

NOTICE OF FILING AND HEARING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 3/06/2022 3:58:32 PM AEST and has been accepted for filing under the Court's Rules. Filing and hearing details follow and important additional information about these are set out below.

Filing and Hearing Details

| | |
|----------------------------|--------------------------------------------------------------------------------|
| Document Lodged: | Notice of Appeal (Fee for Leave Already Paid) - Form 122 - Rule 36.01(1)(b)(c) |
| File Number: | VID284/2022 |
| File Title: | DIRECTOR-GENERAL OF SECURITY & ORS v PLAINTIFF S111A/2018 |
| Registry: | VICTORIA REGISTRY - FEDERAL COURT OF AUSTRALIA |
| Reason for Listing: | To Be Advised |
| Time and date for hearing: | To Be Advised |
| Place: | To Be Advised |



A handwritten signature in blue ink that reads 'Sia Lagos'.

Dated: 14/06/2022 10:19:49 AM AEST

Registrar

Important Information

As required by the Court's Rules, this Notice has been inserted as the first page of the document which has been accepted for electronic filing. 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.

The Reason for Listing shown above is descriptive and does not limit the issues that might be dealt with, or the orders that might be made, at the hearing.

The date and time of lodgment also shown above are the date and time that the document was received by the Court. Under the Court's Rules the date of filing of the document is the day it was lodged (if that is a business day for the Registry which accepts it and the document was received by 4.30 pm local time at that Registry) or otherwise the next working day for that Registry.



Form 122
Rule 36.01(1)(b), 36.01(1)(c)

AMENDED NOTICE OF APPEAL

[Amended Pursuant to Rule 36.10]

**FEDERAL COURT OF AUSTRALIA
DISTRICT REGISTRY: VICTORIA
DIVISION: GENERAL**

NO NSDVID 284 OF 2022

On Appeal From the Federal Court

DIRECTOR-GENERAL OF SECURITY
and others named in the Schedule
Appellants

PLAINTIFF S111A/2018
Respondent

To the Respondent

The Appellants appeal from the judgment as set out in this notice of appeal.

1. The papers in the appeal will be settled and prepared in accordance with the Federal Court Rules Division 36.5.
2. The Court will make orders for the conduct of the proceeding, at the time and place stated below. If you or your lawyer do not attend, then the Court may make orders in your absence. You must file a notice of address for service (Form 10) in the Registry before attending Court or taking any other steps in the proceeding.

| | |
|-----------------------------------|-----------------------------------------------------------------------------------------|
| TIME AND DATE FOR HEARING: | |
| PLACE: | Owen Dixon Commonwealth Law Courts Building 305 William Street Melbourne VIC 3000 |

Date:

.....
Signed by an officer acting with
the authority of the District Registrar

Filed on behalf of the appellant, the Director-General of Security, the Minister
for Home Affairs, and the Commonwealth

File ref: 18003391

Prepared by: James Anderson
AGS lawyer within the meaning of s 55l of the *Judiciary Act 1903*

Address for Service:
The Australian Government Solicitor,
4 National Circuit, Barton, ACT 2600
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The appellants appeal from the whole of the judgments of the Federal Court given on 22 April 2022 and 23 May 2022 at Melbourne.

GROUNDS OF APPEAL:

1. The primary judge erred in concluding that the adverse security assessment of the respondent made by the first appellant on 23 April 2018 was invalid on the basis that it:
 - (a) involved a denial of procedural fairness to the respondent; and
 - (b) was legally unreasonable.
2. The primary judge erred in finding that the officers of the Australian Security Intelligence Organisation who interviewed the respondent on 15 September 2020 prejudged the outcome.
3. The primary judge erred in concluding that the adverse security assessment of the respondent made by the first appellant on 27 October 2020 was invalid on the basis that it:
 - (a) involved a denial of procedural fairness to the respondent; and
 - (b) involved a failure by the first appellant to perform the task required by s 37(1) of the *Australian Security Intelligence Organisation Act 1979* (Cth).

ORDERS SOUGHT:

4. The appeal is allowed.
5. The orders of the Court below are set aside and in place thereof order that the proceeding be dismissed with costs.
6. The respondent is to pay the costs of the appeal.

APPELLANTS' ADDRESSES

First appellant

The first appellant's address for service is:

Australian Government Solicitor
4 National Circuit
Barton
ACT 2600

Email: tony.giugni@ags.gov.au
james.anderson@ags.gov.au

The Australian Government Solicitor's telephone and facsimile numbers for the first appellant are:

Tel: (02) 6253 7592

Fax: (02) 6253 7384



The first appellant's address is:

4 National Circuit
Barton
ACT 2600

Second and third appellants

The second and third appellants' address for service is:

Australian Government Solicitor
Level 10, 60 Martin Place
Sydney
NSW 2000

Email: jonathon.hutton@ags.gov.au

The Australian Government Solicitor's telephone and facsimile numbers for the second and third appellants are:

Tel: (02) 9581 7408
Fax: (02) 9581 7650

SERVICE ON THE RESPONDENT

It is intended to serve this notice of appeal on the respondent.

Date: ~~49 May~~ 3 June 2022

A handwritten signature in black ink, appearing to read 'Giugni'.

Tony Giugni
AGS lawyer
for and on behalf of the Australian Government Solicitor
Lawyer for the first appellant

Date: ~~49 May~~ 3 June 2022

A handwritten signature in blue ink, appearing to read 'J. Hutton'.

Jonathon Hutton
AGS lawyer
for and on behalf of the Australian Government Solicitor
Lawyer for the second and third appellants



Schedule

FEDERAL COURT OF AUSTRALIA
DISTRICT REGISTRY: VICTORIA
DIVISION: GENERAL

No ~~NSD~~ VID 284 of 2022

Appellants

Second Appellant

Minister for Home Affairs

Third Appellant

Commonwealth of Australia

Date: ~~19 May~~ 3 June 2022