

Senate Finance and Public Administration Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE
BUDGET ESTIMATES 2015-16

Finance Portfolio
27-28 May 2015

Department/Agency: Australian Electoral Commission

Outcome/Program: General

Topic: Australian Electoral Commission – Incomplete return – WA Division of the Liberal Party of Australia.

Senator: Ludwig

Question reference number: F84

Type of question: Written

Date set by the committee for the return of answer: Friday, 10 July 2015

Number of pages: 2

Question:

Referring to memorandum addressed to the Commission from the State Director of the Western Australian Liberal Party, attached to the Political Party Disclosure Return for the financial year of 2012-13 for that WA branch of the Liberal Party, notifying the Commission of an incomplete return.

1. Did the Commission find that the Liberal Party (WA Division) acted legally and diligently in disclosing their return?
 - a) If no, please detail why the Commission came to that conclusion.
2. Was the Commission satisfied that all reasonable attempts have been made to obtain the missing information before the Commission accepted the Notice of Incomplete Return? If no, what was the Commission's recommendation to rectify the situation? If yes:
 - a) Please provide a copy of the Commission's findings on this matter.
 - b) Who was involved in signing off on the Notice of Incomplete Return?
 - c) When was the notice lodged?
 - d) When was the notice accepted and processed?
 - e) Why did the Liberal Party (WA Division) have a difference between total receipts between Party Units and the total payments between Party Units?
 - f) Did the amended returns by the Liberal Party (WA Division) rectify the disparity?
 - g) Did the Commission undertake a compliance investigation?
 - i. If no: Why didn't the Commission see a need to undertake a compliance investigation?
 - ii. If yes: please provide a copy of the outcome.

Answer:

1. The agent of the Liberal Party of Australia (W.A. Division) Inc. complied with the *Commonwealth Electoral Act 1918* (the Act) by lodging the annual disclosure return for 2012-13 on 18 October 2013 within the time frame required.
 - a) Not applicable.

2. An agent of a party may lodge a notice under s.318 of the Act without requiring any action, including acceptance, by the Commission.
 - a) The Commission's process is that it accepts a notice under s.318 of the Act and makes no findings.
 - b) A sign off by the Commission is not required under the Act.
 - c) The notice was lodged with the annual disclosure return on 18 October 2013.
 - d) The notice was accepted and processed on lodgement.
 - e) The Commission does not form an opinion on such issues but seeks amendments for any discrepancies identified in a section 318 notice.
 - f) The AEC accepted the amendments provided by the Liberal Party of Australia (W.A. Division) Inc.
 - g) Yes.
 - i. Not applicable.
 - ii. The Commission's policy is not to reveal the details of discussions with parties. Any amendments resulting from investigations are publicly available on the AEC website.