

## Extracts from the Commonwealth Electoral Act 1918

### 314AA Interpretation

(1) In this Division:

**amount** includes the value of a gift, loan or or bequest.

### 314AEA Annual returns by associated entities

(1) Subject to this Division, If an entity is an associated entity at any time during a financial year, the entity's financial controller must, within 16 weeks after the end of each financial year beginning on or after 1 July 1992, furnish to the Electoral Commission a return:

(a) that is in an approved form; or

(2) A return under paragraph (1)(a) or (1)(b) must set out the following:

(a) the total amount received by, or on behalf of, the associated entity during the financial year, together with the details required by section 314AC;

(b) the total amount paid by, or on behalf of, the associated entity during the financial year;

(c) the total outstanding amount, as at the end of the financial year, of all debts incurred by, or on behalf of, the associated entity, together with the details required by section 314AE.

(2) Amounts received or paid at a time when the entity was not an associated entity are not to be counted for the purposes of paragraphs (1)(a) and (b).

(3) If any amount required to be set out under paragraph (1)(b):

(a) was paid to or for the benefit of one or more registered political parties; and

(b) was paid out of funds generated from capital of the associated entity;

the return must also set out the following details about each person who contributed to that capital after the commencement of this section:

(c) the name and address of the person;

(d) the total amount of the person's contributions to that capital, up to the end of the financial year.

### 314AC Amounts received

(1) 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 \$10,000, the return must include the particulars of that sum.

Note: The dollar amount mentioned in this subsection is indexed under section 321A.

(2) In calculating the sum, an amount of \$10,000 or less need not be counted.

Note: The dollar amount mentioned in this subsection is indexed under section 321A.

(3) The particulars of the sum required to be furnished under subsection (1) are the amount of the sum and:

(a) if the sum was received from an unincorporated association, other than a registered industrial organisation:

- (i) the name of the association; and
- (ii) the names and addresses of the members of the executive committee (however described) of the association; or
- (b) if the sum was purportedly paid out of a trust fund or out of the funds of a foundation:
  - (i) the names and addresses of the trustees of the fund or of the foundation; and
  - (ii) the title or other description of the trust fund, or the name of the foundation, as the case requires; or
- (ba) if the sum was received as a result of a loan—the information required to be kept under subsection 306A(3), or the name of the financial institution, as the case requires; or
- (c) in any other case—the name and address of the person or organisation.

### 314AE Outstanding amounts

- (1) 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 \$10,000, the return must include the particulars of that sum.
 

Note: The dollar amount mentioned in this subsection is indexed under section 321A.
- (2) The particulars of a sum required to be furnished under subsection (1) are the amount of the sum and:
  - (a) if the sum was owed to an unincorporated association, other than a registered industrial organisation:
    - (i) the name of the association; and
    - (ii) the names and addresses of the members of the executive committee (however described) of the association; or
  - (b) if the sum was purportedly incurred as a debt to a trust fund or to a foundation:
    - (i) the names and addresses of the trustees of the fund or of the foundation; and
    - (ii) the title or other description of the trust fund, or the name of the foundation, as the case requires; or
  - (c) in any other case—the name and address of the person or organisation.

### 316 Investigation etc.

- (1) In this section:

*authorised officer* means a person authorised by the Electoral Commission under subsection (2).

*prescribed person* means a person whose name is included in a list in a report mentioned in subsection 17(2A).

- (2) The Electoral Commission may, by instrument in writing signed by the Electoral Commissioner on behalf of the Electoral Commission, authorize a person or a person included in a class of persons to perform duties under this section.
- (2A) An authorised officer may, for the purpose of finding out whether a prescribed person, the financial controller of an associated entity or the agent of a registered political party has complied with this Part, by notice served personally or by post on:
  - (a) the agent or any officer of the political party; or
  - (aa) the financial controller of the associated entity or any officer of the associated entity; or

- (b) the prescribed person or, if the prescribed person is a body corporate, any of its officers;

as the case may be, require the agent, financial controller, person or officer:

- (c) to produce, within the period and in the manner specified in the notice, the documents or other things referred to in the notice; or
  - (d) to appear, at a 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.
- (2B) If a notice under paragraph (2A)(a) requires an officer of a political party (other than the agent) to appear before an authorised officer under paragraph (2A)(d), then the agent of the political party is entitled:
- (a) to attend at the proceeding under paragraph (2A)(d); or
  - (b) to nominate another person in writing to attend on behalf of the agent.
- (2C) Failure of the agent or nominee to attend under subsection (2B) does not affect the powers of the authorised officer to conduct the proceeding under paragraph (2A)(d).

Released under the Freedom of Information Act 1982

**ELECTORAL ACT 1918 – SECTION 316(2A)****NOTICE TO PRODUCE DOCUMENTS  
DISCLOSURE RETURN 2012–13**

**To:** Mr Michael Buchan  
State Secretary  
CFMEU Construction and General Division (WA Branch)  
PO Box 6681  
PERTH WA 6892

I, Seema Srivastava, an authorised officer within the meaning of s.316 of the *Commonwealth Electoral Act 1918* (the Act), for the purpose of finding out whether you, as the State Secretary of the CFMEU Construction and General Division (WA Branch) (the Union), have complied with Part XX of the Act, hereby require you, pursuant to s.316(2A) of the Act, to produce the information referred to below within the period and in the manner specified in this notice.

**Information to be produced in relation to Financial Year ending 30 June 2013**

1. Reports from the Union's accounting system in electronic format listed in Attachment A.  
(Attachment A to this notice lists the reports, the file format required and instructions on how to download and provide the data).
2. Reports from the Union's accounting system not listed in Attachment A but used in the compilation of the disclosure return.
3. Documents or other records not maintained as part of the accounting system but used in the compilation of the disclosure return, including, but not limited to:
  - a. excel spreadsheets;
  - b. extracts from any database system/s maintained in conjunction with the accounting system;
  - c. manual records, such as deposit slips, receipts, register of non-cash gifts received.
4. Statements of all bank / financial institutions accounts including:
  - a. any investment accounts;
  - b. loan accounts; and
  - c. broker accounts, if applicablefor the period from 1 July 2012 to 31 July 2013 (i.e. 13 Months).
5. Bank reconciliation statements for:
  - a. each account as at 30 June 2012; and
  - b. each account as at 30 June 2013
6. Audited financial statements for the 2012–13 financial year.

7. The working documents clearly demonstrating how the final total receipts, total payments and total debts figures shown on the Union's 2012–13 annual disclosure return were derived.
8. A completed and signed *Document Checklist* provided at Attachment B.

**Timing and manner of production**

You are required to produce the documents referred to in this notice to:

Attention: Alan Page  
Australian Electoral Commission  
West Block Offices, Queen Victoria Terrace  
PARKES ACT 2600

by 5:00pm 12 September 2014

**Refusal or failure to comply with this notice**

It is an offence for you to refuse or fail to comply with this notice to the fullest extent capable—s.316(5) and (5A). It is also an offence to supply false or misleading evidence in purported compliance with this notice—s.316(6).

Dated: 14 August 2014

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Seema Srivastava  
Assistant Commissioner  
Funding and Disclosure

An authorised officer for the purposes of section 316 of the Act.

## Total receipts

Data Source: Bank statements	Total receipts \$	Less Internal Bank and other Transfers \$	Total Receipts for disclosure \$
<b>Bank account number ending in</b>			
754	27 979 410	-12 088 257	15 891 153
877	7 562 427	-7 550 000	12 427
770	2 106 681	-4 281	2 102 399
818	988 407	-940 000	48 407
762	81 500	0	81 500
797	621 909	-17 356	604 553
885	160 980	-157 000	3 980
039	17	0	17
064	1 001	-1 000	1
922	10 726	-8 074	2 652
506	70 527	0	70 527
514	81 303	-70 892	10 411
1930	28 841	-28 000	841
3930	3 185 750	-710 226	2 475 524
949	10 555	0	10 555
<b>Amended total receipts</b>			<b>21 314 947</b>