

PROPOSED PARLIAMENTARY (DISCLOSURE OF INTERESTS) AMENDMENT BILL 2017.

Will it be open to a Tasmanian Member to avoid disclosure under the Bill by claiming an asset or the benefit of an asset that is owned by their spouse or de facto who is a Member of the Federal Parliament?

The Federal Member may also be able to avoid disclosure under the Federal Act by claiming an asset or benefit of an asset that is owned by the spouse or de facto who is the Member of the Tasmanian Parliament.

Will there be a provision to ensure that such a situation cannot arise by provisions in the State Act and the Federal Act.

Assets acquired by a Member under a Divorce Settlement will not need to be disclosed if the Family Court orders that the terms of the settlement be not disclosed.

Clause 4.

Clause 4b.

Free or discount travel would be a considerable financial benefit.

Why is “financial or other contribution to travel” excluded from “gift”?

Clause 4g.

Does “dependant” mean fully dependent?

An adult child attending University may still be partially dependent on the Member.

Clause 6.

Clause 6a.

This Clause would include dividends if they exceed \$500.

However if the dividends are from different companies and are of less value than \$500 from each Company then the Member need not declare them.

If there was a return of capital from a company that may not be “income”.

Clause 6c.

The words “remunerated or not” mean that disclosure would have to be made, for example, presidency or other office in the Law Society, a school association or a football club. etc..

Is the wording too wide?

Clause 6d.

Does this mean that any mortgage would have to be revealed?

Clause 7.

Clause 7a.

Would an emolument or refund of expenses by a voluntary organisation be “income”?

I think not, but it ought to be excluded in the Bill.

Clause 7b.

Under this Clause the purchase of a house or property anywhere in Australia could include an option to purchase.

Would the purchase of an interest in an overseas property, for example, Bali, need to be declared?

A bequest of property under a Will acquired during the period would be included under this Clause.

Clause 7c.

This Clause is the same as **Clause 6c** and the comments on that Clause also apply to this Clause.

Clause 7d.

This Clause is the same as **Clause 6d** and the remark on that Clause applies to this Clause.

Clause 7e.

This Clause would include the sale of a property and the lease back of that property.

Clause 7f.

Should the words be “use **or** benefit”?

Clause 7g.

Under this Clause a Member would be required to state each benefit and not just the aggregate of the benefits.

Clause 7h.

The need to disclose the value of “any gift” would depend on who valued the gift.

A valuation would need to be made **as at** the date of gift.

An object could be valued at different prices and would relate to the date of the gift.

A painting could be worth less than \$500 when given but due to the death of the artist the value of the gift at the end of the reporting period could be \$5000.

Clause 8.

The deletion of the word “the Member” and insertion of the word “relevant person” will close a loophole that otherwise may have been available to the Member.

It is appropriate.

Clause 12(1)(a)(i).

This amendment will close a loophole that may otherwise have been available under **Clause 4(b).**