



**Defamation
Law in
Australia**

2ND EDITION

Patrick George

DEFAMATION LAW IN AUSTRALIA

2ND EDITION

PATRICK GEORGE
BA (SYD), LLB (UNSW)
SOLICITOR, SUPREME COURT
OF NEW SOUTH WALES

LEXISNEXIS BUTTERWORTHS
AUSTRALIA
2012

	LexisNexis
AUSTRALIA	LexisNexis Butterworths 475–495 Victoria Avenue, Chatswood NSW 2067 On the internet at: www.lexisnexis.com.au
ARGENTINA	LexisNexis Argentina, BUENOS AIRES
AUSTRIA	LexisNexis Verlag ARD Orac GmbH & Co KG, VIENNA
BRAZIL	LexisNexis Latin America, SAO PAULO
CANADA	LexisNexis Canada, Markham, ONTARIO
CHILE	LexisNexis Chile, SANTIAGO
CHINA	LexisNexis China, BEIJING, SHANGHAI
CZECH REPUBLIC	Nakladatelství Orac sro, PRAGUE
FRANCE	LexisNexis SA, PARIS
GERMANY	LexisNexis Germany, FRANKFURT
HONG KONG	LexisNexis Hong Kong, HONG KONG
HUNGARY	HVG-Orac, BUDAPEST
INDIA	LexisNexis, NEW DELHI
ITALY	Dott A Giuffrè Editore SpA, MILAN
JAPAN	LexisNexis Japan KK, TOKYO
KOREA	LexisNexis, SEOUL
MALAYSIA	LexisNexis Malaysia Sdn Bhd, PETALING JAYA, SELANGOR
NEW ZEALAND	LexisNexis, WELLINGTON
POLAND	Wydawnictwo Prawnicze LexisNexis, WARSAW
SINGAPORE	LexisNexis, SINGAPORE
SOUTH AFRICA	LexisNexis Butterworths, DURBAN
SWITZERLAND	Staempfli Verlag AG, BERNE
TAIWAN	LexisNexis, TAIWAN
UNITED KINGDOM	LexisNexis UK, LONDON, EDINBURGH
USA	LexisNexis Group, New York, NEW YORK LexisNexis, Miamisburg, OHIO

National Library of Australia Cataloguing-in-Publication entry

Author:	George, Patrick Thomas.
Title:	Defamation Law in Australia.
Edition:	2nd edition.
ISBN:	9780409326437 (pbk). 9780409329568 (ebook).
Notes:	Includes index.
Subjects:	New South Wales. Defamation Act 1974. Libel and slander — New South Wales.
Dewey Number:	345.940256.

© 2012 Reed International Books Australia Pty Limited trading as LexisNexis.

First edition 2006; reprinted 2008.

This book is copyright. Except as permitted under the Copyright Act 1968 (Cth), no part of this publication may be reproduced by any process, electronic or otherwise, without the specific written permission of the copyright owner. Neither may information be stored electronically in any form whatsoever without such permission.

Inquiries should be addressed to the publishers.

Typeset in ITC Legacy Sans and Granjon.

Printed in Australia by Ligare Pty Ltd (NSW).

Visit LexisNexis Butterworths at www.lexisnexis.com.au

FOREWORD

The adoption in 2006 of substantially uniform defamation legislation in each state and territory of Australia effected significant changes to the country's law of defamation. Although enacted by each jurisdiction, one of the objects of each Act is to promote uniform laws of defamation throughout the nation.

Jurisprudence addressing the substantive implications of the new legislative regime is somewhat thin on the ground at this relatively early stage of the scheme's operation. Close analysis of the uniform provisions is necessary to understand the changes wrought by its enactment. It is essential in undertaking that process to be cognisant of the fact, and the extent to which, the uniform scheme has effected substantial change. While its analysis may be informed by the jurisprudence of the common law of defamation and former state and territory defamation statutes, aspects of which the new scheme reflects, it is the language and context of the new scheme which governs its interpretation.

Acknowledging that fundamental principle of statutory interpretation does not gainsay the continuing importance of a profound understanding of the historical development and application of principles of the law of defamation. Mr George's first edition of *Defamation Law in Australia* provided a solid foundation for such an understanding. His second edition builds upon that base. He has expanded aspects of the history of the law of defamation as well as brought the law up to date with both Australian and relevant international case law. This in itself makes the second edition an essential research tool.

The second edition contains a detailed exegesis of the 'law of privacy', to the extent to which it may be said that such a 'law' exists in Australia at least. This is timely in light of the publication by the Australian Government in September 2011 of an issues paper raising the question whether a statutory cause of action for privacy should be introduced or whether any cause of action for invasion of privacy should be left to development at common law. The Issues Paper recognises that the law of defamation, among others, affords some measure of privacy protection. As the foreword to the first edition of *Defamation Law in Australia* sought to explain, such protection was eroded, at least in some states and the Australian Capital Territory, by the adoption in the uniform defamation legislation of the common law defence of truth. It is not, however, the adoption of the common law defence which has aroused renewed interest in the topic of a statutory cause of action for privacy — a measure first advocated by the Australian Law Reform Commission in 1979 and repeated by it in 2008. Whatever be the impetus for reconsideration

of the issue, the insight afforded by the second edition into issues concerning such a cause of action, whether at common law or by statute, will be of great assistance in the debate the issues paper has already generated and will no doubt continue to generate.

Defamation Law in Australia is a well-researched, scholarly book whose experienced author brings to his task an abiding fascination with the law of defamation. It continues to be an invaluable work of reference.

The Hon Justice Ruth McColl AO
Court of Appeal
Supreme Court of New South Wales
September 2011

PREFACE

Time is a great teacher but unfortunately kills all its pupils.¹

The phone hacking scandal in the United Kingdom involving *News of the World* journalists exposed an obvious but often unstated truth about traditional media publishing. Newspapers, magazines, radio and television are all service industries:

... catering to the daily or monthly needs of a public that wants to be told what is new, what they should know about it, and what they should think about it. And in catering to that need ... a writer's loyalty is to the pressure of an immediate deadline, the style and tone of a publication, and the priorities of an editor. And an editor's loyalty is to a publisher. And a publisher's loyalty is to stockholders and circulation figures and advertising revenue ...²

The media operate in an extremely competitive environment. As a result, the commercial interests of the media are often in conflict with a journalist's ethical duties to be truthful and fair.

In this context, a respected journalist identified his own reputation as the basis upon which the conflict may be resolved:

Reputation [is] all you own as a human in any situation but especially as a journalist, so I guard it closely. Every person you meet is judging you on what you have done before and whether they feel you have betrayed anybody or acted unprofessionally. I could not care less if people do not like me or my stories, but I do want people to believe in my word and my honesty.³

The decision to attack another's reputation, with honesty and fairness in the exercise of freedom of speech, can take real courage. This is particularly so in the face of those of the rich and powerful who have reputations they do not deserve but who have the means to use the legal process to stop the truth from emerging.

Freedom of speech however is not an end in itself and needs to be weighed against other 'freedoms', such as the freedom from attack on reputation and freedom from invasion of privacy. Freedom of speech should not trump those other freedoms where it is used for dishonest or improper purposes or the means by which information is obtained is unlawful or unethical.

1. Louis Hector Berlioz.

2. Neil Strauss, 'Everybody loves you when you're dead', The Text Publishing Company, Melbourne, 2011, preamble.

3. Mark Davis (SBS Dateline), *Good Weekend*, *Sydney Morning Herald*, 2 July 2011.

The protection of reputation and freedom of speech are difficult rights to balance. That balance requires discretion, wisdom and judgment. It is that judgment that is intended to be reflected in the legal principles that have been established by the courts under the common law and formulated by parliament in the Defamation Act 2005.

One of the leading judges in Australia in stating those principles is the Honourable Justice Ruth McColl AO of the New South Wales Court of Appeal, who has again kindly written the foreword to the second edition, having done so for the first edition.

I acknowledge and thank all those who were involved in the production of the second edition, particularly Fiona Young, Karen Monkerud, Elaine Quinn and Sarah Barnett for their contributions.

Finally, I thank my wife, Norah, in again helping to complete this second edition, and also my children, Nicholas, Jonathon, Alexander, Maryellen and Susannah. I have shared with them many of the trials and tribulations of the cases I have fought over the years. While sometimes my wife objects to my papers and books spread across the kitchen table, her unselfish support, interest and companionship provide the encouragement to write a work of this kind.

Patrick George
Sydney
September 2011

TABLE OF CASES

References are to paragraph numbers

- A v B plc [2003] QB 195 4.3, 5.6, 14.5, 14.7
- AAMAC Warehousing & Transport Pty Ltd v Fairfax Media Publications Pty Ltd [2009] NSWSC 1030 39.2
- Abbott v TCN Channel Nine Pty Ltd (1987) Aust Torts Reports 80-138 8.5, 8.5
- Aboriginal Nations Pty Ltd v John Fairfax Publications Pty Ltd [1998] ACTSC 125 9.9
- ACCC v Channel Seven Brisbane Pty Ltd [2009] HCA 19 15.3
- Adams v Coleridge (1884) 1 TLR 84 22.6
- v Sunday Pictorial Newspapers (1920) Ltd & Champion [1951] 1 KB 354 27.1, 27.9
- Adam v Ward [1917] AC 309 2.13, 22.2, 22.3, 22.4, 22.5, 23.2, 24.1
- Adler v District Court of New South Wales (1990) 19 NSWLR 317 3.9
- Advanced Hair Studios Pty Ltd v TVW Enterprises Ltd (1987) 77 ALR 615 15.3
- Advertiser-News Weekend Publishing Co Ltd v Manock [2005] SASC 82 9.9, 9.13, 19.9, 19.11
- Agar v Hyde (2000) 201 CLR 552 9.11
- Ahmadi v Fairfax Media Publications Pty Ltd [2010] NSWSC 702 37.4
- Ahmed v Harbour Radio Pty Ltd [2010] NSWSC 676 18.6, 28.1
- v John Fairfax Publications Pty Ltd [2006] NSWCA 6 9.11
- Ainsworth v Burden (2003) 56 NSWLR 620 13.8
- v— [2005] NSWCA 174 4.1, 35.7
- Airways Corporation of NZ Ltd v PricewaterhouseCoopers Legal [2002] NSWSC 138 13.3
- Aiton Australia Pty Ltd v Transfield Pty Ltd (1999) 153 FLR 236 16.11
- Aktas v Westpac Banking Corporation Ltd [2010] HCA 25 22.2, 22.3, 22.4, 22.7, 23.1, 23.2, 24.1
- Aldridge v John Fairfax & Sons Ltd [1984] 2 NSWLR 544 4.1
- Alexander v North-Eastern Railway Company (1865) 6 B&S 340 19.1
- Ali v Nationwide News Pty Ltd [2008] NSWCA 183 31.2, 32.1, 32.2, 32.3, 33.1, 33.5, 37.2
- Allbutt v General Council of Medical Education & Registration (1889) 23 QBD 400 24.1, 26.1
- Allen v John Fairfax & Sons Ltd [1971] 1 NSWLR 773 26.14
- v Lloyd-Jones [2011] NSWDC 1549 37.4
- Allsop v Church of England Newspaper Ltd [1972] 2 QB 161 9.9
- Allsopp v Incorporated Newsagencies Company Pty Ltd (1975) 26 FLR 238 19.5
- Allstate Life Insurance Co v Australia & New Zealand Banking Group Ltd (1995) 57 FCR 360 13.8
- Allworth v John Fairfax Group Pty Ltd (1993) 113 FLR 254 19.5
- Amaca Pty Ltd v Frost [2006] NSWCA 173 6.4
- Amalgamated Television Services Pty Ltd v Marsden (1998) 43 NSWLR 158 6.2, 7.9, 9.3, 9.4, 9.5, 9.6, 9.10, 9.11, 9.12, 17.2, 17.3
- v— [2002] NSWCA 419 4.2, 19.1, 22.5, 31.2, 31.4, 32.1, 32.2, 32.3, 33.6, 34.1, 35.3, 35.5, 37.2, 37.4, 38.2, 41.3
- v— (No 2) (2003) 57 NSWLR 338 16.11, 34.1

- AMI Australia Holdings Pty Ltd
v Fairfax Media Publications Pty Ltd
[2010] NSWSC 1395 15.2
- Anderson v Mirror Newspapers Ltd
(No 1) (1986) 6 NSWLR 99 9.6,
9.13
- v Mirror Newspapers Ltd (No 2)
(1986) 5 NSWLR 735 4.2, 4.3, 9.10
- v Nationwide News Pty Ltd [1970] 1
NSWR 317 26.1
- Andrews v John Fairfax & Sons Ltd
[1980] 2 NSWLR 225 8.3, 12.3,
33.4, 35.1, 36.1
- Andreyevich v Kosovich (1947) 47 SR
(NSW) 357 22.6
- Ange v Fairfax Media Publications Pty
Ltd [2010] NSWSC 1383 17.1
- v— [2010] NSWSC 645 20.2
- v— [2011] NSWSC 204 20.2
- Annetts v Australian Stations Ltd (2002)
191 ALR 449 15.4
- Anon (1565) B&M 637 2.11
- v— (1706) 11 Mod Rep 99; 88 ER 921
.... 2.17, 15.2
- v— (1652) Sty 392; 82 ER 804 2.17,
2.18, 19.6
- Ansett Transport Industries
(Operations) Pty Ltd v The
Commonwealth (1977) 139 CLR 54
.... 3.11
- Antoniadis v TCN Channel Nine Pty
Ltd (1997) SC (NSW) 41.3
- APLA Pty Ltd v Legal Services
Commissioner (NSW) [2005] HCA 44
.... 3.11, 24.4
- Applause Store Productions Ltd and
Matthew Firsh v Raphael [2008]
EWHC 1781 13.3
- Application of Cojuangco (No 2) (1989)
SC (NSW) 13.8
- Aqua Vital Australia Ltd v Swan
Television and Radio Broadcasters Pty
Ltd (1995) Aust Torts Reports 81-364
.... 9.9, 10.3
- Argus Printing & Publishing Company
Ltd v Inkatha Freedom Party [1992]
3 SA 579 12.5
- Ash v McKennitt [2007] 3 WLR 194
.... 14.1, 14.5
- Askew v Morris [2005] WASCA 59 9.9
- Assaf v Skalkos [2000] NSWCA 935
.... 30.1
- Associated Leisure v Associated
Newspapers [1970] 2 QB 450 27.3
- Associated Newspapers Ltd v Dingle
[1964] AC 371 4.4, 35.3, 35.4, 35.8
- v Dingle (1966) 117 CLR 118 35.8
- v Prince of Wales [2006] EWCA Civ
1776 14.5, 14.7, 14.15
- Astaire v Campling [1966] 1 WLR 34
.... 8.6
- Atkinson v John E Doherty & Co 121
Mich.372, 80 NW 285 (1899) 14.1
- Attorney-General v Bailey (1917) 17 SR
(NSW) 170 15.5
- v Blake [2001] 1 AC 268 39.3
- v Guardian Newspapers Ltd (No 2)
[1990] 1 AC 109 14.5, 14.6
- v MGN Ltd [2011] EWHC 2074
.... 15.5
- Attorney-General (UK) v Heinemann
Publishers Australia Pty Ltd (1987) 10
NSWLR 86 39.3
- Attorney-General (NSW) v John
Fairfax & Sons Pty Ltd (1985) 6
NSWLR 695 15.5
- v Mirror Newspapers Ltd [1980] 1
NSWLR 374 15.5
- v Radio 2UE Sydney Pty Ltd (1997)
CA (NSW) 11.1, 15.5
- v Stocks & Holdings (Constructors)
Pty Ltd (1970) 124 CLR 262
.... 3.14
- v Time Inc Magazine Company Pty
Ltd (1994) CA (NSW) 15.5
- v Willessee [1980] 2 NSWLR 143
.... 15.5
- v X (2000) 49 NSWLR 653 15.5
- Attrill v Christie [2007] NSWSC 1386
.... 37.4
- Attwood v Chapman [1914] 3 KB 275
.... 21.1
- Austin v Culpepper (1683) 2 Show KB
313; 89 ER 960 2.13
- v Mirror Newspapers Ltd [1984] 2
NSWLR 383 25.8
- v— (1985) 3 NSWLR 354 23.2,
25.2, 25.3

- Australand Holdings Ltd
v Transparency & Accountability
Council Incorporated [2008] NSWSC
669 15.2
- Australian Broadcasting Corporation
v Chatterton (1986) 46 SASR 1 21.1
- v Comalco Ltd (1986) 12 FCR 510
.... 36
- v— (1986) 68 ALR 259 12.3
- v Hanson (1999) CA (Qld) 11.6
- v Hodgkinson [2005] NSWCA 190
.... 20.2
- v Lenah Game Meats Pty Ltd (2001)
208 CLR 199 14.6, 14.7, 14.10, 39.2,
39.3
- v McBride (2001) 53 NSWLR 430
.... 4.4, 9.10, 35.3
- v Obeid [2006] NSWCA 231 9.7
- v O'Neill (2006) 227 CLR 57 39.2
- v— [2006] HCA 46 15.2
- v Reading [2004] NSWCA 411 17.3
- v Waterhouse (1991) 25 NSWLR 519
.... 6.3
- Australian Broadcasting Tribunal
v Bond (1990) 170 CLR 321 21.8
- Australian Capital Television Pty Ltd
v Commonwealth (No 2) (1992) 177
CLR 106 3.11, 12.5
- Australian Consolidated Press Ltd
v Driscoll (1988) Aust Tort Reports
80-175 38.2
- v Uren (1966) 117 CLR 185 19.6,
22.4, 33.2
- v— (1967) 117 CLR 221 3.9, 34.1
- Australian Football League v The Age
Company Ltd (2006) 15 VR 419
.... 14.6
- Australian National University
v Lewins (1996) 138 ALR 1 21.8
- Australian Newspaper Company Ltd
v Bennett [1894] AC 284 17.3
- Australian Ocean Lines v Western
Australian Newspapers (1985) 58 ALR
549 27.5
- Australian Securities Commission
v Marlborough Gold Mines Ltd (1993)
177 CLR 485 3.9
- AWA Ltd v Daniels (1992) SC (NSW)
.... 16.11
- Backwell v 'AAA' [1997] 1 VR 182 34.1
- Bacon v Automatic Inc [2011] EWHC
1072 13.3
- Bailey v Truth and Sportsman Ltd
(1938) 60 CLR 700 27.4, 27.6, 27.7
- Baird v Wallace-James (1916) 85 LJPC
193 22.3
- Baker v Carrick [1894] 1 QB 838
.... 13.2, 22.6
- Ballina Shire Council v Ringland (1994)
33 NSWLR 680 3.9, 3.12, 12.3,
12.5, 15.2
- Baltinos v Foreign Language
Publications Pty Ltd (1986) 6 NSWLR
85 8.2, 8.6, 9.14
- Bank of England v Vagliano Bros [1891]
AC 107 3.14
- Barbaro v Amalgamated Television
Services Pty Ltd (1985) 1 NSWLR 30
.... 8.5, 25.2
- v— (1989) 20 NSWLR 493 25.3
- Barclay v Cox [1968] VR 664 9.9
- Bargold Pty Ltd v Mirror Newspapers
Ltd [1981] 1 NSWLR 9 9.6, 12.3
- Barrett v Associated Newspapers Ltd
(1907) 23 TLR 666 15.2
- Bashford v Information Australia
(Newsletters) Pty Ltd [2004] HCA
5 18.2, 21.2, 22.2, 22.3, 22.4, 22.5,
22.6, 22.7, 22.8, 23.4, 25.2, 25.7, 26.1,
26.3
- Bass v TCN Channel Nine Pty Ltd
(2003) 60 NSWLR 251 9.7, 22.5
- Bathurst City Council v Saban [1985] 2
NSWLR 704 14.4
- Beatson v Skene (1860) 5H&N 838; 157
ER 1415 22.5
- Beauchamps v Croft (1569) 3 Dyer 285a;
73 ER 639 2.17
- Beecham Group Ltd v Bristol
Laboratories Pty Ltd (1968) 118 CLR
618 39.2
- Beechwood Homes (NSW) Pty Ltd
v Camenzuli [2010] NSWSC 521
.... 15.2, 15.3, 39.2
- Belbin v McLean [2004] QCA 181 7.6
- Bellino v Australian Broadcasting
Corporation (1996) 185 CLR 183
.... 3.14, 6.2, 19.5, 22.4, 25.9, 27.7

- Belt v Lawes (1882) 51 LJQB 359 19.6
- Bennette v Cohen [2009] NSWCA 60
.... 22.3, 22.4, 22.6
- Bennett v News Group Newspapers
[2002] EMLR 39 11.1
- Benson v Flower (1629) WJo 215 12.2
- Beran v John Fairfax Publications Pty
Ltd [2004] NSWCA 107 17.3
- Berkoff v Burchill [1996] 4 All ER 1008
.... 10.3, 10.4, 11.6, 11.7
- Bernstein of Leigh (Brown) v Skyviews
& General Ltd [1978] QB 479 14.4
- Berry v British Transport Commission
[1960] 3 All ER 322 7.9
- Besser v Kermode [2011] NSWCA 174
.... 19.1, 19.3, 19.8, 19.9, 20.1, 20.2, 35.7
- BHP Billiton Ltd v Schultz (2004) 211
ALR 523 6.4, 7.4
- Bickel v John Fairfax & Sons Ltd [1981]
2 NSWLR 474 4.2, 4.3, 4.5, 27.2,
27.3, 27.8, 28.3, 33.1, 33.6
- Biddulph v Chamberlayne [1851] 17 QB
351; 117 ER 1314 19.8
- Bik v Mirror Newspapers Ltd [1979] 2
NSWLR 679 7.6, 11.3
- Bishop v State of New South Wales
[2000] NSWSC 1042 7.6, 17.2
- Bjelke-Peterson v Burns [1988] 2 Qd R
129 27.2, 27.4
- v Warburton [1987] 2 Qd R 465 8.4
- Blackshaw v Lord [1984] QB 1 24.1,
26.14, 31.2
- Blair and Perpetual Trustee Company
Ltd v Curran (1939) 62 CLR 464 7.4
- Blake v John Fairfax Publications Pty
Ltd [2001] NSWSC 885 20.2
- Bob Kay Real Estate Pty Ltd v
Amalgamated Television Services Pty
Ltd (1985) 1 NSWLR 505 28.2,
28.4
- Bognor Regis Urban District Council
v Champion [1972] 2 QB 169 12.3
- Bond v Barry (2008) 173 FCR 106 15.3
- Boniface v SMEC Holdings Ltd [2006]
NSWCA 351 13.3
- Bonnard v Perryman [1891] 2 Ch 269
.... 39.2
- Bonnick v Morris [2003] 1 AC 300
.... 24.6, 25.7
- Born Brands Pty Ltd v Nine Network
Australia Pty Ltd [2011] NSWSC 642
.... 15.2
- Boston v W S Bagshaw & Sons [1966]
1 WLR 1126 24.5
- Bottomley v Broughan [1908] 1 KB 584
.... 21.1
- Bourke v Warren (1826) 2 C&P 307;
172 ER 138 2.21, 8.6
- Bowles v Armstrong (1912) 32 NZLR
409 21.1
- Bowman v Secular Society Ltd [1917]
AC 406 5.5
- Boyd v Angus & Robertson Ltd (1946)
63 WN (NSW) 189 5.4
- v Mirror Newspapers Ltd [1980]
2 NSWLR 449 10.4, 11.7
- Braddock v Bevins [1948] 1 KB 580
.... 24.1, 24.2
- Bread Manufacturers Ltd, Ex p; re
Truth and Sportsman Ltd (1937) 37
SR (NSW) 242 15.5
- Bremridge v Latimer (1864) 12 WR 878
.... 19.9
- Brent Walker Group plc v Time Out
Ltd [1991] 2 QB 33 27.6
- Brighton Pty Ltd v Nine Network
Australia Pty Ltd [2009] NSWSC 319
.... 14.4, 39.2
- Briginshaw v Briginshaw (1938) 60
CLR 336 19.1
- British American Tobacco Company
Australian Ltd v Gordon [2009] VSC
619 14.6
- British Railway Traffic & Electric
Company v CRC Company and the
London County Council [1922] 2 KB
260 23.2
- British Steel Corp v Granada Television
Ltd [1981] AC 1096 13.8
- British Transport Commission
v Gourley [1956] AC 185
.... 38.1
- Brodie v Singleton Shire Council (2001)
206 CLR 512 3.8, 26.3
- Bromage v Prosser (1825) 4 B&C 247;
107 ER 1051 2.17, 22.5
- Brook v Montague (1606) Cro Jac 90;
79 ER 77 2.17

- Brooks v Blanshard (1833) 1 C&M 779;
149 ER 613 22.6
- Broome v Agar (1928) 138 LT 698 2.13,
17.3
- v— [2004] NSWCA 107 17.3
- Bropho v Human Rights and Equal
Opportunity Commission (2004) 204
ALR 761 15.7
- Browne v Associated Newspapers Ltd
[2008] QB 103 14.5
- Brown v Australian Broadcasting
Corporation (1987) SC (NSW) 9.5
- Bruinsma v Menczer (1995) 40 NSWLR
716 16.11
- Brunsdon v Humphrey (1884) 14 QBD
141 31.1
- Buck v Barone (1976) 135 CLR 110
.... 3.11
- Buckeridge v Walter [2010] WASCA
134 19.9
- Buckley v Herald & Weekly Times Pty
Ltd (No 2) [2008] VSC 459 27.2
- v— [2008] VSC 475 6.5
- v— [2009] VSCA 118 6.5
- v Wood (1591) 4 Co Rep 14b; 76 ER
888 2.17
- Bugge v Brown (1919) 26 CLR 110 29.1
- Bunt v Tilley [2006] EWHC 407 29.3
- Burden v Ainsworth (2004) 59 NSWLR
506 42.2
- Burnie Port Authority v General
Jones Pty Ltd (1992–1994) 179 CLR
520 25.10, 26.3
- Burns v Laws [2008] NSW ADTAP 32
.... 15.7
- v Ransley (1949) 79 CLR 101 5.2
- Burrows v Knightley (1987) 10 NSWLR
651 9.11, 9.14
- Burstein v Times Newspapers Ltd
[2001] 1 WLR 579 4.4, 19.6
- Burton v Crowell Pub Co (1936) 82F 2d
154, 155 10.4
- Bushell's Case (1670) 1 Freeman 1; 89
ER 2 21.1
- Business and Research Management Pty
Ltd v Flude [2002] NSWSC 318 9.13
- Butler v John Fairfax Group Pty Ltd
(1994) 1 MLR 106 8.5, 11.1
- Byrne v Deane [1937] 1 KB 818 10.5
- Cabassi v Villa (1940) 64 CLR 130 21.1
- Cairns v John Fairfax & Sons Ltd [1983]
2 NSWLR 708 10.3, 10.5, 17.3
- Calderbank v Calderbank [1975] 3 All
ER 333 16.11, 41.2, 41.3
- Calwell v Ipec Australia Ltd (1975) 135
CLR 321 3.14, 12.4, 23.2, 24.2
- Cameron v McBain [1948] VLR 245
.... 6.5
- Campbell v Frisbee [2002] EWHC 328
(Ch) 39.3
- v Mirror Group Newspapers Ltd
[2003] QB 633 4.3, 14.5
- v— [2004] 2 AC 457 14.1
- v— [2004] UKHL 22 14.5, 14.7
- v Spottiswoode (1863) 3 B&S 769; 122
ER 288 2.21, 27.1, 27.3, 28.8
- Campbells Cash and Carry Pty Ltd
v Fostif Pty Ltd [2006] HCA 41
.... 12.8
- Campomar Sociedad Limitada v Nike
International Ltd (2000) 202 CLR 45
.... 9.6
- Capital & Counties Bank Ltd v George
Henty & Sons (1882) 7 App Cas 741
.... 2.13, 9.3, 10.2
- Carey v Australian Broadcasting
Corporation [2010] NSWSC 709
.... 6.5, 18.6
- Carleton v Australian Broadcasting
Corporation (2002) 172 FLR 398
.... 27.1
- v— (2003) Aust Torts Reports 81-685
.... 24.4
- Carlovers Carwash Ltd v Sahathevan
[2000] NSWSC 947 15.3
- Carr v Hood (1808) 1 Campbell 355;
170 ER 983 2.17
- Carson v John Fairfax & Sons Ltd (1993)
178 CLR 44 2.15, 3.11, 4.1, 4.4,
31.2, 31.3, 32.1, 32.2, 32.3, 33.1, 33.5,
35.4, 35.8, 37.2
- Casey v Australian Broadcasting
Commission [1981] 1 NSWLR 305
.... 18.1
- Cassell & Co Ltd v Broome [1972] AC
1027 3.12, 31.2, 32.2, 32.3, 34.1, 35.2
- Cassell v Gold Coast Publications Pty
Ltd [1984] 1 NSWLR 11 26.6

- Cassidy v Daily Mirror Newspapers Ltd [1929] 2 KB 331 2.21, 25.4
- Catch the Fire Ministries Inc v Islamic Council of Victoria Inc (2006) 15 VR 207 15.7
- Cawley v Australian Consolidated Press Ltd [1981] 1 NSWLR 225 27.8, 28.3, 28.10
- Chakravarti v Advertiser Newspapers Ltd (1998) 193 CLR 519 3.10, 9.9, 9.11, 9.13, 9.15, 10.1, 11.3, 19.9, 19.11, 22.8, 26.1, 31.1, 35.7, 36.1
- Chalmers v Payne (1835) 2 CM&R 156 11.3
- Channel Seven Adelaide Pty Ltd v Manock [2007] HCA 60 6.1, 9.5, 27.1, 27.3, 27.5, 27.8, 28.1
- v S, DJ [2007] SASC 117 11.1
- Channel Seven Sydney Pty Ltd v Mahommed [2010] NSWCA 335 4.1, 4.2, 4.4, 19.1, 20.2, 31.2, 32.1, 32.3, 35.1, 35.3
- v Parras [2002] NSWCA 202 8.4, 8.5, 17.3
- Chapman v Australian Broadcasting Corporation (2000) 77 SASR 181 9.9
- v Hearse (1961) 106 CLR 112 31.1
- v Lord Ellesmere [1932] 2 KB 431 18.3, 24.1, 25.8
- Chappell v Mirror Newspapers Ltd (1984) Aust Torts Reports 80-691 4.4, 20.2, 30.1, 35.3, 35.4
- v TCN Channel Nine Pty Ltd (1988) 14 NSWLR 153 14.4, 19.3, 19.5, 39.2
- Charleston v News Group Newspapers Ltd [1995] 2 AC 65 9.2, 11.3, 11.4
- Charlwood Industries Pty Ltd v Brent [2002] NSWCA 201 10.3, 17.3
- Charman v Orion Publishing Group Ltd [2005] EWHC 2187 11.1, 11.3
- v— [2007] EWCA Civ 972 24.6
- Chase v News Group Newspapers Ltd [2003] EMLR 218 11.1
- Chatterton v Secretary of State for India in Council [1895] 2 QB 189 21.1
- Chenard & Co v Joachim Arissol [1949] AC 127 21.1
- Cheng v Tse Wai Chun [2000] 3 HKLRD 418 27.9
- Chesterton v Radio 2UE Sydney Pty Ltd [2010] NSWSC 47 6.4
- v— [2010] NSWSC 982 10.5
- Chinatown Enterprises Pty Ltd v Maxims Entertainment Pty Ltd (1995) SC (NSW) 17.2
- Chubb v Flannagan (1834) 6 C&P 431; 172 ER 1307 29.1
- Chulcough v Holley [1968] ALR 274 31.2
- Church of Scientology of California Inc v Department of Health & Social Security [1979] 1 WLR 723 13.8
- v Reader's Digest Services Pty Ltd [1980] 1 NSWLR 344 12.3, 32.2, 39.2
- v Woodward (1982) 154 CLR 25 14.5
- CIC Insurance Ltd v Bankstown Football Club Ltd (1997) 187 CLR 384 3.14
- Cinevest Ltd v Yirandi Productions Ltd [1999] A Def R 53-050 17.2
- v— [2001] NSWCA 68 10.3, 17.3
- Citizens' Life Assurance Company Ltd v Brown [1904] AC 423 7.6
- Civil Aviation Authority v Australian Broadcasting Corporation (1995) 39 NSWLR 540 15.5
- Clark v Ainsworth (1996) 40 NSWLR 463 32.2, 33.5
- Clarke v Molyneux (1877) 3 QBD 237 23.2, 25.3
- v Norton [1910] VLR 494 27.2, 27.3
- v Taylor (1836) 2 Bing NC 654 at 664; 132 ER 252 19.8
- Clay v Roberts (1863) 8 LT 397 10.2
- Clift v Clarke (2011) EWHC 13.3
- Clissold v Clissold (1787) 1 TR 647; 99 ER 1299 2.21
- Clutha Developments Pty Ltd v Barry (1989) 18 NSWLR 86 3.9
- Clyne v NSW Bar Association (1960) 104 CLR 186 21.1
- Coates v Harbour Radio Pty Ltd [2008] NSWSC 292 37.4
- Cockayne v Hodgkisson (1833) 5 C&P 543; 172 ER 1091 22.5
- Coco v AN Clark (Engineers) Ltd [1969] RPC 41 14.5, 14.6

- Cohen v Daily Telegraph Ltd [1968]
1 WLR 916 27.5
- v Mirror Newspapers Ltd [1971]
1 NSWLR 623 19.5
- Cojuangco, Application of, Re (1986) 4
NSWLR 513 7.6
- Colbeam Palmer Ltd v Stock Affiliates
Pty Ltd (1968) 122 CLR 25 39.3
- Coleman v Power (2004) 209 ALR 182
.... 3.9, 3.10, 3.11, 3.14
- Colgate-Palmolive Pty Ltd v Cussons
(1993) 46 FCR 225 41.2
- Collins v Ryan (1991) 6 BR 229 25.3
- v Wilcock [1984] 1 WLR 1172 14.5
- Colonial Mutual Life Assurance
Society Ltd v Producers and Citizens
Cooperative Assurance Co of Australia
Ltd (1931) 46 CLR 41 7.6, 29.1
- Comalco Ltd v Australian Broadcasting
Corporation (1985) 64 ACTR 1 27.2
- Commercial Bank of Australia Ltd
v Preston [1981] 2 NSWLR 554
.... 11.1, 15.5
- Commissioner of Taxation v Sydney
Refractive Surgery Centre Pty Ltd
[2008] FCAFC 190 12.3, 36.1, 38.1
- Commonwealth Bank of Australia
v McConnell (1997) SC (NSW) 16.11
- Commonwealth v Bogle (1953) 13.5
- v John Fairfax & Sons Ltd (1980) 147
CLR 39 5.2
- Commonwealth of Australia v State of
Tasmania (1983) 158 CLR 1 3.10
- Concrete Constructions (NSW) Pty Ltd
v Nelson (1990) 169 CLR 594 15.3
- Consolidated Press Ltd, Re; Terrill,
Ex p (1937) 37 SR (NSW) 255 22.8
- Consolidated Trust Company Ltd
v Browne (1948) 49 SR (NSW)
86 8.3, 8.5, 9.6
- Consul Development Pty Ltd v DPC
Estates Pty Ltd (1975) 132 CLR 373
.... 39.3
- Control Risks Ltd v New English
Library Ltd [1990] 1 WLR 183 19.9
- Cook v Alexander [1974] 1 QB 279 26.1
- v Cook (1986) 162 CLR 376 3.9
- v Field (1788) 3 Esp R 133; 170 ER
564 2.17
- v Ward (1830) 6 Bing 409; 130 ER
1338 10.4
- Cooper Brookes (Wollongong) Pty Ltd
v Commissioner of Taxation (Cth)
(1981) 147 CLR 297 3.14
- Cooper v Stuart (1889) 14 App Cas 286
.... 3.2
- Coote v Ford (1899) 2 Ch 93 18.1
- Co-Partnership Farms v Harvey-Smith
[1918] 2 KB 405 21.1
- Cornes v The Ten Group Pty Ltd [2011]
SASC 104 11.6
- Coroneo v Kurri Kurri and South
Maitland Amusement Company Ltd
(1934) 51 CLR 328 7.6
- Corrs Pavey Whiting & Byrne
v Collector of Customs (Vic) (1987)
14 FCR 434 14.6
- Costello v Random House Australia Pty
Ltd (1999) 137 ACTR 1 7.9, 10.3,
37.2
- Cother v John Fairfax & Sons Pty Ltd
(1947) 64 WN (NSW) 154
.... 12.9
- Cotter v John Fairfax Publications Pty
Ltd [2003] NSWSC 503 19.1, 33.5,
37.2
- Coulson v Coulson (1887) 3 TLR 846
.... 39.2
- County Council v A [1985] 1 All ER 53
.... 14.7
- Cox v English, Scottish and Australian
Bank [1905] AC 168 17.3
- v Feeney (1863) 4 F&F 13; 176 ER 445
.... 24.1, 26.14
- v Gray (1610) B & M 351 2.15
- Coxhead v Richards (1846) 2 CB 569;
135 ER 1069 22.2, 22.6
- Coyne v Citizen Finance Ltd (1991)
172 CLR 211 31.2, 31.3, 33.6
- Craftsman Homes Pty Ltd v TCN
Channel Nine Pty Ltd [2006] NSWSC
519 14.4
- Crampton v Nugawela (1996) 41
NSWLR 176 4.2, 9.11, 31.1, 32.1,
32.2, 32.3, 34.1, 37.1, 37.2
- Crawford v Amalgamated Television
Services Pty Ltd [1989] A Def R 50-040
.... 26.13, 28.6

- Creation Records Ltd v News Group Newspapers Ltd [1997] EMLR 444 14.5
- Crick v Butler (1891) XII NSW 70 30.1
- Crofts v Brown (1616) 3 Bulst 167; 81 ER 141 2.11
- Cropp v Tilney (1693) Holt KB 422; 90 ER 1132 2.16
- Cross v Denley (1952) 52 SR (NSW) 112 8.5
- Crowe v Graham (1968) 121 CLR 375 5.4
- Crowley v Glissan (No 2) (1905) 2 CLR 744 19.5
- Cruise and Kidman v Southdown Press Pty Ltd (1993) 26 IPR 125 14.5
- Cruise v Express Newspapers plc [1999] QB 931 19.9
- Cullen v Trappell (1980) 146 CLR 1 38.1
- Cunliffe v The Commonwealth (1993–1994) 182 CLR 272 24.4
- Curry v Walter (1796) 1 B&P 525; 126 ER 1046 2.17, 2.21
- Curtis Publishing Co v Butts 388 US 130, 155 (1967) 5.6
- Cush v Dillon [2011] HCA 30 22.2, 22.4, 23.1, 23.2
- Cutler v Dixon (1585) Cro Eliz 230; 76 ER 886 2.17
- Dakhyl v Labouchere [1908] 2 KB 325 27.3
- Dalglish v Lowther [1899] 2 QB 590 2.18
- Dare v Pulham (1982) 148 CLR 658 9.11, 19.9
- David v Abdishou [2007] NSW 1195 9.4, 9.11, 9.12
- v— [2007] NSWSC 890 41.2
- David Syme & Co Ltd v Canavan (1918) 25 CLR 234 8.3, 8.5
- v Hore-Lacy (2000) 1 VR 667 9.9, 9.12, 19.9, 27.2
- v Lloyd [1984] 3 NSWLR 346 8.2, 27.8, 28.4
- Davies v Sneed (1870) LR 5 QB 608 22.6
- Davis v Billing (1891) 8 TLR 48 19.8
- v Gardener (1593) 4 Co Rep 16; 2 Salk 694 2.15
- v Nationwide News Pty Ltd [2008] NSWSC 693 6.5, 32.3, 33.1, 33.2, 33.5, 33.6, 37.3, 37.4
- v— [2008] NSWSC 699 25.3
- v— [2008] NSWSC 946 38.2, 41.2, 41.3
- v Shepstone (1886) 11 App Cas 187 27.4
- Davison v Duncan (1857) 26 LJ QB 104; 119 ER 1233 2.21, 26.1
- Dawkins v Lord Paulet (1869) LR 5 QB 94 21.1
- v Lord Rokeby (1873) LR 8 QB 255 21.1
- Dawson Bloodstock Agency Pty Ltd v Mirror Newspapers Ltd [1979] 2 NSWLR 733 8.5, 20.2
- Dawson v Great Northern Railway [1904] 1 KB 277 12.1
- v Radio Station 2UE Sydney Pty Ltd (1990) SC (NSW) 8.5
- Daya v CNA Reinsurance Co Ltd [2004] NSWSC 795 16.11
- Day v Bream (1837) 2 M&Rob 54; 174 ER 212 29.1
- DDSA Pharmaceuticals Ltd v Times Newspapers Ltd [1973] QB 21 6.5
- Deatons Pty Ltd v Flew (1949) 79 CLR 370 29.1
- Defries v Milne [1913] 1 Ch 98 12.1
- Degiorgio v Dunn (No 2) [2005] NSWSC 3 25.7
- Delfino v Trevics (No 1) [1963] NSW 191 18.1
- Delpin Pty Ltd v Nargol Holdings Pty Ltd (2002) Aust Contract R 90-147 39.3
- Dempster v Coates (1990) CA (NSW) 7.6
- Denmark Productions Ltd v Boscobel Productions Ltd [1969] 1 QB 699 39.3
- Dennison v Refshauge [2003] NSWSC 78 20.2
- Derbyshire County Council v Times Newspapers Ltd [1993] AC 534 12.3

- Dering v Uris* [1964] 2 QB 669 35.1, 37.4, 41.3, 41.4
- Development and Environmental Professionals' Association v John Fairfax Publications Pty Ltd* [2004] NSWSC 92 12.3, 36.1
- DFT v TFD* [2010] EWHC 2335 14.5
- Dibdin v Swan and Bostock* (1793) 1 Espinasse 28; 170 ER 269 2.17
- Dickeson v Hilliard* (1874) LR 9 Exch 79 22.6
- Die Spoorbond v South African Railways* [1946] AD 999 12.5
- Digby v Financial News Ltd* [1907] 1 KB 502 27.4, 27.5, 28.2
- Dillon v Cush* [2010] NSWCA 165 23.2
- Dingle v Associated Newspapers Ltd* [1961] 2 QB 162 4.1, 4.4, 30.1
- Docker v Somes* (1834) 39 All ER 1094 39.3
- Doe v Australian Broadcasting Corporation* [2007] VCC 281 15.4
- Donnelly v Amalgamated Television Services Pty Ltd* (1998) 45 NSWLR 570 14.5
- Douglas v Hello! Ltd* [2001] QB 967 5.6, 14.1, 14.5, 14.6
- v— [2003] EWHC 2629 (Ch.) 14.5
- v— [2005] EWCA Civ 595 14.5, 14.7, 39.2, 39.3
- Dovuro Pty Ltd v Wilkins* (2003) 215 CLR 317 35.8
- Dow Jones & Company Inc v Gutnick* (2002) 210 CLR 575 2.15, 2.21, 2.23, 3.8, 3.10, 3.12, 4.2, 5.7, 6.3, 7, 7.2, 7.3, 7.4, 7.7, 12.6, 13.7, 25.4, 25.10
- v Jameel [2005] QB 946 7.7
- DPP (NSW) v Fordham* [2010] NSWSC 795 14.4
- DPP v Wran* [1987] 7 NSWLR 616 15.5
- Drummond-Jackson v British Medical Association* [1970] 1 All ER 1094 7.9, 10.3, 11.8
- Drummoine Municipal Council v Australian Broadcasting Corporation* (1990) 21 NSWLR 135 9.9, 9.10, 9.11, 9.12, 19.11
- Duchess of Argyll v Duke of Argyll* [1967] Ch 302 14.4
- Duchess of Kingston's Case* (1776) 2 Sm LC, 13 ed, 644; 168 ER 175 42.2
- Dugan v Mirror Newspapers Ltd* (1978) 142 CLR 583 3.2, 3.12
- Duke of Brunswick v Harmer* (1849) 14 QB 185; 117 ER 75 2.21, 3.12, 6.3, 7.2, 18.6
- Duncombe v Daniell* (1837) 8 C&P 222; 173 ER 470 2.21, 24.1, 25.8
- Dunlop Rubber Company Ltd v Dunlop* [1921] 1 AC 367 10.4
- Dunnett v Railtrack plc* [2002] 2 All ER 850 16.11
- Dyson v Attorney-General* [1911] 1 KB 410 39.3
- Echo Publications Pty Ltd v Tucker* [2007] NSWCA 73 22.5
- v— (No 3) [2007] NSWCA 320 25.2, 25.3
- Edmondson v Stephenson* (1766) 1 Bull NP 3 2.17
- Edwards v Wooton* (1607) 12 Co Rep 35; 77 ER 1316 2.12
- Egger v Viscount Chelmsford* [1965] 1 QB 248 13.2, 23.5, 27.9
- E Hulton & Co v Jones* [1910] AC 20 2.21, 7.9, 25.4, 25.10
- El Azzi v Nationwide News Pty Ltd* [2005] NSWSC 247 25.7
- Ell v Milne* [2011] NSWSC 645 11.5
- Emcorp v Australian Broadcasting Corporation* [1988] 2 Qd R 169 14.4
- Emmens v Pottle* (1885) 16 QBD 354 2.21, 29.1
- Emmertson v University of Sydney* [1970] 2 NSWLR 633 6.3
- England v Bourke* (1800) 3 Esp R 80; 170 ER 545 2.17
- Enron Australia Finance Pty Ltd (in liq) v Integral Energy Australia* [2002] NSWSC 819 41.2
- Entick v Carrington* (1765) 19 St Tr 1030; 95 ER 807 2.13
- Erskine v John Fairfax Group Pty Ltd* (1998) NSW Supreme Court 37.4

- ETK v News Group Newspapers Ltd [2011] EWCA Civ 439 14.5
- Ettingshausen v Australian Consolidated Press Ltd (1991) 23 NSWLR 443 10.4, 11.7, 14.4
- v— (1993) 1 MLR 2; CA (NSW) 14.5
- v— (1995) 38 NSWLR 404 18.3, 41.3
- Evans v Davies [1991] 2 Qd R 498 9.9, 17.3
- v Harlow (1844) 5 QB 624 10.3
- Evatt v John Fairfax & Sons Ltd (1985) SC (NSW) 25.3
- v Nationwide News Pty Ltd [1999] NSWCA 99 25.3, 25.6, 25.7
- Falcke v The Herald & Weekly Times Ltd (1925) VLR 56 27.8, 28.3
- Fallon v MGN Ltd [2006] EWHC 783 11.1
- Farahbakht v Midas Australia Pty Ltd [2006] NSWSC 1322 15.5
- Farley v John Fairfax Group Pty Ltd (1994) 1 MLR 48 8.4
- Farquhar v Bottom [1980] 2 NSWLR 380 9.4, 9.6, 11.3
- Fastway Couriers (Aust) Pty Ltd v Australian Broadcasting Corporation (1995) FCA 15.3
- Favell v Queensland Newspapers Pty Ltd [2005] HCA 52 9.3, 9.4, 9.7, 9.11, 9.12, 11.1
- v [2004] QCA 135 9.12, 17.2
- Feo v Pioneer Concrete (Vic) Pty Ltd [1999] 3 VR 417 12.3, 36.1
- Fiduciary v Morning Star Research Pty Ltd [2002] NSWSC 432 41.1
- Fielding v Variety Inc [1967] 2 QB 841 33.1
- Finn v Hunter (1886) 12 VLR 656 21.1
- Fitter v Veal (1701) 12 Mod Rep 542; 88 ER 1506 31.1
- Fleming v Dollar (1889) 23 QBD 388 9.13
- Flood v Times Newspapers Ltd [2010] EWCA Civ 804 24.6
- Floyd v Barker (1608) 12 Co Rep 23; 77 ER 1305 2.17
- Foreign Media Pty Ltd v Konstantinidis [2003] NSWCA 161 7.10, 17.2
- Fostif Pty Ltd v Campbells Cash and Carry Pty Ltd (2005) 218 ALR 166 12.8
- Fraser v Evans [1969] 1 QB 349 39.2
- French v Herald & Weekly Times Ltd [2010] VSC 127 17.1
- v Triple M Melbourne Pty Ltd [2008] VSC 553 27.9
- Frew v John Fairfax Publications Pty Ltd [2004] VSC 311 18.3
- Fullam v Newcastle Chronicle and Journal Ltd [1977] 1 WLR 651 7.7
- G and G v Wikimedia Foundation Inc [2009] EWHC 3148 13.3
- Gacic v John Fairfax Publications Pty Ltd [2006] NSWCA 175 9.12
- Galea v Amalgamated Television Services Pty Ltd (1998) SC (NSW) 10.2
- Gallagher v Durack (1983) 152 CLR 238 15.5
- Galligan v Sun Printing & Publishing Association (1898) 54 NYS 471 6.3, 7.4
- Galloway v Telegraph Group Ltd [2004] EWHC 2786 QBD; [2006] EWCA CIV 17 27.5
- Gardiner v John Fairfax & Sons Pty Ltd (1942) 42 SR (NSW) 171 27.5, 27.7
- Garsec Pty Ltd v His Majesty Sultan of Brunei [2008] NSWCA 211 6.4
- General Steel Industries v Commissioner for Railways (NSW) (1964) 112 CLR 125 9.12
- General Television Corporation Pty Ltd v DPP [2008] VSCA 49 15.5
- Gentoo Group Ltd v Hanratty [2008] EWHC 627 13.3
- Gertz v Robert Welch Inc 418 US 323 (1974) 5.6
- Gianni Versace SpA v Monte (2002) 119 FCR 349 15.3
- Gibbons v Duffell (1932) 47 CLR 520 21.1
- Giller v Procopets [2008] VSCA 236 14.4, 14.6