

TABLE OF CASES

Abigail v Lapin [1934] AC 491	198
ACI Operations Pty Ltd v Friends of Stradbroke Island Association Inc [2000] QLRT 7	16
ACI Operations Pty Ltd v Quadamooka Lands Council Aboriginal Corporation [2002] 1 Qd R 347	354
Aiton Australia Pty Ltd v Transfield Pty Ltd (1999) 153 FLR 236	76
Alderson v Northern Land Council (1983) 20 NTR 1	61
AMCI (IO) P/L & Westiron P/L v Aquila Steel P/L & AMCI (BC) P/L & Belcoal P/L v BD Coal P/L, Aquila Resources Ltd and Ors [2007] QSC 238	414
Amethyst Gold Pty Ltd v Robin John McDowell and Ors (2000) 19 AMPLJ 9	191
Anaconda Nickel Ltd v Tarmoola Australia Pty Ltd (2000) 22 WAR 101	191
Andar Transport Pty Ltd v Brambles Ltd (2004) 217 CLR 424	81
Applicant VEAL of 2002 v Minister for Immigration and Multicultural and Indigenous Affairs (2005) 80 ALJR 228	34
Associated Provincial Picture Houses Ltd v Wednesbury Corporation [1948] 1 KB 223	175
Atkins & Anor v Minister for Mines & Ors (1996) 15 WAR 226	192
Austin v Commonwealth (2003) 215 CLR 185	241
Australian Alliance Assurance Co Ltd v Attorney General (Qld) [1916] St R Qd 135	171
Australian Finegrain Marble Pty Ltd & Kagara Pty Ltd, Re [2006] QLRT 123	14
Australian Gold Resources Pty Ltd v Exmin Pty Ltd [2005] WAMW 29	36
Australian Jade Exploration Pty Ltd & Ors, Re [2006] QLRT 78	16
Banjo Wurrumurra & Others on behalf of the Bunuba Native Title Claimants/Western Australia/Monte Ling, Kevin Peter Sibraa, NNTT WO05/756, [2007] NNTTA 21 (16 March 2007)	368
Barnard v Monongahela Natural Gas Co (1907) 216 Pa 362	397
Barnes v Addy (1874) LR Ch App 244	122, 123, 124
Bateman v Golden State Resources Ltd [2007] WAMW 10	376
Baulderstone Hornibrook Engineering Pty Ltd v Kayah Holdings Pty Ltd (1997) 14 BCL 277	79
Baumgartner v Baumgartner (1987) 164 CLR 137	191
Bell v Minister for Urban Affairs and Planning and Port Waratah Coal Service Ltd (1997) 95 LGERA 86	96
Bennell v Western Australia (2006) 153 FCR 120; 25 ARELJ 334	138
Birchnell v Equity Trustees, Executors and Agency Co Ltd (1929) 42 CLR 384	73
Bounty Oil & Gas NL v Attorney-General, unreported, High Court, Wellington, 27 June 2006, CIV 2005-485-2054, AP 2006-485-15	50
Breskvar v Wall (1971) 126 CLR 376	65, 188, 198
BRGM Nominees Pty Ltd v Hake, Saggars and Grabham (26 October 1988, Kalgoorlie)	150
BT Goldsmith Planning Services v Blacktown City Council [2005] NSWLEC 210	97
Buck v Bavone (1976) 135 CLR 110	95, 96
Burger King v Hungry Jacks Pty Ltd [2001] NSWCA 187	75, 77
Butler v Fairclough (1917) 23 CLR 78	193, 194, 198, 199
Cable & Wireless plc v Muscat [2006] IRLR 354	129, 131
Calder SM; Ex parte Gardner, Re (1999) 20 WAR 525	34
Calder; Ex parte Cable Sands (WA) Pty Ltd, Re (1998) 20 WAR 343	371
Calder; Ex parte St Barbara Mines Ltd & Anor, Re [1999] WASCA 25	12
Canada Steamship Lines Ltd v The King [1952] AC 192	81
Cazaly Iron Pty Ltd v The Hon John Bowler MLA, Minister for Resources, Hamersley Resources Ltd, Hancock Prospecting Pty Ltd and Wright Prospecting Pty Ltd [2006] WASCA 282	30, 32
Champion v Western Australia [2005] NNTTA 1	369
Chirnside v Fay [2006] NZSC 68 (unreported, New Zealand Supreme Court, Wellington, SC CIV 7/2004, 6 September 2006)	54
Clarke on behalf of the Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagulk Peoples v Victoria [2005] FCA 1795; (2006) 25 ARELJ 24	138
Clements v Ellis (1934) 51 CLR 217	188
Clive Elliott Jennings and Co Pty Ltd v Western Australian Planning Commission (2002) 122 LGERA 433	174
Cole v Whitfield (1988) 165 CLR 360	237, 239
Collector of Customs v Pozzolanic Enterprises Pty Ltd (1993) 43 FCR 280	375
Commonwealth v WMC Resources Ltd (1998) 152 ALR 1	399
Congoo v Queensland [2001] FCA 868	140
Conlan v Registrar of Titles (2001) 24 WAR 299	188, 199

Consul Developments Pty Ltd v DPC Estates Pty Ltd (1975) 132 CLR 373	124
Corish Farms Pty Ltd v Director General of the Department of Natural Resources [2000] QSC 283	178
Coromandel Watchdog of Hauraki Inc v Chief Executive of the Ministry of Economic Development [2007] NZCA 473	377
Council of Civil Services Unions v Minister for the Civil Service [1985] AC 374	175
Craig v Spargos Exploration NL and Queen Margaret Gold Mines NL (22 December 1986, Kalgoorlie Warden's Court)	22, 23
Creswick Mining Resources NL & Ors v Kevin Ryan Mining Warden, Supreme Court of Victoria, Practice Court (unreported, 13 June 1995, Southwell J)	359
Crocker Consolidated Pty Ltd v Wille [1988] WAR 187	189, 192
Crusader Resources NL v Santos Ltd (1991) 58 SALR 74	412
Dacas v Brook Street Bureau (UK) Ltd [2004] IRLR 358	129, 131
Dalgety Farmers Ltd t/as Grazcos v Bruce & Anor (1995) 12 NSWCCR 36	129
Dallas Development Corp Pty Ltd v Western Australian Land Authority [2000] WASCA 49	234
Damevski v Guidance and Ors (2003) 133 FCR 438	131
Darlington Futures Ltd v Delco Australia Pty Ltd (1986) 161 CLR 500	81
De Rose v South Australia (No 2) [2005] FCAFC 110	47
Deeral v Charlie [1998] FCA 723	58
Denbridge Holdings Pty Ltd v Salokin Nominees Pty Ltd (1991) 10 AMPLA Bulletin 63, 121	223, 233
Dobbs v National Bank of Australasia Ltd (1935) 53 CLR 643	79, 80
Drake and Minister for Immigration and Ethnic Affairs (No 2), Re (1979) 2 ALD 634	174, 178
Durham Holdings Pty Ltd v The State of New South Wales [2001] HCA 7	182
E E Caledonia Ltd v Orbit Valve Co [1994] 1 WLR 1515	80, 81, 82
East Australian Pipeline Pty Ltd v Australian Competition and Consumer Commission [2007] HCA 44 (unreported, High Court of Australia, S57/2007)	346, 347
Elandes Nominees Pty Ltd v Minister for Water Resources [2002] SAERDC 130	388
Elara Mining Ltd v St Barbara Mines Ltd & Anor [2006] WAMW 16	191, 197
Enterprise Gold NL v Mineral Horizons NL (No 2) (1988) 52 NTR 23	11
Ermogenous v Greek Orthodox Community SA Inc (2002) 209 CLR 95	130
Esso Australian Resources Pty Ltd v Southern Pacific Petroleum NL [2005] VSCA 228	4, 75, 76
Exmin Pty Ltd v Australian Gold Resources Ltd [2002] WAMW 29; (2003) 22 ARELJ 137	228
Farah Constructions Pty Ltd v Say-Dee Pty Ltd [2007] HCA 22	122
Fazzari, Re [2005] QLRT 74	16, 17
FC of T v Patcorp Investments Ltd (1973) 140 CLR 247	417, 418
Fejo v Northern Territory (1998) 195 CLR 96	63, 65, 67
Finesky Holdings Pty Ltd v Minister for Transport [2002] WASCA 206	189
FMG Chichester Pty Ltd v Rinehart and Hancock Prospecting Pty Ltd [2007] WAMW 14	369
Frazer v Walker [1967] 1 AC 569	188
Garry Rogers Motors (Aust) Pty Ltd v Subaru Australia Pty Ltd (1999) ATPR 41-703	76
Gibbs v Messer [1981] AC 24	188, 193
Golden Sands Pty Ltd v Excel Quarries Pty Ltd (No 2) [2007] VSC 157	136
Grange Resources Pty Ltd & Horseshoe Gold Mine Pty Ltd v George Francis Lee and Warwick John Flint [2006] WAMW 8	21, 374
Gray v Minister for Planning & Ors [2006] NSW LEC 720; (2007) 26 ARELJ 92	8, 18, 92, 93, 94, 96, 97, 98, 99, 101, 102, 124
Greymouth Petroleum v Todd Taranaki Ltd (unreported, High Court, Wellington, 25 July 2006, CIV 2004-485-1651)	52
Griffiths v NT (No 2) [2006] FCA 1155	140
Gumana v Northern Territory (2005) 141 FCR 457; [2005] FCA 50; [2007] FCAFC 23	66, 140
Hamersley Resources Pty Ltd, Hancock Prospecting Pty Ltd & Wright Prospecting Pty Ltd v Cazaly Iron Pty Ltd (formerly Cyril Resources Pty Ltd) [2006] WAMW 18	31, 38
Harper v Minister for Sea Fisheries (1989) 168 CLR 314	65, 140
Harrington-Smith v Western Australia (No 9) [2007] FCA 31	43, 44
Heaney; Ex parte Flint v Nexus Minerals NL, Re (unreported, 26 February 1997)	375
Helmore v Smith (1887) 35 ChD 436	72
Holborov v Western Australia [2002] FCA 1428	61
Hospital Products Ltd v United States Surgical Corporation (1984) 156 CLR 41	71
Hot Holdings v Creasy (2002) 210 CLR 438	12
Hughes Bros Pty Ltd v Trustees of the Roman Catholic Church for the Archdiocese of Sydney (1993) 31 NSWLR 91	75
Hunter Resources Ltd v Melville (1988) 77 ALR 8	189

In re Yoren [2004] FCA 916.....	66
J & H Just (Holdings) Pty Ltd v Bank of New South Wales & Ors (1971) 125 CLR 546.....	194, 198
Jango v Northern Territory of Australia (No 6) [2006] FCA 465.....	47
John Pennington Morgan and Philip Robert Taylor v Kevin Ryan Mining Warden and the State of Victoria & Ors (unreported, Supreme Court of Victoria, 30 August 1991, Coldrey J).....	359
Jones v Dunkel (1959) 101 CLR 298	132
Jones v Sherwood Computer Services [1992] 2 All ER 170	79
Karrilea Holdings Pty Ltd [2007] WAMW 7	149
Kayuga Coal P/L v Ducey & 3 Ors [1999] NSWSC 789.....	208
Kayuga Coal v Ducey & Ors [2000] NSWCA 54	350
Kingston v Keprose Pty Ltd (No 3) (1987) 11 NSWLR 404.....	418
Korab Resources Ltd v Richmond [2007] WAMW 16	362
Kuper & Kuper v Keywest Constructions Pty Ltd & Anor [1990] WAR 419	194
Lacey v Juunyuwarra People and Anor [2004] QCA 297	354
Lee v Kokstad Mining Pty Ltd [2005] QLRT 160.....	15
Leros Pty Ltd v Terrara Pty Ltd & Anor (1991) 174 CLR 407	194
Levy and Low v Bronzewing Gold NL (1999) 18 AMPLJ 217	376
Lion Nathan Australia Pty Ltd v Coopers Brewery Ltd [2006] FCR 1; (2006) 25 ARELJ 18	117
Lovett on behalf of the Gunditjmarra People v Victoria [2007] FCA 474	137, 142, 143
Mabo v Queensland (No 2) (1992) 175 CLR 1	56, 57, 58, 59, 64, 66
MacTiernan; Ex parte Coogee Coastal Action Coalition Incorporated, Re [2004] WASC 264.....	33
Mainland Civil Developments Pty Ltd v Zambito Pty Ltd and Anor [2006] NSW SC 1435, 14 December 2006	1
Maitland Main Collieries Pty Ltd v Xstrata Mt Owen Pty Ltd [2006] NSW SC1235, 23 November 2006 (2006) 25 ARELJ 227	2
Maitland Parker and Ors on Behalf of Martu Idja Banyjima/Western Australia/Derek Noel Ammon, NNTT WO05/753, [2006] NNTTA 65 (2 June 2006).....	366
Marshall v Director-General, Department of Transport (2001) 205 CLR 603	13
Mason & Cox Pty Ltd v McCann (1999) 74 SASR 438.....	130
McCann v Switzerland Insurance Australia Ltd (2000) 203 CLR 579.....	81
McCleary Investments Pty Ltd v Hudson & Northern Territory (Supreme Court of the Northern Territory, [2007] NTSC 16, 27 February 2007)	9
McKnight v Mount Edon Pty Ltd (Warden's Court, Perth, 11-12 January 2007).....	148
McLachlan v ASIC (1999) 85 FCR 286	34
Media World Communications, Re (2005) 52 ACSR 346	84
Members of the Yorta Yorta Aboriginal community v Victoria (2002) 214 CLR 422; [2002] HCA 58; 194 ALR 538	46, 138, 141
Michael Borys v Canadian Pacific Railway Company [1953] AC 217.....	398
Minister for Aboriginal Affairs v Peko-Wallsend (1986) 162 CLR 24	97, 175
Minister for Environment & Conservation v Wylie Group Pty Ltd (2005) 91 SASR 242.....	392
Minister for Environment and Heritage v Queensland Conservation Council Inc and Anor (2004) 139 FCR 24	96
Minister for Immigration and Ethnic Affairs v Wu Shan Liang (1996) 185 CLR 259.....	96
Minister for Resources; Ex parte Cazaly Iron Pty Ltd, Re [2007] WASCA 175	243
Moffett v Dillon [1999] VSCA 31	198
More v Water and Rivers Commission [2006] WASAT 112	170, 174, 178, 179, 394
Mualgal People v Queensland [1998] FCA 1718	58, 59
Munn v Queensland (2001) 115 FCR 109.....	142
Murphyores Incorporated Pty Ltd v The Commonwealth (1976) 136 CLR 1	239, 298
Murrumbidgee Groundwater Preservation Association Inc v Minister for Natural Resources [2005] NSWCA 10	171, 174, 179, 181
Muschinski v Dodds (1985) 160 CLR 583	191
Nangkiriny v Western Australia (2002) 117 FCR 6	142
Nelungaloo v Commonwealth (1948) 75 CLR 495	241
Neowarra v WA [2004] FCA 1092.....	140
New South Wales v Commonwealth (Work Choices case) (2006) 231 ALR 1	240, 243
Newcrest Mining (WA) Ltd v The Commonwealth (1997) 190 CLR 513.....	247, 298
News Ltd v Australian Rugby Football League Ltd (1996) 64 FCR 410; 139 ALR 193	73
Nicholls; Ex parte Plutonic, Re [2002] WASCA 232	40
Northern Counties of England Fire Insurance Co v Whipp (1884) 26 Ch D 482.....	198
Northern Territory v Alyawarr, Kaytetye, Warumunga, Wakaya Native Title Claim Group (2005) 145 FCR 442	47, 140
Nova Resources NL v French (1995) 12 WAR 50	23

Novamaze Pty Ltd v Cut Price Deli Pty Ltd (1995) 128 ALR 540	79
O'Sullivan v Noarlunga (1954) 92 CLR 565.....	238
Onus v Alcoa of Australia (1981) 149 CLR 27	143
Overlook Management BV v Foxtel Management Pty Ltd (2002) ATPR (Digest) 46-219; Aust Contract R 90-143.....	77
Pacific Carriers Ltd v BNP Paribas (2004) 218 CLR 451	117-118
Pacific Coal Pty Ltd v Idemitsu (Qld) Pty Ltd, unreported, SC (Qld), 21 February 1992	73, 74
Peabody (Wilkie Creek) Pty Ltd & Bailey and Ors, Re [2007] QLRT 74	133
Peabody Energy Australia Coal Pty Ltd & Anor v BHP Coal Pty Ltd & Ors, Re [2007] QLRT 88.....	131
Perry v Hepburn Shire Council [2007] VCAT 1309	361, 362
Pilbara Iron Ore Pty Ltd v BHP Billiton Minerals Pty Ltd and Hancock Prospecting Pty Ltd [2005] WAMW 25.....	146
Pilcher v Rawlins (1872) LR 7 Ch App 259.....	193, 198
Pitcher and Anor v Langford and Anor (1991) 23 NSWLR 142.....	129
Pitcher (Granny Smith) Pty Ltd v Thiess Contractors Pty Ltd (2003) 196 ALR 257	77
Proctor v Jetway Aviation Pty Ltd [1984] 1 NSWLR 166	16
Project Blue Sky v Australian Broadcasting Authority (1998) 194 CLR 335, 355	99, 351
Queensland Conservation Council Inc v Minister for Environment and Heritage [2003] FCA 1463	96
Queensland Conservation Council Inc v Xstrata Coal Queensland Pty Ltd & Ors [2007] QCA 338	354
R v The Land Court; Ex parte Kennecott Explorations (Australia) Ltd [1989] 1 Qd R 335	14
R v Toohey; Ex parte Northern Land Council (1981) 151 CLR 170	171
Ready Mixed Concrete (South East) Ltd v Minister of Pensions and National Insurance [1968] 2 QB 497	130
Redfern v Dunlop Rubber Australia Ltd (1964) 110 CLR 194	239
Renard Constructions (ME) Pty Ltd v Minister for Public Works (1992) 26 NSWLR 234.....	69, 74, 75, 77
Rice v Rice (1853) 2 Drew 73; 61 ER 646.....	198
Rivkin Financial Services Ltd v Sofcom Ltd (2004) 51 ACSR 486.....	418
Royal Botanic Gardens and Domain Trust v South Sydney Council [2002] HCA 5	76
Rural & Industries Bank of WA v Hamilton & Ors (unreported, Leonora Warden's Court, 19 December 1989)	194
Service Station Association Ltd v Berg Bennett & Associates Pty Ltd (1993) 45 FCR 84	76
Sim v Nirvana Pty Ltd [2000] WAMW 1.....	196
Smith v Sita & Blake (1991) AMPLA Bulletin 121	229
Smith v Western Australia [2001] FCA 19.....	368
Soden v British & Commonwealth Holdings PLC [1998] AC 298.....	84
Sons of Gwalia Ltd (subject to Deed of Company Arrangement) v Margaretic & Anor [2007] HCA 1	83, 86
Sorna Pty Ltd v Flint & Anor [2002] WASCA 22	189, 191
South Australia v Slipper (2004) 136 FCR 259.....	247
South Australia v Tanner (1989) 155 CLR 161	171
South Australian Railway Commissioner v Egan (1973) 130 CLR 506	79
Stevens v Broadribb Sawmilling Co Pty Ltd (1986) 160 CLR 16.....	130
Strange v Pietsch (1990) 9 AMPLA Bulletin 59	223, 233
Striker Resources NL v Benrama & Ors [2001] WAMW 7.....	371
Sullivan v Oil Co of Australia Ltd (No 2) [2004] 2 Qd R 105	13
Swift Australian Co Pty Ltd v Boyd-Parkinson (1962) 108 CLR 189	239
Talbot v Lane (1994) 14 WAR 120	33
TAP (New Zealand) Pty Ltd v Attorney-General of New Zealand (unreported, Court of Appeal, Wellington, 13 December 2006, CA48/06).....	53
Tapgnuk v Northern Land Council (1996) 5 NTLR 109.....	59
Tech-Sol Resources PL v Minister for Energy Industries and Resources [2004] VCAT 1648....	202, 209, 211, 212, 214, 215
Telstra v Hornsby Shire Council (2006) 146 LGERA 10	95, 97, 98
Teori Tau v The Commonwealth (1969) 119 CLR 564.....	247
Terrex Petroleum NL v Magnet Petroleum Pty Ltd (1988) 1 WAR 144.....	191
The Lardil, Kaiadilt, Yangkaal and Gangalidda Peoples v State of Queensland [2001] FCA 414	64, 65
Thomas v Mowbray (2007) 237 ALR 194	241
Toohey; Ex parte Meneling Station, Re (1983) 57 ALJR 59.....	65
Trevor James Lee v Kokstad Mining Pty Ltd [2007] QCA 248	352, 353
Trinidad Asphalt Company v Ambard [1899] AC 594	398
Tugan Cobaki Alliance v Minister for Planning and RTA [2006] NSWLEC 396.....	97, 99
U Po Naing v Burma Oil Company Ltd (1929) 56 LR (Ind App) 140.....	398
Ulan Coal Mines Ltd v Minister for Mineral Resources & Moolarben Coal Mines Pty Ltd [2007] NSWSC 1299	349
United Dominions Corporation Ltd v Brian Pty Ltd (1985) 157 CLR 1	72, 73
Wade v Burns (1966) 115 CLR 537	11

Walker v Linom [1907] 2 Ch 104.....	198
Ward v Western Australia (1998) 159 ALR 483	58
Ward v Western Australia [2006] FCA 1848	142
Warden Calder SM & Anor; Ex parte Lee & Anor [2007] WASCA 161	374
Warden Calder; Ex parte Gardner, Re [1999] WASCA 28; (1999) 20 WAR 525	223, 224
Water Conservation and Irrigation Commission v Browning (1947) 74 CLR 492	178
Water Conservation and Irrigation Commission v New South Wales Pastoral Company Ltd (1945) 24 NSW LVR 54.....	162, 183, 395
Watts v QCoal Pty Ltd & Ors [2007] QLRT 23; [2006] QLRT 115.....	13
Webb Distributors (Aust) Pty Ltd v State of Victoria (1993) 179 CLR 15	84, 85, 86
Western Australia v Commonwealth (1995) 183 CLR 373.....	241
Western Australia v Ward (2002) 213 CLR 1; 76 ALJR 1098.....	66, 236
Westmoreland & Cambria Natural Gas Co v DeWitt (1889) 130 Pa 235	397
Westover Holdings Pty Ltd v BHP Billiton Minerals Pty Ltd & Ors [2004] WAMW 12	199
Wik Peoples v State of Queensland (1996) 63 FCR 450; 134 ALR 637	236
Wildlife Preservation Society of Queensland Proserpine/Whitsunday Branch Inc v Minister for the Environment & Heritage & Ors [2006] FCA 736	18, 97
Wilma Freddie and Ors on Behalf of the Wiluna Native Title Claimants/The State of Western Australia/Globe Uranium Ltd [2007] NNTTA 37.....	366
Wilton & Cumberland v Coal & Allied Operations Pty Ltd [2007] FCA 75	128
WMC Resources Ltd v Van Blitterswyk [2006] WAMW 17.....	42
Xstrata Coal Queensland Pty Ltd & Ors, Re [2007] QLRT 33	17, 92, 99, 100, 102, 354, 355
Yvonne Margarula v Minister for Resources and Energy & Ors (1998) 86 FCR 195	293, 294