

FACT SHEET

Parliamentary (Disclosure of Interests) Amendment Bill 2017

The Parliamentary (Disclosure of Interests) Amendment Bill 2017 amends the *Parliamentary (Disclosure of Interests) Act 1996* to make a number of amendments to enhance the clarity of its requirements and provide for the disclosure of more information to the public.

The Act was originally developed to protect the public interest and to enhance public confidence by requiring Members of Parliament to disclose their personal interests.

The Act has been in force for over 20 years and needs to be modernised to reflect contemporary community expectations of increased openness and transparency.

The Bill makes six significant changes to the Act, as well as a series of minor amendments.

Significant amendments

1. *Spouses* – The Bill extends the disclosure requirements to a spouse of a Member. This is consistent with recommendations made by key stakeholders and the majority of Australian Parliaments. The existing definition of spouse, which captures de facto relationships through reference to the *Relationships Act 2003*, is retained.
2. *Gift* – The definition of 'gift' is significantly broadened to include all items of personal property and real property, as well as financial and other benefits. There is a new exception for gifts and contributions to travel that are given in a personal capacity, not in relation to the duties of the Member.
3. *Online publication* – The Bill requires the Registers to be published online. Currently, the Registers are only available for inspection by appointment with the relevant Clerk, between the hours of 10am and 4pm on weekdays. This essentially limits access to people located in Hobart and available in business hours. Placing registers online will ensure that the information is readily accessible to the public. This is consistent with the majority of Australian Parliaments.
4. *Address* – Due to privacy concerns arising from the move to online publication of the Registers, the full residential address of a Member and their spouse will not be required. The suburb/locality of residence will be required instead.
5. *Contempt of Parliament* – The Bill significantly broadens the range of interests to be disclosed by Members, particularly interests held by spouses. If a Member is genuinely unable to obtain information or is genuinely unaware of information that must be disclosed under this Act they will not be held in contempt. In addition, the amendments clarify that a Member cannot be held in contempt on the basis of changed circumstances if their return was completed in good faith and was correct at the time it was made.
6. *Deletion* – The Bill includes a power for the Clerks to delete information from a Member's return if they believe its online publication would unreasonably compromise the privacy or safety of a person.

Minor amendments

The Bill also makes a series of minor amendments to enhance the clarity of the requirements and support Members to complete their returns appropriately.

The disclosure requirements for a primary return (section 6) and annual return (section 7) have been consolidated and streamlined where possible.

Requirements in relation to the Primary Return Form and the Annual Return Form and availability of the Registers are to be moved into regulations, allowing changes to be made without legislative amendment. With the proposed move to online publication, the regulations will set out requirements in relation to the integrity and security of the information provided by Members.

The Bill also provides for the indexation of certain thresholds in the Act to ensure they do not become impractically low over time.