

MARCH 2025

The Authorised Reports of Decisions of
the Federal Court of Australia

THE
FEDERAL COURT
REPORTS

2024

EDITOR
VICTOR KLINE

CONSULTING EDITORS
DR OREN BIGOS KC
DAVID ASH

REPORTERS IN THIS PART
SAMUEL CUMMINGS
VICTOR KLINE

PRODUCTION EDITOR
MYUNG COLE

VOL 306 — PART 2

PAGES 155-315

The mode of citation of this part will be:
306 FCR

TABLE OF CASES REPORTED

Part 2 — Pages 156-315

Alumina & Bauxite Company Ltd v Queensland Alumina Ltd	86
Boehringer Ingelheim Animal Health USA Inc; Zoetis Services LLC v	19
Campbell-Smith v Minister for Immigration, Citizenship and Multicultural Affairs	1
Climate Change and Energy, Minister for; Seadragon Offshore Wind Pty Ltd v	69
Communications, Minister for; Gaynor v	145
Galuak v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs	271
Gaynor v Minister for Communications	145
Immigration, Citizenship and Multicultural Affairs, Minister for; Campbell-Smith v	1
Immigration, Citizenship and Multicultural Affairs, Minister for; Palmer v	156
Immigration, Citizenship, Migrant Services and Multicultural Affairs, Minister for; Galuak v	271
Killer Queen LLC v Taylor	199
Palmer v Minister for Immigration, Citizenship and Multicultural Affairs	156
Patrix Prestige Pty Ltd; Federal Commissioner of Taxation v	56
Queensland Alumina Ltd; Alumina & Bauxite Company Ltd v	86
SARB Management Group Pty Ltd (Costs); Vehicle Monitoring Systems Pty Ltd v	13
Seadragon Offshore Wind Pty Ltd v Minister for Climate Change and Energy	69
Taxation, Federal Commissioner of v Patrix Prestige Pty Ltd	56
Taylor; Killer Queen LLC v	199

(Cases in **bold** reported in this part)



© 2025 Thomson Reuters (Professional) Australia Limited

Lawbook Co.

ABN 64 058 914 668

Published in Sydney

ISSN 0813-7803

TABLE OF CASES REPORTED

Vehicle Monitoring Systems Pty Ltd v SARB Management Group Pty Ltd (Costs)	13
Zoetis Services LLC v Boehringer Ingelheim Animal Health USA Inc	19

(Cases in **bold** reported in this part)

INDEX

Part 2 — Pages 156-315

CITIZENSHIP

Australian citizenship — Revocation of — Where Minister could revoke a person's citizenship where the person had been convicted of a serious offence that was committed before the person became an Australian citizen — Whether citizenship revocation power was valid in its application to appellant — Where appellant was a child at the time that he became an Australian citizen and was not subject to a requirement that he be of good character as a statutory prerequisite to the grant of citizenship by conferral — Constitution of the Commonwealth, Ch III — Australian Citizenship Act 2007 (Cth), s 34(2)(b)(ii).
Galuak v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs and Another 271

CONSTITUTIONAL LAW

Judicial power — Where Minister could revoke a person's citizenship where the person had been convicted of a serious offence that was committed before the person became an Australian citizen — Whether citizenship revocation power was valid in its application to appellant — Where appellant was a child at the time that he became an Australian citizen and was not subject to a requirement that he be of good character as a statutory prerequisite to the grant of citizenship by conferral — Whether power to revoke appellant's citizenship was reasonably capable of being seen as necessary for the legitimate non-punitive purpose of protecting the integrity of the naturalisation process — Constitution of the Commonwealth, Ch III — Australian Citizenship Act 2007 (Cth), s 34(2)(b)(ii).
Galuak v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs and Another 271

IMMIGRATION

Visas — Cancellation of — Revocation of visa cancellation by Administrative Appeals Tribunal — Where Minister set aside Tribunal's decision and re-cancelled appellant's visa — Whether Minister's power to set aside Tribunal's decision and re-cancel appellant's visa could become conditioned on an obligation to afford natural justice — Whether Minister overlooked mandatorily relevant material — Migration Act 1958 (Cth), ss 501(3A), 501BA(2), 501BA(3).
Palmer v Minister for Immigration, Citizenship and Multicultural Affairs 156

INTELLECTUAL PROPERTY

Trade marks — Defences — "Own name" defence — Whether available to licensee or joint tortfeasor — Whether joint tortfeasors use a mark "in law" even if not "in fact" — Whether defence limited to "legal name" or may be used in relation to name by which person is known — Good faith — When established — Whether lack of intention to divert business and an honest belief that confusion is unlikely to arise sufficient to establish good faith — Concurrent use — "Would obtain registration" — When assessment of defence to be made.
Killer Queen LLC and Others v Taylor 199

INDEX

INTELLECTUAL PROPERTY — *continued*

Trade marks — Obligation on owner of mark to specify goods in respect of which mark is to be registered — Any resulting confusion unlikely to be resolved by court in favour of trade mark owner.	
<i>Killer Queen LLC and Others v Taylor</i>	199
Trade marks — Specification of goods and services — Class headings — Whether can be used to resolve ambiguity.	
<i>Killer Queen LLC and Others v Taylor</i>	199

TORTS

Tortfeasors — Joint tortfeasors — At common law — Whether concurrence in acts, not merely a coincidence of separate acts, necessary for joint tortfeasors to exist	
— When a director of a company may be considered a joint tortfeasor with that company — Whether joint tortfeasors use a mark “in law” even if not “in fact”.	
<i>Killer Queen LLC and Others v Taylor</i>	199

WORDS AND PHRASES

“Clothes” — Whether includes headgear and footwear.	
<i>Killer Queen LLC and Others v Taylor</i>	199