

Standing Committee on Finance and Public Administration

ANSWERS TO QUESTIONS ON NOTICE

Finance and Administration Portfolio

Australian Electoral Commission

Supplementary Budget Estimates - October 2006

Question: F 62

Outcome 2, Output 2.1.3

Topic: Cooperation between independent members of parliament

Written Question on Notice

Senator Nash asked:

(1) *Elected independent members of parliament acting together*

Are elected independent members of parliament entitled to act together in the following ways without being considered a political party?

- a. co-ordination of policies and parliamentary strategy;
- b. fundraising;
- c. exchange of advice, and mentorship "to encourage independent candidates around Australia to take the giant step of running for state or federal parliament.";
- d. exchange of resources;
- e. pooling of resources – to fund aircraft / vehicle leasing; and
- f. joint conferences.

(2) *Fund raising activity by like minded independents*

If a fundraising activity was held by a group of like-minded declared independent candidates or a body associated with independent members of parliament would there be a disclosure obligation under terms of the commonwealth electoral act?

(3) *Is the AEC investigating ICAN*

Has the AEC initiated formal investigation of the Independent Candidate Advisory Network (ICAN) activities including fundraising to test the organisation's validity or otherwise under the commonwealth electoral act? If not, why not?

(4) *What is the political status of ICAN*

Has the AEC formed a determination of the political status of ICAN? If so, what is it? If not, given that you have been aware of ICAN's existence since February this year and have aided there activities, why have you not formed a determination?

I'd like to draw your attention to an article of 12 October 2006 by the independent member for Calare that appears Mr Andren's website. I quote from the article.

Former Telstra Country Wide manager Gavin Priestley, who lives in Orange and has a wool property at Hargraves in the Parkes electorate, is also coordinator of the Independent Candidate Advisory Network (ICAN). He'll be flying his plane around the new electorates over the next few months meeting the many people who've

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contacted ICAN wanting to help independent candidates. When we do make decisions on who runs where early next year, there will be a network of helpers in place to maximise our chances.

The tenor of this quote "when we do make decisions on who runs where early next year" suggests that ICAN will in fact be endorsing candidates, in a very similar manner to that of a registered political party. I respectfully request that the AEC look into this matter and report its findings to the committee.

Answer:

(1) Elected independent members of parliament are entitled to act together in the following ways without being considered a 'political party' within the meaning of the *Commonwealth Electoral Act 1918* (the Electoral Act):

- a. co-ordination of policies and parliamentary strategy;
- b. fundraising;
- c. exchange of advice, and mentorship "to encourage independent candidates around Australia to take the giant step of running for state or federal parliament.";
- d. exchange of resources;
- e. pooling of resources – to fund aircraft / vehicle leasing; and
- f. joint conferences.

In order to be a political party within the meaning of the Electoral Act, the elected independent members of parliament would have to make a successful application for registration as a political party under Part XI of that Act.

(2) There would be a disclosure obligation for a fundraising activity held by a group of like-minded declared independent candidates or a body associated with independent members of parliament provided the gifts or expenditure involved in the fundraising activity exceeded the threshold.

The disclosure obligations applying to a particular fund raising activity will depend on the particular circumstances of that activity.

(3) The AEC is not conducting an inquiry into the Independent Candidate Advisory Network (ICAN). The AEC cannot conduct an inquiry into an organisation's disclosure obligations where such obligations do not yet exist.

Under the Electoral Act, a disclosure obligation will not exist until at least November 2007. The AEC will make an assessment of whether ICAN has met its disclosure obligations at that time.

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(4) ICAN's status, if any, will depend on whether it undertakes activities that require disclosure. Based on ICAN's public statements to date, ICAN could have a disclosure obligation as a donor, a third party, or both a donor and a third party.

The AEC cannot assess ICAN's status until a disclosure obligation exists. A disclosure obligation will not exist until at least November 2007.