

2001

THE

**COMMONWEALTH
LAW REPORTS**

CASES DETERMINED
IN THE
HIGH COURT OF AUSTRALIA

EDITOR
J D MERRALLS, AM, QC

VOLUME 207

LAWBOOK CO.

2002

REPORTERS

D J BATT
M Y BEARMAN
D W BENNETT
C M CALEO
G S CLARKE
P D CRUTCHFIELD
S G E MCLEISH
M K MOSHINSKY
J E RICHARDS
P G WILLIS

Barristers

PRODUCTION SUPERVISOR

CAROLYN MAY

Published in Sydney by

Lawbook Co.

100 Harris Street, Pyrmont, NSW
160 William Street, Melbourne, Vic
239 George Street, Brisbane, Queensland
77 St George's Terrace, Perth, WA

ISSN 0069-7133

THOMSON
—★—
LAWBOOK CO.

© Thomson Legal & Regulatory Limited ABN 64 058 914 668 trading as Lawbook Co.

LAWBOOK CO. ATP CPD BROOKERS Sweet & Maxwell Westlaw Lawpoint CARSWELL

Typeset by Lawbook Co., Pyrmont, NSW
Printed by Ligare Pty Ltd, Riverwood, NSW

JUSTICES OF THE HIGH COURT OF AUSTRALIA

DURING THE CURRENCY OF THIS VOLUME

THE HONOURABLE ANTHONY MURRAY GLEESON, AC,
CHIEF JUSTICE

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

THE HONOURABLE IAN DAVID FRANCIS CALLINAN

ATTORNEY-GENERAL

THE HONOURABLE DARYL ROBERT WILLIAMS, AM, QC, MP

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

TABLE OF CASES REPORTED IN THIS VOLUME

Adam v The Queen	96
Arico Trading International Pty Ltd; Kimberly-Clark Australia Pty Ltd v	1
Brownlee v The Queen	278
Consolidated Press Holdings Ltd; Federal Commissioner of Taxation v	235
CPH Property Pty Ltd; Federal Commissioner of Taxation v	235
Duke Group Ltd (In liq); Pilmer v	165
Esso Australia Ltd; Victorian Workcover Authority v	520
Hollis v Vabu Pty Ltd	21
Kimberly-Clark Australia Pty Ltd v Arico Trading International Pty Ltd	1
Leung v The Queen	344
McGarry v The Queen	121
Moody; Sullivan v	562
Murray Leisure Group Pty Ltd; Federal Commissioner of Taxation v	235
Patterson, Re; Ex p Taylor	391
Pilmer v Duke Group Ltd (In liq)	165
R; Adam v	96
R; Brownlee v	278
R; Leung v	344

TABLE OF CASES REPORTED

R; McGarry v	121
R; Wong v	344
Roy Morgan Research Centre Pty Ltd v Commissioner of State Revenue (Vict)	72
State Revenue (Vict), Commissioner of; Roy Morgan Research Centre Pty Ltd v	72
Sullivan v Moody	562
Taxation, Federal Commissioner of v Consolidated Press Holdings Ltd	235
Taxation, Federal Commissioner of v CPH Property Pty Ltd	235
Taxation, Federal Commissioner of v Murray Leisure Group Pty Ltd	235
Taylor, Ex p; Re Patterson	391
Vabu Pty Ltd; Hollis v	21
Victorian Workcover Authority v Esso Australia Ltd	520
Western Australia; Yougarla v	344
Wong v The Queen	344
Yougarla v Western Australia	344

TABLE OF CASES JUDICIALLY CONSIDERED IN CASES REPORTED IN THIS VOLUME

<i>Aldora, The</i> [1975] QB 748	
Applied. Victorian Workcover Authority v Esso Australia Ltd	520
<i>AMP Inc v Utilux Pty Ltd</i> (1971) 45 ALJR 123 at 127	
Approved. Kimberly-Clark Australia Pty Ltd v Arico Trading International Pty Ltd	1
<i>Arico Trading International Pty Ltd v Kimberly-Clark Australia Pty Ltd</i> (1999)	
46 IPR 1	
Reversed. Kimberly-Clark Australia Pty Ltd v Arico Trading International Pty Ltd	1
<i>Astley v Austrust Ltd</i> (1999) 197 CLR 1	
Referred to. Pilmer v Duke Group Ltd (In liq)	165
<i>BP Exploration Co (Libya) Ltd v Hunt [No 2]</i> [1979] 1 WLR 783; [1982] 1 All ER 925	
Applied. Victorian Workcover Authority v Esso Australia Ltd	520
<i>Bazley v Curry</i> [1999] 2 SCR 534	
Approved. Hollis v Vabu Pty Ltd	21
<i>CLT v Connon</i> (2000) 77 SASR 449	
Affirmed. Sullivan v Moody	562
<i>Caparo Industries Plc v Dickman</i> [1990] 2 AC 605 at 617-618	
Not followed. Sullivan v Moody	562
<i>Cheatle v The Queen</i> (1993) 177 CLR 541	
Considered. Brownlee v The Queen	278
<i>Colonial Mutual Life Assurance Society Ltd v Producers and Citizens Co-operative Assurance Co of Australia Ltd</i> (1931) 46 CLR 41	
Considered. Hollis v Vabu Pty Ltd	21
<i>Crisp & Gunn Co-operative Ltd v Hobart Corporation</i> (1963) 110 CLR 538	
Applied. Victorian Workcover Authority v Esso Australia Ltd	520
<i>Duke Group Ltd (In liq) v Pilmer</i> (1999) 73 SASR 64	
Reversed. Pilmer v Duke Group Ltd (In liq)	165
<i>Esso Australia Ltd v Victorian WorkCover Authority</i> (2000) 1 VR 246	
Reversed. Victorian Workcover Authority v Esso Australia Ltd	520
<i>Hillman v Black</i> (1996) 67 SASR 490	
Approved. Sullivan v Moody	562
<i>Hollis v Vabu Pty Ltd</i> [1999] Aust Torts Rep ¶81-535	
Reversed. Hollis v Vabu Pty Ltd	21
<i>Kartinyeri v Commonwealth</i> (1998) 195 CLR 337 at 353-354, 369, 375-376	
Distinguished. Victorian Workcover Authority v Esso Australia Ltd	520
<i>Kauzal v Lee</i> (1936) 58 CLR 670 at 686-687	
Applied. Kimberly-Clark Australia Pty Ltd v Arico Trading International Pty Ltd	1

<i>Nolan v Minister for Immigration and Ethnic Affairs</i> (1988) 165 CLR 178	391
Overruled. Re Patterson; Ex p Taylor	391
<i>Norbis v Norbis</i> (1986) 161 CLR 513	584
Considered. Wong v The Queen	584
<i>Northern Sandblasting Pty Ltd v Harris</i> (1997) 188 CLR 313	21
Considered. Hollis v Vabu Pty Ltd	21
<i>R v Adam</i> (1999) 47 NSWLR 267	96
Affirmed. Adam v The Queen	96
<i>R v Brownlee</i> (1997) 41 NSWLR 139	278
Affirmed. Brownlee v The Queen	278
<i>R v McDonnell</i> [1997] 1 SCR 948	584
Considered. Wong v The Queen	584
<i>R v Ngui</i> (2000) 1 VR 579	584
Considered. Wong v The Queen	584
<i>R v Wong</i> (1999) 48 NSWLR 340	584
Reversed. Wong v The Queen	584
<i>Rabel v Eastern Energy Ltd</i> [1999] 3 VR 45	72
Overruled. Roy Morgan Research Centre Pty Ltd v Commissioner of State Revenue (Vict)	72
<i>Sami S Svendsen Inc v Independent Products Canada Ltd</i> (1968) 119 CLR 156	
at 164-165	
Applied. Kimberly-Clark Australia Pty Ltd v Arico Trading International Pty Ltd	1
<i>Scott v Davis</i> (2000) 204 CLR 333	21
Considered. Hollis v Vabu Pty Ltd	21
<i>Stevens v Brodribb Sawmilling Co Pty Ltd</i> (1986) 160 CLR 16	21
Considered. Hollis v Vabu Pty Ltd	21
<i>Sullivan v Moody</i> [2000] SASC 340	562
Affirmed. Sullivan v Moody	562
<i>Taxation, Federal Commissioner of v Consolidated Press Holdings [No 1]</i>	
(1999) 91 FCR 524	
Affirmed. Federal Commissioner of Taxation v Consolidated Press Holdings Ltd	235
<i>Vabu Pty Ltd v Federal Commissioner of Taxation</i> (1996) 33 ATR 537	
Referred to. Hollis v Vabu Pty Ltd	21
<i>Welch Perrin & Co Pty Ltd v Worrel</i> (1961) 106 CLR 588 at 597-598, 614	
Applied. Kimberly-Clark Australia Pty Ltd v Arico Trading International Pty Ltd	1
<i>Yougarla v Western Australia</i> (1999) 21 WAR 488	
Affirmed. Yougarla v Western Australia	344

STATUTES, RULES, ETC JUDICIALLY CONSIDERED

IMPERIAL

The Australian Constitutions Act 1850	
s 32: Yougarla v Western Australia	344
Western Australia Constitution Act 1890	
ss 2, 5: Yougarla v Western Australia	344

COMMONWEALTH

Commonwealth Constitution	
s 51(xix): Re Patterson; Ex p Taylor	391
s 64: Re Patterson; Ex p Taylor	391
s 80: Brownlee v The Queen	278
s 117: Re Patterson; Ex p Taylor	391
Crimes Act 1914	
s 16A: Wong v The Queen	584
Customs Act 1901	
s 233B: Wong v The Queen	584
Income Tax Assessment Act 1936	
ss 51(1), 79D(1), 160AFD(7) “foreign source”, 177C(1)(b), 177D, 177E(1), 177F: Federal Commissioner of Taxation v Consolidated Press Holdings Ltd	235
Judiciary Act 1903	
s 68: Brownlee v The Queen	278
Migration Act 1958	
ss 501, 501C: Re Patterson; Ex p Taylor	391
Ministers of State Act 1952	
s 4(a): Re Patterson; Ex p Taylor	391
Patents Act 1990	
s 40(2)(a), (b): Kimberly-Clark Australia Pty Ltd v Arico Trading International Pty Ltd	1

NEW SOUTH WALES

Criminal Appeal Act 1912	
ss 5D, 12: Wong v The Queen	584
Evidence Act 1995	
ss 38, 60, 102: Adam v The Queen	96
Jury Act 1977	
ss 22(a)(i), 54(b): Brownlee v The Queen	278

SOUTH AUSTRALIA

Community Welfare Act 1972	
ss 10, 25, 91, 235a: Sullivan v Moody	562

VICTORIA

Accident Compensation Act 1985	
s 138: Victorian Workcover Authority v Esso Australia Ltd	520
Supreme Court Act 1986	
s 17(2): Roy Morgan Research Centre Pty Ltd v Commissioner of State Revenue (Vict)	72
s 60(1): Victorian Workcover Authority v Esso Australia Ltd	520
Victorian Civil and Administrative Tribunal Act 1998	
s 148(1): Roy Morgan Research Centre Pty Ltd v Commissioner of State Revenue (Vict)	72

WESTERN AUSTRALIA

Aborigines Act 1905	
s 65: Yougarla v Western Australia	344
Constitution Act 1889	
ss 70, 73: Yougarla v Western Australia	344
Sentencing Act 1995	
s 98: McGarry v The Queen	121
State Constitution	
Yougarla v Western Australia	344

TABLE OF CASES CITED IN THE JUDGMENTS

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

AB v The Queen (1999)	611, 612, 621, 622
AGC (Advances) Ltd v Federal Commissioner of Taxation (1975)	259
AMP Inc (1971)	14
AMP Inc v Utilux Pty Ltd (1971)	13, 16
AMS v AIF (1999)	623
Abebe v Commonwealth (1999)	320, 322, 636
Aboriginal Affairs, Minister for v Peko-Wallsend Ltd (1986)	449
Accident Compensation Commission v Haynes (1992)	549
Adam v Newbigging (1888)	45
Adams v Chas S Watson Pty Ltd (1938)	36, 48
Adams v United States; Ex rel McCann (1942)	317, 319
Adams (James S) and Co Pty Ltd v State Rivers and Water Supply Commission (1960)	527
Aden Refinery Co Ltd v Ugland Management Co Ltd (1987)	90
Advanced Building Systems Pty Ltd v Ramset Fasteners (Aust) Pty Ltd (1998)	13, 20
Aectra Refining and Manufacturing Inc v Exmar NV (1994)	534
Afroyim v Rusk (1967)	492
Ah Poh Wai v The Queen (1995)	304, 323, 329, 342
Ah Poh Wai v The Queen (1996)	304
Ah Sheung v Lindberg (1906)	439
Ainsworth v Criminal Justice Commission (1992)	550
Airservices Australia v Canadian Airlines International Ltd (2000)	636
Aldora, The (1975)	217, 536, 537, 538, 552, 557, 558
Alexander v Ajax Insurance Co Ltd (1956)	533, 552, 553, 555, 556
Almada and Tirito Co, In re (1888)	182, 183
Amalgamated Anthracite Collieries Ltd, In re Application of (1927)	417, 504
Amalgamated Society of Engineers v Adelaide Steamship Co Ltd (the Engineers' Case) (1920)	314, 432, 482
American Publishing Co v Fisher (1897)	297, 328
Anderson's Case (1877)	187, 189
Anon	555
Ansett Transport Industries (Operations) Pty Ltd v Commonwealth (1977)	449
Apodaca v Oregon (1972)	330
Apprendi v New Jersey (2000)	318
Apps v Pilet (1987)	86
Aquaculture Corporation v New Zealand Green Mussel Co Ltd (1990)	203
Archibald Howie Pty Ltd v Commissioner of Stamp Duties (NSW) (1948)	179
Arico Trading International Pty Ltd v Kimberly-Clark Australia Pty Ltd (1999)	6, 11, 15, 17, 19
Arnerich v The King (1942)	471
Arts Heritage and Environment, Minister for v Peko-Wallsend Ltd (1987)	463
Ashbury Railway Carriage and Iron Co v Riche (1875)	183
Ashby v Minister of Immigration (1981)	502
Ashwander v Tennessee Valley Authority (1936)	474
Astley v Austrust Ltd (1999)	177, 201, 229, 231
Attorney-General (Cth) v Ah Sheung (1906)	439

Attorney-General v Arthur Ryan Automobiles Ltd (1938)	529
Attorney-General (NSW) v Brewery Employés Union of NSW (1908)	473
Attorney-General (Cth) v Foster (1999)	451
Attorney General (Hong Kong) v Jim Chong-shing (1991)	617
Attorney-General (NSW) v Trethowan (1931)	351, 358, 369, 373, 380, 383
Attorney-General's Application, Re [No 1] (1999)	606
Austotel Pty Ltd v Franklins Selfserve Pty Ltd (1989)	221
Australasian Memory Pty Ltd v Brien (2000)	78, 615
Australian Agricultural Co v Federated Engine-Drivers and Firemen's Association of Australasia (1913)	313
Australian Broadcasting Tribunal v Bond (1990)	627
Australian Communist Party v Commonwealth (1951)	297, 424
Australian Consolidated Press Ltd v Uren (1967)	78
Australian Education Union, Re; Ex p Victoria (1995)	379
Australian Securities Commission v Marlborough Gold Mines Ltd (1993)	617, 629
 BP Exploration Co (Libya) Ltd v Hunt [No 2] (1979)	536, 537, 557, 558
BP Exploration Co (Libya) Ltd v Hunt [No 2] (1981)	537, 558
BP Exploration Co (Libya) Ltd v Hunt [No 2] (1983)	217, 537, 553, 558
Baglan Hall Colliery Co, In re (1870)	183
Bailey v Namol Pty Ltd (1994)	225
Bailey v NSW Medical Defence Union Ltd (1995)	28, 528
Bainbridge-Hawker v Minister for Trade and Customs (1958)	450
Baker v Canada (1999)	85
Ballew v Georgia (1978)	289, 293, 312, 329, 330, 331
Banco de Portugal v Waterlow & Sons Ltd (1932)	194
Bank of NSW v Commonwealth (1948)	133, 494
Bank of South Australia Ltd v Ferguson (1998)	228
Barton v Walker (1979)	93
Barwick v English Joint Stock Bank (1867)	47, 58
Bass v Permanent Trustee Co Ltd (1999)	205, 529, 636
Bazley v Curry (1999)	39, 40, 43, 55, 57
Beale v Government Insurance Office of NSW (1997)	627
Bell v Federal Commissioner of Taxation (1953)	268
Bennett v Minister of Community Welfare (1992)	176, 201
Bishop, Ex p; In re Fox, Walker & Co (1880)	547
Black, Ex p; Re Morony (1965)	425, 436
Bland v Chief Supplementary Benefit Officer (1983)	90
Blewitt v The Queen (1988)	104, 114
Blundell v Musgrave (1956)	518
Boardman v Phipps (1967)	223
Booth v Trail (1883)	528, 555
Border Auto Wreckers (Wodonga) Pty Ltd v Strathdee (1997)	82
Borg Warner (Australia) Ltd v Zupan (1982)	544, 549
Borland's Trustee v Steel Brothers & Co Ltd (1901)	179
Bowes v Chaleyer (1923)	36
Brader v Ministry of Transport (1981)	502
Braeside Bearings Pty Ltd v H J Brignell & Associates (Boronia) (1996)	532, 536, 555
Bray v Ford (1896)	224
Breen v Williams (1994)	209, 210, 212, 217, 219
Breen v Williams (1996)	196, 197, 198, 203, 211, 212, 213, 214, 218, 220, 221, 222,
	223, 224
Bribery Commissioner v Ranasinghe (1965)	374

Bristol and West Building Society v Mothew (1998)	220
British Dynamite Co v Krebs (1879)	16
British Railways Board v Pickin (1974)	368, 373
British United Shoe Machinery Co Ltd v A Fussell & Sons Ltd (1908)	14
Brodie v Singleton Shire Council (2001)	580
Brooks v Burns Philp Trustee Co Ltd (1969)	38
Brown v Louisiana (1980)	289
Brown v The Queen (1986)	290, 295, 304, 305, 306, 312, 317, 318, 319, 327, 341
Brownlee v The Queen (2001)	491
Bryan v Maloney (1995)	580
Buck v Bavone (1976)	315
Bugge v Brown (1919)	38
Bulmer v Attorney-General (1955)	439, 469
Burnie Port Authority v General Jones Pty Ltd (1994)	34, 36, 39, 50, 51, 53
Bushey (Ira S & Sons), Inc v United States (1968)	40
CLT v Connon (2000)	567
CPH Property Pty Ltd v Federal Commissioner of Taxation (1998)	244, 245, 248, 249, 263, 271, 272, 274, 276
Caledonian Collieries Ltd v Fenwick (1959)	326
Calvin's Case (1608)	429, 482
Canson Enterprises Ltd v Boughton & Co (1991)	196, 225
Caparo Industries Plc v Dickman (1990)	579
Capital Traction Co v Hof (1899)	328
Cardile v LED Builders Pty Ltd (1999)	88, 217
Carr v Finance Corporation of Australia Ltd [No 1] (1981)	82
Cassell v The Queen (2000)	456
Central Piggery Co Ltd v McNicoll and Hurst (1949)	179
Chamberlain v Law Society (ACT) (1993)	221
Chan Chi-ming v The Queen (1979)	592
Chandler v Broughton (1832)	34
Chapman's Case (1895)	188
Cheatle v The Queen (1993)	284, 285, 287, 296, 297, 299, 308, 321, 322, 325, 327, 332, 335, 337, 427
Cheng v The Queen (2000)	295, 296, 304, 310, 318, 319, 342, 474, 630
Chester v The Queen (1988)	133, 139, 141, 143, 146, 149
Chesterfield v Janssen (1750)	187
Chicago & Grand Trunk Railway Co v Wellman (1892)	474
China Ocean Shipping Co v South Australia (1979)	354, 380
China Steamship and Labuan Coal Co; Drummond's Case, In re (1869)	185
Chippendale Printing Co Pty Ltd v Federal Commissioner of Taxation (1996)	549, 551
Chorlton v Lings (1868)	78
Chu Kheng Lim v Minister for Immigration, Local Government and Ethnic Affairs (1992)	424, 478
City Mutual Life Assurance Society Ltd v Giannarelli (1977)	532, 556
Clay v Clay (2001)	199
Clayton v Heffron (1960)	373
Clutha Developments Pty Ltd v Barry (1989)	94
Coal & Allied Operations Pty Ltd v Australian Industrial Relations Commission (2000)	419, 453, 502
Coldham, Re; Ex p Brideson (1989)	453
Cole v Whitfield (1988)	314, 315, 322
Coles Myer Ltd v Bowman (1996)	94

Coleman v Myers (1977)	220
Colina, Re; Ex p Torney (1999)	304, 320, 342
Collingwood and Pace (1664)	482
Colonial Mutual Life Assurance Society Ltd v Producers and Citizens Co-operative Assurance Co of Australia Ltd (CML) (1931)	38, 39, 51, 58, 59, 60, 65
Commonwealth v Bank of NSW (1949)	78
Commonwealth v Cigamatic Pty Ltd (In liq) (1962)	409
Commonwealth v Hospital Contribution Fund (1982)	409
Commonwealth v Kreglinger & Fernau Ltd and Bardsley (1926)	297, 427
Commonwealth v Limerick Steamship Co Ltd (1924)	379
Commonwealth v SCI Operations Pty Ltd (1998)	528, 532, 539, 545, 550, 551, 552
Commonwealth v Tasmania (the Tasmanian Dam Case) (1983)	314, 427
Computer Edge Pty Ltd v Apple Computer Inc (1984)	8
Concut Pty Ltd v Worrell (2000)	36
Coomber, In re; Coomber v Coomber (1911)	225
Cormack v Cope (1974)	374
Costain Australia Ltd v Frederick W Nielsen Pty Ltd (1988)	90, 91
Cotogno v Lamb [No 3] (1986)	230
Coughlan v Westminister Canada Ltd (1994)	547, 556
Coulter v The Queen (1988)	83
Coulton v Holcombe (1986)	36
Craddock v Zevo Finance Co Ltd (1944)	193
Crampton v The Queen (2000)	36, 320
Crampton v Walker (1860)	528
Crimmins v Stevedoring Industry Finance Committee (1999)	578, 580
Crisp & Gunn Co-operative Ltd v Hobart Corporation (1962)	557
Crisp & Gunn Co-operative Ltd v Hobart Corporation (1963)	534, 544, 548, 556, 557
Croome v Tasmania (1997)	637
Cunliffe v Commonwealth (1994)	425, 477
Cunningham v Tomey Homma (1903)	483
D & F Estates Ltd v Church Commissioners for England (1989)	580
Daly v Sydney Stock Exchange Ltd (1986)	176, 196, 204, 211
Dao v Australian Postal Commission (1987)	619
Darling Island Stevedoring and Lighterage Co Ltd v Long (1957)	37, 54
Daubigny v Davallon (1794)	482
David Grant & Co Pty Ltd v Westpac Banking Corporation (1995)	78
Dawson, Ex p (1855)	482
Deakin v Webb (1904)	85
De Iacovo v Lacanale (1957)	86
De L v Director-General, NSW Department of Community Services (1996)	444
Delhasse, Ex p; In re Megevand (1878)	45
Dey v Victorian Railways Commissioners (1949)	94
Dietrich v The Queen (1992)	637
Dinsdale v The Queen (2000)	86, 623, 624
Doe d Murray, Lord Bishop of Rochester v Bridges (1831)	551
Doe d Thomas v Acklam (1824)	429, 430, 482
Donoghue v Stevenson (1932)	233, 577, 578, 580
Dorset Yacht Co Ltd v Home Office (1970)	580
Droitwich Patent Salt Co v Curzon (1867)	182
Dronfield Silkstone Coal Co, In re (1880)	182
Duke Group Ltd (In liq) v Pilmer (1998) ...	173, 174, 175, 176, 177, 180, 189, 197, 198,
	200, 202, 203, 206, 208, 221, 227

Duke Group Ltd (In liq) v Pilmer (1999) ... 174, 177, 189, 191, 192, 194, 195, 198, 200, 202, 203, 204, 206, 207, 208, 215, 216, 221, 222, 223, 226, 228, 229
Duncan v Louisiana (1968) 330
Durham Holdings Pty Ltd v New South Wales (2001) 374, 375, 377, 494
East, Re; Ex p Nguyen (1998) 474
Eastman v The Queen (2000) 313, 320, 322, 327, 342
Ebner v Official Trustee in Bankruptcy (2000) 113, 319
Eddystone Marine Insurance Co, In re (1893) 185
Edinburgh Railway Co v Wauchope (1842) 373
Egan v Chadwick (1999) 374
Egan v Willis (1996) 403
Egan v Willis (1998) 373, 374, 460, 463
Electric Light & Power Supply Corporation Ltd v Electricity Commission (NSW) (1956) 81, 91
Emmens v Pottle (1885) 233
Empire Assurance Corporation; Leeke's Case, In re (1871) 183
Enfield City Corporation v Development Assessment Commission (2000) 501
Erven Warnink Besloten Venootschap v J Townend & Sons (Hull) Ltd (1979) 230
Esanda Finance Corporation Ltd v Peat Marwick Hungerfords (1997) 217
Esquire Nominees Ltd v Federal Commissioner of Taxation (1973) 262
Esso Australia Ltd v Victorian WorkCover Authority (2000) 525, 527, 530, 540, 541, 543, 544, 549, 559, 560
Esso Australia Resources Ltd v Federal Commissioner of Taxation (1998) 230
Esso Australia Resources Ltd v Federal Commissioner of Taxation (1999) 46, 230
Esso Petroleum Co Ltd v Harper's Garage (Stourport) Ltd (1968) 217
Evda Nominees Pty Ltd v Victoria (1984) 305, 314, 409, 491
Everett v The Queen (1994) 591, 592, 624, 625
Exchange Banking Co, In re; Flitcroft's Case (1882) 180
FAI General Insurance Co Ltd v Southern Cross Exploration NL (1988) 78, 91, 615
F & K Jabbour v Custodian of Israeli Absentee Property (1954) 556, 557
F P and C H Matthews Ltd (In liq), In re (1982) 538
Farrington v Rowe McBride & Partners (1985) 221, 224
Ferrando v Pearce (1918) 517
Ffrost v Stevenson (1937) 354, 355
Fibrosa Spolka Akcyjna v Fairbairn Lawson Combe Barbour Ltd (1943) 537
Finance Sector Union of Australia, Re; Ex p Financial Clinic (Vic) Pty Ltd (1992) 49
Firma C-Trade SA v Newcastle Protection and Indemnity Association (1991) 529
Fitzpatrick v Sterling Housing Association Ltd (2001) 322
Fitzsimmons v The Queen (1997) 222
Flannery v Halifax Estate Agencies Ltd (2000) 86
Fleming v The Queen (1998) 84, 85
Fletcher v Federal Commissioner of Taxation (1991) 260
Foreman & Sons Pty Ltd, In re; Uther v Federal Commissioner of Taxation (1947) 297
Frame v Smith (1987) 219, 220
Fraser Credits Pty Ltd v Osterberg-Olsen (1978) 94
Furniss v Dawson (1984) 265
GTE (Aust) Pty Ltd v Brown (1986) 450
Gardner v Iredale (1912) 188
Gasoline Products Co, Inc v Champlin Refining Co (1931) 298
General Steel Industries Inc v Commissioner for Railways (NSW) (1964) 568

George Hudson Ltd v Australian Timber Workers' Union (1923)	36
Gilchrist v Dean (1960)	528, 533
Glandon Pty Ltd v Strata Consolidated Pty Ltd (1993)	211
Gluckstein v Barnes (1900)	223
Goby v Wetherill (1915)	323, 324
Gold Ore Treatment Co of Western Australia Ltd (In liq) v Golden Horseshoe Estates Co Ltd (1919)	16
Goldcorp Exchange Ltd, In re; Liggett v Kensington (1994)	219
Goldsmith v Colonial Finance, Mortgage, Investment and Guarantee Corporation Ltd (1909)	179
Gould v Brown (1998)	306
Grain Pool (WA) v Commonwealth (2000)	320, 325, 380, 483, 495
Gray v Gundowda Pty Ltd (1968)	555
Gray v Motor Accident Commission (1998)	230
Griffiths v Kerkemeyer (1977)	518
Griffiths v The Queen (1977)	625
Grincelis v House (2000)	518
Ha v New South Wales (1996)	305
Hall v Nominal Defendant (1966)	82
Hammonds v Aetna Casualty & Surety Co (1965)	212
Hancock v Federal Commissioner of Taxation (1961)	268
Hanratty v Lord Butler of Saffron Walden (1971)	141
Hawkins v Clayton (1988)	578
Heaven v Pender (1883)	577
Heyford Co, In re; Pell's Case (1869)	183, 186
Heyford Ironworks Co; Forbes and Judd's Case, In re (1870)	183
Hill v Chief Constable of West Yorkshire (1989)	581
Hill v Van Erp (1997)	578, 580
Hillman v Black (1996)	567, 574, 575
Hirsche v Sims (1894)	188
Hodgkinson v Simms (1994)	211, 219, 221, 225
Ho, In re (1975)	442
Holden v Black (1905)	529
Hollingsworth v Duane (1801)	482
Hollis v Vabu Pty Ltd (1999)	25, 31, 33, 34, 35, 52, 59, 64, 65, 66, 70
Holt v United States (1910)	290
Hong Kong and China Gas Co Ltd v Glen (1914)	186
Hopkins v Mayor etc of Swansea (1839)	555
Hopkins v Swansea (1839)	528
Hospital Products Ltd v United States Surgical Corporation (1984) ..	196, 199, 203, 211,
	218, 219, 220, 221
Hot Holdings Pty Ltd v Creasy (1996)	454, 507
Houldsworth v City of Glasgow Bank (1880)	58
House v The King (1936)	161, 605, 623, 644
Housing of the Working Classes Act 1890, In re; Ex p Stevenson (1892)	80, 89, 90
Houssein v Under Secretary of Industrial Relations and Technology (NSW) (1982)	91, 550
Howie (Archibald) Pty Ltd v Commissioner of Stamp Duties (NSW) (1948)	179
Huddart, Parker & Co Pty Ltd v Moorehead (1909)	287, 297, 327
Hughes and Vale Pty Ltd v New South Wales (1953)	313
Hull and County Bank, In re; Burgess's Case (1880)	187
Human Services, Department of v Thwaites (1999)	76
Humberstone v Northern Timber Mills (1949)	40, 50

Hungerfords v Walker (1989)	228, 532, 533
Immigration and Ethnic Affairs, Minister for v Guo (1997)	453
Immigration and Multicultural Affairs, Minister for v Eshetu (1999)	453, 502, 503,
	505
Immigration and Multicultural Affairs, Minister for v Gunner (1998)	418
Immigration and Multicultural Affairs, Minister for v Jia Legeng (2001)	447
Immigration and Multicultural Affairs, Minister for, Re; Ex p Miah (2001)	500, 501
Immigration and Naturalization Service v St Cyr (2001)	474
Ince Hall Rolling Mills Co, In re (1882)	182
Incorporation Case (New South Wales v Commonwealth) (1990)	322
Industrial Affairs, Minister for v Civil Tech Pty Ltd (1997)	91
Inhabitants of Manchester v Inhabitants of Boston (1819)	482
Innes & Co Ltd, In re (1903)	186
Interlego AG v Toltoys Pty Ltd (1973)	12
Investment & Merchant Finance Corporation Ltd v Federal Commissioner of Taxation (1970)	268
Iowa v Henderson (1980)	317
Ira S Bushey & Sons, Inc v United States (1968)	40
Isaacson v Durant (1886)	430
JRL, Re; Ex p CJL (1986)	113
Jackson v Wright (1809)	482
Jaensch v Coffey (1984)	574, 578
Jago v District Court (NSW) (1989)	303
James S Adams and Co Pty Ltd v State Rivers and Water Supply Commission (1960)	527
Jerger v Pearce (1920)	410
John v Federal Commissioner of Taxation (1989)	409, 473
Johnson v American Home Assurance Co (1998)	90
Johnson v Buttress (1936)	220
Johnson v Gore Wood & Co (2002)	179
Johnson v Johnson (2000)	113
Johnson v Louisiana (1972)	328
Jones v Bartlett (2000)	34
Josephson v Walker (1914)	551
Joyce v Director of Public Prosecutions (1946)	433, 440
Judiciary and Navigation Acts, In re (1921)	205, 636, 638
Juggomohun Ghose v Manickchund (1859)	531, 533
Jumbunna Coal Mine NL v Victorian Coal Miners' Association (1908)	426
Kable v Director of Public Prosecutions (NSW) (1996)	89, 133, 164, 320
Kahn v Board of Examiners (Vict) (1939)	471
Kartinyeri v Commonwealth (1998)	320, 449, 471, 500, 539
Katsuno v The Queen (1999)	299, 304
Kauzal v Lee (1936)	13, 19
Kay v Attorney-General (Vict) (2001)	94
Keith Henry & Co Pty Ltd v Stuart Walker & Co Pty Ltd (1958)	221
Kelly v Harrison (1800)	482
Kemper Reinsurance Co v Minister of Finance (2000)	80, 81, 91
Kenny v Minister for Immigration, Local Government and Ethnic Affairs (1993)	424, 444, 469
Kimberly v Arms (1889)	89

Kimberly-Clark Australia Pty Ltd v Arico Trading International Pty Ltd (1998)	6, 8, 9, 10, 17
Kingswell v The Queen (1985)	291, 304, 309, 318, 327, 328, 630
Kirmani v Captain Cook Cruises Pty Ltd [No 1] (1985)	444
Kirmani v Captain Cook Cruises Pty Ltd [No 2] (1985)	375, 478
Knight v FP Special Assets Ltd (1992)	91, 615
Knox v Gye (1872)	230
Kondis v State Transport Authority (1984)	34, 39, 51, 53, 64
Koon Wing Lau v Calwell (1949)	412, 425, 445
Korematsu v United States (1944)	492
 Lac Minerals Ltd v International Corona Resources Ltd (1989)	220
Lagos v Grunwaldt (1910)	535
Lamb v Cotogno (1987)	230
Lambert v Weichelt (1954)	474
Lane v Esdaile (1891)	79, 80, 90, 94
Lange v Australian Broadcasting Corporation (1997)	313, 409, 460, 461
Langer v Commonwealth (1996)	322, 427
Lanz v Randall (1876)	488, 518
Laugher v Pointer (1826)	37, 58, 59
Lau You Fat, Ex p (1888)	439
Lee v The Queen (1998)	114
Leeth v Commonwealth (1992)	89, 628, 638
Lejzor Teper v The Queen (1952)	117
Le Lievre v Gould (1893)	577
Levy v Victoria (1997)	497
Licul v Corney (1976)	82, 87
Liggett v Kensington (1993)	219
Limpus v London General Omnibus Co (1862)	60
Lipohar v The Queen (1999)	291
Little v Victoria (1998)	82
Liversidge v Anderson (1942)	502
Lloyd v Grace, Smith & Co (1912)	47, 58
Lockett v Goodill (1967)	212
London, Chatham and Dover Railway Co v South Eastern Railway Co (1893)	533, 552
London Drugs Ltd v Kuehne & Nagel International Ltd (1992)	55
Lowe v Peers (1768)	555
Lowe v The Queen (1984)	617
Lowndes v The Queen (1999)	133, 138, 139, 141, 616, 623
Luckie v Bushby (1853)	556
Lumley Life Ltd v IOOF of Victoria Friendly Society (1991)	544
Lynne Fawcett (1995)	144
 M (K) v M (H) (1992)	211
Mabo v Queensland [No 2] (1992)	211, 637
McArthur (W & A) Ltd v Queensland (1920)	409
McCann v Switzerland Insurance Australia Ltd (2000)	201
MacDonald v Clinger (1982)	212
McGarry v The Queen (1991)	135
McGarry v The Queen (1999)	133, 137, 138, 139, 140, 144
McGinty v Western Australia (1996)	314, 320, 322, 352, 369, 375, 380, 382, 426, 427, 468
McInerney v MacDonald (1992)	209

McIntosh v Dalwood [No 3] (1930)	529
Mackay v Commercial Bank of New Brunswick (1874)	58
McKinney v The Queen (1991)	637
Macks, Re; Ex p Saint (2000)	89, 474
McM v C [No 2] (1980)	442
Maguire v Makaronis (1997)	176, 197, 201, 203, 220, 221, 224, 225, 226, 229, 230, 231, 532
Maine and New Brunswick Electrical Power Co Ltd v Hart (1929)	533
Mallinson v Scottish Australian Investment Co Ltd (1920)	528, 551, 555
Manuel v Attorney-General (1983)	368
Mario Piraino Pty Ltd v Roads Corporation (1991)	534, 544, 549, 554, 555
Markwald v Attorney-General (1920)	439, 489
Marshall v Director-General, Department of Transport (2001)	89
Marshall v Whittaker's Building Supply Co (1963)	39
Masel v Transport Industries Insurance Co Ltd (1995)	616
Maxwell v Dow (1900)	328
Maxwell v The Queen (1996)	113
Mellifont v Attorney-General (Q) (1991)	322, 600, 637
Mercantile Trading Co, In re; Schroder's Case (1870)	188
Merchant Shipping Co Ltd v Armitage (1873)	533
Metropolitan District Railway Co v Sharpe (1880)	78
Meyer v Poynton (1920)	401
Mickelberg v The Queen (1989)	322
Milne v Huber (1843)	400
Minneapolis, City of v Reum (1893)	488, 493
Modbury Triangle Shopping Centre Pty Ltd v Anzil (2000)	579
Moon v Dickinson (1890)	538
Morley v Gaisford (1795)	34
Mosely v Koffyfontein Mines Ltd (1904)	188
Moss v Moss [No 2] (1900)	214
Munnings v Australian Government Solicitor (1994)	94
Murphy v Brentwood District Council (1991)	580
Murphy v The Queen (1989)	157
Muschinski v Dodds (1985)	637
Natoli v Walker (1994)	89
New Brunswick Telephone Co Ltd v John Maryon International Ltd (1982)	547
New South Wales v Commonwealth (1975)	444, 460
New South Wales v Commonwealth (the Incorporation Case) (1990)	322
New Zealand and Australian Land Co v Watson (1881)	221
New Zealand Netherlands Society "Oranje" Inc v Kuys (1973)	223
News Ltd v Australian Rugby Football League Ltd (1996)	221
Newcrest Mining (WA) Ltd v Commonwealth (1997)	434
Newell v The King (1936)	297, 309
Newman v McNicol (1938)	529
Newton v Federal Commissioner of Taxation (1958)	267, 268
Nguyen v Nguyen (1990)	313
Nicholas v The Queen (1998)	113
No-Fume Ltd v Frank Pitchford & Co Ltd (1935)	16
Nolan v Minister for Immigration and Ethnic Affairs (1988)	399, 400, 407, 408, 410, 411, 412, 421, 424, 425, 427, 428, 431, 433, 467, 470, 473, 487, 489, 493, 495, 517, 518
Norberg v Wynrib (1992)	196, 197, 209, 211
Norbis v Norbis (1986)	590, 613, 616, 622, 634, 637

Northern Sandblasting Pty Ltd v Harris (1997)	36, 39, 51, 53, 65
Northern Territory v GPAO (1999)	354, 385
North Ganalanja Aboriginal Corporation v Queensland (1996)	636
North Wind Pty Ltd v Proprietors — Strata Plan 3143 (1981)	551
 O'Brien v Komesaroff (1982)	36
O'Keefe v Calwell (1949)	425
Olin Corporation v Super Cartridge Co Pty Ltd (1977)	12
Onus v Alcoa of Australia Ltd (1981)	370
Ooregum Gold Mining Co of India v Roper (1892)	182, 183, 184, 188
O'Reilly v State Bank of Victoria Commissioners (1983)	449
Osborne v Commonwealth (1911)	373
Osborne v Steel Barrel Co Ltd (1942)	193, 194
Oshlack v Richmond River Council (1998)	78, 634
Osmond v Public Service Board of NSW (1984)	230
O'Sullivan v Farrer (1989)	502
 PMT Partners Pty Ltd (In liq) v Australian National Parks and Wildlife Service (1995)	78
Panchaud Freres SA v R Pagnan & Fratelli (1974)	547
Papakosmas v The Queen (1999)	117
Patton v United States (1930)	298, 306, 317, 328, 329
Pavlic v The Queen (1995)	611
Payroll Tax Case (Victoria v Commonwealth) (1971)	306, 314, 376
Pearce v The Queen (1998)	622
Pearson v Pulley (1668)	230
Peel v The Queen (1971)	602, 619
Pellatt's Case (1867)	188
People v Murtishaw (1981)	142
Pepper v Litton (1939)	212
Performing Right Society Ltd v Mitchell & Booker (Palais de Danse) Ltd (1924)	50
Permanent Building Society (In liq) v Wheeler (1994)	225
Perpetual Executors and Trustees Association of Australia Ltd v Federal Commissioner of Taxation (Thomas' Case) (1949)	313
Perre v Apand Pty Ltd (1999)	218, 579, 580
Peterson, Ex p (1920)	298
Pettitt v Dunkley (1971)	85
Phelan v Middle States Oil Corporation (1955)	199
Philip Morris Ltd v Commissioner of Business Franchises (Vict) (1989)	314, 491
Phipps v Boardman (1967)	199
Pickett v British Rail Engineering Ltd (1980)	547
Planet Fisheries Pty Ltd v La Rosa (1968)	622
Plaskynaston Tube Co, In re (1883)	182
Pochi v Macphree (1982) 400, 409, 410, 424, 425, 428, 432, 435, 441, 467, 468, 469, 470, 473, 489, 490, 516	
Poe v Ullman (1961)	474
Police v Cadd (1997)	606, 607
Polites v Commonwealth (1945)	424, 471
Pollitt v The Queen (1992)	113, 117
Populin v HB Nominees Pty Ltd (1982)	16
Potter v Minahan (1908)	412, 439, 472, 515
Powell v The Queen (1995)	153
Prebble v Television New Zealand Ltd (1995)	373
Public Prosecutions (Cth), Director of v Said Khodor El Karhani (1990)	631

Public Prosecutions, Director of v Whiteside (2000)	618
Public Prosecutor v Oie Hee Koi (1968)	440
Public Service Association (SA) v Federated Clerks' Union (1991)	453
Public Service Board (NSW) v Osmond (1986)	85
Pyrenees Shire Council v Day (1998)	637
Quarman v Burnett (1840)	36, 42, 47, 58
Queensland v Commonwealth (1977)	313, 409
Queensland v J L Holdings Pty Ltd (1997)	86
Queensland Stations Pty Ltd v Federal Commissioner of Taxation (1945)	50
Quong Wing v The King (1914)	483
R v Accused (1990)	617
R v Adam (1999)	100
R v Allen (1886)	288, 301, 325
R v Apostilides (1984)	113
R v Aramah (1982)	614
R v Aranguren (1994)	614, 617
R v Australian Broadcasting Tribunal; Ex p 2HD Pty Ltd (1979)	116
R v Barger (1908)	315
R v Basha (1989)	101, 112
R v Beavan (1991)	611
R v Beere (1843)	301, 341
R v Benz (1989)	113
R v Bernasconi (1915)	291, 304, 317
R v Bernier (1998)	619
R v Bibi (1980)	617
R v Biddle (1995)	328
R v Bilinski (1987)	614
R v Blanco (1999)	619
R v Boswell (1984)	614
R v Brownlee (1996)	307, 315
R v Brownlee (1997)	283, 292, 302, 308, 309, 310, 335, 336
R v Burns (1883)	288, 325
R v Carter; Ex p Kisch (1934)	412, 484
R v Chan (1987)	617
R v Chaouk (1986)	289, 300, 323, 325, 332
R v Charlesworth (1861)	326, 341
R v Clarke (1982)	617
R v Coldham; Ex p Australian Social Welfare Union (1983)	49, 426
R v Commonwealth Conciliation and Arbitration Commission; Ex p Association of Professional Engineers, Australia (1959)	376, 426
R v Commonwealth Court of Conciliation and Arbitration; Ex p Ozone Theatres (Aust) Ltd (1949)	93, 498
R v Commonwealth Industrial Court Judges; Ex p Cocks (1968)	49
R v Connell; Ex p Hetton Bellbird Collieries Ltd (1944)	502, 505
R v Corrigan (1994)	611
R v De Havilland (1983)	617
R v Director-General of Social Welfare (Vict); Ex p Henry (1975)	412, 425
R v El Karhani (1990)	633
R v Farrugia (1979)	614
R v Federal Court of Australia; Ex p Pilkington ACI (Operations) Pty Ltd (1978)	79
R v Federal Court of Australia; Ex p WA National Football League (Inc) (1979)	79
R v Federal Court of Bankruptcy; Ex p Lowenstein (1938)	304, 318

R v Ferrer-Esis (1991)	594, 619
R v Forbes; Ex p Kwok Kwan Lee (1971)	425
R v Foster; Ex p Commonwealth Life (Amalgamated) Assurances Ltd (1952)	45
R v Francis; Ex p Markwald (1918)	439
R v Gallagher (1991)	611, 612
R v Gay (1976)	300, 301, 324
R v Geddes (1936)	611
R v Governor of Metropolitan Gaol; Ex p Molinari (1962)	425
R v GP (1997)	617
R v Gray; Ex p Marsh (1985)	93
R v Hall (1986)	104
R v Hambrey (1977)	332
R v Harman (1989)	611
R v Harris (1992)	611
R v Harris (1997)	156
R v Harrow Crown Court; Ex p Dave (1994)	86
R v Henry (1999)	600, 618, 634, 639
R v Hughes (2000)	444, 494, 638
R v Inland Revenue Commissioners; Ex p Rossmminster Ltd (1980)	502
R v Judd (1919)	450
R v Jurisic (1998)	592, 600, 618, 639
R v Kinnear (1819)	300
R v Kirby; Ex p Boilermakers' Society of Australia (1956)	370
R v Krasnov (1995)	627
R v Lau Tak-ming (1990)	617
R v Lawson (1997)	594
R v Leung (1999)	620
R v Lyons (1987)	142
R v McDonnell (1997)	592, 593, 614, 615, 622, 631
R v Macfarlane; Ex p O'Flanagan and O'Kelly (1923)	410, 439, 484
R v Mid Glamorgan Family Health Services Authority; Ex p Martin (1995)	213
R v Moffatt (1998)	143, 153, 160
R v N (1998)	592
R v Nagy (1992)	611
R v Ngui (2000)	616, 618, 619, 628, 629, 635
R v Nicholas (2000)	626
R v O'Brien (1991)	611
R v Olbrich (1999)	322, 608, 619, 620
R v Osenkowski (1982)	591
R v Papazisis (1991)	624
R v Perrier [No 2] (1991)	611, 619
R v Public Vehicles Licensing Appeal Tribunal (Tas); Ex p Australian National Airways Pty Ltd (1964)	426
R v Puru (1984)	617
R v Robinson (2000)	332
R v Rose (1993)	156
R v Ross-Jones; Ex p Green (1984)	79
R v Secretary of State for the Home Department; Ex p Doody (1994)	85
R v Sharkey (1949)	444
R v Sherratt (1991)	330
R v Silverlock (1894)	156
R v Smith (1995)	94
R v Snow (1915)	297, 304
R v Sparrow (1990)	211

R v Spiteri (1999)	618
R v Stanaway (1997)	617
R v Stone (1796)	323
R v Storey (1998)	322
R v Sussex Justices; Ex p McCarthy (1924)	113
R v Sutherland (1992)	611
R v T (1995)	148
R v Tait (1979)	624
R v Taylor (1950)	323, 324
R v Thompson (1964)	104
R v Thompson (2000)	148
R v Thomson (2000)	600, 611
R v Toohey; Ex p Northern Land Council (1981)	453, 504
R v Trade Practices Tribunal; Ex p Tasmanian Breweries Pty Ltd (1970)	614
R v Twiss (1918)	300, 324
R v Urlich (1981)	617
R v Valentine (1871)	338
R v Voss (1963)	300
R v Watson; Ex p Armstrong (1976)	113
R v Williams (1934)	602
R v Willis (1974)	614
R v Williscroft (1975)	611
R v Wilson; Ex p Kisch (1934)	484
R v Winchester (1992)	611
R v Wong (1995)	148
R v Wong (1999)	589, 590, 598, 599, 601, 604, 605, 606, 609, 610, 611, 613, 617, 618, 619, 620, 623, 625, 626, 630, 631, 632, 634, 635, 639, 640, 641
R v Woolf (1819)	324
R v Young (1990)	611
R v Young (1995)	289
RPS v The Queen (2000)	113
Rabel v Eastern Energy Ltd (1999)	77, 79, 85
Ralevski v Dimovski (1986)	230
Ras Behari Lal v The King-Emperor (1933)	86
Reading v The King (1949)	220
Reference Under Section 11 of Ombudsman Act 1976 for an Advisory Opinion,	
Re; Ex p Director-General of Social Services (1979)	449, 450
Refugee Review Tribunal, Re; Ex p Aala (2000)	299, 320, 437, 495
Residual Assco Group Ltd v Spalvins (2000)	133, 638
Richardson v The Queen (1974)	113
Riches v Westminster Bank Ltd (1947)	552
Richmond Hill Hotel Co, In re; Pellatt's Case (1867)	186
Robtelmes v Brenan (1906)	468
Rogers v Whitaker (1992)	212
Rohde v Director of Public Prosecutions (Cth) (1986)	619
Rose v Hvrlic (1963)	78, 87
Roughley v New South Wales; Ex p Beavis (1928)	550
Roy Morgan Research Centre Pty Ltd v Commissioner of State Revenue (2001)	133, 545
Royal Brunei Airlines Sdn Bhd v Tan (1995)	174
Ryan v The Queen (2001)	622, 631
S & M Motor Repairs Pty Ltd v Caltex Oil (Australia) Pty Ltd (1988)	319
Salomon v Salomon & Co (1897)	184

Sami S Svendsen Inc v Independent Products Canada Ltd (1968)	13, 15
Samuel Taylor Pty Ltd v SA Brush Co Ltd (1950)	10, 16
Scott v Bowyer (1998)	527
Scott v Davis (2000)	34, 37, 47, 50, 51, 53, 54, 58, 59, 60, 68
Seagg v The King (1932)	602
Seager v Copydex Ltd [No 2] (1969)	532
Securities and Exchange Commission v Chenery Corporation (1943)	198
Segur v Franklin (1934)	535
Serrette v The Queen (2000)	628
Sharp v Wakefield (1891)	505
Shearer (Inspector of Taxes) v Bercain Ltd (1980)	193
Shepherd v Hills (1855)	528
"Shin Kobe Maru" (Owners of) v Empire Shipping Co Inc (1994)	78, 615
Short v J & W Henderson Ltd (1946)	48
Sidaway v Board of Governors of Bethlem Royal Hospital (1985)	211
Sinclair v Maryborough Mining Warden (1975)	453
Singer v Statutory and Other Offices Remuneration Tribunal (1986)	506
Singer v United States (1965)	317
Sly v United Development Corporation Pty Ltd (1962)	7
Smith v Alabama (1888)	297
Soulemezis v Dudley (Holdings) Pty Ltd (1987)	84, 86
South Australia v O'Shea (1987)	502
Southern Centre of Theosophy Inc v South Australia (1979)	432
Southern Pacific Co v Bogert (1919)	212
Spain v Union Steamship Co of New Zealand Ltd (1923)	535, 556
Spencer v Commonwealth (1907)	535
Spies v The Queen (2000)	299
Spratt v Hermes (1965)	318
Spring v Guardian Assurance Plc (1995)	581
Springville v Thomas (1897)	328
Stamps (SA), Commissioner of v Telegraph Investment Co Pty Ltd (1995)	373
Stanton v Drayton Commercial Investment Co Ltd (1983)	193
Stapleton v The Queen (1952)	469
State Bank (NSW) v Commonwealth Savings Bank of Australia (1984)	550
State Rail Authority (NSW) v Earthline Constructions Pty Ltd (In liq) (1999)	89
State Revenue, Commissioner of v Roy Morgan Research Centre Pty Ltd (2000)	84, 86
Steele v Deputy Commissioner of Taxation (1999)	251, 260
Stefan v General Medical Council (1999)	85
Stein v Blake (1996)	534
Stephens v The People (1859)	331
Stepney Election Petition, In re; Isaacson v Durant (1886)	412, 430, 466, 469, 482
Stevens v Brodribb Sawmilling Co Pty Ltd (1986)	30, 33, 40, 41, 44, 47, 50, 71, 578
Stevens v Head (1993)	409
Stevenson, Ex p (1892)	91, 93
Stooke v Taylor (1880)	534
Stratton v Parn (1978)	91
Street v Queensland Bar Association (1989)	435, 471, 478
Sue v Hill (1999)	322, 358, 367, 377, 398, 399, 407, 408, 411, 427, 428, 432, 433, 438, 442, 444, 466, 467, 471, 478, 495, 517
Sullivan v Moody (2000)	567
Sunbeam Corporation v Morphy-Richards (Aust) Pty Ltd (1961)	16
Svendsen (Sami S) Inc v Independent Products Canada Ltd (1968)	13, 15
Swan's Estate, In re (1869)	547

Sydney Harbour Trust Commissioners v Wailes (1908)	36
Sykes v Cleary (1992)	407
TNT Worldwide Express (NZ) Ltd v Cunningham (1993)	45, 46
Target Holdings Ltd v Redferns (1996)	225
Tasmanian Dam Case (Commonwealth v Tasmania) (1983)	314, 427
Tate v Williamson (1866)	220
Taxation, Federal Commissioner of v Consolidated Press Holdings Ltd [No 1] (1999)	245, 260, 266, 272, 273, 274, 276
Taxation, Federal Commissioner of v Ellers Motor Sales Pty Ltd (1972)	268
Taxation, Federal Commissioner of v Patcorp Investments Ltd (1976)	268
Taxation, Federal Commissioner of v Peabody (1994)	235
Taxation, Federal Commissioner of v St Helens Farm (ACT) Pty Ltd (1981)	179
Taxation, Federal Commissioner of v Spotless Services Ltd (1996)	247, 263, 264
Taxation, Federal Commissioner of v Vabu Pty Ltd (1997)	49
Taxes (SA), Commissioner of v Executor Trustee and Agency Co of South Australia Ltd (Carden's Case) (1938)	194
Taylor (Samuel) Pty Ltd v SA Brush Co Ltd (1950)	10, 16
Theatrical Trust Ltd, In re; Chapman's Case (1895)	186
Theodore v Duncan (1919)	460
Theophanous v Herald & Weekly Times Ltd (1994)	286
Thiel v Federal Commissioner of Taxation (1990)	262
Thompson v The Queen (1998)	142, 329
Thompson v The Queen (1999)	133, 138, 139, 142, 147, 148, 160
Thompson v Utah (1898)	306, 326
Thomson Australian Holdings Pty Ltd v Trade Practices Commission (1981)	551
Tickle Industries Pty Ltd v Hann (1974)	527, 528
Tongkah Compound NL v Meagher (1951)	181
Tooke, Trial of (1794)	323
Torette House Pty Ltd v Berkman (1939)	70
Tracey, Re; Ex p Ryan (1989)	379
Tramways Case, The [No 1] (1914)	93, 409
Travers v Richardson (1920)	529
Trevor v Whitworth (1887)	181, 182
Tuckwood v Rotherham Corporation (1921)	528
Tyler v United States (1968)	332
Tyler, Re; Ex p Foley (1994)	637
Union Colliery Co of British Columbia v Bryden (1899)	485
Union Steamship Co of New Zealand Ltd v Commonwealth (1925)	385
United Dominions Corporation Ltd v Brian Pty Ltd (1985)	176
United States v Lustman (1958)	319
Universal Film Manufacturing Co (Australasia) Ltd v New South Wales (1927)	474
University of Wollongong v Metwally (1984)	67, 354, 385
University of Wollongong v Metwally [No 2] (1985)	48
Utilux Pty Ltd v AMP Inc (1974)	15
Vabu Pty Ltd v Federal Commissioner of Taxation (1995)	29, 30
Vabu Pty Ltd v Federal Commissioner of Taxation (1996)	27, 31, 48, 49, 52, 62, 64
Vakauta v Kelly (1989)	319
Valensi v British Radio Corporation (1973)	16
Vance v Terrazas (1980)	492
Veen v The Queen [No 1] (1979)	141
Veen v The Queen [No 2] (1988)	130, 141, 613

Verschuren v The Queen (1996)	611
Victoria v Commonwealth (1975)	351, 374, 380
Victoria v Commonwealth (the Payroll Tax Case) (1971)	306, 314, 376
Victoria v Commonwealth (the Second Uniform Tax Case) (1957)	409
Victoria Park Racing and Recreation Grounds Co Ltd v Taylor (1937)	233
Victorian WorkCover Authority v Coats Paton Pty Ltd (2000)	542
W & A McArthur Ltd v Queensland (1920)	409
Wade v Burns (1966)	453
Wakeley v The Queen (1990)	113
Wakim, Re; Ex p McNally (1999)	306, 314, 320, 322, 370, 376, 380, 426, 477, 495,
	637
Walden v Hensler (1987)	141
Walker v Southern Pacific Railroad (1897)	298
Walsh and Johnson, Ex p; In re Yates (1925)	410, 412, 425, 436, 444, 477, 486, 492,
	494, 515
Ward v The Queen (1980)	296
Warman International Ltd v Dwyer (1995)	204, 224, 225
Water Conservation and Irrigation Commission (NSW) v Browning (1947)	116
Webb v The Queen (1994)	113
Wedgwood Coal and Iron Co, In re; Anderson's Case (1877)	186
Weiss v Lufft (1941)	7
Welch Perrin & Co Pty Ltd v Worrel (1961)	12, 13, 16, 19
Welton v Saffery (1897)	182
West Bengal v Atul Krishna Shaw (1990)	85
Westdeutsche Landesbank Girozentrale v Islington London Borough Council (1996)	539
Western Australia v Wilsmore (1982)	350, 351, 352, 362, 379
White Star Line Ltd, In re (1938)	186, 187
Wik Peoples v Queensland (1996)	381
Williams v Attorney-General (NSW) (1913)	461
Williams v Florida (1970)	288, 293, 302, 328, 329, 330
Williams v The King [No 1] (1933)	602
Williams v The King [No 2] (1934)	602, 619
Williams, Ex p (1934)	619
Wilson v Minister for Aboriginal and Torres Strait Islander Affairs (1996)	113
Winsor v The Queen (1866)	340, 341
Woolmington v Bronze Lamp Restaurant Pty Ltd (1984)	529
Woolwich Equitable Building Society v Inland Revenue Commissioners (1993)	551
Workers' Compensation Board (Q), Ex p (1983)	527
Workman, Clark & Co Ltd v Lloyd Brazileño (1908)	533
Wragg Ltd, In re (1897)	184, 185, 186, 188
Wright v Attorney-General (Tas) (1954)	50
Wu v The Queen (1999)	287, 288, 291, 295, 301, 303, 304, 311, 316, 327, 330, 332,
	341, 343
X (Minors) v Bedfordshire County Council (1995)	574, 581
Yougarla v Western Australia (1998)	370
Yougarla v Western Australia (1999)	369, 370
Yougarla v Western Australia (2001)	461
Yuen Kun Yeu v Attorney-General (Hong Kong) (1988)	581

TABLE OF CASES CITED

xxvii

Zahn v Transamerica Corporation (1947)	212
Zoeller v Attorney-General (Cth) (1987)	450, 459
Zuijs v Wirth Brothers Pty Ltd (1955)	36, 40, 41