



## HIGH COURT OF AUSTRALIA

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#### Details of Filing

File Number: M122/2020  
File Title: Chetcuti v. Commonwealth of Australia  
Registry: Melbourne  
Document filed: Form 27B - Appellant's chronology  
Filing party: Appellant  
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#### Important Information

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IN THE HIGH COURT OF AUSTRALIA  
MELBOURNE REGISTRY

ON APPEAL FROM  
A SINGLE JUDGE OF THE HIGH COURT

BETWEEN:

**FREDERICK CHETCUTI**

Appellant

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and

**COMMONWEALTH OF AUSTRALIA**

Respondent

### APPELLANT'S CHRONOLOGY

#### Part I: Certification

This chronology is in a form suitable for publication on the internet.

20

#### Part II: Chronology

Date	Event	Core Appeal Book Ref.
1814	British sovereignty over Malta was recognised by Article VIII of the Treaty of Paris.	23, [6]
1914	The <i>British Nationality and Status of Aliens Act 1914</i> (UK) was enacted in the United Kingdom.	23, [7]; 48-61
1 January 1920	The <i>Nationality Act 1920</i> (Cth) commenced.	29, [30]
8 August 1945	The appellant was born in Mosta, situated in present-day Malta, and was a British subject at the time of his birth.	39, [95](a)-(d)
31 July 1948	The appellant arrived in Australia under the Assisted Passage Migration Scheme as a British subject.	39, [95](e)-(h)

1 January 1949	The <i>British Nationality Act 1948</i> (UK) commenced.	23, [8]; 62-83
26 January 1949	The <i>Nationality and Citizenship Act 1948</i> (Cth) ( <b>1948 Act</b> ) commenced.	36, [70]
22 November 1958	The appellant left Australia to visit Malta.	39, [95](i); 435 [7]
19 July 1959	The appellant returned to Australia and has remained in Australia since that time.	39, [95](i); 435 [7]
1964	The appellant registered in the 'birthday ballot' with the Department of Labour and National Service for compulsory military service during the Vietnam War.	40, [95](m)
21 September 1964	The appellant automatically acquired Maltese citizenship by virtue of s 23(1) of the Constitution of Malta 1964 and s 3 of the <i>Maltese Citizenship Act 1964</i> (Malta), lost his status as citizen of the United Kingdom and the Colonies by virtue of s 2 of the <i>Malta Independence Act 1964</i> (UK), and lost his status as a British subject under the 1948 Act.	39-40, [95](j); 84-91; 92-111
1 May 1970	The appellant regained his status as a British subject upon commencement of the <i>Citizenship Act 1969</i> (Cth), and has voted in Federal, State and Local elections at least since then.	40, [95](k)-(l)
1976-1983	The appellant was employed full-time by the NSW Education Department teaching industrial arts at high school level, mathematics for tradespeople at a technical college and leather work at an evening college.	40, [95](n)
28 April 1993	The appellant was found guilty of murder by a jury in the Supreme Court of New South Wales.	40, [95](o)
25 June 1993	The appellant was sentenced to a period of imprisonment of 24 years.	40, [95](o)
1 September 1994	The appellant was deemed to be granted an Absorbed Person visa ( <b>visa</b> ) under s 34 of the <i>Migration Act 1958</i> (Cth) ( <b>Migration Act</b> ).	40, [95](p)
22 June 2009	A delegate of the Minister for the Department of Immigration and Citizenship decided not to exercise the discretion under s 501(2) to cancel the visa.	435, [11]

6 April 2011	The appellant was found guilty of assault occasioning actual bodily harm upon his cellmate and sentenced to a period of imprisonment of two years, to be served concurrently with the sentence imposed for the murder conviction.	40, [95](q)
22 March 2012	The Minister for Immigration and Citizenship, the Hon. Christopher Bowen MP, acting personally, decided not to exercise the discretion to cancel the visa.	436, [14]
28 March 2017	The Minister for Immigration and Border Protection, the Hon. Peter Dutton MP, acting personally, purported to cancel the visa under s 501(2) of the Migration Act ( <b>first purported visa cancellation decision</b> ).	41, [96]
27 April 2017	The appellant completed his 24-year sentence of imprisonment and was detained in the purported exercise of lawful authority pursuant to s 189(1) of the Migration Act, and has since then remained continuously detained by ‘officers’ within the meaning of ss 5 and 189 of the Migration Act, in the exercise or purported exercise of lawful authority pursuant to ss 189(1) and 196.	40-41, [95](r)-(t)
14 August 2017	Rares J of the Federal Court ordered that the first purported visa cancellation decision be set aside by consent, and the Minister for Immigration and Border Protection, the Hon. Peter Dutton MP, acting personally, again purported to cancel the visa, on this occasion pursuant to s 501(3) of the Migration Act ( <b>second purported visa cancellation decision</b> ).	41-42, [97]-[98]
2 July 2019	A Full Court of the Federal Court made orders quashing the second purported visa cancellation decision, and the Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs, the Hon. David Coleman MP, again purported to cancel visa pursuant to s 501(3) of the Migration Act ( <b>third purported visa cancellation decision</b> ).	42, [100]-[101]
6 August 2019	The appellant filed an application for judicial review of the third purported visa cancellation decision in the Federal Court.	
24 March 2020	The application for judicial review of the third purported visa cancellation decision was heard by Bromberg J of the Federal Court.	
12 June 2020	The appellant filed a writ of summons and statement of claim in the High Court.	3-15

2 November 2020	The appellant filed the special case with agreed documents annexed thereto in the High Court.	16-428
13 November 2020	The appellant's claim made by writ of summons was heard by Nettle J of the High Court.	430
26 November 2020	Nettle J dismissed the appellant's claim.	430
8 December 2020	Bromberg J of the Federal Court dismissed the appellant's application for judicial review of the third purported visa cancellation decision in <i>Chetcuti v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs</i> [2020] FCA 1758.	
10 December 2020	The appellant filed a Notice of Appeal in the High Court in respect of the decision of Nettle J.	455-457
22 December 2020	The appellant filed a Notice of Appeal in the Federal Court in respect of the decision of Bromberg J.	
17 December 2020	The respondent filed a Notice of Contention in the High Court.	458-460
22 December 2020	The appellant filed a Notice of Constitutional Matter in the High Court.	461-464

Dated: 5 March 2021



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