



HIGH COURT OF AUSTRALIA

12 November 2025

GOVERNMENT OF THE RUSSIAN FEDERATION v COMMONWEALTH OF AUSTRALIA
[2025] HCA 44

Today, the High Court unanimously answered questions of law stated for its consideration in the special case to the effect that the *Home Affairs Act 2023* (Cth) is not invalid on the ground that it is not supported by a head of power and that the operation of the Act results in the acquisition of property within the meaning of s 51(xxxi) of the *Constitution*.

On 24 December 2008, the Commonwealth granted to the plaintiff, the Government of the Russian Federation, a lease of land 300 metres from Parliament House in the Australian Capital Territory. The lease was for a term of 99 years for purposes identified as "only for any diplomatic, consular or official purpose of the Government of the Russian Federation or for the purpose of an official residence for any accredited agent of that Government or for all or any number of those purposes". The plaintiff agreed to pay a once only payment of a "land premium" of \$2,750,000, in addition to the payment of a survey and deposited plan fee. During the term of the lease, the plaintiff commenced but had not completed construction work on the land, including in relation to a building and a fence.

On 15 June 2023, following a press conference at Parliament House earlier that day in which the Prime Minister explained that the Government had "received very clear security advice as to the risk presented by a new Russian presence so close to Parliament House", the Commonwealth Parliament passed the Act. By s 5, the Act provided that the plaintiff's lease "is terminated by force of this section on the commencement of this section". Section 6 of the Act provided that "[i]f the operation of this Act would result in an acquisition of property to which paragraph 51(xxxi) of the Constitution applies from a person otherwise than on just terms, the Commonwealth is liable to pay a reasonable amount of compensation to the person".

The High Court unanimously held that the Act was properly characterised as a law "for the government of any territory", within the meaning of s 122 of the *Constitution*, and that the termination of the lease by operation of s 5 of the Act was properly characterised as having resulted in an acquisition of property within the meaning and scope of s 51(xxxi) of the *Constitution*. The Act was therefore a valid exercise of the legislative power conferred by s 51(xxxi) of the *Constitution* to enact a law with respect to the acquisition of property on just terms "for any purpose in respect of which the Parliament has power to make laws" under s 122 of the *Constitution*. It followed that the Commonwealth was liable to pay compensation to the plaintiff under s 6 of the Act.

This statement is not intended to be a substitute for the reasons of the High Court or to be used in any later consideration of the Court's reasons.