LS4856 Released Document No. 45.pdf

From: Paul Pirani

Sent: Thursday, 10 October 2013 11:57 AM

To: Peter Burge; Patricia Georgee

Cc: Julia O'Connor; Peta Stephenson; Peter Kramer; Ed Killesteyn;

1238086.Production@wcs.hopgoodganim.com.au

Subject: RE: Correspondence from the Electoral Commissioner [DLM=For-Official-Use-Only]

For-Official-Use-Only

Dear Mr Burge

The AEC notes the extremely broad undertaking that you are apparently seeking on behalf of your client in this matter which includes that the AEC not take "any steps in preparation or ancillary to the conducting of that recount".

As the Electoral Commissioner has announced his decision that a recount will be conducted, the AEC has already begun planning for the conduct of a recount of certain ballot papers cast for the election of Senators in Western Australia. Such action is entirely appropriate and in accordance with our statutory obligations under sections 278 to 281 of the *Commonwealth Electoral Act 1918*.

I am however instructed to provide an undertaking in the following terms - The AEC undertakes that no action will be taken to open or otherwise amend material contained in the parcels of Senate ballot papers involved in the recount until after 9 am Eastern Daylight Savings Time on 13 October 2013.

As I indicated in our telephone conversation of today's date, the current plan is to commence the actual conduct of the recount, in the presence of any scrutineers who may be appointed by the candidates, by next Wednesday at the earliest.

The AEC is of the view that the above undertaking should both preserve the relevant "electoral documents" and enable your client the opportunity to fully consider this matter.

Yours sincerely

Paul Pirani | Chief Legal Officer

Legal & Compliance Branch Executive | Legal & Compliance Branch Australian Electoral Commission
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From: Peter Burge [mailto:p.burge@hopgoodganim.com.au]

Sent: Thursday, 10 October 2013 1:09 PM

To: Patricia Georgee

Cc: Julia O'Connor; Peta Stephenson; Peter Kramer; Paul Pirani; Ed Killesteyn;

1238086.Production@wcs.hopgoodganim.com.au; Paul Pirani

Subject: FW: Correspondence from the Electoral Commissioner [DLM=For-Official-Use-Only]

Importance: High

Dear Ms Georgee,

We refer to your email below and the attached decision of the Electoral Commissioner concerning the request for a partial recount of ballot papers cast in the election for Western Australia.

We are instructed to request an urgent undertaking from the Australian Electoral Commission by not later than 3pm today, that it will not take any action to carry into effect the decision of the Electoral Commissioner (specifically, not to conduct the recount the subject of that decision, nor take any steps in preparation or ancillary to the conducting of that recount) until the expiry of 48 hours from the receipt of this email, in order to allow our client the opportunity to take legal advice.

Regards

Peter Burge

Special Counsel | Corporate Advisory and Governance p.burge@hopgoodganim.com.au

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Confidential Communication

From: Patricia Georgee [mailto:Patricia.Georgee@aec.gov.au]

Sent: Thursday, 10 October 2013 10:55 AM

To: Peter Burge Cc: Peter Kramer

Subject: Correspondence from the Electoral Commissioner [DLM=For-Official-Use-Only]

For-Official-Use-Only

Dear Mr Burge

Please find attached correspondence on the matter of a request for a re-count in the WA Senate elections.

The Electoral Commissioner also expects to provide a media release on this matter shortly.

Ms.Patricia Georgee | Senior Lawyer

Legal Services Section | Legal & Compliance Branch Australian Electoral Commission

T: (02) 6271 4511 | M: 0406 379 258 | F:





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