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SENATOR THE HON GEORGE BRANDIS QC

Attorney-General
Vice-President of the Executive Council
Leader of the Government in the Senate

6 November 2016

Senator the Hon Stephen Parry
President of the Senate
Parliament House
Canberra ACT 2600

Dear President

Stephen

As you are aware, I intend to seek leave to move a motion in the Senate tomorrow regarding the position of Senator Culleton. The Government is taking this course because it has become aware of matters raising a question as to the validity of Senator Culleton's election by reason of s. 44(ii) of the *Constitution*. The motion will be moved pursuant to section 376 of the *Commonwealth Electoral Act*.

I am mindful of your obligation under section 377 of the *Act* to "transmit to the Court of Disputed Returns a statement of the question upon which the determination of the Court is desired, together with any proceedings, papers, reports, or documents relating to the question in the possession of the House in which the question arises."

At your request, I am providing a statement of the material facts, which I understand to be uncontroverted, and which can be established by relevant court documents.

The Australian Government Solicitor is, as a matter of urgency, seeking leave, under rule 8.10(3) of the *Local Court Rules 2009* (NSW), to obtain a copy of the court record of this matter from the Registrar of the Local Court of NSW (Armidale). I will provide the relevant documents to you as soon as I receive them, which I expect to be later this week.

Yours faithfully

[Redacted signature]

(George Brandis QC)

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Statement of Facts – Senator Culleton matter

On or about 2 March 2016, Rodney Culleton was, in his absence, convicted in the NSW Local Court in Armidale, of larceny under s. 117 of the *Crimes Act 1900* (NSW), which carries a maximum sentence of five years' imprisonment.

On 10 June 2016, he nominated as a candidate for the Senate to represent the State of Western Australia in the Commonwealth Parliament. The polling day for the election was 2 July 2016, and he was on 2 August declared to have been elected.

On or about 8 August 2016, Senator Culleton's conviction for larceny was annulled under the *Crimes (Appeals and Review) Act 2001* (NSW).

On or about 25 October 2016, Senator Culleton pleaded guilty to the charge, and the Magistrate found the charge proven but dismissed it under the *Crimes (Sentencing Procedure) Act 1999* (NSW).