

IN THE HIGH COURT OF AUSTRALIA
SYDNEY OFFICE OF THE REGISTRY

ON APPEAL FROM THE SUPREME COURT OF
NEW SOUTH WALES, COURT OF APPEAL

BETWEEN:



No. S185 of 2017

GARRY BURNS
Appellant

and

BERNARD GAYNOR
First Respondent

CIVIL AND ADMINISTRATIVE TRIBUNAL OF NEW SOUTH WALES
Second Respondent

STATE OF NEW SOUTH WALES
Third Respondent

ATTORNEY GENERAL FOR NEW SOUTH WALES
Fourth Respondent

ATTORNEY-GENERAL FOR COMMONWEALTH
Fifth Respondent

THIRD AND FOURTH RESPONDENTS' SUBMISSIONS

Part I:

The State of New South Wales ("NSW") and the Attorney General for New South Wales (the "NSW Attorney") certify that these submissions are in a form suitable for publication on the Internet.

Part II:

The issues in the appeal are those identified by the NSW Attorney and NSW in their written submissions filed on 27 July 2017 in appeal proceedings No. S187 of 2017 and No. S188 of 2017 at [2]-[3].

Part III:

The NSW Attorney and NSW consider that notice should be given in compliance with section 78B of the Judiciary Act 1903. The appellant issued such a notice on 5 July 2017. The fifth respondent issued a notice on 25 July 2017.

Part IV:

The NSW Attorney and NSW adopt the statement of facts set out in their written submissions filed on 27 July 2017 in appeal proceedings No. S187 of 2017 and No. S188 of 2017 at [7]-[12].

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Part V:

The applicable constitutional provisions, statutes and regulations are annexed to the NSW Attorney's written submissions filed on 27 July 2017 in appeal proceedings No. S186 of 2017.

Part VI:

The NSW Attorney and NSW adopt herein the NSW Attorney's argument in appeal proceedings No. S186 of 2017.

20 **Part VII:**

Not applicable.

Part VIII:

The NSW Attorney and NSW do not require time for the presentation of oral argument (in addition to the time allocated for oral argument in the appeal in No S186 of 2017).

Dated 17 August 2017



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M G Sexton SC SG

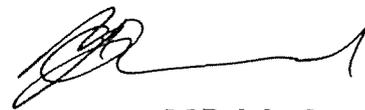
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