

[PRIVY COUNCIL.]

## THE QUEEN

AGAINST

RICHARDS ;

EX PARTE FITZPATRICK AND BROWNE.

*Privy Council—Appeal from High Court—Special leave—Grounds on which granted—  
Great public importance—Basis for challenge to judgment under appeal.*

PRIVY  
COUNCIL.

1955.

July 14.

To justify a grant of special leave of appeal from the High Court to Her Majesty in Council it is at least necessary to show that the matter under review is of great public importance and that there is some ground for the challenge to the judgment against which it is sought to appeal.

Decision of the High Court, *Reg. v. Richards ; Ex parte Fitzpatrick and Browne* (*ante* p. 157), refusing two writs of *habeas corpus*, held to be unimpeachable.

Viscount  
Simonds,  
Lord Radcliffe,  
Lord Tucker,  
Lord Cohen,  
Lord Somervell  
of Harrow.

## PETITION.

This was a petition for special leave to appeal to Her Majesty in Council against a judgment of the High Court dismissing applications for two writs of *habeas corpus* directed to Edward Richards as the person for the time being performing the duties of Chief Commissioner of Police at Canberra sought by Raymond Edward Fitzpatrick and Frank Courtney Browne. The circumstances out of which the applications arose and the judgment of the High Court thereon appear *ante* pp. 157-170.

Sir *Hartley Shawcross* Q.C., *R. J. M. Newton* Q.C. and *John Brunsyate* for the petitioners Fitzpatrick and Browne.

The Attorney-General of the Commonwealth, the Hon. *J. A. Spicer* Q.C., *J. D. Holmes* Q.C., *R. Else-Mitchell* and *H. A. P. Fisher*, for the respondent, were not called upon to argue.



PRIVY  
COUNCIL  
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—

The judgment of their Lordships was delivered by :—

VISCOUNT SIMONDS. In order that their Lordships may feel justified in advising Her Majesty to grant leave to appeal, two conditions at least must be satisfied. The first is that the matter under review should be one of great public importance. That condition is satisfied in this case. But the second condition is this: it must be shown that there is some ground for challenging the correctness of the judgment against which it is sought to appeal. In this case, having carefully considered the judgment of the Chief Justice of the High Court of Australia, and having listened to the arguments that have been adduced against its correctness, their Lordships are satisfied that that judgment is unimpeachable, and that leave to appeal should not be granted. Their Lordships will humbly advise Her Majesty accordingly.

*Petition dismissed.*

Solicitors for the petitioners, *Pothecary & Barratt.*

Solicitors for the respondent, *Coward, Chance & Co.*

R. A. H.