

Alex Lewis

From: FAD
Sent: Thursday, 27 September 2012 5:08 PM
To: Shawn O'Brien
Subject: FW: contact from John Davey [DLM=For-Official-Use-Only]

Categories: For-Official-Use-Only

For-Official-Use-Only

For-Official-Use-Only

From: Darren Churchill [mailto:[mailto:\[REDACTED\]](#)]
Sent: Thursday, 27 September 2012 5:03 PM
To: FAD
Cc: Roger Howe
Subject: Re: contact from John Davey [DLM=For-Official-Use-Only]

Thanks Shawn. Much appreciated.

Regards,
Darren

On 27/09/2012 4:57 PM, FAD wrote:

For-Official-Use-Only

Hi Darren

There was obviously at least one phone-call, my guess perhaps 2-3. But I haven't bothered to make file notes of them.

Email from Mr Davey below. The only thing I could see on the file.

Regards
Shawn O'Brien | Registrar of Political Parties
Funding & Disclosure Section | Legal & Compliance Branch
Australian Electoral Commission
T: (02) 6271 4607 | M: 0406 379 968 | F: (02) 6271 4555



For-Official-Use-Only

From: FAD
Sent: Thursday, 22 March 2012 2:17 PM

To: Shawn O'Brien
Cc: Alex Lewis
Subject: FW: Confirmation of conversation today [SEC=UNCLASSIFIED]

UNCLASSIFIED

Giles Tranter | Administration
Funding & Disclosure Section | Legal & Compliance Branch
Australian Electoral Commission
T: (02) 6271 4552 | F: (02) 6271 4555



From: John Davey [mailto:johnd@hermlegal.com.au]
Sent: Thursday, 22 March 2012 2:06 PM
To: FAD
Subject: Confirmation of conversation today

Dear Mr O'Brien

I confirm that I act for some of the signatories who lodged a statement pursuant to section 137(2) of the Commonwealth Electoral Act 1918 ("CEA") and refer to our telephone conversation earlier today.

I confirm your acknowledgment that:

1. Deficiencies in records such as dates of birth etc do not invalidate that party member from being put forward by way of a list in a submission or being validly being counted for the purposes of a submission pursuant to section 137 CEA 1918. However eligibility to be enrolled on the electoral roll remains key.
2. You have confirmed that the CEA does not proscribe any particular membership records being kept for eligibility to be counted, but that a deficiency in records may impede the commission in conducting its audit.
3. You have also confirmed that the delegate can and will take the membership records submitted to it, even if they validly derive from two sources, that is to say if two or more submissions were lodged.
4. You have confirmed that the Commission in the past has not inquired of members of the Australian Democrats whether they were members at the time that the list was provided and has not taken into consideration the variable renewal dates that the party presently administers.
5. I confirm that I have been informed that Mr Brian Greig has withdrawn his request that the submitted list **not be considered by the delegate**, and that he has specifically now asked before the deadline to have that list considered by the delegate.
6. I have pointed out that the submission lodged by 10 members cannot be withdrawn by only one signatory without the consent of the other nine. In any event given that Mr Greig has now withdrawn his request, this should not now be a relevant consideration by the delegate.
7. I confirm that the 10 members of the party submission was received by you before the expiration of one month, pursuant to section 137 CEA 1918.
8. I confirm my client's instructions to be willing to assist the Commission with further contact details should any provide difficult to access from the list provided and specifically request that no adverse inference be drawn until the party (or the 10 signatories) are given the opportunity to address any adverse inferences you may be about to draw - in advance of any decision being made.

You may communicate directly with this office should you or the delegate have any questions or communications **regarding the 10 signatories statement** that was lodged by Mr Brian Greig.

I acknowledge that if de-registration is to proceed or not proceed that the Act required that this be communicated to the Registered Party Officer, but request that as solicitor acting that I also be informed when the delegate has made his or her decision.

Yours sincerely,

John Davey BA (Melb), LLB (Syd), GCLP (UniSA)

Principal Solicitor

Registered Migration Agent 08511129

Herm Legal & Migration Services

1st Floor, 301 Canberra Avenue, Fyshwick ACT 2609, Australia

PO Box 1251, Fyshwick ACT 2609, Australia

Tel +61 2 6280 9622

Fax +61 2 6280 5622

Email: johnd@hermlegal.com.au

IMPORTANT NOTICES. This email may contain confidential and personal information. If you are not the intended addressee, please notify the sender immediately. You may not use or disclose the confidential or personal information and must delete the email and any attachments. Unless expressly stated, this email does not constitute the formal advice or intentions of Herm Legal and Migration Services and its subsidiaries (HLM). If this is a private communication, it does not represent the views of HLM. HLM disclaims liability for any loss or damage caused by the wrongful transmission of an email, any virus or defect in any email attachment or any other error causing damage, whether caused by the negligence of the sender or not.

UNCLASSIFIED

DISCLAIMER:

If you have received this transmission in error please notify us immediately by return email and delete all copies. If this email or any attachments have been sent to you in error, that error does not constitute waiver of any confidentiality, privilege or copyright in respect of information in the email or attachments.

