Government Accountability: Australian Administrative Law offers an accessible introduction to administrative law in Australia by reference to its guiding principle, accountability.

The book explores the complex theory underlying this area of law through the inclusion of many examples and with an emphasis on practicalities. It introduces the multifaceted nature of government, its structure, powers and actions. It explains and analyses in detail the principles and mechanisms of administrative law in a way that equips students to employ them in the context of new and unfamiliar cases. Throughout the book, the theory, law and practice of Australian administrative law are explored with reference to the overarching concept of accountability.

Government Accountability is a concise introduction to administrative law in Australia that clearly explains the intricacies of the field and provides readers with the theoretical and practical knowledge to analyse the decisions and actions of government.

Judith Bannister is a Senior Lecturer at the Adelaide Law School, University of Adelaide.

Gabrielle Appleby is a Senior Lecturer at the Adelaide Law School, University of Adelaide.

Anna Olijnyk is a Lecturer at the Adelaide Law School, University of Adelaide.
## CONTENTS

<table>
<thead>
<tr>
<th>Table of cases</th>
<th>page xiv</th>
</tr>
</thead>
<tbody>
<tr>
<td>Table of statutes</td>
<td>xxxi</td>
</tr>
<tr>
<td>About the authors</td>
<td>xlviii</td>
</tr>
<tr>
<td>Acknowledgements</td>
<td>xlix</td>
</tr>
</tbody>
</table>

### 1 Introduction

- **A brief historical context**
- **Why do we need administrative law?**
- **Administrative law and constitutional law**
- **Administrative law and statutory interpretation**
- **In search of a rationale for administrative law**
- **Why accountability?**
  - Democratic justifications of accountability
  - Rule of law justifications of accountability
  - Separation of powers justifications of accountability
  - Individual rights justifications of accountability
- **Accountability for what? Administrative law values**

### Part I  Administrative Decision-Making

#### 2 Organisation and structure of government

- **Introduction**
- **The Crown and the executive**: terminology and constitutional framework
  - **The executive and the judiciary**
  - **The executive and parliament**
  - **The executive and inferior courts**
The executive as an indivisible and plural entity 38
Executive entities 39
The Queen and her representatives 39
The Ministers (including the Prime Minister, Premiers, and Chief Ministers) and their staff 41
The Cabinet 45
The Executive Council 48
The departments and the public service 49
Statutory authorities 50
Government Business Enterprises (GBEs) 51
The Commonwealth and state executives 52
Outsourcing and privatisation: deconstructing the public/private divide 54
Outsourcing and privatisation: accountability 55
Public law remedies against private bodies 56
Responding to outsourcing 61
Public bodies in the private sphere 63
Crown immunity 64
Conclusion 67

3 Administrative powers 68
Introduction 69
Commonwealth executive power 69
State executive power 70
Classes of executive power 71
Powers conferred directly by the Commonwealth Constitution 71
Statutory powers 76
Non-statutory powers 87
The Commonwealth executive nationhood power 101
The executive and policy-making 104
Conclusion 105

4 Delegated legislation 106
Introduction 107
Executive exercise of legislative power 108
Types of delegated legislation and delegates 109
Concerns over delegation of legislative power 112
The need for delegated legislation 113
When to delegate legislative power 114
Constitutional questions 117
Restrictions on delegation deriving from the separation of powers (Commonwealth) 117
Delegating parliament’s supervisory role 121
Delegated power must be exercised within constitutional limits and in accordance with the principle of legality 122
Delegated legislation and s 109 of the Constitution 123
Legislative regulation and parliamentary review of delegated legislation 124
Public consultation, regulatory impact statements, and human rights compatibility 124
Publication requirements 128
Parliamentary scrutiny and disallowance 129
Sunsetting 135
Judicial review of delegated legislation 135
The scope of grants of delegated legislative power 137
Improper purpose 142
Unreasonableness and proportionality 143
Uncertainty 147
Delegatus non potest delegare 149
Conclusion 150

PART II ACCOUNTABILITY MECHANISMS

5 Public investigatory bodies 153
Introduction 154
Investigation and scrutiny through parliament 157
Responsible government 157
Scrutiny of legislation 162
Scrutiny of taxation and expenditure 162
Government’s explanatory responsibility to parliament 164
Power to request documents 164
Power to ask questions 167
Committees 168
Summary 173
Other investigatory bodies 174
  Auditors-General 174
  Ombudsmen 177
  Royal commissions 187
  Standing investigative commissions 196
Conclusion 202

6 Information disclosure 203
Introduction 204
  Protecting official information 205
    The duties of public servants 206
    Official secrets legislation 207
    Confidential information 208
    Public interest immunity in legal proceedings 210
Managing official information 211
  Information management 211
  Rethinking official information 212
Unofficial disclosure 214
  Leaks 214
  Public interest disclosure: whistleblower protection 215
Obligations to disclose 217
  Reports 217
  Notices 218
  Proactive publication: freedom of information 219
  Disclosure to individuals affected 220
Access by application 221
  Freedom of information legislation 222
  Reasons for decisions 242
Conclusion 252

7 Review sought by affected persons 253
Introduction 254
  Forms of review: an introduction to merits review and judicial review 255
    Appeals and reviews 255
    Constitutional considerations 257
    Merits and judicial review distinguished 258
PART III  MERITS REVIEW

8  Review on the merits 281
   Introduction 282
   Nature of review: re-hearings and hearings de novo 284
   Why do individuals choose merits review? 288
   Why do parliaments provide merits review? 291
   Which decisions are suitable for merits review? 292
   Internal and external merits review 295
      Internal review 295
      External review 297
      Courts with merits review jurisdiction 297
   Judicial review of, and appeal from, merits review decisions 300
   Examples of legislation creating a right of merits review 300
   Conclusion 304

9  Administrative review tribunals 305
   Introduction 306
   What is a ‘tribunal’? 307
   Constitutional issues for tribunals 310
      Commonwealth tribunals 310
      State tribunals 312
   Status of tribunal decisions 312
   Issues of tribunal design 314
      Specialist, generalist, and super tribunals 314
      Conferral of jurisdiction 316
      Tribunal membership 317
PART IV  JUDICIAL REVIEW

10 Introduction to judicial review

Introduction

Legality and merits distinguished

Statutory interpretation is central

Fact and law distinguished

Sources of judicial review jurisdiction

Common law judicial review

Constitutional judicial review

Statutory judicial review and the *Administrative Decisions (Judicial Review) Act 1977* (Cth)

Choosing a judicial review jurisdiction: which court? which avenue?

Criticisms of judicial review

Conclusion

11 Limits on judicial review

Introduction

Justiciability

Source of the power

Status of the decision-maker

Subject matter of the decision

Justiciability and statutory judicial review

Standing to commence judicial review proceedings
### Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>11 Introduction to the grounds of review</td>
<td>427</td>
</tr>
<tr>
<td>12 Introduction to the grounds of review:</td>
<td>428</td>
</tr>
<tr>
<td>Introduction</td>
<td></td>
</tr>
<tr>
<td>Statutory grounds</td>
<td>431</td>
</tr>
<tr>
<td>Case study: Grounds in a statutory judicial review case</td>
<td>434</td>
</tr>
<tr>
<td>Statutory review and jurisdictional error</td>
<td>437</td>
</tr>
<tr>
<td>Common law and constitutional judicial review grounds</td>
<td>438</td>
</tr>
<tr>
<td>Jurisdictional error and the common law grounds</td>
<td>438</td>
</tr>
<tr>
<td>Case studies: Grounds in common law and constitutional judicial review cases</td>
<td>446</td>
</tr>
<tr>
<td>State jurisdiction</td>
<td>446</td>
</tr>
<tr>
<td>Commonwealth jurisdiction</td>
<td>447</td>
</tr>
<tr>
<td>Fact and law distinguished</td>
<td>450</td>
</tr>
<tr>
<td>Case study: Identifying and characterising errors of fact and law</td>
<td>452</td>
</tr>
<tr>
<td>Expansion of the grounds of review?</td>
<td>454</td>
</tr>
<tr>
<td>Proportionality</td>
<td>454</td>
</tr>
<tr>
<td>Serious administrative injustice</td>
<td>455</td>
</tr>
<tr>
<td>Estoppel</td>
<td>456</td>
</tr>
<tr>
<td>Conclusion</td>
<td>457</td>
</tr>
<tr>
<td>13 Procedural fairness</td>
<td>458</td>
</tr>
<tr>
<td>Introduction</td>
<td>459</td>
</tr>
<tr>
<td>The threshold test: when do the rules of procedural fairness apply?</td>
<td>461</td>
</tr>
<tr>
<td>Historical development and <em>Kioa v West</em></td>
<td>462</td>
</tr>
<tr>
<td>After <em>Kioa</em>: rights and interests affected</td>
<td>465</td>
</tr>
<tr>
<td>Direct and immediate effect on individual interests</td>
<td>468</td>
</tr>
<tr>
<td>Legitimate expectations</td>
<td>470</td>
</tr>
<tr>
<td>Multi-stage decision-making</td>
<td>473</td>
</tr>
<tr>
<td>----------------------------</td>
<td>-----</td>
</tr>
<tr>
<td>Statutory exclusion</td>
<td>475</td>
</tr>
<tr>
<td>The hearing rule</td>
<td>481</td>
</tr>
<tr>
<td>The content of the hearing rule</td>
<td>484</td>
</tr>
<tr>
<td>The bias rule</td>
<td>493</td>
</tr>
<tr>
<td>Actual bias</td>
<td>494</td>
</tr>
<tr>
<td>Apprehended bias</td>
<td>494</td>
</tr>
<tr>
<td>Situations giving rise to bias</td>
<td>498</td>
</tr>
<tr>
<td>Exceptions to the bias rule</td>
<td>505</td>
</tr>
<tr>
<td>Consequences of a denial of procedural fairness</td>
<td>508</td>
</tr>
<tr>
<td>Conclusion</td>
<td>509</td>
</tr>
</tbody>
</table>

**14 Determining the scope of a power**

<table>
<thead>
<tr>
<th>Introduction</th>
<th>512</th>
</tr>
</thead>
<tbody>
<tr>
<td>Improper delegation</td>
<td>513</td>
</tr>
<tr>
<td>Procedural error</td>
<td>518</td>
</tr>
<tr>
<td>Preconditions to the exercise of the power</td>
<td>523</td>
</tr>
<tr>
<td>Jurisdictional facts</td>
<td>524</td>
</tr>
<tr>
<td>Subjective opinions or beliefs</td>
<td>528</td>
</tr>
<tr>
<td>Misconceiving the scope of the power</td>
<td>536</td>
</tr>
<tr>
<td>Conclusion</td>
<td>539</td>
</tr>
</tbody>
</table>

**15 Improper exercise of power**

<table>
<thead>
<tr>
<th>Introduction</th>
<th>541</th>
</tr>
</thead>
<tbody>
<tr>
<td>Relevant and irrelevant matters</td>
<td>541</td>
</tr>
<tr>
<td>Failing to consider relevant matters</td>
<td>543</td>
</tr>
<tr>
<td>Considering irrelevant matters</td>
<td>549</td>
</tr>
<tr>
<td>Improper purpose</td>
<td>552</td>
</tr>
<tr>
<td>Fettering discretion</td>
<td>559</td>
</tr>
<tr>
<td>Acting under dictation</td>
<td>559</td>
</tr>
<tr>
<td>Inflexible application of policy</td>
<td>565</td>
</tr>
<tr>
<td>No evidence</td>
<td>568</td>
</tr>
<tr>
<td>Fraud</td>
<td>573</td>
</tr>
</tbody>
</table>
16 Consequences of unlawful action 585
   Introduction 586
   Putting things right 586
   Consequences of unlawful action 588
   Prerogative remedies 591
      Certiorari 592
      Prohibition 594
      Mandamus 594
   Equitable remedies 596
      Injunction 597
      Declaration 598
   Remedies in statutory judicial review 600
   Choosing the appropriate combination of remedies 601
   Discretion not to grant a remedy 603
   Conclusion 605

Index 607
# TABLE OF CASES

### Australia

<table>
<thead>
<tr>
<th>Case</th>
<th>Court/Judge</th>
<th>Year</th>
<th>Volume</th>
<th>Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td>A v Hayden (No 2) (1984)</td>
<td>156 CLR 532, 88</td>
<td>1984</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AB Oxford Cold Storage Co Pty Ltd v Arnott (2005)</td>
<td>11 VR 298, 513, 518</td>
<td>2005</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ACT Health Authority v Berkeley Cleaning Group Pty Ltd (1985)</td>
<td>7 FCR 575, 377</td>
<td>1985</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Albanese and Chief Executive Officer of the Australian Customs Service</td>
<td>[2006] AATA 783, 227</td>
<td>2006</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Alister v The Queen (1983)</td>
<td>154 CLR 404, 210</td>
<td>1983</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Andrews v Howell (1941)</td>
<td>65 CLR 255, 535</td>
<td>1941</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Annetts v McCann (1990)</td>
<td>170 CLR 596, 156, 466, 475</td>
<td>1990</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Antonovic v Dauzon (2010)</td>
<td>30 VR 355, 592</td>
<td>2010</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Applicant VEAL of 2002 v Minister for Immigration and Multicultural and Indigenous Affairs (2005)</td>
<td>197 ALR 741, 602</td>
<td>2005</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Argos Pty Ltd v Simon Corbell, Minister for the Environment and Sustainable Development (2013)</td>
<td>ACTCA 51, 415</td>
<td>2013</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Aston v Irvine (1955)</td>
<td>92 CLR 353, 54</td>
<td>1955</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Attorney-General (Cib) v Queensland (1990)</td>
<td>25 FCR 125, 53</td>
<td>1990</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Attorney-General (Cib); Ex rel McKinlay v Commonwealth (1975)</td>
<td>135 CLR 1, 13</td>
<td>1975</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Attorney-General (NSW) v Quin (1990)</td>
<td>170 CLR 1, 261, 353, 390, 456, 471, 586, 587</td>
<td>1990</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Attorney-General (NSW) v Stuart (1994)</td>
<td>34 NSWR 667, 210</td>
<td>1994</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Attorney-General (NSW); Ex rel Tooth & Co Ltd v Brewery Employee’s Union of New South Wales (1908) 6 CLR 469, 264
Attorney-General (SA) v City of Adelaide (2013) 249 CLR 1, 110, 122, 144, 146–7, 274
Attorney-General (Vic); Ex rel Dale v Commonwealth (1946) 71 CLR 237, 93, 101
Attorney-General’s Department v Cockcroft (1986) 10 FCR 180, 232
Austin v Commonwealth (2003) 215 CLR 185, 66
Austral Fisheries Pty Ltd v Minister for Primary Industries and Energy (1992) 37 FCR 463, 136
Australian Bank Employees Union, Re; Ex parte Citicorp Australia Ltd (1989) 167 CLR 513, 490
Australian Broadcasting Tribunal v Bond (1990) 170 CLR 321, 82, 352, 374–7, 569–70
Australian Capital Television v Commonwealth (No 2) (1992) 177 CLR 106, 12
Australian Capital Territory Health Authority v Berkeley Cleaning Group Pty Ltd (1985) 7 FCR 575, 98
Australian Communist Party v Commonwealth (1951) 83 CLR 1, 5, 16, 101, 119, 535
Australian Conservation Foundation Inc v Commonwealth (1980) 146 CLR 493, 266, 404–6, 409, 411, 413, 415, 417
Australian Institute of Marine and Power Engineers v Secretary, Department Of Transport, Department Of Transport Secretary, Department Of Transport (1986) 71 ALR 73, 409
Australian National Industries Ltd v Spedley Securities Ltd (In liq) (1992) 26 NSWLR 411, 508
Australian National University v Burns (1982) 5 ALD 67, 98, 386
Australian Railways Union v Victorian Railways Commissioner (1930) 44 CLR 319, 264
Aye v Minister for Immigration and Citizenship (2010) 187 FCR 449, 389, 396, 400
Balog v ICAC (1990) 169 CLR 625, 198
Bank of New South Wales v Commonwealth (1948) 76 CLR 1, 33, 145
Barton v Commonwealth of Australia (1974) 131 CLR 477, 385
Barton v The Queen (1980) 147 CLR 75, 44, 91
Bass v Permanent Trustee Co Ltd (1999) 198 CLR 334, 64, 460
Baxter v Ab Way (1999) 8 CLR 626, 118
Beesley v Australian Federal Police (2001) 111 FCR 1, 224
Bennett v Commonwealth (2007) 231 CLR 91, 395
Betfair Pty Ltd v Western Australia (2008) 234 CLR 418, 455
Booth v Dillon (No 2) [1976] VR 434, 180
Booth v Dillon (No 3) [1977] VR 143, 180

Table of cases xv
Botany Bay City Council v Minister of State for Transport and Regional Development (1996) 66 FCR 537, 469
Bradken Consolidated Ltd v Broken Hill Pty Co Ltd (1979) 145 CLR 107, 65
Bread Manufacturers of New South Wales v Evans (1981) 180 CLR 404, 560–1
Briginshaw v Briginshaw (1938) 60 CLR 336, 573, 574
British American Tobacco Australia Services Ltd v Laurie (2011) 242 CLR 283, 503, 504, 508
Bropho v Western Australia (1990) 171 CLR 1, 63, 64–5
Brown v West (1990) 169 CLR 195, 89
Brounells Ltd v Ironmongers' Wages Board (1950) 81 CLR 108, 143, 552
Bryden v Minister for Lands (2011) 184 LGERA 333, 469
Buck v Barone (1976) 135 CLR 110, 532, 535
Builders Licensing Board v Superway Constructions (Syd) Pty Ltd (1976) 135 CLR 616, 255
Burns v Ransley (1949) 79 CLR 101, 101
Buzzacott v Minister for Sustainability, Environment, Water, Population and Communities (2013) 196 LGERA 372, 582–3
Cadia Holdings v New South Wales (2010) 242 CLR 195, 89, 92
Caius v Jenkins (1979) 42 FLR 188, 491
Calliope and Dept of Immigration and Citizenship, Re (2010) 51 AAR 308, 228
Cania's Pty Ltd v Commonwealth (1946) 71 CLR 210, 149
Capital Duplicators Pty Ltd v Australian Capital Territory (1992) 177 CLR 248, 117, 119
Carmody, Re; Ex parte Glennan (2003) 198 ALR 259, 367
CECA Institute Pty Ltd v Australian Council for Private Education & Training [2010] 30 VR 555, 57, 58
Chairperson, Aboriginal and Torres Strait Islander Commission v Commonwealth Ombudsman (1995) 63 FCR 163, 182, 184
Chan and Minister for Immigration and Multicultural Affairs, Re (2001) 33 AAR 191, 79
Chan v Minister for Immigration and Ethnic Affairs (1989) 169 CLR 379, 578
Chapman & Minister for Aboriginal & Torres Strait Islander Affairs, Re (1996) 43 ALD 139, 237, 238, 239
Chapman v Luminis Pty Ltd (No 4) (2001) 123 FCR 62, 193
Chase Oyster Bar Pty Ltd v Hamo Industries Pty Ltd (2010) 78 NSWLR 393, 58, 521
Chen v Minister for Immigration and Ethnic Affairs (1993) 45 FCR 591, 490
Church of Scientology v Woodward (1982) 154 CLR 25, 16, 211, 352
City of Brunswick v Stewart (1941) 65 CLR 88, 144
City of Footscray v Maize Products (1943) 67 CLR 301, 136
City of Port Adelaide Enfield v Bingham [2014] SASC 36, 184
Clampett v Magistrate Cornack [2012] QSC 123, 371
Clements v Bull (1953) 88 CLR 572, 138
Clenaes Pty Ltd v Australia & New Zealand Banking Group Ltd [1999] 2 VR 573, 499, 507
Clough v Leahy (1904) 2 CLR 139, 190
Clyde Engineering Co Ltd v Coeburn (1926) 37 CLR 466, 123
Coco v The Queen (1994) 179 CLR 427, 77, 87
Cobn v Hatcher (2005) 146 FCR 275, 450
Coleman v Power (2004) 220 CLR 1, 205
Collector of Customs v Agfa-Gevaert Ltd (1996) 186 CLR 389, 452
Collector of Customs (New South Wales) v Brian Laukor Automotive Pty Ltd (1979) 41 FLR 338, 333
Collector of Customs v Pozzolanic Enterprises Pty Ltd (1993) 43 FCR 280, 451, 552
Colvin v Bradley Brothers Pty Ltd (1943) 68 CLR 151, 123
Combet v Commonwealth (2005) 224 CLR 494, 122, 163
Commissioner for Australian Capital Territory Revenue v Alphabosphate Pty Ltd (1994) 49 FCR 576, 488–9
Commissioner for Children and Young People v FZ [2011] NSWCA 111, 491
Commissioner for Motor Transport v Kirkpatrick (1988) 13 NSWLR 368, 365
Commissioner of Police v Tavan (1958) 98 CLR 383, 475
Commissioner of Taxation v Futuris Corporation Ltd (2008) 237 CLR 146, 521
Commonwealth v Anti-Discrimination Tribunal (Tas) (2008) 169 FCR 85, 35, 258
Commonwealth v Cigamatic Pty Ltd (1962) 108 CLR 372, 66
Commonwealth v Colonial Ammunition Co Ltd (1924) 34 CLR 198, 121
Commonwealth v Colonial Combining, Spinning and Weaving Co Ltd (1922) 31 CLR 421, 95, 121
Commonwealth v Fernando (2012) 200 FCR 1, 261–2
Commonwealth v Mewett (1997) 191 CLR 471, 64, 368
Commonwealth v Northern Land Council (1993) 176 CLR 604, 46, 210, 232
Commonwealth v Tasmania (1983) 158 CLR 1, 101, 145
Commonwealth v Walsh (1980) 147 CLR 61, 209, 213, 215
Commissioner-General of Customs v Kawasaki Motors Pty Ltd (No 1) (1991) 32 FCR 219, 469
Condon v Pompano Pty Ltd (2013) 87 ALJR 458, 482
Control Investments Pty Ltd and Australian Broadcasting Tribunal, Re (No 1) (1980) 50 FLR 1, 267, 336, 337

Table of cases xvii

© in this web service Cambridge University Press  www.cambridge.org
Table of cases

Corio Bay & District Private Hospital NH Pty Ltd v Minister for Family Services (1998) 87 FCR 37, 469
Cornall v AB [1995] 1 VR 372, 156
Corporate Affairs Commission v Bradley [1974] 1 NSWLR 391, 270
Corrs Pavey Whiting & Byrne v Collector of Customs (Vic) (1987) 14 FCR 434, 210
Council of the City of Parramatta v Pestell (1972) 128 CLR 305, 577–8
Cram, Re; Ex parte NSW Colliery Proprietors’ Association Ltd (1987) 163 CLR 117, 53
Crowther v Brisbane City Council [2010] QCA 348, 418
Curragh Queensland Mining Ltd v Daniel (1992) 34 FCR 212, 570–1
Dainford Ltd v Smith (1985) 155 CLR 342, 514
Darling Casino Ltd v New South Wales Casino Control Authority (1997) 191 CLR 602, 484
Davis v Commonwealth (1988) 166 CLR 79, 38, 101, 102, 385
Delta Properties Pty Ltd v Brisbane City Council (1955) 95 CLR 11, 490
Deputy Commissioner of Taxation v State Bank of New South Wales (1992) 174 CLR 219, 52, 66
De Brett Investments Pty Ltd and Australian Fisheries Management Authority, Re (2004) 82 ALD 163, 284
Dietrich v The Queen (1992) 177 CLR 292, 37, 490
Director of Public Prosecutions (SA) v B (1998) 194 CLR 566, 398
Director-General, Department of Health (NSW) v Industrial Relations Commission (NSW) (2010) 77 NSWLR 159, 420
Director-General, Department of Trade and Investment, Regional Infrastructure and Services v Lewis (2012) 301 ALR 420, 604
Duck v Minister for Immigration and Ethnic Affairs (1979) 46 FLR 409, 35, 83, 284, 311–12, 327, 328, 334, 354
Duck v Minister for Immigration and Ethnic Affairs, Re (1979) AAT 111, 328
Duck v Minister for Immigration and Ethnic Affairs, Re (No 2) (1979) 2 ALD 634, 83, 328–9, 340, 354, 356, 568
Dunstan v Human Rights and Equal Opportunity Commission (No 2) [2005] FCA 1885, 570
Eaton v Dental Board of Australia [2012] VSC 10, 485–6
Ebner v Official Trustee in Bankruptcy (1999) 91 FCR 353, 499
Eccleston and Department of Family Services, Aboriginal & Islander Affairs, Re [1993] 1 QAR 60, 235
Edelsten v Federal Commissioner of Taxation (1989) 85 ALR 226, 476
Edelsten v Wilcox (1988) 83 ALR 99, 578
Egan v Chadwick (1999) 46 NSWLR 563, 104, 165

© in this web service Cambridge University Press
www.cambridge.org
Egan v Willis (1998) 195 CLR 424, 6, 8, 165
Environment East Gippsland Inc v VicForests (2010) 30 VR 1, 416–18
Esmonds Motors Pty Ltd v Commonwealth (1970) 120 CLR 463, 149
Evans v Donaldson (1909) 9 CLR 140, 559–60, 601
Ex parte McLean (1930) 43 CLR 472, 123
FAI Insurances Ltd v Winnike (1981) 151 CLR 342, 41, 48–9, 74, 397, 462, 465, 470
Fares Rural Meat and Livestock Co Pty Ltd v Australian Meat and Livestock Corporation (1990) 96 ALR 153, 578
Farv v Burrett (1916) 21 CLR 433, 118
Farvey-Smith v Repatriation Commission [2012] FCA 80, 492–3
Federal Commissioner of Taxation v Munro (1926) 38 CLR 153, 306, 308
Federal Commissioner of Taxation v Official Liquidator of E O Farley Ltd (1940) 63 CLR 278, 90, 91
Fencott v Muller (1983) 152 CLR 570, 368
Ferrando v Pearce (1918) 25 CLR 241, 118
Fesl v Delegate of the Native Title Registrar (2008) 173 FCR 150, 570
Foley v Padley (1984) 154 CLR 349, 141
Forbes v New South Wales Trotting Club Ltd (1979) 143 CLR 242, 56–7, 63
Fordham v Evans (1987) 14 FCR 474, 270
Gancboe and Comcare, Re (1990) 19 ALD 541, 314
General Newspapers Pty Ltd v Telstra Corporation (1995) 45 FCR 164, 98, 386
George v Rockett (1990) 170 CLR 104, 534
Giris Pty Ltd v Federal Commissioner of Taxation (1969) 119 CLR 365, 119
Glasson v Parkes Rural Distributions Pty Ltd (1984) 156 CLR 234, 54
Glen Lapham and Department of Education and Community Services [1998] ACTAAT 290, 228
Glenister v Dillon (No 2) [1977] VR 151, 180
Glenister v Dillon [1976] VR 550, 180
Godley v Minister for Immigration and Multicultural and Indigenous Affairs (2004) 83 ALD 411, 79
Gold Coast Council v K Page Main Beach Pty Ltd [2011] QCA 332, 452–4
Green v Daniels (1977) 13 ALR 1, 567–8, 599
Greiner v Independent Commission Against Corruption (1992) 28 NSWLR 125, 75
Gribbels Pathology (Vic) Pty Ltd v Cassidy (2002) 122 FCR 78, 483
Griffith University v Tang (2005) 221 CLR 99, 386–7
Kennedy v Comcare [2014] FCA 82, 341
Kessing v R (2008) 73 NSWLR 22, 208, 216
K-Generation Pty Ltd v Liquor Licensing Court (2009) 237 CLR 501, 460
Khuu & Lee Pty Ltd v Corporation of the City of Adelaide (2011) 110 SASR 235, 58
King Gee Clothing Co Pty Ltd v Commonwealth (1945) 71 CLR 184, 148, 582
King v Liquor Administration Board [2008] NSWSC 1217, 446–7, 602
Kline v Official Secretary to the Governor-General (2013) 249 CLR 645, 382
Knight v Governor, Port Phillip Prison [2014] VSC 10, 592
Kriticos v New South Wales (1996) 40 NSWLR 297, 366
Kruck v Queensland Regional Parole Board [2009] 1 Qd R 463, 380
Kruger v Commonwealth (1997) 190 CLR 1, 576
Lacey v Attorney-General (Qld) (2011) 242 CLR 573, 285
Lamason v Australian Fisheries Management Authority [2009] FCA 245, 144
Lange v Australian Broadcasting Corporation (1997) 189 CLR 520, 50, 84, 455
Laws v Australian Broadcasting Tribunal (1990) 170 CLR 70, 495, 506–7
Lawyers for Forests Inc v Minister for Environment, Heritage and the Arts (2009) 165 LGERA 203, 582, 583
Leask v Commonwealth (1996) 187 CLR 579, 145
Leeth v Commonwealth (1992) 174 CLR 455, 460
Lennon v South Australia [2010] SASC 272, 55
Lesniewski v Mosman Municipal Council (2005) 138 LGERA 207, 483
Lecy v State of Victoria (1997) 189 CLR 579, 274
Livesey v New South Wales Bar Association (1983) 151 CLR 288, 494, 503, 508
Lu v Minister for Immigration and Multicultural and Indigenous Affairs (2004) 141 FCR 346, 549
Lustink, Re; Ex parte Shaw (1980) 32 ALR 47, 494
LVR (WA) Pty Ltd v Administrative Appeals Tribunal (2012) 203 FCR 166, 244, 428
Mandurah Enterprises Pty Ltd v Western Australian Planning Commission (2008) 38 WAR 270, 553
Maxwell v The Queen (1996) 184 CLR 501, 398
MBA Land Holdings Pty Ltd v Gungabulin Development Authority (2000) 206 FLR 120, 100
McGuinness v Attorney-General (Vic) (1940) 63 CLR 73, 87, 190
McKinnon v Secretary, Department of Treasury (2006) 228 CLR 423, 232, 242, 284
<table>
<thead>
<tr>
<th>Case Study</th>
<th>Page Numbers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Melbourne Corporation v Commonwealth (1947) 74 CLR 31, 66</td>
<td></td>
</tr>
<tr>
<td>Mickovski v Financial Ombudsman Service Ltd [2011] VSC 257, 57</td>
<td></td>
</tr>
<tr>
<td>Mickovski v Financial Ombudsman Service Ltd [2012] VSCA 185, 57, 54</td>
<td></td>
</tr>
<tr>
<td>Minb v Minister for Immigration and Multicultural Affairs (1998) 86 FCR 304, 492</td>
<td></td>
</tr>
<tr>
<td>Minister for Home Affairs (Cth) v Zentai (2012) 246 CLR 213, 246–7, 251</td>
<td></td>
</tr>
<tr>
<td>Minister for Immigration v SZIZO (2009) 238 CLR 627, 521</td>
<td></td>
</tr>
<tr>
<td>Minister for Immigration and Citizenship v Li (2013) 249 CLR 332, 362, 441, 492, 578, 579–82</td>
<td></td>
</tr>
<tr>
<td>Minister for Immigration and Citizenship v Maman (2012) 200 FCR 30, 591</td>
<td></td>
</tr>
<tr>
<td>Minister for Immigration and Citizenship v SZGUR (2011) 241 CLR 594, 489</td>
<td></td>
</tr>
<tr>
<td>Minister for Immigration and Citizenship v SZZIX (2008) 100 ALD 443, 573</td>
<td></td>
</tr>
<tr>
<td>Minister for Immigration and Citizenship v SZMDS (2010) 240 CLR 611, 532, 535, 578–9</td>
<td></td>
</tr>
<tr>
<td>Minister for Immigration and Ethnic Affairs v Giangor (1982) 63 FLR 441, 341</td>
<td></td>
</tr>
<tr>
<td>Minister for Immigration and Ethnic Affairs v Kurtovic (1990) 21 FCR 193, 456</td>
<td></td>
</tr>
<tr>
<td>Minister for Immigration and Ethnic Affairs v Pochi (1980) 44 FLR 41, 255, 284</td>
<td></td>
</tr>
<tr>
<td>Minister for Immigration and Ethnic Affairs v Teob (1995) 183 CLR 273, 471–2</td>
<td></td>
</tr>
<tr>
<td>Minister for Immigration and Ethnic Affairs v Wu Shan Liang (1996) 185 CLR 259, 251, 534–5, 552</td>
<td></td>
</tr>
<tr>
<td>Minister for Immigration and Multicultural Affairs v Bhardwaj (2002) 209 CLR 597, 445, 490, 492, 508, 589, 590–1</td>
<td></td>
</tr>
<tr>
<td>Minister for Immigration and Multicultural Affairs v Chen (2001) 34 AAR 94, 79</td>
<td></td>
</tr>
<tr>
<td>Minister for Immigration and Multicultural Affairs v Esbey (1999) 197 CLR 611, 323, 576</td>
<td></td>
</tr>
<tr>
<td>Minister for Immigration and Multicultural Affairs v Jia (2001) 205 CLR 507, 367, 494, 496–8, 502</td>
<td></td>
</tr>
<tr>
<td>Minister for Immigration and Multicultural Affairs v Rajamanikkam (2002) 210 CLR 222, 570, 571–2</td>
<td></td>
</tr>
<tr>
<td>Minister for Immigration and Multicultural Affairs; Ex parte Applicant S20/2002 (2005) 198 ALR 59, 434, 438</td>
<td></td>
</tr>
<tr>
<td>Minister for Immigration and Multicultural Affairs, Re; Ex parte Applicant S20/2002 (2005) 198 ALR 59, 371, 372, 434, 438, 455</td>
<td></td>
</tr>
<tr>
<td>Minister for Immigration and Multicultural Affairs, Re; Ex parte Applicant S154/2002 (2005) 201 ALR 437, 483</td>
<td></td>
</tr>
</tbody>
</table>
Minister for Immigration and Multicultural Affairs, Re; Ex parte Epeabaka (2001) 206 CLR 128, 502
Minister for Immigration and Multicultural Affairs, Re; Ex parte Miab (2001) 206 CLR 57, 439, 476, 477–8, 480, 488, 602
Minister for Immigration and Multicultural and Indigenous Affairs v NAOS of 2002 [2003] FCAFC 142, 575
Minister for Immigration and Multicultural and Indigenous Affairs, Re; Ex parte Lam (2003) 214 CLR 1, 471, 472–3, 482, 484
Minister for Immigration and Multicultural and Indigenous Affairs, Re; Ex parte Palme (2003) 216 CLR 212, 489
Minister for Primary Industries and Energy v Austral Fisheries Pty Ltd, Re (1993) 40 FCR 381, 137
Minister for Resources v Dover Fisheries Pty Ltd (1993) 43 FCR 565, 145, 146
Mio Art Pty Ltd v Brisbane City Council (2010) 178 LGERA 387, 286
MLC Investments Ltd v Commissioner of Taxation (2003) 137 FCR 288, 570
Mobil Oil Australia Pty Ltd v Federal Commissioner of Taxation (1963) 113 CLR 475, 482
Momcilovic v The Queen (2011) 245 CLR 1, 455
Monsab University v Berg [1984] VR 383, 370
Mouen v Queensland State Government [2011] QSC 012, 418
Mrs X v Secretary, Department of Human Services [2003] VSC 140, 365
Murphyores Inc Pty Ltd v Commonwealth (1976) 136 CLR 1, 379, 550–1
MZXOT v Minister for Immigration and Citizenship (2008) 235 CLR 601, 389
NAAV v Minister for Immigration and Multicultural and Indigenous Affairs (2002) 123 FCR 298, 362
Nadkarni v Nadkarni [2011] FamCAFC 160, 503
NAKF v Minister for Immigration and Multicultural and Ethnic Affairs (2003) 130 FCR 210, 575
NAOX v Minister for Immigration and Citizenship (2009) 112 ALD 54, 575
National Trust of Australia (NT) v Minister for Lands, Planning and Environment (1997) 142 FLR 125, 598
Nationwide News Pty Ltd v Wills (1992) 177 CLR 1, 12, 391
NEAT Domestic Trading Pty Ltd v AWB (2005) 216 CLR 277, 60–1
New South Wales v Bardolph (1934) 52 CLR 455, 94
New South Wales v Canellis (1994) 181 CLR 309, 483, 490
New South Wales v Commonwealth (1915) 20 CLR 54, 118
New South Wales v Commonwealth (1975) 135 CLR 373, 40
New South Wales v Commonwealth (2006) 229 CLR 1, 120–1
New South Wales v Macquarie Bank Ltd (1992) 30 NSWLR 307, 455
New South Wales Aboriginal Land Council v Aboriginal and Torres Strait Islander Commission (1995) 59 FCR 369, 377
New South Wales Breeding & Racing Stables Pty Ltd v Administrative Appeals Tribunal (2001) 53 NSWLR 559, 259, 604

Table of cases xxiii
New South Wales Registrar of Births, Deaths and Marriages v Norrie (2014) 306 ALR 589, 274, 537–9
News Corporation Ltd v National Companies and Securities Commission (1984) 1 FCR 64, 430
Nicholas v The Queen (1998) 193 CLR 173, 460
Nikac v Minister for Immigration and Ethnic Affairs (1988) 20 FCR 65, 578
Nolan, Re; Ex parte Young (1991) 172 CLR 460, 460
North Australian Aboriginal Legal Aid Service v Bradley (2004) 218 CLR 146, 36
North Coast Environmental Council Inc v Minister for Resources (1994) 55 FCR 492, 409, 413–14, 417
Northern Inland Council for the Environment Inc v Minister for the Environment [2013] FCA 1418, 431
NSW Breeding & Racing Stables Pty Ltd v Administrative Appeals Tribunal (2001) 53 NSWLR 559, 259
O’Reilly v Commissioners of the State Bank of Victoria (1983) 153 CLR 1, 514, 517–18
O’Rourke v Miller (1984) 156 CLR 342, 491
O’Sullivan v Medical Tribunal [2009] NSWCA 374, 504
Osland v Secretary to the Department of Justice (No 1) (2008) 234 CLR 275, 91, 205, 242
Osland v Secretary to the Department of Justice (No 2) (2010) 241 CLR 520, 91, 242, 256
Pankhurst v Kiernan (1917) 24 CLR 120, 118
Pape v Federal Commissioner of Taxation (2009) 238 CLR 1, 94, 101, 102–4, 121
Park Oh Ho v Minister for Immigration and Ethnic Affairs (1989) 167 CLR 637, 587
Parnell and Prime Minister of Australia [2011] AlCmr 10, 224
Pasini v United Mexican States (2002) 209 CLR 246, 299
Patterson, Re; Ex parte Taylor (2001) 207 CLR 391, 42
Peczalski v Comcare (1999) 58 ALD 697, 341
Permanent Trustee v Commissioner of State Revenue (Vic) (2004) 220 CLR 388, 119
Pharmacy Guild of Australia v Australian Community Pharmacy Authority (1996) 70 FCR 462, 435
Pilbara Infrastructure Pty Ltd v Australian Competition Tribunal [2010] FCA 1118, 270
Plaintiff M47/2012 v Director-General of Security (2012) 292 ALR 243, 276, 483
Plaintiff M70/2011 v Minister for Immigration and Citizenship (2011) 244 CLR 144, 390, 395, 528, 530–2, 598
Plaintiff M76/2013 v Minister for Immigration, Multicultural Affairs and Citizenship (2013) 304 ALR 135, 276
Plaintiff S10/2011 v Minister for Immigration and Citizenship (2012) 246 CLR 636, 465, 466, 467–8, 469, 473, 475, 476, 480–1, 484
SF v Shoalhaven City Council [2013] NSWADT 94, 134
SGFB v Minister for Immigration and Multicultural and Indigenous Affairs [2002] FCAFC 422, 570
Shanahan v Scott (1957) 96 CLR 245, 138, 536
Shergold v Tanner (2002) 209 CLR 126, 241
Sherlock v Lloyd (2010) 27 VR 434, 244
Shi and Migration Agents Registration Authority, Re [2005] AAT 851, 335
Shi v Migration Agents Registration Authority (2008) 235 CLR 286, 255, 284, 335, 354
Shire of Swan Hill v Bradbury (1957) 56 CLR 746, 140, 536
Shop, Distributive and Allied Employees Association v Minister for Industrial Affairs (SA) (1995) 183 CLR 552, 415, 553, 555–6, 598
Sickerdick v Ashton (1918) 25 CLR 506, 118
Sinclair v Maryborough Mining Warden (1975) 132 CLR 473, 415, 568
Smits v Roach (2006) 227 CLR 423, 504, 505
Smoker v Pharmacy Restructuring Authority (1994) 53 FCR 287, 82, 563–4
Sommuned v Commissioner of Patents [2006] FCA 765, 377
South Australia v Tanner (1989) 166 CLR 161, 145
South Australia v Totani (2010) 242 CLR 1, 36, 460
Southern Equities Corp Ltd (In liq) v Bond (2000) 78 SASR 339, 503
Srokowski v Minister for Immigration and Ethnic Affairs (1988) 15 ALD 775, 518
SS Constructions Pty Ltd v Ventura Motors Pty Ltd [1964] VR 229, 521
Stewart v Ronalds (2009) 76 NSWLR 99, 42, 400–1
Stollery v Greyhound Racing Control Board (1972) 128 CLR 509, 500
Street v Queensland Bar Association (1989) 168 CLR 461, 18
Stue v Hill (1999) 199 CLR 462, 33, 40, 49
Sullivan v Department of Transport (1978) 20 ALR 323, 339
Sullivan v Sclanders (2000) 77 SASR 419, 210
Sunchen Pty Ltd v Commissioner of Taxation (2010) 264 ALR 447, 570
Swan Hill Corporation v Bradbury (1937) 56 CLR 746, 140, 536
SZBEL v Minister for Immigration and Multicultural and Indigenous Affairs (2006) 228 CLR 152, 482, 489, 509
SZFDE v Minister for Immigration and Citizenship (2007) 232 CLR 189, 573–4
SZKUN v Minister for Immigration and Citizenship (2009) 180 FCR 438, 591
SZQBN v Minister for Immigration and Citizenship (2013) 213 FCR 297, 604
Tasler v Fullwood [1978] 1 NSWLR 20, 441
Tasty Chicks Pty Limited v Chief Commissioner of State Revenue (2011) 245 CLR 446, 256
TCL Air Conditioner (Zhongshan) Co Ltd v Judges of the Federal Court of Australia (2013) 295 ALR 596, 460

Table of cases xxvii
Table of cases

Telecasters North Queensland Ltd v Australian Broadcasting Tribunal (1988) 82 ALR 90, 270, 272
Television Capricornia Pty Ltd v Australian Broadcasting Tribunal (1986) 13 FCR 511, 571
Television Corporation Ltd v Commonwealth (1963) 109 CLR 59, 149
Telstra Corporation Ltd v Australian Competition and Consumer Commission (No 2) (2007) 240 ALR 135, 377
Thompson v Randwick Corp (1950) 81 CLR 87, 556
Torbey v Minister for Aboriginal Affairs (1990) 26 FCR 325, 130
Timbarra Protection Coalition Inc v Ross Mining NL (1999) 46 NSWLR 55, 527–8
Tinkerbell Enterprises Pty Ltd v Takeovers Panel (2012) 208 FCR 266, 482, 490
Tracey, Re: Ex parte Ryan (1989) 166 CLR 518, 35
Tuite v Administrative Appeals Tribunal (1993) 40 FCR 483, 341, 604
Twist v Council of the Municipality of Randwick (1976) 136 CLR 106, 476
Unions NSW v New South Wales (2013) 304 ALR 266, 12
United States Tobacco Company v the Minister of Consumer Affairs and the Trade Practices Commission, Re (1988) 19 FCR 184, 267
Vakauta v Kelly (1988) 13 NSWLR 502, 504
Vakauta v Kelly (1989) 167 CLR 568, 494, 502, 504, 505–6
Vanstone v Clark (2005) 147 FCR 299, 536–7, 601
Victoria v Commonwealth and Hayden (1975) 134 CLR 338, 70, 89, 93, 101, 102, 121, 394
Victoria v Master Builders' Association of Victoria [1995] 2 VR 121, 99–100, 441
Victorian Stevedoring & General Contracting Co Pty Ltd v Dignan (1931) 46 CLR 73, 84, 113, 118, 119, 135, 136
Von Einem v Griffin (1998) 72 SASR 110, 397, 398
VV v District Court of New South Wales [2013] NSWCA 469, 528
WABZ v Minister for Immigration and Multicultural and Indigenous Affairs (2004) 134 FCR 271, 491
Waiwhetu v New South Wales (2011) 245 CLR 181, 36, 242, 312, 325, 326, 460
Walton Stores (Interstate) Ltd v Maber (1988) 164 CLR 387, 456
Warringah Shire Council v Pittwater Provisional Council (1992) 26 NSWLR 491, 556
Waterside Workers' Federation of Australia v JW Alexander Ltd (1918) 25 CLR 454, 118
Watt v Minister for Immigration and Multicultural Affairs (1996) 71 FCR 103, 573
Watson v Lee (1979) 144 CLR 374, 128
Weal v Bathurst City Council (2000) 111 LGERA 181, 9
Webb v The Queen (1994) 181 CLR 41, 494, 498, 504

© in this web service Cambridge University Press  www.cambridge.org
Western Australian Planning Commission v Temwood Holdings Pty Ltd (2004) 221 CLR 30, 556


White v State of South Australia (2010) 106 SASR 521, 262

Williams v Commonwealth (2012) 248 CLR 156, 58, 92, 93, 94–9, 122, 163, 266, 386

Williams v Commonwealth (2014) 309 ALR 41, 386

Williams v Melbourne Corporation (1953) 49 CLR 142, 144–5

Wilson v Minister for Aboriginal and Torres Strait Islander Affairs (1996) 189 CLR 1, 18, 35, 84–6, 218–19, 312, 602

Wingfoot Australia Partners Pty Ltd v Kocak (2013) 303 ALR 64, 250–1, 359, 363, 364

Woodward v Loadman (No 2) (2008) 216 FLR 114, 508


Yaa Akyaa and Rita Kulo v Minister of Immigration and Ethnic Affairs, Re [1987] FCA 137, 475

Yan Xie v Chen Shaoji [2008] NSWSC 224, 270

Zhang v Minister for Immigration, Local Government and Ethnic Affairs (1993) 45 FCR 384, 484

Canada

McArthu v The King [1943] Ex CR 77, 34

United Kingdom

Ashbridge Investments Ltd v Minister of Housing and Local Government [1965] 1 WLR 1320, 568

Associated Provincial Picture Houses Ltd v Wednesbury Corporation [1948] 1 KB 223, 144, 576–7

Attorney-General v De Keyser’s Hotel [1920] AC 508, 89

Attorney-General v Wills United Dairies (1922) 91 LJKB 897, 121

Attorney-General of Hong Kong v Ng Yuen Shiu [1983] 2 AC 629, 471

Bombay Province v Bombay Municipal Corporation [1947] AC 58, 65

Boyce v Paddington Borough Council [1903] 1 Ch 109, 266, 405

British Broadcasting Corporation v Johns [1965] Ch 32, 91

Carltona Ltd v Commissioners of Works [1943] 2 All ER 560, 516

Chief Constable of North Wales Police v Evans [1982] 3 All ER 141, 353

Coco v A N Clark (Engineers) Ltd [1969] RPC 41, 208

Coleen Properties Ltd v Minister of Housing and Local Government [1971] 1 WLR 433, 568

Council of Civil Service Unions v Minister for the Civil Service [1985] AC 374, 394, 396, 430, 465

Dimes v Proprietors of the Grand Junction Canal (1852) 3 HLC 759, 499

Dr Bonham’s Case (1610) 8 Co Rep 113b, 500

Entick v Carrington (1765) 2 Wils KB 275; 95 ER 807, 87, 512

Table of cases xxix
Gilbertson v South Australia [1978] AC 772, 35
Gouriet v Union of Post Office Workers [1978] AC 435, 44
Hodge v R (1883) 9 App Cas 117, 117
Inland Revenue Commissioners v Rossminster Ltd [1980] AC 952, 533
Kruse v Johnson [1898] 2 QB 91, 578
Liversidge v Anderson [1942] AC 206, 532–4
M v Home Office [1994] 1 AC 377, 92
Mixnam’s Properties Ltd v Chersey Union District Council [1964] 1 QB 214, 144
Municipal Council of Sydney v Campbell [1925] AC 338, 553
Nakkauda Ali v Jayaratne [1951] AC 66, 533
Padfield v Minister for Agriculture, Fisheries and Food [1968] AC 997, 554
Powell v Apollo Candle Co (1885) 10 App Cas 282, 117
R v Bow Street Magistrate; Ex parte Pinochet (No 2) [2000] 1 AC 119, 503
R v Burab (1878) 3 App Case 889, 117
R v Legal Aid Board; Ex parte Dom & Co (a firm) [1996] 3 All ER 1, 99
R v Legislative Committee of the Church Assembly; Ex parte Haynes-Smith [1928] 1 KB 411, 462
R v Leman Street Police Station Inspector and Secretary of State for Home Affairs; Ex parte Venicoff [1920] 3 KB 72, 462
R v Northumberland Compensation Appeal Tribunal; Ex parte Shaw [1952] 1 KB 338, 365
R v Panel on Takeovers and Mergers; Ex parte Datafin Plc [1987] 1 QB 815, 57, 61, 99
R v Thames Magistrates’ Court; Ex parte Polemis [1974] 1 WLR 1371, 485
Ridge v Baldwin [1964] AC 40, 3, 462
Rooke’s Case (1598) 5 Co. Rep. 99 b, 360
Russell v Duke of Norfolk [1949] 1 All ER 109, 482
Schmidt v Secretary of State for Home Affairs [1969] 2 Ch 149, 470
Town Investments Ltd v Department of Environment [1978] AC 359, 34, 92
Vestry of St James and St John, Clerkenwell v Feary (1890) 24 QBD 703, 476, 485
White v Redfern (1879) 5 QBD 15, 476

United States of America

Springer v Government of the Philippine Islands 277 US 189 (1928), 117
Whitman v American Trucking Associations Inc 531 US 457 (2001), 117