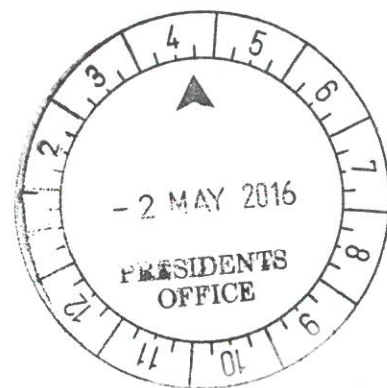


SENATOR JENNY MCALLISTER

Labor Senator for New South Wales



Senator the Honourable Stephen Parry
President of the Senate
Parliament House
CANBERRA ACT 2600



2 May 2016

Dear Mr President,

Re: Matter of Privilege arising from the failure of Senator Sinodinos to comply with an order of the Senate to attend a hearing of the Senate Finance and Public Administration References Committee

In accordance with standing order 81 and privilege resolution 7(1), I write to raise a matter of privilege and to ask that you grant precedence to a notice of motion referring the matter to the Senate Standing Committee of Privileges.

The matter of privilege I wish to raise relates to the failure of Senator Sinodinos to comply with an order of the Senate to attend a hearing of the Senate Finance and Public Administration References Committee.

On 19 April 2016, the Senate referred the following matter to the Senate Finance and Public Administration References Committee for inquiry and report by 4 May 2016.

- a. Commonwealth legislative provisions relating to oversight of associated entities of political parties, with particular reference to the adequacy of:
 - i. the funding and disclosure regime relating to annual returns;
 - ii. the powers of the Australian Electoral Commission with respect to supervision of the conduct of and reporting by associated entities of political parties; and
 - iii. any related matters; and
- b. Senator Sinodinos appear before the committee to answer questions.

Despite the order of the Senate, Senator Sinodinos failed to attend the hearing on 28 April 2016.

The sequence of events, which I detail below, was published in the Committee's interim report.

Following the referral on 19 April 2016, the office of Senator Sinodinos was contacted informally by the secretariat on the morning of 20 April 2016 in order to obtain details of a contact for correspondence and to indicate the possible hearing dates under consideration by the Committee in order to provide early advice of those dates. No issues with the possible hearing dates were raised with the secretariat.

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Following a Committee meeting later that day, formal correspondence was sent to Senator Sinodinos indicating the hearing dates agreed by the Committee and indicating that the secretariat would work with his office to find a suitable time. The Committee asked for a response by midday 22 April 2016. Despite the secretariat following up with phone calls to his office and an email to the contact officer, the Committee received no response to this correspondence.

On 26 April 2016, the Committee considered the lack of response from Senator Sinodinos and agreed to send a further letter advising him of the time for him to appear on 28 April. Again the committee received no response.

The Committee received a response from Senator Sinodinos to the secretariat in hard copy at approximately 4.45pm on Wednesday 27 April 2016. In the interim report, the Committee noted that in his response Senator Sinodinos cited his unavailability on the hearing dates. This was never conveyed to the Committee. The Committee noted that if the Senator was unaware of the inquiry agreed by the Senate on 19 April 2016, there were two and a half days between initial contact with his office and the initial deadline and over a week from the initial contact with his office until the actual response was received. The Committee found the lack of a timely response to a Senate committee conveying an order of the Senate disappointing.

The Committee further noted the short inquiry timeframe set by the Senate for the Committee to work within, resulting in limited flexibility to rearrange hearings to accommodate witnesses. In this case, the committee offered to work with Senator Sinodinos to find a suitable time for his appearance during the days that the Committee had set aside for hearings. It is important to note that the attendance of Senator Sinodinos was not requested by the Committee: it was directed by the Senate. As such, the Committee was of the view that the onus was on Senator Sinodinos to make himself available to appear at the public hearing, not for the committee to reschedule its hearing to accommodate Senator Sinodinos.

In his response, Senator Sinodinos conceded that hearing dates and availability aside, he did not intend to comply with the order of the Senate.

I note that this action by way of the Senate order is clearly provided for in Senate standing order 177(3).

With regard to the seriousness of the failure to comply with an order of the Senate, I propose that this matter should be referred to the Senate Standing Committee of Privileges to investigate and that a notice of motion to refer the matter be granted precedence in the Senate.

Yours sincerely,



Senator Jenny McAllister

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