

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

No. M68 of 2015

BETWEEN

PLAINTIFF M68 OF 2015
Plaintiff

and

**MINISTER FOR IMMIGRATION AND
BORDER PROTECTION**
First Defendant

and



THE COMMONWEALTH OF AUSTRALIA
Second Defendant

and

**TRANSFIELD SERVICES (AUSTRALIA) PTY
LTD (ACN 093 114 553)**
Third Defendant

PLAINTIFF'S CHRONOLOGY

Part I:

I certify that this chronology is in a form suitable for publication on the internet.

Date of document: 4 September 2015

Filed on behalf of the Plaintiff by:

HUMAN RIGHTS LAW CENTRE LTD

Level 17

461 Bourke Street

Melbourne VIC 3000

Contact: Hugh de Kretser / Daniel Webb

Tel: 03 8636 4450

Fax: 03 8636 4455

Part II:¹

DATE	EVENT	SPECIAL CASE BOOK REF.
10 September 2012	The first defendant (the Minister) designated the Republic of Nauru (Nauru) as a " <i>regional processing country</i> " under s 198AB(1) of the <i>Migration Act 1958</i> (Cth) (Migration Act).	2 [4]
26 July 2013	The second defendant (the Commonwealth) gave approval as required by clause 6.1 of the Transfield Contract for entry into the 2013 Wilson Security Subcontract.	5 [22]
29 July 2013	The Minister made a direction pursuant to s 198AD(5) of the Migration Act with respect to the regional processing countries to which particular classes of unauthorised maritime arrivals must be taken.	2 [5]
3 August 2013	The Commonwealth and Nauru entered into the Memorandum of Understanding.	2 [7]
2 September 2013	The third defendant (Transfield) and Wilson Parking Australia (1992) Pty Ltd (Wilson Security) entered into the 2013 Wilson Security Subcontract. The contract came into effect on this date.	4 [18], 5 [19]
19 October 2013	A vessel on which the plaintiff was travelling was intercepted at sea by officers of the Commonwealth and the plaintiff was transferred to a Commonwealth vessel at sea.	15 [48(b)-(c)]
19 or 20 October 2013	The plaintiff was taken to Christmas Island aboard the Commonwealth vessel.	15 [48(d)]
20 October 2013	The plaintiff was transferred from the Commonwealth vessel to Christmas Island and was detained by officers of the Commonwealth under s 189 of the Migration Act.	15 [48(e)], 16 [48(f)-(i)]

¹ Capitalised terms used in this chronology have the meaning given to them in the Special Case.

DATE	EVENT	SPECIAL CASE BOOK REF.
21 January 2014	An officer of the Commonwealth made an application on behalf of the plaintiff to the Secretary of the Department of Justice and Border Control of Nauru for an RPC visa, pursuant to reg 9 of the 2013 Immigration Regulations, without seeking the plaintiff's consent.	17 [52]
22 January 2014	Officers of the Commonwealth took the plaintiff to Nauru pursuant to s 198AD(2) of the Migration Act.	16 [49]
23 January 2014	The plaintiff arrived in Nauru.	16 [49]
23 January 2014	The plaintiff was granted a Nauruan RPC visa under reg 9 of the 2013 Immigration Regulations, which specified that the plaintiff must reside at the Nauru RPC.	17 [53]
24 March 2014	The Commonwealth and Transfield entered into the Transfield Contract.	4 [14]
28 March 2014	Transfield and Wilson Security entered into the 2014 Wilson Security Subcontract. The 2013 Wilson contract was no longer in effect as of this date.	5 [19-20]
28 March 2014	The Commonwealth approved entry into the 2014 Wilson Security Subcontract, as required by clause 6.1 of the Transfield Contract.	5 [22]
11 April 2014	The "Administrative Arrangements for Regional Processing and Settlement Arrangements in Nauru" were signed by the Secretary of the Department of Immigration and Border Protection of the Commonwealth and the Secretary of the Department of Justice and Border Control of Nauru.	2 [9]
23 April 2014	The plaintiff was granted a further RPC visa (which specified she must reside at Nauru RPC) by the Principal Immigration Officer of Nauru on expiry of the RPC visa granted on 23 January 2014.	17 [54]

DATE	EVENT	SPECIAL CASE BOOK REF.
July 2014	The Operational Manager of RPC3 and the Operational Managers of the other sites within the Nauru RPC made Centre Rules applicable to all sites within the Nauru RPC in reliance upon s 7 of the RPC Act.	18 [64]
15 July 2014	The Minister made a further direction pursuant to s 198AD(5) of the Migration Act with respect to the regional processing countries to which particular classes of unauthorised maritime arrivals must be taken.	2 [6]
20 July 2014	The Commonwealth was provided with information regarding the health of the plaintiff by IHMS.	20 [77]
23 July 2014	On expiry of the plaintiff's RPC visa, the Principal Immigration Officer of Nauru granted the plaintiff a further RPC visa under reg 9 of the 2014 Immigration Regulations which specified that the plaintiff must reside at the Nauru RPC.	17 [55]
2 August 2014	Officers of the Commonwealth brought the plaintiff to Australia from Nauru pursuant to s 198B(1) of the Migration Act for the temporary purpose of the plaintiff's undergoing obstetric and gastroenterologist review in Brisbane.	21 [78]
2 August 2014	Upon arrival at Brisbane, the plaintiff was detained by officers of the Commonwealth under s 189 of the Migration Act at Brisbane, since she did not hold a valid visa to enter Australia.	21 [79]
16 December 2014	The plaintiff gave birth to her daughter in Brisbane while detained by the Commonwealth.	21 [80]
25 February 2015	The Operational Manager of RPC3 purported to exercise her discretion under s 7 of the RPC Act to implement what the Commonwealth refers to as "open centre arrangements".	22 [88]
21 March 2015	The Operational Manager of RPC2 purported to exercise his or her discretion under s 7 of the RPC Act to implement what the Commonwealth refers to as "open centre arrangements".	22 [88]
20 June 2015	IHMS advised the Department of Immigration and Border Protection of the Commonwealth that the plaintiff had been reviewed by a specialist gastroenterologist whose services cannot be	21 [81]

DATE	EVENT	SPECIAL CASE BOOK REF.
	provided at the Nauru RPC, diagnosed with gastritis, and managed with pharmacological therapy which can be provided at the Nauru RPC.	

Dated: 4 September 2015



Name: Ron Merkel QC
Telephone: +61 3 9225 6391
Email: ronmerkel@vicbar.com.au