Bibliography

Articles/Books/Reports


Appleby, Gabrielle and Stephen McDonald, ‘Looking at the Executive Power through the High Court’s New Spectacles’ (2013) 35(2) Sydney Law Review 253


Aronson, Mark, Bruce Dyer and Matthew Groves, Judicial Review of Administrative Action (Lawbook, 4th ed, 2009)

Australian Digest (Lawbook, 2nd ed, 1968) vol 2


Baker, J H, An Introduction to English Legal History (Butterworths, 2nd ed, 1979)


Barry, John V, KC and Department of External Territories, Report of the Commission of Inquiry into the Circumstances Relating to the Suspension of Civil Administration of the Territory of Papua in February, 1942 (Australia: s.n., 1945) (‘Barry Report’)

Beasley, Richard, ‘Duty of Care on the Battlefield’ Bar News (Summer 2011–2012) 53


Blackstone’s Commentaries: with Notes of Reference, to the Constitution and Laws, of the Federal Government of the United States; and the Commonwealth of Virginia (Hein Online reproduction, 1803) vol 5


Boyce, Peter, The Queen’s Other Realms: The Crown and its Legacy in Australia, Canada and New Zealand (Federation Press, 2008)


Calwell, C E, *Small Wars: Their Principles and Practice* (HMSO 3rd ed, 1899)


Cartledge, G J, *The Soldier’s Dilemma: When to Use Force in Australia: An Examination of the Laws which are Likely to Affect Australian soldiers Operationally Deployed in Australia* (AGPS Press, 1992)

Charteris, A H (Archibald Hamilton), ‘The Mandate over Nauru Island’ (1923–1924) 4 *British Yearbook of International Law* 137


Chitty, Joseph, *A Treatise on the Law of the Prerogatives of the Crown; and the Relative Duties and Rights of the Subject* (Butterworths, 1820)


Commonwealth of Australia, *Inquiry into Certain Australian Companies in Relation to the UN Oil for Food Programme* (2006)


Craig, Paul and Adam Tomkins, ‘Introduction’ in Paul Craig and Adam Tomkins (eds), The Executive and Public Law: Power and Accountability in Public Perspective (Oxford University Press, 2006) 1

Craig, Paul and Adam Tomkins (eds), The Executive and Public Law: Power and Accountability in Public Perspective (Oxford University Press, 2006)


Dahl, Arne Willy, ‘Military Assistance to the Police in Situations Requiring the Use of Armed Force’ (Keynote Address at the New Zealand Armed Forces Law Conference, Trentham Army Camp, Upper Hutt, New Zealand, 9 February 2007)

Davies, Martin and Anthony Dickey, Shipping Law (Lawbook, 3rd ed, 2004)

De Smith, Stanley and Rodney Brazier, Constitutional and Administrative Law (Penguin, 7th ed, 1994)

Dean, Eric, ‘New Zealand Requisition of Ships in Time of War or other like Emergency’ (1987) 4 Maritime Law Association of Australia and New Zealand Journal 21

Dennis, Peter, Jeffrey Grey, Ewan Morris and Robin Prior, The Oxford Companion to Australian Military History (Oxford University Press, 2nd ed, 2008)

Department of Defence, Commonwealth War Book (1956)

Department of Defence, Submission to Senate Legal and Constitutional Committee Inquiry into Defence Legislation Amendment (Aid to Civilian Authorities) Bill (2005)


Department of Defence, White Paper 2013


Devereux, John, ‘Discipline Abroad: Re Colonel Aird; Ex Parte Alpert’ (2004) 23 University of Queensland Law Journal 485


Dodd, Cyril, ‘The Case of Marais’ (1902) 18 Law Quarterly Review 145

BIBLIOGRAPHY


Edson, Elise, ‘Section 51(xxix) of the Australian Constitution and “Matters of International Concern:” Is there Anything to be Concerned About?’ (2008) 29(2) *Adelaide Law Review* 269


Evans, Simon, ‘Continuity and Flexibility: Executive Power in Australia’ in Paul Craig and Adam Tomkins (eds), *The Executive and Public Law: Power and Accountability in Public Perspective* (Oxford University Press, 2006) 89


Finlason, W F, *Commentaries upon Martial Law, with Special Reference to Its Regulation and Restraint* (Stevens, 1867)

Finlason, W F, *Report of the Case of The Queen v Edward Eyre on his Prosecution in the Court of Queen's Bench containing the Charge of Mr Justice Blackburn* (Stevens, 1868)


Forbes, Andrew (ed), *Australia’s Response to Piracy: A Legal Perspective* (Sea Power Centre Australia, 2011)


French, Chief Justice Robert, ‘Oil and Water? International and Domestic Law in Australia’ (The Brennan Lecture delivered at Bond University, 26 June 2009) published in Mary Hiscock and William van Caenegem (eds), The Internationalisation of Law: Legislatng, Decision-making, Practice and Education (Edward Elgar, 2010) 211


Gately, Warwick and Cameron Moore, ‘Protecting Australia’s Maritime Borders: The Operational Aspects’ in Ben M Tsamenyi and Christopher Rahman (eds), Protecting Australia’s Maritime Borders: The MV Tampa and Beyond (Centre for Maritime Policy, 2002) 37

Gerangelos, Peter, ‘Parliament, the executive, the Governor-General and the Republic’ in H P Lee and Peter Gerangelos (eds), Constitutional Advancement in a Frozen Continent: Essays in Honour of George Winterton (Federation Press, 2009) 190


Hale, Sir Matthew, *The Prerogatives of the King* (Selden Society, written between 1640 and 1664 but unpublished, D E C Yale (ed) (1976 ed)


Hannan, Brigadier Mike, ‘Defence Support to US President’s Visit’ (Transcript of official interview by Defence Spokesperson, 21 October 2003)


Hartnell, Air Vice Marshal Geoffrey, *Canberra Papers on Strategy and Defence No 27* (The Australian National University, Canberra 1983)


Head, Michael, ‘Calling out the Troops – Disturbing Trends and Unanswered Questions’ (2005) 28(2) *University of New South Wales Law Journal* 479


Head, Michael, *Calling out the Troops: The Australian Military and Civil Unrest* (Federation Press, 2009)


Human Rights Committee, Replies to the List of Issues (CCPR/C/AUS/Q/5) to be Taken Up in Connection with the Consideration of the Fifth Periodic Report of the Government of Australia (CCP/C/AUS/5) UN Doc CCPR/C/AUS/Q/5/Add.1 (21 January 2009)

Hume, David, The History of England from the Invasion of Julius Caesar to the Revolution of 1688 (Continued to the Death of George the Second by T. Smollett M D) (Joseph Ogle Robinson, 1833)


International Committee of the Red Cross, Report of the 31st International Conference of the Red Cross and Red Crescent on International Humanitarian law and the Challenges of Contemporary Armed Conflicts (2011)

International Institute of International Humanitarian Law, San Remo Manual on International Law Applicable to Armed Conflict at Sea (1994)

Jefferson, Thomas, ‘Letter LXXI to Doctor James Brown, Washington, October 27, 1808’ in Thomas Jefferson Randolph (ed), Memoirs, Correspondence and Miscellanies from the Correspondence of T Jefferson (F Carr, 1829) vol 3, 115


Kaye, Stuart, ‘Tampering with Border Protection: The Legal and Policy Implications of the Voyage of the MV Tampa’ in Martin Tsamenyi and Chris Rahman (eds), Protecting Australia’s Maritime Borders: The MV Tampa and Beyond (Centre for Maritime Policy, 2002) 59


Kemp, Rod and Marion Stanton (eds), *Speaking for Australia: Parliamentary Speeches that Shaped Our Nation* (Allen and Unwin, 2004)


Lake, Marilyn, ‘Introduction: What have you done for your country?’ in Marilyn Lake, Henry Reynolds, Mark McKenna and Joy Damousi (eds), *What’s Wrong with Anzac? The Militarisation of Australia’s History* (University of New South Wales Press, 2010) 1

Lake, Marilyn, Henry Reynolds, Mark McKenna and Joy Damousi (eds), *What’s Wrong with Anzac? The Militarisation of Australia’s History* (University of New South Wales Press, 2010)


Locke, John, *Two Treatises of Government* (Mobilereference.com, first published 1689, 2008)


*Manual of Military Law* (UK) (1899)


McKeown, Deirdre and Ray Jordan, ‘Parliamentary Involvement in Declaring War and Deploying Forces Overseas’ (Background Note, Parliamentary Library, Commonwealth, 2010)


McLaughlin, Robert and Bruce Oswald, “Wilful Killing” During Armed Conflict: Is there a Defence of Proportionality in Australia?” (2007) 18(1) Criminal Law Forum 1


Mead, Lieutenant Colonel Lachlan, ‘We are more Concerned with the Good Soldier than the Bad one in War: The Australian Army Legal Department 1939–1942’ in Bruce Oswald and Jim Waddell (eds) Justice in Arms: Military Lawyers in the Australian Army’s First Hundred Years (Big Sky, 2014) 77

Mead, Lieutenant Colonel Lachlan, ‘Not Exactly Heroic but still Moderately Useful: Army Legal Work during the Second World War 1939–1945’ in Bruce Oswald and Jim Waddell (eds) Justice in Arms: Military Lawyers in the Australian Army’s First Hundred Years (Big Sky, 2014) 127


Melzer, Nils, Interpretive Guidance on the Notion of Direct Participation in Hostilities Under International Humanitarian Law (International Committee of the Red Cross, 2009)


Morgan, Kenneth (ed), The Oxford Illustrated History of Britain (Oxford University Press, 1984)


Nagle, Peter, Papua New Guinea Records (National Archives of Australia, 2002)


CROWN AND SWORD


Oswald, Bruce, ‘The INTERFET Detainee Management Unit in East Timor’ (2000) 3 *Yearbook of International Humanitarian Law* 347, doi.org/10.1017/S1389135900000696


Oswald, Bruce and Jim Waddell (eds) *Justice in Arms: Military Lawyers in the Australian Army’s First Hundred Years* (Big Sky, 2014)


Pejic, Jelena, ‘Procedural Principles and Safeguards for Internment/Administrative Detention in Armed Conflict and Other Situations of Violence’ (2005) 87(858) *International Review of the Red Cross* 375, doi.org/10.1017/S1816383100181408


Ramraj, Victor (ed), Emergencies and the Limits of Legality (Cambridge University Press, 2008)


Renwick, James, ‘Detention Without Trial – The Relevance for Australia of the US Supreme Court Decisions in Hamdi, Rasul and Rumsfeld’ (Speech to Judicial Conference of Australia, 3 September 2005)

Reynolds, Henry, ‘Are Nations Really Made in War?’, in Marilyn Lake, Henry Reynolds, Mark McKenna and Joy Damousi (eds), What’s Wrong with Anzac? The Militarisation of Australia’s History (University of New South Wales Press, 2010) 1

Richards, H Erle, ‘Martial Law’ (1902) 18 Law Quarterly Review 133
Robertson, Justice Alan, ‘Commentary on the Boundaries of Judicial Review and Justiciability: Comparing Perspectives from Australian and Canada’ (Paper presented at the Australian Institute of Administrative Law (NSW Chapter) Seminar, Sydney, 22 July 2013)

Rogers, A P V, Law on the Battlefield (Manchester University Press, 2nd ed, 2004)


Rowe, Peter, Defence: The Legal Implications: Military Law and the Laws of War (Brassey’s, 1987)

Rowe, Peter, ‘The Soldier as a Citizen in Uniform: A Reappraisal’ (2007) 7 New Zealand Armed Forces Law Review 1

Rowe, Peter, ‘Is there a Right to Detain Civilians by Foreign Armed Forces during a non-International Armed Conflict?’ (2012) 61 International and Comparative Law Quarterly 697, doi.org/10.1017/S0020589312000292


Schmitt, Carl, *Political Theology: Four Chapters on the Concept of Sovereignty* (G Schwab trans, University of Chicago Press, 2005)


Shearer, I A, ‘The Relationship Between International Law and Domestic Law’ in Brian Opeskin and Donald Rothwell (eds), International Law and Australian Federalism (Melbourne University Press, 1997) 49


Smith, H A, The Law and Custom of the Sea (Stevens, 3rd ed, 1959)


Smith, Michael and Maureen Dee, Peacekeeping in East Timor: The Path to Independence (Lynne Reiner Publishers, 2003)


Snow, Deborah and Cynthia Banham, ‘Calling Shots in Defence’ Sydney Morning Herald 28 February – 1 March 2009


Stephenson, Carl and Frederick George Marcham (eds and trans), *Sources of English Constitutional History: A Selection of Documents from AD 600 to the Present* (Harper and Brothers, 1937)


Thomson, Mark, ‘Serving Australia: Control and Administration of the Department of Defence’ (2011) June 41 *Australian Strategic Policy Institute Special Report* 1

Tomkins, Adam, ‘The Struggle to Delimit Executive Power in Britain’ in Paul Craig and Adam Tomkins (eds), *The Executive and Public Law: Power and Accountability in Public Perspective* (Oxford University Press, 2006) 16


United States Adjutant General’s Office, *Correspondence, Orders, Reports, and Returns of The Union Authorities From January 1 To December 31, 1863 – General Order No 100, ‘The Lieber Code Of 1863’*

Vattel, Emer de, *Droit des Gens* (London, 1798)

Waddell, Colonel Jim, ‘From Federation to Armistice: The Earliest Army Legal Officers’ in Bruce Oswald and Jim Waddell (eds) *Justice in Arms: Military Lawyers in the Australian Army’s First Hundred Years* (Big Sky, 2014)


BIBLIOGRAPHY


White, Douglas QC and Graham Ansell, ‘Review of the Performance of the Defence Force in Relation to Expected Standards of Behaviour, and in Particular the Leaking and Inappropriate Use of Information by Defence Force Personnel’ (Report to the State Services Commissioner, 20 December 2001)


Williams, George, ‘Feature – Republic of Fiji v Prasad’ (2001) 2(1) Melbourne Journal of International Law 144


Winterton, George, *The Parliament, the Executive and the Governor-General* (Melbourne University Press, 1983)


Winterton, George, ‘Who is Our Head of State?’ (2004) 48(4) *Quadrant* September


Zelinka, Marley, ‘Hicks v Ruddock versus The United States v Hicks’ (2007) 29(3) Sydney Law Review 527

Cases

A v Hayden (1984) 156 CLR 532

Adelaide Company of Jehovah’s Witnesses v Commonwealth (1943) 67 CLR 116


Al-Jedda v United Kingdom (2011) 53 EHRR 23

Al-Jedda v Secretary of State for Defence [2011] 2 WLR 225 (‘Al-Jedda’)

Al-Jedda v Secretary of State for the Home Department [2012] EWCA Civ 358

Al Kateb v Godwin (2004) 219 CLR 562

Al-Skeini v United Kingdom [2011] ECHR

Al-Waheed v Ministry of Defence; Mohammed v Ministry of Defence [2017] UKSC 2

Andrews v Howell (1941) 65 CLR 255

Attorney-General (Vic) v Commonwealth (1935) 52 CLR 533 (‘Clothing Factory Case’)

Attorney-General (Vic) ex rel Dale v Commonwealth (1945) 71 CLR 237 (‘Pharmaceutical Benefits Case’)

Attorney-General for Northern Ireland’s Reference [1977] AC 105

Attorney-General v De Keyser’s Royal Hotel Ltd [1920] AC 508 (‘De Keyser’s Royal Hotel’)

Attorney-General v Nissan [1970] AC 179 (‘Nissan’)

Australian Capital Television Pty Ltd v Commonwealth (1992) 177 CLR 106
Australian Communist Party v Commonwealth (1951) 83 CLR 1
(‘Communist Party Case’)

Bank of New South Wales v The Commonwealth (1948) 76 CLR 1

Barratt v Howard (2000) 96 FCR 428

Barton v Commonwealth (1974) 131 CLR 477

Barwis v Keppel (1766) 95 ER 831; 2 Wilson, KB 314

Beckwith v R (1976) 135 CLR 569

Belhaj v Straw; Rahmatullah (No 1) v Ministry of Defence [2017] UKSC 3

Bici v Ministry of Defence [2004] EWHC 786 (‘Bici’)


Blom v Commonwealth (1917) 24 CLR 189

Bradley v Commonwealth (1973) 128 CLR 557

British Broadcasting Corporation v Jones [1965] Ch 32

Bromet v Oddie (2002) 78 ALD 320


Burmah Oil Co Ltd v Lord Advocate [1965] AC 75 (‘Burmah Oil’)

Burns v Ransley (1949) 79 CLR 101

Buron v Denman (1848) 2 Ex 167; 154 All ER 450

Cadia Holdings Pty Ltd v NSW (2010) 242 CLR 195 (‘Cadia’)

Carter v Egg & Egg Pulp Marketing Board (Vic) (1942) 66 CLR 557

Case of the King’s Prerogative in Saltpetre (1606) 12 Co Rep 12

Chandler v Director of Public Prosecutions [1964] AC 763

Charge to the Bristol Grand Jury on a Special Commission 5 C & P 254

China Navigation Company Ltd v Attorney-General [1932] 2 KB 197 (‘China Navigation’)
BIBLIOGRAPHY

Chow Hung Ching v R (1948) 77 CLR 449
Chu Kheng Lim v Minister for Immigration, Local Government and Ethnic Affairs (1992) 176 CLR 1
Clifford v O'Sullivan [1921] 2 AC 570
Clough v Leahy (1904) 2 CLR 139
Commonwealth v Colonial Combing, Spinning and Weaving Co (1922) 31 CLR 421 (‘Wooltops Case’)
Commonwealth v Mewett (1997) 191 CLR 471
Commonwealth v Quince (1944) 68 CLR 227 (‘Quince’)
Commonwealth v Tasmania (1983) 158 CLR 1 (‘Tasmanian Dam Case’)
Commonwealth v Welsh (1947) 74 CLR 245
Commonwealth v Yarmirr (2001) 208 CLR 1
Commonwealth v Zachariassen and Blom (1920) 27 CLR 552
Council of the Civil Service Unions v Minister for the Civil Service [1985] AC 374
Coutts v Commonwealth (1985) 157 CLR 91
CPCF v Minister for Immigration and Border Protection [2015] HCA 1 (‘CPCF’)
Curtis v Minister of Defence [2002] 2 NZLR 744 (‘Curtis’)
Davis v Commonwealth (1988) 166 CLR 79
DPP (SA) v B (1998) 194 CLR 566
Donohue v Schroeder and Kabutz (1916) 22 CLR 362
Dudley v Stephens (1884) 14 QBD 273
Egan v Willis (1998) 195 CLR 424
Entick v Carrington (1765) 19 St Tr 1030, (1765) 2 Wils KB 275, 291 [95 ER 807, 817]
CROWN AND SWORD

FAI Insurances v Winneke (1982) 151 CLR 342

Farey v Burvett (1916) 21 CLR 433

Federal Commissioner of Taxation v Official Liquidator of EO Farley Ltd (in Liq) (1940) 63 CLR 278

Fletcher v Nott (1938) 60 CLR 55

Grace Bros Pty Ltd v Commonwealth (1946) 72 CLR 269

Grant v Gould (1792) 2 HBL 69; 126 ER 434

Gratwick v Johnson (1945) 70 CLR 1

Habib v Commonwealth (2010) 183 FCR 62

Haskins v Commonwealth (2011) 244 CLR 22

Hasan v United Kingdom [2014] ECHR (Application No. 29750/09)

Hicks v Ruddock (2007) 156 FCR 574

Horta v Commonwealth (1994) 181 CLR 183

In re Southern Rhodesia (1919] AC 233

In the Matter of an Application by Paul Tupuru [2005] PGNC 162

James v The Commonwealth (1939) 62 CLR 339

Jarratt v Commissioner of Police for New South Wales (2005) 224 CLR 44

Johnson v Kent (1975) 132 CLR 164

Johnston, Fear & Kingham & The Offset Printing Company Pty Ltd v Commonwealth (1943) 67 CLR 314 (‘Johnston, Fear and Kingham’)

Joseph v Colonial Treasurer (NSW) (1918) 25 CLR 32

JT International SA v Cth (2012) 86 ALJR 1297

Jumbunna Coal Mine NL v Victorian Coal Miners’ Association (1908) 6 CLR 309

Lane v Morrison (2009) 239 CLR 230

Little v The Commonwealth (1947) 75 CLR 94
Mabo v Queensland (No 2) (1992) 175 CLR 1 (‘Mabo’)

Marais v General Officer Commanding the Lines of Communication [1902] AC 109 (‘Marais’)

Marks v Commonwealth (1964) 111 CLR 549

Martincevic v Commonwealth [2007] 96 ALD 576

Millar v Bornholt (2009) 117 FCR 67

Minister for Arts, Heritage and Environment v Peko-Wallsend Ltd (1987) 15 FCR 274

Minister of State for the Army v Dalziel (1944) 68 CLR 261

NSW v Commonwealth (1975) 135 CLR 337 (‘Seas and Submerged Lands Case’)

Nulyarimma v Thompson (1999) 96 FCR 153

Operation Dismantle v R [1985] 1 SCR 441

Pape v Commissioner of Taxation (2009) 238 CLR 1 (‘Pape’)

Petrotimor Companhia de Petroleos SARL v Commonwealth (2003) 126 FCR 354

Phillips v Eyre (1870) LR 6 QB 1

Pirrie v McFarlane (1925) 36 CLR 170

Plaintiff M68 v Minister for Immigration and Border Protection [2016] HCA 1 (‘M68’)

Polyukhovich v R (1991) 172 CLR 501

Prosecutor v Tadic 105 ILR 419

R (Garde) v Strickland [1921] 2 IR 317

R (On the Application of Al-Jedda) v Secretary of State for Defence [2008] 1 AC 332

R v Adjutant General of the Provisional Forces [1923] 1 IR 5

R v Allen [1921] 2 IR 241
CroWN AND SWorD

R v Bevan; Ex parte Elias and Gordon (1942) 66 CLR 452
R v Bernasconi (1915) 19 CLR 629
R v Bottrill; Ex parte Kuechenmeister [1947] KB 41
R v Burgess; Ex parte Henry (1936) 55 CLR 608
R v Cox; Ex parte Smith (1945) 71 CLR 1
R v Davey; Ex parte Freer (1936) 56 CLR 381
Re Debs 158 US 564 (1895)
R v Duncan; Ex parte Australian Iron and Steel Pty Ltd (1983) 158 CLR 53
R v Eyre (1867–68) LR 3 QB 487
R v Foster (1949) 79 CLR 43
R v Hughes (2000) 202 CLR 535
R v Kidman (1915) 20 CLR 425
R v Kirby; Ex parte Boilermakers' Society of Australia (1956) 94 CLR 254
R v Loughnan [1981] VR 443
R v Nelson and Brand; Frederick Cockburn's Special Report of the Charge of the Lord Chief Justice of England to the Grand Jury at the Central Criminal Court in the Case of The Queen against Nelson and Brand (2nd ed, 1867) (‘Frederick Cockburn's Special Report’)
R v Pinney (1832) 3 B & AD 349
R v Sharkey (1949) 79 CLR 121
R v Secretary of State; Ex Parte Thring, Court of Appeal (Civil Division) (Unreported, Pill, Clarke, Bennett LJJ, 20 July 2000) (‘Thring’)  
R v Secretary of State for the Home Department; Ex Parte Northumbria Police Authority [1989] 1 QB 26 (‘Northumbria Police Case’)
R v Toohey; Ex parte Northern Land Council (1981) 151 CLR 170
Rahmatullah (No 2) v Ministry of Defence; Mohammed v Ministry of Defence [2017] UKSC 1
BIBLIOGRAPHY

*Raleigh v Goschen* (1898) 1 Ch 73, 77

*Re Aird; Ex parte Alpert* (2004) 220 CLR 308

*Re Ditfort; Ex parte DCT* (1988) 19 FCR 347

*Re Refugee Review Tribunal; Ex parte Aala* (2000) 204 CLR 82

*Re Residential Tenancies Tribunal of NSW v Henderson; Ex parte Defence Housing Authority* (1997) 190 CLR 410 (*‘DHA Case’*)

*Re Tracey; Ex parte Ryan* (1989) 166 CLR 518 (*‘Re Tracey’*)

*Re Wakim; Ex parte McNally* (1999) 198 CLR 511 (*‘Cross-vesting Case’*)

*Reference by His Excellency the Governor-General (under s 213 of the Government of India Act, 1935)* PLD 1955 FC (Pak) 435

*Republic of Fiji Islands v Prasad* (Unreported, Fiji Court of Appeal, Casey J (Presiding), Barker, Kapi, Ward and Handley JJA, 1 March 2001) (*‘Prasad’*)

*Ruddock v Vadarlis* (2001) 110 FCR 491 (*‘Tampa Case’*)

*Ruddock v Vadarlis (No 2)* (2001) 115 FCR 229

*Serdar Mohammed v Secretary of State for Defence* [2015] EWCA Civ 843 (*‘Serdar Mohammed’*)

*Shaw Savill & Albion Co Ltd v Commonwealth* (1940) 66 CLR 344 (*‘Shaw Savill & Albion Co Ltd’*)

*Silk Bros Pty Ltd v State Electricity Commission of Victoria* (1943) 67 CLR

*Smith v Ministry of Defence* [2013] UKSC 41 (*‘Smith’*)

*State v Dege* [2002] PGMCJ 1

*State v Enuma* [1997] PGNC 171

*State v Singirok* [2004] PGNC 253

*Stenhouse v Coleman* (1944) 69 CLR 457


*The Rolla* (1807) 165 ER 963, 6 C Robinson 364
The Tojo Maru [1972] AC 242
The Turul [1919] AC 515
The Zamora [1916] 2 AC 77
Thomas v Mowbray (2007) 233 CLR 207
Thorpe v Commonwealth (No 3) (1997) 144 ALR 677
Tilonko v Attorney-General of Natal [1907] AC 570

Transcript of Proceedings, Sergeant J and Lance-Corporal D, Australian Defence Force General Court Martial Pre-trial Directions Hearing, Brigadier Westwood, Chief Judge Advocate, 20 May 2011

United States v Pacific Railroad 120 US 227 (1887)
Victoria v Commonwealth and Hayden (1975) 134 CLR 338 (‘AAP Case’)
White v Director of Military Prosecutions (2007) 231 CLR 570 (‘White’)
Williams v Commonwealth (2012) 248 CLR 156 (‘Williams’)
Wolfe Tone’s Case (1798) 27 St Tr 614
X v Commonwealth (1999) 200 CLR 177
XYZ v Commonwealth (2006) 227 ALR 495
Zachariassen v Commonwealth (1917) 24 CLR 166
Zecevic v DPP (Vic) (1987) 162 CLR 645

Legislation

Act of Settlement 1701 (Imp)
Administrative Decisions (Judicial Review) Act 1977 (Cth)
Army Act 1881 (Imp)
Australian Capital Territory Self-Government Act 1989 (Cth)
Australian Constitution 1900 (‘Constitution’)

Australian Federal Police Act 1979 (Cth)

Australian Military Regulations 1927 (Cth)

Bill of Rights 1688 (Imp)

Border Protection (Validation and Enforcement Powers) Act 2001 (Cth)

Charter of the United Nations Act 1945 (Cth)

Charter of the United Nations (Sanctions – Afghanistan) Regulations 2001


Constitution of the Democratic Republic of Timor-Leste 2002

Constitution of Iraq 2006

Constitution of Solomon Islands 1978

Constitution of the Sovereign Democratic Republic of Fiji (Promulgation) Decree 1990 (Fiji)

Constitution of the United States

Crimes Act 1900 (ACT)

Crimes Act 1900 (NSW)

Crimes Act 1914 (Cth)

Crimes Act 1958 (Vic)

Crimes at Sea Act 2000 (Cth)

Crimes (Aviation) Act 1991 (Cth)

Crimes (Internationally Protected Persons) Act 1976 (Cth)

Criminal Code 1913 (WA)

Criminal Code Act 2002 (ACT)
Criminal Code Act 1995 (Cth)

Criminal Code Act (NT)

Criminal Code Act 1899 (Qld)

Criminal Code Act 1924 (Tas)

Customs Act 1901 (Cth)

Decree No 1 Fiji Constitution Amendment Act 1997 Revocation Decree 2009 (10 April 2007)

Decree No 2 Executive Authority of Fiji Decree 2009 (10 April 2009)

Defence (Personnel) Regulations 2002 (Cth)

Defence Act 1903 (Cth)

Defence Force Discipline Act 1982 (Cth)

Defence Force Regulations (Cth)

Defence Legislation Amendment (Aid to Civilian Authorities) Act 2006 (Cth)

Defence Legislation Amendment (First Principles) Act 2015 (Cth)

Defence of the Realm Act 1914 (UK)

Facilitation of International Assistance Act 2003 (Solomon Islands)

Fisheries Management Act 1991 (Cth)

Geneva Conventions Act 1957 (Cth)

Human Rights Act 1998 (UK)

Immunity (Fiji Military Government Intervention) Promulgation 2007 (Fiji)

Irish Free State Constitution Act 1922 (Imp)

Jervis Bay Territory Acceptance Act 1915 (Cth)

Judiciary Act 1903 (Cth)

Laws Repeal and Adopting Ordinance 1921 (New Guinea)

Laws Repeal and Adopting Ordinance 1922 (Nauru)

Magna Carta 1215 (Imp)

Marine Pollution Act 1987 (NSW)

Martial Law Indemnity Act 1854 (Vic)

Maritime Powers Act 2013 (Cth)

Migration Act 1958 (Cth)

Mutiny Act 1689 (Eng)

National Security Act 1939 (Cth)

National Security Act 1946 (Cth)

National Security (Aliens Control) Regulations 1940–1943 (Cth)

National Security (Emergency Control) Act 1939 (Cth)

National Security (Emergency Control) Regulations 1941 (Cth)

National Security (External Territories) Regulations 1942 (Cth)

National Security (General) Regulations 1939–1943 (Cth)

National Security (Land Transport) Regulations (Cth)

National Security (Landlord and Tenant) Regulations 1941 (Cth)

National Security (Prisoners of War) Regulations 1943 (Cth)

National Security (Supply of Goods) Regulations 1939–1942 (Cth)

National Security (Subversive Associations) Regulations 1940 (Cth)

Nauru Act 1965 (Cth)

Naval Prize Act 1864 (Imp)

Naval Prize (Procedure) Act 1916 (Imp)

New South Wales Act 1823 (Imp)

Petition of Right 1628 (Eng)

Prize Act 1939 (Imp)

Prize Courts Act 1894 (Imp)

Prize Courts Act 1915 (Imp)

Prize Courts (Procedure) Act 1914 (Imp)

Residential Tenancy Act 1987 (NSW)

Statute of Westminster Adoption Act 1942 (Cth)

Tax Bonus Act 2009 (Cth)

Terrorism (Commonwealth Powers) Act 2003 (NSW)

Torres Strait Fisheries Act 1984 (Cth)

Treaties


Agreement Between Solomon Islands, Australia, New Zealand, Fiji, Papua New Guinea, Samoa and Tonga Concerning the Operations and Status of the Police and Armed Forces and Other Personnel Deployed to Solomon Islands to Assist in the Restoration of Law and Order and Security, (opened for signature 24 July 2003) [2003] ATS 17 (entry into force 24 July 2003) (‘Regional Assistance Mission to Solomon Islands Agreement’)


Charter of the United Nations
Geneva Conventions, (opened for signature 12 August 1949) (entered into force 21 October 1950)
  • Geneva Convention I for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field 75 UNTS 31 (‘First Geneva Convention’)
  • Geneva Convention II for the Amelioration of the Condition of the Wounded, Sick and Shipwrecked of Armed Forces at Sea 75 UNTS 85 (‘Second Geneva Convention’)
  • Geneva Convention III Relative to the Treatment of Prisoners of War 75 UNTS 135 (‘Third Geneva Convention’)
  • Geneva Convention IV Relative to the Protection of Civilian Person in Time of War 75 UNTS 287 (‘Fourth Geneva Convention’)


Protocol Additional to the Geneva Conventions of 12 August 1949 and Relating to the Protection of Victims of International Armed Conflicts, (opened for signature 8 June 1977) 1125 UNTS 3 (entered into force 7 December 1978) (‘Additional Protocol I’)


Other

Bills Digest No 13, 2000–1, Defence Legislation Amendment Bill (Aid to Civilian Authorities) Bill 2000

Commonwealth Gazette, No 50, 3 August 1914, 1335

Commonwealth Gazette, No 63, 3 September 1939, 1849

Commonwealth, Gazette, No 251, 8 December 1941, 1849

Commonwealth, Gazette, No 252, 9 December 1941, 2727

Commonwealth, Gazette, No 14, 14 January 1942, 79

Commonwealth, Gazette, No 104, 7 April 1942, 859

Commonwealth Gazette, No 198, 20 July 1942, 1733

Commonwealth, Parliamentary Debates, House of Representatives, 16 December 1941, (Dr H V Evatt)

Commonwealth, Parliamentary Debates, House of Representatives, 22 June 1943, 56–64 (Eddie Ward)

Commonwealth, Parliamentary Debates, House of Representatives, 4 December 1990, 4319–325 (Bob Hawke)

Commonwealth, Parliamentary Debates, House of Representative, 21 September 1999, 10047–51 (Alexander Downer)


*Declaration of the People's Consultative Assembly of Indonesia*, 20 October 1999

Henry I, *Coronation Charter*, (1100)

*Inter-Governmental Agreement on Australia's National Counter-Terrorism Arrangements*, 2002 (24 October 2002)

Inter-Imperial Relations Committee, ‘Report, Proceedings and Memoranda’ (E IR/26 Series) *Imperial Conference* 1926

*Official Record of the Proceedings and Debates of the Australasian Federation Conference*, Melbourne 1890


*Official Record of the Debates of the Australasian Federal Convention*, Sydney, 2 – 24 September 1897


*Order-in-Council of the Governor-General*, 1 November 1991

SC Res 84, UN SCOR, 476th mtg, UN Doc S/1588 (7 July 1950)


SC Res 678, UN SCOR, 2963rd mtg, UN Doc S/Res/678 (29 November 1990)

SC Res 1264, UN SCOR, 4045th mtg UN Doc S/Res/1264 (15 September 1999)

SC Res 1546, UN SCOR, 4987th mtg UN Doc S/Res/1546 (8 June 2004)
SC Res 1790, UN SCOR, 5808th mtg, UN Doc S/Res/1790 (18 December 2007)
