

APRIL 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  
MITCHELL BRUNKER  
FRANCIS CARDELL-OLIVER  
SAMUEL CUMMINGS

PRODUCTION EDITOR  
MYUNG COLE

VOL 306 — PART 3

PAGES 315-461

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

---

---

## TABLE OF CASES REPORTED

Part 3 — Pages 316-461

|                                                                                                                             |            |
|-----------------------------------------------------------------------------------------------------------------------------|------------|
| 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<br>Multicultural Affairs .....                                   | 1          |
| Climate Change and Energy, Minister for; Seadragon Offshore Wind<br>Pty Ltd v .....                                         | 69         |
| Communications, Minister for; Gaynor v .....                                                                                | 145        |
| <b>Dan-Bunkering (Singapore) Pte Ltd v Ship Yangtze Fortune<br/>(Priorities) .....</b>                                      | <b>431</b> |
| <b>Energy, Environment and Climate Action, Secretary to the<br/>Department of; Save Our Strathbogie Forest Inc v .....</b>  | <b>331</b> |
| <b>Energy, Environment and Climate Action, Secretary to the,<br/>Department of; Save Our Strathbogie Forest Inc v .....</b> | <b>316</b> |
| Galuak v Minister for Immigration, Citizenship, Migrant Services and<br>Multicultural Affairs .....                         | 271        |
| Gaynor v Minister for Communications .....                                                                                  | 145        |
| Immigration, Citizenship and Multicultural Affairs, Minister for;<br>Campbell-Smith v .....                                 | 1          |
| <b>Immigration, Citizenship and Multicultural Affairs, Minister for;<br/>Nguyen v .....</b>                                 | <b>372</b> |
| Immigration, Citizenship and Multicultural Affairs, Minister for;<br>Palmer v .....                                         | 156        |
| Immigration, Citizenship, Migrant Services and Multicultural Affairs,<br>Minister for; Galuak v .....                       | 271        |
| Killer Queen LLC v Taylor .....                                                                                             | 199        |
| <b>Nguyen v Minister for Immigration, Citizenship and Multicultural<br/>Affairs .....</b>                                   | <b>372</b> |

(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

|                                                                                                                      |     |
|----------------------------------------------------------------------------------------------------------------------|-----|
| 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  |
| <b>Resolution Life Australasia Ltd v Teagle</b> .....                                                                | 405 |
| <b>Sam Pos Pty Ltd (in liq), Re</b> .....                                                                            | 387 |
| SARB Management Group Pty Ltd (Costs); Vehicle Monitoring Systems Pty Ltd v .....                                    | 13  |
| <b>Save Our Strathbogie Forest Inc v Secretary to the Department of Energy, Environment and Climate Action</b> ..... | 316 |
| <b>Save Our Strathbogie Forest Inc v Secretary to the Department of Energy, Environment and Climate Action</b> ..... | 331 |
| Seadragon Offshore Wind Pty Ltd v Minister for Climate Change and Energy .....                                       | 69  |
| <b>Ship Yangtze Fortune (Priorities); Dan-Bunkering (Singapore) Pte Ltd v</b> .....                                  | 431 |
| Taxation, Federal Commissioner of v Patrix Prestige Pty Ltd .....                                                    | 56  |
| Taylor; Killer Queen LLC v .....                                                                                     | 199 |
| <b>Teagle; Resolution Life Australasia Ltd v</b> .....                                                               | 405 |
| 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 3 — Pages 316-461

## BANKRUPTCY

- Administration without sequestration — Debt agreements — Where a debt agreement administrator has failed to pay creditors — Whether a debt agreement can be brought to an end — Bankruptcy Act 1966 (Cth), s 185N.  
*Re Sam Pos Pty Ltd (in liq)* ..... 387
- Administration without sequestration — Debt agreements — Where a former debt agreement administrator has defaulted — Whether a replacement administrator is required to notify the Official Receiver of such defaults — Bankruptcy Act 1966 (Cth), s 185LC.  
*Re Sam Pos Pty Ltd (in liq)* ..... 387

## CONSTITUTIONAL LAW

- State operations or activities — Prohibition on legislation which burdens — Melbourne Corporation principle — Whether federal legislation which prohibited State from engaging in planned burns in a State forest without an approval imposed a special disability or burden on the exercise of State's powers and fulfilment of State's functions which curtailed State's capacity to function as a government — Environment Protection and Biodiversity Conservation Act 1999 (Cth), s 18(3); Pt 9 — Forests Act 1958 (Vic), s 62(2)(b).  
*Save Our Strathbogrie Forest Inc v Secretary to the Department of Energy, Environment and Climate Action* ..... 316

## ENVIRONMENTAL LAW

- Threatened species — Where appellant applied for injunction to restrain respondent from conducting planned fuel management burns in a State forest on the basis that the burns were likely to have a significant impact on the Southern Greater Glider — Whether primary judge should have brought to account the gravity of the matters alleged by appellant when determining whether appellant's case had been proved on the balance of probabilities — Whether primary judge should have concluded that Secretary did not require approval for the planned burns — Environment Protection and Biodiversity Conservation Act 1999 (Cth), ss 18(3), 43B, 475(2); Pt 9 — Evidence Act 1995 (Cth), ss 140, 140(1), 140(2).  
*Save Our Strathbogrie Forest Inc v Secretary to the Department of Energy, Environment and Climate Action and Another* ..... 331

## IMMIGRATION

- Visas — Cancellation of — Character grounds — Mandatory visa cancellation — Revocation — Decision not to revoke — Whether Tribunal misapplied ministerial direction by failing to expressly make findings as to the likely effect that separation from appellant would have on certain minor-aged children — Migration Act 1958 (Cth), ss 499(1), 501(3A), 501CA(4) — Ministerial Direction 99, ss 8.4, 8.4(4)(d).  
*Nguyen v Minister for Immigration, Citizenship and Multicultural Affairs and Another* ..... 372

## INDEX

### SHIPPING AND NAVIGATION

- Admiralty — Proceeding in rem — Whether the issue of a writ against the vessel crystallised the claimant's rights in rem giving it a statutory lien — Admiralty Act 1988 (Cth), s 24.  
*Dan-Bunkering (Singapore) Pte Ltd v Ship Yangtze Fortune and Others (Priorities)* ..... 431
- Sale of vessel — Pursuant to its arrest — Claims in rem by creditors against fund of proceeds from sale — Determination of order of priorities — Whether necessities claim enjoyed a higher priority than other claims in the same class — Whether a claim should have lower priority than other claims in the same class because most of a claim accrued after the vessel was arrested.  
*Dan-Bunkering (Singapore) Pte Ltd v Ship Yangtze Fortune and Others (Priorities)* ..... 431

### SUPERANNUATION

- Complaints — Superannuation complaint — Australian Financial Complaints Authority Ltd (AFCA) — Jurisdiction — Where complaint made about decision of superannuation trustee — Where insurer joined as party to complaint — Where decision of insurer found to be unfair or unreasonable — Whether AFCA has jurisdiction to review decision of insurer — Corporations Act 2001 (Cth), ss 1053(1), 1053(5), 1054(1), 1055(1), 1055(4).  
*Resolution Life Australasia Ltd v Teagle and Others* ..... 405