

IN THE HIGH COURT OF AUSTRALIA
 SYDNEY REGISTRY

No. S195 of 2016

BETWEEN:

PLAINTIFF S195
 Plaintiff

AND MINISTER FOR IMMIGRATION AND BORDER PROTECTION (CTH)
 First Defendant

COMMONWEALTH OF AUSTRALIA
 Second Defendant

BROADSPECTRUM (AUSTRALIA) PTY LTD (ACN 000 484 417)
 Third Defendant



PLAINTIFF'S CHRONOLOGY

Part I:

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

Part II:

2. The following table sets out a chronology of the principle events in the litigation.

| | Date | Description | Reference |
|----|------------------|--|---|
| 1. | 2 September 2012 | PNG Minister pursuant to 15B PNG <i>Migration Act</i> made declaration entitled "Declaration of Relocation Centre"; PNG Minister pursuant to 15C PNG <i>Migration Act</i> made declaration entitled "Direction to Reside in a Relocation Centre"; and PNG Minister pursuant to s20 PNG <i>Migration Act</i> made exemption for transferees from sections 3 and 7 of the PNG <i>Migration Act</i> . | Special Case (SC), [19]; Special Case Book (SCB), pp 823-824. |
| 2. | 8 September 2012 | Australia and the Independent State of Papua New Guinea (PNG) signed "Memorandum of Understanding between the Government and Independent State of Papua New Guinea and the Government of Australia, relating to the Transfer to and Assessment and Settlement in, Papua New Guinea of Persons, and | SC, [4]; SCB pp 14-19. |

Filed on behalf of the plaintiff by:
 O'Brien Solicitors
 Suite 504, Level 5, Castlereagh Street
 Sydney, NSW, 2000

Telephone: 02 9261 4281
 Email: info@obriensolicitors.com.au
 Ref: Peter O'Brien

| | | Related Issues” | |
|-----|----------------------|--|----------------------------|
| 3. | 9 October 2012 | Minister designated that PNG is a regional processing country under s 198AB(1) of the <i>Migration Act 1958 (Cth)</i> | SC, [5]; SCB, pp 20-69. |
| 4. | 27 November 2012 | PNG Minister pursuant to 15B PNG <i>Migration Act</i> made declaration entitled “Declaration of Relocation Centre”; PNG Minister pursuant to 15C PNG <i>Migration Act</i> made declaration entitled “Direction to Reside in Relocation Centre”; and PNG Minister pursuant to s20 PNG <i>Migration Act</i> made exemption for transferees from sections 3 and 7 of the PNG <i>Migration Act</i> . | SC, [20]; SCB, pp 825-826. |
| 5. | 23 and 30 April 2013 | PNG and Australia entered into the “Administrative Arrangements For the Temporary Regional Processing Centre (RPC)” | SC, [6]; SCB, pp 70-84. |
| 6. | 19 July 2013 | Australia and PNG entered into the ‘Regional Resettlement Arrangement’ | SC, [7]; SCB, pp 85-86. |
| 7. | 21 July 2013 | Plaintiff was intercepted at sea by officers of the Commonwealth defendants; | SC, [31b]. |
| 8. | 21 July 2013 | Plaintiff became an “unlawful non-citizen” upon entering the migration zone at Christmas Island | SC, [31f]. |
| 9. | 24 July 2013 | Plaintiff became an “unauthorised maritime arrival” upon entering the migration zone at Christmas Island | SC, [31g]. |
| 10. | 29 July 2013 | Minister gave a written direction under s 198AD(5) if the <i>Migration Act 1958 (Cth)</i> that officers take a specified class of unauthorised maritime arrivals to PNG, and take another specified class of unauthorised maritime arrivals to Nauru | SC, [8]; SCB, pp 87-88. |
| 11. | 5 and 6 August 2013 | Australia and PNG entered into a third “Memorandum of Understanding Relating to the Transfer to, and Assessment and Settlement in, Papua New Guinea of Certain Persons, and Related Issues” | SC, [9]; SCB, pp 89-94. |
| 12. | 14 August | PNG Minister pursuant to 15B PNG | SC, [21]; SCB, pp |

| | | | |
|-----|------------------|--|------------------------|
| | 2013 | <p><i>Migration Act</i> made declaration entitled “Declaration of Relocation Centre”;</p> <p>PNG Minister pursuant to 15C PNG <i>Migration Act</i> made declaration entitled “Direction to Reside in Relocation Centre”;</p> <p>PNG Minister pursuant to 15D PNG <i>Migration Act</i> appointed Mataio Rabura, the Chief Migration Officer of the Immigration and Citizenship Service Authority of PNG, as Administrator of the Manus RPC and the East Lorengau Refugee Transit Centre; and</p> <p>PNG Minister pursuant to s20 PNG <i>Migration Act</i> made exemption for transferees from sections 3 and 7 of the PNG <i>Migration Act</i>.</p> | 827-828. |
| 13. | 21 August 2013 | Officers of the Commonwealth transferred the plaintiff to the Manus Island RPC in PNG | SC, [33]. |
| 14. | 24 March 2014 | The Commonwealth defendants and Transfield Services Ltd, now Broadspectrum (Australia) Pty Ltd, entered into a contract entitled “Contract in relation to the Provision of Garrison and Welfare Services at Regional Processing Countries.” | SC, [14]; SCB, p 112. |
| 15. | 17 July 2014 | Deputy Secretary of the Department of the Commonwealth and the Chief Migration Officer of the Immigration and Citizen Service Authority of PNG signed “Administrative Arrangements for Regional Processing and Settlement in Papua New Guinea” | SC, [11]; SCB, p 95. |
| 16. | 15 December 2014 | PNG Minister pursuant to 15B PNG <i>Migration Act</i> made declaration entitled “Declaration of Relocation Centre”; and PNG Minister pursuant to 15C PNG <i>Migration Act</i> made declaration entitled “Direction to Reside in Relocation Centre”. | SC, [22]; SCB, p 829. |
| 17. | 21 April 2015 | Commonwealth and Broadspectrum entered into contract “Deed of Variation No.1” | SC, [15a]; SCB, p 268. |
| 18. | 28 October | Commonwealth and Broadspectrum | SC, [15b]; SCB, p |

| | | "Directions as to custody" | |
|-----|-----------------|---|-----------------------|
| 26. | 9 February 2017 | Plaintiff participated in a departure meeting and was served with a document titled "Meeting to Plan your Departure from PNG" | SC, [37]; SCB p 872. |
| 27. | 9 February 2017 | Plaintiff served with document title "Departure planning – information for non-refugees" | SC, [37]; SCB, p 873. |

Date: 20 March 2017



.....
Tom Molomby
Frederick Jordan Chambers
4th Floor 53 Martin Place
Sydney, NSW, 2000
Tel: 02 9229 7331
Fax: 02 9221 6944
DX: 450 SYDNEY
Email: molomby@fjc.net.au

.....
Jay Williams
Frederick Jordan Chambers
4th Floor, 53 Martin Place
Sydney, NSW 2000
0418 991 596
02 9221 6944
450 SYDNEY
j.williams@fjc.net.au