

LS5131 FOI REQUEST BY PAUL FARRELL

Originally

AEC file 13/191 Funding and Disclosure - Compliance Audit - Associated Entities -The Sydney Small Business Club.

SCHEDULE OF RELEVANT DOCUMENTS

| Document No. | Description | Date | Recommendation/decision |
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| 1 | <p>File Request Form</p> <p style="margin-left: 40px;">This is folio 1 of AEC file 13/191</p> | 25/02/2013 | <p>Document No. 1 contains no exempt material.</p> <p>I recommend granting access in full to Document No1.</p> <hr style="width: 25%; margin-left: 0;"/> <p>I decided to grant access in full to Document No. 1.</p> |
| 2 | <p>Compliance Review Report ~ The Warringah Club</p> <p style="margin-left: 40px;">This is folios 2-9 of AEC file 13/191.</p> | ?/02/2013 | <p>Document No. 2 concerns the business affairs of a third party. The third party was consulted about the FOI Request and has made no contention against granting access in full to Document No. 2.</p> <p>It is open to you to find that giving access in full to Document No. 2. would not, or could not reasonably be expected to, unreasonably affect that third party adversely in respect of its lawful business, commercial or financial affairs.</p> <p>I recommend that you so find and grant access in full to Document No. 2.</p> |

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| | | | <hr/> <p>I found that giving access in full to Document No. 2. would not, or could not reasonably be expected to, unreasonably affect the third party consulted by the AEC adversely in respect of its lawful business, commercial or financial affairs.</p> <p>I decided to grant access in full to Document No. 2.</p> |
| 3 | <p>Letter from Ana Jurkiewicz, Assistant Director, Compliance to Peter Polgar, Financial Controller, the Warringah Club</p> <p>This is folio 1o of AEC file 13/191</p> | 25/02/2013 | <p>Document No. 3 contains conditionally exempt material, namely a facsimile of the signature of Ms Jurkiewicz. It contains no other exempt or conditionally exempt material.</p> <p>Considerations of identity theft make it unreasonable to give access to a facsimile of a signature.</p> <p>I recommend that you refuse to give access to Document No. 3 and offer in lieu to give access to an edited version of Document No. 3 from which the facsimile of the signature of Ms Jurkiewicz is redacted.</p> <hr/> <p>I decided to refuse access to Document No. 3 and to offer in lieu access to an edited version of Document No. 3 from which the facsimile of the signature of Ms Jurkiewicz is redacted.</p> |
| 4 | Bank Statement summaries for Financial Year of | 16/11/2102 | Document No. 4 is an extract from |

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| | <p>Review 2010/11</p> <p>This is folio 11 of AEC file 13/191</p> | | <p>supporting documentation provided with the Associated Entity return made by The Sydney Small Business Club for Financial Year 2011/12. The Associated Entity Return is published by the AEC at http://periodicdisclosures.aec.gov.au/AssociatedEntity.aspx?SubmissionId=49&ClientId=10674.</p> <p>The supporting documentation is received by the AEC on the following basis:</p> <p style="padding-left: 40px;">Any supporting documentation included with this return may be treated as part of a public disclosure and displayed on the AEC website.</p> <p>Document No. 4 contains no exempt or conditionally exempt material.</p> <p>I recommend granting access in full to Document No. 4.</p> <hr/> <p>I decided to grant access in full to Document No. 4.</p> |
| 5 | <p>Annual Return Profile The Sydney Small Business Club</p> <p>This is folio 12 of AEC file 13/191</p> | undated | <p>Document No. 5 discloses the AEC's methodology in conducting audits of returns by Associated Entities under Electoral Act.</p> <p>Paragraphs 47E(a), (b) and (d) of the FOI Act apply to Document No. 5.</p> <p>Disclosure of Document No. 5 would, or could reasonably be expected to prejudice the effectiveness of procedures</p> |

or methods for the conduct of tests, examinations or audits by the AEC in relation to returns by Associated Entities under Electoral Act.

Section 11B of the FOI Act requires you to balance factors favouring access to Document No. 5 (excluding irrelevant factors) against factors indicating that is in contrary to the public interest under subsection 11A(5) of the FOI Act and have regard to the Guidelines issued under section 93A of the FOI Act.

It is open to you to find that the balance of these competing public policies favours refusing access to Document No. 5 because the risk that the scheme for requiring returns by Associated Entities under Electoral Act would be undermined if Associated Entities were aware of how the AEC audits compliance with the disclosure obligations and found opportunities to evade detection of non-compliance.

I recommend that you **refuse access** to Document No. 5 in its entirety.

I found that disclosure of Document No. 5 would, or could reasonably be expected to prejudice the effectiveness of procedures or methods for the conduct of tests, examinations or audits by the AEC in relation to returns by Associated

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| | | | <p>Entities under Electoral Act and is thereby a conditionally exempt document.</p> <p>I further found that the balance of competing public interests ascertained in accordance with section 11B of the FOI Act favoured refusing access to Document No. 5 in its entirety.</p> <p>I decided to refuse access to Document No. 5 in its entirety.</p> |
| 6 | <p>Annual Return Profile The Sydney Small Business Club formerly The Warringah Club 2011-12</p> <p>This is folio 13 of AEC file 13/191</p> | 19/12/2013 | <p>Document No. 6 discloses the AEC's methodology in conducting audits of returns by Associated Entities under Electoral Act.</p> <p>Paragraphs 47E(a), (b) and (d) of the FOI Act apply to Document No..</p> <p>Disclosure of Document No. 6 would, or could reasonably be expected to prejudice the effectiveness of procedures or methods for the conduct of tests, examinations or audits by the AEC in relation to returns by Associated Entities under Electoral Act.</p> <p>Section 11B of the FOI Act requires you to balance factors favouring access to Document No. 6 (excluding irrelevant factors) against factors indicating that is in contrary to the public interest under subsection 11A(5) of the FOI Act and have regard to the Guidelines issued under section 93A of the FOI Act.</p> <p>It is open to you to find that the balance of</p> |

these competing public policies favours refusing access to Document No. 6 because the risk that the scheme for requiring returns by Associated Entities under Electoral Act would be undermined if Associated Entities were aware of how the AEC audits compliance with the disclosure obligations and found opportunities to evade detection of non-compliance.

I **recommend** that you **refuse access** to Document No. 6 in its entirety.

I **found** that disclosure of Document No. 6 would, or could reasonably be expected to prejudice the effectiveness of procedures or methods for the conduct of tests, examinations or audits by the AEC in relation to returns by Associated Entities under Electoral Act and is thereby a conditionally exempt document.

I further **found** that the balance of competing public interests ascertained in accordance with section 11B of the FOI Act favoured refusing access to Document No. 6 in its entirety.

I decided to **refuse access** to Document No. 6 in its entirety.

End¹

¹ T:\Legal\Legal Services\Legal Matters\FOI\LS5131 FOI Request By P Farrell, Guardian - FAD Compliance Audit Number 201300191 For The Sydney Small Business Club 2015 Q1\Released Documents\LS5131-Schedule.Rtf