

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

THE SENATE

COMMITTEE OF SENATORS' INTERESTS

Report 1/2002

ANNUAL REPORT — 2001

March 2002

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MEMBERS OF THE COMMITTEE – 39TH PARLIAMENT 2001

Senator K Denman	(ALP)	TAS	Chair
Senator G Brandis	(LP)	QLD	Deputy Chair
Senator L Allison	(AD)	VIC	
Senator G Buckland	(ALP)	SA	
Senator J Collins	(ALP)	VIC	
Senator the Hon J Herron	(LP)	QLD	
Senator R Lightfoot	(LP)	WA	
Senator J McLucas	(ALP)	QLD	

MEMBERS OF THE COMMITTEE – 40TH PARLIAMENT

(ALP)	TAS Chair
(LP)	WA Deputy Chair
(AD)	VIC
(ALP)	SA
(LP)	TAS (appointed 19 March 2002)
(LP)	QLD (discharged 19 March 2002)
(ALP)	VIC
(ALP)	NSW
(LP)	QLD
	(AD) (ALP) (LP) (LP) (ALP) (ALP)

Committee Secretary:

Miss Anne Lynch Registrar of Senators' Interests Department of the Senate Parliament House CANBERRA ACT 2600

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Internet http://www.aph.gov.au/senate/committee/interests_ctte/index.htm

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 seventh 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 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 determined by the committee 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 the registration requirements. The committee met once in 2001, on 6 March.
- 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 2001. All documents referred to in the above paragraphs are available on the committee's website. An index to the website is at Appendix 1 to this report. 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. In its First Report (9 June 1994) the committee advised the Senate of its determinations in relation to the form of senators' statements of interests, arrangements for the compilation and maintenance of the register and on the conditions of access to the register. The Register continues to be maintained and accessed on this basis.

- 8. Since it was established in 1994 the committee has provided senators with some guidance on how interests should best be registered. A summary of this guidance is in Appendix 3.
- 9. In the same report of June 1994, the committee reported its resolution that, to assist senators, the Registrar of Senators' Interests should write to each senator at least twice a year about the need to notify relevant changes to declarations. The Registrar wrote to senators, as required, in 2001.
- 10. The committee tabled the first of its regular six monthly updates of notifications of alterations of interests (5 December 2000 to 25 June 2001) on 28 June and the second (26 June 2001 to 6 December 2001) on 21 December 2001.
- 11. During the year, there were 10 requests for public access to the Register.

Register of Gifts to the Senate and the Parliament

12. 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 2001.

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

13. There were no such proposals or submissions to the committee during the year under review.

Registration of interests by other classes of persons

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

Other matters

15. At present, senators must declare in the Register of Senators' Interests their use of frequent flyer points accrued from official travel. The Department of Finance and Administration, which administers parliamentarians' travelling entitlements, also receives returns from senators indicating such use. In its annual report for 2000, tabled in March 2001, having considered the question whether senators should continue to declare use of frequent flyer points in the Register, the committee reported its view that, as a matter of caution and best practice, senators should continue to declare their use of frequent flyer points, pending government finalisation of measures to ensure full use of, and accountability for, frequent flyer points accrued by parliamentarians on official travel. The situation has not changed since that report.

(Kay Denman)
Chair
March 2002

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THE SENATE AT WORK

COMMITTEES

BILLS PUBLICATIONS ADMINISTRATION

Committee of Senators Interests

Membership

How to contribute to the work of this Committee

Senate Resolutions on Senators' Interests

- Senate Resolution on declaration and registration of Senators Interests
- Senate Resolution establishing the Committee of Senators' Interests
- Senate Resolution for the registration of Gifts to the Senate and the Parliament (PDF format)
- Explanatory Notes for Statement of Registrable Interests (PDF format)
- Procedural Rules for the declaration and preservation of gifts received by senators for the Senate and the Parliament (PDF format)

Register of Senators Interests

Register of Senators Interests 23 September 1999 Register of Alterations to Senators Interests, 28 June 2000 Register of Alterations to Senators' Interests 7 December 2000 Register of Alterations to Senators' Interests 28 June 2001 Register of Alterations to Senators' Interests 21 December 2001

Forms for Statements of Registrable Interests and Alterations of

Statement of Registrable Interests

Form A - Senators (PDF format)

Form B - Spouses or Partners and Dependent Children (PDF format)

Reports

For further information Secretary and Registrar of Senators Interests: Anne Lynch

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INFORMATION ABOUT THE REGISTER OF SENATORS' INTERESTS FIRST REPORT, JUNE 1994

The Conditions of Public Access for the Register are as follows:

- (1) Public access to the register is by appointment, generally between the hours of 10.00am and 12.00 noon and 2.00pm and 4.00pm, Monday to Friday (public holidays excepted). Access is to be supervised.
- (2) Access is to the whole register.
- (3) Inquirers can make notes. A photocopy of a Senator's statement may be supplied if requested. In all cases, a photocopy will be supplied only of a Senator's complete statement, and not extracts. A copy of a statement must be collected in person or can be sent by post in response to a written request.

Note: If the amount of photocopying involved becomes excessive, the committee reserves the right to levy a charge for the provision of photocopies.

- (4) The following access records will be maintained: name of inquirer (and organisation, if relevant), date and time of inspection, and total number of pages photocopied.
- (5) Details from the register (eg advice as to whether a particular Senator has or has not declared a particular interest or notified a particular alteration) will <u>not</u> be provided over the telephone.

Notifications of alterations of interests declared in Form A will become public from date of receipt.

Notifications of alterations of interests declared on Form A will be tabled at least every six months (towards the end of the winter and summer sittings – Report 1/1995, March 1995).

Access to the Register available for public inspection will continue during and after an election until such time as a new register is tabled.

A Senator's statement of interests will be removed from the register from the date that the Senator ceases to be a Senator. The public will, however, continue to have access to statements of past Senators which have been tabled in the Senate through the Table Office.

A copy of a statement of a Senator's interests must be collected in person or sent by post, and the committee would not permit the registrar to fax copies.

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A SUMMARY OF COMMITTEE GUIDANCE FOR SENATORS MAKING DECLARATIONS

FIRST REPORT, JUNE 1994

Page 2

The committee advises that while it may, from time to time, provide guidance on the interpretation of particular matters set out in the resolution, final decisions on the appropriate interpretation of the resolution must be the responsibility of individual senators.

Appendix 2, Page 1

If a senator does not have a spouse or dependent children, Form B does not need to be completed or lodged.

Appendix 2, Page 2

No form can cover all possible circumstances and senators should consequently bear in mind the purpose and spirit of the return in deciding which matters should be registered.

The committee's views are for the guidance of senators. In the end, each senator must make his or her own decision as to interests which fall within the terms of the resolution.

Only the senator concerned, the committee and the Registrar of Senators' Interests will have access to the individual files for each senator.

Notification of alterations of interests declared on Form A will become public from the date of receipt.

The responsibility for notifying alterations to a statement of interests is, under the terms of the Senate's resolution, that of each senator. To assist senators, the Registrar of Senators' Interests will, at least twice a year, issue a reminder notice.

Appendix 2, Page 2-3

A new statement must be provided by senators who have been re-elected, and by all senators after a double dissolution. The new statement should include details of benefits received since the last notification of alterations of interests, and interests as at the date of making and subscribing an oath or affirmation of allegiance.

Appendix 2, Page 3

New senators should declare any benefits received which fall within the terms of the Senate's resolution from the date of their election or choice as a senator, and other interests from the date of making and subscribing an oath or affirmation of allegiance.

A senator's statement of interests will be removed from the register from the date that the senator ceases to be a senator. The public will, however, continue to have access to statements of past senators which have been tabled in the Senate through the Table Office.

Appendix 4, Minutes 1994/1, Page 3

It is not part of the role of the Registrar to advise senators on the interests to be registered. The intent of the Senate is to place on senators the responsibility to interpret the resolution and to determine which of their interests fall within its terms.

Minutes 1994/2, Page 2

Senators appointed to casual vacancies, and other new senators or senators-elect, are to be advised at the first available opportunity of their obligations under the resolution of the Senate.

In the case of a senator whose term continues in a new Parliament, the resolution of the Senate requires that the senator's statement of interests as at the date of the new Parliament should again be tabled. The senator is not obliged to submit a new statement of interests.

Newly-elected senators are to register any benefits received from the date of their election, and other interests from the date of making and subscribing an oath or affirmation of allegiance.

A copy of a statement of senator's interests must be collected in person or sent by post. The committee does not permit the Registrar to fax copies.

REPORT 1/1995, MARCH 1995

Page 2

The committee determined that notifications of alterations of interests would be tabled each year towards the end of the winter and summer sittings.

A photocopy of a senator's statement would be supplied if requested, but in all cases the photocopy would be of the senator's complete statement and not an extract. A photocopy of a statement would also be supplied in response to a written request. Details from the register would not be provided over the phone.

Page 3

In respect of the interpretation of the resolution the committee draws to the attention of senators that while it may provide guidance from time to time on the interpretation of particular provisions, in the final analysis decisions on an appropriate interpretation must remain the responsibility of individual senators.

REPORT 2/1995, JUNE 1995

Page 1

Travel or hospitality benefits received by a senator from an organisation or group which has invited the senator to speak at a gathering such as a function or a seminar, and for which travel or hospitality is necessary in order to fulfil the engagement, are registrable interests and should be declared in accordance with subparagraph 3(1) of the Senate's resolution.

Page 2

Being an office holder of an organisation under subparagraph 3(m) does not include being a patron of an organisation.

A donation in excess of the threshold set by the resolution needs to be reported in respect of any organisation, regardless of whether the senator, a spouse or dependent children, are members.

A donation to an organisation under subparagraph 3(m) does not include membership subscriptions.

If a senator does not have a spouse or dependent children, that senator is not required to lodge a signed copy of Form B. The senator is not required to lodge a 'nil return'.

The names of a senator's spouse and dependent children need not be disclosed.

Joint interests with a former spouse which continue to be held, need be disclosed only on Form A, relating to a senator's interests. The interest could be declared as a joint interest, or half-share, or other appropriate description.

Page 4

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.

Additional travel undertaken 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, need to be registered by the senator on Form A of the Register of Senators' Interests.

Senators should register each benefit received under a frequent flyer scheme within the 28 days required by the Senate resolution for the registration of interests and the notification of alterations of those interests.

REPORT 1/1996, JUNE 1996

Page 2

Travel resulting from the use of frequent flyer points constitutes sponsored travel and therefore should be registered.

Additional travel undertaken by a spouse or dependent children utilising a senator's frequent flyer points would need to be declared by the senator.

Minutes 1995/2, page 2

The following requirements apply to benefits received from frequent flyer schemes:

 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 are 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 is to be registered within 28 days after each particular flight.