

Privileges Committee

**Further draft Constitution  
(Disclosures by Members)  
Amendment Regulation  
2008**

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## Terms of Reference

That under section 14A of the *Constitution Act 1902*, the further draft Constitution (Disclosures by Members) Amendment Regulation 2008 be referred to the Privileges Committee for inquiry and report by Thursday, 26 June 2008.

*LC Minutes* (17/6/2008) 655

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## Summary of Recommendations

### Recommendation 1

11

That the Department of Premier and Cabinet replace the word 'Lessee' in the example provided in Forms 1 to 3 concerning Part 1: 'Real Property' with a word in more common usage in relation to the disclosure of property interests by members.

### Recommendation 2

11

That the further draft Constitution (Disclosures by Members) Amendment Regulation 2008 be supported.





# Chapter 1 Introduction

## Background to the inquiry

- 1.1 In 2007 this Committee and its counterpart in the Legislative Assembly<sup>1</sup> conducted inquiries into the draft Constitution (Disclosures by Members) Further Amendment Regulation 2007. The draft Regulation proposed amendments to the Constitution (Disclosures by Members) Regulation 1983, the principal Regulation which governs the disclosure of members' interests in New South Wales. Specifically, the proposed amendments concerned the forms in Schedule 1 to the principal Regulation which members of Parliament are required to use when preparing their disclosure returns.
- 1.2 In reporting on the draft Further Amendment Regulation 2007, both this Committee and the Assembly Committee expressed support for the proposed amendments.<sup>2</sup> In addition, however, the Assembly Committee also addressed certain aspects of the principal 1983 Regulation which had been raised by members of the Assembly with the Speaker and the Clerk of that House.
- 1.3 In particular, the Assembly Committee noted that the returns provided by members under the principal 1983 Regulation are unduly lengthy and complex, as the forms which are used to prepare those returns include extensive explanatory material as well as members' actual disclosures.<sup>3</sup> The Committee also drew attention to an anomaly in Form 4 (which is used for Discretionary returns) concerning the period of time to which a discretionary disclosure relates.<sup>4</sup>
- 1.4 In view of the comments made by the Assembly Committee concerning these matters, the draft Further Amendment Regulation 2007 was not progressed. In February 2008, however, the Department of Premier and Cabinet released a new draft amending regulation, the draft Constitution (Disclosures by Members) Amendment Regulation 2008. That draft Regulation included:
- the amendments to the principal 1983 Regulation proposed by the draft Further Amendment Regulation 2007 (with minor variations)
  - further amendments to the principal 1983 Regulation to address the additional matters raised by the Assembly Committee in its November 2007 report, and
  - other minor amendments to the principal Regulation.

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<sup>1</sup> Standing Committee on Parliamentary Privilege and Ethics

<sup>2</sup> Legislative Council Privileges Committee, *Draft Constitution (Disclosures by Members) Further Amendment Regulation*, Report No 39, November 2007; Legislative Assembly Standing Committee on Parliamentary Privilege and Ethics, *Review of the draft Constitution (Disclosures by Members) Further Amendment Regulation*, November 2007

<sup>3</sup> Legislative Assembly Standing Committee on Parliamentary Privilege and Ethics, *Review of the draft Constitution (Disclosures by Members) Further Amendment Regulation*, November 2007, chapter 4

<sup>4</sup> *Ibid*, chapter 5

- 1.5 Once again, in reporting on the draft Amendment Regulation of February 2008, both this Committee and the Assembly Committee supported the proposed amendments.<sup>5</sup> On this occasion, however, this committee made the following further recommendations:
- That the Department of Premier and Cabinet re-examine the use of the word ‘NIL’ in the examples provided in Forms 1, 2 and 3, and whether in some instances the use of the term ‘N/A’ would be more appropriate.
  - That the Constitution (Disclosures by Members) Regulation 1983 be further amended to:
    - (a) omit the requirement in clause 8 for members to disclose the postal address or title particulars of their principal place of residence
    - (b) include a new requirement for members to identify their principal place of residence and second place of residence in which they have an interest which is otherwise required to be registered under the Constitution (Disclosures by Members) Regulation 1983 in a way which will not compromise the privacy and safety of members and their families, such as the suburb or local government area in which the property is located or the purpose for which the property is owned.
- 1.6 Following the receipt of these recommendations, the Department of Premier and Cabinet chose not to make the February 2008 draft regulation. Rather the Department has prepared the further draft Constitution (Disclosures by Members) Amendment Regulation 2008. This new draft regulation incorporates the amendments previously proposed in the draft Amendment Regulation of February 2008, while also addressing this Committee’s further recommendations outlined above. A copy of the further draft is at Appendix 1.

## Establishment of the inquiry

- 1.7 On 17 June 2008 the Legislative Council resolved to refer the further draft Constitution (Disclosures by Members) Amendment Regulation 2008 to this Committee for inquiry and report. The terms of reference for the inquiry are set out on page (iv) of this report.
- 1.8 The further draft Amendment Regulation 2008 again proposes amendments to the Constitution (Disclosures by Members) Regulation 1983 which was made under section 14A of the *Constitution Act 1902*. Section 14A(5) of that Act requires that, before making a regulation relating to disclosures by members, the Governor must provide any parliamentary committee established for the purpose of considering the proposed regulation with an opportunity to comment on the regulation, and take into account any such representations. While there is currently no committee established for that purpose, the referral of the draft Regulation to this Committee is intended to satisfy the requirement in section 14A(5) in relation to the Legislative Council.

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<sup>5</sup> Legislative Council Privileges Committee, *Draft Constitution (Disclosures by Members) Amendment Regulation 2008*, Report No 41, February 2008, Legislative Assembly Standing Committee on Parliamentary Privilege and Ethics, *Review of the Draft Constitution (Disclosures by Members) Amendment Regulation 2008*, February 2008.

## **Conduct of the inquiry**

- 1.9** On 18 June 2008 the Committee met to consider the inquiry terms of reference. At that meeting, the Committee heard from Mr Paul Miller, Senior Principal Legal Officer, Department of Premier and Cabinet, in relation to the provisions of the further draft Constitution (Disclosures by Members) Amendment Regulation 2008.
- 1.10** The Committee subsequently met again on 25 June 2008. At that meeting, the Committee resolved to adopt this report.

## **Structure of this report**

- 1.11** Chapter 2 outlines the new amendments proposed by the 2008 further draft Regulation and the Committee's views with regard to those amendments.

## Chapter 2     **The proposed amendments**

As discussed in Chapter 1, the disclosure of members' interests in New South Wales is governed by the Constitution (Disclosures by Members) Regulation 1983. That Regulation is proposed to be amended by the further draft Constitution (Disclosures by Members) Amendment Regulation 2008.

This chapter begins with an overview of the requirements of the 1983 Regulation. It then outlines the changes proposed by the further draft Amendment Regulation 2008, and the Committee's views with regard to those changes.

### **The Constitution (Disclosures by Members) Regulation 1983**

- 2.1**     Under the Constitution (Disclosures by Members) Regulation 1983, members of Parliament are required to lodge periodic returns with the Clerk of their respective House, disclosing certain pecuniary and other interests. The returns provided by all members of the House are in turn tabled by the Clerk in the House each year and published. The returns are also available for public inspection.
- 2.2**     The nature of the interests to be disclosed by members in their returns is described in various clauses of the Regulation. The forms which members use to prepare their returns are also set out in Schedule 1 to the Regulation. Form 1 is used for Primary returns (the first return lodged by a member in each Parliament), Form 2 for Ordinary returns (lodged in each subsequent year of the Parliament), Form 3 for Supplementary ordinary returns (lodged at six monthly intervals following each Primary and Ordinary return), and Form 4 for Discretionary returns.
- 2.3**     Each of the forms includes explanatory material as well as space for members to make their disclosures. The explanatory material consists of Directions explaining how the form is to be completed, together with specific instructions concerning each different type of disclosable interest and one or more illustrative examples.

### **The further draft Constitution (Disclosures by Members) Amendment Regulation 2008**

- 2.4**     The main amendments proposed by the further draft Amendment Regulation 2008 concern:
- 1)     The examples in Form 1 (Primary returns), Form 2 (Ordinary returns) and Form 3 (Supplementary ordinary returns) illustrating the information to be disclosed by members in Part 3 of the forms: 'Interests and positions in corporations'
  - 2)     The formatting of Form 1 (Primary returns), Form 2 (Ordinary returns) and Form 3 (Supplementary ordinary returns)
  - 3)     An anomaly in Form 4 (Discretionary returns)
  - 4)     The meaning of 'public company' in clause 12 of the principal 1983 Regulation.

- 5) The general use of the term 'N/A' rather than 'NIL' in the 'Directions', 'Guidance Notes' and examples provided in Form 1 (Primary returns), Form 2 (Ordinary returns) and Form 3 (Supplementary ordinary returns).
- 6) Changes to Clause 8 and the 'Guidance Notes' and examples in Form 1 (Primary returns), Form 2 (Ordinary returns) and Form 3 (Supplementary ordinary returns) illustrating the information to be disclosed by members with regard to Part 1 of the forms: 'Real Property'.

**2.5** The amendments relating to items 1 – 4 outlined above were examined by the Committee in detail in its previous report of February 2008 concerning the Draft Constitution (Disclosures by Members) Amendment Regulation 2008.<sup>6</sup> The Committee endorsed these changes in its previous report, and does not see any need to revisit those issues again in this report.

**2.6** However, as indicated in Chapter 1, amendments 5 and 6 outlined above in relation to the use of the term 'N/A' and disclosure of real property interests are new in the further draft Constitution (Disclosures by Members) Amendment Regulation 2008. Both amendments are examined below.

#### **The use of the term 'N/A' rather than 'NIL' in the examples provided in the forms**

**2.7** The Constitution (Disclosures by Members) Regulation 1983 currently provides in the Directions at the beginning of Forms 1 to 3 the following instruction:

Where there are no pecuniary interests or other matters of the kind required to be disclosed under a particular main heading in this form, the word 'NIL' is to be placed in an appropriate space under that heading.

**2.8** The further draft Amendment Regulation 2008 proposes that this instruction in the Directions at the beginning of Forms 1 to 3 be amended as follows:

If a Member is not required to disclose a kind of pecuniary interest or other matter under a particular main heading in this form, 'NIL' or 'N/A' (as relevant) is to be placed in an appropriate space under that heading.

**2.9** Corresponding changes have also been proposed to the 'Guidance Notes' to the forms at Part 2: 'Sources of Income'. The 'Guidance Notes' to Part 2 are proposed to state in part:

Where the Table is not relevant to your circumstances because you do not receive that kind of income, enter "NIL" in that Table (for example, if you do not receive any income, whether as an employee, as an office holder, from a partnership or otherwise under a contract, agreement or arrangement, you must enter "NIL" in all Tables). Where the Table (or part of a Table) is not relevant to your circumstances because the conditions under which you would be required to make a disclosure do not apply in relation to you, enter "N/A" in that Table or part of the Table (for example, if you are not required to disclose the nature of the business of your employer because the services you provided did not arise from or relate to the use of your position as a Member).

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<sup>6</sup> Legislative Council Privileges Committee, *Draft Constitution (Disclosures by Members) Amendment Regulation 2008*, Report No 41, February 2008

- 2.10** In addition to these proposed amendment to the 'Directions' and the 'Guidance Notes', the proposed examples provided in Forms 1 to 3 have been amended to reflect to use the term 'N/A' rather than 'NIL'. As an example, Part 3: 'Interests and positions in corporations' in all three forms has been changed, as shown below.

*Current Constitution (Disclosures by Members) Regulation 1983:*

Name and address of corporation	Nature of interest (if any) or description of position held	Description of principal objects of corporation
---------------------------------	---	---

**Example only:**

CD Corporation, 1 Martin Place, Sydney NSW 2000	20 shares	To provide public affairs advice to its clients
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*Draft Further Amendment Regulation 2007:*

Name and address of corporation	Nature of interest (if any) or description of position held	Description of principal objects of corporation
---------------------------------	---	---

**Examples only:**

CD Corporation Limited, 1 Martin Place, Sydney NSW 2000	<del>20 shares</del> shareholder	<del>To provide public affairs advice to its clients</del>
---	----------------------------------	--

MD Corporation Pty, 33 Kingsgrove Road, Kingsgrove NSW 2208	majority shareholder	To provide financial advice to its clients
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*Draft Amendment Regulation 2008:*

## Example entries only:

Name and address of corporation	Nature of interest (if any) or description of position held	Description of principal objects of corporation (where corporation is not a listed public company)
CD Corporation Limited, 1 Martin Place, Sydney NSW 2000	<del>20 shares</del> Shareholder	To provide public affairs advice to its clients NIL
MD Corporation Pty Limited, 33 Kingsgrove Road, Kingsgrove NSW 2208	Majority shareholder	To provide financial advice to its clients

*Further Draft Amendment Regulation 2008:*

## Example entries only:

Name and address of corporation	Nature of interest (if any) or description of position held	Description of principal objects of corporation (where corporation is not a listed public company)
CD Corporation Limited, 1 Martin Place, Sydney NSW 2000	<del>20 shares</del> Shareholder	To provide public affairs advice to its clients N/A
MD Corporation Pty Limited, 33 Kingsgrove Road, Kingsgrove NSW 2208	Majority shareholder	To provide financial advice to its clients

- 2.11** The majority of these proposed amendments to the examples concerning the information to be disclosed by members with regard to Part 3: 'Interests and positions in corporations' do not relate to the use of the terms 'N/A' or 'NIL'. Rather they concern other information to be disclosed by members, as was discussed in the Committee's previous report of February 2008 concerning the Draft Constitution (Disclosures by Members) Amendment Regulation 2008.<sup>7</sup>
- 2.12** However, in the context of this report, it is notable that the proposed examples in Part 3: 'Interests and positions in corporations' have been progressively amended to show no entry in the right hand column (the draft Further Amendment Regulation 2007), to a 'NIL' entry in the

<sup>7</sup> Legislative Council Privileges Committee, *Draft Constitution (Disclosures by Members) Amendment Regulation 2008*, Report No 41, February 2008

right hand column (the draft Amendment Regulation of 2008), and now to a 'N/A' entry in the right hand column (the further draft Amendment Regulation 2008).

- 2.13** Other examples in other Parts of Forms 1 to 3 are similarly proposed to be amended to use the term 'N/A' rather than 'NIL' where applicable.
- 2.14** In its previous report on the draft Amendment Regulation of February 2008, the Committee cited the need for a distinction to be drawn between those parts of the forms which call for the disclosure of an interest, in which case a NIL entry is appropriate where no interest is held (so in the example cited above, the word 'NIL' would be written across all three columns), and those parts of the forms which only call for the disclosure of information if a particular condition is met. In the example cited above, an entry of 'N/A' would seem more appropriate in the right hand column, given that members are not required to provide a description of the principal objects of the corporation (because it is a listed public company).
- 2.15** Accordingly, the Committee supports this further amendment.

### **Disclosure by members of property used as a place of residence**

- 2.16** As indicated in Chapter 1, in its previous report of February 2008 concerning the Draft Constitution (Disclosures by Members) Amendment Regulation 2008,<sup>8</sup> the Committee also considered a separate aspect of the 1983 Regulation: the requirement in clause 8 of the Regulation for members to disclose certain identifying details of any parcels of real property in which they have an interest, including their principal and any secondary place of residence.
- 2.17** This requirement has given rise to concerns relating to the privacy and security of members and their families.
- 2.18** The Constitution (Disclosures by Members) Regulation 1983 currently provides in Clause 8:

#### **8 Real property**

- (1) A Member shall disclose in a primary return and an ordinary return:
- (a) the address of each parcel of real property in which the Member had an interest:
    - (i) in the case of a primary return—on the primary return date, or
    - (ii) in the case of an ordinary return—at any time during the ordinary return period, and
  - (b) the nature of the interest in each such parcel of real property.
- (2) An interest in a parcel of real property need not be disclosed by a Member in a primary return or an ordinary return if:

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<sup>8</sup> Legislative Council Privileges Committee, *Draft Constitution (Disclosures by Members) Amendment Regulation 2008*, Report No 41, February 2008



- (b) the Member had the interest only in his or her capacity as the executor or administrator of the estate of a deceased person and the Member was not a beneficiary under the will or intestacy, or
- (c) the Member had the interest only in his or her capacity as a trustee and the Member acquired the interest in the ordinary course of any occupation of the Member which is not related to his or her duties as a Member.

**2.19** The meaning of ‘address’ is defined in clause 7 of the Regulation as follows:

(...)

- (c) in relation to any real property—the postal address of the property or the particulars of title of the property.

**2.20** The further draft Constitution (Disclosures by Members) Amendment Regulation 2008 proposes that the following clause be inserted after Clause 1 above:

(1A) A Member may provide all of the following information about a parcel of land in which the Member has an interest as an alternative to disclosing the address of the parcel if the parcel is used by the Member for residential purposes:

- (a) a statement that the parcel is the principal place of residence for the Member or a secondary place of residence for the Member (as the case requires).
- (b) the location of the parcel by suburb or area.

**2.21** Corresponding changes have also been made in the ‘Guidance Notes’ to the forms at Part 1: ‘Real Property’. The ‘Guidance Notes’ at Part 1 are proposed to state in part:

Under clause 8 of the *Constitution (Disclosures by Members) Regulation 1983*, you must disclose in Part 1 of the return the address of each parcel of real property in which you had an interest (or the alternative information permitted by the Regulation if you used the parcel for residential purposes) ...

**2.22** In addition to this proposed amendment to Clause 8 and the ‘Guidance Notes’, the proposed examples provided in Forms 1 to 3 concerning Part 1: ‘Real Property’ have also been amended, as shown below.

*Current Constitution (Disclosures by Members) Regulation 1983:***Example only:**

Address of each parcel of real property	Nature of interest
1 Pitt St, Sydney, NSW 2000	Joint tenant

*Further draft Amendment Regulation 2008:***Example entries only:**

Address of each parcel of real property	Nature of interest
Principal place of residence Suburb – Surry Hills	Lessee
1 Pitt St, Sydney, NSW 2000	Joint tenant

- 2.23** As the Committee indicated in its earlier report of February 2008, the requirement to disclose details of real property assets has formed part of the principal 1983 Regulation since its inception. It is intended to promote transparency and accountability in relation to the property interests of members.
- 2.24** It is questionable, however, whether the disclosure of such detailed information is the most meaningful and effective form of disclosure for the purpose of achieving that intention, and whether a more concise and less technical form of description might not be more relevant. Further, it could be argued that the disclosure of such specific information, from which it is possible to identify the precise location of a member's home, has the effect of seriously compromising the privacy and security of members and their families.
- 2.25** This issue was addressed by the Committee when reporting on the draft Constitution (Disclosures by Members) Amendment Regulation 2006.<sup>9</sup> In that report, the Committee concluded that the postal address or particulars of title should not be required to be disclosed by members in their returns but that a more general identifier such as the suburb or town should be required instead.<sup>10</sup> In that regard, the Committee noted that in certain other Parliaments members are not required to make available to the public their home address in the way that is currently expected in New South Wales. For example, as set out in Appendix 7 of the Committee's report, there seems to be no express requirement to disclose an address or

<sup>9</sup> Privileges Committee, *Review of Members' Code of Conduct and Draft Constitution (Disclosures by Members) Amendment Regulation 2006*, Report 35, October 2006

<sup>10</sup> *Ibid*, p 14, para 3.42

title particulars in the Senate, House of Representatives, South Australia, Queensland, New Zealand, or the House of Commons (UK).

- 2.26** Accordingly, the Committee welcomes the proposal in the further draft Constitution (Disclosures by Members) Amendment Regulation 2008 to allow members to identify their principal or secondary place of residence by suburb or area, without the need to specify the street or postal address.
- 2.27** However, the Committee does have concerns in relation to the use of the word 'Lessee' in the proposed examples provided in Forms 1 to 3 concerning Part 1: 'Real Property', as shown above.
- 2.28** The Committee notes advice from Mr Paul Miller, Senior Principal Legal Officer, Department of Premier and Cabinet, that in providing examples in forms 1 to 3, including the use of the word 'Lessee', there is no change being made to the actual disclosure requirements under the regulation. Nevertheless, the Committee believes that a word in more common usage in relation to the disclosure of property interests by members would be more appropriate.

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### **Recommendation 1**

That the Department of Premier and Cabinet replace the word 'Lessee' in the example provided in Forms 1 to 3 concerning Part 1: 'Real Property' with a word in more common usage in relation to the disclosure of property interests by members.

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### **Committee's conclusions**

- 2.29** The amendments proposed by the further draft Constitution (Disclosures by Members) Amendment Regulation 2008 are relatively minor in nature. Some amendments have previously been examined by this Committee. However, new amendments proposed in the further draft Amendment Regulation 2008 include the use of the term 'N/A' rather than 'NIL' in the examples provided in the forms, and the changes to Clause 8 and the examples in Part 1 of the forms relating to the disclosure by members of property used as either a principal or secondary place of residence.
- 2.30** The Committee supports all these amendments and the making of the further draft Constitution (Disclosures by Members) Amendment Regulation 2008, on the basis that it will enhance the practical operation of the pecuniary interest disclosure regime for Members of Parliament. While the Committee has made a recommendation above in relation to the use of the word 'Lessee' in the examples relating to disclosure of real property, the Committee nevertheless supports the overall provisions of the further draft regulation.

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### **Recommendation 2**

That the further draft Constitution (Disclosures by Members) Amendment Regulation 2008 be supported.

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## **Appendix 1 The further draft Constitution (Disclosures by Members) Amendment Regulation 2008**

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 consultation draft
 

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New South Wales

## Constitution (Disclosures by Members) Amendment Regulation 2008

under the

Constitution Act 1902

*[The following enacting formula will be included if the Regulation is made:]*

Her Excellency the Governor, with the advice of the Executive Council and in compliance with the provisions of section 14A (5) of the *Constitution Act 1902*, has made the following Regulation under the *Constitution Act 1902*.

Premier

### Explanatory note

The object of this Regulation is to amend the *Constitution (Disclosures by Members) Regulation 1983*:

- (a) to enable Members of Parliament to disclose more generalised information about the location of properties in which they reside instead of disclosing the addresses of such properties, and
- (b) to restructure the Forms for returns set out in Schedule 1 to the Regulation so that Members of Parliament are not required to lodge returns that contain the directions, notes and examples set out in the Forms, and
- (c) to provide new examples in the restructured Forms in relation to disclosures relating to interests and positions in corporations and interests in real property, and
- (d) to make consequential amendments and other minor amendments in nature of law revision.

This Regulation is made under section 14A (Disclosure of pecuniary interests and other matters by Members) of the *Constitution Act 1902*.

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Clause 1            Constitution (Disclosures by Members) Amendment Regulation 2008

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**Constitution (Disclosures by Members) Amendment  
Regulation 2008**

under the

Constitution Act 1902

**1 Name of Regulation**

This Regulation is the *Constitution (Disclosures by Members) Amendment Regulation 2008*.

**2 Amendment of Constitution (Disclosures by Members) Regulation 1983**

The *Constitution (Disclosures by Members) Regulation 1983* is amended as set out in Schedule 1.

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Constitution (Disclosures by Members) Amendment Regulation 2008

Amendments

Schedule 1

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**Schedule 1      Amendments**

(Clause 2)

**[1]    Clause 3 Interpretation**

Insert "Section 2 of" before "Form" in the definition of *ordinary return* in clause 3 (1).

**[2]    Clause 3 (1), definition of "primary return"**

Insert "Section 2 of" before "Form".

**[3]    Clause 3 (1), definition of "supplementary ordinary return"**

Insert "Section 2 of" before "Form".

**[4]    Clause 3 (2)**

Omit the subclause. Insert instead:

- (2) A reference in this Regulation to a primary return or an ordinary return that was last lodged by a Member includes:
- (a) a reference to a primary return or ordinary return in or to the effect of the relevant form set out in Schedule 1 (as in force before its substitution by the *Constitution (Disclosures by Members) Amendment Regulation 2007*) if that was the last return lodged by the Member, or
  - (b) a reference to a primary return or ordinary return in or to the effect of the relevant form set out in Schedule 1 (as in force before its substitution by the *Constitution (Disclosures by Members) Amendment Regulation 2008*) if that was the last return lodged by the Member.

**[5]    Clause 3A Forms**

Omit "A Form" from clause 3A (2).

Insert instead "The relevant portion of a Form that is required to be completed by a Member".

**[6]    Clause 3A (2) (b)**

Omit "completing the Form".

**[7]    Clause 3A (4)**

Omit "completing a Form".

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## consultation draft

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Constitution (Disclosures by Members) Amendment Regulation 2008

Schedule 1      Amendments

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**[8] Clause 7 Interpretation: Part 3**

Omit the definition of *public company* from clause 7 (1).

Insert in alphabetical order:

*listed public company* means a listed public company within the meaning of the *Corporations Act 2001* of the Commonwealth.

**[9] Clause 8 Real property**

Insert after clause 8 (1):

(1A) A Member may provide all of the following information about a parcel of land in which the Member has an interest as an alternative to disclosing the address of the parcel if the parcel is used by the Member for residential purposes:

- (a) a statement that the parcel is the principal place of residence for the Member or a secondary place of residence for the Member (as the case requires),
- (b) the location of the parcel by suburb or area.

**[10] Clause 12 Interests and positions in corporations**

Insert "listed" before "public company" in clause 12 (1) (c).

**[11] Schedule 1**

Omit the Schedule. Insert instead:

### **Schedule 1      Forms**

(Clauses 3 (1) and 3A)

#### **Form 1      Primary return**

(Clause 3 (1), definition of "primary return")

**Directions**

- 1      This form is in two sections. The first section (Section 1—Guidance Notes and Examples) outlines the requirements of the *Constitution (Disclosures by Members) Regulation 1983* for each type of interest to be disclosed, and gives examples as to how to make entries on the return. The second section of the form (Section 2—Member's Primary Return) sets out the return that is to be filled in by the Member. Only the second section of this form needs to be lodged with the Clerk.
- 2      The pecuniary interests and other matters required to be disclosed in the return set out in Section 2 of this form are prescribed in clauses 8, 9, 12, 13, 14 and 15A of the *Constitution (Disclosures by Members) Regulation 1983*.
- 3      The particulars required to complete this form are to be written in block letters or typed.



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consultation draft

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Constitution (Disclosures by Members) Amendment Regulation 2008

Amendments

Schedule 1

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- 4 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.
  - 5 A reference in this form to the *primary return period* in relation to a Member is a reference to the period commencing on the day on which the Member took the pledge of loyalty and ending on the next succeeding 30th June.
  - 6 If a Member is not required to disclose a kind of pecuniary interest or other matter under a particular main heading in this form, "NIL" or "N/A" (as relevant) is to be placed in an appropriate space under that heading.
  - 7 The entries marked as "Example entry only" or "Example entries only" are provided by way of example only.
  - 8 Matter marked with an asterisk (\*) is to be omitted if it is not appropriate for the Member concerned.

**SECTION 1—GUIDANCE NOTES AND EXAMPLES****Part 1 Real property**

Under clause 8 of the *Constitution (Disclosures by Members) Regulation 1983*, you must disclose in Part 1 of the return the address of each parcel of real property in which you had an interest (or the alternative information permitted by the Regulation if you use the parcel for residential purposes) on the date on which you took the pledge of loyalty and the nature of the interest in the real property. Make a separate entry for each parcel of real property held, separated by a line, in Part 1 of the return.

**Example entries only:**

Address of each parcel of real property	Nature of interest
Principal place of residence Suburb—Surry Hills	Lessee
1 Pitt Street, Sydney NSW 2000	Joint tenant

**Part 2 Sources of income**

Under clause 9 of the *Constitution (Disclosures by Members) Regulation 1983*, you must disclose in Part 2 of the return each source of income that you received, or reasonably expect to receive, during the primary return period. You must disclose income received, or which you expect to receive:

- (a) as an employee, as part of a partnership, as an office holder (including an office holder in a corporation or body) or under any other contract, agreement or arrangement (such as a self-employed consultant/contractor) (use Part 2.1 of the return), and
- (b) from a trust (use Part 2.2 of the return), and
- (c) from any other source (use Part 2.3 of the return).

**2.1 Income from employment, offices, partnerships and services**

Under clause 9 (2) (a)–(d) of the *Constitution (Disclosures by Members) Regulation 1983*, you must disclose in Part 2.1 of the return any income you have received or

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### Constitution (Disclosures by Members) Amendment Regulation 2008

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reasonably expect to receive during the primary return period as an employee, as part of a partnership, as an office holder (including an office holder in a corporation or body) or under any other contract, agreement or arrangement (such as a self-employed consultant/contractor).

You must also describe the services you provide in receiving that income. The description of the services provided must be reasonably sufficient to identify the service provided in return for that income. Services from which you do not derive any income do not need to be disclosed.

You must make a separate entry for each different source of income in the appropriate Table in Part 2.1 of the return. For example, if you are employed and hold an office, two separate entries should be made respectively in Tables 2.1.1 and 2.1.2 in Part 2.1 of the return. Separate multiple entries in each Table by a line. Where the Table is not relevant to your circumstances because you do not receive that kind of income, enter "NIL" in that Table (for example, if you do not derive any income, whether as an employee, as an office holder, from a partnership or otherwise under a contract, agreement or arrangement, you must enter "NIL" in all Tables). Where the Table (or part of a Table) is not relevant to your circumstances because the conditions under which you would be required to make a disclosure do not apply in relation to you, enter "N/A" in that Table or part of the Table (for example, if you are not required to disclose the nature of the business of your employer because the services you provided did not arise from or relate to the use of your position as a Member).

Where you provide services that "arise from or relate to the use of" your position as a Member, you must complete the last column in each Table. This includes (but is not limited to) where you engage in:

- (a) the provision of public policy advice, or
- (b) the development of strategies or the provision of advice on the conduct of relations with the Government or Members, or
- (c) lobbying the Government or other Members on a matter of concern to the person to whom the service is provided.

**Note, where the provision of services "arise from or relate to the use of" your position as a Member, you may also need to complete Part 6 of the return.**

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Table 2.1.1 Income received as an employee—Example entry only:

Name of occupation	Description of kinds of services provided or to be provided	Name and address of employer	Nature of business of the employer (where the services provided or to be provided relate to your position as a Member)
Solicitor	Employed solicitor providing legal services to clients, in the areas of criminal and family law	ABC Lawyers, 1 Pitt Street, Sydney NSW 2000	N/A

Table 2.1.2 Income received as holder of office—Example entry only:

Name or title of the office and a description of kinds of services provided or to be provided	Name and address of corporation or body (if any) in which the office is held	Nature of business carried on by the entity (where the services provided or to be provided relate to your position as a Member)
Local councillor	Hurstville City Council, MacMahon Street, Hurstville NSW 2220	N/A

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**Table 2.1.3 Income from partnership—Example entry only:**

Name of occupation (if any)	Description of kinds of services provided or to be provided	Name and address of the partnership	Nature of business carried on by the partnership (where the services provided or to be provided relate to your position as a Member)
Solicitor	Partner of the law firm and to provide commercial legal services specialising in litigation, property, intellectual property, competition and corporate law	XYZ Lawyer, 3 Smith Street, Paddington NSW 2021	N/A

**Table 2.1.4 Income from services provided under any other contract, agreement or arrangement—Example entry only:**

Name of occupation (if relevant) and a description of services provided or to be provided	Name and address of parties to any contract, agreement or arrangement to provide services	Nature of business carried on by the other party to the contract, agreement or arrangement (where the services provided or to be provided relate to your position as a Member)
Public affairs consultant—Providing public affairs advice, including lobbying MPs and government departments on the issue of regulation of electrical appliances	XYZ Corporation, 1 Pitt Street, Sydney NSW 2000	Manufacturer of electrical appliances

## 2.2 Income from a trust

Under clause 9 (2) (e) of the *Constitution (Disclosures by Members) Regulation 1983*, you are required to disclose in Part 2.2 of the return any source of income which you

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received or reasonably expect to receive during the primary return period from a trust, including the name and address of the settlor and the trustee. Make a separate entry in Part 2.2 of the return (separated by a line) for each trust.

Example entry only:

Name and address of settlor	Name and address of trustee
XY Settlor, 2 George Street, Sydney NSW 2000	AB Trustee, 10 George Street, Sydney NSW 2000

### 2.3 Other income

Under clause 9 (2) (f) of the *Constitution (Disclosures by Members) Regulation 1983*, you are required to disclose in Part 2.3 of the return any other income received or which you expect to receive during the primary return period and provide a description sufficient to identify the person from whom, or the circumstances in which, the income was, or is reasonably expected to be, received.

Example entry only:

Disclosure of other income
Income from the operation of a farm at 1 Pitt Street, Orange NSW, 2800 of which I am the sole proprietor.

### Part 3 Interests and positions in corporations

Under clause 12 of the *Constitution (Disclosures by Members) Regulation 1983*, you must disclose in Part 3 of the return the following particulars for each corporation in which you had an interest or held any position (whether remunerated or not) on the date on which you took the pledge of loyalty:

- (a) the name and address of each corporation,
- (b) the nature of the interest (if any) or a description of the position held,
- (c) except in the case of a listed public company, a description of the principal objects of each such corporation.

If you received income in respect of any position held in a corporation, that information should be disclosed in Part 2 of the return.

Example entries only:

Name and address of corporation	Nature of interest (if any) or description of position held	Description of principal objects of corporation (where corporation is not a listed public company)
CD Corporation Limited, 1 Martin Place, Sydney NSW 2000	Shareholder	N/A

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Name and address of corporation	Nature of interest (if any) or description of position held	Description of principal objects of corporation (where corporation is not a listed public company)
MD Corporation Pty Limited, 33 Kingsgrove Road, Kingsgrove NSW 2208	Majority shareholder	To provide financial advice to its clients

#### Part 4 Positions in trade unions and professional or business associations

Under clause 13 of the *Constitution (Disclosures by Members) Regulation 1983*, you must disclose in Part 4 of the return the name of each trade union and professional or business association in which you held any position (whether remunerated or not) on the date on which you took the pledge of loyalty and a description of the position held.

Example entry only:

Name of trade union or association	Description of position
ABC Trade Union	Member Honorary Secretary

#### Part 5 Debts

Under clause 14 of the *Constitution (Disclosures by Members) Regulation 1983*, you must disclose in Part 5 of the return the name and address of each person to whom you were liable to pay any debt on the date on which you took the pledge of loyalty. You must disclose all debts, whether or not the amount to be paid was due and payable on the date on which you took the pledge of loyalty.

You do not need to disclose a debt that:

- (a) does not exceed \$500 unless the debt was 1 of 2 or more debts owed to 1 person and the amount of those 2 or more debts together exceeds \$500 in aggregate, or
- (b) is owed to a relative of yours (as defined by clause 7 (1) of the *Constitution (Disclosures by Members) Regulation 1983*), or
- (c) is owed to a bank, building society, credit union or other person whose ordinary business includes the lending of money and the loan was made in the ordinary course of business of the lender, or
- (d) arises from the supply of goods and services which were supplied in the 12 month period immediately preceding the primary return date, or
- (e) arises from the supply of goods and services in the ordinary course of any occupation not related to your duties as a Member.

Example entry only:

Disclosure of debts
Personal loan made by Mr John Smith of 1 Pitt Street, Sydney NSW 2000.

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### Part 6 Client services

Under clause 15A of the *Constitution (Disclosures by Members) Regulation 1983*, you must disclose the details set out in Part 6 of the return if you have provided, or reasonably expect to provide, “client services” at any time during the primary return period.

Client services are provided by you if:

- (a) you are engaged by a person (whether an individual or corporation) to provide services to or on behalf of any of that person’s clients, and
- (b) that person has received or is reasonably expected to receive consideration in money or money’s worth from the client for your services, and
- (c) the services relate to your Parliamentary position.

You are engaged by a person (whether an individual or corporation) to provide services if you provide services in connection with:

- (a) any contract of employment with the person, or
- (b) your role as an officer of the person (such as a corporation), or
- (c) any other contract, agreement or arrangement that you have entered into with the person in respect of which you receive consideration in money, or money’s worth, for providing the services.

Services relate to your Parliamentary position if the services “arise from or relate to the use of” your position as a Member. This includes (but is not limited to) where you engage in:

- (a) the provision of public policy advice, or
- (b) the development of strategies or the provision of advice on the conduct of relations with the Government or Members, or
- (c) lobbying the Government or other Members on a matter of concern to the person to whom the service is provided.

You are required to disclose the persons who receive the benefit of your client services even if you did not directly receive any payment from that person.

You must make a separate entry in Part 6 of the return for each person who directly receives the benefit of your services. You must also disclose who receives the benefit of your services if the client of the person who engages you requests that the services be provided to some other person. For example, if you are employed by, or are a director of Company X, and Company X contracts with Person Y for you to provide consultancy services to Company Z, you must disclose the provision of client services to both Person Y and Company Z.

Please note, your engagement with a person to provide client services should be disclosed in Part 2 of the return.

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Example entry only:

Names and addresses of persons who benefit or are likely to benefit from the services	Description of the services reasonably sufficient to identify the nature of the service provided or to be provided	Nature of business of persons who directly benefited or are likely directly to benefit
Smith Constructions Pty Ltd, 1 Orange Street, Paddington NSW 2021	Advising on public policy regarding public infrastructure and the development of strategies on the conduct of relations with the Government, and lobbying government departments in relation to projects managed by the company	Construction company specialising in public infrastructure such as roads

**Part 7 Discretionary disclosures**

Under clause 16 of the *Constitution (Disclosures by Members) Regulation 1983*, a Member may disclose in Part 7 of the return any direct or indirect benefits, advantages or liabilities that are not required to be disclosed by the Regulation but which the Member considers might appear to raise a conflict between his or her private interests and his or her public duty as a Member or which he or she otherwise wishes to disclose.

**SECTION 2—MEMBER’S PRIMARY RETURN**

**Constitution (Disclosures by Members) Regulation 1983**

**Primary Return—Legislative \*Council/\*Assembley**

Disclosures of pecuniary interests and other matters by:

..... as at .....

*(full name of Member)* *(primary return date)*

.....

*(Member’s signature)*

.....

*(Date)*



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**Part 1 Real property**

Address of each parcel of real property	Nature of interest

**Part 2 Sources of income****2.1 Income from employment, offices, partnerships and services****Table 2.1.1 Income received as an employee**

Name of occupation	Description of kinds of services provided or to be provided	Name and address of employer	Nature of business of the employer (where the services provided or to be provided relate to your position as a Member)

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**Table 2.1.2 Income received as holder of office**

Name or title of the office and a description of kinds of services provided or to be provided	Name and address of corporation or body (if any) in which the office is held	Nature of business carried on by the entity (where the services provided or to be provided relate to your position as a Member)

**Table 2.1.3 Income from partnership**

Name of occupation (if any)	Description of kinds of services provided or to be provided	Name and address of the partnership	Nature of business carried on by the partnership (where the services provided or to be provided relate to your position as a Member)

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**Table 2.1.4 Income from services provided under any other contract, agreement or arrangement**

Name of occupation (if relevant) and a description of services provided or to be provided	Name and address of parties to any contract, agreement or arrangement to provide services	Nature of business carried on by the other party to the contract, agreement or arrangement (where the services provided or to be provided relate to your position as a Member)

**2.2 Income from a trust**

Name and address of settlor	Name and address of trustee

**2.3 Other income**


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 Disclosure of other income
 

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**Part 3 Interests and positions in corporations**

Name and address of corporation	Nature of interest (if any) or description of position held	Description of principal objects of corporation (where corporation is not a listed public company)

**Part 4 Positions in trade unions and professional or business associations**

Name of trade union or association	Description of position

**Part 5 Debts**

**Disclosure of debts**

**Part 6 Client services**

Names and addresses of persons who benefit or are likely to benefit from the services	Description of the services reasonably sufficient to identify the nature of the service provided or to be provided	Nature of business of persons who directly benefited or are likely directly to benefit

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Names and addresses of persons who benefit or are likely to benefit from the services	Description of the services reasonably sufficient to identify the nature of the service provided or to be provided	Nature of business of persons who directly benefited or are likely directly to benefit

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 Part 7 Discretionary disclosures
 

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Disclosures that are discretionary

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 Form 2 Ordinary return
 

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(Clause 3 (1), definition of "ordinary return")

## Directions

- 1 This form is in two sections. The first section (Section 1—Guidance Notes and Examples) outlines the requirements of the *Constitution (Disclosures by Members) Regulation 1983* for each type of interest to be disclosed, and gives examples as to how to make entries on the return. The second section of the form (Section 2—Member's Ordinary Return) sets out the return that is to be filled in by the Member. Only the second section of this form needs to be lodged with the Clerk.
- 2 The pecuniary interests and other matters required to be disclosed in the return set out in Section 2 of this form are prescribed by clauses 8 to 15A of the *Constitution (Disclosures by Members) Regulation 1983*.
- 3 The particulars required to complete this form are to be written in block letters or typed.
- 4 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.
- 5 A reference in this form to the *ordinary return period* in relation to a Member is a reference to:
  - (a) where the last return lodged by the Member was an ordinary return—the period of 12 months ending on 30th June in the year this return is required to be lodged, or
  - (b) where the last return lodged by the Member was a primary return—the period commencing on the day on which the Member took the pledge of loyalty and ending on 30th June in the year this return is required to be lodged.
- 6 If a Member is not required to disclose a kind of pecuniary interest or other matter under a particular main heading in this form, "NIL" or "N/A" (as relevant) is to be placed in an appropriate space under that heading.
- 7 The entries marked as "Example entry only" or "Example entries only" are provided by way of example only.

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- 8      You must disclose ALL matters required to be disclosed as set out in the return in Section 2 of this form (and as required by the *Constitution (Disclosures by Members) Regulation 1983*) for the ordinary return period applicable to you. Specifically, even where you have listed a pecuniary interest for the period of 1 July to 31 December of the previous year in your most recent supplementary ordinary return (such as a source of income, gift, contribution to travel, disposition of property or client services), you must again list that item in this return.
- 9      Matter marked with an asterisk (\*) is to be omitted if it is not appropriate for the Member concerned.

### SECTION 1—GUIDANCE NOTES AND EXAMPLES

#### Part 1 Real property

Under clause 8 of the *Constitution (Disclosures by Members) Regulation 1983*, you must disclose in Part 1 of the return the address of each parcel of real property in which you had an interest (or the alternative information permitted by the Regulation if you used the parcel for residential purposes) at any time during the ordinary return period and the nature of the interest in the real property. Make a separate entry for each parcel of real property held, separated by a line, in Part 1 of the return.

Example entries only:

Address of each parcel of real property	Nature of interest
Principal place of residence Suburb—Surry Hills	Lessee
1 Pitt Street, Sydney NSW 2000	Joint tenant

#### Part 2 Sources of income

Under clause 9 of the *Constitution (Disclosures by Members) Regulation 1983*, you must disclose in Part 2 of the return each source of income that you received during the ordinary return period. You must disclose income received:

- (a) as an employee, as part of a partnership, as an office holder (including an office holder in a corporation or body) or under any other contract, agreement or arrangement (such as a self-employed consultant/contractor) (use Part 2.1 of the return), and
- (b) from a trust (use Part 2.2 of the return), and
- (c) from any other source (use Part 2.3 of the return).

##### 2.1 Income from employment, offices, partnerships and services

Under clause 9 (2) (a)–(d) of the *Constitution (Disclosures by Members) Regulation 1983*, you must disclose in Part 2.1 of the return any income you have received during the ordinary return period as an employee, as part of a partnership, as an office holder (including an office holder in a corporation or body) or under any other contract, agreement or arrangement (such as a self-employed consultant/contractor).

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You must also describe the services you provide in receiving that income. The description of the services provided must be reasonably sufficient to identify the service provided in return for that income. Services from which you do not derive any income do not need to be disclosed.

You must make a separate entry for each different source of income in the appropriate Table in Part 2.1 of the return. For example, if you are employed and hold an office, two separate entries should be made respectively in Tables 2.1.1 and 2.1.2 in Part 2.1 of the return. Separate multiple entries in each Table by a line. Where the Table is not relevant to your circumstances because you do not receive that kind of income, enter "NIL" in that Table (for example, if you do not derive any income, whether as an employee, as an office holder, from a partnership or otherwise under a contract, agreement or arrangement, you must enter "NIL" in all Tables). Where the Table (or part of a Table) is not relevant to your circumstances because the conditions under which you would be required to make a disclosure do not apply in relation to you, enter "N/A" in that Table or part of the Table (for example, if you are not required to disclose the nature of the business of your employer because the services you provided did not arise from or relate to the use of your position as a Member).

Where you provide services that "arise from or relate to the use of" your position as a Member, you must complete the last column in each Table. This includes (but is not limited to) where you engage in:

- (a) the provision of public policy advice, or
- (b) the development of strategies or the provision of advice on the conduct of relations with the Government or Members, or
- (c) lobbying the Government or other Members on a matter of concern to the person to whom the service is provided.

Note, where the provision of services "arise from or relate to the use of" your position as a Member, you may also need to complete Part 9 of the return.

Table 2.1.1 Income received as an employee—Example entry only:

Name of occupation	Description of kinds of services provided	Name and address of employer	Nature of business of the employer (where the services provided relate to your position as a Member)
Solicitor	Employed solicitor providing legal services to clients, in the areas of criminal and family law	ABC Lawyers, 1 Pitt Street, Sydney NSW 2000	N/A

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## Schedule 1 Amendments

Table 2.1.2 Income received as holder of office—Example entry only:

Name or title of the office and a description of kinds of services provided	Name and address of corporation or body (if any) in which the office is held	Nature of business carried on by the entity (where the services provided relate to your position as a Member)
Local councillor	Hurstville City Council, MacMahon Street, Hurstville NSW 2220	N/A

Table 2.1.3 Income from partnership—Example entry only:

Name of occupation (if any)	Description of kinds of services provided	Name and address of the partnership	Nature of business carried on by the partnership (where the services provided relate to your position as a Member)
Solicitor	Partner of the law firm and to provide commercial legal services specialising in litigation, property, intellectual property, competition and corporate law	XYZ Lawyer, 3 Smith Street, Paddington NSW 2021	N/A



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Table 2.1.4 Income from services provided under any other contract, agreement or arrangement—Example entry only:

Name of occupation (if relevant) and a description of services provided	Name and address of parties to any contract, agreement or arrangement to provide services	Nature of business carried on by the other party to the contract, agreement or arrangement (where the services provided relate to your position as a Member)
Public affairs consultant—Providing public affairs advice, including lobbying MPs and government departments on the issue of regulation of electrical appliances	XYZ Corporation, 1 Pitt Street, Sydney NSW 2000	Manufacturer of electrical appliances

### 2.2 Income from a trust

Under clause 9 (2) (e) of the *Constitution (Disclosures by Members) Regulation 1983*, you are required to disclose in Part 2.2 of the return any source of income which you received during the ordinary return period from a trust, including the name and address of the settlor and the trustee. Make a separate entry in Part 2.2 of the return (separated by a line) for each trust.

Example entry only:

Name and address of settlor	Name and address of trustee
XY Settlor, 2 George Street, Sydney NSW 2000	AB Trustee, 10 George Street, Sydney NSW 2000

### 2.3 Other income

Under clause 9 (2) (f) of the *Constitution (Disclosures by Members) Regulation 1983*, you are required to disclose in Part 2.3 of the return any other income received during the ordinary return period and provide a description sufficient to identify the person from whom, or the circumstances in which, the income was received.

Example entry only:

#### Disclosure of other income

Income from the operation of a farm at 1 Pitt Street, Orange NSW 2800 of which I am the sole proprietor.

### Part 3 Gifts

Under clause 10 of the *Constitution (Disclosures by Members) Regulation 1983*, you are required to disclose in Part 3 of the return any gifts (including gifts of cash)

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received during the ordinary return period and the name and address of the person from whom the gift was received.

You do not need to disclose a gift that:

- (a) does not exceed \$500 in value unless the gift was 1 of 2 or more gifts made by 1 person at any time during the ordinary return period and the amount of those 2 or more gifts together exceeds \$500 in aggregate, or
- (b) is a political donation disclosed, or required to be disclosed, under Part 6 of the *Election Funding Act 1981*, or
- (c) is from a donor who is a relative of yours (as defined by clause 7 (1) of the *Constitution (Disclosures by Members) Regulation 1983*).

Example entry only:

Description of each gift I received at any time during the ordinary return period	Name and address of donor
4 tickets to the XYZ sporting event	XYZ Sports Union, 1 Pitt Street, Sydney NSW 2000

**Part 4 Contributions to travel**

Under clause 11 of the *Constitution (Disclosures by Members) Regulation 1983*, you are required to disclose the information set out in Part 4 of the return for any contribution to any travel (including accommodation incidental to a journey) undertaken by you during the ordinary return period.

You do not need to disclose a contribution if:

- (a) the contribution was made from public funds (including a contribution arising from travel on free passes issued under any Act or from travel in government vehicles), or
- (b) the contribution was made by a relative of yours (as defined by clause 7 (1) of the *Constitution (Disclosures by Members) Regulation 1983*), or
- (c) the contribution was made in the ordinary course of any occupation which is not related to your duties as a Member, or
- (d) the amount of the contribution did not exceed \$250 unless the contribution was 1 of 2 or more contributions made by 1 person at any time during the ordinary return period and the amount of those 2 or more contributions exceeded, in the aggregate, \$250, or
- (e) the contribution was a political contribution disclosed, or required to be disclosed, under Part 6 of the *Election Funding Act 1981*, or
- (f) the contribution was made by a political party of which you are a member and the travel was undertaken for the purpose of political activity of the party in New South Wales or to enable you to represent the party within Australia.

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Example entry only:

Name and address of each person who made any financial or other contribution to travel undertaken at any time during the ordinary return period	Dates on which travel was taken	Names of States, Territories of the Commonwealth and overseas countries in which travel undertaken
Brisbane City Council, 1 Smith Street, Brisbane QLD 4000	31 August to 4 September	Brisbane, Queensland

**Part 5 Interests and positions in corporations**

Under clause 12 of the *Constitution (Disclosures by Members) Regulation 1983*, you must disclose in Part 5 of the return the following particulars for each corporation in which you had an interest or held any position (whether remunerated or not) at any time during the ordinary return period:

- (a) the name and address of each corporation,
- (b) the nature of the interest (if any) or a description of the position held,
- (c) except in the case of a listed public company, a description of the principal objects of each such corporation.

If you received income in respect of any position held in a corporation, that information should be disclosed in Part 2 of the return.

Example entries only:

Name and address of corporation	Nature of interest (if any) or description of position held	Description of principal objects of corporation (where corporation is not a listed public company)
CD Corporation Limited, 1 Martin Place, Sydney NSW 2000	Shareholder	N/A
MD Corporation Pty Limited, 33 Kingsgrove Road, Kingsgrove NSW 2208	Majority shareholder	To provide financial advice to its clients

**Part 6 Positions in trade unions and professional or business associations**

Under clause 13 of the *Constitution (Disclosures by Members) Regulation 1983*, you must disclose in Part 6 of the return the name of each trade union and professional or

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business association in which you held any position (whether remunerated or not) at any time during the ordinary return period and a description of the position held.

Example entry only:

Name of trade union or association	Description of position
ABC Trade Union	Member Honorary Secretary

### Part 7 Debts

Under clause 14 of the *Constitution (Disclosures by Members) Regulation 1983*, you must disclose in Part 7 of the return the name and address of each person to whom you were liable to pay any debt at any time during the ordinary return period. You must disclose all debts, whether or not the amount to be paid was due and payable at any time during that period.

You do not need to disclose a debt that:

- (a) does not exceed \$500 unless the debt was 1 of 2 or more debts owed to 1 person and the amount of those 2 or more debts together exceeds \$500 in aggregate, or
- (b) is owed to a relative of yours (as defined by clause 7 (1) of the *Constitution (Disclosures by Members) Regulation 1983*), or
- (c) is owed to a bank, building society, credit union or other person whose ordinary business includes the lending of money and the loan was made in the ordinary course of business of the lender, or
- (d) arises from the supply of goods and services which were supplied during the ordinary return period, or
- (e) arises from the supply of goods and services in the ordinary course of any occupation not related to your duties as a Member.

Example entry only:

Disclosure of debts
Personal loan made by Mr John Smith of 1 Pitt Street, Sydney NSW 2000.

### Part 8 Dispositions of property

Under clause 15 of the *Constitution (Disclosures by Members) Regulation 1983*, you must disclose in Part 8 of the return particulars of each disposition of:

- (a) real property by you at any time during the ordinary return period whereby you retained, wholly or in part, the use and benefit of the property or the right to reacquire the property at a later time, or
- (b) property to a person by any other person under arrangements made by you during the ordinary return period whereby you obtained, either wholly or in part, the use and benefit of the property.

Example entry only:

Disclosure of dispositions of property
Disposition of Lot 5, DP1234 on 30 May to XYZ Corporation, whereby a right is conferred on Mr Smith MP to use the property.

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## consultation draft

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Constitution (Disclosures by Members) Amendment Regulation 2008

Amendments

Schedule 1

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### Part 9 Client services

Under clause 15A of the *Constitution (Disclosures by Members) Regulation 1983*, you must disclose the details set out in Part 9 of the return if you have provided “client services” at any time during the ordinary return period.

Client services are provided by you if:

- (a) you are engaged by a person (whether an individual or corporation) to provide services to or on behalf of any of that person’s clients, and
- (b) that person has received or is reasonably expected to receive consideration in money or money’s worth from the client for your services, and
- (c) the services relate to your Parliamentary position.

You are engaged by a person (whether an individual or corporation) to provide services if you provide services in connection with:

- (a) any contract of employment with the person, or
- (b) your role as an officer of the person (such as a corporation), or
- (c) any other contract, agreement or arrangement that you have entered into with the person in respect of which you receive consideration in money, or money’s worth, for providing the services.

Services relate to your Parliamentary position if the services “arise from or relate to the use of” your position as a Member. This includes (but is not limited to) where you engage in:

- (a) the provision of public policy advice, or
- (b) the development of strategies or the provision of advice on the conduct of relations with the Government or Members, or
- (c) lobbying the Government or other Members on a matter of concern to the person to whom the service is provided.

You are required to disclose the persons who receive the benefit of your client services even if you did not directly receive any payment from that person.

You must make a separate entry in Part 9 of the return for each person who directly receives the benefit of your services. You must also disclose who receives the benefit of your services if the client of the person who engages you requests that the services be provided to some other person. For example, if you are employed by, or are a director of Company X, and Company X contracts with Person Y for you to provide consultancy services to Company Z, you must disclose the provision of client services to both Person Y and Company Z.

Please note, your engagement with a person to provide client services should be disclosed in Part 2 of the return.

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Constitution (Disclosures by Members) Amendment Regulation 2008

Schedule 1      Amendments

Example entry only:

Names and addresses of persons who benefit or are likely to benefit from the services provided at any time during the ordinary return period	Description of the services reasonably sufficient to identify the nature of the service provided	Nature of business of persons who directly benefited or are likely directly to benefit
Smith Constructions Pty Ltd, 1 Orange Street, Paddington NSW 2021	Advising on public policy regarding public infrastructure and the development of strategies on the conduct of relations with the Government, and lobbying government departments in relation to projects managed by the company	Construction company specialising in public infrastructure such as roads

**Part 10 Discretionary disclosures**

Under clause 16 of the *Constitution (Disclosures by Members) Regulation 1983*, a Member may disclose in Part 10 of the return any direct or indirect benefits, advantages or liabilities that are not required to be disclosed by the Regulation but which the Member considers might appear to raise a conflict between his or her private interests and his or her public duty as a Member or which he or she otherwise wishes to disclose.

**SECTION 2—MEMBER’S ORDINARY RETURN**

**Constitution (Disclosures by Members) Regulation 1983  
Ordinary Return—Legislative \*Council/\*Assembly**

Disclosures of pecuniary interests and other matters by:

.....  
*(full name of Member)*

in respect of the period from ..... to .....  
*(ordinary return period)*

.....  
*(Member’s signature)*  
.....

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 consultation draft
 

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Constitution (Disclosures by Members) Amendment Regulation 2008

Amendments

Schedule 1

*(Date)***Part 1 Real property**

Address of each parcel of real property	Nature of interest

**Part 2 Sources of income****2.1 Income from employment, offices, partnerships and services****Table 2.1.1 Income received as an employee**

Name of occupation	Description of kinds of services provided	Name and address of employer	Nature of business of the employer (where the services provided relate to your position as a Member)

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Constitution (Disclosures by Members) Amendment Regulation 2008

Schedule 1      Amendments

**Table 2.1.2 Income received as holder of office**

Name or title of the office and a description of kinds of services provided	Name and address of corporation or body (if any) in which the office is held	Nature of business carried on by the entity (where the services provided relate to your position as a Member)

**Table 2.1.3 Income from partnership**

Name of occupation (if any)	Description of kinds of services provided	Name and address of the partnership	Nature of business carried on by the partnership (where the services provided relate to your position as a Member)



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Constitution (Disclosures by Members) Amendment Regulation 2008

Amendments

Schedule 1

Table 2.1.4 Income from services provided under any other contract, agreement or arrangement

Name of occupation (if relevant) and a description of services provided	Name and address of parties to any contract, agreement or arrangement to provide services	Nature of business carried on by the other party to the contract, agreement or arrangement (where the services provided relate to your position as a Member)

## 2.2 Income from a trust

Name and address of settlor	Name and address of trustee

## 2.3 Other income

 Disclosure of other income
 

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## Part 3 Gifts

Description of each gift I received at any time during the ordinary return period	Name and address of donor

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Constitution (Disclosures by Members) Amendment Regulation 2008

Schedule 1      Amendments

**Part 4 Contributions to travel**

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

**Part 5 Interests and positions in corporations**

Name and address of corporation	Nature of interest (if any) or description of position held	Description of principal objects of corporation (where corporation is not a listed public company)

**Part 6 Positions in trade unions and professional or business associations**

Name of trade union or association	Description of position

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Constitution (Disclosures by Members) Amendment Regulation 2008

Amendments

Schedule 1

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**Part 7 Debts**

**Disclosure of debts**

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**Part 8 Dispositions of property**

**Disclosure of dispositions of property**

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**Part 9 Client services**

Names and addresses of persons who benefit from the services provided at any time during the ordinary return period	Description of the services reasonably sufficient to identify the nature of the service provided	Nature of business of persons who directly benefited or are likely directly to benefit

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**Part 10 Discretionary disclosures**

**Disclosures that are discretionary**

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**Form 3 Supplementary ordinary return**

(Clause 3 (1), definition of "supplementary ordinary return")

**Directions**

- 1 This form is in two sections. The first section (Section 1—Guidance Notes and Examples) outlines the requirements of the *Constitution (Disclosures by Members) Regulation 1983* for each type of interest to be disclosed, and gives examples as to how to make entries on the return. The second section of the form (Section 2—Member's Supplementary Ordinary Return) sets out the return that is to be filled in by the Member. Only the second section of this form needs to be lodged with the Clerk.

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## consultation draft

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### Constitution (Disclosures by Members) Amendment Regulation 2008

#### Schedule 1      Amendments

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- 2      The pecuniary interests and other matters required to be disclosed in the return set out in Section 2 of this form are prescribed by clauses 8 to 15A of the *Constitution (Disclosures by Members) Regulation 1983* (as applied to the return by clause 6A of the Regulation).
- 3      You must complete EITHER Division A or Division B of the return in Section 2.
- 4      The particulars required to complete this form are to be written in block letters or typed.
- 5      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.
- 6      You should refer to the *Constitution (Disclosures by Members) Regulation 1983* and the instructions in your last ordinary return (if any) to identify whether pecuniary interests should be disclosed.
- 7      A reference in this form to the *supplementary ordinary return period* in relation to a Member is a reference to:
- (a)    in the case of a Member whose previous return was an ordinary return—the period commencing on 1st July and ending on 31st December of the previous year, or
- (b)    in the case of a Member whose previous return was a primary return:
- (i)    where the Member took the pledge of loyalty on or before 1st July of the previous year—the period commencing on 1st July and ending on 31st December of the previous year, or
- (ii)   where the Member took the pledge of loyalty after 1st July of the previous year—the period commencing on that date and ending on 31st December in the previous year.
- 8      The entries marked as “Example entry only” or “Example entries only” are provided by way of example only.
- 9      Matter marked with an asterisk (\*) is to be omitted if it is not appropriate for the Member concerned.

#### SECTION 1—GUIDANCE NOTES AND EXAMPLES

- 1      A supplementary ordinary return is designed to update the pecuniary interests disclosed in the ordinary return or primary return last filed by you that covered the return period ending on 30 June last year. Specifically, the purpose of this form is for you to identify additional pecuniary interests for the period 1 July to 31 December of last year. The return must generally be filed by 31 March. Certain interests do not need to be disclosed if they have been disclosed in your most recent ordinary return or primary return.
- 2      In the case of new Members (other than re-elected Members) who have not yet filed an ordinary return, your primary return is to be treated as your most recent ordinary return for the purposes of completing this supplementary ordinary return. It should also be noted that new Members do not need to disclose anything that occurred, or was received or had, before the date on which the pledge of loyalty was taken. Also, as a result of this, some new Members will have a supplementary ordinary return period that is shorter than the period 1 July to 31 December of last year.
- 3      Additional pecuniary interests must be disclosed where, during the supplementary ordinary return period, you have:

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Constitution (Disclosures by Members) Amendment Regulation 2008

Amendments

Schedule 1

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- (a) held any interests in real property, which are additional to those already disclosed in your most recent return, or
  - (b) received income from any source, or
  - (c) received any gifts or contributions to travel, or
  - (d) held any interests or positions in corporations, which are additional to those already disclosed in your most recent return, or
  - (e) held any positions in trade unions or professional or business associations, which are additional to those already disclosed in your most recent ordinary return, or
  - (f) incurred a liability to pay a debt to any person, which is additional to those already disclosed in your most recent ordinary return, or
  - (g) had any dispositions of property (within the meaning of Part 3 of the *Constitution (Disclosures by Members) Regulation 1983*) in which you have retained a benefit, or
  - (h) provided any "client services".
- 4 Complete either Division A or Division B of the return, but not both.
- Division A** must only be completed where, in respect of the supplementary ordinary return period last year, you do not have any additional pecuniary interests to disclose as required by the *Constitution (Disclosures by Members) Regulation 1983*.
- Division B** must only be completed if you have additional pecuniary interests set out in item 3 (a) to (h) of these notes in respect of the supplementary ordinary return period last year. You must identify each of the additional pecuniary interest in the relevant table in Division B. You must disclose the following kinds of pecuniary interests even if you disclosed them in the same or a similar entry in your most recent return:
- (a) income received from any source,
  - (b) any gifts or contributions to travel that you received,
  - (c) any dispositions of property (within the meaning of Part 3 of the *Constitution (Disclosures by Members) Regulation 1983*),
  - (d) any "client services" you provided.
- 5 If you are not required to disclose a kind of pecuniary interest or other matter under a particular main heading in Division B, "NIL" or "N/A" (as relevant) is to be placed in an appropriate space under that heading.
- 6 If you have ceased to hold a pecuniary interest that you disclosed in your most recent ordinary return (for example, you have divested yourself of real property), you may (but are not required to) attach a separate document identifying those pecuniary interests that you have ceased to hold.

### Part 1 Real property

List in Part 1 in Division B of the return any interests in real property you held during the supplementary ordinary return period, which are additional to those that you have already disclosed in your most recent return.

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Constitution (Disclosures by Members) Amendment Regulation 2008

Schedule 1 Amendments

**Example entries only:**

Address of each parcel of real property	Nature of interest
Principal place of residence Suburb—Surry Hills	Lessee
1 Pitt Street, Sydney NSW 2000	Joint tenant

**Part 2 Sources of income**

List in Part 2 in Division B of the return all sources from which you received income during the supplementary ordinary return period. You must list all sources of income for that period, even if you listed the same or a similar matter in your most recent return for the previous return period.

**2.1 Income from employment, offices, partnerships and services**

List in the appropriate Tables in Part 2.1 in Division B of the return income from employment, offices, partnerships and services.

**Table 2.1.1 income received as an employee—Example entry only:**

Name of occupation	Description of kinds of services provided	Name and address of employer	Nature of business of the employer (where the services provided relate to your position as a Member)
Solicitor	Employed solicitor providing legal services to clients, in the areas of criminal and family law	ABC Lawyers, 1 Pitt Street, Sydney NSW 2000	N/A

**Table 2.1.2 Income received as holder of office—Example entry only:**

Name or title of the office and a description of kinds of services provided	Name and address of corporation or body (if any) in which the office is held	Nature of business carried on by the entity (where the services provided relate to your position as a Member)
Local councillor	Hurstville City Council, MacMahon Street, Hurstville NSW 2220	N/A

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Constitution (Disclosures by Members) Amendment Regulation 2008

Amendments

Schedule 1

Table 2.1.3 Income from partnership—Example entry only:

Name of occupation (if any)	Description of kinds of services provided	Name and address of the partnership	Nature of business carried on by the partnership (where the services provided relate to your position as a Member)
Solicitor	Partner of the law firm and to provide commercial legal services specialising in litigation, property, intellectual property, competition and corporate law	XYZ Lawyer, 3 Smith Street, Paddington NSW 2021	N/A

Table 2.1.4 Income from services provided under any other contract, agreement or arrangement—Example entry only:

Name of occupation (if relevant) and a description of services provided	Name and address of parties to any contract, agreement or arrangement to provide services	Nature of business carried on by the other party to the contract, agreement or arrangement (where the services provided relate to your position as a Member)
Public affairs consultant—Providing public affairs advice, including lobbying MPs and government departments on the issue of regulation of electrical appliances	XYZ Corporation, 1 Pitt Street, Sydney NSW 2000	Manufacturer of electrical appliances

**2.2 Income from a trust**

List in Part 2.2 in Division B of the return any income from trusts.

Example entry only:

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Constitution (Disclosures by Members) Amendment Regulation 2008

Schedule 1      Amendments

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Name and address of settlor	Name and address of trustee
XY Settlor, 2 George Street, Sydney NSW 2000	AB Trustee, 10 George Street, Sydney NSW 2000

### 2.3 Other income

List in Part 2.3 in Division B of the return any other income.

Example entry only:

Disclosure of other income
Income from the operation of a farm at 1 Pitt Street, Orange NSW, 2800 of which I am the sole proprietor.

### Part 3 Gifts

List in Part 3 in Division B of the return all gifts you received during the supplementary ordinary return period. You must list all gifts for that period, even if you listed the same or a similar matter in your most recent return for the previous return period.

Example entry only:

Description of each gift I received at any time during the supplementary ordinary return period	Name and address of donor
4 tickets to the XYZ sporting event	XYZ Sports Union, 1 Pitt Street, Sydney NSW 2000

### Part 4 Contributions to travel

List in Part 4 in Division B of the return all contributions to travel you received during the supplementary ordinary return period. You must list all contributions to travel for that period, even if you listed the same or a similar matter in your most recent return for the previous return period.

Example entry only:

Name and address of each person who made any financial or other contribution to travel undertaken at any time during the supplementary ordinary return period	Dates on which travel was taken	Names of States, Territories of the Commonwealth and overseas countries in which travel undertaken
Brisbane City Council, 1 Smith Street, Brisbane QLD 4000	31 August to 4 September	Brisbane, Queensland



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Constitution (Disclosures by Members) Amendment Regulation 2008

Amendments

Schedule 1

**Part 5 Interests and positions in corporations**

List in Part 5 in Division B of the return all positions or interests in corporations you held during the supplementary ordinary return period that are additional to those positions or interests that you have already disclosed in your most recent return. If you received income in respect of any position held in a corporation, that information should be disclosed in Part 2 in Division B of the return.

Example entries only:

Name and address of corporation	Nature of interest (if any) or description of position held	Description of principal objects of corporation (where corporation is not a listed public company)
CD Corporation Limited, 1 Martin Place, Sydney NSW 2000	Shareholder	N/A
MD Corporation Pty Limited, 33 Kingsgrove Road, Kingsgrove NSW 2208	Majority shareholder	To provide financial advice to its clients

**Part 6 Positions in trade unions and professional or business associations**

List in Part 6 in Division B of the return all positions in trade unions and professional or business associations you held during the supplementary ordinary return period that are additional to those positions or interests that you have already disclosed in your most recent return.

Example entry only:

Name of trade union or association	Description of position
ABC Trade Union	Member Honorary Secretary

**Part 7 Debts**

List in Part 7 in Division B of the return the name and address of persons to whom you were liable for a debt during the supplementary ordinary return period that are additional to those which you have already listed in your most recent return.

Example entry only:

Disclosure of debts
Personal loan made by Mr John Smith of 1 Pitt Street, Sydney NSW 2000.

**Part 8 Dispositions of property**

List in Part 8 in Division B of the return all dispositions of property (within the meaning of Part 3 of the *Constitution (Disclosures by Members) Regulation 1983*) in which you have retained a benefit during the supplementary ordinary return period.

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Constitution (Disclosures by Members) Amendment Regulation 2008

Schedule 1      Amendments

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You must list all such dispositions occurring during that period, even if you listed the same or a similar matter in your most recent return for the previous return period.

**Example entry only:**

**Disclosure of dispositions of property**

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Disposition of Lot 5, DP1234 on 30 May to XYZ Corporation, whereby a right is conferred on Mr Smith MP to use the property.

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**Part 9 Client services**

List in Part 9 in Division B of the return all client services you provided during the supplementary ordinary return period. You must list all client services provided during that period, even if you listed the same or a similar matter in your most recent return for the previous return period.

**Example entry only:**

Names and addresses of persons who benefit or are likely to benefit from the services provided at any time during the supplementary ordinary return period	Description of the services reasonably sufficient to identify the nature of the service provided	Nature of business of persons who directly benefited or are likely directly to benefit
Smith Constructions Pty Ltd, 1 Orange Street, Paddington NSW 2021	Advising on public policy regarding public infrastructure and the development of strategies on the conduct of relations with the Government, and lobbying government departments in relation to projects managed by the company	Construction company specialising in public infrastructure such as roads

**Part 10 Discretionary disclosures**

List in Part 10 any other disclosures you wish to make.

**SECTION 2—MEMBER'S SUPPLEMENTARY ORDINARY RETURN**

Constitution (Disclosures by Members) Regulation 1983

Supplementary Ordinary Return—Legislative \*Council/\*Assembly

\*Division A

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Constitution (Disclosures by Members) Amendment Regulation 2008

Amendments

Schedule 1

Disclosures of pecuniary interests and other matters by:

.....  
*(full name of Member)*

I certify that there are no new pecuniary interests that I need to disclose as required by clause 6A of the *Constitution (Disclosures by Members) Regulation 1983* in respect of the period from ..... to .....  
*(supplementary ordinary return period)*

.....  
*(Member's signature)*

.....  
*(Date)*

**\*Division B**

Disclosures of pecuniary interests and other matters by:

.....  
*(full name of Member)*

I certify that the additional pecuniary interests set out in the Parts to this Division are the interests that I am required to disclose by clause 6A of the *Constitution (Disclosures by Members) Regulation 1983*

in respect of the period from ..... to .....  
*(supplementary ordinary return period)*

.....  
*(Member's signature)*

.....  
*(Date)*

**Part 1 Real property**

Address of each parcel of real property	Nature of interest

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Constitution (Disclosures by Members) Amendment Regulation 2008

Schedule 1      Amendments

Address of each parcel of real property	Nature of interest

**Part 2 Sources of income**

**2.1 Income from employment, offices, partnerships and services**

**Table 2.1.1 Income received as an employee**

Name of occupation	Description of kinds of services provided	Name and address of employer	Nature of business of the employer (where the services provided relate to your position as a Member)

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Constitution (Disclosures by Members) Amendment Regulation 2008

Amendments

Schedule 1

Table 2.1.2 Income received as holder of office

Name or title of the office and a description of kinds of services provided	Name and address of corporation or body (if any) in which the office is held	Nature of business carried on by the entity (where the services provided relate to your position as a Member)

Table 2.1.3 Income from partnership

Name of occupation (if any)	Description of kinds of services provided	Name and address of the partnership	Nature of business carried on by the partnership (where the services provided relate to your position as a Member)

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Constitution (Disclosures by Members) Amendment Regulation 2008

Schedule 1      Amendments

**Table 2.1.4 Income from services provided under any other contract, agreement or arrangement**

Name of occupation (if relevant) and a description of services provided	Name and address of parties to any contract, agreement or arrangement to provide services	Nature of business carried on by the other party to the contract, agreement or arrangement (where the services provided relate to your position as a Member)

**2.2 Income from a trust**

Name and address of settlor	Name and address of trustee

**2.3 Other income**

Disclosure of other income

**Part 3 Gifts**

Description of each gift I received at any time during the supplementary ordinary return period	Name and address of donor

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Constitution (Disclosures by Members) Amendment Regulation 2008

Amendments

Schedule 1

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 Part 4 Contributions to travel

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

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 Part 5 Interests and positions in corporations

Name and address of corporation	Nature of interest (if any) or description of position held	Description of principal objects of corporation (where corporation is not a listed public company)

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 Part 6 Positions in trade unions and professional or business associations

Name of trade union or association	Description of position

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Constitution (Disclosures by Members) Amendment Regulation 2008

Schedule 1      Amendments

Name of trade union or association	Description of position

**Part 7 Debts**

Disclosure of debts

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**Part 8 Dispositions of property**

Disclosure of dispositions of property

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**Part 9 Client services**

Names and addresses of persons who benefit from the services provided at any time during the supplementary ordinary return period	Description of the services reasonably sufficient to identify the nature of the service provided	Nature of business of persons who directly benefited or are likely directly to benefit

**Part 10 Discretionary disclosures**

Disclosures that are discretionary

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**Form 4      Discretionary return**

(Clause 3 (1), definition of "discretionary return")



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Constitution (Disclosures by Members) Amendment Regulation 2008

Amendments

Schedule 1

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**Constitution (Disclosures by Members) Regulation 1983  
Discretionary Return—Legislative \*Council/\*Assembly**

**Directions**

- 1 If a Member considers it appropriate to do so, a Member may make any disclosures in a discretionary return concerning any or all of the matters that a Member is required or permitted to disclose under the *Constitution (Disclosures by Members) Regulation 1983* in an ordinary return, before the date on which the Member is next required to lodge an ordinary return or supplementary ordinary return.
- 2 The particulars required to complete this form are to be written in block letters or typed.
- 3 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.
- 4 Matter marked with an asterisk (\*) is to be omitted if it is not appropriate for the Member concerned.

Disclosures of pecuniary interests and other matters by:

.....  
*(full name of Member)*

.....  
*(Member's signature)*

.....  
*(Date)*

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**Discretionary disclosures**

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## Appendix 2 Minutes of proceedings

**Note:** Asterisks indicate text which has been omitted as not relevant to the current inquiry.

### Minutes No. 8

Wednesday, 18 June 2008, Members' Lounge, Parliament House at 6.35 pm.

1. **Members present**

Ms Griffin (Chair)  
Miss Gardiner (Deputy Chair)  
Mr Donnelly  
Mr Harwin  
Ms Fazio  
Revd Mr Nile  
Mr West

In attendance: David Blunt, Stephen Frappell, Velia Mignacca, Jenelle Moore.

2. **Inquiry into the further draft Constitution (Disclosures by Members) Amendment Regulation 2008**

The Chair tabled her draft report entitled Further draft Constitution (Disclosures by Members) Amendment Regulation 2008, which, having been previously circulated, was taken as being read.

The Committee deliberated.

Resolved, on the motion of Ms Fazio, that Mr Paul Miller, Senior Principal Legal Officer, Department of Premier and Cabinet, be invited to attend the meeting and answer questions from Members of the Committee in relation to the further draft Constitution (Disclosures by Members) Amendment Regulation 2008.

Mr Miller was admitted and answered questions from Members of the Committee.

Mr Miller withdrew.

Resolved, on the motion of Mr Harwin, that:

- The Chair's draft report be amended to include a recommendation that the Department of Premier and Cabinet delete the word 'Lessee' in the example provided in Forms 1 to 3 concerning Part 1: 'Real Property' and insert a word in more common usage in relation to the disclosure of property interests by members
- The Committee meet during the dinner break (or on the adjournment of the House) on Wednesday, 25 June 2008 to consider the amended Chair's draft report
- The revised Chair's draft report be distributed to Members in advance of the meeting of 25 June 2008.

3. \*\*\*

4. **Correspondence**

The Committee noted the following items of correspondence received:

- Letter dated 12 May 2008 to the Clerk from Ms Leigh Sanderson, Department of Premier and Cabinet, forwarding the further draft Constitution (Disclosures by Members) Amendment Regulation 2008 for inquiry and report.

\*\*\*

9. **Adjournment**

The Committee adjourned at 7.15 pm until Wednesday, 25 May 2008 at the dinner break (or the rising of the House).

David Blunt

**Clerk to the Committee**

**Minutes No. 9**

Wednesday, 25 June 2008, Members' Lounge, Parliament House at 6.32 pm.

**1. Members present**

Ms Griffin (Chair)  
Mr Harwin  
Ms Fazio  
Revd Mr Nile  
Mr West

Apologies: Miss Gardiner (Deputy Chair), Mr Donnelly

In attendance: David Blunt, Stephen Frappell, Jenelle Moore.

**2. Confirmation of minutes of previous meeting**

Resolved, on the motion of Ms Fazio: That minutes no. 8 be confirmed.

**3. Inquiry into the further draft Constitution (Disclosures by Members) Amendment Regulation 2008**

The Chair tabled her revised draft report entitled Further draft Constitution (Disclosures by Members) Amendment Regulation 2008, which, having been previously circulated, was taken as being read.

The Committee deliberated.

Resolved, on the motion of Mr Harwin:

1. That the draft report be the report of the Committee
2. That the Committee present the report to the House, together with minutes of proceedings and correspondence relating to the inquiry
3. That the report of the Committee, on tabling and publication, be forwarded to the Department of Premier and Cabinet in response to the letter received 12 May 2008.

**4. Adjournment**

The Committee adjourned at 6.35 pm *sine die*.

David Blunt

**Clerk to the Committee**