

2003-2004

THE
COMMONWEALTH
LAW REPORTS

CASES DETERMINED
IN THE
HIGH COURT OF AUSTRALIA

EDITOR
J D MERRALLS, AM, QC

VOLUME 216

LAWBOOK CO.

2005

REPORTERS

D J BATT
M Y BEARMAN
G S CLARKE, SC
P D CRUTCHFIELD
L G DE FERRARI
S P DONAGHUE
C J HORAN
S G E MCLEISH
M K MOSHINSKY
J E RICHARDS
P T VOUT
P G WILLIS

Barristers

PRODUCTION SUPERVISOR

CAROLYN MAY

Published in Sydney by
Lawbook Co.
100 Harris Street, Pyrmont, NSW
160 William Street, Melbourne, Vic
239 George Street, Brisbane, Queensland
77 St George's Terrace, Perth, WA

ISSN 0069-7133

THOMSON

LAWBOOK CO.

© Thomson Legal & Regulatory Limited ABN 64 058 914 668 trading as Lawbook Co.

LAWBOOK CO. ATP CPD  BROOKERS  Sweet & Maxwell  Westlaw  Lawpoint  CARSWELL
A THOMSON COMPANY

Typeset by Lawbook Co., Pyrmont, NSW
Printed by Ligare Pty Ltd, Riverwood, NSW

JUSTICES OF THE HIGH COURT OF AUSTRALIA

DURING THE CURRENCY OF THIS VOLUME

THE HONOURABLE ANTHONY MURRAY GLEESON, AC,
CHIEF JUSTICE

THE HONOURABLE MICHAEL HUDSON MCHUGH, AC

THE HONOURABLE WILLIAM MONTAGUE CHARLES
GUMMOW, AC

THE HONOURABLE MICHAEL DONALD KIRBY, AC, CMG

THE HONOURABLE KENNETH MADISON HAYNE, AC

THE HONOURABLE IAN DAVID FRANCIS CALLINAN, AC

THE HONOURABLE JOHN DYSON HEYDON, AC

ATTORNEY-GENERAL

THE HONOURABLE PHILIP MAXWELL RUDDOCK, MP

MEMORANDUM

2004
June 14 — THE HONOURABLE JOHN DYSON HEYDON, a Justice of the High Court of Australia, was appointed a Companion in the General Division of the Order of Australia.

**The mode of citation of this volume of
the Commonwealth Law Reports will be as follows:
216 CLR**

**TABLE OF CASES REPORTED
IN THIS VOLUME**

A Solicitor v Council of Law Society (NSW)	253
AWB Ltd; NEAT Domestic Trading Pty Ltd v	277
Alexander v Perpetual Trustees WA Ltd	109
Appellant S395/2002 v Minister for Immigration and Multicultural Affairs	473
Appellant S396/2002 v Minister for Immigration and Multicultural Affairs	473
Australian Competition and Consumer Commission v Rural Press Ltd	53
Australian Competition and Consumer Commission; Visy Paper Pty Ltd v	1
Bayside City Council v Telstra Corporation Ltd	595
CDG Pty Ltd; Woolcock Street Investments Pty Ltd v	515
Customs, Chief Executive Officer of v Labrador Liquor Wholesale Pty Ltd	161
Hurstville Council v Telstra Corporation Ltd	595
Immigration and Multicultural and Indigenous Affairs, Minister for, Re; Ex p Palme	212
Immigration and Multicultural Affairs, Minister for; Appellant S395/2002 v	473
Labrador Liquor Wholesale Pty Ltd; Chief Executive Officer of Customs v	161
Law Society (NSW), Council of; A Solicitor v	253
Maroney v The Queen	31
Moreland City Council v Optus Vision Pty Ltd	595
Murphy v Overton Investments Pty Ltd	388
NEAT Domestic Trading Pty Ltd v AWB Ltd	277
Nationwide News Pty Ltd; Rogers v	327
Overton Investments Pty Ltd; Murphy v	388

Palme, Ex p; Re Minister for Immigration and Multicultural and Indigenous Affairs	212
Perpetual Trustees WA Ltd; Alexander v	109
R; Maroney v	31
Rogers v Nationwide News Pty Ltd	327
Rural Press Ltd v Australian Competition and Consumer Commission	53
Schenker International (Australia) Pty Ltd; Siemens Ltd v	418
Siemens Ltd v Schenker International (Australia) Pty Ltd	418
Telstra Corporation Ltd; Bayside City Council v	595
Visy Paper Pty Ltd v Australian Competition and Consumer Commission	1
Warringah Council v Optus Vision Pty Ltd	595
Woolcock Street Investments Pty Ltd v CDG Pty Ltd	515

TABLE OF CASES JUDICIALLY CONSIDERED IN CASES REPORTED IN THIS VOLUME

<i>Actors and Announcers Equity Association of Australia v Fontana Films Pty Ltd</i> (1982) 150 CLR 169	595
Applied. <i>Bayside City Council v Telstra Corporation Ltd</i>	595
<i>Australian Coastal Shipping Commission v O'Reilly</i> (1962) 107 CLR 46	595
Applied. <i>Bayside City Council v Telstra Corporation Ltd</i>	595
<i>Australian Competition and Consumer Commission v Australian Medical Association Western Australia Branch Inc</i> (2003) 199 ALR 423 at 483	53
Approved. <i>Rural Press Ltd v Australian Competition and Consumer Commission</i>	53
<i>Australian Competition and Consumer Commission v Visy Paper Pty Ltd</i> (2001) 112 FCR 37	1
Affirmed. <i>Visy Paper Pty Ltd v Australian Competition and Consumer Commission</i>	1
<i>Bank of New South Wales v The Commonwealth</i> (1948) 76 CLR 1	
Applied. <i>Bayside City Council v Telstra Corporation Ltd</i>	595
<i>Boral Besser Masonry Ltd v Australian Competition and Consumer Commission</i> (2003) 215 CLR 374 at 464-465	53
Approved. <i>Rural Press Ltd v Australian Competition and Consumer Commission</i>	53
<i>Botany Municipal Council v Federal Airports Corporation</i> (1992) 175 CLR 453	595
Applied. <i>Bayside City Council v Telstra Corporation Ltd</i>	595
<i>Bryan v Maloney</i> (1995) 182 CLR 609	515
Distinguished. <i>Woolcock Street Investments Pty Ltd v CDG Pty Ltd</i>	515
<i>Castlemaine Tooheys Ltd v South Australia</i> (1990) 169 CLR 436	
Considered. <i>Bayside City Council v Telstra Corporation Ltd</i>	595
<i>Customs, Chief Executive Officer of v Labrador Liquor Wholesale Pty Ltd</i> (2001) 162 FLR 230; 188 ALR 493	161
Varied. <i>Chief Executive Officer of Customs v Labrador Liquor Wholesale Pty Ltd</i>	161
<i>D & F Estates Ltd v Church Commissioners for England</i> [1989] AC 177	
Considered. <i>Woolcock Street Investments Pty Ltd v CDG Pty Ltd</i>	515
<i>F, Re; Ex p F</i> (1986) 161 CLR 376	
Applied. <i>Bayside City Council v Telstra Corporation Ltd</i>	595
<i>Immigration and Multicultural Affairs, Minister for, Re; Ex p Miah</i> (2001) 206 CLR 57	
Considered. <i>Re Minister for Immigration and Multicultural and Indigenous Affairs; Ex p Palme</i>	212
<i>Lee, Re; Ex p Harper</i> (1986) 160 CLR 430	
Applied. <i>Bayside City Council v Telstra Corporation Ltd</i>	595

<i>Melbourne Corporation v Commonwealth</i> (1947) 74 CLR 31 Considered. Bayside City Council v Telstra Corporation Ltd	595
<i>Melway Publishing Pty Ltd v Robert Hicks Pty Ltd</i> (2001) 205 CLR 1 at 27 Approved. Rural Press Ltd v Australian Competition and Consumer Commission	53
<i>Murphy v Overton Investments Pty Ltd</i> (2001) 112 FCR 182 Reversed. Murphy v Overton Investments Pty Ltd	388
<i>NEAT Domestic Trading Pty Ltd v AWB Ltd</i> (2001) 114 FCR 1 Affirmed. NEAT Domestic Trading Pty Ltd v AWB Ltd	277
<i>NSW Bar Association v Cummins</i> (2001) 52 NSWLR 279 Referred to. A Solicitor v Council of Law Society (NSW)	253
<i>News Ltd v South Sydney District Rugby League Football Club Ltd</i> (2003) 215 CLR 563 Followed. Rural Press Ltd v Australian Competition and Consumer Commission	53
<i>Perre v Apand Pty Ltd</i> (1999) 198 CLR 180 Distinguished. Woolcock Street Investments Pty Ltd v CDG Pty Ltd	515
<i>Project Blue Sky Inc v Australian Broadcasting Authority</i> (1998) 194 CLR 355 Considered. Re Minister for Immigration and Multicultural and Indigenous Affairs; Ex p Palme	212
<i>R v Maroney</i> [2002] 1 Qd R 285 Affirmed. Maroney v The Queen	31
<i>R v Minister for Immigration and Multicultural Affairs</i> Disapproved. Appellant S395/2002 v Minister for Immigration and Multicultural Affairs	473
<i>Rural Press Ltd v Australian Competition and Consumer Commission</i> (2002) 118 FCR 236 Varied. Rural Press Ltd v Australian Competition and Consumer Commission	53
<i>Stirling Harbour Services Pty Ltd v Bunbury Port Authority</i> [2000] ATPR ¶41- 752 at 40,732 Approved. Rural Press Ltd v Australian Competition and Consumer Commission	53
<i>Street v Queensland Bar Association</i> (1989) 168 CLR 461 Applied. Bayside City Council v Telstra Corporation Ltd	595
<i>Telstra Corporation Ltd v Hurstville City Council</i> (2002) 118 FCR 198 Affirmed. Bayside City Council v Telstra Corporation Ltd	595
<i>WABR v Minister for Immigration and Multicultural Affairs</i> (2002) 121 FCR 196 Disapproved. Appellant S395/2002 v Minister for Immigration and Multicultural Affairs	473
<i>Wardley Australia Ltd v Western Australia</i> (1992) 175 CLR 514 at 532-533 Applied. Murphy v Overton Investments Pty Ltd	388
<i>Woolcock St Investments Pty Ltd v CDG Pty Ltd</i> [2000] Aust Torts Reports ¶81-660 Affirmed. Woolcock Street Investments Pty Ltd v CDG Pty Ltd	515

Ziems v Prothonotary of Supreme Court (NSW) (1957) 97 CLR 279
Considered. *A Solicitor v Council of Law Society (NSW)* 253

CORRIGENDUM

216 CLR 31, catchwords, line 2: Omit “arranged”.

STATUTES, RULES, ETC JUDICIALLY CONSIDERED

COMMONWEALTH CONSTITUTION

s 51(v): Bayside City Council v Telstra Corporation Ltd	595
s 75(v): Re Minister for Immigration and Multicultural and Indigenous Affairs; Ex p Palme	212
s 109: Bayside City Council v Telstra Corporation Ltd	595

COMMONWEALTH

Administrative Decisions (Judicial Review) Act 1977	
ss 3(1), 5(2)(f), 6(2)(f): NEAT Domestic Trading Pty Ltd v AWB Ltd	277
Civil Aviation (Carriers' Liability) Act 1959	
Siemens Ltd v Schenker International (Australia) Pty Ltd	418
Customs Act 1901	
ss 5, 33(1), 234(1)(a), (d), (2), 244, 247: Chief Executive Officer of Customs v Labrador Liquor Wholesale Pty Ltd	161
Excise Act 1901	
ss 5, 61(1), 120(1)(iv), (2), 133, 136: Chief Executive Officer of Customs v Labrador Liquor Wholesale Pty Ltd	161
Migration Act 1958	
ss 69, 501(2), 501G: Re Minister for Immigration and Multicultural and Indigenous Affairs; Ex p Palme	212
s 476(1)(e): Appellant S395/2002 v Minister for Immigration and Multicultural Affairs	473
Telecommunications Act 1997	
Sch 3, cl 44: Bayside City Council v Telstra Corporation Ltd	595
Trade Practices Act 1974	
ss 4(1), 4D(1), 45(2)(a)(i), (6), 47(1), (4), (10)(a): Visy Paper Pty Ltd v Australian Competition and Consumer Commission	1
ss 4D(1), 45(2)(a)(i), (ii), (b)(i), (ii), 46(1), 75B(1): Australian Competition and Consumer Commission v Rural Press Ltd	53
ss 4K, 52, 82, 87: Murphy v Overton Investments Pty Ltd	388
Wheat Marketing Act 1989	
s 57(1), (3A), (3B): NEAT Domestic Trading Pty Ltd v AWB Ltd	277

NEW SOUTH WALES

Defamation Act 1974	
s 22, 24(3), (4), 46A(2): Rogers v Nationwide News Pty Ltd	327
Local Government Act 1993	
s 611: Bayside City Council v Telstra Corporation Ltd	595

QUEENSLAND**Criminal Code**

s 7: Maroney v The Queen 31

Drugs Misuse Act 1986

ss 4 “supply”, 6: Maroney v The Queen 31

Evidence Act 1977

s 92: Chief Executive Officer of Customs v Labrador Liquor Wholesale
Pty Ltd 161

VICTORIA**Local Government Act 1989**

Pt 8: Bayside City Council v Telstra Corporation Ltd 595

Wrongs Act 1958

ss 23A(1), 23B(1), (6), 24(2): Alexander v Perpetual Trustees WA Ltd 109

TABLE OF CASES CITED IN THE JUDGMENTS

Note: The page numbers are those where the case is cited in each judgment in a report.

A, B & C v Chief Executive Department of Labour (2001)	230
A S James Pty Ltd v Duncan (1970)	137
ASX Operations Pty Ltd v Pont Data Australia Pty Ltd [No 1] (1990)	90
Aas v Superior Court (2000)	581
Abebe v Commonwealth (1999)	488
Aboriginal Affairs, Minister for v Peko-Wallsend Ltd (1986)	233, 251, 298
Actors and Announcers Equity Association of Australia v Fontana Films Pty Ltd (1982)	624, 625, 643, 645, 662
Adler v Dickson (1955)	448
Advocate Co Ltd v Husbands (1969)	385
Aeroflora Inc v Rodricargo Express Corporation (2000)	438, 439, 469
Aeroflora Inc v Rodricargo Express Corporation (2001)	439
Air Caledonie International v Commonwealth (1988)	661
Airservices Australia v Canadian Airlines International Ltd (2000)	308
Akron Securities Ltd v Iliffe (1997)	126
Aktiebolaget Hässle v Alphapharm Pty Ltd (2002)	20
Albingia Versicherungs AG v Schenker International Inc (2003)	434, 453, 454, 467, 469, 470
Alexander v Perpetual Trustees WA Ltd (2001)	116, 138
Alexander v Perpetual Trustees WA Ltd [No 2] (2002)	138, 142, 143
Allan v Transurban City Link Ltd (2001)	138
Allinson v General Council of Medical Education and Registration (1894)	264
Amalgamated Society of Engineers v Adelaide Steamship Co Ltd (1920)	627
Amalgamated Television Services Pty Ltd v Marsden (2002)	370
Anderson v Nationwide News Pty Ltd (1970)	335
Anns v Merton London Borough Council (1978)	529, 538, 539, 580
Applicant A v Minister for Immigration and Ethnic Affairs (1997) ..	467, 491, 492, 494
Applicant LSLs v Minister for Immigration and Multicultural Affairs (2000)	494, 501
Arab-Malaysian Finance Bhd v Steven Phoa Cheng Loon (2003)	534, 581
Armory v Delamirie (1722)	416
Armstrong, Ex p; Re Hughes (1962)	49
Associated Newspapers Ltd v Dingle (1964)	385
Associated Provincial Picture Houses Ltd v Wednesbury Corporation (1948)	221
Astley v Austrust Ltd (1999)	127, 131, 137, 563, 591
Atkinson v Custom Credit Corporation Ltd (1964)	364, 365
Attorney-General v Bradlaugh (1885)	173, 199, 200
Attorney-General v Freer (1822)	203
Attorney-General (Cth) v Oates (1999)	298
Attorney-General v Radloff (1854)	173, 175, 199
Auburn Municipal Council v ARC Engineering Pty Ltd (1973)	547
Austin v Commonwealth (2003)	626, 632, 656, 660
Austin v United States (1993)	172
Australian Broadcasting Tribunal v Bond (1990)	297, 309, 310, 314, 509
Australian Capital Territory Revenue, Commissioner for v Alphaone Pty Ltd (1994)	219

Australian Coastal Shipping Commission v O'Reilly (1962)	624, 627, 644, 645, 661, 663, 664
Australian Competition and Consumer Commission v ABB Transmission and Distribution Ltd (2001)	80
Australian Competition and Consumer Commission v Australian Medical Association, Western Australia Branch Inc (2003)	71
Australian Competition and Consumer Commission v Australian Safeway Stores Pty Ltd (2003)	75
Australian Competition and Consumer Commission v C G Berbatis Holdings Pty Ltd (2003)	17, 20, 318
Australian Competition and Consumer Commission v Jaycee Rectification and Building Services Pty Ltd (1996)	80
Australian Competition and Consumer Commission v Roche Vitamins Australia Pty Ltd (2001)	80
Australian Competition and Consumer Commission v Rural Press Ltd (2001)	63, 67, 68, 70, 72, 74, 76, 78, 95, 98
Australian Competition and Consumer Commission v Simsmetal Ltd (2000)	80
Australian Competition and Consumer Commission v SIP Australia Pty Ltd (1999) ...	80
Australian Competition and Consumer Commission v SIP Australia Pty Ltd (2002) ...	80
Australian Competition and Consumer Commission v Tubemakers of Australia Ltd (2000)	80
Australian Competition and Consumer Commission v Tyco Australia Pty Ltd (2000)	80
Australian Competition and Consumer Commission v Visy Paper Pty Ltd (2000)	8, 9, 14, 15, 16, 17, 19, 23, 27, 29
Australian Competition and Consumer Commission v Visy Paper Pty Ltd (2001)	9, 10, 16, 17
Australian Federal Police, Commissioner of v Propend Finance Pty Ltd (1997)	186
Australian Iron and Steel Ltd v Greenwood (1962)	349, 350
Australian National Airlines Commission v Newman (1987)	306, 316
Australian National University v Burns (1982)	315
Australian Securities Commission v Marlborough Gold Mines Ltd (1993)	467
Austral Pacific Group Ltd (In liq) v Airservices Australia (2000)	174
Avenhouse v Hornsby Shire Council (1998)	573
Avon Downs Pty Ltd v Federal Commissioner of Taxation (1949)	248
Ayan v Minister for Immigration and Multicultural and Indigenous Affairs (2003) ..	247
BP Petroleum Development Ltd v Esso Petroleum Co Ltd (1987)	152
BT Australia Ltd v Raine & Horne Pty Ltd (1983)	153, 158
Bagot v Stevens Scanlan & Co Ltd (1966)	552
Bainbridge-Hawker v Minister for Trade and Customs (1958)	194
Baker v Canada (Minister of Citizenship and Immigration) (1999)	229, 251
Bakker v Joppich (1980)	133
Bank of NSW v Commonwealth (Bank Nationalisation Case) (1948)	623, 664
Barrett v Enfield London Borough Council (2001)	566
Barwick v Law Society (NSW) (2000)	263
Bass v Permanent Trustee Co Ltd (1999)	106, 198, 525
Beach Petroleum NL v Johnson (1993)	366
Bellefield Computer Services v E Turner & Sons Ltd (2003)	580
Belous v Willetts (1970)	137
Bennett v Minister of Community Welfare (1992)	147
Bialkower v Acohs Pty Ltd (1998)	121
Bickel v John Fairfax & Sons Ltd (1981)	364
Birkett v James (1978)	182

Bitumen and Oil Refineries (Australia) Ltd v Commissioner for Government Transport (1955)	121, 133
Bolton, Re; Ex p Beane (1987)	186
Boral Besser Masonry Ltd v Australian Competition and Consumer Commission (2003)	19, 20, 25, 26, 73, 77, 94, 103, 105
Boston & Maine Railroad v Piper (1918)	470
Botany Municipal Council v Federal Airports Corporation (Third Runway Case) (1992)	626, 628, 644, 645, 650
Bowen v Paramount Builders (Hamilton) Ltd (1977)	540, 553, 580
Brabham (Jack) Holdings Pty Ltd v Button (1988)	181, 182, 183
Brain v Commonwealth Life Assurance Society Ltd (1934)	364
Brambles Constructions Pty Ltd v Helmers (1966)	133, 135
Bray v Ford (1896)	348
Bread Manufacturers of NSW v Evans (1981)	320
Breen v Williams (1996)	143, 145
Bridal Fashions Pty Ltd v Comptroller-General of Customs (1996)	180
Bridges v Law Society (NSW) (1983)	265
Briginshaw v Briginshaw (1938)	176, 205, 208
Brisbane Shipwrights' Provident Union v Heggie (1906)	365
Brisbane South Regional Health Authority v Taylor (1996)	55555
British Oxygen Co Ltd v Minister of Technology (1971)	290, 320
Broadcast Music Inc v Columbia Broadcasting System Inc (1979)	19
Broadway Approvals Ltd v Odhams Press Ltd [No 2] (1965)	364
Brodie v Singleton Shire Council (2001)	529
Bropho v Western Australia (1990)	20, 94
Brown v Heathcote County Council (1986)	540
Bryan v Maloney (1995) 525, 526, 527, 528, 529, 532, 533, 535, 542, 543, 544, 545, 546, 548, 552, 553, 560, 564, 566, 567, 568, 571, 580, 581, 583, 584, 585, 586, 587, 591	
Bullock v Federated Furnishing Trades Society of Australasia [No 1] (1985)	86
Bullock v Kennedy (1988)	49
Burchett v Kane (1980)	336
Burgess v Boetefeur (1844)	206
Burke v LFOT Pty Ltd (2002)	133, 140, 371
Burns v Australian National University (1982)	290, 310
Button v Evans (1984)	180, 181, 203
Byrne v Garrisson (1965)	298
CAI Fences Pty Ltd v A Ravi (Builder) Pty Ltd (1990)	585
CDJ v VAJ (1998)	184
CIC Insurance Ltd v Bankstown Football Club Ltd (1997)	20, 94
Caledonian Railway Co v Colt (1860)	152
Caltex Oil (Australia) Pty Ltd v The Dredge "Willemstad" (1976)	530, 572, 574
Calwell v Ipec Australia Ltd (1975)	363
Canada (Attorney-General) v Ward (1993)	513
Canadian Pacific Tobacco Co Ltd v Stapleton (1952)	373
Candler v Crane, Christmas & Co (1951)	572, 581
Candlewood Navigation Corporation Ltd v Mitsui OSK Lines Ltd (1986)	537, 551
Canson Enterprises Ltd v Boughton & Co (1991)	143
Caparo Industries Plc v Dickman (1990)	572, 579, 581
Cardile v LED Builders Pty Ltd (1999)	184
Carmichael & Sons (Worcester) Ltd v Cottle (1971)	44
Carroll v Sydney City Council (1989)	320
Carson v Department of Environment and Planning (1985)	49

Carson v John Fairfax and Sons Ltd (1994)	369
Carson v John Fairfax & Sons Ltd (1993) .. 347, 348, 351, 368, 370, 381, 382, 385, 386	
Cassell v The Queen (2000)	186
Castlemaine Tooheys Ltd v South Australia (1990)	632, 637, 638
Cattanach v Melchior (2003)	563, 570, 571, 573
Cattle v Stockton Waterworks (1875)	530
Cawthorne v Campbell (1790)	194, 197
Central Trust Co v Rafuse (1986)	540
Chakravarti v Advertiser Newspapers Ltd (1998)	335
Chan v Minister for Immigration and Ethnic Affairs (1989)	497, 499
Chase v de Groot (1994)	540
Cho v Minister for Immigration and Multicultural Affairs (1998)	508
Chulcough v Holley (1968)	350
Citizens' Life Assurance Co Ltd v Brown (1904)	366
Clark v Ainsworth (1996)	370
Clyne v NSW Bar Association (1960)	263
Coates v Commissioner for Railways (1960)	49
Cobiac v Liddy (1969)	206
Cockburn v GIO Finance Ltd (2001)	152
Cockburn v GIO Finance Ltd [No 2] (2001)	151
Coco v The Queen (1994)	186
Columbus Co v Clowes (1903)	547
Commonwealth v Queensland (1920)	627, 644, 664
Commonwealth v Tasmania (the Tasmanian Dam Case) (1983)	457, 655
Commonwealth v Yarmirr (2001)	10, 138
Conway v The Queen (2002)	138, 139
Cooper v Hobart (2001)	534
Cowan v Stanhill Estates Pty Ltd (1966)	373
Coyne v Citizen Finance Ltd (1991)	351, 368, 381
Crampton v Nugawela (1996)	370, 386
Crampton v The Queen (2000)	39
Crimmins v Stevedoring Industry Finance Committee (1999)	528, 562
Customs, Chief Executive Officer of v Amron (2001)	180
Customs, Chief Executive Officer of v Australian Petroleum Supplies Pty Ltd (2002)	181
Customs, Chief Executive Officer of v Jiang (2001)	180
Customs, Chief Executive Officer of v Labrador Liquor Wholesale Pty Ltd (2000)	167, 172, 175, 192
Customs, Chief Executive Officer of v Labrador Liquor Wholesale Pty Ltd (2001)	167, 175, 190, 192
Customs, Chief Executive Officer of v Mak (2002)	197
Customs, Chief Executive Officer of v Nasher (2002)	181
Customs, Comptroller-General of v D'Aquino Bros Pty Ltd (1996)	181, 204
Customs, Comptroller-General of v Jayakody (1993)	180
D & F Estates Ltd v Church Commissioners for England (1989)	539, 551, 591
DP v Commonwealth Central Authority (2001)	122
Daniels Corporation International Pty Ltd v Australian Competition and Consumer Commission (2002)	183, 186, 187, 188
Darling Casino Ltd v NSW Casino Control Authority (1997)	250, 306
David Syme & Co Ltd v Mather (1977)	370
Davies v Powell Duffryn Associated Collieries Ltd (1942)	385
Davis, In re (1947)	261, 267
Dawson, Re; Union Fidelity Trustee Co Ltd v Perpetual Trustee Co Ltd (1966)	127

Deiro v American Airlines Inc (1987)	470, 471
De L v Director-General, NSW Department of Community Services (1996)	467
De Meza v Apple (1974)	137
Devenish v Jewel Food Stores Pty Ltd (1991)	25
Dey v Victorian Railways Commissioners (1949)	566
Dietrich v The Queen (1992)	177
Dingjan, Re; Ex p Wagner (1995)	655
Dinsdale v The Queen (2000)	224
Donoghue v Stevenson (1932)	539, 543, 551, 555, 568
Dorset Yacht Co v Home Office (1970)	529
Dowling v Dalgety Australia Ltd (1992)	75
Dr Abdul Hamid Abdul Rashid v Jurusan Malaysia Consultants (1997)	581
Dranichnikov v Minister for Immigration and Multicultural Affairs (2003)	486, 494
Dutton v Bognor Regis Urban District Council (1972)	529
E (A Minor) v Dorset County Council (1995)	566
Eastern Express Pty Ltd v General Newspapers Pty Ltd (1991)	71
Eastman v Director of Public Prosecutions (ACT) (2003)	20, 94
Egan v Willis (1998)	308
El Ajou v Dollar Land Holdings Plc (1994)	366
Ellis v Guerin (1925)	42, 44, 48
Elna Australia Pty Ltd v International Computers (Aust) Pty Ltd [No 2] (1987)	410
Emery Air Freight Corporation v Merck Sharpe & Dohme (Australia) Pty Ltd (1999)	467
Erie Railroad Co v Tompkins (1938)	453
Esanda Finance Corporation Ltd v Peat Marwick Hungerfords (1997)	531, 553, 554, 577
Evans v Button (1988)	180, 182, 203
Evans v Donaldson (1909)	320
Evans v Friemann (1981)	310
Evans v Lynch (1984)	180, 203
F, Re; Ex p F (1986)	625
Fairfax (John) & Sons Ltd v Vilo (2001)	386
Fangrove Pty Ltd v Tod Group Holdings Pty Ltd (1999)	525
Fielding v Variety Inc (1967)	385
Fightvision Pty Ltd v Onisforou (1999)	366
First Indian Cavalry Club Ltd v HM Commissioners for Customs and Excise (1998)	199
Fleming v The Queen (1998)	224
Florida Hotels Pty Ltd v Mayo (1965)	541
Forbes v New South Wales Trotting Club Ltd (1979)	312, 313
Fox v Percy (2003)	305
Friedenstein v United States (1888)	197
Friends' Provident Life Office v Hillier Parker May & Rowden (1997)	121
Gamaethige v Minister for Immigration and Multicultural Affairs (2001)	509
Gay Law Students Association v Pacific Telephone and Telegraph Co (1979)	319
General Electric Co v Harper Robinson & Co (1993)	467
General Newspapers Pty Ltd v Telstra Corp (1993)	315
George Wimpey & Co Ltd v British Overseas Airways Corporation (1955)	135
Gerlach v Clifton Bricks Pty Ltd (2002)	300
Giorgianni v The Queen (1985)	36, 43, 44, 48

Glasson v Parkes Rural Distributions Pty Ltd (1984)	315
Goldberg v Ng (1995)	186
Goulding v Kirby (2002)	590
Grabarevic v Northwest Publications Ltd (1968)	385
Graham Barclay Oysters Pty Ltd v Ryan (2002)	529, 572
Grain Pool of WA v Commonwealth (2000)	625, 655
Grant v Australian Knitting Mills Ltd (1935)	543
Grassby v The Queen (1989)	261
Gray v Motor Accident Commission (1998)	207
Great China Metal Industries Co Ltd v Malaysian International Shipping Corporation Berhad (1998)	467
Greaves & Co (Contractors) Ltd v Baynham Meikle & Partners (1975)	579
Grech v Odhams Press Ltd (1958)	336
Green v Daniels (1977)	320, 324
Groom v Crocker (1939)	552
HIH Marine Insurance Services Inc v Gateway Freight Services (2002)	438, 467
Hamblin v Duffy (1981)	310
Han v Customs and Excise Commissioners (2001)	199
Hardie (James) & Coy Pty Ltd v Seltsam Pty Ltd (1998)	116, 121, 122, 133, 135
Hartigan Nominees Pty Ltd v Rydge (1992)	573
Harvey v R G O'Dell Ltd Galway (Third Party) (1958)	135
Hatfield v Health Insurance Commission (1987)	243
Hawkins v Clayton (1988)	542
Hay v Australasian Institute of Marine Engineers (1906)	365, 366
Hayim v Citibank NA (1987)	129, 153, 158
Hedley Byrne & Co Ltd v Heller & Partners Ltd (1964)	536, 551, 572, 581
He Kaw Teh v The Queen (1985)	181
Helton v Allen (1940)	205
Henderson v Merrett Syndicates Ltd (1995)	131, 552
Henty v Bainbridge-Hawker (1963)	181
Henville v Walker (2001)	407
Herald & Weekly Times Ltd v Commonwealth (1966)	655
Herron v McGregor (1986)	182
Hill v East and West India Dock Co (1884)	49
Hill v Van Erp (1997)	528, 530, 532, 548, 552, 562, 563
Hilton v Wells (1985)	337, 373
Hocking v Bell (1945)	205
Hodgkinson v Simms (1994)	575
Home Department, Secretary of State for v Ahmed (1999)	490
Hot Holdings Pty Ltd v Creasy (2002)	300
Houghton v Immer (No 155) Pty Ltd (1997)	416
House v The King (1936)	348
Howells v Nagraj Nominees Pty Ltd (1982)	324
Hughes Aircraft Systems International v Airservices Australia (1997)	308
Hunter Douglas Australia Pty Ltd v Perma Blinds (1970)	49
ICI Australia Operations Pty Ltd v Trade Practices Commission (1992)	91
I & L Securities Pty Ltd v HTW Valuers (Brisbane) Pty Ltd (2002)	407, 411
Immigration and Ethnic Affairs, Minister for v Guo (1997)	495, 497, 499, 511
Immigration and Ethnic Affairs, Minister for v Mayer (1985)	298
Immigration and Ethnic Affairs, Minister for v Teoh (1995)	238
Immigration and Multicultural and Indigenous Affairs, Minister for, Re; Ex p Applicants S134/2002 (2003)	222, 479, 488

Immigration and Multicultural Affairs, Minister for v Anthonypillai (2001)	509
Immigration and Multicultural Affairs, Minister for v Bhardwaj (2002)	250
Immigration and Multicultural Affairs, Minister for v Epeabaka (1999)	509
Immigration and Multicultural Affairs, Minister for v Eshetu (1999)	250
Immigration and Multicultural Affairs, Minister for v Haji Ibrahim (2000)	486, 497
Immigration and Multicultural Affairs, Minister for v Jia Legeng (2001)	250
Immigration and Multicultural Affairs, Minister for v W157/00A (2002) ..	225, 246, 249
Immigration and Multicultural Affairs, Minister for v Yusuf (2001)	224, 250, 509
Immigration and Multicultural Affairs, Minister for, Re; Ex p Applicant S20/2002 (2003)	221, 230, 314
Immigration and Multicultural Affairs, Minister for, Re; Ex p Lam (2003)	238
Immigration and Multicultural Affairs, Minister for, Re; Ex p Miah (2001)	222, 223, 228, 249, 250
Immigration and Multicultural Affairs, Minister for, Re; Ex p Te (2002)	232
International Cargo Express Ltd v U-Jin Enterprises Inc (1997)	467
Invercargill City Council v Hamlin (1994)	540, 541
Invercargill City Council v Hamlin (1996)	534, 541, 549, 575, 581
J McPhee & Son (Australia) Pty Ltd v Australian Competition and Consumer Commission (2000)	81
Jack Brabham Holdings Pty Ltd v Button (1988)	181, 182, 183
Jackson v Butterworth (1946)	180, 203
Jackson v Gromann (1948)	180, 203
James (A S) Pty Ltd v Duncan (1970)	137
James Hardie & Coy Pty Ltd v Seltsam Pty Ltd (1998)	116, 121, 122, 133, 135
James Richardson Corporation Pty Ltd v Federal Airports Corporation (1992)	315
Janssen-Gilag Pty Ltd v Pfizer Pty Ltd (1992)	157
Jarratt v John Fairfax Publications Pty Ltd (2001)	370
Jaycees Patou Inc v Pier Air International Ltd (1989)	427, 442, 471
Jeffs v New Zealand Dairy Production and Marketing Board (1967)	252
Jenks v Turpin (1884)	44
John Fairfax & Sons Ltd v Vilo (2001)	386
John Pfeiffer Pty Ltd v Rogerson (2000)	117, 200
Johnson v American Home Assurance Co (1998)	471
Johnson v The Queen (2004)	573
Jones v Bellgrove Properties Ltd (1949)	556
Jones v Commonwealth [No 2] (1965)	662
Junior Books Ltd v Veitchi Co Ltd (1983)	539, 554
K v P (J, Third Party) (1993)	121
Kamloops, City of v Nielsen (1984)	540, 580
Khalili Vahed v Minister for Immigration and Multicultural Affairs (2001)	492
Khan v Minister for Immigration and Ethnic Affairs (1987)	324
Kimber v Press Association Ltd (1893)	336
King v The Queen (2003)	47
Kingston v Ke prose Pty Ltd (1987)	94
Kioa v West (1985)	244, 251, 324
Knight v F P Special Assets Ltd (1992)	184, 265
Kriegler v Eichler Homes Inc (1969)	577
LJP Investments Pty Ltd v Howard Chia Investments Pty Ltd (1990)	416
L Vogel & Son Pty Ltd v Anderson (1968)	197
Lange v Australian Broadcasting Corporation (1997)	378

Lawrence v The King (1933)	169
Law Society (NSW), Council of v A Solicitor (2002)	260
Law Society (SA) v Rodda (2002)	264, 275
Leask v Commonwealth (1996)	625, 644, 655
Lee, Re; Ex p Harper (1986)	626
Lee Transport Co Ltd v Watson (1940)	384
Leigh and Sillavan Ltd v Aliakmon Shipping Co Ltd (1986)	551
Le Lievre v Gould (1893)	581
Leslie v Mirror Newspapers Ltd (1971)	337
Levy v Victoria (1997)	106
Life Savers (Australasia) Ltd v Frigmobile Pty Ltd (1983)	466
Little v Commonwealth (1947)	306
Local Government Board v Arlidge (1915)	251
Ludwigs Canberra Bond Cellar Pty Ltd v Sheen (1982)	181
Luton v Lessels (2002)	660, 661
Lynn v Bamber (1930)	555
MMM v Minister for Immigration and Multicultural Affairs (1998)	494
Mabo v Queensland [No 2] (1992)	187
McAteer v Lester (1962)	44
McCann v Switzerland Insurance Australia Ltd (2000)	471
McCarey v Associated Newspapers Ltd [No 2] (1965)	351
McDowell v Baker (1979)	140
McGovern v Hillman Tobacco Pty Ltd (1949)	180, 182, 203
McGrath v Fairfield Municipal Council (1985)	146
McPhee (J) & Son (Australia) Pty Ltd v Australian Competition and Consumer Commission (2000)	81
Magennis (P J) Pty Ltd v Commonwealth (1949)	656
Maguire v Makaronis (1997)	145
Mahoney v McManus (1981)	133
Mahony v J Kruschich (Demolitions) Pty Ltd (1985)	125
Majestic, The (1897)	471
Malika Holdings Pty Ltd v Stretton (2001)	186, 525
Mallan v Lee (1949)	41, 48, 166, 180, 203
Marks v GIO Australia Holdings Ltd (1998)	407
Maroney v The Queen (2003)	460
Marsden v Amalgamated Television Services Pty Ltd (2001)	370
Martel Building Ltd v Canada (2000)	534
Matthews v Chicory Marketing Board (Vict) (1938)	660
Maxwell v The Queen (1996)	206
Melbourne Corporation v Commonwealth (1947)	625, 627, 644, 647, 653, 654, 655, 656
Melway Publishing Pty Ltd v Robert Hicks Pty Ltd (2001)	75, 76, 77, 94, 99, 101, 103, 106
Milicevic v Campbell (1975)	201
Miller v Jennings (1954)	348, 349, 384
Miller v Miller (1978)	373
Minchillo v Ford Motor Co of Australia Ltd (1995)	554
Mobilio v Balliotis (1998)	384
Modbury Triangle Shopping Centre Pty Ltd v Anzil (2000)	529, 551
Money Penny v Hartland (1826)	547
Moore v Jack Brabham Holdings Pty Ltd (1986)	203, 204
Moran v McMahon (1985)	384
Morgan v John Fairfax & Sons Ltd [No 2] (1991)	339

Morris v Tolman (1923)	42
Mount Albert Borough Council v Johnson (1979)	540
Mowlds v Fergusson (1939)	364
Muller v Dalgety & Co Ltd (1909)	49
Murphy v Brentwood District Council (1991)	529, 539, 541, 580, 591
Murphy v KRM Holdings Pty Ltd (1985)	181
Murphy v Overton Investments Pty Ltd (2000)	396, 397, 400, 401, 402, 403, 404, 412, 415
Murphy v Overton Investments Pty Ltd (2001)	397, 401, 405, 406, 407, 415
Murphyores Inc Pty Ltd v Commonwealth (1976)	657
Mutual Life & Citizens' Assurance Co Ltd v Evatt (1968)	531, 574
Myers v Elman (1940)	264, 265
NEAT Domestic Trading Pty Ltd v AWB Ltd (2001)	277, 284, 300, 306, 307, 316, 317, 318, 319, 323
NEAT Domestic Trading Pty Ltd v Wheat Export Authority (2000)	284, 293, 301, 305, 309, 310, 315, 316, 317, 323
NSW Bar Association v Cummins (2001)	265, 267, 273
NT Power Generation v Power and Water Authority (2002)	75
Naismith v McGovern (1953)	180, 202, 203
National Mutual Life Association of Australasia Ltd v Coffey & Partners Pty Ltd (1991)	566
Nationwide News Pty Ltd v Rogers (2002)	332, 341, 360, 361
Native Title Act Case (Western Australia v Commonwealth) (1995)	626, 644, 645, 647
Natwest Australia Bank Ltd v Boral Gerrard Strapping Systems Pty Ltd (1992)	77
Neat Holdings Pty Ltd v Karajan Holdings Pty Ltd (1992)	205
Newcastle City Council v GIO General Ltd (1997)	94
News Ltd v Australian Rugby Football League Ltd (1996)	78, 83, 84
News Ltd v South Sydney District Rugby League Football Club Ltd (2003)	19, 20, 25, 50, 61, 78, 81, 82, 83, 84, 88, 89, 90, 91, 94, 96, 97, 98, 460
New South Wales v Deren (1999)	370
New South Wales v Moss (2000)	386
New Zealand Shipping Co Ltd v A M Satterthwaite & Co Ltd (1975)	448
Nezhadian v Minister for Immigration and Multicultural Affairs (2001)	492
Nicholas v The Queen (1998)	201
Nixon v Slater & Gordon (2000)	370
Northern Pacific Railway Co v United States (1958)	88
Northern Territory v Mengel (1995)	183, 566
North Wales Police, Chief Constable of v Evans (1982)	244, 251, 252
Oceanic Sun Line Special Shipping Co Inc v Fay (1988)	183, 566
Old Gate Estates Ltd v Toplis (1939)	572
Oo v Minister for Immigration and Multicultural Affairs (2001)	508
Opat v National Mutual Life Association of Australasia Ltd (1992)	585
O'Reilly v State Bank of Victoria Commissioners (1983)	186
Osmond v Public Service Board (NSW) (1984)	573
Our Town FM Pty Ltd v Australian Broadcasting Tribunal (1987)	243
P J Magennis Pty Ltd v Commonwealth (1949)	656
Pacific Coal Pty Ltd v Idemitsu Queensland Pty Ltd (1992)	157
Pacoil Fiji Ltd v Attorney-General (Fiji) (2003)	573
Padfield v Minister of Agriculture, Fisheries and Food (1968)	224, 249
Palmer v BRG of Georgia Inc (1990)	88

Palmer v Roads & Traffic Authority of New South Wales (2002)	381
Papanayiotou v Heath (1969)	349
Pat v Illinois Publishing and Printing Co (1929)	385
Patterson, Re; Ex p Taylor (2001)	232, 233, 243
Peninsula Anglican Boys' School v Ryan (1985)	320
People v Pangelina (1981)	44
Perre v Apand Pty Ltd (1999) 528, 530, 537, 547, 548, 559, 562, 566, 568, 571, 572, 573, 574, 585, 593	
Pilmer v Duke Group Ltd (In liq) (2001)	127, 143, 145, 569
Pinniger v John Fairfax and Sons Ltd (1979)	364
Piper v Corrective Services Commission (NSW) (1986)	188
Pirelli General Cable Works Ltd v Oscar Faber & Partners (1983)	539
Plaintiff S157/2002 v Commonwealth (2003)	215, 239, 247, 250, 251
Planet Fisheries Pty Ltd v La Rosa (1968)	350
Poignand v NZI Securities Australia Ltd (1992)	132, 156
Port Jackson Stevedoring Pty Ltd v Salmond & Spraggon (Aust) Pty Ltd (1980)	448
Port of Melbourne Authority v Anshun Pty Ltd (1981)	146
Potter v Minahan (1908)	186
Potts v Miller (1940)	403
Powers v Maher (1959)	140
Prehn v Royal Bank of Liverpool (1870)	349
Pretty v Solly (1859)	623
Project Blue Sky Inc v Australian Broadcasting Authority (1998) .. 20, 62, 94, 225, 227, 247	
Prothonotary of the Supreme Court (NSW) v Costello (1984)	265
Public Service Board (NSW) v Osmond (1986)	224, 248, 249, 250, 251
Puntoriero v Water Administration Ministerial Corporation (1999)	321
Pyrenees Shire Council v Day (1998)	528, 530, 562, 572
Quadrain Pty Ltd v Sevastapol Investments Pty Ltd (1976)	85
Quantum Corporation Inc v Plane Trucking Ltd (2002)	438, 439, 469
Quantum Corporation Ltd v Plane Trucking Ltd (2001)	438, 439
Queensland Electricity Commission v Commonwealth (1985)	647, 654
Queensland Law Society Inc v Smith (2001)	264
Queensland Wire Industries Pty Ltd v Broken Hill Pty Co Ltd (1989) .. 75, 94, 100, 101	
R v Adams (1935)	181
R v Anderson; Ex p Ipec-Air Pty Ltd (1965)	284, 320
R v Associated Northern Collieries (1910)	181, 182
R v Australian Stevedoring Industry Board; Ex p Melbourne Stevedoring Co Pty Ltd (1953)	223, 248
R v Barker (1998)	37
R v Brislan; Ex p Williams (1935)	618, 643, 662
R v Director of Public Prosecutions; Ex p Manning (2001)	230
R v Drew (2000)	37
R v Gee (2003)	177
R v Hush; Ex p Devanny (1932)	207
R v Immigration Appeal Tribunal; Ex p Shah (1999)	494, 495
R v Lawrence (1982)	555
R v McStay (1945)	180, 203
R v Maroney (2002)	34, 36, 37, 40, 45, 48, 50
R v Metal Trades Employers' Association; Ex p Amalgamated Engineering Union, Australian Section (1951)	250
R v Morris (1923)	43

R v Panel on Take-overs and Mergers; Ex p Datafin Plc (1987)	300, 313, 314
R v Port of London Authority; Ex p Kynoch Ltd (1919)	324
R v Purdey (1993)	231
R v Secretary of State for Home Department; Ex p Zia Mehmet Binbasi (1989)	497, 503, 511, 512
R (Daly) v Secretary of State for the Home Department (2001)	51, 229, 460
R (Mahmood) v Secretary of State for the Home Department (2001)	229
R (Sivakumar) v Secretary of State for the Home Department (2003)	500
R v Secretary of State for the Home Department; Ex p Doody (1994)	251
R v Secretary of State for the Home Department; Ex p Venables (1998)	287, 320
R v Sheppard (2002)	229
R v Tyrrell (1894)	42, 44, 48
R v Whitehouse (1977)	44
R (Morgan Grenfell & Co Ltd) v Special Commissioner of Income Tax (2003)	188
RB Policies at Lloyd's v Butler (1950)	556
RSP Architects Planners & Engineers (Raglan Squire & Partners FE) v Management Corporation Strata Title Plan No 1075 (1999)	534, 581
RSP Architects Planners & Engineers v Ocean Front Pte Ltd (1996)	581
Radio 2UE Sydney Pty Ltd v Stereo FM Pty Ltd (1982)	71
Railways (NSW), Commissioner for v Scott (1959)	537
Ramage v Waclaw (1988)	129, 158
Read-Rite Corporation v Burlington Air Express Ltd (1999)	434, 438, 453, 467, 469, 470
Refugee Review Tribunal, Re; Ex p Aala (2000)	220, 221
Rejtek v McElroy (1965)	205
Rendell v Release on Licence Board (1987)	320
Research and Development Engineers Pty Ltd v Lanham (1983)	181
Residential Tenancies Tribunal (NSW), Re; Ex p Defence Housing Authority (1997)	663
Richardson v McKnight (1997)	317
Richardson (James) Corporation Pty Ltd v Federal Airports Corporation (1992)	315
Roberts v Bass (2002)	308
Rogers v Whitaker (1991)	342, 355
Rogers v Whitaker (1992)	332, 342, 356
Rolls Royce Plc v Heavylift-Volga DNEPR Ltd (2000)	467
Romeo v Conservation Commission (NT) (1998)	562
Rook v Fairrie (1941)	348
Rothery Storage & Van Co v Atlas Van Lines Inc (1986)	88
Royal Brompton Hospital NHS Trust v Hammond (2002)	121, 122, 125
Royal College of Nursing (UK) v Department of Health and Social Security (1981) ..	25
Roylance v General Medical Council [No 2] (2000)	268
Roy Morgan Research Centre Pty Ltd v Commissioner of State Revenue (Vict) (2001)	10, 138
Rural Press Ltd v Australian Competition and Consumer Commission (2002)	61, 63, 64, 67, 68, 74, 75, 76, 77, 78, 79, 80, 82, 87, 90, 95, 98, 99, 101, 102, 104
SAAF v Minister for Immigration and Multicultural Affairs (2002)	492
SA Associated Newspapers Ltd v Samuels (1980)	385
SS Pharmaceutical Co Ltd v Qantas Airways Ltd (1991)	467
Sahib Foods Ltd v Paskin Kyriakides Sands (a firm) (2003)	580
Samuel Montagu & Co Ltd v Swiss Air Transport Co Ltd (1966)	430, 433, 434, 435, 462, 468
Scammell (G) & Nephew Ltd v Hurley (1929)	306

Schenker International (Australia) Pty Ltd v Siemens Ltd (2002)	424, 432, 433, 436, 440, 442, 455, 458, 467, 468, 469
Scott v Geoghegan & Sons Pty Ltd (1969)	181
Shaddock & Associates Pty Ltd v Parramatta City Council [No 1] (1981)	531
Sharpe v San Paulo Railway Co (1873)	129
Shepherd v The Queen (1990)	208
Shergold v Tanner (2002)	323
“Shin Kobe Maru” (Owners of) v Empire Shipping Co Inc (1994)	184
Shipping Corporation of India Ltd v Gamlen Chemical Co A/Asia Pty Ltd (1980) ...	467
Siemens Ltd v Schenker International (Australia) Pty Ltd (2001)	423, 427, 428, 432, 433, 435, 436, 439, 440, 442, 445, 447, 449, 454, 455, 456, 457, 458, 463, 465, 466, 467
Sinclair v Maryborough Mining Warden (1975)	312
Smith v Corrective Services Commission (NSW) (1980)	188
Smith v Eric S Bush (1990)	553
Smith v Leurs (1945)	551
Snyder v United States (1884)	197
Solicitor, In re a; Ex p Law Society (1912)	264
Solicitor, Re an Application by a (1966)	263
Sorby v Commonwealth (1983)	201
Soulemezis v Dudley (Holdings) Pty Ltd (1987)	224, 249, 573
South Australia v O’Shea (1987)	251
Southern Law Society v Westbrook (1910)	264
South Sydney District Rugby League Football Club Ltd v News Ltd (2000)	78, 81, 83, 87
South Sydney District Rugby League Football Club Ltd v News Ltd (2001)	82, 83
State Government Insurance Office (Q) v Crittenden (1966)	140
State Rail Authority of New South Wales v Earthline Constructions Pty Ltd (In liq) (1999)	305
Stieller v Porirua City Council (1983)	540
Stirling Harbour Services Pty Ltd v Bunbury Port Authority (2000)	71
Stitt v CBI Constructors Pty Ltd (1990)	181
Stollznov v Calvert (1980)	182
Street v Queensland Bar Association (1989)	629, 637
Street v Retravision (NSW) Pty Ltd (1995)	152
Strickland v Rocla Concrete Pipes Ltd (1971)	644, 662
Suatu Holdings Pty Ltd v Australian Postal Corporation (1989)	316
Sullivan v Moody (2001)	529, 547, 548, 555, 568, 572, 573
Sunbird Plaza Pty Ltd v Maloney (1988)	146
Suresh v Canada (Minister of Citizenship and Immigration) (2002)	246
Sutherland Shire Council v Heyman (1985)	529, 541, 543, 579
Tame v New South Wales (2002)	125, 529, 570
Tasmanian Dam Case (Commonwealth v Tasmania) (1983)	457, 655
Taxation, Federal Commissioner of v Montgomery (1999)	408
Taylor v Public Service Board (NSW) (1976)	251
Telstra Corporation Ltd v Hurstville City Council (2000)	615, 616, 618, 622, 625, 629, 633, 634, 638, 639, 646, 653
Telstra Corporation Ltd v Hurstville City Council (2002)	614, 615, 616, 621, 632, 634, 637, 638, 640, 641, 642, 649, 653, 659, 662
Telstra Corporation Ltd v Worthing (1999)	615
Theophanous v Herald & Weekly Times Ltd (1994)	351, 368
Thomas v The Queen (1960)	169

Tillmanns Butcheries Pty Ltd v Australasian Meat Industry Employees' Union (1979)	71
Toteff v Antonas (1952)	403
Tracey, Re; Ex p Ryan (1989)	177
Trade Practices Commission v TNT Management Pty Ltd (1985)	86
Tramontana Armadora SA v Atlantic Shipping Co SA (1978)	242
Triggell v Pheeny (1951)	349
Trustees Executors & Agency Co Ltd v Reilly (1941)	140
Trustees of the Will of Cunard v Inland Revenue Commissioners (1946)	140
Truth (NZ) Ltd v Bowles (1966)	385
Ultramares Corporation v Touche (1931)	530, 537, 544, 571, 592
United States v Annunziato (1961)	44
United States v One 1977 36 Foot Cigarette Ocean Racer (1985)	197
United States v One Beechcraft King Air 300 Aircraft (1997)	197
United States v Socony-Vacuum Oil Co Inc (1940)	19
United States v Topco Associates Inc (1972)	88
United States v Ursery (1996)	173
United States ex rel Marcus v Hess (1943)	172
Veron, Re; Ex p Law Society (NSW) (1966)	264, 265
Victoria v Commonwealth (the Payroll Tax Case) (1971)	630, 654
Victorian WorkCover Authority v Esso Australia Ltd (2001)	10, 138
Victoria Sales Corporation v Emery Air Freight Inc (1990)	467
Visy Paper Pty Ltd v Australian Competition and Consumer Commission (2003)	87, 138
Vogel (L) & Son Pty Ltd v Anderson (1968)	197
Voli v Inglewood Shire Council (1963)	532, 541, 563, 571, 579, 584
W157/00A v Minister for Immigration and Multicultural Affairs (2001) ...	225, 228, 246
WABR v Minister for Immigration and Multicultural Affairs (2002)	492
Walsh and Johnson, Ex p; In re Yates (1925)	186
Walton, Ex p; In re Levy (1881)	49
Wardley Australia Ltd v Western Australia (1992)	403, 407, 408, 410
Water Conservation and Irrigation Commission (NSW) v Browning (1947)	288, 320
Waterhouse v Broadcasting Station 2GB Pty Ltd (1985)	336, 339, 363
Waugh v Kippen (1986)	181, 188
Weaver v Law Society (NSW) (1979)	263, 273
Webb v Bloch (1928)	363, 365
Wenn v Attorney-General (Vict) (1948)	628
West v Atkins (1988)	319
West v Commissioner of Taxation (NSW) (1937)	628
Western Australia v Commonwealth (the Native Title Act Case) (1995) ..	626, 644, 645, 647
Western Australia v Wardley Australia Ltd (1991)	410
Whitaker v Federal Commissioner of Taxation (1996)	333, 334, 342, 356, 361
Whitaker v Federal Commissioner of Taxation (2002)	344, 353, 354, 379, 381, 384
Whitaker v Rogers (1990)	342, 355
White v Jones (1995)	552, 563
Wilkinson v Feldworth Financial Services Pty Ltd (1998)	116, 119, 126, 127, 131, 143, 145
Wilks v Bradford Kendall Ltd (1962)	384
Williamson v Ah On (1926)	200, 201

Wilson v Chambers & Co Pty Ltd (1926)	181
Win v Minister for Immigration and Multicultural Affairs (2001)	492, 508
Winnipeg Condominium Corporation No 36 v Bird Construction Co (1995)	534, 540, 578, 580, 587
Witham v Holloway (1995)	188
Wolanski's Registered Design, In re (1953)	224
Wong v Kelly (1999)	180
Wong v The Queen (2001)	573
Woods v Multi-Sport Holdings Pty Ltd (2002)	590
Woolcock St Investments Pty Ltd v CDG Pty Ltd (2002) ..	525, 526, 561, 567, 581, 589
Woollahra Municipal Council v Sved (1996)	532, 561, 569
Wren v Mahony (1972)	146
Wu v The Queen (1999)	224
Wynne v Tempest (1897)	146
X (Minors) v Bedfordshire County Council (1995)	566, 572
Yarmirr v Australian Telecommunications Corporation (1990)	317
Young v Murphy (1996)	128
Young & Marten Ltd v McManus Childs Ltd (1969)	549
Youyang Pty Ltd v Minter Ellison Morris Fletcher (2003)	117, 119, 127, 135
Ziems v Prothonotary of Supreme Court (NSW) (1957)	266, 267, 275
Zumpano v Montagnese (1997)	528, 560, 561, 568, 569, 584, 589