

1997-1998

THE
COMMONWEALTH
LAW REPORTS

CASES DETERMINED IN THE
HIGH COURT OF AUSTRALIA

EDITOR
J D MERRALLS, AM, QC

VOLUME 192

LBC INFORMATION SERVICES

1999

REPORTERS

C M CALEO
G S CLARKE
J D ELLIOTT
G B JOHNSTON
S G E MCLEISH
M K MOSHINSKY

Barristers-at-Law

PRODUCTION SUPERVISOR

CAROLYN MAY

Published in Sydney by
LBC Information Services
100 Harris Street, Pyrmont, NSW
560 Lonsdale Street, Melbourne, Vic
239 George Street, Brisbane, Queensland
77 St George's Terrace, Perth, WA

ISSN 0069-7133

© 1999 Thomson Professional Information Asia Pacific Pty Ltd
t/as LBC Information Services

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

JUSTICES OF THE HIGH COURT OF AUSTRALIA

DURING THE CURRENCY OF THIS VOLUME

THE HONOURABLE SIR FRANCIS GERARD BRENNAN, AC, KBE
CHIEF JUSTICE

THE HONOURABLE SIR DARYL MICHAEL DAWSON, AC, KBE,
CB (resigned 15 August 1997)

THE HONOURABLE JOHN LESLIE TOOHEY, AC (resigned
2 February 1998)

THE HONOURABLE MARY GENEVIEVE GAUDRON

THE HONOURABLE MICHAEL HUDSON MCHUGH, AC

THE HONOURABLE WILLIAM MONTAGUE CHARLES GUMMOW,
AC

THE HONOURABLE MICHAEL DONALD KIRBY, AC, CMG

THE HONOURABLE KENNETH MADISON HAYNE (appointed
22 September 1997)

THE HONOURABLE IAN DAVID FRANCIS CALLINAN (appointed
3 February 1998)

ATTORNEY-GENERAL

THE HONOURABLE DARYL ROBERT WILLIAMS, AM, QC, MP

MEMORANDA

- 1998
- February 2 — Resignation of THE HONOURABLE JOHN LESLIE TOOHEY, AC, from the office of a Justice of the High Court of Australia.
 - February 3 — Appointment of IAN DAVID FRANCIS CALLINAN ESQ, QC, to the office of a Justice of the High Court of Australia.

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

TABLE OF CASES REPORTED IN THIS VOLUME

American Home Assurance Co; Johnson v	266
Attorney-General (Q) v Riordan	1
Bank of South Australia Ltd v Ferguson	248
Buckle; Stamp Duties (NSW), Chief Commissioner of v	226
Cannane v J Cannane Pty Ltd (In liq)	557
Cannane (J) Pty Ltd (In liq); Cannane v	557
Commonwealth v SCI Operations Pty Ltd	285
Conservation Commission (NT); Romeo v	431
Day; Pyrenees Shire Council v	330
Ferguson; Bank of South Australia Ltd v	248
Johnson v American Home Assurance Co	266
Ousley v The Queen	69
Peters v The Queen	493
Pyrenees Shire Council v Day	330
R; Ousley v	69
R; Peters v	493
R; Swaffield v	159
Riordan; Attorney-General (Q) v	1
Rocco Pezzano Pty Ltd; Unity Insurance Brokers Pty Ltd v	603
Romeo v Conservation Commission (NT)	431
SCI Operations Pty Ltd; Commonwealth v	285
Stamp Duties (NSW), Chief Commissioner of v Buckle	226
Swaffield v The Queen	159
Unity Insurance Brokers Pty Ltd v Rocco Pezzano Pty Ltd	603

TABLE OF CASES JUDICIALLY CONSIDERED IN CASES REPORTED IN THIS VOLUME

<i>Aiken v Kingborough Corporation</i> (1939) 62 CLR 179 at 210 Considered. <i>Romeo v Conservation Commission (NT)</i>	431
<i>Attorney-General (Q) v Riordan</i> (1995) 63 IR 317 Affirmed. <i>Attorney-General (Q) v Riordan</i>	1
<i>Australian Safeway Stores Pty Ltd v Zaluzna</i> (1987) 162 CLR 479 Applied. <i>Romeo v Conservation Commission (NT)</i>	431
 <i>Bank of South Australia Ltd v Ferguson</i> (1996) 66 SASR 77 Reversed. <i>Bank of South Australia Ltd v Ferguson</i>	248
<i>Biggin & Co Ltd v Permanite Ltd</i> [1951] 2 KB 314 Considered. <i>Unity Insurance Brokers Pty Ltd v Rocco Pezzano Pty Ltd</i>	603
<i>Buzza v Comptroller of Stamps (Vict)</i> (1951) 83 CLR 286 Distinguished. <i>Chief Commissioner of Stamp Duties (NSW) v Buckle</i>	226
 <i>Cannane v Official Trustee in Bankruptcy</i> (1996) 65 FCR 453 Reversed. <i>Cannane v J Cannane Pty Ltd (In liq)</i>	557
<i>Cleland v The Queen</i> (1982) 151 CLR 1 Considered. <i>Swaffield v The Queen</i>	159
 <i>Davidson v Armytage</i> (1906) 4 CLR 205 Distinguished. <i>Chief Commissioner of Stamp Duties (NSW) v Buckle</i>	226
<i>Davidson v Chimside</i> (1908) 7 CLR 324 Distinguished. <i>Chief Commissioner of Stamp Duties (NSW) v Buckle</i>	226
<i>Duke v The Queen</i> (1989) 180 CLR 508 Considered. <i>Swaffield v The Queen</i>	159
 <i>Foster v The Queen</i> (1993) 67 ALJR 550; 113 ALR 1 Considered. <i>Swaffield v The Queen</i>	159
 <i>Hardie v Hanson</i> (1960) 105 CLR 451 at 456 Applied. <i>Cannane v J Cannane Pty Ltd (In liq)</i>	557
 <i>Jones v The Queen</i> (1989) 166 CLR 409 Followed. <i>Bank of South Australia Ltd v Ferguson</i>	248
 <i>Love v Attorney-General (NSW)</i> (1990) 169 CLR 307 Applied. <i>Ousley v The Queen</i>	69
 <i>McDermott v The King</i> (1948) 76 CLR 501 Considered. <i>Swaffield v The Queen</i>	159
<i>Maguire v Makaronis</i> (1997) 188 CLR 449 Referred to. <i>Bank of South Australia Ltd v Ferguson</i>	248
<i>Mallinson v Scottish Australian Investment Co Ltd</i> (1920) 28 CLR 66 at 70 Applied. <i>Commonwealth v SCI Operations Pty Ltd</i>	285
<i>Murphy v The Queen</i> (1989) 167 CLR 94 Referred to. <i>Ousley v The Queen</i>	69
 <i>Nagle v Rottnest Island Authority</i> (1993) 177 CLR 423 Applied. <i>Romeo v Conservation Commission (NT)</i>	431

<i>Octavo Investments Pty Ltd v Knight</i> (1979) 144 CLR 360 at 367 Considered. Chief Commissioner of Stamp Duties (NSW) v Buckle	226
<i>Parramatta City Council v Lutz</i> (1988) 12 NSWLR 293 Considered. Pyrenees Shire Council v Day	330
<i>Pyrenees Shire Council v Day</i> [1997] 1 VR 218 Varied. Pyrenees Shire Council v Day	330
<i>R v Broyles</i> [1991] 3 SCR 595 Considered. Swaffield v The Queen	159
<i>R v Ghosh</i> [1982] QB 1053 Not followed. Peters v The Queen	493
<i>R v Herbert</i> [1990] 2 SCR 151 Considered. Swaffield v The Queen	159
<i>R v Ireland</i> (1970) 126 CLR 321 Considered. Swaffield v The Queen	159
<i>R v Ludeke; Ex p Queensland Electricity Commission</i> (1985) 159 CLR 178 at 183 Approved. Attorney-General (Q) v Riordan	1
<i>R v Ousley</i> (1996) 87 A Crim R 326 Affirmed. Ousley v The Queen	69
<i>R v Peters</i> [1997] 1 VR 489 Affirmed. Peters v The Queen	493
<i>R v Salvo</i> [1980] VR 401 Considered. Peters v The Queen	493
<i>R v Scott</i> [1975] AC 819 Discussed. Peters v The Queen	493
<i>Romeo v Conservation Commission (NT)</i> (1995) 123 FLR 84 Affirmed. Romeo v Conservation Commission (NT)	431
<i>SCI Operations Pty Ltd v The Commonwealth</i> (1996) 69 FCR 346 Reversed. Commonwealth v SCI Operations Pty Ltd	285
<i>Schiller v Mulgrave Shire Council</i> (1972) 129 CLR 116 Considered. Romeo v Conservation Commission (NT)	431
<i>Stamp Duties, Chief Commissioner of (NSW) v Buckle</i> (1995) 38 NSWLR 574 Affirmed. Chief Commissioner of Stamp Duties (NSW) v Buckle	226
<i>Stamp Duties, Commissioner of (NSW) v Perpetual Trustee Co Ltd (Quigley's Case)</i> (1926) 38 CLR 272 Referred to. Chief Commissioner of Stamp Duties (NSW) v Buckle	226
<i>Stamp Duties, Commissioner of (NSW) v Yeend</i> (1929) 43 CLR 235 at 241, 244 Referred to. Chief Commissioner of Stamp Duties (NSW) v Buckle	226
<i>State Revenue, Commissioner of (Vict) v Royal Insurance Australia Ltd</i> (1994) 182 CLR 51 Distinguished. Commonwealth v SCI Operations Pty Ltd	285
<i>Stovin v Wise</i> [1996] AC 923 Considered. Pyrenees Shire Council v Day	330
<i>Sutherland Shire Council v Heyman</i> (1985) 157 CLR 424 at 463-464 Disapproved. Pyrenees Shire Council v Day	330
<i>Swaffield v The Queen</i> (1996) 88 A Crim R 98 Affirmed. Swaffield v The Queen	159
<i>Tran Nominees Pty Ltd v Scheffler</i> (1986) 42 SASR 361 Distinguished. Ousley v The Queen	69
<i>Unity Insurance Brokers Pty Ltd v Rocco Pezzano Pty Ltd</i> (1996) 9 ANZ Insurance Cases 61-343 Affirmed. Unity Insurance Brokers Pty Ltd v Rocco Pezzano Pty Ltd	603

<i>Wallace v Love</i> (1922) 31 CLR 156 at 164 Considered. Chief Commissioner of Stamp Duties (NSW) v Buckle	226
<i>Westdeutsche Landesbank Girocentrale v Islington London Borough Council</i> [1996] AC 669 Referred to. Commonwealth v SCI Operations Pty Ltd	285
<i>Wyang Shire Council v Shirt</i> (1980) 146 CLR 40 at 47-48 Applied. <i>Romeo v Conservation Commission</i> (NT)	431

CORRIGENDA

- 191 CLR 320, line 42: For “emphasis general rule” read “The general rule”.
- 191 CLR 472, line 8: For “75(ii)” read “75(iii)”.
- 191 CLR 474, line 14: For “legislative powers” read “executive powers”.
- 191 CLR 491, line 38: For “lead” read “led”.
- 192 CLR 160, line 15: For “*R v Herbert*” read “*R v Hebert*”.
- 192 CLR 160, line 33: For “*Appeal dismissed*” read “*Appeals dismissed*”.
- 192 CLR 286, line 27: Insert “there was” before “no period”.
- 192 CLR 331, line 17: Insert “and the tenants” after “the council”.
- 192 CLR 378, line 27: For “tenants and Mr” read “tenants, Mr”.
- 192 CLR 432, line 3: Insert “of” after “was”.

STATUTES, RULES, ETC JUDICIALLY CONSIDERED

IMPERIAL

The Constitution s 51(xxxv): Attorney-General (Q) v Riordan	1
---	---

COMMONWEALTH

Bankruptcy Act 1966 ss 6, 121(1): Cannane v J Cannane Pty Ltd (In liq)	557
Corporations Law s 565(1): Cannane v J Cannane Pty Ltd (In liq)	557
Crimes Act 1914 ss 86(1)(e), 86A: Peters v The Queen	493
Customs Act 1901 ss 163, 167, 269N: Commonwealth v SCI Operations Pty Ltd	285
Customs Regulations regs 126(f), 127(1), 128, 128A: Commonwealth v SCI Operations Pty Ltd	285
Federal Court of Australia Act 1976 s 51A(1): Commonwealth v SCI Operations Pty Ltd	285
Industrial Relations Act 1988 s 4(1) "industrial dispute", s 101(1)(a): Attorney-General (Q) v Riordan	1
Insurance Contracts Act 1984 s 28(3): Unity Insurance Brokers Pty Ltd v Rocco Pezzano Pty Ltd	603

NEW SOUTH WALES

Stamp Duties Act 1920 ss 65, 66: Chief Commissioner of Stamp Duties (NSW) v Buckle	226
--	-----

NORTHERN TERRITORY

Conservation Commission Act 1980 ss 19, 20: Romeo v Conservation Commission (NT)	431
--	-----

SOUTH AUSTRALIA

Real Property Act 1886 s 69: Bank of South Australia Ltd v Ferguson	248
---	-----

VICTORIA

Crimes Act 1958 s 568: Ousley v The Queen	69
---	----

VICTORIA — *continued*

Criminal Appeals and Procedures Rules 1988	
r 7.05: Ousley v The Queen	69
Interpretation of Legislation Act 1984	
s 50: Ousley v The Queen	69
Listening Devices Act 1969	
s 4A: Ousley v The Queen	69
Local Government Act 1958	
ss 694(1), 695(1A), 885, 890: Pyrenees Shire Council v Day	330
Supreme Court Act 1986	
s 25(1)(f): Ousley v The Queen	69

TABLE OF CASES CITED IN THE JUDGMENTS

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

ACI Operations Pty Ltd v Commonwealth (1995)	298, 307, 318, 321
ACI PET Operations Pty Ltd v Comptroller-General of Customs (1990)	296, 320
ACI PET Operations Pty Ltd v Comptroller-General of Customs (1993)	296, 297, 320
Adam P Brown Male Fashions Pty Ltd v Philip Morris Inc (1981)	114
Adams v The Queen (1995)	506, 509, 530
Advance (NSW) Insurance Agencies Pty Ltd v Matthews (1989)	621, 643, 649
Aerolineas Argentinas v Federal Airports Corporation (1995)	99
Aiken v Kingborough Corporation (1939) .. 437, 440, 441, 442, 443, 444, 453, 458, 460, 463, 467, 486, 487, 489	463, 467, 486, 487, 489
Ainsworth v Criminal Justice Commission (1992)	93, 111
Air Canada v British Columbia (1989)	324
Alati v Kruger (1955)	316
Albion Insurance Co Ltd v Body Corporate Strata Plan No 4303 (1983)	272
Alec Finlayson Pty Ltd v Armidale City Council (1994)	359, 370, 409
Alexander v Cambridge Credit Corporation Ltd (1987)	612
Allen v Gulf Oil Refining Ltd (1981)	412
Al Saudi Banque v Clark Pixley (1990)	376
Amalgamated Metal Workers Union, Re; Ex p Shell Co of Australia Ltd (1992) ...	40
Anderson v Fitzgerald (1853)	274
Andjelic v Marsland (1996)	319
Anglim & Cooke v Thomas (1974)	184
Ann v Merton London Borough Council (1978)	358, 396, 413, 423, 426, 463, 472, 484
Architects Registration Board (Vict) v Hutchison (1925)	13
Arno v Forsyth (1986)	107, 108
Arno, Re; Ex p Forsyth (1985)	108
Associated Provincial Picture Houses Ltd v Wednesbury Corporation (1948)	443
Attorney-General (NSW) v Martin (1909)	197
Attorney-General (NT) v The Queen; Ex p Tomlinson (1981)	89
Attorney-General (Q) v Riordan (1995)	34, 48, 49, 51, 53, 54, 56, 63, 64
Attorney-General's Reference (No 1 of 1982) (1983)	521, 522
Australian Bank Employees Union, Re; Ex p Citicorp Australia Ltd (1989)	26
Australian Boot Trade Employés' Federation v Whybrow & Co (1910)	39, 41
Australian Broadcasting Corporation v Cloran (1984)	107
Australian Casualty Co Ltd v Federico (1986)	272, 274, 275
Australian Communist Party v Commonwealth (1951)	12, 37
Australian Dredging and General Works Pty Ltd v Seamen's Union of Australia (1958)	38
Australian Education Union, Re; Ex p Victoria (1994)	26
Australian Education Union, Re; Ex p Victoria (1995)	26
Australian Federal Police Commissioner v Propend Finance Pty Ltd (1997)	118, 375
Australian Heritage Commission v Mount Isa Mines Ltd (1997)	13, 29
Australian Insurance Staffs' Federation v Atlas Assurance Co Ltd (1931)	42
Australian Iron & Steel Ltd v Hoogland (1962)	313
Australian Safeway Stores Pty Ltd v Zaluzna (1987)	419, 445, 453, 457, 460, 469, 470, 474, 476, 486
Australian Tramway and Motor Omnibus Employees' Association v Commissioner for Road Transport and Tramways (NSW) (1938)	16, 45
Authorization (Wiretap Reference), Re Application for an (1984)	112, 119, 141

Ayoub v Lombard Insurance Co (Australia) Ltd (1989)	636, 642, 649
BRS v The Queen (1997)	192
BX Development Inc and The Queen, Re (1976)	111
Baffsky v Brewis (1976)	618
Bahr v Nicolay [No 2] (1988)	255
Balcombe v De Simoni (1972)	542, 578
Ballantyne v City of Glasgow District Licensing Board (1987)	396
Baltic Shipping Co v Dillon (1993)	650
Banco de Portugal v Waterlow & Sons Ltd (1932)	617, 638, 654
Bank of South Australia v Ferguson (1995)	254, 256, 257, 259, 260, 262, 263
Bank of South Australia v Ferguson (1996)	254, 255, 257, 258, 260, 261, 263
Bankruptcy, Official Receiver in v Schultz (1990)	242
Barclay Holdings (Australia) Pty Ltd v British National Insurance Co Ltd (1987)	635
Bardsley v Batemans Bay Bowling Club Ltd (1996)	446, 464
Barnes, Re; Ex p Stapleton (1962)	566, 589, 592, 598
Barratt v North Vancouver (1980)	396
Barrett v Enfield London Borough Council (1998)	358
Barton v Deputy Federal Commissioner of Taxation (1974)	566, 574, 579
Barton v Official Receiver (1986)	592
Barton v The Queen (1980)	147
Bauer Tonkin Insurance Brokers v CIC (1995)	642
Beddoe, In re (1893)	246
Beljajev v Director of Public Prosecutions (1991)	104
Bell Bros Pty Ltd v Shire of Serpentine-Jarrahdale (1969)	324
Bellgrove v Eldridge (1954)	654
Bennett v Minister of Community Welfare (1992)	389, 651
Bhiwardi, Municipality of v Kailash Sizing Works (1974)	596
Bienke v Minister for Primary Industries (1996)	394
Biggin & Co Ltd v Permanite Ltd; Berry Wiggins & Co Ltd (Third Parties) (1951)	608, 614, 615, 623, 624, 625, 626, 631, 633, 634, 635, 640, 641, 652, 654
Black v City of South Melbourne (1964)	483
Blyth v Birmingham Waterworks Co (1856)	470
Bolton v Stone (1951)	431, 461, 462
Bolton, Re; Ex p Beane (1987)	141
Bond v The Queen (1992)	527, 534, 547
Booth v Trail (1883)	313
Boulton, Re; Ex p Victoria (1994)	26
Bowden v Box (1916)	107
Bowen v Paramount Builders (1977)	396
Boyes v Smyth (1933)	277, 280, 284
Bradbury v London Guarantee & Accident Co Ltd (1927)	274
Brady v Stapleton (1952)	566, 574
Breavington v Godleman (1988)	313
Bremer Vulkan Schiffbau und Maschinenfabrik v South India Shipping Corporation Ltd (1981)	623
British Westinghouse Electric and Manufacturing Co Ltd v Underground Electric Railways Co of London Ltd (1912)	654
Bromley v The Queen (1986)	192
Brooks v Burns Philp Trustee Co Ltd (1969)	623
Bropho v Western Australia (1990)	141
Brown v Heathcote County Council (1986)	359, 370, 396
Brown v West (1990)	354, 383
Browne v Dunn (1893)	601
Bruce v The Queen (1976)	637
Bryan v Maloney (1991)	418
Bryan v Maloney (1995)	396, 409, 410, 413, 414, 415, 416, 426, 427, 457
Buchanan v Brosnan (1929)	276, 280, 284
Buck v Bavone (1976)	29

Buckle v Chief Commissioner of Stamp Duties (NSW) (1995)	232, 238, 247
Builders' Labourers' Case (1914)	39, 45
Bull v Devon Health Authority (1993)	484
Bunning v Cross (1978)	76, 95, 116, 117, 124, 132, 144, 146, 153, 176, 177, 180, 185, 191, 209, 211, 212
Burnie Port Authority v General Jones Pty Ltd (1994)	389, 414, 418, 457, 475
Burns v MAN Automotive (Aust) Pty Ltd (1986)	607, 608, 613, 650
Burrum Corporation v Richardson (1939)	440
Bus v Sydney County Council (1989)	461
Buzza v Comptroller of Stamps (Vict) (1951)	241, 242
Byrne v Australian Airlines Ltd (1995)	313, 376, 387
C Czarnikow Ltd v Koufos (1969)	650
CIC Insurance Ltd v Bankstown Football Club Ltd (1997)	325
CN v Norsk Pacific Steamship Co (1992)	396, 414
Caddy v McInnes (1995)	592, 593, 598
Cadogan v Kennett (1776)	567
Cain v Glass [No 2] (1985)	147
Caledonian Collieries Ltd v Australasian Coal and Shale Employees' Federation [No 1] (1930)	15, 36, 40, 55, 57
Caledonian Collieries Ltd v Australasian Coal and Shale Employees' Federation [No 2] (1930)	17, 28, 36, 43, 55
Caledonian Collieries Ltd v Speirs (1957)	391, 450
Cameron v Cole (1944)	99
Cannane v Official Trustee in Bankruptcy (1996)	571, 573, 576, 577, 579, 580, 581, 582, 584, 585, 586, 587, 591, 599, 600, 602
Cannane (J) Pty Ltd (In liq) v Cannane (1995)	580, 584, 589
Caparo Industries Plc v Dickman (1990)	361, 415, 417, 418, 419, 476
Capital and Counties Plc v Hampshire County Council (1997)	358, 388, 396, 397, 409, 410, 472
Carmody v Mackellar (1996)	100, 101
Carr v The Queen (1988)	192
Carroll v Attorney-General (NSW) (1993)	79, 98, 100, 102, 134, 142, 143
Carroll v Attorney-General (NSW) (1994)	147
Carroll v Mijovich (1991)	107, 141, 143
Carter v Boehm (1766)	635
Carter v The Queen (1997)	527, 534, 547
Casley-Smith v F S Evans & Sons Pty Ltd [No 5] (1988)	359, 370, 409
Caudle v Seymour (1841)	89, 107
Cekan v Haines (1990)	464, 479, 480, 481, 485
Chaman Lal v State of Punjab (1970)	597
Chase v De Groot (1994)	613
Cheatle v Director of Public Prosecutions (1992)	527
Chow v Director of Public Prosecutions (NSW) (1992)	147, 638
Citizens' Mutual Life Association v Kennedy (1933)	273, 280
Cleland v Boynes (1978)	114
Cleland v The Queen (1982)	168, 169, 173, 174, 178, 179, 188, 191, 196, 197, 198, 209, 211
Clemente et al v United States (1977)	424
Clyne v Director of Public Prosecutions (1984)	104, 147
Coco v The Queen (1994) ..	78, 80, 87, 100, 101, 102, 112, 118, 119, 120, 121, 133, 134, 141, 142, 145, 150, 153, 383
Coghill v McDermott (1983)	107
Coldham, Re; Ex p Brideson (1989)	35
Coleman v Shell Co of Australia (1943)	295, 309
Collins v The Queen (1980)	169, 179, 180, 188, 198
Comeau's Sea Foods Ltd v Canada (1997)	382
Commercial Union Assurance Co of Australia Ltd v Ferrcom Pty Ltd (1991)	636
Commonwealth v Amann Aviation Pty Ltd (1991)	624
Commonwealth v Hospital Contribution Fund (1982)	114

Commonwealth v Introvigne (1982)	618
Commonwealth v Mewett (1997)	375
Condogianis v Guardian Assurance Co Ltd (1921)	274
Condon v The Queen (1995)	534, 540, 547
Con-Stan Industries of Australia Pty Ltd v Norwich Winterthur Insurance (Australia) Ltd (1986)	387
Construction Forestry Mining Energy Union, Re; Ex p W J Deane & Sons Pty Ltd (1994)	26
Conway v Rimmer (1968)	144
Cook v Cook (1986)	457
Cooper v Booth (1785)	118, 126, 133, 153
Cornelius v The King (1936)	169, 171
Cornelius & Briggs v The Queen (1988)	503, 527, 534, 547
Coulter v The Queen (1988)	149
Crofts v The Queen (1996)	534
Crowley v Murphy (1981)	154
Crown, The v McNeil (1922)	313
Curran v Greater Taree City Council (1992)	409
Curwood v R F Williams Pty Ltd (1942)	280
Customs, Collector of v Gaylor Pty Ltd (1995)	324
Customs, Comptroller-General of v ACI PET Operations Pty Ltd (1994)	297, 298, 321
Customs, Comptroller-General of v Kawasaki Motors [No 1] (1991)	326
Customs, Comptroller-General of v Kawasaki Motors [No 2] (1991)	328
Customs, Comptroller of v Western Llectric Co Ltd (1966)	184
Cutter v The Queen (1997)	592
Czarnikow (C) Ltd v Koufos (1969)	650
DKLR Holding Co (No 2) Pty Ltd v Commissioner of Stamp Duties (NSW) (1980)	242
DKLR Holding Co (No 2) Pty Ltd v Commissioner of Stamp Duties (NSW) (1982)	242, 243
DMW v CGW (1982)	99
Dalehite v United States (1953)	393
Dalia v United States (1979)	141
Darling Casino Ltd v NSW Casino Control Authority (1997)	29, 30
David Grant & Co Pty Ltd v Westpac Banking Corporation (1995)	301, 313
David Securities Pty Ltd v Commonwealth Bank of Australia (1992)	324
Davidson v Armytage (1906)	241
Davidson v Chirnside (1908)	241
Davy v Spelthorne Borough Council (1984)	99
Dee Conservancy Board v McConnell (1928)	613
De L v Director-General (NSW) [No 2] (1997)	67
Delaney v State (1932)	516
Dennis Rye Pension Fund, Trustees of v Sheffield City Council (1997)	313
Dietrich v The Queen (1992)	394
Dimos v Dikeakos Nominees Pty Ltd (1996)	245
Dodds v Tuke (1884)	246
Donald Campbell & Co v Pollak (1927)	114
Donoghue v Stevenson (1932)	392, 412, 416, 418, 442, 489
Dorset Yacht Co Ltd v Home Office (1970)	396, 412
Driscoll v The Queen (1977)	183, 216
Duke v The Queen (1989)	175, 180, 181, 182, 189, 192, 195
Dutton v Bognor Regis Urban District Council (1972)	413
Dwyer v Long (1992)	649
East Suffolk Rivers Catchment Board v Kent (1941)	357, 412
Education and Science, Secretary of State for v Tameside Metropolitan Borough Council (1977)	147
Edwards v Insurance Office of Australia Ltd (1933)	613, 614, 625

Einem v Edwards (1984)	527, 534, 547
Elliott v Seymour (1993)	104
Ellis v Wallsend District Hospital (1989)	482
Emanuele v Australian Securities Commission (1997)	301
Entick v Carrington (1765)	106, 141
Environment Protection Authority v Caltex Refining Co Pty Ltd (1993)	201, 213, 217, 218
Esanda Finance Corporation Ltd v Peat Marwick Hungerfords (1997) ..	376, 388, 394
Esdale v Stephenson (1822)	317
Ettingshausen v Australian Consolidated Press Ltd (1995)	638
Evda Nominees Pty Ltd v Victoria (1984)	453, 475
Exhall Coal Co Ltd, Re (1866)	246
FAI General Insurance Co Ltd v Hendry Rae & Court (1993)	636, 649
FAI General Insurance Co Ltd v Southern Cross Exploration NL (1988) ..	301
Farquharson v Morgan (1894)	89
Feather v Rogers (1909)	107
Federated Engine-Drivers' and Firemen's Association of Australasia v A1 Amalgamated (1924)	23, 41
Federated Engine-Drivers and Firemen's Association of Australasia v Broken Hill Pty Co Ltd (1911)	48
Federated Storemen and Packers Union of Australia, Re; Ex p Wooldumpers (Vic) Ltd (1989)	30, 31, 32, 34, 37, 39, 40, 42, 64
Feeney v The Queen (1997)	141, 143
Fellowes v Rother District Council (1983)	392
Felt Hatters' Case (1914)	44
Ferraloro v Preston Timber Pty Ltd (1982)	445
Ferrcom Pty Ltd v Commercial Union Assurance Co of Australia Ltd (1993)	636, 649
Finance Facilities Pty Ltd v Federal Commissioner of Taxation (1971) ..	311
Finance Sector Union of Australia, Re; Ex p Financial Clinic (Vic) Pty Ltd (1993)	44
Finance Sector Union of Australia, Re; Ex p Illaton Pty Ltd (1993)	22, 25, 26, 27, 38, 45, 50
Fisher v Hebburn Ltd (1960)	309
Fisher v Val de Travers Asphalte Co (1876)	614, 652
Flanagan v Commissioner, Australian Federal Police (1996) ...	101, 104, 111, 116, 127, 146, 147, 153
Foster v Aloni (1951)	114
Foster v The Queen (1993)	179, 191, 196, 197, 198, 210, 211, 216
Fraser v B N Furman (Productions) Ltd, Miller Smith & Partners (A Firm) Third Party (1967)	273
Freeman v Pope (1870)	566
Fryer v Salford Corporation (1937)	450
GRE Insurance Ltd v QBE Insurance Ltd (1985)	626
Gala v Preston (1991)	410, 427, 457, 474, 476
Galliard v Laxton (1862)	111
Gartside v Inland Revenue Commissioners (1968)	242
George v Rockett (1990)	78, 95, 112, 118, 121, 129, 141, 142, 143, 144, 146
Gerakiteys v The Queen (1984)	519, 520
Gerhardy v Brown (1985)	37
Ghani v Jones (1970)	133, 144
Gilday v Mecosta County (1997)	280
Giorgianni v The Queen (1985)	520, 522
Glegg v Bromley (1912)	591
Goldman v Hargrave (1966)	488
Goods and Services Tax, Reference re (1992)	317
Gorton v Federal Commissioner of Taxation (1965)	576
Gosset v Howard (1845)	88, 89, 108, 109, 129, 152

Grannall v Marrickville Margarine Pty Ltd (1955)	32
Green v The Queen (1997)	555
Grollo v Palmer (1995)	80, 82, 87, 89, 90, 94, 95, 103, 104, 109, 111, 118, 119, 121, 127, 138, 145, 150, 152
Groves v Commonwealth (1982)	389
Haber v Walker (1963)	613
Hackshaw v Shaw (1984)	419, 445, 457, 469, 476, 486, 489
Hadley v Baxendale (1854)	625, 627
Halford v United Kingdom (1997)	157
Hammond v Commonwealth (1982)	170
Harbutt's v Wayne Tank Co (1970)	319
Hardgrave v The King (1906)	551
Hardie v Hanson (1960)	567, 578, 586, 590, 594
Hardoon v Belilios (1901)	244
Hargrave v Goldman (1963)	368, 376, 488
Harmer v Federal Commissioner of Taxation (1991)	242
Harriman v The Queen (1989)	192
Harrington v Lowe (1996)	116, 149
Harris v Director of Public Prosecutions (1952)	183
Harvela Ltd v Royal Trust Co (1986)	317
Hatchett v Bowater Tutt Industries (1990)	26
Hawkins v Clayton (1988)	389, 410, 457
Haynes v Attorney-General (NSW) (1996)	100, 101, 102, 140, 146, 150
Health Insurance Commission v Peverill (1994)	295, 327
Hedges v Grundmann; Ex p Grundmann (1985)	107, 108, 144
Hedley Byrne & Co Ltd v Heller & Partners Ltd (1964)	379, 412
He Kaw Teh v The Queen (1985)	551
Henderson v Merrett Syndicates Ltd (1995)	339, 343
Herrington v British Railways Board (1971)	489
Hewett v Court (1983)	247
Hicks v Lake Macquarie City Council [No 2] (1992)	359, 409
Hill v Chief Constable of West Yorkshire (1989)	415
Hill v Van Erp (1997)	360, 385, 389, 390, 413, 414, 457
Hilton v Wells (1985)	153
Hoch v The Queen (1988)	192
Hoffa v United States (1966)	218
Hoffman-La Roche v Trade Secretary (1975)	130
Holyman's Case (1914)	34, 39, 42, 57
Hopkins v Swansea (1839)	313
Houssein v Under Secretary of Industrial Relations and Technology (NSW) (1982)	93, 111
Howard v Jarvis (1958)	389
Hungerfords v Walker (1989)	316, 319
Hyams, Re; Official Receiver v Hyams (1970)	597, 598
Hyman v Rose (1912)	301
Ibrahim v The King (1914)	167, 171
Illinois v Perkins (1990)	218
Immigration and Ethnic Affairs, Minister for v Teoh (1995)	213, 387
Immigration and Ethnic Affairs, Minister for v Wu Shan Liang (1996)	29, 313
Indermaur v Dames (1866)	442
India, President of v La Pintada Compania Navigacion SA (1985)	300, 315, 328
Inland Revenue Commissioners v Muller & Co's Margarine Ltd (1901)	544
Inland Revenue Commissioners v Rossminster Ltd (1980)	88, 94, 99, 106, 108, 112, 118, 120, 128, 133, 142, 143, 144, 147, 152, 154
Invercargill City Council v Hamlin (1994)	396, 409, 411
Invercargill City Council v Hamlin (1996)	359
Inverell Municipal Council v Pennington (1993)	447, 461, 464, 470, 480, 482, 483

J Cannane Pty Ltd (In liq) v Cannane (1995)	580, 584, 599
Jacob & Youngs v Kent (1921)	654
Jaenke v Hinton (1995)	447
Jaensch v Coffey (1984)	360, 417, 418, 457
James v Commonwealth (1939)	394
James P Corry & Co Ltd v Clarke (1967)	644
Jarman, Re; Ex p Cook [No 1] (1997)	145
John Hancock Mutual Life Insurance Co v Schroder (1938)	272, 273, 275, 279, 284
Johnson v American Home Assurance Co (1994)	268
Johnson v American Home Assurance Co (1996)	268
Johnson v Perez (1988)	623, 640
Jones v The Queen (1989)	263
Josephson v Walker (1914)	326
Julius v Lord Bishop of Oxford (1880)	346, 425
Jumbunna Coal Mine, NL v Victorian Coal Miners' Association (1908)	39
Just v British Columbia (1989)	360, 394, 396, 464, 480, 484, 485
Kamara v Director of Public Prosecutions (1974)	515
Kamloops, City of v Nielsen (1984)	396, 413
Karina Fisheries Pty Ltd v Mitson (1990)	82, 83, 84, 89, 92, 108, 111, 130, 139, 142, 146, 147, 152
Kaucky v Southwest Airlines Co (1997)	327
Kayley v Hothersall (1925)	114
Kelly, Re (1932)	565
Kemtron Industries Pty Ltd v Commissioner of Stamp Duties (Q) (1984)	245, 246
King v The Queen (1969)	177
Kinning v Buchanan (1849)	129
Kitchen v Royal Air Force Association (1958)	640
Kizbeau Pty Ltd v W G & B Pty Ltd (1995)	627
Knight v F P Special Assets Ltd (1992)	301
Knight Area v Home Office (1990)	480, 484
Kodak (Australasia) Pty Ltd v Retail Traders Mutual Indemnity Insurance Association (1942)	273
Koufos v C Czarnikow Ltd (1969)	613
Kratzmann (N A) Pty Ltd (In liq) v Tucker [No 2] (1968)	566
Kuhlmann v Wilson (1986)	219
Kuruma v The Queen (1955)	183
La Macchia v Minister for Primary Industry (1986)	309
Lamb v Moss (1983)	147
Lamsoon (Australia) Pty Ltd v Shop, Distributive and Allied Employees Association (1995)	19, 62, 63
Lane-Fox, In re; Ex p Gimblett (1900)	566
Lange v Australian Broadcasting Corporation (1997)	453
Latham v The Queen (1864)	524
Lawrence, Re; Ex p Goldbar Holdings Pty Ltd (1994)	146
Lawrie v Lees (1881)	382
Lawrie v Muir (1950)	177
Legal & General Insurance v Eather (1986)	272, 273, 275
Lego Australia Pty Ltd v Paraggio (1993)	598
Lemesk Pty Ltd v Easterby (1993)	108, 144
Lempke v Dagenais (1988)	427
Levi v Levi (1833)	524
Life & Casualty Insurance Co of Tennessee v Peacock (1929)	275, 279, 273, 284
Lindsay v CIC Insurance Ltd (1989)	642
Lindsay v Leigh (1848)	107
Lipman v Clendinnen (1932)	440
Lloyd & Commercial Union Assurance Co of Canada, Re (1984)	280
Lloyds Bank Ltd v Marcan (1973)	567, 598

Lockwood v Commonwealth (1954)	354, 383
London and Globe Finance Corporation Ltd, In re (1903)	505
London, Mayor of v Cox (1867)	107, 108
Long v Graham (1967)	276, 277, 280, 284
Longman v The Queen (1989)	192
Lord v American Mutual Accident Association (1894)	273, 275, 279
Lord v Pacific Steam Navigation Co Ltd (The Oropesa) (1943)	613
Love v Attorney-General (NSW) (1990) .. 80, 87, 95, 100, 101, 109, 121, 122, 127, 130, 131, 134, 140, 142, 145, 147, 152	
Lutheran Church of Australia South Australia District Inc v Farmers' Co- operative Executors & Trustees Ltd (1970)	238
Lynch v Brisbane City Council (1961)	114
MBP (SA) Pty Ltd v Gogic (1991)	319
Mabo v Queensland [No 2] (1992)	213, 387
McArthur v Williams (1936)	79, 80, 87, 103, 126, 127, 147
McCheane v Gyles (1902)	114
McDermott v The King (1948) 168, 170, 171, 172, 173, 180, 188, 190, 196, 197, 208, 209	
MacDonald v Beare (1904)	107
McIntyre, Re; Ex p Community and Public Sector Union (1995)	26, 57
McKinney v The Queen (1991)	192
McLean v Tedman (1984)	445, 469, 478, 491
MacPherson v The Queen (1981)	188, 196
Maguire v Makaronis (1997)	259, 317
Maguire v Simpson (1977)	375
Makin v Attorney-General (NSW) (1894)	192
Malcolm v Selby (1994)	152
Mallett v McMonagle (1970)	482
Mallinson v Scottish Australian Investment Co Ltd (1920)	305, 313
Malpas v Malpas (1885)	114
Maran Road v Austin Taylor (1975)	641
March v Stramare (E & M H) Pty Ltd (1991)	445, 484, 491, 612, 651
Marks, Ex p (1906)	107
Mason v New South Wales (1959)	324
Mattingley v Tuckwood (1989)	547
Media, Entertainment and Arts Alliance, Re; Ex p Arnel (1994)	26
Media, Entertainment and Arts Alliance, Re; Ex p Hoyts Corporation Pty Ltd (1993)	26
"Medina Princess", The (1962)	300, 301, 328
Medlin v State Government Insurance Commission (1995)	607, 608, 613, 640
Meissner v The Queen (1995)	527
Melbourne and Metropolitan Tramways Board v Horan (1967)	45
Mercer, Ex p; In re Wise (1886)	566
Merchant v The Queen (1971)	176
Mersey Docks and Harbour Board Trustees v Gibbs (1866)	412
Metal Trades Employers Association v Amalgamated Engineering Union (1935) ...	40
Metropolitan Gas Co v Melbourne Corporation (1924)	389
Micosta SA v Shetland Islands Council (1986)	396
Mid Density Developments Pty Ltd v Rockdale Municipal Council (1993)	596, 597
Miller v Miller (1978)	153
Mills v Meeking (1990)	150
Minnesota Mining and Manufacturing Co v Beiersdorf (Australia) Ltd (1980)	627
Miranda v Arizona (1966)	218
Mitchell v New Plymouth Club (Inc) (1958)	143
Mitchell v The Queen (1996)	311
Mogridge v Clapp (1892)	597, 601
Morse v Thompson (1977)	108, 143, 144, 151
Mount Albert Borough Council v Johnson (1979)	396

Mount Albert City Council v New Zealand Municipalities Co-operative Insurance Co Ltd (1983)	274
Mraz v The Queen (1955)	554
Mulcahy v Ministry of Defence (1996)	418
Mulcahy v The Queen (1868)	513, 519, 523
Muller v Dalgety & Co Ltd (1909)	323
Murdoch, Murphy, Murphy & Murphy v The Queen (1987)	147
Murphy v Brentwood District Council (1991)	358, 396, 410, 414, 463
Murphy v The Queen (1989)	79, 87, 98, 102, 103, 124, 125, 126, 127, 131, 134, 140, 145, 147
Murray v United Kingdom (1996)	214
N A Kratzmann Pty Ltd (In liq) v Tucker [No 2] (1968)	566
Nagle v Rottneest Island Authority (1989)	359, 370, 409
Nagle v Rottneest Island Authority (1993)	438, 444, 445, 446, 452, 453, 454, 457, 458, 460, 463, 464, 469, 472, 474, 476, 478, 482, 483, 486, 487
Nakkuda Ali v Jayaratne (1951)	147
Nakos v Tzavaras (1994)	402
National Australia Bank Ltd v Budget Stationery Supplies Pty Ltd (1997)	317, 319
Naughton v Colonial Provident Life and General Assurance Co Ltd (1928)	114
Nelson v John Lysaght (Australia) Ltd (1975)	450
Nelson v Nelson (1995)	317
Newcastle City Council v GIO General Ltd (1997)	620
Newcrest Mining (WA) Ltd v Commonwealth (1997)	214, 383
Ng Chee Chong v Austin Taylor & Co Ltd (1975)	617
Noakes v Harvy Holmes & Son (1979)	566, 568, 574, 592, 593
Nominal Defendant (Q) v Langman (1988)	631, 652
Noor Mohamed v The King (1949)	183
Northern Sandblasting Pty Ltd v Harris (1997)	360, 440
Northern Suburbs General Cemetery Reserve Trust v Commonwealth (1993)	311
Northern Territory v Deutscher Klub Inc & Boral Gas (1994)	359, 370, 397, 409
Northern Territory v Mengel (1995)	375
Northern Territory v Shoemsmith (1996)	461
Norton Australia Pty Ltd v Streets Ice Cream Pty Ltd (1968)	612
OLL Ltd v Secretary of State for Transport (1997)	358, 388
OPSM Pty Ltd v Withers (1987)	142
Oceanic Sun Line Special Shipping Co Inc v Fay (1988)	549
Octavo Investments Pty Ltd v Knight (1979)	246
Official Trustee v Marchiori (1983)	587, 597, 601, 602
Official Trustee v Mitchell (1992)	591, 593, 596, 598
Ogden Industries Pty Ltd v Lucas (1967)	309
Onus v Alcoa of Australia Ltd (1981)	347
Orb Holdings Pty Ltd v Lombard Insurance Co (Australia) Ltd (1995)	636, 649
O'Sullivan v Farrer (1989)	93
O'Toole v Charles David Pty Ltd (1991)	12, 13, 14, 30, 37
Ousley v The Queen (1997)	220, 375
Overseas Tankship (UK) Ltd v Miller Steamship Co Pty Ltd (1967)	462, 480
PKIU, Re; Ex p Vista Paper Products Pty Ltd (1993)	22, 40, 41, 43, 45, 50, 52, 64
PMT Partners Pty Ltd (In liq) v Australian National Parks and Wildlife Service (1995)	93
P Perl (Exporters) Ltd v Camden London Borough Council (1984)	368
P T Garuda Indonesia Ltd v Grellman (1992)	565, 566, 574, 585, 590, 591, 592, 593, 597
Padfield v Minister of Agriculture, Fisheries and Food (1968)	346, 347
Papatonakis v Australian Telecommunications Commission (1985)	475
Paris v Stepney Borough Council (1951)	460

Parker v Churchill (1985)	143
Parker v Taylor (1994)	104
Parker v The Queen (1963)	543
Parramatta City Council v Lutz (1988)	330, 344, 347, 351, 359, 365, 368, 370, 388, 389, 390, 397, 403, 409, 411, 472, 482
Pavey & Matthews Pty Ltd v Paul (1987)	387
Peabody Donation Fund v Sir Lindsay Parkinson & Co Ltd (1985)	415, 423
Peacock v Bell (1667)	89, 107, 108
Penrith City Council v Government Insurance Office (NSW) (1991)	626
People v O'Brien (1965)	177
Pereira v Director of Public Prosecutions (1988)	597
Peters v Attorney-General (NSW) (1988)	145
Peters v The Queen (1998)	592
Petty v The Queen (1991)	217, 218
Pfennig v The Queen (1995)	183, 192
Phillis v Daly (1988)	464, 469, 474, 478, 480, 481
Pilkington v Wood (1953)	654
Pitfield v Franki (1970)	35
Pitt v Curotta (1931)	316
Plenty v Dillon (1991)	112, 120
Polites, Re; Ex p Hoyts Corporation Pty Ltd (1991)	67
Pollard v The Queen (1992)	116, 132, 179, 180, 182, 211, 216
Pollitt v The Queen (1992)	192
Posner v Collector for Inter-State Destitute Persons (Vict) (1946)	100, 152
Poulterers' Case	514
Poyser v Minors (1881)	114
Pressler v Holzberger (1989)	142
Preston, In re (1985)	99
Printing and Kindred Industries Union, Re; Ex p Nationwide News Pty Ltd t/as Cumberland Newspaper Group (1994)	26
Printing and Kindred Industries Union, Re; Ex p Vista Paper Products Pty Ltd (1993)	27, 28
Professional Engineers' Association, Ex p (1959)	24, 40
Public Prosecutions, Director of v Beard (1920)	551
Public Prosecutions, Director of v Head (1959)	100
Public Prosecutions, Director of v Withers (1975)	514, 515, 525
Public Trustee v Sutherland Shire Council (1992)	482, 483
Pyneboard Pty Ltd v Trade Practices Commission (1983)	201, 213
Pyrenees Shire Council v Day (1997) .. 349, 351, 352, 353, 354, 355, 361, 362, 366, 367, 372, 375, 378, 382, 383, 384, 387, 388, 395, 403, 404, 405, 406, 407, 408, 409	
Pyrenees Shire Council v Day (1998)	443, 446, 463, 472, 476
Quartermaine v The Queen (1980)	554
Queensland v JL Holdings Pty Ltd (1997)	638, 641
Queensland Electricity Commission, Re; Ex p Electrical Trades Union of Australia (1987)	41
Queensland Trustees Ltd v Commissioner of Stamp Duties (Q) (1952)	238
Quigley's Case (Stamp Duties, Commissioner of (NSW) v Perpetual Trustee Co Ltd) (1926)	242, 243
R v Absolon and Clark (1859)	524
R v Allard (1988)	527, 534, 547
R v Alley; Ex p NSW Plumbers & Gasfitters Employees' Union (1981)	14, 15, 24, 28, 38, 40, 44
R v All Saints Southampton (1828)	89, 107
R v Allsop (1976)	525
R v Amad (1962)	198
R v Aston and Burnell (1987)	503, 527, 534, 547
R v Australian Stevedoring Industry Board; Ex p Melbourne Stevedoring Co Pty Ltd (1953)	13

R v Azar (1991)	203
R v Bain; Ex p Cadbury Schweppes Australia Ltd (1984)	16, 17, 22, 23, 40, 42
R v Baldry (1852)	168, 196
R v Barlow (1997)	549
R v Barry (1865)	524
R v Bassey (1931)	525
R v Bernhard (1938)	509
R v Black and Whiteside (1983)	548
R v Blakeley; Ex p Association of Architects, Engineers, &c, of Australia (1950)	14, 15, 17, 28, 48
R v Bonollo (1981)	502, 531, 546, 547
R v Borsellino (1978)	216
R v Bowen; Ex p Federated Clerks Union (1984)	35
R v Brady (1980)	184
R v Brisac and Scott (1803)	523
R v Brow (1981)	502, 531, 546, 547
R v Brown (1993)	220
R v Broyles (1991)	200, 218, 220
R v Bullock and Clark (1856)	524
R v Caldwell (1982)	543
R v Carlisle and Brown (1854)	524
R v Christie (1914)	183
R v Christou (1992)	220
R v Churchill and Walton (1967)	515, 527
R v Clark and Bodlovich (1991)	527, 534, 547
R v Clarkson; Ex p General Motors-Holden's Pty Ltd (1976)	42
R v Cohen; Ex p Attorney-General (Q) (1981)	14, 15, 16, 22, 24, 28, 42, 44, 45
R v Coldham; Ex p Australian Workers' Union (1983)	13
R v Commonwealth; Ex p Kirsch (1938)	52, 64
R v Commonwealth Conciliation and Arbitration Commission; Ex p Amalgamated Engineering Union (Australian Section) (1967)	13, 36
R v Commonwealth Conciliation and Arbitration Commission; Ex p Angliss Group (1969)	33
R v Commonwealth Conciliation and Arbitration Commission; Ex p Australian Boot Trade Employees' Federation (1966)	48
R v Commonwealth Conciliation and Arbitration Commission; Ex p Melbourne and Metropolitan Tramways Board (1965)	44
R v Commonwealth Conciliation and Arbitration Commission; Ex p Printing Industry Employees' Union (1964)	42
R v Commonwealth Court of Conciliation and Arbitration; Ex p Kirsch (1938)	42
R v Commonwealth Court of Conciliation and Arbitration; Ex p Ozone Theatres (Aust) Ltd (1949)	390
R v Commonwealth Court of Conciliation and Arbitration; Ex p Whybrow & Co (1910)	28, 31
R v Condon (1995)	502
R v Conley (1979)	108
R v Cook; Ex p Twigg (1980)	35
R v Cooke (1826)	524
R v Cooke (1986)	522
R v Corbett (1988)	193
R v Cowan (1995)	217
R v Crabbe (1985)	597
R v Darby (1982)	510
R v Davidson and Moyle; Ex p Attorney-General (Q) (1996)	199, 210
R v District Court; Ex p White (1966)	35
R v Dowling (1848)	516
R v Dunlop Rubber Australia Ltd; Ex p Federated Miscellaneous Workers' Union of Australia (1957)	45
R v Dunphy; Ex p Maynes (1978)	35
R v Edelsten (1990)	192

R v Edwards (1988)	503, 534, 539, 547
R v Elliott (1996)	147
R v Esdaile (1858)	524
R v Federal Court of Australia; Ex p WA National Football League (1979)	12, 16, 37
R v Feely (1973)	501, 502, 533, 543, 544, 551
R v Foster; Ex p Commonwealth Life (Amalgamated) Assurances Ltd (1952)	25, 44, 45
R v Galvin; Ex p Amalgamated Engineering Union, Australian Section (1952)	17, 32, 42
R v Gemmell (1985)	518
R v Ghosh (1982)	500, 501, 511, 526, 533, 537, 539, 542, 544, 546, 544, 552
R v Gilks (1972)	543
R v Gill and Henry (1818)	523, 524
R v Glenister (1980)	542
R v Gompertz (1846)	524
R v Gough; Ex p BP Refinery (Westernport) Pty Ltd (1966)	17
R v Gray; Ex p Marsh (1985)	145
R v Graziers' Association of NSW; Ex p Australian Workers' Union (1956)	16
R v Greenstein (1975)	501
R v Hall (1858)	524
R v Hamilton (1836)	524
R v Hancock and Shankland (1986)	522
R v Harris (1997)	503, 539
R v Hart (1979)	184, 216
R v Harvey (1993)	527, 534, 545, 547
R v Haynes (1996)	112
R v Heagney; Ex p ACT Employers Federation (1976)	12, 44, 47
R v Hebert (1990)	199, 200, 213, 218, 219
R v Hevey, Beatty and M'Carty (1782)	523
R v Hibble; Ex p Broken Hill Proprietary Co Ltd (1921)	12, 45
R v Hickman; Ex p Fox (1945)	10
R v Hilbers (1818)	524
R v Holmes; Ex p Victorian Employers' Federation (1980)	17, 22, 32, 42
R v Horsington (1983)	542
R v Ingham (1859)	586
R v Iorlano (1983)	104, 147
R v Ireland (1970)	116, 124, 176, 180, 190, 191, 209, 211, 212
R v Isaac; Ex p State Electricity Commission (Vict) (1978)	18
R v Johnston (1864)	197
R v Jones (1832)	514
R v Jones (1995)	554
R v Journeymen-Tailors of Cambridge (1721)	515
R v Kallis (1994)	192
R v Karounos (1994)	527, 534, 547
R v Kastatovic (1985)	505, 507, 508, 525, 541, 542, 545, 553
R v Kelly; Ex p Australian Railways Union (1953)	18, 42
R v Kelly; Ex p Victoria (1950)	39
R v Kenrick (1843)	524
R v Lara (1795)	523
R v Lacombe (1990)	534, 548
R v Landy (1981)	501
R v Laurie (1987)	527, 534, 547
R v La Vesque (1918)	107
R v Lawrence (1997)	503, 533, 539, 542, 552
R v Lee (1950)	159, 168, 171, 173, 180, 186, 188, 196, 197, 209
R v Longford (1970)	184
R v Lord Chancellor; Ex p Witham (1997)	623
R v Love (1989)	502, 531, 534, 540, 547

R v Ludeke; Ex p Queensland Electricity Commission (1985)	15, 17, 20, 21, 22, 23, 27, 28, 34, 36, 42, 43, 44, 45, 47, 53, 56, 58, 65, 66
R v McIvor (1982)	501
R v McNamara (1995)	153
R v Maher (1987)	503, 527, 534, 547
R v Majewski (1977)	551
R v Mansfield (1881)	168
R v Merritt and Roso (1985)	192
R v Moloney (1985)	522
R v Morgan (1976)	551
R v Murdoch, Murphy, Murphy & Murphy (1987)	125, 150
R v Nat Bell Liquors Ltd (1922)	89
R v O'Brien (1954)	516
R v O'Connor (1980)	545, 550, 551, 552
R v O'Neill (1996)	198
R v Orbell (1703)	515
R v Ousley (1996)	78, 85, 96, 117, 128, 138, 139, 140
R v Parry, Snelling et al (1704)	523
R v Pavic (1996)	204, 205, 206
R v Peters (1997)	513, 533, 537, 540
R v Portus; Ex p Federated Clerks Union of Australia (1949)	40
R v Portus; Ex p McNeil (1961)	12, 16, 40
R v Potvin (1989)	193
R v Pywell (1816)	524
R v Read (1852)	524
R v Roberts (1808)	523
R v Robinson (1998)	125
R v Royle (1971)	501
R v Salvo (1980)	500, 531, 535, 537, 539, 541, 546, 552
R v Sang (1980)	183, 193
R v Scott (1856)	169, 196
R v Scott (1975)	501, 505, 506, 526, 528, 530, 541, 542, 553, 554
R v Secretary of State for Home Department; Ex p Pierson (1998)	623
R v Serjeant (1826)	524
R v Sinclair (1968)	508, 525
R v Smart (1983)	503, 547
R v Social Security Secretary; Ex p Joint Council (1997)	149
R v Solloway Mills & Co (1930)	107
R v Spicer; Ex p Seamen's Union of Australia (1957)	32
R v Steel (1841)	524
R v Sterling (1665)	515
R v Storey (1978)	554
R v Swaffield (1995)	206, 207
R v Tait and Bartley (1979)	637
R v Terry (1984)	525
R v Thérout (1993)	507
R v Thomson (1965)	516, 517
R v Tillet; Ex p Newton (1969) ...	82, 84, 88, 89, 107, 108, 129, 143, 144, 149, 152, 155
R v Timothy (1858)	524
R v Turbet; Ex p Australian Building Construction Employees and Building Labourers' Federation (1980)	40
R v Unger (1993)	218
R v Voisin (1918)	171
R v Walsh and Harney (1984)	503, 542
R v Warickshall (1783)	168, 169, 196
R v Waterfall (1970)	501
R v Watkins (1989)	216
R v Weaver (1931)	528
R v Wheatley (1760)	523
R v Whitehead (1824)	524

R v Whitehouse (1852)	524
R v Williams (1985)	534, 548
R v Williams (1992)	210, 217
R v Wray (1971)	192
R v Yates (1853)	524
R v Zlatic (1991)	534, 548
Rabia Bai v Custodian General of Evacuee Property (1961)	596
Railways, Commissioner for (NSW) v Cardy (1960)	387, 388, 389
Railways, Commissioner for (NSW) v McDermott (1967)	440
Rees v Kratzmann (1965)	170, 201, 209
Reg Glass Pty Ltd v Rivers Locking Systems Pty Ltd (1968)	612
Residential Tenancies Tribunal of NSW, Re; Ex p Defence Housing Authority (1997)	376
Ridgeway v The Queen (1995)	95, 116, 153, 191, 212, 213, 220
Riordan, Re; Ex p Vista Paper Products (1991)	26
Roberts v The Queen (1985)	544
Robertson v City of Nunawading (1973)	309
Rocco Pezzano Pty Ltd v NZI Insurance Australia Ltd (1996)	646
Rocco Pezzano Pty Ltd v Unity Insurance Brokers Pty Ltd (1995)	610, 611, 616, 618, 621, 622, 627, 628, 629, 631, 632, 639
Rodway v The Queen (1990)	309
Romeo v Conservation Commission (NT) (1994)	359, 435, 436, 437, 438, 448, 449, 451, 452, 456, 459, 461, 462, 463, 466, 467, 468, 469, 483, 490, 491
Romeo v Conservation Commission (NT) (1995)	447, 451, 456, 463, 465, 469, 470, 483
Rothfield v Manolakos (1989)	396
Rothman v The Queen (1981)	220
Rowling v Takaro Properties Ltd (1988)	394, 396, 415, 492
Roy v Kensington and Chelsea and Westminster Family Practitioner Committee (1992)	313
Rozenes, Re; Ex p Burd (1994)	104
Russell, Ex p; In re Butterworth (1882)	566
Ruxley Electronics and Construction Ltd v Forsyth (1996)	654
Ryan v The Queen (1967)	551
Rylands Bros (Aust) Ltd v Morgan (1927)	83, 111
S v The Queen (1989)	534
S A Empresa De Viaco Aerea Rio Grandense v United States (1982)	424
SCI Operations Pty Ltd v Commonwealth (1996)	298, 299, 306, 308, 317, 318, 319, 321, 325, 326, 328
SS Hontestroom v SS Sagaporack (1927)	114
Sacher Investments Pty Ltd v Forma Stereo Consultants Pty Ltd (1976)	654
Sanders v Sanders (1967)	99
Sankey v Whitlam (1978)	104, 147
San Sebastian Pty Ltd v The Minister (1986)	410, 414, 457
Sargood Bros v Commonwealth (1910)	324
Saunders v Evans (1861)	93
Saunders v United Kingdom (1996)	214
Schiller v Mulgrave Shire Council (1972) ...	347, 392, 438, 439, 440, 451, 457, 463, 472, 474, 487, 488
Scott v Bennett (1871)	99
Scott v Green & Sons (1969)	422, 472
Segenhoe Ltd v Akins (1990)	654
Sellars v Adelaide Petroleum NL (1994)	622
Seven Seas Publishing Pty Ltd v Sullivan (1968)	107, 108, 144, 151
Seymour v Attorney-General (Cth) (1984)	104
Shanahan v Scott (1957)	116, 140, 149
Shaw v Director of Public Prosecutions (1962)	515
Shaw Savill & Albion Co (1940)	388, 389
Sheahan v Carrier Air Conditioning Pty Ltd (1997)	566, 588

Sheehan v Gallagher (1902)	107
Shepherd v Hills (1855)	305, 313
Sheppard v Glossop Corporation (1921)	412
Sherman v United States (1958)	213
“Shin Kobe Maru” (Owners of) v Empire Shipping Co Inc (1994)	301
Shirt v Wyong Shire Council (1978)	470
Shop, Distributive and Allied Employees Association v A & N Jeffers (1994)	35, 63
Shop, Distributive and Allied Employees Association v Lamsoon Australia Pty Ltd (1994)	35, 61, 62
Shop, Distributive and Allied Employees Association v Minister for Industrial Affairs (SA) (1995)	347
Siano v Helvering (1936)	596
Sigmon v Southwest Airlines Co (1997)	327
Simms, In re (1930)	591
Sinclair v The King (1946)	167, 183, 184, 192, 196
Smith v Broken Hill Pty Co Ltd (1957)	461
Smith v Compton (1832)	614
Smith v Leurs (1945)	368
Sneck v Travellers’ Insurance Co (1895)	272, 273, 275, 279, 284
Sorby v Commonwealth (1982)	170
Sorrrells v United States (1932)	213
South Australia v Clark (1996)	596
South Australia v Commonwealth (1962)	375, 394
South Australia v Tanner (1989)	114
South Australia v Wilmot (1993)	477, 481, 483, 484, 485
South Pacific Manufacturing Co Ltd v New Zealand Security Consultants & Investigations Ltd (1992)	359, 370, 396, 417
Sovar v Henry Lane Pty Ltd (1967)	340
Spellson v George (1987)	242
Spring v Guardian Assurance Plc (1995)	343
Stamp Duties, Chief Commissioner of v Buckle (1995)	226
Stamp Duties, Commissioner of (Q) v Livingston (1964)	242
Stamp Duties, Commissioner of (NSW) v Perpetual Trustee Co Ltd (Quigley’s Case) (1926)	242, 243
Stamp Duties, Commissioner of (NSW) v Yeend (1929)	240
Stamps, Commissioner of (SA) v Telegraph Investment Co Pty Ltd (1995)	312
Staniar v Evans (1886)	245, 246
Stanton v Styles (1850)	129
Stapleton v The Queen (1952)	203, 216
Star v O’Brien (1996)	319
State Bank (SA) v Hellaby (1992)	114
State Bank (NSW) v Federal Commissioner of Taxation (1995)	328
State Bank (NSW) v Federal Commissioner of Taxation (1996)	324
State Public Services Federation, Re; Ex p Attorney-General (WA) (1993) .. 16, 20, 21, 22, 23, 24, 25, 27, 32, 36, 41, 42, 43, 44, 45, 46, 50, 52, 53, 55, 56, 58, 59, 61, 63, 64, 66, 67	
State Revenue, Commissioner of (Vict) v Royal Insurance Australia Ltd (1994)	295, 303, 309, 311, 312, 322, 323, 346, 425
Stead v State Government Insurance Commission (1986)	124
Stevens v Brodribb Sawmilling Co Pty Ltd (1986)	457
Stott v West Yorkshire Road Car Co Ltd (1971)	644
Stovin v Wise (1996)	330, 344, 345, 358, 359, 368, 370, 385, 388, 391, 392, 394, 396, 397, 409, 410, 411, 413, 414, 415, 416, 417, 419, 422, 425, 426, 464, 472, 473, 488, 492
Suncorp Insurance and Finance Pty Ltd v Ploner (1991)	614, 631
Surujpaul v The Queen (1958)	184

Sutherland Shire Council v Heyman (1985)	340, 343, 351, 356, 357, 358, 360, 365, 369, 370, 371, 376, 377, 378, 385, 386, 389, 391, 392, 393, 396, 397, 402, 407, 409, 410, 412, 415, 416, 417, 422, 423, 424, 426, 438, 457, 463, 465, 472, 473, 482, 484, 488, 492
Swaffield v The Queen (1996)	207, 214
Swanevelder v Holmes (1990)	108, 144, 146, 152, 153
Swanson Estate v Canada (1991)	360, 481
Sweetwater Progressive Mutual Life & Accident Association v Allison (1929)	272
Tadoran Pty Ltd (In liq) v N G Delaney Insurances Pty Ltd (1989)	614, 631, 652
Tasmania v Commonwealth and Victoria (1904)	83, 111
Taxation, Federal Commissioner of v St Helens Farm (ACT) Pty Ltd (1981)	576
Taxation, Federal Commissioner of v Vegners (1989)	234
Taylor v Clemson (1844)	89, 108, 149
Taylor v Corporation of St Helens (1877)	274
Tehno-Impex v Gebr Van Weelde Scheepvaartkantoor BV (1981)	300
Theorell v Supreme Court of Honor (1904)	275, 280
Thody's Case (1674)	515, 523
Thomas v The King (1937)	551
Thomsen v Davison (1975)	343
Thorpe Nominees Pty Ltd v Henderson & Lahey (1988)	613
Tock v St John's Metropolitan Area Board (1989)	396
Trade, Board of v Owen (1957)	521, 525
Tran Nominees Pty Ltd v Scheffler (1986)	81, 88, 108, 110, 119, 129, 140, 143, 144, 154, 155
Trautwein v Richardson (1946)	592
Trautwein, Re; Richardson v Trautwein (1944)	592
Turner v Campbell (1987)	503
Twenty-First Maylux Pty Ltd v Mercantile Mutual Insurance (Australia) Ltd (1990)	621, 636, 649
Tyner v United States (1904)	529
Ultramares Corporation v Touche (1931)	416
Unilan Holdings Pty Ltd v Kerin (1993)	394
United Distillers Ltd, Re (1947)	107
United Scottish Insurance v United States (1982)	424
United States v Collins (1996)	534
United States v Gaubert (1991)	393
United States v Khalife (1997)	534
United States v Varig Airlines (1984)	393
Unity Insurance Brokers Pty Ltd v Rocco Pezzano Pty Ltd (1996)	611, 617, 622, 628, 632, 633, 646
University of Wollongong v Metwally (1984)	323
Vacuum Oil Co Pty Ltd v Wiltshire (1945)	245, 247
Van der Meer v The Queen (1988)	174, 180, 181, 189, 190, 197, 209, 211, 215
Vereker v O'Donovan (1988)	104
Victoria v Commonwealth (1996)	14, 15, 30
Victoria Laundry (Windsor) Ltd v Newman Industries Ltd (1949)	650
Victorian State Building Trades Union v Pioneer Plasterboard (1991)	54
Wai Yu-Tsang v The Queen (1992)	506, 509, 525
Walker v Department of Social Security (1995)	327
Walker v West (1981)	108
Wallace v Love (1922)	244
Walton, Ex p; In re Levy (1881)	323
Wan v United States (1924)	169
Ward v Williams (1955)	371
Ward & Stonestreet v The Queen (1996)	542

Waribay Pty Ltd v Minter Ellison (1991)	622
Warman International Ltd v Dwyer (1995)	316
Warren v Warren (1996)	151
Weinel v Fedcheshen (1995)	527, 534, 547
Welbridge Holdings Ltd v Greater Winnipeg (1971)	394
Welham v Director of Public Prosecutions (1960)	507, 524
Wendo v The Queen (1963)	172, 183, 196
Wenham v Ella (1972)	607, 613, 627, 650
Wentworth v NSW Bar Association (1992)	111
Wentworth v Woollahra Municipal Council (1982)	391
Westdeutsche Landesbank Girocentrale v Islington London Borough Council (1996)	316, 318, 328, 387
Western Australia v Bond Corporation Holdings Ltd (1991)	614, 631, 652
Western Australian Bank v Royal Insurance Co (1908)	274, 275
Westpac Banking Corporation v Tomassian (1993)	323
Wheat v E Lacon & Co Ltd (1966)	440
Whittaker v The Queen (1993)	554
Wilde v The Queen (1988)	534, 554
William C Leitch Brothers Ltd, In re (1932)	590
Williams v Lloyd; In re Williams (1934)	566, 567, 572, 574, 589, 591, 592
Williams v Melbourne Corporation (1933)	114
Williams v Mount Eden Borough Council (1986)	409
Williams v The Queen (1986)	179
Winnipeg Condo Corp v Bird Construction Co (1995)	396, 426
Woodworth v The State (1881)	516
Woollahra Municipal Council v Sved (1996)	397, 409
Woolmington v Director of Public Prosecutions (1935)	551
Woolwich Building Society v Inland Revenue Commissioners (1993)	312, 324, 328
Worrall v Harford (1802)	245
Wright v Langlands' Foundry Co (1874)	624
Wyong Shire Council (1980)	488
Wyong Shire Council v Shirt (1980)	394, 424, 438, 445, 454, 455, 460, 461, 463, 470, 479, 486
X (Minors) v Bedfordshire County Council (1995)	392, 396, 412
Yates v Wilson (1989)	104, 147
Young v Quin (1985)	104
Young, Ex p; In re Young (1881)	114
Yuen Kun Yeu v Attorney-General (Hong Kong) (1988)	330, 396, 415, 427
Zamora [No 2], The (1921)	597
Zanatta v McCleary (1976)	151
Zecevic v Director of Public Prosecutions (Vict) (1987)	549
Zlatic v The Queen (1993)	507
Zurich Australian Insurance Ltd v Contour Mobil Pty Ltd (1991)	636, 649