



HIGH COURT OF AUSTRALIA

NOTICE OF FILING

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Details of Filing

File Number: S34/2021
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Important Information

This Notice has been inserted as the cover page of the document which has been accepted for filing electronically. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties and whenever the document is reproduced for use by the Court.

IN THE HIGH COURT OF AUSTRALIA
SYDNEY REGISTRY

BETWEEN: **MINISTER FOR IMMIGRATION, CITIZENSHIP, MIGRANT
SERVICES AND MULTICULTURAL AFFAIRS**
Appellant

and

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Alex VIANE
Respondent

APPELLANT’S CHRONOLOGY

Part I: Certification

1. The appellant (**Minister**) certifies that this chronology is in a form suitable for publication on the internet.

Part II: Chronology

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Key:
Appellant’s Book of Further Materials (**AFM**)
Core Appeal Book (**CAB**)

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Date	Event	Reference
2 August 2007	The Respondent was granted a Class TY Subclass 444 Special Category (Temporary) visa (visa).	AFM Tab 7, 59.
10 November 2015	The Respondent was sentenced to 12 months imprisonment upon being convicted of a charge of assault occasioning bodily harm to his partner and mother of his child.	CAB Tab 7, 106 [19]-[20]; AFM Tabs 3 and 5.
6 July 2016	The Respondent’s visa was mandatorily cancelled by a delegate of the Minister under s 501(3A) of the <i>Migration Act 1958</i> (Cth) (Act) (cancellation decision).	CAB Tab 2, 8 [1].

10	13 July 2016	The Respondent made a request for revocation of the cancellation decision.	AFM Tabs 7 and 8.
	1 March 2017	The Respondent made further representations to the Minister in relation to his request for revocation in the form a statutory declaration.	AFM Tab 9.
	2 March 2017	The Respondent's representative made submissions to the Minister in relation to the request for revocation.	AFM Tab 10.
	4 May 2017	The Respondent's representative made further submissions to the Minister in relation to the request for revocation.	AFM Tab 11.
	1 June 2017	The Parliamentary Secretary to the Minister for Immigration and Border Protection decided not to revoke the cancellation decision.	CAB Tab 3, [2]; CAB Tab 7, 106 [19].
20	2 August 2018	The Full Court of the Federal Court of Australia set aside the decision made on 1 June 2017 and the matter was remitted for redetermination: <i>Viane v Minister for Immigration and Border Protection</i> (2018) 263 CLR 531.	CAB Tab 3, [2]; CAB Tab 7, [19].
	19 November 2018	The Respondent was invited to comment on further information and make further submissions in relation to his request for renovation of the cancellation decision.	AFM Tab 12.
	3 December 2018	The Respondent made further representations to the Minister in relation to his request for revocation in the form a statement.	AFM Tab 13.
	1 March 2019	The Respondent was invited to comment on further information in relation to the request for revocation.	AFM Tab 15.
30	15 March 2019	The Respondent's representative made a submission to the Minister in relation to the request for revocation.	AFM Tab 16.
	8 August 2019	The Minister for Home Affairs received a submission prepared for him by his Department and draft reasons for decision.	CAB Tab 7, 113-114 [46]; AFM Tab 1.
	28 August 2019	The Minister for Home Affairs made a decision not to revoke the cancellation decision under s 501CA(4)	CAB Tabs 1 and 2.

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	of the Act (the Minister's decision).	
18 September 2019	The Respondent applied to the Federal Court of Australia (FCA) for judicial review of the Minister's decision.	CAB Tab 3, 30 [4]; AFM Tab 18.
22 October 2019	The Respondent filed an amended application in the FCA.	AFM Tab 19.
20 November 2019	Hearing in the FCA (Flick J).	
20 February 2020	The FCA dismissed the Respondent's amended application: <i>Viane v Minister for Home Affairs</i> [2020] FCA 152.	CAB Tabs 3 and 4.
18 March 2020	The Respondent filed a Notice of Appeal to the Full Court of the Federal Court of Australia (FCAFC).	
15 June 2020	The Respondent filed submissions annexing an amended notice of appeal.	CAB Tab 5.
7 July 2020	Hearing before the FCAFC (Besanko, Kerr and Charlesworth JJ).	CAB Tab 6.
24 August 2020	The FCAFC (Kerr and Charlesworth JJ, Besanko J dissenting) allowed the Respondent's appeal: <i>Viane v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs</i> [2020] FCAFC 144.	CAB Tabs 7 and 8.

Dated 30 April 2021



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