

Senate Finance and Public Administration Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Finance and Administration Portfolio

Australian Electoral Commission

Budget Estimates Hearing – May 2007

Question: F79

Outcome 2, Output 2.1.3

Topic: FAD returns re CFMEU and AMWU

Hansard page: N/A

Written Question on Notice

Senator Fierravanti-Wells asked:

Further to my questions regarding the member for Gorton, please provide details of any investigations into matters raised by Mrs Bishop in the House on 27 February 2007 as follows:

Mrs BRONWYN BISHOP (Mackellar)

(9.17 pm)—I am rather disappointed in the last speaker, the member for Melbourne Ports. I usually have a higher regard for him, but I have never heard so much rubbish or hypocrisy spoken in my life. Today in this chamber the member for Indi—a good friend and colleague—was perfectly properly correcting the record that had been so wrongly placed the night before by the member for Gorton. He is a little-known member in this place, but he is certainly well known in the union movement. Indeed, from the years 1993 to 2001, he was the Assistant National Secretary of the Australian Services Union. And guess what? During 1998 to 2001, that same union, using three related entities—but still the Australian Services Union—donated \$240,000 to the Labor Party. And guess what? It did not declare it. Only for one year, the year of 1999-2000, did he bother to put in his return that they had in fact donated \$12,000, when the ALP's own return showed that in that year they had donated \$75,000—a discrepancy of \$63,000.

The little-known member for Gorton—though he is a well-known trade unionist—talked about \$15,000 as a hefty donation. Well, what the hell do you call \$240,000? I put it to you, Mr Speaker, that when the member for Indi was very properly correcting the record today, she was ejected from the chamber while defending herself. If we go further into the records of the ASU and the assistant secretary, from 1998—which is the farthest we can go back—up until 2001, with the exception of the year 1999-2000, not one ASU declaration was filed. We picked up the numbers from the ALP declaration. What of the precedent set by this trade unionist who now calls himself a member of parliament? That same person set such a good standard that, in the year 2005-06, the same standard was adhered to. No return was filed by the ASU—not filed at all—yet, in that year, \$100,000 was donated to the ALP. And you stand there tonight whingeing about the fact that the Friends of Indi filed a late return—and they have filed—for \$15,000.

There is not the faintest suggestion that the former assistant secretary of the ASU was trying to correct the record. It is hypocrisy, with a record like this, to come in here and to give somebody a hard time. It is outrageous and it should be condemned at the highest level. We have always known about the cosy relationship between the unions and the Labor Party,

which is simply the political front for the trade union movement. Here it is in black and white—\$240,532 donated and not disclosed, with the exception of a miserable \$12,000. One can only conclude it was deliberate, aimed to mislead or incompetence. In any case, the member for Gorton and now, by implication, the member for Melbourne Ports stand condemned. As I said, I am disappointed in the member for Melbourne Ports. I had often thought much higher of him. I thought his standards were better, but he has dragged himself into the little-known member for Gorton's attempt to besmirch a good member by getting into bed with him and his nasty trade union deceit.

Mr Haase—Shame!

Mrs BRONWYN BISHOP—It is shameful and it should be condemned in this place. The member for Indi deserves an apology from that side of the House for its attempt to besmirch what is a fine reputation of a member who works hard for her own constituents. This is an attempt in the lead-up to an election to try to appear holier than thou over a late return for the year 2006 when you have failed to lodge returns over the period from 1998—and probably further back—and have hidden \$240,000, which has gone to the Labor Party 'trouser', to use your word. It has been trousered by the Labor Party from their trade union mates. You owe her an apology, and I hope it is forthcoming tonight.

Answer:

The AEC has examined the payments raised by Mrs Bishop and can report the following.

In the 1998/99 financial year, the Australian Labor Party (Victorian Branch) disclosed the following other receipts:

- ASU Local Authorities Branch (\$23,770.70)
- ASU Private Sector Branch (\$41,837.66)
- ASU Services and Energy Branch (\$36,781.30)

The evidence available to the AEC at the time indicated that these other receipts were payments of affiliation fees. Affiliation fees do not fall within the definition of a gift as there is some consideration involved in these fees (such as the ability to participate in the party's decision making processes). As a consequence, affiliation fees are not required to be disclosed as donations.

For the same financial year, the Australian Labor Party (Victorian Branch) disclosed the following donations:

- ASU Local Authorities Branch (\$6,500)
- ASU Services and Energies Branch (\$4,000)

No donor return was received in relation to these donations.

In the 1999/00 financial year, the Australian Labor Party (Victorian Branch) disclosed the following other receipts:

- ASU Local Authorities Branch (\$23,396.60)
- ASU Private Sector Branch (\$20,730.91)
- ASU Services and Energy Branch (\$21,169.40)

The evidence available to the AEC at the time indicated that these other receipts were affiliation fees, and consequently are not gifts. No donor return is required in relation to these payments.

In the same year, the Australian Labor Party (Victorian Branch) disclosed the following donations:

- ASU Local Authorities Branch (\$7,000)
- ASU Services and Energy Branch (\$3,000)

The ASU Services and Energy Branch completed a donor return for this year disclosing a \$5,000 donations to the Australian Labor Party (Victorian Branch). No donor return was received from the ASU Local Authorities Branch.

In the 2000/01 financial year, the Australian Labor Party (Victorian Branch) disclosed the following other receipts:

- ASU Local Authority Division (\$19,529.46)
- ASU Private Sector Branch (\$29,562.64)

The evidence available to the AEC at the time indicated that these other receipts were affiliation fees, and consequently are not gifts. No donor return is required in relation to these payments.

In the same year, the Australian Labor Party (Victorian Branch) disclosed the following donation:

- ASU Private Sector Branch (\$7,000)

No donor return from the ASU Private Sector Branch was received for this financial year.

In relation to those donations that have not been disclosed by the various branches of the ASU for the 1998/99, 1999/00, and 2000/01 financial years, the offence provision relating to financial disclosure (contained in section 315 of the *Commonwealth Electoral Act 1918*) limits the commencement of prosecutions to within 3 years after any offence was committed.

Consequently, the AEC now has no reasonable grounds for reviewing outstanding disclosure obligations for those financial years. It is unfortunate that these obligations were not pursued at the time. However, in 2004, the AEC put in place administrative procedures to ensure that from 2004, all outstanding donor returns are pursued as a matter of course.