

Here is a reconstructed chain of arguments in a formal modus ponens structure based on the reasoning provided by Beech-Jones J in the judgment of **Lesianawai v Minister for Immigration, Citizenship and Multicultural Affairs [2024] HCA 6**.

Modus Ponens Argument Structure

1. **Premise (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 under section 85ZR(2)(b) of the Crimes Act, the person shall be taken never to have been convicted of that offence by any Commonwealth authority in corresponding circumstances or for a corresponding purpose.

Source:

- Section 85ZR(2)(b) of the Crimes Act 1914 (Cth) **[7:1†5 Lesianawai.pdf]** .

2. **Premise (P2):**

Section 14(1)(a) of the Children (Criminal Proceedings) Act 1987 (NSW) precluded the Children's Court from proceeding to, or recording, any conviction for offences committed by the plaintiff when he was under 16 years of age.

Source:

- Section 14(1)(a) of the Children (Criminal Proceedings) Act 1987 (NSW) **[7:1†5 Lesianawai.pdf]** .

3. **Premise (P3):**

The plaintiff was sentenced by the Children's Court of New South Wales for offences committed when he was under 16 years of age, and these offences were recorded in a "National Police Certificate" as convictions.

Source:

- Paragraph 6 of the judgment by Beech-Jones J **[7:1†5 Lesianawai.pdf]** .

4. **Premise (P4):**

Therefore, under the relevant provisions of the Children (Criminal Proceedings) Act 1987 (NSW), the plaintiff is taken never to have been convicted of the offences for which he was sentenced by the Children's Court when he was under the age of 16 years.

Source:

- Paragraph 7 of the judgment by Beech-Jones J **[7:1†5 Lesianawai.pdf]** .

5. **Premise (P5):**

The delegate of the Minister took into account the plaintiff's convictions for offences committed when he was under 16 years of age when making the decision to cancel the plaintiff's visa.

****Source:****

- Paragraph 17 of the judgment by Beech-Jones J 【7:1†5 Lesianawai.pdf】 .

6. ****Premise (P6):****

If a delegate takes into account matters that are precluded by ss 85ZR(2)(b) and 85ZS(1)(d)(ii) of the Crimes Act, then the decision is affected by jurisdictional error.

****Source:****

- Paragraph 7 and Paragraph 47 of the judgment by Beech-Jones J 【7:1†5 Lesianawai.pdf】 .

7. ****Conclusion (C1):****

Therefore, the delegate's decision to cancel the plaintiff's visa was affected by jurisdictional error.

****Source:****

- Paragraph 47 of the judgment by Beech-Jones J 【7:1†5 Lesianawai.pdf】 .

8. ****Premise (P7):****

If a decision is affected by jurisdictional error, then certiorari quashing the decision should issue.

****Source:****

- General legal principle accepted in the judgment 【7:1†5 Lesianawai.pdf】 .

9. ****Conclusion (C2):****

Therefore, a writ of certiorari should issue quashing the decision to cancel the plaintiff's visa.

****Source:****

- Order section of the judgment 【7:1†5 Lesianawai.pdf】 .

Final Conclusion:

A writ of certiorari is issued quashing the decision of the delegate of the Minister for Immigration, Citizenship and Multicultural Affairs to cancel the plaintiff's Class BF 154 Transitional (Permanent) visa. The defendant is also ordered to pay the plaintiff's costs 【7:1†5 Lesianawai.pdf】 .

This structure maintains a logical flow from premises to conclusions, ensuring that each step is connected and leads to the final decision of the case.