

The Senate

Committee of Senators' Interests

Annual report – 2006

Report 1/2007

March 2007

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MEMBERS OF THE COMMITTEE – 2006

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|----------------------|--------|-----|---------------------|
| Senator R. Webber | (ALP) | WA | Chair |
| 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 | |
| Senator F. Nash | (NATS) | NSW | |

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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, 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. 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 six times in 2006. 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 2006. 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 August 2005 and revised in October 2006, may also be obtained from the Registrar of Senators' Interests.

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

7. During the year, the committee completed its review of arrangements for the compilation and maintenance of the register and tabled its report on 6 April 2006¹. Having conducted a survey of senators and considered a number of issues, the committee recommended that the resolution be amended to extend the 28-day timeframe for notifying alterations of interests to 35 days. There had been some consideration of an extended timeframe for notifying alterations in respect of share trading only, but the committee concluded that it was undesirable to have different timeframes applying to different registrable interests and recommended that the extended timeframe should apply to all alterations. The committee also revised the forms in response to comments in the survey, particularly by including more examples and guidance on the forms themselves. The explanatory notes were augmented to include guidance on the declaration of share trading activities by self-managed superannuation funds and to clarify that only those share trading activities resulting in the acquisition of shares in a new company or the disposal of a senator's total holdings in a particular company are notifiable alterations. Finally, the committee made some minor adjustments to the administrative procedures for maintenance of the register, mostly in response to valuable feedback received from the survey.
8. On 10 August 2006 the Senate adopted the committee's recommendation for amending the timeframe for the notification of alterations of interests.²
9. Following amendment of the resolution and changes to the forms, explanatory notes and administrative procedures, the committee republished its information booklet, entitled *Declarations of Senators' Interests and Gifts to the Senate and the Parliament – resolutions, explanatory notes and related information*, in September 2006. Copies were mailed to all senators' Parliament House and electorate offices. In addition, the committee's website contains all current information, including downloadable forms.

Correspondence from Senator the Hon. Eric Abetz

10. On 11 July and 8 August 2006 Senator the Hon. Eric Abetz, Minister for Fisheries, Forestry and Conservation wrote to the committee raising concerns about certain declarations of interests by the Leader of the Australian Greens, Senator Bob Brown involving a bank account operated by Senator Bob Brown to receive donations to help finance legal action to stop logging in the Wielangta State Forest. Senator Abetz asked the Committee of Senators' Interests to consider a number of matters, some of which were beyond the committee's terms of reference. The committee considered the correspondence very carefully, including whether any of the identified concerns should be raised as matters for inquiry by the Privileges Committee as possible contempts. The committee decided against this course of action and instead considered the correspondence as a submission made under standing order 22A(1) in relation to the form and content of the register, and the registering of interests more generally.

¹ Report 2/2006 – *Review of arrangements for registration of senators' interests*, PP 76/2006.

² *Journals of the Senate*, 10 August 2006, p. 2457.

11. Consideration of the correspondence led to further amendments to the explanatory notes and a commitment to consider further whether there should be an explicit requirement in the resolutions for individual sources of gifts to be identified. The committee had commenced this task by the end of the year.
12. In the meantime, on 13 September 2006, the Chair made a statement to the Senate on behalf of the committee, summarising the committee's deliberations and conclusions, and tabling all relevant correspondence, minutes and documents.³

Unauthorised disclosure of a document submitted to the committee

13. Unfortunately, details of Senator Abetz's correspondence to the committee appeared on 8 August 2006 in an article in the *Sydney Morning Herald*, entitled 'Brown blip growing on coalition's radar'. The correspondence had not yet been seen by members of the committee. Subsequently, the committee resolved to follow the procedures for dealing with possible unauthorised disclosures of committee proceedings, as set out in the resolution of the Senate of 20 June 1996, augmented by a sessional order agreed to on 6 October 2005. The Chair wrote to Senator Abetz and the committee secretary seeking any explanation they or their staff could provide regarding the unauthorised disclosure and Senator Abetz admitted that a temporary member of his staff had been responsible, inadvertently, for the unauthorised disclosure. After weighing up all the factors under the guidance of the sessional order, the committee concluded that this unauthorised disclosure fell within the category identified in the sessional order as not warranting raising as a matter of privilege. All relevant documents on this matter were tabled by the Chair on 13 September 2006, along with documents relating to the committee's consideration of the substantive correspondence.

Definition of registrable gifts

14. As noted in paragraph 11 above, the committee has commenced its consideration of whether the definition of registrable gifts should be amended to require that the source of such gifts be identified by name.

Notifications of alterations of interests

15. 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 in June and November 2006 and registers of alterations were tabled on 21 June and 6 December 2006.

Requests for access to register

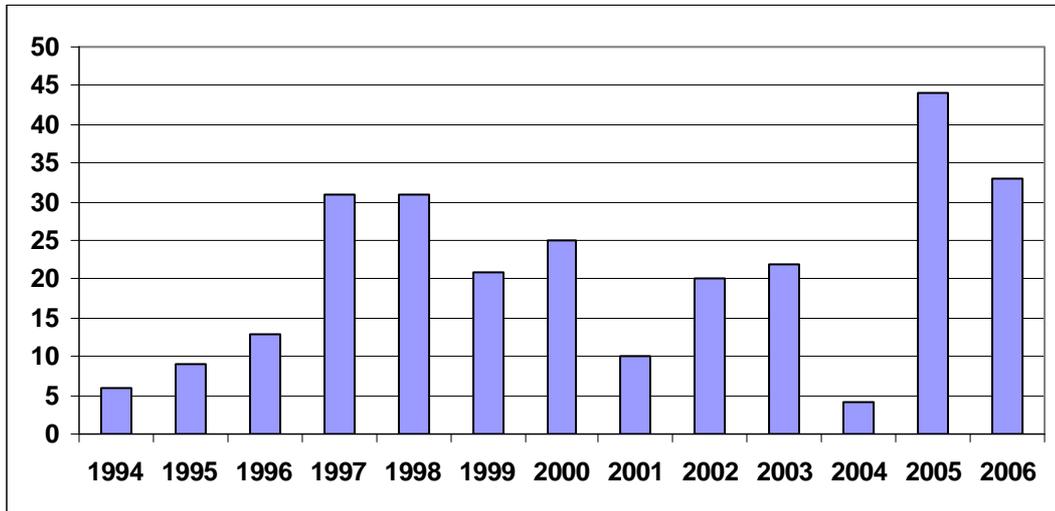
16. The number of requests for access to the register fell in comparison with 2005, a record year, but remained relatively high in relation to the long-term trend.

³ *Senate Debates*, 13 September 2006, pp. 90-92.

There were 33 requests made and granted during 2006, compared with 44 in 2005.

17. Table 1 shows the trends in requests for access to the register since the passage of the resolutions in 1994.

Table 1 – Requests for access to the register 1994-2006



Register of Gifts to the Senate and the Parliament

18. 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 2006.

(Ruth Webber)
Chair
February 2007

