



HIGH COURT OF AUSTRALIA

NOTICE OF FILING

This document was filed electronically in the High Court of Australia on 09 Sep 2022 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: S202/2021
File Title: Hornsby Shire Council v. Commonwealth of Australia & Anor
Registry: Sydney
Document filed: Form 3 - Order
Filing party: HCA
Date filed: 09 Sep 2022

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.

BETWEEN:

Hornsby Shire Council
Plaintiff

- and -

Commonwealth of Australia
First Defendant

The State of New South Wales
Second Defendant

ORDER

JUSTICE: Justice Gageler

DATE GIVEN: 5 September 2022

INITIATING PROCESS: Writ of Summons

APPEARANCES: R L Seiden SC with M A Robinson SC
Counsel for the plaintiff



S P Donaghue QC, Solicitor-General of the
Commonwealth, with A Lord
Counsel for the first defendant

M G Sexton SC, Solicitor-General for the State of New
South Wales, with M O Pulsford
Counsel for the second defendant

THE COURT ORDERS THAT:

1. Pursuant to r 27.08 of the *High Court Rules 2004* (Cth), leave is granted to the parties to state the questions of law arising in the proceeding in the form of a special case for the opinion of the Full Court in the form filed on 30 August 2022.
2. The plaintiff file and serve a special case book, in accordance with an index settled by the Registrar, by 4:00 pm on 7 October 2022.
3. The plaintiff file and serve written submissions on the special case by 4:00 pm on 31 October 2022.

This order was prepared in the Registry.

4. Any intervener in support of the plaintiff file and serve written submissions by 4:00 pm on 14 November 2022.
5. The defendants file and serve written submissions on the special case by 4:00 pm on 28 November 2022.
6. Any intervener in support of a defendant, and any intervener that does not intervene in support of any party, file and serve written submissions by 4:00 pm on 12 December 2022.
7. The plaintiff file and serve written submissions in reply by 4:00 pm on 23 December 2022.
8. The plaintiff file and serve a joint book of authorities prepared in accordance with Practice Direction No 1 of 2019 by 4:00 pm on 16 January 2023.
9. Subject to any further order, Part 44 of the *High Court Rules 2004* (Cth) apply, with necessary adaption, to this proceeding.
10. The special case be fixed for hearing, marked one day plus, on a date to be advised.
11. Costs reserved.

DATE AUTHENTICATED: 9 September 2022

