



# DPP

## Commonwealth Director of Public Prosecutions

12 October 2000

### **MEDIA STATEMENT**

It is not the usual practice of my Office to publicise its reasons for not prosecuting matters. There are, however, on this occasion, good reasons for doing so.

It must also be understood that my consideration of this matter concerned the question of prosecution for criminal offences and not questions of civil liability or compliance with conditions or guidelines governing the use of Telecards by members of Parliament.

The investigation of this matter disclosed that Mr Reith MP provided his son with the Telecard access code and PIN prior to his son's interstate trip in early 1994 to enable his son to contact him in the event of an emergency if he (Mr Reith) was away from home (reverse charge facilities were available for home contact).

I am satisfied that, on the evidential material provided to my Office, the investigation has disclosed that Mr Reith's son is not criminally liable for his subsequent personal use of the facility which he has told police he thought would be debited to the personal component of his father's telephone account. The estimated cost of these calls has been repaid.

Mr Reith did not authorise the non 'emergency' use of the facility by his son. He is not criminally liable on that basis. I also concluded that the authorisation did not offend section 64A of the Audit Act, which provides:

"A person who uses a Commonwealth credit card with the intention of obtaining cash, goods or services otherwise than for the Commonwealth ... is guilty of an offence".

Ignoring technical issues such as whether the card itself was used, Mr Reith's authorisation to his son was for contact in emergencies when he, Mr Reith, was away from home. I was not satisfied that if public duties took Mr Reith away from his home, facilitating emergency contact with his family could be said to be "obtaining a service" otherwise than for the Commonwealth.

As I have said, my consideration of this matter concerned the possible commission of offences and not issues of civil liability or compliance with Guidelines.

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