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POLITICS FEDERAL FRANKING INQUIRY

Liberal MP Tim Wilson faces 'breach of privacy' claims

By [Eryk Bagshaw](#)

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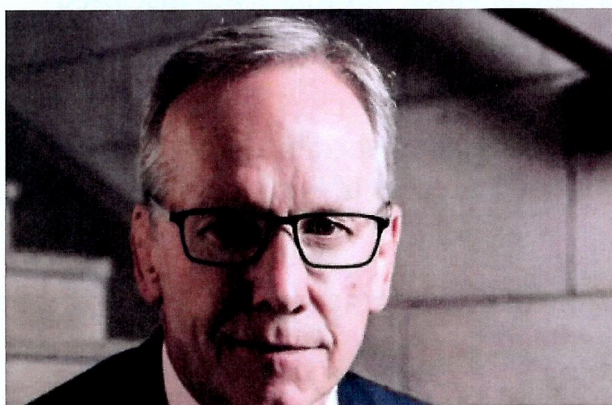
Talking points

- Under dividend imputation rules, Australians are given franking credits on the dividends they receive for the shares they own in order to avoid company profits being taxed twice
- Because the company has already paid tax on its earnings, its dividend payments to shareholders come with credits that reduce the individual's tax bill every year.
- Most workers have incomes that are high enough to ensure they still pay tax after the dividend credits are counted.
- But when the individual has little or no income other than dividends, he or she ends up being owed money by the Australian Tax Office and then receiving it as a cash refund.

Experts believe Liberal MP Tim Wilson may have breached privacy laws by failing to tell hundreds of people who signed up to a petition that their names, addresses, phone numbers and emails would be transferred to a multibillion-dollar fund manager.

The backbencher's taxpayer-funded inquiry into Labor's franking credits policy is under fire after it was used to sign up new Liberal Party members and promote fundraisers.

Mr Wilson has co-ordinated protests and submissions against Labor's policy with Geoff Wilson, a distant relative and the founder of Wilson Asset Management, one of the leading campaigners against Labor's proposal to end cash refunds to more than 800,000 self-funded retirees.





Geoff Wilson and Tim Wilson. SMH

Labor and the Greens have called for Mr Wilson to step down as chair and some want him to be referred to Parliament's powerful privileges committee.

A website Mr Wilson created, stoptheretirementtax.com.au, has been part-funded by Geoff Wilson. The website features the Commonwealth coat of arms and Mr Wilson's official title as the chair of Parliament's economics committee.

The website, which does not have a privacy policy, encouraged users to sign a petition against Labor's policy and the information was then subsequently shared with Wilson Asset Management.

Some people who signed the petition have reported receiving advertising material from Wilson Asset Management, a company that has \$3 billion in funds.

David Watts, Victoria's former privacy commissioner, said the collaboration between Mr Wilson and Wilson Asset Management "raises legal and ethical issues" and called for the Office of the Australian Information Commissioner and the Australian Competition and Consumer Commission to investigate.

"What are our regulators doing about this?" the La Trobe University professor said. "If the retirement tax website is trading in personal information then it could be in breach of privacy law. They don't have a privacy policy or a collection notice. Is what has happened misleading and deceptive conduct?"

Andre Oboler, a senior law lecturer at La Trobe Law School, said Mr Wilson's use of his title and the parliamentary coat of arms meant he was not subject to the same exemptions political parties are afforded over privacy.

"Mr Wilson has authorised the site in the capacity of an appointment he was given by the Prime Minister," Dr Oboler said.

"Legally that makes the world of difference as it means he must be treated as an agency subject to the Privacy Act, and not a political actor who is exempt from it."

Mr Wilson has argued the website belongs to the Liberal Party, but this is not disclosed anywhere on the website. He said parliamentary committees would not be considered a government agency under the Privacy Act.

"It's a private website, it's quite clear it's a private website, it's owned by the Liberal Party," Mr Wilson said. "It's entirely consistent with the duties of a member of Parliament to use the coat of arms as part of our parliamentary duties."

The website does not directly inform people that the petition they are signing is the same as one also being circulated by Wilson Asset Management.

"If people chose to sign the petition, they signed the petition and we respect their choice," Mr Wilson said.

Audio of an investor briefing last year shows Geoff Wilson claimed he contacted Mr Wilson to ask for the hearings to be scheduled at the same time as his six-monthly investor roadshows.

Opposition Leader Bill Shorten last week condemned Mr Wilson and said he would seek to refer the MP to the privileges committee, which could rule on whether he has a conflict of interest.

"This tainted inquiry has been dodgy from day one and it's just gone from bad to worse," he said.

With Max Koslowski



Eryk Bagshaw



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