HIGH COURT OF AUSTRALIA

NOTICE OF FILING

This document was filed electronically in the High Court of Australia on 29 Sep 2022 and has been accepted for filing under the *High Court Rules 2004*. Details of filing and important additional information are provided below.

Details of Filing

File Number:	S81/2022
File Title:	DCM20 v. Secretary of Department of Home Affairs & Anor
Registry:	Sydney
Document filed:	Form 27A - Redacted Appellant's submissions
Filing party:	Appellant
Date filed:	29 Sep 2022

Important Information

This Notice has been inserted as the cover page of the document which has been accepted for filing electronically. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties and whenever the document is reproduced for use by the Court.

IN THE HIGH COURT OF AUSTRALIA
SYDNEY REGISTRY

No. S81 of 2022

BETWEEN:

DCM20

Appellant

and

SECRETARY OF DEPARTMENT OF HOME AFFAIRS

First Respondent

ASSISTANT DIRECTOR, MINISTERIAL INTERVENTION, DEPARTMENT OF HOME AFFAIRS

Second Respondent

REDACTED APPELLANT'S SUBMISSIONS

I: Publication

1. These submissions are in a form suitable for publication on the internet.

II: Issues

2. The issue on the appeal are whether the decision by the Second Respondent (the **Assistant Director**) to finalise the Appellant's request for Ministerial intervention under s 351 of the *Migration Act 1958* (Cth) (the **Act**) on the basis that it did not meet the circumstances for referral to the Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs (the **Minister**) pursuant to the "Minister's guidelines on ministerial powers (s351, s417, s501J)" (the **Guidelines**) was legally unreasonable.

3. The issues raised by the Notice of Contention filed by the Minister are whether the decision made by the Assistant Director is amenable to judicial review, and if so on what grounds, and whether any and if so what relief is available in respect of that decision.

III: Section 78B notices

4. On 9 June 2022, the First Respondent gave a notice to the Attorneys-General under s 78B of the *Judiciary Act 1903* (Cth).

IV: Reasons for judgment below

5. The reasons of the primary judge are published as *DCM20 v Secretary, Department of Home Affairs* [2020] FCA 1022 (**PJ**). The reasons of the Full Court of the Federal Court

Rasan T Selliah
Suite 30, Level 4, 301 Castlereagh Street
SYDNEY NSW 2000

Tel: (02) 9635 5630
Email: rtslawyers@gmail.com
Ref: Rasan Thamilarasan Selliah

are published as *Davis v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* [2021] FCAFC 213 (**FC**).

V: Relevant facts

6. The factual background is set out in paragraphs [7]-[13] of the reasons of the primary judge (Core Appeal Book ("**CAB**") 23-27), and paragraphs [334]-[345] of the reasons of Charlesworth J (CAB 150-153).

7. The Appellant is a citizen of Fiji who arrived in Australia in the early 1990s, and has resided continuously in Australia since then: PJ [7].

8. In February 1996, the then Refugee Review Tribunal affirmed a decision of the Minister's delegate to refuse to grant the Appellant a protection visa: PJ [8(1)].

9. In June 1996, the Appellant made a (first) request for ministerial intervention under s 417 of the Act. In June 1997, the Minister decided not to exercise the power to intervene: PJ [8(1)].

10. On 27 August 2013, the then Migration Review Tribunal affirmed a decision of the Minister's delegate to refuse to grant the Appellant a resolution of status visa: PJ [8(2].

11. By letter dated 29 August 2013 (Joint Materials ("**JM**") 13-17), the Appellant made a (second) request for ministerial intervention under s 351 of the Act. In March 2016, the request was referred to the Assistant Minister who was provided with a minute prepared by an administrative officer dated 9 March 2016 ("**2016 Minute**"). The 2016 Minute provided the Minister with the options "begin to consider the exercise of your power under section 351" or "not exercise your power under section 351". The Minister chose the latter option: JM 22; PJ [8(2)].

12. By letter dated 22 June 2016 (JM 32-37), the Appellant made a (third) request for ministerial intervention under s 351 of the Act. On 28 June 2016, an administrative officer assessed the request against the guidelines issued by the Minister and decided not to refer the request to the Minister: JM 38-41; PJ [8(3)].

13. By letter dated 20 December 2019 (JM 42-49) the Appellant made a (fourth) request for Ministerial intervention under s 351 of the Act ("**2019 Request**"). For reasons explained further below, in comparison to the earlier requests, the 2019 Request included some different evidence and circumstances.

14. In the period leading up to 10 January 2020, an officer of the Department of Home Affairs ("**Department**") assessed the Appellant's request against the Guidelines. On 10 January 2020, the Assistant Director signed a minute which included an assessment of the Appellant's request against the Guidelines ("**2020 Minute**"): CAB 5-8. The 2020

Minute recorded that, for reasons explained further below, "the repeat request will not be referred to the Minister".

VI: Argument

15. Paragraphs 17 to 53 below reproduce the equivalent paragraphs 19 to 55 in the Appellant's written submissions dated 30 June 2022 filed in Davis v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs, Matter No M32 of 2022.

16. The arguments in relation to the specific facts of this appeal are set out in paragraphs 54 to 69 below.

Jabbour *is correct*

17. The reasoning of Robertson J in *Jabbour v Secretary, Department of Home Affairs*,[1] as affirmed by each Justice in the Full Court below, is correct. The decision by the Assistant Director under the Guidelines to finalise the Request without referral to the Minister is amenable to judicial review, including on the ground of legal unreasonableness.[2]

The Guidelines

18. The Guidelines were issued by the Minister in order to explain the circumstances in which he or she may wish to consider intervening in a case pursuant to the powers conferred by ss 351, 417 and 501J of the Act, and how a person may request the Minister to consider intervening in their case. In contrast to previous versions of such Ministerial guidelines, the Guidelines not only explain when the Department should refer a case to the Minister, but also "confirm that if a case does not meet these guidelines, I do not wish to consider intervening in that case" (Further Materials (**FM**), item 10).

19. Under the heading "Cases that should be brought to my attention", section 4 of the Guidelines states that cases that have "one or more unique or exceptional circumstances" may be referred to the Minister for possible consideration of the use of the intervention powers, and describes examples of such cases including those with "strong compassionate circumstances that if not recognised would result in serious, ongoing and irreversible harm and continuing hardship to an Australian citizen". Section 7 relevantly provides that cases which do <u>not</u> meet the guidelines for referral

---

1 (2019) 269 FCR 438 (***Jabbour***) at 455-460 [79]-[103].

2 FC at [3], [27]-[39], [46] (Kenny J), [50] (Besanko J), [96] (Griffiths J), [118(a)], [166]-[174] (Mortimer J), [292]-[307] (Charlesworth J).

are inappropriate for the Minister to consider, and the Department is instructed by the Minister to "finalise these cases without referral to me".[3]

20. Section 10.1 of the Guidelines deals with "first requests", and relevantly provides that, if the Department assesses that the case does not have unique or exceptional circumstances such as those described in section 4 of the Guidelines and is inappropriate for the Minister to consider as described in section 7 of the Guidelines, the request "will not be brought to my attention" and "will be finalised by the Department without referral to me".

21. Section 10.2 deals with "repeat requests". The Minister instructs that "I do not wish to consider repeat requests", but that such a request may be referred to the Minister "in limited circumstances", if the Department is satisfied there has been a "significant change in circumstances since the previous request(s) which raises new, substantive issues that were not provided before or considered in a previous request", and which are assessed by the Department as falling within the unique or exceptional circumstances described in section 4 of the Guidelines.

22. The Guidelines confer on Departmental officers the function of assessing requests for Ministerial intervention against the criteria set out therein, including by "screening out" those requests which do not meet the specified criteria. In contrast to the position under previous guidelines,[4] such requests are "finalised" by the assessment and decision of the Departmental officer without referral or notice to the Minister. The authority to perform that function is derived from the Guidelines, by which the Minister instructs Departmental officers that he does not wish to consider certain kinds of cases.[5] This reflects a decision by the Minister not to consider the exercise of intervention powers in those cases (as identified by the assessment to be performed by officers of his Department), which is in effect the converse of the "personal procedural decision" to consider the exercise of such powers that was identified in cases such as *Plaintiff M61/2010E v Commonwealth*[6] and *Minister for Immigration and Border Protection v SZSSJ*.[7]

---

3 See also section 8, which provides that "[i]f the Department assesses that the case does not meet my guidelines for referral, the Department will finalise the case according to these guidelines."

4 For example, under the guidelines in force as at 2009, cases that fell outside the ambit of the relevant sections of the guidelines were nevertheless required to be brought to the attention of the Minister "through a short summary of the issues in schedule format, so that I may indicate whether I wish to consider the exercise of my power". See *e.g.* FC at [94]-[95] (Griffiths J).

5 *Cf. Plaintiff S10/2011 v Minister for Immigration and Citizenship* (2012) 246 CLR 636 (***Plaintiff S10***) at 665 [91] (Gummow, Hayne, Crennan and Bell JJ); see also at 653 [51] (French CJ and Kiefel J).

6 (2010) 243 CLR 319 (***Plaintiff M61***) at [70]-[71].

7 (2016) 259 CLR 180 (***SZSSJ***) at [56].

23. The characterisation of the administrative process undertaken to inform the Minister as to the possible exercise of his or her intervention powers "requires close attention both to the structure of those powers and to the facts".[8] Where the Minister has not made a personal procedural decision to consider a request for intervention, the processes undertaken by the Department to assist the Minister to make the procedural decision have no statutory basis.[9]

24. However, while they have no statutory basis, Departmental assessments under the Guidelines cannot be said to have no relationship at all to the laws of the Commonwealth. In *Plaintiff S10/2011 v Minister for Immigration and Citizenship*, Gummow, Hayne, Crennan and Bell JJ considered that the processes "were not divorced from the exercise of authority conferred by statute".[10] French CJ and Kiefel J observed that the processes were to be regarded as "an executive function incidental to the administration of the Act and thus within that aspect of the executive power which 'extends to the execution and maintenance … of the laws of the Commonwealth'."[11]

25. The Guidelines derive their character from s 351(3) which provides that the power to substitute a more favourable decision for that of the Tribunal "may only be exercised by the Minister personally", and s 351(7) which provides that "[t]he Minister does not have a duty to consider whether to exercise the power … in respect of any decision". Subsection 351(7) makes the power conferred by s 351 "non-compellable", in the sense that the Minister cannot be compelled by mandamus to consider its exercise in any particular case.[12] Because the Minister is not required to consider whether to exercise the power, the Minister has issued the Guidelines as instructions to the Department as to which requests for intervention pursuant to the power are to be referred to him for possible consideration and which requests are to be finalised by the Departmental officer without referral to the Minister.

26. As Griffiths and Charlesworth JJ concluded below,[13] subject to any lawful instruction given by the Minister, the personal and discretionary nature of the powers conferred on the Minister by s 351 of the Act gives rise to a duty on the part of Departmental officers to bring to the Minister's attention a request for his intervention, such that the Minister is "made aware that an occasion for exercising the procedural power has arisen"[14] and has an opportunity to make either or both a procedural decision to consider the exercise

---

8 *SZSSJ* (2016) 259 CLR 180 at 197 [41].
9 *SZSSJ* (2016) 259 CLR 180 at 200 [54].
10 *Plaintiff S10* (2012) 246 CLR 636 at 665 [93].
11 *Plaintiff S10* (2012) 246 CLR 636 at 655 [51]. See also FC at [13]-[14] (Kenny J).
12 See *Plaintiff M61* (2010) 243 CLR 319 at 358 [99].
13 FC at [87] (Griffiths J), [253]-[270] (Charlesworth J).
14 FC at [260] (Charlesworth J).

of the power or a substantive decision to intervene. Thus, only the Minister personally can decide not to consider a request for Ministerial intervention.[15] However, by issuing the Guidelines, the Minister has decided (in advance) not to consider exercising the intervention powers in relation to requests that fall within specified categories, and given instructions to his Department accordingly, such that "so long as the Departmental officer acts in accordance with the Guidelines, there is no duty to bring the request to the Minister's attention".[16] That is, the Guidelines (if valid) confer on Departmental officers the authority not to bring a request to the Minister's attention, and define the scope of that authority.[17]

27. Further or alternatively, even if there were no duty to bring a request for Ministerial intervention under s 351 of the Act to the attention of the Minister, the Guidelines nevertheless constitute an instruction by the Minister as to the matters that are relevant to whether or not the Minister wishes to consider exercising the power to intervene. The Guidelines are intended to guide Departmental officers in conducting assessments of intervention requests, in a similar way to policies that are promulgated to guide the exercise of a statutory discretion.[18] In so far as the Departmental officers are exercising the non-statutory executive power of the Commonwealth, as an incident of the execution and maintenance of laws of the Commonwealth (*i.e.* the Act) within s 61 of the *Constitution*, the Guidelines serve to identify the scope and purpose of the power and inform the manner in which the assessment is to be conducted by Departmental officers.[19]

28. It follows that Departmental officers cannot ignore the Guidelines when assessing a request for Ministerial intervention, any more than they can ignore the request itself. A request could not be arbitrarily discarded without any notice to the Minister that the request had been made. The finalisation of a request by a Departmental officer without referral to the Minister can only be done in good faith under the Guidelines.

---

15 FC at [259] (Charlesworth J).

16 FC at [264] (Charlesworth J).

17 FC at [268] (Charlesworth J).

18 Amanda Sapienza, *Judicial Review of Non-Statutory Executive Action* (2020, The Federation Press), 148-149.

19 *Jabbour* (2019) 269 FCR 438 at 458 [91], 460 [102].

The finalisation of the request affected rights and interests

29. A majority of this Court accepted in *Plaintiff S10* that a failure to exercise or to consider the exercise of the dispensing provisions (including s 351 of the Act) can adversely affect the interests of those seeking to engage the exercise of such powers.[20]

30. In so far as there is a duty to bring a request for Ministerial intervention to the attention of the Minister subject to any lawful instruction given by the Minister as to the cases that he does not wish to consider, the finalisation of a request by a Departmental officer under the Guidelines clearly affects the requestor's rights (and/or interests). If it is necessary to articulate the nature of the right (or interest), it is to have the request either brought to the Minister's attention (for possible consideration whether to exercise the power to intervene) or assessed under and in accordance with the Guidelines that have been promulgated by the Minister as instructions to his Department.[21]

31. Even in the absence of any such duty, the finalisation of a Ministerial intervention request by a Departmental officer nevertheless affects the interests of the person who made the request.[22] For example:

(a) The finalisation of a request prevents it from being referred to the Minister, who has power to affect the person's legal rights by substituting a more favourable decision (*e.g.* granting a visa). In *Plaintiff S10*, Gummow, Hayne, Crennan and Bell JJ described this as "obtain[ing] a measure of relaxation of what otherwise would be the operation upon non-citizens of the visa system",[23] which is clearly a matter in relation to which the person making the request has an interest.

(b) The making of a request for Ministerial intervention under s 351 of the Act (and other relevant dispensing provisions) is expressly recognised and given effect as a criterion for the grant of a bridging visa under Schedule 2 of the *Migration Regulations*: see cl 050.212(6). Thus, while there is a pending request for Ministerial intervention, the person may be entitled to the grant of a bridging visa which entitles him or her to remain at liberty in Australia. For present

---

20 *Plaintiff S10* (2012) 246 CLR 636 at 658-659 [64]-[70] (Gummow, Hayne, Crennan and Bell JJ). However, their Honours held that the relevant dispensing provisions revealed the "necessary intendment" to exclude the requirement to observe procedural fairness: (2012) 246 CLR 636 at 668 [100]; see also *SZSSJ* (2016) 259 CLR 180 at 199 [49].

21 Compare FC at [252] (Charlesworth J), referring to "an asserted right to have the intervention requests assessed in accordance with the Guidelines which obligation is said to include a requirement to act within the bounds of legal reasonableness". An identification of the right in issue in such terms is capable of giving rise to a "matter" for judicial determination.

22 See FC at [43]-[46] (Kenny J), [84]-[85] (Griffiths J), [51] (Besanko J), [118(b)], [119] (Mortimer J), [267] (Charlesworth J).

23 *Plaintiff S10* (2012) 246 CLR 636 at 659 [68]-[69], as recognised in *SZSSJ* (2016) 259 CLR 180 at 205 [76].

purposes, it makes no difference that the duration or expiry of such a bridging visa is not expressly tied to the finalisation of the request (see cl 050.517); such a finalisation will disentitle the person to the grant or renewal of any further bridging visa under cl 050.212(6).[24] The finalisation of a request by the Departmental officer thereby limits any possibility that the person might be able lawfully to remain at liberty in Australia beyond the expiry of any bridging visa.

(c) The finalisation of a request under the Guidelines has the practical effect of rendering any future request a "repeat request", which is subject to mandatory non-referral unless stringent criteria can be met (s 10.2).

32. Accordingly, the decision by the Assistant Director to finalise the Appellant's request clearly affected his interests, if such an effect on interests is necessary to render that decision amenable to judicial review on the ground of legal unreasonableness.

Judicial supervision and enforcement of limits on executive power

33. Section 61 of the *Constitution* relevantly provides that the executive power of the Commonwealth extends to the execution and maintenance of the *Constitution* and of the laws of the Commonwealth. The Governor-General is authorised by s 64 of the Constitution to appoint Ministers to administer departments of State.

34. Sections 75(iii) and (v) of the *Constitution* confer jurisdiction on this Court to enforce limits on the extent and exercise of Commonwealth executive powers, both statutory and non-statutory. It is settled that "all power of government is limited by law", and that "the function of the judicial branch of government is to declare and enforce the law that limits its own power and the power of other branches of government through the application of judicial process and through the grant, where appropriate, of judicial remedies".[25]

35. By conferring jurisdiction "to enforce the law that limits and governs the power of [an officer of the Commonwealth]",[26] s 75(v) of the *Constitution* "secures a basic element

---

24 See FC at [6], [10]-[11], [44]-[45] (Kenny J), [85] (Griffiths J), [119], [125] (Mortimer J), [210], [288] (Charlesworth J). In this regard, cl 050.212(6)(c) expressly excludes an applicant who has previously sought the exercise of the Minister's power under the relevant dispensing provisions. In other words, a person who made a previous request that was finalised by a Departmental officer is not entitled to a bridging visa under cl 050.212(6) based on a "repeat request". Accordingly, the finalisation of the initial request by the Departmental officer curtails the applicant's ongoing entitlements to obtain a bridging visa.

25 *Graham v Minister for Immigration and Border Protection* (2017) 263 CLR 1 (***Graham***) at 24 [39] (Kiefel CJ, Bell, Gageler, Keane, Nettle and Gordon JJ).

26 *Graham* (2017) 263 CLR 1 at 25 [42] (Kiefel CJ, Bell, Gageler, Keane, Nettle and Gordon JJ).

of the rule of law".[27] Sections 75(iii) and s 75(v) of the *Constitution* establish that the Commonwealth and its officers can be sued for acts done in their official capacity and can be restrained from exceeding their authority or from acting inconsistently with any applicable legal constraint on such authority.[28]

36. The position is no different in relation to non-statutory executive powers, functions and capacities. It has long been accepted that the courts can review the legality of executive action in the exercise of non-statutory powers or the performance of non-statutory functions, subject to any applicable limits on justiciability arising from the nature or subject matter of the relevant executive power or function.[29] Judicial review is available of both prerogative powers and other non-statutory executive powers or capacities.[30]

Legal reasonableness as a constraint on executive power

37. By operation of a common law principle of statutory construction, statutory powers conferred on an officer of the Commonwealth are generally subject to an implied

---

27 *Plaintiff S157/2002 v The Commonwealth* (2003) 211 CLR 476 at 482 [5]. See also at 513-514 [104]; *Graham* (2017) 263 CLR 1 at 25 [44]; *Plaintiff M68/2015 v Minister for Immigration and Border Protection* (2016) 257 CLR 42 (***Plaintiff M68***) at 95-96 [126], [128] (Gageler J); *MZAPC v Minister for Immigration and Border Protection* (2021) 95 ALJR 441 (***MZAPC***) at 463-464 [91]-[95] (Gordon and Steward JJ), and cases cited therein. See also FC at [27]-[29] (Kenny J).

28 *Plaintiff M68* (2016) 257 CLR 42 at 95 [126] (Gageler J).

29 See FC [28]-[34] (Kenny J), [167]-[173] (Mortimer J), and the cases there cited, including *Council of Civil Service Unions v Minister for the Civil Service* [1985] AC 374 at 410-411, 417, 423-424 and *Minister for Arts, Heritage and Environment v Peko-Wallsend Ltd* (1987) 15 FCR 274 at 277-278, 280-281, 302-304. See also, *eg*, *Kioa v West* (1985) 159 CLR 550 at 611 (Brennan J); *Victoria v Master Builders' Association* [1995] 2 VR 121 at 133-136, 139 (Tadgell J), 147-149 (Ormiston J), 160-161 (Eames J). In the United Kingdom, it has been accepted that an exercise of prerogative powers is amenable to judicial review; the question is whether and how the power is limited by the common law in a particular case: see *Elgizouli v Secretary of State for the Home Department* [2020] WLR 857; [2020] UKSC 10 at [4]-[5] (Lady Hale, summarising the position of the Justices), see also [161]-[163] (Lord Kerr, dissenting on the question of the existence of the common law limitation claimed), [169], [181]-[187] (Lord Reed, with whom Lady Black and Lord Lloyd-Jones agreed); [191] (Lord Carnwath), [231] (Lord Hodge). In the Hong Kong Court of Final Appeal, see also *C v Director of Immigration* (2013) 16 HKCFAR 280 at [77]-[81] (Sir Anthony Mason NPJ, with whom Chan PJ and Ribeiro PJ agreed).

30 In relation to what have been called in the United Kingdom the "general administrative powers" of the Crown, see *New London College Ltd, R (on the application of) v Secretary of State for the Home Department* [2013] UKSC 51 at [28]-[29]. The exercise of the Crown's "residual freedom" (sometimes referred to as the "third source" of authority) is generally recognised as being subject to both statutory and common law rules, and is reviewable by the courts: see *Television New Zealand Ltd v Rogers* [2008] 2 NZLR 277 at [110]; *R v Ngan* [2008] 2 NZLR 48 at [97]-[98]; *Minister for Canterbury Earthquake Recovery v Fowler Developments Limited* [2014] 2 NZLR 587 at [81]; *cf Quake Outcasts v Minister For Canterbury Earthquake Recovery* [2015] NZSC 27 [2016] 1 NZLR 1 at [112]. See generally B V Harris, "The 'Third Source' of Authority for Government Action" (1992) 109 LQR 626 at 626; B V Harris, "The 'Third Source' of Authority for Government Action Revisited" (2007) 123 LQR 225; B V Harris, "Government 'third source' action and common law constitutionalism" (2010) 126 LQR 373.

condition that they must be exercised within the bounds of legal reasonableness.[31] That principle is "deeply rooted" in the common law.[32] The condition is derived from "the rules of reason and justice".[33] The presumptions of legislative intention were developed to protect values and principles that the common law valued so highly that courts afforded them a measure of protection from statutory incursion, unless displaced by express provision or necessary implication.[34]

38. Because of the common law foundation of such an implied condition, any debate about whether the limit is regarded as a common law duty or an implication from statute "proceeds upon a false dichotomy and is unproductive".[35]

39. The implied condition of legal reasonableness is applicable even where there is no duty to exercise the relevant power.[36] The condition applies to the consideration of the exercise of an available power, and to the manner in which a power is considered and exercised.[37]

40. Given its source in the common law, there is no reason why an implied condition of legal reasonableness should not equally extend to the exercise of non-statutory powers or capacities falling within s 61 of the *Constitution*, subject to any exclusion by statute, subject matter or context. It is necessary to look to the *Constitution* to ascertain the ambit of executive power,[38] and the limits of that power "are to be understood … in light of the purpose of Ch. II being to establish the Executive Government as a national responsible government and in light of constitutional history and the tradition of the

---

31 *Minister for Immigration and Citizenship v Li* (2013) 249 CLR 332 (***Li***) at 349-351 [24]-[29] (French CJ), 362 [63], 369 [86] (Hayne, Kiefel and Bell JJ), 370-371 [88]-[92] (Gageler J); *Minister for Immigration and Border Protection v SZVFW* (2018) 264 CLR 541 (***SZVFW***) at 564-565 [53] (Gageler J), 575 [89] (Nettle and Gordon JJ); *ABT17 v Minister for Immigration and Border Protection* (2020) 269 CLR 439 at 435 [3]; *Plaintiff M174/2016 v Minister for Immigration and Border Protection* (2018) 264 CLR 217 at 227 [21], 245 [86]; *BVD17 v Minister for Immigration and Border Protection* (2019) 268 CLR 29 (***BVD17***) at 38-39 [15], 44 [33].

32 *Li* (2013) 249 CLR 332 at 370 [90], 375 [105] (Gageler J); see also *Giris Pty Ltd v Federal Commissioner of Taxation* (1969) 119 CLR 365 at 383 (Windeyer J); *SZVFW* (2018) 264 CLR 541 at 567 [59] (Gageler J).

33 *Li* (2013) 249 CLR 332 at 349-350 [24], [26] (French CJ), 363 [65] (Hayne, Kiefel and Bell JJ), 370-371 [90] (Gageler J); *MZAPC* (2021) 95 ALJR 441 at 468-469 [168]-[169] (Edelman J); *Hossain v Minister for Immigration and Border Protection* (2018) 264 CLR 123 at 134 [28] (Kiefel CJ, Gageler and Keane J). See also FC at [30]-[33] (Kenny J), [81] (Griffiths J).

34 Sapienza, *Judicial Review of Non-Statutory Executive Action* (2020), 122-123.

35 *Plaintiff S10* (2012) 246 CLR 636 at 666 [97] (Gummow, Hayne, Crennan and Bell JJ), in relation to the presumption that statutory powers must be exercised with procedural fairness.

36 For example, in relation to the power conferred by s 426A of the Act, see *SZVFW* (2018) 264 CLR 541 at 549 [4] (Kiefel CJ), 564-565 [53] (Gageler J), 572-573 [80], 575 [89] (Nettle and Gordon JJ). See also *Li* (2013) 249 CLR 332 at 371 [92], 374 [102]-[103] (Gageler J); *Plaintiff S183/2021 v Minister for Home Affairs* (2022) 399 ALR 644 at 651 [30] (Gordon J).

37 *Li* (2013) 249 CLR 332 at 371 [91] (Gageler J).

38 See, eg, *Attorney-General (WA) v Marquet* (2003) 217 CLR 545 at 570 [66] (Gleeson CJ, Gummow, Hayne and Heydon JJ).

common law".[39] It would be incongruous for the common law to imply a condition of reasonableness in the exercise of a statutory power, but not to extend such a limitation to the exercise of non-statutory executive powers.[40]

Application of legal reasonableness to the dispensing power under s 351 of the Act

41. In the present case, there is no dispute that the Appellant has standing to challenge the Assistant Director's decision to finalise his request for the exercise of the power conferred by s 351 of the Act without referral to the Minister. Nor is there anything in the nature or the subject matter of the relevant power that would prevent judicial review of the Assistant Director's decision, by the enforcement of judicially ascertainable standards that are capable of application by a court.[41]

42. It should be accepted that any consideration or exercise by the Minister personally of the dispensing powers, including the power conferred by s 351 of the Act, would be subject to the implied condition that the power must be considered and exercised within the bounds of legal reasonableness, including in good faith.[42] In that context, it is not possible for the Minister, by the issue of the Guidelines, to "obviate" the requirements of legal reasonableness which arise in relation to the consideration or exercise of the power conferred by s 351 of the Act.[43]

43. For the reasons set out above, the Assistant Director's decision to finalise the Appellant's request for Ministerial intervention had an effect on his rights and interests. Nevertheless, where an applicant has standing, the requirement of legal reasonableness, and the amenability of the decision to judicial review on that ground, does not depend on whether or not the decision affects an individual's rights or interests.[44] While there is a requirement that an administrative decision must affect rights or interests in order to attract an obligation to accord procedural fairness, such a requirement does not limit other grounds of review including legal unreasonableness. And it is clear that an obligation to exercise a power within the bounds of reasonableness can apply even if the statute excludes the implication of procedural fairness.[45]

---

39 *Plaintiff M68* (2016) 257 CLR 42 at 99 [138] (Gageler J), see also *Williams v Commonwealth (No. 2)* (2014) 252 CLR 416 at 468 [80] (French CJ, Hayne, Kiefel, Bell and Keane JJ).

40 *Jabbour* (2019) 269 FCR 438 at 460 [101] (Robertson J); see also FC at [305] (Charlesworth J).

41 FC at [38]-[39] (Kenny J), [61(c)] (Griffiths J), [168] (Mortimer J), [245], [300] (Charlesworth J); see also *Jabbour* (2019) 269 FCR 438 at 457 [88], 458 [92] (Robertson J).

42 *SZVFW* (2018) 264 CLR 541 at 572-573 [80]-[81] (Nettle and Gordon JJ). See also *Murphyores Incorporated Pty Ltd v Commonwealth* (1976) 136 CLR 1 at 12 (Stephen J).

43 *Plaintiff S10* (2012) 246 CLR 636 at 666 [94] (Gummow, Hayne, Crennan and Bell JJ).

44 FC at [50] (Besanko J), [83] (Griffiths J), [118](b) (Mortimer J), see also [40]-[42] (Kenny J).

45 See e.g. *BVD17* (2019) 268 CLR 29 at 44 [33] (Kiefel CJ, Bell, Gageler, Keane, Nettle and Gordon JJ).

44. The power exercised by the Assistant Director in applying the Guidelines may be regarded as part of the executive power of the Commonwealth within s 61 of the *Constitution*, whether as incidental to the execution and maintenance of the laws of the Commonwealth or as an aspect of the prerogative powers or capacities of the Crown. The Assistant Director's function involves more than the mere collection and review of information provided to the Minister, including the classification of requests for Ministerial intervention in order to assist the Minister in making any personal procedural or substantive decisions under s 351 of the Act. Rather, the Guidelines confer on Departmental officers the power to "finalise" requests without notice to the Minister, thereby precluding the Minister from any consideration whether to exercise the power conferred by s 351 of the Act. This involves the exercise by the Departmental officers of an executive power pursuant to the Guidelines, rather than any bare "capacity" of a kind that is shared in common with any subject.

45. The exercise of such an executive power of the Commonwealth conferred by s 61 of the *Constitution* is subject to the "rules of reason and justice" including the common law requirement of legal reasonableness.

46. Further, by both issuing and publishing the Guidelines, the Minister has instructed Departmental officers as to the circumstances in which he does not wish to consider a request for Ministerial intervention. It is necessarily implicit in those instructions that any assessment of a request for Ministerial intervention under the Guidelines is required to be conducted within the bounds of legal reasonableness. In order to carry out the Minister's instructions, Departmental officers must properly apply the Guidelines when considering requests that are made to the Minister for an exercise of the dispensing powers. Departmental officers are therefore not free to ignore the Guidelines, nor to deal with any request for Ministerial intervention in a way that is arbitrary, unreasonable or otherwise not in accordance with the Guidelines.

47. Accordingly, if a Departmental assessment under the Guidelines were to be made for reasons that were extraneous to any objects that the Minister could have had in view,[46] the assessment process could be said to be legally unreasonable. Judicial review of the decision made by the Departmental officer would concentrate on an examination of the reasoning process by which the decision was reached.[47] Alternatively, the outcome itself might be unreasonable, in the sense that no reasonable decision-maker could have failed to refer the request to the Minister in accordance with the Guidelines.[48]

---

46 Compare *Water Conservation and Irrigation Commission (NSW) v Browning* (1947) 74 CLR 492 at 505 (Dixon J).

47 See *Jabbour* (2019) 269 FCR 438 at 460 [102].

48 See *Jabbour* (2019) 269 FCR 438 at 460 [102].

48. A clear example would be where the Departmental officer refuses to refer a request to the Minister because of an animosity in relation to the person making the request, or based on some other personal interest that conflicts with the officer's duties. Another example would be where the Departmental officer completely fails to assess a request for Ministerial intervention under the Guidelines, and instead discards the request without looking at its contents. More generally, any assessment by a Departmental officer of a request must be conducted in a manner that is consistent with the Guidelines, and by a proper consideration and application of the Guidelines to the facts and circumstances of the particular request.

49. Accordingly, a misconstruction or misunderstanding of the Guidelines may give rise to an error of law, in that it demonstrates an illogicality or perversity in the purported application of the Guidelines by the Departmental officer.[49]

50. Further, and in any event, the Guidelines constitute evidence of what a reasonable process would entail, such that a material departure from the Guidelines would either constitute legal unreasonableness or support the drawing of an inference that the assessment process was not conducted reasonably. The Guidelines, being instructions given by the Minister to Departmental officers as to the approach to be taken in dealing with (and potentially finalising) requests for the exercise of the Minister's personal dispensing powers, direct the attention of Departmental officials to the content of such requests with a view to their assessment against the criteria set out in the Guidelines. In order for the process to be within the bounds of legal reasonableness, the relevant Departmental officer must comprehend the content of the request and properly assess the request in accordance with the Guidelines.[50]

Relief

51. For the reasons given by Griffiths and Charlesworth JJ in the Full Court below, s 351 of the Act gives rise to a duty to bring a request for the exercise of powers under that section to the attention of the Minister for possible consideration.[51] In so far as the Minister has displaced that duty by giving lawful instructions to Departmental officers as to the circumstances in which the Minister does not wish to consider the exercise of the dispensing powers, a purported decision by a Departmental officer that is legally unreasonable will attract an order in the nature of mandamus requiring the Departmental

---

49 *Jabbour* (2019) 269 FCR 438 at 457 [89] (Robertson J), referring to *Minister for Immigration, Local Government and Ethnic Affairs v Gray* (1994) 50 FCR 189 at 208 and *Taveli v Minister for Immigration, Local Government and Ethnic Affairs* (1989) 86 ALR 435 at 453. See also FC [61(d)] (Griffiths J).

50 *Jabbour* (2019) 269 FCR 438 at 455 [78], summarising the submissions of the applicants in that case.

51 FC [87] (Griffiths J), [253]-[270] (Charlesworth J).

officer to comply with the Guidelines or to bring the request to the Minister's attention. An order in the nature of certiorari would also be available to quash the effect of the purported decision.

52. Prohibition or an injunction may also be available to prevent the purported decision from being acted upon, including for the purposes of applying the criteria for the grant of a bridging visa under cl 050.212(6) of Sched 2 of the *Migration Regulations*.[52]

53. In any event, even if mandamus and certiorari are unavailable, the court can grant declaratory relief to give effect to a finding that the decision by a Departmental officer to finalise a request without referral to the Minister was legally unreasonable.[53] A declaration of that kind will have foreseeable, or practical, consequences for the parties.[54] Among other things, it will ensure that the impugned decision is not relied upon to characterise a future request as a "repeat request" pursuant to s 10.2 of the Guidelines, and will direct attention to the nature of the error so as to inform the future assessment of the request. It also has a potential effect on the person's current or future entitlements to a bridging visa under the *Migration Regulations*.

The Decision was legally unreasonable

Ground 1 before Full Court

54. In the 2019 Request, the Appellant stated that she was now the full-timer carer of her mother (JM 43) and requested that the Minister grant her a "three month visitor visa" which would "enable [her] to apply for an onshore carer visa": JM 48 ("**Visitor Visa Proposal**"). The possibility of this visa pathway had been foreshadowed in paragraph 44 of the 2016 Minute: JM 27.

55. The focus of the Appellant's complaint before the Full Court was that the Assistant Director did not consider the Visitor Visa Proposal, although it was expressly advanced in the 2019 Request, and thereby fell into jurisdictional error.

56. Charlesworth J at [358] (CAB 157-158) (with whom other members of the Full Court agreed) stated:

> "... the decision-maker was plainly aware of the claim that DCM20 has become the full-time carer for her mother. That was the claimed change in circumstance

---

52 For completeness, neither prohibition nor the remedy of injunction requires that the relevant decision will have a legal effect: see *Ainsworth v Criminal Justice Commission* (1992) 175 CLR 564 at 581 (Mason CJ, Dawson, Toohey and Gaudron JJ), 591, 594-595 (Brennan J).

53 Compare *Plaintiff M61* (2010) 243 CLR 319 at 359 [101]; see also *Ainsworth v Criminal Justice Commission* (1992) 175 CLR 564 at 581.

54 See *Plaintiff M61* (2010) 243 CLR 319 at 359-360 [103]-[104]; *Plaintiff M76/2013 v Minister for Immigration, Multicultural Affairs and Citizenship* (2013) 251 CLR 322 at 391 [232] (Kiefel and Keane JJ).

that fell to be evaluated, and it was in fact evaluated. In the decision-maker's evaluation, that circumstance did not fulfil the criteria in the Guidelines, including because of other supports available for the mother, who then resided with other members of DCM20's family. It is implicit in those conclusions that the request for intervention should not be referred to the Minister, including for the purpose of facilitating DCM20's intention to apply for a visa founded on her status as her mother's full-time carer."

57. The Appellant accepts that the Assistant Director was "plainly aware of the claim that DCM20 has become the full-time carer for her mother". However, the Appellant disputes that the Assistant Director implicitly considered the Visitor Visa Proposal.

58. The Assistant Director's reasons recorded in the 2020 Minute (CAB 7) are set out in PJ at [13] and FC at [344]. The Assistant Director did not expressly refer to the Visitor Visa Proposal. Although the Assistant Director did not have a statutory or common law obligation to give reasons for her assessment, and "the court is not astute to discern error in" such a statement, "it is possible that error of law on the part of the Delegate might be demonstrated by inference from what the Delegate said by way of explanation of his decision".[55] The Visitor Visa Proposal was a reasonable and sensible proposal which would have given the Appellant an opportunity to apply for an onshore carer visa, the criteria of which she had a real prospect of satisfying if she was her parents' full time carer (as she claimed). The fact that the Assistant Director did not refer to the Visitor Visa Proposal in the 2020 Minute allows the Court, on a judicial review application, to infer that the Assistant Director did not consider or have regard to the proposal. A court may make a finding of legal unreasonableness in a decision even when the decision-maker does not have an obligation to give reasons.[56]

59. Pursuant to clause 10.2 of the Guidelines, the Minister directed that a repeat request may be referred to the Minister if: (a) "the Department is satisfied there has been a significant change in circumstances since the previous requests"; and (b) "the Department is satisfied" that the significant change "raises new substantive issues that were not provided before or considered in a previous request"; and (c) "the Department assesses that these new substantive issues will fall within the unique or exceptional circumstances described in section 4". In relation to these three matters:

(a) "Significant change in circumstances": Since the earlier requests for ministerial intervention, the Appellant had become a full-time carer for her mother (JM 43 with supporting documents at JM 50 [6], 54, 56 [3], 60), and her migration agent

---

55 *Plaintiff M64/2015* (2015) 258 CLR 173 at [25].

56 *Li* (2013) 249 CLR 332; see also *Taulahi v Minister for Immigration and Border Protection* (2016) 246 FCR 146 at [72].

believed that she would satisfy the criteria for an onshore (subclass 836) carer visa (JM 48). This was a significant change in circumstances.

(b) "New substantive issues": The fact that the Appellant had become a full-time carer for her mother and asked the Minister for a visitor visa only so that she could apply for a carer visa raised a "new substantive issue" not "considered in a previous request".

(c) "Unique or exceptional circumstances": First, if the Appellant was granted a visitor visa, she could apply for (and hopefully obtain) a carer visa, following which she could continue caring for her parents full time. If the Appellant was not granted a visitor visa, she could not continue caring for her parents and there may be "continuing hardship" to her parents within the meaning of the first example of unique or exceptional circumstances in clause 4 of the Guidelines. Even if the Assistant Director's assessment that the medical documentation "does not indicate any significant deterioration in her parents' health" was correct, that documentation indicated a deterioration (even if not "significant") in their health, as well as the fact that they were in poor health and in need of care. Second, on a proper construction of clause 10.2, consideration of whether there might be "unique or exceptional circumstances" was not limited to the "new substantive issues", but extended to the whole of the request for ministerial intervention.

60. It follows that the Assistant Director, in overlooking the Visitor Visa Request, erred in applying the Guidelines to the facts of the case.

61. For the reasons set out above, the exercise of power by the Assistant Director in making the decision recorded in the 2020 Minute was subject to an implied condition of legal reasonableness. That implied condition of reasonableness "is not confined to why a ... decision is made; it extends to how a ... decision is made",[57] and requires that the decision-maker "comes to that decision through an intelligible decision-making process".[58] Similarly, there may be a breach of the condition of reasonableness in respect of the exercise of a power where the decision-maker "failed to take into account a relevant consideration".[59] Where an administrative officer, in applying the Guidelines to the facts of a case, overlooks a material aspect of the applicant's request, this does not involve an intelligible decision-making process, involves failing to take into account a relevant consideration, and is in breach of the implied condition of legal reasonableness.

---

57 *ABT17* (2020) 269 CLR 439 at 450-451 [19].

58 *ABT17* (2020) 269 CLR 439 at 451 [20].

59 *SZVFW* (2018) 264 CLR 541 at 572-573 [80]-[81].

Ground 2 before Full Court

62. The Appellant, if required to return to Fiji, would be a single female of Indian descent without family or male support in Fiji. She claimed in the 2019 Request that, if required to return to Fiji, she faced the risk of sexual assault by native Fijians ("**Sexual Assault Claim**") (JM 47). Subject to a notable qualification, the claim in the 2019 Request was set out in PJ at [11] and FC at [342]. The notable qualification is that PJ at [11] and FC at [342] do not set out the sub-heading written by the agent in bold font immediately above the text which appears in those paragraphs, which sub-heading included the words (in bold) "the mistreatment does not meet the criteria for the grant of any type of protection visa": see JM 47. For the following reasons, the Full Court overlooked or misunderstood this point.

63. The Assistant Director wrote in the 2020 Minute: (CAB 7)

> "While [redacted] claims to fear harm on return to Fiji, these claims do not fall within the ambit of the section 351 or section 417 guidelines. She has had earlier protection claims finally determined and she was found to not be owed Australia's protection obligations. It remains open to her to make a request under s 48B where any claims related to Australia's non-refoulement obligations can be assessed."

The Assistant Director, in stating that "these claims do not fall within the ambit of the [Guidelines]" and "it remains open to her to make a request under s 48B", was presumably relying on clause 3 (3rd dot point which refers to another "visa pathway available") and clause 4 (6th dot point which refers to a risk of a significant physical mistreatment which "does not meet the criteria for the grant of any type of protection visa") of the Guidelines (JM 63). It was in this context that the Assistant Director appears to have concluded that the Appellant's claims "do not fall within the ambit of" the Guidelines. Yet, as stated above, the Appellant's migration agent stated in the 2019 Request, tracking the text of clause 4 (6th dot point) of the Guidelines, that "the mistreatment does not meet the criteria for the grant of any type of protection visa". Prima facie, the Assistant Director misconstrued this aspect of the Appellant's request or misapplied the Guidelines to this aspect of the Appellant's request.

64. The "earlier protection claims" were finalised in 1997: FC [334]. The Assistant Director concluded that "this repeat request will not be referred to the Minister because the Department is satisfied there has not been a significant change in circumstances since the previous requests ... and which would now present unique or exceptional circumstances".

65. If the Assistant Director had not made the error explained in paragraph 63 above, she may have been satisfied that the Sexual Assault Claim involved "a significant change

in circumstances since the previous requests" and "unique or exceptional circumstances".

66. The primary judge (PJ at [60]-[62]) (CAB 40) made three points in dismissing this ground of review commencing "First", "Secondly" and "Thirdly". The Appellant has the following complaints about the primary judge's reasoning process, which was endorsed by Charlesworth at [362]-[364] (CAB 158-159) with whom other members of the Full Court agreed.

67. The primary judge at [61] stated that "it was common ground that the Appellant's claims were of such a nature that they could satisfy the criteria for the grant of a protection visa". However, it is not clear what "was common ground". As stated above, the 2019 Request expressly asserted that the risk of harm the Appellant feared if required to return to Sri Lanka "does not meet the criteria for the grant of any type of protection visa". The "common ground" to which the primary judge referred might have been that the risk of harm the Appellant feared, if proven, might possibly meet the criteria for the grant of a protection visa. But the Appellant's main point stated in the 2019 Request was that the risk of harm the Appellant feared, if proven, did "not meet the criteria for the grant of any type of protection visa". For example, s 91R(1) of the Act restricts the Refugees Convention limb to persecution for a Convention reason where "that reason is the essential and significant reason". Taking into account the principle in *Ram*,[60] sexual assault (like extortion) has a predominantly criminal and opportunistic motive. If the Appellant was sexually assaulted by a Fijian male, the "essential and significant" motive is unlikely to have been a Convention reason. Further, the Appellant was unlikely to be a member of a particular social group within the meaning of Art 1A.[61] In relation to the complementary protection limb, the harm which a sexual assault victim suffers is unlikely to meet the definition of "significant harm" in s 36(2A).

68. It appears that Charlesworth J at [364] (CAB 159) misconstrued the reference to "the common ground" to which the primary judge referred. Charlesworth J continued that "as alleged, the claims were clearly of a kind that (if accepted) would fulfil one or both of the alternate criteria for a protection visa" and "the Guidelines permitted the rejection of the request on the basis that the proper course was for DCM20 to request intervention under s 48B of the Act". These propositions repeat the error. The position expressly stated in the 2019 Request was that the harm feared by the Appellant did not meet either of the two alternate criteria for a protection visa (*i.e.* the Refugees Convention limb or the complementary protection limb).

---

60 *Ram v Minister* (1995) 57 FCR 565 at 568. This principle remains good law: see *CRU18 v Minister* [2020] FCAFC 129 at [46].

61 See *Applicant S v Minister* (2004) 217 CLR 387 at [36].

69. In addition, the approach to the Sexual Assault Claim and the application of the Guidelines by the Assistant Director, the primary judge and the Full Court meant that, if the Appellant faced a real risk of physical mistreatment which did not meet the criteria for the grant of a protection visa, she would fall between the cracks of:

(a) a request for intervention under s 351, which was rejected because of a reasoning process that the Appellant should instead make a request under s 48B, despite an express statement by the Appellant that the claimed risk of harm did not satisfy the criteria for a protection visa in s 36 of the Act; and

(b) a request for intervention under s 48B, which would be rejected because she did not satisfy either criterion for a protection visa.

VII: Orders sought

70. The Appellant seeks the following orders:

1. The appeal is allowed.

2. The orders made by the Full Court of the Federal Court of Australia on 23 November 2021 be set aside, and in lieu thereof it is ordered that:

(a) The appeal is allowed.

(b) The orders made by Perry J on 20 July 2020 be set aside, and in lieu thereof the following orders are made:

*(i) Declare that the administrative assessment of the Second Respondent and resulting action on 10 January 2020 in signing a minute dated 10 January 2020 ("**Administrative Assessment**") was legally unreasonable and infected by jurisdictional error.*

(ii) A writ of certiorari be issued to quash the Administrative Assessment.

(iii) Declare that the Applicant's request for ministerial intervention is not finalised.

(iv) A writ of mandamus be issued to require the Second Respondent to deal with the Applicant's request for ministerial intervention according to law.

(v) The First Respondent pay the Applicant's costs.

(c) The First Respondent pay the Appellant's costs.

3. The First Respondent pay the Appellant's costs.

VIII: Estimate for oral argument

71. The Appellant estimates that he will require 1.5 hours for the presentation of oral argument (together with the oral argument in Davis v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs, Matter No M32 of 2022).

Dated: 30 June 2022



…… …….. ……..

C J Horan | B Zipser | A R Sapienza

T: (03) 9225 8430 | T: (02) 9231 4560 | T: (02) 9151 2232

F: (03) 9225 8668 | F: (02) 9235 2342 | F: (02) 9335 3500

E: chris.horan@vicbar.com.au | E: bzipser@selbornechambers.com.au | E: a.sapienza@level22.com.au

10

IN THE HIGH COURT OF AUSTRALIA
SYDNEY REGISTRY

No. S81 of 2022

BETWEEN:

DCM20

Appellant

and

SECRETARY OF DEPARTMENT OF HOME AFFAIRS

First Respondent

ASSISTANT DIRECTOR, MINISTERIAL INTERVENTION, DEPARTMENT OF HOME AFFAIRS

Second Respondent

ANNEXURE TO APPELLANT'S SUBMISSION

List of constitutional provisions, statutes and statutory instruments referred to in submission

(Provisions are relevant as current, except where otherwise stated)

1. *Commonwealth Constitution* – ss 61, 64, 75(iii) and 75(v)
2. *Judiciary Act 1903* (Cth) – s 78B
3. *Migration Act 1958* (Cth) (as at 10 January 2020) – ss 48B, 351, 417, 501J
4. *Migration Regulations 1994* (Cth) – clauses 050.212(6) and 050.517 in Schedule 2
5. *Minister's guidelines on ministerial powers (s351, s417and s501J)* (dated 11 March 2016 and in force on 10 January 2020) – sections 3, 4, 7, 10.1, 10.2 and 12

Dated: 30 June 2022

Rasan T Selliah
Suite 30, Level 4, 301 Castlereagh Street
SYDNEY NSW 2000

Tel: (02) 9635 5630
Email: rtslawyers@gmail.com
Ref: Rasan Thamilarasan Selliah