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## MEMBERS' ETHICS AND PARLIAMENTARY PRIVILEGES COMMITTEE REPORT ON THE DECLARATION OF MEMBERS' INTERESTS REPORT NO. 50

### 1. INTRODUCTION AND BACKGROUND

The Members' Ethics and Parliamentary Privileges Committee has responsibilities under s.15 of the *Parliamentary Committees Act 1995* (Qld) concerning the registration of members' interests, including the content of the register of the interests of members.

The purpose of the register is to "encourage and foster transparency, accountability and openness" in the parliamentary process.<sup>1</sup> Members should be able to demonstrate that they have made "scrupulous disclosure of their private interests" and should "avoid and declare any potential conflict of interest".<sup>2</sup>

### 2. INTERESTS HELD BY MEMBERS UNDER STATUTE

Members may be required under statute to hold shares or other interests on behalf of the state, or may hold interests by virtue of their office. For example, under the *Government Owned Corporations Act 1993* (Qld), certain ministers are required to be shareholders (on behalf of the state) in statutory government owned corporations (GOCs) and private company GOCs. Similarly, the Premier, Speaker and Leader of the Opposition are trustees of the Parliamentary Superannuation Contributory Fund under the *Parliamentary Contributory Superannuation Act 1970* (Qld).

Shares and interests such as these attach to the office of the member, rather than to the member personally.

<sup>1</sup> Preamble to the members' interests resolution adopted by the Legislative Assembly on 25 May 1999.

<sup>2</sup> Note 1.

Clarification from the Registrar of Members' Interests (the Clerk of the Parliament) about the requirements of the register concerning the declaration of ministers' shareholdings in GOCs, confirmed that the provisions of the current resolution (adopted by the Assembly on 25 May 1999) relate to any shareholdings.

### 3. REVIEW OF THE MEMBERS' INTERESTS RESOLUTION

The committee believes that obligations on members regarding such shares and interests must be unambiguous, and examined whether or not the resolution should be amended to specifically address interests held by members in their capacity as ministers or office holders. The committee noted that:

- the members' interests resolution relates to the private interests of members—not to interests related to a member's public office;
- the register of the interests of members has to date only been used to declare the private interests of members—not those related to a member's public office;
- the provisions of the resolution relating to shares, as currently worded, relate to any shareholdings;
- shareholdings and other interests held by members in GOCs in their official capacity as ministers of the state do not relate to the private interests of members, and are unlikely to lead to a perception of a conflict of interest; and
- interests imposed on ministers or other office holders (by statute or by virtue of their public office) do not relate to the private interests of members and are unlikely to lead to a perception of a conflict of interest.