

text known to the RRT member. A Full Court dismissed the Minister's appeal by majority: Kenny J; Rares J; contra Buchanan J. The majority concluded the RRT had made a jurisdictional error by requiring the claimants for refugee status to establish knowledge of the faith rather than a genuine belief in it and fear of persecution for this. Consideration of jurisdictional error and failure of reasons to disclose material and reasoning relied on.

MIGRATION

- *Jurisdictional error*
- *Illogical findings*

In *MZXSA v MIC* [2010] FCAFC 123 (22 September 2010) a Full Court briefly reviewed authority in dismissing an appeal from the Federal Magistrates Court where a visa applicant asserted the Migration Review Tribunal had made an illogical decision or failed to understand the evidence.

CONSTITUTIONAL LAW

- *Excise*

In *Australian Capital Territory v Queanbeyan City Council* [2010] FCAFC 124 (24 September 2010) a Full Court considered whether a water abstraction charge and a charge for use of infrastructure facilities in the ACT imposed by the ACT was an excise that could only

be levied by the commonwealth Parliament by reason of the Constitution s90.

INCOME TAX

- *Income*
- *Land*

In *Tagget v C of T* [2010] FCAFC 109 (8 September 2010) a Full Court considered when land transferred to a person can amount to income and how it is valued.

FAMILY LAW

- *Validity of the Child Support Registrar*

In *Whittaker v Child Support Registrar* [2010] FCAFC 112 (7 September 2010) a Full Court again rejected a challenge to the constitutional validity of the Child Support (Registration and Collection) Act 1988 (Cth) and associated legislation.

TRADE MARKS

- *Use in good faith*

In *Nature's Blend Ltd v Nestle Australia Ltd* [2010] FCAFC 17 (13 September 2010) a Full Court reviewed the defence to an infringement of trade mark referred to in s122(1)(b)(i) of the Trade Marks Act 1995 (Cth) where the trade mark was used in good faith to indicate the kind or quality of the goods.

INCOME TAX

- *Whether inchoate tax a "present obligation"*

In *C of T v H* [2010] FCAFC 128 (20 October 2010) a Full Court concluded the obligation to pay income tax in an amount subsequently assessed was a "present legal obligation" for s109Y(2) of the *ITAA* 1936 (Cth) even though no assessment had been made when the tax was due.

ADMINISTRATIVE LAW

- *Tribunals*
- *Jurisdiction of a tribunal to reconsider finding that it has jurisdiction*

In *Duarte v Australian Maritime Safety Authority* [2010] FCAFC 127 (1 October 2010) a Full Court concluded the Administrative Appeals Tribunal (AAT) did not err in deciding that it did not have jurisdiction to determine an application to it (because there was no decision to review) where there had been an earlier decision of the AAT (differently constituted) that there was. The Full Court concluded a decision of a tribunal that it had jurisdiction was not conclusive within the tribunal. Appeal dismissed. ●

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Superannuation Conference 2011 - Super: a paradise lost?

Surfers Paradise

Host: Superannuation Committee of the Law Council of Australia
Email: mtaylor@conferenceworld.com.au

19 - 24 February 2011

Commonwealth Law Conference

Hyderabad, India

Email: info@commonwealthlaw2011.org

23 - 24 February 2011

Law and Justice in Indigenous Communities

Darwin

Host : Criterion Conferences
Email: registration@criterionconferences.com

16 – 23 April 2011

Europe Oceania Legal Conference

Matterhorn, Cervinia Italy & Zermatt Switzerland

Email: info@educationcpe.com

25 April – 2 May 2011

Pan Europe Pacific Legal Conference

Venice, Italy

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