



## HIGH COURT OF AUSTRALIA

Public Information Officer

29 September 2005

GREG COMBET AND NICOLA ROXON MP v COMMONWEALTH OF AUSTRALIA AND  
THE HONOURABLE KEVIN ANDREWS MP AND SENATOR THE HONOURABLE  
NICHOLAS MINCHIN

This Special Case was heard in Canberra on 29 and 30 August 2005 by all seven Justices of the High Court of Australia. On 30 August 2005, the Court reserved its decision. A majority of the Court is agreed on the order that should be made and made now. The Court made that order today and the written reasons of the Court will be published at a future date.

The order of the Court was:

“The questions stated by the parties in the Special Case for the opinion of the Full Court are answered as follows:

(1) Q. Do the plaintiffs, or either of them, have standing to seek the relief sought in the statement of claim in the further amended writ of summons?

A. It is unnecessary to answer this question.

(2) Q. If yes to (1), is the withdrawal of money from the Treasury of the Commonwealth to pay for the government's advertisements authorised by the departmental appropriation?

A. It is not appropriate to answer this question.

(3) Q. If no to (2), have the plaintiffs established a basis for any, and if so which, of the relief sought in the amended statement of claim?

A. The plaintiffs have not established a basis for any of the relief sought in the amended statement of claim or the alternative relief foreshadowed at the hearing of the Special Case, namely, declarations concerning payments to meet expenses incurred by the Commonwealth under contracts and arrangements for and in relation to certain past advertisements.

(4) Q. If yes to (3), should any such relief be refused on discretionary grounds?

A. It is unnecessary to answer this question.

(5) Q. Who should pay the costs of the proceedings?

A. The plaintiffs.”

- *This statement is not intended to be a substitute for the order of the High Court.*