

18 August 2024

BY EMAIL

The Hon. Don Harwin
State President, NSW Liberal Party
L2, 131 Macquarie St
SYDNEY NSW 2000

By email: [REDACTED]

CC: [REDACTED]

Dear Mr Harwin,

I refer to your letter of 18 August 2024 which I received this morning.

I note your letter raises various matters and requests that I conduct an internal review and provide you with the outcome of that review by 12 noon on Monday 19 August 2024.

I have considered the matters you have raised in your correspondence. However, nothing in your correspondence changes my view as expressed in my letter to you dated 17 August 2024.

You have stated that no basis has been provided for the proposed construction that non-compliance with cl 288 of the *Local Government Regulation* is permissible in circumstances where the failure was not material.

In this regard, I would like to draw to your attention the decisions of the High Court in *LPDT v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* [2024] HCA 12; (2024) 98 ALJR 610 at 614 [7], 619 [38] and the Supreme Court of NSW in *NSW Electoral Commissioner v Kempsey Shire Council (No 2)* [2022] NSWSC 282 at [55], [75].

As you would appreciate, I am proceeding with the conduct of the local government elections for which I am election manager.

Yours faithfully,

[REDACTED]

Matthew Phillips
NSW Electoral Commissioner (Acting)