

Revealed: the angry donors in NSW Liberals scandal

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Nathan Tinkler donated \$53,000 through his Boardwalk Resources company.

The full list of the secret donors involved in almost \$700,000 worth of payments at the heart of the NSW Liberal Party election donations scandal has been revealed in leaked financial records.

Documents obtained by *The Australian* show 73 payments by individuals and companies were funnelled through the Liberals' controversial Canberra-based trust, the Free Enterprise Foundation, to the party's NSW division before the 2011 state election.

As the NSW Liberal Party attempts to reach a settlement with the NSW Electoral Commission in order to receive \$4.3 million in funding it is withholding in the lead up to Malcolm Turnbull's election campaign, the party is facing the prospect of legal action by property developers, furious they were encouraged to make the donations via the trust.

The payments include major donations from Lang Walker's Walker Group Holdings, Nathan Tinkler's Boardwalk Enterprises and Frank Lowy's Westfield.

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They strongly hit back at the Liberal Party yesterday, saying their financial support was not - intended for the March 2011 state election in NSW — the only state in Australia where donations from property developers are banned.

NSW property developer Tim Gunasinghe, who donated through his company Printban Pty Ltd, has not ruled out launching legal action against the NSW Liberal Party and said he was also unaware his donation would be directed to the state division.

“We were approached by them as a lobby group to help developers try to get through red tape,” he told *The Australian*.

Donations were made via the Free Enterprise Foundation and were then directed to NSW ahead of the 2011 state election, where former premier Barry O’Farrell was elected in a landslide victory.

[GRAPHIC: Donors to the NSW Liberals](#)

In total, 79 donations were made via the Free Enterprise Foundation but six, including payments from Crown International Holdings, Harry Triguboff’s Meriton Premier Apartments and Xiang Rong Investment Group, were directed to the federal campaign or to other states.

The Independent Commission Against Corruption and the Australian Electoral Commission have previously disclosed donors to the Free Enterprise Foundation but, for the first time, *The Australian* can reveal which donations were funnelled into the NSW Liberal Party coffers, potentially unlawfully.

Mr Tinkler’s donation of \$53,000 to the Free Enterprise Foundation ended up in NSW Liberal coffers, despite the fact that property developer donations were banned in NSW in January 2010. “It was absolutely for federal party. Had no idea it would go to state, I gave that same evidence at ICAC,” Mr Tinkler told *The Australian* in a text.

Not all of the money received by the Free Enterprise Foundation was from prohibited property developers; some companies donated to the trust for privacy.

It will be a highly contested process to define which donors were property developers.

According to the NSW Electoral Commission, a company is a property developer if it regularly makes planning applications for a residential or commercial development of land with the intention to sell or lease the land for profit.

Under this definition, the NSW Electoral Commission is likely to argue that other donors are property developers, such as Westfield, which leases shop space to retailers.

The leaked NSW Liberal Party financial records show Mr Lowy's Westfield made a \$150,000 donation via the Free Enterprise Foundation. The money was then used for the 2011 state election.

"Westfield was asked by representatives of the Liberal Party to direct the funds to the FEF, an entity based in Canberra," a Westfield spokesman said.

Mr Walker's Walker Group Holdings donated \$100,000 via the foundation. That money also ended up in the state division's coffers. "This was a donation to the federal Liberal Party and was not intended to go to the NSW Liberal Party at any time," a spokesman for the company said.

The donations from Walker Group, Westfield and Boardwalk to the Liberal Party were made in December 2010, a few months after the federal election.

The Australian is not suggesting that the companies or individuals who donated to the Free Enterprise Foundation acted inappropriately.

The NSW Liberal Party will offer to pay a fine of about \$600,000 — or equivalent to the amount of potentially unlawful donations — when it meets the NSW Electoral Commission later this week to amend its 2011 donation disclosures and, in turn, it will ask the commission to release the balance of the \$4.3m in state funding that it has threatened to withhold.

The Liberal Party has not ruled out taking the commission to the Supreme Court if it continues to withhold the campaign funds needed for the upcoming federal campaign.

The move by the commission, which senior Liberals have described as "blackmail", has forced the party's hand.

Even those involved in the decision to send unlawful donations via the Free Enterprise Foundation have admitted that it was against the spirit of the law banning property developer donations, but viewed it as legal and similar to tax minimisation.

ICAC has heard evidence about the scheme from then NSW state director Mark Neeham and former chief fundraiser Paul Nicolaou.

The fallout has caused a political headache for Cabinet Secretary Arthur Sinodinos, who was the party's honorary treasurer at the time. He has denied any knowledge of the unlawful donations.

The NSW Crown Solicitor's advice, sought by the Electoral Funding Authority, stated that the Free Enterprise Foundation was not in breach of the Election Funding Expenditure and Disclosures Act.

While it was a discretionary fund, the financial records show that of the \$95,000 donated to the Free Enterprise Foundation between July 28 and August 5, 2010, \$94,000 came back into the NSW coffers for use during the federal campaign.

Former Business Council of Australia president Tony Shepherd donated \$1500 via the Free Enterprise Foundation. The money ended up with the NSW Liberal division.

He said he had likely attended a dinner organised by the body and considered it to be a legitimate fundraising activity.

Brickworks donated \$50,000 through the Free Enterprise Foundation for the federal campaign. Another \$125,000 went to the NSW Liberals.

“Brickworks has always disclosed donations to political and other parties, including to the Free Enterprise Foundation, to the relevant federal and state electoral commissions, including NSW,” the company’s spokesman said.

NSW LIBERAL PARTY DONATIONS

Donations to the Free Enterprise Foundation ahead of the NSW 2011 state election

Date, donor, amount

5/11/10: Renlyn Bell Investments, \$9,900

5/11/10: DP Smith Enterprises, \$10,000

5/11/10: E & B Pastoral P/L, \$500

5/11/10: Walker Pearse P/L, \$500

5/11/10: PJC Holdings P/L, \$2,000

5/11/10: Belside P/L, \$10,000

5/11/10: ANZ Real Estate Consultants, \$5000

5/11/10: Naletran P/L, \$3000

18/11/10: Myall Coast Health, \$500

18/11/10: Australbricks, \$5000

6/12/10: Big Country Developments, \$9900

6/12/10: Anthony Shepherd, \$1500

9/12/10: TSM Projects P/L, \$750

9/12/10: Precinct 8C Wadalba Lobby Group, \$4000

9/12/10: Threshold Developments P/L, \$2000

9/12/10: Everitt & Everitt Executive Super, \$750

13/12/10: Tesrol Group Projects P/L, \$1499

13/12/10: Tesrol Bridge St P/L, \$1499

13/12/10: Seasonsrage P/L, \$1499

13/12/10: Smeaton Grange P/L, \$1499

13/12/10: Rumerone P/L, \$1499

13/12/10: Lorset P/L, \$1499

13/12/10: Kirkstall P/L, \$1499

13/12/10: Epivision P/L, \$1499

13/12/10: Dribonn P/L, \$1499

13/12/10: Tesrol P/L, \$1499

14/12/10: Jilliby Stage 2 Land Owners Action Group, \$4000

14/12/10: Holland Fine Art & Cars P/L, \$10,000

16/12/10: Transnational Storage P/L, \$12,500

16/12/10: Boardwalk Resources P/L, \$53,000

16/12/10: Sunbeat Bissap P/L, \$10,000

16/12/10: Adaptive P/L, \$500

16/12/10: T & R Pridham, \$500

16/12/10: Adaptive P/L, \$800

16/12/10: Aline Pumps Sales & Service, \$1490

16/12/10: JR & JM Pridham, \$1500

16/12/10: SFH P/L ATF Stead Family Trust, \$600

16/12/10: SFH P/L ATF Stead Family Trust, \$375

16/12/10: SFH P/L ATF Stead Family Trust, \$500

16/12/10: PR & GA Monks, \$1000
16/12/10: RA & EJ Kennard, \$1500
16/12/10: T & GM Pridham, \$500
16/12/10: JS & SJ Lindqvist, \$50
16/12/10: DG Firth & MJ Firth, \$1490
16/12/10: DJ & CR Kennard, \$1500
16/12/10: Jerry & Debbie Kennard, \$1500
16/12/10: KJ & SE Truswell, \$1200
16/12/10: Allsteel Products P/L, \$1499
16/12/10: EJ & JG Fooks, \$1000
16/12/10: BD & RG Gooden, \$1499
16/12/10: JP & DR Monks, \$1490
16/12/10: Interspan Industries P/L, \$1490
16/12/10: The Advance Precision Trust, \$1499
16/12/10: NJ & PG Kennard, \$750
16/12/10: NJ & PG Kennard, \$750
16/12/10: Fooks P/L, \$1499
16/12/10: Fooks P/L, \$1499
16/12/10: Fooks P/L, \$1499
16/12/10: Weltson P/L, \$5000
17/12/10: Petra Civil P/L, \$2000
17/12/10: Elmslea Land Developments, \$20,000
17/12/10: Swift Exhaust, \$1499
17/12/10: A & SA Davis, \$1450
17/12/10: The Heaney Family Trust, \$1499
17/12/10: CJ & JR Shore, \$1499

17/12/10: Fleetwood Urban P/L, \$1499
17/12/10: Windsor Farm Equipment, \$1499
17/12/10: Printban P/L, \$10,000
20/12/10: Town & Country Lands P/L, \$10,000
20/12/10: Soul Pattinson, \$50,000
20/12/10: Brickworks, \$125,000
21/12/10: Westfield Limited, \$150,000
22/12/10: Walker Group Holdings, \$100,000
Total: \$680,214

FEDERAL LIBERAL PARTY DONATIONS

Donations to the Free Enterprise Foundation

Date, donor, amount

28/07/10: Meriton Premier Apartments, \$25,000
29/07/10: Brickworks, \$50,000
5/8/10: Xiang Rong (Aust) Inv Group P/L, \$20,000
19/08/10: Crown International Holdings, \$10,000
19/08/10: Vaste Developments P/L, \$3000
8/9/10: Lin Mingchi, \$5000
Total: \$113,000