



Assurance Review: Matter 2017/16

Issue

Senator for New South Wales, Dr David Leyonhjelm, travelled from Sydney to Perth on 19 December 2016, returning to Sydney 22 December 2016. Senator Leyonhjelm was in Perth for three nights and claimed two nights of Travelling Allowance. Senator Leyonhjelm has apparently deliberately not claimed Travelling Allowance for one night. Media reporting raised concerns that the purpose of the Senator's travel may have been for party political business related to a then upcoming state election.

Assessment

The table below details the Senator and his spouse's travel from 19 to 22 December 2016. The total cost for both travellers was \$9492.39, excluding GST.

Travel Expense	Date	Location and Time	Cost (Excl.GST)
COMCAR	19 Dec 16	Drummoyne to Mascot (06:24 - 06:52)	\$44.90
Commercial Flight	19 Dec 16	Sydney to Perth (08:25 - 10:20)	\$2070.21
Commercial Flight - Spouse	19 Dec 16	Sydney to Perth (08:25 - 10:20)	\$2070.21
Hertz Hire Car	19 – 22 Dec 16	Pick up and Drop - Perth Airport	\$313.75
Travelling Allowance	19 – 20 Dec 16	Perth, Hyatt Hotel	\$798.00
Commercial Flight	22 Dec 16	Perth to Sydney (15:15 - 22:25)	\$2070.21
Commercial Flight - Spouse	22 Dec 16	Perth to Sydney (15:15 - 22:25)	\$2070.21
COMCAR	22 Dec 16	Mascot to Drummoyne (22:44 - 22:24)	\$54.90

Senator Leyonhjelm was in Perth for three nights and claimed Travelling Allowance for two nights. IPEA is not aware of the reason Senator Leyonhjelm claimed only two out of a possible three nights of Travelling Allowance.

Senator Leyonhjelm submitted a *Parliamentarians Travel Declaration (Attachment A)* that initially detailed the number of nights to be claimed as '3' which was crossed out and annotated to '2' nights prior to being submitted to Ministerial and Parliamentary Services (M&PS). Two nights of Travelling Allowance was paid to Senator Leyonhjelm at the commercial rate for Perth¹. There were three other errors or omissions on the form:

1. The initial form detailed 'clause 3.14' of *Remuneration Tribunal Determination 2016/08 (Attachment B)* as the purpose of the travel. This required the form to be resubmitted as 'clause 3.14' is for travel within the electorate, or travel within New South Wales as it pertains to Senator Leyonhjelm.
2. The first leg of travel, the flight from Sydney to Perth, has been detailed but not the return leg. The form asks for all legs to be detailed; and

¹ As per Column 3, Schedule A *Remuneration Tribunal Determination 2016/08*.

3. The start date of the claim is 19 December 2016 for two consecutive nights whereas the Hyatt hotel invoice (Attachment C) provided is for accommodation on 20 and 21 December 2016.

The errors, omissions and corrections listed above do not support a concern of misuse or invalidate the Travelling Allowance claim. The first error was remedied, with the form being corrected and resubmitted. The second issue, the omission of the return flight details, are not a breach of any requirement as prescribed by the framework. The third error, the inconsistency between the dates on the receipt and the claim form, is not material to the validity of the form. The Senator's accommodation receipt confirms that the Senator did access two nights of commercial accommodation while in Perth.

It is not unusual nor against the rules for Parliamentarians to not claim Travelling Allowance. The Senator's decision to deliberately omit one night from his claim supports the assessment that the Senator applied an appropriate consideration of the rules and his eligibility to claim Travelling allowance.

The Senator used a hire car, at Commonwealth expense, for four days during this trip to Perth (invoice at Attachment D). The Senator's decision to not claim Travelling Allowance, and the possible indication that some travel was not for a Parliamentary or Electorate purpose, does not support a substantial concern about the purpose and duration of the hire car rental. The Travelling Allowance claim requires that the overnight stay be 'primarily occasioned' by a purpose prescribed by the Determination. The Senator may have had a proper purpose for using the car each day and also determined that the overnight stay for a particular day was not for a purpose allowed by the Determination. These are not mutually exclusive scenarios. Again, the Senator's deliberate omission of one night from his Travelling Allowance claim supports confidence that the rules were being appropriately considered by the Senator.

There is not sufficient reason to cause IPEA to be concerned that the Senator misused work expenses. Senator Leyonhjelm's apparent decision to not claim one night of Travelling Allowance provides assurance that the Senator is considering the appropriateness of his use of work expenses.

Background

Senator's Parliamentary service and party positions

Senator David Leyonhjelm was elected to the Senate for a term beginning 1 July 2014. He was re-elected on 2 July 2016. During the period of the assessed travel, Senator Leyonhjelm served and chaired the *Senate Select Red Tape Committee* from 9 November 2016. Senator Leyonhjelm continues to chair this committee.

Recommended Action

No further action required.

Section 22

Investigator

13 September 2018

Attachments

Attachment A: Parliamentarians Travel Declaration.

Attachment B: *Remuneration Tribunal Determination 2016/08 – Parliamentarians Travelling Allowance.*

Attachment C: Hyatt Hotel invoice.

Attachment D: Hertz rental car invoice.