

The Senate

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Committee of Senators' Interests

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Annual Report - 2018

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## MEMBERS OF THE COMMITTEE

Senator C Bilyk (**Chair**) (Tasmania)

Senator M Faruqi (New South Wales)

Senator S Lines (Western Australia)

Senator G Marshall (Victoria)

Senator J McGrath (Queensland)

Senator J Molan (New South Wales)

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# Report No. 1 of 2019

## Introduction

The Committee of Senators' Interests, established under [standing order 22A](#), provides this report on its operations for the period 1 January 2018 to 31 December 2018. This is the 23<sup>rd</sup> report of the committee.

## Registration of interests and the role of the committee

On 17 March 1994, the Senate adopted the [Senators' Interests Resolutions](#). The resolutions act as a safeguard against conflicts of interest, and the perception of such conflicts, by requiring senators to lodge statements of registrable interests which are then published on the public Register of Senator's Interests.

Registrable interests range from assets and liabilities, interests in trusts and partnerships, directorships, gifts, sponsored travel and hospitality, and certain relationships with organisations. Senators may also choose to other declare interests that would not, on their face, appear to engage any of the listed registrable interests.<sup>1</sup> This is a matter for the judgement of individual senators.

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

The committee has, however, adopted [Explanatory Notes](#) to guide senators in meeting the requirements of the regime. It is to the resolutions, forms and notes, and to any other commentary by the committee, that senators should turn for assistance in determining how the disclosure regime applies to their own circumstances.

Any senator may request from the committee clarification of any aspect of the requirements or raise any matter relating to the form and content of the register. The committee may respond to such requests by providing individual guidance, by amending the Explanatory Notes or by proposing amendments to the Senators' Interests Resolutions.

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

## ***Requirements***

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

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

Statements and alterations must accord with the Senators' Interests Resolutions and should be in the [form](#) determined by the committee.

The statements and alterations are kept on a public Register of Senators' Interests which, since 2011, has been available online on the [committee's website](#). Updates are published at least weekly.

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

The forms, Explanatory Notes and other relevant documents are also published on the [committee's website](#) and have been compiled into a Handbook, also published on the website.

Current statements, together with relevant alterations, are published to the online Register. Six-monthly compilation volumes of statements and alterations are also tabled in the Senate and published online.

## **Citizenship Register**

On 13 November 2017, the Senate agreed to the establishment of a Citizenship Register and a process which required senators to provide to the Registrar of Senators' Interests a statement containing a declaration that the senator did not hold citizenship of another country. The Senate's resolution also required other details such as the place of birth of the senator and his/her parents and grandparents; citizenship held at birth; the date of naturalisation as an Australian citizen if acquired separately; and – if applicable – details of attempts to renounce foreign citizenship.

The resolution required statements to be made in accordance with the resolution and in a format determined by the committee. The Citizenship Register was subsequently published on 4 December 2017. The register has been updated since then as new senators have filled casual vacancies or were declared elected by the High Court.

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## Activities

During the reporting period, the committee received no requests or submissions from senators in relation to the form and content of the Register of Senators' Interests, or the Register of Official Gifts (to the Parliament) which is also administered by the committee. Similarly, no requests or submissions were made to the committee in relation to the Citizenship Register.

The Register of Senators' Interests and the Citizenship Register were maintained by the Registrar in accordance with the relevant resolutions of the Senate and the committee. The committee requires the Registrar to write to all senators at least twice a year to remind them of their obligations under the resolutions; senators were reminded of their obligations in June and December 2018. In addition, assistance was provided by the Registrar in response to a range of routine inquiries from senators and their offices (particularly from new senators). The Registrar and the Chair also responded to various inquiries from members of the public and the media.

During the reporting period, the Department of the Senate worked with the Department of Parliamentary Services to develop a new online application to facilitate the lodgement and publication of senators' interests forms. The application will make the process of filling out and submitting forms more efficient and accessible for senators, and will increase readability as online lodgement will eliminate hand written entries. The application was demonstrated to the committee at a meeting on 13 February 2019. The Committee noted the benefits of submitting senators' interests' forms online and the user friendly interface of the new application. The committee endorsed the application and the implementation of the forms in the 46<sup>th</sup> Parliament.

Catryna Bilyk  
**Chair**

February 2019





