

NOTICE OF FILING

Details of Filing

Document Lodged: Notice of a Constitutional Matter under s78B Judiciary Act 1903 - Form 18 - Rule 8.11(2)
Court of Filing: FEDERAL COURT OF AUSTRALIA (FCA)
Date of Lodgment: 10/12/2025 11:26:20 AM AEDT
Date Accepted for Filing: 10/12/2025 11:26:20 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



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.



**Notice of a Constitutional matter
under section 78B of the Judiciary Act 1903**

No. 1612 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

Assistant Commissioner of Police, North West Metro Region

First Respondent

State of Victoria

First Respondent

The Applicants give notice that the proceeding involves a matter arising under the Constitution or involving its interpretation within the meaning of section 78B of the *Judiciary Act 1903*.

Nature of Constitutional matter

1. The constitutional matter arising in this proceeding is:
 - a. whether 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; and
 - b. if the answer to (a) is no, whether s 10KA(1) of the *Control of Weapons Act 1990 (Vic)* contravenes the implied constitutional freedom of political communication, and is therefore invalid.

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, Lawyer
Law firm (if applicable)	Human Rights Law Centre
Tel	[REDACTED] Fax
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Address for service (include state and postcode)	[REDACTED]

Facts showing that section 78B Judiciary Act 1903 applies

2. The facts showing that this proceeding involves a matter arising under the Constitution or involving its interpretation are those set out in the documents annexed to this notice (the originating application and the concise statement).

Date: 10 December 2025



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Signed by Sarah Schwartz
Lawyer for the First and Second Applicants
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