

THE
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CASES DETERMINED IN THE
HIGH COURT OF AUSTRALIA

EDITOR
J. D. MERRALLS, Q.C.

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THE HIGH COURT OF AUSTRALIA

Name	Held Office		Remarks
	From	To	
CHIEF JUSTICES			
Griffith, Sir Samuel Walker, P.C., G.C.M.G.	5 Oct. 1903	17 Oct. 1919	Resigned. Died, 9 Aug. 1920
Knox, Sir Adrian, P.C., K.C.M.G.	18 Oct. 1919	31 March 1930	Resigned. Died, 27 April 1932
Isaacs, Sir Isaac Alfred, P.C., K.C.M.G. †	2 April 1930	21 Jan. 1931	Resigned. Died, 11 Feb. 1948
Gavan Duffy, Sir Frank, P.C., K.C.M.G.	22 Jan. 1931	1 Oct. 1935	Resigned. Died, 29 July 1936
Latham, Sir John Greig, P.C., G.C.M.G.	11 Oct. 1935	17 April 1952	Resigned. Died, 25 July 1964
Dixon, Sir Owen, P.C., O.M., G.C.M.G.	18 April 1952	13 April 1964	Resigned. Died, 7 July 1972
Barwick, Sir Garfield Edward John, P.C., G.C.M.G.	27 April 1964	11 Feb. 1981	Resigned.
Gibbs, Sir Harry Talbot, P.C., G.C.M.G., K.B.E.*	12 Feb. 1981	5 Feb. 1987	Resigned.
Mason, Sir Anthony Frank, A.C., K.B.E.	6 Feb. 1987	Still in Office	
JUSTICES			
Barton, Sir Edmund, P.C., G.C.M.G.	5 Oct. 1903	7 Jan. 1920	Died, 7 Jan. 1920
O'Connor, Richard Edward	5 Oct. 1903	18 Nov. 1912	Died, 18 Nov. 1912
Isaacs, Sir Isaac Alfred, P.C., K.C.M.G. †	12 Oct. 1906	1 April 1930	Apptd C.J., 2 April 1930. Died, 11 Feb. 1948
Higgins, Henry Bournes	13 Oct. 1906	13 Jan. 1929	Died, 13 Jan. 1929

† Later G.C.M.G.

* Later A.C.

THE HIGH COURT OF AUSTRALIA

JUSTICES — *continued*

Name	Held Office		Remarks
	From	To	
Gavan Duffy, Sir Frank, P.C., K.C.M.G.	11 Feb. 1913	21 Jan. 1931	Apptd C.J., 22 Jan. 1931. Died, 29 July 1936
Powers, Sir Charles, K.C.M.G.	5 March 1913	22 July 1929	Resigned. Died, 25 April 1939
Rich, Sir George Edward, P.C., K.C.M.G.	5 April 1913	5 May 1950	Resigned. Died, 14 May 1956
Starke, Sir Hayden Erskine, K.C.M.G.	5 Feb. 1920	31 Jan. 1950	Resigned. Died, 14 May 1958
Dixon, Sir Owen, P.C., K.C.M.G. †	4 Feb. 1929	17 April 1952	Apptd C.J., 18 April 1952. Resigned. Died, 7 July 1972
Evatt, Herbert Vere, P.C.	19 Dec. 1930	2 Sept. 1940	Resigned. Died, 2 Nov. 1965
McTiernan, Sir Edward Aloysius, P.C., K.B.E.	20 Dec. 1930	12 Sept. 1976	Resigned. Died, 9 Jan. 1990
Williams, Sir Dudley, K.B.E.	15 Oct. 1940	31 July 1958	Resigned. Died, 8 Jan. 1963
Webb, Sir William Flood, K.B.E.	16 May 1946	16 May 1958	Resigned. Died, 11 Aug. 1972
Fullagar, Sir Wilfred Kelsham, K.B.E.	8 Feb. 1950	9 July 1961	Died, 9 July 1961
Kitto, Sir Frank Walters, P.C., K.B.E.*	10 May 1950	1 Aug. 1970	Resigned. Died 15 Feb. 1994
Taylor, Sir Alan Russell, P.C., K.B.E.	3 Sept. 1952	3 Aug. 1969	Died, 3 Aug. 1969
Menzies, Sir Douglas Ian, P.C., K.B.E.	12 June 1958	29 Nov. 1974	Died, 29 Nov. 1974
Windeyer, Sir (William John) Victor, P.C., K.B.E., C.B., D.S.O.	8 Sept. 1958	29 Feb. 1972	Resigned. Died, 23 Nov. 1987
Owen, Sir William Francis Langer, P.C., K.B.E.	22 Sept. 1961	31 March 1972	Died, 31 March 1972

† Later O.M., G.C.M.G.

* Later A.C.

THE HIGH COURT OF AUSTRALIA

JUSTICES — *continued*

Name	Held Office		Remarks
	From	To	
Walsh, Sir Cyril Ambrose P.C., K.B.E.	3 Oct. 1969	28 Nov. 1973	Died, 28 Nov. 1973
Gibbs, Sir Harry Talbot, P.C., K.B.E.†	4 Aug. 1970	12 Feb. 1981	Apptd C.J., 12 Feb. 1981
Stephen, Sir Ninian Martin, K.B.E.*	1 March 1972	11 May 1982	Resigned.
Mason, Sir Anthony Frank, A.C., K.B.E.	7 Aug. 1972	6 Feb. 1987	Apptd C.J., 6 Feb. 1987
Jacobs, Sir Kenneth Sydney, K.B.E.	8 Feb. 1974	6 April 1979	Resigned.
Murphy, Lionel Keith	10 Feb. 1975	21 Oct. 1986	Died, 21 Oct. 1986
Aickin, Sir Keith Arthur, K.B.E.	20 Sept. 1976	18 June 1982	Died, 18 June 1982
Wilson, Sir Ronald Darling, A.C., K.B.E., C.M.G.	21 May 1979	13 Feb. 1989	Resigned.
Brennan, Sir Francis Gerard, A.C., K.B.E.	12 Feb. 1981	Still in Office	
Deane, Sir William Patrick, A.C., K.B.E.	25 June 1982	Still in Office	
Dawson, Sir Daryl Michael, A.C, K.B.E., C.B.	30 July 1982	Still in Office	
Toohey, John Leslie, A.C.	6 Feb. 1987	Still in Office	
Gaudron, Mary Genevieve	6 Feb. 1987	Still in Office	
McHugh, Michael Hudson, A.C.	14 Feb. 1989	Still in Office	

† Later A.C., G.C.M.G.

* Later K.G., A.K., G.C.M.G., G.C.V.O.

FOREWORD

by THE HONOURABLE SIR ANTHONY MASON, A.C., K.B.E.

Michel de Montaigne, the great French essayist, once described one of his works with these words¹:

“It might well be said of me that here I have merely made up a bunch of other people’s flowers, and provided nothing of my own but the string to bind them.”

It is tempting to think that this almost self-deprecating insight is a clever reference to the etymology of the word “anthology”, which has its origins in the Greek words “anthos”, meaning flower, and “logia”, meaning collection.

With this etymological fact in mind, one has to ask whether this volume of the *Commonwealth Law Reports* can properly be described as an anthology. I suspect that Montaigne himself would have had some difficulty in identifying the flower-like quality of some of the judgments reported. Be that as it may, it is clear that this volume is indeed an historical collection of judgments.

The thirty cases in this volume are spread over a fifty year period and, like Georges Bizet’s opera *Carmen*, their significance was not initially appreciated by their audience. The Law Book Company has now seen fit to emphasize the importance of these cases by reporting them in a series of authorized reports. Belated recognition in the authorized reports can only add to their lustre.

The cases themselves may be divided into five groups. The first group, which could be described as the administrative law cases², is best represented by *Bread Manufacturers of New South Wales v. Evans*. In this case, the appellants challenged a price restriction order made by the Prices Commission on a number of grounds, including failure to accord natural justice. The Court questioned whether the obligation to accord natural justice should depend on whether the function exercised was legislative, administrative or quasi-judicial in nature. This sentiment was endorsed by Brennan J. in *Kioa v. Minister for Immigration and Ethnic Affairs*³ and accords perfectly with the well-documented expansion of the circumstances in which decision-makers are forced to comply with the requirements of natural justice.

The second group of cases is a somewhat loose alliance of cases dealing with questions of evidence, procedure and statutory interpretation⁴. *Voulis v. Kozary*

- (1) Translated version found in Andrews, *The Concise Columbia Dictionary of Quotations* (1987), p. 14.
- (2) *Reg. v. Hunt; Ex parte Sean Investments Pty. Ltd.; Bread Manufacturers of New South Wales v. Evans; BHP Petroleum v. Balfour*.
- (3) (1985) 159 C.L.R. 550, at p. 609.
- (4) *Voulis v. Kozary; Aafjes v. Kearney; Licul v. Corney; Breen v. The Queen; Stow v. Mineral Holdings (Australia) Pty. Ltd.; Sillery v. The Queen; Water Board v. Moustakas; Duke v. The Queen; Robinson v. The Queen*.

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is an example. In this case, the Court outlined the circumstances in which an appellate court may overturn the trial judge's findings on questions of credibility and cogency of evidence. The principles set out in that case have been applied in a number of New South Wales Court of Appeal decisions, the most recent of which is *Kettlewell v. Bootle*⁵.

The third group of cases deals with principles of general contract and equity law⁶. The cases range from the Privy Council decision in *B.P. Refinery (Westernport) Pty. Ltd. v. Shire of Hastings* on the implication of contractual terms to the High Court decision in *Bloch v. Bloch*, which relates to the "purchase money" resulting trust and the presumption of advancement. The former case has proved most influential, being applied in a number of Australian cases, including the High Court decisions in *Codelfa Construction Pty. Ltd. v. State Rail Authority of N.S.W.*⁷ and *Hawkins v. Clayton*⁸. *Bloch v. Bloch* established the important proposition that where the property the parties intend to acquire is not the title to land subject to a mortgage but is the land free from a mortgage, the price paid to discharge the mortgage as well as the price paid to the vendor must be taken into account in ascertaining the beneficial interests of the parties. It is the first of a string of resulting trust and constructive trust cases in the 1980s, which includes the cases of *Calverley v. Green*⁹, *Muschinski v. Dodds*¹⁰ and *Baumgartner v. Baumgartner*¹¹.

The penultimate group of cases concerns questions of intellectual property law¹². More specifically, the case of *Olin Corporation v. Super Cartridge Co. Pty. Ltd.* deals with a variety of important issues in patent law, whilst *Firmagroup Australia Pty. Ltd. v. Byrne & Davidson Doors (Vic.) Pty. Ltd.* examines the question of the scope of protection given to a registered design. Both cases are significant features on the intellectual property landscape.

The final group of cases may broadly be characterized as general commercial cases¹³. *Wayde v. N.S.W. Rugby League Ltd.* is an example. This case explores the question of what constitutes oppressive or unfairly prejudicial conduct in the context of the operation of a corporation. This issue, of course, is of

- (5) Unreported; 25 November 1993. The High Court refused an application for special leave to appeal on 8 August 1994.
- (6) *H. Jones & Co. Pty. Ltd. v. Talbot*; *Goodwin v. Temple*; *T.C. Industrial Plant Pty. Ltd. v. Robert's Queensland Pty. Ltd.*; *Pianta v. National Finance & Trustees Ltd.*; *Ziel Nominees Pty. Ltd. v. V.A.C.C. Insurance Co. Ltd.*; *B.P. Refinery (Westernport) Pty. Ltd. v. Shire of Hastings*; *Van Leer Australia Pty. Ltd. v. Palace Shipping KK*; *Bloch v. Bloch*; *Pukallus v. Cameron*.
- (7) (1982) 149 C.L.R. 337.
- (8) (1988) 164 C.L.R. 539, at p. 571.
- (9) (1984) 155 C.L.R. 242.
- (10) (1985) 160 C.L.R. 583.
- (11) (1987) 164 C.L.R. 137.
- (12) *Sunbeam Corporation v. Morphy-Richards (Aust.) Pty. Ltd.*; *Malleys v. J. W. Tomlin Pty. Ltd.*; *Commonwealth Industrial Gases Ltd. v. M.W.A. Holdings Pty. Ltd.*; *Olin Corporation v. Super Cartridge Co. Pty. Ltd.*; *Firmagroup Australia Pty. Ltd. v. Byrne & Davidson Doors (Vic.) Pty. Ltd.*
- (13) *Tweddle v. Federal Commissioner of Taxation*; *Australian Machinery & Investment Co. Ltd. v. Deputy Commissioner of Taxation*; *Mahoney v. McManus*; *Wayde v. N.S.W. Rugby League Ltd.*

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particular interest to minority shareholders; protection of their interests is a recurrent theme in this area of the law.

What I have said serves to show that the publication of this volume repairs past omissions and ensures that the entire series of *Commonwealth Law Reports* more completely captures the body of significant High Court and Privy Council decisions.

In closing, I should pay a tribute to the person who is primarily responsible for this volume. Mr. James Merralls Q.C. has provided much more than just the string to bind this historical collection of cases. He has been the editor of the *Commonwealth Law Reports* for twenty-five years. On behalf of everyone who uses the *Reports*, I congratulate Mr. Merralls on his long service and tireless dedication. He is largely responsible for the very high standard we have come to expect of the *Reports*. And without his efforts this volume would never have come into being.

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

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- Simpson v. Saskatchewan Government Insurance Office* (1967), 65 D.L.R. (2d) 324.
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- *v. —* (1967), 65 D.L.R. (2d), at p. 331.
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- Slee v. Warke* (1949), 86 C.L.R. 271.
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- Stow v. Mineral Holdings (Aust.) Pty. Ltd.*, [1975] Tas. S.R. 25.
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- Sutor v. Gundowda Pty. Ltd.* (1950), 81 C.L.R. 418, at p. 438.
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- Technograph Printed Circuits v. Mills & Rockley (Electronics) Ltd.*, [1972] R.P.C. 346, at p. 355.
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