

BETWEEN

KATHERINE JACKSON  
TIM KENNEDY  
BILL OLIVER  
MICHAEL DONOVAN  
KAZIM ATES

Plaintiffs

and

AUSTRALIAN LABOR PARTY  
KARL BITAR  
NICK MARTIN  
NICHOLAS REECE

Defendants

**AFFIDAVIT OF JARROD PANTHER**

Date of document 27 January 2011

Filed on behalf of the Plaintiffs

Prepared by  
MINTER ELLISON  
Lawyers  
Rialto Towers  
525 Collins Street  
MELBOURNE VIC 3000

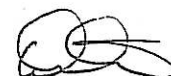
Solicitors Code 8510  
DX 204 MELBOURNE  
Telephone (03) 8608 2929  
Facsimile (03) 8608 1288  
Reference MWT 30-6729629  
Michael Tehan  
(michael.tehan@minterellison.com)

I, **JARROD PANTHER**, of Unit 7, 191 Wonga Road, North Ringwood in the State of Victoria, clerk, make oath and say:

1. I am a member of the Victorian Branch of the Australian Labor Party ("**the Victorian Branch**"), and attended the meeting of the Administrative Committee of the Victorian Branch on 25 January 2011 as the proxy for Sebastian Zwalf.

**Meeting of Administrative Committee on 25 January 2011**

2. At the meeting of the Administrative Committee on 25 January 2011, Mr George Seitz moved and Mr Stephen Donnelly seconded a proposed resolution in the following terms:



*'The Administrative Committee notes that as a consequence of the resignation from parliament of John Brumby a by-election will take place for the state district of Broadmeadows on Saturday, 19 February.*

*Further, the Administrative Committee notes that nominations will close for registered political parties on Monday, 31 January at 12pm.*

*Having regard to the time available to undertake this pre-selection, and the precedent established by the Albert Park, Williamstown, Koroit and Altona preselection timetables, the Administrative Committee resolves to abridge the timeframes required for the preparation and distribution of the local members voters roll in accordance with rule 9.3.3(d).*

*As such, the Administrative Committee resolves to adopt the following pre-selection timetable:*

<i>Date</i>	<i>Event</i>
<i>Fri 21 Jan – 12pm</i>	<i>Nominations open (to be retrospectively endorsed by the Administrative Committee)</i>
<i>Wed 26 Jan – 12pm</i>	<i>Draft roll circulated</i>
<i>Thu 27 Jan – 12pm</i>	<i>Deadline for inaccuracies in the draft roll</i>
<i>Fri 28 Jan – 1pm</i>	<i>Final roll circulated</i>
<i>Fri 28 Jan – 1pm</i>	<i>Nominations close</i>
<i>Fri 28 Jan – 5pm</i>	<i>Deadline for 'proved errors and omissions'</i>
<i>Sat 29 Jan – 12pm – 6pm</i>	<i>Local plebiscite to be held in the local electorate</i>
<i>Sun 30 Jan – 12pm</i>	<i>POSC vote'</i>

3. The motion was defeated on a vote of 13 for, and 18 against.
4. Another member of the Administrative Committee whose name I do not presently recall moved another motion as follows:

*'The Victorian Administrative Committee notes, as a consequence of the resignation from the Parliament of John Brumby, that the Party is required to*

*Beardall* 

*nominate a candidate for the Broadmeadows by-election prior to midday the 31st of January 2011.*

*In light of the announcement by the Speaker of the Legislative Assembly of the dates of the by-election on Thursday the 20th day of January, the Victorian ALP Party Officers Committee met the following morning to request an Administrative Committee Meeting to be convened in the shortest possible time allowable and to open nominations as of midday the 21st of January. It resolved to leave the question of the closing date of nominations to the Administrative Committee, although it should be noted that local members were informed in writing of the importance of nominating early as nominations may close prior to them receiving any additional notice in writing.*

*The Administrative Committee is of the view that the national executive is better placed within the short timelines to conduct the pre-selection for Broadmeadows. It is critical that the merits of all candidates are properly considered and to select the candidate best suited to representing Labor members and voters in the Legislative Assembly seat of Broadmeadows.*

*Having regard to the short timeline and the imperative of nominating a candidate on behalf of the ALP prior to the deadline, the Administrative Committee is of the view that an ordinary pre-selection process under Rule 18 is not feasible, nor in the case where timelines are modified by this Committee for the shortest practicable time allowable in light of nominations still to be closed. The Administrative Committee is also of a view that it is necessary to avoid a local ballot on the basis of preserving the general welfare of the Labor Movement in light of the possibility of a local vote being severely compromised by the utilization of a disputed (and large) roll without sufficient time to for party scrutiny. Such an adverse public impression could have a severe consequence for the Party's by-election prospects.*

*The Administrative Committee resolves and requests that the National Executive invoke its plenary powers under National Rule 7c ix in relation to the 2011 ALP pre-selection for the Legislative Assembly Seat of Broadmeadows specifically in relation to initiating and concluding its own nomination process.*

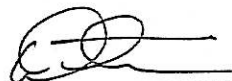
*Moreover, the Administrative Committee recommends that those nominees that may not satisfy eligibility requirements be afforded the opportunity to participate in the process, specifically Frank McGuire who has attempted to both join the party and nominate for the Broadmeadows pre-selection prior to this resolution.*

*The Administrative Committee also requests that the National Executive Committee be convened at the earliest opportunity in an acknowledgment of the urgency of this matter and to undertake a National Executive ballot if required.*

- 5. The motion was carried on a vote of 18 for and 13 against.
- 6. There were no other substantive motions dealing with the Broadmeadows preselection at that meeting.

SWORN at Melbourne  
by JARROD PANTHER  
on 27 January 2011

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before me



BRENDAN JAMES AVALLONE  
525 Collins Street, Melbourne  
An Australian Legal Practitioner within the  
meaning of the Legal Profession Act 2004

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