

IN THE FEDERAL COURT OF AUSTRALIA

VICTORIAN DISTRICT REGISTRY

No. 269 of 2008

Arthur Dent

Applicant

Australian Electoral Commission

Firstnamed Respondent

Daryl Wight

Secondnamed Respondent

EXHIBIT "AD 7"

Filed by the Applicant

Name: Arthur Dent

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Ref: HN:KA

This is the Exhibit marked "AD 7" referred to in the Affidavit of Arthur Dent affirmed this 12th day of May 2008.

Before me:

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

EXHIBIT "AD 7"



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**FEDERAL COURT OF AUSTRALIA
REGISTRY**

A.B.N. 49 110 847 399

305 WILLIAM STREET
MELBOURNE VIC 3000

Our Ref: VID52/08;
VID269/2008

7 May 2008

Mr Arthur Dent
(By Email: ad@arthurdent.info)

Ms Emily Nance
Australian Government Solicitor
(By Email: Emily.nance@ags.gov.au)

Dear Mr Dent

Re: Arthur Dent -v- Australian Electoral Commission & Anor – VID52/08; VID 269/2008

Thank you for your email of 6 May 2008.

I refer to your further request for the unedited version of the transcript of proceedings before Justice Jessup on 1 November 2007 and any notes made by his Honour in relation to those proceedings.

His Honour's reasons, although given orally at the hearing, later became his Honour's reasons in writing, when they were reduced to writing and delivered to all the parties, certified as a 'true and correct copy of the reasons for judgment herein'. I understand that you were provided with a copy of his Honour's written reasons for judgment by email on 7 March 2008.

As advised previously, your request for the embargoed portion of the transcript containing the judgment was duly communicated to Justice Jessup. His Honour declined your request on the basis that his Honour did not consider that any proper reason for the release of the transcript of the judgment had been shown and that you had already been provided with a copy of his Honour's reasons in writing.

I have this morning consulted with the Acting Chief Justice, Justice Gray, regarding your request.

His Honour advises that it is well established practice that the unedited version of transcript is not provided to the parties and a judge's notes, if any, are irrelevant. A judge is entitled to edit the transcript of his or her oral reasons so that they properly reflect the judge's intention at the time they were delivered.

In also refer to your suggestion that "some other judge could be found" on the afternoon of 1 November 2007 other than Justice Jessup. The sittings of the Full Court of the Federal Court commenced nationally on Monday, 29 October 2007 for four weeks. On 1 November 2007, the resident Melbourne judges were committed to sitting on Full Courts interstate, sitting in Melbourne on Full Courts or trials, or attending other Court-related commitments. In the circumstances, it was Justice Jessup who was available to hear your matter at short notice.

In the circumstances, the Acting Chief Justice does not propose to take any further action in relation to your request.

Yours sincerely

(By email)
Angela Josan

National Appeals Registrar