



## ETHICS COMMITTEE

### REPORT NO. 209

# MATTER OF PRIVILEGE REFERRED BY THE REGISTRAR ON 5 JANUARY 2022 RELATING TO THE ALLEGED FAILURE TO REGISTER AN INTEREST IN THE REGISTER OF MEMBERS' INTERESTS

## Introduction and background

1. The Ethics Committee (the committee) is a statutory committee of the Queensland Parliament established under section 102 of the *Parliament of Queensland Act 2001* (the POQA). The current committee was appointed by resolution of the Legislative Assembly on 26 November 2020.
2. The committee's area of responsibility includes dealing with complaints about the ethical conduct of particular members and dealing with alleged breaches of parliamentary privilege by members of the Assembly and other persons.<sup>1</sup> The committee considers and reports on matters of privilege and possible contempts of parliament referred to it by the Speaker, the Registrar, or the House.
3. This report concerns a referral from the Registrar regarding a possible contempt of Parliament by the Member for South Brisbane, Dr Amy MacMahon MP ('Member for South Brisbane') for failing to declare an interest on the Register of Members' Interests ('the Register').

## The referral

4. On 10 December 2021, the Member for Bancroft, Mr Chris Whiting MP (Member for Bancroft), wrote to the Registrar (the Clerk of the Parliament) alleging that the Member for South Brisbane had failed to provide adequate particulars in the Register, in accordance with Schedule 2 of the Standing Orders and section 69B of the *Parliament of Queensland Act 2001* (POQA).
5. The Member for Bancroft alleged that the Member for South Brisbane failed to provide information on the nature of the activities, the investments or beneficial interests of a self-managed superannuation fund that was listed on her entry on the Register.
6. Section 14 of Schedule 2 of the Standing Orders sets out the procedure to be followed when a member alleges another member has failed to comply with the requirements of the Register. Under these procedures, members must make allegations in writing to the Registrar.
7. Section 14(3) of Schedule 2 of the Standing Orders also provides that the Registrar must refer the allegation to the committee; and give the details of the allegation to the member against whom the allegation is made.
8. Accordingly, on 5 January 2022, the Registrar referred the allegation to the committee and enclosed a copy of the Member for Bancroft's correspondence. The Registrar also advised he had written to the Member for South Brisbane, notifying her of the allegation and referral to the committee.

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<sup>1</sup> *Parliament of Queensland Act 2001*, section 104B.

### **Obligations when considering allegations**

9. Section 15 of Schedule 2 of the Standing Orders outlines the obligations on the committee when considering an allegation referred by the Registrar as follows:
- (1) The Ethics Committee must consider each allegation referred to it, and for that purpose, may—*
    - (a) give each member concerned the opportunity to be heard; and*
    - (b) obtain information from such other persons, and make such inquiries, as it thinks fit; after which it may—*
    - (c) make a report to the Legislative Assembly; and*
    - (d) with the report, recommend the action that should be taken in relation to the matter.*
  - (2) The Ethics Committee must not make a report unless—*
    - (a) it has given the member against whom the allegation has been made the opportunity—*
      - (i) to be heard; and*
      - (ii) to make written submissions; and*
    - (b) it has given the person that the member nominates the opportunity to be heard.*

### **Definition of contempt**

10. Section 37 of the POQA defines the meaning of ‘contempt’ of the Assembly as follows:
- (1) “Contempt” of the Assembly means a breach or disobedience of the powers, rights or immunities, or a contempt, of the Assembly or its members or committees.*
  - (2) Conduct, including words, is not contempt of the Assembly unless it amounts, or is intended or likely to amount, to an improper interference with—*
    - (a) the free exercise by the Assembly or a committee of its authority or functions; or*
    - (b) the free performance by a member of the member’s duties as a member.*

### **Nature of contempt relating to Registers of Interests**

11. The examples listed in section 37 of the POQA and in Standing Order 266(24) make it clear that failing to keep an accurate statement of interests can be a contempt of Parliament.
12. Standing Order 266(24) provides:
- Contravening the requirements and orders imposed by the operation of the Parliament of Queensland Act (see also Examples 7 and 8 s.37 Parliament of Queensland Act and s.58 Criminal Code).*
13. Section 37 (example 7) of the POQA provides that a contravention of subsections 69B(1), (2) or (4) of the POQA is an example of a contempt.
14. Section 69B of the POQA provides:

#### **Statements of Interests**

- (1) A member must, within 1 month after taking the member’s seat, give to the registrar the following statements—*
  - (a) a statement of the interest, as at the date of the election, of the member (a statement of interests (member));*
  - (b) a statement of the interest, as at the date of the election, of which the member is aware of each person who is a related person of the member (a statement of interests (related persons)).*
- (2) A member must, within 1 month after becoming aware of a change in the particulars contained in the last statement of interests given by the member, notify the registrar in writing of a change.*

...

(4) *A member must not give to the registrar a statement of interests or information relating to a statement of interests the member knows is false or misleading in a material particular.*

15. Section 18 of Schedule 2 of the Standing Orders sets out the requirements for a finding of contempt:

*A member who—*

(a) *knowingly fails to give a statement of interests to the Register as required;*

(b) *knowingly fails to notify the Registrar of a change of details contained in a statement of interest;*  
*or*

(c) *breaches s 69B(4) of the Parliament of Queensland Act 2001,*

*is guilty of a contempt of the Parliament and may be dealt with accordingly.* [Emphasis added]

### ***The committee's proceedings***

16. The committee has established procedures and practices for dealing with referrals which ensure procedural fairness and natural justice is afforded to all parties. These procedures are set out in chapters 44 and 45 of Standing Orders. The committee is also bound by the instructions regarding witnesses contained in Schedule 3 of the Standing Orders.

17. The committee applies the civil standard of proof, on the balance of probabilities, in making a finding of contempt. This is a lower standard than the 'beyond reasonable doubt' standard required for criminal matters. However, proof of a very high order is required to make a finding of contempt, consistent with the test applied in relation to misconduct charges at common law.<sup>2</sup>

18. After being notified by the Registrar, the Member for South Brisbane wrote to the committee on 16 February 2022 to respond to the allegations and provide a submission.

19. The committee sought, and received, advice from the Clerk of the Parliament as Registrar.

20. Based on the submission from the Member for South Brisbane and the advice of the Registrar, the committee determined that it had sufficient information to deliberate on the allegation.<sup>3</sup>

21. With respect to allegations of a failure to register an interest the committee applies *two separate tests* and their elements as derived from the Standing Orders, specifically:

1. Did the matter require disclosure, and

2. If the matter required disclosure, has the non-disclosure resulted in a contempt?

### **Element 1: Did the matter require disclosure?**

22. The purpose of the Register is to place on record any pecuniary or other relevant interests of a member which may give rise to a conflict of interest or a perception of a conflict of interest between a member's private interests and the public interest. The Register seeks to provide information which might be thought by others to affect a member's public duties, or to influence their speeches or votes in the Legislative Assembly.<sup>4</sup>

23. The Member for Bancroft, when raising his allegation with the Registrar, provided a link to the Register and stated that the under 7(5)(c) of Schedule 2 of the Standing Orders, the Member for South Brisbane had listed:

*Sally Miller Self-Managed Super Fund Ethical Investment advisors, Red Hill, self-managed super fund, trustee.*

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<sup>2</sup> In the leading High Court authority in the area, *Briginshaw v Briginshaw* (1938) 60 CLR 336, Latham CJ at 343-344 stated: 'The standard of proof required by a cautious and responsible tribunal will naturally vary in accordance with the seriousness and importance of the issue'.

<sup>3</sup> In accordance with Standing Order 211B(3) the minutes of the committee's proceedings and submissions received in relation to this matter are attached to this report.

<sup>4</sup> Schedule 2 – Registers of Interests, [Standing Rules and Orders of the Legislative Assembly](#): Effective from 31 August 2004 (Includes amendments effective 3 December 2020).

24. Section 7(5)(c) of Schedule 2 of the Standing Orders provides that a members' statement of interests must include details of any private superannuation fund of which the member is a trustee or director. It must also include:
- (i) the name or description of the fund;*
  - (ii) the nature of the activities of the fund;*
  - (iii) the investments or beneficial interests of the fund (of which the member is aware).* [Emphasis added].
25. However, the Register is a live document and at the time the Secretariat viewed the Register to confirm the Member for Bancroft's account, the Member for South Brisbane's entry under 7(5)(c) of Schedule 2 of the Standing Orders read:
- Sally Miller Self Managed Super Fund Ethical Investment advisors, Red Hill, self managed super fund, trustee. Bank account, shares: BENPE.AX; ETHICAL; GEM.AX; HLS.AX; MILLAMAC\_MAQUARIE PO; MEX.AX; TLS.AX; WBC.AX*
26. In her submission, the Member for South Brisbane stated that the fund in question belonged to her mother, of whom she is a carer for. The Member for South Brisbane said she did not receive any benefit from the fund in question and was unaware at the time of first declaring the fund of the investments or interests of the fund.
27. The Member for South Brisbane confirmed in her submission that she had updated her Register on 6 January 2022, after being notified by the Registrar on 5 January 2022 of the Member for Bancroft's complaint.
28. The Clerk of the Parliament confirmed that the Member for South Brisbane amended her statement on the Register on 6 January 2022 to reflect the investments of the superannuation fund.
29. Further, the Member for South Brisbane noted that she had met with the Registrar as a new member and she was advised to declare all interests *of which she is aware*.
30. The Clerk of the Parliament confirmed the meeting with the Member for South Brisbane stating:
- I have no specific recollection of discussing the particulars of Ms McMahon's (sic) self-managed superannuation fund under s 7(5)(c). But based upon the operation of those sessions, I feel confident that if Ms McMahon (sic) identified that she was the trustee of a self-managed fund, then the need to identify and disclose the assets of the self-managed fund would have been discussed.*
31. Both the Member for South Brisbane and the Clerk of the Parliament reference a document that was emailed to all Members on 28 July 2022, entitled 'Examples, Common Issues and Frequently Asked Questions'. The Frequently Asked Question with respect to private superannuation funds is as follows:
- Frequently asked questions:**
- If a member has a self-managed fund that is in reality managed by a professional fund manager, does the member have to disclose the assets of the fund?*
- Yes. It does not matter whether the member actually manages the fund themselves or has the assistance of one or more professional advisers. If it is a self-managed superannuation fund (SMSF) under the Superannuation Industry (Supervision) Act 1993 (Cth) the SMF and its assets and investments must be disclosed.*
32. Disclosing information of which a member is aware is consistent with the wording of section 7(5)(c).
33. The Clerk of the Parliament recently provided advice that was included in Ethics Committee Report No. 201, Matter of Privilege referred by the Registrar on 23 October 2019 relating to an alleged failure to register an interest in the Register of Members' Interests. While this advice was in relation to a family trust, rather than a superannuation fund, the advice is relevant to this situation as both family trusts and private superannuation funds require disclosure of investments and beneficial interests of which the member is aware:
- If the member only discloses what they know without making inquiries of the trustees, then it is unlikely that the member would be in contempt. However, the member runs the risk of possible embarrassment and reputational damage if they in good faith declare only what they know, only to*



*have it later revealed that something has not been declared which is controversial or involves a possible conflict in interest.*

34. At the time of declaring her interest in the private superannuation fund, the Member for South Brisbane stated that she was unaware of the investments or activities in the fund and thus completed all details of which she was aware.
35. Once being made aware of the allegation, she made appropriate enquiries and declared further information on the investments of the fund in question.
36. Based on the wording of 7(5)(c) of Schedule 2 of the Standing Orders and the advice of the Clerk as to what information is required to comply with the Standing Orders, the Committee determined that the first element was not met.
37. While seeking out information on the investments or beneficial interests of a private superannuation fund is best practice, failing to do so and declaring only those details that the member has direct knowledge of still complies with the requirements of the Standing Orders.
38. Having determined the first element of the contempt was not satisfied, the committee determined there was no need to consider the second element.

### **Conclusions**

39. Based on the information before the committee, the committee finds that the Member for South Brisbane made an adequate declaration on the Register with respect to a self-managed superannuation fund in accordance with section 7(5)(c) of Schedule 2 of the Standing Orders.
40. Therefore, the Member for South Brisbane is not guilty of a contempt for failing to declare an interest in the member's register of interests.

### **Recommendation**

41. The committee recommends that the House take no further action in relation to this matter.

### **Committee Comment**

42. The committee reminds all members of the Clerk's advice included in Ethics Committee Report No. 201, Matter of Privilege referred by the Registrar on 23 October 2019 relating to an alleged failure to register an interest in the Register of Members' Interests and encourages all members to make fulsome declaration on the Register:

*If the member only discloses what they know without making inquiries of the trustees, then it is unlikely that the member would be in contempt. However, the member runs the risk of possible embarrassment and reputational damage if they in good faith declare only what they know, only to have it later revealed that something has not been declared which is controversial or involves a possible conflict in interest.*



Ms Jennifer Howard MP  
**Chair**

March 2022

### **Membership — 57<sup>th</sup> Parliament**

Ms Jennifer Howard MP, Chair

*Member for Ipswich*

Mr Andrew Powell MP, Deputy Chair

*Member for Glass House*

Mr Linus Power MP

*Member for Logan*

Mr Daniel Purdie MP

*Member for Ninderry*

Ms Kim Richards MP

*Member for Redlands*

Mr Ray Stevens MP

*Member for Mermaid Beach*

### **Contact**

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Subscribe: [www.parliament.qld.gov.au/subscribe](http://www.parliament.qld.gov.au/subscribe)

## **ETHICS COMMITTEE PROCEEDINGS**

Standing Order 211B(3) provides that when the Ethics Committee makes its final report to the House on a matter, the committee shall at the same time, table in the House:

- (a) The minutes of its proceedings relevant to the matter; and
  - (b) Any submissions received or evidence taken in respect of the matter (including transcripts of hearings)
- unless the committee resolves that some or all of its proceedings remain confidential.

The relevant minutes and evidence in respect of this matter are attached to this report.

## EXTRACT OF MINUTES –

### MATTER OF PRIVILEGE REFERRED BY THE REGISTRAR ON 5 JANUARY 2022 RELATING TO THE ALLEGED FAILURE TO REGISTER AN INTEREST IN THE REGISTER OF MEMBERS' INTERESTS



## Ethics Committee

Meeting No. 19

Thursday, 24 February 2022, 3.06pm

Speaker's Dining Room, Level 4, Parliamentary Annexe

#### Present

Ms Jennifer Howard MP, Chair  
Mr Andrew Powell MP, Deputy Chair  
Mr Linus Power MP  
Mr Daniel Purdie MP  
Ms Kim Richards MP  
Mr Ray Stevens MP

#### In attendance

Ms Erin Hastie, Committee Secretary  
Ms Rebecca Meehan, Assistant Committee Secretary

#### Inquiry 4 – MacMahon referred by the Registrar on 5 January 2022

Noted briefing paper no. 14 provided.

#### Resolved

That the committee write to the Clerk seeking further information on the allegations under SO 270(1)(b) in the terms of the draft letter provided.

Moved: Mr Power

## EXTRACT OF MINUTES –

### MATTER OF PRIVILEGE REFERRED BY THE REGISTRAR ON 5 JANUARY 2022 RELATING TO THE ALLEGED FAILURE TO REGISTER AN INTEREST IN THE REGISTER OF MEMBERS' INTERESTS



## Ethics Committee

Meeting No. 20  
Thursday, 17 March 2022, 5.36pm  
Committee Room 3, Parliamentary Annexe

**Present**

Ms Jennifer Howard MP, Chair  
Mr Andrew Powell MP, Deputy Chair  
Mr Linus Power MP  
Mr Daniel Purdie MP  
Ms Kim Richards MP  
Mr Ray Stevens MP

**In attendance**

Mr Michael Ries, Committee Secretary  
Ms Rebecca Meehan, Assistant Committee Secretary

#### **Inquiry 4 – MacMahon referred by the Registrar on 5 January 2022**

The committee noted the Chair's draft report provided. The committee also noted the materials to be tabled under SO211B(3) provided.

Discussion ensued.

#### Resolved

That the committee adopt the Chair's draft report and authorises its tabling.

Moved: Mr Stevens

#### Resolved

That the committee:

- a) note the material to be tabled with its report on the matter under Standing Order 211B(3), and
- b) authorise the publication of the correspondence from the Registrar dated 5 January 2022 referring the matter to the committee, the submission by the Member for South Brisbane dated 16 February 2022 and the submission by the Clerk dated 28 February 2022.

Moved: Mr Stevens

Extracts certified correct on 17 March 2022

A handwritten signature in blue ink, appearing to read "J Howard".

Jennifer Howard MP  
Chair



## Queensland Parliamentary Service

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### THE CLERK OF THE PARLIAMENT

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Brisbane Qld 4000  
email: [ClerksOffice@parliament.qld.gov.au](mailto:ClerksOffice@parliament.qld.gov.au)  
[www.parliament.qld.gov.au](http://www.parliament.qld.gov.au)

Our Ref: A805624

5 January 2022

Ms Jennifer Howard MP  
Chair  
Ethics Committee  
Parliament House  
George Street  
BRISBANE QLD 4000

By email: [ethics@parliament.qld.gov.au](mailto:ethics@parliament.qld.gov.au)

Dear Ms Howard

On 10 December 2021 I received correspondence from Mr Chris Whiting MP, making a complaint against the Member for South Brisbane in accordance with s.14 of Schedule 2 of the *Standing Rules and Orders of the Legislative Assembly* for failing to comply with Schedule 2.

In accordance with s.14(3) I must refer an allegation by a member, made in writing, to the Ethics Committee. Therefore, I refer the allegation to the committee and attach a copy of the complaint.

I am also required to give the details of the allegation to the member and, therefore, advise I have informed the member of the referral and provided the member a copy of the complaint.

I am, of course, available to assist the committee upon its request.

Yours sincerely

Neil Laurie  
The Clerk of the Parliament

Enc



# CHRIS WHITING MP

## Member for Bancroft

10 December 2021

Mr Neil Laurie  
Clerk of the Parliament  
Registrar of the Members' Register of Interests  
2 George Street  
BRISBANE QLD 4000

Dear Mr Laurie

I write to you in your capacity as Registrar of the Members' Register of Interests. Section 9.2 of the Code of Ethical Standards of the Legislative Assembly provides:

*"A Member may make an allegation, in writing, to the Registrar (the Clerk) that another Member has failed to comply with requirements relating to the registration of a matter at Schedule 2 to the Standing Orders (see Part 3.1 of this Guide). On receipt of an allegation from a Member, the Registrar must refer the matter to the Ethics Committee and provide the Member who is the subject of the allegation with details of the allegation."*

Section 7(5) of Schedule 2 – Register of Interests - to the Standing Rules and Orders of the Legislative Assembly provides:

- (5) A statement of interests required to be given by a member must contain the following details—
- (c) in respect of any private superannuation fund in which the member or a related person is a trustee or director—
    - (i) the name or a description of the fund
    - (ii) the nature of the activities of the fund.
    - (iii) the investments or beneficial interests of the fund (of which the member is aware).

The Member for South Brisbane, Ms Amy MacMahon MP, has registered a number of interests in her entry in the Members' Register of Interests, which is available online at <https://documents.parliament.qld.gov.au/Assembly/Procedures/MembersRegister.pdf>

Amongst these is an entry under Subclause 7(5)(c) "Trustee or director of private superannuation fund". The instructions are quite explicit in what is required to be registered under this heading - (name of fund; nature of activities of fund; and investments or beneficial interests of private superannuation funds listed).

The Member for South Brisbane's entry states: "Sally Miller Self-Managed Super Fund Ethical Investment advisors, Red Hill, self-managed super fund, trustee."

The entry gives no indication of the nature of the activities of the fund as is required under section 7(5)(c)(ii) or the investments or beneficial interests of the fund as is required by Section 7(5)(c)(iii).



# CHRIS WHITING MP

## Member for Bancroft

During debate of the *Housing Legislation Amendment Bill* in the House on 13 October 2021, the member for South Brisbane, in her contribution, relied upon what she described as the 'housing crisis' in Queensland.

She commented on the fact that members of the House owned a number of investment houses, and went so far as to move an amendment to the second reading motion to the effect:

*"That the words 'now read a second time' be deleted and the following words be inserted:*

*'Considered further once all members of parliament who are landlords excuse themselves from voting on this legislation due to a conflict of interest.'"*

Her reason for moving this amendment was that *"landlords..... have a clear conflict of interest when it comes to renters' rights"*.

Other members participating in the debate of the Bill were at a disadvantage in respect of the member for South Brisbane's investor status. As she has failed to disclose the nature of the activities of her self-managed superannuation fund, or the investments or beneficial interests of the fund, members could not comment on whether she is benefiting from ownership of real property or investment houses through the fund.

This case emphasises why the Standing Orders require information about the nature of the activities of a fund, or the investments or beneficial interests of the fund. Insufficient information on the fact of investment in a self-managed superannuation fund is not sufficient for the purposes of the Standing Rules and Orders.

Newly elected members of the House are given instruction on the importance of maintaining a correct and complete entry in the Members' Register of Interests.

In accordance with section 14(2) of Schedule 2 to the Standing Orders I refer this matter to your thoughtful consideration and request that you refer this allegation of the Member for South Brisbane's incomplete compliance with her obligations pursuant to the Standing Orders to the Ethics Committee under section 14(3) of the Standing Orders.

Yours sincerely

Chris Whiting MP  
State Member for Bancroft





16 February 2022

Ms Jennifer Howard MP  
Chair, Ethics Committee  
Queensland Parliament  
Parliament House, George Street  
BRISBANE QLD 4000  
**Via email: [ethics@parliament.qld.gov.au](mailto:ethics@parliament.qld.gov.au)**

### **REFERRAL OF COMPLAINT BY THE MEMBER FOR BANCROFT**

Dear Ms Howard,

On 5 January 2022, the Clerk of the Parliament advised me that he had referred a matter to you in accordance with section 14 of Schedule 2 of the *Standing Rule and Orders of the Legislative Assembly*.

Although I have not heard from the Committee yet, I am writing to provide information in response to the complaint for the Committee to consider.

#### **Summary of the complaint**

On my reading of the member for Bancroft's complaint, where this matter originated, he is concerned that I have not complied with requirements about the registration of a matter at Schedule 2 to the Standing Orders, because I did not provide details of the nature of the activities of the *Sally Miller Self-Managed Super Fund*, or the investments or beneficial interests of the fund.

His letter goes on to state that, during debate of the *Housing Legislation Amendment Bill* in the House on 13 October 2021, '[o]ther members participating in the debate of the Bill were at a disadvantage in respect of [my] investor status.' For clarity, I confirm that I am not, nor ever have been, a landlord or housing investor.

#### **Response to the complaint**

At the time of being elected in 2020, I was a trustee of my mother's (Sally Miller's) self-managed super fund. The fund is managed by a company called Ethical Investment Advisors, based in Red Hill. Since my mother suffered a stroke in 2012, my siblings and I have supported her in various ways, including acting as her carer and providing physical, emotional and financial support.



I completed my register of interests in accordance with advice from the Clerk. The Clerk's advice was to complete the register with the details of those investments of which I was aware. Similar advice is included in the Register of Members' Interests FAQ.

As has been reflected in the Register from the beginning, I am a trustee of the fund, not a beneficiary, meaning I derive no personal financial benefit from its investments, whatever they might be.

My failure to list the individual investments of my mother's self-managed superannuation fund was an oversight, and I should have been proactive to make sure I was aware of those interests in which my mother's super fund invests. For this I apologise. I have updated the register accordingly, on 6 January 2022.

As is now reflected in the Register, the fund has shares in the following entities:

- Bendigo and Adelaide Bank Limited.
- Ethical Investment Advisers Mid-Cap Model.
- G8 Education Limited.
- Healius Limited.
- Meridian Energy Limited.
- Sigma Healthcare Limited.
- Telstra Corporation Limited.
- Westpac Banking Corporation.

Other assets include bank accounts.

My mother has since received advice from her advisor that due to the small size of the SMSF, a self-managed model is no longer the best option for her. She will be moving her super into a standard super fund, at which time I will no longer be trustee. I will update the register when this is done.

I thank you for your work on this matter.

Please do not hesitate to contact my office on 3724 9100 if you would like to discuss this matter in more detail.

Kind regards,



Amy MacMahon  
Member for South Brisbane



Our Ref: A131095

25 February 2022

Ms Jennifer Howard MP  
Chair  
Ethics Committee

By email: [ethics@parliament.qld.gov.au](mailto:ethics@parliament.qld.gov.au)

Dear Ms Howard

I refer to your letter of 24 February 2022 regarding the complaint from the Member for Bancroft alleging that the Member for South Brisbane failed to provide sufficient particulars in the Register of Members' Interests.

The committee has posed questions or requests for information, I replicate each question or request with my answer or response below:

- 1. Did the member for South Brisbane meet with you as Registrar as a new member, or subsequently, to discuss the requirements of the Register of Members' Interests? If so, when did the meeting/s take place?***

As a new Member of the Legislative Assembly, Ms McMahon attended *Session 30 of the 57<sup>th</sup> Parliament New Members Induction* titled *Register of Members' Interest* held on 19 November 2020 from 9.15-10.00 am. In that Session the requirements of Schedule 2 were explained to new members and a private meeting with the Clerk, before completing declarations, was foreshadowed. The slides at that session were only a summary of the obligations and whilst indicating the need to declare "a private superannuation fund in which the member or related person is a trustee or a director", did not specify the need to declare investments of the fund. The power point slides for that session are attached (**Attachment 1**). The attendance role, indicating Ms McMahon's attendance is also attached (**Attachment 2**).

On 30 November 2020 I wrote to all Members of the 57<sup>th</sup> Legislative Assembly reminding them of their obligation to comply with Schedule 2 of Standing Order (the registers) and attaching forms for completion. In respect of new members, I stated "If you are a new member, as advised at the Induction, I am requesting you to seek a meeting with me prior to the lodgement of your forms." I attach the correspondence to Ms McMahon (**copy is Attachment 3**).

I met with all new members in early December 2020.

My diary reveals that I met with the Member for South Brisbane in my office at 3.30 pm on 2 December 2020 to discuss the Members' Register of Interest.

My practice in those meetings was to take members through each requirement of Schedule 2, with a Form 1 (and where applicable a Form 2) and try and identify their interests to the extent possible and effectively fill in the declaration Form as we went (in draft). Sometimes members would need to check

matters raised as they did not have details at the time. I would let the members take the draft Form 1 (and perhaps 2) with them.

I have no specific recollection of discussing the particulars of Ms McMahon's self-managed superannuation fund under s 7(5)(c). But based upon the operation of those sessions, I feel confident that if Ms McMahon identified that she was the trustee of a self-managed fund, then the need to identify and disclose the assets of the self-managed fund would have been discussed.

Ms McMahon submitted her initial Form 1 on 1 January 2021. That Form lists the self-managed fund and that she was Trustee (**copy is Attachment 4**). There was also an update between 1 January 2021 and 10 December 2021 and that was on 22 September 2021, advising a membership and donation (**copy is attachment 5**).

**2. A copy of the member for South Brisbane's entry on the Register as at 10 December 2021.**

A copy of the Member for South Brisbane's declaration as at 10 December 2021 is attached (**copy is Attachment 6**).

**3. Did the member for South Brisbane update her register of interests to include further particulars with respect to the self-managed superannuation fund under s 7(5)(c) of the Register? If so, when?**

On 6 January 2022 Ms McMahon lodged a Form 3 advising of the assets of the self-managed fund (**copy is Attachment 7**).

**4. Any other advice that you may have provided to the member for South Brisbane in relation to the declaration of this matter.**

On 28 July 2022 I emailed all members a new explanatory document titled regarding the registration of interests titled "Examples, Common Issues and Frequently Asked Questions" (**copy is Attachment 8**). Pages four and five of that document deal with self-managed superannuation funds and declaration of the investments of those funds.

Following the complaint to the Ethics Committee (of which Ms McMahon was advised by email on 5 January 2022), Ms McMahon on the same day by email sought advice about the process following the complaint.

I responded on 6 January 2022 as follows

*The first part of the process is for the Committee to receive the complaint and then ask for your response. What happens after this is a matter for the committee.*

*Your options are:*

- 1. Simply await correspondence from the Ethics Committee. The Committee will no doubt in due course write and ask you for a response the complaint. The Committee may not meet again until February.*
- 2. Write to the Committee in advance of its meeting putting forth your response. The advantage to this approach is it may shorten the time taken to finalise the matter.*

*Happy to discuss via mobile if you need further information 0417757200.*

Yours sincerely

Neil Laurie  
The Clerk of the Parliament  
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Attachment 1.



New Members' Induction

# Register of Interests

Presented by Neil Laurie, Clerk of the Parliament



# Members and Ethics

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An overview





## Sources of ethical obligations

### Code of Ethical Standards

- Detailed overview of obligations, conflicts of interests to be covered by Deputy Clerk later

### Obligations at Law - *Parliament of Queensland Act 2001*

- Qualifications and Disqualifications as Member
- Chapter 4, Part 2A Registers of interests

### Obligations in Standing Rules and Orders of the Legislative Assembly

- Schedule 2 Registers of interests
- Conflicts of Interest – Standing Orders Chapter 40 – Declarations of Interest
  - SO 259 No member pecuniarily may vote
  - Declaration of pecuniary interest in debate
  - Conflict of interest in committee proceeding
  - Disclosures in communication with government

# Register of Interests

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## *Parliament of Queensland Act*

- 2010 Integrity and Accountability Review
  - Recommended statutory requirement for a Register of Members' Interest and a Register of Related Persons' Interest.
- *Parliament of Queensland Act 2001* amended to enshrine obligation to register interests
  - Chapter 4, Part 2A Registers of interests
- S69C provides that the Clerk is the registrar.



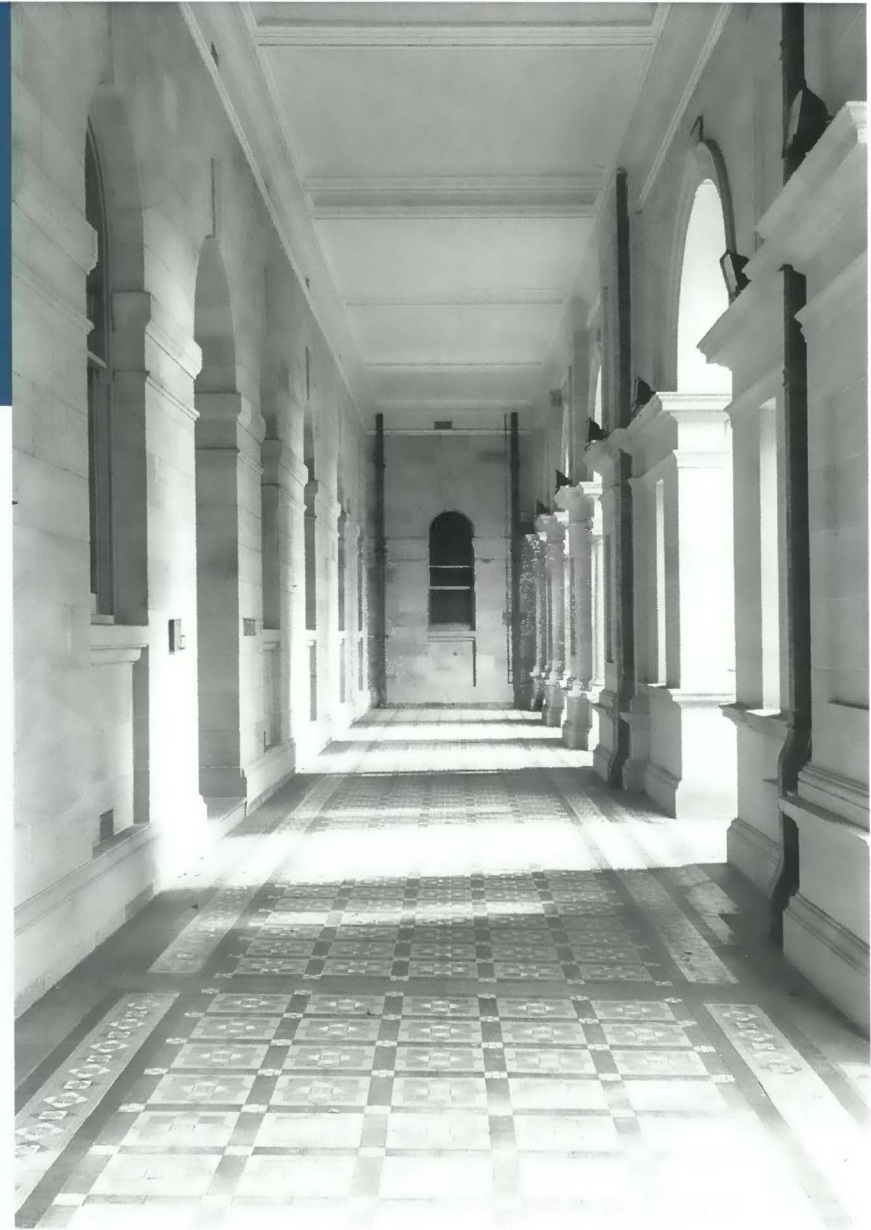
# Standing Orders

Standing Orders (Schedule 2) provides the administrative arrangements for the registers and the particulars of interests that must be disclosed



# Purpose of Registers

- The purpose of the Register of Members' and Related Persons Interests is to place on the public record any pecuniary or other relevant interests of a member which may give rise to a conflict of interest or a perception of a conflict of interest between a member's private interests and the public interest (Schedule 2 – SOs).
- Will now take you through the details of the registration process



## Requirement to update and register within one month

### **The POQA (s.69B) provides:**

A member must, within 1 month after taking the member's seat, give to the registrar:

- (a) A statement of the interest, as at the date of election (FORM 1); and
- (b) A statement of the interest, as at the date of election, of which the member is aware of each person who is a related person of the member (FORM 2).

A member must also, within 1 month of becoming aware of any change in particulars contained in the last statement notify the registrar in writing of the change (FORM 3).

A false or misleading statement constitutes a contempt of the Assembly.



## Tabling and publishing of Register of Members' Interests

**Section 11 of the Schedule 2 of the SOs provides:**

As soon as practicable after –

- (a) The first sitting day of each Parliament; and
- (b) The 30<sup>th</sup> day of June in each subsequent year during the life of that Parliament; the Speaker must table in the Legislative Assembly a copy of the Register of Members' Interests ("The Annual Report of the Register of Members' Interests")

The Registrar is to ensure that a copy of the Annual Report of the Register of Members' Interests is published on the Parliament's internet website and any FORM 3 updates are posted within one week of receipt.

# Inspection of registers

## Register of Members Interests

The Registrar must, at the request of a person, permit the person to inspect the Register of Members' Interests during normal business hours of the office of the Clerk.

## Register of Related Persons Interests

Inspection restricted to the following class of persons:

- the Speaker;
- the Premier;
- any other Leader in the Legislative Assembly of a political party;
- the Chairperson and members of the Ethics Committee;
- the Crime and Misconduct Commission;
- the Auditor-General; and
- the Integrity Commissioner (Section 13 Schedule 2 SOs).



# What interests are required to be registered?

Schedule 2 details statements of interests to be given. The provisions are the minimum registration required by members and are not intended to be an exhaustive list of all possible financial arrangements which are required, in the spirit of the Standing Orders, to be registered.





# What interests are required to be registered?

**No financial amounts required**

## Section 7.(1) Schedule 2 SOs:

- Nothing in this schedule shall require a member to specify:
  - the number of monetary value of shares; the monetary value of investments or beneficial interests; the full street address of property; the financial amount of liabilities, donations or other income; the account number of, or financial amounts held in, savings or investment accounts; or the monetary value of assets, sponsored travel or accommodation, or gifts.



# What interests are required to be registered?

## Specific interests

### **Schedule 2 – Section 7(2):**

- a) a company in which the member or related person is a shareholder or has a controlling interest in shares;
- b) a company of which the person is an office holder;
- c) a family or business trust or nominee company in which the person holds a beneficial interest;
- d) a family or business trust in which the person is a trustee;





# What interests are required to be registered?

## Specific interests cont.

### Schedule 2 – Section 7(2):

- e) a private superannuation fund in which the member or related person is a trustee or a director;
- f) a partnership which the member or related person has an interest;
- g) any real estate which the member or related person has an interest;
- h) Any liability (excluding department store or credit card accounts) of which the member or related person is a beneficiary;



# What interests are required to be registered?

## Specific interests cont.

### Schedule 2 – Section 7(2):

- i) any debenture, managed fund, or similar investment held;
- j) any savings or investment account held with a bank, building society or other institution;
- k) the source and nature of any gifts valued at more than \$918.50 from one source or where two or more gifts from the same source exceed that value in the return period;
- l) any sponsored travel or accommodation received;



## Ad hoc disclosures

- **SO 259** No member pecuniarily may vote
- **SO 260** Declaration of pecuniary interest in debate
- **SO 261** Conflict of interest in committee proceeding
- **SO 262** Disclosures in communication with government



# Need advice?

## **CLERK OF THE PARLIAMENT**

Detailed advice in relation to the registration of members' interests is provided by the Clerk of the Parliament as Registrar.

## **SANDY MUSCH**

Sandy Musch, Executive Secretary to the Clerk (ext 36451) is on hand to make individual appointments with all the new members.

# Conflicts of Interests

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Ministers

# New criminal offences for Ministers

Two new offences contained in the *Parliament of Queensland Act 2001* and the *Integrity Act 2009* following the commencement of the ***Electoral and Other Legislation (Accountability, Integrity and Other Matters) Amendment Act 2020*** on 7 September 2020

## *s.69D Parliament of Queensland Act*

### ***Dishonest disclosure or non-disclosure of interests***

*(1) A Minister must not, with intent to dishonestly obtain a benefit for the Minister or another person, or to dishonestly cause a detriment to another person, contravene section **69B(1), (2) or (4)**.*

*Maximum penalty—200 penalty units or 2 years imprisonment.*

*(2) In this section—*

***benefit** includes property, advantage, service, entertainment, the use of or access to property or facilities, and anything of benefit to a person whether or not it has any inherent or tangible value, purpose or attribute.*

***detriment**, caused to a person, includes detriment caused to a person's property.*



## *s.69B Parliament of Queensland Act*

### ***Statements of interests***

- (1) A member must, within 1 month after taking the member's seat, give to the registrar the following statements—
  - (a) a statement of the interest, as at the date of the election, of the member (a statement of interests (member));*
  - (b) a statement of the interest, as at the date of the election, of which the member is aware of each person who is a related person of the member (a statement of interests (related persons)).**
- (2) A member must, within 1 month after becoming aware of a change in the particulars contained in the last statement of interests given by the member, notify the registrar in writing of the change.*
- (4) A member must not give to the registrar a statement of interests or information relating to a statement of interests the member knows is false or misleading in a material particular*



## s.40A Integrity Act 2009

### **Conflicts of interest**

- (1) *This section applies if a Minister has an interest that conflicts or may conflict with the discharge of the Minister's responsibilities.*
- (2) *The Minister must not, with intent to dishonestly obtain a benefit for the Minister or another person, or to dishonestly cause a detriment to another person, fail to disclose the nature of the interest and conflict to—*
- (a) for a conflict relating to a matter being considered by Cabinet—Cabinet or, for a Minister other than the Premier, Cabinet or the Premier; or*
  - (b) for a conflict relating to a matter being considered by a committee of Cabinet—the committee or Cabinet or, for a Minister other than the Premier, the committee, Cabinet or the Premier; or*
  - (c) otherwise—Cabinet or, for a Minister other than the Premier, Cabinet or the Premier.*
- Maximum penalty—200 penalty units or 2 years imprisonment.*

- (3) *In this section—*

**benefit** *includes property, advantage, service, entertainment, the use of or access to property or facilities, and anything of benefit to a person whether or not it has any inherent or tangible value, purpose or attribute.*

**detriment**, *caused to a person, includes detriment caused to a person's property.*

QUESTIONS?

# CONTACT US



[ClerksOffice@parliament.qld.gov.au](mailto:ClerksOffice@parliament.qld.gov.au)



(07) 3553 6451



Room B9  
Parliament House



## Session 30: Register of Members Interests

19 November 2020, 9:15 – 10:00 am

Location, Parliamentary Annexe

NAME	Electorate	SIGNATURE
Jonty Bush	Cooper	Jonty Bush
Ang King	Parramatta	Ang King
JASON HUNT	CALOUNDRA	JASON HUNT
TOM SMITH	Dundabag	TOM SMITH
ADRIAN TANTARI	HERVEY BAY	A. Tantara
ROBERT SKEELTON	NICKLIN	Robert Skeelton
AMY MACMAHON	SOUTH BRISBANE	Amy MacMahon
JIMMY SULLIVAN	STAFFORD	Jimmy Sullivan
LES HUCKER	MUNDINGBULLA	Les Hucker



**Sandy Musch**

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**From:** Sandy Musch on behalf of registerofinterests  
**Sent:** Monday, 30 November 2020 2:02 PM  
**To:** South Brisbane Electorate Office; Amy MacMahon  
**Subject:** South Brisbane Register of Members' Interests and Register of Members' Related Person(s) Interests  
**Attachments:** Register of Interests Form 1 effective 6 October 2020 (A600104).pdf; Register of Interests Form 2 effective 6 October 2020 (A600105).pdf; Register of Interests Form 3 effective 6 October 2020 (A600106).pdf

Schedule 2 of the Standing Rules and Orders of the Legislative Assembly establishes the Registers of Interests. Under the rules, attached, members are required to complete the enclosed forms.

- Form 1 – *Statement of Interests of a Member*;
- Form 2 – *Statement of Interests of a Member's Related Persons* (only if the Member is aware of the interest of those persons); and
- Form 3 – *Change of Details of Member/Member's Related Person* (only if required).

Members are required to lodge completed forms with the Registrar (the Clerk of the Parliament) within one month after being sworn in as a member. As you took your oath or affirmation on 24 November, the forms must be returned by 24 December 2020. Section 69B(1) of the *Parliament of Queensland Act 2001* provides that the first statement of interest is to be from the date of election – 31 October 2020. Therefore, members must declare their interests (Form 1) and the interests of related persons (Form 2) and any disposal or acquisition of interests (Form 3) from the date of election to the date of lodgement of the forms.

During the life of the Parliament, a member must notify the Registrar of any changes to their interests or the interests of related persons within one month of becoming aware of the change. For this purpose, a Form 3 is used. In addition, members are also required to submit, within one month of 30 June in each subsequent year, a Form 4 – *Confirmation of Correct Particulars*. Further information on the registers including an overview; a summary of the disclosures; FAQs; the published indexed thresholds as at 6 October 2020; and Forms 1-4, is available via the Parliament's intranet site:

<http://newintranet/Members%20Pages/Members%27%20Register%20of%20Interests.aspx> (non-Office365 users)

or

<http://intranet-qldparrl.msapproxy.net/Members%20Pages/Members%27%20Register%20of%20Interests.aspx> (Office365 users)

If you are a continuing member, please find attached a copy of your statement(s) from the 56<sup>th</sup> Parliament as at dissolution. Please note, disclosures such as gifts; sponsored travel or accommodation; income; and/or donations declared during the 56<sup>th</sup> Parliament are not relevant to the current parliament.

If you are a new member, as advised at the Induction, I am requesting you to seek a meeting with me prior to the lodgement of your forms. Please contact my Secretary, Sandy Musch, on 3553 6451 or [sandy.musch@parliament.qld.gov.au](mailto:sandy.musch@parliament.qld.gov.au) to arrange an appointment.

Patronages of organisations are not required, however, if you have a particular reason to declare these please do so at subclause 7(5)(n) Other.

If you have any questions, please do not hesitate to contact my office.

Neil Laurie  
 The Clerk of the Parliament

Parliament House  
Cnr George and Alice Streets Brisbane Qld 4000  
+61 7 3553 6450

Connect with us on Social Media:



## Sandy Musch

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**Subject:** Members' Register of Interests - Member for South Brisbane  
**Location:** Clerk's office, Room B.11 Parliament House

**Start:** Wed 2/12/2020 3:30 PM  
**End:** Wed 2/12/2020 4:00 PM

**Recurrence:** (none)

**Meeting Status:** Meeting organizer

**Organizer:** Neil Laurie  
**Required Attendees:** South Brisbane Electorate Office; Amy MacMahon



# LEGISLATIVE ASSEMBLY OF QUEENSLAND

## STATEMENT OF INTERESTS OF A MEMBER

### FORM 1

Standing Rules and Orders of the Legislative Assembly  
Schedule 2—Registers of Interests  
Version: Effective from 6 October 2020



#### PARTICULARS OF MEMBER

**MEMBER'S NAME**

Amy MacMahon

**ELECTORATE**

South Brisbane

#### REGISTRABLE INTERESTS

NOTE: Members should refer to the notes on the back page before completing this form

#### Schedule 2, subclause 7(5)(a)(i) — Shareholdings\* or controlling interests in shares in companies

NAME OF COMPANY (Company code is sufficient for listed company)

Example—AMP, Telstra, XYZ Pty Ltd

NIL

#### Schedule 2, subclause 7(5)(a)(ii) — Company officeholder

NAME OF COMPANY

Example—ABC Holdings Private Co Pty Ltd

NIL

NATURE OF OFFICE HELD

Example—Director

#### Schedule 2, subclause 7(5)(a)(iii) and (iv) A and B — Shareholdings\* or interests in shares in company where any company listed in 7(5)(a)(i) above is a private company

Note: Schedule 2, subclause 7(1) provides that the number or monetary value of shares is NOT required to be specified.

NAME OF PRIVATE COMPANY

Example—XYZ Pty Ltd

NIL

NATURE OF ACTIVITIES OF COMPANY

Example—Sugar farming

INVESTMENTS, ASSETS OR BENEFICIAL INTERESTS OF COMPANY

Example—Leasehold 7000ha, sugar farm, St George, plant and equipment for sugar farm, ANZ bank trading accounts x 3

\* Note: It is unlawful, under the *Interactive Gambling (Player Protection—Disqualified Persons) Regulation 1999*, for a member of the Legislative Assembly to hold prohibited shares in a licensed interactive provider.

**Schedule 2, subclause 7(5)(a)(iv) C and D — The investments or beneficial interests of subsidiary companies of private companies listed above\***

Note: Schedule 2, subclause 7(1) provides that the number or monetary value of shares and monetary value of investments or beneficial interests is NOT required to be specified.

NAME OF PRIVATE COMPANY <i>Example—XYZ Pty Ltd</i>	NAME OF SUBSIDIARY COMPANY OF PRIVATE COMPANY <i>Example—Green Waste Co Pty Ltd</i>	ASSETS OR BENEFICIAL INTERESTS OF SUBSIDIARY COMPANY <i>Example—Green Waste – sugar cane mulch business, plant and equipment, ANZ bank accounts</i>
NIL		

**Schedule 2, subclause 7(5)(b)(i-iii) — Family or business trusts or nominee companies**

Note: Trustee of private (self-managed) superannuation funds is required to be registered under 7(5)(c) below

NAME (or description) OF TRUST OR NOMINEE COMPANY <i>Example—Black No 2 Family Trust</i>	NATURE OF ACTIVITIES OF TRUST OR NOMINEE COMPANY <i>Example—Property investment, share trading</i>	NATURE OF INTEREST OF MEMBER <i>Example—Director, trustee, beneficiary</i>
NIL		

**Schedule 2, subclause 7(5)(b)(iv) — Investments or beneficial interests of trusts or nominee company listed in 7(5)(b) above**

Note: Schedule 2, subclause 7(1) provides that the monetary value of investments or beneficial interests is NOT required to be specified.

NAME (or description) OF TRUST OR NOMINEE COMPANY <i>Example—ABC Holdings Private Co Pty Ltd</i>	INVESTMENTS OR BENEFICIAL INTERESTS OF TRUST OR NOMINEE COMPANY <i>Example—Shares in AMP, Telstra</i>
NIL	

**Schedule 2, subclause 7(5)(c) — Trustee or director of private superannuation fund**

Note: Schedule 2, subclause 7(1) provides that the monetary value of investments or beneficial interests is NOT required to be specified

NAME (or description) OF FUND <i>Example—Black Family Superannuation Fund</i>	NATURE OF ACTIVITIES OF FUND <i>Example—Property investment, share trading</i>	INVESTMENTS OR BENEFICIAL INTERESTS OF THE FUND OF WHICH YOU ARE AWARE <i>Example— shares in AMP and Telstra</i>
Sally Miller Self Managed Super Fund Ethical Investment Advisors, Red Hill	Self Managed Super Fund, Trustee	



**Schedule 2, subclause 7(5)(d)(i-iii) — Interests in partnerships**

NAME (or description) OF PARTNERSHIP <i>Example—AB &amp; CD Black</i>	NATURE OF ACTIVITIES OF PARTNERSHIP <i>Example—Management consultants</i>	NATURE OF INTEREST <i>Example—50% share</i>
NIL		

**Schedule 2, subclause 7(5)(d)(iv) — Assets or beneficial interests in partnerships listed in 7(5)(d)(i) to (iii)**

NAME (or description) OF PARTNERSHIP <i>Example—AB &amp; CD Black</i>	ASSETS OR BENEFICIAL INTERESTS
NIL	

**Schedule 2, subclause 7(5)(e) — Interests in real estate**

Note: Schedule 2, subclause 7(1) provides that the full street address of property is NOT required to be specified.

LOCATION (suburb or locality only, do not provide exact address)	APPROX. SIZE	PURPOSE FOR WHICH PROPERTY IS USED/ INTENDED	NATURE OF INTEREST
<b>Note:</b> If you have any interest in real estate you should list that interest here. If you received any other income over (gross) \$969.95 annually from any property, you should list the source of that income under 7(5)(k) below <i>Example—Carindale</i> <i>Example—400m<sup>2</sup></i> <i>Example—Investment unit or principal place of residence</i> <i>Example—Joint tenants or tenant in common or lease</i>			
NIL			

**Schedule 2, subclause 7(5)(f) — Liabilities over \$19,399, excluding liabilities listed under the definition of "liability" in Schedule 2(1), which are NOT required to be registered**

Note: Schedule 2, subclause 7(1) provides that the financial amount of liabilities is NOT required to be specified.

NATURE OF LIABILITY <i>Examples—Mortgage, Lease, Personal loan, Overdraft</i>	NAME OF CREDITOR <i>Example—Bank of Queensland</i>
NIL	

**Schedule 2, subclause 7(5)(g) — Debentures, managed funds, or similar investments***Example—MLC managed fund*

NIL

**Schedule 2, subclause 7(5)(h) — Savings or investment accounts with banks, building societies, credit unions and other institutions****Note:** Schedule 2, subclause 7(1) provides that account numbers of, or financial amounts held in, the accounts are NOT required to be specified.**NATURE OF ACCOUNT***Example—Savings account*

Savings Account

Credit Card

Savings Account

Savings Account

Savings Account

**NAME OF INSTITUTION***Example—Suncorp*

ME Bank

ME Bank

ING Bank

Westpac

Citibank

**Schedule 2, subclause 7(5)(i) — Gifts received valued at over \$969.95, excluding gifts listed under the definition of "gift" in Schedule 2(1), which are NOT required to be registered****Note:** Schedule 2, subclause 7(1) provides that the monetary value of gifts are NOT required to be specified.**SOURCE OF GIFT***Example—ABC Co Pty Ltd*

NIL

**NATURE OF GIFT***Example—Laptop computer***Schedule 2, subclause 7(5)(j) — Sponsored travel or accommodation received****Note:** Schedule 2, subclause 7(1) provides that the monetary value of sponsored travel or accommodation is NOT required to be specified.**SOURCE OF CONTRIBUTION***Example—UK government*

NIL

**DESTINATION AND PURPOSE OF TRAVEL***Example—Travel to UK to present conference paper*

**Schedule 2, subclause 7(5)(k) — The source of any other income over \$969.95 per annum, including private companies and trusts in which you have an interest**

**Note:** Schedule 2, subclause 7(1) provides that the financial amount of any other income is NOT required to be specified.

**Note:** If you received any other income over \$969.95 from any source such as income from salary or wages (excluding as a member of the Legislative Assembly, (gross) rental income over \$969.95, or dividends from companies, you should list the source here.

**Examples—***Investment property; shareholdings*

NIL

**Schedule 2, subclause 7(5)(l) — The nature of any other asset over \$9,699.50, excluding assets listed under the definition of “asset” in Schedule 2(1), which are NOT required to be registered**

**Note:** Schedule 2, subclause 7(1) provides that the monetary value of assets is NOT required to be specified.

**Note:** If you have any other asset valued over \$9,699.50 you should list the asset here. You need not declare household and personal effects, motor vehicles that are not for investment purposes, loans to family members or industry superannuation

NIL

**Schedule 2, subclause 7(5)(m) — Membership of any political party, trade or professional organisation; OR the name of any other organisation of which you are an office holder**

**Note:** If you are a member of a political party, you should list that party here. You are not required to register that you are a patron of a community or sporting association.

**Examples—***ALP; LNP; Qld Law Society*

Queendland Greens

**Schedule 2, subclause 7(5)(n) — Any organisation or person to whom you made a donation of over \$969.95 during the reporting period**

**Note:** Schedule 2, subclause 7(1) provides that the financial amount of donations is NOT required to be specified.

**Examples—***New Farm State School; sporting organisations*

NIL

**Schedule 2, subclause 7(5)(n) — Any other interest (whether or not of a pecuniary nature) known to you that raises, appears to raise, or could foreseeably raise, a conflict between your private interest and your duty as a member**

**Note:** Register here any relevant interest that does not fall within the above categories, but which you consider should be registered in keeping with the spirit of the Register's purpose.

**Example— Member:** *body corporate management committee*

NIL

  
SIGNATURE OF MEMBER

1/1/2021

DATE

#### NOTES

- (a) In completing this form, you should refer to *Schedule 2—Registers of Interests*, of the *Standing Rules and Orders of the Legislative Assembly*:
- (b) Schedule 2 sets out—
  - (i) the interests you are required to register;
  - (ii) the actual details you are required to include; and
  - (iii) definitions and interpretative provisions you will need to be aware of to complete this form properly.
- (c) It is unlawful, under the *Interactive Gambling (Player Protection—Disqualified Persons) Regulation 1999*, as amended by the *Interactive Gambling (Player Protection—Disqualified Persons) Amendment Regulation (No. 1) 2000*, for a member of the Legislative Assembly to hold prohibited shares in a licensed interactive provider, or to hold business or executive associate positions in a licensed interactive provider.
- (d) If there is insufficient space on the form you may attach additional pages. You must **sign** and **date** each additional page.
- (e) Do not leave any category blank. In completing this form, you should insert the word "NIL" where you have nothing to register.
- (f) Send the completed form (with the envelope marked CONFIDENTIAL) to—  
The Registrar of Members' Interests  
C/- The Clerk of the Parliament  
Parliament House  
BRISBANE QLD 4000

or scan to PDF and email to—

[registerofinterests@parliament.qld.gov.au](mailto:registerofinterests@parliament.qld.gov.au)



## Sandy Musch

---

**From:** registerofinterests <registerofinterests@parliament.qld.gov.au>  
**Sent:** Wednesday, 24 February 2021 12:53 PM  
**To:** South Brisbane Electorate Office; Amy MacMahon  
**Subject:** South Brisbane Register of Interests Form 1 Member - 1 January 2021  
**Attachments:** MacMAHON.PDF

On behalf of the Clerk of the Parliament, I acknowledge receipt of your Form 1 (*Statement of Interests of a Member*) received 1 January 2021.

The form has been filed on the register.

Please find attached your statement of interests of a member as it will appear in the annual report being tabled Thursday 25 February 2021.

If there any discrepancies, please contact the Clerk's office by close of business today.

Kind regards

**Sandy Musch**  
**Executive Secretary to the Clerk**  
**Petitions Officer**

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### QUEENSLAND PARLIAMENTARY SERVICE

Parliament House  
Cnr George and Alice Streets Brisbane Qld 4000  
+61 7 3553 6451

<mailto:Sandy.Musch@parliament.qld.gov.au>

Office of the Clerk: [clerksoffice@parliament.qld.gov.au](mailto:clerksoffice@parliament.qld.gov.au)

Petitions: [petitions@parliament.qld.gov.au](mailto:petitions@parliament.qld.gov.au)

Registers of Members' Interests: [registerofinterests@parliament.qld.gov.au](mailto:registerofinterests@parliament.qld.gov.au)

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Click to read the *COVID Safe Plan: Parliament House*



**MacMAHON, Amy (South Brisbane)**

Subclause 7(5)(c)

Trustee or director of private superannuation fund (name of fund; nature of activities of fund; and investments or beneficial interests of private superannuation funds listed)

Sally Miller Self Managed Super Fund Ethical Investment advisors, Red Hill, self managed super fund, trustee

Subclause 7(5)(h)

Savings or investment accounts with banks, building societies, credit unions and other institutions (nature of account; name of institution)

Savings account – ME Bank; credit card – ME Bank; savings account – ING Bank; savings account – Westpac; savings account – Citibank

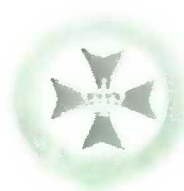
Subclause 7(5)(m)

Membership of any political party, trade or professional organisation; OR the name of any other organisation of which you are an office holder

Queensland Greens

COPY

ATTACHMENT 5



LEGISLATIVE ASSEMBLY OF QUEENSLAND  
CHANGE OF DETAILS  
MEMBER / MEMBER'S RELATED PERSON(S)  
FORM 3

Standing Rules and Orders of the Legislative Assembly  
Schedule 2—Registers of Interests  
Version: Effective from 6 October 2020



PARTICULARS OF  
MEMBER\* / MEMBER'S RELATED PERSON(S)\*

\*Circle which is applicable

MEMBER'S NAME

Amy MacMahon

ELECTORATE

South Brisbane

CHANGE OF DETAILS OF REGISTRABLE INTERESTS

Note: Members should refer to the notes on the back page before completing this form

TICK THE APPROPRIATE CATEGORY TO BE CHANGED.

COMPLETE THE REQUIRED DETAILS OF THE CHANGE ON PAGE 2.

- ☐ Schedule 2, subclause 7(5)(a)(i) — Shareholdings\* or controlling interests in shares in companies
- ☐ Schedule 2, subclause 7(5)(a)(ii) — Company officeholder
- ☐ Schedule 2, subclause 7(5)(a)(iii) and (iv) A and B — Shareholdings\* or interests in shares in company where any company listed in 7(5)(a)(i) above is a private company
- ☐ Schedule 2, subclause 7(5)(a)(iv) C and D — The investments or beneficial interests of subsidiary companies of private companies listed
- ☐ Schedule 2, subclause 7(5)(b)(i-ii) — Family or business trusts or nominee companies
- ☐ Schedule 2, subclause 7(5)(b)(iv) — Investments or beneficial interests of trusts or nominee company listed in 7(5)(b) above
- ☐ Schedule 2, subclause 7(5)(c) — Trustee or director of private superannuation fund
- ☐ Schedule 2, subclause 7(5)(d)(i-iii) — Interests in partnerships
- ☐ Schedule 2, subclause 7(5)(d)(iv) — Assets or beneficial interests in partnerships listed in 7(5)(d)(i) to (iii)
- ☐ Schedule 2, subclause 7(5)(e) — Interests in real estate
- ☐ Schedule 2, subclause 7(5)(f) — Liabilities over \$19,399.00, excluding liabilities listed under the definition of "liability" in Schedule 2(1), which are NOT required to be registered
- ☐ Schedule 2, subclause 7(5)(g) — Debentures, managed funds, or similar investments
- ☐ Schedule 2, subclause 7(5)(h) — Savings or investment accounts with banks, building societies, credit unions and other institutions
- ☐ Schedule 2, subclause 7(5)(i) — Gifts received valued at over \$969.95, excluding gifts listed under the definition of "gift" in Schedule 2(1), which are NOT required to be registered
- ☐ Schedule 2, subclause 7(5)(j) — Sponsored travel or accommodation received
- ☐ Schedule 2, subclause 7(5)(k) — The source of any other income over \$969.95 per annum, including the income of a private company, or a trust in which the member or related person has an interest

\* Note: It is unlawful, under the *Interactive Gambling (Player Protection—Disqualified Persons) Regulation 1999*, for a member of the Legislative Assembly to hold prohibited shares in a licensed interactive provider.

- ☐ Schedule 2, subclause 7(5)(l) — The nature of any other asset over \$9,699.50, excluding assets listed under the definition of "asset" in Schedule 2(1), which are **NOT** required to be registered
- ☒ Schedule 2, subclause 7(5)(m) — Membership of any political party, trade or professional organisation; **OR** the name of any other organisation of which you are an office holder
- ☒ Schedule 2, subclause 7(5)(m) — Any organisation or person to whom you made a donation of over \$969.95 during the reporting period
- ☐ Schedule 2, subclause 7(5)(n) — Any other interest (whether or not of a pecuniary nature) known to you that raises, appears to raise, or could foreseeably raise, a conflict between your private interest and your duty as a member

#### INDICATE THE REQUIRED DETAILS OF THE CHANGE

**Note:** Schedule 2, subclause 7(1) provides that you are **NOT** required to specify: the number or monetary value of shares; the monetary value of investments or beneficial interests; the full street address of property; the financial amount of liabilities, donations or other income; the account number of, or financial amounts held in, savings or investment accounts; or the monetary value of assets, sponsored travel, accommodation or gifts.

SUBCLAUSE	TICK AS APPROPRIATE			DETAILS
	ADD	DELETE	VARY	
<i>Examples—</i> 7(5)(e) Real estate 7(5)(m) Donation	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<i>Examples—</i> Carina, 800m <sup>2</sup> , investment unit, joint tenants Bulimba State School
7 (5) (m) Membership 7 (5) (m) Donation	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The Services Union The Queensland Greens

SIGNATURE OF MEMBER

22/9/2021

DATE

#### NOTES

- (a) In completing this form, you should refer to *Schedule 2—Registers of Interests, of the Standing Rules and Orders of the Legislative Assembly*.
- (b) Schedule 2 sets out—  
 (i) the interests you are required to register;  
 (ii) the actual details you are required to include; and  
 (iii) definitions and interpretative provisions you will need to be aware of to complete this form properly.
- (c) It is unlawful, under the *Interactive Gambling (Player Protection—Disqualified Persons) Regulation 1999*, as amended by the *Interactive Gambling (Player Protection—Disqualified Persons) Amendment Regulation (No. 1) 2000*, for a member of the Legislative Assembly to hold prohibited shares in a licensed interactive provider, or to hold business or executive associate positions in a licensed interactive provider.
- (d) If there is insufficient space on the form you may attach additional pages. You must sign and date each additional page.
- (e) Do not leave any category blank. In completing this form, you should insert the word "NIL" where you have nothing to register.
- (f) Send the completed form (with the envelope marked CONFIDENTIAL) to—  
 The Registrar of Members' Interests  
 C/- The Clerk of the Parliament  
 Parliament House  
 BRISBANE QLD 4000  
 or scan to PDF and email to—



## Sandy Musch

---

**From:** registerofinterests <registerofinterests@parliament.qld.gov.au>  
**Sent:** Thursday, 23 September 2021 1:43 PM  
**To:** South Brisbane Electorate Office; Amy MacMahon  
**Subject:** South Brisbane Register of Interests Form 3 Member - 22 September 2021  
**Attachments:** MacMAHON.pdf

On behalf of the Clerk of the Parliament, I acknowledge receipt of your Form 3 (*Change of Details – Member*) received 22 September 2021.

The form has been filed on the register.

Please find attached your updated statement of interests of a member. If there any discrepancies, please contact the Clerk's office.

Kind regards

**Sandy Musch**  
**Executive Secretary to the Clerk**  
**Petitions Officer**

---

### QUEENSLAND PARLIAMENTARY SERVICE

Parliament House  
Cnr George and Alice Streets Brisbane Qld 4000  
+61 7 3553 6451

<mailto:Sandy.Musch@parliament.qld.gov.au>

Office of the Clerk: [clerksoffice@parliament.qld.gov.au](mailto:clerksoffice@parliament.qld.gov.au)

Petitions: [petitions@parliament.qld.gov.au](mailto:petitions@parliament.qld.gov.au)

Registers of Members' Interests: [registerofinterests@parliament.qld.gov.au](mailto:registerofinterests@parliament.qld.gov.au)

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Click to read the *COVID Safe Plan: Parliament House*



**MacMAHON, Amy (South Brisbane)**

Subclause 7(5)(c)

Trustee or director of private superannuation fund (name of fund; nature of activities of fund; and investments or beneficial interests of private superannuation funds listed)

Sally Miller Self Managed Super Fund Ethical Investment advisors, Red Hill, self managed super fund, trustee

Subclause 7(5)(h)

Savings or investment accounts with banks, building societies, credit unions and other institutions (nature of account; name of institution)

Savings account – ME Bank; credit card – ME Bank; savings account – ING Bank; savings account – Westpac; savings account – Citibank

Subclause 7(5)(m)

Membership of any political party, trade or professional organisation; OR the name of any other organisation of which you are an office holder

Queensland Greens; The Services Union

Subclause 7(5)(m)

Any organisation or person to whom you made a donation of over \$969.95 during the reporting period

The Queensland Greens



# REGISTER OF MEMBERS' INTERESTS AS AT 10 DECEMBER 2021

## DISCLOSURE OF INTERESTS

Subclause 7(5)(a)(i)	Shareholdings or controlling interests in shares in companies
Subclause 7(5)(a)(ii)	Company officeholder (nature of office held)
Subclause 7(5)(a)(iii) and (iv) A and B	Shareholdings or interests in shares in company where any company listed in 7(5)(a)(i) above is a private company (investments or beneficial interests of the company)
Subclause 7(5)(a)(iv) C and D	The investments or beneficial interests of subsidiary companies of private companies listed
Subclause 7(5)(b)(i) to (iii)	Family or business trusts or nominee companies in which member is trustee, officeholder or holds beneficial interest and nature of activities and nature of interests (name of trust or nominee company; nature of activities; nature of interest of member)
Subclause 7(5)(b)(iv)	Investments or beneficial interests of trusts or nominee company listed in 7(5)(b)(i) to (iii) above
Subclause 7(5)(c)	Trustee or director of private superannuation fund (name of fund; nature of activities of fund; and investments or beneficial interests of private superannuation funds listed)
Subclause 7(5)(d)(i) to (iii)	Interests in partnerships, activities of partnerships
Subclause 7(5)(d)(iv)	Assets or beneficial interests in partnerships listed in 7(5)(d)(i) to (iii)
Subclause 7(5)(e)	Interests in real estate (location, size, purpose and nature of interest)
Subclause 7(5)(f)	Liabilities over \$19,399, excluding liabilities listed under the definition of "liability" in Schedule 2(1), which are NOT required to be registered (nature of liability; creditor)
Subclause 7(5)(g)	Debentures, managed funds, or similar investments
Subclause 7(5)(h)	Savings or investment accounts with banks, building societies, credit unions and other institutions (nature of account; name of institution)
Subclause 7(5)(i)	Gifts received valued at over \$969.95, excluding gifts listed under the definition of "gift" in Schedule 2(1), which are NOT required to be registered
Subclause 7(5)(j)	Sponsored travel or accommodation received (source; nature and purpose of travel)
Subclause 7(5)(k)	The source of any other income over \$969.95 per annum, including the income of a private company, or a trust in which the member or related person has an interest
Subclause 7(5)(l)	The nature of any other asset over \$9,699.95, excluding assets listed under the definition of "asset" in Schedule 2(1), which are NOT required to be registered
Subclause 7(5)(m)	Membership of any political party, trade or professional organisation; OR the name of any other organisation of which you are an office holder
Subclause 7(5)(m)	Any organisation or person to whom you made a donation of over \$969.95 during the reporting period
Subclause 7(5)(n)	Any other interest (whether or not of a pecuniary nature) known to you that raises, appears to raise, or could foreseeably raise, a conflict between your private interest and your duty as a member

**MacMAHON, Amy (South Brisbane)**

Subclause 7(5)(c)

Trustee or director of private superannuation fund (name of fund; nature of activities of fund; and investments or beneficial interests of private superannuation funds listed)

Sally Miller Self Managed Super Fund Ethical Investment advisors, Red Hill, self managed super fund, trustee

Subclause 7(5)(h)

Savings or investment accounts with banks, building societies, credit unions and other institutions (nature of account; name of institution)

Savings account – ME Bank; credit card – ME Bank; savings account – ING Bank; savings account – Westpac; savings account – Citibank

Subclause 7(5)(m)

Membership of any political party, trade or professional organisation; OR the name of any other organisation of which you are an office holder

Queensland Greens; The Services Union

Subclause 7(5)(m)

Any organisation or person to whom you made a donation of over \$969.95 during the reporting period

The Queensland Greens



**Sandy Musch**

---

**From:** Amy MacMahon  
**Sent:** Thursday, 6 January 2022 4:44 PM  
**To:** registerofinterests  
**Subject:** Update to Register of Interests  
**Attachments:** Register of Interests Form 3 (1).pdf

Please see attached am updated register of interests.

Kind Regards,  
Amy

**Amy MacMahon**  
MP for South Brisbane  
Pronouns: She/her  
**E:** [south.brisbane@parliament.qld.gov.au](mailto:south.brisbane@parliament.qld.gov.au) | **P:** (07) 3724 9100  
**W:** [www.amymacmahon.com](http://www.amymacmahon.com) **F:** [www.facebook.com/AmyMacSouthBris](https://www.facebook.com/AmyMacSouthBris)  
**Sign up for updates:** [www.amymacmahon.com/keep\\_updated](http://www.amymacmahon.com/keep_updated)



**Amy MacMahon MP**  
Member for South Brisbane

1/90 Vulture St, West End QLD 4101  
E: [South.Brisbane@parliament.qld.gov.au](mailto:South.Brisbane@parliament.qld.gov.au)  
P: (07) 3724 9100  
[amymacmahon.com](http://amymacmahon.com)

South Brisbane Electorate is located on the land of the Jagera, Yugara, Yugarapul, and Turrbal Nations.  
We pay respect to their Elders, past, present and emerging. Sovereignty has never been ceded.



LEGISLATIVE ASSEMBLY OF QUEENSLAND  
CHANGE OF DETAILS  
MEMBER / MEMBER'S RELATED PERSON(S)  
FORM 3

Standing Rules and Orders of the Legislative Assembly  
Schedule 2—Registers of Interests  
Version: Effective from 6 October 2020

PARTICULARS OF MEMBER* / MEMBER'S RELATED PERSON(S)* <small>*Circle which is applicable</small>	
MEMBER'S NAME	Amy MacMahon
ELECTORATE	South Brisbane

CHANGE OF DETAILS OF REGISTRABLE INTERESTS
Note: Members should refer to the notes on the back page before completing this form

TICK THE APPROPRIATE CATEGORY TO BE CHANGED.

COMPLETE THE REQUIRED DETAILS OF THE CHANGE ON PAGE 2.

- ☐ Schedule 2, subclause 7(5)(a)(i) — Shareholdings\* or controlling interests in shares in companies
- ☐ Schedule 2, subclause 7(5)(a)(ii) — Company officeholder
- ☐ Schedule 2, subclause 7(5)(a)(iii) and (iv) A and B — Shareholdings\* or interests in shares in company where any company listed in 7(5)(a)(i) above is a private company
- ☐ Schedule 2, subclause 7(5)(a)(iv) C and D — The investments or beneficial interests of subsidiary companies of private companies listed
- ☐ Schedule 2, subclause 7(5)(b)(i-iii) — Family or business trusts or nominee companies
- ☐ Schedule 2, subclause 7(5)(b)(iv) — Investments or beneficial interests of trusts or nominee company listed in 7(5)(b) above
- ☒ Schedule 2, subclause 7(5)(c) — Trustee or director of private superannuation fund
- ☐ Schedule 2, subclause 7(5)(d)(i-iii) — Interests in partnerships
- ☐ Schedule 2, subclause 7(5)(d)(iv) — Assets or beneficial interests in partnerships listed in 7(5)(d)(i) to (iii)
- ☐ Schedule 2, subclause 7(5)(e) — Interests in real estate
- ☐ Schedule 2, subclause 7(5)(f) — Liabilities over \$19,399.00, excluding liabilities listed under the definition of "liability" in Schedule 2(1), which are **NOT** required to be registered
- ☐ Schedule 2, subclause 7(5)(g) — Debentures, managed funds, or similar investments
- ☐ Schedule 2, subclause 7(5)(h) — Savings or investment accounts with banks, building societies, credit unions and other institutions
- ☐ Schedule 2, subclause 7(5)(i) — Gifts received valued at over \$969.95, excluding gifts listed under the definition of "gift" in Schedule 2(1), which are **NOT** required to be registered
- ☐ Schedule 2, subclause 7(5)(j) — Sponsored travel or accommodation received
- ☐ Schedule 2, subclause 7(5)(k) — The source of any other income over \$969.95 per annum, including the income of a private company, or a trust in which the member or related person has an interest

\* **Note:** It is unlawful, under the *Interactive Gambling (Player Protection—Disqualified Persons) Regulation 1999*, for a member of the Legislative Assembly to hold prohibited shares in a licensed interactive provider.

- ☐ Schedule 2, subclause 7(5)(l) — The nature of any other asset over \$9,699.50, excluding assets listed under the definition of “asset” in Schedule 2(1), which are **NOT** required to be registered
- ☐ Schedule 2, subclause 7(5)(m) — Membership of any political party, trade or professional organisation; **OR** the name of any other organisation of which you are an office holder
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#### INDICATE THE REQUIRED DETAILS OF THE CHANGE

**Note:** Schedule 2, subclause 7(1) provides that you are **NOT** required to specify: the number or monetary value of shares; the monetary value of investments or beneficial interests; the full street address of property; the financial amount of liabilities, donations or other income; the account number of, or financial amounts held in, savings or investment accounts; or the monetary value of assets, sponsored travel, accommodation or gifts.

SUBCLAUSE	TICK AS APPROPRIATE			DETAILS
	ADD	DELETE	VARY	
<b>Examples—</b> 7(5)(e) Real estate 7(5)(m) Donation	✓ ✓			<b>Examples—</b> Carina, 800m <sup>2</sup> , investment unit, joint tenants Bulimba State School
7(5)(c)				Sally Miller Self Managed Super Fund Ethical Investment advisors, Red Hill, self managed super fund, trustee. Bank account, shares: BENPE.AX, ETHICAL, GEM.AX, HLS.AX, MILLAMAC, MAQUARIE PO, MEZ.AX, TLS.AX, WBC.AX

*Amphac*

6/1/22

SIGNATURE OF MEMBER

DATE

#### NOTES

- (a) In completing this form, you should refer to *Schedule 2—Registers of Interests*, of the *Standing Rules and Orders of the Legislative Assembly*;
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- (e) Do not leave any category blank. In completing this form, you should insert the word “NIL” where you have nothing to register.
- (f) Send the completed form (with the envelope marked CONFIDENTIAL) to—  
 The Registrar of Members’ Interests  
 C/- The Clerk of the Parliament  
 Parliament House  
 BRISBANE QLD 4000  
 or scan to PDF and email to—  
[registerofinterests@parliament.qld.gov.au](mailto:registerofinterests@parliament.qld.gov.au)



COPY



LEGISLATIVE ASSEMBLY OF QUEENSLAND  
CHANGE OF DETAILS  
MEMBER / MEMBER'S RELATED PERSON(S)  
FORM 3

Standing Rules and Orders of the Legislative Assembly  
Schedule 2—Registers of Interests  
Version: Effective from 6 October 2020



PARTICULARS OF MEMBER* / MEMBER'S RELATED PERSON(S)* <small>*Circle which is applicable</small>	
MEMBER'S NAME	Amy MacMahon
ELECTORATE	South Brisbane

CHANGE OF DETAILS OF REGISTRABLE INTERESTS

Note: Members should refer to the notes on the back page before completing this form

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\* Note: It is unlawful, under the *Interactive Gambling (Player Protection—Disqualified Persons) Regulation 1999*, for a member of the Legislative Assembly to hold prohibited shares in a licensed interactive provider.



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- ☐ Schedule 2, subclause 7(5)(m) — Any organisation or person to whom you made a donation of over \$969.95 during the reporting period
- ☐ Schedule 2, subclause 7(5)(n) — Any other interest (whether or not of a pecuniary nature) known to you that raises, appears to raise, or could foreseeably raise, a conflict between your private interest and your duty as a member

#### INDICATE THE REQUIRED DETAILS OF THE CHANGE

**Note:** Schedule 2, subclause 7(1) provides that you are **NOT** required to specify: the number or monetary value of shares; the monetary value of investments or beneficial interests; the full street address of property; the financial amount of liabilities, donations or other income; the account number of, or financial amounts held in, savings or investment accounts; or the monetary value of assets, sponsored travel, accommodation or gifts.

SUBCLAUSE	TICK AS APPROPRIATE			DETAILS
	ADD	DELETE	VARY	
<i>Examples—</i> 7(5)(e) <i>Real estate</i> 7(5)(m) <i>Donation</i>	✓ ✓			<i>Examples—</i> Carina, 800m <sup>2</sup> , investment unit, joint tenants Bulimba State School
7(5)(c)				Sally Miller Self Managed Super Fund Ethical Investment advisors, Red Hill, self managed super fund, trustee. Bank account, shares: BENPE.AX, ETHICAL, GEM.AX, HLS.AX, MILLAMAC, MAQUARIE PO, MEZ.AX, TLS.AX, WBC.AX

*Amphace*

6/1/22

SIGNATURE OF MEMBER

DATE

#### NOTES

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 Parliament House  
 BRISBANE QLD 4000  
 or scan to PDF and email to—  
[registerofinterests@parliament.qld.gov.au](mailto:registerofinterests@parliament.qld.gov.au)

## Sandy Musch

---

**From:** registerofinterests <registerofinterests@parliament.qld.gov.au>  
**Sent:** Friday, 7 January 2022 3:13 PM  
**To:** South Brisbane Electorate Office; Amy MacMahon  
**Subject:** South Brisbane Register of Interests Form 3 Member - 6 January 2022  
**Attachments:** MacMAHON.pdf

On behalf of the Clerk of the Parliament, I acknowledge receipt of your Form 3 (*Change of Details – Member*) received 6 January 2022.

The form has been filed on the register.

Please find attached your updated statement of interests of a member. If there any discrepancies, please contact the Clerk's office.

Kind regards

**Sandy Musch**  
**Executive Secretary to the Clerk**  
**Petitions Officer**

---

### QUEENSLAND PARLIAMENTARY SERVICE

Parliament House  
Cnr George and Alice Streets Brisbane Qld 4000  
+61 7 3553 6451

<mailto:Sandy.Musch@parliament.qld.gov.au>

Office of the Clerk: [clerksoffice@parliament.qld.gov.au](mailto:clerksoffice@parliament.qld.gov.au)

Petitions: [petitions@parliament.qld.gov.au](mailto:petitions@parliament.qld.gov.au)

Registers of Members' Interests: [registerofinterests@parliament.qld.gov.au](mailto:registerofinterests@parliament.qld.gov.au)

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**MacMAHON, Amy (South Brisbane)**

**Subclause 7(5)(c)**

Trustee or director of private superannuation fund (name of fund; nature of activities of fund; and investments or beneficial interests of private superannuation funds listed)

Sally Miller Self Managed Super Fund Ethical Investment advisors, Red Hill, self managed super fund, trustee. Bank account, shares: BENPE.AX; ETHICAL; GEM.AX; HLS.AX; MILLAMAC\_MAQUARIE PO; MEZ.AX; TLS.AX; WBC.AX

**Subclause 7(5)(h)**

Savings or investment accounts with banks, building societies, credit unions and other institutions (nature of account; name of institution)

Savings account – ME Bank; credit card – ME Bank; savings account – ING Bank; savings account – Westpac; savings account – Citibank

**Subclause 7(5)(m)**

Membership of any political party, trade or professional organisation; OR the name of any other organisation of which you are an office holder

Queensland Greens; The Services Union

**Subclause 7(5)(m)**

Any organisation or person to whom you made a donation of over \$969.95 during the reporting period

The Queensland Greens

Neil Laurie

---

**From:** Neil Laurie  
**Sent:** Tuesday, 28 July 2020 11:26 AM  
**Subject:** Members Register of Interests - Examples, common issues, FAQs  
**Attachments:** Examples, common issues, FAQs.pdf

Honourable Members and electorate office staff,

My office has received a large number of responses to the email sent on 3 July 2020 reminding members of the need to either update their register and/or provide a confirmation of correct particulars.

I would like to thank the members that have provided their forms to date.

I remind everyone that the following pages provide general information about the register of interest and links to the relevant forms:

Office 365 link:

<http://intranet-qldparl.msapproxy.net/Members%20Pages/Members%27%20Register%20of%20Interests.aspx>

Non-Office365 link:

<http://newintranet/Members Pages/Members%27 Register of Interests.aspx>

To assist members further, we have recently completed a document titled "Examples, Common Issues and Frequently Asked Questions". I have **attached a PDF copy of that document**. That document can also be sourced at the following links:

Office365 link

<http://intranet-qldparl.msapproxy.net/Shared%20Documents/Examples,%20common%20issues,%20FAQs.pdf>

Non-Office365 link

<http://newintranet/Shared%20Documents/Examples,%20common%20issues,%20FAQs.pdf>

Whether or not you have already provided your forms, you may wish to review your declaration with the examples and FAQs in this document.

For those Members that have not yet completed Form 4s, a reminder they are required by **Friday 31 July 2020**.

Regards

Neil Laurie  
The Clerk of the Parliament

---

**QUEENSLAND PARLIAMENTARY SERVICE**

Parliament House

Cnr George and Alice Streets Brisbane Qld 4000

Ph: 07 3553 6450 Fax: 07 3553 6454

<mailto:Neil.Laurie@parliament.qld.gov.au>

Connect with us on Social Media:





## HELP US REMAIN COVID SAFE

Follow regulations when visiting Queensland Parliament  
Click to read the *COVID Safe Plan: Parliament House*



**From:** registerofinterests <[registerofinterests@parliament.qld.gov.au](mailto:registerofinterests@parliament.qld.gov.au)>

**Sent:** Friday, 3 July 2020 10:52 AM

Dear Members

Under Standing Orders, Schedule 2 relating to the Members' Register of Interests, it is the duty of each member to:

- (a) notify changes to their interest, or the interest of any related person, within one month (Form 3);
- (b) within one month after 30 June in each subsequent year of that Parliament provide a confirmation of correct particulars (Form 4).

Standing Orders require the annual report of the Register of Members' Interests to be prepared as soon as practical after 30 June each year. I am currently in the process of preparing the annual report for tabling.

Attached is your statement as it will appear in the annual report, also attached is a Form 4. Please check your declarations and complete the Form 4 by either:

- (a) confirming the disclosures by certifying Part A no change; or**
- (b) certifying Part B change to register and use the attached pages of the Form 4 to advise the change of details.**

Members are also required to complete a Form 4 for their entry in the Register of Related Persons' Interests; if applicable, your related person's statement is also attached.

Please scan the completed form(s) to PDF and email to:

[registerofinterests@parliament.qld.gov.au](mailto:registerofinterests@parliament.qld.gov.au)

Form 4(s) are required by Friday 31 July 2020.

To assist members, the link to the Register of Members' Interests page on the Intranet is below.

<http://newintranet/Members Pages/Members%27 Register of Interests.aspx>

Members whose electorate offices have transitioned over to Office 365, the Intranet link to the page is below.

<http://intranet-qldparl.msapproxy.net/Members%20Pages/Members%27%20Register%20of%20Interests.aspx>

From here you can obtain or access:

- an overview of disclosure requirements;
- Schedule 2 of Standing Orders (extracted from Standing Orders);
- the current online Members' Register of Interest;
- previous tabled reports;
- the indexed threshold amounts; and
- forms.

If you have any queries, please contact my office.

**Neil Laurie**  
**The Clerk of the Parliament**

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**QUEENSLAND PARLIAMENTARY SERVICE**

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# REGISTER OF MEMBERS' INTERESTS

## Examples, Common Issues and Frequently Asked Questions

### Disclosure requirement:

**7(5)(a)** *In respect of any company in which the member or a related person is a shareholder or officer or has a controlling interest in shares—*

- (i) the name of the company (if the company is a listed company, the Company Code is sufficient);*
- (ii) the nature of any office held;*
- (iii) where the shareholding or interest is held in a private company, the investments or beneficial interests of the company; and*
- (iv) where the shareholding or interest is held in a private company—*
  - (A) the nature of the activities of the company;*
  - (B) the assets or beneficial interests of the company;*
  - (C) the name of any subsidiary companies; and*
  - (D) the assets or beneficial interests of those subsidiary companies;*

- (i) the name of the company (if the company is a listed company, the Company Code is sufficient);*

### Notes:

*"share" means— (a) a share in the share capital of a company; (b) stock; (c) a convertible note; or (d) an option.*

### Categories of companies include

- *listed public companies - where shares can be bought and sold via a stock exchange (such as on the Australian Stock Exchange (ASX); the National Stock Exchange of Australia (NSE); or overseas exchanges such as the NASDAQ)*
- *unlisted public companies - where shares have not been listed on the stock exchange, but can still be bought and sold through brokers or exempt markets*
- *private companies – where the number of shareholders is generally small. Whilst there are large private companies that operate large businesses, most private companies are usually created to operate small businesses or manage family succession or trusts. Most have limited shareholdings and the benefits of the company are more likely to be significant to the shareholders.)*

### Examples:

*ASX listed Companies: BHP Billiton Pty Ltd or BHP; AGL Energy Pty Ltd or AGL; ANZ BANK Pty Ltd or ANZ*

*NSE listed companies: Pyx Resources Ltd or PYX; Sugar Terminals Limited G Shares restricted voting or SUG*

*Private companies: Bunyip Family Holdings Pty Ltd; Bunyip Garage Pty Ltd*

***(ii) the nature of any office held;***

**Note:**

Officers of companies include the Directors and Secretary.

**Examples:**

Bunyip Family Holdings Pty Ltd, Director and Shareholder; Bunyip Garage Pty Ltd, Director and Shareholder

***(iii) where the shareholding or interest is held in a private company, the investments or beneficial interests of the company;***

***(iv) where the shareholding or interest is held in a private company—***

***(A) the nature of the activities of the company;***

***(B) the assets or beneficial interests of the company;***

***(C) the name of any subsidiary companies; and***

***(D) the assets or beneficial interests of those subsidiary companies;***

**Notes:**

7(5)(a)(ii) and (iv) are seeking to understand, in the case of private companies, what the company has been established for and what investments/assets it may own, including if the private company owns other companies.

**Examples:**

Bunyip Garage Pty Ltd owns and operates two service and repair garages at Morayfield and Deception Bay, it owns commercial land at Morayfield (1500m<sup>2</sup>) and Deception Bay (1320m<sup>2</sup>) from which the garages operate and all plant, stock and equipment for the business. It also owns vacant commercial land at Caboolture (2000m<sup>2</sup>).

Bunyip Garage Pty Ltd has a subsidiary company Bunyip Garage Mobile Pty Ltd. Bunyip Garage Mobile Pty Ltd owns and operates a mobile service and repair service. It owns all plant, stock and equipment for the business.

Bunyip Family Holdings Pty Ltd is the Trustee of the Bunyip Family Trust.

**Frequently asked questions:**

***Day-trading***

***If a Member or a Member's partner conducts 'day-trading' or regularly buys and sells shares, does each trade require declaration in the register for related person's interests?***

The requirement to disclose interests under 7(5)(a) is to disclose within one month of each change. Therefore, changes in shares (as opposed to the quantity of shares) should be reported within one month of a change. It is suggested that in the case of multiple changes during the course of each month, that a form is lodged each 30 days notifying changes



regarding the preceding month. Only companies in which shares are/have been held need to be disclosed, not the actual volumes of shares.

Often people who day trade do so within a limited number of stocks. In this instance the declaration of which stocks regular trading takes place may satisfy the requirements. For example "I regularly trade stocks, options and warrants in the following companies: ANZ, WES, NAB, ANZ, BHP, RIO ...." In this case, the Member would only need to update the register if there was a new company to add. The update would have to be within 30 days of the first trade in that company.

### **Managed Investment Scheme**

*Should a member declare an interest in a managed investment scheme under (a) if the scheme is managed by a company with shareholdings?*

No. The Members' interest is not in the management company, but in the investment scheme and it should be declared under 7(j).

### **New listings**

*Does a member need to declare shares in a company for which they have applied for shares under a prospectus, but have not yet been issued?*

No. Until the shares are allotted and issued the Member does not have an interest, legal or equitable. Once the shares are issued/allotted to the Member they will need to declare the shares on the register within one month.

### **Disclosure requirement:**

**7(5)(b) in respect of any family or business trust or nominee company in which the member or a related person is a trustee, office holder or holds a beneficial interest—**

- (i) the name or a description of the trust, or the name of the nominee company, as the case requires;**
- (ii) the nature of the activities of the trust or company;**
- (iii) the nature of the interest of the member; and**
- (iv) the investments or beneficial interests of the trust or company (of which the member is aware);**

### **Notes:**

Family or business trusts are a common type of entity used to hold assets or run a family business. A family trust is usually a discretionary trust, which means it is established by someone during their lifetime to manage certain assets or investments and support beneficiaries, such as family members. But the trustee effectively decides how the assets or investments are managed and if any distributions are made to beneficiaries. It is very common for the trustee of a trust to be a private company. In this case the Directors of the Company which is the trustee are in reality in control of the assets, investments and distributions.

Sometimes trusts are established as a result of a will. Members are also required to declare any executorship or beneficial interest arising as a result of the administration of a will and the resulting trust.

### Examples:

Bunyip Family Trust, discretionary trust, beneficiary, the trust invests in real estate and has the following investments and assets: residential 2 x real estate in Caboolture (600m<sup>2</sup> and 800m<sup>2</sup>); investments units in Mackay (200m<sup>2</sup>); Townsville (180m<sup>2</sup>) and the Gold Coast (220m<sup>2</sup>); commercial property in Morningside (2000m<sup>2</sup>) and Murarrie (1800m<sup>2</sup>). 3 bank accounts with ANZ Bank Pty Ltd; 2 x overdraft facility ANZ Bank Pty Ltd.

The Estate of the late William Bunyip (father). I am the executor and a beneficiary. The assets of the estate include real estate at Everton (500m<sup>2</sup>) and savings.

### Frequently asked question:

#### ***The uninformed beneficiary***

*If a member is a beneficiary of a discretionary trust, has no controlling involvement in the trust, has not been in receipt of a distribution, and is unaware of the details of the investments, is the member required to disclose their position as a beneficiary of a discretionary trust?*

7(5)(b)(iv) provides the Member must disclose the investments or beneficial interests of the trust or company (of which the member is aware). If a Member is unaware of the investments or beneficial investments of a trust of which they are a beneficiary, the Member is unlikely to be held in contempt for failing to declare those interests.

A beneficiary of a discretionary trust is generally entitled to request and receive details of the trusts' holdings. If the member attempts to obtain the details of holdings and reports what is known to the member, then they are not likely to be held in contempt if the information is not correct or incomplete.

If a Member chooses not to request the details of the trusts' holdings, the Member is taking a risk that the trust has no interest that is controversial or involves a conflict with the Member's duties and responsibilities.

### Disclosure requirement:

***7(5)(c) in respect of any private superannuation fund in which the member or a related person is a trustee or director—***

***(i) the name or a description of the fund;***

***(ii) the nature of the activities of the fund;***

***(iii) the investments or beneficial interests of the fund (of which the member is aware);***

### Notes:

"private superannuation fund" means a superannuation fund which meets the definition of a self-managed superannuation fund (SMSF) under the Superannuation Industry (Supervision) Act 1993 (Cth);

A self-managed super fund is a superannuation fund that you can manage yourself, which is different to a super fund which is controlled by a fund manager. Because you control the investments and assets of the fund, it is required to be declared. Whereas larger funds that are controlled by others are not required to be declared. There is no need to declare industry, retail or corporate superannuation funds.



For example, do not declare:

- Public Sector Superannuation Funds – These funds are generally available to government employees (For example, Commonwealth Superannuation, Military Super, QSuper.)
- Corporate Superannuation Funds – These funds are offered by large companies to their employees. (For example, Telstra Super and Qantas Super.)
- Retail Superannuation Funds – These are funds run by financial institutions. (For example, MLC Super Fund, Colonial First State FirstChoice Superannuation Trust, Sunsuper Superannuation Fund, BT Super.)
- Industry Funds - Industry super funds were originally developed by trade unions and industry bodies to provide specific superannuation products to members of those industries. Many of them are now open to the public, but they have retained their non-profit, member first ownership. (For example, Construction & Building Unions Superannuation (CBUS), Health Employees Superannuation Trust Australia (HESTA), Hostplus, Caresuper, TWUSUPER, Media Super, Australian Super.)

#### Examples:

The J Bunyip Self-Managed Fund – investments in shares, warrants, hybrid securities and bonds: NAB Bank Ltd (NAB), Wesfarmers Pty Ltd (WES), Suncorp Pty Ltd (SUN), various Westpac Instalment Notes WES INSTALMENT (WESWM), (WESIOB), (WESBOB); investment in commercial property: Salisbury (2000m<sup>2</sup>), Moorooka (1500m<sup>2</sup>).

#### Frequently asked question:

***If a member has a self-managed fund that is in reality managed by a professional fund manager, does the member have to disclose the assets of the fund?***

Yes. It does not matter whether the member actually manages the fund themselves or has the assistance of one or more professional advisers. If it is a self-managed superannuation fund (SMSF) under the Superannuation Industry (Supervision) Act 1993 (Cth) the SMF and its assets and investments must be disclosed.

#### Disclosure requirement:

***7(5)(d) in respect of any partnership in which the member or a related person has an interest—***

***(i) the name or a description of the partnership;***

***(ii) the nature of the activities of the partnership; and***

***(iii) the nature of the interest;***

***(iv) the assets or beneficial interests of the partnership (of which the member is aware);***

#### Notes:

A partnership is a formal arrangement by two or more parties to manage and operate a business and share its profits. “partnership” includes a joint venture. A “joint venture” means an undertaking carried on by two or more persons in common otherwise than as partners.

**Examples:**

Bunyip Designs, is a partnership in which I have a 50% interest. Bunyip Designs operates a drive through car wash in North Lakes called "Spic and Span". It leases premises but owns stock and equipment for the business.

**Frequently asked question:*****Does a business partner's name needs to be disclosed?***

7(5)(d) does not require that Members disclose who their business partners are. Often partners are spouses or other related parties such as children, and members regularly choose to identify the other partners.

**Disclosure requirement:**

***7(5)(e) in respect of any real estate in which the member or a related person has an interest—***

- (i) the location of the relevant property, by reference to suburb or locality;***
- (ii) the approximate size of the property;***
- (iii) the purpose for which the property is, and is intended to be, used; and***
- (iv) the nature of the interest;***

**Notes:**

As many contracts for the purchase and sale of real estate are conditional and do not proceed, it has long been accepted that the time for registering the purchase or sale of real property is within one month from the date of settlement.

The exception is for "off the plan" contracts, where the interest may exist for many months or years from contract to settlement. "Off the plan" contracts should be declared on the register within one month from the date of the contract.

An option to purchase is an enforceable contract to buy a property in the future, usually at a specified price. Usually the person giving the option has paid some consideration for the option. They usually exist for some period of time before they are exercised. Any option to purchase should be declared on the register within one month from when the contract concluding the option is finalised.

Leases over land are an interest in real estate. Crown leasehold land must also be declared.

**Examples:**

North Lakes (800m<sup>2</sup>), freehold residential, principal place of residence, joint tenant with spouse; Gold Coast unit (150m<sup>2</sup>), investment and holiday, tenants in common with spouse; Roma, freehold farm, 2,000 hectares, tenants in common with brother and sister 1/3 each.

"Off the plan" contract for a unit Caloundra 140m<sup>2</sup>, expected to settle in January 2022.



### Frequently asked questions:

#### ***Does the name of a joint tenant or a tenant in common need to be disclosed?***

All that is required is that the member's interest is declared on the register and any related persons' interest is declared on the Related Persons' Register. The member is not required to declare another party's interest unless they are a related person or there is some other potential conflict of interest situation. However, Members often declare the interest is with their partner or other family members to emphasise the nature of the investment.

#### ***Is a member required to declare an interest in a timeshare apartment?***

An interest in timeshare will likely need to be disclosed. Whether it is declarable under 7(5)(d) or another category, such as 'any other asset' will depend on the nature of the timeshare.

### Disclosure requirement:

***7(5)(f) in respect of any liability exceeding the published indexed threshold of the member or a related person or a trust of which a member or a related person is a beneficiary or a private company of which a member or a related person is a shareholder or partnership of which a member or related person is a partner—***

- (i) the nature of the liability; and***
- (ii) the name of the creditor concerned;***

### Notes:

*"liability" means—*

*An obligation that legally binds a member, or related person to settle a debt and includes a loan of money or guarantee and any instrument pursuant to that loan (such as a mortgage) but does not include:*

- (a) department store and credit card accounts;*
- (b) a liability arising from the supply of goods or services supplied in the ordinary course of any occupation of the member or business of the trust or private company or partnership in which the member or related person has an interest which is not related to the member's duties as a member of the Legislative Assembly; or*
- (c) a loan owing to or a guarantee from or for a family member where the liability relates to a purely personal matter, and there is no connection or possible conflict of interest between the member's duties and the interest of the person providing the loan or guarantee.*

Typical liabilities that require disclosure are mortgages, personal loans, and guarantees for non-family members, hire purchase agreements and leases that exceed the threshold.

A liability would include, for example, a car lease which obligates you to make payments for the term of the lease.

The published threshold for any liability the value of which exceeds \$19,000.

**Examples:**

Novated lease for vehicle, RemServ, St George Finance; Mortgage x 1 for Gold Coast Unit; I am guarantor for mortgages to the ANZ Bank for three of the properties owned by Bunyip Family Trust listed above.

Personal loan – Commonwealth Bank

**Disclosure requirement:**

*7(5)(g) any debenture, managed fund, or similar investments held by the member or a related person;*

**Notes:**

“debenture” includes debenture stock, bonds, notes and any other document evidencing or acknowledging indebtedness of a company in respect of money that is deposited with or lent to the company;

**Examples:**

Commonwealth Government Securities (CGS); U.S. Treasury bond (T-bond); Traded Corporate Bonds (XTBs); Colonial First State managed fund; AMP Flexible Lifetime Investments managed fund; BT Asset line Super wrap

**Disclosure requirement:**

*7(5)(h) in respect of any savings or investment account of the member or a related person held with a bank, building society, credit union or other institution—*

*(i) the nature of the account; and*

*(ii) the name of the institution concerned;*

**Notes:**

Members simply have to declare nature of account and institution, not amounts. Where multiple accounts are held with the same institution then it can be expressed as follows: “Savings x 3 – [Name of Institution]”

**Examples:**

Savings Accounts x 3, Suncorp; Cheque Account – ANZ; term deposits x 3 – NAB

#### Disclosure requirement:

**7(5)(i) the source and nature of any gifts valued at more than the published indexed threshold from one source, or where two or more gifts are made from one source during a reporting period exceed, in aggregate, the published indexed threshold;**

#### Notes:

*“gift” means—*

*(a) the transfer of money, property or other benefit—*

*(i) without recompense; or*

*(ii) for a consideration substantially less than full consideration; or*

*(b) a loan of money or property made on a permanent, or an indefinite, basis;*

*but does not include:*

*(a) a tangible gift received in an official capacity and which has been dealt with in accordance with the Ministerial Handbook, Opposition Handbook or Speaker's Guidelines;*

*(b) hospitality or sporting or cultural entertainment received when a member who is an office holder, or a member who is representing an office holder, attends an event in an official capacity;*

*(c) upgraded travel provided by an airline, or upgraded accommodation;*

*(d) a gift received from a family member or family friend where the gift made by the family member or family friend is received in a purely personal capacity, and there is no connection or possible conflict of interest between the member's duties and the interest of the person providing the gift.*

The published threshold for any gift the value of which exceeds \$950.

#### Frequently asked questions:

##### ***Should a member, in assessing the value of a gift, include any FBT component?***

The benefit afforded to the member is the gift. Members are unlikely to be aware of any FBT component associated with a gift. Arguably, the fringe benefit is not a direct benefit to the member. Any calculation of the value of a gift should therefore exclude FBT.

##### ***Is a member required to disclose an honorary membership to an organisation as a gift pursuant to s. 7(5)(i)?***

If the real value of the honorary membership exceeds the threshold value for a gift (\$950), the honorary membership should be disclosed. An honorary membership to an organisation such as a golf club, a private club etc. is very likely to exceed the threshold for gifts and should be declared under this item.

##### ***Does a member have to declare temporary possession of some valuable item, such as art work loaned to an electorate office or a significant cultural item?***

If the custody is temporary then it need not be disclosed. If the custody extends for a prolonged period, then whilst the item may not be a gift, the value of their possession (for display etc.) may need to be considered and the loan may need to be disclosed.



***Are gifts reported on the Ministerial Gifts Register generally required to also be declared on the Members' Register of Interests?***

No. Such gifts are generally not required to be declared because: (a) the threshold level for gifts on the register of interest is significantly higher; and (b) if a gift is over the lower threshold for Ministerial Gifts (under the Ministerial Handbook's guidelines) it must be purchased or donated or becomes property of the State. If the item is purchased, donated or becomes the property of the State, it is not a gift to the Minister.

***How does a Minister determine whether a gift is received in their role as a Minister or Member?***

Whether a gift falls within the Ministerial Handbook's guidelines may depend upon whether the member received the gift as a local member or as a Minister. In any event it is best to check with the Director, Ministerial Services Branch about the application of the ministerial guidelines to the gift. The Director may also arrange a valuation if the gift is within the ministerial guidelines.

***Does a prize (such as a lucky door prize or as the result of a competition) won by a member have to be declared?***

No. The prize is not a "gift", it is a prize that the member or any other attendee or entrant could have won. However, if there was an entry fee paid for by the Member's Electorate Allowance, the prize cannot be kept by the member.

***Is a member required to declare their attendance at a conference or seminar where they will be a non-paying guest speaker?***

A gift includes 'other benefit'. Free attendance could be considered a 'gift' even though something is being done in return. If the value exceeds the threshold amount (\$950) it should be disclosed, although the member may also qualify the reasons for the gift. For example, the Member could declare: 'Attended the [X seminar/conference] organised by [organiser] as a non-paying guest speaker at Surfers Paradise, November 2020'.

If the Member is an office holder (Minister, Shadow Minister, Speaker or some other office holder) and the invitation and acceptance was part of their official role – that is, they have some official connection or responsibility associated with the event - then the interest is not required to be declared notwithstanding its value. For example, a Minister or Shadow Minister being invited to speak on issues within their portfolio responsibilities or Shadow responsibilities.

If the Member is invited in their role as local Member, or a personal or professional capacity then the interest is required to be declared, if it exceeds the threshold or multiple attendances exceed the threshold. This applies even if the Member is a non-paying guest speaker. For example, the Member is also an expert in an area and is invited to speak on issues within their professional knowledge.

***Does a contribution of a foreword in a publication constitute a gift?***

The member's contribution of a foreword for a publication is not unusual and does not constitute a gift.

***Are products (sometimes promotional items) provided by local companies that are given as gifts to community organisations, visiting dignitaries and trade delegations have to be declared as gifts?***

Products that go through the member or their office, where there is arguably some benefit to the member, should be declared as gifts if the value exceeds the threshold in any reporting period (the year between reports). A member can declare the details as follows "Promotional products from [name of local producer], products used to promote region at ....."



**Disclosure requirement:**

**7(5)(j) in respect of any sponsored travel or accommodation received by the member or a related person—**

**(i) the source of the contribution concerned; and**

**(ii) the nature and purpose of the travel;**

**Notes:**

*"sponsored travel or accommodation" means any travel undertaken, including accommodation incidental to the travel, or any accommodation benefit received, by the member or a related person in respect of which a contribution (whether in cash or kind) to the cost of the travel (including incidental accommodation) or the accommodation is made by a person other than the member or a related person but does not include:*

*(a) travel or accommodation received in an official capacity;*

*(b) upgraded travel provided by an airline, or upgraded accommodation;*

*(c) meals or sporting or cultural entertainment;*

*(d) a benefit received from a family member or family friend where the contribution made by the sponsor is received in a purely personal capacity, and there is no connection or possible conflict of interest between the member's duties and the interest of the sponsor.*

**Examples:**

Charter flight from Brisbane to private airstrip near Lightning Ridge and accommodation at mining camp sponsored by Outback Mining Ltd to inspect iridium mine.

Helicopter flight to inspect flood/cyclone/fire devastation provided by [Name of Person; Company or Organisation]

5 nights' accommodation at unit on the Gold Coast provided by [Name of Person; Company or Organisation]

Study tour, travel and accommodation, to Hanoi City sponsored by Vietnamese Friendship Society.

**Frequently asked questions:**

***Does a Member have to declare upgraded travel or accommodation?***

The definition of gift specifically excludes upgraded travel or accommodation. Upgraded travel provided by an airline, such as economy to business; or an upgraded accommodation benefit is exempted from declaration.

Accommodation being provided without any recompense or substantially below value, is a gift not an upgrade.

***Does a Member have to declare airline membership?***

No. Airline memberships such as the Qantas Chairman's Lounge or The Club Virgin Lounge are not required to be declared.

***Is a member is required to disclose any travel undertaken on a daily commuter service flight that is funded by a mining company?***

Yes. Any such travel falls within the definition of 'sponsored travel' and should be disclosed. The monetary amount is not required to be specified.

***If a member goes on a self-funded trip overseas where they stayed as a guest of family and friends, is the member required to register the accommodation?***

The accommodation would need to be declared only if there is a connection or possible conflict of interest between the member's duties and the interest of the sponsor. This is regardless of whether a contribution is made in cash or kind.

***Is a Member required to declare free accommodation provided by family friends in a purely personal capacity, where the friends have numerous business interests with the State?***

In report 93, the Members' Ethics and Parliamentary Privileges Committee held that a Minister should have declared a stay at a friend's house (house sitting). This was because of the identity and positions held by the friends. The key is that not only does the stay have to be in a purely personal capacity, but there can be no connection or possible conflict of interest. In that case because of the numerous business connections the friends had with the State Government, it should have been declared.

***Is a member required to declare accommodation valued over the threshold amount where the sponsor is a family friend, but also a member?***

Because the sponsor is a fellow member, it means that a "connection or possible conflict of interest" cannot be ruled out as existing now or in the future. It is also noted that this is not a situation where the member has 'stayed with a friend' rather the member received free accommodation.

***Is a member attending the opening of an organisation's headquarters, required to register flights and accommodation paid for by the organisation?***

As regards a non-office holder member, the answer is yes. The declaration has to be submitted within one month. If the Member is an office holder, or representing an office holder, on official business, it need not be declared. (See further below.)

***If a Minister wants to visit a remote mine or gas fields and a private company offers the use of a private jet, does this need to be registered?***

The important issue is whether the Minister is travelling in an official capacity. If the Minister was travelling in an official capacity then it need not be declared.

***Does a Member has to declare travel paid for by a private company when travelling for official business as a substitute for a Minister?***

Where a member has been delegated duties by a Minister, the Minister's Office made all the arrangements and the travel and accommodation was for an official purpose (such as an official opening) and there is no apparent personal or private component then it is official travel and need not be declared.

**Disclosure requirement:**

**7(5)(k) the source of any other income over the published indexed threshold received during a reporting period by—**  
**(i) the member or a related person;**  
**(ii) a private company, or a trust, in which the member or a related person holds an interest;**  
**or of any other income under the published indexed threshold, where the source of that income raises, appears to raise, or could foreseeably raise, a conflict between the member's private interest and their duty as a member;**

**Notes:**

Under this item the Member need not declare their income as a Member or Minister, but are required to declare income from "other sources".

Common sources of income include: income from another job or profession such as Doctor or Dentist; dividends from shares; interest from savings; income from businesses or farms; distributions from family trusts or managed funds; rental income from investment property.

Under this item on the Members' Related Persons Register, a Member should declare the source of their spouse/related person's income.

The published threshold for any other income the value of which exceeds \$950.

**Examples:**

"Income from company dividends, trust distributions and savings and funds declared above; rental income from investment properties declared above".

**Disclosure requirement:**

**7(5)(l) the nature of any other asset of the member or a related person the value of which exceeds more than the published indexed threshold;**

**Notes:**

"asset" means an item of property or an investment or interest owned by a person, trust or company, regarded as having value but does not include:

- (a) household and personal effects;
- (b) motor vehicles unless those motor vehicles have been purchased primarily for an investment purpose;
- (c) industry, public offer and employer superannuation entitlements;
- (d) stock, plant or equipment related to an occupation or business activity otherwise disclosed under this Schedule; and
- (e) a loan to a family member.

The published threshold for an asset the value of which exceeds \$9,500.



### Examples:

Assets would include the following matters valued over the threshold amount (\$9,500):

- A loan to a non-family member
- A vehicle that is purchased as an investment only, such as a special, rare or vintage car where the primary purpose is to make money on its resale
- Gold or silver bullion or rare gems
- Collectible rifles or other guns
- Artworks
- Holiday Timeshare (if not declarable under real estate)
- Crypto currency
- Boats, campers, caravans, other water craft etc.
- Aircraft
- Livestock
- Industrial, commercial or farming equipment

### Disclosure requirement:

***7(5)(m) the name of any political party, trade or professional organisation of which the member or related person is a member, or the name of any other organisation of which the member is an officeholder or any organisation or person to whom the member makes a donation exceeding the published indexed threshold during the reporting period;***

### Notes:

Note there is a difference between memberships of a professional organisation, Chamber of Commerce's; and a community and/or sporting organisation.

Patronages, vice patronages, and memberships of community groups, sporting organisations, memberships of body corporates are not considered professional organisations for the purposes of the register.

Note there is a difference between sponsorship and donations.

Sponsorship is not dealt with or defined in the Schedule, the ordinary meaning of sponsorship is: a person or organisation which finances an event or program in return for advertisement or finances an entertainment or sporting event in return for advertising and marketing rights. (Macquarie dictionary) In the context of a Member, if a Member for example pays an amount for advertising space in a newsletter, then this is not a donation and does not need to be declared – something is given for something in return.

But if money is simply given with no agreement for anything in return, then this is a donation and needs to be declared.

If one donation to an organisation or person is under the published threshold it is not required to be declared, however, if two or more donations exceed the published threshold then it is required to be declared.



Donations made “in kind” are required to be declared, such as iPads x 2 donated to a local primary school.

Donations made to a constituent exceeding the published threshold is required to be declared.

The published threshold for a donation to any organisation or person the value of which exceeds \$950.

#### Frequently asked questions:

***If a Member is required by the by-laws of their party to make tithing payments, is this arrangement is covered by disclosing membership of that party under s7(5)(m), or should be separately declared?***

Donations to a political party is required to be declared as long as the political party is listed once, the obligation is satisfied. There is no need to separately declare tithing payments.

***If a Member makes a donation over the published threshold to a fundraising event but receives something in return, such as a table x 10 for the event, is this a donation?***

No. The member has received something in return ie. the table x 10, therefore, it is not consideration a donation for declaration at this item.

#### Disclosure requirement:

***7(5)(n) any other interest (whether or not of a pecuniary nature) of the member or a related person—***

***(i) of which the member is aware; and***

***(ii) that raises, appears to raise, or could foreseeably raise, a conflict between the member’s private interest and their duty as a member.***

#### Examples:

- Where an entity in which the member or related person has an interest provides unique or substantial services or goods to government entities
- Where an entity in which the member or related person has an interest is likely to be a significant beneficiary or be caused a significant detriment by a government decision
- Previous employment, or previous or current consulting or other contracts with government entities where you may be conflicted in dealing with those entities
- Where you or an entity in which you have an interest is involved in litigation with the Local, State or Federal government or entities of any government entity
- Significant easements held over property in which the member has an interest by government entities
- Where a government entity pays you rental for an easement, communications tower etc. on your land
- Where leases are held that are owned by government entities or significant commercial entities
- Where a related person holds a position in government that may cause a conflict with your role as a member
- Where a member holds an officer holder’s position on a body corporate, such as Chair