



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

Our ref: CMTEDD 44/16-17

## **Freedom of Information Request – Politician’s entitlements**

I refer to your request submitted under section 14 of the *ACT Freedom of Information Act 1989*, received by Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on 31 January 2017, in which you sought:

- “ ...information contained in documents about politician’s entitlements and expenses. Specifically I am seeking information:
  1. About repayments for wrongly and/or incorrectly claimed (a) entitlements and (b) expenses by politicians for each year 2014, 2015 and 2017 including information about why the entitlement and/or expense was wrongly and/or incorrectly claimed and by whom and the value and details relating to any such occurrence.
  2. Produced in the last 12 months about any disputes and/or disagreements where a politician and/or politicians are refusing to repay and/or are disputing the need to repay arguable incorrectly and/or wrongly claimed entitlements and/or expenses.
  3. Any review and/or assessment and/or analysis and/or advice about the system for paying politicians entitlements and/or expenses including (a) whether the system provided a sufficient level of verification and/or evidence of the purpose and/or or reason for claiming an entitlement and/or expense and (b) any need and/or possible need and/or requirement for reform and/or improvement of the entitlement and/or expenses claimed by politicians.

I advise I am not interested in duplicate copies of documents or documents that have already been publicly released or media releases, media articles or media statements.”

### **Decision Maker**

I am authorised under section 22 of the Act and have been appointed to make decisions on access to documents and liability for charges.

### **Charges**

I have decided under section 29 of the Act not to impose processing charges for this request.

### **Identification of documents**

The only paid entitlement managed by the Directorate is that relating to Travel Allowance. Other allowances, as determined by the ACT Remuneration Tribunal, are paid by the Directorate directly to the respective Minister as part of their salary. In relation to Travel Allowance, this is paid to Ministers in accordance with the provisions of the Australian Government Taxation Office - Taxation Determination TD 2016/13.

In regards to point one of your request, no relevant information or documents have been identified. From the advice I have received from CMTEDD staff, I am satisfied that either there has not been an instance where a Minister has wrongly or incorrectly claimed Travel Allowance, or relevant documents are not held by this Directorate.

There are instances where Ministers have repaid travel allowance, but this represents occasions where their travel plans have been modified, after payment of travel allowance, and the Minister has returned the portion not required. Some repayments by Ministers have also been made in instances where accommodation providers have charged amounts to a corporate credit card used for the initial reservation, as per their standard administrative process, instead of being paid by the Minister from their allowance. I have decided that neither of these examples represent a wrong or incorrect claim.

In regards to point two of your request, I am satisfied that no relevant information or documents have been identified.

In regards to point three of your request, under the *Remuneration Tribunal Act 1995* the ACT Remuneration Tribunal reviews the remuneration, allowances and other entitlements granted to particular offices every year, including the Speaker, Chief Minister, Ministers and other Members of the ACT Legislative Assembly. I am advised that a major review was undertaken in 2014-15. All Tribunal documents are available on the website at <http://www.remunerationtribunal.act.gov.au/home>.

In regards to the system for paying entitlements, which falls outside the purview of the Tribunal, one document held by CMTEDD has been identified as relevant to your request. My decision on that document is provided below.

### **Decision on Access**

I have considered the document identified, *ACT Executive – Travel guidelines and procedures*, and have decided to release it to you in full. The document is attached.

### **Your right of review**

#### Internal Review

Under section 59 (1) of the Act, you may request a review of my decision. You have 28 days after receiving notice of my decision to ask for a review, or a further period as allowed by the Director-General.

Your request should be addressed to:

Director-General  
Chief Minister, Treasury and Economic Development Directorate  
GPO Box 158  
CANBERRA ACT 2601

#### Complaints to the Ombudsman

Under section 54 of the Act, you may complain to the Ombudsman about administrative matters relating to the processing of your FOI request. There is no fee for making a complaint. The Ombudsman will conduct an independent investigation into your complaint.

You can contact the Ombudsman either by telephone on 1300 362 072 or in writing to:

The Ombudsman  
GPO Box 442  
CANBERRA ACT 2601

### **Online FOI Publication Policy**

I have assessed your request for information under the ACT Government's Online Freedom of Information Publication Policy and have determined that the information relevant to your request, not including your original application, will be published online.

I note you have queried whether information released to you will be made public prior to finalisation of your FOI application, and have also requested a five-day 'waiting period' prior to publishing. I can confirm that the information released will not be published prior to completion of your request, nor published within 5 days following release to you.

Should you have any queries regarding this matter, please contact me on  
(02) 6207 8207.

Yours sincerely

Kirsten Thompson  
Director Corporate Management

2. March 2017