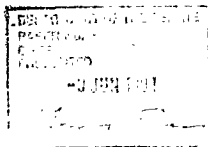


THE PARLIAMENT OF THE
COMMONWEALTH OF AUSTRALIA

THE SENATE



COMMITTEE OF SENATORS' INTERESTS

Arrangements for the Compilation, Maintenance and
Accessibility of a Register of Senators' Interests

(FIRST REPORT)

JUNE 1994

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COMMONWEALTH OF AUSTRALIA

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ISSN 1322-2783

ISBN 0 642 20342 3

This document was produced from camera-ready copy prepared by the Committee of Senators' Interests, and printed by the Senate Printing Unit, Parliament House, Canberra.

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COMMITTEE OF SENATORS' INTERESTS
Resolution of the Senate, adopted 17 March 1994

Committee of Senators' Interests

That the standing orders be amended by adopting the following new standing order—

- 22A. (1) A Committee of Senators' Interests shall be appointed at the commencement of each Parliament:
- (a) to inquire into and report upon the arrangements made for the compilation, maintenance and accessibility of a Register of Senators' Interests;
 - (b) to consider any proposals made by Senators and others as to the form and content of the Register;
 - (c) to consider any submissions made in relation to the registering or declaring of interests;
 - (d) to consider what classes of person, if any, other than Senators ought to be required to register and declare their interests; and
 - (e) to make recommendations upon these and any other matters which are relevant.
- (2) (a) The membership of the Committee shall as closely as possible reflect the composition of the Senate and, until modified by a subsequent resolution, shall consist of 8 Senators, 3 nominated by the Leader of the Government in the Senate, 4 nominated by the Leader of the Opposition in the Senate and 1 nominated by any minority groups or independent Senators.
- (b) The nominations of the minority groups or independent Senators shall be determined by agreement between the minority groups and independent Senators, and, in the absence of agreement duly notified to the President, the question of the representation on the Committee shall be determined by the Senate.
- (3) The Committee shall elect one of its members as Chairman and, in the absence of a majority decision in such an election duly notified to the President, the question of the election of the Chairman shall be determined by the Senate.
- (4) The quorum of the Committee shall be 3 members.
- (5) The Chairman may from time to time appoint a member of the Committee to be Deputy Chairman, and the member so appointed shall act as Chairman of the Committee when there is no Chairman or the Chairman is not present at a meeting of the Committee.
- (6) Where votes on a question before the Committee are equally divided, the Chairman, or the Deputy Chairman when acting as Chairman, shall have a casting vote.
- (7) The Committee shall have power to send for persons or documents, but shall not exercise that power, nor undertake an investigation of the private interests of any person, except in accordance with a decision agreed to by not less than 3 members of the Committee other than the Chairman.
- (8) The Committee shall have power to confer with a similar committee of the House of Representatives.
- (9) The Committee shall, as soon as practicable after 31 December in each year, prepare and table in the Senate a report on its operations during that year, and shall also have power to report from time to time.

REGISTRATION OF SENATORS' INTERESTS
Resolution of the Senate, adopted 17 March 1994

1 Registration of Senators' Interests

1.(1) That, within 14 sitting days after the adoption of this resolution by the Senate and 28 days of making and subscribing an oath or affirmation of allegiance as a Senator, each Senator shall provide to the Registrar of Senators' Interests a statement of:

- (a) the Senator's registrable interests; and
- (b) the registrable interests of which the Senator is aware:
 - (i) of the Senator's spouse, and
 - (ii) of any children who are wholly or mainly dependent on the Senator for support;

in accordance with this resolution and in a form determined by the Committee of Senators' Interests from time to time, and shall also notify any alteration of those interests to the Registrar within 28 days of that alteration occurring.

(2) That any Senator who:

- (a) knowingly fails to provide a statement of registrable interests to the Registrar of Senators' Interests by the due date;
- (b) knowingly fails to notify any alteration of those interests to the Registrar of Senators' Interests within 28 days of the change occurring; or
- (c) knowingly provides false or misleading information to the Registrar of Senators' Interests;

shall be guilty of a serious contempt of the Senate and shall be dealt with by the Senate accordingly, but the question whether any senator has committed such a serious contempt shall first be referred to the Privileges Committee for inquiry and report and may not be considered by any other committee.

2. That statements of the registrable interests of a Senator's spouse or of any dependent children submitted in accordance with paragraph (1) shall be maintained in a separate part of the Register and shall remain confidential to the Committee of Senators' Interests except where the Committee considers that a conflict of interest arises, at which time the Committee may table the declaration.

Registrable interests

3. That the statement of a Senator's registrable interests to be provided by a Senator shall include the registrable interests of which the Senator is aware of the Senator's spouse and of any children who are wholly or mainly dependent on the Senator for support, and shall cover the following matters:

- (a) shareholdings in public and private companies (including holding companies) indicating the name of the company or companies;
- (b) family and business trusts and nominee companies:
 - (i) in which a beneficial interest is held, indicating the name of the trust and the nature of its operation and beneficial interest, and
 - (ii) in which the Senator, the Senator's spouse, or a child who is wholly or mainly dependent on the Senator for support, is a trustee (but not including a trustee of an estate where no beneficial interest is held by the Senator, the Senator's spouse or dependent children), indicating the name of the trust, the nature of its operation and the beneficiary of the trust;
- (c) real estate, including the location (suburb or area only) and the purpose for which it is owned;
- (d) registered directorships of companies;
- (e) partnerships, indicating the nature of the interests and the activities of the partnership,
- (f) liabilities, indicating the nature of the liability and the creditor concerned;
- (g) the nature of any bonds, debentures and like investments;
- (h) saving or investment accounts, indicating their nature and the name of the bank or other institutions concerned;
- (i) the nature of any other assets (excluding household and personal effects) each valued at more than \$5 000;
- (j) the nature of any other substantial sources of income;
- (k) gifts valued at more than \$500 received from official sources (such sources being an Australian or foreign national, State, provincial or local Government or a person holding an office in such a Government) or at more than \$100 where received from other than official sources, provided that a gift received by a Senator, the Senator's spouse or dependent children from family members or personal friends in a purely personal capacity need not be registered unless the Senator judges that an appearance of conflict of interest may be seen to exist;
 - (l) any sponsored travel or hospitality received where the value of the sponsorship or hospitality exceeds \$200;
- (m) being an officeholder of or financial contributor donating over \$100 in any single calendar year to any organisation; and
- (n) any other interests where a conflict of interest with a Senator's public duties could foreseeably arise or be seen to arise.

Register and Registrar of Senators' Interests

4. That:

- (a) at the commencement of each Parliament, and at other times as necessary, the President shall appoint an officer of the Department of the Senate as the Registrar of Senators' Interests and that officer shall also be Secretary of the Committee of Senators' Interests,
- (b) the Registrar of Senators' Interests shall, in accordance with procedures determined by the Committee of Senators' Interests, maintain a Register of Senators' Interests in a form to be determined by that Committee from time to time;

- (c) as soon as possible after the commencement of each Parliament, the Chairman of the Committee of Senators' Interests shall table in the Senate a copy of the completed Register of Senators' Interests and shall also table every six months any notification by a Senator of alteration of those interests;
- (d) the Register of Senators' Interests shall be available for inspection by any person under conditions to be laid down by the Committee of Senators' Interests from time to time; and
- (e) that part of the Register of Senators' Interests relating to spouses and dependent children shall remain confidential to the Committee of Senators' Interests as provided for in paragraph 2.

Declaration of interest in debate and other proceedings

5. That, notwithstanding the lodgment by a senator of a statement of the senator's registrable interests and the registrable interests of which the senator is aware (a) of the senator's spouse; and (b) of any children who are wholly or mainly dependent on the senator for support, and the incorporation of that statement in a Register of Senators' Interests, a senator shall declare any relevant interest:
 - (a) at the beginning of his or her speech if the senator participates in debate in the Senate, committee of the whole Senate, or a committee of the Senate or of the Senate and the House of Representatives, and
 - (b) as soon as practicable after a division is called for in the Senate, committee of the whole Senate, or a committee of the Senate or of the Senate and the House of Representatives, if the senator proposes to vote in that division;

and the declaration shall be recorded and indexed in the *Journals of the Senate* or minutes of proceedings of the committee and in any Hansard report of those proceedings or that division, but it shall not be necessary for a senator to declare an interest when directing a question seeking information in accordance with standing order 72 or 74.

Interpretation

- 6.(1) For the purposes of paragraphs 1 to 5 of this resolution "spouse" includes de facto spouse.
- (2) "De facto spouse" means a person who is living with another person of the opposite sex as the spouse of that other person on a *bona fide* domestic basis although not legally married to that other person.

REPORT

The Registration of Senators' Interests

The resolution of the Senate of 17 March 1994 on the registration of Senators' interests requires that each Senator provide a statement of registrable interests within 14 sitting days after the adoption of the resolution and within 28 days of making and subscribing an oath or affirmation of allegiance as a Senator. The resolution also requires any alterations in those interests to be notified within 28 days of the alteration occurring. The statements of interests are to be kept on a Register of Senators' Interests.

The resolution provides that a Senator's statement of registrable interests must accord with the resolution and must be in a form determined by the Committee of Senators' Interests (*paragraph 1*). The resolution also provides that the Register of Senators' Interests shall be maintained by the Registrar of Senators' Interests in accordance with procedures determined by the committee and in a form to be determined by the committee (*subparagraph 4(b)*), and that the Register shall be available for inspection by any person under conditions to be laid down by the committee (*subparagraph 4(d)*).

New Standing Order 22A, agreed to on 17 March 1994 and which establishes the Committee of Senators' Interests, provides for the committee, *inter alia*, to inquire into and report upon the arrangements made for the compilation, maintenance and accessibility of a Register of Senators' Interests (*paragraph 1(a)*).

The Committee of Senators' Interests met on 24 March 1994 and 30 May 1994, and has determined the form of Senators' statements of interests, the arrangements for the compilation and maintenance of the Register of Senators' Interests and the conditions of access to the Register of Senators' Interests.

In relation to the form of Senators' statements of interests the committee determined that Senators would be required to complete two forms - one for the Senator and, as applicable, one for the Senator's spouse and dependent children. Copies of Form A, the form on which Senators register their own interests, and any notifications of alterations in those interests, will comprise the register available for public inspection. The committee also prepared explanatory notes for the guidance of Senators when completing the forms.

The forms as finally approved and the explanatory notes are at Appendix 1.

The arrangements for the compilation and maintenance of the Register of Senators' Interests determined by the committee, and decisions related thereto, are at Appendix 2.

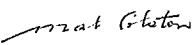
The conditions of access to the Register of Senators' Interests determined by the committee, and decisions related thereto, are at Appendix 3.

Other Matters

The committee proposes to review, in the second half of 1994, the arrangements for the registration process. It will invite Senators to make submissions in relation to the form and content of the Register and the registration and declaration of interests in the light of their experience of the first process. Any recommendations arising out of the review will be made to the Senate in the committee's report on its operations during 1994, to be made early next year.

The committee considered several matters raised by Senators concerning the interpretation of the Senate's resolution on the registration of interests. The committee's interim view of the appropriate interpretation in relation to those matters is set out in the minutes of its meeting of 30 May. In respect of the interpretation of the list of registrable interests set out in the Senate's resolution, the committee draws the attention of Senators to paragraphs (6) and (7) of the document 'Compilation and Maintenance of the Register', at Appendix 2. In particular, the committee advises that while it may, from time to time, provide guidance on the interpretation of particular matters set out in the resolution, final decisions on the appropriate interpretation of the resolution must be the responsibility of individual Senators.

The minutes of the meetings of the committee held on 24 March 1994 and 30 May 1994 are at Appendix 4.


Mal Colston
Chairman

June 1994

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

THE SENATE

REGISTER OF SENATORS' INTERESTS

STATEMENT OF REGISTRABLE INTERESTS

FORM A - SENATORS

Notes

- (1) It is suggested that the accompanying Explanatory Notes be read before the return is completed.
- (2) The information you are required to provide is contained in the order of the Senate of 17 March 1994 relating to the registration of Senators' interests. The information is to be provided in two parts. This form, Form A, is to be used to provide a Senators' own registrable interests. Form B is to be used to provide the registrable interests, of which the Senator is aware, of the Senator's spouse and any children who are wholly or mainly dependent on the Senator for support.
- (3) Form A will be available for public inspection under conditions determined by the Committee of Senators' Interests. Form B will remain confidential to the Committee of Senators' Interests except where the committee considers that a conflict of interest arises, when the committee may table the form.
- (4) Both forms must be completed and signed, and together form your statement of interests.
- (5) If there is insufficient space on this form for the information you are required to provide, you may attach additional papers for that purpose. Each paper attached to this form should be signed personally by you and dated.

Surname: Other Names:

State/Territory:

1. **SHAREHOLDINGS IN PUBLIC AND PRIVATE COMPANIES (INCLUDING HOLDING COMPANIES) INDICATING THE NAME OF THE COMPANY OR COMPANIES**

Self	Name of company-(including holding and subsidiary companies if applicable)

2. **FAMILY AND BUSINESS TRUSTS AND NOMINEE COMPANIES—**
(1) in which a beneficial interest is held, indicating the name of the trust and the nature of its operation and beneficial interest

Self	Name of trust/nominee company	Nature of its operation	Beneficial interest

(2) in which the Senator, the Senator's spouse, or a child who is wholly or mainly dependent on the Senator for support, is a trustee (but not including a trustee of an estate where no beneficial interest is held by the Senator, the Senator's spouse or dependent children) indicating the name of the trust, the nature of its operation and the beneficiary of the trust.

Self	Name of trust/nominee company	Nature of its operation	Beneficiary of the trust

3. **REAL ESTATE, INCLUDING THE LOCATION (SUBURB OR AREA ONLY) AND THE PURPOSE FOR WHICH IT IS OWNED**

Self	Location	Purpose for which owned

4 REGISTERED DIRECTORSHIPS OF COMPANIES

Self	Name of company	Activities of company

5. PARTNERSHIPS, INDICATING THE NATURE OF THE INTERESTS AND THE ACTIVITIES OF THE PARTNERSHIP

Self	Name	Nature of interest	Activities of partnership

6 LIABILITIES, INDICATING THE NATURE OF THE LIABILITY AND THE CREDITOR CONCERNED

Self	Nature of liability	Creditor

7 THE NATURE OF ANY BONDS, DEBENTURES AND LIKE INVESTMENTS

Self	Type of investment	Body in which investment is held

8 **SAVING OR INVESTMENT ACCOUNTS, INDICATING THEIR NATURE AND THE NAME OF THE BANK OR OTHER INSTITUTIONS CONCERNED**

	Nature of account	Name of bank/institution
Self		

9. **THE NATURE OF ANY OTHER ASSETS (EXCLUDING HOUSEHOLD AND PERSONAL EFFECTS) EACH VALUED AT MORE THAN \$5000**

	Nature of any other assets
Self	

10. **THE NATURE OF ANY OTHER SUBSTANTIAL SOURCES OF INCOME**

	Nature of income
Self	

11 **GIFTS VALUED AT MORE THAN \$500 RECEIVED FROM OFFICIAL SOURCES (such sources being an Australian or foreign national, State, provincial or local Government or a person holding an office in such a Government) OR AT MORE THAN \$100 WHERE RECEIVED FROM OTHER THAN OFFICIAL SOURCES, provided that a gift received by a Senator, the Senator's spouse or dependent children from family members or personal friends in a purely personal capacity need not be registered unless the Senator judges that an appearance of conflict of interest may be seen to exist.**

	Details of gifts
Self	

12. ANY SPONSORED TRAVEL OR HOSPITALITY RECEIVED WHERE THE VALUE OF THE SPONSORSHIP OR HOSPITALITY EXCEEDS \$200

	Details of travel/hospitality
Self	

13. MEMBERSHIP OF ANY ORGANISATION OF WHICH THE SENATOR IS AN OFFICEHOLDER OR TO WHICH THE SENATOR CONTRIBUTED MORE THAN \$100 IN ANY SINGLE CALENDAR YEAR

	Name of organisation
Self	

14. ANY OTHER INTERESTS WHERE A CONFLICT OF INTEREST WITH A SENATOR'S PUBLIC DUTIES COULD FORESEEABLY ARISE OR BE SEEN TO ARISE

	Nature of interest
Self	

Signature.....

Date

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

THE SENATE CONFIDENTIAL

REGISTER OF SENATORS' INTERESTS

STATEMENT OF REGISTRABLE INTERESTS

FORM B - SPOUSES AND DEPENDENT CHILDREN

Notes

- (1) It is suggested that the accompanying Explanatory Notes be read before the return is completed.
- (2) The information you are required to provide is contained in the order of the Senate of 17 March 1994 relating to the registration of Senators' interests. The information is to be provided in two parts. This form, Form B, is to be used to provide the registrable interests, *of which the Senator is aware*, of the Senator's spouse and any children who are wholly or mainly dependent on the Senator for support. Form A is to be used to provide a Senators' own registrable interests.
- (3) Form A will be available for public inspection under conditions determined by the Committee of Senators' Interests. Form B will remain confidential to the Committee of Senators' Interests except where the committee considers that a conflict of interest arises, when the committee may table the form.
- (4) Both forms must be completed and signed, and together form your statement of interests.
- (5) If there is insufficient space on this form for the information you are required to provide, you may attach additional papers for that purpose. Each paper attached to this form should be signed personally by you and dated.

Surname:..... Other Names:.....

State/Territory:

1. SHAREHOLDINGS IN PUBLIC AND PRIVATE COMPANIES (INCLUDING HOLDING COMPANIES) INDICATING THE NAME OF THE COMPANY OR COMPANIES

	Name of company (including holding and subsidiary companies if applicable)
Spouse	
Dependent children	

2. FAMILY AND BUSINESS TRUSTS AND NOMINEE COMPANIES--

(1) in which a beneficial interest is held, indicating the name of the trust and the nature of its operation and beneficial interest

	Name of trust/nominee company	Nature of its operation	Beneficial interest
Spouse			
Dependent children			

(2) in which the Senator, the Senator's spouse, or a child who is wholly or mainly dependent on the Senator for support, is a trustee, but not including a trustee of an estate where no beneficial interest is held by the Senator, the Senator's spouse or dependent children, indicating the name of the trust, the nature of its operation and the beneficiary of the trust.

	Name of trust/nominee company	Nature of its operation	Beneficiary of the trust
Spouse			
Dependent children			

3. REAL ESTATE, INCLUDING THE LOCATION (SUBURB OR AREA ONLY) AND THE PURPOSE FOR WHICH IT IS OWNED

	Location	Purpose for which owned
Spouse		
Dependent children		

4 REGISTERED DIRECTORSHIPS OF COMPANIES

	Name of company	Activities of company
Spouse		
Dependent children		

5. PARTNERSHIPS, INDICATING THE NATURE OF THE INTERESTS AND THE ACTIVITIES OF THE PARTNERSHIP

	Name	Nature of interest	Activities of partnership
Spouse			
Dependent children			

LIABILITIES, INDICATING THE NATURE OF THE LIABILITY AND THE CREDITOR CONCERNED

	Nature of liability	Creditor
Spouse		
Dependent children		

7. THE NATURE OF ANY BONDS, DEBENTURES AND LIKE INVESTMENTS

	Type of investment	Body in which investment is held
Spouse		
Dependent children		

8. SAVING OR INVESTMENT ACCOUNTS, INDICATING THEIR NATURE AND THE NAME OF THE BANK OR OTHER INSTITUTIONS CONCERNED

	Nature of account	Name of bank/institution
Spouse		
Dependent children		

9. THE NATURE OF ANY OTHER ASSETS (EXCLUDING HOUSEHOLD AND PERSONAL EFFECTS) EACH VALUED AT MORE THAN \$5000

Nature of any other assets	
Spouse	
Dependent children	

10. THE NATURE OF ANY OTHER SUBSTANTIAL SOURCES OF INCOME

Nature of income	
Spouse	
Dependent children	

11. GIFTS VALUED AT MORE THAN \$500 RECEIVED FROM OFFICIAL SOURCES (such sources being an Australian or foreign national, State, provincial or local Government or a person holding an office in such a Government) OR AT MORE THAN \$100 WHERE RECEIVED FROM OTHER THAN OFFICIAL SOURCES, provided that a gift received by a Senator, the Senator's spouse or dependent children from family members or personal friends in a purely personal capacity need not be registered unless the Senator judges that an appearance of conflict of interest may be seen to exist.

Details of gifts	
Spouse	
Dependent children	

12. ANY SPONSORED TRAVEL OR HOSPITALITY RECEIVED WHERE THE VALUE OF THE SPONSORSHIP OR HOSPITALITY EXCEEDS \$200

Details of travel/hospitality	
Spouse	
Dependent children	

13. BEING AN OFFICEHOLDER OF OR FINANCIAL CONTRIBUTOR DONATING MORE THAN \$100 IN ANY SINGLE CALENDAR YEAR TO ANY ORGANISATION

Name of organisation	
Spouse	
Dependent children	

14. ANY OTHER INTERESTS WHERE A CONFLICT OF INTEREST WITH A SENATORS PUBLIC DUTIES COULD FORESEEABLY ARISE OR BE SEEN TO ARISE

Nature of interest	
Spouse	
Dependent children	

Signature.....

Date

THE SENATE

A

REGISTER OF SENATORS' INTERESTS
NOTIFICATION OF ALTERATION OF INTERESTS DECLARED

FORM A - SENATORS

Name:

State/Territory:

The following alteration of interests is notified:

ADDITION

Item

Details

.....
.....
.....
.....
.....

DELETION

Item

Details

.....
.....
.....
.....
.....

Signature

Date

THE SENATE

B

REGISTER OF SENATORS' INTERESTS
NOTIFICATION OF ALTERATION OF INTERESTS DECLARED

FORM B - SPOUSES AND DEPENDENT CHILDREN

Name:

State/Territory:

The following alteration of interests is notified:

ADDITION

Item Details

.....
.....
.....
.....
.....

DELETION

Item Details

.....
.....
.....
.....
.....
.....

Signature

Date

1994

THE SENATE

Register of Senators' Interests

EXPLANATORY NOTES

for

Statement
of
Registrable
Interests

STATEMENT OF REGISTRABLE INTERESTS

EXPLANATORY NOTES

General

The purpose of the Statement of Registrable Interests form is to place on the public record Senators' interests which may conflict, or may be seen to conflict, with their public duty. Matters which Senators are required to register are set out in an order of the Senate of 17 March 1994.

- No form can cover all possible circumstances and Senators should consequently bear in mind the purpose and spirit of the return in deciding which matters should be registered.

The Register of Senators' Interests is kept in two parts. The registrable interests of a Senator are declared on Form A, and comprise that part of the Register available for public inspection. The registrable interests, of which the Senator is aware, of a Senator's spouse or dependent children, are declared on Form B, and comprise that part of the Register which is NOT available for public inspection and which shall remain confidential to the Committee of Senators' Interests unless the committee considers that a conflict of interest arises, at which time the committee may table the declaration.

Note the need to include, under all headings on Form B, interests to the extent to which the Senator is aware of them of the Senator's spouse (including *de facto* spouse) and any children who are wholly or mainly dependent on the Senator for support.

For the purposes of the registration requirements 'dependent children' means dependent children under 16 years of age or dependent full time students under 25 years of age. 'De facto' spouse means a person who is living with another person of the opposite sex as the spouse of that other person on a *bona fide* domestic basis although not legally married to that other person (paragraph 6(2), Senate resolution, 17 March 1994).

- When interests are held jointly with a spouse or dependent children the interests need be included only as interests of the Senator with an appropriate notation such as 'jointly owned with spouse'.

Where interests could be included under more than one heading, it is suggested they need be included only under the most specific heading unless two aspects need to be disclosed (e.g. real estate, plus a mortgage liability on that real estate).

Note that any alterations to a Senator's registered interests **MUST** be notified to the Registrar of Senators' Interests within 28 days of the change occurring (paragraph 1(2)(b)).

1 Shareholdings in public and private companies (including holding companies) indicating the name of the company or companies.

- Notify any relevant interest in any shares (as defined in the *Companies Act 1981*) including equitable as well as legal interests, whether held directly or indirectly, which enables a Senator, the Senator's spouse or dependent children to exercise control over the right to vote or dispose of those shares. The committee has determined that it is not necessary to notify shareholdings held as an executor or trustee of a deceased estate where the Senator, the Senator's spouse or dependent children are not beneficiaries of that estate.
- Where interests are held in a private holding company (i.e. a proprietary company formed for the purpose of investing in subsidiary companies) all such subsidiary companies, and any subsidiary companies held by those subsidiary companies, should be named.
- Where shareholdings held amount to a controlling interest in a company it is necessary to register shareholdings held by that company in another company or other companies.

2. Family and business trusts and nominee companies:

- (i) in which a beneficial interest is held, indicating the name of the trust and the nature of its operation and beneficial interest, and

- (ii) in which the Senator, the Senator's spouse, or a child who is wholly or mainly dependent on the Senator for support, is a trustee (but not including a trustee of an estate where no beneficial interest is held by the Senator, the Senator's spouse or dependent children), indicating the name of the trust, the nature of its operation and the beneficiary of the trust.
- Note that both beneficial interests and trustee responsibilities (except as trustee of a deceased estate where neither the Senator, the Senator's spouse nor dependent children are beneficiaries of the estate) should be specified.
3. Real estate, including the location (suburb or area only) and the purpose for which it is owned.
 - 'Location'—There is no need to specify street address—general location (e.g. suburb or area, and state or territory) is adequate.
 - 'Purpose for which owned'—Specify whether property is used as a residence, as a holiday home, as a farm, or is held for investment or other business purposes.
 - It is not necessary to notify legal title to real estate held as an executor or trustee of a deceased estate where the Senator, the Senator's spouse or dependent children are not beneficiaries of that estate.
 4. Registered directorships of companies.
 - Indicate the name of the company and the activities of the company.
 5. Partnerships, indicating the nature of the interests and the activities of the partnership.
 - Under 'nature of the interests' specify level of current involvement in partnership (e.g. 'financial (sleeping partner)', 'consultant').
 - Specify the purpose or operations of the partnership (e.g. investment, consultancy).
 6. Liabilities, indicating the nature of the liability and the creditor concerned.
 - Include all liabilities in excess of \$5000 (e.g. mortgages, hire-purchase and lease arrangements, personal loans, overdrafts and contingent liabilities).
 - Liabilities incurred on a department store account need not be disclosed.
 - Liabilities incurred on a credit card need not be disclosed unless the credit card has been used to obtain a cash advance in excess of \$5000 and the advance is outstanding for a period in excess of 60 days.
 - Include trading accounts of a nature which might be sensitive to implications of conflict of interest.
 7. The nature of any bonds, debentures and like investments.
 - 'Investments' means all investments including placement of moneys, which attract interest or other benefits.
 8. Saving or investment accounts, indicating their nature and the name of the bank or other institutions concerned.
 - Ordinary, non-interest-bearing cheque accounts should not be included, but savings accounts and investment accounts of the Senator, the Senator's spouse and dependent children should be included.
 9. The nature of any other assets (excluding household and personal effects) each valued at more than \$5000.
 - List all personal possessions of value other than ordinary household or personal effects.
 - Motor vehicles for personal use need not be included.
 - Collections need not be included.
 - Items which might be listed under more specific headings (e.g. investments and gifts received) need not be included here.
 - Private life assurance and superannuation should be included but parliamentary superannuation under a state or the Commonwealth scheme need not be included.
 - As a general rule of thumb, items of less than \$5000 in value may not require inclusion under this heading unless they are of a nature which might be sensitive to implications of conflict of interest.

10. The nature of any other substantial sources of income.

- The Senator's own salary and allowances as a Senator need not be included.
- Include the source of a spouse's income from employment or a business undertaking and the source of any income by the Senator, the Senator's spouse or dependent children from investments, annuity arrangements, pensions or under governmental assistance schemes (but not including family allowances). There is no need to show the actual amount received. A simple reference to 'income from investments set out above' is sufficient for investment income.
- Note that no minimum income is specified as notifiable and Senators will need to use their discretion in this regard. As a general rule of thumb, income of less than \$5000 need not be notified unless, in the judgment of the Senator, it might be sensitive to implications of conflict of interest.

11. Gifts valued at more than \$500 received from official sources (such sources being an Australian or foreign national, State, provincial or local Government or a person holding an office in such a Government) or at more than \$100 where received from other than official sources, provided that a gift received by a Senator, the Senator's spouse or dependent children from family members or personal friends in a purely personal capacity need not be registered unless the Senator judges that an appearance of conflict of interest may be seen to exist.

- Note that gifts received by Senators and their families from family members or personal friends in a purely personal capacity need not be disclosed unless the Senator judges an appearance of a conflict of interest may be seen to exist.
- Senators, when first elected, should include any relevant gifts received from the date of their election. Senators re-elected should include any relevant gifts not previously notified to the Registrar.

12. Any sponsored travel or hospitality received where the value of the sponsorship or hospitality exceeds \$200.

- 'Sponsored travel' means any free, upgraded or concessional travel undertaken by the Senator, the Senator's spouse or dependent children sponsored wholly or partly by any person, organisation, business or interest group or foreign government or its representative. It does not include concessional travel generally available to the public. Nor does it include the travel entitlements received by a Senator, the Senator's spouse or dependent children under any determination by the Remuneration Tribunal or travel undertaken as a member of an official parliamentary delegation. The purpose for which the travel was undertaken should be shown.
- 'Hospitality' refers to free or concessional accommodation provided to the Senator, the Senator's spouse or dependent children wholly or partly by any person, organisation, business or interest group or foreign government or its representative. It includes the provision of free or concessional meals provided as part of an accommodation arrangement but does not include hospitality provided in a purely social way by friends or colleagues. There is no need to include entertainment received in common with significant numbers of other Senators or other persons, such as a reception or dinner hosted by a High Commissioner or Ambassador.
- In all cases in deciding whether travel or hospitality should be included in a return a Senator should exercise his or her judgment having regard to any appearance of conflict of interest that may arise.
- Senators, when first elected, should include any relevant sponsored travel or hospitality received from the date of their election. Senators re-elected should include any relevant sponsored travel or hospitality not previously notified to the Registrar.

13. Being an officeholder or of financial contributor donating over \$100 in any single calendar year to any organisation.

- Membership of organisations should be disclosed where the Senator, the Senator's spouse or a dependent child is an officeholder or a financial contributor donating more than \$100 in any single calendar year to an organisation.

14. Any other interests where a conflict of interest with a Senator's public duties could foreseeably arise or be seen to arise.

- List any other interest which, in the opinion of the Senator, holds the potential for a real or apparent conflict of interest with a Senator's public duties to arise.

REGISTER OF SENATORS' INTERESTS

COMPILATION AND MAINTENANCE OF THE REGISTER

The Committee of Senators' Interests, in accordance with the resolution of the Senate relating to the registration of Senators' interests, has determined the following arrangements for the compilation and maintenance of the Register of Senators' Interests.

Compilation

- (1) A Senator's statement of registrable interests is to be provided on two forms -
 - (a) Form A - *Senators*, on which shall be recorded the registrable interests of the Senator; and
 - (b) Form B - *Spouses and Dependent Children*, on which shall be recorded, to the extent that the Senator is aware of them, the registrable interests of a spouse and any dependent children:

Provided that if a Senator does not have a spouse or dependent children, Form B does not need to be completed or lodged.

Form A and, as applicable, Form B together shall comprise a Senator's statement of interests but, in accordance with the Senate's resolution, only Form A will be tabled and be available for public inspection.

- (2) Amendments to either form should, where possible, be notified to the Registrar of Senators' Interests on the 'Notification of Alteration of Interests Declared' form. Amendments may be notified by letter but, in either case, must be in writing.
- (3) A statement of interests or notification of alteration of interests must be signed by the Senator.
- (4) Notifications of alterations of interests will form part of the register. Only notifications of alterations of interests declared on Form A will be included in the register available for public inspection. Such notifications will be placed in the register after the statement of interests of the Senator concerned, in the order of receipt.
- (5) Statements of interests will be placed in the register in alphabetical order by Senators' surname.
- (6) To assist Senators the committee has prepared *Explanatory Notes*. These are for the guidance of Senators and are not meant to cover every situation. The

attention of Senators is drawn to the following statement in the Explanatory Notes:

No form can cover all possible circumstances and Senators should consequently bear in mind the purpose and spirit of the return in deciding which matters should be registered.

- (7) The Explanatory Notes explain the list of registrable interests set out in the Senate resolution and provide examples of interests which, in the opinion of the committee, need or need not be declared under the terms of the Senate's resolution. The Explanatory Notes will be revised from time to time to reflect the views of the committee on the interpretation of the resolution, but the committee's views are for the guidance of Senators. In the end, each Senator must make his or her own decision as to interests which fall within the terms of the resolution.

Maintenance

- (8) The original statements of interests, and notifications of alterations thereto, will be kept on individual files for each Senator. Correspondence with the Senator will also be kept on the individual file. Only the Senator concerned, the committee and the Registrar of Senators' Interests will have access to the file.
- (9) Forms A and B, and notifications of alterations of interests, are to be date stamped with the registry stamp. Two copies will be made of Form A and any notifications of alterations of interests declared on Form A. One copy is for tabling, and the other is for the register available for public inspection.
- (10) The register available for public inspection will be available from the time of tabling of statements of interests until the date of tabling of the next register.
- (11) Notifications of alterations of interests declared on Form A will become public from the date of receipt. In accordance with the Senate's resolution, notifications of alterations of interests declared on Form A will be tabled at least every six months.
- (12) The responsibility for notifying alterations to a statement of interests is, under the terms of the Senate's resolution, that of each Senator. To assist Senators, the Registrar of Senators' Interests will, at least twice a year, issue a reminder notice.
- (13) The statements of interests of Senators whose terms continue in a new Parliament, under the terms of the resolution, must be again tabled as soon as possible after the commencement of a new Parliament. A new statement must be provided by Senators who have been re-elected, and by all Senators after a double dissolution. The new statement should include details of benefits received since the last notification of alterations of interests, and

interests as at the date of making and subscribing an oath or affirmation of allegiance.

- (14) New Senators should declare any benefits received which fall within the terms of the Senate's resolution from the date of their election or choice as a Senator, and other interests from the date of making and subscribing an oath or affirmation of allegiance.
- (15) Access to the register available for public inspection will continue during and after an election until such time as a new register is tabled. A Senator's statement of interests will be removed from the register from the date that the Senator ceases to be a Senator. The public will, however, continue to have access to statements of past Senators which have been tabled in the Senate through the Table Office.

REGISTER OF SENATORS' INTERESTS
CONDITIONS OF ACCESS

In accordance with paragraph 4(d) of the resolution of the Senate relating to the registration of Senators' interests, the Committee of Senators' Interests has determined the following conditions of public access to the Register of Senators' Interests.

- (1) Public access to the register is by appointment, generally between the hours of 10 am and 12 noon and 2 pm and 4 pm, Monday to Friday (public holidays excepted). Access is to be supervised.
- (2) Access is to the whole register.
- (3) Inquirers can make notes. A photocopy of a Senator's statement may be supplied if requested. In all cases, a photocopy will be supplied only of a Senator's complete statement, and not extracts. A copy of a statement must be collected in person or can be sent by post in response to a written request.

Note: If the amount of photocopying involved becomes excessive, the committee reserves the right to levy a charge for the provision of photocopies.

- (4) The following access records will be maintained: name of inquirer (and organisation, if relevant), date and time of inspection, and total number of pages photocopied.
- (5) Details from the register (e.g. advice as to whether a particular Senator has or has not declared a particular interest or notified a particular alteration) will not be provided over the telephone.

THE SENATE
COMMITTEE OF SENATORS' INTERESTS

MINUTES OF PROCEEDINGS 1994/1
Thursday, 24 March 1994

1. MEETING

The committee met in private session at 8:00 pm in Committee Room 1S6.

2. ATTENDANCE

Senator E Abetz
Senator V Bourne
Senator M Colston
Senator J McKiernan
Senator N Minchin
Senator J Panizza
Senator G Tambling
Senator A Zakharov

3. RESOLUTION OF APPOINTMENT

The secretary reported extracts from the Journals of the Senate No. 72, dated 17 March 1994, relating to the registration of Senators' interests and the appointment of the committee, the resolution of the Senate of 24 March 1994 authorising the committee to meet during the sitting of the Senate that day, and the resolutions of 24 March appointing Senators Abetz, Bourne, Brownhill, Colston, McKiernan, Minchin, Reid and Zakharov to be the members of the committee, with Senators Tambling and Panizza to be members during the absence of Senator Brownhill (24 March only) and Senator Reid (24 March to 22 April). The secretary also advised the committee that the President had appointed him to be the Registrar of Senators' Interests.

4. ELECTION OF CHAIR

The secretary called for nominations for the position of Chairman of the committee. Senator Colston was nominated by Senator McKiernan, seconded by Senator Minchin. There being no other nominations Senator Colston was declared elected.

5. **APPOINTMENT OF DEPUTY CHAIRMAN**

The Chairman appointed Senator Minchin to be the Deputy Chairman.

6. **STATEMENTS OF REGISTRABLE INTERESTS**

The committee considered arrangements for the compilation of the Register of Senators' Interests.

Resolved -

- (1) That a Senator's statement of registrable interests be provided on two forms:
 - (a) Form A - Senators, registering the interests of the Senator, and
 - (b) Form B - Spouses and Dependent Children, registering the interests, of which the Senator is aware, of the Senator's spouse and dependent children.
- (2) That amendments to the interests registered on the forms must be in writing, where possible using the 'Notification of Alteration of Interests Declared' form.
- (3) That Forms A and B and Notifications of Alterations will together comprise the Register of Senators' Interests.

Resolved -

That the draft forms prepared by the secretary be approved.

A copy of each of the forms approved by the committee is attached to these minutes.

7. **EXPLANATORY NOTES**

The committee considered draft Explanatory Notes for the Statement of Registrable Interests.

Resolved -

That the draft Explanatory Notes, as amended, and the decisions reflected therein be adopted.

A copy of the Explanatory Notes as approved by the committee is attached to these minutes.

8. OTHER BUSINESS

(1) Briefing paper

Resolved -

That the secretary prepare, for the next meeting, a briefing paper on the committee's terms of reference, and include in the paper options for consideration by the committee on the maintenance and accessibility of the Register of Senators' Interests.

(2) Role of Registrar of Senators' Interests

The committee considered the role of the Registrar of Senators' Interests in responding to queries from Senators on the interpretation of the registrable interests set out in the Senate's resolution. The committee agreed that it was not part of the role of the Registrar to advise Senators on the interests to be registered, and that the intent of the Senate was to place on Senators the responsibility to interpret the resolution and to determine which of their interests fell within its terms.

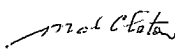
9. NEXT MEETING

Date and time to be determined by the Chairman.

10. ADJOURNMENT

The committee adjourned at 9.50 pm.

Confirmed


MAL COLSTON
Chairman

THE SENATE
COMMITTEE OF SENATORS' INTERESTS

MINUTES OF PROCEEDINGS 1994/2
Monday, 30 May 1994

1 MEETING

The committee met in private session at 8:00 pm in Committee Room 1S6.

2 ATTENDANCE

Senator E Abetz
Senator V Bourne
Senator D Brownhill
Senator M Colston (Chairman)
Senator J McKiernan
Senator N Minchin
Senator M Reid
Senator A Zakharov

3 MINUTES OF PREVIOUS MEETING

The minutes of meeting 1/1994, held on 24 March 1994, were confirmed.

4 MATTERS ARISING

There were no matters arising.

5 PROGRESS REPORT ON RECEIPT OF STATEMENTS

The secretary advised that 30 statements of Senators' interests had been received to date. He said he would ring Senators who had not yet lodged statements to remind them of the closing date.

6 CONSIDERATION OF TERMS OF REFERENCE

The committee considered the discussion paper prepared by the secretary.

Term of Reference (a)

To inquire into and report upon the arrangements made for the compilation, maintenance and accessibility of a Register of Senators' Interests

Maintenance

Paragraphs (1) to (8) - The arrangements set out in paragraphs (1) to (8) were adopted with the following qualifications:

The Registrar was asked to ensure that Senators appointed to casual vacancies, and other new Senators or Senators-elect, were advised at the first available opportunity of their obligations under the resolution of the Senate.

Paragraph (6) - The committee agreed that, in the case of a Senator whose term continues in a new Parliament, the resolution of the Senate requires that the Senator's statement of interests as at the date of the new Parliament should again be tabled, but that the Senator is not obliged to submit a new statement of interests.

Paragraph (8)

- (i) The committee discussed the practicality of the requirement in the Senate resolution that notifications of alterations of interests be made within 28 days of the change occurring during the period of an election. The committee agreed that the matter should be considered further at its next meeting, with the view of recommending to the Senate that the period for reporting alterations be extended at least over an election period.
- (ii) The committee agreed that newly-elected Senators are to register any benefits received from the date of their election, and other interests from the date of making and subscribing an oath or affirmation of allegiance.

The maintenance arrangements, as agreed by the committee, are attached.

Accessibility

Paragraphs (1) to (5) - The arrangements set out in paragraphs (1) to (5) were adopted.

The committee agreed that a copy of a statement of Senator's interests must be collected in person or sent by post, and that the committee would not permit the Registrar to fax copies.

The accessibility arrangements, as agreed by the committee, are attached.

Terms of reference (b) and (c)

The consideration of any proposals made by Senators and others regarding the form and content of the Register, and the consideration of any submissions made in relation to the registering or declaring of interests.

It was agreed that a review of the operation of the first disclosure and registration process be conducted in the second half of 1994, and that Senators be invited in July or August to make submissions in relation to the registering or declaring of interests and on the form and content of the register.

Term of reference (d)

To consider what classes of person, if any, other than Senators ought to be required to register and declare their interests.

There were suggestions that this matter not be pursued, but it was agreed that it be further considered at the next meeting of the committee.

The committee noted the decision of the senior officers of the Department of the Senate to declare their interests on the same basis as Senators.

Term of reference (e)

To make recommendations upon these and any other matters which are relevant.

The committee agreed that it would report to the Senate on its decisions in relation to the compilation, maintenance and accessibility of the Register of Senators' Interests at about the time that Senators' statements of interests were tabled. Other matters would be covered in the committee's report on its operations to 31 December this year, to be presented early next year.

7 OTHER BUSINESS

The committee made the following interim decisions in relation to matters covered by the Senate's resolution on the registration of Senators' interests:

That the operative date for registration of interests is the date of the Senate resolution, namely 17 March 1994, and that it is a matter for decision by individual Senators as to the extent that interests held or benefits received prior to that date are disclosed.

That travel or hospitality benefits received by a Senator from an organisation or group which has invited the Senator to speak at a gathering such as a function or a seminar, and which travel or hospitality is necessary in order to fulfill the engagement, are registrable interests and should be declared in accordance with subparagraph 3(l) of the Senate's resolution.

That being an officeholder of an organisation under subparagraph 3(m) does not include being a patron of an organisation.

- . That a donation to an organisation of more than \$100 under subparagraph 3(m) does not include membership subscriptions.
- . The committee agreed that subparagraph 3(m) of the Senate's resolution needed clarification, and that it should be considered further with a view to recommending to the Senate that it be amended. One particular matter to be considered further is whether donations of more than \$100 to all organisations need to be disclosed or only donations of more than \$100 to organisations of which the Senator or Senator's spouse is a member.
- . That if a Senator does not have a spouse or dependent children, that Senator is not required to lodge a signed copy of Form B. That is, the Senator is not required to lodge a 'nil return'.
- . That the names of a Senator's spouse and dependent children need not be disclosed.
- . That joint interests with a former spouse which continue to be held, need be disclosed on only Form A, relating to a Senator's interests. The interest could be declared as a joint interest, or half-share, or whatever description is deemed appropriate.

8 NEXT MEETING

Date and time to be determined by the Chairman.

9 ADJOURNMENT

The committee adjourned at 9:20 pm.

Confirmed

MAL COLSTON
Chairman

REGISTER OF SENATORS' INTERESTS

COMPILATION AND MAINTENANCE OF THE REGISTER

The Committee of Senators' Interests, in accordance with the resolution of the Senate relating to the registration of Senators' interests, has determined the following arrangements for the compilation and maintenance of the Register of Senators' Interests.

Compilation

- (1) A Senator's statement of registrable interests is to be provided on two forms -
 - (a) Form A - Senators, on which shall be recorded the registrable interests of the Senator; and
 - (b) Form B - Spouses and Dependent Children, on which shall be recorded, to the extent that the Senator is aware of them, the registrable interests of a spouse and any dependent children:

Provided that if a Senator does not have a spouse or dependent children, Form B does not need to be completed or lodged.

Form A and, as applicable, Form B together shall comprise a Senator's statement of interests but, in accordance with the Senate's resolution, only Form A will be tabled and be available for public inspection.

- (2) Amendments to either form should, where possible, be notified to the Registrar of Senators' Interests on the 'Notification of Alteration of Interests Declared' form. Amendments may be notified by letter but, in either case, must be in writing.
- (3) A statement of interests or notification of alteration of interests must be signed by the Senator.
- (4) Notifications of alterations of interests will form part of the register. Only notifications of alterations of interests declared on Form A will be included in the register available for public inspection. Such notifications will be placed in the register after the statement of interests of the Senator concerned, in the order of receipt.
- (5) Statements of interests will be placed in the register in alphabetical order by Senators' surname.

attention of Senators is drawn to the following statement in the Explanatory Notes:

No form can cover all possible circumstances and Senators should consequently bear in mind the purpose and spirit of the return in deciding which matters should be registered.

- (7) The Explanatory Notes explain the list of registrable interests set out in the Senate resolution and provide examples of interests which, in the opinion of the committee, need or need not be declared under the terms of the Senate's resolution. The Explanatory Notes will be revised from time to time to reflect the views of the committee on the interpretation of the resolution, but the committee's views are for the guidance of Senators. In the end, each Senator must make his or her own decision as to interests which fall within the terms of the resolution.

Maintenance

- (8) The original statements of interests, and notifications of alterations thereto, will be kept on individual files for each Senator. Correspondence with the Senator will also be kept on the individual file. Only the Senator concerned, the committee and the Registrar of Senators' Interests will have access to the file.
- (9) Forms A and B, and notifications of alterations of interests, are to be date stamped with the registry stamp. Two copies will be made of Form A and any notifications of alterations of interests declared on Form A. One copy is for tabling, and the other is for the register available for public inspection.
- (10) The register available for public inspection will be available from the time of tabling of statements of interests until the date of tabling of the next register.
- (11) Notifications of alterations of interests declared on Form A will become public from the date of receipt. In accordance with the Senate's resolution, notifications of alterations of interests declared on Form A will be tabled at least every six months.
- (12) The responsibility for notifying alterations to a statement of interests is, under the terms of the Senate's resolution, that of each Senator. To assist Senators, the Registrar of Senators' Interests will, at least twice a year, issue a reminder notice.
- (13) The statements of interests of Senators whose terms continue in a new Parliament, under the terms of the resolution, must be again tabled as soon as possible after the commencement of a new Parliament. A new statement must be provided by Senators who have been re-elected, and by all Senators after a double dissolution. The new statement should include details of benefits received since the last notification of alterations of interests, and

interests as at the date of making and subscribing an oath or affirmation of allegiance.

- (14) New Senators should declare any benefits received which fall within the terms of the Senate's resolution from the date of their election or choice as a Senator, and other interests from the date of making and subscribing an oath or affirmation of allegiance.
- (15) Access to the register available for public inspection will continue during and after an election until such time as a new register is tabled. A Senator's statement of interests will be removed from the register from the date that the Senator ceases to be a Senator. The public will, however, continue to have access to statements of past Senators which have been tabled in the Senate through the Table Office.

REGISTER OF SENATORS' INTERESTS

CONDITIONS OF ACCESS

In accordance with paragraph 4(d) of the resolution of the Senate relating to the *registration of Senators' interests*, the *Committee of Senators' Interests* has determined the following conditions of public access to the Register of Senators' Interests.

- (1) Public access to the register is by appointment, generally between the hours of 10 am and 12 noon and 2 pm and 4 pm, Monday to Friday (public holidays excepted). Access is to be supervised.
- (2) Access is to the whole register.
- (3) Inquirers can make notes. A photocopy of a Senator's statement may be supplied if requested. In all cases, a photocopy will be supplied only of a Senator's complete statement, and not extracts. A copy of a statement must be collected in person or can be sent by post in response to a written request.

Note: If the amount of photocopying involved becomes excessive, the committee reserves the right to levy a charge for the provision of photocopies.

- (4) The following access records will be maintained: name of inquirer (and organisation, if relevant), date and time of inspection, and total number of pages photocopied.
- (5) Details from the register (e.g. advice as to whether a particular Senator has or has not declared a particular interest or notified a particular alteration) will not be provided over the telephone.