



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

Assurance Review 2023/011

Office of Senator the Hon Jonathon Duniam – Staff use of  
car transport in Canberra

1 September 2022 – 31 March 2023

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## Executive summary

1. The Independent Parliamentary Expenses Authority (IPEA) conducted an Assurance Review of the use of car transport in Canberra by a *Members of Parliament (Staff) Act 1984* (MOP(S) Act) employee in Senator Duniam's office during the period 1 September 2022 to 31 March 2023.

### Assurance Review Findings

2. The Assurance Review found the MOP(S) Act employee used car transport to travel from their accommodation to work at Parliament House and return on a regular basis which is not consistent with the legislative framework. An invoice was raised to recover the full amount of those transactions which were not consistent with the legislative framework and the invoice has been paid in full.

### Scope and Purpose

3. The scope of this Assurance Review is staff use of car transport in Canberra by a MOP(S) Act employee in Senator Duniam's office. The purpose of this Assurance Review was to determine whether the use of parliamentary business resources (car transport) was consistent with the legislative framework.

### Engagement with Senator the Hon Jonathon Duniam

4. On 4 July 2023, IPEA wrote to Senator Duniam asking him to examine each trip identified and indicate in the comments how each trip complies with Determination 2020/15 – Staff Travel and Relief Staff Arrangements (the Determination), including that the travel undertaken was directed by the Senator or an authorised person. As no response had been received, on 17 July 2023 IPEA wrote to Senator Duniam seeking a response by 31 July 2023, Senator Duniam was advised that IPEA may consider other options for progressing the Assurance Review if a response was not received.
5. Senator Duniam responded on 17 July 2023 detailing eight transactions where travel was directed because the staff member was carrying luggage to or from the office. The remaining transactions were identified as being authorised for personal safety reasons or because scheduled public transport was not available.
6. IPEA accepted those transactions where the staff member was carrying luggage to or from the office and all transactions departing Parliament House in the late evening as being consistent with the legislative framework.
7. On 31 July 2023, IPEA wrote to Senator Duniam asking him to consider the remaining transactions and to confirm the travel was directed by him or an authorised person in his office for the reason specified.
8. On 18 August 2023, the MOP(S) Act employee in Senator Duniam's office whose use of car transport is the subject of the Assurance Review requested advice on the meaning behind each of the exceptions in item 16 of the Determination. As IPEA is not the policy owner, advice was sought from Ministerial and Parliamentary Services.
9. On 3 October 2023 IPEA wrote to the MOP(S) Act employee providing policy advice in response to the questions and asking for further information or comments to be provided to IPEA by 17 October 2023. The employee sought further clarification on the advice provided by IPEA. On 18 October 2023 and again on 2 November 2023, IPEA responded to the staff member. On 9 November 2023, the employee requested IPEA raise an invoice to repay the expenses which were not consistent with the legislative framework.
10. On 28 November 2023, IPEA raised an invoice for \$499.75 to recover the expenses and the invoice has been paid in full.

## Audit and Assurance function

### IPEA's statutory audit function

11. 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 public resources against the legislative framework to determine if there has been a misuse.
12. 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 consistent 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

13. The legislation relevant to this Assurance Review is:
  - a. *Members of Parliament (Staff) Act 1984* (MOP(S) Act)
  - b. Determination 2020/15 – Staff Travel and Relief Staff Arrangements (the Determination)
  - c. Commonwealth Members of Parliament Staff Enterprise Agreement 2020-23 (MOPS EA)
  - d. Ministerial and Parliamentary Services Domestic Travel Guideline

14. In relation to Domestic Travel, item 2 of Schedule A of the Determination provides:

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.

15. Item 17 of the Determination provides:

Employees, when travelling as directed on official business, or under one of the exceptions at item 16, may use:

- (a) taxis;
- (b) regulated ridesharing services;
- (c) hire cars; and
- (d) short-term self-drive cars hired through the travel services provider, or with any car hire company...

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16. 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 in item 16 of the Determination which provides:
- 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. The Ministerial and Parliamentary Services Domestic Travel Guideline provides that employees must seek the most efficient, effective, economical and ethical use of public money when arranging travel, making all reasonable efforts to reduce the overall cost to the Commonwealth. Employees must travel in accordance with the Determination.
18. In relation to ordinary hours of duty, clause 30 of the MOPS EA provides:
- 30.1 The ordinary hours of duty for a full-time employee are 38 hours per week (7 hours and 36 minutes per day). These hours will generally be worked between the hours of 8.00 am and 6.00 pm, Monday to Friday.
  - 30.4 An employee may agree with his or her employing Member that some part of the ordinary hours of duty (as specified in clauses 30.1 and 30.2) may be worked on a regular or occasional basis outside the span of 8.00 am to 6.00 pm, Monday to Friday.
19. Clause 31.1 of the MOPS EA provides in part:
- 31.1 The level of remuneration provided to electorate employees and personal employees, including salary, allowances and other benefits, reflects an expectation that these employees will be required to work reasonable additional hours over and above the ordinary hours of duty as specified in clause 30 on a regular basis. Additional hours of work, over and above the ordinary hours of duty as specified in clause 30, are recognised and compensated through:
    - (a) personal staff allowance, in accordance with clause 32;
    - (b) electorate staff allowance, in accordance with clause 33;
    - (c) time off in lieu, in accordance with clause 34...
20. Clauses 32 and 33 of the MOPS EA provide that employees in receipt of these allowance will work such reasonable additional hours of work as are agreed with the employing Office Holder or Member.

## Assurance Review methodology

### Background

21. IPEA conducts ongoing systematic checking of expenses through regular sampling of transactions or by identifying anomalies when processing transactions, including taxis, regulated ridesharing services, hire cars and short-term self-drive hire cars. On 21 June 2023, IPEA identified that a MOP(S) Act employee in Senator Duniam's office used car transport in Canberra which appeared to contravene the Determination.
22. On 28 June 2023 Audit and Assurance obtained data from the Dashboard for all car transport used in Canberra by the MOP(S) Act employee. The information available to IPEA appeared to indicate the employee's use of car transport (in particular, regulated ridesharing services) for travel to and from Parliament House was not consistent with the requirement for staff to transport themselves to and from work for their normal hours of duty. IPEA decided to conduct an Assurance Review into all use of car transport in Canberra for this MOP(S) Act employee.

### Scope of Assurance Review

23. The scope of this Assurance Review is the use of car transport by a MOP(S) Act employee in Senator Duniam's office for travel in Canberra to and from Parliament House during the period 1 September 2022 and 31 March 2023.

# Assessment of work expenses

## Summary of findings

### Analysis

24. IPEA considered the legislative framework and applied the following questions to the use of car transport (regulated ridesharing services) for regular travel to and from Parliament House:
  - a. Was the MOP(S) Act employee travelling as directed on official business?
  - b. Did the employee's use of car transport in Canberra meet the requirements in items 2 and 16 of the Determination?
25. IPEA conducted the Assurance Review by examining and assessing:
  - a. information held by IPEA in the Parliamentary Expenses Management System
  - b. the legislative framework and supporting guidelines
  - c. information provided by Senator Duniam and the MOP(S) Act employee
  - d. public transport information from the Transport Canberra website ([www.transport.act.gov.au](http://www.transport.act.gov.au))
  - e. Parliament sitting timetable from the APH website ([www.aph.gov.au](http://www.aph.gov.au))
  - f. policy advice provided by Ministerial and Parliamentary Services
26. In June 2023, IPEA identified that a MOP(S) Act employee in Senator Duniam's office used regulated ridesharing services for regular travel to and from Parliament House. This travel appeared to contravene the requirement in the Determination for employees to transport themselves to and from their place of work for their normal hours of duty.
27. On 4 July 2023, IPEA wrote to Senator Duniam detailing the requirements in the Determination and identifying the Commonwealth-funded car transport used by the MOP(S) Act employee (**Attachment A**). Senator Duniam was asked to examine each transaction identified and indicate how the trip complies with the Determination, including that the travel was directed by the Senator or an authorised person. As no response had been received, on 17 July 2023 IPEA again wrote to Senator Duniam seeking a response by 31 July 2023 (**Attachment B**). Senator Duniam was advised that IPEA may consider other options for progressing the Assurance Review if a response was not received.
28. On 17 July 2023, Senator Duniam provided a response noting eight transactions identified by IPEA for use of car transport in Canberra were due to the MOP(S) Act employee carrying luggage for the purpose of the trip (**Attachment C**). Senator Duniam advised that all other transactions were for personal safety reasons or that there were no scheduled public transport services available.
29. Having reviewed the information provided by Senator Duniam, IPEA is satisfied those transactions for travel where the employee was carrying luggage for the purpose of the trip were consistent with the legislative framework. IPEA is also satisfied that transactions for travel from Parliament House in the late evening were directed by Senator Duniam or an authorised person for personal safety reasons and this travel was consistent with the legislative framework.

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30. IPEA was concerned the remaining transactions may not have been consistent with the legislative framework. On 31 July 2023 IPEA wrote to Senator Duniam asking him to examine the travel and complete the Certification form provided to confirm the travel was directed by the Senator or an authorised person for the reason specified in his response of 17 July 2023 (**Attachment D**).
31. On 7 August 2023, Senator Duniam’s office requested an extension of time to provide a response. IPEA granted an extension to 18 August 2023.
32. On 18 August 2023, the MOP(S) Act employee whose use of car transport in Canberra is the subject of this Assurance Review wrote to IPEA noting the claims were made for travel expenses at what they thought were times outside or normal hours. The employee sought advice in relation to the exceptions in item 16 of the Determination (**Attachment E**). Specifically, IPEA was asked:
- a. What is the definition of “readily available”, in relation to “scheduled public transport services”?
  - b. What constitutes “normal hours of duty”?
  - c. What is regarded as “carrying luggage to and/or from the office”?
33. As IPEA is not the policy owner of the Determination, on 29 August 2023, advice was sought from Ministerial and Parliamentary Services in relation to the application of provisions at items 16 and 17 of the Determination, having regard to the principle set out at item 2 of the Determination.
34. Ministerial and Parliamentary Services policy advice (**Attachment F**) provided in part:
- a. ‘Readily available’ public transport is interpreted as frequent, regular and easily accessible. The public transport service which arrives and departs Parliament House at regular intervals is readily available as the service meets the needs of individuals travelling to Parliament House and timetables and trip information is easily accessible.
  - b. ‘Normal hours of duty’ are broadly defined as agreed between the employee and parliamentarian in accordance with clause 50 of the MOPS EA. Employees are paid allowances under clause 33.1. And 32.4 of the MOPS EA in recognition of and as compensation for additional hours worked. Employees arriving at Parliament House at around 6/7 am is considered ‘normal’, in particular during sitting periods.
  - c. ‘Carrying luggage’ specifically relates to the personal effects of the employee associated with travel to and from their work base at the commencement and completion of travel. It is not intended to include laptops, devices, folders and/or any other documents or items related to work.
35. On 3 October 2023, IPEA responded to the MOP(S) Act employee providing detailed responses based on the policy advice received from Ministerial and Parliamentary Services. The employee was asked to provide any further information or comments for consideration by IPEA by 17 October 2023 (**Attachment G**).
36. On 17 October 2023, the MOP(S) Act employee again wrote to IPEA seeking further clarification in relation to the policy advice (**Attachment H**):

...am I reading it correctly that, for any departure from Parliament House after roughly around 8:00pm Monday to Friday, it’s acceptable to claim for a taxi or Uber ride to accommodation? Or is that only acceptable later in the night? Or not acceptable at all?

Secondly, in relation to public transport: where the intervals between scheduled trips on buses are longer than an hour, is it acceptable to claim for a taxi or Uber ride as an alternative?...

And, finally, I now intend to repay the claims which were mistakenly by me, and would be grateful for your advice about how I should best do that...



37. On 18 October 2023, IPEA responded to the staff member (**Attachment I**) advising in part:

...An employee's eligibility to use car transport is set out in *Members of Parliament (Staff) Act 1984 Determination 2023/10* (previously *Determination 2020/15*) Staff Travel and Relief Staff Arrangements. In accordance with the Determination you may only use car transport (taxis, Cabcharge, regulated ride-sharing services or hire cars) when directed to do so by Senator Duniam or a person authorised by him for official business. Your use of Cabcharge, taxis, or regulated ridesharing services for travel to and from work may only be when travelling as directed on official business or for one of the exceptions set out at item 16 of the Determination. Senator Duniam, or an authorised person, must be satisfied that the use of car transport complies with the legislative framework. While the policy advice notes that the consideration in relation to public transport availability at Parliament House varies after 8pm, each use of car transport at Commonwealth expense must be assessed on its merits against the requirements of the Determination and authorised by the employing parliamentarian on the same basis...

Please review the attached transaction data and indicate which transactions you would like to repay. IPEA will then raise an invoice for the amount to be repaid. Once that occurs, details of the debt will be on the PEMS debt tile, where you can manage your debt repayment options...

38. As no response had been received, on 2 November 2023 IPEA sent a further email to the employee seeking a response by Thursday, 9 November 2023. The employee was advised that an invoice would be raised to recover the full amount of the expenses which were not in accordance with the legislative framework if a response was not received. On 9 November 2023, the employee responded indicating their intention to repay the full amount (**Attachment J**). On 28 November 2023, IPEA raised an invoice to recover \$499.75 being the full amount of expenses which were not consistent with the legislative framework (**Attachment K**). The invoice has been paid in full.

## Conclusion

39. IPEA concluded that the use of car transport by the MOP(S) Act employee for travel to and from Parliament House late at night or when carrying luggage for the purpose of the trip was consistent with the legislative framework. IPEA concluded that several transactions were not consistent with the legislative framework and the employee's responsibility to transport themselves to and from work for their normal hours of duty. On 28 November 2023, IPEA raised an invoice to recover the full amount of these expenses and the invoice has been paid in full.