



Callida
Consulting

ACT Electoral Commission

2020/21 Annual Returns

and

Review of 1 April 2021 to 31 December 2021 Gift
Reporting

May 2022

Commitment over promise.

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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 to support legislative review.

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 January to May 2022. The Commission required audits be completed for registered political parties to review:

- The party's 2020-21 annual return;
- The return of gifts received covering the period 1 April 2021 to 31 December 2021;
- Quarterly administration funding payments to ensure that these funds have not been used to incur electoral expenditure for any ACT, federal, or state or local government election;
- That receipt of 'anonymous gifts' has not exceeded \$25,000 in the financial year;

- That parties are not using more than \$10,000 of payments received from associated parties, for the purposes of incurring ACT electoral expenditure in a financial year; and
- That recordkeeping is of a satisfactory standard, including the recording and accounting of sub-branch transactions.

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

2020-21 Annual Return Review

The review found errors in the financial disclosures within the 2020-21 annual returns as follows:

- **Australian Labor Party (ACT Branch):** Comparison of the annual return and gift returns identified a number of receipts with conflicting information in the two returns requiring amendments to either the annual return or gifts reporting.
- **Liberal Party of Australia (A.C.T. Division):** errors were identified in the disclosure of receipts over \$1,000. The return had omitted 160 transactions as part of the reporting of receipts greater than \$1,000 during the period. The total receipts reported were not impacted by this error.
Comparison of the annual return and gift returns identified a number of receipts with conflicting information in the two returns requiring amendments to either the annual return or gifts reporting.
- **The ACT Greens:** Comparison of the annual return and gift returns identified a number of receipts with conflicting information in the two returns requiring amendments to either the annual return or gifts reporting.
- **Australian Climate Change Justice Party:** payments of \$16,622 during the period had not been included in the annual return.
- **Belco Party:** payments of \$40,623 during the period had not been included in the annual return and public funding received from the ACT Electoral Commission of \$45,381 had not been recorded within other receipts or receipts greater than \$1,000.
- **Canberra Progressives:** payments of \$33,964 during the period had not been included in the annual return. A revised return was submitted to rectify the error on 15 March 2022.
Comparison of the annual return and gift returns identified a receipt with conflicting receipt dates in the two returns requiring amendments to either the annual return or gifts reporting.
- **Democratic Labour Party (DLP):** the receipt of public funding of \$21,949 from the ACT Electoral Commission was incorrectly disclosed as a 'gift of money' rather than an 'other receipt'.
- **Shooters, Fishers and Farmers Party (ACT):** the party submitted a nil annual return for the period. Financial records were in place, with receipts and expenditure captured and disclosed

previously within the 2020 Election Return. A revised return was subsequently prepared and provided to Elections ACT on 14 February 2022.

Gift reporting for the period 1 April 2021 to 31 December 2021

The review identified the following errors in the reporting of gifts greater than \$1,000:

- **Australian Labor Party (ACT Branch):** A number of gifts over the \$1,000 threshold were noted that were not reported as gifts within the required reporting deadline.
- **The ACT Greens:** One single receipt over the \$1,000 threshold and a series of payments totalling to the \$1,000 threshold were noted that were not reported as gifts within the required reporting deadline.

2 Detailed findings

2.1 Review of 2020-21 Annual Returns

2.1.1 Australian Labor Party (ACT Branch)

- Review of the 2020-21 annual return identified a \$5,750 refund of nomination fees from Elections ACT had been omitted from the annual return.
- Comparison of the 2020-21 annual return with the gifts returns identified that a \$100,000 receipt from the 1973 Foundation had been incorrectly classified as a gift in the annual return.
- Comparison of the 2020-21 annual return with the gifts returns identified the following errors or issues with relevant gifts reporting:

Gift/receipt date	Received from	Due date for gift disclosure	Date reported to Elections ACT	Amount	Error/Issue
7/8/2020	Australian Workers Unions NSW Branch	25/9/2020		\$254.80	Not reported in Gift reporting
20/7/2020	Steve Blume	15/9/2020	15/9/2020	\$20.00	Receipt was not a gift but was incorrectly reported as a gift
13/7/2020	Marc Emerson	2/9/2020	2/9/2020	\$100.00	Receipt was not a gift but was incorrectly reported as a gift
7/7/2020	Gajjh United Pty Ltd	14/7/2020	10/7/2020	\$1,900	Not reported in annual return



11/3/21 11/3/21	Damian Kassabgi Damian Kassabgi	30/4/21 30/4/21		\$3,000 \$3,000	Receipt was incorrectly reported twice in gifts reporting.
12/7/2020	Margaret Ning	21/9/2020	21/9/2020	\$100	Receipt was not a gift but was incorrectly reported as a gift
17/9/2020	Paul Room	24/9/2020		\$50	Not reported in Gift reporting
9/7/2020 to 10/12/2020	Michael Gentleman	30/1/2021	20/4/2021	Series of payments totalling \$1,022.66	Late gift reporting

- There were no issues noted in relation to following items:
 - Quarterly administration funding payments used to incur electoral expenditure for any ACT, federal, state or local government election;
 - The receipt of 'anonymous gifts' did not exceed \$25,000 in the financial year;
 - Not more than the permitted \$10,000 in a financial year of related party payments was used for the purpose of incurring ACT electoral expenditure; and
 - Record keeping practices in relation to ACT funding and disclosure, including the record and accounting of sub-branch transactions.

2.1.2 Liberal Party of Australia (A.C.T. Division)

- Review of documentation supporting the 2020-21 annual return identified an error in the reporting of receipts over \$1,000. This appears to have been an administrative error that resulted in some transactions that were greater than \$1,000 such as funds received from Elections ACT, rental income and some MLA administrative levies not being included in the line items in the receipt tab of the lodged return. The return reported 83 receipts greater than \$1,000, the actual number of transactions to be reported as receipts greater than \$1,000 was 243. The error did not impact the total receipts figure reported.



- A revised 2020-21 annual return was being prepared during the review to rectify the errors. This amended return has not yet been submitted to Elections ACT as at the time of this report.
- Comparison of the 2020-21 annual return with the gifts returns identified the following errors or issues with relevant gifts reporting:

Gift/receipt date	Received from	Due date for gift disclosure	Date reported to Elections ACT	Amount	Error/Issue
2/06/2021	Nicole Lawder	20/07/2021	N/A	\$1,878.68	Incorrectly recorded as a gift in the annual return
2/10/2020	Jamie Cregan	9/10/202	14/10/2020	\$1,300	Incorrect Gift receipt date on gift return (Receipt date was 12/10/2020)
24/7/2020 27/7/2020 10/8/2020 8/9/2020	Tim Efkarpidis	15/9/2020	16/9/2020	\$250 \$250 \$250 \$1,000 \$1,750 Total	Incorrect Gift receipt date on gift return (Last receipt date was 9/9/2020)
28/10/2020	Garry Richards	30/1/2021	6/4/2021	\$1,150	Late gift reporting
3/10/2020	Rivoland Tiles	10/10/2020	14/10/2020	\$1,300	Incorrect Gift receipt date on gift return (Receipt date was 13/10/2020)



8/7/2020	Ben Stevens	2/10/2020	7/10/2020	\$745	Late gift reporting
25/9/2020				\$300	
				\$1,045 total	
28/8/2020	Clubs ACT	24/9/2020	14/10/2020	\$370	Late gift reporting
17/9/2020	Clubs ACT	24/9/2020	14/10/2020	\$5,000	Late gift reporting
18/9/2020	Clubs ACT	25/9/2020	1/12/2020	\$1,460	Late gift reporting
24/9/2020	Clubs ACT	1/10/2020	1/12/2020	\$1,061.82	Late gift reporting

- There were no issues noted in relation to following items:
 - Quarterly administration funding payments used to incur electoral expenditure for any ACT, federal, state or local government election;
 - The receipt of 'anonymous gifts' did not exceed \$25,000 in the financial year;
 - Not more than the permitted \$10,000 in a financial year of related party payments was used for the purpose of incurring ACT electoral expenditure; and
 - Record keeping practices in relation to ACT funding and disclosure, including the record and accounting of sub-branch transactions.

2.1.3 The ACT Greens

- Comparison of the 2020-21 annual return with the gifts returns identified the following errors or issues with relevant gifts reporting:

Receipt date	Received from	Deadline for gift disclosure	Date reported to Electoral Commission	Amount	Error/Issue
11/1/2021	Pauline Allingham	30/4/2021	30/7/2021	\$1,000	Late Gift Reporting



8/7/20 20/7/20 10/8/20 20/8/20 8/9/20 20/9/20 8/10/20 Accum total	David W Gibson	15/10/2020	21/1/2021	\$150 \$150 \$150 \$150 \$150 \$150 =\$1,050	Late Gift Reporting
20/10/20 9/11/20 20/11/20 8/12/20 20/12/20 8/1/21 20/1/21 Accum total	David W Gibson	30/4/2021	30/7/2021	\$150 \$150 \$150 \$150 \$150 \$150 =\$1,045	Late Gift Reporting
10/3/2021	Andrew Hopkins	30/4/2021	30/7/2021	\$1,500	Late Gift Reporting
8/2/2021	Judith Gamper	Annual return but not in regular gift	Reported in 2020/21 annual report on 7/12/21	\$70.00	Not reported in Gift reporting
22/1/2021	Judith Gamper	Reported in regular gift but not in the annual return	30/7/2021	\$50.00	Not included as a receipt in the annual return
3/3/2021	James Lindsay	Reported in regular gift but not in the annual return	30/7/2021	\$50.00*	Not included as a receipt in the annual return

- There were no issues noted in relation to following items:
 - Quarterly administration funding payments used to incur electoral expenditure for any ACT, federal, state or local government election;
 - The receipt of 'anonymous gifts' did not exceed \$25,000 in the financial year;



- Not more than the permitted \$10,000 in a financial year of related party payments was used for the purpose of incurring ACT electoral expenditure; and
- Record keeping practices in relation to ACT funding and disclosure, including the record and accounting of sub-branch transactions.

2.1.4 Animal Justice Party

- Review of disclosures and transactions within the financial records did not identify any errors in the Annual Return for the Animal Justice Party for the period ended 30 June 2021.
- There were no issues noted in relation to following items:
 - Quarterly administration funding payments used to incur electoral expenditure for any ACT, federal, state or local government election;
 - The receipt of 'anonymous gifts' did not exceed \$25,000 in the financial year;
 - Not more than the permitted \$10,000 in a financial year of related party payments was used for the purpose of incurring ACT electoral expenditure; and
 - Record keeping practices in relation to ACT funding and disclosure, including the record and accounting of sub-branch transactions.

2.1.5 Australian Climate Change Justice Party

- Review of documentation supporting the 2020-21 annual return identified that payments of \$16,621.97 had not been recorded in the annual return.
- There were no issues noted in relation to following items:
 - Quarterly administration funding payments used to incur electoral expenditure for any ACT, federal, state or local government election;
 - The receipt of 'anonymous gifts' did not exceed \$25,000 in the financial year;
 - Not more than the permitted \$10,000 in a financial year of related party payments was used for the purpose of incurring ACT electoral expenditure; and
 - Record keeping practices in relation to ACT funding and disclosure, including the record and accounting of sub-branch transactions.

2.1.6 Australian Federation Party Australian Capital Territory

- Review of disclosures and transactions within the financial records did not identify any errors in the Annual Return for the Australian Federation Party Australian Capital Territory for the period ended 30 June 2021.
- There were no issues noted in relation to following items:
 - Quarterly administration funding payments used to incur electoral expenditure for any ACT, federal, state or local government election;
 - The receipt of 'anonymous gifts' did not exceed \$25,000 in the financial year;
 - Not more than the permitted \$10,000 in a financial year of related party payments was used for the purpose of incurring ACT electoral expenditure; and
 - Record keeping practices in relation to ACT funding and disclosure, including the record and accounting of sub-branch transactions.



2.1.7 Belco Party (ACT)

- Review of documentation supporting the 2020-21 annual return identified that payments of \$40,623 had not been recorded in the annual return. This expenditure was correctly reported within the 2020 Election Return, however, the party did not include the expenditure as required in the 2020-21 annual return.
- Public funding received from the ACT Electoral Commission (\$45,381) following the 2020 ACT election had also not been disclosed in the annual return.
- There were no issues noted in relation to following items:
 - Quarterly administration funding payments used to incur electoral expenditure for any ACT, federal, state or local government election;
 - The receipt of 'anonymous gifts' did not exceed \$25,000 in the financial year;
 - Not more than the permitted \$10,000 in a financial year of related party payments was used for the purpose of incurring ACT electoral expenditure.

2.1.8 Canberra Progressives

- Review of documentation supporting the 2020-21 annual return identified that payments of \$33,963.39 had not been recorded in the annual return. A revised return was submitted to Elections ACT on 15 March 2022.
- Comparison of the annual return and gift return identified a receipt for \$1,300 from the Australian Progressives with conflicting receipt dates in the two returns. The annual return receipt date was recorded as 18/9/2020 and the gifts return receipt date was recorded as 25/09/2020.
- There were no issues noted in relation to following items:
 - Quarterly administration funding payments used to incur electoral expenditure for any ACT, federal, state or local government election;
 - The receipt of 'anonymous gifts' did not exceed \$25,000 in the financial year;
 - Not more than the permitted \$10,000 in a financial year of related party payments was used for the purpose of incurring ACT electoral expenditure; and
 - Record keeping practices in relation to ACT funding and disclosure, including the record and accounting of sub-branch transactions.

2.1.9 David Pollard Independent

- Review of disclosures and transactions within the financial records did not identify any errors in the Annual Return for David Pollard Independent for the period ended 30 June 2021.
- There were no issues noted in relation to following items:
 - Quarterly administration funding payments used to incur electoral expenditure for any ACT, federal, state or local government election;
 - The receipt of 'anonymous gifts' did not exceed \$25,000 in the financial year;
 - Not more than the permitted \$10,000 in a financial year of related party payments was used for the purpose of incurring ACT electoral expenditure; and
 - Record keeping practices in relation to ACT funding and disclosure, including the record and accounting of sub-branch transactions.

2.1.10 Democratic Labour Party (DLP)

- Review of the disclosures made by the party identified that public funding received from the ACT Electoral Commission totalling \$21,949 had been incorrectly reported as gifts of money, rather than as 'other receipt' in the 2020-21 Annual Return.
- There were no issues noted in relation to following items:
 - Quarterly administration funding payments used to incur electoral expenditure for any ACT, federal, state or local government election;
 - The receipt of 'anonymous gifts' did not exceed \$25,000 in the financial year;
 - Not more than the permitted \$10,000 in a financial year of related party payments was used for the purpose of incurring ACT electoral expenditure; and
 - Record keeping practices in relation to ACT funding and disclosure, including the record and accounting of sub-branch transactions

2.1.11 Liberal Democratic Party

- Review of disclosures and transactions within the financial records did not identify any errors in the Annual Return for the Liberal Democratic Party for the period ended 30 June 2021.
- There were no issues noted in relation to following items:
 - Quarterly administration funding payments used to incur electoral expenditure for any ACT, federal, state or local government election;
 - The receipt of 'anonymous gifts' did not exceed \$25,000 in the financial year;
 - Not more than the permitted \$10,000 in a financial year of related party payments was used for the purpose of incurring ACT electoral expenditure; and
 - Record keeping practices in relation to ACT funding and disclosure, including the record and accounting of sub-branch transactions.

2.1.12 Shooters, Fishers and Farmers Party (ACT)

- The Shooters, Fishers and Farmers Party (ACT) submitted a nil return for the 2020-21 annual return. Review of documentation identified that transactions reported in the 2020 election return should also have been reported in the 2020-21 annual return. An annual return was subsequently submitted to Elections ACT on 14 February 2022.
- Review disclosures and transactions within the financial records did not identify any errors in the late Annual Return for the Shooters, Fishers and Farmers Party (ACT) for the period ended 30 June 2021.
- There were no issues noted in relation to following items:
 - Quarterly administration funding payments used to incur electoral expenditure for any ACT, federal, state or local government election;
 - The receipt of 'anonymous gifts' did not exceed \$25,000 in the financial year;
 - Not more than the permitted \$10,000 in a financial year of related party payments was used for the purpose of incurring ACT electoral expenditure; and
 - Record keeping practices in relation to ACT funding and disclosure, including the record and accounting of sub-branch transactions.

2.1.13 Sustainable Australia Party - Stop Overdevelopment / Corruption

- Review of disclosures and transactions within the financial records did not identify any errors in the Annual Return for the Sustainable Australia (ACT) Party for the period ended 30 June 2021.
- There were no issues noted in relation to following items:
 - Quarterly administration funding payments used to incur electoral expenditure for any ACT, federal, state or local government election;
 - The receipt of 'anonymous gifts' did not exceed \$25,000 in the financial year;
 - Not more than the permitted \$10,000 in a financial year of related party payments was used for the purpose of incurring ACT electoral expenditure; and
 - Record keeping practices in relation to ACT funding and disclosure, including the record and accounting of sub-branch transactions.

2.1.14 The Community Action Party (ACT)

- Review of disclosures and transactions within the financial records did not identify any errors in the Annual Return for the Community Action Party (ACT) for the period ended 30 June 2021.
- There were no issues noted in relation to following items:
 - Quarterly administration funding payments used to incur electoral expenditure for any ACT, federal, state or local government election;
 - The receipt of 'anonymous gifts' did not exceed \$25,000 in the financial year;
 - Not more than the permitted \$10,000 in a financial year of related party payments was used for the purpose of incurring ACT electoral expenditure; and
 - Record keeping practices in relation to ACT funding and disclosure, including the record and accounting of sub-branch transactions.

2.1.15 The Canberra Party

- The Canberra Party submitted a nil return for the 2020-21 annual return. Party officials confirmed that there were no financial records and there had not been any financial activity for the party during the period.

2.2 Review of Gift Returns

2.2.1 The Australian Labor Party ACT Branch

- Review of disclosures and transactions within the financial records and comparison with annual return information identified the following errors in gifts of \$1,000 or more reported for the Australian Labor Party (ACT Branch) for the period 1 April 2021 to 31 December 2021:



Receipt date	Received from	Deadline for gift disclosure	Date reported to EC	Amount	Issue and action required
22/6/2021	Marisa Paterson	31/7/2021	Not report yet	\$1,500	Late Gift Reporting
30/6/2021	Michael Pettersson	31/7/2021	Not report yet	\$1,000	Late Gift Reporting
21/6/2021	Paul Room	31/7/2021	27/7/2021	\$206	Receipt was not a gift but was incorrectly reported as a gift
Qantas	Qantas	30/7/2021	31/8/2021	\$590	Late Gift Reporting
Qantas	Qantas	30/7/2021	31/8/2021	\$590	
				\$1,180 total	
Chris Steel	22/Jul/2021	9/Aug/2021	10/Aug/2021	\$1,500.00	Late Gift Reporting
Michael Gentleman	9/12/2021	7/1/2022	18/1/2022	\$1.54 (Already over threshold)	Late Gift Reporting
Michael Gentleman	9/12/2021	7/1/2022	18/1/2022	\$83.81	Late Gift Reporting

2.2.2 The Liberal Party of Australia (A.C.T. Division)

- Review of disclosures and transactions within the financial records did not identify any errors in gifts of \$1,000 or more reported for the Liberal Party of Australia (A.C.T. Division) for the period 1 April 2021 to 31 December 2021.

2.2.3 The ACT Greens

- Review of disclosures and transactions within the financial records and comparison with annual return information identified the following errors in gifts of \$1,000 or more reported for the ACT Greens for the period 1 April 2021 to 31 December 2021:

Receipt date	Received from	Deadline for gift disclosure	Date reported to EC	Amount	Issue and action required
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30/11/2021	Caroline Le Couteur	7/12/2021	7/3/2022	\$25,000	Late Gift Reporting
18/7/21	Rebecca Vassarotti	7/1/2022	10/5/2022	\$30	Late Gift Reporting
18/8/21				\$30	
18/9/21				\$30	
18/10/21				\$30	
18/11/21				\$30	
18/12/21				\$30	
20/12/21				\$1,615	
Accum				=\$1,795	
total					

2.2.4 Animal Justice Party

- Review of disclosures and transactions within the financial records did not identify any errors in gifts of \$1,000 or more reported for the Animal Justice Party for the period 1 April 2021 to 31 December 2021.

2.2.5 Australian Climate Change Justice Party

- Review of disclosures and transactions within the financial records did not identify any errors in gifts of \$1,000 or more reported for the Australian Climate Change Justice Party for the period 1 April 2021 to 31 December 2021.

2.2.6 Australian Federation Party Australian Capital Territory

- Review of disclosures and transactions within the financial records did not identify any errors in gifts of \$1,000 or more reported for the Australian Federation Party Australian Capital Territory for the period 1 April 2021 to 31 December 2021.

2.2.7 Belco Party (ACT)

- Review of disclosures and transactions within the financial records did not identify any errors in gifts of \$1,000 or more reported for the Belco Party (ACT) for the period 1 April 2021 to 31 December 2021.

2.2.8 Canberra Progressives

- Review of disclosures and transactions within the financial records did not identify any errors in gifts of \$1,000 or more reported for the Canberra Progressives for the period 1 April 2021 to 31 December 2021.



2.2.9 David Pollard Independent

- Review of disclosures and transactions within the financial records did not identify any errors in gifts of \$1,000 or more reported for David Pollard Independent for the period 1 April 2021 to 31 December 2021.

2.2.10 Democratic Labour Party (DLP)

- Review of disclosures and transactions within the financial records did not identify any errors in gifts of \$1,000 or more reported for the Democratic Labour Party (DLP) for the period 1 April 2021 to 31 December 2021.

2.2.11 Liberal Democratic Party

- Review of disclosures and transactions within the financial records did not identify any errors in gifts of \$1,000 or more reported for the Liberal Democratic Party for the period 1 April 2021 to 31 December 2021.

2.2.12 Shooters, Fishers and Farmers Party (ACT)

- Review of disclosures and transactions within the financial records did not identify any errors in gifts of \$1,000 or more reported for the Shooters, Fishers and Farmers Party (ACT) for the period 1 April 2021 to 31 December 2021.

2.2.13 Sustainable Australia Party - Stop Overdevelopment / Corruption

- Review of disclosures and transactions within the financial records did not identify any errors in gifts of \$1,000 or more reported for Sustainable Australia Party – Stop Overdevelopment / Corruption for the period 1 April 2021 to 31 December 2021.

2.2.14 The Community Action Party (ACT)

- Review of disclosures and transactions within the financial records did not identify any errors in gifts of \$1,000 or more reported for the Community Action Party (ACT) for the period 1 April 2021 to 31 December 2021.

2.2.15 The Canberra Party

- The Canberra Party did not have any transactions or records to test disclosure of gifts of \$1,000 or more.

