

NOTICE OF FILING AND HEARING

Filing and Hearing Details

Document Lodged: Originating Application for Relief Under Section 39B Judiciary Act 1903 - Form 69 - Rule 31.11(1)
Court of Filing: FEDERAL COURT OF AUSTRALIA (FCA)
Date of Lodgment: 16/01/2026 8:02:20 AM AEDT
Date Accepted for Filing: 16/01/2026 10:33:32 AM AEDT
File Number: VID1612/2025
File Title: TARNEEN ONUS BROWNE & ANOR v ASSISTANT COMMISSIONER OF POLICE, NORTH WEST METRO REGION & ANOR
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

Registrar

Important Information

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 date of the filing of the document is determined pursuant to the Court's Rules.

**Further Amended Originating application for relief under section 39B
Judiciary Act 1903**

No. VID1612 of 2025

Federal Court of Australia
District Registry: Victoria
Division: Administrative and Constitutional Law and Human Rights

Tarneen Onus Browne

First Applicant

Benjamin Zable

Second Applicant

David Hack

Third Applicant

Assistant Commissioner of Police, North West Metro Region

First Respondent

State of Victoria

Second Respondent

To the Respondents

The Applicants apply for the relief set out in this application.

The Court will hear this application, or 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: 15 and 16 ~~February~~ January 2026

Place: Melbourne

Filed on behalf of (name & role of party)	Tarneen Onus Browne, First Applicant; and Benjamin Zable, Second Applicant; <u>and David Hack, Third Applicant</u>
Prepared by (name of person/lawyer)	Sarah Schwartz, Lawyer
Law firm (if applicable)	Human Rights Law Centre
Tel	
	Fax
Email	
Address for service (include state and postcode)	17/461 Bourke Street Melbourne VIC 3000

Date:

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

Details of claim

On the grounds stated in the Concise Statement, the Applicants apply for the following relief under s 39B(1A)(b) of the *Judiciary Act 1903* (Cth) and ss 21, 22 and 23 of the *Federal Court of Australia Act 1976* (Cth):

~~An order in the nature of a writ of certiorari quashing the First Respondent's declaration made on or around 25 November 2025 of a designated area under s 10D of the *Control of Weapons Act 1990* (Vic) effective from 30 November 2025 to 29 May 2026 (the **Designated Area Declaration**).~~

1. ~~Further to paragraph 1, a~~ A declaration that the First Respondent's declaration made on or around 25 November 2025 of a designated area under s 10D of the *Control of Weapons Act 1990* (Vic) effective from 12:00am on 30 November 2025 to 11:59pm on 9 January 2026 (the **Designated Area Declaration**) was ~~the Designated Area Declaration~~ is:
 - a. affected by jurisdictional error, and therefore invalid and unlawful; and
 - b. incompatible with human rights within the meaning of s 38(1) of the *Charter of Human Rights and Responsibilities Act 2006* (Vic), and therefore unlawful; and
 - c. unlawful because, in deciding to make the Designated Area Declaration, the First Respondent failed to give proper consideration to human rights within the meaning of s 38(1) of the **Charter** of *Human Rights and Responsibilities Act 2006* (Vic), and therefore the decision to make the Designated Area Declaration was unlawful.
2. A declaration that s 10KA(1) of the *Control of Weapons Act 1990* (Vic) does not authorise a police officer to request a person wearing a face covering to remove the face covering, or direct them to leave a designated area, if the person is wearing the face covering and is engaged in political communication.
3. In the alternative to paragraph 23, a declaration that s 10KA(1) of the *Control of Weapons Act 1990* (Vic) contravenes the implied constitutional freedom of political communication, and is therefore invalid.

Applicants' address

The Applicants' address for service is:

Place: 17/461 Bourke Street, Melbourne VIC 3000

Email: [REDACTED]

The First Applicant's address is [REDACTED]

The Second Applicant's address is [REDACTED]

The Third Applicant's address is [REDACTED]

Service on the Respondents

It is intended to serve this amended application on all Respondents.

Date: ~~19 December~~ 16 January 2026



Signed by Sarah Schwartz
Lawyer for the First and Second Applicants