



Federal Court of Australia

District Registry: New South Wales Registry

Division: General

No: NSD460/2024

**JARROD TREZ RAIDEN RANGIUIA**

Applicant

**MINISTER FOR IMMIGRATION, CITIZENSHIP AND MULTICULTURAL  
AFFAIRS** and another named in the schedule

Respondents

### **ORDER**

**JUDGE:** Justice Abraham

**DATE OF ORDER:** 10 July 2024

**WHERE MADE:** Sydney

#### **BY CONSENT, THE COURT ORDERS THAT:**

1. The application be allowed.
2. The decision of the second respondent dated 12 March 2024 be quashed.
3. The matter be remitted to the second respondent, differently constituted, for determination according to law.
4. The first respondent pay the applicant's costs as agreed or assessed.

#### **THE COURT NOTES THAT:**

1. The first respondent concedes that the second respondent's decision was affected by jurisdictional error because the second respondent failed to afford the applicant procedural fairness. Specifically, it did not put the applicant on notice that it was considering applying its own career experience to draw an inference that the delays in the first respondent's pursuit of the cancellation of the applicant's visa were not related to the first respondent's assessment of the risk posed by the applicant to the Australian community. The failure was material, in that there was a realistic possibility that the decision could have been different if the error had not occurred: *Nathanson v Minister for Home Affairs & Anor* (2022) 276 CLR 80 at 103 [32],



107-108 [46] and 113 [63]; *LPDT v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* [2024] HCA 12 at [7].

Date orders authenticated: 10 July 2024

*Sia Lagos*  
Registrar

Note: Entry of orders is dealt with in Rule 39.32 of the *Federal Court Rules 2011*.



**Schedule**

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Second Respondent

ADMINISTRATIVE APPEALS TRIBUNAL