

BETWEEN:

Mehaka Lee Te Puia
Applicant

and

10

Minister for Immigration and Border Protection
Respondent

APPLICANT'S ANNOTATED CHRONOLOGY

Part I: Certification

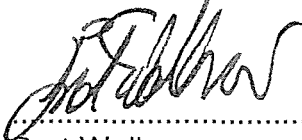
1. This chronology is in a form suitable for publication on the internet.

Part II: Chronology

20 2. The principal events leading to the litigation, and references to pages within the Special Case Book, are as follows.

Date	Event	Ref.
6 Oct 2015	A gazetted agency supplied the Department of Immigration and Border Protection with confidential information concerning the Applicant	13 [6] 19 [2]
27 Oct 2015	An authorised migration officer gave the Minister: a "submission" inviting the Minister to cancel the Applicant's visa under s 501(3) of the <i>Migration Act 1958</i> (Cth) (the Act); and an "issues paper" with attachments, including the confidential information.	13 [5] 18-152
27 Oct 2015	The Minister, having had regard to the confidential information, cancelled the Applicant's visa under s 501(3) of the Act and signed a statement of reasons.	13 [9]-[11] 154-58
2 Nov 2015	The Applicant was notified under s 501C(3) of the Act. Particulars of the confidential information were omitted.	attached herewith
4 Dec 2015	The Applicant filed for judicial review (WAD 732/2015).	6
26 Feb 2016	The Minister filed a Court Book in proceeding WAD 732/2015. The confidential information was omitted.	13 [8.b]

Dated: 12 December 2016




Bret Walker

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Fax: 03 9670 6155
DX: 262 Melbourne
Email: tmilides@mcolawyers.com
Ref: Thea Milides

Attachment: Letter to Applicant dated 2 November 2015

(This document was omitted from the Special Case in oversight. See f.n. 18 to the Applicant's Annotated Written Submissions.)



October 2015

02/11/2015

Method of Delivery: BY HAND

Mr Mehaka Lee TE PUIA
16 Maryport Way
BUTLER WA 6036

Client Name: Mr Mehaka Lee TE PUIA also known as Lee Mehaka TEPUIA
Date of Birth: 30 November 1977
Client ID: 82110302032
File Reference: CLF2015/57038

Dear Mr TE PUIA

**NOTICE OF VISA CANCELLATION UNDER s501(3)
OF THE MIGRATION ACT 1958**

On 27 October 2015 the Minister for Immigration and Border Protection decided to cancel your Class TY Subclass 444 (Special Category) visa under s501(3)(b) of the Migration Act. A copy of s501 of the Migration Act is enclosed.

Under s501(3) of the Migration Act, the Minister may personally decide to cancel a person's visa if the Minister reasonably suspects that the person does not pass the *character test* (which is defined in s501(6) of the Migration Act as set out in the attached documentation) and the Minister is satisfied that the cancellation is in the national interest. In doing so, under s501(5) of the Migration Act the Minister is not bound by the rules of natural justice, or the relevant parts of the codes of procedure set out in Subdivision AB of Division 3 of Part 2 of the Migration Act.

A copy of a statement of reasons for the decision of the Minister and information relevant to the decision is enclosed. As noted in the statement of reasons, some of the information that was considered by the Minister is protected information under s503A of the Migration Act and this information cannot be disclosed to you. A copy of s503A of the Migration Act is enclosed.

Revoking the decision to cancel your visa

The decision to cancel your visa has been made by the Minister personally. While the Administrative Appeals Tribunal (AAT) has the power to review decisions to cancel or refuse a visa made by delegates of the Minister, it cannot review decisions made by the Minister personally.

Under s501C of the Migration Act, the Minister has the power to revoke his own decision if you are able to satisfy him that you pass the *character test* which is defined in s501(6) of the Migration Act as set out in the attached documentation. You will note the relevant provision of the Migration Act in your case was s501(6)(b) of the *character test*, however you may wish to note the other grounds in s501(6).

people our business

You are invited to make representations to the Minister about the possible revocation of his decision to cancel your visa. If you wish to do so, subsection 501C(3) and regulation 2.52 of the *Migration Regulations 1994* require your representations to:

- be made within seven (7) days of you being given this notice; and
- be in writing and in English (or if in another language, accompanied by an accurate English translation); and
- include:
 - your full name and date of birth; and
 - at least one of the reference numbers shown at the top of this letter, or the number of the receipt issued by the Department of Immigration and Border Protection when you lodged your visa application; and
- contain a statement of the reasons on which you rely to support the representations.

As this notice was given to you by hand, you are taken to have received it when it was handed to you.

You may include documents to support your representations. Regulation 2.53 requires any documents accompanying your representations to be:

- the original document; or
- a copy of the original document that is certified in writing to be a true copy by a Justice of the Peace, or a Commissioner for Declarations, OR a person before whom a statutory declaration may be made under the *Statutory Declaration Act 1959*; and
- accompanied by an accurate English translation (if the document is in a language other than English).

Correspondence can be sent to the Character Support Section by mail, email or fax:

Postal address	Character Support Section Department of Immigration and Border Protection 6 Chan Street Belconnen ACT 2617
Email address	character.program.management@border.gov.au
Fax number	02 6225 6970

Consequences of the cancellation of your visa

Because your visa has been cancelled:

- You are not allowed to make an application for another visa if you are in Australia, unless:
 - this cancellation decision is set aside; or
 - the application is for a protection visa and such application is not precluded by section 48A of the Act; or
 - the application is for a visa specified in the regulations for the purposes of subsection 501 E(2). (Please note: there is currently one visa prescribed for this purpose, a Bridging R (Class WR) visa, for which an application is only taken to have been validly made following an invitation by the Minister.)

- Any other visa that you may hold (other than a protection visa) is taken to have been cancelled by operation of law. However, if the decision to cancel your visa under subsection 501(3) of the Act is set aside, a decision that the Minister is taken to have made to cancel another visa held by you is also taken to have been set aside.
- If you have made another visa application prior to the date of this Notice that has neither been granted nor refused (and the visa applied for is not a protection visa), then that application is taken to be refused.
- If in future you apply for a visa that contains special return criterion 5001 as a criterion for visa grant (most permanent visas, except Child visas, include this criterion), that visa application will have to be refused, unless the cancellation of your visa is set aside.
- Your personal information may be disclosed to Australian law enforcement agencies and foreign governments or agencies as part of your removal from Australia.

Client or Authorised Recipient: Please complete the attached acknowledgement of receipt of the ***Notice of visa cancellation under subsection 501 (3) of the Migration Act 1958*** and return it to the address shown at the foot of the first page of this letter.

As this notice was given to you by hand, you are taken to have received it when it was handed to you.

If you believe that you may not have received a complete set of the documents pertaining to the decision, please contact this office as soon as possible, using the contact details shown below.

Yours sincerely



Position number: 60001267
Character Support Section
Canberra

Ph: 02 6264 1111
Fax: 02 6225 6970
Email: character.program.management@border.gov.au

Enclosures:

- Statement of Reasons
- Issues Paper
- Attachments A - H
- Copy of s501, s501C, s501D, s501E and s501F of the Migration Act and Regulations 2.52 and 2.53 of the *Migration Regulations 1994*
- Copy of s503A of the Migration Act

Please note that **Attachment Z** is not attached as it is protected information under s503A of the Migration Act and this information cannot be disclosed to you.

File Number: CLF2015/57038
Client ID: 44281298908
Attention: Position number 60001267

I acknowledge receipt of the **Notice of visa cancellation under s501(3) of the Migration Act 1958** and a copy of the documents (Issues Paper and Attachments, Statement of Reasons) pertaining to the decision to cancel the visa formerly held by

Mr Mehaka Lee TE PUIA

Signature:.....

Date:

(for hand-delivered notifications – DIBP officer to confirm delivery)

I confirm that the documents referred to above were received by the above named person:

Witness:

Date: