

# 1 APPLICATIONS FOR SPECIAL LEAVE TO APPEAL TO THE HIGH COURT

*Applications since 1 January 2008. List current to 1 September 2010*

Sources:

[http://www.hcourt.gov.au/registry\\_04.html](http://www.hcourt.gov.au/registry_04.html)

<https://www.comcourts.gov.au/public/eseach/disclaimer>

| Decision Appealed From   | Appeal No. | Date Appeal Filed                                      | Date Application to be Heard | Status                                     | Decision Makers Appealed From                            | High Court Decision Makers |
|--|------------|--|------------------------------|--|--|----------------------------|
| <a href="#">Bamford v Commissioner of Taxation [2009] FCAFC 66 (3 June 2009)</a>   | S156/2009  | 7/07/2009<br>(Commissioner)<br>10/07/2009<br>(Bamford) | 3/11/2009                    | <a href="#">Granted</a>                    | Emmett,<br>Stone &<br>Perram JJ                          | French CJ &<br>Heydon J    |
| <a href="#">Chief Commissioner of State Revenue v. Pacific National (ACT) Limited [2007] NSWCA 325 (16 November 2007)</a>                          | S612/2007  | Unknown  | 16/05/2008                   | <a href="#">Granted</a>                    | Hodgson, Ipp<br>& Basten JA                              | Gleeson CJ &<br>Gummow J   |
| <a href="#">Clarke v Commissioner of Taxation [2008] FCAFC 126 (10 July 2008)</a>  | A16/2008   | Unknown  | 14/11/2008                   | <a href="#">Granted</a>                    | Branson,<br>Sundberg &<br>Dowsett JJ                     | French CJ &<br>Crennan J   |
| <a href="#">Colby Corporation Pty Ltd v Commissioner of Taxation (includes corrigendum dated 11 March 2008) [2008] FCAFC 10 (20 February 2008)</a> | P5/2008    | Unknown  | 13/8/2008                    | <a href="#">Refused</a>                    | Branson,<br>Stone &<br>Jessup JJ                         | Gummow &<br>Hayne JJ       |
| <a href="#">Commissioner of State Revenue v Bulzomi [2009] VSCA 99 (18 May 2009)</a>   | M53/2009   | Unknown  | 18/05/2009                   | <a href="#">Refused</a>                    | Redlich &<br>Dodds-<br>Streeton JJA<br>& Hargrave<br>AJA | Heydon &<br>Crennan JJ     |
| <a href="#">COMMISSIONER OF STATE REVENUE -v- TEC DESERT PTY LTD [2009] WASCA 128 (23 July 2009)</a>   | P8/2010    | Unknown  | 28/05/2010                   | <a href="#">Granted</a>                    | Wheeler,<br>McLure &<br>Newnes JJ                        | Gummow &<br>Kiefel JJ      |
| <a href="#">Cyril Henschke Pty Ltd &amp; Ors v Commissioner of State Taxation [2009] SASC 148 (29 May 2009)</a>                                    | A9/2009    | Unknown  | 12/02/2010                   | <a href="#">Granted on limited grounds</a> | Doyle CJ,<br>Bleby &<br>Layton JJ                        | French CJ &<br>Kiefel J    |
| <a href="#">Commissioner of Taxation v Aid/Watch Incorporated [2009] FCAFC 128 (23 September 2009)</a>   | S280/2009  | Unknown  | 12/03/2010                   | <a href="#">Granted</a>                    | Kenny, Stone<br>& Perram JJ                              | Gummow &<br>Heydon JJ      |
| <a href="#">Commissioner of Taxation v Anstis [2009] FCAFC 154 (4 November 2009)</a>   | M105/2009  | 4/12/2009  | 23/04/2010                   | <a href="#">Granted</a>                    | Finn,<br>Sundberg &<br>Edmonds JJ                        | Gummow &<br>Crennan JJ     |

| Decision Appealed From   | Appeal No.  | Date Appeal Filed       | Date Application to be Heard | Status                  | Decision Makers Appealed From               | High Court Decision Makers        |
|--|---|-------------------------|------------------------------|-------------------------|---|-----------------------------------|
| <a href="#">Commissioner of Taxation v BHP Billiton Finance Limited [2010] FCAFC 25 (17 March 2010)</a>                      | M29/2010;<br>M30/2010;<br>M33/2010;<br>M34/2010;<br>M35/2010;<br>M36/2010;<br>M37/2010;<br>M38/2010;<br>M39/2010;<br>M40/2010 | 21/04/2010              | 3/09/2010                    | Not yet heard           | Sundberg,<br>Stone &<br>Edmonds JJ          | Not yet heard                     |
| <a href="#">Commissioner of Taxation v Bruton Holdings Pty Limited (in liq) [2008] FCAFC 184 (1 December 2008)</a>           | S68/2009  | 25/03/2009              | 19/06/2009                   | <a href="#">Granted</a> | Ryan,<br>Mansfield &<br>Dowsett JJ          | Gummow,<br>Heydon &<br>Bell JJ    |
| <a href="#">Commissioner of Taxation v Day [2007] FCAFC 193 (21 December 2007)</a>   | S20/2008  | 22/01/2008<br>4/07/2008 | 24/06/2008                   | <a href="#">Granted</a> | Spender,<br>Dowsett &<br>Edmonds JJ         | Kirby,<br>Heydon &<br>Kiefel JJ   |
| <a href="#">Commissioner of Taxation v Gloxinia Investments (Trustee) [ 2010] FCAFC 46 (24 May 2010)</a>                     | Not yet scheduled   | 21/06/2010              | Not yet scheduled            | Not yet scheduled       | Dowsett,<br>Kenny &<br>Middleton JJ         | Not yet scheduled                 |
| <a href="#">Commissioner of Taxation v Lenzo [2008] FCAFC 50 (3 April 2008)</a>  | P14/2008  | Unknown                 | 14/11/2008                   | <a href="#">Refused</a> | Heerey,<br>Sackville &<br>Siopis JJ         | Gummow,<br>Hayne &<br>Crennan JJ  |
| <a href="#">Commissioner of Taxation v Malouf [2009] FCAFC 44 (2 April 2009)</a>   | S93/2009<br>S94/2009  | 30/04/2009              | 4/09/2009                    | <a href="#">Refused</a> | Sundberg,<br>Jessup &<br>Middleton JJ       | Gummow &<br>Bell JJ               |
| <a href="#">Commissioner of Taxation v Secretary to the Department of Transport (Victoria) [2010] FCAFC 84 (9 July 2010)</a> | Not yet scheduled   | 6/08/2010               | Not yet scheduled            | Not yet scheduled       | Kenny,<br>Jessup &<br>Dodds-<br>Streeton JJ | Not yet scheduled                 |
| <a href="#">Commissioner of Taxation v Spriggs [2008] FCAFC 150 (22 August 2008)</a>   | M68/2008  | 19/09/2008              | 8/12/2008                    | <a href="#">Granted</a> | Goldberg,<br>Bennett &<br>Edmonds JJ        | Heydon,<br>Crennan &<br>Kiefel JJ |
| <a href="#">Commissioner of Taxation v Star City Pty Limited (No 2) [2009] FCAFC 122 (10 September 2009)</a>                 | M22/2009  | 1/04/2009               | 2/10/2009                    | <a href="#">Refused</a> | Goldberg,<br>Dowsett &<br>Jessup JJ         | Gummow &<br>Crennan JJ            |
| <a href="#">Commissioner of Taxation v Tasman Group Services Pty Ltd [2009] FCAFC 148 (22 October 2009)</a>                  | M101/2009;<br>M102/2009   | 20/11/2009              | 23/04/2010                   | <a href="#">Refused</a> | Ryan, Kenny<br>& Stone JJ                   | Gummow &<br>Hayne JJ              |

| Decision Appealed From   | Appeal No.         | Date Appeal Filed | Date Application to be Heard           | Status  | Decision Makers Appealed From        | High Court Decision Makers      |
|--|--------------------|-------------------|--|---|--------------------------------------|---------------------------------|
| <a href="#">Commissioner of Taxation v Word Investments Limited [2007] FCAFC 171 (14 November 2007)</a>  | M156/2007          | Unknown           | 23/05/2008                             | <a href="#">Granted</a>                         | Stone, Allsop & Jessup JJ            | Kirby, Hayne & Crennan JJ       |
| <a href="#">Commissioner of Territory Revenue v Alcan (NT) Alumina Pty Ltd [2008] NTCA 14 (23 December 2008)</a>                                     | D2/2009<br>D3/2009 | Unknown           | 4/05/2009                              | <a href="#">Granted</a>                         | Martin (BR) CJ, Angel & Southwood JJ | Hayne & Crennan JJ              |
| <a href="#">ConnectEast Management Ltd v Commissioner of Taxation (Corrigendum dated 1 May 2009) [2009] FCAFC 22 (5 March 2009)</a>                  | M26/2009           | 2/04/2009         | 4/09/2009                              | <a href="#">Refused</a>                         | Sundberg, Jessup & Middleton JJ      | Hayne & Crennan JJ              |
| <a href="#">Cumins v Deputy Commissioner of Taxation [2008] FCAFC 185 (9 December 2008)</a>  | P2/2008            | Unknown           | 18/04/2008                             | <a href="#">Refused</a>                         | North, Emmett & Rares JJ             | Kirby & Kiefel JJ               |
| <a href="#">Deputy Commissioner of Taxation v Dick [2007] NSWCA 190 (3 August 2007)</a>  | S425/2007          | Unknown           | 8/02/2008                              | <a href="#">Refused</a>                         | Spigelman CJ, Santow & Basten JA     | Gleeson CJ, Gummow & Crennan JJ |
| <a href="#">Handbury Holdings Pty Ltd v Commissioner of Taxation (includes corrigendum dated 10 November 2009) [2009] FCAFC 141 (9 October 2009)</a> | M99/2009           | Unknown           | 23/04/2010                             | <a href="#">Refused</a>                         | Finn, Sundberg & Perram JJ           | Hayne & Crennan JJ              |
| <a href="#">Lawrence v Commissioner of Taxation [2009] FCAFC 29 (20 March 2009)</a>  | M33/2009           | 14/04/2009        | 4/09/2009                              | <a href="#">Refused</a>                         | Ryan, Stone & Edmonds JJ             | Hayne & Heydon JJ               |
| <a href="#">M W McIntosh Pty Limited v Commissioner of Taxation [2009] FCAFC 88 (28 July 2009)</a>   | S205/2009          | 26/08/2009        | 12/02/2010<br>Rescheduled<br>3/09/2010 | <a href="#">Adjourned to a date to be fixed</a> | Mansfield, Stone & Edmonds JJ        | Gummow & Hayne JJ               |
| <a href="#">Roy Morgan Research Pty Ltd v Commissioner of Taxation [2010] FCAFC 52 (26 May 2010)</a>   | Not yet scheduled  | 24/06/2010        | Not yet scheduled                      | Not yet scheduled                               | Keane CJ, Sundberg & Kenny JJ        | Not yet scheduled               |
| <a href="#">South Steyne Hotel Pty Ltd v Commissioner of Taxation [2009] FCAFC 155 (20 November 2009)</a>  | S354/2009          | 21/12/2009        | 23/04/2010                             | <a href="#">Refused</a>                         | Finn, Emmett & Edmonds JJ            | N/A                             |

| Decision Appealed From   | Appeal No.                             | Date Appeal Filed | Date Application to be Heard | Status                  | Decision Makers Appealed From | High Court Decision Makers |
|--|--|-------------------|------------------------------|-------------------------|-------------------------------|----------------------------|
| <a href="#">St. George Bank Limited v Commissioner of Taxation [2009] FCAFC 62 (25 May 2009)</a> | S139/2009 – S143/2009 (5 applications) | 18/06/2009        | 3/11/2009                    | <a href="#">Refused</a> | Emmett, Stone & Perram JJ     | French CJ & Heydon J       |
| <a href="#">Travelex Limited v Commissioner of Taxation [2009] FCAFC 133 (29 September 2009)</a> | S290/2009                              | 27/09/2009        | 12/03/2010                   | <a href="#">Granted</a> | Mansfield, Stone & Edmonds JJ | Gummow, Heydon & Bell JJ   |