

The Senate

Committee of Senators' Interests

Annual Report – 2013

Report 1/2014

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Annual report 2013

Introduction

The Committee of Senators' Interests, established under [standing order 22A](#), is required to report on its operations annually. This is the 19th annual report of the committee. As part of its report, the committee provides background information on the registration of interests and the role of the committee.

Registration of interests and the role of the committee

On 17 March 1994 the Senate adopted the Senators' Interests resolutions. The resolutions act as a safeguard against conflicts of interest, and the perception of such conflicts, by requiring senators to lodge statements of registrable interests to enhance transparency in relation to the exercise of their public duties.

Registrable interests range from assets and liabilities, interests in trusts and partnerships, directorships, gifts, sponsored travel and hospitality, and certain relationships with organisations (as an officeholder or financial contributor over a threshold amount).¹ Senators may also choose to declare things that would not, on their face, appear to engage any of the listed registrable interests.² This is a matter for the judgement of individual senators.

From its inception, the committee has stressed that it is the responsibility of individual senators to interpret the resolutions and to determine which of their interests fall within its terms, rather than relying on external advice about what 'should' or 'should not' be declared. This reflects the unique status of members of Parliament as elected officers, responsible primarily to the electors and to the House to which they have been elected.

The committee has developed [explanatory notes](#) to guide senators in meeting the requirements of the regime. It is to the resolutions, forms and notes, and to any other commentary by the committee, that senators should turn for assistance in determining how the disclosure regime applies to their own particular circumstances. Any senator may request from the committee clarification of any aspect or raise any matter relating to the form and content of the register. The committee may respond to such requests by providing individual guidance, by amending the explanatory notes or by proposing amendments to the Senators' Interests Resolutions.

No senator sought the advice of the committee on such matters during 2013.

1 Senators' Interests Resolution 1, reproduced at Appendix 1.

2 The final item on the list of registrable interests is "any other interests where a conflict with a senator's public duty could foreseeably arise or be seen to arise".

Requirements

A senator's statement of interests includes a public statement of their personal interests and a confidential statement of the interests, of which they are aware, of their spouses or partners and dependent children.

Each senator must provide such a statement within 28 days of making and subscribing an oath or affirmation of allegiance AND within 28 days after the first meeting of the Senate after 1 July first occurring after a general election. Senators must also notify any alteration in these interests within 35 days of the alteration occurring.

Statements of registrable interests must accord with the Senators Interests resolutions and must be in the form determined by the committee.

The statements of senators' interests are kept on a public register which is available for inspection by any person under conditions laid down by the committee. Since 2011 these statements have been available [online](#) on the committee's web pages, largely obviating the need for people to inspect the physical register.

Statements of the registrable interests of a senator's spouse or partner and of any dependent children remain confidential, except where the committee considers that a conflict of interest arises, at which time the committee may table the declaration. To date the committee has not had cause to consider taking this action.

The Senators' Interests forms, explanatory notes and other relevant document are published on the [committee's website](#) and have been compiled into a handbook, available from the Registrar of Senators' Interests.

Online publication of statements of interests

Statements of senators' interests are published [online](#) on the committee's web pages, in accordance with the following procedures:

- Statements are published under each senator's name.
- Statements are scanned without any watermarking or redaction.
- Notifications of alterations are added to the relevant senator's published statement.
- Updates are published on a weekly basis.

As statements of senators' interests are available online, the committee no longer keeps record of those who access the hard copy register.

Maintenance of the register

The committee requires the Registrar of Senators' Interests to write to all senators to remind them of their obligations under the resolutions. This occurs on a routine basis, at least twice a year.

Only current statements (together with relevant alterations) are published online, however all statements and alterations continue to be compiled into volumes which are tabled in the Senate. In 2013 two such compilations were tabled:

On 27 June 2013, covering 27 November 2012 to 26 June 2013

On 12 December 2013, covering 27 June to 10 December 2013

Other matters

During the year the committee received no requests in relation to the form and content of the register of senators' interests, nor in relation to the register of official gifts which is also administered by the committee.

Catryna Bilyk
Chair

March 2014

Senators' Interests Resolution 1

1. Registration of Senators' Interests

(1) Within:

- (a) 28 days after the first meeting of the Senate after 1 July first occurring after a general election; and
- (b) 28 days after the first meeting of the Senate after a simultaneous dissolution of the Senate and the House of Representatives; and
- (c) 28 days after making and subscribing an oath or affirmation of allegiance as a senator for a Territory or appointed or chosen to fill a vacancy in the Senate;

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 or partner, 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 35 days of that alteration occurring.

(2) 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 35 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.