From: Luke Phelps
Sent: Tuesday, May 26, 2015 1:38 PM
To: 6 [redacted]
Subject: DLP deregistration [SEC=UNCLASSIFIED]
Attached: Deregistration of Democratic labour Party.msg

UNCLASSIFIED

Good afternoon 1 [redacted]

I refer to the email you sent to me last week (attached) regarding a review of the decision to deregister the DLP under the *Commonwealth Electoral Act 1918* (the Act). In response to your email there are a number of matters to which I must draw your attention.

1. Your request for an extension of time to submit membership statistics/a completed review application

It is not entirely clear from your 20 May email whether you intended for that email to constitute an application for review under subsection 141(2) of the Act—with a request for additional time to provide supporting information—or whether you were asking for additional time to make a completed application for review. In either case, you should note that a decision whether to extend the time for making an application for review under subsection 141(2) is a matter for the three member Electoral Commission to determine: the Commission has not delegated any of its relevant functions or powers to individual AEC staff members. As such, any request for an extension of time would have to put to, and determined by, the actual Commission.

Bearing in mind that the Commission is likely to treat the provision of information in subsequent support of an application in the same way as an initial application, then given the expiration of lodgement time in this instance I suggest you preface the submission of any further information to the AEC with a formal request for an extension of time under subsection 141(2) of the Electoral Act. When the Commission next confers it may then consider that extension request and, depending on the decision it makes, accept or reject the information provided. If you require further advice or assistance with respect to this then I suggest you obtain your own legal advice.

2. Applications made by other parties

Putting the above aside, I believe it is otherwise prudent to alert you to the fact that the AEC has received correspondence from a number of people in relation to the DLP deregistration decision. This includes two purported applications for review under subsection 141(2) of the Electoral Act. Whilst the AEC cannot arbitrarily determine who may or may not apply for a review under subsection 141(2), we believe it may be in the DLP's interests to consolidate any shared views held by its members on the matter of deregistration, and put forward a collective effort from this point on. Such an approach may also assist the Commission in its review of the matter, to the extent that it only has to correspond with one or two parties on issues relating to the review, and may concentrate on a single collection of relevant information/documentation. To this end, you may wish to consult with other members of the DLP Executive before deciding to pursue a review application independently.

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If you require further information, including information about how to submit an extension of time application to the Commission (should you decide to do that), then please do not hesitate to contact me.

Regards

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Australian Electoral Commission
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REDACTION CODES

1 Personal Information (name) redacted.

2 Personal Information (date of birth) redacted.

3 Personal Information (photograph) redacted

4 Personal Information (facsimile of signature) redacted.

5 Personal Information (facsimile of manuscript initialling) redacted.

6 Personal Information (Individual's address) redacted.

7 Personal Information (individual's telephone number) redacted.

8 Personal Information (individual's opinion) redacted.

9 Personal Information (opinion about individual) redacted.

10 Personal Information (employment history) redacted.

11 Personal Information (qualifications) redacted.

12 Personal Information (health) redacted.

13 Personal Information (identifying individual) redacted.

14 Business information (Bank Account details) redacted.

15 Business information (Billing Account details) redacted.

16 Legal Professional Communication redacted.

17 Deliberative material redacted.

18 Irrelevant material redacted.

19 Electoral Roll material redacted.

20 Tests, examinations or audits material redacted.

21 Management or assessment of personnel material redacted.

22 Proper and efficient conduct of the operations of AEC material redacted.\

23 Lawful methods or procedures for preventing, detecting, investigating, or dealing with matters arising out of, breaches or evasions of the law.