



PRIME MINISTER

STATEMENT BY THE PRIME MINISTER, THE HON. P.J. KEATING, MP DECLARATION OF INTERESTS

Following the Opposition's preoccupation with declarations of interest I have today asked the Government Leader in the Senate to seek leave to reintroduce a resolution providing for the registration and declaration of Senators' interests.

In doing so, I challenge the Leader of the Opposition to instruct his party in the Senate to support the passage of the resolution.

The Government has sought to have the resolution passed on three previous occasions - in 1983, 1986 and 1987. On each occasion this reform was blocked by the Coalition.

If Dr Hewson fails to instruct his party to accept the resolution in the Senate it will prove his protestations about propriety in public office to be without substance.

My advice is that the earliest opportunity for the Government to reintroduce the resolution would be Monday, May 4.

I attach a copy of the resolution as put in 1987.

CANBERRA
April 30, 1992

REGISTRATION AND DECLARATION OF SENATORS' INTERESTS- PROPOSED RESOLUTION

The Manager of Government Business (Senator Evans) at the request of the Leader of the Government (Senator Button) and pursuant to notice, moved-

That the Senate adopt the following resolution relating to the registration and declaration of Senators' interests, such resolution to continue in force unless amended or repealed by the Senate in this or a subsequent Parliament:

1 Declaration of Senators' interests

(1) That, within 28 days of making and subscribing an oath or affirmation 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 the resolution adopted by the Senate 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) 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.

2 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 (a) of the Senator's spouse; and (b) of any children who are wholly or mainly dependent on the Senator for support, and shall cover the following matters:

- (i) shareholdings in public and private companies (including holding companies) indicating the name of the company or

companies;

(ii) family and business trusts and nominee companies-

(a) in which a beneficial interest is held, indicating the name of the trust, the nature of its operation and beneficial interest, and

(b) 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;

(iii) real estate, including the location (suburb or area only) and the purpose for which it is owned;

(iv) registered directorships of companies;

(v) partnerships, indicating the nature of the interests and the activities of the partnership;

(vi) liabilities, indicating the nature of the liability and the creditor concerned;

(vii) the nature of any bonds, debentures and like investments;

(viii) saving or investment accounts, indicating their nature and the name of the bank or other institutions concerned;

(ix) the nature of any other assets (excluding household and personal effects) each valued at over \$5,000;

(x) the nature of any other substantial sources of income;

(xi) gifts valued at more than \$250 received from official sources, or at more than \$100 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;

(xii) any sponsored travel or hospitality received;

(xiii) membership of any organisation; and

(xiv) any other interests where a conflict of interest with a Senator's public duties could foreseeably arise or be seen to arise.

3 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 from time to time as required any notification by a Senator of alteration of those interests; and

(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.

4 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-

(i) at the beginning of his or her speech if the Senator should participate in debate in the Senate, Committee of the whole Senate, or a Committee of the Senate (or of the Senate and the House), and

(ii) 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) 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 (as applicable) and in any Hansard report of those proceedings or that Division:

Provided that it shall not be necessary for a Senator to declare an interest when directing a question seeking information in accordance with Standing Order 98 or 98A.

Debate ensued.

Senator Macklin, by leave, moved-That the Senate resolve itself into Committee of the Whole for the consideration of the motion.

Question put and passed.

The Senate, accordingly, resolved itself into

Committee for the consideration of the motion.

In the Committee

Motion, by leave, taken as a whole and debated.

Senator Vigor moved an amendment, viz: Leave out all words after "Parliament" (first occurring), insert:

(1) That a Senator, before speaking in any debate in the Senate or Committee of the Whole or participating in any proceedings of a Committee appointed by the Senate or by both Houses of the Parliament, and before voting in any Division in the Senate, Committee of the Whole or such a Committee, declare any interest of the Senator, or of any person associated with the Senator, of which the Senator is aware, which may be relevant to that debate or Division or those proceedings.

(2) That a declaration under paragraph (1) be made orally to the Senate, Committee of the Whole or such Committee, or by writing delivered to the Clerk of the Senate, where the declaration relates to the Senate or a Committee of the Whole, or to the secretary of the Committee, where it relates to such a committee, and reported to the Senate, Committee of the Whole or Committee.

(3) That a declaration under paragraph (1) be recorded in the Journals of the Senate and Hansard where the declaration is made in the Senate or Committee of the Whole, and in Minutes of Proceedings where the declaration is made in a committee.

(4) That, for the purposes of paragraph (1), an interest of a Senator shall be taken to be relevant to a debate or Division or to proceedings if the interest is such that the interest may influence the conduct of the Senator in the debate, Division or proceedings.

(5) That, for the purposes of paragraph (1), a person shall be taken to be associated with a Senator if an association between the person and the Senator is such that the Senator may have regard to an interest of that person in determining the Senator's conduct as a Senator.

(6) That the Senate will regard as guilty of a serious contempt any Senator who knowingly fails to comply with this resolution."

And it being 10.30 p.m.: The Chairman of Committees (Senator Hamer), under Sessional Order, put the Question-That he do leave the Chair and report to the Senate.

Question put and passed.