

No. 40 of 1963.

(10)

IN THE HIGH COURT OF AUSTRALIA

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THE COMMONWEALTH OF AUSTRALIA

---

V.

BELL

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**ORIGINAL**

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**REASONS FOR JUDGMENT**

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*Judgment delivered at* MELBOURNE

*on* TUESDAY 26TH MAY, 1964.

*Print*

THE COMMONWEALTH OF AUSTRALIA

v.

BELL

JUDGMENT  
(ORAL)

JUDGMENT OF THE COURT  
DELIVERED BY TAYLOR J.

CORAM: TAYLOR J.  
MENZIES J.  
OWEN J.

THE COMMONWEALTH OF AUSTRALIA

v.

BELL

We do not think that any material distinction can be drawn between the facts of this case and those which arose for consideration in The Commonwealth v. Oliver (107 C.L.R. 353) where this Court, in the light of more recent authority, departed from the application of the Act adopted at a much earlier stage in Whittingham v. The Commissioner of Railways (W.A.) ((1931) 46 C.L.R. 22). Accordingly, we are of the opinion that it was open to the learned County Court Judge to find that the respondent's injury was sustained in the course of his employment, and upon consideration of the facts we are satisfied that no grounds exist for disturbing that finding.

We should add that we were invited by counsel for the appellant to review Oliver's Case, but we see no reason why we should do so. That being so, the appeal will be dismissed with costs.