

HIGH COURT OF AUSTRALIA

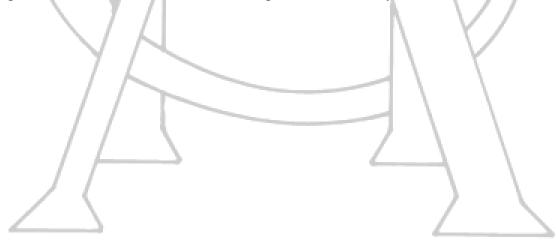
NOTICE OF FILING

This document was filed electronically in the High Court of Australia on 17 Jun 2021 and has been accepted for filing under the *High Court Rules 2004*. Details of filing and important additional information are provided below.

Details of Filing		
File Number: File Title:	B52/2020 Palmer v. The State of Western Australia	
Registry:	Brisbane	
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Filing party:	Interveners	
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Important Information

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IN THE HIGH COURT OF AUSTRALIA BRISBANE REGISTRY

BETWEEN: CLIVE FREDERICK PALMER Plaintiff and STATE OF WESTERN AUSTRALIA Defendant

No. B54 of 2020

BETWEEN: MINERALOGY PTY LTD (ACN 010 582 680) First Plaintiff

INTERNATIONAL MINERALS PTY LTD (ACN 058 341 638) Second Plaintiff

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and

STATE OF WESTERN AUSTRALIA

Defendant

INTERVENER'S OUTLINE OF ORAL SUBMISSIONS (ATTORNEY-GENERAL FOR THE NORTHERN TERRITORY OF AUSTRALIA)

B52/2020

No. B52 of 2020

Part I: Suitability for publication

1. This outline is in a form suitable for publication on the Internet.

Part II: Outline of submissions

Rule of law issue

2. The Court should reject the asserted limitation on State legislative power because the Plaintiffs have not explained how it arises from the text or structure of the Constitution: *Gerner v Victoria* (2020) 95 ALJR 107 at [14].

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Common law issue

- 3. The Court should reject the asserted limitation on State legislative power because:
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- (a) the Plaintiffs have not explained how it arises from the text or structure of the *Constitution Act 1889* (WA) or from the Constitution;
- (b) it is not supported by any decided case, e.g. *Durham Holdings Pty Ltd v New* South Wales (2001) 205 CLR 399 at [7] and [14]; and
- (c) it is inconsistent with the principle of legality.

17 June 2021

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