

## LIST OF SELECT FOREIGN CASES\*

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- Canada (Citizenship and Immigration) v Khosa [2009] SCC 12.  
 Estate of Landers v Leavitt, 545 F. 3d 98 (2d Cir. 2008), [2009] 122 (5) 1549.  
 Gedeon v Commissioner of New South Wales Crime Commission [2008] HCA 43, [2008] 82 ALJR 1465.  
 Minister for Immigration and Citizenship v Kumar [2009] HCA 10.  
 Osland v Secretary, Department of Justice [2008] HC 37, [2008] 82 ALJR 1288  
 Priestley v Godwin [2008] HCA 59.  
 Shays v FEC 528 F.3d 914 (D.C. Cir. 2008), [2009] 122(5) HLR 1541.  
 Shi v Migration Agents Registration Authority [2008] HCA 31, [2008] 82 ALJR 1147.

### *Constitutional Law*

- Colorado Christian University v Weaver 534 F. 2d 1245 (10th Cir. 2008), [2009] 122(4) HLR 1255.  
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 Lane v Morrison [2009] HCA 5.  
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 R (on the application of Corner House Research and another) v Director of Serious Fraud Office (BAE Systems plc, interested party) [2008] EWHC 714 (Admin), [2008] UKHL 60, [2008] 4 All ER 927.  
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 Wong v Commonwealth of Australia; Selim v Lele, Tan and Rivett constituting the Professional Services Review Committee No 309 [2009] HCA 3.  
 Wurridjal v The Commonwealth of Australia [2009] HCA 2.

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\* Prepared by Bhag Singh, Librarian and assisted by Ajit Kumar, Library Assistant, Indian Law Institute, from case comments included in foreign journals and websites of Foreign Apex Courts.

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- Agricultural and Rural Finance Pty Limited v Gardiner [2008] HCA 57.  
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Master Education Services Pty Ltd. v Ketchell [2008] HCA 38, [2008] 82 ALJR 1322.  
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*Fatal Accident*

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*Immigration*

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*Trade and Commerce*

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#### *Administrative Law*

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R v. Goldsheild Group plc and others, [2008] UKHL 17 [2009] 2 All ER 737.  
State v. Grunke, 752 N.W.2d 769 (Wis.2008).

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*Corporate Laws*

Territory Realty Pty Ltd. v. Garraway, [2009] FCA 292.

*Defamation*

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VIP Plastic Packaging Pty Ltd v. B.M.W. Plastics Pty Ltd., [2009] FCA 593.

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### *Criminal law*

Bakewell v. The Queen [2009] HCA 24.

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R v. Saw and others [2009] EWCA Crim 1.

R v. JTB [2009] UKHL 20.

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*Criminal law*

Taiapa v. The Queen [2009] HCA 53.  
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