ADMINISTRATIVE LAW DECISIONS 157 PARTS 1-2

TABLE OF CASES REPORTED

AQP15 v Minister for Immigration and Border Protection
 (FCA — Logan J) (2016) 157.9

LexisNexis AU | Lexis Advance

• Singh v Minister for Immigration and Border Protection

(FCA — Pagone J) (2016) 157.1

LexisNexis AU | Lexis Advance

• Sun v Minister for Immigration and Border Protection

(FCA — Reeves J) (2017) 157.437

LexisNexis AU | Lexis Advance

Wotton v Queensland (No 5)

(FCA — Mortimer J) (2016) 157.14

LexisNexis AU | Lexis Advance

ADMINISTRATIVE LAW DECISIONS

CUMULATIVE TABLE OF CASES REPORTED

Administrative Law Decisions

AQP15 v Minister for Immigration and Border Protection (FCA — Logan J) (2016) 157.9

Singh v Minister for Immigration and Border Protection (FCA — Pagone J) (2016) 157.1 Sun v Minister for Immigration and Border Protection (FCA — Reeves J) (2017) 157.437

Wotton v Queensland (No 5) (FCA — Mortimer J) (2016) 157.14

CASES JUDICIALLY CONSIDERED IN THIS PART

Andrews v Law Society of British Columbia [1989] 1 SCR 143, considered 157.14

Beckett v New South Wales [2015] NSWSC 1017, considered 157.14 Bulsey v Queensland [2015] QCA 187, considered 157.14

Carson v John Fairfax & Sons Ltd (1993) 178 CLR 44; 113 ALR 577, considered 157.14 Clarke v Nationwide News Pty Ltd (t/as Sunday Times) (2012) 201 FCR 389; 289 ALR 345; [2012] FCA 307, considered 157.14

Collings Construction Co Pty Ltd v Australian Competition and Consumer Commission (1998) 43 NSWLR 131; 152 ALR 510, considered 157.14

Creek v Cairns Post Pty Ltd (2001) 112 FCR 352; [2001] FCA 1007, considered 157.14

Eatock v Bolt (2011) 197 FCR 261; 283 ALR 505; [2011] FCA 1103, considered 157.14; distinguished 157.14

Elliott v Nanda (2001) 111 FCR 240; [2001] FCA 418, considered 157.14

Employment Services Australia Pty Ltd v Poniatowska [2010] FCAFC 92, considered 157.14 Ewin v Vergara (No 3) (2013) 307 ALR 576; [2013] FCA 1311, considered 157.14

Forbes v Australian Federal Police (Cth) [2004] FCAFC 95, considered 157.14 Forest v Queensland Health [2007] FCA 1236, considered 157.14

Green v R (2011) 244 CLR 462; 283 ALR 1; [2011] HCA 49, considered 157.14 Grulke v KC Canvas Pty Ltd [2000] FCA 1415, considered 157.14

Hall v A & A Sheiban Pty Ltd (1989) 20 FCR 217; 85 ALR 503, considered 157.14 Hughes (formerly De Jager) v Car Buyers Pty Ltd (2004) 210 ALR 645; 80 ALD 437; [2004] FMCA 526, considered 157.14

Jones v Bible Believers' Church [2007] FCA 55, considered 157.14

- —v Scully (2002) 120 FCR 243; 71 ALD 567; [2002] FCA 1080, considered 157.14; distinguished 157.14
- -v Toben (2002) 71 ALD 629; [2002] FCA 1150, considered 157.14

Li v Minister for Immigration and Citizenship (2008) 102 ALD 354; [2008] FCA 902, followed 157 437

Mabo v Queensland (No 2) (1992) 175 CLR 1; 107 ALR 1, considered 157.14 Mulligan v Virgin Australia Airlines Pty Ltd (2015) 234 FCR 207; 326 ALR 677; [2015] FCAFC 130, considered 157.14

New South Wales v Ibbett (2006) 229 CLR 638; 231 ALR 485; [2006] HCA 57, considered 157.14

Poniatowska v Hickinbotham [2009] FCA 680, considered 157.14

Qantas Airways Ltd v Gama (2008) 167 FCR 537; 247 ALR 273; 101 ALD 459; [2008] FCAFC 69, considered 157.14

Richardson v Oracle Corporartion Australia Pty Ltd (2014) 223 FCR 334; 312 ALR 285; [2014] FCAFC 82, considered 157.14

—v Oracle Corporation Australia Pty Ltd (2014) 223 FCR 334; 312 ALR 285; [2014] FCAFC 82, applied 157.14

Russell v Commissioner of Police [2001] NSWADT 32, considered 157.14

Victoria v Horvath (2002) 6 VR 326; [2002] VSCA 177, considered 157.14

STATUTES, RULES, ETC CITED IN THIS PART

COMMONWEALTH	s 368 157.437
Australian Human Rights Commission Act	Racial Discrimination Act 1975
1986	s 3
s 46PO 157.14	s 8
Migration Act 1958	s 9
s 5F 157.437	s 10
s 36(2A)	s 18A
s 116	

INDEX OF CASES IN THIS PART

ANTI-DISCRIMINATION

- Racial discrimination Acts involving distinction based on race Conduct by state police following death of aboriginal person in custody Inappropriate and partial investigation Failure to communicate with aboriginal community about investigation Making and continuing emergency declaration and treating aboriginal and non-aboriginal persons differently during lockdown Use of special emergency response team officers rather than ordinary uniformed police officers to effect arrests, entries and searches Conduct constituted unlawful discrimination based on race Conduct impaired the human rights of Palm Island residents Declarations accordingly: Wotton v Queensland (No 5) 157 ALD
- Racial discrimination Relief Court empowered to order apology Court-ordered apology inappropriate against governmental and institutional respondents Compensation available by way of damages for loss or damage caused by contravening conduct Court empowered to order aggravated damages Court not empowered to order exemplary damages: Wotton v Queensland (No 5) 157 ALD 14

MIGRATION

- Cancellation Student visa Administrative Appeals Tribunal Extension of time to appeal
 Application for leave to appeal: Singh v Minister for Immigration and Border Protection 157 ALD 1
- Partner (Temporary) visa subclass 820 Visa refusal Administrative Appeals Tribunal Definition of spouse Whether tribunal failed to take into account relevant considerations Whether tribunal failed to identify "all the circumstances" of the relationship Tribunal's statutory obligations: Sun v Minister for Immigration and Border Protection 157 ALD 437
- Protection visa Visa refusal Extension of time to file an appeal Administrative Appeals
 Tribunal Whether tribunal failed to afford opportunity to make submissions regarding bail:
 AQP15 v Minister for Immigration and Border Protection 157 ALD 9

WORDS AND PHRASES

- "act involving a distinction, exclusion, restriction or preference based on race": Wotton ν Queensland (No 5) 157 ALD 14
- "based on race": Wotton v Queensland (No 5) 157 ALD 14
- "distinction": Wotton v Queensland (No 5) 157 ALD 14
- "equality before the law": Wotton v Queensland (No 5) 157 ALD 14
- "involving": Wotton v Queensland (No 5) 157 ALD 14
- "services": Wotton v Queensland (No 5) 157 ALD 14