

Mr P Boss
Acting Divisional Office Manager
Division Of Calare
Orange 2800
Sunday, 2 November 2012



Dear Sir

Thank you for your letter dated 13th November 2012.

I wish to inform you and confirm that my residential address is [REDACTED]

Over the past few months I have spent considerable time away because of work, vested interests and Family commitments .

I have stayed in Dubbo, Rye Park, Cargo and Sydney.

Also In April 2012 I commenced work as a Bus Driver driving School Runs, Charters and Towns runs.

The hours of employment range from 7am to 6pm each day and were one the initial reasons for the move.

The owner of the Property is my eldest son [REDACTED]

[REDACTED] My son works [REDACTED] and is on a seven day roster, day and night shifts.

This arrangement fits perfectly with our extended family commitments and investments.

It has become quite clear from this letter that the property is being stalked and with other developments that are currently being investigated by the Orange Police, I have no hesitation in forwarding this letter on for their information. As a family we are genuinely concerned for the well being of the children.

I hope this information is of assistance and please do not hesitate to contact me on [REDACTED] if further assistance is required.

Kevin Duffy

Our Ref: 23 36 2162:EC
Contact: Grant Butterfield
Contact Tel: 4626 5077
Contact Email: gbutterfield@marsdens.net.au

ABN 59 874 202 316

Email: Dimity.McKenzie@aec.gov.au

All correspondence to
PO Box 291
Campbelltown NSW 2560
DX 5107 Campbelltown

22 January 2013

www.marsdens.net.au
email@marsdens.net.au

Dimity McKenzie
Divisional Office Manager and Divisional Returning
Officer
Australian Electoral Commission
Division of Calare
PO Box 444
Orange NSW 2800

Partners
J H Marsden
J B Adam
K J Searle
A I Percival
A J Seton
E M White
D R Baird
P J Crittenden
T C Reeve
G P Butterfield
J Bonura
J J Tunks
N M Youssef
J R Thornton
Consultant
R H Norwood
J T Henshaw
Senior Associates
P D Hudson
E Macfarlane
A Johnson
Associates
D A Vardy
T M Danjoux
U Parente
R Lachman
J A McCullan
N M Arias-Alvarez
S Ramsden

Dear Madam

Re: Complaint made against Kevin Duffy by Gary Kind

I refer to the above matter and advise that I act for Mr Duffy.

By way of context, proceedings have been brought in the Administrative Decisions Tribunal ("ADT") against my client alleging a similar complaint to that made to your department ("Complaint"). That Complaint is signed by Gary Kind.

Mr John Da Rin is the Applicant in the ADT. He indicated in a directions hearing before the ADT on 22 January 2013 that "they" had commenced proceedings in the ADT because of inaction by the Australian Electoral Commission.

It appears the Complaint and the ADT proceedings are connected and in fact the same. The basis for that conclusion is the statement by Mr Da Rin at the directions hearing on 22 January 2013.

Da Rin advised the ADT that an organisation by the name of The Orange Ratepayers Association ("ORPA") is seeking to become the Applicant in the proceedings in the ADT. I am unaware whether Mr Kind and Mr Da Rin are members of ORPA.

Plainly it would be inappropriate for both the ADT and your department to conduct the same set of proceedings. Moreover it would be procedurally unfair to compel my client to answer the Complaint to the prejudice of his rights in the ADT, in which no evidence or particulars have been provided although requested.

We ask in the circumstances where the ADT proceedings are on foot that your investigation be stayed.

Could you please confirm in writing your position in relation to your investigation of the Complaint.

Yours faithfully
MARSDENS LAW GROUP

GRANT BUTTERFIELD
Partner
Accredited Specialist Advocacy

Campbelltown
T: 02 4626 5077
F: 02 4626 4826

Camden
T: 02 4655 7121
F: 02 4626 4826

Sydney
T: 02 9233 1133
F: 02 4626 4826

Liverpool
T: 02 9601 5666
F: 02 4626 4826

24 Hour Contact
M: 0416 184 412

Accredited Specialist Advocacy
Accredited Specialist Family Law
Accredited Specialist Local Govt. & Planning
Accredited Specialist Personal Injury
Accredited Specialist Property Law
Accredited Specialist Wills & Estates Law
Accredited Specialist Criminal Law
Accredited Specialist Business Law



Liability is limited by a scheme approved under Professional Standards Legislation





For-Official-Use-Only

From: Nadine Knox [<mailto:nknox@marsdens.net.au>] **On Behalf Of** Grant Butterfield
Sent: Tuesday, 22 January 2013 5:52 PM
To: Dimity McKenzie
Subject: Complaint made against Kevin Duffy by Gary Kind

Dear Madam,

Please find enclosed a letter, for your information.

Regards,

Grant Butterfield | Partner | Commercial Litigation



P 02 4626 5077 | D 02 4640 3697 | F 02 4626 4826 | M 0414 394 077 | E gbutterfield@marsdens.net.au | W <http://www.marsdens.net.au>

Please consider the environment before printing

Liability is limited by a scheme approved under Professional Standards Legislation

PRIVATE AND CONFIDENTIAL

This electronic mail may contain legally privileged or confidential information which is intended for the use of the addressee only. If you receive this mail in error, please delete it from your system immediately and notify us at either the above email address or on 02 4626 5077.

Marsdens Law Group hereby gives notice that:

- a. it does not accept responsibility for the content of any email transmitted by its staff for any reason other than legitimate business purposes;
 - b. it cannot guarantee that this email is free of viruses, errors or interference
-

Our Ref: 23 36 2162:EC
 Contact: Grant Butterfield
 Contact Tel: 4626 5077
 Contact Email: gbutterfield@marsdens.net.au

ABN 59 874 202 316

All correspondence to
 PO Box 291
 Campbelltown NSW 2560
 DX 5107 Campbelltown

www.marsdens.net.au
 email@marsdens.net.au

EMAIL: Dimity.McKenzie@aec.gov.au

4 February 2013

Ms D McKenzie
 Divisional Returning Officer
 Division of Calare
 Australian Electoral Commission
 122 Kite Street
 ORANGE NSW 2800

Dear Madam

Re: Complaint made against Kevin Duffy by Gary Kind

I refer to the above matter, to previous correspondence and in particular to your letter of 25 January 2013.

I note that you have indicated that in accordance with Section 118 of the *Commonwealth Electoral Act 1918* that you are unable to suspend your investigations with respect of my client's enrolment.

In that respect I set out my client's response to your letter of 17 January 2013.

In respect of the two letters to the Editor dated 21 July 2012 and 30 August 2012 respectively, whilst my client does not deny sending these letters, my client did not sign-off as "Kevin Duffy, Borenore". My client emailed through responses to the appropriate Editors who, based upon their prior dealings with my client, mistakenly assumed that he was still a resident of Borenore. As is the custom with the "letter to the Editor" publications, they (being the respective Editors) inserted a signature as "Kevin Duffy, Borenore"

I enclose for your consideration letters from the Editors of those papers outlining the above. Should it be required, I will obtain sworn evidence from those two individuals.

With respect to my client having spent time away from his residential address, with respect that must be understood in its proper context. In that regard, whilst my client may have spent time away from his residential address during the period of October and November 2012, that was as a result of Council commitments, work, vested interests and other family commitments. My client was also attending to family business during this time, which required travel. None of these incidence are remarkable nor could possibly be the basis of any adverse inference be drawn against my client.

Evidence against my client

I ask that I be provided with the suggested evidence against my client in this matter so that my client is able to fully respond to the objection made against his enrolment.

In your departments letter of 13 November 2012 I note that it was stated "If you believe you are entitled to remain enrolled" my client ought to contact the Department. It is trite to say that it is not my client who must prove his basis for enrolment although we say the above information makes it plain that he is indeed properly enrolled. Rather we say with respect, it is for the complainant to prove their assertion. In this case it appears to me that the complaint relies on two newspaper articles (which were not signed-off by my

Partners
 J H Marsden
 J B Adam
 K J Searle
 A I Percival
 A J Seton
 D R Baird
 P J Crittenden
 T C Reeve
 G P Butterfield
 J Bonura
 E M White
 J J Tunks
 N M Youssef
 J R Thornton
Consultant
 R H Norwood
 J T Henshaw
Senior Associates
 P D Hudson
 E Macfarlane
 A L Johnson
Associates
 D A Vardy
 T M Danjoux
 U Parente
 R Lachman
 J A McCullan
 N M Arias-Alvarez
 S L Ramsden

Campbelltown
 T: 02 4626 5077
 F: 02 4626 4826

Camden
 T: 02 4655 7121
 F: 02 4626 4826

Sydney
 T: 02 9233 1133
 F: 02 4626 4826

Liverpool
 T: 02 9601 5666
 F: 02 4626 4826

24 Hour Contact
 M: 0416 184 412

Accredited Specialist Advocacy
 Accredited Specialist Family Law
 Accredited Specialist Local Govt. & Planning
 Accredited Specialist Personal Injury
 Accredited Specialist Property Law
 Accredited Specialist Wills & Estates Law
 Accredited Specialist Criminal Law
 Accredited Specialist Business Law



Liability limited
 by a scheme
 approved under
 Professional
 Standards
 Legislation



Re: Complaint made against Kevin Duffy by Gary Kind

4 February 2013

the complaint relies on two newspaper articles (which were not signed-off by my client) and the speculative unfounded assertions of the complainant. We say there is no basis upon which any objection can be made to my clients enrolment and say the complaint should be dismissed.

Please do not hesitate to contact me if I can be of further assistance.

Yours faithfully

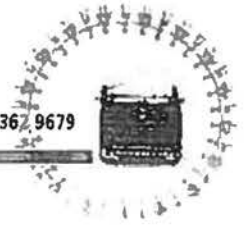
MARSDENS LAW GROUP

GRANT BUTTERFIELD

Partner

Accredited Specialist Advocacy

Encl.



To whom it may concern

Wednesday, January 30, 2013

The following information is supplied at the request of Orange councillor Kevin Duffy. On July 21, 2012, the Central Western Daily published a letter from Mr Duffy who is well known to the newspaper. The subject of the letter was Cr Peter Hetherington.

The letter came in the form of an attachment to an email from Mr Duffy. In the absence of any signature or address at the end of the letter Mr Duffy's name and the address "Borenore" was added during the subbing process.



Tony Rhead
Managing Editor
Central Western Daily

74
MOLONG EXPRESS
AND WESTERN DISTRICTS ADVERTISER
PUBLISHED FOR THE PROPRIETOR
AGN 14 195 228 2/5

PO BOX 38
2 FULLERTON RD
MOLONG NSW 2866
PH: (61) 6366 8017
E: molongex@bigpond.net.au

18 January 2013


To Whom It May Concern

Kevin Duffy sent an email to the Molong Express on 30 August 2012 as a 'Letter to the Editor'.

In the absence of the writer providing his 'location' – the Editor of the Molong Express included 'Borenore' under the writer's name.

Kevin Duffy did not indicate his location, on the email, as 'Borenore'.

Yours sincerely,


Rozzi Smith
Editor
Molong Express



**ELECTION
2013**

Sensitive:Legal

From: Nadine Knox [<mailto:nknox@marsdens.net.au>] **On Behalf Of** Grant Butterfield
Sent: Monday, 4 February 2013 4:47 PM
To: Dimity McKenzie
Subject: Complaint made against Kevin Duffy by Gary Kind

Dear Madam,

Please find enclosed a letter, for your information.

Regards,

Grant Butterfield | Partner | Commercial Litigation



P 02 4626 5077 | D 02 4640 3697 | F 02 4626 4826 | M 0414 394 077 | E gbutterfield@marsdens.net.au | W <http://www.marsdens.net.au>

Please consider the environment before printing

Liability is limited by a scheme approved under Professional Standards Legislation

PRIVATE AND CONFIDENTIAL

This electronic mail may contain legally privileged or confidential information which is intended for the use of the addressee only. If you receive this mail in error, please delete it from your system immediately and notify us at either the above email address or on 02 4626 5077.

Marsdens Law Group hereby gives notice that:

- a. it does not accept responsibility for the content of any email transmitted by its staff for any reason other than legitimate business purposes;
 - b. it cannot guarantee that this email is free of viruses, errors or interference
-