

# LEGISLATIVE ASSEMBLY

Read 1<sup>o</sup> 15 November, 1978.

(Brought in by Mr. Hamer and Mr. Thompson.)

## A BILL

To enact a Code of Conduct for Members of the Parliament of Victoria, to establish a Register of certain Interests of Members of that Parliament and for other purposes.

**B**E it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):—

1. (1) This Act may be cited as the *Members of Parliament (Register of Interests) Act 1978*. Short title.

(2) This Act shall come into operation on the day upon which it receives the Royal Assent. Commencement.

10 (3) This Act is divided into Parts as follows :—

Part I.—Code of Conduct.

Part II.—Register of Interests.

Part III.—General.

**Interpretation.**

2. In this Act, unless inconsistent with the context or subject-matter—

“ Family ” in relation to a Member means—

- (a) a spouse of that Member ; and
- (b) any child of that Member who is under the age of 18 years and normally resides with that Member. 5

“ Member ” means a person who is for the time being—

- (a) a Member of the Legislative Assembly ; or
- (b) a Member of the Legislative Council. 10

“ Trade or professional organization ” means any body corporate or unincorporate of employers or employes of persons engaged in primary secondary or tertiary industry or in any profession trade or other occupation any of the objects of which is the furtherance of the industrial or economic interest of such body or of any of its members. 15

#### PART I.—CODE OF CONDUCT.

3. (1) It is hereby declared that a Member of the Parliament is bound by the following code of conduct :— 20

(a) Members shall—

- (i) accept that their prime responsibility is to the performance of their public duty and therefore ensure that this aim is not endangered or subordinated by involvement in conflicting private interests ; 25
- (ii) ensure that their conduct as Members must not be such as to bring discredit upon the Parliament ;

(b) Members shall not advance their private interests by use of confidential information gained in the performance of their public duty ; 30

(c) A Member shall not receive any fee, payment, retainer or reward, nor shall he permit any compensation to accrue to his beneficial interest for or on account of, or as a result of the use of, his position as a Member ; 35

(d) A Member shall make full disclosure to the Parliament of—

- (i) any direct pecuniary interest that he has ; 40
- (ii) the name of any trade or professional organization of which he is a member which has an interest ;
- (iii) any

(iii) any other material interest whether of a pecuniary nature or not that he has—

in or in relation to any matter upon which he speaks in the Parliament ;

5 (e) A Member who is a Minister shall ensure that no conflict exists, or appears to exist, between his public duty and his private interests ;

10 (f) A Member who is a Minister is expected to devote his time and his talents to the carrying out of his public duties.

(2) Without limiting the generality of the foregoing in the application and interpretation of the code regard shall be had to the recommendation of the Joint Select Committee of the Victorian Parliament appointed pursuant to *The Constitution Act Amendment* 15 (*Qualifications Joint Select Committee*) Act 1973 presented to the Legislative Assembly on the 23rd day of April, 1974 (D.14/1973-74) contained in paragraph 12 of that report.

#### PART II.—REGISTER OF INTERESTS.

20 4. In this Part, unless inconsistent with the context or subject-matter—

“ Financial benefit ” means—

25 (a) the remuneration, fee or other pecuniary sum exceeding \$500 received by the Member in respect of any contract of service entered into or paid office held by the Member ; and

30 (b) the total of all remuneration, fees or other pecuniary sums received by the Member in respect of any trade, profession or vocation engaged in by the Member where the said total exceeds \$500—

but shall not include any remuneration received by the Member under the *Parliamentary Salaries and Superannuation Act* 1968.

“ Income source ” means—

35 (a) any person or body of persons with whom a Member entered into a contract of service or held any paid office ; or

(b) any trade vocation or profession engaged in by a Member.

40 “ Register ” means the Register of Members’ Interests established under this Act.

“ Return

“Return period” in relation to an ordinary return of a Member means—

- (a) in the case of a Member whose last return was a primary return the period between the date of the primary return and the 30th day of June next following ; and 5
- (b) in the case of any other Member means the period between the date of his last ordinary return and the 30th day of June next following.

5. (1) Every person who is a Member of the Legislative Assembly or the Legislative Council on the 1st day of February 1979, other than a person who declares to the Clerk of the Parliaments that he will not be seeking re-election at the next general or periodical election of the Assembly or Council, as the case may be, shall on or before the 28th day of February, 1979 submit to the Clerk of the Parliaments a primary return. 15

(2) Every Member who was not a Member of either the Legislative Assembly or the Legislative Council in the Parliament then last past shall, upon taking and subscribing the oath or affirmation as a Member, within 30 days thereafter submit to the Clerk of the Parliaments a primary return. 20

(3) Every Member shall on the 30th day of June in each year or within 60 days thereafter submit to the Clerk of the Parliaments an ordinary return.

6. (1) For the purposes of this Act a primary return shall be in the prescribed form and contain the following information :— 25

- (a) A statement of any income source that the Member has or expects to have in the period of twelve months after the date of the primary return ;
- (b) The name of any company or other body in which on the date of the primary return the Member held any office whether as director or otherwise ; 30
- (c) The information as at the date of the primary return referred to in sub-section 2 (c), (d), (e), (f) and (i).

(2) For the purposes of this Act an ordinary return shall be in the prescribed form and shall contain the following information :— 35

- (a) Where the Member receives or is entitled to receive a financial benefit during any part of the return period—the income source of such financial benefit ;
- (b) Where the Member holds or has held an office whether as director or otherwise in any company or other 40

body,

body, corporate or unincorporate, during the return period—the name of such company or other body.

- 5 (c) The name or description of any company, partnership, association or other body in which the Member holds a beneficial interest which exceeds in value \$500 ;
- (d) The name of any political party body or association or trade or professional organization of which the Member is or has been a member during the return period ;
- 10 (e) A concise description of any trust in which the Member holds a beneficial interest or of which the Member is trustee and a member of his family has a beneficial interest ;
- 15 (f) The address or description of any land in which the Member has any beneficial interest other than by way of security for any debt ;
- (g) The source of any significant contribution made in cash or in kind (other than any contribution by the State or any public statutory corporation constituted under the law of the State) to any travel beyond the limits of Victoria undertaken by the Member during the return period ;
- 20 (h) Particulars of any gift of or above the amount or value of \$500 received by the Member from a person other than a person related to him by blood or marriage ;
- 25 (i) Any other substantial interest whether of a pecuniary nature or not of the Member or of a member of his family of which the Member is aware and which the Member considers might appear to raise a material conflict between his private interest and his public duty as a Member.
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(3) Nothing in this section requires a Member to include in the return any information which has been disclosed in a previous return made by him under this Part.

35 (4) A Member may at any time notify the Clerk of the Parliaments of any change or variation in the information appearing on the register in respect of himself or a member of his family.

(5) Nothing in this section shall be taken to require a Member to disclose the amount of any financial benefit entered on the register in respect of such Member or his spouse.

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7. (1) The Clerk of the Parliaments shall maintain a Register of Members' Interests and shall cause to be entered therein all information furnished to him pursuant to the provisions of section 6.

Register of  
Members'  
Interests.

(2) The Clerk of the Parliaments shall ensure that no person shall have access to or be permitted to inspect any return submitted under

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under this Act or the register other than a person referred to in sub-section (3).

Secrecy.

(3) A person appointed or employed for the purposes of this Act, or authorized to discharge any function of the Clerk of the Parliaments for or on behalf of the Clerk of the Parliaments shall not, except to the extent necessary to perform his official duties or discharge such a function, either directly or indirectly, whether before or after he ceases to be so appointed, employed or authorized make a record of, or divulge or communicate to any person, any information that is gained by or conveyed to him by reason of his being so appointed, employed or authorized, or make use of any such information, for any purpose other than the discharge of his official duties or the discharge of that function. 5 10

(4) The Clerk of the Parliaments shall as soon as practicable after— 15

(a) the receipt of any primary return or returns ; and

(b) the receipt of the ordinary returns in any year—

prepare a summary of the information contained in the returns and shall cause a copy of the summary to be laid before each House of Parliament within fourteen days of its preparation if Parliament is then sitting or if Parliament is not then sitting within fourteen days of the next meeting of Parliament. 20

Restrictions on publications.

8. After a summary has been laid before the Parliament pursuant to section 7 (4) and published as a Parliamentary Paper a person shall not publish whether in Parliament or outside Parliament any information derived from the Parliamentary Paper unless that information constitutes a fair and accurate summary of the information contained in the Parliamentary Paper as is published in the public interest nor publish any comment on the facts set forth in the Parliamentary Paper unless that comment is fair and published in the public interest and without malice. 25 30

### PART III.—GENERAL.

Failure to comply with Act.

9. Any wilful contravention of any of the requirements of this Act by any person shall be a contempt of the Parliament and may be dealt with accordingly and in addition to any other punishment that may be awarded by either House of the Parliament for a contempt of the House of which the Member is a Member the House may impose a fine upon the Member of such amount not exceeding \$2,000 as it determines. 35

Default of payments fine.

10. In default of the payment of any fine imposed on a Member under section 9 to the Consolidated Fund within the time ordered by the House the seat of the Member shall become vacant. 40

11. The

**11.** The Governor in Council may make regulations prescribing any matters or things authorized or required or necessary to be prescribed under this Act. **Regulations.**

