From: Paul Pirani
Sent: 27/05/2015 11:41 AM
To: [redacted] 6
Cc: [redacted] 6
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 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: [redacted] 7 | F: (02) 6293 7657

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From: [redacted] 6
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.

Kind Regards

Michael Byrne

Federal Secretary - Democratic Labour Party of Australia

[redacted] 7

From: Luke Phelps <Luke.Phelps@aec.gov.au>
Sent: 26/05/2015 03:06 PM
To: [redacted] 6
Cc: [redacted] 6
Subject: RE: Deregistration of the DLP [SEC=UNCLASSIFIED] [DLM=For-Official-Use-Only]

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Dear Mr Byrne

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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
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