

2022-2023

THE

COMMONWEALTH

LAW REPORTS

CASES DETERMINED  
IN THE  
HIGH COURT OF AUSTRALIA

**EDITORS**  
P T VOUT, KC  
P G WILLIS, SC

VOLUME 277

LAWBOOK CO.

2024

**REPORTERS**

B D KAPLAN  
J A G MCCOMISH  
A D POUND, SC  
D J REYNOLDS  
A F SOLOMON-BRIDGE  
J R WANG  
M J WELLS

*BARRISTERS*

**PRODUCTION EDITOR**

CAROLYN MAY



© 2024 Thomson Reuters (Professional) Australia Limited

Lawbook Co.

ABN 64 058 914 668

Published in Sydney

Printed by Ligare Pty Ltd, Riverwood, NSW

ISSN 0069-7133

JUSTICES OF THE HIGH COURT OF AUSTRALIA

DURING THE CURRENCY OF THIS VOLUME

THE HONOURABLE SUSAN MARY KIEFEL, AC, CHIEF JUSTICE

THE HONOURABLE STEPHEN JOHN GAGELER, AC

THE HONOURABLE PATRICK ANTHONY KEANE, AC  
(retired October 2022)

THE HONOURABLE MICHELLE MARJORIE GORDON, AC

THE HONOURABLE JAMES JOSHUA EDELMAN

THE HONOURABLE SIMON HARRY PETER STEWARD

THE HONOURABLE JACQUELINE SARAH GLEESON

THE HONOURABLE JAYNE MARGARET JAGOT

ATTORNEY-GENERAL

THE HONOURABLE MARK DREYFUS, KC  
(from 1 June 2022)



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

---

**TABLE OF CASES REPORTED  
IN THIS VOLUME**

Allergan Australia Pty Ltd; Self Care IP Holdings Pty Ltd v .....	186
Allianz Australia Insurance Ltd v Delor Vue Apartments CTS 39788 .....	445
BDO v The Queen .....	518
Defteros; Google LLC v .....	358
Delor Vue Apartments CTS 39788; Allianz Australia Insurance Ltd v .....	445
Farm Transparency International Ltd v New South Wales .....	537
Garlett v Western Australia .....	1
Google LLC v Defteros .....	358
Hardingham; Realestate.com.au Pty Ltd v .....	115
Hardingham; RP Data Pty Ltd v .....	115
Koper; Zurich Insurance Co Ltd v .....	164
New South Wales; Farm Transparency International Ltd v .....	537
New South Wales; Unions NSW v .....	627
R; BDO v .....	518
Realestate.com.au Pty Ltd v Hardingham .....	115
RP Data Pty Ltd v Hardingham .....	115
SDCV v Director-General of Security (2022) .....	241
Security, Director-General of; SDCV v .....	241
Self Care IP Holdings Pty Ltd v Allergan Australia Pty Ltd .....	186
Unions NSW v New South Wales .....	627

Western Australia; Garlett v .....	1
Zurich Insurance Co Ltd v Koper .....	164

## TABLE OF CASES JUDICIALLY CONSIDERED IN CASES REPORTED IN THIS VOLUME

<i>Agricultural and Rural Finance Pty Ltd v Gardiner</i> (2008) 238 CLR 570 Considered. Allianz Australia Insurance Ltd v Delor Vue Apartments CTS 39788 .....	445
<i>Ainsworth v Criminal Justice Commission</i> (1992) 175 CLR 564 Referred to. Unions NSW v New South Wales .....	627
<i>Allergen Australia Pty Ltd v Self Care IP Holdings Pty Ltd</i> (2021) 286 FCR 259 Reversed. Self Care IP Holdings P/L v Allergan Australia P/L .....	186
<i>Allianz Australia Insurance Ltd v Delor Vue Apartments CTS 39788</i> (2021) 287 FCR 388 Reversed. Allianz Australia Insurance Ltd v Delor Vue Apartments CTS 39788 .....	445
<i>Australian Broadcasting Corporation v Lenah Game Meats Pty Ltd</i> (2001) 208 CLR 199 Considered. Farm Transparency International Ltd v New South Wales .	537
<i>Australian Capital Television Pty Ltd v The Commonwealth</i> (1992) 177 CLR 106 Applied. Zurich Insurance Co Ltd v Koper .....	164
<i>Australian Conservation Foundation v The Commonwealth</i> (1979) 146 CLR 493 Referred to. Unions NSW v New South Wales .....	627
<i>Australian Meat Group Pty Ltd v JBS Australia Pty Ltd</i> (2018) 268 FCR 623 Explained. Self Care IP Holdings P/L v Allergan Australia P/L .....	186
<i>Australian Woollen Mills Ltd v F S Walton &amp; Co Ltd</i> (1937) 58 CLR 641 Applied. Self Care IP Holdings P/L v Allergan Australia P/L .....	186
<i>BP Refinery (Westernport) Pty Ltd v Shire of Hastings</i> (1977) 180 CLR 266 Considered. Realestate.com.au Pty Ltd v Hardingham .....	115
<i>Brown v Tasmania</i> (2017) 261 CLR 328 Applied. Farm Transparency International Ltd v New South Wales ....	537
Referred to. Unions NSW v New South Wales .....	627
<i>Byrne v Australian Airlines Ltd</i> (1995) 185 CLR 410 Considered. Realestate.com.au Pty Ltd v Hardingham .....	115
<i>C A Henschke &amp; Co v Rosemount Estates Pty Ltd</i> (2000) 52 IPR 42 Explained. Self Care IP Holdings P/L v Allergan Australia P/L .....	186

<i>CGU Insurance Ltd v AMP Financial Planning Pty Ltd</i> (2007) 235 CLR 1	
Applied. <i>Allianz Australia Insurance Ltd v Delor Vue Apartments CTS</i> 39788 .....	445
<i>Clubb v Edwards</i> (2019) 267 CLR 171	
Applied. <i>Farm Transparency International Ltd v New South Wales</i> .....	537
<i>Coca-Cola Co v All-Fect Distributors Ltd</i> (1999) 96 FCR 107	
Approved. <i>Self Care IP Holdings P/L v Allergan Australia P/L</i> .....	186
<i>Codelfa Construction Pty Ltd v State Rail Authority (NSW)</i> (1982) 149 CLR 337	
Considered. <i>Realestate.com.au Pty Ltd v Hardingham</i> .....	115
<i>Comcare v Banerji</i> (2019) 267 CLR 373	
Applied. <i>Farm Transparency International Ltd v New South Wales</i> .....	537
<i>Commonwealth, The v Verwayen</i> (1990) 170 CLR 394	
Considered. <i>Allianz Australia Insurance Ltd v Delor Vue Apartments CTS</i> 39788 .....	445
<i>Condon v Pompano Pty Ltd</i> (2013) 252 CLR 38	
Applied. <i>SDCV v Director-General of Security</i> .....	241
<i>Craine v Colonial Mutual Fire Insurance Co Ltd</i> (1920) 28 CLR 305	
Considered. <i>Allianz Australia Insurance Ltd v Delor Vue Apartments CTS</i> 39788 .....	445
<i>Crookes v Newton</i> [2011] 3 SCR 269	
Approved. <i>Google LLC v Defteros</i> .....	358
<i>Croome v Tasmania</i> (1997) 191 CLR 119	
Referred to. <i>Unions NSW v New South Wales</i> .....	627
<i>Defteros v Google LLC</i> [2021] VSCA 167	
Reversed. <i>Google LLC v Defteros</i> .....	358
<i>Fairfax Media Publications Pty Ltd v Voller</i> (2021) 273 CLR 346	
Distinguished. <i>Google LLC v Defteros</i> .....	358
<i>Fardon v Attorney-General (Qld)</i> (2004) 223 CLR 575	
Considered. <i>Garlett v Western Australia</i> .....	1
<i>Graham v Minister for Immigration and Border Protection</i> (2017) 263 CLR 1	
Considered. <i>SDCV v Director-General of Security</i> .....	241
<i>Grundt v Great Boulder Pty Gold Mines Ltd</i> (1937) 59 CLR 641	
Applied. <i>Allianz Australia Insurance Ltd v Delor Vue Apartments CTS</i> 39788 .....	445
<i>Gypsy Jokers Motorcycle Club Inc v Commissioner of Police</i> (2008) 234 CLR 532	
Applied. <i>SDCV v Director-General of Security</i> .....	241



<i>Hardingham v RP Data Pty Ltd</i> (2021) 395 ALR 644	
Reversed in part. Realestate.com.au Pty Ltd v Hardingham .....	115
<i>Hawkins v Clayton</i> (1988) 164 CLR 539	
Considered. Realestate.com.au Pty Ltd v Hardingham .....	115
<i>Kable v Director of Public Prosecutions (NSW)</i> (1996) 189 CLR 51	
Distinguished. Garlett v Western Australia .....	1
<i>Lange v Australian Broadcasting Corporation</i> (1997) 189 CLR 520	
Considered. Farm Transparency International Ltd v New South Wales .	537
Referred to. Unions NSW v New South Wales .....	627
<i>LibertyWorks Inc v The Commonwealth</i> (2021) 274 CLR 1	
Applied. Farm Transparency International Ltd v New South Wales .....	537
<i>McCloy v New South Wales</i> (2015) 257 CLR 178	
Applied. Farm Transparency International Ltd v New South Wales .....	537
<i>O'Connor v S P Bray Ltd</i> (1936) 36 SR (NSW) 248	
Considered. Allianz Australia Insurance Ltd v Delor Vue Apartments CTS 39788 .....	445
<i>Plaintiff M68/2015 v Minister for Immigration and Border Protection</i> (2016) 257 CLR 42	
Distinguished. Unions NSW v New South Wales .....	627
<i>R v B</i> [1997] QCA 486	
Considered. BDO v The Queen .....	518
<i>R v BDO</i> [2021] QCA 220	
Reversed. BDO v The Queen .....	518
<i>R v F; Ex parte Attorney-General</i> [1999] 2 Qd R 157	
Considered. BDO v The Queen .....	518
<i>RP v The Queen</i> (2016) 259 CLR 641	
Considered. BDO v The Queen .....	518
<i>Sargent v ASL Developments Ltd</i> (1974) 131 CLR 634	
Applied. Allianz Australia Insurance Ltd v Delor Vue Apartments CTS 39788 .....	445
<i>SDCV v Director-General of Security</i> (2021) 284 FCR 357	
Affirmed. SDCV v Director-General of Security .....	241
<i>Smethurst v Commissioner of the Australian Federal Police</i> (2020) 272 CLR 177	
Considered. Farm Transparency International Ltd v New South Wales .	537

<i>Southern Cross Refrigerating Co v Toowoomba Foundry Pty Ltd</i> (1953) 91 CLR 592	
Applied. <i>Self Care IP Holdings P/L v Allergan Australia P/L</i> .....	186
<i>Toll (FGCT) Pty Ltd v Alphapharm Pty Ltd</i> (2004) 219 CLR 165	
Considered. <i>Realestate.com.au Pty Ltd v Hardingham</i> .....	115
<i>Trade Marks, Registrar of v Woolworths Ltd</i> (1999) 93 FCR 365	
Explained. <i>Self Care IP Holdings P/L v Allergan Australia P/L</i> .....	186
<i>Unions NSW v New South Wales</i> (2013) 252 CLR 530	
Referred to. <i>Unions NSW v New South Wales</i> .....	627
<i>Unions NSW v New South Wales</i> (2019) 264 CLR 595	
Referred to. <i>Unions NSW v New South Wales</i> .....	627
<i>Webb v Bloch</i> (1928) 41 CLR 331	
Distinguished. <i>Google LLC v Defteros</i> .....	358
<i>Zurich Insurance Plc v Koper</i> (2022) 110 NSWLR 380	
Affirmed. <i>Zurich Insurance Co Ltd v Koper</i> .....	164

# STATUTES, RULES, ETC JUDICIALLY CONSIDERED

## CONSTITUTION

Ch III: Garlett v Western Australia .....	1
Ch III: SDCV v Director-General of Security .....	241
s 51(xxiv): Zurich Insurance Co Ltd v Koper .....	164
s 77(ii): Zurich Insurance Co Ltd v Koper .....	164
s 77(iii): Zurich Insurance Co Ltd v Koper .....	164

## COMMONWEALTH

### **Administrative Appeals Tribunal Act 1975**

s 39B(2)(a): SDCV v Director-General of Security .....	241
s 44: SDCV v Director-General of Security .....	241
s 46(2): SDCV v Director-General of Security .....	241
SDCV v Director-General of Security .....	241

### **Competition and Consumer Act 2010**

s 18: Self Care IP Holdings Pty Ltd v Allergan Australia Pty Ltd .....	186
s 29(1): Self Care IP Holdings Pty Ltd v Allergan Australia Pty Ltd ...	186
Sch 2: Self Care IP Holdings Pty Ltd v Allergan Australia Pty Ltd .....	186

### **Copyright Act 1968**

s 15: Realestate.com.au Pty Ltd v Hardingham .....	115
----------------------------------------------------	-----

### **Insurance Contracts Act 1984**

s 13: Allianz Australia Insurance v Delor Vue Apartments CTS 39788 .	445
s 14: Allianz Australia Insurance v Delor Vue Apartments CTS 39788 .	445
s 28: Allianz Australia Insurance v Delor Vue Apartments CTS 39788 .	445

### **Trade Marks Act 1995**

s 10: Self Care IP Holdings Pty Ltd v Allergan Australia Pty Ltd .....	186
s 120(1): Self Care IP Holdings Pty Ltd v Allergan Australia Pty Ltd .	186
s 185: Self Care IP Holdings Pty Ltd v Allergan Australia Pty Ltd .....	186

### **Trans-Tasman Proceedings Act 2010**

s 9: Zurich Insurance Co Ltd v Koper .....	164
s 10: Zurich Insurance Co Ltd v Koper .....	164

## NEW SOUTH WALES

### **Civil Liability (Third Party Claims Against Insurers) Act 2017**

Zurich Insurance Co Ltd v Koper .....	164
---------------------------------------	-----

### **Electoral Funding Act 2018**

s 33(1): Unions NSW v New South Wales .....	627
s 35: Unions NSW v New South Wales .....	627
Unions NSW v New South Wales .....	627

**Surveillance Devices Act 2007**

s 8: Farm Transparency International Ltd v New South Wales .....	537
s 11: Farm Transparency International Ltd v New South Wales .....	537
s 12: Farm Transparency International Ltd v New South Wales .....	537

**QUEENSLAND**

**Criminal Code**

s 29(2): BDO v The Queen .....	518
--------------------------------	-----

**VICTORIA**

**Defamation Act 2005**

s 30: Google LLC v Defteros .....	358
s 32: Google LLC v Defteros .....	358

**WESTERN AUSTRALIA**

**High Risk Serious Offenders Act 2020**

s 7: Garlett v Western Australia .....	1
s 48: Garlett v Western Australia .....	1
Sch 1, Div 1, Subdiv 3, item 34: Garlett v Western Australia .....	1

## TABLE OF CASES CITED IN THE JUDGMENTS

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

A R Griffiths & Sons Pty Ltd v Richards (1996) .....	153, 159
A v Google New Zealand Ltd (2012) .....	395
A v Hayden (1984) .....	280, 298, 570, 613
A v United Kingdom (2009) .....	285, 346
AAP Industries Pty Ltd v Rehau Pte Ltd (2017) .....	153
Abram Steamship Co v Westville Shipping Co (1923) .....	480
Abrams v United States (1919) .....	566
Acohs Pty Ltd v RA Bashford Consulting Pty Ltd (1997) .....	132
Acohs Pty Ltd v Ucorp Pty Ltd (2012) .....	132
Acs v Anderson (1975) .....	661
Adam v Ward (1917) .....	418
Advance (NSW) Insurance Agencies Pty Ltd v Matthews (1989) ....	470, 477, 495, 509
AG Australia Holdings Ltd v Burton (2002) .....	613
Agricultural and Rural Finance Pty Ltd v Gardiner (2008) .	447, 467-469, 471, 474, 476, 478, 479, 481, 485, 486, 500, 503
Ah Yick v Lehmert (1905) .....	174, 181, 637
Aid/Watch Inc v Federal Commissioner of Taxation (2010) .....	564, 565, 569
Ainsworth v Criminal Justice Commission (1992) .....	628, 638-640, 648, 654, 661
Aktas v Westpac Banking Corporation (2010) .....	398, 419, 420
Al Rawi v Security Service (2011) .....	271, 285, 292, 299, 307, 327, 352
Al-Kateb v Godwin (2004) .....	64, 105
Alati v Kruger (1955) .....	480
Albert v Google Inc (2014) .....	395
Alcon Inc v Bausch & Lomb (Australia) Pty Ltd (2009) .....	219
Alexander v Minister for Home Affairs (2022) .....	65, 92, 306
Alister v The Queen (1983) .....	268, 278, 297, 298, 307
Allan v Transurban City Link Ltd (2001) .....	290, 638
Allen v Wortham (1890) .....	390
Allergan Australia Pty Ltd v Self Care IP Holdings Pty Ltd (2020) .....	204
Allergan Inc v Di Giacomo (2012) .....	223
Allianz Australia Insurance Ltd v Delor Vue Apartments CTS 39788 (2021) ....	462, 463, 469, 472, 482, 487, 488, 491, 494, 496, 508, 510, 511
Alsens American Portland Cement Works v Degnon Contracting Co (1917) .....	503
Amalgamated Collieries of WA Ltd v True (1938) .....	157

Amalgamated Society of Engineers v Adelaide Steamship Co Ltd (1920) .	37, 175
American Civil Liberties Union of Massachusetts v United States Conference of Catholic Bishops (2013) .....	652
AMP Financial Planning Pty Ltd v CGU Insurance Ltd (2005) .....	514
Anderson v Eric Anderson Radio & TV Pty Ltd (1965) .....	181
Anderson v New York Telephone Co (1974) .....	393, 410, 435
Anderson v The Commonwealth (1932) .....	640
Andreyevich v Kosovich (1947) .....	421
Anheuser-Busch Inc v Budejovicky Budvar Nrodn Podnik (2002) ...	206, 207, 218
Annetts v McCann (1990) .....	268
Ansell Rubber Co Pty Ltd v Allied Rubber Industries Pty Ltd (1972) .....	609
Aon Risk Services Australia Ltd v Australian National University (2009) .	304
APLA Ltd v Legal Services Commissioner (NSW) (2005) .....	180
Apotex Pty Ltd v Sanofi-Aventis Australia Pty Ltd [No 2] (2012) .....	132
Applicant VEAL of 2002 v Minister for Immigration and Multicultural and Indigenous Affairs (2005) .....	268
Aqua-Marine Marketing Pty Ltd v Pacific Reef Fisheries (Australia) Pty Ltd [No 5] (2012) .....	153
Ashcoast Pty Ltd v Whillans (1998) .....	590
Aston v Harlee Manufacturing Co (1960) .....	201
Aston v Irvine (1955) .....	179
Astrazeneca Pty Ltd v GlaxoSmithKline Australia Pty Ltd (2006) .....	225
Attorney General (Quebec) v A (2013) .....	566
Attorney-General (Belize) v Belize Telecom Ltd (2009) .....	154, 156
Attorney-General (Cth) v Alinta Ltd (2008) .....	61, 62
Attorney-General (Cth) v Breckler (1999) .....	61
Attorney-General (Cth) v The Queen (1957) .....	289
Attorney-General (NSW) v Quin (1990) .....	654
Attorney-General (NT) v Emmerson (2014) .....	29, 31, 33, 34, 45, 66, 88, 89, 103, 303, 304, 324
Attorney-General (Qld) v Francis (2006) .....	41
Attorney-General (Qld) v Thaiday (2021) .....	100
Attorney-General v Guardian Newspapers Ltd [No 2] (1990) ..	588, 589, 608, 609, 613
Aubrey v The Queen (2017) .....	583
Aussie Airlines Pty Ltd v Australian Airlines Ltd (1996) .....	640
Austin Nichols & Co Inc v Lodestar Anstalt [No 1] (2012) .....	215
Austin v Mirror Newspapers Ltd (1985) .....	422
Austin v The Commonwealth (2003) .....	55
Australian Boot Trade Employees' Federation v The Commonwealth (1954) .....	652, 658
Australian Broadcasting Commission v Parish (1980) .....	279

TABLE OF CASES CITED

xv

Australian Broadcasting Corporation v Lenah Game Meats Pty Ltd (2001) .....	538, 552, 553, 555, 556, 563, 565, 567-569, 588-591, 593, 599-601, 610-612, 614, 621
Australian Broadcasting Corporation v O’Neill (2006) .....	570
Australian Broadcasting Tribunal v Bond (1990) .....	304, 313
Australian Capital Television Pty Ltd v The Commonwealth (1992) ..	165, 175, 179-181, 565, 566
Australian Capital Territory Revenue, Commissioner for v Alphaone Pty Ltd (1994) .....	293
Australian Communist Party v The Commonwealth (Australian Communist Party Case) (1951) .....	55, 644
Australian Communist Party Case (Australian Communist Party v The Commonwealth) (1951) .....	55, 644
Australian Competition and Consumer Commission v Allergy Pathway Pty Ltd [No 2] (2011) .....	430
Australian Competition and Consumer Commission v Coles Supermarkets Australia Pty Ltd (2014) .....	226, 227
Australian Competition and Consumer Commission v Employsure Pty Ltd (2021) .....	230
Australian Competition and Consumer Commission v Google LLC [No 2] (2021) .....	226, 227, 230
Australian Competition and Consumer Commission v MSY Technology Pty Ltd (2012) .....	653, 661
Australian Competition and Consumer Commission v Telstra Corporation Ltd (2004) .....	225
Australian Competition and Consumer Commission v Telstra Corporation Ltd (2007) .....	225
Australian Competition and Consumer Commission v TPG Internet Pty Ltd (2013) .....	225, 226
Australian Competition and Consumer Commission v TPG Internet Pty Ltd (2020) .....	227
Australian Conservation Foundation v The Commonwealth (1979) ..	628, 638, 640-642, 647, 649, 650
Australian Federal Police, Commissioner of v Propend Finance Pty Ltd (1997) .....	589, 590
Australian Financial Services and Leasing Pty Ltd v Hills Industries Ltd (2014) .....	487, 510, 511
Australian Meat Group Pty Ltd v JBS Australia Pty Ltd (2018) .....	188, 210, 211, 213, 216, 220
Australian Securities and Investments Commission v Edensor Nominees Pty Ltd (2001) .....	177, 181, 637
Australian Securities and Investments Commission v Richards (2013) .....	308
Australian Textiles Pty Ltd v The Commonwealth (1945) .....	658
Australian Woollen Mills Ltd v F S Walton & Co Ltd (1937) ..	188, 207-209, 216, 223
Automatic Fire Sprinklers Pty Ltd v Watson (1946) .....	474

Avel Pty Ltd v Multicoin Amusements Pty Ltd (1990) .....	132
B v The Queen (1958) .....	527
Baker v The Queen (2004) .....	46, 67
Bank of New South Wales v The Commonwealth (Bank Nationalisation Case) (1948) .....	289, 317
Bank of Nova Scotia v Hellenic Mutual War Risks Association (Bermuda) Ltd (1992) .....	474
Bank Nationalisation Case (Bank of New South Wales v The Commonwealth) (1948) .....	289, 317
Banks v Globe & Mail Ltd (1961) .....	419
Banning v Wright (1972) .....	501, 502
Barbaro v Amalgamated Television Services Pty Ltd (1985) .....	422
Barns v Queensland National Bank Ltd (1906) .....	469, 501
Bashford v Information Australia (Newsletters) Pty Ltd (2004) .....	390, 398, 418-421
Bass v Permanent Trustee Co Ltd (1999) .....	62, 271, 285, 305, 307
Bateman's Bay Local Aboriginal Land Council v Aboriginal Community Benefit Fund Pty Ltd (1998) .....	638, 640, 641, 647, 649
Bauer Consumer Media Ltd v Evergreen Television Pty Ltd (2019) .	201, 212
Baxter v Commissioners of Taxation (NSW) (1907) .....	176, 181, 637
Beatty v Guggenheim Exploration Co (1919) .....	503
Behn v Burness (1863) .....	472
Behrooz v Secretary, Department of Immigration and Multicultural and Indigenous Affairs (2004) .....	63, 64
Belegging-en Exploitatiemaatschappij Lavender BV v Witten Industrial Diamonds Ltd (1978) .....	434
Bell v Lever Bros Ltd (1932) .....	144
Bell v Tasmania (2021) .....	81, 85
Bentsen v Taylor, Sons & Co [No 2] (1893) .....	472
Bergl (Australia) Ltd v Moxon Lighterage Co Ltd (1920) .....	133
BHP Group Ltd v Impiombato (2022) .....	177
Bismullah v Gates (2007) .....	301
Bleyer v Google Inc LLC (2014) .....	395
Blockow v Seymour (1864) .....	134
Body Corporate 346799 v KNZ International Co Ltd (2017) .....	170
Boilermakers' Case (R v Kirby; Ex parte Boilermakers' Society of Australia) (1956) .....	43, 45-47, 50-52, 56, 104, 178, 289, 303, 637
Bolton, Re; Ex parte Beane (1987) .....	48
BP Exploration Co (Libya) Ltd v Hunt [No 2] (1979) .....	476
BP Refinery (Westernport) Pty Ltd v Shire of Hastings (1977) .	116, 127, 133, 136, 143-145, 147, 155, 157-159
Brambles Holdings Ltd v Bathurst City Council (2001) .....	152
Brandy v Human Rights and Equal Opportunity Commission (1995) ...	61, 62
Branir Pty Ltd v Owston Nominees (No 2) Pty Ltd (2001) .....	135



Breen v Williams (1996) ....	126, 128, 143, 144, 158, 159, 589, 590, 608, 610
British Crane Hire Corporation Ltd v Ipswich Plant Hire Ltd (1975) .	135, 145
British Imperial Oil Co Ltd v Federal Commissioner of Taxation (1926) ...	61
British Medical Association v The Commonwealth (Pharmaceutical Benefits Case [No 2]) (1949) .....	641
Brogden v Metropolitan Railway Co (1877) .....	147
Brown v Tasmania (2017) ...	60, 309, 538, 545, 548, 551, 552, 554, 557, 559, 565, 569, 583, 586-588, 593, 607, 616, 617, 628, 642-644, 652, 656, 662
Brown v West (1990) .....	298
Bruce v Commonwealth Trade Marks Label Association (1907) .....	653, 654, 662
Brunswick, Duke of v Harmer (1849) .....	389, 410
Buchanan v Jennings (2004) .....	411, 414
Buckley v Tutty (1971) .....	641
Bunt v Tilley (2006) .....	409, 410, 435
Burns v Corbett (2018) .....	67, 175, 177, 180, 181, 637
Butcher v Lachlan Elder Realty Pty Ltd (2004) .....	225, 226
Byrne v Australian Airlines Ltd (1995) .....	116, 126, 127, 133, 143-145, 153, 157-159, 474
Byrne v Deane (1937) .....	408, 429, 430
Byrnes v Kendle (2011) .....	132, 135, 136, 147
Bysouth v Shire of Blackburn and Mitcham [No 2] (1928) .....	502
C A Henschke & Co v Rosemount Estates Pty Ltd (2000) .....	188, 205, 208, 210, 211, 216, 220
C (A Minor) v Director of Public Prosecutions (1995) .....	525, 528
Calidad Pty Ltd v Seiko Epson Corporation [No 2] (2019) .....	212
Cameron v Cole (1944) .....	270, 271
Cameron v Holt (1980) .....	583
Campbell v Backoffice Investments Pty Ltd (2009) .....	226
Campbell v MGN Ltd (2004) .....	589, 610
Campomar Sociedad Limitada v Nike International Ltd (2000) .....	206, 209, 213-215, 217, 225-227
Canada (Citizenship and Immigration) v Harkat (2014) .....	284
Cantarella Bros Pty Ltd v Modena Trading Pty Ltd (2014) .....	200, 201
Carlton and United Breweries Ltd v Tooth and Co Ltd (1985) .....	152
Carmichael v National Power Plc (1999) .....	134, 135
Carnie v Esanda Finance Corporation Ltd (1995) .....	308
Carter v Boehm (1766) .....	490
Carter v British Columbia Federation of Foster Parents Association (2005) .....	374, 380, 410, 411
Castlemaine Tooheys Ltd v South Australia (1986) .....	592
CBS Songs Ltd v Amstrad Consumer Electronics Plc (1988) .....	434
Cehave NV v Bremer Handelsgesellschaft mbH (The Hansa Nord) (1976) .....	472

Central City Pty Ltd v Montevento Holdings Pty Ltd (2011) .....	153
Central London Property Trust Ltd v High Trees House Ltd (1947) .....	469
CGU Insurance Ltd v AMP Financial Planning Pty Ltd (2007) .	447, 490, 491, 514
CGU Insurance Ltd v Blakeley (2016) .....	181, 638, 640
CGU Workers Compensation (NSW) Ltd v Garcia (2007) .....	490
Chahal v United Kingdom (1997) .....	349, 350
Charkaoui v Canada (Citizenship and Immigration) (2007) .....	284
Chartbrook Ltd v Persimmon Homes Ltd (2008) .....	135
Chester v The Queen (1988) .....	92, 97
Chu Kheng Lim v Minister for Immigration, Local Government and Ethnic Affairs (1992) .	23, 24, 42-44, 47-50, 52, 54-56, 61, 63-67, 90-92, 105-112, 262, 265, 281, 304, 306
Chubb Insurance Co of Australia Ltd v Moore (2013) .....	183, 184
Church of Scientology Inc v Woodward (1980) .....	290, 298, 340, 356
CIC Insurance Ltd v Bankstown Football Club Ltd (1997) .....	491
Circle Freight International Ltd v Medeast Gulf Exports Ltd (1987) .....	147
Clark v Viacom International Inc (2015) .....	411, 412
Clubb v Edwards (2019) ...	538, 545, 552, 553, 557, 572, 576, 578, 589, 593, 594, 598, 605, 616-618, 656, 658
Coca-Cola Co v All-Fect Distributors Ltd (1999) .....	188, 209, 217, 219
Coco v AN Clark (Engineers) Ltd (1969) .....	589, 613
Codelfa Construction Pty Ltd v State Rail Authority (NSW) (1982) .	116, 126, 127, 132, 133, 135, 143, 144, 147, 155, 156, 479
Coleman v Power (2004) .....	309, 572, 583, 587
Combe International Ltd v Dr August Wolff GmbH & Co KG Arzneimittel (2021) .....	210
Comcare v Banerji (2019) ..	538, 545, 551, 552, 554, 557, 560, 588, 616, 617
Comite Interprofessionnel Du Vin De Champagne v Powell (2015) ..	226, 227
Commonwealth Bank of Australia v Barker (2014) .....	133, 143, 144, 156
Commonwealth Freighters Pty Ltd v Sneddon (1959) .....	644
Commonwealth, The v AJL20 (2021) .....	105
Commonwealth, The v Clark (1993) .....	489
Commonwealth, The v Colonial Combing, Spinning and Weaving Co Ltd (1922) .....	298
Commonwealth, The v John Fairfax & Sons Ltd (1980) .....	589
Commonwealth, The v Limerick Steamship Co Ltd and Kidman (1924) ..	178
Commonwealth, The v Sterling Nicholas Duty Free Pty Ltd (1972) .....	562
Commonwealth, The v Verwayen (1990) ...	447, 467-469, 476, 485, 493, 495, 501, 502, 508, 509
Commonwealth, The, XYZ v (2006) .....	71, 173
Computermate Products (Aust) Pty Ltd v Ozi-soft Pty Ltd (1988) ....	125, 142
Con-Stan Industries of Australia Pty Ltd v Norwich Winterthur Insurance (Australia) Ltd (1986) .....	145, 159
Concrete Pty Ltd v Parramatta Design & Developments Pty Ltd (2006) ..	151

Condon v Pompano Pty Ltd (2013) .....	31, 44-46, 55, 66-68, 74, 88, 89, 107, 242, 255, 262, 264-266, 268, 270-273, 275, 283, 285, 292-297, 303-309, 313, 315-321, 323-325, 328, 331, 337, 338, 348, 352, 356
Construction, Forestry, Maritime, Mining and Energy Union v Personnel Contracting Pty Ltd (2022) .....	614
Cooper Engineering Co Pty Ltd v Sigmund Pumps Ltd (1952) .....	207, 208
Corby v Allen & Unwin Pty Ltd (2013) .....	151
Cormack v Cope (1974) .....	643
Corrs Pavey Whiting & Byrne v Collector of Customs (Vic) (1987) .	570, 589, 592, 613
Coulthard v South Australia (1995) .....	430, 431
County Securities Pty Ltd v Challenger Group Holdings Pty Ltd (2008) .	134, 135, 153, 159
Cowell v Rosehill Racecourse Co Ltd (1937) .....	515
Craig v South Australia (1995) .....	344
Craine v Colonial Mutual Fire Insurance Co Ltd (1920) .....	447, 471, 473, 482-486, 498-503, 506-508, 515
Crazy Ron’s Communications Pty Ltd v Mobileworld Communications Pty Ltd (2004) .....	216
Credit Lyonnais Bank Nederland NV (now Generale Bank Nederland NV) v Export Credit Guarantee Department (1998) .....	407, 434
Crescent Funds Management (Aust) Ltd v Crescent Capital Partners Management Pty Ltd (2017) .....	226
Crookes v Newton (2011) ...	358, 371, 374-378, 380-382, 388, 389, 391, 392, 396, 398, 404, 405, 409-413, 415, 435, 436, 438, 442
Croome v Tasmania (1997) .	562, 628, 638, 639, 641, 642, 647, 648, 651, 654
Crown Melbourne Ltd v Cosmopolitan Hotel (Vic) Pty Ltd (2016) .	134, 135, 510
CTB v News Group Newspapers Ltd (2011) .....	610
CTM v The Queen (2008) .....	526, 583
Cunliffe v The Commonwealth (1994) .....	52, 563
Customs, Chief Executive Officer of v Labrador Liquor Wholesale Pty Ltd (2003) .....	74
Customs, Comptroller-General of v Pharm-A-Care Laboratories Pty Ltd (2020) .....	288
Customs (NSW), Collector of v Brian Lawlor Automotive Pty Ltd (1979) .....	341
D v National Society for the Prevention of Cruelty to Children (1978) ....	280
D’Orta-Ekenaike v Victoria Legal Aid (2005) .....	87
Dalton v NSW Crime Commission (2006) .....	179
David v Abdishou (2012) .....	431
Davis v The Commonwealth (1986) .....	648
Davis v The Commonwealth (1988) .....	61
Day v Bream (1837) .....	371

Deane v City Bank of Sydney (1904) .....	134
Deaves v CML Fire and General Insurance Co Ltd (1979) .....	376
Defteros v Google LLC (2020) .....	363
Defteros v Google LLC (2020) ... 363, 365, 367-369, 378, 383-387, 389, 395, 397-402, 418, 420, 421, 427, 441	
Defteros v Google LLC (2021) .....	364, 369, 399, 402, 428, 429, 442
Delaforce v Simpson-Cook (2010) .....	487, 511
Delellis v The Queen (1989) .....	655
Delor Vue Apartments CTS 39788 v Allianz Australia Insurance Ltd [No 2] (2020) .....	464, 466, 487, 492, 496-498, 508, 510, 511
Delta Petroleum (Caribbean) Ltd v British Virgin Islands Electricity Corporation (2020) .....	479, 503-505
Dietrich v The Queen (1992) .....	305, 306, 309, 328
Dingjan, Re; Ex parte Wagner (1995) .....	474
Dinsdale v The Queen (2000) .....	84
Distillers Co Bio-Chemicals (Aust) Pty Ltd v Ajax Insurance Co Ltd (1974) .....	490, 513
Donnelly v Amalgamated Television Services Pty Ltd (1998) .....	610
Donoghue v Stevenson (1932) .....	87
Douglas v Hello! Ltd (2000) .....	610
Dow Jones & Co Inc v Gutnick (2002) .....	370, 379, 381, 387-390, 396, 404, 406, 410, 411, 415
Duffy v Google Inc (2015) .....	382, 395, 401
Duncan v New South Wales (2015) .....	61, 550
E & J Gallo Winery v Lion Nathan Australia Pty Ltd (2010) ...	200, 206, 217
Earl v Nationwide News Pty Ltd (2013) .....	612
Ebner v Official Trustee in Bankruptcy (2000) .....	304
Echo Publications Pty Ltd v Tucker [No 3] (2007) .....	422, 423
Edgington v Fitzmaurice (1885) .....	493
Edwards v Santos Ltd (2011) .....	640
Effem Foods Pty Ltd (t/as Uncle Ben's of Australia) v Lake Cumbeline Pty Ltd (1999) .....	135
Egan v Willis (1998) .....	71
Eggleston v Marley Engineers Pty Ltd (1979) .....	147
Elder's Trustee and Executor Co Ltd v Commonwealth Homes and Investment Co Ltd (1941) .....	471
Electricity Generation Corporation v Woodside Energy Ltd (2014) ...	132, 133
Emmens v Pottle (1885) .....	371, 397, 416, 417
Entick v Carrington (1765) .....	621
Environment Protection Authority v Caltex Refining Co Pty Ltd (1993) ..	601
Equuscorp Pty Ltd v Glengallan Investments Pty Ltd (2004) .....	133
Equustek Solutions Inc v Jack (2014) .....	389
Ermogenous v Greek Orthodox Community of SA Inc (2002) .....	126
Evda Nominees Pty Ltd v Victoria (1984) .....	87

Expense Reduction Analysts Group Pty Ltd v Armstrong Strategic Management and Marketing Pty Ltd (2013) .....	467, 468
Fairfax Media Publications Pty Ltd v Voller (2021) ..	358, 369-371, 373, 377, 379-381, 387-389, 393, 396-398, 403-411, 415-417, 428, 430-435, 443
Fairfax v Federal Commissioner of Taxation (1965) .....	309, 583
Farah Constructions Pty Ltd v Say-Dee Pty Ltd (2007) .....	87
Fardon v Attorney-General (Qld) (2004) ..	2, 13, 14, 21, 23-27, 29-32, 34, 35, 37, 38, 40, 42, 45, 50-56, 58, 64, 66-69, 71, 74, 76, 83, 88, 90-97, 100, 103-111, 113, 303, 324
Fares v Smith (2018) .....	301
Federated Amalgamated Government Railway and Tramway Service Association v New South Wales Railway Traffic Employees Association (1906) .....	606
Fencott v Muller (1983) .....	287, 639
Ferguson v John Dawson & Partners (Contractors) Ltd (1976) .....	134
Finch v Underwood (1876) .....	472
Firth v New York (2002) .....	411, 412
Fisher v Marin (2008) .....	308
Flaherty v Girgis (1987) .....	177, 178, 183
Foakes v Beer (1884) .....	509
Forge v Australian Securities and Investments Commission (2006) .....	44, 45, 47, 66, 304, 305
Forrest v Australian Securities and Investments Commission (2012) .....	225
Forster v Jododex Australia Pty Ltd (1972) .....	661
Foster v Mountford and Rigby Ltd (1976) .....	608
Foucha v Louisiana (1992) .....	64
Fountain v Alexander (1982) .....	308
Fox v Percy (2003) .....	135
Fruit Marketing, Committee of Direction of v Australian Postal Commission (1980) .....	287, 330
Fullers Theatres Ltd v Musgrove (1923) .....	481
Fundamental Portfolio Advisors Inc v Tocqueville Asset Management LP (2006) .....	503
Galligan v Sun Printing & Publishing Association (1898) .....	410
Gammon (Hong Kong) Ltd v Attorney-General (Hong Kong) (1985) .....	583
Gardiner v Grigg (1938) .....	134, 135
Gardner v Dairy Industry Authority (NSW) (1977) .....	639
Garlett v Western Australia (2022) .....	305, 323
Gartside v Outram (1856) .....	589, 592, 613
Gerner v Victoria (2020) .....	37, 175, 176, 180
Giller v Procopets (2008) .....	610
Gillett v Holt (2000) .....	511
Gipp v The Queen (1998) .....	304

Giumelli v Giumelli (1999) .....	510
Global Brand Marketing Inc v YD Pty Ltd (2008) .....	219
Godfrey v Demon Internet Ltd (1999) .....	388, 410
Goldsmith v Sperrings Ltd (1977) .....	390, 417
Google Inc v Australian Competition and Consumer Commission (2013) .	225, 226, 383, 424
Google Inc v Duffy (2017) .	369, 382, 383, 395, 401, 402, 418, 421, 428, 429, 437, 441
Google Inc v Trkulja (2016) .....	427
Gosper v Sawyer (1985) .....	171, 177, 178
Gouriet v Union of Post Office Workers (1978) .....	648
Graham v Minister for Immigration and Border Protection (2017) .	242, 263, 281, 282, 296, 297, 306, 317, 321, 323
Gregoire v G P Putnam’s Sons (1948) .....	410
Griffith v Australian Broadcasting Corporation (2010) .....	398, 422, 423
Griffiths v The Queen (1977) .....	311
Grocon Constructors (Victoria) Pty Ltd v APN DF2 Project 2 Pty Ltd (2015) .....	143, 153
Grollo v Palmer (1995) .....	65, 304, 313
Grundt v Great Boulder Pty Gold Mines Ltd (1937) .	447, 471, 487, 499, 501, 502, 510
Guise v Kouvelis (1947) .....	419
Gulbenkian’s Settlements Trusts, Re; Whishaw v Stephens (1968) .....	152
Gypsy Jokers Motorcycle Club Inc v Commissioner of Police (2008) .....	66, 242, 263, 266-270, 277, 279, 296, 297, 307, 309, 315, 317-319, 323, 325, 330, 331, 337, 356, 583
H C Sleigh Ltd v Barry Clarke & Co Ltd (1953) .....	178
H Lundbeck A/S v Sandoz Pty Ltd (2022) .....	150, 152
HA Bachrach Pty Ltd v Queensland (1998) .....	46
Hamdi v Rumsfeld (2004) .....	284
Hancock v Rinehart (2016) .....	307
Handbury v Nolan (1977) .....	134
Harbon v Geddes (1935) .....	480
Harbour Radio Pty Ltd v Trad (2012) .....	419, 421
Hardchrome Engineering Pty Ltd v Kambrook Distributing Pty Ltd (2000) .....	153
Hardingham v RP Data Pty Ltd (2019) .....	124, 125, 161
Hardingham v RP Data Pty Ltd (2021) .....	125, 127, 143, 160
Hardingham v RP Data Pty Ltd [No 2] (2019) .....	146
Hardwick Game Farm v Suffolk Agricultural Poultry Producers Association (1969) .....	145, 147
Haritos v Federal Commissioner of Taxation (2015) .....	342
Harper v Hamilton Retail Grocers’ Association (1900) .....	431
Harrington v Lowe (1996) .....	178

Harris v Caladine (1991) .....	304
Hart v MacDonald (1910) .....	154
Hashtag Burgers Pty Ltd v In-N-Out Burgers Inc (2020) .....	209, 210
Hawkins v Clayton (1988) .....	116, 126-129, 136, 143-145, 157, 159
Hawkins v Gaden (1925) .....	511, 512
He Kaw Teh v The Queen (1985) .....	550, 551, 583-585
Hebditch v MacIlwaine (1894) .....	420
Hellewell v Chief Constable of Derbyshire (1994) .....	610
Hiddle v National Fire and Marine Insurance Co of New Zealand (1896) .	473
Highland Harvesters Pty Ltd v K J & S M Williams Pty Ltd (1998) .....	153
Hillsea Pty Ltd, Re (2019) .....	135
Hindmarsh Island Bridge Act Case (Kartinyeri v The Commonwealth) (1998) .....	53, 71
Hird v Wood (1894) .....	382, 406
Hobart International Airport Pty Ltd v Clarence City Council (2022) .....	287, 638-641, 648, 649
Hobson v Hansen (1967) .....	32
Hockey v Yelland (1984) .....	344
Hogan v Hinch (2011) .....	294, 304, 305, 325, 571
Hollier v Rambler Motors (AMC) Ltd (1972) .....	159
Home Affairs, Minister for v Benbrika (2021) ...	24, 25, 34-38, 48, 49, 51-71, 73, 74, 76, 85, 89-97, 103, 105, 106, 113, 304, 306, 313, 563
Home Department, Secretary of State for v MB (2007) .....	349, 350
Home Department, Secretary of State v AF [No 3] (2009) .....	322, 346
Hospital Products Ltd v United States Surgical Corporation (1984) .	127, 143, 145, 155, 157, 158
Hossain v Minister for Immigration and Border Protection (2018) .....	326
Howe & McColough v Lees (1910) .....	390, 398, 419, 420, 422
Hoyt's Pty Ltd v Spencer (1919) .....	133
HT v The Queen (2019) .....	270, 271, 278, 292, 293, 304, 306-309, 313, 316, 327, 328, 345, 346
Huddart, Parker & Co Pty Ltd v Moorehead (1909) .....	44, 62, 287
Hughes and Vale Pty Ltd v Gair (1954) .....	643
Hughes and Vale Pty Ltd v New South Wales [No 2] (1955) .....	644
Hunt v A (2007) .....	613
Hurst v Bryk (2002) .....	472
Hussain v Minister for Foreign Affairs (2008) .....	269, 277, 333, 340
Huth v Huth (1915) .....	415, 430
Iacullo v Remly Pty Ltd (2012) .....	153
IL v The Queen (2017) .....	601
IMF (Australia) Ltd v Sons of Gwalia Ltd (2004) .....	653, 661
Immer (No 145) Pty Ltd v Uniting Church in Australia Property Trust (NSW) (1993) .....	470, 475, 476, 504-507
Immigration and Border Protection, Minister for v Falzon (2018) .....	61, 63

Immigration and Border Protection, Minister for v SZMTA (2019) .	269, 333, 340, 341
Immigration and Citizenship, Minister for v Kumar (2009) .....	570
Immigration and Ethnic Affairs, Minister for v Gungor (1982) .....	288
Immigration and Ethnic Affairs, Minister for, Re; Ex parte Lai Qin (1997) .....	645
Immigration and Multicultural Affairs, Minister for v Thiyagarajah (2000) .....	288
Immigration and Multicultural Affairs, Minister for, Re; Ex parte Epeabaka (2001) .....	304
Immigration and Multicultural and Indigenous Affairs, Minister for v B (2004) .....	308, 638
Immigration and Multicultural and Indigenous Affairs, Minister for, Re; Ex parte Lam (2003) .....	272, 292, 294, 306
Immigration, Local Government and Ethnic Affairs, Minister for v Kurtovic (1990) .....	654
Industrial Relations Act Case (Victoria v The Commonwealth) (1996) ....	173, 572, 598
Insight Vacations Pty Ltd v Young (2011) .....	171
Integrated Computer Services Pty Ltd v Digital Equipment Corporation (Aust) Pty Ltd (1988) .....	130, 135
International Finance Trust Co Ltd v New South Wales Crime Commission (2009) ...	38, 39, 44, 89, 177, 271, 285, 304, 306-309, 313, 316, 325, 326, 328
Irving's Yeast-Vite Ltd v Horsenail (1934) .....	206
Italiano v Western Australia (2009) .....	84
J Evans & Son (Portsmouth) Ltd v Andrea Merzario Ltd (1976) .....	134
Jaffarie v Director-General of Security (2014) .....	307
Jago v District Court (NSW) (1989) .....	328
Jarratt v Commissioner of Police (NSW) (2005) .....	268
JC Williamson Ltd v Lukey (1931) .....	514
Jebb v Repatriation Commission (1988) .....	289
John Fairfax Publications Pty Ltd v Rivkin (2003) .....	390
John Pfeiffer Pty Ltd v Rogerson (2000) .....	171
John v Federal Commissioner of Taxation (1989) .....	215
Johns v Australian Securities Commission (1993) .....	589, 590, 608
Johnson & Johnson Australia Pty Ltd v Sterling Pharmaceuticals Pty Ltd (1991) .....	206, 218
Judiciary and Navigation Acts, In re (1921) .....	176, 637, 638
Junge v Junge (2013) .....	153
K (infants), In re (1963) .....	292
K-Generation Pty Ltd v Liquor Licensing Court (2009) .	66, 67, 107, 263, 315



## TABLE OF CASES CITED

xxv

Kable v Director of Public Prosecutions (NSW) (1996) .. 2, 14-16, 23, 28-32, 34, 37, 38, 44-47, 50, 51, 54, 56, 58, 64, 66, 67, 74, 75, 82, 87-90, 93, 94, 103-111, 269, 272, 281, 303, 317, 323, 324, 328, 329, 337	
Kadir v The Queen (2020) .....	619
Kammins Ballrooms Co Ltd v Zenith Investments (Torquay) Ltd (1971) . 467, 475, 502, 506	
Kansas v Crane (2002) .....	69
Kartinyeri v The Commonwealth (Hindmarsh Island Bridge Act Case) (1998) .....	53, 71
Kelly v The Queen (2004) .....	33
Kelly v Willmott Forests Ltd (In liq) [No 4] (2016) .....	308
Khoury v Government Insurance Office (NSW) (1984) .....	475, 485, 506-508
Kim v Attorney-General (Cth) (2013) .....	333, 340
King v Adams (2016) .....	134, 136
King v The Queen (1986) .....	535
Kioa v West (1985) .....	294, 306
Kirk v Industrial Court (NSW) (2010) .....	67, 270
Klein v Biben (1946) .....	373, 374, 380, 410-412
Knight v Victoria (2017) .....	302, 549, 550, 576-578, 602, 603, 624
Koompahtoo Local Aboriginal Land Council v Sanpine Pty Ltd (2007) ...	474
Koper v Zurich Insurance Plc (2021) .....	170-172
Kosmar Villa Holidays Plc v Trustees of Syndicate 1243 (2008) .....	474, 477, 478, 502
Koursk, The (1924) .....	407, 408, 434
Kruger v The Commonwealth (1997) .....	52-54, 64, 105, 113, 181
Kuczuborski v Queensland (2014) . 38, 61, 66, 67, 88, 303, 304, 324, 638, 641, 642, 647	
La Rosa v Nudrill Pty Ltd (2013) .....	153
Laker Airways Ltd v Department of Trade (1976) .....	654
Lambert v Weichelt (1954) .....	550, 576, 578, 603
Lane v Schilling (1929) .....	390
Lange v Australian Broadcasting Corporation (1997) .....	175, 180, 181, 398, 418, 419, 421, 538, 545, 548, 552, 557, 563-565, 569, 587, 613, 628, 640, 644, 650
Larratt v Bankers and Traders Insurance Co Ltd (1941) .....	505
Laurie v Carroll (1958) .....	171
Lee v Benbrika (2020) .....	85
Lee v New South Wales Crime Commission (2013) .....	304
Lee v Wilson & Mackinnon (1934) .....	396, 404, 405, 408, 410, 415, 432
Leeth v The Commonwealth (1992) .....	61, 89, 304, 306, 313, 324
Leghaei v Director-General of Security (2007) .....	340, 356
Lenah Game Meats Pty Ltd v Australian Broadcasting Corporation (1999) .....	612
Levy v Victoria (1997) .....	554, 566, 607

Lewis v Daily Telegraph Ltd (1963) .....	390
Lexington Insurance Co v Multinacional de Seguros SA (2008) .....	477
LibertyWorks Inc v The Commonwealth (2021) . 538, 545, 550-552, 557, 560, 583, 586-588, 595, 596, 616, 617, 623, 644, 656	
Lim Chin Aik v The Queen (1963) .....	583
Lincoln Hunt Australia Pty Ltd v Willesee (1986) .....	556
Lipohar v The Queen (1999) .....	61, 177, 178, 183
Lissenden v CAV Bosch Ltd (1940) .....	507
Liverpool City Council v Irwin (1977) .....	134, 143, 144
Lodestar Anstalt v Campari America LLC (2016) .....	212
London Guarantie Co v Fearnley (1880) .....	473
Lord Ashburton v Pape (1913) .....	589
Lorenzo v Carey (1921) .....	183
Loveday v Sun Newspapers Ltd (1938) .....	419, 420
Lubrano v Gollin & Co Pty Ltd (1919) .....	148, 152
Lunney v Prodigy Services Co (1998) .....	393
Lyon v Lash (1906) .....	390
M v M (1988) .....	308
Macedonian Orthodox Community Church St Petka Inc v His Eminence Petar the Diocesan Bishop of the Macedonian Orthodox Diocese of Australia and New Zealand (2008) .....	287, 308
MacFadden v Anthony (1952) .....	374, 380, 410-412
Magaming v The Queen (2013) .....	35, 47, 53, 61, 62, 307
Maggs v Marsh (2006) .....	135
Magill v Magill (2006) .....	491
Magyar Jeti Zrt v Hungary (2018) .....	382
Mainteck Services Pty Ltd v Stein Heurtey SA (2014) .....	152
Makudi v Baron Triesman of Tottenham (2014) .....	414
Mann v Carnell (1999) .....	467
Marbury v Madison (1803) .....	55
Marchant v Ford (1936) .....	411, 414
Marks and Spencer Plc v BNP Paribas Securities Services Trust Co (Jersey) Ltd (2015) .....	133, 154, 156
Mars Australia Pty Ltd v Sweet Rewards Pty Ltd (2009) .....	216
Massachusetts v Oakes (1989) .....	643, 652
Masters Home Improvement Pty Ltd v North East Solution Pty Ltd (2017) .....	153
Masterton Homes Pty Ltd v Palm Assets Pty Ltd (2009) .....	133, 134
Matthews v Eldridge (1976) .....	301
Matthews v Smallwood (1910) .....	484
Maybury v Atlantic Union Oil Co Ltd (1953) .....	133
McAuliffe v The Queen (1995) .....	601
McBain, Re; Ex parte Australian Catholic Bishops Conference (2002) ....	311, 330, 649, 650

McCann v Switzerland Insurance Australia Ltd (2000) .....	133
McCloy v New South Wales (2015) .... 52, 180, 538, 545, 548, 551-554, 557, 565-567, 587, 593, 616, 617, 633, 644, 656	
McCormick & Co Inc v McCormick (2000) .....	215
McCutcheon v David Macbrayne Ltd (1964) .....	145, 147, 159
McDonald v Dennys Lascelles Ltd (1933) .....	474
McGarry v The Queen (2001) .....	35, 82
McGinty v Western Australia (1996) .....	175, 179-181
McGregor Trade Mark, Re (1978) .....	212
McJannet, Re; Ex parte Minister for Employment, Training and Industrial Relations (Qld) (1995) .....	177
McLean v David Syme & Co Ltd (1970) .....	389, 410
McLeod v St Aubyn (1899) .....	435
Meehan v Jones (1982) .....	493
Melbourne Corporation v The Commonwealth (1947) .....	55, 173
Mellifont v Attorney-General (Qld) (1991) .....	638
Merchant Service Guild of Australasia v Newcastle and Hunter River Steamship Co Ltd [No 1] (1913) .....	152
Mesquite, City of v Aladdin's Castle, Inc (1982) .....	643
Metropolitan International Schools Ltd v Designtechnica Corporation (2009) .....	395, 409
MID Sydney Pty Ltd v Australian Tourism Co Ltd (1998) .....	208
Miller v The Queen (2016) .....	601
Milne v Sydney Municipal Council (1912) .....	152, 153
Mineral Resources, Minister for v Newcastle Newspapers Pty Ltd (1997) .....	588, 589, 612
Mineralogy Pty Ltd v Western Australia (2021) . 549, 550, 576, 603, 604, 637, 659	
Mobil Oil Australia Ltd v Guina Developments Pty Ltd (1995) .....	327
Mobil Oil Australia Pty Ltd v Victoria (2002) .....	177
Momcilovic v The Queen (2011) .....	181
Monis v The Queen (2013) .....	557, 588, 617
Moorcock, The (1889) .....	156
Moore v Aubusson (2020) .....	134
Moore v Garwood (1849) .....	134
Moorgate Tobacco Co Ltd v Philip Morris Ltd [No 2] (1984) .. 588, 608, 609	
Morosi v Mirror Newspapers Ltd (1977) .....	419, 420, 422
Motor Oil Hellas (Corinth) Refineries SA v Shipping Corporation of India (The Kanchenjunga) (1990) .....	479, 500, 505-507
Mount Bruce Mining Pty Ltd v Wright Prospecting Pty Ltd (2015) . 132, 133, 147	
Mulcahy v Hoyne (1925) .....	468, 479, 485, 500, 501
Muldock v The Queen (2011) .....	63
Mulholland v Australian Electoral Commission (2004) .....	181, 607
Muriti v Prendergast (2005) .....	153

Murphy v Electoral Commissioner (2016) .....	60, 658
Murray v Turcan Connell WS (2019) .....	609
Muthu v Radeshar Pty Ltd (2022) .....	153
Myers v Ross (1935) .....	507
MZAPC v Minister for Immigration and Border Protection (2021) ..	152, 326, 328
N P Generations Pty Ltd v Feneley (2001) .....	608
Narni Pty Ltd v National Australia Bank Ltd (2001) .....	153
Nassau Trust Co v Montrose Concrete Products Corporation (1982) .....	503
National Archives of Australia v Fernandes (2014) ...	283, 286, 316, 347, 348
National Exchange Pty Ltd v Australian Securities and Investments Commission (2004) .....	225, 227
National Security Agency Telecommunications Records Litigation, In re (2011) .....	301
Nationwide News Pty Ltd v Wiese (1990) .....	419
Nationwide News Pty Ltd v Wills (1992) .....	565
New South Wales Dairy Corporation v Murray-Goulburn Co-operative Co Ltd (1989) .....	210
New South Wales v Public Transport Ticketing Corporation [No 3] (2011) .....	307, 327, 335, 348, 350, 351
New South Wales v The Commonwealth (Wheat Case) (1915) .....	289
New South Wales v The Commonwealth (Work Choices Case) (2006) .....	75, 173
New York v Amro Realty Corporation (1991) .....	503
Newbon v City Mutual Life Assurance Society Ltd (1935) .....	499, 510
Nicholas v The Queen (1998) .....	61, 279, 304-306, 325
Niemela v Malamas (2015) .....	395
Nigel Watts Fashion Agencies Pty Ltd v GIO General Ltd (1994) .....	508
Nikken Wellness Pty Ltd v Van Voorst (2003) .....	212
Nocton v Lord Ashburton (1914) .....	491
Nolan, Re; Ex parte Young (1991) .....	304, 572
Normans Wines Ltd (Receivers and Managers Appointed) (In liq), Re (2004) .....	307
North Australian Aboriginal Justice Agency Ltd v Northern Territory (2015) .....	43, 47, 57, 59, 60, 62, 63, 66, 89, 304, 305, 309, 324, 326, 583
North Australian Aboriginal Legal Aid Service Inc v Bradley (2004) ...	44, 89
Northeastern Florida Chapter of the Associated General Contractors of America v City of Jacksonville, Florida (1993) .....	643
Northern Land Council v Quall (2020) .....	601
O'Connor v S P Bray Ltd (1936) .....	447, 468, 469, 473, 475, 479-482, 500, 505, 508
O'Connor v S P Bray Ltd (1937) .....	480
O'Sullivan v Noarlunga Meat Ltd (1954) .....	568, 569

Oakey Coal Action Alliance Inc v New Acland Coal Pty Ltd (2021) .....	291, 315, 325
OBG Ltd v Allan (2007) .....	589
Oceanic Sun Line Special Shipping Co Inc v Fay (1988) .....	376
Official Solicitor v K (1965) .....	308
Offshore Processing Case (Plaintiff M61/2010E v The Commonwealth) (2010) .....	640, 649
Oil Basins Ltd v The Commonwealth (1993) .....	653, 661
Oliver Ashworth (Holdings) Ltd v Ballard (Kent) Ltd (1999) .....	467
Onus v Alcoa of Australia Ltd (1981) .....	641, 649
Optical 88 Ltd v Optical 88 Pty Ltd [No 2] (2010) .....	207, 210, 213
Oriental Press Group Ltd v Fevaworks Solutions Ltd (2013) ....	388, 404-406, 431
Osborne v The Commonwealth (1911) .....	643
Osland v Secretary to the Department of Justice [No 2] (2010) .....	330
Osland v The Queen (1998) .....	601
Owendale Pty Ltd v Anthony (1966) .....	471, 475
Pacific Brands Sport and Leisure Pty Ltd v Underworks Pty Ltd (2006) ..	501
Pacific Carriers Ltd v BNP Paribas (2004) .....	126, 132, 133
Paciocco v Australia and New Zealand Banking Group Ltd (2016) .....	381
Palmer v Ayres (2017) .....	60, 287, 308
Palmer v Bank of Australasia (1895) .....	134
Palmer v Western Australia (2021) .....	603, 617
Panoutsos v Raymond Hadley Corporation of New York (1917) .....	473, 474
Papaconstantinos v Holmes a Court (2012) .....	390, 398, 418, 419, 421
Pape v Federal Commissioner of Taxation (2009) .....	61, 638, 647
Parkdale Custom Built Furniture Pty Ltd v Puxu Pty Ltd (1982) .....	226
PDP Capital Pty Ltd v Grasshopper Ventures Pty Ltd (2020) .....	212
PDP Capital Pty Ltd v Grasshopper Ventures Pty Ltd (2021) .....	210, 213
Pegela Pty Ltd v Oates (2010) .....	159
Pepsico Australia Pty Ltd v Kettle Chip Co Pty Ltd (1996) .....	206
Peterson v Western Union Telegraph Co (1898) .....	393
Pharmaceutical Benefits Case [No 2] (British Medical Association v The Commonwealth) (1949) .....	641
Pharmaceutical Society of Great Britain v Dickson (1970) .....	562, 641
Philadelphia Newspapers LLC, In re (2012) .....	411, 412
Phone Directories Co Australia Pty Ltd v Telstra Corporation Ltd (2014) .	215
Pianotist Co Ltd, Re Application by (1906) .....	207, 208
Pidoto v Victoria (1943) .....	317, 572, 573
Pioneer Hi-Bred Corn Co v Hy-Line Chicks Pty Ltd (1977) .....	209
PJS v News Group Newspapers Ltd (2016) .....	610
Plaintiff M1/2021 v Minister for Home Affairs (2022) .....	326
Plaintiff M46/2013 v Minister for Immigration and Border Protection (2014) .....	263

Plaintiff M47/2012 v Director-General of Security (2012) .....	255, 269, 277
Plaintiff M61/2010E v The Commonwealth (Offshore Processing Case) (2010) .....	640, 649
Plaintiff M68/2015 v Minister for Immigration and Border Protection (2016) .....	61, 63, 298, 628, 640, 643, 650, 651
Plaintiff S10/2011 v Minister for Immigration and Citizenship (2012) ....	304, 638
Plaintiff S157/2002 v The Commonwealth (2003) .....	309, 310, 583
Plan B Trustees Ltd v Parker [No 2] (2013) .....	328
Plenty v Dillon (1991) .....	553, 563
Police (NSW), Commissioner of v Tanos (1958) .....	268, 270
Police (Vic), Chief Commissioner of v Nikolic (2016) .....	347
Pollentine v Bleijje (2014) .....	58, 67, 103
Polyukhovich v The Commonwealth (War Crimes Act Case) (1991) .	61, 304, 306
Pondeil Pty Ltd v Tropical Reef Shipyard Pty Ltd (1994) .....	147
Pordage v Cole (1669) .....	472
Port Jackson Stevedoring Pty Ltd v Salmond & Spraggon (Aust) Pty Ltd (1980) .....	479
Portsmouth, Rhode Island, Town of v Lewis (2016) .....	652
Potter v Minahan (1908) .....	557
Powell v Gelston (1916) .....	430
Prebble v Television New Zealand Ltd (1994) .....	643
Precision Data Holdings Ltd v Wills (1991) .....	61
Price v Dyer (1810) .....	479
Price v Spoor (2021) .....	515
Prince Albert v Strange (1849) .....	611
Prince Jefri Bolkiah v KPMG (a firm) (1998) .....	479, 608
Private R v Cowen (2020) .....	603
Progressive Mailing House Pty Ltd v Tabali Pty Ltd (1985) .....	474
Public Prosecutions (Cth), Director of v Kane (1997) .....	590
Public Prosecutions Reference No 1 of 2004, Director of (2005) .....	583
Public Prosecutions (WA), Director of v DAL [No 2] (2016) .....	22, 41
Public Prosecutions (WA), Director of v Decke (2009) .....	42
Public Prosecutions (WA), Director of v Williams (2007) .....	84
Public Prosecutions, Director of v Shannon (1975) .....	280
Pullman v Walter Hill & Co Ltd (1891) .....	430, 431
Purkess v Crittenden (1965) .....	132
R (Anderson) v Secretary of State for the Home Department (2002) .....	606
R (Haralambous) v Crown Court at St Albans (2018) .....	266, 274, 276, 285, 300, 314, 333, 334, 346, 352
R (Pathan) v Secretary of State for the Home Department (2020) .....	265
R v B (1997) .....	519, 526
R v B (an Infant) (1975) .....	527

TABLE OF CASES CITED

xxxi

R v BDO (2021) .....	524
R v Burgess; Ex parte Henry (1936) .....	572
R v Clerk (1728) .....	388, 405
R v Collaery [No 11] (2022) .....	335
R v Croydon Justices; Ex parte Dean (1993) .....	655
R v Davison (1954) .....	60, 61, 178, 287, 638
R v F; Ex parte Attorney-General (1998) .....	519, 526, 527
R v Federal Court of Bankruptcy; Ex parte Lowenstein (1938) .....	43, 49
R v Horseferry Road Magistrate' Court; Ex parte Bennett (1993) .....	655
R v JJ (2005) .....	526
R v Khazaal (2006) .....	351, 356
R v Kidman (1915) .....	61
R v Kirby; Ex parte Boilermakers' Society of Australia (Boilermakers' Case) (1956) .....	43, 45-47, 50-52, 56, 104, 178, 289, 303, 637
R v M (1977) .....	525, 527
R v Moriarty (2015) .....	615
R v Paine (1696) .....	407
R v Quick (2004) .....	431
R v Quinn; Ex parte Consolidated Foods Corporation (1977) .....	47, 61
R v Rigby (1956) .....	152
R v Trade Practices Tribunal; Ex parte Tasmanian Breweries Pty Ltd (1970) .....	44, 61, 65, 66, 304, 313, 354
R v TT (2009) .....	526
Rand v Uni-Roof Safe-T-Rail Pty Ltd (2009) .....	153
Rankin Investments (Qld) Pty Ltd v CMC Property Pty Ltd (2021) .....	152
RCB v The Honourable Justice Forrest (2012) .....	273
Real Estate Institute (NSW) v Blair (1946) .....	624
Reckitt Benckiser (Australia) Pty Ltd v Procter & Gamble Australia Pty Ltd (2015) .....	225
Refugee Review Tribunal, Re; Ex parte Aala (2000) .....	304
Regie Nationale des Usines Renault SA v Zhang (2002) .....	171
Renshaw v New South Wales Lotteries (2020) .....	307
Retractable Technologies v Occupational and Medical Innovations (2007) .....	588, 612
Reynolds v Times Newspapers Ltd (1999) .....	393
Rich v Australian Securities and Investments Commission (2004) .....	65
Richards v United States (2015) .....	621
Richardson v Forestry Commission (1987) .....	592
Ridd v James Cook University (2021) .....	148, 566
Rinaldi & Patroni Pty Ltd v Precision Mouldings Pty Ltd (1985) .....	159
Rinehart v Rinehart (2016) .....	307, 327
Rizeq v Western Australia (2017) .....	176, 181, 637
Roadshow Films Pty Ltd v iiNet Ltd (2011) .....	38
Robb v Morrison (1923) .....	430

Roberts v Harkness (2018) .....	294
Robinson v Western Australian Museum (1977) .....	641
Rogers v Home Secretary (1973) .....	340
Ronald v Harper (1910) .....	390
Roxborough v Rothmans of Pall Mall Australia Ltd (2001) .....	133, 153
Roy Morgan Research Centre Pty Ltd v Commissioner of State Revenue (Vic) (2001) .....	330
Roy v O'Neill (2020) .....	607
Royal Botanic Gardens and Domain Trust v South Sydney City Council (2002) .....	126
RP v The Queen (2016) .....	519, 523-528, 533, 534
Ruddick v The Commonwealth (2022) .....	181
Russell v Russell (1976) .....	294, 309
Russian Commercial and Industrial Bank v British Bank for Foreign Trade Ltd (1921) .....	654, 661
RYE v Western Australia (2021) .....	525, 527, 534, 535
Sadgrove v Hole (1901) .....	415
Sagar v O'Sullivan (2011) .....	255, 263, 269, 276, 277, 290
Samuels v Readers' Digest Association Pty Ltd (1969) .....	566
Sankey v Whitlam (1978) .....	268
Sargent v ASL Developments Ltd (1974) .. 447, 471, 474-476, 479, 485, 502, 504-508	
Scarf v Jardine (1882) .....	482
Schischka v Western Australia (2015) .....	84
Scruttons Ltd v Midland Silicones Ltd (1962) .....	87
SDCV v Director-General of Security (2019) .....	253, 258
SDCV v Director-General of Security (2021) .....	252-258, 261-264, 269, 270, 276, 353
Secretary, Department of Health and Community Services v JWB (1992) .....	287, 308
Secure Parking (WA) Pty Ltd v Wilson (2008) .....	153, 159
Secured Income Real Estate (Australia) Ltd v St Martins Investments Pty Ltd (1979) .....	147, 155
Shell Co of Australia Ltd v Esso Standard Oil (Australia) Ltd (1961) .....	206, 208, 218
Sherras v De Rutzen (1895) .....	550, 583
Shi v Migration Agents Registration Authority (2008) .....	289
Shop, Distributive and Allied Employees Association v Minister for Industrial Affairs (SA) (1995) .....	641, 649
Short v Crawley (2005) .....	153
Shrestha v Migration Review Tribunal (2015) .....	294
Sidhu v Van Dyke (2014) .....	510
Silbert v Director of Public Prosecutions (WA) (2004) .....	46
Simionato v Macks (1996) .....	307



Sims v Jooste [No 2] (2016) .....	415
Singh v The Commonwealth (2004) .....	71
Skeggs v Metropolitan Transport Trust (1997) .....	153
Smethurst v Commissioner of the Australian Federal Police (2020) .	538, 555, 556, 563, 589-592, 618, 620, 621, 640, 642, 651
Smith Kline & French Laboratories (Aust) Ltd v Secretary, Department of Community Services and Health (1990) .....	590
Smyth (Ross T) & Co Ltd v TD Bailey, Son & Co (1940) .....	502
Society of Lloyd's v Clementson (1994) .....	148
South Australia v Totani (2010) .....	38, 39, 44, 58, 59, 62, 64, 66-68, 88, 89, 263, 294
Southern Cross Refrigerating Co v Toowoomba Foundry Pty Ltd (1953) .	188, 209, 223
Spence v Queensland (2019) .....	317
Spike v Golding (1895) .....	414
Stackhouse v Barnston (1805) .....	468, 501
Stephens v West Australian Newspapers Ltd (1994) .....	398, 419
Strickland (a pseudonym) v Director of Public Prosecutions (Cth) (2018) .	655
Sun Life Assurance Co of Canada v W H Smith and Son Ltd (1933) .....	416
Swancom Pty Ltd v Jazz Corner Hotel Pty Ltd (2022) ....	205, 207, 208, 210, 213, 216
SZBEL v Minister for Immigration and Multicultural and Indigenous Affairs (2006) .....	293
Tajjour v New South Wales (2014) .....	557, 564, 576, 578, 588, 598, 617
Talacko v Talacko (2021) .....	487
Tang Man Sit v Capacious Investments Ltd (1996) .....	481
Tariq v Home Office (2011) .....	285, 292, 300, 346
Tasfast Air Freight Pty Ltd v Mobil Oil Australia Ltd (2002) .....	308
Taxation, Federal Commissioner of v United Aircraft Corporation (1943) .	150
Taylor v Attorney-General (Cth) (2019) .....	649
Taylor v Johnson (1983) .....	132, 136, 147
Taylor v Taylor (1979) .....	270, 271
TCL Air Conditioner (Zhongshan) Co Ltd v Judges of the Federal Court of Australia (2013) .....	44, 89, 304
TCN Channel Nine Pty Ltd v Anning (2002) .....	553, 560, 563
Technical Products Pty Ltd v State Government Insurance Office (Qld) (1989) .....	332
Territory Senators Case [No 1] (Western Australia v The Commonwealth) (1975) .....	53, 71
Testro Bros Pty Ltd v Tait (1963) .....	304, 313
Theaker v Richardson (1962) .....	430
Theophanous v Herald & Weekly Times Ltd (1994) .....	398, 419
Thomas v Mowbray (2007) .....	31, 51, 57, 58, 60, 61, 65, 68

Thompson v Australian Capital Television Pty Ltd (1996) .....	397, 407, 408, 416-418, 430, 434
Thompson v Palmer (1933) .....	499
Thorner v Major (2009) .....	134, 135
Timor Sea Oil & Gas Australia Pty Ltd (In liq), Re (2020) .....	307
Toll (FGCT) Pty Ltd v Alphapharm Pty Ltd (2004) .	116, 126, 132, 133, 135, 136, 142, 147
Toogood v Spyring (1834) .....	418, 420
Tooth & Co Ltd, Re (1978) .....	654
Toowoomba Foundry Pty Ltd v The Commonwealth (1945) .....	562, 639, 641
Tracey, Re; Ex parte Ryan (1989) .....	43, 61, 173
Trade Marks, Registrar of v Woolworths Ltd (1999) ..	188, 202, 209-211, 216
Traljesic v Attorney-General (Cth) (2006) .....	269, 333, 340
Trkulja v Google Inc (2015) .....	428
Trkulja v Google Inc LLC [No 5] (2012) .....	395, 424, 428
Trkulja v Google LLC (2018) ....	369-371, 377, 379, 383, 387, 396, 404, 408, 410, 428, 437
Tropical Traders Ltd v Goonan (1964) .....	500, 505
Truong v The Queen (2004) .....	178, 183
Truth About Motorways Pty Ltd v Macquarie Infrastructure Investment Management Ltd (2000) .....	638, 640, 647
Truth (NZ) Ltd v Holloway (1960) .....	390
Twenty-First Maylux Pty Ltd v Mercantile Mutual Insurance (Australia) Ltd (1989) .....	470, 477
Tyler, Re; Ex parte Foley (1994) .....	87
Unions NSW v New South Wales (2013) .	548, 551, 557, 587, 628, 633, 634, 644
Unions NSW v New South Wales (2019) .	557, 565, 592, 593, 596, 615, 616, 628, 634, 644, 655, 656
United Australia Ltd v Barclays Bank Ltd (1941) .....	481
United States Parole Commission v Geraghty (1980) .....	650
United States v Richards (2014) .....	621
United States v Stevens (2010) .....	621, 622
Unity Insurance Brokers Pty Ltd v Rocco Pezzano Pty Ltd (1998) ...	477, 509
Urbanchich v Drummoyne Municipal Council (1991) .....	408, 430
Vasiljkovic v The Commonwealth (2006) .....	63, 64
Veen v The Queen (1979) .....	26, 27, 82
Veen v The Queen [No 2] (1988) .....	26, 27, 32, 51, 69, 71, 108
Vella v Commissioner of Police (NSW) (2019) .	14, 31, 32, 35, 38, 46, 47, 51, 52, 57, 58, 60-68, 70, 74, 78, 80, 81, 84, 88, 92, 97, 103, 107, 303, 324, 328
Vestergaard Frandsen S/A v Bestnet Europe Ltd (2013) .....	612, 614
Victoria v Sutton (1998) .....	504

## TABLE OF CASES CITED

xxxv

Victoria v The Commonwealth (Industrial Relations Act Case) (1996) ....	173, 572, 598
Visscher v Giudice (2009) .....	485, 486
Vizetelly v Mudie’s Select Library Ltd (1900) .	371, 388, 397, 416, 417, 438, 439
Wainohu v New South Wales (2011) .	31, 38, 39, 44, 58, 66, 74, 89, 291, 304, 305, 324, 326
Wakim, Re; Ex parte McNally (1999) .....	178
Wallis, Son & Wells v Pratt & Haynes (1910) .....	472
Walsh and Johnson, Ex parte; In re Yates (1925) .....	48
War Crimes Act Case (Polyukhovich v The Commonwealth) (1991) .	61, 304, 306
Warman International Ltd v Dwyer (1995) .....	481
Warner v Metropolitan Police Commissioner (1969) .....	583
Waterside Workers’ Federation of Australia v J W Alexander Ltd (1918) ..	62, 304
Weatherbeeta Ltd v Hammersmith Nominees Pty Ltd (2019) .....	153
Webb v Bloch (1928) .....	358, 368-373, 376, 377, 379, 387, 393, 396, 404, 406-408, 410, 426, 430, 432
Weglein v Golder (1935) .....	390
Wendt v Bruce (1931) .....	505, 507
Western Australia v ACJ (2021) .....	27, 40, 41, 99
Western Australia v ACW [No 2] (2020) .....	99
Western Australia v Amooore (2008) .....	84
Western Australia v Atkins [No 2] (2022) .....	41
Western Australia v Atkinson [No 2] (2020) .....	41
Western Australia v D’Rozario [No 3] (2021) .....	41, 84
Western Australia v Dragon [No 2] (2022) .....	27
Western Australia v Garlett (2021) .....	13-16, 21-23, 25, 77, 78, 84
Western Australia v Hussian (2020) .....	103
Western Australia v Latimer (2006) .....	27, 42
Western Australia v Lewis [No 2] (2020) .....	41
Western Australia v Mackay [No 2] (2020) .....	99
Western Australia v Patrick [No 5] (2022) .....	36
Western Australia v PCA (2020) .....	41
Western Australia v Quartermaine [No 2] (2021) .....	27, 41
Western Australia v Rao (2019) .....	98
Western Australia v The Commonwealth (Territory Senators Case [No 1]) (1975) .....	53, 71
Western Australia v TJZ (2020) .....	41
Western Australia v Ward (1997) .....	308, 327
Western Australia v Yorkshire [No 2] (2021) .....	41
Westfield Management Ltd v AMP Capital Property Nominees Ltd (2012) .....	495

Wheat Case (New South Wales v The Commonwealth) (1915) .....	289
Wheatley v Bell (1982) .....	588, 589, 613
White v Director of Military Prosecutions (2007) .....	60
Williams v The Commonwealth [No 2] (2014) .....	61
Williams v Stern (1879) .....	469
Williams v The Queen (1986) .....	47
Williamson v Trainor (1991) .....	655
Williamson v United States (1950) .....	73
Wilson v Darling Island Stevedoring and Lighterage Co Ltd (1956) .....	648
Wilson v Minister for Aboriginal and Torres Strait Islander Affairs (1996) .....	287, 289, 304, 305, 313
Wingate Marketing Pty Ltd v Levi Strauss & Co (1994) .....	208
Witham v Holloway (1995) .....	63, 92
Wolfe v Permanent Custodians Ltd (2012) .....	153
Woolley, Re; Ex parte Applicants M276/2003 (2004) .....	61, 63, 105, 306
Woolworths Ltd v BP Plc [No 2] (2006) .....	206, 207
Work Choices Case (New South Wales v The Commonwealth) (2006) .....	75, 173
Workers' Compensation Board (Qld) v Technical Products Pty Ltd (1988) .....	332
Wragg v New South Wales (1953) .....	643, 652
Wright v Australian Broadcasting Commission (1977) .....	422
Wurridjal v The Commonwealth (2009) .....	148, 152
Yanner v Eaton (1999) .....	200
Yau's Entertainment Pty Ltd v Asia Television Ltd (2002) .....	127, 133, 143, 148, 153, 158, 159
Yorkshire Insurance Co Ltd v Craine (1922) .....	486, 500, 515
Yulema Pty Ltd v Simmons (2015) .....	153
Zamora, The (1916) .....	298
Zhang v Commissioner of the Australian Federal Police (2021) .	550, 576, 659
Zhu v Treasurer (NSW) (2004) .....	514
Zurich Australian Insurance Ltd, Re (1998) .....	490
Zurich Insurance Plc v Koper (2022) .....	170, 171, 173, 177