



**MEMBERS OF PARLIAMENT
(REGISTER OF INTERESTS) (RETURNS)
AMENDMENT BILL 1993**

No. 64 of 1993

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ELIZABETHAE II REGINAE

A.D. 1993

No. 64 of 1993

An Act to amend the Members of Parliament (Register of Interests) Act 1983.

[Assented to 27 May 1993]

The Parliament of South Australia enacts as follows:

Short title

1. (1) This Act may be cited as the *Members of Parliament (Register of Interests) (Returns) Amendment Act 1994*.

(2) The *Members of Parliament (Register of Interests) Act 1983* is referred to in this Act as "the principal Act".

Commencement

2. This Act will come into operation on a day to be fixed by proclamation.

Amendment of s. 2—Interpretation

3. Section 2 of the principal Act is amended—

(a) by inserting before the definition of "family" the following definition:

"beneficial interest" in property includes a right to re-acquire the property;;

(b) by inserting after the definition of "family" the following definitions:

"family company" of a Member means a proprietary company—

(a) in which the Member or a member of the Member's family is a shareholder;

and

(b) in respect of which the Member or a member of the Member's family, or any such persons together, are in a position to cast, or control the casting of, more than one-half of the maximum number of votes that might be cast at a general meeting of the company:

"family trust" of a Member means a trust (other than a testamentary trust)—

(a) of which the Member or a member of the Member's family is a beneficiary;

and

(b) which is established or administered wholly or substantially in the interests of the Member or a member of the Member's family, or any such persons together::

(c) by striking out from the definition of "financial benefit" "five hundred dollars", wherever occurring, and substituting, in each case, "\$1 000";

(d) by striking out from the definition of "financial benefit" "but does not include any remuneration received under the *Parliamentary Salaries and Allowances Act 1965-1982*" and substituting "but does not include any such financial benefit received by the person as a Member or officer of Parliament or a Minister of the Crown, or in respect of membership of a committee to which the person was appointed by Parliament or either House of Parliament";

(e) by inserting after the definition of "financial benefit" the following definition:

"gift" means a transaction in which a benefit of pecuniary value is conferred without consideration or for less than adequate consideration, but does not include an ordinary commercial transaction or a transaction in the ordinary course of business::

(f) by inserting after the definition of "Member" the following definition:

"a person related to a Member" means—

(a) a member of the Member's family;

(b) a family company of the Member;

(c) a trustee of a family trust of the Member::

(g) by striking out the definition of "spouse" and substituting the following definition:

"spouse" includes putative spouse (whether or not a declaration of the relationship has been made under the *Family Relationships Act 1975*):;

and

(h) by inserting after its present contents as amended by this section (now to be designated as subsection (1)) the following subsections:

(2) For the purposes of this Act, a person who is an object of a discretionary trust is to be taken to be a beneficiary of that trust.

(3) For the purposes of this Act, a person is an investor in a body if—

(a) the person has deposited money with, or lent money to, the body that has not been repaid and the amount not repaid equals or exceeds \$10 000;

or

(b) the person holds, or has a beneficial interest in shares in, or debentures of, the body or a policy of life insurance issued by the body.

(4) For the purposes of this Act in relation to a return by a Member—

(a) two or more separate contributions made by the same person for or towards the cost of travel undertaken by the Member or a member of the Member's family during the return period are to be treated as one contribution for or towards the cost of travel undertaken by the Member;

(b) two or more separate gifts received by the Member or a person related to the Member from the same person during the return period are to be treated as one gift received by the Member;

(c) two or more separate transactions to which the Member or a person related to the Member is a party with the same person during the return period under which the Member or a person related to the Member has had the use of property of the other person (whether or not being the same property) during the return period are to be treated as one transaction under which the Member has had the use of property of the other person during the return period.

Amendment of s. 4—Contents of returns

4. Section 4 of the principal Act is amended—

(a) by striking out from subsection (1)(a), subsection (2)(a) and (d) and subsection (3)(d), (e), (f) and (g) "a member of his family", wherever occurring, and substituting, in each case, "a person related to the Member";

(b) by striking out from subsection (2)(c) and (2)(d) "five hundred dollars", wherever occurring, and substituting, in each case, "\$750";

(c) by striking out from subsection (2)(d) and subsection (3)(f) "related by blood or marriage", wherever occurring, and substituting, in each case "related by blood or marriage to the Member or to a member of the Member's family";

(d) by striking out paragraph (e) of subsection (2) and substituting the following paragraph:

(e) where the Member or a person related to the Member has had the use of any property of another person during the whole or a substantial part of the return period and—

(i) the use of the property was not acquired for adequate consideration or through an ordinary commercial transaction or in the ordinary course of business;

(ii) the market price for acquiring a right to such use of the property would be \$750 or more;

and

(iii) the person granting the use of the property was not related by blood or marriage to the Member or to a member of the Member's family—

the name and address of that person;;

(e) by striking out paragraph (a) of subsection (3) and substituting the following paragraph:

(a) the name or description of any company, partnership, association or other body in which the Member required to submit the return or a person related to the Member is an investor;;

(f) by striking out paragraph (c) of subsection (3) and substituting the following paragraph:

(c) a concise description of any trust (other than a testamentary trust) of which the Member or a person related to the Member is a beneficiary or trustee (including the name and address of each trustee);;

(g) by striking out from subsection (3)(f) "five thousand dollars" and substituting "\$7 500";

(h) by inserting after paragraph (f) of subsection (3) the following paragraph:

(fa) where the Member or a person related to the Member is owed money by a natural person (not being related to the Member or a member of the Member's family by blood or marriage) in an amount of or exceeding \$10 000—the name and address of that person;;

(i) by striking out subsection (4) and substituting the following subsections:

(3a) A Member is required by this section only to disclose information that is known to the Member or ascertainable by the Member by the exercise of reasonable diligence.

(4) Nothing in this section requires a Member to disclose information relating to a person as trustee of a trust unless the information relates to the person in the person's capacity as trustee of a trust by reason of which the person is related to the Member.;

and

(j) by striking out from subsection (7) "members of his family" and substituting "a person related to the Member".

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

ROMA MITCHELL Governor