



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

No: NSD875/2020

LYRICK ADRIAN BRISTOWE
Applicant

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

ORDER

JUDGE: JUSTICE THAWLEY

DATE OF ORDER: 21 June 2021

WHERE MADE: Sydney

BY CONSENT, THE COURT ORDERS THAT:

1. A writ in the nature of certiorari be issued to quash the decision of the second respondent dated 7 May 2020.
2. A writ in the nature of mandamus be issued directing the second respondent differently constituted to reconsider and re-determine the matter according to law.
3. The first respondent pay the applicant's costs as agreed or assessed.

THE COURT NOTES THAT:

- A. The first respondent concedes that the decision of the second respondent is affected by jurisdictional error. The first respondent concedes that the second respondent proceeded on an incorrect understanding of Dr Yoxall's evidence, in two respects: first, in understanding her evidence as a whole to be that the risk of recidivism was only reduced by a rehabilitation program which was residential; secondly, in understanding her evidence to be that the applicant was unlikely to engage in a rehabilitation program such that his risk of recidivism might reduce.

Date that entry is stamped: 21 June 2021

Sia Lagos
Registrar



Schedule

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Second Respondent ADMINISTRATIVE APPEALS TRIBUNAL