

Coalition Senators' Dissenting Interim Report

1.1 This inquiry is unworthy of the Senate.

1.2 Never before has the Senate directed any of its Ministers to appear before one of its Committees. Ministers are accountable through questions with and without notice, and through the Estimates process. The motion establishing this inquiry stands without precedent and violates well-established Senate practice.

1.3 The usual process is for a Committee to invite a Minister to attend. Senator Arthur Sinodinos invoked the words of former Senator Mark Arbib, then a Minister in the Rudd Labor Government, in his declining a request to appear before a Senate Committee. The Committee refused to recognise the principle invoked by a Labor Senator when applied to a Liberal Senator.

1.4 The Electoral Commissioner, Mr Tom Rogers - the sole witness at the less than two-hour Committee hearing - noted in his submission that this space of public policy has already been the subject of 'significant scrutiny' and the Committee has a short reporting period. Mr Rogers also highlighted that the Australian Electoral Commission has already made numerous submissions to parliamentary inquiries, including to the Joint Standing Committee on Electoral Matters - the proper Committee to inquire into political donations.

1.5 We note that the majority of associated entities are affiliated with the Australian Labor Party and that these entities declared in total more than \$800 million of income to the AEC for financial year 2014-15, representing more than 90 per cent of all associated entities declared income. We also note that unions alone gave the ALP direct donations worth more than \$5.3 million in financial year 2014-15.

1.6 We asked for a number of witnesses to be invited to give evidence at this inquiry's hearings, including the Hon Bill Shorten MP, Mr Cesar Melham MLC, Mr Noah Carroll, Mr Lance Wilson, Ms Fiona Ward, and Mr Ted Lockyer. Labor and Greens Senators on the Committee did not entertain inviting these witnesses to appear.

1.7 These witnesses could have testified about the washing of a \$40,000 in kind donation from Unibuilt Pty Ltd to Bill Shorten's 2007 Maribyrnong election campaign via the Australian Workers Union – an associated entity.

1.8 The Chair's attempt to justify the exclusion on these witnesses on grounds of their being "not relevant to the terms of reference" further demonstrates the partisan nature of this exercise.

1.9 Asked why these witnesses were not relevant to the terms of reference, the Chair posited that "it was not possible for the Committee to discuss that because..." before receiving riding instructions from Senator Wong to proceed regardless. The Chair then proffered that she was unable to disclose private Committee deliberations and that such questions were out of order.

1.10 Clearly questions about the activities of the Victorian AWU – an ALP associated entity - are relevant to the inquiry's terms of reference.

1.11 This was underlined by the fact that the Electoral Commissioner answered a series of questions about this donation, which went undisclosed for eight years until Mr Shorten fronted the Royal Commission into Trade Union Governance and Corruption.

1.12 For the record it should be noted that the Royal Commission made no finding in relation to whether this donation breached the Electoral Act. A number of issues about it remain unresolved.

1.13 Senator Wong's intemperate criticism of Mr Rogers during the Committee's hearing on 28 April, also deserves comment.

1.14 Consistent with his past practice, the Electoral Commissioner rightly refused to be drawn on questions about evidence to a NSW ICAC inquiry, much of it contested, put to him by Senator Wong, preferring to wait until ICAC reports its findings.

1.15 That Senator Wong should twice accuse him of "turning a blind eye" and ignoring evidence, thus impugning his integrity and independence, simply because he wouldn't fall into line with her partisan line of questioning, further illustrates the purely political nature of this exercise, notwithstanding Senator Wong's unsuccessful attempts at parsing.

1.16 In conclusion, the establishment of this inquiry, the conduct of the Chair and Senator Wong at its one hearing and the content of the majority report, has been a partisan political exercise, unworthy of a Senate Committee and unworthy of further consideration by the Senate.

Senator Cory Bernardi
Deputy Chair
Senator for South Australia

Senator Joanna Lindgren
Senator for Queensland