

ON APPEAL FROM THE FULL COURT OF  
THE FEDERAL COURT OF AUSTRALIA

BETWEEN: COMMONWEALTH OF AUSTRALIA  
Appellant

AND: ALI KUTLU  
First Respondent

DIRECTOR OF PROFESSIONAL SERVICES  
REVIEW

Second Respondent

BRUCE WALLACE INGRAM, PAUL DAVID  
HANSON AND TIMOTHY JOHN FLANAGAN  
CONSTITUTING THE PROFESSIONAL SERVICES  
REVIEW COMMITTEE No 530

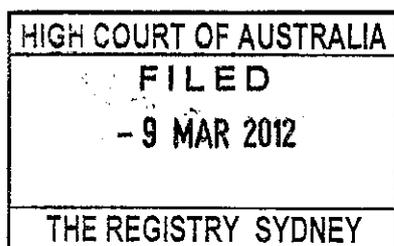
Third Respondent

CHIEF EXECUTIVE OFFICER OF MEDICARE  
AUSTRALIA

Fourth Respondent

DETERMINING AUTHORITY No 530 ESTABLISHED  
BY SECTION 106Q OF THE HEALTH INSURANCE  
ACT 1973 (CTH)

Fifth Respondent



CHRONOLOGY OF THE APPELLANT

PART I

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- 10 This chronology is in a form suitable for publication on the internet.

PART II

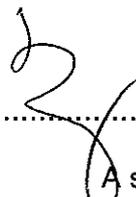
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Date	Event	Page
24 January 2005	The Minister executes an instrument stating that he appoints (amongst others) Dr Bruce Ingram to be a Deputy Director of Professional Services Review ('PSR') under ss 85(1) of the <i>Health Insurance Act 1973</i> (Cth) ('the Act') for the period from 25 January 2005 until the expiration of 24 January 2010.	

- 30 April 2008 Medicare Australia sends request number 530 to the Director of PSR ('**the Director**') pursuant to ss 86(1) of the Act.
- 8 September 2008 The Director purports to constitute PSR Committee number 530 ('**the Committee**') pursuant to ss 93(1) of the Act, comprising Dr Bruce Ingram as Chairperson and Dr Paul Hanson and Dr Timothy Flanagan as members. The Director makes PSR referral number 530 to the Committee in respect of Dr Kutlu purportedly pursuant to ss 93(1) of the Act.
- 24 September 2008 The Committee holds a meeting, purportedly pursuant to s 97 of the Act, and determines that an oral hearing is warranted.
- 30 & 31 March 2009 The Committee holds an oral hearing purportedly pursuant to ss 101(1) of the Act. Dr Kutlu attends the hearing, accompanied by his legal representative.
- 20 August 2009 The Committee sends a copy of the Committee's draft report, purportedly prepared pursuant to s 106KD of the Act, to Dr Kutlu, care of his legal representative.
- 23 November 2009 The Minister executes an instrument stating that she appoints (amongst others) Dr Paul Hanson and Dr Timothy Flanagan to be Panel Members under ss 84(2) of the Act, with effect from 25 January 2010 until the expiration of 24 January 2015.
- 23 November 2009 The Minister executes an instrument stating that she appoints (amongst others) Dr Bruce Ingram to be a Deputy Director of PSR pursuant to ss 85(1) of the Act, with effect from 25 January 2010 until the expiration of 24 January 2015.
- 20 April 2010 The Committee sends a copy of the Committee's final report, purportedly prepared pursuant to s 106L of the Act, to Dr Kutlu, care of his legal representative.
- 18 May 2010 The First Respondent files an Application for an Order of Review pursuant to ss 5 and 6 of the *Administrative Decisions (Judicial Review) Act 1977* and ss 39B(1A) of the *Judiciary Act 1903* (Cth) in the Federal Court of Australia. That Application seeks to review the decisions, conduct or actions of the Second and Third Respondents, and the Appellant, in the above process.
- 21 May 2010 The Committee sends a copy of the Committee's final report, purportedly pursuant to ss 106L(3) of the Act, to the Determining Authority.

- 8 April 2011 By consent, Justice Flick orders that agreed questions be determined separately and before any trial in the proceedings. Justice Flick further reserves those questions for consideration and determination by the Full Court, pursuant to ss 25(6) of the *Federal Court of Australia Act 1976* (Cth).
- 28 July 2011 The Full Court of the Federal Court comprised of Rares, Flick and Katzmann JJ order that the agreed questions be answered as set out in its reasons and as formalised in the orders dated 22 August 2011.
- 24 August 2011 The Appellant files an Application for Special Leave to Appeal the decision of the Full Court of the Federal Court, in the High Court of Australia.
- 10 February 2012 The High Court of Australia orders that Special Leave to Appeal be granted.
- 23 February 2012 The Appellant files a Notice of Appeal in the High Court of Australia.
- 1 March 2012 The First Respondent files a Notice of Contention and Notice of Constitutional matter in the High Court of Australia.

Date of filing: 9 March 2012

  
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Hervee Dejean  
A solicitor employed by  
Australian Government Solicitor  
Solicitor for the Appellant