The Forgotten Contract
Contracts of employment, past, present and future

Peter R A Gray

Endnotes

1 BP Refinery (Westernport) Pty Ltd v President, Councillors & Ratepayers of the Shire of Hastings (1977) 16 ALR 363 at 376.
2 For example, Codega Construction Pty Ltd v State Rail Authority of NSW (1982) 149 CLR 337 at 347 per Mason J and 404 per Brennan J.
3 Byrne v Australian Airlines Ltd (1995) 185 CLR 410 at 422-423 per Brennan CJ, Dawson and Toohey JJ and 441-442 per McHugh and Gummow JJ.
5 Lister v Romford Ice and Cold Storage Co Ltd [1957] AC 555.
6 Lister v Romford Ice and Cold Storage Co Ltd [1957] AC 555 at 587.
7 HG Beale et al (eds), Chitty on Contracts Volume II, Specific Contracts (Sweet & Maxwell, 30th ed, 2008), ch 39.
9 Turner v The Australian Coal and Shale Employees’ Federation and Elcom Collieries Pty Ltd ((1984) 6 FCR 177.
10 Siagian v Samco Pty Ltd (1994) 122 ALR 333 at 342-345.
11 Association of Professional Engineers, Scientists and Managers Australia v Skilled Engineering Pty Ltd (1994) 122 ALR 471 at 478-481.
15 Maw v Jones (1890) 25 QBD 107 at 109.
19 Chaplin v Hicks [1911] 2 KB 786.
20 Chaplin v Hicks [1911] 2 KB 786 at 790.
24 Baltic Shipping Co v Dillon (1993) 176 CLR 344 at 363 per Mason CJ with whom Toohey and Gaudron JJ agreed. See also 381-382 per Deane and Dawson JJ, who referred to preventing “molestation or vexation”.
27 Quinn v Jack Chia (Australia) Ltd [1992] 2 VR 567.
33 Hadley v Baxendale (1854) 9 Exch 341.
34 The Commonwealth of Australia v Amann Aviation Pty Ltd (1991) 174 CLR 64 at 91-92 per Mason CJ and Dawson J.
38 Francis v Kuala Lumpur Councillors [1962] 1 WLR 1411 at 1417-1418.
39 Hill v CA Parsons & Co Ltd [1972] Ch 305.
40 Hill v CA Parsons & Co Ltd [1972] Ch 305 at 314 per Lord Denning MR and 319 per Sachs LJ.
41 Lumley v Wagner (1852) 1 De GM&G 604.
42 Warner Brothers Pictures Inc v Nelson [1937] 1 KB 209
45 The orders of the primary judge are set out in Patrick Stevedores Operations No 2 Pty Ltd v Maritime Union of Australia [1998] HCA 30 (1998) 195 CLR 1 at [22].
46 The orders made by the High Court are set out in Patrick Stevedores Operations No 2 Pty Ltd v Maritime Union of Australia [1998] HCA 30 (1998) 195 CLR 1 at [84].