

BETWEEN:

CPCF
Plaintiff

AND:

MINISTER FOR IMMIGRATION AND BORDER
PROTECTION
First Defendant

THE COMMONWEALTH OF AUSTRALIA
Second Defendant



DEFENDANTS' CHRONOLOGY

Filed on behalf of the defendants by:

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PART I PUBLICATION

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

PART II LIST OF PRINCIPAL EVENTS

DATE	EVENT	SPECIAL CASE BOOK REF.
June 2014	An Indian flagged vessel (the Indian vessel), carrying the plaintiff and 156 other persons, departed Pondicherry, India, with the intended destination of Christmas Island, Australia.	57 [4], [5]
26/27 June 2014	A person on the Indian vessel called the Australian Maritime Safety Authority (AMSA) and requested assistance, and AMSA informed other Australian government authorities.	58 [10]
28 June 2014	The Commonwealth despatched a navy vessel and an Australian customs vessel towards the Indian vessel.	58 [11]
29 June 2014	<p>An Australian border protection vessel (the Commonwealth ship) intercepted the Indian vessel inside Australia's contiguous zone, approximately 16 nautical miles from Christmas Island. Thereafter:</p> <p>(a) the person in command of the Commonwealth ship authorised the exercise of maritime powers in relation to the Indian vessel on the basis that he suspected, on reasonable grounds, that the vessel was involved in a contravention of the <i>Migration Act 1958</i> (Cth) (the Migration Act) within the meaning of s 9 of the <i>Maritime Powers Act 2013</i> (Cth) (the Maritime Powers Act);</p> <p>(b) maritime officers (within the meaning of s 104(1) of the <i>Maritime Powers Act</i>) from the Commonwealth ship boarded the Indian vessel;</p> <p>(c) a maritime officer from the Commonwealth ship detained the Indian vessel;</p> <p>(d) a maritime officer from the Commonwealth ship detained all the persons on the Indian vessel;</p> <p>(e) a pump failure caused the engine on the Indian vessel to seize and started a small fire in the engine house, which caused irreparable damage to the engine and rendered the</p>	58-59 [12]-[13]

DATE	EVENT	SPECIAL CASE BOOK REF.
	vessel unseaworthy; and (f) the plaintiff, and all the other 156 persons from the Indian vessel, were removed from the Indian vessel and placed onto the Commonwealth ship.	
1 July 2014	The National Security Committee of Cabinet decided that the plaintiff and the other persons from the Indian vessel should be taken to India.	60 [16]
1-10 July 2014	The Commonwealth ship travelled towards India. During this period, the plaintiff and other persons from the Indian vessel were detained by maritime officers on the Commonwealth ship.	60 [20(a)]
10-22 July 2014	The Commonwealth ship arrived near India and waited for it to become practicable to complete the taking of the plaintiff and other person from the Indian vessel to India. The duration of that wait was influenced by the absence of the favourable weather conditions required to make it safe to disembark the persons from the Indian vessel, the time required to conduct diplomatic negotiations between Australia and India (including the time required to arrange and undertake meetings at a Ministerial level) and, between about 18 and 21 July 2014, the travel and other steps required for the re-provisioning of the Commonwealth ship. During this period, the plaintiff and other persons from the Indian vessel were detained by maritime officers on the Commonwealth ship.	60-61 [20(b)]
23 July 2014	The First Defendant decided that, for operational and other reasons, it would not be practical to complete the process of taking the plaintiff and the other persons from the Indian vessel to India within a reasonable period of time, and that those persons should be taken to the Territory of the Cocos (Keeling) Islands.	61 [21]
23-27 July 2014	The Commonwealth ship travelled towards the Territory of the Cocos (Keeling) Islands. During this period, the plaintiff and other persons from the Indian vessel were detained by maritime officers on the Commonwealth ship.	61 [22]
27 July 2014	The Commonwealth ship arrived at the Territory of the Cocos (Keeling) Islands. The plaintiff and other persons from the Indian vessel were then detained under s 189(3) of the Migration Act by	61 [23]

DATE	EVENT	SPECIAL CASE BOOK REF.
	an officer or officers as defined under s 5 of the Migration Act.	
29 July 2014	The plaintiff filed an Amended Writ of Summons and Amended Statement of Claim.	4
13 August 2014	The defendant filed a Second Further Amended Defence.	31
14 August 2014	The plaintiff filed an Amended Reply.	50
21 August 2014	Justice Hayne ordered that the questions stated be referred for consideration by a Full Court on 14 and 15 October 2014.	68
25 August 2014	The parties filed a Special Case.	56
29 August 2014	The plaintiff file a notice of constitutional matter under s 78B of the <i>Judiciary Act 1903</i> .	71

Dated: 30 September 2014