



HIGH COURT OF AUSTRALIA

NOTICE OF FILING

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Details of Filing

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Important Information

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IN THE HIGH COURT OF AUSTRALIA**SYDNEY REGISTRY**

**MINISTER FOR IMMIGRATION,
CITIZENSHIP, MIGRANT SERVICES
AND MULTICULTURAL AFFAIRS**

BETWEEN:

First Appellant

MINISTER FOR HOME AFFAIRS

Second Appellant

SHAYNE PAUL MONTGOMERY**AND:**

Respondent

APPELLANTS' CHRONOLOGY**PART I: CERTIFICATION**

- 10 1. The Appellants certify that this chronology is in a form suitable for publication on the internet.

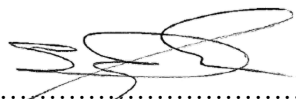
PART II: CHRONOLOGY OF PRINCIPAL EVENTS

| Date | Event | Cause Removed Book reference |
|------------------|---|---|
| 18 December 1981 | The Respondent was born in Auckland, New Zealand and became a citizen of New Zealand. | 17, [26] |
| 11 August 1997 | The Respondent arrived in Australia and was granted a Special Category Visa (the Visa). | 10, [1] |

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|------------------------|--|-----------------|
| Circa 1998 | The Respondent meets Ms Merle Bundi (“Gamma Merle”), a Mununjali Elder | 24, [53(m)-(n)] |
| 8 March 2018 | The Respondent was convicted of aggravated burglary and commit offence in dwelling, and was sentenced to 14 months of imprisonment. | 17, [29] |
| 10 July 2018 | The Visa was cancelled pursuant to s 501(3A) of the <i>Migration Act 1958</i> (Cth) (the Act) (the cancellation decision). | 17, [30] |
| 12 July 2018 | The Respondent requested revocation of the cancellation decision. | 17, [31] |
| 21 February 2019 | The Respondent was released from criminal custody and taken into immigration detention under s 189 of the Act. | 17, [29] |
| 5 May 2020 | The Respondent commenced proceedings in the Federal Court seeking mandamus requiring the determination of his request for revocation of the cancellation decision. | 19, [44] |
| 7 May 2020 | The First Appellant (Minister) personally decided not to revoke the cancellation decision. | 19, [44] |
| 2 July 2020 | The Respondent filed an amended application in the Federal Court seeking review of the Minister’s non-revocation decision. | 11, [9] |
| 9 November 2020 | The Respondent filed a further amended application in the Federal Court seeking <i>habeas corpus</i> and a declaration that the Respondent is not an “alien” within the meaning of s 51(xix) because he is an Aboriginal person. | 11, [12] |
| 27 and 28 October 2021 | Hearing before the Federal Court (SC Derrington J) on judicial review grounds. | 8 |
| 12 November 2021 | Hearing before the Federal Court on <i>habeas corpus</i> application. | 8 |
| 15 November 2021 | The Federal Court granted <i>habeas corpus</i> (for | 56 |

| | | |
|------------------|---|-----|
| | reasons published on 19 November 2021). | |
| 22 November 2021 | Hearing before the Federal Court on costs. The Federal Court orders that the Appellants pay the Respondent's costs. | 66 |
| 25 November 2021 | The Appellants file a Notice of Appeal in the Federal Court appealing from orders 3, 4, and 5 of the orders of the Federal Court given on 15 November 2021 that required the Respondent to be released from immigration detention and order 1 of the Federal Court given on 22 November 2021 regarding costs. | 109 |
| 29 November 2021 | Keane J made orders removing into the High Court the Appellants' appeal from orders made by SC Derrington J that required the Respondent to be released from immigration detention. | 115 |

Dated: 28 January 2022



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Stephen Donaghue

Solicitor-General of the Commonwealth
T: (02) 6141 4139
stephen.donaghue@ag.gov.au

.....
Craig Lenehan

Fifth Floor St James' Hall
T: (02) 8257 2500
craig.lenehan@stjames.net.au

.....
Patrick Knowles

Tenth Floor Chambers
T: (02) 9232 5609
knowles@tenthfloor.org

.....
Zelie Heger

Eleven Wentworth
T: (02) 9101 2307
heger@elevenwentworth.com