

The Senate

Committee of Senators' Interests

Report No. 2 of 2017

March 2018

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Introduction

The Committee of Senators' Interests, established under [standing order 22A](#), provides this report on its operations. This report covers the period from 1 January 2017 to 31 December 2017.

This is the 22nd report of the committee. As part of its report, the committee provides background information on the registration of interests and the role of the committee. This report also covers the implementation of an order of the Senate to compile and publish a citizenship register of senators.

Registration of interests and the role of the committee

On 17 March 1994 the Senate adopted the Senators' Interests resolutions. The resolutions act as a safeguard against conflicts of interest, and the perception of such conflicts, by requiring senators to lodge statements of registrable interests to enhance transparency in relation to the exercise of their public duties.

Registrable interests range from assets and liabilities, interests in trusts and partnerships, directorships, gifts, sponsored travel and hospitality, and certain relationships with organisations (as an officeholder or financial contributor over a threshold amount).¹ Senators may also choose to declare things that would not, on their face, appear to engage any of the listed registrable interests.² This is a matter for the judgement of individual senators.

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

The committee has developed [explanatory notes](#) to guide senators in meeting the requirements of the regime. It is to the resolutions, forms and notes, and to any other commentary by the committee, that senators should turn for assistance in determining how the disclosure regime applies to their own particular circumstances. Any senator may request from the committee clarification of any aspect or raise any matter relating to the form and content of the register. The committee may respond to such requests

1 Senators' Interests Resolution 1, reproduced at Appendix 1.

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

by providing individual guidance, by amending the explanatory notes or by proposing amendments to the Senators' Interests resolutions.

During the reporting period, the committee did not receive any submissions from senators or directions from the Senate in relation to the Senators' Interests resolutions. As previously discussed in the 21st Report, the committee noted that a motion moved by the Leader of the Australian Greens, Senator Di Natale, on 16 February 2017 was not supported by the Senate. This motion had proposed that the form of the register should be amended to include a declaration by senators as to how they disbursed funds known as an 'electorate allowance'.

Requirements

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

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

Statements of registrable interests must accord with the Senators' Interests resolutions and should be in the form determined by the committee.

The statements of senators' interests are kept on a public register which is available for inspection by any person under conditions laid down by the committee. Since 2011 these statements have been available [online](#) on the committee's web pages, largely obviating the need to inspect the physical register.

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

The Senators' Interests forms, explanatory notes and other relevant documents are published on the [committee's website](#) and have been compiled into a handbook, available from the Registrar of Senators' Interests.

Online publication of statements of interests

Statements of senators' interests are published online on the committee's web pages, in accordance with the following procedures:

- Statements are published under each senator's name.
- Statements are scanned without any watermarking or redaction.

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- Notifications of alterations are added to the relevant senator's published statement.
 - Updates are published at least weekly.

As statements of senators' interests are available online, the committee no longer keeps record of those who access the hard copy register.

Maintenance of the register

The committee requires the Registrar of Senators' Interests to write to all senators to remind them of their obligations under the resolutions. This occurs on a routine basis, (at least twice a year) and senators were reminded of their obligations in June and December 2017.

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

During the reporting period, the committee tabled report number 1 of 2017.

Citizenship Register

On 13 November 2017, the Senate agreed to the establishment of a citizenship register 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 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 of Senators' Interests. Following the Senate's agreement of the resolution, the committee met to determine the format in which statements should be made and contacted senators to advise them of the requirement to comply with the resolution of the Senate.

In a statement to the Senate on Monday, 4 December, the Chair advised that by the deadline of 5pm, Friday 1st December 2017, all senators had submitted statements and where necessary, supporting documentation. In accordance with a resolution of the committee, the documents were published by the registrar at 12 noon on 4 December. The register has been updated since then as new senators have filled casual vacancies or were declared elected by the High Court.

Other matters

During the reporting period, the committee received no requests in relation to the form and content of the register of senators' interests, nor in relation to the register of official gifts which is also administered by the committee. Assistance was provided by the Registrar to a range of routine inquiries, particularly from new senators. Advice was also provided in relation to an inquiry about a proposed gift to the Parliament which did not meet the requirements of the Senate Resolution.

During the reporting period, the committee requested the Senate Department to develop an interactive form to facilitate the lodgement and publication of senators' interests statements. The department has worked with the Department of Parliamentary Services to build a prototype application which should be available for testing in 2018 and is expected to be introduced at the commencement of the 46th Parliament. Further consultation with the committee will occur during the testing phase.

Catryna Bilyk
Chair

March 2018

Senators' Interests Resolution 1

1. Registration of Senators' Interests

(1) Within:

- (a) 28 days after the first meeting of the Senate after 1 July first occurring after a general election; and
- (b) 28 days after the first meeting of the Senate after a simultaneous dissolution of the Senate and the House of Representatives; and
- (c) 28 days after making and subscribing an oath or affirmation of allegiance as a senator for a Territory or appointed or chosen to fill a vacancy in the Senate;

each senator shall provide to the Registrar of Senators' Interests a statement of:

- (a) the senator's registrable interests; and
- (b) the registrable interests of which the senator is aware:
 - (i) of the senator's spouse or partner, and
 - (ii) of any children who are wholly or mainly dependent on the senator for support;

in accordance with this resolution and in a form determined by the Committee of Senators' Interests from time to time, and shall also notify any alteration of those interests to the Registrar within 35 days of that alteration occurring.

(2) Any senator who:

- (a) knowingly fails to provide a statement of registrable interests to the Registrar of Senators' Interests by the due date;
- (b) knowingly fails to notify any alteration of those interests to the Registrar of Senators' Interests within 35 days of the change occurring; or
- (c) knowingly provides false or misleading information to the Registrar of Senators' Interests;

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

2. Citizenship Register

- (1) That not later than 5 pm on 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 paragraph (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 and evidence 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.