

Meeting of 4 March 2004 between Ross Forsyth, Director of several entities that may be associated entities of the NSW National Party and AEC officers

An informal meeting lasting one hour was held on the 5th floor of 30 Carrington St Sydney at 10.00 on 4 March 2004 between Ross Forsyth, (State Treasurer of the National Party & Director of the Green and Gold Foundation, Conserve (2092) Pty Ltd, National Building Foundation, Supporters Foundation and Natpar Pty Ltd., Phil Orphin (agent of the NSW National Party), Monash Sahadeo and Bob Wagg (AEC) concerning the status of the entities whose offices were co-located with the National Party at the above address these entities are Green and Gold Foundation, Conserve (2092) Pty Ltd, National Building Foundation, Supporters Foundation and Natpar Pty Ltd. (Any Reference in this paper to Companies or Trustees etc relate to the entities identified above any reference to the Party relates to the NSW National Party.

We thanked Mr Forsyth for making his time available for the meeting. We explained what the term associated entity meant in the context of the Commonwealth Electoral Act. We also noted options for providing the relevant information by such other organisations as the Greenfield Foundation. We further explained that even where an entity operated outside the sphere of influence of the party it must disclose as an entity its operations where they benefited one or more parties. The entities under review are benefiting the NSW National Party.

We said that for several years now the AEC has been probing these entities' status and as some concern had recently been expressed by the public on this matter it needs to be resolved expeditiously.

Mr Forsyth began by saying that he was speaking as a Director of the Entities and said that he did not believe that they were associated entities as defined in the CEA. He explained that the entities had been established about 1981 well before the legislation was enacted or even considered. We also explained that much of the operational information must be disclosed any way in the Party annual return

The beneficiaries of the Foundations, he continued are the financial members of the NSW National Party but a clear distinction needs to be made between the National Party and the members of the National Party like the shareholders of BHP and BHP they are separate distinct persons or entities. BHP cannot dictate to shareholders what they can do and in the same way the Party can't dictate to members what they can do and this applies to pressuring the trustees or directors of the entities that they must take a particular course of action. Thus the entities are independent of the party.

The decisions made by the Trustees are made as commercial decisions and not necessarily in the best interests of the Party. For example the NSW National Party is a tenant of one of the Companies and while the Party has been a good tenant the Company may decide as a commercial decision that it will sell the office area or lease to another tenant regardless of the accommodation requirements of the Party if it is in the best commercial interests of the entities to do so. Also one of the entities owned a parcel of shares for some time it has now sold these shares but there was some opposition in the Party to owning such shares because of the effect large stores have on local shops and shop keepers.

The Companies also lend moneys to the Party these are provided at commercial rates any money on call does not attract interest but other moneys do.

While the Entities' registered offices are co-located with the Party Office this is not relevant as the registered office could be located anywhere it is a matter of convenience only. Similarly Party staff member Phil Orphin processes the accounts of these entities but the Party is paid a fee for doing so as Phil undertakes these tasks during his employment at the Party Office. The fee charged is appropriate for the service provided. Payment could just as easily be made to Phil directly if he did the work at his home

Mr Forsyth said that he had no objections in principle to the provision of information but he again emphasised that the Party and its members were different entities.

We said that we noted Mr Forsyth's position on this matter and again thanked him for attending the meeting to explain it to us.

4

Bob Wagg
AEC

Released under the Freedom of Information Act 1982

REDACTION CODES

- 1 Personal Information (name) redacted.
- 2 Personal Information (date of birth) redacted.
- 3 Personal Information (photograph) redacted
- 4 Personal Information (facsimile of signature) redacted.
- 5 Personal Information (facsimile of manuscript initialling) redacted.
- 6 Personal Information (Individual's address) redacted.
- 7 Personal Information (individual's telephone number) redacted.
- 8 Personal Information (individual's opinion) redacted.
- 9 Personal Information (opinion about individual) redacted.
- 10 Personal Information (employment history) redacted.
- 11 Personal Information (qualifications) redacted.
- 12 Personal Information (health) redacted.
- 13 Business information (Bank Account details) redacted.
- 14 Business information (Billing Account details) redacted.
- 15 Legal Professional Communication redacted.
- 16 Deliberative material redacted.
- 17 Irrelevant material redacted.

Released under the Freedom of Information Act 1982