The Senate

Committee of Senators' Interests

Annual Report – 2011

Report 1/2012

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MEMBERS OF THE COMMITTEE

(as at 31 December 2011)

Senator C Bernardi (**Chair**) (South Australia)

Senator G Marshall (**Deputy Chair**) (Victoria)

Senator J Adams (Western Australia)

Senator C Bilyk (Tasmania)

Senator G. Humphries (Australian Capital Territory)

Senator D Johnston (Western Australia)

Senator U Stephens (New South Wales)

Senator L Waters (Queensland)

Contact:

Committee Secretary and Registrar of Senators' Interests

The Senate
Parliament House
CANBERRA ACT 2600

Telephone: (02) 6277 3360
Facsimile: (02) 6277 3199
Email: senators.interests@aph.gov.au
Internet: www.aph.gov.au

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Introduction

As required by standing order 22A, the Committee of Senators' Interests reports to the Senate on its operations during 2011, which included supervising the publication of statements of senators' interests online for the first time, coinciding with the commencement of the new Senate from 1 July.

Background

On 17 March 1994 the Senate adopted a resolution on the registration of senators' interests requiring each senator, within 28 days of making and subscribing an oath or affirmation of allegiance, to provide a statement of registrable interests together with 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, has required all senators to provide full statements once at least in each Parliament.

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.

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.

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 six times in 2011, compared with three meetings in 2010. For one of those meetings, the committee met together with the equivalent committee for the House of Representatives, the Standing Committee of Privileges and Members' Interests.

All documents referred to in the above paragraphs are available on the committee's website. Copies of the documents have been compiled into a handbook, which is periodically updated and can be obtained from the Registrar of Senators' Interests.

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

Online publication of statements of interests

In Report 2 of 2009, the committee had presented a proposal to the Senate that the Register should be published online on the committee's website. In summary, the committee proposed that:

- Statements of senators' interests will be published on the committee's website under each senator's name.
- Statements will be scanned (as pdf documents), without any watermarking or redaction.
- Notifications of alterations will be added to the relevant senator's published statement.
- Updates will be done on a weekly basis, with a notation to that effect on the website.

The arrangements were designed to provide in an online form the equivalent access as was provided by arrangements allowing people to inspect the register. The committee had proposed that these arrangements apply from the date new statements are required in current parliament (that is, 28 days after the first sitting day after 1 July 2011).

In Report no. 2 of 2011, the committee recommended that the Senate endorse these arrangements. The Senate did so on 22 June 2011. The committee subsequently revised the administrative arrangements for the compilation and maintenance of the register, as well as the conditions of access to the register. These revised documents are available on the committee's website.

Since the commencement of the new Senate, from 1 July 2011, statements and alterations of interests have been published online on the committee's web pages and update weekly.

As statements of senators' interests are now available online, the committee no longer requires the Registrar to keep records of who accesses the hard copy register. Annual reports will no longer report on that matter.

Maintenance of the Register

The committee requires the Registrar 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 also with the commencement of a new Senate, when all senators must present new statements.

Only current statements (together with relevant alterations) are published online, however all statements and alterations continue to be compiled into volumes which are tabled in the Senate.

Such volumes were tabled in 2011, as follows:

On 4 July 2011, covering the period 14 December 2010 to 30 June 2011

On 17 August 2011, covering the period 1 July 2011 to 5 August 2011

17 August 2011, new statements lodged by 5 August 2011

8 December 2011, covering the period 6 August 2011 to 30 November 2011

Submissions made in relation to the registering or declaring of interests

The committee considered a proposal received from a senator to review the thresholds contained in the Senators' Interests resolutions relating to sponsored travel and hospitality, which had not been reviewed since 2003.

The committee determined that it was not an appropriate time to adjust those thresholds, in part because recommendations on senators and members entitlements, arising from the 'Belcher review', had not been settled. The committee did not consider it appropriate to recommend adjustments to senators' interests thresholds prior to those matters being determined.

Other matters

On 2 March 2011 the committee received from the Senate a reference on the development of a draft code of conduct for senators. The committee sought and received submissions on the matter and also received evidence together with the House of Representatives Standing Committee on Privileges and Members' Interests. On 12 September 2011, the committee also sought and received the approval of the Senate to confer with the Senate Standing Committee on Privileges on the matter. The inquiry was not finalised before the end of 2011.

Cory Bernardi
Chair

May 2012