

THE NATIONALS

15 December 2004

**FUNDING AND
DISCLOSURE**

16 DEC 2004

Australian
Electoral Commission

Mr D Gruber
Assistant Director
Funding and Disclosure
Australian Electoral Commission
PO Box 6172
KINGSTON ACT 2604

Mr Gruber,

RE: **COMMONWEALTH ELECTORAL ACT
POSSIBLE ASSOCIATED ENTITIES
DOOGARY PTY. LTD. & PILLIWINKS PTY. LTD.**

We refer to your letter dated 11 November.

The Party maintains that National Party Foundation (trustee – Pilliwinks Pty. Ltd.) and NPA (Vic) Settlement (trustee – Pilliwinks Pty. Ltd.) are not "associated entities" for the purposes of the Commonwealth Electoral Act. The Party rejects the proposition that the entities are operating to a significant extent for the benefit of the Party.

The Party has always disclosed information in relation to these entities because it has no reason to be concerned about their activities. However, the Party and the entities themselves would resist the categorisation as "associated entities" because that would have implications for the entities and might impose obligations on the entities, and more particularly, on the members, that are unreasonable and inappropriate.

The essential facts are:

1. NPA (Vic) Settlement is a trust conducted for the benefit of the members of the party. The Trust Deed could not be clearer in confirming this. Neither the trustee nor any other person or entity can affect the way in which income is distributed. The "relationship" between the trustee and the beneficiaries ceases once the income is distributed to the beneficiaries.

- 2. The records of National Party Foundation will show that, in the recent past, the Foundation has not made any payments to or on behalf of the Party or any member of Parliament.

In making these comments, it is submitted that you should carefully apply your mind to the question whether these entities are "associated entities". A finding that they are associated entities may have adverse consequences for the entities.

For example, those persons who currently conduct business with the entities and those who conduct business on behalf of the entities do so on the basis that the entities are not "associated entities" for the purposes of the Act. Those persons may not be prepared to continue their current roles should it be determined that the entities are "associated entities".

It is submitted that it would be inappropriate to make such a finding.

Yours faithfully

4 [Redacted Signature]

Meredith Dickie
State Director

Released under the Freedom of Information Act 1982

REDACTION CODES

- 1 Personal Information (name) redacted.
- 2 Personal Information (date of birth) redacted.
- 3 Personal Information (photograph) redacted
- 4 Personal Information (facsimile of signature) redacted.
- 5 Personal Information (facsimile of manuscript initialling) redacted.
- 6 Personal Information (Individual's address) redacted.
- 7 Personal Information (individual's telephone number) redacted.
- 8 Personal Information (individual's opinion) redacted.
- 9 Personal Information (opinion about individual) redacted.
- 10 Personal Information (employment history) redacted.
- 11 Personal Information (qualifications) redacted.
- 12 Personal Information (health) redacted.
- 13 Business information (Bank Account details) redacted.
- 14 Business information (Billing Account details) redacted.
- 15 Legal Professional Communication redacted.
- 16 Deliberative material redacted.
- 17 Irrelevant material redacted.

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