



Tahiti ad



The Parliament Papers

leaked documents from within the Business Roundtable show just how much influence it has over politicians, the media and public figures, as IAN WISHART explains

Evidence of a political and financial spider's web involving Cabinet Ministers, millionaire businessmen, senior journalists and newspaper editors in a plan to manipulate public opinion has emerged in a pile of explosive documents leaked to *Investigate* magazine.

The documents, pictured on the following pages, show tentacles of influence spreading out from New Zealand Business Roundtable CEO Roger Kerr across virtually all the main sectors of NZ society.

A source with access to the Roundtable's confidential files dumped a number of them in the hands of this magazine that show:

- A National Cabinet Minister apparently seeking money from Fay Richwhite in 1993 for personal reasons
- A list of policy demands being

delivered by David Richwhite, Lion Nathan boss Doug Myers, Air New Zealand chairman Bob Matthew and Roger Kerr to Minister of Labour Bill Birch

- A summoning of National Prime Minister Jim Bolger and Bill Birch to a meeting with Myers, Matthew, Kerr and Telecom boss Rod Deane at Brierley's head office in Wellington
- An apparent close working relationship between *Dominion* editor Richard Long and the Business Roundtable
- That the Business Roundtable offered to bribe – in *Investigate's* opinion – journalists and columnists in newspapers to write articles showing Roundtable policies in a favourable light
- That a journalist who is now a senior writer for *North &*

South magazine was secretly paid by the Business Roundtable to write a book under her own name that portrayed Roundtable policies in a favourable light

· That speeches and articles allegedly written by top business leaders may not have been written by those business leaders at all, but by the Business Roundtable as part of a cynical attempt to manipulate public, business and political opinion

North & South's Editor-at-large, Warwick Roger, who has publicly accused *Investigate* journalists of wallowing in conspiracy theories, may like to publicly explain the relationship between his magazine's senior writer, Deborah Coddington, and the New Zealand Business Roundtable, in the wake of the pub-





NZBR

New Zealand Business Roundtable

P.O. Box 10-147, The Terrace, Wellington, New Zealand, Telephone (04) 499-0790, Fax (04) 471-1304.

12 February 1993

PERSONAL AND CONFIDENTIAL

Hon S D Upton
Minister for Health
Parliament Buildings
WELLINGTON

Dear Simon

document leaked to
INVESTIGATE magazine

It was excellent to catch up with you this week. This is to follow up on a few items.

First, I have approached David Richwhite and he would be pleased to consider funding the research for the book. I suggest you follow it up with him; I will send him a copy of this letter. I would be interested to keep in touch with the project if you felt like sending me a copy of the proposal.

Secondly, I have been discussing MMP with others this week and we are determined to put an effort in on the subject. I will be in touch with you shortly to discuss ideas. In the meantime, I wanted to let you know that I would be happy to arrange financial support for a visit this year by your academic contact in Germany. In addition, to set the ball rolling and to get the analysis into play, could you consider asking him to do a feature article (say 1200-1500 words) on the German situation? I have spoken to Richard Long and he would be happy to run it.

Thirdly, I would like to talk to you at the same time about ways of helping to support the government's health reforms.

With kind regards

Yours sincerely

R L Kerr
EXECUTIVE DIRECTOR

document leaked to
INVESTIGATE magazine





lication of these documents.

Not only do the papers obtained by *Investigate* show Coddington failed to reveal a conflict of interest regarding her authorship of the book *Turning Pain Into Gain*, but that she looked forward to continuing her close relationship with the Business Roundtable while supplying “business/economy articles” to *North & South* and other news media as well.

Coddington decided to hide from the public the fact that she was secretly drawing a salary from the Business Roundtable because she worried that readers would doubt her journalistic credibility if they knew.

Other prominent New Zealanders to emerge as mouthpieces of the Business Roundtable include authors Karl Stead and Alan Duff.

A letter from Stead to the Roundtable’s Michael Irwin in March 1994 begins:

“I would like to write the piece you suggest for the *Dominion*, accepting NZBRT’s offer to make up payment to one day’s work at the agreed rate.”

The article was about education.

Another document shows Roger Kerr offering to top up another columnist’s usual payment from the *Dominion* by a further \$500 “to make it worth the trouble” to write an article where the “thinking is in line with that in our study”.

Investigate has no knowledge whether *Dominion* editor Richard Long knew that the Business Roundtable was secretly paying *Dominion* columnists extra money to write pro-freemarket articles, and the magazine makes no allegations in this regard. But the documents on the following pages do show a very close relationship between Roger Kerr and Richard Long.

Investigate is also aware that Long ordered alterations to some of the news coverage of the Winebox Inquiry by *Dominion* correspondents,

allegedly because it showed New Zealand First leader Winston Peters in too positive a light.

Ironically, it is in an article published by the *Dominion* attacking Peters that the Business Roundtable’s hypocrisy is best illustrated.

The article, allegedly written by Business Roundtable chairman Doug Myers but apparently penned by Roger Kerr, is headlined “Importance of Being Honest” but could more accurately have been slugged “The Pot Calling The Kettle Black”.

“The importance of the judgement of the District Court in the defamation case taken by Selwyn Cushing against New Zealand First leader Winston Peters, from the Business Roundtable’s perspective, is that the accusation that it had sought to exercise improper political influence was found to be totally baseless,” crowed Myers [Kerr] in the opening paragraph.

“Winston Peters should, as a minimum first step, make a full and unequivocal apology forthwith to all parties wrongfully accused.

“From a national perspective, the sequence of events has highlighted the lack of substance underlying the claims about corruption in New Zealand made in the Australian *Four Corners* programme and the earlier TVNZ programme *For The Public Good*.”

“There have been other instances in recent years of false and exaggerated claims by politicians, regulators and journalists about alleged inadequacies in our laws, regulations or codes of behaviour as they affect commerce.

“Contrary to such claims, the general reputation of business in this country for honesty and integrity is deservedly high. New Zealand has come out in first place in international surveys by Transparency International as the country which is freest from corruption in business and politics.

“The Business Roundtable supports demands for the highest standards of honesty and integrity in politics and business. It is up to individuals and firms to set such standards and to promote them in the wider community.

“As an organisation, the Business Roundtable believes that there is no place for improper influence in any sphere of public life. It operates on the basis of open and transparent research and analysis and on the principle that public policies should be determined on the merits of the relevant arguments.

“When the disreputable television programme *For The Public Good* was found to have made blatantly untrue allegations about improper business influence on Government decisions, Television New Zealand received the stiffest penalty ever handed down by the Broadcasting Standards Authority.

“Similarly,” concludes Myers [Kerr], “Michael Laws resigned from Parliament after accusations of improper conduct. At a time when New Zealand is facing important choices in the coming election, it is vital that public debate should focus on the merits of policies, that high standards of integrity in politics should be upheld, and that those who fall short of them should be held accountable.”

Investigate has not sought comment in advance from any of the parties mentioned in the documents on the next few pages because of the high likelihood of an expensive gagging writ. Instead it will be up to other news media to seek reactions to this major story and the leaked documents.

However, *Investigate* did invite the Justice spokespeople from each main political party, and an expert on journalism ethics, to comment on a hypothetical case we put to them. Their responses follow after the documents:





NZBR

New Zealand Business Roundtable

P.O. Box 10-147, The Terrace, Wellington, New Zealand. Telephone (04) 499-0790, Fax (04) 471-1304.

24 August 1995

The Right Honourable J B Bolger
Prime Minister
Parliament Buildings
WELLINGTON

c.c. Rt Hon W F Birch

document leaked to
INVESTIGATE magazine

Dear Mr Bolger

As background to our meeting on Monday 28 August, I am enclosing an aide memoire on a range of issues that we would be interested to discuss.

Douglas Myers, Bob Matthew, Roderick Deane and I are looking forward to seeing you and Mr Birch at the office of Brierley Investments Limited, Level 6, CML Building, 22-24 Victoria Street, Wellington at 7.00 p.m.

Kind regards

Yours sincerely

R L Kerr
EXECUTIVE DIRECTOR

INVESTIGATE June 2002, 27





NZBR

New Zealand Business Roundtable

P.O. Box 10-147, The Terrace, Wellington, New Zealand. Telephone (04) 499-0790, Fax (04) 471-1304.

18 December 1992

CONFIDENTIAL

The Right Honourable W F Birch
Minister of Labour
Parliament Buildings
WELLINGTON

Dear Bill

document leaked to
INVESTIGATE magazine

We appreciated the opportunity to review with you the state of the government's programme when we met on 27 November 1992.

The main thrust of the concerns we expressed was the absence of a vigorous continuing programme of policy initiatives to deal with the serious problems that beset the economy and to strengthen the prospect of recovery. This contributes to a perceived lack of vision in respect of economic and social objectives and ambitions, and to a lack of public understanding and support for changes which would bring greater economic success.

You asked us to set out the kind of initiatives which we would like to see the government take in the period immediately ahead. We believe these should be developed in the context of a more concerted effort by the government to improve the management of its programme and to present the case for what it is doing more effectively to the public. Ministers, backbenchers and government agencies all have a role to play here.

On the management side, we do not doubt your point that the policy workload this year has been intense, but we do not see 'busyness' translating into a set of actions commensurate with what the economic situation actually requires. There is no programme in sight which would be capable of achieving the government's commitment to restore a triple A credit rating. This calls attention to issues such as decision making processes, priorities, and the measurement of the adequacy of policies not in relation to the performance of previous governments but in relation to current economic needs.

We do not believe that any government can advance a reform programme without ensuring that the community understands and accepts the need for it. Through the year ministers have argued to us that the government is doing all that is politically sustainable. Given that its programme is falling well short of offering robust solutions to problems such as the fiscal situation, unemployment and poor educational performance, even in the medium term, this calls attention to the need for deeper public understanding of these problems in order to develop a constituency for effective remedies.

Despite the government's efforts, and solid achievements in areas such as monetary policy and inflation, we believe that an objective assessment of the government's policy 'balance sheet' at the end of this year would also include the following statements:

- there has been no real progress this year overall on fiscal policy (government spending is rising again in real terms, public sector net worth is still declining and net public debt is rising as a proportion of GDP);



- progress with privatisation has been extremely disappointing, and the integrity of the SOE policy is eroding rapidly;
- the major achievement of the Employment Contracts Act has not been followed up by further measures to improve the operation of the labour market with the result that unemployment will, at best, only decline slowly;
- there has been a stalemate on education reforms and no apparent strategy to resolve it;
- efforts to reduce protection appear to have softened, and exposed internationally competing companies continue to carry excessive costs;
- tax policy seems to have lost its way, with several initiatives not reflecting sound economic principles, lacking a sense of priorities (e.g. business entertainment tax) and motivated by unfounded assumptions about tax avoidance.

Against this background, and in response to your request for ideas on concrete initiatives which it would be feasible and realistic to undertake over the next 12 months as part of a coherent medium term programme, we would make the following recommendations.

Fiscal policy

Given the slippage that has occurred, we would place high priority on a specific recommitment to achieve a balanced budget as a step towards financial surpluses. These are essential to reduce the major threat to stability posed by the level of debt. A target date of 1994/95 to achieve balance would be challenging but achievable. Credible policy decisions to back up a stated objective would be extremely positive for financial markets and business confidence.

Decision making should be focused on expenditure reductions, and a large menu of options was put forward in our organisation's report *Budgetary Stress* earlier this year (copy attached). They include changes in outputs, inputs, public sector management and privatisation. By comparison with the size of adjustments which the private sector has been forced to undertake in recent years, changes in many public sector operations have been modest.

In the social policy area we would also recommend preparing the ground for allowing national superannuation benefits to fall over time in relation to wages and to be subject to tighter targeting (as a crucial requirement for reducing the tax/GDP ratio), and to put the Accident Rehabilitation and Insurance Corporation on to an SOE footing with exposure to private sector competition.

Privatisation

By comparison with many other countries where privatisation programmes are being pursued vigorously with strong political and community support, New Zealand is now lagging badly in this area. There is ample expertise in the public and private sectors to handle business sales, and no significant capital market constraints. We would see a desirable sales programme in the year ahead including the four organisations subject to scoping studies (NZ Rail, Landcorp, Works Corporation and Government Computing Services), Transpower, NZ Post, TVNZ, the commercial parts of Radio New Zealand, forestry assets, the government's interests in Fletcher Challenge and international airports, the residual Housing Corporation mortgages and a start to the sale of Housing New Zealand rental stock. Preparatory work should be undertaken on health, education and roading. There is a need for a much greater effort to explain why privatisation benefits the economy.



Unemployment

With employment growth now occurring, we believe it is time to scale down spending on employment schemes and focus efforts on the removal of barriers to employment and on the strengthening of incentives to seek paid work. The costs and risks to employment resulting from decisions by the Employment Court are a significant factor here, and the NZBR/NZEF study contains concrete recommendations for change. We believe it would now be desirable to place a time limit on the dole (with back-up training and assistance programmes as provided in other countries), and to reduce the statutory minimum wage at least to the level of the unemployment benefit (the case against minimum wages is sustained successfully by many OECD governments). Closer integration between the benefit system and work testing would also be desirable. Within the public sector there is a need for employment contracts to be more responsive to supply and demand in areas like nursing and teaching, which implies giving priority to more flexible arrangements rather than to the old-style tendencies towards pay freezes which seem to be developing. We recommend that the immigration intake should be further expanded.

Education

The government's efforts have been concentrated on reforming the public education system from within, which is proving to be as difficult a task as similar efforts in the 1970s and early 1980s to reform government trading organisations internally. We see the only solution lying in broader action to promote choice and competition within the public sector and between it and the private sector. Priority should be given to allowing good schools to expand and bad schools to close, and to introducing open competition from the private sector. This should take the form of implementing the 50 percent subsidy for private school salaries next year and then moving quickly to equal per pupil funding in public and private schools.

To boost educational attainment, we recommend that the secondary school year should be increased from 190 to, say, 220 days, in line with many other countries.

At the tertiary level, further reductions in the levels of fee subsidy may or may not be possible next year but the funding formula should be reviewed with a view to moving from course-related funding to a flat subsidy per student. We also recommend a basic review of governance arrangements with a view to establishing clearer performance objectives, smaller and more accountable boards/councils and major changes in employment contracts. There are significant opportunities for improving the performance of tertiary institutions, such as making year-round use of facilities.

Regulation

Under this heading we recommend:

- passage of a sound Companies Bill but the abandonment of proposals to legislate accounting standards, establish a specific takeovers code and require disclosure of executive remuneration;
- amendments to the Commerce Act to provide a clear focus on economic efficiency, extend its coverage to labour contracts and streamline its operation, which would enable staff numbers in the Commission to be substantially reduced;
- a government review of agricultural marketing regulation to prepare for post-1993 decisions (although there may be earlier opportunities to open up competition, for example in kiwifruit exporting and in domestic sales of apples and pears);





- the removal of other forms of industry protection such as the restrictions on pharmacy ownership;
- an independent review of the operation of the Resource Management Act with a view to further changes in 1994. The planning system is still imposing excessive costs and delays on development;
- a cooperative government and private sector push to open up trans-Tasman shipping to competition;
- a rolling back of misguided consumer protection, information privacy, insider trading, banking supervision and employment discrimination legislation which risks generating economic costs in excess of any benefits. The regulatory ideas of the Todd Task Force may not satisfy this cost benefit test;
- a review of anti-dumping procedures, which appear to be turning into a form of protection on demand.

We also believe that the government should work to promote a more informed choice next year on the merits of alternative electoral arrangements. The strengths of the current system and the risks of a shift to proportional representation were poorly presented in the lead-up to this year's referendum.

This list of initiatives is illustrative rather than exhaustive, and it is possible that factors of which we are unaware might limit progress on some of them in the period ahead. Nevertheless, we consider they would all be economically beneficial and feasible with positive political leadership and management.

An overriding need as we see it is for the government to demonstrate a capacity to set the policy agenda, use quality people to assist with implementation, and project a sense of purpose and leadership. The attached paper by Roger Douglas is a useful discussion of these issues.

You indicated that you would like to have a further discussion on the basis of these thoughts for a concrete agenda for 1993. Douglas Myers, Bob Matthew, David Richwhite and I would be keen to do this early in the new year.

Yours sincerely

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R L Kerr
EXECUTIVE DIRECTOR





INZIDIR

New Zealand Business Roundtable

P.O. Box 10-147, The Terrace, Wellington, New Zealand. Telephone (04) 499-0790, Fax (04) 471-1304.

12 March 1996

Mr Richard Long
Editor
The Dominion
PO Box 1297
WELLINGTON

document leaked to
INVESTIGATE magazine

Dear Richard

Here is the article by Douglas Myers that you discussed with Barrie Saunders. I gather you plan to run it on Wednesday, 20 March, which would fit well with the release of our report *Moving Into The Fast Lane* the previous day.

Douglas sends you his best regards.

Yours faithfully

R L Kerr
EXECUTIVE DIRECTOR





MEMO



TO: Auckland Councillors
Branch Chairmen
Executive Committee

FROM: Richard Ebbett

RE: Sir Ronald Trotter Address to Auckland Branch - 13/7/94

document leaked to
INVESTIGATE magazine

Text of Sir Ronald Trotter's speech is attached. Sir Ronald was put forward by Proudfoot Crosby, Auckland branch sponsor, as their nominated speaker for 1994.

It is apparent that the speech was mostly the work of Roger Kerr of the Business Roundtable; Kerr released the speech to the media; and Sir Ronald showed a high degree of unfamiliarity with the text when presenting it.

60 members/guests were present. Questions came from:

- David Jones (Phillips Fox) who criticised the authors for failing to do the research into the Companies Act (and in particular the reason for the spate of company registrations in June) that they espoused;
- Michael Horton, who questioned whether in fact overseas takeover jurisdictions were as accommodating as the authors suggested; and
- John Horrocks, who made the point that Directors represent all shareholders (whereas the Chief Executive might be expected to identify with more vested





a question of journalistic ethics?

The events detailed in these documents happened several years ago. We asked journalism ethics expert Jim Tully, and a group of senior politicians, to answer what they understood to be a series of *hypothetical* questions. Their answers should not be construed as informed comment on what you have just read, but their answers are indicative of current attitudes to such practices in general terms:

1. *Please comment on the ethics/professionalism of the following scenario: If any journalist was to write an article for a newspaper on an important matter and received money from an interested lobby group for doing so...*

Journalists must be seen to be independent in their information gathering. They should avoid affiliations and incentives which compromise their independence and create, or indeed appear to create, conflicts of interest.

A journalist employed by a news organisation, or freelancing, who receives money from a source or an

individual/organisation which has an interest in the material published or broadcast is compromising their independence and is, arguably, performing the role of a public relations person not an independent journalist if that is what they are purporting to be. If they were commissioned to write the article, the conflict of interest is clear-cut.

It would be appropriate for any financial relationship to be declared to the publisher and to be acknowledged on publication. Readers are entitled to know the an article was written on this basis just as we would expect articles on, say, the travel pages to acknowledge any provision of free travel and accommodation etc and by whom.

2. *And a book?*

If the book was commissioned by the lobby group, one would expect this to be acknowledged.

3. *If a newspaper editor were to run a feature article on a political topic, written by an allegedly independent academic but the person was known to the editor to be working at the behest of influential lobby groups, would that be a breach of ethics?*

Affiliations that reflect upon the independence of a writer should be disclosed.

- Jim Tully, Lecturer in Journalism

the questions to politicians

Firstly, if an ordinary MP were found to have substantial direct private business dealings with an influential individual or organisation, should such an interest be required to publicly declared?

Secondly, if a Cabinet Minister or Prime Minister were found to have substantial direct private business dealings with an influential individual or organisation, should such an interest be required to be publicly declared?

Thirdly, if a Cabinet Minister were found to have accepted money from an influential individual or organisation, in return for which such an individual or organisation wanted top level access to the Minister to provide advice on policy matters, should such an incident be disclosed to an authority? If so, which authority?





the answers



REPLY, Stephen Franks, ACT

Conflict of interest rules for Cabinet Ministers are designed to reduce the risks of corruption. I was interviewed by Al Morrison in *North*

& *South* several months ago on the topic of corrupt influence.

Interests registers for Cabinet Ministers are a crude form of prophylactic. They signal to the Minister that any use of executive powers to favour his or her personal or family interests is likely to be evident. Executive power is important, because Ministers have all kinds of discretions to exercise, and our law and constitution assume that they will be exercised in the best interests of New Zealanders generally. As the Parliamentary commencement prayer puts it "Putting aside all private and personal interests".

On the other hand, expecting disclosure to deal with most concerns about undue influence is simply futile. The influences that affect politicians are largely political, but that covers a broad range. For example

lobby groups implicitly threaten the political future of MPs by the influence they have with their members and with other media in affecting the politician's reputation. The best lobby groups achieve the most by providing persuasive argument and information which the political decision maker would otherwise not have.

Your questions identify a particular source or potential source of influence, namely the personal profit that might be derived from or disguised in a private business dealing. It is not the fact that the dealing is with an influential individual or organisation that matters, it is whether the dealing is with people who have some interest in a matter in which the politician also has power. Voting in caucus without disclosure of a conflicting interest

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should be considered completely unethical. Votes on select committees and in Parliament are open, and debated. This differs from the position for Ministers. Many of their exercises of discretion will never attract public attention. The short answer to your questions is then:

1. Ministers should disclose material private business dealings with bodies where any conflict of interest might reasonably be anticipated. To the extent that is feasible the disclosure should be public and prior, and recorded in a register.

2. The argument is much less powerful in relation to ordinary MPs. There are relatively few occasions in which an ordinary MP can secretly procure advantages for “influential individuals or organisations” who might want to “pay off” the MP. I think the rule should be that MPs must disclose their connection if and when there is some matter on which they are involved, that concerns the individual or organisation. I favour strong sanctions for failure to make an informative disclosure of any potential conflict of interest.

But to try to require routine registration of dealings would be likely to have four effects:

(a) Involve a numbing recitation of irrelevant detail by law abiding careful folk.

(b) Catch some “innocents” sooner or later with inadvertent non-disclosure, particularly where a connection or interest arises after the specified filing times.

(c) Non-disclosure by crooks. They will just route the “dealings” through family members or some other disguise.

(d) Inevitably the rules grow in an attempt to block perceived loop holes. If they become a cumbersome set of obligations active business

people will be further dissuaded from getting involved in politics. They could not be bothered with the trivia and the prurient and envious use to which the register would be put, when it should really be aimed at corruption.

My approach to most of these corruption matters is to have proper enforcement of real penalties when corruption is uncovered rather than potentially futile procedural fences at the tops of cliffs.

REPLY, Wayne Mapp, Nat.

1. Yes, in fact this is a current requirement where an MP is considering legislation in which it could be said that there is a conflict of interest, or a benefit to the MP as a result of the legislation.

2. Yes, the current rules requires full disclosure of interests given the wide range of issues that Ministers consider.

3. Resignation should be the automatic result of “purchasing access”.

REPLY, Phil Goff, Lab.

Very clear and stringent rules about Minister’s conduct and conflict of interest exist and are spelled out in the Cabinet Office Manual. The Manual is available at:

www.dpmc.govt.nz/cabinet/manual/index.html

The Government proposes to introduce disclosure of interest rules for all MPs.

REPLY, Rod Donald, Green

1. Yes, and once the register of interests of members of parliament is established then any such interest will be publicly declared. Such a register already operates for cabinet ministers and all members of parliament are already required under Standing orders (165) to declare any pecuniary interests i.e. direct financial benefit that might accrue as a result of

the outcome of parliament's consideration of a particular item of business to either the member personally or any trust, company or other business entity in which the member holds an appreciable interest.

2. Yes. In addition to the requirements under standing Order No. 165, any such interest is already required to be publicly declared under the registration of interests for Cabinet Ministers which requires disclosure of remunerated directorships or employment and substantial minority or controlling interests in a business enterprise or professional practice (with a description of the business activity unless the business concerned is listed as a public company), minority ownership of company shares or beneficial interests in a trust (excluding a registered superannuation scheme), ownership of all real property, holding of mortgage or debt instruments, liabilities indicating the nature of the liability and the identity of the creditor, overseas travel or accommodation (unless paid for personally or by immediate family members or from NZ public funds or by another Government as an adjunct to an official parliament visit), gifts received that have an estimated value of over NZ\$500 per gift, payments received from any outside activities and liabilities of the member discharged by a third party.

3. Yes. The rules on non compliance in relation to disclosure of interests are well established. Non compliance is addressed by way of publicity and political sanction, a report by the controller and auditor general and contempt of the House. Failure to declare a pecuniary interest in relation to parliament's consideration of a particular item of business also results in contempt of the House. The Clerk of the House is the authority to which any such incidences should be reported.





tear fund