

2007

THE

COMMONWEALTH

LAW REPORTS

CASES DETERMINED
IN THE
HIGH COURT OF AUSTRALIA

EDITOR
J D MERRALLS, AM, QC

VOLUME 232

LAWBOOK CO.

2008

REPORTERS

G J AHERN
M Y BEARMAN
M I BORSKY
C G BUTTON
G S CLARKE, SC
L G DE FERRARI
C J HORAN
E M KINGSTON
C LYE
A D POUND
J A REDWOOD
D F C THOMAS
P T VOUT
P G WILLIS

BARRISTERS

PRODUCTION EDITOR

CAROLYN MAY

Published in Sydney by
Lawbook Co.
100 Harris Street, Pyrmont, NSW
160 William Street, Melbourne, Vic
239 George Street, Brisbane, Qld
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.

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

MEMORANDA

2007

- June 11 — THE HONOURABLE SUSAN MAREE CRENNAN, a Justice of the High Court of Australia, was appointed a Companion in the General Division of the Order of Australia.
- August 31 — Retirement of THE HONOURABLE IAN DAVID FRANCIS CALLINAN, AC, from the office of a Justice of the High Court of Australia.
- September 3 — Appointment of THE HONOURABLE SUSAN MARY KIEFEL, a Judge of the Federal Court of Australia, to the office of a Justice of the High Court of Australia.

JUSTICES OF THE HIGH COURT OF AUSTRALIA

DURING THE CURRENCY OF THIS VOLUME

THE HONOURABLE ANTHONY MURRAY GLEESON, AC, CHIEF
JUSTICE

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
(retired 31 August 2007)

THE HONOURABLE JOHN DYSON HEYDON, AC

THE HONOURABLE SUSAN MAREE CRENNAN, AC

THE HONOURABLE SUSAN MARY KIEFEL
(appointed 3 September 2007)

ATTORNEY-GENERAL

THE HONOURABLE PHILLIP MAXWELL RUDDOCK, MP

THE HONOURABLE ROBERT BRUCE MCCLELLAND, MP
(from 3 December 2007)

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

**TABLE OF CASES REPORTED
IN THIS VOLUME**

AK v Western Australia	438
Aussie Vic Plant Hire Pty Ltd v Esanda Finance Corporation Ltd	314
Australian Competition and Consumer Commission v Baxter Healthcare Pty Ltd	1
Ayles v The Queen	410
Baxter Healthcare Pty Ltd; Australian Competition and Consumer Commission v	1
Bluebottle UK Ltd v Deputy Commissioner of Taxation	598
Burge v Swarbrick	336
Carr v Western Australia	138
Channel Seven Adelaide Pty Ltd v Manock	245
Cook (W) Builders Pty Ltd (In liq); Lumbers v	635
Em v The Queen	67
Esanda Finance Corporation Ltd; Aussie Vic Plant Hire Pty Ltd v	314
Fahy; New South Wales v	486
Gately v The Queen	208
Immigration and Citizenship, Minister for; SZFDE v	189
Le; Director of Public Prosecutions (Vic) v	562
Lumbers v W Cook Builders Pty Ltd (In liq)	635
Mahmood v Western Australia	397
Manock; Channel Seven Adelaide Pty Ltd v	245
New South Wales v Fahy	486
PM v The Queen	370
Public Prosecutions (Vic), Director of v Le	562
R; Ayles v (2008)	410
R; Em v	67
R; Gately v	208

R; PM v	370
Swarbrick; Burge v	336
SZFDE v Minister for Immigration and Citizenship	189
Taxation, Deputy Commissioner of; Bluebottle UK Ltd v	598
W Cook Builders Pty Ltd (In liq); Lumbers v	635
Western Australia; AK v	438
Western Australia; Carr v	138
Western Australia; Mahmood v	397

TABLE OF CASES JUDICIALLY CONSIDERED IN CASES REPORTED IN THIS VOLUME

<i>Australian Competition and Consumer Commission v Baxter Healthcare Pty Ltd</i> (2006) 153 FCR 574 Reversed. Australian Competition and Consumer Commission v Baxter Healthcare Pty Ltd	1
<i>Al-Mehdawi v Secretary of State for the Home Department</i> [1990] 1 AC 876 Considered. SZFDE v Minister for Immigration and Citizenship	189
<i>Angelopoulos v Sabatino</i> (1995) 65 SASR 1 at 13 Disapproved. Lumbers v W Cook Builders Pty Ltd (In liq)	635
<i>Aussie Vic Plant Hire Pty Ltd v Esanda Finance Corporation Ltd</i> (2007) 212 FLR 56; 63 ACSR 300; 25 ACLC 997 Affirmed. Aussie Vic Plant Hire Pty Ltd v Esanda Finance Corporation Ltd	314
<i>Azzopardi v The Queen</i> (2001) 205 CLR 50 Referred to. Mahmood v Western Australia	397
 <i>Bradken Consolidated Ltd v Broken Hill Pty Co Ltd</i> (1979) 145 CLR 107 Disapproved. Australian Competition and Consumer Commission v Baxter Healthcare Pty Ltd	1
<i>Bropho v Western Australia</i> (1990) 171 CLR 1 Applied. Australian Competition and Consumer Commission v Baxter Healthcare Pty Ltd	1
<i>Burge v Swarbrick</i> (2005) 149 FCR 193 Approved. Burge v Swarbrick	336
 <i>Carr v Western Australia</i> (2006) 166 A Crim R 1 Affirmed. Carr v Western Australia	138
<i>Clyne v Deputy Commissioner of Taxation</i> (1981) 150 CLR 1 Applied. Bluebottle UK Ltd v Deputy Commissioner of Taxation	598
<i>Cook (W) Builders Pty Ltd (In liq) v Lumbers</i> (2007) 96 SASR 406 Reversed. Lumbers v W Cook Builders Pty Ltd (In liq)	635
<i>Craig v South Australia</i> (1995) 184 CLR 163 Considered. SZFDE v Minister for Immigration and Citizenship	189
 <i>Elsinora Global Ltd v Healthscope Ltd [No 2]</i> (2006) 61 ATR 482; 227 ALR 570; 2006 ATC 4061 Disapproved. Bluebottle UK Ltd v Deputy Commissioner of Taxation	598
 <i>Fleming v The Queen</i> (1998) 197 CLR 250 Referred to. AK v Western Australia	438
 <i>George Hensher Ltd v Restawile Upholstery (Lancs) Ltd</i> [1976] AC 64 at 91-92, 95 Approved. Burge v Swarbrick	336
<i>Goldsbrough v John Fairfax & Sons Ltd</i> (1934) 34 SR (NSW) 524 at 532 Applied. Channel Seven Adelaide Pty Ltd v Manock	245

<i>Hunt v Star Newspaper Co Ltd</i> [1908] 2 KB 309 at 319-320 Referred to. Channel Seven Adelaide Pty Ltd v Manock	245
<i>Immigration and Multicultural Affairs, Minister for v SZFDE</i> (2006) 154 FCR 365 Reversed. SZFDE v Minister for Immigration and Citizenship	189
<i>Kemsley v Foot</i> [1952] AC 345 Considered. Channel Seven Adelaide Pty Ltd v Manock	245
<i>Lowe v Associated Newspapers Ltd</i> [2007] QB 580 Considered. Channel Seven Adelaide Pty Ltd v Manock	245
<i>Manock v Channel Seven Adelaide Pty Ltd</i> (2006) 95 SASR 462 Affirmed. Channel Seven Adelaide Pty Ltd v Manock	245
<i>New South Wales v Fahy</i> (2006) 155 IR 54 Reversed. New South Wales v Fahy	486
<i>Norman v Federal Commissioner of Taxation</i> (1963) 109 CLR 9 Applied. Bluebottle UK Ltd v Deputy Commissioner of Taxation	598
<i>O'Shaughnessy v Mirror Newspapers Ltd</i> (1970) 72 SR (NSW) 347 at 361 Applied. Channel Seven Adelaide Pty Ltd v Manock	245
<i>Pavey and Matthews Pty Ltd v Paul</i> (1987) 162 CLR 221 Distinguished. Lumbers v W Cook Builders Pty Ltd (In liq)	635
<i>Pervan v North Queensland Newspaper Co Ltd</i> (1993) 178 CLR 309 Applied. Channel Seven Adelaide Pty Ltd v Manock	245
<i>Public Prosecutions, Director of v Le</i> (2007) 15 VR 352 Varied. Director of Public Prosecutions (Vic) v Le	562
<i>Public Prosecutions (NSW), Director of v PM</i> (2006) 67 NSWLR 46 Affirmed. PM v The Queen	370
<i>R v Ayles</i> (2007) 97 SASR 78 Affirmed. Ayles v The Queen	410
<i>Smiths Newspapers Ltd v Becker</i> (1932) 47 CLR 279 at 303-304 Referred to. Channel Seven Adelaide Pty Ltd v Manock	245
<i>Taxation, Deputy Commissioner of v Bluebottle UK Ltd</i> (2006) 68 NSWLR 558 Applied. Bluebottle UK Ltd v Deputy Commissioner of Taxation	598
<i>Taxation, Federal Commissioner of v Wong</i> (2002) 121 FCR 60 Disapproved. Bluebottle UK Ltd v Deputy Commissioner of Taxation	598
<i>Wati v Minister for Immigration and Ethnic Affairs</i> (1996) 71 FCR 103 Approved. SZFDE v Minister for Immigration and Citizenship	189
<i>W Cook Builders Pty Ltd (In liq) v Lumbers</i> (2007) 96 SASR 406 Reversed. Lumbers v W Cook Builders Pty Ltd (In liq)	635
<i>Weiss v The Queen</i> (2005) 224 CLR 300 Referred to. AK v Western Australia	438

TABLE OF CASES JUDICIALLY CONSIDERED

ix

Wynyard Investments Pty Ltd v Commissioner for Railways (NSW) (1955) 93 CLR
376 at 393-394
Considered. *Australian Competition and Consumer Commission v Baxter
Healthcare Pty Ltd* 1

Corrigenda

228 CLR 471, line 25: For “with her” read “with him”.

231 CLR 18, line 2: Omit “, or any particular kind of visa.”.

231 CLR 397, line 32: For “O P Holdensen” read “O P Holdenson”.

231 CLR 399, line 6: For “did speak” read “did not speak”.

STATUTES, RULES, ETC JUDICIALLY CONSIDERED

COMMONWEALTH CONSTITUTION

s 75(v): SZFDE v Minister for Immigration and Citizenship	189
---	-----

COMMONWEALTH

Copyright Act 1968

s 10: Burge v Swarbrick	336
s 77: Burge v Swarbrick	336
s 77(1)(a): Burge v Swarbrick	336
s 77(2): Burge v Swarbrick	336

Corporations Act 2001

s 140(1)(a): Bluebottle UK Ltd v Deputy Commissioner of Taxation	598
s 254U(1): Bluebottle UK Ltd v Deputy Commissioner of Taxation	598
s 254V: Bluebottle UK Ltd v Deputy Commissioner of Taxation	598
s 459C(2)(a): Aussie Vic Plant Hire Pty Ltd v Esanda Finance Corporation Ltd	314
s 459F(2)(a): Aussie Vic Plant Hire Pty Ltd v Esanda Finance Corporation Ltd	314
s 459G: Aussie Vic Plant Hire Pty Ltd v Esanda Finance Corporation Ltd	314

Income Tax Assessment Act 1936

s 255: Bluebottle UK Ltd v Deputy Commissioner of Taxation	598
--	-----

Migration Act 1958

s 425(1): SZFDE v Minister for Immigration and Citizenship	189
s 426A: SZFDE v Minister for Immigration and Citizenship	189

Trade Practices Act 1974

s 2B: Australian Competition and Consumer Commission v Baxter Healthcare Pty Ltd	1
s 46: Australian Competition and Consumer Commission v Baxter Healthcare Pty Ltd	1
s 47: Australian Competition and Consumer Commission v Baxter Healthcare Pty Ltd	1

NEW SOUTH WALES

Children (Criminal Proceedings) Act 1987

s 7: PM v The Queen	370
s 8(1): PM v The Queen	370
s 26: PM v The Queen	370
s 28(1): PM v The Queen	370
s 31(1): PM v The Queen	370
s 44: PM v The Queen	370

Criminal Procedure Act 1986

s 8: PM v The Queen	370
---------------------------	-----

Evidence Act 1995

s 90: Em v The Queen	67
----------------------------	----

Police Service Act 1990

s 6: New South Wales v Fahy	486
s 201: New South Wales v Fahy	486

QUEENSLAND**Evidence Act 1977**

s 21AM(1)(a): Gately v The Queen	208
s 93A(1): Gately v The Queen	208

SOUTH AUSTRALIA**Criminal Law Consolidation Act 1935**

s 69(1)(b)(iii): Ayles v The Queen	410
s 70(1)(c): Ayles v The Queen	410
s 281(2): Ayles v The Queen	410
s 281(3): Ayles v The Queen	410

VICTORIA**Confiscation Act 1997**

s 51(1): Director of Public Prosecutions (Vic) v Le	562
s 52(1): Director of Public Prosecutions (Vic) v Le	562

WESTERN AUSTRALIA**Criminal Appeals Act 2004**

s 30(3): AK v Western Australia	438
s 30(4): AK v Western Australia	438

Criminal Code

s 570(1): Carr v Western Australia	138
s 570D(2): Carr v Western Australia	138
s 570D(4)(c): Carr v Western Australia	138

Criminal Procedure Act 2004

s 120(2): AK v Western Australia	438
--	-----

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 S Abell Co v Kirby (1961)	272, 309
Abbott, Re (1981)	593
Abebe v The Commonwealth (1999)	331
Ainsworth v Criminal Justice Commission (1992)	199
Air New Zealand Ltd v Mahon (1983)	201
AK v Western Australia (2006)	451, 452, 454, 455, 462-465, 469, 482
Al-Mehdawi v Secretary of State for the Home Department (1990)	197
Alcock v Chief Constable of South Yorkshire Police (1991)	556
Alford v Magee (1952)	219
Amalgamated Society of Engineers v Adelaide Steamship Co Ltd (1920)	62
Ammonia Soda Co Ltd v Chamberlain (1917)	614
Angelopoulos v Sabatino (1995)	665-667
Archibald Howie Pty Ltd v Commissioner of Stamp Duties (NSW) (1948)	590
Ardern v Ritchies Stores Pty Ltd (2001)	525
ASP v The Queen (2007)	162
Associated Alloys Pty Ltd v ACN 001452106 Pty Ltd (In liq) (2000)	623
Attorney-General v Allgood (1743)	42
Attorney-General v Jacobs-Smith (1895)	591
Attorney-General (NSW) v Perpetual Trustee Co (Ltd) (1955)	516
Attorney-General (NSW) v Trustees of National Art Gallery (NSW) (1944)	360
Attorney-General (Ontario) v Keller (1978)	514
Attorney-General (Ruddy) v Kenny (1960)	460
Aussie Vic Plant Hire Pty Ltd v Esanda Finance Corporation Ltd (2006)	321
Aussie Vic Plant Hire Pty Ltd v Esanda Finance Corporation Ltd (2007)	321, 322, 327-329, 332-335
Austin v The Commonwealth (2003)	58
Australasian Memory Pty Ltd v Brien (2000)	377
Australian Broadcasting Corporation v Redmore Pty Ltd (1989)	28
Australian Capital Television Pty Ltd v The Commonwealth (1992)	49, 145
Australian Coastal Shipping Commission v O'Reilly (1962)	302
Australian Communist Party v The Commonwealth (1951)	48
Australian Competition and Consumer Commission v Baxter Healthcare Pty Ltd (2005)	12, 40, 41
Australian Competition and Consumer Commission v Baxter Healthcare Pty Ltd (2006)	12, 40, 41
Australian Securities and Investments Commission v Edwards (2005)	595
Australian Securities Commission v Marlborough Gold Mines Ltd (1993)	322
Australian Tape Manufacturers Association Ltd v The Commonwealth (1993)	351
Azzopardi v The Queen (2001)	122, 172, 403
Bailey v Truth & Sportsman Ltd (1938)	288
Bank of New South Wales v The Commonwealth (1948)	50, 51

TABLE OF CASES CITED

xiii

Bankruptcy, Official Trustee in v Mitchell (1992)	593
Bankstown Foundry Pty Ltd v Braistina (1986)	519, 539
Barba v Gas and Fuel Corporation (Vic) (1976)	592
Barber v Somerset County Council (2004)	490
Barton v Official Receiver (1986)	593
Barton v The Queen (1980)	380, 384, 432
Bass v Permanent Trustee Co Ltd (1999)	28, 40, 42, 45, 48
Batagol v Federal Commissioner of Taxation (1963)	626
Bellino v Australian Broadcasting Corporation (1996)	300
Bickel v John Fairfax & Sons Ltd (1981)	300
Binney v Ince Hall Coal and Cannel Co (1866)	620
Birmingham & District Land Co Ltd v London & North Western Railway Co (1886)	666
Black v The Queen (1993)	477
Blackadder v Ramsey Butchering Services Pty Ltd (2005)	121
Blackburn v Alabama (1960)	132, 187
Blackman v The Commonwealth (1978)	519
Blomley v Ryan (1954)	121
Bluebottle UK Ltd v Deputy Commissioner of Taxation (2006)	605
Blyth v Birmingham Waterworks Co (1856)	491
Bob Kay Real Estate Pty Ltd v Amalgamated Television Services Pty Ltd (1985)	286, 287
Bodruddaza v Minister for Immigration and Multicultural Affairs (2007) .	195
Bolton, Re; Ex parte Beane (1987)	573, 586
Bond v Barrow Haematite Steel Co (1902)	609
Boral Besser Masonry Ltd v Australian Competition and Consumer Commission (2003)	57
Bowater v Rowley Regis Corporation (1944)	514
BP Exploration Co (Libya) Ltd v Hunt [No 2] (1978)	661
Bradford Banking Co Ltd v Henry Briggs, Son & Co Ltd (1886)	619
Bradken Consolidated Ltd v Broken Hill Pty Co Ltd (1979) ...	12, 18, 26-28, 30-34, 36, 39-44, 54-56, 58, 59, 61, 63-65
Branson v Bower (2001)	274
Breavington v Godleman (1988)	49
Brent Walker Group Plc v Time Out Ltd (1990)	253, 256, 262, 272
Bret v JS (1600)	591
Briginshaw v Briginshaw (1938)	199
British American Tobacco Australia Ltd v Western Australia (2003)	42, 45, 48, 517
Broadcast Australia Pty Ltd v Minister Assisting the Minister for Natural Resources (Lands) (2004)	623
Brodie v Singleton Shire Council (2001)	526, 553
Brookton Co-operative Society Ltd v Federal Commissioner of Taxation (1981)	609
Bropho v Western Australia (1990)	26-28, 32, 34, 35, 37, 43, 64, 588
Brown v The Queen (1986)	457
Browne v Bank of New South Wales (1872)	620
Bruce v Tyley (1916)	622
Brutus v Cozens (1972)	473

Buckland Products Pty Ltd v Deputy Commissioner of Taxation (2003)	. 322, 334
Buckle v Bayswater Road Board (1936)	553
Budge v Bank of New South Wales (1890)	620
Bulejck v The Queen (1996)	223, 460
Bunning v Cross (1978)	88
Burge v Swarbrick (2005)	345, 365
Burnett v British Waterways Board (1972)	514
Burrows v Knightley (1987)	294
Butera v Director of Public Prosecutions (Vic) (1987)	218, 235-237
Byrne v Ireland (1972)	42, 48, 49, 56, 517
Byrnes v The Queen (1999)	414
Cabassi v Vila (1940)	196
Caboche v Ramsay (1993)	621
California Retail Liquor Dealers Association v Midcal Aluminum, Inc (1980)	54
Campbelltown City Council v Frew (2002)	525
Campbelltown City Council v Mackay (1989)	515
Cannane v J Cannane Pty Ltd (In liq) (1998)	593
Cardile v LED Builders Pty Ltd (1999)	331
Carr v The Queen (1988)	100, 164
Carr v Western Australia (2006)	147, 151, 158, 163-165, 171, 174
Cartwright v W Richardson & Co (1955)	242
Caterson v Commissioner for Railways (NSW) (1973)	518, 522-524, 554
Cattanach v Melchior (2003)	591
Central Bayside General Practice Association Ltd v Commissioner of State Revenue (2006)	41, 58, 59, 302, 526
Chadwick v British Railways Board (1967)	556, 557
Chakravarti v Advertiser Newspapers Ltd (1998)	286, 294
Cheatle v The Queen (1993)	477
Cheng v Tse Wai Chun (2000)	255, 268, 271, 272, 274, 303
Chow v Director of Public Prosecutions (NSW) (1992)	432
Christie v Robertson (1889)	269
CIC Insurance Ltd v Bankstown Football Club Ltd (1997)	332, 358
Ciorra v Cole (2004)	418
Clark v Downes (1931)	33, 65
Clarke v Norton (1910)	263
Clayton v The Queen (2006)	526
Cleland v The Queen (1982)	104, 132, 164
Clyne v Deputy Commissioner of Taxation (1981)	628
Cohalan v New York Tribune (1939)	272, 309
Cole v Operative Plasterers' Federation of Australia (NSW Branch) (1927)	262, 263, 272
Cole v South Tweed Heads Rugby League Football Club Ltd (2004)	527
Collins v Blantern (1765)	196
Collins v First Quench Retailing Ltd (2003)	559
Collins v The Queen (1980)	104
Colonial Bank of Australasia v Willan (1874)	197

TABLE OF CASES CITED

xv

Columbia, City of, Columbia Outdoor Advertising, Inc v Omni Outdoor Advertising, Inc (1991)	54
Comalco Ltd v Australian Broadcasting Corporation (1985)	264, 272
Combe v Combe (1951)	577
Commonwealth, The v Cornwell (2007)	194
Commonwealth, The v Mewett (1997)	42, 47, 48, 52
Commonwealth, The v SCI Operations Pty Ltd (1998)	331, 618
Concrete Constructions (NSW) Pty Ltd v Nelson (1990)	163
Concrete Pty Ltd v Parramatta Design & Developments Pty Ltd (2006) .	354
Conway v The Queen (2002)	224
Coogi Australia Pty Ltd v Hysport International Pty Ltd (1998)	353, 356, 357, 365
Cook v Cook (1986)	302
Cook (W) Builders Pty Ltd (In liq) v Lumbers (2007)	650, 660-662, 672
Cook's Settlement Trusts, In re (1964)	591
Cooper v Hawkins (1903)	60
Copyright Owners Reproduction Society Ltd v EMI (Australia) Pty Ltd (1902)	358
Copyright Owners Reproduction Society Ltd v EMI (Australia) Pty Ltd (1958)	346
Cornwell v The Queen (2007)	123, 302
Coventry v Charter Pacific Corporation Ltd (2005)	302
Craig v South Australia (1995)	197, 203
Crampton v The Queen (2000)	224
Crawford v Albu (1917)	264, 269, 272
Crears v Hunter (1887)	577
Crimmins v Stevedoring Industry Finance Committee (1999)	515, 519
Crouch v Commissioner for Railways (Qld) (1985)	50
Cuisenaire v Reed (1962)	355, 360
Customs, Collector of v Agfa-Gevaert Ltd (1996)	334
D'Emden v Pedder (1904)	302
D'Orta-Ekenaike v Victoria Legal Aid (2005)	196
Darkan v The Queen (2006)	216, 224, 404
Davern v Messel (1984)	197
David Grant & Co Pty Ltd v Westpac Banking Corporation (1995) .	324, 328
David Syme & Co Ltd v Lloyd (1984)	287
Davis & Sons v Shepstone (1886)	265, 300
Dent v Moore (1919)	162
Devefi Pty Ltd v Mateffy Perl Nagy Pty Ltd (1993)	621, 623
Devizes, Mayor & Burgesses of v Clark (1835)	475
Dietrich v The Queen (1992)	121, 219
Doggett v The Queen (2001)	219
Don King Productions Inc v Warren (1998)	623
Donoghue v Stevenson (1932)	519, 524, 526, 528, 553, 558
Dooley v Cammell Laird & Co Ltd (1951)	557
Dorling v Honnor Marine Ltd (1963)	350
Drummoyne Municipal Council v Australian Broadcasting Corporation (1990)	294
Duke v The Queen (1989)	126, 164

Dyers v The Queen (2002)	406
Dyett v Jorgensen (1995)	403
East, Re; Ex parte Nguyen (1998)	331
Eastman v Director of Public Prosecutions (ACT) (2003)	216
Eastman v The Queen (2000)	216
Eikhoff v Gilbert (1900)	272
Ellis v Deheer (1922)	475
Elsinora Global Ltd v Healthscope Ltd [No 2] (2006)	632, 633
Em v The Queen (2006)	71, 85, 86, 94, 97, 100, 107-111, 115, 116, 120, 123, 126, 127
Em v The Queen (2007)	163, 180, 187, 188
Enever v The King (1906)	516
Environment Protection Authority v Caltex Refining Co Pty Ltd (1993) .	172
Equuscorp Pty Ltd v Perpetual Trustees WA Ltd (1997)	322
Erinford Properties Ltd v Cheshire County Council (1974)	327
Eso Australia Resources Ltd v Federal Commissioner of Taxation (1999)	511, 655
Fahy v New South Wales (2005)	512
Falcke v Herald & Weekly Times Ltd (1925)	300
Falcke v Scottish Imperial Insurance Co (1886)	663
Farah Constructions Pty Ltd v Say-Dee Pty Ltd (2007)	194
Farley (Aust) Pty Ltd v JR Alexander & Sons (Qld) Pty Ltd (1946)	196
Favell v Queensland Newspapers Pty Ltd (2005)	58, 261, 294, 298
Fejo v Northern Territory (1998)	331
Festa v The Queen (2001)	216
Fisher v Washington Post Co (1965)	272, 309
Fleming v The Queen (1998)	446, 447, 453-455, 467, 468, 481-483
Forman & Co Pty Ltd v The Ship Liddesdale (1900)	661
Foster v The Queen (1993)	104
Fox v Percy (2003)	534
Garcia v National Australia Bank Ltd (1998)	304, 518, 592
Gardiner v John Fairfax & Sons Pty Ltd (1942)	266
Gately v The Queen (2007)	312
General Motors Acceptance Corporation Australia v Southbank Traders Pty Ltd (2007)	41
George Hensher Ltd v Restawile Upholstery (Lancs) Ltd (1972)	357
George Hensher Ltd v Restawile Upholstery (Lancs) Ltd (1973)	357
George Hensher Ltd v Restawile Upholstery (Lancs) Ltd (1974)	344, 357-360, 363, 365
Gifford v Strang Patrick Stevedoring Pty Ltd (2003)	558
Gilbert v The Queen (2000)	216, 404
Gino D'Alessandro Constructions Pty Ltd v Powis (1987)	671
Gipp v The Queen (1998)	224
Glennon v The Queen (1994)	216
Go v The Queen (1990)	431
Golden Eagle International Trading Pty Ltd v Zhang (2007)	158
Goldsbrough v John Fairfax & Sons Ltd (1934) .	262, 266, 269, 272, 287, 290

TABLE OF CASES CITED

xvii

Graham Barclay Oysters Pty Ltd v Ryan (2002)	122, 492, 595
Grain Pool (WA) v The Commonwealth (2000)	206
Gramophone Co Ltd v Leo Feist Inc (1928)	346
Green v Paterson (1886)	591
Green v The Queen (1997)	216
Greig v University of Edinburgh (1868)	60
Griffiths v Haines (1984)	517
Guthrie v Australia and New Zealand Banking Group Ltd (1991)	589
Hall v Busst (1960)	621
Hampton v Glamorgan County Council (1916)	655, 658
Harvey v Commercial Bank of Australia Ltd (1937)	620
Harvey v Smith Wood (1963)	242
Hawke v Tamworth Newspaper Co Ltd (1983)	272
Henwood v Harrison (1872)	300
Heron v The Queen (2003)	224
Hilton International Ltd (In liq) v Hilton (1988)	614
Hilton v Lancashire Dynamo Nevelin Ltd (1964)	242
Hinz v Berry (1970)	554
Hoan v Journal Co (1941)	272
Hodder & Tolley Ltd v Cornes (1923)	621
Holland, Re; Ex parte Official Trustee in Bankruptcy (1985)	589
Hornsby Building Information Centre Pty Ltd v Sydney Building Information Centre Ltd (1978)	163
Hosokawa Micron International Inc v Fortune (1990)	343, 347
House v Caffyn (1922)	576, 591
House v The King (1936)	89, 123, 127
Huddart Parker Ltd v The Commonwealth (1931)	302
Hunt v Star Newspaper Co Ltd (1908)	265, 266, 268, 269, 271
Immigration and Ethnic Affairs, Minister for v Wu Shan Liang (1996) ...	201
Immigration and Multicultural Affairs, Minister for v Bhardwaj (2002) ...	202, 206
Immigration and Multicultural Affairs, Minister for v Eshetu (1999)	195
Immigration and Multicultural Affairs, Minister for v SZFDE (2006)	192, 193, 195, 204-207
Immigration and Multicultural Affairs, Minister for v Wang (2003) .	201, 331
Immigration and Multicultural and Indigenous Affairs, Minister for v SCAR (2003)	202
Immigration and Multicultural and Indigenous Affairs, Minister for v SGLB (2004)	197
Immigration and Multicultural and Indigenous Affairs, Minister for, Re; Ex parte Palme (2003)	202
Inco Europe Ltd v First Choice Distribution (2000)	144, 147
Industrial Equity Ltd v Blackburn (1977)	609, 614, 615
Interlego AG v Croner Trading Pty Ltd (1992)	346, 347
Irish Employers Mutual Insurance Association Ltd, Re (1955)	49
Island Maritime Ltd v Filipowski (2006)	425
Jack v Smail (1905)	408

Jackamarra v Krakouer (1998)	331
Jago v District Court (NSW) (1989)	390
Jama v Minister for Immigration and Multicultural Affairs (2000)	199
JJT, Re; Ex parte Victoria Legal Aid (1998)	331
John Fairfax Publications Pty Ltd v Gacic (2007)	123, 331
John v Federal Commissioner of Taxation (1989)	511
Johnstone v The Commonwealth (1979)	47
Jones v Dunkel (1959)	406, 536
Jonesco v Beard (1930)	196
Julius v Lord Bishop of Oxford (1880)	122
Kable v Director of Public Prosecutions (NSW) (1996)	422
Katsilis v Broken Hill Pty Co Ltd (1977)	519
KBT v The Queen (1997)	216
Keen v Tayside Contracts (2003)	560
Kelly v The Queen (2004) ... 75, 142-144, 151, 156, 157, 163, 164, 173, 174, 179	
Kemsley v Foot (1951)	254, 271, 274, 278, 281, 303, 306
Kemsley v Foot (1952)	252, 254, 266, 271, 273-275, 277-283, 303, 306
Kerr v Conlogue (1992)	264
Kevlacat Pty Ltd v Trailcraft Marine Pty Ltd (1987)	344, 351
King Features Syndicate Inc v O & M Kleeman Ltd (1941)	348, 349
King v Bristow Helicopters Ltd (2002)	557
Kingston v Keprose Pty Ltd (1987)	144
Kingston's Case, Duchess of (1776)	196
Kinsley v Herald & Globe Association (1943)	272
Kirmani v Captain Cook Cruises Pty Ltd [No 1] (1985)	49
Klein v Minister for Education (2007)	517
Knight v FP Special Assets Ltd (1992)	331
Koehler v Cerebos (Australia) Ltd (2005) . 502, 504, 514, 520, 523, 525, 537, 551, 558	
Kondis v State Transport Authority (1984)	496
Konrad v Victoria (1999)	517
Kotsis v Kotsis (1970)	414
Koufos v C Czarnikow Ltd (The Heron II) (1967)	521
Krakowski v Eurolynx Properties Ltd (1995)	194
Lange v Australian Broadcasting Corporation (1997)	43
Lazarus Estates Ltd v Beasley (1956)	196
Leeth v The Commonwealth (1992)	49
Libke v The Queen (2007)	312, 435
Linden Gardens Trust Ltd v Lenesta Sludge Disposals Ltd (1993) ..	621, 649
Livestock Traders International Pty Ltd v Thi Lam Bui (1996)	322
Lloyd v David Syme & Co Ltd (1985)	287, 288
London Artists Ltd v Littler (1968)	264, 266
Lowe v Associated Newspapers Ltd (2006)	251, 252, 273-275, 303
Lucas v Fitzgerald (1903)	609
M v The Queen (1994)	446, 464, 466
Mackay v Bacon (1910)	263

TABLE OF CASES CITED

xix

Mackie Designs Inc v Behringer Specialised Studio Equipment (UK) Ltd (1999)	350
Macleod v The Queen (2003)	194
Magdalen College Case (1615)	42
Maher v The Queen (1987)	432
Mahmood v Western Australia (2007)	401, 402, 405, 406
Main Roads, Commissioner of v Jones (2005)	552
Mallard v The Queen (2005)	297
Mallinson v Scottish Australian Investment Co Ltd (1920)	618
Maloney v Commissioner for Railways (NSW) (1978)	525
Manock v Channel Seven Adelaide Pty Ltd (2005)	260
Manock v Channel Seven Adelaide Pty Ltd (2006) ..	258, 260, 285, 286, 291, 295, 312
Mansfield v Director of Public Prosecutions (WA) (2006)	331, 594
Mansukhani v Sharkey (1992)	591
Marbury v Madison (1803)	48
Marra Developments Ltd v BW Rofe Pty Ltd (1977)	609
Master v Miller (1791)	196
Matthes v Carter (1955)	671
Maxwell v The Queen (1996)	422, 432-434
May v O'Sullivan (1955)	475
Mazer v Stein (1954)	347, 353
McDermott v The King (1948)	88, 124, 136
McDonald v McDonald (1965)	196
McGinty v Western Australia (1996)	49, 662
McGraw-Hinds (Aust) Pty Ltd v Smith (1979)	29, 30
McKay v National Australia Bank Ltd (1998)	592
McKinney v The Queen (1991)	164
McLean v Tedman (1984)	519
McNamara v Consumer Trader and Tenancy Tribunal (2005)	61
Meek v Powell (1952)	433
Melbourne Corporation v The Commonwealth (1947)	58
Melbourne v The Queen (1999)	219
Melway Publishing Pty Ltd v Robert Hicks Pty Ltd (2001)	57
Mersey Docks and Harbour Board Trustees v Cameron (1865)	60
Meyer Heine Pty Ltd v China Navigation Co Ltd (1966)	146
Middleton v The Queen (1998)	408, 409
Mihaljevic v Longyear (Aust) Pty Ltd (1985)	519
Miller Steamship Co Pty Ltd v Overseas Tankship (UK) Ltd (1963) ..	521, 554
Miller v Miller (2006)	590
Mills v Mills (1938)	194
Miranda v Arizona (1966)	130, 135, 136
Mitrovic v Koren (1971)	589
Moir v Flint (2002)	286
Monks v Poynice Pty Ltd (1987)	652
Monroe Schneider Associates (Inc) v No 1 Raberem Pty Ltd [No 2] (1992)	196
Moorgate Tobacco Co Ltd v Philip Morris Ltd [No 2] (1984)	121
Moorhouse v Angus and Robertson (No 1) Pty Ltd (1980)	344
Mount Isa Mines Ltd v Pusey (1970)	515, 554, 556, 557, 560

Muir v City of Glasgow Bank (1879)	619
Mule v The Queen (2005)	408
Mulligan v Coffs Harbour City Council (2005)	491, 511, 552
Munro v Butt (1858)	661
Murphyores Inc Pty Ltd v The Commonwealth (1976)	59
Murray v The Queen (2002)	219
Muscat v Le (2003)	345, 357
Musumeci v Winadell Pty Ltd (1994)	577
Myerson v Smith's Weekly Publishing Co Ltd (1923)	262, 266, 272, 288
Nagle v Rottneest Island Authority (1993)	553
National Provincial Bank Ltd v Ainsworth (1965)	568, 575
Neindorf v Junkovic (2005)	491, 528, 539
Nelson [No 2], Ex parte (1929)	302
Network Ten Pty Ltd v TCN Channel Nine Pty Ltd (2004)	342
New London and Brazilian Bank v Brocklebank (1882)	620
New South Wales v Fahy (2006) . 489, 494, 495, 498, 501-503, 510, 512-516, 520, 532, 534, 538, 546, 547, 556	
New South Wales v Ibbett (2006)	48, 496, 516
New South Wales v Seedsman (2000)	556
New South Wales v The Commonwealth (Work Choices Case) (2006)	58
New South Wales v Williamson (2005)	514
New South Wales Aboriginal Land Council v Perkins (1998)	287
New South Wales Crime Commission v Mahoney (2003)	594
New York Times Co v Sullivan (1964)	272
News Ltd v South Sydney District Rugby League Football Club Ltd (2003)	57
Nicholls v The Queen (2005)	142-146, 151, 160, 161, 163, 173, 175, 182, 184
Nominal Defendant v Owens (1978)	242
Norman v Federal Commissioner of Taxation (1963)	619
North Australian Aboriginal Legal Aid Service Inc v Bradley (2004)	122
North v Union Steam Ship Co of New Zealand Ltd (1973)	242
Nowlan v Marson Transport Pty Ltd (2001)	311
NT Power Generation Pty Ltd v Power and Water Authority (2004) ...	35, 55, 59, 61
Nudd v The Queen (2006)	224, 232, 233, 447, 483
O'Brien v Marquis of Salisbury (1889)	263, 272, 273
O'Leary v Oolong Aboriginal Corporation Inc (2004)	525
O'Shaughnessy v Mirror Newspapers Ltd (1970)	263, 290, 310
Ogden v People (1890)	461
Ogwo v Taylor (1987)	514
Orr v Isles (1965)	266
Oshlack v Richmond River Council (1998)	331
Ousley v The Queen (1997)	423
Overseas Tankship (UK) Ltd v Miller Steamship Co Pty Ltd (1966)	490, 521-524, 550, 551, 554
Owens Bank Ltd v Bracco (1992)	196

TABLE OF CASES CITED

xxi

Pacific Film Laboratories Pty Ltd v Federal Commissioner of Taxation (1970)	344
Page v Smith (1995)	557
Pan Ocean Shipping Co Ltd v Creditcorp Ltd (1994)	655, 658, 663
Paringa Mining & Exploration Co Plc v North Flinders Mines Ltd (1988)	327
Paris v Stepney Borough Council (1950)	519
Parker v Director of Public Prosecutions (1992)	312
Patrick Stevedores Operations No 2 Pty Ltd v Maritime Union of Australia [No 2] (1998)	327
Patrick Stevedores Operations No 2 Pty Ltd v Maritime Union of Australia [No 3] (1998)	331
Pavey and Matthews Pty Ltd v Paul (1987)	651, 656, 664, 665
Peldan v Anderson (2006)	589
Pelechowski v Registrar, Court of Appeal (NSW) (1999)	331, 395
People v Dorado (1965)	135
Perkins In re; Ex parte Mexican Santa Barbara Mining Co (1890)	620
Pervan v North Queensland Newspaper Co Ltd (1993)	252, 253, 255, 257, 268-274, 276, 277, 279-281, 283, 284, 288, 296, 297, 300, 301, 303-306, 310
Peter Walker & Son Ltd v Hadgson (1908)	286, 310
Petritsis v Hellenic Herald Pty Ltd (1978)	263, 264, 268, 269, 286, 287
Petty v The Queen (1991)	125, 131, 136, 180
Phoenix General Insurance Co Greece SA v Halvanon Insurance Co Ltd (1986)	28, 29
Photo Production Ltd v Securicor Transport Ltd (1980)	655
Pinion, In re (1964)	360
Pivot Point International Inc v Charlene Products Inc (2004)	359, 362
Plaintiff S157/2002 v The Commonwealth (2003)	195, 206, 207
Police (NSW), Commissioner of v Estate of Russell (2002)	516
Pollard v The Queen (1992)	179
Polyaire Pty Ltd v K-Aire Pty Ltd (2005)	194, 347
Poole v The Queen (1960)	375
Popham v Pickburn (1862)	263, 269
Popiw v Popiw (1959)	591
Press-Form Pty Ltd v Henderson's Ltd (1993)	352
Project Blue Sky Inc v Australian Broadcasting Authority (1998)	381, 419, 456, 588
Pryke v Advertiser Newspapers Ltd (1983)	253, 255, 268
Public Prosecutions (Cth), Director of v Hart (2007)	569, 580, 585, 586
Public Prosecutions (Cth), Director of v Hart [No 2] (2005)	585
Public Prosecutions (NSW), Director of v PM (2006)	375, 376, 379, 382, 383, 385, 386, 392, 395
Public Prosecutions (SA), Director of v B (1998)	421, 432, 433
Public Prosecutions (Vic), Director of v Le (2007)	571, 573, 574, 579, 583-585, 588, 592, 595
Public Transport Commission (NSW) v Murray-More (NSW) Pty Ltd (1975)	302
Qintex Australia Finance Ltd v Schroders Australia Ltd (1990)	667
Qualcast (Wolverhampton) Ltd v Haynes (1959)	519

Queensland Bacon Pty Ltd v Rees (1966)	595
Queensland Electricity Commission v The Commonwealth (1985)	58
Queensland v JL Holdings Pty Ltd (1997)	332
R v Amad (1962)	104
R v Apostilides (1984)	408
R v Ayles (2006)	416, 430, 434
R v Ayles (2007)	413, 414, 420, 421, 431-433, 436
R v B (1999)	431, 436
R v BAH (2002)	213, 216, 221, 241
R v Birks (1990)	224, 232, 233
R v Bourne (1952)	475
R v Brown (1996)	334
R v C (2000)	213, 221, 223, 241
R v Callaghan (1993)	408, 409
R v Clarke (2008)	414, 419, 420, 436
R v Connell (1985)	457
R v County Court Judge of Tyrone (1961)	198
R v Couper (1985)	424
R v Court (1988)	473
R v Davies (2005)	221
R v DD (2002)	423, 424
R v Director of Serious Fraud Office; Ex parte Smith (1992)	152
R v Doherty (2003)	162
R v Dossi (1918)	418, 434
R v Eide (2004)	457
R v Eldorado Nuclear Ltd (1983)	53
R v Em (2003)	78, 84, 89, 108, 109, 116-118
R v Em (2005)	110
R v F (CC) (1997)	214, 243
R v Farr (2001)	460
R v Freer (2004)	162
R v Fulham, Hammersmith & Kensington Rent Tribunal; Ex parte Gormly (1951)	198
R v Gee (2003)	331
R v Ghosh (1982)	473
R v Gillyard (1848)	198
R v Gough (1993)	475
R v GT (2005)	212, 232, 234, 238
R v H (1998)	213, 215, 218, 221, 223, 241
R v Harris [No 2] (1990)	375
R v Henderson (1966)	424
R v Hildebrandt (1963)	424
R v Hughes (2000)	610
R v Ismail (1990)	413, 420, 436
R v Jackson (1994)	221
R v Jameson (1896)	475
R v Jeffries (1946)	103
R v Johal (1972)	418, 431
R v Jones (1723)	474

TABLE OF CASES CITED

xxiii

R v Justices (Biloela); Ex parte Marlow [No 2] (1983)	199
R v Keyte (2000)	480, 481
R v Lee (1950) .. 86-88, 91, 93, 103, 104, 123-125, 129, 134, 136, 179, 180	
R v Leicester Licensing Justices; Ex parte Wood (1947)	198
R v Lewis (1975)	375
R v Lewis (2002)	221, 241
R v Lyne (2003)	221, 241
R v MAG (2005)	221
R v McCann (1868)	60
R v McKenzie (1999)	154, 177
R v Miletic (1997)	233
R v Mirza (2004)	475
R v Nam (1968)	436
R v Noakes (1986)	120
R v Noffke (1999)	162
R v NZ (2005)	213-215, 225, 235, 241
R v Oickle (2000)	132, 187
R v Osman (1996)	214
R v Palmer (2002)	436
R v Radley (1973)	418, 431, 436
R v Raso (1993)	155, 182
R v Rawlings (1994)	214, 223, 241
R v Shipley (1784)	474
R v Smith (1984)	464
R v Smith (Patrick) (2005)	475
R v Stanton (1991)	390
R v Stolpe (1996)	432
R v Swaffield (1998) . 86-88, 93, 104, 120, 121, 125-127, 129, 132, 133, 135, 136, 142, 152, 180	
R v Taufahema (2007)	460
R v Thomas (1992)	223
R v Toohey; Ex parte Meneling Station Pty Ltd (1982)	568
R v Toohey; Ex parte Northern Land Council (1981)	195
R v Tuttle (1929)	418, 433
R v Welstead (1995)	214, 223, 241
R v West (1948)	421, 422
R v Wilkes (1770)	417
R v Wolverhampton Crown Court; Ex parte Crofts (1982)	197
R v Young (1999)	144
Radio 2UE Sydney Pty Ltd v Parker (1992)	287, 288
Ratten v The Queen (1974)	232, 233, 235
Ratten, Re (1974)	233
Reddaway v Banham (1896)	194
Refugee Review Tribunal, Re; Ex parte Aala (2000)	201
Reynolds v Times Newspapers Ltd (1999)	255, 271, 272, 274, 303
Richardson v The Queen (1974)	408
Ridge v Baldwin (1963)	491
Roberts v Ahern (1904)	54
Roberts v Bass (2002)	43, 517
Rocca v Manhire (1992)	264

Romeo v Conservation Commission (NT) (1998)	525
Rosenberg v Percival (2001)	553
Rothman v The Queen (1981)	179
Roxborough v Rothmans of Pall Mall Australia Ltd (2001)	575, 590, 662
Roylance v General Medical Council (1999)	475
RPS v The Queen (2000)	107, 121, 125, 152, 172, 214, 232, 235, 406
S v The Queen (2002)	408, 409
Severn and Wye and Severn Bridge Railway Co, In re (1896)	609
Shaw v Minister for Immigration and Multicultural Affairs (2003)	511
Shaw (Tom) & Co v Moss Empires Ltd (1908)	621
Sheldon & Hammond Pty Ltd v Metrokane Inc (2004)	357
Shepherd v Hills (1855)	618
Sherrard v Jacob (1965)	460
Shin Kobe Maru, Owners of v Empire Shipping Co Inc (1994)	331, 377
Shirt v Wyong Shire Council (1978)	521
Silvestro v Verbon Pty Ltd (1973)	519
Singer v United States (1965)	457
Sistrom v Urh (1992)	589
Skelton v Collins (1966)	302
Slatterie v Pooley (1840)	162
Slim v Daily Telegraph Ltd (1968)	297
Smith v The Queen (2001)	128
Smiths Newspapers Ltd v Becker (1932)	263, 264, 267, 288, 309
Societe Generale de Paris v Tramways Union Co Ltd (1884)	620
Societe Generale de Paris v Walker (1885)	620
Solomons v District Court (NSW) (2002)	122
Sons of Gwalia Ltd v Margaretic (2007)	194
SST Consulting Services Pty Ltd v Rieson (2006)	18, 20, 29, 37, 57
Stamp Duties (NSW), Commissioner of v Pearse (1953)	302
Stamps (SA), Commissioner of v Telegraph Investment Co Pty Ltd (1995)	356
Stapleton v The Queen (1952)	141
State Revenue (NSW), Chief Commissioner of v Dick Smith Electronics Holdings Pty Ltd (2005)	575, 591
State Revenue (Vic), Commissioner of v Pioneer Concrete (Vic) Pty Ltd (2002)	356
Steele v Tardiani (1946)	656, 663
Stevenson v Barham (1977)	121
Stokes v Guest Keen & Nettlefold (Bolt & Nuts) Ltd (1968)	490, 519
Subramaniam v The Queen (2004)	483
Sullivan v Moody (2001)	558, 662
Sumpter v Hedges (1898)	656, 661
Swain v Waverley Municipal Council (2005)	522, 524, 525
Swarbrick v Burge (2003)	344
Swarbrick v Burge (2004)	345, 360, 361, 365, 366, 368
Sweeney v Boylan Nominees Pty Ltd (2006)	311
Sydney Harbour Trust Commissioners v Ryan (1911)	42

SZFDE v Minister for Immigration and Multicultural and Indigenous Affairs (2005)	192
Tame v New South Wales (2002)	515, 521-525, 552, 554, 556-558
Taxation, Deputy Commissioner of v Bluebottle UK Ltd (2006)	605
Taxation, Deputy Commissioner of v Richard Walter Pty Ltd (1995)	626
Taxation, Deputy Commissioner of v State Bank (NSW) (1992)	50, 51
Taxation, Federal Commissioner of v Murray (1990)	357
Taxation, Federal Commissioner of v Prestige Motors Pty Ltd (1994)	626
Taxation, Federal Commissioner of v Wong (2002)	632, 633
Taylor v Johnson (1983)	95
Taylor v Midland Railway Co (1860)	620
Telephone Apparatus Manufacturers' Application, Re (1963)	32, 33, 53
Telnikoff v Matusevich (1991)	273, 297, 303
Thompson v Goold & Co (1910)	332
Thompson v Truth & Sportsman Ltd [No 4] (1930)	266
Thompson v Truth & Sportsman Ltd [No 4] (1932)	266
Thorpe v The Commonwealth [No 3] (1997)	311
TKWJ v The Queen (2002)	224, 232, 233, 235
TNT Australia Pty Ltd v Christie (2003)	514
Tofilau v The Queen (2007)	104, 120, 125, 133, 135, 136
Tolhurst v Associated Portland Cement Manufacturers (1900) Ltd (1902) .	649
Tom Shaw & Co v Moss Empires Ltd (1908)	621
Tomisevic v Menzies Wagga Southern Pty Ltd (2005)	525
Townsville Hospitals Board v Townsville City Council (1982)	51
Trade Practices Commission v TNT Management Pty Ltd (1984)	242
Tweddle v Atkinson (1861)	591
Union v State (1909)	460
United States v Hoar (1821)	54
United States v United Mine Workers of America (1947)	54
Vairy v Wyong Shire Council (2005)	491, 505, 511, 523, 525, 552
Van der Meer v The Queen (1988)	125, 126
Victorian Railways Commissioners v Coultas (1888)	557
Viro v The Queen (1978)	302
Visy Paper Pty Ltd v Australian Competition and Consumer Commission (2003)	57
W Cook Builders Pty Ltd (In liq) v Lumbers (2007)	650, 660-662, 672
Walker v Northumberland County Council (1994)	560
Walker, Ex parte; Re Goodfellow (1944)	416, 417
Water Board v Moustakas (1988)	645, 671
Wati v Minister for Immigration and Ethnic Affairs (1996)	199, 200, 203
Way v Latilla (1937)	666
Webb v Ireland (1987)	49
Weiss v The Queen (2005) .	216, 226, 241, 407, 424, 446, 449, 455, 456, 469, 482, 483
Wellcome Foundation Ltd v VR Laboratories (Aust) Pty Ltd (1981)	360
Wentworth Securities Ltd v Jones (1979)	144, 147

Western Australia v Yerkovich (2004)	161, 182
Western Australian Planning Commission v Temwood Holdings Pty Ltd (2004)	195
White v Chief Constable of South Yorkshire Police (1998)	556, 557
White v Director of Military Prosecutions (2007)	55
White v South Australia (2007)	51
Whitehorn v The Queen (1983)	408
Wigan v Edwards (1973)	577, 592
Wildash v Klein (2004)	366
Wilde v The Queen (1988)	216, 424, 455, 456, 469, 482
Willis v The Queen (2001)	408, 409
Wilson v Church [No 2] (1879)	327
Windsurfing International Inc v Petit (1984)	343
Windsurfing International Inc v Tabur Marine (Great Britain) Ltd (1984) .	343
Winterton Constructions Pty Ltd v Hambros Australia Ltd (1991) ...	658, 659
Wirral Estates Ltd v Shaw (1932)	60
Wirth v Wirth (1956)	576
Woods v Multi-Sport Holdings Pty Ltd (2002)	491, 527, 539
Woolmington v Director of Public Prosecutions (1935)	474
Works and Public Buildings, Commissioners of v Pontypridd Masonic Hall Co Ltd (1920)	60
Work Choices Case (New South Wales v The Commonwealth) (2006)	58
Worrall v Commercial Banking Co of Sydney Ltd (1917)	147
Wynyard Investments Pty Ltd v Commissioner for Railways (NSW) (1955)	34, 35, 59-62
Wyong Shire Council v Shirt (1980) ..	490, 491, 494, 504-506, 509, 511, 514, 518, 520-528, 531, 533, 538, 540, 548, 550, 551, 553, 554, 556
Yango Pastoral Co Pty Ltd v First Chicago Australia Ltd (1978)	29
Yanner v Eaton (1999)	585
Ziems v Prothonotary of Supreme Court (NSW) (1957)	408