



Wednesday, 12 January 2022

Special Edition Broadcast

 Follow @Benchmark Legal

Search Engine

[Click here](#) to access our search engine facility to search legal issues, case names, courts and judges. Simply type in a keyword or phrase and all relevant cases that we have reported in Benchmark since its inception in June 2007 will be available with links to each case.

Executive Summary (One Minute Read)

Djokovic v Minister for Home Affairs (FedCFamC2G) - migration law - procedural fairness - Temporary Activity visa - cancellation relied on s116(1)(e)(i) of the Act - concerns the legality of the decision - decision of the delegate to cancel the applicant's Temporary Activity visa quashed

HABEAS CANEM

Australian Open - Ball boy in training



Summaries With Link (Five Minute Read)

Novak Djokovic v Minister for Home Affairs MLG35/2022

Federal Circuit and Family Court (Division 2)

Judge A Kelly

Migration Law - concerns regarding legality of decision - procedural fairness - delegate decided to cancel Temporary Activity (subclass 408) visa under s116(1)(e)(i) of the Migration Act 1958 (Cth) - s116(e) allows the Minister to cancel a person's visa if their presence "might be" a risk to "the health, safety or good order of the Australian community" - applicant argued delegate had no power to cancel the Visa under s116(1)(e)(i) unless the applicant had been provided with a notice under s119(1) that there appeared to be grounds for cancelling the Applicant's Visa and inter alia "giving particulars of those grounds" - ground of illogicality and irrationality in regard to ATAGI Principles - "no suggestion that the applicant had 'acute major medical illness' in December" when he tested positive, and that he had recovered - delegate considered whether there were extenuating circumstances beyond visa holder's control that led to purported grounds for cancellation existing - delegate decision involved denial of procedural fairness - ground of procedural unfairness expressed in two alternative ways: a breach of s124(1) of the Act, or as involving a denial of an aspect of procedural fairness at general law that is not a "matter" "dealt with" in the partial code of natural justice respondent conceded that the delegate's decision to proceed with the interview and make a decision to cancel the applicant's visa pursuant to s116 of the Migration Act 1958 (Cth) was unreasonable - [Order](#).

[Federal Circuit and Family Court of Australia \(Division 2\) at Melbourne - Court File Online Hearing](#)



Poem for Friday

Poem No. 13.

By: Edward de Vere, 17th Earl of Oxford

Whereas the heart at tennis plays, and men to gaming fall,
Love is the court, hope is the house, and favour serves the ball.
The ball itself is true desert; the line, which measure shows,
Is reason, whereon judgment looks how players win or lose.
The jetty is deceitful guile, the stopper, jealousy,
Which hath Sir Argus' hundred eyes wherewith to watch and pry.
The fault, wherewith fifteen is lost, is want of wit and sense,
And he that brings the racket in is double diligence.
And lo, the racket is freewill, which makes the ball rebound;
And noble beauty is the chase, of every game the ground.
But rashness strikes the ball awry, and where is oversight?
"A bandy ho," the people cry, and so the ball takes flight.
Now in the end, good-liking proves content the game and gain.
Thus in a tennis knit I love, a pleasure mixed with pain.

https://en.wikipedia.org/wiki/Edward_de_Vere,_17th_Earl_of_Oxford

[Click Here to access our Benchmark Search Engine](#)