



SUMMONS

COURT DETAILS

Court	Supreme Court of New South Wales
Division	Common Law
List	Administrative Law
Registry	Sydney
Case number	2022/00008416

TITLE OF PROCEEDINGS

Plaintiff	Electoral Commissioner for New South Wales
First defendant	Kempsey Shire Council
Number of defendants	22

FILING DETAILS

Filed for	Electoral Commissioner for New South Wales, plaintiff
Legal Representative	Karen Smith, Crown Solicitor for NSW
Legal representative reference	PCN: 24565 202104026 T01
Contact name and telephone	Christopher Frommer (02) 9474-9088
Contact email	crownsol@csso.nsw.gov.au
Frequent User ID	CSONSWEC

HEARING DETAILS

This summons is listed at

TYPE OF CLAIM

Other (Administrative Law List)

RELIEF CLAIMED

Interlocutory orders

1. Prayers 1 and 2 of this summons be returnable *instanter*.
2. Pursuant to rules 1.12 and 10.14 of the *Uniform Civil Procedure Rules 2005*, the time for service of this Summons, the Affidavit of Simon Kwok and the Affidavit of Christopher Frommer be abridged to 11 January 2022, such service to be effected in the manner described in the Affidavit of Christopher Frommer.
3. On the next return date, directions for an expedited final hearing of this application.

Final orders

4. The Court declares, in respect of each affected election, that:
 - a. clause 333E of the *Local Government (General) Regulation 2021* was not given effect;
 - b. the outcome of the election, if clause 333E had been given effect, is not reasonably certain; and
 - c. as a result, the election is liable to be declared void, within the meaning of section 318 of the *Local Government Act 1993*.
5. In order 4, "affected election" means the election on 4 December 2021 of each of:
 - a. the second to ninth defendants as councillors of Kempsey Shire Council;
 - b. the eleventh and twelfth defendants as councillors of the City of Shellharbour Council (Ward A); and
 - c. the fourteenth to twenty-second defendants as councillors of Singleton Council.
6. Such further or other order as the Court thinks fit.

SIGNATURE OF LEGAL REPRESENTATIVE

This summons does not require a certificate under clause 4 of Schedule 2 to the [Legal Profession Uniform Law Application Act 2014](#).

I have advised the plaintiff that court fees may be payable during these proceedings. These fees may include a hearing allocation fee.

Signature

Karen Smith, Crown Solicitor for NSW
Solicitor for the plaintiff

Capacity

Signed in my capacity as a solicitor
employed in the office of the said
Karen Smith

Date of signature

10 January 2022

NOTICE TO DEFENDANT

If your solicitor, barrister or you do not attend the hearing, the court may give judgment or make orders against you in your absence. The judgment may be for the relief claimed in the summons and for the plaintiff's costs of bringing these proceedings.

Before you can appear before the court you must file at the court an appearance in the approved form.

HOW TO RESPOND

Please read this summons very carefully. If you have any trouble understanding it or require assistance on how to respond to the summons you should get legal advice as soon as possible.

You can get further information about what you need to do to respond to the summons from:

- A legal practitioner.
- LawAccess NSW on 1300 888 529 or at www.lawaccess.nsw.gov.au.
- The court registry for limited procedural information.

Court forms are available on the UCPR website at <http://www.ucprforms.nsw.gov.au> or at any NSW court registry.

REGISTRY ADDRESS

Street Address

Law Courts Building, 184 Phillip Street
SYDNEY NSW 2000

Postal Address

GPO Box 3
SYDNEY NSW 2000

Telephone

1300 679 272

PARTY DETAILS

PARTIES TO THE PROCEEDINGS

Plaintiff

Electoral Commissioner for New South
Wales, plaintiff

Defendants

Kempsey Shire Council, first defendant
Joshua David Freeman, second defendant
Kerri Anne Riddington, third defendant
Anthony Paul Patterson, fourth defendant
Alexandra Dianne Wyatt, fifth defendant
Ian Arthur Bain, sixth defendant
Vijay Craigie, seventh defendant
Simon Robert Allan Fergusson, eighth
defendant
Elizabeth Anne Campbell, ninth defendant
Shellharbour City Council, tenth defendant
Maree Edwards, eleventh defendant
Kellie Joan Marsh, twelfth defendant
Singleton Council, thirteenth defendant
Susan Maree George, fourteenth defendant
Anthony Bernard McNamara, fifteenth
defendant
Valerie May Scott, sixteenth defendant
Hollee Samantha Jenkins, seventeenth
defendant
Belinda Lee Charlton, eighteenth defendant
Godfrey Adamthwaite, nineteenth defendant
Daniel Thompson, twentieth defendant
Malinda Lee Mclachlan, twenty-first
defendant

Anthony James Jarrett, twenty-second
defendant

FURTHER DETAILS ABOUT PLAINTIFF

Plaintiff

Name	Electoral Commissioner for New South Wales
Address	C/- Crown Solicitor's Office Level 4, 60-70 Elizabeth Street SYDNEY NSW 2000
Frequent user identifier	CSONSWEC

Legal representative for plaintiff

Name	Karen Smith, Crown Solicitor for NSW
Practising certificate number	24565
Firm	Crown Solicitor's Office
Contact Solicitor	Christopher Frommer
Address [The filing party must give the party's address.]	Level 4 60-70 Elizabeth Street SYDNEY NSW 2000
DX Address	DX 19 SYDNEY
Telephone	(02) 9474-9088
Fax	(02) 9474-9222
Email	crownsol@cso.nsw.gov.au
Electronic service address	Not applicable

FURTHER DETAILS ABOUT DEFENDANTS

First Defendant

Name	Kempsey Shire Council
Address	22 Tozer Street West Kempsey NSW 2440

Second defendant

Name

Joshua David Freeman

Address

[Redacted]

Third defendant

Name

Kerri Anne Riddington

Address

[Redacted]

Fourth defendant

Name

Anthony Paul Patterson

[Redacted]

Fifth defendant

Name

Alexandra Dianne Wyatt

Address

[Redacted]

Sixth defendant

Name

Ian Arthur Bain

Address

[Redacted]

Seventh defendant

Name

Vijay Craigie

Address

[Redacted]

Eighth defendant

Name

Simon Robert Allan Fergusson

Address

[Redacted]

Ninth defendant

Name

Elizabeth Anne Campbell

Address

[Redacted]

Tenth defendant

Name

Shellharbour City Council
76 Cygnet Avenue
Shellharbour City Centre NSW 2529

Eleventh defendant

Name

Maree Edwards

Address

[Redacted]

Twelfth defendant

Name Kellie Joan Marsh
Address [Redacted]

Thirteenth defendant

Name Singleton Council
Address 12-14 Queen Street
Singleton NSW 2330

Fourteenth defendant

Name Susan Maree George
Address [Redacted]

Fifteenth defendant

Name Anthony Bernard McNamara
Address [Redacted]

Sixteenth defendant

Name Valerie May Scott
Address [Redacted]

Seventeenth defendant

Name Hollee Samantha Jenkins
[Redacted]

Eighteenth defendant

Name Belinda Lee Charlton
Address [Redacted]

Nineteenth defendant

Name Godfrey Adamthwaite
Address [Redacted]

Twentieth defendant

Name Daniel Thompson
[Redacted]

Twenty-first defendant

Name

Malinda Lee Mclachlan

Address



Twenty-second defendant

Name

Anthony James Jarrett

Address

