

**Blinco v Speer, Jones v Speer**  
**Supreme Court of South Australia, Mullighan J, 21 May 1999**  
**[1999] SASC 211**

***Procedural fairness—decision by Registrar of Magistrates Court to order licence disqualification for default of payment of fine—whether rules of natural justice apply—rules of natural justice excluded by legislative intention***

The Court found that the principles of natural justice did not apply to the orders of the Registrar of the Magistrates Court disqualifying the plaintiffs from holding or obtaining a licence to drive a motor vehicle.

In 1996 s61A of the Sentencing Act was introduced which permitted disqualification of a driver's licence during the period of default of a fine and set out the procedure to be followed. Both plaintiffs were disqualified under these provisions and were later detected driving vehicles. They were charged with driving whilst disqualified.

The plaintiffs argued that there were two instances of natural justice being denied to them. The first was when the Registrar of the Magistrates Court decided to disqualify them from holding a licence. The second stemmed from them being unaware of the decision until notified by the Registrar of Motor Vehicles. The notices they received did not inform them of the right to have the decision reviewed by the Court.

The plaintiffs had argued that the licenses were a right and not a mere privilege, but the court held that the nature of the licences in this case was different to the licenses considered in *Banks v Transport Regulation Board (Victoria)* (1968) 119 CLR 222 where it was held that a license to drive a taxi was a property or civil right for certain purposes.

The Court considered that the rules of natural justice do not apply if the contrary intention appears in the relevant legislation. It held that the relevant provisions of the Sentencing Act make it clear that the operation of the rules of natural justice are excluded in the case of licence disqualification under s61A. Under s66 of that Act the power to disqualify a person from holding a driver's license is to be exercised without hearing the person in default, unless the court decides otherwise.

The Court was troubled by the failure of the Registrar of Motor Vehicles' notices to inform the plaintiffs of their right to apply for a review of the order made by the Registrar of the Magistrates Court, but found that it was not a denial of natural justice.

**Rokobatini v Minister for Immigration and Multicultural Affairs**  
**Federal Court of Australia, Full Court, 10 September 1999**  
**[1999] FCA 1238**

***Migration—Administrative Appeals Tribunal—review of deportation order - Tribunal guided by superseded government policy—failure to apply new policy***