



**Australian Government**  
**Independent Parliamentary  
Expenses Authority**

Assurance Review 2023/030

Senator David Shoebridge – Review of travel and travel-  
related expenses

1 April to 30 June 2023

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## Executive summary

1. The Independent Parliamentary Expenses Authority (IPEA) conducted an Assurance Review of travel by Senator David Shoebridge during the period 1 April to 30 June 2023. The Assurance Review forms part of IPEA's 3 Year Assurance Plan and is part of IPEA's assessment of the travel of new parliamentarians elected at the 2022 Federal Election.

### Assurance Review Findings

2. The Assurance Review assessed whether the use of parliamentary business resources was for the dominant purpose of parliamentary business. IPEA identified Senator Shoebridge as having used parliamentary business resources for travel to:
  - a. Melbourne between 20 and 21 April 2023
  - b. Albury between 22 and 23 April 2023
  - c. Perth between 25 and 28 April 2023
  - d. The Gold Coast between 6 and 7 May 2023
3. Having considered the available information IPEA has concluded that all travel was for the dominant purpose of parliamentary business and the use of parliamentary business resources was consistent with the legislative framework.

### Scope and Purpose

4. The scope of this Assurance Review is all travel undertaken by Senator Shoebridge during the period 1 April to 30 June 2023. The purpose of the Assurance Review was to determine whether the parliamentary business resources used conformed to the legislative provisions.

### Engagement with Senator Shoebridge

5. On 27 November 2023, IPEA wrote to Senator Shoebridge in relation to his travel. Senator Shoebridge was asked to confirm the dominant purpose of his travel to Melbourne, Albury and the Gold Coast and to provide details of his parliamentary business in those locations.
6. IPEA noted Senator Shoebridge's travel to Perth as part of the hearings for the 'Missing and Murdered First Nations Women and Children Inquiry' falls within the period in scope. Having reviewed the available information regarding this travel, IPEA is satisfied this travel was for the dominant purpose of parliamentary business and the use of parliamentary business resources was in accordance with the legislative framework.
7. On 12 December 2023, Senator Shoebridge responded, advising the purpose of travel to Melbourne between 20 and 21 April 2022 was for public hearings for the 'Inquiry into Australia's Illicit drug problem: Challenges and opportunities for law enforcement'. Senator Shoebridge advised his travel to Albury on 22 April 2023 was to attend the State Delegate's Conference and travel to the Gold Coast and Nimbin between 6 and 7 May 2023 was to attend Mardi Grass as part of his policy position on Drug Law Reform.

## Audit and Assurance function

### IPEA's statutory audit function

9. 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 conducts Assurance Reviews to assess the use of parliamentary business resources against the legislative framework to determine whether there was misuse.
10. Potential outcomes of an Assurance Review include:
  - a. no further action in circumstances where the review has concluded the use of parliamentary business resources was not inconsistent with the legislative framework, or
  - b. administrative remedial action, including penalty where the review has concluded there is evidence the use of parliamentary business resources was not consistent with the legislative framework, or
  - c. an IPEA initiated Ruling or Audit, where there is evidence of systemic or substantial misuse of parliamentary business resources, or
  - d. referral to the Australian Federal Police where compelling prima facie evidence of fraud or other criminal conduct is identified.

## Legislative framework

11. The legislation relevant to this Assurance Review is:
  - a. *Parliamentary Business Resources Act 2017* (PBR Act)
  - b. Parliamentary Business Resource Regulations 2017 (the Regulations)
  - c. Parliamentary Business Resources (Parliamentary Business) Determination 2017 (Parliamentary Business Determination)
  - d. Parliamentary Business Resources (Commonwealth Transport) Determination 2017 (Commonwealth Transport Determination)
12. The PBR Act and the PBR Regulations established a framework for providing resources to parliamentarians in respect of their parliamentary business. Parliamentarians are eligible to claim public resources under the framework in respect of their parliamentary business.
13. Section 6 of the PBR Act provides the meaning of **parliamentary business**:
  - (1) The **parliamentary business** of a member means any of the following:
    - (a) the **parliamentary duties** of a member, being activities of the member that:
      - (i) relate directly to the member's role as a member; and
      - (ii) are determined for the purposes of paragraph (4)(a);
    - (b) the **electorate duties** of the member, being activities of the member that:
      - (i) support or serve the member's constituents; and
      - (ii) are determined for the purposes of paragraph (4)(b);
    - (c) the **party political duties** of the member, being activities determined for the purposes of paragraph (4)(c);

- (d) for a member who is an office holder or a Minister of State—the **official duties** of the member being activities that:
- (i) relate to the member’s role as an office holder or Minister of State; and
  - (ii) are determined for the purposes of paragraph (4)(d).
14. Subsection 6(4) of the PBR Act provides the Minister must determine activities of a member that are **parliamentary duties** of the member, or **electorate duties** of the member, or **party political duties** of the member, or **official duties** of the member. The Parliamentary Business Determination prescribes the activities which fall within the four duty streams set out in section 6 of the PBR Act.
15. Subsection 6(2) of the PBR Act further provides in part:
- However, an activity is not the **parliamentary business** of a member if:
- (a) the member carries it out for the dominant purpose of either or both the following:
    - (i) providing a personal benefit to the member or another person;
    - (ii) pursuing commercial purposes of the member or another person;...
16. Subsection 9(1) of the PBR Act details expenses that may be incurred for travel:
- For the purposes of this Act, the following are examples of expenses incurred in connection with travel:
- (a) the cost of fares;
  - (b) the cost of taxis and other local transport in connection with travel;
  - (c) the costs of the provision of charter services;
  - (d) the cost of accommodation;
  - (e) the cost of meals;
  - (f) the cost of incidentals.
17. The Commonwealth Transport Determination provides that COMCAR services are to be made available for the purposes of subsection 8(2) of the PBR Regulations. There are limits and conditions on member’s use of COMCAR within Australia. Subsection 9(1) of the Commonwealth Transport Determination provides:
- COMCAR is not available for the purpose of subsection 8(2) of the Regulations if the member could reasonably use the member’s private plated vehicle in the circumstances, assuming the member had a private plated vehicle.
- Note: A member who chooses an allowance instead of a private plated vehicle could reasonably be expected to use the allowance instead of claiming COMCAR transport costs in circumstances where a private plated vehicle could otherwise reasonably be used.
18. As an overarching matter, the public resources prescribed in Parts 2, 3 and 4 of the PBR Regulations are subject to a specific accountability regime established in the PBR Act for that purpose. Parliamentarians’ access to and use of public resources are subject to the following obligations:
- Parliamentarians must be personally responsible and accountable for their use of public resources, and to act ethically and in good faith using and accounting for their use of those resources (see section 25)
  - A parliamentarian must not claim or use public resources unless it is for the dominant purpose of conducting their parliamentary business (dominant purpose test, see section 26)
  - A parliamentarian must ensure value for money for the Commonwealth in incurring expenses or claiming public resources, taking into account the need to conduct the parliamentary business (value for money test, see section 27), and
  - A parliamentarian must not claim resources or incur expenses if any conditions for accessing the resources have not been met (section 28)

19. In accordance with sections 30 and 31 of the PBR Act, the Commonwealth must pay the travel expenses and travel allowances as prescribed by the Regulations. Division 1 of Part 2 of the PBR Regulations prescribes travel expenses and travel allowances for travel within Australia for the purposes of sections 30 and 31 of the PBR Act.

## Assurance Review methodology

### Background

20. Review of travel and travel-related expenses incurred by parliamentarians forms part of IPEA's 3 Year Assurance Plan. On 3 November 2023 in accordance with IPEA's Statutory Audit Function Sheet, IPEA commenced a Preliminary Assessment in relation to travel undertaken by Senator Shoebridge during the period 1 April to 30 June 2023.
21. On 3 November 2023, IPEA Audit and Assurance obtained data on all travel completed by Senator Shoebridge during the period in scope. The data included travel and travel-related expenses processed via the Parliamentary Expenses Management System (PEMS) and data provided by COMCAR. The Preliminary Assessment found that parliamentary business resources were used by Senator Shoebridge during the period.
22. On 8 November 2023 this matter progressed to an Assurance Review.

### Scope of Assurance Review

23. The scope of this Assurance Review is travel undertaken by Senator Shoebridge during the period 1 April to 30 June 2023.

# Assessment of work expenses

## Summary of findings

### Analysis

24. IPEA considered the legislative framework and applied the following questions to the travel undertaken by Senator Shoebridge:
  - a. What was Senator Shoebridge's dominant purpose for his travel to:
    - i. Melbourne between 20 and 21 April 2023,
    - ii. Albury on 22 April 2023; and
    - iii. Gold Coast between 6 and 7 May 2023?
  - b. What was the nature of Senator Shoebridge's parliamentary business for his travel to each destination?
25. IPEA conducted the Assurance Review by examining and assessing:
  - a. Information obtained from the Audit and Assurance Dashboard
  - b. Publicly available information in relation to Senate inquiries
  - c. Travel bookings and other records contained in PEMS
  - d. Response and additional information provided by Senator Shoebridge
26. Senator Shoebridge travelled from Sydney to Melbourne on 20 April 2023, departing Sydney at 6:30 AM, he received travel allowance for one night in Melbourne before a return flight to Sydney on 21 April 2023, departing Melbourne at 11:00 AM. Senator Shoebridge used COMCAR for transport to and from Sydney and Melbourne airports and for transport within Melbourne.
27. In his response of 12 December 2023, Senator Shoebridge advised the purpose of his travel to Melbourne was parliamentary duties to attend public hearings in relation to the 'Joint Committee on Law Enforcement inquiry into Australia's illicit drug problem: Challenges and opportunities for law enforcement'. In addition, Senator Shoebridge was a guest speaker at the 420 Rally and Community Picnic held at Flagstaff Gardens in West Melbourne and Politics in the Pub held at the Town Hall Hotel in North Melbourne.
28. Having considered the available information, including the response and additional information provided by Senator Shoebridge, IPEA is satisfied the dominant purpose of his travel to Melbourne between 20 and 21 April 2023 was parliamentary business and the use of parliamentary business resources was consistent with the legislative framework.
29. Senator Shoebridge travelled from Sydney to Albury on 22 April 2023, departing Sydney at 8:36 AM, he hired a car while in Albury and received travel allowance for one night. In his response of 12 December 2023, Senator Shoebridge advised the purpose of his travel to Albury was for Party political duties to attend a State Delegates Conference. A media report appears to confirm the NSW Greens State Delegates Council met in Albury for the weekend.

30. Having considered the available information, including the response and additional information provided by Senator Shoebridge, IPEA is satisfied the dominant purpose of his travel to Albury on 22 April 2023 was for the dominant purpose of parliamentary business and the use of parliamentary business resources was consistent with the legislative framework.
31. Senator Shoebridge travelled from Sydney to the Gold Coast on 6 May 2023, departing Sydney at 6:20 AM, he hired a car while in the Gold Coast and received travel allowance for one night before a return flight to Sydney on 7 May 2023, departing the Gold Coast at 6:20 PM.
32. In his response of 12 December 2023, Senator Shoebridge advised the purpose of his travel to the Gold Coast was Parliamentary duties of Drug Law Reform to attend Mardi Grass in Nimbin. While attending Mardi Grass, Senator Shoebridge participated in a talk 'Legalising Cannabis Federally' and a panel discussion 'Weed Legalisation – What's Next?' at the Town Hall.
33. Having considered the available information, including the response and additional information provided by Senator Shoebridge, IPEA is satisfied the dominant purpose of his travel to the Gold Coast and Nimbin was for parliamentary business and the use of parliamentary business resources was consistent with the legislative framework.

#### **Conclusion**

34. IPEA has concluded that parliamentary business was the dominant purpose of all travel undertaken by Senator Shoebridge during the period in scope and no further action is required for this Assurance Review.