CONTENTS

Foreword by the Hon Sally Brown AM Acknowledgements Notes on Contributors Table of Cases Table of Statutes and Legislation	v vii xiii xv xxiii
1 Introduction: Righting Australian Law Heather Douglas, Francesca Bartlett, Trish Luker and Rosemary Hunter	1
2 Reflections on Rewriting the Law Heather Douglas, Francesca Bartlett, Trish Luker and Rosemary Humer	19
Part I Public Law Constitutional Law 3. Kartinveri v. The Commonwealth [1998] HCA 22	
Constitutional Law	
Commentary: Kathy Bowrey	41
First Nations Stories, Grandmother's Law: Too Many Stories to Tell: Irene Watson	46
4 R v Pearson; Ex parte Sipka [1983] FiCA 6 Feminism and the Franchise: Etisa Arcioni Judgment: Kim Rubenstein	55 61
5 Dietrich v R [1992] HCA 57	
Commentary: Margar et Davies	69
Judgment: Reg Graycar and Jenny Morgan	75
Tax Law	
6 Lodge v Federal Commissioner of Taxation [1972] HCA 49 Commentary: Ann O'Connell Judgment: Kerrie Sadiq	85 90
Immigration Law	
7 Re Minister for Immigration and Multicultural and Indigenous Affairs; Ex parte Applicants S134/2002 [2003] HCA 1 Roqia's Story: Refugees and Natural Justice in the Court of Public Opinion:	
Mary Crock Judgment: Charlotte Steer	101 108

X	Contents
---	----------

8	Appellant S395/2002 v Minister for Immigration and Multicultural Affairs [2003] HCA 71	
	Commentary: Wayne Morgan	115
	Judgment: Nan Seuffert	120
En	vironmental Law	
9	Wildlife Preservation Society of Queensland Proserpine/Whitsunday Branch Inc v Minister for the Environment and Heritage [2006] FCA 736 Addressing Climate Change Inequities: The Contribution of a Feminist Judgment: Jacqueline Peel Judgment: Lee Godden	133 138
	Part II Private Law	
Toı	rts	
10	Cattanach v Melchior [2003] HCA 38	
	The Economic Value of Human Relationships: Catternach v Melchior Revisited:	
	Isabel Karpin	155
	Judgment: Kylie Burns	160
Co	nsumer Protection	
11	ACCC v Keshow [2005] FCA 558	
	Unconscionability, Education and Indigenous Women: Bronwyn Naylor	175
	Judgment: Heron Loban	180
Equ	uity	
12	Louth v Diprose [1952] HCA 61	
	Give and Take: Unconscionability and the Pervasiveness of Gender Stereotypes: Paula Baron	191
	Judgment: Francesca Bartlett	196
13	Trustees of the Property of John Daniel Cummins, a Bankrupt v Cummins [2006] HCA 6	
	Formal Equality and Third Party Interests in the Family Home:	
	Francesca Bartlett	207
	Judgment: Lisa Sarmas	212

Part III Crime and Evidence

0	•		1 1	т .
(r	ım	1n:	al	Law

14	Parker v R [1963] HCA 14 Reconsidering Precedent: Heather Douglas Judgment: Adrian Howe	229 234
15	Taikato v R [1996] HCA 28 A Well-founded Fear? Giving Context to Self-defence: Julie Stubbs Judgment: Penny Crofts and Isabella Alexander	243 250
16	PGA v R [2012] HCA 21 Admitting Legal Wrongs: Ngaire Naffine Judgment: Wendy Larcombe and Mary Heath	257 262
Evi	dence	
	Judgment: Wendy Larcombe and Mary Heath dence RPS v R [2000] HCA 3 Commentary: Katherine Biber Judgment: Helen O'Sullivan Phillips v R [2006] HCA 4 Locating Consent in Similar-Fact Cases: Melena San Roque	275 279
	Locating Consent in Similar-Fact Cases: Mel era San Roque Judgment: Annie Cossins	291 295
Ser	ntencing	
19	R v Webster [1990] NSWSC 70012/90 Truth in Sentencing: The Narration of Judgment: Kirsty Duncanson Judgment: Honni van Pijswijk and Lesley Townsley	309 316
20	R v Middendorp [2010] VSC 202 Defensive Homicide: JaneMaree Maher Judgment: Kate Fitz-Gibbon, Danielle Tyson and Jude McCulloch	325 329
21	R v Morgan [2010] VSCA 15 Intersectionality and Indigenous Sentencing Courts: Heather Douglas Judgment: Elena Marchetti and Janet Ransley	339 345
	Part IV Interpreting Equality	
Far	nily Law	
22	U v U [2002] HCA 36 Commentary: Rachael Field Judgment: Jonathan Crowe	361 365

xii Contents

23	Goode and Goode [2006] FamCA 1346	
	The Practice of Feminist Judgment in Family Law: Ann Genovese	375
	Judgment: Zoe Rathus and Renata Alexander	379
Dis	scrimination Law	
24	JM v QFG and GK [1998] QCA 228	
	Commentary: Paula Gerber	391
	Judgment: Anita Stuhmcke	397
25	McLeod v Power [2003] FMCA 2	
	Commentary: Katharine Gelber	405
	Judgment: Jennifer Nielsen	409
26	The State of New South Wales v Amery [2006] HCA 14	
	The Indirection of Sex Discrimination: Margaret Thornton	419
	Judgment: Beth Gaze	424
Tre	aty Law	
	The Indirection of Sex Discrimination: Margaret Thornton Judgment: Beth Gaze eaty Law	
27	In the matter of Djappari (Re Tuckiar) [2035] FNCA 1	
	Commentary: Thalia Anthony	437
	Judgment: Nicole Watson	442
Ina	lex	453
	. x 🛇 • '	
	In the matter of Djappari (Re Tuckiar) [2035] FNCA 1 Commentary: Thalia Anthony Judgment: Nicole Watson dex	