

## Standing Committee on Finance and Public Administration

### ANSWER TO QUESTION ON NOTICE

Budget Estimates Hearing – May 2010

Finance and Deregulation Portfolio

#### Outcome 1, Program 1.2

**Topic: Lodging of donor returns by British American Tobacco**

**Question reference number: F78**

**Type of Question: Hansard F&PA 78, 27 May 2010**

**Date set by the committee for the return of answer: 9 July 2010**

**Number of Pages: 1**

**Senator Cameron asked:**

Did British American Tobacco fail to lodge donor returns on time for the 2004-05, 2005-06, 2006-07, 2007-08 financial years.

#### **Answer:**

Division 4 of Part XX of the *Commonwealth Electoral Act 1918* (Electoral Act) has a number of requirements for the disclosure of donations to candidates and registered political parties. Those requirements include that where a donation is made to a registered political party totalling more than the disclosure threshold, a return must be lodged with the Australian Electoral Commission (AEC) in Canberra within 20 weeks after the end of the financial year (see subsection 305B(1)). This deadline usually occurs on 17 November in the subsequent financial year in which the donation was made. However, where this date falls on a weekend or public holiday, then the deadline moves to the following work day (see subsection 36(2) of the *Acts Interpretation Act 1901*).

When a return is received by the AEC, section 320 of the Electoral Act requires the AEC to make available for inspection a copy of that return after 1 February in the calendar year after the return is furnished. Since 1999, the AEC has published all of the various types of returns received on the Internet. An examination of the donor returns received by the AEC from British American Tobacco indicates that they were received on the following dates for the relevant financial years:

2004-05	Received on 18 January 2006
2005-06	Received on 17 November 2006
2006-07	Received on 19 November 2007
2007-08	Received on 17 November 2008

The 2008-09 donor return from British American Tobacco was received by the AEC on 15 April 2010. This late lodgement of the return was the subject of an article by Ms Katherine Murphy at page 5 of *The Age* newspaper dated 19 May 2010 entitled "Tobacco giant late to report Lib gifts".