

AUSTRALIAN JOURNAL OF ADMINISTRATIVE LAW

Volume 17, Number 4

August 2010

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ARTICLES

First term blues: Labor, refugees and immigration reform – *Mary Crock*

In early 2010 the continuing arrival of boats carrying asylum seekers, problems in the foreign student program and backlogs in skilled migration combined once again to make immigration and refugee issues front page news. This article reflects on the extent to which Labor has delivered on undertakings made during the campaign of 2007 and those other areas where reform has been slow and opportunities for real change have been squandered. The central problems appear to be that the Labor Government either does not have a clear vision of where it wants to take immigration policy in Australia or it has been spooked by anti-immigration sentiments in the electorate. Sadly, there has been a tendency on some occasions to respond to the exigencies of political expediency at the expense of more reasoned change.	205
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Constitutionality of criminal organisation legislation – *Dr Anthony Gray*

The Queensland and New South Wales Parliaments have recently passed legislation criminalising association of individuals in relation to "declared organisations". Such legislation raises important constitutional and human rights issues. In September 2009, a majority of the Supreme Court of South Australia found aspects of that State's version of such laws to be unconstitutional. The High Court granted South Australia leave to appeal against that decision. In this article, the Queensland and New South Wales models are outlined. While there are important differences between these Acts on the one hand and the South Australian legislation on the other, it is submitted that there are grounds on which the Queensland/New South Wales models can be constitutionally challenged. They also interfere with an individual's freedom of association, right to natural justice, a court's power over the exercise of its jurisdiction, and arguably provide for a form of double punishment.	213
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Dangers of character tests under Australian migration laws – *Dr Susan Harris Rimmer*

This article describes the rise of character provisions in Australian migration laws over the last 10 years. The article finds that character tests are often framed in subjective terms and are part of executive decision-making, raising issues of transparency and accountability. This phenomenon has been incremental, which is why it is important to pause and reflect on the changes over the last decade. The mishandling of the Haneef case highlights concerns about due process and privacy, as well as several examples of criminal deportations leading to harm or fatalities. 229

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THOMSON REUTERS

© 2010 Thomson Reuters (Professional) Australia Limited ABN 64 058 914 668

Lawbook Co.

Published in Sydney

ISSN 1320-7105

Typeset by Thomson Reuters (Professional) Australia Limited, Pyrmont, NSW

Printed by Ligare Pty Ltd, Riverwood, NSW