

Table of Cases

- A v Hayden (1984) 156 CLR 532: 159
 ACTV case *see* Australian Capital Television Pty Ltd v Commonwealth
- Adegbenro v Akintola [1963] AC 614: 10
- Al-Kateb v Godwin (2004) 219 CLR 562: 385
- Amalgamated Society of Engineers v Adelaide Steamship Co Ltd (1920) 28 CLR 129: 20, 87, 89
- APLA Ltd v Legal Service Commissioner (NSW) (2005) 219 ALR 403: 411
- Apollo Candle Company (Limited) v Powell (1883) 4 NSWLR 160: 52, 59, 68
- Arena v Nader (1997) 42 NSWLR 427 (CA): 261, 331, 338, 353, 357-358
- Arena v Nader (1997) 71 ALJR 1604: 358
- Armstrong v Budd (1969) 71 SR (NSW) 386: 13, 238-242, 247, 251, 253-255, 259, 262, 265, 322, 357
- Ashby v White (1704) 2 Ld Raym 938; 92 ER 126: 226
- Attorney-General for Australia v The Queen; Ex parte the Boilermakers' Society of Australia [1957] AC 288; (1957) 95 CLR 529 (PC): 66, 391
- Attorney-General (Cth) (Ex rel McKinlay) v Commonwealth (1975) 135 CLR 1: 226-227
- Attorney-General (NSW) v Quin (1990) 170 CLR 1: 234
- Attorney-General (NSW) v Trethowan (1931) 44 CLR 394 (HC): 4, 11, 78, 101, 109
- Attorney-General (NSW) v Trethowan [1932] AC 526; (1932) 47 CLR 97 (PC): 11, 68, 105, 109, 127
- Attorney-General (NT) v Maurice (1986) 161 ALR 475: 325
- Attorney-General (Qld) v Fardon [2003] QCA 416: 403
- Attorney-General (WA) v Marquet (2003) 217 CLR 545: 2, 4, 6, 14, 18, 107, 125, 128, 214, 216, 237, 447
- Attorney-General (WA) (ex rel Burke) v Western Australia [1982] WAR 241: 232, 237
- Auld v Murray (1864, SASC): 40
- Australian Building Construction Employees' and Builders' Labourers' Federation v Commonwealth (1986) 161 CLR 88: 369-370
- Australian Capital Television Pty Ltd v Commonwealth (1992) 177 CLR 106: 13, 381, 416, 419, 425, 426, 427, 428, 429, 430, 432, 433, 435
- Australian Communist Party v Commonwealth (1951) 83 CLR 1: 18-20
- Awatere Huata v Prebble [2004] 3 NZLR 359: 345
- Baker v Campbell (1983) 153 CLR 52: 325
- Baker v The Queen (2004) 210 ALR 1; 78 ALJR 1483: 16, 386, 390, 403-404
- Barton v Taylor (1886) 11 App Cas 197: 13, 251-252, 315, 317
- Bateman's Bay Local Aboriginal Land Council v Aboriginal Community Benefit Fund Pty Ltd (1998) 194 CLR 247: 227
- Baxter v Ah Way (1909) 8 CLR 626: 63, 66
- Baxter v Commissioners of Taxation (NSW) (1907) 4 CLR 1087: 85
- Beamish v The Queen [1962] WAR 85: 223
- Beamish v The Queen [2005] WASCA 62: 223
- Biddle v Turiney Churn Banerjee (1850) 1 Taylor and Bell 390 (Bengal SC): 55
- Bilney v Western Australian Transport Board (1961) 105 CLR 630: 223
- BLF case *see* Building Construction Employees and Builders' Labourers Federation of New South Wales v Minister for Industrial Relations
- Boilermakers case *see* Attorney-General for Australia v The Queen; Ex parte the Boilermakers' Society of Australia and R v Kirby; Ex parte Boilermakers' Society of Australia
- Bradlaugh v Gossett (1884) 12 QBD 271: 314
- Brand v Tonkin (1961) 35 ALJR 272: 19, 229
- Bribery Commissioner v Ranasinghe [1965] AC 172: 378

TABLE OF CASES

- Broken Hill Proprietary Co Ltd v Dagi [1996] 2 VR 117: 382, 385
- Building Construction Employees and Builders' Labourers Federation of New South Wales v Minister for Industrial Relations (1985) 1 NSWLR 197: 366-367
- Building Construction Employees and Builders' Labourers Federation of New South Wales v Minister for Industrial Relations (1986) 7 NSWLR 372: 8, 14, 20, 362-364, 366, 368, 370-381, 383-388, 390
- Burke v Western Australia [1982] WAR 248: 19, 214, 232, 237, 416
- Capital Duplicators Pty Ltd v Australian Capital Territory (No 1) (1992) 177 CLR 248: 66
- Capital Duplicators Pty Ltd v Australian Capital Territory (No 2) (1993) 178 CLR 561: 67
- Case of the Sheriff of Middlesex (1840) 11 Ad & E 273; 113 ER 419: 314
- Chenard v Arissol [1949] AC 127: 355-356, 358
- Clayton v Heffron (1960) 77 WN (NSW) 767: 178-180, 182
- Clayton v Heffron (1960) 105 CLR 214: 4, 11-12, 124, 168-169, 178-184, 194-195
- Cleve v Dashwood (1861, SASC): 32
- Clyne v East (1967) 68 SR (NSW) 385: 371-374, 390
- Cobb & Co Ltd v Kropp [1967] AC 141: 65
- Collingwood, City of v Victoria (No 2) [1994] 1 VR 652: 390
- Colonial Sugar Refining Co Ltd v Irving [1903] St R Qd 261: 65
- Commonwealth Aluminium Corporation Pty Ltd v Attorney-General (WA) [1976] Qd R 231: 120
- Commonwealth v Northern Land Council (1993) 176 CLR 604: 326
- Commonwealth v Queensland (1975) 134 CLR 298: 277
- Communist Party case *see* Australian Communist Party v Commonwealth
- Cooper v Commissioner of Income Tax (Qld) (1907) 4 CLR 1304: 79-80, 83-89, 94, 97
- Council of Civil Service Unions v Minister for the Civil Service [1985] AC 374: 234
- Crick v Harnett (1907) 7 SR (NSW) 126: 253
- Criminal Proceeds Confiscation Act 2002, Re [2004] 1 Qd R 40: 16
- D'Emden v Pedder (1904) 1 CLR 91: 65, 85
- Davies v Harris (1883) 4 NSW 315: 63
- Dawes v Quarrel (1865) 1 Pelham (SALR) 1: 42, 56
- Della Bosca v Arena [1999] NSWSC 1057: 332, 345
- Director of Public Prosecutions for Western Australia v Hafner [2004] WASC 32: 403
- Ditford, Re; Ex parte Deputy Commissioner of Taxation (1988) 19 FCR 347: 234
- Dowding v Ockerby [1962] WAR 110: 223
- Doyle v Attorney-General (1933) 33 SR (NSW) 484: 124
- Doyle v Falconer (1866) LR 1 PC 328: 251-253
- Dr Bonham's Case (1610) 8 Co Rep 113b; 77 ER 646: 8, 376
- Driffield v Torrens (1862, SASC): 39-40
- Durham Holdings Pty Ltd v New South Wales (2001) 205 CLR 399: 377-378, 381-382, 406
- Dyson v Attorney-General [1911] 1 KB 410; [1912] 1 Ch 158: 223
- Egan v Chadwick (1999) 46 NSWLR 563: 12, 159, 310, 319, 357
- Egan v Willis (1998) 195 CLR 424: 12-13, 240, 264, 316, 324, 348, 356-358
- Egan v Willis and Cahill (1996) 40 NSWLR 650: 12-13, 256, 298, 302, 306, 308, 311, 322, 330, 358
- Empress v Burah and Book Singh (1878) 3 ILR (Calcutta Series) 63: 53, 57-58
- Enfield City Corporation v Development Assessment Commission (2000) 199 CLR 135: 234
- Engineers' case *see* Amalgamated Society of Engineers v Adelaide Steamship Co Ltd
- Esso Australia Resources v Dawson (1999) 87 FCR 588: 403
- FAI Insurances Ltd v Winneke (1982) 151 CLR 342: 233-234, 236
- Fardon v Attorney-General (Qld) (2004) 210 ALR 50; 78 ALJR 1519: 16, 384-386, 403, 406, 408, 410, 411, 412
- Federated Sawmill, Timberyard and General Woodworkers' Employees' Association (Adelaide Branch) v Alexander (1912) 15 CLR 308: 15
- Felman v Law Institute of Victoria [1998] 4 VR 324: 403

TABLE OF CASES

- Fenton v Hampton (1858) 11 Moo PC 347; 14 ER 727: 251, 320, 323
- Forge v Australian Securities and Investments Commission (2006) 80 ALJR 1606: 15, 18, 383, 414-415
- Gibbons v Ogden (1824) 22 US (9 Wheat) 1: 57
- Gilbertson v South Australia (1976) 15 SASR 66: 390
- Gipps v McElhone (1881) 2 LR (NSW) 18: 332
- Goodhue, In re (1873) 19 Grant's Chancery Reports 366: 56
- Governor, Goulburn Correctional Centre, Re; Ex parte Eastman (1999) 200 CLR 322: 380
- Grace Bible Church v Reedman (1984) 36 SASR 376: 390
- Grant v Downs (1976) 135 CLR 674: 325
- Grinter, Re; Ex parte Hall (2004) 28 WAR 427: 403
- Grollo v Palmer (1995) 184 CLR 348: 5, 391
- Guthrie v McEllister (1861): 37
- HA Bachrach Pty Ltd v Queensland (1998) 195 CLR 547: 404-405, 412
- Halden v Marks (1996) 17 WAR 447: 228, 236
- Hall v DeCuir (1877) 95 US 485: 57
- Hamilton, In re; In re Forrest [1981] AC 1038: 402
- Harnett v Crick [1908] AC 470: 240, 253-254, 258
- Harris v Caladine (1991) 172 CLR 84: 391
- Harris v Davies (1883) 4 NSW 315: 63
- Harris v Minister of Interior [1952] (2) SA 428: 127
- Harvey v New Brunswick (Attorney General): 258
- Hilton v Wells (1985) 157 CLR 57: 372
- Hodge v R (1883) 9 App Cas 117: 7, 52, 58-59, 61-62, 64-68
- Hughes and Vale v Gair (1954) 90 CLR 203: 107
- Hutchinson v Leeworthy (1860, SASC): 30
- Hutchinson v Torrens (1860, SASC): 30
- Jewison v Dyson (1842) 9 M & W 540; 152 ER 228: 63
- John Fairfax Pty Ltd v Attorney-General (NSW) (2000) 181 ALR 694: 5, 15, 386, 403, 411
- Johnson v Torrens (1859, SASC): 30
- Kable v Director of Public Prosecutions (1995) 36 NSWLR 374: 395
- Kable v Director of Public Prosecutions (NSW) (1996) 189 CLR 51: 3, 5, 14-17, 228, 257, 351, 356, 363, 364, 371, 374, 380, 382-387, 390, 392, 404-415
- Kartinyeri v Commonwealth (1998) 195 CLR 337: 18
- Kielley v Carson (1843) 4 Moo PC 63; 13 ER 225: 13, 56, 251, 317
- Kirmani v Captain Cook Cruises Pty Ltd (No 1) (1985) 159 CLR 351: 285
- Koowarta v Bjelke-Petersen (1982) 153 CLR 168: 233
- Lange v Australian Broadcasting Corporation (1997) 189 CLR 520: 14, 319, 353, 357, 380, 436, 446
- Laurentiu v Minister for Justice, Equality and Law Reform [1999] 4 IR 26: 8
- Leeth v Commonwealth (1992) 174 CLR 455: 381
- Liquidators of the Maritime Bank of Canada v Receiver-General of New Brunswick [1892] AC 437: 59
- Liyanage v The Queen [1967] 1 AC 259: 372-374, 378
- Lloyd v Kelly (1860, SASC): 31
- Lloyd v Snooks (1999) 9 Tas R 41: 403
- Marbury v Madison (1803) 5 US (1 Cranch) 137: 85
- Marks v Commonwealth (1964) 111 CLR 549: 235
- Maxwell v Dixon [1965] WAR 167: 223
- McBain, Re; Ex parte Australian Catholic Bishops Conference (2002) 209 CLR 372: 234
- McCawley, In re (1918) 24 CLR 345: 81
- McCawley v The King [1918] St R Qd 62: 81, 83, 86, 90-91
- McCawley v The King (1918) 26 CLR 9: 8, 81, 83-89, 92, 94
- McCawley v The King [1920] AC 691; (1920) 28 CLR 106 (PC): 3, 8, 39, 66, 69-70, 82-84, 87-89, 93-97, 108
- McDonald v Cain [1953] VLR 411: 227
- McEllister v Fenn (1861, SASC): 31, 32, 35
- McGinty v Western Australia (1996) 186 CLR 140: 4, 6, 13-14, 19, 122, 213-214, 237, 416-419, 421-423, 425, 427, 430-433, 436-437, 440, 442-443, 445-446
- Melbourne Corporation v Commonwealth (1947) 74 CLR 31: 70
- Minister for Arts, Heritage and Environment v Peko-Wallsend Ltd (1987) 15 FCR 274: 234
- Mistretta v United States (1989) 488 US 361: 399

TABLE OF CASES

- Munro v Lombardo [1964] WAR 63: 223
- Musgrave v Pulido (1879) 5 App Cas 102 (PC): 57
- Nationwide News Pty Ltd v Wills (1992) 177 CLR 1: 416, 419, 425-427, 429, 432
- New South Wales v Commonwealth (No 1) (1931) 46 CLR 155: 105, 144
- New South Wales v Commonwealth (No 2) (1931) 46 CLR 235: 145
- New South Wales v Commonwealth (No 3) (1931) 46 CLR 246: 105, 145
- New South Wales v Commonwealth (Wheat case) (1915) 20 CLR 54: 380
- New Zealand Drivers' Association v New Zealand Road Carriers [1982] 1 NZLR 374: 385
- Nicholas v Western Australia [1972] WAR 169: 390
- North Australian Aboriginal Legal Aid Service Inc v Bradley (2004) 218 CLR 146: 15, 403, 405
- Onus v Alcoa of Australia Ltd (1981) 149 CLR 27: 227, 235
- Parker v Miller [1998] WASCA 124: 236
- Payne v Dench (1860, SASC): 30-31, 35, 39
- Phillips v Eyre (1869) LR 4 QB 225: 56
- Phillips v Eyre (1870) LR 6 QB 1: 56
- Pickin v British Railways Board [1974] AC 765: 382
- Piddington v Attorney-General (1933) 33 SR (NSW) 317: 124
- Platts v Stocks (1858, SASC): 27-28
- Polyukhovich v Commonwealth (1991) 172 CLR 501: 382
- Powell v Apollo Candle Co Ltd (1885) 10 App Cas 282: 7, 68, 52
- Prebble v Television New Zealand Ltd [1995] 1 AC 321: 254, 348
- Purser v Kelly (1855, SASC): 26
- Quinn v United States (1954) 349 US 155: 312
- R v Burah (1878) 3 App Cas 889: 7, 52, 55-62, 64-68, 87-88
- R v Dulwich College (1851) 17 QB 600: 63
- R v Governor of South Australia (1907) 4 CLR 1497: 223
- R v Hodge (1881) 46 Upper Canada R 141: 58
- R v Hodge (1882) 7 Ontario Appeals R 246: 58
- R v Humby; Ex parte Rooney (1973) 129 CLR 231: 369
- R v Jones, Saldaris & Rudolphy [1999] WASCA 194: 217
- R v Kirby; Ex parte Boilermakers' Society of Australia (1956) 94 CLR 254: 66, 319, 380, 391
- R v Moffatt [1998] 2 VR 229: 15, 403, 411
- R v MSK (2004) 61 NSWLR 204: 380
- R v Neville (1865, SASC): 42
- R v Nixon (2000) 181 ALR 747: 403
- R v Richards; Ex parte Fitzpatrick and Browne (1955) 92 CLR 157: 240, 254, 313-314
- R v Rogers; Ex parte Lewis (1878) 4 VLR(L) 334: 207
- R v Secretary of State for Transport, Ex parte Factortame Ltd (Factortame No 2) [1991] 1 AC 603: 9
- R v Toohey; Ex parte Northern Land Council (1981) 151 CLR 170: 233-234, 236
- R v Turnbull [1958] Tas SR 80: 345
- Rata v Attorney-General (1997) 10 Procedure Reports of New Zealand 304: 345
- Real Estate Institute of Western Australia Inc v Kobelke [2002] WASC 281: 236
- Riel v R (1885) 10 App Cas 675: 65
- Robertson v Governor of New South Wales (1858) 11 Moo PC 288; 14 ER 704: 49
- Royal Commission into the use of Executive Power, Re; R v Parry, Saxon and Smith (unreported, WASC, 1997): 354
- Russell v R (1882) 7 App Cas 829: 58
- Sankey v Whitlam (1978) 142 CLR 1: 326
- Silbert v Director of Public Prosecutions (WA) (2004) 217 CLR 181: 386, 403, 405, 412
- Smith v Bewes (1868) 2 SALR 149: 30
- South Australia v O'Shea (1987) 163 CLR 378: 233
- Stephens v West Australian Newspapers Ltd (1994) 182 CLR 211: 419, 430-432
- Stockdale v Hansard (1839) 9 Ad & E 1; 112 ER 1112: 22, 238, 313-314
- Stone v Stone (1867, SASC): 46
- Stuart-Robertson v Lloyd (1932) 47 CLR 482: 2
- Taylor v Attorney-General (Qld) [1917] St R Qd 208: 79-80
- Taylor v Attorney General (Qld) (1917) 23 CLR 457: 79-81, 83, 87-89, 94, 179, 195
- Theophanous v Herald and Weekly Times Ltd (1994) 182 CLR 104: 430-432, 439

TABLE OF CASES

- Thoburn v Sunderland City Council [2003] QB 151: 9
- Tonkin v Brand [1962] WAR 2: 19, 211-212, 214, 216, 222-223, 227, 232-237
- Trethewan v Peden (1930) 31 SR (NSW) 183: 11, 106, 109
- Truth About Motorways Pty Ltd v Macquarie Infrastructure Investment Management Ltd (2000) 200 CLR 591: 234-235
- Union Steamship Co of Australia Pty Ltd v King (1988) 166 CLR 1: 378-379, 381-383
- Victorian Stevedoring & General Contracting Co Pty Ltd v Dignan (1931) 46 CLR 73: 66, 391
- Walsh v Goodall (1865, SASC): 43
- Webb v Outtrim [1907] AC 81: 85, 87
- Wesberry v Sanders (1964) 376 US 1: 423
- West Lakes Ltd v South Australia (1980) 25 SASR 389: 120
- Western Australia v Commonwealth (Native Title Act Case) (1995) 183 CLR 373: 19
- Western Australia v Ward (2002) 213 CLR 1: 382
- Western Australia v Wilsmore (1982) 149 CLR 79: 19, 214, 227, 235
- Western Australia v Wilsmore (Privy Council Application) [1981] WAR 179: 232, 234
- Willis and Christie v Perry (1912) 13 CLR 592: 251-252, 317
- Wilsmore v Court [1983] WAR 190: 235-236
- Wilsmore v Western Australia (unreported, WASC, Brinsden J, No 1025 of 1980): 214
- Wilsmore v Western Australia [1981] WAR 159: 214, 227, 235, 236
- Wilson v Minister for Aboriginal and Torres Strait Islander Affairs (1996) 189 CLR 1: 5, 380, 391
- Winsor v The Queen (1866) LR 1 QB 289: 28
- Wright v Lindsay (1867, SASC): 45
- Wynbyne v Marshall (1997) 117 NTR 11: 403
- Yougarla v Western Australia (1999) 21 WAR 488: 235
- Yougarla v Western Australia (2001) 207 CLR 344: 19