1994-1995

THE COMMONWEALTH LAW REPORTS

CASES DETERMINED IN THE
HIGH COURT OF AUSTRALIA

EDITOR
J D MERRALLS, QC

VOLUME 183

LBC INFORMATION SERVICES
1996

REPORTERS

K H BELL
G S CLARKE
J D ELLIOTT
S G E MCLEISH
D S MORTIMER
R A SUNDBERG QC
Barristers-at-Law

PRODUCTION SUPERVISOR

CAROLYN MAY

Published in Sydney by
LBC Information Services
50 Waterloo Road, North Ryde, NSW
560 Lonsdale Street, Melbourne, Victoria
40 Queen Street, Brisbane, Queensland
77 St George's Terrace, Perth, WA

ISSN 0069-7133

Typeset by LBC Information Services, North Ryde, NSW
Printed by Ligare Pty Ltd, Riverwood, NSW

JUSTICES OF THE HIGH COURT OF AUSTRALIA

DURING THE CURRENCY OF THIS VOLUME

THE HONOURABLE SIR ANTHONY FRANK MASON, AC, KBE
CHIEF JUSTICE (retired 20 April 1995)

THE HONOURABLE SIR FRANCIS GERARD BRENNAN, AC, KBE
CHIEF JUSTICE (appointed 21 April 1995)

THE HONOURABLE SIR WILLIAM PATRICK DEANE, AC, KBE

THE HONOURABLE SIR DARYL MICHAEL DAWSON, AC, KBE, CB

THE HONOURABLE JOHN LESLIE TOOHEY, AC

THE HONOURABLE MARY GENEVIEVE GAUDRON

THE HONOURABLE MICHAEL HUDSON MCHUGH, AC

THE HONOURABLE WILLIAM MONTAGUE CHARLES GUMMOW
(appointed 21 April 1995)

ATTORNEY-GENERAL

THE HONOURABLE MICHAEL HUGH LAVARCH, MP

MEMORANDA

1995

April 20 — Retirement of THE HONOURABLE SIR ANTHONY FRANK MASON, AC, KBE, from the office of Chief Justice of the High Court of Australia.

April 21 — Appointment of THE HONOURABLE SIR FRANCIS GERARD BRENNAN, AC, KBE, to the office of Chief Justice of the High Court of Australia.

— Appointment of THE HONOURABLE WILLIAM MONTAGUE CHARLES GUMMOW, a Judge of the Federal Court of Australia, to the office of a Justice of the High Court of Australia.

RETIREMENT OF CHIEF JUSTICE SIR ANTHONY MASON

On Thursday, 20 April 1995, to mark the retirement of the Honourable SIR ANTHONY MASON AC, KBE, from the office of Chief Justice of the High Court of Australia, farewell addresses were delivered before the High Court at Canberra by the Honourable M H LAVARCH MP, Attorney-General for the Commonwealth, Mr N S FOWLER, President of the Law Council of Australia, Mrs S M CRENNAN QC, President of the Australian Bar Association, and Mr M H TOBIAS QC, President of the New South Wales Bar Association.

In his reply, Sir ANTHONY MASON said: —

Mr Attorney, Mr Fowler, Mrs Crennan and Mr Tobias, I thank you all for your more than generous remarks. Fortunately, there is no contradictor and, on this occasion, no one will convict me of neglect if I fail to subject what you have said to critical judicial scrutiny.

In addition to my former colleagues, Sir Harry Gibbs and Sir Ronald Wilson, I am pleased that we have with us today the Australian Chief Justices and the Chief Justice of New Zealand, Sir Thomas Eichelbaum. Sir Thomas has been attending a meeting of the Council of Australian Chief Justices here in Canberra. Although he attends our meetings in the capacity of an observer, that description does not do justice to his contribution to our discussions. The Council provides a valuable forum for the exchange between Chief Justices of information and ideas and enables each of us to reach better informed conclusions on a broad range of issues. Sir Thomas' contribution to the Council and his presence today signify the close ties which exist between the judiciary in Australia and New Zealand.

As you have heard, I have been a member of this Court for almost twenty-three years and that amounts to half my working life. It has been a great experience. Indeed I cannot imagine anything else that would have given me as much satisfaction. From my very early days, it was my ambition to become a barrister and at no stage did it ever occur to me that I might take up any other career. Curiously enough, one of the attractions of the law, as I saw it in my younger days, was that it offered all the certainty of mathematics as a discipline, a view from which I was later forced to retreat when, as a law student, I began to study Constitutional Law and I became acquainted with the old learning on s 92 of the Constitution.

Later, as a barrister and then as Solicitor-General, I appeared not infrequently before this Court. As a judge of the New South Wales Court of Appeal, I had the purifying experience of being reversed on appeal by the High Court on a number of occasions. So, even in the two decades before 1972, the decisions of this Court had become the focal point of my working life.

Like other members of the Court, past and present, I have been very conscious of the responsibilities entrusted to the Court by the Constitution. Those responsibilities are perhaps more widely appreciated now than they were even a decade ago. If so, that is a very good thing because we need to enhance better understanding of our Constitution and how it works. But I doubt that the

role of the Court is more widely publicised or better understood now than it was in the first quarter of this century, when the Court's decisions, particularly in the early years after Federation, dealt for the first time with many of the critical questions arising under the Constitution. Those decisions had a significant impact on the structure of government in this country and reflected the new- found sense of national identity.

Today, one difference is that the courts, especially the High Court, are required to decide a wider variety of legal issues of public importance. Decisions on these issues naturally and inevitably excite public discussion. The very existence of that discussion emphasises the importance to the community of the judicial function and the vital part which it plays in the life of the community.

Of course, it is neither practical nor possible for the judges to become continuing participants in the public discussion of the merits of particular decisions. The judges' reasons for their decisions are expressed comprehensively in their judgments. So it is on the quality and cogency of those reasons that the acceptance of the decisions and, ultimately, public confidence in the judiciary depends.

In the case of questions which are difficult and controversial, it is not possible to expect that the answers given will attract universal acceptance. But the community is entitled to expect judgments will be principled, reasoned and objective — characteristics that distinguish the judicial function from the political process — and that the courts will strive to conform to that standard.

And the community has the protection and the satisfaction of knowing that judicial decisions are given by independent judges, for our Constitution incorporates that fundamental principle of democratic Constitution, the separation of powers. Under the Constitution the federal judicial function is exercised by independent judges, who, though not elected, are appointed indirectly by the elected representatives of the people. The hallmark of the judicial function is that the judge is independent and objective; the judge does not act as the representative of any section or group in the community. Hence, judicial independence is an essential element of modern democracy in which the citizen's rights and interests, enforceable against government, are of vital importance.

Judges look to precedents and I am no exception. So I was interested to read recently that an English judge, faced with compulsory retirement at the age of seventy-six, was reported to have said, ''Of course I am regretful. I have thoroughly enjoyed it. They are a jolly nice bunch of chaps and the work is interesting''. Taken as a whole, this is not a precedent that I can follow. The work has been interesting but I am not ''regretful'' and, although my colleagues are ''jolly nice'', the presence of Justice Gaudron precludes me from describing them as ''a jolly nice bunch of chaps''.

My working relationships with my colleagues, particularly those with whom I am sitting today for the last time, have been both harmonious and co-operative. Indeed, what the Court has achieved during my period as Chief Justice is very largely due to their ability and their co-operation. And that brings me back to what I said when I took office as Chief Justice over eight years ago, that is, each Justice of the Court is only a contributor to the decision-making processes of the Court as an institution, for it is the Court that decides the cases and declares the law. The Justices therefore have a collective

responsibility, but that collective responsibility cannot be carried to the point where individual integrity is compromised.

I am told that there is life after judicial retirement, so I look forward to what the future holds. I shall continue to follow the Court's work with interest, reading the judgments with what I trust will be an understanding rather than a critical eye, recognising that, in the determination of difficult and complex questions, there is real scope for genuine differences of opinion.

I thank the representatives of the legal profession for its contribution to the work of the Court. I repeat what others have often said — under the adversary system of justice the quality of the Court's work depends very much upon the quality of the arguments presented to it. I reciprocate the Attorney-General's comments about the relationship which we have enjoyed over the last two years and I much appreciate what he has had to say today about that relationship. I am delighted to see many of my former associates here today and I thank them for making the effort to attend, despite the inconvenience and expense that that must entail.

Last, and certainly not least, I thank my wife for her ceaseless and unfailing support and for her invaluable advice that I should confine my reading to reports and articles that are complimentary to me. As she says, it reduces significantly the volume of material that needs to be read.

It remains for me to offer my warmest congratulations to Sir Gerard Brennan and Justice Gummow, and to wish the Court well for the future.

SWEARING IN OF SIR GERARD BRENNAN AS CHIEF JUSTICE

On Friday, 21 April 1995, in the High Court at Canberra, the Honourable SIR FRANCIS GERARD BRENNAN AC, KBE, took the oaths of office of Chief Justice of the High Court of Australia. Addresses of congratulation were delivered by the Honourable M H LAVARCH MP, Attorney-General for the Commonwealth, Mr N S FOWLER, President of the Law Council of Australia, Mrs S M CRENNAN QC, President of the Australian Bar Association, and Mr WALTER SOFRONOFF QC, President of the Bar Association of Queensland.

In his reply, SIR GERARD BRENNAN said: —

Mr Attorney, Mr Fowler, Mrs Crennan, Mr Sofronoff, members of the Bar, Solicitors and Attorneys, my dear wife and family and friends, ladies and gentlemen.

I am grateful for the excess of generosity in the remarks you have made this morning. It comforts me to think that I must have learnt to conceal my shortcomings in the fifty years since I first entered my father's court to arraign a prisoner at the commencement of a criminal trial. Picking up the indictment and misreading the name of the prosecutor for the name of the accused, I charged one of the dearest and most upright of men with the crime of rape. Such is the camaraderie of the Bar that counsel for the accused leapt to his feet and pleaded not guilty on behalf of his learned friend.

Although your compliments sit uneasily with the truth as I know it, your words and the presence of this large gathering reveal the respect in which you, the legal profession generally and the public hold this Court and the office which I now assume. At a personal level, your good wishes, coupled with the loving support of my family, the valued encouragement of my judicial colleagues and the loyal devotion of my staff go far to dispel the inevitable diffidence with which I enter on the duties of Chief Justice.

My first duty is to welcome those who have honoured the Court by their attendance here this morning, especially those who have come from long distances. The Court appreciates your participation in today's ceremonies. Particularly do we welcome the Right Honourable Sir Harry Gibbs and the Honourable Sir Ronald Wilson, the Chief Justices of the Federal Court of Australia and the Family Court of Australia, the Chief Justices of the Supreme Courts of the several States and Territories and the Right Honourable Sir Thomas Eichelbaum, Chief Justice of New Zealand, who sit with us today. Strictly speaking, I should welcome also Sir Anthony Mason, but insufficient time has passed to separate him from the Court which he so lately led and which he leaves with our unfeigned respect and affection. We welcome His Excellency Mr Martin Burke, Dean of the Diplomatic Corps, Judges of the Federal Court and of the Supreme Courts of the States and the Australian Capital Territory, you Mr Attorney, the Attorneys-General of New South Wales and the Australian Capital Territory and the Solicitors-General of the several States and of the Northern Territory.

Today's ceremonies are not empty rituals. This Court's practice is to

administer the Oath of Allegiance and Office in public. That is not a matter of formal procedure. It is a public witnessing of the making of two solemn promises for the performance of which the oath taker will be responsible not only to this Court and this country but also to his Creator. Statute requires that the oath or a like affirmation be taken before a Chief Justice or Justice enters upon the duties of his or her office.

The first promise is a commitment of loyalty to Her Majesty the Queen her heirs and successors according to law. It is a commitment to the head of State under the Constitution. It is from the Constitution that the Oath of Allegiance, which has its origins in feudal England, takes its significance in the present day. As the Constitution can now be abrogated or amended only by the Australian people in whom, therefore, the ultimate sovereignty of the nation resides, the Oath of Allegiance and the undertaking to serve the head of State as Chief Justice are a promise of fidelity and service to the Australian people. The duties which the oath imposes sit lightly on a citizen of the nation which the Constitution summoned into being and which it sustains. Allegiance to a young, free and confident nation, governed by the rule of law, is not a burden but a privilege.

The second promise is to ''do right to all manner of people according to law without fear or favour, affection or ill-will''. The form can be traced back to a statute of Edward III, but its substance is of enduring relevance. In substantially that form the oath or affirmation is taken by every judge. It is rich in meaning. It precludes partisanship for a cause, however worthy to the eyes of a protagonist that cause may be. It forbids any judge to regard himself or herself as a representative of a section of society. It forbids partiality and, most importantly, it commands independence from any influence that might improperly tilt the scales of justice. When the case is heard, the judge must decide it in the lonely room of his or her own conscience but in accordance with law. That is the way in which right is done without fear or favour, affection or ill-will. Judges sometimes appear to be remote, belonging to what have been described as ''the chill and distant heights''. In the doing of justice that must be so. Justice is not done in public rallies. Nor can it be done by opinion polls or in the comment or correspondence columns of the journals.

The oath requires justice to be done according to law. The content of the duty thus accepted depends upon the jurisdiction to be exercised. In the trial courts of this country the rules of law prevail. And so they must, for it would do no justice to give judgment according to an abstract notion of what is right in the knowledge that the judgment would be overruled on appeal. In appellate courts, the law may authorise a tension between abstract justice and a rule of law to be resolved by an alteration of the rule. In either case, the jurisdiction of the court is fixed by laws and judgment must be rendered in accordance with the judicial method. The security which each of us has is the law. Sir Thomas More of the *Man for All Seasons* is surely right to put to Roper: ''This country's planted thick with laws from coast to coast ... and if you cut them down ... d'you really think you could stand upright in the winds that would blow then?''

Insistence on the rule of law has a corollary which is implicit in the terms of the judicial oath. If right is to be done according to law, right will be done only if the law be just. Such tension as there is between justice and the rules of law surfaces most acutely in litigation before the High Court, partly because of

history, partly because of procedure. With the abolition of the last appeals from Australian courts to the Privy Council, this Court was charged with the ultimate responsibility of declaring the law for this country. This did not mean that we were free to cast aside the priceless heritage of the common law of England, but it did mean that this Court had to examine critically those rules of the common law including the rules of statutory interpretation in the light of our own history, culture and social conditions. Long-standing rules of tort and contract, of land law, equity and administrative law, have been revisited in recent years. The same factors and the ever-changing problems of government have evoked renewed examination of the spare text of our Constitution.

Then, with the increasing volume of appeals to this Court, it became necessary to introduce the procedural filter of a grant of special leave. The result is that a considerable proportion of the cases to be decided by this Court involve rules of law that have already proved to be questionable, or at least productive of uncertainty, in the courts below. In cases in both its original and appellate jurisdictions, the Court has had to grapple with issues on which two or more views can reasonably be held. Decisions have not always been reached by more than a narrow majority, but that is not to be wondered at. Where the review of existing rules is in question, the judicial oath to do right according to law sometimes places emphasis on abstract justice, sometimes on the existing rule. And when constitutional doctrine is to be re-examined, the frustration of powerful interests frequently follows. It is inevitable in these circumstances that the decisions of this Court would be seen by some to have a legislative flavour.

But this Court is not a parliament of policy; it is a court of law. Judicial method is not concerned with the ephemeral opinions of the community. The law is most needed when it stands against popular attitudes, sometimes engendered by those with power, and when it protects the unpopular against the clamour of the multitude. But judicial method is concerned with the equal dignity of every person, his or her capacity to participate in the life of the community, to contribute to society and to share in its benefits; it is concerned with the powers entrusted to governments and the manner in which those powers are exercised. Judicial method starts with an understanding of the existing rules; it seeks to perceive the principle that underlies them and, at a deeper level, the values that underlie the principle. At the appellate level, analogy and experience, as well as logic, have a part to play. Judgments must be principled, reasoned and objective, as Sir Anthony Mason said yesterday. And, most significantly, each step in the reasoning must be exposed for public examination and criticism.

Herein lies a difficulty. The work of this Court is rightly a subject of considerable public interest. Though the arguments heard here are often at a high level of abstraction, the emerging principles have a concrete effect on the liberties, relationships and property of individual persons, both natural and artificial. Therefore the work of this Court should be subject to informed public scrutiny. But how is it possible for the public to be informed? It is unrealistic to expect the arid fields of law to be tilled in the popular press, much less in the brief and adversarial encounters of the television screen. Of course, there are some few highly competent legal journalists, but an adequate analysis of legal principle and its significance may be precluded by limited space or may give way to a story of more gripping, if ephemeral, interest. The problem of fostering informed public appreciation of the laws by which we are governed

and protected is, I venture to suggest, a problem far from satisfactory solution. It will not be resolved by superficial comment or by an expression of pleasure or disappointment in advancing policy or interest.

Nevertheless, the public interest in the judgments of this and other courts is a clear and gratifying indication that, in this country, we are governed by the rule of law. The courts have earned and maintained public confidence by their unfailing response to every reasonable application, by their impartiality and the fearless administration of the law. Today's focus is on the work of the High Court, but it must be remembered that the face of justice is more often the face of the magistrate and the judge at trial.

To accept the office of Chief Justice in the judicial branch of government is a signal honour. To share in the rigorous debates in this Court with colleagues who bear mutual respect for the intellectual integrity and fierce independence of one another is a continuing satisfaction. I assume this office with gratitude for their friendship and support. I thank you for your attendance here today.

The mode of citation of this volume of the Commonwealth Law Reports will be as follows: 183 CLR

TABLE OF CASES REPORTED IN THIS VOLUME

Brandy v Human Rights and Equal Opportunity Commission 245
Byrnes; R v 501

Carter v Northmore Hale Davy & Leake 121
Commonwealth; Western Australia v 373
Correia; K B Hutcherson Pty Ltd v 50

Dingjan, Re; Ex parte Wagner 323
Duggan; Parramore v 633

Esso Australia Resources Ltd v Plowman 10
Eurolynx Properties Ltd; Krakowski v 563

Human Rights and Equal Opportunity Commission; Brandy v 245

Immigration and Ethnic Affairs, Minister for v Teoh 273
Industrial Affairs (SA), Minister for; Shop Distributive and Allied Employees Association v 552

K B Hutcherson Pty Ltd v Correia 50
Krakowski v Eurolynx Properties Ltd 563

McAuliffe v The Queen 108
McGhee v The Queen 82
Masciantonio v The Queen 58
Mirabella International Pty Ltd; N V Philips Gloeilampenfabrieken v 655

N V Philips Gloeilampenfabrieken v Mirabella International Pty Ltd 655
Northmore Hale Davy & Leake; Carter v 121

Parramore v Duggan 633
Plowman; Esso Australia Resources Ltd v 10

R v Byrnes 501
R; McAuliffe v 108
R; McGhee v 82
R; Masciantonio v 58
R; Savvas v 1
Richard Walter Pty Ltd; Federal Commissioner of Taxation v 168

Sanko Steamship Co Ltd v Sumitomo Australia Ltd 628
Savvas v The Queen 1
Shop Distributive and Allied Employees Association v Minister for Industrial Affairs (SA) 552

Sumitomo Australia Ltd; Sanko Steamship Co Ltd v 628

Taxation, Federal Commissioner of v Richard Walter Pty Ltd 168
Telstra Corporation Ltd; Victrawl Pty Ltd v 595
Teoh; Minister for Immigration and Ethnic Affairs v 273

Victrawl Pty Ltd v Telstra Corporation Ltd 595

Wagner, Ex parte; Re Dingjan 323
Western Australia v Commonwealth 373
Witham v Holloway 525

TABLE OF CASES JUDICIALLY CONSIDERED IN CASES REPORTED IN THIS VOLUME

Actors and Announcers Equity Association of Australia v Fontana Films Pty Ltd (1982) 150 CLR 169
Considered. Re Dingjan; Ex parte Wagner 323
Akerhielm v De Mare [1959] AC 789 at 805-806
Applied. Krakowski v Eurolynx Properties Ltd 563
Australasian Meat Industry Employees' Union v Mudginberri Station Pty Ltd (1986) 161 CLR 98 at 56-57
Referred to. Witham v Holloway 525
Australian Coastal Shipping Commission v O'Reilly (1962) 107 CLR 46
Considered. Western Australia v Commonwealth 373
Australian Conservation Foundation v Commonwealth (1980) 146 CLR 493
Applied. Shop Distributive and Allied Employees Association v Minister for Industrial Affairs (SA) 552
Australian Consolidated Press Ltd v Morgan (1965) 112 CLR 483
Referred to. Witham v Holloway 525

BA's Application, Re (1915) 32 RPC 348
Discussed. N V Philips Gloeilampenfabrieken v Mirabella International Pty Ltd 655
Bennett v General Motors Holdens Ltd (1940) 40 SR (NSW) 117
Distinguished. K B Hutcherson Pty Ltd v Correia 50
Brambles Holdings Ltd v Carey (1976) 15 SASR 270 at 279
Referred to. Krakowski v Eurolynx Properties Ltd 563
Bramblevale Ltd, In re [1970] Ch 128
Approved. Witham v Holloway 525

Chan Wing-Siu v The Queen [1985] AC 168 at 175, 178
Considered. McAuliffe v The Queen 108
Chew v The Queen (1992) 173 CLR 626 at 634
Explained. R v Byrnes 501
Clifford v Middleton [1974] VR 737
Approved. Witham v Holloway 525
Collins v Charles Marshall Pty Ltd (1955) 92 CLR 529
Applied. Western Australia v Commonwealth 373
Commonwealth v Tasmania (the Tasmanian Dam Case) (1983) 158 CLR 1 at 158, 244-245
Applied. Western Australia v Commonwealth 373
Considered. Re Dingjan; Ex parte Wagner 323

David Jones Finance & Investments Pty Ltd v Federal Commissioner of Taxation (1991) 28 FCR 484
Disapproved. Federal Commissioner of Taxation v Richard Walter Pty Ltd 168
Derry v Peek (1889) 14 App Cas 337 at 374
Applied. Krakowski v Eurolynx Properties Ltd 563
Dolling-Baker v Merrett [1990] 1 WLR 1205; [1991] 2 All ER 890
Disapproved. Esso Australia Resources Ltd v Plowman 10

Esso Australia Resources Ltd v Plowman [1994] 1 VR 1
Affirmed. Esso Australia Resources Ltd v Plowman 10

Gerhardy v Brown (1985) 159 CLR 70 at 121
Applied. Western Australia v Commonwealth 373
Considered. Western Australia v Commonwealth 373
Grove v Flavel (1986) 43 SASR 410 at 420
Applied. R v Byrnes 501

Hassneh Insurance Co of Israel v Mew [1993] 2 Lloyd's Rep 243 at 246-247
Approved. Esso Australia Resources Ltd v Plowman 10
Disapproved. Esso Australia Resources Ltd v Plowman 10, 246
Hinch v Attorney-General (Vict) (1987) 164 CLR 15 at 49
Referred to. Witham v Holloway 525
Hopwood v The Queen (1994) 13 ASCR 219
Reversed. R v Byrnes 502
Hui Chi-Ming v The Queen [1992] 1 AC 34 at 51
Considered. McAuliffe v The Queen 108

J Odlin Shopfitting International Pty Ltd v Kaljanac (1993) 29 NSWLR 632
Disapproved. K B Hutcherson Pty Ltd v Correia 50
Jendell Australia Pty Ltd v Kesby [1983] 1 NSWLR 127
Overruled. Witham v Holloway 525
Johns (T S) v The Queen (1980) 143 CLR 108
Considered. McAuliffe v The Queen 108

King v Hayward (1943) 67 CLR 488
Distinguished. K B Hutcherson Pty Ltd v Correia 50
Koowarta v Bjelke-Petersen (1982) 153 CLR 168 at 186, 245, 261
Applied. Western Australia v Commonwealth 373

Lee, Re; Ex p Harper (1986) 160 CLR 430
Applied. Western Australia v Commonwealth 373

Mabo v Queensland (Mabo [No 1]) (1988) 166 CLR 186 at 213, 233
Applied. Western Australia v Commonwealth 373
Mabo v Queensland [No 2] (Mabo [No 2]) (1992) 175 CLR 1 at 64, 111, 136, 138, 195-196
Applied. Western Australia v Commonwealth 373
Maxwell v Murphy (1957) 96 CLR 261 at 267, 285
Applied. Victrawl Pty Ltd v Telstra Corporation Ltd 595
Metal Trades Industry Association of Australia v Amalgamated Metal Workers' and Shipwrights' Union (1983) 152 CLR 632
Applied. Western Australia v Commonwealth 373

N V Philips Gloeilampenfabrieken v Mirabella International Pty Ltd (1993) 44 FCR 239
Affirmed. N V Philips Gloeilampenfabrieken v Mirabella International Pty Ltd 655
National Research Development Corporation v Commissioner of Patents (1959) 102 CLR 252
Discussed. N V Philips Gloeilampenfabrieken v Mirabella International Pty Ltd 655
New South Wales Egg Corporation v Peek (1987) 10 NSWLR 72 at 81-83
Overruled. Witham v Holloway 525

Onus v Alcoa of Australia Ltd (1981) 149 CLR 27 at 35-36
Applied. Shop Distributive and Allied Employees Association v Minister for Industrial Affairs (SA) 552

Patents, Commissioner of v Microcell Ltd (1959) 102 CLR 232
Discussed. N V Philips Gloeilampenfabrieken v Mirabella International Pty Ltd 655
Pearce v City of Hobart [1981] Tas R 334
Overruled. Parramore v Duggan 633
Precision Data Holdings Ltd v Wills (1991) 173 CLR 167
Applied. Re Dingjan; Ex parte Wagner 323

R v Anderson [1965] Tas SR 277 (NC 21)
Disapproved. McGhee v The Queen 82
R v Ataou [1988] QB 798 at 807
Not followed. Carter v Northmore Hale Davy & Leake 121
R v Barton [1973] 1 WLR 115 at 118; [1972] 2 All ER 1192 at 1194
Disapproved. Carter v Northmore Hale Davy & Leake 121
R v Craig [1975] 1 NZLR 597 at 559
Not followed. Carter v Northmore Hale Davy & Leake 121
R v Credit Tribunal; Ex p General Motors Acceptance Corporation, Australia (1977) 137 CLR 545 at 563
Considered. Western Australia v Commonwealth 373
R v Duvivier (1982) 29 SASR 217 at 223, 238; 5 A Crim R 89 at 94, 106-107
Considered. McGhee v The Queen 82
R v Falla [1964] VR 78 at 80
Considered. McGhee v The Queen 82
R v Farrer [1992] 1 VR 207 at 208-209
Considered. McGhee v The Queen 82
R v Helmhout (1980) 42 FLR 53 at 56; 1 A Crim R 103 at 105; 30 ACTR 1 at 4
Considered. McGhee v The Queen 82
R v Hoar (1981) 148 CLR 32
Followed. Savvas v The Queen 1
R v Hyde [1991] 1 QB 134 at 139
Considered. McAuliffe v The Queen 108
R v Johns [1978] 1 NSWLR 282 at 287-290
Considered. McAuliffe v The Queen 108
R v Kane [1975] VR 658 at 661
Approved. Savvas v The Queen 1
R v McAuliffe (1993) 70 A Crim R 303
Affirmed. McAuliffe v The Queen 108
R v Masciantonio [1994] 1 VR 577
Reversed. Masciantonio v The Queen 58
R v Raptis, Lilimbakis & Sinclair (1988) 36 A Crim R 362 at 365
Approved. Savvas v The Queen 1
R v Savvas [No 2] (1991) 58 A Crim R 174
Affirmed. Savvas v The Queen 1
Richardson v Federal Commissioner of Taxation (1932) 48 CLR 192
Applied. Federal Commissioner of Taxation v Richard Walter Pty Ltd 168
Rodway v The Queen (1990) 169 CLR 515 at 518
Applied. Victrawl Pty Ltd v Telstra Corporation Ltd 595

Sahari, In the Marriage of (1976) 25 FLR 475; 11 ALR 679; 2 Fam LR 11,126; [1976] FLC 75,396
Approved. Witham v Holloway 525
Shop Distributive & Allied Employees Association v Minister for Industrial Affairs (1994) 62 SASR 507
Reversed. Shop Distributive and Allied Employees Association v Minister for Industrial Affairs (SA) 552
Smith v Chadwick (1884) 9 App Cas 187 at 201
Referred to. Krakowski v Eurolynx Properties Ltd 563
Southern Rhodesia, In re [1919] AC 211 at 233
Considered. Western Australia v Commonwealth 373

Stingel v The Queen (1990) 171 CLR 312 at 325
Explained. Masciantonio v The Queen 58
Strickland v Rocla Concrete Pipes Ltd (1971) 124 CLR 468
Considered. Re Dingjan; Ex parte Wagner 323

Taxation, Deputy Commissioner of v Moorebank Pty Ltd (1988) 165 CLR 55 at 67
Applied. Federal Commissioner of Taxation v Richard Walter Pty Ltd 168
Taxation, Federal Commissioner of v S Hoffnung & Co Ltd (1928) 42 CLR 39
Distinguished. Federal Commissioner of Taxation v Richard Walter Pty Ltd 168
Teoh v Minister for Immigration and Ethnic Affairs (1994) 49 FCR 409
Affirmed. Minister for Immigration and Ethnic Affairs v Teoh 273

Victrawl Pty Ltd v Australian Overseas Telecommunications Corporation Ltd (1993) 45 FCR 302
Varied. Victrawl Pty Ltd v Telstra Corporation Ltd 595
Victrawl Pty Ltd v Telstra Corporation Ltd (1995) 183 CLR 595
Applied. Sanko Steamship Co Ltd v Sumitomo Australia Ltd 628

Water Resources, Commissioner of v Federated Engine Drivers' & Firemen's Association of Australasia Qld Branch [1988] 2 Qd R 385
Approved. Witham v Holloway 525
Wenn v Attorney-General (Vict) (1948) 77 CLR 84 at 108-109, 120
Considered. Western Australia v Commonwealth 373

STATUTES, RULES, ETC JUDICIALLY CONSIDERED

IMPERIAL

The Constitution (63 & 64 Vict c 12)
Ch III: Brandy v Human Rights and Equal Opportunity Commission 245
s 51(xx): Re Dingjan; Ex p Wagner 323
s 51(xxvi): Western Australia v Commonwealth 373
s 109: Western Australia v Commonwealth 373

COMMONWEALTH

Acts Interpretation Act 1901
s 8(e): Sanko Steamship Co Ltd v Sumitomo Australia Ltd 628

Admiralty Act 1988
ss 3, "Liability Convention", 25(1): Victrawl Pty Ltd v Telstra Corporation Ltd 595

Income Tax Assessment Act 1936
ss 175, 177(1): Federal Commissioner of Taxation v Richard Walter Pty Ltd 168

Industrial Relations Act 1988
ss 127A, 127B, 127C: Re Dingjan; Ex p Wagner 323

Judiciary Act 1903
s 39B(1): Federal Commissioner of Taxation v Richard Walter Pty Ltd 168

Limitation of Liability for Maritime Claims Act 1989
ss 2, 3(1), 6, 9, sch 1: Victrawl Pty Ltd v Telstra Corporation Ltd 595
ss 2, 6, sch 1: Sanko Steamship Co Ltd v Sumitomo Australia Ltd 628

Migration Act 1958
ss 6(2), 6A(1), 16(1)(c): Minister for Immigration and Ethnic Affairs v Teoh 273

Native Title Act 1993
ss 7, 11, 12, 15, 17, 19, 20, 23: Western Australia v Commonwealth 373

Navigation Act 1912
s 333, sch 6: Sanko Steamship Co Ltd v Sumitomo Australia Ltd 628
ss 333, 335(1), sch 6: Victrawl Pty Ltd v Telstra Corporation Ltd 595

Patents Act 1990
s 18(1): N V Philips Gloeilampenfabrieken v Mirabella International Pty Ltd 655

Racial Discrimination Act 1975
s 10(1): Western Australia v Commonwealth 373
ss 25Z, 25ZAA, 25ZAB, 25ZAC, 25ZC: Brandy v Human Rights and Equal Opportunity Commission 245

Trade Practices Act 1974
ss 52, 53A, 87: Krakowski v Eurolynx Properties Ltd 563

NEW SOUTH WALES

Workers Compensation Act 1987
ss 65, 66: K B Hutcherson Pty Ltd v Correia 50

SOUTH AUSTRALIA

Companies (South Australia) Code
s 229(4): R v Byrnes 501
Shop Trading Hours Act 1977
ss 4(1), 5, 13, 14: Minister for Industrial Affairs (SA) v Shop Distributive and Allied Employees Association 552

TASMANIA

Criminal Code
ss 2(1), 157(1), 160(1): McGhee v The Queen 82
Land Titles Act 1980
ss 40(3)(b), (e)(i), 106(1): Parramore v Duggan 633

WESTERN AUSTRALIA

Land (Titles and Traditional Usage) Act 1993
Western Australia v Commonwealth 373

CORRIGENDUM

180 CLR 295-321, year of judgment: For "(1979)" read "(1977)".

183 CLR 94, line 14: For "liabilities insured" read "liabilities incurred".

183 CLR 324, line 9: For "(1982) 150 CLR" read "(1982) 150 CLR 169".

TABLE OF CASES CITED IN THE JUDGMENTS

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

A v B Bank (1993) 35
A E Terry's Motors Ltd v Rinder (1948) 577
AM & S Europe Ltd v Commission of the European Communities (1983) 127, 145, 161
A M Spicer & Son Pty Ltd (In liq) v Spicer (1931) 517
"Abadesa" (The) (1968) 600
Aboriginal Affairs, Minister for v Peko-Wallsend Ltd (1986) 315
Actors and Announcers Equity Association of Australia v Fontana Films Pty Ltd (1982) 333, 334, 336, 337, 346, 350, 351, 354, 364, 365, 368, 369
Adams v Anthony Bryant & Co Pty Ltd (1986) 148, 150, 160
Adeyinka Oyekan v Musendiku Adele (1957) 422
Adriatic Terrazzo & Foundations Pty Ltd v Robinson (1972) 540
Aerospatiale Holdings Australia Pty Ltd v Elspan International Ltd (1992) 41
Afro-American Patrolmen's League v Atlanta (1987) 547
Ah Yick v Lehmert (1905) 204
Ainsworth v Criminal Justice Commission (1992) 312
Air Caledonie International v Commonwealth (1988) 168
Akerhielm v De Mare (1959) 577, 578, 585
Akers v Minister for Immigration and Ethnic Affairs (1988) 321
Alati v Kruger (1955) 586
Aldridge v Booth (1988) 257, 263
Alister v The Queen (1984) 85, 97, 102, 126
"Alletta" (The) [No 2] (1972) 602
Alliance Petroleum Australia NL v Australian Gas Light Co (1983) 28, 43
Alterskye v Scott (1948) 32, 36
Amalgamated Society of Engineers v Adelaide Steamship Co Ltd (1920) 478
Ambatielos Case (1952) 621, 622
Amodu Tijani v Secretary, Southern Nigeria (1921) 494
Amourgis v Law Society of Upper Canada (1984) 543
Anglo-Russian Merchant Traders & John Batt & Co (London), In re (1917) 34
Anglo-Scottish Beet Sugar Corporation v Spalding Urban District Council (1937) 585
Angus v Clifford (1891) 579, 581
Annetts v McCann (1990) 311, 312
Armstrong v Executive Office of the President (1993) 546
Armstrong v Strain (1951) 585
Arnison v Smith (1889) 579
Ashton's Case (1698) 114
Attorney-General (NSW) v Findlay (1976) 150
Attorney-General v Guardian Newspapers Ltd [No 2] (1990) 31
Attorney-General (UK) v Heinemann Publishers Australia Pty Ltd (1987) 31
Attorney-General v James (1962) 540
Attorney-General v Jonathan Cape Ltd (1976) 31
Attorney-General (NT) v Kearney (1985) .. 128, 130, 134, 146, 147, 151, 152, 159, 160, 161
Attorney-General v Leveller Magazine (1979) 43, 538
Attorney-General (NT) v Maurice (1986) .. 126, 127, 128, 132, 133, 145, 147, 151, 159, 160, 162
Attorney-General (Hong Kong) v Ng Yuen Shiu (1983) 301, 311, 314
Attorney-General (NSW) v Quin (1990) 312, 313, 314
Attorney-General v Times Newspapers Ltd (1974) 312

Australasian Brokerage Ltd v Australian & New Zealand Banking Corporation Ltd (1934) 581
Australasian Meat Industry Employees' Union v Mudginberri Station Pty Ltd (1986) 530, 531, 533, 534, 538, 539, 540, 541, 542, 544, 545
Australian Agricultural Co v Federated Engine-Drivers and Firemen's Association of Australasia (1913) 485
Australian Capital Television Pty Ltd v Commonwealth (1992) 477
Australian Coal and Shale Employees Federation v Aberfield Coal Mining Co Ltd (1942) 179, 626
Australian Coastal Shipping Commission v O'Reilly (1962) 467
Australian Conservation Foundation v Commonwealth (1980) 558
Australian Consolidated Press Ltd v Morgan (1965) 531, 532, 533, 538, 539, 541, 545
Australian Railways Union, Re; Ex p Public Transport Corporation (1993) 194
Avon Downs Pty Ltd v Federal Commissioner of Taxtion (1949) 188
Awaroa v Commercial Securities (1976) 585

BA's Application, Re (1915) 661, 664
Bailey v Federal Commissioner of Taxation (1977) 200, 230
Baker v Campbell (1983) 126, 132, 134, 135, 136, 138, 141, 144, 145, 146, 147, 148, 151, 152, 153, 162, 169
Balla v Idaho State Board of Corrections (1989) 547
Ballina Shire Council v Ringland (1994) 315
Bank of NSW v Commonwealth (the Bank Nationalization Case) (1948) 178, 179, 192, 221, 231, 334, 347, 352, 353, 366, 368
Banque Commerciale SA, en Liquidation v Akhil Holdings Ltd (1990) 573
Barton v The Queen (1980) 150, 155, 163, 165
Bartrum v Healeswood (1973) 543
Batagol v Federal Commissioner of Taxation (1963) 182, 187, 191, 206, 226, 236
Becker and Harry M Miller, In re [No 2] (1972) 363
Bell v The Queen (1992) 104
Bennett v General Motors Holdens Ltd (1940) 54
Berd v Lovelace (1577) 162
Berry v The Queen (1992) 155
Bibby Bulk Carriers Ltd v Cansulex Ltd (1989) 26, 41
Bisset v Wilkinson (1927) 577
Black Diamond v Stewart & Sons (The "Norwalk Victory") (1949) 617
Boilermakers' Case (R v Kirby; Ex p Boilermakers' Society of Australia) (1956) 360, 485
Bolton, Re; Ex p Beane (1987) 649
Booth v Federal Commissioner of Taxation (1986) 202
Botany Municipal Council v Federal Airports Corporation (1992) 467
Bourke Shire Council v Dwyer (1993) 545
"Bowbelle" (The) (1990) 617
Bowoon Sangsa Co Ltd v Micronesian Industrial Corporation (1984) 620
Bradley v Commonwealth (1973) 287, 298, 315
Brambles Holdings Ltd v Carey (1976) 582
Bramblevale Ltd, In re (1970) 529, 530, 543, 544
Bremer Oeltransport GmbH v Drewry (1933) 47
Bremer Vulkan Schiffbau und Maschinenfabrik v South India Shipping Corporation Ltd (1981) 25
Breskvar v Wall (1971) 633
Bresmac Pty Ltd v Starr (1992) 55
Briginshaw v Briginshaw (1938) 547, 548
Brindle, Re; Ex p F B & F A McMahon Pty Ltd (1992) 261
British Coal Corporation v Dennis Rye Ltd [No 2] (1988) 157
British Medical Association v Commonwealth (1949) 352
British Steel Corporation v Granada Television Ltd (1981) 32
Builders Licensing Board v Sperway Constructions (Syd) Pty Ltd (1976) 263
Bullivant v Attorney-General (Vict) (1901) 127, 128, 134, 146, 159, 160, 161

Burton v Honan (1952) 352
Butler v Attorney-General (Vict) (1961) 464, 465

C (A Minor) (Wardship: Contempt), Re (1986) 543
CCOM Pty Ltd v Jiejing Pty Ltd (1994) 660
CFTC v Wellington Precision Metals Inc (1992) 547
Cail v Papayanni; The "Amalia" (1863) 600
Cain v Glass (1985) 148, 150
Cain v Glass [No 2] (1985) 126, 153, 155, 160
Calder v Attorney-General (British Columbia) (1973) 433
Canada Assistance Plan (BC), Reference re (1991) 313, 314
Canada Inc v Apple Computer Inc (1988) 529
Canadian Transport v Alsbury (1952) 533
Carey v Ontario (1986) 158
Carter v Egg and Egg Pulp Marketing Board (Vict) (1942) 465
Central Queensland Cement Pty Ltd v Hardy (1989) 36
Chadade Steamship Co (The "Yarmouth Castle"), Petition of (1967) 620
Chan v Zacharia (1984) 517
Chandler & Co v Collector of Customs (1907) 91
Chan Wing-Siu v The Queen (1985) 115, 116, 117
Chew v The Queen (1992) 511, 512, 513, 521, 522, 523
Chow Hung Ching v The King (1948) 287, 298, 315
Chu Kheng Lim v Minister for Immigration, Local Government and Ethnic Affairs (1992) 184, 287, 315
Clements v Ellis (1934) 642
Clifford v Middleton (1974) 529, 530
Clyde Engineering Co Ltd v Cowburn (1926) 465
Coal Miners' Industrial Union of Workers of Western Australia v Amalgamated Collieries of Western Australia Ltd (1960) 210
Codelfa Construction Pty Ltd v State Rail Authority of NSW (1982) 34, 42
Collins v Charles Marshall Pty Ltd (1955) 179, 468
Colonial Sugar Refining Co v Irving (1905) 626
Comet Products UK Ltd v Hawkex Plastics Ltd (1971) 529, 540, 543
Commonwealth v Grunseit (1943) 486
Commonwealth v John Fairfax & Sons Ltd (1980) 31
Commonwealth v New South Wales (1923) 178, 179, 205, 221
Commonwealth v Northern Land Council (1993) 158
Commonwealth v Queensland (1920) 467
Commonwealth v Tasmania (the Tasmanian Dam Case) (1983) 333, 334, 336, 337, 345, 346, 351, 352, 364, 369, 452, 459, 460, 461, 481, 622
Compagnies Réunies des Glaces, Re, Application of (1930) 673
Compania Gijonesa de Navegacion SA, Complaint of (1984) 620
Complete Technology Pty Ltd v Toshiba (Australia) Pty Ltd (1994) 37
Concord, Municipal District of v Coles (1905) 642
Consolidated Press Ltd v McRae (1955) 541, 544
Con-Stan Industries of Australia Pty Ltd v Norwich Winterthur Insurance (Australia) Ltd (1986) 34
Controlled Consultants Pty Ltd v Commissioner for Corporate Affairs (1985) 140
Coonan & Denlay Pty Ltd v Superstar Australia Pty Ltd (No 2) (1981) 541
Cooper v Stuart (1889) 427
Cooper Brookes (Wollongong) Pty Ltd v Federal Commissioner of Taxation (1981) 644
Cormack v Cope (1974) 482
Cornfoot v Fowke (1840) 585
Council of India, Secretary of State in v Kamachee Boye Sahaba (1859) 422
Court of Appeal (NSW), Registrar v Craven (1994) 155
Cram, Re; Ex p Newcastle Wallsend Coal Co Pty Ltd (1987) 256, 258, 268, 360, 361
"Crathie" (The) (1897) 601
Crescent Farm (Sidcup) Sports Ltd v Sterling Offices Ltd (1972) 152

Crest Homes Plc v Marks (1987) 37
Crown (The) v McNeil (1922) 580
Cunliffe v Commonwealth (1994) 345
Curwen v Yan Yean Land Co Ltd (1891) 563
D v National Society for the Prevention of Cruelty to Children (1978) .. 126, 153, 154, 563
D Patrick Inc v Ford Motor Co (1993) 547
Da Costa v The Queen (1968) 67
Danchevsky v Danchevsky (1975) 542
David Jones Finance & Investments Pty Ltd v Federal Commissioner of Taxation (1991) 185, 186, 193, 231, 234, 238, 239, 240, 241, 242
David Securities Pty Ltd v Commonwealth Bank of Australia (1992) 652
Davies, In re (1888) 533
Davy v Garrett (1878) 573
Dean v Dean (1987) 529, 543
Delgamuukw v British Columbia (1993) 433
Derbyshire County Council v Times Newspapers Ltd (1992) 288
Derry v Peek (1889) 579, 580
Descôteaux v Mierzwinski (1982) 145, 161
Dickenson v Fletcher (1873) 91
Dietrich v The Queen (1992) 126, 287, 288, 298, 315
Distillers Co (Biochemicals) Ltd v Times Newspapers Ltd (1975) 32, 46
Dobbie v Davidson (1991) 648
Dobbs v National Bank of Australasia Ltd (1935) 184
Dolling-Baker v Merrett (1990) 27, 28, 30, 31, 33, 42, 43, 46
Donellan v Read (1832) 577
Downs Distributing Co Pty Ltd v Associated Blue Star Stores Pty Ltd (In liq) (1948) 585
Dual-Deck Video Casette Antitrust Litigation, In re (1993) 547
Dunlop v Woollahra Municipal Council (1975) 583
Dymond, Re (1959) 191

EMI Records Ltd v Spillane (1986) 37
Earl of Rutland's Case (1608) 439
Eastern Saga (The) (Oxford Shipping Co Ltd v Nippon Yusen Kaisha) (1984) 26, 40, 41
Edwards v The Queen (1992) 513
Ellendale Pty Ltd v Graham Matthews Pty Ltd (1986) 530, 544, 548
Elspan International Ltd v Aerospatiale Holdings Ltd (1992) 41
Engineers' Case 478
Environment Protection Authority v Caltex Refining Co Pty Ltd (1993) 140, 156
Esber v Commonwealth (1992) 604, 626
Esso Australia Resources Ltd v Plowman (1994) 22, 40, 41, 43, 44, 45

F, Re; Ex p F (1986) 364
F J Bloemen Pty Ltd v Federal Commissioner of Taxation (1981) 182, 183, 184, 186, 187, 197, 199, 200, 218, 219, 220, 226, 227, 229, 230, 232, 233, 234, 237, 241, 242
Fairclough v Manchester Ship Canal Co (1897) 541, 542
Fairfax v Federal Commissioner of Taxation (1965) 334, 337, 352, 452
Farbenfabriken Bayer AG v Bayer Pharma Pty Ltd (1959) 251
Fencott v Muller (1983) 365
Fisher v Hebburn Ltd (1960) 348
Flamingo Park Pty Ltd v Dolly Dolly Creation Pty Ltd (1985) 530, 538, 541, 544, 548
Ford v Andrews (1916) 517
Foreign Affairs and Trade, Minister for v Magno (1992) 291, 298, 300
Forfar v Iron Ore Co of Canada (1979) 529
Foster v Charles (1830) 575

Fothergill v Monarch Airlines Ltd (1981) 606, 622
Freston, In re (1883) 530, 531, 540
Fullerton v Gardiner (1978) 529

Gadd & Mason v Mayor etc of Manchester (1892) 665
Gardner v Lucas (1878) 621
Garvin v Domus Publishing Ltd (1989) 529
Geffen v Goodman Estate (1991) 145, 161
Geophysical Service Inc (The "Arctic Explorer"), Complaint of (1984) 617, 620
George v Federal Commissioner of Taxation (1952) 182, 183, 184, 226, 237, 240
Georgiadis v Australian and Overseas Telecommunications Corporation (1994) .. 342
Gerakiteys v The Queen (1984) 8
Gerhardy v Brown (1985) 438, 460, 464, 483
"Giacinto Motta" (The) (1977) 619
Giacobazzi Grandi Vini SpA v Renfield Corp (1987) 28
Giannarelli v Wraith (1988) 485
Giorgianni v The Queen (1985) 114
Glover v Johnson (1991) 547
Golder Case (The) (1975) 622
Gompers v Bucks Stove & Range Co (1911) 532, 546
Goodwin v Phillips (1908) 213
Gould v Vaggelas (1985) 578
Grannall v Marrickville Margarine Pty Ltd (1955) 352, 368
Grant v Downs (1976) ... 126, 127, 133, 138, 144, 146, 147, 151, 157, 159, 160, 162, 163
Grantham Wholesale Fruit, Vegetable and Potato Merchants Ltd, In re (1972) 530, 549
Greenhill, Re; Ex p Pook (1988) 261
Greenough v Gaskell (1833) 146
Grofam Pty Ltd v Australia & New Zealand Banking Group Ltd (1993) 148, 150, 160
Gross v Lewis Hillman Ltd (1970) 585
Grove v Flavel (1986) 514, 521
Gum v Stevens (1923) 673

Haas v The Queen (1964) 86, 102, 106
Haddad v Norman Mir Pty Ltd (1967) 25
Haigh, In re; Haigh v Haigh (1861) 40
Haoucher v Minister for Immigration and Ethnic Affairs (1990) 299, 301, 311, 312, 313, 314
Harris v Caladine (1991) 262, 263, 271, 360
Hassneh Insurance Co of Israel v Mew (1993) 26, 30, 31, 33, 36, 41, 45, 46, 47, 48
Hawkins v Clayton (1988) 30
Health and Community Services, Secretary, Department of v JWB and SMB (Marion's Case) (1992) 304
Heatons Transport (St Helens) Ltd v Transport and General Workers' Union (1973) 529, 541, 452
Helton v Allen (1940) 530
Herald & Weekly Times Ltd v Commonwealth (1966) 334, 352, 369
Heyman v Darwins Ld (1942) 341
Hinch v Attorney-General (Vict) (1987) 533, 534, 544
Hindle v John Cotton Ltd (1919) 515
Hoare v Deputy Commissioner of Taxation (Vict) (1987) 202
Holmes v Director of Public Prosecutions (1946) 69, 71, 90, 97, 103
Holpitt Pty Ltd v Varimu Pty Ltd (1991) 37
Home Counties Dairies Ltd v Skilton (1970) 341
Home Office v Harman (1983) 32, 35, 36, 46, 540, 541, 549
Hooper v Hooper (1955) 484
Hospital Products Ltd v United States Surgical Corporation (1984) 517
Huddart, Parker & Co Pty Ltd v Moorehead (1909) 256, 267, 268, 335, 336, 340, 350, 368, 369

Hui Chi-Ming v The Queen (1992) 117
Hume v Palmer (1926) 467

Imperial Mercantile Credit Association v Coleman (1871) 517
Ince Bros and Cambridge Manufacturing Co Pty Ltd v Federated Clothing and Allied Trades Union (1924) 179, 192, 220, 242
Incorporation Case (New South Wales v Commonwealth) (1990) ... 336, 346, 364, 365
Industrotech Constructors Inc v Duke University (1984) 28
Inventor (The) (1905) 601
Iron Ore Co of Canada v United Steel Workers of America (1979) 529

J H Rayner (Mincing Lane) Ltd v Department of Trade and Industry (1990) 287, 298, 315
J Odlin Shopfitting International Pty Ltd v Kaljanac (1993) 54, 55
Jackson v Sterling Industries Ltd (1987) 535
Jago v District Court (NSW) (1988) 154, 288, 315
James Patrick & Co Ltd v Union Steamship Co of New Zealand Ltd (1938) 601, 620
Jendell Australia Pty Ltd v Kesby (1983) 528, 530, 531, 539, 544
Jennison v Baker (1972) 531, 534, 539
John Fairfax & Sons Ltd v Police Tribunal (NSW) (1986) 28, 32, 43
John Fairfax & Sons Pty Ltd v McRae (1955) 538
John McGrath Motors (Canberra) Pty Ltd v Applebee (1964) 577
Johns (T S) v The Queen (1980) 114, 115, 116, 117
Johnson v The Queen (1976) 66, 67, 71, 80, 89, 97
Johnson's Patent, Re (1937) 664
Johnson's Patent, In re (1937) 662
Jordan v Wilson (1988) 547
Just v Chambers (1941) 600

Kearney, Re (1984) 147
Kent County Council v Batchelor (1976) 543
Kerrison, Re; Ex p Official Trustee in Bankruptcy (1990) 530, 544
King v Hayward (1943) 54
Kingdom of Belgium v Federal Republic of Germany (Young Loan Arbitration) (1980) 622
Kinsela v Russell Kinsela Pty Ltd (1986) 514
Kioa v West (1985) 287, 311, 312, 315
Knight v The Queen (1992) 85, 97, 102
Koowarta v Bjelke-Petersen (1982) 287, 298, 315, 460, 461
Kursell v Timber Operators & Contractors Ltd (1923) 34
Kwaku Mensah v The King (1946) 74

Lamb v Cotogno (1987) 288
Langton v Johnston (1991) 546
Law Society of NSW v Kinsella (1980) 529
Lee, Re; Ex p Harper (1986) 477
Lee Chun-Chuen v The Queen (1963) 66, 68
Lees v Tod (1882) 579
Lek v Minister for Immigration, Local Government and Ethnic Affairs [No 2] (1993) 290, 321
Linotype Co's Case (Linotype Co Ltd v Mounsey) (1909) 674
Liquidators of Imperial Mercantile Credit Association v Coleman (1873) 517
Lister v Romford Ice & Cold Storage Co Ltd (1957) 42
Liu v The Queen (1989) 8
Liverpool City Council v Irwin (1977) 30, 42
Livesley v E Clemens Horst Co (1925) 620
London Export Corporation Ltd v Jubilee Coffee Roasting Co Ltd (1958) 25
Luu v Renevier (1989) 290

Luxor (Eastbourne) Ltd v Cooper (1941) 34

Mabo v Queensland [No 1] (1988) 418, 419, 420, 423, 436, 437, 438, 453, 464, 492, 493, 494, 495
Mabo v Queensland [No 2] (1992) 288, 315, 417, 420, 421, 422, 423, 429, 431, 432, 433, 434, 439, 452, 462, 481, 486, 491, 492, 493, 494, 495
McAndrew v Federal Commissioner of Taxation (1956) .. 182, 183, 184, 196, 197, 198, 199, 226, 233, 237, 241
Macbeth v Ashley (1874) 561
MacCormick v Federal Commissioner of Taxation (1984) 221, 222
McDonald v Commissioner of Business Franchises (Vict) (1992) 194, 226
McDonald v Dennys Lascelles Ltd (1933) 341
McLean, Ex p (1930) 472
Maddison v Goldrick (1976) 155
Maguire v Simpson (1977) 178, 221, 232
Mahadeo v The King (1936) 155
Mancini v Director of Public Prosecutions (1942) 67
Mann v Mann (1957) 583
Mansell and Herbert's Case (1556) 114
Marbury v Madison (1803) 179, 204
"Mariabel" (The) (1991) 606, 607, 620
Marion, Re (1990) 301
Marion's Case (Health and Community Services, Secretary, Department of v JWB and SMB) (1992) 304
Marks v Beyfus (1890) 126, 153
Marshall v Watson (1972) 644
Martin v Trinity Industries Inc (1992) 546
Masciantonio v The Queen (1995) 97, 101
Mason v Uxbridge Boat Centre (1980) 600
Matthews v Seamen's Union of Australia (1957) 540
Maxwell v Murphy (1957) 348, 615, 620
Maynard v Neilson (1988) 263
Melbourne Corporation v Commonwealth (1947) 369, 420, 476, 480
Metal Trades Employers' Association (1951) 538
Metal Trades Industry Association of Australia v Amalgamated Metal Workers' and Shipwrights' Union (1983) 468, 472
Mills v Meeking (1990) 644
Minet v Morgan (1873) 133, 159, 160
Moffa v The Queen (1977) 66, 68, 69, 71, 74
Moon v Durden (1848) 621
Moorcock (The) (1889) 34
Moschi v Lep Air Services Ltd (1973) 341
Muntz, Ex p; R v Comptroller-General of Patents (1922) 662
Murphyores Incorporated Pty Ltd v Commonwealth (1976) 352
Murray and Tam, In the Marriage of (1993) 300, 315
Musgrave v Commonwealth (1937) 178

NRDC Case (National Research Development Corporation v Commissioner of Patents) (1959) 661, 662, 663, 664, 666, 667, 671
N V Philips Gloeilampenfabrieken v Mirabella International Pty Ltd (1993) 659, 665, 666, 668, 669, 675
National Research Development Corporation v Commissioner of Patents (the NRDC Case) (1959) 661, 662, 663, 664, 666, 667, 671
Nationwide News Pty Ltd v Wills (1992) 339
Neat Holdings Pty Ltd v Karajan Holdings Pty Ltd (1992) 573, 579
Nelson, Ex p [No 2] (1929) 467
Nemo Foods Ltd v Remi Rivet Fast Foods Ltd (1982) 529, 543
Nevitt, In re (1902) 532
New South Wales v Commonwealth (the Incorporation Case) (1990) ... 336, 346, 364, 365

New South Wales Egg Corporation v Peek (1987) 528, 529, 530, 536, 537, 544, 549
New York State National Organisation for Women v Terry (1989) 546
Nolan, Re; Ex p Young (1991) 232, 339, 355
Northern Suburbs General Cemetery Reserve Trust v Commonwealth (1993) 191, 482
Northside Developments Pty Ltd v Registrar-General (1990) 516
Northwest Territories Public Service Association v Commissioner of the Northwest Territories (1979) 529, 543
Nott Bros & Co Ltd v Barkley (1925) 473

Oil Basins Ltd v Commonwealth (1993) 221
Onus v Alcoa of Australia Ltd 558
O'Reilly v State Bank of Victoria Commissioners (1983) 138, 147
Oriel v Russell (1929) 546, 547
Osborne v Commonwealth (1911) 482
O'Shea v O'Shea and Parnell (1890) 531
O'Toole v Charles David Pty Ltd (1991) 180, 192, 193, 194, 195, 210, 211, 222, 233, 240
Oxford Shipping Co Ltd v Nippon Yusen Kaisha (The Eastern Saga) (1984) 26, 40, 41
Oxfordshire County Council v M (1994) 152

Packett v The King (1937) 79
Parker v The Queen (1963) 71
Parramatta City Council v Brickworks Ltd (1972) 644
Parry-Jones v Law Society (1969) 35
Patents, Commissioner of v Microcell Ltd (1959) 660, 663, 664, 665, 676
Patterson v BTR Engineering (Aust) Ltd (1989) 535
Peacock v Newtown Marrickville & General Co-operative Building Society (No 4) Ltd (1943) 360
Pearce v City of Hobart (1981) 642
Pearse v Pearse (1846) 133
Peattie v Murphy (1964) 545
Perpetual Executors & Trustees Association of Australia Ltd v Federal Commissioner of Taxation (1948) 212
Peter Long & Partners v Burns (1956) 362
Petroleos Mexicanos v Crawford Enterprises Inc (1987) 546
Phillips v The Queen (1969) 67
Pidoto v Victoria (1943) 339, 348, 349, 355, 366, 372
Poje v Attorney General (British Columbia) (1953) 533
Polites v Commonwealth (1945) 287, 315
Polyukhovich v Commonwealth (1991) 348
Port MacDonnell Professional Fishermen's Assn Inc v South Australia (1989) 473
Prasad v Minister for Immigration and Ethnic Affairs (1985) 289, 290
Precision Data Holdings Ltd v Wills (1991) 257, 267, 360, 361
Prentis v Atlantic Coast Line (1908) 259
Prestige Motors Pty Ltd v Federal Commissioner of Taxation (1993) 196, 198, 230
Progressive Mailing House Pty Ltd v Tabali Pty Ltd (1985) 341
Public Works, Director of v Ho Po Sang (1961) 604
Putnin v Fuller (1991) 542

Queensland v Commonwealth (1977) 494
Queensland Electricity Commission v Commonwealth (1985) 420, 476, 477
Queensland Law Society Inc, Ex p (1984) 42
Quinter v Volkswagon of America (1982) 546

R v Ancio (1984) 103
R v Anderson; Ex p Ipec-Air Pty Ltd (1965) 95, 104, 106, 561
R v Ataou (1988) 129, 141, 142, 148, 149, 150, 159, 165, 166

R v Australian Industrial Court; Ex p CLM Holdings Pty Ltd (1977) 365
R v Barton (1973) 130, 136, 137, 148, 157, 159, 162
R v Bell (1972) 85, 102
R v Bell; Ex p Lees (1980) 127, 128, 130, 134, 135, 144, 147, 152, 160
R v Bozikis (1981) 95
R v Cahill; Ex p McGregor (1985) 148, 150, 169
R v Campbell (1977) 90, 95, 104, 106
R v Central Sugar Cane Prices Board; Ex p Maryborough Sugar Factory Ltd (1959) 210
R v Charlton (1972) 155
R v Chief Immigration Officer, Heathrow Airport; Ex p Salamat Bibi (1976) 319
R v Coldham; Ex p Australian Workers' Union (1983) ... 180, 194, 205, 210, 222, 233, 240
R v Commissioner of Taxation (WA); Ex p Briggs (1986) 199, 220, 228
R v Commonwealth Conciliation and Arbitration Commission; Ex p Amalgamated Engineering Union (Australian Section) (1967) 194, 210
R v Commonwealth Court of Conciliation and Arbitration; Ex p Barrett (1945) 360
R v Commonwealth Rent Controller; Ex p National Mutual Life Association of Australasia Ltd (1947) 205, 206
R v Comptroller-General of Patents; Ex p Muntz (1922) 662
R v Connell [No 2] (1992) 144, 156
R v Connell; Ex p Hetton Bellbird Collieries Ltd (1944) 179
R v Cox and Railton (1884) 130, 160
R v Craig (1975) 129, 141, 149, 150, 159, 165
R v Credit Tribunal; Ex p General Motors Acceptance Corporation (1977) 465, 466
R v Cunningham (1959) 88
R v Davison (1954) 257, 258, 267, 269, 360
R v Deputy Commissioner of Taxation (WA); Ex p Briggs (1987) 200
R v Derby Magistrates Court; Ex p B (1994) 141
R v De Simoni (1981) 5
R v Donald; Ex p Attorney-General (Q) (1993) 514
R v Doot (1973) 8
R v Drake-Brockman; Ex p Northern Colliery Proprietors' Association (1946) 206
R v Dunbar and Logan (1982) 131, 157
R v Duvivier (1982) 89, 95, 104, 105, 106
R v Falla (1964) 88, 89, 95
R v Farrar (1992) 89, 95, 104, 107
R v Gallagher; Ex p Aberdare Collieries Pty Ltd (1963) 268
R v G, F, S and W (1974) 8
R v Grimwood (1962) 85, 86
R v Hall (1958) 155
R v Hegarty; Ex p City of Salisbury (1981) 360
R v Helmhout (1980) 87, 88, 94, 95, 106
R v Hemsworth (1846) 540, 542
R v Hickman; Ex p Fox and Clinton (1945) 179, 180, 188, 193, 194, 195, 197, 198, 199, 204, 205, 210, 222, 233, 240
R v Hill (1986) 72, 73
R v Hoar (1981) 6, 8
R v Hornbuckle (1945) 86
R v Hunter (1985) 6
R v Hyde (1991) 116
R v James Clarke (1930) 155
R v Jeffrey (1967) 73
R v Jetco Manufacturing Ltd (1987) 544
R v Johns (1978) 114
R v Kalinowski (1930) 114
R v Kamara (1974) 8
R v Kane (1975) 5, 7

R v Kirby; Ex p Boilermakers' Society of Australia (the Boilermakers' Case) (1956) 360, 485
R v Laga (1969) 90, 95, 104
R v Lawrence (K A) (1987) 6
R v Listes (1994) 104
R v Littlechild (1979) 145, 161
R v Lowery and King [No 2] (1972) 114
R v McGinty (1983) 6
R v Marie, Chitrizza & Casagrande (1983) 6
R v Members of Railways Appeals Board and Commissioner for Railways (NSW); Ex p Davis (1957) 465
R v Metal Trades Employers' Association; Ex p Amalgamated Engineering Union, Australian Section (1951) 538
R v Murray; Ex p Proctor (1949) 206
R v Muy Ky Chhay (1994) 71
R v Newman (1948) 87, 88, 95
R v Prickong (1990) 6
R v Public Vehicles Licensing Appeal Tribunal (Tas); Ex p Australian National Airways Pty Ltd (1964) 353, 364, 368
R v R (1981) 68
R v Radalyski (1899) 114
R v Raptis, Lilimbakis & Sinclair (1988) 6
R v Sandford (1994) 298
R v Saunders (1990) 157
R v Savvas (1991) 3
R v Savvas [No 2] (1991) 3, 5, 6, 8
R v Secretary of State for Home Department; Ex p Brind (1991) 288, 300
R v Shepherd [No 2] (1988) 6
R v Slack (1989) 116
R v Smith (1964) 95, 104
R v Socialist Worker Printers & Publishers Ltd; Ex p Attorney-General (1975) 42
R v Spartels (1953) 85, 86, 87, 88, 95
R v Uljee (1982) 145, 161
R v Voukelatos (1990) 89
R v Wade (1994) 104
R v Wells (1981) 104, 106
R v Whybrow (1951) 85, 86
R v Wright; Ex p Waterside Workers' Federation of Australia (1955) 335, 340
R v Xinaris (1955) 155
R v Yuill (1994) 514, 521
R D Werner & Co Inc v Bailey Aluminium Products Pty Ltd (1989) 674
Rakusen v Ellis, Munday & Clarke (1912) 138
Ranger Uranium Mines Pty Ltd, Re; Ex p Federated Miscellaneous Workers' Union of Australia (1987) 257, 360, 361
Redfern v Dunlop Rubber Australia Ltd (1964) 363, 370
Reigate v Union Manufacturing Co (Ramsbottom) (1918) 34
Rejfek v McElroy (1965) 530, 573, 579
Richard Brady Franks Ltd v Price (1937) 517
Richardson v Federal Commissioner of Taxation (1932) 188, 200, 201, 202, 216, 217, 218, 228, 237, 238
Riddick v Thames Board Mills Ltd (1977) 32, 46
Rio Tinto Zinc Corporation v Westinghouse Electric Corporation (1978) 140
Roche v The Queen (1987) 95, 104
Rochfort v Trade Practices Commission (1982) 140
Rodway v The Queen (1990) 348, 615, 621
Rola Co (Australia) Pty Ltd v Commonwealth (1944) 256, 259, 268, 269, 362
Roviaro v United States (1957) 126
Royal Hotel Ltd v St John (City) (No 3) (1982) 529, 543
Royall v The Queen (1991) 119
"Ruapehu" (The) (1927) 600

Russell v Jackson (1851) 147
Russell v Russell (1976) 364

SEC v American Board of Trade Inc (1987) 546
S Pearson & Son Ltd v Dublin Corporation (1907) 585
Saade v Registrar-General (NSW) (1993) 648
Sahari, In Marriage of (1976) 529, 544
Saliba v The Queen (1986) 74
Sankey v Whitlam (1978) 126
Saraswati v The Queen (1991) 644
Sargent v Campbell (1972) 577
Schmid, Re, Application of (1881) 646
Schmidt v Secretary of State for Home Affairs (1969) 310
Scott v Scott (1913) 28, 538
Seamen's Union of Australia v Utah Development Co (1978) 363
Seaward v Paterson (1897) 531, 540, 542
Seddon v North Eastern Salt Co Ltd (1905) 585
Shanahan v Scott (1957) 561
Sharp & Dohme Inc v Boots Pure Drug Co Ltd (1928) 665
Shell Co of Australia v Federal Commissioner of Taxation (1931) 256
Sheppard and Sheppard, Re (1976) 529, 543
Shipping Corporation of India Ltd v Gamlen Chemical Co A/asia Pty Ltd (1980) 607
Shrimpton v Commonwealth (1945) 561
Sibley v Grosvenor (1916) 578, 583
Simons v Zartom Investments Pty Ltd (1975) 575
Simsek v Macphee (1982) 287, 291, 298, 315
Singh v Minister for Immigration and Ethnic Affairs (1987) 321
Smith v Chadwick (1884) 577, 580, 581
Smith v Ritchie (1919) 645
Sobhuza II v Miller (1926) 433
Solosky v The Queen (1979) 145, 161
Southern Rhodesia, In re (1919) 423, 432
Special Reference from the Bahama Islands (a), In the Matter of (1893) 540
Springfield Nominees Pty Ltd v Bridgelands Securities Ltd (1992) 37
Stancomb v Trowbridge Urban Council (1910) 541, 542
State Public Services Federation, Re; Ex p Attorney-General (WA) (1993) 463, 477
State Superannuation Board v Trade Practices Commission (1982) 365
"Steelton" (The) (1977) 620
Steiner Products Ltd v Willy Steiner Ltd (1966) 541, 542
Stevens v Head (1993) 615
Stingel v The Queen (1990) 66, 68, 69, 71, 72, 73, 74, 80, 81
Stock Motor Ploughs Ltd v Forsyth (1932) 487
Stotler & Co v Able (1989) 547
Strickland v Rocla Concrete Pipes Ltd (1971) 335, 336, 339, 345, 347, 350, 366
"Stylt 1" (The) (1990) 620
Sunbeam Corporation v Morphy-Richards (Aust) Pty Ltd (1961) 674
Sunibrite Products (Aust) Pty Ltd v Jabuna Pty Ltd (1980) 529, 544
Sun Newspapers Pty Ltd v Brisbane TV Ltd (1989) 544
Svanosio v McNamara (1956) 585
Swan Hill Corporation v Bradbury (1937) 561

T A Robinson & Sons Pty Ltd v Haylor (1957) 472
Tapp v Lee (1803) 575
Tasmanian Dam Case (Commonwealth v Tasmania) (1983) ... 333, 334, 336, 337, 345, 346, 351, 352, 364, 369, 452, 459, 460, 461, 481, 622
Tavita v Minister of Immigration (1994) 291, 300, 301
Taxation, Deputy Federal Commissioner of v Brown (1958) 222
Taxation, Federal Commissioner of v Clarke (1927) 187, 242

Taxation, Deputy Commissioner of v Crowl (1986) 202
Taxation, Federal Commissioner of v Dalco (1990) .. 182, 183, 184, 197, 198, 199, 226, 227, 237
Taxation, Deputy Commissioner of v Faint (1988) 202
Taxation, Deputy Commissioner of v Jonrich Pty Ltd (1986) 202, 228
Taxation, Deputy Commissioner of v Moorebank Pty Ltd (1988) 202, 217, 228, 238
Taxation, Federal Commissioner of v Munro (1926) 258, 268, 269
Taxation, Commissioner of v Peabody (1994) 203
Taxation, Federal Commissioner of v Prestige Motors Pty Ltd (1994) ... 192, 196, 226, 236
Taxation, Federal Commissioner of v Reynolds (1981) 230
Taxation, Federal Commissioner of v S Hoffnung & Co Ltd (1928) 199, 200, 219, 220, 229, 237
Taxation, Deputy Commissioner of (Q) v Truhold Benefit Pty Ltd (1984) 202, 222
Taxation, Deputy Federal Commissioner of (NSW) v W R Moran Pty Ltd (1939) 473
Taylor v Attorney-General (NZ) (1975) 42
Teoh v Minister for Immigration and Ethnic Affairs (1994) 279, 293, 294, 296, 297, 298, 316, 320
Tesco Supermarkets Ltd v Nattrass (1972) 583
Textile House Pty Ltd v Carmody (1976) 473
Thiel v Federal Commissioner of Taxation (1990) 622
Thomas Marshall (Exports) Ltd v Guinle (1979) 341
Thompson v Goold & Co (1910) 644
Tickner v Bropho (1993) 321
Tillam v Copp (1847) 40
Times Newspapers Ltd (1974) 540, 549
"Titanic" (The) (1914) 605
Tooheys Ltd v Commissioner of Stamp Duties (NSW) (1961) 354, 363, 370
Tournier v National Provincial and Union Bank of England (1924) 31, 35, 36
Trade Practices Commission v Abbco Ice Works Pty Ltd (1994) 155
Tramways Case [No 1] (1914) 179, 205, 221
Trautwein v Federal Commissioner of Taxation (1936) 199
Traynor v Panan Constructions Pty Ltd (1988) 40
Tupicoff v Federal Commissioner of Taxation (1984) 202

United Mine Workers v Bagwell (1994) 546
United States v Ayer (1989) 546
United States v Berg (1994) 547
United States v Panhandle Eastern Corp (1988) 28
United States v Pozsgai (1993) 546
United States v Roberts (1988) 547

Vance v Vance (1984) 529, 543
Van Den Hoek v The Queen (1986) 68
Varawa v Howard Smith & Co Ltd (1910) 146, 147, 160
Verrier v Director of Public Prosecutions (1967) 8
Victoria v Commonwealth and Connor (1975) 482
Victorian Chamber of Manufactures v Commonwealth (Industrial Lighting Regulations) (1943) 269
Victorian Stevedoring & General Contracting Co Pty Ltd and Meakes v Dignan (1931) 486
Victors Ltd v Lingard (1927) 517
Victrawl Pty Ltd v Telstra Corporation Ltd (1995) 630, 631, 632
Videto v Minister for Immigration and Ethnic Affairs (1985) 289, 302, 321

W Scott Fell & Co Ltd v Lloyd (1906) 573
Wahlberg v Young (1876) 601

Water Conservation and Irrigation Commission (NSW) v Browning (1947) 285
Waterford v Commonwealth (1987) 126, 127, 128, 134, 135, 138, 145, 147, 151, 159, 161, 163
Water Resources, Commissioner of v Federated Engine Drivers' & Firemen's Association of Australasia Qld Branch (1988) 529, 544
Waterside Workers' Federation of Australia v Gilchrist, Watt & Sanderson Ltd (1924) 179, 205, 219, 242
Waterside Workers' Federation of Australia v J W Alexander Ltd (1918) 267, 268, 360, 485
Waugh v British Railways Board (1980) 153
Webster v Strong (1926) 643
Wellesley v Duke of Beaufort (1831) 531
Wenn v Attorney-General (Vict) (1948) 465, 466, 467
Werrin v Commonwealth (1938) 178, 179, 221, 232
West v Commissioner of Taxation (NSW) (1937) 467
Wheeldon v Burrows (1879) 649
Whitehouse v Carlton Hotel Pty Ltd (1987) 514, 516, 522
Whitfield v Pennington (1987) 546
Wilkinson v Spooner (1957) 646
Williams v Hursey (1959) 473
Willmott v Kaufline (1909) 626
Windsurfing International Inc v Sailboards Australia Pty Ltd (1986) 530, 544
Winter v Deputy Federal Commissioner of Taxation (1987) 202, 203
Wollongong, University of v Metwally (1984) 451, 455, 465
Wood v 277887 Alberta Ltd (1984) 544
Wright v Frisina (1983) 514

Yager v Musa (1961) 542
Yager v The Queen (1977) 91
Young v Registrar, Court of Appeal [No 3] (1993) 315