

*Requirements and related arrangements
for the registration and disclosure of
Members' interests in selected overseas legislatures*

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Executive summary

Hong Kong

1. In the Legislative Council (LegCo) of Hong Kong, the requirements and procedures for the registration and disclosure of Members' interests are set out in Rules 83, 83A, 84 and 85 of the *Rules of Procedure*. These provisions mainly followed those provisions introduced into the *Standing Orders* of LegCo in 1991-1992 based on a study conducted by the House of Commons of the United Kingdom (the UK) Parliament. Hence, registrable interests of Members are more or less similar to those of the Members of the UK House of Commons, other than the recent additions in the UK. In most cases, Members are required to register the existence and nature of the interests, without specifying the very details or value of the interests.
2. A Member shall not move any motion or amendment relating to a matter in which he or she has a pecuniary interest, whether direct or indirect, or speak on such matter, except where he or she discloses the nature of that interest. In addition, a Member shall not vote upon any question in which he or she has a direct pecuniary interest except where his or her interest is in common with the rest of the population of Hong Kong or a sector thereof or his or her vote is given on a matter of government policy. Nevertheless, there is no rule on how the declaration of Members' interests should be made.
3. Any complaint made in relation to the registration and disclosure of Members' interests is considered by the Committee of Members' Interests (CMI). CMI may conduct investigation on the matter, and after the investigation process has been completed, it shall report to LegCo.

The United Kingdom

4. In the UK House of Commons, the rules on the registration of financial interests are set out in the *Code of Conduct* and the *Guide to the Rules relating to the conduct of Members*. Detailed information is generally required in the registration of interests, particularly in relation to directorships, employment and clients. Nevertheless, there is also a consideration of the issue of privacy.

5. The rule relating to declaration in meetings is broader in scope than that of registration as it requires the declaration of both past and expected interests. It is the responsibility of a Member, having regard to the rules of the House, to judge whether a pecuniary interest is sufficiently relevant to a particular debate or proceeding to require a declaration. During debate or proceeding, a Member should declare interest when it is most relevant to do so, normally at the beginning of his or her remarks. The declaration should be brief, but should make clear the nature of the interest concerned. Provided that Members have disclosed their interests, their right to speak and to vote on the matter would not be affected. Where a member of a committee, particularly the chairman, has a pecuniary interest which is directly affected by a particular inquiry, he or she may decide to stand aside from the relevant proceedings.
6. Complaints about Members' registration of interests should be addressed to the Parliamentary Commissioner for Standards, who may conduct investigation and report to the Committee on Standards and Privileges. The Committee, in turn, reports its conclusions and recommendations as to penalties, if any, to the House which makes the final decision.

Australia

7. In the House of Representatives of the Australian Parliament, registrable interests cover not only interests of Members, but also those of their spouses and dependent children. Since Members tend not to hold other employment, and thus the registration of Members' clients is unlikely to be an issue of concern. While Members do not need to provide details of their registrable interests, they are only required to register the existence and nature of the interests.
8. There is no requirement for oral declaration though Members remain free to make declaration. In an inquiry committee where there is the possibility of a conflict of interest, or of the perception of such a conflict, the relevant committee members are advised to make a declaration at an early stage. Although Members' right to speak would not be affected by their interests, they may not vote on a question about a matter in which they have a particular direct pecuniary interest, except when it is a matter of public policy.

9. Relevant complaints could be raised as a matter of privilege, which is usually referred to the Committee of Privileges and Members' Interests for investigation. The Committee reports to the House, which makes the final decision. The House does not necessarily follow the Committee's recommendations in relation to the matter or any penalty that may be decided.

Canada

10. In the Canadian Parliament, the *Conflict of Interest Code for Members of the House of Commons* provides the principal guidance for Members in the ethical discharge of their duties. Members are required to register personal pecuniary interests of their own and those of their family members. The extent of information required in registration is comparatively high. In general, Members are required to provide detailed information about their interests, especially those in relation to the Government of Canada.
11. Members must disclose the relevant interests at the first opportunity either orally or in writing to the Clerk of the House. Members shall not participate in debate or vote on a question in which they have a private interest, but matters of general application or that affect Members as part of a broad class of the public are excluded in this prohibition.
12. The Conflict of Interest and Ethics Commissioner may conduct inquiries into whether a Member has contravened the *Code*. After the inquiry has been completed, the Commissioner shall report the findings to the Speaker, who, in turn, presents the report to the House. If the Commissioner recommends sanctions in the report, the Member concerned will be subject to the disciplinary powers of the House. In any event, since the *Code* came into force in 2004, no sanctions have been imposed.

New Zealand

13. In the New Zealand Parliament, the registration of Members' pecuniary interests is an annual exercise, and Members are not required to update the return during the year. Personal pecuniary interests of Members' spouses or other family members are not recorded in registration, but such interests are included when declaring a financial interest in meetings. Members do not need to provide details of their interests in registration. In particular, the actual value of asset, payment, interest, gift, contribution or debt is not required to be reported.
14. Only direct pecuniary interests are subject to the disclosure requirements for Members. The normal practice is for Members to make an oral declaration before participating in debate or voting. Members who have a financial interest in business before the House are not thereby disqualified from participating in debate on the matter, serving on a committee inquiring into it or voting on it. It is for Members to judge whether they should participate in the proceedings. Members often step aside from a particular responsibility, such as chairing a select committee, while a particular item is considered.
15. Complaints about Members' registration and declaration of interests could be dealt with as a matter of privilege, and the Speaker may refer the matter to the Privilege Committee. The Privilege Committee may investigate the matter and report to the House after the investigation.

Singapore

16. The Parliament of Singapore does not require Members to register their interests, but the dominant party in the Parliament, the People's Action Party (PAP), has a "code of conduct" for its elected Members of Parliament (MPs). PAP MPs are required to report their personal interests to the Prime Minister in confidence.
17. Members are required to declare in meetings direct pecuniary interests. Members usually declare their interest before delving into their speeches. While Members who have a pecuniary interest in business before the Parliament or a committee are not thereby disqualified from participating in debate after declaration has been made, they shall not vote upon the matter.

18. Although the *Standing Orders* contain no provision on the investigation procedure of complaints and sanctions against non-compliance of the disclosure requirements, the punitive power resides in the *Parliament (Privileges, Immunities and Powers) Act*. Under the *Act*, non-compliance of the disclosure requirements may be regarded as a contempt. Complaints could be raised as a matter of privilege, which is referred to the Committee of Privileges. After investigation, the Committee shall report to the Parliament.

Requirements and related arrangements for the registration and disclosure of Members' interests in selected overseas legislatures

Chapter 1 – Introduction

1.1 Background

1.1.1 In the Legislative Council (LegCo) of Hong Kong, the requirements and procedures for the registration and disclosure of Members' interests are set out in Rules 83, 83A, 84 and 85 of the *Rules of Procedure*. Rule 83 requires Members to register their registrable interests before the first meeting of each term. Rule 83A provides that in the Council or its committees or subcommittees, a Member shall not move any motion or amendment relating to a matter in which he or she has a pecuniary interest, whether direct or indirect, or speak on such matter, except where he or she discloses the nature of that interest. Rule 84(1) provides that in the Council or its committees or subcommittees, a Member shall not vote upon any question in which he or she has a direct pecuniary interest except where his or her interest is in common with the rest of the population of Hong Kong or a sector thereof or his or her vote is given on a matter of government policy. Rule 85 stipulates the sanctions against non-compliance of the relevant requirements specified in Rules 83, 83A, 84(1) and 84(1A).

1.1.2 The relevant provisions in the *Rules of Procedure* mainly followed those provisions introduced into the *Standing Orders* of LegCo in 1991-1992 based on a study of the registration and disclosure mechanism conducted by the House of Commons of the Parliament in the United Kingdom (the UK). In the UK, the first Register of Members' Interests was created in 1975. Rules about registering and declaring interests were gradually developed thereafter, and first codified with substantial revisions in 1992. The first Parliamentary Commissioner for Standards was subsequently appointed in the UK in 1995. A *Code of Conduct* was approved by the House in 1996, and revised in 2002, 2005 and 2009 respectively.

1.1.3 With increasing transparency in the operation of LegCo, there is a growing expectation of a higher ethical standard for Members of LegCo, in particular over the declaration of personal pecuniary interests and avoidance of conflict of personal and public interests. The Committee on Members' Interests (CMI) has taken note of the recent concern over Members' declaration of interests and their rights to take part in the deliberation and voting on legislative and financial proposals before LegCo. In order to examine the extent to which the existing registration and disclosure mechanism may meet the needs of Members, CMI has requested the Research and Library Services Division (RLSD) to undertake a research study on the recent development of this subject in other legislatures.

1.2 Selected overseas legislatures

1.2.1 This research studies the requirements and arrangements for the registration and disclosure of Members' interests in the lower house of the legislature or the unicameral Parliament itself in five selected places:

- (a) the UK;
- (b) Australia;
- (c) Canada;
- (d) New Zealand; and
- (e) Singapore.

1.2.2 The above legislatures are selected because they are Commonwealth countries, and Hong Kong's mechanism for the registration and disclosure of Members' interests originates from the Commonwealth system. While the current mechanism in Hong Kong is mainly built on the practice of the UK House of Commons established in the early 1990s, there have been reviews and changes in the related mechanism in the UK in the past two decades.

1.2.3 There are certain distinctive features in the mechanism for the registration and disclosure of Members' interests of the selected legislatures. Both the Conflict of Interest and Ethics Commissioner in Canada and the Parliamentary Commissioner for Standards in the UK are officers of the House, who have administrative, advisory and investigatory functions in relation to the pecuniary interests of Members. On the other hand, in both Australia and New Zealand, the register for recording Members' interests is managed by an employee of the House and the investigatory role is played by the respective disciplinary committees. Unlike the House of Commons in Canada and the UK, despite having explicit rules on the registration and disclosure of Members' interests, both Australia and New Zealand do not have a code of conduct for Members in their House of Representatives.

1.2.4 Although the Parliament of Singapore only requires Members to declare interests and has no registration mechanism, in view of the similar small city feature of Singapore and Hong Kong as suggested by CMI at its meeting on 1 March 2010, this study covers the Parliament of Singapore as well.

1.3 Scope of research

1.3.1 This study covers the requirements and related arrangements for the registration and disclosure of Members' interests in the five selected overseas legislatures. Particular emphasis is placed on:

- (a) registration of interests, including types of interests required to be registered by Members, in particular those in connection with independent non-executive directorship and gifts from social and ceremonial occasions, the requirement for Members to register their spouses' personal pecuniary interests as well as their own professional and business clients; and the mechanism for the registration of interests;

- (b) disclosure of interests, including the disclosure requirements, categorization of interests as direct or indirect pecuniary interests, the requirement for Members to disclose their spouses' personal pecuniary interests as well as their own professional and business clients, form and extent of disclosure, disclosure of interests in committees, as well as the extent to which such interests affect Members' right to speak and to vote on matters in which they have a pecuniary interest; and
- (c) investigation procedure of complaints about Members' registration and declaration of interests, and sanctions against non-compliance of the relevant requirements and procedures.

1.4 Research method

1.4.1 This research adopts a desk research method, which involves literature review, documentation analysis, Internet research and correspondence with relevant authorities.

Chapter 2 – The United Kingdom

2.1 Background

2.1.1 In the United Kingdom (the UK), the arrangements for regulating standards in the House of Commons have developed over time and often in response to particular events. With regard to the rules on the registration and declaration of Members' interests, the House passed a resolution in 1858 prohibiting advocacy for fee or reward and in 1947 a further resolution banning Members from entering contracts or agreements which restricted their freedom to act and speak, or to act as a representative of outside bodies. A resolution of 1974 confirmed a long-standing convention that relevant pecuniary interests should be declared in the House and its committees, and in communications with Ministers and officials. The first Register of Members' Interests was created in 1975. The rules on the registration and declaration of interests developed gradually thereafter and were first codified in 1992.¹

2.1.2 The key features of the present arrangements came into being in 1995 following recommendations by both the Committee on Standards in Public Life (the so-called Nolan Committee) and the Select Committee of the House on Standards in Public Life. They called for a code of conduct for Members, an improved Register of Members' Interests, an independent Parliamentary Commissioner for Standards, and a strengthened Committee on Standards and Privileges. The first Parliamentary Commissioner for Standards was appointed in 1995 and the *Code of Conduct for Members* (the *Code*) was approved by the House and published in 1996 to supplement the rules previously applicable to the registration and declaration of interests.

¹ Parliamentary Commissioner for Standards (2003a) p. 5.

2.1.3 The Parliamentary Commissioner for Standards is an officer of the House appointed to monitor the operation of the *Code*; to maintain the Register of Members' Interests and any other registers approved by the Committee on Standards and Privileges; to advise the Committee on the interpretation of the *Code*; to provide confidential advice to Members and others subject to registration; and to receive and, if necessary, investigate specific complaints from Members and from members of the public on both the registration and declaration of interests and on other aspects of the propriety of a Member's conduct and to report on those investigations to the Committee on Standards and Privileges.

2.1.4 The rules on the registration and declaration of interests are set out in the *Code* and the *Guide to the Rules relating to the conduct of Members* (the *Guide*). The *Code* is relatively short, incorporating the substance of various resolutions on conduct passed by the House and the Nolan Committee's "seven principles of public life".² The purpose of the *Code*, which is drawn up by the Committee on Standards and Privileges, is to provide "a framework within which acceptable conduct should be judged". It sets out the public duties undertaken by Members and requires observance of the general principles of public life. In particular, it stipulates that any conflict between personal and public interests should always be resolved in favour of the latter. The *Code* was revised in 2002 and 2005, and its most recent version was approved by the House on 9 February 2009. Incorporating the resolution of 30 April 2009 which required more detailed registration for several categories of registrable interests,³ the current *Code* was issued on 22 June 2009.

2.1.5 The *Guide* describes in detail the rules which Members are obliged to follow, particularly in connection with the registration of their interests. These rules derive their authority from resolutions of the House, rather than from statute or the common law, and are therefore enforceable by the House itself. Nonetheless, in respect of registration in Categories 4 (Sponsorships), 5 (Gifts, benefits and hospitality (UK)) and 6 (Overseas visits), there are additional requirements imposed by the *Political Parties, Elections and Referendums Act*.

² These seven principles are selflessness, integrity, objectivity, accountability, openness, honesty, and leadership.

³ The resolution of 30 April 2009 requires more detailed registration for Categories 1 (Directorships), 2 (Employment) and 3 (Clients).

2.1.6 The House of Commons has two distinct but related methods for the disclosure of personal financial interests of its Members: registration of interests in a Register which is open for public inspection; and declaration of interest in the course of debate in the House and in other contexts. The main purpose of the Register is to give public notification on a continuous basis of those pecuniary interests held by Members which might be thought to influence their parliamentary conduct or actions. The main purpose of declaration is to ensure that fellow Members of the House and the public are made aware, at the appropriate time when a Member is participating in the proceedings of the House, of any past, present or expected future pecuniary interest which might reasonably be thought to be relevant to those proceedings.⁴

2.1.7 In response to the 2009 revelations about Members' use of expenses and allowances, the government introduced the *Parliamentary Standards Bill 2009*, which sought to establish an Independent Parliamentary Standards Authority (IPSA) and a Commissioner for Parliamentary Investigations. The *Parliamentary Standards Act 2009* received Royal Assent on 21 July 2009, and IPSA was subsequently established. Under the *Act*, IPSA was supposed to prepare a code of conduct relating to financial interests of Members of the House and to assume responsibility for publishing the register of Members' interests, with the Commissioner for Parliamentary Investigations being responsible for investigating failure to register financial interests.

2.1.8 When the Committee on Standards in Public Life reported on Members' expenses and allowances on 4 November 2009, it recommended that the responsibility for maintaining the register of financial interests and the associated code of conduct should be removed from IPSA and returned to the House.⁵ On 10 December 2009, the government issued a written ministerial statement which set out its plans to introduce new legislation to amend the *Parliamentary Standards Act*, in which IPSA's power to create a statutory code covering the registration of Members' interests would not be proceeded with, and also there would not be a statutory Commissioner for Parliamentary Investigations.⁶ The relevant legislative changes were completed with the enactment of the *Constitutional Reform and Governance Act* in April 2010. As such, the registration of Members' interests has remained the same as before.⁷

⁴ May (2004) p. 483.

⁵ Committee on Standards in Public Life (2009) p. 18.

⁶ The *Constitutional Reform and Governance Bill* proposing the relevant legislative changes to the powers and functions of IPSA to implement the report by the Committee on Standards in Public Life on MPs' expenses got Royal Assent and became the *Constitutional Reform and Governance Act* on 8 April 2010.

⁷ Reply from the Office of the Parliamentary Commissioner for Standards, 20 March 2010.

2.2 Registration of interests

Registrable interests

2.2.1 The rules on the registration of Members' financial interests are set out in the *Guide*. The primary purpose of the Register of Members' Financial Interests is "to provide information of any financial interest or other material benefit which a Member receives which might reasonably be thought by others to influence his or her actions, speeches, or votes in Parliament, or actions taken in his or her capacity as a Member of Parliament".

2.2.2 The registration form specifies the following 12 categories of registrable interests:

- (1) remunerated directorships in public and private companies;
- (2) remunerated employments, offices or professions;
- (3) names and nature of business of clients to which personal services are provided;
- (4) donation received by a Member's constituency party or association which is linked either to candidacy at an election or to membership of the House; and any other form of financial or material support as a Member of Parliament, amounting to more than £1,000 (HK\$12,437) from a single source, whether as a single donation or as multiple donations of more than £200 (HK\$2,487) during the course of a calendar year;
- (5) gift to a Member or a Member's spouse or partner, or any material benefit, of a value greater than 1% of the current parliamentary salary⁸ from any company, organization or person within the UK which in any way relates to membership of the House or to a Member's political activity;

⁸ With effect from 1 April 2010, the current salary for a Member is £66,000 (HK\$820,842).

- (6) overseas visits made by a Member or a Member's spouse or partner relating to or in any way arising out of membership of the House where the cost of the visit exceeds 1% of the current parliamentary salary and is not wholly borne by the Member or by public funds;
- (7) gift to a Member or to a Member's spouse or partner, or any material advantage, of a value greater than 1% of the current parliamentary salary from or on behalf of any company, organization or person overseas which in any way relates to membership of the House;
- (8) land or property which has a substantial value (unless used for the personal residential purposes of a Member or a Member's spouse or partner), or from which a substantial income is derived;
- (9) names and nature of business of companies (public or private) or other bodies in which a Member has either himself or herself or with or on behalf of his or her spouse or partner or infant children, interests in shareholdings which are greater than 15% of the issued share capital, or 15% or less of the issued share capital but greater in value than the current parliamentary salary;
- (10) controlled transactions within the meaning of Schedule 7A of the *Political Parties, Elections and Referendums Act*, not otherwise recorded in the Register;
- (11) any relevant interest, not falling within one of the above categories, which falls within the definition of the main purpose of the Register or which a Member considers might be thought by others to influence his or her actions in a similar manner, even though the Member receives no financial benefit; and
- (12) family members employed and remunerated through parliamentary allowances.

2.2.3 Except in Categories 1, 2 and 3 which do not have any financial thresholds, all single benefits of whatever kind which exceed the relevant threshold should be registered in the appropriate Category.

Non-executive directorship

2.2.4 Under Category 1 of registrable interests, "remunerated directorships in public and private companies" include directorships which are individually unremunerated, but where remuneration is paid through another company in the same group. As regards non-executive directorship, the *Guide* clearly states that "A Member who holds a registrable directorship, including a non-executive directorship, and who provides in respect of that directorship services in the capacity of a Member of Parliament, is required to deposit with the Office of the Parliamentary Commissioner for Standards, for public inspection if required, such an agreement for the provision of services". Hence, non-executive directorships should be registered.

2.2.5 Members must register the name and address of the company in which the directorship is held and give a broad indication of the company's business. Members must register under this category the precise amount of each individual payment made in relation to any directorship, the nature of the work carried on in return for that payment, the number of hours worked during the period to which that payment relates and the name and address of the person, organization or company making that payment.

2.2.6 As regards interests in relation to subsidiaries, Members are required to register remunerated directorships and directorships which are themselves unremunerated but where the companies in question are associated with, or subsidiaries of, a company in which the Member holds a remunerated directorship. Other than that, Members are not required to register but may do so under Category 11 (miscellaneous) if they consider the relevant test is met, i.e. the interest might reasonably be thought by others to influence the Member's actions, speeches, or votes in Parliament, or actions taken in his or her capacity as a Member of Parliament.⁹

⁹ Reply from the Office of the Parliamentary Commissioner for Standards, 14 October 2010.

Gifts from social and ceremonial occasions

2.2.7 Under Category 5 (Gifts, benefits and hospitality (UK)) and Category 7 (Overseas benefits and gifts), any gift to a Member or a Member's spouse or partner, or any material benefit, of a value greater than 1% of the current parliamentary salary which in any way relates to membership of the House or to a Member's political activity should be registered. Nonetheless, gifts and material benefits are exempt from registration if they do not relate in any way to membership of the House or to a Member's political activity.

2.2.8 The extent to which the above exemption of registration applies in any particular case is a matter of judgement. Both the possible motive of the giver and the use to which the gift is put have to be considered: if it is clear on both counts that the gift or benefit is entirely unrelated to membership of the House or to a Member's political activity, or would not reasonably be thought by others to be so related, it need not be registered. When there is any doubt about the motive of the gift, it should be registered.¹⁰ Simply put, gifts from social and ceremonial occasions are registrable if the gifts relate in some way to membership of the House or to a Member's political activity, and the value of the gifts is greater than £660 (HK\$8,208).

Pecuniary interests of Members' spouses

2.2.9 Under several categories of registrable interests, the same registration requirements on Members' interests apply to those of Members' spouses or partners. They are Categories 5 (Gifts, benefits and hospitality (UK)), 6 (Overseas visits) and 7 (Overseas benefits and gifts). Pecuniary interests arising from the professions and businesses of Members' spouses are not included in the list. However, under Category 9 (Shareholdings), Members are required to include not only shareholdings in which they themselves have a beneficial interest but also those in which the interest is held with, or on behalf of, their spouses or partners or dependent children. As such, pecuniary interests arising from the businesses of Members' spouses which are held with the Members are registrable.

¹⁰ *Guide to the Rules relating to the conduct of Members*, pp. 18-19.

2.2.10 The resolution of 27 March 2008 has added a new category to registrable interests, which is Category 12, "Family members employed and remunerated through parliamentary allowances". Members are required to register the name, relationship to them, and job title of any family members (by blood or by marriage or a relationship equivalent to marriage) employed by them and remunerated through parliamentary allowances.

Members' professional and business clients

2.2.11 Category 3 of registrable interests is "Clients". The *Guide* states that in respect of any paid employment registered in Category 1 (Directorships) and Category 2 (Remunerated employments, offices or professions), any provision of services to clients should be registered under this category. All clients to which personal services are provided should be listed together with the nature of the client's business in each case.

2.2.12 Where a Member receives remuneration from a company or partnership engaged in consultancy business, the Member should list the clients of the business to whom personal services or advice are provided. For instance, if a Member is employed as a parliamentary adviser by a firm which itself is a consultancy, he or she should register clients of that firm to which he or she has personally provided services. In addition, the Member should register clients of the consultancy which he or she knows have benefited from such advice. Where a company is named as a client of the consultancy, the nature of the company's business should be indicated.¹¹

2.2.13 The resolution of 30 April 2009 further requires Members to register, under the "Clients" Category, the precise amount of each individual payment made, the nature of the work carried on in return for that payment, the number of hours worked relating to that payment, and the name and address of the person, organization or company making that payment, except where disclosure of the information would be contrary to any legal or established professional duty of privacy or confidentiality.

¹¹ *Guide to the Rules relating to the conduct of Members*, pp. 15-16.

Details required in registration

2.2.14 The registration form and the *Guide* both specify the extent of information required in registration. The registration form is attached as **Appendix I** for easy reference.¹² Generally speaking, interests should be registered in details. Without going through the requirements of each category of registrable interests, the following paragraphs highlight those details required in registering real property and shareholding.

2.2.15 In the registration of land and property, the entry should be reasonably specific as to the nature of the property and its general location. Examples given in the *Guide* are "woodland in Perthshire", "dairy farm in Wiltshire", and "3 residential/commercial rented properties in Manchester". Members should also indicate whether rental income is received from the property, but it is not required to state the amount of the rental income.

2.2.16 For each registrable shareholding, the entry should state the name of the company or body and briefly indicate the nature of its business. Members should also indicate whether the interests in shareholdings are "greater than 15% of the issued share capital" or "15% or less of the issued share capital but worth more, at the previous 5 April, than the current parliamentary salary". The value of a shareholding is determined by the market price of the share on the preceding 5th of April. If the market price cannot be ascertained, the Member concerned should decide whether to register it on the basis of its estimated value. However, Members are not required to specify the value of the shareholding.

Registration mechanism

2.2.17 Under the resolution on 22 May 1974 and the *Code*, Members are required to register their pecuniary interests in the Register of Members' Interests (renamed as "Register of Members' Financial Interests" in 2009). The duty of compiling the Register rests with the Parliamentary Commissioner for Standards whose functions are set out in the *Standing Orders*. The Commissioner is assisted by the Registrar of Members' Financial Interests in handling enquiries about the Register and rules governing it.

¹² The registration form is provided by courtesy of the Office of the Parliamentary Commissioner for Standards.

2.2.18 Members are required to complete a registration form and submit it to the Commissioner within one month of their election to the House, no matter whether it is a general election or a by-election. When the Register of Members' Financial Interests is complete, the Commissioner, after securing the authorization of the Committee on Standards and Privileges, arranges for its printing as a House of Commons paper. The Register is published annually. Between publications, the Register is regularly updated electronically and is available for public inspection in the Search Room of the Parliamentary Archives. The current Register and previous editions are also available on the website of the Office of the Parliamentary Commissioner for Standards.¹³ At the discretion of the Commissioner, copies of individual entries in the Register may be supplied on request.¹⁴

2.2.19 After the initial publication of the Register (in the case of Members returned through by-elections, after their initial registration), it is the responsibility of Members to report changes in their registrable interests within four weeks of each change occurring.

2.3 Disclosure of interests

Disclosure requirements

2.3.1 In debate, a Member is required to declare "any relevant pecuniary interest or benefit or whatever nature, whether direct or indirect, that he [or she] may have had, may have or may be expecting to have". Therefore, the rule relating to the declaration of interests is broader in scope than the rule relating to registration as it requires the declaration of both relevant past interests and relevant interests which the Member may be expecting to have in the future.¹⁵ However, in practice, only interests held in the recent past, i.e. those within the previous 12 months, need to be considered for declaration. In deciding whether a possible future benefit is sufficiently tangible to necessitate declaration, the keyword in the rule which the Member must bear in mind is "expecting".¹⁶

¹³ <http://www.parliament.uk/mps-lords-and-offices/standards-and-interests/pdfs/>

¹⁴ May (2004) p. 484; Register of Financial Interests (2010); *Guide to the Rules relating to the conduct of Members*, p. 13.

¹⁵ May (2004) pp. 487-488; *Guide to the Rules relating to the conduct of Members*, p. 28.

¹⁶ *Guide to the Rules relating to the conduct of Members*, p. 28.

2.3.2 "Relevant interests" which should be declared include any interest which the Member is required to register in the Register of Members' Financial Interests.¹⁷ Members are also encouraged to declare non-registrable interests which might be thought to influence them. Examples include pecuniary interests which fall below the registrable threshold, pecuniary interests of close family members, and any other circumstances which, though exempt from the requirement to register, might be thought to have a bearing on a Member's personal financial position. Overall, in the interests of transparency, Members are encouraged to declare non-registrable and non-pecuniary interests as well.¹⁸

2.3.3 It should be noted that the rules on declaration are in some events less categorical than those on registration. Every Member's circumstances are unique, and one may only refer to the relevant rules to determine if disclosure is required. Likewise, any advice the Registrar gives to Members on the declaration issue would be based on these rules and on the stated purpose of the Register.¹⁹

2.3.4 It is the responsibility of a Member, having regard to the rules of the House, to judge whether a pecuniary interest is sufficiently relevant to a particular debate or proceeding to require a declaration. The basic test of relevance is similar to that for registration in that a pecuniary interest should be declared if it might reasonably be thought by others to influence the Member's speech.²⁰

¹⁷ *Guide to the Rules relating to the conduct of Members*, p. 30.

¹⁸ May (2004) pp. 487-488; *Guide to the Rules relating to the conduct of Members*, p. 29.

¹⁹ Reply from the Office of the Parliamentary Commissioner for Standards, 14 October 2010.

²⁰ May (2004) p. 488; *Guide to the Rules relating to the conduct of Members*, p. 29.

Direct and indirect pecuniary interests

2.3.5 Members are required to declare any relevant pecuniary interest, no matter direct or indirect. However, there is no guidance on what direct or indirect interests are except what appears in the *Guide*.²¹ The *Guide* provides that Members are not required to declare interests common to all Members and solely arising from that specific capacity. For example, in debate on employment law, Members are not required to declare any interest as employers of staff in relation to those employed wholly in connection with their parliamentary duties.²² In addition, the Speaker once ruled that Members should be expected to indicate a relevant interest only where it is "plainly additional to their interests as Members of the House".²³

Pecuniary interests of Members' spouses

2.3.6 Members are encouraged to declare non-registrable interests which might be thought to have a bearing on their personal financial position. Pecuniary interests of close family members like spouses and partners are one of such interests specified in the *Guide*.²⁴

Members' professional and business clients

2.3.7 Members are required to declare any relevant pecuniary interest that they may have had, may have or may be expecting to have. It is the responsibility of the Member, having regard to the rules of the House, to judge whether a financial interest is sufficiently relevant to a particular debate or proceeding to require a declaration. As such, Members may have to disclose their professional and business clients when this information is relevant to the debate or proceeding.

²¹ Reply from the Office of the Parliamentary Commissioner for Standards, 22 March 2010.

²² *Guide to the Rules relating to the conduct of Members*, p. 29.

²³ May (2004) p. 488.

²⁴ May (2004) pp. 487-488; *Guide to the Rules relating to the conduct of Members*, p. 29.

Form and extent of disclosure

2.3.8 Members are required to declare relevant interests on the Notice Paper or Order Paper when tabling any written notice initiating a parliamentary proceeding. Whenever such an interest is declared, the symbol "[R]" is printed after the Member's name on the Notice Paper or Order Paper. During the debate or proceeding, the Member should declare interest when it is most relevant to do so, normally at the beginning of his or her remarks. The rule on declaration applies not only to debates in the House, but to almost all proceedings of the House and its committees in which Members have an opportunity to speak, such as debates in standing committees, presentation of a public petition, and meetings of a select committee at which evidence is heard.²⁵

2.3.9 It is "perfectly acceptable for a Member, when declaring an interest which is registered in the Register of Members' Interests ... to refer to his or her entry in the Register".²⁶ For those interests that have not been registered, the declaration should be brief, but should make clear the nature of the interest concerned.²⁷ Any declaration "should be sufficiently informative to enable a listener to understand the nature of the Member's pecuniary interest without recourse to the Register or other publications."²⁸ It is noted that the very details of the interest are not required. For example, when declaring ownership of a real property, Members are required to indicate only the general location of the property, but not the detailed address. Otherwise, it would be considered an infringement of privacy, according to the Office of the Parliamentary Commissioner for Standards.²⁹

²⁵ May (2004) p. 488.

²⁶ *Guide to the Rules relating to the conduct of Members*, p. 32.

²⁷ Ibid.

²⁸ May (2004) p. 488; *Guide to the Rules relating to the conduct of Members*, p. 29.

²⁹ Reply from the Office of the Parliamentary Commissioner for Standards, 14 October 2010 and 19 October 2010.

Disclosure of interests in committees

2.3.10 By a resolution of 13 July 1992, the House approved certain sections of a report by the Select Committee on Members' Interests relating to the financial interests of chairmen and members of select committees.³⁰ Accordingly, before a select committee proceeds to the election of chairman, members of the committee are required to send to the clerk of the committee details of any pecuniary, or other relevant, interests for circulation before the committee's first meeting. Before proceeding to business after the election of chairman, members are invited to declare any such interests related to the terms of reference of the committee or which are likely to be relevant to a substantial part of its work.³¹ In a nutshell, a Member must disclose any relevant pecuniary interest that he or she may have had, may have or may be expecting to have in any proceeding of a select committee. Any such declaration is entered in the minutes of proceedings of the committee. It is additional to the requirement to register interests in the Register of Members' Interests.³²

2.3.11 Members are required under the resolution of 13 July 1992 to make a declaration of interest at an early stage in any inquiry to which that interest relates and, if relevant, in evidence sessions where particular witnesses are heard, including when asking questions which relate, or might reasonably be thought by others to relate, directly to their interests. Such declarations should be made while the witnesses are present and in a similar form to those required on the floor of the House.³³

2.3.12 Where a member of the committee, particularly the chairman, has a pecuniary interest which is directly affected by a particular inquiry, or he or she considers that a personal interest may reflect upon the work of the committee or its subsequent report, he or she may stand aside from the committee proceedings relating to it.³⁴ However, it is for the Member to decide whether the interest is sufficient to suggest that he or she should stand down.³⁵

³⁰ May (2004) pp. 489-490.

³¹ May (2004) p. 746; *Guide to the Rules relating to the conduct of Members*, pp. 31-32.

³² May (2004) p. 746.

³³ May (2004) p. 747; *Guide to the Rules relating to the conduct of Members*, p. 32.

³⁴ May (2004) pp. 746-747.

³⁵ Reply from the Office of the Parliamentary Commissioner for Standards, 22 March 2010.

Members' right to speak and to vote on matters in which they have a pecuniary interest

2.3.13 The *Guide* provides that any Member who has a registrable interest which has not at the time been registered, shall not undertake any action, speech or proceeding of the House (except voting) to which the registration would be relevant until he or she has notified the Parliamentary Commissioner for Standards of that interest.

2.3.14 The *Guide* also states that for the purpose of taking part in any division in the House or in a committee, it is sufficient for the relevant interest to be disclosed in the Register of Members' Financial Interests. A Member should seek to ensure prior to a vote taking place that any relevant interest is registered, or, where it is not, should register the interest immediately after the vote.³⁶ As such, provided that Members have disclosed their interests, their right to speak and to vote on the matter would not be affected.

2.3.15 However, a motion may be made to object to the vote of a Member who has a direct pecuniary interest in a question. Such an interest must be immediate and personal. An objection to a vote on the ground of personal interest can be raised only on a substantive motion and cannot be brought forward as a point of order. The motion must be made as soon as the division is completed and cannot be heard at a later stage.³⁷

2.4 Investigation procedure and sanctions

2.4.1 The Committee on Standards and Privileges has made it clear that it would regard the failure of a Member to register or declare an interest which is relevant to a proceeding he or she has initiated as a very serious breach of the rules.³⁸ It is open to any Member or a member of the public to complain to the Parliamentary Commissioner for Standards that a Member has not properly registered or declared his or her interests, or is in breach of the *Code of Conduct*. All such complaints must be addressed to the Commissioner in writing.

³⁶ *Guide to the Rules relating to the conduct of Members*, p. 33.

³⁷ May (2004) p. 491.

³⁸ May (2004) p. 488.

Investigation procedure

2.4.2 Where it appears that an allegation has sufficient substance to warrant at least a preliminary inquiry, the Parliamentary Commissioner for Standards will inform the Member concerned of the nature of the allegation and the evidence offered in support of it, and seek a response. He may also ask the complainant for further information. He will then report to the Committee on Standards and Privileges whether the complaint is upheld or, in minor cases, that suitable remedial action has been agreed to be taken.

2.4.3 In cases of admitted failures to register or declare interests, where the interest involved is minor or the lapse inadvertent, the Commissioner has discretion to allow the Member to rectify the matter. Non-registration requires the insertion of a belated entry in the current Register, with an appropriate explanatory note. In the case of non-declaration, an apology to the House, either on a point of order or in an intervention in a relevant debate is required.³⁹

2.4.4 In more serious cases, the Commissioner may conclude that it is necessary to conduct a full investigation. In such an investigation, the Commissioner usually interviews the Member concerned and may interview others and collect additional evidence as required. When approaching witnesses, the Commissioner's usual practice is to write to inform them of the nature of the investigation and set out the particular questions or matters where he is seeking assistance. They are encouraged to respond in writing but the Commissioner will also offer the opportunity of an interview on the telephone or in person. While the Commissioner has no power to compel the production of documents or witnesses, the Committee on Standards and Privileges has indicated its expectation that Members will cooperate fully and frankly with the Commissioner, and it will exercise its powers to summon persons, papers and records in support of the Commissioner if necessary.⁴⁰

³⁹ Parliamentary Commissioner for Standards (2003b) p. 3, and May (2004) p. 494.

⁴⁰ Parliamentary Commissioner for Standards (2003b) p. 4, and May (2004) pp. 494-495.

2.4.5 For complicated cases where proof of the complaint would likely lead to the imposition of a serious penalty on the Member concerned and there appear to be significant contested issues of fact, the Commissioner may appoint an Investigatory Panel. He will sit on this Panel with two assessors: a legal assessor and a Member assessor who is a senior Member of the House. The two assessors will provide advice to the Commissioner, but have no responsibility for the findings. The Member concerned is entitled to be heard in person, and has the opportunity to call witnesses and to examine other witnesses. At the conclusion of the investigatory proceedings, the legal assessor will report as to the extent to which the proceedings have been consistent with the principles of natural justice, and the Member assessor will report on the extent to which the proceedings have regard to the customs and practice of the House.⁴¹

2.4.6 Once the Commissioner has completed an investigation, he will submit a report to the Committee on Standards and Privileges setting out the facts he has found and his conclusions on whether the *Code* has been breached, along with any relevant recommendations. If the Committee agrees with the Commissioner that the *Code* has been breached, it will consider what penalty is appropriate. In some cases, it may seek further information from the Commissioner or decide to take evidence from the Member concerned or others. The Committee reports its conclusions, including any recommendations on penalties, to the House which makes the final decision.⁴²

⁴¹ Parliamentary Commissioner for Standards (2003b) pp. 5-6, and May (2004) pp. 495-496.

⁴² Parliamentary Commissioner for Standards (2003b) pp. 6-7, and May (2004) p. 495.

Sanctions against non-compliance

2.4.7 In general, while the Parliamentary Commissioner for Standards can propose rectification (which may include repayment) in minor cases, sanctions are for the Committee on Standards and Privileges to recommend to the House. Possible penalties include making an apology to the House, suspension for up to a month and withholding of salary. Any recommendation involving suspension and withholding of salary requires the House's approval through a specific motion. The usual practice is for the motion to be moved formally by the government. The Member concerned is heard first and then withdraws, followed by the Chairman of the Committee on Standards and Privileges setting out its findings.⁴³ Severe sanctions may involve expulsion, but the more severe sanctions are reserved for offences which go beyond failure to register.⁴⁴

⁴³ May (2004) p. 495; Reply from the Office of the Parliamentary Commissioner for Standards, 20 March 2010.

⁴⁴ Reply from the Office of the Parliamentary Commissioner for Standards, 20 March 2010.

Chapter 3 – Australia

3.1 Background

3.1.1 In the Australian Parliament, the registration of Member's interests had been a frequently studied issue since the 1970s. In 1974, a Joint Committee on Pecuniary Interests of Members of Parliament was appointed by the Senate and the House of Representatives. In its report published on 30 September 1975, the Joint Committee discussed the reasons for not instituting a register of pecuniary interests such as the consideration of privacy and the difficulty in defining accurately all potentially conflicting interests, and gave suggestions to resolve these issues. On 6 November 1975, the Chairman of the Joint Committee moved a motion in the House of Representative to appoint a Parliamentary Registrar and establish a Register of Pecuniary Interests under which Members could disclose their pecuniary interests. Nonetheless, debate on the motion was adjourned, and the motion lapsed on the dissolution of both houses on 11 November 1975. A notice of motion, with wording similar to the above motion, was placed on the Notice Paper by a Member in 1976 but the motion lapsed again on prorogation in 1977 and has not been revived.⁴⁵

3.1.2 On 15 February 1978, the Prime Minister announced the appointment of a government committee to inquire into matters relating to public duty and private interest. The report of the committee was tabled in the House of Representatives on 22 November 1979. It concluded that there was insufficient justification to introduce a system of compulsory registration of office holders' interests, and instead reliance should be placed on a code of conduct which would include a requirement for ad hoc declarations of interest. The report also invited the Senate and the House of Representatives to consider amending their *Standing Orders* to require Senators and Members to conform to the code of conduct it proposed in the report or passing a resolution to adopt the code of conduct; to appoint an ethics committee to receive, investigate and report on complaints of departures from the code of conduct; and to consider adopting requirements along the lines of the resolution of the UK House of Commons of 22 May 1974 for the disclosure of interests.⁴⁶ However, at the dissolution of the 31st Parliament on 19 September 1980, the recommendations of the report were not followed.

⁴⁵ Pettifer, Browning & Porter (1981) pp. 175-177.

⁴⁶ Pettifer, Browning & Porter (1981) pp. 177-182; also refer to p.11 of this report.

3.1.3 On 22 September 1983, the Prime Minister tabled copies of statements by Ministers of their pecuniary interests and made it clear that the government expected that the interests of other Members of the Parliament should be registered and available in a public register. On 5 October 1983, the House of Representatives agreed to a resolution that all Members should provide statements of their private interests and those of their families of which they were aware, and that a public register should be established. The House referred to the Standing Orders Committee the question of what changes would be necessary to the *Standing Orders* to give effect to the proposals. The Standing Orders Committee majority report recommended the establishment of a Committee of Members' Interests to oversee the registration requirements and effect by the resolutions of the House rather than by amendment of the *Standing Orders*.⁴⁷

3.1.4 On 8-9 October 1984, the House of Representatives adopted a new standing order which provided for a Committee of Members' Interests⁴⁸ to be appointed at the commencement of each Parliament. The substantive requirements for the registration of Members' interests were established by the resolution of 9 October 1984. This resolution forms the basis of the current arrangements of the registration of Members' pecuniary interests. In addition to this resolution, the registration of Members' interests is governed by precedents and practices established in accordance with Sections 44 and 45 of the *Constitution* and Nos. 134 and 231 of the *Standing Orders*. The related requirements have been amended by the resolutions of the House in 1986, 1988, 1994, 2003 and 2008.

3.1.5 As aforementioned, discussion on the introduction of a code of conduct covering both Senators and Members has continued for more than three decades. After the issue was first raised by the Joint Committee on Pecuniary Interests of Members of Parliament in September 1975, a draft proposal of a working group of Members and Senators on a code of conduct entitled "A Framework of ethical principles for Members and Senators" was tabled in the two houses in June 1995. However, the draft code has not been adopted by either the Senate or the House of Representatives.⁴⁹ Accordingly, there is no existing code of conduct in the Parliament.

⁴⁷ Browning, Wright & Fowler (1989) p. 179.

⁴⁸ The Committee of Members' Interests was amalgamated with the Committee of Privileges to form the Committee of Privileges and Members' Interests in 2008.

⁴⁹ Parliamentary Library (2003), Parliamentary Library (2009), and Harris, Wright & Fowler (2005) p. 148. Nothing was mentioned in the relevant materials on the circumstances leading to the indecision of the two houses.

3.1.6 In 2008, the occurrence of two incidents involving Members' misconduct⁵⁰ led to calls for the introduction of a Members' code of conduct again. The first incident resulted in an inquiry by the Committee of Privileges and Members' Interests. The Committee raised the issue in its report by stating that "The Committee considers the issue of a code of conduct for Members should be revisited. There are strong reasons for a code being established, not least of which are community expectations about appropriate standards of behaviour for Members of Parliament. The Committee proposes to review the question of a code of conduct for Members and report back to the House."⁵¹

3.1.7 As regards the second incident, the Speaker responded to calls for an investigation that his powers in relation to certain aspects of the incident were limited, and that "the incident was another reminder of the desirability of consideration of a code of conduct for Members."⁵² Nevertheless, to date the Committee of Privileges and Members' Interests has not reported back to the House on a code of conduct proposal.⁵³

3.2 Registration of interests

Registrable interests

3.2.1 The "statement of registrable interests" to be provided by a Member shall include registrable interests of the Member, his or her spouse and any children who are wholly or mainly dependent on the Member for support. The statement is to include:

- (a) in the case of new Members, interests held at the date of the Member's election, and any alteration of interests which has occurred between that date and the date of completion of the statement; and

⁵⁰ The first incident was the exchange between the Member for Robertson and the Member for Indi and the subsequent withdrawal and apology by the Member for Robertson, and the second incident involved the Member for Dawson, who had allegedly attempted to sell photographs he took of a man threatening to set himself alight outside Parliament House.

⁵¹ House of Representatives Standing Committee of Privileges and Members' Interests (2008) p. 10.

⁵² House of Representatives (2008) p. 12726.

⁵³ Parliamentary Library (2009) p. 6.

- (b) in the case of re-elected Members of the immediately preceding Parliament, interests held at the date of dissolution of that Parliament, and any alteration of interests which has occurred between that date and the date of completion of the statement.

3.2.2 In particular, registrable interests comprise:

- (a) shareholdings in public and private companies;
- (b) family and business trusts and nominee companies;
- (c) real estate;
- (d) registered directorships of companies;
- (e) partnerships;
- (f) liabilities;
- (g) bonds, debentures and investments;
- (h) savings or investment accounts;
- (i) any other assets, excluding household and personal effects, each valued at over AUS\$7,500 (HK\$57,945);
- (j) any other substantial sources of income;
- (k) gifts valued at more than AUS\$750 (HK\$5,795) from official sources or more than AUS\$300 (HK\$2,318) from other sources;
- (l) sponsored travel or hospitality received with the value exceeding AUS\$300 (HK\$2,318);
- (m) membership of any organization where a conflict of interest with a Member's public duty could foreseeably arise or be seen to arise; and

- (n) any other interests where a conflict of interest with a Member's public duties could foreseeably arise or be seen to arise.

Non-executive directorship

3.2.3 While independent non-executive directors of a company do not have administrative or management responsibilities, they sit on the board of directors and involve in board activities like other directors. According to the resolutions of the House,⁵⁴ "registered directorships of companies" are registrable. Interests in connection with independent non-executive directorship, as a type of directorship, should thus be registered.⁵⁵

3.2.4 The resolutions of the House regarding the registration of Members' interests have not mentioned interests in relation to subsidiaries of a company in which a Member holds a directorship. Nevertheless, there is a general requirement to register interests "where a conflict of interest with a Member's public duties could foreseeably arise or be seen to arise". Members may register the related interests if there may be, or may be perceived to be, a possible conflict of interest.

Gifts from social and ceremonial occasions

3.2.5 Registrable interests include "gifts valued at more than AUS\$750 (HK\$5,795) from official sources or more than AUS\$300 (HK\$2,318) from other sources". As such, gifts from social and ceremonial occasions are registrable, provided that they are valued more than the corresponding thresholds.

⁵⁴ House of Representatives (2009).

⁵⁵ Reply from the Chamber Research Office, the Parliament of Australia, 25 March 2010.

Pecuniary interests of Members' spouses

3.2.6 According to the resolutions of the House on the registration of Members' interests, the statement of registrable interests to be provided by a Member shall include the interests of his or her spouse and any children wholly or mainly dependent on the Member for support which the Member is aware of. As such, the registration requirements on Members' interests also apply to interests of Members' spouses.

Members' professional and business clients

3.2.7 There is no specific mention of Member's clients in the definition of registrable interests. However, Members in the Parliament of Australia tend not to hold other employment and in fact there are constitutional requirements in respect of them.⁵⁶ In other words, the registration of Members' clients is unlikely to be an issue of concern.

Details required in registration

3.2.8 The "Forms for Statements of Registrable Interests" (registration form) which specifies the extent of information required in registration is attached as **Appendix II**.⁵⁷ The resolutions of the House relating to the registration of Members' interests do not generally require Members to specify details of their interests. For example, in the registration of real estate, Members are required to indicate the general location (suburb or area only) and the purpose for which it is owned only. For shareholdings, it is sufficient for Members to indicate the name of the holding and subsidiary company to meet the registration requirement.

⁵⁶ Reply from the Chamber Research Office, the Parliament of Australia, 9 March 2010. Section 44(iv) and (v) of the *Constitution* states that any person who holds any office of profit under the Crown, or any pension payable during the pleasure of the Crown out of any of the revenues of the Commonwealth, or who has any direct or indirect pecuniary interest in any agreement with the Public Service of the Commonwealth otherwise than as a member and in common with the other members of an incorporated company consisting of more than 25 persons shall be incapable of being chosen or of sitting as a Senator or a Member of the House of Representatives. Section 45(iii) provides that if a Senator or Member of the House of Representatives directly or indirectly takes or agrees to take any fee or honorarium for services rendered to the Commonwealth, or for services rendered in the Parliament to any person or State, the place of the Senator or Member shall thereupon become vacant.

⁵⁷ The registration form is available on the website of the Committee of Privileges and Members' Interests.

Registration mechanism

3.2.9 Within 28 days of making an oath or affirmation, each Member is required to provide to the Registrar of Members' Interests a statement of the Member's registrable interests, which includes registrable interests not only of the Member but also of the Member's spouse and any dependent children. In addition, Members are also required to notify any alterations to their interests to the Registrar within 28 days of the alteration occurring.

3.2.10 The Chair of the Committee of Privileges and Members' Interests shall table in the House a copy of the Register of Members' Interests as soon as it is completed. He or she shall also table from time to time any notification by a Member of alteration to these interests.

3.2.11 Under the resolutions relating to the Register of Members' Interests, the Register of Members' Interests shall be available for inspection by any person under conditions to be laid down by the Committee of Privileges and Members' Interests from time to time. The current practice is that inspection is only permitted after the initial tabling of the Register. Access to the hardcopy of the Register is by appointment. Notes may be made, but persons inspecting the Register are not permitted to make photocopies of any part of it.

3.2.12 The Register of Members' interests was not available electronically on the Australian Parliament website⁵⁸ before the 43rd Parliament which opened on 28 September 2010. The Committee of Privileges and Members' Interests has been considering the desirability of placing details of Members' interests on the Parliament website and how such publication can be achieved. The Committee announced such proposal in November 2009.⁵⁹ In June 2010, the Committee released the way in which the Register be published online, and in November 2010, the first electronic version has been available on the website of the Committee.

⁵⁸ <http://www.aph.gov.au/>

⁵⁹ Committee of Privileges and Members' Interests (2009).

3.2.13 According to the Committee of Privileges and Members' Interests, at the commencement of each Parliament, each Member's initial interest return will be scanned. Immediately after the returns have been tabled in the House, the full set will be posted to the Parliament website. The initial comprehensive statements by Members will thus be available on the same day as they are presented to the House. In addition, notices of alterations will be posted on the web at least on a weekly basis.⁶⁰

3.3 Disclosure of interests

Disclosure requirements

3.3.1 In 1984, the House resolved that Members had to declare any relevant interest at the beginning of a speech (in the House or in a committee), and when proposing to vote in a division. It was not necessary to declare an interest when directing a question. In 1988, this requirement was abolished, following a report from the Committee of Members' Interests which expressed doubt that the requirement served any useful purpose.⁶¹

3.3.2 On 23 November 1988, when the "Report relating to the need for oral declarations of interests by Members" was tabled in the House, the Chairman of the Committee of Members' Interests stated that since the written statements of interests provided by Members were included in a publicly available register, "any oral declaration is effectively a duplication of this publicly available information. Failure to make oral declarations of interests could be considered by the House to be a contempt. However, the Committee believes that there may well have been occasions both in the House or in a committee when Members have unwittingly failed to make such declarations. It believes that this additional requirement is unnecessary and confusing and places a burden upon Members which can be overlooked and which serves no real purpose".⁶² The Committee of Members' Interests therefore recommended that the requirement for oral declarations of interests should be abolished.

⁶⁰ Committee of Privileges and Members' Interests (2010).

⁶¹ Harris, Wright & Fowler (2005) p. 144.

⁶² House of Representatives (1988a) p. 3025.

3.3.3 The Committee of Members' Interests requested urgent consideration of the matter by the House in the belief that any new requirement should be effective from the first sitting day in 1989. On 30 November 1988, the House resolved that the resolutions relating to the registration and declaration of interests by Members be amended by omitting the resolution which provided for the making of oral declarations of interests in debate and proceedings. This amendment was effective from the first sitting day of the House of Representatives in 1989.⁶³

3.3.4 Although the requirement for oral declaration no longer exists, Members remain free to make such a declaration, and from time to time there are Members making declarations.⁶⁴ As such, Members must ensure that they keep their written register of interests current, but they are not required to declare any interests during proceedings. If there are interests that have not been registered, Members may decide to declare them to the House if they so wish, and it is most important that they should ensure that their written register of interests is amended as soon as possible.⁶⁵ In fact, Members are required to notify any alterations to their interests to the Registrar within 28 days of the alteration occurring.

⁶³ House of Representatives (1988b) p. 961.

⁶⁴ Harris, Wright & Fowler (2005) p. 144.

⁶⁵ Reply from the Chamber Research Office, the Parliament of Australia, 25 October 2010.

Direct and indirect pecuniary interests

3.3.5 No. 134(a) of the *Standing Orders* provides that a Member may not vote on a matter in which he or she has a direct pecuniary interest. In the rules of the House, "direct" and "indirect" pecuniary interests are not distinguished. Nonetheless, the principle of such distinction is touched upon in the *House of Representative Practice*.⁶⁶ Direct pecuniary interest is discussed in the *House of Representative Practice* by adopting the definition quoted in *Erskine May*⁶⁷ that "This interest must be a direct pecuniary interest, and separately belonging to the persons whose votes were questioned, and not in common with the rest of his Majesty's subjects, or on a matter of state policy".⁶⁸ In other words, direct pecuniary interests are those interests personal to a Member and not shared with the general public.

Pecuniary interests of Members' spouses

3.3.6 The requirement for oral declaration was abolished in 1988, and there is no declaration requirement in the *Standing Orders*. However, personal pecuniary interests of Members' spouses are registrable interests, Members may therefore declare at their own discretion.

Members' professional and business clients

3.3.7 Similarly, Members may declare such interests if they so wish. However, since Members tend not to hold other employment, interests in relation to Members' clients is unlikely to be an issue of concern.

⁶⁶ Reply from the Chamber Research Office, the Parliament of Australia, 9 March 2010.

⁶⁷ *Erskine May's Treatise on the law, privileges, proceedings, and usage of Parliament*, commonly referred to as "*Erskine May*", is an authoritative procedural guide on the parliamentary practice in the UK. It is also highly influential in the parliaments of many Commonwealth nations. The preface of the 5th Edition of the *Australian House of Representatives Practice* states that "Many references are again to be found to May's *Parliamentary Practice*, and these help in understanding the background to much current House practice".

⁶⁸ Harris, Wright & Fowler (2005) pp. 142-143.

Form and extent of disclosure

3.3.8 Although there is no declaration requirement in the *Standing Orders*, Members have been advised to declare at committee meetings any matters, whether of pecuniary or other interests, where there may be, or may be perceived to be, a possible conflict of interest.⁶⁹

3.3.9 In an inquiry committee where there is the possibility of a conflict of interest, or of the perception of such a conflict, Members are advised to make an oral declaration in the form of a statement or a written statement on the matter at the earliest opportunity of a meeting, even though, technically, there may be no question of an infringement of the *Standing Orders*.⁷⁰ In any event, it is a matter for individual Members to judge whether they may have a conflict of interest in an inquiry.⁷¹

Disclosure of interests in committees

3.3.10 No. 231 of the *Standing Orders* provides that "No Member may sit on a committee if he or she has a particular direct pecuniary interest in a matter under inquiry by the committee. If the right of a Member to sit on a committee is challenged, the committee may report the matter to the House for resolution." In practice, there has not been any instance of a Member not sitting on a committee for the reason that he or she is pecuniarily interested.⁷²

3.3.11 Since a Member may not sit on a committee if he or she has a particular direct pecuniary interest in a matter under inquiry by the committee, it is unlikely that the committee chair is permitted to chair a meeting when such a conflict of interest is involved.

⁶⁹ Harris, Wright & Fowler (2005) pp.144-145.

⁷⁰ Harris, Wright & Fowler (2005) p.636.

⁷¹ Harris, Wright & Fowler (2005) pp. 635-636.

⁷² Harris, Wright & Fowler (2005) pp. 144-145.

3.3.12 Where there are relevant non-pecuniary interests, Members may decide to step aside voluntarily. In 1955, a member of the Committee of Privileges took no active part during an inquiry in which he was personally interested in that he was the Member who had raised the complaint. In the 37th Parliament (1993-1995), a member of the Committee of Privileges did not participate in an inquiry concerning the unauthorised disclosure of information from another committee on which he served. In another inquiry by the committee in the same Parliament, a Member who had spoken in the House when the matter was raised withdrew from the committee for the duration of the inquiry.⁷³

Members' right to speak and to vote on matters in which they have a pecuniary interest

3.3.13 A Member asking a question need not disclose any personal interest he or she may have in the subject matter of the question.⁷⁴ With the abolishment of the requirement for oral declaration in 1988, Members are not required to declare relevant interests when participating in debate. Hence, Members' right to speak is not affected by their interests.

3.3.14 According to No. 134(a) of the *Standing Orders*, "A Member may not vote in a division on a question about a matter, other than public policy, in which he or she has a particular direct pecuniary interest". Public policy can be defined as government policy, not identifying any particular person individually and immediately.⁷⁵

3.3.15 No. 134(b) of the *Standing Orders* further states that "The vote of a Member may be challenged on the grounds of the pecuniary interest by means of a substantive motion moved immediately after a division is completed. If the motion is carried, the Member's vote shall be disallowed". However, in practice, it is unlikely that a Member will be subject to a disqualification of voting rights on pecuniary interest grounds because the House is primarily concerned with matters of public interest. All legislation which comes before the House deals with matters of public policy.⁷⁶

⁷³ Harris, Wright & Fowler (2005) p. 636.

⁷⁴ Harris, Wright & Fowler (2005) p. 548.

⁷⁵ Harris, Wright & Fowler (2005) p. 142.

⁷⁶ Harris, Wright & Fowler (2005) p. 143.

3.4 Investigation procedure and sanctions

3.4.1 Under the House resolution adopted on 13 February 1986, any Member shall be guilty of a serious contempt of the House and shall be dealt with by the House accordingly if he or she:

- (a) knowingly fails to provide a statement of registrable interests to the Registrar of Members' Interests by the due date;
- (b) knowingly fails to notify any alteration of those interests to the Registrar of Members' Interests within 28 days of the change occurring; or
- (c) knowingly provides false or misleading information to the Registrar of Members' Interests.

3.4.2 Only the Committee of Privileges and Members' Interests may inquire into the conduct of a Member. A complaint that a Member has failed to fulfil the registration requirements could be raised as a matter of privilege by other Members. When such a matter of privilege is raised and if the Speaker is satisfied that a prima facie case exists, he or she may allow priority to a motion on the matter which usually be referred to the Committee.

Investigation procedure

3.4.3 The first step of the investigation undertaken by the Committee of Privileges and Members' Interests is to write to the persons from whom it may wish to receive evidence, with relevant information of the case provided. Normally, these persons are invited to make a written submission. Having considered written submissions received, the Committee may then invite them to appear before it.⁷⁷ Hearings of evidence by the Committee are normally conducted in public session. The Committee has the power to compel relevant persons to attend its meetings and to require that relevant documents be produced. Nonetheless, according to No. 216(c) of the *Standing Orders*, when considering a matter concerning the registration or declaration of Members' interests, it must not exercise that power unless it is approved by at least six out of the 11 members of the Committee other than the Chair.

3.4.4 After reviewing all relevant materials and completing related hearings, a report will be prepared by the Committee of Privileges and Members' Interests. The report usually makes a finding as to whether or not a breach of privilege or a contempt of the House has been committed. It also usually recommends to the House what action, if any, should be taken in each case. However, the final decision rests with the House.⁷⁸

3.4.5 On presentation of the report by the Chair of the Committee of Privileges and Members' Interests to the House, the practice is for the report to be made a Parliamentary Paper. The House may then order that it be taken into consideration at the next sitting or on a specified day. A motion or motions may be moved declaratory of the House's view on the report and recommendations as well as the House's proposed action. The motion is normally debated and decided immediately afterwards, although the debate may be adjourned and resumed later. If the Committee finds that no contempt has been committed, the House may take no action in respect of the report after it has been presented. The House does not necessarily follow the Committee's findings and recommendations in declaring itself in relation to the matter or any penalty that may be decided.⁷⁹

⁷⁷ Harris, Wright & Fowler (2005) p. 748.

⁷⁸ Harris, Wright & Fowler (2005) p. 750.

⁷⁹ Harris, Wright & Fowler (2005) pp. 750-751.

Sanctions against non-compliance

3.4.6 In respect of Members whom the House determines have committed contempts, the House's power to punish includes reprimand and suspension from the service of the House for a period of time. Nonetheless, in some cases, an apology by the Member concerned may forestall further action.⁸⁰

⁸⁰ *House of Representatives Practice*, 5th Edition, p. 742.

Chapter 4 – Canada

4.1 Background

4.1.1 Since the early 1970s, there have been various attempts in the Canadian Parliament to define what constitutes a conflict of interest, and to devise rules prohibiting Members from improperly using their influence and insider information, and from furthering their private interests. For instance, in 1973, the federal government issued a green paper on "Members of Parliament and Conflict of Interest". In 1978, the government introduced legislation which would have extended the provisions in the green paper. The bill was referred to the Standing Committee on Privileges and Elections after second reading, but the Parliament was dissolved before the Committee could report back to the House.

4.1.2 In 1983, the government established a Task Force on Conflict of Interest to devise a regime whereby public confidence would be ensured and the integrity of the political process protected. In May 1984, the Task Force identified nine activities associated with conflicts of interest and recommended that these activities be dealt with by means of a code of conduct. In 1985, the Standing Committee on Management and Members' Services was asked to consider matters related to the establishment of a Register of Members' Interests. The Committee concluded that such a register was not warranted and that the conflict of interest laws were adequate.

4.1.3 In the late 1980s and early 1990s, several conflict of interest bills were introduced, but all of them were not proceeded with.⁸¹ Each of these bills provided for an annual declaration of the private interests of Senators, Members of the House of Commons, their spouses and dependent children to an independent conflict of interests commission. The bills also contained rules prohibiting the improper use of influence for personal ends, rules on gifts and post – employment conduct, and special rules for Ministers regarding their outside professional or business activities.

⁸¹ See O'Brien & Bosc (2009) pp. 216-217.

4.1.4 During the First Session (1994-96) of the 35th Parliament, a joint committee of the Senate and the House of Commons was established to develop a code of conduct. The committee was re-established during the Second Session (1996-97) and reported to the House on 20 March 1997 with the recommendation that the Senate and the House adopted a "Code of Official Conduct". The 35th Parliament was dissolved a month later, before the report, commonly known as the Milliken-Oliver Report, could be concurred in.

4.1.5 The issue of formulation of a code of conduct did not resurface until 2002 when the Prime Minister announced an eight-point plan of action on government ethics which, among other matters, called on Senators and Members to support a stand-alone code of conduct inspired by the 1997 Milliken-Oliver Report. Later that year, a draft parliamentary ethics initiative was tabled in both chambers. The initiative included a proposed code of conduct for parliamentarians as well as a draft bill amending the *Parliament of Canada Act* to establish the position of an Ethics Commissioner. The initiative and draft legislation were considered by the Standing Committee on Procedure and House Affairs which concluded that a conflict of interest code should be adopted and administered by the Ethics Commissioner.

4.1.6 In April 2003, the government introduced legislation to amend the *Parliament of Canada Act* to establish the offices of the Senate Ethics Officer and the House of Commons Ethics Commissioner. In the spring of 2004, the legislation received Royal Assent. The first Ethics Commissioner⁸² for the House of Commons was appointed on 17 May 2004. Between 2003 and 2004, the Standing Committee on Procedure and House Affairs was engaged in studying the proposed code of conduct for Members of the House of Commons and presented four reports on the matter.

4.1.7 The *Conflict of Interest Code for Members of the House of Commons* (the *Code*) was adopted by the House of Commons in 2004. It provides the principal guidance for Members in the ethical discharge of their duties. The *Code* forms part of the *Standing Orders* of the House. It includes rules on conflict of interest for Members, processes for the confidential disclosure of personal information to the Conflict of Interest and Ethics Commissioner (the Commissioner), procedures for making Members' summary information public, roles of the Commissioner, and a process for the conduct of inquiries for alleged contraventions of rules by Members.

⁸² In 2007, the Office of the Ethics Commissioner was dissolved and the Office of the Conflict of Interest and Ethics Commissioner was created.

4.1.8 The purposes of the *Code* are to maintain and enhance public confidence and trust in the House and its Members as well as to demonstrate to the public that Members are held to standards that place public interest above private interests. The *Code* also aims to foster consensus by establishing common standards and an independent and non-partisan means of answering questions related to the proper conduct of Members.

4.1.9 The Commissioner is an officer of Parliament, responsible for administering the *Code* and the *Conflict of Interest Act* which governs the conduct of public office holders,⁸³ as well as assisting Members and public office holders in preventing and avoiding conflicts of interest between their public duties and private interests. When requested in writing, the Commissioner will provide Members with confidential written opinions on their obligations under the *Code*.

4.1.10 Pursuant to the *Standing Orders*, the Standing Committee on Procedure and House Affairs has the mandate to review and report on all matters relating to the *Code* and the annual report of the Commissioner with respect to his or her responsibilities for issues related to Members' conduct governed by the *Code*. In addition, the Committee is charged with the responsibility for undertaking a comprehensive review of the *Code's* provisions and operations every five years.

4.2 Registration of interests

Registrable interests

4.2.1 According to Article 20(1) of the *Code*, a Member shall, within 60 days after the notice of his or her election to the House of Commons is published in the *Canada Gazette*, and annually on or before a date established by the Commissioner, file with the Commissioner a full statement disclosing the Member's private interests and the private interests of the Member's family members. In particular, registrable interests include:

⁸³ According to the *Conflict of Interest Act*, a public office holder means a Minister; a member of ministerial staff; a ministerial adviser; a Governor in Council appointee other than a Lieutenant Governor, an officer or a staff of the Senate, House of Commons and Library of Parliament; a person appointed or employed under the *Public Service Employment Act* who is a head of mission, a judge, a military judge or an officer of the Royal Canadian Mounted Police not including the Commissioner; a ministerial appointee whose appointment is approved by the Governor in Council; and a full-time ministerial appointee designated by the appropriate Minister of the Crown as a public office holder.

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- (a) real property;
 - (b) business assets;
 - (c) investments;
 - (d) trusts;
 - (e) other personal assets that exceeds CAN\$10,000 (HK\$76,170);
 - (f) source of income/benefits greater than CAN\$1,000 (HK\$7,617);
 - (g) liabilities that exceeds CAN\$10,000 (HK\$76,170);
 - (h) activities (including employment or profession, business, and directorships or offices in a corporation, association, trade union or non-profit organization);
 - (i) gifts valued over CAN\$500 (HK\$3,809) that a Member or a member of his or her family has accepted; and
 - (j) travel costs that exceed CAN\$500 (HK\$3,809) and are not paid for wholly or substantially out of the Consolidated Revenue Fund, by Members personally, their political party or an inter-parliamentary association or group recognized by the House.

Non-executive directorship

4.2.2 Under the *Canadian Corporations Act*, a "director" includes any director, and "officer" is the term that applies to managing directors (such as the President, Vice-President, or Chairman). While independent non-executive directors are outside the traditional management and administrative structures of companies, they sit on the Board of Directors and are treated as "directors" under the *Canadian Corporations Act*, and thus they would be categorized as "directors" under the *Code*.⁸⁴ Hence, independent non-executive directorship is registrable.

⁸⁴ Reply from the Office of the Conflict of Interest and Ethics Commissioner, House of Commons of the Parliament of Canada, 15 April 2010.

4.2.3 When registering directorship, Members have to name the organization, and state whether they and the organization lobby or have dealing with the Parliament or the Government of Canada. If the answer is positive, they must also provide details of such activities.

4.2.4 Interests in relation to subsidiaries of a company in which a Member holds a directorship are not required to be registered under the "directors" item. However, when registering "business assets", if the company concerned is a private corporation, Members are required to specify the names and addresses of its subsidiaries as well.

Gifts from social and ceremonial occasions

4.2.5 The *Code* was amended on 4 June 2009. Prior to the amendment, with the exception of courtesy or protocol-related gifts and hospitality which Members would normally enjoy, the *Code* prohibited Members and their family members from accepting gifts or benefits that were related to their position as a Member. This requirement had led to restrictive limitations on what gifts or benefits were acceptable. For example, attending a charitable event would be prohibited even where there was no conflict of interest. The Commissioner therefore enunciated her concern to the Standing Committee of Procedure and House Affairs in this respect, which led to the amendment.⁸⁵

4.2.6 According to Article 14(1) of the *Code*, "Neither a Member nor any member of a Member's family shall accept, directly or indirectly, any gift or other benefit, except compensation authorized by law, that might reasonably be seen to have been given to influence the Member in the exercise of a duty or function of his or her office." This rule applies to gifts or other benefits related to attendance at a charitable or political event, and received from an all-party caucus established for a particular subject or interest.⁸⁶ It provides a conflict of interest test to determine if gifts from social and ceremonial occasions are registrable, which is: whether they might reasonably be seen to have been given to influence a Member in the exercise of duty.

⁸⁵ Conflict of Interest and Ethics Commissioner (2009) p. 7.

⁸⁶ Article 14(1.1) of the *Conflict of Interest Code for Members of the House of Commons*.

Pecuniary interests of Members' spouses

4.2.7 Under the *Code*, the same registration requirements on Members' interests apply to those of Members' spouses. Article 20(1) of the *Code* states that "A Member shall, within 60 days after the notice of his or her election to the House of Commons is published in the *Canada Gazette*, and annually on or before a date established by the Commissioner, file with the Commissioner a full statement disclosing the Member's private interests and the private interests of the members of the Member's family". "Members of the Member's family" means "the Member's spouse or common-law partner; and a son or daughter of the Member, or a son or daughter of the Member's spouse or common-law partner, who has not reached the age of 18 years or who has reached that age but is primarily dependent on the Member or the Member's spouse or common-law partner for financial support".⁸⁷

Members' professional and business clients

4.2.8 There are no general requirements for Members to register their professional and business clients, unless the client is the Government of Canada. Members must report to the Office of the Conflict of Interest and Ethics Commissioner any benefits they are entitled to receive, as a result of being a party, directly or through a subcontract, to a contract with the Government of Canada.⁸⁸

4.2.9 In addition, sources of income greater than CAN\$1,000 (HK\$7,617) are also registrable.⁸⁹ "Sources of income" is defined as the employer in the case of employment, the other party to the contract in the case of income from a contract, and the business or profession in cases of professional and business income.⁹⁰ As such, information relating to such Members' clients of professions and businesses is registrable if the relevant income is more than CAN\$1,000 (HK\$7,617).

⁸⁷ Article 3(4) of the *Conflict of Interest Code for Members of the House of Commons*.

⁸⁸ Article 21(1)(c) of the *Conflict of Interest Code for Members of the House of Commons*; Reply from the Office of the Conflict of Interest and Ethics Commissioner, House of Commons of the Parliament of Canada, 3 June 2010.

⁸⁹ Article 21(1)(b) of the *Conflict of Interest Code for Members of the House of Commons*.

⁹⁰ Reply from the Office of the Conflict of Interest and Ethics Commissioner, House of Commons of the Parliament of Canada, 30 March 2010.

Details required in registration

4.2.10 The "Disclosure Statement for Members and their Family Members" (the registration form) specifies the extent of information required in registration, and is attached as **Appendix III**.⁹¹ In general, Members are required to provide details of their interests, especially those in relation to the Government of Canada.

4.2.11 When registering real property, Members should state the address and value of the property, type of ownership (sole or joint), name of and relationship with the co-owners, share of ownership, use of the property (recreational, personal, investment, rental), and whether the federal government or one of its agencies is a tenant of the property.

4.2.12 For business assets, Members should indicate the name and address of business, nature of business activities, share of interest, value of business or approximate value of interest, and whether there is a contract or subcontract with the Government of Canada. If the answer to the last question is yes, Members have to specify the subject matter, nature and benefit involved.

Registration mechanism

4.2.13 Within 60 days after the notice of their election is published in the *Canada Gazette*, Members are required to complete a confidential document known as the "Disclosure Statement" and file this document with the Office of the Conflict of Interest and Ethics Commissioner. Following an analysis by advisors in the Office, Members will receive a "Disclosure Summary" which is the portion of their disclosures made available to the public, and they are required to review the document and propose any modification. At the same time, Members are provided with advice on any potential conflict of interest situations they may have. In addition, throughout the year, Members must report to the Commissioner any material changes that have an impact on their Disclosure Statements within 60 days after the change.⁹²

⁹¹ The registration form is available on the website of the Office of the Conflict of Interest and Ethics Commissioner.

⁹² Conflict of Interest and Ethics Commissioner (2009) p. 4; Article 21(3) of the *Conflict of Interest Code for Members of the House of Commons*.

4.2.14 Members' information is reviewed on an annual basis and the Disclosure Summary will be updated accordingly. The Disclosure Summary sets out the source and nature, but not the value, of income, assets and liabilities equal to or exceeding CAN\$10,000 (HK\$76,170) in value, identifies any contracts held with the Government of Canada and lists the corporations in which a Member or family member has an interest, along with the names of any affiliated companies.

4.2.15 It is noted that only the Disclosure Summary of each Member's private interests but not the Disclosure Statement is made public. The Disclosure Summary is placed in the Public Registry and is accessible on the website of the Office of the Conflict of Interest and Ethics Commissioner.⁹³ The registry is continuously updated as new disclosures are received.

4.3 Disclosure of interests

Disclosure requirements

4.3.1 According to Article 12 of the *Code*, if a matter in which a Member has a private interest is being discussed in the Chamber or in a committee of which he or she is a member, the Member must disclose the general nature of the matter. If a Member becomes aware at a later date of a private interest that should have been disclosed, the Member shall make the required disclosure forthwith.

4.3.2 There is no specific rule on disclosure. Nevertheless, a Member is expected to avoid real or apparent conflicts of interest, and a Member who has a private interest in a matter before the House is expected to disclose the nature of the private interest. In response to the question whether interests in relation to subsidiaries should be disclosed, the reply from the Office of the Conflict of Interest and Ethics Commissioner is that "any Member would exercise great care when parliamentary activities cross the private interests of a subsidiary company".⁹⁴

⁹³ <http://ciec-ccie.gc.ca/Default.aspx?pid=1&lang=en>

⁹⁴ Reply from the Office of the Conflict of Interest and Ethics Commissioner, House of Commons of the Parliament of Canada, 23 October 2010.

Direct and indirect pecuniary interests

4.3.3 The expressions "direct" and "indirect" pecuniary interests are not explicitly defined in the *Code*, but a determination can be made on a case-by-case basis.⁹⁵ As stated in Article 3(3) of the *Code*, a Member is not considered to be furthering his or her own private interests or the interests of another person if the matter in question is of general application or affects the Member or the other person as one of a broad class of the public.

Pecuniary interests of Members' spouses

4.3.4 According to Article 20(2) of the *Code*, "Information relating to the private interests of the members of the Member's family shall be to the best of the Member's knowledge, information and belief. The Member shall make reasonable efforts to determine such information". In other words, Members must make reasonable efforts to disclose such information of their spouses or common-law partners and their dependent children.⁹⁶

Members' professional and business clients

4.3.5 There are no general requirements for Members to disclose professional and business clients.⁹⁷ Under the *Code*, the only provision relating to this issue is that if a matter in which a Member has a private interest is being discussed in the Chamber or in a committee of which he or she is a member, the Member must disclose at the first opportunity the general nature of the matter.

⁹⁵ Reply from the Office of the Conflict of Interest and Ethics Commissioner, House of Commons of the Parliament of Canada, 30 March 2010.

⁹⁶ Conflict of Interest and Ethics Commissioner (2009) p. 4.

⁹⁷ Reply from the Office of the Conflict of Interest and Ethics Commissioner, House of Commons of the Parliament of Canada, 30 March 2010.

Form and extent of disclosure

4.3.6 If a matter in which a Member has a private interest is being discussed in the Chamber or in a committee of which he or she is a member, the Member must, if present during consideration of the matter, disclose at the first opportunity the matter either orally or in writing to the Clerk of the House.

4.3.7 The Member must disclose the general nature of the private interest. The disclosure is recorded in the *Journals* and forwarded to the Commissioner who will then file it together with the Member's other public disclosure documents.

Disclosure of interests in committees

4.3.8 Article 12 of the *Code* requires a Member to disclose the nature of a private interest relating to an issue before the House or a committee to the Clerk of the House. Furthermore, Article 13 of the *Code* states that "A Member shall not participate in debate on or vote on a question in which he or she has a private interest".

4.3.9 The *Code* does not have any provisions explicitly on committee chairmanship as the registration and disclosure requirements apply to all Members.⁹⁸ Based on Article 13 of the *Code*, since a Member shall not participate in debate on or vote on a question in which he or she has a private interest, it is unlikely that a committee chair is permitted to chair a meeting when a conflict of interest arises.

⁹⁸ Reply from the Office of the Conflict of Interest and Ethics Commissioner, House of Commons of the Parliament of Canada, 30 March 2010.

Members' right to speak and to vote on matters in which they have a pecuniary interest

4.3.10 Article 13 of the *Code* provides that a Member shall not participate in debate or vote on a question in which he or she has a private interest. Matters of general application or those affect Members or others as part of a broad class of the public are not included in this prohibition. For example, voting a pay increase to Members themselves does not constitute a private interest because it applies to all Members. Likewise, if a Member is a party to a legal action related to his or her activities as a Member, he or she may continue to debate and vote on that matter.⁹⁹

4.3.11 In the event that a Member has voted on a matter in which he or she has a private interest, the vote may be questioned by other Members and eventually disallowed.

4.4 Investigation procedure and sanctions

4.4.1 The Commissioner may conduct inquiries into a subject matter on whether a Member has contravened the *Code*. Under the *Code*, an inquiry can be initiated in one of three ways. First, it may be requested by a Member who has reasonable grounds to believe that another Member has not complied with the *Code*. Second, it can be initiated by way of a resolution of the House. Third, the Commissioner has the power to initiate an inquiry on his or her own initiative if he or she has reasonable grounds to believe that a Member has not complied with Members' obligations under the *Code*.

Investigation procedure

4.4.2 In general, the Commissioner will carry out a preliminary review to assess the matter and solicit a response from the Member concerned in order to determine whether an inquiry is warranted. The Member concerned is given, in a written notice, 30 days to respond to the Commissioner's concerns. After the preliminary review, if the Commissioner has reasonable grounds to believe that a Member has not complied with his or her obligations under the *Code*, the Commissioner may conduct an inquiry on the matter.

⁹⁹ O'Brien & Bosc (2009) p. 220.

4.4.3 The inquiry is conducted in private and Members are expected to cooperate with the Commissioner with respect to the inquiry. Throughout the inquiry, the Commissioner should give the Member under investigation a reasonable opportunity to be present and to make representations to the Commissioner in writing, in person or by counsel or other representative.¹⁰⁰

4.4.4 Forthwith following an inquiry, the Commissioner shall report the findings to the Speaker, who shall present the report to the House when it next sits. A motion to concur such a report may be moved and debated for no more than two hours during Routine Proceedings, after which the question will be put forthwith. If no motion is moved and disposed of prior to the 30th sitting day after the day on which the report is presented, the motion to concur in the report will be deemed moved and the Speaker will put the question to dispose of the motion to the House.

Sanctions against non-compliance

4.4.5 According to Article 28 of the *Code*, if Commissioner concludes that a Member has not complied with an obligation under the *Code* but that the Member has taken all reasonable measures to prevent non-compliance, or that non-compliance is trivial or occurs through inadvertence or an error in judgment made in good faith, the Commissioner shall so state in the report and may recommend that no sanction be imposed. Otherwise, the Commissioner may recommend sanctions to be taken.

4.4.6 The *Code* stipulates that if the Commissioner concludes that a Member has deliberately contravened the guidelines set down in the *Code*, he or she may recommend appropriate sanctions. Unlike the *Conflict of Interest Act* which allows the Commissioner to impose a fine on non-compliant public office holders, the *Code* does not specify sanctions that can be imposed on Members in case of non-compliance. The recommendation of sanctions is thus made on the Commissioner's own discretion.¹⁰¹ Nonetheless, the final decision on sanctions imposed rests with the House.

¹⁰⁰ Article 27(7) of the *Conflict of Interest Code for Members of the House of Commons*.

¹⁰¹ Reply from the Office of the Conflict of Interest and Ethics Commissioner, House of Commons of the Parliament of Canada, 10 May 2010.

4.4.7 If the Commissioner recommends sanctions in the report, the Member concerned will be subject to the disciplinary powers of the House, when the House chooses to take action. In any event, since the *Code* came into force in 2004, no sanctions have been imposed on Members found to have contravened it.¹⁰²

¹⁰² O'Brien & Bosc (2009) Chapter 3. Nonetheless, no further details of the number and nature of the non-compliance were mentioned.

Chapter 5 – New Zealand

5.1 Background

5.1.1 In the New Zealand Parliament, proposals to establish a register of Members' pecuniary interests were brought up for discussion in 1986. The failure to agree on a parliamentary register led the government to establish its own register of Ministers' interests in 1990.¹⁰³ In August 2005, the House of Representatives (the unicameral New Zealand Parliament) amended its Standing Orders to provide a system for Members of Parliament to register their pecuniary interests, i.e. assets, debts and gifts accumulated or received by them. The purpose of the measure, which has applied till today, is to foster public accountability and transparency: "If certain things are made known and registered, the question of any conflict of interest can be minimised."¹⁰⁴ The related requirements are set out in No. 159 and Appendix B of the *Standing Orders of the House of Representatives*.

5.1.2 Like Australia, the New Zealand Parliament does not have a code of conduct for Members. From time to time, there are suggestions that the House should be specific about Members' duties and adopt a statement setting out a code of conduct or ethical principles that it expects Members to follow.¹⁰⁵ In June 2007, four minor parties in the House announced their intention to sign a voluntary code of conduct.¹⁰⁶

¹⁰³ McGee (2005) p. 39.

¹⁰⁴ Office of the Clerk of the House of Representatives (2009) p. 3.

¹⁰⁵ McGee (2005) pp. 35-36.

¹⁰⁶ Office of the Speaker (2007).

5.1.3 The proposed code by the minor parties had been considered by the Standing Orders Committee, which reported on 27 August 2008 that the proposed code was not accepted. The report states that "there is insufficient support for the development of such a code".¹⁰⁷ Besides, the Committee opines that "The registration of Members' pecuniary interests is the backbone of almost all parliamentary codes of conduct. The New Zealand Parliament already has an effective regime for the disclosure of Members' interests".¹⁰⁸ Except in the case of financial interests, the House has not adopted any detailed ethical guidelines for Members, taking the view that advice about appropriate behaviour is primarily a matter for induction training and internal party discipline.¹⁰⁹

5.1.4 Two separate regimes for disclosing Members' interests are contained in the *Standing Orders*: the registration of pecuniary interests as required by Appendix B, and the oral declaration of financial interests as set out in Nos. 160-162. The latter is broader in scope and application. As Members are required to update the interests they registered only annually, they may declare to the House or a committee before participating in debate relating to those interests that have not been registered. They may also declare those relevant interests that are not required to be registered.

5.2 Registration of interests

Registrable interests

5.2.1 Members are required to provide a return of their pecuniary interests within 90 days after they take the oath or make the affirmation and on an annual basis thereafter. In particular, a Member's registrable interests include:

- (a) company directorships and controlling interests with more than 5% of the voting rights;
- (b) pecuniary interests in other companies and business entities, including ownerships of shares, bonds and debentures;

¹⁰⁷ Standing Orders Committee (2008) p. 12.

¹⁰⁸ Ibid.

¹⁰⁹ McGee (2005) p. 36.

- (c) employment;
- (d) beneficial interests in trusts;
- (e) membership of organizations and trusts seeking government funding;
- (f) real property;
- (g) superannuation schemes;
- (h) debtors who owe more than NZ\$50,000 (HK\$294,700) to the Member;
- (i) creditors to whom the Member owes more than NZ\$50,000 (HK\$294,700);
- (j) overseas travel costs other than official parliamentary visits;
- (k) gifts, including hospitality and donations in cash or kind but excluding any donation made to cover expenses in an electoral campaign, that have an estimated market value of more than NZ\$500 (HK\$2,947);
- (l) discharged debts of more than NZ\$500 (HK\$2,947) that were owed by the Member but being paid by another person; and
- (m) payments for activities in which the Member is involved, including directors' fees, fees for activities such as speaking engagements and book royalties.

5.2.2 Information supplied in the return includes interests which the Member has as at the effective date of the return, and relevant activities that the Member has undertaken in the 12 months before that effective date.

Non-executive directorship

5.2.3 Appendix B of the *Standing Orders* requires Members to register "the name of each company of which the Member is a director or holds or controls more than 5% of the voting rights and a description of the main business activities of each of those companies". Members are expected to apply that rule to their individual circumstances and decide whether they have an interest in a company that should be registered. If they are a director, the interest should be registered. There is no distinction drawn between different types of directorship. It would therefore appear that interests in connection with any independent non-executive directorship should be registered.¹¹⁰

5.2.4 Members are required to record only the names and main business activities of companies in which they have an interest. They are not required to register the interests held by those companies, such as subsidiary companies, trusts, property holdings etc.¹¹¹

Gifts from social and ceremonial occasions

5.2.5 Registrable interests also include gifts that have an estimated market value in New Zealand of more than NZ\$500 (HK\$2,947). According to the *Register of Pecuniary Interests of Members of Parliament: Explanatory notes – 2009/10*, a gift "is something given to, or for the benefit of a Member", which includes hospitality and donations in cash or in kind. As such, gifts from social and ceremonial occasions are registrable, provided that they are valued more than NZ\$500 (HK\$2,947).

Pecuniary interests of Members' spouses

5.2.6 The registration of pecuniary interests prescribed by Appendix B of the *Standing Orders* requires Members to provide a return of their personal pecuniary interests only. Interests of their spouses or other family members are not required to be registered.

¹¹⁰ Reply from the Parliamentary Library, the New Zealand Parliament, 27 March 2010.

¹¹¹ Reply from the Parliamentary Library, the New Zealand Parliament, 20 October 2010.

Members' professional and business clients

5.2.7 In the Register of Pecuniary Interests, Members are required to register any company of which they are a director or control more than 5% of the voting rights. They must name the company and describe its main business activities, but they are not required to name the company's clients. Meanwhile, they are also required to register any employment that they may have, apart from as a Member of Parliament. In such a case, they must reveal the name of the employer and its main business activities.¹¹² As such, whether a Member should register his or her clients as a pecuniary interest may depend on the nature of the Member's profession.

Details required in registration

5.2.8 The registration form and the *Register of Pecuniary Interests of Members of Parliament: Explanatory notes* both specify the extent of information required in registration. The registration form is attached as **Appendix IV** for easy reference.¹¹³ In general, Members do not need to provide details of the interests. The actual value of any asset, payment, interest, gift, contribution or debt is not required to be reported. Members are only required to register the existence of the interests.¹¹⁴

5.2.9 In the registration of interests related to real property, Members must indicate the location of each parcel of real property in which they have a pecuniary interest. In describing the location of a property, Members do not need to specify the street or road address. The general location, such as the suburb, town, or rural area is sufficient. An example is provided on the registration form as "Family home in Hokowhitu, Palmerston North".

5.2.10 "Shareholding" is not specified as a registrable interest. Nevertheless, Members are required to declare the name of every company or business entity in which they have a pecuniary interest and a description of the main business activities of each of those companies or entities. This requirement captures smaller interests in companies than the clause on directorships, and under which smaller shareholdings is included.¹¹⁵

¹¹² Reply from the Parliamentary Library, the New Zealand Parliament, 17 March 2010.

¹¹³ The registration form is provided by courtesy of the Parliamentary Library, the New Zealand Parliament.

¹¹⁴ Office of the Clerk of the House of Representatives (2009) p. 7.

¹¹⁵ Reply from the Parliamentary Library, the New Zealand Parliament, 20 October 2010.

Registration mechanism

5.2.11 Within 90 days from the date when a Member takes the oath or makes the affirmation, he or she must make an initial return of pecuniary interests as at that day. Thereafter, Members are required to provide a return of their pecuniary interests on an annual basis, but they are not required to amend or update the return during the year.¹¹⁶

5.2.12 A booklet of explanatory notes¹¹⁷ specifying Members' obligations under the *Standing Orders* is produced and distributed to Members every year. The main purpose of these explanatory notes is to assist Members in completing their returns for the Register of Pecuniary Interests. The Registrar also provides authoritative advice, in writing, to assist Members in completing the return. Nonetheless, the Registrar is not required to cross-check items registered by Members.

5.2.13 Once Members' returns have all been received, the Registrar will compile a summary of the registered interests for each Member. The Registrar will give Members a copy of the summary of their own return so that they have an opportunity to correct any error of transcription. The Registrar must not disclose the contents of individual draft return to other persons.¹¹⁸

5.2.14 After the drafts have been finalized, a copy of the summaries of Members' pecuniary interests is given to the Speaker who will present it to the House. Within 90 days of the due date for returns, the Registrar will publish the summaries in a booklet which is available for public viewing in the Bills Office. The booklet is also available on the website of the Parliament¹¹⁹ for public access.

¹¹⁶ Reply from the Parliamentary Library, the New Zealand Parliament, 17 March 2010.

¹¹⁷ *Register of Pecuniary Interests of Members of Parliament: Explanatory notes*.

¹¹⁸ Office of the Clerk of the House of Representatives (2009) p. 15.

¹¹⁹ <http://www.parliament.nz/en-NZ>

5.3 Disclosure of interests

Disclosure requirements

5.3.1 No. 161(1) of the *Standing Orders* provides that a Member must, before participating in the consideration of any item of business before the House or a committee, declare any financial interest that the Member has in that business. According to No. 160(1) of the *Standing Orders*, a financial interest "is a direct financial benefit that might accrue to a Member personally, or to any trust, company or other business entity in which the Member holds an appreciable interest, as a result of the outcome of the House's consideration of a particular item of business." No. 160(2) stipulates that a financial interest:

- (a) includes a financial interest held by a Member's spouse or domestic partner or by any child of the Member who is wholly or mainly dependent on the Member for support, but
- (b) does not include any interest held by a Member or any other person as one of a class of persons who belong to a profession, vocation, or other calling or who hold public offices or an interest held in common with the public.

5.3.2 Members do not need to declare an interest that is listed on the Register of Pecuniary Interests which is public record. Meanwhile, the scope of the declaration regime is broader than that of the registration regime. In other words, Members may have financial interests that are not required for registration but need to be declared to the House or a committee before participating in debate relating to that interest. Such interests may include an interest the Member has acquired but is not due for registration until several months later, or they may relate to an interest of a family member.¹²⁰

¹²⁰ Reply from the Parliamentary Library, the New Zealand Parliament, 17 March 2010.

5.3.3 It is for each Member to decide whether the item of business under discussion may result in a direct financial benefit for himself or herself. The presumption is that Members are "honourable members" and will make a declaration of financial interest if they honestly perceive that there may be a financial benefit for themselves. For example, there are no specific guidelines or rules for Members to consult regarding the declaration of a financial interest in a subsidiary company before participating in consideration of an item of business. Members must judge for themselves if there is a direct financial benefit that could accrue to them from that item of business.¹²¹

5.3.4 If there is any doubt whether an interest should be declared, the Office of the Clerk of the House of Representatives suggests that Members should consider declaring it: "While a particular situation may not apply in terms of the rules in the *Standing Orders*, public opinion may take a different view if the interest becomes known".¹²²

Direct and indirect pecuniary interests

5.3.5 To constitute an "interest" to be disclosed, it must be a direct one. In one instance, a Member who was a director of a company which provided mortgage broking services for another company which owned land affected by a proposal before the House was ruled to have had too indirect an interest to be affected.¹²³ In other words, indirect pecuniary interests are not subject to the disclosure requirements.

Pecuniary interests of Members' spouses

5.3.6 When declaring a financial interest, Members must also declare an interest held by their spouses or domestic partners or dependent children. Nos. 160-162 of the *Standing Orders* require Members to include the financial interests of their spouses and dependent children in making declarations. In this regard, the same disclosure requirements on Members' financial interests apply to those of Members' spouses.

¹²¹ Reply from the Parliamentary Library, the New Zealand Parliament, 20 October 2010.

¹²² Office of the Clerk of the House of Representatives (2008) p. 12.

¹²³ McGee (2005) p.43.

Members' professional and business clients

5.3.7 There is no specific rule on disclosing Members' clients. Members have to exercise their own judgment as to what information they should declare before the House or committee. Depending on the nature of the item of business being considered, it may be appropriate for them to reveal a client's name in some circumstances.¹²⁴

Form and extent of disclosure

5.3.8 There is no particular means prescribed by which a Member's financial interest should be declared. The normal practice is for Members to make an oral declaration before participating in debate or voting on the matter concerned. It can be done through speaking in debate, by personal explanation or on a point of order, as well as writing to the Speaker or Chairperson of the relevant select committee. In the latter case, the Chairperson is responsible for bringing it to the attention of the committee.¹²⁵

5.3.9 Declaration is usually very brief. In March 2010, the House was considering the Dairy Industry Restructuring (Raw Milk Pricing Methods) Bill which would allow some raw milk to be allocated through an auction process. This could be an advantage to shareholders in Fonterra, a dairy co-operative company owned by shareholding farmers and New Zealand's largest company. Speaking in the second reading debate, Shane Ardern began his speech as follows: "I rise in support of the Dairy Industry Restructuring (Raw Milk Pricing Methods) Bill. In doing so, and at the beginning of my comments, I declare that I am a shareholder of Fonterra. In accordance with the Standing Orders, I declare that interest."¹²⁶

¹²⁴ Reply from the Parliamentary Library, the New Zealand Parliament, 17 March 2010.

¹²⁵ McGee (2005) p. 43; Reply from the Parliamentary Library, the New Zealand Parliament, 20 October 2010.

¹²⁶ Reply from the Parliamentary Library, the New Zealand Parliament, 20 October 2010.

Disclosure of interests in committees

5.3.10 Both the registration and declaration regimes require Members to disclose their interests in committee meetings but do not prevent them from participating in debate or carrying out any role. The requirements to declare financial interests and to register pecuniary interests are the same for all Members, regardless of whether they are committee chairs or Ministers, and Government or Opposition.¹²⁷

5.3.11 Having declared a financial interest, Members are not prohibited from participating in the related proceedings. Nonetheless, Members declaring interest in a specific item often step aside from a particular responsibility, such as chairing a select committee, while the item is considered.¹²⁸ If a Member does propose to refrain from participating in a particular item of business by not speaking and voting on it, there is no obligation to disclose any interest.¹²⁹

Members' right to speak and to vote on matters in which they have a pecuniary interest

5.3.12 According to Nos. 160-162 of the *Standing Orders*, before participating in any item of business before the House or a committee, Members must declare any financial interest they may have in relation to it. The Speaker will make a decision if any dispute arises as to whether a Member has such an interest.

5.3.13 Members who have a financial interest in business before the House are not thereby disqualified from participating in debate on the matter, serving on a committee inquiring into it or voting on it.¹³⁰ In other words, their right to speak and to vote on the matter has not been affected. It is for Members to judge whether they should participate in the proceedings when they possess a financial interest in the outcome of parliamentary proceedings: "The focus of the relevant *Standing Orders* is on openness by the Members, not on restricting their participation".¹³¹

¹²⁷ Reply from the Parliamentary Library, the New Zealand Parliament, 17 March 2010.

¹²⁸ Office of the Clerk of the House of Representatives (2008) p. 13.

¹²⁹ McGee (2005) p. 42.

¹³⁰ McGee (2005) p. 42; Office of the Clerk of the House of Representatives (2008) p. 12.

¹³¹ Reply from the Parliamentary Library, the New Zealand Parliament, 17 March 2010.

5.4 Investigation procedure and sanctions

5.4.1 According to No. 401(g) and (h) of the *Standing Orders*, it is a contempt of the House for any Member knowingly to fail to make a return of pecuniary interests by the due date or knowingly to provide false or misleading information in such a return.

5.4.2 Meanwhile, failure to declare also constitutes a contempt of the House and can be dealt with as a matter of privilege. However, a Member's failure to declare a financial interest does not affect the validity of the business transacted by the House or committee (for example, a question asked by the Member).¹³²

5.4.3 While the Auditor-General¹³³ has a review and inquiry role in respect of returns of Members' pecuniary interests and may inquire into whether a Member has complied with his or her obligations to make a return, a report from the Auditor-General is not an essential prerequisite to alleging a contempt in regard to the registration of pecuniary interests. Nevertheless, it would be difficult to establish grounds for an allegation of contempt without involving or attempting to invoke the Auditor-General's involvement first.¹³⁴

5.4.4 A complaint that a Member has failed to declare interest could be raised as a matter of privilege with the Speaker in writing at the earliest opportunity.¹³⁵ The Speaker will decide if a question of privilege is involved and may refer the matter to the Privileges Committee, which is responsible for investigating and reporting to the House on the matter concerned. The Speaker's decision on the matter is final and is not subject to review or reversal by the Privileges Committee.¹³⁶

¹³² McGee (2005) p. 42.

¹³³ The Auditor-General is an officer of Parliament, who is independent of the executive government and the Parliament in discharging the functions of the statutory office, but is answerable to the Parliament for her stewardship of the public resources entrusted to her.

¹³⁴ McGee (2005) p. 647.

¹³⁵ McGee (2005) p. 42.

¹³⁶ McGee (2005) pp. 646-647.

Investigation procedure

5.4.5 The Privileges Committee has the inherent power to send for persons, papers and records. It hears evidence in public and endeavours to act and to conduct its proceedings in accordance with normal judicial principles, including ruling on the standard of proof required to establish whether a contempt has been committed.¹³⁷

5.4.6 After the investigation process has been completed, the Privileges Committee will present a report to the House. The report is debated in the House on the next sitting day. If there is a finding of contempt and a punishment is recommended, the House decides on it at the end of the debate on the report.¹³⁸

Sanctions against non-compliance

5.4.7 Ultimately, the House has the power to punish a Member who has been found in contempt. Recommendation to the House from the Privileges Committee may include a punishment like suspension from the House for a period¹³⁹ and censure¹⁴⁰.

¹³⁷ McGee (2005) pp. 666-667.

¹³⁸ Nos. 246(1)(a), 392-403 of the *Standing Orders*; Office of the Clerk of the House of Representatives (2008) p. 9.

¹³⁹ Office of the Clerk of the House of Representatives (2009) p. 16.

¹⁴⁰ Reply from the Parliamentary Library, the New Zealand Parliament, 17 March 2010.

Chapter 6 – Singapore

6.1 Background

6.1.1 In Singapore, according to Section 32 of the *Parliament (Privileges, Immunities and Powers) Act (Chapter 217)*, "A Member shall not in or before Parliament or any committee take part in the discussion of any matter in which he [or she] has a direct personal pecuniary interest without disclosing the extent of that interest and shall not in any circumstances vote upon any such matter." No. 65(1) of the *Standing Orders* also states that "a Member shall not vote on any subject in which he [or she] has a direct personal pecuniary interest".

6.1.2 In spite of the above provisions, the Parliament of Singapore does not have any requirement on the registration of Members' interests.¹⁴¹ Hence, there is no register of Members' interests available for public access, both on-site and on the website of the Parliament.¹⁴² Instead, the dominant party in the Parliament, the People's Action Party (PAP),¹⁴³ has a "code of conduct" that all elected Members of Parliament (MPs) from PAP must abide by. This "code of conduct" is indeed a letter sent by Prime Minister Lee Hsien Loong to all PAP MPs-elect in May 2006, setting out a series of rules.¹⁴⁴ Since currently 82 out of the 84 elected MPs¹⁴⁵ are PAP members, the registration regime provided under the "code of conduct" of PAP does play a significant role in governing MPs' behaviour. Accordingly, this regime applicable to PAP MPs, in addition to the general requirements of the Parliament, will be outlined below.

¹⁴¹ Reply from the Parliamentary Library, the Parliament of Singapore, 23 March 2010.

¹⁴² <http://www.parliament.gov.sg/>

¹⁴³ Ever since 1959, the People's Action Party has been the dominant party in the Parliament of Singapore, see Tan (2000).

¹⁴⁴ Reply from the Parliamentary Library, the Parliament of Singapore, 23 March 2010; *The Straits Times*, 18 May 2006.

¹⁴⁵ Currently, the Parliament of Singapore consists of 84 elected MPs, one non-constituency MP and nine nominated MPs. The non-constituency MP is appointed from among unsuccessful Opposition candidates as the one who has the highest percentage of votes in the respective constituency, while the nominated MPs are independent and non-partisan Members appointed by the President of Singapore for a term of two and a half years on the recommendation of a Special Select Committee of the Parliament chaired by the Speaker.

6.1.3 Generally speaking, PAP MPs are required to separate their public political position from their private business or professional interests. They must not exploit their public position as MPs, their close contacts with the ministers, or their access to government departments and civil servants, for their personal business interest or the benefit of their employers. Their conduct must therefore "always be above board".¹⁴⁶

6.2 Registration of interests

6.2.1 The Parliament of Singapore does not have any provision on the registration of Members' interests. Based on the "code of conduct" of PAP, the following paragraphs focus on the related practice applicable to PAP MPs.

Interests to be reported

6.2.2 Every PAP MP should report their personal interests to the Prime Minister in confidence. In particular, information to be reported includes:

- (a) business and professional interests;
- (b) present employment and monthly pay;
- (c) all retainers and fees received; and
- (d) any job requirement to get in touch with officers of government ministries or statutory boards on behalf of employers or clients.

6.2.3 In addition, unless they have obtained prior approval from the Whip, PAP MPs should not participate in business events like opening of new shops or other business events, even if the financial benefits offered are provided in the forms of donation to a charity or constituency welfare fund.

¹⁴⁶ *The Straits Times*, 18 May 2006.

Non-executive directorship

6.2.4 PAP permits its MPs to serve as company directors, provided that they keep their private and public responsibilities rigorously separate. Nevertheless, they should not actively solicit for directorships in any companies. Additionally, they should not sit on any boards of companies owned or chaired by grassroots leaders appointed by them, so as to avoid the perception that they are obligated to these people or advancing their business interests.

6.2.5 If PAP MPs are offered a directorship, they have to decide for themselves whether to accept it. The "code of conduct" suggests that they should consider the possible impact of the directorship on their political life before accepting such invitation. They should ensure that the company understands that they are doing so strictly in their private capacity, and will not use their public position to champion the interests of the company, or lobby the government on its behalf. Once a PAP MP has decided to accept an offer of a directorship, he or she should inform the Whip. As such, directorship, no matter what types, should be reported by PAP MPs.

Gifts from social and ceremonial occasions

6.2.6 If PAP MPs receive any gifts other than those from close personal friends or relatives, they must report to the Clerk of Parliament, who will then have the gifts valued. If they wish to keep the gifts, they must pay the government for the valuation price of such gifts. In this connection, gifts from social and ceremonial occasions are interests which should be reported by PAP MPs.

Pecuniary interests of Members' spouses

6.2.7 The "code of conduct" has not mentioned the reporting of pecuniary interests of PAP MPs' spouses.

Members' professional and business clients

6.2.8 Similarly, the reporting of Members' clients is not covered in the "code of conduct" of PAP. Nevertheless, "business and professional interests" of PAP MPs are interests to be reported. It therefore seems that business and profession clients may have to be reported to the Prime Minister. In addition, PAP MPs are reminded not to raise matters with public officers on behalf of friends, clients, contractors, employers, or financiers to advance their business interests.

Registration mechanism

6.2.9 The "code of conduct" only states that PAP MPs are required to report their personal interests to the Prime Minister in confidence. No further detail of the procedure is provided.

6.2.10 PAP MPs who are government office holders are not subject to this requirement because they are subject to the reporting requirements of the *Code of Conduct for Ministers* instead.

6.3 Disclosure of interests

Disclosure requirements

6.3.1 According to Section 32 of the *Parliament (Privileges, Immunities and Powers) Act (Chapter 217)*, a Member shall not take part in the discussion of any matter before the Parliament or committees in which he or she has a direct personal pecuniary interest without disclosing the extent of that interest.

6.3.2 A "pecuniary interest" is one that attaches to money and implies financial gain. By extension, a "direct pecuniary interest" would entail the Member making financial gain on a matter which is being discussed before the House.¹⁴⁷

¹⁴⁷ Reply from the Parliamentary Library, the Parliament of Singapore, 19 October 2010.

Direct and indirect pecuniary interests

6.3.3 Only direct pecuniary interests are subject to the Parliament's requirement of disclosure. No. 65(3) of the *Standing Orders* states that "In deciding whether a motion for the disallowance of a Member's vote shall be proposed by the Speaker or Chairman, the Speaker or Chairman shall have regard to the character of the question upon which the division was taken and to the consideration whether the interest therein of the Member whose vote is challenged is direct and pecuniary and not an interest in common with the rest of the citizens of Singapore or whether his [or her] vote was given on a matter of State policy".

Pecuniary interests of Members' spouses

6.3.4 While the *Parliament (Privileges, Immunities and Powers) Act* requires Members to disclose their direct personal pecuniary interest when they take part in the discussion of any matter in which they have such interest, the personal pecuniary interests of Members' spouses are not touched upon.

Members' professional and business clients

6.3.5 Nothing is mentioned on Members' professional and business clients in the *Parliament (Privileges, Immunities and Powers) Act*, which only requires Members to disclose the extent of any relevant direct personal pecuniary interest. Members have to exercise their own judgment as to what information they should declare.

Form and extent of disclosure

6.3.6 There is no prescribed rule by which a Member's personal pecuniary interest should be declared. Members usually declare their interest before delving into their speeches.¹⁴⁸

¹⁴⁸ Reply from the Parliamentary Library, the Parliament of Singapore, 19 October 2010.

Disclosure of interests in committees

6.3.7 When a Member raises questions in the Parliament in which he or she has a direct pecuniary interest, declaration of such interest should be made first, and he or she cannot vote on the matter. This general rule shall apply in committees as well. According to No. 104(10) of the *Standing Orders*, which is on voting in select committees, "the provisions of Standing Order No. 65 [Procedure to disallow vote of Member having a direct personal pecuniary interest] shall apply to divisions under this Standing Order".

Members' right to speak and to vote on matters in which they have a pecuniary interest

6.3.8 The wording of Section 32 of the *Parliament (Privileges, Immunities and Powers) Act (Chapter 217)* is "A Member shall not in or before Parliament or any committee take part in the discussion of any matter in which he [or she] has a direct personal pecuniary interest without disclosing the extent of that interest". Hence, provided that declaration has been made, Members who have a pecuniary interest in business before the Parliament or a committee are not thereby disqualified from participating in debate.

6.3.9 On the other hand, the same provision indicates that a Member "shall not in any circumstances vote upon any such matter". Further, according to No. 65(1) of the *Standing Orders*, a Member shall not vote on any subject in which he or she has a direct personal pecuniary interest. In other words, although the Member who has a pecuniary interest in business before the Parliament or a committee is allowed to participate in the debate after disclosing the interest, he or she cannot vote upon the matter.

6.4 Investigation procedure and sanctions

6.4.1 The *Standing Orders* contain no provision on the investigation procedure of complaints and sanctions against non-compliance of the disclosure requirements. The punitive power resides in the *Parliament (Privileges, Immunities and Power) Act*.¹⁴⁹

¹⁴⁹ Reply from the Parliamentary Library, the Parliament of Singapore, 25 October 2010.

6.4.2 According to Section 2 of the *Parliament (Privileges, Immunities and Powers) Act*, "contempt" includes any breach of privilege of the Parliament and the commission of any offence mentioned in Part V (Section 32 "Member to disclose pecuniary interest" is under Part V). Therefore, non-compliance of the disclosure requirements may be regarded as a contempt.

Investigation procedure

6.4.3 Section 21 of the *Parliament (Privileges, Immunities and Powers) Act* stipulates the procedure in cases of contempt, under which the Parliament may "refer the matter to any select committee for investigation, consideration and report to Parliament".

6.4.4 Under Article 100(7) of the *Standing Orders*, any complaint of breach of privilege or any matter which appears to affect the powers and privileges of the Parliament should be referred to the Committee of Privileges.

6.4.5 If the Parliament is sitting, any Member may rise at any time to make a complaint alleging a breach of privilege arising, or if the Parliament is not sitting, a Member may make a complaint in writing to the Speaker alleging a breach of privilege. If the Speaker is satisfied that the matter complained of prima facie affects the privileges of the Parliament and that it has been raised at the earliest opportunity, he or she shall refer such matter to the Committee of Privileges which shall, after consideration of the matter, report thereon to the Parliament.

6.4.6 Upon receiving notice from the Clerk of Parliament that copies of a report from the Committee of Privileges have been made available to Members, the Leader of the House shall give notice of a motion expressing the opinion of the Parliament in regard to the report.

6.4.7 Any motion complaining of a breach of privilege or affecting the powers and privileges of the Parliament and any motion relating to a report of the Committee of Privileges shall take precedence over public business.

Sanctions against non-compliance

6.4.8 According to Section 20(1) of the *Parliament (Privileges, Immunities and Powers) Act*, for any dishonourable conduct, abuse of privilege or contempt, on the part of a Member, the Parliament may:

- (a) commit him [or her] to prison for a term not extending beyond the current session of the Parliament;
- (b) impose upon him [or her] a fine not exceeding the sum of SG\$50,000 (HK\$302,600);
- (c) suspend him [or her] from the service of the Parliament for the remainder of the current session of the Parliament or for any part thereof; and
- (d) direct that he [or she] be reprimanded or admonished in his [or her] place by the Speaker.

Chapter 7 – Analysis

7.1 Introduction

7.1.1 Based on the findings in the previous chapters, this chapter compares the requirements and related arrangements for the registration and disclosure of Members' interests in the five selected overseas legislatures and the Legislative Council of Hong Kong in the following aspects:

- (a) registration of interests;
- (b) disclosure of interests; and
- (c) investigation procedure and sanctions.

7.1.2 To facilitate Members' deliberation on the issue, the major features of the requirements and related arrangements for the registration and disclosure of Members' interests in the selected legislatures of the United Kingdom (the UK), Australia, Canada, New Zealand, Singapore and the Legislative Council (LegCo) of Hong Kong are summarized in **Appendix V**.

7.2 Registration of interests

Registrable interests

7.2.1 Except for the Parliament of Singapore which has no registration requirement, all the other selected legislatures have a list of registrable interests. In general, registrable interests are primarily pecuniary interests, but in the UK and Australia, interests which are not covered in the existing categories of registrable interests but may reasonably be thought to influence Members' actions should also be registered under the item "miscellaneous" or "other interests".

7.2.2 In LegCo, registrable interests are similar to those of the UK House of Commons. However, there are more categories of registrable interests in the UK than in Hong Kong as the former has had several categories of registrable interests added to the list in recent years.

Non-executive directorship

7.2.3 As regards whether interests in connection with independent non-executive directorship are registrable, it should be noted that there is no distinction between executive and non-executive directors in the selected legislatures. Non-executive directorship is usually treated as a type of directorships. In Australia, Canada and New Zealand, since directorship is a registrable interest, interests in connection with independent non-executive directorship, as a type of directorship, should be registered. In the UK, it is clearly stated in the *Guide to the Rules relating to the conduct of Members* that non-executive directorship is registrable. In Singapore, once a Member of Parliament (MP) from the People's Action Party (PAP) has decided to accept an offer of directorship, he or she should inform the Whip. Hence, for PAP MPs, interests in connection with independent non-executive directorship should be reported.

7.2.4 While directorship is registrable in the selected legislatures, interests in relation to subsidiaries of a company that a Member holds directorship are not required to be registered. Nevertheless, in the UK, the Member may register so under the "miscellaneous" category if he or she considers that the interest might reasonably be thought by others to influence his or her actions, speeches, or votes in Parliament, or actions taken in his or her capacity as a Member of Parliament. Likewise, in Australia, Members may register the related interests if there may be, or may be perceived to be, a possible conflict of interest.

7.2.5 In Hong Kong, there is no distinction between executive and non-executive directors in law. Both are members of the board of directors of a company and have the same responsibilities. There is also no such distinction made between executive and non-executive directorship as far as the registration of Members' interests on "remunerated directorship" is concerned.¹⁵⁰

¹⁵⁰ Legislative Council Secretariat (2009a).

7.2.6 In Hong Kong, Members who are remunerated director of a company are required to register all subsidiary or associated directorships which they hold within the same group, no matter whether such directorships are remunerated or not. Other than that, there is no requirement to indicate the interests in relation to subsidiaries of the company that Members hold directorship.

Gifts from social and ceremonial occasions

7.2.7 In the UK, whether gifts from social and ceremonial occasions are registrable depends on whether the gifts relate to membership of the House or to a Member's political activity, as well as the value of the gifts. Similarly, in Canada, gifts from social and ceremonial occasions are registrable if they might reasonably be seen to have been given to influence a Member in the exercise of duty. In Australia and New Zealand, gifts which valued more than a particular threshold are registrable. As such, gifts from social and ceremonial occasions should be registered, provided that they are valued more than the corresponding thresholds. In Singapore, PAP MPs should not accept gifts which might place them under an obligation in conflict with their public duties. If they receive any gifts other than those from close personal friends or relatives, they must report to the Clerk of Parliament.

7.2.8 In Hong Kong, Rule 83(5)(f) of the *Rules of Procedure* requires Members to register "any payments or any material benefits or advantages received by the Member or his [or her] spouse arising out of his [or her] membership of the Council from or on behalf of any government or organization of a place outside Hong Kong; or any person who is not a Hong Kong permanent resident". In general, gifts are registrable under "financial sponsorships" as material benefits (Rule 83(5)(d)(ii) of the *Rules of Procedure*). The minimum value of a registrable gift has been set at HK\$10,000.¹⁵¹

¹⁵¹ See Legislative Council Secretariat (2001).

Pecuniary interests of Members' spouses

7.2.9 In Australia and Canada, registrable interests cover not only interests of Members, but also those of their spouses and dependent children. The same registration requirements on Members' interests apply to those of Members' spouses. In New Zealand, under its registration regime, personal pecuniary interests of Members' spouses and other family members are not recorded. In Singapore, the "code of conduct" of PAP also does not touch upon the personal pecuniary interests of Members' spouses.

7.2.10 In the UK, Members should register the interests of their spouses in respect of several categories of registrable interests. In the registration of these categories, the same registration requirements on Members' interests apply to those of Members' spouses. However, pecuniary interests arising from the spouses' own professions and businesses are not included in the list.

7.2.11 Like their counterparts in the UK, Members in Hong Kong are required to register certain categories of interests of their spouses: financial sponsorships; overseas visits; payments, material benefits or advantages received from non-residents. A Member is expected to make the necessary enquiries of his or her spouse in order to make a full and timely return on the registration of such interests.¹⁵²

Members' professional and business clients

7.2.12 In Australia, Members tend not to hold other employment, and thus the registration of Members' clients is unlikely to be an issue of concern. In Canada and New Zealand, there are no general requirements for Members to register their professional and business clients. Registration is subject to the nature of Members' business and profession, as well as the relevant amount of remuneration. Similarly, in Singapore, "clients" is not covered in the "code of conduct" of PAP. However, since "business and professional interests" are interests listed to be reported by PAP MPs to the Prime Minister, it seems that professional and business clients may have to be reported.

¹⁵² *Guidelines on Registration of Interests.*

7.2.13 In the UK, "clients" comprises a category of registrable interests. In respect of any paid employment registered under the categories of "directorships" and "remunerated employment", all clients to which personal services are provided should be listed. The precise amount of payment, the nature of the work, the number of hours worked, and the name and address of the person, organization or company making that payment should be registered.

7.2.14 Like the UK, in Hong Kong, "clients" comprises a category of registrable interests. Rule 83(5)(c) of the *Rules of Procedure* requires Members to register the names of clients if the paid employment they registered entails the provision to such clients personal services which arise out of, or are related in, any manner to their membership of the Council.

Details required in registration

7.2.15 Compared to Australia, Singapore and Hong Kong, the UK and Canada require a higher extent of details in registration. In the UK, interests should be registered in details, particularly in relation to directorships, employment and clients. For example, under the "directorships" category, Members must register the precise amount of each individual payment made in relation to the directorship, the nature of work, the number of hours worked, and the name and address of the payer. Nevertheless, there is also a consideration of the issue of privacy. For instance, in the registration of land and property, only the nature of the property and its general location but not the detailed address is required.

7.2.16 In Canada, Members are required to provide detailed information about their registrable interests, especially those in relation to the Government of Canada. For example, in registering ownership of real property, Members not only have to state the use and location of the property, but also the value of the property, type of ownership, name of and relationship with the co-owners, share of ownership, and whether the federal government or one of its agencies is a tenant of the property.

7.2.17 In Australia and New Zealand, the actual value of asset, payment, interest, gift, contribution or debt is not required to be reported. Members only have to register the existence and nature of the interests. For example, in the registration of interests related to real property, Members in Australia and New Zealand only need to indicate the use and general location of the property. Likewise, when registering the interests related to business assets, Members only have to state the name of the company or business entity and give a brief description of the main business activities of the company or entity.

7.2.18 In Hong Kong, Members are generally not required to provide information in details when registering interests. In most cases, Members are required to register the existence and nature of the interests, without specifying the very details or value of the interests. However, in the registration of financial sponsorship, the amount involved should be provided. (For more details about the information required in registration, please refer to the registration forms for Members' interests in the UK, Australia, Canada and New Zealand which are attached as **Appendices I-IV**.)

Registration mechanism

7.2.19 Except for the Parliament of Singapore where there is no requirement for Members to register their interests, all the other selected legislatures require Members to complete a registration form and submit it to the registrar so as to register their registrable interests within a certain period of time. While Members of the House of Representatives in New Zealand are not required to update their recorded interests, Members of the other three selected legislatures are required to notify any alterations to their interests to the registrar within a certain time period after the alteration has occurred.

7.2.20 Public inspection of the register is generally allowed in all the selected legislatures. Nevertheless, in Canada and New Zealand, instead of the original entries of Members, only summarized forms are available for public inspection. In addition to hardcopies, the registers in the UK, Australia, Canada and New Zealand are also available for online access.

7.2.21 In Singapore, the Parliament does not have any registration requirement on Members' interests, and thus there is no register of Members' interests for public access. In any event, PAP MPs are required to report interests to the Prime Minister in confidence. PAP MPs who are government office holders are not required to do so because they are subject to the reporting requirements of the *Code of Conduct for Ministers*. If PAP MPs receive gifts from persons other than close personal friends or relatives, they must report them to the Clerk of Parliament who will have the gifts valued. If they wish to keep the gifts, they must pay the government for the valuation price of the gifts.

7.2.22 In Hong Kong, according to Rule 83(1) of the *Rules of Procedure*, not later than the first meeting of each term, Members shall individually furnish to the Clerk to the LegCo a registration form stating the particulars of their registrable interests. The Clerk shall cause those particulars to be entered in a Register of Members' Interests and that register shall be available for public inspection during office hours. Although the *Rules of Procedure* do not require the register to be available online, the Committee on Members' Interests (CMI) took the initiative to upload the registered interests on the LegCo website. Such initiative was endorsed by the House Committee at its meeting on 15 December 2000.

7.3 Disclosure of interests

Disclosure requirements

7.3.1 In the UK, Canada, New Zealand and Singapore, Members should declare the relevant interests before participating in the consideration of any item of business. In Australia, although the requirement for oral declaration was abolished in 1988, Members have remained free to make declaration at their own discretion.

7.3.2 It should be noted that the rules on declaration are less categorical than those on registration. In all the selected legislatures, there is no list of interests to be declared as those of registrable interests. As explained by the Office of the Parliamentary Commissioner for Standards in the UK House of Commons, every Member's circumstances are unique, and one may only refer to the relevant rules to determine if disclosure is required.¹⁵³ It is the responsibility of a Member, having regard to the rules of the House, to judge whether a pecuniary interest is sufficiently relevant to a particular debate or proceeding to require a declaration. The basic test of relevance is that a pecuniary interest should be declared if it might reasonably be thought by others to influence the Member's speech.

7.3.3 In the selected legislatures, it is subject to the integrity of Members to make the decision for disclosure. For example, in New Zealand, the presumption is that Members are "honourable members" and will make a declaration of financial interest if they honestly perceive that there may be a financial benefit to themselves.¹⁵⁴

7.3.4 In Hong Kong, there is also no list of items for disclosure. Rule 83A of the *Rules of Procedure* provides that "In the Council or in any committee or subcommittee, a Member shall not move any motion or amendment relating to a matter in which he has a pecuniary interest, whether direct or indirect, or speak on any such matter, except where he discloses the nature of that interest". However, interests to be disclosed are not defined in the *Rules of Procedure*. Therefore, depending on the matter being considered by the meeting, Members are advised to make their own judgement as to whether an interest should be disclosed.

Direct and indirect pecuniary interests

7.3.5 "Direct" and "indirect" pecuniary interests are not explicitly defined in the rules of the selected legislatures. Generally, direct interests are interpreted in these legislatures as those particular to a Member, and not an interest in common with the general public; while indirect interests may have to be determined case-by-case. In New Zealand and Singapore, only direct pecuniary interests are subject to the disclosure requirements.

¹⁵³ Reply from the Office of the Parliamentary Commissioner for Standards, 14 October 2010.

¹⁵⁴ Reply from the Parliamentary Library, the New Zealand Parliament, 20 October 2010.

7.3.6 Likewise, in Hong Kong, "direct pecuniary interest" and "indirect pecuniary interest" are not defined in the *Rules of Procedure*. According to the Legal Service Division of the LegCo Secretariat, "direct pecuniary interest" is defined as an interest immediate and personal to the Member and not shared with the general public, while "indirect pecuniary interest" as an interest not immediate and personal to a Member, but does have a certain relationship with the Member, which would make a reasonable person to consider that such interest might have certain influence on the action or speech of the Member.¹⁵⁵ In any event, Members should decide whether their pecuniary interests are common to "a sector of the population of Hong Kong", in the light of their own particular circumstances.¹⁵⁶ It should be noted that these views have not been formally adopted by CMI.

Pecuniary interests of Members' spouses

7.3.7 In the UK, Members are encouraged to declare non-registrable interests which might be thought to influence them. Pecuniary interests of close family members are one of such interests. In Australia, while there is no declaration requirement, since personal pecuniary interests of Members' spouses are registrable interests, Members may declare at their own discretion.

7.3.8 In Canada, the same disclosure requirements on Members' interests apply to those of Members' spouses. To the contrary, in Singapore, neither the *Parliament (Privileges, Immunities and Powers) Act* nor the *Standing Orders* touches upon the personal pecuniary interests of Members' spouses.

7.3.9 In New Zealand, unlike the registration regime in which Members are only required to register their own pecuniary interests, when declaring a financial interest, Members must also declare an interest held by their spouses, domestic partners or dependent children.

7.3.10 In Hong Kong, when a Member has a direct or indirect pecuniary interest in a matter before the Council or any committee or subcommittee, he or she should disclose the nature of that interest. As such, whether a Member should disclose the pecuniary interests of his or her spouse depends on the matter being considered by the meeting.

¹⁵⁵ See Legislative Council Secretariat (2009a).

¹⁵⁶ Legislative Council Secretariat (2008).

Members' professional and business clients

7.3.11 In Australia, Canada, New Zealand and Singapore, there is no specific rule on disclosing Members' clients. Members have to exercise their own judgment as to what information they should declare. Depending on the matter being considered by the meeting, Members may declare at their discretion.

7.3.12 In the UK, "relevant interests" for declaration include any interest which Members are required to register in the Register of Members' Financial Interests. Since "clients" is one of the registrable interests, Members may have to disclose their professional and business clients when such information is relevant to the debate or proceeding.

7.3.13 In Hong Kong, whether a Member should disclose his or her professional and business clients as a pecuniary interest depends on the matter being considered by the meeting.

Form and extent of disclosure

7.3.14 In the UK, during debate or proceeding, a Member should declare interest when it is most relevant to do so, normally at the beginning of his or her remarks. When declaring an interest registered in the Register of Members' Interests, the Member may simply refer to his or her entry in the Register. For those interests that have not been registered, the declaration should be brief, but should make clear the nature of the interest concerned. However, the very details of the interest are not required. For example, when declaring ownership of a real property, Members are required to indicate only the general location of the property, but not the detailed address. Otherwise, it would be considered as an infringement of privacy.¹⁵⁷

7.3.15 In Australia, although there is no declaration requirement, where there is the possibility of a conflict of interest, or of the perception of such a conflict, Members may make an oral declaration in the form of a statement or a written statement on the matter at the earliest opportunity of a meeting.

¹⁵⁷ Reply from the Office of the Parliamentary Commissioner for Standards, 14 October 2010 and 19 October 2010.

7.3.16 In Canada, Members must disclose at the first opportunity either orally or in writing to the Clerk of the House. In New Zealand, the normal practice is for Members to make an oral declaration before participating in debate or voting. In Singapore, Members usually declare their interest before delving into their speeches. Like the UK, in these selected legislatures, declaration is usually brief, disclosing the general nature of the matter only.

7.3.17 In Hong Kong, there is no rule on how declaration of Members' interests should be made. Members are suggested to disclose their pecuniary interests at the beginning of their speech on the matter based on CMI discussion papers prepared by the LegCo Secretariat in the view that Members should disclose their pecuniary interests in a matter being considered to enable other people to judge if their views on the matter have been influenced by those interests.¹⁵⁸ It should be noted that such purpose and timing of disclosure have not been formally adopted by CMI.¹⁵⁹

Disclosure of interests in committees

7.3.18 In the UK, where a member of a parliamentary committee, particularly the chairman, has a pecuniary interest which is directly affected by a particular inquiry, or he or she considers that a personal interest may reflect upon the work of the committee or its subsequent report, he or she may stand aside from the committee proceedings relating to it. However, it is for the Member to decide whether the interest is sufficient to suggest that he or she should stand down.

7.3.19 Similarly, in New Zealand, Members are required to declare to a committee a financial interest that they have in the outcome of a parliamentary business before participating in consideration of it. Having declared a financial interest, Members are not prevented from participating in related proceedings. Nonetheless, Members often step aside from a particular responsibility, such as chairing a select committee, when an issue in which they have pecuniary interests is considered.

¹⁵⁸ Legislative Council Secretariat (2009b).

¹⁵⁹ Legislative Council Secretariat (2009a).

7.3.20 In Australia and Canada, Members shall not participate in debate on or vote in a matter under inquiry if they have a direct pecuniary interest in the matter. Hence, it is unlikely that a committee chair is permitted to chair a meeting when a conflict of interest arises. Where there may be the possibility of a conflict of interest or of the perception of such a conflict, Members should declare the nature of a private interest relating to the issue before the committee. It should be noted that it is a matter for individual committee members to judge whether they may have a conflict of interest in an inquiry.

7.3.21 In Singapore, the general rule is that when a Member raises questions in the Parliament relating to his or her own businesses, he or she should first declare his or her pecuniary interest in the issue. This rule should also apply to proceedings in committees.

7.3.22 In Hong Kong, there is no rule in the *Rules of Procedure* which prohibits the chairman of a committee from chairing a meeting on grounds that he or she has a pecuniary interest or role conflict in the matter under consideration by the meeting. However, there is consensus among Members that a Member who is the chairman or deputy chairman of a government advisory body in respect of matters related to the terms of reference of a Panel should not be the chairman or deputy chairman of the Panel. In the past, Members had on their own volition chosen not to chair a meeting when they felt that there was a conflict of interests in the matter being considered by the meeting, or when they considered that they might be perceived that way by others.¹⁶⁰

Members' right to speak and to vote on matters in which they have a pecuniary interest

7.3.23 In both the UK and New Zealand, Members' right to speak and to vote would not be affected if they have disclosed their interests. On the other hand, in Canada, a Member shall not participate in debate on or vote on a question in which he or she has a private interest. Only matters of general application or those affecting Members or others as part of a broad class of the public are excluded from this prohibition.

¹⁶⁰ Legislative Council Secretariat (2009a), and Legislative Council Secretariat. (2009b).

7.3.24 In Australia, Members' right to speak would not be affected by their interests. However, they may not vote in a division on a question about a matter in which they have a direct pecuniary interest unless it is a matter of public policy. Similarly, in Singapore, provided that declaration has been made, a Member who has a pecuniary interest in business before the Parliament is not thereby disqualified from participating in debate. Nonetheless, a Member shall not vote on any subject in which he or she has a direct personal pecuniary interest.

7.3.25 In Hong Kong, a Member shall not move any motion or amendment relating to a matter in which he or she has a pecuniary interest, whether direct or indirect, or speak on any such matter, except where he or she discloses the nature of that interest. In addition, a Member shall not vote upon any question in which he or she has a direct pecuniary interest except where his or her interest is in common with the rest of the population of Hong Kong or a sector thereof or his or her vote is given on a matter of government policy.

7.4 Investigation procedure and sanctions

7.4.1 In the UK and Canada, Members who have deliberately contravened the guidelines set down in the relevant code of conduct are subject to investigation and sanctions. In Australia and New Zealand, it is a contempt of the House if a Member knowingly fails to provide the statement of registrable interests to the registrar by the due date or knowingly provides false or misleading information in such return. Similarly, in Singapore, non-compliance of the disclosure requirements may be regarded as a contempt.

Investigation procedure

7.4.2 In the UK and Canada, complaints are made to an officer of the Parliament (the Parliamentary Commissioner for Standards in the UK and the Conflict of Interest and Ethics Commissioner in Canada), who may conduct inquiries into the subject matter on whether the Member concerned is in breach of the code of conduct. In Australia and New Zealand, if Members consider that a Member has not complied with the relevant registration and disclosure requirements, the issue can be raised as a matter of privilege with the Speaker. Likewise, in Singapore, a Member may make a complaint to the Speaker alleging a breach of privilege. If the Speaker determines that a question of privilege is involved, the case will be referred to the respective disciplinary committee (the Committee of Privileges and Members' Interests in Australia, the Privileges Committee in New Zealand, and the Committee of Privileges in Singapore) which will conduct an investigation and report to the House/Parliament.

7.4.3 While information about the exact investigation procedure in Singapore is not available, the investigation procedures adopted in the other selected legislatures are similar. In general, a preliminary inquiry is conducted first to review all the relevant information so as to determine whether a full investigation is warranted. In case of a full investigation, the relevant authorities normally hear evidence from the Member under complaint and other witnesses. While the hearings in Australia and New Zealand are conducted in public, those in Canada and the UK are conducted in private. In Australia and New Zealand, the investigation results will be reported to the House. Meanwhile, the Parliamentary Commissioner for Standards in the UK reports to the Committee on Standards and Privileges and the Conflict of Interest and Ethics Commissioner in Canada reports the investigation results to the Speaker who then reports to the House for a decision.

7.4.4 In Hong Kong, any complaint made in relation to the registration of Members' interests or any complaint of a failure to do so is considered by CMI. If CMI thinks fit after preliminary consideration, it will investigate such complaint. In the course of conducting inquiry, CMI may order any person to attend before it and to give evidence or to produce any paper, book, record or document in the possession or under the control of such person. Meetings of CMI, including those at which hearings are conducted, shall be held in private. The Member under complaint shall have the right to give explanations, make clarification and provide relevant information. After the investigation process has been completed, CMI shall report to the Council. If the complaint is substantiated, CMI may make a recommendation to the Council as to a sanction to be imposed on the Member.

Sanctions against non-compliance

7.4.5 The decision of imposing sanctions against non-compliance of the relevant registration and disclosure requirements rests with the House/Parliament in all the selected legislatures. In minor cases, an apology by the Member concerned to the House may suffice. Depending on the severity of the cases, possible sanctions include reprimand, censure, repayment, suspension, withholding of salary, or even expulsion.

7.4.6 In Hong Kong, Rule 85 of the *Rules of Procedure* provides that any Member who fails to comply with Rule 83 (Registration of Interests), 83A (Personal Pecuniary Interest to be Disclosed), 83AA (Claims for Reimbursement of Operating Expenses or Applications for Advance of Operating Funds) or 84(1) or (1A) (Voting or Withdrawal in case of Direct Pecuniary Interest) may be admonished, reprimanded or suspended by the Council on a motion to that effect.

Appendix I

Registration form on Members' interests in the House of Commons, the United Kingdom

General Election May 2010

Register of Members' Financial Interests

The main purpose of the Register of Members' Financial Interests is to provide information of any financial interest or other material benefit which a Member receives which might reasonably be thought by others to influence his or her actions, speeches or votes in Parliament, or actions taken in his or her capacity as a Member of Parliament. Registration of such interests is required under the Resolutions of the House of 22 May 1974, 28 June 1993, 6 November 1995, 24 July 1996, 14 May 2002, 9 February 2009 and 30 April 2009. For details of the information which is required to be registered, please refer first to the explanatory notes in each section of the form. Further, more detailed, guidance can be found in the *Guide to the Rules relating to the Conduct of Members* (available from the Vote Office and online). Copies of that document, and personal advice, can be obtained from the office of the Parliamentary Commissioner for Standards, House of Commons (Ext. 3277 or 0311). For advice about the permissibility of donations, please contact the Electoral Commission (020 7271 0616).

If there is not enough space in any section of this form for the information required, additional sheets may be attached to it; but each such sheet should carry the Member's signature.

Subsequent changes or additions to your entry must be notified to the Registrar within four weeks of any change occurring.

Name (*Block capitals, please*)

Constituency

Appendix I (cont'd)

IMPORTANT NOTES

1. Test for Registration

The test for registration is not whether actions in Parliament *will* be influenced by the interest, nor whether the interest provider *intended* to exercise influence, but **whether others might reasonably think** that this might be the case.

2. Agreements for the provision of services

In accordance with the Resolutions of the House of 6 November 1995 and 14 May 2002, the following rules must be observed when submitting entries under Categories 1, 2 and 3 of the Register.

Any Member entering into an agreement with an outside body which involves the provision of services in the capacity of a Member of Parliament (otherwise than for media work) must, in addition to making the appropriate entry in the Register, put such agreement into writing and deposit a copy of the agreement for the provision of services with the Parliamentary Commissioner for Standards who will make it available for public inspection.

The written agreement should indicate the nature of the services to be provided, should make it clear that Members are not required to take part in activities which fall within the definition of lobbying for reward or consideration (see paragraphs 89 to 101 of the *Guide to the Rules relating to the Conduct of Members*) and must specify the fees or benefits the Member is to receive in bands of up to £5,000; £5,001 to £10,000; and thereafter in bands of £5,000.

A Member undertaking media work (e.g. journalism, broadcasting, speaking engagements, media appearances, training) which is related to parliamentary affairs need not deposit a copy of an agreement with the Parliamentary Commissioner for Standards but must specify the fees or benefits received, in bands as above.

For guidance on the application of the rule regarding agreements for the provision of services, see paragraphs 66 - 71 of the *Guide to the Rules relating to the Conduct of Members*.

Appendix I (cont'd)**Category 1**
(Directorships)**1. DIRECTORSHIPS****See paragraphs 19 to 23 of the Guide to the Rules.****Do you have, or expect to have, any remunerated directorships in any public or private company?**Yes No

Please tick the appropriate box. If yes, please list the names and addresses of the companies in the details space below, briefly stating the nature of the business of the company in each case.

Notes: (i) Remuneration received in respect of work done in a Member's parliamentary capacity should be indicated in bands of up to £5,000; £5,001 to £10,000; and thereafter in bands of £5,000.

(ii) You should include directorships which are individually unremunerated but where remuneration is paid through another company in the same group.

(iii) In this Category and in other categories, "remunerated" should be read as including taxable expenses, allowances or other benefits.

Details

Name and address of company

Nature of business

Please list in respect of each payment:

The amount:

The nature of the work carried on in return for that payment:

The number of hours worked during the period to which that payment relates:

Name and address of person making the payment if different from above (you do not need to disclose these if doing so would infringe legal or established professional privilege):

Appendix I (cont'd)

Category 2

(Remunerated employment, office, profession etc)

2. REMUNERATED EMPLOYMENT, OFFICE, PROFESSION, ETC.
See paragraphs 24 to 26 of the Guide to the Rules.

Do you have, or expect to have, any employment, office, trade, profession or vocation (apart from membership of the House or ministerial office) for which you are remunerated or in which you have any financial interest?

Yes No

Please tick the appropriate box. If yes, please set out the details below.

Notes: (i) Remuneration received in respect of work done in a Member's parliamentary capacity should be indicated in bands of up to £5,000; £5,001 to £10,000; and thereafter in bands of £5,000.

(ii) Membership of Lloyd's should be registered under this Category. If you register membership of Lloyd's you should also disclose the categories of insurance business which you are underwriting.

Details

Please list in respect of each payment:

Name and address of source of remunerated employment

Nature of the business

The amount:

The nature of the work carried out in return for that payment:

The number of hours worked during the period to which the payment relates:

The name and address of the payer (you do not need to disclose these where doing so would infringe legal or established professional privilege):

Note: *Newly elected Members should register only payments received since 6 May 2010. Members who sat in the last Parliament are advised also to register payments received during the Dissolution.*

Appendix I (cont'd)

Category 3 (Clients)

3. CLIENTS

See paragraphs 27 and 28 of the Guide to the Rules.

Please list here in respect of any paid employment registered in Category 1 (Directorships) and Category 2 (Remunerated employment, office or profession etc) any clients to whom you personally provide services or who have benefited from your advice.

Name and address of client You should also indicate the relationship to the relevant entry in Category 1 or Category 2.

Nature of business

Details

Please list, in respect of each payment:

The amount:

The nature of the work carried on in return for that payment:

The number of hours worked during the period to which that payment relates:

Name and address of person, organisation or company making the payment if different from above (you do not need to disclose this if it would infringe legal or established professional privilege).

Appendix I (cont'd)

Category 4
(Sponsorships)

4. SPONSORSHIPS

See paragraphs 29 to 36 of the Guide to the Rules.

4(a) Donations to your constituency association

Has any donation amounting to more than £1,500 (whether as a single donation or as multiple donations of more than £500) been received by your constituency party or association, or relevant grouping of associations, which was linked expressly to your candidacy or membership of the House?

Yes

No

If yes, please list your sponsor(s) in the details space below. Where a company is named as sponsor, please indicate briefly the nature of its business.

Please provide the following information:

(a) Donations to constituency party or association or grouping of associations linked to your candidacy at an election or to membership of the House

Details

Name of donor:

Address of donor (the address of individuals will not be published):

Amount of donation or nature and value if donation in kind:

Donor status:

Individual

Company

Other (please specify)

Please also confirm that your party has reported this to the Electoral Commission, or will do so in its next quarterly report.

Yes

Appendix I (cont'd)

Category 4
(Sponsorships) - continued

4(b) Other sponsorship

See paragraphs 29 to 36 of the Guide to the Rules.

Do you benefit from any financial or material support as a Member of Parliament, other than as registered in 4(a), amounting to more than £1,500 annually from a single source?

Yes

No

If yes, please give details below, including the name of the organisation or company providing the support. Where a company is named, please indicate briefly the nature of its business.

Notes: (i) You should register here any source from which you receive any financial or material support as a Member of Parliament, either direct or indirect; for example the provision of free or subsidised accommodation, or the provision of the services of a research assistant free or at a subsidised salary rate.

(ii) Non-exempt political donations which you are required to report to the Electoral Commission should be registered here unless they fall more appropriately under another Category.

Details

Name of donor:

Address of donor (the address of individuals will not be published):

Amount of donation or nature and value if donation in kind:

Date of receipt of donation:

Date of acceptance of donation:

Donor status:

- Individual
- Building society
- Friendly society
- Limited liability partnership
- Registered party (other than own party)
- Trade union
- Unincorporated association
- Company – with registration number

Is the donation one which will be reported by your party to the Electoral Commission as being made to a front-bench spokesperson?

Yes

No

If the donation was from a trust or bequest, please ask for a separate form.

Appendix I (cont'd)**Category 5**
(Gifts, benefits and hospitality UK)**5. GIFTS, BENEFITS AND HOSPITALITY (UK)**

See paragraphs 37-45 of the Guide to the Rules.

Have you, your spouse or partner or any other person received any gift, or any material benefit, such as hospitality, of a value greater than 1 per cent of the current parliamentary salary (£660 at 1 April 2010) from any company, organisation or person within the United Kingdom which in any way relates to your membership of the House or to your political activities?

Yes No

If yes, please give details below

Notes:

- (i) You should include any hospitality given and services or facilities offered free or at a price below that generally available to members of the public.*
- (ii) You should include not only gifts and material advantages received personally by you or your spouse or partner or other relevant person, but also those received by any company or organisation in which you (or you and your spouse or partner) have a controlling interest.*
- (iii) Where hospitality which is provided to a Member also includes benefits received by another person together with or on behalf of yourself, the total value of the hospitality to all of those taking part should be counted towards the threshold for registration.*
- (iv) Gifts and other benefits received from the same source in the course of a calendar year should be registered if their cumulative value is greater than 1 per cent of the current parliamentary salary.*

Appendix I (cont'd)

Category 5
(Gifts, benefits and hospitality UK) – continued

Details

Name of donor:

Address of donor (the address of individuals will not be published):

Amount of gift or benefit or nature and value if benefit in kind:

Date of receipt of gift or benefit:

Date of acceptance of gift or benefit:

Status of person, organisation or company providing the benefit:

Individual

Building society

Friendly society

Limited liability partnership

Registered party (other than own party)

Trade union

Unincorporated association

Company – with registration number

If reporting a donation from a trust or bequest, please ask for a separate form.

Appendix I (cont'd)

Category 6
(Overseas visits)

6. OVERSEAS VISITS

See paragraphs 46 to 48 of the Guide to the Rules.

Have you or your spouse or partner made any overseas visits relating to or in any way arising out of your membership of the House¹ where the cost of the visit exceeded 1 per cent of the current parliamentary salary (£660 at 1 April 2010) and was not wholly borne by yourself or UK public funds?

Yes

No

Note: *You are not required to register visits paid for or undertaken on behalf of Her Majesty's Government, the House of Commons or its Committees, the Commonwealth Parliamentary Association, the Inter-Parliamentary Union, the British American Parliamentary Group, the British-Irish Inter-Parliamentary Assembly, the European Parliament, the Council of Europe, the Western European Union, the Westminster Foundation for Democracy, the Nato Parliamentary Assembly or the OSCE Parliamentary Assembly, your own political party or an institution of the European Union or a political group of the European Parliament.*

Please provide the following information:

Name of donor:

Address of donor (the address of individuals will not be published):

Amount of donation (if there is no commercial equivalent and you believe the value to be above £1,500, please provide an estimate of the probable value):

Destination of visit:

Date of visit:

Purpose of visit:

Is the donation one which will be reported by your party to the Electoral Commission as being made to a front-bench spokesperson?

Yes

No

¹ The Electoral Commission has requested that you should include here any overseas visit made in connection with your political activity.

Appendix I (cont'd)

Category 7 (Overseas benefits and gifts)

7. OVERSEAS BENEFITS AND GIFTS
See paragraph 49 of the Guide to the Rules.

Have you or your spouse or partner received any gifts or benefits of a value greater than 1 per cent of the current parliamentary salary (£660 at 1 April 2010), from or on behalf of any company, organisation or person overseas, which in any way relates to your membership of the House?

Yes

No

If yes, please give details below.

Note: *Benefits in the form of overseas hospitality and travel facilities should be entered under Category 6. Otherwise the notes under Category 5 apply here also. Under the Political Parties, Elections and Referendums Act 2000 Members may not receive benefits worth more than £500 from an overseas source, other than as covered in Category 6, in connection with their political activities. Advice on permissibility should be sought from the Electoral Commission.*

Please provide the following information:

Details

Name and address of donor

Appendix I (cont'd)

Category 8
(Land and property)

8. LAND AND PROPERTY

See paragraphs 50 to 53 of the Guide to the Rules.

(a) Do you have any land or property, other than any home used for your personal residential purposes or those of your spouse or partner and dependent children, which is worth more than the current parliamentary salary (£66,000 at 1 April 2010)?

Yes

No

(b) Do you receive rental income from any land or property to a total annual value greater than 10 per cent of the current parliamentary salary (£6,600 at 1 April 2010)?

Yes

No

If either of these applies, please indicate below the nature of all the property concerned (e.g. holiday cottage, estate, farm, smallholding, woodland, residential rented/leasehold property, commercial rented/leasehold property) and give the general location of the property in each case.

Note: (i) Any rental income received from property used for your personal residential use or that of your spouse or partner should be included in calculating whether you need to register under 8(b).

(ii) Property held in a self-invested personal pension should be registered here if it is worth more than the current parliamentary salary (£66,000).

Please provide the following information:

Nature of Property

Location

Whether Rental Income is Received

Yes

No

Appendix I (cont'd)

Category 9
(Shareholdings)

9. SHAREHOLDINGS

See paragraphs 54 to 59 of the Guide to the Rules.

Do you have (either yourself or with or on behalf of your spouse, partner or dependent children) interests in shareholdings in any public or private company or other body which are (a) greater than 15 per cent of the issued share capital of the company or body; or (b) 15 per cent or less of the issued share capital but worth more, at the previous 5 April, than the current parliamentary salary (£66,000 at 1 April 2010)?

Yes No

If so, please list each company or body below, indicating in each case the nature of its business and whether your holding falls under sub-category (a) or (b) above.

Notes: (i) *Shareholdings held by the Member's spouse or partner separately from the Member do not need to be registered.*

(ii) *Members having holdings in collective investment vehicles (eg unit trusts, ACVCs) should generally not register them, but should have regard to the purpose of the Register and make an entry under Category 11 if, for example, the vehicle is sector specific.*

(iii) *Members who benefit from trusts should follow the principle set out in paragraph (ii) above. Blind trusts should not be registered. .*

(iv) *For the purposes of sub-Category 9(b) the appropriate value is that at the preceding 5 April. If the market value cannot be established, you should establish an estimated value and register on this basis.*

(v) *If a registered shareholding is disposed of, you may inform the Registrar of Members' Financial Interests of the date on which this is done and a note will be appended to the entry.*

(vi) *Share options should be indicated separately.*

(vii) *Identifiable shareholdings held in a self-invested personal pension should be registered here if worth more than the current parliamentary salary (£66,000).*

Details

Name of company (or body):

Nature of company's business:

Is the shareholding 9(a) or 9(b) (see above)?

Appendix I (cont'd)**Category 10**
(Loans)**10. LOANS AND OTHER CONTROLLED TRANSACTIONS**

See also paragraphs 60 to 62 of the Code of Conduct and Guide to the Rules relating to the conduct of Members.

Loans, credit facilities and security given to Members of Parliament are regulated by the Political Parties, Elections and Referendums Act 2000 (PPERA). This means that when you enter into any of these transactions, you must check that you can accept it, record it and in certain cases, register it in the Register of Members' Financial Interests.

Any of the following in excess of £500 are loans in terms of PERA:

- loans of money
- credit facilities, such as credit cards and overdrafts
- connected transactions (securities), such as guarantees for a party's obligations to someone else

The term "loans" is used in the registration form to refer to all of these transactions.

Who can you enter into a loan with?

You must only accept loans from permissible lenders. Before you enter into a loan, you must make sure that the lenders are permissible, and that they will remain permissible for the whole term of the loan. Entering into a loan that is not permissible is a criminal offence. You should also carry out regular checks throughout the term of the loan to make sure that your lenders are still permissible.

How do you work out the value of a loan?

Type of loan	Value
A loan of money	The total amount you will borrow
A credit facility	The maximum amount you can borrow
A security (connected transaction)	The amount which the lender would be liable for if you default

If the loan allows any interest to be added to the total amount you borrow, you do not need to include this in the value of the loan.

Appendix I (cont'd)

What do you do if you have an impermissible loan?

If a lender is not permissible or if they become impermissible, the transaction is void.

It has no legal effect and you must pay back anything you owe to the lender, together with any interest you owe, immediately.

If you accepted a connected transaction, such as a guarantee, please call the Electoral Commission² straight away.

It will need to give you full advice on what you must do in your particular case.

How do you record impermissible loans?

For impermissible loans you must record:

- the same details as for a permissible loan
- details of how you dealt with the transaction. For example, how you repaid the loan.

You must report this to the Electoral Commission rather than the Registrar.

Which loans do you need to register in the Register of Members' Financial Interests?

All Members must register:

- all permissible loans over £1,500
- all permissible donations and loans that add up to over £1,500 from the same source in the same calendar year (aggregated donations and loans)
- changes to the details of loans that you have already registered
- all permissible donations and loans which:
 - are (or add up to) over £1,500
 - and come from a source that you have already registered in the same calendar year

NB all loans in excess of £500 must be checked for permissibility.

Registering new loans and changes to your existing loans

If you have new loans, or there are changes to your existing loans, you need to register them in the Register of Members' Financial Interests.

Details

Do you have a loan, credit facility or security that relates to your political activity?

Yes

No

Is the loan (a) from a permissible source and reportable to the Registrar?

or (b) from an impermissible source reportable to the Electoral Commission

² Contact details for the Electoral Commission: Tel 020 7271 0616, internet www.electoralcommission.org.uk, address Trevelyan House, 30 Great Peter Street, London SW1P 2HW.

Appendix I (cont'd)

If you have entered into a loan that does not have a connected transaction (such as a guarantee), please give details as follows. If there is a connected transaction, please contact the Electoral Commission.

The lender's name and address (as shown on the relevant register):

If the lender is a company, their registered company number:

The value of the loan:

The date the loan was entered into:

The date the loan is due to be repaid (or a statement that it is indefinite):

The rate of interest - or if the rate is variable, how it is going to be calculated:

Whether or not any security has been given for the loan:

Notes:

- 1. If the lender is an overseas elector, you must register their home address. This is because their address will not appear on the electoral register.*
- 2. If the lender is an unincorporated association, you must register the main office address.*

Appendix I (cont'd)

Category 11 (Miscellaneous)

11. MISCELLANEOUS

See paragraphs 63 and 64 of the Guide to the Rules.

This category may be used for the registration of financial interests which do not obviously fall within any other category but which nonetheless fall within the main purpose of the Register and also for the registration of non-financial interests which you believe fall within the main purpose of the Register.

Note: (i) There is no general requirement to register unremunerated interests, but such interests may be registered if a Member considers that they may be thought by others to influence his or her actions in a similar manner to a remunerated interest.

(ii) If a Member has solicited a donation to charity worth more than 1 per cent of the annual parliamentary salary (£660 as at 1 April 2010), the Member should consider registering it here.

Details

Appendix I (cont'd)

Category 12
(Employment of family members)

12. EMPLOYMENT OF FAMILY MEMBERS

See paragraph 65 of the Guide to the Rules.

Family members employed and remunerated through parliamentary allowances.

Note: please also see restrictions imposed by the Independent Parliamentary Standards Authority on the employment of connected parties.

Is a member of your staff who is paid for from the parliamentary allowances related to you by blood, marriage or relationship equivalent to marriage? *You do not need to register this person if you pay such a person, in a year, less than 1% of the annual parliamentary salary (£660 at 1 April 2010).*

Yes

No

If yes, please state:

- a) the person's name
- b) their relationship to you
- c) their job title (see guidance issued by Independent Parliamentary Standards Authority)

I have received and read the Code of Conduct and the Guide to the Rules relating to the Conduct of Members.

Signature:

Date:

Please return this form to the Office of the Parliamentary Commissioner for Standards, House of Commons, London SW1A 0AA.

Registration form version May 2010

Appendix II**Registration form on Members' interests in the House of Representatives, Australia****HOUSE OF REPRESENTATIVES****REGISTER OF MEMBERS' INTERESTS
STATEMENT OF REGISTRABLE INTERESTS
43RD PARLIAMENT**

Returning Members declare at p.2-6, interests **as at the date of dissolution** of the House in the 42nd Parliament (19 July 2010) **AND** at p.7 **alterations since the date of dissolution**

Newly elected Members declare at p.2-6, interests **as at the date of election** (21 August 2010) **AND** at p.7 **alterations since the date of election**

SURNAME (please print)	
OTHER NAMES	
ELECTORAL DIVISION	STATE

Notes

- (1) It is suggested that the accompanying Explanatory Notes be read before the statement is completed.
- (2) The information which you are required to provide is contained in resolutions agreed to by the House of Representatives on 9 October 1984, a.m. as amended on 21 March 1985, 13 February 1986, 22 October 1986, 30 November 1988 and 9 November 1994 and 16 October 2003. It consists of the Member's registrable interests and the registrable interests of which the Member is aware (a) of the Member's spouse and (b) of any children who are wholly or mainly dependent on the Member for support. For the definition of "dependent children" see the introduction to the Explanatory Notes.
- (3) If there is insufficient space on this form for the information you are required to provide, you may attach additional pages for that purpose. Please date and initial each page of any attachment.
- (4) **Forward the original, signed copy of all pages of this statement to the Registrar of Members' Interests, RG.39 Parliament House, Canberra ACT 2600.**

Appendix II (cont'd)

1. Shareholdings in public and private companies (including holding companies) indicating the name of the company or companies

Name of company (including holding and subsidiary companies if applicable)	
Self	
Spouse	
Dependent Children	

2. Family and Business Trusts and Nominee Companies

(i) in which a beneficial interest is held, indicating the name of the trust, the nature of its operation and beneficial interest

	Name of Trust/nominee company	Nature of its operation	Beneficial interest
Self			
Spouse			
Dependent Children			

(ii) in which the Member, the Member's spouse, or a child who is wholly or mainly dependent on the Member for support, is a trustee (but not including a trustee of an estate where no beneficial interest is held by the Member, the Member's spouse or dependent children), indicating the name of the trust, the nature of its operation and the beneficiary of the trust

	Name of Trust/nominee company	Nature of its operation	Beneficial interest
Self			
Spouse			
Dependent Children			

Appendix II (cont'd)

3. Real estate, including the location (suburb or area only) and the purpose for which it is owned

	Location	Purpose for which owned
Self		
Spouse		
Dependent Children		

4. Registered Directorships of companies

	Name of company	Activities of company
Self		
Spouse		
Dependent Children		

5. Partnerships indicating the nature of the interests and the activities of the partnership

	Name	Nature of interests	Activities of Partnership
Self			
Spouse			
Dependent Children			

Appendix II (cont'd)**6. Liabilities indicating the nature of the liability and the creditor concerned**

	Nature of liability	Creditor
Self		
Spouse		
Dependent Children		

7. The nature of any bonds, debentures and like investments

	Type of investment	Body in which investment is held
Self		
Spouse		
Dependent Children		

8. Saving or investment accounts, indicating their nature and the name of the bank or other institutions concerned

	Nature of account	Name of bank/institution
Self		
Spouse		
Dependent Children		

Appendix II (cont'd)

9. The nature of any other assets (excluding household and personal effects) each valued at over \$7,500

Nature of any other assets	
Self	
Spouse	
Dependent Children	

10. The nature of any other substantial sources of income

Nature of income	
Self	
Spouse	
Dependent Children	

11. Gifts valued at more than \$750 received from official sources, or at more than \$300 where received from other than official sources provided that a gift received by a Member, the Member's spouse or dependent children from family members or personal friends in a purely personal capacity need not be registered unless the member judges that an appearance of conflict of interest may be seen to exist

Details of gifts	
Self	
Spouse	
Dependent Children	

Appendix II (cont'd)

12. Any sponsored travel or hospitality received where the value of the sponsored travel or hospitality exceeds \$300

Details of travel/hospitality	
Self	
Spouse	
Dependent Children	

13. Membership of any organisation where a conflict of interest with a Member's public duties could foreseeably arise or be seen to arise

Name of organisation	
Self	
Spouse	
Dependent Children	

14. Any other interests where a conflict of interest with a member's public duties could foreseeably arise or be seen to arise

Nature of interests	
Self	
Spouse	
Dependent Children	

Appendix II (cont'd)

**NOTIFICATION OF ALTERATION(S) OF INTERESTS
SINCE DISSOLUTION OR DATE OF ELECTION**

Returning Members declare from the date of dissolution of the 42nd Parliament (19 July 2010)

Newly elected Members declare from the date of election (21 August 2010)

The following alteration(s) of interests have occurred:

ADDITION	
<i>Item</i>	<i>Details</i>

DELETION	
<i>Item</i>	<i>Details</i>

SIGNATURE	DATE
------------------	-------------

Appendix III

Registration form on Members' interests in the House of Commons, Canada

Disclosure Statement For Members and their Family Members

Prepared under the authority of the
Conflict of Interest Code for Members of the House of Commons

CONFIDENTIAL WHEN COMPLETED

Disclosure Statement for	
Member of Parliament for	
Deadline for filing this form	

Appendix III (cont'd)

Office of the Conflict of Interest and Ethics Commissioner Parliament of Canada

66 Slater Street
22nd Floor
Ottawa, Ontario
Canada
K1A 0A6
Telephone: (613) 995-0721
Fax: (613) 995-7308
Web: <http://ciec-ccie.gc.ca/>

Disclosure Statement for Members and their Family Members Prepared under the authority of the *Conflict of Interest Code for Members of the House of Commons*

The *Disclosure Statement for Members and their Family Members*, in which the Member discloses his or her private interests as well as those of his or her family, is the initial document which a Member of the House of Commons must complete and file with the Office of the Conflict of Interest and Ethics Commissioner. The *Disclosure Statement*, once filed with the Office of the Conflict of Interest and Ethics Commissioner, is a confidential document.

From the information provided by the completed *Disclosure Statement*, the Conflict of Interest and Ethics Commissioner is required to prepare a *Disclosure Summary* which sets out the source and nature, but not the value, of income, assets and liabilities equal to or exceeding \$10,000 in value, identify any contracts held with the Government of Canada and list the corporations in which a Member or family member has an interest, along with the names of any affiliated companies. The *Disclosure Summary* is to be placed in the Public Registry which is available for public inspection.

Application to Members

The provisions of the *Conflict of Interest Code for Members of the House of Commons* apply to all Members of the House of Commons when carrying out the duties and functions of their office as Members of the House. The information provided in this document will enable the Office of the Conflict of Interest and Ethics Commissioner to advise Members on necessary compliance measures.

For all amounts requested in this document, estimates are acceptable.

Should you require any assistance in filling out this form, please do not hesitate to contact the Office of the Conflict of Interest and Ethics Commissioner at (613) 995-0721.

Appendix III (cont'd)

Member of the House of Commons

Secondary residence N/A

Civic address:

Value: \$ _____

Ownership: Sole Joint

Name of co-owner(s) and relationship
(spouse, child, friend, business associate,
etc.):

Your share: _____ %

Use (recreational, personal, investment,
rental, etc.):

Investment – Real property N/A

Civic address:

Value: \$ _____

Ownership: Sole Joint

Name of co-owner(s) and relationship
(spouse, child, friend, business associate,
etc.):

Your share: _____ %

Is the federal government or one of its
agencies a tenant?

Yes No

If yes, please specify:

Spouse or Common-law Partner

Secondary residence N/A

Civic address:

Value: \$ _____

Ownership: Sole Joint

Name of co-owner(s) and relationship
(spouse, child, friend, business associate,
etc.):

His or her share: _____ %

Use (recreational, personal, investment,
rental, etc.):

Investment – Real property N/A

Civic address:

Value: \$ _____

Ownership: Sole Joint

Name of co-owner(s) and relationship
(spouse, child, friend, business associate,
etc.):

His or her share: _____ %

Is the federal government or one of its
agencies a tenant?

Yes No

If yes, please specify:

Appendix III (cont'd)

Member of the House of Commons

Farm(s) N/A

Civic address:

Value: \$ _____

Ownership: Sole Joint

Name of co-owner(s) and relationship (spouse, child, friend, business associate, etc.):

Your share: _____ %

Specify:

hobby farm commercial farm leased farm

Please provide details of operation (e.g. hay, beef, dairy, seed, etc.):

Specify whether there were or will be any contracts, grants or contributions with the Government of Canada in the preceding 12 months or in the next 12 months:

Yes No

Vacant Land(s) N/A

Civic address:

Value: \$ _____

Ownership: Sole Joint

Name of co-owner(s) and relationship (spouse, child, friend, business associate, etc.):

Your share: _____ %

Use (recreational, personal, investment, rental, etc.):

Spouse or Common-law Partner

Farm(s) N/A

Civic address:

Value: \$ _____

Ownership: Sole Joint

Name of co-owner(s) and relationship (spouse, child, friend, business associate, etc.):

His or her share: _____ %

Specify:

hobby farm commercial farm leased farm

Please provide details of operation (e.g. hay, beef, dairy, seed, etc.):

Specify whether there were or will be any contracts, grants or contributions with the Government of Canada in the preceding 12 months or in the next 12 months:

Yes No

Vacant Land(s) N/A

Civic address:

Value: \$ _____

Ownership: Sole Joint

Name of co-owner(s) and relationship (spouse, child, friend, business associate, etc.):

His or her share: _____ %

Use (recreational, personal, investment, rental, etc.):

Appendix III (cont'd)

Business Assets [Sections 16, 18, paragraphs 21(1)(c), 21(1)(d)]

*If involved in a commercial farming operation, please provide details under the *Farms* section on page 3

Member of the House of Commons

Spouse or Common-law Partner

*For children's disclosure, please see page 11

Legal Status:

- Sole Proprietorship
- Partnership
- Private Corporation

Legal Status:

- Sole Proprietorship
- Partnership
- Private Corporation

Name and address of business:

Name and address of business:

Nature of business activities: _____

Nature of business activities: _____

Share of interest: _____ %

Share of interest: _____ %

Value of business or approximate value of interest:

Value of business or approximate value of interest:

\$ _____

\$ _____

Any contracts or subcontracts with the Government of Canada?

Any contracts or subcontracts with the Government of Canada?

- Yes
- No

- Yes
- No

If yes, please specify terms (i.e. subject matter, nature and benefit):

If yes, please specify terms (i.e. subject matter, nature and benefit):

If partnership, please specify name(s) of other partner(s):

If partnership, please specify name(s) of other partner(s):

If a private corporation, please specify the name and address of affiliated companies (subsidiaries) and of all persons with an interest in the corporation:

If a private corporation, please specify the name and address of affiliated companies (subsidiaries) and of all persons with an interest in the corporation:

Please list the real property or immovables owned by the private corporation:

Please list the real property or immovables owned by the private corporation:

Please state the amount of any compensation resulting from expropriation by the Government of Canada:

Please state the amount of any compensation resulting from expropriation by the Government of Canada:

\$ _____

\$ _____

Appendix III (cont'd)

Investments [Paragraph 21(1)(a) and subsection 24(3)]

Member of the House of Commons

Do you have investments in any of the following?

Registered Investments

Recent statements of account required

Registered Retirement Savings Plans (RRSPs)

Yes No

Registered Education Savings Plans (RESPs)

Yes No

Registered Retirement Income Funds (RRIFs)

Yes No

Locked-in Retirement Accounts (LIRAs)

Yes No

Registered Investments (RIs)

Yes No

Deferred Profit Sharing Plans (DPSPs)

Yes No

Supplementary Unemployment Benefit Plans (SUBPs)

Yes No

Additional Investments

Recent statements of account required

Mutual Funds Yes No

Stocks Yes No

Corporate Bonds Yes No

Trust Units Yes No

Stock options, warrants, rights, and similar instruments Yes No

Stock market indices Yes No

Closed-end mutual funds Yes No

Commodities, futures and foreign currencies held or traded for speculative purposes Yes No

Spouse or Common-law Partner

**For children's disclosure, please see page 11*

Does your spouse or common-law partner have investments in any of the following?

Registered Investments

Recent statements of account required

Registered Retirement Savings Plans (RRSPs)

Yes No

Registered Education Savings Plans (RESPs)

Yes No

Registered Retirement Income Funds (RRIFs)

Yes No

Locked-in Retirement Accounts (LIRAs)

Yes No

Registered Investments (RIs)

Yes No

Deferred Profit Sharing Plans (DPSPs)

Yes No

Supplementary Unemployment Benefit Plans (SUBPs)

Yes No

Recent statements of account required

Mutual Funds Yes No

Stocks Yes No

Corporate Bonds Yes No

Trust Units Yes No

Stock options, warrants, rights, and similar instruments Yes No

Stock market indices Yes No

Closed-end mutual funds Yes No

Commodities, futures and foreign currencies held or traded for speculative purposes Yes No

Appendix III (cont'd)

Guaranteed Investment Certificates (GICs)	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Guaranteed Investment Certificates (GICs)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
---	------------------------------	-----------------------------	---	------------------------------	-----------------------------

If yes, value: \$ _____

If yes, value: \$ _____

Term Deposits	<input type="checkbox"/> Yes	<input type="checkbox"/> No
---------------	------------------------------	-----------------------------

Term Deposits	<input type="checkbox"/> Yes	<input type="checkbox"/> No
---------------	------------------------------	-----------------------------

If yes, value: \$ _____

If yes, value: \$ _____

Securities or bonds issued or guaranteed by any level of government in Canada	<input type="checkbox"/> Yes	<input type="checkbox"/> No
---	------------------------------	-----------------------------

Securities or bonds issued or guaranteed by any level of government in Canada	<input type="checkbox"/> Yes	<input type="checkbox"/> No
---	------------------------------	-----------------------------

If yes, value: \$ _____

If yes, value: \$ _____

Trusts [Paragraph 21(1)(b.1)]

Member of the House of Commons

Spouse or Common-law Partner

**For children's disclosure, please see page 11*

Please identify any trusts from which you could, currently or in the future, either directly or indirectly, derive a benefit or income:

Please identify any trusts from which your spouse or common-law partner could, currently or in the future, either directly or indirectly, derive a benefit or income:

Description of the assets:

Description of the assets:

Your share: _____ %

His or her share: _____ %

Value: \$ _____

Value: \$ _____

Appendix III (cont'd)

Other Personal Assets [Paragraph 21(1)(a)]

Member of the House of Commons

Spouse or Common-law Partner

**For children's disclosure, please see page 11*

Do you hold a whole life insurance policy (as opposed to term), including jointly-held, with a cash surrender value of \$10,000 or more?

Does your spouse or common-law partner hold a whole life insurance policy (as opposed to term), including jointly-held, with a cash surrender value of \$10,000 or more?

Yes No

Yes No

If yes, please specify the name of the insurer(s) and the current cash surrender value:

If yes, please specify the name of the insurer(s) and the current cash surrender value:

Are you owed any money, for example, a mortgage, lien, promissory note worth \$10,000 or more?

Is your spouse or common-law partner owed any money, for example, a mortgage, lien, promissory note worth \$10,000 or more?

Yes No

Yes No

If yes, please identify:

If yes, please identify:

Name and address of borrower:

Name and address of borrower:

Amount owed: \$ _____

Amount owed: \$ _____

Nature:

Nature:

Appendix III (cont'd)

Source of Income/Benefits [Paragraphs 21(1)(b) and 24(3)(b) and subsection 21(2)]

Member of the House of Commons

Spouse or Common-law Partner

**For children's disclosure, please see page 11*

Other than your parliamentary compensation, did you receive in the preceding 12 months, or will you receive in the following 12 months, income/benefits **greater than \$1,000** from any of the following sources?

Did your spouse or common-law partner receive in the preceding 12 months, or will he or she receive in the following 12 months, income/benefits **greater than \$1,000** from any of the following sources?

- Employment Yes No
- Annuities Yes No
- Pensions Yes No
- Rental income Yes No
- Trust Yes No
- Offices & directorships Yes No
- Disability benefits Yes No
- Business Yes No
- Profession Yes No
- Interest Yes No
- Dividends Yes No
- Royalties Yes No
- Contract Yes No
- Grants or contributions from the Government Yes No
- Farming Yes No
- Partnership Yes No
- Other income/benefits Yes No

- Employment Yes No
- Annuities Yes No
- Pensions Yes No
- Rental income Yes No
- Trust Yes No
- Offices & directorships Yes No
- Disability benefits Yes No
- Business Yes No
- Profession Yes No
- Interest Yes No
- Dividends Yes No
- Royalties Yes No
- Contract Yes No
- Grants or contributions from the Government Yes No
- Farming Yes No
- Partnership Yes No
- Other income/benefits Yes No

Source and nature: _____

Source and nature: _____

Amount in last 12 months: \$ _____

Amount in last 12 months: \$ _____

Amount in the next 12 months: \$ _____

Amount in the next 12 months: \$ _____

Appendix III (cont'd)

Liabilities [Paragraphs 21(1)(a) and 24(3)(a)]

Member of the House of Commons

Spouse or Common-law Partner

*For children's disclosure, please see page 11

Do you owe money under a mortgage?

Does your spouse or common-law partner owe money under a mortgage?

Yes No

Yes No

Address of mortgaged property:

Address of mortgaged property:

Amount owing: \$ _____

Amount owing: \$ _____

Have you guaranteed or co-signed a loan of \$10,000 or more for anyone including corporate or partnership interests?

Has your spouse or common-law partner guaranteed or co-signed a loan of \$10,000 or more for anyone including corporate or partnership interests?

Yes No

Yes No

Creditor (financial institution):

Creditor (financial institution):

Principal debtor: _____

Principal debtor: _____

Amount guaranteed or co-signed: \$ _____

Amount guaranteed or co-signed: \$ _____

Do you have any individual credit card balances of \$10,000 or more, outstanding for six months or more?

Does your spouse or common-law partner have any individual credit card balances of \$10,000 or more, outstanding for six months or more?

Yes No

Yes No

Name of institution:

Name of institution:

Amount owed: \$ _____

Amount owed: \$ _____

Do you have any support obligations of \$10,000 or more per annum (e.g. spousal, common-law partner, child support)?

Does your spouse or common-law partner have any support obligations of \$10,000 or more per annum (e.g. spousal, common-law partner, child support)?

Yes No

Yes No

Person to whom support is paid: _____

Person to whom support is paid: _____

Amount of obligation: \$ _____

Amount of obligation: \$ _____

Do you have any other debts or liabilities not previously stated of \$10,000 or more (e.g. lines of credit, promissory notes, unpaid taxes)?

Does your spouse or common-law partner have any other debts or liabilities not previously stated of \$10,000 or more (e.g. lines of credit, promissory notes, unpaid taxes)?

Yes No

Yes No

Description of debt/liability:

Description of debt/liability:

Amount: \$ _____

Amount: \$ _____

Name of lender: _____

Name of lender: _____

Appendix III (cont'd)

Activities [Sections 7, 8, 9, 10, 18]

Member of the House of Commons

Spouse or Common-law Partner

**For children's disclosure, please see page 11*

Are you involved in any of the following?

Is your spouse or common-law partner involved in any of the following?

Employment or profession Yes No

Employment or profession Yes No

Business Yes No

Business Yes No

Director or Officer in a corporation, association, trade union or non-profit organization

Director or Officer in a corporation, association, trade union or non-profit organization

Yes No

Yes No

If yes to any of the above, please specify

If yes to any of the above, please specify

Position(s):

Position(s):

Organization(s):

Organization(s):

Do you lobby or have dealings with Parliament or the Government of Canada?

Does your spouse or common-law partner lobby or have dealings with Parliament or the Government of Canada?

Yes No

Yes No

If the organization lobbies or has any dealings with Parliament or the Government of Canada, please provide details:

If the organization lobbies or has any dealings with Parliament or the Government of Canada, please provide details:

Appendix III (cont'd)

Disclosure Statement for Dependent Children [Subsection 20(1)]

Based on each section in this form, do you have anything to disclose concerning your dependent child(ren)?

A dependent child is defined in paragraph 3(4)(b) of the Code as “a son or daughter of the Member, or a son or daughter of the Member’s spouse or common-law partner, who has not reached the age of 18 years or who has reached that age but is primarily dependent on the Member or the Member’s spouse or common-law partner for financial support.”

Real property Yes No

If yes, please specify:

Investments Yes No

If yes, please specify:

Business Assets Yes No

If yes, please specify:

Personal Assets Yes No

If yes, please specify:

Liabilities Yes No

If yes, please specify:

Additional Information and Signature

The Code requires that material changes be reported within 60 days.

The above Disclosure Statement has been completed to the best of my knowledge and belief.

Signature

Date

Please print name

This Disclosure Statement is confidential once completed and will be kept in a personal, protected file. The Office of the Conflict of Interest and Ethics Commissioner retains all documents relating to a Member for a period of 12 months after he or she ceases to be a Member, after which the documents shall be destroyed unless there is an inquiry in progress under the Conflict of Interest Code for Members of the House of Commons concerning the Member, or if a charge has been laid against the Member under an Act of Parliament and the documents relate to that matter.

Appendix III (cont'd)

PUBLIC STATEMENT OF GIFTS OR OTHER BENEFITS

By completing this form, you are satisfying the requirements of subsection 14(3) of the *Conflict of Interest Code for Members of the House of Commons*. Should you require any assistance in filling out this form, please contact the Office of the Conflict of Interest and Ethics Commissioner at (613) 995-0721.

14 (1) Neither a Member nor any member of a Member’s family shall accept, directly or indirectly, any gift or other benefit, except compensation authorized by law, that might reasonably be seen to have been given to influence the Member in the exercise of a duty or function of his or her office.

(1.1) For greater certainty, subsection (1) applies to gifts or other benefits:

- a) related to attendance at a charitable or political event; and
- b) received from an all-party caucus established in relation to a particular subject or interest.

(2) Despite subsection (1), a Member or a member of a Member’s family may accept gifts or other benefits received as a normal expression of courtesy or protocol, or within the customary standards of hospitality that normally accompany the Member’s position.

(3) If gifts or other benefits that are related to the Member’s position are accepted under this section and have a value of \$500 or more, or if the total value of all such gifts or benefits received from one source in a 12-month period is \$500 or more, the Member shall, within 60 days after receiving the gifts or other benefits, or after that total value is exceeded, file with the Commissioner a statement disclosing the nature of the gifts or other benefits, their source and the circumstances under which they were given.

(4) Any disclosure made pursuant to the requirements of section 15 does not need to be disclosed as a gift or other benefit under subsection (3).

Source: Conflict of Interest Code for Members of the House of Commons

Pursuant to **section 14** of the *Conflict of Interest Code for Members of the House of Commons*, I disclose having received the following gifts or other benefits:

Nature of gifts or benefits received:

Source:

Circumstances under which received:

This declaration is made with the knowledge that a certified copy will be placed in the Public Registry maintained by the Office of the Conflict of Interest and Ethics Commissioner.		
DATE	NOM	SIGNATURE
YYYY/MM/DD	(Please print clearly)	

Appendix III (cont'd)

PUBLIC STATEMENT OF SPONSORED TRAVEL BY MEMBERS

By completing this form, you are satisfying the requirements of subsection 15(1) of the *Conflict of Interest Code for Members of the House of Commons*. Should you require any assistance in filling out this form, please contact the Office of the Conflict of Interest and Ethics Commissioner at (613) 995-0721.

15 (1) If travel costs exceed \$500 and those costs are not wholly or substantially paid from the Consolidated Revenue Fund or by the Member personally, his or her political party or any interparliamentary association or friendship group recognized by the House, the Member shall, **within 60 days after the end of the trip**, file a statement with the Conflict of Interest and Ethics Commissioner disclosing the trip.

15 (2) The statement shall disclose the name of the person or organization paying the travel costs, the name of any person accompanying the Member, the destination or destinations, the purpose and length of the trip, the nature of the benefits received and the value, including supporting documents for transportation and accommodation.

Source: Conflict of Interest Code for Members of the House of Commons

Name of Member: _____

Name of any person accompanying the Member (if any): _____

Destination(s): _____

Purpose of the trip: _____

Sponsor of trip (official name): _____

Dates (yyyy / mm / dd): From: _____ To: _____ (_____ days)

Benefits received:

<u>Nature</u>			<u>Value</u>	<u>Description</u>
Gifts	<input type="checkbox"/> yes	<input type="checkbox"/> no	\$ _____	_____
Transportation	<input type="checkbox"/> yes	<input type="checkbox"/> no	\$ _____	_____
Accommodation	<input type="checkbox"/> yes	<input type="checkbox"/> no	\$ _____	_____
Other	<input type="checkbox"/> yes	<input type="checkbox"/> no	\$ _____	_____

I am including supporting documents for transportation and/or accommodation.

I was unable to obtain supporting documents for transportation and/or accommodation.

This declaration is made with the knowledge that a certified copy will be placed in the Public Registry maintained by the Office of the Conflict of Interest and Ethics Commissioner.

Signature _____ Date: _____

Appendix IV

Registration form on Members' interests in the House of Representatives, New Zealand

Register of Pecuniary Interests of Members of Parliament

as at 31 January 2010

Name:

Click this box to enter your name on all pages

I certify that the completed forms attached contain, to the best of my knowledge, a complete list of those interests and assets as at 31 January 2010, and those transactions during the period ending 31 January 2010, that I am required to register pursuant to Appendix B of the *Standing Orders of the House of Representatives*.

I understand that a copy of this return will be provided to the Controller and Auditor-General and will be summarised for publication.

Signed: _____

Date: _____

Final checklist:

- Does your name appear on every form? (Forms 1 to 13)
- Have you completed every form? (Forms 1 to 13)
- Have you entered 'nil' on the forms where you have no interest to register?
- Have you printed, signed, and dated your return? (Original signature required)

Please return these forms, after 31 January 2010 but on or before 1 March 2010, to:

The Registrar of Pecuniary Interests of Members of Parliament
Office of the Clerk of the House of Representatives
Room G.041
Parliament House

Appendix IV (cont'd)

**Form 1
Company directorships and controlling interests**

Name:	Enter 'nil' in the box if there is no interest to declare.	
--------------	---	--

4(1)(a) the name of each company of which the member is a director or holds or controls more than 5 percent of the voting rights and a description of the main business activities of each of those companies

Record the main business activities of the company.
Do not include companies that are owned by a trust or superannuation scheme that you have separately declared on Form 4 or Form 7.

Name of company <i>Example — Greenstone Construction Limited</i>	Main business activities of company <i>Example — Building construction</i>

Appendix IV (cont'd)

**Form 2
Other companies and business entities**

Name:	Enter 'nil' in the box if there is no interest to declare.	
--------------	---	--

4(1)(b) the name of every other company or business entity in which the member has a pecuniary interest and a description of the main business activities of each of those companies or entities

Include shares, bonds, and debentures.

Do not include items already declared on Form 1.

Name of company or business entity <i>Example — Greenstone Construction Limited</i>	Main business activities of company or entity <i>Example — Building construction</i>

Appendix IV (cont'd)

**Form 3
Employment**

Name:	Enter 'nil' in the box if there is no interest to declare.	
--------------	---	--

4(1)(c) if the member is employed, the name of each employer of the member and a description of the main business activities of each of those employers

Do not include your position as a member of Parliament or items included in Form 13.

Name of employer <i>Example – Radio XFM</i>	Main business activities of employer <i>Example – Radio broadcaster</i>

Appendix IV (cont'd)

**Form 5
Organisations and trusts seeking Government funding**

Name:	Enter 'nil' in the box if there is no interest to declare.	
--------------	---	--

4(1)(e) if the member is a member of the governing body of an organisation or a trustee of a trust that receives, or has applied to receive, Government funding, the name of that organisation or trust and a description of the main activities of that organisation or trust, unless the organisation or trust is a Government department, a Crown entity, or a State enterprise

Include organisations seeking New Zealand Lotteries Commission funding.

Name of organisation or trust <i>Example – West End Swimming Association</i>	Main business activities of organisation or trust <i>Example – Teaching children to swim</i>

Appendix IV (cont'd)

**Form 6
Real property**

Name:	Enter 'nil' in the box if there is no interest to declare.	
--------------	---	--

4(1)(f) the location of each parcel of real property in which the member has a pecuniary interest, unless the member has no beneficial interest in the real property

Include family home, holiday home, land, buildings, and apartments.

Include jointly-owned property, but do not name the other owner(s).

Include property held in a trust if you have a beneficial interest in that property.

Include leasehold interests and cross-leases, and interests in Māori land.

Do not include street address. The general location is sufficient. For blocks of Maori land which are difficult to identify, the regional area is sufficient.

<p>Location of parcel of real property <i>Example – Family home in Hokowhitu, Palmerston North</i></p>

Appendix IV (cont'd)

**Form 8
Debtors**

Name:	Enter 'nil' in the box if there is no interest to declare.	
--------------	---	--

4(1)(h) the name of each debtor of the member who owes more than \$50,000 to the member and a description of each of the debts that are owed to the member by those debtors

Record debts of more than \$50,000 that are owed to you.

Include the interest rate only if it is less than prescribed in regulations related to the fringe benefit value of employment-related loans.

(www.ird/fbt/categories/low-interest-loans/fbt-lowinterestloans-prescribedrates.html)

Include bank deposits over \$50,000.

Include debts owed to you by a trust, where the debt exceeds \$50,000.

Do not include debts owed by close family members (see clause 5).

Do not include short term debts associated with the supply of goods and services (see clause 6).

Include debts owed to you by a trust, where you have settled property in a trust and the trust is a debtor to you to the value of the property.

Name of debtor <i>Example – Alan Smith</i>	Description of debt over \$50,000 <i>Example – Personal loan for two years</i>	Interest rate if lower than prescribed <i>Example – 2 percent</i>

Appendix IV (cont'd)

**Form 9
Creditors**

Name:	Enter 'nil' in the box if there is no interest to declare.	
--------------	---	--

4(1)(i) the name of each creditor of the member to whom the member owes more than \$50,000 and a description of each of the debts that are owed by the member to those creditors

Record any debt that you owe that is more than \$50,000.

Include debts you owe under a mortgage or by overdraft.

Include the interest rate only if it is less than prescribed in regulations related to the fringe benefit value of employment-related loans.

(www.ird/fbt/categories/low-interest-loans/fbt-lowinterestloans-prescribedrates.html)

Do not include short term debts associated with the supply of goods and services (see clause 6).

Do not include a relationship property settlement.

Name of creditor <i>Example – Acme Savings Bank</i>	Description of debt over \$50,000 <i>Example – Mortgage</i>	Interest rate if lower than prescribed <i>Example – 4 percent</i>

Appendix IV (cont'd)

**Form 10
Overseas travel costs**

Name:	Enter 'nil' in the box if there is no interest to declare.	
--------------	---	--

7(1)(a) for each country (other than New Zealand) that the member travelled to (i) the name of the country, and (ii) the purpose of travelling to the country, and (iii) the name of each person who contributed (in whole or in part) to the costs of the travel to and from the country, and (iv) the name of each person who contributed (in whole or in part) to the accommodation costs incurred by the member while in the country

Include educational visits such as those sponsored by other governments or organisations.

Do not include travel paid by the Crown, yourself, or a family member.

Include upgrades from one class to another provided by an airline or other third party.

Country visited between 1 February 2009 and 31 January 2010 ¹ <i>Example – Japan</i>	Purpose of travel <i>Example – presentation of conference paper on tertiary education</i>	Each contributor to travel <i>Examples – (1) Education Foundation of Japan (economy class airfare) (2) Acme Airlines (upgrade from economy class to business class)</i>	Each contributor to accommodation <i>Example – Education Foundation of Japan</i>

¹ For members elected in 2009, the information is for the period since your first return or, if this is your first return, since the date your election was notified in the *Gazette*.

Appendix IV (cont'd)

**Form 11
Gifts**

Name:	Enter 'nil' in the box if there is no interest to declare.	
--------------	---	--

7(1)(b) a description of each gift (including hospitality and donations in cash or kind but excluding any donation made to cover expenses in an electoral campaign) received by the member that has an estimated market value in New Zealand of more than \$500 and the name of the donor of each of those gifts (if known or reasonably ascertainable by the member)

Include gifts received while on official travel, corporate hospitality, and services at no charge or reduced rates.

Include gifts received from any person, trust or company

Include a payment made to someone else by a person, trust or company if that payment is intended to benefit you.

Do not include membership of airline lounges.

Do not include anything below the value of \$500.

Description of each gift received between 1 February 2009 and 31 January 2010 ² <i>Examples – (1) Building of a fence at family home; (2) Gold watch</i>	Name of donor <i>Examples – (1) AB Smith Contracting Limited; (2) Chairman of Acme International Transport Corporation</i>

² For members elected in 2009, the information is for the period since your first return or, if this is your first return, since the date your election was notified in the *Gazette*.

Appendix IV (cont'd)

Form 12
Discharged debts

Name:	Enter 'nil' in the box if there is no interest to declare.	
--------------	---	--

7(1)(c) a description of all debts of more than \$500 that were owing by the member that were discharged or paid (in whole or in part) by any other person and the names of each of those persons

Description of debts discharged or paid between 1 February 2009 and 31 January 2010³ <i>Example – Final payment on hire purchase of lounge suite</i>	Name of person who discharged or paid the debt <i>Example – Alan Smith</i>

³ For members elected in 2009, the information is for the period since your first return or, if this is your first return, since the date your election was notified in the *Gazette*.

Appendix IV (cont'd)

**Form 13
Payments for activities**

Name:	Enter 'nil' in the box if there is no interest to declare.	
--------------	---	--

7(1)(d) a description of each payment received by the member for activities in which the member is involved (other than the salary and allowances paid to that person under the Civil List Act 1979 and the Remuneration Authority Act 1977), including the source of each payment

Include income from director's fees, fees received for speaking engagements, and book royalties.

Do not include employment declared on Form 3 or your salary as a member of Parliament.

Description of each payment received between 1 February 2009 and 31 January 2010⁴
<i>Example – For speaking at the International Chartered Accountants' Congress</i>

⁴ For members elected in 2009, the information is for the period since your first return or, if this is your first return, since the date your election was notified in the *Gazette*.

Appendix V

Registration and disclosure of Members' interests in selected overseas legislatures and the Legislative Council of Hong Kong

	Hong Kong	The United Kingdom	Australia	Canada	New Zealand	Singapore
Registration of interests						
Registrable interests	<ul style="list-style-type: none"> Directorships; remunerated employments, offices, trades, professions and vocations; clients; election donations and financial sponsorships; overseas visits; payments, benefits and advantages (overseas); land and property; shareholdings; and miscellaneous. 	<ul style="list-style-type: none"> Directorships; remunerated employment, office and profession; clients; sponsorships; gifts, benefits and hospitality (UK); overseas visits; overseas benefits and gifts; land and property; shareholdings; controlled transactions within the meaning of Schedule 7A of the <i>Political Parties, Elections and Referendums Act</i>; family members employed and remunerated through parliamentary allowances; and miscellaneous. 	<ul style="list-style-type: none"> Shareholdings; family and business trusts and nominee companies; real estate; directorships; partnerships; liabilities; bonds, debentures and investments; savings and investment accounts; other assets; other substantial sources of income; gifts; sponsored travel and hospitality; membership of organization; and other interests where a conflict of interest could foreseeably arise or be seen to arise. 	<ul style="list-style-type: none"> Real property; business assets; investments; trusts; personal assets; source of income/benefit; liabilities; activities including employment or profession, business and directorships; gifts; and travel costs. 	<ul style="list-style-type: none"> Directorship; pecuniary interests in other companies and business entities; employment; beneficial interests in trusts; membership of organizations and trusts seeking government funding; real property; superannuation schemes; debtors; creditors; overseas travel costs; gifts; discharged debts; and payments for activities in which the Member is involved. 	For Members of Parliament (MPs) from the People's Action Party (PAP), interests to be reported to the Prime Minister include: <ul style="list-style-type: none"> Business and professional interests; present employment and monthly pay; all retainers and fees received; and job requirement to get in touch with officers of government ministries and statutory boards on behalf of employers or clients.

Appendix V (cont'd)

Registration and disclosure of Members' interests in selected overseas legislatures and the Legislative Council of Hong Kong

	Hong Kong	The United Kingdom	Australia	Canada	New Zealand	Singapore
Registration of interests (cont'd)						
Non-executive directorship	<ul style="list-style-type: none"> There is no distinction between executive and non-executive directorship in the registration of "remunerated directorships". For Members who are remunerated director of a company, they should also register all subsidiary or associated directorships which they hold within the same group, no matter whether such directorships are remunerated or not. There is no other requirement to indicate the interests in relation to subsidiaries of a company that Members hold directorship. 	<ul style="list-style-type: none"> Non-executive directorship is covered under the category of "directorship", which is registrable. Interests in relation to subsidiaries are not required to be registered. Nevertheless, Members may register so under the "miscellaneous" category if the interest might reasonably be thought by others to influence their actions, speeches, or votes in Parliament, or actions taken in their capacity as a Member of Parliament. 	<ul style="list-style-type: none"> Independent non-executive directorship, as a type of directorships, should be registered. Interests in relation to subsidiaries of a company that Members hold directorship are not required to be registered, but Members may register the related interests if there may be, or may be perceived to be, a possible conflict of interest. 	<ul style="list-style-type: none"> Independent non-executive directorship is treated as "directors" under the <i>Canadian Corporations Act</i>, and is registrable. Interests in relation to subsidiaries are not required to be registered under the registration of directorship. However, in registering "business assets", if it is a private corporation, Members are required to specify the names and address of the subsidiaries. 	<ul style="list-style-type: none"> There is no distinction between different types of directorship, and independent non-executive directorship should be registered. Members are not required to register interests held by the company that they hold directorship, such as the company's subsidiary companies, trusts and property holdings. 	<ul style="list-style-type: none"> Non-executive directorship may have to be reported as PAP MPs have to inform the Whip when they accept a directorship.

Appendix V (cont'd)

Registration and disclosure of Members' interests in selected overseas legislatures and the Legislative Council of Hong Kong

	Hong Kong	The United Kingdom	Australia	Canada	New Zealand	Singapore
Registration of interests (cont'd)						
Gifts from social and ceremonial occasions	<ul style="list-style-type: none"> Gifts from social and ceremonial occasions are registrable when the gifts are related to membership of the Legislative Council, and given by or on behalf of a government, organization or citizen of a place outside Hong Kong. In general, gifts are registrable under "financial sponsorships" as material benefits (Rule 83(5)(d)(ii) of the Rules of Procedure). The minimum value of a registrable gift has been set at HK\$10,000. 	<ul style="list-style-type: none"> Gifts from social and ceremonial occasions are registrable when the gifts are related to membership of the House or to a Member's political activity, and the value of the gifts is higher than the threshold. 	<ul style="list-style-type: none"> Gifts from social and ceremonial occasions are registrable if they are valued more than the corresponding thresholds. 	<ul style="list-style-type: none"> Whether gifts from social and ceremonial occasions are registrable depends on whether they might reasonably be seen to have been given to influence a Member in the exercise of duty. 	<ul style="list-style-type: none"> Gifts from social and ceremonial occasions are registrable if they are valued more than NZ\$500 (HK\$2,947). 	<ul style="list-style-type: none"> PAP MPs who receive any gifts other than those from close personal friends or relatives must declare to the Clerk of Parliament.

Appendix V (cont'd)

Registration and disclosure of Members' interests in selected overseas legislatures and the Legislative Council of Hong Kong

	Hong Kong	The United Kingdom	Australia	Canada	New Zealand	Singapore
Registration of interests (cont'd)						
Pecuniary interests of Members' spouses	<ul style="list-style-type: none"> Members are required to register certain categories of interests of their spouses. 	<ul style="list-style-type: none"> Members are required to register the interests of their spouses in respect of several categories of registrable interests. 	<ul style="list-style-type: none"> The same registration requirements on Members' interests apply to interests of Members' spouses. 	<ul style="list-style-type: none"> The same registration requirements on Members' interests apply to interests of Members' spouses. 	<ul style="list-style-type: none"> Personal interests of Members' spouses are not recorded. 	<ul style="list-style-type: none"> The "code of conduct" of PAP has not touched upon the personal pecuniary interests of Members' spouses.
Members' professional and business clients	<ul style="list-style-type: none"> Members should register the names of clients if the paid employment they registered entails the provision to clients of services which arise out of or relate to their membership of the Council. 	<ul style="list-style-type: none"> The precise amount, the nature of the work, the number of hours worked, and the name and address of the person, organization or company making that payment should be registered. 	<ul style="list-style-type: none"> Registration of Members' clients is unlikely to be an issue of concern. 	<ul style="list-style-type: none"> There is no general requirement for Members to register their clients unless the client is the Government of Canada. Members must register any income greater than CAN\$1,000 (HK\$7,617), and thus clients of professions and businesses may be registrable if the relevant income is more than this threshold. 	<ul style="list-style-type: none"> Whether a Member should register his or her clients depends on the nature of the Member's profession. 	<ul style="list-style-type: none"> Since "business and professional interests" should be reported by PAP MPs to the Prime Minister, professional and business clients may have to be reported.

Appendix V (cont'd)

Registration and disclosure of Members' interests in selected overseas legislatures and the Legislative Council of Hong Kong

	Hong Kong	The United Kingdom	Australia	Canada	New Zealand	Singapore
Registration of interests (cont'd)						
Details required in the registration	<ul style="list-style-type: none"> Members are not required to provide information in very details when registering interests. In most cases, Members are only required to register the existence and nature of the interests, without specifying the details or value of the interests. However, in the registration of financial sponsorship, the amount involved should be provided. 	<ul style="list-style-type: none"> Interests should be registered in details. In particular, more detailed information is required in the registration of interests in relation to directorships, employment and clients. 	<ul style="list-style-type: none"> Members do not need to provide details of interests in registration. Members are only required to register the existence and nature of interests. 	<ul style="list-style-type: none"> The extent of information required in registration is comparatively high. In general, Members are required to provide more information about the interests, especially those in relation to the Government of Canada. 	<ul style="list-style-type: none"> Members do not need to provide details of interests in registration. The actual value of any asset, payment, interest, gift, contribution or debt is not required to be reported. Members only have to register the existence and nature of interests. 	<ul style="list-style-type: none"> Not applicable.

Appendix V (cont'd)

Registration and disclosure of Members' interests in selected overseas legislatures and the Legislative Council of Hong Kong

	Hong Kong	The United Kingdom	Australia	Canada	New Zealand	Singapore
Registration of interests (cont'd)						
Timeframe for registration	<ul style="list-style-type: none"> Not later than the first meeting of each term, Members shall furnish to the Clerk to the Legislative Council a registration form stating the particulars of registrable interests. 	<ul style="list-style-type: none"> Within one month of their election to the House, Members are required to submit a registration form to the Parliamentary Commissioner for Standards. 	<ul style="list-style-type: none"> Within 28 days of making an oath or affirmation, each Member is required to provide to the Registrar of Members' Interests a statement of registrable interests. 	<ul style="list-style-type: none"> Within 60 days after the notice of their election has been published in the <i>Canada Gazette</i>, Members are required to file the Disclosure Statement with the Conflict of Interest and Ethics Commissioner. 	<ul style="list-style-type: none"> Within 90 days after a Member has taken the oath or made the affirmation, he or she is required to make an initial return of pecuniary interests, and to provide a return on an annual basis thereafter. 	<ul style="list-style-type: none"> While the Parliament of Singapore does not have any requirement on the registration of Members' interests, PAP MPs are required to report their personal interests to the Prime Minister in confidence.
Requirement of notifying changes	<ul style="list-style-type: none"> Members are required to notify the Clerk any change to their registrable interests within 14 days of such change. 	<ul style="list-style-type: none"> Members should report changes in their registrable interests within four weeks after each change. 	<ul style="list-style-type: none"> Members are required to notify the Registrar any alteration to their interests within 28 days after the alteration. 	<ul style="list-style-type: none"> Members are required to report to the Commissioner any material change to their registrable interests within 60 days after the change. 	<ul style="list-style-type: none"> Members are not required to amend or update the return during the year. 	
Public access to the register	<ul style="list-style-type: none"> Register of Members' Interests is available for public inspection in hard copy and online. 	<ul style="list-style-type: none"> The Register is available for public inspection in hard copy and online. 	<ul style="list-style-type: none"> Public access to the hard copy of the Register is allowed under conditions set by the Committee of Privileges and Members' Interests. Electronic version is also available online. 	<ul style="list-style-type: none"> Summary of each Member's disclosure is available for public inspection online. 	<ul style="list-style-type: none"> Disclosure Summary is published each year and is available for public inspection in hard copy and online. 	<ul style="list-style-type: none"> There is no register of Members' interests for public access.

Appendix V (cont'd)

Registration and disclosure of Members' interests in selected overseas legislatures and the Legislative Council of Hong Kong

	Hong Kong	The United Kingdom	Australia	Canada	New Zealand	Singapore
Disclosure of interests						
Disclosure requirements	<ul style="list-style-type: none"> There is no list of items for disclosure. Depending on the matter being considered by the meeting, Members are advised to make their own judgement as to whether an interest should be disclosed. 	<ul style="list-style-type: none"> Members should declare the relevant interests before participating in the consideration of any item of business. 	<ul style="list-style-type: none"> The requirement for oral declaration has been abolished, but Members are free to make a declaration if they wish. 	<ul style="list-style-type: none"> A Member must disclose at the first opportunity if a matter in which he or she has a private interest is being discussed in the Chamber or in a committee. 	<ul style="list-style-type: none"> A Member must, before participating in the consideration of any item of business, declare any financial interest that he or she has in that business. 	<ul style="list-style-type: none"> A Member shall not take part in the discussion of any matter in which he or she has a direct personal pecuniary interest without disclosing the extent of that interest.
Direct and indirect pecuniary interests	<ul style="list-style-type: none"> Direct and indirect pecuniary interests are not defined in the <i>Rules of Procedure</i>. 	<ul style="list-style-type: none"> There is limited guidance for distinguishing between direct and indirect interests. 	<ul style="list-style-type: none"> Direct and indirect pecuniary interests are not distinguished in the rules of the House. 	<ul style="list-style-type: none"> Direct and indirect pecuniary interests are not explicitly defined, but a determination can be made on a case-by-case basis. 	<ul style="list-style-type: none"> Only direct pecuniary interests are subject to the disclosure requirements. 	<ul style="list-style-type: none"> Only direct pecuniary interests are subject to the requirement of disclosure.

Appendix V (cont'd)

Registration and disclosure of Members' interests in selected overseas legislatures and the Legislative Council of Hong Kong

	Hong Kong	The United Kingdom	Australia	Canada	New Zealand	Singapore
Disclosure of interests (cont'd)						
Pecuniary interests of Members' spouses	<ul style="list-style-type: none"> Whether a Member should disclose the pecuniary interests of his or her spouse depends on the matter being considered by the meeting. 	<ul style="list-style-type: none"> Members are encouraged to declare non-registrable interests which might be thought to influence them. Pecuniary interests of close family members are one of such interests. 	<ul style="list-style-type: none"> There is no disclosure requirement. Members may declare at their own discretion. 	<ul style="list-style-type: none"> The same disclosure requirements on Members' interests apply to interests of Members' spouses. 	<ul style="list-style-type: none"> Members must declare financial interests held by their spouses. 	<ul style="list-style-type: none"> Neither the <i>Parliament (Privileges, Immunities and Powers) Act</i> nor the <i>Standing Orders</i> has touched upon the personal pecuniary interests of Members' spouses.
Members' professional and business clients	<ul style="list-style-type: none"> Whether a Member should disclose his or her professional and business clients as a pecuniary interest depends on the matter being considered by the meeting. 	<ul style="list-style-type: none"> "Relevant interests" for declaration include any interest which Members are required to register in the Register of Members' Financial Interests. Since "clients" is one of the registrable interests, Members may have to disclose their professional and business clients when such information is relevant to the debate or proceeding. 	<ul style="list-style-type: none"> There is no disclosure requirement. Members may declare at their own discretion. 	<ul style="list-style-type: none"> There is no specific rule on disclosing Members' clients. Depending on the matter being considered by the meeting, Members may declare at their discretion. 	<ul style="list-style-type: none"> There is no specific rule. Members would have to exercise their own judgment as to what information they should supply to the House or committee. 	<ul style="list-style-type: none"> Nothing is mentioned on Members' professional and business clients in the <i>Parliament (Privileges, Immunities and Powers) Act</i>, which only requires Members to disclose the extent of any relevant direct personal pecuniary interest. Members have to exercise their own judgment as to what information they should declare.

Appendix V (cont'd)

Registration and disclosure of Members' interests in selected overseas legislatures and the Legislative Council of Hong Kong

	Hong Kong	The United Kingdom	Australia	Canada	New Zealand	Singapore
Disclosure of interests (cont'd)						
Form and extent of disclosure	<ul style="list-style-type: none"> While there is no rule on making declaration, Members are suggested to disclose their pecuniary interests at the beginning of their speech on the matter. 	<ul style="list-style-type: none"> During debate or proceeding, a Member should declare interest when it is most relevant to do so, normally at the beginning of his or her remarks. The declaration should be brief, but should make clear the nature of the interest concerned. However, the very details of the interest are not required. 	<ul style="list-style-type: none"> Members are advised to make a declaration in the form of an oral or written statement on the matter at the earliest opportunity of a meeting. Declaration is usually brief, disclosing the general nature of the matter only. 	<ul style="list-style-type: none"> Members must disclose at the first opportunity either orally or in writing to the Clerk of the House. Declaration is usually brief, disclosing the general nature of the matter only. 	<ul style="list-style-type: none"> The normal practice is for Members to make an oral declaration before participating in debate or voting. Declaration is usually brief, disclosing the general nature of the matter only. 	<ul style="list-style-type: none"> Members usually declare their interest before delving into their speeches. Declaration is usually brief, disclosing the general nature of the matter only.

Appendix V (cont'd)

Registration and disclosure of Members' interests in selected overseas legislatures and the Legislative Council of Hong Kong

	Hong Kong	The United Kingdom	Australia	Canada	New Zealand	Singapore
Disclosure of interests (cont'd)						
Disclosure of interest in committees	<ul style="list-style-type: none"> There is no rule to prohibit the chairman of a committee from chairing a meeting on grounds that he or she has a pecuniary interest or role conflict in the matter under consideration. There is consensus among Members that a Member with conflict of interests should not be the chairman of a committee. 	<ul style="list-style-type: none"> Where a member of the committee, particularly the chairman, has a pecuniary interest which is directly affected by a particular inquiry, he or she may stand aside from the committee proceedings relating to it. It is for the Member to decide whether the interest is sufficient to suggest that he or she should stand down. 	<ul style="list-style-type: none"> No Member may sit on a committee if he or she has a direct pecuniary interest in a matter under inquiry by the committee. It is thus unlikely that the committee chair is permitted to chair a meeting when there is a conflict of interest involved. Where there are relevant non-pecuniary interests, Members may decide to step aside voluntarily. 	<ul style="list-style-type: none"> A Member shall not participate in debate or vote on a question in which he or she has a private interest. It is thus unlikely that a committee chair is permitted to chair a meeting when a conflict of interest arises. 	<ul style="list-style-type: none"> Members are not prevented from participating in the related proceedings after declaring a financial interest. Members often step aside from a particular responsibility, such as chairing a select committee, when an issue in which they have a pecuniary interest is considered. If a Member does not participate in a particular item of business, there is no obligation to disclose an interest. 	<ul style="list-style-type: none"> The general rule that when a Member raises questions in the Parliament relating to his or her own businesses, he or she should first declare his or her pecuniary interest in the issue should also apply to proceedings in committees.

Appendix V (cont'd)

Registration and disclosure of Members' interests in selected overseas legislatures and the Legislative Council of Hong Kong

	Hong Kong	The United Kingdom	Australia	Canada	New Zealand	Singapore
Disclosure of interests (cont'd)						
Members' right to speak and to vote on matters in which they have a pecuniary interest	<ul style="list-style-type: none"> • Provided that Members have disclosed their interests, their right to speak would not be affected. • Members shall not vote upon the matter except where their interest is in common with the rest of the population of Hong Kong or it is a matter of government policy. 	<ul style="list-style-type: none"> • Provided that Members have disclosed their interests, their right to speak and to vote on the matter would not be affected. 	<ul style="list-style-type: none"> • Members' right to speak would not be affected by their interests. • Members may not vote in a division on a question about a matter in which they have a particular direct pecuniary interest except for a matter of public policy. 	<ul style="list-style-type: none"> • A Member shall not participate in debate or vote on a question in which he or she has a private interest, but matters of general application or those affect Members or others as part of a broad class of the public are excluded from this prohibition. 	<ul style="list-style-type: none"> • Members' right to speak and to vote would not be affected. • It is for Members to judge whether they should participate in the proceedings when they possess a financial interest in the outcome of parliamentary proceedings. 	<ul style="list-style-type: none"> • Provided that declaration has been made, a Member who has a pecuniary interest in business before the Parliament is not disqualified from participating in debate. • A Member shall not vote on any subject in which he or she has a direct personal pecuniary interest.

Appendix V (cont'd)

Registration and disclosure of Members' interests in selected overseas legislatures and the Legislative Council of Hong Kong

	Hong Kong	The United Kingdom	Australia	Canada	New Zealand	Singapore
Investigation procedure and sanctions						
Initiation of investigation	<ul style="list-style-type: none"> Complaints should be addressed to the Committee of Members' Interests (CMI). After preliminary consideration, CMI may investigate the matter. 	<ul style="list-style-type: none"> Complaints must be addressed to the Parliamentary Commissioner for Standards. After preliminary inquiry, the Commissioner may conduct a full investigation. 	<ul style="list-style-type: none"> Complaint could be raised as a matter of privilege. If the Speaker is satisfied that a prima facie case exists, he or she may allow priority to a motion on the matter which will usually be referred to the Committee of Privileges and Members' Interests. 	<ul style="list-style-type: none"> Complaints are made to the Conflict of Interest and Ethics Commissioner. After preliminary review, the Commissioner may conduct an inquiry. 	<ul style="list-style-type: none"> Complaints could be dealt with as a matter of privilege. The Speaker may refer the matter to the Privileges Committee. 	<ul style="list-style-type: none"> Complaint could be raised as a matter of privilege. The Speaker may refer the matter to the Committee of Privileges.
Investigation and hearings	<ul style="list-style-type: none"> Meetings of CMI, including those at which hearings are conducted, shall be held in private. The Member under complaint shall have the right to give explanations, make clarification and provide relevant information. 	<ul style="list-style-type: none"> The Member concerned and other witnesses are interviewed in private. 	<ul style="list-style-type: none"> Having considered written submissions received from relevant persons, the Committee may invite them to appear before it. Hearings of evidence by the Committee are normally conducted in public session. 	<ul style="list-style-type: none"> Inquiry is conducted in private. The Commissioner should give the Member under investigation a reasonable opportunity to make representations to him or her. 	<ul style="list-style-type: none"> The Committee hears evidence in public. The Committee endeavours to act and to conduct its proceedings in accordance with normal judicial principles. 	<ul style="list-style-type: none"> Information not available.

Appendix V (cont'd)

Registration and disclosure of Members' interests in selected overseas legislatures and the Legislative Council of Hong Kong

	Hong Kong	The United Kingdom	Australia	Canada	New Zealand	Singapore
Investigation procedure and sanctions (cont'd)						
Reporting after investigation	<ul style="list-style-type: none"> After investigation, CMI shall report to the Council. If the complaint is substantiated, it may make a recommendation for a sanction. 	<ul style="list-style-type: none"> After investigation, the Commissioner reports the findings to the Committee on Standards and Privileges. The Committee in turn reports its conclusions, including any recommendations as to penalties, to the House which makes the final decision. 	<ul style="list-style-type: none"> After investigation, the Committee reports and recommends to the House what action, if any, should be taken. 	<ul style="list-style-type: none"> After inquiry, the Commissioner shall report the findings to the Speaker, who shall present the report to the House. Recommendation of sanctions is made at the Commissioner's own discretion, but the final decision on sanctions imposed rests with the House. 	<ul style="list-style-type: none"> After investigation, the Committee presents a report to the House, and if there is a finding of contempt, punishment is recommended. 	<ul style="list-style-type: none"> After investigation, the Committee presents a report to the Parliament.

Appendix V (cont'd)

Registration and disclosure of Members' interests in selected overseas legislatures and the Legislative Council of Hong Kong

	Hong Kong	The United Kingdom	Australia	Canada	New Zealand	Singapore
Investigation procedure and sanctions (cont'd)						
Sanctions against non-compliance	<ul style="list-style-type: none"> Members who fail to comply with the relevant rules may be admonished, reprimanded or suspended. 	<ul style="list-style-type: none"> In minor cases, the Parliamentary Commissioner for Standards may suggest rectification, which includes repayment. Possible penalties include making an apology to the House, suspension for up to a month and withholding of salary. Sanctions can be as severe as expulsion, but the more severe sanctions are usually reserved for offences which go beyond failure to register. 	<ul style="list-style-type: none"> Members whom the House determines have committed contempts may be punished by reprimand, or suspension from the service of the House for a period of time. In some cases, an apology by the Member concerned may forestall further action. 	<ul style="list-style-type: none"> Since the <i>Conflict of Interest Code for Members of the House of Commons</i> came into force in 2004, no sanctions have been imposed on Members found to have contravened it. 	<ul style="list-style-type: none"> Members whom have been found in contempt may be punished by suspension from the House for a period of time or by a censure. 	<ul style="list-style-type: none"> For any contempt by Members, the Parliament may commit the Member to prison, impose a fine, suspend, and reprimand or admonish the Member.

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