

(10)

IN THE HIGH COURT OF AUSTRALIA.

The Commonwealth of
Australia & Ors.

V.

Borten Jameson & Ors

REASONS FOR JUDGMENT.

Delivered at

Sydney

on

Monday 10th Dec. 1945

COMMONWEALTH OF AUSTRALIA AND OTHERS.

V.

HORTEN-JAMESON AND ANOTHER.

10th DECEMBER, 1945.

JUDGMENT.

LATHAM C.J.: In my opinion this appeal should be dismissed. The application to the case of the general principle which Mr. Sugerman has quoted from Board of Education v. Rice (1911 A.C. 182) is conceded by him. He has not contended that the Board in this case was not bound to give the plaintiff a fair opportunity of meeting the allegations made against him, and has hardly contested the proposition that he was entitled to an opportunity of meeting those allegations made against him as a ground for revoking his license. There was no clear intimation to him that the Board would consider the revocation of his license although he knew that that was a possibility. There was no warning that this matter would be before the Board and he was not told that the Board would consider anything that he might have to say or submit about it. If that had been done I do not see that there could have been any objection to the action taken by the Board.

As to the second point on damages, under the order the question of damages is reserved and there is no appeal from that order. Therefore we ought not to say anything on the question of damages.

In my opinion the appeal should be dismissed.

RICH J: I agree

STARKE J: I agree.

DIXON J: I agree.

McTIERNAN J: I agree

ORDER; Appeal dismissed with costs.