

Wednesday, October 15, 2008  
The Hon John Hogg  
President of the Senate  
Parliament House  
Canberra ACT 2600

**My request re Abetz to be tabled before the Senate.**

My letter of the 3<sup>rd</sup> September to you was a request for the Senate to act in accordance with its obligations under section 44 of the Australian Constitution. As my letter and the comments of Senator Best make clear Parliament has reserved this right to itself by denying the Electoral Commission the power to act in regard to the qualifications required as set out in section 44(1).

Your role as President is not that of a passive member subject only to the wishes and or direction of the Senate. The Presidents role includes that of being an active participating member as well as the presiding officer whose chief function is to guide and regulate the proceedings in the Senate, in addition the President has a duty to see that the powers and privileges of the Senate, as provided by the Constitution, are observed.

The President is the spokesperson and representative of the Senate in dealings with, amongst others, the Governor-General, the House of Representatives and persons, such as myself, a Tasmanian elector with a query over the qualifications of a Tasmanian Senator and his right to sit in your House.

When the Parliamentary Privileges Bill was before the Senate in 1987 the bill was moved by the President. The President said that he took this action due to the importance of maintaining parliamentary privilege. This was to strengthen the protection of the Senate from actions by the Courts.

Your response as President is clearly a refusal to act, by declining to exercise the authority vested in your office under the Constitution, which carries with it a responsibility to bring the matter to the attention of the Senate. As a result, the Senate by failing to consider the issue of qualifications in accordance with its obligations under section 44 alters the issue to one of failure to observe the Constitution rather than an investigation into the qualifications of a Senator.

I shall now refer the matter to the High Court, I shall state in this referral that I am not happy when Senators are protected by their President from the people they are supposed to represent. Your dereliction of duty in this matter is such that I will ask the High Court to call you to account for failing to act in accordance with the Constitution which you are bound, through your position as President to protect.

John Hawkins  
cc: Harry Evans, Clerk of the Senate