

Curriculum Vitae

Jon Papalia

John Toohey Chambers, Level 3 Citibank House
37 St Georges Terrace, Perth WA 6000

Admission

Supreme Court of Western Australia 2016
High Court of Australia 2018

Selected appearances

Administrative Appeals Tribunal

Re WPDS and Minister for Immigration, Citizenship and Multicultural Affairs [2023] AATA 3797 – unled, for the respondent.

Review of a decision not to revoke the mandatory cancellation of a visa – validity of application filed prior to deemed notification.

Re XFKR and Minister for Immigration, Citizenship and Multicultural Affairs [2023] AATA 95 – unled, for the respondent.

Review of a decision to refuse a protection visa because of s 36(1C) exclusion.

Re Uwangabe and Minister for Immigration, Citizenship and Multicultural Affairs (Citizenship) [2022] AATA 4118 – unled, for the respondent.

Review of a decision to refuse conferral approval – character and identity.

Re FYQV and Minister for Immigration, Citizenship and Multicultural Affairs [2022] AATA 3768 – unled, for the respondent.

Review of a decision to refuse a protection visa on character grounds – concurrent review of related decision – validity of decision after statutory amendment requiring prior decision.

Re Allen and Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs (2020) 82 AAR 338 – unled, for the respondent.

Review of a decision not to revoke the mandatory cancellation of a visa – role of the Tribunal to conduct merits review – leading questions – weight to be given to an expert opinion where not briefed properly.

State Administrative Tribunal

Re Nursing and Midwifery Board of Australia and Cant [2023] VR 30 – unled, for the applicant.

Disciplinary proceedings for professional misconduct by a registered nurse – inappropriate relationships – clinical performance.

Re Medical Board of Australia and Forgione [2022] WASAT 67- unled, for the applicant.

Disciplinary proceedings for professional misconduct by a medical practitioner – determination of penalty where parties consent but the Tribunal does not agree with the length of a disqualification order.

Re Medical Board of Australia and Dayananda [2021] VR 88- unled, for the applicant.

Disciplinary proceedings for professional misconduct by a medical practitioner –inappropriate sexual contact with and unlawful sexual assault of patient – disqualification order – prohibition order.

Federal Circuit and Family Court of Australia

BOF23 v Minister for Immigration, Citizenship and Multicultural Affairs [2023] FedCFamC2G 530 – unled, for the respondent.

Urgent review of an “AAT Act migration decision” given by the Tribunal President concerning reconstitution.

APF23 v Minister for Immigration, Citizenship and Multicultural Affairs [2023] FedCFamC2G 182 – unled, for the respondent.

Application for an injunction to restrain removal from Australia.

CLF21 v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs [2021] FedCFamC2G 186 – unled, for the respondent.

Judicial review – proper interpretation of s 116(1)(e) of the Migration Act.

Searle v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs [2021] FedCFamC2G 94 – unled, for the respondent.

Judicial review – whether relevant matters considered – whether applicant afforded procedural fairness – whether any bias on the part of the Tribunal – Ministerial Discretion.

AFP21 v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs [2021] FCCA 1322 – unled, for the respondent.

Practice and Procedure – Application for transfer from Perth to Melbourne.

Federal Court of Australia

Jattan v Minister for Immigration, Citizenship and Multicultural Affairs [2024] FCA 866 – unled, for the applicant.

Judicial review – whether Tribunal properly considered likelihood of re-offending – where applicant taken never to have been convicted under State law – whether State law is picked up by s 85ZR of *Crimes Act 1914* (Cth) - whether Tribunal took into account irrelevant consideration.

Kabamba v Administrative Appeals Tribunal [2024] FCA 514 – unled, for the respondent.

Citizenship – Appeal on a question of law - whether Tribunal failed to take into account relevant considerations – whether Tribunal decision was legally unreasonable.

MZAPC v Minister for Immigration, Citizenship and Multicultural Affairs [2023] FCA 877– led by C.I. Taggart, for the respondent.

Application for leave to appeal from interlocutory decision of the Circuit Court – exercise of non-compellable powers - whether leave to appeal required.

AKW22 v Commonwealth of Australia [2023] FCA 786 – unled, for the respondent.

Application for habeas corpus and an injunction restraining removal from Australia.