

**Form 20 Affidavit**

(Order 14, rule 2)

**IN THE FEDERAL COURT OF AUSTRALIA**

**VICTORIAN DISTRICT REGISTRY**

**No. 269 of 2008**

**Arthur Dent**

**Applicant**

**Australian Electoral Commission**

**First Respondent**

**Daryl Wight**

**Second Respondent**

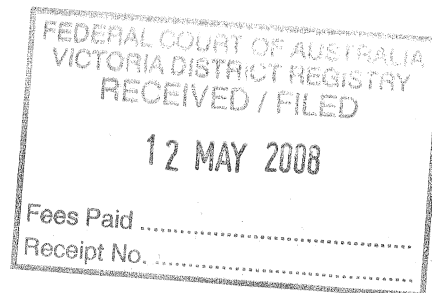
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**Filed by the Applicant**

Name: Arthur Dent

Address for service:

302-308, King Street, Melbourne 3003



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I, Arthur Dent, of no fixed address, Professional Revolutionary, affirm —

1. Now produced and shown to me and marked as exhibit AD6 is a letter confirming my visit to a doctor to obtain a certificate about the previous week. She confirmed to me my own view that there was no point seeing a doctor as the "fluey thing" going around is not amendable to antibiotics. I seek leave to file and serve this affidavit late on the basis explained below.
2. The costs order of Jessup J that I seek an extension of time to appeal against was made in an interlocutory hearing in VID 982 of 2007 and a copy of the sealed order is provided in the Appeal Papers for VID 52 of 2008 at C32-34 (part C, pages 32 to 34 inclusive) as part of annex PCB3 referred to in paragraph 5 in the affidavit of Paul Christopher Barker of the Australian Government Solicitor sworn on 10 December 2007 at C15-17.

*44 N. A.*

3. The appellant and respondents of VID 52 are also the parties involved in VID 269 of 2008 and VID 271 of 2007. The latter is an application for an extension of time to file and serve a Notice of Appeal in relation to AAT matter [2007] AATA 1985 which is referred to in paragraph 6 of the above affidavit and can be found as exhibit PCB5 to the same affidavit at C38-72.
4. It is my understanding that the Full Court will hear all these applications concurrently on 19 May together with an application for leave to appeal if leave is necessary VID52 of 2008. This affidavit and its exhibits are in support of all these matters together. Additional copies will be filed and served if so directed by the registry.
5. The transcript of proceedings before Jessup J with the "oral ex tempore" judgment redacted is in part B under the tab for Jessup J. References to transcript pages in that transcript will start with BJ followed by a page number. Similarly BRn is P-n of the transcript of two days of hearing before Ryan J and BG-n is P-n of the transcript of hearing before Gordon J.
6. The reasons that have been certified as being the reasons for judgment of Jessup J are at A13-19 dated 7 March 2008.
7. This date was long after the date of the hearing and subsequent deadline for appealing an interlocutory decision. The interlocutory issues themselves became moot at noon on the following day when the names of candidates were officially declared and I indicated at the hearing after the interlocutory orders had been read out that I understood there would be no point seeking leave for another interlocutory hearing in another last minute attempt to frustrate the determination of the respondents to issue ballot papers without the appellant's name as a candidate.
8. It appears from the transcript that the respondents misunderstood my intent and drew the astonishing conclusion that I had accepted that would be the end of the whole matter. Jessup J drew the conclusion that he should make a costs order in favour of the respondents and the Australian Government Solicitor drew the conclusion that it would be appropriate to prepare and file a Bill of Costs and seek a taxation estimate.
9. To the best of my recollection there is substantial overlap between the reasons I heard Jessup J give and those that have been certified. I am not able to solemnly affirm that it substantially corresponds to those reasons or their intent, let alone what reasons were either in his notes or on his mind.
10. Now produced and shown to me and marked as exhibit AD7 is a letter of 7 May communicating a decision of Acting Chief Justice Gray.
11. Now produced and shown to me and marked as exhibit AD8 is a 10 page Bill of Costs certified as correct by the same Paul Christopher Barker of the same Australian Government Solicitor.
12. Now produced and shown to me and marked as exhibit AD9 is a Bill of Costs relating to proceedings in the Supreme Court of Victoria in 1996 showing the amount certified as having been paid to Dr Jessup of senior counsel (as he then was) for his participation in criminal interference with political liberty by imprisoning me for encouraging voters to cast valid votes against the candidates of both major parties.

*Handwritten signature*

13. I had not previously understood that it was necessary to file a separate application from the Notice of Appeal in which one of the orders sought was to vacate a costs order which I thought should have been vacated by Gordon J in the proceedings appealed against. I have now been advised by the registry that it is necessary because different judges were involved and that a supporting affidavit was required by 4pm Friday 9 May 2008.
14. Now produced and shown to me and marked as exhibit AD10 is a Bound Collection ("BC") of papers numbered from p1 to p630. This bundle is provided for the convenience of the court so that documents handed up can be simply referenced by page number whether or not they are subsequently received as evidence and marked as exhibits. This exhibit is marked "Confidential" because certain pages of it contain private information that should be obscured in anything available to the public. Most of it is not confidential.
15. There is currently no proper index to BC and not all of it is claimed to be relevant or useful or unduplicated. It is simply the collection of potentially relevant documents that has been maintained for the purposes of working on the case and seeking legal assistance and to keep track of the routine discrepancies between dates marked on documents and dates actually postmarked or received that is customary when dealing with the Australian Government Solicitor (AGS).
16. Copies of the complete BC p1-630 were provided to the AGS as well as the registry for purposes of discussion during the appeal papers index settlement and to ensure that representatives of the respondents cannot claim to be taken by surprise by any of those documents handed up in court.
17. In particular it is intended to hand up to be formally received as evidence all those pages showing correspondence between the parties and the AAT, including the s.37 "T" documents, pages from the AAT registry file and letters showing that both the respondents and the AGS well knew that they were deliberately misleading the court when counsel on their behalf presented the Notice of Motion to strikeout and supporting affidavit on 10 December 2007.
18. Leave will also be sought to receive in evidence the executed arrest warrant, sealed order giving me 30 days to do the impossible and transcripts and reasons of decision of Tracey J and transcript of Smith J of the Supreme Court of Victoria that followed my attendance what was supposed to be an appointment for index settlement before the registrar between the AGS and myself.
19. The BC is also submitted to assist in estimating the amount of time and paperwork that it has been necessary for me to devote to seeking acknowledgement or redress of the infringements on my rights by the respondents. The two Bills of Costs may also assist in estimating appropriate levels of compensation for each item of paperwork I have had to deal with as I a result of having voluntarily sent approved enrolment forms to the respondents on 16 October 2007 exactly complying with the requirements of the law.
20. I regret that as a result of my inability to deal with this kind of stuff I will not be able to present my case as clearly as I had hoped to do.

*W. N. A.*

21. I sincerely apologize to the Court for any resulting inconvenience and especially for the fact that I have not been able to comply with the very reasonable deadlines for outline of submissions ordered by Chief Justice Black back in February. I seek leave for the late submissions, this affidavit and any other documents that are late to be accepted. If I had organized my time better earlier this would not have happened when I became to unwell to get much work done when documents were due imminently rather than overdue. I have been working hard since I became able to again. I have continued working on the submissions, the chronology and this affidavit through the whole of Friday through Saturday night and most of Saturday 10 May. Then resumed on Sunday and worked through whole of Sunday night to 2:30pm when I am currently finishing off this affidavit to file and serve today. I now expect to finish the outline of submissions and chronology tomorrow, Tuesday 13 May which should enable them to respond on Wednesday 14 May. I will then do list of authorities as soon as I recover.
22. Meanwhile to assist respondents in minimizing any further delay that will result from their not being able to respond until they have completed documents to respond to I have been and will continue to send partial updates of chronology and outline while still working on them.
23. I sincerely regret that through my own fault it may be unavoidable that there will be some delay in the submissions in reply from the AGS and some further inconvenience to the Court as well as myself. Notice of Constitutional matters that will assist AGS in replying has already been filed and served on all Attorneys-General and respondents.
24. I regret that I am unable to solemnly affirm that the AGS will be inconvenienced by this or that I would be sincerely sorry about any inconveniences that may befall the AGS. To the best of my belief I have unintentionally inconvenienced both the court and myself by leaving less or no time for any final reply from me.

Affirmed at Melbourne }

before me: [Signature] }

[Signature]

12 May 2008

**HARRY DAVID NOWICKI**  
 Level 1, 304-306 King St, Melbourne 3000  
 An Australian Legal Practitioner within  
 the meaning of the  
 Legal Profession Act 2004.