



Australian Government

**Independent Parliamentary
Expenses Authority**

Assurance Review

Senator the Hon Sarah Henderson

Senator for Victoria

Staff use of business class airfares

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Executive summary

Assurance review findings

1. Following a standard post-payment check of the use of business class travel, the Independent Parliamentary Expenses Authority (IPEA) moved to conduct an Assurance Review of staff business class airfares for a staff member from the office of Senator the Hon Sarah Henderson.
2. The Assurance Review assessed the staff member's use of business class airfares to travel from Melbourne to Brisbane, and then Brisbane to Mackay, on 10 October 2022.
3. Following engagement with Senator Henderson, IPEA has concluded that use of the staff business class airfares was not consistent with the provisions of the legislative framework and an invoice has been raised for the amount of \$819.28. This invoice was provided to the staff member for payment on 26 May 2023.
4. As of 7 July 2023 the staff member has not repaid the invoice.

Scope and purpose

5. This Assurance Review assessed the staff member's use of business class airfares to travel from Melbourne to Brisbane, and then Brisbane to Mackay, on 10 October 2022.
6. The purpose of this Assurance Review was to determine whether the staff member's use of the business class airfares was consistent with the provisions of the legislative framework.

Engagement with Senator Henderson's staff and Senator Henderson

7. IPEA engaged with the staff member involved and with Senator Henderson on this matter on numerous occasions between 1 February 2023 and 31 May 2023, including formal letters and emails and phone calls. The details of these interactions are described in the Assessment section below and can also be followed at Attachments 1-10.

Audit and Assurance function

IPEA's statutory audit function

8. Subsection 12(1) of the *Independent Parliamentary Expenses Authority Act 2017* (IPEA Act) empowers IPEA to monitor, audit and prepare regular reports on staff travel resources.

Responsibilities of members of parliament and their staff

9. Parliamentarians and their staff 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

10. Parliamentarians employ staff under *the Members of Parliament (Staff) Act 1984* (MOP(S) Act). Staff are referred to as MOP(S) Act staff, hereafter staff.
11. At the time the travel was undertaken, arrangements pertaining to travel of the staff of parliamentarians were set out in the Commonwealth Member of Parliament Staff Enterprise Agreement 2020-23 (the Enterprise Agreement) and in Determination 2020/15: Staff Travel and Relief Staff Arrangement (the Determination).
12. Items 3 and 4 of the Determination state that employees may travel as directed anywhere within Australia on official business.
13. Items 14 and 15 of the Determination, provide the rules for the use of business class airfares for staff below the level of Senior Adviser:
 14. *Employees, other than senior staff, who are required by the employing Senator or Member to travel on official business by air, rail, road or sea are limited to a fare which shall not exceed the cost of an economy class airfare for the most reasonable and usual route between the departure and destination points, unless otherwise determined by the Special Minister of State.*
 15. *A Minister, Parliamentary Secretary, Opposition Office Holder or Presiding Officer (but not a Deputy Presiding Officer) may direct a member of his or her staff who is on the same aircraft to travel at the same class as him or her, where there is a working need to do so. It is expected that no more than one employee will do so on any particular trip.*
14. Item 45 of the Determination defines an Opposition Office Holder as:
 - (a) the Leader or Deputy Leader of the Opposition in the House of Representatives; or
 - (b) the Leader or Deputy Leader of the Opposition in the Senate
15. Neither the Enterprise Agreement nor the Determination allows IPEA discretion in interpreting or administering these provisions.

Assurance review methodology

Background

16. IPEA conducts a post payment check on all business class airfares paid for by the Commonwealth, for staff below the level of Senior Adviser. The purpose of the post payment check is to provide assurance in relation to the use of business class airfares by staff travelling on official business.
17. Analysis of the post payment check data revealed that a staff member employed by Senator Henderson had flown business class from Melbourne to Brisbane, and then Brisbane to Mackay, on 10 October 2022.

18. In accordance with IPEA's protocol on dealing with possible misuse of parliamentary work expenses, a Preliminary Assessment into the staff members use of business class airfares commenced on 1 February 2023.

Scope of Assurance Review

19. This Assurance Review assessed whether Senator Henderson's staff member's use of business class airfares was consistent with the provisions of the legislative framework.

Method

20. IPEA conducted the Assurance Review by examining and assessing the direct communication with, and information provided by, Senator Henderson and the internal data records held by IPEA.

Assessment of work expenses

Summary of findings

Analysis

21. On 1 February 2023, IPEA contacted the staff member to advise that she was not entitled to travel business class and that IPEA would need to raise an invoice for the difference between the business class and economy fares. IPEA also requested that if there was any relevant information in relation to the travel, the staff member provide it for consideration (**Attachment 1**).
22. On 19 April 2023, Senator Henderson responded, and the information she provided confirmed IPEA's preliminary view that the staff member's use of business class airfares was not consistent with the provisions of the legislative framework (**Attachment 2**).
23. In her response she advised that she had directed the staff member to travel with her in business class, as a Shadow Minister travelling to Queensland for official business. She stated:

Please be advised that as a shadow cabinet minister travelling to Queensland for official business, I directed [staff member] to travel with me in business class. [Staff member] was the only staff member to accompany me on this trip and, in effect, stepped into the shoes of my senior adviser who was not able to travel with me on this occasion.

Due to the scope of her responsibilities and the tight deadlines under which we were working, it was necessary for [staff member] and I to work together on the plane, and it was therefore necessary for [staff member] to travel with me in the same class.

Under these circumstances, I believe that [staff member] was entitled to a return business class airfare and would ask that you confirm that all is in order."

24. Under the Determination, a Shadow Minister is unable direct their staff to travel business class, which means the Senator's direction for the staff member to fly business class was not consistent with the provisions of the legislative framework.

25. IPEA notes that the Enterprise Agreement makes provision for a parliamentarian to temporarily transfer an employee to a position of higher classification where that position is vacant at the relevant time and where the period involved is at least two weeks. In such circumstances, the employee is covered for that period by the provisions applying to the higher classification. If Senator Henderson's staff member had been transferred to a higher classification by the Senator, she would have been able to travel at business class. However, from the information available to IPEA, included the responses received from Senator Henderson, this had not occurred in this instance.
26. On 26 April 2023 IPEA wrote to Senator Henderson to provide clarification on the use of staff business class airfares (**Attachment 3**). IPEA advised:
- Under the Determination, only a Minister, Parliamentary Secretary, Opposition Office Holder or Presiding Officer (but not a Deputy Presiding Officer) may direct a member of his or her staff who is on the same aircraft to travel at the same class as him or her, where there is a working need to do so.
 - Item 45 of the Determination defines an Opposition Office Holder as the Leader or Deputy Leader of the Opposition in the House of Representatives, or the Leader or Deputy Leader of the Opposition in the Senate.
 - Unless the staff member was in the role of Senior Adviser in an official capacity at the time of the travel, IPEA would need to raise an invoice for the difference between the business class fare and a flexible economy fare for the same flight.
27. On 26 April 2023, the Senator responded to IPEA and stated that she disagreed with IPEA's assessment and sought advice as to how she could appeal the Determination (**Attachment 4**).
28. On 11 May 2023, IPEA wrote to Senator Henderson to provide further clarification on the use of staff business class airfares (**Attachment 5**).
29. In that correspondence, IPEA again advised Senator Henderson:
- Arrangements pertaining to travel of the staff of parliamentarians are set out in the Commonwealth Member of Parliament Staff Enterprise Agreement 2020-23 (the Enterprise Agreement) and in Determination 2020/15: Staff Travel and Relief Staff.
 - In particular, that item 14 of the Determination provides that employees other than senior staff are limited to a fare which shall not exceed the cost of an economy class airfare.
 - Item 15 of the Determination sets out the limited circumstances in which specified office-holders may direct staff to travel at the same class as the office-holder. Neither the Enterprise Agreement nor the Determination allows IPEA discretion in interpreting or administering these provisions.
 - The Enterprise Agreement makes provision for a parliamentarian to temporarily transfer an employee to a position of higher classification where that position is vacant at the relevant time and where the period involved is at least two weeks. In such circumstances, the employee is covered for that period by the provisions applying to the higher classification.
 - IPEA must raise an invoice for the difference between the business class airfare and a fully flexible economy airfare, in the name of the employee whose travel was inconsistent with the rules.
30. On 12 May 2023, Senator Henderson called the Transparency, Assurance and Legal (TAL) Branch Manager to discuss this matter and requested information about seeking a review of the contents of the Determination.

31. On 15 May 2023, the TAL Branch Manager wrote to Senator Henderson to advise that she had confirmed that the Determination is set by Government and must be complied with, that there was no review mechanism, and that her staff member was one of a number of staff that had not complied with the Determination and as such must repay money (**Attachment 6**). She was also advised that the staff member does have the option of seeking to offset the amount of the invoice against future travel. No response was received from Senator Henderson.
32. An invoice for the difference between the business class and economy airfare, a total of \$819.28, was raised and provided to the staff member on 26 May 2023 (**Attachment 7**). The staff member was also advised that they had the option of seeking to offset the amount against future travel.
33. On 26 May 2023, IPEA wrote to Senator Henderson to advise that this matter had progressed to an Assurance Review and that the invoice had been provided to the staff member (**Attachment 8**).
34. On 30 May 2023, Senator Henderson called the TAL Branch Manager and left a voicemail. The TAL Branch Manager returned the call and left a voicemail.
35. On 31 May 2023, Senator Henderson wrote to the TAL Branch Manager (**Attachment 9**). In her email she stated that she believed the letter of 26 May 2023 did not outline the substantive legal basis for invoicing the staff member and that in *“the travel guidelines, an opposition office holder is permitted to direct a staff member to travel business class as an exception to the general rule where necessary”*.
36. On 31 May 2023, IPEA again wrote to Senator Henderson to reiterate information previously provided (**Attachment 10**).
37. In this letter, IPEA again advised the Senator that the Determination is made by Government and must be complied with and that as the Senator is not the Leader or Deputy Leader of the Opposition in the Senate, this exception would not apply to her. Further, IPEA advised the Senator for the third time that the staff member has the option of seeking to offset the amount against future travel.
38. On 31 May 2023, the Senator called the TAL Branch Manager to discuss this matter. The TAL Branch Manager reiterated the information contained in the letter of 31 May 2023. No further correspondence was received from the Senator.
39. As of 7 July 2023 the staff member has not repaid the invoice.

Conclusion

40. IPEA finds that Senator Henderson’s direction for the staff member to travel business class was not consistent with the provisions of the legislative framework, and consequently the staff member’s use of the business class airfares was also not consistent with the provisions of the legislative framework.
41. An invoice for the difference between the economy and business class airfares, a total of \$819.28, was raised and provided to the staff member for payment on 26 May 2023.

From: Assurance
Sent: Wednesday, 1 February 2023 11:00 AM
To: [REDACTED]
Subject: STAFF – Business Class Travel – Ref: 1753657 [SEC=OFFICIAL]

SEC=OFFICIAL

Dear [REDACTED]

The Independent Parliamentary Expenses Authority (IPEA) undertakes post-payment checks on travel related work expenses of parliamentarians and their staff. One of these checks looks at staff use of business class travel.

Relevantly, section 14 of [Determination 2020/15 Staff - Travel and Relief Staff Arrangements](#) (the Determination) made under the *Members of Parliament (Staff) Act 1984*, provides that employees, other than senior staff, who are required to travel on official business are limited to a fare that does not exceed the cost of an economy class airfare.

Section 15 provides that a Minister, Parliamentary Secretary, Opposition Office Holder or Presiding Officer (but not a Deputy Presiding Officer) may direct a member of his or her staff who is on the same aircraft to travel at the same class as him or her, where there is a working need to do so. It is expected that no more than one employee will do so on any particular trip.

Our records indicate that you travelled on the following flight(s) at business class.

Name	Date	Departure	Arrival	Class	Flight #
[REDACTED]	10/10/2022	Melbourne	Brisbane	Business	QF608
[REDACTED]	10/10/2022	Brisbane	Mackay	Business	QF986

Unfortunately, it appears that in this instance you were not entitled to a business class fare and we will need to raise an invoice for the difference between the business class and economy fare.

If there is any relevant information in relation to this travel, please advise us by **8 February 2023** quoting ref: 1753657.

Sincerely

[REDACTED]
 Audit and Assurance
 Independent Parliamentary Expenses Authority
 One Canberra Avenue, FORREST ACT 2603

T: [REDACTED]
 E: assurance@ipea.gov.au
 W: www.ipea.gov.au

SEC=OFFICIAL

From: Henderson, Sarah (Senator) [REDACTED] >
Sent: Wednesday, 19 April 2023 4:40 PM
To: Assurance
Cc: [REDACTED]
Subject: FW2: STAFF – Business Class Travel – Ref: 1753657 [SEC=OFFICIAL]

Dear [REDACTED]

My employee [REDACTED] has only just become aware of this issue due to her being on leave when your earlier email was sent to her in February.

Please be advised that as a shadow cabinet minister travelling to Queensland for official business, I directed [REDACTED] to travel with me in business class. [REDACTED] was the only staff member to accompany me on this trip and, in effect, stepped into the shoes of my senior adviser who was not able to travel with me on this occasion.

Due to the scope of [REDACTED] responsibilities and the tight deadlines under which we were working, it was necessary for [REDACTED] and I to work together on the plane, and it was therefore necessary for [REDACTED] to travel with me in the same class.

Under these circumstances, I believe that [REDACTED] was entitled to a return business class airfare and would ask that you confirm that all is in order.

Should you require any additional information, please do not hesitate to contact me.

Kind regards, Sarah



231-233 Moorabool St Geelong Vic 3220
 03 5221 5900 | 02 6277 3812 (Canberra)
 [REDACTED] | sarahhenderson.com.au



Authorised by Sarah Henderson, Liberal Party, Geelong

From: [REDACTED]
Sent: Wednesday, 19 April 2023 1:06 PM
To: Henderson, Sarah (Senator) [REDACTED]
Cc: [REDACTED]
Subject: Fwd: STAFF – Business Class Travel – Ref: 1753657 [SEC=OFFICIAL]

[REDACTED] checking if you guys are aware of an invoice for my travel with Sarah to Brisbane last October? Any advice on how I should respond to this email is much appreciated!

From: [REDACTED]
Sent: Wednesday, April 19, 2023 12:56:56 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: FW: STAFF – Business Class Travel – Ref: 1753657 [SEC=OFFICIAL]

OFFICIAL

Dear [REDACTED]

This is a reminder that a response to this matter has not been received.

Please respond to this request within 7 days to assurance@ipea.gov.au quoting Ref: 1753657.

Thank you in advance for your prompt response.

Sincerely

[REDACTED]
Assistant Director
Independent Parliamentary Expenses Authority
One Canberra Avenue, FORREST ACT 2603
T: +61 2 6215 3000
E: assurance@ipea.gov.au
www.ipea.gov.au & www.ipea.gov.au/ed

Classification: OFFICIAL

Classified by: assurance@ipea.gov.au on: 19/04/2023 12:54:23 PM

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

Sent: Wednesday, 1 February 2023 11:00 AM

To: [REDACTED]

Subject: STAFF – Business Class Travel – Ref: 1753657 [SEC=OFFICIAL]

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T: [REDACTED]

E: assurance@ipea.gov.au

W: www.ipea.gov.au

SEC=OFFICIAL

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From: Assurance
Sent: Wednesday, 26 April 2023 9:24 AM
To: 'Henderson, Sarah (Senator)'; Assurance
Cc: [REDACTED]
Subject: RE: STAFF – Business Class Travel – Ref: 1753657 [SEC=OFFICIAL]

OFFICIAL

Dear Senator

Thank you for your response. Unfortunately under the Determination, only a Minister, Parliamentary Secretary, Opposition Office Holder or Presiding Officer (but not a Deputy Presiding Officer) may direct a member of his or her staff who is on the same aircraft to travel at the same class as him or her, where there is a working need to do so.

Item 45 defines an Opposition Office Holder as: (a) the Leader or Deputy Leader of the Opposition in the House of Representatives; or (b) the Leader or Deputy Leader of the Opposition in the Senate.

Unless [REDACTED] was in the role of Senior Adviser in an official capacity at the time of the travel, we will need to raise an invoice for the difference between the business class fare and a flexible economy fare for the same flight.

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Classified by: senator.henderson@aph.gov.au on: 19/04/2023 12:56:54 PM

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Should you require any additional information, please do not hesitate to contact me.

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Dear [REDACTED]

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Please respond to this request within 7 days to assurance@ipea.gov.au quoting Ref: 1753657.

Thank you in advance for your prompt response.

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Dear [REDACTED]

The Independent Parliamentary Expenses Authority (IPEA) undertakes post-payment checks on travel related work expenses of parliamentarians and their staff. One of these checks looks at staff use of business class travel.

Relevantly, section 14 of [Determination 2020/15 Staff - Travel and Relief Staff Arrangements](#) (the Determination) made under the *Members of Parliament (Staff) Act 1984*, provides that employees, other than senior staff, who are required to travel on official business are limited to a fare that does not exceed the cost of an economy class airfare.

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Sent: Wednesday, 26 April 2023 9:36 AM
To: Assurance
Cc: [REDACTED]
Subject: RE: STAFF – Business Class Travel – Ref: 1753657 [SEC=OFFICIAL]

Dear [REDACTED]

I disagree with this assessment and ask that you provide advice as to how I can appeal this apparent determination.

This is profoundly unfair and unjust - [REDACTED] was in effect doing the work of two people on this trip, stepping into the shoes of my senior adviser, and for IPEA to throw the book at a young staff member when [REDACTED] was properly directed to travel business class by her employer is unacceptable.

At the very least, IPEA should have systems in place which alert a staff member at the time of booking that there might be an issue.

I await your further advice.

Kind regards, Sarah



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 03 5221 5900 | 02 6277 3812 (Canberra)



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[REDACTED] | sarahhenderson.com.au



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Section 15 provides that a Minister, Parliamentary Secretary, Opposition Office Holder or Presiding Officer (but not a Deputy Presiding Officer) may direct a member of his or her staff who is on the same aircraft to travel at the same class as him or her, where there is a working need to do so. It is expected that no more than one employee will do so on any particular trip.

Our records indicate that you travelled on the following flight(s) at business class.

Name	Date	Departure	Arrival	Class	Flight #
[REDACTED]	10/10/2022	Melbourne	Brisbane	Business	QF608

[REDACTED]	10/10/2022	Brisbane	Mackay	Business	QF986
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Unfortunately, it appears that in this instance you were not entitled to a business class fare and we will need to raise an invoice for the difference between the business class and economy fare.

If there is any relevant information in relation to this travel, please advise us by **8 February 2023** quoting ref: 1753657.

Sincerely

[REDACTED]

Audit and Assurance
Independent Parliamentary Expenses Authority
One Canberra Avenue, FORREST ACT 2603

T: [REDACTED]

E: assurance@ipea.gov.au

W: www.ipea.gov.au

SEC=OFFICIAL

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.

OFFICIAL: Sensitive



Australian Government
Independent Parliamentary
Expenses Authority

11 May 2023

Senator the Hon Sarah Henderson
Senator for Victoria
231-233 Moorabool Street
Geelong, VIC, 3220

Email: [REDACTED]

Dear Senator

Post-payment check of staff business class airfare

I am writing in response to your correspondence of 26 April 2023 in relation to the business class flight taken by your staff member, Ms Monica Sutrisna, on 10 October 2022. You sought advice as to how you might appeal this determination.


Arrangements pertaining to travel of the staff of parliamentarians are set out in the *Commonwealth Member of Parliament Staff Enterprise Agreement 2020-23* (the Enterprise Agreement) and in *Determination 2020/15: Staff Travel and Relief Staff Arrangement* (the Determination – **Attachment A**). In particular, item 14 of the Determination provides that employees other than senior staff are limited to a fare which shall not exceed the cost of an economy class airfare. Item 15 of the Determination sets out the limited circumstances in which specified office-holders may direct staff to travel at the same class as the office-holder. Neither the Enterprise Agreement nor the Determination allows the Independent Parliamentary Expenses Authority a discretion in interpreting or administering these provisions.

The Enterprise Agreement makes provision for a parliamentarian to temporarily transfer an employee to a position of higher classification where that position is vacant at the relevant time and where the period involved is at least two weeks. In such circumstances, the employee is covered for that period by the provisions applying to the higher classification. We understand from your correspondence that these circumstances did not apply to [REDACTED]

I note your advice that [REDACTED] was travelling in accordance with your direction. Unfortunately your direction was inconsistent with the framework. IPEA has no discretion in relation to its obligation to recover the debt and must raise an invoice for the difference between the business class airfare and a fully flexible economy airfare, in the name of the employee whose travel was inconsistent with the rules. The cost for the business class airfare was \$1801.72 and the cost of the fully flexible economy airfare would have been \$982.44. An invoice for the difference between the airfares of \$819.28 will be raised and provided to [REDACTED]

OFFICIAL: Sensitive

I note your view that IPEA should have in place systems that provide an alert at the time of booking. This is not possible because the contracted travel services provider is not able to give advice on eligibility and, under arrangements designed to maximise utility and efficiency for parliamentarians, IPEA becomes aware of the booking only after the travel is undertaken and invoiced by the provider. IPEA provides advice and assistance through a number of channels but it remains the responsibility of parliamentarians and their staff to familiarise themselves with the features of the framework under which staff are employed.

Should you wish to discuss this matter, please contact me on 02 

Yours sincerely 

Nicole Pearson
Branch Manager, Transparency, Assurance & Legal
Independent Parliamentary Expenses Authority
One Canberra Avenue, FORREST ACT 2603

Members of Parliament (Staff) Act 1984

STAFF TRAVEL AND RELIEF STAFF ARRANGEMENTS

I, MATHIAS CORMANN, Minister for Finance, for and on behalf of the Prime Minister, determine under subsection 13(2) and subsection 20(2) of the *Members of Parliament (Staff) Act 1984* (the Act) that, with effect on and from the date of this Determination:

- Determination 2018/30 made on 12 December 2018 is revoked;
- the travel arrangements set out in Schedule A of this determination apply to the staff of Senators and Members employed under Part III and Part IV of the Act;
- the relief staff arrangements set out in Schedule B of this determination apply; and
- the Electorate Support Budget is calculated as set out in Schedule C of this determination.

Dated this

29th

day of

JUNE

2020


MATHIAS CORMANN
Minister for Finance

SCHEDULE A

Domestic Travel

1. Employees may only travel by the most efficient direct route available.
2. Subject to item 16, it is an employee's responsibility (and hence the employee's cost) to transport him or herself to and from work for his or her normal hours of duty. This responsibility includes travel between accommodation and the office when travelling on parliamentary or electorate business away from the employee's work base. This also includes travel to attend work when the employee's work base is distant from the employee's home.
3. All personal employees may travel as directed anywhere within Australia on official business.
4. Subject to available funds in the Electorate Support Budget (where applicable), electorate employees may travel as directed anywhere within Australia on official business. All travel costs under this determination and associated travelling allowance and motor vehicle allowance under the *Commonwealth Members of Parliament Staff Enterprise Agreement 2016-2019* or successor agreements (Enterprise Agreement) are debited against the Electorate Support Budget (where applicable).
5. One nominated electorate employee working for a Minister, a Parliamentary Secretary, an Opposition Office Holder, a Leader or Deputy Leader of a Minority Party, a Chair of a Parliamentary Committee, or, with the approval of the Special Minister of State, a Chair of a Parliamentary Sub-Committee, may travel as directed anywhere within Australia on official business without debit against the Electorate Support Budget.
 - (a) The nomination of an electorate employee is to be a settled arrangement, that is, the expectation is that the nomination would not change within 12 months. The name of the nominated employee must be notified to the Independent Parliamentary Expenses Authority (IPEA) in writing¹. All travel under this Schedule by the nominated employee that was undertaken prior to the date that the nomination took effect will be debited against the Electorate Support Budget.
 - (b) A Senator or Member may nominate only one electorate employee who may travel as directed anywhere within Australia on official business without debit against the Electorate Support Budget at any one time, irrespective of the number of office holder positions (as specified in this item) held by the Senator or Member.
 - (c) The general travel conditions set out in this Schedule continue to apply, where appropriate, to the nominated employee.
 - (d) All travel by the electorate employees of the Senator or Member, other than the nominated employee, will be debited against the Electorate Support Budget, subject to item 6.

¹ Using the *Electorate Employee Travel Nomination* form on the IPEA website.

6. A Presiding Officer, including a Deputy Presiding Officer, Parliamentary Secretary², Whip or a Shadow Minister, other than an Opposition Office Holder, may nominate a personal employee whose travel will be debited against the Electorate Support Budget, in place of a nominated electorate employee, whose travel will not be debited against the Electorate Support Budget.
 - (a) The nomination of a personal and electorate employee is to be a settled arrangement, that is, the expectation is that the nomination would not change within 12 months. The names of the nominated personal and electorate employees must be notified to IPEA in writing³. Travel by the nominated electorate employee that was undertaken prior to the date that the nomination took effect will be debited against the Electorate Support Budget.
7. Official travel is restricted to Australia (excluding the external territories), unless the employing Senator or Member has a specific work expense for travel to an Australian external territory.
8. Travel may not be undertaken at Commonwealth expense for the personal benefit of an employee.
9. With the approval of the employing Senator or Member, an employee is permitted to make a stopover for personal reasons in the course of travel on official business by the most efficient direct route available, provided:
 - (a) the stopover is for a maximum of two nights only;
 - (b) no annual leave is taken by an employee as part of the stopover; and
 - (c) any additional costs for fares or costs related to the stopover are paid by the employee at the time of booking the travel.
10. Travelling allowance is not payable during a personal stopover. A personal stopover is defined as personal time spent at a destination where an employee has been directed to travel on official business⁴ or a break in travel at a usual point en route to the final travel destination⁵.
11. An employee may only use charter services when accompanying their employing Senator or Member under the Senator's or Member's charter work expense or where scheduled transport services (including air, rail, sea and bus) are not available.
 - (a) If the charter service also carries other passengers, the Commonwealth will only pay the pro rata cost of the travel of the employee.
 - (b) Charter services may not be used for the sole reason that scheduled services are fully booked, or are not available at the most convenient time.
 - (c) Some regions of Australia have infrequent scheduled services and/or no scheduled air services. Employees travelling to these locations should plan their travel with regard to these constraints.

² A Parliamentary Secretary may nominate an electorate employee whose travel will not be debited from the ESB under item 5 and, concurrently, nominate a personal employee whose travel will be debited from the ESB in place of a nominated different electorate employee whose travel will not be debited under item 6.

³ Using the *Electorate Employee Travel Nomination* form on the IPEA website.

⁴ For example, a Canberra-based employee travels to Brisbane on official business on Friday. The employee stays in Brisbane on Saturday and Sunday nights and returns on Monday. In this case, the Saturday and Sunday are counted as a personal stopover and return airfare will be covered by the Electorate Support Budget. However, if the employee returns on Tuesday or later, it is at their own expense.

⁵ For example, travel from Hobart to Canberra may have a usual stop in Melbourne en route.

12. Employees are required to take all reasonable steps to ensure, where applicable, that departure and destination travel arrangements are compatible with scheduled transport services.

Class of Travel

13. Senior staff (employees above the level of Adviser) who are required by the employing Senator or Member to travel on official business by air, rail, road or sea are limited to a fare which shall not exceed the cost of a business class airfare for the most reasonable and usual route between the departure and destination points. Where a business class airfare is not published for the destination point, the cost to the Commonwealth of travel by air, rail, road or sea must not exceed the economy class airfare for the most reasonable and usual route, between the departure and destination points.
14. Employees, other than senior staff, who are required by the employing Senator or Member to travel on official business by air, rail, road or sea are limited to a fare which shall not exceed the cost of an economy class airfare for the most reasonable and usual route between the departure and destination points, unless otherwise determined by the Special Minister of State.
15. A Minister, Parliamentary Secretary, Opposition Office Holder or Presiding Officer (but not a Deputy Presiding Officer) may direct a member of his or her staff who is on the same aircraft to travel at the same class as him or her, where there is a working need to do so. It is expected that no more than one employee will do so on any particular trip.

Car Transport

16. As set out in item 2 of this Schedule, it is an employee's responsibility (and hence the employee's cost) to transport him or herself to and from work for his or her normal hours of duty. Exceptions to this rule apply to the use of car transport in the following circumstances:
 - (a) the trip is approved for personal safety reasons (for example, where the risk to personal safety is significantly increased due to the requirement to work late); or
 - (b) the employee is travelling on official business and scheduled public transport services are not readily available; or
 - (c) the employee is travelling on official business and is carrying luggage to and/or from the office for the purpose of the trip.
17. Employees, when travelling as directed on official business, or under the exceptions at item 16, subject to the restrictions at items 1 to 9, may use⁶:
 - (a) taxis;
 - (b) regulated ridesharing services;
 - (c) hire cars; and

⁶ Motor vehicle allowance (MVA) may also be payable under Enterprise Agreement where an employee travels under the provisions of this determination in their privately owned vehicle or self-drive hire vehicle, at their own expense.

- (d) short-term self-drive cars hired through the travel services provider, or with any car hire company, provided that:
- (i) the hire is of no more than 10 days duration;
 - (ii) the vehicle is not used for journeys within Canberra (other than to collect and/or return the vehicle);
 - (iii) the vehicle is not used for journeys within a city/town where the employer's electorate or other office is located (other than to collect and/or return the vehicle), except by employees of the Prime Minister, the Leader of the Opposition, or the leader of a minority party;
 - (iv) for the purposes of short-term self-drive car hire under this determination, a capital city, other than Canberra, is defined by the boundaries of the electorates identified as urban on the Federal Electoral Boundaries map published from time to time by the Australian Electoral Commission. Canberra includes locations within a 30km radius of Parliament House; and
 - (v) the cost of insurance will be met by the Commonwealth where it is purchased as part of the vehicle hire. It is the responsibility of employees to ensure that they arrange the appropriate level of insurance for the circumstances of the hire. To reduce liability to the Commonwealth in case of loss or damage to the vehicle, this will usually be the highest level of insurance cover available.

18. Self-drive hire cars should be used on weekdays only unless exceptional circumstances apply and the Senator or Member has approved the use. Employees may not use taxis, regulated ridesharing services, hire cars or short-term self-drive hire cars at Commonwealth expense for private use, other than as set out at item 16.

Tolls and Parking Costs

19. Employees authorised by the employing Senator or Member to travel on official business may be reimbursed their toll and parking costs. Such costs must be reasonable to be eligible for full reimbursement⁷.
20. Toll and parking costs will not be reimbursed where incurred during a personal stopover or a period of leave. Administrative charges or penalties for late payment or non-payment of tolls and parking costs will not be reimbursed.
21. Employees will not be reimbursed for valet parking costs, with the exception of valet parking costs incurred at the accommodation occupied by the employee for travel on official business involving an overnight stay away from their work base.

Travel for Training

22. Senators and Members whose electorate offices are outside the greater metropolitan area of capital cities (including satellite cities), or within the Northern Territory or Tasmania, have access to four trips per financial year (five trips per financial year where the Member has a second official electorate office or six trips per financial year where the Member has a third official electorate office) for their electorate employees to travel to the nearest capital city to attend training under the

⁷ For example, it is generally expected that long-stay parking will be used at an airport.

Professional Development Program or approved ad hoc training and professional development opportunities, IT training or training for Work Health and Safety roles.

- (a) For electorate offices located in the Northern Territory, employees may also use the trips to travel to Adelaide or Brisbane.
- (b) For electorate offices located in Tasmania, employees may also use the trips to travel to Melbourne.

23. The Senators and Members whose employees are eligible for the trips in item 22 will be listed on the Ministerial and Parliamentary Services (M&PS) website.

Travel for ECG Representatives and WHS Committee Members

24. Associated travel costs⁸ of employees who are Employee Consultative Group⁹ (ECG) representatives and Work Health and Safety (WHS) Committee¹⁰ members, and whose travel is subject to the Electorate Support Budget, will not be debited against the Electorate Support Budget when the employee travels for the purpose of attending an ECG meeting or WHS Committee meeting, provided that the travel to the meeting location is not also for other official business.
25. Where the travel is also for other official business, only the *additional* travel costs associated with the ECG meeting or WHS Committee meeting will not be debited against the Electorate Support Budget.

COMCAR Services for Employees of the Prime Minister

26. All employees of the Prime Minister may use a COMCAR to travel to or from Defence Establishment Fairbairn when embarking or returning from travel with or on behalf of the Prime Minister.
27. With prior notification to the COMCAR Client Liaison Manager, the Prime Minister's employees may also travel in a COMCAR, when the car would otherwise be travelling without passengers, in the following circumstances:
- (a) if a COMCAR is travelling out of zone to meet the Prime Minister¹¹, and employees need to travel along the same route to meet the Prime Minister; or
 - (b) if a COMCAR is travelling as part of the Prime Minister's advance party and employees need to travel along the same route.
28. In using COMCAR for these purposes, the COMCAR booking will be based solely on the Prime Minister's requirements. Employees must make their own way to and from any pick up/drop off point that COMCAR advise, which will be on the direct intended route. The COMCAR schedule cannot be altered to incur waiting time on behalf of an employee.

⁸ 'Associated travel costs' are costs under this determination (or its successor determinations), including domestic flights and car travel, and as provided under the Enterprise Agreement, including travelling allowance and motor vehicle allowance.

⁹ As described at clause 5 of the Enterprise Agreement.

¹⁰ A Health and Safety Committee for MOP(S) Act employees for the purposes of Division 4 of the *Work Health and Safety Act 2011*.

¹¹ For example, from Canberra to Merimbula.

SCHEDULE B

Relief Staff Arrangements

29. Each Senator and Member may engage relief staff as electorate employees with a work base of the electorate office, Parliament House office, or office holder's office as described at item 30, in accordance with the Enterprise Agreement, up to the limit of his or her Electorate Support Budget. The Special Minister of State may approve an alternative work base for a person employed against the Electorate Support Budget in special circumstances.
30. For the purpose of item 29, an office holder's office is an office, other than the electorate office/s and Parliament House office, provided at Commonwealth expense to the employing Senator or Member within the state or territory of their electorate and who is:
- (a) a Minister;
 - (b) an Opposition Office Holder;
 - (c) a Leader of a Minority Party; or
 - (d) a Presiding Officer.
31. The employment of electorate staff against an established position will not be debited against the Electorate Support Budget under the following circumstances:
- (a) filling of positions that are vacant due to resignation, retirement or termination;
 - (b) filling of positions that are temporarily vacant due to an employee being temporarily progressed to a personal employee position;
 - (c) absences of one week¹² or more on personal leave¹³;
 - (d) all absences on the following types of leave:
 - (i) unpaid carer's leave;
 - (ii) compassionate leave;
 - (iii) community service leave;
 - (iv) miscellaneous or other leave paid in accordance with the Enterprise Agreement (including Defence Force service, participation in major international sporting events, war service sick leave, political exchange leave, and other special purposes, but not including study leave);
 - (v) long service leave;
 - (vi) maternity leave¹⁴;
 - (vii) adoption leave;

¹² The term 'one week' means an absence of 38 hours regardless of whether the employee is full-time or part-time.

¹³ Where an employee who is absent due to personal illness or injury or carers duties has exhausted their paid personal leave and therefore uses annual or long service leave, they may be replaced without debit against the Electorate Support Budget.

¹⁴ Where other forms of paid leave are used within the 52 week maternity leave period, the Electorate Support Budget provisions that apply to maternity leave take precedence over the Electorate Support Budget provisions that apply to the type of leave used.

- (viii) supporting partner leave;
- (ix) unpaid parental leave; and
- (x) leave without pay.

32. Where an electorate employee is partially incapacitated (i.e. working fewer than their usual weekly hours on the basis of medical advice), working up to but not exceeding 20 hours per week, that employee will be treated as totally incapacitated and full-time relief arrangements will apply (to the maximum of the usual weekly hours of the employee) for a maximum period of six months without debit against the Electorate Support Budget. After six months, or when the affected employee's work hours exceed 20 hours per week (but are less than their usual weekly hours), relief staff may be engaged part-time in order to fully staff the position without debit against the Electorate Support Budget.
33. Senators and Members who hold a 'relevant office', as defined under section 3 of the Act, engage relief staff as electorate employees against the Electorate Support Budget under Part III of the Act. Senators and Members who do not hold a 'relevant office' engage relief staff as electorate employees against the Electorate Support Budget under Part IV of the Act.

SCHEDULE C

Calculation of the Electorate Support Budget

34. Subject to items 35 to 38, the Electorate Support Budget is calculated at the commencement of each financial year as the sum of:
- (a) the electorate staff travel component; and
 - (b) the relief staff component.
35. The Electorate Support Budget is calculated pro rata, on the basis of the number of calendar days remaining, for the financial year in which a Senator or Member commences his or her term.
36. The relief staff component will be adjusted in line with changes to the base salary point of the Electorate Officer B classification.
37. The relief staff component will be adjusted pro rata where a Member is allocated, or ceases to be allocated, an additional position for a second and/or third official electorate office.
38. The Special Minister of State may approve changes to the Electorate Support Budget for any Senator or Member.
39. If the Electorate Support Budget for a year is exhausted, a Senator or Member may not draw from the Electorate Support Budget for the following year. The costs beyond the Electorate Support Budget are a debt owed to the Commonwealth and must be repaid by the Senator or Member. Unused funds may not be carried over to the following year.

Electorate staff travel component

40. Except as provided at items 41, 42 and 43, the electorate staff travel component is calculated on the basis of:
- (a) 20 return economy airfares (fully flexible) between the primary electorate office and Canberra;
 - (b) 110 nights of travelling allowance at the rate applicable to Canberra;
 - (c) taxi fares and/or motor vehicle allowance to and from the relevant airports for the 20 flights above; and
 - (d) an amount for other travel as follows:

Senator/Member	Electorate Size	\$
Member	0-199 km ²	\$300
Member	200-999 km ²	\$500
Member	1,000-9,999 km ²	\$700
Member	10,000-99,999 km ²	\$1,000
Member	100,000-199,999 km ²	\$8,132
Member	200,000-499,999 km ²	\$10,132
Member	500,000 km ² or greater	\$12,132
Senators for the NT	–	\$9,000
All other Senators	–	\$500

41. Where a Senator or Member's primary electorate office is located within 150km of Canberra by road, the electorate staff travel component is calculated at the commencement of each financial year on the basis of:
- (a) the value of motor vehicle allowance payable for 20 return motor vehicle trips between the primary electorate office and Canberra;
 - (b) 110 nights of travelling allowance at the rate applicable to Canberra; and
 - (c) an amount for other travel as set out at item 40(d).
42. The electorate staff travel component for each financial year for the Member for Bean and Senators for the ACT is calculated on the basis of:
- (a) three return economy airfares (fully flexible) between Canberra and Norfolk Island;
 - (b) eight nights of travelling allowance at the commercial rate applicable to Norfolk Island; and
 - (c) an amount of \$2,000 for other travel.
43. The electorate staff travel component for each financial year for the following Senators and Members is calculated as follows:

Senator/Member	\$
Member for Canberra	\$2,000
Member for Fenner	\$2,000
Member for Eden-Monaro	\$5,000
Senator whose electorate office is in Queanbeyan	\$5,000

Relief staff component

44. The relief staff component is calculated on the basis of:
- (a) 150 days' salary at the base salary point of the Electorate Officer B classification; and
 - (b) an additional 50 days' salary at the base salary point of the Electorate Officer B classification where a Member is allocated an additional position for a second official electorate office; and
 - (c) an additional 50 days' salary at the base salary point of the Electorate Officer B classification where a Member is allocated an additional position for a third official electorate office.

Terms and Definitions

45. In this determination, terms have the meaning set out in the Enterprise Agreement. In addition, the terms below have the following meanings:

Opposition Office Holder means:

- (a) the Leader or Deputy Leader of the Opposition in the House of Representatives; or
- (b) the Leader or Deputy Leader of the Opposition in the Senate.

Leader or Deputy Leader of a Minority Party means the Leader or Deputy Leader of a recognised non-Government party of at least five members, but does not include an Opposition Office Holder.

Professional Development Program means a scheduled program of training courses for MOP(S) Act employees, administered by the Department of Finance.

Regulated ridesharing services means a ridesharing service operating under regulation in the State or Territory in which the travel occurs.

From: Pearson, Nicole
Sent: Monday, 15 May 2023 3:39 PM
To: [REDACTED]
Cc: Assurance
Subject: HPE CM: FW: STAFF – Business Class Travel – Ref: 1753657 [SEC=OFFICIAL]

OFFICIAL

Dear Senator Henderson

Thank you for your telephone call on Friday. I had followed up your query about seeking review of the contents of Determination 2020/15: Staff Travel and Relief Staff Arrangement and left you a message at 12.45pm on Friday.

I am following up to let you know that Determination 2020/15 is set by Government and must be complied with. There is no review mechanism and your staff member is one of a number of staff that have not complied with the Determination and as such must repay money. Your staff member does have the option of seeking to offset the amount that we will invoice her against future travel.

I hope this information is helpful.

Kind regards

Nicole Pearson
Branch Manager, Transparency, Assurance and Legal
Independent Parliamentary Expenses Authority
One Canberra Avenue, FORREST ACT 2603

W: www.ipea.gov.au & www.ipea.gov.au/ed

From: Assurance <Assurance@ipea.gov.au>
Sent: Thursday, 11 May 2023 12:54 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: STAFF – Business Class Travel – Ref: 1753657 [SEC=OFFICIAL]

Classification: OFFICIAL

Classified by: assurance@ipea.gov.au on: 11/05/2023 10:35:37 AM **OFFICIAL**

Dear Senator Henderson

Thank you for your patience with this matter.

Please see attached correspondence from Ms Nicole Pearson.

Ms Pearson is the Branch Manager of Transparency, Assurance and Legal at IPEA and be contacted at assurance@ipea.gov.au or [REDACTED]

Sincerely

Assistant Director
Independent Parliamentary Expenses Authority
One Canberra Avenue, FORREST ACT 2603
T: +61 2 6215 3000
E: assurance@ipea.gov.au
www.ipea.gov.au & www.ipea.gov.au/ed

Classification: OFFICIAL

Classified by: [REDACTED] on: 26/04/2023 9:23:49 AM

From: Henderson, Sarah (Senator) [REDACTED] >

Sent: Wednesday, 10 May 2023 7:31 PM

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

Cc: [REDACTED]

Subject: Follow

Dear [REDACTED]

Following my last email to you, I called your office and left a message asking you to call me about this matter. I still have not heard back from you or had a reply to my email.

Can you please advise who is the head of IPEA so I can contact this person and discuss how I can have this matter reviewed?

Kind regards Sarah



231-233 Moorabool St Geelong Vic 3220
03 5221 5900 | 02 6277 3812 (Canberra)
[REDACTED] | sarahhenderson.com.au



Authorised by Sarah Henderson, Liberal Party, Geelong

From: Henderson, Sarah (Senator)

Sent: Wednesday, 26 April 2023 9:36 AM

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

Cc: [REDACTED]

Subject: RE: STAFF – Business Class Travel – Ref: 1753657 [SEC=OFFICIAL]

Dear [REDACTED]

I disagree with this assessment and ask that you provide advice as to how I can appeal this apparent determination.

This is profoundly unfair and unjust - [REDACTED] was in effect doing the work of two people on this trip, stepping into the shoes of my senior adviser, and for IPEA to throw the book at a young staff member when she was properly directed to travel business class by her employer is unacceptable.

At the very least, IPEA should have systems in place which alert a staff member at the time of booking that there might be an issue.

I await your further advice.

Kind regards, Sarah



SENATOR THE HON
SARAH HENDERSON
SHADOW MINISTER FOR EDUCATION
SENATOR FOR VICTORIA



231-233 Moorabool St Geelong Vic 3220
03 5221 5900 | 02 6277 3812 (Canberra)
| sarahhenderson.com.au



Authorised by Sarah Henderson, Liberal Party, Geelong

From: Assurance <Assurance@ipea.gov.au>
Sent: Wednesday, 26 April 2023 9:24 AM
To: Henderson, Sarah (Senator) <[REDACTED]> Assurance <Assurance@ipea.gov.au>
Cc: [REDACTED]
Subject: RE: STAFF – Business Class Travel – Ref: 1753657 [SEC=OFFICIAL]

OFFICIAL

Dear Senator

Thank you for your response. Unfortunately under the Determination, only a Minister, Parliamentary Secretary, Opposition Office Holder or Presiding Officer (but not a Deputy Presiding Officer) may direct a member of his or her staff who is on the same aircraft to travel at the same class as him or her, where there is a working need to do so.

Item 45 defines an Opposition Office Holder as: (a) the Leader or Deputy Leader of the Opposition in the House of Representatives; or (b) the Leader or Deputy Leader of the Opposition in the Senate.

Unless [REDACTED] was in the role of Senior Adviser in an official capacity at the time of the travel, we will need to raise an invoice for the difference between the business class fare and a flexible economy fare for the same flight.

Sincerely

[REDACTED]
Assistant Director
Independent Parliamentary Expenses Authority
One Canberra Avenue, FORREST ACT 2603
T: +61 2 6215 3000
E: assurance@ipea.gov.au
www.ipea.gov.au & www.ipea.gov.au/ed

Classification: OFFICIAL
Classified by: [REDACTED] **on:** 19/04/2023 12:56:54 PM

From: Henderson, Sarah (Senator) <[REDACTED]>
Sent: Wednesday, 19 April 2023 4:40 PM
To: Assurance <Assurance@ipea.gov.au>
Cc: [REDACTED]
Subject: FW: STAFF – Business Class Travel – Ref: 1753657 [SEC=OFFICIAL]

Dear [REDACTED]

My employee [REDACTED] has only just become aware of this issue due to her being on leave when your earlier email was sent to her in February.

Please be advised that as a shadow cabinet minister travelling to Queensland for official business, I directed [REDACTED] to travel with me in business class. [REDACTED] was the only staff member to accompany me on this trip and, in effect, stepped into the shoes of my senior adviser who was not able to travel with me on this occasion.

Due to the scope of [REDACTED] responsibilities and the tight deadlines under which we were working, it was necessary for [REDACTED] and I to work together on the plane, and it was therefore necessary for [REDACTED] to travel with me in the same class.

Under these circumstances, I believe that [REDACTED] was entitled to a return business class airfare and would ask that you confirm that all is in order.

Should you require any additional information, please do not hesitate to contact me.

Kind regards, Sarah



231-233 Moorabool St Geelong Vic 3220
03 5221 5900 | 02 6277 3812 (Canberra)
[REDACTED] | sarahhenderson.com.au



Authorised by Sarah Henderson, Liberal Party, Geelong

From: [REDACTED]
Sent: Wednesday, 19 April 2023 1:06 PM
To: Henderson, Sarah (Senator) <[REDACTED]>
Cc: [REDACTED]
Subject: Fwd: STAFF – Business Class Travel – Ref: 1753657 [SEC=OFFICIAL]

[REDACTED] checking if you guys are aware of an invoice for my travel with Sarah to Brisbane last October? Any advice on how I should respond to this email is much appreciated!

From: [REDACTED]
Sent: Wednesday, April 19, 2023 12:56:56 PM
To: Sutrisna, Monica (Sen S. Henderson) <[REDACTED]>
Cc: [REDACTED]
Subject: FW: STAFF – Business Class Travel – Ref: 1753657 [SEC=OFFICIAL]

OFFICIAL

Dear [REDACTED]

This is a reminder that a response to this matter has not been received.

Please respond to this request within 7 days to assurance@ipea.gov.au quoting Ref: 1753657.

Thank you in advance for your prompt response.

Sincerely

[REDACTED]
Assistant Director

Independent Parliamentary Expenses Authority
One Canberra Avenue, FORREST ACT 2603
T: +61 2 6215 3000
E: assurance@ipea.gov.au
www.ipea.gov.au & www.ipea.gov.au/ed

Classification: OFFICIAL

Classified by: assurance@ipea.gov.au on: 19/04/2023 12:54:23 PM

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

Sent: Wednesday, 1 February 2023 11:00 AM

To: [REDACTED] <[REDACTED]>

Subject: STAFF – Business Class Travel – Ref: 1753657 [SEC=OFFICIAL]

SEC=OFFICIAL

Dear [REDACTED]

The Independent Parliamentary Expenses Authority (IPEA) undertakes post-payment checks on travel related work expenses of parliamentarians and their staff. One of these checks looks at staff use of business class travel.

Relevantly, section 14 of [Determination 2020/15 Staff - Travel and Relief Staff Arrangements](#) (the Determination) made under the *Members of Parliament (Staff) Act 1984*, provides that employees, other than senior staff, who are required to travel on official business are limited to a fare that does not exceed the cost of an economy class airfare.

Section 15 provides that a Minister, Parliamentary Secretary, Opposition Office Holder or Presiding Officer (but not a Deputy Presiding Officer) may direct a member of his or her staff who is on the same aircraft to travel at the same class as him or her, where there is a working need to do so. It is expected that no more than one employee will do so on any particular trip.

Our records indicate that you travelled on the following flight(s) at business class.

Name	Date	Departure	Arrival	Class	Flight #
[REDACTED]	10/10/2022	Melbourne	Brisbane	Business	QF608
[REDACTED]	10/10/2022	Brisbane	Mackay	Business	QF986

Unfortunately, it appears that in this instance you were not entitled to a business class fare and we will need to raise an invoice for the difference between the business class and economy fare.

If there is any relevant information in relation to this travel, please advise us by **8 February 2023** quoting ref: 1753657.

Sincerely

[REDACTED]

Audit and Assurance
Independent Parliamentary Expenses Authority
One Canberra Avenue, FORREST ACT 2603

T: [REDACTED]
E: assurance@ipea.gov.au
W: www.ipea.gov.au

SEC=OFFICIAL

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Classification: OFFICIAL

Classified by: assurance@ipea.gov.au on: 11/05/2023 10:35:37 AM

OFFICIAL: Sensitive

Australian Government
Independent Parliamentary
Expenses Authority

26 May 2023

[REDACTED]

Email: [REDACTED]

Dear [REDACTED]

Assurance Review of staff business class airfare

I am writing in relation to your use of business class airfares on 10 October 2022.

As we advised in our letter to Senator Henderson on 11 May 2023, her direction for you to travel business class was inconsistent with the *Members of Parliament (Staff) Act 1984* and related Ministerial Determination framework, and IPEA has no discretion in relation to its obligation to recover the debt. We must raise an invoice in your name for the difference between the business class airfare and a fully flexible economy airfare.

The cost for the business class airfare was \$1801.72 and the cost of the fully flexible economy airfare would have been \$982.44. An invoice for the difference between the airfares of \$819.28 has been raised and is at **Attachment A**.

Please note, to repay the invoice you have the option to:

- deduct the debt from your future travel claims
- pay your invoice directly using the details on the bottom of the invoice
- have the debt deducted from your salary.

Should you wish to discuss your options for repayment further, please contact the IPEA advice line on 02 6215 3000.

Yours sincerely

[REDACTED]

Nicole Pearson
Branch Manager, Transparency, Assurance & Legal
Independent Parliamentary Expenses Authority
One Canberra Avenue, FORREST ACT 2603

OFFICIAL: Sensitive



TAX INVOICE

Invoice To:



[Redacted]

Invoice Date: 26.05.2023
 Phone number: (02) 6215 3000
 Invoice Reference: [Redacted]
 Payment Reference: [Redacted]
 Customer No: 85444494
 Payment Due Date: 25.06.2023
 Email: [Redacted]

On any correspondence,
 please quote the Invoice Reference.

Please pay within 30 days of the invoice date

Item Description	Net Amount	GST Amount	Total Amount
001 *Recovery of Airfare 10 October 2022	\$372.40	\$37.24	\$409.64
002 *Recovery of Airfare 10 October 2022	\$372.40	\$37.24	\$409.64

Total: **\$744.80** **\$74.48** **\$819.28**

✂

1. Payment by Direct Debit
 IPEA Administered Receipts A/C
 [Redacted]

2. Mailing your payment
 All cheques and money orders should be made payable to the IPEA.
 Mail payment together with this stub to:
 IPEA
 [Redacted]

3. Payment by Credit Card
 Complete the following and return by email to finance@ipea.gov.au or contact the IPEA Help Desk on (02) 6215 3000 with your credit card details.
 Card Type: Mastercard Visa

Card Number: _____ Expiry Date: _____ CCV _____

Name of Card Holder: _____ Signature: _____

Payment Amount: _____ Date: _____ Payment Ref: [Redacted]

OFFICIAL: Sensitive

Australian Government
Independent Parliamentary
Expenses Authority

26 May 2023

Senator the Hon Sarah Henderson
Senator for Victoria
231-233 Moorabool Street
Geelong, VIC, 3220

Email: [REDACTED]

Dear Senator

Assurance Review of staff business class airfare

As I advised in my letter of 11 May 2023, your direction for [REDACTED] to travel business class was inconsistent with the *Members of Parliament (Staff) Act 1984* and related Ministerial Determination framework and IPEA has no discretion in relation to its obligation to recover the debt.

Please note, this matter has now been progressed to an Assurance Review in line with our Statutory Audit Function Factsheet – **Attachment A**.

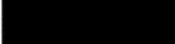
You may be aware that under section 12 of the *Independent Parliamentary Expenses Authority Act 2017* (the Act), one of the functions of the Independent Parliamentary Expenses Authority (IPEA) is to prepare reports in relation to the work expenses of members of parliament, and the travel expenses of their staff. Section 12 of the Act also provides that IPEA may publish these reports on the website - www.ipea.gov.au.

All IPEA Audits are published on the IPEA website. IPEA Members have now made a decision to routinely publish all Assurance Reviews on the IPEA website. Prior to this decision, all Assurance Reviews to 31 January 2022 have been made public on the IPEA Freedom of Information (FOI) log via FOI requests.

Assurance Reviews will now routinely be made publicly available on-line at least 3 months after the matter is concluded. Once this Assurance Review is concluded, and prior to publication, you will be provided with a copy for your information.

An invoice for the difference between the business class airfare and the cost of the fully flexible economy airfare, a total of \$819.28, has now been provided to [REDACTED]. [REDACTED] has also been advised about the possible methods of payment of the invoice that are open to [REDACTED] and that [REDACTED] is able to discuss these further by contacting the IPEA advice line on (02)6215 3000.

OFFICIAL: Sensitive

Should you wish to discuss this matter, please contact me on 

Yours sincerely



Nicole Pearson
Branch Manager, Transparency, Assurance & Legal
Independent Parliamentary Expenses Authority
One Canberra Avenue, FORREST ACT 2603

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	Assurance Review	Audit	Post-Payment Checks
<p>A Preliminary Assessment is generally confidential and establishes if further review is necessary.</p> <p>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.</p> <p>Preliminary Assessments review information held or accessible by IPEA to determine the threshold question of:</p> <ul style="list-style-type: none"> • Has a parliamentary business resource been used? <p>If the answer is YES, an Assurance Review follows.</p> <p><u>Potential pathways:</u></p> <ol style="list-style-type: none"> 1. No further action 2. Referral to more appropriate agency 3. Assurance Review 	<p>An Assurance Review determines if there has been a misuse of a parliamentary business resource.</p> <p>IPEA assesses the use of the parliamentary business resource against the legislative framework to determine:</p> <ul style="list-style-type: none"> • Was there misuse? <p>If the answer is YES, IPEA considers if an Audit, referral or administrative action is appropriate.</p> <p>An Audit is considered when:</p> <ul style="list-style-type: none"> • 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. <p>Referral to the AFP is considered when there is evidence of serious fraud or other criminal conduct.</p> <p><u>Potential pathways:</u></p> <ol style="list-style-type: none"> 1. No further action 2. Administrative remedial action, including penalty 3. An IPEA initiated Ruling or Audit 4. Referral to the AFP 	<p>An Audit may commence for two main reasons:</p> <ol style="list-style-type: none"> 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. <p>Where an Audit results from an Assurance Review, the Macquarie Dictionary definitions of these terms are considered:</p> <ul style="list-style-type: none"> • Substantial: "of ample or considerable amount, quantity, size etc." • Systemic: "affecting an organisation, network ... etc as a whole" <p>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.</p> <p><u>Potential pathways:</u></p> <ol style="list-style-type: none"> 1. No further action 2. Administrative remedial action, including penalty 3. An IPEA initiated Ruling or Audit 4. Referral to the AFP 	<p>Post-Payment Checks are ongoing systematic testing of expense use through regular sampling of transactions. This covers a range of expenses such as:</p> <ul style="list-style-type: none"> • business class travel • short term self-drive hire cars • accommodation receipts • desirable destinations • accompanying family • travel adjacent to public/school holidays. <p>Referring to the Australian Federal Police</p> <p>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.</p> <p>Making a Ruling</p> <p>Rulings are made and finalised by the Members, including where they are, requested by a parliamentarian, recommended by an Assurance Review or Audit.</p>

Website: ipea.gov.au

Phone: (02) 6215 3000

Email: enquiries@ipea.gov.au

From: Henderson, Sarah (Senator) <[REDACTED]>
Sent: Wednesday, 31 May 2023 8:59 AM
To: Assurance; Pearson, Nicole
Subject: [REDACTED]

OFFICIAL

Dear Nicole

I refer to your letter of 26 May 2023.

I write to advise that I called you yesterday and left a message asking you to return my call.

As by way of preliminary response only, I submit that your letter does not outline the substantive legal basis for invoicing [REDACTED] which I believe is unsound and is causing [REDACTED] ongoing distress and harm.

In the travel guidelines, an opposition office holder is permitted to direct a staff member to travel business class as an exception to the general rule where necessary. IPEA has not explained the basis on which this exception does not apply and, after reviewing the relevant legislation, I can see no basis for IPEA disregarding this exception.

I am also concerned about other advice you have provided including that your determination is not reviewable.

Could you please call me on [REDACTED]

Kind regards Sarah



231-233 Moorabool St Geelong Vic 3220
03 5221 5900 | 02 6277 3812 (Canberra)
[REDACTED] | sarahhenderson.com.au



Authorised by Sarah Henderson, Liberal Party, Geelong

assurance@ipea.gov.au on: 11/05/2023 10:35:37 AM

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From: Pearson, Nicole
Sent: Wednesday, 31 May 2023 3:05 PM
To: Henderson, Sarah (Senator); Assurance
Subject: [REDACTED]
Attachments: IPEA to Senator Henderson - Assurance Review - 31 May 2023.pdf; Attachment A.pdf

OFFICIAL

Dear Senator Henderson,

I had left you a voice mail message yesterday afternoon. In response to your call today and this email, I have attached a letter in which I have tried to further clarify the reasons for IPEA's decision. I hope this is of assistance.

Kind regards

Nicole Pearson
Branch Manager, Transparency, Assurance and Legal
Independent Parliamentary Expenses Authority
One Canberra Avenue, FORREST ACT 2603

W: www.ipea.gov.au & www.ipea.gov.au/ed

Classification: OFFICIAL

Classified by: [REDACTED] on: 26/05/2023 5:00:22 PM

From: Henderson, Sarah (Senator) [REDACTED]
Sent: Wednesday, May 31, 2023 8:59 AM
To: Assurance <Assurance@ipea.gov.au>; Pearson, Nicole [REDACTED]
Subject: [REDACTED]

OFFICIAL

Dear Nicole

I refer to your letter of 26 May 2023.

I write to advise that I called you yesterday and left a message asking you to return my call.

As by way of preliminary response only, I submit that your letter does not outline the substantive legal basis for invoicing [REDACTED] which I believe is unsound and is causing [REDACTED] ongoing distress and harm.

In the travel guidelines, an opposition office holder is permitted to direct a staff member to travel business class as an exception to the general rule where necessary. IPEA has not explained the basis on which this exception does not apply and, after reviewing the relevant legislation, I can see no basis for IPEA disregarding this exception.

I am also concerned about other advice you have provided including that your determination is not reviewable.

Could you please call me on [REDACTED]

Kind regards Sarah



SENATOR THE HON
SARAH HENDERSON
SHADOW MINISTER FOR EDUCATION
SENATOR FOR VICTORIA



231-233 Moorabool St Geelong Vic 3220
03 5221 5900 | 02 6277 3812 (Canberra)
[redacted] | sarahhenderson.com.au



Authorised by Sarah Henderson, Liberal Party, Geelong

assurance@ipea.gov.au on: 11/05/2023 10:35:37 AM

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Australian Government
Independent Parliamentary
Expenses Authority

31 May 2023

Senator the Hon Sarah Henderson
Senator for Victoria
231-233 Moorabool Street
Geelong, VIC, 3220

Email: [REDACTED]

Dear Senator

Assurance Review of staff business class airfare

Thank you for your email of 1 May 2023.

As I advised in my letter of 11 May 2023, arrangements pertaining to travel of the staff of parliamentarians are set out in the Commonwealth Member of Parliament Staff Enterprise Agreement 2020-23 (the Enterprise Agreement) and in Determination 2020/15: Staff Travel and Relief Staff Arrangement (the **Determination - Attachment A**).

As I also advised in my letter of 11 May 2023, item 15 of the Determination sets out the limited circumstances in which specified office-holders may direct staff to travel at the same class as the office-holder. Under this section, only a Minister, Parliamentary Secretary, Opposition Office Holder or Presiding Officer (but not a Deputy Presiding Officer) may direct a member of his or her staff who is on the same aircraft to travel at the same class as him or her, where there is a working need to do so. Item 45 of the Determination defines an Opposition Office Holder as:

- (a) the Leader or Deputy Leader of the Opposition in the House of Representatives; or*
- (b) the Leader or Deputy Leader of the Opposition in the Senate.*

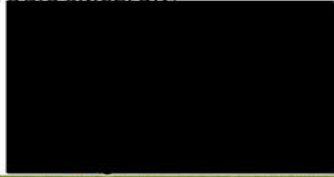
As you are not the Leader or Deputy Leader of the Opposition in the House of Representatives, or the Leader or Deputy Leader of the Opposition in the Senate, this exception would not apply to you.

Neither the Enterprise Agreement nor the Determination allows the Independent Parliamentary Expenses Authority discretion in interpreting or administering these provisions. As such, your direction for [REDACTED] to travel business class was inconsistent with the framework and IPEA has no discretion in relation to its obligation to recover the debt.

Further, as I advised in my email 15 May 2023, the Determination is made by Government and must be complied with. There is no review mechanism and your staff member is one of a number of staff that have not complied with the Determination and as such must repay money.

I note that your staff member does have the option of seeking to offset the amount that we will invoice [REDACTED] against future travel, which IPEA advised you of on 15 May 2023 and again on 26 May 2023.

Yours sincerely,

A large black rectangular redaction box covering the signature of Nicole Pearson.

Nicole Pearson
Branch Manager, Transparency, Assurance & Legal
Independent Parliamentary Expenses Authority
One Canberra Avenue, FORREST ACT 2603

Members of Parliament (Staff) Act 1984

STAFF TRAVEL AND RELIEF STAFF ARRANGEMENTS

I, MATHIAS CORMANN, Minister for Finance, for and on behalf of the Prime Minister, determine under subsection 13(2) and subsection 20(2) of the *Members of Parliament (Staff) Act 1984* (the Act) that, with effect on and from the date of this Determination:

- Determination 2018/30 made on 12 December 2018 is revoked;
- the travel arrangements set out in Schedule A of this determination apply to the staff of Senators and Members employed under Part III and Part IV of the Act;
- the relief staff arrangements set out in Schedule B of this determination apply; and
- the Electorate Support Budget is calculated as set out in Schedule C of this determination.

Dated this ^{29th} day of ^{JUNE} 2020


MATHIAS CORMANN
Minister for Finance

SCHEDULE A

Domestic Travel

1. Employees may only travel by the most efficient direct route available.
2. Subject to item 16, it is an employee's responsibility (and hence the employee's cost) to transport him or herself to and from work for his or her normal hours of duty. This responsibility includes travel between accommodation and the office when travelling on parliamentary or electorate business away from the employee's work base. This also includes travel to attend work when the employee's work base is distant from the employee's home.
3. All personal employees may travel as directed anywhere within Australia on official business.
4. Subject to available funds in the Electorate Support Budget (where applicable), electorate employees may travel as directed anywhere within Australia on official business. All travel costs under this determination and associated travelling allowance and motor vehicle allowance under the *Commonwealth Members of Parliament Staff Enterprise Agreement 2016-2019* or successor agreements (Enterprise Agreement) are debited against the Electorate Support Budget (where applicable).
5. One nominated electorate employee working for a Minister, a Parliamentary Secretary, an Opposition Office Holder, a Leader or Deputy Leader of a Minority Party, a Chair of a Parliamentary Committee, or, with the approval of the Special Minister of State, a Chair of a Parliamentary Sub-Committee, may travel as directed anywhere within Australia on official business without debit against the Electorate Support Budget.
 - (a) The nomination of an electorate employee is to be a settled arrangement, that is, the expectation is that the nomination would not change within 12 months. The name of the nominated employee must be notified to the Independent Parliamentary Expenses Authority (IPEA) in writing¹. All travel under this Schedule by the nominated employee that was undertaken prior to the date that the nomination took effect will be debited against the Electorate Support Budget.
 - (b) A Senator or Member may nominate only one electorate employee who may travel as directed anywhere within Australia on official business without debit against the Electorate Support Budget at any one time, irrespective of the number of office holder positions (as specified in this item) held by the Senator or Member.
 - (c) The general travel conditions set out in this Schedule continue to apply, where appropriate, to the nominated employee.
 - (d) All travel by the electorate employees of the Senator or Member, other than the nominated employee, will be debited against the Electorate Support Budget, subject to item 6.

¹ Using the *Electorate Employee Travel Nomination* form on the IPEA website.

6. A Presiding Officer, including a Deputy Presiding Officer, Parliamentary Secretary², Whip or a Shadow Minister, other than an Opposition Office Holder, may nominate a personal employee whose travel will be debited against the Electorate Support Budget, in place of a nominated electorate employee, whose travel will not be debited against the Electorate Support Budget.
 - (a) The nomination of a personal and electorate employee is to be a settled arrangement, that is, the expectation is that the nomination would not change within 12 months. The names of the nominated personal and electorate employees must be notified to IPEA in writing³. Travel by the nominated electorate employee that was undertaken prior to the date that the nomination took effect will be debited against the Electorate Support Budget.
7. Official travel is restricted to Australia (excluding the external territories), unless the employing Senator or Member has a specific work expense for travel to an Australian external territory.
8. Travel may not be undertaken at Commonwealth expense for the personal benefit of an employee.
9. With the approval of the employing Senator or Member, an employee is permitted to make a stopover for personal reasons in the course of travel on official business by the most efficient direct route available, provided:
 - (a) the stopover is for a maximum of two nights only;
 - (b) no annual leave is taken by an employee as part of the stopover; and
 - (c) any additional costs for fares or costs related to the stopover are paid by the employee at the time of booking the travel.
10. Travelling allowance is not payable during a personal stopover. A personal stopover is defined as personal time spent at a destination where an employee has been directed to travel on official business⁴ or a break in travel at a usual point en route to the final travel destination⁵.
11. An employee may only use charter services when accompanying their employing Senator or Member under the Senator's or Member's charter work expense or where scheduled transport services (including air, rail, sea and bus) are not available.
 - (a) If the charter service also carries other passengers, the Commonwealth will only pay the pro rata cost of the travel of the employee.
 - (b) Charter services may not be used for the sole reason that scheduled services are fully booked, or are not available at the most convenient time.
 - (c) Some regions of Australia have infrequent scheduled services and/or no scheduled air services. Employees travelling to these locations should plan their travel with regard to these constraints.

² A Parliamentary Secretary may nominate an electorate employee whose travel will not be debited from the ESB under item 5 and, concurrently, nominate a personal employee whose travel will be debited from the ESB in place of a nominated different electorate employee whose travel will not be debited under item 6.

³ Using the *Electorate Employee Travel Nomination* form on the IPEA website.

⁴ For example, a Canberra-based employee travels to Brisbane on official business on Friday. The employee stays in Brisbane on Saturday and Sunday nights and returns on Monday. In this case, the Saturday and Sunday are counted as a personal stopover and return airfare will be covered by the Electorate Support Budget. However, if the employee returns on Tuesday or later, it is at their own expense.

⁵ For example, travel from Hobart to Canberra may have a usual stop in Melbourne en route.

12. Employees are required to take all reasonable steps to ensure, where applicable, that departure and destination travel arrangements are compatible with scheduled transport services.

Class of Travel

13. Senior staff (employees above the level of Adviser) who are required by the employing Senator or Member to travel on official business by air, rail, road or sea are limited to a fare which shall not exceed the cost of a business class airfare for the most reasonable and usual route between the departure and destination points. Where a business class airfare is not published for the destination point, the cost to the Commonwealth of travel by air, rail, road or sea must not exceed the economy class airfare for the most reasonable and usual route, between the departure and destination points.
14. Employees, other than senior staff, who are required by the employing Senator or Member to travel on official business by air, rail, road or sea are limited to a fare which shall not exceed the cost of an economy class airfare for the most reasonable and usual route between the departure and destination points, unless otherwise determined by the Special Minister of State.
15. A Minister, Parliamentary Secretary, Opposition Office Holder or Presiding Officer (but not a Deputy Presiding Officer) may direct a member of his or her staff who is on the same aircraft to travel at the same class as him or her, where there is a working need to do so. It is expected that no more than one employee will do so on any particular trip.

Car Transport

16. As set out in item 2 of this Schedule, it is an employee's responsibility (and hence the employee's cost) to transport him or herself to and from work for his or her normal hours of duty. Exceptions to this rule apply to the use of car transport in the following circumstances:
 - (a) the trip is approved for personal safety reasons (for example, where the risk to personal safety is significantly increased due to the requirement to work late); or
 - (b) the employee is travelling on official business and scheduled public transport services are not readily available; or
 - (c) the employee is travelling on official business and is carrying luggage to and/or from the office for the purpose of the trip.
17. Employees, when travelling as directed on official business, or under the exceptions at item 16, subject to the restrictions at items 1 to 9, may use⁶:
 - (a) taxis;
 - (b) regulated ridesharing services;
 - (c) hire cars; and

⁶ Motor vehicle allowance (MVA) may also be payable under Enterprise Agreement where an employee travels under the provisions of this determination in their privately owned vehicle or self-drive hire vehicle, at their own expense.

- (d) short-term self-drive cars hired through the travel services provider, or with any car hire company, provided that:
 - (i) the hire is of no more than 10 days duration;
 - (ii) the vehicle is not used for journeys within Canberra (other than to collect and/or return the vehicle);
 - (iii) the vehicle is not used for journeys within a city/town where the employer's electorate or other office is located (other than to collect and/or return the vehicle), except by employees of the Prime Minister, the Leader of the Opposition, or the leader of a minority party;
 - (iv) for the purposes of short-term self-drive car hire under this determination, a capital city, other than Canberra, is defined by the boundaries of the electorates identified as urban on the Federal Electoral Boundaries map published from time to time by the Australian Electoral Commission. Canberra includes locations within a 30km radius of Parliament House; and
 - (v) the cost of insurance will be met by the Commonwealth where it is purchased as part of the vehicle hire. It is the responsibility of employees to ensure that they arrange the appropriate level of insurance for the circumstances of the hire. To reduce liability to the Commonwealth in case of loss or damage to the vehicle, this will usually be the highest level of insurance cover available.

18. Self-drive hire cars should be used on weekdays only unless exceptional circumstances apply and the Senator or Member has approved the use. Employees may not use taxis, regulated ridesharing services, hire cars or short-term self-drive hire cars at Commonwealth expense for private use, other than as set out at item 16.

Tolls and Parking Costs

19. Employees authorised by the employing Senator or Member to travel on official business may be reimbursed their toll and parking costs. Such costs must be reasonable to be eligible for full reimbursement⁷.
20. Toll and parking costs will not be reimbursed where incurred during a personal stopover or a period of leave. Administrative charges or penalties for late payment or non-payment of tolls and parking costs will not be reimbursed.
21. Employees will not be reimbursed for valet parking costs, with the exception of valet parking costs incurred at the accommodation occupied by the employee for travel on official business involving an overnight stay away from their work base.

Travel for Training

22. Senators and Members whose electorate offices are outside the greater metropolitan area of capital cities (including satellite cities), or within the Northern Territory or Tasmania, have access to four trips per financial year (five trips per financial year where the Member has a second official electorate office or six trips per financial year where the Member has a third official electorate office) for their electorate employees to travel to the nearest capital city to attend training under the

⁷ For example, it is generally expected that long-stay parking will be used at an airport.

Professional Development Program or approved ad hoc training and professional development opportunities, IT training or training for Work Health and Safety roles.

- (a) For electorate offices located in the Northern Territory, employees may also use the trips to travel to Adelaide or Brisbane.
- (b) For electorate offices located in Tasmania, employees may also use the trips to travel to Melbourne.

23. The Senators and Members whose employees are eligible for the trips in item 22 will be listed on the Ministerial and Parliamentary Services (M&PS) website.

Travel for ECG Representatives and WHS Committee Members

24. Associated travel costs⁸ of employees who are Employee Consultative Group⁹ (ECG) representatives and Work Health and Safety (WHS) Committee¹⁰ members, and whose travel is subject to the Electorate Support Budget, will not be debited against the Electorate Support Budget when the employee travels for the purpose of attending an ECG meeting or WHS Committee meeting, provided that the travel to the meeting location is not also for other official business.
25. Where the travel is also for other official business, only the *additional* travel costs associated with the ECG meeting or WHS Committee meeting will not be debited against the Electorate Support Budget.

COMCAR Services for Employees of the Prime Minister

26. All employees of the Prime Minister may use a COMCAR to travel to or from Defence Establishment Fairbairn when embarking or returning from travel with or on behalf of the Prime Minister.
27. With prior notification to the COMCAR Client Liaison Manager, the Prime Minister's employees may also travel in a COMCAR, when the car would otherwise be travelling without passengers, in the following circumstances:
- (a) if a COMCAR is travelling out of zone to meet the Prime Minister¹¹, and employees need to travel along the same route to meet the Prime Minister; or
 - (b) if a COMCAR is travelling as part of the Prime Minister's advance party and employees need to travel along the same route.
28. In using COMCAR for these purposes, the COMCAR booking will be based solely on the Prime Minister's requirements. Employees must make their own way to and from any pick up/drop off point that COMCAR advise, which will be on the direct intended route. The COMCAR schedule cannot be altered to incur waiting time on behalf of an employee.

⁸ 'Associated travel costs' are costs under this determination (or its successor determinations), including domestic flights and car travel, and as provided under the Enterprise Agreement, including travelling allowance and motor vehicle allowance.

⁹ As described at clause 5 of the Enterprise Agreement.

¹⁰ A Health and Safety Committee for MOP(S) Act employees for the purposes of Division 4 of the *Work Health and Safety Act 2011*.

¹¹ For example, from Canberra to Merimbula.

SCHEDULE B

Relief Staff Arrangements

29. Each Senator and Member may engage relief staff as electorate employees with a work base of the electorate office, Parliament House office, or office holder's office as described at item 30, in accordance with the Enterprise Agreement, up to the limit of his or her Electorate Support Budget. The Special Minister of State may approve an alternative work base for a person employed against the Electorate Support Budget in special circumstances.
30. For the purpose of item 29, an office holder's office is an office, other than the electorate office/s and Parliament House office, provided at Commonwealth expense to the employing Senator or Member within the state or territory of their electorate and who is:
- (a) a Minister;
 - (b) an Opposition Office Holder;
 - (c) a Leader of a Minority Party; or
 - (d) a Presiding Officer.
31. The employment of electorate staff against an established position will not be debited against the Electorate Support Budget under the following circumstances:
- (a) filling of positions that are vacant due to resignation, retirement or termination;
 - (b) filling of positions that are temporarily vacant due to an employee being temporarily progressed to a personal employee position;
 - (c) absences of one week¹² or more on personal leave¹³;
 - (d) all absences on the following types of leave:
 - (i) unpaid carer's leave;
 - (ii) compassionate leave;
 - (iii) community service leave;
 - (iv) miscellaneous or other leave paid in accordance with the Enterprise Agreement (including Defence Force service, participation in major international sporting events, war service sick leave, political exchange leave, and other special purposes, but not including study leave);
 - (v) long service leave;
 - (vi) maternity leave¹⁴;
 - (vii) adoption leave;

¹² The term 'one week' means an absence of 38 hours regardless of whether the employee is full-time or part-time.

¹³ Where an employee who is absent due to personal illness or injury or carers duties has exhausted their paid personal leave and therefore uses annual or long service leave, they may be replaced without debit against the Electorate Support Budget.

¹⁴ Where other forms of paid leave are used within the 52 week maternity leave period, the Electorate Support Budget provisions that apply to maternity leave take precedence over the Electorate Support Budget provisions that apply to the type of leave used.

- (viii) supporting partner leave;
- (ix) unpaid parental leave; and
- (x) leave without pay.

32. Where an electorate employee is partially incapacitated (i.e. working fewer than their usual weekly hours on the basis of medical advice), working up to but not exceeding 20 hours per week, that employee will be treated as totally incapacitated and full-time relief arrangements will apply (to the maximum of the usual weekly hours of the employee) for a maximum period of six months without debit against the Electorate Support Budget. After six months, or when the affected employee's work hours exceed 20 hours per week (but are less than their usual weekly hours), relief staff may be engaged part-time in order to fully staff the position without debit against the Electorate Support Budget.
33. Senators and Members who hold a 'relevant office', as defined under section 3 of the Act, engage relief staff as electorate employees against the Electorate Support Budget under Part III of the Act. Senators and Members who do not hold a 'relevant office' engage relief staff as electorate employees against the Electorate Support Budget under Part IV of the Act.

SCHEDULE C

Calculation of the Electorate Support Budget

34. Subject to items 35 to 38, the Electorate Support Budget is calculated at the commencement of each financial year as the sum of:
- (a) the electorate staff travel component; and
 - (b) the relief staff component.
35. The Electorate Support Budget is calculated pro rata, on the basis of the number of calendar days remaining, for the financial year in which a Senator or Member commences his or her term.
36. The relief staff component will be adjusted in line with changes to the base salary point of the Electorate Officer B classification.
37. The relief staff component will be adjusted pro rata where a Member is allocated, or ceases to be allocated, an additional position for a second and/or third official electorate office.
38. The Special Minister of State may approve changes to the Electorate Support Budget for any Senator or Member.
39. If the Electorate Support Budget for a year is exhausted, a Senator or Member may not draw from the Electorate Support Budget for the following year. The costs beyond the Electorate Support Budget are a debt owed to the Commonwealth and must be repaid by the Senator or Member. Unused funds may not be carried over to the following year.

Electorate staff travel component

40. Except as provided at items 41, 42 and 43, the electorate staff travel component is calculated on the basis of:
- (a) 20 return economy airfares (fully flexible) between the primary electorate office and Canberra;
 - (b) 110 nights of travelling allowance at the rate applicable to Canberra;
 - (c) taxi fares and/or motor vehicle allowance to and from the relevant airports for the 20 flights above; and
 - (d) an amount for other travel as follows:

Senator/Member	Electorate Size	\$
Member	0-199 km ²	\$300
Member	200-999 km ²	\$500
Member	1,000-9,999 km ²	\$700
Member	10,000-99,999 km ²	\$1,000
Member	100,000-199,999 km ²	\$8,132
Member	200,000-499,999 km ²	\$10,132
Member	500,000 km ² or greater	\$12,132
Senators for the NT	—	\$9,000
All other Senators	—	\$500

41. Where a Senator or Member's primary electorate office is located within 150km of Canberra by road, the electorate staff travel component is calculated at the commencement of each financial year on the basis of:
- (a) the value of motor vehicle allowance payable for 20 return motor vehicle trips between the primary electorate office and Canberra;
 - (b) 110 nights of travelling allowance at the rate applicable to Canberra; and
 - (c) an amount for other travel as set out at item 40(d).
42. The electorate staff travel component for each financial year for the Member for Bean and Senators for the ACT is calculated on the basis of:
- (a) three return economy airfares (fully flexible) between Canberra and Norfolk Island;
 - (b) eight nights of travelling allowance at the commercial rate applicable to Norfolk Island; and
 - (c) an amount of \$2,000 for other travel.
43. The electorate staff travel component for each financial year for the following Senators and Members is calculated as follows:

Senator/Member	\$
Member for Canberra	\$2,000
Member for Fenner	\$2,000
Member for Eden-Monaro	\$5,000
Senator whose electorate office is in Queanbeyan	\$5,000

Relief staff component

44. The relief staff component is calculated on the basis of:
- (a) 150 days' salary at the base salary point of the Electorate Officer B classification; and
 - (b) an additional 50 days' salary at the base salary point of the Electorate Officer B classification where a Member is allocated an additional position for a second official electorate office; and
 - (c) an additional 50 days' salary at the base salary point of the Electorate Officer B classification where a Member is allocated an additional position for a third official electorate office.

Terms and Definitions

45. In this determination, terms have the meaning set out in the Enterprise Agreement. In addition, the terms below have the following meanings:

Opposition Office Holder means:

- (a) the Leader or Deputy Leader of the Opposition in the House of Representatives; or
- (b) the Leader or Deputy Leader of the Opposition in the Senate.

Leader or Deputy Leader of a Minority Party means the Leader or Deputy Leader of a recognised non-Government party of at least five members, but does not include an Opposition Office Holder.

Professional Development Program means a scheduled program of training courses for MOP(S) Act employees, administered by the Department of Finance.

Regulated ridesharing services means a ridesharing service operating under regulation in the State or Territory in which the travel occurs.