

Here is the chain of arguments used by Beech-Jones J, reconstructed into a formal modus ponens structure:

Argument 1 (based on [19]-[21]):

P1: If a State law provides that a person is taken never to have been convicted of an offence in particular circumstances or for a particular purpose, then by s 85ZR(2)(b) of the Crimes Act, any Commonwealth authority shall take the person never to have been convicted of that offence in corresponding circumstances or for a corresponding purpose. [19]-[20]

P2: Anyone who knows that s 85ZR applies to a person in relation to an offence shall not take account of the fact that the person was charged with or convicted of the offence, per s 85ZS(1)(d)(ii) of the Crimes Act. [21]

C1: Therefore, if a State law provides that a person is taken never to have been convicted of an offence in particular circumstances or for a particular purpose, then any Commonwealth authority shall not take account of the fact that the person was charged with or convicted of the offence in corresponding circumstances or for a corresponding purpose. [Implicit]

Argument 2 (based on [24]-[28]):

P1: If C1, then it must be determined whether the Children (Criminal Proceedings) Act 1987 (NSW) ("Children Proceedings Act") takes the plaintiff never to have been convicted of offences for which he was sentenced when under 16 years of age. [Implicit]

P2: Sections 6 and 14(1)(a) of the Children Proceedings Act prohibited the Children's Court from proceeding to or recording a conviction for offences if the person was under 16 at the time. [25]-[28]

C1: Therefore, the Children Proceedings Act takes the plaintiff never to have been convicted of offences for which he was sentenced by the Children's Court when he was under 16 years of age. [28]

Argument 3 (based on [32]-[34], [37], [41]):

P1: If C1 from Argument 2, then it must be determined whether this applies for any purpose or only particular purposes. [Implicit]

P2: The effect of the Children Proceedings Act, continually in force up to the delegate's decision to cancel the plaintiff's visa in 2013, is that a finding of guilt is not to be treated as a conviction for any purpose unless the Act specifically so provides. No such provision was referred to. [32]-[34]

P3: This is consistent with Thornton, which found s 85ZR(2) is engaged by State laws preventing findings of guilt being recorded as convictions and providing a person is not taken to be convicted, at least for some purposes. [37]

P4: No statutory provision was referred to that imposes any limit on the purposes for or circumstances in which a child who is the subject of a finding of guilt under s 14(1)(a) is treated as not having been convicted. [41]

C1: Therefore, under the Children Proceedings Act, the plaintiff is taken never to have been convicted of the relevant offences for all relevant purposes and circumstances. [41]

Argument 4 (based on [35], [46]-[47]):

P1: If C1 from Argument 3, then per Thornton, ss 85ZR(2) and 85ZS(1)(d)(ii) precluded the delegate from relying on the plaintiff's convictions (or findings of guilt) from the Children's Court when he was under 16. [35]

P2: The delegate was precluded from taking into account the plaintiff's youth offending, findings of guilt, and the fact he was charged with or convicted of offences for which he was sentenced by the Children's Court prior to turning 16. [46]

P3: The delegate's decision was affected by jurisdictional error and this error was material. [47]

C1: Therefore, the delegate's decision to cancel the plaintiff's visa was affected by a material jurisdictional error. [Implicit]

Final Conclusion (based on [47]-[48]):

If the delegate's decision was affected by a material jurisdictional error, then a writ of certiorari should issue quashing the delegate's decision and the Minister should pay the plaintiff's costs.

The delegate's decision was affected by a material jurisdictional error.

Therefore, a writ of certiorari should issue quashing the delegate's decision to cancel the plaintiff's visa and the Minister should pay the plaintiff's costs.