



ANNO TRICESIMO SECUNDO

**ELIZABETHAE II REGINAE**

**A.D. 1983**

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**No. 35 of 1983**

**An Act to establish a Register of certain Interests of Members of the Parliament of South Australia; and for other purposes.**

*[Assented to 16 June 1983]*

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. This Act may be cited as the "Members of Parliament (Register of Interests) Act, 1983". Short title.

2. In this Act, unless the contrary intention appears—

Interpretation.

"family", in relation to a Member, means—

(a) a spouse of the Member;

and

(b) a child of the Member who is under the age of eighteen years and normally resides with the Member:

"financial benefit", in relation to a person, means—

(a) any remuneration, fee or other pecuniary sum exceeding five hundred dollars received by the person in respect of a contract of service entered into, or paid office held by, the person;

and

(b) the total of all remuneration, fees or other pecuniary sums received by the person in respect of a trade, profession, business or vocation engaged in by the person where that total exceeds five hundred dollars,

but does not include any remuneration received under the Parliamentary Salaries and Allowances Act, 1965-1982:

"income source", in relation to a person, means—

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

and

(b) any trade, vocation, business or profession engaged in by the person:

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

(a) a Member of the House of Assembly;

or

(b) a Member of the Legislative Council:

“Register” means—

(a) the Register of Members’ Interests kept by the Registrar for the House of Assembly;

or

(b) the Register of Members’ Interests kept by the Registrar for the Legislative Council:

“Registrar” means—

(a) in relation to the House of Assembly—the Clerk of the House of Assembly;

or

(b) in relation to the Legislative Council—the Clerk of the Legislative Council:

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

(a) in the case of a Member whose last return was a primary return—the period between the date of the primary return and the thirtieth day of June next following;

and

(b) in the case of any other Member—the period of twelve months expiring on the thirtieth day of June on or within sixty days after which the ordinary return is required to be submitted:

“spouse”, in relation to a Member, includes a person who is cohabiting with the Member as the husband or wife *de facto* of the Member and—

(a) who—

(i) has been so cohabiting with the Member continuously for the preceding period of five years;

or

(ii) has during the preceding period of six years so cohabited with the Member for periods aggregating not less than five years;

or

(b) who has had sexual relations with the Member resulting in the birth of a child:

“trade or professional organization” means a body, corporate or unincorporate, of—

(a) employers or employees;

or

(b) persons engaged in a profession, trade or other occupation, being a body of which the object, or one of the objects, is the furtherance of its own professional, industrial or economic interests or those of any of its members.

3. (1) Every person who is a Member on the first day of September, 1983, shall on or before the thirtieth day of September, 1983, submit to the Registrar a primary return. Lodging of returns.

(2) Every person who becomes a Member after the first day of September, 1983, and was not a Member within the period of ninety days preceding the day on which he became a Member shall, within thirty days after taking and subscribing the oath or affirmation as a Member, submit to the Registrar a primary return.

(3) Every Member shall, on or within sixty days after the thirtieth day of June in 1984 and each succeeding year, submit to the Registrar an ordinary return.

4. (1) For the purposes of this Act, a primary return shall be in the prescribed form and contain the following information: Content of returns.

(a) a statement of any income source that the Member required to submit the return or a member of his family has or expects to have in the period of twelve months after the date of the primary return;

(b) the name of any company or other body, corporate or unincorporate, in which the Member or a member of his family holds any office whether as director or otherwise;

and

(c) the information required by subsection (3).

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

(a) where the Member required to submit the return or a member of his family received, or was entitled to receive, a financial benefit during any part of the return period—the income source of the financial benefit;

(b) where the Member or a member of his family held an office whether as director or otherwise in any company or other body, corporate or unincorporate, during the return period—the name of the company or other body;

(c) the source of any contribution made in cash or in kind of or above the amount or value of five hundred dollars (other than any contribution by the State or any public statutory corporation constituted under the law of the State, by an employer or by a person related by blood or marriage) for or towards the cost of any travel beyond the limits of South Australia undertaken by the Member or a member of his family during the return period, and for the purposes of this paragraph "cost of travel" includes accommodation costs and other costs and expenses associated with the travel;

- (d) particulars (including the name of the donor) of any gift of or above the amount or value of five hundred dollars received by the Member or a member of his family during the return period from a person other than a person related by blood or marriage;
- (e) where the Member or a member of his family has had the use of any real property during the whole or a substantial part of the return period otherwise than by virtue of an interest disclosed under subsection (3) (d) and the person conferring the right to use the property is not related by blood or marriage—the name and address of that person;

and

- (f) the information required by subsection (3).

(3) For the purposes of this Act, a return (whether primary or ordinary) shall contain the following information:

- (a) the name or description of any company, partnership, association or other body in which the Member required to submit the return or a member of his family holds a beneficial interest;
- (b) the name of any political party, any body or association formed for political purposes or any trade or professional organization of which the Member is a member;
- (c) a concise description of any trust in which the Member or a member of his family holds a beneficial interest and a concise description of any discretionary trust of which the Member or a member of his family is a trustee or object;
- (d) the address or description of any land in which the Member or a member of his family has any beneficial interest other than by way of security for any debt;
- (e) any fund in which the Member or a member of his family has an actual or prospective interest to which contributions are made by a person other than the Member or a member of his family;
- (f) where the Member or a member of his family is indebted to another person (not being related by blood or marriage) in an amount of or exceeding five thousand dollars—the name and address of that other person;

and

- (g) any other substantial interest whether of a pecuniary nature or not of the Member or of a member of his family of which the Member is aware and which he considers might appear to raise a material conflict between his private interest and the public duty that he has or may subsequently have as a Member.

(4) Nothing in this section requires a Member to include in an ordinary return any information which has been disclosed in a previous return made by him under this Act.

(5) A Member may at any time notify the Registrar of any change or variation in the information appearing on the Register in respect of himself or a member of his family.

(6) A Member may include in a return such additional information as he thinks fit.

(7) Nothing in this section shall be taken to prevent a Member from disclosing the information required by this section in such a way that no distinction is made between information relating to himself personally and information relating to members of his family.

(8) Nothing in this section shall be taken to require disclosure of the actual amount or extent of any financial benefit, gift, contribution or interest.

5. (1) Each Registrar shall maintain a Register of Members' Interests and shall cause to be entered in the Register all information furnished to him pursuant to this Act. Register of Members' Interests.

(2) A Registrar shall, at the request of any member of the public, permit him to inspect the Register maintained by him and to take a copy of any of its contents.

(3) Each Registrar shall, as soon as practicable after the receipt of primary or ordinary returns from Members, prepare a statement constituting a compilation of the information contained in the Register relating to those Members.

(4) Each Registrar shall cause a copy of a statement prepared by him pursuant to subsection (3) to be laid before the House of Parliament for which he is Registrar within fourteen days of its preparation if Parliament is then sitting, or, if Parliament is not then sitting, within fourteen days of the next meeting of Parliament.

6. (1) A person shall not publish whether in Parliament or outside Parliament— Restrictions on publications.

(a) any information derived from the Register or a statement prepared pursuant to section 5 unless that information constitutes a fair and accurate summary of the information contained in the Register or statement and is published in the public interest;

or

(b) any comment on the facts set forth in the Register or statement unless that comment is fair and published in the public interest and without malice.

(2) Where a person publishes within Parliament any information or comment in contravention of subsection (1), the person shall be guilty of a contempt of Parliament.

(3) Where any information or comment is published by any person outside Parliament in contravention of subsection (1), that person and any person who authorized the publication of the information or comment shall be guilty of an offence and liable—

(a) in the case of a corporation—to a penalty not exceeding twenty five thousand dollars;

or

(b) in any other case—to a penalty not exceeding five thousand dollars or imprisonment for three months.

Failure to comply  
with Act.

7. (1) Any person who wilfully contravenes, or fails to comply with, any of the provisions of this Act (other than section 6) shall be guilty of an offence and liable to a penalty not exceeding five thousand dollars.

(2) Proceedings for an offence against this Act shall be disposed of summarily.

Regulations.

8. The Governor may make such regulations as are contemplated by this Act, or as are necessary or expedient for the purposes of this Act.

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

D. B. DUNSTAN, Governor