

QUEENSLAND CRIMINAL LAW

THIRD EDITION

Andreas Schloenhardt

OXFORD

QUEENSLAND CRIMINAL LAW

THIRD EDITION

Andreas Schloenhardt

OXFORD
UNIVERSITY PRESS
AUSTRALIA & NEW ZEALAND



UNIVERSITY PRESS

Oxford University Press is a department of the University of Oxford.

It furthers the University's objective of excellence in research, scholarship, and education by publishing worldwide. Oxford is a registered trademark of Oxford University Press in the UK and in certain other countries.

Published in Australia by

Oxford University Press

253 Normanby Road, South Melbourne, Victoria 3205, Australia

© Andreas Schloenhardt 2013

The moral rights of the author have been asserted.

First published as *Queensland Criminal Law: Critical Perspectives* 2006

Published as *Queensland Criminal Law* 2008

Second Edition 2011

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, without the prior permission in writing of Oxford University Press, or as expressly permitted by law, by licence, or under terms agreed with the appropriate reprographics rights organisation. Enquiries concerning reproduction outside the scope of the above should be sent to the Rights Department, Oxford University Press, at the address above.

You must not circulate this work in any other form and you must impose this same condition on any acquirer.

National Library of Australia Cataloguing-in-Publication entry

Author: Schloenhardt, Andreas.

Title: Queensland criminal law / Andreas Schloenhardt.

Edition: 3rd ed.

ISBN: 9780195523157 (pbk.)

Notes: Includes bibliographical references and index.

Subjects: Criminal law—Queensland.

Dewey Number: 345.943

Reproduction and communication for educational purposes

The Australian Copyright Act 1968 (the Act) allows a maximum of one chapter or 10% of the pages of this work, whichever is the greater, to be reproduced and/or communicated by any educational institution for its educational purposes provided that the educational institution (or the body that administers it) has given a remuneration notice to Copyright Agency Limited (CAL) under the Act.



For details of the CAL licence for educational institutions contact:

Copyright Agency Limited

Level 15, 233 Castlereagh Street

Sydney NSW 2000

Telephone: (02) 9394 7600

Facsimile: (02) 9394 7601

Email: info@copyright.com.au

Edited by Puddingburn Publishing Services

Text design by Eggplant Communications

Typeset by diacriTech

Proofread by Joy Window

Printed by Markono Print media Pte Ltd, Singapore

Links to third party websites are provided by Oxford in good faith and for information only.

Oxford disclaims any responsibility for the materials contained in any third party website referenced in this work.

Table of Cases

- A v UK [1998] 3 FCR 597 8.4.4.2
Abbott v R (1995) 81 A Crim R 55 8.5.6
Abbott v R [1977] AC 755 15.3.1.2
ACCC v Australian Safeway Stores Pty Ltd (2003) 198 ALR 657 3.3.2
A-G (SA) v Brown [1960] AC 432 17.1.3.2
A-G for Jersey v Holley [2005] 2 AC 580 16.2.3.2
A-G for Northern Ireland v Gallagher [1963] AC 349 18.3
A-G v Able [1984] QB 795 6.4.1.1, 6.4.1.4
A-G v Whelan [1934] IR 518 15.3.1.1, 15.3.1.2, 15.3.1.3, 15.3.2
A-G's Reference (No 1 of 1975) [1975] QB 773 6.4.1.3, 6.4.1.4
A-G's Reference (No 1 of 1977) [1979] WAR 45 5.2.2.2, 10.3.2, 10.4.1,
Figure 10.4.1, 14.3.2
A-G's Reference (No 1 of 1992) (1993) 1 Tas R 349 16.2.2
A-G's Reference (No 1 of 1996: Re Weiderman) (1998) 7 Tas R 293 18.2
A-G's Reference (No 3 of 1994) [1996] QB 581 4.1.3, 7.2.1.2, 7.2.2.2
A-G's Reference (No 3 of 1992) [1994] 2 All ER 121 5.2.2.2
A-G's Reference (No 6 of 1980) [1981] QB 715 8.5.1.2
A-G (Vic) v David [1992] 2 VR 46 1.2.6
A-G (Qld) (Ex rel Kerr) v T [1983] 1 Qd R 404
A-G (Qld) v Beattie [2007] QCA 96 1.2.6
A-G (Qld) v Fardon (unreported, Qld Sup Ct, No 416) 1.2.6
A-G (Qld) v Fardon [2006] QCA 512 1.2.6
A-G (Qld) v Francis [2007] 1 Qd R 396 1.2.6
A-G (Qld) v HTR [2007] QSC 19 1.2.6
Airedale NHS Trust v Bland [1993] AC 789 7.2.2.2, 7.1.3
Akbulut v Grimshaw [1998] 3 VR 756 11.2.1.1
Akerele v R [1943] AC 255 4.3.3
Allan v United Carpet Mills [1989] VR 323 Figure 4.3.1, 4.3.4.2
Allwood v R (1975) 18 A Crim R 120 16.2.1

- Alphacell v Woodward [1972] AC 824 4.3.4.2
 Anderson v Nystrom [1941] St R Qd 56 4.1.2, 4.3.1.2, 14.3
 Anderton v Ryan [1985] AC 560 5.2.4.2
 Andrews v DPP [1937] AC 576 4.3.3
 Anic v R (1993) 61 SASR 223 11.2.1.2
 Arulthilakan v R (2003) 203 ALR 259 7.2.2.1
 Atholwood v R (2000) 110 A Crim R 417 12.3.6.2
 Atlantic Sugar Refineries Co Ltd v A-G (Canada) [1980] 2 SCR 644 5.3.1.1
 Aubertin v State of WA (2006) 33 WAR 87 10.3.2, 18.4.1
 August v Fingleton [1964] SASR 22 17.1.2
 Australian Communist Party v Cth (1950) 83 CLR 1 6.7.3.2, 13.4.1.2
 Australian Iron and Steel Pty Ltd v Environmental Protection Authority (1992) 29 NSWLR 497 14.3.1
 B (a minor) v DPP [2000] 2 AC 428 4.3.1.3, 4.3.4
 B v R (1958) 44 Cr App R 1 3.2.2
 Baker v R [2010] VSCA 226 4.1.3
 Banditt v R (2005) 224 CLR 262 10.3.3
 Bank of England v Vagliano [1891] AC 107 2.2.1
 Barkere v Burke [1970] VR 884 17.1.2
 Barrett v Coroner's Court (SA) (2010) 108 SASR 568 7.2.1.2
 Barton v Armstrong [1969] 2 NSWLR 451 8.2.3.1, 8.2.3.3
 Battle v R (1993) 8 WAR 449 18.2, 18.4.2.2
 Baumer v R (1988) 166 CLR 51 7.5.1
 Beal v Kelley [1951] 2 All ER 763 8.2.2, 8.2.3.1, 10.5.1.2
 Beckwith v R (1976) 135 CLR 569 5.2.1.2, 12.2.6.1, 12.3.6.1
 Bedford v R [1987] 3 WLR 611 15.2.2
 Beer v McCann [1992] 2 WLR 441 8.5.7
 Bird v Jones (1845) 7 QB 742 9.2
 Blake v Barnard (1840) 173 ER 985 8.2.3.1
 Brambles Holdings Ltd v Carey (1976) 15 SASR 270 3.3.2
 Brightwater Care Group (Inc) v Rossiter (2009) 40 WAR 84 7.3.1
 Bochkov v R [2009] NSWCCA 166 10.3.3
 Borg v R [1972] WAR 194 6.2, 6.5.1
 Bottoms v Rogers [2006] QDC 080 16.4.2.1
 Boughey v R (1986) 161 CLR 10 4.3.2.3, 7.3.2.1, 8.2.2, 8.3.1.3, 8.4.1
 Bowker v Premier Drug Co Ltd [1928] 1 KB 217 6.4.1
 Bowman v R [1980] WAR 65 11.2.2.1
 Brady v Schatzel [1911] St R Qd 206 8.2.3.2
 Bratty v A-G (Northern Ireland) [1963] AC 386 4.2.4, 4.2.4.1, 17.1.2, 18.3.1
 Brennan v R (1936) 55 CLR 253 2.2.1, 6.5.2.1
 Britten v Alpogut [1987] VR 929 5.2.1.1, 5.2.2, 5.2.3.1, 5.2.4.2, 10.4.1
 Bromage, Re [1991] 1 Qd R 1 18.4.2.1
 Buck v R [1983] WAR 372 12.3.6.1

Buckoke v Greater London Council [1971] 2 All ER 254	15.4.1.1
Burton v R [1979] Tas SR 193	12.3.4.1
Buttigieg v R (1993) 69 A Crim R 21	16.2.1
Caxton Publishing Co v Sutherland Publishing Co [1939] AC 178	11.2.3.1
Campbell v R (1986) 84 Cr App R 255	17.2.1
Cameron v Holt (1980) 142 CLR 342	4.3.4.1
Campbell v R [1981] WAR 286	7.2.1.2
C (a minor) v DPP [1996] AC 1	3.2.2
C (a minor) v DPP [1995] 2 Crim App R 166	3.2.2
CC (a minor) v DPP [1996] 1 Crim App R 375	3.2.2
Case stated by DPP (No 1 of 1993) (1993) 66 A Crim R 259	10.2.2.2, 10.2.2.3
Carden v R (1992) 8 WAR 296	6.4.2
Callaghan v R (1952) 87 CLR 115	4.3.3, 7.5.2
C (a minor) v Eisenhower [1984] QB 331	8.3.1.3
Canadian Dredge and Dock Co (1985) 45 CR (3d) 289	3.3.2
Carr-Briant [1943] 1 KB 612	4.4
Cameron v R (1990) 2 WAR 1	18.2
Censori v R [1983] WAR 89	16.1.3, 18.4.1
CES v Superclinics (Australia) Pty Ltd (1995) 38 NSWLR 47	7.1.4.3, 15.4.1.2
Chan Kau [1955] AC 206	4.4.1.2
Chayna v R (1993) 66 A Crim R 178	17.2.2
Chhay v R (1994) 72 A Crim R 1	16.2.1, 16.2.2
Christophers v R (2000) 23 WAR 106	10.2.1.2
Cittadini v R [2009] NSWCCA 302	7.1.5
Clare v R (1993) 72 A Crim R 357	4.1.2, 4.3.2.1
Clarkson v Aspinall; Ex parte Aspinall [1951] St R Qd 79	14.1.1.1
Cleary v Booth [1893] 1 QB 465	8.4.4.1
Clemsha v R [1978] WAR 193	11.2.1.3
Collins v State Rail Authority of NSW (1986) 5 NSWLR 209	3.3.2
Collins v Wilcock [1984] 3 All ER 374	8.2.2, 8.4.1, 8.5.2
Commissioner of Police v Wilson [1984] AC 242	8.2.2
Commonwealth v Tasmania (1983) 46 CLR 625	12.1.2
Connolly (1829) 168 ER 1137	15.6
Cooper v Kenna [1960] Qd R 406	17.1.2
Cornelius and Briggs v R (1988) 34 A Crim R 49	11.6.2.2
Courtney-Smith v R (No 2) (1990) 48 A Crim R 49	12.2.3.1
Croft v Blair (unreported, CCA (Qld) 15 December 1989)	8.2.2
Crowther v Sala [2007] QCA 133	4.3.1.4
Cruzan v Missouri (1990) 111 L ed 2d 224	7.1.3
Cth DPP v Poniatowska [2011] HCA 43	4.2.1.2
CTM v R (2008) 247 ALR 1	4.3.4.2, 14.1.1, 14.3
Cutter v R (1997) 94 A Crim R 152	4.3.2.1, 5.2.2.1, 18.3.1

- Daniel v R (1989) 1 WAR 435 10.3.2
 Darby v DPP (NSW) (2004) 150 A Crim R 314 8.2.2
 Darkan v R (2006) 227 CLR 373 6.5.2.1, 7.3.2.1
 Davis v Bates (1986) 43 SASR 149 4.3.4.1
 Davis v Chief of Army (2011) 247 FLR 207 8.5.1.2
 Davis v R (1990) 5 WAR 269 12.3.6.2
 Davis v R (1998) 100 A Crim R 573 16.2.1
 Dawson v R (1927) 40 CLR 206 10.6.4
 Dawson v R (1961) 106 CLR 1 4.4, 6.6
 Day and Simon v R (1995) 81 A Crim R 60 5.3.1, 5.3.1.1
 De Gruchy v R (2002) 211 CLR 85 4.3.2.4
 Dearnley v R [1947] St R Qd 51 18.3, 18.4.2.1
 Dept of Health and Community Services (NT) v JWB (1992) 175
 CLR 218 (Marion's case) 8.5.5
 Director General of Fair Trading v Pioneer Concrete (UK) Ltd [1995] 1 AC 456 3.3.2
 Dixon-Jenkins (1985) 14 A Crim R 372 15.4.1.1
 Dodd v R [1978] WAR 209 18.3.2, 18.3.3
 Donnelly v Rose [1995] 1 Qd R 148 12.3.2
 Doodeward v Spence (1908) 6 CLR 406 11.2.1.1
 Downey v R [1971] NZLR 97 7.3.2.1
 DPP (Vic) Reference (No 1 of 1996) [1998] VR 217 7.1.5
 DPP (Vic) Reference (No 1 of 2004) (2005) 12 VR 299 12.3.4.2
 DPP Northern Ireland v Lynch [1975] AC 653 6.4.2.2, 15.3.1.2, 15.3.2, 15.6
 DPP Reference (No 1 of 1991) (1992) 80 A Crim R 43 15.2.1.3
 DPP v Beard [1920] AC 479 7.3.2.1, 18.1.1, 18.1.2, 18.3.1, 18.3.3, 18.4.2.1
 DPP v Camplin [1978] AC 705 16.2.3.1, 16.2.3.2
 DPP v Daley [1980] AC 237 7.2.2.1
 DPP v Esso Australia Pty Ltd [2001] VSC 103 7.1.5
 DPP v Kent and Sussex Contractors [1944] KB 146 3.3.2
 DPP v Majewski [1977] AC 443 18.1.1, 18.1.2, 18.1.3, 18.3.1, 18.3.2
 DPP v Morgan [1976] AC 182 4.3.2.1, 4.4.2, 10.3.1, 10.3.3, 14.3.2, 18.3, 18.3.2
 DPP v Nock [1978] 2 All ER 654 5.2.4.2, 5.3.1, 5.3.1.1
 DPP v Ottewell [1970] AC 642 2.2.1.2
 DPP v P & O European Ferries (Dover) Ltd (1991) 93 Cr App R 72 7.1.5
 DPP v Rogers [1953] 2 All ER 644 8.2.2, 8.2.3.1
 DPP v Smith [1961] AC 290 8.3.1.3
 DPP v Stonehouse [1978] AC 476 5.2.3.1
 DPP v United Telecasters Sydney Ltd (1990) 168 CLR 594 4.4.1.2
 DPP v Whithers [1975] AC 842 5.3.4
 DPP (NT) v WJI (2004) 219 CLR 43 10.3.1, 10.3.2
 Dudley v Ballantyne (1998) 28 MVR 209 15.4.4
 Du Cros v Lambourne [1907] 1 KB 40 4.2.1.2
 Duffy v R [1981] WAR 72 18.3.1
 Dunn v R (1986) 32 A Crim R 203 12.3.6.2
 Dziduch v R (1990) 47 A Crim R 378 4.4.1.2, 15.2.1.2, 15.2.1.3

- Eager v Smith (1988) 38 A Crim R 272 12.3.2
 Edwards v Police (SA) (1998) 71 SASR 493 8.2.1
 Edwards v R (1973) 57 Cr App R 157 16.2.1
 Egan v R (1985) 15 A Crim R 20 10.2.2.3
 Emery v R (1985) 18 A Crim R 49 15.3.1.3
 Emmett v Lyne (1905) 1 Bos & PNR 255 9.2
 Environment Agency (formerly National Rivers Authority) v Empress Car Co (Abertillery) Ltd [1999] 2 AC 22 4.3.4.2
 Evgeniou v R [1965] ALR 209 4.3.3, 7.4.3.1
- F (Mental Patient: Sterilisation), Re [1990] 2 AC 1 8.4.1, 8.5.2
 Fagan v Commissioner of Metropolitan Police [1969] 1 QB 439 4.1.3, 8.2.1, 8.2.3.1, 8.2.4.1
 Fairclough v Whipp [1951] 2 All ER 834 8.2.2, 8.2.3.1
 Falconer v Pederson [1974] VR 185 12.3.4.2
 Fardon v A-G (Queensland) (2004) 78 ALJR 1519 1.2.6
 Ferguson v R [1979] 1 All ER 877 4.4
 Ferguson v Walkley (2008) 17 VR 647 1.1.1
 Ferguson v Weaving [1951] 1 KB 814 6.4.1
 Fisher v Bennett (1987) 85 FLR 469 11.6.3.3
 Fitzgerald v Kennedy (1995) 38 NSWLR 184 10.3.3
 Fowler v Paget (1798) 101 ER 1103 4.1.3
 Fruet v R [1974] WAR 78 4.3.2.1
- Galea v R [1989] 1 WAR 450 11.4.1.3
 Gardner v Akroyd [1952] QB 743 5.2.2
 Gardner v R (1989) 42 A Crim R 279 16.2.1
 Geratikeys v R (1984) 153 CLR 317 5.3.1.1, 5.3.1.2
 Gilbert v R (2000) 201 CLR 414 6.5.2.2
 Gillard v R (2003) 219 CLR 1 6.5.2
 Gillick's West Norfolk and Wisbeach Area Health Authority [1986] 1 ACII 2 8.4.4
 Giorgianni v R (1985) 156 CLR 473 4.3.2.2, 5.2.2, 5.3.1, 5.3.1.2, 6.4.1, 6.4.2, 6.4.2.1, 6.4.2.2, 10.4.1
 GJ Coles and Co Ltd v Goldsworthy [1985] WAR 183 3.3.2, 14.3, 14.3.1, 14.3.2
 GMB, Re (2002) 130 A Crim R 187 17.2.2
 Goncalves v R (1997) 99 A Crim R 193 4.4
 Grain Sorghum Marketing Board v Supastok Pty Ltd [1964] Qd R 98 3.3.1, 14.3
 Gray v Smith [1997] 1 Qd R 485 16.1.2
 Green v R (1997) 191 CLR 334 16.2.1, 16.2.2, 16.2.3, 16.2.3.1, 16.2.3.2
 Green v Sergeant [1951] VLR 500 14.3.1
 Greenbury v Lyon [1957] St R Qd 433 15.2.1.3
 Griffiths v R (1994) 69 ALJR 77 7.4.1
 Guardianship of Schiavo, Re (2003) 851 So.2d 182 7.1.3
 Guardianship of Schiavo, Re (2005) 30 Fla L Weekly D743 7.1.3

- Haas v R [1964] Tas SR 1 5.2.2.1
Haggie v Meredith (1993) 9 WAR 206 18.2
Hall v Fonceca [1983] WAR 309 8.2.3.1, 8.2.4.2, 10.5.3, 15.2.3.2
Halley v R (1938) 40 WALR 105 11.4.1.3
Hancock and Shankland [1986] AC 455 4.3.2.1
Hamilton v Whitehead (1988) 166 CLR 121 3.3.2
Harmer v Grace [1980] Qd R 395 14.3.2
Harris v Harrison [1963] Crim LR 497 11.2.2.2
Hart v R (2003) 27 WAR 441 16.2.1, 16.2.3.1
Harwood v R (2002) 188 ALR 296 6.5.2.2
Haughton v Smith [1975] AC 476 5.2.4.2, 5.3.1.1
Hawkins v R (1994) 179 CLR 500 17.1.1.1
He Kaw Teh v R (1985) 157 CLR 523 2.3, 4.1.1, 4.2.1.3, 4.3.1.3, 4.3.2.1, 4.3.2.2, 4.3.4.1, 4.3.4.2, 4.4.2, 10.3.1, 12.2.3.1, 12.2.6.2
Heron v R (2003) 197 ALR 81 16.2.3
Hibbert v McKiernan [1948] 2 KB 142 11.2.1.2
Hickling v Laneyerie (1991) 21 NSWLR 730 4.3.4.2
Higgins (1801) 2 East 5 5.2.3
Hill v R (1981) 3 A Crim R 397 16.4.1
Hind and Harwood v R (1995) 80 A Crim R 105 6.5.2.1, 6.5.2.2, 7.2.2.1, 8.3.1.3
Hoare v R (1989) 167 CLR 348 12.3
Hodge v R (1984) 13 A Crim R 458 16.1.3
Hodges v R (1985) 19 A Crim R 129 17.1.2
Hogan v Sawyer; Ex parte Sawyer [1992] 1 Qd R 32 4.3.1.2, 4.3.4, 14.1.1.2
Holland v R (1993) 117 ALR 193 10.2.1.2
Holman v R [1970] WAR 2 10.2.2.3, 10.3, 18.3.1
Holmes v DPP (UK) [1946] AC 588 16.2.1, 16.2.3.2
Hood v R (2000) 111 A Crim R 556 11.3.1
Hope v Brown [1954] 1 WLR 250 5.2.3.2
House v R (1988) 35 A Crim R 96 12.3.5
Howell v Doyle [1952] VLR 128 6.4.1.4
Hubert v R (1993) 67 A Crim R 181 18.4.2.2
Hughes v R (1951) 84 CLR 170 7.3.2.1
Hume v Juras [2006] WASC 187 16.3
Humphry v R (2003) 138 A Crim R 417 6.2
Hundal (1993) 19 CR (4th) 169 4.3.1.1
Hunter v Johnson (1884) 13 QBD 225 9.2
Hussey v R (1924) 18 Cr App R 160 15.2.6
Hyam v DPP [1975] AC 55 4.3.2.1, 4.3.2.4, 8.3.1.3

Ianella v French (1968) 119 CLR 84 14.1, 14.1.1
Ilich v R (1987) 162 CLR 110 11.1.3, 11.2.1.2, 11.2.1.3
IPH v Chief Constable of NSW [1987] Crim LR 42 3.2.2

- Jabarula v Poore (1989) 68 NTR 26 16.2.3.2
 Jeffrey v R [1982] Tas R 199 17.1.2
 Jemielita v R (1995) 81 A Crim R 409 7.2.2.2
 Jenvey v Cook (1997) 94 A Crim R 392 12.3.7
 Jervis v R (1991) 56 A Crim R 374 8.3.1.3
 Jewell and Crimes Compensation Tribunal, Re [1987] 1 VAR 370 8.5.6
 Jiminez v R (1992) 173 CLR 572 4.1.3, 4.2.4.1, 4.3.4.2, 7.5.2
 Johns v R (1980) 143 CLR 108 6.5.2.1
 Johnson v R (1976) 135 CLR 619 16.1.2, 16.1.3, 16.2.1, 16.2.3.3
 Johnson v State of Western Australia (2009) 40 WAR 116 15.4.2
 Johnson v Youden [1950] 1 KB 544 6.4.2.1
 Joud v R (2011) 254 FLR 197 13.4.2.2
 Julian v R (1998) 100 A Crim R 430 15.2.3.2
- K v Minister of YACS [1982] 1 NSWLR 311 15.4.1.2
 K v T [1983] 1 Qd R 396 7.1.4.3
 Kable v DPP (NSW) (1996) 189 CLR 51 1.2.6
 Kaitamaki v R [1985] 1 AC 147 10.2.2.2
 Kaminski v R [1975] WAR 143 11.3.2, 18.3.2
 Kaporonovski v R (1973) 133 CLR 209 4.2.1.1, 4.2.5, 4.3.3, 7.3.2.1, 7.4.2, 8.4.3,
 16.1.2, 16.1.3
 Kay v Butterworth (1945) 61 TLR 452 4.2.5
 Keene v Carter (1994) 12 WAR 20 11.2.1.2
 Kehoe v Dacol Motors Pty Ltd; Ex parte Dacol Motors Pty Ltd [1972] Qd R 59 3.3.2
 Kelsey v Hill [1995] 1 Qd R 182 10.7.2
 Khammash v Rowbottom (1989) 51 SASR 172 14.1.1
 Kidman v R (1915) 20 CLR 425 2.3
 Kimmorley v Atherton; Ex parte Atherton [1971] Qd R 117 8.5.2
 King v R (1986) 161 CLR 423 6.2, 6.2.2
 Kingswell v R (1985) 159 CLR 264 12.2.2
 Kirkpatrick v Tully [1991] 2 Qd R 291 8.5.1.2
 Kissier (1982) 7 A Crim R 171 4.2.2
 Knight v R (1992) 175 CLR 495 5.2.2, 5.2.2.1, 10.4.1
 Knuller Ltd v DPP [1973] AC 435 5.3.4
 Krakouer v WA (2006) 161 A Crim R 347 7.2.2, 7.2.2.1
 Kuczynski v R (1989) 2 WAR 316 8.3.2
 Kural v R (1987) 162 CLR 502 4.3.2.2, 12.2.6.2
 Kwok Ming v R (No 1) [1963] HKLR 349 7.2.1.2
 Kwok v R (2007) 175 A Crim R 278 116.2.2
- La Fontaine v R (1976) 136 CLR 62 4.3.2.3, 7.3
 Lai v R [1990] WAR 151 12.3.6.1
 Lam v R (1990) 46 A Crim R 402 12.2.3.1
 Lancashire and Yorkshire Railway v MacNicoll (1919) 88 LJ KB 601 11.2.1.3

- Larner v Dorrington (1993) 19 MVR 75 15.4.1.1, 15.4.4
 Larsen v GJ Coles & Co Ltd (1984) 13 A Crim R 109 14.3.1
 Larsonneur (1933) 24 Cr App R 74 4.2.1.2, 4.3.4.1
 Lavallee v R [1990] 1 SCR 852 15.5
 Law v Bleasie [1975] Crim LR 513 11.2.1.1
 Lawson v R [1986] VR 515 4.1.4
 Leaman v R [1986] Tas SR 223 6.6
 Lean v R [1989] 1 WAR 348 15.2.3.1, 15.2.3.2
 Leary v R (1977) 74 DLR (3d) 103 18.3.1
 Lee Chun Chuen v R [1963] 1 All ER 73 16.2.2
 Lenard v R (1991) 57 SASR 164 14.1.1.1
 Lennards Carrying Co Ltd v Asiatic Petroleum Ltd [1915] AC 705 3.3.2
 Leonard v Morris (1975) 10 SASR 528 4.3.2.1, 8.2.4.1
 Lergesner v Carroll [1991] 1 Qd R 206 8.5.1.2, 8.5.2, 8.5.6
 Levy v R (1948) 51 WALR 29 7.2.2.2
 Libke v R (2007) 230 CLR 559 10.2.2.4, 10.6.3
 Lim Chin Aik v R [1963] AC 160 4.3.4.1, 14.1.1.2
 Limbo v Little (1989) 65 NTR 19 15.4.1.1, 15.4.1.2
 Lodhi v R (2006) 199 FLR 303 13.1.3, 13.3.3
 Lodhi v R (2007) 179 A Crim R 470 13.3.4
 Logdon v DPP [1976] Crim LR 121 8.2.3.3, 8.2.4.1
 London Borough of Southwark v Williams and Anderson [1971] 2 All ER 175 15.4.1.1
 Loveday v Ayre [1955] Qd R 264 4.4.1.2, 14.3
 Lowe v Hooker [1987] Tas R 153 11.2.2.1
 Lowery v King (No 2) [1972] VR 560 6.2.2

 M v AJ [1989] Tas R 212 17.1.1.4
 M'Naghten (1843) 8 ER 718 17.1.1.1, 17.1.1.2
 MAC v MMV [2009] QDC 276 16.4.2.1
 Macartney v R (2006) 31 WAR 416 7.3.1.2
 Macleod v R (2003) 214 CLR 230 11.2.2
 MacPherson v Brown (1975) 12 SASR 184 8.2.4.1, 9.2
 Mamote-Kulang v R (1964) 111 CLR 62 7.4.2
 Mancini v DPP [1942] AC 1 4.4.1.1, 4.4.2, 16.2.1, 16.2.3.1, 16.2.3.3
 Manisco v R (1995) 79 A Crim R 231 12.3.5
 Mansell v Griffin [1908] 1 KB 160 8.4.4
 March v E & M H Stramare (1991) 171 CLR 506 7.2.2.1
 Maroney v R (2003) 202 ALR 405 12.3.5.1
 Marshall v R (1987) 49 SASR 133 7.3.2.2
 Martin v R (No 2) (1996) 86 A Crim R 133 7.2.1.2, 7.2.2.1
 Masciantonio v R (1995) 183 CLR 58 16.2.2, 16.2.3, 16.2.3.1, 16.2.3.2, 16.2.3.3
 Mathews [2003] EWCA Crim 192 4.3.2.1
 Matthews v R [2001] WASCA 264 11.6.2.2
 Mattusevich v R (1977) 137 CLR 633 6.2.2

- McArdle v Wallace [1964] Crim LR 467 8.3.1.1
 McAuliffe v R (1995) 183 CLR 198 7.2.2.1, 7.2.2.2, 6.5.1
 McAvaney v Quigley (1992) 58 A Crim R 457 8.5.6
 McBride v R (1966) 115 CLR 44 7.5.2
 McC v Runeckles [1984] Crim LR 499 1.2.3.3
 McCarthy and Ryan v R (1993) 71 A Crim R 395 6.4.1
 McClintock v Noffke [1936] St R Qd 73 8.4.4.1
 McCluskey v HM Advocate (1989) SLT 175 7.2.1.2
 McConville v R (1989) 44 A Crim R 455 11.3.1
 McCullough v R [1982] Tas R 43 15.2.3.1
 McDermott v Director of Mental Health; Ex parte AG (2007) 175
 A Crim R 461 17.2.2.1, 17.2.2.2
 McGhee v R (1995) 183 CLR 82 5.2.2, 5.2.2.1, 10.4.1, 15.3.1.2
 McKenna v R (1992) 7 WAR 455 7.3.2.1
 McKenzie v GJ Coles and Co Ltd [1986] WAR 224 3.3.2
 McLeod v R (2003) 214 CLR 230 11.6.2.2
 McLiney v Minister [1911] VLR 347 8.4.2
 McLoughlin (1838) 8 C & P 635 8.3.1.3
 McNamara v Duncan (1971) 45 FLR 152 8.5.6
 McPherson v Cairn [1977] WAR 28 4.3.4.2, 14.3
 Meauri [1969–1970] P&NGLR 254 15.2.3.1
 Mee v Cruickshank (1902) 20 Cox CC 210 9.2
 Meering v Grahame-White Aviation Co Ltd (1919) 122 LT 44 9.2
 Mehmet Ali v R (1957) 59 WALR 28 16.1.3
 Meridian Global Funds Management Asia Ltd v Securities Commission [1995] 3
 WLR 413 3.3.2
 Meyers v R (1997) 147 ALR 440 4.1.3, 7.3.1.2
 Meyrick and Ribuffi (1929) 21 Cr App R 94 5.3.1.1
 Middap v R (1992) 63 A Crim R 434 6.6
 Milicevic v Campbell (1975) 132 CLR 307 12.1.2
 Moffa v R (1977) 138 CLR 601 16.2.1, 16.2.2, 16.2.3, 16.2.3.2
 Mollov v Hallam [1903] St R Qd 282 4.1.2
 Mounsey v La Fayette (2002) 37 MVR 256 4.3.4.2
 Mulcahy v R (1868) LR 3 HL 306 5.3.1
 Moloney [1985] AC 905 4.3.2.1
 Mullen v R [1938] St R Qd 97 4.2.5, 4.4.1.2
 Murphy v Porter (1984) 12 A Crim R 38 11.5.2
 Murray v R (2002) 211 CLR 193 2.2.1, 4.2.1.1, 4.2.5
 Murray v R [1962] Tas SR 170 6.2.1, 6.4.1, 6.4.1.4

 N v P [2009] QDC 69 16.4.2.1
 National Coal Board v Gamble [1959] 1 QB 11 6.4.2.2
 Nedrick v R [1986] 1 WLR 1025 4.3.2.1
 Ngawaka v R [2004] NZCA 249 6.4.1.6

- NHS Trust A v M [2001] 1 All ER 801 7.2.2.2
 Nicholson v R (1994) 76 A Crim R 187 5.2.3.1
 Nielsen v R [1990] 2 Qd R 578 17.2.2
 Noordhof v Barlett (1986) 12 FCR 209 8.3.1.1
 Nydam v R [1977] VR 430 4.3.3, Figure 4.3.4.2, 7.4.3.2
- O'Brien v Reitze [1972] WAR 152 11.2.1.1
 O'Connor v Killian (1984) 38 SASR 327 5.2.3.1
 O'Sullivan v Fisher [1954] SASR 33 4.2.4.1
 O'Sullivan v Thurmer [1955] SASR 76 6.2.1
 O'Sullivan v Truth and Sportsman Ltd (1957) 96 CLR 220 6.4.1.4
 O'Toole v Arnold (1982) 16 NTR 8 3.2.2
 Oldcastle's Case (1419) 1 Hale PC 50 15.3.1.2
 Osborne v Dent; Ex parte Dent (unreported, 29 July 1982, SC Qld) 15.4.1.2, 15.4.3
 Osland v R (1998) 197 CLR 316 6.1.1, 6.2, 6.3.1, 16.2.1, 16.4.2.1
 Ostrowski v Palmer (2005) 218 CLR 493 14.1, 14.1.1
 Oxford v Moss (1978) 68 Cr App R 183 11.2.1.1
- Pacino v R (1998) 105 A Crim R 309 7.4.3.1, 14.3
 Pallante v Stadiums Pty Ltd [1976] VR 331 8.5.6
 Palmer v Ostrowski (2002) 26 WAR 289 14.1
 Palmer v R [1971] AC 814 15.2.1.1
 Papadimitropoulos v R (1957) 98 CLR 249 8.5.3, 10.2.2.3
 Parker, Ex parte; Re Brotherson (1957) 57 SR (NSW) 326 6.4.1.5
 Parker v Alder [1899] 1 QB 20 4.3.4.2
 Parker v R (1963) 111 CLR 610 16.2.1, 16.2.1, 16.2.2
 Parker v R (1997) 186 CLR 494 11.2.1.2
 Pearce v Stanton [1984] WAR 359 14.3.2
 Pemble v R (1971) 124 CLR 107 7.4.2, 8.2.3.2
 People v Lewis (1899) 12 Cal 551 7.2.2.2
 Pereira v DPP (1988) 82 ALR 217 4.3.2.2, 12.2.6.2, 12.3.6.2
 Perka v R (1985) 14 CCC (3rd) 385 4.4.1.2, 15.4.1.1, 15.4.2
 Peters v R (1998) 192 CLR 49 4.3.2.1, 5.3.1.1, 5.3.1.2, 5.3.2.2, 11.6.2.2
 PGA v R [2012] HCA 21 10.1.2
 Pierce v R (1941) 5 J Crim L 124 15.6
 Pinkstone v R (2004) 219 CLR 444 6.3.1, 12.3.5
 Pinochet Ugarte, Ex parte (No 3) [2001] 1 AC 147 3.4
 Plomp v R (1963) 110 CLR 234 4.3.2.4
 Police v Greaves [1964] NZLR 295 8.2.3.1
 Police v Pfeifer (1997) 68 SASR 285 4.3.4
 Pollard v DPP (Cth) (1992) 28 NSWLR 659 14.1.1
 Pollock v R (2010) 242 CLR 233 16.2.2
 Porrit [1961] 3 All ER 663 16.2.1
 Poulters' Case (1611) 77 ER 813 5.3.1.1

- Povey v Qantas Airways Ltd (2005) 223 CLR 189 4.2.5, 7.4.2
 Powell v R (1988) 36 A Crim R 1 11.2.1.3
 Proprietary Articles Trade Association v A-G (Canada) [1931] AC 310 1.1
 Proudman v Dayman (1941) 67 CLR 536 4.3.4.2, 14.1.2, 14.3, 14.3.1
 Public Prosecutor v Panikuiaka Nopi [1979] PNGLR 536 7.1.2
 Pusey v Wagner; Ex parte Wagner [1922] St R Qd 181 14.1
- Qld v B [2008] QSC 231 7.1.4.3
 Queensland v Nolan [2002] 1 Qd R 454 15.4.1
- R (on the application of Pretty) v DPP [2002] 1 FLR 268 7.1.3
 R v A [2000] 2 All ER 177 9.3.2.1
 R v Abebe [2000] 1 VR 249 15.2.3.1, 16.2.1
 R v Abusafiah (1991) 24 NSWLR 531 15.3.2
 R v Acott [1997] 2 Cr App R 94 16.2.1
 R v Adams (1935) 53 CLR 563 2.2.1.2
 R v Aitken [1992] 1 WLR 1006 8.5.1.2
 R v Alexander (1995) 78 A Crim R 141 16.2.1
 R v Alexander (2005) 206 CCC (3d) 233 6.7.1
 R v ALH (2003) 6 VR 276 3.2.2
 R v Allan [1965] 1 QB 130 6.4.1.4
 R v Allard [1988] 2 Qd R 269 11.6.2.2
 R v Amos [1965] 2 QB 167 7.5.2
 R v Ancuta [1991] 2 Qd R 413 6.4.2.1
 R v Anderson (1991) 53 A Crim R 421 13.1.1
 R v Angus [2000] QCA 29 11.2.1.3
 R v Arden [1975] VR 449 16.2.1
 R v Armstrong [1996] 1 Qd R 316 10.7.1.3
 R v Arnol [1980] Tas SR 222 6.2, 6.4.1.1, 6.4.2, 6.4.2.2
 R v Ashwell (1885) 16 QB 190 11.2.1.2
 R v Aspinall (1876) 2 QBD 48 5.3.1.1
 R v Aston (No 2) [1991] 1 Qd R 375 1.2.3
 R v Aston-Brien [2004] QCA 23 5.2.3.1
 R v Austin [1981] All ER 374 6.2.1
 R v Awang [2004] 2 Qd R 672 9.2
 R v Ayoub [1984] 2 NSWLR 511 17.2.1
 R v B [1997] 2 Qd R 4596 3.2.2, 11.7.2
 R v B and A [1979] 3 All ER 460 3.2.2
 R v B and P [1999] 1 Qd R 296 6.4.2.2, 6.5.1
 R v Bailey [1924] QWN 38 11.2.2.1
 R v Bainbridge [1960] 1 QB 129 6.4.1.1, 6.4.2.1
 R v Baker and Ward [1999] 2 Cr App R 335 15.3.1.2
 R v Bannah [1989] 1 Qd R 331 11.6.3.2
 R v Baraghith (1991) 54 A Crim R 240 16.2.3.2

- R v Barbeler [1977] Qd R 80 5.2, 5.2.1.1, 5.2.1.2
R v Barboutis (1995) NSWLR 256 5.3.1.1
R v Barlow (1962) 79 WN (NSW) 756 6.6
R v Barlow (1997) 188 CLR 1 2.2.1, 6.5.2.1, 6.5.2.2, 6.6
R v Barker [1924] NZLR 865 5.2.3.1
R v Barnes [2005] 1 WLR 910 8.5.1.2, 8.5.6
R v Barrett (1980) 72 Cr App R 212 15.2.6.1
R v Barton (1931) 25 QJPR 81 7.1.4.3
R v BAS [2005] QCA 97 10.2.2.3, 10.5.1.5
R v Bateman (1925) 19 Cr App R 8 4.3.3, 7.4.3.1
R v Bayliss and Cullen (1986) 9 QL 8 7.1.4.3
R v BBD [2007] 1 Qd R 478 7.4.3.1, 7.4.3.2
R v Becerra (1976) 62 Cr App R 212 6.4.1.6
R v Beck [1985] 1 All ER 571 6.3.2
R v Beck [1990] 1 Qd R 30 6.4.1.1, 6.4.1.3, 6.4.1.4, 6.4.1.5, 6.4.2, 6.4.2.2, 6.5.1, 6.5.2.1
R v Bell [1972] Tas SR 127 5.2.2.2, 10.4.1
R v Belvins (1988) 48 SASR 65 8.3.1.3
R v Benbrika (2009) 222 FLR 433 13.4.2.1
R v Berger (1915) 84 LJKB 541 11.5.1
R v Bernhard [1938] 2 KB 264 11.2.2.2
R v Bies [1967] Qd R 470 17.2.2
R v Billinghurst [1978] Crim LR 553 8.5.6
R v Singapore (1975) 11 SASR 469 7.2.2.1, 7.2.2.2
R v Blaue [1975] 1 WLR 1411 7.2.2.2
R v Bloxham (1943) 29 Cr App R 37 11.2.1.3
R v Boden [2002] QCA 164 11.6.5
R v Bonora (1994) 35 NSWLR 74 8.5.1.1
R v Boston (1923) 33 CLR 386 5.3.4
R v Bourne [1939] 1 KB 687
R v Boyea [1992] Crim LR 574 8.3.1.3, 8.5.7
R v Boyd [2001] QCA 421 12.3.7
R v Boyle [1954] 2 QB 292 11.4.1.3
R v Bradley (1910) 4 Cr App R 225 10.2.2
R v Brain (1834) 6 C & P 349 7.2.1.2
R v Bree [2007] EWCA 256 10.2.2.4
R v Breshnahan (1992) 1 Tas R 234 8.4.4.1
R v Brien and Paterson [1999] 1 Qd R 634 6.5.2.2, 7.3.2.1
R v Briggs (1987) 24 A Crim R 98 6.3.2
R v Bristow [1960] SASR 210 7.2.2.2
R v Brooks [1945] NZLR 584 17.1.1.4
R v Bropho [2004] WADC 182 10.2.2.3
R v Brougham (1986) 43 SASR 187 11.3.3
R v Brown (1986) 43 SASR 33 15.3.2, 15.3.3

- R v Brown [1975] 10 SASR 139 10.3.1
R v Brown [1968] SASR 467 15.3.2
R v Brown [1992] 2 WLR 441 8.5.2
R v Brown [1994] 1 AC 212 1.2.7.2, 8.4.1, 8.5.1.2, 8.5.7
R v Brown (2007) 171 A Crim R 345 6.4.1.1, 6.5.2.1, 7.4.2
R v Brown and Morley [1968] SASR 467 15.3.1.2
R v Bryant [1984] 2 Qd R 545 10.5.1.2
R v Buckett (1995) 132 ALR 669 6.2
R v Buckley (SC (Qld) 7 April 1982, unreported) 18.3.2
R v Bull (1974) 131 CLR 203 12.2.3.1, 12.2.6.2
R v Bunney (1894) 6 QLJ 80 7.2.2.2
R v Burdee (1916) 12 Cr App R 153 7.2.2.2
R v Burgess [1991] 2 QB 92 17.1.2, 17.1.4
R v Burns [2000] QCA 201 8.3.1.3
R v Bush [1975] 1 NSWLR 298 12.2.6.1, 12.2.6.2
R v Butcher [1986] VR 43 4.2.4.1, 7.2.2.1, 7.3.2.1, 11.3.1
R v Button (2002) 54 NSWLR 455 8.3.1.3, 11.3.3.2
R v Buttworth [1983] 1 NSWLR 658 4.3.3
R v Byers [2000] QCA 120 7.2.1
R v Byram [2008] EWCA 516 7.2.2.2
R v Byrne [1960] 2 QB 396 17.2.2
R v Caelham [1985] QB 808 6.4.1.2, 6.4.1.4
R v Cahill [1978] 2 NSWLR 453 5.3.4
R v Callaghan [1942] St R Qd 40 4.3.1.2, 7.4.3.1
R v Callope [1965] Qd R 456 16.1.3
R v Campbell [1997] 2 VR 585 8.2.4.1
R v Campbell [1991] Crim LR 268 5.2.3.1
R v Campbell [1933] St R Qd 123 5.3.1
R v Campbell and Brennan [1981] Qd R 516 9.3.1.2
R v Camplin (1845) 1 Cox CC 220 10.2.2.2
R v Carey [2006] EWCA Crim 17 7.2.2.2
R v Carroll (1835) 173 ER 64 18.1.1
R v Carter [2003] 2 Qd R 402 7.2.2.1
R v Carter (2003) 141 A Crim R 142 7.2.2.1
R v Carter [1959] VR 105 17.1.4
R v Carter and Savage; Ex parte A-G [1990] 2 Qd R 371 6.6
R v Castles [1969] QWN 36 7.2.1.2
R v Cavendish [1961] 2 All ER 856 11.5.1
R v Chan Wing-Siu [1984] 3 WLR 677 6.5.1
R v Chan-Fook [1994] 2 All ER 552 8.3.1.3
R v Charles (2001) 123 A Crim R 253 7.2.2.2, 7.4.2
R v Charlson [1955] 1 All ER 859 4.2.4.3, 17.1.2, 17.1.4
R v Chase [1987] 2 SCR 293 10.5.1.3
R v Chellingworth [1954] QWN 35 5.2.3.1

- R v Cheshire [1991] 1 WLR 844 7.2.2.2
 R v Chester [1982] Qd R 252 18.4.2.1
 R v Chivers [1993] 1 Qd R 432 1.2.3
 R v Church [1966] 1 QB 59 4.1.3
 R v Cittadini [2009] NSWDC 179 7.1.5
 R v Clare [1994] 2 Qd R 619 12.3.6.2, 12.2.7.1.2
 R v Clarence (1889) 23 QBD 23 8.3.1.3, 8.5.3, 10.2.2.3
 R v Clark (2007) 171 A Crim R 532 7.4.3.2
 R v Clarke [1972] 1 All ER 219 17.1.3.1
 R v Clarke and Wilton [1959] VR 645 4.2.1.2, 6.1.1, 6.2.1
 R v Clarke (2008) 100 SASR 363 4.3.4.2.
 R v Clough (1992) 28 NSWLR 396 6.2.1
 R v Cockburn [1968] 1 WLR 281 11.2.2.1
 R v Cogan and Leak [1976] QB 217 6.3.2
 R v Coleman (1990) 19 NSWLR 467 4.3.2.3, 8.2.4.1
 R v Coles [1984] 1 NSWLR 726 5.3.1.1
 R v Coney (1882) 8 QBD 534 4.2.1.2, 6.4.1.4, 6.4.1.5, 8.5.1.2
 R v Conlon (1993) 69 A Crim R 92 15.2.2, 15.2.3.2, 18.4
 R v Connolly (1958) 76 WN (NSW) 184 18.4.2.1
 R v Constanza [1997] Crim LR 576 8.2.3.1
 R v Conway [1989] QB 290 15.4.1.1
 R v Conway (2004) 149 A Crim R 206 16.2.1
 R v Cook (1979) 2 A Crim R 151 7.2.2.2
 R v Cook [1927] St R Qd 348 Figure 10.5.1, 10.5.3
 R v Coote (1873) LR 4 PC 599 14.1.1
 R v Cope (1921) 38 TLR 243 5.2.3.1
 R v Corbett [1903] St R Qd 246 18.4.2.2
 R v Corcoran [2000] QCA 114 15.2.3.2
 R v Corkin (1988) 50 SASR 285 10.2.1.2
 R v Cormack [1969] 2 QB 442 8.2.2
 R v Cottle [1958] NZLR 999 17.1.2
 R v Court [1989] AC 28 10.5.1.2, 10.5.3
 R v Cox (1992) 12 Butterworths Medico-Legal Reports 38 7.1.3
 R v Crabbe (1985) 156 CLR 464 4.3.2.1, 4.3.2.2, 4.3.2.3, 7.3
 R v Cramp (1880) 5 QBD 307 7.1.4.3
 R v Crimmins [1959] VR 270 2.2.3
 R v Croft [1981] 1 NSWLR 126 16.2.1, 18.4.1
 R v Cronau (1980) 3 A Crim R 460 7.3.2.1
 R v Crozier [1965] Qd R 133 18.3.2
 R v Cuerrier [1998] 2 SCR 371 10.2.2.3
 R v Cugullere [1961] 1 WLR 858 11.3.3
 R v Cumming (1995) 86 A Crim R 156 12.3.6.1, 12.3.6.2
 R v Cunningham [1982] AC 566 8.3.1.3
 R v Curley (1909) 2 Cr App R 109 7.2.2.2