



**ASSURANCE REVIEW MEMORANDUM – 2022/001**

Mr Craig Kelly MP, travel to and within Melbourne during the periods of 13 November 2021 and 3 to 5 December 2021

Date: 12 April 2022

To: Nicole Pearson  
Branch Manager, Transparency, Assurance & Legal

**RECOMMENDATION**

It is recommended that you:

- i. Note the contents of this assurance review, and
- ii. Accept the matter as closed with no further action required.

**NOTED & ACCEPTED AS CLOSED / PLEASE DISCUSS**



Date: 12 April 2022  
Nicole Pearson  
Branch Manager  
Transparency, Assurance & Legal Branch

Prepared by:



Assurance Support Officer, Audit & Assurance  
Transparency, Assurance & Legal Branch

Reviewed by:



Audit & Assurance  
Transparency, Assurance & Legal Branch

## SCOPE

1. The scope for the Assurance Review is Mr Craig Kelly's use of travel resources during the period of 13 November 2021, and 3 to 5 December 2021 (the relevant periods).

## PURPOSE

1. This assurance review aims to determine whether the dominant purpose of travel undertaken by Mr Craig Kelly MP to and within Melbourne during the relevant periods was parliamentary business, as defined in the legislation.

## BACKGROUND

2. In November and December 2021, a number of media articles reported that Mr Kelly, a backbench parliamentarian with a suburban Sydney electorate, attended protest rallies in regard to pandemic laws in Victoria.
3. Mr Kelly's attendance at the Victorian rallies was confirmed by posts on his Twitter account.
4. In accordance with IPEA's protocol on dealing with misuse of parliamentary work expenses, a Preliminary Assessment into Mr Kelly's use of parliamentary business resources to travel to and within Melbourne on 13 November 2021 and 3 to 5 December 2021 commenced on 18 January 2022.
5. This proceeded to an Assurance Review commencing on 24 January 2022.

## LEGISLATIVE FRAMEWORK

6. The relevant legislative framework is:
  - *Parliamentary Business Resources Act 2017*
  - *Parliamentary Business Resources Regulations 2017*
  - *Parliamentary Business Resources (Parliamentary Business) Determination 2017*
  - *Parliamentary Business Resources (Commonwealth Transport) Determination 2017*

### Obligations

7. The principles based legislative framework imposes a number of obligations on parliamentarians in relation to their use of public resources. In summary, parliamentarians are personally responsible and accountable for their use of public resources. They must be prepared to publicly justify their use of public resources for conducting their parliamentary business and must act ethically and in good faith in using, and accounting for the use of, those resources. Specifically, a parliamentarian must not claim public resources unless they are claimed for the dominant purpose of conducting their parliamentary business.

### Definitions

8. "Parliamentary business" has the meaning given by section 6 of the PBR Act. Activities that fall within the four duty streams of parliamentary business are set out in the Parliamentary Business Determination as "parliamentary duties", "electorate duties", "party political duties", and "official duties".

## ANALYSIS

9. IPEA obtained data in relation to travel for Mr Kelly covering the relevant period (**Attachment A**).
10. On 8 February 2022, IPEA wrote to Mr Kelly to ask what the dominant purpose of his travel to Melbourne was, and request that he describe the nature of his parliamentary business during the relevant period.
11. Mr Kelly responded to IPEA on 4 March 2022. His response did not sufficiently address IPEA's questions.
12. On 4 March 2022, IPEA again wrote to Mr Kelly requesting that he respond to the questions set out in the original letter.
13. Mr Kelly responded to IPEA's questions on 15 March 2022 (IDOC/168560), referencing the private members bill he introduced to Parliament titled 'NO Domestic Vaccine Passport Bill' (**Attachment B**).
14. Mr Kelly advised that *"I was invited to Melbourne in my official capacity as a Federal Member of Parliament to speak at a public rally on the 13th November 2021 and to meet with interested stake holders in Melbourne in connection with the Bill."*
15. Mr Kelly went on to say *"I was further invited to a subsequent public rally on the 3rd December in Melbourne and also a separate rally on the 4th December at Ballarat for the same purposes."*
16. While Mr Kelly did not reference the Parliamentary Business Resources (Parliamentary Business) Determination 2017, from his response it is reasoned that his activities fall within Schedule 1, Part E of the legislation – "Preparing for, participating in and attending to matters arising from a meeting (including with stakeholders), event or function for the purposes of their role as a member, including in relation to the member's policy portfolio".

## CONCLUSION

17. On the basis of Mr Kelly's response, IPEA is satisfied that the dominant purpose of his travel to and within Melbourne during the periods 13 November 2021 and 3 to 5 December 2021 was parliamentary business and was not inconsistent with the Framework.

**Attachment A**

Mr Craig Kelly MP

Assurance Review of travel expenses

Work Expense	Departure Location	Departure Date	Departure Time	Arrival Location	Arrival Date	Arrival Time	Amount (GST excl.)
Travel Fares – VIRGIN AUSTRALIA	Sydney	13/11/2021	7:00 AM	Melbourne	13/11/2021	8:35 AM	\$156.26
COMCAR	Melbourne Airport	13/11/2021	8:35 AM	Port Melbourne	13/11/2021	9:09 AM	\$126.90
Travel Fares – VIRGIN AUSTRALIA	Melbourne	13/11/2021	6:00 PM	Sydney	13/11/2021	7:25 PM	\$156.26

Travel Fares – VIRGIN AUSTRALIA	Sydney	3/12/2021	9:00 AM	Melbourne	3/12/2021	10:35 AM	\$156.26
Travel Fares – VIRGIN AUSTRALIA	Melbourne	5/12/2021	9:15 AM	Sydney	5/12/2021	10:40 AM	\$156.26

1. What was the dominant purpose of your travel to Melbourne on 13 November 2021?
2. With reference to the Determination (at **Attachment B**), what was the nature of any parliamentary business in Melbourne on 13 November 2021?
3. What was the dominant purpose of your travel to Melbourne from 3 to 5 December 2021?
4. With reference to the Determination (at **Attachment B**), what was the nature of any parliamentary business in Melbourne from 3 to 5 December 2021?

**From:** [Kelly, Craig \(MP\)](#)  
**To:** [Assurance](#)  
**Subject:** HPE CM: RE: Assurance Review - Mr Craig Kelly MP [SEC=OFFICIAL:Sensitive]  
**Date:** Tuesday, 15 March 2022 8:23:26 PM  
**Attachments:** [image005.png](#)

Dear [REDACTED]

On the 21<sup>st</sup> June 2021 I introduced a private members bill into Parliament titled the ***NO Domestic Vaccine Passsport Bill***.

In relation to the principles outlined in this Bill, I was invited to Melbourne in my official capacity as a Federal Member of Parliament to speak at a public rally on the 13<sup>th</sup> November 2021 and to meet with interested stake holders in Melbourne in connection with the Bill.

I was further invited to a subsequent public rally on the 3<sup>rd</sup> December in Melbourne and also a separate rally on the 4<sup>th</sup> December at Ballarat for the same purposes.

Attached a few links in relation to the above.

<https://www.theleader.com.au/story/7514106/kelly-criticised-for-speaking-at-melbourne-protest/>

<https://timesnewsgroup.com.au/ballarat/news/covid-protesters-march-through-city/>

<https://twitter.com/craigkellymp/status/1467265157466247170?lang=en>

Regards,  
 Craig Kelly

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**From:** Assurance <Assurance@ipea.gov.au>  
**Sent:** Wednesday, 9 March 2022 10:49 AM  
**To:** Kelly, Craig (MP) <Craig.Kelly.MP@aph.gov.au>  
**Cc:** [REDACTED] Assurance <Assurance@ipea.gov.au>  
**Subject:** RE: Assurance Review - Mr Craig Kelly MP [SEC=OFFICIAL:Sensitive]

SEC=OFFICIAL:Sensitive

Dear Mr Kelly,

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 2505 or at [assurance@ipea.gov.au](mailto:assurance@ipea.gov.au).

Yours sincerely

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[REDACTED]  
 A/g Director, Audit and Assurance  
 Independent Parliamentary Expenses Authority  
 One Canberra Avenue, FORREST ACT 2603  
**T:** [REDACTED]  
**E:** [assurance@ipea.gov.au](mailto:assurance@ipea.gov.au)  
**W:** [www.ipea.gov.au](http://www.ipea.gov.au)

SEC=OFFICIAL:Sensitive

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**From:** Kelly, Craig (MP) [REDACTED]  
**Sent:** Friday, 4 March 2022 5:09 PM  
**To:** Assurance <[Assurance@ipea.gov.au](mailto:Assurance@ipea.gov.au)>  
**Subject:** RE: Assurance Review - Mr Craig Kelly [SEC=OFFICIAL]



Dear Ms [REDACTED]

I confirm that the purpose of my travel to Melbourne on both 13<sup>th</sup> Nov 2021 and the 5<sup>th</sup> December 2021 was for Parliamentary duties.

Regards,  
Craig Kelly MP

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**From:** Assurance <[Assurance@ipea.gov.au](mailto:Assurance@ipea.gov.au)>  
**Sent:** Friday, 4 March 2022 3:51 PM  
**To:** Kelly, Craig (MP) [REDACTED]  
**Subject:** Assurance Review - Mr Craig Kelly [SEC=OFFICIAL]

SEC=OFFICIAL

Dear Mr Kelly,

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 Nicole Pearson on (02) 6215 3991 or at [assurance@ipea.gov.au](mailto:assurance@ipea.gov.au).

Yours sincerely

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[REDACTED]  
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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.



SEC=OFFICIAL

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**Sent:** Tuesday, 8 February 2022 9:38 AM  
**To:** 'craig.kelly.mp@aph.gov.au' [REDACTED]  
**Subject:** HPE CM: Assurance Review - Mr Craig Kelly [SEC=OFFICIAL:Sensitive]

Dear Mr Kelly,

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](mailto:assurance@ipea.gov.au).

Yours sincerely

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W: [www.ipea.gov.au](http://www.ipea.gov.au)



Visit IPEA's education website for information on parliamentarian's work expenditure [www.ipea.gov.au/ed](http://www.ipea.gov.au/ed)



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