

# COMMITTEE OF SENATORS' INTERESTS

REPORT 2/2006

## REVIEW OF ARRANGEMENTS FOR REGISTRATION OF SENATORS' INTERESTS

APRIL 2006

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## **MEMBERS OF THE COMMITTEE**

Senator R. Webber	(ALP)	WA	<b>Chair</b>
Senator R. Lightfoot	(LP)	WA	<b>Deputy Chair</b>
Senator L. Allison	(AD)	VIC	
Senator M. Forshaw	(ALP)	NSW	
Senator G. Humphries	(LP)	ACT	
Senator L. Kirk	(ALP)	SA	
Senator A. McEwen	(ALP)	SA	
Senator F. Nash	(NATS)	NSW	

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## REPORT 2/2006

### REVIEW OF ARRANGEMENTS FOR REGISTRATION OF SENATORS' INTERESTS

The Committee of Senators' Interests reports to the Senate pursuant to standing order 22A(1).

#### Background

On 15 September 2003, the Senate agreed to changes to the resolutions relating to senators' interests and the declaration of gifts that had been recommended by this committee in its second report of 2002.<sup>1</sup> One of the changes was that senators be required to lodge a full statement of interests within 28 days after the first meeting of the Senate after 1 July first occurring after a general election. Previously, senators had been required to lodge a full statement at the beginning of their six year term. The change therefore required all senators to lodge a full statement approximately once every three years following the swearing in of each new Senate.

A general election was held in October 2004 and senators elected at that election began their terms on 1 July 2005. The first meeting of the Senate after that date was 9 August and full statements from all senators were therefore due within 28 days of that date. This was the first occasion since the resolutions were adopted in 1994 that all 76 senators were required to lodge full statements. Consequently, in October 2005, the committee agreed that it was an appropriate time to review the registration requirements, particularly given the large number of new senators who were sworn on 9 August and were encountering the registration requirements for the first time.

The committee decided to survey all senators on their experience in complying with the resolutions and invited comment on the ease of use of the forms, the usefulness of the explanatory notes or on any other matter connected with completing the statements of interests or providing notifications of alterations of interests within the specified timeframe. The committee indicated that it did not propose to publish individual responses and it also provided a survey form with some specific questions to facilitate senators' responses. Thirty senators (or 40% of the total) responded, most using the survey form provided. Compared with the very small proportion of senators who had responded to the committee's first review of arrangements in 1995 (6.5%), the committee considered that the level of response was gratifying and provided a reasonable basis for considering any changes. ***It should be emphasised, however, that the survey responses did not disclose any significant problems with either the requirements of the system or its administration.***

A summary of the survey results is at Appendix 1.

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<sup>1</sup> *Journals of the Senate*, 15 September 2003, pp. 2365-67.

## Changes to the forms

In light of responses to the survey, the committee agreed to make minor changes to the forms for registration of interests. Among the changes are the inclusion of examples to illustrate categories of registrable interests, and the inclusion of some additional information on Form B (concerning the interests of a senator's spouse, partner or dependent children).

Pursuant to Registration of Interests resolution 1(1), the committee has determined new forms which are included at Appendix 2. These forms have been published on the committee's website and take effect immediately.

## Explanatory Notes

The committee has also made some changes to its explanatory notes. These changes do not alter the interpretation of the resolutions as previously determined by the committee. Rather, they provide supplementary information on a small number of topics which are discussed further below.

The revised explanatory notes are included at Appendix 3.

### ***Self-managed superannuation funds***

One of the topics on which the committee has supplemented its explanatory notes is in relation to self-managed superannuation funds. The need for clarification was raised with the committee by an individual senator and the committee agreed that, given the variety of superannuation arrangements now employed by senators and their spouses or partners, it was timely to focus on this issue. Following deliberation, the committee confirmed that self-managed superannuation funds should be registered as an asset under item 9 ('the nature of any other assets (excluding household and personal effects) each valued at more than \$7,500'). Furthermore, the committee agreed that the shareholdings of a self-managed superannuation fund should be registered under item 1 ('shareholdings in public and private companies (including holding companies) indicating the name of the company or companies'), consistent with the requirement to register shares held by a family or business trust, a nominee company or partnership ***in the circumstances that the owner of the self-managed fund is able to exercise control over a right to vote or dispose of those shares*** (emphasis added).

The committee has amended its explanatory notes accordingly.

### ***Shareholdings in public and private companies***

The committee has had the issue of registration of shareholdings in public and private companies under review for some time, as reported in its 2005 annual report (Report 1/2006). The committee's views were sought by the Procedure Committee, in connection with its inquiry into the issue of the adequacy and appropriateness of the register of senators' interests, on a proposal to alter the timeframe for notifying changes in shareholdings from 28 to 60 days. The committee responded to the Procedure Committee that it found no sound case for altering the existing timeframe



but undertook to consider the matter further in the context of its consideration of responses to the survey.

The committee received only one substantive comment on the issue of the timeframe for registering changes in shareholdings, suggesting that few senators are affected by the perceived difficulty of compliance with the timeframe. Nevertheless, the committee appreciates the difficulties faced by some senators in complying with the resolution that requires notification of any alteration of interests within 28 days **of the alteration occurring** and, in accordance with its undertaking to the Procedure Committee, has considered the matter further.

The difficulties appear to be two-fold. First, senators who deal directly through a stockbroker but who live in outlying regions or travel frequently on Senate business may not receive timely notification of the registrable trade simply because they do not have timely access to their personal mail. Secondly, senators who use a third party financial agent or product may receive only periodic reports of the registrable transactions which have been undertaken on behalf of the senator by the third party financial agent or product.

The committee also recognises that in the twelve years since the resolutions were agreed to there have been profound changes in the investment environment, partly as a result of the growth in superannuation funds and, so far as the impact on senators is concerned, the closure of the old parliamentary superannuation scheme to new members. Increasingly, senators and their spouses or partners will face a wide range of options for managing their superannuation and other financial affairs, and the committee recognises that some degree of additional flexibility is desirable to ensure that the compliance regime remains workable.

The committee therefore recommends that the timeframe for notification of alterations of interests be extended from 28 to 35 days. This would ensure that those senators whose investments are managed by a financial agent have sufficient time to be informed of any changes in their investments and to notify the Registrar accordingly. It also takes into account the peripatetic nature of senators' work which results in the vast majority of them spending extended periods away from their home bases. By applying to all alterations of interests, not just shareholdings, the proposed timeframe also meets the committee's earlier concern in respect of the Procedure Committee's proposal, that there should not be different timeframes applying to different classes of interests.

The terms of the resolutions as proposed to be amended are in Appendix 5.

On an unrelated matter, the committee also observes that not all individual acts of share trading are notifiable *per se*. Only those which result in the acquisition of shares in a new company or the disposal of a senator's total holdings in a particular company are notifiable. Where a senator acquires additional shares in a company or disposes of some but not all of that senator's shares in a company, such transactions go to the number or value of shares held and senators are not required to disclose those details. The committee has expanded its explanatory notes accordingly.

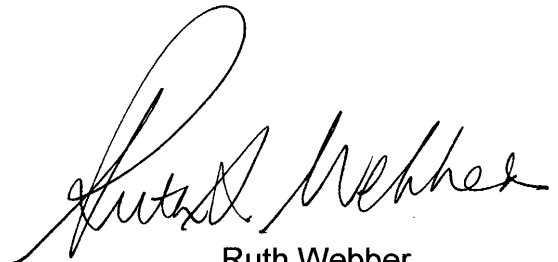
## **Administrative procedures**

The committee received valuable feedback in the survey responses on the Registrar's administration of the Register and has made some minor revisions to its administrative procedures accordingly. Administrative procedures for the compilation and maintenance of the Register are at Appendix 4.

## **Conclusion and recommendation**

The committee draws senators' attention to the revised forms, explanatory notes and administrative procedures for the registration of senators' interests which are contained in Appendices 2, 3 and 4.

The committee recommends that Senators' Interests Resolutions 1(1) and 1(2)(b) be amended in the terms set out in Appendix 5.

A handwritten signature in black ink, appearing to read 'Ruth Webber', is written in a cursive style.

Ruth Webber  
**Chair**

## APPENDIX ONE

### SUMMARY OF SURVEY RESPONSES

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#### REVIEW OF ADMINISTRATIVE ARRANGEMENTS FOR COMPILING THE REGISTER OF SENATORS' INTERESTS

---

1. Are you aware of the committee's website?

[http://www.aph.gov.au/Senate/committee/interests\\_ctte/index.htm](http://www.aph.gov.au/Senate/committee/interests_ctte/index.htm)

<b>Yes</b>	<b>(%)</b>	<b>No</b>	<b>(%)</b>
22	73%	8	27%

2. Have you used the forms on the website?

<b>Yes</b>	<b>(%)</b>	<b>No</b>	<b>(%)</b>
16	53%	14	47%

3. Do you prefer to –

- (a) complete the forms electronically; or  
(b) print them off and fill them in by hand?

<b>(a)</b>	<b>(%)</b>	<b>(b)</b>	<b>(%)</b>
9	30%	21 (1 - either way)	70%

4. Do you prefer to receive reminders from the registrar –

- (a) by email;  
(b) in hardcopy; or  
(c) in both forms?

<b>(a)</b>	<b>(%)</b>	<b>(b)</b>	<b>(%)</b>	<b>(c)</b>	<b>(%)</b>
10	33%	2	7%	18	60%

\*30 senators (or 40% of total number of senators) responded to the survey. In the results tables, 100% = 30.

5. Are you happy with the practice of acknowledging receipt of statements or notifications of alterations by email?

<b>Yes</b>	<b>(%)</b>	<b>No</b>	<b>(%)</b>
29	97%	1	3%

6. With regard to Form B (for spouses, partners or dependent children) –

- (a) were you aware that Form B remains confidential unless the committee considers that a conflict of interest arises (at which time the committee may table the declaration)?

<b>Yes</b>	<b>(%)</b>	<b>No</b>	<b>(%)</b>
20	66%	10	33%

- (b) were you aware that you are not required to identify any persons covered by Form B by name?

<b>Yes</b>	<b>(%)</b>	<b>No</b>	<b>(%)</b>
12	40%	17	57%
1 (3%) – no response			

- (c) are you aware that you are required to register only those interests of your spouse, partner or dependent children of which you are aware?

<b>Yes</b>	<b>(%)</b>	<b>No</b>	<b>(%)</b>
26	87%	4	13%

- (d) Would you find it useful to have this (or any other information) specified on the front of the form or would you prefer it to remain in the explanatory notes?

<b>Front of Form</b>	<b>(%)</b>	<b>Explanatory Notes</b>	<b>(%)</b>
14	47%	7	23%
8 (27%) – no response			
1 (3%) – leave as is			

7. (a) With regard to Form A (for senators) are there any improvements you would like to suggest to the form?

For example, would you find it useful for the form to use examples along the following lines:

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)	
	<b>Example</b> —AMP, Telstra, XYZ Pty Ltd	

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

Self	(Note: The full street address of property is <b>NOT</b> required to be specified)	
	<b>Location</b>	<b>Purpose for which owned</b>
	<b>Example</b> —Ainslie, ACT	Residential

<b>Yes</b>	<b>(%)</b>	<b>No</b>	<b>(%)</b>
18	60%	5	17%
7 (23%) – no response			

#### Suggestions received:

*Yes to examples, would be useful for those completing forms for the first time*

*No improvements required*

*Suggested examples would be useful*

*Examples are useful, but not necessary*

*Yes, and reminder of the limit for gifts which have to be declared plus limit for donation and whether you have to declare how much (helps when you have a new staff member who doesn't have this detail)*

*Examples not necessary*

*Examples as above would be very useful*

*Giving examples would make it easier for those with more complicated financial arrangements*

- (b) Are there any other categories for which you would find examples useful?

**Suggestions received:**

*Question 13 re office holder or contributor to any organisation – include an example or two of common ones*

*Hospitality perhaps*

*Gifts*

*Hospitality/Donations over \$300*

*Gifts over \$..... and Donations over \$.....*

*Membership of organisations*

*These seem to be the main ones causing difficulties*

8. Do you have any other comments on the forms, explanatory notes or timeframes?

**Suggestions received:**

*Indicate on forms that it is not necessary to advise amount of \$ held in bank accounts, shares, etc. or of liabilities*

*Exemptions (e.g. airport lounge use) should be noted on form*

*Satisfied with the current system*

*System works well for me*

*(plus a substantive response on the timeframe for notifying alterations in shareholdings)*

FORM A



STATEMENT OF REGISTRABLE INTERESTS

FORM A – SENATORS

Surname: ..... Other Names: .....  
(please print)

State/Territory: .....

Signature: ..... Date: .....

Send the original, signed form to the **Registrar of Senators’ Interests, Parliament House, Canberra, ACT 2600**. Please sign and date both this form, and Form B if required, which together constitute your statement of registrable interests. If there is insufficient space on the form, you may attach additional pages. Please date, and either sign or initial, each page of any attachment.

**Do not use this form to notify an alteration of registrable interests**

**PLEASE READ THE ATTACHED EXPLANATORY NOTES  
BEFORE COMPLETING THE FORM**

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

(Note: It is <u>NOT</u> necessary to declare the size or value of the shareholding)	
Self	Name of company – (including holding and subsidiary companies if applicable)
	<i>Example</i> —AMP, Telstra, XYZ Pty Ltd

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

Self	Name of trust/nominee company	Nature of its operation	Beneficial interest
	<i>Example</i> —Brown Family Trust	Property investment	Joint beneficiary

- (ii) in which the Senator, the Senator's spouse or partner, 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 partner 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
	<i>Example</i> —Black Family Trust	Share investment	Children



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

(Note: The full street address of property is <u>NOT</u> required to be specified)		
Self	Location	Purpose for which owned
	<i>Example</i> —Ainslie, ACT	Residential

4. REGISTERED DIRECTORSHIPS OF COMPANIES

Self	Name of company	Activities of company
	<i>Example</i> —QRS Pty Ltd	Property services

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

Self	Name	Nature of interest	Activities of partnership
	<i>Example</i> —Green & Sons	Financial partner	Farming

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

<b>(Note: It is <u>NOT</u> necessary to declare the amount of any liability)</b>		
Self	Nature of liability	Creditor
	<i><b>Example</b></i> —mortgage on investment property	Commonwealth Bank

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

<b>(Note: It is <u>NOT</u> necessary to declare the value of such investments)</b>		
Self	Type of investment	Body in which investment is held
	<i><b>Example</b></i> —managed funds	CDE

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

<b>(Note: It is <u>NOT</u> necessary to declare actual amounts held in accounts)</b>		
Self	Nature of account	Name of bank/institution
	<i><b>Example</b></i> —savings	Commonwealth

9. THE NATURE OF ANY OTHER ASSETS (EXCLUDING HOUSEHOLD AND PERSONAL EFFECTS) EACH VALUED AT MORE THAN \$7,500

(Note: It is <u>NOT</u> necessary to declare the value of any other asset)	
Self	Nature of any other assets
	<i>Example</i> —life insurance

10. THE NATURE OF ANY OTHER SUBSTANTIAL SOURCES OF INCOME

(Note: It is <u>NOT</u> necessary to declare the amount of the income)	
Self	Nature of income
	<i>Example</i> —shareholdings

11. GIFTS VALUED AT MORE THAN \$750 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 \$300 OR MORE WHERE RECEIVED FROM OTHER THAN OFFICIAL SOURCES, provided that a gift received by a Senator, the Senator's spouse or partner 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: It is <u>NOT</u> necessary to declare the value of the gift)	
Self	Details of gifts
	<i>Example</i> —laptop computer from ABC Pty Ltd

12. ANY SPONSORED TRAVEL OR HOSPITALITY RECEIVED WHERE THE VALUE OF THE SPONSORSHIP OR HOSPITALITY EXCEEDS \$300

(Note: It is <u>NOT</u> necessary to declare the value of the sponsored travel etc.)	
Self	Details of travel/hospitality
	<b>Example</b> —Upgrade from business to first class on QF123, Sydney to LA on [date]; tickets and hospitality, Australian Open tennis final on [date], Kenbank

13. BEING AN OFFICE HOLDER OF OR FINANCIAL CONTRIBUTOR DONATING \$300 OR MORE IN ANY SINGLE CALENDAR YEAR TO ANY ORGANISATION

Self	Name of organisation
	<b>Example</b> —President, NSW Women's Guild; Donor—UNICEF

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

Self	Nature of interest

# CONFIDENTIAL

## FORM B



### STATEMENT OF REGISTRABLE INTERESTS

#### FORM B – SPOUSES OR PARTNERS AND DEPENDENT CHILDREN

Surname: ..... Other Names: .....  
(please print)

State/Territory: .....

Signature: ..... Date: .....

Send the original, signed form to the **Registrar of Senators' Interests, Parliament House, Canberra, ACT 2600**. Please sign and date both this form, and Form B if required, which together constitute your statement of registrable interests. If there is insufficient space on the form, you may attach additional pages. Please date, and either sign or initial, each page of any attachment.

**Do not use this form to notify an alteration of registrable interests**

**Senators complete Form B on behalf of their spouse or partner and/or dependent children to the extent that senators are aware of their interests. The forms remain confidential unless the Committee of Senators' Interests considers that a conflict of interest arises. In those circumstances, the committee may table a Form B declaration.**

**Senators are not required to identify persons covered by Form B by name.**

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

(Note: It is <u>NOT</u> necessary to declare the size or value of the shareholding)	
Spouse or partner	Name of company – (including holding and subsidiary companies if applicable)
	<b>Example</b> —AMP, Telstra, XYZ Pty Ltd
Dependent children	

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

Spouse or partner	Name of trust/nominee company	Nature of its operation	Beneficial interest
	<b>Example</b> — Brown Family Trust	Property investment	Joint beneficiary
Dependent children			

- (ii) in which the Senator, the Senator's spouse or partner, 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 partner or dependent children), indicating the name of the trust, the nature of its operation and the beneficiary of the trust

Spouse or partner	Name of trust/nominee company	Nature of its operation	Beneficiary of the trust
	<b>Example</b> — Black Family Trust	Share investment	Children
Dependent children			

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

(Note: The full street address of property is <u>NOT</u> required to be specified)		
Spouse or partner	Location	Purpose for which owned
	<i>Example</i> —Ainslie, ACT	Residential
Dependent children		

4. REGISTERED DIRECTORSHIPS OF COMPANIES

Spouse or partner	Name of company	Activities of company
	<i>Example</i> —QRS Pty Ltd	Property services
Dependent children		

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

Spouse or partner	Name	Nature of interest	Activities of partnership
	<i>Example</i> —Green & Sons	Financial partner	Farming
Dependent children			

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

<b>(Note: It is <u>NOT</u> necessary to declare the amount of any liability)</b>		
Spouse or partner	Nature of liability	Creditor
	<i><b>Example</b></i> —mortgage on investment property	Commonwealth Bank
Dependent children		

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

<b>(Note: It is <u>NOT</u> necessary to declare the value of such investments)</b>		
Spouse or partner	Type of investment	Body in which investment is held
	<i><b>Example</b></i> —managed funds	CDE
Dependent children		

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

<b>(Note: It is <u>NOT</u> necessary to declare actual amounts held in accounts)</b>		
Spouse or partner	Nature of account	Name of bank/institution
	<i><b>Example</b></i> —savings	Commonwealth
Dependent children		



9. THE NATURE OF ANY OTHER ASSETS (EXCLUDING HOUSEHOLD AND PERSONAL EFFECTS) EACH VALUED AT MORE THAN \$7,500

(Note: It is <u>NOT</u> necessary to declare the value of any other asset)	
Spouse or partner	Nature of any other assets
	<i>Example</i> —life insurance
Dependent children	

10. THE NATURE OF ANY OTHER SUBSTANTIAL SOURCES OF INCOME

(Note: It is <u>NOT</u> necessary to declare the amount of the income)	
Spouse or partner	Nature of income
	<i>Example</i> —shareholdings
Dependent children	

11. GIFTS VALUED AT MORE THAN \$750 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 \$300 OR MORE WHERE RECEIVED FROM OTHER THAN OFFICIAL SOURCES, provided that a gift received by a Senator, the Senator's spouse or partner 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: It is <u>NOT</u> necessary to declare the value of the sponsored travel etc.)	
Spouse or partner	Details of gifts
	<i>Example</i> —laptop computer from ABC Pty Ltd
Dependent children	

12. ANY SPONSORED TRAVEL OR HOSPITALITY RECEIVED WHERE THE VALUE OF THE SPONSORSHIP OR HOSPITALITY EXCEEDS \$300

(Note: It is <u>NOT</u> necessary to declare the value of the sponsored travel etc.)	
Spouse or partner	Details of travel/hospitality
	<b>Example</b> —Upgrade from business to first class on QF123, Sydney to LA on [date]; tickets and hospitality, Australian Open tennis final on [date], Kenbank
Dependent children	

13. BEING AN OFFICE HOLDER OF OR FINANCIAL CONTRIBUTOR DONATING \$300 OR MORE IN ANY SINGLE CALENDAR YEAR TO ANY ORGANISATION

Spouse or partner	Name of organisation
	<b>Example</b> —President, NSW Women's Guild; Donor—UNICEF
Dependent children	

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

Spouse or partner	Nature of interest
Dependent children	

## FORM A



### NOTIFICATION OF ALTERATION OF INTERESTS DECLARED

#### FORM A – SENATORS

Surname: ..... Other Names: .....  
(please print)

State/Territory: .....

Signature: ..... Date: .....

I wish to alter my statement of interests as follows:

#### ADDITION

Item No.\*

Details

#### DELETION

Item No.\*

Details

\*See Statement of Registrable Interests form or explanatory notes for the item no.

Send the original, signed form to the **Registrar of Senators' Interests, Parliament House,  
Canberra, ACT 2600.**

# CONFIDENTIAL

## FORM B



### NOTIFICATION OF ALTERATION OF INTERESTS DECLARED

#### FORM B – SPOUSE OR PARTNER AND DEPENDENT CHILDREN

Surname: ..... Other Names: .....  
(please print)

State/Territory: .....

Signature: ..... Date: .....

I wish to alter my statement of interests as follows:

#### ADDITION

Item No.*	Details
-----------	---------

#### DELETION

Item No.*	Details
-----------	---------

\*See Statement of Registrable Interests form or explanatory notes for the item no.

Send the original, signed form to the **Registrar of Senators' Interests, Parliament House,  
Canberra, ACT 2600.**

## APPENDIX THREE

### EXPLANATORY NOTES FOR STATEMENT OF REGISTRABLE INTERESTS

(AGREED TO BY COMMITTEE OF SENATORS' INTERESTS ON 19 JUNE 2002;  
AMENDED 18 JUNE 2003, 13 OCTOBER 2003 AND 29 MARCH 2006)

## PART 1 — GENERAL

### Statement of registrable interests

The purpose of the statement of registrable interests is to advise of senators' interests in accordance with a resolution of the Senate of 17 March 1994, as amended on 21 June 1995, 13 May 1998, 22 November 1999 and 15 September 2003.

The statement, in two parts, is kept in a Register of Senators' Interests, similarly divided. The registrable interests of a senator are declared in **Form A**, and comprise that part of the register which is available for public inspection from the date of receipt, and which is also eventually tabled in the Senate. The registrable interests, *of which the senator is aware*, of a senator's spouse or partner, or any children who are wholly or mainly dependent on the senator for support, are declared in **Form B**. The senator is not required to disclose the name(s) of a spouse, partner or children. Nor is there a requirement to return Form B if a senator does not have a spouse, partner or dependent children, or is not aware of their interests. Form B constitutes the part of the Register of Senators' Interests which is **NOT** available for public inspection. The interests recorded in Form B 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.

### Requirement to submit statement of registrable interests

The resolution requires that all senators must provide a statement of registrable interests within 28 days of making or subscribing an oath or affirmation of allegiance as a senator **AND** within 28 days after the first meeting of the Senate after 1 July first occurring after a general election.

Senators who are elected or appointed for the first time to the Senate should declare any benefits received from the date of their election or appointment as a senator, as well as interests as at the date of making and subscribing an oath or affirmation of allegiance.

In the case of re-elected or continuing senators, the statement of interests should include details of benefits received since the last notification of alterations of interests, as well as interests as at the date of the first meeting of the Senate following a simultaneous dissolution, or after 1 July following a general election.

‘Dependent children’ means dependent children under 16 years of age or dependent full-time students under 25 years of age. ‘Partner’ means a person who is living with another person in a *bona fide* domestic relationship.

When interests are held jointly with a spouse or partner, former spouse or partner, or dependent children the interests need to be included only as interests of the senator with an appropriate notation such as ‘jointly owned with [former] spouse or partner’.

Where interests could be included under more than one heading, they need to 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).

Both Form A and Form B must be completed as appropriate, in typescript if possible, signed **by the senator**, and returned to the Registrar of Senators’ Interests as originals, not faxes. For the purposes of meeting the 28-day deadline, signed faxed copies may initially be sent, followed by the signed originals.

Each question on each form should be answered in some definitive way even if only, for example, nil.

Any senator may make a new, full declaration of interests at any time.

### **Notification of alteration of interests**

Any alteration to a senator’s registrable interests, or those of the senator’s spouse or partner, or dependent children, must be notified to the registrar within 28 days of the change occurring. All notifications of alteration of senators’ interests, too, are public from date of receipt. Notifications of alteration of spouses’, etc., interests remain confidential under the same conditions as Form B of the statement of interests.

Relevant forms are available in hard copy or electronically, and alterations are notified to the registrar in the same manner as statements of registrable interests

### **Publication of statements and alterations of interests**

A copy of that part of the Register of Senators’ Interests which is publicly available (Form A) is tabled in the Senate in each Parliament (in practice, as soon as possible after the swearing-in of State senators after a periodical or simultaneous dissolution election). Notifications of alterations of interests declared on Form A are tabled at least every six months (towards the end of the winter and summer sittings).

## **PART 2 — GUIDANCE ON INTERESTS TO BE DECLARED**

### **Senators' responsibility for statement of registrable interests**

While these notes are intended to give some guidance to senators in compiling their statement, final decisions on the appropriate interpretation of the resolution are the responsibility of individual senators.

An asterix (\*) after the phrase 'the senator's spouse or partner, or dependent children' signifies that a senator is required only to declare the separate holdings of spouse, partner or dependent children on Form B, and only if the senator is aware of such holdings.

**Note:** It is not necessary to declare the actual number or value of shares, or the value of assets, sponsored travel, hospitality or gifts. Nor is it necessary to declare the actual amounts held in savings or investment accounts, amounts of liabilities, or amounts received as income, including income from investments.

### **Registrable interests**

#### **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 including equitable as well as legal interests, whether held directly or indirectly, which enables a senator, the senator's spouse or partner or dependent children\* to exercise control over the right to vote or dispose of those shares.
- This includes shares held by a family or business trust, a nominee company, a partnership or a self-managed superannuation fund where a senator, the senator's spouse or partner or dependent children (or two or more of the senator, the senator's spouse or partner, or a dependent child or dependent children acting together)\* are able to exercise control over the right to vote or dispose of those shares.
- 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 any shareholdings held by that company in another company or other companies.
- 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 partner or dependent children are not beneficiaries of that estate.

- It is not necessary to notify an alteration in the quantity of shares held in a particular company. Notify an alteration when shares are bought in a new company, or a shareholding in a particular company is wholly disposed of.

**2. Family and business trusts and nominee companies:**

- (i) **in which a beneficial interest is held, indicating the name of the trust, the nature of its operation and beneficial interest, and**
  - (ii) **in which the senator, the senator's spouse or partner, 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 partner or dependent children), indicating the name of the trust, the nature of its operation and the beneficiary of the trust**
- Both beneficial interests and trustee responsibilities (except as trustee of a deceased estate where neither the senator, the senator's spouse or partner nor dependent children are beneficiaries of the estate) should be specified.
  - In respect of shareholdings held by a family or business trust or nominee company, see the note under '1. Shareholdings,' etc.

**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.
- In the case of the purchase or disposal of real estate, the date of settlement is to be considered the date of alteration of interests, and notification should be made within 28 days of that date.
- 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 partner 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 \$10,000 (e.g. mortgages, hire-purchase and lease arrangements, personal loans, overdrafts and contingent liabilities).
- Include trading accounts of a nature which might be sensitive to implications of conflict of interest.
- Liabilities incurred on a department store account or on a credit card need not be disclosed.

**7. The nature of any bonds, debentures and like investments**

- 'Investments' means all investments, including placement of monies, which attract interest or other benefits.

**8. Savings or investment accounts, indicating their nature and the name of the bank or other institutions concerned**

- Ordinary, non-interest-bearing cheque accounts need not be included, but savings accounts and investment accounts of the senator, the senator's spouse or partner or dependent children\* should be included.

**9. The nature of any other assets (excluding household and personal effects) each valued at more than \$7,500**

- 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, gifts received) need not be included here.
- Private life assurance and superannuation, including self-managed superannuation funds, 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 under \$7,500 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.

### **The nature of any other substantial sources of income**

- The senator's own salary and allowances as a senator need not be included.
  - Include in Form A the source of any income of the senator, including income held jointly from investments, annuity arrangements, pensions or under government assistance schemes (but not including family allowance).
  - Include in Form B the source of a spouse or partner's income, *of which the senator is aware*, from employment or a business undertaking, and the source of any income, *of which the senator is aware*, of the senator's spouse, partner or dependent children from investments, annuity arrangements, pensions or under government assistance schemes (but not including family allowance).
  - 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 \$5,000 per annum need not be notified unless, in the judgment of the senator, it might be sensitive to implications of conflict of interest.
- 10. Gifts valued at more than \$750 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 \$300 or more where received from other than official sources, provided that a gift received by a senator, the senator's spouse or partner 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**
- 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.
  - A special declaration is required relating to gifts intended **by the donor** to be given to the Senate or the Parliament (see Part 2 of this booklet).
- 11. Any sponsored travel or hospitality received where the value of the sponsorship or hospitality exceeds \$300**

- ‘Sponsored travel’ means any free, upgraded or concessional travel undertaken by the senator, the senator’s spouse or partner 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 entitlements, or travel undertaken using frequent flyer points, generally available to the public. Nor does it include the travel entitlements received by the senator, the senator’s spouse or partner or dependent children under any determination of 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 partner 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 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 or benefits 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, or access to airline lounges.
- Serial receipt of hospitality, eg, regular receipt of free theatre tickets or tickets from sporting organisations, should be declared each six months if the collective value exceeds \$300.

**12. Being an officeholder of, or financial contributor donating \$300 or more in any single calendar year to, any organisation**

- Membership of organisations should be disclosed where the senator, the senator’s spouse or partner or a dependent child\* is an officeholder (excluding being a patron).
- The names of any organisations to which the senator, the senator’s spouse or partner or a dependent child\* contributes \$300 or more in any single calendar year (excluding membership subscriptions) should also be listed.

**13. Any other interest where a conflict of interest with a Senator’s public duties could foreseeably arise or be seen to arise.**

March 2006



## REGISTER OF SENATORS' INTERESTS

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### ADMINISTRATIVE ARRANGEMENTS FOR THE 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 or Partners and Dependent Children**, on which shall be recorded, to the extent that the senator is aware of them, the registrable interests of a spouse or partner and any dependent children.

If a senator does not have a spouse or partner, or dependent children, Form B does not need to be completed or lodged. To assist senators, the Registrar of Senators' Interests will issue a notice in hard copy and by email to all senators when a new statement is due and one further reminder by the same means.

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 be notified to the Registrar of Senators' Interests on the 'Notification of Alteration of Interests Declared' form, where possible. Amendments may be notified by letter but, in either case, must be in writing.
- (3) All forms are published on the committee's website at [http://www.aph.gov.au/Senate/committee/interests\\_ctte/index.htm](http://www.aph.gov.au/Senate/committee/interests_ctte/index.htm) either for printing and completing by hand or for completing electronically before printing.

- (4) A statement of interests or notification of alteration of interests must be signed by a senator and lodged, as an original document (i.e., not faxed), with the:

Registrar of Senators' Interests  
The Senate  
Parliament House  
CANBERRA ACT 2600.

Senators who use the electronic version of the forms should print a hard copy and sign that.

- (5) Notifications of alterations of interests, declared on Form A or by letter, will form part of the register. Such notifications will be placed in the register after the statement of interests of the senator concerned, in the order of receipt.
- (6) The Registrar of Senators' Interests will, by email, acknowledge receipt of all statements and notifications of alterations.
- (7) Statements of interests will be placed in the register in alphabetical order by senators' surname.
- (8) 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.

- (9) 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. Note that it is not the role of the Registrar of Senators' Interests to give advice on the interpretation of the resolution.

## **Maintenance**

- (10) The original statements of interests, and notifications of alterations, 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.
- (11) 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.

- (12) The register available for public inspection will be available from the 28<sup>th</sup> day after any of the events identified in paragraphs 1(a), (b) or (c) of resolution 1 until the date of tabling of the next full register and will contain all material provided to the Registrar of Senators' Interests during that period.
- (13) The register will be closed off and prepared for tabling immediately after the deadline for receipt of statements has passed. Any statements not lodged by the deadline will be available for inspection on receipt by the Registrar and will be included in the next tabled volume of alterations.
- (14) Notifications of alterations of interests will become public from the date of receipt. In accordance with the Senate's resolution, notifications of alterations of interests will be tabled at least every six months.
- (15) 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 in hard copy and by email.
- (16) New statements of interests are to be provided at the times specified in resolution 1. 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.
- (17) 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.
- (18) 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.

#### Notification by email

- (19) Email notifications referred to in the preceding paragraphs will be sent to senators' Parliament House email addresses and to any other email address notified to the Registrar. It is the responsibility of individual senators to inform the Registrar of any changes to these additional email addresses. The Registrar's email address is: [senators.interests@aph.gov.au](mailto:senators.interests@aph.gov.au).





PROPOSED AMENDMENT OF RESOLUTIONS RELATING TO SENATORS' INTERESTS

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.