



Australian Senate

Bob Brown

Leader of the Australian Greens

media release

Monday 8 June 2009

Forestry Tasmania Threatens Brown with Bankruptcy

Loss of Senate seat would follow

Forestry Tasmania is threatening Australian Greens Leader Senator Bob Brown with bankruptcy if he doesn't pay \$240,000 dollars by 29 June 2009 (see letter of demand attached).

In 2006 the Federal Court found in favour of Senator Brown's claim that logging in Tasmania's Wielangta Forest threatens the endangered Wedge-tailed eagle, Swift parrot and Wielangta stag beetle. However, on a legal technicality, the Full Bench overturned Justice Marshall's order that logging should stop and ordered Senator Brown to pay costs instead. In 2008, the High Court, in a 2 to 1 judgement, endorsed this ruling.

The Clerk of the Senate has informed Senator Brown that 'you would be disqualified from further service in the Senate' if the new threat were to proceed from an inability to pay (see letter also attached).

'I will be exploring all avenues to pay this bill on time,' Senator Brown said.

Further information: Russell Kelly 0438376082

Ends

www.greensmps.org.au

29 May 2009

Mr Roland Browne
Fitzgerald and Browne Lawyers
DX 246
HOBART TAS

Hand Delivered

Dear Sir

FORESTRY TASMANIA V ROBERT BROWNE
TAD: 4/2007

I enclose a copy of the Certificate of Taxation dated 25 May 2009 in the sum of \$239,368.53.

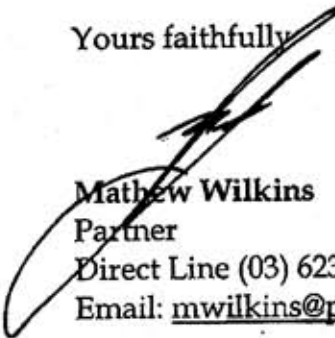
My instructions are to demand payment of the said sum to the offices of Page Seager, Level 3/162 Macquarie street Hobart, by 4pm on Monday 29 June 2009. Payment can be made by bank cheque payable either to Forestry Tasmania or Page Seager.

I further give notice that my client, if the sum remains outstanding at 29 June;

1. Will execute upon the Judgment following issue of an order under Order 62 Rule 45 (3) together with interest calculated in accordance with Order 35 Rule 8 (currently 10.5% per year). This at 29 June will be a further \$2,830.99 and recurring at the rate of \$69.04 per day from there on.
2. It reserves its rights to issue to your client relevant notices or petitions under the Bankruptcy Act 1966.

I look forward to receipt of relevant funds.

Yours faithfully


Mathew Wilkins
Partner
Direct Line (03) 6235 5173
Email: mwilkins@pageseager.com.au



AUSTRALIAN SENATE

PARLIAMENT HOUSE
CANBERRA A.C.T. 2600
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FAX: (02) 6277 3199
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CLERK OF THE SENATE

hl.let.16611

3 June 2009

Senator Bob Brown
Leader of the Australian Greens
The Senate
Parliament House
CANBERRA ACT 2600

Dear Senator Brown

**LETTER FROM FORESTRY TASMANIA'S LAWYERS -
THREAT OF BANKRUPTCY PROCEEDINGS**

You asked for a note on the consequences to you as a senator of Forestry Tasmania's lawyers carrying out their threat, contained in their letter of 29 May 2009 to your lawyers, to issue to you "relevant notices or petitions under the Bankruptcy Act 1966".

Section 44 of the Constitution, as relevant, provides that a person shall be incapable of being elected or of serving as a member of the Senate if they are "an undischarged bankrupt or insolvent". Section 45 provides that a member of the Senate shall be disqualified, and their place become vacant, if they become subject to any of the disabilities mentioned in section 44 (in other words, in relation to the relevant provision, if they become an undischarged bankrupt or insolvent) or if they take "the benefit, whether by assignment, composition, or otherwise, of any law relating to bankrupt or insolvent debtors".

If, as a result of the threatened action under the Bankruptcy Act, you were to become bankrupt or enter into an agreement with creditors of the kind available to insolvent debtors, you would be disqualified from further service in the Senate and your place in the Senate would become vacant.

Please let me know if I can be of any further assistance in relation to this matter.

Yours sincerely

(Harry Evans)