The Authorised Reports of Decisions of the High Court of Australia

THE COMMONWEALTH LAW REPORTS

2023

EDITORS

P T VOUT, KC

P G WILLIS, SC

REPORTERS

R CHAILE
B D KAPLAN
J A G McCOMISH
W J NEWLAND
J P PATELA
S D PUTTICK

D J REYNOLDS
A F SOLOMON-BRIDGE
A TERZIC
J R WANG
M J WELLS
R WITHANA

PRODUCTION SUPERVISOR CAROLYN MAY

VOL 279 — PART 2

PAGES 145-332

The mode of citation of this volume of the Commonwealth Law Reports will be as follows: $279 \ CLR$

TABLE OF CASES REPORTED

Part 1 — Pages 1-147; Part 2 — Pages 148-332

BQ v The King	124
Davis v Minister for Immigration, Citizenship, Migration Serv	vices and
Multicultural Affairs	1
DCM20 v Secretary of Department of Home Affairs	1
Public Prosecutions (Cth), Director of v Kola	104
QYFM v Minister for Immigration, Citizenship, Migrant Servi	ices and
Multicultural Affairs	148
Vunilagi v The Oueen	259



© 2025 Thomson Reuters (Professional) Australia Limited

ABN 64 058 914 668

Published in Sydney

ISSN 0069-7133

INDEX

Part 2 — Pages 148-332

CONSTITUTIONAL LAW (CTH)	
Judicial power of the Commonwealth — Territories — Jurisdiction vested in Territory courts — Trial by judge alone — Trial by judge alone on indictable offences against Territory law — Whether power to	
permit trial by judge alone incompatible with position of Territory	
court as repository of federal jurisdiction — Commonwealth Constitution, Ch III, s 122 — Supreme Court Act 1933 (ACT),	
s 68BA.	
Vunilagi v The Queen Trial by jury — Territories — Trial on indictable offences against	259
Territory law — Trial by judge alone — Whether miscarriage of	
justice as trial not by jury contrary to s 80 of Constitution —	
Commonwealth Constitution, s 80 — Crimes Act 1900 (ACT), ss 54,	
60.	
Vunilagi v The Queen	259
COURTS	
Judges — Bias — Reasonable apprehension of bias — Multi-member	
benches — Issue of reasonable apprehension of bias arose in relation	
to one member of three-member bench — Judge previously appeared	
as counsel for Crown in opposition to appellant's appeal against	
conviction — Conviction led to cancellation of appellant's visa and	
non-revocation of cancellation — Appeal from decision determining	
application for judicial review of non-revocation decision — Whether	
fair-minded lay observer might reasonably apprehend that judge might	
not bring an impartial mind to resolution of that appeal — Whether	
application to disqualify judge for bias should be determined at first	
instance by challenged judge alone or by all members of court as constituted.	
QYFM v Minister for Immigration, Citizenship, Migrant Services	
	1/18