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ARTICLES

The Rise of Section 501BA Visa Cancellations: National Interest vs Administrative Justice – *Jason Donnelly*

Section 501BA of the *Migration Act 1958* (Cth) empowers the Minister to personally override a Tribunal decision revoking a mandatory visa cancellation, provided the visa-holder fails the character test and cancellation is in the “national interest”. Natural justice is expressly excluded, enabling swift executive action. Though intended as an “exceptional” safeguard, the power is now used with increasing frequency, often against long-term residents who had successfully appealed to the AAT. Judicial review in the Federal Court has rarely curtailed its use, with intervention limited to cases of material factual error or illogical reasoning. While courts emphasise that fairness concerns do not displace Parliament’s design, persistent reliance on s 501BA risks eroding the transparency and authority of merits review. The article argues that without restraint or reform, the routine use of this override power undermines rule-of-law values and public confidence in migration decision-making. 178

Casino Regulation: A Crowning Achievement? – *Arie Freiberg*

Since the early 2020s casino operators have been found guilty of engaging in money laundering, organising illegal junkets, failing to pay taxes, falsifying documents, exploiting vulnerable gamblers and generally engaging in conduct that has been described as illegal, dishonest, unethical and exploitative. One legislative response was to increase the maximum penalties available to regulators to \$100 million. This article examines the legislation relating to the nature of, and grounds for, disciplinary action, the disciplinary sanctions and the processes involved in the exercise of those powers. It argues that there are significant shortcomings in the various schemes, particularly the lack of clear criteria to be applied by regulators when exercising their sanctioning powers, the lack of requirements to give reasons for their decisions, the unavailability of rights of appeal and review of some important decisions and the powers given to Governors in Council and Ministers to impose significant pecuniary penalties. 193

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