

## Protocol followed when an Allegation is Received of Alleged Misuse of Entitlement by a Member or Senator

(As tabled in the Senate by the then Special Minister of State on 31 October 2000)

The Protocol was approved by the then Special Minister of State, on 23 June 1998, following an exchange of correspondence with the Attorney-General. Underlying the change (since the old system placed directions with the Minister responsible for Ministerial and Parliamentary Services and the Australian Federal Police) was that an 'arms length' process should be put in place to ensure allegations against politicians were handled in a way which could not invite allegations of partisanship.

The process is as follows:

## Internal Audit

- When an allegation of or other event which suggests misuse of entitlement occurs, the Department undertakes an internal investigation to ascertain whether the allegations are credible (rather than being only malicious or vexatious).
- If the matter is relatively minor, the Member or Senator will be invited to provide an explanation to the Department.

## **Departmental Committee**

- In the event of a more serious allegation or high incidence of transgression (or further investigation would involve interviewing members of the public) the matter is referred to a high level Departmental Committee chaired by the Secretary.
- The Committee may decide to, or not to, seek an explanation from the Member or Senator.
- The Committee, provided it is satisfied that each action is appropriate, seeks the advice of the Secretary, Attorney-General's Department, as to whether the matter warrants referral to the Australian Federal Police.
- If such advice is positive, the Special Minister of State would be provided with appropriate background material and a recommendation would be made to note that, subject to a further analysis by the Committee, the matter may be referred to the Australian Federal Police by the Secretary.
- The Minister for Justice is advised of the intended referral.
- The Secretary makes the decision as to whether the allegation against the Member or Senator is to be referred to the Australian Federal Police.
- Any further action would then be a matter for the Australian Federal Police.

On 12 August 2003 the then Special Minister of State agreed that the Protocol should also be used for allegations of misuse of entitlements involving *Members of Parliament (Staff) Act 1984* employees.