

- **Police actions**
- **Association**

In *Robinson v Commissioner of NSW Police* [2013] FCAFC 64 (20 June 2013), a Full Court concluded that a police officer conducting an investigation did not provide the persons subject to it with a “service” for the purposes of the *Disability Discrimination Act 1992* (Cth). The Court also considered when a person can claim discrimination by reason of being an “associate” of a person who has a disability.

FREEDOM OF INFORMATION

- **When information on a computer “ordinarily available”**

In *Collection Point Pty Ltd v C of T* [2013] FCAFC 67 (3 July 2013), a Full Court concluded that where an agency was required to create a computer program to access documents on its computers to grant access under the *Freedom of Information Act 1982* (Cth) the information was not “ordinarily available” for the purposes of ss17(1) and 17(2) of that Act.

MIGRATION

- **When application a “further” application**

In *SZGIZ v MIC* [2013] FCAFC 71 (3 July 2013), a Full Court concluded an application for a protection visa

filed on 10 October 2012 was not invalid under s48A of the *Migration Act 1958* (Cth) by reason of being a “further” application for s48A(1) (a). The Court considered how the meaning of a provision was to be ascertained where the provision contained “a lack of textual comfort”.

PROCEDURE

- **Class actions**
- **Security for costs**

In *Madgwick v Kelley* [2013] FCAFC 61 (14 June 2013), a Full Court concluded the trial judge had erred in refusing to consider whether to order under s33ZG and s43(1A) of the *Federal Court of Australia Act 1976* (Cth) that the applicants (a group of investors in a forestry investment scheme) give the respondent financiers security for costs.

PROCEDURE

- **Appeal by non party**

In *Harmer v Oracle Corporation Pty Ltd* [2013] FCAFC 63 (20 June 2013) a Full Court refused a non-party (the solicitor for the applicant) leave to appeal against that part of the reasons given by the trial judge that addressed the effect of an offer of compromise. The Court considered the difficulties confronting a person who seeks to appeal under s24(1)(a) of the *Federal Court of Australia Act 1976* (Cth) against the reasons for

orders but not the orders.

TAXATION

- **Charities**
- **Rescue of wildlife**

In *Sea Shepherd Australia Ltd v C of T* [2013] FCAFC 68 (3 July 2013), a Full Court concluded (by majority) that the AAT had not erred in finding the Sea Shepherd organisation (devoted to the cessation of whale hunting) was not a charitable institution involved in providing “short-term care to animals . . . that have been mistreated or are without owners” or “the rehabilitation of orphaned sick or injured animals” for item 4.1.6 of the table to s30-45 of the *ITAA 1997* (Cth). Consideration of whether the provisions should be given a beneficial interpretation.

TAXATION

- **When shares are acquired**

In *Fowler v C of T* [2013] FCAFC 69 (3 July 2013), a Full Court considered when an employee acquired shares under an employee share scheme and the operation of administrative penalties under the *Taxation Administration Act 1953* (Cth). ●

BOOK SHELF

The following publications are currently available to the Law Society to be reviewed by practitioners, for publication in *Balance*. Should you wish to review one of these books, please contact Suzie Simmons at publicrelations@lawsocietynt.asn.au, to arrange for it to be ordered.

	AUTHOR	TITLE	EDITION
1	Bruce	Aust Competition Law	2nd
2	Keyzer	Principles of Aust Constitutional Law	4th
3	Pearce	Administrative Appeals Tribunal	3rd
4	Sweeney, O'Reilly & Coleman	Law in Commerce	5th
5	Wappett	Essential Personal Pty Securities Law	2nd
6	Ebejer	LN Q&A - Legal Practices & Ethics	1st
7	Harris, Hargovan & Adams	Aust Corporate Law	4th