4 October 2013

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Paul Pirani Chief Legal officer Australian Electoral Commission **By email: paul.pirani@aec.gov.au**

Copy to: Mr Ed Killesteyn PSM Electoral Commissioner Australian Electoral Commission By email: ed.killesteyn@aec.gov.au

Our ref: 1238086 - Peter Burge

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Dear Mr Pirani

Palmer United Party – Concerns about ballot papers cast for the election of Senator for the State of Western Australia

We refer to our previous correspondence in relation to the Palmer United Party's candidates for the Senate in Western Australia, those candidates being Mr Zhenya Wang and Ms Chamonix Terblanche.

We note from the AEC's press release issued earlier today that the Australian Electoral Officer for Western Australia, Mr Peter Kramer, has deferred the formal declaration of the poll for the Senate Election whilst the Electoral Commissioner considers an appeal by Mr Scott Ludlam, a Greens candidate and Mr Wayne Dropulich, an Australian Sports Party (WA) candidate, against the decision of Mr Peter Kramer not to hold a recount.

We understand that the further appeals have been made pursuant to section 278(2) of the *Commonwealth Electoral Act* 1918 (Cth) (the **CEA**).

Our client (which includes Mr Zhenya Wang and Ms Chamonix Terblanche) is a party which will be affected by any decision made by the Electoral Commissioner in response to the appeals made by Mr Ludiam and Mr Dropulich.

In these circumstances, our client requests that the Electoral Commissioner:

- provide it with copies of each of the written appeals to the Electoral Commissioner for a reconsideration of Mr Kramer's decision made by Mr Ludlam and Mr Dropulich;
- 2. allow our client and in particular, Mr Zhenya Wang and Ms Chamonix Terblanche, the opportunity to make submissions to the Electoral Commissioner in relation to the appeal, and where any hearings are

hg) HopgoodGanim

BRISBANE

Level 8, Waterfront Place 1 Eagle Street Brisbane Qld 4000 Australia

PO Box 7822, Waterfront Place Brisbane Qld 4001 Australia

ABN: 54 105 489 661

BRISBANE

T +61 7 3024 0000 F +61 7 3024 0300

PERTH

T +61 8 9211 8111 F +61 8 9226 1696

www.hopgoodganim.com.au

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conducted an opportunity to appear and be heard;

- 3. consider the submissions made by our client (and in particular, Mr Zhenya Wang and Ms Chamonix Terblanche) in relation to the requests for a recount; and
- 4. advise our client (and in particular Mr Zhenya Wang and Ms Chamonix Terblanche) of his decision and the reasons in support of his decision.

Our client considers that the Electoral Commissioner is obligated to undertake each of these steps in accordance with the AEC's obligations under the CEA and the principles of natural justice and fairness mandated at common law.

If, despite this letter, the Electoral Commissioner refuses to comply with the requests of our client and in particular, Mr Zhenya Wang and Ms Chamonix Terblanche, then we put you on notice that we hold instructions to approach the Court to urgently seek injunctive relief as required.

Please confirm by return that the Electoral Commissioner will comply with each of the requests of our client. In particular, please confirm that the Electoral Commissioner will take steps 1 to 3 above *before* making any decision in respect of the requests for a recount.

Yours faithfully

2(1900 HopgoodGanim

Contact:

Peter Burge Special Counsel T 07 3024 0468 F 07 3024 0468 E p.burge@hopgoodganim.com.au