



Federal Court of Australia  
District Registry: New South Wales  
Division: General

No: NSD289/2020

**PAUL ANTHONY TAPARA**  
Applicant

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

### **ORDER**

**JUDGE:** JUSTICE LEE

**DATE OF ORDER:** 04 May 2020

**WHERE MADE:** Sydney

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

1. The decision of the Administrative Appeals Tribunal (**Tribunal**) dated 26 February 2020 to affirm the decision of a delegate of the first respondent not to revoke the mandatory cancellation of his absorbed person visa be quashed.
2. The application for review of the decision of the delegate of the first respondent be remitted to the Tribunal for determination in accordance with law.
3. The first respondent is to pay the applicant's costs of these proceedings fixed in the sum of \$6,930. Such costs to be paid directly to the applicant's counsel, Dr Jason Donnelly, as a Pro Bono lawyer, pursuant to r 4.19 of the *Federal Court Rules 2011* (Cth).

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

4. The first respondent concedes that the Tribunal failed to consider the best interests of the two daughters of Amanda Yawanis and thereby failed to comply with clause 13.2 of Direction 79. The first respondent concedes this failure was material to the Tribunal's decision and accordingly the decision is affected by jurisdictional error: see *Uelese v Minister for Immigration and Border Protection* (2015) 256 CLR 203 at [60]-[68].



Date that entry is stamped: 4 May 2020

*Sia Lagos*  
Registrar



**Schedule**

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Second Respondent      ADMINISTRATIVE APPEALS TRIBUNAL