

TASMANIA

PARLIAMENTARY (DISCLOSURE OF INTERESTS) AMENDMENT BILL 2017

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PARLIAMENTARY (DISCLOSURE OF INTERESTS) AMENDMENT BILL 2017

This Public Bill originated in the House of Assembly, and, having this day passed, is now ready for presentation to the Legislative Council for its concurrence.

SHANE DONNELLY, *Clerk of the House*
8 August 2017

(Brought in by the Premier, the Honourable William Edward Felix Hodgman)

A BILL FOR

An Act to amend the *Parliamentary (Disclosure of Interests) Act 1996*

Be it enacted by Her Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

1. Short title

This Act may be cited as the *Parliamentary (Disclosure of Interests) Amendment Act 2017*.

2. Commencement

This Act commences on 1 July 2017.

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3. Principal Act

In this Act, the *Parliamentary (Disclosure of Interests) Act 1996** is referred to as the Principal Act.

4. Section 3 amended (Interpretation)

Section 3 of the Principal Act is amended as follows:

- (a) by omitting the definition of *address* and substituting the following definitions:

address means –

- (a) in relation to a natural person or a property, the suburb or locality in which the person resides or the property is located; and
- (b) in relation to a corporation, means the address of the registered office of the corporation or the address of the principal office of the corporation in the place in which it is incorporated;

annual return means a return referred to in section 5;

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annual return period, in relation to an annual return lodged by a Member in any year, means –

- (a) if the last return lodged by the Member was an annual return, the period of 12 months ending on 30 June in that year; or
 - (b) if the last return lodged by the Member was a primary return, the period commencing on the first day after the primary return date in relation to the Member and ending on 30 June in that year;
- (b) by omitting the definition of *gift* and substituting the following definition:

gift means a disposition of real or personal property, or the conferral of a financial or other benefit, other than any financial or other contribution to travel, that is –

- (a) free of charge; or
 - (b) for a substantially discounted value;
- (c) by omitting “, other than income received as remuneration under the *Parliamentary*

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Salaries and Allowances Act 1973” from the definition of *income*;

- (d) by omitting the definitions of *ordinary return* and *ordinary return period*;
- (e) by omitting “ordinary” from paragraph (b) of the definition of *return* and substituting “annual”.

5. Section 4 amended (Primary returns)

Section 4 of the Principal Act is amended as follows:

- (a) by omitting subsection (1);
- (b) by omitting from subsection (2) “after the commencement day”.

6. Section 5 amended (Annual returns)

Section 5 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “ordinary” and substituting “annual”;
- (b) by inserting in subsection (1) “date” after “primary return”;
- (c) by omitting from subsection (2) “ordinary” and substituting “annual”.

7. Sections 6, 7 and 8 substituted

Sections 6, 7 and 8 of the Principal Act are repealed and the following sections are substituted:

6. Disclosure in primary returns

Subject to Division 2, a Member must disclose in a primary return the following:

- (a) in respect of each source of income that the Member or a spouse of the Member has received or reasonably expects to receive during the period starting on the first day after the primary return date and ending on the next following 30 June –
 - (i) the person or other entity from which the income was received or is to be received; and
 - (ii) why the income was received or is to be received;
- (b) the legal nature of any interest that the Member or a spouse of the Member holds in real property on the primary return date and the address of that property;

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- (c) the nature of any interest, or description of any position, whether remunerated or not, that the Member or a spouse of the Member holds in any corporation on the primary return date and the name and address of that corporation;
- (d) a description of any position that the Member or a spouse of the Member holds in any trade union or professional or business association, whether remunerated or not, on the primary return date and the name of that trade union or association;
- (e) the name and address of any person or other entity to whom the Member or the spouse of the Member is liable to pay any debt as at the primary return date, whether or not the debt was due and payable on that date.

7. Disclosure in annual returns

Subject to Division 2, a Member must disclose in an annual return the following:

- (a) in respect of each source of income that the Member or a spouse of the Member received during the annual return period –

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- (i) the person or other entity from which the income was received; and
 - (ii) why the income was received;
- (b) the legal nature of any interest that the Member or a spouse of the Member held in real property during the annual return period and the address of that property;
- (c) the nature of any interest, or description of any position, whether remunerated or not, that the Member or a spouse of the Member holds in any corporation during the annual return period and the name and address of that corporation;
- (d) a description of any position that the Member or a spouse of the Member holds in any trade union or professional or business association, whether remunerated or not, during the annual return period and the name of that trade union or association;
- (e) the name and address of any person or other entity to whom the Member or a spouse of the Member is liable to pay any debt during the annual return period,

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whether or not the debt is due and payable during that period;

- (f) particulars of any disposition of property made by the Member or a spouse of the Member during the annual return period whereby, either wholly or in part, the Member or a spouse of the Member retained the use or benefit of the property or the right to acquire the property at a later date;
- (g) particulars of any disposition of property made by a person during the annual return period to another person under an arrangement made by the Member or a spouse of the Member whereby, either wholly or in part, the Member or a spouse of the Member obtained the use or benefit of the property;
- (h) the name and address of any person or other entity who made any financial or other contribution (including free or upgraded accommodation, transport or hospitality) to any travel undertaken by the Member or a spouse of the Member during the annual return period;

- (i) details of the contribution referred to in paragraph (h) and the dates on which, and places to and from which, the relevant travel was undertaken;
- (j) a description of any gift received by the Member or a spouse of the Member during the annual return period and the name and address of the donor of the gift.

8. Section 9A inserted

Before section 10 of the Principal Act, the following section is inserted in Division 2:

9A. Income

A Member is not required to disclose any income received by the Member or a spouse of the Member if it –

- (a) is received as remuneration under the *Parliamentary Salaries, Superannuation and Allowances Act 2012*; or
- (b) does not exceed \$500 from a single source within the return period.

9. Section 10 amended (Real property)

Section 10 of the Principal Act is amended as follows:

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- (a) by inserting “or a spouse of the Member” after “if the Member”;
- (b) by inserting in paragraph (a) “or a spouse of the Member” after “Member”;
- (c) by omitting paragraph (b) and substituting the following paragraph:
 - (b) in the capacity as a trustee and the interest was acquired in the ordinary course of any occupation of the Member that is not related to his or her duties as a Member, or in the ordinary course of any occupation of a spouse of the Member.

10. Section 11 amended (Corporation)

Section 11 of the Principal Act is amended by inserting “by the Member or a spouse of the Member” after “held”.

11. Section 12 amended (Debt)

Section 12 of the Principal Act is amended as follows:

- (a) by inserting “owed by the Member or a spouse of the Member” after “a debt”;
- (b) by inserting in paragraph (a)(i) “or a spouse of the Member” after “Member”;

- (c) by omitting from paragraph (a)(i) “ordinary” and substituting “annual”;
- (d) by omitting paragraph (b) and substituting the following paragraph:
 - (b) the debt is payable to a relative of the Member; or
- (e) by inserting in paragraph (c)(i) “or a spouse of the Member” after “Member”;
- (f) by omitting from paragraph (d)(i) “ordinary” and substituting “annual”;
- (g) by inserting in paragraph (d)(ii) “or in the ordinary course of any occupation of a spouse of the Member” after “a Member”.

12. Section 13 amended (Contribution to travel)

Section 13(1) of the Principal Act is amended as follows:

- (a) by inserting “of the Member or a spouse of the Member” after “any travel”;
- (b) by inserting in paragraph (c) “or in the ordinary course of any occupation of a spouse of the Member” after “a Member”;
- (c) by omitting from paragraph (d)(i) “ordinary” and substituting “annual”;

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(d) by inserting the following paragraph after paragraph (d):

(da) the contribution was made in a personal capacity and could not reasonably be perceived to have been made in relation to the Member's role or duties; or

13. Section 14 amended (Gifts)

Section 14 of the Principal Act is amended by omitting subsection (1) and substituting the following subsection:

(1) A Member is not required to disclose any gift received by the Member or a spouse of the Member, if –

(a) the amount of the gift did not exceed \$500 unless –

(i) the gift was one of 2 or more gifts given by one person during the annual return period; and

(ii) the amount of those 2 or more gifts exceeded, in the aggregate, \$500; or

(b) the donor was a relative of the Member; or

(c) the gift was given in a personal capacity and could not reasonably be perceived to have been given

in relation to the Member's role or duties.

14. Section 17 substituted

Section 17 of the Principal Act is repealed and the following section is substituted:

17. Form of registers

The Register of Interests of Members of the Legislative Council and the Register of Interests of Members of the House of Assembly are to be in the prescribed form.

15. Section 18 amended (Inspection of registers)

Section 18 of the Principal Act is amended by omitting subsection (1) and substituting the following subsection:

- (1) The Clerk of each House of Parliament is to make the register available for inspection at the times, and in the manner, prescribed.

16. Section 19 amended (Tabling of registers)

Section 19(1)(b) of the Principal Act is amended by omitting "ordinary" and substituting "annual".

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17. Section 20 amended (Publication of registers)

Section 20 of the Principal Act is amended by inserting “and publicly online in accordance with the regulations” after “paper”.

18. Section 21 amended (Deletion of certain matter)

Section 21 of the Principal Act is amended by inserting after paragraph (c) the following paragraph:

- (ca) any information that, in the opinion of the Clerk, would, if published online, unreasonably compromise the privacy or safety of any person; and

19. Section 23A inserted

After section 23 of the Principal Act, the following section is inserted in Part 5:

23A. Indexation of certain amounts

- (1) An amount expressed in dollar terms (*threshold amount*) in section 9A(b), section 12(a), section 12(a)(ii), section 13(1)(d), section 13(1)(d)(ii), section 14(1)(a) or section 14(1)(a)(ii) is to be indexed in accordance with this section.
- (2) For a return relating to the financial year starting on 1 July 2016, a threshold amount is not to be indexed.

- (3) For a return relating to the financial year starting on 1 July 2017 and for each subsequent financial year, a threshold amount is to be indexed in accordance with the following formula:

$$A = B \times \frac{C}{D}$$

where –

A is the indexed amount;

B is the threshold amount;

C is the value of the CPI figure for Hobart for the March quarter immediately preceding the financial year in which the threshold amount is to apply;

D is the value of the CPI figure for Hobart for the March quarter 2017 as published with the CPI figure for Hobart used in the determination of “**C**”.

- (4) If the value of A calculated in accordance with subsection (3) is not a multiple of \$50, the amount is to be rounded off to the nearest multiple of \$50, with an amount that is \$25 more than a multiple of \$50 being rounded off to the next highest multiple of \$50.
- (5) In this section –

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CPI figure for Hobart means the Consumer Price Index (All Groups) Number for Hobart published by the Australian Statistician under the authority of the *Census and Statistics Act 1905* of the Commonwealth.

20. Section 24 amended (Contempt of Parliament)

Section 24 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1)(b) “fails” and substituting “subject to subsection (1A), fails”;
- (b) by inserting the following subsections after subsection (1):

(1A) A Member does not fail to disclose any information required under this Act if, in the case of information relating to a spouse, the Member –

- (a) makes all reasonable attempts to obtain that information; or
- (b) could not reasonably be expected to have been aware of the information.

(1B) A Member is not guilty of contempt of Parliament in respect of a return if –

- (a) it is lodged in good faith;
and
- (b) at the time it is lodged, it meets the requirements of this Act.

21. Repeal of Act

This Act is repealed on the three hundred and sixty fifth day from the day on which it commences.