

David Birch, 'Annulment of conviction and disqualification from parliament: *Re Culleton [No 2] [2017] HCA 4*'

having Senator Culleton brought before the Local Court for sentencing. Accordingly, 'the processes of the law pursuant to which he might lawfully be sentenced to imprisonment were set in train' and Senator Culleton was 'subject to be sentenced' at the relevant time.⁹

Endnotes

1. *Re Culleton [No 2] [2017] HCA 4* at [25] (Kiefel, Bell, Gageler and Keane JJ), [60]-[61] (Nettle J).
2. *Ibid* at [29] (Kiefel, Bell, Gageler and Keane JJ).
3. *Ibid* at [29] (Kiefel, Bell, Gageler and Keane JJ).
4. *Ibid* at [29] (Kiefel, Bell, Gageler and Keane JJ).
5. *Ibid* at [62] (Nettle J).
6. *Ibid* at [61] (Nettle J).
7. *Ibid* at [16]-[22] (Kiefel, Bell, Gageler and Keane JJ); [64]-[66] (Nettle J).
8. *Ibid* at [33] (Kiefel, Bell, Gageler and Keane JJ).
9. *Ibid* at [36] (Kiefel, Bell, Gageler and Keane JJ).

Verbatim

Smith v The Queen; R v Afford [2017] HCATrans 40 (28 February 2017)

Mr Odgers: Of course, your Honour. I am just attempting to respond to the proposition that because you know there is something in the suitcase, the element of intention is met. I just – you can see I am struggling with this. I am saying that cannot be enough.

Kiefel CJ: We know you are struggling, Mr Odgers.

Mr Odgers: I will cease to struggle. I have attempted, manfully, to respond to that.

Nettle J: That is gender normative, Mr Odgers.

Mr Odgers: Yes. Gender – I have struggled personally – whatever the word is – 'person-fully'.