(Government)

(1) Schedule 2, item 166, page 48 (line 7), omit “of officers”, substitute “of disclosing officers (see subsection 293C(1))”.

[disclosure of material personal interests]

(2) Schedule 2, item 166, page 48 (line 8), before “officers”, insert “disclosing”.

[disclosure of material personal interests]

(3) Schedule 2, item 166, page 51 (line 24) to page 52 (line 32), omit section 293C, substitute:

293C Disclosure of material personal interests of officers

Disclosure by officers

(1) This section applies to each officer (a disclosing officer) of an organisation or a branch of an organisation whose duties include duties that relate to the financial management of the organisation or branch.

(2) A disclosing officer of an organisation must, in accordance with subsection (5), disclose to the committee of management of the organisation details of any material personal interest that the officer has or acquires in a matter that relates to the affairs of the organisation.

Civil penalty: 100 penalty units, or 1,200 penalty units for a serious contravention.

(3) A disclosing officer of a branch must, in accordance with subsection (5), disclose to the committee of management of the branch details of any material personal interest that the officer has or acquires in a matter that relates to the affairs of the branch.

Civil penalty: 100 penalty units, or 1,200 penalty units for a serious contravention.

(4) A disclosing officer does not need to disclose an interest under subsection (2) or (3) if:

(a) the interest:

(i) arises because the disclosing officer is a member, or a representative of a member, of an organisation or a branch and the interest is held in common with the other members of the organisation or branch; or
(ii) arises in relation to the officer’s remuneration as an officer of the organisation or branch; or
(iii) relates to a contract the organisation or branch is proposing to enter into that is subject to approval by the members of the organisation or branch and will not impose any obligation on the organisation or branch if it is not approved by the members; or
(iv) is in a contract, or proposed contract, with, or for the benefit of, or on behalf of, a related party of the organisation or branch that is a body corporate and arises merely because the officer is on the board of the related party; or
(b) the officer has given a standing notice of the nature and extent of the interest under section 293D and the notice is still effective in relation to the interest.

(5) A disclosure made under subsection (2) or (3) must:
   (a) be made as soon as practicable after the interest is acquired; and
   (b) provide details of:
      (i) the nature and extent of the interest; and
      (ii) the relation of the interest to the affairs of the organisation or branch; and
   (c) be made:
      (i) at a meeting of the committee of management (either orally or in writing); or
      (ii) to the members of the committee of management individually in writing.

The disclosure is made under subparagraph (c)(ii) when it has been given to every member of the committee of management.

Committee of management must record details of disclosure in minutes of meeting

(6) An organisation or a branch contravenes this subsection if a committee of management of the organisation or branch (as the case may be) fails to record details of a disclosure made under subsection (2) or (3):
   (a) if the disclosure is made at a meeting of the committee of management of the organisation or branch—in the minutes of the meeting of the committee of management at which the disclosure is made; or
   (b) in any other case—in the minutes of the first meeting of the committee of management after the disclosure is made.

Civil penalty: 100 penalty units.

(7) An organisation or a branch contravenes this subsection if a committee of management of the organisation or branch (as the case may be) fails, within 28 days of being requested in writing to do so by a member of the organisation or branch, to provide to the member details of disclosures made to the committee of management under subsection (2) or (3).

Civil penalty: 100 penalty units.

[disclosure of material personal interests]

(4) Schedule 2, item 166, page 55 (lines 13 to 15), omit subsection 293F(3), substitute:

(3) Subsections (1) and (2) do not apply if:
   (a) subsection (4) allows the officer to be present and take part in a discussion with respect to the matter; or
   (b) the interest does not need to be disclosed under section 293C.

[disclosure of material personal interests]
(5) Schedule 2, item 166, page 56 (after line 32), after subsection 293G(5), insert:

Arm’s length terms

(5A) Subsections (1) and (2) do not apply to a payment made to a related party if the payment is made on terms that:
   (a) would be reasonable in the circumstances if the organisation, or the branch, and the related party were dealing at arm’s length; or
   (b) are less favourable to the related party than the terms referred to in paragraph (a).

Small amounts given to related party

(5B) Subsections (1) and (2) do not apply to a payment made to a related party if the total of the following amounts is less than or equal to the amount prescribed by the regulations for the purposes of this subsection:
   (a) the amount of the payment;
   (b) the total of all other payments given to the related party, in the financial year, in relation to which subsections (1) and (2) do not apply to the payment because of this subsection.

(5C) In working out the total of the payments referred to in paragraphs (5B)(a) and (b) disregard:
   (a) amounts that have been repaid; and
   (b) amounts that fall under any other exception in this section.

Payments to members that do not discriminate unfairly

(5D) Subsections (1) and (2) do not apply to a payment made to a related party if:
   (a) the payment is given to the related party in their capacity as a member of the organisation or the branch; and
   (b) making the payment does not discriminate unfairly against the other members of the organisation or the branch.

[payments exempt from disclosure]

(6) Schedule 2, item 166, page 57 (line 2), omit “293C(1) or (2)”, substitute “293C(2) or (3)”.

[Disclosure of material personal interests]

(7) Schedule 2, item 166, page 59 (line 34) to page 60 (line 1), omit “officers of the organisation or the branch, and by the organisation or branch, under Division 2”, substitute “the organisation or the branch under sections 293BC, 293G and 293H”.

[Disclosure of material personal interests]

(8) Schedule 2, item 166, page 60 (line 5), omit “Each”, substitute “Unless exempted under section 293M, each”.

[Training exemption]

(9) Schedule 2, item 166, page 60 (after line 27), at the end of Division 4, add:

293M Commissioner may grant exemption from financial training

(1) An organisation or branch of an organisation may, in writing, apply to the Commissioner for an officer of the organisation or the branch to be exempted from the requirement to undertake training under section 293K.
(2) The Commissioner may grant the exemption if the Commissioner is satisfied that the officer has a proper understanding of the officer’s financial duties within the organisation or the branch because of the officer’s:
(a) experience as a company director; or
(b) experience as an officer of a registered organisation; or
(c) other professional qualifications and experience.

(3) The Commissioner may grant the exemption subject to any conditions that the Commissioner considers appropriate in the circumstances.

[training exemption]