



Australian Government
**Independent Parliamentary
Expenses Authority**

Assurance Review 2024/011

Garma Festival 2023

Travel to, within and return from Nhulunbuy, northeast
Arnhem Land, Northern Territory between 28 July and
10 August 2023

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Executive summary

1. The Independent Parliamentary Expenses Authority (IPEA) conducted an Assurance Review of travel and travel-related expenses incurred by seven parliamentarians and, where relevant, their staff to travel to Nhulunbuy, Northern Territory to attend the Garma Festival (the festival) held between 4 and 7 August 2023.
2. The festival is supported by a range of sponsors, including the Australian Government. The National Indigenous Australians Agency (NIAA) sponsors the festival, including financial support for some expenses for officially-invited parliamentarians and their staff at the event.
3. The focus of the Assurance Review was to establish whether parliamentarians and/or their staff may have claimed travel or travel-related expenses already covered by the NIAA.
4. The Assurance Review forms part of IPEA's 3 Year Assurance Plan.

Assurance Review Findings

5. The Assurance Review assessed the appropriate use of parliamentary and Commonwealth-funded travel resources for an event which was sponsored by another Commonwealth government agency, the NIAA to ensure that expenses claimed had not already been met by the NIAA.
6. IPEA liaised with the NIAA to seek information on the nature of the sponsorship offered to officially-invited parliamentary attendees and their staff. The NIAA indicated that no flight expenses were provided under their sponsorship arrangements for officially-invited guests. However, some car transport to and from the festival from the airport, some accommodation and some meals were provided as part of the sponsored Garma ticket packages.
7. IPEA identified that 7 parliamentarians accessed Parliamentary Business Resources to attend the Garma Festival. Six of the 7 parliamentarians attended the festival as officially-invited guests, sponsored by the NIAA.
8. IPEA also identified that 16 staff from the offices of 4 of the 7 parliamentarians attended the festival. Fifteen of the 16 staff were also sponsored by the NIAA.
9. IPEA found that expenses claimed by parliamentarians and their staff, with one exception, were consistent with the Parliamentary Business Resources Framework and the Commonwealth-funded Staff Travel Framework. No expenses were claimed under the Parliamentary Business Resources or Commonwealth-funded Staff Travel Framework that duplicated the expenses already covered by the NIAA-sponsored Garma Festival tickets.
10. A staff member of one parliamentarian voluntarily contacted IPEA to identify that the travel allowance rate claimed by the parliamentarian had been incorrect and requested an invoice for partial repayment to align with the correct amount. IPEA has arranged recovery of the amount identified.

Scope and Purpose

11. The scope of this Assurance Review is all parliamentarian and staff travel to, from and within Nhulunbuy for the period 28 July to 10 August 2023, with particular focus on official guests invited to travel to attend the Garma Festival 2023 between 4 and 7 August 2023.

Engagement with parliamentarians and staff

12. Travel claims made by parliamentarians and staff attending the Garma 2023 festival were analysed using data from the Parliamentary Expenses Management System. With one exception (see below point 13) no direct engagement with parliamentarians and staff was required.
13. One staff member of one parliamentarian voluntarily contacted IPEA to seek to have a repayment made for an incorrectly claimed rate of travel allowance.

Audit and Assurance function

IPEA's statutory audit function

14. 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.
15. 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
 - e. referral to the National Anti-Corruption Commission, where there is clear evidence of serious or systemic corrupt conduct.

Legislative framework

Parliamentarians

16. The *Parliamentary Business Resources Act 2017* (the PBR Act), the *Parliamentary Business Resources Regulations 2017* (the Regulations) and the *Parliamentary Business Resources and Remuneration Tribunal Determinations* are relevant to parliamentarian travel.
17. The PBR Act and PBR Regulations establish a framework (the *Parliamentary Business Resources 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.

18. Section 6 of the PBR Act provides the following meaning of **parliamentary business**:

- i. 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)

19. Subsection 6(4) of the PBR Act provides that 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 Resources (Parliamentary Business) Determination 2017 determines the activities which fall within the four duty streams set out in section 6 of the PBR Act.

20. Travel allowance rates for the Prime Minister and ministers are specified in Part 5 of the Remuneration Tribunal Determination, with Schedule B of the Remuneration Tribunal Determination setting out the travel allowance rates by location for Members of Parliament.

21. 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 (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)

22. 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 PBR 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.

Parliamentary staff

23. 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.

24. 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 2023/10: Staff Travel and Relief Staff Arrangement (the Determination).

25. Clause 54.1 of the Enterprise Agreement states:

“Employees may be directed by the employing Member to travel on official business either domestically or overseas. Further information can be found in the Guidelines ‘Domestic travel’, ‘Overseas travel’, ‘Travelling allowance’ and ‘Motor Vehicle Allowance’.”

26. Travel allowance (TA) rates for staff, including senior staff are specified in Schedule B of the Remuneration Tribunal Determination.

27. Clause 55.7 of the Enterprise Agreement states:

For overnight stays outside of Canberra, the single flat rate of TA will be based on the type of accommodation used:

- a. Commercial accommodation: the full (commercial) rate of TA will be paid where a receipt for the full commercial accommodation is produced, or where certification is made that a receipt for the commercial accommodation can be produced. Where neither a receipt is produced, nor a certification made; or where a certification is made but a receipt is not produced upon request by the Independent Parliamentary Expenses Authority, a rate of one third of the commercial rate is payable, rounded upwards to the nearest dollar; or
- b. Private non-commercial accommodation: where an employee is accommodated in private, non-commercial accommodation, a rate of one third of the commercial rate is payable, rounded upwards to the nearest dollar.

28. Under Clause 23 of the Travel Allowance Guidance published by Ministerial and Parliamentary Services, Department of Finance, where:

- a. an employee is directed to travel with his or her employing Member on official business outside of Canberra;
- b. the Member certifies that it is necessary for the employee to stay in the same hotel; and

the amount of TA is insufficient to cover the cost, the rate of TA will be increased to cover the cost.

29. Clause 26 of the Travel Allowance Guidance states that:

- a. In cases outlined in paragraph 23 to 25, TA will be increased by the difference between the rate for accommodation determined by an independent organisation and the actual cost of accommodation, on appropriate certification by the employing Member or authorised person. If necessary, the rates for relevant meals will be included in the calculation.

Assurance Review methodology

Background

30. On 13 June 2024, in accordance with IPEA’s Statutory Audit Function Sheet, IPEA commenced a Preliminary Assessment in relation to the use of travel and travel-related expenses incurred during the period 28 July to 10 August 2023 by parliamentarians, and where relevant, their staff travel, specifically to attend the Garma Festival in Nhulunbuy 2023.

31. IPEA obtained data on all parliamentarian and staff travel to, from and within Nhulunbuy during the period in scope.
32. The Preliminary Assessment found that Parliamentary Business Resources were used by parliamentarians and Commonwealth-funded travel resources were used by staff, for travel to, from and within Nhulunbuy during the period in scope. On 13 June 2024, this matter progressed to an Assurance Review.

Scope of Assurance Review

33. The scope of this Assurance Review is all parliamentarian and staff travel to, from and within Nhulunbuy for the period 28 July and 10 August 2023.
34. Specifically, IPEA looked at travel to Nhulunbuy that coincided with the dates of the Garma Festival 2023 between 4 and 7 August 2023.
35. Seven parliamentarians and 16 staff were identified as using parliamentary or Commonwealth-funded travel expenses within the scope of this Assurance Review.

Assessment of work expenses

Summary of findings

Analysis

36. IPEA considered the legislative framework and applied the following questions to the use of expenses associated with travel to, from and within Nhulunbuy during the period in scope:
 - a. What was the dominant purpose of the travel?
 - b. What was the nature of the parliamentary business?
 - c. Were the travel allowances claimed in accordance with the legislative framework?
 - d. Where parliamentarians and staff had received a ticket to the Garma Festival, did the ticket include access to reasonable food options and/or sufficiently secure and comfortable accommodation?
37. IPEA conducted the Assurance Review by examining and assessing:
 - a. Information obtained from the Audit and Assurance Dashboard
 - b. travel bookings and other records held by IPEA in the Parliamentary Expenses Management System
 - c. the legislative framework and supporting guidelines
 - d. publicly available information
 - e. Information from the NIAA.
38. In determining the appropriate use of parliamentary expenses for attending this event, IPEA considered the information from the NIAA, with particular reference to whether expenses were appropriately claimed given the sponsorship of the event.

Hon Anthony Albanese MP, Prime Minister and staff

39. The Prime Minister attended the Garma Festival 2023 as an official guest, along with nine members of his staff.
40. The Prime Minister and the majority of his party used the Special Purpose Aircraft and other special ground travel arrangements to travel to, from and around Nhulunbuy during the festival. With the exception of one staff member, who travelled ahead of the Prime Minister, Commonwealth-funded travel resources were not used for this travel. Accommodation was arranged by the Garma organisers for the Prime Minister and his party at local non-commercially-based premises. While the nights stayed by the Prime Minister's staff varied during the period of the Garma Festival, the Prime Minister and his party claimed travel allowance at the appropriate rates for their accommodation and meals during their stay.

Hon Linda Burney MP, Minister for Indigenous Australians and staff

41. Minister Burney and four of her staff travelled to and from Nhulunbuy on the Special Purpose Aircraft with the Prime Minister's party and other official guests. She stayed for two nights and accessed travel allowance at the commercial rate for her stay.
42. On 4 June 2024, a staff member from the office of Minister Burney voluntarily contacted IPEA to identify that the rate of travel allowance claimed for Minister Burney had been incorrect and asked how a partial repayment to align with the correct amount could be arranged.
43. On 31 July 2024 an invoice was provided to Minister Burney's office for this repayment, including a 25% penalty loading in accordance with the rates set out in Part 5 of the Remuneration Tribunal (Members of Parliament) Determination.
44. Minister Burney's staff claimed the appropriate rate of travel allowance for their stay.

Senator Dorinda Cox, Senator for Western Australia

45. Senator Cox travelled to Nhulunbuy on the Special Purpose Aircraft along with the Prime Minister and other official guests. Senator Cox claimed two nights travel allowance for her stay at the appropriate rate.
46. None of Senator Cox's staff attended the Garma Festival.

Mr Julian Leeser MP and staff

47. Mr Leeser's attendance at the Garma Festival was not sponsored by the NIAA.
48. Mr Leeser used Parliamentary Business Resources to travel to, within and from Nhulunbuy. Mr Leeser also stayed at Nhulunbuy for four nights, using Parliamentary Business Resources at the appropriate rate.
49. One of Mr Leeser's staff attended the Garma Festival using Commonwealth-funded travel resources to travel to, within and from Nhulunbuy, including accommodation, ride share and taxis within Darwin before travelling onto Nhulunbuy. The NIAA did not sponsor the staff member's attendance at the festival.
50. IPEA is satisfied that Mr Leeser's and his staff member's attendance at the Garma Festival is consistent with the Parliamentary Business and Commonwealth-funded Staff Travel Frameworks.

Senator the Hon Malarndirri McCarthy, Assistant Minister for Indigenous Australians, Assistant Minister for Indigenous Health and Senator for Northern Territory and staff

51. Assistant Minister McCarthy and one of her staff travelled to Nhulunbuy with the Prime Minister and other official guests. Assistant Minister McCarthy and her staff member claimed two nights travel allowance under the Parliamentary Business and Commonwealth-funded Staff Travel Frameworks at the appropriate rates.

Ms Marion Scrymgour MP, Member for Lingiari

52. Ms Scrymgour, chair of the Joint Select Committee on Northern Australia and member of the Joint Standing Committee on Aboriginal and Torres Strait Islander Affairs, and one of her staff travelled to Nhulunbuy with the Prime Minister and his party. Ms Scrymgour and her staff member claimed travel allowance at the appropriate rates for their stay.

Mr Luke Gosling OAM, MP, Member for Solomon.

53. Mr Gosling, a member of the Joint Select Committee on Northern Australia, used Parliamentary Business Resources to fly between Darwin and Nhulunbuy and to stay within Nhulunbuy. Mr Gosling claimed one night of travel allowance for his stay at the appropriate rate. None of Mr Gosling's staff attended the festival.

Conclusion

54. The Assurance Review assessed the appropriate use of parliamentary and Commonwealth-funded travel resources for an event which was sponsored by another Commonwealth government agency, the NIAA to ensure that expenses claimed had not already been met by the NIAA.
55. IPEA liaised with the NIAA to seek information on the nature of the sponsorship offered to officially-invited parliamentary attendees and their staff. The NIAA indicated that no flight expenses were provided under their sponsorship arrangements for officially-invited guests. However, some car transport to and from the festival from the airport, some accommodation and some meals were provided as part of the sponsored Garma ticket packages.
56. IPEA identified that 7 parliamentarians accessed Parliamentary Business Resources to attend the Garma Festival. Six of the 7 parliamentarians attended the festival as officially-invited guests, sponsored by the NIAA.
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59. A staff member of one parliamentarian voluntarily contacted IPEA to identify that the travel allowance rate claimed by the parliamentarian had been incorrect and requested an invoice for repayment to align with the correct amount. IPEA has arranged partial recovery of the amount identified.