

Finalisation Report

TO: Ms Petra Gartmann
Branch Manager, Executive Support and Assurance

SUBJECT: Senator Lucy Gichuhi
Senator for South Australia
Assurance Review – Travel Expenses

BACKGROUND:

On 18 June 2018, News Corp Media outlets published an article concerning Senator Lucy Gichuhi and her use of travel expenses (*Attachment A*). On 12 June 2019, Senator Gichuhi wrote to the Independent Parliamentary Expenses Authority seeking a ruling regarding the travel in the media (*Attachment B*). Included in Senator Gichuhi's request was a statement with associated attachments providing evidence of her parliamentary business for each of the journeys undertaken.

LEGISLATIVE FRAMEWORK:

Independent Parliamentary Expenses Authority Act 2017
Parliamentary Entitlements Act 1990
Remuneration Tribunal Determination 2017/13 – Members of Parliament – Entitlements

TRAVEL:

The Audit and Assurance Team undertook a Preliminary Assessment of Senator Gichuhi's use of travel expenses to ensure the effective use of Commonwealth resources in accordance with the *Independent Parliamentary Expenses Authority Act 2017* (the IPEA Act) and the *Parliamentary Entitlements Act 1990* (the PE Act). Senator Gichuhi requested a ruling in accordance with section 37 of the *Parliamentary Business Resources Act 2017* (the PBR Act) however the PBR Act commenced in full on 1 January 2018¹.

A ruling is a written determination whether a parliamentarian has acted in accordance with sections 26 (dominant purpose), 27 (value for money) and 28 (obligation not to make claims or incur expenses in breach of conditions).

The articles in question referenced travel undertaken by Senator Gichuhi in April, August, September and November 2017 which included family travel. The legislation governing the travel in question was the *Parliamentary Entitlements Act 1990* (the PE Act).

Trip One:

IPEA records show that Senator Gichuhi and her husband, ^{Section 47F} [REDACTED] travelled from Adelaide to Sydney on 29 April 2017. On 2 May 2017, Mr Gichuhi returned to Adelaide with Senator Gichuhi travelling to Canberra for parliamentary sittings that same day. On 4 May 2017, Senator Gichuhi then returned to Adelaide.

Senator Gichuhi provided the following evidence (*Senator Gichuhi's statement attached*):

- a. I travelled to Sydney on the 29 April 2017 for electorate business, en route to Canberra for my induction before my first sitting week in Parliament.
- b. I was accompanied by my husband William.

¹ *Parliamentary Business Resources Act 2017* (Cth) pt 1 div 1 s 2.

- c. My travel declaration forms (attachment A) and schedule itinerary (attachment b) accompany this statement.
- d. During the trip I learnt how the Commonwealth Parliamentary Offices operate in Sydney.
- e. Additionally, I took part in meetings with the following individuals and groups:
 - National Gathering Leaders Dinner and meeting the following day at Salvation Army Headquarters (Attachment C).
 - Amazon Australia employment representative.
 - Mike Chibita, Ugandan Director of Public Prosecutions.
 - Executive Pastor of several campuses.
 - Editor Eternity Magazine.
 - Hope United Church.
 - National Leader of conflict resolution organisation.
- f. On Tuesday, 2 May 2017, my husband returned to Adelaide. On the same day, I flew to Canberra.
- g. While in Canberra, I:
 - Received an induction to the Senate conducted by the Black Rod.
 - Received a pass from the Parliamentary Pass Office.
 - Took an official portrait at the Parliamentary Photography Studio.
 - Met with the Clerk of the Senate and Deputy Clerk.
 - Visited the Kenyan High Commissioner.

Trip Two:

IPEA records show that on 14 August 2017, Senator Gichuhi travelled from Adelaide to Sydney. On 18 August 2017, Mr Gichuhi travelled from Adelaide to Sydney. On 21 August 2017, Mr Gichuhi returned to Adelaide. On 23 August 2017, Senator Gichuhi returned to Adelaide.

- a. Monday 14-Thursday 17 August was a Parliamentary sitting week.
- b. On Friday 18 August 2017, I drove (not in a Comcar) from Canberra to Sydney for electorate business.
- c. My travel declaration form (attachment D) accompanies this statement.
- d. I was joined in Sydney by my husband, Section 47F from the 18-21 August 2018.
- e. The sum for the cost of flights, including my husband's and my initial flight to Canberra total \$3,023.29. Full details are outlined in Attachment E.
- f. While in Sydney, I:
 - Appeared for an interview on *Sunrise*.
 - Met with Former PM John Howard.
 - Spoke to National Bank's African Australian Inclusion Program.
 - Was interviewed by the editor of National Eternity magazine editor and discussed regular opinion pieces (which have now materialised).
 - Met with leaders of the organisation National Christian Media and Arts.

Trip Three:

IPEA records show that on 11 September 2017, Senator Gichuhi travelled from Adelaide to Sydney. On 14 September 2017, Senator Gichuhi returned to Adelaide.

- a. I travelled to Sydney on 11 September 2017 to be a panellist on ABC's Q&A (Attachment F). I used taxis and not Comcars.
- b. The following day I drove (not in a Comcar) to Canberra for a Parliamentary sitting week.
- c. My travel declaration form (Attachment G) accompanies this statement.

Trip Four

IPEA records show that on 2 November 2017, Senator Gichuhi travelled from Adelaide to Sydney. On 3 November 2017, Senator Gichuhi returned to Adelaide.

- a. I travelled to Sydney on 2 November 2017 for the 'Q Commons' meeting at NSW State Parliament to address approximately 200 leaders on the theme "healing our divided nation". The event was internationally broadcast to 100 other cities.

- b. My travel declaration form (Attachment H) and invitation providing details of the event accompany this statement (Attachment I).

Trip Five

IPEA records show that Senator Gichuhi and her husband, ^{Section 47F}, travelled from Adelaide to Sydney on 25 November 2017. On 26 November 2017, Mr Gichuhi returned to Adelaide with Senator Gichuhi travelling to Canberra. On 7 December 2017, Mr Gichuhi travelled from Adelaide to Canberra. On 9 December 2017, Senator Gichuhi and her husband returned to Adelaide.

- a. I travelled to Sydney on 25 November 2017 to be a guest speaker at the African Professionals in Australia Gala Dinner. This was attended by Government officials, business executives and senior university academic staff. Details of the event accompany in Attachment J.
- b. I was accompanied by my husband.
- c. On Sunday, 26 November 2018, I drove to Canberra (not in a Comcar) for the parliamentary sitting week.
- d. My travel declaration form (Attachment K) accompanies this statement.

Senator Gichuhi provided the following summary:

The 2017 parliamentary sitting calendar marked with the visits to Sydney and Canberra sitting weeks is Attachment L. Four out of five trips are to or from Canberra. I was able to incorporate many meetings with significant leaders. One of the trips related to a significant internationally broadcast event.

ASSESSMENT:

Senator Gichuhi has provided evidence regarding her aforementioned travel however in one case has failed to address the legislative requirement that the travel was undertaken for parliamentary or electorate business. It is recommended a letter be drafted to Senator Gichuhi specifically referencing that trip and asking if it was parliamentary or electorate business she was undertaking for the purposes of travel.

THE PARLIAMENTARY ENTITLEMENTS ACT:

The PE Act, at the time of the assessed travel, did not provide a definition of 'electorate business' nor 'parliamentary business'. It has been the practice of IPEA to accept a broad view of what constitutes 'electorate business' and 'parliamentary business' as members of parliament engage in a wide range of activities in their business as parliamentarians and in the service of their electorates.

This interpretation and application of the term is supported by the comments of Justice Burns in the matter of *Slipper v Turner (2015) ACTSC*.

...the terms of the Determination, suggests an intention that the term is to be given a broad interpretation, consistent with the significant latitude to act, based on their own judgment that must be given to an elected member of the legislature.

RECOMMENDATION:

It is recommended that you:

1. Note the contents of this report; and
2. Approve the attached letter to Senator Gichuhi.

Section 22

A/Director Audit and Assurance
Executive Support and Assurance

16 July 2019