

PRINCIPLES OF CONTRACT LAW

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PRINCIPLES OF CONTRACT LAW

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For Julia, Alexander and Sophie

For Hamish and Felix

For Rebecca, Robyn and Lisa

PREFACE

This book aims to provide an accessible and concise but sophisticated treatment of contract law for Australian law students. This edition has been revised in order to serve that purpose better, and has also of course been updated to take account of developments in the law of contract since the last edition.

There is now a significant divergence of views as to the nature and scope of promissory estoppel in Australian law. Chapter 9 has been substantially revised in order to reflect the basis of those differences and their practical implications. Since the publication of the last edition the High Court has further clarified the role of unjust enrichment in the law of restitution, as well as the change of position and illegality defences. These developments are reflected in Chapter 10, where we have also sought to clarify the relationship between free acceptance and request in quantum meruit claims. Ongoing debates about the proper approaches to interpreting and implying terms are considered in the light of recent High Court decisions in Chapters 13 and 14. Chapters 16 and 17 include new material on the work of the Australian Competition and Consumer Commission in the fields of unfair contract terms and consumer guarantees. New case law on penalties is considered in Chapter 28. The chapter on the consequences of illegality (Chapter 42) has also been revised and updated.

Although not prompted by developments in recent case law Chapter 31 on mistake has been revised to make this complex area of the law more accessible and the book's treatment of it more comprehensive. A discussion of several new misleading conduct cases has been added to Chapter 33, including a recent High Court decision that signals a change in the way in which the court will determine when the expression of an opinion amounts to misleading conduct. Important new case law on unconscionable conduct both in equity and under statute is discussed in Chapters 36 and 38.

We are extremely grateful to Justin Browne, Kalia Laycock-Walsh, Jeremy Roe and Caitlin O'Neil for their meticulously careful and extremely helpful research assistance. We would also like to thank Lara Weeks and Nikki Savvides for their careful editing of the manuscript. We remain indebted to Peter Heffey for initiating this project, and particularly for his insightful work on the first edition of the book, a considerable amount of which remains intact in this edition. The support we received from Melbourne Law School has been invaluable.

In the production of this edition, Andrew Robertson was responsible for Chapters 1–7, 9–10, 30 and 39, Arlen Duke was responsible for Chapters 11, 18–25, 31–33 and 40–42 and Jeannie Paterson was responsible for Chapters 8, 12–17, 26–29 and 34–38.

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Melbourne
November 2015

TABLE OF CONTENTS

Preface vii
Table of Cases xiii
Table of Statutes xlix

Part I: Introduction

1: The nature of contract 3
2: The place of contract within private law 39

Part II: Formation

3: Agreement 55
4: Consideration 93
5: Intention 115
6: Certainty 133
7: Formalities 147
8: Capacity 161

Part III: Detrimental reliance and unjust enrichment

9: Estoppel 175
10: Restitution 225

Part IV: Parties

11: Privity 263

Part V: Express terms

12: Identifying the express terms 289
13: Construing the terms 315

Part VI: Gap filling

14: Implied terms 337

15: Frustration	367
Part VII: Consumer contracts	
16: Unfair contract terms	391
17: Consumer guarantees	403
Part VIII: Performance and breach	
18: Performance and breach	417
Part IX: Termination	
19: Termination by agreement	423
20: Failure of a contingent condition	431
21: Termination for breach	443
22: Termination for repudiation	457
23: Termination for delay	469
24: Consequences of affirmation or termination	477
25: Restrictions	483
Part X: Remedies for breach	
26: The measure of damages	515
27: Limitations on the award of damages	539
28: Liquidated damages and penalties	565
29: Actions for debt	577
30: Specific performance and injunctions	589
Part XIA: Vitiating factors: Misinformation	
31: Mistake	607
32: Misrepresentation	637
33: Misleading or deceptive conduct	655

Part XIB: Vitiating factors: Abuse of power

34: Duress 719

35: Undue influence 729

36: Unconscionable dealing 737

37: Impropriety by third parties 757

38: Unconscionable and unjust conduct under statute 769

Part XIC: Vitiating factors: Rescission

39: Rescission 783

Part XID: Vitiating factors: Illegality

40: Contracts prohibited by statute 805

41: Contracts prohibited at common law 811

42: The consequences of illegality 829

Index 845

TABLE OF CASES

A

A v Hayden (1984) 156 CLR 532	41.05, 41.35, 42.35
A Schroeder Music Publishing Co Ltd v Macaulay [1974] 3 All ER 616	16.10
ACN 074 971 109 Pty Ltd (as Trustee for the Argot Unit Trust) v The National Mutual Life Association of Australasia [2008] VSCA 247; (2008) 21 VR 351	9.135
AGC (Advances) Ltd v McWhirter (1977) 1 BPR 9454	3.30
AMC Commercial Cleaning (NSW) Pty Ltd v Coad (No 3) [2010] NSWSC 1428	14.103, 14.120
AMEV-UDC Finance Ltd v Austin (1986) 162 CLR 170	27.130, 28.10, 28.15, 28.30, 28.60, 29.70
ANZ Executors and Trustees Ltd v Humes Ltd [1990] VR 615	30.30
APF Properties Pty Ltd v Kestrel Holdings Pty Ltd (No 2) [2007] FCA 1561	33.140
ASA Constructions Pty Ltd v Iwanov [1975] 1 NSWLR 512	27.140
Aberfoyle Plantations Ltd v Cheng [1960] AC 115	20.30
Abigroup Contractors Pty Ltd v Sydney Catchment Authority (No 3) [2006] NSWCA 282; (2006) NSWLR 341	33.185
Aboody v Ryan [2012] NSWCA 395	36.78, 36.80
Academy of Health and Fitness Pty Ltd v Power [1973] VR 254	39.25, 39.80
Accounting Systems 2000 (Developments) Pty Ltd v CCH Australia Ltd (1993) 42 FCR 470	11.55, 33.85
Acorn Consolidated Pty Ltd v Hawkslade Investments Pty Ltd (1999) 21 WAR 425	13.20, 13.50
Acron Pacific Ltd v Offshore Oil NL (1985) 157 CLR 514	29.80
Actall Pty Ltd v Pacific Bay Development Pty Ltd [2006] NSWCA 190	25.155
Actionstrength Ltd v International Glass Engineering In.Gl.En SpA [2003] 2 AC 541	9.185
Adams v Lindsell (1818) 1 B & A 681; 106 ER 250	3.90
Addis v Gramophone Co Ltd [1909] AC 488	27.80
Adelaide City Corp v Jennings Industries Ltd (1985) 156 CLR 274	14.20
Adicho v Dankeith Homes Pty Ltd [2012] NSWCA 316	12.195
Adler v Dickson (The Himalaya) [1955] 1 QB 158	11.35
Administration of Papua New Guinea v Leahy (1961) 105 CLR 6	5.60
Administration of the Territory of Papua and New Guinea v Daera Guba (1973) 130 CLR 353	13.35
Administrative and Clerical Officers Association v Commonwealth (1979) 26 ALR 497	30.95
Adrenaline Pty Ltd v Bathurst Regional Council [2015] NSWCA 123	10.130
Aerial Advertising Co v Batchelors Peas Ltd (Manchester) [1938] 2 All ER 788	27.85
Afovos Shipping Co SA v Pagnan [1983] 1 WLR 195	22.15
Agricultural and Rural Finance Pty Ltd v Gardiner [2008] HCA 57; (2008) 238 CLR 570	13.35, 25.120
Agripay Pty Limited v Byrne [2011] QCA 85	37.50, 37.55
Ailakis v Olivera (No 2) [2014] WASCA 127; (2014) 100 ACSR 524	4.95
Air Great Lakes Pty Ltd v K S Easter (Holdings) Pty Ltd (1985) 2 NSWLR 309	5.07, 12.145
Aiton Australia Pty Ltd v Transfield Pty Ltd [1999] NSWSC 996; (1999) 153 FLR 236	1.180, 6.50
Akron Securities Ltd v Iliffe (1997) 41 NSWLR 353	33.150, 33.155
Alati v Kruger (1955) 94 CLR 216	39.15, 39.20, 39.25, 39.30, 39.80
Albazer, The [1977] AC 774	11.65
Alcatel v Scarcella [1998] 44 NSWLR 349	14.120, 14.125
Alcatel Australia Ltd v Scarcella (1998) 44 NSWLR 349	14.103, 14.110, 14.130, 14.135
Alecos M, The [1991] 1 Lloyd's Rep 120	27.50
Alexander v Cambridge Credit Corporation Ltd (1987) 9 NSWLR 310	27.10, 27.30, 27.40
Alexander v Rayson [1936] 1 KB 169	41.55, 42.60
Alexiadis v Zirpiadis [2013] SASCF 64	10.25, 10.110
Alexus Pty Ltd v Pont Holdings Pty Ltd [2000] NSWSC 1171	23.55
Alfred McAlpine Construction Ltd v Panatown Ltd [2001] 1 AC 518	11.65
Alirezai v Australia and New Zealand Banking Corp Ltd [2004] QCA 6	37.55
Alivar v Calandra & Co Pty Ltd (unreported, Supreme Court of Victoria, Brooking J, 21 February 1988)	19.15
Alley v Deschamps (1806) 13 Ves Jun 225; 33 ER 278	9.215

Alliance Acceptance Co Ltd v Hinton (1964) 1 DCR (NSW) 5	8.15
Allied Van Lines Inc v Bratton 351 So 2d 344 (Fla 1977)	12.30
Allphones Retail Pty Ltd v Hoy Mobile Pty Ltd [2009] FCAFC 85; (2009) 178 FCR 57	22.25, 25.12
Almond Investors Ltd v Qualitree Nursery Pty Ltd [2011] NSWCA 198	25.20
Amann Aviation Pty Ltd v Commonwealth (1990) 22 FCR 527	21.05, 21.15, 21.35, 21.55
American Mart Corp v Joseph E Seagram & Sons 824 F 2d 733 (9th Cir)	14.120
Amoco Australia Pty Ltd v Rocca Bros Motor Engineering Co Pty Ltd (1973) 133 CLR 288; [1975] AC 561	41.100, 42.35
Anaconda Nickel Ltd v Edensor Nominees Pty Ltd [2004] VSCA 167	9.95, 9.110, 9.135, 9.168, 9.195, 9.210, 20.60, 25.112
Anaconda Nickel Ltd v Tarmoola Australia Pty Ltd [2000] WASCA 27; (2000) 22 WAR 101	5.75, 6.15
Andar Transport Limited v Brambles Limited (2004) 217 CLR 424	13.93
Anderson v McPherson (No 2) [2012] WASC 19	35.35, 35.48
Andre & Cie v Ets Michel Blanc & Fils [1979] 2 Lloyd's LR 427	32.25
Andrew Shelton & Co Pty Ltd v Alpha Healthcare Ltd [2002] 5 VR 577	10.49
Andrews v Australia and New Zealand Banking Group Ltd [2012] HCA 30; (2012) 247 CLR 205	28.35, 28.40, 28.55, 29.80
Andrews v Parker [1973] Qd R 93	41.45, 42.60
Androvitsaneas v Members First Broker Network [2013] VSCA 212	14.103
Ange v First East Auction Holdings Pty Ltd [2011] VSCA 335	12.50, 12.70
Angel v Jay [1911] 1 KB 666	39.70
Angelopoulos v Sabatino (1995) 65 SASR 1	10.47
Ankar Pty Ltd v National Westminster Finance (Australia) Ltd (1987) 162 CLR 549	13.93, 21.15, 21.40, 21.70, 21.72, 21.75, 23.40
Ansett Transport Industries v Commonwealth (1977) 139 CLR 54	14.40
Anthones v Melbourne Malting and Brewing Co (1888) 14 VLR 916	7.15
Antons Trawling Co Ltd v Smith [2003] 2 NZLR 23	4.90
Anyia Holdings Pty Ltd v Idohage Pty Ltd [2006] FCA 1531	33.115
Aotearoa International Ltd v Scancarriers A/S [1985] 1 NZLR 513	6.15
Appleby v Myers (1867) LR 2 CP 651	10.80, 15.115
Appleby v Pursell [1973] 2 NSWLR 879	13.45
Archbalds (Freightage) Ltd v S Spanglett [1961] 1 QB 374	41.23
Arcos v Ronaasen [1933] AC 470	21.25, 21.40, 25.175
Argy v Blunts and Lane Cove Real Estate Pty Ltd (1990) 26 FCR 112	33.25, 33.200
Armstrong v Jackson [1917] 2 KB 822	39.70
Arnold v Britton [2015] UKSC 36	13.05, 13.20, 13.65, 13.70
Arnott v American Oil Co 609 F 2d 873 (8th Cir 1979)	14.95
Arthur Young & Co v WA Chip & Pulp Co Pty Ltd [1989] WAR 100	27.115
Ashdown v Kirk [1999] 2 Qd R 1	29.65
Ashton v Australian Cruising Yacht Co Pty Ltd [2005] WASC 192	11.37
Ashton v Pratt [2015] NSWCA 12; (2015) 88 NSWLR 281	5.07, 5.10, 5.25, 5.45, 9.168, 41.45
Ashton v Pratt (No 2) [2012] NSWSC 3	41.45
Ashton Mining Ltd v Commissioner of Taxation [2000] FCA 590; (2000) 44 ATR 249	9.100
Associated Japanese Bank (International) Ltd v Credit du Nord SA [1989] 1 WLR 255	31.50
Associated Newspapers Ltd v Bancks (1951) 83 CLR 322	21.15, 21.40, 22.20
Associated Portland Cement Manufacturers Ltd v Tigland Shipping A/S ("The Oakworth") [1975] 1 Lloyd's Rep 581	30.30
Aster Healthcare v Shafi [2014] EWCA Civ 1350	8.15, 8.115
Astley v Austrust Ltd [1999] HCA 6; (1999) 197 CLR 1	1.10, 3.140, 27.110, 27.115
Astley v Reynolds (1731) 2 Str 915; 93 ER 939	34.40
Atco Controls Pty Ltd (in liq) v Newtronics Pty Ltd (recs & mgrs apptd) (in liq) [2009] VSCA 238; (2009) 25 VR 411	4.35, 4.115, 5.07
Athens-Macdonald Travel Service Pty Ltd v Kazis [1970] SASR 264	27.85
Attica Sea Carriers Corp v Ferrostaal Poseidon Bulk Reederei GmbH [1976] 1 Lloyd's Rep 250	29.78
Attorney-General v Blake [2001] 1 AC 268	10.140, 26.10, 26.100, 26.115
Attorney General (NSW) v Australian Fixed Trusts [1974] 1 NSWLR 110	3.25
Attorney General (NSW) v Mutual Home Loans Fund of Australia Ltd [1971] 2 NSWLR 162	3.25

Attorney-General (NSW) v World Best Holdings Ltd [2005] NSWCA 261; (2005) 63 NSWLR 557; (2005) 223 ALR 346	38.50, 38.60
Attorney-General of Belize v Belize Telecom Ltd [2009] UKPC 10; [2009] 1 WLR 1988	3.60, 14.15, 14.50, 14.55
Attorney-General of Hong Kong v Humphreys Estate (Queen's Gardens) Ltd [1987] AC 114	9.175, 10.50
Austotel Pty Ltd v Franklins Selfserve Pty Ltd (1989) 16 NSWLR 582	9.40, 9.50, 9.95, 9.175
Austral Standard Cables Pty Ltd v Walker Nominees Pty Ltd (1992) 26 NSWLR 524	24.20, 25.25
Australia Estates Pty Ltd v Cairns City Council [2005] QCA 328	31.60
Australia and New Zealand Banking Corporation Ltd v Petrik [1996] 2 VR 638	39.45
Australia and New Zealand Banking Group Ltd v Beneficial Finance Corp Ltd [1983] 1 NSWLR 199	21.35
Australia and New Zealand Banking Group Ltd v Frost Holdings Pty Ltd [1989] VR 695	6.15
Australia and New Zealand Banking Group Ltd v Karam [2005] NSWCA 344; [2005] 64 NSWLR 149	34.20
Australia and New Zealand Banking Group Ltd v Westpac Banking Corporation (1987) 164 CLR 662	10.10
Australian Bank Ltd v Stokes (1985) 3 NSWLR 174	38.80
Australian Broadcasting Commission v Australasian Performing Right Association Ltd (1973) 129 CLR 99	13.70
Australian Co-operative Foods v Norco [1999] NSWSC 274; (1999) 46 NSWLR 267	9.200, 9.205, 9.210
Australian Competition and Consumer Commission v ACN 117 372 915 Pty Ltd (in liq) [2015] FCA 368	16.55, 38.65
Australian Competition and Consumer Commission v Allphones Retail Pty Ltd (No 2) (2009) FCA 17	38.60
Australian Competition and Consumer Commission v Avitalb Pty Ltd [2014] FCA 222	17.105
Australian Competition and Consumer Commission v Baxter Healthcare Pty Ltd [2007] HCA 38; (2007) 232 CLR 1	40.05, 40.25, 42.10
Australian Competition and Consumer Commission v Breast Check Pty Ltd [2014] FCA 190	33.40
Australian Competition and Consumer Commission v Bytcard Pty Limited Consent order (P)VID301/2013	16.65
Australian Competition and Consumer Commission v CG Berbatis Holdings Pty Ltd [2003] HCA 18; (2003) 214 CLR 51	36.60, 36.90, 38.40
Australian Competition and Consumer Commission v CG Berbatis Holdings Pty Ltd (No 2) [2000] FCA 2; (2000) 96 FCR 491	38.40
Australian Competition and Consumer Commission v Camavit Pty Ltd [2013] FCA 1397	17.105
Australian Competition and Consumer Commission v Coles Supermarkets Australia Pty Ltd [2014] FCA 1405	38.65
Australian Competition and Consumer Commission v Google Inc [2012] FCAFC 49; (2012) 201 FCR 503	33.100
Australian Competition and Consumer Commission v Gordon Superstore Pty Ltd [2014] FCA 452	17.105
Australian Competition and Consumer Commission v HP Superstore Pty Ltd [2013] FCA 1317	17.105
Australian Competition and Consumer Commission v Hewlett-Packard Australia Pty Ltd [2013] FCA 653	17.105
Australian Competition and Consumer Commission v Kaye [2004] FCA 1363	33.50
Australian Competition and Consumer Commission v Launceston Superstore Pty Ltd [2013] FCA 1315	17.105
Australian Competition and Consumer Commission v Lux Distributors Pty Ltd [2013] FCAFC 90	38.60, 38.65
Australian Competition and Consumer Commission v Mandurvit Pty Ltd [2014] FCA 464	17.105
Australian Competition and Consumer Commission v Radio Rentals Limited [2005] FCA 1133; (2005) 146 FCR 292	36.05, 36.75, 38.50
Australian Competition and Consumer Commission v Samton Holdings Pty Ltd [2002] FCAFC 4; (2002) 189 ALR 76	25.155
Australian Competition and Consumer Commission v Seal-A-Fridge [2010] FCA 525	38.65
Australian Competition and Consumer Commission v Simply No-Knead (Franchising) Pty Ltd [2000] FCA 1365; (2000) 104 FCR 253	25.160, 38.55, 38.60, 38.65

Australian Competition and Consumer Commission v TPG Internet Pty Ltd [2011] FCA 1254	33.35
Australian Competition and Consumer Commission v TPG Internet Pty Ltd [2013] HCA 54; (2013) 250 CLR 640	33.35, 33.180, 33.195
Australian Competition and Consumer Commission v Universal Sports Challenge Ltd [2002] FCA 1276	33.70
Australian Consolidated Press Ltd v Morgan (1965) 112 CLR 483	30.05
Australian Crime Commission v Gray [2003] NSWCA 318	9.60, 9.95, 9.155
Australian European Finance Corporation v Sheahan (1993) 60 SASR 187	5.15
Australian Financial Services and Leasing Pty Ltd v Hills Industries Ltd [2014] HCA 14; (2014) 253 CLR 560	10.10, 10.15, 10.105, 10.115
Australian Goldfields NL (in liq) v North Australian Diamonds NL [2009] WASCA 98; (2009) 40 WAR 191	9.60
Australian Medical Insurance Ltd v CGU Insurance Ltd [2010] QCA 189	13.20
Australian Mutual Provident Society v Landsa Ltd [1997] 1 VR 564	20.30
Australian Protective Electronics Pty Ltd v Pabflow Pty Ltd [1996] ATPR 41-524	33.190
Australian Securities Commission v Marlborough Gold Mines Ltd (1993) 177 CLR 485	9.95
Australian Securities and Investments Commission v Australian Lending Centre Pty Ltd (No 3) [2012] FCA 43	38.65
Australian Securities and Investments Commission v National Exchange Pty Ltd [2005] FCAFC 226; (2005) 148 FCR 132	38.50, 38.55, 38.60
Australian Steel & Mining Corp Pty Ltd v Corben [1974] 2 NSWLR 202	32.100
Australian Woollen Mills Pty Ltd v Commonwealth (1954) 92 CLR 424	3.15, 3.20, 4.25, 4.30, 5.60
Australis Media Holdings Pty Ltd v Telstra Corporation (1998) 43 NSWLR 104	14.70, 14.110
Automasters Australia Pty Ltd v Bruness Pty Ltd [1999] WASC 39	14.130
Automatic Fire Sprinklers Pty Ltd v Watson (1946) 72 CLR 435	24.05, 29.78
Avery v Bowden (1855) 5 E&B 714; 119 ER 647	24.25
Aviet v Smith and Searls Pty Ltd (1956) 73 WN (NSW) 274	3.95
Avon County Council v Howlett [1983] 1 WLR 605	9.105, 10.120
Axelsen v O'Brien (1949) 80 CLR 219	6.30
Aysun Pty Ltd v Cregan [2011] NSWCA 203	13.70

B

B & B Constructions (Aust) Pty Ltd v Brian A Cheeseman & Associates Pty Ltd (1994) 35 NSWLR 227	12.120, 13.20, 13.50
B Seppelt and Sons Ltd v Commissioner for Main Roads (1975) 1 BPR 9147	3.20
BB Australia Pty Ltd v Karioi Pty Ltd [2010] NSWCA 347	41.97
BGC Residential Pty Ltd v Fairwater Pty Ltd [2012] WASCA 268	27.92
BICC plc v Burndy Corporation [1985] Ch 232	25.130
BMD Major Projects Pty Ltd v Victorian Urban Development Authority [2009] VSCA 221	33.210
BP Exploration Co (Libya) Ltd v Hunt (No 2) [1979] 1 WLR 783	15.100, 15.150
BP Refinery (Westernport) Pty Ltd v President, Councillors and Ratepayers of the Shire of Hastings (1977) 180 CLR 266	14.15, 14.20, 14.25, 14.55, 14.60, 14.65
BT Australia Ltd v Raine & Horne Pty Ltd [1983] 3 NSWLR 221	32.80
Bacchus Marsh Concentrated Milk Co Ltd v Joseph Nathan & Co Ltd (1919) 26 CLR 410	13.20
Bacon v Purcell (1916) 22 CLR 307	29.25
Badman v Drake [2008] NSWSC 1366	35.50
Bahr v Nicolay (No 2) (1988) 164 CLR 604	30.65
Bailey v Bullock [1950] 2 All ER 1167	27.85
Baillieu Knight Frank (Gold Coast) Pty Ltd v Susan Pender Jewellery [1997] ATPR 41-542	33.195
Bain v Fothergill (1874) LR 7 HL 158	27.140
Bains Harding Construction and Roofing (Aust) Pty Ltd v McCredie Richmond & Partners Pty Ltd (1988) 13 NSWLR 437	27.110
Baird v BCE Holdings Pty Ltd (1996) 40 NSWLR 374	39.70
Bak v Glenleigh Homes Pty Ltd [2006] NSWCA 10	26.90, 27.50
Bakarich v Commonwealth Bank of Australia [2007] NSWCA 169	38.95
Baker v Baker (1993) 25 HLR 408	9.115
Baker v Jones [1954] 2 All ER 553	41.110
Baldry v Marshall [1925] 1 KB 260	17.60

Balfour v Balfour [1919] 2 KB 571	5.30
Balfour v Hollandia Ravensthorpe NL (1978) 18 SASR 240	32.20
Ballantyne v Phillott (1961) 105 CLR 379	4.25, 4.120
Balmain New Ferry Co Ltd v Robertson (1906) 4 CLR 379	12.90
Baltic Shipping Co v Dillon (1993) 176 CLR 344	10.25, 10.30, 10.70, 10.75, 12.45, 12.70, 12.75, 27.35, 27.80, 27.85, 27.90, 27.92, 29.10, 29.15, 38.100
Banco de Portugal v Waterloo & Sons Ltd [1932] AC 452	27.50, 27.60
Bank Line Ltd v Arthur Capel and Co [1919] AC 435	15.10, 15.30, 15.60, 15.75, 15.85
Bank of Boston Connecticut v European Grain and Shipping Ltd [1989] AC 1056	15.110
Bank of Credit and Commerce International SA v Ali [2001] UKHL 8; [2002] 1 AC 251	13.20, 13.60, 13.65, 13.70, 27.10
Bank of New South Wales v Rogers (1941) 65 CLR 42	37.25
Bank of Queensland Ltd v Chartis Australia Insurance Ltd [2013] QCA 183	13.70, 13.95
Banque Brussels Lambert SA v Australian National Industries Ltd (1989) 21 NSWLR 502	1.180, 5.15
Banque Financière de la Cité v Parc (Battersea) Ltd [1999] 1 AC 221	10.15
Bar-Mordecai v Hillston [2004] NSWCA 65	37.55
Barbudev v Eurocom Cable Management Bulgaria EOOD Walford v Miles [2011] EWHC 1560	6.50
Barburin v Barburin [1991] 2 Qd R 240; [1990] 2 Qd R 101	35.10, 39.60
Barclays Bank plc v Fairclough Building Ltd [1995] QB 214	27.120
Barclays Bank plc v O'Brien [1994] 1 AC 180	35.15, 35.20, 37.15, 37.60
Barry v Davies [2000] 1 WLR 1962	3.30
Bartolo v Hancock [2010] SASC 305	3.55
Barton v Armstrong [1976] AC 104	34.30, 34.35, 39.50
Basham, Re [1986] 1 WLR 1498	9.155
Bastard v McCallum [1924] VLR 9	7.30
Bathurst Regional Council v Local Government Financial Services Pty Ltd (No 5) [2012] FCA 1200	33.40
Batt v Onslow (1892) 13 LR (NSW) Eq 79	3.85
Battie v Fine [1925] VLR 363	6.55
Baulkham Hills Private Hospital Pty Ltd v GR Securities Pty Ltd (1986) 40 NSWLR 622	5.75
Beach Petroleum NL v Johnson (1993) 43 FCR 1	32.20
Beaton v McDivitt (1985) 13 NSWLR 134	4.35
Beaton v McDivitt (1987) 13 NSWLR 162	4.20, 4.35, 4.115, 15.80
Beckham v Drake (1841) 9 M & W 79; 152 ER 35	7.05
Beerens v Bluescope Distributions Pty Ltd [2012] VSCA 209; (2012) 39 VR 1	14.130, 34.15
Bell v Lever Bros Ltd [1932] AC 161	31.10, 31.30, 31.50, 31.55, 31.60, 31.70
Bellgrove v Eldridge (1954) 90 CLR 613	26.30, 26.35, 26.50
Bellmere Park Pty Ltd v Benson [2007] QCA 102	20.35
Bence Graphics International Ltd v Fasson UK Ltd [1998] QB 87	27.72
Beneficial Finance Corporation Ltd v Karavas (1991) 23 NSWLR 256	38.95
Benlist Pty Ltd v Olivetti Australia Pty Ltd [1990] ATPR 41-043	33.215
Beswick v Beswick [1968] AC 58	11.65, 11.70, 30.30
Bevanere Pty Ltd v Lubidineuse (1985) 7 FCR 325	33.25
Bhasin v Hrynew [2014] SCC 71	14.95, 14.103
Biotechnology Australia Pty Ltd v Pace (1988) 15 NSWLR 130	6.05, 6.55, 14.50
Birmingham and District Land Co v London and North Western Railway Co (1888) 40 Ch D 268	9.30, 9.110
Bisset v Wilkinson [1927] AC 261	32.15
Blackley Investments Pty Ltd v Burnie City Council [2010] TASSC 48	31.95
Blackpool and Fylde Aero Club v Blackpool Borough Council [1990] 1 WLR 1195	3.35
Blay v Pollard & Morris [1930] 1 KB 628	12.25
Blennerhasset's Institute of Accountancy Pty Ltd v Gairns (1938) 55 WN (NSW) 89	8.15
Blomley v Ryan (1956) 99 CLR 362	4.45, 30.75, 36.05, 36.10, 36.15, 36.30, 36.35, 36.50, 36.55
Bobux Marketing Ltd v Raynor Marketing Ltd [2001] NZCA 348	1.180
Bodapati v Westpac Banking Corporation [2015] QCA 7	36.78
Body Bronze International Pty Ltd v Fehcorp Pty Ltd [2011] VSCA 196; (2011) 34 VR 536	33.90
Bojczak v Gregorcowicz [1961] SASR 128	8.15
Bolton v Mahdeva [1972] 1 WLR 1009	29.30, 29.40

Boncristiano v Lohmann [1998] 4 VR 82	27.85
Bond Corp Pty Ltd v Thiess Contractors Pty Ltd (1987) 14 FCR 215	33.28
Bondlake Pty Ltd v Owners – Strata Plan No 60285 [2005] NSWCA 35; (2005) 62 NSWLR 158	40.35, 41.25, 42.10
Bonnett v Barron & Dowling Property Group [2006] NSWSC 975; (2006) 67 NSWLR 475	33.125
Booker Industries Pty Ltd v Wilson Parking (Qld) Pty Ltd (1982) 149 CLR 600	6.05, 6.20, 6.30, 6.45, 14.110, 20.25
Borelli v Ting [2010] UKPC 21	34.15
Borzi Smythe Pty Ltd v Campbell Holdings (NSW) Pty Ltd [2008] NSWCA 233	33.100
Boston Commercial Services v GE Capital Finance Australasia Pty Ltd [2006] FCA 1352; (2006) 236 ALR 720	12.105
Bot v Ristevski [1981] VR 120	29.55, 29.65
Boulton v Jones (1858) 27 LJ Ex 117; 157 ER 232	31.115
Bowen Investments Pty Ltd v Tabcorp Holdings [2008] FCAFC 38; (2008) 166 FCR 494	26.35, 26.50
Bowes v Chaleyer (1923) 32 CLR 159	21.15, 21.50, 21.55, 23.30, 24.20, 24.25
Bowler v Hilda Pty Ltd (1998) 80 FCR 191	33.99, 33.215
Bowmakers Ltd v Barnet Instruments Ltd [1945] KB 65	42.70
Boyd v Ryan (1947) 48 SR (NSW) 163	8.70
Bradburn v Great Western Railway Co (1874) LR 10 Exch 1	27.65
Bradford v Zahra [1977] Qd R 24	6.70
Bradshaw v Gilberts (Australasian) Agency (Vic) Pty Ltd (1952) 86 CLR 209	40.10
Braganza v BP Shipping Ltd [2015] UKSC 17; [2015] 1 WLR 1661	14.125
Brambles Holdings Ltd v Bathurst City Council [2001] NSWCA 61; (2001) 53 NSWLR 153	1.20, 3.10, 3.65, 3.145, 13.20
Branir Pty Ltd v Owston Nominees (No 2) Pty Ltd (2001) 117 FCR 424	3.145, 9.210
Brattleboro Auto Sales Inc v Subaru of New England Inc 633 F 2d 649 (2nd Cir, 1980)	14.120
Brauer & Co (Great Britain) Ltd v James Clark (Brush Materials) Ltd [1952] 2 All ER 497	14.110
Breen v Williams (1996) 186 CLR 71	14.30, 14.60, 14.65, 14.70
Brennan v Bolt Burdon [2004] EWCA Civ 1017; [2005] QB 303	32.25
Brenner v First Artists Management Pty Ltd [1993] 2 VR 221	10.46, 10.48, 10.49, 10.50, 10.55
Bressan v Squires [1974] 2 NSWLR 460	3.90
Brew v Whitlock (No 2) [1967] VR 803	42.25
Brewarrina Shire Council v Beckhaus Civil Pty Ltd [2006] NSWCA 361	26.35
Bridge v Campbell Discount [1962] AC 600	28.35
Bridgewater v Leahy [1998] HCA 66; (1998) 194 CLR 457	36.05, 36.55, 36.70, 36.78, 36.80, 36.90
Brien v Dwyer (1978) 141 CLR 378	29.50
Bright v Sampson and Duncan Enterprises Pty Ltd (1985) 1 NSWLR 346	13.95, 13.110
Brinkibon Ltd v Stahag Stahl und Stahlwarenhandels-gesellschaft mbH [1983] 2 AC 34	3.40, 3.95, 3.100
Brisbane City Council v Group Projects Pty Ltd (1979) 145 CLR 143	15.10, 15.40
British & Beningtons Ltd v North Western Cachar Tea Co Ltd [1923] AC 48	19.35, 22.75
British Car Auctions Ltd v Wright [1972] 1 WLR 1591	3.30
British Road Services Ltd v Arthur V Crutchley & Co Ltd [1968] 1 Lloyd's Rep 271	3.125
British Russian Gazette & Trade Outlook Ltd v Associated Newspapers Ltd [1933] 2 KB 616	19.25
British Steel Corp v Cleveland Bridge and Engineering Co Ltd [1984] 1 All ER 504	10.50
British Westinghouse Electric and Manufacturing Co Ltd v Underground Electric Railways Co of London Ltd [1912] AC 673	27.65, 27.72
Brogden v Metropolitan Railway Co (1877) 2 App Cas 666	3.85
Bromley v Smith [1909] 2 KB 235	8.15
Brooks v Burns Philp Trustee Co Pty Ltd (1969) 121 CLR 432	41.05, 41.75, 41.110, 41.110, 42.20, 42.25
Brooks v Wyatt (1994) 99 NTR 12	30.100
Brown v Avemco Investments Corp 603 F 2d 1367 (9th Cir)	25.170
Brown v Smitt (1924) 34 CLR 160	39.30, 39.40
Brown v The NSW Trustee & Guardian [2011] NSWSC 1203	35.48
Brownbill v Kenworth Truck Sales (NSW) Pty Ltd (1982) 39 ALR 191	42.65
Bruner v Moore [1904] 1 Ch 305	3.95
Bryan v Maloney (1995) 182 CLR 609	2.20, 11.50

Buckenara v Hawthorn Football Club Ltd [1988] VR 39	30.95
Buckley v Tutty (1971) 125 CLR 353	41.70
Bunge Corporation New York v Tradax Export SA Panama [1981] 1 WLR 711; [1980] 1 Lloyd's Rep 294	21.15, 21.40, 21.50, 23.25, 23.30, 23.40
Burger King Corporation v Family Dining Inc 426 F Supp 485 (Ed Pa, 1977)	25.170
Burger King Corporation v Hungry Jack's Pty Ltd [2001] NSWCA 187; (2001) 69 NSWLR 558	14.95, 14.103, 14.105, 14.120, 14.125, 14.130, 25.165, 25.170
Burke v Forbes Shire Council (1987) Aust Torts Reps 80-122	32.80
Burmic Pty Ltd v Goldview Pty Ltd [2002] QCA 479; [2003] 2 Qd R 477	40.20
Burns v MAN Automotive (Aust) Pty Ltd (1986) 161 CLR 653	27.20, 27.22, 27.55
Burton v Palmer [1980] 2 NSWLR 878	18.15
Butcher v Lachlan Elder Realty Pty Ltd [2004] HCA 60; (2004) 218 CLR 592	32.10, 33.30, 33.35, 33.40, 33.45, 33.205, 33.210
Butler v Fairclough (1917) 23 CLR 78	26.10
Butler Machine Tool Co Ltd v Ex-Cell-O-Corp (England) Ltd [1979] 1 WLR 401	3.125
Butt v McDonald (1896) 7 QJ 68	14.110
Butts v O'Dwyer (1952) 87 CLR 267	14.110, 20.25
Byers v Dorotea Pty Ltd (1986) 69 ALR 715	33.50, 33.215, 39.85
Byrne v Australian Airlines Ltd (1995) 185 CLR 410	14.10, 14.15, 14.20, 14.60, 14.65, 14.70, 14.80, 30.45
Byrne & Co v Leon Van Tienhoven & Co (1880) LR 5 CPD 344	3.47
Byrnes v Kendle [2011] HCA 26; (2011) 243 CLR 253	13.20, 13.25

C

C Czarnikow Ltd v Koufos [1969] 1 AC 350	27.22, 27.30, 27.35, 27.40
CAN 007 528 207 Pty Ltd v Bird Cameron (2005) 91 SASR 570	11.35
CBFC Ltd v Edwards [2001] SADC 40	14.95
CCP Australian Airships Ltd v Primus Telecommunications Pty Ltd [2004] VSCA 232	29.55, 33.65
CG Mal Pty Ltd v Sanyo Office Machines Pty Ltd [2001] NSWSC 445	9.210
CGU Workers Compensation (NSW) Limited v Garcia [2007] NSWCA 193; NSWLR 704-5	14.103
CIBC Mortgages v Pitt [1994] 1 AC 200	35.10
CNW Oil (Australasia) Pty Ltd v Australian Occidental Pty Ltd (1984) 55 ALR 599	13.45
CSS Investments Pty Ltd v Lopiron Pty Ltd (1987) 16 FCR 15	14.110, 20.25, 25.155
CTN Cash & Carry Ltd v Gallaher [1994] 4 All ER 714	34.15, 34.50
Cadoks Pty Ltd v Wallace Westley & Vigar Pty Ltd [2000] VSC 167	26.85
Callaghan v O'Sullivan [1925] VLR 664	41.35, 42.60
Callander v Ladang Jalong (Australia) Pty Ltd [2005] WASC 159	33.125
Callide Power Management Pty Ltd v Callide Coalfields (Sales) Pty Ltd [2008] QCA 182	13.20
Cambee's Furniture v Doughboy Recreational Inc 825 F 2d 167 (8th Cir 1987)	14.95
Cameron v Murdoch [1983] WAR 321	9.35
Cameron v UBS AG [2000] VSCA 222	29.80
Cameron & Co v Slutzkin Pty Ltd (1923) 32 CLR 81	13.40
Campbell v Backoffice Investments Pty Ltd [2009] HCA 25; (2009) 238 CLR 304	33.35, 33.40, 33.85, 33.155, 33.180, 33.205, 33.220
Campomar Sociedad Limitada v Nike International Ltd [2000] HCA 12; (2000) 202 CLR 45	33.30, 33.35
Canada Steamship Lines Ltd v R [1952] AC 192	13.110
Canberra Advance Bank Ltd v Benny (1992) 38 FCR 427	25.165
Candler v Crane Christmas [1951] 2 KB 164	32.105
Canning v Temby (1905) 3 CLR 419	23.10
Canon Australia Pty Ltd v Patton [2007] NSWCA 246	38.60
Caparo Industries plc v Dickman [1990] 2 AC 605	32.105
Car & Universal Finance Co Ltd v Caldwell [1965] 1 QB 525	39.25, 39.65
Cargill Australia Limited v Cater Oil Company Pty Ltd [2011] VSC 126	27.70
Carlill v Carbolic Smoke Ball Co [1893] 1 QB 256	1.10, 3.10, 3.20, 3.85, 3.105
Carminco Gold & Resources Ltd v Findlay & Co Stockbrokers (Underwriters) Pty Ltd [2007] FCAFC 194	11.35
Carr v J A Berriman Pty Ltd (1953) 89 CLR 327	22.45, 22.50, 23.45, 23.50, 24.05, 25.65
Carrington Slipways Pty Ltd v Patrick Operations Pty Ltd (1991) 24 NSWLR 745	11.35

Carter v Hyde (1923) 33 CLR 115	3.50, 3.55
Casey's Patents, Re; Stewart v Casey [1892] 1 Ch 104	4.60, 4.95
Castle Constructions Pty Ltd v Fekala Pty Ltd [2006] NSWCA 133; (2006) 65 NSWLR 648	27.50
Castlemaine Tooheys v Carlton & United Breweries Ltd (1987) 10 NSWLR 468	14.10, 14.70
Causser v Brown [1952] VLR 1	12.60
Cavallari v Premier Refrigeration Co Pty Ltd (1952) 85 CLR 20	6.15
Cavendish Square Holding BV v Talal El Makdessi; Parking Eye Ltd v Beavis [2015] UKSC 67	28.15
Cedar Meats (Aust) Pty Ltd v Five Star Lamb Pty Ltd [2014] VSCA 32	19.40, 28.35, 28.40, 28.45, 28.55
Cehave NV v Bremer Handelgesellschaft mbH [1976] QB 44	21.15, 21.40, 21.65
Celthene Pty Ltd v WKJ Hauliers Pty Ltd [1981] 1 NSWLR 606	11.35
Central Coast Leagues Club v Gosford City Council (Unreported, Supreme Court of NSW, Giles J, 9 June 1998)	26.40
Central Exchange Ltd v Anaconda Nickel Ltd [2002] WASCA 94; (2002) 26 WAR 33	14.95, 14.103, 14.135
Central London Property Trust Ltd v High Trees House Ltd [1947] 1 KB 130	9.35, 9.110
Central Trust Co v Rafuse [1986] 2 SCR 147	2.20
Challenge Bank Ltd v VL Cooper & Associates Pty Ltd [1996] 1 VR 220	27.50
Champtaloup v Thomas [1976] 2 NSWLR 264	25.75
Chand v Commonwealth Bank of Australia [2015] NSWCA 181	27.10, 27.50
Chandros Developments Pty Ltd v Mulkearns [2008] NSWCA 62	25.15
Chanrich Properties Pty Ltd v Baulkham Hills Shire Council [2001] NSWSC 229	9.50, 9.155, 9.168
Chapleton v Barry Urban District Council [1940] 1 KB 532	12.20
Chaplin v Hicks (1911) 2 KB 786	26.15, 26.85
Chapman v Hearse (1961) 106 CLR 112	27.15
Chapman v Taylor [2004] NSWCA 456	15.50, 15.90
Chappel v Hart [1998] HCA 55; (1998) 195 CLR 232	33.185
Character Design Pty Ltd v Kohlen [2013] WASC 112	9.168
Chartbrook Ltd v Persimmon Homes Ltd [2009] UKHL 38; [2009] AC 1101	1.180, 13.05, 13.65, 13.70
Chattis Nominees Pty Ltd v Norman Ross Homeworks Pty Ltd (1992) 28 NSWLR 338	12.90, 12.95
Chin v Miller (1981) 37 ALR 171	9.85
Chint Australasia Pty Limited v Cosmoluce Pty Limited [2008] NSWSC 635	9.210
Chint Australasia Pty Ltd v Cosmoluce Pty Ltd [2008] NSWSC 635	33.155
Chwee Kin Keong v Digiland.com Pte Ltd [2005] SGCA 2; [2005] 1 SLR 502	31.10, 31.80, 31.85
Chwee Kin Keong v Digilandmall.com Pte Ltd [2004] SGHC 71; [2004] 2 SLR 594	31.85, 31.95
Ciavarella v Balmer (1983) 153 CLR 438	23.70, 25.135, 30.60
City and Westminster Properties (1934) Ltd v Mudd [1959] Ch 129	12.195
Clark v Macourt [2013] HCA 56; (2013) 253 CLR 1	26.10, 26.25, 27.72
Clark Equipment Australia Ltd v Covcat Pty Ltd (1987) 71 ALR 367	33.220
Classic International Pty Ltd v Lagos [2002] NSWSC 1155; (2002) 60 NSWLR 241	31.55
Clea Shipping Corp v Bulk Oil International Ltd (The "Alaskan Trader") (No 2) [1984] 1 All ER 129; [1983] 2 Lloyd's Rep 646	29.76, 29.78
Clegg v Wilson (1932) 32 SR (NSW) 109	42.60
Cloud Top Pty Limited v Toma Services Pty Limited [2008] NSWSC 568	29.70
Club Cape Shanck Resort Co Ltd v Cape Country Club Pty Ltd [2001] VSCA 2; (2001) 3 VR 526	31.65
Co-operative Insurance Society Ltd v Argyll Stores (Holdings) Ltd [1998] AC 1	30.40
Coal Cliff Collieries Pty Ltd v Sijehama Pty Ltd (1991) 24 NSWLR 1	5.65, 6.15, 6.50, 26.85
Coastal Estates Pty Ltd v Melevende [1965] VR 433	39.60
Coates v Sarich [1964] WAR 2	29.70
Cobbe v Yeoman's Row Management Ltd [2008] UKHL 55; [2008] 1 WLR 1752	9.168
Cockerill v Westpac Banking Corporation (1996) 142 ALR 227	39.45
Codelfa Construction Pty Ltd v State Rail Authority of New South Wales (1982) 149 CLR 337	12.110, 12.120, 12.155, 13.20, 13.30, 13.55, 13.60, 14.15, 14.20, 14.35, 14.50, 15.05, 15.10, 15.15, 15.20, 15.45, 15.75, 15.80, 15.120, 15.100, 24.30, 31.65, 31.70
Collier v Electrum Acceptance Pty Ltd (1986) 66 ALR 613	33.55
Collier v Morlend Finance (Vic) Corporation Pty Ltd [1989] ASC 55-716	38.95

Collier v P & MJ Wright (Holdings) Ltd [2007] EWCA Civ 1329; [2008] 1 WLR 643	4.90
Collin v Holden [1989] VR 510	7.85, 7.95, 9.70, 9.185
Collins v Godefroy (1831) 1 B & Ad 950; 109 ER 1040	4.65
Commercial Bank of Australia Ltd v Amadio (1983) 151 CLR 447	2.55, 32.45, 35.35, 36.05, 36.10, 36.20, 36.25, 36.30, 36.35, 36.55, 36.65, 36.78, 36.80, 36.90, 37.20, 37.40, 38.40, 39.45
Commercial Banking Co of Sydney Ltd v RH Brown & Co (1972) 126 CLR 337	32.75, 32.105
Commonwealth v Amann Aviation Pty Ltd (1991) 174 CLR 64	21.05, 21.15, 21.35, 26.10, 26.15, 26.55, 26.60, 26.65, 26.75, 26.80, 26.85, 26.90, 27.10, 27.20, 27.22
Commonwealth v Clark [1994] 2 VR 333	9.70, 9.85, 9.168
Commonwealth v Verwayen (1990) 170 CLR 394	2.55, 9.25, 9.45, 9.60, 9.65, 9.70, 9.80, 9.85, 9.95, 9.115, 9.120, 9.125, 9.130, 9.135, 9.145, 9.150, 9.155, 9.160, 9.165, 9.170, 9.235, 25.120, 32.25
Commonwealth Bank of Australia v Barker [2014] HCA 32; (2014) 253 CLR 169	14.95, 14.103, 14.110
Commonwealth Bank of Australia v Renstel Nominees Pty Ltd [2001] VSC 167	14.103, 25.165
Commonwealth Bank of Australia v TLI Management Pty Ltd [1990] VR 510	5.15
Commonwealth Bank of Australia v Spira [2002] NSWSC 905	14.135
Como Investments Pty Ltd v Yenald Nominees Pty Ltd [1997] ATPR 41-550	33.175, 33.180, 33.190, 33.195
Compagnie Commerciale Sucres et Denrees v C Czarnikow Ltd [1990] 1 WLR 1337	21.50
Con-Stan Industries of Australia Pty Ltd v Norwich Winterthur Insurance (Australia) Ltd (1986) 160 CLR 226	9.200, 14.80
Concrete Constructions (NSW) Pty Ltd v Nelson (1990) 169 CLR 594	33.25
Concrete Constructions Group Ltd v Litevale Pty Ltd (2002) 170 FLR 290	33.90
Concrete Pty Ltd v Paramatta Design & Development [2006] HCA 55; (2006) 229 CLR 577	14.05
Concut Pty Ltd v Worrell [2000] HCA 64	19.35, 21.05, 22.60, 25.180
Consolidated Bearing Co (SA) Pty Ltd v Molnar Engineering Pty Ltd [1994] ATPR (Digest) 46-122	33.45
Construction Technologies Australia Pty Ltd v Doueihy [2014] NSWSC 1717	9.168, 9.175
Continental C & G Rubber Co Pty Ltd, Re (1919) 27 CLR 194	15.115
Coombs v Bahama Palm Trading Pty Ltd (1991) ASC 56-097	38.80
Cooney v Burns (1922) 30 CLR 216	7.70, 7.80
Corbridge v Bakery Fun Shop Pty Ltd [1984] ATPR 40-493	33.115
Corcoran v O'Rourke (1888) 14 VLR 889	7.30
Cordon Investments Pty Ltd v Lesdor Properties Pty Ltd [2012] NSWCA 184	14.95, 14.130, 26.40
Costa Vraca Pty Ltd v Berrigan Weed & Pest Control Pty Ltd (1998) 155 ALR 714	33.65
Couchman v Hill [1947] KB 554	12.175
Couldery v Bartrum (1881) 19 Ch D 394	4.70
Coulls v Bagot's Executor and Trustee Co Ltd (1967) 119 CLR 460	4.40, 9.215, 11.15, 11.65, 11.70, 30.30
Council of the City of Sydney v Goldspar [2006] FCA 472	14.110
Council of the City of Sydney v West (1965) 114 CLR 481	13.100, 13.115
County Securities Pty Limited v Challenger Group Holdings Pty Limited [2008] NSWCA 193	12.120, 13.35
Courtney v Powell [2012] NSWSC 460	35.35, 35.48, 35.50
Coutts & Co v Browne Lecky [1947] KB 104	8.80
Couturier v Hastie (1856) 5 HL Cas 673	31.35
Cowan v O'Connor (1888) 20 QBD 640	3.95
Cowcher v Cowcher [1972] 1 WLR 425	25.155
Cowley v Watts (1853) 22 LJ Ch 591	7.30
Cox & Coxon Ltd v Leipst [1999] 2 NZLR 15	33.125
Crabb v Arun District Council [1976] 1 Ch 179	9.120, 9.155, 9.195
Cranfield Pty Ltd v Commonwealth Bank of Australia [1998] VSC 140	37.50
Crawford Fitting Co v Sydney Valve & Fitting Pty Ltd (1988) 14 NSWLR 438	19.15
Crescendo Management Pty Ltd v Westpac Banking Corporation (1988) 19 NSWLR 40	10.100, 34.20, 34.25, 34.30, 34.35
Cricklewood Property and Investment Trust Ltd v Leighton's Investment Trust Ltd [1945] AC 221	15.55
Crown, The v Clarke (1927) 40 CLR 227	3.80, 3.85, 3.140, 11.35
Cullen v Bickers (1878) 12 SALR 5	3.120

Cundy v Lindsay (1878) 3 App Cas 459	31.115, 31.120, 39.65
Current Images Pty Ltd v Dupack Pty Ltd [2012] NSWCA 99	13.35, 13.70
Currie v Misa (1875) LR 10 Ex 153	4.20, 4.25, 4.40
Curro v Beyond Productions Pty Ltd (1993) 30 NSWLR 337	30.95
Curtis v Chemical Cleaning and Dyeing Co [1951] 1 KB 805	12.15, 12.20, 12.30, 32.35
Custom Credit Corp Ltd v Lynch [1993] 2 VR 469	37.15
Cutter v Powell (1795) 6 TR 320; 101 ER 573	10.80, 15.115, 29.15

D

DH MB Pty Ltd v Manning Motel Pty Ltd [2014] NSWCA 396	12.195
DHJPM Pty Ltd v Blackthorn Resources Ltd [2011] NSWCA 348; (2011) 83 NSWLR 728	9.168, 9.175
DIB Group Pty Ltd v Ventouris Enterprises Pty Ltd [2011] NSWCA 300	33.70
DJ Hill & Co Pty Ltd v Walter H Wright Pty Ltd [1971] VR 749	12.20, 12.95
DPN Solutions Pty Ltd v Tridant Pty Ltd [2014] VSC 511	14.135
DPP (Victoria) v Le [2007] HCA 52; (2007) 23 CLR 562	4.90
DTR Nominees Pty Ltd v Mona Homes Pty Ltd (1978) 138 CLR 423	19.40, 21.15, 21.40, 21.60, 22.45, 22.60, 22.65, 25.15, 25.20
Dainford Ltd v Smith (1985) 155 CLR 342	22.60
Dalecoast Pty Ltd v Guardian International Pty Ltd [2004] WASC 82	33.125
Damberg v Damberg (2001) 52 NSWLR 492	10.46
Darlington Borough Council v Wiltshier Northern Ltd [1995] 1 WLR 68	11.65
Darlington Futures Ltd v Delco Aust Pty Ltd (1986) 161 CLR 500	13.90, 13.93, 13.95, 13.110
Darmanin v Cowan [2010] NSWSC 1118	5.10
Dataflow Computer Services Pty Ltd v Goodman [1999] FCA 1625	2.80
Daulia Ltd v Four Millbank Nominees Ltd [1978] Ch 231	3.70
David Benson Nominees Pty Ltd v Dicksons Ltd [2005] SASC 97	37.15
David Securities Pty Ltd v Commonwealth Bank of Australia Ltd (1992) 175 CLR 353	10.15, 10.30, 10.90, 10.95, 10.115, 10.125, 10.130, 32.25, 42.60
Davies v Benyon-Harris (1931) 47 TLR 424	8.25, 8.30
Davies v London & Provincial Marine Insurance Co (1878) 8 Ch D 469	32.35, 32.50
Davis v Pearce Parking Station Pty Ltd (1954) 91 CLR 642	13.110, 13.115
Davis Contractors Ltd v Fareham UDC [1956] AC 696	15.10, 15.15, 15.20, 15.60, 15.80
Dayan v McDonald's Corp 466 NE 2d 958 (Ill Ct App, 1978)	14.95, 25.170
De Cesare v Deluxe Motors Pty Ltd (1996) SASR 28	26.45
De Francesco v Barnum (1890) 45 ChD 430	8.15
De Lassalle v Guildford [1901] 2 KB 215	12.195
De Pasquale v The Australian Chess Federation Incorporated [2000] ACTSC 94	14.103
Delaforce v Simpson-Cook [2010] NSWCA 84; (2010) 78 NSWLR 483	9.135
Delgman v Guaranty Trust Co of Canada [1954] SCR 725	10.10
Demagogue Pty Ltd v Ramensky (1992) 39 FCR 31	33.45, 33.60, 33.65, 33.160, 33.215, 39.05
Denmark Productions Ltd v Boscobel Productions Ltd [1969] 1 QB 699	15.90
Denmeade v Stingray Boats [2003] FCAFC 215	34.20
Denny Mott & Dickson Ltd v James B Fraser & Co Ltd [1944] AC 265	15.25
Derby & Co Ltd v Weldon (No 9) [1991] 1 WLR 652	12.160
Derry v Peek (1889) 14 AC 337	32.25, 32.75
Devefi v Mateffy Perl Nagy Pty Ltd (1993) 113 ALR 225	14.10
Dewhurst (WA) and Co Pty Ltd v Cawrse [1960] VR 278	3.95
Di Biase v Rezek [1971] 1 NSWLR 735	7.30
Diagnostic X-Ray Services Pty Ltd v Jewel Food Stores Pty Ltd [2001] VSC 9; (2001) 4 VR 632	30.30, 30.40, 30.95
Dick Bentley Productions Ltd v Harold Smith (Motors) Ltd [1965] 1 WLR 623	12.185
Dickinson v Dodds (1876) 2 Ch D 463	3.47, 3.55, 3.140
Dickson Property Management Services Pty Ltd v Centro Property Management (Vic) Pty Ltd [2000] FCA 1742	14.100
Digi-Tech (Aust) Pty Ltd v Brand [2004] NSWCA 58	33.75
Dillwyn v Llewelyn (1862) 4 De GF & J 517; 45 ER 1285	4.35, 9.50, 9.70, 9.110, 9.115, 9.155
Dimmock v Hallett (1866) LR 2 Ch App 21	32.35
Direct Acceptance Finance Ltd v Cumberland Furnishing Pty Ltd [1965] NSWLR 1504	21.15, 21.75

Director General of Fair Trading v First National Bank [2002] 1 AC 481	16.30, 16.35
Director of Consumer Affairs Victoria v AAPT Ltd [2006] VCAT 1493	16.40, 16.65
Director of Consumer Affairs Victoria v Backloads.com Pty Ltd [2009] VCAT 754	16.40
Director of Consumer Affairs Victoria v Scully [2013] VSCA 292; (2013) 303 ALR 168	38.50, 38.60
Director of Consumer Affairs Victoria v Trainstation Health Clubs Pty Ltd [2008] VCAT 2092	16.35, 16.40
Director of War Service Homes v Harris (1968) Qd R 275	26.45
Ditcham v Worrell (1880) 5 CPD 410; [1874-80] All ER 1324	8.65
Dixon v Totara Coatings (1993) Ltd (unreported, High Court, Wellington, 3 February 2005)	17.70
Domed Stadium Hotel v Holiday Inns 732 F 2d 480 (5th Cir, 1984)	25.170
Donaldson v Bexton [2006] QCA 559	20.40
Donaldson v Freeson (1934) 51 CLR 598	9.65
Donis v Donis [2007] VSCA 89; (2007) 19 VR 577	9.132, 9.135
Donoghue v Stevenson [1932] AC 562	2.15, 32.80
Dormer v Solo Investments Pty Ltd [1974] 1 NSWLR 428	32.55
Dougan v Ley (1946) 71 CLR 142	30.30
Douglas v Cicirello [2006] WASCA 226	23.35
Douglas v Hill [1909] SALR 28	30.45
Dover Beach Pty Ltd v Geftine Pty Ltd [2008] VSCA 248; (2008) 21 VR 442	40.35
Dover Fisheries Pty Ltd v Bottrill Research Pty Ltd (1994) 63 SASR 557	21.05, 21.15
Downer EDI Ltd v Gillies [2012] NSWCA 333	22.60
Downey v Carlson Hotels Asia Pacific Pty Ltd [2005] QCA 199	33.50
Dowsett v Reid (1912) 15 CLR 695	30.05, 30.70
Driveforce Pty Ltd v Gunns Ltd (No 3) [2010] TASSC 38	14.103
Dudgeon v Chie (1955) 92 CLR 342	30.45
Dunlop v Lambert (1839) 6 Cl & F 600; 7 ER 824	11.65
Dunlop Pneumatic Tyre Co Ltd v New Garage and Motor Co Ltd [1915] AC 79	16.65, 28.15, 28.20, 28.45, 29.70
Dunlop Pneumatic Tyre Co Ltd v Selfridge & Co Ltd [1915] AC 847	4.40, 11.05
Dura (Aust) Constructions Pty Ltd v Hue Boutique Living Pty Ltd (No 3) [2012] VSC 99	14.135
Durham Tees Valley Airport Ltd v BMI Baby Ltd [2009] All ER 233	14.50
Dyck v Manitoba Snowmobile Association Inc (1981) 5 WWR 97	11.35
Dyno Rod Plc v Reeve [1999] FSR 148	41.97

E

EBay International AG v Creative Festival Entertainment Pty Ltd [2006] FCA 1768; (2006) 170 FCR 450	12.40, 12.70
EK Nominees Pty Ltd v Woolworths Ltd [2006] NSWSC 1172	3.150, 9.168, 9.175, 10.50, 33.60
Earl of Aylesford v Morris (1873) LR 8 Ch App 484	36.78
Eastwood v Kenyon (1840) 11 Ad & El 438; 113 ER 482	4.10, 4.115
Edensor Nominees Pty Ltd v Anaconda Nickel Ltd [2001] VSC 502	20.60
Edgington v Fitzmaurice (1885) 29 Ch D 459	32.20, 32.95
Education, Minister for v Oxwell [1966] WAR 39	8.15
Edwards v Edwards (1918) 24 CLR 312	13.40
Edwards v Skyways [1964] 1 All ER 494	5.15
Eggleston v Marley Engineers Pty Ltd (1979) 21 SASR 51	12.95
Elders Rural Finance Ltd v Smith (1996) 41 NSWLR 296	38.95
Electric Appliance Pty Ltd v Doug Thorley Caravans (Australia) Pty Ltd [1981] VR 799	41.20, 42.25, 42.35
Electricity Corporation t/as Verve Energy v Woodside Energy Ltd [2013] WASCA 36	13.95, 34.15
Electricity Generation Corporation v Woodside Energy Ltd [2014] HCA 7; (2014) 251 CLR 640	13.20, 13.70, 14.110, 34.15
Elesanar Constructions Pty Ltd v Queensland [2007] QCA 208	13.30
Elias v George Sahely & Co [1983] 1 AC 646	7.40
Elitegold Pty Ltd v CM Holdings Pty Ltd [1995] ATPR 41-422	33.175
Elkofairi v Permanent Trustee Co Ltd [2002] NSWCA 413	36.30, 37.58, 38.95
Ellison v Vukicevic (1986) 7 NSWLR 104	38.80
Ellul v Oakes (1972) 3 SASR 377	12.185, 32.80
Elvidge Pty Ltd v BGC Construction Pty Ltd [2006] WASCA 264	40.35, 41.25

Empirnall Holdings Pty Ltd v Machon Paull Partners Pty Ltd (1988) 14 NSWLR 523	3.115
Entores v Miles Far Eastern Corp [1955] QB 327	3.95
Environmental Systems Pty Ltd v Peerless Holdings Pty Ltd [2008] VSCA 26; (2008) 19 VR 358	26.25, 27.15
Equiticorp Finance Ltd v Bank of New Zealand (1993) 32 NSWLR 50	34.20, 34.25
Equuscorp Pty Ltd v Glengallan Investments Pty Ltd [2004] HCA 55; (2004) 218 CLR 471	12.120, 12.170, 13.55
Equuscorp Pty Ltd v Haxton [2012] HCA 7; (2012) 246 CLR 498	10.10, 10.90, 10.110, 42.55, 42.60, 42.70
Equuscorp Pty Ltd v Wilmoth Field Warne [2007] VSCA 280; (2007) 18 VR 250	42.75
Equuscorp Pty Ltd (formerly Equus Financial Services Ltd) v Bassat [2007] VSC 553	42.55
Ermogenous v Greek Orthodox Community of SA Inc [2002] HCA 8; (2002) 209 CLR 95	3.75, 3.140, 5.07, 5.10, 5.25, 5.55
Errichetti Nominees Pty Ltd v Paterson Group Architects Pty Ltd [2007] WASC 77	31.60
Ertel Bieber and Co v Rio Tinto Co Ltd [1918] AC 260	15.25
Esanda Finance Corp Ltd v Peat Marwick Hungerfords (1997) 188 CLR 241	32.105
Esanda Finance Corp Ltd v Plessnig (1989) 166 CLR 131	28.30, 28.50
Esanda Finance Corp Ltd v Spence Financial Group Pty Ltd [2006] WASC 177	37.15
Eslea Holdings Ltd v Butts (1986) 6 NSWLR 175	9.200
Esso Australia Resources Ltd v Plowman (1995) 183 CLR 10	14.70
Esso Australia Resources Pty Ltd v Southern Pacific Petroleum NL [2005] VSCA 228	14.95, 14.103, 14.105
Esso Petroleum Co Ltd v Harper's Garage (Stourport) Ltd [1968] AC 269	41.100
Esso Petroleum Co Ltd v Mardon [1976] QB 801	32.80
Ethnic Earth Pty Ltd v Quoin Technology Pty Ltd (in liq) [2004] SASC 257; (2004) 89 SASR 337	40.05
Etna v Arif [1999] VSCA 99; [1999] 2 VR 353	20.25, 20.50
Eudunda Farmers Co-operative Society Ltd v Mattiske [1920] SALR 309	6.15
Euroasia (Pacific) Pty Ltd v Narain [2009] VSCA 290	37.58
European Bank Limited v Evans [2010] HCA 6; (2010) 240 CLR 432	27.20, 27.22
Evans v Evans [2011] NSWCA 92	9.60
Evans v Secretary, Department of Families, Housing, Community Services and Indigenous Affairs [2012] FCAFC 81	5.10, 5.25
Evans Marshall & Co Ltd v Bertola SA [1973] 1 WLR 349	30.95
Eveready Australia Pty Ltd v Gillette Australia Pty Ltd [1999] FCA 1824	32.15, 33.50
Evia Luck, The [1992] 2 AC 152	34.55
Experience Hendrix LLC v PPX Enterprises Inc [2003] EWCA Civ 323; [2003] 1 All ER (Comm) 830	26.100
Express Airways v Port Augusta Air Services [1980] Qd R 543	3.95
Ezishop.com Ltd v Veremu Pty Ltd [2003] NSWSC 156	15.50

F

F & G Sykes (Wessex) Ltd v Fine Fare Ltd [1967] 1 Lloyd's Rep 53	6.25
FC Shepherd & Co Ltd v Jerrom [1987] QB 301	15.50, 15.90, 15.95
Factory 5 Pty Ltd (in liq) v Victoria (No 2) [2012] FCAFC 150	5.75
Far Horizons Pty Ltd v McDonalds Australia Ltd [2000] VSC 310	14.95, 14.103, 14.105, 14.125
Farah Constructions Pty Ltd v Say-Dee Pty Ltd [2007] HCA 22; (2007) 230 CLR 89	10.15
Farley v Skinner [2001] UKHL 49; [2002] 2 AC 732	27.85
Farmer v Honan (1919) 26 CLR 183	13.35
Farmers' Co-op Executors & Trustees v Perks (1989) 52 SASR 399	35.10, 35.20, 35.25, 35.40, 35.30
Farmers Mercantile Union and Chaff Mills Ltd v Coade (1921) 30 CLR 113	3.55, 3.115
Farmstock Pty Ltd v Body Corporate for No 9 Port Douglas Road Community Title Scheme 24368 [2013] QCA 354	14.110
Farrant v Leburn [1970] WAR 179	29.50, 29.55, 29.65
Farrelly v Hircock [1971] Qd R 341	7.45
Federal Commerce and Navigation v Molena Alpha Inc [1979] AC 757	22.25, 22.60, 22.70
Felsink Pty Ltd v City of Maribyrnong [2010] VSC 110	14.103
Felthouse v Bindley (1862) 11 CB (NS) 869; 142 ER 1037	3.110

Felton v Mulligan (1971) 124 CLR 367	41.110
Fercometal SARL v Mediterranean Shipping Co SA [1989] 1 AC 788	24.20
Ferguson v Wilson (1866) LR 2 Ch App 77	30.80
Fibrosa v Fairbairn [1943] AC 32	10.115
Fibrosa Spolka Akcyjna v Fairbairn Lawson Combe Barbour Ltd [1943] AC 32	10.05, 10.25, 10.80, 15.100, 15.110, 15.125
Fifteenth Eestin Nominees Pty Ltd v Rosenberg [2009] VSCA 112; (2009) 24 VR 155	9.135, 9.168
Fightvision Pty Ltd v Onisforou [1999] NSWCA 323; (1999) 47 NSWLR 473	11.37, 26.90
Financings Ltd v Stimson [1962] 1 WLR 1184	3.60, 32.35
Finch v Sayers [1976] 2 NSWLR 540	15.50
Fink v Fink (1946) 74 CLR 127	26.15, 27.80
Finlayson v Finlayson [2002] FamCA 898	15.20
Firth v Halloran (1926) 38 CLR 261	15.55
Fish, Re; Ingham v Rayner [1894] 2 Ch 83	13.50
Fisher v Bell [1961] 1 QB 394	3.25
Fitness First (Australia) Pty Ltd v Chong [2008] NSWSC 800	3.75, 3.140
Fitzgerald v Dressler (1859) 7 CB (NS) 374; 141 ER 861	7.15
Fitzgerald v FJ Leonhardt Pty Ltd (1997) 189 CLR 215	40.20, 40.35, 40.40, 41.10, 41.15, 41.25, 41.30, 42.15
Fitzgerald v Masters (1956) 95 CLR 420	6.65, 19.40, 30.55, 31.45
Fitzgerald v Penn (1954) 91 CLR 268	27.10
Fitzpatrick v Michel (1928) 28 SR (NSW) 285	32.15
Fleming v State of NSW (Unreported, Supreme Court of NSW, 10 November 1997)	9.95
Fletcher v Manton (1940) 64 CLR 37	15.55
Flight v Bolland (1828) 4 Russ 298; 38 ER 817; [1824-34] All ER Rep 372	8.70
Flight Centre v Louw [2011] NSWSC 132; (2011) 78 NSWLR 656	27.92
Flightvision Pty Ltd v Onisforou [1999] NSWCA 323	19.35
Flinn v Flinn [1999] 3 VR 712	9.60
Flureau v Thornhill (1776) 2 W Bl 1078; 96 ER 635	27.140
Foakes v Beer (1884) 9 App Cas 605	4.70
Foggo v O'Sullivan Partners (Advisory) Pty Ltd [2011] NSWSC 501	21.15
Foley v Classique Coaches Ltd [1934] 2 KB 1	6.05, 6.25
Fong v Cilli (1968) 11 FLR 495	3.55
Foran v Wight (1989) 168 CLR 385	9.45, 9.145, 9.150, 9.225, 10.75, 18.15, 20.57, 22.15, 22.25, 24.10, 24.20, 24.25, 25.10, 25.15, 25.20, 25.25, 25.30, 25.120, 25.155, 27.145, 29.60
Forbes v Australian Yachting Federation Inc (1996) 131 FLR 241	9.95
Ford v Perpetual Trustees Victoria Ltd [2009] NSWCA 186; (2009) 75 NSWLR 42	8.115, 10.105, 31.90, 37.20
Ford Motor Company of Australia Ltd v Arrowcrest Group Pty Ltd [2003] FCAFC 313; (2003) 134 FCR 522	33.175
Forrest v Australian Securities and Investments Commission [2012] HCA 39; (2012) 247 CLR 486	33.99
Forsikringsaktieselskapet Vesta v Butcher [1989] 1 AC 852	27.120
Fox v Mackreth (1788) 2 Cox Eq Cas 320; (1791) 30 ER 148	31.100
Fragomeni v Fogliani (1968) 42 ALJR 263	30.75
Franich v Swannell (1993) 10 WAR 459	33.25
Franklin v Manufacturers Mutual Insurance Ltd (1935) 36 SR (NSW) 76	9.30
Franklins Pty Ltd v Metcash Trading Ltd [2009] NSWCA 407; (2009) 76 NSWLR 603	1.180, 9.200, 9.210, 12.105, 13.20, 13.35, 13.70, 31.65
Fraser v NRMA Holdings Ltd (1995) 55 FCR 452	33.35
Fraser River Pile & Dredge Ltd v Can-Drive Services Ltd [1999] 3 SCR 108	11.20, 11.75, 11.105
Freedom v AHR Constructions Pty Ltd (1987) 1 Qd R 59	20.35, 29.70
Friend v Brooker [2009] HCA 21; (2009) 239 CLR 129	10.10
Fry v Lane (1888) 40 Ch D 312	36.10
Fullers' Theatres Ltd v Musgrove (1923) 31 CLR 524	30.05
Fully Profit (Asia) Ltd v Secretary for Justice [2013] HKCFA 40; 6 HKC 374	13.20
Futuretronics Pty Ltd v Gadzhis [1992] 2 VR 217	33.70, 33.80, 33.90

G

G&A Lanteri Nominees Pty Ltd v Fishers Stores Consolidated Pty Ltd [2007] VSCA 4	26.95
GEC Marconi Systems Pty Ltd v BHP Information Technology Pty Ltd [2003] FCA 50; (2003) 128 FCR 1	9.215, 14.135, 29.20
GPG (Australia Trading) Pty Ltd v GIO Australia Holdings Limited [2000] FCA 875	9.150
GSA Group Pty Ltd v Siebe plc (1993) 30 NSWLR 573	14.103
Gadd v Thompson [1911] 1 KB 304	8.15
Galafassi v Kelly [2014] NSWCA 190; (2014) 87 NSWLR 119	25.45, 25.85
Galaxidis v Galaxidis [2004] NSWCA 111	9.60, 9.95
Gallant v Larry Woods Used Cars Ltd (1982) 38 NBR (2d) 262	17.55
Gange v Sullivan (1966) 116 CLR 418	20.25, 20.40, 20.50, 20.55
Garcia v National Australia Bank Limited [1998] HCA 48; (1998) 194 CLR 395	1.95, 37.35, 37.40, 37.45, 37.50, 37.55, 37.60, 37.65
Garcia v National Australia Bank Ltd (1996) 39 NSWLR 598	37.35
Garden City Transport v National Manufactured Products No 2 Ltd (1995) 65 SASR 109	12.95
Gardiner v Agricultural and Rural Finance Pty Ltd [2007] NSWCA 235	13.93
Garnac Grain Co Inc v HNF Faure & Fairclough Ltd [1968] AC 1130	27.155
Garraway Metals Pty Ltd v Comalco Aluminium Ltd (1993) 114 ALR 118	27.135
Garry Rogers Motors (Aust) Pty Ltd v Subaru (Aust) Pty Ltd [1999] FCA 903	14.120, 14.125, 14.130, 25.160, 25.165
Gate Gourmet Australia Pty Limited (in liq) v Gate Gourmet Holding Ag [2004] NSWSC 149	5.15, 11.20, 11.40
Gates v City Mutual Life Assurance Society Ltd (1986) 160 CLR 1	12.195, 26.125, 33.115, 33.120
Gateway Realty Ltd v Arton Holdings Ltd (1991) 106 NSR (2d) 180	14.103
General Newspapers Pty Ltd v Telstra Corporation (1993) 45 FCR 164	33.50, 33.60
George v Greater Adelaide Land Development Co Ltd (1929) 43 CLR 91	42.60
George v Roach (1942) 67 CLR 253	6.30, 6.70, 10.60, 20.55
George Hudson Holdings Ltd v Rudder (1973) 128 CLR 387	3.105
George Mitchell (Chesterhall) Ltd v Finney Lock Seeds Ltd [1983] 2 AC 803; [1983] QB 284	13.95, 16.10
Geraghty v Minter (1979) 142 CLR 177	41.95
Gibbons v Wright (1954) 91 CLR 423	8.115, 36.45
Gibson v Manchester City Council [1979] 1 All ER 972	3.145
Gilberto v Kenny (1983) 48 ALR 620	13.40
Gillespie Bros & Co Ltd v Roy Bowles Transport Ltd [1973] 1 QB 400	13.110
Gipps v Gipps [1978] 1 NSWLR 454	32.95
Giumelli v Giumelli [1999] HCA 10; (1999) 196 CLR 101	9.25, 9.115, 9.130, 9.135, 9.155, 9.165, 9.170, 9.220
Given v Pryor (1979) 39 FLR 437	32.10
Gladstone Area Water Board v AJ Lucas Operations Pty Ltd [2014] QSC 311	13.20
Glasbrook Bros Ltd v Glamorgan County Council [1925] AC 270	4.65
Glencore Grain Rotterdam BV v Lebanese Organisation for International Commerce [1997] 4 All ER 514	24.40
Glenfed Financial Corporation v Penick Corporation 276 A 2d 163 (NJ, 1994)	25.170
Global Sportsman Pty Ltd v Mirror Newspapers Pty Ltd (1984) 2 FCR 82	33.96, 33.99
Godecke v Kirwan (1973) 129 CLR 629	5.80, 6.55, 6.60
Godfrey Construction Pty Ltd v Kanangra Park Pty Ltd (1972) 128 CLR 529	25.155, 27.140
Golden Oceans (NSW) Pty Ltd v Evewall Pty Ltd [2009] NSWSC 674	29.70
Golden Strait Corporation v Nippon Yusen Kubishika Kaisha [2007] UKHL 12; [2007] 2 AC 363	26.20, 26.95
Goldsbrough, Mort & Co Ltd v Quinn (1910) 10 CLR 674	3.47, 3.50, 30.05, 30.75
Goldsbrough Mort & Co Ltd v Carter (1914) 19 CLR 429	31.40
Goldsmith v Rogers [1962] 2 Lloyd's Rep 249	39.75
Gollin & Co Ltd v Consolidated Fertilizer Sales Pty Ltd [1982] Qd R 435	9.65
Goodman Fielder Consumer Foods Ltd v Cospak International Pty Ltd [2004] NSWSC 704	14.80
Goodridge v Macquarie Bank Ltd [2010] FCA 67	27.55
Goodwin v National Bank of Australia Ltd (1968) 117 CLR 173	32.45
Goodwin's of Newtown Pty Ltd v Gurrey [1959] SASR 295	3.25

Google Inc v Australian Competition and Consumer Commission [2013] HCA 1; (2013) 249 CLR 435	33.100
Gordon v Macgregor (1908) 8 CLR 316	12.120
Goss v Lord Nugent (1833) 5 B & Ad 58; 110 ER 713	12.110
Gough Bay Holdings Pty Ltd v Tyrwhitt-Drake [1976] VR 195	20.55
Gould v Vaggelas (1984) 157 CLR 215	32.95, 32.100, 33.115, 33.180, 33.190, 39.50
Graham v Freer (1980) 35 SASR 424	39.75
Grainger v Gough [1896] AC 325	3.20, 3.41
Gray v Motor Accident Compensation Commission (1998) 196 CLR 1	26.10
Gray v National Crime Authority [2003] NSWSC 111	9.70, 9.155
Gray v Pastorelli [1987] WAR 174	41.55
Greasley v Cook [1980] 1 WLR 1306	9.155
Great Peace Shipping Ltd v Tsaviris Salvage (International) Ltd [2003] EWCA Civ 1407; [2003] QB 679	31.50, 31.55, 31.60
Greco v Bendigo Machinery Pty Ltd [1985] ATPR 40-521	33.45
Green v Sommerville (1979) 141 CLR 594	22.60, 30.65
Grieve v Enge [2006] QCA 213	20.57
Griffith v Brymer (1903) 19 TLR 434	31.70
Grime v Bartholomew [1972] 2 NSWLR 827	6.70
Grogan v Robin Meredith Plant Hire [1996] CLC 1127	12.20
Grogan v "The Astor" Ltd (1925) 25 SR (NSW) 409	39.70
Groves v Commonwealth (1982) 150 CLR 113	9.80
Grundt v Great Boulder Pty Gold Mines Ltd (1937) 59 CLR 641	9.65
Gumland Property Holdings Pty Ltd v Duffy Bros Fruit Market (Campbelltown) Pty Ltd [2008] HCA 10; (2008) 234 CLR 237	21.35, 21.60, 27.130
Gwam Investments Pty Ltd v Outback Health Screenings Pty Ltd [2010] SASC 37; (2010) 106 SASR 167	14.35, 27.60

H

H Parsons (Livestock) Ltd v Uttley Ingham & Co Ltd [1978] QB 791	27.30, 27.40
HIH Casualty and General Insurance Ltd v Chase Manhattan Bank [2003] UKHL 6; [2003] 1 All ER (Comm) 349	32.75
HTW Valuers (Central Qld) Pty Ltd v Astonland Pty Ltd [2004] HCA 54; (2004) 217 CLR 640	33.115
Ha v New South Wales (1997) 189 CLR 465	10.35
Hadgelias Holdings Pty Ltd v Seirlis [2014] QCA 177	33.70
Hadley v Baxendale (1854) 9 Exch 341; 156 ER 145	27.20, 27.40, 27.135
Hall v Busst (1960) 104 CLR 206	6.05, 6.15, 6.45
Hall v Wells [1962] Tas SR 122	8.80
Halloran v Firth (1926) 26 SR (NSW) 18	15.55
Hamblin v Marjoram (1878) 12 SALR 62	7.70
Hamilton v Geraghty (1901) 1 SR (NSW) 81	9.35, 9.70
Hamilton Jones v David & Snape [2003] EWHC 3147 (Ch); [2004] 1 WLR 924	27.85
Hammersley v De Biel (1845) 12 Cl & F 45; 8 ER 1312	9.30
Hammond v JP Morgan Trust Australia Ltd [2012] NSWCA 295	9.168
Hampstead Meats Pty Ltd v Emerson and Yates Pty Ltd [1967] SASR 109	3.95
Hanave Pty Ltd v LFOT Pty [1999] FCA 357	33.180
Hancock Prospecting Pty Ltd v Wright Prospecting Pty Ltd [2012] WASCA 216	19.40
Handley v Gunner [2008] NSWCA 113	23.10
Hardman v Booth (1863) 1 H&C 803; 158 ER 1107	31.120
Hardy v Motor Insurers' Bureau [1964] 2 QB 745	41.05
Harrington v Browne (1917) 23 CLR 297	23.30
Harris v Digital Pulse Pty Ltd [2003] NSWCA 10; (2003) 56 NSWLR 298	31.60
Harris v Jenkins [1922] SASR 59	3.65
Harris v Nickerson (1873) LR 8 QB 286	3.30
Harris v Sydney Glass & Tile Co (1904) 2 CLR 227	12.115, 13.15
Harris v Watson (1791) Peake 102; 170 ER 94	4.65
Hart v MacDonald (1910) 10 CLR 417	12.105, 14.10
Hart v O'Connor [1985] AC 1000	36.05, 36.78

Hartigan v International Society for Krishna Consciousness Inc [2002] NSWSC 810	35.40, 39.35, 39.65
Hartley v Ponsonby (1857) 7 El & Bl 872; 119 ER 1471	4.80
Hartog v Colin & Shields [1939] 3 All ER 566	31.85
Harvela Investments Ltd v Royal Trust Co of Canada (CI) Ltd [1986] 1 AC 207; [1985] 1 Ch 103	3.35
Harvey v Edwards Dunlop and Co Ltd (1927) 39 CLR 302	7.15, 7.30, 7.40
Harvey v Facey [1893] AC 552	3.20
Harvey v Pratt [1965] 1 WLR 1025	6.15
Hatcher v White (1953) 53 SR (NSW) 285	42.65
Hatt v Magro [2007] WASCA 124; (2007) 34 WAR 256	33.70, 33.96
Havenbar Pty Ltd v Butterfield (1974) 133 CLR 449	20.40
Havyn Pty Ltd v Webster [2005] NSWCA 182	33.25, 33.97, 33.110, 33.200, 33.210
Hawker Pacific Pty Ltd v Helicopter Charter Pty Ltd (1991) 22 NSWLR 298	9.85, 10.100, 34.40, 39.60
Hawkes v Saunders (1782) 1 Cowp 289; 98 ER 1091	4.10
Hawkins v Clayton (1988) 164 CLR 539	14.60, 18.10
Hawkins v Pender Bros Pty Ltd [1990] 1 Qd R 135	20.25
Haydon v McLeod (1901) 27 VLR 395	7.35
Haye v CML Assurance Soc Ltd (1924) 35 CLR 14	32.75
Hayes v Cable [1962] SR (NSW) 1	41.10
Haywood v Roadknight [1927] VLR 512	32.50
Head v Kelk (1963) 63 SR (NSW) 340	7.60
Hedley Byrne & Co v Heller & Partners Ltd [1964] AC 465	32.80, 32.105
Heidelberg Graphics Equipment Ltd v Andrew Knox & Associates Pty Ltd [1994] ATPR 41-326	33.55
Heilbut Symons & Co v Buckleton [1913] AC 30	12.195, 32.80
Heine Bros (Aust) Pty Ltd v Forrest [1963] VR 383	30.95
Heisler v Anglo-Dal LD [1954] 1 WLR 1273	24.40
Helmos Enterprises Pty Ltd v Jaylor Pty Ltd [2005] NSWCA 235	5.15, 5.75
Helps v Clayton (1964) 17 CB (NS) 553; 144 ER 222	8.15
Henderson v Amadio Pty Ltd (1995) 62 FCR 1	33.185
Henderson's Automotive Technologies Pty Ltd (in liq) v Flaton Management Pty Ltd [2011] VSCA 167; (2011) 32 VR 539	10.15
Henjo Investments Pty Ltd v Collins Marrickville Pty Ltd (1988) 39 FCR 546	33.45, 33.55, 33.60, 33.155, 33.180, 33.190, 33.200, 33.205, 33.215, 33.220
Henry v Birch (1804) 9 Ves 357; 32 ER 640	30.80
Henry Kendall & Sons v William Lillico & Sons Ltd [1969] 2 AC 31	12.90, 12.95
Henthorn v Fraser [1892] 2 Ch 27	3.90
Henville v Walker [2001] HCA 52; (2001) 206 CLR 459	33.115, 33.125, 33.140, 33.170, 33.190, 33.200
Heppingstone v Stewart (1910) 12 CLR 126	7.35, 7.45
Heritage Clothing Pty Ltd trading as Peter Jackson Australia v Mens Suit Warehouse Direct Pty Ltd trading as Walter Withers [2008] FCA 1775	33.35
Hewitt v Debus [2004] NSWCA 54; (2004) 59 NSWLR 617	23.20
Heywood v Wellers [1976] 1 QB 446	27.85
Hide & Skin Trading Pty Ltd v Oceanic Meat Traders (1990) 20 NSWLR 310	13.05
Highmist Pty Ltd v Tricare Ltd [2005] QCA 357	20.37, 22.65, 25.80, 25.85
Hill v Van Erp (1997) 188 CLR 159	2.15, 2.27, 2.40, 11.50
Hillas & Co Ltd v Arcos (1937) 147 LT 503	3.35, 6.05, 6.40
Hillston v Bar-Mordecai [2003] NSWSC 89	37.55
Hirachand Punamchand v Temple [1911] 2 KB 330	4.70
Hirsch v The Zinc Corp Ltd (1917) 24 CLR 34	15.100, 15.115, 41.60
Hoad v Swan (1920) 28 CLR 258	22.35, 22.45
Hobartville Stud Pty Ltd v Union Insurance Co Ltd (1991) 25 NSWLR 358	27.135
Hobsons Bay City Council v Gibbon [2011] VSC 140; (2011) 32 VR 168	9.135
Hochster v De La Tour (1853) 118 ER 922	22.10, 22.25
Hodgson v Johnson (1858) EB & E 685; 120 ER 666	7.95
Hodgson & Hodgson v Morella Pastoral Co Pty Ltd (1975) 13 SASR 51	13.45
Hoenig v Isaacs [1952] 2 All ER 176	29.25, 29.30

Hoffman v Cali [1985] 1 Qd R 253	27.150
Hoffman, Re (1989) 85 ALR 145	39.60
Holdcroft v Market Garden Produce Pty Ltd [2000] QCA 396; [2000] 2 Qd R 381	41.25, 41.55
Holland v Wiltshire (1954) 90 CLR 409	23.25, 23.45, 24.30, 25.95
Hollis v Atherton Shire Council [2003] QSC 147	10.15, 10.125
Holman v Johnson (1775) 1 Cowp 431; 98 ER 1120	40.10
Holmes v Jones (1907) 4 CLR 1692	32.95
Holt v Biroka Pty Ltd (1988) 13 NSWLR 629	33.80
Homestake Australia Ltd v Metana Minerals NL (1991) 11 WAR 435	13.45
Hongkong Fir Shipping Co Ltd v Kawasaki Kisen Kaisha Ltd [1962] 2 QB 26	21.15, 21.20, 21.40, 21.65, 21.72, 21.75, 22.20
Hoobin, Re [1957] VR 341	29.70
Hookway v Racing Victoria Ltd [2005] VSCA 310; (2005) 13 VR 444	10.125
Hope v RCA Photophone of Australia Pty Ltd (1937) 59 CLR 348	12.105, 12.120, 14.10
Hortico (Aust) v Energy Equipment Co (Aust) Pty Ltd (1985) 1 NSWLR 545	25.155
Horton v Jones (1935) 53 CLR 475	7.95
Horwood v Millar's Timber and Trading Company Ltd [1917] 1 KB 305	41.50
Hosmer Holdings Pty Ltd v CAJ Investments Pty Ltd (1995) 57 FCR 45	33.25
Hospital Products Ltd v United States Surgical Corp (1984) 156 CLR 41	2.60, 12.165, 14.20, 14.60, 14.110
Hospitality Group Pty Ltd v Australian Rugby Union Ltd [2001] FCA 1040; (2001) 110 FCR 157	26.115
Houghton v Arms [2006] HCA 69; (2006) 225 CLR 553	33.25
Houndsditch Warehouse Co Ltd v Waltex Ltd [1944] KB 579	27.50
Hounslow London Borough Council v Twickenham Garden Developments Ltd [1971] Ch 233	29.78
Hounga v Allen [2014] UKSC 47; [2014] 1 WLR 2889	42.80
Hourigan v Trustees Executors and Agency Co Ltd (1934) 51 CLR 619	30.55
Household Fire and Carriage Accident Insurance Co Ltd v Grant (1879) LR 4 Ex D 216	3.90
Howard v Shirlstar Container Transport Ltd [1990] 1 WLR 1292	42.80
Howard Marine & Dredging Co Ltd v A Ogden & Sons (Excavations) Ltd [1978] QB 574	32.80
Howe v Smith [1884] 27 Ch D 89	29.50, 29.55
Howe v Teefy (1927) 27 SR (NSW) 301	26.85
Howtrac Rentals Pty Ltd v Thiess Contractors (NZ) Limited [2000] VSC 415	14.110
Hoyt's Pty Ltd v Spencer (1919) 27 CLR 133	12.120, 12.195
Huggins v Wiseman (1960) Carth 110; 90 ER 669	8.15
Hughes v Metropolitan Railway Co (1877) 2 App Cas 439	9.30, 9.110, 25.115
Hughes Aircraft Systems International v Airservices Australia (1997) 76 FCR 151	1.180, 3.35, 14.75, 14.90, 14.95, 14.103
Humphreys v Humphreys [2004] EWHC 2201	36.78
Humphries v "Surfers Palms North" Group Titles Plan 1955 (1994) 179 CLR 597	41.75, 42.20
Hungerfords v Walker (1989) 171 CLR 125	27.20, 27.135
Hungry Jack's Pty Ltd v Burger King Corporation [2001] NSWCA 187; (2001) 69 NSWLR 558	14.135
Hurst v Vestcorp Ltd (1988) 12 NSWLR 294	40.20
Husain v O&S Holdings (Vic) Pty Ltd [2005] VSCA 269	3.145, 6.25
Hussey v Palmer [1972] 1 WLR 1286	9.110
Hutchinson v Scott (1905) 3 CLR 359	41.23
Hyatt Australia Ltd v LTCB Australia Ltd [1996] 1 Qd R 260	11.100
Hyde v Wrench (1840) 3 Beav 334; 49 ER 132	3.65, 3.120
Hyundai Heavy Industries Co Ltd v Papadopoulos [1980] 1 WLR 1129	29.20, 29.45
I	
I & L Securities Pty Ltd v HTW Valuers (Brisbane) Pty Ltd [2002] HCA 41; (2002) 210 CLR 109	33.140, 33.165, 33.200
ICS Ltd v West Bromwich Building Society [1998] 1 WLR 896	13.20
IOOF Australia Trustees (NSW) Ltd v Tantipech (1998) 156 ALR 470	33.220
ITO—International Terminal Operators Ltd v Miida Electronics Inc [1986] 1 SCR 752	11.35
Iannello v Sharpe [2007] NSWCA 61; (2007) 69 NSWLR 452	29.70

Ibrahim v Pham [2007] NSWCA 215	40.05
Idameneo (No 123) Pty Ltd v Robalino [2009] NSWSC 969	21.15, 21.75
Idameneo (No 123) Pty Ltd v Ticco Pty Ltd [2004] NSWCA 329	21.35, 25.65
Iezzi Constructions Pty Ltd v Watkins Pacific (Qld) Pty Ltd [1995] 2 Qd R 350	10.49
Immer (No 145) Pty Ltd v Uniting Church in Australia Property Trust (NSW) (1993) 182 CLR 26	25.60, 25.75, 25.100
Inche Noriah v Shaik Allie Bin Omar [1921] AC 127	35.50
Independent Grocers' Co-operative Ltd v Noble Lowndes Superannuation Consultants Ltd (1993) 60 SASR 525	10.50
Ingram v Little [1961] 1 QB 31	31.120
Inn Leisure Industries Pty Ltd v DF McCloy Pty Ltd (1991) 28 FCR 151	33.98
Inntrepreneur Pub Co v East Crown [2000] 2 Lloyd's Rep 611	12.105
Insight Vacations Pty Ltd v Young [2011] HCA 16; (2011) 243 CLR 149	13.90, 27.92
Insight Vacations Pty Ltd v Young [2010] NSWCA 137; (2010) 78 NSWLR 641	27.92
Integral Home Loans Pty Ltd v Interstar Wholesale Finance Pty Ltd [2009] HCA Transcript 87	28.35
Integrated Computer Services Pty Ltd v Digital Equipment Corporation (Australia) Pty Ltd (1988) 5 BPR 11,110	1.165
Interfoto Picture Library Ltd v Stiletto Visual Programs Ltd [1989] 2 QB 433	12.65, 12.75
International Air Transport Association v Ansett Australia Holdings Ltd [2008] HCA 3; (2008) 234 CLR 151	13.20
International Leasing Corp (Vic) Ltd v Aiken [1967] 2 NSWLR 427	22.55
Interstar Wholesale Finance Pty Ltd v Integral Home Loans Pty Ltd [2008] NSWCA 310	28.15, 28.35
Investors Compensation Scheme Ltd v West Bromwich Building Society [1997] UKHL 28; [1998] 1 WLR 896	13.20, 13.55, 13.65, 13.70
Ipex Software Services Pty Ltd v Hosking [2000] VSCA 239	4.60
Isabella Shipowner SA v Shagang Shipping Co Ltd (The "Aquafaith") [2012] EWHC 1077	29.78
Italfarm Pty Ltd v Sangain Pty Ltd [2009] NSWCA 427	33.92

J

J, Re [1909] 1 Ch 574	8.20
J Lauritzen AS v Wijsmuller BV (The "Super Servant Two") [1990] 1 Lloyd's Rep 1	15.10, 15.60, 15.85, 15.90, 15.100
J Spurling Ltd v Bradshaw [1956] 1 WLR 461	12.75
JAD International Pty Ltd v International Trucks Australia Ltd (1994) 50 FCR 378	39.40, 39.60
JC Williamson Ltd v Lukey and Mulholland (1931) 45 CLR 282	7.65, 7.80, 30.10, 30.40, 30.50, 30.95
JJ Savage & Sons Pty Ltd v Blakney (1970) 119 CLR 435	12.180, 12.195
JM Allan (Merchandising) Ltd v Cloke [1963] 2 QB 430	41.15, 41.45
Jackson v Crosby (No 2) (1979) 21 SASR 280	9.35, 9.70, 9.155
Jackson v Horizon Holidays Ltd [1975] 3 All ER 92	11.65, 11.70
James Miller & Partners Ltd v Whitworth Street Estates (Manchester) Ltd [1970] AC 583	13.35
Janos v Chama Motors Pty Ltd [2011] NSWCA 238	26.95
Janssen-Gilag Pty Limited v Pfizer Pty Limited (1992) 37 FCR 526	33.110
Je Maintiendrai Pty Ltd v Quaglia (1980) 26 SASR 101	9.35, 9.65, 9.75, 9.85, 9.110, 9.215
Jefferys v Jefferys (1841) Cr & Ph 138; 41 ER 443	30.20
Jeffrey v Anderson [1914] St R Q 66	7.20
Jennings v Rice [2002] EWCA 159	9.135, 9.155
Jetstar Airways Pty Ltd v Free [2008] VSC 539.	16.60
Jireh International Pty Ltd v Western Exports Services Inc [2011] NSWCA 137	13.70
John Grimes Partnership Ltd v Gubbins [2013] EWCA Civ 37	27.22
Johnson v Agnew [1980] AC 367	30.100
Johnson v Buttress (1936) 56 CLR 113	35.20, 35.25, 35.35, 35.48, 35.50
Johnson v Perez (1988) 166 CLR 351	26.20
Johnson v Smith [2010] NSWCA 306	36.78
Johnson v Unisys Ltd [2001] UKHL 13; [2003] 1 AC 518	27.80
Johnson & Johnson Pacific Pty Ltd v Unilever Australia (No 2) [2006] FCA 1646	33.96
Johnson Matthey Ltd v AC Rochester Overseas Corp (1990) 23 NSWLR 190	9.200, 9.205, 9.210, 14.10

Johnson Tiles Pty Ltd v Esso Australia [1999] FCA 477	33.65
Jones v Dumbrell [1981] VR 199	32.35
Jones v Padavatton [1969] 1 WLR 328	5.10, 5.45
Jorden v Money (1854) 5 HLC 185; 10 ER 868	9.30, 9.45
Joscelyne v Nissen [1970] 2 QB 86	31.65
Joseph v National Magazine Co Ltd [1959] Ch 14	30.40
Joseph Constantine Steamship Line Ltd v Imperial Smelting Corp Ltd [1942] AC 154	15.70, 15.90, 15.95, 15.100, 15.115
Jospin Pty Ltd v Copulos Venture Capital Pty Ltd [1994] ATPR 41-295	33.120

K

K & K Real Estate Pty Ltd v Adellos Pty Ltd [2010] NSWCA 302	24.20, 25.45
KMC Co v Irving Trust Co 757 F 2d 752 (6th Cir 1985)	14.120, 25.170
Kadissi v Jankovic [1987] VR 255	32.55
Kakavas v Crown Melbourne Ltd [2013] HCA 25; (2013) 250 CLR 392	36.35, 36.75, 36.78
Kamil Export (Aust) Pty Ltd v NPL (Australia) Pty Ltd [1996] 1 VR 538	13.100, 13.115
Kayserian Nominees (No 1) Pty Ltd v J R Garner Pty Ltd [2008] NSWSC 803	25.155
Keen Mar Corporation Pty Ltd v Labrador Park Shopping Centre Pty Ltd [1989] ATPR (Digest) 46,048	33.220
Kellas-Sharpe v PSAL Ltd [2012] QCA 371; [2013] 2 Qd R 233	38.05
Kelly v Solari (1841) 9 M&W 54; 152 ER 24	10.95
Kendell v Carnegie [2006] NSWCA 302; (2006) 68 NSWLR 193	31.95
Kenneth Charles Ward v Brian Charles [2011] NSWSC 107	36.75
Kenny & Good Pty Ltd v MGICA (No 2) Ltd [1999] HCA 25; (1999) 100 CLR 413	27.10
Kerridge v Simmonds (1906) 4 CLR 253	41.35
Kewside Pty Ltd v Warman International Ltd [1990] ATPR (Digest) 46-059	33.210
Kham & Nate's Shoes No 2 Inc v First Bank of Whiting 908 F 2d 1351 (7th Cir, 1990)	25.170
Khoury v Government Insurance Office of New South Wales (1984) 165 CLR 622	25.55
Khoury v Khouri [2006] NSWCA 184; (2006) 66 NSWLR 241	7.20, 7.80
Khoury v Sidhu [2011] FCAFC 71	33.165
Kimberley NZI Finance Ltd v Torero Pty Ltd [1989] ATPR (Digest) 46-054	33.60, 33.65
King v Poggioli (1923) 32 CLR 222	30.100
Kings Norton Metal Co Ltd v Edridge Merrett & Co (1897) 14 TLR 98	31.115
Kingswood Estate Co Ltd v Anderson [1963] 2 QB 169	7.80
Kintominas v Secretary, Department of Social Security (1991) 30 FCR 475	9.100
Kiriri Cotton Co Ltd v Dewani [1960] AC 192	42.60
Kizbeau Pty Ltd v WG & B Pty Ltd (1995) 184 CLR 281	33.115
Kleinwort Benson Ltd v Malaysia Mining Corp Bhd [1989] 1 WLR 379	5.15
Konstantinidis v Baloglow [2000] NSWSC 1229	7.45
Koompahtoo Local Aboriginal Land Council v Sanpine Pty Ltd [2007] HCA 61; (2007) 233 CLR 115	1.180, 21.15, 21.70, 21.72, 21.75, 22.05, 22.20, 22.45
Kostopoulos v GE Commercial Finance Australia Pty Ltd [2005] QCA 311	25.110, 25.120, 25.135
Kowalczyk v Accom Finance Pty Ltd [2008] NSWCA 343; (2008) 77 NSWLR 205	28.35, 38.05
Krakovski v Eurolynx Properties Ltd (1995) 183 CLR 563	32.10, 32.75, 32.95, 39.70
Kramer v McMahon [1970] 1 NSWLR 194	39.20
Kranz v National Australia Bank Ltd [2003] VSCA 92; (2003) 8 VR 310	37.30, 37.55
Krell v Henry [1903] 2 KB 740	15.40, 15.80, 31.70

L

L Schuler AG v Wickman Machine Tool Sales Ltd [1974] AC 235	21.15, 21.35, 21.65
L'Estrange v F Graucob Ltd [1934] 2 KB 394	12.10, 12.30
LG Thorne & Co Pty Ltd v Thomas Borthwick & Sons (Australasia) Ltd (1956) SR (NSW) 81	12.120
La Rosa v Nudrill Pty Ltd [2013] WASCA 18	12.95
Lachlan v HP Mercantile Pty Ltd [2015] NSWCA 130	29.80
Lam v Austotel Investments Australia Pty Ltd (1989) 97 FLR 458	33.60
Lampleigh v Brathwait (1616) Hob 105; 80 ER 255	4.60
Lampropoulos v Kolnik [2010] WASC 193	8.115, 36.25

Lampson (Australia) Pty Ltd v Fortescue Metals Group Ltd (No 3) [2014] WASC 162	10.15, 10.45, 10.47
Land & Homes (WA) Ltd v Roe (1936) 39 WALR 27	8.30
Lantry v Tomule Pty Ltd [2007] NSWSC 81	25.05, 25.15
Larkin v Girvan (1940) 40 SR (NSW) 365	4.80
Larking v Great Western (Nepean) Gravel Ltd (in liq) (1940) 64 CLR 221	25.45
Larrikin Music Publishing Pty Ltd v EMI Songs Australia Pty Ltd [2010] FCA 29	33.110
Larrikin Music Publishing Pty Ltd v EMI Songs Australia Pty Ltd (No 2) [2010] FCA 698	33.110
Latec Finance Pty Ltd v Knight [1969] 2 NSW 79	3.85
Laurinda Pty Ltd v Capalaba Park Shopping Centre Pty Ltd [1989] HCA 23; (1989) 166 CLR 623	22.05, 22.25, 22.40, 22.50, 23.35, 23.45, 23.55, 23.65, 23.75
Laws Holdings Pty Ltd v Short (1972) 46 ALJR 563	9.105
Laybutt v Amoco Australia Pty Ltd (1974) 132 CLR 57	3.50, 3.55
Le Mans Grand Prix Circuits Pty Ltd v Iliadis [1998] 4 VR 661	12.20
Leach Nominees Pty Ltd v Walter Wright Pty Ltd [1986] WAR 244	3.95
Leading Edge Events Australia Pty Ltd v Te Kanawa [2007] NSWSC 228	10.50
Leaf v International Galleries [1950] 2 KB 86	39.75
Leason Pty v Princes Farm Pty Ltd [1983] 2 NSWLR 381	39.70
Lee v Ah Gee [1920] VLR 278	31.90
Lee v Chai [2013] QSC 136	35.48
Lee Gleeson Pty Ltd v Sterling Estates Pty Ltd (1991) 23 NSWLR 571	9.50, 9.155, 9.168
Legione v Hateley (1983) 152 CLR 406	9.30, 9.60, 9.225, 25.110, 25.135, 25.140, 25.150, 25.155, 30.60
Leibler v Air New Zealand Ltd (No 2) [1999] 1 VR 1	31.105
Lemura v Coppola [1960] Qd R 308	29.30
Leroux v Brown (1852) 12 CB 801; 138 ER 1119	7.55
Leveraged Equities Ltd v Goodridge [2011] FCAFC 3; (2011) 191 FCR 71	11.37
Lewarne v Momentum Productions Pty Ltd [2007] FCA 1136	33.70
Lewis v Averay [1972] 1 QB 198	31.120, 39.65
Lexmead (Basingstoke) Ltd v Lewis [1982] AC 225	27.100
Lezam Pty Ltd v Seabridge Australia Pty Ltd (1992) 35 FCR 535	33.215
Liberty Grove (Concord) Pty Ltd v Yeo [2006] NSWSC 1373	25.65
Liebe v Molloy (1906) 4 CLR 347	10.45
Life Insurance Co of Australia Ltd v Phillips (1925) 36 CLR 60	6.65, 12.145, 13.05, 13.25
Lindner v Murdock's Garage (1950) 83 CLR 628	41.70, 41.90
Lintel Pines Pty Ltd v Nixon [1991] VR 287	19.10
Lion Nathan Australia Pty Ltd v Coopers Brewery Ltd [2006] FCAFC 144; (2006) 156 FCR 1	13.20
Lipkin Gorman v Karpanale Ltd [1991] AC 70	10.10
Lipohar v R [1999] HCA 65; (1999) 200 CLR 485	38.40
Lister v Romford Ice and Cold Storage Co Pty Ltd [1957] AC 555	14.75
Liu v Adamson [2003] NSWSC 74	37.55
Liverpool City Council v Irwin [1977] AC 239	14.50, 14.70, 14.155, 14.160
Livingstone v Roskilly [1992] 3 NZLR 230	12.75
Lloyds Bank v Bundy [1975] QB 326	35.45, 36.60
Lloyd's Ships Holdings Pty Ltd v Davros (1987) 17 FCR 505	41.80, 42.40
Lobb v Vasey Housing Auxiliary (War Widows Guild) [1963] VR 239	15.50, 15.90, 15.150
Locke v Dunlop (1888) 39 Ch D 387	13.70
Lockyer Investment Co Pty Ltd v Smallacombe (1994) 50 FCR 358	33.185
Lombard North Central plc v Butterworth [1987] 1 QB 527	23.20
Lombardo v Morgan [1957] VR 153	20.25
London Chatham and Dover Railway Co v South Eastern Railway Co [1893] AC 429	27.135
London Drugs Ltd v Kuehne & Nagel International Ltd [1992] 3 SCR 299	11.20, 11.75
Long v Millar (1879) 4 CPD 450	7.40
Lopwell Pty Ltd v Clarke [2009] NSWCA 165	36.75
Lord Buddha Pty Ltd v Harpur [2013] VSCA 101; (2013) 41 VR 159	33.180
Louinder v Leis (1982) 149 CLR 509	23.25, 23.45, 23.50, 23.60, 23.70, 23.75
Louth v Diprose (1992) 175 CLR 621	36.55, 36.90, 36.95
Low v Bouverie [1891] 3 Ch 82	9.60
Lowe v Hope [1970] Ch 94	29.65
Lowell & Christmas v Beauchamp [1894] AC 607	8.25

Lucas Stuart Pty Ltd v Hemmes Hermitage Pty Ltd [2010] NSWCA 283	30.95
Lumbers v W Cook Builders Pty Ltd (in liq) [2008] HCA 27; (2008) 232 CLR 635	10.05, 10.10, 10.15, 10.47, 10.115, 11.20
Lumley v Wagner (1852) 1 De GM & G 604; 42 ER 687	30.95
Luna Park (NSW) Ltd v Tramways Advertising Pty Ltd (1938) 61 CLR 286	21.15, 21.40, 21.55, 22.60, 26.15
Luong Dinh Luu v Sovereign Developments Pty Ltd [2006] NSWCA 40; (2006) 12 BPR 98,203	29.70
Lym International Pty Ltd v Marcolongo [2011] NSWCA 303	13.35
Lyndel Nominees Pty Ltd v Mobil Oil Australia Ltd (1997) IPR 599	3.70

M

MBF Investments Pty Ltd v Nolan [2011] VSCA 114	13.20
MFM Restaurants Pte Ltd v Fish & Co Restaurants Pte Ltd [2010] SGCA 36; [2011] 1 SLR 150	27.20, 27.22
MK & JA Roche Pty Ltd v Metro Edgley Pty Ltd [2006] NSWSC 810	20.40
MK & JA Roche Pty Ltd v Metro Edgley Pty Ltd [2005] NSWCA 39	9.145, 9.200, 20.40, 25.112
MWH Australia Pty Ltd v Wynton Stone Australia Pty Ltd [2010] VSCA 245; (2010) 31 VR 575	13.110, 33.180
MacDonald v Shinko Australia Pty Ltd [1999] 2 Qd R 152	31.65
Mackintosh v Johnson [2013] VSCA 10	36.55
MacMillian v Mumby [2006] NSWCA 74	31.120
MacRobertson Miller Airline Services v Commissioner of State Taxation (WA) (1975) 133 CLR 125	3.05, 3.40, 6.55
Mackay v Dick (1881) 6 App Cas 251	20.25
Mackenzie v Rees (1941) 65 CLR 1	22.15
Macquarie International Health Clinic Pty Ltd v Sydney South West Area Health Service [2010] NSWCA 268	14.105, 14.120, 25.20
Madden v Kevereski [1983] 1 NSWLR 305	30.100
Madden v Seafolly Pty Ltd [2014] FCAFC 30	33.25
Maddison v Alderson (1883) 8 App Cas 467	7.55, 7.80
Magee v Pennine Insurance Co Ltd [1969] 2 WLR 1278	31.55
Maggbury Pty Ltd v Hafele Australia Pty Ltd [2001] HCA 70; (2001) 210 CLR 181	13.20, 13.70
Magill v Magill [2006] HCA 51; (2006) 226 CLR 551	5.30, 5.45
Maguire v Makaronis (1997) 188 CLR 449	39.45
Maier v Millennium Markets Pty Ltd [2004] VSC 174	34.20
Mahmoud and Ispahani, Re [1921] 2 KB 138	40.10
Mahoney v Lindsay (1980) 33 ALR 601	25.15
Mainline Investments Pty Ltd v Davlon Pty Ltd [1969] 2 NSWLR 392	7.20
Mainteck Services Pty Ltd v Stein Heurtey SA [2014] NSWCA 184	13.20, 13.50, 13.65
Majik Markets Pty Ltd v S & M Motor Repairs Pty Ltd (No 1) (1987) 10 NSWLR 49	25.105
Malam v Graysonline, Rumbles Removals and Storage (General) [2012] NSWCTTT 197	16.65
Malec v J C Hutton Pty Ltd (1990) 169 CLR 638	26.90
Malhotra v Choudhury [1980] Ch 52	27.140
Malik v Bank of Credit and Commerce International SA (in liq) [1998] AC 20	27.80
Mallesons Stephen Jaques v Trenorth Ltd [1999] 1 VR 727	27.10
Manchester Diocesan Council v Commercial & General Investments Ltd [1970] 1 WLR 241	3.55
Mander Pty Ltd v Clements [2005] WASCA 67; (2005) 30 WAR 46	31.65
Mangrove Mountain Quarries Pty Ltd v Barlow [2007] NSWSC 492	25.170
Manna v Manna [2008] ACTSC 10	31.60
Mannai Investments Co Pty Ltd v Eagle Star Life Assurance Co Ltd [1997] AC 749	13.70
Manning Motel Pty Ltd v DH MB Pty Ltd [2013] NSWSC 1582	12.195
Manufacturers' Mutual Insurance Ltd v Withers (1988) 5 ANZ Insurance Cases §60-853	13.50
Maple Flock Co Ltd v Universal Furniture Products (Wembley) Ltd [1934] 1 KB 148	22.55
Maralinga Pty Ltd v Major Enterprises Pty Ltd (1973) 128 CLR 336	31.65
March v Stramare Pty Ltd (1991) 171 CLR 505	27.10, 33.185
Mardorf Peach & Co Ltd v Attica Sea Carriers Corporation of Liberia [1977] AC 850	25.75
Maredelanto Compania Naviera SA v Bergbau-Handel GmbH [1971] 1 QB 164	21.45
Marginson v Ian Potter & Co (1976) 136 CLR 161	7.15

Maritime National Fish Ltd v Ocean Trawlers Ltd [1935] AC 524	15.90
Marks v GIO Australia Holdings Ltd [1998] HCA 69; (1998) 196 CLR 494	2.40, 14.90, 33.120, 33.125, 33.130, 33.155, 33.160, 33.185, 33.200
Marles v Philip Trant and Sons [1954] 1 QB 29	42.15
Martel Building Ltd v Canada [2000] 2 SCR 800	3.35
Martin v Andrews (1876) 7 El & Bl 1; 119 ER 1148	10.25
Maskell v Horner [1915] 3 KB 106	10.125
Mason v The State of New South Wales (1959) 102 CLR 108	10.125
Master Education Services Pty Limited v Ketchell [2008] HCA 38; (2008) 236 CLR 101	40.20, 40.35
Masters v Cameron (1954) 91 CLR 353	5.70
Masterton Homes Pty Ltd v Palm Assets Pty Ltd [2009] NSWCA 234	12.120, 13.20, 13.35
Materials Fabrication Pty Ltd v Baulderstone Pty Ltd [2009] VSC 405	41.110
Maxitherm Boilers Pty Ltd v Pacific Dunlop Ltd [1998] 4 VR 559	12.75
May and Butcher Ltd v The King [1934] 2 KB 17n	6.20
Maybury v Atlantic Union Oil Co Ltd (1953) 89 CLR 507	12.195
Maynard v Goode (1926) 37 CLR 529	20.20, 20.55
McBride v Sandland (1918) 25 CLR 69	7.65, 7.80
McCourt v Cranston [2012] WASCA 60	13.20
McCrohon v Harith [2010] NSWCA 67	26.95
McCutcheon v David MacBrayne Ltd [1964] 1 WLR 125	12.95
McDermott v Black (1940) 63 CLR 161	19.25
McDonald v Dennys Lascelles Ltd (1933) 48 CLR 457	24.30, 29.10, 29.45, 29.55
McFarlane v Daniell (1938) 38 SR (NSW) 337	41.75
McGrath v Australian Natural Products Pty Ltd [2008] FCAFC 2; (2008) 165 FCR 230	33.70
McGrath v Sturesteps; Sturesteps v HIH Overseas Holdings Ltd (in liq) [2011] NSWCA 315; 81 NSWLR 690	13.65
McGrath Motors (Canberra) Pty Ltd v Applebee (1964) 110 CLR 656	32.75
McGuane v Welch [2008] EWCA Civ 785	9.115, 9.135
McHugh v Australian Jockey Club Ltd [2014] FCAFC 45	41.70
McIvor v Westpac Banking Corporation [2012] QSC 404	37.55
McKay v National Australia Bank Ltd [1998] 4 VR 677	34.20
McKenzie v McDonald [1927] VLR 134	32.50, 32.55, 39.65
McLaughlin v Darcy (1918) 18 SR (NSW) 585	8.15, 8.20
McMahon v National Foods Milk Ltd [2009] VSCA 153; (2009) 25 VR 251	12.105, 14.110
McRae v Commonwealth Disposals Commission (1950) 84 CLR 377	13.93, 26.15, 26.60, 26.65, 26.75, 31.10, 31.30, 31.35, 31.40, 31.50
McQueen v Leduva Pty Ltd [2008] NSWSC 284	23.65
McRoss Developments Pty Ltd v Caltex Petroleum Pty Ltd [2004] NSWSC 183	15.55
McTier v Haupt [1992] 1 VR 653	20.10
Medical Benefits Fund of Australia v Cassidy [2003] FCAFC 289; (2003) 135 FCR 1	33.210
Meehan v Jones (1982) 149 CLR 571	6.60, 14.110, 20.20, 20.25, 20.35
Mehmet v Benson (1965) 113 CLR 295	23.80, 30.05, 30.60, 30.65
Melachrino v Nickoll and Knight [1920] 1 KB 693	27.150, 27.155
Mercantile Credit v Spinks [1968] QWN 32	8.15
Mercantile Union Guarantee Corp Ltd v Ball [1937] 2 KB 498	8.15
Meriton Apartments Pty Ltd v McLaurin & Tait (Developments) Pty Ltd (1976) 133 CLR 671	15.75
Merrell Associates Ltd v HL (Qld) Nominees Pty Ltd [2010] SASC 155	11.20
Merritt v Merritt [1970] 1 WLR 1211	5.07, 5.35
Mersey Steele and Iron Co Ltd v Naylor Benzon & Co (1884) 9 App Cas 434	29.20
Mertens v Home Freeholds Co [1921] 2 KB 526	15.90
Metcalfe v NZI Securities Australia Ltd [1995] ATPR 41-418	33.190
Metropolitan Transit Authority v Waverley Transit Pty Ltd [1991] 1 VR 181	9.168
Metropolitan Water Board v Dick Kerr & Co [1918] AC 119	15.25, 15.75
Miba Pty Ltd v Nescor Industries Group Pty Ltd (1996) 141 ALR 525	33.75
Mid Density Development Pty Ltd v Rockdale Municipal Council (1992) 39 FCR 579	33.25
Mid Essex Hospital Services NHS Trust v Compass Group UK and Ireland Ltd [2013] EWCA Civ 200	14.95
Mihaljevic v Eiffel Towers Motors Pty Ltd and General Credits Ltd [1973] VR 545	39.70
Miles v Genesys Wealth Advisors Ltd [2009] NSWCA 25	41.90

Miles v New Zealand Alford Estate Co (1886) 32 Ch D 266	7.60
Miller v Albright 523 US 420; 66 USLW 4266 (1998)	37.60
Miller v Miller [2011] HCA 9; (2011) 242 CLR 446	40.05, 42.65, 42.70
Miller & Associates Insurance Broking Pty Ltd v BMW Australia Finance Limited [2010] HCA 31; (2010) 241 CLR 357	32.05, 33.60
Milne v Attorney-General (Tas) (1956) 95 CLR 460	6.15
Mineralogy Pty Ltd v Sino Iron Pty Ltd (No 6) [2015] FCA 825	9.200
Misner v Australian Capital Territory (2000) 146 ACTR 1	9.50
Mitchell v Pacific Dawn Pty Ltd [2011] QCA 98	34.15
Mitchell v Valherie [2005] SASC 350; (2005) 93 SASR 76	32.15
Miwa Pty Ltd v Siantan Properties Pty Ltd [2011] NSWCA 297	13.70
Mizzi v Reliance Financial Services Pty Ltd [2007] NSWSC 37	11.20, 11.40
Mobil Oil Australia Ltd v Lyndel Nominees Pty Ltd (1998) 153 ALR 198	9.50
Mobil Oil Australia Ltd v Wellcome International Pty Ltd (1998) 81 FCR 475	3.70, 9.50, 9.175
Molotu Pty Ltd v Solar Power Ltd (1989) NSW Conv R 55-490	39.60
Molton v Camroux (1848) 2 Exch 487; 154 ER 584	8.115
Moobi Pty Ltd v Les Gunn Properties Pty Ltd [2008] NSWSC 719	31.95
Moorcock, The (1889) 14 PD 64	14.30, 14.55, 14.155
Moreland Finance Corp (Vic) Pty Ltd v Westendorp [1993] 2 VR 284	37.15
Morris v FAI General Insurance Company Ltd (1995) 8 ANZ Insurance Cases 61-258	9.70
Morris v Morris [1982] 1 NSWLR 61	9.110, 9.115
Morris (dec'd), Re (1943) 43 SR (NSW) 352	41.05
Moschi v Lep Air Services Ltd [1973] AC 331	22.15
Moses v Macferlan (1760) 2 Burr 1005; 97 ER 676	10.10, 10.105
Motor Oil Hellas (Corinth) Refineries SA v Shipping Corporation of India Ltd [1990] 1 Lloyd's Rep 391	9.110
Mount Bruce Mining Pty Limited v Wright Prospecting Pty Limited [2015] HCA 37	13.20, 13.50, 13.65, 13.70
Mrocki v Mountview Prestige Homes Pty Ltd [2012] VSCA 74	13.30
Mulcahy v Hydro-Electric Commission (1998) 85 FCR 170	36.95
Munchies Management Pty Ltd v Belperio (1988) 58 FCR 274	33.200
Mundy, Re (1963) 19 ABC 165	8.15
Murphy v Overton Investments Pty Ltd [2001] FCA 500; (2001) 112 FCR 182	9.60, 9.90, 9.230, 33.125, 33.160
Murphy v Overton Investments Pty Ltd [2004] HCA 3; (2004) 216 CLR 388	33.115, 33.125, 33.160
Murphy v Zamonex Pty Ltd (1993) 31 NSWLR 439	24.20
Murray Irrigation Ltd v Bilsdon [2006] NSWCA 253; (2006) 67 NSWLR 73	26.85
Musca v Astle Corporation Pty Ltd (1988) 80 ALR 251	33.130
Musumeci v Winadell Pty Ltd (1994) 34 NSWLR 723	4.65, 4.90
Mutual Finance Ltd v John Whetton & Sons Ltd [1937] 2 KB 389	34.35
Mutual Life & Citizens' Assurance Co Ltd v Evatt [1971] AC 793; (1968) 122 CLR 556	32.80

N

NEA Pty Ltd v Magneta Mining Pty Ltd [2007] WASCA 70	33.210, 33.215
NLS Pty Ltd v Hughes (1966) 120 CLR 583	29.50, 29.70
NSW Cancer Council v Sarfaty (1992) 28 NSWLR 68	12.120
NSW Medical Defence Union Ltd v Transport Industries Insurance Co Ltd (1986) 6 NSWLR 740	31.65
NSW Rifle Association Inc v The Commonwealth of Australia [2012] NSWSC 818	14.135
NT Power Generation Pty Ltd v Power and Water Authority [2001] FCA 334	14.135
NZI Capital Corporation Ltd v Poignand [1997] ATPR 41-586	39.45
Nagy v Masters Dairy Ltd (1996) 150 ALR 273	33.60, 33.65
Nash v Ingham [1908] 2 KB 1	8.20
National Carriers Ltd v Panalpina (Northern) Ltd [1981] AC 675	15.15, 15.30, 15.55
National Westminster Bank v Morgan [1985] 1 AC 686	35.10, 35.45, 36.60
National Westminster Bank v Ross 130 BR 656 (SDNY)	25.170
National Westminster Bank v Somer International Ltd [2001] EWCA 970; [2002] QB 1286	10.120

Nationwide Produce (Holdings) Pty Ltd (In Liquidation) v Linknarf Ltd (In Liquidation) [2005] FCAFC 129	5.75
Nav Canada v Greater Fredericton Airport Authority Inc (2008) 290 DLR (4th) 405	4.90
Naylor Benzon & Co v Krainische Industrie Gesellschaft [1918] 1 KB 331	41.05
Neale v Anchor Mortlock & Woolley Pty Ltd [2014] NSWCA 72	13.20
Neeta (Epping) Pty Ltd v Phillips (1974) 131 CLR 286	23.45
Neill v Hewens (1953) 89 CLR 1	3.60, 7.45
Neilsen v Dysart Timbers Limited [2009] NZSC 43; [2009] 3 NZLR 160	3.60
Nelson v Nelson (1995) 184 CLR 538	40.35, 41.15, 41.30, 42.15, 42.70
Nemeth v Bayswater Road Pty Ltd [1988] 2 Qd R 406	12.120, 29.25
Nesbit v Porter [2000] 2 NZLR 465	17.90
Network Ltd v Lynton Ainsley Speck [2009] VSC 235	14.125
New South Wales Lotteries Corporation Pty Ltd v Kuzmanovski [2011] FCAFC 106; 195 FCR 234	12.70, 33.130
New Zealand Pelt Export Company Ltd v Trade Indemnity New Zealand Ltd [2004] VSCA 163	9.215
New Zealand Shipping Co Ltd v AM Satterthwaite & Co Ltd (The Eurymedon) [1975] AC 154	11.35
New Zealand Shipping Co Ltd v Société des Ateliers et Chantiers de France [1919] AC 1	20.40
Newbigging v Adam (1886) 34 Ch D 582	39.40
Newbon v City Mutual Life Assurance Society Ltd (1953) 52 CLR 723	9.65, 9.85
Newcastle District Fishermen's Co-Operative Society v Neal (1950) 50 SR (NSW) 237	42.70
Newey v Westpac Banking Corporation [2014] NSWCA 319	13.20, 13.65, 13.70
Newmont Pty Ltd v Laverton Nickel NL [1983] 1 NSWLR 181	20.25
News Corporation Ltd v Lenfest Communications Inc (1996) 21 ASCR 553	9.155
News Ltd v Australian Rugby Football League Ltd (1996) 58 FCR 447	14.103
Newtronics Pty Ltd (recs & mgrs appd) (in liq) v Atco Controls Pty Ltd (in liq) [2008] VSC 566	4.35, 5.07
Nguyen v Taylor (1992) 27 NSWLR 48	38.95
Nicholas v Thompson [1924] VLR 554	32.100
Nichols v Jessup [1986] 1 NZLR 226	36.70
Nicolazzo v Harb [2009] VSCA 79; (2009) 22 VR 220	12.120
Nikolich v Goldman Sachs JB Were Services Pty Ltd [2006] FCA 784	33.125
Nissho Iwai Australia Ltd v Malaysian International Shipping Corp, Berhad (1989) 167 CLR 219	13.90, 13.93, 13.95, 13.100
Nixon v Furphy (1925) 25 SR (NSW) 151	34.45
Nixon v Philip Morris (Australia) Ltd [1999] FCA 1107; (1999) 95 FCR 453	33.130
Noon v Bondi Beach Astra Retirement Village Pty Ltd [2010] NSWCA 202	31.30, 31.45
Nordenfelt v The Maxim Nordenfelt Guns and Ammunition Company Ltd [1894] AC 535	41.70, 41.95
Norman Baker Pty Ltd (in liq) v Baker (1978) 3 ACLR 856	8.30
North v Marra Developments Ltd (1981) 148 CLR 42	41.10, 42.30
North East Equity Pty Ltd v Proud Nominees Pty Ltd [2010] FCAFC 60	33.70, 33.115
North Ocean Shipping Co Ltd v Hyundai Construction Co Ltd [1979] QB 705	34.45, 39.60
North Western Railway Co v M'Michael (1850) 5 Ex 114; 155 ER 49	8.25
Northern Sandblasting Pty Ltd v Harris (1997) 188 CLR 313	11.100
Norton v Angus (1926) 38 CLR 523	30.70, 30.80, 30.100
Norwest Refrigeration Services Pty Ltd v Bain Dawes (WA) Pty Ltd (1984) 157 CLR 149	32.60
Noske Bros Pty Ltd v Leys [1930] SASR 43	7.60
Nosske v McGinnis (1932) 47 CLR 563	27.140
Notcutt v Universal Equipment Co (London) Ltd [1986] 1 WLR 641	15.50
Nunin Holdings Pty Ltd v Tullamarine Estates Pty Ltd [1994] 1 VR 74	3.90
Nyhuis v Anton [1980] Qd R 34	20.15, 20.57

O

O'Brien v MGN Ltd [2001] EWCA Civ 1279	12.75
O'Brien v Smolonogov (1983) 53 ALR 107	33.25
O'Connor v SP Bray Ltd (1936) 36 SR (NSW) 248	25.75
O'Dea v Allstates Leasing System (WA) Pty Ltd (1983) 152 CLR 359	28.15, 28.30, 29.70, 29.80

O'Meara v Dominican Fathers [2003] ACTCA 24; (2003) 153 ACTR 1	27.115
O'Sullivan v Management Agency and Music Ltd [1985] QB 428	39.35, 39.45
O'Young v Walter Reid & Co Ltd (1932) 47 CLR 497	7.35
Occidental Worldwide Investment Corps v Skibs A/S Avanti (The "Siboen" and The "Sibotre") [1976] 1 Lloyd's Rep 293	34.40
Ocean Tramp Tankers Corp v V/O Sovfracht (The Eugenia) [1964] 2 QB 226	15.45, 15.90
Oceanic Sun Line Special Shipping Co Inc v Fay (1988) 165 CLR 197	3.40, 12.40
Office of Fair Trading v MB Designs (2005) SLT 691	16.30
Ogilvie v Ryan [1976] 2 NSWLR 504	7.80, 7.85
Ogle v Comboyuro Investments Pty Ltd (1976) 136 CLR 444	22.60, 23.80, 25.85
Olivaylle Pty Ltd v Flottweg AG (No 4) [2009] FCA 522; (2009) 255 ALR 632	3.100
Olsson v Dyson (1969) 120 CLR 365	11.37
On Demand Information plc v Gerson (Finance) Plc [2001] 1 WLR 155	25.130
Onesteel Manufacturing Pty Ltd v Bluescope Steele (AIS) Pty Ltd [2013] NSWCA 27; (2013) 85 NSWLR 1	13.70
Ontario v Ron Engineering & Construction Eastern Ltd (1981) 1 SCR 111	3.35
Ooh! Media Roadside Pty Ltd (formerly Power Panels Pty Ltd) v Diamond Wheels Pty Ltd & Anor [2011] VSCA 116; (2011) 32 VR 255	15.80
Ormwave Pty Ltd v Smith [2007] NSWCA 210	6.15
Oscar Chess Ltd v Williams [1957] 1 WLR 370	12.165, 12.185
Overlook Management BV v Foxtel Management Pty Ltd [2002] NSWSC 17	14.103
Overseas Private Investment Corporation v Industria de Pesca NA Inc 920 F Supp 207 (DC Cir, 1996)	25.170
Ovidio Carrideo Nominees Pty Ltd v The Dog Depot Pty Ltd [2006] VSCA 6	10.130
Owen and Gutch v Horman (1853) 4 HL Cas 997	36.75
Owners of SS "Mediana" v Owners etc of SS "Comet" [1900] AC 113	26.15

P

PSAL Ltd v Kellas-Sharpe [2012] QSC 31	38.05
PT Ltd v Maradona Pty Ltd (1992) 25 NSWLR 643	31.90
PT Ltd v Spuds Surf Chatswood Pty Ltd [2013] NSWCA 446	38.60
Paal Wilson and Co A/S v Partenreederei Hannah Blumenthal (The Hannah Blumenthal) [1983] 1 AC 854	15.80, 15.85, 15.90, 15.100, 19.40
Pacific Brands Sport & Leisure Pty Ltd v Underworks Pty Ltd [2005] FCA 288	14.95, 14.105, 25.165
Pacific Brands Sport & Leisure Pty Ltd v Underworks Pty Ltd [2006] FCAFC 40; (2006) 149 FCR 395	11.37, 14.95, 14.105, 22.45
Pacific Carriers Ltd v BNP Paribas [2004] HCA 35; (2004) 218 CLR 451	13.20, 13.25, 13.55, 13.65
Pacific Dunlop Ltd v Hogan (1989) 23 FCR 553	33.45
Paciocco v Australia and New Zealand Banking Group Ltd [2014] FCA 35	14.120, 16.65, 28.15, 28.20, 28.40, 28.55, 38.60, 38.65, 38.95
Page One Records Ltd v Britton [1968] 1 WLR 157	30.95
Pagnan SpA v Feed Products Ltd [1987] 2 Lloyd's Rep 601	6.15
Paltara Pty Ltd v Dempster [1991] 6 WAR 85	14.110
Pan Foods Company Importers & Distributors Pty Ltd v Australia and New Zealand Banking Group Ltd [2000] HCA 20	19.10
Pankhania v London Borough of Hackney [2002] EWHC 2441	32.25
Pao On v Lau Yiu Long [1980] AC 614	12.150, 34.25, 34.30
Papas v Bianca Investments Pty Ltd [2002] SASC 190; (2002) 82 SASR 581	31.120
Park v Brothers [2005] HCA 73	20.57, 25.85
Parkdale Custom Built Furniture Pty Ltd v Puxu Pty Ltd (1982) 149 CLR 191	33.35, 33.45
Parker v Clark [1960] 1 All ER 93	5.45
Parker v South Eastern Railway Co (1877) 2 CPD 416	12.50, 12.55
Parramatta Design & Developments Pty Ltd v Concrete Pty Ltd [2005] FCAFC 138; (2005) 144 FCR 264	14.05
Patrick Stevedores Operations No 2 Pty Ltd v Maritime Union of Australia (1998) 195 CLR 1; [1998] HCA 30	30.40
Pau On v Lau Yiu Long [1980] AC 614	4.95

Pavey & Matthews Pty Ltd v Paul (1987) 162 CLR 221	2.45, 7.90, 10.05, 10.10, 10.46, 10.49, 10.85, 10.95, 15.115
Payne v Cave (1789) 3 TR 148; 100 ER 502	3.30
Pearce v Brain [1929] 2 KB 310	8.30
Pearce v Gardner [1897] 1 QB 688	7.40
Pearse, Re [1905] VLR 446	4.70
Pearson v HRX Holdings Pty Ltd [2012] FCAFC 111; (2012) 205 FCR 187	41.90
Pedashenko v Blacktown City Council (1996) 39 NSWLR 189	32.55
Peet v Richmond [2011] VSCA 343; (2011) 33 VR 465	10.10
Pegela Pty Ltd v National Mutual Life Association of Australasia Ltd [2006] VSC 507	9.135
Percy v Youngman (1941) VLR 275	8.25
Permanent Mortgages Pty Ltd v Vandenberg [2010] WASC 10	36.35, 37.15, 37.25, 37.55
Permanent Trustee Company Limited v O'Donnell [2009] NSWSC 902	37.15
Perpetual Executors & Trustees Association of Australia Ltd v Russell (1931) 45 CLR 146	7.10, 7.60
Perpetual Co Ltd v Khoshaba [2006] NSWCA 41	38.95, 38.100
Perpetual Trustees Australia Limited v Schmidt [2010] VSC 67	11.35, 37.15
Perpetual Trustees Victoria Limited v Ford [2008] NSWSC 29; (2008) 70 NSWLR 611	31.90, 37.15, 37.20
Perri v Coolangatta Investments Pty Ltd (1982) 149 CLR 537	20.15, 20.20, 20.25, 20.30, 20.40, 20.45, 20.50, 20.55
Petelin v Cullen (1975) 132 CLR 355	31.90
Peter Bodum A/S v DKSH Australia Pty Ltd [2011] FCAFC 98	33.35
Peter Turnbull & Co Pty Ltd v Mundus Trading Co (Australasia) Pty Ltd (1954) 90 CLR 235	22.30, 24.20, 25.25
Peters (WA) Ltd v Petersville Ltd [2001] HCA 45; (2001) 205 CLR 126	41.100
Peters Ice Cream (Vic) Ltd v Todd [1961] VR 485	42.40
Peterson v Merck Sharpe & Dohme (Aust) Pty Ltd [2010] FCA 180	17.60
Pethybridge v Stedikas Holdings Pty Ltd [2007] NSWCA 154	13.35
Petrie v Dwyer (1954) 91 CLR 99	22.60
Petrofina (Gt Britain) Ltd v Martin [1966] Ch 146	41.85
Petromec Inc v Petroleo Brasileiro SA [2005] EWCA Civ 891	6.50
Petronijevic v Milojkovic [2014] NSWSC 1337	9.135
Petty v Penfold Wines Pty Ltd (1994) 49 FCR 282	33.50
Pharmaceutical Society of Great Britain v Boots Cash Chemists Ltd [1953] 1 QB 401	3.25
Phillips v Brooks [1919] 2 KB 243	31.120
Phillips v Ellinson Brothers Pty Ltd (1941) 65 CLR 221	29.15, 29.35
Photo Production Ltd v Securicor Transport Ltd [1980] AC 827	13.95, 13.115
Picwoods Pty Ltd v Panagopoulos [2004] NSWSC 978	11.35
Pierce Bell Sales Pty Ltd v Frazer (1973) 130 CLR 575	25.155
Pilmer v Duke Group Ltd (in liq) [2001] HCA 31; (2001) 207 CLR 165	32.50
Pinnel's case (1602) 5 Co Rep 117a; 77 ER 237	4.70
Pioneer Container, The [1994] 2 AC 324	11.25
Pioneer Shipping Ltd v BTP Tioxide Ltd (The Nema) (HL) [1982] AC 724	15.30, 15.80
Pirie v Saunders (1961) 104 CLR 149	7.30, 7.35, 7.45
Placer Development Ltd v Commonwealth (1969) 121 CLR 353	
Placer (Granny Smith) Pty Ltd v Thiess Contractors Pty Ltd [2003] HCA 10; (2003) 196 ALR 257	26.15
Plimer v Roberts (1997) 80 FCR 303	33.25
Plimmer v Wellington Corp (1884) 9 App Cas 699	9.155
Pola v Commonwealth Bank of Australia (unreported, Sundberg J, 19 December 1997)	11.35
Pontypridd Union v Drew [1927] 1 KB 214	8.20
Port Jackson Stevedoring Pty Ltd v Salmond & Spraggon (Aust) Pty Ltd (The New York Star) (1978) 139 CLR 231 (HC); (1980) 144 CLR 300	11.35
Porter v Latec Finance (Qld) Pty Ltd (1964) 111 CLR 177	31.120
Poseidon Ltd v Adelaide Petroleum NL (1991) 105 ALR 25	33.60
Posgold (Big Bell) Pty Ltd v Placer (Western Australia) Pty Ltd [1999] WASCA 217; (1999) 21 WAR 350	13.35
Pottinger v George (1967) 116 CLR 328	30.80
Poulet Fraiss Pty Ltd v The Silver Fox Company Pty Ltd [2005] FCAFC 131	33.205, 33.210
Powell v Benney [2007] EWCA Civ 1283	9.115, 9.135

Powell v Jones [1968] SASR 394	6.55
Powercell Pty Ltd v Cuzeno Pty Ltd [2004] NSWCA 51	9.185
Powys v Brown (1924) 25 SR (NSW) 65	27.140
Prestia v Aknar (1996) 40 NSWLR 165	33.28
Pricom Pty Ltd v Sgarioto [1994] ATPR (Digest) 46-135	33.25
Principal Properties Pty Ltd v Brisbane Broncos Leagues Club Ltd [2013] QSC 148; [2014] 2 Qd R 132	20.40
Printing and Numerical Registering Co v Sampson (1875) LR 19 Eq 462	1.10
Progressive Mailing House Pty Ltd v Tabali Pty Ltd (1985) 157 CLR 17	15.55, 21.05, 22.15, 22.20, 22.25, 22.50, 24.10, 27.130, 27.145
Pryor v Given (1980) 30 ALR 189	32.15
Psaltis v Schultz (1948) 76 CLR 547	22.25
Public Trustee v Taylor [1978] VR 289	32.25
Public Trustee v Wadley (1997) 7 Tas R 35	9.70, 9.115, 9.135
Pukallus v Cameron (1982) 180 CLR 447	31.65, 31.105
Purcell v Bacon (1914) 19 CLR 241	29.25
Pym v Campbell (1856) 6 El & Bl 370; 119 ER 903	12.145

Q

Qin v Smith (No 2) [2013] VSC 476	25.45
Quadramain Pty Ltd v Sevastapol Investments Pty Ltd (1976) 133 CLR 390	41.100
Quek v Beggs (1990) 5 BPR 11,761	35.50
Quinn Villages Pty Ltd v Mulherin [2006] QCA 433	20.40
Quirke v FCL Interstate Transport Services Pty Ltd [2005] SASC 226; (2005) 92 SASR 249	13.20, 13.70

R

R v Attorney General of England and Wales [2003] UKPC 22	34.15
R v Judges of the Federal Court of Australia; Ex parte Western Australian National Football League (1978) 143 CLR 190	2.80
R & C Products Pty Ltd v SC Johnson & Son Pty Ltd [1994] ATPR 41-364	33.35
R Leslie Ltd v Sheill [1914] 3 KB 607	8.85
Radford v De Froberville [1977] 1 WLR 1262	27.70
Raffaele v Raffaele [1962] WAR 29	9.35
Raffles v Wichelhaus (1864) 2 H&C 906; 159 ER 375	31.30, 31.75
Rail Corporation of New South Wales v Fluor Australia Pty Ltd [2008] NSWSC 1348	11.20
Railways (NSW), Commissioner for v Quinn (1946) 72 CLR 345	13.110
Rain v Fullarton (1900) 21 LR (NSW) Eq 311	8.30
Rainy Sky SA v Kookmin Bank [2011] UKSC 50; [2011] 1 WLR 290	13.70
Ramsey v Vogler (1999) 44 IPR 153	32.105
Randazzo v Goulding [1968] Qd R 433	6.15
Rasch Nominees Pty Ltd v Bartholomaeus [2012] SASC 70; (2012) 114 SASR 448	20.40
Rasell v Cavalier Marketing (Aust) Pty Ltd (1990) 96 ALR 375	17.60
Rawson v Hobbs (1961) 107 CLR 466	22.60, 22.75, 24.40, 25.20
Re Lindsay v Smith [2001] QCA 229	9.70
Reardon v Morley Ford Pty Ltd (1980) 33 ALR 417	3.25
Reardon Smith Line v Hansen-Tangen [1976] 1 WLR 989	13.20, 13.65
Redgrave v Hurd (1881) 20 Ch D 1	32.95, 33.200, 39.95
Reese Bros Plastics Ltd v Hamon-Sobelco Australia Pty Ltd (1988) 5 BPR 11,106	3.100
Regalian Properties plc v London Dockland Development Corp [1995] 1 WLR 212	10.50
Regazzoni v KC Sethia (1944) Ltd [1958] AC 301	41.60
Regent v Millett (1976) 133 CLR 679	7.75, 7.80, 30.25
Rehins Pty Ltd v Debin Nominees Pty Ltd (No 2) [2011] WASC 168	20.40
Reid v Key Bank 821 F 2d 9 (1st Cir 1987)	25.170
Reid v Moreland Timber Co Pty Ltd (1946) 73 CLR 1	23.10
Relwood Pty Ltd v Manning Homes Pty Ltd [1990] 1 Qd R 481	6.20

Renard Constructions (ME) Pty Ltd v Minister for Public Works (1992) 26 NSWLR 234	1.180, 10.49, 10.70, 14.90, 14.95, 14.100, 14.103, 14.120, 20.35, 20.37, 25.155, 25.165, 25.170
Renowden v Hurley [1951] VLR 13	30.45, 30.80
Repatriation Commission v Tsourounakis [2007] FCAFC 29; (2007) 158 FCR 214	9.100, 9.135
Retirement Services Australia (RSA) Pty Ltd v 3143 Victoria St Doncaster Pty Ltd [2012] VSCA 134; (2012) 37 VR 486	13.30, 13.40
Reynolds v Atherton (1921) 125 LT 690	3.55
Rhone v Stephens [1994] 2 AC 310	11.25
Rhone-Poulenc Agrochimie SA v UIM Chemical Services Pty Ltd (1986) 12 FCR 477	33.60, 33.65
Richardson v Mellish (1824) 2 Bing 229	41.05
Riches v Hogben [1985] 2 Qd R 292	9.170, 9.185, 9.220
Riches v Hogben [1986] 1 Qd R 315	7.20, 7.85, 9.35, 9.155
Ricochet Pty Ltd v Equity Trustees Executor & Agency Co Ltd (1993) 41 FCR 229	33.180
Riessen v State of South Australia [2001] SASC 71; (2001) 79 SASR 82	10.125
Rinaldi and Patroni Pty Ltd v Precision Mouldings Pty Ltd [1986] WAR 131	12.95
Ringrow Pty Ltd v BP Australia Pty Ltd [2005] HCA 71; (2005) 224 CLR 656	16.65, 28.15, 28.25
Ringstad v Gollin & Co Pty Ltd (1924) 35 CLR 303	15.30
Ritter v North Side Enterprises Pty Ltd (1975) 132 CLR 301	32.15
Riviera Holdings Pty Ltd v Fingal Glen Pty Ltd [2013] SASC 77; (2013) 120 SASR 450	25.150
Roache v Australian Mercantile Land & Finance Co Ltd [1965] NSWLR 1015	31.120
Roadshow Entertainment Pty Ltd v (ACN 053006269) Pty Ltd (rec & man appt) (1997) 42 NSWLR 462	22.60, 25.15
Roberts v Gray [1913] 1 KB 520	8.20
Robinson v ANZ Banking Group Ltd [1990] ASC 55-979	38.95
Robinson v Harman (1848) 1 Ex 850; 154 ER 363	26.10, 26.30, 26.85
Robophone Facilities Ltd v Blank [1966] 1 WLR 1428	3.85, 27.22
Romanos v Pentagold Investments Pty Ltd [2003] HCA 58; (2003) 217 CLR 367	25.135
Ronim Pty Ltd, Re [1989] 2 Qd R 172	14.30
Ronnoc Finance v Spectrum Network Ltd (1997) NSWLR 624	26.20, 27.150
Roscorla v Thomas (1842) 3 QB 234; 114 ER 496	4.55
Rose v Sakkara Properties Pty Limited [2009] FCA 304	36.60
Rose & Frank Co v J R Crompton & Bros Ltd [1925] AC 445; [1923] 2 KB 261	5.20
Ross & Anor v IceTV [2010] NSWCA 272	15.20
Ross T Smyth & Co Ltd v T D Bailey Son & Co [1940] 3 All ER 60	22.05
Rosser v Austral Wine and Spirit Co Pty Ltd [1980] VR 313	7.30
Roufos v Brewster (1971) 2 SASR 218	5.50
Rover International Ltd v Cannon Film Sales Ltd (No 3) [1989] 3 All ER 423	10.30, 10.49
Rowland v Divall [1923] 2 KB 500	10.30
Roxborough v Rothmans of Pall Mall Australia Ltd [2001] HCA 68; (2001) 208 CLR 516	10.05, 10.15, 10.25, 10.35, 10.40
Royal Bank of Scotland v Etridge (No 2) [2001] UKHL 44; [2002] 2 AC 773	35.10, 35.35, 37.30
Royal Botanic Gardens and Domain Trust v South Sydney City Council [2002] HCA 5; (2002) 240 CLR 45	13.20, 13.50, 13.65, 14.95
Ruddock v Taylor [2003] NSWCA 262; (2003) 58 NSWLR 269	33.185
Russell v Adwon Pty Ltd [2000] ACTSC 90; (2001) 144 ACTR 1	29.65
Ruxley Electronics and Constructions Ltd v Forsyth [1996] 1 AC 344	26.35, 26.50
Ryledar Pty Ltd v Euphoric Pty Ltd [2007] NSWCA 65; (2007) 69 NSWLR 603	9.200, 31.65

S

S v W & N Ltd [2010] NZ Disp T 33	17.80
S & E Promotions Pty Ltd v Tobin Brothers Pty Ltd (1994) 122 ALR 637	9.70
SWF Hoists and Industrial Equipment Pty Ltd v State Government Insurance Commission [1990] ATPR 41-043	33.98
Sabemo Pty Ltd v North Sydney Municipal Council [1977] 2 NSWLR 880	10.50
Sacher Investments Pty Ltd v Forma Stereo Consultants Pty Ltd [1976] 1 NSWLR 5	27.50
Sagacious Procurement Pty Ltd v Symbion Health Ltd (formerly Mayne Group Ltd) [2008] NSWCA 149	5.65, 13.35
St George Bank Ltd v Trimarchi [2004] NSWCA 120	38.95
St Martins Property Corporation Ltd v Sir Robert McAlpine Ltd [1994] 1 AC 85	11.65

Saleh v Romanous [2010] NSWCA 274; (2010) 79 NSWLR 453	9.110, 9.168, 9.205, 9.210, 12.105
Sande v Medsara Pty Ltd [2004] NSWSC 147	31.105
Sanderson Motors (Sales) Pty Ltd v Yorkstar Motors Pty Ltd [1983] 1 NSWLR 513	30.95
Sandra Investments Pty Ltd v Booth (1983) 153 CLR 153	20.55
Sanpine Pty Ltd v Koompahtoo Local Aboriginal Land Council [2006] NSWCA 291	21.73
Sargent v ASL Developments Ltd (1974) 131 CLR 634	25.35, 25.55, 25.60, 25.70, 25.75, 25.115, 25.120, 39.60
Sarkis v Deputy Commissioner of Taxation [2005] VSCA 67	9.100
Saunders (Executrix of the Will of Gallie) v Anglia Building Society [1971] AC 1004	31.90
Savoy Investments (Qld) Pty Ltd v Global Nominees Pty Ltd [2008] QCA 282	22.65, 25.55
Scallly v Southern Health and Social Services Board [1992] 1 AC 294	14.70, 14.75
Scanlan's New Neon Ltd v Tooheys Ltd (1943) 67 CLR 169	15.20, 15.30, 15.40, 15.55, 15.100
Scarborough v Sturzaker (1905) 1 Tas LR 117	8.15
Schneider v Norris (1814) 2 M & S 286; 105 ER 388	7.45
Schwartz v Hadid [2013] NSWCA 89	13.70
Scolio Pty Ltd v Cote (1992) 6 WAR 475	34.35
Scotson v Pegg (1861) 6 H & N 295; 158 ER 121	4.95
Scott v Avery (1856) 5 HL Cas 811; 10 ER 1121	41.110
Scott v White [1938] VLR 188	7.75
Scott Carver Pty Ltd v SAS Trustee Corporation [2005] NSWCA 462	26.45
Scott Motorcycle Supply Inc v American Honda Motor Company Inc 976 F 2d 58 (1st Cir, 1992)	14.120
Scottish Equitable plc v Derby [2000] 3 All ER 793	10.120
Scruttons Ltd v Midland Silicones Ltd [1962] AC 446	11.35
Seaton v Heath [1899] 1 QB 782	32.45
Secretary, Department of Family and Community Services v Wall [2006] FCA 863	9.100
Secured Income Real Estate (Australia) Ltd v St Martin's Investments Pty Ltd (1979) 144 CLR 596	13.25, 14.20, 14.110
Seddon v The Northern Eastern Salt Company Pty Ltd [1905] 1 Ch 326	39.70
Seidler v Schallhofer [1982] 2 NSWLR 80	41.45
Sekisui Rib Loc Australia Pty Ltd v Rocla Pty Ltd [2012] SASCFC 21	14.30
Selectmove Ltd, Re [1995] 1 WLR 474	4.90
Sellars v Adelaide Petroleum NL (1994) 179 CLR 332	26.85, 26.90, 33.120
Sellin v Scott (1901) 1 SR (NSW) Eq 64	8.25
Semelhago v Paramadavam [1996] 2 SCR 415	30.30
Senanayake v Cheng [1966] AC 63	39.70
Sensis Pty Ltd v McMaster-Fay [2005] NSWCA 163	26.90
Service Station Association v Berg Bennett (1993) 45 FCR 84	14.90, 20.25
Seton, Laing, & Co v Lafone (1887) 19 QBD 68	9.105
Settlement Group Pty Ltd v Purcell Partners Pty Ltd [2013] VSCA 370	9.50
Shaddock v Parramatta City Council (1981) 150 CLR 225	2.27, 32.80, 32.100
Shah v Shah [2002] QB 35	42.75
Shahid v Australasian College of Dermatologists [2008] FCAFC 72; (2008) 168 FCR 46	3.75, 3.140, 5.07, 33.28
Sharjade Pty Ltd v Commonwealth [2009] NSWCA 373	25.20
Sharma v Simposh [2011] EWCA Civ 1383; [2013] Ch 23	29.45
Sharman v Kunert (1985) 1 NSWLR 225	38.95
Shaw v Applegate [1977] 1 WLR 970	30.100
Shelanu Inc v Print Three Franchising Corp (2003) 226 DLR (4th) 577	14.103
Shell Oil Co v Marinello 294 A 2d 253 (NJ Super Ct, 1992)	14.95
Shepherd v Felt & Textiles of Australia Ltd (1931) 45 CLR 359	22.60, 24.40
Sheppard v Warner (1895) 1 ALR 168	7.70
Shevill v Builders Licensing Board (1982) 149 CLR 620	21.35, 21.40, 22.05, 22.20, 22.25, 27.130, 28.50
Shiloh Spinners Ltd v Harding [1973] AC 691	25.135, 25.150
Shirlaw v Southern Foundries (1926) Ltd [1939] 2 KB 206	14.35, 14.55
Shiu Shing Sze Tu v Lowe [2014] NSWCA 462	9.200
Shogun Finance Ltd v Hudson [2003] UKHL 62; [2004] 1 AC 919	31.115, 31.120, 39.65
Sholl Nicholson Pty v Chapman [2001] VSC 430	34.20

Shrimp v Landmark Operations Ltd [2007] FCA 1468; (2007) 163 FCR 510	33.145
Sidhu v Van Dyke [2014] HCA 19; (2014) 251 CLR 505	9.55, 9.132
Silovi Pty Ltd v Barbaro (1988) 13 NSWLR 466	9.35, 9.40, 9.45, 9.95
Silver v Dome Resources NL (2007) 62 ACSR 539	11.20
Simmons Ltd v Hay (1964) 81 WN (Pt 1) (NSW) 358	15.50, 15.80
Simon v Metivier (1766) 1 Wm Bl 599; 96 ER 347	7.10
Simonius Vischer & Co v Holt & Thompson [1979] 2 NSWLR 322	14.65, 27.10, 27.45, 27.60
Simons v Zartom Investments Pty Ltd [1975] 2 NSWLR 30	39.80
Sinclair, Scott & Co Ltd v Naughton (1929) 43 CLR 310	5.75, 7.30
Sindel v Georgiou (1984) 154 CLR 661	23.45
Sion v NSW Trustee and Guardian [2012] NSWSC 949	5.10
Sirius International Insurance Co (Publ) v RAI General Insurance Ltd [2004] 1 WLR 3251	13.60
Skeate v Beale (1841) 11 Ad & El 983; 113 ER 688	34.40
Sky Petroleum Ltd v VIP Petroleum Ltd [1974] 1 WLR 576	30.95
Skyrise Consultants Pty Ltd v Metroland Funds Management Ltd [2011] NSWCA 406	12.120, 12.170
Skywest Aviation Pty Ltd v Commonwealth (1995) 126 FLR 61	9.200, 9.205, 9.210
Slater v Hoyle & Smith Ltd [1920] 2 KB 11	27.72
Slee v Warke (1949) 86 CLR 271	30.75
Slinger v Southern White Pty Ltd [2005] SASC 267; (2005) 92 SASR 303	33.125
Smith v Hughes [1871] 6 QB 597	3.75, 31.85, 32.30
Smith v Jones (1924) 24 SR (NSW) 444	29.25
Smith v Land & House Property Corp (1884) 28 Ch D 7	32.15
Smith v Smith [2004] NSWSC 663	31.95
Smith v William Charlick Ltd (1924) 34 CLR 38	10.100, 34.50
Smythe v Thomas [2007] NSWSC 844; (2007) 71 NSWLR 537	12.185
Snowlife Pty Ltd v Robina Land Corporation Ltd (No 2) [1993] 1 Qd R 584	25.165
Snyman v Cooper (1990) 24 FCR 433	33.110
Solle v Butcher [1950] 1 KB 671	31.10, 31.25, 31.50, 31.55, 39.45, 39.70
Soper v Arnold [1889] 14 AC 429	29.50
Sopov v Kane Constructions Pty Ltd (No 2) [2009] VSCA 141; (2009) 24 VR 510	10.49, 10.70
South Australia v Commonwealth (1962) 108 CLR 130	5.60
South Australian Cold Stores Ltd v Electricity Trust of South Australia (1957) 98 CLR 65	10.125, 42.60
South Dowling Pty Ltd v Cody Outdoor Advertising Pty Ltd [2005] NSWSC 391	21.40
South Kensington Co-operative Stores, Re (1881) 17 Ch D 161	29.25
South Sydney District Rugby League Football Club Ltd v News Ltd [2000] FCA 1541	14.30, 14.65, 14.95, 14.103, 14.130
South Wales Miners' Federation v Glamorgan Coal Co Ltd [1905] AC 239	9.215
Southage Pty Ltd v Vescovi [2015] VSCA 117	10.15
Southcott Estates Inc v Toronto Catholic District School Board 2009 CanLII 3567	30.30
Spangaro v Corporate Investment Australia Funds Management Ltd [2003] FCA 1025	10.15, 10.25
Specht v Netscape Communications (2002) 306 F 3d 17 (2nd Cir)	12.85
Specialist Diagnostic Services Pty Ltd v Healthscope Ltd [2012] VSCA 175	14.103
Spiers Earthworks Pty Ltd v Landtec Projects Corporation Pty Ltd (No 2) [2012] WASCA 53	28.20
Spira v Commonwealth Bank of Australia [2003] NSWCA 180	14.135
Spiro v Glencrown Properties Ltd [1991] Ch 536	3.50
Spong v Spong (1914) 18 CLR 544	35.50
Stamp Duties, Commissioner of v Carlenka Pty Ltd (1995) 41 NSWLR 329	31.65
Standard Chartered Bank Aust Ltd v Bank of China (1991) 23 NSWLR 164	9.90
Starlink International Group Pty Ltd v Coles Supermarkets Australia Pty Ltd [2011] NSWSC 1154	14.103, 14.135
State Bank of New South Wales v Chia [2000] NSWSC 552; (2000) 50 NSWLR 587	37.50
State Bank of New South Wales Ltd v Hibbert (2000) 9 BPR 17,543	37.55
State Bank of New South Wales Ltd v Layoun [2001] NSW ConvR 55-984	37.55
State Rail Authority of New South Wales v Heath Outdoor Pty Ltd (1986) 7 NSWLR 170	9.200, 9.205, 12.120, 12.170
State Superannuation Board v Trade Practices Commission (1982) 60 FLR 165	2.80
State of Victoria v Tatts Group [2014] VSCA 311	13.20

Steadman v Steadman [1976] AC 536	7.80
Steele v Tardiani (1946) 72 CLR 386	10.75, 29.10, 29.15, 29.20, 29.30, 29.35
Steggles Ltd v Yarrabee Chicken Company Pty Ltd [2012] FCAFC 91	13.70
Steinberg v Scala (Leeds) Ltd [1923] 2 Ch 452	8.30
Stephenson, Jacques & Co v McLean (1880) 5 QBD 346	3.65
Stern v McArthur (1988) 165 CLR 489	25.130, 25.135, 25.140, 25.145, 25.150, 25.155
Stilk v Myrick (1809) 2 Camp 317; 170 ER 1168	4.65, 4.80, 4.85
Stocks & Holdings (Constructors) Pty Ltd v Arrowsmith (1964) 112 CLR 646	6.15
Stocznia Gdanska SA v Latvian Shipping Co [1998] 1 WLR 574; [1996] 2 Lloyd's Rep 132	21.05, 29.78
Stokes v Whicher [1920] 1 Ch 411	7.40
Storer v Manchester City Council [1974] 1 WLR 1403	3.10
Stratton Finance Pty Ltd v Webb [2014] FCAFC110	13.20
Strickney v Keeble [1915] AC 386	23.65
Stuart Pty Ltd v Condor Commercial Insulation Pty Ltd [2006] NSWCA 334	27.22, 27.30, 27.40
Subiaco, City of v Heytesbury Properties Pty Ltd [2001] WASCA 140; (2001) 24 WAR 146	15.55
Sudbrook Trading Estate Ltd v Eggleton [1983] AC 444	6.30
Suisse Atlantique Societe d'Armement Maritime SA v NV Rotterdamsche Kolen Centrale [1967] 1 AC 361	13.95
Sullivan v Sullivan [2006] NSWCA 312	9.135
Summers v Commonwealth (1918) 25 CLR 144	19.40
Sumpter v Hedges [1898] 1 QB 673	10.75, 29.15
Sumy Pty Ltd v Southcorp Wines Pty Ltd [2004] NSWSC 1000	33.125
Sunbird Plaza Pty Ltd v Maloney (1988) 166 CLR 245	24.40, 25.155, 27.130
Sundell & Sons Pty Ltd v Emm Yannoulatos (Overseas) Pty Ltd (1955) 56 SR (NSW) 323	34.45
Sunset Vineyard Management Pty Ltd v Southcorp Wines Pty Ltd [2008] VSCA 96	13.30
Supershield Ltd v Siemens Building Technologies FE Ltd [2010] 1 Lloyd's Rep 349	27.22
Surrey County Council v Bredero Homes Ltd [1993] 1 WLR 1361	26.100
Sutton v Zullo Enterprises Pty Ltd [2000] 2 Qd R 196	10.85
Suttor v Gundowda Pty Ltd (1950) 81 CLR 418	19.30, 20.20, 20.25, 20.40, 20.50
Svanosio v McNamara (1956) 96 CLR 186	31.55, 39.70
Sydney City Council v West (1965) 114 CLR 481	13.95
Sykes v Reserve Bank of Australia (1998) 88 FCR 511	33.75, 33.200
Sylvia Shipping Co Ltd v Progress Carriers Ltd [2010] EWHC 542	27.22

T

TA Sundell & Sons Pty Ltd v Emm Yannoulatos (Overseas) Pty Ltd [1956] SR (NSW) 323	4.65, 10.100
TC Industrial Plant Pty Ltd v Robert's Queensland Pty Ltd (1963) 180 CLR 130	19.35, 27.50
TCN Channel 9 Pty Ltd v Hayden Enterprises Pty Ltd (1989) 16 NSWLR 130	26.95
TCN Channel Nine Pty Ltd v Ilvari Pty Ltd [2008] NSWCA 9; (2008) 71 NSWLR 323	33.25
TRA Global Pty Ltd v Kebakoska [2011] VSC 480	10.120
Ta Ho Ma Pty Ltd v Allen [1999] NSWCA 202; [1999] 47 NSWLR 1	32.100
Tabcorp Holdings Ltd v Bowen Investments Pty Ltd [2009] HCA 8; (2009) 236 CLR 272	26.10, 26.30, 26.35, 26.45, 26.50, 26.130, 30.95
Taddy and Co v Sterious and Co [1904] 1 Ch 354	11.25
Tai Hing Cotton Mill Ltd v Kamsing Knitting Factory [1979] AC 91	27.150
Tait v Bonnice [1975] VR 102	20.55
Take Harvest Ltd v Liu [1993] AC 552	7.60
Tallerman & Co Pty Ltd v Nathan's Merchandise (Vic) Pty Ltd (1957) 98 CLR 93	3.05, 3.90, 3.95, 7.100, 19.25, 19.30, 19.35
Tan Hung Nguyen v Luxury Design Homes Pty Limited [2004] NSWCA 178	1.180
Tanwar Enterprises Pty Ltd v Cauchi [2003] HCA 57; (2003) 217 CLR 315	25.130, 25.135, 25.150, 25.155, 30.60
Tatem v Gamboa [1939] 1 KB 132	15.80
Taxation, Commissioner of v Sara Lee Household & Body Care (Aust) Pty Ltd [2000] HCA 35; (2000) 201 CLR 520	19.35
Taxation, Deputy Commissioner of v Chamberlain (1990) 26 FCR 221	31.100
Taxation, Federal Commissioner of v Taylor (1929) 42 CLR 81	3.60

Taylor v Caldwell (1863) 3 B&S 826; 122 ER 309	15.20, 15.35
Taylor v Johnson (1983) 151 CLR 422	2.55, 3.75, 3.140, 31.55, 31.80, 31.85, 31.90, 31.95, 31.100, 32.50
Technomin Australia Pty Ltd v Xstrata Nickel Australasia Operations Pty Ltd [2014] WASCA 164	13.20, 13.50
Tefbao Pty Ltd v Stannic Securities Pty Ltd (1993) 118 ALR 565	33.185
Tenji & Associates v Henneberry Pty Ltd [2000] FCA 550; (2000) 98 FCR 324	33.150, 33.155
Tenth Vandy Pty Ltd v Natwest Markets Australia Pty Ltd [2012] VSCA 103	25.155
Tepko Pty Ltd v Water Board [2001] HCA 19; (2001) 206 CLR 1	32.80, 32.100
Territory Insurance Office v Adlington (1992) 109 FLR 124; 2 NTLR 55	9.85
Texaco Inc v Appleget 307 A 2d 603 (NJ Sup Ct, 1973)	14.95
Thomas v Brown (1876) 1 QBD 714	7.60
Thomas v Thomas (1842) 2 QB 851; 114 ER 330	4.40, 4.45
Thomas Brown and Sons Ltd v Fazal Deen (1962) 108 CLR 391	42.30, 42.70
Thomas National Transport (Melbourne) Pty Ltd v May & Baker (Australia) Pty Ltd (1966) 115 CLR 353	13.100, 13.115
Thompson v Palmer (1933) 49 CLR 507	9.65, 9.70, 9.85, 9.100
Thomson v McInnes (1911) 12 CLR 562	7.40
Thomson v White [2006] NSWCA 350	6.15
Thong Guan Plastic and Paper Industries SDN BHD v Vicpac Industries Australia Pty Ltd [2010] VSC 11	14.103
Thorby v Goldberg (1964) 112 CLR 597	6.10, 6.55, 6.60
Thorner v Major [2009] UKHL 18; [2009] 1 WLR 776	9.60, 9.90, 9.168, 9.175
Thornton v Shoe Lane Parking Ltd [1971] 2 QB 163	12.45, 12.65, 12.70, 12.75
Thurston v Nottingham Permanent Building Society [1902] 1 Ch 1	8.30
Tilden Rent-A-Car Co v Clendenning (1978) 18 OR (2d) 601	12.80
Tim Barr Pty Ltd v Narui Gold Coast Pty Ltd [2010] NSWSC 29	9.200, 14.135, 15.55, 25.135, 25.165
Ting v Blanche (1993) 118 ALR 543	33.70, 33.75
Tinn v Hoffman & Co (1873) 29 LT 271	3.65
Tinsley v Milligan [1994] 1 AC 340	42.70, 42.80
Tinyow v Lee [2006] NSWCA 80	4.90
Tipperary Developments Pty Ltd v Western Australia [2009] WASCA 126; (2009) 38 WAR 488	9.185, 31.65
Tito v Waddell (No 2) [1977] Ch 106	26.50, 26.100
Todd v Nichol [1957] SASR 72	5.45
Toepfer v Lenersan-Poortman NV [1980] 1 Lloyd's Rep 143	23.30
Toll (FGCT) Pty v Alphapharm Pty Ltd [2004] HCA 52; (2004) 219 CLR 165	3.75, 3.140, 11.35, 12.10, 12.12, 12.15, 12.20, 12.80, 13.20, 13.55
Tomlin v Ford Credit Australia [2005] NSWSC 540	25.170
Tone Tasmania Pty Ltd v Garrott [2008] TASSC 86; [2008] 17 Tas R 320	14.95
Tonitto v Bassal (1992) 28 NSWLR 564	7.40
Tonkin v Cooma-Monaro Shire Council [2006] NSWCA 50	40.05, 40.20
Tonto Home Loans Australia Pty Ltd v Tavares [2011] NSWCA 389	38.60, 38.65
Tool Metal Manufacturing Co Ltd v Tungsten Electric Co Ltd [1955] 1 WLR 761	9.65
Tooth & Co Ltd v Bryen (No 2) (1922) 22 SR (NSW) 541	7.30
Tote Tasmania Pty Ltd v Garrott [2008] TASSC 86	14.103
Toyota Motor Corporation Australia Ltd v Ken Morgan Motors Pty Ltd [1994] 2 VR 106	5.65
Tradition Australia Pty Ltd v Gunson [2006] NSWSC 298; (2006) 152 IR 395	30.45, 30.95
Tramways Advertising Pty Ltd v Luna Park (NSW) Ltd (1938) 38 SR (NSW) 632	21.15, 21.40, 22.10
Trans Petroleum (Australia) Pty Ltd v White Gum Petroleum Pty Ltd [2012] WASCA 165	14.135
Transfield Shipping Inc v Mercator Shipping Inc ("The Achilles") [2008] UKHL 48; [2009] 1 AC 61	1.10, 27.22, 27.43
Transglobal Capital Pty Ltd v Yolarno Pty Ltd [2005] NSWCA 68	33.175
Transport North American Express Inc v New Solutions Financial Corporation (2004) SCC 7; [2004] 1 SCR 489	42.40
Travel Compensation Fund v Tambree [2005] HCA 69; (2005) 224 CLR 627	33.185
Trawl Industries Australia Pty Ltd v Effem Foods Pty Ltd (t/as "Uncle Ben's of Australia") (1992) 27 NSWLR 326	6.15, 13.20, 13.50, 22.60

Tribe v Tribe [1995] 3 WLR 913	42.60
Tricontinental Corporation Ltd v HDFI Ltd (1990) 21 NSWLR 689	21.15
Trident General Insurance Co Ltd v McNiece Bros Pty Ltd (1988) 165 CLR 107	4.40, 9.180, 11.20, 11.40, 11.45, 11.65, 11.70, 11.75, 11.85, 11.100, 11.115
Trollope & Colls Ltd v Atomic Power Constructions Ltd [1962] 1 WLR 333	6.15
Tropical Traders Ltd v Goonan (1964) 111 CLR 41	23.80, 25.40, 25.80,, 29.45
Truran v Cortorillo [2011] VSC 488	36.55
Tsakiroglou and Co Ltd v Noble Thorl GmbH [1962] AC 93	15.45
Tulk v Moxhay (1848) 2 Ph 774; 41 ER 1143	11.25
Tulloch (dec'd) v Braybon (No 2) [2010] NSWSC 650	35.48, 35.50
Turner v Bladin (1951) 82 CLR 463	30.15, 30.30
Turner v Windever [2005] NSWCA 73	36.25
Tutt v Doyle (1997) 42 NSWLR 10	31.95
Twidale v Bradley [1990] 2 Qd R 464	27.50
Tymshare v Covell 727 F 2d 1145 (DC Cir)	25.170

U

Ulbrick v Laidlaw [1924] VLR 247	3.30
Union Fidelity Trustee Co v Gibson [1971] VR 573	35.50
Unique Building Pty Ltd v Brown [2010] SASC 106	26.50
United Group Rail Services Limited v Rail Corporation New South Wales [2009] NSWCA 177; (2009) 74 NSWLR 618	6.50
United Scientific Holdings Ltd v Burnley Borough Council [1978] AC 904	23.30
Unity Joint Stock Banking Association, The v King (1858) 25 Beav 72; 53 ER 563	9.110, 9.115
Universal Cargo Carriers Corporation v Citati [1957] 2 QB 401	22.20, 22.30, 22.75, 23.45
Universe Tankships of Monrovia v International Transport Workers Federation [1983] 1 AC 366	34.10, 34.15, 34.25, 34.30
University of Western Australia v Gray [2009] FCFC 116; (2009) 179 FCR 346	14.70, 14.75
Upjay Pty Ltd v MJK Pty Ltd [2001] SASC 62; (2001) 79 SASR 32	10.49
Upper Hunter County District Council v Australian Chilling & Freezing Co (1968) 118 CLR 429	6.05, 6.40

V

VIP Homes Services (NSW) Pty Ltd v Swan [2011] SASC 110; (2011) 110 SASR 157	21.15
Vadasz v Pioneer Concrete (SA) Pty Ltd (1995) 184 CLR 102	32.05, 39.20, 39.45, 39.50
Van den Esschert v Chappell [1960] WAR 114	12.175
Vasco Investment Managers Pty Ltd v Morgan Stanley Australia Pty Ltd [2014] VSC 455	10.15, 10.47
Vaswani v Italian Motors (Sales and Service) Ltd [1996] 1 WLR 270	22.60, 22.70
Veivers v Cordingly [1989] 2 Qd R 278	3.70
Venerdi Pty Ltd v Anthony Moreton Group Funds Management Ltd [2015] QSC 219; [2015] 1 Qd R 214	33.220
Verduci v Golotta [2010] NSWSC 506	37.25, 38.95
Vero Lenders Mortgage Insurance Ltd v Taylor Byrne Pty Ltd [2006] FCA 1430	33.140, 33.165
Vickers v Taccone [2005] NSWSC 514	32.10
Vickery v Woods (1952) 85 CLR 336	19.35
Vickery's Motors Pty Ltd v Tarrant [1924] VLR 195	8.65
Victoria Laundry (Windsor) Ltd v Newman Industries Ltd [1949] 2 KB 528	27.22, 27.40
Vimig Pty Ltd v Contract Tooling Pty Ltd (1986) 9 NSWLR 731	39.70
Visic v State Government Insurance Co Ltd (1990) 3 WAR 122	11.100
Vitol v SA Norelf Ltd [1996] AC 800	25.90, 25.105
Vodafone Pacific Ltd v Mobile Innovations Ltd [2004] NSWCA 15	14.103, 14.135
Vosnakis v Arfaras [2015] NSWSC 625	9.70
Vroon BV v Foster's Brewing Group [1994] 2 VR 32	3.145, 6.15

W

W v G (1996) 20 Fam LR 49	9.50, 9.70, 9.155, 9.168
W & R Pty Ltd v Birdseye [2008] SASC 321; (2008) 102 SASR 477	21.05, 23.55, 25.110
W Scott Fell and Co Ltd v FH Lloyd (1906) 4 CLR 572	32.30
WA Pines Pty Ltd v Registrar of Companies [1976] WAR 149	3.25
WJ Alan Ltd v El Nasr Export and Import Co [1972] 2 QB 189	9.65
WM Johnson Pty Ltd v Maxwellton (Oaklands) Pty Ltd [2000] NSWCA 286	17.55
WWF-World Wide Fund for Nature v World Wrestling Federation Entertainment Inc [2007] EWCA Civ 286; [2008] 1 WLR 445	26.100
Wakefield Trucks Pty Ltd v Lach Transport Pty Ltd [2001] SASC 168; (2001) 79 SASR 517	33.120
Wakeling v Ripley (1951) 51 SR (NSW) 183	5.45
Walford v Miles [1992] 2 AC 128	6.50
Walker v Citigroup Global Markets Australia Pty Limited [2006] FCAFC 101; (2006) 233 ALR 687	26.85, 26.95
Walker v Citigroup Global Markets Pty Ltd [2005] FCA 1678; (2005) 226 ALR 114	33.120, 33.130
Wallace v Brodribb (1985) 58 ALR 737	3.25
Wallace-Smith v Thiess Infracore (Swanston) Pty Ltd [2005] FCAFC 49	19.35, 25.70, 25.115, 25.180
Wallis Son & Wells v Pratt & Haynes [1911] AC 394	13.93
Walters v Morgan (1861) 3 De GF & J 718; 45 ER 1056	32.35
Waltrip Pty Ltd v Capalaba Park Shopping Centre Pty Ltd [1989] ATPR 40-975	33.220
Waltons Stores (Interstate) Ltd v Maher (1988) 164 CLR 387	2.55, 4.35, 7.85, 9.25, 9.35, 9.40, 9.45, 9.50, 9.55, 9.60, 9.65, 9.70, 9.95, 9.105, 9.110, 9.115, 9.120, 9.125, 9.145, 9.150, 9.155, 9.165, 9.175, 9.185, 9.235, 30.25
Warburton v Whiteley (1989) 5 BPR 11,628	37.65
Wardley Australia Ltd v Western Australia (1992) 175 CLR 514	33.170
Warlow v Harrison (1859) 1 El & El 295; 120 ER 920	3.30
Warwick Entertainment Centre Pty Ltd v Alpine Holdings Pty Ltd [2005] WASCA 174; (2005) 224 ALR 134	33.125, 33.195
Water Motors Pty Ltd v Cratchley (1963) 80 WN (NSW) 1165	39.65
Waterman v Gerling Australia Insurance Co Pty Ltd [2005] NSWSC 1066; (2005) 65 NSWLR 300	20.40, 25.112, 25.120
Waters Lane Pty Ltd v Sweeney [2007] NSWCA 200	21.05
Waterways Authority of NSW v Coal and Allied (Operations) Pty Ltd [2007] NSWCA 276	30.10
Watkins v Combes (1922) 30 CLR 180	35.50
Watson v Campbell (No 2) [1920] VLR 347	8.65
Watson v Healy Lands Limited [1965] NZLR 511	29.50
Watt v Westhoven [1933] VLR 458	39.75
Wedgewood Road Hallam (No 1) v Diamond [2013] VSC 447	33.92
Weir v Hoylevans Pty Ltd [2001] WASCA 23	9.180, 11.45
Wenham v Ella (1972) 127 CLR 454	26.20, 27.22, 27.35, 27.50, 30.100
Wenkart v Pitman (1998) 46 NSWLR 502	27.50
Wenning v Robinson (1964) 64 SR (NSW) 157	6.15, 6.45
Wentworth Shire Council v Bemax Resources Ltd [2013] NSWSC 1047	33.25
West v AGC (Advances) Ltd (1986) 5 NSWLR 610	38.95, 38.100
West London Commercial Bank v Kitson (1884) 13 QBD 360	32.25
Western Export Services Inc v Jireh International Pty Ltd [2011] HCA 45	13.20
Westmelton (Vic) Pty Ltd v Archer and Schulman [1982] VR 305	35.50
Westminster Properties Pty Ltd v Comco Constructions Pty Ltd (1990) 5 WAR 191	25.165
Westpac Banking Corporation v Cockerill (1998) 152 ALR 267	34.25
Westpac Banking Corporation v Robinson (1993) 30 NSWLR 668	32.45
Westpac Banking Corporation v Tanzone Pty Ltd [2000] NSWCA 25	13.70
Westpac Banking Corporation v The Bell Group Ltd (No 3) [2012] WASCA 157; (2012) 44 WAR 1	9.60
Westpoint Management Ltd v Chocolate Factory Apartments Ltd [2007] NSWCA 253	26.40, 26.45, 26.50
Westralian Farmers' Co-operative Ltd v Southern Meat Packers Ltd [1981] WAR 241	11.100
Westralian Farmers Ltd v Commonwealth Agricultural Service Engineers Ltd (in liq) (1936) 54 CLR 361	29.10