

## UNDERTAKING TO THE ELECTORAL COMMISSIONER

Undertaking to the Electoral Commissioner given for the purposes of s 114 of the *Regulatory Powers (Standard Provisions) Act 2014* in relation to an enforceable provision under the *Commonwealth Electoral Act 1918*

by

**Pauline Lee Hanson as agent for Pauline Hanson's One Nation**

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### 1. Glossary

1.1 In this Undertaking, unless the contrary intention appears, the definitions in s 4 of the Act and this clause apply:

**Act** means the *Commonwealth Electoral Act 1918* (Cth).

**AEC** means the Australian Electoral Commission.

**Business day** means that is not a Saturday a Sunday or a declared public holiday in the Australian Capital Territory.

**Electoral Expenditure** has the meaning given in s 287AB of the Act,

**Regulatory Powers Act** means the *Regulatory Powers (Standard Provisions) Act 2014* (Cth).

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### 2. Background

#### *Person giving undertaking*

2.1 This Undertaking is given to the Electoral Commissioner by Pauline Lee Hanson, for the purposes of s 114 of the Regulatory Powers Act.

2.2 Pauline Lee Hanson is the agent for Pauline Hanson's One Nation (the **Party**), a political party registered with the AEC.

#### *Obligation when making an election funding claim*

2.3 Under the Act, when making a claim for election funding greater than \$10,000 (indexed), Pauline Lee Hanson as agent for the Party was required to provide the following information to the AEC using the approved form:

2.3.1 all Electoral Expenditure incurred by the Party, or a candidate endorsed by the Party, for which election funding is sought (s 298(1)-(1A)); and

2.3.2 all information, and be accompanied by any documents, required by the form (s 298A).

2.4 In deciding whether to accept or refuse a claim, in whole or in part, the Electoral Commissioner must only consider:

(a) whether expenditure claimed is Electoral Expenditure; and

(b) if expenditure claimed is Electoral Expenditure—both:

(i) whether the Electoral Expenditure was incurred; and

(ii) whether the Electoral Expenditure has been specified in a claim made by another agent (s 298C(2)).

2.5 Pauline Lee Hanson, as agent for the Party, is required to keep records to allow an accurate return or claim to be made under Part XX of the Act, and any other records for the purpose of allowing the Electoral Commissioner to determine whether Part XX has been complied with (s 317(1)).

2.6 Under the Act, a final claim for funding for the 2019 federal election was required to be lodged with the AEC by 17 November 2019 (s 298B).

#### ***Failure to substantiate expenditure***

2.7 On 19 July 2019 Pauline Lee Hanson lodged an interim claim for election funding in the amount of \$2,060,482.91. On 1 August 2019, the Electoral Commissioner made a determination and accepted in part and refused in part the interim claim. The Electoral Commissioner determined that the Party was entitled to the interim election funding payment of \$1,883,207.10.

2.8 On 15 November 2019, Pauline Lee Hanson lodged a final claim for election funding in the amount of \$2,840,766.45. On 29 November 2019, the Electoral Commissioner made a determination and accepted, in whole, the Party's claim for the final election funding payment of \$947,479.35 (being the final claim amount accepted of \$2,840,766.45 less the interim payment amount of \$1,883,207.10 and the automatic payment amount of \$10,080).

2.9 Following a review by the AEC, the final claim lodged by Pauline Lee Hanson with the AEC on 15 November 2020 was found to be deficient insofar as a number of expenditure items could not be substantiated because the items claimed were either:

2.9.1 not Electoral Expenditure; or

2.9.2 were Electoral Expenditure that had not been incurred,

resulting in an overpayment by the AEC to the Party in the amount of \$165,442.03.

2.10 Consequently, on 4 March 2021, the Electoral Commissioner made a determination that the Party was entitled to the varied election funding payment of \$2,675,324.42.

2.11 The failure to keep records in accordance with section 317(1) of the Act is a civil penalty provision.

2.12 Under s 384A of the Act, each civil penalty provision of the Act is enforceable under Parts 4 and 6 of the Regulatory Powers Act.

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### **3. Undertaking**

3.1 Under s 114 of the Regulatory Powers Act, the Electoral Commissioner as the authorised person for the Act may accept any of the following undertakings in respect of contravention of s 317(1) of the Act:

3.1.1 a written undertaking given by a person that the person will, in order to comply with a provision enforceable under Part 6 of the Regulatory Powers Act, take specified action;

- 3.1.2 a written undertaking given by a person that the person will, in order to comply with a provision enforceable under Part 6 of the Regulatory Powers Act, refrain from taking specified action;
- 3.1.3 a written undertaking given by a person that the person will take specified action directed towards ensuring that the person does not contravene a provision enforceable under Part 6 of the Regulatory Powers Act, or is unlikely to contravene such a provision, in the future.

***Future claims to be made to the AEC***

- 3.2 Should Pauline Lee Hanson remain as agent for the Party in any future federal general election or federal by-election, Pauline Lee Hanson will ensure that the Party meets its obligations if it makes a claim for election funding greater than \$10,000 (indexed) at a future federal electoral event by ensuring the claim specifies all Electoral Expenditure for which election funding is sought by:
  - 3.2.1 ensuring all invoices for Electoral Expenditure are in Pauline Lee Hanson's name on behalf of the Party, the name of an officer of the Party on behalf of the Party, or the name of the Party; and
  - 3.2.2 matching all invoiced amounts of Electoral Expenditure to specific evidence of payment (such as receipts, entries on a credit card or bank statement, etc.) prior to the submission of a claim.

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**4. Acknowledgements**

- 4.1. Pauline Lee Hanson acknowledges that:
  - 4.1.1 the AEC will make this Undertaking publicly available on the Transparency Register as set out in s 384A(2A) of the Act;
  - 4.1.2 the Electoral Commissioner and Officials of the AEC may, from time to time, make public reference to this Undertaking and the circumstances giving rise to this Undertaking;
  - 4.1.3 the Party will bear all costs associated in complying with this Undertaking;
  - 4.1.4 where an event or issue occurs that may prevent the fulfilment of clause 3 of the Undertaking, the Electoral Commissioner will not consent to vary clause 3 of the Undertaking unless a request that outlines the event or issue and reasons why the variation is required is submitted in writing as soon as reasonably practicable after the event or issue occurs, but no later than three business days prior to the specified date; and
  - 4.1.5 breaching the Undertaking may result in the Electoral Commissioner enforcing the Undertaking by applying to the Federal Court of Australia for an order under s 115(2) of the Regulatory Powers Act.

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**5. Duration of Undertaking**

- 5.1. This Undertaking comes into effect when:
  - 5.1.1 the Undertaking is executed by Pauline Lee Hanson as agent for the Party; and

5.1.2 the Electoral Commissioner accepts the Undertaking so executed by Pauline Lee Hanson.

5.2 This Undertaking ceases to have effect at the commencement of the financial year following the financial year in which the Party ceases to be registered with the AEC as a political party.

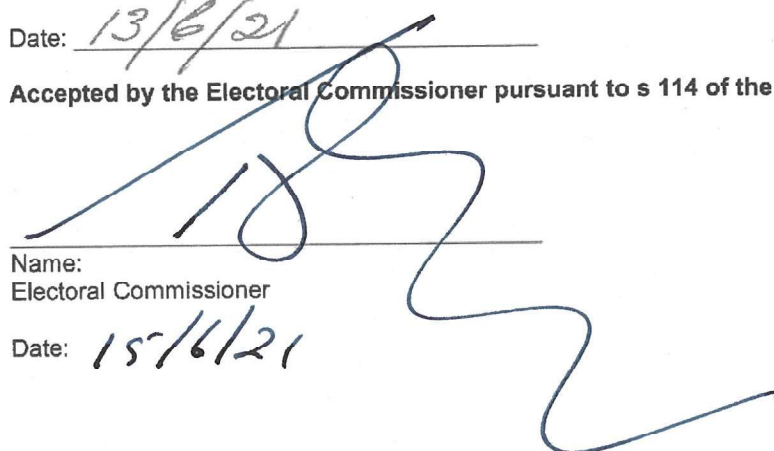
**Executed by**



Pauline Lee Hanson as agent for Pauline Hanson's One Nation, a registered political party

Date: 13/6/21

**Accepted by the Electoral Commissioner pursuant to s 114 of the Regulatory Powers Act**



Name:  
Electoral Commissioner

Date: 15/6/21