



Magistrates' Court
Victoria

MAGISTRATES CASES 1992

INDEX

TABLE OF CASES REPORTED IN 1992

Case No.

Amalgamated Food and Poultry Pty Ltd v Allen (CA - Fullagar, Brooking and Gobbo JJ) (1991) 74 LGRA 240	12/92
Arnol v RBP Pty Ltd (1991) ASC 56,885 (O'Bryan J)	1/92
Arnold v Crimes Compensation Tribunal (Judge Smith P)	16/92
Baffsky v Mangos (Hayne J)	47/92
Basham v DPP (Marks J)	15/92
Chisholm v Mathews (Hayne J) (1992) 16 MVR 477	42/92
City of Warragul v Kavalee (Hayne J)	48/92
Comm'r of Business Franchises v Chokr (Smith J)	11/92
Condor Engineering Pty Ltd v Molloy (Hedigan J)	53/92
Crowther v Cotterell and Anor (CA - Fullagar, Brooking and Gobbo JJ)	10/92
Curry v Morrison (Nathan J)	45/92
Dickson v Kimber (Hayne J)	34/92
Dir-Gen of Corrections v Sweeney (Gobbo J)	46/92
Document Process Pty Ltd v Andrew (Teague J)	5/92
DPP v Blyth (Coldrey J) (1992) 16 MVR 159	22/92
DPP v Boer (Smith J) (1992) 15 MVR 11	24/92
DPP v Doolan and Martell (Smith J) (1992) 2 VR 249; (1992) 15 MVR 397	14/92
DPP v Hart (Hampel J) (1992) 16 MVR 433	21/92
DPP v Pacific Dunlop Tyres Pty Ltd (Judge Fricke)	17/92
DPP v Parsons (Beach J) (1992) 15 MVR 474; (1993) 1 VR 1	33/92
DPP v Scarica (Byrne J)	27/92
DPP v Walker (Nathan J)	20/92
DPP v Webb (Ormiston J)	40/92
Goodman v Stafford (Hampel J) (1992) 15 MVR 145	25/92
Groves v Mason (Coldrey J)	54/92
Guss v Sollner Pty Ltd (Smith J)	2/92
Herald & Weekly Times Pty Ltd v Jones (Nathan J).....	31/92
Hodgetts v Trent (Gobbo J)	39/92
Kennedy v Victorian Rigging Pty Ltd (Gobbo J)	38/92
Lewenberg v Adair (Southwell J)	3/92
Marijancevic v Poole Norton & Assoc Pty Ltd (Nathan J)	30/92
McDonald v Comm'r of Business Franchises (CA - Murphy, Fullagar and O'Bryan JJ) (1992) 1 VR 611; but see 109 ALR 619; (1992) 67 ALJR 55.....	9/92
MIE Superannuation Fund v Petrucelli (Nathan J)	28/92
Murphy v Yolanda Nominees Pty Ltd (Nathan J)	29/92
Nicholls v Young (Smith J) (1992) 2 VR 209	18/92
Pangalos v ATC and Bourke (Hayne J).....	52/92
R v Heatherington (Teague J)	8/92
R v Pollard (CCA - Young CJ, Fullagar and JD Phillips JJ) (1991) 56 ACrimR 171	6/92
R v Shaw (CCA - Young CJ, Murphy and Nathan JJ) (1991) 57 ACrimR 425	7/92
R v Simmonds (CCA - Phillips CJ, Hampel and Vincent JJ)	49/92
Redl v Toppin (O'Bryan J)	32/92
Reeves v Beaman (FC - Brooking, Nathan and Byrne JJ)	41/92
RT Edgar Pty Ltd v Coventry (McDonald J)	50/92
Simons v Ritterman (Hayne J)	37/92
Spry v Chamberlain (CA - Fullagar, Tadgell and JD Phillips JJ) [1993] 1 VR 369	44/92
Stiles v Lamont (CA - Fullagar, Brooking and Marks JJ) (1992) 15 MVR 557	13/92
Symes Panel Masters Pty Ltd v VACC Insurance Co Ltd (Gobbo J).....	4/92
Tarson Pty Ltd v Travel Agents Licensing Authority (Judge Smith P)	16/92
Taylor v Hartley (O'Bryan J)	55/92
Terry v Banks (JD Phillips J)	43/92
Thompson v Coloe (Nathan J)	23/92
Thorp v Abbotto (Fed Ct - Lockhart, Gummow & O'Loughlin JJ) (1992) 59 ACrimR 208; (1992) 106 ALR 239..	26/92
Toycorp Ltd v Silver Grace Pty Ltd (Smith J)	51/92
Walsh v Sleep (Marks J)	19/92
Wolf v Grech (O'Bryan J)	36/92
Zambelis v Nahas (Nathan J) (1991 VConvR P.54-396	35/92

SUBJECT MATTER

SUBJECT MATTER

AGENCY

- Commission - payable where sale note and agency agreement signed: 50/92

CIVIL PROCEEDINGS

- Commission for investigator of unclaimed money: 5/92
- Costs—
 - arbitration - no amount awarded - full costs: 55/92
 - plaintiff successful on small part of claim - lesser costs: 51/92
 - solicitor/client basis: 53/92
- Debt - agreement between parties - accord and satisfaction: 30, 53/92
- Discovery of documents - where "matter in dispute": 11/92
- Discretionary trust - not reviewable by court: 28/92
- Estate Agent's commission - payable where sale note and agency agreement signed: 50/92
- "Full and final settlement" - includes previous order: 29/92
- Insurance - denial of liability/indemnity: 4/92
- Money due on account stated - to be enforceable must be acknowledgement of debt due: 3/92
- Recovery of penalties for tobacco wholesaling: 9/92
- Rehearing - principles for consideration: 2, 38, 39/92
- Work done - cross claim - expert evidence - interest: 37/92

COMMITTAL PROCEEDINGS

- Suppression order - preconditions for making of: 31/92
- Test to be applied: 26/92

CONSUMER AFFAIRS

- Door-to-door sales - "original approach": 1/92

CONTRACT

- Unclaimed money - owner traced - agreement to pay commission: 5/92

COSTS

- Solicitor/client basis: 53/92
- Summary offence dismissed - defendant caused arrest - no costs: 32/92
- Where no amount awarded in arbitration - full costs: 55/92

CRIMES COMPENSATION

- Confessions and admissions - admissibility of unlawfully obtained evidence: 7, 8/92
- Disputed property application - police unable to claim: 23/92
- "during questioning": 6/92
- Identification by witness - shown single photograph - evidence of witness not admissible: 49/92
- Obtaining property by deception - false bank balances & false representation - guilty: 49/92
- Privilege - public interest immunity - balancing exercise: 36/92
- Unlawful possession of money - unsatisfactory explanation - charge proved: 18/92

ENVIRONMENT PROTECTION

- Industrial waste - "without complying": 12/92

EVIDENCE

- Breathalyser Manual not admissible unless authenticated: 14/92
- Expert witness - opinion may be tested by cross-examination: 14/92
- Privilege - public interest immunity - balancing exercise: 36/92

INSURANCE

- Denial of liability/indemnity - difference: 4/92

LANDLORD AND TENANT

- Unpaid rent claim - cross claim for damages - no jurisdiction - refer to arbitration: 35/92

LOTTERIES GAMING AND BETTING

- Restricted machine - onus of proof on prosecution: 27/92

MOTOR TRAFFIC

- Drink/driving

- Preliminary Breath Test—
 - failure to state prescribed device - test properly conducted: 42/92
 - mispronunciation of 'Alcolmeter' - inconsequential: 20/92

SUBJECT MATTER

- requisite opinion not provided - evidence not inadmissible: 13, 24/92
- Breathalyser—
 - evidence of not inadmissible if no evidence of opinion: 24/92
 - formal demand - evidence of not essential: 20, 22/92
 - general evidence of inherent error in instrument not admissible: 42/92
 - Manual - inadmissible if not authenticated: 14/92
 - No evidence of - inference may be drawn that within definition: 41/92
- Operation of - not confined to Regs: 14/92
- Radar detector - familiar with - expert evidence not necessary: 33/92
- Service of certificate - "as soon as practicable": 34/92

NEGLIGENCE

- Motor boats - head-on situation - "agony of the moment": 54/92
- Motor vehicle collision - collision with oncoming vehicle - failure to keep proper look-out: 52/92
- roundabout - right of way - lateral movement: 47/92

OCCUPATIONAL HEALTH AND SAFETY

- Employee injured - off work for 18mths - bond for employer not appropriate: 17/92

PROCEDURE

- Adjournment—
 - for further preparation - refused: 48/92
 - pending Appeal Court decision - granted: 43/92
- Amendment of information - place of offence omitted - fundamental defect: 25, 40/92
- Application for compulsory blood sample - subsequent application not abuse of process: 10/92
- Assessment by Commissioner - not open to court challenge: 9/92
- Commencement of criminal proceedings - must be filed within time: 15/92
- Committal proceedings - test to be applied: 26/92
- Confessions and admissions - admissibility of: 6, 7, 8/92
- Discovery of documents - whether "matters in dispute": 11/92
- Expert witness—
 - cross examination of allowed: 14/92
 - statement of to be given: 37/92
- Extension of time for making CCT application: 16/92
- Filing of process - personal filing not necessary: 44/92
- Joinder of offences - if part of a series and similar in character should be heard together: 19/92
- Rehearing - civil proceedings - considerations: 2, 38, 39/92
- Suspended sentence - no power to fix minimum term: 46/92

SENTENCING

- Occupational Health and Safety - serious offence - Bond not appropriate for employer: 17/92
- Social Security offences - welfare fraud - CBO not available sentencing option: 45/92
- Suspended sentence - no power to fix minimum term: 46/92

WORDS AND PHRASES, CATCHWORDS, TRIGGERWORDS, KEYWORDS, CONCEPTS ETC.

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

Abuse of process: 10/92
Accord and satisfaction: 30, 53/92
Account stated: 3/92
Adjournment—

- for further preparation: 48/92
- pending Appeal result: 43/92

Admissibility of Breathalyser Manual: 14/92
Admissions: 6, 7, 8, 33/92
Agency: 50/92
Agony-of-the-moment decision; 54/92
'Alcolmeter': 20/92
Amendment of information; 25, 40/92
Apportionment of liability: 54/92
Approach: 1/92
"Appropriate Registrar": 44/92
Arbitration—

- 35, 37/92
- costs on: 55/92

Assessments for tobacco penalties: 9, 11/92
"As soon as practicable": 34/92
Blood sample, compulsory: 10/92
Boundary between states; 54/92

"Breath analysing instrument": 41/92

Breathalyser—

- formal demand: 20, 22/92
- inherent error: 42/92
- manual, admissibility of: 14/92
- operation of: 14, 41/92
- waiting period: 21/92

Breath test—

- certificate of: 34/92
- preliminary; 13, 20, 40, 42/92
- request to accompany for: 22/92

Browne v Dunn rule: 20, 37/92

"By a prescribed device": 42/92

CCT application, extension of time for: 16/92

Certificate, service of: 34/92

Commencement of proceedings; 15/92

Commission—

- for tracing unclaimed money: 5/92
- on sale of property: 50/92

Commissioner's assessment: 9/92

Committal proceedings

- suppression order: 31/92
- test for: 26/92

Community Based Order, welfare fraud: 45/92

Compulsory blood sample: 10/92

Conclusive assessments; 9/92

Confessions: 6, 7, 8/92

Consumer affairs: 1/92

Control knob of Breathalyser: 14/92

Costs—

- on solicitor/client basis: 53/92
- on dismissal: 32/92
- where no amount awarded; 55/92

Courts of Pleading: 35/92

Cross-examination of expert: 14/92

Crown immunity: 11/92

Damages by way of interest: 37/92

Deception on bank: 49/92

Defect in substance: 25/92

Defence, drink/driving: 21/92

De minimus: 20/92

Denial of liability/indemnity: 4/92

"Detained": 40/92

Detector, radar: 33/92

Discovery of documents: 11/92

Discretionary trust: 28/92

Dismissal on the merits: 10/92

Disputed property claim: 23/92

Disqualification of Magistrate: 19/92

Documents, Discovery of: 11/92

Door-to-Door Sales: 1/92

Drink/driving: 13, 14, 20, 21, 22, 24, 34, 40, 41, 42/92

"Due making": 11/92

"During questioning": 6/92

Ejusdem generis rule: 18/92

Elements of s49(1)(f) charge: 40/92

Environment Protection; 12/92

Error in substance: 25/92

Estate Agent's commission: 50/92

Expert witness: 14, 32, 37, 42/92

"Expressed": 45/92

Extension of time for CCT applications: 16/92

Familiarity: 33/92

"Filing": 44/92

"Final": 29/92

"For ensuring": 14/92

Forfeiture of property application: 23/92

Formal demand: 20, 22/92

"Formed": 45/92

Fragmented hearings: 19/92

"Full": 29/92

Gaming machine: 27/92

Identification evidence: 49/92

Indemnity insurance: 4/92

"Indicates": 13/92

Industrial waste licence: 12/92

Information amendment: 25/92
"In full and final settlement": 29/92
Initial physical attendance: 1/92
Insurance claim: 4/92
Interest, damages by way of: 37/92
Interstate collision: 54/92
Invalid order: 45/92
Irregularity: 2/92
Irregularly obtained order: 2/92
Joinder: 18, 35/92
Landlord and Tenant: 35/92
"Matters in Dispute": 11/92
Mens Rea: 27/92
Minimum term: 46/92
Money due upon an account stated: 3/92
Motor vehicle collision: 47, 52, 54/92
Moving laterally when unsafe: 47/92
Natural justice: 2/92
"Necessity": 31/92
Notice of Expert Evidence: 37/92
Nullity: 2, 43, 44/92
Obtaining property by deception: 49/92
Occupational; Health and Safety Sentencing: 17/92
Onus of proof—
- drink/driving: 21/92
- gaming machine: 27/92
Opinion evidence of expert witness: 14/92
"Original approach": 1/92
"Or unlawfully obtained": 18/92
"Permits": 27/92
"Permitted": 12/92
Pleadings, Court of: 35/92
Preliminary breath test: 13, 24, 42/92
Prescribed device—
- mispronounced: 20/92
- not referred to: 42/92
Presumption of accuracy: 33/92
Privilege: 36/92
Process, filing of: 43, 44/92
"Produced": 24/92
"Properly operated": 14/92
Property dispute application: 23/92
Public interest immunity: 36/92
Radar detector: 33/92
Refusing to undergo PBT: 40/92
Rehearing: 2, 38, 39/92
Reinstatement of civil proceedings: 53/92
Rent recovery: 35/92
Res judicata: 10/92
Restricted machine: 27/92
Retail tenancy: 35/92
Right of way: 47/92
Rule in *Browne v Dunn*: 20, 37/92
Sentencing: 17, 45/92
Separate hearing: 19/92
Service of breath analysis certificate: 34/92
"Settlement, in full and final": 29/92
Similar fact evidence: 19/92
Social Security offending/sentencing: 45/92
Solicitor/client costs: 53/92
Statutory interpretation: 23, 40/92
Struck out, effect of: 2, 10, 53/92
Suspended sentence: 46/92
Test—
- committal proceedings: 26/92
- privilege claim: 36/92
"Transport certificate": 12/92
Trustee's discretion: 28/92
Unclaimed money: 5/92
Unlawful possession: 18/92
"Unlawfully obtained": 18/92
"Unless a contrary intention appears": 45/92
Variance: 25, 40/92
Venue, collision Interstate: 54/92
Voir dire: 19/92
Waiver of Irregularity: 2/92
Welfare fraud sentencing: 45/92
Withdrawal slip: 49/92
"Without complying with this section": 12/92
Witness' costs: 51/92.

CASES REFERRED TO, APPLIED, CONSIDERED ETC.

Aherne v Freeman (1974) VR 121, referred to: 43/92
Aldridge v Marks (1944) 44 SR(NSW) 69, referred to: 18/92
Anglim & Cooke v Thomas (1974) VR 363, applied: 33/92
Attorney-General's Reference (No.1 of 1983) (1983) 2 VR 410, applied: 22/92; referred to: 26/92
Baker v Taylor (1906) 6 SR (NSW) 500, applied: 50/92
Bayly v Scarica (1990) VR 731, applied: 27/92
Beckwith v R (1976) 135 CLR 569, applied: 1/92
Bloemen Pty Ltd v Comm'r of Taxation (1981) 147 CLR 360, applied: 9/92
Bogdanovski v Buckingham (1989) VR 897, referred to: 14/92 distinguished: 41/92
Bolton, Re. xp Beane (1987) 162 CLR 514, applied: 40/92
Breavington v Godleman (1988) 169 CLR 41, applied: 54/92
Browne v Dunn (1894) 6 Rep. 67, applied: 20/92
Bull v A-G for NSW (1913) 17 CLR 370, applied: 1/92
Bunning v Cross (1978) 141 CLR 54, referred to: 6, 7, 13, 24/92
Burman v Woods (1948) 1 KB 111, applied: 10/92
Chettiar v Chettiar (1962) 2 All ER 238, applied: 2/92
Cleland v R (1982) 151 CLR 1, referred to: 6, 7/92
Codelfa Construction Pty Ltd v State Rail Authority of NSW (1982) 149 CLR 337, applied: 5/92
Coghill v Warrell (1890) 16 VLR 238, referred to: 23/92
Collett v Bennett (1986) 3 MVR 141, referred to: 27/92
Collins v Wilcock (1984) 1 WLR 1172, applied: 40/92
Commercial Union Assurance Co Pty Ltd, Re (1899) 18 NZLR 585, referred to: 44/92
Comptroller of Customs v Western Electric Co Ltd (1966) AC 367, referred to: 33/92
Craig v Kanssen (1943) 1 KB 256, referred to: 2/92
Creely v Ingles (1969) VR 732, referred to: 34/92
Curmi v Matthews, MC 4/1991, referred to: 14/92
D v Nat Soc for Prevention of Cruelty to Children (1978) AC 171, referred to: 36/92
De Jesus v R (1986) 61 ALJR 1, referred to: 19/92
DFCT v Baranow (1988) ATC 4767, explained: 11/92
Donald Campbell & Co Ltd v Pollack (1927) AC 732, referred to: 51/92
Doney v R. (1990) 171 CLR 207, applied; 22/92; referred to: 26/92
Egan v Bott (1985) VR 787, applied: 19/92
Field v Sullivan (1923) VLR 70, referred to: 23/92
536 Swanston Street Pty Ltd v Harbrut Pty Ltd (1988) VConv R 54-323, referred to: 35/92
Forsyth v Rodda (1988) 37 A Crim R 50, (1989) 87 ALR 699, applied: 26/92
Fraser v Elgen Tavern Pty Ltd (1982) VR 398, referred to: 53/92
Furnell v Betts (1978) 20 SASR 300, applied: 19/92
George v FCT (1952) 86 CLR 183, referred to: 11/92
George v Rockett (1990) 64 ALJR 384, referred to: 18/92
Grant v R (1981) 147 CLR 53, applied: 18/92
Great Pingall Consolidated Ltd. v Sheehan (1905) 3 CLR 176, referred to: 40/92
He Haw Teh v R (1985) 157 CLR 523, referred to: 27/92
Henderson v Henderson (1843) 3 Hare 100, cited: 10/92
Hinch v A-G (Vic.) (1987) 164 CLR 15, ref.to: 31/92
Hoch v R (1988) 165 CLR 292, referred to: 19/92
Hofstetter v Thomas (1968) VR 199, referred to: 18/92
Hospital Products Ltd v US Surgical Corp. (1984) 156 CLR 41, referred to: 30/92
Houston v Harwood (1975) VR 698, referred to: 34/92
Humphrey v Wills (1989) VR 439, referred to: 14/92
Hunter v Pearce, unrep, 12 May 1982, VSC, Starke J, followed: 13/92
Hunter Valley Developments Pty Ltd v Minister for Home Affairs 58 ACR 305, applied: 16/92
Irvin v Dowd 366 US 717 (1961), referred to: 31/92
Jackson v Goldsmith (1950) 81 CLR 446, applied: 10/92
Jago v District Court of NSW (1989) 168 CLR 23, referred to: 10/92
Janson v A-G (1982) VR 263, referred to: 11/92
Johnson v Miller (1937) 59 CLR 467, applied: 25/92
Karger v Paul (1984) VR 161, applied: 28/92
Kerr v Hannon (1992) 1 VR 43, followed: 25/92; distinguished: 40/92
Kingstone Tyre Agency Ltd. v Blackmore (1970) VR 625, referred to: 2/92
Kostokanellis v Allen (1974) VR 596, applied: 2/92
Latoudis v Casey (1991) 65 ALJR 151, referred to: 32/92
Lisiecki v Grigg (1988) 10 MVR 336, followed: 20, 22/92
Lock v Gordon (1966) VR 185, referred to: 28/92
Londonderry's Settlement, Re (1965) Ch 918, referred to: 28/92
McColl v Lehmann (1987) VR 503, referred to: 14/92
McDermott v Black (1938) 63 CLR 161, applied: 30, 53/92
Macdonald v Fyson (1948) NZLR 669, referred to: 10/92
McDonald v Webster (1913) VLR 506, referred to: 18/92
Marsh v Marsh (1945) AC 271, applied: 2/92
Matosic v Hamilton (1991) 13 MVR 171, followed: 20/92
May v O'Sullivan (1955) 92 CLR 654, referred to: 26/92
Melbourne Corporation v Barry (1923) 31 CLR 174, applied: 23/92
Mikasa (NSW) Pty Ltd v Festival Stores (1972) 127 CLR 617, ref to: 45/92
Mills v Meeking (1990) 169 CLR 214, referred to: 22, 40/92
Min. for Aboriginal Affairs v Peko Wallsend (1986) 162 CLR 214, referred to: 40/92

CASES REFERRED TO, APPLIED, CONSIDERED etc.

New South Wales v The Commonwealth (1990) 169 CLR 482, referred to: 45/92
Nicholson v Edwards (1888) 10 ALT 43, cited: 2/92
O'Keefe v Bunton (1953) VLR 94, referred to: 23/92
O'Sullivan v Tregaskis (1948) SASR 12, referred to: 18/92
Parks v Bullock (1982) VR 258, referred to: 33/92
Payless Superbarn (NSW) Pty Ltd v O'Gara (1990) 19 NSWLR 551, referred to: 37/92
Porter v Kolodziej (1962) VR 75, referred to: 33/92
Port of Melbourne Authority v Anshun (1981) 147 CLR 589, referred to: 10/92
Posner v Collector for Interstate Destitute Persons (Vic.) (1946) 74 CLR 461, applied: 2/92
Potter v Minahan (1908) 7 CLR 277, applied: 23/92
Public Service Board; xp McDonald (1948) VLR 310, referred to: 43/92
R v Banner (1970) VR 240, referred to: 40/92
R v Beattie, unrep, NSWCCA, 22 June 197, distinguished: 49/92
R v Brattoli (1971) VR 446, applied: 45/92
R v Brown and Daley (1988) 87 CAR 52, referred to: 36/92
R v Hamilton (1991) 92 CAR 54, applied: 49/92
R v Hennessey (1978) 68 CAR 419, referred to: 36/92
R v Iorlano; Re Mullaly (1984) 58 ALJR 22, applied: 19/92
R v Ireland (1970) 126 CLR 321, referred to: 7/92
R v Johnson (1988) 1 WLR 1377, referred to: 36/92
R v London County Court Quarter Sessions; xp Rossi (1956) 1 QB 682, referred to: 2/92
R v McGowan (1984) VR 1000, applied: 2/92
R v Magistrates' Court at Heidelberg; xp Karasiewicz (1976) VR 680, referred to: 25/92
R v Pollard (1991) 56 A Crim R 171, referred to: 7/92
R v Rankine (1986) 1 QB 861, applied: 36/92
R v Skurray (1967) 86 WN (Pt.1) (NSW) 1, referred to: 40/92
R v Turnbull (1943) 44 SR (NSW) 108, applied: 27/92
R v Ward (1980) 142 CLR 308, referred to: 54/92
Radcliffe v Pacific Steam Navigation Co (1910) 1 KB 685, referred to: 10/92
Rankin v O'Brien (1986) VR 67, followed; 22/92
Reardon v Baker (1987) VR 887, referred to: 33/92
Reaves v Beaman MC 32/91, affirmed: 41/92
Reeves v Beaman MC 41/92, referred to: 42/92
Robertson v Smith MC 33/83, not followed: 20/92
Ross v Smith (1969) VR 411, referred to: 34/92
Rowe v Galvin (1984) VR 350, referred to: 18/92
Sargood Bros v Commonwealth (1910) 11 CLR 258, referred to: 23/92
Schleiderer v The Ship "Red Fin" (1979) 1 NSWLR 258, referred to: 54/92
Scott v Dunstone (1963) VR 579, not followed: 20, 22/92
Scott v English (1947) VLR 445, referred to: 53/92
Secured Income Real Estate (Aust) Ltd v St Martins Investment Pty Ltd (1979) CLR 596, applied: 5/92
Sherras v De Rutzen (1895) 1 QB 918, referred to: 27/92
Smith v Van Maanen MC 35/91, applied: 20, 40, 41, 42/92
Stiles v Lamont MC 13/92, applied: 24/92
Surujpaul v R (1958) 1 WLR 1050, referred to: 33/92
Sweet v Parsley (1970) AC 132, referred to: 27/92
Tampion v Chiller (1970) VR 361, referred to: 34/92
Tela Pty Ltd v Ampol Ltd (1986) ATPR 40-746, referred to: 51/92
Transport Accident Commission v Treloar (1992) 1 VR 447, referred to: 45/92
Tucker v Clisby Pty Ltd MC 54/93, referred to: 43/92
Wayne v State Government Insurance Commission (SA) 13 MVR 446, applied: 54/92
Verna Trading Pty Ltd v New India Assurance Co. Ltd. (1991) 1 VR 129, referred to: 51/92
Wallace v Hansbury (1959) SASR 20, referred to: 18/92
Waterford, Re (1978) 22 ACTR 25, applied: 19/92
Watson v Phipps (1985) 60 ALJR 1, applied: 5/92
Warner v Sunnybrook Ice Cream Pty Ltd (1968) VR 102, referred to: 25, 40/92
Woolworths (Vic) Ltd v Marsh MC 47/86, referred to: 25/92
Yeo v Capper (1964) SASR 1, referred to: 18/92
Young v Quin (1985) 59 ALR 225, applied: 36/92
Zamperoni Decorators v Lo Presti (1983) 1 VR 338, referred to: 37/92

TABLE OF STATUTORY/REGULATORY REFERENCES

Business Franchise (Tobacco) Act 1974, s19A: 11/92. s19E: 9/92.
Consumer Affairs Act 1972, ss14, 15: 1/92.
Crimes Act 1958, s464C: 6, 7/92.
s464H: 6, 8/92.
s464J: 7/92.
s464U: 10/92.
Criminal Injuries Compensation Act 1983, s20: 16/92.
Environment Protection Act 1970, s531: 12/92.
Environment Protection (Transport) Regulations 1987, r9: 12/92.
Estate Agents Act 1980, s50: 50/92.

TABLE OF STATUTES and REGULATIONS

Insurance Contracts Act 1984,	s54: 4/92.
Lotteries Gaming and Betting Act 1968,	s68: 27/92.
Magistrates' Court Act 1989,	s26: 15/92.
	s30: 43, 44/92.
	s31: 19/92.
	s50: 25, 40/92.
	s56: 26/92.
	s126: 31/92.
	Sched. 5, cl. 11(2): 26/92.
Magistrates' Court (Arbitration) Regulations 1990,	Sched. 2: 51, 55/92.
Magistrates' Court Civil Procedure Rules 1989,	O6: 35/92.
	O19: 37/92.
	O26: 51, 55/92.
Magistrates' Courts Rules 1986,	r 108: 11/92.
Navigation (Collision) Regulations 1983, (NSW),	rr5, 8, 9 (a), 14: 54/92
Occupational Health and Safety Act 1986,	s21: 17/92.
Police Regulation Act 1958,	s125: 23/92.
Retail Tenancies Act 1986,	s21: 35/92.
Road Safety Act 1986,	s3: 41/92.
	s49(1)(b): 14, 24/92.
	s49(1)(c): 40/92.
	s49(1)(f): 13, 14, 20, 21, 22, 34, 40, 41, 42/92.
	s49(4): 21, 42/92.
	s53: 40, 42/92.
	s55(1): 13, 20, 22, 24, 40, 42/92.
	s55(4): 34/92.
	s74: 32/92.
	s95: 14/92.
Road Safety (Procedures) Regulations 1988,	r. 302: 34, 41/92.
	r314: 14, 20/92.
Sentencing Act 1991,	s11: 46/92.
	s27: 46/92.
	s39: 45/92.
	s109: 45/92.
Social Security Act 1947 (Cth.)	s239: 45/92.
Summary Offences Act 1966,	s26: 18/92.
Supreme Court Act 1986,	s60: 37/92.

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