

**IN THE FEDERAL CIRCUIT COURT OF  
AUSTRALIA  
AT PERTH**

**FILE NO: (P)PEG61/2014**

LILIAN TAGLIARI MACHADO  
APPLICANT

MINISTER FOR IMMIGRATION AND  
BORDER PROTECTION  
FIRST RESPONDENT

ADMINISTRATIVE APPEALS TRIBUNAL  
SECOND RESPONDENT

**CONSENT ORDER**

**BEFORE: JUDGE LUCEV**

**DATE: 12 July 2017**

**MADE AT: PERTH**

**THE COURT ORDERS BY CONSENT THAT:**

1. The Administrative Appeals Tribunal be substituted for the Migration Review Tribunal as second respondent.
2. A writ of certiorari issue directed to the Administrative Appeals Tribunal quashing the decision of the former Migration Review Tribunal dated 12 February 2014.
3. A writ of mandamus issue directed to the Administrative Appeals Tribunal requiring it to reconsider and re-determine the review application made on 9 January 2013 according to law.
4. The first respondent is to pay the applicant's costs fixed in the sum of \$7,206.

NOTE: The first respondent concedes that the former Migration Review Tribunal denied the applicant procedural fairness and that this constituted a jurisdictional error, of the kind found in *Minister for Immigration and Border Protection v Singh* [2016] FCAFC 183, in circumstances where:

1. a delegate of the former Minister for Immigration and Citizenship issued a certificate pursuant to s.376 of the *Migration Act 1958* (Cth) on 24 January 2013

and the existence of the certificate was not disclosed to the applicant in the course of the review by the former Migration Review Tribunal; and

2. at least some of the documents subject of the certificate were relevant, or potentially relevant, to the issues arising on the review by the former Migration Review Tribunal.

**By the Court**

**JUDGE LUCEV**

**DATE ENTERED: 12 July 2017**