

ACT Electoral Commission
Review of 1 April to 30 September
2018 Gifts Reporting
2017/18 Annual Returns

November 2018

FINAL



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1 Executive Summary

1.1 Introduction

The ACT Electoral Commissioner is responsible for the administration and enforcement of the ACT's electoral funding, expenditure and financial disclosure scheme as prescribed by Part 14 of the Electoral Act 1992. The disclosure scheme includes the following components:

- Limits on the amount of electoral expenditure that may be incurred
- Limits on the amount of anonymous gifts that may be received
- Disclosure of the financial transactions of registered political parties, MLAs, associated entities, candidates, third party campaigners and broadcasters and publishers.

Under sections 237 and 237A of the Electoral Act, the Commissioner is authorised to issue an Investigation Notice to an entity's financial representative requiring the financial representative to produce documents or other evidence at a set time and place. Documents or evidence required to facilitate this compliance review include, but are not limited to:

- Financial statements, including any financial records for the relevant period that will provide supporting evidence for the compliance review
- A copy/backup of the financial system or electronic copies of transaction reports from the entity's financial system or the entity's manual accounting records
- Copies of bank statements and other bank information such as deposit books
- Other records as required.

Entities were advised that complete and accurate financial records must be maintained to facilitate accurate disclosure. Through these compliance audits, Elections ACT states that it aims to:

- Maintain the integrity of the funding and disclosure regime
- Further increase transparency of funding and disclosure by key stakeholders
- Assess the accuracy, completeness and reliability of information disclosures
- Identify any instances of failure to comply with the requirements of the Electoral Act;
- Identify issues experienced by electoral participants which are able to be used by Elections ACT to provide targeted guidance to entities
- Identify issues experienced by electoral participants which are able to be used for legislative review and change.

Callida Consulting has been contracted by the ACT Electoral Commission to undertake compliance audits of financial records kept by ACT registered political parties and other ACT Election participants in accordance with the Election Funding and Financial Disclosure (FAD) Scheme.

This report details the findings of the following review which has been undertaken in the period November to December 2018. The Commission required audits to be completed over:

- The political parties' gifts reporting for the period 1 April to 30 September 2018;
- The associated entities and non-party candidates gifts reporting for the period 1 April to 30 September 2018;
- The political parties and associated entities annual returns for the year ended 30 June 2018; and,



- The ACT Members of the Legislative Assembly (MLAs) annual returns for the year ended 30 June 2018.

1.2 Qualification

Due to the nature of the activities of political parties and candidates, a substantial amount of their income is derived from voluntary donations and fundraising activities. It is therefore impractical to confirm control over such income until it has been entered into the financial records of the entities. The scope of this review in relation to income is therefore limited to the amounts recorded in the financial systems (manual and IT based) of the entities.

1.3 Summary of Findings

The findings of the Review are summarised as follows:

- The gifts reporting of the following parties was reviewed for the period 1 April to 30 September 2018:
 - Australian Labor Party (ACT Branch);
 - Liberal Party of Australia (A.C.T. Division)
 - The ACT Greens
- No errors were noted in gifts reported for the above parties for the period 1 April to 30 September 2018.
- The gifts reporting of the following associated entities was reviewed for the period 1 April to 30 September 2018:
 - The 1973 Foundation
 - The Canberra Labor Club
- No errors were noted in gifts reported for the Canberra Labor Club and the 1973 Foundation for the period 1 April to 30 September 2018.
- The 2017/18 Annual Returns of the following parties and associated entities were reviewed:
 - Political Parties:**
 - Australian Labor Party (ACT Branch);
 - Liberal Party of Australia (A.C.T. Division)
 - The ACT Greens
 - No errors were noted in the Annual Returns for the above parties for the period ended 30 June 2018.
 - Associated Entities:**
 - The 1973 Foundation
 - The Canberra Labor Club
 - No errors were noted in the Annual Returns for the above associated entities for the period ended 30 June 2018.
 - The 2017/18 Annual Returns of the following 25 MLAs were reviewed.



- Andrew Barr MLA
 - Yvette Berry MLA
 - Candice Burch MLA
 - Joy Burch MLA
 - Tara Cheyne MLA
 - Rebecca Cody MLA
 - Alistair Coe MLA
 - Vicki Dunne MLA
 - Meegan Fitzharris MLA
 - Mick Gentleman MLA
 - Jeremy Hanson MLA
 - Giulia Jones MLA
 - Elizabeth Kikkert MLA
 - Nicole Lawder MLA
 - Caroline Le Couteur MLA
 - Elizabeth Lee MLA
 - James Milligan MLA
 - Suzanne Orr MLA
 - Mark Parton MLA
 - Michael Pettersson MLA
 - Gordon Ramsay MLA
 - Shane Rattenbury MLA
 - Chris Steel MLA
 - Rachel Stephen-Smith MLA
 - Andrew Wall MLA
-
- The following issues were noted in the review of MLA annual returns:
 - Rebecca Cody MLA did not include gifts totaling \$540.25 in the annual return due to a misunderstanding of the requirements.
 - Mick Gentleman MLA did not include gifts totaling \$548 in the annual return due to a misunderstanding of the requirements.
 - Jeremy Hanson MLA understated total payments by \$100 in error in the annual return.
 - Elizabeth Kikkert MLA did not include gifts of \$170 theatre tickets in the total receipts in the annual return in error.
 - Gordon Ramsay MLA did not include gifts totaling \$5,196.32 in the annual return due to a misunderstanding of the requirements.



2 Detailed Findings

2.1 Review of Gifts Reporting

2.1.1 The Australian Labor Party ACT Branch 1 April to 30 September 2018 Gifts Reporting

- No errors were noted in gifts reported for the Australian Labor Party ACT Branch for the period 1 April to 30 September 2018.

2.1.2 The Liberal Party of Australia (A.C.T. Division) 1 April to 30 September 2018 Gifts Reporting

- No errors were noted in gifts reported for the Liberal Party of Australia (A.C.T. Division) for the period 1 April to 30 September 2018.

2.1.3 The ACT Greens 1 April to 30 September 2018 Gifts Reporting

- No errors were noted in gifts reported for the ACT Greens for the period 1 April to 30 September 2018.

2.1.4 The 1973 Foundation 1 April to 30 September 2018 Gifts Reporting

- No errors were noted in gifts reported for the 1973 Foundation for the period 1 April to 30 September 2018.

2.1.5 The Canberra Labor Club 1 April to 30 September 2018 Gifts Reporting

- No errors were noted in gifts reported for the Canberra Labor Club for the period 1 April to 30 September 2018.



2.2 Review of 2017/18 Party and Associated Entity Annual Returns

2.2.1 The Australian Labor Party ACT Branch 2017/18 Annual Return

- No errors were noted in the Annual Return for the Australian Labor Party ACT Branch for the period ended 30 June 2018.

2.2.2 The Liberal Party of Australia (A.C.T. Division) 2017/18 Annual Return

- No errors were noted in the Annual Return for the Liberal Party of Australia (A.C.T. Division) for the period ended 30 June 2018.

2.2.3 The ACT Greens 2017/18 Annual Return

- No errors were noted in the Annual Return for the ACT Greens for the period ended 30 June 2018.

2.2.4 1973 Foundation 2017/18 Annual Return

- No errors were noted in the Annual Return for the 1973 Foundation for the period ended 30 June 2018.

2.2.5 Canberra Labor Club 2017/18 Annual Return

- No errors were noted in the Annual Return for the Canberra Labor Club for the period ended 30 June 2018.

2.3 Review of 2017/18 MLA Annual Returns

2.3.1 Andrew Barr MLA 2017/18 Annual Return

- No errors were noted in the Annual Return for Andrew Barr MLA for the period ended 30 June 2018.

2.3.2 Yvette Berry MLA 2017/18 Annual Return

- No errors were noted in the Annual Return for Yvette Berry MLA for the period ended 30 June 2018.



2.3.3 Candice Burch MLA 2017/18 Annual Return

- No errors were noted in the Annual Return for Candice Burch MLA for the period ended 30 June 2018.

2.3.4 Joy Burch MLA 2017/18 Annual Return

- No errors were noted in the Annual Return for Joy Burch MLA for the period ended 30 June 2018.

2.3.5 Tara Cheyne MLA 2017/18 Annual Return

- No errors were noted in the Annual Return for Tara Cheyne MLA for the period ended 30 June 2018.

2.3.6 Rebecca Cody MLA 2017/18 Annual Return

Issue:

- Due to a misunderstanding of the requirements Ms Cody did not include gifts received in the annual return as they had been reported to the Labor party office. The gifts totalled to \$540.25.

Recommendation:

- The ACT Electoral Commission should request an amended return be submitted.

2.3.7 Alistair Coe MLA 2017/18 Annual Return

- No errors were noted in the Annual Return for Alistair Coe MLA for the period ended 30 June 2018.

2.3.8 Vicki Dunne MLA 2017/18 Annual Return

- No errors were noted in the Annual Return for Vicki Dunne MLA for the period ended 30 June 2018.

2.3.9 Meegan Fitzharris MLA 2017/18 Annual Return

- No errors were noted in the Annual Return for Meegan Fitzharris MLA for the period ended 30 June 2018.



2.3.10 Mick Gentleman MLA 2017/18 Annual Return

Issue:

- Due to a misunderstanding of the requirements Mr Gentleman did not include gifts received in the annual return as they had been reported to the Labor party office. The gifts totalled to \$578.

Recommendation:

- An amended return has been submitted and no further action is required.

2.3.11 Jeremy Hanson MLA 2017/18 Annual Return

Issue:

- Review of payment information revealed that Mr Hanson had failed to include a \$100 stamp purchase in the total payments reported in the annual return in error.

Recommendation:

- The ACT Electoral Commission should request an amended return be submitted.

2.3.12 Giulia Jones MLA 2017/18 Annual Return

- No errors were noted in the Annual Return for Giulia Jones MLA for the period ended 30 June 2018.

2.3.13 Elizabeth Kikkert MLA 2017/18 Annual Return

Issue:

- Review of receipt information revealed that Ms Kikkert had failed to include a \$170 gift of theatre tickets from the Canberra Theatre in the total receipts reported in the annual return in error.

Recommendation:

- The ACT Electoral Commission should request an amended return be submitted.

2.3.14 Nicole Lawder MLA 2017/18 Annual Return

- No errors were noted in the Annual Return for Nicole Lawder MLA for the period ended 30 June 2018.



2.3.15 Caroline Le Couteur MLA 2017/18 Annual Return

- No errors were noted in the Annual Return for Caroline Le Couteur MLA for the period ended 30 June 2018.

2.3.16 Elizabeth Lee MLA 2017/18 Annual Return

- No errors were noted in the Annual Return for Elizabeth Lee MLA for the period ended 30 June 2018.

2.3.17 James Milligan MLA 2017/18 Annual Return

- No errors were noted in the Annual Return for James Milligan MLA for the period ended 30 June 2018.

2.3.18 Suzanne Orr MLA 2017/18 Annual Return

- No errors were noted in the Annual Return for Suzanne Orr MLA for the period ended 30 June 2018.

2.3.19 Mark Parton MLA 2017/18 Annual Return

- No errors were noted in the Annual Return for Mark Parton MLA for the period ended 30 June 2018.

2.3.20 Michael Pettersson MLA 2017/18 Annual Return

- No errors were noted in the Annual Return for Michael Pettersson MLA for the period ended 30 June 2018.

2.3.21 Gordon Ramsay MLA 2017/18 Annual Return

Issue:

- Due to a misunderstanding of the requirements Mr Ramsay did not include gifts received in the annual return as they had been reported to the Labor party office. The gifts totalled to \$5,196.32.

Recommendation:

- The ACT Electoral Commission should request an amended return be submitted.



2.3.22 Shane Rattenbury MLA 2017/18 Annual Return

- No errors were noted in the Annual Return for Shane Rattenbury MLA for the period ended 30 June 2018.

2.3.23 Chris Steel MLA 2017/18 Annual Return

- No errors were noted in the Annual Return for Chris Steel MLA for the period ended 30 June 2018.

2.3.24 Rachel Stephen-Smith MLA 2017/18 Annual Return

- No errors were noted in the Annual Return for Rachel Stephen-Smith MLA for the period ended 30 June 2018.

2.3.25 Andrew Wall MLA 2017/18 Annual Return

- No errors were noted in the Annual Return for Andrew Wall MLA for the period ended 30 June 2018.