

HIGH COURT OF AUSTRALIA

**COURT NO. 1
Parkes Place, Canberra**

WEDNESDAY, 6 DECEMBER 2017

AT 10:15 AM

BEFORE THE FULL COURT

**SITTING AS THE
COURT OF DISPUTED RETURNS**

PUBLICATION OF REASONS

IN THE MATTER OF QUESTIONS
REFERRED TO THE COURT OF
DISPUTED RETURNS PURSUANT
TO SECTION 376 OF THE
*COMMONWEALTH ELECTORAL
ACT 1918 (CTH)* CONCERNING
THE HON MS FIONA NASH

FOR JUDGMENT

ALDI FOODS PTY LIMITED

SHOP, DISTRIBUTIVE & ALLIED
EMPLOYEES ASSOCIATION & ANOR

ESSO AUSTRALIA PTY LTD

THE AUSTRALIAN WORKERS' UNION

THE AUSTRALIAN WORKERS'
UNION

ESSO AUSTRALIA PTY LTD

PART HEARD

1. BURNS

K T Nomchong SC
K L Madgwick

CORBETT & ORS

P E King
J A Loxton
(for the 1st Respondent)

M G Sexton SC
(Solicitor-General for the State of
New South Wales)
K M Richardson SC
M O Pulsford
(for the 2nd Respondent)

S P Donaghue QC
(Solicitor-General of the Commonwealth of
Australia)
C L Lenehan
J Freidgeim
(for the 3rd Respondent)

2. BURNS

K T Nomchong SC
H E Jewell

GAYNOR & ORS

P E King
(for the 1st Respondent)

Submitting appearance
(for the 2nd Respondent)

M G Sexton SC
(Solicitor-General for the State of
New South Wales)
K M Richardson SC
M O Pulsford
(for the 3rd to 4th Respondents)

S P Donaghue QC
(Solicitor-General of the Commonwealth of
Australia)
C L Lenehan
J Freidgeim
(for the 5th Respondent)

3. ATTORNEY GENERAL FOR
NEW SOUTH WALES

M G Sexton SC
(Solicitor-General for the State of
New South Wales)
K M Richardson SC
M O Pulsford

BURNS & ORS

K T Nomchong SC
K L Madgwick
(for the 1st Respondent)

P E King
J A Loxton
(for the 2nd Respondent)

S P Donaghue QC
(Solicitor-General of the Commonwealth of
Australia)
C L Lenehan
J Freidgeim
(for the 3rd Respondent)

4. ATTORNEY GENERAL FOR
NEW SOUTH WALES

M G Sexton SC
(Solicitor-General for the State of
New South Wales)
K M Richardson SC
M O Pulsford

BURNS & ORS

K T Nomchong SC
H E Jewell
(for the 1st Respondent)

P E King
(for the 2nd Respondent)

S P Donaghue QC
(Solicitor-General of the Commonwealth of
Australia)
C L Lenehan
J Freidgeim
(for the 3rd Respondent)

Submitting appearance
(for the 4th Respondent)

5. STATE OF NEW SOUTH WALES

M G Sexton SC
(Solicitor-General for the State of
New South Wales)
K M Richardson SC
M O Pulsford

BURNS & ORS

K T Nomchong SC
H E Jewell
(for the 1st Respondent)

P E King
(for the 2nd Respondent)

S P Donaghue QC
(Solicitor-General of the Commonwealth of Australia)

C L Lenehan
J Freidgeim
(for the 3rd Respondent)

Submitting appearance
(for the 4th Respondent)

Interveners in all matters

P J Dunning QC
(Solicitor-General of the State of Queensland)

F J Nagorcka
(intervening on behalf of the Attorney-General of the State of Queensland)

P D Quinlan SC
(Solicitor-General for the State of Western Australia)

C I Taggart
(intervening on behalf of the Attorney-General for the State of Western Australia)

M E O'Farrell SC
(Solicitor-General for the State of Tasmania)

S K Kay
(intervening on behalf of the Attorney-General for the State of Tasmania)

K L Walker QC
(Solicitor-General for the State of Victoria)

K E Foley
(intervening on behalf of the Attorney-General for the State of Victoria)

Carolyn Rogers
Senior Registrar