



Andrew & Renata Kaldor Centre
for International Refugee Law

Casenote

**CHU KHENG LIM AND OTHERS v MINISTER
FOR IMMIGRATION, LOCAL GOVERNMENT
AND ETHNIC AFFAIRS (1992) 176 CLR 1**

Last updated: August 2018

This case note provides an overview of the key facts and findings of the High Court of Australia in *Chu Kheng Lim and Others v Minister for Immigration, Local Government and Ethnic Affairs and Another* (1992) 176 CLR 1. The case concerned the Commonwealth's ability to detain in custody non-citizens who arrived in Australia by boat without a visa or



Key issue

Judgment

The High Court found, unanimously, that sections 54K and 54L were constitutionally valid

Further reading

Human Rights and Equal Opportunity Commission, *Preliminary report on the detention of boat people* (1997).

Bryanna Workman, 'Protecting Individual Liberty: Recent applications of the Lim principle' (2016) 35 *University of Tasmania Law Review* 136

Joyce Chia, 'Back to the Constitution: The Implications of Plaintiff S4/2014 for Immigration Detention' (2015) 38(2) *University of New South Wales Law Journal* 628

Endnotes

¹ *Chu Kheng Lim and Others v Minister for Immigration, Local Government and Ethnic Affairs and Another* (1992) 176 CLR 1 at [39].

² *Ibid.*

³ *Ibid.*

⁴ *Ibid* at [40] (Brennan, Deane and Dawson JJ).

⁵ *Ibid.*

⁶ *Ibid* at [41] (Brennan, Deane and Dawson JJ).

⁷ *Ibid* at [14] (Brennan, Deane and Dawson JJ).

⁸ *Ibid* at [40] (Brennan, Deane and Dawson JJ).

⁹ *Ibid.*

¹⁰ *Ibid* at [41] (Brennan, Deane and Dawson JJ).

¹¹ *Ibid* at [42] (Brennan, Deane and Dawson JJ).

¹² *Ibid* at [5] (B. J Shaw QC).

¹³ *Ibid* at [28] (Brennan, Deane and Dawson JJ).

¹⁴ *Ibid* at [14], [38] (Brennan, Deane and Dawson JJ).

¹⁵ *Ibid* at [27] (Brennan, Deane and Dawson JJ).

¹⁶ *Ibid* at [28] (Brennan, Deane and Dawson JJ).

¹⁷ *Ibid* at [29] (Brennan, Deane and Dawson JJ)

¹⁸ *Ibid* at [33] (Brennan, Deane and Dawson JJ).

¹⁹ *Ibid.*

²⁰ *Ibid* at [57] (Gaudron J).

²¹ *Ibid* at [35]-[36] (Brennan, Deane and Dawson JJ).

²² *Ibid* at [13] (Brennan, Deane and Dawson JJ).