



Speech by

Hon. T. M. MACKENROTH

MEMBER FOR CHATSWORTH

Hansard 25 May 1999

MEMBERS' AND RELATED PERSONS' REGISTERS OF INTERESTS

Hon. T. M. MACKENROTH (Chatsworth— ALP) (Leader of the House) (3.47 p.m.): I move—

"That—

- (a) the Resolution of the House dated 19 April 1989 establishing the Members' and Related Persons' Registers of Interests, as amended on 27 November 1990, 2 March 1993 and 11 March 1999 be replaced with the provisions set out in the attachment to this Resolution;
- (b) the provisions of this Resolution take effect from 1 July 1999; and
- (c) from 1 July 1999, the provisions of this Resolution continue in force unless and until amended or revoked by the Legislative Assembly in this or a subsequent Parliament.

Attachment to resolution relating to Members' and Related Persons' Register of Interests

Preamble

1. It is vital that in a representative democracy the public have confidence in the integrity of their elected representatives;
2. It is also vital that elected representatives be continually reminded that they exercise a public trust which should not be subject to any private interest;
3. It is also in the interests of elected representatives that they be able to demonstrate that at all times they have made scrupulous disclosure of their private interests;
4. The Legislative Assembly requires its Members to demonstrate a commitment to maintain the highest possible standard of propriety and to avoid and declare any potential conflict of interest;
5. The Members' and Related Persons' Registers of Interests are mechanisms to encourage and foster transparency, accountability and openness; and
6. The following provisions be recognised as the minimum disclosure required by Members and that Members be aware that the following provisions are not intended to be an exhaustive list of all possible financial arrangements which require, in the spirit of the resolution, to be declared.

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SCHEDULE

- Form 1 Statement of the Interests of a Member
- Form 2 Statement of the Interests of a Member's related persons
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PART 1—PRELIMINARY

Definitions

1. In this resolution, unless the contrary intention appears—
 - 'calendar month' means a period commencing at the beginning of a day of one of the 12 months of the year and ending immediately before the beginning of the corresponding day of the next month or, if there is no such corresponding day, ending at the end of the next month;
 - 'child', in relation to a Member, includes an adopted child, a step-child or an ex-nuptial child of the Member;
 - 'Clerk' means The Clerk of the Parliament;
 - 'committee' means the Members' Ethics and Parliamentary Privileges Committee;
 - 'company' means a company, whether a private company or a public company;
 - 'debenture' includes debenture stock, bonds, notes and any other document evidencing or acknowledging indebtedness of a company in respect of money that is deposited with or lent to the company;
 - 'de facto spouse' means a person who is living as the spouse of the Member although not legally married to that Member;
 - 'gift' means—
 - (a) the transfer of money, property or other benefit—
 - (i) without recompense; or
 - (ii) for a consideration substantially less than full consideration; or
 - (b) a loan of money or property made on a permanent, or an indefinite, basis; but does not include upgraded travel provided by an airline.
 - 'joint venture' means an undertaking carried on by 2 or more persons in common otherwise than as partners;
 - 'Member' means a Member of the Legislative Assembly;
 - 'month' means a calendar month;
 - 'nominee company' means a company whose principal business is the business of holding marketable securities as a trustee or nominee;
 - 'officer', in relation to a company, means—
 - (a) director or secretary of the company; or
 - (b) any other person who is concerned, or takes part, in the management of the company;
 - 'partnership' includes a joint venture;
 - 'private company' means a proprietary company, whether incorporated in Queensland or elsewhere;
 - 'public company' means a company, other than a private company, whether incorporated in Queensland or elsewhere;
 - 'Register' means—
 - (a) the Register of Members' Interests; or
 - (b) the Register of Related Persons' Interests;
 - 'Registrar' means the Registrar of Members' Interests;
 - 'related person', in relation to a Member, means—

- (a) the spouse of the Member;
- (b) a child of the 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; or
 - (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;

'share' means—

- (a) a share in the share capital of a company;
- (b) stock;
- (c) a convertible note; or
- (d) an option;

'sitting day', in relation to the Parliament, means a day on which the Parliament meets;

'sponsored travel' means any travel undertaken, including accommodation incidental to the travel, otherwise than in an official capacity, by the Member or a related person in respect of which a contribution (whether in cash or kind) to the cost of the travel (including incidental accommodation) is made by a person other than the Member or a related person but does not include upgraded travel provided by an airline, meals or sporting or cultural entertainment.

'spouse', in relation to a Member, includes a de facto spouse of the Member;

'statement of interests' means—

- (a) a statement of interests (Member); or
- (b) a statement of interests (related persons);

'statement of interests (Member)' means the statement of a Member's interests required to be given by the Member to the Registrar under clause 5;

'statement of interests (related persons)' means the statement of the interests of a Member's related persons required to be given by the Member to the Registrar under clause 5;

'trade or professional organisation' means a body (whether incorporated or unincorporated) of—

- (a) employers or employees; or
- (b) persons engaged in a profession, trade or other occupation;

being a body the object, or an object, of which is the furtherance of its own professional, industrial or economic interests or those of any of its Members';

'year' means period of 12 months commencing on 1 January.

Interpretation—terms relating to companies

- 2.(1) A person is taken to have a controlling interest in shares in a company if the person is able—
 - (a) to dispose of, or to exercise control over the disposal of, the shares; or
 - (b) where the shares are voting shares—to exercise, or to control the exercise of, any voting powers attached to the shares.
- (2) The question whether a company is a subsidiary of another company is to be determined in the same manner as the question whether a corporation is a subsidiary of another corporation is determined for the purposes of the Corporations Law of Queensland.
- (3) A reference in this resolution to the holding company of another company is a reference to a company of which that other company is a subsidiary.

Interpretation—forms

- 3.(1) In this resolution, a reference to a form by number is a reference to the form so numbered in the Schedule.
- (2) Strict compliance with a form in the Schedule is not necessary and substantial compliance, or such compliance as the circumstances of a particular case allow, is sufficient.

Registrar

- 4.(1) There is to be a Registrar of Members' Interests.
- (2) The Clerk is to be the Registrar.

PART 2—STATEMENTS OF INTERESTS

Giving of statements

- 5.(1) In accordance with resolutions adopted by the Legislative Assembly and in a form determined by the Members' Ethics and Parliamentary Privileges Committee from time to time each Member shall within one month of making and subscribing an oath or affirmation as a Member, provide to the Registrar of Members' Interests a statement of—
 - (a) the Member's Registrable Interests as at the date of the election;

- (b) the Registrable Interests, as at the date of the election, of which the Member is aware of related persons.
- (2) A Member must notify the Registrar in writing of any change in the details contained in the last statement of interests given by the Member within one month of becoming aware of the change.
- (3) Where in any year there is no change to the details contained in the last statement of interests given by the Member the Member is required to complete and lodge a 'no changes' of interests return. This form is required to be submitted to the Registrar within one month after 30 June each year and shall cover the period from the preceding 30 June or the last occasion upon which the Member supplied a statement of interest to the 30 June of the current year.
- (4) A Member is required to include in a statement of interests details relating to the interest of a related person only if the Member is aware of the interest.
- (5) A Member is not required to give, in any year—
 - (a) more than one statement of interests (Member); or
 - (b) more than one statement of interests (related persons); or
 - (c) more than one 'no changes' of interest declaration.

Form of statements and notice of change of details

- 6.(1) A statement of interests (Member)—
 - (a) must be in accordance with Form 1; and
 - (b) is to relate only to interests held by the Member—
 - (i) alone; and
 - (ii) jointly or in common with a related person.
- (2) A statement of interests (related persons)—
 - (a) must be in accordance with Form 2; and
 - (b) is to relate only to interests held by related persons otherwise than jointly or in common with the Member.
- (3) A notice of change of the details contained in a statement of interests must be in accordance with Form 3.
- (4) A notice of no change in details must be in accordance with Form 4.
- (5) The Committee may, by resolution, alter any of the above forms and notice of such alteration is to be made by the Chairman of the Committee to the Legislative Assembly within 5 sitting days.

Disclosure of interests

- 7. A statement of interests required to be given by a Member must contain the following details—
 - (a) in respect of any company in which the Member or a related person is a shareholder or has a controlling interest in shares—
 - (i) the name of the company;
 - (ii) where the shareholding or interest constitutes a controlling interest in the company—details of the shareholdings of the company in any other company;
 - (iii) where the shareholding or interest is held in a private company, the details of the investments or beneficial interests of the company, but the value of those investments or beneficial interests need not be disclosed; and
 - (iv) where the shareholding or interest is held in a private company that is the holding company of another company—
 - (A) details of the investments or beneficial interests of the holding company, but the value of those investments or beneficial interests need not be disclosed;
 - (B) the name of any company that is a subsidiary of the holding company;
 - (C) the name of any company that is a subsidiary of any company that is the holding company's subsidiary; and
 - (D) the details of the investments or beneficial interests of those subsidiary companies, but the value of those investments or beneficial interests need not be disclosed;
 - (b) in respect of any company of which the Member or a related person is an officer—
 - (i) the name of the company;
 - (ii) the nature of the office held; and
 - (iii) the nature of the activities of the company;
 - (c) in respect of any family or business trust or nominee company in which the Member or a related person holds a beneficial interest—

- (i) the name or a description of the trust, or the name of the company, as the case requires;
 - (ii) the nature of the activities of the trust or company;
 - (iii) the nature of the interest; and
 - (iv) details of the investments and beneficial interest of the trust, but the value of those investments or beneficial interests need not be disclosed.
- (d) in respect of any family or business trust in which the Member or a related person is a trustee—
 - (i) the name or a description of the trust; and
 - (ii) the nature of the activities of the trust;
- (e) in respect of any partnership in which the Member or a related person has an interest—
 - (i) the name or a description of the partnership;
 - (ii) the nature of the activities of the partnership; and
 - (iii) the nature of the interest;
- (f) in respect of any real estate in which the Member or a related person has an interest—
 - (i) the location of the relevant property (by reference to suburb or area);
 - (ii) the approximate size of the property;
 - (iii) the purpose for which the property is and is intended to be used; and
 - (iv) the nature of the interest;
- (g) in respect of any liability (excluding department store and credit card accounts) of the Member or a related person or a trust of which a Member or a related person is a beneficiary or a private company of which a Member or a related person is a shareholder—
 - (i) the nature of the liability; and
 - (ii) the name of the creditor concerned;
 unless—
 - (i) it arises from the supply of goods or services supplied in the ordinary course of any occupation of the Member or business of the trust or private company in which the Member or related person has an interest which is not related to the Member's duties as a Member of the Legislative Assembly; or
 - (ii) the debt is for an amount of \$10,000 or less;
- (h) details of any debenture or similar investment held by the Member or a related person;
- (i) in respect of any savings or investment account of the Member or a related person held with a bank, building society, credit union or other institution—
 - (i) the nature of the account; and
 - (ii) the name of the institution concerned;
- (j) gifts valued at more than \$500 from one source, or where two or more gifts are made from one source during the return period exceed, in aggregate, \$500 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;
- (k) in respect of any sponsored travel received by the Member or a related person—
 - (i) the source of the contribution concerned; and
 - (ii) the purpose of the travel.
- (l) any other source of income over \$500 per annum received by—
 - (i) the Member or a related person; or
 - (ii) a private company, or a trust, in which the Member or a related person holds an interest;
 or where the source of income is under \$500, where that income might, in the judgment of the Member, involve sensitivity or be capable of misconstruction;
- (m) details of any other asset of the Member or a related person the value of which exceeds \$5000, other than—
 - (i) household and personal effects;
 - (ii) a motor vehicle used only or mainly for personal use; and
 - (iii) superannuation entitlements;
- (n) the name of any political party, trade or professional organisation of which the Member or related person is a Member, or the name of any other organisation of which the Member is

- an officeholder or financial contributor donating \$500 or more in any single calendar year to that organisation;
- (o) any other interest (whether or not of a pecuniary nature) of the Member or a related person—
 - (i) of which the Member is aware; and
 - (ii) that raises, appears to raise, or could foreseeably raise, a conflict between the Member's private interest and his or her duty as a Member.

Questions concerning statements

- 8.(1) If a question relating to whether a matter should or should not be included in a statement of interests is raised by a Member with the Registrar, the Registrar must—
 - (a) subject to the terms of any resolution of the Legislative Assembly affecting the matter— attempt to resolve the matter without referring it to the Committee; and
 - (b) if the matter is not so resolved— refer the matter to the Committee.
- (2) A reference of a matter to the Committee—
 - (a) must be made in general terms; and
 - (b) except with the consent of the Member, must not disclose the name of the Member.
- (3) The Committee must—
 - (a) consider any matter referred to it; and
 - (b) if the name of the Member has been disclosed to it—give the Member the opportunity to be heard;

after which it must decide whether the matter should or should not be included by the Member in the statement of interests concerned.
- (4) The Registrar must immediately notify the Member of the decision of the Committee.
- (5) If the Member informs the Committee in writing that he or she does not agree with the decision of the Committee, the Committee must—
 - (a) make a report to the Legislative Assembly; and
 - (b) with the report, recommend the action that should be taken in relation to the matter.
- (6) A report under subclause (5)—
 - (a) must be made in general terms; and
 - (b) must not disclose the name of the Member.

PART 3—REGISTERS

Keeping of Registers

- 9.(1) The Registrar must keep, in such forms as the Registrar considers appropriate—
 - (a) a Register of Members' Interests; and
 - (b) a Register of Related Persons' Interests.
- (2) As soon as practicable after receiving a statement of interests from a Member, the Registrar must—
 - (a) in the case of a statement of interests (Member)—enter in the Register of Members' Interests the relevant details contained in the statement; and
 - (b) in the case of a statement of interests (related persons)— enter in the Register of Related Persons' Interests the relevant details contained in the statement.
- (3) As soon as practicable after receiving a notice of change of details under subclause 5(2), the Registrar must make such alteration to the details entered in the relevant Register as is necessary to reflect the change.

Custody of Registers

10. The Registrar is to have the custody of—
 - (a) each Register;
 - (b) each statement of interests received by the Registrar under clause 5; and
 - (c) any notice of change of details received by the Registrar under subclause 5(2).

Tabling of Register of Members' Interests

11. As soon as practicable after—
 - (a) the first sitting day of each Parliament; and
 - (b) the 30th day of June in each subsequent year during the life of that Parliament;

the Speaker must cause a copy of the Register of Members' Interests to be laid before the Legislative Assembly.

Publishing of Register of Members' Interests

12. The Register tabled in accordance with 11(a) above shall be immediately published as a Parliamentary paper.

Inspection of Registers

- 13.(1) The Registrar must, at the request of a person, permit the person to inspect the Register of Members' Interests during normal business hours of the office of the Clerk.
- (2) The Registrar must, on request, make the Register of Related Persons' Interests available to—
 - (a) the Speaker;
 - (b) the Premier;
 - (c) any other Leader in the Legislative Assembly of a political party;
 - (d) the Chairman and Members of the Members' Ethics and Parliamentary Privileges Committee;
 - (e) the Criminal Justice Commission.

PART 4—COMPLAINTS

Allegations by Members

- 14.(1) A Member may make an allegation against another Member that the other Member has failed to comply with the requirements relating to the disclosure of a matter under this resolution.
- (2) The allegation must be made, in writing, to the Registrar.
- (3) The Registrar must—
 - (a) refer the allegation to the Committee; and
 - (b) give the details of the allegation to the Member against whom the allegation is made.

Consideration of allegations

- 15.(1) The Committee must consider each allegation referred to it and, for that purpose, may—
 - (a) give each Member concerned the opportunity to be heard; and
 - (b) obtain information from such other persons, and make such inquiries, as it thinks fit; after which it may—
 - (c) make a report to the Legislative Assembly; and
 - (d) with the report, recommend the action that should be taken in relation to the matter.
- (2) The Committee must not make a report unless—
 - (a) it has given the Member against whom the allegation has been made the opportunity—
 - (i) to be heard; and
 - (ii) to make written submissions; and
 - (b) it has given the persons that the Member nominates the opportunity to be heard.

Complaints by public

- 16.(1) A person may make a complaint alleging that a Member has failed to comply with the requirements relating to the disclosure of a matter under this resolution.
- (2) The complaint must be made, in writing, to the Registrar.
- (3) The Registrar must, before taking any further action in relation to the complaint, inform the complainant in writing that parliamentary privilege does not extend to any communication between the complainant and the Registrar.
- (4) The Registrar may require the complainant to give to the Registrar—
 - (a) details of the complainant's name and address;
 - (b) details, or further details, of the complaint; and
 - (c) copies of any documents or other material available to the complainant supporting the complaint.
- (5) The Registrar may refuse to take any further action in relation to the complaint if the complainant refuses or fails to comply with a requirement under subclause (4).
- (6) If the Registrar believes on reasonable grounds that there is evidence to support an allegation the subject of the complaint, the Registrar must—
 - (a) refer the matter to the Committee; and
 - (b) give the details of the complaint to the Member concerned.

Consideration of complaints

- 17.(1) Where a complaint is referred to it, the Committee—
 - (a) may request the Member concerned to provide an explanation of the allegation the subject of the complaint; and
 - (b) must, if the Member disputes the allegation—

- (i) give the Member the opportunity to be heard;
 - (ii) give the persons that the Member nominates the opportunity to be heard; and
 - (iii) obtain information from such other persons, and make such inquiries, as it thinks fit.
- (2) The Committee must make a report to the Legislative Assembly in respect of the complaint—
 - (a) if the Member concerned disputes the allegation the subject of the complaint—on completion of its consideration of the complaint;
 - (b) if the Member confirms the allegation—on receiving notice to that effect; and
 - (c) if the Member does not, within a reasonable period, respond to a request given to him or her under paragraph (1)(a)—on the expiration of the period.
- (3) The Committee must, with the report, recommend the action that should be taken.
- (4) The Committee must not, in the report, make a finding that is adverse to the Member concerned unless it has given the Member—
 - (a) full particulars of the complaint; and
 - (b) the opportunity to be heard in relation to the complaint.

Explanatory Notes

18. The Committee, either on its own initiative or upon request of the Registrar, may produce and publish explanatory notes to further explain the requirements of this resolution and the information to be included in the Registers.

PART 5—ENFORCEMENT

Effect of failure to comply with requirements

19. A Member who knowingly—
- (a) fails to give a statement of interests to the Registrar under subclause 5(1);
 - (b) fails to notify the Registrar under subclause 5(2) of a change of details contained in a statement of interests; or
 - (c) gives to the Registrar a statement of interests, or gives information to the Registrar or Committee, that is false, incomplete or misleading in a material particular;
- is guilty of a contempt of the Parliament and may be dealt with accordingly."

I also move the following amendment to the definition of "sponsored travel" in the motion—and this has been distributed in the House—so that it will read as follows—

"'sponsored travel or accommodation' means any travel undertaken, including accommodation incidental to the travel, or any accommodation benefit received, otherwise than in an official capacity, by the Member or a related person in respect of which a contribution (whether in cash or kind) to the cost of the travel (including incidental accommodation) or the accommodation is made by a person other than the Member or a related person but does not include upgraded travel provided by an airline, or upgraded accommodation, or meals or sporting or cultural entertainment.'."

I also move an amendment to section 7(k) of the motion so that it will read as follows—

- "(k) in respect of any sponsored travel or accommodation received by the Member or a related person—
- (i) the source of the contribution concerned; and
 - (ii) the purpose of the travel."

Since I distributed this amendment this morning around the House, I have included the words "or upgraded accommodation". It was raised with me by a member of the Opposition that "upgraded accommodation" was not included, and I felt that it was important that it was. The reason for that is that, when members do travel, they are booked into hotels by either the parliamentary travel section here at Parliament House or the Ministerial Services Branch through American Express. They have a Government rate and we are charged the Government rate. When we go into a hotel and they give us a room, we would not know whether it is the size room to which we are entitled for the Government rate or whether it is a bit bigger and is upgraded in the eyes of the hotel. However, as somebody who travels quite a bit, I wish to point out that the size of the bed is the same and one gets to sleep in it for very little time.

The fascination that the media and the general community have with MPs travelling and staying in places always amazes me. Next month, I am travelling to Proserpine on a Wednesday night to attend a conference on the Thursday morning. I then have to get to the Proserpine Airport so that I can catch a plane to Brisbane to get on one to get to Melbourne so that I can get to Adelaide at 9.30 that night to attend a conference on the Friday morning, so that I can leave there at 12 o'clock to get back

here and go to a dinner. But if I said to someone, "I'm going to Proserpine and Adelaide", they would say, "Gee, you're lucky."

Mr Borbidge: It's called a junket.

Mr MACKENROTH: That is a junket, yes! I do not know how lucky I will be, because I get very bored sitting in planes. But people do have that fascination that, in some way, we are junketing around. By the time I got to the airport at 10 o'clock at night I would not know whether I was in Proserpine or Adelaide. All I want to do is get to bed and go to sleep. The amendment to the original motion has included the requirement for members to indicate if they have been given any sponsored accommodation separate from travel. The original notice of motion referred to sponsored travel and accommodation. By this amendment the Government is clearly stating that if a member takes sponsored accommodation without travel the member will need to declare that accommodation.

The notice of motion has been on the Parliament's books for a few weeks and all members have had an opportunity to look at it and consider it. During the last sitting week I invited honourable members to raise issues with me as they saw fit. Other than the issue raised with me by the Opposition, I have received notice of no other matters. Of course, this debate allows honourable members an opportunity to raise whatever issue they wish.
