

# Pauline Hanson's One Nation and Others

## Foreword

The objective of the election funding and financial disclosure provisions contained in Part XX of the *Commonwealth Electoral Act 1918* (Electoral Act) is to ensure disclosure. This is to enable voters to inform themselves of the financial dealings of registered political parties and other political players. As a consequence of this, the AEC has a long standing practice of accepting amended returns at any time. Once disclosure has been achieved the AEC will generally not pursue the matter any further, as the intent of the Electoral Act has, in the AEC view, been achieved.

## The matter

Whether appropriate disclosures were made under Part XX of the Electoral Act by relevant persons in respect of the plane used by Pauline Hanson's One Nation (the party) during its 2016 federal election campaign.

## When and how matter raised

On 3 April 2017, a media segment aired on the ABC's Four Corners program which raised allegations in respect of the provision of a plane, or funds for its purchase, for the benefit of the party during its 2016 federal election campaign. This prompted the AEC to consider whether disclosures required under the Electoral Act had been made by relevant persons, including the party.

### *Compliance Review*

The matters underlying the investigation were raised independently of a routine compliance review which had been commenced by the AEC during January 2017 in respect of the party's 2015–16 disclosure return under the authority of s 316(2A). It was considered that, given the timing of the matters under investigation, the results of the investigation could impact the outcome of the compliance review.

## Legislation

Part XX of the *Commonwealth Electoral Act 1918*.

## AEC process

The AEC considered information from the following sources:

- Media reports
- Public information available from company and internet searches
- Information received in response to informal enquiries of relevant persons

- Information received in response to notices issued to relevant persons under s 316(3) of the Electoral Act
- Disclosure returns and amended disclosure returns received from donor/s and the party during the course of the investigation
- Pre-brief advice received from the Commonwealth Director of Public Prosecutions during the course of the investigation

## Considerations

Disclosures required under Part XX of the Electoral Act underpin the integrity of the Australian electoral system.

Subsequent to the airing of the Four Corners media segment, the AEC identified that no specific disclosures by a donor, the party or any other person in relation to the matter of the plane had been made to the AEC at that time. On this basis, the AEC made informal enquiries of relevant persons to seek voluntary cooperation in the provision of information and documents to clarify the facts of the matter.

Section 316(3) of the Electoral Act permits authorised officers of the AEC who have reasonable grounds to believe that a person is capable of producing documents or other things or giving evidence relating to a contravention, or possible contravention, of section 315, or relating to matters that are set out in, or are required to be set out in, a claim or return under Part XX, to issue the person with a notice to require the person to produce documents or other things referred to in the notice.

On the basis of the voluntary responses and the information contained in the Four Corner's report, an authorised officer of the AEC issued relevant persons with notices under s 316(3) of the Electoral Act.

Prompted by evidence and information gathered via the issue of the first s 316(3) notices, and other processes, further s 316(3) notices were issued. During the course of the investigation a total of 15 notices were issued.

In the interests of natural justice persons responding to all informal enquiries and s 316(3) notices were provided a reasonable period of time to provide a response.

## Returns and amendments lodged during the investigation

The returns and amended returns listed below have been lodged with the AEC in respect of the party, Mr James Ashby and Vicland Business Pty Ltd ATF Vicland Business Trust (Vicland).

- On 15 March 2018 **the party** lodged an amendment to its [2015–16 return](#):
  - An amendment was made to gifts-in-kind to \$30,375, including a note that this was calculated as dry hire rate for the Jabiru aircraft of James Ashby (243hrs @\$125 per hour = \$30,375)
- On 19 March 2018 **the party** lodged a further amendment to its [2015–16 return](#):
  - An amendment was made to gifts-in-kind to \$30,500, including a note that this was calculated as dry hire rate for Jabiru aircraft of James Ashby (244hrs @\$125 per hour = \$30,500)

- On 19 March 2018 **James Ashby** lodged an Individual Donor Return for [2015–16](#):
  - The return was made in relation to a donation to the party in the amount of \$30,375
  - A note in the return stated that this was calculated using his logbook for the Jabiru aircraft (243hrs @\$125 per hour = \$30,375)
- On 25 May 2018 **Vicland** lodged an amended Organisation Donor Return for [2014–15](#):
  - The return was made in relation to a donation to Pauline Hanson’s One Nation in the amount of \$10,908
- On 25 May 2018 **Vicland** lodged an amended Organisation Donor Return for [2015–16](#):
  - The return was made in relation to a donation to Pauline Hanson’s One Nation in the amount of \$98,175

### ***Consultation with other agencies***

During the course of the investigation the AEC sought the advice of the Commonwealth Director of Public Prosecutions (CDPP) and assistance from the Australian Federal Police.

### **Conclusion**

Based on the advice of the CDPP, and the evidence gathered during the course of the investigation, the AEC has concluded that returns and amended returns lodged with the AEC during the investigation in respect of the party, Mr Ashby and Vicland for the years 2014–15 and 2015–16 (as applicable) provide relevant disclosure in the context of the disclosure requirements of Part XX of the Electoral Act.

As disclosure in relation to the plane has been achieved, the matter is considered closed.

### ***Adjunct – related matter***

The authority given to the AEC to compel the provision of information in the course of investigating compliance with the Electoral Act is a vital component of the AEC’s role in ensuring electoral integrity. Arising out of the investigation, the AEC referred Black Bull QLD Pty Ltd to the CDPP in relation to failure to respond to a s 316(3) notice. On 20 December 2018 Black Bull QLD Pty Ltd was convicted and fined \$1,000.