

**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: 16B**

**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:

What steps has the AEC taken to ensure compliance with the disclosure requirements of the Act by the DLP, Senator Julian McGauran, Peter McGauran MP and Jonathon Beach QC?

**Answer:**

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

Whether the various legal services provided in the DLP court case constitute a gift and, therefore, whether disclosure obligations have been met, cannot be determined until after the finalisation of the case. This is because some, and perhaps all, of the services appear to have been provided on a ‘no win, no fee’ basis. Given that this is a standard commercial arrangement in legal practice it may not meet the definition of a gift.

The AEC will, therefore, not been in a position to be able to determine what disclosure obligations exist, and whether they have been met, until after the High Court has made a decision in this matter. The High Court hearing is scheduled for 11 February 2004 in Canberra.