

The Senate

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Committee of Senators' Interests

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Report No. 1 of 2023

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Senator the Hon Linda Reynolds CSC (**Chair**) (Western Australia)

Senator Wendy Askew (Tasmania)

Senator the Hon Tim Ayres (New South Wales)

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# Report No. 1 of 2023

## Introduction

The Committee of Senators' Interests, established under [standing order 22A](#), provides this report on its operations for the period 1 January 2022 to 31 December 2022. During this period a new parliament commenced and the committee was re-established with new members.

This report provides background information on the registration of interests and the role of the committee and the requirements for the registration of interests and qualifications relating to sections 44 and 45 of the Constitution. It also includes the requirements of the safe and respectful workplaces training program register, established in December 2021.

## 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. Senators may also choose to declare things 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 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 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

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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".

by providing individual guidance, by amending the Explanatory Notes or by proposing amendments to the Senators' Interests Resolutions.

During the reporting period, the committee received a single piece of correspondence relating to a proposal to amend the resolutions which is currently being considered in the context of possible wider changes.

No other submissions from senators or directions from the Senate in relation to the Senators' Interests Resolutions were received.

## **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. Since 2011 the register has been available [online](#) on the committee's web pages.

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](#) as is a comprehensive handbook.

## **Online publication of the Register of Senators' Interests**

Statements of senators' interests are published online, in accordance with the following procedures:

- Statements are published under each senator's name.
- Statements are scanned without any watermarking or redaction.
- Notifications of alterations are added to the relevant senator's published statement.
- Updates are published at least weekly.

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## **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 at least twice a year. Senators were reminded of their obligations by the Registrar in May and November 2022.

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.

During the reporting period, the committee tabled its annual report for 2021 (No. 1 of 2022).

## **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 Register was active during the 45<sup>th</sup> Parliament and was subsequently replaced by the Register of Senators' Qualifications.

## **Register of Senators' Qualifications**

Amendments to the Commonwealth Electoral Act 1918 in March 2019 implemented a checklist relating to eligibility under section 44 of the Constitution as a compulsory requirement for those nominating as candidates for election to the Australian Parliament. This requirement is administered by the Australian Electoral Commission (AEC), which is required to provide the checklists of successful Senate candidates to the Senate for tabling as soon as practicable after the return of the last writ for the election.

On 3 April 2019, the Senate passed a complementary resolution establishing a Register of Senators' Qualifications and creating certain obligations for senators in relation to their eligibility under section 44 and 45 of the Constitution.

The resolution requires all newly elected or re-elected senators to provide a statement attesting to the accuracy and completeness of the material they provided to the AEC (see Appendix 1). The resolution also establishes a Register of Senators' Qualifications (to be maintained by the Registrar) containing:

- material tabled on behalf of the AEC in accordance with s.181B of Part XIV of the Commonwealth Electoral Act 1918
- material provided by senators appointed to fill casual vacancies, and
- other material provided by senators in accordance with the resolution.

The Committee has the same powers and functions in relation to the Register of Senators' Qualifications as it does in relation to the Register of Senators' Interests.

## **Safe and respectful workplaces training register**

On Monday 29 November 2021, in response to recommendations made by the *Review of the Parliamentary Workplace: Responding to Serious Incidents*, the Senate agreed to a motion (see Appendix 1) establishing a register on which senators are required to declare that they have undertaken the Safe and Respectful Workplaces Training Program conducted by the Department of Finance.

### **Other matters**

During the reporting period, the committee received one request only (discussed above) in relation to the form and content of the Register of Senators' Interests. No requests were received in relation to the Register of Official Gifts which is also administered by the committee. Similarly, no requests or submissions were made to the committee in relation to the Qualifications Register. Assistance was provided by the Registrar to a range of routine inquiries.

#### *Enhancement of the Register of Senators Interests*

In earlier reports, it was noted that the committee had previously agreed to a proposal to enhance the transparency of the Register of Senators Interests, by developing a searchable database that will enable the Register to be more easily searched.

The Senate endorsed the proposed enhancement to the Register by adopting the committee's recommendation on 13 November 2019.

The project was delayed in large part by the COVID pandemic that required, among other things, that ICT resources be redirected towards the development of flexible working arrangements to allow senators, members and parliamentary staff to work remotely.

It is pleasing to note that significant progress has since been made and the committee agreed in November 2022 to consider a proposal from the Registrar to make the database live in February 2023.

Linda Reynolds  
**Chair**

January 2023

## Senators' Interests Resolutions

### 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. Qualifications Register (extract from resolutions)**

### *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.

## **3. Safe and respectful workplaces training register**

- (1) Each senator who has undertaken the Training Program shall provide to the Registrar of Senators' Interests a statement declaring that they have undertaken the Training Program:
  - (a) within 28 days of this resolution, where the statement relates to the Senator having undertaken the Training Program prior to the date of this resolution; and
  - (b) within 28 days of having undertaken the Training Program.
- (2) 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

Training Program 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 Training Program Register as it does in relation to the Register of Senators' Interests.

- (3) The Registrar shall publish the Training Program Register and any alterations to the Training Program Register on the Parliament's website.
- (4) Any senator who 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 of 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.