

Independent Parliamentary Expenses Authority (IPEA)

Audit Report and Ruling 01/2022 - dated 24 March 2022

Mr Andrew Laming (former MP, Member for Bowman)

Travel Expenses and Allowances for the period 21 June to 27 June 2019

Assessor - Michael Frost, Branch Manager (SES Band 1), Corporate, Governance and Strategy.

Decision

I have concluded that the Audit Report and Ruling 01/2022 did not ignore, omit or dismiss information, as indicated by Mr Andrew Laming in his email to IPEA of 8 July 2022. As such, it is my assessment that the information provided by Mr Laming does not change the outcome or findings of the Audit Report or Ruling.

Assessment

On 13 July 2022, the CEO of IPEA requested an Independent Assessment be conducted on the above listed Audit Report and Ruling. This request was made following correspondence to IPEA from Mr Andrew Laming, former Federal Member for Bowman of 8 July 2022.

As part of the Independent Assessment I am required to determine whether Section 37, (5a) of the *Parliamentary Business Resources Act 2017* has been met.

The *Parliamentary Business Resources Act 2017* Section 37 provides;

Effect of ruling

- (4) A ruling given in relation to a member is, subject to subsection (5), conclusive evidence of the matters stated in the ruling.*
- (5) A ruling given in relation to conduct engaged in by a member or any other person ceases to be conclusive evidence of the matters stated in the ruling to the extent that:
 - (a) the contrary is established by the member**

Background

IPEA was established in April 2017. Under its legislation IPEA administers travel related work expenses and conducts assurance and audit functions related to those expenses. IPEA responds to potential misuse of parliamentary work expenses in accordance with its Statutory Audit Function and Protocol 'Dealing with misuse of parliamentary work expenses'. Both are available at the IPEA website www.ipea.gov.au.

The Audit Report relates to travel related work expenses incurred under the *Parliamentary Business Resources Act 2017* (PBR Act) framework. The PBR Act provides a principles based approach for parliamentarians to incur travel related expenses, for the dominant purpose of parliamentary business.

Summary

In 2020, IPEA undertook routine checking of travel related transactional data for a range of parliamentarians. Following these checks, IPEA conducted a preliminary assessment of travel undertaken by Mr Laming, for the period 21-27 June 2019.

In accordance with IPEA's protocol for dealing with misuse of parliamentary work expenses, an assurance review and audit was conducted for all travel expenses incurred by Mr Laming for this period. The assurance review and audit related to travel undertaken by Mr Laming and his family between Brisbane, Melbourne, and Hobart return.

Further details regarding the Commonwealth funded travel undertaken by Mr Laming and his family during the period 21 June 2019 and 27 June 2019 can be found in the Audit Report. Mr Laming has not disputed the detail of the actual travel undertaken by himself or his family during this period.

As such, in making my assessment, details of the travel are not in dispute.

The review focuses specifically on the claims made in Mr Laming's most recent email correspondence of 8 July 2022 and how those claims relate to the Audit Report and Ruling.

On balance when assessing the travel details and itinerary for Mr Laming and his family during the period 21 and 27 June 2019, it is my view that Mr Laming's account of his invitation to events or attendance at events, and the actual documented activity undertaken by Mr Laming is inconsistent.

IPEA provided extensive correspondence to Mr Laming seeking to obtain clarification of events or additional information in relation to his travel and activities as part of the audit. I am of the opinion that, consistent with the Audit Report and Ruling, Mr Laming has not met his obligations under the *Parliamentary Business Resources Act 2017*.

Recent Correspondence

The email from Mr Laming to IPEA on 8 July 2022 states as a *'this represents a final opportunity to rectify clear and deliberate Audit omissions that led to the fabrication of an adverse decision in the 2019 Hobart/Melbourne travel matter.'*

The email further states that IPEA conduct included the 'removal of the following relevant factual material from assessment':

- June 12, 2019 non-refundable accommodation bookings indicating satisfactory pre-planning of the Parliamentary address to the Hobart Congress- in IPEA removed from final Audit.

- June 12 flights to *attend* the conference- - in IPEA possession via FCM, omitted from final Audit.
- June 12 registration to the conference- - in IPEA possession, omitted from final Audit.
- June 12 registration for the Saturday evening event- - in IPEA possession, and confirmed with a single phone call to Conference Partners.
- Mr Laming also states in his email that s 47F (an organiser of the conference in Hobart that forms part of the Audit Report) indicated to him that 'SMS communications with him arranging the Parliamentary address were not obtained by IPEA as part of their information gathering powers because IPEA did not ask for SMS details'.

Response

(a) Based on the information at hand, there is no evidence that IPEA deliberately omitted information from the Audit or Ruling as referenced by Mr Laming.

(b) At numerous stages throughout the process, Mr Laming had ample opportunity to provide additional information regarding the full details of the conference attendance and associated travel arrangements.

(c) In regards to 'text or SMS' messages between Mr Laming and s 47F, I am of the view that the request for information by IPEA using their 'information gathering powers' included any and all information available to s 47F regarding this matter.

(d) The additional information listed by Mr Laming relates to *planning* documentation and information rather than the details of the *actual activity* undertaken. As such, the information provided does not change the outcome of the audit.

Conclusion

It is my view, after analysing all of the available documentation, that the Audit was undertaken consistent with the relevant legislation mandated to IPEA. This includes extensive correspondence and liaison with Mr Laming and stakeholders across the period of the audit.

In his email dated 8 July 2022, Mr Laming contends planning and discussion of 12 June 2019 provides confirmatory evidence to satisfy the definition of '*dominant purpose of parliamentary business*' for the travel undertaken in the period. In considering and weighing up the information before me, the information referenced by Mr Laming has not materially influenced or changed the outcome of the Audit or Ruling.

Further, in my view, IPEA took all available information into account and did not take into account any irrelevant considerations. My final assessment is consistent with the findings of the Audit Report and the Ruling made by the Members of the Authority (Ruling 01/2022) under Section 37 of the PBR Act.

Michael Frost
Branch Manager, Corporate, Governance and Strategy
Independent Parliamentary Expenses Authority

SEC=OFFICIAL

From: Andrew Laming **s 47F**
Sent: Thursday, 14 July 2022 10:53 AM
To: Godwin, Annwyn <Annwyn.Godwin@ipea.gov.au>
Cc: **s 47F**
Subject: CEO correspondence

This is important correspondence, and I urge you to review your decision to ignore communication regarding this matter.

Third-party **s 47F** has now confirmed that the basis of my 2019 Hobart conference address arrangements was inadvertently not provided to IPEA Audit because, 'I don't think they requested the sms details.' These fourteen exchanges comprised the entirety of the hard copy material. They demonstrate that I addressed the Conference 'as his guest,' negotiated timings and discussed content.

- ote IPEA also omitted from audit any inconvenient material that might be inconsistent with their adverse finding.
- ✓ - Conference registration with Conference Partners June 12,
 - ✓ - Dinner event booking and subsequent refund on June 24 because I was attending 'as **s 47F** guest.'
 - ✓ - Travel bookings- flights BNE to HOB and LST to MEL, re-routed HOB to MEL due to Parliamentary meeting rescheduled from Friday 21 June to Monday 24 June.
 - Accommodation (non-refundable) bookings, with additional bookings required due to illness and size of party which had no net impact on cost to the Commonwealth.

I now draw your attention to the relevant part of the Act.

Effect of ruling

- (5) A ruling given in relation to conduct engaged in by a member or any other person ceases to be conclusive evidence of the matters stated in the ruling to the extent that:
- (a) the *contrary is established by the member*; or (see the ignored March 16 and 23 correspondence)
 - (b) the Chief Executive Officer of IPEA establishes, on behalf of the Commonwealth, that the ruling was given on the basis of information (from RANZCO) that was *false or misleading* **s 47F** (RANZCO provided information they neither intended nor knew was misleading).

I reject the findings below, given the information forming the basis of the decision is now conclusively exposed as incomplete.

58. There is evidence from the conference convenor, **s 47F** that Mr Laming spoke to the RANZCO meeting around the morning tea break on Sunday 23 June 2019. **s 47F** 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".

s 47F is copied into this communication, should any element of it be contrary to his recollection.

Be careful with this message

External email. Do not click links or open attachments unless you recognise the sender and know the content is safe.

s 22(1)

From: Pearson, Nicole
Sent: Thursday, 14 July 2022 1:21 PM
To: Thomas, Sian
Subject: FW: CEO correspondence [SEC=OFFICIAL]

SEC=OFFICIAL

Please discuss

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: Godwin, Annwyn <Annwyn.Godwin@ipea.gov.au>
Sent: Thursday, 14 July 2022 12:34 PM
To: Pearson, Nicole <Nicole.Pearson@IPEA.gov.au>
Cc: Frost, Michael <Michael.Frost@ipea.gov.au>
Subject: FW: CEO correspondence [SEC=OFFICIAL]

SEC=OFFICIAL

Dear Nicole

Please confirm that the dot point information forwarded by Mr Laming is included in his previous correspondence for consideration by the independent assessor. If not, please arrange for relevant material to be provided to Mr Frost.

Regards, Annwyn

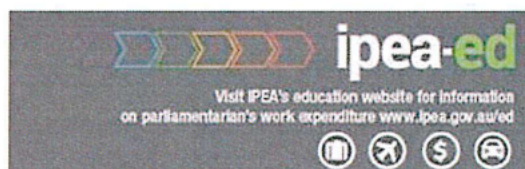
Annwyn Godwin

Chief Executive Officer
Independent Parliamentary Expenses Authority
One Canberra Avenue, Forrest ACT 2603

T: s 22(1)

E: annwyn.godwin@ipea.gov.au

W: www.ipea.gov.au



The Independent Parliamentary Expenses Authority acknowledges the traditional owners and custodians of country throughout Australia and acknowledges their continuing connection to Land, Waters and Community. We pay our respects to the people, the cultures and the Elders past, present and emerging.



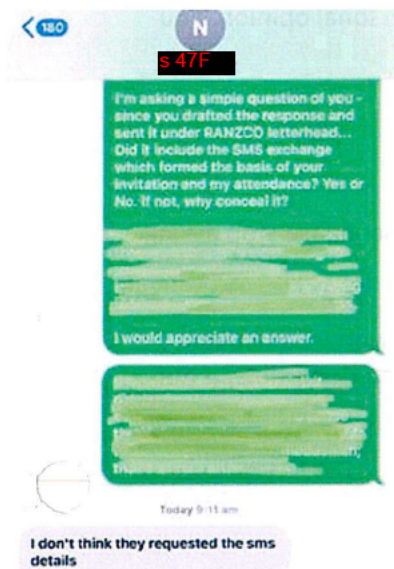
From: Andrew Laming [s 47F](#)
Sent: Friday, 8 July 2022 4:41 AM
To: Godwin, Annwyn <Annwyn.Godwin@ipea.gov.au>
Cc: [s 47F](#)
Subject: Audit in tatters

This represents a final opportunity to rectify clear and deliberate Audit omissions that led to the fabrication of an adverse decision in the 2019 Hobart/Melbourne travel matter.

Thanks to IPEA failing to redact [s 22\(1\)](#) name from the FOI material, it is evident his conduct included removal of the following relevant factual material from assessment.

- June 12, 2019 non-refundable accommodation bookings indicating satisfactory pre-planning of the Parliamentary address to the Hobart Congress- in IPEA possession, removed from final Audit.
- June 12 flights to attend the conference- - in IPEA possession via FCM, omitted from final Audit.
- ✓▪ June 12 registration for the conference- - in IPEA possession, omitted from final Audit.
- June 12 registration for the Saturday evening event- - in IPEA possession, and confirmed with a single phone call to Conference Partners.

Yesterday, [s 47F](#) indicated the SMS communications with me arranging the Parliamentary address which I had no access to, were not obtained under IPEA information gathering powers because [s 22\(1\)](#) neglected to 'request the sms details.'



This now leaves the 2021 Audit frolic in tatters. It also explains the rush to a new Assurance process as a smokescreen.

Thankfully [s 47F](#) can provide what IPEA neglected to obtain; SMS messages that my arrangements with him were initiated at the earliest possible opportunity, just 10days after return of 2019 Election writs and release of the 46th Parliamentary sitting calendar by the Whips.

[s 22\(1\)](#) cherry-picking of subjective phraseology in the RANZCO correspondence will never stand up to any form of independent scrutiny. It is also evident that these two phrases (squeezed in and last minute) formed the basis of overruling the entire journey. The Audit was both sloppy, opportunistic, and limited to as little inquiry as possible in order to fabricate the desired outcome. The three unremarkable hotel check-in times forming the remainder of the Audit were completely consistent with my accounts.

Inventing an opinion about what is Parliamentary is alarming enough. Omitting factual material in order to achieve it is utterly unacceptable. This was pointed out to you at the first available opportunity and my valid concerns were ignored.

Thanks to my FOI, it is now clear that for two full years, the only concern with this travel was a duplicated Tasmania to Melbourne flight bookings. I was only aware of this when **s 22(1)** made the bizarre claim in my Parliamentary office two years later when he claimed I 'wasted taxpayer funds.' The four Jetstar Launceston to Melbourne legs cost just \$96 each. They were either non-refundable or subject to a \$60 cancellation fee. This was a matter for FCM when dealing with my itinerary change, not the Parliamentarian. Value for money was the reason I didn't book four \$896 business class fares for this travel.

So instead of contacting me, FCM or even Jetstar to understand the situation, **s 22(1)** opted for an Assurance review on the day baseless media allegations surfaced, all of which are now subject to what will be successful defamation action in the Federal Court.

I could also have explained to **s 22(1)** if he had alerted me to his concern at the appropriate time in 2020 that the Independent Schools Tasmania meeting was switched from Friday 21 June to Monday 24 June; leading to,

- the necessary itinerary change to fly out of Hobart instead of Launceston,
- the field visits to central Tasmania requiring twice as much driving as initially planned in order to 'loop back' to Hobart, and
- the first night of the non-refundable accommodation unsuitable.

This entire variation in the itinerary amounted to zero net cost to the Commonwealth, apart from a possible \$36 net refund loss from Jetstar, assuming FCM had been able to secure it. Throughout the entire 12-month process, there was simply no interest in my version of events, not a syllable of which has ever been found to be inaccurate. This left **s 22(1)** with only one option; assessing my activity as insufficiently Parliamentary from his personal opinion. You will be held responsible for his actions.

Further communication on these matters is now clearly futile, so I make the following points.

- These March 2022 Audit conclusions are now exposed as hopelessly flawed.
- They will be independently assessed at the time of my choosing, not yours.
I have no confidence in your actions and decline to sign the related quarterly reports, so please stop asking.
- Any invoices raised are of no concern.

Your refusal to address these factual omissions the appropriate time was either indolent or at worst vindictive. Your sustained and obdurate refusal to do so despite my reasonable requests may amount to contemptible, if not corrupt conduct.

Any privacy or confidentiality provisions with this communication is waived.

From: Assurance <Assurance@ipea.gov.au>
Sent: Thursday, 7 July 2022 3:35 PM
To: **s 47F**
Subject: Re: Assurance Review - Mr Andrew Laming [SEC=OFFICIAL]

SEC=OFFICIAL

Dear Mr Laming

Thank you for your response.

Please find **attached** further correspondence from the Independent Parliamentary Expenses Authority in relation to this matter.

It is important that you read the correspondence and respond.

Should you wish to discuss this matter, please do not hesitate to contact me on s 22(1) or at assurance@ipea.gov.au.

Yours sincerely

Nicole Pearson

Branch Manager, Transparency, Assurance and Legal
Independent Parliamentary Expenses Authority

T: s 22(1) | E: Nicole.Pearson@ipea.gov.au

SEC=OFFICIAL

From: Andrew Laming s 47F
Sent: Friday, 1 July 2022 1:28 PM
To: Assurance <Assurance@ipea.gov.au>
Cc: Assurance <Assurance@ipea.gov.au>
Subject: Re: Assurance Review - Mr Andrew Laming [SEC=OFFICIAL]

The previous Audit was a fabricated conclusion, arrived at by omitting hard copy evidence in IPEA's possession from the final report.

This was pointed out in the draft stage and IPEA bizarrely elected to evade those constructive queries. The entirety of the Audit turned on the omissions.

It is also clear that the process was activated two years later for political purposes, just 48 hours after adverse media; all of which has been found to be baseless.

I won't be bullied into dropping concerns regarding IPEA conduct by the immediate opening a new process. The March 2022 Audit is now subject to appeal and I again ask IPEA to account for why the following evidence of Parliamentary travel to the Hobart conference address as early as June 11 2019 was excluded from Audit:

- conference registration, evening event booking, flight bookings, non-refundable accommodation bookings and hard copy invitation to attend, available from the convenor upon request.

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From: Assurance <Assurance@ipea.gov.au>
Sent: Friday, July 1, 2022 12:51:36 PM
To: s 47F
Cc: Assurance <Assurance@ipea.gov.au>
Subject: RE: Assurance Review - Mr Andrew Laming [SEC=OFFICIAL]

SEC=OFFICIAL

Dear Mr Laming

Thank you for your response.

Please find **attached** further correspondence from the Independent Parliamentary Expenses Authority in relation to this matter.

It is important that you read the correspondence and respond.

Should you wish to discuss this matter, please do not hesitate to contact me on s 22(1) or at assurance@ipea.gov.au.

Yours sincerely

Nicole Pearson

Branch Manager, Transparency, Assurance and Legal
Independent Parliamentary Expenses Authority

T: s 22(1) | E: Nicole.Pearson@ipea.gov.au

SEC=OFFICIAL

From: Andrew Laming s 47F
Sent: Friday, 20 May 2022 10:03 AM
To: Assurance <Assurance@ipea.gov.au>
Cc: Assurance <Assurance@ipea.gov.au>
Subject: HPE CM: Re: Assurance Review - Mr Andrew Laming [SEC=OFFICIAL]

Thank you.
Please accept yesterday's response as my final correspondence regarding this matter.

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From: Assurance <Assurance@ipea.gov.au>
Sent: Friday, May 20, 2022 9:54:14 AM
To: Andrew Laming s 47F
Cc: Assurance <Assurance@ipea.gov.au>
Subject: RE: Assurance Review - Mr Andrew Laming [SEC=OFFICIAL]

SEC=OFFICIAL

Dear Mr Laming
Thank you for your response. Please find **attached** further correspondence from the Independent Parliamentary Expenses Authority in relation to this matter.
Should you wish to discuss this matter, please do not hesitate to contact me on (02) 6215 3000 or at assurance@ipea.gov.au.
Yours sincerely

Nicole Pearson

Branch Manager, Transparency, Assurance and Legal
Independent Parliamentary Expenses Authority

T: 02 6215 3000 | E: Nicole.Pearson@ipea.gov.au

SEC=OFFICIAL

From: Andrew Laming s 22(1)
Sent: Thursday, 19 May 2022 2:16 PM
To: Assurance <Assurance@ipea.gov.au>
Subject: Re: Assurance Review - Mr Andrew Laming [SEC=OFFICIAL]

Dear IPEA,

The Sydney leg (5,6/4/2022) comprised meetings in a Parliamentary capacity with the Australian Society of Ophthalmologists. The Melbourne leg encompassed vehicle travel to a two-day event (8,9/4/2022) in regional Victoria in my electorate capacity, given my involvement through Stronger Communities funding in re-establishing post-COVID, a successful model for a similar regional community event in Bowman. The dependents' return travel

was accompaniment/facilitation of family life. Additional incidental meetings were held in both locations and I am prepared to publicly justify the benefits and value for money of the journey.

My current priority remains obtaining independent assessment of the 2019 IPEA travel assurance/audit decision.

From: Assurance <Assurance@ipea.gov.au>

Sent: 18 May 2022 10:44

To: s 47F

Cc: Assurance <Assurance@ipea.gov.au>

Subject: Assurance Review - Mr Andrew Laming [SEC=OFFICIAL]

SEC=OFFICIAL

Dear Mr Laming,

Please find **attached** correspondence from the Independent Parliamentary Expenses Authority in relation to travel you have undertaken.

Should you wish to discuss this matter, please do not hesitate to contact me on (02) 6215 3000 or assurance@ipea.gov.au.

Yours sincerely

Nicole Pearson

Branch Manager, Transparency, Assurance and Legal
Independent Parliamentary Expenses Authority

T: 02 6215 3000 | E: Nicole.Pearson@ipea.gov.au

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