

Wielangta Case Costs

The long-running *Wielangta Case* (see *NELR* 2008:3) has concluded following taxation of Forestry Tasmania's costs. After Forestry Tasmania raised the prospect of bankrupting Bob Brown (which would have rendered his Senate seat vacant), Senator Brown received over 1000 public donations enabling him to pay the required \$240,000.

On 29 May 2009, Forestry Tasmania's solicitors wrote to Senator Bob Brown's solicitors enclosing a copy of the Certificate of Taxation dated 25 May 2009 in the sum of \$239,368.53.

The letter advised that Forestry Tasmania's instructions were to demand payment of the sum by 4pm, 29 June 2009.

Further, Forestry Tasmania gave notice that if the sum remained outstanding at 29 June, then it:

1. Will execute upon the Judgment, together with interest.
2. Reserve its rights to issue Senator Brown 'relevant notices or petitions under the Bankruptcy Act 1966'.

A copy of the letter is at http://www.on-trial.info/PDF/FT_letterJune2009.pdf.

Senator Brown sought the opinion of the Clerk of the Senate on the consequences to him as a Senator of Forestry Tasmania's solicitors carrying out their threat to issue 'relevant notices or petitions under the Bankruptcy Act 1966'.

On 3 June the Clerk advised that sections 44 and 45 of the Constitution had the effect that:

'...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 debtors, you would be disqualified from further service in

the Senate and your place in the Senate would become vacant....'

A copy of the Clerk's letter is at http://www.on-trial.info/PDF/harryevansadvice_junne2009.pdf.

On 8 June Senator Brown issued a media release attaching copies of the letters from Forestry Tasmania's solicitors and the Clerk of the Senate. Senator Brown stated, 'I will be exploring all avenues to pay this bill on time.'

On 11 June Senator Brown announced that donations from more than 1000 members of the public had poured in to help pay the costs bill. He said that the bill would be paid on time, following the overwhelming public response. Senator Brown said that if extra money was received it would be put into the campaign to save Australia's forests, citing other legal battles still on foot such as the *Gunns 20* and *Triabunna 13* cases.

Sources:

Mathew Wilkins, Page Seager Lawyers, letter to Roland Browne, Browne and Fitzgerald Lawyers, 29 May 2009, at http://www.on-trial.info/PDF/FT_letterJune2009.pdf.

Harry Evans, Clerk of the Senate, letter to Senator Bob Brown, 3 June 2009, at http://www.on-trial.info/PDF/harryevansadvice_junne2009.pdf.

Senator Bob Brown, 'Forestry Tasmania Threatens Brown with Bankruptcy', Media Release, 8 June 2009, at <http://bob-brown.greensmps.org.au/content/media-release/forestry-tasmania-threatens-brown-with-bankruptcy%E2%80%AC%E2%80%AA>.

Senator Bob Brown, 'Forestry Tasmania's bill will be paid on time, says Brown', Media Release, 11 June 2009, at <http://bob-brown.greensmps.org.au/content/media-release/forestry-tasmania%E2%80%99s-bill-will-be-paid-time-says-brown>.

Further details of the litigation are at <http://www.on-trial.info>.

Strategic Assessment of Melbourne's Urban Growth Boundary

On 4 March 2009, the Victorian Government entered into an agreement with the Federal

Minister for Environment, Water, Heritage and the Arts (Minister) to undertake a strategic assessment, under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act), of its proposal to expand Melbourne's Urban Growth