

**CONSTITUTION (DISCLOSURES BY MEMBERS)
AMENDMENT ACT, 1981, No. 103**

New South Wales



ANNO TRICESIMO

ELIZABETHÆ II REGINÆ

Act No. 103, 1981.

An Act to require Members of Parliament to disclose certain pecuniary interests and other matters. [Reserved, 12th November, 1981. Assent proclaimed, 29th January, 1982.]

Constitution (Disclosures by Members) Amendment.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, with the approval of the electors as required by the Constitution Act, 1902, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the "Constitution (Disclosures by Members) Amendment Act, 1981".

Amendment of Act No. 32, 1902.

2. The Constitution Act, 1902, is amended in the manner set forth in Schedule 1.

SCHEDULE 1.

(Sec. 2.)

AMENDMENTS TO THE CONSTITUTION ACT, 1902.

(1) (a) Section 7A (1) (b)—

Omit "or" where lastly occurring.

(b) Section 7A (1) (c)—

Omit "be enacted unless it applies in the same way to the persons capable of being elected or of sitting and voting as Members of the other House of Parliament," insert instead "be enacted; or".

(c) Section 7A (1) (d)—

After section 7A (1) (c), insert:—

(d) any provision with respect to the circumstances in which the seat of a Member of either House of Parliament becomes vacant be enacted,

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE CONSTITUTION ACT, 1902—*continued.*

(d) Section 7A (6) (a) (i)—

Omit “13 (2), 14,”.

(e) Section 7A (6) (b)—

Omit “or”.

(f) Section 7A (6) (c)—

Omit “Parliament.”, insert instead “Parliament;”.

(g) Section 7A (6) (d), (e)—

After section 7A (6) (c), insert:—

(d) a provision with respect to the persons capable of being elected or of sitting and voting as Members of either House of Parliament which applies in the same way to the persons capable of being elected or of sitting and voting as Members of the other House of Parliament; or

(e) a provision with respect to the circumstances in which the seat of a Member of either House of Parliament becomes vacant which applies in the same way to the circumstances in which the seat of a Member of the other House of Parliament becomes vacant.

(2) Section 14A—

After section 14, insert:—

Disclosure of pecuniary interests and other matters by Members.

14A. (1) The Governor may, subject to subsections (4) and (5), make regulations for or with respect to—

(a) the disclosure by Members of either House of Parliament of all or any of the following pecuniary interests or other matters:—

(i) real or personal property;

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SCHEDULE 1—*continued.*AMENDMENTS TO THE CONSTITUTION ACT, 1902—*continued.*

- (ii) income;
 - (iii) gifts;
 - (iv) financial or other contributions to any travel;
 - (v) shareholdings or other beneficial interests in corporations;
 - (vi) partnerships;
 - (vii) trusts;
 - (viii) positions (whether remunerated or not) held in, or membership of, corporations, trade unions, professional associations or other organisations or associations;
 - (ix) occupations, trades, professions or vocations;
 - (x) debts;
 - (xi) payments of money or transfers of property to relatives or other persons by, or under arrangements made by, Members;
 - (xii) any other direct or indirect benefits, advantages or liabilities, whether pecuniary or not, of a kind specified in the regulations;
- (b) prescribing the manner in which, and the times at which, pecuniary interests or other matters shall be disclosed and providing for the verification by statutory declaration or otherwise of any such disclosure; and
- (c) the compilation and maintenance of registers of pecuniary interests or other matters disclosed by Members of either House of Parliament and the inspection and publication of any such register.

(2) If a Member of either House of Parliament wilfully contravenes any regulation made under subsection (1), that House may, in accordance with subsection (3), declare his seat vacant and the seat of the Member shall thereupon become vacant.

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE CONSTITUTION ACT, 1902—*continued.*

(3) A declaration under subsection (2) shall—

- (a) specify the circumstances that constitute the contravention;
- (b) declare that the House is of the opinion that the contravention is of such a nature as to warrant the seat of the Member being declared vacant; and
- (c) be made in accordance with such Standing Rules and Orders of the House as may regulate the making of the declaration.

(4) A regulation shall not be made under subsection (1) for or with respect to the disclosure by Members of either House of Parliament of pecuniary interests or other matters unless it applies in the same way to the disclosure by Members of the other House of Parliament of pecuniary interests or other matters.

(5) The Governor shall, before making a regulation under subsection (1)—

- (a) afford any committee of either House of Parliament established for the purpose an opportunity of considering and making representations with respect to the proposed regulation; and
- (b) take into account any such representations.

(6) Notwithstanding anything to the contrary in the Interpretation Act, 1897, or any other Act, a regulation made under subsection (1), or any part thereof, shall not cease to have effect upon its disallowance by either House of Parliament unless it has previously been disallowed by the other House of Parliament.

(7) The publication, pursuant to any regulation made under subsection (1), of a register of pecuniary interests or other matters disclosed by Members of either House of Parliament shall, for the purpose of the Parliamentary Papers (Supplementary Provisions) Act, 1975, be deemed to have been authorised by that House.

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SCHEDULE 1—*continued.*AMENDMENTS TO THE CONSTITUTION ACT, 1902—*continued.*

(3) (a) Section 15 (1) (f)—

Omit "Assent.", insert instead "Assent; and".

(b) Section 15 (1) (g)—

After section 15 (1) (f), insert:—

- (g) any other matter that, by or under this Act, is required or permitted to be regulated by Standing Rules and Orders.
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