

Senate Finance and Public Administration References Committee

Interim Report

1.1 On 19 April 2016, the Senate referred the following matter to the Finance and Public Administration References Committee (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.¹

1.2 The committee has decided to table this interim report in order to report non-compliance of the Senate order by Senator Sinodinos to the Senate.

Steps taken by the committee

1.3 Following the referral on 19 April 2016, Senator Sinodinos' office 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.

1.4 Following a committee meeting later that day, formal correspondence was sent to Senator Sinodinos (at Appendix 1) 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.

1.5 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 (at Appendix 2). Again the committee received no response.

Receipt of the response

1.6 The committee received a response from Senator Sinodinos to the secretariat in hard copy at approximately 4.45pm on Wednesday 27 April 2016. The response

1 *Journals of the Senate*, No. 150 —19 April 2016, p. 4128.

was provided to the Chair and not distributed to the committee until the next morning on 28 April 2016. However, the letter appeared in media in the evening of 27 April 2016. Under Standing Order 37 the 'evidence taken by a committee and documents presented to it, which have not been reported to the Senate, shall not, unless authorised by the Senate or the committee, be disclosed to any person other than a member or officer of the committee'. As there appears to be a prima facie case of unauthorised disclosure, the committee is investigating the matter.

Committee view

1.7 The committee notes that in his response Senator Sinodinos cites his unavailability on the hearing dates. This was never conveyed to the committee. 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 finds the lack of a timely response to a Senate Committee conveying an order of the Senate disappointing.

1.8 The committee notes that the week starting 26 April 2016 was originally scheduled to be a sitting week² and as such senators would have been expected to have commitments to the chamber in Canberra.

1.9 The committee further notes 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, Senator Sinodinos' attendance was not requested by the committee: it was directed by the Senate. The onus is 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.

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

1.11 This action by way of the Senate order is clearly provided for in the standing orders of the Senate (SO 177(3)).

1.12 The committee notes the following possible responses available to the Senate, including motions:

- requiring Senator Sinodinos to attend the Senate chamber in order to explain the reasons for his non-compliance to the Senate;
- directing Senator Sinodinos to attend a further hearing of the committee;
- referring the non-compliance with a senate order to the Senate Standing Committee of Privileges, consistent with Parliamentary Privilege Resolution 6(8);
- to censure Senator Sinodinos;

- to consider whether a contempt has been committed, under Standing Order 82; and
- to pursue other remedies which may be available under the *Parliamentary Privileges Act 1987*.

Senator Jenny McAllister

Chair

