



Supplementary dissenting report – The Hon Bronwyn Bishop MP, The Hon Alex Somlyay MP, Senator Scott Ryan and Senator Simon Birmingham

SUPPLEMENTARY DISSENTING REPORT

To the AEC Submission received 13th September 2012 in response to the Chairman's letter 11th September 2012

Coalition Committee Members of the JSCEM did not receive and at the time of writing, still have not received, a copy of the Chairman's letter to the AEC of 11 September 2012, to which the AEC replied 13 September 2012. This reply to the Chairman was accepted as a further submission to the JSCEM Inquiry into the HSU on a telephone hook-up on Friday 14th September and a date for submission for the entire Dissenting Report was minuted as 10am on Monday 17th September 2012.

The AEC confirmed that the Minister did not provide the complete report to the AEC for analysis. The AEC states that they were not provided with a copy of the Slater & Gordon investigation or the BDO Kendalls Report to it being forwarded by the Chairman by letter dated 11th September 2012. Coalition members have been unable to ascertain why this information was withheld from the AEC.

The Committee secretariat placed the Slater & Gordon/BDO Kendall Report plus records of interviews with witnesses on a CD because of the amount of material to be sent.

The AEC refers to the resolution of the HSU National Executive in the letter from Slater & Gordon to Mr Nassios, then Acting Registrar which states:

“National Executive:

Directs Slater & Gordon to provide a copy of the findings to the Industrial Registrar and a copy of the relevant findings of the Investigation to the Australian Electoral Commission....”

The AEC states in its submission that the HSU said the AEC was to receive the report.

“despite the resolution of the National Executive of the HSU referred to in the letter from Slater & Gordon to the Acting Industrial Registrar dated 16 June 2009 that a copy should be provided to the AEC.”

This sloppy statement is but one of many contained in the AEC submission relying on just 2 days work by the AEC.

Furthermore, the question arises why all of the information contained in the report was not and still has not been submitted to the AEC so that a complete forensic examination could be made to test the actions of the HSU and Craig Thomson and any non-compliance with legislation. In particular, it is not clear why the Government did not want the AEC to examine the complete Report, Annexures A - H and K - M. Representing thousands of pages contained in 13 lever arch folders were only received from FWA on the 11th September 2012 and never dealt with by the committee.

Despite being asked, the Chairman refused to publish this material and also refused to allow a hearing. It is particularly important that the Interim report prepared by Mr Nassios being Annexure M to the FWA Report and itself containing the thousands of pages mentioned above be the subject of proper

analysis. The Interim report addresses matters of significance to electoral expenditure and disclosure.

Due to the confidentiality which censors the contents, members cannot canvass issues or questions on relevant matters, which may have led to different conclusions by the Labor/Greens majority in their report.

The language of the AEC is non-conclusive. The use of expressions such as:

- presumably
- it appears that the instructions to Slater & Gordon . . .
- limitations caused by the absence of relevant records . . .
- particular items of expenditure that was made on their credit cards that could have been regarded as possible election campaign expenditure
- HSU National Office has made reasonable attempts to disclose all election expenditure that they were able to identify from reconstructed records . . .
- (page 5) Expenditure on electorate activities outside of the dedicated campaign account would need to face strong penalties
- No comment at all on the failure of Mr Thomson to disclose gifts an obligation not extinguished by the HSU filing political expenditure returns

JSCEM has no further opportunity to call the AEC before this Committee for a further hearing to examine them on issues relating to matters identified in the censored CD.

The Labor/Green Majority Report remains silent as to why they refuse to publish the whole report to the Parliament and maintain such a degree of secrecy and deceit.

Clearly criticism made by KPMG to FWA concerning its investigation procedures apply equally but probably more strongly to the AEC and its inadequate dealings with Craig Thomson's failure to disclose.

It is to be noted that the AEC purported to deal with an additional 665 pages of evidence in 2 days and come to what appears to be their same conclusion but with qualifying words is remarkable indeed.

The public has a right to know what is contained in the complete FWA Report and that means all the annexures

**The Hon Bronwyn Bishop MP
Shadow Special Minister of State**

**The Hon Alex Somlyay MP
Deputy Chair – JSCEM**

Senator Scott Ryan

Senator Simon Birmingham