

March 2018

Compliance Review Report

Liberal Party of Australia

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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 Liberal Party of Australia (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 (as amended on 2 December 2016) 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 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.

During the review the party 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 15 February 2018. The party was provided with an opportunity to comment on the draft report by 2 March 2018. On 2 March 2018 the party lodged a request for amendment to their return.

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 by the due date of 20 October 2016, it complied 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 sections 314AB, 314AC and 314AE of the Electoral Act. The issues are discussed in detail below.

Gifts-in-kind

Paragraph 314AB(2)(a) of the Electoral Act requires the party agent to report the total amount received by, or on behalf of, the party during the financial year. The total amount received must also include the value of a *gift* (donation), loan or bequest in accordance with the definition at s 314AA.

Section 287 of the Electoral Act defines *gift* as being:

“any disposition of property made by a person to another person, otherwise than by will, being a disposition made without consideration in money or money’s worth or with inadequate consideration and includes the provision of a service (other than volunteer labour) for no consideration or for inadequate consideration...”.

Therefore, goods or services provided free of charge or at less than commercial rates constitute a gift that must be disclosed as a receipt by the party.

Total reportable gifts-in-kind received by the party were under-stated in the party's 2015–16 annual disclosure return. The amount recorded as total gifts-in-kind in the disclosure return is required to be amended by the party. The relevant amendment is set out below.

Part 2b: Total Gifts in kind – amendment	
Total disclosed in return	\$Nil
Amended total	\$13,266

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. A number of amendments to individual receipts exceeding the \$13,000 threshold are required in order to ensure compliance with the Electoral Act. The relevant amendments are attached as **Annexure A**.

Total Debts

Section 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 over-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 5: Total Debts – amendment	
Total disclosed in return	\$12,118,515
Amended total	\$11,952,364

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 6: 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 1793 Penrith NSW 2751	\$21,726	Non-financial institution
New entry no. 2	National Australia Bank Limited	Level 4, 14 Childers Street Canberra ACT 2601	\$19,030	Financial institution

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:

- examining all amounts received by the party in identifying receipts above the threshold for disclosure, including the name of the payee
- maintaining a central register to record all gifts-in-kind received by the party
- excluding from the calculation of total debts, liabilities representing accruals
- examining all debts listed in the trial balance as owing to other persons and entities in identifying individual debts exceeding the threshold for disclosure.

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 20 October 2016 complied 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.

However, 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 2 March 2018, 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 sections 314AB, 314AC and 314AE of the Electoral Act.

Annexure A

Part 3: Amounts of more than \$13,000 received – amendments				
Entry	Name	Address	Amount received	Receipt Type
New entry no. 1	Norton Rose Fullbright Australia	Level 18 Grosvenor Place 225 George Street SYDNEY NSW 2000	\$13,266	Donation
Original entry no. 1 (amend name)	Kooyong Electorate Council	PO Box 1016 CAMBERWELL VIC 3124	\$250,000	Donation
Amended entry no. 1	Liberal Party of Australia – Vic Division	104 Exhibition Street MELBOURNE VIC 3000	\$250,000	Donation
Original entry no. 2 (amend name)	Cormann Campaign Committee	PO Box 7718 CLOISTERS SQUARE WA 6850	\$100,000	Donation
Amended entry no. 2	Liberal Party (WA Division) Inc	PO Box 49 WEST PERTH WA 6872	\$100,000	Donation
Original entry no. 3 (amend name)	Curtin Liberal Federal Campaign	PO Box 2042 SUBIACO WA 6904	\$100,000	Donation
Amended entry no. 3	Liberal Party (WA Division) Inc	PO Box 49 WEST PERTH WA 6872	\$100,000	Donation
Original entry no. 4 (amend name)	Flinders Electorate Council	PO Box 3058 MORNINGTON VIC 3931	\$100,000	Donation
Amended entry no. 4	Liberal Party of Australia – Vic Division	104 Exhibition Street MELBOURNE VIC 3000	\$100,000	Donation
Original entry no. 5 (amend name)	Kooyong Electorate Council	PO Box 1016 CAMBERWELL Vic 3124	\$100,000	Donation
Amended entry no. 5	Liberal Party of Australia – Vic Division	104 Exhibition Street MELBOURNE VIC 3000	\$100,000	Donation

Original entry no. 6 (amend name)	Sturt FEC	104 Greenhill Road UNLEY SA 5061	\$80,000	Donation
Amended entry no. 6	Liberal Party of Australia – S.A. Division	GPO Box 20 ADELAIDE SA 5001	\$80,000	Donation
Original entry no. 7 (amend name)	Sturt FEC	104 Greenhill Road UNLEY SA 5061	\$55,000	Donation
Amended entry no. 7	Liberal Party of Australia – S.A. Division	GPO Box 20 ADELAIDE SA 5001	\$55,000	Donation
Original entry no. 8 (amend name)	Cormann Campaign Committee	PO Box 7718 CLOISTERS SQUARE WA 6850	\$50,000	Donation
Amended entry no. 8	Liberal Party (WA Division) Inc	PO Box 49 WEST PERTH WA 6872	\$50,000	Donation
Original entry no. 9 (amend name)	Curtin Liberal Federal Campaign	PO Box 2042 SUBIACO WA 6904	\$50,000	Donation
Amended entry no. 9	Liberal Party (WA Division) Inc	PO Box 49 WEST PERTH WA 6872	\$50,000	Donation
Original entry no. 10 (amend name)	Curtin Liberal Federal Campaign	PO Box 2042 SUBIACO WA 6904	\$50,000	Donation
Amended entry no. 10	Liberal Party (WA Division) Inc	PO Box 49 WEST PERTH WA 6872	\$50,000	Donation
Original entry no. 11 (amend name)	Sturt FEC	104 Greenhill Road UNLEY SA 5061	\$50,000	Donation
Amended entry no. 11	Liberal Party of Australia – S.A. Division	GPO Box 20 ADELAIDE SA 5001	\$50,000	Donation
Original entry no. 12 (amend name)	Goldstein Fighting Fund	571 Hampton Street HAMPTON VIC 3188	\$40,000	Donation
Amended entry no. 12	Liberal Party of Australia – Vic Division	104 Exhibition Street MELBOURNE VIC 3000	\$40,000	Donation

Original entry no. 13 (amend name)	Higgins Electorate Committee – Liberal	Suite 1 1343 Malvern Road MALVERN VIC 3144	\$30,000	Donation
Amended entry no. 13	Liberal Party of Australia – Vic Division	104 Exhibition Street MELBOURNE VIC 3000	\$30,000	Donation
Original entry no. 14 (amend name)	Fidelity Investments (Gresham Partners)	333 W. Wacker Dr Suite 700 CHICAGO IL 60606 United States	\$13,000	Donation
Amended entry no. 14	Andrew Liverus	333 W. Wacker Dr Suite 700 CHICAGO IL 60606 United States	\$13,000	Donation
Original entry no. 15 (amend name)	Fidelity Investments (Gresham Partners)	333 W. Wacker Dr Suite 700 CHICAGO IL 60606 United States	\$13,000	Donation
Amended entry no. 15	Paula Liverus	333 W. Wacker Dr Suite 700 CHICAGO IL 60606 United States	\$13,000	Donation
Original entry no. 1 (amount to be amended)	Bickham Court Group	Ste 7 Upper Deck Jones Bay Wharf 19/21 Pirrama PYRMONT NSW 2009	\$20,000	Donation
Amended entry no.1	Bickham Court Group	Ste 7 Upper Deck Jones Bay Wharf 19/21 Pirrama PYRMONT NSW 2009	\$25,000	Donation
Original entry no. 2 (amount to be amended)	Holmes Institute	185 Spring Street MELBOURNE VIC 3000	\$110,000	Other Receipt
Amended entry no.2	Holmes Institute	185 Spring Street MELBOURNE VIC 3000	\$114,620	Other Receipt
Original entry no. 1 (amend receipt type)	National Automotive Leasing & Salary Packaging Association	Locked Bag 3204 Collins Street East VIC 8003	\$40,000	Other Receipt
Amended entry no.1	National Automotive Leasing & Salary Packaging Association	Locked Bag 3204 Collins Street East VIC 8003	\$40,000	Donation