



Mr Graeme Strang  
PO Box 167  
PENSHURST NSW 2222

Dear Mr Strang

I refer to your letter dated 31 December 2010 addressed to the Electoral Commissioner, Mr Ed Killesteyn, which you hand-delivered to me in the National Office of the Australian Electoral Commission (AEC) in Canberra on 6 January 2011. I also refer to our conversation of the same date.

As we discussed, it is a matter of public record that you were an Independent candidate for election to the House of Representatives for the Division of Cook for the 21 August 2010 general election. The official records of the AEC that are published show that you received 1,568 first preference votes which were counted in accordance with the requirements of section 274 of the *Commonwealth Electoral Act 1918* (Electoral Act). There is no action that can now be taken to change this historical position. You were, and will always remain, a person who was a candidate for the above election.

I do not accept that your stated issue with the failure of the High Court to accept an election petition somehow provides you with a lawful excuse to refuse to comply with the requirements of sections 304 and 309 of the Electoral Act which require you (as a candidate) to lodge a return with the AEC of certain gifts and electoral expenditure with 15 weeks after polling day. I note that this period expired on 6 December 2010. Under section 315 of the Electoral Act any failure to lodge a return within the time specified in the Electoral Act is an offence of strict liability punishable by a fine of up to \$1,000. Prima facie you are already in breach of this reporting obligation.

I therefore place you on notice that unless the Funding and Disclosure area of the AEC receives a complete return from you before all of the returns are published on 7 February 2011, I will be left with no choice but to refer your apparent breach of the requirements of the Electoral Act 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 also confirm that the lodging by you of such a return cannot legally change your status as a candidate who stood for the above election.

I trust that the above information is clear.

Yours sincerely  
[Signature redacted.]

Paul Pirani  
Chief Legal Officer

6 January 2011