

The Senate

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Committee of Senators' Interests

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Report No. 1 of 2017

June 2017

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ISBN 978-1-76010-586-0

*This document was produced by the Committee of Senators' Interests, and printed by the Senate Printing Unit, Parliament House, Canberra*

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# Report No. 1 of 2017

## Introduction

The Committee of Senators' Interests, established under [standing order 22A](#), provides this report on its operations. This report covers the period to the end of the 44<sup>th</sup> Parliament, with the dissolution of the Senate on 9 May 2016, and the period from commencement of the 45<sup>th</sup> Parliament on 30 August 2016 to the end of that year.

This is the 21<sup>st</sup> 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).<sup>1</sup> Senators may also choose to declare things that would not, on their face, appear to engage any of the listed registrable interests.<sup>2</sup> 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.

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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".

The committee considered one submission from a senator, under standing order 22A(1)(c), seeking clarification of the requirements of the interests resolutions in relation to changes in agricultural real estate holdings. The committee resolved to provide individual guidance on that matter. The circumstances were analogous to the acquisition of additional shares in a company in which a shareholding has already been declared. The committee emphasised the requirement to lodge an alteration of interests if the acquisition of a land title materially affects a declared interest so that it no longer falls within the description of that interest. The committee did not consider it necessary to amend its explanatory notes in relation to the matter.

The committee also notes that a motion moved by the Leader of the Australian Greens, Senator Di Natale, on 16 February 2017, proposing that the form of the register should be amended to include a declaration by senators as to how they disbursed funds known as an 'electorate allowance' was not supported by the Senate.

## **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.

Approximately every six months, and following the opening of the 45<sup>th</sup> Parliament, senators were advised of their disclosure obligations and declarations and updates were published by the registrar as they were received.

Statements of registrable interests must accord with the Senators Interests resolutions and should 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 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 documents are published on the [committee's website](#) and have been compiled into a handbook, available from the Registrar of Senators' Interests.

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## **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.

The current Senate met for the first time on 30 August 2016 and statements for all senators were published online at the end of the 28-day period referred to in the interests resolutions.

Current statements (together with relevant alterations) are published online, together with six-monthly compilation volumes of statements and alterations, which are also tabled in the Senate.

## **Other matters**

During the reporting period, 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.

As foreshadowed in the 20<sup>th</sup> Report, in August 2014, the Chair asked the secretariat to examine better ways of compiling and publishing interests statements. The committee considered this further and is awaiting the development of a suitable technical solution.

David Bushby  
**Acting Chair**

June 2017



**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.