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Alex Lewis

From: FAD
Sent: Wednesday, 6 March 2013 10:29 AM
To: 'charlie.bell.ad@gmail.com'
Subject: FW: Application to change Registered Officer of the Australian Democrats [DLM=For-Official-Use-Only]
Attachments: Reg4920LettertoAusDems.pdf; AEC Change of Registered Officer Application v2 28-Feb-2013 1041.pdf
Categories: For-Official-Use-Only

For-Official-Use-Only

Good morning Mr Bell,

I spoke with Darren Churchill this morning who advised that the email address we have on file for you may not be working properly. He advised me that this email address is more likely to succeed. As such, please see the email below from yesterday and the attachments.

Kind regards,

Alex

Alex Lewis | Project Officer
 Funding & Disclosure Section | Legal & Compliance Branch
 Australian Electoral Commission
 T: (02) 6271 4635 | F: (02) 6293 7655



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**ELECTION
2013**

For-Official-Use-Only

From: FAD
Sent: Tuesday, 5 March 2013 9:22 AM
To: 'Charlie.Bell@act.democrats.org.au'
Subject: Application to change Registered Officer of the Australian Democrats [DLM=For-Official-Use-Only]

For-Official-Use-Only

Good morning Mr Bell,

Please find attached a copy of a letter I have posted to you today, and the attachment to that letter, an application to change the registered officer of the Australian Democrats.

If you have any further questions about this matter please do not hesitate to contact me on 02 6271 4635 or by return email.

Kind regards,

Alex

SD

Alex Lewis | Project Officer
Funding & Disclosure Section | Legal & Compliance Branch
Australian Electoral Commission
T: (02) 6271 4635 | F: (02) 6293 7655



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**ELECTION
2013**

For-Official-Use-Only



Reference: Reg4920, 07/1322-4
Contact Officer: Alex Lewis
Telephone: 02 6271 4635
Facsimile: 02 6293 7665
Email: fad@aec.gov.au

John Charles Bell
Registered Officer
Australian Democrats

Dear Mr Bell


I refer to a second application received by the Australian Electoral Commission (AEC) on 28 February 2013 to replace you as the Registered Officer of the Australian Democrats (the Party). A copy of the application is enclosed.

Section 134 of the *Commonwealth Electoral Act 1918* states that a registered officer can be changed by written application when the application is made by three members of the Party, as well as being signed by both the current and proposed new registered officer.

As you are the current Registered Officer of the party and have not signed the application the AEC is obliged to give you a period of seven days from receipt of this letter to submit written particulars as to why the application should not proceed. As this letter will not reach you until Wednesday 6 March 2013, if you do not agree with the proposed change please submit your reasons to the AEC by Wednesday 13 March 2013.

If you have any questions about this matter, please do not hesitate to contact me on (02) 6271 4667 or email fad@aec.gov.au.

Yours sincerely


Alex Lewis
A/g Assistant Director, Disclosure
Funding and Disclosure Section, Legal and Compliance Branch

5 March 2012



Application to Change Registered Officer Details

Please refer to the Federal Registration of Political Parties handbook when completing this form.
Giving false or misleading information is a serious offence.

Party Name

AUSTRALIAN DEMOCRATS

Registered Officer Details – for address change, show new address (as) below and have the form signed by the current registered officer only.

Name of proposed new Registered Officer

PAUL MICHAEL JAMES MORGAN

Address (not a Post Office box number)

[Redacted Address] Postcode [Redacted Postcode]

Postal Address

AS ABOVE

Postcode

Telephone Number (BH)

Facsimile Number

Email

[Redacted Telephone/Facsimile/Email]

Signature of proposed Registered Officer

Date

[Redacted Signature]

26 FEB 2013

If a request to appoint a new registered officer is not signed by the current Registered Officer, the AEC must write to that person giving 7 days to advise any reason why the new appointment should not be made.

Name of current Registered Officer

JOHN CHARLES BELL

Signature of current Registered Officer

Date

The details on the back of this form **MUST** be completed for a change of registered officer

Enquiries and this application should be addressed to:

FUNDING AND DISCLOSURE
AUSTRALIAN ELECTORAL COMMISSION
PO BOX 5172
KINGSTON ACT 2654

Office Use Only

Date Received:

Telephone: (02) 6271 4552 (02) 6271 4555
email: tad@aec.gov.au

Australian Electoral Commission **AEC**

FAC #418 02/04/13

Applicant Details

This application must be made:

- in the case of a parliamentary party, by the party secretary or by all of the federal parliamentary members of the party;
- in the case of non-parliamentary parties, by 3 members of the party (preferably office-holders) each of whom is entitled to enrol on the Commonwealth Electoral Roll;

I/we hereby apply for the amendments detailed overleaf to be effected to the Register of Political Parties.

Name

JOHN PATRICK DAVEY.

Address (not a Post Office box number.)

[Redacted Address]

Postcode

[Redacted Postcode]

Telephone number (BH)

[Redacted Telephone Number]

Facsimile number

[Redacted Facsimile Number]

Email

john.d@hermlegal.com.au

Capacity

PARTY MEMBER
(eg party secretary, party member) TREASURER.

Date

23, 02, 13.

Name

SMART JOHN HERPES

Address (not a Post Office box number.)

[Redacted Address]

Postcode

2009

Capacity

PARTY MEMBER
(eg party member) NATIONAL SECRETARY

Date

23/02/2013

Name

Michael John Pilling

Address (not a Post Office box number.)

[Redacted Address]

Postcode

5000

Signature

[Redacted Signature]

Capacity

Deputy National President
(eg party member)

Date

23 Feb 2013

Please provide an estimate of the time taken to complete this form

hrs

mins

15



Australian Democrats

PO Box R1680
Royal Exchange
Sydney
NSW 1225

Stuart Horrex
National Secretary

AustralianDemocrats.org.au

23 February 2013

For the information of members,

There being a clear majority the following motions were declared as carried at a quorate meeting of the National Executive:

**Motions 2013-02-23.1through5
Extraordinary National Executive meeting in by teleconference
Saturday 23 February 2013**

Proper notice was provided to all National Executive members, executive officers, and office bearers. An invitation was also extended to long standing and respected member Mr Charlie Bell.

Attendance:

VOTING:

<i>Senior Deputy National President:</i>	Mr David Collyer	Absent
<i>Deputies:</i>	Mr Hayden Ostrom Brown	Present
	Mr Stuart Horrex	Present
	Rev Chris Ridings	Absent
	Dr Michael Pilling	Present
<i>Divisions:</i>		
	ACT/NSW Mr Drew Simmons	Present
	QLD Mr Paul Cole	By proxy Mr David Elwood
	SA Vacant	-
	TAS Ms Paulene Hutton	Present
	VIC Mr Robert Livesay	Absent
	WA Mr Paul Young	By proxy Mr Alex Bond
	YADs Mr Mat Bourke	Present

NON VOTING:

Also present:

Mr David Orr (National Ballots Administrator)
Mr John Davey (National Treasurer).

Text starts:

"Hi All,

Pursuant to standing order and rules for debate 5.3 I hereby convene an extraordinary meeting for Saturday 23rd at 12pm via teleconference. 5.3 states "Notwithstanding the previous clause (which says that 5 days notice should be given), extraordinary meetings of the executive may be convened, provided that at least twenty-four (24) hours notice is given of the nature of the extraordinary circumstances and the time, date, method, and full text of the specific matter(s) for which the meeting has been called."

Call in details will be distributed closer to the meeting.

It is apparent that former members of the party continue to represent that this NE and it's officers lack legitimacy in the work they are undertaking. This is an extraordinary circumstance. Notwithstanding that the NE has already decided these matters. As these false assertions impact on the legal and ethical liability and obligations of all members of the NE it is important and urgent that clarity now be provided.

Notice of motions;

Long standing and respected member Charlie Bell is impacted by these motions and so I'm including Mr Bell in this email in order to also give him notice that I am intending to move this motion with the view to allow him the opportunity to make comment if he wishes.

I will move on Saturday, 12 pm via teleconference:

1. That the National Executive confirms the appointment of Mr Paul Morgan (original appointment having been made on 1.12.2012) as the Registered Officer of the party and that the National Secretary, Mr Stuart Horrex be empowered to do all manner of things incidental to this appointment to effect this decision with the Commonwealth Electoral Commission - including the signing of all relevant forms and instruments to effect the change on the Register of Political Parties held by the Commonwealth Electoral Commission.

2. The NE sincerely thanks Mr Charlie Bell for his former role as Registered Officer and instructs Mr Bell on behalf of the National Executive to execute any documents provided to him in furtherance of motion by the National Secretary, Mr. Horrex.

3. Confirms the appointment of Mr John Davey as Party Treasurer (original appointment having been made on 1 December 2012) and empowers Mr Davey to do all manner of things to comply with the the party's financial and reporting obligations including but not limited preparing and submitting the party's consolidated BAS returns, Australian Electoral Commission Returns and Australian Taxation Office returns and all matters incidental to same. For clarity, no other person is authorised to complete the consolidated BAS returns and Mr Charlie Bell in particular does not have the authority of this National Executive to complete any or all of the party's BAS returns. Mr Davey is to report to the NE as soon as possible as to the co-operation or otherwise of the divisions in assisting with the consolidated BAS returns, as a matter of urgency.

4. That NE sincerely thanks Mr Bell for his kind offer of assistance with the completion of BAS statements

In the event that quorum is not reached, the motions will be converted to an email ballot pursuant to standing order 40 as it would be apparent that it was not practical for the National Executive to conduct it's business.

Kind Regards,
Hayden Ostrom Brown
Deputy National President

Text ends

Motion 1:

I move that Mr Stuart Horrex take the chair.

MOVED Mr. Hayden Ostrom Brown (DNP)

SECONDED Dr Michael Pilling (DNP)

Motion carried unanimously

Motion 2:

That the National Executive confirms the appointment of Mr Paul Morgan (original appointment having been made on 1.12.2012) as the Registered Officer of the party and that the National Secretary, Mr Stuart Horrex be empowered to do all manner of things incidental to this appointment to effect this decision with the Commonwealth Electoral Commission - including the signing of all relevant forms and instruments to effect the change on the Register of Political Parties held by the Commonwealth Electoral Commission.

MOVED Mr. Hayden Ostrom Brown (DNP)

SECONDED YADS (Mr Mat Burke)

Motion carried unanimously

Motion 3:

The NE sincerely thanks Mr Charlie Bell for his former role as Registered Officer and instructs Mr Bell on behalf of the National Executive to execute any documents provided to him in furtherance of motion by the National Secretary, Mr. Horrex.

MOVED Mr. Hayden Ostrom Brown (DNP)

SECONDED NSW (Mr Drew Simmons)

Motion carried unanimously

Motion 3:

Confirms the appointment of Mr John Davey as Party Treasurer (original appointment having been made on 1 December 2012) and empowers Mr Davey to do all manner of things to comply with the the party's financial and reporting obligations including but not limited preparing and submitting the party's consolidated BAS returns, Australian Electoral Commission Returns and Australian Taxation Office returns and all matters incidental to same. For clarity, no other person is authorised to complete the consolidated BAS returns and Mr Charlie Bell in particular does not have the authority of this National Executive to complete any or all of the party's BAS returns. Mr Davey is to report to the NE as soon as possible as to the co-operation or otherwise of the divisions in assisting with the consolidated BAS returns, as a matter of urgency.

MOVED Mr. Hayden Ostrom Brown (DNP)

SECONDED WA (Mr Alex Bond -proxy)

Motion carried unanimously

Motion 5:

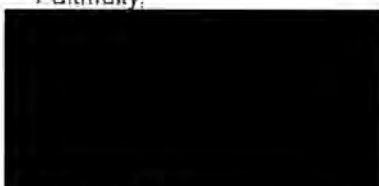
That NE sincerely thanks Mr Bell for his kind offer of assistance with the completion of BAS statements

MOVED Mr. Hayden Ostrom Brown (DNP)

SECONDED TAS (Ms Paulene Hutton)

Motion carried unanimously

Faithfully,



Stuart Horrex
National Secretary
Australian Democrats

