

THE PARLIAMENT OF THE
COMMONWEALTH OF AUSTRALIA

THE SENATE

COMMITTEE OF SENATORS' INTERESTS

Report 2/2002

PROPOSED CHANGES TO RESOLUTIONS RELATING
TO DECLARATIONS OF SENATORS' INTERESTS AND
GIFTS TO THE SENATE AND THE PARLIAMENT

June 2002

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ISSN 1322-2783

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

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PROPOSED CHANGES TO RESOLUTIONS RELATING TO DECLARATIONS OF SENATORS' INTERESTS AND GIFTS TO THE SENATE AND THE PARLIAMENT

INTRODUCTION

Standing Order 22A empowers the Committee of Senators' Interests, inter alia:

- (a) to inquire into and report upon the arrangements made for the compilation, maintenance and accessibility of a Register of Senators' Interests; and
- (e) to make recommendations upon ...any other matters which are relevant.

The committee has taken the opportunity, at the commencement of the 40th Parliament, and before the consequential swearing-in of senators at the first meeting of the Senate after 1 July 2002, to evaluate the five resolutions relating to senators' interests and the accompanying explanatory notes. It has also examined the resolution, which has been in existence since 1997, relating to the registration of gifts to the Senate and the Parliament and the associated procedural rules. If the Senate agrees to the suggested changes to the resolutions and accepts the modifications and clarifications within the explanatory notes, the committee proposes to compile a booklet, to be sent to all senators before statements of interests are due after the swearing-in of senators in August.

RESOLUTIONS RELATING TO SENATORS' INTERESTS

The committee **recommends** the following substantive changes to the resolutions relating to senators' interests:

Resolution 1

1. That all senators, whether new or continuing, provide the registrar with fresh statements of registrable interests within 28 days after the first meeting of the Senate after 1 July first occurring after a general election.

At present, only those senators who are being sworn in for a six-year term, whether continuing senators or new senators, that is, 36 of the 72 State senators, are required to produce a statement of registrable interests after 1 July. The Register of Senators' Interests which must, under resolution 4, be 'tabled at the commencement of each Parliament' (in practice, as soon as possible after the swearing-in of State senators), contains both these new statements, and other senators' statements and notifications of alterations of interests dating back some 3½ years. One drawback of the proposal which the committee recommends is that it would require Territory senators, and certain senators chosen or appointed to fill casual vacancies, to make fresh declarations within a fairly limited time. The committee considers, however, that this

is only a small disadvantage, outweighed by the benefits of having a fresh, comprehensive and easy-to-use register.

The complete text of the proposed amendments to resolution 1 is as follows:

- (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,

... ..

The full text is at p. 4, with a consequential amendment to resolution 4 at p. 6, of the draft booklet accompanying this report.

This requirement does not preclude any senator making a new, full declaration of interests at any other time in the course of a Parliament.

Resolution 3

- 2. That the value of assets and gifts specified in paragraphs 3(i), (k), (l) and (m), at pages 5-6 of the draft booklet, be raised as follows:

From \$5,000 to \$10,000

From \$500 to \$1,000

From \$200 to \$500

The present amounts of \$5,000, \$500 and \$200 have been specified since the passage of the original resolutions in 1994; these amounts were based on similar resolutions of the House of Representatives, passed as early as 1984, and most amounts have not changed since.

Explanatory notes will be adjusted where relevant, except in paragraph 10, where the committee has retained \$5,000 as the level below which income need not, as a general rule, be notified.

Resolution 5

- 3. That resolution 5 be omitted.

This has been the subject of considerable discussion by both the Committee of Senators' Interests and the Procedure Committee. The Committee of Senators' Interests has now concluded that, given the public nature of a senator's own statement of registrable interests, this is sufficient to comply with the requirements at present set down in resolution 5.

The committee further believes that, should a senator consider it necessary to refer to the private section of the statement, relating to interests of spouse, partner and dependent children, it is for the senator to alert the Senate to potential conflict of interest. Similarly, without prescribing by resolution the requirement that a senator who has not yet made a statement of registrable interests, or notified an alteration to those interests, should declare these interests publicly, the committee expects that such a declaration will be made in the Senate if any interest not yet notified in the register is involved. Conflict of interest in proceedings of committees is already covered by standing order 27(5).

EXPLANATORY NOTES

The committee has also absorbed all committee decisions previously reported to the Senate into the explanatory notes, intended to be a single reference document. A further decision, made by the committee at its meeting of 15 May 2002, is that frequent flyer points and membership of airline lounges need no longer be declared (see paragraph 12 of explanatory notes at pp. 12-13 of draft booklet). Senators would be expected to continue to notify the Department of Finance and Administration of the usage of frequent flyer points by themselves, their spouse or partner or dependent children, for travel the cost of which would otherwise be met by the Commonwealth. The committee also decided at its 15 May 2002 meeting that no liabilities on a credit card need be declared (see paragraph 6 of explanatory notes at p. 11 of draft booklet).

The committee has simplified the introduction to the hard-copy forms, absorbing the necessary instructions into the explanatory notes, and has made provision for filling out both the statements of registrable interests and the notification of alterations forms electronically, although each senator must lodge signed hard copies of the relevant forms.

RESOLUTION RELATING TO GIFTS TO THE SENATE AND THE PARLIAMENT

The committee **recommends** that the threshold for declarations of gifts should be raised from \$500 to \$1,000 and from \$200 to \$500, to accord with the changes proposed above and for the same reasons. It has also made minor drafting amendments to the resolution, as indicated. The committee also proposes a change to the resolution to include an option, based on guidelines prepared by the Department of the Prime Minister and Cabinet for ministerial gifts, to enable a senator who ceases to be a senator to retain any declared gifts, under certain conditions. The proposed new provisions are at paragraphs **(i) – (k)** of the resolution.

The committee also has made changes to the procedural rules for the declaration and preservation of gifts. The most substantive is to raise the time limit for declarations of gifts from 10 days to 28 days. This reflects the time-frame for declarations of interests and also provides reasonable time for senators to make any such declarations on their return from what might be a 3- to 4-week long journey.

DRAFT BOOKLET REFLECTING PROPOSED CHANGES

The draft booklet reflecting the proposed changes to the resolutions relating to senators' interests and gifts to the Senate and the Parliament, and the committee's changes to the explanatory notes and procedural rules, is at Appendix A.

Kay Denman
Chair



APPENDIX A

DECLARATIONS OF SENATORS' INTERESTS AND GIFTS TO THE SENATE AND THE PARLIAMENT

JUNE 2002

CONTENTS

SECTION 1	PAGES
Resolutions relating to senators' interests	4-6
Explanatory notes for statement of registrable interests	7-13
Forms for statement and notification of alteration of interests	14-26
 SECTION 2	
Resolution relating to registration of gifts to the Senate and the Parliament	28-30
Procedural rules for declaration and preservation of gifts	31-32
Form for declaration of gifts	33
 SECTION 3	
Conditions of access to registers of senators' interests and gifts to the Senate and the Parliament	35

SECTION 1

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 28 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 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. Registrable interests of spouses or partners and dependants

Statements of the registrable interests of a senator's spouse or partner 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.

3. Registrable interests

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 or partner 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 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;
- (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 **\$10,000**;
- (j) the nature of any other substantial sources of income;
- (k) gifts valued at more than **\$1,000** 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 **\$500** 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;

- (l) any sponsored travel or hospitality received where the value of the sponsorship or hospitality exceeds **\$500**;
- (m) being an office holder of or financial contributor donating **\$500** or more 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.

4. Register and Registrar of Senators' Interests

- (1) 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.
- (2) 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.
- (3) As soon as possible after *receipt of statements of registrable interests in accordance with resolution 1(1)*, 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 6 months any notification by a senator of alteration of those interests.
- (4) 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.
- (5) That part of the Register of Senators' Interests relating to spouses or partners and dependent children shall remain confidential to the Committee of Senators' Interests as provided for in paragraph 2.

Resolution 5 — declaration of interest in debate and other proceedings —proposed to be omitted

5. Interpretation

For the purposes of paragraphs 1 to 4 of this resolution 'partner' means a person who is living with another person in a *bona fide* domestic relationship.

(17 March 1994 J.1421, amended 21 June 1995 J.3473, 13 May 1998 J.3753, 22 November 1999 J.2008,2002)

EXPLANATORY NOTES FOR STATEMENT OF REGISTRABLE INTERESTS

(Agreed to by Committee of Senators' Interests on 2002)

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 2002.

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. This provision applies both to new senators and to senators who have been re-elected at a periodical election or following a simultaneous dissolution of the Senate and the House of Representatives.

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 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 making and subscribing an oath or affirmation of allegiance.¹

'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.

¹ The underlined paragraphs will be modified if the Senate agrees to amendments to resolution 1(1).

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.

If a senator wishes to prepare Forms A and B electronically, the forms are on SenNet but should be returned in hard copy. 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).

Declarations of interest in Senate and committee proceedings²

Senators must declare any relevant interest during parliamentary proceedings as follows:

- (a) when a senator speaks in debate in the Senate or in a committee; and
- (b) as soon as practicable after a division is called if the senator proposes to vote in that division.

Senators need not declare an interest when asking a question in the Senate.

² This section will be modified if the Senate agrees to amendment to omit resolution 5.

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 or a partnership 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.

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 \$5,000 [\$10,000]³ (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 \$5,000 [\$10,000]

- 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 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 \$5,000 [\$10,000] 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.

³ Amounts to be increased as indicated if Senate agrees to amendments to resolution 3.

- 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.
- 11. Gifts valued at more than \$500 [\$1,000] 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 \$200 [\$500] 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.⁴
 - A special declaration is required relating to gifts intended **by the donor** to be given to the Senate or the Parliament (see Section 2 of this booklet).
- 12. Any sponsored travel or hospitality received where the value of the sponsorship or hospitality exceeds \$200 [\$500]**
- '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

⁴ This paragraph will be modified if the Senate agrees to amendment to resolution 1(1).

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.

13. Being an officeholder of, or financial contributor donating \$200 [\$500] 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 \$200 [\$500] or more in any single calendar year (excluding membership subscriptions) should also be listed.

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

June 2002

NOTE: FORMS WILL BE CHANGED, AS REQUIRED, TO REFLECT SENATE DECISIONS

FORM A

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

THE SENATE

REGISTER OF SENATORS' INTERESTS

STATEMENT OF REGISTRABLE INTERESTS

FORM A – SENATORS

Notes

- (1) Please read the accompanying Explanatory Notes before completing the return.
- (2) You must 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.

Surname: Other Names:

State/Territory:

Completed forms may be sent to the Registrar of Senators' Interests, Parliament House,
Canberra ACT 2600

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 –

(i) 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
Self			

(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

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

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

	Location	Purpose for which owned
Self		

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

Self	Nature of account	Name of bank/institution

9. THE NATURE OF ANY OTHER ASSETS (EXCLUDING HOUSEHOLD AND PERSONAL EFFECTS) EACH VALUED AT MORE THAN \$5,000 *[\$10,000]*

Self	Nature of any other assets

10. THE NATURE OF ANY OTHER SUBSTANTIAL SOURCES OF INCOME

Self	Nature of income

11. GIFTS VALUED AT MORE THAN \$500 *[\$1,000]* 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 \$200 *[\$500]* 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.

Self	Details of gifts

12. ANY SPONSORED TRAVEL OR HOSPITALITY RECEIVED WHERE THE VALUE OF THE SPONSORSHIP OR HOSPITALITY EXCEEDS \$200 [*\$500*]

Self	Details of travel/hospitality

13. BEING AN OFFICE HOLDER OF OR FINANCIAL CONTRIBUTOR DONATING \$200 OR MORE IN ANY SINGLE CALENDAR YEAR TO ANY ORGANISATION

Self	Name of organisation

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

Signature

Date

THE SENATE

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 _____

Completed forms may be sent to the Registrar of Senators' Interests, Parliament House,
Canberra ACT 2600

CONFIDENTIAL

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

THE SENATE

REGISTER OF SENATORS' INTERESTS

STATEMENT OF REGISTRABLE INTERESTS

FORM B – SPOUSES OR PARTNERS AND DEPENDENT CHILDREN

Notes

- (1) Please read the accompanying Explanatory Notes before completing the return.
- (2) You must sign and date this form which, together with Form A, constitutes 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.

Surname: Other Names:

State/Territory:

Completed forms may be sent to the Registrar of Senators' Interests, Parliament House,
Canberra ACT 2600

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 or partner	
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

	Name of trust/nominee company	Nature of its operation	Beneficial interest
Spouse or partner			
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

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

4. REGISTERED DIRECTORSHIPS OF COMPANIES

	Name of company	Activities of company
Spouse or partner		
Dependent children		

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

	Name	Nature of interest	Activities of partnership
Spouse or partner			
Dependent children			

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

	Nature of liability	Creditor
Spouse or partner		
Dependent children		

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

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

9. THE NATURE OF ANY OTHER ASSETS (EXCLUDING HOUSEHOLD AND PERSONAL EFFECTS) EACH VALUED AT MORE THAN \$5,000 *[\$10,000]*

Nature of any other assets	
Spouse or partner	
Dependent children	

10. THE NATURE OF ANY OTHER SUBSTANTIAL SOURCES OF INCOME

Nature of income	
Spouse or partner	
Dependent children	

11. GIFTS VALUED AT MORE THAN \$500 *[\$1,000]* 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 \$200 *[\$500]* 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.

Details of gifts	
Spouse or partner	
Dependent children	

12. ANY SPONSORED TRAVEL OR HOSPITALITY RECEIVED WHERE THE VALUE OF THE SPONSORSHIP OR HOSPITALITY EXCEEDS \$200 *[\$500]*

	Details of travel/hospitality
Spouse or partner	
Dependent children	

13. BEING AN OFFICE HOLDER OF OR FINANCIAL CONTRIBUTOR DONATING \$200 OR MORE IN ANY SINGLE CALENDAR YEAR TO ANY ORGANISATION

	Name of organisation
Spouse or partner	
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

	Nature of interest
Spouse or partner	
Dependent children	

Senator's
Signature

Date

THE SENATE

REGISTER OF SENATORS' INTERESTS

NOTIFICATION OF ALTERATION OF INTERESTS DECLARED

FORM B – SPOUSES OR PARTNERS AND DEPENDENT CHILDREN

Name: _____

State/Territory: _____

The following alteration of interests is notified:

ADDITION

Item	Details

DELETION

Item	Details

Senator's Signature _____

Date _____

Completed forms may be sent to the Registrar of Senators' Interests, Parliament House, Canberra ACT 2600

SECTION 2

RESOLUTION RELATING TO DECLARATION OF GIFTS TO THE SENATE AND THE PARLIAMENT

- (1) (a) Any senator, including any Senate officer-holder and any senator who is a leader or a member of a parliamentary delegation, who in any capacity receives any gift which is intended by the donor to be a gift to the Senate or the Parliament must, as soon as *practicable*, place the gift in the custody of the Registrar of Senators' Interests and declare receipt of the gift to the Registrar.
- (b) A gift is to be taken as intended to be a gift to the Senate or the Parliament where:
 - (i) the donor expressly states that the gift is to the Senate or to the Parliament; or
 - (ii) the identity of the donor, the nature of the occasion, or the intrinsic significance or value of the gift is such that it is reasonable to assume that the gift was intended for the Senate or the Parliament.
- (ba) In the absence of express intent, it will not be assumed that a gift was intended for the Senate or the Parliament where the gift has a value below the following thresholds:
 - (i) **\$1,000** when given by an official government source; or
 - (ii) **\$500** when given by a private person or non-government body on any occasion when the senator is present in his or her capacity as a senator, Senate office-holder or delegation leader or member.
- (bb) In the absence of express intent, it will not be assumed that a gift was intended for the Senate or the Parliament merely because the gift has a value above those thresholds.
- (c) The Registrar of Senators' Interests is to maintain a public Register of Gifts to the Senate and the Parliament.
- (d) The Committee of Senators' Interests is to recommend to the President whether, and how, the gift *may* be used or displayed in Parliament House, including in the office of any senator, or used or displayed on loan elsewhere, including in a museum, library, gallery, court building, government building, government office or other place.
- (e) Where a gift given to a senator is intended to be for the Parliament, the President is to consult with the Speaker prior to agreeing to a recommendation of the committee as to its use, display or loan.

- (f) Where the President disagrees with a recommendation of the committee, the President is to report the disagreement to the Senate, which may determine the use, display or loan of the gift in question.
- (g) In making recommendations the committee is to take into account the intention of the Senate that gifts are to be used, displayed or loaned in a way which:
 - (i) reflects proper respect for the intentions of the donor and the dignity of the Senate or the Parliament;
 - (ii) recognises the interest of the public in gifts to the Senate or the Parliament; and
 - (iii) takes account of practical issues including space, custody, preservation and propriety in the use, display or loan of such gifts.
- (h) Where a senator is uncertain of the nature of a gift the senator may request advice from the committee.
- (i) *When a senator who is using or displaying a gift ceases to be a senator, he or she may retain the gift:*
 - (i) *if its value does not exceed the stated valuation limits of \$1,000 for a gift received from an official government source, or \$500 from a private person or non-government body; or*
 - (ii) *if the senator elects to pay the difference between the stated valuation limit and the value of the gift, as obtained from an accredited valuer selected from the list issued by the Committee for Taxation Incentives for the Arts. The Department of the Senate will be responsible for any costs incurred in obtaining the valuation.*
- (j) *If the senator does not retain the gift in accordance with paragraph (i), the senator must return the gift to the registrar, who shall:*
 - (i) *dispose of it in accordance with instructions from the Committee of Senators' Interests, as set out in paragraph 1(d); or*
 - (ii) *arrange its donation to a nominated non-profit organisation or charity, at the discretion of the senator who has returned the gift and the Committee of Senators' Interests.*
- (k) *Any senator subject to paragraph (j) must formally acknowledge relinquishment of the senator's claim to ownership of any surrendered gifts.*

- (l) Where a senator disagrees with the advice of the committee the senator is to report the disagreement to the Senate, which may determine the nature of the gift and its use, display or loan, if any.
 - (m) In paragraph (1) a reference to a gift to the Parliament includes a gift given to a senator for the House of Representatives.
- (2) This resolution applies to a gift received by the spouse, family member or staff member of a senator on any occasion when the senator is present in his or her capacity as a senator, Senate office-holder or delegation leader or member, as if the gift had been received by the senator.
- (3) The committee:
- (a) is empowered to consider any matter placed before it pursuant to this resolution, and for the purposes of this resolution the committee has the powers provided in the resolution of 17 March 1994 establishing the committee; and
 - (b) may make, and must as soon as practicable thereafter table, procedural rules to facilitate the operation of this resolution.
- (4) Any senator who:
- (a) knowingly fails to tender and declare a gift that is taken to be a gift to the Senate or the Parliament as required by this resolution; or
 - (b) knowingly fails to return to the Registrar a gift which it was agreed or determined the senator might use or display; or
 - (c) knowingly provides false or misleading information to the Registrar or the committee,

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

(26 August 1997 J.117, amended 8 December 1999 J.22122002)

PROCEDURAL RULES FOR DECLARATION AND PRESERVATION OF GIFTS

(Agreed to by Committee of Senators' Interests 15 May 2002)

On 26 August 1997, the Senate adopted new rules for the declaration by senators of gifts presented to them but intended **by the donor** to be for the Senate or the Parliament. The new rules apply to all senators. However, they will mostly affect Senate office-holders (for example, the President or the Deputy President) and senators who are leaders or members of parliamentary delegations travelling overseas.

It is the responsibility of senators to declare and surrender gifts that are intended to be institutional rather than personal. Uncertainty as to whether a gift is an institutional gift rather than a personal gift will be resolved by the Committee of Senators' Interests or the Senate.

Compilation of the Register

1. A senator who receives a gift intended **by the donor** for the Senate (or the Parliament) is to declare receipt of it to the Registrar of Senators' Interests by completing and signing the approved form. To preserve both an audit and an historical record of such institutional gifts, the form is to be completed in full. The form is to be returned to the registrar within **28 days** of receipt of the gift.
2. Where a senator's spouse, family member or staff member receives such a gift on an occasion when the senator is present in his or her capacity as a senator, the senator is to declare receipt of the gift on the approved form as if it had been received by the senator.
3. The gift must, as soon as possible, be placed in the custody of the Registrar of Senators' Interests until the President or the Senate, on the recommendation of the committee, determines how the gift is to be used, displayed or loaned.
4. Declarations of receipt of gifts will be placed in the *Register of Gifts to the Senate and the Parliament* in alphabetical order under the name of the senator receiving the gift.
5. The register will also contain a chronological list of gifts received with the name of the recipient senator, the name of the donor, and a description of the gift and its current location.

Maintenance of the register

6. The original of a senator's declaration of receipt of a gift to the Senate or the Parliament will be kept on a registry file. A copy, date stamped with the registry stamp, will be placed on the register.
7. Declarations are public from the date of receipt.
8. New declarations will be tabled in the Senate within six months of receipt, preferably in June and December.

9. The registrar will write to the Parliamentary Relations Office (PRO) at least twice a year to remind PRO officers assisting senators on delegations and travelling abroad of the requirements of the Senate resolution. Senate officers who accompany senators overseas should familiarise themselves with the terms of the resolution and these explanatory notes.
10. A declaration will remain on the register as long as the gift remains in the possession, custody or control of the Senate or the Parliament. Declarations in the name of senators who are former members of the Senate will be held in a volume of the register separate from the volume holding declarations of serving senators.
11. A signed statement by the registrar of the current location of the declared gift will be displayed in the register with each senator's declaration of receipt of a gift.
12. Superseded statements of location will be retained on file with the original copy of the declaration.

Preservation of gifts declared in the register

13. Before recommending to the President whether and how a gift is to be used or displayed in Parliament House or used or displayed on loan elsewhere, the committee will, if appropriate, seek the advice of the Joint House Department on how best the gift might be physically preserved, and used, displayed or loaned.
14. A person or body (including a senator) to whom the President or the Senate grants the right to use or display a gift will give an undertaking to observe the appropriate duty of care and return the gift on request of the President to the custody of the registrar.

THE SENATE

REGISTER OF GIFTS TO THE SENATE AND THE PARLIAMENT

SENATOR’S DECLARATION OF RECEIPT OF A GIFT INTENDED OR ASSUMED TO BE FOR THE SENATE OR THE PARLIAMENT

Senator’s name:

State/Territory:

Gift received by:
(Self or spouse or family member or staff member)

Donor:
(Name and position)

Occasion:
(date, place and circumstances of donation)
.....

Description of gift:
.....

The gift is taken to be a gift to the Senate or the Parliament because:
(either there was a statement of intention by the donor or this is assumed from the circumstances of the donation).
.....
.....

Senator’s signature: _____ **Date:** ____ / ____ / ____

SECTION 3

CONDITIONS OF ACCESS TO REGISTERS OF SENATORS' INTERESTS AND GIFTS TO THE SENATE AND THE PARLIAMENT

The conditions of public access to the Register of Senators' Interests and the Register of Gifts to the Senate and the Parliament are as follows:

- (1) Public access to the registers is by appointment with the Registrar of Senators' Interests, Room SG39, Parliament House Canberra, phone 6277 3360, fax 6277 3199, generally between the hours of 10.00am and 12.00 noon and 2.00pm and 4.00pm, Monday to Friday (public holidays excepted). Access is to be supervised.
- (2) Access is to the whole register.
- (3) Inquirers may make notes. A photocopy of a senator's statement or declaration may be supplied if requested. In all cases, a photocopy will be supplied only of a senator's complete statement or declaration, and not extracts. A copy of a statement or declaration may be collected in person or may be sent by post or facsimile.

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 (eg 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.

Access to the registers available for public inspection will continue during and after an election until such time as new registers are tabled.

A senator's statement of interests will be removed from the register from the date that the senator ceases to be a senator. Declarations of gifts in the name of senators who are former members of the Senate will be held in a volume of the register separate from the volume holding declarations of serving senators. The public will, however, continue to have access to past senators' statements and declarations which have been tabled in the Senate, through the Table Office.