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Sam Dastyari may have broken federal and NSW Labor Party rules on donations

By James Massola

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Embattled Labor Party senator Sam Dastyari appears to have broken federal and state Labor Party rules on political donations by allowing Chinese donors to make payments on his behalf for travel and legal bills.

The NSW Labor Senator also pulled out of a University of Queensland lecture he was scheduled to deliver on Wednesday evening as pressure mounted for him to quit. His appearance was cancelled without explanation, but young Liberals had been planning a protest at the event.

The revelations about possible Labor rule breaches - disputed by the NSW branch - ramped up pressure on the powerbroker senator to step aside, or for Labor leader Bill Shorten to reverse course and sack him.

They could also prompt Labor’s powerful national executive body to examine Senator Dastyari’s actions.
The federal ALP's national platform contains a code of conduct for fundraising, first adopted in 1994, that all MPs are bound by.

The platform states that: "Members of the Parliament or candidates should not accept money or services on the party's or their own behalf, above the amount of $3000 from any one source. Donations that are accepted must be held in appropriate Labor Party central banking accounts styled in the form: Australian Labor Party Campaign Account."

Fairfax Media revealed in March 2015 that the Yuhu Group had paid a legal bill for Senator Dastyari in late 2014 worth about $5000.

Senator Dastyari confirmed during a press conference on Tuesday that the $5000 figure was "very close to the mark".

As well as the $5000 Yuhu payment, Senator Dastyari's decision to ask the Chinese government-linked Top Education Institute to pay a $1,670 bill - revealed by Fairfax Media last week - appears to have breached NSW Labor Party rules.

Among other things the rules state all donations targeted for election campaigns or "in general, support the ALP" must be deposited with the ALP.

But a spokesman for the NSW Labor general secretary Kaila Murnain claimed legal advice "suggests" there had been no breach because the candidate pledge only applied to fundraising for the purposes of an election campaign or for the ALP.

Comment has been sought from Senator Dastyari and Labor national secretary George Wright.

Several senior Labor sources told Fairfax Media the matters should be referred to either the state administrative body or national executive and that Senator Dastyari appeared to have committed a breach.

"He is clearly outside the code of conduct and it should be a matter for the national executive," one former member of the federal executive said.

"His behaviour was highly inappropriate. It was also stupid."

A former member of the NSW administrative committee said it was "a fair interpretation of the rules" to suggest Senator Dastyari had breached the NSW candidate's pledge.

Former New South Wales premier Kristina Keneally - who worked with Senator Dastyari - said it was "time for Sam to get out of the way" and step down from the frontbench and as manager of opposition business in the Senate.

"When you do an explain and apologise press conference you have to have an explanation and he didn't. So he has to take himself out of the equation. My advice is he should take his lumps and go to the backbench."

Senator Dastyari attempted to put to bed the furore over donations on Tuesday in a lengthy press conference in which he admitted making a mistake 22 times but failed to answer one key question - why he had asked donors pay those travel and legal bills.
Treasurer Scott Morrison led the calls from government for the Labor senator to step aside.

"I resign" is what he should say. That's what he has to say. And he won't say that. So Bill Shorten must order his walk to the pavilion on this issue," he said.

- wth Nathanael Cooper

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James Massola is south-east Asia correspondent based in Jakarta. He was previously chief political correspondent, based in Canberra. He has been a Walkley and Quills finalist on three occasions, won a Kennedy Award for outstanding foreign correspondent and is the author of The Great Cave Rescue.