

IN THE HIGH COURT OF AUSTRALIA.

ALEXANDER

V.

WALKER

REASONS FOR JUDGMENT.

Delivered at Sydney

on Wednesday, 9th August, 1944.

IN THE HIGH COURT OF AUSTRALIA)
NEW SOUTH WALES REGISTRY)

ALEXANDER v. ROBBIE

ALEXANDER v. WALKER

Wednesday, 9th August, 1944.

JUDGMENT.

LATHAM C.J.: In my opinion these appeals must be allowed. The decision in Pidoto's case in 67 C.L.R. is precisely in point and it is impossible to distinguish the regulation, the validity of which is being challenged here, from the regulation the validity of which was upheld in Pidoto's case.

Other points taken, to the effect that in Walker's case he was not engaged in industry, are unsupported by the evidence and no authority can be cited to support the argument based on the contention made by Mr. Wishart.

The argument that because the Metropolitan Water and Sewerage Board is a public utility, it is necessarily excluded from the sphere of industry and industrial enterprise, cannot be sustained in view of past decisions of the Court.

In my opinion the orders of the Court in the cases should be appeals allowed, orders of Court of Quarter Sessions set aside, orders of the Magistrate restored, and in accordance with undertaking given upon the application for special leave to appeal the appellant should pay the costs of the appeal including the costs of the respondent of opposing the application for special leave to appeal.