

April 2017

# Compliance Review Report

## Higgins 200 Foundation Ltd

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## Purpose of this report

Pursuant to subsection 316(2A) of the *Commonwealth Electoral Act 1918* (the Electoral Act), this report provides the financial controller of the Higgins 200 Foundation Ltd (the entity) 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 entity with disclosure obligations under section 314AEA of the Electoral Act.

## Associated entity

The annual disclosure return for the financial year 2015–16 lodged in relation to the Higgins 200 Foundation Ltd identified it as an associated entity of the registered political party known as the Liberal Party Australia (Victorian Division).

## Disclosure obligations

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

Section 314AEA of the Electoral Act requires the financial controller of an associated entity 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 entity; during the financial year, together with the details specified by section 314AC of the Electoral Act;
- the total amount paid by, or on behalf of, the entity, 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 entity, together with the details specified by section 314AE of the Electoral Act.

By virtue of s.314AEA(5) of the Electoral Act, sections 314AC and 314AE apply to a return for an associated entity in the same way as they apply to a return for a registered political party.

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 subsection 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.

Subsection 316(2A) requires the financial controller of an associated entity 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 financial controller under subsection 316(2A) requiring the entity 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 entity 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 Entity'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 AEC did not examine other aspects of the financial operations of the entity 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 entity by phone, email and/or face to face meetings as appropriate to cover the following topics:

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

During the review the entity provided documentation to the AEC as requested and within set timeframes.

A draft compliance review report was issued by the authorised officer of the AEC on 22 March 2017. The entity was provided with an opportunity to comment on the draft report by 5 April 2017. The financial controller of the associated entity did not provide any comments in relation to the findings contained within the draft report as at close of business 5 April 2017.

## Review outcomes

### **1. Timely lodgement**

Subsection 314AEA(1) of the Electoral Act requires the financial controller of the associated entity 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.314AEA(1) to lodge a return for an associated entity within 16 weeks after the end of the financial year.

### **2. Accuracy in reporting – amendments**

After examining the documents provided by the entity for the review, the authorised officer of the AEC identified no issues relating to compliance with disclosure obligations under Part XX of the Electoral Act.

## Matters requiring future action

It is recommended the entity ensures future disclosure returns are submitted and received by the AEC within 16 weeks after the end of the financial year in order to improve compliance with Part XX of the Electoral Act.

## Conclusion

The authorised officer of the AEC for the purposes of subsection 316(2) of the Electoral Act has assessed the 2015–16 annual disclosure return for the entity lodged with the AEC on 9 November 2016 did not comply with the requirement under s.314AEA(1) of the Electoral Act to lodge a return for an associated entity within 16 weeks after the end of the financial year.

The authorised officer of the AEC is further of the view that the 2015–16 annual disclosure return for the entity lodged with the AEC on 9 November 2016 accurately sets out the information required to be disclosed by the Higgins 200 Foundation Ltd under the provisions of section 314AEA of the Electoral Act. Based on the records examined, it is the authorised officer's view that the entity's 2015–16 annual disclosure return complies with the disclosure requirements under Part XX of the Electoral Act.