

NOTICE OF FILING

Details of Filing

Document Lodged: Applicant's Genuine Steps Statement - Form 16 - Rule 8.02
Court of Filing: FEDERAL COURT OF AUSTRALIA (FCA)
Date of Lodgment: 10/12/2025 6:28:06 PM AEDT
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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



Sia Lagos

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.



Applicant's genuine steps statement

No. of 20

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

Tarneen Onus Browne

First Applicant

Benjamin Zable

Second Applicant

Assistant Commissioner of Police, North West Metro Region

First Respondent

State of Victoria

Second Respondent

This genuine steps statement is required by section 6 of the *Civil Dispute Resolution Act 2011*.

Steps taken to try to resolve the issues in dispute

The following steps have been taken to try to resolve the issues in dispute between the applicant and the respondent in the proceeding:

- 1 On 2 December 2025, the applicants, represented by the Human Rights Law Centre (**HRLC**), wrote a letter, sent by way of email, to the Assistant Commissioner of Police and Victorian Government Solicitors Office (**VGSO**) in regard to the decision to declare the entire Melbourne CBD and surrounds a "designated area" (**Designation**) commencing on 30 November 2025 (**Annexure A**). The applicants requested the urgent revocation of the Designation by Thursday 4 December and provided draft copies of the Originating Application and Concise Statement.
- 2 On 4 December 2025, the respondents, represented by the VGSO, wrote to the HRLC requesting a delay to 12 December to consider the matter (**Annexure B**).

Filed on behalf of (name & role of party)	Tarneen Onus Browne, First Applicant and Benjamin Zable, Second Applicant	
Prepared by (name of person/lawyer)	Sarah Schwartz	
Law firm (if applicable)	Human Rights Law Centre	
Tel	██████████	Fax
Email	██	
Address for service (include state and postcode)	██	

- 3 On 4 December 2025, the HRLC responded stating the urgency of the matter (**Annexure C**). The applicants agreed to delay filing to Monday 8 December to provide time for the revocation of the Designation on Sunday 7 December.
- 4 On 5 December 2025, the VGSO sent correspondence requesting that the applicants delay filing until Wednesday 10 December.
- 5 On 6 December 2025, the HRLC responded stating that the applicants would delay filing if an undertaking was provided in regard to the urgent provision of documents set out in the Originating Application (**Annexure D**).
- 6 On 7 December 2025, the VGSO stated that its client was not prepared to provide this undertaking and that it was prepared to accept service on behalf of the respondents.

Date: 8 December 2025



Signed by Sarah Schwartz
Lawyer for the First and Second Applicant

Luke Cornelius
Assistant Commissioner of Police, North West Metro Region Victoria Police Centre
311 Spencer Street
Docklands VIC 3008

CC/ Victorian Government Solicitor's Office
Level 25, 121 Exhibition Street
Melbourne Vic 3000
Australia

By email: [REDACTED]

2 December 2025

Dear Assistant Commissioner

Re: Declaration of a 'designated area' under s 10D of the *Control of Weapons Act 1990* (Vic)

I write on behalf of our clients, Tarneen Onus Browne and Benjamin Zable, in relation to your decision on or about 25 November 2025 to declare the entire Melbourne CBD, Docklands, and parts of East Melbourne, South Melbourne and Southbank as a "designated area" under s 10D(1) of the *Control of Weapons Act 1990* (Vic) (**Designated Area Declaration**).

Our clients consider that the Designated Area Declaration is invalid and unlawful on the basis set out in the Draft Concise Statement (**Attachment 1**). They also seek to raise an issue concerning the scope and validity of the power conferred by s 10KA(1) of the Act. The Draft Concise Statement also identifies why the matter is urgent and ought to be determined before 26 January 2026.

To avoid any unnecessary litigation, we request that the Chief Commissioner revoke, by **5pm, Thursday 4 December 2025**, the Designated Area Declaration.

If we do not receive confirmation by that time that the Declaration has been revoked, we expect to receive instructions from our clients to commence an urgent proceeding to challenge the validity and lawfulness of the Designated Area Declaration on the grounds set out in the Draft Concise Statement (or substantially similar grounds), to raise the issue concerning the validity of s 10KA(1) of the Act, and to seek the relief set out in the Draft Originating Application (or substantially similar relief) (**Attachment 2**).

Given the urgency, and to avoid any unnecessary delay in the event it is necessary to commence litigation, we request that you immediately start taking steps to prepare to provide us with the documents sought in paragraph [2] under the heading "Claim for interlocutory relief" of the Draft Originating Application.

The contents of this letter may be relied upon for the purpose of complying with s 6 of the *Civil Dispute Resolution Act 2011* (Cth).

Yours faithfully



Sarah Schwartz
Legal Director

Encl:

Attachment 1: Draft Concise Statement
Attachment 2: Draft Originating Application

Melbourne Office
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Melbourne VIC 3000

Sydney Office
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Level 5, 175 Liverpool Street
Sydney NSW 2000

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All correspondence to:
GPO Box 913
Melbourne VIC 3001 Australia

Your reference: LEX 40998

Our reference: 2506005

4 December 2025

Contact details

Nicola Rostron

[REDACTED] 3 [REDACTED] 5

Andrew Hillier

Ms Sarah Schwartz
Legal Director, Human Rights Law Centre

[REDACTED]

By email: [REDACTED]

Dear Ms Schwartz

Declaration of a 'designated area' under s 10D of the Control of Weapons Act 1990

We act for Victoria Police.

We refer to your correspondence dated 2 December 2025 to the Assistant Commissioner of the North West Metro Region in relation to the declaration made under s 10D of the *Control of Weapons Act 1990*, published in the Victoria Government Gazette on 25 November 2025 (**Declaration**).

We note that you have indicated that unless the Declaration is revoked by 5.00 pm on 4 December 2025, you expect to receive instructions to commence proceedings in the Federal Court to challenge the Declaration.

Victoria Police is currently considering your correspondence and the attached Draft Concise Statement and Draft Originating Application, and requires more time to do so.

As such, we request that the above deadline be extended to 5.00 pm on **12 December 2025**. Please let us know if you are amenable to that request.

Yours faithfully
Victorian Government Solicitor's Office

A handwritten signature in blue ink, appearing to read 'A Hillier', written over a white background.

Andrew Hillier
Special Counsel

cc Honor Kelly, Human Rights Law Centre

[REDACTED]

Andrew Hillier
Special Counsel
Victorian Government Solicitor's Office
Level 25, 121 Exhibition Street
Melbourne Vic 3000

By email: [REDACTED]

CC: [REDACTED]

4 December 2025

Dear Mr Hillier

Re: Objection to declaration of a 'designated area' under s 10D of the *Control of Weapons Act 1990* (Vic)

We refer to your letter of today's date requesting an extension to **12 December** for your client to decide whether to revoke the Designated Area Declaration made by your client on 25 November 2025.

Given our client's desire to resolve this matter without unnecessary litigation, we agree to extend the deadline for your client to revoke the Declaration to **3pm on Sunday 7 December**.

If we do not receive confirmation by that time that the Declaration has been revoked, we expect to receive instructions from our clients to commence an urgent proceeding on **Monday 8 December** to challenge the validity and lawfulness of the Designated Area Declaration on the grounds set out in our correspondence of 2 December.

While we appreciate that this is a short timeframe for your client to respond to this matter, we consider this to be reasonable given that the Declaration has already come into effect and we expect your client will have already considered the legality of the Declaration prior to making the declaration. In these circumstances, and given the upcoming public holidays and urgency of the matter, we consider that waiting until 12 December for your response would prejudice our clients in their ability to have this matter resolved urgently if it is necessary to litigate.

We also seek to remind your client of our request to immediately start taking steps to prepare to provide us with the documents sought in paragraph [2] under the heading "Claim for interlocutory relief" of the Draft Originating Application.

The contents of this letter may be relied upon for the purpose of complying with s 6 of the *Civil Dispute Resolution Act 2011* (Cth).

Yours faithfully



Sarah Schwartz
Legal Director

Andrew Hillier
Special Counsel
Victorian Government Solicitor's Office
Level 25, 121 Exhibition Street
Melbourne Vic 3000

By email: [REDACTED]

CC: [REDACTED]

6 December 2025

Dear Mr Hillier

Re: Declaration of a 'designated area' under s 10D of the *Control of Weapons Act 1990* (Vic)

We refer to your letter sent at 4.30pm yesterday requesting that our clients not file proceedings prior to Wednesday 10 December 2025.

At the outset, we note that you have said you act for "Victoria Police" in your letter dated 4 December 2025, which we assume means you also act for the Assistant Commissioner of the North West Metro Region (the **Assistant Commissioner**), being the decision-maker and the potential party to any proceeding.

As we understand it, your request is made on the basis that "Victoria Police" is carefully considering the issues raised in your clients' Draft Originating Application and Draft Concise Statement" and is doing so in "good faith" – however, to date, your correspondence has not:

- indicated that Victoria Police will not exercise any coercive powers in reliance on the Declaration, while those issues are being considered (noting that it has been reported that Victoria Police began exercising those powers almost immediately after the Declaration was made¹);
- indicated that the Assistant Commissioner himself is carefully considering the issues raised in our clients' Draft Originating Application and Draft Concise Statement;
- indicated that the Assistant Commissioner is giving active considering to revoking the Declaration;
- given any explanation as to why the Assistant Commissioner requires 5 business days (originally 7 business days) to provide a substantive response to the issues we have raised, given the urgency of the proceeding and the forthcoming Christmas break (noting again the expectation the Assistant Commissioner would have received comprehensive legal advice before making the Declaration, and the speed with which our clients have sought to have the issues resolved);
- given any indication about whether the Assistant Commissioner is taking steps to prepare to provide us with the documents sought in paragraph [2] under the heading "Claim for interlocutory relief" of the Draft Originating Application;
- given any indication about whether the Assistant Commissioner is agreeable to providing those documents to our clients, either by 4pm on 10 December 2025 (as sought) or otherwise.

¹ <https://www.theguardian.com/commentisfree/2025/dec/01/guardian-journalist-victoria-police-new-search-powers-patted-down>.

However, in the interest of resolving the matter without having to proceed to litigation, our clients would be prepared to delay the filing of proceedings to Wednesday 10 December if the Assistant Commissioner provides an undertaking by **3pm Sunday 7 December** that he will provide us, by **5pm Monday 8 December 2025**, with all of the documents sought in paragraph [2] under the heading “Claim for interlocutory relief” of the Draft Originating Application. We confirm that, if those documents were provided, they would be treated in accordance with the *Hearne v Street* obligation.

The provision of that undertaking would provide our clients with a tangible assurance that the Assistant Commissioner is considering the request for revocation in good faith. It would also ensure that our clients are not prejudiced by any delay in the filing of proceedings (noting that if we did not file until 10 December 2025, it is extremely unlikely we would be able to obtain the order sought in paragraph [2] under the heading “Claim for interlocutory relief” of the Draft Originating Application before the proposed deadline for compliance with that order).

If we receive this undertaking from the Assistant Commissioner tomorrow, our clients are prepared to agree to delay filing any proceeding until Wednesday 10 December (assuming that the Declaration is not revoked before that date).

The contents of this letter may be relied upon for the purpose of complying with s 6 of the *Civil Dispute Resolution Act 2011* (Cth).

Yours faithfully



Sarah Schwartz
Legal Director