

**VID52 of 2008 et al**  
**Appellant's List of Authorities**

**PART A**

**Australian Cases**

*Abbotto v Australian Electoral Commission BC9702180*

*\*\*Anissa Pty Ltd v Parsons (1999) BC9907429 Cummins J*

*Attorney-General For Australia v Commonwealth of Australia (1975) 7 ALR 593*

*\*\*Australian Electoral Commission v Albert Langer, Supreme Court of Victoria No 4287 of 1996,*

- *Beach J, 8 February 1996*
- *Beach J, 14 February 1996*
- *Teague J, 1 October 2004 (see exhibit AD10 pp437-439)*
- *Tracey J (FCA), 11:56am to 12:34pm 5 March 2008 – transcript and reasons for refusal of ministerial duty to determine hearing of Habeas Corpus Application by Arthur Dent (see exhibit AD10 pp591-603, 625-626)*
- *Smith J, 5 later on same afternoon, 5 March 2008 - transcript of whatever it was - preceding unconditional discharge of prisoner without being called on to answer any allegations and subsequent service of sealed order giving Arthur Dent 30 days in which to discharge some unspecified contempt that has never been charged tried or found.*

*\*\*Australian Electoral Commission v Harold van Moorst and Albert Langer, VSC No 2335 of 1987*

- *BC8700558 Murphy J 26 June 1987*

- *Vincent J*, 2 July 1987
- *Murray J*, 6 July 1987

*Australian Securities and Investments Commission v Donald* [2003] FCAFC 318; (2003) 136 FCR 7.

*Beaudesert Shire Council v Smith* (1966) 120 CLR 145.

\**Bridge v Bowen* [1916] HCA 38; (1916) 21 CLR 582

*Burnie Port Authority v General Jones Pty Ltd* (1994) 179 CLR 520.

*Cornelius v Hackney London Borough Council* [2003] LGR 178, CA.

*Donald Kenneth Ditchburn v Divisional returning Officer For Herbet* [1999] HCA 41, (1999) 165 ALR 151.

\**Dunlop v Woollahra Municipal Council* [1981] 1 NSWLR 76.

*Dunlop v Woollahra Municipal Council* [1982] A.C. 158.

*Earl Cowley v Countess Cowley* [1958] HCA 31.

\**Farrington v Thomson* [1959] VR 286.

*Horn v Australian Electoral Commission* (2007) 243 ALR 190

*Horn v Australian Electoral Commission* [2006] FCA 1778

*Horn v Australian Electoral Commission* [2008] FCA 43

\**James v Commonwealth* (1939) 62 CLR 339.

*Kelly v Campbell* [2002] FCA 1125

*Kitano v The Commonwealth* (1975) 132 CLR 231.

\**Langer v The Commonwealth of Australia* [1995] HCA 52; (1996) 186 CLR 302.

\**Langer v AEC VG 96 of 1996. Black CJ, Lockhart and Beaumont JJ* – 14 February, 1 March and 7 March 1996.

*Little v Law Institute of Victoria* (No 3)

*McKinnon v Secretary, Department of Treasury* [2006] HCA 45; (2006) 228 CLR 423.

*McClure v The Australian Electoral Commission* [1999] HCA 31, (1999) 163 ALR 734.

*McKenzie v Commonwealth of Australia* (1984) 57 ALR 747

*Muldowney v Australian Electoral Commission* (1993) 114 ALR 513.  
*Mulholland v Australian Electoral Commission* (2004) 209 ALR 582, [2004] HCA 41

\* *Northern Territory of Australia and Others v Mengel and Others* (1995) 185 CLR 307; [1994] HCA 37.

*Pemberton v Attorney-General (Tas)* [1978] Tas SR 1.

*Re Berrill's Petition* [1976] HCA 50; (1976) 134 CLR 470.

\**Re Brennan; Ex Parte Muldowney* [1993] HCA 53; (1993) 116 ALR.

\*\**Re Freemanjuana v Australian Electoral Officer for Queensland* (2001) 67 ALD 101.

*Re Langer and Telstra Corporation Limited* [2002] AATA 341.

\*\**Re Tonite v Australian Electoral Officer for Queensland* (2002) 70 ALD 389

\**Roach v Electoral Commissioner* [2007] HCA 13

*Rowan v Cornwall* (No 5) (2002) 82 SASR 152.

\**Sanders v Snell* (1998) 196 CLR 329.

*Snowdon v Dondas and Anor* (1996) 139 ALR 475

*Sue v Hill* [1999] HCA 30; 199 CLR 462.

*Sykes v Philip Ronald Cleary* [No. 2] BC9202696

*Tampion v Anderson* [1973] VR 715.

*Thompson v The Council of the Municipality of Randwick* (1953) 90 CLR 449.

*Woods v Sullivan* (1993) 30 NSWLR 586

*Woods v Sullivan; Deahm v Sullivan* -BC9304092

## **Other Cases**

*A v Secretary of State for the Home Department (No 2)* [2005] 1249 AC 532.

*Appleton v Garrett* [1997] 8 Med LR 75.

*Ashby v White* (1703) 3 Ld Raym 320, 92 ER 710; (1703) 2 Ld Raym 938, 92 ER 126; rvsd (1704) 1 Bro Parl Cas 62, HL.

*Attorney General's Reference (No 3 of 2003)* [2004] EWCA Crim 868, [2005].

*Bank of England (No 3)* [2003] 2 AC 1.

*Barlow v Bateman* (1730) 3 P Wms 65.

*Bassett v Godschall* (1770) 3 Wils KB 121, 95 ER 967.

*Black v NorthBritish Railway Co*, 1908 SC 444.

*Black v NorthBritish Railway Co*, 1908 SC 444.

*Bourgoin S.A. and Others v Ministry of Agriculture, Fisheries and Food* [1986] Q.B. 716.

*Bourgoin SA v Ministry of Agriculture, Fisheries and Food* [1986] QB 716.

*Brasyer v Maclean* (1875) LR 6 PC 398..

*Broome v Cassell & Co Ltd* [1972] AC 1027.

*Calveley v Chief Constable of the Merseyside Police* [1989] AC 1228.

*Campbell v United Smith New Court Securities Ltd v Scrimgeour Vickers (Asset Management) Ltd* [1997] AC 254.

*Canadian Paraplegic Assn. v. Canada (Elections Canada)* (No. 2) 16 C.H.R.R. D/341.

*Carrington v Taylor* (1809) 11 East 571; (1809) 103 ER 1126.

*Company v McGregor, Gow and Co* (1892) 8 TLR 182; (1888) 21 QBD 544.

*Constantine v Imperial Hotels Ltd* [1944] KB 693.

*Cornelius v Hackney London Borough Council* [2003] LGR 178.

*Cullen v Morris* (1819) 2 Stark 577.

*D v East Berkshire Community Health NHS Trust* [2005] 2 AC 373.

*Dancer v Dancer* [1949] P 147.

*Davidson v Scottish Ministers* [2005] UKHL 74.

*Davis v Bromley Corporation* [1908] 1 KB 170.  
*Davy v Spelthorne Borough Council* [1984] AC 262.  
*Du Boulay v Du Boulay* [1869] 2 AC 430.  
*Earl of Shrewsbury's Case* (1610) 9 Co Rep 46b.  
*Elguzouli-Daf v Commissioner of Police of the Metropolis* [1995] 2 QB 335.  
*Fitzgerald v Firbank* [1897] 2 Ch 96, CA.  
*Garret v Taylor* (1620) Cro Jac 567; (1620) 79 ER 485.  
*Garrett v Attorney-General* [1997] 2 NZLR 332.  
*Gelen v Hall* (1857) 2 H & N 379; (1857) 157 ER 157.  
*Harman v Tappenden* (1801) 1 East 555.  
*Henly v Lyme Corporation* (1828) 2 Bing 91.  
*Henly v Mayor of Lyme* (1828) 130 ER 995; 5 Bing 91.  
*Holden v Chief Constable of Lancashire* [1987] QB 380.  
*Holford v Bailey* (1849) 13 QB 426.  
*Huckle v Money* (1763) 2 Wils 205.  
*Hunter v Canary Wharf Ltd* [1997] AC 655.  
*Insurance Corporation of British Columbia v Heerspink* [1982] 2 S. C. R. 145  
*Jones v Jones* [1916] 2 AC 481, HL(E).  
*Jones v Swansea City Council* [1990] 1 WLR 1453  
*Jones v Swansea City Council* [1990] 1 WLR 54.  
*Keeble v Hickeringill* (1706) Holt Eq 14 ; (1706) 90 ER 906; 11 East 574n..  
*Kingdom* (1992) 15 EHRR 137.  
*Kuddus v Chief Constable of Leicestershire* [2001] UKHL 29, [2002] 2 AC 122.  
*L (a child) v Reading Borough Council* [2001] 1 WLR 1575.  
*Leech v Deputy Governor of Parkhurst Prison* [1988] AC 533.  
*Leech v Secretary of State for Scotland* 1992 SC 89.  
*Lonrho Ltd v Shell Petroleum Co Ltd (No 2)* [1982] AC 173.  
*Lumley v Gye* (1853) 2 El & Bl 216; (1853) 118 ER 749.  
*Mackin v. New Brunswick (Minister of Finance)* [2000] S.C.C.A. No. 21.

*McGillivray v Kimber* (1916) 26 DLR 164.  
*Mediana, The* [1900] AC 113, HL(E).  
*Mortensen v Peters* (1906) 8 F (J) 93.

*Nairn v University of St Andrews* [1909] AC 147.  
*Neville v London "Express" Newspaper Ltd* [1919] AC 368.  
*New York Times Co v Sullivan* 376 U.S. 254 (1964).  
*Nicholls v Ely Beet Sugar Factory Ltd* [1936] Ch 343, CA.  
*O'Connor v Isaacs* [1956] 2 QB 288.  
*Odhavji Estate v Woodhouse* [2003] 3 SCR 263.  
*Owen and Smith (trading as Nuagin Car Service) v Reo Motors (Britain) Ltd* (1934) 151 LT 274, CA.  
*Quartz Hill Consolidated Gold Mining Co v Eyre* (1883) 11 QBD 674, CA.  
*R v Deputy Governor of Parkhurst Prison, Ex p Hague* [1992] 1 AC 58.  
*R (Daly) v Secretary of State for the Home Department* [2001] UKHL 26.  
*R (Greenfield) v Secretary of State for the Home Department* [2005] 1 WLR 673.  
*R v Cunningham* (1957) 2 AER 412  
*R v Deputy Governor of Parkhurst Prison Ex p Hague* [1992] 1 AC 58.  
*R v Home Secretary, Ex p Leech* [1994] QB 198.  
*R v Home Secretary, Ex p Simms* [2000] 2 AC 115.  
*R v Lord Chancellor Ex p Witham* [1998] QB 575.  
*R v Lord Chancellor Ex p Witham* [1998] QB 575.  
*R v Lord Chancellor, Ex p Witham* [1998] QB 575.  
*R v Mowatt* (1968) 1 QB 421:  
*R v Secretary of State for the Home Department Ex p Leech* [1994] QB 198.  
*R v Secretary of State for the Home Department, Ex p Leech* [1994] QB 198.  
*R v Secretary of State for the Home Department, Ex p Pierson* [1998] AC 539.  
*R v Secretary of State for the Home Department, Ex p Simms* [2000] 2 AC 115.

*R. v. Golden* [2001] S.C.J. No. 81.  
*Rantzen v Mirror Group Newspapers (1968) Ltd* [1994] QB 670.  
*Rawlinson v Rice* [1997] 2 NZLR 651.  
*Raymond v Honey* [1983] 1 AC 1.  
*Re Parrott v Cox* [1946] 1 Ch 183.  
*Rogers v Rajendro Dutt* (1860) 13 Moo PC 209.  
*Roncarelli v Dupkssis* [1959] S.C.R. 121.  
*Rookes v Barnard* [1964] AC 1129.  
*Rylands v Fletcher* [1861-73] All ER Rep 1; (1868) LR 3 HL 330.  
*Savile v Roberts* (1698) 1 Ld Raym 374.  
*Secretary of State for the Home Department, Ex p Leech* [1994] QB.  
*Seneca College v Bhadauria* [1981] 2 S.C.R. 181.  
*Silver v United Kingdom* (1983) 5 EHRR 347.

*Takaro Properties Ltd v Rowling* .  
*Tarleton v M'Gawley* (1794) Peake 270; (1794) 170 ER 153.  
*The King v The Inhabitants of Billingham* (1814) 3 M & S 250.  
*Thoburn v Sutherland City Council* [2003] QB 151, 186 E-G.  
*Thompson v Comr of Police of the Metropolis* [1998] QB 498.

*Three Rivers District Council and Others v Governor and Company of The Bank of England* [2000] UKHL 33; [2000] 3 All ER 1  
*Three Rivers District Council v Governor and Company of the Bank of England (No 3)* [2003] 2 AC 1.  
*Tozer v Child* (1857) 7 El & Bl 377; (1857) 119 ER 1286.  
*Turner v Sterling* (1671) 2 Vent 25.  
*Wainwright v Home Office* [2003] UKHL 53; [2003] 2 AC 406.  
*Wainwright v Home Office* [2004] 2 AC 406, 423,  
*Wakefield v Wakefield* (1807) 1 Hag Con 893.  
*Watkins v Home Office and others* 48 [2005] QB 883, [2006] UKHL 17.  
*Watkins v Secretary of State for the Home Department and Others* [2004] EWCA Civ 966

*Webb v Portland Manufacturing Co* (1838) 3 Sumner Rep 189.

*Whaley v Laing* (1858) 3 H & N 901; (1858) 157 ER 1269.

*Whitelegg v Richards* (1823) 2 B&C 45 WLR 673.

*Wilkinson v Downton* [1897] 2 QB 57.

*Wong v Parkside Health NHS Trust* [2003] 3 All ER 932, CA.

*Wood v Blair and Helmsley Rural District Council* (1957) 2 Brit J Admin Law 243.

*X (Minors) v Bedfordshire County Council* [1995] 2 AC 633.

## **Legislation**

*Administrative Appeals Tribunal Act 1975 (Cth) Part IV ss 25, 26, 29 30, 37, 39, Divisions 5, 6 and 7 and Part IVA*

*Anti-Money Laundering and Counter-Terrorism Financing Act 2006.*

*Births, Deaths and Marriages Registration Act 1996 (Vic), ss 4, 12, 22(1) and 24-30.*

*Commonwealth Electoral Act 1918 (Cth), s4, 56, 57, 79, 81, 82, 83, 90A, 90B, 91A, 93, 93A, 94A, 95, 95AA, 96, 98, 98A, 98AA, 99, 99A, 100, 101, 102, 104, 105, 108, 120, 121, 153, 159, 166, 172, 175, 181, 283, 285, 286, 381A, 383*

*Commonwealth of Australia Constitution Act 1900 (Imp) 63 & 64 Vict, c12*

*Constitution, ss 5, 6, 7, 9, 11, 12, 13, 15, 17, 19, 34, 51, 109 and Chapter III.*

*Electoral and Referendum Amendment Act (No. 1) 2001(Cth) (No. 34 of 2001)*

*Electoral and Referendum Amendment (Electoral integrity and Other Measures) Act 2006 (Cth).*

*Electoral and Referendum Regulations 1940 (Cth) rr 5A, 8, 12 and 12(2), Schedules 1 and 2*

*Explanatory Memorandum to the electoral and Referendum Amendment (Electoral Integrity and Other measures) Bill 2005.*

*Extracts from “The 1998 Federal Election: Report of the Inquiry into the conduct of the 1998 Federal Election and matter related thereto” (House of Representatives. Joint standing Committee on Electoral Matters, June 2000).*

*Federal Court of Australia Act 1976 (Cth) s31, 31A*

*Federal Court Rules. Order 10, r 4(2).*

*Financial Transactions Reports Act 1988 (Cth) s3, 4, 7, 18, 20A, 21.*

*Financial Transactions Reports Regulations rr 3, 3(2), 3(3), 4, 4(1)(a), 4(1)(b)(i) and 4(1)(b)*

[Freedom of Information Act 1982](#) (Cth), [s 36\(1\)\(b\)](#).

[Public Service Act 1999](#) (Cth.)

*Judiciary Act 1903* (Cth), s 78B.

*Parliamentary Committees Act 2003* (Vic), s 17

Revised Explanatory Memorandum o the Electoral and Referendum Amendment Bill (No. 1) 2001.

Second Reading Speech to the Electoral and Referendum Amendment Bill (No.1) 2001.

*Senate Elections Act 1958* (Vic).

Statute of Westminster I, c3