Luke Phelps

From: Paul Pirani
Sent: Monday, 1 June 2015 3:29 PM
To: 6[redacted]
Subject: RE: Deregistration of the DLP [DLM=For-Official-Use-Only] [SEC=UNCLASSIFIED]

AECStatus: process

UNCLASSIFIED

Dear Mr Byrne

I am somewhat surprised by your email. Given that there were only four deputy registered officers of the DLP who previously appeared on the register, I would have thought that it was a simple process for you to be able to identify the person.

I have previously sought your consent to disclose your contact details to this person. I note that you have not provided me with that consent. In the absence of such consent, I repeat that the Privacy Act 1988 operates to limit what "personal information" I am lawfully able to disclose.

I note that as a matter of law, the standing to challenge the delegate's decision is open to any person who is aggrieved by that decision. It is apparent that this could not be limited by some action by the Federal Executive of the DLP.

Yours sincerely

Paul Pirani | Chief Legal Officer
Legal & Procurement Branch Executive | Legal & Procurement Branch
Australian Electoral Commission
T: (02) 6271 4474 | M:7[redacted] | F: (02) 6293 7657

Make sure you're **enrolled to vote.**
Visit www.aec.gov.au

From: 6[redacted]
Sent: Friday, 29 May 2015 2:29 PM
To: Paul Pirani
Subject: RE: Deregistration of the DLP [SEC=UNCLASSIFIED] [DLM=For-Official-Use-Only]

Good afternoon Mr. Pirani

I write concerning the "other" written application for review letter concerning the DLP de-registration.

My enquiries to all concerned have seen no member of the Federal Executive or the ex-officio State Secretaries, who are the Deputy Registered Officers, say they have sent a written application for review of the AEC's decision. This is most disconcerting. The Victorian State Secretary, Clara Geoghegan has been overseas for several weeks and she informs me she has not engaged in any DLP communications. It would assist our concerns if the domain name of the email carrying the "other" letter could be provided; eg gmail.com, iinet.com or a corporate/government domain.

Released under the Freedom of Information Act 1982

Would it assist your services to receive a notice from the DLP Federal Executive that they recognise only the correspondence above my signature as Federal Secretary?

Kind Regards

Michael Byrne

Federal Secretary - Democratic Labour Party of Australia

7 [redacted]

Paul Pirani <Paul.Pirani@aec.gov.au>

27/05/2015 01:32 PM

To 6 [redacted]
cc 6 [redacted]
Subject RE: Deregistration of the DLP [SEC=UNCLASSIFIED] [DLM=For-Official-Use-Only]

For-Official-Use-Only

Dear Mr Byrne

Due to the operation of the *Privacy Act 1988* I am not in a position to identify the other person who has sought a review of the decision to deregister the DLP. However, I note that immediately prior to deregistration of the DLP on 23 April 2015, the person appeared on the register of political parties as one of the deputy registered officers of the DLP.

I am well aware of 1 [redacted] and am able to advise that no application for review under subsection 141(2) of the *Commonwealth Electoral Act 1918* has been received from him on this matter.

Yours sincerely

Paul Pirani | Chief Legal Officer
Legal & Procurement Branch Executive | Legal & Procurement Branch
Australian Electoral Commission
T: (02) 6271 4474 | M: 7 [redacted] | F: (02) 6293 7657

Make sure you're **enrolled to vote.**
Visit www.aec.gov.au

From: 6 [redacted]
Sent: Wednesday, 27 May 2015 12:20 PM
To: Paul Pirani
Cc: 6 [redacted]
Subject: RE: Deregistration of the DLP [SEC=UNCLASSIFIED] [DLM=For-Official-Use-Only]

Released under the Freedom of Information Act 1982

Good afternoon Mr. Pirani

I am preparing further enquiry of our own Federal Executive. It would be indeed extraordinary if another member of the Federal Executive of which I am the Secretary forwarded an application for review to the AEC on behalf of the Federal Executive.

However, it would be helpful to know the nature of the other "DLP executive" member's correspondence. Is it on letter head as per my letter? Is it this letter that contains the "purported application for review under s...." your write of or is it just correspondence on the matter?

You may be aware that there is a disgruntled person, 1[redacted], in Victoria who purports to be the Secretary of the DLP but has had a series of legal judgements against his applications.
1[redacted] would know that the Federal Executive of which I am Secretary is engaged actively in the De-Registration matter and it may be the situation that he continuing his activity in this process.

Kind Regards

Michael Byrne

Federal Secretary - Democratic Labour Party of Australia

7[redacted]

Paul Pirani <Paul.Pirani@aec.gov.au>

27/05/2015 11:41 AM

To 6[redacted]
cc
Subject RE: Deregistration of the DLP [SEC=UNCLASSIFIED] [DLM=For-Official-Use-Only]

For-Official-Use-Only

Dear Mr Byrne

Thank you for your further email. I apologise for any confusion that may have arisen from our correspondence so far.

To clarify, when a person applies for a review under s 141(2) of the Act, the legal requirement and is that the application for review will contain all relevant supporting evidence, etc, that the person seeks to rely upon as part of the reasons for making the application ((see subsection 141(3)). That is, that a *complete* application will be lodged with the Commissioner within the 28 day time period contained in subsection 141(2). Anything submitted outside of the 28 day time period (whether that be an application in whole or part of an application), would, in our view, need to be accompanied by a request that the material be accepted by the Commission out of time—that is, an extension request under s 141(2). As I have advised, that request would need to be put to the three person Commission for determination (with respect to which I note you have used the term 'the Commissioners') for a decision that will be made at the time that they consider the matter.

As I indicated during our conversation last week, the decision to deregister the DLP essentially turned on the size of its

Released under the Freedom of Information Act 1982

membership base. Therefore, the expectation is that the DLP will put forward an argument as to why it believes it has at least 500 members, together with evidence that can support that contention (which might include an additional membership list). It is not the case, as the final paragraph of your 21 May letter appears to suggest, that the Commission will only seek a further membership list from a party *once a request for review is granted*. As the determination of a review will inevitably turn on the issue of membership, it is up to the person making the application for review to supply the Commission with whatever material it considers to be relevant on the membership issue. Therefore, it is a matter for you to determine whether or not you choose to provide the Commission with a further membership list in support of your claims (subject, as discussed, to a relevant extension request also being made).

On the matter of other applications received, I am not in a position to disclose the name of the person who has made contact with the AEC due to the operation of the *Privacy Act 1988*. However, if you consent I can inform the other person that you have submitted an application for review and provide your contact details. Please let me know whether you consent to me taking such action. I can otherwise only encourage you to make contact with other members of the DLP Executive and discuss the matter directly with them.

I hope this further information clarifies the situation for you.

Regards

Paul Pirani | Chief Legal Officer
Legal & Procurement Branch Executive | Legal & Procurement Branch
Australian Electoral Commission
T: (02) 6271 4474 | M:7[redacted] | F: (02) 6293 7657

Make sure you're **enrolled to vote.**
Visit www.aec.gov.au

From: 6[redacted]
Sent: Tuesday, 26 May 2015 4:01 PM
To: Paul Pirani
Subject: Re: Deregistration of the DLP [SEC=UNCLASSIFIED]

Good afternoon Mr. Pirani.

I hope you do not mind me contacting you directly. I write initially to clarify the situation of your comments in the second paragraph of your letter (attached).

The request for the extension of time is addressed to the "Commissioners" in the text. It is in the context of the Commissioners considering our application for review with them requiring a re-submission of names for checking. The request was to cover that situation.

On the matter of other purported application(s) for review and correspondence from " a member of the DLP Executive". As Secretary and Registered Officer I am the main point of contact on these matters. We are aware of ordinary members writing to express their concern of the decision but we have not anticipated any other Party, as a person, contact with the AEC on this matter. Is it in order for you to provide me, as the Party Secretary, a copy of the letter(s) purporting to be applications) of review from the DLP Executive. Thank you for bringing it to our attention.

Released under the Freedom of Information Act 1982

Kind Regards

Michael Byrne

Federal Secretary - Democratic Labour Party of Australia

7 [redacted]

Luke Phelps <Luke.Phelps@aec.gov.au>

26/05/2015 03:06 PM

To 6 [redacted]
cc
Subject Deregistration of the DLP [SEC=UNCLASSIFIED]

UNCLASSIFIED

Dear Mr Byrne

Please find attached a letter from Mr Paul Pirani, Chief Legal Officer, of today's date.

Yours sincerely

Luke Phelps | Senior Lawyer
Legal Services Section | Legal and Procurement Branch
Australian Electoral Commission
T: (02) 6271 4511 | F: (02) 6293 7657
E: luke.phelps@aec.gov.au

Released under the Freedom of Information Act 1982

UNCLASSIFIED

DISCLAIMER:

If you have received this transmission in error please notify us immediately by return email and delete all copies. If this email or any attachments have been sent to you in error, that error does not constitute waiver of any confidentiality, privilege or copyright in respect of information in the email or attachments.

AEC Australian Electoral Commission

Make sure you're **enrolled to vote.**
Visit www.aec.gov.au

For-Official-Use-Only

DISCLAIMER:

If you have received this transmission in error please notify us immediately by return email and delete all copies. If this email or any attachments have been sent to you in error, that error does not constitute waiver of any confidentiality, privilege or copyright in respect of information in the email or attachments.

For-Official-Use-Only

DISCLAIMER:

If you have received this transmission in error please notify us immediately by return email and delete all copies. If this email or any attachments have been sent to you in error, that error does not constitute waiver of any confidentiality, privilege or copyright in respect of information in the email or attachments.

UNCLASSIFIED

Released under the Freedom of Information Act 1982