

1987-1988

THE
COMMONWEALTH
LAW REPORTS

CASES DETERMINED IN THE
HIGH COURT OF AUSTRALIA

EDITOR

J. D. MERRALLS, Q.C.

VOLUME 164

THE LAW BOOK COMPANY LIMITED

1989

REPORTERS:

**J. M. BENNETT
C. J. CARR
J. G. SANTAMARIA
R. A. SUNDBERG, Q.C.**

Barristers-at-Law

Published in Sydney by
The Law Book Company Limited
44-50 Waterloo Road, North Ryde, N.S.W.
389-393 Lonsdale Street, Melbourne, Victoria
40 Queen Street, Brisbane, Queensland
81 St George's Terrace, Perth, W.A.

ISSN 0069-7133

© 1989 The Law Book Company Limited

Wholly set up and printed by
The Law Book Company Limited, Sydney, N.S.W.

JUSTICES OF THE HIGH COURT
OF AUSTRALIA

DURING THE CURRENCY OF THIS VOLUME

THE HONOURABLE SIR ANTHONY FRANK MASON, K.B.E., CHIEF JUSTICE

THE HONOURABLE SIR RONALD DARLING WILSON, K.B.E., C.M.G.

THE HONOURABLE SIR FRANCIS GERARD BRENNAN, K.B.E.

THE HONOURABLE SIR WILLIAM PATRICK DEANE, K.B.E.

THE HONOURABLE SIR DARYL MICHAEL DAWSON, K.B.E., C.B.

THE HONOURABLE JOHN LESLIE TOOHEY, A.O.

THE HONOURABLE MARY GENEVIEVE GAUDRON.

ATTORNEY-GENERAL

THE HONOURABLE LIONEL FROST BOWEN, M.P.

MEMORANDUM

1987.

June 8 — THE RIGHT HONOURABLE SIR HARRY TALBOT GIBBS, G.C.M.G., K.B.E., formerly Chief Justice of the High Court of Australia, was appointed a Companion of the Order of Australia.

The mode of citation of this volume of
the COMMONWEALTH LAW REPORTS will be as follows:
164 C.L.R.

A TABLE
OF THE
NAMES OF THE CASES REPORTED
IN THIS VOLUME

A	<p>Hinch v. Attorney-General (Vict.) — — — — — 15</p> <p>Hunter Resources Ltd. v. Melville — — — — — 234</p>
<p>Attorney-General (Vict.); Hinch v. — — — — — 15</p> <p>— (Vict.); Macquarie Broadcasting Holdings Ltd. v. — — — — — 15</p> <p>Australia and New Zealand Banking Group Ltd. v. Westpac Banking Corporation — 662</p>	L
B	<p>L.S.H., Re; Ex p. R.T.F. — — 91</p> <p>Lamb v. Cotogno — — — — 1</p>
<p>Bahr v. Nicolay [No. 2] — — 604</p> <p>Baumgartner v. Baumgartner 137</p> <p>Booth v. Federal Commissioner of Taxation — — — — 159</p> <p>Butera v. Director of Public Prosecutions (Vict.) — — 180</p>	M
C	<p>Macquarie Broadcasting Holdings Ltd. v. Attorney-General (Vict.) — — — — — 15</p> <p>Maher; Waltons Stores (Interstate) Ltd. v. — — — — 387</p> <p>Melville; Hunter Resources Ltd. v. — — — — — 234</p>
<p>Chamberlain v. Deputy Commissioner of Taxation — — 502</p> <p>Clayton; Hawkins v. — — — 539</p> <p>Commissioner—see Taxation</p> <p>Cotogno; Lamb v. — — — 1</p> <p>Coulter v. The Queen — — — 350</p>	N
F	<p>Nicolay; Bahr v. [No. 2] — — 604</p>
<p>Forestry Commission; Richardson v. — — — — — 261</p>	P
H	<p>Public Prosecutions, Director of (Vict.); Butera v. — — — 180</p>
<p>Hawkins v. Clayton — — — 539</p> <p>Highfern Pty. Ltd.; Sibbles v. 214</p>	R
	<p>R.T.F., Ex p.; Re L.S.H. — — 91</p> <p>Reg.; Coulter v. — — — — 350</p> <p>—; Veen v. [No. 2] — — — 465</p> <p>— v. Whitworth — — — — 500</p> <p>—; Wilde v. — — — — — 365</p> <p>Richardson v. Forestry Commission — — — — — 261</p>

S	V
Sibbles v. Highfern Pty. Ltd. — 214	Veen v. The Queen [No. 2] — 465
Smith v. Federal Commissioner of Taxation — — — — 513	
T	W
Taxation, Deputy Commissioner of; Chamberlain v. — — — 502	Waltons Stores (Interstate) Ltd. v. Maher — — — — 387
—, Federal Commissioner of; Booth v. — — — — 159	Westpac Banking Corporation; Australia and New Zealand Banking Group Ltd. v. — — 662
—; Smith v. — — — — 513	Whitworth; The Queen v. — 500
	Wilde v. The Queen — — — 365

TABLE OF CASES AFFIRMED, REVERSED, OVERRULED,
APPLIED OR JUDICIALLY COMMENTED ON IN
CASES REPORTED IN THIS VOLUME

- Airlines of N.S.W. Pty. Ltd. v. New South Wales* [No. 2] (1965), 113 C.L.R. 54, at p. 86.
Considered 164 C.L.R. 261.
- Ajayi v. R. J. Briscoe (Nigeria) Ltd.*, [1964] 1 W.L.R. 1326; [1964] 3 All E.R. 556.
Considered 164 C.L.R. 387.
- Allen v. Snyder*, [1977] 2 N.S.W.L.R. 685.
Considered 164 C.L.R. 137.
- Assets Co. Ltd. v. Mere Roihi*, [1905] A.C. 176.
Considered 164 C.L.R. 604.
- Australian Hardwoods Pty. Ltd. v. Commissioner for Railways*, [1961] 1 W.L.R. 425; [1961] 1 All E.R. 737.
Considered 164 C.L.R. 604.
- Baird v. Magripilis* (1925), 37 C.L.R. 321.
Considered 164 C.L.R. 604.
- Bannister v. Bannister*, [1948] 2 All E.R. 133.
Applied 164 C.L.R. 604.
- Barry v. Heider* (1914), 19 C.L.R. 197.
Considered 164 C.L.R. 604.
- Baumgartner v. Baumgartner* (1985), 2 N.S.W.L.R. 406.
Varied 164 C.L.R. 137.
- Binions v. Evans*, [1972] Ch. 359.
Applied 164 C.L.R. 604.
- Bread Manufacturers Ltd., Ex parte; Re Truth & Sportsman Ltd.* (1937), 37 S.R. (N.S.W.) 242, at pp. 249-250.
Applied 164 C.L.R. 15.
- Breskvar v. Wall* (1971) 126 C.L.R. 376, at p. 384.
Applied 164 C.L.R. 604.
- Buller v. Harrison* (1977), 2 Cowp. 565 [98 E.R. 1243].
Distinguished 164 C.L.R. 662.
- Central London Property Trust Ltd. v. High Trees House Ltd.*, [1947] K.B. 130.
Considered 164 C.L.R. 387.
- Central Trust Co. v. Rafuse* (1986), 31 D.L.R. (4th) 481.
Considered 164 C.L.R. 539.
- Chamberlain v. Deputy Commissioner of Taxation* (1987), 13 F.C.R. 94.
Reversed 164 C.L.R. 502.
- Channon v. The Queen* (1978), 20 A.L.R. 1, at p. 10.
Applied 164 C.L.R. 465.
- Clayton v. Heffron* (1960), 105 C.L.R. 214.
Considered 164 C.L.R. 234.
- Coast Securities No. 9 Pty. Ltd. v. Bondoukou Pty. Ltd.* (1986), 61 A.L.J.R. 285; 69 A.L.R. 385.
Distinguished 164 C.L.R. 214.
- Collins v. The Queen* (1975), 133 C.L.R. 120, at p. 122.
Followed 164 C.L.R. 350.
- Combe v. Combe*, [1951] 2 K.B. 215.
Considered 164 C.L.R. 387.
- Commonwealth, The v. Tasmania (Tasmanian Dam Case)* (1983), 158 C.L.R. 1.
Applied 164 C.L.R. 261.
- Conwell v. Tapfield*, [1981] 1 N.S.W.L.R. 595.
Approved 164 C.L.R. 180.
- Cotogno v. Lamb* [No. 3] (1986), 5 N.S.W.L.R. 559.
Affirmed 164 C.L.R. 1.
- Cox v. Prentice* (1815), 3 M. & S. 344 [105 E.R. 641].
Distinguished 164 C.L.R. 662.
- Crabb v. Arun District Council*, [1976] Ch. 179.
Considered 164 C.L.R. 387.
- Dillwyn v. Llewelyn* (1862), 4 De G.F. & J. 517 [45 E.R. 1285].
Considered 164 C.L.R. 387.
- Driscoll v. The Queen* (1977), 137 C.L.R. 517.
Considered 164 C.L.R. 180.
- Fontin v. Katapodis* (1962), 108 C.L.R. 177.
Applied 164 C.L.R. 1.
- v. — (1962), 108 C.L.R. 177, at p. 187.
Applied 164 C.L.R. 1.
- Frazer v. Walker*, [1967] 1 A.C. 569.
Considered 164 C.L.R. 604.
- Gibbs v. Messer*, [1891] A.C. 248.
Considered 164 C.L.R. 604.

- Gowers v. Lloyds and National Provincial Foreign Bank Ltd.*, [1938] 1 All E.R. 766, at p. 773.
Applied 164 C.L.R. 662.
- Grundt v. Great Boulder Pty. Gold Mines Ltd.* (1937), 59 C.L.R. 641.
Considered 164 C.L.R. 387.
- Hawkins v. Clayton* (1986), 5 N.S.W.L.R. 109.
Reversed 164 C.L.R. 539.
- Hayes v. Federal Commissioner of Taxation* (1956), 96 C.L.R. 47.
Distinguished 164 C.L.R. 513.
- Henderson v. Henderson* (1843), 3 Hare 100, at p. 115 [67 E.R. 313, at p. 319].
Explained 164 C.L.R. 502.
- John Fairfax & Sons Pty. Ltd. v. McRae* (1955), 93 C.L.R. 351, at p. 372.
Applied 164 C.L.R. 15.
- Jorden v. Money* (1854), 5 H.L.C. 185 [10 E.R. 868].
Considered 164 C.L.R. 387.
- Kamloops v. Nielsen*, [1984] 2 S.C.R. 2; (1984), 10 D.L.R. (4th) 641.
Considered 164 C.L.R. 539.
- Kent and Pigot, In the Marriage of* (1982), 8 Fam. L.R. 537; [1982] F.L.C. 91-240.
Disapproved 164 C.L.R. 91.
- King v. Poggioli* (1923), 32 C.L.R. 222.
Considered 164 C.L.R. 604.
- Kleinwort, Sons & Co. v. Dunlop Rubber Co.* (1907), 97 L.T. 263.
Distinguished 164 C.L.R. 662.
- Landers v. Schmidt*, [1983] 1 Qd R. 188.
Distinguished 164 C.L.R. 214.
- Lane v. Registrar of the Supreme Court of N.S.W.* (1981), 148 C.L.R. 245, at p. 258.
Applied 164 C.L.R. 15.
- Laws Holdings Pty. Ltd. v. Short* (1972), 46 A.L.J.R. 563.
Considered 164 C.L.R. 387.
- Legione v. Hateley* (1983), 152 C.L.R. 406.
Considered 164 C.L.R. 387.
- Logue v. Shoalhaven Shire Council*, [1979] 1 N.S.W.L.R. 537.
Considered 164 C.L.R. 604.
- Loke Yew v. Port Swettenham Rubber Co. Ltd.*, [1913] A.C. 491, at pp. 503-504.
Applied 164 C.L.R. 604.
- Lysus v. Prowsa Developments Ltd.*, [1982] 1 W.L.R. 1044; [1982] 2 All E.R. 953.
Applied 164 C.L.R. 604.
- Mehmet v. Benson* (1965), 113 C.L.R. 295.
Considered 164 C.L.R. 604.
- Merest v. Harvey* (1814), 5 Taunt. 442 [128 E.R. 761].
Applied 164 C.L.R. 1.
- Muschinski v. Dodds* (1985), 160 C.L.R. 583, at p. 620.
Applied 164 C.L.R. 137.
- Norman v. Federal Commissioner of Taxation* (1963), 109 C.L.R. 9.
Considered 164 C.L.R. 159.
- Pirelli General Cable Works Ltd. v. Oscar Faber & Partners*, [1983] 2 A.C. 1.
Considered 164 C.L.R. 539.
- Port of Melbourne Authority v. Anshun Pty. Ltd.* (1981), 147 C.L.R. 589.
Considered 164 C.L.R. 502.
- Quartermaine v. The Queen* (1980), 143 C.L.R. 595, at pp. 600-601.
Applied 164 C.L.R. 365.
- Reg. v. Couper* (1985), 18 A.Crim.R. 1, at pp. 7-8.
Applied 164 C.L.R. 365.
- *v. Gaudion*, [1979] V.R. 57.
Considered 164 C.L.R. 180.
- *v. Henderson*, [1966] V.R. 41, at p. 43.
Applied 164 C.L.R. 365.
- *v. Hildebrandt* (1963), 81 W.N. (Pt. 1) (N.S.W.) 143, at p. 148.
Applied 164 C.L.R. 365.
- *v. MacLean* [No. 1] (1979), 49 C.C.C. (2d) 399.
Applied 164 C.L.R. 180.
- *v. Martin* (1984), 58 A.L.J.R. 217; 51 A.L.R. 540.
Applied 164 C.L.R. 500.
- *v. —* (1984), 58 A.L.J.R. 217; 53 A.L.R. 84.
Considered 164 C.L.R. 15.
- *v. Menzies*, [1982] 1 N.Z.L.R. 40 at p. 49.
Applied 164 C.L.R. 180.
- *v. Narula*, [1987] V.R. 661.
Affirmed 164 C.L.R. 180.
- *v. Pedder* (Unreported; 29 May 1964; Queensland Court of Criminal Appeal).
Applied 164 C.L.R. 465.
- *v. Percali* (1986), 42 S.A.S.R. 46.
Approved 164 C.L.R. 350.
- *v. Ross-Jones; Ex parte Green* (1984), 156 C.L.R. 185, at pp. 202, 213.
Followed 164 C.L.R. 91.

- Rahimtoola v. Nizam of Hyderabad*, [1958] A.C. 379, at pp. 396, 406.
Applied 164 C.L.R. 662.
- Ramsden v. Dyson* (1866), L.R. 1 H.L. 129.
Considered 164 C.L.R. 387.
- Registrar of the Court of Appeal v. Willesee* (1985), 3 N.S.W.L.R. 650, at pp. 659, 677, 681.
Applied 164 C.L.R. 15.
- San Sebastian v. The Minister* (1986), 162 C.L.R. 340.
Considered 164 C.L.R. 539.
- Scott v. Federal Commissioner of Taxation* (1966), 117 C.L.R. 514.
Distinguished 164 C.L.R. 513.
- Scurr v. Brisbane City Council* (1973), 133 C.L.R. 242.
Considered 164 C.L.R. 234.
- Shamdasani v. King-Emperor*, [1945] A.C. 264, at p. 270.
Considered 164 C.L.R. 15.
- Shepherd v. Federal Commissioner of Taxation* (1965), 113 C.L.R. 385.
Considered 164 C.L.R. 159.
- Sibbles v. Highfern Pty. Ltd.*, [1987] 2 Qd R. 667.
Affirmed 164 C.L.R. 214.
- Smith v. The Queen* (1970), 121 C.L.R. 572.
Considered 164 C.L.R. 180.
- South Australia v. Johnson* (1982), 42 A.L.R. 161.
Considered 164 C.L.R. 539.
- Sparham-Souter v. Town & Country Developments (Essex) Ltd.*, [1976] Q.B. 858.
Considered 164 C.L.R. 539.
- Stuart v. Kingston* (1923), 32 C.L.R. 309, at p. 329.
Applied 164 C.L.R. 604.
- Sutherland Shire Council v. Heyman* (1985), 157 C.L.R. 424.
Considered 164 C.L.R. 539.
- Taxation, Federal Commissioner of v. Booth* (1986), 68 A.L.R. 547; 17 A.T.R. 955; 86 A.T.C. 4, 612.
Affirmed 164 C.L.R. 159.
- *v. Dixon* (1952), 86 C.L.R. 540.
Distinguished 164 C.L.R. 513.
- *v. Everett* (1978), 38 A.L.R. 26; 21 A.L.R. 625 (F.C.); (1980), 143 C.L.R. 440 (H.C.).
Considered 164 C.L.R. 159.
- *v. Smith* (1986), 13 F.C.R. 116.
Affirmed 164 C.L.R. 513.
- Thompson v. Palmer* (1933), 49 C.L.R. 507.
Considered 164 C.L.R. 387.
- Uren v. John Fairfax & Sons Pty. Ltd.* (1962), 117 C.L.R. 118.
Applied 164 C.L.R. 1.
- Veen v. The Queen* [No. 1] (1979), 143 C.L.R. 458, at p. 469.
Applied 164 C.L.R. 465.
- Victoria v. Australian Building Construction Employees' & Builders Labourers' Federation* (1982), 152 C.L.R. 25, at pp. 56, 133.
Applied 164 C.L.R. 15.
- *v. The Commonwealth and Connor* (1975), 134 C.L.R. 81.
Considered 164 C.L.R. 234.
- Waimiha Sawmilling Co. v. Waione Timber Co.*, [1926] A.C. 101, at pp. 106-107.
Applied 164 C.L.R. 604.
- Waltons Stores (Interstate) Ltd v. Maher* (1986), 5 N.S.W.L.R. 407.
Affirmed 164 C.L.R. 387.
- Wicks v. Bennett* (1921), 30 C.L.R. 80.
Considered 164 C.L.R. 604.
- Williams v. Melbourne Corporation* (1933), 49 C.L.R. 142.
Followed 164 C.L.R. 350.
- *v. The Queen*, [1982] Tas. R. 266.
Applied 164 C.L.R. 180.
- Woodward v. Sarsons* (1875), L.R. 10 C.P. 733, at pp. 746-747.
Considered 164 C.L.R. 234.
- XL Petroleum (N.S.W.) Pty. Ltd. v. Caltex Oil (Australia) Pty. Ltd.* (1985), 155 C.L.R. 448.
Applied 164 C.L.R. 1.

ADDENDUM

163 C.L.R., page xiv, column 1: Insert "*Ramsay (W.T.) Ltd v. Inland Revenue Commissioners*, [1982] A.C. 300. Referred to 163 C.L.R. 640".

CORRIGENDA

- 151 C.L.R., page 462, line 24: For "condition of circumstance" read "condition or circumstance".
- 156 C.L.R., page 43: For headnote (4) substitute "By Gibbs C.J., Wilson, Deane and Dawson JJ., contra Mason J., that there was no fiduciary relationship between the parties".
Add headnote (5): "By Gibbs C.J., Wilson and Dawson JJ., that the appropriate remedy was damages.
Per Mason and Deane JJ. The dealer should account to the company for the profits derived from distributing competing products on the basis ordered by the trial judge."
- 163 C.L.R., page 490, headnote, second paragraph, line 6: For "unnecessary" read "necessary".
- 164 C.L.R., page 25, footnote (33) and page 31, footnote (54): For "(1986) 6 N.S.W.L.R. 695, at p. 714" read "(1985) 6 N.S.W.L.R. 695, at p. 714".
- 164 C.L.R., page 137, catchwords, line 4: For "wife" read "woman".
- 164 C.L.R., page 214, marginal note: Insert "CANBERRA" above "Dec. 23".
- 164 C.L.R., page 261, headnote, line 27: For "construction" read "construct".
- 164 C.L.R., page 279, last line: For "*W. R. C. Bale Q.C.*" read "*W. C. R. Bale Q.C.*".
- 164 C.L.R., page 392, line 9: Insert "out." after "carried".
- 164 C.L.R., page 419, line 5: For "Dwerts" read "Danckwerts".

STATUTES JUDICIALLY CONSIDERED

IMPERIAL

Constitution, The (63 & 64 Vict. c. 12), s. 51(xxix). *Richardson v. Forestry Commission* — — — — 261

COMMONWEALTH

Family Law Act 1975, ss. 5(1)(e), 10, 61(3), 114. *Re L.S.H.; Ex p. R.T.F.* 91

Income Tax Assessment Act 1936, s. 26(e). *Smith v. Federal Commissioner of Taxation* — — — — 513

— **1936, ss. 102A(1), 102B(1).** *Booth v. Federal Commissioner of Taxation* — — — — 159

— **1936, ss. 202, 209.** *Chamberlain v. Deputy Commissioner of Taxation* 502

Lemonthyme and Southern Forests (Commission of Inquiry) Act 1987. *Richardson v. Forestry Commission* 261

World Heritage Properties Conservation Act 1983. *Richardson v. Forestry Commission* — — — — 261

NEW SOUTH WALES

Conveyancing Act 1919, s. 54A(1). *Waltons Stores (Interstate) Ltd. v. Maher* — — — — 387

Criminal Appeal Act 1912, s. 6(1). *Wilde v. The Queen* — — — — 365

Limitation Act 1969, s. 14(1). *Hawkins v. Clayton* — — — — 539

Motor Vehicles (Third Party Insurance) Act 1942, ss. 7(1), 10(1), (7), 15(1), 18(1). *Lamb v. Cotogno* 1

QUEENSLAND

Property Law Act 1974, ss. 71(2), 72(1), 73. *Sibbles v. Highfern Pty. Ltd.* — — — — 214

SOUTH AUSTRALIA

Adoption of Children Act 1967, s. 27. *Re L.S.H.; Ex p. R.T.F.* — — — 91

Criminal Appeal Rules 1925, r. 25. *Coulter v. The Queen* — — — — 350

Criminal Law Consolidation Act 1935, ss. 40, 357, 368. *Coulter v. The Queen* — — — — 350

WESTERN AUSTRALIA

Mining Act 1978, ss. 40(1), 105(1), 105A. *Hunter Resources Ltd. v. Melville* — — — — 234

Mining Regulations 1981, reg. 59. *Hunter Resources Ltd. v. Melville* 234

Transfer of Land Act 1893, ss. 68, 134. *Bahr v. Nicolay [No. 2]* — — 604

TABLE OF CASES CITED IN JUDGMENTS

NOTE.—The page numbers are those of the pages where the case is cited in each report. The numbers in brackets show the first footnote on each page containing the references to the cases.

A		
<p>Abigail v. Lapin (1934) 633 (11)</p> <p>Achatz v. De Reuver (1971) 630 (4)</p> <p>Adamson v. Hayes (1973) 655 (65)</p> <p>Admiralty Commissioners v. National Provincial and Union Bank of England Ltd. (1922) 675 (38)</p> <p>Adoption Application No. A83/6507, Re (1984) 111 (45)</p> <p>Aebly's Will, In re (1941) 550 (32)</p> <p>Airlines of N.S.W. Pty. Ltd. v. New South Wales [No. 2] (1965) 303 (42), 312 (65), 336 (2), 345 (23)</p> <p>Ajayi v. R. T. Briscoe (Nigeria) Ltd. (1964) 399 (36), 420 (16), 426 (36), 459 (85)</p> <p>Allegheny College v. National Chautauqua County Bank (1927) 401 (55)</p> <p>Allen v. Snyder (1977) 144 (5), 146 (8), 147 (14)</p> <p>Aluminium Products (Q.) Pty. Ltd. v. Hill (1981) 574 (84)</p> <p>Amalgamated Property Co. v. Texas Bank (1982) 403 (57), 406 (75), 419 (12)</p> <p>Amalgamated Society of Engineers v. Adelaide Steamship Co. Ltd. (Engineers' Case) (1920) 307 (50)</p> <p>Antonarkis v. Delly (1976) 130 (73)</p> <p>Arcus v. Commissioner of Inland Revenue (N.Z.) (1962) 166 (19)</p> <p>Ascot Investments Pty. Ltd. v. Harper (1981) 99 (26), 122 (57), 129 (70)</p> <p>Assets Co. Ltd. v. Mere Roihi (1905) 614 (52), 630 (94)</p> <p>Associated Minerals Consolidated Ltd. v. Wyong Shire Council (1975) 276 (4)</p> <p>Attorney-General (N.Z.) v. Codner (1973) 399 (42)</p> <p>— (Vict.) v. Commonwealth (Pharmaceutical Benefits Case) (1945) 293 (27), 341 (15)</p> <p>— (Vict.) v. Commonwealth (1962) 123 (64), 135 (92)</p>	<p>— v. English (1983) 29 (44), 42 (92), 76 (92)</p> <p>— (Hong Kong) v. Humphreys Estate Ltd. (1987) 403 (63), 405 (73), 421 (24), 422 (25)</p> <p>— (N.S.W.) v. John Fairfax & Sons Ltd. (1980) 69 (69)</p> <p>— (N.S.W.) v. John Fairfax & Sons Ltd. and Bacon (1985) 25 (33), 31 (54), 38 (66), 41 (88), 47 (3), 70 (75), 72 (82), 74 (91), 83 (98)</p> <p>— v. Leveller Magazine Ltd. (1979) 360 (22), 361 (24)</p> <p>— (N.S.W.) (Ex rel. Franklins Stores Pty. Ltd.) v. Lizelle Pty. Ltd. (1977) 250 (20)</p> <p>— v. News Group Newspapers Ltd. (1987) 29 (45), 34 (59), 72 (84), 74 (90)</p> <p>— v. Times Newspapers Ltd. (1974) 25 (30), 26 (34), 38 (72), 39 (76), 40 (81), 42 (91), 47 (7), 49 (17), 51 (27), 55 (36), 65 (46), 66 (53), 72 (87)</p> <p>— (N.S.W.) v. Willesee (1980) 28 (43), 71 (80), 88 (15)</p> <p>— (Manitoba) and Radio O.B. Ltd., Re (1976) 46 (94)</p> <p>Atwood v. Maude (1868) 148 (18)</p> <p>Auld, Ex parte; Re Consolidated Press Ltd. (1936) 28 (40), 72 (88)</p> <p>Australian Agricultural Co. v. Federated Engine-Drivers and Firemen's Association of Australasia (1913) 322 (72)</p> <p>Australian Broadcasting Commission v. Parish (1980) 361 (25)</p> <p>Australian Building Construction Employees' and Builders Labourers' Federation v. The Commonwealth (1981) 24 (22), 40 (79), 54 (33)</p> <p>Australian Communist Party v. The Commonwealth (1951) 294 (28), 341 (12)</p> <p>Australian Consolidated Press Ltd. v. Morgan (1965) 49 (20)</p>	

- | | | | |
|---|--|--|---|
| Australian Consolidated Press Ltd v. Uren (1967) | 7 (25) | 46 (96), 52 (29), 56 (37), 59 (39), 64 (41), 66 (51), 67 (54), 80 (93), 82 (95) | |
| Australian Hardwoods Pty. Ltd. v. Commissioner for Railways (1961) | 620 (83) | Breen v. Sneddon (1961) | |
| Australian National Airlines Commission v. The Commonwealth (1975) | 193 (48) | Brent v. Federal Commissioner of Taxation (1971) | |
| Australian Woollen Mills Pty. Ltd. v. The Commonwealth (1954) | 402 (56) | Breskvar v. Wall (1971) | |
| B | | | |
| B.P. Refinery (Westernport) Pty. Ltd. v. Hastings Shire Council (1977) | 571 (64) | 633 (15), 637 (20), 638 (21), 653 (58), 656 (72) | |
| Baba and Jarvinen, In the Marriage of (1980) | 106 (4) | Brickhill v. Cooke (1984) | |
| Baird v. Magripilis (1925) | 620 (87), 641 (30), 659 (76) | Brickworks Ltd. v. Warringah Corporation (1963) | |
| Balch v. Symes (1823) | 550 (31) | British American Continental Bank v. British Bank for Foreign Trade (1926) | |
| Bank Negara Indonesia v. Philip Hoalim (1973) | 399 (37), 420 (17), 459 (86) | 677 (40), 684 (62) | |
| Bank of New South Wales v. Murphett (1983) | 672 (26) | Broome v. Cassell & Co. (1972) | |
| Bannister v. Bannister (1948) | 616 (63), 618 (74), 654 (61) | 7 (24), 9 (34) | |
| Barclays Bank Ltd. v. W. J. Simms Son & Cooke (Southern) Ltd. (1980) | 672 (25), 683 (56) | Brown v. Heffer (1967) | |
| Barns v. Queensland National Bank Ltd. (1906) | 448 (68) | 612 (43), 646 (39) | |
| Barry v. Heider (1914) | 613 (47), 638 (23), 653 (56) | Buller v. Harrison (1777) | |
| Baylis v. Bishop of London (1913) | 684 (61) | 674 (34), 682 (47), 683 (50) | |
| Bell v. Stewart (1920) | 52 (31) | Butler v. Fairclough (1917) | |
| Beneficial Finance Corporation Co. Ltd. v. Conway (1970) | 193 (45) | 614 (58), 630 (96), 633 (9) | |
| Binions v. Evans (1972) | 618 (75), 638 (26) | C | |
| Birmingham & District Land Co. v. London & North Western Railway Co. (1888) | 420 (15) | Cadd v. Cadd (1909) | 656 (67) |
| Blair v. Curran (1939) | 507 (20) | Caffoor v. Income Tax Commissioner (1961) | 510 (33) |
| Bonicelli v. State (1959) | 206 (1) | Caldow v. Pixell (1877) | 251 (22) |
| Bowen v. Paramount Builders (1977) | 544 (26) | Calverley v. Green (1984) | 154 (33), 155 (34) |
| Brace v. Duchess of Marlborough (1728) | 223 (35) | Canadian Pacific Railway Co. v. The King (1931) | 425 (32) |
| Bradford Banking Co. v. Briggs (1886) | 221 (26) | Cartledge v. E. Jopling & Sons Ltd. (1963) | 560 (54) |
| Bradshaw v. M'Mullan (1920) | 510 (34) | Cassidy v. Engwirda Constructions Co. (1967) | 193 (47) |
| Bramblevale Ltd., In re (1970) | 50 (25) | Castlemaine Tooheys Ltd. v. South Australia (1986) | 276 (2) |
| Bread Manufacturers Ltd., Ex parte; Re Truth & Sportsman Ltd. (1937) | 18 (11), 33 (55), 35 (6), 38 (68), 39 (73), 40 (80), | Central London Property Trust Ltd. v. High Trees House Ltd. (1947) | 399 (39), 400 (49), 459 (84) |
| | | Central Trust Co. v. Rafuse (1986) | 544 (25), 574 (77), 583 (6), 587 (13), 600 (55) |
| | | Chadwick v. Manning (1896) | 398 (30), 449 (70), 452 (77) |
| | | Chalmers v. Pardoe (1963) | 416 (97) |
| | | Chamberlain v. The Queen [No. 2] (1984) | 384 (40) |
| | | Channon v. The Queen (1978) | 475 (32), 486 (56), 487 (57), 488 (60) |
| | | Chatenay v. Brazilian Submarine Telegraph Co. (1891) | 209 (18) |
| | | Chillingworth v. Chambers (1896) | 459 (88) |
| | | Chinery v. Viall (1860) | 585 (8) |
| | | Church of Scientology v. Woodward (1982) | 335 (1) |

Clark v. Ryan (1960)	209 (16)	Cox v. Prentice (1815)	674 (35),
Clayton v. Heffron (1960)	249 (16),	682 (49),	683 (53)
	252 (23)	Crabb v. Arun District Council	
Clayton's Case (1816)	222 (30),	(1976)	401 (54),
671 (22),	676 (39)	403 (60), 404 (64),	417 (1),
Cleland v. The Queen (1982)	207 (11)	420 (13), 423 (28),	425 (35),
Clements and Marshall Pty.		458 (83),	460 (93)
Ltd. v. Field Peas Marketing		Craine v. Colonial Mutual Fire	
Board (Tas.) (1947)	275 (1)	Insurance Co. Ltd (1920)	398 (32),
Clough v. Leahy (1904)	335 (98)	413 (79),	445 (58)
Coast Securities (No. 9) Pty.		Crook v. Corporation of Sea-	
Ltd. v. Bondoukou Pty. Ltd.		ford (1870)	433 (44)
(1986)	224 (40),		
230 (48),	231 (50)		
Codelfa Construction Pty. Ltd.			
v. State Rail Authority of			
N.S.W. (1982)	571 (66),		
617 (70),	651 (49)		
Collins v. The Queen (1975)	356 (12)		
Colonial Bank v. Exchange			
Bank of Yarmouth, Nova			
Scotia (1886)	674 (36)		
Combe v. Combe (1951)	400 (44),		
421 (23),	425 (33)		
Comet Products U.K. Ltd. v.			
Hawkex Plastics Ltd. (1971)	49 (18),		
	50 (26)		
Commercial Bank of Australia			
Ltd. v. Younis (1979)	671 (24)		
Commonwealth, The v. Scituate			
Savings Bank (1884)	400 (51)		
— v. Tasmania (Tasmanian			
Dam Case) (1983)	289 (20),		
291 (23), 298 (34),	300 (37),		
302 (39), 305 (45),	308 (53),		
311 (59), 320 (70),	322 (75),		
325 (85), 332 (87),	333 (91),		
334 (94), 336 (3),	337 (7),		
340 (11), 342 (16),	344 (20),		
	345 (21),		
	346 (28)		
Commonwealth Freighters Pty.			
Ltd. v. Sneddon (1959)	294 (30),		
	341 (13)		
Consolidated Press Ltd. v.			
McRae (1955)	50 (24),		
	89 (18)		
Constable v. Federal Commis-			
sioner of Taxation (1952)	532 (68)		
Continental Caoutchouc &			
Gutta Percha Co. v. Klein-			
wort, Sons & Co. (1904)	674 (31),		
	680 (42),		
Conwell v. Tapfield (1981)	185 (22),		
	192 (43)		
Cook v. Cook (1986)	576 (95),		
594 (38),	595 (42)		
Cormick, In the Marriage of			
(1984)	100 (30),		
	123 (63),		
Costi v. Minister of Education			
(1973)	9 (36)		
Couper v. The Queen (1985)	378 (25)		

D

Dallal v. Bank Mellat (1986)	511 (38)
Dare v. Pulham (1982)	659 (77)
Daulia Ltd. v. Four Millbank	
Nominees Ltd. (1978)	433 (43)
Dauids Holdings Pty. Ltd. v.	
Byrnes (1987)	276 (3)
Davies, In re (1888)	49 (22)
Davis v. Baillie (1946)	27 (38),
28 (42), 30 (46),	69 (67),
	71 (79)
Dawson, Ex parte; Re Consoli-	
dated Press (1961)	39 (74),
	66 (52)
Day v. Mead (1987)	575 (91),
	585 (9)
Deeley v. Lloyds Bank Ltd.	
(1912)	222 (31)
De Jesus v. The Queen (1986)	369 (11),
	379 (26)
De Lassalle v. Guildford (1901)	651 (50)
Devaynes v. Noble (Clayton's	
Case) (1816)	222 (30),
	671 (22),
	676 (39)
Dickason v. Dickason (1913)	360 (18)
Dillwyn v. Llewelyn (1862)	419 (11),
420 (21), 424 (29),	458 (82)
Donoghue v. Stevenson (1932)	575 (94),
	595 (39)
Dowal v. Murray (1978)	135 (86)
Doyle v. The Commonwealth	
(1985)	90 (21)
Driscoll v. The Queen (1977)	189 (33),
198 (71), 207 (10),	211 (33),
213 (37), 372 (14),	373 (18),
	381 (27),
	382 (34)
D'Silva v. Lister House Devel-	
opment Ltd. (1971)	438 (49)
Duff v. The Queen (1979)	31 (53),
	74 (89)
Duggan v. State (1966)	206 (2)
Durham Fancy Goods Ltd. v.	
Michael Jackson (Fancy	
Goods) Ltd. (1968)	399 (41)

E

E. R. Ives Investment Ltd. v.	
High (1967)	419 (6)

- Engineers' Case (1920) 307 (50)
 Esso Petroleum v. Mardon (1976) 574 (82)
 Evda Nominees Pty. Ltd. v. Victoria (1984) 322 (74)
 Eves v. Eves (1975) 152 (25)
- F**
- F., Re; Ex parte F. (1986) 133 (82)
 Fairfax (John) & Sons Pty. Ltd. v. McRae (1955) 22 (13),
 27 (37), 30 (48), 34 (57),
 37 (63), 46 (97), 47 (2),
 48 (14), 65 (43), 69 (70),
 82 (96), 85 (10), 89 (19)
 Fakisandhla Nkambule v. The King (1940) 189 (32)
 Federal Coke Co. Pty. Ltd. v. Federal Commissioner of Taxation (1977) 524 (53)
 Federated Ironworkers' Association of Australia v. The Commonwealth (1951) 135 (90)
 Ferrier v. Stewart (1912) 398 (34),
 415 (89)
 Fibrosa Spolka Akcyjna v. Fairbairn Lawson Combe Barbour Ltd (1943) 673 (29)
 Finlay v. Murtagh (1979) 574 (90)
 Fitzpatrick v. M'Glone (1897) 682 (44)
 Fontin v. Katapodis (1962) 8 (27),
 13 (39)
 Fountain v. Alexander (1982) 100 (33),
 131 (79), 135 (88)
 Frazer v. Walker (1967) 637 (19),
 638 (22), 653 (57)
 Friedman v. Barrett; Ex parte Friedman (1962) 630 (2),
 653 (54)
 Fullers' Theatres Ltd. v. Musgrove (1923) 619 (80),
 659 (75)
- G**
- Gallagher v. The Queen (1986) 372 (16),
 381 (32)
 Garton v. Hunter (1969) 194 (51),
 202 (76)
 Gazzo v. Comptroller of Stamps (Vict.) (1981) 120 (51),
 135 (91)
 General Medical Council v. Spackman (1943) 211 (35)
 Georges v. Georges (1811) 550 (33)
 George Whitechurch Ltd. v. Cavanagh (1902) 398 (31),
 415 (88)
 Gerhardy v. Brown (1985) 296 (33)
 Gibbs v. Messer (1891) 613 (45),
 637 (18), 652 (52)
- Gilbert (Doe d.) v. Ross (1840) 198 (69)
 Godecke v. Kirwan (1973) 645 (33)
 Government of the Canal Zone v. Scott (1974) 210 (28)
 Gowers v. Lloyds and National Provincial Foreign Bank Ltd. (1938) 674 (32),
 682 (46), 684 (63)
 Grain Elevators Board (Vict.) v. Dunmunkle Corporation (1946) 254 (24)
 Grannall v. Marrickville Margarine Pty. Ltd. (1955) 334 (97)
 Grant v. Southwestern & County Properties Ltd. (1975) 193 (46)
 Gray v. Lang (1955) 400 (47)
 Green v. Russell; McCarthy (Third Party) (1959) 618 (72)
 Greenhalgh v. Mallard (1947) 511 (37)
 Greenwood v. Martin's Bank (1933) 444 (57)
 Griffiths v. Davies (1943) 510 (35)
 Groom v. Crocker (1939) 574 (79)
 Grundt v. Great Boulder Pty. Gold Mines Ltd. (1937) 398 (26),
 404 (68), 413 (83), 414 (84),
 419 (5), 443 (52), 444 (55),
 445 (61), 448 (66), 449 (73),
 460 (94), 461 (95), 463 (99)
 Gurfinkel v. Bentley Pty. Ltd. (1966) 628 (90)
- H**
- H. (falsely called C.) v. C. (1859) 357 (14)
 Hackshaw v. Shaw (1984) 575 (92)
 Hall v. Busst (1960) 629 (93),
 646 (40)
 Hammersley v. De Biel (1845) 404 (70)
 Hansell v. Spink (1943) 198 (70)
 Hargrave v. Goldman (1963) 553 (44)
 Harris v. Director of Public Prosecutions (1952) 207 (8)
 Harvey, In the Estate of (1907) 551 (36)
 Hawkesley v. May (1956) 553 (45)
 Hayes v. Federal Commissioner of Taxation (1956) 518 (31),
 519 (36), 521 (41), 524 (54),
 529 (64), 534 (72), 536 (75)
 Hedley Byrne & Co. Ltd. v. Heller & Partners Ltd. (1964) 546 (29),
 574 (81), 592 (19)
 Henderson v. Henderson (1843) 504 (15),
 509 (26), 512 (39)
 Hepworth v. Hepworth (1963) 146 (11)
 Herald and Weekly Times Ltd. v. The Commonwealth (1966) 292 (24)

- Hersey v. Giblett (1854) 656 (71)
Hillas & Co. Ltd v. Arcos Ltd. (1932) 573 (75)
Hill Corporation v. Bradbury (1937) 315 (67)
Hindson v. Monahan (1970) 194 (53)
Hocking v. Bell (1945) 384 (39)
Hodder v. Watters (1946) 232 (55)
Holland v. Russell (1861) 682 (45)
— v. — (1863) 684 (60)
— v. Wiltshire (1954) 226 (44)
Hollington Bros. Ltd. v. Rhodes (1951) 436 (48)
Hollis v. Smith (1808) 552 (39)
Holloway v. McFeeters (1956) 462 (97)
Hope v. R.C.A. Photophone of Australia Pty. Ltd. (1937) 617 (65)
Hopes v. Her Majesty's Advocate (1960) 188 (31),
195 (57), 206 (7)
Hopkinson v. Rolt (1861) 221 (25),
223 (38)
Hosking (R. M.) Properties v. Barnes (1971) 630 (3)
Hospital Products Ltd. v. United States Surgical Corporation (1984) 571 (63)
Hoyt's Pty. Ltd. v. Spencer (1919) 401 (52)
Huard v. The King (1949) 211 (31)
Hughes v. Metropolitan Railway Co. (1877) 400 (43),
417 (2), 420 (14), 448 (67),
450 (75)
Hughes and Vale Pty. Ltd v. New South Wales (1954) 315 (68)
— v. — [No. 2] (1955) 292 (25),
294 (29), 341 (14)
Hunt v. Clarke (1889) 68 (63)
Hurst v. Hurst (1885) 555 (48)
Hurt v. State (1956) 184 (19)
Hussey v. Palmer (1972) 152 (26)
- I**
- ibbs v. The Queen (1987) 478 (36),
499 (71)
Inland Revenue Commissioners v. Blott (1921) 311 (61)
Inwards v. Baker (1965) 418 (4),
420 (20)
Isaacs v. Ocean Accident and Guarantee Corporation Ltd. (1958) 508 (24)
Ives (E.R.) Investment Ltd. v. High (1967) 419 (6)
- J**
- J. J. Savage & Sons Pty. Ltd. v. Blakney (1970) 651 (51)
- J. & H. Just (Holdings) Pty. Ltd. v. Bank of New South Wales (1971) 633 (12)
Jackson v. Goldsmith (1950) 507 (21)
Jaensch v. Coffey (1984) 556 (51),
576 (97), 577 (1), 593 (32)
James v. Robinson (1963) 89 (20)
James Roscoe (Bolton) Ltd. v. Winder (1915) 678 (41)
John Fairfax & Sons Pty. Ltd. v. McRae (1955) 22 (13),
27 (37), 30 (48), 34 (57),
37 (63), 46 (97), 47 (2),
48 (14), 65 (43), 69 (70),
82 (96), 85 (10), 89 (19)
Johnson v. Kershaw (1847) 209 (21)
Johnstone v. Stewart (1968) 8 (28)
Jordan v. Money (1854) 398 (28),
405 (71), 415 (85), 447 (64),
449 (71), 459 (90)
Junior Books Ltd. v. Veitchi Ltd. (1983) 600 (52)
Just (J. & H.) (Holdings) Pty. Ltd. v. Bank of New South Wales (1971) 633 (12)
Justice, Minister for v. West Australian Newspapers Ltd. (1970) 83 (1)
- K**
- Kajala v. Noble (1982) 187 (25),
194 (52), 203 (77)
Kamloops v. Nielsen (1984) 560 (55),
587 (11), 599 (48), 600 (54)
Kennedy v. Vercoe (1960) 612 (42)
Kent and Pigot, In the Marriage of (1982) 98 (24),
104 (37), 106 (38), 121 (55)
Kerrison v. Glyn, Mills, Currie & Co. (1911) 675 (37)
Ketteman v. Hansel Properties Ltd. (1987) 600 (53)
Khoury v. Government Insurance Office (N.S.W.) (1984) 617 (68)
King v. Poggioli (1923) 620 (84)
Kleinwort, Sons & Co. v. Dunlop Rubber Co. (1907) 682 (48),
684 (57)
Knox v. Gye (1872) 562 (60)
Kok Hoong v. Leong Cheong Kweng Mines Ltd. (1964) 510 (36)
Koowarta v. Bjelke-Petersen (1982) 298 (35),
322 (79)
Kuruma v. The Queen (1955) 207 (9)
- L**
- Landers v. Schmidt (1983) 224 (39),
231 (51), 232 (56)

- Neale v. Willis (1968) 656 (70)
- Newbon v. City Mutual Life Assurance Society Ltd. (1935) 413 (82), 445 (59)
- N.S.W. Rutile Mining Co. Pty. Ltd. v. Eagle Metal & Industrial Products Pty. Ltd. (1960) 400 (48), 447 (63)
- New South Wales Trotting Club Ltd. v. Glebe Municipal Council (1937) 424 (31)
- Niesmann v. Collingridge (1921) 611 (37), 645 (32)
- Nocton v. Lord Ashburton (1914) 574 (76)
- Norman v. Federal Commissioner of Taxation (1963) 166 (16), 177 (29)
- North London Railway Co. v. Great Northern Railway Co. (1883) 122 (59)
- Norwest Refrigeration Services Pty. Ltd. v. Bain Dawes (W.A.) Pty. Ltd. (1984) 592 (25)
- Nowegijick v. The Queen (1983) 533 (70)
- O**
- O'Connor v. Commissioner for Government Transport (1954) 592 (23)
- Oertel v. Horder (1902) 630 (1), 653 (53)
- Ogle v. Comboyuro Investments Pty. Ltd. (1976) 226 (43)
- Olbey v. The Queen (1980) 212 (36)
- Olsson v. Dyson (1969) 407 (77), 419 (10), 420 (22), 194 (50)
- Omychund v. Barker (1744) 194 (50)
- Orakpo v. Manson Investments Ltd. (1978) 152 (27)
- Organ v. Sandwell (1921) 656 (68)
- Ormond Investment Co. v. Betts (1928) 255 (25)
- Ottos Kopje Diamond Mines Ltd., In re (1893) 415 (92)
- P**
- Pacol Ltd. v. Trade Lines Ltd. (1982) 403 (58)
- Palette Shoes Pty. Ltd. v. Krohn (1937) 165 (15), 178 (31)
- Palmdale-A.G.C.I. Ltd. v. Workers' Compensation Commission (N.S.W.) (1977) 134 (83)
- Pascoe v. Turner (1979) 404 (66)
- Pauling's Settlement Trusts, Re; Younghusband v. Coutts & Co. (1961) 459 (89)
- Pavey & Matthews Pty. Ltd. v. Paul (1987) 153 (28), 673 (30)
- Pearce v. Hallett (1969) 8 (29)
- People v. Finch (1963) 205 (98)
- v. Fujita (1975) 206 (99)
- Perera v. The King (1951) 90 (24)
- Perlman v. Perlman (1984) 99 (25), 112 (47), 121 (54), 129 (67)
- Perpetual Trustee Co. Ltd. v. Pacific Coal Co. Pty. Ltd. (1953) 400 (45)
- Perri v. Coolangatta Investments Pty. Ltd. (1982) 612 (44)
- Peter Turnbull & Co. Pty. Ltd. v. Mundus Trading Co. (Australasia) Pty. Ltd. (1954) 619 (78)
- Pettkus v. Becker (1980) 153 (30)
- Phaneuf, Estate of v. The Queen (1978) 525 (56)
- Pharmaceutical Benefits Case (1945) 293 (27), 341 (15)
- Pinchon's Case (1611) 552 (42)
- Pirelli General Cable Works Ltd. v. Oscar Faber & Partners (1983) 587 (15), 589 (17), 599 (47), 600 (51)
- Plimmer v. Wellington Corporation (1884) 417 (99), 419 (8), 420 (19)
- Porter v. Latec Finance (Qld) Pty. Ltd. (1964) 671 (23), 672 (27)
- Port of London Authority v. Canvey Island Commissioners (1932) 255 (26)
- Port of Melbourne Authority v. Anshun Pty. Ltd. (1981) 504 (18), 507 (19), 508 (23), 512 (40)
- Public Prosecutions, Director of v. Australian Broadcasting Corporation (1986) 38 (70), 43 (93), 67 (56)
- v. Ottewell (1970) 477 (35)
- v. Wran (1986) 38 (67), 57 (38), 67 (57)
- Q**
- Quartermaine v. The Queen (1980) 372 (17)
- Queensland v. The Commonwealth (1977) 321 (71)

- Queensland Electricity Commission v. The Commonwealth (1985) 304 (44)
- Queensland Insurance Co. Ltd. v. Australian Mutual Fire Insurance Society Ltd. (1941) 616 (64), 647 (43), 657 (73)
- Quinn v. Government Insurance Office of New South Wales (1961) 7 (20)
- R**
- R. v. Ashdown (1974) 483 (43)
- v. Beames (1979) 192 (42), 204 (84)
- v. Bell (1985) 497 (69)
- v. Bradley (1980) 205 (96)
- v. Burgess; Ex parte Henry (1936) 307 (49), 308 (54), 309 (55), 312 (63), 323 (80), 324 (83), 325 (84), 345 (25)
- v. Burke (1983) 497 (70)
- v. Commonwealth Conciliation and Arbitration Commission; Ex parte Angliss Group (1969) 356 (11)
- v. Cook; Ex parte C. (1985) 133 (81)
- v. Cotroni (1979) 184 (15), 187 (26), 205 (95)
- v. Couper (1985) 373 (21)
- v. David Syme & Co. Ltd. (1982) 70 (77)
- v. Demack; Ex parte Plummer (1977) 103 (35), 134 (84), 211 (32)
- v. Dorset (1980) 211 (32)
- v. Dovey; Ex parte Ross (1979) 121 (52), 122 (56), 129 (69)
- v. Felixstowe Justices; Ex parte Leigh (1987) 361 (23)
- v. Fletcher; Ex parte Kisch (1935) 50 (23)
- v. Gascoigne (1964) 474 (30), 487 (58)
- v. Gaudion (1979) 185 (21), 192 (41), 203 (80), 211 (34)
- v. Hamilton (1930) 360 (20)
- v. Henderson (1966) 373 (20)
- v. Hildebrandt (1963) 373 (19)
- v. Hodgson (1967) 481 (38)
- v. Howells (1965) 205 (90)
- v. Ireland (1970) 196 (61), 208 (14)
- v. — [No. 2] (1971) 208 (15)
- v. Kocan (1966) 486 (53), 489 (63)
- v. Lambert; Ex parte Plummer (1980) 100 (29), 113 (48), 119 (50), 134 (85)
- v. McCrear (1969) 211 (30)
- v. McGibbony (1956) 381 (30)
- v. MacLean [No. 1] (1979) 187 (28), 205 (94)
- v. Maqsd Ali (1966) 184 (14), 196 (67), 205 (89)
- v. Martin (1984) 89 (17), 501 (1)
- v. Matthews and Ford (1972) 187 (24)
- v. Menzies (1982) 187 (30), 195 (58), 196 (60), 206 (6), 209 (23), 210 (26)
- v. Migliorini (1981) 191 (38), 193 (44), 204 (85)
- v. Miller and Thomas [No. 3] (1975) 205 (93)
- v. Mitchell (1971) 190 (37), 196 (64)
- v. Narula (1987) 183 (13), 191 (39), 199 (73)
- v. Nell (1969) 484 (46)
- v. Pacini (1956) 70 (76)
- v. Payne (1896) 69 (64)
- v. Pedder (1964) 475 (31), 485 (50)
- v. Percali (1986) 354 (10)
- v. Poole; Ex parte Henry [No. 2] (1939) 349 (26)
- v. Robson (1972) 195 (56)
- v. Rose (1982) 373 (22)
- v. Ross-Jones; Ex parte Green (1984) 99 (27), 104 (36), 111 (46), 122 (58), 130 (72), 524 (55), 533 (71)
- v. Savage (1983) 196 (62), 209 (25), 372 (13)
- v. Simmonds (1969) 196 (62), 209 (25), 372 (13)
- v. Storey (1978) 209 (25)
- v. Taylor; Ex parte Roach (1951) 90 (22)
- v. Tucker (1907) 195 (59), 209 (19), 205 (92)
- v. Wilson (1973) 205 (92)
- R. M. Hosking Properties v. Barnes (1971) 630 (3)
- Rahimtoola v. Nizam of Hyderabad (1958) 682 (43), 684 (64)
- Railways, Commissioner for (N.S.W.) v. Young (1962) 194 (54), 202 (75)
- Ramsden v. Dyson (1866) 404 (67), 419 (7), 420 (18), 424 (30), 428 (39), 459 (91)
- Rathwell v. Rathwell (1978) 153 (29)
- Real Estate Securities Ltd. v. Kew Golf Links Estate Pty. Ltd. (1935) 232 (54)

- Reardon Smith Line v. Hansen-Tangen (1976) 617 (67)
 Reed v. Sheehan (1982) 452 (76)
 Regent v. Millett (1976) 432 (42)
 Registrar of the Court of Appeal v. Willesee (1985) 22 (14),
 36 (62), 37 (65), 38 (69),
 47 (99), 48 (13), 53 (32),
 65 (45)
 Reseck v. Federal Commissioner of Taxation (1975) 522 (48),
 529 (63)
 Richardson v. Forestry Commission (1987) 318 (69),
 347 (29)
 Roach v. Garvan (1742) 55 (34)
 Robertson v. Grigg (1932) 222 (34),
 228 (45)
 Rochefoucauld v. Boustead (1897) 656 (66)
 Rookes v. Barnard (1963) 7 (23)
 Roscoe (James) (Bolton) Ltd. v. Winder (1915) 678 (41)
 Russell v. Russell (1976) 111 (44),
 115 (49), 357 (15), 360 (21),
 362 (26)
 Ryan v. Davies Bros. Ltd. (1921) 552 (41)
- S**
- Saad v. The Queen (1987) 384 (38)
 Sacca v. Adam (1983) 574 (87)
 St. James's Evening Post Case: Roach v. Garvan (1742) 69 (65)
 Salisbury (Marquess of) v. Gilmore (1942) 449 (72)
 Salvation Army Trustee Co. Ltd. v. West Yorkshire Metropolitan County Council (1980) 459 (92)
 Sanders v. Sanders (1967) 130 (74)
 San Sebastian Pty. Ltd. v. The Minister (1986) 555 (50),
 556 (53), 576 (99), 592 (22),
 593 (28), 594 (36), 595 (41),
 596 (44)
 Sarat Chunder Dey v. Gopal Chunder Laha (1892) 415 (95)
 Savage (J.J.) & Sons Pty. Ltd. v. Blakney (1970) 651 (51)
 Schebsman, In re (1944) 618 (71)
 Schwebel v. Telekes (1967) 583 (7)
 Scott v. Federal Commissioner of Taxation (1966) 518 (33),
 519 (37), 521 (43), 522 (44),
 534 (73)
 Scott v. Scott (1913) 49 (16),
 55 (35), 360 (17), 362 (27)
 Scurr v. Brisbane City Council (1973) 249 (18)
 Seale v. Perry (1982) 592 (27)
 Seaward v. Paterson (1897) 49 (21)
 Secured Income Real Estate (Australia) Ltd. v. St. Martins Investments Pty. Ltd. (1979) 571 (65)
 Senior v. Holdsworth; Ex parte Independent Television News Ltd. (1976) 193 (49)
 Seton v. Lafone (1887) 415 (90)
 Shaddock & Associates Pty. Ltd. v. Parramatta City Council [No. 1] (1981) 593 (29),
 597 (46)
 Shamdasani v. King-Emperor (1945) 90 (23)
 Sharp v. Union Trustee Co. of Australia Ltd. (1944) 646 (37)
 Shepherd, In the Goods of (1891) 551 (35)
 — v. Federal Commissioner of Taxation (1965) 166 (17),
 175 (27)
 — v. Felt & Textiles of Australia Ltd. (1931) 231 (52)
 — v. Titley (1742) 223 (36)
 Shirlaw v. Southern Foundries (1926) Ltd. (1939) 571 (70)
 Sibbles v. Highfern Pty. Ltd. (1987) 219 (24)
 Siskina (Cargo Owners) v. Distos S.A. (1979) 122 (60)
 Smith v. The Queen (1970) 190 (35),
 196 (63), 208 (13), 209 (24)
 Smith and Saywell, In the Marriage of (1980) 106 (41)
 Snelling v. John G. Snelling Ltd. (1973) 656 (69)
 South Australia v. Johnson (1982) 561 (57),
 486 (55),
 — v. O'Shea (1987) 495 (65)
 Southern Foundries (1926) Ltd. v. Shirlaw (1940) 646 (42)
 Sparham-Souter v. Town & Country Developments (Essex) Ltd. (1976) 587 (14),
 599 (49)
 Spiro v. Lintern (1973) 415 (94)
 Springer v. United States (1978) 206 (5)
 Squatting Investment Co. Ltd. v. Federal Commissioner of Taxation (1953) 517 (24),
 520 (38), 522 (47), 524 (52)
 State Rail Authority of N.S.W. v. Heath Outdoor Pty. Ltd (1986) 399 (38)
 Stenhouse v. Coleman (1944) 308 (52),
 311 (60)
 Stevens v. Brodribb Sawmilling Co. Pty. Ltd. (1986) 594 (35)
 Stirling v. Maitland (1864) 646 (41)
 Stuart v. Kingston (1923) 614 (57),
 615 (62), 630 (98), 633 (14)

Stuart v. Kingston (1924)	630 (99)	Thompson v. Palmer (1933)	398 (25),
Sutherland Shire Council v. Heyman (1985)	553 (43),	404 (69), 407 (76), 413 (81),	427 (37), 443 (51), 444 (54),
556 (52), 561 (56), 576 (98),	576 (98),	458 (80), 461 (96), 462 (98)	
577 (2), 588 (16), 592 (24),	592 (24),	Thomson v. Clanmorris (Lord (1900)	562 (59)
593 (30), 594 (34), 601 (56)	601 (56)	Tindal v. Federal Commissioner of Taxation (1946)	167 (23)
Sutton v. The Queen (1984)	369 (10)	Tramways Case [No. 1] (1914)	322 (73)
Svenson v. Payne (1945)	428 (40)	Tripodi v. The Queen (1961)	191 (40), 200 (74)
Sydney Consumers' Milk & Ice Co. Ltd. v. Hawkesbury Dairy & Ice Society Ltd. (1931)	620 (86), 641 (29)	Trustees Executors & Agency Co. Ltd. v. Federal Commis- sioner of Taxation (1944)	646 (36)
T			
Tansell, In the Marriage of (1977)	106 (42)	Turnbull (Peter) & Co. Pty. Ltd. v. Mundus Trading Co. (Australasia) Pty. Ltd. (1954)	619 (78)
Tasmanian Dam Case (1983)	289 (20),	U	
291 (23), 298 (34), 300 (37),	302 (39), 305 (45), 308 (53),	Union Bank of Scotland v. National Bank of Scotland (1886)	221 (27)
311 (59), 320 (70), 322 (75),	325 (85), 332 (87), 333 (91),	United States v. Biggins (1977)	184 (18)
334 (94), 336 (3), 337 (7),	340 (11), 342 (16), 344 (20),	— v. Carter (1971)	210 (27)
345 (21), 346 (28)		— v. Dorn (1977)	206 (4)
Taxation, Federal Commis- sioner of v. Booth (1986)	165 (14), 173 (26)	— v. Rice (1977)	210 (29)
— v. Clarke (1927)	166 (21)	— v. Slade (1980)	206 (3)
— v. Cooke and Sherden (1980)	519 (34), 522 (49)	Uren v. John Fairfax & Sons Pty. Ltd. (1966)	7 (22), 9 (35)
— v. Dixon (1952)	517 (25),	V	
518 (28), 519 (35), 521 (39),	523 (51), 525 (57), 526 (59),	V. v. V. (1985)	100 (34), 126 (66), 131 (77), 135 (89)
530 (66), 531 (67), 532 (69),	536 (76)	Veen v. The Queen [No. 1] (1979)	468 (19), 470 (20), 471 (21), 472 (23),
— v. Everett (1978)	177 (30)	474 (27), 475 (33), 477 (34),	481 (37), 482 (40), 483 (44),
— v. — (1980)	166 (18), 167 (24)	484 (47), 485 (49), 486 (54),	489 (62), 493 (64), 496 (66)
— v. Smith (1986)	527 (62)	Vervaeke v. Smith (1983)	509 (29)
— v. Wade (1952)	510 (32)	Victoria v. Australian Building Construction Employees' and Builders Labourers' Federa- tion (B.L.F.) (1982)	19 (12), 23 (15), 24 (18), 25 (32),
Taxes, Commissioner of (Q.) v. Camphin (1937)	628 (92), 646 (38)	27 (35), 30 (49), 31 (52),	33 (56), 34 (58), 38 (71),
— (S.A.) v. Executor Trustee & Agency Co. of South Australia Ltd. (Car- den's Case) (1938)	166 (22)	39 (75), 40 (78), 42 (89),	46 (95), 47 (4), 48 (12),
Taxes, Deputy Commissioner of (S.A.) v. Elder's Trustee and Executor Co. Ltd. (1936)	255 (27)	52 (28), 59 (40), 65 (44),	68 (58), 69 (66), 70 (72),
Taylor's Fashions Ltd. v. Liver- pool Victoria Trustees Co. Ltd. (1982)	403 (61)	72 (86), 80 (94), 82 (97),	83 (99), 84 (3), 85 (9),
Tennant v. Smith (1892)	522 (50), 529 (65)	86 (13), 87 (14)	
Thomas National Transport (Melbourne) Pty. Ltd. v. May & Baker (Australia) Pty. Ltd. (1966)	617 (66)	— v. The Commonwealth and Connor (1975)	248 (15), 249 (17), 250 (19)

Vincent, In re; Rohde v. Palin (1909)	555 (49)
Vitzdamm-Jones v. Vitzdamm-Jones (1981)	100 (32), 130 (75), 131 (78), 135 (87)
Voli v. Inglewood Shire Council (1963)	544 (27), 552 (38), 575 (93), 580 (4)
Vulic v. Bilinsky (1983)	574 (86)

W

Wacal Developments Pty. Ltd. v. Realty Developments Pty. Ltd. (1978)	217 (23)
Waimiha Sawmilling Co. v. Waione Timber Co. (1926)	613 (50), 636 (17), 654 (60)
Walden v. Hensler (1987)	472 (26)
Walker v. Symonds (1818)	459 (87)
Walsh v. Wilcox (1976)	184 (17), 196 (66), 204 (82)
Waltons Stores (Interstate) Ltd. v. Maher (1986)	393 (24), 412 (78), 433 (45), 434 (46), 443 (53), 457 (79)
Ward v. Kirkland (1967)	419 (9), 428 (38)
Warnink v. J. Townend & Sons (Hull) Ltd. (1979)	11 (38)
Waterhouse v. Australian Broadcasting Corporation (1986)	24 (29), 41 (87), 65 (50), 72 (81)
Weal v. Bottom (1966)	209 (17)
Welch v. Phillips (1836)	567 (61)
West v. Commercial Bank of Australia Ltd. (1935)	445 (60)

— v. Williams (1899)	221 (28), 223 (37)
Whitechurch (George) Ltd. v. Cavanagh (1902)	398 (31), 415 (88)
Wicks v. Bennett (1921)	630 (97)
Wilkes v. Wood (1763)	8 (31)
Williams v. Commissioner of Inland Revenue (1965)	175 (28)
— v. Melbourne Corporation (1933)	357 (13)
— v. The Queen (1982)	184 (16), 187 (27), 196 (65), 204 (87)
Willmott v. Barber (1880)	428 (41), 647 (45)
Wilson v. Darling Island Stevedoring & Lighterage Co. Ltd. (1956)	618 (77)
Woodward v. Sarsons (1875)	248 (14)
Wyong Shire Council v. Shirt (1980)	576 (96), 592 (18)

X

XL Petroleum (N.S.W.) Pty. Ltd. v. Caltex Oil (Australia) Pty. Ltd. (1985)	8 (30), 9 (32)
--	-------------------

Y

Y.P. Barley Producers Ltd. v. E. C. Robertson Pty. Ltd. (1927)	619 (79)
Yager v. The Queen (1977)	384 (41)
Yorkshire Insurance Co. Ltd. v. Craine (1922)	398 (33), 413 (80), 415 (96)