The Commission's view is that the register would fall within the ambit of '*any other register relating to the conduct of Members of Parliament*', as provided in s 30(a) of the *Integrity Commission Act*.

Lobbyists

- [86] One of the functions of the Commission is to:

*... establish and maintain codes of conduct and registration systems to regulate contact between persons conducting lobbying activities and certain public officers;*²¹

- [87] To date, the Commission has not carried out this function due to resourcing and capacity limitations.
- [88] The Government has established both a *Lobbying Code of Conduct*²² and a register of lobbyists.²³ The code and the register are maintained by DPAC, with the Secretary of DPAC being the administrator of that register.

¹⁹ *Code of Conduct for Ministers: Receipt and Giving of Gifts Policy*, pg 8, cl 8.1.

²⁰ *Code of Conduct for Ministers: Receipt and Giving of Gifts Policy*, pg 9, cl 8.3–8.4. The register of gifts and benefits is available at: www.dpac.tas.gov.au/divisions/corporate_and_governance_division/communications_and_protocol/protocol_office/official_gifts

²¹ *Integrity Commission Act* s 8(1)(e).

²² *Tasmanian Government Lobbying Code of Conduct*: http://lobbyists.dpac.tas.gov.au/lobbying_code_of_conduct

- [89] All lobbyists must agree to comply with the code. Any breaches of the code must be reported to the Secretary of DPaC,²⁴ and the Secretary may remove a lobbyist or a person who is an employee of a lobbyist from the register on the basis of a contravention of the code.²⁵
- [90] The code requires that the register established under the code be available on the DPaC website.²⁶
- [91] While the existing lobbying framework appears sufficient, given its role under the *Integrity Commission Act*, the Commission will seek to work with DPaC to ensure that the code and the registration of lobbyists operates effectively and provides optimum public accountability.

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.*²⁷

- [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.

²³ Available from: http://www.dpac.tas.gov.au/divisions/corporate_and_governance_division/communications_and_protocol/protocol_office/official_gifts

²⁴ *Tasmanian Government Lobbying Code of Conduct* cl 9.1.

²⁵ *Tasmanian Government Lobbying Code of Conduct* cl 10.2.

²⁶ *Tasmanian Government Lobbying Code of Conduct* cl 6.1.

²⁷ *Integrity Commission Act* s 11(3).

4. Conclusion

- [95] The Commission has specific roles under the *Integrity Commission Act* to monitor the operation of various registers relating to the conduct of Members of Parliament. The registers provide a record of any interests of Members that may potentially affect, or be perceived to affect, the objectivity of their decision making. The Commission's monitoring role enhances the confidence of the Tasmanian public that the processes of Parliament are transparent, and is an important component of parliamentary integrity.
- [96] While the Commission has fulfilled this role in relation to the Parliamentary disclosure of interests register, it is concerned that its monitoring has remained at a superficial level, and may not be sufficient to ensure Members' disclosures are relevant and accurate.
- [97] Moreover, the Commission has not undertaken monitoring of other registers (where they exist) relating to the conduct of Members of Parliament, as envisaged by the *Integrity Commission Act*.
- [98] As a first step toward fully meeting the objectives of this function under the *Integrity Commission Act*, and subject to resourcing limitations, the Commission intends to commence a more forensic monitoring process of the Parliamentary disclosure of interests register, and to publicly report on the outcomes. Going forward, the Commission hopes to work with the Joint Standing Committee, DPaC and the Government to enhance, clarify and more fully achieve its oversight role as set out in the *Integrity Commission Act*.

Appendix 1

Ordinary Return: current form

<p>PARLIAMENTARY (DISCLOSURE OF INTERESTS) ACT 1996</p>

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 the box below.
- c) The particulars required to complete this form are to be written in block letters or typed.
- d) 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
- e) If no information is to be provided, please write "NIL" clearly in each relevant column/row.
- f) 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.
- g) 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}

If you do not have any interests to be disclosed, tick this box and leave the rest of the form blank **[insert box]**

.....
(Member's signature)

.....
(Date)

A. SOURCES OF INCOME

Details of sources of income that I received in the ordinary return period:

1. from an occupation:

Description of occupation	Name and address of employer or description of office held (if applicable)	Name under which partnership conducted (if applicable)

2. from a trust:-

Name and address of settlor	Name and address of trustee

3. from any other sources:-

Person from whom received	Circumstances in which received

Explanatory notes:

- a) Amounts are not necessary.
- b) Only record a source of income here if you received income *from that particular source* in excess of \$500 during the relevant period.
- c) Parliamentary income is excluded.
- d) Any income which is income for taxation purposes should be declared.
- e) A 'settlor' is a person who settles property on trust for the benefit of beneficiaries.

B. REAL PROPERTY

Address (postal address or particular of the title) of each parcel of real property in which I had an interest at any time during the ordinary return period	Nature of interest

Explanatory notes:

- f) Include all real property, regardless of whether or not it is situated in Tasmania.
- g) 'Interest' is defined as any estate, interest, right or power at law or in equity in or over the property. This could include being a joint tenant, a tenant in common, or a sole proprietor.
- h) 'Nature of Interest' means the type of interest (e.g. sole owner, joint tenant, beneficial owner, equitable interest, etc) – it does not refer to the value of the property.
- i) Note that the postal address must be provided.
- j) There is no need to declare an interest in property if the interest is held:
 - in the capacity of executor of an estate, of which the Member is not a beneficiary; or
 - as a trustee, where the interest was acquired in the ordinary course of a Member's occupation.

C. INTERESTS AND/OR POSITIONS IN CORPORATIONS

Name and address of each corporation in which I had an interest or held a position at any time during the ordinary return period	Nature of interest (if any)	Description of position (if any)	Description of principal objects of corporation (except in case of public company)

Explanatory Notes

- k) Interest means any relevant interest within the meaning of the Corporations Act 2001 (Cth)¹, in any securities² 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'.
- l) 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.
- m) In relation to any position held, it is not relevant whether or not it is remunerated.
- n) public company means a company whose shares are listed for quotation on the stock market of a stock exchange in Tasmania.
- o) 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 in this Part, it is recommended that the Member consider seeking professional advice as to that.

¹ See ss 608 and 609 for the meaning of 'relevant interest' (the 'basic rule' is: "A person has a relevant interest in securities if they: (a) are the holder of the securities; or (b) have power to exercise, or control the exercise of, a right to vote attached to the securities; or (c) have power to dispose of, or control the exercise of a power to dispose of, the securities. It does not matter how remote the relevant interest is or how it arises. If 2 or more people can jointly exercise one of these powers, each of them is taken to have that power.").

² See s 92 of the Corporations Act for the definition of 'securities' (as a guide only, the first part of the definition is: "(1) Subject to this section, securities means: (a) debentures, stocks or bonds issued or proposed to be issued by a government; or (b) shares in, or debentures of, a body; or (c) interests in a managed investment scheme; or (d) units of such shares; but does not include: (f) a derivative (as defined in Chapter 7), other than an option to acquire by way of transfer a security covered by paragraph (a), (b), (c) or (d); or (g) an excluded security.").

D. POSITIONS IN TRADE UNIONS AND PROFESSIONAL OR BUSINESS ASSOCIATIONS

Name of each trade union and each professional or business association in which I held any position (whether remunerated or not) in the period	Description of position

Explanatory note

- p) There is no obligation to indicate simple membership of a trade union or professional or business association. It is only necessary to disclose if the Member is an actual office-holder.
- q) *professional or business association* means a body or organisation, whether incorporated or unincorporated, having as one of its objects or activities the promotion of the economic interests of its members in any occupation.

E. DEBTS

Name and address of each person to whom I was liable to pay any debt at any time during the ordinary return period.

Name	Address

Explanatory notes:

- r) Only debts of \$500 or more must be disclosed, unless the debt was one of two or more debts to the same person that together exceed \$500.
- s) The following classes of debt are excluded from disclosure:
- a debt to a relative;
 - a debt in the form of a loan from a person/organisation whose ordinary business includes the lending of money (and the loan was made in the ordinary course of business of the lender); 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.

F. DISPOSITIONS OF PROPERTY

1. Particulars of each disposition of property by me at any time during the ordinary return period whereby I retained, either wholly or in part, the use and benefit of the property or the right to reacquire the property at a later time.

2. Particulars of each disposition of property to a person by any other person under arrangements made by me, being dispositions made at any time during the ordinary return period, whereby I obtained, either wholly or in part, the use and benefit of the property.

Explanatory notes:

- t) 'Property' in this section/part means real property or money.
- u) A 'disposition of property' means any of the following:
 - (a) any conveyance, transfer, assignment, settlement, delivery, payment or other alienation of real property or money;
 - (b) the creation of a trust in respect of real property or money;
 - (c) the grant or creation of any lease, mortgage, charge, easement, licence, power, partnership or interest in respect of real property or money;
 - (d) the release, discharge, surrender, forfeiture or abandonment, at law or in equity, of any interest in any real property or money;
 - (e) the exercise of a general power of appointment over real property in favour of a person;
 - (f) any transaction entered into by a person with the intent to –
 - (i) diminish, directly or indirectly, the value of any real property of that person; and
 - (ii) increase the value of any real property of another person who is not a relative;
- v) The particulars included should be sufficiently detailed to disclose the nature of your interest in the past, present and/or future interest (including the possibility of a future interest), as is relevant. An example of a disposition of property to be included in 1: you sell your shack to your daughter, but you continue to use the shack from time to time. An example of a disposition of property to be included in 2: you arrange for a business associate to sell his shack to your daughter, and you then use the shack from time to time.

G. CONTRIBUTIONS TO TRAVEL

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

Explanatory notes:

- w) 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 together exceed \$250.
- x) 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.

H. GIFTS (OR DISCOUNTS)

Description of each gift (or discount) received at any time during the ordinary return period	Name and address of donor

Explanatory notes:

1. A gift includes a discount or reduced price resulting in the Member paying less than the value of the item; see the definition in the Act:

gift means any disposition of property³ other than any financial or other contribution to travel –

- (a) passing without consideration in money or money's worth; or
- (b) passing with consideration that is not fully adequate;

2. Only gifts of \$500 or more (or valued at \$500 or more) must be disclosed, unless you received two or more gifts from the same person that together exceed \$500 (or the value of \$500).
3. A gift from a relative⁴ need not be disclosed.
4. If the gift was in the form of a discount or reduced price, it is the value of the item that is relevant (not what a Member paid for it).

³ Note the definition of 'disposition of property' set out above in Part F of this form.

⁴ *relative* means any of the following:

- (a) the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant, surrogate child or adopted child of a Member or of a Member's spouse; or
- (b) the spouse of a Member or of any other person specified in paragraph (a).
(*spouse*, in relation to a person, includes the person who is in a significant relationship, within the meaning of the *Relationships Act 2003*, with that person)

I. DISCRETIONARY DISCLOSURES

Any other direct or indirect benefits, advantages or liabilities that I wish to disclose:

Explanatory note:

- y) Members may wish to disclose any direct or indirect benefits, advantages or liabilities, whether pecuniary or not, and whether or not the Member considers they may raise a conflict between their private interests and their duties as Members (s 9 of the Act).

Appendix 2

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>
Example only:	
<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

INTEGRITY
COMMISSION

