



HIGH COURT OF AUSTRALIA

Public Information Officer

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RE MINISTER FOR IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS; EX PARTE THOMAS PALME

The High Court of Australia today upheld a decision of the Minister Philip Ruddock to revoke the visa of a German man who had lived in Australia since he was 10 years old. Mr Palme sought relief under section 75(v) of the Constitution against Mr Ruddock, but the Court, by a 4-1 majority, dismissed his application.

Mr Palme, 42, was born in Germany and brought up by a foster family who moved to Australia in 1971. He never took out Australian citizenship, but contended he had been effectively absorbed into the Australian community. He is divorced and has two teenage children.

In 1992, Mr Palme pleaded guilty in the New South Wales Supreme Court to murdering David Roberts who disappeared during a fishing trip in 1989. Although a coronial inquiry found Mr Roberts had drowned, Mr Palme later told two friends he had smashed a rock over Mr Roberts's head and thrown him into the water. He alleged he had killed Mr Roberts to extricate Mr Roberts's wife and her children from intolerable abuse. Mr Palme was jailed for 16 years with a minimum sentence of 10 years, but is now in an immigration detention centre.

Mr Ruddock exercised his discretion to cancel Mr Palme's visa before Mr Palme was due for release in 2002. Under section 501(2) of the Migration Act, the Minister could cancel a visa if a person did not pass the character test, in this case by having been jailed for 12 months or more.

The majority of the High Court held that Mr Palme had not made out his entitlement to relief under section 75(v) of the Constitution and declined to issue the writs of certiorari to quash Mr Ruddock's decision and prohibition to prevent his decision being implemented. The majority held that Mr Ruddock had not failed to observe procedural fairness in making his decision to cancel the visa and that other grounds of complaint had not been made out.

- *This statement is not intended to be a substitute for the reasons of the High Court or to be used in any later consideration of the Court's reasons.*