

December 2017

Compliance Review Report

**Australian Labor Party (Northern Territory)
Branch**

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Purpose of this report

Pursuant to s 316(2A) of the *Commonwealth Electoral Act 1918* (the Electoral Act), this report provides the party agent of the Australian Labor Party (Northern Territory) Branch (the party) with the Australian Electoral Commission's (AEC) assessment of the level of compliance of the 2015–16 annual disclosure return lodged on behalf of the party with disclosure obligations under ss 314AB, 314AC and 314AE of the Electoral Act.

Disclosure obligations

Registered political parties and associated entities are required under Part XX of the Electoral Act to furnish returns.

Section 314AB of the Electoral Act requires the party agent of a registered political party to furnish a return within 16 weeks after the end of each financial year, disclosing:

- the total amount received by, or on behalf of, the party, during the financial year, together with the details specified by s 314AC of the Electoral Act;
- the total amount paid by, or on behalf of, the party, during the financial year; and
- the total outstanding amount, as at the end of the financial year, of all debts incurred by or on behalf of, the party, together with the details specified by s 314AE of the Electoral Act.

Section 314AC of the Electoral Act provides that if the sum of all amounts received by, or on behalf of, the party from a person or organisation during a financial year is more than the threshold amount specified therein, the annual disclosure return must include the particulars of that sum.

Section 314AE of the Electoral Act provides that if the sum of all outstanding debts incurred by, or on behalf of, the party to a person or an organisation during a financial year is more than the threshold amount specified therein, the annual disclosure return must include the particulars of that sum.

For the 2015–16 financial year, the threshold was for sums in excess of \$13,000.

The Electoral Act is available in full [here](#).

Conduct of the review

The authorised officer of the AEC has authority under s 316(2A) to require the production of documents and giving of evidence for the purpose of assessing compliance with the disclosure obligations required of registered political parties and associated entities under Part XX of the Electoral Act.

Sub-section 316(2A) requires the party agent of a registered political party to produce the documents or other things referred to in a notice served by the authorised officer within the period and in the manner specified in the notice or to appear, at the time and place specified in the notice, before the authorised officer to give evidence, either orally or in writing, and to produce the documents or other things referred to in the notice.

As part of this process, the authorised officer of the AEC served a notice on the party agent under s 316(2A) requiring the party to provide its financial records and other documents in relation to its financial operations for 2015–16.

Scope of the review

The records which were requested by the AEC from the party were limited to those which enabled the AEC to assess the following aspects of compliance with its disclosure obligations under Part XX of the Electoral Act:

- the timeliness of lodgement of the annual disclosure return
- the completeness and accuracy of the following information disclosed in the party's annual disclosure return for the 2015–16 financial year:
 - total receipts
 - total gifts in kind
 - individual receipts above \$13,000
 - total payments
 - total debts
 - individual debts above \$13,000
- the completeness and accuracy of information disclosed by Head Office on behalf of the following five party units:
 - Dickward
 - Alice Springs
 - Palmerston
 - Katherine
 - Nightcliff

The AEC did not examine other aspects of the financial operations of the party such as the existence or effectiveness of internal controls.

Stakeholder engagement

The AEC's general practice is to communicate with the relevant officer of the party by phone, email and/or face to face meetings as appropriate to cover the following topics:

- financial reports and documentation available from the party's accounting system
- compliance issues arising from the AEC review of the financial reports and documentation provided by the party
- required and suggested amendments to the annual disclosure return which arise from the compliance review
- potential enhancements in the party's understanding of disclosure obligations and accounting processes to improve future compliance.

A draft compliance review report was issued by the authorised officer of the AEC on 23 November 2017. The party was provided with an opportunity to comment on the draft report by 6 December 2017. The party did not provide any comment prior to this date and lodged a request for amendment on 14 December 2017.

Review outcomes

1. Timely lodgement

Sub-section 314AB(1) of the Electoral Act requires the party agent of the registered political party to lodge an annual disclosure return with the AEC within 16 weeks after the end of the financial year. As lodgement occurred after the due date of 20 October 2016, it did not comply with the requirement under s 314AB(1) to lodge a return for a registered political party within 16 weeks after the end of the financial year.

2. Accuracy in reporting – amendments

After examining the documents provided by the party for the review, the authorised officer of the AEC identified several issues relating to compliance with disclosure obligations under ss 314AB, 314AC and 314AE of the Electoral Act. The issues are discussed in detail below.

Total Payments

Paragraph 314AB(2)(b) of the Electoral Act requires the party agent to report the total amount paid by, or on behalf of, the party during the financial year. To satisfy this, the party must account for all transactions that result in payments to external entities. These transactions must be accounted for on a gross basis without any offsetting, inclusive of GST.

Total reportable payments by the party were under-stated in the party's 2015–16 annual disclosure return. The amount recorded as total payments and outlays on the party's behalf in the return is required to be amended by the party in order to ensure compliance with the Electoral Act. The relevant amendment is set out below.

Part 3: Total payments – amendments	
Total disclosed in return	\$596,397
Amended total	\$671,390

Amounts of more than \$13,000 received

Section 314AC of the Electoral Act provides that if the sum of all amounts received by, or on behalf of, the party from a person or organisation during a financial year is more than the threshold, the annual disclosure return must include the particulars of that sum. Furthermore, that sum is to include only those individual amounts which exceed the threshold.

Individual receipts exceeding the threshold were under-disclosed in the party's 2015–16 annual disclosure return. Two amendments to individual receipts exceeding the \$13,000 threshold are required in order to ensure compliance with the Electoral Act. The relevant amendments are set out below.

Part 2 : Amounts of more than \$13,000 received – amendments				
Entry	Name	Address	Amount received	Receipt Type
New entry no. 1	CEPU – Electrical Division QLD & NT	PO Box 3520, SOUTH BRISBANE QLD 4101	\$20,000	Donation
Original entry no. 1	Halikos Pty Ltd	GPO Box 551, DARWIN NT 0801	\$50,000	Donation
Amended entry no. 1	Northwake Pty Ltd	GPO Box 1511, DARWIN NT 0801	\$50,000	Donation

Total Debts

Paragraph 314AB(2)(c) of the Electoral Act requires the party agent to report the total outstanding amount as at the end of the financial year of all debts incurred by or, on behalf of, the party.

Total reportable debts of the party were under-stated in the party's 2015–16 annual disclosure return. The amount recorded as total debts in the return is required to be amended by the party in order to ensure compliance with the Electoral Act. The relevant amendment is set out below.

Part 4: Total Debts – amendment	
Total disclosed in return	\$167,192
Amended total	\$239,646

Debts of more than \$13,000

Section 314AE of the Electoral Act provides that if the sum of all outstanding debts, incurred by, or on behalf of, the party to a person or an organisation during a financial year is more than the threshold, the return must include the particulars of that sum.

Individual debts exceeding the threshold were under-disclosed in the party's 2015–16 annual disclosure return. A number of amendments to individual debts exceeding the \$13,000 threshold are required in order to ensure compliance with the Electoral Act. The relevant amendments are set out below.

Part 5: Debts of more than \$13,000 – amendments				
Entry	Name	Address	Amount Owed	Financial/Non-financial institution
New entry no. 1	Australian Taxation Office	Locked Bag 1936 ALBURY NSW 1936	\$26,302	Non-financial
New entry no. 2	Territory Television Pty Ltd	Blake Street, Gardens Hill DARWIN NT 800	\$13,900	Non-financial
Original entry no. 1	Zip Print	PO Box 41761 CASUARINA NT 811	\$41,937	Non-financial
Amended entry no. 1	Zip Print	PO Box 41761 CASUARINA NT 811	\$81,692	Non-financial
Original entry no. 2 (to be removed)	Zip Print	PO Box 41761 CASUARINA NT 811	\$18,535	Non-financial
Amended entry no.2				
Original entry no. 3 (to be removed)	Zip Print	PO Box 41761 CASUARINA NT 811	\$16,203	Non-financial
Amended entry no.3				

3. Party Units

Based on the records examined by the AEC, the financial information reported to Head Office by party units was generally accurate and supported by the documentation provided. However, it was observed that the financial information disclosed by Head Office on behalf of party units was inaccurate due to administrative errors.

Matters requiring future action

It is recommended the party ensures the accuracy of future annual disclosure returns and therefore improve compliance with Part XX of the Electoral Act by:

- including party unit figures in the calculation of the party's total receipts, total payments and total debts.
- reporting all receipts greater than the threshold received by party units in the party's disclosure return
- checking that the particulars disclosed for receipts above the threshold are correct
- including all debts listed in the trial balance as owing to other persons and entities in the calculation of total debts, other than amounts owed for staff entitlements, regardless of the age of the debt
- examining all debts listed in the trial balance as owing to other persons and entities in identifying individual debts exceeding the threshold for disclosure
- checking the accuracy of all calculations of amounts for disclosure in the annual disclosure return.

Conclusion

The authorised officer of the AEC for the purposes of s 316(2) of the Electoral Act has assessed the 2015–16 annual disclosure return for the party lodged with the AEC on 21 October 2016 did not comply with the requirement under s 314AB(1) of the Electoral Act to lodge a return for a registered political party within 16 weeks after the end of the financial year.

Further to this, in view of the discrepancies identified, the return did not comply with the provisions of ss 314AB, 314AC and 314AE of the Electoral Act.

In view of the lodgement by the party agent on 14 December 2017, of an amendment to the party's 2015–16 annual disclosure return, the authorised officer of the AEC has assessed that the disclosure return (as amended) accurately includes the information required to be disclosed under the provisions of ss 314AB, 314AC and 314AE of the Electoral Act.

Given the AEC's previous review of the party's 2013–14 annual disclosure return also identified discrepancies, the party should take immediate action to address the 'Matters requiring future action' outlined in this report. Continued non-compliance with the requirements of the Electoral Act may result in referral to the office of the Commonwealth Director of Public Prosecutions.