

June 2023

# Compliance Review Report

**Australian Municipal Administrative Clerical and Services  
Union**

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## Purpose of this report

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Pursuant to s 316(2A) of the *Commonwealth Electoral Act 1918* (the Electoral Act), this report provides the financial controller of the Australian Municipal Administrative Clerical and Services Union (the political campaigner) with the Australian Electoral Commission's (AEC) assessment of the level of compliance of the 2018-2019 annual disclosure return lodged on behalf of the political campaigner with disclosure obligations under ss 314AB, 314AC and 314AE of the Electoral Act.

## Disclosure obligations

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Registered political campaigners are required under Part XX of the Electoral Act to furnish annual returns<sup>1</sup>.

Section 314AB of the Electoral Act requires 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*, 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:

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<sup>1</sup> On 13 December 2021, the *Electoral Legislation Amendment (Political Campaigners) Act 2021* received Royal Assent. A Political Campaigner is now known as a Significant Third Party, among other changes which can be found on the [AEC website](#). The legislation referred to throughout this report was in effect at the time the 2018-19 annual financial disclosure return was lodged.

- 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

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The authorised officer of the AEC has authority under s 316(2A) to require the production of documents and giving of evidence for the purpose of assessing compliance with the disclosure obligations required of registered political campaigners under Part XX of the Electoral Act.

Subsection 316(2A) requires the financial controller of a political campaigner 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 under s 316(2A) requiring the political campaigner to provide its financial records and other documents in relation to its financial operations for 2018–19.

## Scope of the review

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The records which were requested by the AEC from the financial controller 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 disclosure return
- the completeness and accuracy of the following information disclosed in the political campaigner’s annual disclosure return for the 2018–19 financial year:
  - total receipts
  - total gifts in kind
  - individual receipts above \$13,800

- total payments
- total debts
- individual debts above \$13,800
- total electoral expenditure
- discretionary benefits

The AEC did not examine other aspects of the financial operations of the political campaigner such as the existence or effectiveness of internal controls.

## Stakeholder engagement

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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.

Upon commencement of the review the financial controller provided documentation to the AEC as requested.

A draft compliance review report was issued by the authorised officer of the AEC on 2 June 2023. A request for amendment was lodged on 19 June 2023.

## Review outcomes

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### 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 29 October 2019 which is after the due date of 21 October 2019, the return did not comply 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.

In response to the draft report, the entity commented that a return was submitted on 21 October 2019, which was not accepted by the AEC due to incomplete information. A new return was lodged on 29 October 2019.

## 2.Accuracy in reporting – amendments

After examining the documents provided by the financial controller for the review, the authorised officer of the AEC identified several issues relating to compliance with disclosure obligations under sections ss 314AB, 314AC and 314AE of the Electoral Act. The issues are discussed in detail below.

### Total Receipts and Total Payments

Paragraph 314AB(2) of the Electoral Act requires the financial controller to report the total amount received by, or on behalf of, the political campaigner during the financial year, together with the details required by s 314AC. To satisfy this, the financial controller must account for all transactions that result in receipts from external entities. These transactions must be accounted for on a gross basis without any offsetting, inclusive of GST. All non-cash benefits received by the political campaigner must also be included in total receipts.

Paragraph 314AB(2) of the Electoral Act requires the financial controller to report the total amount paid by, or on behalf of, the political campaigner during the financial year. To satisfy this, the financial controller must account for all transactions that result in payments to external entities. These transactions must be accounted for on a gross basis without any offsetting, inclusive of GST.

Transactions within the entity including those between its individual bank accounts, represent internal transfers. Such transactions should be eliminated from the calculation of total receipts and total payments to avoid inflating the total amounts reported in the return.

Total reportable receipts disclosed by the financial controller were under-stated in the political campaigner's 2018–19 annual disclosure return. The amount recorded as total receipts in the return is required to be amended by the political campaigner in order to ensure compliance with the Electoral Act.

Total reportable payments disclosed by the financial controller were under-stated in the political campaigner's 2018–19 annual disclosure return. The amount recorded as total payments and outlays on the entity's behalf in the return is required to be amended by the political campaigner in order to ensure compliance with the Electoral Act.

The relevant amendments are set out below.

<b>Part 1a: Total Receipts AND Part 3: Total payments – amendments</b>		
	<b>Total receipts</b>	<b>Total payments</b>
Total disclosed in return	\$4,730,233	\$4,390,336
Amended total	\$5,913,620	\$5,661,681

## Receipts of more than \$13,800

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, the annual disclosure return must include the particulars of that sum. Furthermore, that sum is to include only those individual amounts which exceed the threshold.

Individual receipts exceeding the threshold were under-disclosed in the political campaigner's 2018-19 annual disclosure return. A number of amendments to individual receipts exceeding the \$13,800 threshold are required in order to ensure compliance with the Electoral Act. The relevant amendments are set out below.

<b>Part 2: Amounts of more than \$13,800 received – amendments</b>				
<b>Entry</b>	<b>Name</b>	<b>Address</b>	<b>Amount received</b>	<b>Receipt Type</b>
Original Entry No. 1	NSW United Services Branch	7/321 Pitt Street SYDNEY NSW 2000	\$153,846	Donation Received
Amendment entry no. 1	NSW United Services Branch	7/321 Pitt Street SYDNEY NSW 2000	\$169,231	Donation Received
Original Entry No. 2	Queensland Together Branch	PO Box 3272 SOUTH BRISBANE QLD 4101	\$175,242	Donation Received
Amendment entry no. 2	Queensland Together Branch	PO Box 3272 SOUTH BRISBANE QLD 4101	\$192,766	Donation Received
Original Entry No. 3	Queensland Together Branch	PO Box 3272 SOUTH BRISBANE QLD 4101	\$915,044	Other Receipt
Amendment entry no. 3	Queensland Together Branch	PO Box 3272 SOUTH BRISBANE QLD 4101	\$916,281	Other Receipt
Original Entry No. 4	QLD (Services & Northern Administrative) Branch	PO Box 3347 SOUTH BRISBANE QLD 4101	\$368,133	Other Receipt
Amendment entry no. 4	QLD (Services & Northern Administrative) Branch	PO Box 3347 SOUTH BRISBANE QLD 4101	\$368,479	Other Receipt
Original Entry No. 5	NSW & ACT (Services) Branch	PO Box 1865 STRAWBERRY HILLS NSW 2012	\$37,754	Donation Received

Amendment entry no. 5	NSW & ACT (Services) Branch	PO Box 1865 STRAWBERRY HILLS NSW 2012	\$41,529	Donation Received
Original Entry No. 6	VIC & TAS Authorities & Services Branch	116 Queensberry Street CARLTON SOUTH VIC 3053	\$ 66,020	Donation Received
Amendment entry no. 6	VIC & TAS Authorities & Services Branch	116 Queensberry Street CARLTON SOUTH VIC 3053	\$ 72,622	Donation Received
Original Entry No. 7	VIC & TAS Authorities & Services Branch	116 Queensberry Street CARLTON SOUTH VIC 3053	\$663,257	Other Receipt
Amendment entry no. 7	VIC & TAS Authorities & Services Branch	116 Queensberry Street CARLTON SOUTH VIC 3053	\$1,345,672	Other Receipt
Original Entry No. 8	VIC Private Sector Branch	116 Queensberry Street CARLTON SOUTH VIC 3053	\$140,936	Other Receipt
Amendment entry no. 8	VIC Private Sector Branch	116 Queensberry Street CARLTON SOUTH VIC 3053	\$178,104	Other Receipt
Original Entry No. 9	SA & NT Branch	PO Box 2217 KENT TOWN SA 5071	\$34,457	Donation Received
Amendment entry no. 9	SA & NT Branch	PO Box 2217 KENT TOWN SA 5071	\$37,903	Donation Received
Original Entry No. 10	SA & NT Branch	PO Box 2217 KENT TOWN SA 5071	\$169,506	Other Receipt
Amendment entry no. 10	SA & NT Branch	PO Box 2217 KENT TOWN SA 5071	\$125,333	Other Receipt
Original Entry No. 11	WA Branch	PO Box 8208 PERTH BC WA 6849	\$166,421	Other Receipt
Amendment entry no. 11	WA Branch	PO Box 8208 PERTH BC WA 6849	\$167,475	Other Receipt
Original Entry No. 12	HESTA	PO Box 615 CARLTON SOUTH VIC 3053	\$42,153	Other Receipt
Amendment entry no. 12	HESTA	PO Box 615 CARLTON SOUTH VIC 3053	\$82,154	Other Receipt
Original Entry No. 13	Utilities of Australia	525 Collins Street MELBOURNE VIC 3000	\$36,469	Other Receipt



Amendment entry no. 13	Utilities of Australia	525 Collins Street MELBOURNE VIC 3000	\$40,116	Other Receipt
Original Entry No. 14	Australian Super	Lvl 33, 50 Lonsdale Street MELBOURNE VIC 3000	\$15,000	Other Receipt
Amendment entry no. 14	Australian Super	Lvl 33, 50 Lonsdale Street MELBOURNE VIC 3000	\$16,500	Other Receipt
New entry 1	Australian Taxation Office	GPO BOX 9990 MELBOURNE VIC 3000	\$226,703	Other Receipt

## Total Debts

Paragraph 314AB(2) of the Electoral Act requires the financial controller to report the total outstanding amount as at the end of the financial year of all debts incurred by or, on behalf of, the political campaigner.

Total reportable debts of the political campaigner were under-stated in the political campaigner's 2018–19 annual disclosure return. The amount recorded as total debts in the return is required to be amended by the financial controller in order to ensure compliance with the Electoral Act. The relevant amendment is set out below.

Part 4: Total Debts – amendment	
Total disclosed in return	Nil
Amended total	\$481,089

## Debts of more than \$13,800

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, the return must include the particulars of that sum.

Individual debts exceeding the threshold were under-disclosed in the political campaigner's 2018–19 annual disclosure return. A number of amendments to individual debts exceeding the \$13,800 threshold are required in order to ensure compliance with the Electoral Act. The relevant amendments are set out below.

Part 5: Debts of more than \$13,800 – amendments				
Entry	Name	Address	Amount Owed	Financial/Non-Financial Institution
New Entry No. 1	ACTU	Level 4, 365 Queen Street Melbourne, 3000	\$184,905	Non-Financial Institution

New Entry No. 2	ASU Vic TAS Branch	116 Queensberry Street Carlton South, VIC 3053	\$83,343	Non-Financial Institution
New Entry No. 3	Hall Payne Lawyers	Locked Bag 2013 South Brisbane QLD 4101	\$16,350	Non-Financial Institution
New Entry No. 4	Office of State Revenue NSW Treasury	132 Marsden Steet Parramatta NSW 2150	\$15,486	Non-Financial Institution
New Entry No. 5	PSI Public Services International	PO Box 624 1215 Geneva 15 Airport Switzerland	\$63,591	Non-Financial Institution
New Entry No. 6	State Revenue Office - Victoria	L2 121 Exhibition Street Melbourne VIC 3000	\$25,764	Non-Financial Institution
New Entry No. 7	Teacher Learning Network	PO Box 363 Abbotsford VIC 3067	\$30,658	Non-Financial Institution
New Entry No. 8	American Express	233 Collins Street Melbourne VIC 3000	\$15,751	Non-Financial Institution

## Matters requiring future action

It is recommended the financial controller ensures the accuracy of future annual disclosure returns and therefore improve compliance with Part XX of the Electoral Act by:

- calculating total receipts and payments from a complete listing of bank account receipts and payments respectively
- including all amounts received in the calculation of total receipts, regardless of the nature of the amounts received.
- including all amounts paid in the calculation of total payments, regardless of the nature of the amounts paid.
- examining all amounts received by the party in identifying receipts above the threshold for disclosure.
- including all debts listed in the trial balance as owing to other persons and entities in the calculation of total debts, other than amounts owed for staff entitlements, regardless of the age of the debt.

- examining all debts listed in the trial balance as owing to other persons and entities in identifying individual debts exceeding the threshold for disclosure.
- checking the accuracy of all calculations of amounts for disclosure in the annual disclosure return.

## Conclusion

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The authorised officer of the AEC for the purposes of s 316(2) of the Electoral Act has assessed the 2018–19 annual disclosure return for the political campaigner lodged with the AEC on 29 October 2019 did not comply 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.

In addition, in view of the discrepancies identified, the return did not comply with the provisions of ss 314AB, 314AC and 314AE of the Electoral Act.

In view of the lodgement by the financial controller on 19 June 2023, of an amendment to the political campaigner’s 2018–19 annual disclosure return, the authorised officer of the AEC has assessed that the disclosure return (as amended) accurately includes the information required to be disclosed under the provisions of sections 314AB, 314AC and 314AE of the Electoral Act.

Joanne Reid  
Assistant Commissioner  
Australian Electoral Commission

23 June 2023