

## **NOTICE OF FILING**

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 29/09/2022 3:02:34 PM AEST and has been accepted for filing under the Court's Rules. Details of filing follow and important additional information about these are set out below.

### **Details of Filing**

Document Lodged: Notice of Contention - Form 124 - Rule 36.24  
File Number: VID284/2022  
File Title: DIRECTOR-GENERAL OF SECURITY & ORS v PLAINTIFF S111A/2018  
Registry: VICTORIA REGISTRY - FEDERAL COURT OF AUSTRALIA



A handwritten signature in blue ink that reads "Sia Lagos".

Dated: 29/09/2022 3:44:36 PM AEST

Registrar

### **Important Information**

As required by the Court's Rules, 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 and time of lodgment also shown above are the date and time that the document was received by the Court. Under the Court's Rules the date of filing of the document is the day it was lodged (if that is a business day for the Registry which accepts it and the document was received by 4.30 pm local time at that Registry) or otherwise the next working day for that Registry.



Form 124  
Rule 36.24

## Amended Notice of contention

No. VID284 of 2022

Federal Court of Australia  
District Registry: Victoria  
Division: General

On appeal from the Federal Court of Australia

**Director-General of Security** and others

Appellants

**Plaintiff S111A/2018**

Respondent

To the Appellants

The Respondent contends that the judgment of the Federal Court should be affirmed on grounds other than those relied on by the Court.

The Respondent does not seek to cross-appeal from any part of the judgment.

### **Grounds relied on**

1. Order 2 of the orders made by the primary judge on 22 April 2022 should be affirmed on the alternative or additional ground that the 2020 adverse security assessment was, in substance, based at least in part upon material from the Returnees from Albania trial, rendering it invalid.

4.2. Order 2 of the orders made by the primary judge on 22 April 2022 should be affirmed on the alternative or additional ground that the 2020 adverse security assessment was not a “security assessment” within the meaning of s 35 of the Australian Security Intelligence Organisation Act 1979 (Cth) because it did not express a recommendation, opinion or advice on, or otherwise refer to, whether it would be consistent with the requirements of security, or whether the requirements of security made it necessary or desirable, for prescribed administrative action to be taken in

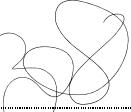
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Filed on behalf of Plaintiff S111A/2018, Respondent  
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[Form approved 01/08/2011]

respect of a person (see J[242]), and hence that the decision-maker acted outside the power conferred by s 37 of that Act.

Date: 296 September 2022



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Signed by Zali Burrows  
Lawyer for the Respondent