

THE PARLIAMENT OF THE
COMMONWEALTH OF AUSTRALIA

THE SENATE

COMMITTEE OF SENATORS' INTERESTS

Report 1/1996

ANNUAL REPORT — 1995

June 1996

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MEMBERS OF THE COMMITTEE — 37TH PARLIAMENT

Senator N Minchin	(LP)	SA	Chair
Senator E Abetz	(LP)	TAS	
Senator V Bourne	(AD)	NSW	
Senator D Brownhill	(NPA)	NSW	
Senator Jacinta Collins	(ALP)	VIC	
Senator M Colston	(ALP)	QLD	
Senator J McKiernan	(ALP)	WA	
Senator M Reid	(LP)	ACT	

MEMBERS OF THE COMMITTEE — 38TH PARLIAMENT

Senator K Denman	(ALP)	TAS	Chair
Senator E Abetz	(LP)	TAS	
Senator the Hon N Bolkus	(ALP)	SA	
Senator V Bourne	(AD)	NSW	
Senator the Hon D Brownhill	(NPA)	NSW	
Senator Ian Macdonald	(LP)	QLD	
Senator S Mackay	(ALP)	TAS	
Senator the Hon N Sherry	(ALP)	TAS	

Committee Secretary:

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* Mr John Vander Wyk was Registrar from shortly after establishment of the committee on 17 March 1994 until 19 March 1996.

COMMITTEE OF SENATORS' INTERESTS
Standing Order 22A

- 22A. (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.

(Adopted 17 March 1994, amended 24 August 1994)

THE SENATE

REGISTRATION OF SENATORS' INTERESTS

Resolution of the Senate, adopted 17 March 1994, amended 21 June 1995

1. Registration of Senators' Interests

(1) That, within 14 sitting days after the adoption of this resolution by the Senate and 28 days of making and subscribing an oath or affirmation of allegiance as a Senator, each Senator shall provide to the Registrar of Senators' Interests a statement of:

- (a) the Senator's registrable interests; and
- (b) the registrable interests of which the Senator is aware:
 - (i) of the Senator's spouse, and
 - (ii) of any children who are wholly or mainly dependent on the Senator for support;

in accordance with this resolution and in a form determined by the Committee of Senators' Interests from time to time, and shall also notify any alteration of those interests to the Registrar within 28 days of that alteration occurring.

(2) That any Senator who:

- (a) knowingly fails to provide a statement of registrable interests to the Registrar of Senators' Interests by the due date;
- (b) knowingly fails to notify any alteration of those interests to the Registrar of Senators' Interests within 28 days of the change occurring; or
- (c) knowingly provides false or misleading information to the Registrar of Senators' Interests;

shall be guilty of a serious contempt of the Senate and shall be dealt with by the Senate accordingly, but the question whether any senator has committed such a serious contempt shall first be referred to the Privileges Committee for inquiry and report and may not be considered by any other committee.

2. Registrable interests of spouses and dependants

That statements of the registrable interests of a Senator's spouse or of any dependent children submitted in accordance with paragraph (1) shall be maintained in a separate part of the Register and shall 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.

3. Registrable interests

That the statement of a Senator's registrable interests to be provided by a Senator shall include the registrable interests of which the Senator is aware of the Senator's spouse and of any children who are wholly or mainly dependent on the Senator for support, and shall cover the following matters:

- (a) shareholdings in public and private companies (including holding companies) indicating the name of the company or companies;
- (b) family and business trusts and nominee companies:
 - (i) in which a beneficial interest is held, indicating the name of the trust and the nature of its operation and beneficial interest, and
 - (ii) in which the Senator, the Senator's spouse, or a child who is wholly or mainly dependent on the Senator for support, is a trustee (but not including a trustee of an estate where no beneficial interest is held by the Senator, the Senator's spouse or dependent children), indicating the name of the trust, the nature of its operation and the beneficiary of the trust;
- (c) real estate, including the location (suburb or area only) and the purpose for which it is owned;
- (d) registered directorships of companies;
- (e) partnerships, indicating the nature of the interests and the activities of the partnership;
- (f) liabilities, indicating the nature of the liability and the creditor concerned;
- (g) the nature of any bonds, debentures and like investments;
- (h) saving or investment accounts, indicating their nature and the name of the bank or other institutions concerned;
- (i) the nature of any other assets (excluding household and personal effects) each valued at more than \$5 000;

- (j) the nature of any other substantial sources of income;
- (k) gifts valued at more than \$500 received from official sources (such sources being an Australian or foreign national, State, provincial or local Government or a person holding an office in such a Government) or at more than \$200 where received from other than official sources, provided that a gift received by a Senator, the Senator's spouse or dependent children from family members or personal friends in a purely personal capacity need not be registered unless the Senator judges that an appearance of conflict of interest may be seen to exist;
- (l) any sponsored travel or hospitality received where the value of the sponsorship or hospitality exceeds \$200;
- (m) being an officeholder of or financial contributor donating over \$200 in any single calendar year to any organisation; and
- (n) any other interests where a conflict of interest with a Senator's public duties could foreseeably arise or be seen to arise.

4. Register and Registrar of Senators' Interests

That:

- (a) at the commencement of each Parliament, and at other times as necessary, the President shall appoint an officer of the Department of the Senate as the Registrar of Senators' Interests and that officer shall also be Secretary of the Committee of Senators' Interests;
- (b) the Registrar of Senators' Interests shall, in accordance with procedures determined by the Committee of Senators' Interests, maintain a Register of Senators' Interests in a form to be determined by that Committee from time to time;
- (c) as soon as possible after the commencement of each Parliament, the Chairman of the Committee of Senators' Interests shall table in the Senate a copy of the completed Register of Senators' Interests and shall also table every six months any notification by a Senator of alteration of those interests;
- (d) the Register of Senators' Interests shall be available for inspection by any person under conditions to be laid down by the Committee of Senators' Interests from time to time; and
- (e) that part of the Register of Senators' Interests relating to spouses and dependent children shall remain confidential to the Committee of Senators' Interests as provided for in paragraph 2.

5. Declaration of interest in debate and other proceedings

That, notwithstanding the lodgment by a Senator of a statement of the Senator's registrable interests and the registrable interests of which the Senator is aware (a) of the Senator's spouse; and (b) of any children who are wholly or mainly dependent on the Senator for support, and the incorporation of that statement in a Register of Senators' Interests, a Senator shall declare any relevant interest:

- (a) at the beginning of his or her speech if the Senator participates in debate in the Senate, committee of the whole Senate, or a committee of the Senate or of the Senate and the House of Representatives, and
- (b) as soon as practicable after a division is called for in the Senate, committee of the whole Senate, or a committee of the Senate or of the Senate and the House of Representatives, if the Senator proposes to vote in that division;

and the declaration shall be recorded and indexed in the *Journals of the Senate* or minutes of proceedings of the committee and in any Hansard report of those proceedings or that division, but it shall not be necessary for a Senator to declare an interest when directing a question seeking information in accordance with standing order 72 or 74.

6. Interpretation

- (1) For the purposes of paragraphs 1 to 5 of this resolution "spouse" includes de facto spouse.
- (2) "De facto spouse" means a person who is living with another person of the opposite sex as the spouse of that other person on a *bona fide* domestic basis although not legally married to that other person.

REPORT

THE REGISTRATION OF SENATORS' INTERESTS

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 second annual report of the committee.
- 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 14 sitting days after the adoption of the resolution and within 28 days of making and subscribing an oath or affirmation of allegiance as a senator. The resolution also requires any alterations in those interests to be notified within 28 days of the alteration occurring. The statements of interests are to be kept on a Register of Senators' Interests.
- 3 The resolution provides that a senator's statement 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 determined by the committee and in a form determined by the committee, and that the register shall be available for inspection by any person under conditions laid down by the committee.
- 4 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 the registration requirements. The committee met twice in 1995, on 7 March and 19 June. A copy of the minutes of each meeting is appended.
- 5 The committee's terms of reference require it to report on four matters. The committee reports on these as at 31 December 1995, as follows.

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

- 6 The committee reported to the Senate on 9 June 1994 its determinations in relation to the form of senators' statements of interests, arrangements for the compilation and maintenance of the register and the conditions of access to the register. At its meeting on 7 March 1995 the committee agreed to conduct a review of the scheme for the registration of senators' interests to determine whether any changes were required. The committee's review took place after 12 months' experience of the scheme. The report of the committee arising from this review was tabled in the Senate on 21 June 1995.
- 7 In its report the committee recommended two amendments to the Senate's resolution on the registration of senators' interests. The amendments were to:
- (a) increase the threshold value for notification of donations in paragraph 3(m) in relation to any organisation to '\$200 or more' from 'over \$100'; and
 - (b) increase the threshold value for notification of gifts from other than official sources in paragraph 3(k) to '\$200 or more' from 'more than \$100'.

The committee also reported on its determinations in respect of the declaration of travel benefits resulting from frequent flier schemes. The committee's report was adopted by the Senate on 21 June 1995.

- 8 In the period from 1 January 1995 to 31 December 1995, two declarations of interests were lodged by new senators and there were 97 notifications of alterations of interests, 71 relating to interests of senators and 26 relating to interests of a spouse and dependent children. There were 10 requests for access to the register. Notifications of alterations of senators' interests were tabled on 21 June 1995 and 30 November 1995.

Proposals by senators and others as to the form and content of the register Submissions made in relation to the registering or declaring of interests

- 9 The only proposals on the form and content of the register and the declaration of senators' interests were received by the committee in the course of its review conducted in the first half of 1995. The committee received four written and two oral submissions from senators. These were considered by the committee during its review.

Registration of interests by other classes of persons

- 10 The committee considered the issue of registration of interests by other classes of persons, including members of the Parliamentary Press Gallery, at its meeting in March 1995. The committee took particular note of a legal opinion on the extent of the power of the Houses to require the registration of interests of classes of persons other than senators. It decided not to pursue this term of reference at that time but to keep the matter under review.



(Kay Denman)
Chair

25 June 1996



AUSTRALIAN SENATE
COMMITTEE OF SENATORS' INTERESTS

MINUTES OF PROCEEDINGS 1995/1
Tuesday, 7 March 1995

1 Meeting

The committee met in private session at 5:00 pm in Committee Room 1S6.

2 Attendance

Senator N Minchin (Chair)
Senator E Abetz
Senator D Brownhill
Senator M Colston
Senator J McKiernan

3 Apologies

Senators Bourne, Murphy and Reid

3 Membership

The secretary advised that by Senate resolution of 1 March 1995 Senator Zakharov had been discharged from the committee as a consequence of her serious ill-health and that Senator Murphy had been appointed in her place.

4 Death of deputy chair

The chair referred to the death, on 7 March 1995, of the former deputy chair, Senator Zakharov. The committee expressed its gratitude for Senator Zakharov's service to the committee and its sorrow at her untimely death. The appointment of a deputy chair was deferred to the next meeting.

5 Minutes of previous meeting

The minutes of meeting 3/1994, held on 8 November 1994, were confirmed.

6 Matters arising

None.

7 Review of scheme for registration of Senators' interests

The committee approved the draft letter to Senators inviting comment, with an amendment to advise Senators of the availability of copies of their statement of interests.

8 Registration of interests resulting from frequent flyer schemes

The committee considered legal advice from the Attorney-General's Department, made available by the House of Representatives Committee of Members' Interests, on the need for members of parliament to notify additional travel undertaken using frequent flyer points accrued from official travel.

The committee determined that travel resulting from the use of frequent flyer points constituted sponsored travel and therefore should be registered.

Discussion ensued on whether a notification was required each time additional travel was undertaken by a Senator, Senator's spouse or dependent children resulting from frequent flyer points or whether a general declaration by a Senator, together with the six-monthly or annual lodgement of a return of flights taken, would meet the intent of the Senate resolution on the declaration of interests.

The committee resolved that for the time being it would ask Senators to declare within 28 days after each particular flight additional travel undertaken utilising frequent flyer points accrued from official travel, but that it would further consider this approach in the course of its review of the scheme for the registration of Senators' interests. Additional travel undertaken by a spouse or dependent children utilising a Senator's frequent flyer points would need to be declared by the Senator.

9 Registration of interests by other classes of persons

The committee considered legal advice from the Attorney-General's Department, made available by the House of Representatives Committee of Members' Interests, on the power of the Houses to require the registration of interests by certain classes of persons, including members of the Parliamentary Press Gallery.

After consideration of the advice the committee resolved not to pursue this term of reference further at this stage, but to keep the matter under review.

10 Annual report of the committee

The committee approved the draft annual report on its operations during 1994.

11 Other business

The secretary was asked to ascertain whether the Department of Administrative Services had produced any guidelines on the ability of spouses and dependent children to access in their own right frequent flyer points from official travel in accordance with determinations of the Remuneration Tribunal.

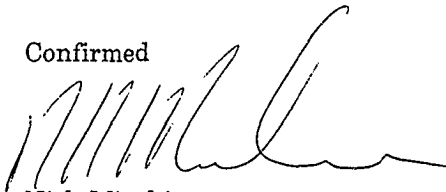
12 Next meeting

Date and time to be determined by the chair.

13 Adjournment

The committee adjourned at 6.05 pm.

Confirmed

A handwritten signature in black ink, appearing to read 'Nick Minchin', written over a series of horizontal lines.

Nick Minchin
Chair



AUSTRALIAN SENATE
COMMITTEE OF SENATORS' INTERESTS

MINUTES OF PROCEEDINGS 1995/2
Monday, 19 June 1995

1 Meeting

The committee met in private session at 4:10 pm.

2 Attendance

Senator N Minchin (Chair)
Senator D Brownhill
Senator J Collins
Senator J McKiernan
Senator M Reid

3 Apologies

Senator E Abetz
Senator V Bourne
Senator M Colston

4 Membership

The chair advised that by Senate resolution of 30 May 1995 Senator Murphy had been discharged from the committee and Senator Collins appointed in his place.

5 Appointment of deputy chair

The chair appointed Senator Collins to be the deputy chair.

6 Minutes of previous meeting

The minutes of meeting 1995/1, held on 7 March 1995, were confirmed.

7 Matters arising

The committee was advised that administrative guidelines being prepared by the Department of Administrative Services on access by Senators and Members to frequent flyer scheme benefits had not yet been finalised. The committee requested that the chair, deputy chair and secretary meet with representatives of DAS to clarify matters relating to the benefits, including the difficulty of distinguishing benefits received from official travel from those received from private travel.

8 Review of scheme for registration of Senators' interests

The committee considered matters arising from its review of the scheme for the registration of Senators' interests.

Resolved that:

- (1) interim decisions of the committee made prior to the review, as set out in the minutes of 30 May 1994, be confirmed;
- (2) the interpretation of paragraph 3(m) of the Senate resolution should be that relevant donations to all organisations should be disclosed, whether or not the Senator is a member of the organisation;
- (3) the committee recommend to the Senate that:
 - (a) the threshold value for notification of donations in paragraph 3(m) in relation to any organisation be amended to read '\$200 or more', and
 - (b) the value of gifts from other than official sources in paragraph 3(k) required to be registered be amended to read '\$200 or more';
- (4) the committee not recommend any variation to the 28 day reporting limit set in the resolution; and
- (5) the following requirements apply to benefits received from frequent flyer schemes (the matters listed confirm or clarify decisions of the committee taken at its meeting on 7 March 1995):
 - (a) it is necessary to notify additional travel undertaken by a Senator, a Senator's spouse or dependent children utilising frequent flyer points accrued from official travel by the Senator;
 - (b) frequent flyer benefits received by a spouse or dependent children utilising a Senator's frequent flyer points or points earned directly from entitlements granted by the Remuneration Tribunal to spouses and dependent children to be registered by the Senator on Form A of the register of Senators' interests, and
 - (c) additional travel undertaken utilising frequent flyer points accrued from official travel to be registered within 28 days after each particular flight.

9 Report to the Senate on the review

The committee resolved that it would report to the Senate on the above matters in a report this week. The draft report before the committee was adopted with amendments of the amounts above which donations to organisations and the value of gifts from other than official sources need to be disclosed.

10 Next meeting

Date and time to be determined by the chair.

11 Adjournment

The committee adjourned at 4.50 pm.

Certified

A handwritten signature in black ink, appearing to read 'Nick Minchin', written in a cursive style.

Nick Minchin
Chair