Submission Cover Sheet

Inquiry into the effectiveness of transparency arrangements for Members of the Legislative Assembly

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Te Tari o te Manahautū o te Whare Māngai

22 July 2025

Mr Ed Cocks, MLA
Chairperson
Standing Committee on the Integrity Commission and Statutory Office Holders
Legislative Assembly for the Australian Capital Territory
via: LACommitteeIntegrity@parliament.act.gov.au.

Dear Mr Cocks

Inquiry into the effectiveness of transparency arrangements for Members of the ACT Legislative Assembly

Thank you for the opportunity to provide input for the committee's inquiry into the effectiveness of transparency arrangements for Members of the ACT Legislative Assembly. This document provides information on transparency arrangements in the New Zealand House of Representatives, in response to your request on 29 May 2025.

Arrangements for members of Parliament

Declarations of interest

There are two separate requirements for members to declare interests under the Standing Orders.

Before participating in **parliamentary business in which a member has a financial interest**, a member must declare that interest to the House or committee. In this context, a "financial interest" is a direct financial benefit that might accrue to the member personally or to an entity in which the member holds an appreciable interest, arising from a particular item of business being considered. It includes a financial interest held by the spouse, partner, or dependent child of the member. Failing to declare such an interest may be treated as a contempt of the House.

An interest that has been declared in the register (see below) does not need to be declared separately as a financial interest, but some interests will need to be declared through this process while not being included in the register (for example, interests of close family members).

If a financial interest is declared in the House, the disclosure would thus be publicly available. If disclosed in a select committee, there is no particular requirement for the member or the committee to make the information publicly available. In general terms, however, all select committee proceedings (except secret evidence) can be made available to the public after the committee reports on the business concerned.

New Zealand also has a **Register of Pecuniary and Other Specified Interests**. Members make a return each year, setting out certain financial, business, and personal interests for the public record (see appendix 1). These returns are compiled by an independent Registrar and published in hardcopy and online. The Registrar is appointed by the Clerk.

The purpose of the register is to record members' interests, providing transparency and strengthening public trust and confidence in parliamentary processes and decision making. By being open about their interests, members can protect themselves from accusations of having a hidden conflict between their private interest and their public role. In turn, the public can judge members' actions against their known interests to reach an opinion about whether a member has behaved appropriately.

Not every interest a member has is included in the register. Members are required to disclose certain pecuniary interests (matters and activities of financial benefit) and a few other specified categories of interest. It is not a register of wealth and does not state the monetary value of members' interests.

Members' expenses

Some additional transparency measures apply to members' expenses. These rules are contained in the Members of Parliament (Remuneration and Services) Act (sections 33 and 37) and secondary legislation made under the Act, including the Speaker's Directions 2023 and the Members of Parliament (Accommodation Services for Members and Travel Services for Family Members) Determination 2023.

Managing conflicts of interest

Members must disclose and take steps to manage all potential conflicts of interests when obtaining goods and services from a related party. This may include a member's political party, spouse, partner, dependant, other family members, and trusts or companies connected to the member or their family.

These disclosure requirements are internal—they need only be disclosed to the Parliamentary Service, and the Parliamentary Service will not share information about a member with the public.

An exception applies to leasing an office from a related party. In that case, the cost of the lease, the type of related party, and an independent market rental valuation are published on the parliament website.

Public disclosure of certain expenses

The Parliamentary Service and the Clerk make quarterly disclosures of each member's accommodation and travel expenses, which are published on the Parliament website.

Other spending

The Parliamentary Service is subject to the *Protocol for the release of information from the parliamentary information, communication, and security systems*, which prevents it from sharing information about a member without the member's consent. The Parliamentary Service, as a result, will not release any other information about members' spending, without their consent.

The Speaker's Directions and Remuneration Authority determinations contain some limits on services and costs, and this information is publicly available.

The House is currently considering the Parliament Bill, which, if passed in its current form, would authorise the Speaker to determine what information about members' expenses should be proactively released or made available on request.

Arrangements for Ministers

All transparency rules that apply to members apply also to Ministers. However, Ministers are subject to a range of additional requirements. These differences reflect the influence and power that Ministers exercise and the information they have access to, both in the individual performance of their portfolio responsibilities and as members of the executive. Specific guidelines on the conduct, public duty, and personal interests of Ministers are set out in Chapter 2 of the *Cabinet Manual*.

As part of the executive, Ministers are subject to the **Official Information Act 1982**, and so must release information on request (subject to statutory exceptions), although only in relation to their ministerial role. Communications in their parliamentary role are not required to be released. Ministers may also need to release information about their ministerial role in response to **oral or written questions** in the House.

In addition, Governments have opted for **proactive release of some material**, including—

- ministerial credit card statements, reconciliation forms, and supporting documentation such as receipts or purchase orders.
- ministerial diaries
- Cabinet papers
- titles of advice, reports, briefings, and aides memoire received from departments.

The Cabinet Office, on behalf of the Prime Minister, supports Ministers to identify and manage **conflicts of interests** that may arise in relation to their portfolios or to identify and review possible conflicts proactively and ensure that any conflicts of interests are addressed promptly. The range of potential conflicts is wider than that declared in the Register. Methods of managing a conflict will depend on the specific circumstances, and may include declaring the interest, limiting involvement in ministerial business, or the Minister divesting themselves of the interest.

Lobbying

New Zealand does not have a register of lobbyists.

The New Zealand Government announced a piece of policy work in 2023 to regulate lobbying and call for the industry to develop a voluntary code of practice. Information on this work can be found on the Ministry of Justice website.

Record of decisions

Aside from provisions in criminal law, the main yardstick for conduct has historically been the general assumption, in the Westminster tradition, that members behave honourably in the public interest. Specific provisions relating to pecuniary interests of members have been included in the Standing Orders since the 19th century. Until 1995, a member was disqualified from voting if they held a direct pecuniary interest in the matter concerned, although exclusions from the rule were so broad as to render it largely inoperative. The Standing Orders were amended in 1995 to require a member to declare a financial interest before participating in business in respect of which the interest arises, without preventing the member's vote from being cast (this corresponded with the introduction of party voting in the House). The reasoning of the Standing Orders Committee in recommending this change can be found in the report on the Review of Standing Orders 1995, pages 82–83.

The Register of Pecuniary and Other Specified Interests dates back to 2005. Such a register had been discussed previously between parties, but a consensus had not been reached. In 2005, the Leader of the House introduced a bill to impose a register as a statutory measure. When the bill was considered by the Standing Orders Committee, a compromise was reached to establish the register under the Standing Orders, rather than having it passed into law. The bill's contents were largely adopted and now form the basis of Appendix B of the Standing Orders. The committee's 2005 report on the bill is available here. While there have been some amendments since then, most notably in 2010, Appendix B remains largely similar to its original form.

The disclosure of the travel and accommodation expenses of members of Parliament and Ministers began in July 2009. This followed a cross-party decision by parties in the House at the time, and was announced in a joint press release by the Speaker and the Prime Minister. Subsequently, a statutory requirement was enacted for quarterly returns of such expenses (see Members of Parliament (Remuneration and Services) Act 2013, sections 33 and 37).

Ministerial matters may be included in press releases.

Yours sincerely

Dr David Wilson
Clerk of the House of Representatives

Appendix 1: Register of Pecuniary and Other Specified Interests

Members' returns consist of 14 discrete forms. These fall into two broad categories.

A snapshot of interests that exist on the effective date (for annual returns, 31 January each year):

- Directorships and significant shareholdings
- Other pecuniary interests in companies and business entities
- Employment
- Interests in trusts
- Organisations and trusts seeking government funding
- Real property
- Retirement schemes
- Managed investment schemes
- Debts over $50,000 owed by
- Debts over $50,000 owed to a member

Interests or benefits received in period covered by return (between the last return and the effective date):

- Overseas travel
- Gifts over $500
- Discharged debts over $500
- Payments for activities

Appendix 2: Useful resources

Commentary

David Wilson (2023). *Parliamentary Practice in New Zealand* (fifth edition), chapters 9, 10, and 59.

Publishing of transparency information

Parliamentary

Register of Pecuniary and Other Specified Interests

Quarterly disclosures of members' spending on travel and accommodation

Disclosures of office rentals, where landlord is a related party

Ministerial

Oral questions (part of the Hansard)

Questions for written answer

Quarterly releases of Ministerial credit card spending

Quarterly disclosure of Minister's spending on travel and accommodation

Ministerial diaries