



AUSTRALIAN SENATE

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18 February 2008

Mr Peter Hallahan
Secretary
Senate Legal and Constitutional Affairs Committee
Parliament House
CANBERRA ACT 2600

Dear Mr Hallahan

PARLIAMENTARY SECRETARIES AS MEMBERS OF COMMITTEES

In response to the committee's request conveyed in your email today, I confirm that there is nothing in the rules or procedures of the Senate to prevent a parliamentary secretary serving on a committee, including a legislative and general purpose standing committee. The appointment of a senator to a committee is a decision by the Senate in each case. If there were thought to be anything anomalous about a parliamentary secretary serving on a particular committee, it would be open to any senator to raise the matter when the motion is moved for the appointment to be made by the Senate. In any event, in relation to estimates hearings, under standing order 26(8) any senator may participate in estimates hearings.

Standing order 27(5) requires that a senator not sit on a committee if the senator has a conflict of interest in relation to the inquiry of the committee. As has been indicated by past presidential statements, however, "conflict of interest" here refers to some personal interest of a senator, such as serving as a director of a company when the affairs or actions of that company may be under inquiry. It does not refer to the holding of a public office that a senator is otherwise permitted to hold.

In relation to the precedents, it would be extremely difficult to identify all the past occasions on which parliamentary secretaries have served as members of committees, and it would be virtually impossible to identify the occasions on which parliamentary secretaries exercised the right of all senators to attend estimates hearings and ask questions at those hearings. Certainly there have been cases in both categories.

Please let me know if I can be of any further assistance to the committee.

Yours sincerely

(Harry Evans)