

Form 59
Rule 29.02(1)

Affidavit

No. 1612 of 2025

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

TARNEEN ONUS BROWNE and BENJAMIN ZABLE

Applicants

ASSISTANT COMMISSIONER OF POLICE, NORTH WEST METRO REGION and others

Respondents

Affidavit of: **Sarah Schwartz**
Address: 17/461 Bourke Street, Melbourne VIC 3000
Occupation: Solicitor and Legal Director, the Human Rights Law Centre
Date: 11 January 2026

Contents

Document number	Details	Paragraph	Page
1	Affidavit of Sarah Schwartz affirmed on 11 January 2026	1-13	1-4
2	Exhibit "SS-1" being a bundle of correspondence between the parties		5-15

Filed on behalf of (name & role of party) The Applicants
 Prepared by (name of person/lawyer) Sarah Schwartz
 Law firm (if applicable) Human Rights Law Centre
 Tel [REDACTED] Fax [REDACTED]
 Email [REDACTED]
 Address for service Level 17, 461 Bourke St
 (include state and postcode) Melbourne VIC 3000

SS MH

I, Sarah Schwartz, solicitor and Legal Director at the Human Rights Law Centre affirm:

1. I am a solicitor and Legal Director at the Human Rights Law Centre. I have day to day carriage of this matter on behalf of the Applicants and am authorised to make this affidavit on behalf of the Applicants.
2. I make this affidavit in support of the Applicants' Proposed Orders dated 11 January 2026.
3. Unless otherwise stated, the facts deposed to in this affidavit are within my own knowledge.
4. Now produced and shown to me and marked "SS-1" is a bundle of documents containing 10 pages of true copies of documents referred to in this affidavit, with redactions applied to remove irrelevant content or matters relating to proposed or draft communications to the court.
5. References in this affidavit to page numbers are references to page numbers within the exhibit SS-1.

Correspondence between the parties regarding a new designated area

6. At 4.18 PM on 31 December 2025, Laura Godfrey of the Victorian Government Solicitors Office (VGSO), solicitors for the Respondents, sent an email to me stating that the VGSO was obtaining instructions regarding "the prospect of the Assistant Commissioner making a new designated area declaration". A true copy of this correspondence is at pages 5-6.
7. At 1:22 PM on 1 January 2026, in response to an email from myself consenting to an extension to midday 5 January 2026, Laura Godfrey sent an email to me stating that the Respondents sought an extension until 4pm on 5 January 2026 "to enable us sufficient time to obtain the instructions detailed in our email". A true copy of this correspondence is at pages 7-8.
8. At 6.22 PM on 2 January 2026, I replied to Laura Godfrey by email stating matters including that if a new declaration was made "the Applicants will oppose any application by the Respondents to vacate the hearing dates on 15-16 January". A true copy of this correspondence is at page 9.
9. At 2:10 PM on 7 January 2026, Laura Godfrey sent an email to me which contained matters including that "the Declaration the subject of this proceeding will end" and "a new decision will be made". A true copy of this correspondence is at page 10.

SS MAH

10. At 6.43 PM on 7 January 2026, after filing and serving the Applicant's evidence and submissions in the matter, I sent an email to Laura Godfrey stating that if the Applicants applied to vary the timetable or vacate the hearing dates, that I expect to receive instructions to oppose that application. A true copy of this correspondence is at page 11.
11. At 11.36 AM on 8 January 2026, Laura Godfrey sent an email to me which included a statement that "a new decision will be made". A true copy of this correspondence is at page 12.
12. At 2:29 PM on 8 January 2026, Laura Godfrey sent an email to me that included the statement that "the First Respondent made a decision to end the Declaration the subject of this proceeding" and that "consideration is being given to a new Declaration being made by the First Respondent" but they did not have "any firm instructions on the timing of any such new Declaration". A true copy of this correspondence is at page 13.
13. At 4:37 PM on 9 January 2026, Laura Godfrey sent an email to me informing the Applicants of a Notice published in the Victorian Government Gazette and a summary of proposed orders to be sought by the Respondents at the case management hearing on 12 January 2026. A true copy of this correspondence is at page 14.
14. At 8:13 PM on 9 January 2026, I sent an email to Laura Godfrey requesting the precise terms of the proposed orders sought at the case management hearing to enable the Applicants to "consider [their] position, seek instructions and formulate [their] own proposed orders if necessary". A true copy of this correspondence is at page 15.
15. As at the time of this affidavit, I have not received a response from the solicitors for the Respondents to that request.

Affirmed by Sarah Schwartz
at Melbourne
in Victoria
on 11 January 2026
Before me:

)
)
)
)
)
)



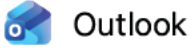
.....
Signature of deponent



.....
Signature of witness

Monique Hurley, Australian Legal Practitioner

In accordance with section 27(1 A) of the Oaths and Affirmations Act 2018 this affidavit was signed and sworn or affirmed by the deponent by audio visual link and the authorised affidavit taker has used a scanned or electronic copy of the affidavit and not the original in completing the jurat requirements.



Browne v Assistant Commissioner | Court correspondence [VGSO-CLIENT.FID714156]

From Laura Godfrey [REDACTED]
Date Wed 12/31/2025 4:18 PM
To Sarah Schwartz [REDACTED]
Cc Zoe Barker [REDACTED]; Hannah Ekers [REDACTED]; Carol Orfanos [REDACTED]; Honor Kelly [REDACTED]; Sophie LEstrange [REDACTED]

OFFICIAL

Dear Sarah

I understand that our respective counsel are currently conversing about correspondence the Respondents' will momentarily send to the Court. For your information, please see a copy of this below.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

We are currently obtaining instructions in relation to the proceeding, including as to the prospect of the Assistant Commissioner making a new designated area declaration under s 10D of the Control of Weapons Act 1990.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Laura Godfrey | Senior Solicitor

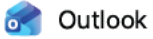
Victorian Government Solicitor's Office

[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Level 25, 121 Exhibition Street, Melbourne VIC 3000

[Read the latest VGSO publications](#) | [Follow VGSO on LinkedIn](#) | www.vgso.vic.gov.au

We acknowledge the traditional Aboriginal owners of country throughout Victoria and pay our respect to them, their culture and their Elders past and present.

OFFICIAL



RE: Browne v Assistant Commissioner | Court correspondence [VGSO-CLIENT.FID714156]

From Laura Godfrey [REDACTED]
Date Thu 1/1/2026 1:22 PM
To Sarah Schwartz [REDACTED]
Cc Zoe Barker [REDACTED]; Hannah Ekers [REDACTED]; Carol Orfanos [REDACTED]; Honor Kelly [REDACTED]; Sophie LEstrange [REDACTED]

OFFICIAL

Dear Sarah

Thank you for your email.

Our instructions are to maintain seeking an extension until 4pm on Monday, 5 January to enable us sufficient time to obtain the instructions detailed in our email.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Laura Godfrey | Senior Solicitor

Victorian Government Solicitor's Office

[REDACTED]
Level 25, 121 Exhibition Street, Melbourne VIC 3000

[Read the latest VGSO publications](#) | [Follow VGSO on LinkedIn](#) | www.vgso.vic.gov.au



Tarneen Onus Browne VID 1612/2025

From Sarah Schwartz [REDACTED]

Date Fri 1/2/2026 6:22 PM

To Laura Godfrey [REDACTED]; Zoe Barker [REDACTED]; Tony Sergi [REDACTED]

Cc Honor Kelly [REDACTED]; Sophie LEstrange [REDACTED]

Dear Laura

We refer to the "prospect of the Assistant Commissioner making a new designated area declaration under s 10D of the Control of Weapons Act 1990", as mentioned in the email to the Court.

As a matter of transparency, and to ensure things proceed efficiently if that is to occur, the Applicants' present position is as follows:

- If, before 4pm on 7 January 2026, the Assistant Commissioner (or any other decision-maker) makes a new declaration and that new declaration covers the time and area of the proposed Invasion Day Rally:
 - the Applicants expect that, acting as a model litigant, the Respondents will produce to the Applicants all documents that were before the decision-maker (and any other documents relied upon by the decision-maker) as soon as practicable on the same day that the new declaration is made;
 - if grounds for challenging the new declaration are identified, the Applicants will, in their documents filed on 7 January 2025, seek leave to amend their amended originating application to additionally challenge the new declaration, and their written submissions will also address that challenge; and
 - the Applicants will press for the matter (including in respect of any additional challenge) to be heard on 15-16 January as presently listed, and determined before 26 January 2026.
- Regardless of the scope of any new declaration, the Applicants will oppose any application by the Respondents to vacate the hearing dates on 15-16 January, which at the very least can be used to hear argument on the current declaration and the constitutional issue.

Kind regards

Sarah

Sarah Schwartz

Legal Director

[REDACTED]

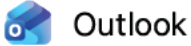
W: hrlc.org.au

Level 17, 461 Bourke St
Melbourne VIC 3000

Pronouns: she / her



I acknowledge and pay my respects to the people of the Kulin Nation, the Eora Nation and the Larrakia Nation on whose unceded lands our offices operate. This email and attachments are confidential and may be privileged. If you received this email in error, please inform the sender immediately, delete it and do not use, copy or disclose it.



VID1612/2025 Tarneen Onus Browne & Anor v Assistant Commissioner Police & Anor | Update [VGSO-CLIENT.FID714156]

From Laura Godfrey [REDACTED]
Date Wed 1/7/2026 2:10 PM
To Sarah Schw [REDACTED]; Honor Kelly [REDACTED]; Sophie LEstrange [REDACTED]
Cc [REDACTED]; Zoe Barker [REDACTED]; Hannah Ekers [REDACTED]

OFFICIAL

Dear Sarah

I refer to the above proceeding. I have left you a voicemail this afternoon and I understand our senior counsel has also tried to contact her counterpart.

The purpose of this email is to update you on our client's position as soon as we have received instructions given your impending filing deadline this afternoon. We are instructed that the following is to occur:

1. the Declaration the subject of this proceeding will end – at this stage we do not have a specific date for this, but it will occur before 15 January 2026; and
2. a new decision will be made.

[REDACTED]

Kind regards,

Laura Godfrey | Senior Solicitor

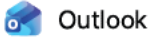
Victorian Government Solicitor's Office

[REDACTED]
Level 25, 121 Exhibition Street, Melbourne VIC 3000

[Read the latest VGSO publications](#) | [Follow VGSO on LinkedIn](#) | www.vgso.vic.gov.au

We acknowledge the traditional Aboriginal owners of country throughout Victoria and pay our respect to them, their culture and their Elders past and present.

OFFICIAL



Re: VID1612/2025 Tarneen Onus Browne & Anor v Assistant Commissioner Police & Anor | Update [VGSO-CLIENT.FID714156]

From Sarah Schwartz [redacted]
Date Wed 1/7/2026 6:43 PM
To [redacted]; Honor Kelly [redacted]; Sophie LEstrange
Cc Tony Sergi [redacted]; Zoe Barker [redacted]; Hannah Ekers [redacted]

Dear Laura

1. [redacted]

[redacted]

3. If your clients wish to make an application to vary the timetable or vacate the hearing dates in light of the matters described in your email below, your clients should make a formal application supported by evidence and written submissions. If such an application were to be made, we expect to receive instructions to oppose that application and to press for the 15-16 January 2026 hearing regardless, to hear at least the challenge to the current declaration and the constitutional issue.

[redacted]

[redacted]

[redacted]

[redacted]

Sincerely,

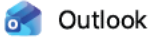
Sarah Schwartz
Legal Director



W: hrlc.org.au
Level 17, 461 Bourke St
Melbourne VIC 3000
Pronouns: she / her

Human
Rights
Law
Centre





RE: VID1612/2025 Tarneen Onus Browne & Anor v Assistant Commissioner Police & Anor | Update [VGSO-CLIENT.FID714156]

From Laura Godfrey [redacted]
Date Thu 1/8/2026 11:36 AM
To [redacted]; Honor Kelly [redacted]; Sophie LEstrange
Cc Tony Sergi [redacted]; Zoe Barker [redacted]; Hannah Ekers [redacted]

OFFICIAL

Dear Sarah

[redacted]
[redacted]
[redacted]
[redacted]

[redacted]
[redacted] the current Declaration will not be in place at the date of the hearing, as well as foreshadowing that a new decision will be made. These two developments necessarily bear on the nature of the Applicants' claims, which are currently before the Court on an urgent basis. [redacted]

[redacted]
[redacted]
[redacted]
[redacted]
[redacted]

We understand from your email of 2 January 2026, and yesterday, that at such a mention your clients may well resist varying or vacating the current orders.

[redacted]
[redacted]

Kind regards,

Laura Godfrey | Senior Solicitor

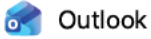
Victorian Government Solicitor's Office

[redacted]
Level 25, 121 Exhibition Street, Melbourne VIC 3000

[Read the latest VGSO publications](#) | [Follow VGSO on LinkedIn](#) | www.vgso.vic.gov.au

We acknowledge the traditional Aboriginal owners of country throughout Victoria and pay our respect to them, their culture and their Elders past and present.

OFFICIAL



RE: VID1612/2025 Tarneen Onus Browne & Anor v Assistant Commissioner Police & Anor | Update [VGSO-CLIENT.FID714156]

From Laura Godfrey [REDACTED]
Date Thu 1/8/2026 2:29 PM
To [REDACTED]; Honor Kelly [REDACTED]; Sophie LEstrange [REDACTED]
Cc Tony Sergi [REDACTED]; Zoe Barker [REDACTED]; Hannah Ekers [REDACTED]

OFFICIAL

Dear Sarah

[REDACTED]

[REDACTED]

We have been instructed that today, 8 January 2025, the First Respondent made a decision to end the Declaration the subject of this proceeding. We are also instructed that consideration is being given to a new Declaration being made by the First Respondent, but do not have any firm instructions on the timing of any such new Declaration.

[REDACTED]

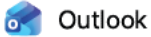
Laura Godfrey | Senior Solicitor

Victorian Government Solicitor's Office
[REDACTED]
Level 25, 121 Exhibition Street, Melbourne VIC 3000

[Read the latest VGSO publications](#) | [Follow VGSO on LinkedIn](#) | www.vgso.vic.gov.au

We acknowledge the traditional Aboriginal owners of country throughout Victoria and pay our respect to them, their culture and their Elders past and present.

OFFICIAL



RE: VID 1612/2025 Tarneen Onus Browne & Anor v Assistant Commissioner Police & Anor - Request for Documents [VGSO-CLIENT.FID714156]

From Laura Godfrey [REDACTED]
Date Fri 1/9/2026 4:37 PM
To Sarah Schwartz [REDACTED]
Cc Sophie LEstrange [REDACTED]; Honor Kelly [REDACTED]; Zoe Barker [REDACTED]
Tony Serg [REDACTED]

OFFICIAL

Dear Sarah

We respond to your emails today as follows:

Victorian Government Gazette

- We confirm that a Notice has been published in the Victorian Government Gazette this morning that the Declaration will end tonight at 11.59 pm. Please see a link to the Gazzettal: <https://www.gazette.vic.gov.au/gazette/Gazettes2026/GG2026S009.pdf>

[REDACTED]

- [REDACTED]

Regarding the document requested by the Applicants on 30 December 2025

- Noting the Gazzettal referred to above, if the Applicants maintain their request for such material, it is open to them to press for an order for production. We reiterate that your request can otherwise be dealt with via evidence.

Regarding the mention of this matter listed for 11.00am on Monday, 12 January, the Respondents intend to propose orders to the following effect:

- Timetabling and consequential orders for the filing of an application by the Respondents to summarily dismiss the proceeding, including an exchange of submissions in that regard and a date for the hearing of the application.
- Orders varying to the current timetable in the substantive proceeding, as is necessary, to accommodate the hearing of application for summary dismissal in circumstances where the Declaration has ended and there remains no basis for the proceeding to continue on an expedited basis.
- If necessary, orders for the Respondent to put on a written application in respect of vacating the current timetable, which would take further time.
- Any other orders that the Court considers to be appropriate.

Kind regards,

Laura Godfrey | Senior Solicitor

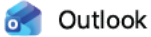
Victorian Government Solicitor's Office

[REDACTED]
Level 25, 121 Exhibition Street, Melbourne VIC 3000

[Read the latest VGSO publications](#) | [Follow VGSO on LinkedIn](#) | www.vgso.vic.gov.au

We acknowledge the traditional Aboriginal owners of country throughout Victoria and pay our respect to them, their culture and their Elders past and present.

OFFICIAL



Re: VID 1612/2025 Tareen Onus Browne & Anor v Assistant Commissioner Police & Anor - Request for Documents [VGSO-CLIENT.FID714156]

From Sarah Schwartz [redacted]
Date Fri 1/9/2026 8:13 PM
To Laura Godfrey [redacted]
Cc Sophie LEstrange [redacted]; Honor Kelly [redacted]; Zoe Barker [redacted]; Tony Sergi [redacted]

Dear Laura,

Thank you for the email.

We maintain the request set out in my email earlier today that the Respondents provide a copy of their proposed orders by 9.30am on Sunday 11 January. If a copy is not available, we request the precise terms of the orders to be sought. For the avoidance of doubt, this should include any proposed dates for the filing of applications and any proposed timetable sought in those orders. As stated in my earlier email, we require this in order to consider our position, seek instructions and formulate our own proposed orders if necessary.

Without being exhaustive of what orders we may seek at the case management hearing on Monday, we confirm that we will press for the current timetable to be maintained and for the substantive matter to be heard on 15 and 16 January. Accordingly, should the Respondents not obtain the orders they seek, they should ensure they are in a position to file documents by 4.00pm on 12 January, in accordance with the existing timetable and in compliance with Order 3 of Justice Bennett's Orders dated 2 January 2026.

Kind regards

Sarah Schwartz
Legal Director

Human
Rights
Law
Centre

W: hrlc.org.au
Level 17, 461 Bourke St
Melbourne VIC 3000
Pronouns: she / her



I acknowledge and pay my respects to the people of the Kulin Nation, the Eora Nation and the Larrakia Nation on whose unceded lands our offices operate. This email and attachments are confidential and may be privileged. If you received this email in error, please inform the sender immediately, delete it and do not use, copy or disclose it.