

## Table of Cases

- A (FC) v Secretary of State for the Home Department [2004] UKHL 56: 113  
A School v HREOC (No 2) (1988) 55 ALD 93: 268  
A v A: Relocation Approach [2000] Fam CA 751: 282  
Accident Towing & Advisory Committee v Combined Motor Industries Pty Ltd [1987] VR 529: 220  
Addis v Gramophone Co Ltd [1909] AC 488: 169, 183, 184, 191  
Adelaide Steamship Co Ltd v Spalvins (1998) 152 ALR 418: 43  
Aldersea v Public Transport Corporation (2001) 183 ALR 545: 191  
Aleksovski v AAA Pty Ltd [2002] EOC ¶93-220: 276  
Alexander v Sandoval, 530 US 1305 (2000): 21  
Al-Kateb v Godwin (2004) 208 ALR 124: 10, 19, 24-26, 38, 39, 40, 43, 46-47, 49, 115  
Allison v Bega Valley Council (1995) 63 IR 68: 189  
Amalgamated Society of Engineers v Adelaide Steamship Co Ltd (1920) 28 CLR 129: 16, 20, 29, 64, 65, 71, 77  
Amodu Tijani v Secretary, Southern Nigeria [1921] 2 AC 399: 134  
Ansett Transport Industries (Operations) Pty Ltd v Wardley (1980) 142 CLR 237: 80  
Applicant A v Minister for Immigration and Multicultural Affairs (1997) 190 CLR 225: 55  
Application No 2346/02 Pretty v UK (2002) 35 EHRR 1: 308  
ASIC v DB Management Pty Ltd (2000) 18 ACLC 166: 152, 158  
ASIC v Rich (2003) 21 ACLC 450: 164  
Associated Tyre Specialists (Eastern) Ltd v Waterhouse [1976] IRLR 386: 174  
Astley v Austrust Ltd (1999) 197 CLR 1: 63  
Attorney-General (NSW) v Brewery Employees Union of NSW (1908) 6 CLR 469: 64  
Attorney-General (WA) v Marquet (2003) 202 ALR 233: 13, 22, 32, 47, 49  
Attorney-General (WA) v Western Australian Prison Officers' Union of Workers (1995) 62 IR 225: 189  
Attorney-General (WA) v Marquet (2003) 202 ALR 233: 1, 20, 23  
Attorney General's Reference (No 4 of 2002) [2004] UKHL 43: 112  
Attorney General's Reference (No 1 of 2004) [2004] EWCA Crim 1025: 110  
Austin v Commonwealth (2003) 195 ALR 321: 78  
Australian Broadcasting Authority v Project Blue Sky Inc (1996) 141 ALR 397: 28  
Australian Capital Television Pty Ltd v Commonwealth (1992) 177 CLR 106; 108 ALR 577: 24, 78  
Australian Communist Party v Commonwealth (1951) 83 CLR 1: 13  
Australian Education Union, Re; Ex parte Victoria (1995) 184 CLR 188: 78  
Australian National Airways Pty Ltd v Commonwealth (1945) 71 CLR 29: 17, 69  
Australian Securities and Investments Commission *see* ASIC  
Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union v Australian Dried Fruits Sales Pty Ltd (t/as Sunbeam Foods) (1997) 74 IR 386: 190  
B, In Marriage of (1997) 140 FLR 11: 282-283  
Bank of Credit and Commerce International SA v Ali (No 2) [2002] ICR 1258 (Court of Appeal): 178  
Barton v Commonwealth (1974) 131 CLR 477: 46  
Barton v The Queen (1980) 147 CLR 75: 234  
Beckford v The Queen [1987] 3 WLR 611: 220  
Beckwith v The Queen (1976) 135 CLR 569: 210  
Bellinger v Bellinger [2003] 2 AC 467: 112, 113  
Blaikie v SA Superannuation Board (1995) 64 IR 145: 189  
Bliss v South East Thames Regional Health Authority [1987] ICR 700: 177, 191  
Blunden v Commonwealth (2003) 203 ALR 189: 60  
Bodanski v Jones (1987) 11 NSWLR 677: 206

TABLE OF CASES

- Boehringer Ingelheim Pty Ltd v Reddrop [1984] EOC ¶92-108: 261
- Bolton v Madsen (1963) 110 CLR 264: 73
- Bond Corporation Holdings Ltd v Grace Bros Holdings Ltd (1983) 1 ACLC 1009: 158
- Bonham's Case (1610) 8 Co Rep 107a; 77 ER 638: 13
- Bonser v La Macchia (1969) 122 CLR 177: 46
- Boughey v The Queen (1986) 161 CLR 10: 213
- Brennan v The King (1936) 55 CLR 253: 213
- Brodie v Singleton Shire Council (2001) 206 CLR 512: 59, 60, 62, 166
- Bropho v Western Australia (1990) 171 CLR 1: 303
- Brown v The Queen (1986) 160 CLR 171: 67
- Buck v Bavone (1976) 135 CLR 110: 80
- Bunning v Cross (1978) 141 CLR 54: 239
- Burazin v Blacktown City Guardian Pty Ltd (1996) 142 ALR 144, 151: 190
- Byrne v Australian Airlines Ltd (1995) 185 CLR 410: 168
- Calder v Attorney-General of British Columbia (1973) 34 DLR (3d) 145 (SC(Can)): 134
- Caminetti v United States, 242 US 470 (1917): 76
- Campbell v Hall (1774) 94 ER 1045: 132
- Carrigan v Darwin City Council (unreported, IRCA, von Doussa J, 20 March 1997): 190
- Chapman v Luminis Pty Ltd (No 5) (2001) 123 FCR 62: 135
- Charlie v The Queen (1999) 199 CLR 387: 212, 213, 214
- Chatterton v Gerson [1981] QB 432: 303
- Cheatle v The Queen (1993) 177 CLR 541: 67, 81
- Cherokee Nation v Georgia 30 US 1 (1831): 134
- Chevron USA Inc v Natural Resources Defence Counsel Inc 467 US 837 (1984): 158
- Chippendale Printing Co Pty Ltd v Commissioner of Taxation (1996) 62 FCR 347: 206
- Christie v Qantas Airways Ltd [1995] EOC ¶92-705: 263
- Christie v Qantas Airways Ltd (No 2) [1996] EOC ¶92-827: 263
- CIC Insurance Ltd v Bankstown Football Club Ltd (1997) 187 CLR 384: 55, 58, 210
- Ciemcioch v Echuca-Moama Citizens' Club [1994] EOC ¶92-657: 262
- Clark v Nomura International plc [2000] IRLR 766: 180
- Coco v The Queen (1994) 179 CLR 427: 303
- Codelfa Construction Pty Ltd v State Rail Authority (NSW) (1982) 149 CLR 337: 16
- Cohen v Cohen (1929) 42 CLR 91: 54
- Cole v Whitfield (1988) 165 CLR 360: 64
- Comcare v Thompson (2000) 175 ALR 163: 14, 58
- Commonwealth v Amann Aviation Pty Ltd (1991) 174 CLR 64: 168
- Commonwealth v HREOC [1992] EOC ¶92-399: 254
- Commonwealth v HREOC [1994] EOC ¶92-566: 254, 256
- Commonwealth v HREOC (1996) 70 FCR 76: 265
- Commonwealth v HREOC and Dopking [1995] EOC ¶92-753: 254, 258-259
- Commonwealth v HREOC and Kelland [1998] EOC ¶92-932: 260
- Commonwealth v HREOC and Muller [1998] EOC ¶92-931: 260
- Commonwealth v Tasmania (1983) 158 CLR 1: 23, 47, 74, 75
- Commonwealth v Yarmirr; Yarmirr v Northern Territory (2001) 208 CLR 1: 17, 41, 43, 47, 113, 138
- Connelly v DPP [1964] AC 1254: 234
- Cooper Brookes (Wollongong) Pty Ltd v Federal Commissioner of Taxation (1981) 147 CLR 297: 25
- Courtaulds Northern Textiles Ltd v Andrew [1979] IRLR 84: 174, 176
- Cowling v Cowling (1998) 143 FLR 400: 283
- D'Emden v Pedder (1904) 1 CLR 91: 64
- Daniels v Anderson (1995) 37 NSWLR 438; 13 ACLC 614: 42
- Dao v Australian Postal Commission [1987] EOC ¶92-187: 251
- De Sales v Ingrilli (2002) 212 CLR 338: 42, 43
- Deakin v Webb (1904) 1 CLR 585: 64
- Deming No 456 Pty Ltd v Brisbane Unit Development Corporation Pty Ltd (1983) 155 CLR 129: 211
- Dietrich v The Queen (1992) 177 CLR 292: 235
- Dopking v Department of Defence [1995] EOC ¶92-669: 254, 258
- DPP v Logan Park Investments Pty Ltd (1995) 132 ALR 449: 304
- Durham Holdings Pty Ltd v New South Wales (2001) 205 CLR 399: 36
- Easling v Mahoney Insurance Brokers Pty Ltd (2001) 78 SASR 489: 189

TABLE OF CASES

- Eastwood v Magnox Electric plc [2002] IRLR 447: 184, 186
- Eastwood v Magnox Electric plc [2004] UKHL 35: 176, 182, 185-186, 188, 194
- Enfield, Corporation of the City of v Development Assessment Commission (2000) 199 CLR 135: 158
- Erven Warnink BV v J Townsend & Sons (Hull) Ltd [1979] AC 731: 62
- Esso Australia Resources Limited v Federal Commissioner of Taxation (1999) 201 CLR 49: 9, 40-42, 44, 59, 61-62
- Eyston v Studd (1574) 75 ER 688; 2 Plow 459: 11
- Fagan v Commissioner of Metropolitan Police [1969] 1 QB 439: 211
- Federal Commissioner of Taxation v Westraders Pty Ltd (1980) 144 CLR 55: 29
- Federated Amalgamated Government Railway and Tramway Service Association v NSW Railway Traffic Employees Association (1906) 4 CLR 488: 64
- Federated State School Teachers' Association of Australia v Victoria (1928) 41 CLR 569: 72
- Finance Sector Union of Australia v Australia and New Zealand Banking Group Ltd (2002) 120 FCR 107: 91, 93, 95-97
- Finney v Hills Grammar School [1999] EOC ¶93-020: 267
- Firestone v Australian National University [2004] ACTSC 76: 117
- Francesca v Prime Security Systems Pty Ltd (1993) 60 SAIR 505: 189
- French v Barclays Bank plc [1998] IRLR 646: 180
- Furniss v Fitchett [1958] NZLR 396: 303, 305
- FW Scott v Aveling Barford Ltd [1977] IRLR 419: 173
- Ghaidan v Godin-Mendoza [2004] 3 WLR 113: 107, 110, 111, 112, 115
- Gifford v Strang Patrick Stevedoring Pty Ltd (2003) 198 ALR 100: 62
- Gogay v Hertfordshire County Council [2000] IRLR 703: 180, 187, 192
- Grain Pool of WA v Commonwealth (2000) 202 CLR 479: 68
- Gunaleela v Minister for Immigration and Ethnic Affairs (1987) 15 FCR 543: 308
- Ha v New South Wales (1997) 189 CLR 465: 73-74
- Hamdi v Rumsfeld, Secretary of Defense, 72 USLW 4607 (2004): 38
- Hammer v Dagenhart, 247 US 251 (1918) ('Child Labour Case'): 76
- He Kaw Teh v The Queen (1985) 157 CLR 523: 211, 221, 229
- Health and Building Surveyors' Association (NSW) v Strathfield Municipal Council (1987) 25 IR 359: 189
- Heptonstall v Gaskin (No 2) [2005] NSWSC 30: 190
- Heydon's Case (1584) 3 Co Rep 7a; 76 ER 637: 18
- Hills Grammar School v HREOC [2000] EOC ¶93-081: 267
- HREOC, Re (1999) 76 FCR 513: 266
- Huddart Parker & Co Pty Ltd v Moorehead (1909) 8 CLR 330; 15 ALR 241: 21, 70
- Hunter v Mann [1974] 1 QB 767: 305
- Ibrahim v The King [1914] AC 599: 238
- Imperial Group Pension Trust Ltd v Imperial Tobacco Ltd [1991] 2 All ER 597: 177, 180, 191
- Incorporation Case *see* New South Wales v Commonwealth
- Inland Revenue Commissioners v Dowdall, O'Mahoney & Co Ltd [1952] AC 401: 183
- Insurance Commission of Western Australia v Container Handlers Pty Ltd (2004) 206 ALR 335: 58
- IW v City of Perth (1997) 191 CLR 1: 269, 270
- Jervis v The Queen [1993] 1 Qd R 643: 212, 213-214
- John Pfeiffer Pty Ltd v Rogerson (2000) 203 CLR 503: 60-61
- Johnson v McIntosh (1823) 8 Wheat 543: 134
- Johnson v Unisys Ltd [2001] 2 All ER 801: 181-185, 187-188, 191-192, 194-196
- Jones v Commonwealth (No 2) (1965) 112 CLR 206: 69
- Judgment No T-505, 28 August 1992 Columbian Constitutional Court: 310
- Jumbunna Coal Mine NL v Victorian Coal Miners Association (1908) 6 CLR 309: 307
- Kable v DPP (NSW) (1996) 189 CLR 51: 59, 60
- Kartinyeri v Commonwealth (1998) 195 CLR 337: 65, 81
- Kelly v TPG Internet Pty Ltd [2004] EOC ¶93-315: 276
- King v University Court of the University of St Andrews [2002] IRLR 252: 184
- Kingswell v The Queen (1985) 159 CLR 264: 67
- Kruger v Commonwealth (1997) 190 CLR 1: 80
- Lange v Australian Broadcasting Corporation (1997) 189 CLR 520; 145 ALR 96: 41, 44, 59-60, 79

TABLE OF CASES

- Langer v Commonwealth (1996) 186 CLR 302: 81
- Lawrence v Texas, 71 USLW 4574 (2003): 45
- Leeth v Commonwealth (1992) 174 CLR 455: 80
- Lewis v Motorworld Garages Ltd [1986] ICR 157: 176
- Linkstaff International Pty Ltd v Roberts (1996) 67 IR 381: 190
- Lipohar v The Queen (1999) 200 CLR 485: 59-60
- Lock v Westpac Banking Corporation (1991) 25 NSWLR 593: 191
- Loty and Holloway v Australian Workers Union, Re [1971] AR (NSW) 95: 188
- Luther v Sagor [1921] 3 KB 532: 46
- Mabo v Queensland (No 2) (1992) 175 CLR 1: 23-24, 47, 120, 133, 135-136
- Malik v Bank of Credit and Commerce International SA (in liq) [1998] AC 20: 167, 176, 178-181, 183, 190-191
- Malika Holdings Pty Ltd v Stretton (2001) 204 CLR 290: 56
- Malone v Metropolitan Police Commissioner [1979] 1 Ch 344: 226
- Malone v United Kingdom (1984) 330 Eur Court HR (ser A) 82: 226
- Mamote-Kulang v The Queen (1964) 111 CLR 62: 213, 215
- Marbury v Madison 1 Cranch 137 (1803): 13
- Marriott v Oxford and District Co-operative Society Ltd (No 2) [1970] 1 QB 186: 172, 173
- Marsden v HREOC [2001] EOC ¶93-126: 272
- McCabe v Cornwall County Council [2003] IRLR 87: 185, 186, 194
- McGinty v Western Australia (1996) 186 CLR 140: 20, 65, 78, 81
- McGraw-Hinds (Aust) Pty Ltd v Smith (1979) 144 CLR 633: 80
- Melbourne Corporation v Commonwealth (1947) 74 CLR 31: 78
- Merritt v Commissioner for Housing [2004] ACTAAT 37: 117
- Metal Manufacturers Ltd v Lewis (1988) 6 ACLC 725: 157
- Metropolitan Gas Co v Federated Gas Employees' Industrial Union (1925) 35 CLR 449: 210
- Michaelis Bayley Trading Co and NSW Representatives' and Commercial Travellers' Guild; Re Dismissal, Re [1979] AR (NSW) 392: 189
- Milirrpum v Nabalco Pty Ltd (1971) 17 FLR 141: 135
- Miller v Wertheim [2002] EOC ¶93-182: 276
- Milne v Huber, 17 Fed Cas 403, 406 (1843): 10
- Minister for Aboriginal Affairs v Peko-Wallsend Ltd (1986) 162 CLR 24: 158
- Minister for Foreign Affairs and Trade v Magno (1992) 37 FCR 298: 308
- Minister for Immigration and Ethnic Affairs v Teoh (1995) 183 CLR 273: 47, 307, 309
- Minister for Immigration and Multicultural Affairs v Yusuf (2001) 206 CLR 323: 61
- Minister for Immigration and Multicultural and Indigenous Affairs v Al Khafaji (2004) 208 ALR 201: 38-39, 43, 47, 49
- Minister of Health v Treatment Action Campaign (2002) Case CCT 8/02 (5 July 2002): 310
- Ministry of Transport v Noort [1992] 3 NZLR 260: 103, 105
- Mohazab v Dick Smith Electronics Pty Ltd (No 2) (1995) 62 IR 200: 189
- Moonen v Film and Literature Board of Review [2000] 2 NZLR 9: 103, 105
- Moorgate Tobacco Co Ltd v Philip Morris Ltd (No 2) (1984) 156 CLR 414: 42
- Municipal Council of Sydney v Commonwealth (1904) 1 CLR 208: 64
- Murphyores Incorporated Pty Ltd v Commonwealth (1976) 136 CLR 1: 65-66, 75-77
- Murray v The Queen [1962] Tas SR 170: 213
- Murray v The Queen (2002) 211 CLR 193: 212-213
- Nationwide News Pty Ltd v Wills (1992) 177 CLR 1: 78, 80
- Nelson v Nelson (1995) 184 CLR 538: 14, 58
- Nettlefold v Kym Smoker Pty Ltd (1996) 69 IR 370: 190
- Network Ten Pty Ltd v TCN Channel Nine Pty Ltd (2004) 205 ALR 1: 58
- New South Wales v Commonwealth (1990) 169 CLR 482 ('Incorporation Case'): 17, 19, 21, 23 70-71
- New South Wales v Paige [2002] NSWCA 235: 191-193, 195
- New South Wales v Seedsman [2000] NSWCA 119: 192
- New South Wales (Department of Education) v HREOC [2001] EOC ¶93-171: 268
- Newcastle City Council v GIO General Ltd (1997) 191 CLR 85: 210
- Nolan v Minister for Immigration and Ethnic Affairs (1988) 165 CLR 178: 10, 22, 81

TABLE OF CASES

- Northern Suburbs Cemetery Reserve Trust v Commonwealth (1993) 176 CLR 555: 66, 75, 77
- Parker v The Queen (1997) 186 CLR 494: 213
- Parton v Milk Board (Vic) (1949) 80 CLR 229: 73
- Partridge v Strange & Croker in CB (1587) 75 ER 123: 12
- Patterson, Re; Ex parte Taylor (2001) 207 CLR 391: 21-22, 81
- Peck v United Kingdom (App No 44647/98) [2003] ECHR 44: 107
- Pepper v Hart [1993] AC 593: 19
- Perks v Willert (1974) 22 FLR 274: 189
- Peters (WA) Ltd v Petersville Ltd (2001) 205 CLR 126; 181 ALR 337: 41-42, 61
- Peterswald v Bartley (1904) 1 CLR 497: 64, 72
- Pfeiffer v Stevens (2001) 209 CLR 57: 18-19, 29, 33
- Plaintiff S157/2002 v Commonwealth (2003) 211 CLR 476; 195 ALR 24: 36, 37-38, 55, 61, 307
- Plenty v Dillon (1991) 171 CLR 635: 52
- Polites v Commonwealth (1945) 70 CLR 60: 307
- Poplar Housing and Regeneration Community Association Ltd v Donoghue [2002] QB 48: 110
- Post Office v Roberts [1980] IRLR 347: 174
- Power v Aboriginal Hostels Limited [2004] EOC ¶93-320: 276
- Premalal v Minister for Immigration, Local Government & Ethnic Affairs (1993) 41 FCR 117: 307
- Project Blue Sky Inc v Australian Broadcasting Authority (1998) 194 CLR 355: 22, 26-28, 33, 47-48, 55
- Public Transport Corporation v Waters [1991] EOC ¶92-334: 273
- Purvis v NSW (Department of Education and Training) [2002] EOC ¶93-205: 268-269, 272
- Purvis v NSW (Department of Education and Training) (2003) 202 ALR 133: 268, 272
- Purvis obo Hoggan v NSW (Department of Education) [2001] EOC ¶93-117: 268-270, 272
- Qantas Airways Ltd v Christie (1998) 193 CLR 280: 263-267, 275
- Queensland Electricity Commission v Commonwealth (1985) 159 CLR 192: 78
- Quilter v Attorney-General [1998] 1 NZLR 523: 104
- R v A (No 2) [2002] 1 AC 45: 106, 108-109
- R v Archdall and Roskruge; Ex parte Carrigan and Brown (1928) 41 CLR 128: 67
- R v Barger (1908) 6 CLR 41: 64
- R v Barlow (1997) 188 CLR 1: 212-214
- R v Brislan; Ex parte Williams (1935) 54 CLR 262: 68
- R v Campbell [1999] 1 SCR 565: 232
- R v Clarence (1888) 22 QBD 23: 220
- R v Coldham; Ex parte Australian Social Welfare Union (1983) 153 CLR 297: 72
- R v Commonwealth Conciliation and Arbitration; Ex parte Association of Professional Engineers (1959) 107 CLR 208: 68
- R v Conlon (1993) 69 A Crim R 9: 219
- R v Director of Public Prosecutions; Ex parte Kebilene [2000] 2 AC 326: 108
- R v Federal Court of Bankruptcy; Ex parte Lowenstein (1938) 59 CLR 556: 67
- R v Firms (2001) 19 ACLC 1,495: 157
- R v Governor of Durham Prison; Ex parte Singh [1984] 1 All ER 983: 37
- R v Ireland: R v Burstow [1998] AC 147: 220
- R v Katarzynski [2002] NSWSC 613: 197, 219
- R v L (1991) 174 CLR 379; 103 ALR 577: 42, 54
- R v L (1994) 49 FCR 534: 58
- R v Lambert [2002] 2 AC 545: 109
- R v Lee (1950) 82 CLR 133: 240
- R v Looseley [2001] 4 All ER 897: 233, 235
- R v Loughnan [1981] VR 443: 221
- R v Macfarlane; Ex parte O'Flanagan and O'Kelly (1923) 32 CLR 518: 72
- R v Mandair [1995] 1 AC 208: 219
- R v Ministry of Defence; Ex parte Smith [1996] 1 All ER 257: 307
- R v Nguyen [2002] NSWSC 536: 218
- R v O'Neill [2004] ACTSC 64: 117
- R v Pora [2001] 2 NZLR 37: 105-106
- R v Poumako [2000] 2 NZLR 695: 105-106, 115
- R v Rau [1972] Tas SR 59: 213
- R v Secretary of State for the Home Department; Ex parte Brind [1991] 1 AC 696: 307
- R v Secretary of State for the Home Department; Ex parte Launder [1997] 1 WLR 839: 308
- R v Secretary of State for the Home Department; Ex parte Simms [2000] 2 AC 115: 105
- R v Taylor [2002] NSWSC 610: 218
- R v Turner (1975) 61 Cr App R 67: 236
- R v Van der Peet [1996] 2 SCR 507: 138
- R v Walsh (1991) 60 A Crim R 419: 221

TABLE OF CASES

- R v Wilson, Ex Parte Kisch (1934) 52 CLR 234; [1935] ALR 130: 19
- R v YL [2004] ACTSC 115: 116
- R v Young (1999) 46 NSWLR 681: 58
- R v Zhang [2000] NSWSC 1099: 239
- R (Anderson) v Secretary of State for the Home Department [2003] 1 AC 837: 112, 113
- R (on the application of Pretty) v DPP [2002] 1 FLR 268: 308
- R (Pearson and Martinez) v Secretary of State for the Home Department [2001] HRLR 39: 108
- Raffoul v Blood Transfusion Service of the Australian Red Cross Society (1997) 76 IR 383: 190
- Randell v Consolidated Bearing Co (SA) Ltd [2002] EOC ¶93-215: 276
- Rasul v Bush, President of the United States 72 USLW 4596 (2004): 38-39
- Reardon Smith Line Ltd v Hansen-Tangen (The Diana Prosperity) [1976] 2 Lloyd's Rep 621: 16
- Ridgeway v The Queen (1995) 184 CLR 19: 224-225, 227-230, 235
- Roberts v Prince Alfred College (1979) 46 SAIR Pt 1 598: 189
- Royal Botanic Gardens and Domain Trust v South Sydney City Council (2002) 186 ALR 289: 16, 48
- Ruddock v Vadarlis (2001) 183 ALR 1: 46-47
- Rumsfeld, Secretary of Defense v Padilla 72 USLW 4584 (2004): 38
- S, In re [2002] 2 AC 291: 110
- Saif Ali v Sydney Mitchell & Co (A Firm) [1980] AC 198: 220
- Scally v Southern Health and Social Services Board [1992] 1 AC 294: 178
- Schloendorff v Society of New York Hospital 211 NY 125 (1914): 308
- Secretary, Department of Foreign Affairs and Trade v Styles [1989] EOC ¶92-265: 258-259
- Shaw v Minister for Immigration and Multicultural Affairs (2003) 203 ALR 143: 21, 81
- Sheahan v Carrier Air Conditioning Pty Ltd & Campbell (1997) 189 CLR 407: 25
- Sheehan v Tin Can Bay Country Club [2002] EOC ¶93-240: 276
- Sillery v The Queen (1981) 180 CLR 353: 80
- Simpson v Attorney-General [1994] 3 NZLR 667: 103
- Singh v Commonwealth (2004) 209 ALR 355: 9-10, 21, 39, 42
- Slifka v J W Sanders Pty Ltd (1995) 67 IR 316: 189
- Sorby v Commonwealth (1983) 152 CLR 281: 234
- Southern Rhodesia, Re [1919] AC 211: 134
- Spring v Guardian Assurance plc [1995] 2 AC 296: 167, 179
- State Government Insurance Commission v Trigwell (1979) 142 CLR 617: 60
- Street v Queensland Bar Association (1989) 168 CLR 461: 272
- Stuart v The Queen (1974) 134 CLR 426: 212
- Sue v Hill (1999) 199 CLR 462: 22, 46
- Sullivan v Department of Defence [1991] EOC ¶92-366 (HREOC): 254
- Sullivan v Department of Defence [1992] EOC ¶92-421: 254, 256
- Sullivan v Moody (2001) 183 ALR 404: 192
- Sungravure Pty Ltd v Middle East Airlines Airliban SAL (1975) 134 CLR 1: 212, 215
- Sutcliffe v Hawker Siddeley Aviation Ltd [1973] ICR 560: 171-172
- Szuty v Smythe [2004] ACTSC 77: 117
- Tasmania v Commonwealth (1904) 1 CLR 329: 64
- Tasmanian Dam Case *see* Commonwealth v Tasmania
- Theophanous v Herald & Weekly Times Ltd (1994) 182 CLR 104: 23, 36, 65, 78-79
- Thomson v Broadley [2002] QSC 255: 191
- Thomson v Orica Australia Pty Ltd (2002) 116 IR 186: 189-190
- Tillmanns Butcheries Pty Ltd v Australasian Meat Industry Employees' Union (1979) 42 FLR 331: 96, 98
- Toyota Finance Australia Ltd v Dennis (2002) 58 NSWLR 101: 61
- Transco plc (formerly BG plc) v O'Brien [2002] IRLR 444: 180
- TSB Bank plc v Harris [2000] IRLR 157: 180
- Union Label Case *see* Attorney-General (NSW) v Brewery Employees Union of NSW
- United Bank Ltd v Akhtar [1989] IRLR 507: 180
- Vacher & Sons Ltd v London Society of Compositors [1913] AC 107: 16
- Vallance v The Queen (1961) 108 CLR 56: 213, 221
- Van der Peet [1996] 2 SCR 507: 144, 145
- Viro v The Queen (1978) 141 CLR 88: 218
- W and B, Re; Re W (Care Plan) [2001] EWCA Civ 757: 110
- Wakim, Re; Ex parte McNally (1999) 198 CLR 511: 18, 23, 25
- Ward v Western Australia (1998) 159 ALR 483: 124, 135-136, 140, 143

TABLE OF CASES

- Waterhouse v Bell [1991] EOC ¶92-376: 261  
Waters v Public Transport Corporation [1990] EOC ¶92-293: 273  
Waters v Public Transport Corporation (1991) 173 CLR 349: 259, 273-275  
Waters v Rizkalla [1990] EOC ¶92-282: 272  
Waugh v Kippen (1986) 160 CLR 156: 211  
West Midland Baptist (Trust) Association (Inc) v Birmingham Corporation [1970] AC 874: 183  
Western Australia v Chamberlain Industries Pty Ltd (1970) 121 CLR 1: 73  
Western Australia v Commonwealth (1995) 183 CLR 373: 60  
Western Australia v Ward (2000) 99 FCR 316: 124, 140  
Western Australia v Ward (2002) 213 CLR 1: 120, 124, 136, 138, 140  
Western Excavating (ECC) Ltd v Sharp [1978] 1 QB 761: 170, 173, 175-176  
Wetherall (Bond St W1) Ltd v Lynn [1977] IRLR 333: 173-174  
White (1995) 128 FLR 126: 283  
Wik Peoples v Queensland (1996) 187 CLR 1; 141 ALR 129: 23  
Williams v The Queen (1986) 161 CLR 278: 227  
Wilson v First County Trust Ltd (No 2) [2002] QB 74: 110  
Wood v Freeloader Ltd [1977] IRLR 455: 174, 176  
Woods v WM Car Services (Peterborough) Ltd [1981] ICR 666: 174, 176  
Woods v WM Car Services (Peterborough) Ltd [1982] ICR 693: 176  
Woolworths (SA) Pty Ltd v Russian (1996) 66 IR 13: 189  
X v Commonwealth (1999) 200 CLR 177: 263, 265-267, 275  
Yager v The Queen (1977) 139 CLR 28: 307  
Yarmirr v Northern Territory (1998) 82 FCR 533: 129  
Yorta Yorta Aboriginal Community v Victoria (2001) 110 FCR 244: 128  
Yorta Yorta Federal Court appeal case (2001) 110 FCR 244: 129, 131, 136-138  
Zachariassen v Commonwealth (1917) 24 CLR 166: 307  
Zecevic v DPP (Vic) (1987) 162 CLR 645: 213, 217, 220