

The Hon Chris Minns MP
Premier of New South Wales



[REDACTED]

The Hon John Hatzistergos AM
Chief Commissioner
Independent Commission Against Corruption
GPO Box 500
SYDNEY NSW 2001

[REDACTED]

Re: Draft Constitution (Disclosures by Members) Regulation 2024

Dear Chief Commissioner,

I refer to the July 2022 report of the Independent Commission Against Corruption (**Commission**) entitled *Investigation into the conduct of the local member for Drummoyne* (**Report**) following an investigation known as 'Operation Witney'. Please accept this letter as further update on the Government's implementation of the Commission's recommendations in the Report.

I **enclose** a consultation draft of the Constitution (Disclosures by Members) Regulation 2024 (**draft Regulation**), which, if made under section 14A of the *Constitution Act 1902* (**Constitution Act**), would repeal the *Constitution (Disclosures by Members) Regulation 1983* and replace it with a new regulation implementing recommendations 1 and 4 of the Report relating to the disclosure of interests by Members of Parliament.

The draft Regulation proposes requiring Members of Parliament to:

- disclose, in addition to the interests Members are currently required to disclose under the *Constitution (Disclosures by Members) Regulation 1983*:
 - each trust in which the Member has a beneficial interest, including a mere expectancy as a beneficiary of a discretionary trust, and interests in superannuation funds and listed investment trusts (subject to specified exemptions)
 - the interests of the Member's immediate family members
 - the disposition of interests to other persons by the Member that would otherwise be required to be disclosed, but for the disposition
 - interests in water access licences
 - conflicts of interest
- make continuous disclosures within one month of becoming aware of a change in interests (replacing the existing arrangements for periodic ordinary and supplementary ordinary returns).

The draft Regulation also proposes requiring the Clerks of Parliament to keep the registers of disclosure in an electronic format that is searchable and accessible to the public, within 12 months after the making of the draft Regulation.

Consistent with the requirements under subsection 14A(5) of the Constitution Act, the Government will table the draft Regulation in both Houses of Parliament, and move motions referring the draft Regulation to the Legislative Council Privileges Committee and the Legislative Assembly Parliamentary Privilege and Ethics Committee for inquiry and report.

If the draft Regulation is made, Part 2 of the Schedule to the NSW Ministerial Code of Conduct (**Ministerial Code**) in the Appendix to the *Independent Commission Against Corruption Regulation 2017*, relating to disclosures by Ministers and Parliamentary Secretaries to the Premier, will require consequential changes. Consistent with the requirement in section 117(4) of the *Independent Commission Against Corruption Act 1988*, The Cabinet Office will engage with the Commission to seek your recommendation to make consequential changes to Part 2 of the Schedule to the Ministerial Code in due course.

If you have any questions or feedback about the draft Regulation or the proposed consequential changes to the Ministerial Code, please contact [REDACTED]

[REDACTED]

Chris Minns MP
Premier of New South Wales
Encl.

- 6 FEB 2024



New South Wales

Constitution (Disclosures by Members) Regulation 2024

under the

Constitution Act 1902

[*The following enacting formula will be included if this regulation is made—*]

Her Excellency the Governor, with the advice of the Executive Council, has made the following regulation under the *Constitution Act 1902*.

Premier

Explanatory note

The object of this regulation is to repeal and remake, with changes, the *Constitution (Disclosures by Members) Regulation 1983*.

This regulation provides for—

- (a) the ongoing disclosure by Members of Parliament of pecuniary interests and other matters relating to Members and their immediate family members, and
- (b) the publication of publicly accessible and searchable electronic registers of the disclosures on the website of the NSW Parliament.

This regulation is made under the *Constitution Act 1902*, including section 14A.

Contents

	Page
Part 1 Preliminary	
1 Name of regulation	4
2 Commencement	4
3 Definitions	4
4 Forms	4
Part 2 Lodgement of interest disclosure returns and annual declarations	
5 First interest disclosure returns	5
6 Further interest disclosure returns	5
7 Annual declarations	5
Part 3 Interests and other matters to be disclosed	
Division 1 Preliminary	
8 Interpretation	6
9 Use of Member's parliamentary position to provide services	6
Division 2 General disclosures	
10 Real property	6
11 Trusts	7
12 Interests and positions in corporations	7
13 Positions in trade unions and professional or business associations	8
14 Debts	8
15 Conflicts of interest	8
16 Sources of income	9
17 Gifts	10
18 Contributions to travel	10
19 Dispositions of interests	11
20 Provision of client services	11
21 Water access licences	12
Division 3 Discretionary disclosures	
22 Discretionary disclosures generally	12
Part 4 Registers of interests and other matters disclosed	
23 Registers of disclosures by Members of Legislative Council and Legislative Assembly	13
24 Form of registers	13
25 Registers to be publicly available	13
26 Registers to be available to Members and officers of ICAC	13
Part 5 Miscellaneous	
27 Contravention of regulation	14
28 Repeal	14
29 Savings	14
30 Transitional arrangement	14

consultation draft

Constitution (Disclosures by Members) Regulation 2024 [NSW]
Contents

	Page
Schedule 1	
Schedule 2	
Schedule 3	
Interest disclosure return form	15
Annual declaration form	19
Dictionary	20

DRAFT

Constitution (Disclosures by Members) Regulation 2024

under the

Constitution Act 1902

Part 1 Preliminary

1 Name of regulation

This regulation is the *Constitution (Disclosures by Members) Regulation 2024*.

2 Commencement

This regulation commences on 1 July 2024.

3 Definitions

The dictionary in Schedule 3 defines words used in this regulation.

Note— The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this regulation.

4 Forms

- (1) A relevant portion of a form required to be completed by a Member under this regulation must be completed in accordance with the following directions and guidelines, if any, that are consistent with this regulation—
 - (a) directions specified in the form,
 - (b) guidelines issued or approved from time to time by the appropriate parliamentary committee for the Member.
- (2) In this section—

appropriate parliamentary committee, for a Member, means—

 - (a) a committee of the House of Parliament to which the Member belongs that is authorised by the House to issue or approve the guidelines referred to in subsection (1)(b), or
 - (b) if a joint committee of the Houses of Parliament is authorised by both Houses to issue or approve the guidelines—the joint committee.

Part 2 Lodgement of interest disclosure returns and annual declarations

5 First interest disclosure returns

- (1) A Member must, within 1 month after the date on which the Houses of Parliament first assemble after each general election (the *first assembly date*), lodge an interest disclosure return with the Clerk.
- (2) A Member who was not a Member at the first assembly date must, within 1 month after the date on which the Member takes the pledge of loyalty or oath of allegiance required by the Act, section 12, lodge an interest disclosure return with the Clerk.

6 Further interest disclosure returns

- (1) A Member must, within 1 month, lodge a further interest disclosure return with the Clerk if—
 - (a) a matter disclosed, or required to be disclosed, in an interest disclosure return changes, or
 - (b) a matter required to be disclosed under this regulation arises, or
 - (c) the Member becomes aware of a mistake in an interest disclosure return lodged by the Member.
- (2) A Member must complete only the part of the interest disclosure return that relates to the matter or mistake when the Member lodges a further interest disclosure return under subsection (1) about a matter or mistake.
- (3) A Member may also lodge an interest disclosure return with the Clerk if the Member wishes to make a disclosure about a matter under Part 3, Division 3.

7 Annual declarations

- (1) A Member must, within 1 month after each 30 June, lodge an annual declaration with the Clerk about matters appearing on the register as at 30 June.
- (2) Subsection (1) does not apply if the Member lodged the Member's first interest disclosure return under section 5 in the 6 months before 30 June in the same year.

Part 3 Interests and other matters to be disclosed

Division 1 Preliminary

8 Interpretation

- (1) A reference in this part to a disclosure about real property, income, a corporation or another thing includes a reference to a disclosure about real property situated, income derived, a corporation incorporated or another thing arising or received outside New South Wales.
- (2) For this part, gifts or contributions to travel given, loans made or goods or services supplied to a Member by 2 or more corporations that are, for the *Corporations Act 2001* of the Commonwealth, section 50, related to each other are taken to have been given, made or supplied by a single corporation.
- (3) A reference in this part to a description that is reasonably sufficient to identify a matter is a reference to a description that would enable a reasonable person to identify the nature or kind of matter.

9 Use of Member's parliamentary position to provide services

A reference in this part to a service provided by a Member involving the use of the Member's parliamentary position is a reference to a service provided by the Member to another person that arises from, or relates to the use of, the Member's position as a Member, including one or more of the following services—

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

Division 2 General disclosures

10 Real property

- (1) A Member must disclose—
 - (a) the address of each parcel of real property in which the Member or an immediate family member of the Member has an interest, and
 - (b) the nature of the interest in the parcel of real property.
- (2) A Member may provide the following information about a parcel of real property in which the Member or immediate family member has an interest as an alternative to disclosing the address of the parcel if the parcel is used by the Member or immediate family member for residential purposes—
 - (a) a statement that the parcel is, for the Member or immediate family member—
 - (i) the principal place of residence, or
 - (ii) a secondary place of residence,
 - (b) the location of the parcel by suburb or area.
- (3) An interest in a parcel of real property is not required to be disclosed by a Member if—
 - (a) the Member or immediate family member—
 - (i) has the interest only in the Member's or immediate family member's capacity as the executor or administrator of the estate of a deceased person, and

consultation draft

- (ii) is not a beneficiary under the will or intestacy, or
- (b) the Member or immediate family member—
 - (i) has the interest only in the Member's or immediate family member's capacity as a trustee, and
 - (ii) acquired the interest in the ordinary course of an occupation of the Member or immediate family member that is not related to the Member's duties as a Member, or
- (c) the interest in the parcel of real property is disclosed under section 11.

11 Trusts

- (1) A Member must disclose a trust if the Member or an immediate family member of the Member—
 - (a) has a beneficial interest in the trust, including a mere expectancy as a beneficiary of a discretionary trust, or
 - (b) is a trustee of the trust.
- (2) The following information must be disclosed about the trust—
 - (a) the name of the trust,
 - (b) a description of the activities of the trust,
 - (c) the nature of the interest the Member or immediate family member has in the trust,
 - (d) the interests held by the trust, including interests in real property and investments.
- (3) A trust is not required to be disclosed by a Member under subsection (1)(b) if the Member or immediate family member is trustee—
 - (a) as the executor or administrator of the estate of a deceased person and the Member or immediate family member is not a beneficiary under the will or intestacy, or
 - (b) in the ordinary course of an occupation of the Member or immediate family member that is not related to the Member's duties as a Member.
- (4) To avoid doubt, trusts that are superannuation funds, whether public or self-managed, and listed investment trusts must be disclosed under this section.
- (5) A Member may give the following information about a parcel of real property in which a trust has an interest as an alternative to disclosing the address of the parcel if the parcel is used by the Member or immediate family member for residential purposes—
 - (a) a statement that the parcel is, for the Member or immediate family member—
 - (i) the principal place of residence, or
 - (ii) a secondary place of residence,
 - (b) the location of the parcel by suburb or area.

12 Interests and positions in corporations

- (1) A Member must disclose the following—
 - (a) the name and address of each corporation in which the Member or an immediate family member of the Member has an interest or holds a position, whether remunerated or not,
 - (b) the nature of the interest, or a description of the position held, in each named corporation,

- (c) except for a listed corporation—a description of the principal objects of each named corporation.
- (2) An interest, or position held, in a corporation is not required to be disclosed by a Member if the corporation is—
 - (a) formed to provide recreation or amusement, to promote commerce, industry, art, science, religion or charity or for another community purpose, and
 - (b) required to apply its profits, if any, or other income in promoting its objects, and
 - (c) prohibited from paying dividends to its members.
- (3) A Member is not required to disclose a matter the Member would otherwise be required to disclose under this section if the Member has already made a disclosure about the matter when making a disclosure for section 16.

13 Positions in trade unions and professional or business associations

A Member must disclose—

- (a) the name of each trade union and each professional or business association in which the Member or an immediate family member of the Member holds a position, whether remunerated or not, and
- (b) a description of the position held in each named union or association.

14 Debts

- (1) A Member must disclose the name and address of each person to whom the Member or an immediate family member of the Member is liable to pay a debt.
- (2) A liability to pay a debt must be disclosed by a Member whether or not the amount, or a part of the amount, to be paid is immediately due and payable or is due and payable at another time.
- (3) A liability to pay a debt is not required to be disclosed by a Member if—
 - (a) the amount to be paid is not greater than \$500 during the parliamentary term, unless—
 - (i) the debt is one of 2 or more debts the Member or immediate family member is liable to pay to 1 person, and
 - (ii) the amounts to be paid are greater than \$500 in total, or
 - (b) the Member or immediate family member is liable to pay the debt to a relative, or
 - (c) for a debt arising from a loan of money—the Member or immediate family member is liable to pay the debt to a bank, building society, credit union or other person whose ordinary business includes lending money and the loan was made in the ordinary course of business of the lender, or
 - (d) for a debt arising from the supply of goods or services—
 - (i) the period since the goods or services were supplied is not greater than 12 months, or
 - (ii) the goods or services were supplied in the ordinary course of an occupation of the Member or immediate family member that is not related to the Member's duties as a Member.

15 Conflicts of interest

- (1) A Member must disclose all conflicts of interest.

- (2) A **conflict of interest** arises in relation to a Member if there is a conflict between the public duty and private interest of the Member in which the Member's private interest could objectively have the potential to influence the performance of the Member's public duty.
- (3) A conflict of interest need not be pecuniary in nature.
- (4) To avoid doubt, a Member's public duty as a Member does not include the Member's public duty as a Minister or Parliamentary Secretary.

16 Sources of income

- (1) A Member must disclose the following sources of income exceeding \$500 in a financial year—
 - (a) each source of income received by the Member or an immediate family member of the Member in the period since the last general election,
 - (b) each source of income the Member or an immediate family member of the Member reasonably expects to receive during the remainder of the parliamentary term.
- (2) In subsection (1), a reference to each source of income is a reference to—
 - (a) for income from being an employee of another person, including an employee of a corporation—
 - (i) the name of the occupation in which the Member or immediate family member is engaged, and
 - (ii) a description that is reasonably sufficient to identify the kinds of services provided, or to be provided, for the income, and
 - (iii) the name and address of the Member's or immediate family member's employer, and
 - (b) for income from being the holder of another office, including the holder of an office in a corporation or other body—
 - (i) the name or title of the office held by the Member or immediate family member, and
 - (ii) a description that is reasonably sufficient to identify the kinds of services provided, or to be provided, for the income, and
 - (iii) for an office held in a corporation or other body—the name and address of the corporation or body, and
 - (c) for income from a partnership the Member or immediate family member has entered into with other persons—
 - (i) the name of the occupation, if any, in which the Member or immediate family member is engaged, and
 - (ii) a description that is reasonably sufficient to identify the kinds of services provided, or to be provided, for the income, and
 - (iii) the name, if any, under which, and the address from which, the partnership is conducted, and
 - (d) for income for a service provided under another kind of contract, agreement or arrangement—
 - (i) the name of the occupation, if any, in which the Member or immediate family member is engaged, and
 - (ii) a description that is reasonably sufficient to identify the service provided, and
 - (iii) the name and address of the person from whom the income was, or is reasonably expected to be, received, and

consultation draft

- (e) for income from a trust—the name and address of the settlor and the trustee, and
 - (f) for other income—a description that is reasonably sufficient to identify the person from whom, or the circumstances in which, the income was, or is reasonably expected to be, received.
- (3) Without limiting subsection (2), a disclosure required by subsection (1) must include a description that is reasonably sufficient to identify the business carried on by the employer, body or other party to the contract or agreement if—
- (a) the source of income was, or is reasonably expected to be, received—
 - (i) from the Member's or immediate family member's employer, including if the employer is a corporation, or
 - (ii) for an office held by the Member or immediate family member in a body, including if the body is a corporation, or
 - (iii) under a contract or another agreement, and
 - (b) in relation to a Member—the Member knows the source of income was, or is reasonably expected to be, received for the provision by the Member of a service involving the use of the Member's parliamentary position.

17 Gifts

- (1) A Member must disclose—
- (a) a description of each gift received by the Member or an immediate family member of the Member, and
 - (b) the name and address of the donor of each gift.
- (2) A gift received by a Member or an immediate family member is not required to be disclosed if—
- (a) the amount of the gift was not greater than \$500, unless—
 - (i) the gift was one of 2 or more gifts made by 1 person during a 12-month period, and
 - (ii) the amount of the gifts was greater than \$500 in total, or
 - (b) the gift was a political contribution disclosed, or required to be disclosed, under the *Electoral Funding Act 2018*, Part 3, or
 - (c) the donor was a relative of the Member or immediate family member.
- (3) For this section, the amount of a gift comprising property other than money is an amount equal to the value of the property.

18 Contributions to travel

- (1) A Member must disclose—
- (a) the name and address of each person who made a financial or other contribution to travel undertaken by the Member or an immediate family member of the Member during the parliamentary term, and
 - (b) the dates on which the travel was undertaken, and
 - (c) the name of each State, Territory and foreign country in which the travel was undertaken.
- (2) A financial or other contribution to travel undertaken by a Member or an immediate family member of the Member is not required to be disclosed if—
- (a) the contribution was made from public funds, including a contribution arising from travel on free passes issued under an Act or from travel in government vehicles, or

- (b) the contribution was made by a relative of the Member or immediate family member, or
 - (c) the contribution was made in the ordinary course of an occupation of the Member or immediate family member that is not related to the Member's duties as a Member, or
 - (d) the amount of the contribution was not greater than \$250, unless—
 - (i) the contribution was one of 2 or more contributions made by 1 person during a 12-month period, and
 - (ii) the amount of the contributions was greater than \$250 in total, or
 - (e) the contribution was a political contribution disclosed, or required to be disclosed, under the *Electoral Funding Act 2018*, Part 3, or
 - (f) the contribution was made by a political party of which the Member was a member and the travel was undertaken—
 - (i) for the political activity of the party in New South Wales, or
 - (ii) to enable the Member or immediate family member to represent the party in Australia.
- (3) For this section, the amount of a contribution, other than a financial contribution, is an amount equal to the value of the contribution.

19 Dispositions of interests

- (1) A Member must disclose particulars of each disposition of a relevant interest by the Member if the Member kept, wholly or in part—
 - (a) the use and benefit of the interest, or
 - (b) the right to reacquire the interest at a later time.
- (2) A Member must disclose particulars of each disposition of property by another person under arrangements made by the Member if the Member kept, wholly or in part, the use and benefit of the property.
- (3) In this section—
relevant interest, in relation to a Member, means an interest that would, but for the disposition of the interest by the Member, be required to be disclosed under this regulation.

20 Provision of client services

- (1) A Member engaged by a person (the **principal**) to provide a service involving the use of the Member's parliamentary position (a **relevant service**) to or for a client of the principal must disclose each relevant service the Member provided to or for a client of the principal.
- (2) A reference in subsection (1) to each relevant service provided by a Member to or on behalf of a client of the principal is a reference to—
 - (a) a description that is reasonably sufficient to identify the nature of the service provided, and
 - (b) the names and addresses of the persons the Member knows, or ought reasonably to know, have benefited directly or are likely to benefit directly from the provision of the service, and
 - (c) a description that is reasonably sufficient to identify the nature of the business carried on by a person referred to in paragraph (b).
- (3) A Member must disclose a relevant service under subsection (1) regardless of whether or not the Member also received, or is also reasonably expected to receive,

a payment, gift or other financial benefit from the client or other person to whom the service is, or is to be, provided.

- (4) For this section—
- (a) a **client** of a principal is a person to whom a service is, or is to be, provided or made available in circumstances where the principal has received, or is reasonably expected to receive, consideration in money or money's worth for the service, and
 - (b) a Member is or was **engaged by a principal** to provide a relevant service to or for a client of the principal if the Member provides or provided the service in connection with the following—
 - (i) a contract of employment the Member entered into with the principal,
 - (ii) if the Member is an officer of the principal—the Member's functions as an officer of the principal,
 - (iii) another contract, agreement or arrangement the Member entered into with the principal under which the Member receives, or is reasonably expected to receive, consideration in money or money's worth, and
 - (c) a relevant service is or was provided **for a client of the principal** if the client requests or requested the service be provided to another person on the client's behalf.
- (5) In this section—
function includes a power, authority or duty.
officer, in relation to a person that is a corporation, has the same meaning as **officer** of a corporation in the *Corporations Act 2001* of the Commonwealth, section 9AD.

21 Water access licences

- (1) A Member must disclose—
- (a) the water access licence number of each water access licence in which the Member or an immediate family member of the Member has an interest, and
 - (b) the nature of the interest in the water access licence.
- (2) A disclosure is not required if—
- (a) the Member or immediate family member—
 - (i) has the interest in the water access licence only in the Member's or immediate family member's capacity as the executor or administrator of the estate of a deceased person, and
 - (ii) is not a beneficiary under the will or intestacy, or
 - (b) the interest in the water access licence is disclosed under section 11.

Division 3 Discretionary disclosures

22 Discretionary disclosures generally

A Member may, at the Member's discretion, disclose in an interest disclosure return a direct or indirect benefit, advantage, liability or other matter, whether pecuniary or not, that—

- (a) is not required to be disclosed by another provision of this part, and
- (b) the Member—
 - (i) considers might appear to raise a conflict between the Member's private interest and the Member's public duty as a Member, or
 - (ii) otherwise wishes to disclose.

Part 4 Registers of interests and other matters disclosed

23 Registers of disclosures by Members of Legislative Council and Legislative Assembly

- (1) The Clerk of the Legislative Council must compile and maintain a register of the disclosures made by Members of the Legislative Council under Part 2.
- (2) The Clerk of the Legislative Assembly must compile and maintain a register of the disclosures made by Members of the Legislative Assembly under Part 2.

24 Form of registers

- (1) A register must be kept electronically.
- (2) A Clerk must update the register as soon as practicable after an interest disclosure return is lodged.

25 Registers to be publicly available

- (1) A Clerk must make searchable copies of the registers publicly available for inspection on the website of the NSW Parliament.
- (2) A Clerk may exclude information from the copy of a register made publicly available under this section if the Clerk is satisfied it is necessary to protect—
 - (a) the privacy of persons other than Members of either House of Parliament, or
 - (b) the safety of a person.
- (3) This section takes effect immediately before the end of a period of 12 months after this regulation is made.

26 Registers to be available to Members and officers of ICAC

A Clerk must make searchable copies of the complete registers available for inspection by the following—

- (a) a Member,
- (b) an officer of the Commission within the meaning of the *Independent Commission Against Corruption Act 1988*.

Part 5 Miscellaneous

27 Contravention of regulation

A contravention of this regulation does not attract criminal or civil liability, except to the extent expressly provided by the Act, section 14A.

28 Repeal

The *Constitution (Disclosures by Members) Regulation 1983* is repealed.

29 Savings

An act, matter or thing that, immediately before the repeal of the *Constitution (Disclosures by Members) Regulation 1983*, had effect under that regulation continues to have effect under this regulation.

30 Transitional arrangement

- (1) Each Member must lodge an interest disclosure return with the Clerk on or before 1 August 2024.
- (2) Part 2 does not apply to a Member until 2 August 2024.

DRAFT

consultation draft

Constitution (Disclosures by Members) Regulation 2024 [NSW]
Schedule 1 Interest disclosure return form

Schedule 1 Interest disclosure return form

sections 4–6 and dictionary

Form Interest disclosure return

Constitution (Disclosures by Members) Regulation 2024

Interest disclosure return—Legislative *Council/*Assembly

Directions

- 1 The particulars required to complete this form must be written in block letters or typed.
- 2 Omit matter marked with an asterisk (*) if it is not applicable.

Disclosures of pecuniary interests and other matters by—

..... as at

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

.....

(Member's signature)

.....

(date)

Part 1 Real property

Person disclosure relates to	Address of parcel of real property	Nature of interest
self		
spouse/de facto partner		
child		

Part 2 Trusts

Person disclosure relates to	Name of trust	Description of activities of trust	Nature of interest in trust	Interests held by trust
self				
spouse/de facto partner				
child				

Part 3 Interests and positions in corporations

Person disclosure relates to	Name and address of corporation	Nature of interest or description of position held	Description of principal objects of corporation, if corporation is not a listed corporation
self			
spouse/de facto partner			
child			

consultation draft

Constitution (Disclosures by Members) Regulation 2024 [NSW]
Schedule 1 Interest disclosure return form

Part 4 Positions in trade unions and professional or business associations

Person disclosure relates to	Name of union or association and description of position held
self	
spouse/de facto partner	
child	

Part 5 Debts

Person disclosure relates to	Disclosure of information about debts
self	
spouse/de facto partner	
child	

Part 6 Conflicts of interest

Disclosure of conflicts of interest

Part 7 Sources of income

7.1 Income from employment, offices, partnerships and services

Table 7.1.1 Income received as employee

Person disclosure relates to	Name of occupation	Description of kinds of services provided	Name and address of employer	Description of business carried on by employer, if services provided relate to Member's position as a Member
self				
spouse/de facto partner				
child				

Table 7.1.2 Income received as holder of office

Person disclosure relates to	Name or title of office and description of kinds of services provided	Name and address of corporation or body, if any, in which office is held	Description of business carried on by entity, if services provided relate to Member's position as a Member
self			
spouse/de facto partner			
child			

consultation draft

Constitution (Disclosures by Members) Regulation 2024 [NSW]
Schedule 1 Interest disclosure return form

Table 7.1.3 Income from partnership

Person disclosure relates to	Name of occupation, if any	Description of kinds of services provided	Name and address of partnership	Description of business carried on by partnership, if services provided relate to Member's position as a Member
self				
spouse/de facto partner				
child				

Table 7.1.4 Income from services provided under another contract, agreement or arrangement

Person disclosure relates to	Name of occupation, if any, and description of services provided	Names and addresses of parties to contract, agreement or arrangement to provide services	Description of business carried on by other parties, if services provided relate to Member's position as a Member
self			
spouse/de facto partner			
child			

7.2 Income from trust

Person disclosure relates to	Name and address of settlor	Name and address of trustee
self		
spouse/de facto partner		
child		

7.3 Other income

Person disclosure relates to	Disclosure of information about other income
self	
spouse/de facto partner	
child	

Part 8 Gifts

Person disclosure relates to	Description of gift received	Name and address of donor
self		
spouse/de facto partner		
child		

consultation draft

Constitution (Disclosures by Members) Regulation 2024 [NSW]
Schedule 1 Interest disclosure return form

Part 9 Contributions to travel

Person disclosure relates to	Name and address of person who made contribution to travel	Dates of travel	Places of travel (name State, Territory or country)
self			
spouse/de facto partner			
child			

Part 10 Dispositions of interests

Disclosure of disposition of interests

Part 11 Provision of client services

Names and addresses of persons who benefited directly or are likely to benefit directly from service provided	Nature of service provided	Nature of business carried on by persons who benefited directly or are likely to benefit directly from service provided

Part 12 Water access licences

Person disclosure relates to	Water access licence number	Nature of interest
self		
spouse/de facto partner		
child		

Part 13 Discretionary disclosures

Disclosures that are discretionary

Schedule 2 Annual declaration form

section 7 and dictionary

Form Annual declaration

Constitution (Disclosures by Members) Regulation 2024

Annual declaration—Legislative *Council/*Assembly

Directions Omit matter marked with an asterisk (*) if it is not applicable.

Note— The Member of Parliament is under an obligation to continuously update the register of disclosures kept by the Clerk—see the *Constitution (Disclosures by Members) Regulation 2024*, section 6.

The register of disclosures maintained by the Clerk of the Legislative *Council/*Assembly as at 30 June of this year, to the best of my knowledge—

- (a) accurately compiles the information lodged in my interest disclosure returns, and
- (b) contains all the information required to be disclosed by me under the *Constitution (Disclosures by Members) Regulation 2024*.

.....
(full name of Member)

as at

.....
(declaration date)

.....
(Member's signature)

.....
(date)

DRAFT

Schedule 3 Dictionary

section 3

address means—

- (a) in relation to a person other than a corporation—the last residential or business address of the person known to the Member disclosing the address, or
- (b) in relation to a corporation—the address of the registered office of the corporation in New South Wales or, if there is no office in New South Wales, the address of the principal office of the corporation in the place in which it is incorporated, or
- (c) in relation to real property—the postal address of the property or the particulars of title of the property.

annual declaration means a written declaration in or to the effect of the form in Schedule 2.

Clerk means—

- (a) in relation to a Member of the Legislative Council—the Clerk of the Legislative Council, or
- (b) in relation to a Member of the Legislative Assembly—the Clerk of the Legislative Assembly.

debt means a debt arising from—

- (a) a loan of money, or
- (b) the supply of goods or services.

disposition of property means a conveyance, transfer, assignment, settlement, delivery, payment or other alienation of property, and includes the following—

- (a) the allotment of shares in a company,
- (b) the creation of a trust in relation to property,
- (c) the grant or creation of a lease, mortgage, charge, easement, licence, power, partnership or interest in relation to property,
- (d) the release, discharge, surrender, forfeiture or abandonment, at law or in equity, of a debt, contract or chose in action, or of an interest in relation to property,
- (e) the exercise by a person of a general power of appointment over property in favour of another person,
- (f) a transaction entered into by a person with the intent to diminish, directly or indirectly, the value of the person's own property and to increase the value of the property of another person.

donor means a person who makes a gift.

general election means a concurrent—

- (a) periodic Council election, and
- (b) general election of Members of the Legislative Assembly.

gift means a disposition of property by a person to another person, otherwise than by will, that is a disposition without consideration in money or money's worth or with inadequate consideration, but does not include a financial or other contribution to travel.

immediate family member, in relation to a Member, means—

- (a) the Member's spouse or de facto partner, or
Note— De facto partner is defined in the *Interpretation Act 1987*, section 21C.
- (b) a child of the Member or of the Member's spouse or de facto partner if one or more of the following apply—

consultation draft

Constitution (Disclosures by Members) Regulation 2024 [NSW]
Schedule 3 Dictionary

- (i) the child less than 18 years of age,
- (ii) the child is a dependant of the Member or of the Member's spouse or de facto partner,
- (iii) the child resides with the Member or the Member's spouse or de facto partner.

income means assessable income within the meaning of the *Income Tax Assessment Act 1936* of the Commonwealth or the *Income Tax Assessment Act 1997* of the Commonwealth, but does not include remuneration payable under the *Parliamentary Remuneration Act 1989*.

interest means—

- (a) in relation to property—an estate, interest, right or power, whether at law or in equity, in or over the property, or
- (b) in relation to a corporation—a relevant interest, within the meaning of the *Corporations Act 2001* of the Commonwealth, in securities issued or made available by the corporation.

interest disclosure return means a return in or to the effect of the form in Schedule 1.

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

Member means a Member of either House of Parliament.

occupation includes a trade, profession or vocation.

parliamentary term means the period between a general election and a later general election.

political party means a body or organisation, whether incorporated or unincorporated, having as one of its objects or activities the promotion of the election to the NSW Parliament of a candidate or candidates endorsed by it or by a body or organisation of which it forms part.

professional or business association means a body or organisation, whether incorporated or unincorporated, having as one of its objects or activities the promotion of the economic interests of its members in an occupation.

property includes money.

register means a register compiled and maintained under Part 4.

relative, in relation to a Member, means the following—

- (a) the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the Member or of the Member's spouse or de facto partner,
- (b) the spouse or de facto partner of the Member or of another person specified in paragraph (a).

Note— De facto partner is defined in the *Interpretation Act 1987*, section 21C.

securities has the same meaning as in the *Corporations Act 2001* of the Commonwealth, section 92(1).

the Act means the *Constitution Act 1902*.

travel includes accommodation incidental to a journey.

water access licence means an access licence within the meaning of the *Water Management Act 2000*.