



AUSTRALIAN SENATE

COMMITTEE OF SENATORS' INTERESTS

rj/si/6073

16 August 2006

The Hon Peter Primrose MLC
Chair
Privileges Committee
Legislative Council
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Dear Mr Primrose

The President of the Senate, Senator the Hon Paul Calvert, forwarded your committee's request for comments on your draft regulations on disclosure of pecuniary interests to the appropriate Senate committee which oversees the senators' interests regime and which I chair.

As you may be aware, the requirements for the registration of interests that apply to senators are established by resolution of the Senate, not by legislation. The Senate resolutions require, in effect, continuous disclosure in that any alterations to the statement of interests lodged by senators every three years must be notified to the Registrar within 35 days of the alteration occurring. Because we do not operate a legislative scheme, this committee would not wish to comment on your draft regulations and the concept of "exception reporting" with which we are unfamiliar.

With respect to your questions about the Senate's scheme, most of these are answered in detail in the committee's latest report, entitled "*Review of arrangements for registration of senators' interests*", presented in April this year. A copy of the report is included together with a copy of the Senate resolutions, as most recently amended.

The short answers to your questions are as follows:

(a) *How are members' pecuniary interests registered in your House?*

Senators register their interests on a form, determined by the committee, no later than 28 days after:

- the first meeting of the Senate after 1 July first occurring after a general election;
- the first meeting of the Senate after a double dissolution of both Houses; and
- being appointed as a senator for a Territory or to a casual vacancy.

A senator is also required to provide a statement of registrable interests of the senator's spouse or partner and any dependent children. These statements remain confidential. "Registrable interests" are enumerated in the resolutions.

(b) *Where is the register published?*

The register is kept in paper form and tabled in the Senate. Updates, including notifications of alterations of interests and new statements lodged in the preceding six months are tabled twice a year. The register is not published on the internet.

(c) *Who has access to the register?*

Any person may inspect the register under conditions determined by the committee. Copies of the tabled volumes are available to any person on request.

(d) *When was the current scheme adopted?*

17 March 1994.

(e) *Have any amendments been made to the scheme since it was adopted?*

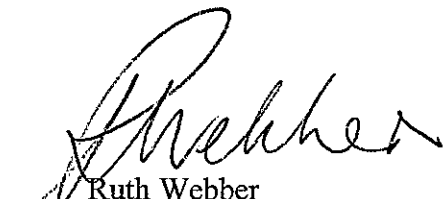
Yes. Amendments have been made on several occasions, including to the dollar value of thresholds for certain items, and in relation to some timing issues. In 2003, the requirement for oral declaration of interests during debate or before divisions was removed. More recently, the Senate agreed to the recommendation in the committee's latest report to extend the timeframe for notifying alterations of interests from 28 to 35 days.

(f) *What are the satisfaction levels with the scheme and have there been any problems?*

As part of its recent review, the committee conducted a survey of all senators and the results are included in the report. The survey revealed no significant problems with either the scheme or its administration.

The committee's website http://www.aph.gov.au/Senate/committee/interests_ctte/index.htm contains other information that may be of interest to your committee, such as explanatory notes and conditions of access to the register.

Yours sincerely



Ruth Webber
Chair

RESOLUTIONS RELATING TO SENATORS' INTERESTS

1. Registration of Senators' Interests

(1) Within:

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

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

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

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

(2) Any senator who:

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

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

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 \$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 office holder of 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.

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.

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, 15 September 2003 J.2365, 10 August 2006 J.2458)