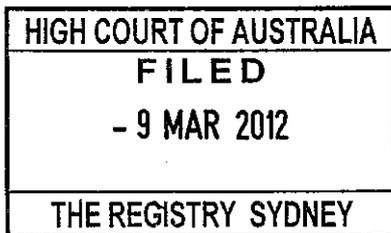


ON APPEAL FROM THE
FULL COURT OF THE FEDERAL COURT OF AUSTRALIA

BETWEEN: COMMONWEALTH OF AUSTRALIA
Appellant

AND: DR IL-SONG LEE
First Respondent



BERNARD KELLY, ELIZABETH MAGASSY AND
VAN PHUOC VO IN THEIR CAPACITY AS
PROFESSIONAL SERVICES REVIEW COMMITTEE
NO 348

Second Respondent

CHIEF EXECUTIVE OFFICER OF MEDICARE
AUSTRALIA

Third Respondent

DETERMINING AUTHORITY ESTABLISHED BY
SECTION 106Q OF THE HEALTH INSURANCE ACT
1973 (CTH)

Fourth Respondent

DIRECTOR OF PROFESSIONAL SERVICES
REVIEW

Fifth Respondent

CHRONOLOGY OF THE APPELLANT

PART I

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

PART II

Date	Event	Page
3 June 2002	The Health Insurance Commission (subsequently Medicare Australia) makes an investigative referral to the Director of Professional Services Review ('the Director') pursuant to ss 106KA of the <i>Health Insurance Act 1973</i> (Cth) ('the Act').	
9 July 2002	The Director purports to constitute Professional Services	

Filed on behalf of the Appellant by:

Australian Government Solicitor
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Sydney NSW 2000
DX 444 Sydney

Date of this document: March 2012

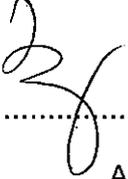
Contact: Hervee Dejean
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E-mail: hervee.dejean@ags.gov.au

	<p>Review Committee number 348 ('the Committee') pursuant to ss 93(1) of the Act, comprising Dr Bernard Kelly as Chairperson and Dr Van Phuoc Vo and Dr Elizabeth Magassy as members. The Director makes Professional Services Review ('PSR') referral number 348 to the Committee in respect of Dr Lee purportedly pursuant to ss 93(1) of the Act.</p>
31 July 2002	<p>The Committee holds a meeting, purportedly pursuant to s 97 of the Act, and determines that an oral hearing is warranted.</p>
27 September 2002	<p>The Committee holds an oral hearing purportedly pursuant to ss 101(1) of the Act. Dr Lee attends the hearing, accompanied by his legal representative.</p>
24 January 2005	<p>The Minister executes an instrument stating that he appoints, amongst others, Dr Bernard Kelly as a Deputy Director of PSR under ss 85(1) of the Act for the period from 25 January 2005 until the expiration of 24 January 2010.</p>
30 September 2009	<p>The Committee sends a copy of the Committee's draft report, purportedly prepared pursuant to s 106KD of the Act, to Dr Lee.</p>
23 November 2009	<p>The Minister executes an instrument stating that she appoints (amongst others) Dr Van Phuoc Vo and Dr Elizabeth Magassy to be Panel Members under s 84(2) of the Act, with effect from 25 January 2010 until 24 January 2015.</p>
23 November 2009	<p>The Minister executes an instrument stating that she appoints (amongst others) Dr Bernard Kelly to be a Deputy Director pursuant to ss 85(1) of the Act, with effect from 25 January 2010 until the expiration of 24 January 2015.</p>
1 June 2010	<p>The Committee sends a copy of the Committee's final report, purportedly prepared pursuant to section 106L of the Act, to Dr Lee.</p>
23 June 2010	<p>The First Respondent files an Application for an Order of Review pursuant to ss 5 and 6 of the <i>Administrative Decisions (Judicial Review) Act 1977</i> and s 39B(1A) of the <i>Judiciary Act 1903</i> (Cth) in the Federal Court of Australia. The Application seeks to review the decision, conduct or actions of the Second and Fifth Respondents, and the Appellant, in the above process.</p>
8 July 2010	<p>The Committee sends a copy of the Committee's final</p>

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 s 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