

The Senate

Committee of Senators' Interests

Annual report – 2007

Report 1/2008

March 2008

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MEMBERS OF THE COMMITTEE – 2008

Senator D Johnston	(LP)	WA (Chair)
Senator R. Webber	(ALP)	WA (Deputy Chair)
Senator J Adams	(LP)	WA
Senator L. Allison	(AD)	VIC
Senator M. Forshaw	(ALP)	NSW
Senator G. Humphries	(LP)	ACT
Senator L. Kirk	(ALP)	SA
Senator R. Lightfoot	(LP)	WA

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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.

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ANNUAL REPORT — 2007

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 thirteenth 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, which establishes the Committee of Senators' Interests. The committee has the responsibility of overseeing and reporting on the registration requirements. The committee met twice in 2007, compared with six meetings in 2006 when the committee dealt with a greater volume of business. There were no changes in the membership of the committee 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 2007. 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. Having only recently undertaken a review of arrangements for the compilation and maintenance of the register, the committee considered no major new matters in 2007. One matter, however, remained outstanding from 2006 when the committee considered correspondence from Senator the Hon. Eric Abetz relating to the interests of the Leader of the Australian Greens, Senator Bob Brown.¹ The committee had been considering whether to recommend an amendment to the definition of registrable gifts in paragraph (k) of resolution 3 on registrable interests to require that the source of such gifts be identified by name. Rather than proposing an amendment to the resolution, the committee amended its explanatory notes to this effect and the amended version was tabled in the Senate by the Chair on 21 March 2007.²
8. 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 June and November 2007. A volume of new statements of interests and notifications of alterations of interests for the period 5 December 2006 to 18 June 2007 was tabled on 20 June 2007. A second volume, covering the period 19 June to 7 December 2007, was presented to the President out of session on 11 December 2007 and tabled on the first sitting day in 2008.³
9. Requests for access to the Register of Senators' Interests hit a record level in 2007 coinciding with public interest in the affairs of a Senate minister who, it transpired, had failed to declare a very large number of shareholdings in public and private companies. Before the Senate could consider possible proceedings for contempt under the resolutions, the person resigned as minister and indicated that he would also be resigning as a senator, which he subsequently did. Eighty-eight requests for access to the register were granted during 2007, double the previous record number of inspections in 2005. Interest in the register remained strong in the lead up to, and in the aftermath of, the general election held on 24 November 2007.
10. Statistics on access to the register, covering the period 1994 – 2007, may be found on the committee's website at http://www.aph.gov.au/Senate/committee/interests_ctte/index.htm.

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

11. 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 2007.
12. The committee received no proposals during the year on the form and content of the register.

¹ See the committee's annual report for 2006, PP no. 48/2007, pp.2-3

² *Journals of the Senate*, p.3573; *Senate Debates*, p.67

³ *Journals of the Senate*, 12 February 2008, p.21

Registration of interests by other classes of persons

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

Register of Gifts to the Senate and the Parliament

14. 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 was one such declaration under this resolution during 2007.
15. In accordance with the resolution and the committee's procedural rules for the declaration and presentation of gifts, the committee sought the advice of the Department of Parliamentary Services on the display of the gift, and, having received and considered this advice, recommended to the President that the particular item be acquired by the Parliament House Art Collection. The committee requested that the President consult with the Speaker on the desirability of developing a policy to provide for the display of gifts to the Parliament or the Senate in appropriate areas of the building on a rotational basis.
16. The President accepted the committee's recommendation and indicated that he would raise with the Speaker the question of a new policy on the display of such items.

David Johnston
Chair
March 2008

