1. Incompatibility might consist in so permanent and complete a commitment to the performance of non-judicial functions by a Judge that the further performance of substantial judicial functions by that Judge is not practicable;
2. It might consist in the performance of non-judicial functions of such a nature that the capacity of the Judge to perform his or her judicial functions with integrity is [“objectively”] compromised or impaired; or
3. It might consist in the performance of non-judicial functions of such a nature that public confidence in the integrity of the judiciary as an institution or in the capacity of the individual Judge to perform his or her judicial functions with integrity is diminished

* The ‘adjudgment’ and punishment of criminal guilt (*Alexander’s Case, Industrial Lighting*)
* Declaration of invalidity of an Act (*Wheat case*)
* Declaration that dismissal of worker is contrary to an award (*Austin*)
* but making new rules as to when dismissal is unfair, that is, to clarify what the law is, is non-judicial (*Ranger Uranium*)) – similar distinction regarding interpretation of an award
* Granting injunctions against breaches of an Act (*Mikasa*)
* Committing for contempt for breach of an injunction (*Boilermakers*)
* Orders for recovery of possession of land (*Silk Bros*)
* A power, in the executive, to order the involuntary detention of people, with a section in the Act providing that a court could not order the detainee’s release from custody (*Chu Keng Lim v Minister for Immigration*)
* Involuntary detention (Lim) – subject to some exceptions
* Conclusiveness of decision as to state of law (Luton v Lessels)
* Immediate enforceability
* Historical concession
* Parliament’s intention or expectation