



Rulings

What is a ruling?

A ruling by the Independent Parliamentary Expenses Authority (IPEA) is a written determination establishing whether a Senator or Member 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. IPEA rulings are agreed by the Members of IPEA.

A ruling may be given where IPEA has received a request to do so from a Senator or Member regarding a claim relating to them, or may be initiated by IPEA. All rulings will be in writing and will be 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 whether the PBR Act was complied with
- the application indicates that IPEA may have given incorrect advice to the Senator or Member or
- it is in the public interest to give a ruling.

The above list is not exhaustive.

Effect of rulings

A ruling is conclusive evidence of the matters it deals with. A ruling given by IPEA will determine whether a parliamentarian is liable to pay a debt to the Commonwealth. A debt will be payable if the ruling determines that the Senator or Member contravened the PBR Act, unless:

- The Senator or Member has voluntarily repaid the claim within 28 days of making the claim; or
- The Senator or Member 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 Senator or Member did not contravene the PBR Act in relation to a claim. Where such a determination has been made, the Senator or Member does not have to repay the claim, and if the Commonwealth imposed a debt in relation to the claim, the debt will be waived and is not payable.



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Review of a Ruling

A Senator or Member is able to apply for a second ruling if they disagree with a ruling given by IPEA.

If a Senator or Member believes that a ruling relating to him or her is not correct, he or she may apply for the ruling to be varied. IPEA will then consider 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 will decide whether to publish a ruling on a case-by-case basis, taking into account the following considerations:

- (a) the preference of the Senator or Member concerned
- (b) the extent to which the performance of IPEA's functions is assisted by publication
- (c) the public interest served by publishing the ruling, and
- (d) applicable legal considerations.

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.