

The Senate

Committee of Senators' Interests

Annual report – 2008

Report 1/2009

March 2009

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MEMBERS OF THE COMMITTEE 2008 – 2009

| | | | |
|----------------------|-------|-----|--------------------------|
| Senator D Johnston | (LP) | WA | (Chair) |
| Senator M. Forshaw | (ALP) | NSW | (Deputy Chair) |
| Senator J Adams | (LP) | WA | (to 4 February 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) |
| Senator L Pratt | (ALP) | WA | (from 1 July 2008) |
| Senator R. Webber | (ALP) | WA | (to 30 June 2008) |

Committee Secretary:

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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 1/2009

ANNUAL REPORT — 2008

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 fourteenth 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. Following its reappointment in February 2008, the committee met three times in 2008, compared with two meetings in 2007. There were several changes in the membership of the committee during the year as a result of the completion of several members' terms as senators and the commencement of a new Senate term on 1 July 2008.
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. The committee considered no major new matters in 2008 but, at the commencement of the 42nd Parliament, was briefed by the Registrar on arrangements for the compilation and maintenance of the register. For only the second time, all senators were required to provide a fresh statement of their interests within 28 days after the first meeting of the Senate after the commencement of senators' terms on 1 July 2008. All statements were lodged by the deadline of 23 September 2008.¹ Minor administrative issues raised by the process were addressed by minor changes to the administrative arrangements. Two volumes of statements were tabled on 25 September 2008.²
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 May and November 2008. Volumes of updates, comprising new statements and notifications of alterations of interests, were tabled on 25 June 2008, (covering the period from 8 December 2007 to 23 June 2008), 25 September 2008 (covering the period 24 June to 22 September 2008) and 3 December 2008 (covering the period from 23 September to 1 December 2008).³ The second volume was tabled at the same time as the two volumes of new statements, allowing the old register to be closed off and the new register to commence with the new statements. This was one of the minor administrative issues addressed following the lodgement of full statements by all senators.
9. Requests for access to the Register of Senators' Interests returned to average levels in 2008 with 27 requests met. Statistics for the period 1994 – 2008 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

10. 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 2008.
11. The committee received no proposals during the year on the form and content of the register.

¹ See the Committee's Annual Report – 2005, PP No. 72/2005 for an account of the first triennial lodgement of statements of interests.

² *Journals of the Senate*, 25/9/2008, J.953.

³ See *Journals of the Senate*, 25/6/2008, J.634; 25/9/2008, J.953; 3/12/2008, J.1405.

Registration of interests by other classes of persons

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

Register of Gifts to the Senate and the Parliament

13. 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 three such declarations under this resolution during 2008.

14. 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 gifts, and, having received and considered this advice, recommended to the President that two of the items be acquired by the Parliament House Art Collection and that the third item be retained by the recipient. All of the recommendations were accepted.

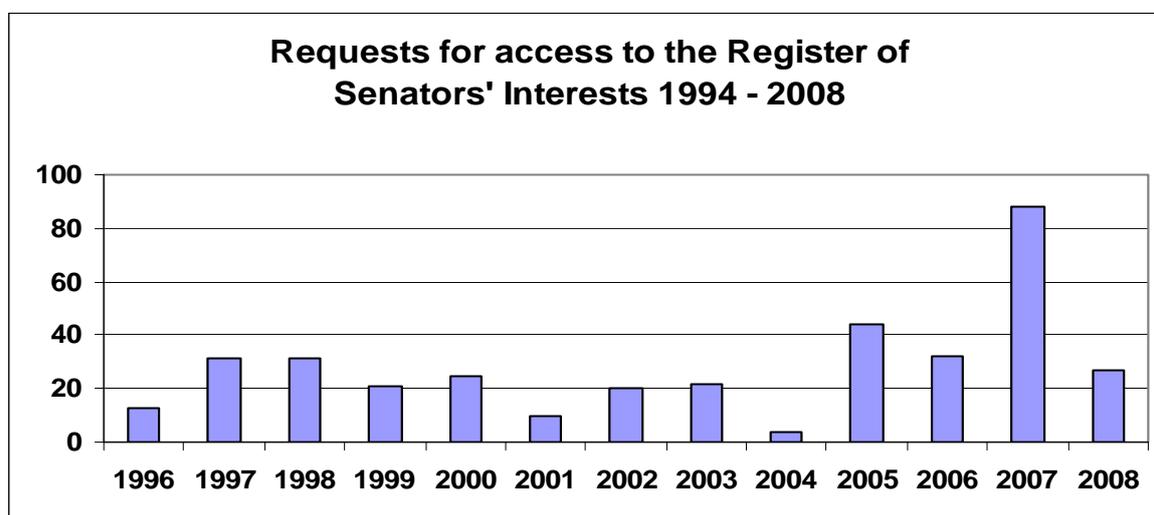


Figure 1.

Other Matters

The committee noted an approach from a public interest group, openaustralia.org, proposing to scan the Register of Senators' Interests and publish it on its website. The committee suggested that the group also publish information about the status of the register and caveats about its use.

David Johnston
Chair
March 2009