

READ THESE EXPLANATORY NOTES BEFORE COMPLETING YOUR STATEMENT

MINISTERIAL STAFF – STATEMENT OF PRIVATE INTERESTS EXPLANATORY NOTES

1. INTRODUCTION

Ministers, Parliamentary Secretaries, ministerial staff, senior public servants, statutory office-holders and senior staff of statutory authorities are required to provide written statements of their private interests. The statement places on record interests, pecuniary and otherwise, which may conflict or may be seen to conflict with their duties.

No form can cover all possible circumstances and you should bear in mind the purpose and spirit of the statement in deciding which matters should be disclosed. In deciding which interests to declare (and whether they should be retained), you should carefully consider the extent of your Minister's or Parliamentary Secretary's responsibilities and your duties as a member of his or her staff. You should err on the side of greater disclosure, rather than less.

In addition to current circumstances, you should consider the need to disclose any matter from your background that could be considered relevant in terms of potential embarrassment to the government (e.g. disclosable criminal convictions, charges relating to tax affairs, bankruptcy and so forth). Past employment details, although without blemish, might also need to be disclosed if of relevance to the responsibilities of the employing Minister/Parliamentary Secretary.

Interests which could relate to more than one heading should be included under the most specific heading unless two aspects need to be disclosed, e.g. real estate plus mortgage liability on that real estate.

Immediate family members

Interests of immediate family members, i.e. spouse, including de-facto spouse, and dependent children, should be included under all headings to the extent that those interests are known to you. Where interests are held jointly, there is no need to 'double count'; they should be included under 'self' only, with an appropriate notation such as 'jointly owned with spouse'.

2. COMPLETED FORMS

When completed, each statement should be viewed and endorsed by the employing Minister or Parliamentary Secretary to ensure that there is no conflict of interest.

Statements should be retained in strictest confidence in a secure place. Only the relevant Minister, his or her Chief of Staff and the Prime Minister should be provided with access.

3. UPDATING

Statements of private interest must be updated every year. In addition, you should inform your Minister or Parliamentary Secretary promptly and always within 28 days of any significant changes in the information provided. It is not possible to provide definitive guidance on what might constitute a significant change in your private interests: much will depend on the nature of your responsibilities as a staff member and the responsibilities of your employing Minister or Parliamentary Secretary. As a guide, transactions involving assets worth more than \$5,000 should be disclosed, but you should also bear in mind the need to update disclosures of non-pecuniary interests, including changes in personal circumstances, and the interests of family members, where known. Again, you should err on the side of greater disclosure, rather than less.

Staff who transfer to the office of another Minister or Parliamentary Secretary, or who are subsequently employed by another Minister or Parliamentary Secretary after a break in employment, will be required to complete a new statement of private interests.

4. REAL ESTATE

Location There is no need to specify street address – general location is adequate, e.g. suburb or area and State.

Purpose Specify whether the property is used as a residence, as a holiday home, as a farm or is held for investment or other business purpose.

5. PERSONAL PROPERTY

The following points should be considered when listing personal property:

- items under \$5,000 in value may not require inclusion under this heading unless they are sensitive to implications of a conflict of interest;
- list all personal possessions of value other than ordinary household effects;
- include collections of substantial value, e.g. stamps, paintings, antiques;
- exclude motor vehicles for personal use;
- exclude items which might be listed under more specific headings, e.g. real estate, investments, gifts received, etc.; and
- generally, superannuation entitlements need not be included as these schemes are common to most staff members, but self-managed superannuation funds and the nature of the investments in those funds should be declared.

6. LIABILITIES

Include all liabilities such as mortgages, car leases, personal loans and overdraft facilities, but not normal short-term credit-arrangements, e.g. credit cards or departmental store accounts.

7. SHAREHOLDINGS

Staff members must divest themselves, or relinquish control, of interests in any private company or business and/or direct interest in any public company involved in the area of their Ministers' portfolio responsibilities. The transfer of interests to persons or bodies such as a spouse, de-facto spouse, family member or to a nominee or trust (other than a blind trust or other arrangement where the staff member has no involvement in investment decisions) is not an acceptable form of divestment or relinquishment.

In the statement, you should:

- disclose the ABN of any company in which the staff member has a financial interest and the nature of the company's activities;
- notify any interest in any shares held directly or indirectly, including equitable as well as legal interests, which enables exercise of control over the right to vote or dispose of those shares;
- include interests held on a staff member's behalf by a nominee or by a nominee company; and
- where interests are held in a 'private holding company', i.e. a private company formed for the purpose of investing in subsidiary companies, identify all such subsidiary companies and any subsidiary companies held by those subsidiary companies.

Ministerial staff are not precluded from making investments on the stock market, but should not operate as traders. Careful personal judgements and discretion in transactions should be exercised, especially where the purchase or holding of shares could be challenged.

8. OTHER INVESTMENTS

'Investments' means all investments, including:

- placement of monies which attract interest or other benefits;
- savings accounts, offset loan accounts, investment accounts, bonds, debentures, etc., should be included but not non-interest bearing cheque accounts; and
- where the amount held in a number of savings accounts does not exceed \$5,000 in total, disclosure of the details of individual accounts under this heading is not required. In this case, the return might state 'various savings accounts with a total value not exceeding \$5,000.

9. DIRECTORSHIPS

Ministerial staff are not permitted to hold directorships in any private or public company without the written agreement of the employing Minister or Parliamentary Secretary. A staff member may retain a directorship in a private company, but only if:

- the company operates a family farm, business or investment; and
- retention of a directorship is not likely to conflict with his or her duties as a member of ministerial staff.

Ministerial staff who have a Minister's permission to retain a directorship in a private company must disclose the ABN of the company in which the directorship is held and the nature of the company's activities.

10. PARTNERSHIPS, ETC.

On appointment, ministerial staff should cease to engage in professional practice and should cease to be involved in the daily routine work of a partnership or joint business undertaking, unless they have the Minister's express approval to continue:

- under 'Purpose of undertakings', specify the purpose or operations of a partnership or joint business undertaking, e.g. investment, consultancy, etc.; and
- under 'Nature of business interests', specify level of current involvement in the partnership or joint business interests, e.g. financial (sleeping) partner, consultant, etc.

11. TRUSTS

Both beneficial interests and trusteeship responsibilities should be specified.

12. FAMILY INCOME

To the extent known, the income of your immediate family members should be declared. In completing this section:

- do not include the salary and allowances received as a ministerial staff member;
- include the family member's income from employment and any income by self, spouse or de-facto spouse or dependants from investments (reference to 'income from investment as set out above' is sufficient for investment income), annuity arrangements and pensions
- do not include benefits received under government assistance schemes (for example, assistance under the First Home Owner Scheme or family allowance benefits) unless the assistance is provided under a scheme for which your Minister or Parliamentary Secretary has responsibility;
- no minimum income is specified as notifiable and discretion should be applied in this regard; as a general rule, income over \$1,000 per annum might be shown, but smaller amounts from sources which might be sensitive or could be misconstrued should be included; and
- retainers or income other than that laid down as remuneration as a member of ministerial staff should not be accepted without the Minister's express authorisation.

13. GIFTS, TRAVEL AND HOSPITALITY

Staff must declare all hospitality, gifts and sponsored travel received in association with their employment. An estimate of the value of the gift should be provided.

(Staff members need to exercise careful judgement when offered gifts or hospitality as acceptance can give rise to perceptions of undue influence and conflicts of interests. If doubt exists about the appropriate course of action, you should discuss the matter with your Chief of Staff or Minister/Parliamentary Secretary before accepting the gift or hospitality.)

Gifts from family members or personal friends in a purely personal capacity need not be disclosed unless an appearance of a conflict of interest exists.

14. FURTHER INTERESTS, PECUNIARY OR OTHERWISE

The overall objective of this category is to enable the declaration of any other personal interests which might raise or appear to raise a conflict of interest.

Membership of professional and recreational associations with aims and objectives which could be affected by government action, particularly in relation to portfolio responsibilities, should be included, e.g. unions or professional associations. Members of staff should disclose here any arrangements to resume former employment or take up new employment (unless in the Australian Public Service) or form any other kind of business relationship when they cease to be members of staff.

**MINISTERIAL STAFF
STATEMENT OF PRIVATE INTERESTS**

STAFF MEMBER TO COMPLETE

Full Name

Position

Employing Minister/
Parliamentary Secretary

Date commenced

I, the above-named member of staff, confirm that I accept no retainers, and derive no income from work, except with the approval of my employing Minister/Parliamentary Secretary other than that arising from my duties as a staff member of the above-named employing Minister/Parliamentary Secretary. Particulars of my private interests are attached.

I acknowledge the requirement to inform my employing Minister/Parliamentary Secretary promptly, and always within 28 days, of any significant changes to my private interests, pecuniary or otherwise.

I confirm that I have read and understand my obligations under the Statement of Standards for Ministerial Staff.

I also confirm that, to the best of my knowledge and judgement, there is no aspect of my private interests or background or those of my spouse that I have not declared to my employing Minister/Parliamentary Secretary which is likely to cause embarrassment to the Government if it comes to public notice.

Signature of
Staff member

Date

MINISTER/PARLIAMENTARY SECRETARY TO COMPLETE

I confirm that I have seen the attached statement of private interests referred to above.

Signature of Minister/
Parliamentary Secretary

Date

STATEMENT OF PRIVATE INTERESTS

Notes

1. Before completing this statement, the accompanying 'Explanatory Notes' should be read carefully.
2. Please complete the form clearly, preferably in block letters.

Real estate *(Section 4 of the Explanatory Notes)*

	Location	Purpose for which held
Self		
Spouse		
Dependants		

Personal property *(Section 5 of the Explanatory Notes)*

	Nature of asset
Self	
Spouse	
Dependants	

Liabilities *(Section 6 of the Explanatory Notes)*

	Nature of liability
Self	
Spouse	
Dependants	

Shareholdings *(Section 7 of the Explanatory Notes)*

	Name of company (including ABN and subsidiary companies, if applicable)
Self	
Spouse	
Dependants	

Other investments *(Section 8 of the Explanatory Notes)*

	Type of investment	Investment body
Self		
Spouse		
Dependants		

Directorship of companies *(Section 9 of the Explanatory Notes)*

	Company Name and ABN	Nature of company	Activities of company
Self			
Spouse			
Dependants			

Partnerships and other joint business undertakings (Section 10 of the Explanatory Notes)

	Name of business and ABN	Purpose of joint undertaking	Nature of business interest
Self			
Spouse			
Dependants			

Trusts (Section 11 of the Explanatory Notes)

(a) Beneficial interest in a family or business trust

	Trust name and ABN	Nature of interest	Purpose of trust
Self			
Spouse			
Dependants			

(b) Trusteeship of a family or business trust

	Trust name and ABN	Beneficiaries	Purpose of trust
Self			
Spouse			
Dependants			

Family income (Section 12 of the Explanatory Notes)

	Nature of income
Self	
Spouse	
Dependants	

Gifts, sponsored travel or hospitality (Section 13 of the Explanatory Notes)

	Details of gifts, travel or hospitality	Estimated value
Self		
Spouse		
Dependants		

Other interests (Section 14 of the Explanatory Notes)

Other interests, pecuniary or otherwise, where a conflict of interest with public duty could arise, should be listed below.

	Nature of interest
Self	
Spouse	
Dependants	