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From: Peter Burge [mailto:p.burge@hopgoodganim.com.au]

Sent: Thursday, 31 October 2013 2:37 PM

To: Ed Killesteyn

Cc: Paul Pirani; Peter Kramer

Subject: Palmer United Party - Concerns about lost ballet paper s ballot papers cast for the election

of Senator for the State of Western Australia

Importance: High

Dear Mr Killesteyn,

As you know we act for the Palmer United Party and its candidates for the Senate in Western Australia, being Mr Zhenya Wang and Ms Chamonix Terblanche (our client).

We note from the AEC's press release issued earlier today that:

- 1. You have stated that "....the Western Australian Senate recount of votes will shortly be completed and the Australian Electoral Officer for WA, Mr Peter Kramer will shortly advise on a schedule for the distribution of preferences and declaration of the poll for newly elected Senators".
- 2. "During the recount a serious administrative issue came to light which will be subject to further investigation. Specifically, 1,375 votes all of which had been verified during the initial WA Senate count could not be located, rechecked or verified in the recount process. These votes were classified as 1,255 formal above-the-line ballots and 120 informal votes".
- 3. You say notwithstanding "that exhaustive efforts have been made to find the missing ballots at all premises where WA Senate votes were stored or moved during the 2013 federal election", those votes have not been located.
- 4. You have further stated that you have "immediately initiated an urgent examination into the circumstances which led to the apparent misplaced ballot papers".

In light of the admission by the AEC, our client requests that a full recount of the ballot papers cast for the election of Senators for the State of Western Australia be conducted, as was requested by our client on several previous occasions. In our client's view it is essential that recount be conducted. To fail to conduct that recount in the current circumstances and in light of the previous submissions that we have made on behalf of our client on this matter, would in our client's view would be contrary to the AEC's obligations under the *Commonwealth Electoral Act 1918* (Cth) and the principles of natural justice and fairness mandated at common law.

If, despite this letter, the Electoral Commissioner refuses to comply with the request of our client, then our reserves all of its rights to take any further steps that it regards as necessary to protect those rights, without further reference to yourself.

Yours faithfully

Peter Burge

Special Counsel | Corporate Advisory and Governance



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