The Senate

Committee of Senators' Interests

Annual report – 2009

Report 1/2010

March 2010

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MEMBERS OF THE COMMITTEE FOR THE 42ND PARLIAMENT

Senator D Johnston	(LP)	WA	(Chair)
Senator M. Forshaw	(ALP)	NSW	(Deputy Chair)
Senator J Adams	(LP)	WA	(to 4 February 2009 and from 12 May 2009)
Senator L. Allison	(AD)	VIC	(to 30 June 2008)
Senator C Bilyk	(ALP)	TAS	(from 1 July 2008)
Senator B Brown	(AG)	TAS	(from 17 September 2008)
Senator M Fifield	(LP)	VIC	(from 1 July 2008)
Senator G. Humphries	(LP)	ACT	
Senator L. Kirk	(ALP)	SA	(to 30 June 2008)
Senator R. Lightfoot	(LP)	WA	(to 30 June 2008)
Senator S Parry	(LP)	TAS	(from 4 February 2009 to 12 May 2009)
Senator L Pratt	(ALP)	WA	(from 1 July 2008)
Senator R. Webber	(ALP)	WA	(to 30 June 2008)

Committee Secretary:

Rosemary Laing (to 5 December r2009)
Cleaver Elliott (from 15 December 2009)

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22A Senators' Interests

(1) A Committee of Senators. Interests shall be appointed at the commencement of each Parliament:

(a) to inquire into and report upon the arrangements made for the compilation, maintenance and accessibility of a Register of Senators. Interests;

(b) to consider any proposals made by senators and others as to the form and content of the register;

(c) to consider any submissions made in relation to the registering or declaring of interests;

(d) to consider what classes of person, if any, other than senators ought to be required to register and declare their interests; and

(e) to make recommendations upon these and any other matters which are relevant.

(2) (a) The membership of the committee shall as closely as possible reflect the composition of the Senate and, until modified by a subsequent resolution, shall consist of 8 senators, 3 nominated by the Leader of the Government in the Senate, 4 nominated by the Leader of the Opposition in the Senate and 1 nominated by any minority groups or independent senators.

(b) The nominations of the minority groups or independent senators shall be determined by agreement between the minority groups and independent senators, and, in the absence of agreement duly notified to the President, the question of the representation on the committee shall be determined by the Senate.

(3) The committee shall elect as its chair one of its members nominated by the Leader of the Opposition in the Senate.

(4) The quorum of the committee shall be 3 members

(5) The chairman may from time to time appoint a member of the committee to be deputy chairman, and the member so appointed shall act as chairman of the committee when there is no chairman or the chairman is not present at a meeting of the committee.

(6) Where votes on a question before the committee are equally divided, the chairman, or the deputy chairman when acting as chairman, shall have a casting vote.

(7) The committee shall have power to send for persons or documents, but shall not exercise that power, nor undertake an investigation of the private interests of any person, except in accordance with a decision agreed to by not less than 3 members of the committee other than the chairman.

(8) The committee shall have power to confer with a similar committee of the House of Representatives.

(9) The committee shall, as soon as practicable after 31 December in each year, prepare and table in the Senate a report on its operations during that year, and shall also have power to report from time to time.

REPORT 1/2010

ANNUAL REPORT — 2009

Introduction

1. Standing order 22A requires the Committee of Senators' Interests, as soon as practicable after 31 December each year, to prepare and table a report on its operations during the year. This report is the fifteenth annual report of the committee.

Background

2. On 17 March 1994 the Senate adopted a resolution on the registration of senators' interests which requires that each senator provide a statement of registrable interests within 28 days of making and subscribing an oath or affirmation of allegiance as a senator. The senator is also required to provide a statement of 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. The resolution, as amended on 10 August 2006, also requires any alterations in these interests to be notified within 35 days of the alteration occurring and, since September 2003, requires all senators to provide full statements once at least in each Parliament.

3. The statements of senators' interests are kept on a public Register of Senators' Interests. Statements of the registrable interests of a senator's spouse or partner and of any dependent children 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.

4. The resolution provides that the statements of registrable interests must accord with the resolution and must be in a form determined by the Committee of Senators' Interests. The resolution also provides that the Register of Senators' Interests shall be maintained by the Registrar of Senators' Interests in accordance with procedures, and in a form, determined by the committee, and that the public register shall be available for inspection by any person under conditions laid down by the committee.

5. Standing order 22A, also adopted on 17 March 1994, establishes the Committee of Senators' Interests. The committee has the responsibility of overseeing and reporting on the registration requirements. The committee met twice in 2009, compared with three meetings in 2008. There was one temporary membership change during the year.

6. The committee's terms of reference require it to report on a number of matters. The committee reports on these matters as at 31 December 2008. All documents referred to in the above paragraphs are available on the committee's website. Copies of the documents have been compiled into a booklet which is periodically updated and may be obtained from the Registrar of Senators' Interests.

Arrangements for the compilation, maintenance and accessibility of the Register of Senators' Interests

7. During 2009, the committee considered a proposal from the Chair of the House of Representatives Standing Committee on Privileges and Members' Interests, Mr Brett Raguse, that the Register should be published online. As reported in last year's annual report, the committee had noted the work of the public interest group, openaustalia.org, in publishing the register online and continued to provide that organisation with copies of the tabled register.

8. The committee agreed, in principle, with the idea that the Register should be published online on the committee's website. It presented a proposal to the Senate for consideration in Report 2/2009. The committee has sought feedback from senators on the proposal and will also continue to examine the cost and feasibility of a longer term solution using online forms and a database to support the compilation of the Register. The committee sought comments by mid-February 2010.

9. In the meantime, the compilation and publication of the Register continued as usual.

10. By longstanding instruction of the committee, the Registrar writes to all senators twice a year to remind them of their obligations under the resolutions. The Registrar wrote to senators in May and November 2009. Volumes of updates, comprising new statements and notifications of alterations of interests, were tabled on 24 June 2009 (covering the period from 2 December 2008 to 22 June 2009) and 25 November 2009 (covering the period from 23 June to 23 November 2009).

11. Requests for access to the Register of Senators' Interests in 2009 reflected the higher long-term average levels evident since 2005, with 45 requests met. Statistics for the period 1996 – 2009 are shown in Figure 1.

Proposals made by senators and others as to the form and content of the register

Submissions made in relation to the registering or declaring of interests

12. As in previous years, the committee continued to consider submissions from individual senators raising particular queries or matters of concern but made no further changes to its explanatory material as a result of any submission in 2009.

13. The committee received no proposals during the year on the form and content of the register.

Registration of interests by other classes of persons

14. The committee considered no such matters during the year.

Register of Gifts to the Senate and the Parliament

15. Under the Senate resolution of 26 August 1997, senators must declare gifts received by them but intended by the donor for the parliamentary institution. There were no such declarations under this resolution during 2009 compared with three in 2008.

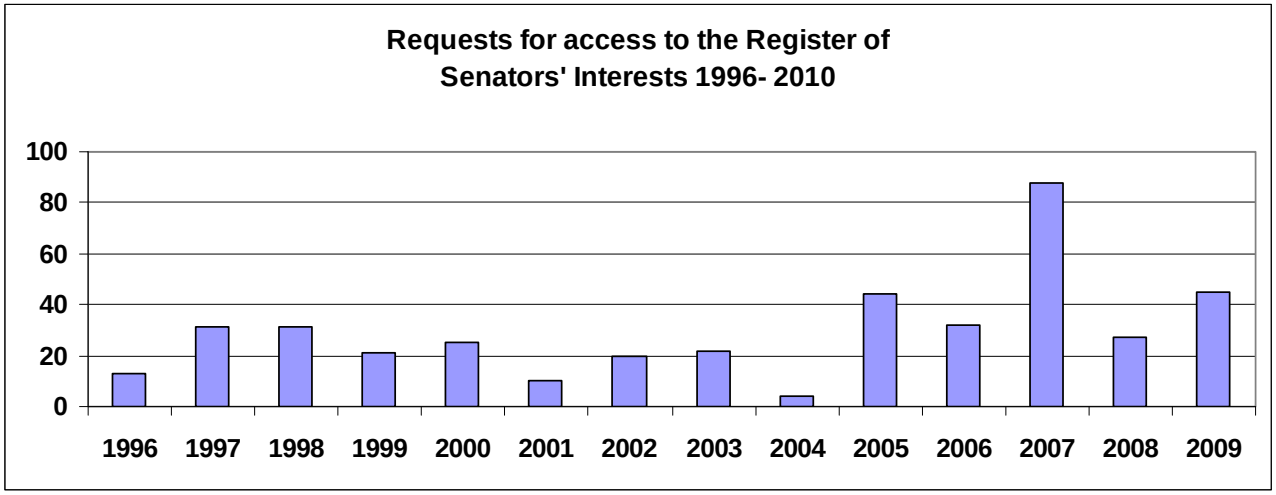

Figure 1.

Other Matters

Members of the committee met with a parliamentary delegation from the Republic of Colombia in June 2009, while the Registrar and a committee member met with the Ethics Adviser to the Canadian Senate, Mr Jean Fournier, who visited Canberra in July 2009.

David Johnston
Chair
March 2010