

COMMITTEE OF SENATORS' INTERESTS

REPORT 1/2006

ANNUAL REPORT — 2005

FEBRUARY 2006

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MEMBERS OF THE COMMITTEE – 2005

Senator K. Denman	(ALP)	Tas	Chair (retired 30/06/2005)
Senator R. Webber	(ALP)	WA	Chair (from 17/08/2005)
Senator R. Lightfoot	(LP)	WA	Deputy Chair
Senator L. Allison	(AD)	VIC	
Senator M. Forshaw	(ALP)	NSW	
Senator G. Humphries	(LP)	ACT	
Senator L. Kirk	(ALP)	SA	
Senator A. McEwen	(ALP)	SA	(appointed 23/06/2005, with effect from 1/07/2005)
Senator Julian McGauran	(NATS)	VIC	(discharged 16/08/2005)
Senator F. Nash	(NATS)	NSW	(appointed 16/08/2005)

Committee Secretary:

Dr Rosemary Laing (*from 4/08/2005*)
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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 twelfth 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 also requires any alterations in these interests to be notified within 28 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. Also on 17 March 1994 the Senate adopted standing order 22A which established the Committee of Senators' Interests. The committee was given the responsibility of overseeing and reporting on the registration requirements. The committee met three times in 2005.
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 2005. All documents referred to in the above paragraphs are available on the committee's website. Copies of the documents, which have been compiled into a booklet tabled by the chair in the Senate in October 2003 and again, in a revised form, in August 2005, may also be obtained from the Registrar of Senators' Interests.

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

7. Changes to the resolutions in 2003 received their first major test following the swearing-in of new senators in August 2005. For the first time, all senators were required to lodge full statements of interests within 28 days after the swearing-in, not only those who were sworn in. This included territory senators who had lodged full statements within the previous 12 months at the commencement of their terms.
8. All senators complied with the new requirements but, given the recent changes to the resolutions and explanatory notes as well as the large number of new senators, the committee decided to survey all senators about the ease of use of the forms and explanatory notes, and the appropriateness of the registrar's administrative procedures. Furthermore, the committee sought any other comments on related matters, including the timeframes for complying with the resolutions.
9. The committee sought these comments in response to concerns raised about difficulties experienced by some senators in complying with the 28 day deadline for notifying changes to interests and, in particular, shareholdings. In light of these concerns and the referral to the Committee of Privileges of a particular case of alleged failure to comply with the resolutions, the Senate referred to the Procedure Committee, on 20 June 2005, the issue of the adequacy and appropriateness of the Register of Senators' Interests. The Procedure Committee sought this committee's views on a proposal to alter the timeframe for notifying changes in shareholdings from 28 to 60 days. While the committee found no sound case for altering this requirement, it undertook to consider the matter further after consulting with senators by way of a survey, pursuant to its obligation under standing order 22A(1):
 - (a) to inquire into and report upon the arrangements made for the compilation, maintenance and accountability of a Register of Senators' Interests; and
 - (b) to consider any proposals made by senators and others as to the form and content of the register.
10. At the end of 2005, the committee had received a pleasing number of responses to the survey and, as a result, will consider possible changes to the forms and administrative procedures and will report to the Senate in the first half of 2006.

Register of Senators' Interests

11. A full register of Senators' Interests was tabled on 15 September 2005.

Notifications of alterations of interests

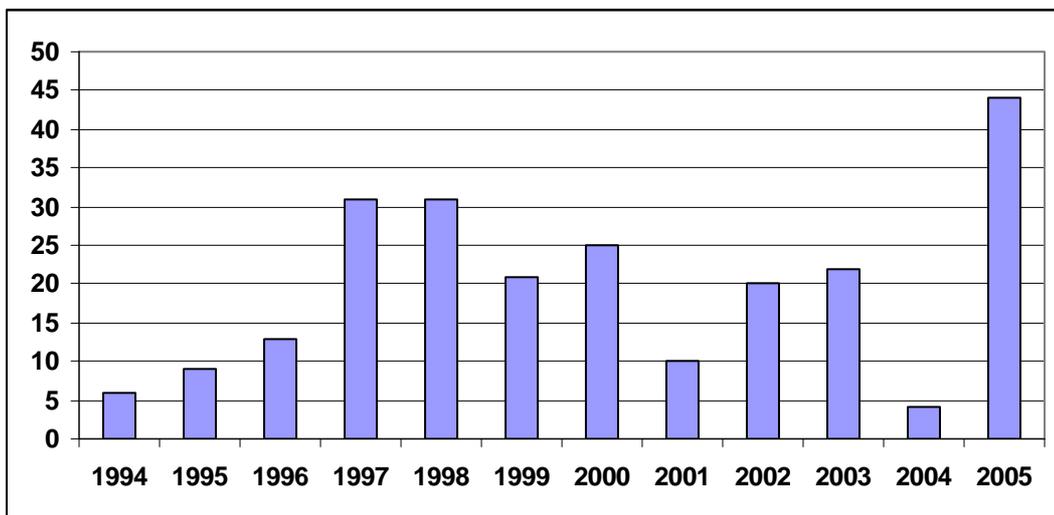
12. In accordance with the committee's administrative procedures, the Registrar of Senators' Interests writes to each senator at least twice a year about the need to notify changes to statements of interests. The Registrar wrote to senators accordingly in June and November 2005 and registers of alterations were tabled

on 22 June and 7 December 2005. There were few updates in the December volume given the recent tabling of the full register.

Requests for access to register

13. The number of requests for access to the register increased dramatically in comparison with the years immediately preceding 2005. There were 44 requests made and granted during 2005, compared with four in 2004. One reason for the increase in requests may have been the interest shown by the press and others in the affairs of a particular senator and the referral to the Committee of Privileges of the first case of alleged contempt under the resolutions since their passage in 1994.
14. Table 1 shows the trends in requests for access to the register since the passage of the resolutions in 1994. The number of requests in 2005 was the highest so far.

Table 1 – Requests for access to the register 1994-2005



Register of Gifts to the Senate and the Parliament

15. Under the Senate resolution of 26 August 1997, senators must declare receipt of gifts received by them but intended by the donor for the parliamentary institution. There were no declarations under this resolution during 2005.
16. In last year's annual report, the committee reported that it had agreed in principle to changes proposed by the Parliamentary Relations Office to a draft handbook for official parliamentary delegations. Consequential changes to its procedural rules were not implemented as the handbook remained in draft form.

Other matters

17. In late 2005 the New Zealand House of Commons adopted a scheme for the registration of pecuniary interests of its members. Judge Anand Satyanand DCNZM, a former Supreme Court judge and ombudsman, was appointed as the first registrar and, in the course of developing procedures to implement the New

Zealand scheme, made a study trip to Australia and met with the Chair and Registrar on 6 September 2005. The New Zealand scheme takes effect on 31 January 2006.

(Ruth Webber)
Chair
February 2006