

TABLE OF CASES

<i>Adelaide Steamship Co Ltd v The King and the Attorney-General of the Commonwealth (1912)</i> 15 CLR 65	283
<i>AGL Victoria Pty Ltd v SPI Networks (Gas) Pty Ltd & VENCorp</i> [2006] VSCA 173	242
<i>Aiton Australia Pty Ltd v Transfield Pty Ltd</i> (1999) 153 FLR 236	103
<i>Albion Quarrying Co Pty Ltd v Associated Quarries Pty Ltd</i> [1945] VLR 1	283, 287
<i>Allen v Gulf Oil Refining Ltd</i> [1981] 2 WLR 188	325
<i>Aluminum Company of American v Essex Group, Inc</i>	165
<i>Ansett Transport Industries Pty Ltd v The Commonwealth</i>	316
<i>Argo Pty Ltd v Attorney-General (No 4)</i> [2006] TASSC 22	239
<i>Armstrong v Brown</i> [2005] QLRT 73	9
<i>Astley v Austrust</i> (1999) 197 CLR 1	166
<i>Ausdale Enterprises Pty Ltd v Sandford</i> [2006] WASCA 191	284
<i>Australian Gas Light Company v Mine Subsidence Board</i> [2006] NSWLEC 494	223
<i>Australian Securities and Investments Commission v Chemeq Limited</i> [2006] FCA 936	350
<i>Australian Tape Manufacturer Association Ltd v The Commonwealth</i> (1993) 176 CLR 480	57
<i>Bacchus Marsh Concentrated Milk Co Ltd (in liq) v Joseph Nathan & Co Ltd</i> (1919) 26 CLR 410	282
<i>Barns v Director-General, Department of Transport</i> (1995) 15 QLCR 544	7
<i>Beaconsfield Gold NL & Anor v Allstate Prospecting Pty Ltd & Anor</i> [2006] VSC 320	250
<i>Belmont Holdings Ltd v Permanent Trustee Co Ltd</i> (1989) 7 ACLC 420	30
<i>Bennell v Western Australia Federal Court</i> , [2006] FCA 1243, 19 September 2006	334
<i>BHP Billiton Minerals Pty Ltd & Ors v Westover Holdings Pty Ltd</i> [2006] WAMW 4	118
<i>Bienke v Minister for Primary Industries and Energy</i> (1996) 63 FCR 567	54
<i>Boral Resources (SA) Ltd v Matthews</i> [2006] SASC 121	116-118
<i>BP Refinery (Westernport) Pty Ltd v Hastings Shire Council</i> (1997) 180 CLR 266	162
<i>Branfield v Wharton</i> [2004] FCAFC 138	204
<i>Breskvar v Wall</i> (1971)126 CLR 376	54
<i>Bribery Commissioner v Ranasinghe</i> [1964] 2 All ER 785	321
<i>Bridge v Deacons (A Firm)</i> [1984] AC 705	285
<i>Broad v Anglo Coal (Moura) Ltd</i> [2005] QLRT 45	4
<i>Brown v Brown</i> 1980] 1 NZLR 484	286
<i>Buchanan v Byrnes</i> (1905) 3 CLR 701	158
<i>Burger King Corporation v Hungry Jack's Pty Ltd</i> [2001] NSWCA 187	102
<i>Cadence Asset Management Pty Ltd v Concept Sports Limited</i> (2005) 55 ACSR 145	92
<i>CIC Insurance v Bankstown Football Club Ltd</i> (1997) 187 CLR 384	115
<i>Clarke on behalf of the Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagulk Peoples v State of Victoria</i> (2005) FCA 1795	24
<i>Coachcraft Ltd v SVP Fruit Co Ltd & Chapman</i> [1978] VR 706	30
<i>Codelfa Construction Pty Ltd v State Rail Authority of NSW</i> (1982) 149 CLR 337	163
<i>Commonwealth Aluminium Corporation Ltd v Attorney General (Qld)</i> [1976] Qd R 231	321
<i>Crawford Fitting Co v Sydney Valve & Fittings Pty Ltd</i> (1988) 14 NSWLR 438	291
<i>Crediton Gas Co v Crediton Urban District Council</i> [1928] Ch 174	290
<i>Cremoata v Rice Equalization Association Ltd</i> (1953) 89 CLR 286	283
<i>Crosbie; Re Media World Communications Ltd v Naidoo</i> (2005) 216 ALR 105	92
<i>Cudgen Rutile (No 2) Pty Ltd v Chalk</i>	316
<i>D'Aguilar Gold Ltd v Gympie Eldorado Mining Pty Ltd</i> [2005] QLRT 156	12
<i>Daniel v Western Australia</i> (2003) FCA 666	24
<i>David Securities Pty Ltd and Ors v Commonwealth Bank of Australia</i> (1992) 175 CLR 353	280
<i>Davis v Bates</i> 43 SASR 149	74
<i>Dawney, Day & Co Ltd v D'Alphen</i> [1998] ICR 1068	284
<i>De Rose v South Australia</i> (2003) FCR 325	207
<i>De Rose v South Australia (No 2)</i> [2005] FCAFC 110; (2005) 145 FCR 290	208, 211
<i>Dieri v South Australia and Edward Landers v South Australia</i>	203

<i>Durham Holdings Pty Ltd v New South Wales</i> (2001) 205 CLR 399	321
<i>Elara Mining Ltd v St Barbara Mines Limited & Anor</i> [2006] WAMW 16.....	256
<i>Empresa Nacional de Urano SA (ENU) v Commission of the European Communities Court of Justice judgment of 11 March 1997</i>	181
<i>Esso Australia Ltd v CEO of Customs</i> (1998) AATA 12919	111
<i>Esso Australia Resources Pty Ltd v Southern Pacific Petroleum NL (Receivers and Managers Appointed) (Administrators Appointed)</i> [2005] VSCA 228	99
<i>Esso Petroleum Co Ltd v Harper's Garage (Stourport) Ltd</i> [1968] AC 269.....	284, 286
<i>Ex parte Flint v Nexus Mineral NL</i> (unreported, Supreme Court of Western Australia Full Court, 26 February 1997, BC9700638)	260
<i>Exmin Pty Ltd v Australian Gold Resources Ltd</i> [2002] WAMW 29.....	120, 121
<i>Far Horizons Pty Ltd v McDonalds Australia Ltd</i> [2000] VSC 310	102
<i>Federal Commissioner of Taxation v Comcorp Australia Ltd</i> (1996) 70 FCR 356.....	5
<i>Fitch v Dewes</i> [1921] 2 AC 158	289
<i>Georgiadis v Australian and Overseas Telecommunications Corporation</i> (1994) 179 CLR 297	52
<i>Geraghty v Minter</i> (1979) 142 CLR 177	286
<i>Goldstream Minerals & Exploration Pty Ltd v Newmont Duketon Pty Ltd & Ors</i> [2003] WAMW 5	120
<i>Gonzo Holdings No 50 Pty Ltd v McKie</i> [1996] 2 Qd R 240.....	233
<i>Graham v Minister for Natural Resources, Mines and Water</i> [2006] QLRT 102	237
<i>Griffiths v Northern Territory</i> [2006] FCA 963 Federal Court of Australia, Darwin, Native Title Applications NTD6016/99, NTD6008/00 and NTD6012/00, 17 July 2006	228
<i>Groombridge v Defiance Mining NL & Anor</i> [2000] WAMW 7.....	123
<i>Hadley v Baxendale</i> (1854) 9 Exch 341	159
<i>Hamersley Iron Pty Ltd v Robertson</i> (unreported) BC9805219, 2 October 1998.....	73
<i>Hancock Prospecting Pty Ltd v BHP Minerals Ltd</i> [2002] WASC 224 ; [2003] WASCA 259	325
<i>Haoma Mining NL v Tunza Holdings Pty Ltd & Anor</i> [2006] WASCA 19.....	124
<i>Harper v Minister for Sea Fisheries</i> (1989) 168 CLR 314.....	55
<i>Hawks v McCarthur</i> [1951] 1 All ER 22	30
<i>Hayes Mining Pty Ltd v Tantalum Australia NL</i> [2006] WAMW 9	263
<i>Health Insurance Commission v Pecverill</i> (1994) 179 CLR 226	54
<i>Hunter v Hunter</i> [1936] AC 222	30
<i>Hunters Beach Investments Pty Ltd v Bramms</i> (2001) ACSR 701	30
<i>Hurst v Crampton Bros (Coopers) Ltd</i> [2003] 1 BCLC 304	30
<i>Husain v O & S Holdings (Vic) Pty Ltd.</i> [2005] VSCA 269.....	291
<i>Hydron Pty Ltd v Harous</i> (2005) 240 LSJS 33; [2005] SASC 176	282
<i>Industrias Nucleares do Brasil S.A. and Siemens v UBS AG Case C-123/04 and C-124/04</i>	182
<i>Interfoto Picture Library Limited v Stiletto Visual Programmes Limited</i> [1989] QB 433	101
<i>IRAF Pty Ltd v Graham</i> [1982] 1 NSWLR 419	286
<i>Jango v Northern Territory of Australia</i> [2006] FCA 318	201, 228
<i>Johnson v McGrath and Ors</i> [2005] NSWSC 1183.....	94
<i>Jones v Sherwood Computer Services Plc</i> [1992] 1 WLR 277	244, 245
<i>Joseph v Harvest Grain</i> (1996) 39 NSWLR 722.....	155
<i>Kernkraftwerke Lippe-Ems GmbH (KLE) v Commission of the European Communities Court of Justice judgment of 22 April 1999</i>	181, 185
<i>Kim Riley in his capacity as Trustee of the KER Trust v Jubilee Mines NL</i> [2006] WASC 199	343
<i>Kone Elevators Pty Ltd v McNay</i> (1997) 19 ATPR ¶ 41-564	284
<i>Krcov Mining Registrar, Emerald</i> [2006] QLRT 28	233, 238
<i>Legal & General Life of Aust Ltd v A Hudson Pty Ltd</i> (1985) 1 NSWLR 314	244
<i>Lend Lease Real Estate Investments Limited v GPT RE Limited</i> [2006] NSWCA 207	225
<i>Lion Nathan Australia Pty Ltd v Coopers Brewery Ltd</i> [2005] FCA 1812.....	18
<i>Llandilo Staircases Pty Ltd v WorkCover Authority of New South Wales (Inspector Parsons) (2001) 104 IR 204</i>	75
<i>Llanelly Railway & Dock Co v London & North Western Railway Co</i> (1873) LR 8 Ch App 942; (1875) LR 7 HL 550.....	288, 291
<i>Lloyd's Ships Holdings Pty Ltd v Davros Pty Ltd</i> (1987) 72 ALR 643	285
<i>Mabo v Queensland</i> [No 2] (1992) 175 CLR 1	57, 323

<i>Maggbury Pty Ltd v Hafele Australia Pty Ltd</i> [2000] QCA 172; (2001) 210 CLR 181	287, 288
<i>Maitland Main Collieries Pty Limited v Hunter Valley Coal Corporation Pty Limited</i>	
[2006] NSWCA 258	227
<i>Margetts v Campbell-Foulkes</i> (unreported), WA Sup Ct, Full Court, 29 Nov 1979,	
Appeal Nos 186-208 of 1979	317
<i>Margula v Minister for Environment and Others</i> (1999) 59 ALD 740	264
<i>Martin-Baker Aircraft Co Ltd v Canadian Flight Equipment Ltd</i> [1955] 2 QB 556	289, 291
<i>McKenzie v GJ Coles and Co</i> [1983] 32 A Crim R 377	75
<i>Members of the Yorta Yorta Aboriginal Community v Victoria</i> (2002) 214 CLR 422	204
<i>Millirpum v Nabalco</i> (1971) 17 FLR 141	53
<i>Mineral Sands Ltd v Lewis</i> (unreported), Perth Warden's Court, 16 Dec 1994, Plaintiff No IH/945	325
<i>Mineralogy Pty Ltd v Western Australia</i> [2004] WASC 275; [2005] WASCA 69	326
<i>Minister for Primary Industry and Energy v Davey</i> (1993) 47 FCR 151	54
<i>MPF Exploration Pty Ltd v Horizon Mining Ltd</i> [2004] WAMW 11	120, 121
<i>MPF Exploration Pty Ltd v Johnson's Well Mining NL and Duketon Goldfields NL</i> [2006]	
MAMW 5	120
<i>Murphyores Inc Pty Ltd v Commonwealth</i> (1976) 136 CLR 1	323
<i>National Provincial Bank v Ainsworth</i> [1965] AC 1175	52
<i>Neil Neowarra v State of Western Australia</i> (2003) FCA 1402	24
<i>New South Wales (Inspector Fester) v Lantry</i> (unreported) 94/1163 , 9 December 1994	75
<i>Newcrest Mining (WA) Ltd v The Commonwealth</i> (1996-1997) 190 CLR 513	54
<i>News Ltd v South Sydney District Rugby League Football Club Ltd</i> (2003) 215 CLR 563 233	
<i>Nordenfelt v Maxim Nordenfelt Guns and Ammunition Co</i> [1894] AC 535	282
<i>Northern Territory of Australia v Alyawarr, Kaytetye, Waranungu, Wakaya Native Title Claim Group</i> [2005] FCAFC 135	210
<i>Northern Territory v Alyawarr</i> (2005) 145 FCR 135	229
<i>Northern Territory v Alyawarr, Kaytetye, Warumungu, Wakaya Native Title Group</i>	
(2005) 145 FCR 442	212
<i>O'Grady v Northern Queensland Co Ltd</i> (1990) 169 CLR 356	12, 237
<i>Pacific Hydro Limited & Ors v Office of the Renewable Energy Regulator</i> [2006] FCAFC 39	113
<i>Pellow v Ivey</i> (1933) 49 TLR 422	286
<i>Plume v Federal Airports Corp</i> (1997) 19 ATPR ¶41-589	290, 291
<i>Precious Metals Australia Ltd v Western Mining Resources Ltd</i> [2006] WAMW 6	127
<i>Project Blue Sky Inc v Australian Broadcasting Authority</i> (1998) 194 CLR 355	3, 15, 115
<i>Proudman v Dayman</i> (1941) 67 CLR 536	74
<i>Quall v Risk</i> [2001] FCA 378	203
<i>R v Bull</i> (1974) 48 ALJR 232	110
<i>R v Tolson</i> (1889) 23 QBD 168	74
<i>R v Toohey Ex parte Meneling Station Pty Ltd</i> (1982) 158 CLR 327	58
<i>Rathner v Lindholm & Ors</i> [2005] VSC 399	28
<i>Re Messer v Ross</i> [2001] QLRT 6	8
<i>Re Queensland Gas Company Ltd v Apel</i> [2005] QLRT 25	196
<i>Re Xalco Pty Ltd & Colonial Agricultural Company Ltd</i> [2005] QLRT 94	8
<i>Re Xstrata Coal Queensland Pty Ltd & Ors v Perry & Anor</i> [2006] QLRT 64	235
<i>Renard Construction (ME) Pty Ltd v Minister for Public Works</i>	102
<i>Risk v Northern Territory of Australia</i> [2006] FCA 404	201, 228
<i>Rivergold Exploration Pty Ltd v Resource Mining Corporation Ltd</i> [2005] WAMW 14	258
<i>Royal Botanic Gardens and Domain Trust v South Sydney City Council</i> (2002) 186 ALR 289	102
<i>Roye Realty & Developing Inc v Arkla</i> 863.P.2d 1150 (1993)	157
<i>Rubibi Community v Western Australia (No 5)</i> [2005] FCA 1025; (<i>No 6</i>) [2006] FCA 82;	
(<i>No 7</i>) [2006] FCA 459	207
<i>Sankey v Whitlam</i> (1978) 142 CLR 1	317
<i>Say-Dee Pty Ltd v Farah Constructions Pty Ltd (No 2)</i> [2005] NSWCA 309; [2005] NSWCA 469	1
<i>Shell (Petroleum Mining) Co Ltd v Kapuni Gas Contracts Ltd</i> (1997) 7 TCLR 463 (NZ)	172

- Shields Contracting (In Liq) v Glintan Pty Ltd*[2005] WAMW 5 31, 36
Slivak v Lurgi (Australia) Pty Limited (2001) 205 CLR 304 72
Soden & Anor v British & Commonwealth Holdings Plc & Anor [1998] AC 298 91, 92
Sons of Gwalia Limited (Administrators Appointed) v Margaretic (2005) 55 ACSR 365 90
Sons of Gwalia Limited (Subject to Deed of Company Arrangement) v Margaretic [2006] FCAFC 7 90
Struber v Lowe [2005] QLRT 98 7
Sullivan v Oil Company of Australia (No 2) [2004] 2 Qd R 105 235, 236
Telferscot Nominees Pty Ltd v Chameleon Mining NL [2005] WAMW 30 37
Tett v Phoenix Property & Investment Co [1984] BCCLC 599 30
Teutonic Minerals Pty Ltd v Minister for Natural Resources, Mines and Water [2006] QLRT 101 236
The Software Link (Australia) Pty Ltd v Texada Software Inc [2005] FCA 1072 291
The Wandarang, Alawa, Marra and Ngalakan Peoples v Northern Territory of Australia
 (2000) 104 FCR 380 209
Thompson Ltd v Robinson [1955] Ch 177 156
Thomson v British Medical Association (NSW Branch) [1924] AC 764 284
Tipperary Oil & Gas (Australia) Pty Ltd & Ors v Shelton [2005] QLRT 145 10, 197
Trident General Insurance v McNiece (1988) 165 CLR 107 166
TW Cronin Shoe Pty Ltd v Cronin [1929] VLR 227 289
Van Blitterswyk v Austwhim Resources NL [2006] WAMW 12 122
Van Blitterswyk v Sons of Gwalia ltd & Ors [2005] WAMW 6 (28 February 2005);
 (2005) 24 ARELJ 147 34, 36
Victoria v Commonwealth (1975) 134 CLR 81 321
Walford v Miles [1992] 2 AC 128 101
Waltons Stores v Maher (1988) 164 CLR 387 166
Wambo Coal Pty Limited v Mine Subsidence Board [2006] NSWLEC 528 224
Waterhouse v Minister for the Arts and Territories (1993) 43 FCR 175 55
Webb Distributors (Aust) Pty Ltd v Victoria (1993) 179 CLR 15 94
West Lakes Ltd v South Australia (1980) 25 SASR 389 322
Western Australia v Commonwealth (1995) 183 CLR 373 324
Western Australia v Ward (2002) 76 ALJR 1098; (2002) 213 CLR 1 52, 204
Westover Holdings Pty Ltd v BHP Billiton Minerals Pty Ltd & Ors [2004] WAMW 12 62
Wik Peoples v State of Queensland (1996) 187 CLR 1 52
Wills v Minerva Coal (unreported) 27 November 1998 198
Winter Garden Theatre (London) Ltd v Millennium Productions Ltd [1948] AC 173 288, 291
WMC Resources Ltd v Leighton Contractors Pty Ltd (1999) 20 WAR 489 244
Yorta Yorta v State of Victoria & Ors (2002) 214 CLR 422 338
Zimmerebner v Hawkins (1999) 20 QLCR 11 198