

## 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)  
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File Number: VID403/2023  
File Title: SAVE THE CHILDREN AUSTRALIA v MINISTER FOR HOME AFFAIRS  
& 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 2023

Federal Court of Australia  
District Registry: VIC  
Division: General

### Save the Children Australia

Applicant

### Minister for Home Affairs and another

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 Since 2019, the Applicant has engaged with the Respondents via written correspondence and in-person meetings to obtain the repatriation of Australian women and children detained in Al-Roj camp in North East Syria. The correspondence sent by the Applicant to the Respondents emphasised that legal action would be a measure of last resort if the Australian women and children were not repatriated. A complete record of the Applicant's engagement with the Respondents from 2019 onwards is set out in exhibit **MT-1** to the Affidavit of Mathew Tinkler (dated and filed 5 June 2023).
- 2 On 19 and 23 May 2023, the Applicant's solicitors Birchgrove Legal, sent letters to the Respondents on behalf of the Applicant, reiterating the time which the Respondents had to repatriate the Australian women and children and seeking a decision be made about their repatriation. A letter was sent by an officer of the Second Respondent on 26 May 2023, refusing to make a repatriation decision within the timeframe requested by the Applicant. Details of this correspondence are set out at paragraphs [2]-[5] of the Affidavit of Mathew Tinkler.

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Filed on behalf of (name & role of party) Save the Children Australia, the Applicant  
Prepared by (name of person/lawyer) Moustafa Kheir  
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- 3 On 1 June 2023, Birchgrove Legal sent a final letter to the Respondents attaching a draft of the Concise Statement and confidential annexure, and notifying the Respondents that the Applicant would file its originating application in the Federal Court of Australia on 5 June 2023 if no response were received. Details of this correspondence are set out at paragraph [6] of the Affidavit of Mathew Tinkler.
- 4 On 4 June 2023, a lawyer in the office of the Australian Government Solicitor sent an email to Birchgrove Legal. The email requested that the Applicant delay filing the proceeding, but did not provide any commitment by the Respondents towards effecting repatriation of the remaining Australian women and children. Annexed and marked **MT-5** is a copy of the email.
- 5 On 4 June 2023, Birchgrove Legal responded to that email. Annexed and marked **MT-6** is a copy of two emails from the Applicant's solicitors to the Australian Government Solicitor, the second making a correction to the first.
- 6 At the time of affirming this affidavit, shortly after 8 am on 5 June 2023, the Applicant has not received any further relevant communication from the Respondents.

Date: 5 June 2023



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Signed by Moustafa Kheir  
Lawyer for the Applicant

**Schedule**

No. of 2023

Federal Court of Australia  
District Registry: Victoria  
Division: General

**Respondents**

Second Respondent: Commonwealth of Australia

Date: 5 June 2023