

List of Speeches and Publications

Books

- A Guide to the Evidence Acts* (Butterworths, 1995)
- A Guide to the Evidence Acts* (Butterworths, 2nd edn, 1997)
- Cases and Materials on Equity* (Butterworths, 1975) with WMC Gummow and RP Austin
- Cases and Materials on Equity and Trusts* (Butterworths, 2nd edn, 1982) with WMC Gummow and RP Austin
- Cases and Materials on Equity and Trusts* (Butterworths, 3rd edn, 1989) with WMC Gummow and RP Austin
- Cases and Materials on Equity and Trusts* (Butterworths, 4th edn, 1993) with WMC Gummow and RP Austin
- Cases and Materials on Equity and Trusts* (Butterworths, 5th edn, 1997) with P Loughlan
- Cases and Materials on Equity and Trusts* (Butterworths, 6th edn, 2001) with P Loughlan
- Cases and Materials on Equity and Trusts* (LexisNexis Butterworths, 7th edn, 2007) with P Loughlan
- Cases and Materials on Equity and Trusts* (LexisNexis Butterworths, 8th edn, 2011) with MJ Leeming
- Cases and Materials on Equity and Trusts* (LexisNexis Butterworths, 9th edn, 2018) with MJ Leeming
- Cases and Materials on Evidence* (Butterworths, 1975)
- Cases and Materials on Evidence* (Butterworths, 2nd edn, 1984)
- Cases and Materials on Evidence* (Butterworths, 3rd edn, 1991)
- Cases and Materials on Evidence* (Butterworths, 4th edn, 1996) with M Ockleton
- Cross on Evidence (Australian Edition)* (Butterworths, 2nd edn, 1979) with J Gobbo and D Byrne
- Cross on Evidence (Australian Edition)* (Butterworths, 3rd edn, 1986) with D Byrne
- Cross on Evidence (Australian Edition)* (Butterworths, 4th edn, 1991) with D Byrne
- Cross on Evidence (Australian Edition)* (Butterworths, 5th edn, 1996)
- Cross on Evidence (Australian Edition)* (Butterworths, 6th edn, 2000)
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- Cross on Evidence (Australian Edition)* (LexisNexis Butterworths, 10th edn, 2015)
- Cross on Evidence (Australian Edition)* (LexisNexis Butterworths, 11th edn, 2017)
- Economic Torts* (Sweet & Maxwell, 1973)
- Economic Torts* (Sweet & Maxwell, 2nd edn, 1978)
- Jacobs' Law of Trusts in Australia* (LexisNexis Butterworths, 7th edn, 2006) with MJ Leeming
- Jacobs' Law of Trusts in Australia* (LexisNexis Butterworths, 8th edn, 2016) with MJ Leeming
- Meagher, Gummow & Lehane's Equity: Doctrines and Remedies* (LexisNexis Butterworths, 4th edn, 2002) with RP Meagher and MJ Leeming

Meagher, Gummow & Lehane's Equity: Doctrines and Remedies (LexisNexis Butterworths, 5th edn, 2014) with MJ Leeming and PG Turner
The Restraint of Trade Doctrine (Butterworths, 1971)
The Restraint of Trade Doctrine (Butterworths, 2nd edn, 1999)
The Restraint of Trade Doctrine (LexisNexis Butterworths, 3rd edn, 2008)
The Restraint of Trade Doctrine (LexisNexis, 4th edn, 2018)
Trade Practices Law (Law Book Co, 1978) with BG Donald
Trade Practices Law (Law Book Co, 2nd edn, 1989)

Services

Cross on Evidence (Australian edition, LexisNexis Butterworths) – continuing
Trade Practices Law (Thomson Reuters) – continuing

Chapters in Books

“Are the Duties of Company Directors to Exercise Care and Skill Fiduciary?” in S Degeling and J Edelman, *Equity in Commercial Law* (Law Book Co, 2005)
 “Aspects of Rhetoric in Forensic Advocacy Over the Past 50 Years” in J Gleeson and R Higgins, *Rediscovering Rhetoric: Law, Language and the Practice of Persuasion* (Federation Press, 2008)
 “Bell, Archibald” in D Pike, *Australian Dictionary of Biography* (Melbourne University Press, 1966) vol 1
 “Brisbane, Sir Thomas Makdougall” in D Pike, *Australian Dictionary of Biography* (Melbourne University Press, 1966) vol 1
 “Chief Justice Gibbs: Defending the Rule of Law in a Federal System” in *Upholding the Australian Constitution* (Samuel Griffith Society, 2006) vol 18 (also published above at p 90)
 “Comment” in R Ekins, *Judicial Power and the Balance of our Constitution* (Policy Exchange, 2018)
 “Constitutional Facts” in *Upholding the Constitution* (Samuel Griffith Society, 2011) vol 23
 “Damages Under the Trade Practices Act” in P Finn, *Essays on Damages* (Law Book Co, 1992)
 “Developing the Common Law” in J Gleeson and R Higgins, *Constituting Law, Legal Argument and Social Values* (Federation Press, 2011)
 “Directors’ Duties and the Company’s Interests” in P Finn, *Equity and Commercial Relationships* (Law Book Co, 1987)
 “Equity” in *Australian Commentary on Halsbury’s Laws of England* (Butterworths, 4th edn, 1981)
 “Equity and Statute” in PG Turner, *Equity and Administration* (Cambridge University Press, 2016)
 “Evidence law” in T Blackshield, M Coper and G Williams, *The Oxford Companion to the High Court of Australia* (Oxford University Press, 2001)
 “Foreword” in D Freeman, *Roddy’s Folly: RP Meagher QC: Art Lover and Lawyer* (Connor Court, 2012)
 “Foreword” in KR Handley, *Estoppel by Conduct and Election* (Sweet & Maxwell, 2006)
 “History” in M Yudkin, *General Education: A Symposium on the Teaching of Non-Specialists* (Allen Lane, 1969; Penguin Books, 1971)

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- “Injunctions and Declarations” in LA Stein, *Locus Standi* (Law Book Co, 1979)
- “Lawyer’s Response to Forensic Linguistics” in J Gibbons, *Language and The Law* (Longman, 1994)
- “Limits to the Powers of Ultimate Appellate Courts” in *Judicial Activism: Power Without Responsibility?* (Boston, Melbourne, Oxford Conversazioni on Culture and Society, 2005) vol 17 (also published above at p 230)
- “Macarthur, James” in D Pike, *Australian Dictionary of Biography* (Melbourne University Press, 1966) vol 1
- “Restrictive Trade Practices and Unfair Competition” in E Kamenka and A Tay, *Law and Social Control* (St Martin’s Press, 1980)
- “Similar Fact Evidence: The Provenance of and Justification for Modern Admissibility Tests” in A Rahemtula, *Justice According to Law: A Festschrift for the Honourable Mr Justice BH McPherson CBE* (Supreme Court of Queensland Library, 2006)
- “Sir Samuel Griffith and the Making of the Australian Constitution” in *Upholding the Australian Constitution* (Samuel Griffith Society, 2012) vol 24 (also published above at p 446)
- “Sir Samuel Griffith as Chief Justice of the High Court of Australia” in *Upholding the Australian Constitution* (Samuel Griffith Society, 2013) vol 25 (also published above at p 458)
- “The Public Life of John and Nancy Stone” in *Upholding the Australian Constitution* (Samuel Griffith Society, 2010) vol 22 (also published above at p 108)
- “The Relevance of the Victim’s Level of Care in Misleading and Deceptive Conduct Actions” in C Lockhart, *Misleading or Deceptive Conduct* (Federation Press, 1996)
- “The Role of the Equity Bar in the Judicature Era” in G Lindsay and C Webster, *New South Wales Bar Association Centenary Essays, No Mere Mouthpiece, Servants of All, Yet of None* (LexisNexis Butterworths, 2002)
- “Theories of Constitutional Interpretation: A Taxonomy” in N Perram and R Pepper, *The Byers Lectures 2000-2012* (Federation Press, 2012) (also published above at p 389)
- “Trusts” in R Baxt, *An Annual Survey of Australian Law* (Law Book Co, 1976)
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- “Trusts” in R Baxt and G Kewley, *An Annual Survey of Australian Law* (Law Book Co, 1984)
- “What do we mean by the Rule of Law?” in R Ekins, *Modern Challenges to the Rule of Law* (LexisNexis, 2011) (also published above at p 423)

Pamphlets

- “Catholic Resistance to German State Persecution: Lessons for Modern Australia”, Centre for Independent Studies, Occasional Paper 134, 2014 (also published above at p 181)
- “Religious ‘Toleration’ in Modern Australia: The Tyranny of Relativism”, Australian Catholic University, 2017
- “The Gaining and Losing of National Independence”, Warrane College, University of New South Wales, Monograph No 12, 2005 (also published above at p 348)

Articles

- “Alvarez Under Pressure” (1996) 1 *Oxford Review* 72
- “Are Bills of Rights Necessary in Common Law Systems?” (2014) 130 *Law Quarterly Review* 392 (also published above at p 474)
- “Are there stresses and strains in the remedial structure of the Competition and Consumer Act 2010 (Cth)?” (2013) 41 *Australian Business Law Review* 1
- “Attacks on Christianity Strike at the Protections Enjoyed by Today’s Society”, *The Australian*, 4 November 2017 (published online as “Liberalism Built on Christian Principles is Lost on Modern Elites”)
- “AWB Simpson’s ‘The Common Law and Legal Theory’” (2016) 35 *University of Queensland Law Journal* 21 (also published above at p 75)
- “Can Lies Corroborate?” (1973) 89 *Law Quarterly Review* 552
- “Can the Accused Attack the Prosecution?” (1974) 7 *Sydney Law Review* 164
- “Causal Relationships Between a Fiduciary’s Default and the Principal’s Loss” (1994) 110 *Law Quarterly Review* 328
- “Commentary on ‘Dramatic Changes in American Expert Evidence Law: From Frye to Daubert’” (1994) 2 *The Judicial Review* 53
- “Commentary on Justice Einstein’s Paper” (2001) 5 *The Judicial Review* 123
- “Confessions and Silence” (1976) 7 *Sydney Law Review* 375
- “Courting Trouble”, *Australian Financial Review*, 5 April 2013
- “Current Trends in the Law of Evidence” (1977) 8 *Sydney Law Review* 305
- “Dissenting Reasons by Arbitrators” (2013) 32 *Journal of the Institute of Arbitrators and Mediators* 1
- “Does Federalism Work?” [1968] *Verdict* 24
- “Does Statutory Reform Stultify Trusts Law Analysis?” (2008) 6 *Trust Quarterly Review* 11
- “Entrapment and Unfairly Obtained Evidence in the House of Lords” [1980] *Criminal Law Review* 129
- “Equitable Aid to Purchasers in Breach of Time-Essential Conditions” (1997) 113 *Law Quarterly Review* 385
- “Equitable Compensation for Undue Influence” (1997) 113 *Law Quarterly Review* 8
- “Evidence in Criminal Cases” in “Criminal Law, Evidence and Procedure” [1970] *Annual Survey of Commonwealth Law* 120
- “Evidence of Forensic Scientific Opinion and the Rules for Admissibility” (2015) 36 *Adelaide Law Review* 101
- “Evidence of Identification: The Law” (1982) 14 *Australian Journal of Forensic Sciences* 134
- “Gratuitous Options: Section 8(1) of the Contracts Act” (1969) 6 *University of Ghana Law Journal* 40
- “How Far Can Trial Courts and Intermediate Appellate Courts Develop the Law?” (2009) 9 *Oxford University Commonwealth Law Journal* 1 (also published above at p 254)
- “How the Courts Develop Commercial Law by Looking Outside the Trial Record into the External World” [2012] *Lloyd’s Maritime and Commercial Law Quarterly* 30
- “Illegally Obtained Evidence (1)” [1973] *Criminal Law Review* 603
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- “Is the Weight of Evidence Material to its Admissibility?” (2014) 26 *Current Issues in Criminal Justice* 219 (also published above at p 660)
- “Japanese War Crimes, Retroactive Laws and Mr Justice Pal” (2011) 85 *Australian Law Journal* 627 (also published above at p 127)

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- “John Colebrook”, *Shore Reports*, December 1993, 2
- “Judges Need to Exercise Caution in Dealing with Political Criticism”, *The Australian*, 21 March 2018
- “Judicial Activism and the Death of the Rule of Law” (2003) 47 *Quadrant* 9 (also published in (2003) 23 *Australian Bar Review* 110, (2003) 14 *Australian Intellectual Property Journal* 78, (2003) 11 *Australian Law Librarian* 97, (2004) 10 *Otago Law Review* 493 and above at p 208)
- “Juries on Trial”, *Australian Financial Review*, 2 August 2013
- “Justice John Sackar” (2011) 85 *Australian Law Journal* 335
- “Justice JRF Lehane” (1996) 70 *Australian Law Journal* 106
- “Lawyers’ Fees and the Trade Practices Act s 45” [1976] *Australian Current Law Digest* 27
- “Legal Professional Privilege and Third Parties” (1974) 37 *Modern Law Review* 601
- “Limits to the Powers of Ultimate Appellate Courts” (2006) 122 *Law Quarterly Review* 399 (also published above at p 230)
- “Modern Fiduciary Liability: The Sick Man of Equity?” (2014) 20 *Trusts & Trustees* 1006
- “Monopolies and Restrictive Practices” [1970] *Annual Survey of Commonwealth Law* 400
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- “Mr Justice CSC Sheller” (2005) 79 *Australian Law Journal* 609
- “Obtaining Evidence Versus Protecting the Accused: Two Conflicts” [1971] *Criminal Law Review* 13
- “One Small Point About Originalism” (2009) 28 *University of Queensland Law Journal* 7 (also published above at p 377)
- “On the Tyranny of Tolerance” (2017) 33 *Policy* 41
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- “Particular Crimes” and “Evidence in Criminal Cases” in “Criminal Law, Evidence and Procedure” [1972] *Annual Survey of Commonwealth Law* 157
- “Patrick White” (1996) 1 *Oxford Review* 33
- “Peter Graham Hely” (2006) 80 *Australian Law Journal* 541 (also published in (2006) 152 *FCR* at v-viii and *Bar News*, Summer 2005/2006, 94 and above at p 46)
- “Recent Developments in Restraint of Trade” (1975) 21 *McGill Law Journal* 325
- “Reciprocal Duties of Bench and Bar” (2007) 81 *Australian Law Journal* 23
- “Reflections on James Fitzjames Stephen” (2010) 29 *University of Queensland Law Journal* 43 (revised version published above at p 627)
- “Restraint of Trade in the High Court” (1976) 50 *Australian Law Journal* 290
- “Roderick Pitt Meagher AO AC” (2011) 85 *Australian Law Journal* 524 (also published in *Bar News*, Winter 2011, 136, (2011) 8 *Supreme Court of Queensland Library Review of Books* 6 and above at p 63)
- “Silence as Evidence” (1974) 1 *Monash University Law Review* 53
- “Some Developments in Commercial Law in the Lifetime of the Australian Law Journal” (2007) 81 *Australian Law Journal* 577

- “Statutory Restrictions on the Privilege Against Self-Incrimination” (1971) 87 *Law Quarterly Review* 214
- “Ten Books About the Nineteenth Century” (2013) No 195 *Southern Highlands Branch Newsletter* 12
- “The Best of British Continued” (2018) No 227 *Southern Highlands Branch Newsletter* 16
- “The Corroboration of Accomplices” [1973] *Criminal Law Review* 264
- “The Defence of Justification in Cases of Intentionally Caused Economic Loss” (1970) 20 *University of Toronto Law Journal* 139
- “The Frontiers of the Restraint of Trade Doctrine” (1969) 85 *Law Quarterly Review* 229
- “The Future of the Economic Torts” (1975) 12 *University of Western Australia Law Review* 1
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- “The Hon John Kearney QC (1921-2009)”, *Bar News*, Summer 2010-2011, 139 (also published in (2010) 5 *Utopia* 6 and above at p 56)
- “The Impact of Sections 76-80 of the Evidence Acts 1995 on Opinion Evidence: Recent Cases” (1999) 18 *Australian Bar Review* 122
- “The Influence of Sir James Fitzjames Stephen on the Law of Evidence”, *Bar News*, Autumn 2011, 32 (revised version published above at p 611)
- “The Negligent Fiduciary” (1995) 111 *Law Quarterly Review* 1
- “The Non-Uniformity of the ‘Uniform’ Evidence Acts and their Effect on the General Law” (2013) 2 *Journal of Civil Litigation and Practice* 169
- “The Origins of the Indian Evidence Act” (2010) 10 *Oxford University Commonwealth Law Journal* 1 (also published above at p 544)
- “The Problems of Entrapment” [1973] *Cambridge Law Journal* 268
- “The Relevance of the Victim’s Level of Care in Misleading and Deceptive Conduct Actions” (1995) 2 *Competition & Consumer Law Journal* 230
- “The Status of Hearsay and Other Evidence Admitted Without Objection” (1985) 1 *Australian Bar Review* 155
- “The Trade Practices Act 1974, Section 45: Agreements in Restraint of Trade” (1975) 3 *Australian Business Law Review* 262
- “The Tyranny of Relativism: Religious ‘Toleration’ in Modern Australia”, *Annals of Australasia*, November/December 2017, 40
- “Theories of Constitutional Interpretation: A Taxonomy”, *Bar News*, Winter 2007, 12 (also published above at p 389)
- “Threats to Judicial Independence: The Enemy Within” (2013) 129 *Law Quarterly Review* 205 (also published above at p 314)
- “Varieties of Judicial Method in the Late 20th Century” (2012) 34 *Sydney Law Review* 219 (also published in (2011) 8 *Supreme Court of Queensland Library Review of Books* 22, (2012) 10 *The Judicial Review* 275 and above at p 296)

Speeches

Address at Adelaide Law School, Adelaide Law School, 19 November 2010

Address at LexisNexis Butterworths Australia Centenary Celebrations, The Westin, Sydney, 24 March 2011

Address at Farewell Dinner for Bill McMahon, Le Lavandou, Sydney, 24 October 1996

Address at Fifteen Bobber of the Honourable Justice GFK Santow, Bar Common Room, 1 October 1993

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- Address at Fifteen Bobber of the Honourable Justice JD Heydon*, NSW Bar Association Common Room, 24 March 2000
- Address at Fifteen Bobber of the Honourable Justice WMC Gummow*, NSW Bar Association Common Room, 14 June 1995 (published above at p 2)
- Address at Fifteen Bobber of the Honourable Judge WJ Holt*, NSW Bar Association Common Room, 28 May 1993
- Address Delivered on the Retirement of Naida Haxton as Editor of the NSWLR*, Law Courts Building, Sydney, 29 June 2006
- Address in Memory of JB Kearney*, St Aloysius' College Chapel, 30 November 2009 (published in *Bar News*, Summer 2010-2011, 139, (2010) 5 *Utopia* 6 and above at p 56)
- Address in Memory of P Comans*, Northern Suburbs Crematorium, 29 April 2002
- Address in Memory of PG Hely*, St James Church, King St, Sydney, 14 October 2005 (published in (2006) 80 *Australian Law Journal* 541, (2006) 152 FCR at v-viii and *Bar News*, Summer 2005/2006, 94 and above at p 46)
- Address in Memory of Roderick Pitt Meagher*, St Mary's Cathedral, Sydney, 8 July 2011 (published in (2011) 85 *Australian Law Journal* 524, *Bar News*, Winter 2011, 136, (2011) 8 *Supreme Court of Queensland Library Review of Books* 6 and above at p 63)
- Address in Memory of WJ Holt*, St James Church, King St, Sydney, 22 March 2012
- Address to 30th Anniversary Dinner for the Graduating Class of 1976*, University of Sydney Law School, 28 October 2006
- Address to Anglo-Australasian Lawyers Society Dinner*, Union Club, 22 July 2005
- Address to Australian Association for Constitutional Law Dinner*, Art Gallery of New South Wales, 27 November 2004
- Address to Bar Association of the Supreme Court of India*, Supreme Court Lawns, New Delhi, 9 October 2007
- Address to Bench and Bar Dinner*, Westin Hotel, Sydney, 16 May 2003 (published above at p 9)
- Address to Clerks' Dinner*, Sydney, 5 September 2003
- Address to Colloquium Dinner*, St Paul's College, 1 February 2009
- Address to Corporate Lawyers*, Law Society of New South Wales, AMP Building, 14 March 2013
- Address to Corrs Chambers Westgarth*, Sydney, 29 July 1997
- Address to Dinner of Western Australian Law Society*, Perth, 22 October 2003
- Address to Dinner in Honour of JD Heydon*, Australian Club, 6 April 2000
- Address to Jessup Moot Dinner*, High Court of Australia, 9 February 2013
- Address to Law Society Dinner*, Sydney, 24 October 2013
- Address to University of Canberra Law School Ball*, University of Canberra, 19 April 2013
- Agam v BNP Paribas SA*, Singapore International Commercial Court Conference, 9 January 2018
- Are Bills of Rights Necessary in Common Law Systems?*, Global Law Students Association, University of Melbourne, 21 August 2012 (also delivered at the 17th Annual Europe Pacific Conference in Cortina d'Ampezzo on 14 January 2013, at Cambridge Law School on 21 January 2013, at Inner Temple on 21 January 2013, at Oxford Law School on 23 January 2013 and at the Annual Meeting of the Judges of the Family Court of Australia on 7 November 2013; published in (2014) 130 *Law Quarterly Review* 392 and above at p 474)

- Are Bills of Rights Necessary to Protect the Unprotected?*, Fourteenth Greek/Australian International Legal and Medical Conference, Cape Sounion, Greece, 3 June 2013
- Are the Duties of Company Directors to Exercise Care and Skill Fiduciary?*, Fusion Conference, 18 December 2004 (published in S Degeling and J Edelman, *Equity in Commercial Law* (Law Book Co, 2005))
- Best Practices in Judgments and Costs*, Singapore International Commercial Court Conference, 7 January 2015
- Catholic Resistance to German State Persecution: Lessons for Modern Australia*, Acton Lecture on Religion and Freedom, Banco Court, Supreme Court of New South Wales, 10 April 2014 (published above at p 181)
- Ceremonial Sitting for the Swearing-In of the Hon JD Heydon as Justice of the High Court*, High Court of Australia, Canberra, 11 February 2003
- Chief Justice Gibbs: Defending the Rule of Law in a Federal System*, Inaugural Sir Harry Gibbs Memorial Oration, Eighteenth Annual Conference of the Samuel Griffith Society, Canberra, 26 May 2006 (published in *Upholding the Australian Constitution* (Samuel Griffith Society, 2006) vol 18 and above at p 90)
- Codification and the Common Law of Evidence in India and Australia*, Second Indo-Australian Legal Forum Meet, 4 June 2009
- Comment on “Current Equitable Controversies? The Fiduciary’s ‘Generous Equitable Allowance’ and the Notion of ‘Fully Informed Consent’*”, Supreme Court of New South Wales Conference, Wollongong, 7 September 2013
- Commentary on “Dramatic Changes in American Expert Evidence Law: From Frye to Daubert”*, Supreme Court of New South Wales Annual Conference, August 1993 (published in (1994) 2 *The Judicial Review* 53)
- Comment on Justice Einstein’s Paper*, Judicial Commission of New South Wales Conference, 14 November 2000
- Comment on Legal Animation by R Braverman*, Melbourne, 1 September 1997
- Comment on Lord Hoffmann’s “Interpretation of Contracts”*, Banking and Financial Services Law Association Conference, Queenstown, New Zealand, 15 August 2010
- Comment on Lord Justice May’s Paper*, Supreme Court Conference, Hunter Valley, 22 August 2003
- Comment on Lord Neuberger’s “The Remedial Constructive Trust – Fact or Fiction”*, Banking and Financial Services Law Association Conference, Queenstown, New Zealand, 10 August 2014
- Common Experience, Judicial Notice and Opinion Evidence: Distinctions, Parallels, Overlaps and Contradictions*, Melbourne University Law School, 20 August 2003 (see *Cross on Evidence* (11th edn, 2017) paras [3200]-[3305]; published above at p 496)
- Conferral of Honorary Doctorate of Laws*, University of Sydney, 11 May 2007
- Constitution Education Fund Presentation Ceremony*, Melbourne, 28 September 2009
- Constitutional Facts*, Twenty Third Annual Conference of the Samuel Griffith Society, Hobart, 28 August 2011 (published in *Upholding the Constitution* (Samuel Griffith Society, 2011) vol 23)
- Debate: “That Law and Medicine Protect the Unprotected”*, Fourteenth Greek/Australian International Legal and Medical Conference, 7 June 2013
- Dinner for New Silks*, High Court, Canberra, 2 February 2004
- Does Political Criticism of Judges Damage Judicial Independence?*, Judicial Power Project, Policy Exchange, London, 23 January 2018 (published in part as “Judges Need to Exercise Caution in Dealing with Political Criticism”, *The Australian*, 21 March 2018)

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- Does Statutory Reform Stultify Trusts Law Analysis?*, Society of Trust and Estate Practitioners, Banco Court, 28 May 2008
- Enclaves and Exclaves: Limits and Exceptions to the Doctrine of Judicial Review*, Judicial Power Project, Policy Exchange, London, 22 January 2018
- Evidence*, New South Wales Bar Association Reading Lecture, 24 February 1986
- Evidence and Procedure in the High Court of Australia: A Study in Balkanization*, University College, Oxford University, 19 February 2008
- Excerpts from Address to Academic Dinner*, St Paul's College, 20 May 2003
- Exemplary Damages in Equity*, 8th Floor, Selborne Chambers, 18 October 2002
- Expert Evidence and Economic Reasoning in Litigation under Part IV of the Trade Practices Act: Some Theoretical Issues*, Sheraton Hotel, Sydney, 1 May 2003
- Farewell Ceremony*, Supreme Court of New South Wales, 7 February 2003
- Finding Facts Without Evidence: Curial Practices and their Legitimacy*, Murdoch University Lecture, 20 October 2003
- Five Great Australian Legal Disasters of the Late Twentieth Century*, Great Issues Dinner, Union Club, 21 March 2013 (revised version published above at p 651)
- George Orwell*, University of Exeter Literary Society, February 1968
- German Catholic Resistance and its Lessons for the Future: Ludwig Windthorst and Cardinal von Galen*, St Thomas More Society Dinner, 21 June 2013
- High Court Advocacy in the 21st Century: One Consumer's View*, South Australian Bar Association, 7 August 2007
- How Far Can Trial Courts and Intermediate Appellate Courts Develop The Law?*, Oxford University, 26 January 2009 (also delivered at Cambridge University on 27 January 2009 and Herbert Smith LLP in London on 28 January 2009; published in (2009) 9 *Oxford University Commonwealth Law Journal* 1 and above at p 254)
- How the Courts Develop Commercial Law by Looking Outside the Trial Record into the External World*, Cambridge University, 24 January 2011 (published in [2012] *Lloyd's Maritime and Commercial Law Quarterly* 30)
- Implications of Chartbrook v Persimmon Homes Ltd*, Law of Trusts Symposium, Adelaide, 18 February 2011
- Improving the Conduct of Litigation*, Sixth Annual Corporate Counsel Seminar, Johnson Winter and Slattery, 14 May 2013
- In Praise of Solicitors*, Annual Dinner of the Orana Law Society, Dubbo, 22 September 2017
- Interactions between the Common Law and Criminal Codes: Australia*, Judicial Colloquium, High Court of Australia, 13 September 2012 (published above at p 643)
- Introduction to Anne Twomey's Lecture "The Unrecognised Reserve Powers"*, High Court of Australia, 14 November 2012
- Introduction to Justice Ian Callinan's Sir John Latham Lecture*, Quadrant Dinner, 3 May 2005
- Is the Competition and Consumer Act 2010 (Cth) in Competition with Itself?*, Address to 2013 Competition Law Conference, Sydney, 4 May 2013 (also delivered to students studying competition law at the University of Sydney on 9 September 2013)
- Is the Weight of Evidence Material to its Admissibility?*, 2014 Paul Byrne SC Memorial Lecture, University of Sydney Law School, 15 October 2014 (also delivered at Oxford University on 10 February 2015; published in (2014) 26 *Current Issues in Criminal Justice* 219 and above at p 660)
- Japanese War Crimes, Retroactive Law and Mr Justice Pal*, Cortina, Italy, 10 January 2011 (published in (2011) 85 *Australian Law Journal* 627 and above at p 127)

- Judging Community Values*, Supreme Court of New South Wales Conference, Wollongong, 7 September 2013
- Judicial Activism and the Death of the Rule of Law*, Faculty of Law, University of Technology, Sydney, 22 October 2002 (also delivered at a Quadrant dinner on 30 October 2002; published in (2003) 47 *Quadrant* 9, (2003) 23 *Australian Bar Review* 110, (2003) 14 *Australian Intellectual Property Journal* 78, (2003) 11 *Australian Law Librarian* 97, (2004) 10 *Otago Law Review* 493 and above at p 208)
- Launch of KR Handley's Estoppel by Conduct and Election*, New South Wales Bar Association Common Room, 1 November 2006
- Launch of the Justice Peter Hely Memorial Scholarship*, New South Wales Bar Association Common Room, 27 May 2008
- Launch of Volumes 27 and 28 of Upholding the Australian Constitution*, K & L Gates, Sydney, 22 May 2018
- Law and the Uses of Expertise: Developing the Common Law*, NSW Bar Association Seminar Series, 27 April 2010 (published in J Gleeson and R Higgins, *Constituting Law, Legal Argument and Social Values* (Federation Press, 2011))
- Limits to the Powers of Final Appellate Courts*, Keble College, Oxford University, 7 July 2005 (published as "Limits to the Powers of Ultimate Appellate Courts" in (2006) 122 *Law Quarterly Review* 399 and above at p 230)
- Modern Fiduciary Liability: The Sick Man of Equity?*, Society of Trust and Estate Practitioners 2014 Australasian Conference, 30 May 2014 (published in (2014) 20 *Trusts & Trustees* 1006 and above at p 691)
- Novelty and Originality in Patent and Copyright Law*, Paper delivered while presenting the paper prepared by WMC Gummow for the Third Indo-Australian Legal Forum Meet, Delhi, 9 November 2011
- Occasional Address*, Conferring of Degrees, University of Sydney, 26 March 1977
- One Small Point About Originalism*, 2007 Constitutional Law Conference, 16 February 2007 (also delivered at Murdoch University Law School on 22 October 2007; published in (2009) 28 *University of Queensland Law Journal* 7 and above at p 377)
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- Speech in Honour of JRF Lehane*, St Paul's College, University of Sydney, 24 September 2002 (published above at p 6)
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