

of Mr Wilson we're clearly within even the moral turpitude taken at its strictest.

Now, the other matter I wish to go on the authorities is that my learned friend Mr Delany also referred to the Skrijel case and that is behind tab 21 of the same book that I had taken you to. That was a decision of Justice Eames and my learned friend referred to the passage at para 49 on p.9 and conveniently I'll take you to it and indicate exactly we rely upon the same passage. There His Honour refers to the Mirror Group newspapers case and there was a statement there referred to. You'll see in para 49, "In order to give relief ... (reads) ... are not relevant to it".

MASTER: You rely on that.

MR MIDDLETON: We rely upon it because what we say is that unlike the characterisation that my learned friend said a number of times in this address to you that all that's happened are new facts to make the other causes of action stronger, we say that the fact that we're relying upon, namely the unlawful sealing initially, is a new fact which gives rise to its own cause of action and I'll give you some example as to why that must be right.

We would readily accept that you may have a cause of action dealing with a particular matter and as matters eventuate through discovery or through your investigations you find more witnesses to say the same thing. That's evidence. That's fine. That comes within that. Cause of action is complete. You're

.VTS:DT 15/11/05

Thompson