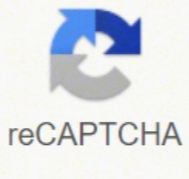




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decisions of Australian Community Pharmacy Authority to recommend to approve, and of Secretary to approve, application to supply pharmaceutical benefits under s 90 of National Health Act 1953 (Ch) - whether primary judge erred in adopting narrow construction of "for at least 10 hours each week" for purposes of definition of "large medication" in s 5(1) of National Health Act (Australia) Community Pharmacy Authority Rules - Status of Appeal to High Court - 8 April 2021: HCA - Special leave application dismissed with costs [2021] HCASL 62 28 Sep 2021: AJE v Minister for Home Affairs [2020] FCA 1387 Anastassiou J] MIGRATION - appeal from the Federal Circuit Court of Australia - protection visa application based on Tamil ethnicity and chronic post-traumatic stress disorder - whether Immigration Assessment Authority failed to engage in active intellectual process - whether Authority failed to consider new information pursuant to s 473DC - whether Authority failed to reach prescribed state of satisfaction in s 473DD - appeal dismissed Status of Appeal to High Court - 15 April 2021: HCA - Application dismissed [2021] HCASL 77 25 Sep 2020 : Daley v Child Support Registrar [2020] FCAFC 161 Flick, Perry and Markovic JJ ADMINISTRATIVE LAW - appeal from orders refusing an extension of time within which to bring a review under the Administrative Decisions (Judicial Review) Act 1977 (Ch) and refusing relief under s 39B of the Judiciary Act 1903 (Ch) - no error in the primary judge's exercise of discretion - appeal dismissed Status of Appeal to High Court - 4 February 2021: HCA - Special leave application dismissed [2021] HCASL 3 23 Sep 2020 : Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs v BThw17 [2020] FCAF 159 Besanko, Mortimer and Jackson JJ (171 ALD 477) MIGRATION - appeal from an order made by the Federal Circuit Court of Australia quashing a decision of the Immigration Assessment Authority - where the Authority affirmed a decision of the delegate of the Minister to refuse the first respondent's application for a Safe Haven Enterprise visa - consideration of new information pursuant to s 473DD of the Migration Act 1958 (Ch) - requirement that new information be capable of being believed - new information will only... Status of Appeal to High Court - 11 March 2021: HCA - Special leave application dismissed with costs [2021] HCASL 51 21 Sep 2020 : DOF16 v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs [2020] FCA 1385 Lee J MIGRATION - cricket net the delight of everyone - Sri Lankan national - application for Safe Haven Enterprise Visa - adverse credibility finding based on inconsistency in evidence concerning incident at a cricket ground whether merely elaboration and expansion on earlier evidence - other evidence generally accepted by Authority - whether adverse credibility finding legally unreasonable - rationes and intelligible reasons provided - identification of inconsistency not... Status of Appeal to High Court - 11 February 2021: HCA - Special leave application dismissed [2021] HCASL 19 11 Sep 2020 : Coles Supply Chain Pty Ltd v Milford [2020] FCAF 152 Rares, Collier and Charlesworth JJ (300 IR 146; 279 FCR 591) INDUSTRIAL LAW - application for judicial review of decision of the Fair Work Commission constituted by a Full Bench - Full Bench being an appeal from a decision refusing an extension of time to commence an application under s 365 of the Fair Work Act 2009 (Ch) - Full Bench concluding that the Fair Work Commission had no power to determine whether an applicant under s 365 of the Act had been dismissed in fact - Full Bench concluding that the date of dismissal must be... Status of Appeal to High Court - 4 March 2021: HCA - Special leave application dismissed [2021] HCASL 37 10 Sep 2020 : Carter v Commissioner of Taxation [2020] FCAF 150 Jagot, Davies and Thawley JJ (279 FCR 83) TAXATION - application for an extension of time to appeal under s 44 of the Administrative Appeals Tribunal Act 1975 (Ch) from a decision on a review under s 142ZZ of the Taxation Administration Act 1953 (Ch) - purported distribution of trust income - whether Tribunal erred in holding there was no resolution distributing trust income - where consent of Guardian required for distribution - where Guardian did not know of her appointment as Guardian - held no distribution of... Status of Appeal to High Court - 16 April 2021: HCA - Special leave application granted [2021] HCATrans 72 7 Sep 2020 : AUW18 v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs [2020] FCA 1280 Anastassiou J] MIGRATION - appeal from Federal Circuit Court - whether Administrative Appeals Tribunal erred - no error - appeal dismissed Status of Appeal to High Court - 26 November 2020: HCA - Application for determination dismissed [2020] HCASL 254 4 Sep 2020 : Zeqaj v Deputy Commissioner of Taxation [2020] FCA 1270 Steward J BANKRUPTCY - appeal from judgment of the Federal Circuit Court making a sequestration order against the appellant pursuant to s. Landbeck AS [2020] FCA 133 Nicholas, Yates and Beagrie J (153 IPR 380; 384 ALR 35) CONTRACTS - proper construction of settlement agreement comprising patent proceedings - effect of clause granting appellant licence to exploit patent prior to its expiry - where clause specified possible commencement dates but no end date - whether licence continued to apply in relation to acts occurring after expiry of term of the patent and before the term was subsequently extended - consideration of surrounding circumstances known to the three parties to settlement... Status of Appeal to High Court - 11 February 2021: HCA - Special leave application granted [2021] HCATrans 13 31 Jul 2020 : James Cook University v Ridd (No 2) [2020] FCAF 132 Griffiths, Rangiah and SC Derrington JJ Status of Appeal to High Court - 11 February 2021: HCA - Special leave application granted [2021] HCATrans 15 24 Jul 2020 : POSM v Minister for Home Affairs [2020] FCAF 125 Mortimer, Banks-Smith and Jackson JJ (382 ALR 195; 279 FCR 175) MIGRATION - appeal from a decision of the Federal Court of Australia - where appellant's visa was cancelled under s 501(3A) of the Migration Act 1958 (Ch) - where appellant committed numerous criminal offences - where delegate of Minister made decision not to revoke cancellation of visa under s 501A(4) - where Tribunal affirmed delegate's decision not to revoke cancellation - where primary judge dismissed application for review - where primary judge held that Tribunal... Status of Appeal to High Court - 12 February 2021: HCA - Special leave application refused with costs [2021] HCATrans 31 22 Jul 2020 : James Cook University v Ridd [2020] FCAF 123 Griffiths, Rangiah and SC Derrington JJ (382 ALR 8; 298 IR 50) INDUSTRIAL LAW - interpretation of Enterprise Agreement - whether Code of Conduct incorporated - whether disciplinary action taken for breaches of Code of Conduct contravened Enterprise Agreement - meaning and effect of cl 14 of Enterprise Agreement relating to Intellectual Freedom - relationship between cl 14 and Code of Conduct INDUSTRIAL LAW - interpretation of Enterprise Agreement - extent of obligations of confidentiality on parties involved in disciplinary processes... Status of Appeal to High Court - 11 February 2021: HCA - Special leave application granted [2021] HCATrans 15 17 Jul 2020 : Construction, Forestry, Maritime, Mining and Energy Union v Personnel Contracting Pty Ltd [2020] FCAF 122 Alsop, Jagot and Lee JJ (381 ALR 457; 297 IR 269; 279 FCR 631) INDUSTRIAL LAW - employee-independent contractor dichotomy - too deeply rooted to be pulled out - labour hire agency "Odoor" style arrangement - multi-factorial approach to characterisation - an intuitive exercise - evaluative assessment - need make an informed, considered qualitative appreciation of the whole - not a checklist exercise - proper role of contract - tensions in the application of the multi-factorial approach to new and novel labour arrangements - application... Status of Appeal to High Court - 12 February 2021: HCA - Special leave application granted [2021] HCATrans 30 16 Jul 2020 : FEY17 v Minister for Home Affairs [2020] FCA 1014 Greenwood J] MIGRATION - consideration of an application for leave to rely on additional grounds of appeal - consideration of the existing grounds and the grounds sought to be relied upon with leave - consideration of whether the primary judge erred by failing to find jurisdictional error on the part of the Immigration Assessment Authority Status of Appeal to High Court - 15 April 2021: HCA - Application dismissed [2021] HCASL 68 16 Jul 2020 : Dental Corporation Pty Ltd v Moffet [2020] FCAF 118 Perram, Wigney and Anderson JJ (297 IR 183) INDUSTRIAL LAW - whether Respondent an employee for purpose of annual leave under the Fair Work Act 2009 (Ch) - assessment of totality of relationship - where Appellant purchased dental practice from Respondent - where Respondent continues to provide services - whether trial judge gave undue weight to various factors including control, subjective intent, terms of services agreement and taxation arrangements - whether trial judge misunderstood changes to Respondent's role... Status of Appeal to High Court - 11 February 2021: HCA - Special leave application refused with costs [2021] HCATrans 16 16 Jul 2020 : Jamsk v ZO Operations Australia Pty Ltd [2020] FCAF 119 Perram, Wigney and Anderson JJ (279 FCR 114; 297 IR 210) INDUSTRIAL LAW - whether two truck drivers were employees for the purposes of the Fair Work Act 2009 (Ch) (FW Act) and the Superannuation Guarantee (Administration) Act 1992 (Ch) (SGA Act) - whether drivers were workers for the purposes of the Long Service Leave Act 1955 (NSW) (LSL Act) - assessment of the totality of working relationship - consideration of multi-factor test - drivers derived sole income working for same business for nearly 40 years - drivers were required... Status of Appeal to High Court - 12 February 2021: HCA - Special leave application granted on limited grounds [2021] HCATrans 27 15 Jul 2020 : DVO18 v Minister for Home Affairs [2020] FCA 989 O'Bryan J] MIGRATION - appeal from Federal Circuit Court of Australia - whether decision of the Immigration Assessment Authority was affected by illogicality, irrationality, unreasonableness by reason of contradictory findings - appeal dismissed Status of Appeal to High Court - 10 December 2020: HCA - Special leave application dismissed with costs [2020] HCASL 268 3 Jul 2020 : Mylan Health Pty Ltd v Sun Pharma ANZ Pty Ltd [2020] FCAF 116 Middleton, Jagot, Yates, Beach and Moshinsky JJ (380 ALR 582; 153 IPR 199; 279 FCR 354) PATENTS - infringement - Swiss type claims - whether mental element imported into claims - whether it is necessary to establish manufacturer's intention to prove infringement - discussion of correct approach to determining infringement PATENTS - validity - lack of novelty - prior publication of documents - correct test for determining lack of novelty - whether there can be anticipatory disclosure by prior publication of the invention based on a reasoned hypothesis PATENTS... Status of Appeal to High Court - 5 November 2020: HCA - Special leave application dismissed with costs [2020] HCASL 234 1 Jul 2020 : Berkeley Challenge Pty Ltd v United Voice [2020] FCAF 113 Rares, Collier and Rangiah JJ (297 IR 397; 279 FCR 249) INDUSTRIAL LAW - the meaning of "ordinary and customary turnover of labour" in s 119(1)(a) of the Fair Work Act 2009 (Ch) - where the primary judges interpreted the meaning of the exception using different tests - where employer sought to rely on "ordinary and customary turnover of labour" exception in s 119(1)(a) - whether terminations were due to "ordinary and customary turnover of labour" - whether exception should be construed by reference to industrial law... Status of Appeal to High Court - 12 December 2020: HCA - Special leave application dismissed with costs [2020] HCASL 215 2 Jun 2020 : AL19 v Minister for Home Affairs [2020] FCA 1181 de Burca, Logan, Markovic and Anastassiou JJ (277 FCR 100) MIGRATION - appeal from a judgment of the Federal Court of Australia - where appellant applied for safe haven enterprise visa following various criminal convictions - whether Minister made a decision to refuse the grant of the visa under s 501 of the Migration Act 1958 (Ch) - whether Minister personally decided to refuse the grant of a protection visa under s 501A after approximately 18 months - whether primary... Status of Appeal to High Court - 11 February 2021: HCA - Special leave application refused with costs [2021] HCATrans 20 17 Jun 2020 : O'Berbers on behalf of the Widjibalg Wa-Bal People v Attorney-General of New South Wales [2020] FCAF 103 Reeves, Murphy and Griffiths JJ (277 FCR 170) NATIVE TITLE - appeal from a determination of separate questions under r 30.01 of the Federal Court Rules 2011 (Ch) - where the separate questions related to four parcels of reserved crown land in northern New South Wales - whether the separate question procedure was appropriate in these proceedings - whether the issue raised was hypothetical - whether the issue raised was so minor and peripheral to the overall dispute to justify the separate question procedure being... Status of Appeal to High Court - 26 November 2020: HCA - Application for determination dismissed with costs [2020] HCASL 259 16 Jun 2020 : BYN16 v Minister for Immigration and Border Protection [2020] FCA 834 Wigney J] MIGRATION - appeal from decision of the Federal Circuit Court of Australia - where primary judge dismissed judicial review application of decision of Administrative Appeals Tribunal (AAT) - whether AAT failed to properly consider any claims - whether AAT erred in not later requesting oral evidence after none given by certain individuals at hearing - whether AAT failed to comply with s 424AA or s 424A of the Migration Act 1958 (Ch) - whether the AAT erred in declining to... Status of Appeal to High Court - 14 October 2020: HCA - Special leave application dismissed [2020] HCASL 209 12 Jun 2020 : AN115 v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs [2020] FCA 798 Snaden J] MIGRATION - protection visa - appeal from a decision of the Federal Circuit Court of Australia - application for review of a decision to refuse a protection visa - whether the Administrative Appeals Tribunal failed to take account of relevant considerations - whether the Tribunal was obliged to consider submissions and evidence advanced in proceedings constituted tribunal - whether Tribunal allegedly acted unreasonably - whether the... Status of Appeal to High Court - 14 October 2020: HCA - Special leave application dismissed [2020] HCASL 207 11 Jun 2020 : AH19 v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs [2020] FCA 821 Thawley J] Status of Appeal to High Court - 4 February 2021: HCA - Special leave application dismissed [2021] HCASL 1 11 Jun 2020 : BOX16 v Minister for Immigration and Border Protection [2020] FCA 801 Wigney J] MIGRATION - appeal from decision of the Federal Circuit Court of Australia - where primary judge dismissed judicial review application of decision of Administrative Appeals Tribunal (AAT) - whether AAT had an obligation to call witnesses under s 426 of the Migration Act 1958 (Ch) - whether AAT acted unreasonably in not calling witnesses - whether not calling the witnesses corroborated the appellant's evidence such that adverse credibility finding was legally unreasonable... Status of Appeal to High Court - 11 February 2021: HCA - Special leave application dismissed with costs [2021] HCASL 26 11 Jun 2020 : CMU16 v Minister for Immigration and Border Protection [2020] FCAF 104 Jagot, Yates and Stewart JJ (277 FCR 201; 171 ALD 81) MIGRATION - whether primary judge's decision was affected by actual or apprehended bias - whether evidence of primary judge's previous decisions relevant on tendency or coincidence basis - whether primary judge had failed to give the appellant a hearing - whether primary judge erred in rejecting claims of Tribunal's jurisdictional error - whether primary judge denied appellant procedural fairness - whether primary judge erred by accepting that the Tribunal had considered the... Status of Appeal to High Court - 14 October 2020: HCA - Special leave application dismissed with costs [2020] HCASL 225 10 Jun 2020 : BXP18 v Minister for Home Affairs [2020] FCA 799 Greenwood J] MIGRATION - consideration of an appeal from orders of the primary judge on the footing that the primary judge erred in failing to identify contended jurisdictional error on the part of the Immigration Assessment Authority having regard to contentions that the Authority failed to identify integers of the claim, - whether the Tribunal was obliged to consider submissions and evidence advanced in proceedings constituted tribunal - whether Tribunal allegedly acted unreasonably - whether the... Status of Appeal to High Court - 14 October 2020: HCA - Special leave application dismissed [2020] HCASL 225 10 Jun 2020 : BXP18 v Minister for Home Affairs [2020] FCA 799 Greenwood J] MIGRATION - consideration of the question of the approach to determining whether the Administrative Appeals Tribunal fell into jurisdictional error in reaching a finding about credit - consideration of whether ss 424A and 424AA of the Migration Act 1958 (Ch) were engaged - consideration of whether particular information was information for the purposes of those sections - consideration of the distinction between matters going to the statutory criteria relevant to a... Status of Appeal to High Court - 14 October 2020: HCA - Special leave application dismissed with costs [2020] HCASL 214 4 Jun 2020 : Deputy Commissioner of Taxation v Shi [2020] FCAF 100 Davies, Lee and Stewart JJ (380 ALR 226; 277 FCR 1) EVIDENCE - privilege against self-incrimination - where disclosure order in connection with freezing orders required disclosure of worldwide assets - where respondent objected to disclosure of certain information on the basis that it may tend to incriminate and file a privilege affidavit under s 128A(2) of the Evidence Act 1995 (Ch) (Evidence Act) - where respondent applied for return of privilege affidavit - construction of s 128A of the Evidence Act - onus of proof under... Status of Appeal to High Court - 11 November 2020: HCA - Special leave application granted [2020] HCATrans 188 3 Jun 2020 : AAQ18 v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs [2020] FCA 759 Burley J] MIGRATION - refusal of Safe Haven Enterprise Visa application - fast track reviewable decision by the Immigration Assessment Authority (IAA) - new information provided to the IAA - whether the IAA erred in applying s 473DD of the Migration Act 1958 (Ch) by failing to consider whether the new information was "credible personal information" - whether the IAA took an inappropriately narrow view of the breadth of the expression "exceptional circumstances" in s 473DD of the Act... Status of Appeal to High Court - 10 February 2021: HCA - Special leave application dismissed [2021] HCASL 14 2 Jun 2020 : CRK16 v Minister for Home Affairs [2020] FCA 743 Kenny J] PRACTICE AND PROCEDURE - application for an extension of time to file an appeal under s 36.05 of the Federal Court Rules 2011 (Ch) - extension of time granted MIGRATION - appeal from a judgment of the Federal Circuit Court - whether the primary judge erred in dismissing an application for judicial review of a decision of the Immigration Assessment Authority affirming the refusal of an application for a Safe Haven Enterprise visa - whether the Authority failed to consider... Status of Appeal to High Court - 8 October 2020: HCA - Special leave application dismissed [2020] HCASL 196 29 May 2020 : Australian Competition and Consumer Commission v Pacific National Pty Limited (No 2) [2020] FCAF 98 Middleton, Perram and O'Bryan JJ] COMPETITION - final orders - release of undertaking - costs Status of Appeal to High Court - 8 December 2020: HCA - Special leave application dismissed with costs [2020] HCATrans 213 28 May 2020 : BHL19 v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs [2020] FCAF 94 White, Wigney and Bromwich JJ (277 FCR 420) MIGRATION - appeal from orders of the Federal Court of Australia dismissing an application for judicial review of a decision of the Minister - where Minister exercised discretion under s 501(1) to refuse to grant protection visa - no error by primary judge established - appeal dismissed Status of Appeal to High Court - 11 December 2020: HCA - Special leave application dismissed with costs [2020] HCATrans 220 27 May 2020 : Watson as trustee for the Murrindindi Bushfire Class Action Settlement Fund v Commissioner of Taxation [2020] FCAF 92 Kenny, Davies and Thawley JJ (277 FCR 253) TAXATION - allowable deductions - where the taxpayer is the scheme administrator of the Murrindindi Bushfire Class Action Settlement Scheme - whether the costs and expenses incurred by the taxpayer in administering the Scheme are deductible under s 8-1 of the Income Tax Assessment Act 1997 (Ch) - whether the costs were incurred in gaining or producing assessable income - whether the costs were incurred in carrying on a business - whether the costs were an outgoing of... Status of Appeal to High Court - 14 October 2020: HCA - Special leave application dismissed [2020] HCASL 224 26 May 2020 : Vu v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs [2020] FCAF 90 Katzmann, O'Callaghan and Stewart JJ (276 FCR 516) MIGRATION - appellant's visa cancelled on character grounds under s 501(2) of the Migration Act 1958 (Ch) - cancellation decision affirmed by Administrative Appeals Tribunal - appeal from decision of single judge dismissing application for judicial review of Tribunal's decision - leave sought to rely on grounds not raised below - meaning of "offences involving violence" Status of Appeal to High Court - 14 October 2020: HCA - Special leave application dismissed [2020] HCASL 210 21 May 2020 : Commissioner of Patents v Roki Pty Ltd [2020] FCAF 86 Rares, Nicholas and Burley JJ (277 FCR 267; 379 ALR 86; 152 IPR 1) PATENTS - patent application for a digital advertising system and method - claimed invention is implemented using computer technology - whether a manner of manufacture within the meaning of s 181(a) of the Patents Act 1990 (Ch) - whether primary judge erred in finding that the resolution of the proceedings below lay "largely in the realm of facts" - whether primary judge erred in accepting expert evidence as determinative of whether the claimed invention was a manner of... Status of Appeal to High Court - 8 October 2020: HCA - Special leave application dismissed with costs [2020] HCASL 202 20 May 2020 : WorkPac Pty Ltd v Rossato [2020] FCAF 84 Bromberg, White and Wheelahan JJ (378 ALR 585; 296 IR 38) INDUSTRIAL LAW - application by an employer for declarations that an employee could not claim the National Employment Standards entitlements to paid annual leave, personal/carer's leave and compassionate leave because he was a casual employee within the meaning of ss 86, 95 and 106 of the Fair Work Act 2009 (Ch) (the FW Act), and could not claim the corresponding entitlements under the applicable enterprise agreement because he was a "Casual Field Team Member" (casual FTM)... Status of Appeal to High Court - 26 November 2020: HCA - Application for determination granted [2020] HCATrans 200 11 May 2020 : ABH18 v Minister for Home Affairs [2020] FCA 620 Charlesworth J] MIGRATION - appeal from orders dismissing application for judicial review of a decision of the Immigration Assessment Authority - Authority reviewing a decision of a delegate of the Minister not to grant the appellant a protection visa - whether the Authority erred in the construction of s 473DD of the Migration Act 1958 (Ch) - appellant providing new information to Authority concerning events claimed to have occurred after delegate's decision - identifiable error in the... Status of Appeal to High Court - 14 October 2020: HCA - Special leave application dismissed with costs [2020] HCASL 216 6 May 2020 : Australian Competition and Consumer Commission v Pacific National Pty Limited [2020] FCAF 77 Middleton, Perram and O'Bryan JJ (277 FCR 49; 378 ALR 1; 144 ACSR 455) COMPETITION - proposed acquisition of the Acacia Ridge Terminal in Brisbane - alleged contravention of s 50 of the Competition and Consumer Act 2010 (Ch) - market definition - economic tests for defining a price discrimination market - whether conduct likely to have the effect of substantially lessening competition in a market - meaning of "likely" - standard of proof to be applied to predictions about future facts and circumstances - vertical merger - ability and incentive... Status of Appeal to High Court - 8 December 2020: HCA - Special leave application dismissed with costs [2020] HCATrans 213 1 May 2020 : DBC17 v Minister for Immigration and Border Protection [2020] FCA 570 Charlesworth J] MIGRATION - application for judicial review of decision of Administrative Appeals Tribunal - Tribunal finding the appellant lacked credibility - Tribunal remarking on the lack of evidence corroborating the appellant's claims - primary judge interpreting party cast grounds for judicial review in appellant's favour - grounds for judicial review rejected for reasons that do not disclose appealable error Status of Appeal to High Court - 2 September 2020: HCA - Special leave application dismissed [2020] HCASL 177 24 Apr 2020 : ABL18 v Minister for Home Affairs [2020] FCA 536 Charlesworth J] MIGRATION - parties to application for judicial review proposing orders by consent allowing the application - primary judge refusing to proceed in accordance with the parties' agreed position - primary judge dismissing application for judicial review - grounds for judicial review considered - Immigration Assessment Authority erred in constituting and applying s 473DD of the Migration Act 1958 (Ch) - no jurisdictional error as asserted - appeal dismissed Status of Appeal to High Court - 14 October 2020: HCA - Special leave application dismissed [2020] HCASL 176 24 Apr 2020 : Ali v Minister for Home Affairs [2020] FCA 538 Perry J] MIGRATION - application for judicial review - where Administrative Appeals Tribunal (AAT) upheld delegate's decision not to revoke automatic cancellation of the applicant's visa on character grounds pursuant to s 501, Migration Act 1958 (Ch) - whether inference should be drawn that AAT failed to consider Pre-Release Report prepared by Parole Unit - where applicant relied upon Pre-Release Report before AAT on question of risk of re-offending - whether AAT failed to take into... Status of Appeal to High Court - 11 March 2021: HCA - Special leave application dismissed [2021] HCASL 47 22 Apr 2020 : DQU16 v Minister for Home Affairs [2020] FCA 518 Reeves J] MIGRATION - appeal from a judgment of the Federal Circuit Court of Australia upholding a decision of the Immigration Assessment Authority (the Authority) - where the first appellant worked as an alcohol seller in Iraq - where the Authority considered why the appellant would, or would not, modify his behaviour to avoid harm if returned to Iraq - whether the Authority was required to assess whether the harm that would be avoided amounted to "significant harm" - whether the... Status of Appeal to High Court - 9 September 2020: HCA - Special leave application granted [2020] HCATrans 136 20 Apr 2020 : BDQ17 v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs [2020] FCA 492 Mortimer J] MIGRATION - appeal from decision of Federal Circuit Court dismissing application for judicial review of decision of Immigration Assessment Authority - where applicant was unrepresented and required a translator - where Federal Circuit Court gave oral reasons and published written reasons after notice of appeal filed - whether applicant denied procedural fairness - consideration of role of reasons in exercise of judicial power - appeal dismissed Status of Appeal to High Court - 11 September 2020: HCA - Special leave application dismissed [2020] HCATrans 146 15 Apr 2020 : BSL17 v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs [2020] FCAF 90 Katzmann, O'Callaghan and Stewart JJ (276 FCR 516) MIGRATION - appellant's visa cancelled on character grounds under s 501(2) of the Migration Act 1958 (Ch) - cancellation decision affirmed by Administrative Appeals Tribunal - appeal from decision of single judge dismissing application for judicial review of Tribunal's decision - leave sought to rely on grounds not raised below - meaning of "offences involving violence" Status of Appeal to High Court - 14 October 2020: HCA - Special leave application dismissed with costs [2020] HCASL 210 6 May 2020 : Commissioner of Patents v Roki Pty Ltd [2020] FCAF 86 Rares, Nicholas and Burley JJ (277 FCR 267; 379 ALR 86; 152 IPR 1) PATENTS - patent application for a digital advertising system and method - claimed invention is implemented using computer technology - whether a manner of manufacture within the meaning of s 181(a) of the Patents Act 1990 (Ch) - whether primary judge erred in finding that the resolution of the proceedings below lay "largely in the realm of facts" - whether primary judge erred in accepting expert evidence as determinative of whether the claimed invention was a manner of... Status of Appeal to High Court - 8 October 2020: HCA - Special leave application dismissed with costs [2020] HCASL 202 20 May 2020 : WorkPac Pty Ltd v Rossato [2020] FCAF 84 Bromberg, White and Wheelahan JJ (378 ALR 585; 296 IR 38) INDUSTRIAL LAW - application by an employer for declarations that an employee could not claim the National Employment Standards entitlements to paid annual leave, personal/carer's leave and compassionate leave because he was a casual employee within the meaning of ss 86, 95 and 106 of the Fair Work Act 2009 (Ch) (the FW Act), and could not claim the corresponding entitlements under the applicable enterprise agreement because he was a "Casual Field Team Member" (casual FTM)... 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Status of Appeal to High Court - 14 October 2020: HCA - Special leave application dismissed with costs [2020] HCASL 216 6 May 2020 : Australian Competition and Consumer Commission v Pacific National Pty Limited [2020] FCAF 77 Middleton, Perram and O'Bryan JJ (277 FCR 49; 378 ALR 1; 144 ACSR 455) COMPETITION - proposed acquisition of the Acacia Ridge Terminal in Brisbane - alleged contravention of s 50 of the Competition and Consumer Act 2010 (Ch) - market definition - economic tests for defining a price discrimination market - whether conduct likely to have the effect of substantially lessening competition in a market - meaning of "likely" - standard of proof to be applied to predictions about future facts and circumstances - vertical merger - ability and incentive... 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