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File Title:	DENNIS JAMES FISHER v COMMONWEALTH OF AUSTRALIA & ORS
Registry:	VICTORIA REGISTRY - FEDERAL COURT OF AUSTRALIA



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Registrar

Important Information

This Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

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Federal Court of Australia

No. VID 545 of 2021

District Registry: Victoria

Division: General

DENNIS JAMES FISHER

Applicant

COMMONWEALTH OF AUSTRALIA and others named in the schedule

Respondents

Applicant's List of Authorities

Tab	Document	Pinpoint reference(s)
A. Case authorities		
1.	<i>Aurukun Shire Council v Chief Executive Officer, Office of Liquor, Gaming and Racing in the Department of Treasury</i> [2012] 1 QdR 1; [2010] QCA 37	[5], [8], [14], [18], [38], [44], [70]-[71], [92], [95], [132], [138], [155], [171], [188], [214], [259], [262]
2.	<i>Baird v Queensland</i> (2006) 156 FCR 451; [2006] FCAFC 162	[56]-[63]
3.	<i>Carnie v Esanda Finance Corporation Limited</i> (1995) 182 CLR 398; [1995] HCA 9	404, 408, 415-420, 427-430
4.	<i>Garlett v Western Australia</i> (2022) 96 ALJR 888; [2022] HCA 30	[270], [273]-[275]
5.	<i>Gerhardy v Brown</i> (1985) 159 CLR 70; [1985] HCA 11	72, 83, 88, 92, 94, 97, 99, 100-101, 106, 108, 122, 140, 154
6.	<i>Golden Eagle International Trading v Zhang</i> (2007) 229 CLR 498; [2007] HCA 15	[4], [68]-[70]
7.	<i>Griggs v Duke Power Co</i> 401 U.S. 424 (1971)	426, 430
8.	<i>Hamzy v Commissioner of Corrective Services NSW</i> (2022) 107 NSWLR 544; [2022] NSWCA 16	[23], [24], [26]-[27], [28], [32]-[33], [39], [47]-[48], [89]-[91], [274]
9.	<i>Hill v Zuda Pty Ltd</i> (2022) 96 ALJR 540; [2022] HCA 21	[25]
10.	<i>IW v City of Perth</i> (1997) 191 CLR 1; [1997] HCA 30	22-23
11.	<i>Mabo v Queensland (No 1)</i> (1988) 166 CLR 186; [1988] HCA 69	198, 205, 218, 230

12.	<i>Maloney v The Queen</i> (2013) 252 CLR 168; [2013] HCA 28	172, [10]-[11], [14], [38], [58], [59], [62], [65], [67]-[68], [76], [78]-[80], [84]-[85], [112], [148], [161], [197], [200]-[202], [204], [227], [256], [299], [306]-[308], [322]-[323], [326], [329], [331], [335], [337]-[338], [343(a)], [353]-[354], [362], [378]
13.	<i>Morrison v Peacock</i> (2002) 210 CLR 274; [2002] HCA 44	[16]
14.	<i>Munkara v Bencsevich</i> [2018] NTCA 4	[96], [99], [103], [115]-[119]
15.	<i>Nguyen v Gerkens (Refugee Review Tribunal)</i> (1997) 74 FCR 311	318F, 319B-C
16.	<i>O'Donnell v Commonwealth of Australia</i> [2021] FCA 1223	[20], [40], [44]
17.	<i>Purvis v New South Wales</i> (2003) 217 CLR 92; [2003] HCA 62	[210]
18.	<i>R v Amital</i> [2022] NTSC 74	[142]
19.	<i>R v Grose</i> (2014) A Crim R 409; [2014] SASCF 42	[92]
20.	<i>Sahak v Minister for Immigration and Multicultural Affairs</i> (2002) 123 FCR 514; [2002] FCAFC 215	[6]-[7], [34]
21.	<i>Street v The Queensland Bar Association</i> (1989) 168 CLR 461; [1989] HCA 53	508, 566, 581
22.	<i>Thomas v Mowbray</i> (2007) 233 CLR 307; [2007] HCA 33	[526]
23.	<i>Waters v Public Transport Corporation</i> (1991) 173 CLR 349; [1991] HCA 49	357-359, 363, 365, 392
24.	<i>Western Australia v Commonwealth (The Native Title Act Case)</i> (1995) 183 CLR 373; [1995] HCA 47	437
25.	<i>Western Australia v Ward</i> (2002) 213 CLR 1	[105], [115]
B. Legislation		
26.	<i>Federal Court Rules 2011</i> (Cth)	r 9.21
27.	<i>Invalid and Old-Age Pensions Act 1908</i> (Cth)	ss 15, 16(1)(c)
28.	<i>Racial Discrimination Act 1975</i> (Cth)	ss 8, 9, 10
29.	<i>Social Security Act 1991</i> (Cth) (as passed)	ss 23(1), 43
30.	<i>Social Security Act 1991</i> (Cth) (current)	ss 8, 23(1), 23(5A), 43-47A, 1064
31.	<i>Social Security (Administration) Act 1999</i> (Cth)	s 7
32.	<i>Social Security and Other Legislation Amendment (Pension Reform and Other 2009 Budget Measures) Act 2009</i> (Cth)	s 3, Schedule 11, item 1

33.	<i>Social Security Legislation Amendment Act (No 2) 1994 (Cth)</i>	s 29
34.	<i>Social Services Consolidation Act 1947 (Cth)</i>	s 21
C. Explanatory materials and other materials		
35.	Commonwealth, <i>2009 - 2010 Budget Strategy and Outlook, Budget Paper No. 19</i>	1-34, 1-36
36.	Commonwealth, Department of Families, Housing, Community Services and Indigenous Affairs, prepared by Dr Jeff Harmer, <i>Pension Review Report</i> (Report, 27 February 2009)	xi, xxi (Finding 30)
37.	Commonwealth, <i>Parliamentary Debates</i> , House of Representatives, 11 May 1994, 616	617
38.	Commonwealth, <i>Parliamentary Debates</i> , House of Representatives, 15 June 2009, 5851	5853-5854
39.	Explanatory Memorandum, Family and Community Services (2000 Budget and Related Measures) Bill 2000 (Cth)	1
40.	Explanatory Memorandum, Social Security Legislation Amendment Bill (No 2) 1994 (Cth)	55
41.	Explanatory Memorandum, Social Security and Other Legislation Amendment (Pension Reform and Other 2009 Budget Measures) Bill 2009 (Cth)	Outline
<i>Treaties and UN materials</i>		
42.	Committee on Economic, Social and Cultural Rights, <i>General Comment No 19: The Right to Social Security</i> , 39 th Sess, UN Doc E/C.12/GC/19 (23 November 2007)	[1], [2], [15], [35]
43.	Committee on Economic, Social and Cultural Rights, <i>View adopted by the Committee under the Optional Protocol to the Covenant concerning communication No. 10/2015</i> , 63 rd sess, UN Doc E/C/12/63/D/10/2015 (26 March 2018) (<i>Trujillo Calero v Ecuador</i>)	[13.1], [13.4], [19.2] - [19.6]
44.	Committee on the Elimination of Racial Discrimination, <i>Decision: Communication No. 47/2010</i> , 83 rd sess, UN Doc CERD/C/83/D/47/2010 (27 August 2013) (<i>Moylan v Australia</i>)	[2.2], [4.4], [6.1]-[7]
45.	<i>International Covenant on Civil and Political Rights</i> , opened for signature 16 December 1966, 999 UNTS 171 (entered into force 23 March 1976)	Art 2(3)
46.	<i>International Covenant on Economic, Social and Cultural Rights</i> , opened for signature 16 December 1966, 999 UNTS 3 (entered into force 3 January 1976)	Art 9
47.	<i>International Convention on the Elimination of All Forms of Racial Discrimination</i> , opened for signature 21 December 1965, 660 UNTS 195, (entered into force 4 January 1969)	Art 1, Art 2(1)(c), Art 5

48.	<i>Universal Declaration of Human Rights</i> , GA Res 217A (III), UN GAOR, UN Doc A/810 (10 December 1948)	Art 22
49.	<i>Vienna Convention on the Law of Treaties</i> , opened for signature 23 May 1969, 1155 UNTS 331 (entered into force 27 January 1980)	Art 31

Schedule

No. VID 545 of 2021

Federal Court of Australia District Registry: Victoria

Division: General

Applicant

Applicant: DENNIS JAMES FISHER

Respondents

First Respondent: COMMONWEALTH OF AUSTRALIA

Second Respondent: MINISTER FOR GOVERNMENT SERVICES

Third Respondent: MINISTER FOR FAMILIES AND SOCIAL SERVICES