



# HIGH COURT BULLETIN

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A record of recent High Court of Australia cases: decided, reserved for judgment, awaiting hearing in the Court's original jurisdiction, granted special leave to appeal, refused special leave to appeal and not proceeding or vacated

1: Summary of New Entries .....	1
2: Cases Handed Down .....	3
3: Cases Reserved .....	7
4: Original Jurisdiction .....	15
5: Section 40 Removal .....	17
6: Special Leave Granted.....	18
7: Cases Not Proceeding or Vacated.....	25
8: Special Leave Refused.....	26

## 1: SUMMARY OF NEW ENTRIES

### 2: Cases Handed Down

Case	Title
<a href="#"><i>Director of Public Prosecutions Reference No 1 of 2017</i></a>	Criminal Law
<a href="#"><i>Grajewski v Director of Public Prosecutions (NSW)</i></a>	Criminal Law
<a href="#"><i>OKS v Western Australia</i></a>	Criminal Law
<a href="#"><i>Northern Territory v Mr A Griffiths (deceased) and Lorraine Jones on behalf of the Ngaliwurru and Nungali Peoples; Commonwealth of Australia v Mr A Griffiths (deceased) and Lorraine Jones on behalf of the Ngaliwurru and Nungali Peoples; Mr A Griffiths (deceased) and Lorraine Jones on behalf of the Ngaliwurru and Nungali Peoples v Northern Territory</i></a>	Native Title

3: Cases Reserved

<b>Case</b>	<b>Title</b>
<a href="#"><i>Comcare v Banerji</i></a>	Constitutional Law
<a href="#"><i>Spence v State of Queensland</i></a>	Constitutional Law

4: Original Jurisdiction

<b>Case</b>	<b>Title</b>
<a href="#"><i>Taylor v Attorney-General of the Commonwealth</i></a>	Administrative Law
<a href="#"><i>Love v Commonwealth of Australia; Thoms v Commonwealth of Australia</i></a>	Migration Law

5: Section 40 Removal6: Special Leave Granted

<b>Case</b>	<b>Title</b>
<a href="#"><i>Fennell v The Queen</i></a>	Criminal Law
<a href="#"><i>Lordianto &amp; Anor v Commissioner of the Australian Federal Police; Kalimuthu &amp; Anor v Commissioner of the Australian Federal Police</i></a>	Criminal Law
<a href="#"><i>Commissioner of Taxation of the Commonwealth of Australia v Sharpcan Pty Ltd</i></a>	Taxation Law

7: Cases Not Proceeding or Vacated

## 2: CASES HANDED DOWN

The following cases were handed down by the High Court of Australia during the March 2019 sittings.

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### Criminal Law

*Director of Public Prosecutions Reference No 1 of 2017*

**M129/2018:** [\[2019\] HCA 9](#)

**Judgment delivered:** 20 March 2019

**Coram:** Kiefel CJ, Bell, Gageler, Keane, Nettle, Gordon and Edelman JJ

**Catchwords:**

Criminal practice – Trial – Jury directions – *Prasad* direction – Where accused charged with murder – Where *Prasad* direction given over objection at close of Crown case – Where another *Prasad* direction given at close of defence case – Whether *Prasad* direction contrary to law and should not be administered to jury determining criminal trial.

Criminal practice – Jury – Reserve jurors – Where one of 13 jurors balloted off to consider response to *Prasad* direction – Where jury wished to hear more – Where juror balloted off re-joined jury – Where second ballot conducted to reduce jury to 12 jurors again – Where jury delivered verdicts of not guilty of murder and not guilty of manslaughter after second ballot – Whether ballot conducted at time at which "jury required to retire to consider its verdict".

Words and phrases – "fair trial", "fairness to the prosecution", "jury's suggested right to stop the case", "no case submission", "power of the trial judge", "practice of inviting the jury to stop the case", "*Prasad* direction", "retire to consider its verdict".

*Criminal Procedure Act 2009* (Vic) – ss 66, 213, 234, 238, 241.

*Juries Act 2000* (Vic) – s 48.

**Appealed from VSC (CA):** [\[2018\] VSCA 69](#); (2018) 55 VR 551

**Held:** Appeal allowed; point of law answered

[Return to Top](#)

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*Grajewski v Director of Public Prosecutions (NSW)*

**S141/2018:** [\[2019\] HCA 8](#)

**Judgment delivered:** 13 March 2019

**Coram:** Kiefel CJ, Bell, Keane, Nettle and Gordon JJ

**Catchwords:**

Criminal law – Appeal against conviction – Question of law referred to Court of Criminal Appeal – Case stated – Destroying or damaging property – Physical element of offence – Where appellant harnessed himself to ship loader – Where ship loader shut down due to safety concerns – Where ship loader inoperable until appellant removed – Where no alteration to physical integrity of ship loader – Whether property damaged.

Words and phrases – "destroys or damages", "impairment of value", "physical derangement", "temporary functional derangement".

*Crimes Act 1900* (NSW) – s 195(1).

**Appealed from NSWSC (CA):** [\[2017\] NSWCCA 251](#)

**Held:** Appeal allowed; questions answered; conviction quashed

[Return to Top](#)

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*OKS v Western Australia*

**P62/2018:** [\[2019\] HCA 10](#)

**Judgment delivered:** 20 March 2019

**Coram:** Bell, Keane, Nettle, Gordon and Edelman JJ

**Catchwords:**

Criminal practice – Appeal against conviction – Application of proviso that no substantial miscarriage of justice actually occurred – *Criminal Appeals Act 2004* (WA), s 30(4) – Where jury found appellant guilty of indecently dealing with child under 13 years of age – Where credibility and reliability of complainant's evidence central issue at trial – Where complainant admitted and was alleged to having lied – Where trial judge directed jury not to reason that complainant's lies meant that all her evidence dishonest and could not be relied upon – Where Court of Appeal found direction by trial judge was wrong decision on question of law – Where Court of Appeal found no substantial miscarriage of justice occurred – Whether error in application of proviso.

Words and phrases – "misdirection", "natural limitations of proceeding on the record", "no effect upon the jury's verdict",

"proviso", "substantial miscarriage of justice", "sufficiency of evidence to prove guilt", "very significant weight", "weight to the verdict of guilty", "wrong decision on a question of law".

*Criminal Appeals Act 2004 (WA)* – s 30(4).

**Appealed from WASC (CA):** [\[2018\] WASCA 48](#); (2018) 52 WAR 482

**Held:** Appeal allowed; conviction quashed; new trial ordered

[Return to Top](#)

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## Native Title

*Northern Territory v Mr A Griffiths (deceased) and Lorraine Jones on behalf of the Ngaliwurru and Nungali Peoples; Commonwealth of Australia v Mr A Griffiths (deceased) and Lorraine Jones on behalf of the Ngaliwurru and Nungali Peoples; Mr A Griffiths (deceased) and Lorraine Jones on behalf of the Ngaliwurru and Nungali Peoples v Northern Territory*

[D1/2018](#); [D2/2018](#); [D3/2018](#); [\[2019\] HCA 7](#)

**Judgment delivered:** 13 March 2019

**Coram:** Kiefel CJ, Bell, Gageler, Keane, Nettle, Gordon and Edelman JJ

### Catchwords:

Aboriginals – Native title rights – Assessment of compensation – Where "previous exclusive possession act[s]" within meaning of s 23B in Div 2B of Pt 2 of *Native Title Act 1993 (Cth)* ("NTA") extinguished non-exclusive native title rights and interests held by Ngaliwurru and Nungali Peoples ("Claim Group") – Where Claim Group entitled to compensation under Div 5 of Pt 2 of NTA – Whether economic loss and cultural loss assessed separately – Principles of assessment for compensation for economic loss – Whether economic value of Claim Group's native title rights and interests equivalent to freehold value of affected land – Whether reduction from freehold value appropriate and how calculated – Whether inalienability of native title rights and interests a relevant discounting factor – Principles of assessment for compensation for cultural loss – Whether trial judge erred in assessment of cultural loss – Whether award manifestly excessive – Whether award met community standards.

Interest – Whether simple or compound interest payable on award for economic loss – Upon what basis simple interest payable.

Words and phrases – "compensable acts", "compensation", "compound interest", "compulsory acquisition", "cultural loss", "discount", "easement", "economic loss", "exclusive native title rights and interests", "extinguishing act", "inalienability", "just terms", "manifestly excessive", "native title", "non-economic loss", "non-exclusive native title rights and interests", "objective economic value", "percentage reduction from full exclusive native title", "previous exclusive possession act", "simple interest", "solatium".

Constitution – 51(xxxi).

*Lands Acquisition Act* (NT) – Sch 2.

*Native Title Act 1993* (Cth) – Pts 1, 2, 15.

*Racial Discrimination Act 1975* (Cth) – s 10.

**Appealed from FCA (FC):** [\[2017\] FCAFC 106](#); (2017) 256 FCR 478; (2017) 346 ALR 247

**Held:** Appeal allowed in part (D1/2018 and D2/2018); appeal dismissed (D3/2018)

[Return to Top](#)

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## 3: CASES RESERVED

The following cases have been reserved or part heard by the High Court of Australia.

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### Arbitration

*Rinehart & Anor v Hancock Prospecting Pty Ltd & Ors; Rinehart & Anor v Georgina Hope Rinehart (in her personal capacity and as trustee of the Hope Margaret Hancock Trust and as trustee of the HFMF Trust) & Ors*

**S143/2018; S144/2018:** [\[2018\] HCATrans 234](#); [\[2018\] HCATrans 236](#)

**Date heard:** 13 and 14 November 2018

**Coram:** Kiefel CJ, Gageler, Nettle, Gordon and Edelman JJ

**Catchwords:**

Arbitration – Arbitration agreements – Interpretation – Where parties entered into series of deeds containing arbitration agreements – Where primary judge ordered trial of question whether arbitration agreements in deeds null and void, inoperative or incapable of being performed – Where Full Court stayed proceeding and referred parties to arbitration – Whether Full Court erred in concluding arbitration clauses expressed to cover disputes “under” agreement extended to disputes concerning the validity of the deeds or provisions thereof.

**Appealed from FCA (FC):** [\[2017\] FCAFC 170](#); (2017) 257 FCR 442; (2017) 350 ALR 658; [\[2017\] FCAFC 208](#)

[Return to Top](#)

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### Constitutional Law

*Clubb v Edwards & Anor*

**M46/2018:** [\[2018\] HCATrans 206](#); [\[2018\] HCATrans 208](#); [\[2018\] HCATrans 210](#)

**Date heard:** 9, 10 and 11 October 2018

**Coram:** Kiefel CJ, Bell, Gageler, Keane, Nettle, Gordon and Edelman JJ

**Catchwords:**

Constitutional law – Implied freedom of political communication – *Public Health and Wellbeing Act 2008* (Vic) s 185D – Where s 185D prohibits engaging in “prohibited behaviour” within “safe access zone” – Where “prohibited behaviour” defined to include “communicating by any means in relation to abortions in a manner that is able to be seen or heard by a person accessing, or attempting to access, or leaving premises at which abortions are provided and is reasonably likely to cause distress or anxiety” – Where appellant convicted of charge under s 185D in Magistrates’ Court – Whether s 185D impermissibly burdens implied freedom of political communication.

*Removed from Supreme Court of Victoria into High Court under s 40 of Judiciary Act 1903 (Cth) on 23 March 2018*

[Return to Top](#)

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*Comcare v Banerji*

**C12/2018:** [\[2019\] HCATrans 50](#); [\[2019\] HCATrans 51](#)

**Date heard:** 20 and 21 March 2019

**Coram:** Kiefel CJ, Bell, Gageler, Keane, Nettle, Gordon and Edelman JJ

**Catchwords:**

Constitutional law – Implied freedom of political communication – Where employee of Department of Immigration and Citizenship used Twitter account to post anonymous “tweets” critical of Department – Where Department terminated employment under s 15 of *Public Service Act 1999* (Cth) on basis employee used social media in breach of ss 13(1), 13(7) and 13(11) of Australian Public Service Code of Conduct – Where employee submitted claim for compensation under s 14 of *Safety, Compensation and Rehabilitation Act 1988* (Cth) on basis termination led to psychological condition – Where Comcare rejected claim – Where Administrative Appeals Tribunal set aside decision on basis termination infringed implied freedom of political communication so termination not “reasonable administrative action taken in a reasonable manner” within meaning of s 5A of *Safety, Compensation and Rehabilitation Act* – Whether ss 13(11) and 15 of *Public Service Act* incompatible with implied freedom of political communication – Whether Tribunal erred in failing to find decision to terminate employment constituted “reasonable administrative action taken in a reasonable manner”.

*Removed from Federal Court of Australia into High Court under s 40 of Judiciary Act 1903 (Cth) on 12 September 2018*



[Return to Top](#)

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*Plaintiff M47/2018 v Minister for Home Affairs & Anor*

**M47/2018:** [\[2019\] HCATrans 9](#)

**Orders made:** 13 February 2019, reasons to be published at later date

**Coram:** Kiefel CJ, Bell, Gageler, Keane, Nettle, Gordon and Edelman JJ

**Catchwords:**

Constitutional law – Constitution Ch III – Detention – Immigration detention – Where plaintiff arrived in Australia in 2010 – Where plaintiff detained under ss 189 and 196 of *Migration Act 1958* (Cth) – Where plaintiff claims he has no right, or entitlement to obtain right, to enter or reside in any country – Whether ss 189 and 196 of Act authorise detention of plaintiff – If yes, whether ss 189 and 196 of Act beyond legislative power of Commonwealth insofar as they apply to plaintiff.

*Questions answered*

[Return to Top](#)

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*Preston v Avery & Anor*

**H2/2018:** [\[2018\] HCATrans 206](#); [\[2018\] HCATrans 208](#); [\[2018\] HCATrans 210](#)

**Date heard:** 9, 10 and 11 October 2018

**Coram:** Kiefel CJ, Bell, Gageler, Keane, Nettle, Gordon and Edelman JJ

**Catchwords:**

Constitutional law – Implied freedom of political communication – *Reproductive Health (Access to Termination) Act 2013* (Tas) s 9(2) – Where s 9(2) prohibits protest in relation to terminations that is able to be seen or heard by person accessing or attempting to access premises at which terminations provided – Where appellant convicted in Hobart Court of Petty Sessions of contraventions of s 9(2) – Whether s 9(2) impermissibly burdens implied freedom of political communication.

*Removed from Supreme Court of Tasmania into High Court under s 40 of Judiciary Act 1903 (Cth) on 23 March 2018*

[Return to Top](#)

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*Spence v State of Queensland*

**B35/2018:** [\[2019\] HCATrans 44](#); [\[2019\] HCATrans 45](#); [\[2019\] HCATrans 46](#); [\[2019\] HCATrans 47](#)

**Date heard:** 12, 13, 14 and 15 March 2019

**Coram:** Kiefel CJ, Bell, Gageler, Keane, Nettle, Gordon and Edelman JJ

**Catchwords:**

Constitutional law (Cth) – Implied freedom of political communication – Federal legislative power with respect to federal elections – Implied doctrine of intergovernmental immunities – State immunity from Commonwealth laws – Operation of s 109 of Constitution (Cth) – Where *Local Government Electoral (Implementing Stage 1 of Belcarra) and Other Legislation Amendment Act 2018* (Qld) purports to prohibit making of political donations by property developers – Whether s 275 of the *Electoral Act 1992* (Qld) and s 113B of the *Local Government Electoral Act 2011* (Qld) invalid to the extent they touch or concern federal elections – Whether inconsistent with s 302CA of *Commonwealth Electoral Act 1918* (Cth) – Whether s 302CA beyond the Commonwealth’s legislative power – Whether s 302CA infringes the implied intergovernmental immunity of States from Commonwealth laws – Whether s 302CA invalid because it seeks to retrospectively override operation of s 109 of the Constitution – Whether Subdiv 4 of Div 8 of Pt 11 of the *Electoral Act 1992* (Qld) infringes implied freedom of political communication.

*Special Case*

[Return to Top](#)

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## Consumer Law

*Australian Securities and Investments Commission v Kobelt*

**A32/2018:** [\[2018\] HCATrans 252](#)

**Date heard:** 4 December 2018

**Coram:** Kiefel CJ, Bell, Gageler, Keane, Nettle, Gordon and Edelman JJ

**Catchwords:**

Consumer law – *Australian Securities and Investments Act 2001* (Cth) s 12CB, 12CC – Unconscionable conduct – Where respondent operated general store in remote town – Where respondent provided credit to indigenous customers – Where primary judge

held respondent contravened s 12CB(1) by engaging in system of unconscionable conduct in connection with supply of financial services to customers – Where Full Federal Court allowed appeal – Whether Full Federal Court erred in construction and application of ss 12CB and 12CC – Whether Full Court gave due weight to special disadvantage or vulnerability of customers and gave undue weight to voluntary entry into agreements.

**Appealed from FCA (FC):** [\[2018\] FCAFC 18](#); (2018) 352 ALR 689

[Return to Top](#)

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*Frugniet v Australian Securities & Investments Commission*

**M136/2018:** [\[2019\] HCATrans 7](#)

**Date heard:** 7 February 2019

**Coram:** Kiefel CJ, Bell, Gageler, Keane, Nettle, Gordon and Edelman JJ

**Catchwords:**

Consumer law – Banning orders – *National Consumer Credit Protection Act 2009* (Cth) s 80 – *Crimes Act 1914* (Cth) s 85ZZH – Where Commission made banning order under s 80 on basis appellant not “fit and proper person to engage in credit activities” – Where Administrative Appeals Tribunal affirmed Commission’s order – Where primary judge and Full Federal Court dismissed appeals – Whether Full Federal Court erred in holding Tribunal not prevented by *Crimes Act* from considering “spent convictions”.

**Appealed from FCA (FC):** [\[2017\] FCAFC 162](#); (2017) 255 FCR 96

[Return to Top](#)

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## Corporations Law

*Carter Holt Harvey Woodproducts Australia Pty Ltd v The Commonwealth of Australia & Ors*

**M137/2018:** [\[2019\] HCATrans 6](#)

**Date heard:** 5 February 2019

**Coram:** Kiefel CJ, Bell, Gageler, Keane, Nettle, Gordon and Edelman JJ

**Catchwords:**

Corporations – Trustee corporations – *Corporations Act 2001* (Cth) s 433(2) – Where creditors resolved to wind up corporate trustee –

Where receivers sought directions – Where primary judge held receivers justified in proceeding on basis receivership surplus properly characterised as trust property and s 433 did not apply to surplus – Where Court of Appeal allowed appeal – Whether Court of Appeal erred in concluding “property of the company” in s 433(2) included not only trustee’s right of indemnity but also underlying trust assets to which trustee company could have recourse – Whether Court of Appeal erred in concluding corporate trustee’s right of indemnity from trust assets was “property comprised in or subject to a circulating security interest” for purposes of s 433(2).

**Appealed from VSC (CA):** [\[2018\] VSCA 41](#); (2018) 54 VR 230; (2018) 354 ALR 789; (2018) 124 ACSR 246; (2018) 330 FLR 149

[Return to Top](#)

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## Interpretation

*Victorian Building Authority v Andriotis*

**M134/2018:** [\[2019\] HCATrans 8](#)

**Date heard:** 12 February 2019

**Coram:** Kiefel CJ, Bell, Gageler, Keane, Nettle, Gordon and Edelman JJ

### Catchwords:

Interpretation – *Mutual Recognition Act 1999* (Cth) s 17, 20 – Where respondent registered in New South Wales as waterproofing technician – Where respondent applied to appellant for registration under *Building Act 1993* (Vic) – Where appellant refused to grant registration because respondent not of “good character” as required by s 170(1)(c) of *Building Act* – Where Administrative Appeals Tribunal affirmed decision – Where Full Federal Court allowed appeal – Whether Full Federal Court erred in holding appellant required by s 20(2) to register respondent for equivalent occupation under *Building Act* notwithstanding appellant found respondent not of good character – Whether Full Federal Court erred in holding exception to mutual recognition principle in s 17(2) of *Mutual Recognition Act* does not quality “entitlement” to be registered under s 20(1) – Whether Full Court erred in holding “good character” requirement in *Building Act* not law regulating “manner” of carrying out occupation within meaning of s 17(2) of *Mutual Recognition Act*.

**Appealed from FCA (FC):** [\[2018\] FCAFC 24](#); (2018) 359 ALR 427; (2018) 161 ALD 258

[Return to Top](#)

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## Native Title

*KN (deceased) and Others on behalf of the Tjiwarl and Tjiwarl #2 v State of Western Australia & Ors*

**P38/2018:** [\[2018\] HCATrans 233](#)

**Date heard:** 8 November 2018

**Coram:** Kiefel CJ, Bell, Gageler, Keane, Nettle, Gordon and Edelman JJ

**Catchwords:**

Native title – Extinguishment – Exploration licence – *Native Title Act 1993* (Cth) s 47B – Where unallocated Crown land subject to exploration licence granted under *Mining Act 1978* (WA) – Where native title determination application filed in respect of land – Where primary judge concluded s 47B applied because exploration licence not “lease” within meaning of s 47B(1)(b)(i) – Where Federal Court allowed appeal – Whether Federal Court erred in concluding exploration licence is “lease” within meaning of s 47B(1)(b)(i).

**Appealed from FCA (FC):** [\[2018\] FCAFC 8](#); (2018) 351 ALR 491

[Return to Top](#)

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*Tjungarrayi & Ors v State of Western Australia & Ors*

**P37/2018:** [\[2018\] HCATrans 233](#)

**Date heard:** 8 November 2018

**Coram:** Kiefel CJ, Bell, Gageler, Keane, Nettle, Gordon and Edelman JJ

**Catchwords:**

Native title – Extinguishment – Petroleum exploration permits – *Native Title Act 1993* (Cth) s 47B – Where land subject to petroleum exploration permits granted under *Petroleum and Geothermal Energy Resources Act 1967* (WA) – Where native title determination application filed in respect of land – Where primary judge concluded s 47B applied because petroleum exploration permits not “leases” within meaning of s 47B(1)(b)(i) – Where Federal Court allowed appeal – Whether Federal Court erred in concluding petroleum exploration permits “leases” within meaning of s 47B(1)(b)(i).

**Appealed from FCA (FC):** [\[2018\] FCAFC 35](#); (2018) 359 ALR 256

[Return to Top](#)

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## Tort

*Parkes Shire Council v South West Helicopters Pty Limited*

**S140/2018:** [\[2018\] HCATrans 237](#)

**Date heard:** 14 November 2018

**Coram:** Kiefel CJ, Bell, Keane, Gordon and Edelman JJ

**Catchwords:**

Tort – Negligence – Psychiatric injury – Where Council engaged South West Helicopters to provide helicopter and pilot for aerial survey – Where Council employees died in helicopter crash – Where relatives brought proceedings in negligence for nervous shock against Council and South West Helicopters under *Compensation to Relatives Act 1897* (NSW) – Where primary judge upheld claim – Where majority of Court of Appeal allowed appeal on basis any liability South West Helicopters might have had under *Compensation to Relatives Act* or general law excluded by *Civil Aviation (Carriers' Liability) Act 1959* (Cth) – Whether majority of Court of Appeal erred in construction of s 35 of *Civil Aviation (Carriers' Liability) Act* – Whether majority of Court of Appeal erred in failing to conclude claims against carriers brought by non-passengers following death of passenger not regulated by s 35.

**Appealed from NSW (CA):** [\[2017\] NSWCA 312](#); (2017) 356 ALR 63; (2017) 327 FLR 110

[Return to Top](#)

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## 4: ORIGINAL JURISDICTION

The following cases are ready for hearing in the original jurisdiction of the High Court of Australia.

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### Administrative Law

*Taylor v Attorney-General of the Commonwealth*

**[M36/2018](#)**: *Special Case*

**Catchwords:**

Administrative law – Judicial review – Where plaintiff lodged charge-sheet and summons at Magistrates’ Court against Aung Sun Suu Kyi (serving Foreign Minister of Myanmar) for a crime against humanity (deportation or forcible transfer of population) contrary to ss 268.11 and 268.115 of the *Criminal Code Act 1995* (Cth) – Where plaintiff sought defendant’s consent under s 268.121 of the *Criminal Code Act* to commence proceedings – Where consent refused – Whether the decision to refuse consent reviewable – Whether defendant misunderstood the law and committed jurisdictional error in refusing consent – Whether Aung Sun Suu Kyi immune from prosecution in Australia under customary international law – Whether defendant failed to afford plaintiff procedural fairness.

*Referred to Full Court on 8 March 2019*

[Return to Top](#)

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### Constitutional Law

*Glencore International AG & Ors v Commissioner of Taxation of the Commonwealth of Australia & Ors*

**[S256/2018](#)**: *Demurrer*

**Catchwords:**

Constitutional law – Constitution s 75(iii) – Where defendants obtained documents held by overseas law practice – Where plaintiffs claim documents created by law practice for sole or dominant purpose of providing legal advice to plaintiffs – Whether documents subject to legal professional privilege – Whether plaintiffs entitled to injunction under *Judiciary Act 1903* (Cth) s 31 or s 32 restraining defendants and any other officer of Australian Taxation Office from relying upon, referring to or making use of

documents – Whether common law of Australia confers on privilege holder actionable right to restrain use by third party of privileged communication – Whether defendants entitled and/or obliged to retain and use communications under *Income Tax Assessment Act 1936* (Cth) s 166.

*Referred to Full Court on 5 November 2018*

[Return to Top](#)

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## Migration Law

*Love v Commonwealth of Australia; Thoms v Commonwealth of Australia*

**[B43/2018](#); [B64/2018](#)**: *Special Case*

### Catchwords:

Migration law – Where Love born in Papua New Guinea to Australian father – Where Love identifies as descendant of the Kamilaroi tribe – Where Love has five Australian children – Where Love was sentenced for an offence of assault occasioning bodily harm against s 339 of the *Criminal Code 1899* (Qld) and sentenced to imprisonment of 12 months – Where Love’s Class BF Transitional (permanent) Visa cancelled under s 501(3A) of the *Migration Act 1958* (Cth) – Where Love detained under s 189 of *Migration Act 1958* (Cth) on suspicion of being an “unlawful non-citizen” – Where cancellation of Love’s visa revoked under s 501CA(4) of the *Migration Act* and Love released from immigration detention – Where Thoms born in New Zealand to Australian mother – Where Thoms identifies as member of Gunggari People – Where Thoms has one Australian child – Where Thoms sentenced to imprisonment of 18 months for assault occasioning bodily harm contrary to ss 339(1) and 47(9) of the *Criminal Code* – Where Thoms’ Subclass 444 Special Category (temporary) Visa cancelled under s 501(3A) of the *Migration Act* – Where Thom was and remains detained purportedly under s 189 of the *Migration Act* on suspicion of being an “unlawful non-citizen” – Whether each of Love and/or Thom an “alien” within the meaning of s 51(xix) of the *Constitution* (Cth).

*Referred to Full Court on 5 March 2019*

[Return to Top](#)

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## 5: SECTION 40 REMOVAL

The following cases are ready for hearing in the original jurisdiction of the High Court of Australia.

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[Return to Top](#)

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## 6: SPECIAL LEAVE GRANTED

The following cases have been granted special leave to appeal to the High Court of Australia.

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### Contract Law

*Mann & Anor v Paterson Constructions Pty Ltd*

**M197/2018:** [\[2018\] HCATrans 261](#)

**Date heard:** 14 December 2018 – *Special leave granted.*

**Catchwords:**

Contracts – Termination – Repudiation – Where appellants and respondent entered into building contract – Where appellants purported to terminate on basis respondent repudiated – Where respondent then purported to terminate on basis appellants' conduct constituted repudiation – Where Victorian Civil and Administrative Tribunal upheld claim by respondent for quantum meruit in amount exceeding contract price – Where Supreme Court and Court of Appeal dismissed appeals – Whether Court of Appeal erred in holding respondent entitled to sue on quantum meruit for works carried out – Whether Court of Appeal erred in holding contract price did not operate as ceiling on amount claimable – Whether Court of Appeal erred in concluding respondent able to recover for variations to works because s 38 of *Domestic Building Contracts Act 1995* (Vic) did not apply to quantum meruit claim.

**Appealed from VSC (CA):** [\[2018\] VSCA 231](#)

[Return to Top](#)

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### Corporations Law

*Connective Services Pty Ltd & Anor v Slea Pty Ltd & Ors*

**M203/2018:** [\[2018\] HCATrans 263](#)

**Date heard:** 14 December 2018 – *Special leave granted.*

**Catchwords:**

Corporations – Financial assistance to acquire shares – *Corporations Act 2001* (Cth) s 260A – Where appellants' constitutions require member who wishes to transfer shares of particular class to first offer shares to existing holders of that class ("pre-emptive rights

provisions”) – Where appellants commenced proceeding alleging first and second respondents entered into agreement to avoid preemptive rights provisions – Where primary judge held proceeding not instituted in breach of s 260A – Where Court of Appeal allowed appeal – Whether Court of Appeal erred in holding appellants’ conduct capable of amounting to financial assistance to acquire shares within meaning of s 260A – Whether Court of Appeal erred in concluding open to primary judge to characterise appellants’ conduct as net transfer of value to appellants’ shareholders – Whether Court of Appeal erred in concluding open to primary judge to characterise conduct as capable of materially prejudicing interests of appellants and/or shareholders or creditors – Whether Court of Appeal erred in concluding financial assistance directed to enabling appellants’ shareholders to acquire shares.

**Appealed from VSC (CA):** [\[2018\] VSCA 180](#); (2018) 359 ALR 159

[Return to Top](#)

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## Costs

*Bell Lawyers Pty Ltd v Pentelow & Anor*  
**S352/2018:** [\[2018\] HCATrans 264](#)

**Date heard:** 14 December 2018 – *Special leave granted.*

### Catchwords:

Costs – *Chorley* exception – *London Scottish Benefit Society v Chorley* (1884) 13 QBD 872 – Where first respondent is barrister – Where first respondent commenced proceedings against appellant – Where Supreme Court entered judgment for first respondent and ordered appellant to pay first respondent’s costs – Where first respondent sought to recover costs for work performed by her in addition to costs and disbursements of solicitors and counsel – Where costs assessor and review panel disallowed costs for work performed by first respondent – Where Court of Appeal allowed appeal – Whether Court of Appeal erred in concluding first respondent entitled to recover costs for time spent in conduct of proceedings – Whether Court of Appeal erred in concluding *Chorley* exception applied in circumstances where first respondent had retained solicitors and counsel – Whether Court of Appeal erred in determining s 98 of *Civil Procedure Act 2005* (NSW) permitted application of *Chorley* exception.

**Appealed from NSWSC (CA):** [\[2018\] NSWCA 150](#)

[Return to Top](#)

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*The Northern Territory of Australia v Sangare*

**D11/2018:** [\[2018\] HCATrans 254](#)

**Date determined:** 5 December 2018 – *Special leave granted.*

**Catchwords:**

Costs – Discretion to award costs – Impecuniosity – Where Department of Infrastructure offered employment to respondent – Where respondent sought support for skilled migration visa application from Minister for Infrastructure – Where Departmental officers provided briefing to Minister – Where respondent alleged briefing contained defamatory material fabricated by Department – Where respondent commenced proceedings seeking damages for publication of defamatory statements in briefing – Where Supreme Court dismissed claim – Where Court of Appeal dismissed respondent’s appeal – Where Court of Appeal declined to award appellant costs because respondent impecunious – Whether Court of Appeal erred in refusing to award costs because respondent unlikely to be able to pay any costs awarded against him.

**Appealed from NTSC (CA):** [\[2018\] NTCA 10](#)

[Return to Top](#)

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## Criminal Law

*Fennell v The Queen*

**B48/2018:** [\[2019\] HCATrans 58](#)

**Date heard:** 22 March 2019 – *Special leave granted on limited grounds.*

**Catchwords:**

Criminal law – Where appellant convicted by jury of murder and sentenced to life imprisonment – Where appellant contended on appeal that there was reasonable hypothesis consistent with innocence open on evidence – Whether Court of Appeal erred in failing to find that the verdict was unreasonable or could not be supported having regard to evidence, in part because it made significant errors of fact.

**Appealed from QSC (CA):** [\[2017\] QCA 154](#)

[Return to Top](#)

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*Lordianto & Anor v Commissioner of the Australian Federal Police; Kalimuthu & Anor v Commissioner of the Australian Federal Police*  
**S266/2018; P58/2018:** [\[2019\] HCATrans 54](#)

**Date heard:** 22 March 2019 – *Special leave granted.*

**Catchwords:**

Criminal law – Proceeds of crime – Where large number of deposits were made into bank accounts in amounts of less than \$10,000 – Whether each Court of Appeal misconstrued “third party” in s 330(4)(a) of the *Proceeds of Crime Act 2002* (Cth) to exclude person who acquires property at time it becomes proceeds or an instrument of an offence – Whether each Court of Appeal wrongly interpreted term “sufficient consideration” in ss 330(4)(a) and 338 as requiring connection between third party acquirer of property and person from whom property passed – Whether each Court of Appeal erred in interpreting and applying “circumstances that would not arouse a reasonable suspicion, that the property was proceeds of an offence or an instrument of an offence” in s 330(4)(a).

**S266/2018 Appealed from NSWSC (CA):** [\[2018\] NSWCA 199](#)  
**P58/2018 Appealed from WASC (CA):** [\[2018\] WASCA 192](#)

[Return to Top](#)

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*The Queen v A2; The Queen v Magennis; The Queen v Vaziri*  
**S43/2019; S44/2019; S45/2019:** [\[2019\] HCATrans 16](#)

**Date heard:** 15 February 2019 – *Special leave granted.*

**Catchwords:**

Criminal law – Female genital mutilation – Where A2 and Magennis had been convicted of offences of female genital mutilation contrary to s 45(1)(a), *Crimes Act 1990* (NSW) – Where Vaziri had been convicted of being an accessory to those offences – Where, on appeal, the Court of Criminal Appeal of New South Wales (CCA) entered verdicts of acquittal for A2, Magennis and Vaziri – Whether the CCA erred in construing the words “otherwise mutilates” and “clitoris” in s 45(1)(a) of the *Crimes Act* – Whether “otherwise mutilates” extends to include any injury and/or damage to another person’s clitoris in s 45(1)(a) of the *Crimes Act* – Whether “clitoris” includes the clitoral hood or prepuce in s 45(1)(a) of the *Crimes Act*.

**Appealed from NSWSC (CCA):** [\[2018\] NSWCCA 174](#)

[Return to Top](#)

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## Family Law

*Masson v Parsons & Ors*

**S6/2019:** [\[2018\] HCATrans 265](#)

**Date heard:** 14 December 2018 – *Special leave granted.*

**Catchwords:**

Family law – Parentage – Artificial insemination – Where appellant and first respondent conceived child using artificial insemination – Where appellant listed on child’s birth certificate as father – Where primary judge found appellant was “parent” for purpose of *Family Law Act 1975* (Cth) because provided genetic material for purpose of fathering child he expected to parent – Where Full Court allowed appeal on basis s 79 of *Judiciary Act 1903* (Cth) picked up s 14(2) of *Status of Children Act 1996* (NSW) which operated to determine appellant not “parent” – Whether Full Court erred in concluding s 14(2) of *Status of Children Act* operated to determine appellant not “parent” for purpose of *Family Law Act* – Whether Full Court erred in concluding s 60H of *Family Law Act* exhaustively defines parents of child for purpose of *Family Law Act*.

**Appealed from FamCA (FC):** [\[2018\] FamCAFC 115](#); (2018) 334 FLR 381

[Return to Top](#)

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## Insurance Law

*Lee v Lee & Ors; Hsu v RACQ Insurance Limited; Lee v RACQ Insurance Limited*

**B61/2018; B62/2018; B63/2018:** [\[2018\] HCATrans 241](#)

**Date heard:** 16 November 2018 – *Special leave granted.*

**Catchwords:**

Insurance law – Motor vehicles – Personal injury – Where appellant injured in motor vehicle collision – Where appellant alleged injuries caused by negligence of father – Where appellant gave evidence father driving vehicle at time of collision – Where appellant’s blood located on driver airbag – Where pathologist gave evidence relating to possible source of blood – Where mechanical engineer gave evidence relating to seatbelts and airbag design – Where trial judge concluded appellant driving vehicle – Where Court of Appeal dismissed appeal – Whether Court of Appeal failed to give adequate

reasons by failing to address aspects of mechanical engineer's evidence and inferences arising from evidence – Whether Court of Appeal erred by failing to conclude trial judge misused advantage as trial judge – Whether finding appellant was driver contrary to compelling inferences from uncontroverted evidence.

**Appealed from QSC (CA):** [\[2018\] QCA 104](#); (2018) 84 MVR 316

[Return to Top](#)

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## Migration Law

*BVD17 v Minister for Immigration and Border Protection & Anor*  
**S46/2019:** [\[2019\] HCATrans 13](#)

**Date heard: 15 February 2019** – *Special leave granted.*

### Catchwords:

Migration law – Procedural fairness – Where certificate issued under s 473GB of *Migration Act 1958* (Cth) – Where failure to disclose the fact of certification and appellant unaware of certificate – Whether Immigration Assessment Authority denied procedural fairness by not disclosing that part of the review material included material subject of certificate – Whether Immigration Assessment Authority failed to consider exercising discretion to disclose information – Whether Immigration Assessment Authority acted legally unreasonable in circumstances.

**Appealed from FCA (FC):** [\[2018\] FCAFC 114](#)

[Return to Top](#)

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## Procedure

*Brisbane City Council v Amos*  
**B47/2018:** [\[2018\] HCATrans 186](#)

**Date heard:** 14 September 2018 – *Special leave granted.*

### Catchwords:

Procedure – Limitation periods – *Limitation of Actions Act 1974* (Qld) – Where Council commenced proceeding against respondent for overdue rates and charges – Where primary judge gave judgment for Council – Where majority of Court of Appeal allowed appeal on basis part of claim beyond 6 year limitation period in s

10(1)(d) of Act – Whether majority erred in holding proceeding falls within both ss 10(1)(d) and 26(1) of Act and inconsistency should be resolved by applying shorter limitation period in s 10(1)(d).

**Appealed from QSC (CA):** [\[2018\] QCA 11](#); (2018) 230 LGERA 51

[Return to Top](#)

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## Taxation

*Commissioner of Taxation of the Commonwealth of Australia v Sharpcan Pty Ltd*

**M163/2018:** [\[2019\] HCATrans 48](#)

**Date heard:** 20 March 2019 – *Special leave granted.*

### Catchwords:

Taxation – Where Administrative Appeals Tribunal held that outgoing of \$600,300 incurred by the trustee of the Daylesford Royal Hotel Trust in the year ended 30 June 2010 for acquisition of 18 gaming machine entitlements under *Gambling Regulation Act 2003* (Vic) was on revenue account and therefore deductible under s 8-1 of the *Income Tax Assessment Act 1997* (Cth) – Whether Full Court (by majority) erred in upholding the decision of Tribunal instead of finding that outgoing was “of capital, or of a capital nature” – Whether Full Court erred in holding that if it was outgoing of capital or of a capital nature, it was expenditure to which s 40-880(6) of *Income Tax Assessment Act* applied and accordingly a deduction was allowable to trustee in respect of expenditure under s 40-880(2).

**Appealed from FCA (FC):** [\[2018\] FCAFC 163](#); (2018) 362 ALR 123

[Return to Top](#)

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# 7: CASES NOT PROCEEDING OR VACATED

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[Return to Top](#)

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## 8: SPECIAL LEAVE REFUSED

### Publication of Reasons: 13 March 2019

<i>No.</i>	<i>Applicant</i>	<i>Respondent</i>	<i>Court appealed from</i>	<i>Result</i>
1.	DAY16	Minister for Immigration and Border Protection & Anor (A37/2018)	Federal Court of Australia [2018] FCA 1750	Application Dismissed <a href="#">[2019] HCASL 26</a>
2.	Coleman	The Director of Public Prosecutions (M175/2018)	Supreme Court of Victoria (Court of Appeal) [2018] VSCA 264	Application Dismissed <a href="#">[2019] HCASL 27</a>
3.	BEU16	Minister for Immigration and Border Protection & Anor (M189/2018)	Federal Court of Australia [2018] FCA 1416	Application Dismissed <a href="#">[2019] HCASL 28</a>
4.	CJR17	Minister for Immigration and Border Protection & Anor (P59/2018)	Federal Court of Australia [2018] FCA 1627	Application Dismissed <a href="#">[2019] HCASL 29</a>
5.	Zaghloul	Woodside Energy Ltd & Ors (P65/2018)	Supreme Court of Western Australia (Court of Appeal) [2018] WASCA 191	Application Dismissed <a href="#">[2019] HCASL 30</a>
6.	CFX17	Minister for Immigration and Border Protection & Anor (S302/2018)	Federal Court of Australia [2018] FCA 1845	Application Dismissed <a href="#">[2019] HCASL 31</a>
7.	BML16	Minister for Home Affairs & Anor (S306/2018)	Federal Court of Australia [2018] FCA 1791	Application Dismissed <a href="#">[2019] HCASL 32</a>
8.	DVB16	Minister for Immigration and Border Protection & Anor (S314/2018)	Federal Court of Australia [2018] FCA 1682	Application Dismissed <a href="#">[2019] HCASL 33</a>
9.	SZVIP	Minister for Immigration and Border Protection & Anor (S318/2018)	Federal Court of Australia [2018] FCA 1730	Application Dismissed <a href="#">[2019] HCASL 34</a>
10.	SZWBS	Minister for Immigration and Border Protection & Anor (S320/2018)	Federal Court of Australia [2018] FCA 1779	Application Dismissed <a href="#">[2019] HCASL 35</a>
11.	FQH17	Minister for Immigration and Border Protection & Anor (S328/2018)	Federal Court of Australia [2018] FCA 1771	Application Dismissed <a href="#">[2019] HCASL 36</a>
12.	BDY16	Minister for Immigration, Citizenship and Multicultural Affairs & Anor (S332/2018)	Federal Court of Australia [2018] FCA 1881	Application Dismissed <a href="#">[2019] HCASL 37</a>
13.	DSD16	Minister for Immigration and Border Protection & Anor (S340/2018)	Federal Court of Australia [2018] FCA 1782	Application Dismissed <a href="#">[2019] HCASL 38</a>

## 8: Special Leave Refused

<i>No.</i>	<i>Applicant</i>	<i>Respondent</i>	<i>Court appealed from</i>	<i>Result</i>
14.	Foong	Ghaly (S341/2018)	Supreme Court of New South Wales (Court of Appeal) [2018] NSWCA 280	Applications Dismissed <a href="#">[2019] HCASL 39</a>
	Foong	Ghaly (S342/2018)	Supreme Court of New South Wales (Court of Appeal) [2018] NSWCA 280	
	Foong	Ghaly (S343/2018)	Supreme Court of New South Wales (Court of Appeal) [2018] NSWCA 280	
	Foong	McLellan (S344/2018)	Supreme Court of New South Wales (Court of Appeal) [2018] NSWCA 280	
	Foong	McLellan (S345/2018)	Supreme Court of New South Wales (Court of Appeal) [2018] NSWCA 280	
	Foong	McLellan (S346/2018)	Supreme Court of New South Wales (Court of Appeal) [2018] NSWCA 280	
15.	ANC18	Minister for Home Affairs & Anor (S356/2018)	Federal Court of Australia [2018] FCA 1878	Application Dismissed <a href="#">[2019] HCASL 40</a>
16.	AAY18	Minister for Home Affairs & Anor (S358/2018)	Federal Court of Australia [2018] FCA 1844	Application Dismissed <a href="#">[2019] HCASL 41</a>
17.	Suppiah	The Queen (A34/2018)	Supreme Court of South Australia (Court of Criminal Appeal) [2018] SASFC 11	Application Dismissed <a href="#">[2019] HCASL 42</a>
18.	Mineralogy Pty Ltd	BGP Geexplorer Pte Ltd (B53/2018)	Supreme Court of Queensland (Court of Appeal) [2018] QCA 256	Application Dismissed with costs <a href="#">[2019] HCASL 43</a>
19.	MSD Securities Pty Ltd & Ors	MFB Properties (NQ) Pty Ltd & Ors (B55/2018)	Supreme Court of Queensland (Court of Appeal) [2018] QCA 259	Application Dismissed with costs <a href="#">[2019] HCASL 44</a>
20.	Paul	Southern Cross Care (Tasmania) Incorporated (H5/2018)	Full Court of the Supreme Court of Tasmania [2018] TASFC 9	Applications Dismissed with costs <a href="#">[2019] HCASL 45</a>
	Gill	Southern Cross Care (Tasmania) Incorporated (H6/2018)	Full Court of the Supreme Court of Tasmania [2018] TASFC 9	
	Arnold	Southern Cross Care (Tasmania) Incorporated (H7/2018)	Full Court of the Supreme Court of Tasmania [2018] TASFC 9	

<i>No.</i>	<i>Applicant</i>	<i>Respondent</i>	<i>Court appealed from</i>	<i>Result</i>
	Arnold	Southern Cross Care (Tasmania) Incorporated (H8/2018)	Full Court of the Supreme Court of Tasmania [2018] TASFC 9	
	Heath	Southern Cross Care (Tasmania) Incorporated (H9/2018)	Full Court of the Supreme Court of Tasmania [2018] TASFC 9	
21.	Singh	Minister for Immigration and Border Protection & Anor (M153/2018)	Federal Court of Australia [2018] FCA 1392	Application Dismissed with costs <a href="#">[2019] HCASL 46</a>
22.	Ram	Minister for Immigration and Border Protection (S206/2018)	Federal Court of Australia [2018] FCA 1068	Application Dismissed with costs <a href="#">[2019] HCASL 47</a>
23.	EDF17	Minister for Immigration and Border Protection & Anor (S277/2018)	Federal Court of Australia [2018] FCA 1528	Application Dismissed with costs <a href="#">[2019] HCASL 48</a>
24.	Asbestos Injuries Compensation Fund Limited as Trustee for the Asbestos Injuries Compensation Fund	Talifero (S282/2018)	Supreme Court of New South Wales (Court of Appeal) [2018] NSWCA 227	Application Dismissed with costs <a href="#">[2019] HCASL 49</a>
25.	In the matter of an application by Land Enviro Corp Pty Ltd for leave to appeal (S324/2018)		High Court of Australia	Application Dismissed <a href="#">[2019] HCASL 50</a>

[Return to Top](#)

## Publication of Reasons: 20 March 2019

<i>No.</i>	<i>Applicant</i>	<i>Respondent</i>	<i>Court appealed from</i>	<i>Result</i>
1.	Towle	Secretary, Department of Social Services (A35/2018)	Full Court of the Federal Court of Australia [2018] FCAFC 171	Application Dismissed <a href="#">[2019] HCASL 51</a>
2.	Ashraf	Minister for Immigration and Border Protection & Anor (M180/2018)	Federal Court of Australia [2018] FCA 1825	Application Dismissed <a href="#">[2019] HCASL 52</a>
3.	In the matter of an application by Cindy Anne Taylor for leave to appeal (M181/2018)		High Court of Australia [2018] HCATrans 235	Application Dismissed <a href="#">[2019] HCASL 53</a>
4.	BXY16	Minister for Immigration and Border Protection & Anor (M182/2018)	Federal Court of Australia [2018] FCA 1778	Application Dismissed <a href="#">[2019] HCASL 54</a>
5.	DDG16	Minister for Immigration and Border Protection & Anor (M193/2018)	Federal Court of Australia [2018] FCA 1874	Application Dismissed <a href="#">[2019] HCASL 55</a>
6.	CNU16	Minister for Home Affairs & Anor (S305/2018)	Federal Court of Australia [2018] FCA 1662	Application Dismissed <a href="#">[2019] HCASL 56</a>
7.	DBY16	Minister for Immigration and Border Protection & Anor (S308/2018)	Federal Court of Australia [2018] FCA 1183	Application Dismissed <a href="#">[2019] HCASL 57</a>
8.	BGV15 & Ors	Minister for Home Affairs & Anor (S317/2018)	Federal Court of Australia [2018] FCA 1753	Application Dismissed <a href="#">[2019] HCASL 58</a>
9.	ARY16	Minister for Immigration and Border Protection & Anor (S319/2018)	Federal Court of Australia [2018] FCA 1768	Application Dismissed <a href="#">[2019] HCASL 59</a>
10.	BAQ16	Minister for Home Affairs & Anor (S325/2018)	Federal Court of Australia [2018] FCA 1772	Application Dismissed <a href="#">[2019] HCASL 60</a>
11.	CZT17	Minister for Home Affairs & Anor (S335/2018)	Federal Court of Australia [2018] FCA 1817	Application Dismissed <a href="#">[2019] HCASL 61</a>
12.	DTS16	Minister for Immigration and Border Protection & Anor (S337/2018)	Federal Court of Australia [2018] FCA 1845	Application Dismissed <a href="#">[2019] HCASL 62</a>
13.	Singh	Minister for Home Affairs & Anor (S338/2018)	Federal Court of Australia [2018] FCA 1835	Application Dismissed <a href="#">[2019] HCASL 63</a>
14.	Conomy	Maden (P3/2019)	Supreme Court of Western Australia (Court of Appeal) [2016] WASCA 30	Application Dismissed <a href="#">[2019] HCATrans 49</a> <a href="#">[2019] HCATrans 41</a>
15.	Conomy	Maden (P11/2019)	Supreme Court of Western Australia (Court of Appeal) [2016] WASCA 30	Application Dismissed <a href="#">[2019] HCATrans 49</a> <a href="#">[2019] HCATrans 41</a>
16.	AKT16	Minister for Home Affairs & Anor (M178/2018)	Federal Court of Australia [2018] FCA 1565	Application Dismissed <a href="#">[2019] HCASL 64</a>

## 8: Special Leave Refused

<i>No.</i>	<i>Applicant</i>	<i>Respondent</i>	<i>Court appealed from</i>	<i>Result</i>
17.	Singh	Minister for Immigration and Border Protection & Anor (M191/2018)	Federal Court of Australia [2018] FCA 1927	Application Dismissed <a href="#">[2019] HCASL 65</a>
18.	Santos	State of Western Australia (P55/2018)	Supreme Court of Western Australia (Court of Appeal) [2018] WASCA 164	Application Dismissed <a href="#">[2019] HCASL 66</a>
19.	Kilkenny	Kilkenny & Ors (P66/2018)	Supreme Court of Western Australia (Court of Appeal) [2018] WASCA 197	Application Dismissed <a href="#">[2019] HCASL 67</a>
20.	AKR17	Minister for Immigration and Border Protection & Anor (S303/2018)	Federal Court of Australia [2018] FCA 1684	Application Dismissed <a href="#">[2019] HCASL 68</a>
21.	Plaintiff S277/2017	Minister for Immigration and Border Protection & Ors (S309/2018)	High Court of Australia [2018] HCATrans 163	Application Dismissed <a href="#">[2019] HCASL 69</a>
22.	DYT16	Minister for Immigration and Border Protection & Anor (S312/2018)	Federal Court of Australia [2018] FCA 1808	Application Dismissed <a href="#">[2019] HCASL 70</a>
23.	AZO16	Minister for Home Affairs & Anor (S315/2018)	Federal Court of Australia [2018] FCA 1676	Application Dismissed <a href="#">[2019] HCASL 71</a>
24.	Griffiths	Minister for Immigration and Border Protection (S316/2018)	Federal Court of Australia [2018] FCA 629	Application Dismissed <a href="#">[2019] HCASL 72</a>
25.	EBC17	Minister for Immigration and Border Protection & Anor (S326/2018)	Federal Court of Australia [2018] FCA 1836	Application Dismissed <a href="#">[2019] HCASL 73</a>
26.	ANC16	Minister for Immigration and Border Protection & Anor (S329/2018)	Federal Court of Australia [2018] FCA 1831	Application Dismissed <a href="#">[2019] HCASL 74</a>
27.	EQS17	Minister for Home Affairs & Anor (S333/2018)	Federal Court of Australia [2018] FCA 1833	Application Dismissed <a href="#">[2019] HCASL 75</a>
28.	CPW15 & Anor	Minister for Immigration and Border Protection & Anor (S339/2018)	Federal Court of Australia [2018] FCA 1919	Application Dismissed <a href="#">[2019] HCASL 76</a>
29.	AOJ18	Minister for Home Affairs & Anor (S347/2018)	Full Court of the Federal Court of Australia [2018] FCAFC 220	Application Dismissed <a href="#">[2019] HCASL 77</a>
30.	AQP16	Minister for Immigration and Border Protection & Anor (S348/2018)	Federal Court of Australia [2018] FCA 1880	Application Dismissed <a href="#">[2019] HCASL 78</a>
31.	EYU17	Minister for Home Affairs & Anor (S349/2018)	Federal Court of Australia [2018] FCA 1837	Application Dismissed <a href="#">[2019] HCASL 79</a>
32.	He	Minister for Immigration and Border Protection & Anor (S353/2018)	Federal Court of Australia [2018] FCA 1846	Application Dismissed <a href="#">[2019] HCASL 80</a>

<i>No.</i>	<i>Applicant</i>	<i>Respondent</i>	<i>Court appealed from</i>	<i>Result</i>
33.	Bilawal	Minister for Immigration, Citizenship and Multicultural Affairs & Anor (S357/2018)	Federal Court of Australia [2018] FCA 1920	Application Dismissed <a href="#">[2019] HCASL 81</a>
34.	The Mount Isa Irish Assoc Friendly Society Ltd	Mount Isa City Council (B51/2018)	Supreme Court of Queensland (Court of Appeal) [2018] QCA 222	Application Dismissed with costs <a href="#">[2019] HCASL 82</a>
35.	Linfox Australia Pty Ltd	O'Loughlin (M169/2018)	Full Court of the Federal Court of Australia [2018] FCAFC 173	Application Dismissed with costs <a href="#">[2019] HCASL 83</a>
36.	Egan	Minister for Immigration and Border Protection (S279/2018)	Full Court of the Federal Court of Australia [2018] FCAFC 169	Application Dismissed with costs <a href="#">[2019] HCASL 84</a>
37.	Whoooten	Frost (Deceased) (M158/2018)	Full Court of the Family Court of Australia	Application Dismissed with costs <a href="#">[2019] HCASL 85</a>
38.	Snowy Monaro Regional Council	Tropic Asphalts Pty Ltd (S272/2018)	Supreme Court of New South Wales (Court of Criminal Appeal) [2018] NSWCCA 202	Application Dismissed with costs <a href="#">[2019] HCASL 86</a>
39.	Satyam Computer Services Limited (Now an Amalgamated Entity named Tech Mahindra Limited)	Commissioner of Taxation (S285/2018)	Full Court of the Federal Court of Australia [2018] FCAFC 172	Applications Dismissed with costs <a href="#">[2019] HCASL 87</a>
	Satyam Computer Services Limited (Now an Amalgamated Entity named Tech Mahindra Limited)	Commissioner of Taxation (S286/2018)	Full Court of the Federal Court of Australia [2018] FCAFC 172	
	Satyam Computer Services Limited (Now an Amalgamated Entity named Tech Mahindra Limited)	Commissioner of Taxation (S287/2018)	Full Court of the Federal Court of Australia [2018] FCAFC 172	
40.	Crickitt	The Queen (S292/2018)	Supreme Court of New South Wales (Court of Criminal Appeal) [2018] NSWCCA 240	Application Dismissed <a href="#">[2019] HCASL 88</a>
41.	Gresham Property Investments Limited	Global Consulting Services Pty Limited & Ors (S311/2018)	Supreme Court of New South Wales (Court of Appeal) [2018] NSWCA 255	Application Dismissed with costs <a href="#">[2019] HCASL 89</a>

[Return to Top](#)

## 22 March 2019: Sydney

<i>No.</i>	<i>Applicant</i>	<i>Respondent</i>	<i>Court appealed from</i>	<i>Results</i>
1.	Hills Central Pty Ltd	Anthony Gerard Hagerty as Executor of the Estate of the late Gladys Delores Hagerty & Anor (S267/2018)	Supreme Court of New South Wales (Court of Appeal) [2018] NSWCA 200	Application dismissed with costs <a href="#">[2019] HCATrans 53</a>
2.	Attorney General for New South Wales	XX (S268/2018)	Supreme Court of New South Wales (Court of Criminal Appeal) [2018] NSWCCA 198	Application dismissed <a href="#">[2019] HCATrans 52</a>

[Return to Top](#)



## 22 March 2019: Melbourne

<i>No.</i>	<i>Applicant</i>	<i>Respondent</i>	<i>Court appealed from</i>	<i>Results</i>
1.	Bodycorp Repairers Pty Ltd	Oakley Thompson & Co Pty Ltd (M144/2018)	Supreme Court of Victoria (Court of Appeal) [2018] VSCA 203	Application dismissed with costs <a href="#">[2019] HCATrans 55</a>
2.	Living and Leisure Australia Ltd	Commissioner of State Revenue (M157/2018)	Supreme Court of Victoria (Court of Appeal) [2018] VSCA 237	Application dismissed with costs <a href="#">[2019] HCATrans 56</a>
3.	Broadspectrum (Australia) Pty Ltd	United Voice & Ors (P49/2018)	Full Court of the Federal Court of Australia [2018] FCAFC 139	Application dismissed with costs <a href="#">[2019] HCATrans 57</a>

[Return to Top](#)