

**REPORT ON THE REVIEW OF USE OF ENTITLEMENTS:**

- **FORMER TREASURER, MINISTER FOR COMMERCE; SCIENCE AND INNOVATION; HOUSING AND WORKS**
- **MEMBER FOR FREMANTLE**

Public Sector Commissioner  
June 2010

---

# REPORT ON THE REVIEW OF USE OF ENTITLEMENTS

## SUMMARY

### Background

On Monday, 26 April 2010 the former Treasurer, Minister for Commerce; Science and Innovation; Housing and Works, Mr Troy Buswell MLA, made a statement in which he made reference to his use of ministerial and parliamentary entitlements during his affair with the Member for Fremantle, Ms Adele Carles MLA. The following day the Premier issued a statement saying that he had accepted Mr Buswell's resignation as Minister and that the Public Sector Commissioner would be reviewing the use of entitlements by Mr Buswell and Ms Carles.

### Focus of the review

The Premier subsequently wrote to the Public Sector Commissioner requesting him to review Mr Buswell's use of government entitlements during the period 1 December 2009 to 25 April 2010 and to provide him with advice on whether:

- any departure from proper use of government entitlements has been made by Mr Buswell during this period;
- all relevant entries and official records regarding the use of government entitlements have been made and maintained as required; and
- any entitlements paid to, or claimed by, Mr Buswell have been, or should be, repaid.

In a separate letter the Premier also requested that the Public Sector Commissioner provide him with advice on whether:

- any departure from proper use of entitlements has been made by Ms Carles during this period; and
- any entitlements paid to, or claimed by, Ms Carles have been, or should be, repaid.

In undertaking the review, the Public Sector Commissioner had access to all records held by the Department of the Premier and Cabinet relating to Mr Buswell's government entitlements and Ms Carles' claims against her Imprest account. Both Mr Buswell and Ms Carles provided additional information.

### Conclusions

After examining the available information and the relevant policies and guidelines, it is concluded that, for the relevant period:

- there was no departure from the proper use of entitlements made by either Mr Buswell or Ms Carles;
- there are no entitlements to be repaid by either Mr Buswell or Ms Carles; and
- with respect to Mr Buswell's government entitlements, apart from not signing his statement regarding a mislaid taxi receipt, the required entries and official records have been made and maintained.

## **REPORT ON THE REVIEW OF USE OF ENTITLEMENTS:**

- **FORMER TREASURER, MINISTER FOR COMMERCE; SCIENCE AND INNOVATION; HOUSING AND WORKS**
- **MEMBER FOR FREMANTLE**

### **1. INTRODUCTION**

This review was undertaken at the request of the Premier following a statement made by the former Treasurer, Minister for Commerce; Science and Innovation; Housing and Works, Mr Troy Buswell MLA, on Monday, 26 April 2010 and reported on page 6 of *The West Australian* on Tuesday, 27 April 2010.

In that statement, Mr Buswell made reference to his use of ministerial and parliamentary entitlements during his affair with the Member for Fremantle, Ms Adele Carles MLA.

### **2. BACKGROUND**

#### **2.1 Statement by Ms Carles**

On 25 April 2010 *The Sunday Times* reported a statement from Ms Carles in which she said she had had an affair with Mr Buswell, lasting several months and ending recently. On 27 April 2010 Ms Carles was reported in *The West Australian* as saying the affair started on 30 December 2009 and ended on 16 April 2010.

#### **2.2 Statement by Mr Buswell**

On 26 April 2010 Mr Buswell made a statement which was printed in full in *The West Australian* the following day. Mr Buswell's statement included the following:

In the interests of drawing the line under this event and allowing my family the opportunity to move forward, I would like to touch on several instances during this relationship which are pertinent in regard to the use of parliamentary entitlements.

Firstly, I can confirm that after a trip to a ministerial council meeting in late March in Canberra, Adele Carles joined me in Canberra on the Thursday evening and we travelled together to Sydney where we stayed for two nights. I was scheduled to fly back to Perth via Sydney. I funded the additional two nights accommodation out of my own pocket.

Secondly, I can confirm that my ministerial car dropped me off to meet Adele Carles on three occasions. I will repay the government garage for the cost of those trips.

Third, in mid-February I travelled to Albany in the afternoon ahead of a series of meetings the following day. I was joined by Adele Carles that evening. I will repay the cost of that accommodation.

On 28 April 2010, Mr Buswell was reported as saying that he had now received advice that he did not misuse his entitlements.

## 2.3 Statement by the Premier

On 27 April 2010 the Premier issued a statement that included:

Premier Colin Barnett has today accepted the resignation of the Honourable Troy Buswell as Treasurer and Minister for Commerce; Science and Innovation; and Housing and Works.

“While I consider the relationship between Troy and Ms Carles a personal matter, Troy’s actions in relation to the use of his Government entitlements in this matter is unacceptable,” Mr Barnett said.

“As a result, this morning I informed the Treasurer that I believed his position as Treasurer and Minister was now untenable. Troy offered me his resignation, which I accepted. This was the appropriate course of action.

“I have instructed the Public Sector Commissioner, Mr Mal Wauchope, to review the use of entitlements by Mr Buswell and Ms Carles and ensure any misuse is corrected.”

The Premier subsequently wrote to the Public Sector Commissioner requesting him to review Mr Buswell’s use of government entitlements during the period 1 December 2009 to 25 April 2010 and to provide him with advice on whether:

- any departure from proper use of government entitlements has been made by Mr Buswell during this period;
- all relevant entries and official records regarding the use of government entitlements have been made and maintained as required; and
- any entitlements paid to, or claimed by, Mr Buswell have been, or should be, repaid.

In a separate letter, the Premier also requested the Public Sector Commissioner to review the use of entitlements by Ms Carles during that same period and provide him with advice on whether:

- any departure from proper use of entitlements has been made by Ms Carles during this period; and
- any entitlements paid to, or claimed by, Ms Carles have been, or should be, repaid.

With respect to the latter request, the Premier acknowledged that Ms Carles is neither a recipient of ministerial entitlements nor a public sector officer, but understood that Ms Carles had stated publicly that she would cooperate with such a review.

## 3. METHODOLOGY

The Public Sector Commissioner sought, and was provided with, access to records held by the Department of the Premier and Cabinet relating to Mr Buswell’s government entitlements. Information was also provided with respect to Ms Carles’ claims against her Imprest account.

Comment was also sought from the relevant officers in the Department of the Premier and Cabinet regarding appropriate use of ministerial entitlements.

The Public Sector Commissioner also sought, and was provided with, additional information from both Ms Carles and Mr Buswell.

#### **4. USE OF ENTITLEMENTS**

In his statement of 26 April, Mr Buswell referred to his use of entitlements with respect to a trip to Albany, the use of a ministerial driver and a trip to Canberra and Sydney. As detailed below, of these three situations, Ms Carles claimed for expenses only for her trip to Albany.

Ms Carles has informed the Public Sector Commissioner that there were no other situations in which she met Mr Buswell in circumstances that would have enabled her to claim expenses.

The three matters raised by Mr Buswell are examined below.

##### **4.1 Albany**

From Mr Buswell's statement:

. . . in mid-February I travelled to Albany in the afternoon ahead of a series of meetings the following day. I was joined by Adele Carles that evening. I will repay the cost of that accommodation.

A review of the relevant documents shows that:

- Mr Buswell arrived in Albany late afternoon on Thursday, 18 February 2010. On Friday, 19 February, he attended a series of appointments from 10.00am to late evening. Mr Buswell returned to Perth just before midnight.
- Mr Buswell used his government purchasing card to pay for approximately one half of the \$289.00 charged for one night's accommodation for 18 February and for the hire of a car. All tax invoices and/or receipts are accounted for. The other half of the accommodation was paid in cash.
- Ms Carles arrived in Albany on the evening of Wednesday, 17 February. On Thursday, 18 February she visited the Albany Wind Farm and met with the Manager of Sustainable Development, Verve Energy. Ms Carles left Albany at approximately 8.00am on Friday, 19 February 2010.
- On 3 March, Ms Carles claimed the following against the Imprest system:
  - Airfare from Perth on 17 February and from Albany on 19 February;
  - Car hire from the evening of 17 February to the afternoon of 18 February;
  - Taxi fare to Perth Airport 17 February and from Perth Airport 19 February; and
  - Travel allowance for one day.

Copies of the relevant tax invoices and/or receipts were provided. Ms Carles' application was approved by the Director General, Department of the Premier and Cabinet, on 16 March.

Additional information provided by Mr Buswell:

- Mr Buswell had a full day of meetings, including a late engagement at a function for the Albany Chamber of Commerce and Industry, on 19 February. Given the flight to Albany is just after 6.00am and would have required an early start of about 4.00am, he decided to travel the day before.
- Mr Buswell paid for just under half of the accommodation himself as he considered the cost was more than he normally would have paid and did not think it appropriate to pay it all on his government purchasing card.
- While Ms Carles did travel with him in the hire car on 18 and 19 February, no additional expense was incurred.

Additional information provided by Ms Carles:

- On the evening of 17 February Ms Carles met with a former Greens Member of the Legislative Council on parliamentary business and the following morning they both visited the Albany Wind Farm. This trip had been arranged in early January and the February dates were chosen to fit in with the parliamentary calendar. Ms Carles provided copies of relevant documents to confirm this.
- It was coincidental that Mr Buswell was travelling to Albany at the same time and Ms Carles was not aware that he would be there until after her arrangements had been made.
- Ms Carles stayed for an additional night. This was at no cost to the taxpayer.
- No additional claims for expenses were made.
- Ms Carles confirmed Mr Buswell's comment regarding the hire car.

Comment:

- Given the all day and late evening commitments, as well as the expectations of a Minister, it is reasonable for Mr Buswell to travel the day before and would not have been regarded as unusual for a Minister to do so.
- It is noted that Mr Buswell kept the accommodation cost to government to what he considered a reasonable cost, although he could have claimed the total amount. It is also noted that no meal costs were met, although Mr Buswell would have been entitled to claim his own costs.
- Ms Carles was on electorate business and made a claim for one day's travel only against the Imprest system.

Conclusion:

- There does not appear to be any departure from proper use of government entitlements.
- All tax invoices and/or receipts regarding expenses directly incurred or reimbursed by the Government are accounted for.

## 4.2 Ministerial driver

From Mr Buswell's statement:

. . . my ministerial car dropped me off to meet Adele Carles on three occasions. I will repay the government garage for the cost of those trips.

Mr Buswell subsequently provided the detail of the trips referred to in this statement. On each of the three occasions Mr Buswell had been on official business and was being driven to his Perth residence. Each instance involved a stop of thirty to forty-five minutes for a drink or cup of coffee. Mr Buswell was then driven to his residence.

Mr Buswell also stated that Ms Carles was not driven anywhere by the ministerial driver. Ms Carles confirmed that she had not travelled with a ministerial driver on these, or any other, occasions.

Comment

- Advice from the Department of the Premier and Cabinet is that ministerial drivers are available for Ministers and a small number of other parliamentary office holders to assist them with their official duties.
- Unlike other ministerial entitlements, there are no specific guidelines for the use of a ministerial driver.
- It is recognised that a Minister's role requires long hours, often into late in the evening, and that generally a Minister will use the time with a driver to do some work, such as preparing for the next meeting or making telephone calls. Given the demanding nature of the job, it is not unreasonable to accept there will be occasions when a short break for non-official purposes during a journey is made.
- Historically, there has been some tolerance for the limited use of a driver to make a short stop for personal business. Mr Buswell's use of the ministerial driver appears to fall within this tolerance.

Conclusion

- There does not appear to be inappropriate departure from the accepted use of a ministerial driver.

## 4.3 Canberra and Sydney

From Mr Buswell's statement:

. . . after a trip to a ministerial council meeting in late March in Canberra, Adele Carles joined me in Canberra on the Thursday evening and we travelled together to Sydney where we stayed for two nights. I was scheduled to fly back to Perth via Sydney. I funded the additional two nights accommodation out of my own pocket.

A review of the relevant documents shows that:

- Mr Buswell arrived in Canberra from Melbourne, where he had been attending a series of meetings, in the evening of Thursday, 25 March. He had dinner with a Western Australian Senator that evening.
- According to Mr Buswell's statement, Ms Carles joined him in Canberra that evening.

- On Friday, 26 March, Mr Buswell attended the meeting of the Ministerial Council for Federal Financial Relations during the morning. He travelled from Canberra to Sydney during that afternoon. According to Mr Buswell's statement, Ms Carles travelled with him to Sydney.
- During the morning of Saturday, 27 March, Mr Buswell visited the Royal North Shore Hospital in his capacity as Treasurer.
- Mr Buswell travelled back to Perth on Sunday, 28 March.
- Mr Buswell paid for one night's accommodation in Canberra and for a taxi to the airport in Sydney on his government purchasing card. All tax invoices and/or receipts for the accommodation are accounted for. Mr Buswell attached a written statement to his monthly purchasing card stating that the receipt for the taxi was misplaced and confirming that the expenditure was for official business. Although this statement is not signed or dated, Mr Buswell did sign his monthly account report certifying the details are correct.
- A driver service was organised by Mr Buswell's office to take him to and from airports on 25 and 26 March.
- Ms Carles did not make any claim against the Imprest system.

Additional information provided by Mr Buswell:

- Mr Buswell explained that he paid for the accommodation for the night of 26 March as he felt more comfortable paying for it himself.
- Ms Carles accompanied him in the cars and taxi to and from the airports. The use of a driver service and taxi was usual practice.

Additional information provided by Ms Carles:

- Ms Carles travelled to Canberra on private business. No claim for reimbursement of expenses was made.
- Ms Carles emphasised that no additional costs were incurred to Government on this trip, or at any other time.

Comment

- Mr Buswell had travelled to Canberra and Sydney on official ministerial business.
- Mr Buswell did not use his government purchasing card for any additional expenses to those incurred on official business. It is noted that Mr Buswell paid for the accommodation costs for two nights in Sydney himself, although he was entitled to have the cost for the night of 26 March paid for as he was on ministerial business. It is also noted that no meal expenses were claimed, although Mr Buswell was entitled to do so for his own meals for part of his stay in Sydney.
- As is required, Mr Buswell provided a written statement regarding the misplaced taxi receipt for his trip to the airport in Sydney. Although this is not signed, Mr Buswell did certify that his monthly purchasing card account report is correct.
- Ms Carles accompanying Mr Buswell in the taxi and other cars did not result in any additional cost.



## Conclusion

- Ms Carles had travelled to Canberra in a private capacity and did not make any claim for reimbursement of expenses.
- With respect to Mr Buswell, there does not appear to be any departure from proper use of government entitlements.
- Apart from not signing and dating the statement regarding a mislaid tax invoice (but noting that Mr Buswell certified the monthly purchasing card report as being correct), all of Mr Buswell's tax invoices and/or receipts regarding expenses directly incurred by the Government are accounted for.

## 5. OTHER MATTERS

In addition to the use of the above entitlements, Mr Buswell's use of his ministerial mobile telephone for the same period was considered.

Advice from the Department of the Premier and Cabinet is that there are no specific guidelines for the use of mobile telephones by Ministers and that, given the demanding nature of the position, it is accepted that a Minister will have unlimited use for personal calls within Australia.

Consequently, as the accounts for Mr Buswell's ministerial mobile telephone do not list any international calls, there is no need to consider this matter further.

## 6. CONCLUSIONS

### 6.1 Use of entitlements – Mr Buswell

In response to the Premier's request regarding the use of entitlements by Mr Buswell during the period 1 December 2009 to 25 April 2010, the Public Sector Commissioner advises that, after examining the available information and the relevant policies and guidelines:

- there has been no departure from proper use of government entitlements made by Mr Buswell during this period;
- apart from not signing a statement regarding a mislaid tax receipt, all relevant entries and official records regarding the use of government entitlements have been made and maintained as required; and
- no entitlements claimed by Mr Buswell need to be repaid.

### 6.2 Use of entitlements – Ms Carles

In response to the Premier's request regarding the use of entitlements by Ms Carles during the same period, the Public Sector Commissioner advises that, after examining the available information and the relevant policies and guidelines:

- there has been no departure from proper use of entitlements made by Ms Carles during this period;
- no entitlements claimed by Ms Carles need to be repaid.