

February 2021

Compliance Review Report

**The Minderoo Foundation Pty Ltd atf The
Minderoo Foundation Trust**

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Purpose of this report

Pursuant to s 316(3) of the *Commonwealth Electoral Act 1918* (the Electoral Act), this report provides the financial controller of the Minderoo Foundation Pty Limited atf The Minderoo Foundation Trust (Minderoo) with the Australian Electoral Commission's (AEC) assessment of the level of compliance with s 314AB of the Electoral Act with regard to electoral expenditure reported in its 2018-19 annual political campaigner disclosure return.

Disclosure obligations

Registered political campaigners are required under Part XX of the Electoral Act to furnish annual returns.

Section 314AB of the Electoral Act requires, amongst other things, the financial controller of the political campaigner 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 political campaigner, 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 political campaigner during the financial year;
- the total outstanding amount, as at the end of the financial year, of all debts incurred by or on behalf of, the political campaigner together with the details specified by s 314AE of the Electoral Act;
- the total amount of electoral expenditure incurred by or with the authority of the political campaigner; and
- details of any discretionary benefits received by, or on behalf of the political campaigner from the Commonwealth, a State or a Territory during the financial year.

Section 314AC of the Electoral Act provides that if the sum of all amounts received by, or on behalf of, the political campaigner 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 314AC(4) of the Electoral Act provides that where the political campaigner is a person or organisation registered under the *Australian Charities and Not-for profits Commission Act 2012* (ACNC Act), an amount received greater than the threshold does not need to be disclosed if no part of it was used during the financial year to:

- incur electoral expenditure; or
- create or communicate electoral matter; or
- reimburse the political campaigner for incurring electoral expenditure or creating or communicating electoral matter.

Section 314AE of the Electoral Act provides that if the sum of all outstanding debts incurred by, or on behalf of, the political campaigner 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 2018–19 financial year, the threshold was for sums in excess of \$13,800.

The Electoral Act is available in full [here](#).

Conduct of the review

As Minderoo de-registered as a political campaigner on 13 February 2020, the review was conducted under s 316(3) to determine whether the provisions of the Electoral Act pertaining to electoral expenditure had been interpreted correctly.

The authorised officer of the AEC has authority under s 316(3), where they have reasonable grounds to believe that a person is capable of producing documents or other things relating to matters that are set out in, or are required to be set out in, a return under Part XX of the Electoral Act, to require the production of documents and/or giving of evidence.

Subsection 316(3) requires the person 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 financial controller of Minderoo under s 316(3) requiring the provision of financial records and other documents in relation to its financial operations for 2018–19.

Scope of the review

The records which were requested by the AEC from the financial controller of Minderoo 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 political campaigner disclosure return
- the completeness and accuracy of total electoral expenditure reported the annual political campaigner disclosure return (as amended on 13 March 2020) for the 2018–19 financial year.

The AEC did not examine other aspects of the financial operations of Minderoo 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 political campaigner by phone, email and/or face to face meetings as appropriate to cover the following topics:

- financial reports and documentation available from the political campaigner's accounting system
- compliance issues arising from the AEC review of the financial reports and documentation provided by the political campaigner.
- required and suggested amendments to the annual disclosure return which arise from the compliance review
- potential enhancements in the financial controller's understanding of disclosure obligations and accounting processes to improve future compliance.

During the review the financial controller of Minderoo 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 13 January 2021. The entity was provided with an opportunity to comment on the draft report by 26 January 2021. The entity did not provide any comment.

Review outcomes

1. Timely lodgement

Subsection 314AB(1) of the Electoral Act requires the financial controller of the political campaigner to lodge an annual disclosure return with the AEC within 16 weeks after the end of the financial year. As lodgement occurred on 16 October 2019 which is before the due date of 21 October 2019, the return complied with the requirement under s 314AB(1) to lodge a return for the political campaigner within 16 weeks after the end of the financial year.

2. Completeness and accuracy in reporting total electoral expenditure

After examining the documents provided by the financial controller for the review, the authorised officer of the AEC identified no issues relating to compliance with disclosure obligations under s 314AB(2) of the Electoral Act.

Conclusion

The authorised officer of the AEC for the purposes of s 316(3) of the Electoral Act has assessed the 2018–19 annual political campaigner disclosure return for Minderoo lodged with the AEC on 16 October 2019 complied with the requirement under s 314AB(1) of the Electoral Act to lodge a return for political campaigner within 16 weeks after the end of the financial year.

An authorised officer of the Australian Electoral Commission has assessed Minderoo complied with s 314AB(2) of the Electoral Act with to regard electoral expenditure reported in its 2018-19 annual political campaigner disclosure return.

Joanne Reid
Assistant Commissioner
Australian Electoral Commission

5 February 2021