



FACT SHEET - RULINGS

December 2020

What is a ruling?

A ruling by the Independent Parliamentary Expenses Authority (IPEA) is a written determination establishing whether a parliamentarian has acted in accordance with sections 26 (Dominant purpose test), 27 (Obligation to ensure value for money), or 28 (Obligation not to make claims or incur expenses in breach of conditions) of the *Parliamentary Business Resources Act 2017* (PBR Act). A ruling can only relate to travel expenses and travel allowances.

A ruling may be given where IPEA has received a request to do so from a parliamentarian regarding a claim relating to them, or may be initiated by IPEA. All rulings are in writing and are provided along with a statement of reasons, following completion of the travel in question. The relevant provisions for the purposes of IPEA rulings are contained in Division 2 of Part 4 of the PBR Act.

When may IPEA give a ruling?

IPEA can initiate a ruling on its own motion or may give a ruling following an application from a parliamentarian where:

- the application indicates that the PBR Act may have been contravened, or that there is doubt as to compliance with the PBR Act
- the application indicates that IPEA may have given incorrect advice to the parliamentarian or
- it is in the public interest to give a ruling.

The above list is not exhaustive.

Applying for a ruling

A parliamentarian may request a ruling by completing the application [form](#), scanning and emailing it to forms@ipea.gov.au.

Effect of rulings

A ruling given by IPEA determines whether a parliamentarian is liable to pay a debt to the Commonwealth. A debt is payable if the ruling determines that the parliamentarian contravened the PBR Act, unless:

- The parliamentarian has voluntarily repaid the claim within 28 days of making the claim or
- The parliamentarian relied on incorrect personal advice given by IPEA in relation to that claim.



Where a ruling determines the parliamentarian has contravened the PBR Act and has not repaid their claim within 28 days of making the claim, an additional 25 per cent penalty applies in relation to the debt. Alternatively, the effect of a ruling may be that it is determined that a parliamentarian did not contravene the PBR Act in relation to a claim. Where such a determination has been made, the parliamentarian does not have to repay the claim, and if the Commonwealth imposed a debt in relation to the claim, the debt is waived and is not payable.

Review of a Ruling

A parliamentarian is able to apply for a second ruling if they disagree with a ruling made by IPEA.

If a parliamentarian believes that a ruling relating to them is not correct, the parliamentarian may provide new evidence in their application for the ruling to be varied. IPEA then considers the application and may give a second ruling on the matter; in which case, the first ruling ceases to have effect. IPEA may also give a second ruling on its own initiative.

Publication of rulings

Rulings given by IPEA may be published on the IPEA website in some circumstances. IPEA decides whether to publish a ruling case-by-case based on the following:

- a) applicable legal considerations
- b) the public interest served by publishing the ruling
- c) the extent to which the performance of IPEA's functions is assisted by publication
- d) consultation with the parliamentarian concerned.

Rulings may also be released and published on the IPEA website pursuant to a decision to release documents under the *Freedom of Information Act 1982*.

Further information on Rulings is available at www.ipea.gov.au.

