

Shawn O'Brien

From: FAD
Sent: Wednesday, 19 December 2012 3:32 PM
To: 'stuart.horrex@nsw.democrats.org.au'
Cc: 'johnd@hermlegal.com.au'; secretary@democrats.org.au;
Darren.Churchill@act.democrats.org.au; Charlie.Bell@act.democrats.org.au
Subject: application to record a new National Secretary for the Australian Democrats [DLM=For-Official-Use-Only]
File Reference: 07/1322-4
Attachments: Reg4838 Aust Democrats application to change party secretary.pdf; scan of Reg4839.pdf
Categories: For-Official-Use-Only

For-Official-Use-Only

Copy of application to AEC and response attached.

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

**AEC**

Australian Electoral Commission

www.aec.gov.au | 13 23 26

Enrol2Vote

Year of enrolment | www.aec.gov.au

50TH ANNIVERSARY
*of the Indigenous vote 1962-2012***For-Official-Use-Only**

**AEC**

Australian Electoral Commission

Reference: 07/1322-4, Reg4839
 Contact Officer: Shawn O'Brien
 Telephone: (02) 6271 4607
 Facsimile: (02) 6271 4555
 Email: fad@aec.gov.au

COPY
sent by email

Mr Stuart Horrex
 PO Box R1680 Royal Exchange
 SYDNEY NSW 2141

Dear Mr Horrex

Re Application to change party secretary for the Australian Democrats

On 19 December 2012, the Australian Electoral Commission (the AEC) received the attached application to record a change in the National Secretary of the Australian Democrats (the Party) from Mr Roger Howe to you.

The secretary of a registered political party is a significant position defined in s.123 of the *Commonwealth Electoral Act 1918* (the Electoral Act) with a specific role as:

the person who holds the office (however described) the duties of which involve responsibility for the carrying out of the administration, and for the conduct of the correspondence, of the party.

The secretary is required under the Electoral Act to sign some applications, is expected to be the source of general correspondence from the Party and is the person to whom the AEC directs correspondence other than items which must be sent to the Party's registered officer.

Because of the importance of the position of secretary in a registered political party, the AEC expects applications to record a change in secretary to come from office bearers known to and already recorded with the AEC. In instances where that is not the case, such as the attached application, the AEC seeks clarification of the Party's change in secretary to ensure that such a change has been made in accordance with the Party's constitution. If there is conflict between factions in a party, the AEC wants to hear from relevant factions before determining which person it should record as the party's secretary.

As you appear to be the new National Secretary of the Australian Democrats, could you please provide the AEC with evidence of the change made by the Party? Such evidence would include signed minutes of the meeting which elected/appointed you plus the arrangements for notifying members or committee members in advance of the calling of that meeting.

The AEC will be closed from 25 December 2012 to 1 January 2013 inclusive. Obviously many people including office holders in your Party will also be taking leave around this time. Perhaps if you could respond with the required evidence by Friday 18 January 2013, or alternatively advise the AEC of a more suitable date if that is not convenient.

Yours sincerely



Shawn O'Brien
Registrar of Political Parties
Funding and Disclosure Section, Legal and Compliance Branch

19 December 2012

cc other known office holders of the Australian Democrats



Change Party Secretary

- Completing this form:
- This form should be used by a registered political party or formally recognised branch to notify a change of secretary.
 - If the AEC's records of the party secretary are not up to date, other applications from the party may not be accepted.
 - Independent certification of the appointment of the secretary must be shown on this form.
 - Further information is available at www.aec.gov.au in the Party Registration Guide.
 - Information on this form is collected under the Commonwealth Electoral Act 1918 and is not made public.

Name of political party: **Australian Democrats**

Secretary's details:

Name: **Stuart Horrex**

Street Address: [Redacted]

Suburb/Town: [Redacted] State: **NSW** Postcode: **2141**

Postal Address: [Redacted]

Suburb/Town: **Stoney** State: **NSW** Postcode: **1225**

Daytime Telephone: [Redacted] After hours (): ()

Mobile: [Redacted] Fax number (): ()

Email address: **stuart.horrex@nsw.democrats.org.au**


Signature of secretary:  [Redacted] **13/12/2012**

Certification by independent party official:
 Because of the importance of the role of the party secretary, an independent party official such as the President, Treasurer, etc needs to certify that the secretary has been properly appointed in accordance with the party's constitution to perform the role defined in the Electoral Act.

John Davoy *et al* certify that the secretary named above was properly appointed under the party constitution to manage the party on a day to day basis on **01/12/2012**

(Name of party official) (date of appointment)

Name of previous secretary: **Roger Lowe**

Party official's signature:  [Redacted] **17/12/2012**

Title: **NATIONAL TREASURER**

12-13/08

90

From +61 3 8669 4322

Wed Dec 19 14:28:31 2012

Doc 6 Page 6
Page 1 of 2

TO:

Australian Electoral Commission

Funding and Disclosure

PQ Box 6172

KINGSTON ACT 2604

Dear Sirs,

Please find attached a copy of the Change of Party Secretary Form lodged today on behalf of the Australian Democrats. The original has been posted to your Kingston Address.

Yours sincerely,

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

Principal Solicitor
Registered Migration Agent 0851129

National Treasurer, Australian Democrats

Herm Legal & Migration Services

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

PO Box 2119, Oak Park VIC 3046, Australia

Tel +61 3 9300 3349

Fax +61 3 8669 4322

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.