



HIGH COURT OF AUSTRALIA

NOTICE OF FILING

This document was filed electronically in the High Court of Australia on 20 Sep 2024 and has been accepted for filing under the *High Court Rules 2004*. Details of filing and important additional information are provided below.

Details of Filing

File Number: M66/2024
File Title: CZA19 v. Commonwealth of Australia & Anor
Registry: Melbourne
Document filed: Form 27B - Applicant's chronology
Filing party: Applicants
Date filed: 20 Sep 2024

Important Information

This Notice has been inserted as the cover page of the document which has been accepted for filing electronically. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties and whenever the document is reproduced for use by the Court.

IN THE HIGH COURT OF AUSTRALIA

M66/2024

MELBOURNE REGISTRY

BETWEEN:

CZA19

Applicant

and

COMMONWEALTH OF AUSTRALIA

First Respondent

MINISTER FOR IMMIGRATION, CITIZENSHIP AND MULTICULTURAL AFFAIRS

Second Respondent

10

APPLICANT'S CHRONOLOGY**PART I — CERTIFICATION**

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

PART II — CHRONOLOGY

20

30

Date	Event	Reference
2 July 1970	The applicant, CZA19, was born in Poland.	Amended statement of agreed facts dated 22 August 2024 (“ ASOAF ”), [1] (see Tab 11 of the Joint Cause Removed Book (“ JCRB ”).
28 October 2009	CZA19 first arrived in Australia as the holder of a Tourist visa. He was arrested on arrival, charged and placed into police custody.	ASOAF, [5].
16 August 2010	CZA19 was granted a Criminal Justice Stay Visa.	ASOAF, [6].

10

20

30

Date	Event	Reference
6 June 2018	CZA19 was convicted in the District Court of New South Wales and sentenced to 9 months' imprisonment from 9 March 2018.	ASOAF, [9].
6 December 2018	A delegate of the Attorney-General of the Commonwealth directed that CZA19 be released on parole on 8 December 2018.	ASOAF, [10].
8 December 2018	CZA19's Criminal Justice Stay Visa ceased operation by law. CZA19 was released from prison and detained by officers of the Commonwealth.	ASOAF, [11].
8 December 2018 to 13 May 2014	CZA19 was detained in immigration detention throughout this period.	ASOAF, [12].
14 January 2019	CZA19 applied for a Protection (subclass 866) visa.	ASOAF, [14].
12 February 2019	A delegate of the second respondent (" Minister ") refused to grant CZA19 a protection visa.	ASOAF, [15].
10 November 2022	The Administrative Appeals Tribunal decided to remit CZA19's protection visa application to the Department with a direction that he satisfied s 36(2)(aa) of the <i>Migration Act 1958</i> (Cth).	ASOAF, [23].
27 March 2024	CZA19 commenced proceeding VID247 of 2024 in the Federal Court of Australia (" Federal Court proceeding ") seeking <i>inter alia</i> writs of <i>habeas corpus</i> and <i>mandamus</i> and declaratory relief concerning the lawfulness of his detention.	ASOAF, [52].
13 May 2024	The Minister's delegate decided to refuse	ASOAF, [57].

Date	Event	Reference
	CZA19's application for a protection visa, but granted him a Bridging (Removal Pending) (subclass 070) visa. CZA19 was then released from immigration detention.	
22 May 2024	CZA19 filed an amended originating application and statement of claim in the Federal Court proceeding, seeking <i>inter alia</i> declaratory relief to the effect that his historic detention was unlawful (prayer 1(a)).	JCRB, Tab 2.
2 July 2024	Chief Justice Mortimer made orders in the Federal Court proceeding including that the question of CZA19's entitlement to prayer 1(a) of his amended originating application be heard by the Full Court of the Federal Court as a separate question .	JCRB, Tab 8.
23 July 2024	The Attorney-General of the Commonwealth applied to the High Court for the separate question to be removed pursuant to s 40(I) of the <i>Judiciary Act 1903</i> (Cth).	
31 July 2024	The Chief Justice ordered that the separate question be removed to the High Court.	JCRB, Tab 9.

Dated: 20 September 2024



David Hooke SC
P: (02) 9233 7711
E: hooke@jackshand.com.au

Julian R Murphy
P: (03) 9225 7777
E: julian.murphy@vic.bar.com.au

Chris Fitzgerald
P: (03) 9225 8668
E: chris.fitzgerald@vicbar.com.au