



**Office of the Clerk of the House of Representatives**

*Te Tari o te Manahautū o te Whare Māngai*

# **Register of Pecuniary and Other Specified Interests of Members of Parliament**

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**Explanatory notes – 2010/11**



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## Introduction

In August 2005 the House adopted Standing Orders to provide a system for members of Parliament to register their pecuniary interests, in other words the assets, debts, and gifts they may each have accumulated or received. The purpose of the register is to strengthen public trust and confidence in the parliamentary process by improving transparency, openness, and accountability. It furnishes a protection against arguments that a possible conflict might arise between a member's public duty and private interests. If certain things are made known and registered, the question of any conflict of interest can be minimised. The scheme is set out in Standing Order 159 and Appendix B of the *Standing Orders of the House of Representatives*. It is a register designed to protect members in the event of scrutiny, rather than being a recital of wealth and indebtedness. It is also a declaration of the kinds of interests and not their individual value or specific location.

In 2010 the Standing Orders Committee undertook a review of the Standing Orders relating to pecuniary interests. The House had referred this review to the Standing Orders Committee following a unanimous recommendation of the Privileges Committee, which had undertaken an inquiry in 2008 into a related matter.<sup>1</sup>

The Standing Orders Committee recommended a number of changes, some of them significant, to the provisions relating to pecuniary interests. These recommendations were agreed to by the House, and come into force on 1 January 2011. Members should ensure that they are familiar with the requirements, particularly the amended requirements, for registering their pecuniary and other specified interests. These are explained in this booklet, and a summary of the changes is set out on pages 7–9 below.

The Registrar of Pecuniary and Other Specified Interests of Members of Parliament is Dame Margaret Bazley, DNZM, Hon DLit, a former departmental Chief Executive, who was appointed pursuant to clause 12 of Appendix B of the *Standing Orders of the House of Representatives*.

## Purpose of this booklet

This booklet provides an explanation of the registration requirements. The full text of the requirements in Standing Orders is reproduced in this booklet in the annex. The guidance below should be read in conjunction with the annex. Unless stated otherwise, clause numbers in this booklet refer to the clauses in Appendix B of the *Standing Orders of the House of Representatives*, set out in the annex.

These notes and other advice given by the Registrar are to assist members to complete their returns for the register of pecuniary and other specified interests. The guidance in these notes is specific to the requirements for the register and should not be applied to any other situation. For example, the advice is not relevant to the requirements set out in the Cabinet Manual for Ministers to declare their interests, and Ministers should seek guidance on those requirements from the Cabinet Office.

While it is the Registrar's role to give advice on the requirements in the Standing Orders, it remains your responsibility to identify and declare your interests. You are

<sup>1</sup> *Question of privilege relating to compliance with a member's obligations under the Standing Orders dealing with pecuniary interests*, Report of the Privileges Committee (I.17D), September 2008

the best judge of your personal circumstances. The Registrar cannot give you detailed advice about your personal interests, for example, about any commercial or trust-related arrangements that you may have. The Registrar's advice is confined to assisting you to interpret Standing Orders. You can, of course, engage your own legal or other professional adviser to give you advice about your specific circumstances.

## **Confidentiality of your information**

Standing Orders require the Registrar to keep confidential all returns and information relating to individual members. However, the Registrar is required to send a copy of all returns to the Auditor-General. The Registrar also has the discretion to seek advice or assistance from the Auditor-General or any other person as part of an inquiry into a member's compliance with the Standing Orders, and may release information to that person. If, after undertaking an inquiry, the Registrar determines that a question of privilege is involved, the Registrar will give the Privileges Committee information that the Registrar considers is necessary for the committee's investigation.

From 2011 the Registrar will retain information about individual members for three complete terms of Parliament. At that point it is destroyed.

The Registrar will not disclose information about a member's return to any other member, unless it is necessary for the purposes of an inquiry.

## **How do you make a return?**

There is a series of forms on which returns must be provided. These are available via the "Members' entitlements, pay and interests" link on the intranet (<http://ourhouse.parliament.nz/en-NZ/Intranet/Work/MemEnt/Interests>). When you open the forms, save them into your own system for editing.

Please enter your details in typescript. You can then print your return, review it, and sign the printed copy. Your return must be submitted in paper copy with an original signature on the covering form. Each form must be completed, even if it is to register a nil return. If you are having any difficulty with the forms, please call Elizabeth Woolcott (extension 9909) or Ashlee Betham (extension 9443).

If you save the electronic copy of your return you will have an electronic record as the basis for your next return due in 2012.

## **Where should your return be sent?**

Completed and signed returns should be sent to—

Registrar of Pecuniary and Other Specified Interests of Members of Parliament  
Office of the Clerk of the House of Representatives  
Room G.041  
Parliament House.

## **When is your return due?**

You must submit your return by **Monday, 28 February 2011**.

The effective date of the return is 31 January, so in practice you must complete and submit your return between 31 January and 28 February 2011. Your return will not be accepted if it is received or dated before the effective date of 31 January. You will be asked to complete it for the full period required, and to resubmit it.

### **What if your interests change after the date of the return or you find that you have made an error?**

You are not required to register any change in your interests after 31 January each year until the next return is required. However, it is possible that you may discover at some time after the Summary of returns has been published that you have inadvertently omitted an interest that should have been declared, or incorrectly declared some information. If so, you should contact the Registrar immediately to discuss the situation. It may be possible for an amendment to your return to be published, but this will be considered on a case-by-case basis. It remains your responsibility to ensure that a complete return is submitted by the annual deadline (the last day of February).

The requirements for an oral declaration in Standing Orders 160 to 162 will apply to any financial interests that have not been registered.

### **What period does the return cover?**

#### **If your last return of interests was as at 31 January 2010**

The information supplied in your return falls into two types of interest: interests which you have as at the effective date of the return (31 January 2011), and relevant activities that you have undertaken in the 12 months before the effective date.

The first type of interest is set out in clause 4 (Forms 1 to 9). This is a “snapshot” of your interests at the effective date, and includes items such as your pecuniary interests in property or shares on that date. These items will need to be registered each year if those interests still exist. If you had an interest of this type at some point during the year, but no longer had it as at 31 January 2010 (for example, you had sold shares), then there is no requirement to declare that interest.

The second type of interest is set out in clause 7 (Forms 10 to 13). You must supply information here covering the previous 12 months.

#### **If you became a member of Parliament after 31 January 2010 but before 1 July 2010**

If you became a member of Parliament between 1 February 2010 and 1 July 2010, you will have made an initial return of your interests. You are now required to make your first annual return, covering the period from the day after the effective date of your initial return until 31 January 2011. You will be advised of the specific period that applies to you, or you can contact Elizabeth Woolcott (extension 9909) for assistance.

The information supplied in your return falls into two types of interest: interests which you have as at the effective date of the return (31 January 2011), and relevant activities

that you have undertaken between making your initial return in 2010 and 31 January 2011.

The first type of interest is set out in clause 4 (Forms 1 to 9). These are a “snapshot” of your interests at the effective date, and include items such as your pecuniary interests in property or shares on that date. These items will need to be registered each year if those interests still exist. If you had an interest of this type at some point since your initial return, but no longer had it as at 31 January 2011 (for example, you had sold shares), then there is no requirement to declare that interest.

The second type of interest is set out in clause 7 (Forms 10 to 13). You must supply information here covering the period since your initial return until 31 January 2011.

### **If this is your first return of interests**

If you became a member of Parliament after 1 July 2010 this will be your first return of interests.

The information supplied in your return falls into two types of interest: interests which you have as at the effective date of the return (31 January 2011), and relevant activities that you have undertaken between the date that your election was notified in the *Gazette* and 31 January 2011. You will be advised of the specific period that applies to you, and you can contact Elizabeth Woolcott (extension 9909) for assistance.

The first type of interest is set out in clause 4 (Forms 1 to 9). These are a “snapshot” of your interests at the effective date, and include items such as your pecuniary interests in property or shares on that date. These items will need to be registered each year if those interests still exist.

The second type of interest is set out in clause 7 (Forms 10 to 13). You must supply information here covering the period from the date that your election was notified until 31 January 2011.

### **What is the difference between registration of pecuniary and other specified interests and an oral declaration of financial interests?**

While this booklet covers the requirements set out in Appendix B, you should also be aware of further obligations set out in Standing Orders 160 to 162. While those obligations do not apply to anything you have registered pursuant to Appendix B, they are broader in scope and application. You may have financial interests that are not covered by the requirements for the register but do need to be declared orally to the House or a committee before you participate in debate relating to that interest. This might include an interest you have acquired since your last return of interests, or it may relate to an interest of a family member. If in any doubt, you should consider making an oral declaration to the House or a committee before participating in consideration of a related item of business, regardless of any written registration.

## **What is your responsibility when completing your return?**

Standing Orders state that it is your responsibility to ensure that you fulfil the obligations set out in Appendix B. While the Registrar will offer you all assistance, it is not the Registrar's responsibility to ensure that you complete your return on time or to check the accuracy of your return.

You must make an honest attempt to register all of the pecuniary and other specified interests that you hold. You are obliged to turn your mind to the interests you have. The onus is on you to determine and declare relevant interests.<sup>2</sup> The effect of the 2008 Privileges Committee report is that arrangements whereby members avoid knowledge of transactions to their benefit are not sustainable. Wilful blindness will not excuse an incomplete declaration of pecuniary interest. However, where a member genuinely does not appreciate they have an interest that should have been declared then they may be excused from making an incomplete or misleading declaration.

If, having taken advice from the Registrar, you are in any doubt as to whether you should declare an interest or transaction, you should declare it.

## **What is required in a return?**

The exact wording of the requirements for returns is set out in Appendix B. They relate to assets, debts, and gifts; pecuniary interests (such as business interests, real estate, debtors, and creditors); specified non-pecuniary interests (such as interests in non-trading companies, trusteeships, and patronage in certain specific situations); and benefits such as gifts or travel expenses. In some cases, there is a specified minimum value that can be reached before an interest needs to be registered. Each type of interest is set out below, with some explanation.

At no stage are you required to state the actual value or extent of any interest. You simply need to register its existence.

Wherever there are monetary amounts specified in Appendix B, the figure is inclusive of goods and services tax (GST).

If any interest is held jointly with another person or persons, you should indicate the interest. You can list it as jointly owned but you do not need to name the other owner(s).

## **What has changed in the Standing Orders?**

Before submitting your returns, you should ensure that you are familiar with the changed requirements under the Standing Orders. While many of the categories of interest that must be declared remain the same, there have been some significant amendments that may require a change for some members from previous returns. This section sets out a very brief description of the changes that take effect for the 2010/2011 returns. Fuller guidance for each category of interest is provided in the next section.

<sup>2</sup> *Question of privilege relating to compliance with a member's obligations under the Standing Orders dealing with pecuniary interests*, Report of the Privileges Committee (I.17D), September 2008, p 20

### **Name of the register**

The register is now titled the “Register of Pecuniary and Other Specified Interests”. This does not imply any increase in the types of interest that must be declared, rather it reflects the fact that some of the interests that have always had to be declared are not pecuniary in nature. For example, you are required to declare a controlling interest in companies, regardless of whether those companies are trading or provide any financial benefit to you.

### **Trusts**

Previously you were required to declare the name of each trust in which you had a “beneficial interest”, that is, if you were the beneficiary of a fixed trust. This requirement has been broadened and clarified so that you are now required to declare the name of each trust of which you are aware, or ought reasonably to be aware, that you are a beneficiary or a trustee.

### **Patrons and vice-patrons of organisations seeking Government funding**

If you are patron or vice-patron of an organisation seeking Government funding, you only have to declare it if you are also on the governing body, or if you have been actively involved in seeking Government funding for the organisation.

### **Real property**

Previously you were required to declare the location of real property in which you had a pecuniary interest, unless you had no “beneficial interest” in the property. This wording was causing difficulties for members, and the Standing Orders Committee gave extensive consideration to the types of interest in real property that should be disclosed. The amended wording in Standing Orders now clarifies that you are required to declare the location of real property in which you have a legal interest (that is, ownership) or where the property is owned by a trust of which you are a beneficiary (including a beneficiary of a discretionary trust). You are not required to declare property held by a trust if your interest in the property is solely from being a trustee.

### **Interest rate for debts**

The requirement has been removed to declare the specific interest rate for any debt of more than \$50,000 owed to or by you where that rate is lower than a certain rate specified from time to time under the Income Tax Act 2004. You are now required to note if the interest rate is lower than the normal market interest rate that applied at the time the debt was incurred, which is a more relevant measure of whether an interest rate was particularly favourable. You should also record if the interest rate has been renegotiated at a rate lower than the normal market interest rate. There is no requirement to declare the actual interest rate.

### **Payment for activities**

A specific exclusion has been made for payments received as a funding entitlement for parliamentary purposes under the Parliamentary Service Act 2000. An example of this type of payment is the reimbursement of legal fees by the Parliamentary Service under the authority of Speaker’s Directions.

A further change has been the addition of wording to clarify that a payment that has been agreed to should be declared, even if the payment has not yet been received.

Payments received for activities completed before you became a member of Parliament should not be declared.

### **Overseas travel – airline upgrades**

This Standing Order has not been amended, however, the Standing Orders Committee noted that it interpreted the wording to mean that members are not required to declare an upgrade of travel class that they have purchased using a benefit under an airline loyalty programme (such as airpoints), or that has been given to them by an airline. Upgrades that are given by a third party other than an airline should still be declared.

## **What should be declared in each category?**

### **Company directorships and controlling interests (Form 1)**

*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*

This is intended to include companies of which you may be a director or significant shareholder.

You must record the main business activities of the company.

Include non-trading or trustee companies and, if you wish, note that they are not trading or they are trustee companies only. The business activities, whether current or intended, of these companies should also be disclosed.

Do not include companies that are owned by a trust or superannuation scheme that you have separately declared in clause 4(1)(d) or 4(1)(g) (Form 4 or Form 7).

### **Other companies and business entities (Form 2)**

*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*

A business entity is defined in clause 1(1) as “any body or organisation, whether incorporated or unincorporated, that carries on any profession, trade, manufacture, or undertaking for pecuniary profit, and includes a business activity carried on by a sole proprietor”.

A pecuniary interest is defined as “a matter or activity of financial benefit to the member that is required to be declared under clause 4 or clause 7”.

Include ownership of shares, bonds, and debentures.

You do not need to repeat any items already registered in clause 4(1)(a) above (Form 1).

If you hold a pecuniary interest in a company or business (entity A) that itself has a pecuniary interest in another company or business (entity B) you do not need to indicate an interest in entity B.

Having a contract with a company does not in itself create a pecuniary interest in that company which has to be declared.

You do not need to include pecuniary interests in a company or other business entity held by your spouse or other close family member.

### **Employment (Form 3)**

*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*

This does not include your position as a member of Parliament. It applies only to ongoing employment rather than activities to be registered pursuant to clause 7(1)(d) (Form 13).

### **Trusts (Form 4)**

*4(1)(d) the name of each trust of which the member is aware, or ought reasonably be aware, that he or she is a beneficiary or a trustee, except registered superannuation schemes disclosed under subclause (1)(g)*

In previous years you were required to declare an interest in a trust only if you were the beneficiary of a fixed trust. Recent changes to Standing Orders have broadened this, so that you are now required to declare each trust in which you have an interest, regardless of whether it is a fixed or discretionary interest.

Include trusts for which you are a trustee, regardless of whether you are also a beneficiary.

Include interests in any Māori incorporations that are established as trusts.

Do not include superannuation schemes established as trusts; they should be disclosed on Form 7.

### **Transactions involving a trust**

Some transactions involving a trust must be declared under other provisions of Appendix B. These include the provisions for declaring gifts (clause 7(1)(b) (Form 11)), discharge of debts (clause 7(1)(c) (Form 12)), and debts owed to you (clause 4(1)(h) (Form 8)).

### **Organisations and trusts seeking Government funding (Form 5)**

*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*

The term “Government funding” includes funds received from the Crown and Crown entities such as are described in the Crown Entities Act 2004. These include, for example, the Health Sponsorship Council (a Crown agent), Sport and Recreation New Zealand (a Crown agent), the New Zealand Lotteries Commission (an autonomous Crown entity), and Television New Zealand Limited (a Crown entity company). It also includes funding received from State enterprises described in the State-Owned Enterprises Act 1986, such as New Zealand Post Limited.

You are required to declare an interest if you are a member of the governing body of an organisation seeking Government funding.

If you are patron or vice-patron of an organisation seeking Government funding, and you are not a member of its governing body, you must declare it only if you have been actively involved in seeking Government funding for the organisation.

### **Real property (Form 6)**

*4(1)(f) the location of each parcel of real property in which the member has a legal interest in the fee simple or leasehold or stratum estate, or in which any such interest is held by a trust which the member knows (or ought reasonably to know) he or she is a beneficiary of, but does not include land held by a member as a trustee only*

This applies to land, buildings, and apartments, including unit titles, leasehold interests, and cross-leases. It also applies to interests in Māori land.

Include all your property interests that you are aware of, including property held in a trust of which you are a beneficiary.

In describing the location of a property, you do not need to specify the street or road address. The general location, such as the suburb, town, or rural area is sufficient. For blocks of Māori land which are difficult to identify, the regional area is sufficient. For example “several blocks of land on the West Coast and in North Canterbury”.

If you are the joint owner of any real property, you should include it and note that it is jointly owned. You do not need to name the other owner(s).

Do not include property which you hold as a trustee only.

### **Superannuation schemes (Form 7)**

*4(1)(g) the name of each registered superannuation scheme in which the member has a pecuniary interest*

This refers to schemes registered under the Superannuation Schemes Act 1989 and any referred to in section 19H of the Government Superannuation Fund Act 1956.

Ensure that you record the *correct* name of any superannuation scheme in which you have an interest.

Include any scheme to which a portion of your salary as a member of Parliament is paid. These will be as follows:

- Members who have held office continuously since prior to 30 June 1992 are very likely to be contributors to the Government Superannuation Fund (Parliamentary Scheme) and should show this as their scheme.
- Members who were elected after 1 July 1992 are able to contribute to any registered superannuation scheme(s) and should show the name(s) of any company or scheme(s) to which they contribute.

Members elected after 1 July 1992 may also have an interest in the Government Superannuation Fund (General Scheme), if they had been employed in a position covered by the Fund provisions prior to that date – if so, they should show this as one of their schemes.

Superannuation schemes do not include life insurance.

Superannuation schemes listed on this Form do not have to be declared as trusts on Form 4 as well.

### **Debts owed to you (Form 8)**

*4(1)(h) the name of each debtor of the member who owes more than \$50,000 to the member and a description, but not the amount, 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.

You do not need to indicate the amount of the debt, only its existence.

You do not have to disclose a relationship property settlement.

You should not mention a debt owed to you by your spouse, domestic partner, parent, child, step-child, foster-child, or grandchild.

You should not refer to short-term debts associated with the supply of goods and services where payment is required within 90 days.

You will need to include bank deposits if they are over \$50,000.

If the interest rate for the debt was lower than the normal market interest rate that applied at the time the debt was incurred or whenever the terms of the debt were amended, indicate this by ticking the box on the Form. You do not have to declare the actual interest rate.

### ***A trust may be a debtor to you***

Where you are responsible for setting up a trust and have transferred your property into the trust, the trust may be a debtor to you to the value of the property. Where any such debt owed by the trust to you exceeds \$50,000, it must be declared on this Form.

### ***Examples of debtors that must be declared***

The XYZ Family Trust owes you the sum of \$304,000 as the balance of the amount owing for settlement of a \$360,000 property on the Trust in 2006.

You pay \$60,000 per annum into Family Trust A for maintenance and improvements to the trust property (the family home), and the payment is considered a debt owed by the Trust.

**Debts owed by you (Form 9)**

*4(1)(i) the name of each creditor of the member to whom the member owes more than \$50,000 and a description, but not the amount, 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.

You do not need to indicate the amount of the debt, only its existence.

The word “debt” has distinct legal and general meanings. In public use it may include a moral obligation to pay or an expectation of payment. The legal meaning of debt is narrower and is limited to fixed sums for which the right to payment exists. The right will be enforceable through legal proceedings. Appendix B uses debt in the legal sense. It deals with debts arising from contract or judgment of the courts. Members do not need to declare moral debts.

Debts owed include mortgages (including home loans and bank loans), hire-purchase and lease monies, personal loans, and overdrafts.

You do not have to disclose a relationship property settlement.

You should not identify short-term debts associated with the supply of goods and services where payment is required within 90 days.

If the interest rate for the debt was lower than the normal market interest rate that applied at the time the debt was incurred or whenever the terms of the debt were amended, indicate this by ticking the box on the Form. You do not have to declare the actual interest rate.

**Overseas travel costs (Form 10)**

*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*

You do not need to include overseas travel in this section if the costs were incurred by yourself, a close family member, the Crown, or by a State government or international parliamentary organisation as part of an official parliamentary visit overseas. “Official parliamentary visit” means one that is part of the annually approved official travel programme administered by the Office of the Clerk. The Office can clarify if a

particular visit falls into this category or you will find them listed on the intranet (<http://ourhouse.parliament.nz/en-NZ/AboutParl/HowPWorks/Relationships/b/2/d/00HOOOCHowPWorksRelationshipsOutVisits491-Outward-delegations-and.htm>). On such visits, host governments sometimes cover internal costs. These do not need to be registered.

Travel outside the official travel programme, such as educational visits sponsored or partially sponsored by other governments or organisations, is subject to the registration requirement.

Include travel upgrades from one class to another that are given to you by a third party, other than an airline. You are not required to declare upgrades that you have paid for using airpoints or similar loyalty schemes, or that have been given to you by an airline.

### **Gifts (Form 11)**

*7(1)(b) a description of each gift 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)*

#### **What is a gift?**

A gift is something given to, or for the benefit of, a member. This includes gifts received while travelling on official ministerial or parliamentary business, whether or not you retain possession of them.

Gifts are not limited to tangible objects. Corporate hospitality is also a gift to be registered if its market value is over \$500, as are educational courses where another person has paid your course fees.

Some activities, such as helicopter flights, may be a gift depending on the context in which they occur. If they are undertaken as part of your duties as a member they are not a gift and do not have to be declared. If they are a type of hospitality and are not directly related to your duties, then they should be declared.

You should include a professional registration certificate, such as the New Zealand Law Society practising certificate, if it is gifted to you by a third party.

The membership of airline lounges is commonly gifted to members by the airlines. The annual membership of these is borderline in terms of the \$500 threshold. Members have made varying decisions about whether to include these as gifts and in past years, for the sake of consistency, the Registrar has not included them in the Summary of Returns. These annual memberships do not, therefore, have to be declared.

A payment to a third party in respect of a member's debt (legal or moral) may be a gift, because it benefits the member. To establish whether there is a gift to a member in the case of third-party donations it is useful to consider:

- Whether there is a benefit to the member, or whether a reasonable constituent would perceive a benefit to the member
- If the donor intended the member to benefit from the gift

- Whether the third party recipient treated it as a gift to them.

### ***Estimating the value of a gift***

It can be difficult to estimate the value of a gift, whether it is a tangible object or something in the nature of hospitality. It is your responsibility to make your best estimate. If you are unsure, you should follow the approach indicated by the Privileges Committee: “If in doubt, declare it”.

### ***Should you declare electoral expenses?***

Donations that are given to meet electoral campaign expenses do not need to be declared. This is because the Electoral Act 1993 requires such donations to be declared by constituency candidates within 70 days after polling day. The expenses involved in pursuing an election petition are not required to be declared under electoral law but donations to meet such expenses that exceed \$500 should be declared in the Register of Pecuniary and Other Specified Interests.

### ***Should you declare donations in kind?***

Where a person provides specific services of value to you for no charge and that person would normally receive payment for those services, there is a donation in kind. The donation in kind must be declared if the market value of the services exceeds \$500.

This includes services such as work on your home. Where a complimentary service is ongoing from one year to the next, you should register it each year if the annual market value exceeds \$500.

Donations in kind can be distinguished from the work of volunteers for a member. Volunteers typically perform tasks without expectation of reward or payment for those tasks. Sometimes the distinction between voluntary work and donations in kind may not be clear. This should be looked at on a case-by-case basis.

### ***Gifts involving trusts***

A gift to a trust in which you have an interest in excess of \$500 will not be “*a gift received by a member*” under clause 7(1)(b) as you and the trust are not one and the same.

However, a payment by a trust to you without adequate consideration will be a gift received by you and must be declared. This is so regardless of whether the gift is paid directly to you, or is paid to another party in discharge of a debt owed by you to that party (in which case clause 7(1)(c) would also apply).

### ***Examples of gifts that should be declared***

You receive the sum of \$5,000 from a testamentary trust.

You receive a payment of \$50,000 from your family trust following the sale of a property owned by the trust.

### **Discharged debts (Form 12)**

*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*

This includes any debt of more than \$500 that may have been paid on your behalf by another person or company.

Where a debt of more than \$500 owed by you is paid or partially paid by a trust, this is a debt paid by another party. Such a payment will come within clause 7(1)(c) and must be declared.

#### *Examples of debts that should be declared*

Your solicitor's fees of \$12,000 incurred in challenging a resource consent granted in your electorate are paid by Trust A.

Your builder is paid \$1,500 by Trust B for repairs to your constituency office after a vandalism attack on the premises.

### **Payments for activities (Form 13)**

*7(1)(d) a description of each payment received, and not previously declared, by the member for activities in which the member was involved, including the source of each payment, except that a description is not required of any payment that is—*

- (i) paid as salary or allowances under the Civil List Act 1979 or the Remuneration Authority Act 1977, or as a funding entitlement for parliamentary purposes under the Parliamentary Service Act 2000:*
- (ii) paid in respect of any activity in which the member concluded his or her involvement prior to becoming a member (that is, before the commencement of a period set out in clause 8(2)(b) or (d), as applicable)*

This does not include any employment already referred to under clause 4(1)(c) (Form 3). It includes directors' fees, fees for activities such as speaking engagements, and book royalties. It also includes monies derived from overseas.

Do not include payments made to you by the Parliamentary Service in accordance with Speaker's Directions.

Do not include payment for activities that you had concluded before becoming a member of Parliament.

Include payments received since your last return. You must also include payments that you *expect* to receive for activities you have carried out since your last return. This is a new requirement under the Standing Orders. If you have carried out an activity, and terms of payment have been agreed but you have not yet received the payment, you are required to record that payment. Each one-off payment is required to be recorded once only.

## **What happens to the return?**

Clause 15 requires the Registrar to supply a copy of your return to the Controller and Auditor-General. The Auditor-General is authorised to review the returns and to advise the Registrar of any matters arising from the review.

Once the returns have been received, summaries of the registered interests will be compiled into a booklet. While undertaking this process the Registrar may apply some standardisation of terms to ensure consistency. The Registrar will give you a copy of the summary of your return and you will have the opportunity to correct any error of transcription. The Registrar will not disclose the contents of individual drafts to other persons but there is nothing to prevent members comparing draft summaries among themselves if they wish to do so.

The Registrar is not required to undertake checks in relation to items registered.

The Registrar will publish the summaries in a booklet and make the booklet available on the website by 30 May 2011. A copy will be given to the Speaker, who will present it to the House. All members will receive a copy of the booklet, and it will also be available for public viewing in the Bills Office.

## **Who can provide help?**

If you need help understanding the requirements of Appendix B of the Standing Orders, you can contact the Registrar, Dame Margaret Bazley, for assistance. She can be contacted via extension 6892. Alternatively you can contact Senior Parliamentary Officer, Elizabeth Woolcott, on extension 9909.

For assistance in downloading the Forms, contact Ashlee Betham on extension 9443.

The Registrar will make every effort to provide authoritative advice to assist you in completing your return. This advice will be provided to you in writing. However, the Standing Orders state that it is your responsibility to ensure that you fulfil your obligations in relation to your pecuniary interests.

## **What if you do not comply with the registration requirements?**

If you submit your return after the due date of 28 February 2011, you will be recorded in the Summary of Returns as having made a nil return.

The Registrar is unable to accept returns submitted by fax or electronically. This is for your protection, to ensure that there is a single, authenticated version of your return. Your signature on the front page of the hard copy of your return authenticates it as having been approved by you. The Standing Orders Committee has endorsed this policy.

If you knowingly fail to make a return by the due date or provide false or misleading information in a return, you may be in contempt of the House. You must make an honest attempt to declare all your interests. If you are in any doubt in respect of an interest, you should declare it. Paragraphs (g) and (h) of Standing Order 401 make

failure to comply a contempt. Such an allegation could be raised with the Registrar as the basis for a request for an inquiry into a member's compliance with the requirements. The Registrar may undertake an inquiry to determine if there has been a breach of the obligations. For breaches that are more than minor or inadvertent, the Registrar may determine that a question of privilege is involved. This would be reported to the House and then referred to the Privileges Committee. The committee then investigates and reports to the House, possibly making findings and/or recommendations.

Ultimately, the House has the power to punish a member who has been found in contempt. A recommendation to the House from the Privileges Committee could include a punishment such as suspension from the House for a period.

## **Annex: Extracts from the *Standing Orders of the House of Representatives***

### **PECUNIARY AND OTHER SPECIFIED INTERESTS**

#### **159 Pecuniary and other specified interests**

- (1) Members must make returns of pecuniary and other specified interests in accordance with the provisions of Part 1 of Appendix B.
- (2) Returns of members' pecuniary and other specified interests are to be maintained in a register in accordance with the provisions of Part 2 of Appendix B.

### **DECLARATION OF FINANCIAL INTERESTS**

#### **160 Financial interests**

- (1) 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.
- (2) 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.

#### **161 Declaration of financial interest**

- (1) A member must, before participating in the consideration of any item of business, declare any financial interest that the member has in that business.
- (2) Nothing in this Standing Order requires a member to declare an interest that is contained in the Register of Pecuniary and Other Specified Interests of Members of Parliament.

. . . . .

#### **401 Examples of contempts**

Without limiting the generality of Standing Order 400, the House may treat as a contempt any of the following:

. . . . .

- (f) as a member, failing to declare, before participating in the consideration of any item of business, any financial interest that the member has in that business:
- (g) as a member, knowingly failing to make a return of pecuniary and other specified interests by the due date:
- (h) as a member, knowingly providing false or misleading information in a return of pecuniary and other specified interests:
- (ha) as a member, requesting without any reasonable grounds that the Registrar conduct an inquiry into another member under clause 15A of Appendix B:

. . . . .

## APPENDIX B

### PECUNIARY AND OTHER SPECIFIED INTERESTS

#### INTRODUCTION

##### 1AA Introduction

This Appendix establishes the Register of Pecuniary and Other Specified Interests, and sets out requirements and arrangements for members to make returns declaring specified financial, business and personal interests.

#### PART 1

##### 1 Definitions

- (1) For the purposes of the return and registration of pecuniary and other specified interests, unless the context otherwise requires,—

**business entity** means any body or organisation, whether incorporated or unincorporated, that carries on any profession, trade, manufacture, or undertaking for pecuniary profit, and includes a business activity carried on by a sole proprietor

**company** means—

- (a) a company registered under Part 2 of the Companies Act 1993:
- (b) a body corporate that is incorporated outside New Zealand

**effective date of the return** means the date as at which the return is effective as required by clause 2(1) or clause 3(1) (as the case may be)

**employed**—

- (a) means employed under a contract of service, but
- (b) does not include holding the position of a member of Parliament or any other position for which the person in question would not be qualified unless he or she had been elected a member of Parliament (for example, the position of Minister of the Crown, Parliamentary Under-Secretary, Leader of the Opposition, or Whip)

**general election** means the election that takes place after the dissolution or expiration of Parliament

**Government funding** means funding from any one or more of the following:

- (a) the Crown:
- (b) any Crown entity:
- (c) any State enterprise

**other specified interest** means a matter or activity that may not be of financial benefit to the member and that is required to be declared under clause 4 or clause 7

**pecuniary interest** means a matter or activity of financial benefit to the member that is required to be declared under clause 4 or clause 7

**polling day**, in relation to any election, means the day appointed in the writ for that election for the polling to take place if a poll is required

**register** means the Register of Pecuniary and Other Specified Interests of Members of Parliament established by clause 11

**Registrar** means the Registrar of Pecuniary and Other Specified Interests of Members of Parliament, and—

- (a) is the Deputy Clerk or a person appointed under clause 12 to act as Registrar:
- (b) includes every person who has been authorised by the Registrar to act on his or her behalf under the Standing Orders

**registered superannuation scheme** means any superannuation scheme that is registered under the Superannuation Schemes Act 1989 (including any scheme referred to in section 19H of the Government Superannuation Fund Act 1956)

**return** means a return of pecuniary and other specified interests required to be made under this Appendix

**voting right** means a currently exercisable right to cast a vote at meetings of the owners or proprietors of a business entity, not being a right to vote that is exercisable only in relation to a special, immaterial, or remote matter that is inconsequential to control of the entity.

- (2) Every amount specified in this Appendix is inclusive of goods and services tax (if any).
- (3) Every reference in this Appendix to a person elected at an election includes a person elected as a consequence of a recount or an election petition relating to that election.

## **2 Duty to make initial return**

- (1) Every member must make an initial return as at the day that is 90 days after the date that the member takes the oath or makes the affirmation required by section 11(1) of the Constitution Act 1986.
- (2) Subclause (1) does not apply if,—
  - (a) in the case of a member who is elected at an election, polling day for the election is after 1 July in the year of the election, or
  - (b) in the case of a member who is declared to be elected under section 137 of the Electoral Act 1993, the date that the member's election is notified in the *Gazette* is after 1 July in the year that the member is declared to be elected.
- (3) An initial return must be transmitted by the member to the registrar within 30 days of the effective date of the return.

## **3 Duty to make annual return**

- (1) Every member must make an annual return in each year as at 31 January.
- (2) The annual return must be transmitted by the member to the registrar by the last day of February in each year in which an annual return must be made.

**4 Contents of return relating to member's position as at effective date of return**

- (1) Every return must contain the following information as at the effective date of the return:
  - (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, and
  - (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, and
  - (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, and
  - (d) the name of each trust of which the member is aware, or ought reasonably be aware, that he or she is a beneficiary or a trustee, except registered superannuation schemes disclosed under subclause (1)(g), and
  - (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, and
  - (f) the location of each parcel of real property in which the member has a legal interest in the fee simple or leasehold or stratum estate, or in which any such interest is held by a trust which the member knows (or ought reasonably to know) he or she is a beneficiary of, but does not include land held by a member as a trustee only, and
  - (g) the name of each registered superannuation scheme in which the member has a pecuniary interest, and
  - (h) the name of each debtor of the member who owes more than \$50,000 to the member and a description, but not the amount, of each of the debts that are owed to the member by those debtors, and
  - (i) the name of each creditor of the member to whom the member owes more than \$50,000 and a description, but not the amount, of each of the debts that are owed by the member to those creditors.
- (2) For the purposes of subclause (1)(b), a member does not have a pecuniary interest in a company or business entity (entity A) merely because the member has a pecuniary interest in another company or business entity that has a pecuniary interest in entity A.
- (2A) For the purposes of subclause (1)(e), a member who is patron or vice-patron of an organisation that receives, or has applied to receive, Government funding, and who is not also a member of its governing body, does not have to name the organisation, unless the member has

been actively involved in seeking such funding during the period specified in clause 8.

- (3) For the purposes of subclause (1)(h) and (i) a member must also declare if the rate of interest payable in relation to the debt is less than the normal market interest rate that applied at the time the debt was incurred or, if the terms of the debt are amended, at the time of that amendment.

**5 Relationship property settlements and debts owed by certain family members do not have to be disclosed**

A member does not have to disclose—

- (a) a relationship property settlement, whether the member is a debtor or creditor in respect of the settlement, or
- (b) the name of any debtor of the member and a description of the debt owed by that debtor if the debtor is the member's spouse or domestic partner or any parent, child, step-child, foster-child, or grandchild of the member.

**6 Short-term debts for supply of goods or services do not have to be disclosed**

A member does not have to disclose the name of any debtor or creditor of the member and a description of the debt owed by that debtor or to that creditor if the debt is for the supply of goods or services and payment is required—

- (a) within 90 days after the supply of the goods or services, or
- (b) because the supply of the goods or services is continuous and periodic invoices are rendered for the goods or services, within 90 days after the date of an invoice rendered for those goods or services.

**7 Contents of return relating to member's activities for period ending on effective date of return**

- (1) Every return must contain the following information for the period specified in clause 8:
- (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, and
  - (b) a description of each gift 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), and
  - (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, and
  - (d) a description of each payment received, and not previously

declared, by the member for activities in which the member was involved, including the source of each payment, except that a description is not required of any payment that is—

- (i) paid as salary or allowances under the Civil List Act 1979 or the Remuneration Authority Act 1977, or as a funding entitlement for parliamentary purposes under the Parliamentary Service Act 2000;
  - (ii) paid in respect of any activity in which the member concluded his or her involvement prior to becoming a member (that is, before the commencement of a period set out in clause 8(2)(b) or (d), as applicable).
- (2) The information referred to in subclause (1)(a) does not have to be included in the return if the travel costs or accommodation costs (as the case may be) were paid by the following or any combination of the following:
- (a) the member;
  - (b) the member's spouse or domestic partner;
  - (c) any parent, child, step-child, foster-child, or grandchild of the member;
  - (d) the Crown;
  - (e) any State government or international parliamentary organisation, if the primary purpose of the travel was in connection with an official parliamentary visit.
- (3) For the purposes of subclause (1)(b), **gift**—
- (a) includes hospitality and donations in cash or kind other than donations made to cover expenses in an electoral campaign;
  - (b) excludes gifts received from family members (that is, any of the following: the member's spouse or domestic partner or any parent, child, step-child, foster-child, or grandchild of the member).
- (4) For the purposes of subclause (1)(d), a description of a payment is required if the terms of the payment have been agreed in the period specified in clause 8, even if the payment has not been received during that period.

## **8 Period covered by return**

- (1) The period for which the information specified in clause 7 must be provided is the 12-month period ending on the effective date of the return.
- (2) However,—
  - (a) a member does not have to include any information specified in clause 7 that has been included in a previous return;
  - (b) if the member is elected at an election and the member was not also a member of Parliament immediately before that election and the return is the first return required to be made by the member after that election, the period for which the information specified in clause 7 must be provided is the period beginning on polling day for that election and ending on the effective date of that return;
  - (c) if an initial return is required to be made by a member elected

at a general election who was also a member of Parliament immediately before that general election, the period for which the information specified in clause 7 must be provided is the period beginning on 1 February in the year in which the general election is held and ending on the effective date of that return:

- (d) if the member is declared to be elected under section 137 of the Electoral Act 1993 and the return is the first return required to be made by the member after being elected, the period for which the information specified in clause 7 must be provided is the period beginning on the date that the member's election is notified in the *Gazette* and ending on the effective date of that return:
  - (e) if the previous return that the member had a duty to make was an initial return, the period for which the information specified in clause 7 must be provided is the period beginning on the day after the effective date of that initial return and ending on the effective date of the return that must be made.
- (3) For the purposes of subclause (2)(b) and (d), the first return required to be made by a member may be either an initial return or an annual return.

#### **9 Actual value, amount, or extent not required**

Nothing in this Appendix requires the disclosure of the actual value, amount, or extent of any asset, payment, interest, gift, contribution, or debt.

#### **10 Form of returns**

Returns must be either—

- (a) in a form specifically prescribed by the House, or
- (b) in a form approved by the Registrar.

### **PART 2**

#### **11 Register of Pecuniary and Other Specified Interests of Members of Parliament**

- (1) A register called the Register of Pecuniary and Other Specified Interests of Members of Parliament is established.
- (2) The register comprises all returns transmitted by members under this Appendix.

#### **12 Office of Registrar**

The office of Registrar of Pecuniary and Other Specified Interests of Members of Parliament is held by the Deputy Clerk or a person appointed by the Clerk, with the agreement of the Speaker, to act as Registrar.

#### **13 Functions of Registrar**

The functions of the Registrar are to—

- (a) compile and maintain the register;
- (b) provide advice and guidance to members in connection with their obligations under this Appendix;
- (c) receive and determine requests for an inquiry under clause 15A, and, if the Registrar thinks fit, conduct and report to the House on any such inquiry.

**14 (deleted)**

**15 Auditor-General's review**

(1AA) The Registrar must supply to the Controller and Auditor-General a copy of every return within 21 days of the date by which all returns are due. The Registrar may, as the Registrar thinks fit, supply to the Auditor-General any other information relating to a return.

- (1) The Auditor-General will review the returns provided under subclause (1AA) as soon as is reasonably practicable, and will advise the Registrar of any matters arising from the review.

**15A Registrar's inquiry**

- (1) A member who has reasonable grounds to believe that another member has not complied with his or her obligations to make a return may request that the Registrar conduct an inquiry into the matter.
- (2) The request must be in writing, signed, and set out:
  - (a) the specific matter that the member believes to be a failure to comply, and
  - (b) the reasonable grounds for that belief.
- (3) A member who makes a request for an inquiry under this clause must, as soon as reasonably practicable, forward a copy of the request to the member who is the subject of the request.
- (4) On receiving a request, the Registrar conducts a preliminary review of the request to determine if, in the Registrar's opinion, an inquiry is warranted. In making a determination under this subclause, the Registrar takes account of the degree of importance of the matter under inquiry, and whether the matter—
  - (a) may involve a breach of the obligations to make a return:
  - (b) is technical or trivial.
- (5) On determining whether an inquiry is warranted, the Registrar must inform the member who made the request of this determination, and must also inform the member who was the subject of the request.
- (6) If the Registrar determines that an inquiry is warranted, the Registrar conducts an inquiry.
- (7) In conducting the inquiry, the Registrar—
  - (a) must invite the member who is the subject of the inquiry to provide a response to the matter under inquiry within 10 working days (provided that the Registrar and member may agree on a different period of time for the member's response):
  - (b) may seek further information from the member who made the request for an inquiry, from the member who is the subject of the inquiry, and from any other person that the Registrar considers may have relevant information:
  - (c) may seek assistance or advice from the Auditor-General or from any other person, as the Registrar sees fit:

- (d) may disclose any return or returns and information relevant to the inquiry to a person providing assistance or advice under paragraph (c).
- (8) The Registrar may,—
  - (a) if the Registrar considers that the matter under inquiry does not involve a breach of the obligations to make a return, or is so minor as not to warrant the further attention of the House, determine that no further action is required:
  - (b) if the Registrar considers that the matter under inquiry involves an inadvertent or minor breach of the obligations to make a return, advise the member who is the subject of the inquiry to submit an amendment to the member's return or returns to remedy the breach:
  - (c) determine that the matter under inquiry involves a question of privilege, and report this to the House at the first opportunity:
  - (d) report to the House on any other matter that may warrant the further attention of the House.

### **15B Information on Registrar's inquiry**

- (1) A request under clause 15A and all information relating to the Registrar's consideration of that request are confidential until the Registrar determines whether to conduct an inquiry in respect of the request.
- (2) After determining whether an inquiry is warranted under clause 15A, and after informing members under clause 15A(5), the Registrar may, at the Registrar's discretion, disclose any or all of the following information:
  - (a) the name of the member who made the request:
  - (b) the date on which the request was received:
  - (c) the name of the member who was the subject of the request:
  - (d) the particular requirement or requirements in this Appendix to which the request relates.
- (3) The proceedings of the conduct of an inquiry are strictly confidential, subject to clause 15A(7) and (8).
- (4) All returns and information disclosed to a person by the Registrar under clause 15A(7)(d) are confidential and must be returned to the Registrar or destroyed when that person's involvement in the inquiry is concluded.
- (5) If the Registrar completes an inquiry under clause 15A without making a report to the House, the Registrar—
  - (a) must communicate the result of the inquiry to the member who requested the inquiry and the member who was the subject of the inquiry:
  - (b) publishes the result of the inquiry to the Parliament website.
- (6) If the Registrar reports to the House that the matter under inquiry involves a question of privilege, the Registrar—
  - (a) must, before reporting to the House, inform the member that is the subject of the inquiry that it is intended to do so, and

- (b) includes in the report any information relating to the inquiry that the Registrar considers is necessary to inform the House of the matter, and
  - (c) forwards to the Privileges Committee any information relating to the inquiry that the Registrar considers is necessary for the committee's consideration of the report.
- (7) In considering a question of privilege determined by the Registrar, the Privileges Committee may request from the Registrar information that it considers is necessary for the committee's consideration. The Registrar decides whether to provide the information requested.
- (8) Information provided by the Registrar to the Privileges Committee under subclauses (6)(c) or (7) is received by the committee as evidence in private, unless it is received in secret.

#### **16 Registrar must publish summary of returns of current members of Parliament**

- (1) The Registrar must, within 90 days of the due date for transmitting any initial returns that are required to be made following a general election, publish on a website and in booklet form a summary containing a fair and accurate description of the information contained in those initial returns that has been transmitted by persons who, at the date of publication, are members of Parliament.
- (2) The Registrar must, within 90 days of the due date for transmitting annual returns, publish on a website and in booklet form a summary containing a fair and accurate description of the information contained in those annual returns that has been transmitted by persons who, at the date of publication, are members of Parliament.
- (3) The Registrar must promptly provide a copy of the booklet to the Speaker.
- (4) The Registrar must ensure that a summary containing a fair and accurate description of information contained in all returns is—
- (a) maintained on a website:
  - (b) available for inspection by any person at Parliament Buildings in Wellington on every working day between the hours of 10 am and 4 pm.
- (4A) Subclause (4) does not apply in respect of information contained in the annual return of any member who has ceased to be a member of Parliament after submitting a return and before the information is published under subclause (4).
- (5) A person may take a copy of any part of the summary referred to in subclause (4)(b) on the payment of a fee (if any) specified by the House.

#### **17 Speaker must present copy of booklet to House of Representatives**

The Speaker must, as soon as practicable after receipt of a copy of a booklet under clause 16(3), present a copy of the booklet to the House.

**17A Errors or omissions**

- (1) Any member who becomes aware of an error or omission in any return previously made by that member must advise the Registrar of that error or omission as soon as practicable after becoming aware of it.
- (2) The Registrar may, at the Registrar's own discretion, publish amendments on a website to correct errors or omissions advised under subclause (1).
- (3) Nothing in this Appendix requires members to advise the Registrar of changes to their interests that have occurred since the effective date of their last return.

**18 Information about register**

- (1) *(deleted)*
- (2) Subject to clauses 15, 15A and 15B, all returns and information held by the Registrar or by the Auditor-General relating to an individual member are confidential until destroyed under subclause (3).
- (3) On the dissolution or expiration of Parliament all returns and information that have been held for three complete terms of Parliament by the Registrar or by the Auditor-General relating to individual members must be destroyed.

**19 Responsibilities of members and Registrar**

- (1) It is the responsibility of each member to ensure that he or she fulfils the obligations imposed on the member by this Appendix.
- (2) The Registrar is not required to—
  - (a) notify any member of that member's failure to transmit a return by the due date or of any error or omission in that member's return, or
  - (b) obtain any return from a member.