Reports of the Supreme Courts of the Australian States when exercising Federal Jurisdiction, the Supreme Courts of the Northern Territory and Australian Capital Territory, the Federal Circuit and Family Court of Australia and Federal Tribunals

THE FEDERAL LAW REPORTS 2024-2025

EDITOR

VICTOR KLINE

CONSULTING EDITORS

DR OREN BIGOS KC SAMUEL CUMMINGS

SENIOR REPORTERS

SAMUEL CUMMINGS VICTOR KLINE RAFFAELE PICCOLO

REPORTER

TOM MANOUSARIDIS

VOL 386 — PART 3

PAGES 250-371

The mode of citation of this part will be: $386\ FLR$

TABLE OF CASES REPORTED

Part 3 — Pages 250-371

Arterbury; Gujic v (Federal Circuit and Family Court of Australia	
(Division 1))	323
Australian Capital Territory; Deng v (ACT Ct of App)	. 19
Banskota v Banskota (Federal Circuit and Family Court of	
Australia (Division 1))	
Callan v Medical Board of Australia (NSW Sup Ct)	303
Cavaco; Gilford v (Federal Circuit and Family Court of Australia	
(Division 1))	337
Dayal, Re (Federal Circuit and Family Court of Australia (Division	
2))	359
Deng v Australian Capital Territory (ACT Ct of App)	. 19
Edwards; O'Brien Real Estate Drouin Pty Ltd (in liq) v (Vic Sup Ct)	205
El Klink v Minister for Immigration, Citizenship, Migrant Services and	
Multicultural Affairs (Federal Circuit and Family Court of Australia	
(Division 2))	195
Garwood (No 8); Shipton v (Federal Circuit and Family Court of	
Australia (Division 1))	250
Georges (No 2); Hoser v (Federal Circuit and Family Court of	
Australia (Division 2))	. 37
Gibson v Northern Territory of Australia (NT Sup Ct)	. 70
Gilford v Cavaco (Federal Circuit and Family Court of Australia	
(Division 1))	337
Gujic v Arterbury (Federal Circuit and Family Court of Australia	
(Division 1))	323
Hoser v Georges (No 2) (Federal Circuit and Family Court of	
Australia (Division 2))	. 37
Immigration and Multicultural Affairs, Minister for (No 2); Valu v	
(Federal Circuit and Family Court of Australia (Division 2))	365
(Cases in bold reported in this part)	



© 2025 Thomson Reuters (Professional) Australia Limited

ABN 64 058 914 668

Published in Sydney

ISSN 0085-0462

TABLE OF CASES REPORTED

Immigration, Citizenship, Migrant Services and Multicultural Affairs,	
Minister for; El Klink v (Federal Circuit and Family Court of	
Australia (Division 2))	. 195
John Holland Pty Ltd; Wallis v (WA Ct of App)	
Medical Board of Australia; Callan v (NSW Sup Ct)	. 303
Northern Land Council, Ex parte (NT Sup Ct)	
Northern Territory of Australia; Gibson v (NT Sup Ct)	70
O'Brien Real Estate Drouin Pty Ltd (in liq) v Edwards (Vic Sup Ct)	
Public Prosecutions, Director of v Ryan (ACT Sup Ct)	
Roman Catholic Church for the Archdiocese of Canberra and	
Goulburn, Trustees of the; Walsh (a pseudonym) v (ACT Sup	
Ct)	. 264
Ryan; Director of Public Prosecutions v (ACT Sup Ct)	. 183
Shipton v Garwood (No 8) (Federal Circuit and Family Court of	
Australia (Division 1))	. 250
Suess v Suess (Federal Circuit and Family Court of Australia (Division	
1))	. 100
Tran v Minister for Immigration, Citizenship and Multicultural Affairs	
(Federal Circuit and Family Court of Australia (Division 2))	1
Valu v Minister for Immigration and Multicultural Affairs (No 2)	
(Federal Circuit and Family Court of Australia (Division 2))	. 365
Wallis v John Holland Pty Ltd (WA Ct of App)	. 129
Walsh (a pseudonym) v Trustees of the Roman Catholic Church	
for the Archdiocese of Canberra and Goulburn (ACT Sup Ct)	. 264

INDEX

Part 3 — Pages 250-371

ADMINISTRATIVE LAW	
Medical Board — Where Medical Board had power to develop and approve guidelines — Where Medical Board issued guidelines — Whether guidelines were in fact binding rules — Whether guidelines ultra vires — Health Practitioner Regulation National Law 2009 (NSW), s 39.	
Callan and Another v Medical Board of Australia (NSW Sup Ct)	303
CONTRACT	
Settlement — Institutional child abuse — Setting aside abuse settlement agreements — Criteria — Whether there were legal barriers to being fully compensated when agreement made — Meaning of "legal barriers" — Whether or not a just and reasonable agreement — Assessment of — Relevant matters — Civil Law (Wrongs) Act 2002 (ACT), s 114K(3). Walsh (a pseudonym) v Trustees of the Roman Catholic Church for the Archdiocese of Canberra and Goulburn and Others (ACT)	
Sup Ct)	264
EVIDENCE	
Fresh evidence — On appeal — Circumstances when admissible.	
Gujic v Arterbury (Federal Circuit and Family Court of Australia (Division 1))	323
Translation — Google translation — No evidence led as to what Google Translate ordinarily produced — Device or process — Presumption asserted outcome produced — Whether available in circumstances — Evidence Act 1995 (Cth), s 146.	
Gujic v Arterbury (Federal Circuit and Family Court of Australia (Division 1))	323
FAMILY LAW AND CHILD WELFARE	
Jurisdiction — Legal representative — Application to restrain acting — Where Court has no inherent jurisdiction to restrain — Whether Court still has jurisdiction to restrain as part of its ability to control own processes. Shipton v Garwood (No 8) (Federal Circuit and Family Court of Australia (Division 1))	. 250
Spouse maintenance — Where primary judge dismissed appellant's application for the variation of a spouse maintenance order — Whether relief sought by appellant was incompetent on the basis that there was no existing spouse maintenance order to vary — Whether primary judge had jurisdiction to determine appellant's application — Whether appellant was prohibited from appealing primary judge's judgment — Federal Circuit and Family Court of Australia Act 2021 (Cth), ss 26(2)(a)(i), 50(1), 50(2) — Family Law Act 1975 (Cth), ss 44(5), 44(6), 90SI.	
Gilford v Cavaco (Federal Circuit and Family Court of Australia	337

INDEX

PRACTICE AND PROCEDURE
Judicial Registrar — Issue of subpoenas — Objections to — Determination of objections — Failure by judicial registrar to determine — Application for review of failure — Whether jurisdiction exists to review — Federal Circuit and Family Court of Australia (Family Law) Rules 2021, rr 14.05, 14.07.
Banskota v Banskota (Federal Circuit and Family Court of Australia (Division 1))
TORTS
Civil liability legislation — Modification to torts — Institutional child abuse — Setting aside abuse settlement agreements — Criteria — Whether there were legal barriers to being fully compensated when agreement made — Meaning of "legal barriers" — Whether or not a just and reasonable agreement — Assessment of — Relevant matters — Civil Law (Wrongs) Act 2002 (ACT), s 114K(3). Walsh (a pseudonym) v Trustees of the Roman Catholic Church for the Archdiocese of Canberra and Goulburn and Others (ACT Sup Ct) — 264
TIPA DEG AND PROFESSIONS
 TRADES AND PROFESSIONS Legal Practitioners — Disciplinary assessment — Whether practitioner should be referred to the Office of the NSW Legal Services Commission — Generative AI — Misuse of — Creation of submissions containing non-existent authorities — Hallucinations — Matters for Court to consider — Legal Profession Uniform Law (NSW) 2014 (NSW), ss 296, 297, 298 — Legal Profession Uniform Law Australian Solicitors' Conduct Rules 2015 (NSW), rr 19.1, 22.5 — Supreme Court Practice Note SC Gen 23 on the Use of Generative Artificial Intelligence (AI).
Valu v Minister for Immigration and Multicultural Affairs and Another (No 2) (Federal Circuit and Family Court of Australia (Division 2))
Legal Practitioners — Duties of — Solicitor tendered a list and summary of authorities which were acknowledged by the solicitor not to exist — List and summary generated using software relying on artificial intelligence (AI) — Accuracy of the document produced was not verified by the solicitor — Referral made to the Office of the Victorian Legal Services Board and Commissioner — Responsible use of AI tools in litigation. Re Dayal (Federal Circuit and Family Court of Australia (Division
2))