



HIGH COURT OF AUSTRALIA

NOTICE OF FILING

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Details of Filing

File Number: M53/2022
File Title: QYFM v. Minister for Immigration, Citizenship, Migrant Serv
Registry: Melbourne
Document filed: Form 27B - Appellant's chronology
Filing party: Appellant
Date filed: 30 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
MELBOURNE REGISTRY**

BETWEEN:

QYFM
Appellant

And

Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs
First Respondent

Administrative Appeals Tribunal
Second Respondent

APPELLANT'S CHRONOLOGY

PART I — CERTIFICATION

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This chronology is in a form suitable for publication on the Internet.

PART II — CHRONOLOGY

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Date	Event	Reference
December 2011	The Appellant was granted a Class BC (Subclass 100 (Partner)) visa (Visa).	Core Appeal Book (CAB) 138 [4].
17 December 2012	Justice Bromwich was appointed Director of Public Prosecutions (DPP) under s 18 of the <i>Director of Public Prosecutions Act 1983 (Cth)</i> (DPP Act).	
Date not in material before Full Court below	The DPP instituted a prosecution on indictment in the County Court of Victoria against the Appellant, charging one count of importing a marketable quantity of a border-controlled drug (cocaine).	
4 October 2013	Prosecution filed Amended Summary of Prosecution Opening.	Appellant's Book of Further Material (ABFM) 5, [3].
7 October 2013	Appellant pleaded not guilty to charge.	ABFM 5, [1].
27 October 2013	The jury delivered its verdict and found the	ABFM 5, [1].

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Date	Event	Reference
	Appellant guilty.	
5 December 2013	The County Court passed sentence. The Appellant was convicted and sentenced to ten years' imprisonment with a non-parole period of seven years, with 526 days reckoned as time served.	ABFM 4.
27 May 2014	The Appellant was granted leave to appeal from his conviction.	ABFM 17, [2].
12 August 2014	The Appellant's appeal against conviction was heard by the Victorian Court of Appeal. Justice Bromwich as DPP appeared in person, as senior counsel for the Crown.	ABFM 16.
12 November 2014	The Appellant's appeal against conviction was dismissed.	ABFM 18 [4], 36–37 [46]–[48].
29 February 2016	Justice Bromwich was appointed as a judge under s 6 of the <i>Federal Court of Australia Act 1976</i> (Cth) (FCA Act).	CAB 156 [54].
11 December 2014	Section 501(3A) inserted into <i>Migration Act 1958</i> (Cth) (Migration Act).	
8 November 2017	The Appellant was advised that a delegate of the First Respondent (the Minister) had cancelled the Appellant's Visa pursuant to s 501(3A) of the Migration Act.	ABFM 39. CAB 106 [3].
4 February 2019	The Appellant was advised that a delegate of the Minister had decided not to revoke the previous cancellation of his Visa pursuant to s 501CA(4) of the Migration Act (the non-revocation decision).	CAB 106 [5].
16 April 2019	The Second Respondent (the Tribunal)	CAB 106 [7].

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Date	Event	Reference
	affirmed the non-revocation decision.	
10 May 2019	The Appellant filed an originating application with the Federal Court seeking judicial review of the Tribunal's first decision.	CAB 166, [9].
28 February 2020	Federal Court ordered, by consent, that the Appellant's application be allowed, that the Tribunal's first decision be set aside, and that the matter be remitted to the Tribunal. The order noted the Minister's concession that the decision of the Tribunal under judicial review was affected by jurisdictional error.	CAB 106, [10].
9 July 2020	A differently constituted Tribunal again affirmed the non-revocation decision.	CAB 5.
13 August 2020	The Appellant filed an originating application with the Federal Court seeking judicial review of the Tribunal's second decision.	CAB 98.
18 December 2020	Justice Kerr dismissed the application.	CAB 105.
24 February 2021	The Appellant filed a notice of appeal seeking to appeal from Justice Kerr's decision.	CAB 121.
5 August 2021	The Appellant filed an amended notice of appeal.	CAB 127.
17 August 2021 at 9.04 am AWST	Justice Bromwich's associate sent an email to the parties (copied to the chambers of McKerracher and Griffiths JJ).	ABFM 45.
17 August 2021 from 9.43 am AWST	The Full Court of the Federal Court (McKerracher, Griffiths and Bromwich JJ) heard the Appellant's appeal. At the beginning of the hearing, the Appellant applied for Bromwich J to recuse himself due to	ABFM 46.

Date	Event	Reference
	apprehended bias. Bromwich J refused that application and delivered an <i>ex tempore</i> ruling.	
15 September 2021	The Full Court dismissed the Appellant's appeal.	CAB 137.
21 December 2021	The Appellant filed an application for special leave to appeal with the High Court.	
12 August 2022	The High Court (Gageler, Steward and Gleeson JJ) ordered that special leave be granted to the Appellant from the whole of the judgment and order of the Full Court of the Federal Court made on 15 September 2021.	CAB 179.
24 August 2022	The Appellant filed a notice of appeal with the High Court.	CAB 180.

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Dated: 30 September 2022



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