

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

BETWEEN: THE MINISTER OF STATE FOR HEALTH
Appellant

AND: PAUL CONDOLEON
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 580

Third Respondent
CHIEF EXECUTIVE OFFICER OF MEDICARE
AUSTRALIA

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



CHRONOLOGY OF THE APPELLANT

PART I

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

PART II

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') for the period from 25 January 2005 until the expiration of 24 January 2010.	
29 September 2008	Medicare Australia sends request number 580 to the Director of Professional Services Review ('the Director')	

Filed on behalf of the Appellant by:

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Date of this document: March 2012

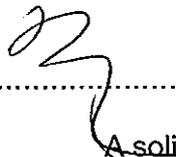
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pursuant to ss 86(1) of the *Health Insurance Act 1973* (Cth) ('**the Act**').

- 4 March 2009 The Director purports to constitute PSR Committee number 580 ('**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 580 to the Committee in respect of Dr Condoleon purportedly pursuant to ss 93(1) of the Act.
- 23 March 2009 The Committee holds a meeting, purportedly pursuant to s 97 of the Act, and determines that an oral hearing is warranted.
- 22 & 23 June 2009 The Committee holds an oral hearing purportedly pursuant to ss 101(1) of the Act. Dr Condoleon attends the hearing, accompanied by 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.
- 8 December 2009 The Committee sends a copy of the Committee's draft report, purportedly prepared pursuant to s 106KD of the Act, to Dr Condoleon, care of his legal representative.
- 25 June 2010 The Committee sends a copy of the Committee's final report, purportedly prepared pursuant to section 106L of the Act, to Dr Condoleon, care of his legal representative.
- 26 July 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 s 39B(1A) of the *Judiciary Act 1903* (Cth) in the Federal Court of Australia. The Application seeks to review the decisions, conduct or actions of the Second and Third Respondents, and the Appellant, in the above process.
- 29 July 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 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
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