

## LEGAL ANNEX – AUSTRALIA

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**Resolution of the House adopted 1984 (amended 2003)**

**Standing Orders of the Parliament**

**Constitution 1986**

**Blank Disclosure Form**

**Criminal Code Act 1995 (\*)**

**Electoral Act 1918 (\*)**

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*(\*) These laws have been reviewed, but no relevant articles for this study have been identified*

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### **Registration of Members' interests**

#### **Requirements of the House of Representatives**

*Resolution adopted 9 October 1984 a.m., amended 13 February 1986, 22 October 1986, 30 November 1988, 9 November 1994, and 6 November 2003*

#### **(1) Registration of Members' interests**

That—

- (a) within 28 days of making and subscribing an oath or affirmation as a Member of the House of Representatives each Member shall provide to the Registrar of Members' Interests, a statement of—
  - (i) the Member's registrable interests, and
  - (ii) the registrable interests of which the Member is aware
    - (a) of the Member's spouse and (b) of any children who are wholly or mainly dependent on the Member for support,in accordance with resolutions adopted by the House and in a form determined by the Committee of Members' Interests from time to time, and shall also notify any alteration of those interests to the Registrar within 28 days of that alteration occurring, and
- (b) the statement to be provided by a Member shall include:
  - (i) in the case of a Member who was not a Member of the House of Representatives in the immediately preceding Parliament, interests held at the date of his or her election and any alteration of interests which has occurred between that date and the date of completion of the statement, and
  - (ii) in the case of a Member who was a Member of the House of Representatives in the immediately preceding Parliament, interests held at the date of dissolution of the House of Representatives in the previous Parliament and any alteration of interests which has occurred between that date and the date of completion of the statement.

#### **(2) Registrable interests**

That the statement of a Member's registrable interests to be provided by a Member shall include the registrable interests of which the Member is aware (1) of the Member's spouse and (2) of any children who are wholly or mainly dependent on the Member for support, and shall cover the following matters:

- (a) shareholdings in public and private companies (including holding companies) indicating the name of the company or companies;
- (b) family and business trusts and nominee companies—
  - (i) in which a beneficial interest is held, indicating the name of the trust, the nature of its operation and beneficial interest, and
  - (ii) in which the Member, the Member's spouse, or a child who is wholly or mainly dependent on the Member for support, is a trustee (but not including a trustee of an estate where no beneficial interest is held by the Member, the Member's spouse or dependent children), indicating the name of the trust, the nature of its operation and the beneficiary of the trust;
- (c) real estate, including the location (suburb or area only) and the purpose for which it is owned;
- (d) registered directorships of companies;
- (e) partnerships indicating the nature of the interests and the activities of the partnership;
- (f) liabilities indicating the nature of the liability and the creditor concerned;
- (g) the nature of any bonds, debentures and like investments;
- (h) saving or investment accounts, indicating their nature and the name of the bank or other institutions concerned;
- (i) the nature of any other assets (excluding household and personal effects) each valued at over \$7,500;
- (j) the nature of any other substantial sources of income;
- (k) gifts valued at more than \$750 received from official sources, or at more than \$300 where received from other than official sources provided that a gift received by a Member, the Member's spouse or dependent children from family members or personal friends in a purely personal capacity need not be registered unless the Member judges that an appearance of conflict of interest may be seen to exist;
- (l) any sponsored travel or hospitality received where the value of the sponsored travel or hospitality exceeds \$300;
- (m) membership of any organisation where a conflict of interest with a Member's public duties could foreseeably arise or be seen to arise, and
- (n) any other interests where a conflict of interest with a Member's public duties could foreseeably arise or be seen to arise.

(3) Register and Registrar of Members' Interests

That—

- (a) at the commencement of each Parliament, and at other times as necessary, Mr Speaker shall appoint an officer of the Department of the House of Representatives as the Registrar of Members' Interests and that officer shall also be clerk to the Committee of Members' Interests;
- (b) the Registrar of Members' Interests shall, in accordance with procedures determined by the Committee of Members' Interests, maintain a Register of Members' Interests in a form to be determined by that committee from time to time;
- (c) as soon as possible after the commencement of each Parliament the chairman of the Committee of Members' Interests shall table in the House a copy of the completed Register of Members' Interests and shall also table from time to time as required any notification by a Member of alteration of those interests, and
- (d) the Register of Members' Interests shall be available for inspection by any person under conditions to be laid down by the Committee of Members' Interests from time to time.

*Additional resolution adopted 13 February 1986*

That any Member of the House of Representatives who—

- (a) knowingly fails to provide a statement of registrable interests to the Registrar of Members' Interests by the due date;
- (b) knowingly fails to notify any alteration of those interests to the Registrar of Members' Interests within 28 days of the change occurring, or
- (c) knowingly provides false or misleading information to the Registrar of Members' Interests,

shall be guilty of a serious contempt of the House of Representatives and shall be dealt with by the House accordingly.

**Standing Orders (as amended, March 2006)**

**134 Member with pecuniary interest not to vote**

- (a) A Member may not vote in a division on a question about a matter, other than public policy, in which he or she has a particular direct pecuniary interest.
- (b) The vote of a Member may be challenged on the grounds of the pecuniary interest by means of a substantive motion moved immediately after a division is completed. If the motion is carried, the Member's vote shall be disallowed.

### **231 Member with pecuniary interest not to sit on inquiry**

No Member may sit on a committee if he or she has a particular direct pecuniary interest in a matter under inquiry by the committee. If the right of a Member to sit on a committee is challenged, the committee may report the matter to the House for resolution.

### **220 Committee of Members' Interests**

- (a) A Committee of Members' Interests shall be appointed to:
  - (i) inquire into and report on the arrangements made for the compilation, maintenance and accessibility of a Register of Members' Interests;
  - (ii) consider proposals by Members and others on the form and content of the register;
  - (iii) consider specific complaints about registering or declaring interests;
  - (iv) consider possible changes to any code of conduct adopted by the House; and
  - (v) consider whether specified persons (other than Members) ought to be required to register and declare their interests.
- (b) The committee shall consist of seven members: four government and three non-government Members. When the Opposition is composed of two parties, the non-government Members shall consist of two members of the larger opposition party, and one member of the smaller opposition party.
- (c) The committee may call for witnesses and documents, but must not exercise that power or undertake an investigation of a person's private interests, unless the action is approved by at least four members of the committee other than the Chair.
- (d) The committee may report when it sees fit, and must report to the House on its operations during the year as soon as possible after 31 December each year.

## **242 Publication of evidence**

- (a) A committee or subcommittee may authorise publication of evidence given before it or documents presented to it.
- (b) A committee's or subcommittee's evidence, documents, proceedings and reports may not be disclosed or published to a person (other than a member of the committee or parliamentary employee assigned to the committee) unless they have been:
  - (i) reported to the House; or
  - (ii) authorised by the House, the committee or the subcommittee.
- (c) A committee may resolve to:
  - (i) publish press releases, discussion papers or other documents, or preliminary findings; or
  - (ii) divulge evidence, documents, proceedings or reports on a confidential basis to persons for comment.
- (d) A committee may resolve to authorise a member of the committee to give public briefings on matters related to an inquiry. An authorised member may not disclose evidence, documents proceedings or reports

which have not been authorised for publication. The committee shall determine the limits of the authorisation.

## **250 Committee receiving allegations against Members**

- (a) Only the Committee of Privileges and the Committee of Members' Interests may inquire into or make findings about the conduct of a Member, unless the House directs another committee to review the conduct of a Member.
- (b) If a committee (other than the Committee of Privileges and the Committee of Members' Interests) receives information or an allegation about a Member, the committee shall inform the Member and give the Member an opportunity to make a submission about the matter. Unless the committee considers the matter is without substance, it shall report the matter to the House and wait for its directions.

### **Constitution 1986**

Member of one  
House ineligible  
for other.  
Disqualification.

43. A member of either House of the Parliament shall be incapable of being chosen or of sitting as a member of the other House.

44. Any person who—

- (i.) Is under any acknowledgment of allegiance, obedience, or adherence to a foreign power, or is a subject or a citizen or entitled to the rights or privileges of a subject or a citizen of a foreign power: or
- (ii.) Is attainted of treason, or has been convicted and is under sentence, or subject to be sentenced, for any offence punishable under the law of the Commonwealth or of a State by imprisonment for one year or longer: or
- (iii.) Is an undischarged bankrupt or insolvent: or
- (iv.) Holds any office of profit under the Crown, or any pension payable during the pleasure of the Crown out of any of the revenues of the Commonwealth: or
- (v.) Has any direct or indirect pecuniary interest in any agreement with the Public Service of the Commonwealth otherwise than as a member and in common with the other members of an incorporated company consisting of more than twenty-five persons:

shall be incapable of being chosen or of sitting as a senator or a member of the House of Representatives.

But sub-section (iv.) does not apply to the office of any of the Queen's Ministers of State for the Commonwealth, or of any of the Queen's Ministers for a State, or to the receipt of pay, half pay, or a pension, by any person as an officer or member of the Queen's navy or army, or to the receipt of pay as an officer or member of the naval or military forces of the Commonwealth by any person whose services are not wholly employed by the Commonwealth.

Vacancy on happening  
of disqualification.

45. If a senator or member of the House of Representatives—

- (i.) Becomes subject to any of the disabilities mentioned in the last preceding section: or
- (ii.) Takes the benefit, whether by assignment, composition, or otherwise, of any law relating to bankrupt or insolvent debtors: or
- (iii.) Directly or indirectly takes or agrees to take any fee or honorarium for services rendered to the Commonwealth, or for services rendered in the Parliament to any person or State:

his place shall thereupon become vacant.

## **Blank Disclosure Form**

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

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**REGISTER OF MEMBERS' INTERESTS**

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**STATEMENT OF REGISTRABLE INTERESTS**

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**At dissolution / At date of election**  
*(delete whichever not applicable)*

**Notes:**

- (1) It is suggested that the accompanying Explanatory Notes be read before the return is completed.
- (2) The information which you are required to provide is contained in resolutions agreed to by the House of Representatives on 9 October 1984, a.m. as amended on 21 March 1985, 13 February 1986, 22 October 1986, 30 November 1988 and 9 November 1994 and 16 October 2003. It consists of the Member's registrable interests and the registrable interests of which the Member is aware (a) of the Member's spouse and (b) of any children who are wholly or mainly dependent on the Member for support. For the definition of "dependent children" see the introduction to the Explanatory Notes.
- (3) If there is insufficient space on this form for the information you are required to provide, you may attach additional papers for that purpose. Each paper attached to this form should be signed personally by you and dated.

Surname ..... Other Names .....

Electoral Division ..... State .....

**1. SHAREHOLDINGS IN PUBLIC AND PRIVATE COMPANIES (INCLUDING HOLDING COMPANIES)  
INDICATING THE NAME OF THE COMPANY OR COMPANIES**

Self	Name of company - (including holding and subsidiary companies if applicable)
Spouse	
Dependent Children	

**2. FAMILY AND BUSINESS TRUSTS AND NOMINEE COMPANIES-**

(i) in which a beneficial interest is held, indicating the name of the trust, the nature of its operation and beneficial interest

<b>Self</b>	Name of Trust/nominee company	Nature of its operation	Beneficial interest
<b>Spouse</b>			
<b>Dependent Children</b>			

(ii) in which the Member, the Member's spouse, or a child who is wholly or mainly dependent on the Member for support, is a trustee (but not including a trustee of an estate where no beneficial interest is held by the Member, the Member's spouse or dependent children), indicating the name of the trust, the nature of its operation and the beneficiary of the trust

<b>Self</b>	Name of Trust/nominee company	Nature of its operation	Beneficial interest
<b>Spouse</b>			
<b>Dependent Children</b>			

**3. REAL ESTATE, INCLUDING THE LOCATION (SUBURB OR AREA ONLY) AND THE PURPOSE FOR WHICH IT IS OWNED**

<b>Self</b>	Location	Purpose for which owned
<b>Spouse</b>		



<b>Dependent Children</b>		

**4. REGISTERED DIRECTORSHIPS OF COMPANIES**

<b>Self</b>	Name of company	Activities of company
<b>Spouse</b>		
<b>Dependent Children</b>		

**5. PARTNERSHIPS INDICATING THE NATURE OF THE INTERESTS AND THE ACTIVITIES OF THE PARTNERSHIP**

<b>Self</b>	Name	Nature of interests	Activities of Partnership
<b>Spouse</b>			
<b>Dependent Children</b>			

**6. LIABILITIES INDICATING THE NATURE OF THE LIABILITY AND THE CREDITOR CONCERNED**

<b>Self</b>	Nature of liability	Creditor
<b>Spouse</b>		

<b>Dependent Children</b>		

**7. THE NATURE OF ANY BONDS, DEBENTURES AND LIKE INVESTMENTS**

Self	Type of investment	Body in which investment is held
Spouse		
Dependent Children		

**8. SAVING OR INVESTMENT ACCOUNTS, INDICATING THEIR NATURE AND THE NAME OF THE BANK OR OTHER INSTITUTIONS CONCERNED**

Self	Nature of account	Name of bank/institution
Spouse		
Dependent Children		

**9. THE NATURE OF ANY OTHER ASSETS (EXCLUDING HOUSEHOLD AND PERSONAL EFFECTS) EACH VALUED AT OVER \$7500**

Self	Nature of any other assets
Spouse	

<b>Dependent Children</b>	

**10. THE NATURE OF ANY OTHER SUBSTANTIAL SOURCES OF INCOME**

<b>Error!</b>	Nature of income
<b>Self</b>	
<b>Spouse</b>	
<b>Dependent</b>	
<b>Children</b>	

**11. GIFTS VALUED AT MORE THAN \$750 RECEIVED FROM OFFICIAL SOURCES, OR AT MORE THAN \$300 WHERE RECEIVED FROM OTHER THAN OFFICIAL SOURCES PROVIDED THAT A GIFT RECEIVED BY A MEMBER, THE MEMBER'S SPOUSE OR DEPENDENT CHILDREN FROM FAMILY MEMBERS OR PERSONAL FRIENDS IN A PURELY PERSONAL CAPACITY NEED NOT BE REGISTERED UNLESS THE MEMBER JUDGES THAT AN APPEARANCE OF CONFLICT OF INTEREST MAY BE SEEN TO EXIST**

<b>Self</b>	Details of gifts
<b>Spouse</b>	
<b>Dependent</b>	
<b>Children</b>	

**12. ANY SPONSORED TRAVEL OR HOSPITALITY RECEIVED WHERE THE VALUE OF THE SPONSORED TRAVEL OR HOSPITALITY EXCEEDS \$300**

<b>Self</b>	Details of travel/hospitality
<b>Spouse</b>	

<b>Dependent Children</b>	

13. MEMBERSHIP OF ANY ORGANISATION WHERE A CONFLICT OF INTEREST WITH A MEMBER'S PUBLIC DUTIES COULD FORESEEABLY ARISE OR BE SEEN TO ARISE

Self	Name of organisation
Spouse	
Dependent Children	

14. ANY OTHER INTERESTS WHERE A CONFLICT OF INTEREST WITH A MEMBER'S PUBLIC DUTIES COULD FORESEEABLY ARISE OR BE SEEN TO ARISE

Self	Nature of interest
Spouse	
Dependent	



**Children**

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**NOTIFICATION OF ALTERATION(S) OF INTERESTS SINCE DISSOLUTION  
OR DATE OF ELECTION**

The following alteration(s) of interests have occurred since

**The date of dissolution of the House of Representatives - *This is the relevant date for returning Members***

**The date of my election - *This is the relevant date for newly elected Members (delete whichever not applicable):***

**ADDITION**

Item	Details

**DELETION**

Item	Details

**Signature** .....**Date**.....

House of Representatives Printing Section

