



FORM 1

Regulation 6

NOTICE TO THE ATTORNEY-GENERAL AND THE VICTORIAN EQUAL OPPORTUNITY
AND HUMAN RIGHTS COMMISSION UNDER THE CHARTER OF HUMAN RIGHTS AND
RESPONSIBILITIES

Case: S ECI 2023 06203

Filed on: 13/01/2024 02:20 PM

1. The Plaintiff gives notice that —

in the case of S ECI 2023 06203 *Kant v The Inspector-General of Intelligence and Security* —

a question of law arises that relates to the application of the Charter of Human Rights and Responsibilities ("the Charter").
2. Can the Court order examination of the Defendant in relation to the description of public authorities which have acted in a way that is incompatible with a human right?
3. The Plaintiff has the right to obtain relief, including relief in respect of actions incompatible with human rights, from one or more persons whose description he is yet to ascertain. One or more of these persons are public authorities within the meaning of Section 4 of the Charter, or within the meaning of that section with necessary modification as applies to Commonwealth public officials. The Defendant likely has knowledge of facts, and likely has in his or her *possession, custody or power* documents, tending to assist in such ascertainment. The question of law relating to the application of the Charter arises in absence of consent by the Defendant to attend before the Court to be examined in relation to the description of persons concerned.
4. This application will be heard at a place and time yet to be fixed under Rule 45.05(6) of the *Supreme Court (General Civil Procedure) Rules 2015*.

Dated: 13 January 2024

Signed:

To the: Victorian Government Solicitor on behalf of the Attorney-General, Level 25, 121 Exhibition Street, Melbourne Victoria 3000 (or email to charter@vgso.vic.gov.au) and to the Victorian Equal Opportunity and Human Rights Commission, Legal Unit, Level 3, 204 Lygon Street, Carlton Victoria 3053 (or email to legal@veohrc.vic.gov.au)

And to the: Prothonotary of the Supreme Court

And to: The Defendant