

THE
AUSTRALIAN
LAW JOURNAL

VOLUME 84

January 2010 — December 2010

GENERAL EDITOR
MR JUSTICE P W YOUNG AO

PRODUCTION EDITOR
CHERYLE KING

ASSISTANT GENERAL EDITOR
ANGELINA GOMEZ

INDEX
ALAN WALKER BA (Hons), DipLib

THOMSON REUTERS
2010

Customer Service and Sales Inquiries

Tel: 1300 304 195

Fax: 1300 304 196

Web: www.thomsonreuters.com.au/legal/
Email: LTA.Service@thomsonreuters.com

Editorial Inquiries

Tel: 61 2 8587 7000

HEAD OFFICE

Pyrmont NSW 2009

Tel: 61 2 8587 7000

Fax: 61 2 8587 7100



© 2010 Thomson Reuters (Professional) Australia Limited ABN 64 058 914 668

Lawbook Co.

Published in Sydney

ISSN 0004-9611

Typeset by Thomson Reuters (Professional) Australia Ltd, Pyrmont, NSW

Printed by Ligare Pty Ltd, Riverwood, NSW

**The mode of citation of this volume of the
AUSTRALIAN LAW JOURNAL will be: (2010) 84 ALJ**

TABLE OF CONTENTS

AUSTRALIAN LAW JOURNAL

TABLE OF AUTHORS	v
TABLE OF CASES.....	ix
AUSTRALIAN LAW JOURNAL, VOL 84, No 1, January 2010 to No 12, December 2010	1-872
INDEX.....	873

AUSTRALIAN LAW JOURNAL REPORTS

CASE REPORTERS	iv
TABLE OF CASES REPORTED	v
CORRIGENDA	vii
AUSTRALIAN LAW JOURNAL REPORTS, VOL 83	1-741
INDEX.....	743

ARRANGEMENT OF INDEXES AND TABLES OF CASES

- There are separate Indexes and Tables of Cases to ALJ and ALJR.
- The ALJ Index covers all the material in the Journal. In addition there is an Index of Authors covering the feature articles. The Table of Cases is a table for this volume of all English, Australian, and other decisions, which have formed the subject matter of explanation and comment in articles and in notes and paragraphs in the various departments of the Journal.
- The ALJR Index and Table of Cases relate solely to the cases reported in the Reports, that is, to cases decided by the High Court of Australia.

Comprehensive Tables of Contents for each monthly Part are available at
http://www.thomsonreuters.com.au/support/ps_index.asp

TABLE OF AUTHORS

AITKEN, LEE —	
Current Issues with Caveats: A pan-Australian conspectus	22
Recent Applications of the Rule in <i>Cherry v Boulbee (or Jeffs v Wood)</i>	191
ALLSOP, JAMES —	
Maritime Law: The nature and importance of its international character	681
Professionalism and Commercialism: Conflict or harmony in modern legal practice?	765
BELL QC, DR ANDREW —	
Dispute Resolution and Applicable Law Clauses in International Sports Arbitration	116
BELL, MATTHEW AND DONNA VELLA —	
From Motley Patchwork to Security Blanket: The challenge of national uniformity in Australian “security of payments” legislation	565
BRABAZON SC, MARK —	
Barristers’ Work as a GST-free Export	433
BROWN, LIAM —	
The Justification of Legal Professional Privilege when the Client is the State	624
BRYSON, JOHN P —	
Richard of Anstey and the Sackville Inheritance	775
BURN, JENNIFER AND FRANCES SIMMONS —	
Evaluating Australia’s Response to All Forms of Trafficking: Towards rights-centered reform	712
CHANDRASEKARAN, SIDDHARTH AND RASHELLE L SEIDEN —	
Special Hearings under the Crimes Act: A potentially misconceived adventure	553
D’ANGELO, NUNCIO —	
The Unsecured Creditor’s Perilous Path to a Trust’s Assets: Is a safer, more direct US-style route available?	833
ELLIOTT, GINA AND DAVID HUGHES —	
Australia Joins the Hague Service Convention	532

FORBES, ROGER AND JONATHAN SWIL —	
Fettering the Fiduciary Discretion by Agreement: Breach of duty or commercial reality?	32
FRENCH, CHIEF JUSTICE ROBERT S —	
Science and Judicial Proceedings: Seventy-six years on	244
State of the Australian Judicature	310
GIBSON, ROSEMARY AND MICHAEL WHITE —	
Fisheries and Automatic Forfeiture of Vessels: Draconian Commonwealth laws	319
GLEESON SC, JUSTIN —	
Spry's Case: Exploring the limits of discretionary trusts	177
GUMMOW, HON JUSTICE W M C —	
Moses v Macferlan: 250 years on	756
HANDLEY AO, HON K R —	
Further Thoughts on Proprietary Estoppel	239
HEEREY QC, HON PETER —	
The Merchant of Venice and the Trade Practices Act	112
HERZFIELD, PERRY —	
Limitation of Actions and Price-Fixing Cartels	254
HUGHES, DAVID AND GINA ELLIOTT —	
Australia Joins the Hague Service Convention	532
JONES, JUSTIN —	
The Defendant Breached the Law: Declarations of Contravention and Commonwealth Regulators	396
KEANE, P A —	
The 2009 W A Lee Lecture in Equity: The conscience of equity	92
MCBAIN, GRAHAM S —	
Abolishing Criminal Libel	439
NEUBERGER OF ABBOTSBURY MR, RT HON LORD —	
Thoughts on the Law of Equitable Estoppel	225

REIN, JUSTICE —	
Outside the Construction Zone: Three aspects of insurance litigation that do not involve interpretation of the insuring or exclusion clauses of the contract of insurance	163
RICHARDS, LESA —	
Where to from Ingot Capital Investments v Macquarie Equity Capital Markets?	645
SEIDEN, RASHELLE L AND SIDDHARTH CHANDRASEKARAN —	
Special Hearings under the Crimes Act: A potentially misconceived adventure	553
SHER, JEREMY —	
Arbitrability and the Impact of Fraud or Corruption on International Arbitration	702
SIMMONS, FRANCES AND JENNIFER BURN —	
Evaluating Australia's Response to All Forms of Trafficking: Towards rights-centered reform	712
SPIGELMAN AC, HON JJ —	
The Global Financial Crisis and Australian Courts	615
The Intolerable Wrestle: Developments in statutory interpretation	822
Violence against Women: The dimensions of fear and culture	372
SWIL, JONATHAN AND ROGER FORBES —	
Fettering the Fiduciary Discretion by Agreement: Breach of duty or commercial reality?	32
THOMSON, JUDITH —	
Square Pegs in Round Holes: Are computer programs really literary works?	50
VELLA, DONNA AND MATTHEW BELL —	
From Motley Patchwork to Security Blanket: The challenge of national uniformity in Australian "security of payments" legislation	565
WARNER, KATE —	
Sentencing for Child Pornography	384
WHITE, MICHAEL AND ROSEMARY GIBSON —	
Fisheries and Automatic Forfeiture of Vessels: Draconian Commonwealth laws	319

* TABLE OF CASES*

104 Boyce Road Pty Ltd v Nicolas Jones Pty Ltd, 29
 117 York Street Pty Ltd v Proprietors of Strata Plan No
 16123, 520
 400 George Street (Qld) Pty Ltd v BG International Ltd,
 301, 427–428, 810–811
 70 Pitt Street Sydney Pty Ltd v McGurk, 25

A

Aboriginal Sacred Sites Protection Authority v Maurice;
 Re Warramungu Land Claim, 641
 Abou-Rahmah v Abacha, 761, 763
 Abrahams, Re; Abrahams v Abrahams, 197
 ACCC. — *see* Australian Competition & Consumer
 Commission
 Accurate Financial Consultants Pty Ltd v Koko Black Pty
 Ltd, 264
 Ace Property Holdings Pty Ltd v Australian Postal Corp,
 522–524
 Ackerman v Levine, 550
 “The Acrux”, 332
 Actionstrength Ltd v International Glass Engineering SpA,
 240
 Adams v Cape Industries, 537
 Adriaanse v Futebol Clube do Porto, 127–128
 Aequitas v AEFC No 100 Ltd, 273
 Af Petersens, In the Marriage of, 818
 AFG Insurance Ltd v City of Brighton, 163
 AG. — *see* Attorney-General
 AG (CQ) Pty Ltd v A & T Promotions Pty Ltd, 674–675
 Agoston v The Queen, 553–554
 Agricultural & Rural Finance Pty Ltd v Gardiner, 268
 Agripay Pty Ltd v Estate of Murray Andrew Byrne, 820
 Ahmad Yar Khan v Secretary of State for India, 239
 Ainsworth v Criminal Justice Commission, 399–400
 Air Link Pty Ltd v Paterson, 255–256
 AK v Western Australia, 829
 Akai Pty Ltd v Peoples Insurance Co, 124
 Akerman, Re, 193, 197
 Akici v LR Butlin Ltd, 12, 523
 Akron Securities Ltd v Illiffe, 270
 AL Hamblin Equipment Pty Ltd v Federal Commissioner
 of Taxation, 369
 Al-Kateb v Godwin, 555

Alan Davis Group Pty Ltd v Rivkin Financial Services
 Ltd, 46
 Alati v Kruger, 760
 Albion Insurance Co Ltd v Government Insurance Office
 (NSW), 167–169
 Alcan (NT) Alumina Pty Ltd v Commissioner of Territory
 Revenue, 676, 828–829
 Alexander v Perpetual Trustees WA Ltd, 837
 Alfred Crompton Amusement Machines Ltd v Customs &
 Excise Commissioners [No 2], 625, 627
 Alhamrani litigation, 668
 Alister v The Queen (1984), 641
 Allens Asphalt Pty Ltd v SPM Group Pty Ltd, 22–23
 Alliance Bernstein Investment Research & Management
 Inc v Schaffran, 708
 Allsop’s Marriage Settlement Trust, Re; Public Trustee v
 Cherry, 181
 Alstom Power Ltd v Eraring Energy, 708
 Aluma-Lite Products Pty Ltd v Simpson, 840, 851
 AM & S Europe Ltd v Commission of the European
 Communities, 625, 632
 Amaca Pty Ltd v Ellis, 308, 762
 Amaya v Estate Property Holdings Pty Ltd, 360
 Amalgamated Investment & Property Co Ltd v Texas
 Commerce International Bank Ltd, 237
 Amberley Aerospace Park Pty Ltd v Heartwood
 Architectural Timber & Joinery Pty Ltd, 26
 American Insurance Co v 356 Bales of Cotton, 682
 American President Lines v Guangzhou Feida Electrical
 Apparatus Factory of Wanbao Group, 698
 Ammann v Wegener, 556
 AMP Fire & General Insurance Co Ltd v Collie, 175
 Anderson, Re; Ex parte Alexander, 861
 Angas Law Services Pty Ltd v Carabelas, 37
 “The Angelic Grace”, 116
 Anglican Trusts Corp (Gippsland) v Attorney General
 (Vic), 91
 Ansett Australia Ground Staff Superannuation Plan Pty
 Ltd v Ansett Australia Ltd, 42
 Anthony Hordern & Sons Ltd v Amalgamated Clothing &
 Allied Trades Union of Australia, 270
 ANZ Banking Group Ltd. — *see* Australia & New
 Zealand Banking Group Ltd
 ANZ Executors & Trustee Co Ltd v Qintex Australia Ltd,
 41, 47

* This Table includes only cases referred to in articles, notes etc, of the Journal. There is a separate Table of Cases Reported in the ALJR.

- Aon Risk Services Australia Ltd v Australian National University, 315
- Apostolou v VA Corp Aust Ltd, 517
- Apple Computer v Franklin Computer, 55–56, 62–63
- Applicant A v Minister for Immigration & Ethnic Affairs, 827
- Apriaden Pty Ltd v Seacrest Pty Ltd, 361, 596
- Ariff v Jadunath Majumdar, 239
- Armitage v Nurse, 34, 844
- Armstrong v Sheppard & Short Ltd, 239
- Arnold v Minister Administering the Water Management Act 2000, 215
- Arthur Average Association for British, Foreign & Colonial Ships, Re; Ex parte Hargrove & Co, 132
- ASC. — *see* Australian Securities Commission
- Ashton, In Marriage of, 179
- ASIC. — *see* Australian Securities & Investments Commission
- Asociacion de Empleados del Estado Libre Asociado de Puerto Rico v Union Internacional de Trabajadores de la Industria de Automoviles, 602–603
- Assheton v The Queen, 385
- Associated Metals & Minerals Corp v M/V Arktis Sky, 699
- Astley v Austrust Ltd, 676, 824
- Atkins v Virginia, 689
- Atlantic Coast Line Railroad Co v Florida, 757
- Attorney General (Belize) v Belize Telecom Ltd, 89
- Attorney-General (NSW) v Brown, 104
- Attorney-General (HK) v Humphreys Estate (Queen's Gardens) Ltd, 229, 234, 239
- Attorney-General (Southern Nigeria) v John Holt & Co (Liverpool) Ltd, 422
- Attorney-General (NT) v Kearney, 624, 642
- Attorney-General (WA) v Marquet, 827
- Attorney-General (NT) v Maurice, 630, 633, 635, 642–643
- Attorney-General v Parnther (1792), 671
- Attorney-General (NSW) v Williams, 103
- Attorney-General for Prince of Wales v Collum, 239
- Auriferous Properties Ltd, Re, 194
- Auskay International Manufacturing & Trade Pty Ltd v Qantas Airways Ltd, 259
- Austotel Pty Ltd v Franklins Self-Service Pty Ltd, 235
- Australia & New Zealand Banking Group Ltd v Intagro Projects Pty Ltd, 844
- Australia & New Zealand Banking Group Ltd v Westpac Corp, 761
- Australian Broadcasting Corp v Lenah Game Meats Pty Ltd, 268, 760
- Australian Broadcasting Corp v O'Neill, 24
- Australian Competition & Consumer Commission v Allergy Pathway Pty Ltd, 401–402
- Australian Competition & Consumer Commission v AMV Holding Ltd, 396
- Australian Competition & Consumer Commission v Australian Medical Association (WA) Inc, 402, 404
- Australian Competition & Consumer Commission v CC (NSW) Pty Ltd, 404
- Australian Competition & Consumer Commission v Chen, 407
- Australian Competition & Consumer Commission v Dataline.Net.Au Pty Ltd, 402
- Australian Competition & Consumer Commission v Edirect Pty Ltd, 401
- Australian Competition & Consumer Commission v Francis, 396, 400, 407
- Australian Competition & Consumer Commission v Goldy Motors Pty Ltd, 401, 403, 407
- Australian Competition & Consumer Commission v Henry Kaye National Investment Institute Pty Ltd, 403
- Australian Competition & Consumer Commission v IMB Group Pty Ltd, 407
- Australian Competition & Consumer Commission v Info4PC.com Pty Ltd, 396, 401
- Australian Competition & Consumer Commission v Intertax Holdings, 401
- Australian Competition & Consumer Commission v Leahy Petroleum Pty Ltd, 402, 404–405
- Australian Competition & Consumer Commission v McPhee & Son (Australia) Pty Ltd, 254
- Australian Competition & Consumer Commission v Midland Brick Co Pty Ltd, 401
- Australian Competition & Consumer Commission v Oceana Commercial Pty Ltd, 403
- Australian Competition & Consumer Commission v Ozdirect Online Brands Pty Ltd, 407
- Australian Competition & Consumer Commission v Pacific Dunlop, 407
- Australian Competition & Consumer Commission v Qantas Airways Ltd, 256, 259
- Australian Competition & Consumer Commission v Real Estate Institute Industry (WA) Inc, 401
- Australian Competition & Consumer Commission v Virgin Mobile Australia Pty Ltd [No 2], 401
- Australian Federal Police, Commissioner of v Propend Finance Pty Ltd, 626–627, 632, 63
- Australian Finance Direct Ltd v Director of Consumer Affairs (Vic), 826, 829
- Australian Gas Light Co v Australian Competition & Consumer Commission, 402

* This Table includes only cases referred to in articles, notes etc, of the Journal. There is a separate Table of Cases Reported in the ALJR.

- Australian Hospital Care (Pindara) Pty Ltd v Duggan [No 2], 628
- Australian Institute of Private Detectives Ltd v Privacy Commissioner, 403
- Australian Iron & Steel Ltd v Hoogland, 262
- Australian Knitting Mills Ltd v Grant, 244–245
- Australian Medical Council v Wilson, 531
- Australian Mutual Provident Society v 400 St Kilda Road Pty Ltd, 12
- Australian Postal Corp v Ace Property Holdings Pty Ltd, 12
- Australian Property & Management Pty Ltd v Devefi Pty Ltd, 25, 29–30
- Australian Securities & Investments Commission v Atlantic 3 Financial (Aust) Pty Ltd, 409
- Australian Securities & Investments Commission v Axis International Management Pty Ltd, 19–20
- Australian Securities & Investments Commission v Cash King Ltd, 401
- Australian Securities & Investments Commission v Commercial Nominees of Australia Ltd, 839, 858
- Australian Securities & Investments Commission v Cyclone Magnetic Engines Inc, 396, 410
- Australian Securities & Investments Commission v Drury Management Pty Ltd, 409
- Australian Securities & Investments Commission v Edwards, 401
- Australian Securities & Investments Commission v Enterprise Solutions 2000 Pty Ltd, 396
- Australian Securities & Investments Commission v Fuelbanc Australia Ltd, 396, 399, 409–410
- Australian Securities & Investments Commission v HLP Financial Planning (Aust) Pty Ltd, 396, 408–410
- Australian Securities & Investments Commission v Hutchings, 409
- Australian Securities & Investments Commission v Intertax Holdings, 396, 408–410
- Australian Securities & Investments Commission v Jacaranda Properties Pty Ltd, 403
- Australian Securities & Investments Commission v McDougall, 398, 407, 409
- Australian Securities & Investments Commission v Maxwell, 646
- Australian Securities & Investments Commission v Pegasus Leveraged Options Group Pty Ltd, 409
- Australian Securities & Investments Commission v PFS Business Development Group Pty Ltd, 409
- Australian Securities & Investments Commission v Preston, 409
- Australian Securities & Investments Commission v Rich, 401
- Australian Securities & Investments Commission v Rich [No 2], 401
- Australian Securities & Investments Commission v Skeers, 396
- Australian Securities & Investments Commission v Storm Financial Ltd, 617
- Australian Securities & Investments Commission v Sweeney, 409
- Australian Securities & Investments Commission v Tasman Investment Management Ltd, 839, 857–858
- Australian Securities & Investments Commission v Varsity Lodge Pty Ltd, 403
- Australian Securities & Investments Commission v Vines, 406
- Australian Securities & Investments Commission v West, 403
- Australian Securities & Investments Commission v Young, 409
- Australian Securities Commission v Marlborough Gold Mines Ltd, 313
- Australian Softwood Forests Pty Ltd v Attorney-General (NSW), 396, 399, 407, 409
- Avco Financial Services Ltd v Commonwealth Bank of Australia, 75
- AVX Ltd v EGM Solders Ltd, 370
- AWB Ltd v Cole [No 5], 626, 628
- B**
- B v Federation Equèstré Internationale (FEI), 126
- B Pty Ltd v K, 185
- Bahr v Nicolay [No 2], 267, 809
- Baird Textiles Holdings Ltd v Marks & Spencer plc, 240, 242
- Bajc v Bajc, 24
- Baker v Campbell, 624, 626, 630–635, 642–643
- Baker v JE Clark & Co (Transport) UK Ltd, 844
- Baker v Selden, 51, 53, 55, 57
- Balabel v Air India, 626
- Balanced Securities Ltd v Bianco, 431–432
- Balcolm v Hillier, 551
- Baldwin v Police, 385
- Balfour v Balfour, 242
- Ballantyne v Ballantyne, 867
- Baltic Shipping Co v Dillon, 148, 757
- Bank of Kuwait & the Middle East v Ship MV “Mawashi Al Gasseem” [No 2], 401–402
- Bank of Tokyo Mitsubishi v Baskan Gida, 301–302
- Banks v Ferrari, 369

* This Table includes only cases referred to in articles, notes etc, of the Journal. There is a separate Table of Cases Reported in the ALJR.

- Bankston v Toyota Motor Corp, 550
 Bankstown City Council v Alamdo Holdings Pty Ltd, 763
 Banque Financiere de la Cite v Parc (Battersea) Ltd, 164
 Banque National de Paris v Falkirk Developments Ltd, 188
 Bapu Corp v Choice Hotels International Inc, 603
 Barcelona Traction, Light & Power Co Ltd (Belgium v Spain), 722
 Barclays Bank Ltd v Quistclose Investments Ltd, 14
 Barclays Bank plc v Boulter, 110
 Barham v Barham, 743–745
 Barker, In the Marriage of, 79
Barnardiston's Case (R v Pillsborough) (1732), 473
 Barnes v Addy, 108, 842, 846
 Barro, In the Marriage of, 297
 Barrow v Lewellin (1615), 469, 502
 Barton v Bank of New South Wales, 267
 Basham, Re, 241
 Bashford v Bashford, 27
 Bass v Permanent Trustee Co Ltd, 401–402
 Baulderstone Hornibrook Engineering Pty Ltd v Gordian Runoff Ltd, 164, 768
 Baulderstone Hornibrook Pty Ltd v HBO+DC Pty Ltd, 570
 Baumgartner v Baumgartner, 85, 838
 BCCI (Overseas) Ltd v Akindale, 110
 Beca Developments Pty Ltd v Idameneo (No 92) Pty Ltd, 31
 Beckhaus Civil Pty Ltd v Brewarrina Shire Council, 578
 Bedford Charity, Re, 473
 Bedford Properties Pty Ltd v Surgo Pty Ltd, 31
 Beecham Group Ltd v Bristol Laboratories Pty Ltd, 556
 Begg v Commissioner of Inland Revenue, 157–158
 “The Belgenland”, 684
 Belhaven & Stenton Peerage, Re, 175
 Bell Group Ltd v Westpac Banking Corp, 40
 Bell Group Ltd v Westpac Banking Corp [No 9], 844, 847
 Bellgrove v Eldridge, 20, 307
 Bellissimo v JCL Investments Pty Ltd, 26, 29, 31
 Beluga Shipping GmbH & Co v Headway Shipping Ltd, 698
 Benevolent Society v Waverley Council, 422–423
 Benfield Greig Group plc, Re; Nugent v Benfield Greig Group plc, 44
 Benson v Benson, 27
 Bergensbanken ASA v The Ship “Aliza Glacial”, 332–333
 Berkoff v Burchill, 451
 Berl v Rosenberg, 754
 Bernstein of Leigh (Baron) v Skyviews & General Ltd, 214
 Berowra Holdings Pty Ltd v Gordon, 262
 Best World Holdings Ltd — *see* World Best Holdings Ltd
- Betcorp Ltd, Re, 621
 Betlehem v Keytown Constructions Pty Ltd, 29–30
 Bickerdike, Re, 197
 Bierdeman v Shearson Lehman Hutton, Inc, 707
 Billivant v Attorney-General (Vic), 625
Binningup Nominees Pty Ltd v Brogue Tableau Pty Ltd, 28
 Birtchnell v Equity Trustees, Executors & Agency Co Ltd, 100
 Britannia Pty Ltd v Parkline Constructions Pty Ltd, 572
 Black & White Taxicab Co v Brown & Yellow Taxicab Co, 684
 Black-Clawson International Ltd v Papierwerke Waldhof-Aschaffenburg AG, 828
 Blacker v National Australia Bank Ltd, 257
 Bland v Davies (1603), 467, 494, 501
 Bloch v Bloch, 267
 Blood v Blood, 181
 Blue Mountains Conservation Society Inc v Delta Electricity, 146
 Blundell, Re; Blundell v Blundell (1888), 847
 Blunden v Commonwealth, 689
 BMI Ltd v Federated Clerks' Union of Australia (NSW), 401–402
 Boardman v Phipps, 99, 102
 Bocardo SA v Star Energy Onshore Ltd, 214, 215, 220, 746
 Bofinger v Kingsway Group Ltd, 75, 266, 758–759, 843, 855
 Bogg v Raper, 844
 Boilermakers' Case — *see* R v Kirby; Ex parte Boilermakers' Society of Australia
 “The Bold Buccleuch” (1851), 693–694
 Bolton v Excell, 30
 “The Bonaparte”, 685
 Bond Corp Pty Ltd v Thiess Contractors Pty Ltd, 767
 Bondi Beach Astra Retirement Village v Hohman, 428–430
 Boral Recycling v Wake, 29
 Bowtell v Goldsbrough Mort & Co Ltd, 830
 BP Australia Pty Ltd v Nyran Pty Ltd, 403
 Bradburn v Great Western Rly Co, 168
 Bradfield v Federal Commissioner of Taxation, 767
 Bradley v Methwyn, 446
 Brandao v Barnett, 685
 Brandeis Intsel Ltd v Calabrian Chemicals Corp, 604
 Brecknock (Earl of) v Hetherington (1683), 472
 Breen v Williams, 92–93, 101–103, 274
 Bremer Handelsgesellschaft mbH v Westzucker GmbH [No 2], 303
 Brennan v Comcare, 827
 Brewarrina Shire Council v Beckhaus Civil Pty Ltd, 578

* This Table includes only cases referred to in articles, notes etc, of the Journal. There is a separate Table of Cases Reported in the ALJR.

Bridge v Campbell Discount Co Ltd, 107, 268	Byrne v Australian Airlines Ltd, 828
Bridgewater v Leahy, 96–97	Byrne Australia Ltd, Re [No 2], 839, 865
Bridle v Ruby, 599	
Briginshaw v Briginshaw, 711	
Brisbane v Dacres (1813), 759–760	
Bristol & West Building Society v Mothew, 855	
British South Africa Co v Companhia de Moçambique [1893], 690	
Brockmeyer v Marquis Publications Ltd, 550	
Brodie v Singleton Shire Council, 88	Cabell v Markham, 824
Brodyn Pty Ltd v Davenport, 570–571	Cadd v Cadd, 267
Brogden v Metropolitan Railway Co, 99	Caledonia North Sea Ltd v British Telecommunications plc, 167–169
Brogue Tableau Pty Ltd v Binningup Nominees Pty Ltd, 28, 30	Caledonia North Sea Ltd v London Bridge Engineering Ltd, 167–172
Bromley v Holland, 96	Callow v Rupchev, 14
Bromley Industries Ltd v Martin & Judith Fitzsimons Ltd, 30	Calmao Pty Ltd v Stradbroke Waters Co-owners Cooperative Society Ltd, 261
Brooks' Settlement Trust, Re; Lloyd's Bank Ltd v Tillard, 189	Caltex Refining Co Pty Ltd v State Pollution Commissioner, 553
Bropho v Human Rights & Equal Opportunity Commission, 762	"The Calypso" (1828), 687
Bropho v Western Australia, 676, 823, 827, 831	Cameron v Cole, 562
Bruce Lindsey, Re, 639	Cammell v Sewell, 685
Brueckner v Satellite Group (Ultimo) Pty Ltd, 820	Campbell v Backoffice Investments Pty Ltd, 261
Bruton Holdings Pty Ltd v Commissioner of Taxation, 270	Campbell v Griffin, 300
Bryant, Re; Bryant v Hickley, 42	Campbell v Kitchen & Sons Ltd, 758, 761
Buchanan v Crown & Gleeson Business Finance, 25	Campbells Cash & Carry Pty Ltd v Fostif Pty Ltd, 254
Buchanan & Co v Babeo Ltd, 536	Canadian Pacific Railway Co v The King, 239
Buckeye Check Cashing Inc v Cardeyna, 602	Candacal Pty Ltd v Industry Research Development Board, 629
Buckley v Wood (1591), 469	Cannane v J Cannane Pty Ltd, 763
Buller v Harrison (1777), 760–761	Cannell v Medical & Surgical Clinic, 101
Bulli Coal Mining Co v Osborne, 214	"The Cape Moreton", 695
"The Bunga Melati Dua" (Masefield AG v Amlin Corporate Member Ltd), 611–612	Capelli v Shepard, 618, 836
"The Bunga Seroja", 700	Capital & Counties Bank v Henty, 450
Burdett — <i>see</i> R v Burdett	Capital Finance Australia Ltd v Sharpe Enterprises Pty Ltd, 29
Burke v LFOT Pty Ltd, 170–172, 838	Capital Finance Australia Ltd v Struthers, 23
Burmah Oil Co Ltd v Bank of England, 641	Cardinal Constructions Pty Ltd v Ghersinich, 29
Burman's Caveat, Re, 25	Carlisle Packing Co v Sandanger, 686
Burnard v Rodocanachi Spons & Co, 163	Caroona Coal Action Group Inc v Coal Mines Australia Pty Ltd, 368
Burns v Burns, 45	Carr v Inland Revenue Commissioners, 767
Bury v Pope, 213	Carr v Western Australia, 827
Business Australia Capital Mortgage Pty Ltd v Randwick Nominees Pty Ltd, 25, 78	Carter v Northmore Hale Davey & Leake, 624, 633, 636
Butcher v Lachlan Elder Realty Pty Ltd, 648	Carter Holt Harvey Wood Products Australia Pty Ltd v Aspinie, 628
Butler v Boston & Savannah Steamship Co, 684	Case of the Isle of Ely. — <i>see</i> Isle of Ely
Butler v Fairclough, 107	Castellain v Preston, 163–164, 167–168
Butt v Conant (1820), 446, 462	Caterpillar of Australia Pty Ltd v Industrial Court of New South Wales, 824
Buzza v Controller of Stamps Vic, 187	Catlow v Accident Compensation Commission, 829–830
Buzzle Operations Pty Ltd v Apple Computer Australia Pty Ltd, 619	Caton v Caton, 241
	Cattles plc v Welcome Financial Services Ltd, 191, 196
	CD Once Caldas v FSV Mainz 05, 127

* This Table includes only cases referred to in articles, notes etc, of the Journal. There is a separate Table of Cases Reported in the ALJR.

CE Heath Underwriting & Insurance (Aust) Pty Ltd v Duraway Constructions Pty Ltd, 260	Clos Farming Estates Pty Ltd v Easton, 218
“The Cerro Colorado”, 332	Clough v Ratcliffe, 96
Cesan v The Queen, 829	Cobbe v Yeoman’s Row Management Ltd, 225–226, 229–236, 238, 239–242
CGU Insurance Ltd v Watson, 256	Cockburn v GIO Finance Ltd [No 2], 170
CH Real Estate Pty Ltd v Jainran Pty Ltd, 672–673	Coco v The Queen, 630
Chahwan v Euphoric Pty Ltd, 18–19	Codelfa Construction Pty Ltd v State Rail Authority (NSW), 867
Challenge Finance Ltd v Accolade Pty Ltd, 261	Coffee Beanery Ltd v WW LLC, 603
Chalmers v Pardoe, 239	Coghlan v SH Lock (Australia) Ltd, 266
Chamberlain v The Queen [No 2], 252	Coleman v Bone, 29
Channar Mining Pty Ltd v Cmiec (Channar) Pty Ltd, 535	Collector of Customs v Agfa-Gevaert Ltd, 429, 529
Chaplin v Smith, 523	Collyear v CGU Insurance Ltd, 170
Chapman v Luminis Pty Ltd [No 4], 254	Collyear v CGU Ltd, 170
Charles v Federal Commissioner of Taxation, 838	Comandate Marine Corp v Pan Australia Shipping Pty Ltd, 119–120, 348, 695–696, 702, 707–708
Chartbrook Ltd v Persimmon Homes Ltd, 160	Comedy Club Inc v Improv West Associates, 603
Chase Oyster Bar Pty Ltd v Hamo Industries Pty Ltd, 571	Commerce Commission v Roche Products (New Zealand) Ltd, 267
Chelentis v Luckenbach SS Co, 686	Commercial & General Insurance Co Ltd v GIO (NSW), 167
Cheney v Duncan, 260	Commercial Bank of Australia Ltd v Amadio, 838
Chennell, Re, 842	Commissioner for Railways (NSW) v Agalianos, 676, 824
Cherry v Boulbee (1839), 191–198, 841, 865	Commissioner of Australian Federal Police v Propend Finance Pty Ltd, 626–627, 632, 635
Chesterton (1913), 488, 493, 495, 504	Commissioner of State Revenue (WA) v TEC Desert Pty Ltd, 293–294
Chief Commissioner of Stamp Duties (NSW) v Buckle, 188–189, 837, 840, 863, 865	Commissioner of Taxation (Cth) v Bruton Holdings Pty Ltd, 864–865
China Ocean Shipping Co Ltd v PS Chellaram & Co Ltd, 264	Commissioner of Taxation (Cth) v Pratt Holdings Pty Ltd, 628
Chiu Chut-Fong v Law Chup, 486	Commissioner of Taxation (Cth) v Ramsden, 187
Chong v Channell [No 2], 24	Commissioner of Taxation (Cth) v Ryan, 825
Choy v Hoang, 27	Commissioner of Taxation (Cth) v Scully, 825
Chu Kheng Lim v Minister for Immigration, Local Government & Ethnic Affairs, 555, 564	Commissioner of Taxation (Cth) v Taylor, 294–295
CIC Insurance Ltd v Bankstown Football Club Ltd, 676, 824, 826–828, 830–831	Commissioners of Inland Revenue v Maxse, 767
Cini v Pets Paradise Franchising (SA) Pty Ltd, 27	Commonwealth v ABC2 Group Pty Ltd, 615
Circuit Finance Pty Ltd v Crown & Gleeson Securities Pty Ltd, 26–27	Commonwealth v Cornwell, 257, 263
Citadel General Assurance Co v Lloyds’ Bank Canada, 93, 108	Commonwealth v Mewett, 262
Citigroup Global Mkts Inc v Bacon, 603	Commonwealth v Northern Land Council, 641
City of Swan v Lehman Brothers Australia Ltd, 617	Commonwealth v Sterling Nicholas Duty Free Pty Ltd, 402, 410
Civil Service Musical Instrument Assn v Whiteman (1899), 239	Commonwealth v Tasmania (1983) (Tasmanian Dam Case), 605
Clampett v Kerslake, 73	Commonwealth v Verwayen, 97, 237–238, 242, 262–264, 605, 838
Clarence House Ltd v National Westminster Bank plc, 12, 213	Commonwealth v WMC Resources Ltd, 341
Clark v Lucas Solicitors LLP, 613–614	Commonwealth v Yarmirr, 829
Clarke v Shee and Johnson (1774), 757	Commonwealth Bank of Australia v Baranyay, 31
Classic Heights Pty Ltd v Black Hole Enterprises Pty Ltd, 24	Commonwealth Bank of Australia v Duggan, 148
Clay v Rufford, 34–35, 38, 45	Commonwealth Bank of Australia v Finance Sector Union of Australia, 406
Clayton’s case, 300	
Cleary v Jeans, 265	
Clements Caveat, Re, 25	

* This Table includes only cases referred to in articles, notes etc, of the Journal. There is a separate Table of Cases Reported in the ALJR.

Commonwealth Bank of Australia v Hadfield, 148
 Commonwealth Bank of Australia v Mehta, 647
 Compaq Computer Australia Pty Ltd v Merry, 653
 Compton, Re, 189
 Computer Associates v Altai, 54, 56–58
 Computer Edge Pty Ltd v Apple Computers Inc, 55
 Con-Stan Industries of Australia Pty Ltd v Norwich Winterthur Insurance (Australia) Ltd, 266
 Consul Development Pty Ltd v DPC Estates Pty Ltd, 108
 Conway v Rimmer, 641
 Cook v Saroukos, 369
 Co-operative Wholesale Society Ltd v Chester-le-Street District Council, 266
 Coordinated Construction Co Pty Ltd v Climatech (Canberra) Pty Ltd, 574
 Coordinated Construction Co Pty Ltd v JM Hargreaves Pty Ltd, 573–574
 Corbett v Plowden, 432
 Corby Group Litigation, Re, 88
 Coronation Syndicate v Lilienfeld, 45
 Corporate Affairs Commission (NSW) v Transphere Pty Ltd, 396, 398–400, 402–404, 407–409
 Corvetina Technology Ltd v Clough Engineering Ltd, 705, 711
 Cotterrell v Leeds Day (a firm), 266
 Country Properties Pty Ltd v ANZ Banking Group Ltd, 263
 Countrywide Banking Corp Ltd v Kingston, 614
 Courtenay v Williams, 197
 Cousins Securities Pty Ltd v CEC Group Ltd, 24
 CPT Custodian Pty Ltd v Commissioner of State Revenue (Vic), 837
 Crabb v Arun District Council, 230–231, 236–237, 240
 Cranstoun, Re, 187
 Crawford Group Inc v Holekamp, 603
 Criminal Proceeds Confiscation Act, Re, 560
 Criterion Properties plc v Stratford UK Properties LLC, 240
 Crofts v Brown (1609), 465
 Crowe v Rindock Pty Ltd, 13
 Crowell v Benson, 685
 Cruz v Osborne, 27
 CT Pty Ltd & Buquebus International Ltd v Sea Containers Ltd, 267
 CTM v The Queen, 829
 Customs & Excise Commissioners v Plantiflor Ltd, 438
 Customs & Excise Commissioners v Redrow Group plc, 438
 Cutler v Dixon (1585), 469

D

D v National Society for the Prevention of Cruelty to Children, 641
 D & D Corak Investments Pty Ltd v Yiasemides, 520
 Daar v Yellow Cab Co, 739
 Dagenmont Pty Ltd v Lugton, 45
 Daily Income Fund v Fox, 364
 Dakin, Re (1887), 514–515
 Dalban v Romania, 500
 Dale v Sollet (1767), 760
 Dalleagles Pty Ltd v Australian Securities Commission, 626
 Daly v Union Trustee of Australia Ltd, 841
 Daniels Corp International Pty Ltd v Australian Competition & Consumer Commission, 625, 630–631, 634, 636
 Dann v Spurrier, 225, 229
 Darcy (Lord) v Markham (1616), 469
 Darkinjung Pty Ltd v Darkinjung Local Aboriginal Land Council, 861
 Dart Industries Inc v Décor Corp Pty Ltd, 107
 David Securities Pty Ltd v Commonwealth Bank of Australia, 75, 758, 761–762
 Davidson, In Marriage of [No 2], 179
 Davidson v Smith, 39–41, 43, 47
 Davies v Perpetual Trustee Co Ltd, 189
 Davill v Pull, 292–293
 Davis v CGU Insurance Ltd, 266
 Dayeian v Davidson, 673–674
 De Libellis Famosis (1605), 444–445, 448–449, 453, 460–462, 465, 467–468, 494, 502
 De Lovio v Boit, 682–684, 690, 770
 Deakin, Ex parte, 456–457
 Dean-Wilcocks v Commissioner of Taxation [No 2], 401
 Delaforce v Simpson-Cook, 611
 Delamere v Serious Fraud Office, 18
 “The Delaware”, 699
 Delmenico v Brannelly, 652
 Denlinger v Chinadotcom Corp, 550
 Dennis Hanger Pty Ltd v Brown, 24
 Department of Education, Employment, Training & Youth Affairs. — *see* Secretary, Department of Education, Employment, Training & Youth Affairs
 Department of Transport (Vic) v Commissioner of Taxation, 438
 Derry v Peek, 175
 Designers Guild v Russell Williams (Textiles), 53, 59, 62
 Desmond v Thorne, 458–459, 491, 493–494, 504
 Detroit Trust Co v “The Thomas Barlum”, 684

* This Table includes only cases referred to in articles, notes etc, of the Journal. There is a separate Table of Cases Reported in the ALJR.

Deutsche Schatbau- und Tiefbohrgesellschaft mbh v Ras Al Khaimah National Oil Corp, 709
 Devere Holdings Pty Ltd v Verge, 27–28
 Dewar v Dewar, 182
 Dextra Bank & Trust Co Ltd v Bank of Jamaica, 757, 760–762
 Di Mento v Visalli, 381
 Di Sante v Camando Nominees Pty Ltd, 260
 Dick v Alan Powell Holdings Pty Ltd, 191
 “The Dictator”, 694
 Dietrich v The Queen, 554
 Digi-Tech (Australia) v Brand, 649–651
 Dillwyn v Llewellyn, 240
 Dimos v Hanos, 436
 Director-General, Dept of Education & Training v MT, 827
 Director of Fisheries (NT) v Arnhem Land Aboriginal Land Trust, 403
 Director of Public Prosecutions v Kilbourne, 175
 Director of Public Prosecutions v Latham, 385–388, 390
 Director of Public Prosecutions (Cth) v Xu, 729
 Director of Public Prosecutions (NSW) v Eades, 220–221
 DKLR Holding Co (No 2) Pty Ltd v Commissioner for Stamp Duties (NSW), 837
 Do Carmo v Ford Excavations Pty Ltd, 255
 Dodge v The Queen, 388
 Dolmage v Ontario, 591
 Donis v Donis, 228
 Donoghue v Allied Newspapers Ltd, 51
 Donoghue v Stevenson, 99
 Dormer v Ward, 181
 Dossett v TKJ Nominees Pty Ltd, 828
 Double Bay Newspapers Pty Ltd v AW Holdings Pty Ltd, 23
 Douglas v Culverwell, 267
 Dow Jones & Co Inc v Gutnick, 347
 Downer Constructions (Australia) Pty Ltd v Energy Australia, 570
 Downie v Bruce, 260
 DPP — *see* Director of Public Prosecutions
 Drambo Pty Ltd v Westpac Banking Corp Ltd, 266
 Draoul v Police, 368
 Drexel London (a firm) v Gove, 521–522
 Dualcorp Pty Ltd v Remo Constructions Pty Ltd, 572
 Duke of Marlborough, Re; Davis v Whitehead, 267
 Duncan v Cammell Laird & Co Ltd, 641
 Dunecar Pty Ltd v Colbron, 25
 Dunstan v Houison, 35
 “The Dupleix”, 694
 Durrant v Ecclesiastical Commissioners, 761
 Dymow v Bolton, 62–63

E

Eastman v Director of Public Prosecutions (ACT), 676, 824
 Ebrahimi v Westbourne Galleries Ltd, 762
 Edgar, Ex p, 441
 Edmonds v Donovan, 30
 Edwards v Bureau Wijsmuller Scheepvart-Transport-en Zeeleerpvart Mattschappij BV, 547
 Edwards v Wooton (1607), 445–446, 469, 494, 502
 Eighth SRJ Pty Ltd v Merity, 425
 El Greco (Australia) Pty Ltd v Mediterranean Shipping Co SA, 699
 El-Kazzi v Kassoun, 23
 Elderly Citizens Homes of SA Inc v Balnaves, 23
 Elders Pastoral Ltd v Bank of New Zealand, 98
 Elders Trustee & Executor Co Ltd v EG Reeves Pty Ltd, 861
 Elna Australia Pty Ltd v International Computers (Aust) Pty Ltd, 261
 Emmett v Eastern Dispensary & Casualty Hospital, 101
 “The Emulous”, 682
 Energex Ltd v Alstom Australia Ltd, 254, 256–257, 264, 270, 272
 England Riverstone Meat Co v Lancashire Shipping Co (“The Muncaster Castle”), 698
 Enhill Pty Ltd, Re, 865
 Environmental Systems Pty Ltd v Peerless Holdings Pty Ltd, 257–258
 EOI Corp v Medical Marketing Ltd, 550
 Epic Energy (WA) One Pty Ltd v Commissioner of State Revenue, 425–427
 Erie Railroad Co v Tompkins, 684, 687
 Esquimault & Nanaimo Railway Co v Wilson, 591
 Esso Australia Resources Ltd v Commissioner of Taxation (Cth), 625, 628, 630, 632, 634, 636, 642
 Esther Investments v Wilson International, 25
 Evans, In Marriage of, 184
 Express Loans & Finance Pty Ltd v Hunter, 28
 Exxon Corp v Exxon Insurance Consultants International Ltd, 51, 60

F

FAI Car Owners Mutual Insurance Co Pty Ltd, Re, 191, 197
 Fairfax (John) — *see* John Fairfax Publications
 Falcke v Scottish Imperial Insurance Co (1886), 687
 Farah Constructions Pty Ltd v Say-Dee Pty Ltd, 93, 108–110, 313, 855
 Fardon v Attorney-General (Qld), 315, 555–556, 559
 Farrell v United States, 686

* This Table includes only cases referred to in articles, notes etc, of the Journal. There is a separate Table of Cases Reported in the ALJR.

<p>Farvet Pty Ltd v Frost, 31</p> <p>Federal Commissioner of Taxation v Bruton Holdings Pty Ltd, 864–865</p> <p>Federal Commissioner of Taxation v Taylor, 294–295</p> <p>Feist Publications, Inc v Rural Telephone Service Co, 50</p> <p>Fejo v Northern Territory of Australia, 275</p> <p>Fenech v Sterling, 263</p> <p>Fenton, Re (No 2), 191</p> <p>Fenwick, Re, 678</p> <p>Ferrarini SPA v Magnol Shipping Co Inc, 535</p> <p>FEW v Western Australia, 223–224</p> <p>Fibrosa Spolka Akcyjna v Fairbairn Lawson Combe Barbour Ltd, 758</p> <p>Fiduciary Ltd v Morningstar Research Pty Ltd, 434</p> <p>Fiona Trust & Holding Corp v Privalov, 119, 706–707</p> <p>Firedam Civil Engineering Pty Ltd v Shoalhaven City Council, 303</p> <p>First Energy (UK) Ltd v Hungarian International Bank Ltd, 770</p> <p>First Trade Consulting Pty Ltd v Kirfield Ltd, 26</p> <p>Fischler v Administrator of Roumanian Property, 758</p> <p>Fisher v Brooker, 159, 225–228, 230</p> <p>Fitzwood Pty Ltd v Unique Goal Pty Ltd, 45</p> <p>Foots v Southern Cross Mine Management Pty Ltd, 829</p> <p>Foran v Wright, 838</p> <p>Forbes v Ralli, 239</p> <p>Ford and Hill, Re, 13</p> <p>Forster v Jododox Aust Pty Ltd, 400–401, 403</p> <p>Forsyth v Deputy Commissioner of Taxation, 826</p> <p>Fothergill v Monarch Airlines, 698</p> <p>Fowler v Lindholm, 617</p> <p>Francis v Francis, 292</p> <p>Francis Travel Marketing Pty Ltd v Virgin Atlantic Airways Ltd, 708</p> <p>Frankenmuth Mutual Insurance Co v ACO Inc, 550</p> <p>Frankfurt AG Frankfurt Airport Services Worldwide v Republic of the Philippines, 706, 711</p> <p>Franklin v Manufacturers Mutual Insurance Ltd, 265</p> <p>Fraser v NRMA Holdings Ltd, 648</p> <p>Freeman v Cooke, 240</p> <p>Freeman v Jeffries, 760</p> <p>Freeman-Mitford, Ex p, 456</p> <p>French v Barcham, 15</p> <p>Friend v Brooker, 34, 172, 274</p> <p>Fryer v Yoga Tandoori House, 718</p> <p>Fu Hao Construction Ltd v Landco Albany Ltd, 30</p> <p>Fulham Football Club Ltd v Olympic Lyonnais, 125–126</p> <p>Fulham Football Club Ltd v Cabra Estates plc, 38, 40–48</p> <p>Furnivall v Coombes, 859</p> <p>Fused Electrics Pty Ltd v Donald, 195</p> <p>Futebol Clube do Porto v Adriaanse, 127–128</p> <p>Futter & Cutbill v Futter, 528</p>	<p>G</p> <p>“The Gaetano and Maria”, 688–689</p> <p>Gagner Pty Ltd v Canturi Corp Pty Ltd, 307</p> <p>Gangemi v Gangemi, 24, 27</p> <p>Gapanovich v Komori, 550</p> <p>Garcia v National Australia Bank Ltd, 820</p> <p>Gardner v Dairy Industry Authority (NSW), 400</p> <p>Garland, Re (1804), 851</p> <p>Garnett, Re, 684</p> <p>Garrett v Moore-McCormack, 686</p> <p>Gartenberg v Merrill Lynch Asset Management, Inc, 364–367</p> <p>GAS v The Queen, 224</p> <p>Gassy v The Queen, 829</p> <p>“The Gatitudine”, 685</p> <p>Gatsios Holdings Pty Ltd v Nick Kritharas Holdings Pty Ltd, 98</p> <p>Gedye v Matson, 75</p> <p>Gee v Pritchard, 230</p> <p>“The Gemma”, 694</p> <p>Genesco Inc v T Kakiuchi & Co, 708</p> <p>George v Air Services Ltd, 17</p> <p>George Watts & Son Inc v Tiffany & Co, 603</p> <p>Gerhardy v Brown, 721</p> <p>Ghosn v Principle Finance Pty Ltd [No 2], 671</p> <p>Giannarelli v Wraith, 437</p> <p>Gidden v Chief Constable of Humberside, 306</p> <p>Gilchrist, Ex parte; Re Armstrong, 183</p> <p>Gilford Motor Co Ltd v Horne, 267</p> <p>Gillett v Holt, 230, 233, 300</p> <p>Gilmer v Interstate/Johnson Lane Corp, 707</p> <p>GIO Australia Holdings Ltd v Marks, 270</p> <p>Giorgianni v The Queen, 653</p> <p>“The Girolamo”, 685</p> <p>Giumelli v Giumelli, 226, 228, 234–235, 238, 241, 837</p> <p>Gleaves v Deakin, 441, 448, 450–452, 457–460, 491, 493–494, 496–498, 504</p> <p>Gleaves v Insall, 460, 492, 494, 504</p> <p>Glenn v Federal Commissioner of Land Tax, 182–183</p> <p>Glennon v Commissioner of Taxation, 837</p> <p>Global Partners Fund Ltd v Babcock & Brown Ltd, 620</p> <p>GMU Australia Pty Ltd v Davidson, 260</p> <p>Gold Coast City Council v Pioneer Concrete (Qld) Pty Ltd, 256</p> <p>Goldberg v G Korsunski Carmel School, 531</p> <p>Goldberg v Ng, 625, 631, 634</p> <p>Goldcorp Exchange Ltd, Re, 100</p> <p>Goldsmith v Pressdram Ltd, 448, 450, 453, 456, 459, 490–491, 493, 498, 504</p> <p>Goldsmith v Sperrings Ltd, 456</p> <p>Goldstraw v Goldstraw, 746</p>
--	--

* This Table includes only cases referred to in articles, notes etc, of the Journal. There is a separate Table of Cases Reported in the ALJR.

- Goodwin, In Marriage of, 179
Gordian Runoff Ltd v Westport Insurance Corp, 302–303
Gordon (1787). — *see R v Gordon (Lord George) (1787)*
Gordon v Campbell (1842), 860–862, 865
Gorton v Commonwealth, 260
Gosse Millerd Ltd v Canadian Government Merchant Marine, 698
Goy & Co Ltd, Re, 193
Goyal v Chandra, 743–744
GPI Leisure Corp Ltd v Yuill, 401
GPS Power Pty Ltd v Gardiner Willis & Associates Pty Ltd, 169
Graham H Roberts Pty Ltd v Maurbeth Investments Pty Ltd, 26
Grand Jury Subpoena Duces Tecum, Re, 639
Grant v Australian Knitting Mills Ltd, 245
Grant v Downs, 625–627, 633, 642
Gray v Gray, 191, 197
Gray v Guardian Trust Australia, 197
Gray v Motor Accident Commission, 107
GRD Group (NT) Pty Ltd v K & J Burns Electrical Pty Ltd, 571
Great China Metal Industries Co Ltd v Malaysian International Shipping Corp Berhad, 536
Great Southern Managers Australia, Re, 618
Green v The Queen, 382
Greene v Le Dorze, 546
Greenough v Gaskell, 632
Greenwich Board of Work v Maudslay, 421–422
Gresh v RBC Trust Co, 528
Griffith University v Tang, 608
Grissell's case. — *see Overend, Gurney & Co, Re*
Grocon Constructors v Planit Cocciaardi Joint Venture [No 2], 571, 573
Growes Investment Ltd v Wood, 28
Grundt v Great Boulder Pty Gold Mines Ltd, 230, 233–234, 240, 265–266
Guardian Loans Pty Ltd v FTFS Holdings Pty Ltd, 25, 77–78
Guerin v The Queen, 104–106
Gulbenkian Settlement's Trusts, Re [No 2], 187
Gumland Property Holdings Pty Ltd v Duffy Bros Fruit Market (Campbelltown) Pty Ltd, 361
Gurfinkel v Bentley Pty Ltd, 267
- H**
- H, In the Marriage of*, 296
H Jones & Co Pty Ltd v Kingborough Corp, 831
Hague Convention on the Taking of Evidence Abroad in Civil or Commercial Matters, Re, 536
Hall v Poolman, 619
- Hall (Sir William) v Ellis (1608)*, 469, 494, 502
Hall Street Associates LLC v Mattel Inc, 602–604
Hammer Waste Pty Ltd v QBE Mercantile Mutual Ltd, 165
Hammoud Brothers Pty Ltd v Insurance Australia Ltd, 176
Hampden v Earl of Buckinghamshire, 42
Hanna v Gippsreal Ltd, 24
Hansen Yuncken Pty Ltd v Ericson, 571
Hanslow v Weblin, 29
Hanson v Keating, 96–97
Hanson Construction Materials Pty Ltd v Vimwise Civil Engineering Pty Ltd, 26–27
Harbor Software, Inc v Applied Systems, Inc, 56
Harbour Assurance Co (UK) Ltd v Kansa General International Insurance Co Ltd, 121
Harden v Gordon, 685–686
Hardoon v Beliliros, 844, 866
Hardwick v Johnson, 232–233
Harris v Digital Pulse Pty Ltd, 106–108
"The Harrisburg", 689
Harrison v Melhem, 676, 828, 830
Hart Australia Ltd v Commissioner of Taxation, 403
Hastings Bass, Re, 528
Hawkins v Clayton, 257, 259–261, 671
Hawkins v Gaden, 614
Hayes v O'Sullivan, 28
Haynes's case (1614), 369
Hay's Settlement Trusts, Re, 671
Heart of Midlothian v Webster, 127
Hector v Attorney-General of Antigua and Barbuda, 492
Heid v Reliance Finance Corp Pty Ltd, 23
"The Heinrich Bjorn", 694
Helvetic Investment Corp Pty Ltd v Knight, 854, 861
Henry v Henry, 300–301, 611
Henville v Walker, 270
Herbert Equities Ltd v Manfredos, 24
Herskope v Perpetual Trustees (WA) Ltd, 197
Heskell v Continental Express Ltd, 265
Hewson v Burke, 263
HG & R Nominees Pty Ltd v Caulson Pty Ltd, 26
Hickory Developments Pty Ltd v Schiavello (Vic) Pty Ltd, 571, 573, 579
Hicks v Cadle Co, 603
*Hicks Case. *see R v Garrett (Hicks Case) (1619)**
Hide v Smalley (1590), 467, 501
Higginbotham v Mobil Oil Corp, 17
HIH Casualty & General Insurance Ltd v Waterwell Shipping Inc, 174
Hill v Van Erp, 608
Hill v Western Australia, 390, 394
Hilliard v Penfield Enterprises, 486
Hillingdon Borough Council v ARC Ltd, 264

* This Table includes only cases referred to in articles, notes etc, of the Journal. There is a separate Table of Cases Reported in the ALJR.

Hillingdon Borough Council v ARC Ltd [No 2], 266
Hodgkinson v Simms, 102
Hodgson (dec'd), Re; Hodgson v Fox, 191
Hogan v Australian Crime Commission, 529–530
Hole's Case (1591), 467, 501
Holland, In the Marriage of, 79
Hollinrake v Truswell, 51
Holmberg v Armbrecht, 262
Holt v Markham, 757, 761
Hong Kong & Shanghai Banking Corp v Kloeckner & Co AG, 198
Hooker Industrial Developments Pty Ltd v Trustees of the Christian Brothers, 295
Hoskyns, Ex parte (1869), 484, 493, 503
Hospital Products Ltd v United States Surgical Corp, 107
Houff, In Marriage of, 184
Houghton v Immer, 107
Household Group v Caughran, 603
HTW Valuers (Central Qld) Pty Ltd v Astonland Pty Ltd, 258
Huddart Parker & Co v Moorehead, 557
Hughes v Metropolitan Railway Co, 240
Hughes Aircraft Systems International v Airservices Australia [No 3], 33, 45
Hunt v Hunt, 185
Hur v Samsun Logix Corp, 621
Hutchins v Western Australia, 389

I

I & L Securities Pty Ltd v HTW Valuers (Brisbane) Pty Ltd, 256, 270–271
Iaconis v Lazar, 29
Ibcos Computers Ltd v Barclays Mercantile Highland Finance, 51, 59
IBM Australia Ltd v National Distribution Services Ltd, 708
ICM Agriculture Pty Ltd v Commonwealth, 214–215, 222–223
IGA Distribution Pty Ltd v King & Taylor Pty Ltd, 23
IMF (Aust) Ltd v Sons of Gwalia Ltd, 402
Inceysa Vallisoletana SL v Republic of El-Salvador, 706
“The Indian Endurance”, 242
“The Indian Grace”, 696–697
“The Indian Grace” [No 2], 237–238
ING Bank (Australia) Ltd v O'Shea, 519–521
ING Funds Management Ltd v ANZ Nominees Ltd, 295
Ingot Capital Investments Pty Ltd v Macquarie Equity Capital Markets Ltd, 645–654, 768
Ingot Capital Investments Pty Ltd v Macquarie Equity Capital Markets Ltd [No 6], 645

Interchase Corp Ltd v Commissioner of Stamp Duties (Qld), 427
Interchase Corp Ltd v FAI General Insurance Cp Ltd, 400
InterChem Asia 2000 Pte Ltd v Oceana Petrochemicals AG, 83
International Air Transport Association v Ansett Australia Holdings Ltd, 829, 867
International Finance Trust Co Ltd v New South Wales Crime Commission, 160–161, 556, 558, 560–562
Interview Holdings Pty Ltd v Registrar of Titles, 26
Interwest Hotels Pty Ltd, Re, 857
Investors Compensation Scheme Ltd v West Bromwich Building Society, 89, 160, 293
Inwards v Baker, 239–240
Igor and Bulgaria, 210
“The Ion” — *see* Nippon Yusen Kaisha v Pacifica Navegacion SA
Ioppolo v Conti, 297
IPA Manufacturing Pty Ltd v Industrial Pyrometers (Aust) Pty Ltd, 254
IPCO (Nigeria) Ltd v Nigerian National Petroleum Corp, 709
Iqbal v Prison Officers Association, 678
Islamic Association of Wanneroo (Inc) v Al-Hidayah Mosque (Inc) [No 2], 423–424
Isle of Ely, Case of The (1609), 421–422
ISPT Nominees Pty Ltd v Chief Commissioner of State Revenue, 837
Issuer Plaintiff Initial Public Offering Antitrust Litigation, Re, 263
ITC Ltd v Timbercorp Ltd, 618
Item Software (UK) Ltd v Fassih, 273
Iverson v Howen, 260

J

J & H Just (Holdings) Pty Ltd v Bank of New South Wales, 23
JA Pye (Oxford) Ltd v Graham, 524
Jabarula v Poore, 382
Jacobs v Platt Nominees, 23
Jago v District Court (NSW), 554
James v ANZ Banking Group Ltd, 261
James v Barker, 744
James v The Queen, 392
Jandric v Jandric, 27
Janssen-Cilag Pty Ltd v Pfizer Pty Ltd, 650
Jaramillo v CD Once Caldas, 127
Jarrold v Houlston, 52–53
Jeffery & Katauskas Pty Ltd v SST Consulting Pty Ltd, 254

* This Table includes only cases referred to in articles, notes etc, of the Journal. There is a separate Table of Cases Reported in the ALJR.

- Jeffs v Wood, 191–192
 JEL v DDF [No 2], 179
 Jenkins v Young Bros Transport Ltd, 12
 Jennings v Rice, 228
 Jervis v Berridge, 96
 Jessup v Smith, 851
 Jiggins v Low, 528
 Jigrose Pty Ltd, Re, 369
Jindal Iron & Steel Co v Islamic Solidarity Shipping Co, 699
 Jobbins v Capel Court Corp Ltd, 261
 Jobson v Johnson, 107
 Johansen v Art Gallery of NSW Trust, 85
 John Fairfax Publications Pty Ltd v Ryde Local Court, 379
 John Holland Pty Ltd v Roads & Traffic Authority (NSW), 570
 John McIlwraith Industries Ltd v Phillips, 251
 John R Ring Pty Ltd v Commissioner of the Office of Consumer & Business Affairs, 151–152, 410
 Johnson, In the Marriage of, 817
 Johnson, Re (1880), 848
 Johnson v Phoenix, 58
 Johnson Controls, Inc v Phoenix Control Systems, Inc, 58
 Jones v Harris Associates, LP, 363–367
 Jones v Churcher, 763
 Jones v Lipman, 267
 Jones v Smith, 643
 Jones v Watkins, 228
 Jordan v Duff & Phelps Ltd, 100
 Jorden v Money, 229, 240, 242
 Jorss' Caveat, Re, 24
 Julen v Larson, 550
 Junefind Pty Ltd v Zahra, 36, 41, 47–48
 JW Broomhead (Vic) Pty Ltd v JW Broomhead Pty Ltd, 844

K

- K & S Lake City Freighters Pty Ltd v Gordon & Gotch Ltd, 677
 K-Generation Pty Ltd v Liquor Licensing Court, 556, 559–560
 Kable v Director of Public Prosecutions (NSW), 160–161, 312–313, 315, 555–556, 559–560
 Kaihu Valley Railway Co v Kauri Timber Co, 31
 Kamakazi Music Corp v Robins Music Corp, 707
 Kang v Kwan, 26
 Kara Kar Holdings Pty Ltd v Knudsen, 861
 Karedis Enterprises Pty Ltd v Antoniou, 257
 Kashner Davidson Securities Corp v Mscisz, 603

- Kaupthing Singer & Friedlander Ltd, Re. — *see* Mills (as administrators of Kaupthing Singer & Friedlander Ltd) v HSBC Trustee (CI) Ltd
 Kaye v Zeital, 753–754
 Kearns v Hill, 186
 Keech v Sandford, 99
Keen Mar Corp Pty Ltd v Labrador Park Shopping Centre Pty Ltd, 261, 263
 Keene v Carter, 369
 Kelly, In Marriage of [No 2], 179
 Kelso, Re, 678–679
Kembla Coal & Coke Pty Ltd v Select Civil Pty Ltd, 574
 Kennedy v Wallace, 768
Kenning Investments Pty Ltd v Rusty Rees Pty Ltd, 303
 Kennon v Spry, 177–190
 Kenrick v Lawrence, 58
Kerabee Park Pty Ltd v Daley, 27
Kermarec v Compagnie General Transatlantique, 686
Kilbert v Hanger (1633), 470, 493–494, 502
 King v Director, Serious Fraud Office, 302
 King v The Queen, 563
Kingston v Keprose Pty Ltd, 676
Kingswell v The Queen, 554
 Kirby v Coote, 20
Kirfield Ltd v First Trade Consulting Pty Ltd, 26
 Kirk v Industrial Relations Commission of NSW, 308–309, 571, 791
Kitching v Phillips, 306–307
Klehr v AO Smith Corp, 261
Kleinwort Benson Ltd v Lincoln City Council, 764
Knickerbocker Ice Co v Stewart, 684, 686
Knolly's Trusts, Re; Saunders v Haslam, 42
Kockums AB v Commonwealth, 403
Koehler v Dodwell, 551
Koowarta v Bjelke-Petersen, 721
Korda v ITF Ltd (t/a International Tennis Federation), 120
Kowloon Container Warehouse Co Ltd, Re, 195
Kravchenko v Rock Building Society, 516–517
Kress, In the Marriage of, 296
Kruger v Commonwealth, 555
Kuhn v Fairmont Coal Co, 684
Kuo Fen Ching v Dauphin Offshore Engineering & Trading Pte Ltd, 697
Kuper v Keywest Constructions Pty Ltd, 27

L

- L v FINA*, 125
LAC Minerals Ltd v International Corona Resources Ltd, 100
Lake v Hales, 267

* This Table includes only cases referred to in articles, notes etc, of the Journal. There is a separate Table of Cases Reported in the ALJR.

- Lala Beni Ram v Kundan Lall, 239
 Lam Kee Yong Sdn Bhd v Lam Shes Tong, 523
 Lamb v Moss, 556
 Lamb's Case (1610), 462
 Lang v Le Boursicot, 369
 Lange v Australian Broadcasting Corp, 312, 608
 Langley v Langley, 181
 Langman v Handover, 96–97
 Large v Higham [No 2], 744
 Larrikin Music Publishing Pty Ltd v EMI Songs Australia Pty Ltd, 261
 Last v Rosenfeld, 267
 Latec Finance v Terrigal, 22
 Lattimer v Shafran, 264, 266
 Laurence v The King, 558
 Lauritzen v Larsen, 690–691
 Lawrence v Texas, 689
 Laws Holdings Ltd v Short, 265
 Layrill Pty Ltd v Furlap Constructions, 28
 Layton v Miller, 88–89
 LB Plastics v Swish, 58
 LDS, Inc v Metro Canada Logistics, Inc, 707
 Leeds and Hanley Theatres of Varieties Ltd, Re, 195
 Leerac Pty Ltd v Fay, 844
 Leeth v Commonwealth, 557–559
 Legacy Trading Co v Hoffman, 603
 Legione v Hateley, 263–265, 605
 Lehman Brothers Holdings Inc v City of Swan, 617
 Lehman Brothers International (Europe), Re, 616
 Leighton Contractors Pty Ltd v Campbelltown Catholic Club Ltd, 573
 Leighton Contractors Pty Ltd v CE Heath Underwriting & Agency Services Ltd, 164–166
 Leonie's Travel Pty Ltd v Qantas Airways Ltd, 612–613
 Lerinda Pty Ltd v Laertes Investment Pty Ltd, 840, 843, 851, 857–858, 865
 Leros Pty Ltd v Terara Pty Ltd, 23, 27
 Levy v Bergseng, 433–438
 Levy v Reddy, 621
 Li Chia Hsing v Rankin, 554
 Lift Capital Partners Pty Ltd, Re [No 2], 617
 Lilly v Hays (1836), 757
 Lim v Minister for Immigration & Citizenship, 87–88
 Limit (No 3) Ltd v ACE Insurance Ltd, 172–174
 Lincoln v Wright, 267
 Lintel Pines Pty Ltd v Nixon, 29
 Lipkin Gorman v Karpnale Ltd, 761–762
 Lipohar v The Queen, 312
 Livingston v Commissioner of Stamp Duties Qld, 182
 LJW v Western Australia [No 2], 224
 Lloyd v Breverton (1604), 468, 502
 Lloyd v Guibert, 685
 Lock v Westpac Banking Corp, 186
 Lodge v National Union Investment Co Ltd, 96
 Lofield v Bankcroft (1732), 473, 502
 Londonderry's Settlement, Re; Peat v Walsh, 42
 Lopes Gomes de Silva v Portugal, 500
 "The Lottawanna", 683–685, 688–689
 Lotus Development Corp v Paperback Software International, 52, 54, 56–58, 63
 Love v Kempton, 745–746
 Lovell v Western Australian Police Union of Workers, 260
 Low v Bouverie, 265
 Lubovsky v Snelling, 266
 Luke v Lyde, 682, 684, 770
 Lumbers v W Cook Builders Pty Ltd, 855
 Lumsden v Buchanan (1865), 860–861
 Lydon v Ryding, 27
- M**
- M State Pty Ltd v Sepentulevski, 27
 Ma v The Queen, 223
 Mabo v Queensland (1988), 838
 Mabo v Queensland [No 2] (1992), 104, 106, 274
 McCourt v National Australia Bank Ltd, 806–807
 McCourt v National Australia Bank Ltd [No 2], 807
 McCulloch v Fern, 28
 McDonald's Australia Ltd v Chief Commissioner of State Revenue (NSW), 294
 McDrury v Luporini, 361
 McGrath as liquidators of HIH Insurance Ltd, Re, 621
 McGrath Corp Pty Ltd v Ryan, 303–304
 M'Gregor v Thwaites, 450
 McInerney v MacDonald, 101–102
 Mackay v Dick, 99
 McLean v Burns Philp Trustee Co Pty Ltd, 844
 McLellan v Carroll, Re, 619
 McMahon v National Foods Milk Ltd, 267
 McManus RE Pty Ltd v Ward, 14
 Macquarie Capital Advisers Ltd v Brisconnections Management Co Ltd, 45–46, 49
 Maddison v Alderson, 241
 Maga v Archbishop of Birmingham, 754
 Maguire v Makaronis, 107
 Makucha v Preslands Finance Pty Ltd, 369
 Mallory v Two-Bit Town Inc, 600
 Manchester Trust v Furness, 110
 Mann v Carnell, 628, 636
 Manning v AIG Europe (UK) Ltd, 194
 March v E & MH Stramare Pty Ltd, 245
 Marchesi v Vasiliou, 25

* This Table includes only cases referred to in articles, notes etc, of the Journal. There is a separate Table of Cases Reported in the ALJR.

Marcq v Christie, Manson & Woods Ltd, 370	Mills v Meeking, 830
Marinelli v Jankovic, 263, 266	Mills (as administrators of Kaupthing Singer & Friedlander Ltd) v HSBC Trustee (CI) Ltd, 20, 191, 193–198
Marks v GIO Australia Holdings Ltd, 270	Milner v Carnival plc (t/a Cunard), 819–820
Marminta Pty Ltd v French, 267	Milrrpum v Nabalco Pty Ltd, 275
Marsden, Alexander & Isaacson (1829), 481, 483, 494, 503	Minister Administering the Crown Lands Act v New South Wales Aboriginal Land Council, 219–220, 822, 826
Marshall v Council of Shire of Snowy River, 361, 596	Minister for Commerce v Contrax Plumbing (NSW) Pty Ltd, 570
Martin v Carlyle, 27	Minister for Immigration & Citizenship v SZJGV, 676, 831
Martin v Pont, 759	Minister for Immigration & Citizenship v SZKTI, 270–271
Martyn v Glennan, 25	Minister for Immigration & Ethnic Affairs v Teoh, 342
Masciantonio v R, 382	Minister for Immigration & Multicultural Affairs, Re; Ex parte Miah, 829–830
Mason v Sainsbury, 169	Minister for Immigration & Multicultural Affairs v Yusuf, 219
Mason v Ship "Blaireau", 687	Minister for Immigration & Multicultural & Indigenous Affairs v Al Masri, 605
Masood v Zahoor, 301	Minister for Immigration & Multicultural & Indigenous Affairs v Nystrom, 270
Matadeen v Pointu, 828	Mirvac Ltd, Re, 836
Matheson, Re; Ex parte Worrell v Matheson, 864	Mirzikian v Tom & Bill Waterhouse Pty Ltd, 294–295
Mayfair Trading Co Pty Ltd v Dreyer, 96–97	Mitchell v Henry, 356, 805
Mayne Nickless Ltd v Multigroup Distribution Services Pty Ltd, 262, 269–271	Mitchell v Mosley, 214
Maytom v Perpetual Trustees Victoria Ltd, 807–808	Mitsubishi Electric Australia Pty Ltd v Victorian WorkCover Authority, 625–627
Meadow v General Medical Council, 308	Mitsubishi Motors Corp v Soler Chrysler-Plymouth, Inc, 707
Meek v Bennie, 36	Molecular Diagnostics Laboratories v Hoffmann-La Roche Inc, 261
Meek v Nova Steel Processing Inc, 550	Molier and Van Wyk, In the Marriage of, 79
Mees v Roads Corp, 406	Moloney v Marler & Darvall, 865
Meinhard v Salmon, 770	Moncrieff v Jamieson, 292
Melbourne Harbour Trust Commissioners v Colonial Sugar Refining Co Ltd, 422	Monteith v Clarke, Neill, 459, 492, 504
Melton, Re, 191, 193–195	Moore v Clench, 35, 45
Members of the Yorta Yorta Aboriginal Community v Victoria, 605	Moore v Mercer (1632), 470, 494, 502
Meredith Corp v Harper & Row, Publishers, Inc, 52, 55	Moorgate Tobacco Co Ltd v Philip Morris Ltd [No 2], 102
Merrell Associates Ltd v HL (Qld) Nominees Pty Ltd, 808–809	Moorhouse v Angus & Robertson (No 1) Pty Ltd, 369
Merrill Lynch, Pierce, Fenner & Smith Inc v Bobker, 604	Moragne v States Marine Lines Inc, 684, 686, 689
Messel v Foundation Co, 686	Morison v Thompson, 759
Metacel Pty Ltd v Ralph Symonds Ltd, 263	Morris v FAI General Insurance Co Ltd, 263
Metacorp Australia Pty Ltd v Andeco Construction Group Pty Ltd, 571	Morris v Ford Motor Co Ltd, 164
Metacorp Australia Pty Ltd v Andeco Construction Group Pty Ltd [No 2], 571	Morris' Settlement Trusts, Re, 671
Metcalfe v Commonwealth, 264	Morrison v Peacock & Roslyn Dale Shipping Co Pty Ltd, 827
Metzger v Department of Health & Social Security, 401	Moses v Macferlan (1760), 756–764, 870
Miah, Ex parte. — see Minister for Immigration & Multicultural Affairs, Re; Ex parte Miah	Mouscas v The Queen, 390
Michaud v City of Montreal, 239	MRR v GR, 296–297
Michel v The Queen, 820–821	
Mickelberg v Western Australia, 263, 266	
Mid Density Developments Pty Ltd v Rockdale Municipal Council, 763	
Middle Harbour Investments Ltd, Re, 76	
Midland Brick Co Pty Ltd v Welsh, 24, 28	
Milankov, In Marriage of, 179	

* This Table includes only cases referred to in articles, notes etc, of the Journal. There is a separate Table of Cases Reported in the ALJR.

- Muir v City of Glasgow Bank, 860–862, 865
 Muir v IRC, 187
 Multigroup Distribution Services Pty Ltd v TNT Australia Pty Ltd, 269
 Multiplex Constructions Pty Ltd v Luikens, 572
 Munro Brice & Co v War Risks Association, 174
 Murakami v Wiryadi, 511
 Murphy v Doman, 671
 Murphy v Overton Investments Pty Ltd, 258
 Murran Investments Pty Ltd v Aromatic Beauty Products Pty Ltd, 254
 Muschinski v Dodds, 229, 233, 236, 838
 Muslimin v The Queen, 330
 Myer Queenstown Garden Plaza Pty Ltd v Port Adelaide City Corporation, 398–399
- N**
- NAB. — *see* National Australia Bank
 National Australia Bank Ltd v McM Pty Ltd, 25
 National Australia Bank Ltd v New South Wales, 76–77
 National Carriers Ltd v Panalpina (Northern) Ltd, 360
 National Commercial Banking Corp of Australia Ltd v Batty, 758
 National Insurance Co of New Zealand v Espagne, 161
 National Livestock Insurance Co Ltd, Re, 195
 Natural Resources (Saskatchewan), Re, 104
 Natwest Markets Australia Pty Ltd v Tenth Vandy Pty Ltd, 361
 Navarac Pty Ltd v Moondancer Holdings Pty Ltd, 24–25
 Navitaire Inc v EasyJet Airline Co Ltd, 54, 59–64
 Neat Holdings Pty Ltd v Karajan Holdings Pty Ltd, 174
 Neilson v Overseas Projects Corp of Victoria Ltd, 126, 347–348
 Nelson v Nelson, 267
 “The Neptune”, 685
 Network Ten Pty Ltd v TCN Channel Nine Pty Ltd, 676, 824
 New v Nicoll, 851
 New Brunswick Railway Co v British & French Trust Corp Ltd, 401
 New Jersey Steam Navigation Co v Merchants Bank of Boston (“The Lexington”), 683
 New South Wales v Amary, 826
 New South Wales v McCloy Hutcherson Pty Ltd, 260
 New South Wales v Mulcahy, 263, 266
 New South Wales v Natwest Markets Australia No 2 Pty Ltd, 260
 New South Wales Food Authority v Nutricia Australia Pty Ltd, 827
 New South Wales Trotting Club Ltd v Glebe Municipality, 239
- New Style Furniture Sales Pty Ltd v Deputy Commissioner of Taxation, 369
 New Zealand Netherlands Society “Oranje” Inc v Kuys, 100
 New York v Hendrickson Bros Inc, 263
 Newbon v City Mutual Life Assurance Society Ltd, 265
 Newcastle City Council v Caverstock Group Pty Ltd, 824
 Newcastle City Council v GIO General Ltd, 676, 824
 Newton Bellamy & Wolfe v State Government Insurance Office (Qld), 266
 Nguyen v Cosmopolitan Homes (NSW) Pty Ltd, 176
 Nguyen v Kaha, 28
 Nichimen Co v M/V Farland, 699
 Nicholas v The Queen, 557–558
 Nichols v Universal Pictures Corp, 52, 56–57
 Nicholson v CPC International, Inc, 707
 Nicholson v Yamaha, 550
 Nikolay Malakhov Shipping Co v Seas Sapfor Ltd, 699
 Ninness v Graham, 641
 Nippon Yusen Kaisha v Pacifica Navegacion SA (“The Ion”), 263
 Niru Battery Manufacturing Co v Milestone Trading Ltd, 763
 NMFM Property Pty Ltd v Citibank Ltd (No 10), 264
 Nolan v MBF Investments Pty Ltd, 359
 Nolan v MBF Investments Pty Ltd [No 3], 148–149, 359
 Noor Al Houda Islamic College Pty Ltd v Bankstown Airport Ltd, 425
 Norberg v Wynrib, 107
 Norris v United States, 265
 Northampton’s Case, Mayor of (1733), 474, 494, 502
 Norton v Roper (1603), 467, 501
 Nowland v Bagget, 147
 Nowland v Marson Transport Pty Ltd, 768
 NRMA Ltd, Re [No 1], 44
 NSW. — *see* New South Wales
- O**
- O v Bradley, 159–160
 Oak Investment Partners XII v Boughtwood, 158
 Oates v Consolidated Capital Services Ltd, 678
 Oceanbulk Shipping & Trading SA v TMT Asia Ltd, 613
 Oceanic Steam Navigation Co v Sutherberry, 35, 37
 Octavo Investments Pty Ltd v Knight, 839, 857, 864–866
 O’Hara v Chief Constable of the Royal Ulster Constabulary, 340
 Ohntrup v Kurumu, 537
 Oil Basins Pty Ltd v BHP Billiton Ltd, 303
 Olbers Co Ltd v Commonwealth, 337–338
 Olbers Co Ltd v Commonwealth [No 4], 319–320, 337–341, 344

* This Table includes only cases referred to in articles, notes etc, of the Journal. There is a separate Table of Cases Reported in the ALJR.

Oldfield v Gold Coast City Council, 218–219	Patmore v Upton, 22
Omnium De Traitement Et De Valorisation SA v Hilmarton Ltd, 708	Patricks Operations Pty Ltd v American Home Assurance Co, 165
Onassis & Calogeropoulos v Vergottis, 175	Pavey & Matthews Pty Ltd v Paul, 758
Oppenheim v Tobacco Securities Trust Co (Ltd), 189	Peacham's Case (1628), 439
Orchard Aginvest Ltd, Re, 618	Peacock v Reynal (1612), 469, 493–494, 502
O'Reilly v Commissioners, State Bank of Victoria, 630	Pearse v Pearse, 635
Organ v Sandwell, 267	Pegasus Leasing Ltd v Cadoroll Pty Ltd, 254
Orix Australia Corp Ltd v Moody Kiddell & Partner Pty Ltd, 648	Penfolds Wines v Elliott, 346
Orpen, Re, 191	People ex rel Scott v College Hills Corp, 263
Ortega v Fédération International de Football Association (FIFA), 125	Pepper v Litton, 366
Osbourne (1732). <i>see</i> R v Osborn	Pereira v Director of Public Prosecutions, 653
“The Osceola”, 686	Perera v Reilly, 399
Osland v Secretary to the Department of Justice, 628, 643	Perform (NSW) Pty Ltd v Mev-Aus Pty Ltd, 572
Otis Elevator Co Pty Ltd v Guide Rails Pty Ltd, 191–192, 197	Perpetual Trustee Ltd v Baranov, 359
OV & OW v Members of the Board of the Wesley Mission Council, 529	Perpetual Trustees Victoria Ltd v English, 517–519
Overend, Gurney & Co, Re (Grissell's case), 194	Perpetual Victoria v Schmidt, 513
Overmyer Industrial Brokers Pty Ltd v Campbells Cash & Carry Pty Ltd, 267	Perre v Apand Pty Ltd, 98
Owen v Tate, 173	Perron Investments Pty Ltd v Tim Davies Landscaping Pty Ltd, 26
Owners of East Fremantle Shopping Centre West Strata Plan 8618 v Action Supermarkets Pty Ltd, 16–17	Person-to-Person Financial Services Pty Ltd v Sharari, 23
Owners of Strata Plan 66601 v Majestic Constructions Pty Ltd, 165–166	Peruvian Railway Construction Co Ltd, Re, 191, 195, 197
Oxley v James, 109	Peter Turnbull & Co Pty Ltd v Mundus Trading Co (Australasia) Pty Ltd, 360
P	
Pace v Westpac Banking Corp, 260	Peters v Lithgow Forge Pty Ltd, 597–598
Page v Scottish Insurance Co Ltd, 164	Petersville Ltd v Peters (WA) Ltd, 708
Palgo Holdings Pty Ltd v Gowans, 825–826	Petrofina (UK) Ltd v Magnaload, 169
Palm Gardens Consolidated Pty Ltd v PG Properties Pty Ltd, 26	Peyton v Penny (1635), 471, 502
Palmer v Dolman, 174	Pfizer Overseas Pharmaceuticals v Eli Lilly & Co, 251
Palmer v Monk, 107	Pflugradt, In the Marriage of, 817
Pamesa Valencia v Euro League Basketball, 124	Pierce v Shearson Lehman Hutton, Inc, 707
Panama Railroad v Johnson, 684–685	Pinda v The Queen, 828
Parharpur Cooling Towers Ltd v Paramount (WA) Ltd, 707	Pine's Case (1628), 439
Parianos v Mellhuish (Trustee), 236	Pitt v Holt, 528
Parist Holdings Pty Ltd v Perpetual Nominees Ltd	Pittaway v WH Tutt & Quinlan, 260
Parker v The Queen, 656	Plimmer v Mayor of Wellington, 225, 239–240
Parmiter v Coupland, 450	Pollard, Ex parte (1901), 456
Paroz v Paroz, 743	Polo Woods Foundation v Shelton-Agar, 209–210, 218–219
Parry-Jones v Law Society, 630	Poole's Settlement Trusts, Re, 181
Parsonage v Ku-ring-gai, 423	Port Jackson Stevedoring v Salmond & Spraggon, 699
Parsons v Spooner (1846), 861, 865	Port of Brisbane Corp v ANZ Securities Ltd [No 2], 109, 761, 763
	Port of London Authority v Ashmore, 305
	Porter v Bonarrigo, 29
	Poseidon Ltd & Sellars v Adelaide Petroleum NL, 256
	Potts v Miller, 647, 652
	Povey v Qantas Airways Ltd, 536
	Power v Director of Public Prosecutions (NSW), 385, 390
	Pratt and Morgan v Attorney-General for Jamaica, 210
	Pratt Holdings Pty Ltd v Commissioner of Taxation, 625, 627

* This Table includes only cases referred to in articles, notes etc, of the Journal. There is a separate Table of Cases Reported in the ALJR.

President of India v La Pintada Compania Navigacion, 687
 Prestia v Aknar, 767
 Prince, In the Marriage of, 818
 Printz v United States, 689
 Producers & General Finance Corp Ltd v Dickson, 861
 Professional Services of Australia Pty Ltd v Mila Properties Pty Ltd, 28
 Progress Property Co Ltd v Moore, 90
 Project Blue Sky Inc v Australian Broadcasting Authority, 676, 824, 827, 829, 831
 Prom v Sumitomo Rubber Industries, 550
 "The Propellor Genesee Chief" v Fitzhugh, 684
 Prosecutor v Kunarac, Kovac and Vukovic, 812
 Prothonotary, Supreme Court (NSW) v Rakete, 679–680
 Prynne's Case (1691), 471
 PSL Industries Pty Ltd v Simplot Australia Pty Ltd, 262
 Public Trustee (SA) v eays, 297
 Puuhakka v The Queen, 387, 391
 Pulbrook, Ex p, 441
 Pullen v Gutteridge Haskins & Davey Pty Ltd, 262
 Pump & Systems Pty Ltd v LP Reed Investments Pty Ltd, 26
 Puttick v Tenon Ltd, 347
 Pyrene v Scindia Navigation, 698–699

Q

Qantas Airways Ltd v Christie, 721
 Qorvis Communications LLC v Wilson, 603
 Queensland v Commonwealth (1989), 605
 Queensland Estates Pty Ltd v Co-Ownership Land Development Pty Ltd, 25
 Queensland Independent Wholesalers Ltd v Coutts Townsville Pty Ltd, 266
 Quinn v Keinicke, 550

R

R v Abingdon (Lord) (1794), 478, 493, 503
 R v Adams (1888), 447, 486, 494, 504
 R v Alexander (1829), 482, 503
 R v Alme and Nott — see R v Orme and Nutt
 R v Almon (1770), 463
 R v Amoendo, 334
 R v Amoendo & Dominguez, 334
 R v Anon (1812), 480, 493, 503
 R v Anon (1889), 455
 R v Antonelli (1906), 463
 R v Apsley (1634), 471, 502

R v Archdall and Roskruge; Ex parte Carrigan and Brown, 554
 R v Baker (1562), 467, 501
 R v Baker (1740), 475, 493, 502
 R v Bannister, 612
 R v Baraghith, 382
 R v Beaumont (1808), 479, 494, 503
 R v Beaumont (1881), 454
 R v Bigland (1921), 489, 493, 504
 R v Billing (1918), 487–489, 493, 495, 504
 R v Bolten; Ex parte Bean, 828
 R v Booth, 385, 389
 R v Boucher [1995], 830
 R v Brigstock (1833), 482, 493, 503
 R v Brown (1912), 758, 761
 R v Browne (1763), 477, 493, 502
 R v Burdett (1820), 448, 463
 R v Byrne (1811), 479, 493–495, 503
 R v Campbell, 824
 R v Carden (1879), 441, 455–457, 484
 R v Carr (1667), 471
 R v Clouter (1831), 482
 R v Cobbett (1804), 463
 R v Cohen (1833), 482, 493, 503
 R v Colbourn, 389, 391, 394
 R v Commissioner of Sewers for Pagham, Sussex, 422
 R v Cook; Ex parte A-G (Qld), 385
 R v Creevey (1813), 480, 493, 503
 R v Crosland (1913), 487–488, 493, 504
 R v Curl (1727), 448, 461
 R v Curtis, 677
 R v Davis (1887), 485, 493, 504
 R v Davis [2008], 656
 R v Daw, 393
 R v Defoe (1715), 472–473, 493, 502
 R v Dennison (1773), 478
 R v D'Eon (1764), 461, 463
 R v Derby Magistrates' Court; Ex p B, 630, 633, 642
 R v Deverell (1889), 447, 454–455
 R v Dincer, 382
 R v Dormer (1727), 473, 493, 502
 R v Douglas (1914), 504
 R v Douglas (1923), 487, 489, 493–494, 504
 R v Edgar (1725), 473, 493–494, 502
 R v Edwards & Stacey (1877), 369
 R v Elliott, 387, 392
 R v Ensor (1887), 445, 485–486, 494, 504
 R v Epps (1831), 482
 R v Faqir Mohammed, 382
 R v Fell (1976), 490, 504
 R v Finnerty (1811), 449, 479, 483, 494–495, 503
 R v Fitton and Carr (Car) (1669), 471–473, 493, 502

* This Table includes only cases referred to in articles, notes etc, of the Journal. There is a separate Table of Cases Reported in the ALJR.

- R v Fitzgerald (1702), 472, 502
 R v Fleet (1818), 480, 493, 503
 R v Flindell (1821), 481, 493, 503
 R v Flowers (1880), 485
 R v Forbes (1965), 490, 493, 504
 R v Fuller (1702), 472
 R v Gadd (1879), 485
 R v Garrett (Hick's Case) (1619), 446, 470, 494, 502
 R v Gathercole (1838), 445, 452, 482, 493, 503
 R v Gent, 385, 388, 390–391
 R v Gordon [2009], 385, 387, 389, 392–394
 R v Gordon (Lord George) (1787), 463
 R v Gray [1900], 461–462
 R v Greenhouse (1887), 485, 493, 504
 R v Gregory (1838), 483, 493, 503
 R v Gregory (1846), 483
 R v Gregory (1850), 483, 493–494, 503
 R v Griffin (1734), 484
 R v Gutch, Fisher & Alexander (1829), 482, 494, 503
 R v Haines (1738), 463, 474, 494, 502
 R v Hall (1721), 461
 R v Hart and White (1808), 462
 R v Harvey and Chapman (1823), 463
 R v Haswell and Bate (1780), 477–478, 493, 502
 R v Hatfield (1830), 475
 R v Hay, 553
 R v Hersey (1612), 469, 493, 502
 R v Holbrook (1878), 446, 484, 493, 503
 R v Holland (1761), 476–477, 502
 R v Holloway and Allen (1775), 477, 493, 502
 R v Hunt (John and Leigh) (1812), 463, 480, 493–495,
 503
 R v Hunt (1824), 463, 481, 494, 503
 R v International Basketball Federation, 121–123
 R v Jenour (Jennour) (1739), 445, 475, 493, 502
 R v Jennison. *see* R v Dennison
 R v Johnson (1805), 463
 R v Jolliffe (1791), 478, 503
 R v Jones, 385, 387
 R v Jongsma, 385, 388–390
 R v Kinnersley (1760), 454, 476, 493, 502
 R v Kirby; Ex parte Boilermakers' Society of Australia
 (Boilermakers' Case), 315
 R v Knighton, 210
 R v Kovacs, 718
 R v Knut (Nutt) (1732), 473, 495, 502
 R v Labouchere (1879), 484–485, 503
 R v Labouchere (1880), 485, 493, 503
 R v Labouchere (1884), 441, 445–446, 453–456, 468, 476,
 482, 485, 494, 503
 R v Lake (1670), 465
 R v Langley (1704), 439
 R v Lavender, 826
 R v Lawson (1839), 483, 493, 495, 503
 R v Ledger (1880), 485, 503
 R v Lee (1804), 478
 R v Leigh (1971), 490, 493, 500, 504
 R v Leonard, 391–392
 R v Lever (1887), 485, 493, 503
 R v Liddington, 388, 394
 R v Lord Winshelsea (1865), 440–441
 R v Lovell (1812), 480, 493, 503
 R v MacDonald [1953], 382
 R v Machin and Bruster (1608), 469, 502
 R v McInerney (1986), 390
 R v McIntosh, 221
 R v M'Leod (1802), 479, 483, 494, 503
 R v McNeil, 263
 R v Maguire, 563
 R v Malatesta (1912), 487, 494, 504
 R v Mara, 385–386, 389, 393–395
 R v Mason and Utopia Press Ltd (1932), 489, 493, 504
 R v Masters (1889), 486, 493, 504
 R v Mead (1840), 454
 R v Middleton, 462
 R v Miller (1770), 463
 R v Momcilovic, 823
 R v Montgomery (1796), 478–479, 493, 503
 R v Most (1881), 463
 R v Muddarubba, 382
 R v Mylius (1911), 440, 445, 487, 493–494, 504
 R v Newman (1853), 484, 493, 495, 503
 R v Northampton (1344), 461
 R v Nutt (1732). — *see* R v Knut
 R v Oliver, 386–390, 394–395
 R v Orme and Nutt (1699), 452, 474
 R v Osborn(e) (1732), 446, 452, 473–474, 493, 502
 R v Paine (1698), 463
 R v Parke (1890), 486, 493–495, 504
 R v Parsons, 477
 R v Pearce (1791), 478, 503
 R v Peltier (1803), 463
 R v Penketh (1982), 491, 493, 500, 504
 R v Penny (1687), 439
 R v Perry (1791), 478, 493, 503
 R v Perryman (1892), 451, 486, 493, 504
 R v Phillips (1805), 479
 R v Phillips (1832), 482, 493–494, 503
 R v Pillsborough. — *see* Barnardiston's Case
 R v PLV, 828
 R v Pottinger, 477
 R v Powall (Pownell) (1732), 473, 494, 502
 R v Pursore (1732), 473
 R v Qutami, 381

* This Table includes only cases referred to in articles, notes etc, of the Journal. There is a separate Table of Cases Reported in the ALJR.

- R v Ravensworth (1336), 466
 R v Richards (1879), 484, 494–495, 503
 R v Richardson, 385, 390, 393
 R v Ridgway (1831), 454
 R v Rintoul (1831), 482
 R v Roberts (1729), 475
 R v Rogers (1972), 490, 504
 R v Rosenberg (1879), 484, 493–495, 503
 R v Russell [1904–7], 441, 455–456, 487, 493, 504
 R v Salsone, 385, 391, 393
 R v Saunders (1671), 446, 472–473, 493–494, 502
 R v Say (1762), 476
 R v Scott (1896), 487, 493, 504
 R v Seddon, 212
 R v Shabir Hussain, 382
 R v Sharma, 830
 R v Sharpe (1738), 474–475, 493, 502
 R v Sidney (1683), 439
 R v Silva, 387
 R v Smart (1832), 482
 R v Smith (1831), 482
 R v Smollett (1759), 476, 493–494, 502
 R v Sober (1832), 482
 R v Special Commissioners of Income Tax; Ex parte University College of North Wales, 189
 R v Staples (1738), 446, 474, 493, 502
 R v Steel (1875), 484, 493, 503
 R v Summer and Hillard (1666), 471, 493, 502
 R v Summers (1665), 446
 R v Sykes, 385, 387
 R v Tanfield (1878), 484, 493, 503
 R v Tang, 723–724
 R v Thicknesse (1763), 477, 493–494, 502
 R v Thompson (1680), 460, 462, 471–472
 R v Thompson, Pain and Farwell (1682), 462, 472
 R v Toomer, 391
 R v Topham (1791), 446, 478, 494, 503
 R v Trade Practices Tribunal; Ex parte Tasmanian Breweries Pty Ltd, 557
 R v Trueman (1913), 488, 493–495, 504
 R v Tugwell (1910), 487, 500, 504
 R v Uljee, 625
 R v V, 702, 710–711
 R v Vasey [1905], 831
 R v Verburgt, 393
 R v Vint, Ross and Parry (1799), 463
 R v Waite (1743), 475, 494, 502
 R v Walter (1789), 477, 503
 R v Walter (1799), 478
 R v Want (1601), 467, 501
 R v Watson (1788), 462
 R v Wei Tang, 723
- R v Wells Street Stipendiary Magistrate, Ex parte Deakin, 491, 504
 R v White (1813), 480, 482, 493–494, 503
 R v Wiatt (1723), 462
 R v Wicks (1936), 447–448, 450, 456, 489, 493, 504
 R v Wilkes (1763), 463
 R v Wilkie (1762), 476
 R v Williams (1619), 439
 R v Williams (1774), 477, 493, 502
 R v Williams (1822), 452, 463, 477, 481, 503
 R v Wilson; Ex parte Kisch, 824
 R v Wong and Leung, 395
 R v Wood [1954], 490
 R v Yates (1884), 485, 503
 R v Young, 828
 R v Yousry (1914), 488, 493, 504
 R (E) v Governing Body of JFS, 18, 530–531
 R Griggs Group Ltd v Filanto Spa, 550
 R (Lewis) v Redcar & Cleveland Borough Council [No 2], 598–599
 “The Rafaela S”, 698
 Raguz v Sullivan, 119, 123
 Raiser Developments Ltd v Trefoil Properties Ltd, 24
 Raissi v Commissioner of Police of the Metropolis, 340
 Rama Furniture Pty Ltd v QBE Insurance Ltd, 175–176
 Ramos-Santiago v United Parcel Services, 603
 Ramsden v Dyson, 97, 225–226, 229, 231, 239–240, 242
 Ranclaud v Cabban, 671
 Rank Film v Video Information Centre, 493
 Rantsev v Cyprus and Russia, 812–815
 Raukura Moana Fisheries Ltd v The Ship “Irina Zharkikh”, 697
 Rawson Trust Co v Perlman, 668
 Raymond James Financial Services Inc v Bishop, 603
 RE Jones Ltd v Waring & Gillow Ltd, 762
 Read v Brown, 255
 Readhead v Admiralty Marshal, Western Australia District Registry, 332
 Reading v Attorney-General, 759
 “The Rebecca”, 694
 Redglove Projects Pty Ltd v Ngunnawal Local Aboriginal Land Council, 29
 Reed v Canfield, 685–687
 Regal (Hastings) Ltd v Gulliver, 99
 Regie Nationale des Usines Renault SA v Zhang, 347
 Registrar v Unnamed Respondent, 432
 Regnery Publishing, Inc v Miniter, 603
 Reid v McCallum, 42
 Reynolds (1634), 470, 493, 502
 ReliaStar Life Insurance Co v EMC National Life Co, 82–84
 Remblance v Octagon Assets Ltd, 612

* This Table includes only cases referred to in articles, notes etc, of the Journal. There is a separate Table of Cases Reported in the ALJR.

Repatriation Commission v Vietnam Veterans Association of Australia NSW Branch Inc, 830	Rousset v Antunovich, 35–36, 47
Reynolds, In the Marriage of, 818	Roxborough v Rothmans of Pall Mall Australia Ltd, 756, 759, 855
Rhodesia Goldfields Ltd, Re, 195	Roy Morgan Research Centre Pty Ltd v Commissioner of State Revenue (Vic), 829
Ribo-Cabrera v The Queen, 341	RPS v The Queen, 558, 561
Rich v Australian Securities & Investments Commission, 658	RTS Flexible Systems Ltd v Molkerei Alois Müller GMBH & Co KG (UK Production), 528
Rich v Harrington, 629	Rubicon Asset Management Ltd, Re, 618
Richard Buxton (Solicitors) v Mills-Owen, 754–755	Ruddock v Vadarlis, 329
Richards v Cornford [No 3], 768	Russell v Watts, 239
Richardson, Re; Ex parte Governors of St Thomas Hospital, 864–866	Russian Commercial & Industrial Bank v British Bank for Foreign Trade Ltd, 400, 403
Richardson v Forestry Commission, 605	Russian Federation v Australia, 341
Richardson v The Queen, 563	Rutledge v Sheridan, 753–754
Riches v Hogben, 241	RWG Management Ltd v Commissioner for Corporate Affairs, 837, 841, 854, 865
Richstar Enterprises Pty Ltd, Re, 185	Ryan v Kalocsay, 26
Rickshaw Investments Ltd v Nicolai Baron von Uexkull, 347	Ryan v The Queen, 390
Ridis v Strata Plan 10308, 522	
Rijtarowski v Rijtarowski, 26	S
Riverside Housing Association v White, 237	“The Sabine” (1874), 687
Rizky Management Pty Ltd v Billabong Private Hotel (St Marys) Pty Ltd, 25	Sachs v Miklos, 371
Roads & Traffic Authority (NSW) v Dederer, 760	Saddler v The Queen, 385–389, 392
Roads & Traffic Authority (NSW) v Refrigerated Roadways Pty Ltd, 422	Saeed v Minister for Immigration & Citizenship, 676, 828–830
Roberts v Gill & Co, 677–678	Safeway Stores Ltd v Twigger, 752
Robinson’s Settlement, Re; Gant v Hobbs, 860–861, 865	St Alder v Waverley Local Council, 598
Robot Arenas Ltd v Waterfield, 369–371	St Catherine’s Milling & Lumber Co v R (Ontario), 105
Rochdale Canal Co v King, 229	St James Village, Inc v Cunningham, 601
Rochefoucauld v Boustead, 267	“The Sally”, 690
“The Rock Island Bridge”, 793	Sampson v Zucker, 260
Rod Investments (Vic) Pty Ltd v Abeyratne [No 2], 257	Sandhurst Trustees Ltd v 72 Seventh Street Nominees Pty Ltd, 76
Rodriguez v United States, 827	Sankey v Whitlam, 409, 556, 561, 624, 641
Rodriguez de Quijas v Shearson/American Express, Inc, 708	Santos Coffee Co Pty Ltd v Direct Freight Express Pty Ltd, 299–300
Roges v The Queen, 399	Santos Ltd v American Home Assurance Co, 164–165
Rohesa Nominees Pty Ltd v Rossett Pty Ltd, 648	“The Sauria” and “The Trent”, 266
Romanos v Pentagold Investments Pty Ltd, 855	Savage v Union Bank of Australia Ltd, 865
Romero v International Terminal Operating Co, 684, 686–688	Savile v Wentworth (1630), 469
Ron Kingham Real Estate Pty Ltd v Edgar, 844	Saxby Soft Drinks Pty Ltd v George Saxby Beverages Pty Ltd, 356
Rondel v Worsley, 437	Scandinavian Bunkering AS v The Bunkers on Board the Ship FV “Taruman”, 334
Roper v Martin (1602), 467	Scarella v Lettice, 258
Roper v Simmons, 689	Scarf v Jardine, 265
Ross v The Queen, 676	Schaatsefabriek Viking BV v German Speed Skating Association, 119
Ross Cook & Brett Cook Pty Ltd v Bli Bli #1 Pty Ltd, 25	Schiffahartsgesellschaft Leonhardt & Co v A Botacchi SA De Navegacion, 684, 693
Ross-Jones, Re; Ex parte Green, 817	
Rotella v Wood, 256	
Rothmere Pty Ltd v Quasar Constructions NSW Pty Ltd, 570	
Rouse v Walter & Associates, 58	

* This Table includes only cases referred to in articles, notes etc, of the Journal. There is a separate Table of Cases Reported in the ALJR.

- Schmidt v 28 Myola Street Pty Ltd, 23–24
 Schmidt v Pastor, 600
 Schmidt v Rosewood Trust, 103
 Scholle Industries Pty Ltd v AEP Industries (NZ) Ltd, 164
 Schoolhouse, Inc v Anderson, 58
 Schreuder v Murray [No 2], 103
 Schuede v Zenith SS Co, 686
 “The Scotia”, 684, 690
 Scott v Sampson, 450
 Scottish Equitable plc v Derby, 762
 Sea Culture International Pty Ltd v Scoles, 399
 “The Sea Gull”, 686
 Secretary, Department of Education, Employment,
 Training & Youth Affairs v Prince, 762
 Secretary of State for the Environment v Meier, 299
 Secured Income Real Estate (Australia) Ltd v St Martins
 Investments Pty Ltd, 99, 101
 Seechurn v Ace Industries SA-NV, 264
 “The Segredo”, otherwise “Eliza Cornish” (1853), 685,
 770
 Sent v Jet Corp of Australia Pty Ltd, 268–269
 Servos-Gavin, Re, 222
 Seven Network Ltd v News Ltd, 628–629
 Seymour v Australian Broadcasting Commission, 175
 SGH Ltd v Commissioner of Taxation, 250
 SGIO — *see* State Government Insurance Office
 Shearson/American Express, Inc v McMahon, 708
 Sheehan v State Rail Authority, 831
 Shepard v Downey, 618
 Sheridan v Barrett (1879), 97
 “The Shin Kobe Maru”, 684
 Shirt v Wyong Shire Council, 85
 Sidaway v Board of Governors of Bethlem Royal
 Hospital, 102
 Siegel v Titan Industrial Corp, 604
 Siliadin v France, 814
 Sim v Stretch, 450
 Simmons v Simmons, 185
 Simon v NRMA Insurance Ltd, 176
 Sims v Lowe, 24
 Sims v SPM Business Consultants Pty Ltd, 369
 Sivell v The Queen, 391–392
 SJK v The Queen, 224
 Slater v Slater, 26
 Sledmore v Dalby, 228
 Smith v Croke & Wright (1632), 470, 502
 Smith v Martin (1632), 470, 502
 Smith v Smith, 181, 188
 Smith v Tufton (1633), 493
 Smithkline Beecham (Aust) Pty Ltd v Chipman, 403
 SMK Cabinets v Hili Modern Electrics Pty Ltd, 578
 Snelgrove v Great Southern Managers Australia Ltd, 618
 Soleimany v Soleimany, 705, 711
 Sons of Gwalia Ltd v Margaretic, 620, 846
 Soong v Composite Buyers, 24
 Soulou v Korkontzilas, 98, 101, 110
 Southern Pacific Co v Jensen, 684, 686–687, 689
 Southern Wines Corp Pty Ltd v Frankland River Olive Co
 Ltd, 836
 “The Southwark”, 699
 Sovar v Henry Lane Pty Ltd, 149
 Spankie v James Trowse Constructions Pty Ltd, 572
 Spellson v George, 37–38
 Spence v Crawford, 107
 Spencer v Commonwealth (2010), 829
 Speno Rail Maintenance Australia Pty Ltd v Hammersley
 Iron Pty Ltd, 164, 169, 171–172
 Speno Rail Maintenance Australia Pty Ltd v Metals &
 Minerals Insurance Pte Ltd, 171–172
 Spies v The Queen, 858
 Spry’s case — *see* Kennon v Spry
 Squires (liquidators of SSSL Realisations (2002) Ltd) v
 AIG Europe (UK) Ltd, 191–192, 194–196
 SSSL Realisations, Re. — *see* Squires (liquidators of
 SSSL Realisations (2002) Ltd) v AIG Europe
 (UK) Ltd
 Stack v Dowden, 225, 235–236
 Stacks Managed Investments Ltd, Re, 837, 839
 Staff Benefits Pty Ltd, Re, 842
 Stag Line v Foscoto, Mango & Co, 698
 Standard Chartered Bank of Australia Ltd v Antico, 628–
 629
 Stanhope v Blith (1585), 465
 Star Energy Weald Basin Ltd v Bocardo SA, 746–747,
 751
 State v Zuma, 828
 State Bank of New South Wales Ltd v Swiss Bank Corp,
 109, 762
 State Government Insurance Office (Qld) v Brisbane
 Stevedoring Pty Ltd, 165–166
 State of Norway’s Application, Re, 538
 The Steamer “St Lawrence”, 684
 Stein, In Marriage of, 179
 Stephens v Stephens, 179–180, 186, 188, 190
 Stephens v Stephens (Enforcement), 190
 Stephens v Stephens [No 2], 190
 Stephenson’s Settled Estates, Re, 35–36
 Sterling Heights LLC v American Multi-Cinema Inc, 603
 Stevens v Kabushiki Kaisha Sony Computer
 Entertainment, 829
 Stingel v Clark, 829
 Stirling, Re, 221
 Stock v Frank Jones (Tipton) Ltd, 828
 Stocznia Gdynia SA v Gearbulk Holdings Ltd, 19

* This Table includes only cases referred to in articles, notes etc, of the Journal. There is a separate Table of Cases Reported in the ALJR.

Stoda v Joice Holdings, 601	Thomas v Mowbray, 563, 760
Stolt-Nielsen SA v Animalfeeds International Corp, 602–604	Thomas v SMO International [No 3], 752–753
Stone & Rolls Ltd v Moore Stephens, 87	Thomas v Thomas, 239
Stradling v Morgan, 823	Thompson v Newsquest (Bolton) Ltd, 460
Strauss v Francis, 437	Thompson v Oklahoma, 689
Strong v Bird, 754	Thompson v Palmer, 265
Subramaniam v The Queen, 554–555, 561–564	Thorby v Goldberg, 37–45, 47–48
Suco Gold Pty Ltd, Re, 857, 864–866	Thorley v Lord Kerry, 450–451
Sullivan v Sullivan, 228–229	Thorner v Major, 225–228, 231–232, 234, 236, 240–242
Super Chem Products Ltd v American Life & General Insurance Co Ltd, 264	Thornhill v Eavans, 437
Supple v Cann, 267	Three Rivers District Council v Governor & Company, Bank of England [No 6], 626, 630, 632–633, 643
Sutherland Shire Council v Heyman, 257–258	Tiep Thi To v Australian Associated Motor Insurers Ltd, 174–175
Suzuki Motor Co v Superior Court of San Bernardino County, 550	Tim Barr Pty Ltd v Narui GoldCoast Pty Ltd, 360–362, 596
Svenson v Payne, 239	Timbercorp Securities Ltd, Re, 618
Swanston Mortgage Pty Ltd v Trepan Investments Pty Ltd, 22	Timbercorp Securities Ltd, Re [No 2], 618
Swift v Tyson, 684	Timbercorp Securities Ltd, Re [No 3], 618
Swindler & Berlin v United States, 636	Timbercorp Securities Ltd, Re [No 4], 618
Sydney Airports Corp Ltd v Singapore Airlines Ltd, 628	Tisand Pty Ltd v “The Cape Moreton”, 687, 694
Sydney Turf Club v Crowley, 165, 167, 169, 173	“The Titanic”, 687
Sykes v Richardson, 538	Tito v Waddell [No 2], 591
Symmons Plains Pastoral Holdings Pty Ltd v Tasmanian Motor Racing Co Pty Ltd, 12	“The TJ Hopper”, 366
Synercon Technology Inc v University Computing Co, 63	TLM v Western Australia, 223
Szozda v Szozda, 671–672	Tobacco Institute of Australia Ltd v Australian Federation of Consumer Organizations Inc, 399–400, 405, 407
T	
T Co Metals LLC v Dempsey Pipe & Supply Inc, 603	“The Tojo Maru”, 688–689
Tabcorp Holdings Ltd v Bowen Investments Pty Ltd, 20–21	Toll (FGCT) Pty Ltd v Alphapharm, 867
Tache v Abboud [No 1], 260	“The Tolten”, 690–691
Taco Co of Australia Inc v Taco Bell Pty Ltd, 647	Toohey, In the Marriage of, 817
Tadrous v Tadrous, 24	Total Information Processing Systems v Daman, 58
Taft v Moreau, 550	Tournier v National Provincial Bank, 450
Talbot v NRMA Ltd, 44, 46	TPC — see Trade Practices Commission
Tanwar Enterprises Pty Ltd v Cauchi, 231, 233, 241–242, 268, 520	Trade Practices Commission v Sterling, 626
Tanzone Pty Ltd v Westpac Banking Corp, 269, 600	Trade Practices Commission v TNT Management Pty Ltd, 262
Target Holdings Ltd v Redferns, 838–839, 855	Tradestock Pty Ltd v TNT (Management) Pty Ltd, 262
Taylor v Blacklow, 632	Transgrid v Siemens Ltd, 570
Taylor v Mayo, 849, 851	Transport Accident Commission v CMT Construction of Metropolitan Tunnels, 163
Taylor's Fashions Ltd v Liverpool Victoria Trustees Co Ltd, 230, 233, 240	Transport Industries Insurance Co v Longmuir, 175
Teknekron Management v Quante Fernmedltechnik, 546	Travelex Ltd v Federal Commissioner of Taxation, 157
Tenacity Consulting v Warringah, 423	“The Tremont”, 332
Teparyl Pty Ltd v Willis, 149–150	Trident General Insurance Co Ltd v McNiece Bros Pty Ltd, 169
Terry v O'Connell, 597	Trio Capital Ltd v ACT Superannuation Management Pty Ltd, 618, 620
Thacker v Key, 35	Triplex Safety Glass Co Ltd v Lancegaye Safety Glass (1934) Ltd, 475
	Troncone v Aliperti, 29

* This Table includes only cases referred to in articles, notes etc, of the Journal. There is a separate Table of Cases Reported in the ALJR.

- Truefilm Pty Ltd v JR Investment Holdings Pty Ltd, 30
 Truth About Motorways Pty Ltd v Macquarie Infrastructure Investment Management Ltd, 407
 Tucker v Aero Inventory (UK) Ltd, 621
 Tucker v Aero Inventory (UK) Ltd [No 2], 621
 Tuckiar v The King, 627
 Tullett Prebon (Australia) Pty Ltd v Purcell, 158–159
 Tungay v BBC, 460
 Turner v New South Wales Mont de Piete Deposit & Investment Co Ltd, 759
 “The Two Ellens”, 694
 Typhoon 8 Research Ltd v Sea Power Resources International Ltd, 14

U

- Ultimate Property Group Pty Ltd v Lord, 148
 United Mining & Finance Corp Ltd v Becher, 614
 United States v Bradley, 722
 United States v WM Webb, Inc, 684
 Universal Steam Navigation Co Ltd v James McKelvie & Co, 436
 University of Sydney v Cadence Australia Pty Ltd, 572
 Upjohn Co v United States, 633, 642

V

- Vacuum Oil Co Pty Ltd v Wiltshire, 865
 Valamios v Demarco, 849
 Vale v Sutherland, 270
 Vasiliou v Westpac Banking Corp, 22, 26
 Velissaris v Fitzgerald, 25
 Vestey’s Settlement, Re; Lloyd’s Bank v O’Meara, 35
 Victims Compensation Fund v Brown, 827
 Victoria v Pacific Technologies (Australia) Pty Ltd [No 2], 17
 Victorian Council for Civil Liberties Inc v Minister for Immigration & Multicultural Affairs, 329
 Victorian WorkCover Authority v Orientstar Shipping Corp, 535
 Vincent v Premo Enterprises (Voucher Sales) Ltd, 427
 Vink v Schering Pty Ltd, 254
 Virdl v Law Society, 751–752
 Visscher v Giudice, 97, 265
 Vitek v Estate Homes Pty Ltd, 424–425
 Volkswagen Aktiengesellschaft v Schlunk, 537
 Vorhees v Fischer, 537
 Voth v Manildra Flour Mills Pty Ltd, 347
 VXAJ v Minister for Immigration & Multicultural & Indigenous Affairs, 714
 Vyse v Foster, 107

W

- W v Eggell, 102
 Wade v Licardi, 614
 Wade v New South Wales Rutile Mining Co Pty Ltd, 214
 Wakeham v Mackenzie, 267
 Wakim, Re; Ex parte McNally, 608
 Wallace v Perkins, 28
 Walmsley v Cosentino, 260
 Walter Construction Group v Robbins Co, 572
 Walter Mining Pty Ltd v Hennessey, 90
 Walton v Gardiner, 399
 Walton v Walton, 228, 232–233
 Waltons Stores (Interstate) Ltd v Maher, 226, 234–238, 241–242, 263–265, 838
 Wandsworth Board of Works v United Telephone Co, 213–214
 Warden v Mortgage House No 1 Pty Ltd, 27
 Wardley Australia Ltd v Western Australia, 255–259, 261
 Warman International Ltd v Dwyer, 107
 Warne v GDK Financial Solutions Pty Ltd, 841
 Warramunda Village Inc v Pryde, 400, 405–406
 Washington v WC Dawson & Co, 684–685
 Waterford v Commonwealth, 624–625, 629, 632–635, 642
 Watling v Lewis, 859–862, 867
 Watney v Mass, 758
 Watpac Constructions v Austin Corp, 572
 Waugh v HB Clifford & Sons, 437
 We Are Here Pty Ltd v Zadata Pty Ltd, 599–600
 Webster, In Marriage of, 179
 Webster v Heart of Midlothian, 127–128
 Webster v Lucas (1634), 470, 494, 502
 Weimann v Allphones Retail Pty Ltd, 403
 Weinberger v UOP, Inc, 364
 Weininger v The Queen, 390
 Weiss v The Queen, 829
 West Coast Gold Fields Ltd, Re; Rowe’s Trustee’s Claim, 195
 Westacre Investments Inc v Jugoimport-SDPR Holding Co Ltd, 705, 709–711
 Westacre Investments Inc v State-Owned Company Yugoimport SDPR, 511
 Westdeutsche Landesbank Girozentrale v Islington London Borough Council, 109
 Western Australia v Cunningham, 389, 393–394
 Western Australia v Ward, 827
 Western Australia v Wardley Australia Ltd, 260–263, 268
 Western Australian Insurance Co Ltd v Dayton, 265
 “The Western Maid”, 684, 689
 Westfield Management Ltd v Perpetual Trustee Co Ltd, 292, 293

* This Table includes only cases referred to in articles, notes etc, of the Journal. There is a separate Table of Cases Reported in the ALJR.

- | | |
|--|--|
| <p>Westfield Qld No 1 Pty Ltd v Lend lease Real Estate Investments Ltd, 858</p> <p>Westpac Banking Corp v Tanzone Pty Ltd, 600</p> <p>Westpoint Corp Pty Ltd v Registrar of Titles, 26</p> <p>Wheeler, Re; Hankinson v Hayter, 197</p> <p>Whelan Associates, Inc v Jaslow Dental Laboratories, 51–52, 55–57, 62–63</p> <p>Whim Creek Consolidated NL v Colgan, 338</p> <p>White v Green [No 2], 305–306</p> <p>White v Overland, 768</p> <p>White Star Line Ltd, Re, 195</p> <p>Whitehead, Re, 239</p> <p>Whitfield v De Lauret & Co Ltd, 107</p> <p>Whittlesea City Council v Abbatangelo, 150–151</p> <p>Wicks v State Rail Authority (NSW), 831</p> <p>Wigan Athletic FC v Heart of Midlothian, 127</p> <p>Wik Peoples v Queensland, 104, 274, 608, 828</p> <p>Wilde v Douglas (1895), 487, 493, 504</p> <p>Wilden Pty Ltd v Green, 844</p> <p>Wildschut v Borg Warner Acceptance Corp (Aust) Ltd, 25</p> <p>Wilko v Swan, 602–604</p> <p>Williams v Hathaway, 859, 861–862, 865</p> <p>Williams v Lips-Heerlen BV, 535</p> <p>Williams v Milotin, 255</p> <p>Williams v State Transit Authority, 599</p> <p>Williams v Turner, 16</p> <p>Willis v Western Australia [No 3], 679</p> <p>Willmott v Barber, 239</p> <p>Wilson v Commonwealth of Australia, 399</p> <p>Wilson v Horne, 260</p> <p>Wilson v Reed, 450</p> <p>Wilson v State Rail Authority, 676–677</p> <p>Wise v Perpetual Trustee Co Ltd, 844</p> <p>Wong v Commonwealth, 250</p> <p>Wood v Cox, 447</p> <p>Wood v Lyons, 13</p> <p>Wood v Midgley, 267</p> <p>Woodcroft-Brown v Timbercorp Securities Ltd, 618</p> <p>Woodhouse AC Israel Cocoa Ltd SA v Nigerian Produce Marketing Co Ltd, 264</p> | <p>Woodland v Manly Municipal Council, 520–521</p> <p>Woodside Petroleum Development Pty Ltd v H & R-E & W Pty Ltd, 164, 169</p> <p>Worcester (Bishop of) v Boyer (1630), 470, 502</p> <p>World Best Holdings Ltd v Sarker, 596–597</p> <p>World Duty Free v Republic of Kenya, 706</p> <p>Worme v Commissioner of Police of Grenada, 492–493</p> <p>Worrall v Harford (1802), 864</p> <p>Wright v Commonwealth, 264–266</p> <p>Wright v John Bagnall & Sons Ltd, 266</p> <p>Wu v Dardaneliotou, 23</p> <p>Wyll v Collins & Co (1851), 851</p> |
|--|--|
- X**
- X v Commonwealth, 721
- Y**
- Yaxley v Gotts, 235
- Yerkey v Jones, 820
- Yougarla v Western Australia, 274
- Youssouff v Metro-Goldwyn-Mayer Pictures Ltd, 450
- Z**
- Zarb v Kennedy, 554
- Zeccola v Universal City Studios Inc, 52
- Zen Ridgeway Pty Ltd v Adams, 26
- Zenith Radio Corp v Hazeltine Research Inc, 256, 261
- Zhang v Zemin, 543, 549
- Zheng v Cai, 161–162
- Zurich Australian Insurance Ltd v Metals & Minerals Insurance Pte Ltd, 171–172
- Zwerling v Zwerling, 550

* This Table includes only cases referred to in articles, notes etc, of the Journal. There is a separate Table of Cases Reported in the ALJR.

INDEX^{**}

A

Aborigines
native title — *see Native Title*

Administrative Law
jurisdictional error, 219–220

Admiralty Law — *see Maritime Law*

Advocacy
cross-examinations
power to limit, 752–753
relations between counsel and judges, 144–145

Aircraft
res ipsa loquitor, 17

American Bar Association
Sydney conference, 207

Anti-Discrimination Legislation — *see Discrimination Legislation*

Appellate Courts
relations between counsel and judges, 144–145

Apprehended Violence Orders — *see Domestic Violence*

Arbitration — *see also Commercial Arbitration*
judges as arbitrators, 289–290
judicial review (US), 602–604
sport — *see International Commercial Arbitration*

Australian Capital Territory
court system, 419–420

Australian Law Journal
editorial arrangements,
Personalia/People in the Law, 669
editor's acknowledgements, 803
editor's apologies, 670
history (1960), 7
honours recorded, 670
house style, 670
predictions (2010), 7

Aviation — *see Aircraft*

B

Bail
press criticism, 356

Bankruptcy
co-owners & occupation fees, 14–15
cross-border insolvency & global financial crisis (2008–09), 620–622

Barristers — *see Counsel*

Bill of Rights — *see also Human Rights*
debate on, 7

Book Reviews/New Books

- Bennett, J M, Sir Alfred Stephen (third Chief Justice of New South Wales), 792–793
- Berg, Shaun (ed), Coming to Terms: Aboriginal Title in South Australia, 274–276
- Blom-Cooper, Louis, The Judicial House of Lords 1876–2009, 655–657
- Brown, Roger, Documentary Evidence – The Laws of Australia, 345
- Conaglen, Matthew, Fiduciary Loyalty: Protecting the Due Performance of Non-Fiduciary Duties, 273–274
- Davis, Martin, Andrew Bell and Paul Brereton (eds), Nygh's Conflict of Laws in Australia (8th ed), 347–348
- Forbes, J R S, Justice in Tribunals (3rd ed), 658
- Green, Sarah and John Randall, The Tort of Conversion, 346–347
- Hepburn, Samantha, Principles of Equity and Trusts (4th ed), 657
- Hyam, Alan, The Law Affecting the Valuation of Land (4th ed), 345
- McQueen, Rob, A Social History of Company Law: Great Britain and the Australian Colonies 1854–1929, 129–133
- Mohr, Andrea, Pixie, 346
- Moses, L B (et al), Property and Security: selected essays, 792
- Newman, Roger K (ed), Yale Biographical Dictionary of American Law, 276–279

** This Index is to ALJ only. There is a separate Index to cases reported in the ALJR.

* Indicates the more important references.

Book Reviews/New Books – *continued*

- Stellios, James, *The Federal Judicature*, 791
 Tarrant, John, *Amending Final Judgments and Orders*, 731
 Worthington, Sarah, *Equity and Property: Fantasy and Morals*, 129

Breach of the Peace

- criminal libel, 444–448

Building and Construction Industry

- security of payment legislation, 565–582*
 challenge of uniformity, 576–581
 disconformity as remarkable achievement, 576–579
 need for questions then answers, 579–581
 history, 567–576
 legislative division & “mission drift” in case law (1999–2009), 570–575
 legislative scheme (2010), 575–576
 underlying & unresolved tensions, 567–570
 moment of decision, 581–582

C**Capital Punishment**

- no reintroduction, 209

Cartels

- limitation of actions – *see Limitation of Actions*

Causation

- science & judicial proceedings, 244–253*

Caveats

- Australian practice, 22–31*
 basic requirements, 26–27
 caveat with charge, 29
 caveatable interest, 23–26
 damages for wrongful lodgment, 30–31
 duty of counsel, 31
 legislative template, 22–23
 lodgment of fresh caveat or amendment, 27–28
 mere right to lodge caveat simpliciter, 28–29
 “no caveat” clause, 29–30
 unstamped charge unenforceable, 29
 by disappointed bidder, 745–746
 interest in signed caveat from, 597–598
 mortgagor’s
 collapse, 806–807
 no interest in proceeds of sale of land, 597
 rights of prior mortgagees, 77–78

Charities

- church camp site, 91
 international, and terrorism, 591

Charter of Rights – *see Bill of Rights***Chattels**

- abandonment
 unwitting bailees, 369–371
 hire
 “first in, first out” rule, 299–300

Child Pornography

- sentencing, 384–395*
 general deterrence, 385
 objective seriousness of offence, 385–390
 duration of possession, 390
 nature of material, 386–388
 possibility of inadvertent access, 390
 profit or benefit, 389
 sophistication, skill & planning, 389–390
 volume of material, 388–389
 patterns of sentencing, 391–395
 Commonwealth, 394–395
 NSW, 392
 Qld, 392–393
 WA, 393–394
 subjective factors, 390–391
 age, prior criminal history & prospects of rehabilitation, 391
 prior good character, 390–391

Children – *see also Family Law*

- gifts to
 protection, 816–818
 injunctions
 undertakings as to damages and “clean hands”, 305–306
 parenting
 equal responsibility and time, 296–297
 shared, 288

Class Actions

- NSW Supreme Court, 739–740

Client Legal Privilege (Legal Professional Privilege)

- state as client, 624–644*
 advice to government, 626–630
 confidential communications, 627–628
 nature of privilege, 630
 purpose, 628
 relationship, 628–629

* Indicates the more important references.

<p>Osland case, 643–644</p> <p>rationale for privilege, 630–638</p> <ul style="list-style-type: none"> adversarial justice & litigation privilege, 636 evidence to support instrumental claims, 636–638 history, 631–632 instrumentalism & competing public interests, 632–634, 643–644 rights discourse, 634–636 representative democracy & access to government information, 639–642 <p>Climate Change</p> <ul style="list-style-type: none"> coastal protection, 421–422 <p>Coastal Protection</p> <ul style="list-style-type: none"> climate change, 421–422 <p>Commercial Arbitration</p> <ul style="list-style-type: none"> arbitrator's duty to give reasons, 302–303 arbitrator's power to sanction bad faith conduct <ul style="list-style-type: none"> limited by arbitration agreement (US), 82–84 court interference with award for manifest error, 302–303 sport – <i>see International Commercial Arbitration</i> <p>Commercial Law – see also Companies and Corporations</p> <ul style="list-style-type: none"> equitable intervention in commerce, 98 <p>Commercial Litigation</p> <ul style="list-style-type: none"> filing important documents, 208 long trials, 8 <p>Common Law</p> <ul style="list-style-type: none"> equity and – <i>see Equity</i> <p>Companies and Corporations – see also Finance</p> <ul style="list-style-type: none"> auditors sued for not discovering fraud, 87 declaratory relief, 19–20 directors – <i>see Directors</i> due diligence, 645–654* <ul style="list-style-type: none"> bank processes, 651–652 definition, 646 indirect causation, 650–651 <ul style="list-style-type: none"> categories, 650–651 future litigation, 651 Ingot Capital decision, 645–647 <ul style="list-style-type: none"> loss, 652 pleadings, 653 significance, 646–647 reverse inquiry deals compared, 651–652 process as misleading conduct, 647–650 <ul style="list-style-type: none"> misleading prospectus standard compared, 649–650 test, 647–648 	<p>global financial crisis – <i>see Finance</i></p> <p>legal history</p> <ul style="list-style-type: none"> book review, 129–133 liability of directors to company for company's criminal liability, 752 liquidators suing auditors for not discovering fraud, 87 oppressive conduct <ul style="list-style-type: none"> ambit, 158 phoenix companies, 71 reduction of capital, 90 schemes of arrangement, 513–514 share ownership <ul style="list-style-type: none"> reliance on forged documents, 301 social history of law (book review), 129–133 statutory demand against guarantor company, 612 <p>Compensation – see also Discrimination Legislation</p> <ul style="list-style-type: none"> loss of water allocation, 222–223 <p>Computer Programs – see Copyright</p> <p>Conferences</p> <ul style="list-style-type: none"> American Bar Association Sydney conference, 207 International Academy of Estate and Trust Law, 511–512 <p>Conflict of Laws</p> <ul style="list-style-type: none"> book review, 347–348 <p>Constitutional Law</p> <ul style="list-style-type: none"> federal judicature (book review), 791 secession, 514 separation of powers <ul style="list-style-type: none"> regulation of legal profession, 208–209 <p>State legislation</p> <ul style="list-style-type: none"> Kable doctrine, 160–161 <p>Construction Industry – see Building and Construction Industry</p> <p>Contempt of Court</p> <ul style="list-style-type: none"> criminal libel and, 461–462 photographing people in court precincts, 432 videotaping criminal trial, 679–680 <p>Contract – see also Contract for Sale of Land</p> <ul style="list-style-type: none"> construction of commercial contracts <ul style="list-style-type: none"> pre-contractual negotiations & rectification, 160 draft contracts, 528 employment – <i>see Employment Law</i> estoppel and, 228–229 termination pursuant to term of contract <ul style="list-style-type: none"> damages claim for prior breach, 19 without prejudice negotiations, 613
--	--

* Indicates the more important references.

Contract for Sale of Land — *see also* Conveyancing

caveats — *see* Caveats
 damages payable by purchaser over failed contract, 303–304
 holding deposits, 13–14
 requisition on title, 13
 standard requisitions on title & standard answers, 672–673

Contravention of Statutes

declarations sought by Commonwealth regulators, 19–20, 396–411*
 considerations before making declarations, 400–411
 civil courts where criminal prosecution may lie, 408–411
 determination of legal controversies, 401–403
 foreseeable consequences or utility, 406–408
 joinder of persons affected, 404–405
 proper contradictor, 403–404
 real interest, 403
 summarisation of conclusions in judgment, 405–406
 jurisdiction & power to make declarations, 399–400
 reasons for seeking, 397–399

Conversion

book review, 346–347

Conveyancing — *see also* Contract for Sale of Land

co-ownership
 occupation fees, 14–15

Co-owners — *see* Property**Copyright**

computer programs as literary works, 50–64*
 computer programs & literary copyright protection, 53–64
 British approach, 58–62
 consideration of two approaches, 62–64
 US approaches, 55–58
 scope of traditional copyright protection for literature, 50–53
 limitations on copyright, 53
 protection of elaborated plots, characters, settings, 51–52
 protection of structure, 52–53
 protection of verbal expression, 51
 literary works
 help words, 17

Coroners

evidence, 90

Corporations Law — *see* Companies and Corporations**Corruption — *see also* International Commercial Arbitration**

educators, 594

Costs

capping, 145–146
 criminal matters, 18
 dishonesty of successful party, 301–302
 environmental litigation, 72
 plaintiffs in public interest environment litigation, 368

Counsel — *see also* Advocacy

reforms (England), 419
 relations with judges, 144–145
 service companies (England), 419
 work as GST-free export, 433–438*
 being “in Australia”, 434
 competing views, 435
 identity issue, 436
 resolution, 436–438
 significance of GST classification, 434–435

Courts — *see also* Appellate Courts; Sharia Courts

Australian Capital Territory, 419–420
 buildings
 external noise, 144, 514–515
 co-operation with overseas courts, 287, 331
 legislation
 protection of inferior courts from having decisions quashed by Supreme Courts, 308–309
 performance indicators, 740–741
 politeness to criminals, 357–358

Criminal Law and Procedure — *see also* Criminal Libel; Domestic Violence; Prostitution; Sentencing

bail
 press criticism, 356
 costs, 18
 court politeness to criminals, 357–358
 drug smuggling (book review), 346
 forfeiture of criminal’s property, 679
 indecency, 220–221
 length of legal process, 8–9, 210, 212
 plea bargaining
 involvement of victims of crime, 146
 proceeds of crime
 preservation of property, 302
 special hearings, 553–564*
 judicial power of Commonwealth, 556–563
 purpose, 555–556
 right to fair trial, 554–555, 563
 right to jury trial, 554

* Indicates the more important references.

trivial offences, 368
undertakings, mitigation & best practice, 223–224
videotaping trial, 679–680

Criminal Libel

abolition (England), 439–504*
case for abolition, 498–500
human rights, 499–500
no more “infamous” crimes, 499
redundancy of the crime, 498–499
cases (1605–1649), 468–471
cases (1649–1725), 471–473
cases (1725–1759), 473–475
cases (1759–1800), 476–479
cases (1800–1850), 479–483
cases (1850–1893), 483–486
cases (1893–1918), 487–488
cases (1918–1936), 468–489
cases (1936–1980), 490–491
cases (1980–2009), 491–493
cases: list, 501–504
cases: summary, 493–495
definition of criminal libel, 448–451
civil & criminal libel, 450–453
“libel”, 448–449
public hatred, contempt or ridicule, 449–450
other libels punished as crimes, 460–465
civil libel, 463–465
contempt of court, 461–462
foreign criminal libel, 463
seditious libel, 462–463
origins of criminal libel, 465–468
poison pen letters, 500–501
procedural requirement: public interest, 459–460
procedural requirement: seriousness, 453–459
application of requirement, 457–459
post Wicks, 456–457
pre Wicks, 453–456
prosecution, 440–442
defence & punishment, 442
indictment, 441
information, 440–441
rationale for making libel a crime, 444–448
inadequacy of rationale, 445–447
tendency to breach of peace, 444–445
tendency to breach of peace as pre-requisite, 447–448
reviews of law, 495–498
Calcutt & Neill Committees, 498
Law Commission, 497–498
Law Lords: Gleaves v Deakin, 496–497
Potter, Faulks & Spencer, 495–496

Cross-Border Insolvency

global financial crisis (2008–09), 620–622

Cross-Examinations – *see Advocacy*

Crown

petitions of right, 591

D

Damages

exemplary
breach of fiduciary duty, 106–108
gifts to plaintiff by employer, 161–162
payable by purchaser over failed contract, 303–304
ruined holiday, 819–820
water damage to shop
shop owner doing work to modernise as well as
reinstate, 307

De Facto Relationships

property held in woman/s name, man contributing major
money, 88–89

Death Penalty

no reintroduction, 209

Declaratory Relief

contravention of statutes – *see Contravention of Statutes*

Deeds

agreement for lease as, 427–428, 810–811
execution, 295
intention, 301
unsigned, 294–295

Directions Hearings

litigants in person, 9–11

Directors

due diligence – *see Companies and Corporations*
expert, 71
liability to company for company’s criminal liability,
752
right to appoint
implied terms in constitutions, 89

Discretionary Trusts

Spry’s case, 177–190*
constitution & amendment, 177–178
Family Court proceedings, 178–180
family law implications, 184–185
High Court appeal, 180–183
sequel to High Court decision, 190
trust law implications, 185–190

* Indicates the more important references.

Discrimination Legislation

- age, 355
- freedom of speech and, 288–289
- homosexuality, 529
- religion and race, 18, 530–531

Dispute Resolution – *see Arbitration***DNA Evidence**

- blood from leech, 9

Documents

- construction and intention, 356
- evidence (book review), 345
- identifying most important, 208
- public disclosure, 529–530

Domestic Violence, 372–383*

- apprehended violence orders, 379
- criminal justice, 372–374
- cultural dimension, 380–383
- freedom from fear, 377–379
- human rights discourse, 374–375
- security of the person, 375–377

Driving – *see Vehicles and Traffic***E****Easements**

- forfeiture
 - relief against, 519–521
- implied
 - dog training, 306–307
 - US case, 600–601
- prescriptive (UK), 598–599
- prescriptive (US), 600
- profits à prendre, 218–219
- re-locating (US), 601
- right to park, 16–17
- rights granted under, 292–293

Education

- corruption in system, 594

Employment Law

- contracts
 - employee's duties, 158–159

England

- European law system and, 287–288, 667

Environmental Law

- costs, 72
- plaintiffs in public interest litigation, 368

Equitable Estoppel, 225–243*

- acquiescence or laches, 159
- constructive trusts, 235–236
- contract & estoppel, 228–229
- critique of domestic/commercial dichotomy: Australian view, 233–235
- detriment
 - proportionality, 300–301
- history, 147, 225–226
- recent House of Lords cases, 226–228, 239–243
- remedies
 - fulfilment of expectation or compensation for detriment, 611
- unconscionability, 240–243
 - commercial context, 229–231
 - domestic context, 232
- unified theory of estoppel, 236–238

Equity

- book review, 657
- common law and, 92–111*
 - Breen v Williams, 101–103
 - conscience of equity, 97–98
 - different interests & ethical standards, 99–101
 - engaging the conscience of equity, 96–97
 - equitable intervention in commerce, 98
 - essential principles, 93–94
 - exemplary damages, 106–108
 - Farah Constructions Pty Ltd v Say-Dee Pty Ltd, 108–110
 - fiduciary obligation & native title, 103–106
 - modern resonations, 96
 - natural law ecclesiastical foundations, 94–96
 - specific issues, 92–93
- competing equitable interests in land, 674–675
- fairness
 - recent applications of rule in Cherry v Boulbee, 191–198*
 - Australian authority, 197
 - Cherry v Boulbee, 192–193
 - Jeffs v Wood, 192
 - Kaupthing Singer, 196–197
 - Re Melton, 193–194
 - Re SSSL Realisations, 194–196
 - statement of principle, 192
 - property and
 - book review, 129

Escheat – *see Real Property***Estate Agents**

- misrepresenting value of land (SA), 151–152

* Indicates the more important references.

Estoppel	property settlements miscarriage of justice, 79–80 superannuation splitting and self-managed superannuation funds, 527
equitable – <i>see Equitable estoppel</i>	
limitation of actions, 263–266	
proprietary – <i>see Equitable estoppel</i>	
statutes and, 598	
Europe	third parties intervention and being heard, 297–298 wife's guarantee of loan taken by husband, 820
influence of law on English courts, 287–288, 667	
Evidence – <i>see also DNA Evidence</i>	
coroner's court, 90	
documentary (book review), 345	
expert – <i>see Expert Evidence</i>	
“impertinent”, 358	
opinion, 741	
publication of tendered documents, 529–530	
statistical evidence as proof, 308	
Exemplary Damages	
breach of fiduciary duty, 106–108	
Expert Evidence	
causation, 244–253*	
quality, 356–357	
Exports	
barristers' work – <i>see Counsel</i>	
F	
Facebook – <i>see Internet</i>	
Fair trial	
judicial interruptions, 820–821	
special hearings, 554–555, 563	
Family Law – <i>see also Children</i>	
discretionary trusts – <i>see Discretionary Trusts</i>	
financial agreements	
“contemplating entering into marriage”, 80–81	
non-disclosure of financial circumstances, 525–526	
“unable to support himself or herself without an income tested pension allowance or benefit”, 80	
injunctions	
undertaking as to damages and “clean hands”, 305–306	
maintenance payments	
provision for uncertain future, 526	
parental gifts	
protection, 816–818	
parenting – <i>see Children</i>	
Finance	
global financial crisis (2008–09), 615–623*	
collective solutions to resolve multiple claims, 617–618	
cross-border judicial cooperation, 620–622	
insolvent trading, 619	
investment schemes, 618–619	
Lehman Brothers collapse, 616–617	
litigation in Australia, 619–620	
Financial Agreements – <i>see Family Law</i>	
Financial Instruments	
set-off excluded by agreement, 20	
Financial Regulation	
declaratory relief – <i>see Contravention of Statutes</i>	
Fisheries , 319–344*	
Australian Fishing Zone and boundaries, 320–326	
eastern boundaries, 324	
northern areas and boundaries, 322–324	
Southern Ocean areas, 324–326	

* Indicates the more important references.

Fisheries – continued

- automatic forfeiture on allegation of offence, 334–335
- Fisheries Management Act, s 84(1)(ga) and seizure, 335
- Fisheries Management Act, s 106A forfeiture, 335
- owner's right to challenge seizure, 335
- automatic forfeiture to defeat Admiralty court orders, 331–334
- Aliza Glacial litigation, 331–333
- bunkers case, 334
- conclusions, 343–344
- destruction or disposal by executive act, 336–337
- Fisheries Management Act 1991 (Cth), 326–330
 - boarding and hot pursuit, 327–328
 - general outline, 326–327
 - offences, 329–330
 - protection from civil or criminal proceedings, 329
 - searches, 328
 - use of force, 328–329
 - who may exercise powers, 330
- forfeiture, 331
- illegal, unreported and unregulated fishing, 320
- judicial consideration of s 106A automatic forfeiture provisions, 337–343
- Chen Long detention, 342–343
- Viarsa detention, 341–342
- Volga detention & Olbers cases, 337–341

Forced Labour – see Human Trafficking**Foreign Law**

- New South Wales and Singapore Supreme Courts' agreement, 511

Forfeiture – see Fisheries**Forgery**

- mortgages – *see also Mortgages*
- striking out valid claims, 301

Fraud and Misrepresentation – see also Forgery; International Commercial Arbitration

- auditors sued for not discovering, 87
- limitation of actions –*see Limitation of Actions*

Freedom of Speech

- anti-discrimination and, 288–289

G**Global Financial Crisis – see Finance****Goods and Services Tax (GST)**

- barristers' work – *see Counsel*
- liability of seller of foreign currency, 157

Guarantees

- subrogation and constructive trusts, 75–76
- wife's guarantee of loan taken by husband, 820

H**Harassment**

- conduct amounting to (UK), 677

Honours – see Personalia/People in the Law**House of Lords**

- as final court of appeal (1876–2009) (book review), 655–657

Human Rights – see also Bill of Rights

- criminal libel, 499–500
- trafficking & slavery, 812–815
- violence against women – *see Domestic Violence*

Human Trafficking

- Australia's response to international obligations, 712–730*
- compensation & protection, 727–729
- defining trafficking, slavery, forced labour & practices similar to slavery, 720–727
- prohibiting forced labour, 726–727
- prohibiting practices similar to slavery, 725–726
- prohibiting slavery, 722–724
- Trafficking Protocol, 721–722
- international legal framework, 719–720
- labour trafficking, 716–718
- slavery & trafficking in 21st century Australia, 713–716
- Australia's response, 715–716
- extent, 713–714
- nature, 714–715
- way forward, 729–730
- human rights violation, 812–815

I**Immigration Law**

- residency
- activities beneficial to Australia, 87–88

Imprisonment

- prisoners' rights on strike by guards (England), 678

* Indicates the more important references.

Insolvency — *see* **Bankruptcy****Insurance**

- litigation, 163–176*
- contribution, 167–174
- onus of proof, 174–176
- subrogation, 163–167

International Agreements

- NSW and Singapore Supreme Courts, 511
- service of process — *see* **Service of Process**

International Commercial Arbitration

- arbitrability & the impact of fraud or corruption, 702–711*
- concept of arbitrability, 702–703
- enforcement, 707–711
 - arbitrability: New York Convention, Art V(2)(a), 707–708
 - public policy, 708–711
- illegality, 703–704
- implications, 711
- International Arbitration Amendment Act 2009 (Cth), 711
- jurisdiction, 705–707
 - Fiona Trust case, 706–707
 - International Centre for the Settlement of Investment Disputes (ICSID), 706
 - Westacre case, 705–706
- relevant law, 704
- sports, 116–128*
 - applicable law clauses, 123–128
 - arbitration agreements, 118–123

International Law — *see also* **Maritime Law**

- NSW and Singapore Supreme Courts' agreement, 511
- service — *see* **Service of Process**
- US servicemen in Australia in World War II, 207–208

Internet

- judges' Facebook friends, 146–147
- service by Facebook, 669
- victimisation, 748–750

J**Judges**

- acting (ACT), 419–420
- arbitration, 289–290
- biographies (book review), 792–793
- communication with public, 740
- decisions — *see* **Judgments and Orders**

Facebook friends, 146–147

federal (book review), 791

female

editorial style, 670

health checks, 803

independence — *see* **Judicial Independence**

interruptions by, 820–821

long commercial trials, 8

mediation, 289–290

national framework, 310–318*

politeness to criminals, 357–358

relations with counsel, 144–145

staff

political views, 741–742

talkativeness, 741

Judgments and Orders

amending (book review), 731

ex tempore, 594

media reporting, 740

slip rule (book review), 731

Judicial Independence

remarks of Attorney-General (SA), 420

Judicial Review

arbitration awards (US), 602–604

Judicial System — *see* **Legal Systems****Judiciary** — *see* **Judges****Jury**

bias, 593

composition of, 592

police and, 514

selection process, 593

special hearings and, 554

study of (WA), 7–8, 514

L**Land** — *see also* **Contract for Sale of Land; Real Property**

contamination

vendor representations by silence, 424–425

escheat, 76–77

extent of underground ownership, 213–214, 746–747, 751

rights to groundwater, 214–216

valuation — *see* **Valuation of Land**

* Indicates the more important references.

Landlord and Tenant – see Leases**Law Journals/Reviews**

citation and use, 668–669

Law Reportsauthorised reports, 667–668
unreported cases, 667–668**Law Reviews – see Law Journals/Reviews****Lawyers – see Legal Practitioners; Personalia/People in the Law****Leases – see also Landlord and Tenant**agreements as deeds, 427–428
assignment
 virtual, 12, 213
breaches, waiver of, 361
covenants
 enforcement, 20–21
equitable interests, 362
essential terms, 361
 termination for breach, 596–597
frustration, 360–361
implied obligation to act in good faith, 362
option to purchase and termination of lease, 360
parting with possession, 12, 213, 522–524
rectification
 indefeasibility and, 599–600
release of lessee's obligations
 effect on assignee and assignee's guarantor, 149–150
residential tenancies, 673–674
statutory notices, 361
termination methods, 361
termination for breach of essential term, 596–597**Legal Practitioners – see also Personalia/People in the Law; Solicitors**discipline
 retirement of tribunal non-members with members, 751–752
etiquette
 alteration of drafts, 355–356
Facebook friends, 146–147
honours awarded – *see Personalia/People in the Law*
professionalism and commercialism, 765–774*
 commercialism and modern legal practice, 769–774
 ethical principles and service to the public, 767–769
 notion of "profession", 766–767
regulation of the legal profession
 national framework, 143, 208–209, 310–318*United States
biographical dictionary (book review), 276–279**Legal Professional Privilege – see Client Legal Privilege****Legal Systems**

federal (book review), 791

Letters to the Editor, 212**Libel**civil
 definition, 450–451
 differences from criminal libel, 451–453
criminal – *see Criminal Libel***Limitation of Actions**price-fixing cartels, 254–272*
accrual of cause of action, 255–262
 conclusion as to time of accrual, 262
 distinct causes of action for fresh losses, 260–262
 exclusion of any period of concealment, 259–260
 general principles, 255–256
 suffering loss, 256–259
amending Trade Practices Act 1974 (Cth), 271–272
equitable & common law doctrines, 262–268
 conclusion, 268
 estoppel, 263–266
 fraud, 267–268
 fraudulent concealment, 262–263
 "or otherwise", 268
 precluding reliance upon limitation period, 262
Trade Practices Act 1974 (Cth), s 87, 268–271
 conclusion, 271
 present authorities, 269–270
 suggested correct view, 270–271
 use to circumvent s 82(2), 268–269**Liquidators**

suing auditors for not discovering fraud, 87

Literary Works – see Copyright**Litigants in Person – see Self-Represented Litigants****Litigation – see also Practice and Procedure**case management
 large and long civil litigation, 8
class actions
 NSW Supreme Court, 739–740
environmental – *see Environmental Law*
filing major documents, 208
futile, 73

* Indicates the more important references.

M**Magistrates**

politeness to criminals, 357–358

Managed Investment Schemes

mutual funds (US)

fiduciary constraints on fees, 363–367

Maritime Law

international character, 681–701*

future developments, 700–701

importance, 691–692

carriage of goods, 697–700

enforcement of maritime claims, 692–697

judicial expressions, 682–691

Media

judges' communication with, 740

risqué TV show (Saudi Arabia), 9

sentencing, 71, 290

Mediation

judges as mediators, 289–290

Military Law

Qld police & US servicemen in World War II, 207–208

Mines and Mining

trespass, 220

Mortgages

caveats by mortgagor

lapse, 806–807

fraud

forgery, 512–513

“all moneys” and indefeasibility, 517–519

sales by mortgagee

injunction to restrain exercise, 807–808

less than market value, 517

mortgagee's liability, 148–149

mortgagee's statutory duty, 516–517

mortgagor's home, 359

notice, 807–808

tenancy agreements & claims for possession, 431–432

Mutual Funds — *see Managed Investment Schemes***N****Native title**

fiduciary duty, 103–106

South Australia (book review), 274–276

Negligence

res ipsa loquitur, 17

New South Wales

Bar Council

elections, 85,

Court of Appeal

long commercial trials, 8

web pages established, 289

Judicial Commission

annual reports, 145

Supreme Court

agreement with Singapore on foreign law, 511

New Zealand

co-operation with Australian courts, 287

Newspapers — *see Media***Norm & Narelle problems** — *see Trivia***Nuisance** — *see Public Nuisance***O****Obituaries**

Bingham of Cornhill, KG, Rt Hon Lord, 794–795

Kearney, John Basil (Justice), 199

Opinion — *see Evidence***P****Pedestrians** — *see Road Deaths***People in the Law** — *see Personalia/People in the Law***Personal Injury**

strata company liability, 521–522

Personal Property

transfer, 595

Personalia/People in the Law — *see also Obituaries*

Ball, Michael (Justice), 609

Black, Michael (Chief Justice), 287, 605–607*

Bongiorno, Bernard (Hon), 85

Bromberg, Mordecai (Justice), 153

Budavari, Rosemary Margaret, 85

Davies, David (Justice), 154–155

Debelle, Bruce Malcolm (Hon), 85

Eastell, Patricia Lynn (Prof), 85

editorial change, 669

Fielding, Gavin Leonard (Hon), 85

* Indicates the more important references.

Personalia/People in the Law – <i>continued</i>	Prison – <i>see Imprisonment</i>
French, Robert Shenton (Chief Justice), 85	
Hall, Stephen David (Justice), 155	
Hallen, Philip (Associate Justice), 609–610	
Hamilton, John Perry (Justice), 85–86	
honours awarded, 85, 605	
editorial policy, 670	
Hulme, Robert Allan (Justice), 217	
Katzmann, Anna (Justice), 154	
Keane, Patrick Anthony (Chief Justice), 208, 287, 607–609*	
Levine, David Daniel (Hon), 85	
McMillan, John Denison (Prof), 85	
Martin, Kenneth James (Justice), 155–156	
Newnes, David Wallace (Justice), 156	
Slattery, Michael John (Justice), 610	
Solomon, Ezekiel, 85	
Stephen, Sir Alfred (Chief Justice) (book review), 792–793	
Taylor, Leslie Edward, 85	
Tong, Robert, 85	
Waddy, Lloyd Stacy (Hon), 85	
Wilcox, Murray Rutledge (Hon), 85	
Piracy	
cargo taken as constructive total loss, 611–612	
Plea bargaining	
involvement of victims of crime, 146	
Poison Pen Letters	
criminal libel, 500–501	
Police	
jurors and, 514	
US servicemen in World War II (Qld), 207–208	
Pornography – <i>see Child Pornography</i>	
Power of Attorney	
ambit of authority, 16	
validity of enduring powers of attorney, 671–672	
Practice and Procedure – <i>see also Documents</i>	
interruptions by judges, 820–821	
Precedents	
authority of English Court of Appeal, 612–613	
legal principles and logic, 593	
Price-fixing Cartels	
limitation of actions – <i>see Limitation of Actions</i>	
	Prison – <i>see Imprisonment</i>
	Private International Law
	book review, 347–348
	Procedure – <i>see Practice and Procedure</i>
	Proceeds of Crime
	preservation of property, 302
	Property – <i>see also Personal Property; Real Property</i>
	acquisition, 222–223
	book review, 792
	co-ownership
	conduct infringing rights, 743
	occupation fees, 14–15
	partition or sale, 292
	joint tenancy
	restraining severance, 743–745
	Property Settlements – <i>see Family Law</i>
	Proprietary Estoppel – <i>see Equitable Estoppel</i>
	Prostitution
	seeking prostitute in public place
	intention, 159–160
	Public Interest
	costs of plaintiffs in environment litigation, 368
	criminal libel, 459–460
	Public Nuisance
	damages for personal injury (UK), 88
	Publication
	protection of tendered documents, 529–530
	Q
	Queensland
	police & US servicemen in World War II, 207–208
	Quizzes – <i>see Trivia</i>
	R
	Racial Discrimination – <i>see Discrimination Legislation</i>
	Real Estate Agents – <i>see Estate Agents</i>

* Indicates the more important references.

Real Property – see also Land; Mortgages; Torrens System

- adverse possession
- affirmation of claim (Vic), 150–151
- river bed, 305
- escheat, 76–77
- fixtures, sale of unsevered, 293–294
- options to purchase
- retirement villages, 428–430
- solar access, 422–423
- views, protection of, 422–423

Religion – see also Discrimination Legislation

- charitable purposes, 91
- definition, 529
- duty of Catholic Church to non-Catholic schoolboy, 754

Restitution

- influence of *Moses v Macferlan*, 756–764*
- action for money had and received, 756–758
- basis of action, 758–759
- David Securities and change of position, 762
- definition of “change of position”, 762–763
- genesis of change of position defence, 759–761
- payment over and estoppel, 761–762

Retirement Villages

- options to purchase, 428–430

Road Deaths

- increase, 72–73
- pedestrians, 739

S**Saudi Arabia**

- sentencing, 9

Science – see Causation**Security Instruments**

- book review, 792

Security of Payment Legislation – see Building and Construction Industry**Sedition**

- seditious libel, 462–463

Self-Represented Litigants

- directions hearing, 9–11

Sentencing – see also Death Penalty; Imprisonment

- judges influenced by media, 71
- media reporting, 71, 290
- periodic detention (NSW), 209
- punishment, 209
- Saudi Arabia, 9
- Sudan, 73
- suspended sentences, 209, 591–592

Separation of Powers

- regulation of legal profession, 208–209

Service of Process

- Facebook, 669
- time limits, 306
- transnational, 532–552*
- Hague Service Convention, 535–551
 - interpretation, 536–537
 - operation, 542–551
 - origins & purpose, 535–536
 - safeguards for defendant, 540–542
 - scope, 537–540
- service abroad under Australian law, 533–535
 - history, 533–534
 - requirements, 534–535

Settlement of Proceedings

- without prejudice negotiations
- construction, 613

Shakespeare, William

- Merchant of Venice*
- trade practices, 112–115

Shares

- ownership
- striking out valid claims, 301

Sharia Courts

- secular authorities and, 7
- sentrancing, 9, 73

Singapore

- Supreme Court
- agreement with NSW on foreign law, 511

Slavery

- human rights violation, 812–815
- international prohibition – see **Human Trafficking**

Slip Rule – see Judgments and Orders

* Indicates the more important references.

Software — <i>see</i> Copyright	Superannuation family law property settlements, 527
Solar Access — <i>see</i> Real Property	
Solicitors — <i>see also</i> Legal Practitioners alteration of another's drafts, 355–356 entire retainer entitlement to terminate, 754–755 undertakings specific performance, 613–614	Supreme Court (NSW) agreement with Singapore on foreign law, 511
South Australia Attorney-General's remarks on judicial independence, 420 native title (book review), 274–276	T
Special Hearings — <i>see</i> Criminal Law and Procedure	Taxation — <i>see also</i> Goods and Services Tax (GST) gift duty (NZ), 157–158 international conference, 511–512
Sport international arbitration — <i>see</i> International Commercial Arbitration	Television Programs Saudi Arabian criminal law, 9
Stamp Duty pipelines as fixtures, 425–427	Terrorism international charities, 591 legislative response, 7
State Legislation validity, 160–161	Torrens System caveats — <i>see</i> Caveats indefeasibility of title registered & unregistered interest, 808–809 tenancy agreements mortgagee's claim for possession, 431–432
Statutes declarations of contravention — <i>see</i> Contravention of Statutes	Tort — <i>see</i> Conversion; Harassment; Negligence
Statutory Interpretation — <i>see also</i> Words and Phrases recent cases, 822–832* “religion”, 529 workers' compensation legislation (NSW), 676–677	Trade Practices limitation of actions — <i>see</i> Limitation of Actions Merchant of Venice, 112–115
Strata Titles liability for personal injury, 521–522	Trafficking — <i>see</i> Human Trafficking
Subrogation — <i>see</i> Guarantees	Trespass ambit of orders for possession, 299 implied permission, 423–424 mining, 220
Succession — <i>see also</i> Wills legal history Richard of Anstey and the Sackville inheritance, 775– 790*	Tribunals book review, 658 retirement of non-members with members, 751–752
Sudan sentencing, 73	Trivia Norm & Narelle problems, 11, 74, 211, 290–291, 595, 669–670, 803–804 questions and answers, 805, 870

* Indicates the more important references.

Trusts and Trustees

- beneficiary suing third party in own name, 18–19, 677–678
- book review, 657
- constructive – *see also Guarantees*
 - equitable estoppel and, 235–236
- discretionary – *see Discretionary Trusts*
- fiduciary duty – *see Fiduciary Duty*
- international conference, 511–512
- non fiduciary administrators, 668
- setting aside decision made “by mistake” (Hastings Bass principle), 528
- unsecured creditors, 833–869*
- Australian position
 - “clear accounts” rule & “unrelated breaches”, 841–843
 - defects, 847–848
 - trust creditors, 838–841
 - trustee exculpation clauses, 844
 - trustees’ indemnity against beneficiaries, 844
 - trustees’ personal liability & limitation of liability clauses, 843
 - windfall gain by beneficiaries, 844–846
- definitions, 836–837
- possible Australian adoption of US theories, 837–838, 854–858
 - circumvention of clear accounts rule, 863–867
 - exclusion of personal liability, 859–862
 - existing transaction, 867–868
 - new transactions, 868
- US theories of direct access to assets, 848–854

U**Unconscionability – *see Equitable Estoppel*****United Kingdom**

- European law system and, 287–288, 667

United States

- American Bar Association Sydney conference, 207
- biographical dictionary (book review), 276–278
- current issues, 7
- servicemen & Qld police in World War II, 207–208

Unjust Enrichment – *see Restitution***V****Valuation of Land**

- book review, 345
- misrepresentation by estate agent (SA), 151–152

Vehicles and Traffic

- dangerous driving and skill, 612
- trivial offences, 368

Vendor and Purchaser – *see also Contract for Sale of Land; Conveyancing*

- damages payable by purchaser over failed contract, 303–304
- notices to complete
 - silence after receiving, 360, 424–425

Vexatious Litigants

- Queensland, 73–74

Victims of Crime

- involvement in plea bargaining, 146

Victoria

- Bar Council election, 86
- Bar purchase of property, 143–144
- Senior Counsel
 - appointments, 86

Views – *see Real Property***Violence Against Women – *see Domestic Violence*****W****Water**

- compensation for loss of allocation, 222–223
- rights to groundwater, 214–216

Western Australia

- jury system, 7–8, 514
- secession from Commonwealth, 514

Wills – *see also Succession*

- contemplation of marriage, 221
- family provision claims, 355
- freedom of testation, 355
- imperfect gifts, 753–754
- incapable persons
 - scope of court’s power, 678–679
 - soldier on active service, 222

Without Prejudice

- negotiations & agreement, 613

* Indicates the more important references.

Women

sharia law, 9, 73

violence against — *see Domestic Violence*

Words and Phrases — *see also Statutory Interpretation*

“impertinence”, 358

“loafing”, 209–210

Workers’ Compensation

statutory interpretation (NSW), 676–677

* Indicates the more important references.