



HIGH COURT OF AUSTRALIA

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Our Ref
Your Ref

18 December 2008

Mr John Hawkins
Bentley
Mole Creek Road
CHUDLEIGH TAS 7304

Dear Sir,

I refer to your letter dated 20 November 2008 and the enclosed letter dated 24 October 2008 regarding your complaint about the qualifications of Senator Abetz to sit as a senator for the State of Tasmania.

As I explained in our telephone conversation last month, the *Commonwealth Electoral Act* 1918 provides that the validity of any election or return may be disputed by a petition addressed to the High Court sitting as the Court of Disputed Returns and not otherwise (see section 353(1) and section 354(1) of the Act). Petitions disputing the validity of any election or return must be filed with the Registry of the High Court within forty days after the return of the writ for the election (see section 355(e)(i) of the Act). There is no provision for extending this time limit.

In the event that you wish to pursue this matter I advise you to seek legal advice about the avenues open to you to do so. You should note that applications commenced in the original jurisdiction of the High Court of Australia by way of writ of summons must be supported by a statement of claim in which the plaintiff must, amongst other things, state the basis on which it is claimed that the matter falls within the original jurisdiction of the Court (see part 27 of the *High Court Rules* 2004 and in particular Rules 27.01, 27.03 and 27.04).

If you do intend to commence proceedings in the High Court you should do so through the Hobart office of the Registry which is located at the Registry of the Supreme Court of Tasmania, Salamanca Place, Hobart.

Yours faithfully,

A handwritten signature in black ink, appearing to be 'Carolyn Rogers', written in a cursive style.

Carolyn Rogers
Senior Registrar