



LS5035 Released Document No. 30

Mr Graeme Strang
PO Box 167
PENSHURST NSW 2222

Dear Mr Strang

I refer to your letter dated 13 January 2011 in response to my letter to you of 6 January 2011. I note that your letter states that you are unable to lodge a return in compliance with the requirements of sections 304 and 309 of the *Commonwealth Electoral Act 1918* (Electoral Act) because "electoral expenditure is still being incurred".

As a matter of fact and law your statement is not correct. Let me explain the reason for this conclusion.

The definition of what is "electoral expenditure" is contained in section 308 of the Electoral Act and ties the reportable expenditure items to matters that occurred during the "election period". The reportable items do not include any expenditure that relates to an election petition. Further, the term "election period" is defined in section 287 of the Electoral Act to be the period commencing on the date of the issue of the writs for an election (i.e. 19 July 2010) and ending on the close of polling (i.e. 6pm on 21 August 2010). Accordingly, it is not possible for any expenditure that you claim to have incurred after 21 August 2010 to be included in the required election return under sections 304 and 309 of the Electoral Act.

I once again remind you that a election return from you as a candidate for the 2010 election was required to have been lodged with the Australian Electoral Commission by 6 December 2010 and that your current non-compliance is an offence under section 315 of the Electoral Act which is an offence of strict liability punishable by a fine of up to \$1,000. Unless you now take immediate action to address your non-compliance your breach of the Electoral Act will be referred to the Australian Federal Police for a formal investigation and the preparation of a brief of evidence to the Commonwealth Director of Public Prosecutions.

I trust that the above information is clear.

Yours sincerely

[Signature Redacted.]

Paul Pirani
Chief Legal Officer

14 January 2011