Document 24

s 22(1) s 22(1)

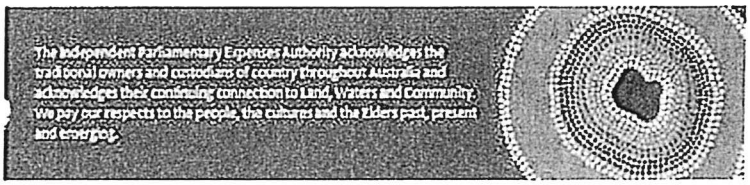
From: s 22(1) on behalf of Pearson, Nicole
Sent: Monday, 1 August 2022 11:35 AM
To: s 22(1)
Subject: FW: UPDATED - FOR CLEARANCE: Mr Andrew Laming MP - Updated draft audit report and draft ruling [SEC=OFFICIAL]
Attachments: DRAFT Final Audit Report - Mr Andrew Laming MP - as at 17 March 2022.docx; Attachment_A_IPEA_Fact_Sheet_-_Statutory_Audit_Function.pdf; Attachment_B_Chronology_of_Engagement.pdf; Attachment_C_Protocol.pdf; Mr Andrew Laming MP - Draft ruling - 17 March 2022.DOCX; s 47F
s 47F W: Response [SEC=OFFICIAL]

Importance: High

SEC=OFFICIAL

Regards
s 22(1)

s 22(1) *Monday—Thursday)*
Executive Assistant to Branch Managers
Transparency Assurance & Legal, Travel Education & Advice,
Corporate Governance & Strategy
Independent Parliamentary Expenses Authority
One Canberra Avenue, FORREST ACT 2603
T: s 22(1)
E: s 22(1) @ipea.gov.au
www.ipea.gov.au



SEC=OFFICIAL

From: s 22(1) @ipea.gov.au>
Sent: Thursday, 17 March 2022 2:28 PM
To: Pearson, Nicole <Nicole.Pearson@IPEA.gov.au>
Cc: s 22(1) @ipea.gov.au>
Subject: UPDATED - FOR CLEARANCE: Mr Andrew Laming MP - Updated draft audit report and draft ruling [SEC=OFFICIAL]
Importance: High

SEC=OFFICIAL

Dear Nicole

FOR CLEARANCE (ahead of Annwyn's views)

*Nicole – now with Mr Laming's response **attached.***

As discussed, I have attached an updated audit report (with all attachments for ease of reference) and a draft ruling. Many thanks to s 22(1) for all his work.

Page 5 of the audit report is the only page that has been updated. Attachment B has been updated to reflect the correspondence between IPEA and Mr Laming about the audit report.

Given the ruling has eventuated as a result of audit findings, it would seem sensible for the ruling document to reference the audit report. The ruling is drafted accordingly.

IPEA has only issued one ruling (attached for your reference) in relation to s 47F. This ruling was not made in response to an audit. However, IPEA did determine that travel expenses were not incurred for the dominant purpose of parliamentary business. Where it was appropriate to be consistent with this earlier ruling, we have done so.

s 22(1) or I are happy to discuss.

Kind regards

s 22(1)

s 22(1)
Director (A/g), Audit and Assurance
Transparency, Assurance and Legal Branch
Independent Parliamentary Expenses Authority
One Canberra Avenue, FORREST ACT 2603
s 22(1) | s 22(1) | s 22(1)

SEC=OFFICIAL

Australian Government

Independent Parliamentary Expenses Authority

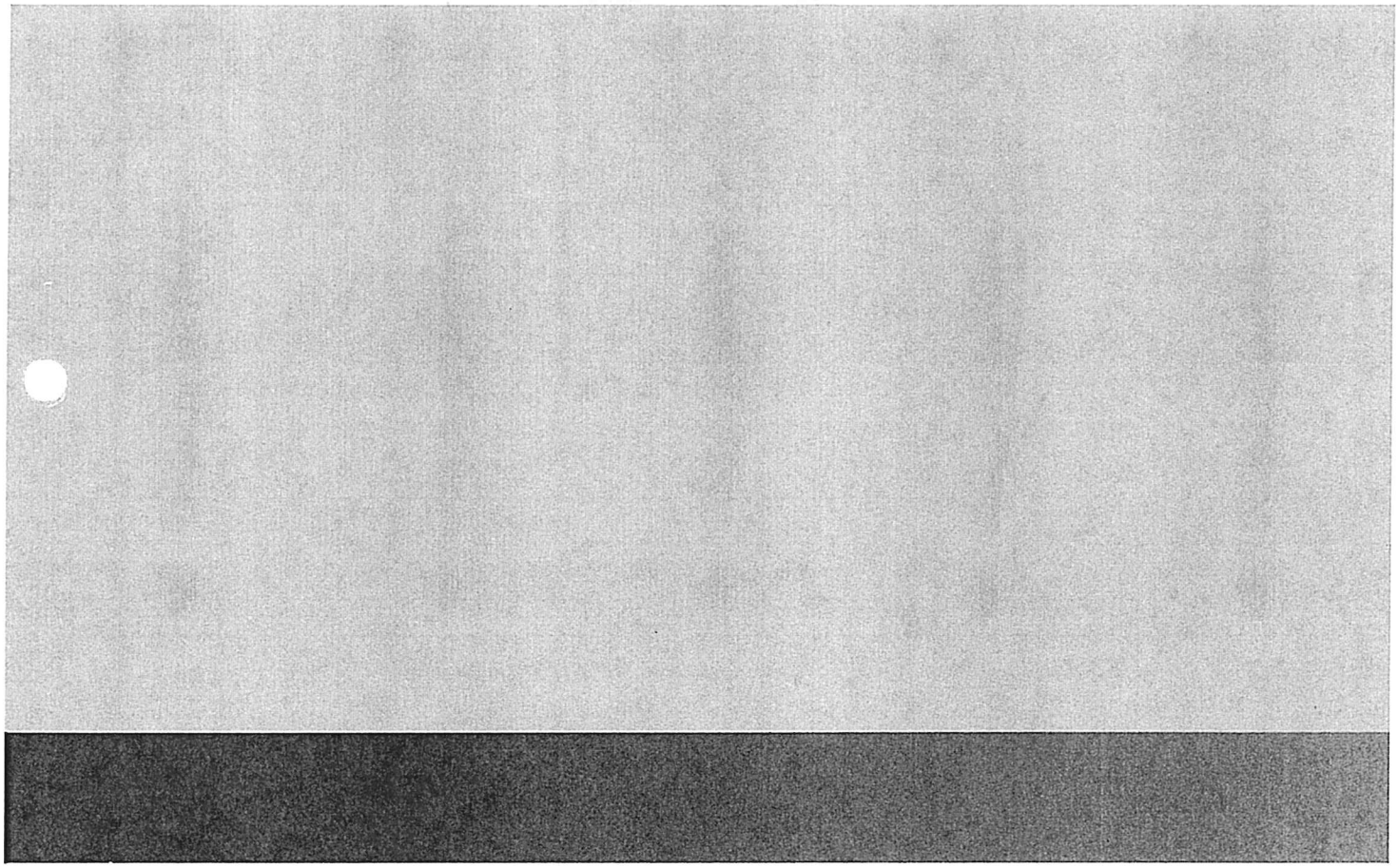
Audit Report

Mr Andrew Laming MP

Member for Bowman

Travel Expenses and Allowances for the period

21 June to 27 June 2019



Contents

Executive summary

1. The Independent Parliamentary Expenses Authority (IPEA) conducted an audit of Commonwealth-funded travel and travel related expenses for Mr Andrew Laming MP.

Scope and Purpose

2. The audit examines expenses incurred by Mr Laming, his spouse and two children, during the period from 21 June 2019 to 27 June 2019. Thirty expense items, totalling $10,991.43 including GST and associated fees were examined. Details of all thirty expense items are at Appendix A, Appendix B and Appendix C.
3. The purpose of the audit is to determine whether the travel and travel-related expenses incurred by Mr Laming and his family during the relevant period are consistent with the relevant legislative provisions. In particular, the audit seeks to establish:
   - whether Mr Laming's travel was for the dominant purpose of parliamentary business; and
   - whether travel by Mr Laming's family was consistent with the meaning of ***family reunion purposes*** as defined in section 6 of the *Parliamentary Business Resources Regulations 2017* (the Regulations).

Engagement with Mr Laming

4. In October 2020 IPEA commenced an Assurance Review into these matters, in accordance with its Statutory Audit Function Factsheet (Attachment A). During the period from 1 April 2021 to 13 October 2021, IPEA engaged with Mr Laming on a number of occasions, seeking information to verify the dominant purpose of the relevant travel. Responses provided by Mr Laming generally lacked the requested detail, were unsupported by evidence and were, at times, inconsistent.

5. As a result, Mr Laming was advised on 5 November 2021 that an audit had commenced. On 8 November and 25 November 2021, IPEA wrote to Mr Laming asking that he provide specific information in relation to the audit. IPEA's request of 25 November 2021 was issued pursuant to its information-gathering powers in subsection 53(2) of the *Independent Parliamentary Expenses Authority Act 2017* (IPEA Act). Mr Laming's two responses, dated 2 December and 6 December 2021, did not provide the information sought. Subsection 53(4) of the IPEA Act sets out the penalty that may be applied where a person is found to have contravened a notice made pursuant to subsection 53(2) of the IPEA Act.

6. This audit therefore makes findings based upon verifiable information available to IPEA, including information obtained from three organisations and one individual using its powers under subsection 53(2) of the IPEA Act.

Audit Findings

7. For the purpose of this audit, Mr Laming's expenses are divided into three segments:

   - Segment one includes expenses incurred for travel between Brisbane and Hobart and within Tasmania between 21 June 2019 and 24 June 2019.
   - Segment two includes expenses incurred for travel between Hobart, Canberra and Brisbane between 24 June 2019 and 25 June 2019.
   - Segment three includes expenses incurred for travel between Brisbane, Melbourne, and return, and within Melbourne between 26 June 2019 and 27 June 2019.

Segment One

8. The audit finds that the dominant purpose of Mr Laming's travel from Brisbane to Hobart on 21 June 2019 was not parliamentary business. The basis of this finding is that the principal reason given by Mr Laming for his travel to Tasmania, to attend and address a conference of medical professionals, was not at the conference organisers' invitation. Organisers were unaware of his intention to attend until shortly before the conference commenced. Further, his documented participation was restricted to the last morning of the conference which had commenced two days earlier and his address to participants took place during the morning tea break. While this activity may satisfy the definition of parliamentary business, it fails the dominant purpose test when examined within the context of Mr Laming's activities, and use of business resources, over a three day period.

9. As a consequence, the audit finds that all associated expenses, including fares for the travel of Mr Laming and his family, hire car and taxi expenses and travel allowance incurred within Tasmania over the period 21 June to 24 June 2019 were not incurred in accordance with the PBR Act. In relation to segment one, recoverable expenses total $2,542.67 including GST and associated fees.

Segment Two

10. The audit finds that expenses incurred by Mr Laming's dependent children in travelling from Hobart to Brisbane on 24 June 2019 were not incurred in accordance with the PBR Act. As the dominant purpose of Mr Laming's travel from Brisbane to Hobart was found not be parliamentary business, the travel of his dependent children did not comply with the meaning of *family reunion purposes* as defined in section 6 of the Regulations.

11. In relation to segment two, recoverable expenses total $1,324.64 including GST and associated fees.

12. The audit finds that expenses incurred by Mr Laming on 24 and 25 June 2019 in relation to travel from Hobart to Canberra and Canberra to Brisbane were for the dominant purpose of parliamentary business.

Segment Three

13. The audit finds that the dominant purpose of Mr Laming's travel from Brisbane to Melbourne on 26 June 2019 was not parliamentary business. The basis of this finding is that Mr Laming has not provided sufficient evidence to establish that he undertook parliamentary business in connection with the horticultural conference he nominated as the principal purpose of his travel from Brisbane to Melbourne and return. Further, to the extent that there is evidence of his attendance at that conference, it was restricted to the concluding hour of the post-conference dinner, the conference having commenced two days earlier.

14. As a consequence, all associated expenses including Mr Laming's return travel, taxi expenses and travel allowance were not incurred in accordance with the PBR Act, with the one exception being a taxi expense for travel between Melbourne airport and Parkville on 26 June 2019.

15. s 47E [redacted]

16. In relation to segment three, recoverable expenses total $4,420.73 including GST and associated fees.

Recovery of Expenses

17. The total value of expense that have been found to be inconsistent with the relevant legislative provisions, inclusive of GST and service fees, is $8,288.04. A 25 per cent loading is payable in relation to those recoverable expenses. This amounts to $2,072.01. The total amount recoverable in relation to the three segments is $10,360.05 including GST and associated fees.

Mr Laming's Response to Draft Audit Report

18. On Thursday 3 March 2022, Mr Laming was provided with a draft copy of this Audit Report. Mr Laming was invited to:
    - correct any factual errors in the Draft Audit Report; and
    - provide any further relevant evidence for consideration in regards to the findings of the Draft Audit Report.

19. Mr Laming provided a response on Wednesday 16 March 2022. He did not provide further evidence for consideration but noted that a loss of 2019 data from his electorate office system had deprived him of written documentation for the period.

20. In relation to his attendance at, and participation in, the combined meeting of the Royal Australian and New Zealand College of Ophthalmologists and Australia and New Zealand Society of Ophthalmic Plastic Surgeons in Hobart, Mr Laming's response contends that IPEA has misrepresented the statements made to IPEA by the conference convenor. He also asserts that he has previously provided IPEA with evidence of his registration as a speaker at the conference. The latter assertion is incorrect, the evidence provided by Mr Laming on 18 May 2021 being a copy of his registration to attend the conference, rather than to speak. The evidence of the conference convenor, as directly quoted in this report, is that he became aware of Mr Laming's plan to attend *"at the last minute"*.

21. In relation to his attendance at the Hort Connections conference in Melbourne on the evening of 26 June 2019, Mr Laming notes that *"Parliamentarians regularly work such hours, particularly when meeting stakeholders and conducting parliamentary business"*. He says that his journey to Melbourne *"for the Hort Connections dinner can have no alternative purpose"*.

22. Having carefully considered Mr Laming's response of 16 March 2022, IPEA concludes that he has not provided information that would alter the findings set out in the Draft Audit Report, in particular that the dominant purpose of Mr Laming's travel from Brisbane to Hobart on 21 June 2019 and from Brisbane to Melbourne and return on 26 June and 27 June 2019 was not parliamentary business.

Ruling

23. These findings represent IPEA's assessment of the dominant purpose of Mr Laming's use of business resources within the scope of the audit. IPEA notes that Mr Laming has consistently asserted that the dominant purpose of his travel to Hobart and to Melbourne was parliamentary business, notwithstanding that his account of his activities has varied throughout the conduct of the Assurance Review and the Audit. As Mr Laming has continued to maintain this position, the recovery of expenses will require that a written ruling be given under the provisions of section 37 of the *Parliamentary Business Resources Act 2017*.

Audit function

IPEA's statutory audit function

24. Subsection 12(1)(i) of the *Independent Parliamentary Expenses Authority Act 2017* (IPEA Act) empowers IPEA to audit parliamentarians' work and travel resources.

25. The authority to undertake an audit has been delegated to the Chief Executive Officer of IPEA. This audit report was prepared under that delegation and in accordance with the IPEA Act.

Responsibilities of members of parliament

26. Certification is an accountability mechanism requiring parliamentarians to certify that their use of parliamentary work expenses, including travel expenses, is consistent with the legislative framework in force at the time. Mr Laming has certified the majority of his Expenditure Reports relating to his parliamentary work expenses since the 2018/2019 financial year including the audit period.

Reporting Period	Certified	Date Certified
1 July to 30 September 2018	No	
1 October to 31 December	No	
1 January to 31 March 2019	No	
1 April to 30 June 2019	Yes	15/08/2019
1 July to 30 September 2019	Yes	28/11/2019
1 October to 31 December	Yes	24/02/2020
1 January to 31 March 2020	Yes	17/06/2020
1 April to 30 June 2020	Yes	19/08/2020
1 July to 30 September 2020	No	
1 October to 31 December	Yes	26/03/2021
1 January to 31 March 2021	Yes	18/05/2021
1 April to 30 June 2021	Yes	24/08/2021
1 July to 30 September 2021	Yes	10/11/2021

27. Parliamentarians have a responsibility to understand the legal framework in which they are operating. Parliamentarians and staff can seek IPEA advice and attend or request information sessions to assist them in this understanding.

Legislative framework

28. IPEA applied the *Parliamentary Business Resources Act 2017* (the PBR Act) and its associated instruments as the relevant legislation for the audit period. The PBR Act is a principles-based framework that requires parliamentarians to ensure expenditure is incurred for the *'dominant purpose'* of conducting parliamentary business and in a manner that represents *'value for money'*. The legislation provides a definition of parliamentary business that includes 'parliamentary duties, electorate duties, party political duties and official duties'.

29. The key instruments relevant to the audit are:
    - *Independent Parliamentary Expenses Authority Act 2017;*
    - *Parliamentary Business Resources Act 2017;*
    - *Parliamentary Business Resources Regulations 2017;*
    - *Parliamentary Business Resources (Parliamentary Business) Determination 2017;*
    - *Remuneration Tribunal (Members of Parliament) Determination 2018.*

30. Parliamentarians are not able to claim public resources, including the work expenses prescribed in the PBR Regulations, unless their travel:
    - is for the dominant purpose of conducting their parliamentary business;
    - represents value for money; and
    - meets the relevant conditions connected to the travel claim or expense.

31. The legislative framework is based upon the recommendations of the 2016 review: *An Independent Parliamentary Entitlement System*. This Review set out principles that should guide parliamentarians' decision making on work expenses. In particular, the Review noted:

    Good faith

    Parliamentarians are to act in good faith in making decisions about whether expenditure is incurred for the dominant purpose of conducting parliamentary business, and represents value for money. In particular, parliamentarians must not seek to disguise as 'parliamentary business' an activity whose dominant purpose is personal or commercial

32. Australia-wide family reunion travel, as provided under section 17 of the PBR Regulations, is a focus of this audit. Section 6 of the PBR Regulations prescribes the meaning of *family reunion purposes* as:

    *A family member of a member travels for **family reunion purposes** if:*
    (a) the member is travelling for the dominant purpose of conducting the member's parliamentary business; and
    (b) the family member travels to accompany or join the member; and
    (c) the travel by the family member is for the dominant purpose of facilitating the family life of the member's family.

Audit methodology

Background

33. Mr Laming was first elected to Parliament as the Member for Bowman on 9 October 2004. He has been re-elected at each subsequent election and remains the Member for Bowman.

34. Since his election, Mr Laming has held the following roles and positions:
    - Member of the Australian National Commission for UNESCO from 2005.
    - Member, Joint Statutory Committee:
        - Public Accounts and Audit
        - Human Rights
        - Australian Commission for Law Enforcement Integrity
    - Member, Joint Standing Committee:
        - Treaties
        - Foreign Affairs, Defence and trade
    - Member, Joint Select Committee:
        - Australia Fund Establishment (Chair from 14.112014 to 25.6.2015)
    - Member, House of Representatives Standing Committee:
        - Communications, Information Technology and the Arts
        - Aboriginal and Torres Strait Islanders Affairs
        - Employment and Workplace Relations
        - Health
        - Indigenous Affairs
        - Health, Aged Care and Sport
        - Economics
        - Social Policy and Legal Affairs
        - Education and Employment (Chair from 13.10.2015 to 9.5.2016)
        - Employment, Education and Training (Chair from 19.10.2016).

35. Mr Laming's electorate office and home base is in Cleveland, Queensland.

36. On 9 June 2020, in accordance with IPEA's Statutory Audit Function Factsheet, IPEA commenced a Preliminary Assessment in relation to travel and travel-related expenses incurred by Mr Laming and his family during the period 21 June 2019 to 29 June 2019, the period surrounding the Hort Connections Conference held at the Melbourne Convention Centre.

37. The Preliminary Assessment found that parliamentary business resources were used by Mr Laming, and his family, during June 2019 in Tasmania, Canberra, Brisbane and Melbourne.

38. On 13 October 2020, the matter progressed to an Assurance Review. For resource management purposes the Assurance Review was scheduled for commencement in March 2021. On 1 April 2021, IPEA first wrote to Mr Laming advising of the Assurance Review and seeking his response to a number of questions about his use of business resources during the relevant period. In the period to 5 November 2021, IPEA exchanged correspondence with Mr Laming on many occasions. IPEA officials also met with Mr Laming in his Parliament House office on 22 June 2021. On two occasions Mr Laming sought, and was granted, extensions to deadlines to respond to IPEA's questions. One of the reasons given by Mr Laming for seeking extensions was

the loss of his email records for a significant part of 2019. A summary of IPEA's interactions with Mr Laming is at Attachment B.

39. During the course of the Assurance Review, Mr Laming provided IPEA with a number of responses to its requests for information, the last of these on 13 October 2021. Mr Laming's responses were generally of limited assistance to IPEA in its attempts to verify the dominant purpose of his use of business resources during the relevant period. His responses lacked the requested detail and were often unsupported by evidence. On some occasions, Mr Laming failed to address specific requests and on others he provided information that was inconsistent with his earlier position on a matter. As a result, it was considered necessary to proceed to an audit, in accordance with IPEA's protocol 'Dealing with Misuse of Parliamentary Work Expenses' (Attachment C). The Members of the Authority agreed that the matter should progress to an audit.

40. On 5 November 2021, IPEA commenced an audit of work expenses and allowances, and the use of family transport costs of Mr Laming for the period 21 June 2019 to 27 June 2019.

Audit criteria

41. The scope of the audit involved examining Mr Laming's use of work expenses and allowances, and the use of family transport costs for the period 21 June to 27 June 2019 to determine consistency with relevant legislative provisions.

42. For the purpose of this audit, 'Travel resources' includes scheduled flights, self-drive hire cars, Cabcharge, other car-with-driver services (i.e. COMCAR) and travel allowance. The travel of Mr Laming and his family over the audit period was sorted into three segments for analysis.

43. IPEA considered the relevant legislative framework and applied the following questions to the travel of Mr Laming and his family:
    - what was Mr Laming's dominant purpose in accessing each expenses?
    - what was the nature of any parliamentary business?
    - has Mr Laming met the relevant conditions attached to the expense?
    - was family travel for *family reunion purposes* within the meaning prescribed?

Method

44. IPEA conducted the audit by examining and assessing:
    - direct communication with, and information provided by, Mr Laming;
    - publicly available material;
    - internal records held by IPEA;
    - records and information held by third parties;
    - travel bookings records maintained by IPEA's external service provider; and
    - information received in response to section 53 notices.

45. IPEA gathered data from its internal and external sources for all of Mr Laming's travel during the audit period. IPEA identified three travel segments that were within scope and required further examination to determine whether they were consistent with the relevant legislative framework. IPEA made further enquiries and sought additional information from Mr Laming in relation to this travel.

46. On 5 November 2021, IPEA wrote to Mr Laming to inform him that an audit of his use of work expenses and allowances had commenced.

47. On 8 November 2021, IPEA wrote to Mr Laming with six questions for his response, due on 22 November 2021.

48. On 9 November 2021, IPEA contacted Mr Laming's office to confirm the email had been received. Mr Laming's staff confirmed that the email had been received and was with Mr Laming.

Section 53 Notice

49. Section 53 of the IPEA Act applies to a person if the Authority has reason to believe that the person has information or a document that is relevant to the performance of a function conferred on the Authority by any of paragraphs 12(1)(e) to (i) of the Act.

50. Section 53(2) of the IPEA Act provides that the Authority may, by written notice given to the person, require the person:

    (a) to give to the Authority, within the period and in the manner and form specified in the notice, any such information; or

    (b) to produce to the Authority, within the period and in the manner specified in the notice, any such documents; or

    (c) to make copies of any such documents and to produce to the Authority, within the period and in the manner specified in the notice, those copies.

51. On 25 November 2021, having received no response to the letter of 8 November 2021, IPEA provided Mr Laming with a notice pursuant to section 53(2). Neither Mr Laming's response of 2 December 2021, nor his subsequent advices of 6 and 13 December 2021, provided the information sought. Of the six questions put to Mr Laming, only two were addressed.

52. Section 53 notice were also provided to the following individuals and accommodation providers:
    - s 47F
    - Amberley House

- Hotel Grand Chancellor, Hobart
- Ibis Budget Melbourne CBD

53. All provided responses to the section 53(2) notice.

Assessment of work expenses

Summary of findings

Segment One

54. Expenses incurred in travel between Brisbane and Hobart and within Tasmania between 21 June 2019 and 24 June 2019.

55. IPEA examined eight expense items accessed by Mr Laming and his family in this segment. Each of the eight expense items was found to be inconsistent with relevant legislative provisions.

Segment Two

56. Expenses incurred in travel between Hobart, Canberra and Brisbane between 24 June 2019 and 25 June 2019.

57. IPEA examined 13 expense items accessed by Mr Laming and his family in this segment. Five of these expense items were found to be inconsistent with relevant legislative provisions.

Segment Three

58. Expenses incurred in travel between Brisbane and Melbourne, and return, and within Melbourne, between 26 June 2019 and 27 June 2019.

59. IPEA examined nine expense items accessed by Mr Laming and his family in this segment. Eight of these expense items were found to be inconsistent with relevant legislative provisions.

Application of audit questions

Segment One

60. The threshold consideration in relation to segment one is whether the dominant purpose of Mr Laming's travel from Brisbane to Hobart on 21 June 2019 was parliamentary business. Another important consideration, because it assists in determining the answer to the first, is whether the dominant purpose of Mr Laming's use of a hire car over the period 21 June to 24 June 2019 was parliamentary business.

Attendance at Conference

61. Mr Laming, his spouse and two dependent children flew from Brisbane to Hobart using business resources on Friday 21 June 2019, arriving at Hobart airport at 12:50 pm. They were accompanied by an adult female.

62. Mr Laming advised that the dominant purpose of his travel was to attend the combined meeting of the Royal Australian and New Zealand College of Ophthalmologists (RANZCO) and the Australia and New Zealand Society of Ophthalmic Plastic Surgeons (ANZSOPS). The combined conferences ran from 8:30am on Friday 21 June to 1:30pm on Sunday 23 June 2019. The extent of Mr Laming's attendance and participation in the conferences has been unclear. His responses throughout the Assurance Review and Audit have varied. He has said *"the key elements of the conference were Saturday, a ticketed Saturday evening reception and Sunday"* inferring that he attended during those times. When asked about his use of a hire car (see below), he responded *"Saturday – Conference/evening event for electorate and parliamentary purpose"*. In his most recent response, on 6 December 2021, he stated *"the RANZCO & ANZSOPS Conference invitation was to address delegates.....not to attend sessions"*, suggesting that his attendance was limited to a portion of the final morning.

63. There is evidence from the conference convenor, s 47E, that Mr Laming spoke to the RANZCO meeting around the morning tea break on Sunday 23 June 2019. s 47E advises that there was no record of any formal invitation for Mr Laming to attend the conference. He said *"We got to know of Mr Laming's plans to attend at the last minute"* and *"We came to know about Mr Laming's plan to attend the conference quite close to the actual meeting and we made a slot for him to speak on Sunday the 23rd of June"*.

64. There is no evidence that Mr Laming attended the conference at any time other than the Sunday morning "slot". In fact, there is evidence to suggest that he was not in Hobart city until late in the second day of the two and a half day conference (see Hire Car and Travel Allowance below). Further, while the conference dinner was underway, commencing at 6:30pm on the evening of Saturday 22 June 2019, Mr Laming used business resources to travel by taxi from Sandy Bay to Glebe, arriving at 8:00pm. Mr Laming advises he can not recall the purpose of this taxi journey, though it is noted that the suburb of Glebe borders on the city and is within a kilometre of the conference venue.

Hire car

65. Mr Laming used business resources to hire a vehicle upon his arrival at Hobart airport early on the afternoon of Friday 21 June 2019. When it was returned on Monday afternoon, the vehicle had travelled 951 kilometres. When asked about his use of the vehicle, Mr Laming initially advised *"we used it for getting around the State"* and *"we did the loop"*. After Mr Laming was advised that if the dominant purpose of the car hire was "travelling around with the family" it

could not be parliamentary business, he reflected and advised that *"the dominant purpose of the Tasmanian hire car from Saturday afternoon, through the Sunday address and to the Monday morning Hobart meet was Parliamentary. The first day of the three-day hire was not predominantly Parliamentary and should be reimbursed."*

66. Mr Laming was advised that it was not possible to apportion costs between personal and parliamentary use. He subsequently repeated his offer to repay part of the cost *saying "I have also agreed the dominant purpose of the first 24 hours was not Parliamentary..."*

67. In a further advice from Mr Laming dated 8 October, he introduced new information. He advised that use of the car was:

    "Saturday; Conference/evening event for electorate and Parliamentary purpose. Central plateau national parks. 600km route (Highland lakes Rd) for electorate purpose

    Sunday: Conference for electorate and Parliamentary purpose

    Sorell/ Port Arthur return. 200km (Arthur Highway) for electorate purpose."

68. Mr Laming advised that the electorate purpose related to inspections of the use of composite fibre technology boardwalk materials in particular Tasmanian locations. This purpose had not been mentioned in any of the previous exchanges with Mr Laming and he has not repeated or supported the contention when invited to do so in the context of this audit. IPEA therefore gives no weight to this version of events. Mr Laming's advice about the destinations visited does, however, raise other questions. It is implausible that Mr Laming departed Hobart on the morning of Saturday 22 June 2019, drove at least 600km through the highlands of Tasmania and returned to Hobart on that day in time to participate in any part of the conference, including the dinner which commenced at 6:30pm.

69. There is reason to believe that Mr Laming's travel on Saturday 22 June 2019 did not commence from Hobart. There is also evidence to suggest that he did not arrive in Hobart city until approximately 7:20pm on that evening (see Travel Allowance below).

Travel Allowance

70. Mr Laming claimed, and was paid, three nights Travel Allowance at the commercial rate for overnight stays in Hobart on 21, 22 and 23 June 2019. The claim was supported by a Wotif booking confirmation. IPEA held doubts about Mr Laming's actual accommodation arrangements because of the understanding that it would not be possible for the family of five to have stayed in a double room at Amberley House, the booked hotel. Mr Laming's responses to questioning on the matter have been vague and evasive. When initially asked to confirm his arrangements he replied *"yes we stayed at Amberley House in Hobart"*. When asked again to confirm his accommodation arrangements on each of the three nights, on the basis that the Wotif booking conformation was for a double room only, he responded *"the two night [sic] claim for the Hobart hotel stay is appropriate. On the first night we purchased a second room closer to the conference because one adult was ill and needed to isolate. On the second night we booked an additional night in the same hotel."*

71. On 8 October 2021, after once again being asked to describe accommodation arrangements for 21, 22 and 23 June 2019, Mr Laming wrote *"Accommodation was at Amberley House in Sandy Bay, paid online June 12, 2019. ..... Due to a family member falling ill, a hotel room at the conference venue was secured to make caring for children easier. This room was not submitted*

for reimbursement. The Tasmania leg was three days, and the three-day claim submitted concurs."

72. Evidence has been obtained from Amberley House and from the Hotel Grand Chancellor (the conference venue). The Amberley House information indicates that the Laming family did not check in until around 7:20pm on Saturday 22 June 2019, the second night of their stay in Tasmania. Records show that after unsuccessfully enquiring about the availability of an additional room at Amberley House on that night, Mr Laming booked a room at the Hotel Grand Chancellor. Hotel Grand Chancellor records show this booking as being made at 7:33pm on Saturday 22 June 2019. He subsequently booked a second room at Amberley House for the night of Sunday 23 June 2019.

73. s 47E [redacted]

Conclusion

74. IPEA has concluded that the dominant purpose of Mr Laming's travel to Hobart on Friday 21 June 2019, and his use of other business resources and allowances in Tasmania over the period from Friday 21 to Monday 24 June 2019, was not parliamentary business.

75. In reaching this conclusion, IPEA has noted:
    - Mr Laming's attendance at the RANZCO and ANZSOPS Conference was not known to the organisers until *"the last minute"*;
    - Organisers *"found a slot"* for Mr Laming to address the meeting around the morning tea break on Sunday 23 June 2019, the last morning of the conference which had commenced two days earlier on Friday 21 June – Mr Laming did not attend the conference until that final morning;
    - The other documented parliamentary business undertaken by Mr Laming, the meeting with Independent Schools Tasmania, was arranged after all other plans were decided, took place for approximately one hour on Monday 24 June 2019, his final morning in Tasmania, and was not, according to Mr Laming, the dominant purpose of his travel;
    - Mr Laming's use of a hire car was predominantly personal, having travelled in the order of 800 kilometres for reasons not related to the Conference or other parliamentary business; and
    - Mr Laming did not stay overnight on Friday 21 June 2019 at Amberley House, as certified on his Travel Allowance claim – the circumstances of his use of the hire car strongly suggest that he stayed at a location other than Hobart and did not arrive in Hobart before approximately 7:00pm on Saturday 22 June 2019.

76. As Mr Laming did not travel for the dominant purpose of parliamentary business, the travel of his spouse and two dependent children from Brisbane to Hobart on Friday 21 June 2019 was not consistent with the meaning of *family reunion purposes*, and was therefore inconsistent with the relevant legislative provisions.

77. In relation to segment one, recoverable expenses total $2,542.67 including GST and associated fees.

Segment Two

78. This segment covers the return to Brisbane of Mr Laming's two dependent children and Mr Laming's use of work expenses while traveling from Hobart to Canberra and Brisbane.

Family reunion travel

79. Mr Laming's dependent children travelled from Hobart to Brisbane, through Melbourne, on Monday 24 June 2019. Mr Laming has advised that they were accompanied by the other adult who had been with the family in Tasmania.

80. In considering whether the travel by Mr Laming's dependent children was consistent with the relative legislative provisions, it is noted that this travel represents the return leg of a Brisbane – Hobart – Brisbane trip. The forward leg of their travel, from Brisbane to Hobart, has been assessed as inconsistent with the meaning of *family reunion purposes* as defined by section 6 of the PBR Regulations because Mr Laming's travel to Hobart was not for the dominant purpose of parliamentary business.

Mr Laming's travel from Hobart to Canberra and Brisbane

81. Mr Laming used business resources to travel from Hobart to Canberra, through Melbourne, on Monday 24 June 2019. He claimed Travel Allowance in Canberra on that night. Mr Laming has provided evidence of his participation in the ANU Crawford Leadership Forum, on the evening of 24 June 2019. He used business resources to travel from Canberra to Brisbane on Tuesday 25 June 2019, arriving home at 9:41am.

82. Mr Laming advises that the purpose of his return to the electorate was *a "mandatory event that was unable to be postponed or rescheduled"*. He has been unable to provide further information or evidence of the nature of his business in the electorate, citing the loss of diary records for a significant part of 2019 as the reason for lack of detail. Mr Laming says he had a *"confidential medical meeting in Redland City with medical practitioners relating to the MBS review task force"*. He also advises that he may have met with *"a senior indigenous representative"* though does not nominate that person.

83. s 47E [redacted]

Conclusion

84. IPEA has concluded that the dominant purpose of Mr Laming's travel from Hobart to Canberra and Brisbane on Monday 24 and Tuesday 25 June 2019 was parliamentary business and that his use of business resources was consistent with relative legislative provisions.

85. IPEA has concluded that the travel of Mr Laming's dependent children from Hobart to Brisbane on Monday 24 June 2019 was not for *family reunion purposes* as prescribed because it was the return leg of travel that had been similarly assessed on the basis that the dominant purpose of Mr Laming's travel to Hobart was not parliamentary business.

86. In relation to segment two, recoverable expenses total $1,324.64 including GST and associated fees.

Segment Three

87. This segment covers Mr Laming's travel from Brisbane to Melbourne and return on Wednesday 26 and Thursday 27 June and the travel of Mr Laming's spouse from Melbourne to Brisbane on 27 June 2019. The two matters to be determined are:

    - what was the dominant purpose of Mr Laming's travel; and
    - was the travel of Mr Laming's spouse consistent with the meaning of *family reunion travel* as defined by legislation.

88. Mr Laming used business resources to travel from Brisbane to Melbourne on Wednesday 26 June 2019, arriving at 6:35pm. He then took two taxi trips using Cabcharge – the first from the airport to Parkville, where he arrived at 7:47pm, and the second from Parkville to Southbank where he arrived at 9:49pm. Southbank is the location of both the Melbourne Convention Centre, where the Hort Connections conference was held, and the Crown Palladium, which hosted the conference pre-dinner drinks and Gala Dinner. IPEA does not have access to data showing the drop-off address at Southbank but assumes it to be the Crown Palladium, as the Hort Connections program had moved to this venue at 7:00pm.

89. In relation to his travel to Melbourne, Mr Laming has advised *"The purpose of the travel was parliamentary business....attending a Horticulture congress relevant to my parliamentary business. Specifically, I was developing a Birkdale food hub proposal in my electorate"* and *"I was invited by a sponsor to attend the Congress to advance the food hub project"*.

90. During the course of the Assurance Review and the Audit, Mr Laming's account of his participation in the Hort Connections conference has changed in response to IPEA's questioning.

91. After being informed that IPEA was aware he had not arrived at the conference until 9:49pm on Wednesday 26 June 2019, Mr Laming advised:
"The parliamentary grounds for travel to Melbourne was to attend the conclusion of the Gala dinner where all relevant stakeholders would be assembled. This was by arrangement with a Queensland sponsor at a time when formal award presentations had concluded that evening".

92. During the 22 June 2021 meeting with IPEA officials, Mr Laming undertook to provide evidence of the Queensland sponsor and the invitation to present at the Gala dinner. He subsequently advised, on 30 June 2021, *"the Queensland sponsor of the Hort Connections event is no longer employed with the organisation nor able to correspond on that matter"*.

93. Mr Laming was further pressed on this matter and, on 8 October 2021, advised: *"A Queensland AusVeg representative provided informal information on when, where and who to meet. This was not a formal invitation from that organisation, because I was attending at their suggestion, rather than on their behalf"*. In the same correspondence, Mr Laming advised: *"The sponsor alluded to previously was a Queensland table sponsor at Hort Connections and AusVeg member who had invested significant time in understanding our proposal and its limitations, examining opportunities across the three days of Hort Connect and identifying relevant entities. Importantly they played no formal role in my attendance nor had any authority to. They played no material role in introductions or negotiations because that was not required. I performed the electorate-related meetings without their assistance, apart from being notified when in the evening meetings could commence. No third party played any role in the authorisation, planning or purpose of this journey, nor managed or arranged the activities at Hort Connections 2019."*

94. Mr Laming's response of 2 December 2021 to IPEA's section 53(2) notice includes a transcript of an email purporting to be from a s 47F a former Growcom CEO and part-time Laming employee, who advises that it was he who suggested Mr Laming's attendance at the Conference. The email notes: *"Mr Laming was not a delegate to the conference but took the opportunity to attend as a visitor. I introduced him to a couple of my table guests at the dinner and he then independently worked the room."*

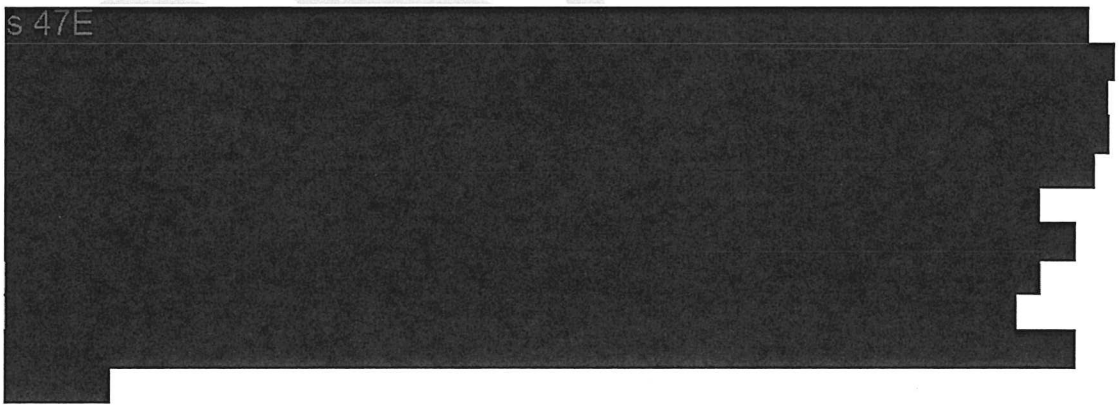
95. Mr Laming has not responded to IPEA's request to provide the names of persons who could confirm that he engaged with them on the evening of 26 June 2019 to advance the electorate food hub project.

96. In assessing whether the dominant purpose of Mr Laming's Brisbane – Melbourne return travel and associated costs was parliamentary business, IPEA notes that the apparent haphazard nature of his attendance arrangements are inconsistent with the importance he says attached to the event.

97. IPEA considers that if Mr Laming understood his attendance at the event to be crucial, he would have made arrangements that were both more certain and more timely. The function at the Crown Palladium was programmed to run from 7:00pm to 11:00pm. To arrive around 10:00pm, with no guarantee that potential stakeholders would still be in attendance or be disposed to engage with him, does not suggest the event held sufficient significance to be categorised as the dominant purpose of the travel.

98. IPEA notes Mr Laming's advice that he attended two meetings in Melbourne upon arrival – the first at the Melbourne University Graduate School of Education (which is located in Parkville) and the second at Arthur Roe and Associates, located nearby. In Mr Laming's words *"These meetings were not the grounds for the journey, but were included once the itinerary was settled to maximise value-for- money"*. IPEA has not been provided with evidence supporting the conduct of these meetings. However, in the absence of any information to the contrary, IPEA accepts Mr Laming's advice.

99. s 47E



Conclusion

100. IPEA has concluded that the dominant purpose of Mr Laming's travel from Brisbane to Melbourne and return on Wednesday 26 and Thursday 27 June 2019 was not parliamentary business.

101. As Mr Laming did not travel for the dominant purpose of parliamentary business, the travel of his spouse from Melbourne to Hobart on Thursday 27 June 2019 was not consistent with the

102. In relation to segment three, recoverable expenses total $4,420.73 including GST and associated fees.

Appendix A – Segment One

Work Expense	Departure Location	Departure Date	Departure Time	Arrival Location	Arrival Date	Arrival Time	Amount (GST excl.)	GST	Cabcharge Service Fee	Amount (GST incl. + Cabcharge Service
Cabcharge	Ormiston	21/06/2019		Brisbane Airport	21/06/2019	9:16 AM	$85.95	$8.60	$4.73	$99.28
Travel Provider - Andrew Laming	Brisbane	21/06/2019	10:00AM	Hobart	21/06/2019	12:50PM	$218.71	$21.87		$240.58
Travel Provider - Mrs Laming	Brisbane	21/06/2019	10:00AM	Hobart	21/06/2019	12:50PM	$218.71	$21.87		$240.58
Travel Provider – Dependent child	Brisbane	21/06/2019	10:00AM	Hobart	21/06/2019	12:50PM	$218.71	$21.87		$240.58
Travel Provider – Dependent child	Brisbane	21/06/2019	10:00AM	Hobart	21/06/2019	12:50PM	$218.71	$21.87		$240.58
Travel Provider Avis Rent a Car	Hobart	21/06/2019	12:50 PM	Hobart	24/06/2019	2:05PM	$362.79	$36.28		$399.07
Parliamentarians Travel Allowance – Parliamentary Duties Three nights – Commercial Rate				Hobart	21/06/2019		$1,071.00			$1,071.00
Cabcharge	Sandy Bay	22/06/2019		Glebe	22/06/2019	8:00PM	$9.09	$0.91	$1.00	$11.00

Appendix B – Segment Two

Work Expense	Departure Location	Departure Date	Departure Time	Arrival Location	Arrival Date	Arrival Time	Amount (GST excl.)	GST	Cabcharge Service Fee	Amount (GST incl. + Cabcharge Service
Travel Provider – Andrew Laming	Hobart	24/06/2019	2:05PM	Melbourne	24/06/2019	3:20PM	$1,277.27	$127.73		$1,405.00
Travel Provider – Andrew Laming	Melbourne	24/06/2019	4:20PM	Canberra	24/06/2019	5:25PM	-	-		-
Parliamentarians Travel Allowance – Parliamentary Duties One night – Canberra Rate				Canberra	24/06/2019		$288.00			$288.00
COMCAR	Pialligo	24/06/2019	5:44PM	Acton	24/06/2019	6:32PM	$110.04			$110.04
COMCAR	Canberra	24/06/2019	10:55PM	Capital Hill	24/06/2019	11:02PM	$58.80			$58.80
Travel Provider – Dependent child	Hobart	24/06/2019	2:05PM	Melbourne	24/06/2019	3:20PM	$440.52	$44.05		$484.57
Travel Provider – Dependent child	Melbourne	24/06/2019	4:10PM	Brisbane	24/06/2019	6:20PM	-	-	-	-
Travel Provider – Dependent child	Hobart	24/06/2019	2:05PM	Melbourne	24/06/2019	3:20PM	$680.42	$68.04		$748.46
Travel Provider – Dependent child	Melbourne	24/06/2019	4:10PM	Brisbane	24/06/2019	6:20PM	-	-	-	-
Cabcharge	Brisbane Airport	24/06/2019		Ormiston	24/06/2019	7:26PM	$79.32	$7.93	$4.36	$91.61
COMCAR	Capital Hill	25/06/2019	6:15AM	Pialligo	25/06/2019	6:24AM	$58.80			$58.80
Travel Provider – Andrew Laming	Canberra	25/06/2019	7:20AM	Brisbane	25/06/2019	9:00AM	$582.59	$58.26		$640.85
COMCAR	Brisbane Airport	25/06/2019	8:51AM	Ormiston	25/06/2019	9:41AM	$58.80			$58.80

Appendix C – Segment Three

Work Expense	Departure Location	Departure Date	Departure Time	Arrival Location	Arrival Date	Arrival Time	Amount (GST excl.)	GST	Cabcharge Service Fee	Amount (GST incl. + Cabcharge Service
Cabcharge	Ascot	26/06/2019		Brisbane Airport	26/06/2019	3:40PM	$26.82	$2.68	$1.48	$30.98
Travel Provider – Andrew Laming	Brisbane	26/06/2019	4:10PM	Melbourne	26/06/2019	6:35PM	$1,178.91	$117.89		$1,296.80
Cabcharge	Melbourne Airport	26/06/2019		Parkville	26/06/2019	7:27PM	$71.95	$7.20	$3.95	$83.10
Cabcharge	Parkville	26/06/2019		Southbank	26/06/2019	9:49PM	$16.27	$1.63	$0.89	$18.79
Parliamentarians Travel Allowance – Parliamentary Duties One night – Commercial Rate				Melbourne	26/06/2019		$389.00			$389.00
Cabcharge	City	27/06/2019		Bentleigh	27/06/2019	12:10AM	$51.45	$5.15		$59.43
Travel Provider – Andrew Laming	Melbourne	27/06/2019	10:10AM	Brisbane	27/06/2019	12:20PM	$1,178.91	$117.89		$1,296.80
Travel Provider – Mrs Laming	Melbourne	27/06/2019	10:10AM	Brisbane	27/06/2019	12:20PM	$1,178.91	$117.89		$1,296.80
Cabcharge	Brisbane Airport	27/06/2019		Ascot	27/06/2019	1:03PM	$27.82	$2.78		$32.13
Cabcharge	Alexandra Hills	27/06/2019		Ormiston	27/06/2019	2:11PM	$20.45	$2.05	$1.13	$23.63
Cabcharge Repayment*							-$20.45	-$2.05	-$1.13	-$23.63

*IPEA notes that Mr Laming requested to repay the above cabcharge as a result of an IPEA post payment check.

Australian Government
Independent Parliamentary Expenses Authority

FACT SHEET – STATUTORY AUDIT FUNCTION

October 2020

IPEA audits parliamentarians' work expenses and the travel expenses of their staff under section 12 of the *Independent Parliamentary Expenses Authority Act 2017* (IPEA Act). IPEA may make a ruling in relation to travel expenses and allowances under section 37 of the *Parliamentary Business Resources Act 2017* (PBR Act).

Preliminary Assessment

A Preliminary Assessment is generally confidential and establishes if further review is necessary.

A Preliminary Assessment is conducted where use of work expense(s) (for example, identified through direct contact, third party reporting or media) indicates a matter requires review.

Preliminary Assessments review information held or accessible by IPEA to determine the threshold question of:

- Has a parliamentary business resource been used?

If the answer is YES, an Assurance Review follows.

Potential pathways:

1. No further action
2. Referral to more appropriate agency
3. Assurance Review

Assurance Review

An Assurance Review determines if there has been a misuse of a parliamentary business resource.

IPEA assesses the use of the parliamentary business resource against the legislative framework to determine:

- Was there misuse?

If the answer is YES, IPEA considers if an Audit, referral or administrative action is appropriate.

An Audit is considered when:

- There is evidence for, or allegations of, systemic or substantial misuse
- IPEA's statutory information-gathering powers may be required to obtain all the required information
- There may be an educative benefit in publishing IPEA's findings.

Referral to the AFP is considered when there is evidence of serious fraud or other criminal conduct.

Potential pathways:

1. No further action
2. Administrative remedial action, including penalty
3. An IPEA initiated Ruling or Audit
4. Referral to the AFP

Audit

An Audit may commence for two main reasons:

1. As the outcome of an Assurance Review
2. As a systematic and comprehensive examination of the use of a specific category of a parliamentary business resource against the legislative framework, potentially by all parliamentarians and/or MOP(S) Act employees.

Where an Audit results from an Assurance Review, the Macquarie Dictionary definitions of these terms are considered:

- Substantial: "of ample or considerable amount, quantity, size etc."
- Systemic: "affecting an organisation, network … etc as a whole"

Where an educational purpose or benefit is identified, part or all of the Audit may be published. The decision to publish is made on a case-by-case basis.

Potential pathways:

1. No further action
2. Administrative remedial action, including penalty
3. An IPEA initiated Ruling or Audit
4. Referral to the AFP

Post-Payment Checks

Post-Payment Checks are ongoing systematic testing of expense use through regular sampling of transactions. This covers a range of expenses such as:

- business class travel
- short term self-drive hire cars
- accommodation receipts
- desirable destinations
- accompanying family
- travel adjacent to public/school holidays.

Referring to the Australian Federal Police

IPEA may refer a matter to the AFP at any point during the Assessment, Review or Audit process, where compelling prima facie evidence of fraud or other criminal conduct is identified.

Making a Ruling

Rulings are made and finalised by the Members, including where they are, requested by a parliamentarian, recommended by an Assurance Review or Audit.

Website: ipea.gov.au Phone: (02) 6215 3000 Email: enquiries@ipea.gov.au

INDEPENDENT PARLIAMENTARY EXPENSES AUTHORITY

TRAVEL EXPENSES AND ALLOWANCES OF MR ANDREW LAMING MP – 21 JUNE TO 27 JUNE 2019

Chronology of Engagement

Date	Engagement
1 April 2021	IPEA to Mr Laming advising of Assurance Review, with a response due by COB 7 May 2021.
6 May 2021	Mr Laming to IPEA seeking extension to the response date.
18 May 2021	Mr Laming to IPEA responding to request of 1 April 2021.
8 June 2021	IPEA to Mr Laming requesting meeting on 22 June 2021.
10 June 2021	IPEA to Mr Laming outlining matters to be discussed at the meeting.
11 June 2021	Mr Laming to IPEA responding to request of 10 June 2021.
16 June 2021	IPEA to Mr Laming confirming meeting time and location.
22 June 2021	IPEA met with Mr Laming.
29 June 2021	IPEA to Mr Laming to confirm the matters discussed in the meeting and outline the additional information Mr Laming indicated he would provide.
30 June 2021	Mr Laming to IPEA responding to request of 29 June 2021.
3 August 2021	IPEA to Mr Laming requesting additional information, with a response due by 13 August 2021.
3 August 2021	Mr Laming to IPEA responding to request of 3 August 2021 (three separate responses).
16 August 2021	Mr Laming to IPEA responding to request of 3 August 2021 (fourth response).
31 August 2021	IPEA to Mr Laming requesting additional information, with a response due by 13 September 2021. It was subsequently found that as a result of technical issues Mr Laming did not receive this correspondence.
14 September 2021	Mr Laming to IPEA advising correspondence not received.
16 September 2021	IPEA to Mr Laming sending a hard copy of request of 31 August. Contents of 31 August letter also emailed to Mr Laming.
17 September 2021	Mr Laming to IPEA requesting copies of information previously provided to IPEA and advising that a response would be ready the following week.
21 September 2021	Mr Laming to IPEA confirming receipt of request of 31 August 2021. Issues with email correspondence rectified.
27 September 2021	Mr Laming to IPEA requesting extension to the response date.
6 October 2021	Mr Laming to IPEA requesting further extension to the response date.
6 October 2021	IPEA to Mr Laming agreeing to a response date of 8 October 2021.
7 October 2021	Mr Laming to IPEA advising that he would provide a response by COB 11 October 2021.
8 October 2021	Mr Laming to IPEA responding to request of 31 August 2021.
13 October 2021	Mr Laming to IPEA providing further information.
5 November 2021	IPEA to Mr Laming informing him of commencement of audit.
8 November 2021	IPEA to Mr Laming with questions in relation to the audit, with a response due by 22 November 2021.
9 November 2021	IPEA to Mr Laming confirming receipt of the email.
25 November 2021	IPEA to Mr Laming seeking information under section 53 of the IPEA Act.
25 November 2021	Mr Laming to IPEA acknowledging the reminder.
25 November 2021	IPEA to Mr Laming to advise that the section 53 notice supersedes the previous request.
2 December 2021	Mr Laming to IPEA responding to request of 25 November 2021.

INDEPENDENT PARLIAMENTARY EXPENSES AUTHORITY

TRAVEL EXPENSES AND ALLOWANCES OF MR ANDREW LAMING MP – 21 JUNE TO 27 JUNE 2019

6 December 2021	IPEA to Mr Laming noting that he had not properly responded to the request of 25 November 2021 and requesting he provide this by 9 December 2021.
6 December 2021	Mr Laming to IPEA confirming information previously provided.
8 December 2021	IPEA to Mr Laming seeking confirmation that the responses of 2 December and 6 December 2021 were his personal responses.
13 December 2021	Mr Laming to IPEA confirming that all correspondence had been authorised by him

Australian Government
Independent Parliamentary
Expenses Authority

Protocol—Dealing with Allegations of Misuse of Parliamentary Work Expenses

The Independent Parliamentary Expenses Authority (IPEA) was established to provide greater accountability and transparency of the Parliamentary Work Expenses Framework (the Framework). IPEA provides assurance that parliamentarians' work resources and *Members of Parliament (Staff) Act 1984* (MOP(S) Act) employees' travel resources are spent in compliance with the Framework.

IPEA deals with possible misuse of work or travel resources at arm's length from Government. The *Independent Parliamentary Expenses Authority Act 2017* (IPEA Act) provides legislative powers for the auditing and reporting of parliamentarians' work and travel resources and MOP(S) Act travel resources.

When IPEA becomes aware of information that indicates possible non-compliance with the Framework, IPEA may conduct a preliminary assessment. The assessment scrutinises the use of the work or travel resource and determines if a parliamentary business resource has been used.

Possible misuse

In the event of possible misuse, IPEA decides whether to undertake an assurance review or audit of the matter. IPEA does not undertake assurance reviews or audits at the request of parliamentarians or MOP(S) Act employees.

- Under the IPEA Act, IPEA may audit any parliamentarian's work or travel resource or MOP(S) Act travel resource as it considers appropriate.
- IPEA may conduct an assurance review where a preliminary assessment indicates that a Commonwealth resource was used for a parliamentarian's work expense or MOP(S) Act employee's travel expense.
- IPEA may conduct an audit where there are allegations of systemic or substantial misuse of work expenses or where there is an educative benefit.
- An audit may also be a systematic and comprehensive examination of the use by all parliamentarians and/or MOP(S) Act employees of a specific category of work expense.
- The Members of the Authority or the Chief Executive Officer may issue a notice requiring a person to provide information that is relevant to an audit by IPEA, as provided for under Part 5 of the IPEA Act. Criminal penalties apply for failure to comply with a notice, or for providing false or misleading information.
- In the event of an audit, the parliamentarian or MOP(S) Act employee is accorded procedural fairness to provide comment on any findings.

Members of the Authority decide whether a matter is referred to the Australian Federal Police (AFP)

- The Minister responsible for the AFP and the Minister responsible for the Framework are notified of a referral to the AFP.

Publication of audits

- Members of the Authority decide whether, or not, to publish their decision(s).

As approved by the Members of the Authority: October 2020

Australian Government

Independent Parliamentary Expenses Authority

Ruling 01/2022 - Section 37 of the *Parliamentary Business Resources Act 2017*

Ruling

The Independent Parliamentary Expenses Authority (IPEA) determines that the travel expenses incurred by Mr Andrew Laming MP:

- for travel between Brisbane and Hobart and within Tasmania between 21 June 2019 and 24 June 2019; and
- for travel between Brisbane and Melbourne and return on 26 June 2019 and 27 June 2019

were not incurred for the dominant purpose of conducting his parliamentary business and that his use of public resources contravened section 26 of the *Parliamentary Business Resources Act 2017* (PBR Act).

Background

On 5 November 2021, IPEA commenced an audit of work expenses and allowances, and the use of family travel costs of Mr Laming for the period 21 June 2019 to 27 June 2019 (Audit report of X date). For the purpose of the audit, Mr Laming's expenses over this period were divided into three segments:

- expenses incurred for travel between Brisbane and Hobart and within Tasmania between 21 June 2019 and 24 June 2019.
- expenses incurred for travel between Hobart, Canberra and Brisbane between 24 June 2019 and 25 June 2019.
- expenses incurred for travel between Brisbane, Melbourne, and return, and within Melbourne between 26 June 2019 and 27 June 2019.

The threshold consideration in relation to each segment was whether the dominant purpose of Mr Laming's travel was parliamentary business. This is a key determinant in assessing whether associated family travel is consistent with the provisions of the legislative framework.

Assessment

An assessment of all work expenses within scope of the audit is set out in the attached audit report. This assessment was based on:

- direct communication with, and information provided by Mr Laming;
- publicly available material;
- internal records held by IPEA;
- records and information held by third parties;
- travel bookings records maintained by IPEA's external service provider; and
- information received in response to notices under section 53 of the *Independent Parliamentary Authority Act 2017*.

From: s 22(1)
To: s 22(1) Assurance; s 22(1)
Subject: FW: Response [SEC=OFFICIAL]
Date: Wednesday, 16 March 2022 1:23:38 PM
Attachments: image001.gif

SEC=OFFICIAL

Kind regards

Nicole Pearson
Branch Manager, Transparency, Assurance and Legal
Independent Parliamentary Expenses Authority
One Canberra Avenue, FORREST ACT 2603
T: s 22(1)
M: s 22(1)
E: nicole.pearson@ipea.gov.au
W: www.ipea.gov.au & www.ipea.gov.au/ed

SEC=OFFICIAL

From: Laming, Andrew (MP) <Andrew.Laming.MP@aph.gov.au>
Sent: Wednesday, 16 March 2022 1:05 PM
To: Pearson, Nicole <Nicole.Pearson@IPEA.gov.au>
Cc: s 47F
Subject: Response

Dear IPEA,

The assurance process confirmed my Parliamentary activity in both Hobart and Melbourne legs. The Audit of three hotel check-in times disputes no part of my account.
On that basis I continue to publicly justify this entire 2019 journey as benefiting my constituents; namely regional and eye health, boardwalk construction and a food hub on Commonwealth land in Birkdale.
The loss of the 2019 EO-share folder deprived my office of written documentation from this period. This loss pre-dates this process and was beyond our control.

HOBART
All parts of the Tasmania leg involved a form of parliamentary business with the address to RANZCO dominant.
s 47F statements are misrepresented. Evidence of conference speaker registration, Saturday dinner registration, accommodation bookings and flights confirm pre-planning as early as June 12.
As a result of family member illness, multiple commercial accommodation bookings were made in Hobart. My office submitted the initial 3-day booking for simplicity and this accommodation was used. These last minute changes came at no cost to the

Commonwealth.

MELBOURNE

The overnight Melbourne journey for the Hort Connections dinner can have no alternative purpose. We reject any assertion that the latter half of a gala dinner is not 'sufficiently parliamentary.' Parliamentarians regularly work such hours, particularly when meeting stakeholders and conducting parliamentary business. The Growcom CEO was statement not 'purported.'

I remain open to a sensible resolution of two taxi fares as agreed last year.

Kind regards,

Andrew Laming