

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

Finance Portfolio
20 October 2015

Department/Agency: Australian Electoral Commission

Outcome/Program: General

Topic: Foundation 51 – complaints regarding non-compliance with the Electoral Act

Senator: Wong

Question reference number: F49

Type of question: Written

Date set by the committee for the return of answer: Friday, 4 December 2015

Number of pages: 2

Question:

With reference to complaints received by the Australian Electoral Commissioner alleging non-compliance with Part XX of the Commonwealth Electoral Act 1918 by Foundation 51, an associated entity of the Country Liberal Party:

1. On what dates have complaints been received.
2. What action did the Australian Electoral Commissioner take in response to these complaints.
3. Did the Australian Electoral Commissioner respond to all complaints in a timely fashion.

Answer:

1. The Australian Electoral Commission (AEC) received the following correspondence relating to Foundation 51 Pty Ltd:
 - a. On 25 and 27 March 2009, requests for an investigation into Foundation 51 Pty Ltd were received by the AEC.
 - b. On 12 May 2014 a complaint regarding Foundation 51 Pty Ltd was received by the AEC. Additional information was received on 24 December 2014.
2. The AEC took the following action in response to the correspondence:
 - a. On 26 and 27 March 2009, the AEC contacted the person who requested the investigation and advised that there was insufficient evidence to determine whether Foundation 51 Pty Ltd was an associated entity and there was no basis for it to commence an investigation. The AEC also advised the complainant that if Foundation 51 Pty Ltd was an associated entity it would not have any disclosure obligations until 20 October 2009 at the earliest due to the date of its incorporation.

- b. Between October 2014 and June 2015, Foundation 51 Pty Ltd lodged annual financial disclosure returns for the 2011–12, 2012–13 and 2013–14 financial years. The AEC has completed its review of each of the annual returns and has identified only two issues of non-compliance, this being for late lodgement of the 2011–12 and the 2012–13 returns. Having considered all of the relevant issues the AEC is of the view that given the legislative objective of Part XX of the *Commonwealth Electoral Act 1918* is disclosure, and that this has been achieved, no further action is required.
3. The AEC regards allegations of non-compliance with the *Commonwealth Electoral Act 1918* as a serious matter and seeks to take appropriate, timely action in response.