

# **JUDICIAL REVIEW, PRIVATIVE CLAUSES AND THE HIGH COURT**

In September 2001 in the legislative aftermath of the Tampa controversy the Commonwealth Parliament passed legislation that sought to change the face of the *Migration Act* 1958 and possibly Commonwealth administrative law. A key feature of the legislation was a privative or ouster clause designed to restrict judicial review of migration decisions by Federal courts including the High Court. In August 2002 a full bench of the Federal Court gave judgment on the legislation. Now in *Plaintiff S157/2002 v Commonwealth* [2003] HCA 2 the High Court has significantly reduced the scope of the privative clause's intended effect. What restrictions can be imposed on judicial review by the Parliament? What application do privative clauses now have? What guidance can be gleaned for users of the legislation and administrators?

The **Australian Institute of Administrative Law** in association with the **Centre for International and Public Law of the ANU Law Faculty** and **ANU's National Institute of Government and Law** presents this seminar on the High Court's decision and its implications.

## **Speakers:**

***Dr David Bennett AO, QC***

*Commonwealth Solicitor-General  
Counsel for the Commonwealth*

***The Hon Duncan Kerr MP***

*Counsel for the Applicant, Plaintiff S157/2002*

***Thursday 13 March 2003***

***4.00pm - 6.00pm***

***The Great Hall  
University House  
Australian National University***

At the conclusion of the seminar the Administrative Review Council's ***Discussion Paper on the Scope of Judicial Review*** will be launched and drinks and nibbles will be served.

The seminar is being conducted by the Australian Institute of Administrative Law in conjunction with CIPL and NIGL of the ANU. It is open to all members of the Institute and to any interested members of the public. It is not necessary to register for the seminar. Admission is free. Any inquiries can be directed to Bert Mowbray on (02) 6243 4611.

