

Senate Finance and Public Administration Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Finance and Administration Portfolio

Department of Finance and Administration

November Estimates Hearings 2003-04 – 4 November 2003

Question: 16A

Outcome 2, Output 2.3

Topic: Financial Disclosure in relation to DLP court case

Hansard page: N/A

Written Question on Notice: 4 November 2003

Senator Faulkner asked:

Noting the newspaper articles in the Age (15/8/02 “McGauran family behind DLP’s bid to fend off extinction”) and the Australian Financial Review (30/8/02 “DLP sighted on Mulholland Drive”) and also AEC answers to questions at Senate Estimates in November 2002 that the provision of free or discounted legal services was a “gift” under the Act:

Has the arrangement between the McGaurans and the DLP for the provision and/or payment of Jonathon Beach QC’s legal services been declared in disclosure returns by any of those people or the DLP?

Answer:

The answer provided to me by the Australian Electoral Commission is as follows;

The attached 2001/2002 annual financial disclosure returns appear to relate to legal services provided in the DLP court case. Returns for 2002/2003 are not yet available for public inspection and the AEC is not in a position to provide copies of them or comment on them at this time.

No donation to the DLP was declared in Senator McGauran’s 2001/2002 annual return.



Donor to Political Parties Annual Return

01 | 02

Please refer to the *Funding and Disclosure Handbook for Third Parties* when completing this form. A copy of this Handbook can be viewed at the Australian Electoral Commission's website at www.aec.gov.au. Giving false or misleading information is a serious offence.

Donor Details

Name of person or organisation

JONATHAN BEACH & BERNIE QUINN

Postal Address

LEVEL 28 , 200 QUEEN ST. MELBOURNE

Postcode 3000

Details of Person completing the Return

Name

AS ABOVE

(Write "as above" if you are completing your own return.)

Capacity/Position

QUEEN'S COUNSEL & JUNIOR COUNSEL (Respectively)

(A return for an organisation should be completed by an appropriate officer such as the company secretary or finance manager.)

Postal Address

AS ABOVE

Postcode

Telephone number (BH)

(03) 92258453

Facsimile number

(03) 96709322

Email address

I certify that the information contained in this return and its attachments is true and complete.

Signature

Date

15 / 11 / 02

Giving false or misleading information is a serious offence.

The due date for lodging this return is 17 November, 20 weeks after the end of the financial year.

Enquiries and returns should be addressed to:

THE RETURNS OFFICER
FUNDING AND DISCLOSURE SECTION
AUSTRALIAN ELECTORAL COMMISSION
PO BOX E201
KINGSTON ACT 2604

Telephone: (02) 6271 4416 (02) 6271 4411

Office Use Only	RECEIVED
Date Received:	20 OCT 2003
Registration No.	

1. Donations made to Political Parties

In the table below list the name and address of each registered political party to whom donations totalling \$1500 or more were made between 1 July and 30 June, along with the date and value of each donation made.

Note, donations include:

- the provision of goods and/or services for free (ie 'gifts-in-kind' as defined in the handbook); and
- discounts given which are not made in the normal course of business.

A donation made to any person or body with the intention of benefiting a political party is to be treated as donation made direct to that party.

Name of Political Party	Address	Date of donation	Value of donation
The Registered officer, John Mulholland, of the DLP	in his capacity as such - Recipient		
The provision of professional legal services as Counsel instructed by Robert Sennel Soheiter for and on behalf of John Mulholland during the period December 2001 to date in relation to the conduct of the AEC concerning the status of the registration of the DLP - "Donation" & Date			
The services have been provided on a pro bono basis (to the extent that they are not recovered from any costs order in favour of Mr Mulholland executed against the AEC). The estimated value to 30 June 2002 is \$15,000 and to date \$50,000 (including the said \$15,000) - Value of donation			

2. Donations received

In the table below list the name, address and the total amount received for those persons and organisations from whom donations of \$1,000 or more were received where those donations received were used, in whole or in part, to make the donations to political parties listed in table 1 above.

Name of donor	Address	Date of donation	Value of donation

Please provide an estimate of the time taken to complete this form: hrs mins

If space is insufficient please attach additional sheets



Political Party Annual Return - Amendment Form

Financial Year

2001/2002

Please refer to the *Political Party Handbook* when completing this form. A copy of this Handbook can be viewed at the Australian Electoral Commission's website at www.aec.gov.au.

Giving false or misleading information is a serious offence.

Party details

Name

DEMOCRATIC LABOR PARTY (DLP) OF AUSTRALIA

Postal Address

PO BOX 8118 MONASH UNIVERSITY CLAYTON
Postcode 3168

Telephone number (BH)

(03) 9568 5241

Facsimile number

(03) 9568 5241

E-mail address

secretary@dlp.org.au

Agent details

Name

JOHN VINCENT MULHOLLAND

Postal Address

PO BOX 8118 MONASH UNIVERSITY CLAYTON
Postcode 3168

Telephone number

(03) 9568 5241

Facsimile number

(03) 9568 5241

E-mail address

secretary@dlp.org.au

I certify that the information contained in this amendment and its attachments is true and complete.

Agent's signature

J. Mulholland 1710103

Enquiries and returns should be addressed to:

THE RETURNS OFFICER
FUNDING AND DISCLOSURE SECTION
AUSTRALIAN ELECTORAL COMMISSION
PO BOX E201
KINGSTON ACT 2604
Telephone: (02) 6271 4430
Facsimile: (02) 6271 4555

Office Use Only	
Amendment No.	AD1
Date Received:	20 OCT 2003
Registration No:	P2189 AD1

Have you made any previous amendment to this years Annual Return? Yes No

If you answered yes to the above question, write the previous amendment number in the space provided below.

Previous amendment number

PAYMENTS

3. Total Payments this Financial Year

Does this amendment include a change to the Total Payments Figure? Yes No

If Yes, record the **previous** Total Payments Figure and the **amended** Total Payment Figures in the boxes below:

Previous Total Payments Figure	Amended Total Payments Figure
\$ 14,177-67	\$ 30,677-67

DEBTS

4. Total Debts this Financial Year

Does this amendment include a change to the Total Debts Figure? Yes No

If Yes, record the **previous** Total Debts Figure and the **amended** Total Debts Figure in the boxes below:

Previous Total Debts Figure	Amended Total Debts Figure
\$ NIL	\$ NIL

5. Persons and Organisations to whom \$1,500 or more is owed.

Does this amendment include an amendment to the persons and organisations to whom \$1,500 or more is owed? Yes No

If yes, **record only the addition/deletions or variations** from the list provided in your original return in the spaces provided. Alternatively, you can attach the previous list and highlight the changes to be made with an **asterisk (*)**.

Name	Address	Amount Received



Political Party Annual Return

2001/2002

Please refer to the *Funding and Disclosure Handbook for Associated Entities* when completing this form. A copy of this Handbook can be viewed at the Australian Electoral Commission's website at www.aec.gov.au. Giving false or misleading information is a serious offence.

Party Details

Name

DEMOCRATIC LABOR PARTY (DLP) OF AUSTRALIA

Postal Address

PO BOX 855
MULGRAVE VIC Postcode 3170

Telephone number (BH)

(03) 9568 5241

Facsimile number

(03) 9568 5241

Email address

secretary@dlp.org.au

Agent Details

Name

JOHN VINCENT MULHOLLAND

Postal Address

PO BOX 855
MULGRAVE VIC Postcode 3170

Telephone number (BH)

(03) 9568-5241

Facsimile number

(03) 9568-5241

Email address

secretary@dlp.org.au

I certify that the information contained in this return and its attachments is true and complete.

Agent's Signature

J. Mulholland

Date

14/10/02

Giving false or misleading information is a serious offence

The due date for lodging this return is 20 October, 16 weeks after the end of the financial year.

Enquiries and returns should be addressed to:

THE RETURNS OFFICER
FUNDING AND DISCLOSURE SECTION
AUSTRALIAN ELECTORAL COMMISSION
PO BOX E201
KINGSTON ACT 2604

Telephone: (02) 6271 4552 (02) 6271 4411

Office Use Only
RECEIVED
Date Received: 18 OCT 2002
Registration No: 2207

RECEIPTS

1. Total Receipts this Financial Year

\$ 18,172-66
11,172-66

This total includes all receipts of the party.

Note:

- receipts of all party units must be included in the party total;
- no category of receipt is to be excluded (eg membership fees and loans received are included);
- all figures must be gross;
- receipts of less than \$1,500 must also be included in this total; and
- it includes monetary receipts and gifts-in-kind (as defined in the Handbook).

2. Persons and Organisations from whom \$1,500 or more was received

In the table below list the name, address and the total amount received for those persons and organisations from whom \$1,500 or more was received. Individual receipts of less than \$1,500 do not need to be aggregated as part of the amount to be disclosed for a person or organisation. Where a loan has been received from a source other than a recognised financial institution, details of the terms and conditions of that loan must also be disclosed.

Name	Address	Amount Received
<i>NIL</i>		

RECEIPTS

Name	Address	Amount Received
<i>NIK</i>		

If space is insufficient please attach additional sheets

P2107

PAYMENTS

3. Total Payments this Financial Year

\$ 14,177-67

This total includes all payments by the party.

Note:

- payments by all party units must be included in the party total;
- no category of payment is to be excluded (eg wages and salaries are included); and
- all figures must be gross.

DEBTS

4. Total Debts as at 30 June

NIL

This total includes all debts, overdrafts and unpaid accounts of the party.

Note:

- debts of all party units must be included in the party total;
- no category of debt is to be excluded; and
- all figures must be gross.

5. Persons and Organisations to whom \$1,500 or more is owed

In the table below list the name, address and the total amount outstanding for those persons and organisations to whom \$1,500 or more is owed.

Name	Address	Amount Owed
NIL		

Please provide an estimate of the time taken to complete this form hrs mins



Donor to Political Parties Annual Return

2001/2002

Please refer to the Funding and Disclosure Handbook for Third Parties when completing this form.
A copy of this Handbook can be viewed in the Australian Electoral Commission's website at www.aec.gov.au.
Giving false or misleading information is a serious offence.

Donor Details

Name of person or organisation

ROBERT SEMMEL

Postal Address

PO Box 7086
GARDENVALE-BRIGHTON VIC Postcode 3186

Details of Person completing the Return

Name

ROBERT SEMMEL

(Name of donor if you are completing person return)

Capacity/Position

Solicitor

(A return for an organisation should be completed by an appropriate officer such as the company secretary or finance manager.)

Postal Address

PO Box 7086
GARDENVALE-BRIGHTON VIC Postcode 3186

Telephone number (03)

(03) 9596 6899

Facsimile number

(03) 9596 7834

Email address

robsem.optusnet.com.au

I certify that the information contained in this return and its attachments is true and complete.

Signature

Date

17/11/2002

Giving false or misleading information is a serious offence

The due date for lodging this return is 17 November, 20 weeks after the end of the financial year.

Enquiries and returns should be addressed to:

THE RETURNS OFFICER
FUNDING AND DISCLOSURE SECTION
AUSTRALIAN ELECTORAL COMMISSION
PO BOX 8201
KNOXSHIRE ACT 2004

Telephone: (02) 6271 4410 (02) 6271 4411

Office Use Only
Date Received:
Registration No: D3108

1. Donations made to Political Parties

In the table below list the name and address of each registered political party to whom donations totalling \$1500 or more were made between 1 July and 30 June, along with the date and value of each donation made.

Note, donations include:

- the provision of goods and/or services for free (ie 'gifts-in-kind' as defined in the handbook); and
- discounts given which are not made in the normal course of business.

A donation made to any person or body with the intention of benefiting a political party is to be treated as donation made direct to that party.

Name of Political Party	Address	Date of donation	Value of donation
DLP	1305 Princes Hwy Malvern East Vic 3148	Ongoing between November 2001 and June 2002	Approx. \$1,500

Legal service provided over the above period on a "No Win, No Fee" basis therefore the gift may not crystallise and shall only crystallise when and if the appeal process is unsuccessful. The abovementioned figure is an estimate and in fact may be less than \$1,500 for the above period.

2. Donations received

In the table below list the name, address and the total amount received for those persons and organisations from whom donations of \$1,000 or more were received where those donations received were used, in whole or in part, to make the donations to political parties listed in table 1 above.

Name of donor	Address	Date of donation	Value of donation
	None		

Please provide an estimate of the time taken to complete this form hrs mins

D3108