

Senators' interests, gifts and citizenship register

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Senators' interests

1 Registration

(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.

(17 March 1994 J.1421, amended 15 September 2003 J.2365, 10 August 2006 J.2457)

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.

(17 March 1994 J.1421)

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 \$7 500;
- (j) the nature of any other substantial sources of income;
- (k) 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;
- (l) any sponsored travel or hospitality received where the value of the sponsorship or hospitality exceeds \$300;

- (m) being an officeholder or financial contributor donating \$300 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.

(17 March 1994 J.421, amended 21 June 1995 J.3473, 15 September 2003 J.2365)

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 the receipt of statement of registrable interests in accordance with resolution 1(1), the chair 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.

(17 March 1994 J.1421, amended 15 September 2003 J.2365)

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 22 November 1999 J.2008)

NOTE: *The resolutions adopted on 17 March 1994 included a resolution relating to the declaration of interests in debate and other proceedings. That resolution was amended on 13 May 1998 J.3753, and subsequently omitted on 15 September 2003 J.2365.*

Gifts to the Senate

The Senate resolves that the following procedures apply for the declaration by senators of their receipt of any gift intended by the donor to be a gift to the Senate or the Parliament:

- (1) (a) Any senator, including any Senate office 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) \$750 when given by an official government source; or
 - (ii) \$300 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, the senator may retain the gift:
 - (i) if its value does not exceed the stated valuation limits of \$750 for a gift received from an official government source, or \$300 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) of this resolution; 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.2324, amended 8 December 1999 J.2212, 15 September 2003 J.2365)

Senators' qualifications register

That the Senate require all senators to provide statements in relation to disqualification under sections 44 or 45 of the Constitution in the following terms:

Senators' qualifications

Register of Senators' qualifications relating to sections 44 and 45 of the Constitution

- (1) The Registrar of Senators' Interests shall, in accordance with procedures determined by the Standing Committee of Senators' Interests, maintain a Register of senators' qualifications (the Register), comprising material:
 - (a) provided by senators elected or appointed during the 45th Parliament, and entered into the Register of Senators' Interests as 'Statements in relation to citizenship';
 - (b) tabled on behalf of the Australian Electoral Commission in accordance with s.181B of Part XIV of the *Commonwealth Electoral Act 1918* in respect of elected senators;
 - (c) provided by senators appointed to fill casual vacancies, in a disclosure form prescribed by the Standing Committee of Senators' Interests; and
 - (d) provided by senators in accordance with the obligation to provide an attestation, supplementary information, or a statement under paragraphs (5), (6), (7) or (8).
- (2) Other than as provided for in this order, the Standing Committee of Senators' Interests has the same powers and functions in relation to the Register as it does in relation to the Register of Senators' Interests.
- (3) The Registrar shall publish the Register and any supplementary information as soon as practicable after a senator has provided documents to the Registrar, or after tabling of documents on behalf of the Australian Electoral Commission.
- (4) The Registrar shall remove information from the published copy of the Register when a senator ceases to hold office as a senator.

Requirement to provide statements and supplementary information

- (5) Within 28 days of making and subscribing an oath or affirmation in accordance with section 42 of the Constitution, each elected senator shall provide to the Registrar a statement attesting to the Senate the accuracy and completeness of the material provided to, and tabled on behalf of, the Australian Electoral Commission in respect of the senator's last nomination for election in accordance with Part XIV of the *Commonwealth Electoral Act 1918*.

- (6) In making an attestation in accordance with paragraph (5), a senator may provide supplementary material. Supplementary material may augment, explain, or correct earlier information, but must not result in removal from the Register of material that was previously entered on the Register.
- (7) Within 28 days of making and subscribing an oath or affirmation in accordance with section 42 of the Constitution, each senator appointed to fill a casual vacancy shall provide to the Registrar a statement disclosing qualifications related to sections 44 and 45 of the Constitution.
- (8) If a senator becomes aware that information they have attested to, in accordance with paragraphs (5) or (7), or subsequently provided in accordance with paragraph (6), can no longer be regarded as accurate, the senator shall provide supplementary material to the Registrar as soon as practicable, but no later than 28 days, after the senator becomes aware of the inaccuracy. Such supplementary material does not cause earlier material to be removed from the Register.
- (9) The Standing Committee of Senators' Interests shall prescribe a form or forms for the purposes of paragraphs (5), (6), (7) or (8), which shall be consistent with the disclosure requirements in Part XIV of the *Commonwealth Electoral Act 1918*.

Consideration of possible disqualification matters

- (10) The Senate will deal with any question concerning a senator's qualification under the Constitution only in accordance with the following procedures, and not otherwise.
- (11) If a senator becomes aware of circumstances that give rise to a possible disqualification under sections 44 or 45, arising from facts not disclosed either on the Register during the immediate preceding Parliament, or in accordance with Part XIV of the *Commonwealth Electoral Act 1918*, the senator may provide a statement of those circumstances to the President. Any material redacted from the material entered onto the Register, including redactions from documents tabled on behalf of the Australian Electoral Commission is taken not to have been disclosed.
- (12) If, and only if, a matter satisfies the conditions in paragraph (11), the President shall, as soon as practicable, report the matter to the Senate, and the senator who raised the matter may give notice of a motion to refer the matter to the Standing Committee of Senators' Interests for inquiry and report.
- (13) Before reporting on such a matter, the Standing Committee of Senators' Interests shall provide a reasonable opportunity for a senator affected by the reference to respond to the allegations, to the evidence before the committee, and to any recommendation the committee proposes to make.
- (14) If, on the evidence before it, the Standing Committee of Senators' Interests considers that there is sufficient doubt about a senator's qualifications, then the committee may recommend that the matter be referred to the Court of Disputed Returns under section 376 of the *Commonwealth Electoral Act 1918*; however, the Standing Committee of Senators' Interests shall not make such a recommendation

unless it determines that the question arises from facts not disclosed either on the Register during the immediate preceding Parliament, or in accordance with Part XIV of the *Commonwealth Electoral Act 1918*.

- (15) When a question respecting a senator's qualification turns solely upon the interpretation or application of foreign citizenship law, the Standing Committee of Senators' Interests shall not recommend that the question be referred to the Court of Disputed Returns unless the committee has taken evidence from experts in the relevant foreign law and the committee considers there is a sufficient possibility that the senator is or was a foreign citizen under the relevant foreign law at the relevant time.

Referral to Court of Disputed Returns

- (16) Notwithstanding anything contained in the standing orders or any other resolution, no senator may move a motion to refer any question to the Court of Disputed Returns under section 376 of the *Commonwealth Electoral Act 1918* unless the Standing Committee of Senators' Interests has considered whether the matter be so referred and reported to the Senate. After the committee has made such a report, a senator may, without notice, move to refer the matter to the Court of Disputed Returns.

False statements or omissions regarded as contempt

- (17) Any senator who:
- (a) knowingly fails to provide the material required by this resolution to the Registrar within the required timeframe; or
 - (b) knowingly fails to correct an inaccuracy in any material within the required timeframe; or
 - (c) knowingly provides false or misleading information to the Registrar;
- shall be guilty of a serious contempt of the Senate and shall be dealt with by the Senate accordingly.
- (18) A question of whether any senator has committed such a serious contempt shall first be referred to the Standing Committee of Privileges for inquiry and report.
- (19) This order is of continuing effect.

(3 April 2019 J.4838-40)

Citizenship register

- (1) That not later than 5 pm Friday, 1 December 2017 (and within 21 days of making and subscribing an oath or affirmation as a Senator) each Senator shall provide to the Registrar of Senators' Interests a statement containing the following:
 - (a) a declaration by the Senator that, at the time the Senator nominated for election to the Senate in this 45th Parliament he or she was an Australian citizen;
 - (b) a declaration that the Senator is not a citizen of any country other than Australia;
 - (c) a declaration stating:
 - the place and date of the Senator's birth;
 - the citizenship that the Senator held at the time of birth; and
 - if he or she did not obtain Australian citizenship at birth, the date he or she was naturalised as an Australian citizen;
 - (d) so far as the Senator is aware:
 - the place and date of birth of the Senator's parents and grandparents;
 - (e) whether the Senator has ever been a citizen of another country and if so which country or countries;
 - (f) what steps the Senator has taken to assure him or herself that they have not inherited citizenship of another country from a parent or grandparent;
 - (g) if the Senator has answered the question in e) in the affirmative, then provide details and evidence of the date and manner in which the Senator's citizenship of that other country was renounced (if it was renounced) or the date and manner in which it came to an end in accordance with the laws of that other country;
 - (h) if the Senator's citizenship of that other country had not come to an end at the date of his or her nomination for the Senate, detail and provide evidence of any steps the Senator has taken to renounce the citizenship of that other country prior to the date of nomination; and
 - (i) if the Senator has declared that he or she was at the time of nomination or is now a citizen of a country other than Australia, on what basis the Senator contends that he or she is, nonetheless, not disqualified under section 44(i).
- (2) If at any time the Senator becomes aware that information provided in their statement is no longer accurate they shall update their statement as soon as practicable but not later than 21 days of being so aware.
- (3) Statements shall be made in accordance with this resolution and in a form determined by the Committee of Senators' Interests. The Registrar shall, in accordance with procedures determined by the committee, maintain a Citizenship Register comprising statements provided under this resolution. Other than as

specifically provided for in this resolution, the committee has the same powers and functions in relation to the citizenship register as it does in relation to the Register of Senator's Interests.

- (4) The Registrar shall, upon the expiry of the time for providing statements under this resolution, and at other times determined by the committee, publish the register and any alterations or additions to the register on the Parliament's website.
- (5) Any Senator who:
 - (a) knowingly fails to provide the statement required by this resolution to the Registrar of Senators' Interests by the due date; or
 - (b) knowingly fails to correct an inaccuracy in his or her statement within the required timeframe; 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.

(13 November 2017 J.2179-82, J.2196)