



Magistrates' Court
Victoria

MAGISTRATES CASES 1986

INDEX

TABLE OF CASES REPORTED IN 1986

	Case No.
Allan v Quinlan; ex parte Allan (Motor cyclist coasting downhill seated side saddle - whether driving)	40/86
Birrell v Australian National Airlines Commission (1984) 9 IR 101; 5 FCR 447 (Refreshing memory from document - whether tender compellable)	07/86
Bolton v Glover (Breath test in muster room - whether "grounds or precincts")	43/86
Ciurlino v Thatcher (Rehearing - long delay after conviction - whether prejudice to informant)	37/86
Dale v Russell (Motor vehicle collision - crossing hatched area on roadway - whether negligent)	23/86
DPP v Cousens (Sentencing - aggravated burglary - no priors - whether CBO appropriate)	28/86
DPP v Jaeger (Sentencing - welfare fraud)	17/86
DPP v Lardieri (Sentencing - seller/trafficker drugs of addiction)	04/86
DPP v Marciniak (Sentencing - welfare fraud)	18/86
Drake v Mounsey (Procedure - appearance 'under protest' - whether process regular)	26/86
Evangelou v Thomson (Gaming - blackjack machine)	33/86
Fitzgerald v Browning (1986) VR 493 (Drink/driving - whether <i>prima facie</i> evidence open to question)	03/86
Howe, Re (1986) VR 630 (Judgment debt - whether instalment order appropriate)	22/86
Jaeger v DPP (Sentencing - welfare fraud)	17/86
Keating v Gresham (1985) A Crim R 234; (1985) 63 ACTR 19; 79 FLR 4 (<i>Autrefois acquit</i> - whether available on second information)	38/86
Kidston v Carter (Attendance Centre Order breach - dispositions available to court)	12/86
King v Rowlings (Unlawful possession - rights of rightful owner - standing for rehearing)	02/86
Lamb v Morrow (1986) VR 623 (Drink/Driving - whether evidence to question breathalyser admissible)	01/86
Lanham v Coles (1986) 40 SASR 390; 82 FLR 216 (Customs offences - whether absolute)	21/86
Lewis v Utting; ex parte Utting (1985) 1 Qd R 423; (1985) 17 A Crim R 139 (Costs on dismissal)	08/86
Loubie, Re (1985) 62 ALR 139; (1986) 1 Qd R 272; 19 A Crim R 112 (Bail -accused resident interstate - onus reversed - whether provision invalid)	09/86
McColl v Lehmann (Adjournment considerations - sub-poenas - particularity - trespasser)	41/86
McKay v Gilbert and Anor (Procedure - indictable offence triable summarily - "charged")	46/86
Marciniak v R (Sentencing - welfare fraud)	18/86
Moore v Loraine (Information duplicated - one withdrawn - whether second null and void)	42/86
Palmdale Insurance Ltd (in liq) v L Grollo and Co Pty Ltd & Ors (Procedure - discovery - "power")	31/86
Paric v John Holland (Constructions) Pty Ltd (1985) 59 ALJR 844; 62 ALR 85 (Evidence of medical opinion based on hypothetical material - whether admissible)	24/86
Paroukas and Anor v Katsaris (Objection to venue - adjournment considerations - when order made)	45/86
Pearn v Yates (1986) VR 690 (Alternative procedure - whether "laid" - whether any time limit)	20/86
PKIU v Howe (1986) VR 630 sub nom Howe Re (Judgment debt - whether instalment order appropriate)	22/86
R v Becker (Confession - made after prescribed period - whether admissible)	27/86
R v Bourke (Sentencing - welfare fraud)	16/86
R v Clark (Dangerous driving - two counts on same day - whether one admissible on other)	54/86
R v Clarke and Johnstone (1986) VR 643 (Trafficking in drug of dependence - "occupied" - "possession")	34/86
R v Gills (1986) 1 Qd R 459 (Sentencing - breach of Probation order)	10/86
R v Golden and Anor (Evidence uncontradicted - duty to accept - bias)	05/86
R v Hall (Sentencing - principles of parity of)	13/86
R v Hartwick (1985) 17 A Crim R 281 (Going equipped for burglary - "had with him" - concert)	11/86
R v Lockyer (Identification - from folder of photographs - whether admissible)	35/86
R v McGookin and Anor (Sentencing - police informer - entitled to discount - factors where selling/trafficking in Cannabis L)	44/86
R v McGown (Sentencing - welfare fraud)	29/86
R v Mayes (Sentencing - welfare fraud)	16/86
R v Morton (1986) VR 863 (Sentencing - effect of 'guilty' plea)	25/86
R v Mucalov (Sentencing - welfare fraud)	16/86
R v O'Connor (Sentencing - where custodial sentence considered)	52/86
R v O'Toole (Drug offences - joint possession - "exclusiveness" - "laid some claim")	53/86
R v Poyner (1986) 17 A Crim R 162 (Drug offences - sentencing - relevance of no prior convictions)	50/86
R v Saad (1985) 19 A Crim R 170 (Customs offence - possession - whether defences available)	39/86
R v Sorby (1986) VR 753 (Unsworn statement - whether inadmissible material can be introduced - circumstantial evidence)	30/86
R v Train (1985) 18 A Crim R 353 (Assault case - self defence principles - necessity/proportion)	15/86

SUBJECT MATTER

R v Uymaz (Trafficking in drug of dependence - deeming provision - "traffick")	36/86
R v Webb (Dangerous driving - blinded by headlights - veering onto incorrect side of road)	48/86
R v Young (Sentencing - sentence in excess of two years - minimum term to be fixed)	14/86
R v Zecevic (1986) VR 797 (Evidence - good character evidence - effect of)	32/86
Scherf v R (1985) 39 SASR 45; 61 ALR 701 (Sentencing - welfare fraud - uniformity)	06/86
Sharp v McCormick (1986) VR 869 (Theft - by employee - "as his own to dispose of")	19/86
Singh, Re (Illegal immigrant - whether power to grant bail to)	51/86
Torrance v Cornish (1985) 79 FLR 87 (Procedure - 'no case' submission - test to be applied)	49/86
Vasin v R (1985) 39 SASR 45; 61 ALR 701 (Sentencing - welfare fraud - uniformity)	06/86
Walsh v Schuberg and Anor (Statutory offence - whether absolute)	55/86
Woolworths (Vic.) Ltd v Marsh (Information - no offence disclosed - time expired - no amendment)	47/86

SUBJECT MATTER

COSTS

- Information dismissed - relevant considerations in exercise of discretion as to costs: 8/86.

CRIMINAL LAW

Bail—

- accused resident interstate - onus reversed - whether statutory provision invalid: 9/86.
- illegal immigrant - whether power to grant bail in respect of: 51/86.
- Burglary - going equipped for - possession - concert - elements of: 11/86.
- Confessional statement - made beyond prescribed period - whether admissible: 27/86.
- Customs offence - prohibited import - whether absolute offence: 21/86.

Drug offences—

- cocaine - possession of - no priors - relevance of in sentencing: 50/86.
- possession prohibited imports - defences available: 39/86.
- possession - "exclusiveness" - joint possession: 53/86.
- sell/traffick - police informer - whether discount of sentence appropriate: 44/86.
- selling/trafficking - heroin - sentencing considerations: 4/86.
- trafficking - "occupied" - "possession" - deeming provision: 34, 36/86.
- Gaming contrivances - blackjack machine - nature/object of machine: 33/86.
- Identification - from folder of photographs - whether objectionable: 35/86.
- *Mens rea* - statutory offence - whether absolute offence: 55/86.

Sentencing—

- Attendance Centre Order breached - considerations for exercise of discretion: 12/86.
- Aggravated burglary - no priors - since rehabilitated - appropriate sentence: 28/86.
- Custodial sentence - obligation on Court before imposition of: 52/86.
- 'Guilty'plea - effect of when considering appropriate sentence: 25/86.
- Minimum term - where to be fixed: 14/86.
- Parity of sentencing: 11, 13/86.
- Probation - breach of - nature of punishment: 10/86.
- **Social Services offences -**
 - obtaining benefits not payable- sentence - need for uniformity in sentencing: 6/86.
 - obtaining benefits not payable - whether custodial sentence appropriate: 29/86.
 - penalty considerations: 16, 17, 18/86.
 - uniformity in sentencing: 6/86.
- Trespasser - statutory defence - elements of: 41/86.

EVIDENCE

- Confessional statement - obtained beyond prescribed period - whether admissible: 27/86.
- Good character - effect/admissibility of such evidence: 32/86.
- Identification - from folder of photographs - whether objectionable: 35/86.
- Memory refreshed by document - whether document to be made available for inspection: 7/86.
- Opinion of medical expert - based on hypothesis - admissibility: 24/86.
- Self defence - elements of: 15/86.
- Standard of proof in statutory offences: 21, 55/86.
- Uncontradicted evidence - duty to accept - reasons required where rejected: 5/86.
- Unsworn statement by accused - request to produce documents refused - circumstantial evidence: 30/86.

MOTOR TRAFFIC

- Alternative procedure - traffic infringement - time limit for laying information: 20/86.

Breath test and Blood Alcohol—

- accuracy of breathalysers - whether evidence questioning accuracy admissible: 1/86.

SUBJECT MATTER

- refusal to take breath test - request made in muster room of police station - whether request properly made: 43/86.
- Dangerous driving - blinded by headlights - veering onto incorrect side of road: 48/86.
- Dangerous driving - 2 counts on same day - whether evidence of one admissible on other: 54/86.
- Driving - motor cyclist seated side saddle - whether driving: 40/86.
- Evasion of taxi-cab fare - whether absolute offence: 55/86.

NATURAL JUSTICE

- Adjournment of proceedings - applicable principles: 45/86.
- Adjournment applied for - counsel not sufficiently instructed - whether refusal an injustice: 41/86.
- Bias - court having regard to irrelevant considerations - whether actual/objective bias: 5/86.
- Unlawful possession conviction - whether rightful owner entitled to notice of application to dispose of property: 2/86.

PRACTICE AND PROCEDURE

- Adjournment - counsel not ready - whether refusal appropriate: 41/86.
- Adjournment - principles applicable where request for: 45/86
- Alternative procedure - time limit for laying information: 20/86.
- *Autrefois acquit* plea - where available: 38/86.
- Bail - accused resident interstate - onus reversed - whether provision invalid: 9/86.
- Costs - information dismissed - discretion: 8/86.
- Discovery - documents of Government Department - extent of obligation to discover: 31/86.
- Indictable offence triable summarily - summary hearing - procedure to be followed: 46/86.
- Information - no offence disclosed - whether amendment appropriate: 47/86.
- Information and summons - alteration in - whether information properly before Court: 26/86.
- Information/summons duplicated - one withdrawn - whether other null and void: 42/86.
- Judgment debt - instalment order - enforcement of: 22/86.
- Motor vehicle collision - driving over hatched area on roadway - whether negligent: 23/86.
- Order of court - when capable of amendment: 45/86.
- Preliminary submissions - whether appropriate for court to hear: 45/86.
- Rehearing application - delay after conviction - whether informant prejudiced: 37/86.
- Sub-poena to produce documents - particularity in - whether capable of being set aside: 41/86.
- Summary hearing - circumstantial evidence - effect where 'no case' submission: 49/86.
- Unlawful possession conviction - rightful owner claim - whether entitled to notice of proceedings - standing for rehearing: 2/86.
- Venue - objection to - relevant considerations: 45/86.

WORDS AND PHRASES, TRIGGERWORDS, CATCHWORDS ETC

[Note: Words and phrases judicially considered are in inverted commas Ed.]

- Absolute liability: 21, 55/86.
- Abuse of process: 41/86.
- Acting in concert: 11/86.
- Actual possession: 11/86.
- Adjournment: 41, 45/86.
- Alteration in summons: 26/86.
- Alternative Procedure: 19/86.
- Ambulatory: 47/86.
- Amendment of order: 45/86.
- Amendment of information: 47/86.
- Appearance 'under protest': 26/86.
- "As his own to dispose of": 19/86.
- Attendance Centre order breach: 12/86.
- Autrefois acquit* plea: 38/86.
- Bail: 9, 51/86.
- Bias: 5/86.
- Blackjack machine: 33/86.
- Breach of Probation Order: 10/86.
- Breathalyser: 1/86.
- Breath test: 1, 3, 43/86.
- Burglary—
 - aggravated: 28/86
 - going equipped for: 11/86.
- Character evidence: 32/86.
- "Charged": 46/86.
- Circumstantial evidence: 30, 49/86.

Cocaine: 50/86.
Concert, acting in: 11/86.
Conditional appropriation: 19/86.
Confessional statement: 27/86.
Consent to jurisdiction: 46/86
Contrivances of gaming: 33/86.
Costs: 8/86.
Dangerous driving: 48, 54/86.
Defence—
 - 'act of a stranger': 21/86.
 - honest and reasonable mistake: 39/86.
 - self defence: 15/86.
 - trespasser: 41/86.
Discount for police informers: 44/86.
Discovery: 31/86.
Dismissal, costs on: 8/86.
Document: 7/86.
Dominion: 34/86.
Double jeopardy: 38/86.
Drink/driving: 1, 3, 43/86.
Driving: 40/86.
Drugs of addiction: 4, 34, 36, 39, 44, 50, 53/86.
Duplication of Information/Summons: 42/86.
Establish: 3/86.
"Exclusiveness": 53/86.
Gambling: 33/86.
Gaming contrivances: 33/86.
Good character evidence: 32/86.
"Grounds or precincts of a police station": 43/86.
'Guilty' plea, effect of: 25/86.
"Had with him any article for use": 11/86.
Hatched area: 23/86.
Honest and reasonable mistake: 39, 55/86.
Identification: 35/86.
Immigrant, illegal: 51/86.
Information, time limit for laying: 20/86.
Informer: 44/86.
Instalment order: 22/86.
"Intention of permanently depriving": 19/86.
'Judgment debt': 22/86.
"Laid": 20/86.
"Laid some claim": 53/86.
Memory: 7/86.
Mens rea: 55/86.
Minimum term: 14, 29/86.
Muster room: 43/86.
Negligent driving: 23/86.
No case' submission: 49/86.
"Occupied": 34/86.
Opinion evidence: 24/86.
"Order of court": 45/86
Parity of sentencing: 11, 13/86.
Plea of 'guilty': 25/86.
Poker machine: 33/86.
Police informer: 44/86.
"Possession": 34, 53/86.
Possession: 11/86.
"Possession, custody or power": 31/86.
"Power": 31/86.
"Precincts": 43/86.
Preliminary submissions: 45/86.
Prescribed period: 27/86.
Presumption of regularity: 26/86.
Prima facie evidence: 3, 34/86.
Probation, breach of: 10/86.
Rehabilitation: 28/86.
Rehearing: 2, 37/86.

"Relating to": 41/86.
 Rightful owner: 2/86.
 Self defence: 15/86.
 Sentencing: 4, 6, 11, 12, 16, 17, 18, 28, 29, 44, 50, 52/86.
Sine die adjournment: 45/86.
 Statutory interpretation: 2, 25, 40, 43/86.
 Strict liability: 21, 55/86.
 Sub-poena, setting aside: 41/86.
 "Sufficient in law": 47/86.
 Summary hearing procedure: 46/86
 Theft: 19/86.
 Time, laying information: 47/86.
 "Traffick": 36/86.
 Trafficking: 4, 34, 36/86.
 Trespasser: 41/86.
 Uncontradicted evidence: 5/86.
 'Under protest' appearance: 26/86.
 Uniformity in sentencing: 6/86.
 Unlawful possession: 2/86.
 Unsworn statements: 30, 32/86.
 Venue, objection to: 45/86.
 Video poker machine: 33/86.

TABLE OF SELECTED CASES CONSIDERED/REFERRED TO

A-G v Gray (1977) 1 NSWLR 406, referred to: 2/86.
 Allen (deceased), Re, (1982) VR 429, applied: 2/86
 Ames v Macleod (1969) SC 1, referred to: 40/86.
 Attorney-General's References Nos 1 & 2 (1980) 1 QB 180, referred to: 19/86.
 Attorney-General's Reference (No. 1 of 1983) (1983) 2 VR 410, followed: 49/86.
 Attwood v The Queen (1960) 102 CLR 353, considered: 32/86.
 Auckland Harbour Board v The King (1924) AC 318, applied: 2/86.
 Barca v R (1975) 133 CLR 82, cited: 49/86.
 Birnie v Marshall (1876) 35 LT (NS) 373, cited: 41/86.
 Bloch v Bloch (1981) 55 ALJR 701, cited: 41/86.
 Bogeta Pty Ltd v Wales (1977) 1 NSWLR 139, referred to: 45/86.
 Boucher v GJ Coles & Co. (1974) 9 SASR 495, considered: 21/86.
 Broome v Chenoweth (1946) 73 CLR 583, applied: 38/86; referred to: 47/86.
 Buckman v Button (1943) KB 405, cited: 25/86.
 Bunning v Cross (1978) 141 CLR 54, cited: 27/86.
 Burke v Copper (1962) 1 WLR 700, applied: 2/86.
 Carroll v Price (1960) VR 651, referred to: 45/86.
 Castanho v Brown & Root (UK) Ltd (1981) AC 557, referred to: 45/86.
 Caughey v Spacek (1968) VR 600, cited: 40/86.
 Chamberlain v The Queen (No. 2) 153 CLR 521, considered: 30/86.
 Chertsey Urban District Council v Mixnams Properties Ltd (1965) AC 735, applied: 2/86.
 Cilli v Abbott (1981) 53 FLR 108, not followed: 8/86.
 Cleland v R (1982) 151 CLR 1, cited: 27/86.
 Collaton v Correll (1926) SASR 87, distinguished: 7/86.
 Collins v R (1980) 31 ALR 257, cited: 27/86.
 Commissioner of Police v Tanos (1958) 98 CLR 383, applied: 2/86.
 Commissioner of Taxation v Gulland (1985) 60 ALJR 150, cited: 45/86.
 Commissioner for Railways v Small (1938) 38 NSWLR 564, cited: 41/86.
 Commonwealth v Burns (1971) UR 82, referred to: 2/86.
 Cooper Brookes (Wollongong) Pty Ltd v FCT (1981) 147 CLR 297, applied: 2/86.
 Cornehl v Cornehl (1965) VR 788, referred to: 45/86.
 Croydon Rural District Council v Crowley (1909) 100 LT 441, referred to: 41/86.
 Curyer v Foote (1939) SASR 203, considered: 38/86.
 Dahl-Paulsen v Murashkin, unrep, Vic Sup Ct, 10 December 1985, Murray J, followed: 22/86.
 Davey v Barrow (1954) VLR 593, discussed: 8/86.
 Davies and Jones v Western Australia (1904) 2 CLR 29, referred to: 9/86.
 Davies v Ryan (1937) 50 CLR 379, referred to: 47/86.
 Day and Riggs v Rugala (1978) 20 ACTR 1, referred to: 47/86.
 Davern v Messel (1984) 58 ALJR 321, cited: 38/86.
 De La Rue v MacNamara (1940) VLR 128, cited: 33/86.
 Dentry v Scott (1947) VLR 462, cited: 33/86.
 Dixon v Wells (1890) 25 QBD 249, cited: 26/86.

CASES REFERRED TO, APPLIED, CONSIDERED ETC.

Dodemaide v Tucker (1927) VLR 539, followed: 46/86.
Donald Campbell & Co v Pollak (1927) AC 732, referred to: 8/86.
DPP v Lamb (1941) 2 KB 89, cited: 25/86.
DPP v Nock (1978) AC 979, referred to: 19/86.
DPP Reference (No. 1 of 1984) (1984) VR 727, referred to: 27/86.
Ex parte Lovell; re Buckley (1938) SR (NSW) 153, cited: 47/86.
Ex parte Punch (1915) 32 WN (NSW) 72, referred to: 45/86.
Ex parte Tubman; Re Lucas (1970) 92 WN (NSW) 520, cited 45/86.
Fitzgerald v Browning (1986) VR 493, referred to: 1/86.
Francis v Stevens (1983) 1 VR 260, referred to: 1/86; applied: 3/86.
Gammon Ltd v AG of Hong Kong (1985) 1 AC 1, referred to: 55/86.
Grant v The Queen (1976) 11 ALR 503, applied: 30/86.
Grimshaw v Dunbar (1953) 1 QB 408, applied: 37/86.
Groves, Re. (1973) Qd R 310, followed: 51/86.
Hacking v Keath (1966) VR 364, followed: 46/86.
Hamdorf v Riddle (1971) SASR 398, not followed: 8/86.
Hampson v Martin (1981) 2 NSWLR 782, applied: 40/86.
Hardy v Gillette (1976) VR 392, applied: 5/86.
Harris v Broadbent (1983) 2 VR 17, applied: 40/86.
Haw Tua Tau v Public Prosecutor (1982) AC 136, referred to: 49/86.
Hearn and Poot (MC 10/84), not followed: 1/86.
Heddich v Dike (1981) 3 A Crim R 139, discussed: 8/86.
He Kaw Teh v R 15 A Crim R 203, cited: 21, 53, 55/86.
Henry v Boehm (1973) 1 ALR 181, discussed: 9/86.
Howard v Pacholli (1973) VR 833, cited: 45/86.
Hughes v McFarlane (1983) 2 VR 17, applied: 40/86.
Jack v R (1968) WAR 137, referred to: 10/86.
Jennings v Newlan (1982) VR 489, cited: 26/86.
Johnson v Miller (1937) 59 CLR 467, applied: 47/86.
King v Bryant (No. 2) (1956) Q.SR 570, distinguished: 7/86.
King v Coventry (1938) 59 CLR 633, applied: 48/86.
Knight v Henderson (1958) VR 134, cited: 45/86.
Knox v Bible (1907) VLR 485, referred to: 47/86.
Lee Fay v Vincent (1908) 7 CLR 389, distinguished: 9/86.
Lee v Saint (1958) VR 126, cited: 45/86.
Lillyman v Pinkerton (1982) 45 ALR 543, referred to: 47/86.
Lindgran v Lindgran (1956) VLR 215, referred to: 45/86.
Liu v Caughey (unrep Vic Sup Ct, 18 December, 1979, Murray J), discussed: 8/86.
Livesey v The NSW Bar Association 151 CLR 288, referred to: 5/86.
Lonrho Ltd v Shell Petroleum Co. Ltd & Anor (1980) 1 WLR 627, distinguished: 31/86.
Lucas Industries Ltd v Hewitt (1978) 18 ALR 555, followed: 41/86.
McArthur v McRae (1974) VR 353, applied: 1/86.
McEwen v Siely (1972) 21 FLR 131, not followed: 8/86.
McGrath v Cooper (1976) VR 535, applied: 40/86.
McKenna v McKenna (1984) VR 665, cited: 45/86.
MacNaughtan v Garland (1979) Qd R 240, cited: 40/86.
McQuaid v Anderton (1981) 1 WLR 154, applied: 40/86.
Mallet v Mallet (1984) 58 ALJR 248, cited: 45/86.
Mather v Morgan (1971) Tas SR 192, followed: 7/86.
Maxwell v Keun (1928) 1 KB 645, applied: 41/86.
May v O'Sullivan (1955) 92 CLR 654, applied: 49/86.
Mintern-Lane v Kercher (1968) VR 552, considered: 43/86.
Moors v Burke (1919) 26 CLR 265, cited: 53/86.
Morgan v Colman (1981) 27 SASR 334, considered: 15/86.
Mortimore v Stecher (1971) VR 866, considered: 20/86; applied: 26/86.
Moss v Baines (1974) WAR 7, referred to: 30/86.
National Employers' Mutual General Association Ltd v Waind (1978) 1 NSWLR 372, referred to: 41/86.
Newcastle City Council v Royal Newcastle Hospital (1959) 1 All ER 734, cited: 34/86.
Norcock v Bowey (1966) SASR 250, cited: 21/86.
Parisienne Basket Shoes Pty Ltd v Whyte (1938) 59 CLR 369, cited: 26/86.
Paley v Paley (1923) VLR 521, cited: 45/86.
Peacock v R (1911) 13 CLR 619, cited: 49/86.
Pecora v R (1980) VR 499, applied: 13/86.
Plomp v R (1963) 110 CLR 234, cited 49/86.
Pointon v Cox (1927) 136 LT 506, considered: 47/86.
Poole v The Queen (1961) AC 223, applied: 42/86.
Poowong Shire v Gillen (1907) VLR 37, applied: 34/86.

CASES REFERRED TO, APPLIED, CONSIDERED ETC.

Puddy v Borg (1973) VR 626, discussed: 8/86.
R v Australian Broadcasting Tribunal & Ors; ex parte Hardiman & Ors 144 CLR 13, applied: 5/86.
R v Alexander (1975) VR 741, distinguished: 7/86.
R v Barton (1981) 2 NSWLR 414, applied: 41/86.
R v Bassett (1952) VLR 535, considered: 32/86.
R v Bellis (1966) 1 WLR 234, cited: 32/86.
R v Billington (1980) VR 625, cited: 45/86.
R v Bonollo (1971) VR 633, referred to: 19/86.
R v Bozikis (1981) VR 587, referred to: 15/86.
R v Bryant (1979) 1 QB 108, cited: 32/86.
R v Cox (1960) VR 665, cited: 45/86.
R v Croydon Crown Court; ex parte Lenham (1974) RTR 493, referred to: 41/86.
R v Dickson (1983) 1 VR 227, discussed: 30/86.
R v Ditroia & Tucci (1981) VR 247, discussed: 39/86.
R v Easom (1971) 2 QB 315, distinguished: 19/86.
R v Evans (1963) 1 QB 979, referred to: 10/86.
R v Evans (1963) 1 QB 412, referred to: 48/86.
R v Gosney (1971) 2 QB 674, applied: 48/86.
R v Gray (1977) VR 225, considered: 25/86.
R v Holman (1982) VR 471, referred to: 36/86.
R v Horvath (1972) VR 533, applied: 54/86.
R v Hughes (1983) Qd R 92, distinguished: 9/86.
R v Ireland (1971) 126 CLR 335, cited: 27/86.
R v Jackson and Jennett (1972) 4 SASR 81, applied: 6/86.
R v Kincaid (1983) 33 SASR 552, cited: 15/86.
R v Kural (unrep, 21 November 1985, Vic Sup Ct, (FC)), referred to: 39/86.
R v Lee (1950) 82 CLR 133, cited: 27/86.
R v Leroy (1984) 13 A Crim R 469, endorsed: 50/86.
R v Lewis and Anor (1975) 2 NZR 490, applied: 42/86.
R v Lowe (1977) 66 CAR 122, cited: 44/86.
R v Lowery and King (No. 2) (1972) VR 560, referred to: 11/86.
R v MacDonagh (1974) QB 448, applied: 40/86.
R v McManus (1985) 2 NSWLR 448, followed: 15/86.
R v Morgan 9 A Crim R 289, referred to: 16/86.
R v Murphy (1985) 63 ALR 53, applied: 32/86.
R v Oliver (1944) KB 68, cited: 25/86.
R v O'Loughlin; ex parte Ralphs (1971) 1 SASR 219, considered: 45/86.
R v Pachonick (1973) 2 NSWLR 86, followed: 7/86.
R v Peacock (1911) 33 ALT 120, cited: 30/86.
R v Phillips & Pringle (1973) 1 NSWLR 275, referred to: 41/86.
R v Rainey (1970) VR 650, followed: 15/86.
R v Richardson (1969) 1 QB 229, cited: 32/86.
R v Roberts (1965) 1 QB 85, applied: 40/86.
R v Rowe (1983) 109 LSJS 291, referred to: 6/86.
R v Rowton (1865) 34 LJMC 57, referred to: 32/86.
R v Solway (1984) 2 QR 75, considered: 53/86.
R v Spiers (1983) 34 SASR 546, referred to: 6/86.
R v Stalder (1981) 2 NSWLR 9, considered: 32/86.
R v Stannard (1837) 7 C. & P 673, referred to: 32/86.
R v Stuart (1964) 49 CR App R 17, referred to: 10/86.
R v Thames Magistrates' Court; ex parte Polemis (1974) 1 WLR 1371, applied: 41/86.
R v Thompson (1966) QWN 73, referred to: 32/86.
R v Trani (unrep, Vic Sup Ct, (FC) 1984, cited: 36/86.
R v Trimboli (1979) 21 SASR 577, cited: 32/86.
R v Watson; ex parte Armstrong 136 CLR 248, referred to: 5/86.
R v Webb (1953) 2 QB 390, applied: 10/86.
R v Williams 140 CLR 591, cited: 53/86.
R v Wyatt (1972) VR 902, considered: 30/86.
R v Yugovic (1971) VR 816, applied: 15/86.
R & D Engineers v Lanham 49 ALR 351, considered: 21/86.
Raison, Re; ex parte Raison (1891) 63 LT 709, cited: 25/86.
Ramsay v Watson (1961) 108 CLR 642, followed: 24/86.
Ranger Uranium Mines Pty Ltd v BTR Trading (Qld) Pty Ltd (1985) NTR 1, applied: 45/86.
Read v Nerey Nominees Pty Ltd (1979) VR 47, applied: 5/86.
Reeves v McWilliams (MC 40/85), referred to: 1, 3/86.
Richards v Jager (1909) VLR 140, applied: 5/86.
Rohan, Re (1979) 2 A Crim R 38, cited: 53/86.

STATUTES AND REGULATIONS

Rosing v Ben Shemesh (1960) VR 173, referred to: 37/86.
Rowe v Hughes (1974) VR 60: 40/86.
Sachse v Emms (unrep, 8 November 1976, Vic Sup Ct, Starke J) referred to: 1/86; considered: 3/86.
Scott v Cameron (1980) 26 SASR 321, referred to: 6/86.
Scott v Dunstone (1963) VR 579, referred to: 43/86.
Sherras v de Rutzen (1895) 1 QB 918, referred to: 55/86.
Signorotto v Nicholson (1982) VR 413, referred to: 44/86.
Simic v The Queen (1980) 114 CLR 319, cited: 32/86.
Smith v Robinson; ex parte Robinson (1980) Qd R 372, followed: 8/86.
Spencer Motors Pty Ltd v LNC Industries Ltd (1982) 2 NSWLR 921, cited 41/86.
Taormina v Cameron (1980) 29 ALR 151, referred to: 6/86 ; applied: 16/86.
Taylor v Rundell (1841) C & P 104, applied: 31/86.
The Abidin Daver (1984) AC 398, referred to: 45/86.
The King v Wallis (1949) 78 CLR 529, cited: 45/86.
Tink v Francis (1983) 2 VR 17, applied: 40/86.
Twist v Randwick Municipal Council (1976) 136 CLR 106, applied: 2/86.
Viro v R (1978) 141 CLR 88, referred to: 15/86.
Walker v Walker (1967) 1 WLR 327, applied: 41/86.
Wallace v Major (1946) 1 KB 473, followed: 40/86.
Walpole v Bywool Pty Limited (1963) VR 157, cited: 47/86.
Warner v Sunnybrook Ice Cream Pty Ltd (1968) VR 102, referred to: 47/86.
Wentworth v Rogers (1984) 2 NSWLR 422, cited: 49/86.
White v Feast (1872) LR 7 QB 353, referred to 41/86.
Woon v The Queen (1964) 109 CLR 329, cited: 27/86.
Wright v Mooney (1966) VR 227, cited: 20/86.
Young v Paddle Brothers Pty Ltd (1956) ULR 38, applied: 23/86.
Zanetti v Hill (1962) 108 CLR 433, cited: 49/86.
Zoukra v Lowenstern (1958) VR 598, applied: 23/86.

STATUTES AND REGULATIONS

Bail Act 1977, s4: 9/86.
Commonwealth Prisoners Act 1967 (Cth.), s4: 6, 29/86.
Community Welfare Services Act 1970, s190(1): 14, 29/86.
Constitution (Cth.), s117: 9/86.
Costs in Criminal Cases Act 1973 (UK), ss1, 2, 3, 13: 8/86.
Crimes Act 1914 (Cth.), s16(2): 16/86. s20: 6, 16/86. s29B: 6, 16, 17, 18/86.
Crimes Act 1958 (Vic.), s45: 25/86. ss77, 73(12): 19/86. s77: 28/86. s408A: 43/86.
Evidence Act 1958, s25: 30/86.
Interpretation of Legislation Act 1984, s35: 43/86. s52: 25/86.
Judgment Debt Recovery Act 1984, ss6, 9: 22/86.
Labour and Industry Act 1958, s98: 47/86.
Lotteries Gaming and Betting Act 1966, s68: 33/86.
Magistrates' Courts Act 1971, s24: 45/86. s70: 46/86
Magistrates (Summary Proceedings) Act 1975, s3: 2/86. s5: 20, 43/86. s17: 20/86. ss 68,76,78,79: 45/86;
Part VII: 20/86. s152: 2, 37/86. s165: 20/86. s167:47/86. s168: 41/86.
Malicious Damage Act 1861, s52(1): 41/86.
Migration Act 1958, ss20, 38, 39: 51/86.
Motor Car Act 1958, s22B(2a): 20/86. s80F: 1, 3, 43/86. s80G: 1, 3/86. s81A: 1, 3/86.
Offenders' Probation and Parole Act (Qld); s17: 10/86.
Penalties and Sentences Act 1981, s40(1): 12/86.
Poisons Act 1962, s28: 34/86.
Road Traffic Regulations 1973, r307: 23/86.
Rules of Supreme Court, Ch I, O31, r12: 31/86; Ch II, O14, rr5,6: 31/86.
Social Security Act 1947 (Cth.), s83(AAH): 16/86. s138: 6/86
Summary Offences Act 1966, s9(1)(d): 41/86; s9(3): 41/86. s26: 2/86 s33: 2/86.

Edited by: Patrick Street LL B, Dip Crim
C/o Magistrates' Court,
GPO Box 882G,
Melbourne Vic. 3001

© 1986-2008 The Magistrates' Court of Victoria