



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

No: NSD604/2023

WCGD
Applicant

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

ORDER

JUDGE: JUSTICE JACKMAN

DATE OF ORDER: 25 July 2023

WHERE MADE: Sydney

BY CONSENT, THE COURT ORDERS THAT:

1. The decision of the Second Respondent dated 22 June 2023 be quashed.
2. The matter be remitted to the Second Respondent to be determined according to law.
3. The First Respondent pay the Applicant's costs fixed at \$6,600.00.

THE COURT NOTES THAT:

The First Respondent concedes that the Tribunal had regard to the applicant's offending as a child for which no conviction was recorded, and where s 184(2) of the *Youth Justice Act 1992* (Qld) provided that the Court's findings of guilt were not taken to be convictions for any purpose, and for which s 85ZR(2)(b) of the *Crimes Act 1914* (Cth) applied that legislative protection to consideration of revocation under s 501CA(4) of the *Migration Act 1958* (Cth): see *Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs v Thornton* [2023] HCA 17 at [36] and [74]. This error was material: see *Thornton*, [37]-[38] and [80].



Date that entry is stamped: 25 July 2023

Sia Lagos
Registrar



Schedule

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Second Respondent ADMINISTRATIVE APPEALS TRIBUNAL