



AUSTRALIAN SENATE

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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)