



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: B52/2020
File Title: Palmer v. The State of Western Australia
Registry: Brisbane
Document filed: Form 27F - AG for the Northern Territory - Outline of oral arguments
Filing party: Interveners
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Important Information

This Notice has been inserted as the cover page of the document which has been accepted for filing electronically. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties and whenever the document is reproduced for use by the Court.

IN THE HIGH COURT OF AUSTRALIA
BRISBANE REGISTRY

No. B52 of 2020

BETWEEN:

CLIVE FREDERICK PALMER

Plaintiff

and

STATE OF WESTERN AUSTRALIA

Defendant

10

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)**

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].

Common law issue

3. The Court should reject the asserted limitation on State legislative power because:
 - 10 (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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