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Update Summary

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**FEDERAL
ADMINISTRATIVE LAW**

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Federal Administrative Law U259 (U1 of 2023) SUMMARY

Updated commentary has been provided by **Dr Jason Donnelly**

Administrative Appeals Tribunal Act 1975

Updated:

- That a statement of reasons for an application will vary in length and utility. See *Miller v Minister for Immigration, Citizenship and Multicultural Affairs* [2022] FCAFC 183, at [AAT29.30].
- The manner in which the Tribunal considers it to be appropriate to inform itself of relevant matters will vary from case to case. See *Frugtniet v Australian Securities and Investments Commission* [2023] FCAFC 14, at [AAT33.150].
- The Briginshaw principle conditioned the formation of the state of satisfaction to be formed under s 501CA(4) of the Migration Act 1958 (Cth). See *Mailau v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* [2023] FCAFC 12, at [AAT33.650].
- The Tribunal is entitled to make use of the findings of other tribunals or courts. See *Frugtniet v Australian Securities and Investments Commission* [2023] FCAFC 14, at [AAT43.130].
- Section 46 of the AAT Act applies to an appeal under s 44. See *SDCV v Director-General of Security* [2022] HCA 32, at [AAT46.60].

Judiciary Act – s 39B

Updated:

- The jurisdiction conferred by s 44 of the AAT Act is broad. See *SDCV v Director-General of Security* [2022] HCA 32, at [JUD39B.20].
- In assessing whether a proceeding gives rise to a “matter” within the meaning of s 39B, it is necessary to focus on the claims which a party is making. See *Australia Bay Seafoods Pty Ltd v Northern Territory of Australia* [2022] FCAFC 180, at [JUD39B.40].
- It is necessary to identify the claim that the appellants would have the Court hear and determine. See *Raghubir v Nicolopoulos* [2022] FCAFC 97, at [JUD39B.53].
- ASIC falls within the scope of “the Commonwealth”. See *Rizeq v Western Australia* [2017] HCA 23, at [JUD39B.60].
- The Federal Court would have jurisdiction to hear and determine an application for judicial review of the orders of the Federal Circuit Court.

See *EBT16 v Minister for Home Affairs* [2019] HCA 44, at [JUD39B.80].

