

IN THE MATTER OF QUESTIONS  
REFERRED TO THE COURT OF DISPUTED  
RETURNS PURSUANT TO SECTION 376 OF  
*THE COMMONWEALTH ELECTORAL ACT*  
1918 (CTH) CONCERNING  
SENATOR RODNEY NORMAN CULLETON

**ORDER**

**JUSTICE:** French CJ  
**DATE GIVEN:** 21 November 2016  
**INITIATING PROCESS:** Directions hearing  
**APPEARANCES:** Senator R N Culleton, in person



Mr N J Williams SC with Mr C Lenehan, counsel for the  
Attorney-General of the Commonwealth of Australia

**THE COURT ORDERS THAT:**

1. The reference be referred to a Full Court pursuant to s 18 of the Judiciary Act 1903 (Cth) to be heard on a date to be fixed in the December sittings.
2. Question (a) of the questions referred by the Senate to the Court of Disputed Returns on 7 November 2016 shall be read as referring to s 44(ii) only and not any other reason for the vacancy referred to in that paragraph.
3. The following documents are to be evidence in the hearing of the reference:
  - 3.1 Letter from the President of the Senate to the Chief Executive and Principal Registrar of the High Court dated 8 November 2016 (not including attachments).
  - 3.2 A copy of the Writ issued by the Governor of Western Australia dated 16 May 2016 for the election of twelve senators for the State of Western Australia with an endorsement by the Australian Electoral Officer for the State of Western Australia dated 2 August 2016 certifying

and returning the persons duly elected, as tabled in the Senate on 30 August 2016.

3.3 Journals of the Senate No 1, 30 April 2016, p 4, entry no 4.

3.4 Letter from the Attorney-General of the Commonwealth to the President of the Senate dated 6 November 2016.

3.5 Statement of Facts — Senator Culleton matter — tabled in the Senate on 7 November 2016 as an attachment to the letter from the Attorney-General to the President of the Senate, as evidence of the apparent basis upon which the reference was made.

3.6 A certificate of a Registrar of the Local Court of New South Wales dated 15 November 2016 in respect of orders made on 2 March 2016.

3.7 A copy of a Bench Warrant dated 2 March 2016 issued in the Local Court proceedings.

3.8 A certificate of a Registrar of the Local Court of New South Wales dated 15 November 2016 in respect of orders made on 8 August 2016.

3.9 A certificate of a Registrar of the Local Court of New South Wales dated 15 November 2016 in respect of orders made on 25 October 2016.

3.10 A copy of Senator Culleton's nomination as a candidate for election as a senator in the Commonwealth Parliament for the State of Western Australia.

4. Any party seeking to rely upon any further documentary or affidavit evidence in addition to that included in paragraph 3 is to file and serve a copy of such evidence on or before 25 November 2016.
5. The Attorney-General of the Commonwealth will serve notice under s 78B of the Judiciary Act 1903 (Cth) by 22 November 2016.
6. The Attorney-General of the Commonwealth will file and serve on or before 25 November 2016 a statement of such facts relevant to the reference as have been agreed upon between the parties.
7. The Senior Registrar will on 25 November 2016 settle an Index for a Court Book to include any agreed facts, the documentary evidence referred to in paragraph 3 and any further evidence referred to in paragraph 4 which is not the subject of objection.



8. The Attorney-General of the Commonwealth is to prepare, file and serve on or before 30 November 2016 such number of copies of the Court Book as are directed by the Senior Registrar.
9. The Attorney-General shall on or before 25 November 2016 file and serve written submissions limited to 15 pages.
10. Senator Culleton shall on or before 30 November 2016 file and serve written submissions limited to 15 pages.
11. Unless by 25 November 2016 Senator Culleton has instructed counsel to represent him at the hearing of the reference, the Commonwealth is to appoint Senior Counsel to appear as amicus curiae to put such submissions as may fairly be put against the disqualification of Senator Culleton. Counsel thus appointed is to file and serve written submissions by 30 November 2016.

DATE AUTHENTICATED: 22 November 2016

