



COMMITTEE OF SENATORS' INTERESTS

REPORT 1/2004

ANNUAL REPORT — 2003

FEBRUARY 2004

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MEMBERS OF THE COMMITTEE – 2003

Senator K. Denman	(ALP)	TAS	Chair
Senator R. Lightfoot	(LP)	WA	Deputy Chair
Senator L. Allison	(AD)	VIC	
Senator M. Forshaw	(ALP)	NSW	
Senator G. Humphries	(LP)	ACT	(appointed 20 March 2003 in place of Senator the Hon. Margaret Reid who resigned from the Senate on 14 February 2003)
Senator J. McGauran	(NPA)	VIC	
Senator R. Webber	(ALP)	WA	
Senator P. Wong	(ALP)	SA	

Committee Secretary:

Miss Anne Lynch (*till 5 September 2003*)
Dr Rosemary Laing (*from 8 September 2003*)
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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 tenth 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.
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 four times in 2003, on 26 March, 8 June, 20 August and 10 September.
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 2003. All documents referred to in the above paragraphs are available on the committee's website. Copies of the documents may also be obtained from the Registrar of Senators' Interests.

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

7. At the beginning of the reporting period, a notice of motion giving effect to the committee's recommendations for changes to the resolutions, as discussed in a report tabled on 26 June 2002, remained on the *Notice Paper*. The notice of motion was postponed several times while negotiations continued on the issue of thresholds for declaration of assets, gifts (including gifts intended for the Senate or the Parliament), sponsored travel or hospitality and donations. The aim of the negotiations was to ensure as wide a consensus as possible and uniformity between the resolutions of the two Houses. This issue, along with further clarification of the explanatory notes in relation to gifts and hospitality, was the primary purpose of the meetings held in 2003. The notice of motion was amended before being moved on 11 September 2003 to reflect the agreed thresholds.
8. The other major changes to the resolutions, recommended by the committee, included:
 - a requirement for all senators to lodge a fresh declaration of interests within:
 - (a) 28 days after the first meeting of the Senate after 1 July first occurring after a general election; and
 - (b) 28 days after the first meeting of the Senate after a simultaneous dissolution of the Senate and the House of Representatives; and
 - (c) 28 days after making and subscribing an oath or affirmation of allegiance as a senator for a Territory or appointed or chosen to fill a vacancy in the Senate;
 - provision for retiring senators to retain gifts received on behalf of the Senate or the Parliament, or for the committee to determine the disposal or further donation of the gift; and
 - the removal of the requirement for senators to declare interests in debate and before taking part in divisions.
9. The proposed amendments to the resolutions were debated at some length on 11 September 2003 and agreed to on 15 September 2003.

(a) Register of Senators' Interests

10. The latest full register of all senators' interests, dating from 1999, was tabled on 10 December 2002. Under the amended resolutions all senators will be required to lodge a fresh declaration after commencement of a new Senate term, not just those taking the oath or affirmation of allegiance.

(b) Notifications of alterations of interests

11. In accordance with established practice, the Registrar of Senators' Interests writes to each senator at least twice a year about the need to notify changes

to statements of interests. Large numbers of alterations were received in connection with hospitality enjoyed by senators during the Rugby World Cup in October-November 2003. The committee tabled its regular six-monthly updates of notifications of alterations of interests on 24 June and 2 December 2003.

(c) Requests for access to register

12. There was a slight increase in requests for public access to the register during the year from 20 in 2002 to 22 in 2003, reflecting the more flexible conditions for access implemented in 2002.

Register of Gifts to the Senate and the Parliament

13. 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. No declarations were made under this resolution during 2003. Following changes to the resolution, as outlined in its report of 26 June 2002 and agreed to by the Senate on 15 September 2003, the committee returned certain previously-declared gifts to a former senator.

**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**

14. No senator, other than members of the Committee of Senators' Interests, made proposals for change during the year, and no other persons made submissions to the committee.

Registration of interests by other classes of persons

15. During the year the committee made no recommendations about such registration, but continues to keep the question under review.

Other matters

16. Following amendment of the resolutions, the committee produced a booklet containing the amended resolutions, explanatory notes and related information which was tabled by the chair of the committee on 16 October 2003. Several copies of the booklet were provided to each senator and there has been a steady flow of requests for copies from senators' offices and other interested persons. The Committee's website was updated to reflect the amended resolutions and the revised forms and explanatory notes.

(Kay Denman)
Chair
February 2004