

1988

THE
COMMONWEALTH
LAW REPORTS

CASES DETERMINED IN THE
HIGH COURT OF AUSTRALIA

EDITOR
J. D. MERRALLS, Q.C.

VOLUME 165

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.
490 Bourke 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, A.C., K.B.E., CHIEF JUSTICE

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

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

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

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

THE HONOURABLE JOHN LESLIE TOOHEY, A.C.

THE HONOURABLE MARY GENEVIEVE GAUDRON.

ATTORNEY-GENERAL

THE HONOURABLE LIONEL FROST BOWEN, M.P.

MEMORANDUM

1988.

Jan. 26 — THE HONOURABLE SIR ANTHONY MASON, K.B.E., Chief Justice of the High Court of Australia, 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. and THE HONOURABLE JOHN LESLIE TOOHEY, A.O., Justices of the Court, were appointed Companions of the Order of Australia.

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

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

| A | | F | |
|---|-----|--|-----|
| Ahern v. The Queen — — — | 87 | FAI General Insurance Co. Ltd. v. Southern Cross Exploration N.L. — — — — — | 268 |
| Air Caledonie International v. The Commonwealth — — — | 462 | Fairfax (John) & Sons Ltd. v. Cojuangco — — — — — | 346 |
| Allyacht Spars Pty. Ltd.; Nicol v. [No. 2] — — — — — | 306 | Farmer; Murphy v. — — — — — | 19 |
| Alston Holdings Pty. Ltd.; Bath v. — — — — — | 411 | Fay; Oceanic Sun Line Special Shipping Company Inc. v. — | 197 |
| Attorney-General (U.K.) v. Heinemann Publishers Aust- ralia Pty. Ltd. — — — — | 30 | | |
| | | G | |
| | | Giannarelli v. Wraith — — — | 543 |
| | | Government Insurance Office (N.S.W.); Khoury v. — — | 622 |
| | | H | |
| | | Heinemann Publishers Australia Pty. Ltd.; Attorney-General (U.K.) v. — — — — — | 30 |
| | | Hoch v. The Queen — — — | 292 |
| | | I | |
| | | Immigration and Ethnic Affairs, Minister for; Nolan v. — — | 178 |
| | | J | |
| | | John Fairfax & Sons Ltd. v. Cojuangco — — — — — | 346 |
| | | K | |
| | | Khoury v. Government Insurance Office (N.S.W.) — — — — | 622 |
| | | Kleinwort Benson Australia Ltd. v. Crowl — — — — — | 71 |
| | | — v. Tucker — — — — — | 71 |
| B | | | |
| Bath v. Alston Holdings Pty. Ltd. | 411 | | |
| Bird v. The Commonwealth — | 1 | | |
| C | | | |
| C.M.T. Construction of Metro- politan Tunnels; Transport Accident Commission v. — | 436 | | |
| Carr v. The Queen — — — | 314 | | |
| Chester v. The Queen — — | 611 | | |
| Cojuangco; John Fairfax & Sons Ltd. v. — — — — — | 346 | | |
| Cole v. Whitfield — — — — | 360 | | |
| Commonwealth, The; Air Cale- donie International v. — — | 462 | | |
| —; Bird v. — — — — — | 1 | | |
| Crowl; Kleinwort Benson Aust- ralia Ltd. v. — — — — — | 71 | | |
| D | | | |
| D.T.R. Securities Pty. Ltd.; Deputy Commissioner of Taxation v. — — — — — | 56 | | |

| L | R |
|-----------------------------------|----------------------------------|
| Lewis; The Queen v. — — — 12 | Reg.; Ahern v. — — — — — 87 |
| | —; Carr v. — — — — — 314 |
| | —; Chester v. — — — — — 611 |
| | —; Hoch v. — — — — — 292 |
| | — v. Lewis — — — — — 12 |
| | — v. Watt — — — — — 474 |
| M | S |
| McArthur; Stern v. — — — 489 | Southern Cross Exploration N.L.; |
| McNiece Bros. Pty. Ltd.; Trident | FAI General Insurance Co. |
| General Insurance Co. Ltd. v. 107 | Ltd. v. — — — — — 268 |
| Minister—see Immigration and | Stern v. McArthur — — — — 489 |
| Ethnic Affairs | |
| Moorebank Pty. Ltd.; Deputy | |
| Commissioner of Taxation v. 55 | |
| Murphy v. Farmer — — — — 19 | |
| N | T |
| Nicol v. Allyacht Spars Pty. Ltd. | Taxation, Deputy Commissioner |
| [No. 2] — — — — — 306 | of v. D.T.R. Securities Pty. |
| Nolan v. Minister for Immigra- | Ltd. — — — — — 56 |
| tion and Ethnic Affairs — — 178 | — v. Moorebank Pty. Ltd. — 55 |
| North Flinders Mines Ltd.; | Technical Products Pty. Ltd.; |
| Paringa Mining & Exploration | Workers' Compensation Board |
| Co. Plc. v. — — — — — 452 | (Q.) v. — — — — — 642 |
| | Transport Accident Commission |
| | v. C.M.T. Construction of |
| | Metropolitan Tunnels — — 436 |
| | Trident General Insurance Co. |
| | Ltd. v. McNiece Bros. Pty. |
| | Ltd. — — — — — 107 |
| | Tucker; Kleinwort Benson Aust- |
| | ralia Ltd. v. — — — — — 71 |
| O | W |
| Oceanic Sun Line Special Ship- | Watt; The Queen v. — — — 474 |
| ping Company Inc. v. Fay — 197 | Whitfield; Cole v. — — — — 360 |
| | Workers' Compensation Board |
| | (Q.) v. Technical Products |
| | Pty. Ltd. — — — — — 642 |
| | Wraith; Giannarelli v. — — — 543 |
| P | |
| Paringa Mining & Exploration | |
| Co. Plc. v. North Flinders | |
| Mines Ltd. — — — — — 452 | |

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

- Ansett Transport Industries (Operations) Pty. Ltd. v. The Commonwealth* (1977), 139 C.L.R. 54.
Considered 165 C.L.R. 360.
- "*Atlantic Star*", *The*, [1974] A.C. 436.
Not followed 165 C.L.R. 197.
- Attorney-General (U.K.) v. Heinemann Publishers Australia Pty. Ltd.* (1987), 10 N.S.W.L.R. 86.
Affirmed 165 C.L.R. 30.
- (*N.Z.*) *v. Ortiz*, [1984] A.C. 1, at pp. 21-24.
Applied 165 C.L.R. 30.
- Bailey v. Marinoff* (1971), 125 C.L.R. 529.
Distinguished 165 C.L.R. 268.
- Bank of New South Wales v. The Commonwealth* (1948), 76 C.L.R. 1, at pp. 162-163.
Considered 165 C.L.R. 360.
- Beal v. Marrickville Margarine Pty. Ltd.* (1966), 114 C.L.R. 283.
Considered 165 C.L.R. 360.
- Beswick v. Beswick*, [1968] A.C. 58.
Considered 165 C.L.R. 107.
- Borthwick v. Elderslie Steamship Co.* [No. 2], [1905] 2 K.B. 516, at p. 521.
Applied 165 C.L.R. 306.
- British Steel Corporation v. Granada Television Ltd.*, [1981] A.C. 1096.
Applied 165 C.L.R. 346.
- British Traders' Insurance Co. Ltd. v. Monson* (1964), 111 C.L.R. 86.
Considered 165 C.L.R. 436.
- Broadcasting Corporation of New Zealand v. Alex Harvey Industries Ltd.*, [1980] 1 N.Z.L.R. 163, at p. 166.
Not followed 165 C.L.R. 346.
- Buchanan Ltd. v. McVey* [1954] Ir. R. 89 (n. [1955] A.C. 516).
Applied 165 C.L.R. 30.
- Buck v. Bavone* (1976), 135 C.L.R. 110, at p. 137.
Disapproved 165 C.L.R. 360.
- Burns v. The Queen* (1975), 132 C.L.R. 258, at p. 261.
Applied 165 C.L.R. 314.
- Carbo v. United States* (1963), 314 F. 2d. 718, at p. 737.
Approved 165 C.L.R. 87.
- Carter v. Stubbs* (1880), 6 Q.B.D. 116.
Considered 165 C.L.R. 268.
- Castellain v. Preston* (1883), 11 Q.B.D. 380.
Considered 165 C.L.R. 436.
- Ciavarella v. Balmer* (1983), 153 C.L.R. 438.
Considered 165 C.L.R. 489.
- Cole v. Whitfield* (1988) 165 C.L.R. 360.
Applied and considered 165 C.L.R. 411.
- Complete Auto Transit Inc. v. Brady* (1977), 430 U.S. 274.
Considered 165 C.L.R. 360.
- Cope Allman (Australia) Ltd. v. Celer-majer* (1968), 11 F.L.R. 488.
Approved 165 C.L.R. 197.
- Coulls v. Bago's Executor & Trustee Co. Ltd.* (1967), 119 C.L.R. 460.
Considered 165 C.L.R. 107.
- Crowl v. Kleinwort Benson Australia Ltd.* (1987), 16 F.C.R. 244.
Reversed 165 C.L.R. 71.
- D.T.R. Securities Pty. Ltd. v. Deputy Commissioner of Taxation* (1987), 8 N.S.W.L.R. 204.
Reversed 165 C.L.R. 56.
- Daly v. General Steam Navigation Co. Ltd. (The "Dragon")* [1979] 1 Lloyd's Rep. 257.
Applied 165 C.L.R. 197.
- Damjanovic & Sons Pty. Ltd. v. The Commonwealth* (1968), 117 C.L.R. 390.
Considered 165 C.L.R. 360.
- Dao v. Australian Postal Commission* (1987), 162 C.L.R. 317, at pp. 331-332.
Considered 165 C.L.R. 55.
- Dunlop Pneumatic Tyre Co. Ltd. v. Selfridge & Co. Ltd.*, [1915] A.C. 847.
Considered 165 C.L.R. 107.
- Finemores Transport Pty. Ltd. v. New South Wales* (1978), 139 C.L.R. 338.
Considered 165 C.L.R. 360.
- Fox v. Robbins* (1909), 8 C.L.R. 115.
Considered 165 C.L.R. 411.
- Freeman v. Hewit* (1946), 329 U.S. 249, at p. 252.
Considered 165 C.L.R. 360.

- Gilpin (O.) Ltd. v. Commissioner for Road Transport and Tramways (N.S.W.)* (1935), 52 C.L.R. 189, at pp. 205-206.
Not followed 165 C.L.R. 360.
- Goodwin v. Southern Tablelands Finance Co. Pty. Ltd.* (1968), 42 A.L.J.R. 309(n.).
Distinguished 165 C.L.R. 268.
- Grannall v. Marrickville Margarine Pty. Ltd.* (1955), 93 C.L.R. 55, at pp. 77-78.
Not followed 165 C.L.R. 360.
- H.B., In re*, [1904] 1 K.B. 94.
Considered 165 C.L.R. 71.
- Hoch v. The Queen* (1988), 32 A. Crim. R. 443.
Reversed 165 C.L.R. 292.
- Hollingsworth v. Southern Ferries Ltd. (The "Eagle")*, [1977] 2 Lloyd's Rep. 70.
Applied 165 C.L.R. 197.
- Hospital Provident Fund Pty. Ltd. v. Victoria* (1953), 87 C.L.R. 1, at p. 28.
Not followed 165 C.L.R. 360.
- Hughes and Vale Pty. Ltd. v. New South Wales* [No. 2] (1955), 93 C.L.R. 127, at pp. 162-163.
Considered 165 C.L.R. 360.
- Huntington v. Attrill*, [1893] A.C. 150, at p. 156.
Applied 165 C.L.R. 30.
- Jack, Re; Ex parte C. V. Holland (Holdings) Ltd.* (1959), 19 A.B.C. 268.
Considered 165 C.L.R. 71.
- James v. Federal Commissioner of Taxation* (1955), 93 C.L.R. 631, at p. 644.
Applied 165 C.L.R. 71.
- *v. The Commonwealth* (1936), 55 C.L.R. 1; [1936] A.C. 578.
Considered 165 C.L.R. 360.
- Judgment Debtor, 530 of 1908, Re a*, [1908] 2 K.B. 474, at p. 481.
Applied 165 C.L.R. 71.
- L. Shaddock & Associates Pty. Ltd. v. Parramatta City Council* [No. 2] (1982), 151 C.L.R. 590.
Applied 165 C.L.R. 306.
- Lehmann, In re; Ex parte Hasluck* (1890), 7 Morr. 181.
Applied 165 C.L.R. 71.
- McArthur v. Stern* (1986), 5 N.S.W.L.R. 538.
Affirmed 165 C.L.R. 489.
- McArthur (W. & A.) Ltd. v. Queensland* (1920), 28 C.L.R. 530, at pp. 567-568.
Considered 165 C.L.R. 360.
- McDowell v. Baker* (1979), 144 C.L.R. 413.
Considered 165 C.L.R. 642.
- McGuinness v. Attorney-General (Vict.)* (1940), 63 C.L.R. 73.
Applied 165 C.L.R. 346.
- *v. — (Vict.)* (1940), 63 C.L.R., at pp. 104-105.
Applied 165 C.L.R. 346.
- MacRobertson Miller Airline Services v. Commissioner of State Taxation (W.A.)* (1975), 133 C.L.R. 125.
Distinguished 165 C.L.R. 197.
- MacShannon v. Rockware Glass Ltd.*, [1978] A.C. 798.
Not followed 165 C.L.R. 197.
- Mansell v. Beck* (1956), 95 C.L.R. 550, at pp. 564-565.
Not followed 165 C.L.R. 360.
- Maritime Insurance Co. Ltd. v. Geelong Harbor Trust Commissioners* (1908), 6 C.L.R. 194.
Approved 165 C.L.R. 197.
- Matthews v. Chicory Marketing Board (Vict.)* (1938), 60 C.L.R. 263, at p. 276.
Considered 165 C.L.R. 462.
- Midland Silicones Ltd. v. Scruttons Ltd.*, [1962] A.C. 446.
Considered 165 C.L.R. 107.
- Miller v. TCN Channel Nine Pty. Ltd.* (1986), 161 C.L.R. 556.
Considered 165 C.L.R. 360.
- Milne v. Huber* (1843), 17 Fed. Cas. 403, at p. 406.
Approved 165 C.L.R. 178.
- Moore v. Mitchell* (1929), 30 F. (2d) 600, at p. 604.
Applied 165 C.L.R. 30.
- Mullavey, Re; Ex parte Australia and New Zealand Banking Group Ltd.* (1977), 32 F.L.R. 1, at pp. 8-9; 20 A.L.R. 276, at p. 283.
Applied 165 C.L.R. 71.
- Murphy v. Farmer* (1987), 87 F.L.R. 149; 72 A.L.R. 691.
Affirmed 165 C.L.R. 19.
- National Employers' Mutual General Insurance Association Ltd. v. C.M.T. Construction & Metropolitan Tunnels*, [1988] V.R. 548.
Reversed 165 C.L.R. 436.
- Nitrate S.S. Co. v. Short Bros.* (1922), 91 L.J.K.B. 871; 127 L.T. 726; 38 T.L.R. 747; [1922] All E.R. Rep. 710.
Considered 165 C.L.R. 306.
- North Eastern Dairy Co. Ltd. v. Dairy Industry Authority of N.S.W.* (1975), 134 C.L.R. 559.
Considered 165 C.L.R. 360.
- Norway's Application, In re State of*, [1987] 1 Q.B. 433, at p. 478.
Applied 165 C.L.R. 30.

- O. Gilpin Ltd. v. Commissioner for Road Transport and Tramways (N.S.W.)* (1935), 52 C.L.R. 189, at pp. 205-206.
Not followed 165 C.L.R. 360.
- Oceanic Sun Line Special Shipping Co. Inc. v. Fay* (1987), 8 N.S.W.L.R. 242.
Affirmed 165 C.L.R. 197.
- O'Keefe, Re; Ex parte Australian Factors Ltd.* (1963), 19 A.B.C. 101.
Applied 165 C.L.R. 71.
- Pillai v. Comptroller of Income Tax*, [1970] A.C. 1124, at p. 1135.
Applied 165 C.L.R. 71.
- Pochi v. Macphee* (1982), 151 C.L.R. 101.
Applied 165 C.L.R. 178.
- Pollard v. Incorporated Nominal Defendant*, [1972] V.R. 955.
Disapproved 165 C.L.R. 268.
- Power v. The Queen* (1974), 131 C.L.R. 623, at p. 627.
Followed 165 C.L.R. 474.
- Reg. v. Ahern* (1987), 26 A. Crim. R. 280.
Affirmed 165 C.L.R. 87.
- *v. Anderson; Ex parte Ipec-Air Pty. Ltd.* (1965), 113 C.L.R. 177.
Considered 165 C.L.R. 360.
- *v. Boardman*, [1975] A.C. 421, at p. 444.
Applied 165 C.L.R. 292.
- *v. Buckton*, [1985] 2 N.Z.L.R. 257.
Approved 165 C.L.R. 87.
- *v. Carter* (1982), 137 D.L.R. (3d) 385; 67 C.C.C. (2d) 568, at pp. 575-576.
Not followed 165 C.L.R. 87.
- *v. Chester* (1988), 32 A. Crim. R. 401.
Reversed 165 C.L.R. 611.
- *v. Evans* (1987), 8 N.S.W.L.R. 540.
Disapproved 165 C.L.R. 474.
- *v. Finn and Niblock*, [1985] 1 Qd R. 212, at pp. 215-216.
Disapproved 165 C.L.R. 87.
- *v. Governor of Pentonville Prison; Ex parte Budlong*, [1980] 1 W.L.R. 1110; [1980] 1 All E.R. 701.
Applied 165 C.L.R. 30.
- *v. Gunn and Howden* (1930), 30 S.R. (N.S.W.) 336.
Considered 165 C.L.R. 87.
- *v. Humphries*, [1982] 1 N.Z.L.R. 353.
Approved 165 C.L.R. 87.
- *v. Minuzzo and Williams*, [1984] V.R. 417, at p. 431, ll. 7-36.
Approved 165 C.L.R. 87.
- *v. —*, [1984] V.R., at p. 431, ll. 37-39.
Disapproved 165 C.L.R. 87.
- *v. Orton*, [1922] V.L.R. 469.
Considered 165 C.L.R. 87.
- *v. Rogers* (1987), 8 N.S.W.L.R. 236.
Disapproved 165 C.L.R. 474.
- Rheem Australia Ltd. v. Manufacturers' Mutual Insurance Ltd.*, [1984] 2 N.S.W.L.R. 370.
Distinguished 165 C.L.R. 642.
- Rondel v. Worsley*, [1969] 1 A.C. 191.
Applied 165 C.L.R. 543.
- Ross v. The King* (1922), 30 C.L.R. 246, at p. 255.
Applied 165 C.L.R. 314.
- Saif Ali v. Sydney Mitchell & Co.*, [1980] A.C. 198.
Applied 165 C.L.R. 543.
- St. Pierre v. South American Stores (Gath & Chaves) Ltd.*, [1936] 1 K.B. 382, at p. 398.
Approved 165 C.L.R. 197.
- Samuels v. Linzi Dresses Ltd.*, [1981] Q.B. 115.
Considered 165 C.L.R. 268.
- Saunders v. Queensland Insurance Co. Ltd.* (1931), 45 C.L.R. 557, at pp. 563, 568, 570.
Applied 165 C.L.R. 622.
- Schierholter, Re; Ex parte Geis* (1978), 32 F.L.R. 22; 19 A.L.R. 113.
Considered 165 C.L.R. 71.
- Shaddock (L.) & Associates Pty. Ltd. v. Parramatta City Council* [No. 2] (1982), 151 C.L.R. 590.
Applied 165 C.L.R. 306.
- Shiloh Spinners Ltd. v. Harding*, [1973] A.C. 691.
Considered 165 C.L.R. 489.
- Southern Cross Exploration N.L. v. Fire & All Risks Insurance Co. Ltd.* (1986), 7 N.S.W.L.R. 319.
Affirmed 165 C.L.R. 268.
- Spiliada Maritime Corporation v. Cansulex Ltd.*, [1987] 1 A.C. 460.
Not followed 165 C.L.R. 197.
- State Government Insurance Office (Q.) v. Crittenden* (1966), 117 C.L.R. 412.
Distinguished 165 C.L.R. 642.
- Taxation, Deputy Commissioner of v. Moorebank Pty. Ltd.*, [1987] 1 Qd. R. 414.
Varied 165 C.L.R. 55.
- *v. —*, [1987] 1 Qd. R. 414.
Applied 165 C.L.R. 56.
- Trident General Insurance Co. Ltd. v. McNiece Bros. Pty. Ltd.* (1987), 8 N.S.W.L.R. 270.
Affirmed 165 C.L.R. 107.
- Tripodi v. The Queen* (1961), 104 C.L.R. 1, at p. 7.
Applied 165 C.L.R. 87.
- Tunaj v. The Queen*, [1984] W.A.R. 48.
Considered 165 C.L.R. 611.
- Tweddle v. Atkinson* (1861), 1 B. & S. 393 [121 E.R. 762].
Considered 165 C.L.R. 107.

- United States v. Dennis* (1950), 183 F. 2d. 201, at p. 231.
Approved 165 C.L.R. 87.
- Vandepitte v. Preferred Accident Insurance Corporation of New York*, [1933] A.C. 70.
Considered 165 C.L.R. 107.
- W. & A. McArthur Ltd. v. Queensland* (1920), 28 C.L.R. 530, at pp. 567-568.
Considered 165 C.L.R. 360.
- Whistler v. Hancock* (1878), 3 Q.B.D. 83.
Considered 165 C.L.R. 268.
- Wilson v. Darling Island Stevedoring & Lighterage Co. Ltd.* (1956), 95 C.L.R. 43.
Considered 165 C.L.R. 107.
- Wraith v. Giannarelli*, [1988] V.R. 713.
Affirmed 165 C.L.R. 543.

CORRIGENDA

- 151 C.L.R., at page 474, line 34: For “catalogues” read “catalogued”.
- 157 C.L.R., page 515, line 1: For “*F. Reuben*” read “*S. Y. Reuben*”.
- 164 C.L.R., page 95, line 12: For “*D. J. Gose*” read “*D. J. Rose*”.
- 164 C.L.R., page 261, line 11: After “appropriate” insert “, to take the”.
- 165 C.L.R., page 19, footnote (2): For “(1987) 87 F.L.R. 149; 72 A.L.R.” read “(1987) 87 F.L.R. 149; 72 A.L.R. 691.”.
- 165 C.L.R., page 145, footnote (63): For “(1967) 199 C.L.R., at pp. 478-479, 486, 493.” read “(1967) 119 C.L.R., at pp. 478-479, 486, 493.”.
- 165 C.L.R., page 159-160, last paragraph, line 8, after *Lamb v. Cotogno*: For “(17)” read “(16)”, and transfer footnote (17) to the bottom of page 160.
- 165 C.L.R., page 166, footnote (42): For “(1986) 95 C.L.R., at p. 67.” read “(1956) 95 C.L.R., at p. 67.”

STATUTES JUDICIALLY CONSIDERED

IMPERIAL

- Constitution, The (63 & 64 Vict. c. 12), s. 51(xix).** *Nolan v. Minister for Immigration and Ethnic Affairs* 178
- , s. 55. *Air Caledonie International v. The Commonwealth* — — — 462
- , s. 92. *Bath (Commissioner of Business Franchises (Vict.)) v. Alston Holdings Pty. Ltd.* — — — 411
- , s. 92. *Cole v. Whitfield* — — — 360

COMMONWEALTH

- Bankruptcy Act 1966, ss. 41(2)(a), 306(1).** *Kleinwort Benson Australia Ltd. v. Crowl* — — — — — 71
- Compensation (Commonwealth Government Employees) Act 1971, s. 30.** *Bird v. The Commonwealth* — — — 1
- Customs Act 1901, s. 229(1)(i).** *Murphy v. Farmer* — — — — — 19
- Income Tax Assessment Act 1936, ss. 170, 204, 206-209.** *Deputy Commissioner of Taxation v. Moorebank Pty. Ltd.* — — — — — 55
- 1936, ss. 170, 204, 206-209. *Deputy Commissioner of Taxation v. D.T.R. Securities Pty. Ltd.* — — — 56
- Judiciary Act 1903, s. 35A(b).** *Paringa Mining & Exploration Co. Plc. v. North Flinders Mines Ltd.* — — — 452
- 1903, s. 37. *Nicol v. Allyacht Spars Pty. Ltd. [No. 2]* — — — — 306
- 1903, s. 64. *Deputy Commissioner of Taxation v. D.T.R. Securities Pty. Ltd.* — — — — — 56
- 1903, s. 64. *Deputy Commissioner of Taxation v. Moorebank Pty. Ltd.* 55
- Migration Act 1958, ss. 12, 14A(1).** *Nolan v. Minister for Immigration and Ethnic Affairs* — — — — — 178

- 1958, s. 34A. *Air Caledonie International v. The Commonwealth* — 462
- Migration Amendment Act 1987, s. 7.** *Air Caledonie International v. The Commonwealth* — — — — — 462

NEW SOUTH WALES

- Insurance Act 1902, s. 18.** *Khoury v. Government Insurance Office (N.S.W.)* — — — — — 622
- Limitation Act 1969, s. 18.** *Deputy Commissioner of Taxation v. D.T.R. Securities Pty. Ltd.* — — — — — 56
- Probation and Parole Act 1983, s. 21A.** *The Queen v. Watt* — — — — — 474

QUEENSLAND

- Common Law Practice Act 1867, ss. 72, 73.** *Nicol v. Allyacht Spars Pty. Ltd. [No. 2]* — — — — — 306
- Limitation of Actions Act 1974, s. 10(1)(d), (5).** *Deputy Commissioner of Taxation v. Moorebank Pty. Ltd.* — — — — — 55
- Workers' Compensation Act 1916, ss. 8(1), 9A.** *Workers' Compensation Board (Q.) v. Technical Products Pty. Ltd.* — — — — — 642

VICTORIA

- Business Franchise (Tobacco) Act 1974, ss. 6(2), 8(1), 10.** *Bath v. Alston Holdings Pty. Ltd.* — — — 411
- Legal Profession Practice Act 1958, s. 10(2).** *Giannarelli v. Wraith* — — — 543
- Workers Compensation Act 1958, ss. 5(1), 62, 79.** *Transport Accident Commission v. C.M.T. Construction of Metropolitan Tunnels* — — — 436

| | |
|--|---|
| WESTERN AUSTRALIA | |
| Criminal Code, ss. 661, 662(a). <i>Chester v. The Queen</i> — — — — — 611 | Mental Health Act 1962, s. 29(1). <i>Chester v. The Queen</i> — — — — — 611 |
| | Offenders Probation and Parole Act 1963, s. 40C(1)(b). <i>Chester v. The Queen</i> — — — — — 611 |

RULES, REGULATIONS, ORDINANCES AND
ORDERS IN COUNCIL JUDICIALLY CONSIDERED

| | |
|---|--|
| COMMONWEALTH | |
| Compensation (Commonwealth Government Employees) Regulations, reg. 12. <i>Bird v. The Commonwealth</i> 1 | <i>Insurance Co. Ltd. v. Southern Cross Exploration N.L.</i> — — — — — 268 —, Pt 3, r. 1(1). <i>John Fairfax & Sons Ltd. v. Cojuangco</i> — — — — — 346 |
| NEW SOUTH WALES | |
| Supreme Court Rules 1970, Pt 2, r. 3, Pt 40, r. 9(4), (5). <i>FAI General</i> | TASMANIA Sea Fisheries Regulations 1962, reg. 31(1)(d). <i>Cole v. Whitfield</i> — — — 360 |

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 | | | |
|---|--|--|--|
| "Abidin Daver", The (1984) | 210 (51), | — v. Mulholland (1963) ... | 352 (28) |
| | 219 (85), 236 (44), 249 (89), | — (N.Z.) v. Ortiz (1984) | 41 (34), |
| | 250 (94), 262 (26), 263 (33) | | 42 (36), 48 (49) |
| Adam v. Fisher (1914) | 352 (23) | — (N.S.W.) (Ex rel. McKellar) v. The Commonwealth (1977) | 472 (20) |
| Adam P. Brown Male Fashions Pty. Ltd. v. Philip Morris Inc. (1981) | 457 (9) | — (U.K.) v. Wellington Newspapers Ltd. ("Spycatcher") (1988) | 36 (26) |
| Adams v. Champion (1935) ... | 147 (68) | Auchmuty v. Mulcaster (1826) | 192 (36) |
| Agricultural Bank of Tasmania v. Brown (1958) | 312 (15) | Australia & New Zealand Banking Group Ltd. v. Westpac Banking Corporation (1988) | 146 (66) |
| Albazeru, The (1977) | 139 (36) | Australian Agricultural Co. v. Federated Engine-Drivers and Firemen's Association of A/asia (1913) | 584 (95) |
| Allan's Trustees v. Lord Advocate (1971) | 137 (22) | Australian Conservation Foundation v. The Commonwealth (1980) | 158 (10) |
| Allen v. Sir Alfred McAlpine & Sons Ltd. (1968) | 280 (50) | | |
| Alley v. Deschamps | 139 (38) | B | |
| Amin Rasheed Shipping Corporation v. Kuwait Insurance Co. (1984) | 210 (53), 217 (80), 230 (14), 263 (36) | B.P. Refinery Pty. Ltd. v. Hastings Shire Council (1978) | 636 (34) |
| Anderson v. Eric Anderson Radio & T.V. Pty. Ltd. (1965) | 266 (42) | Bahr v. Nicolay [No. 2] (1988) | 156 (90), 537 (37) |
| Ansett Transport Industries (Operations) Pty. Ltd. (1965) | 401 (73) | Bailey v. Marinoff (1971) | 281 (58), 282 (61), 283 (65), 285 (73), 287 (76) |
| Antares Shipping Corporation v. The "Capricorn" (1976) | 213 (67) | Baines v. State Bank of N.S.W. (1985) | 279 (41) |
| Aratra Potato Co. Ltd. v. Egyptian Navigation Co. (The "El Amria") (1981) | 230 (10) | Baker v. Campbell (1983) | 130 (6) |
| Ashby v. White (1703) | 234 (30) | Banco Nacional de Cuba v. Sabbatino (1964) | 41 (30) |
| "Atlantic Star", The (1974) | 210 (49), 212 (61), 232 (17), 234 (33), 235 (37), 236 (46), 239 (56), 248 (87), 246 (79), 247 (82), 262 (32) | Bank of N.S.W. v. The Commonwealth ("the Banking Case") (1948) | 387 (42), 404 (88), 405 (96) |
| Atlas Tiles Ltd. v. Briers (1978) | 585 (99) | Bankruptcy Act 1966, Re; Ex parte Commercial Banking Co. of Sydney Ltd. (1979) | 77 (28) |
| Attorney-General v. Clough (1963) | 355 (43) | Bartter's Farms Pty. Ltd. v. Todd (1978) | 384 (34), 400 (63) |
| A.-G. v. Guardian Newspapers Ltd. [No. 2] ("Spycatcher") (1988) | 40 (27) | Batchelor v. Dahlia Mining Co. Ltd. (1986) | 212 (66) |
| — (U.K.) v. Heinemann Publishers Australia Pty. Ltd. (1987) | 34 (22) | — v. Pattison (1876) | 565 (53) |
| — (U.K.) v. — (C.A.) (1987) | 34 (23), 35 (24) | Beal v. Marrickville Margarine Pty. Ltd. (1966) | 384 (33), 401 (71) |
| — (U.K.) v. — (H.C.) (1987) | 35 (25) | Bean v. Wade (1885) | 587 (2) |

- Bell v. Lever Brothers Ltd. (1932) 637 (47)
- Beswick v. Beswick (1968) 117 (48),
119 (62), 129 (96), 138 (28),
139 (32), 142 (47), 155 (78),
157 (2), 165 (31), 173 (60)
- Birkett v. James (1978) 280 (51)
- Birmingham v. Renfrew (1937) 129 (99),
135 (13), 175 (75)
- Bist v. London & South Western
Railway Co. (1907) 9 (7)
- Blackburn v. Vigors (1886) 635 (29),
636 (33)
- Blumer & Co. v. Scott & Sons
(1874) 137 (23)
- Bonaventure Systems Inc. v.
Royal Bank of Canada
(1986) 213 (68)
- Bonython v. The Common-
wealth (1951) 217 (81),
224 (89), 260 (20)
- Borthwick v. Elderslie Steam-
ship Co. [No. 2] (1905) 309 (3),
310 (5), 311 (10)
- Bourne v. Mason (1669) 114 (22)
- Brickles v. Snell (1916) 500 (37),
525 (11), 536 (31)
- Bristol Corporation v. John
Aird & Co. (1913) 259 (12)
- British Steel Corporation v.
Granada Television Ltd.
(1981) 353 (32), 354 (38)
- British Traders' Insurance Co.
Ltd. v. Monson (1964) 441 (26),
447 (38)
- Broadcasting Corporation of
New Zealand v. Alex Harvey
Industries Ltd. (1980) 353 (34),
356 (45)
- Bromley v. The Queen (1986)
321 (32), 330 (43), 341 (75),
343 (87)
- Brook's Wharf & Bull Wharf
Ltd. v. Goodman Brothers
(1937) 175 (73)
- Broome v. Cassell & Co. (1972) 129 (3)
- Brown v. Heffer (1967) 523 (1)
- Brown (Adam P.) Male Fas-
hions Pty. Ltd. v. Phillip
Morris Inc. (1981) 457 (9)
- Browne v. Commissioner for
Railways (1935) 234 (31)
- Browns Transport Pty. Ltd. v.
Kropp (1958) 467 (14)
- Buchanan Ltd. v. McVey
(1954) 43 (43),
44 (45), 46 (47),
51 (53), 52 (55)
- Buck v. Bavone (1976) 407 (12)
- Bullen v. Hooper (1871) 605 (75)
- Burnand v. Rodocanachi
(1882) 442 (28)
- Burns v. The Queen (1975) 320 (26),
326 (39), 337 (63), 341 (74)
- Burton v. Honan (1952) 23 (25),
27 (48)
- Butler v. Fife Coal Co. Ltd.
(1912) 638 (53)
- Buttes Gas v. Hammer (1982) 41 (29)
- C**
- C. R. Ogden & Co. Pty. Ltd. v.
Reliance Fire Sprinkler Co.
(1973) 638 (50)
- CTS Corp. v. Dynamics Corp.
of America (1987) 406 (9)
- Cabassi v. Vila (1940) 556 (31),
570 (68), 595 (40)
- Cain v. Malone (1942) 443 (36)
- Calvin's Case (1609) 189 (30)
- Cameron v. Holt (1980) 25 (36)
- Campbell v. Holyland (1877) 518 (82)
- Campbell Discount Co. Ltd. v.
Bridge (1962) 514 (71)
- Canadian General Electric Co.
Ltd. v. Pickford & Black Ltd.
(1970) 165 (37)
- Carbo v. United States (1963) 101 (52)
- Carmichael v. Carmichael's
Executrix (1920) 137 (21)
- Carnegie v. Waugh (1823) 114 (26)
- Carr v. J. A. Berriman Pty. Ltd.
(1953) 511 (61)
- Carter v. Stubbs (1880) 278 (33),
280 (54), 283 (68)
- Castanho v. Brown & Root
(U.K.) Ltd. (1981) 215 (75)
- Castellain v. Preston (1883) 441 (25),
442 (32), 447 (37)
- Castlemaine Tooheys Ltd. v.
South Australia (1986) 458 (12)
- Chamberlain v. The Queen
[No. 2] (1984) 16 (1),
318 (16), 319 (21), 325 (37),
330 (45), 331 (47), 332 (53),
333 (59), 341 (80)
- Champtaloup v. Northern Dis-
tricts Aero Club (1980) 280 (52)
- v. Thomas (1976) 633 (19)
- Chang v. Registrar of Titles
(1976) 498 (33), 523 (99)
- Chaplin v. Boys (1971) 263 (35)
- Chapman v. Greater Midwest
Insurance Pty. Ltd. (1981) 635 (28)
- Chatenay v. Brazilian Sub-
marine Telegraph Co. Ltd.
(1891) 263 (38)
- Choate, Hall and Stewart v.
S.C.A. Services Inc. (1979) 169 (53),
170 (55)
- Ciavarella v. Balmer (1983) 502 (46),
506 (51), 509 (54), 516 (75),
520 (84), 530 (23)
- Clam Bay Estates Ltd. v. State
Mutual Life Assurance Co.
of America (1981) 280 (53)

- Clarke v. Couchman (1885) 568 (65),
591 (20), 605 (78)
- Clark King & Co. Pty. Ltd. v. Australian Wheat Board (1978) 384 (37),
404 (86), 407 (14)
- Cleaver v. Mutual Reserve Fund Life Association (1892) 119 (63)
- Cleland v. The Queen (1982) 342 (84)
- Clyne v. Deputy Commissioner of Taxation (1981) 27 (45)
— v. — (1984) 81 (49)
- Coal Vend Case (1911) 94 (32)
- Codelfa Constructions Pty. Ltd. v. State Rail Authority of N.S.W. (1982) 636 (36)
- Cole v. Whitfield (1988) 420 (56),
424 (61), 431 (64)
- Collinson v. Jeffery (1896) 279 (39)
- Commonwealth, The v. John Fairfax & Sons Ltd. (1980) 45 (46)
- Compagnie d'Armement Maritime S.A. v. Compagnie Tunisienne de Navigation S.A. (1971) 225 (90), 260 (21)
- Compagnie des Messageries Maritimes v. Wilson (1954) 224 (88)
- Complete Auto Transit Inc. v. Brady (1977) 406 (6)
- Composite Buyers Ltd. v. J. C. Taylor Constructions Pty. Ltd. (1983) 279 (34)
- Connair Pty. Ltd. v. Frederiksen (1979) 5 (4)
- Construction Engineering (Aust.) Pty. Ltd. v. Hexyl Pty. Ltd. (1985) 135 (11)
- Cope Allman (Australia) Ltd. v. Celermajer (1968) 208 (38),
209 (39), 232 (18), 243 (67),
247 (84), 262 (31)
- Coulls v. Bagot's Executor & Trustee Co. Ltd. (1967) 114 (28),
115 (41), 118 (61), 119 (64),
127 (88), 128 (90), 129 (1),
138 (27), 139 (37), 142 (57),
143 (59), 145 (63), 157 (96),
158 (4), 164 (26), 165 (40),
173 (58), 174 (65)
- "Courageous Colotronis", The (1979) 212 (62)
- Craine v. Colonial Mutual Fire Insurance Co. Ltd. (1920) 633 (18)
- Currie v. Canadian National Railways (1924) 285 (71)
- D
- D.T.R. Securities Pty. Ltd. v. Deputy Commissioner of Taxation (1987) 63 (41)
- Dagenham (Thames) Dock Co., In re; Ex parte Hulse (1873) 501 (40),
524 (5), 534 (25)
- Daly v. General Steam Navigation Co. Ltd. (The "Dragon") (1979) 208 (38),
228 (2), 229 (8)
- Damjanovic & Sons Pty. Ltd. v. The Commonwealth (1968) 401 (74)
- Dao v. Australian Postal Commission (1987) 63 (40)
- Davidson v. Watson (1953) 24 (31),
27 (43)
- Davies and Cody v. The King (1937) 333 (58)
- Davis, Re; Ex parte Deputy Commissioner of Taxation (1963) 85 (64)
- Dawkins v. Lord Rokeby (1873) 607 (88)
- Debtor, In re A (1908) 78 (34),
82 (56)
- Debtor, No. 21 of 1950, In re A; Ex parte The Debtor v. Bowmaker Ltd. (1951) 81 (53),
82 (58)
- de Dampierre v. de Dampierre (1988) 215 (77), 262 (28)
- De Jesus v. The Queen (1986) 294 (10),
298 (30)
- Demarco v. Ungaro (1979) 577 (86),
607 (89)
- Dennis Hotels Pty. Ltd. v. Victoria (1960) 424 (58), 432 (65)
- Dickenson v. Fletcher (1873) 29 (50)
- Dickenson's Arcade Pty. Ltd. v. Tasmania (1974) 424 (59),
432 (66)
- Donoghue v. Stevenson (1932) 585 (98)
- Drimmie v. Davies (1899) 118 (59)
- Driscoll v. The Queen (1977) 317 (15),
337 (65), 341 (71)
- Drive Yourself Hire Co. (London) Ltd. v. Strutt (1954) 155 (81)
- Dugan v. Mirror Newspapers Ltd. (1978) 158 (7), 586 (1)
- Duncan v. Queensland (1916) 394 (46),
404 (89), 405 (95)
- Dunlop Pneumatic Tyre Co. Ltd. v. New Garage & Motor Co. Ltd. (1915) 540 (43)
- v. Selfridge & Co. Ltd. (1915) 114 (32), 115 (45),
128 (94), 141 (43), 155 (75),
157 (93), 163 (22), 164 (25)
- Dynamit Actien-Gesellschaft v. Rio Tinto Co. (1918) 49 (51)
- E
- Egbert v. Short (1907) 232 (22),
243 (65), 245 (73), 246 (77)

- "El Amria", The (1981) 259 (16)
 Elliott v. Garrett (1902) 352 (21)
 Elsee, Ex parte (1830) 578 (90)
 Engelbach's Estate, In re (1924) 156 (89)
 Escobedo v. Illinois (1964) 342 (85)
 Eslea Holdings Ltd. v. Butts (1986) 121 (79)
 Evda Nominees Pty. Ltd. v. Victoria (1984) 130 (5), 424 (60)
- F**
- FAI General Insurance Co. Ltd. v. Southern Cross Exploration N.L. (1988) 480 (12)
 Falstein, Ex parte; Re Maher (1948) 24 (33)
 Farmer & Co. Ltd. v. Griffiths (1940) 443 (35)
 Farnol Eades Irvine & Co. Ltd., In re (1915) 518 (83)
 "Fehmarn", The (1958) 259 (10)
 Feldman v. A Practitioner (1978) 577 (84), 596 (44), 606 (82)
 Fell v. Brown (1791) 565 (50), 591 (23), 600 (47)
 Fergusson v. Lewis (1879) 568 (64), 591 (19), 605 (77)
 Finemores Transport Pty. Ltd. v. New South Wales (1978) 402 (78), 403 (79)
 Flaherty v. Girgis (1985) 202 (30), 223 (86)
 — v. — (1987) 202 (31), 223 (86)
 Fleming v. Watts (1944) 529 (21)
 Forbes v. Traders' Finance Corporation Ltd. (1971) 23 (26), 27 (47), 28 (49), 29 (53)
 Fox v. Robbins (1909) 405 (3), 424 (57), 429 (62), 433 (69)
 Fray v. Voules (1959) 605 (72)
 Freeman v. Hewit (1947) 405 (97)
 — v. Rabinov (1981) 280 (43)
 Freightlines & Construction Holding Ltd. v. New South Wales (1967) 394 (47), 408 (15)
- G**
- G. v. G. (1908) 601 (56)
 Gamsler v. Nominal Defendant (1977) 283 (66)
 Gandy v. Gandy (1885) 114 (31)
 Gardner v. Moore (1984) 166 (44), 167 (45)
 Gavin Gibson & Co. Ltd. v. Gibson (1913) 189 (32)
 General Practitioners Society v. The Commonwealth (1980) 470 (19)
 George Hudson Ltd. v. Australian Timber Workers' Union (1923) 9 (11)
 Giannarelli v. The Queen (1983) 553 (22), 560 (44), 562 (45), 597 (45)
 Gibson (Gavin) & Co. Ltd. v. Gibson (1913) 189 (32)
 Gilbert (decd), In re Will of (1946) 457 (10)
 Gilpin (O.) Ltd. v. Commissioner for Road Transport and Tramways (N.S.W.) (1935) 400 (64)
 Glasser v. United States (1942) 95 (35)
 Godefroy v. Dalton (1830) 567 (56), 605 (64)
 — v. Jay (1831) 605 (65)
 Goodwin v. Phillips (1908) 63 (39)
 — v. Southern Tablelands Finance Co. Pty. Ltd. (1968) 281 (57), 287 (75)
 Gosford Meats Pty. Ltd. v. New South Wales (1985) 432 (67)
 Gould v. Vaggelas (1985) 310 (8), 311 (9)
 Grannall v. Marrickville Margarine Pty. Ltd. (1955) 398 (61), 400 (66), 401 (70)
 Gratwick v. Johnson (1945) 393 (45), 406 (10)
 Greenwood Shopping Plaza Ltd. v. Beattie (1980) 129 (97), 165 (39)
 Griffiths v. Murphy (1856) 605 (69)
 Gulf Oil Corp. v. Gilbert (1947) 250 (96), 255 (8)
- H**
- H.B., In re (1904) 78 (37), 79 (40)
 Hamilton v. Warne (1907) 82 (54)
 Hamzeh Malas & Sons v. British Imex Industries Ltd. (1958) 125 (84)
 Haque v. Haque (No. 2) (1965) 517 (78)
 Harmer v. Armstrong (1934) 135 (14)
 Hart v. Frame (1839) 568 (60), 591 (14), 605 (66)
 Hatch v. Lewis (1861) 575 (78), 605 (73)
 Hawkins v. Clayton (1988) 559 (39), 571 (71), 587 (5), 592 (28)
 Hayes v. Jones (1926) 565 (55)
 — v. The Queen (1973) 331 (49)
 Haynes, In re; Ex parte Kibble (1890) 81 (47)
 Hedley Byrne & Co. Ltd. v. Heller & Partners Ltd. (1964) 559 (40), 592 (27)
 He Kaw Teh v. The Queen (1985) 25 (37)
 Hennessy v. Wright (1890) 352 (20)

| | |
|---|---|
| Hepburn, In re; Ex parte Smith (1884) | 65 (44) |
| Hewett v. Court (1983) | 523 (97) |
| Hodak v. Bosman (1983) | 279 (37) |
| Holland v. Wiltshire (1954) | 510 (58), 521 (87) |
| Hollington v. F. Hewthorn & Co. (1943) | 575 (79) |
| Hollingworth v. Southern Ferries Ltd. (The "Eagle") (1977) | 208 (36), 229 (7) |
| Hood v. Anchor Line (Henderson Brothers) Ltd. (1918) | 229 (3) |
| Hope v. Brash (1897) | 352 (19) |
| Hospital Provident Fund Pty. Ltd. v. Victoria (1953) | 384 (32), 400 (65), 401 (68) |
| Hoysted v. Federal Commissioner of Taxation (1920) | 523 (95) |
| Huddart Parker Ltd. v. The "Mill Hill" (1950) | 224 (87), 230 (9), 231 (16), 259 (11) |
| Hudson (George) Ltd. v. Australian Timber Workers' Union (1923) | 9 (11) |
| Hughes and Vale Pty. Ltd. v. New South Wales [No. 2] (1955) | 402 (77), 403 (81) |
| Hunt v. Washington State Apple Advertising Commission (1977) | 406 (8) |
| Huntington v. Attrill (1893) | 41 (33) |
| Hyman v. Helm (1883) | 209 (46), 233 (26) |
| — v. Rose (1912) | 290 (89) |

I

| | |
|--|-----------------------|
| ITO Ltd. v. Miida Electronics Inc. (1986) | 135 (16), 165 (38) |
| Ibbotson v. Shippey (1879) | 605 (76) |
| Ibrahim v. The King (1914) | 342 (83) |
| India, Government of v. Taylor (1955) | 42 (38) |
| Isbey v. New Zealand Broadcasting Corporation (1975) | 354 (40) |

J

| | |
|---|-----------------------------------|
| Jack, Re; Ex parte C. V. Holland (Holdings) Ltd. (1959) | 79 (42) |
| Jackson v. Horizon Holidays Ltd. (1975) | 119 (65), 120 (71), 158 (5) |
| James v. Cowan (1930) | 392 (43) |
| — v. — (1932) | 396 (50), 404 (93) |
| — v. Federal Commissioner of Taxation (1955) | 79 (44), 81 (51), 82 (60) |

| | |
|--|---------------------------------|
| — v. The Commonwealth (1935) | 396 (51), 397 (60) |
| — v. — (1936) | 396 (55), 397 (57), 404 (94) |
| Japan Line Ltd. v. Los Angeles (1979) | 406 (5) |
| Jenkins v. Wise (1978) | 499 (34), 529 (20) |
| Jennings Construction Ltd. v. Burgundy Royale Investments Pty. Ltd. [No. 1] (1986) | 459 (13) |
| Joel v. Law Union and Crown Insurance Co. (1908) | 637 (46), 639 (56) |
| Johannsen v. The Queen (1977) | 296 (24) |
| Johns, In re; Ex parte Spears (1893) | 81 (48) |
| Johnson, Ex parte; In re Johnson (1883) | 82 (57), 85 (63) |
| —, In re; Roberts v. Attorney-General (1903) | 189 (31) |
| Jovanovic v. Broers (1979) | 118 (56), 166 (43) |
| Judgment Debtor, 530 of 1908, In re A (1908) | 80 (46), 81 (50) |

K

| | |
|---|------------------------------------|
| K.G.K. Constructions Pty. Ltd. v. East Coast Earthmoving Pty. Ltd. (1985) | 279 (36), 280 (45) |
| Kammins Ballrooms Co. Ltd. v. Zenith Investments (Torquay) Ltd. (1971) | 633 (15) |
| Karpenko v. Paroian, Courey, Cohen and Houston (1980) | 578 (88) |
| Kay's Leasing Corporation Pty. Ltd. v. Fletcher (1964) | 266 (44) |
| Kazacos v. Fire and All Risks Insurance Co. Ltd. (1970) | 639 (54) |
| Kebby v. Waldron (1943) | 638 (52) |
| Kennedy v. Broun (1863) | 565 (52), 592 (25), 600 (49) |
| — v. Patron Oil Co. Ltd. (1935) | 285 (72) |
| Keogh v. Dalgety & Co. Ltd. (1917) | 312 (14) |
| Kepong Prospecting Ltd. v. Schmidt (1968) | 115 (46) |
| Kern Corporation Ltd. v. Walter Reid Trading Pty. Ltd. (1987) | 522 (91) |
| Kilmer v. British Columbia Orchard Lands Ltd. (1913) | 501 (41), 534 (26), 524 (4), |
| King v. Davenport (1879) | 278 (31), 288 (83) |
| "Kislovodsk", The (1980) | 259 (15) |
| Knolinski v. Nelson (1918) | 285 (70) |
| Knowles, Re (1984) | 574 (76), 595 (39) |

- Kolokythas v. Federation Insurance Ltd. (1980) 635 (27)
- Koon Wing Lau v. Calwell (1949) 195 (45)
- Koop v. Bebb (1951) 266 (41)
- Koster v. (American) Lumbermen's Mutual Casualty Co. (1947) 249 (93)
- Kuswardana v. Minister for Immigration and Ethnic Affairs (1981) 196 (52)
- L**
- L. Shaddock & Associates Pty. Ltd. v. Parramatta City Council [No. 2] (1982) 312 (16)
- L. Vogel & Son Pty. Ltd. v. Anderson (1968) 24 (35),
27 (41)
- Lamb v. Cotogno (1987) 159 (16),
167 (46)
- Lanphier v. Phipos (1838) 554 (23)
- Lawrence v. Fox (1859) 138 (26),
157 (91), 169 (54)
- Lawson & Harrison v. Odhams Press Ltd. (1949) 352 (31)
- Le Brasseur and Oakley, In re (1896) 555 (27),
587 (3), 601 (54)
- Legione v. Hateley (1983) 497 (29),
501 (43), 502 (45), 503 (49),
509 (53), 510 (56), 512 (62),
513 (67), 516 (77), 522 (92),
524 (3), 525 (8), 526 (14),
530 (22), 536 (32), 537 (35),
538 (38), 539 (40), 542 (45)
- Lehmann, In re; Ex parte Hasluck (1890) 77 (29)
- Les Affreteurs Reunis Societe Anonyme v. Leopold Walford (London) Ltd. (1919) 120 (77),
135 (9), 156 (84)
- Leslie v. Ball (1863) 577 (85),
606 (80)
- Levy v. Union Bank of Australia Ltd. (1896) 587 (4),
602 (57)
- Lexane Pty. Ltd. v. Highfern Pty. Ltd. (1985) 509 (52)
- Liberato v. The Queen (1985) 324 (35)
- Link Blocks Pty. Ltd. v. Fullin (1986) 279 (38),
280 (46)
- Lloyd's v. Harper (1880) 118 (60),
120 (76), 138 (29), 139 (33),
156 (82)
- Loan Investment Corporation of Australasia v. Bonner (1970) 120 (70)
- Loftus v. Lee (1958) 249 (91)
- Logan v. Bank of Scotland [No. 2] (1906) 209 (48),
232 (21), 233 (28), 242 (59),
243 (68), 244 (71)
- Logan Downs Pty. Ltd. v. Queensland (1977) 467 (17)
- Long, Re (1929) 608 (99)
- Louinder v. Leis (1982) 510 (57),
520 (85), 521 (86)
- Love v. Amalgamated Society of Lithographic Printers (1912) 140 (42)
- Lower Mainland Dairy Products Sales Adjustments Committee v. Crystal Dairy Ltd. (1933) 466 (12)
- Lyle-Samuel v. Odhams Ltd. (1920) 352 (24)
- Lyons v. Smart (1908) 29 (51)
- Lysaght v. Edwards (1876) 517 (80)
- M**
- McArthur (W. & A.) Ltd. v. Queensland (1920) 395 (48),
396 (54)
- MacCormick v. Federal Commissioner of Taxation (1984) 467 (15)
- McCutcheon v. David Macbrayne Ltd. (1964) 229 (4)
- McDermott v. Owners of S.S. Tintoretto (1911) 9 (9)
- McDonald, Re; Ex parte Elder Smith Goldsbrough Mort Ltd. (1978) 82 (55)
- v. Dennys Lascelles Ltd. (1933) 500 (39),
510 (55), 525 (7), 535 (28)
- McDowell v. Baker (1979) 646 (10),
647 (13), 651 (15), 655 (24)
- McGraw-Hinds (Aust.) Pty. Ltd. v. Smith (1979) 27 (44)
- McGuinness v. Attorney-General (Vict.) (1940) 352 (25),
353 (33), 354 (41), 355 (44)
- McHenry v. Lewis (1882) 209 (44),
233 (24), 242 (62), 243 (69)
- McKay v. The King (1935) 319 (23),
320 (24), 326 (42), 341 (76)
- Mackender v. Feldia A.G. (1967) 225 (91)
- MacPherson v. The Queen (1981) 304 (52)
- MacRobertson Miller Airline Services v. Commissioner of State Taxation (W.A.) (1975) 206 (32),
207 (33), 226 (92), 227 (96)
- MacShannon v. Rockware Glass Ltd. (1978) 210 (52),
219 (84), 235 (38), 243 (66), 247 (83), 249 (88),
253 (5)
- McWilliam v. McWilliams Wines Pty. Ltd. (1964) 523 (98)
- Maher v. Wallace Dairy Co. Ltd. (1984) 279 (35)
- "Makefjell", The (1976) 259 (14)

- Manion, Re; Ex parte Deputy Commissioner of Taxation (1979) 77 (32)
- Manley v. Palache (1895) 568 (63), 591 (18), 605 (79)
- Manley Estates Ltd. v. Benedek (1941) 279 (40)
- Mansell v. Beck (1956) 400 (67), 402 (75)
- Manufacturers' Mutual Insurance Ltd. v. Hooper (1987) 652 (21)
- March Cabaret Club v. The London Insurance (1975) 638 (51)
- Marene Knitting Mills Pty. Ltd. v. Greater Pacific General Insurance Ltd. (1976) 637 (41)
- Marina Estates Pty. Ltd. v. Deputy Commissioner of Taxation (1974) 67 (46)
- Maritime Insurance Co. Ltd. v. Geelong Harbor Trust Commissioners (1908) 209 (40), 211 (60), 232 (19), 241 (58), 242 (61), 243 (64), 244 (72), 246 (76), 247 (85), 262 (30)
- Marshall v. Dunkley (1984) 280 (44)
- Martin v. Osborne (1936) 294 (11), 296 (27)
- Martinez v. Socoma Companies Inc. (1974) 122 (80)
- Mason v. New South Wales (1959) 175 (74)
- Matthews v. Chicory Marketing Board (Vict.) (1938) 433 (68), 466 (13), 470 (18), 514 (70)
- Maynard v. Moseley (1676) 514 (70)
- Medaris v. Lars Halvorsen & Sons Pty. Ltd. (1943) 655 (26)
- Melbourne Parking Station Ltd., In re (1929) 590 (11)
- Mercer v. King (1859) 605 (71)
- Merchants and Manufacturers Insurance Co. v. Hunt (1941) 638 (49)
- Metropolitan Tunnel and Public Works Ltd. v. London Electric Railway Co. (1926) 259 (13)
- Midland Silicones Ltd. v. Scruttons Ltd. (1962) 117 (47), 129 (95), 141 (45), 142 (55), 143 (61), 155 (77), 161 (18), 165 (29)
- Miller v. TCN Channel Nine Pty. Ltd. (1986) 384 (39), 385 (41), 392 (44), 401 (69), 402 (76), 403 (80), 406 (11), 407 (13), 195 (50)
- Millner v. Raith (1942) 195 (50)
- Milne v. Huber (1843) 183 (25)
- Mirza-Akbar v. King-Emperor (1940) 99 (45)
- Mobile v. Kimball (1881) 405 (2)
- Moens v. Heyworth (1842) 635 (30)
- Moller v. Roy (1976) 312 (12)
- Montrou v. Jefferys (1825) 568 (59), 591 (13), 605 (63)
- Moorcock, The (1889) 636 (37)
- Moore v. Mitchell (1929) 43 (41)
- Morris v. Ford Motor Co. (1973) 442 (30)
- v. The Queen (1987) 319 (22), 324 (36), 332 (54), 333 (57), 341 (79)
- Mullavey, Re; Ex parte Australia and New Zealand Banking Group Ltd. (1977) 77 (31), 85 (66)
- Munson, Re; Ex parte Deputy Commissioner of Taxation (1977) 77 (27), 83 (61), 85 (67)
- Munster v. Lamb (1883) 556 (32), 558 (34), 569 (66), 576 (83), 595 (41), 607 (86)
- Murphy v. Farmer (1986) 22 (23), 26 (39)
- v. — (1987) 22 (24), 26 (40)
- Murray v. Reilly (1963) 591 (21)
- Muschinski v. Dodds (1985) 514 (72)
- Myers v. Director of Public Prosecutions (1965) 167 (48)
- N
- Naismith v. McGovern (1953) 62 (38)
- Netherlands v. Sweden: Convention of 1902 (1958) 49 (50)
- Newbon v. City Mutual Life Assurance Society Ltd. (1935) 633 (22)
- New South Wales v. The Commonwealth (1915) 404 (91)
- New Zealand Shipping Co. Ltd. v. A. M. Satterthwaite & Co. Ltd. (1975) 165 (30)
- Nitrate S.S. Co. v. Short Bros. (1922) 309 (2), 310 (4)
- Nocton v. Lord Ashburton (1914) 592 (29)
- North Eastern Dairy Co. Ltd. v. Dairy Industry Authority of N.S.W. (1975) 384 (36), 399 (62), 404 (84)
- Norton's Settlement, In re; Norton v. Norton (1908) 246 (75)
- Norway's Application, In re State of (1987) 42 (40)
- O
- O. Gilpin Ltd. v. Commissioner for Road Transport and Tramways (N.S.W.) (1935) 400 (64)
- O.C.S. (A Debtor), In re; Ex parte The Debtor (1904) 81 (52)
- O'Dea v. Allstates Leasing System (W.A.) Pty. Ltd. (1983) 540 (44)

- Oetjen v. Central Leather Co. (1918) 41 (31)
- Official Receiver v. Cargo Superintendents (London) Ltd. and Schebsman (1944) 157 (3)
- Ogden (C. R.) & Co. Pty. Ltd. v. Reliance Fire Sprinkler Co. (1973) 638 (50)
- O'Keefe, Re; Ex parte Australian Factors Ltd. (1963) 77 (30), 78 (33), 85 (65)
- Olley v. Marlborough Court (1949) 228 (1)
- Olsson v. Dyson (1969) 117 (54), 129 (2), 142 (46), 157 (1), 162 (20), 165 (35), 167 (47), 169 (50), 171 (56), 173 (59)
- Osborne to Rowlett (1880) 584 (96)
- P**
- Paivinen v. The Queen (1985) 484 (21)
- Pakenham Upper Fruit Co. Ltd. v. Crosby (1924) 523 (96)
- Parnell v. Walter (1890) 352 (18)
- Patel v. Comptroller of Customs (1966) 24 (32)
- Pattinson v. The Queen (1973) 341 (70)
- Pavey & Matthews Pty. Ltd. v. Paul (1987) 146 (65), 174 (68)
- Peachy v. Duke of Somerset (1721) 512 (64), 515 (74)
- Pelky v. Hudson Bay Insurance Co. (1981) 578 (89)
- People, The (Attorney-General) v. Casey [No. 2] (1963) 338 (68)
- Permewan Wright Consolidated Pty. Ltd. v. Trehitt (1979) 404 (85)
- Perring v. Rebutter (1842) 592 (26), 600 (50)
- Perry v. The Queen (1982) 294 (13), 300 (35)
- Peruvian Guano Co. v. Bockwoldt (1883) 209 (45), 233 (25), 244 (70)
- Pickersgill (William) & Sons Ltd. v. London and Provincial Marine and General Insurance Co. Ltd. (1912) 635 (31)
- Pigott v. Thompson (1802) 114 (25)
- Pilkington v. Frank Hammond Pty. Ltd. (1974) 384 (35)
- Pillai v. Comptroller of Income Tax (1970) 77 (26), 79 (41), 80 (45), 82 (59)
- Piper Aircraft Co. v. Reyno (1981) 250 (95), 254 (6)
- Plymouth Mutual Co-operative and Industrial Society Ltd. v. Traders' Publishing Association Ltd. (1906) 352 (22)
- Pochi v. Macphee (1982) 184 (27), 185 (28), 186 (29), 189 (33), 192 (34), 193 (39), 196 (51)
- Pollard v. Incorporated Nominal Defendant (1972) 286 (74)
- Port Jackson Stevedoring Pty. Ltd. v. Salmond & Spraggon (Aust.) Pty. Ltd. (1978) 135 (15)
- v. — (1980) 135 (15)
- Potter v. Minahan (1908) 194 (41)
- Power v. The Queen (1974) 481 (13), 482 (15), 487 (25)
- Pozniak v. Smith (1982) 266 (43)
- Preston, Re; Ex parte Commercial Bank of Australia Ltd. (1982) 78 (36)
- Price v. Bullen (1824) 605 (62)
- v. Easton (1833) 114 (27)
- Public Service Board of N.S.W. v. Osmond (1986) 158 (9), 160 (17)
- Purves v. Landell (1845) 567 (57), 591 (17), 604 (59)
- Q**
- Queen's Case, The (1820) 97 (40)
- Queensland v. The Commonwealth (1988) 454 (8), 458 (11)
- Queensland Electricity Commission, Re; Ex parte Electrical Trades Union of Australia (1987) 252 (2)
- R**
- Reg. v. Anderson; Ex parte Ipec-Air Pty. Ltd. (1965) 401 (72)
- v. Associated Northern Collieries ("Coal Vend Case") (1911) 94 (32)
- v. Baldry (1852) 342 (82)
- v. Blaker (1983) 280 (56)
- v. Bloomsbury and Marylebone County Court; Ex parte Villerwest Ltd. (1976) 280 (47)
- v. Boardman (1975) 294 (15), 295 (18), 296 (26), 299 (31), 300 (32), 301 (38), 302 (48)
- v. Buckton (1985) 100 (50), 103 (57)
- v. Carter (1982) 99 (48), 101 (53)
- v. Christie (1914) 302 (51)
- v. Cross (Patrick) (1973) 289 (88)
- v. Director-General of Social Welfare (Vict.); Ex parte Henry (1975) 195 (47)
- v. Evans (1987) 477 (6), 479 (7), 480 (11), 485 (24)

- Reg. v. Finn and Niblock (1985) 97 (41), 105 (58)
- v. Foreign Secretary; Ex parte Indian Association (1982) 184 (26)
- v. Gibson (1973) 336 (61)
- v. Governor of Metropolitan Gaol; Ex parte Molinari (1962) 337 (66)
- v. Governor of Pentonville Prison; Ex parte Budlong (1980) 42 (39)
- v. Giuseppe Giannarelli (1983) 562 (46)
- v. Gunn and Howden (1930) 96 (38)
- v. Humphries (1982) 100 (49), 103 (56), 301 (39), 302 (49)
- v. Jeffries (1947) 302 (49)
- v. Kidman (1915) 195 (49)
- v. Kilbourne (1973) 295 (17), 300 (34), 301 (37)
- v. Macfarlane; Ex parte O'Flanagan and O'Kelly (1923) 193 (40)
- v. Minuzzo and Williams (1984) 98 (44), 102 (54), 483 (17)
- v. O'Brien (1984) 98 (42)
- v. Orton (1922) 482 (14), 483 (19)
- v. Paivinen (1985) 477 (5), 479 (8), 480 (10), 484 (20), 485 (22)
- v. Rogers (1987) 296 (25)
- v. Scarrott (1978) 295 (16), 301 (41)
- v. Sims (1946) 300 (33), 301 (41)
- v. Spencer (1987) 320 (29), 321 (31)
- v. Thompson (1893) 336 (60), 341 (69)
- v. Whitworth (1988) 17 (2)
- v. Winneke; Ex parte Gallagher (1982) 560 (43)
- v. Witham (1962) 301 (40), 302 (50)
- Ranger Uranium Mines Pty. Ltd. v. B.T.R. Trading (Qld.) Pty. Ltd. (1985) 212 (65), 330 (44)
- Raspor v. The Queen (1958) 332 (50)
- Ratten v. The Queen (1974) 521 (89), 533 (24)
- Rawson v. Hobbs (1961) 498 (32), 522 (90)
- Raynor v. Preston (1881) 522 (90)
- Real Estate Securities Ltd. v. Kew Golf Links Estate Pty. Ltd. (1935) 500 (38)
- Redman v. Permanent Trustee Co. of N.S.W. Ltd. (1916) 523 (94)
- Reece v. Righey (1821) 605 (60)
- Rees v. Sinclair (1974) 560 (41), 571 (72), 596 (42), 606 (84)
- Rheem Australia Ltd. v. Manufacturers' Mutual Insurance Ltd. (1984) 652 (20), 657 (30)
- Ritchie v. McCrosty (1854) 605 (67)
- Roberts v. J. & F. Stone Lighting & Radio Ltd. (1945) 575 (77)
- Robertson v. MacDonogh (1880) 555 (28), 120 (75)
- v. Wait (1853) 120 (75)
- Rogers v. Bank of Montreal (1984) 213 (69)
- Rondel v. Worsley (1967) 575 (80)
- v. — (1969) 555 (24), 563 (48), 565 (54), 570 (69), 573 (73), 574 (75), 576 (81), 579 (92), 588 (6), 592 (30), 593 (31), 600 (51), 601 (55), 608 (94)
- Ross v. The King (1922) 319 (17), 325 (38), 341 (73)
- Rowling v. Takaro Properties Ltd. (1988) 253 (4)
- Royal Exchange Assurance v. Hope (1928) 148 (71)
- Rutt v. Metropolitan Underwriters (Australasia) Ltd. (1929) 209 (41)

S

- Saif Ali v. Sydney Mitchell & Co. (1978) 606 (83)
- v. — (1980) 555 (25), 559 (36), 560 (42), 563 (49), 570 (70), 573 (74), 579 (93), 588 (7), 593 (35), 594 (37), 607 (91), 608 (97)
- St. Pierre v. South American Stores (Gath & Chaves) Ltd. (1936) 209 (43), 211 (59), 232 (23), 245 (74), 247 (81), 262 (29)
- Samuels v. Linzi Dresses Ltd. (1981) 279 (42), 280 (48), 284 (69), 288 (85)
- v. Readers' Digest Association Pty. Ltd. (1969) 404 (83)
- San Sebastian Pty. Ltd. v. The Minister (1986) 559 (38)
- Sargent v. A.S.L. Developments Ltd. (1974) 633 (17), 634 (25)
- Saunders v. Queensland Insurance Co. Ltd. (1931) 637 (43), 640 (57)
- Scandinavian Trading Tanker Co. A.B. v. Flota Petrolera Ecuatoriana (1983) 525 (12)
- Scarf v. Jardine (1882) 633 (20)
- Schebsman, In re (1944) 120 (73), 147 (70), 156 (86), 169 (52)
- Schierholter, Re; Ex parte Geis (1978) 78 (35), 79 (43), 84 (62)

- Script Phonography Co. Ltd. v. Gregg (1890) 278 (32), 288 (84)
- Sebring v. Fidelity-Phenix Fire Insurance Co. of New York (1931) 637 (42)
- Secured Income Real Estate (Australia) Ltd. v. St. Martins Investments Pty. Ltd. (1979) 636 (35)
- "Sennar", The [No. 2] (1985) 230 (11)
- Shaddock (L.) & Associates Pty. Ltd. v. Parramatta City Council [No. 2] (1982) 312 (16)
- Shiloh Spinners Ltd. v. Harding (1973) 500 (35), 501 (42), 512 (63), 514 (73), 526 (16), 527 (18), 539 (42)
- Shirlaw v. Southern Foundries Ltd. (1939) 636 (39)
- Sim v. Robinow (1892) 211 (56), 219 (83), 237 (54)
- Sims v. Wran (1984) 350 (17)
- Sinclair v. The King (1946) 342 (81)
- Smith v. Allwright (1944) 130 (4)
- v. Commonwealth Oil Refineries Ltd. (1938) 443 (34)
- v. Grant and Leslie (1858) 568 (62), 591 (16), 605 (70)
- Smith and Snipes Hall Farm Ltd. v. River Douglas Catchment Board (1949) 114 (29), 155 (80)
- Smith Kline & French Laboratories Ltd. v. Bloch (1983) 215 (76)
- Societe du Gaz Case (1926) 236 (50), 237 (53)
- Societe Nationale Industrielle Aerospatiale v. Lee Kui Jak (1987) 253 (3)
- Southern Cross Assurance Co. Ltd. v. Australian Provincial Assurance Ltd. (1939) 638 (48)
- South Suburban Co-operative Society v. Orum (1937) 352 (26)
- Spencer, In re (1870) 605 (74)
- Spiliada Maritime Corporation v. Cansulex Ltd. (1987) 201 (29), 211 (55), 213 (70), 214 (71), 216 (78), 218 (82), 230 (15), 234 (32), 236 (47), 237 (52), 248 (86), 249 (90), 251 (98), 259 (9), 261 (25), 262 (27), 264 (40)
- Sport International Bussum B.V. v. Inter-Footwear Ltd. (1984) 525 (13), 528 (19)
- Stamp Duties, Commissioner of (Q.) v. Jolliffe (1920) 147 (69)
- Starr v. Ortega (1987) 212 (64)
- State Government Insurance Commission v. Trigwell (1979) 158 (8), 162 (19), 584 (97)
- State Government Insurance Office (Q.) v. Crittenden (1966) 647 (12), 652 (19), 653 (22), 656 (27)
- (Q.) v. Rees (1979) 647 (14)
- Steedman v. Drinkle (1916) 500 (36), 525 (10), 535 (27), 536 (30)
- Stepney Election Petition, In re; Isaacson v. Durant (1886) 192 (37)
- Sternberg v. The Queen (1953) 23 (30), 25 (38), 27 (42)
- Stickney v. Keeble (1915) 511 (60), 536 (29)
- Stokes v. Trumper (1855) 559 (37), 568 (58), 591 (12)
- Sutton v. The Queen (1984) 294 (14), 295 (20), 296 (28), 300 (36)
- Swain v. Law Society (1983) 117 (53), 165 (33)
- Swannell v. Ellis (1823) 568 (61), 591 (15), 605 (61)
- Swinfen v. Lord Chelmsford (1860) 555 (29), 556 (30), 565 (51), 591 (22), 592 (24), 600 (48), 601 (53)
- T**
- Tailby v. Official Receiver (1888) 522 (93)
- Takach, In the Marriage of (1980) 212 (63)
- Tatham v. Huxtable (1950) 139 (39)
- Taxation, Deputy Federal Commissioner of v. Australian Machinery and Investment Co. Pty. Ltd. (1945) 67 (45)
- v. Moorebank Pty. Ltd. (1987) 61 (37)
- v. — (1988) 69 (47)
- v. Truhold Benefit Pty. Ltd. (1985) 467 (16)
- Telford Panel & Engineering Works Pty. Ltd. v. Elder Smith Goldsbrough Mort Ltd. (1969) 209 (42)
- Thomas v. Acklam (1824) 192 (35)
- Thompson v. The King (1918) 302 (47)
- Thornton v. Shoe Lane Parking Ltd. (1971) 229 (5)
- v. Thornton (1886) 209 (47), 233 (27)
- Tombling v. Universal Bulb Co. Ltd. (1951) 579 (91)
- Tomlinson (A.) (Hauliers) Ltd. v. Hepburn (1966) 168 (49)
- Toy Centre Agencies Pty. Ltd. v. Spencer (1983) 24 (34)
- Trident General Insurance Co. Ltd. v. McNiece Bros. Ltd. (1987) 110 (21), 124 (82), 125 (83), 127 (86), 136 (18), 144 (62), 150 (72), 151 (73), 166 (41), 172 (57)

- Tripodi v. The Queen (1961) 92 (30),
93 (31), 95 (34), 99 (46)
- Tropical Traders Ltd. v. Goonan (1964) 633 (16)
- Trustees Executors & Agency Co. Ltd. v. Reilly (1941) 647 (11),
653 (23)
- Tunaj v. The Queen (1984) 615 (3),
619 (7)
- Turner v. Bladin (1951) 174 (67)
- v. The Queen (1975) 343 (86)
- Tweddle v. Atkinson (1861) 114 (24),
117 (51), 128 (91), 135 (8),
138 (25), 154 (74), 163 (23), (24)
- U**
- Uebergang v. Australian Wheat Board (1980) 384 (38), 404 (87)
- Underhill v Hernandez (1897) 40 (28)
- United City Merchants (Investments) Ltd v. Royal Bank of Canada (1983) 126 (85)
- United States v. Dennis (1950) 101 (51)
- v. Lacher (1890) 29 (52)
- Unsworth v. Commissioner for Railways (1958) 657 (29)
- Urquhart v. Grigor (1857) 605 (68)
- V**
- Vandepitte v. Preferred Accident Insurance Corporation of New York (1933) 114 (34),
115 (35), 118 (55), 120 (72),
135 (10), 141 (44), 155 (76),
156 (85), 164 (27), 169 (51)
- van Gend en Loos v. Nederlandse Tariefcommissie (1963) 263 (34)
- Veen v. The Queen [No. 1] (1979) 618 (4)
- v — [No. 2] (1988) 618 (6)
- Vexatious Actions Act, 1896, In re; In re Bernard Boaler (1915) 241 (57)
- Viles v. Viles (1939) 118 (58)
- Vogel (L.) & Son Pty. Ltd. v. Anderson (1968) 24 (35),
27 (41)
- W**
- W. & A. McArthur Ltd. v. Queensland (1920) 395 (48),
396 (54)
- Walden v. Hensler (1987) 618 (5)
- Walker v. Marklew (1976) 336 (62)
- Wallis v. Hepburn (1878) 278 (30),
288 (82)
- Walsh and Johnson, Ex parte; In re Yates (1925) 194 (42),
195 (43)
- Waltons Stores (Interstate) Ltd. v. Maher (1988) 140 (40),
145 (64)
- Warnink v. Townend & Sons (Hull) Ltd. (1979) 159 (15)
- Washington Revenue Department v. Stevedoring Association (1978) 406 (4)
- Webb v. Bloch (1928) 350 (16)
- Wechsel v. Stutz (1980) 578 (87)
- Welton v. Missouri (1876) 405 (1)
- West v. Houghton (1879) 118 (57)
- Western Australia v. The Commonwealth (1975) 6 (6)
- Westinghouse Uranium Contract, In re (1978) 51 (52)
- Westralian Farmers Co-operative Ltd. v. Southern Meat Packers Ltd. (1981) 122 (81),
136 (20)
- Whistler v. Hancock (1878) 278 (29),
288 (81)
- White v. John Warwick & Co. Ltd. (1953) 114 (30)
- Whitehorn v. The Queen (1983) 319 (20),
331 (46), 332 (52), 341 (78)
- William Pickersgill & Sons Ltd. v. London and Provincial Marine and General Insurance Co. Ltd. (1912) 635 (31)
- Williams v. Baltic Insurance Association of London Ltd. (1924) 120 (78), 156 (88)
- Williams & Humbert v. W. & H. Trade Marks (1986) 41 (35),
46 (48)
- Wilson v. Darling Island Stevedoring & Lighterage Co. Ltd (1956) 115 (37), 120 (74),
129 (98), 135 (7), 138 (30),
140 (41), 142 (53), 143 (60),
146 (67), 156 (87), 157 (94),
158 (13), 165 (34), 166 (42),
174 (64)
- v. Wilson's Tile Works Pty. Ltd. (1960) 9 (8)
- Woodar Investment Ltd. v. Wimpey Ltd. (1980) 117 (49),
119 (66), 139 (34), 158 (6),
165 (32)
- Woodruff v. Tomlin (1980) 555 (26)
- Woolworths Ltd. v. Crotty (1942) 582 (94)
- Wraith v. Giannarelli (1988) 563 (47),
600 (46), 602 (58)
- Wright v. The Queen (1977) 319 (19),
321 (33), 323 (34), 326 (40),
337 (64), 338 (67), 341 (72)
- X**
- Xpolitos v. Sutton Tools Pty. Ltd. (1977) 447 (39)

Y

| | |
|---|----------|
| Yorkshire Insurance Co. Ltd. v. Nisbet Shipping Co. Ltd. (1962) | 442 (31) |
| Young v. Bristol Aeroplane Co. Ltd. (1946) | 443 (33) |
| — v. Queensland Trustees Ltd. (1956) | 174 (66) |

Z

| | |
|---|----------|
| Zurich General Accident & Liability Insurance Co. Ltd. v. Morrison (1942) | 635 (32) |
|---|----------|