

**Alex Lewis**

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**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

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**From:** Darren Churchill [mailto:████████████████████]  
**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

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**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:john.d@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 or 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 0851129

**Herm Legal & Migration Services**

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