



HIGH COURT OF AUSTRALIA

3 December 2025

BADARI & ORS v MINISTER FOR TERRITORY FAMILIES AND URBAN HOUSING &
ANOR
[2025] HCA 47

Today, the High Court of Australia allowed an appeal (in proceeding D7/2025) from a judgment of the Court of Appeal and the Full Court of the Supreme Court of the Northern Territory (the "Court of Appeal"). The appeal was heard on 3 September 2025, together with a related application (in proceeding D1/2025) for special leave to appeal, in which the High Court delivered judgment separately.

The appeal concerned three determinations made variously by the Minister for Territory Families and Urban Housing and the Minister for Housing and Homelands – on 23 December 2021, 27 April 2022 and 2 September 2022 respectively – pursuant to s 23 of the *Housing Act 1982* (NT). The determinations prescribed the rent payable for over 5,000 dwellings in various remote communities, and took effect despite anything to the contrary contained in existing tenancy agreements entered into in respect of those dwellings. The Ministers made the determinations without giving notice to any tenant or inviting any tenant to make submissions regarding the proposed change of rent.

The appellants, who each were party to tenancy agreements entered into in respect of dwellings affected by the determinations, applied to the Supreme Court of the Northern Territory for judicial review of the three determinations on two grounds: first, that they were not afforded procedural fairness; and second, that each determination was legally unreasonable. The primary judge dismissed the application for judicial review, and an appeal from that judgment was subsequently dismissed unanimously by the Court of Appeal. The appellants appealed to the High Court.

The High Court unanimously held that the exercise of the power to make determinations under s 23 of the *Housing Act* is conditioned by an obligation to observe procedural fairness. The Court further held that the appellants were denied procedural fairness, and that the denial was material. Accordingly, the making of each determination was infected with jurisdictional error. Given that conclusion, it was unnecessary for the Court to address whether the determinations were legally unreasonable.

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.