



MEDIA ENQUIRY

Subject: AS (by her litigation guardian) v Minister for Immigration and Border Protection & Anor (the Christmas Island Class action matter)			
Deadline: ASAP			
Journalist: s. 22(1)(a)(ii)		Outlet: s. 22(1)(a)(ii)	
Phone: s. 22(1)(a)(ii)	Mobile: s. 22(1)(a)(ii)	Email: s. 22(1)(a)(ii)	
Enquiry Received (<i>Time & Date</i>): 4:48pm, Mon 24 April 2017			
Media Officer: s. 22(1)(a)(ii)		Media Ph: 02 6264 2244	

QUESTION / ISSUE

Journalist's email:

The Victorian Supreme Court has advised media that the trial of AS v minister for immigration and Commonwealth of Australia has been settled and will not go ahead on Wednesday.

This is the damages claim by a girl who was five when detained on Christmas Island, alleging she suffered physical and psychological injuries as a result of her detention. It was originally a class action taken by Maurice Blackburn.

I am seeking comment from the government about the settlement of the case.

RESPONSE

- As this matter is still before the Court, it would not be appropriate to comment.

BACKGROUND (**not** for public release)

On 27 March 2017 the Victorian Supreme Court upheld the defendants' challenge to this matter continuing as a group proceeding and found that the matter continue solely in relation to AS.

On 12 April, the Court ordered that the Commonwealth and/or the Minister post a notice on the legal page of the Department's website. The Court also ordered that Maurice Blackburn, the plaintiff's legal representatives, post a notice and appropriate translations on their website, and circulate the notice to the Asylum Seeker Resource Centre, and various legal bodies, including the Law Institute of Victoria.

On 16 February 2017, the Commonwealth filed an application under section 33N of the *Supreme Court Act 1986* (Vic) requesting that the proceedings no longer continue as a representative action and continue solely in relation to AS.

AS, a minor, is an Iranian national who arrived at Christmas Island as an illegal maritime arrival. She was detained on Christmas Island, and transferred to Blaydin APOD in August 2014. AS was subsequently released from detention, on 15 January 2015, after the grant of a Bridging E visa.



The amended claim, filed on 23 September 2016, alleged in part, that the Commonwealth breached its duty of care to AS and group members by failing to provide adequate health care. The claim also alleged a common law educational duty was owed to minors in detention.

On 17 March 2017, the Court struck out those parts of AS' previous false imprisonment claims, which related only to herself. However, AS sought leave to include a new false imprisonment claim in relation to herself and the group members who arrived in Australia on or after 19 July 2013.

The group members included minors, pregnant women and individuals, who were in detention on Christmas Island during the period 27 August 2011 to 26 August 2014, who claim to have suffered an injury, or an exacerbation of an injury, while in detention, and who has claimed that Australia owed him or her protection obligations under s36 of the *Migration Act*.

The remedies sought include damages, including exemplary damages (exemplary damages are awarded by courts to punish a defendant for conduct showing a conscious disregard for a plaintiff's rights and to deter the defendant from committing like conduct again) for the alleged false imprisonment; interest and costs.

Maurice Blackburn is acting for the plaintiff.

On 20 and 21 April 2017, mediation was held in this matter between the parties. The parties have reached an in principle agreement to settle this matter. As AS is a minor, this settlement is subject to Court approval, which has not yet occurred.

The Commonwealth legal representatives advise that AS's lawyers have advised the Court that they would like the Court to consider whether to approve the settlement on Wednesday 26 April 2017. Currently, it is not certain whether the Court will consider approving the settlement on Wednesday or stand the matter over to a later date to consider that question.

This matter has been listed for hearing commencing on 26 April 2017.

The claim is covered by the indemnity provisions of the Comcover Insurance Policy and is being managed by Comcover, the Commonwealth's general insurance fund.

CLEARANCE:

Drafted by	Title	Time/Date cleared
s. 22(1)(a)(ii)	A/g Senior Legal Officer	5:07pm 24 April 2017

Cleared by	Title	Time/Date
Brendan Fox	A/g Assistant Secretary Litigation	6:17pm 24 April 2017
s. 22(1)(a)(ii)	Director, Media Operations	6:41pm 24 April 2017

MO cleared	Sent to MO	Cleared by MO
s. 22(1)(a)(ii)	6:50pm 24 April 2017	7:15pm 24 April 2017

Document 2

From: [Media Operations](#)
To: s. 22(1)(a)(ii)
Cc: s. 22(1)(a)(ii); [Sally BOWER](#); s. 22(1)(a)(ii); [DLO](#); s. 22(1)(a)(ii) [Shannon FRAZER](#); s. 22(1)(a)(ii); [Craig MACLACHLAN](#); [Brett MARSHALL](#); s. 22(1)(a)(ii); [Media Operations](#); [MO Registration](#); s. 22(1)(a)(ii)
Subject: For noting: Manus Island class action [SEC=UNCLASSIFIED]
Date: Tuesday, 13 June 2017 4:37:23 PM

UNCLASSIFIED

Hi s. 22(1)(a)(ii)

For noting, please see below response (these are consistent with the WOG talking points on Kamasae – in terms of not commenting on specifics of the case while it is still ongoing).

- This matter has been adjourned until 14 June 2017.
- While the matter remains before the Court, it would not be appropriate to comment on the specifics of the case.

FYI – updated talking points are being prepared and will be ready ahead of tomorrow's hearing.

Thanks

s. 22(1)(a)(ii)

Assistant Director, Media Operations

Executive Division | Enterprise Strategy and Reform Group

Department of Immigration and Border Protection

s. 22(1)(a)(ii)

24-hour media line: 02 6264 2244

E: media@border.gov.au

UNCLASSIFIED

s. 22(1)(a)(ii)

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Freedom of Information Act 1982

Document 2

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Document 3

From: [Media Operations](#)
To: s. 22(1)(a) [Media Operations](#)
Subject: RE: For noting: Manus Island class action [SEC=UNCLASSIFIED]
Date: Tuesday, 13 June 2017 4:47:00 PM
Attachments: [image001.jpg](#)

UNCLASSIFIED

Thanks s. 22(1)(a)(ii)

I've spoken to s. 22(1)(a)(ii) this is a separate enquiry. We won't provide this response to s. 22(1)(a)(ii) but thought it would be worthwhile responding to s. 22(1)(a)(ii)

Let me know.

Thanks

s. 22(1)(a)(ii)

Assistant Director, Media Operations

Executive Division | Enterprise Strategy and Reform Group

Department of Immigration and Border Protection

s. 22(1)(a)(ii)

24-hour media line: 02 6264 2244

E: media@border.gov.au

UNCLASSIFIED

From: s. 22(1)(a)(ii) @BORDER.GOV.AU]
Sent: Tuesday, 13 June 2017 4:40 PM
To: Media Operations <media@border.gov.au>
Subject: RE: For noting: Manus Island class action [SEC=UNCLASSIFIED]

UNCLASSIFIED

I think you should go and talk to s. 22(1)(a)(ii)

UNCLASSIFIED

From: Media Operations
Sent: Tuesday, 13 June 2017 4:37 PM
To: s. 22(1)(a)(ii)
Cc: s. 22(1)(a); Sally BOWER; s. 22(1)(a)(ii); DLO; s. 22(1)(a)(ii) Shannon FRAZER; s. 22(1)(a)(ii); Craig MACLACHLAN; Brett MARSHALL; s. 22(1)(a)(ii); Media Operations; MO Registration; s. 22(1)(a)(ii)
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Document 4

From: [Media Operations](#)
To: [s. 22\(1\)\(a\)\(ii\) Media Operations](#)
Subject: RE: Kamasee [SEC=UNCLASSIFIED]
Date: Tuesday, 13 June 2017 5:58:24 PM
Attachments: [WOG TPs - Kamasee v Commonwealth and Ors \(updated 13 April 2017\).docx](#)

UNCLASSIFIED

Not yet, but see attached. They're going through final clearances tonight.

We plan to send to AGD, DFAT, PMC and DoF before the hearing at 10.30am.

I don't think there will be any changes to them, but will send you through the final version once we get clearance.

Thanks

s. 22(1)(a)(ii)

Assistant Director, Media Operations

Executive Division | Enterprise Strategy and Reform Group

Department of Immigration and Border Protection

s. 22(1)(a)(ii)

24-hour media line: 02 6264 2244

E: media@border.gov.au

UNCLASSIFIED

From: s. 22(1)(a)(ii) @border.gov.au]
Sent: Tuesday, 13 June 2017 5:50 PM
To: Media Operations <media@border.gov.au>
Subject: Kamasee [SEC=UNCLASSIFIED]

UNCLASSIFIED

Team

Have you sent talking points on this case today????

s. 22(1)(a)(ii)

UNCLASSIFIED

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Australian Government

Department of Immigration
and Border Protection

WHOLE OF GOVT. TALKING POINTS

LEAD AGENCY: DIBP

Last updated 13 June 2017

Subject	Kamasae v Commonwealth & Ors
Purpose	To support the delivery of consistent messages regarding the settlement of the matter <i>Kamasae v Commonwealth & Others</i> (Manus Class Action) in the Supreme Court of Victoria

KEY MESSAGES

[In advance of in-principle settlement agreement being discussed in the Supreme Court of Victoria]

- The matter remains before the Supreme Court of Victoria.
- While the matter remains before the Court, it would not be appropriate to comment further.

[Following discussion in the Supreme Court of Victoria of the in-principle settlement agreement]:

- This matter [in the Supreme Court of Victoria] is a group proceeding filed by one plaintiff on behalf of persons who were residing at the Manus Regional Processing Centre (RPC) between November 2012 and May 2016.
- The Commonwealth, G4S and Broadspectrum (formerly known as Transfield) are defendants in the matter.
- The plaintiff and defendants have agreed to settle the matter without proceeding to trial.
- The settlement agreement is subject to approval by the Supreme Court of Victoria.
- While the matter remains before the court, it would not be appropriate to comment further.

If pressed on the total settlement amount (only in the event the amount of the settlement is discussed in Court):

- Where appropriate, the Commonwealth endeavours to avoid, prevent or limit the scope of legal proceedings by participating in alternative dispute resolution (ADR).
- The settlement is subject to approval by the Supreme Court of Victoria. As such, it would not be appropriate to comment further.

If pressed on implications of the settlement for Australia's tough border protection policies:

- The Australian Government is committed to protecting our borders, stamping out people smuggling, and preventing people from risking their lives at sea.

- Australia's border protection policies — including not resettling in Australia anyone who comes here illegally by boat — have broken people smugglers' business model and secured our borders.
- Anyone who attempts to reach Australia illegally by boat will be turned back to their point of departure or returned to their home country.
 - There is no financial benefit to be gained by attempting to reach Australia illegally by boat.

If pressed on implications of the settlement for regional processing in Papua New Guinea:

- People currently subject to regional processing are being resettled in countries other than Australia or returning home.
- Papua New Guinea, with Australia's support, is working towards the closure of the Manus Regional Processing Centre by 31 October 2017.
- Regional processing arrangements will continue in Nauru.

QUESTIONS AND ANSWERS

Isn't the Commonwealth's willingness to come to a monetary settlement in this case tantamount to an admission of liability/guilt?

- No. The Commonwealth denies liability in relation to these proceedings.
 - The Commonwealth is required by the *Legal Services Directions* to endeavour to avoid, prevent or limit the scope of legal proceedings by participating in alternative dispute resolution (ADR) where appropriate.
 - The Commonwealth may participate in alternative dispute resolution even when the Commonwealth denies liability.
- The settlement is subject to approval by the Supreme Court of Victoria. As such, it would not be appropriate to comment further.

This case has exposed just how flawed / inhumane the regional processing system is. How can the Australian Government justify continuing with regional processing?

- Australia's border protection policies — including not resettling in Australia anyone who comes here illegally by boat — have broken people smugglers' business model and secured our borders.
- The Australian Government remains committed to protecting our borders, stamping out people smuggling, and preventing people from risking their lives at sea.
- Anyone who attempts to reach Australia illegally by boat will be turned back to their point of departure or returned to their home country.

Does the Commonwealth accept that people were falsely imprisoned / detained in inappropriate conditions at the Manus RPC?

- The Commonwealth denies liability in relation to these proceedings.
- The Manus RPC is managed by the Government of Papua New Guinea.

- With Australia's support, Papua New Guinea is working towards the closure of the Manus RPC by 31 October 2017.

This case and recent events in Papua New Guinea have cast serious doubts on the suitability of regional processing and settlement arrangements in Papua New Guinea. How can Australian Government expect refugees in Papua New Guinea to settle there?

- The Papua New Guinean Government has committed to settle refugees in Papua New Guinea.
- Refugees from Manus have already settled in the Papua New Guinean community and are being provided support by the Government of Papua New Guinea to integrate into Papua New Guinean society.
- It's also open to refugees in Papua New Guinea to express interest in resettlement in the US.
 - The US will determine which refugees and how many will be offered resettlement in the US.
 - The US will continue to assess applications for resettlement for refugees remaining in Papua New Guinea after 31 October 2017.
- Refugees must express an interest to be considered for US resettlement– and should not leave it too late to engage in the process.

Does the Australian Government expect this monetary settlement to act as a 'pull factor' that will lead to other asylum seekers attempting to reach Australia by boat?

- There is no financial benefit to be gained by attempting to reach Australia illegally by boat.
- Anyone who attempts to reach Australia illegally by boat will be turned back to their point of departure or returned to their home country.
- Australia's borders are stronger than ever, and our tough border protection policies are here to stay.

Is the closure of the Manus RPC linked to this case / the allegations aired during it?

- No.
- Papua New Guinea, with Australia's support, is working towards the closure of the Manus RPC by 31 October 2017.

Will this case affect Australia's relationship with Papua New Guinea?

- Australia shares a very strong bilateral relationship with Papua New Guinea.
- Our relationship is not shaped by our engagement on regional processing and settlement issues alone.
- Operation of the Manus RPC is part of a wider cooperation between our two nations
 - encompassing trade, defence and development assistance, to name a few.

How does this case affect the ongoing 'Lomai' matter in the Supreme Court of Papua New Guinea? Will that case be settled in the same way?

- As this matter is before the Court it is not appropriate to comment further.
- Enquiries regarding legal proceedings in the Supreme Court of Papua New Guinea should be directed to the Government of Papua New Guinea.

POINT OF CONTACT (POC)

Media Operations, Department of Immigration and Border Protection

Phone: 24 Hour media line: 02 6264 2244

Email: media@border.gov.au

DRAFT FOR CONSULTATION

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Document 5

From: [Media Operations](#)
To: s. 22(1)(a)(ii)
Cc: s. 22(1) ; [Sally BOWER](#); s. 22(1)(a) ; [DLO](#); s. 22(1)(a)(ii) [Shannon FRAZER](#);
s. 22(1)(a)(ii) ; [Craig MACLACHLAN](#); [Brett MARSHALL](#); s. 22(1)(a)(ii)
; [Media Operations](#); [MO Registration](#); s. 22(1)(a)(ii)
Subject: RE: Kamasee [SEC=PROTECTED, DLM=Sensitive:Legal]
Date: Tuesday, 13 June 2017 6:32:17 PM
Attachments: [WOG TPs - Kamasee v Commonwealth and Ors \(updated 13 April 2017\).docx](#)

~~PROTECTED, Sensitive:Legal~~

Hi s. 22(1)(a)(ii)

For noting, please see WOG talking points on Kamasee. We hope to send these out to AGD, DFAT, PMC and DoF first thing tomorrow ahead of the hearing at 10.30am.

Thanks

s. 22(1)(a)(ii)

Assistant Director, Media Operations

Executive Division | Enterprise Strategy and Reform Group

Department of Immigration and Border Protection

s. 22(1)(a)(ii)

24-hour media line: 02 6264 2244

E: media@border.gov.au

~~PROTECTED, Sensitive:Legal~~

From: Media Operations

Sent: Tuesday, 13 June 2017 5:58 PM

To: s. 22(1)(a)(ii) @border.gov.au>; Media Operations
<media@border.gov.au>

Subject: RE: Kamasee [SEC=UNCLASSIFIED]

UNCLASSIFIED

Not yet, but see attached. They're going through final clearances tonight.

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s. 22(1)(a)(ii)

Assistant Director, Media Operations

Executive Division | Enterprise Strategy and Reform Group

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Document 6

Department of Immigration and Border Protection

s. 22(1)(a)(ii)

24-hour media line: 02 6264 2244

E: media@border.gov.au

UNCLASSIFIED

From: s. 22(1)(a)(ii) [@border.gov.au\]](mailto:media@border.gov.au)

Sent: Tuesday, 13 June 2017 5:50 PM

To: Media Operations <media@border.gov.au>

Subject: Kamasee [SEC=UNCLASSIFIED]

UNCLASSIFIED

Team

Have you sent talking points on this case today????

s. 22(1)(a)(ii)

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Australian Government

Department of Immigration
and Border Protection

WHOLE OF GOVT. TALKING POINTS

LEAD AGENCY: DIBP

Last updated 13 June 2017

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Purpose	To support the delivery of consistent messages regarding the settlement of the matter <i>Kamasae v Commonwealth & Others</i> (Manus Class Action) in the Supreme Court of Victoria

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- The plaintiff and defendants have agreed to settle the matter without proceeding to trial.
- The settlement agreement is subject to approval by the Supreme Court of Victoria.
- While the matter remains before the court, it would not be appropriate to comment further.

If pressed on the total settlement amount (only in the event the amount of the settlement is discussed in Court):

- Where appropriate, the Commonwealth endeavours to avoid, prevent or limit the scope of legal proceedings by participating in alternative dispute resolution (ADR).
- The settlement is subject to approval by the Supreme Court of Victoria. As such, it would not be appropriate to comment further.

If pressed on implications of the settlement for Australia's tough border protection policies:

- The Australian Government is committed to protecting our borders, stamping out people smuggling, and preventing people from risking their lives at sea.

- Australia's border protection policies — including not resettling in Australia anyone who comes here illegally by boat — have broken people smugglers' business model and secured our borders.
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Document 6

From: [Media Operations](#)
To: s. 22(1)(a)(ii)
Subject: Kamasae WOG tps [~~SEC-PROTECTED, DLM-Sensitive:Legal~~]
Date: Wednesday, 14 June 2017 9:53:16 AM
Attachments: [WOG TPs - Kamasae v Commonwealth and Ors \(updated 13 April 2017\).docx](#)

~~PROTECTED, Sensitive:Legal~~

Hi All,

Any issue if we send the attached WOG talking points on Kamaseaa out to AGD, DFAT, PMC and DoF media teams. Hoping to get them out before the start of the hearing at 10.30am.

Thanks

s. 22(1)(a)(ii)

Assistant Director, Media Operations

Executive Division | Enterprise Strategy and Reform Group

Department of Immigration and Border Protection

s. 22(1)(a)(ii)

24-hour media line: 02 6264 2244

E: media@border.gov.au

~~PROTECTED, Sensitive:Legal~~

From: Media Operations

Sent: Tuesday, 13 June 2017 6:32 PM

To: s. 22(1)(a)(ii)

Cc: s. 22(1)(a)(ii)

BOWER Sally s. 22(1)(a)(ii)@border.gov.au>;

s. 22(1)(a)(ii)

; DLO s. 22(1)(a)(ii)

FRAZER

Shannon s. 22(1)(a)(ii)@BORDER.GOV.AU>; s. 22(1)(a)(ii)

MACLACHLAN Craig

s. 22(1)(a)(ii)

@BORDER.GOV.AU>; MARSHALL Brett s. 22(1)(a)(ii)@border.gov.au>;

s. 22(1)(a)(ii)

; Media Operations <media@border.gov.au>; MO Registration

s. 22(1)(a)(ii)@border.gov.au>; s. 22(1)(a)(ii)

Subject: RE: Kamasee [~~SEC-PROTECTED, DLM-Sensitive:Legal~~]

~~PROTECTED, Sensitive:Legal~~

Hi s. 22(1)(a)(ii)

For noting, please see WOG talking points on Kamasae. We hope to send these out to AGD,

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Document 6

DFAT, PMC and DoF first thing tomorrow ahead of the hearing at 10.30am.

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s. 22(1)(a)(ii)

Assistant Director, Media Operations

Executive Division | Enterprise Strategy and Reform Group

Department of Immigration and Border Protection

s. 22(1)(a)(ii)

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E: media@border.gov.au

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Sent: Tuesday, 13 June 2017 5:58 PM

To: s. 22(1)(a)(ii) [s.22\(1\)\(a\)\(ii\)@border.gov.au](mailto:s.22(1)(a)(ii)@border.gov.au); Media Operations
<media@border.gov.au>

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Executive Division | Enterprise Strategy and Reform Group

Department of Immigration and Border Protection

s. 22(1)(a)(ii)

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E: media@border.gov.au

UNCLASSIFIED

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Subject: Kamasee [SEC=UNCLASSIFIED]

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Australian Government

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- Australia's border protection policies — including not resettling in Australia anyone who comes here illegally by boat — have broken people smugglers' business model and secured our borders.
- Anyone who attempts to reach Australia illegally by boat will be turned back to their point of departure or returned to their home country.
 - There is no financial benefit to be gained by attempting to reach Australia illegally by boat.

If pressed on implications of the settlement for regional processing in Papua New Guinea:

- People currently subject to regional processing are being resettled in countries other than Australia or returning home.
- Papua New Guinea, with Australia's support, is working towards the closure of the Manus Regional Processing Centre by 31 October 2017.
- Regional processing arrangements will continue in Nauru.

QUESTIONS AND ANSWERS

Isn't the Commonwealth's willingness to come to a monetary settlement in this case tantamount to an admission of liability/guilt?

- No. The Commonwealth denies liability in relation to these proceedings.
 - The Commonwealth is required by the *Legal Services Directions* to endeavour to avoid, prevent or limit the scope of legal proceedings by participating in alternative dispute resolution (ADR) where appropriate.
 - The Commonwealth may participate in alternative dispute resolution even when the Commonwealth denies liability.
- The settlement is subject to approval by the Supreme Court of Victoria. As such, it would not be appropriate to comment further.

This case has exposed just how flawed / inhumane the regional processing system is. How can the Australian Government justify continuing with regional processing?

- Australia's border protection policies — including not resettling in Australia anyone who comes here illegally by boat — have broken people smugglers' business model and secured our borders.
- The Australian Government remains committed to protecting our borders, stamping out people smuggling, and preventing people from risking their lives at sea.
- Anyone who attempts to reach Australia illegally by boat will be turned back to their point of departure or returned to their home country.

Does the Commonwealth accept that people were falsely imprisoned / detained in inappropriate conditions at the Manus RPC?

- The Commonwealth denies liability in relation to these proceedings.
- The Manus RPC is managed by the Government of Papua New Guinea.

- With Australia's support, Papua New Guinea is working towards the closure of the Manus RPC by 31 October 2017.

This case and recent events in Papua New Guinea have cast serious doubts on the suitability of regional processing and settlement arrangements in Papua New Guinea. How can Australian Government expect refugees in Papua New Guinea to settle there?

- The Papua New Guinean Government has committed to settle refugees in Papua New Guinea.
- Refugees from Manus have already settled in the Papua New Guinean community and are being provided support by the Government of Papua New Guinea to integrate into Papua New Guinean society.
- It's also open to refugees in Papua New Guinea to express interest in resettlement in the US.
 - The US will determine which refugees and how many will be offered resettlement in the US.
 - The US will continue to assess applications for resettlement for refugees remaining in Papua New Guinea after 31 October 2017.
- Refugees must express an interest to be considered for US resettlement— and should not leave it too late to engage in the process.

Does the Australian Government expect this monetary settlement to act as a 'pull factor' that will lead to other asylum seekers attempting to reach Australia by boat?

- There is no financial benefit to be gained by attempting to reach Australia illegally by boat.
- Anyone who attempts to reach Australia illegally by boat will be turned back to their point of departure or returned to their home country.
- Australia's borders are stronger than ever, and our tough border protection policies are here to stay.

Is the closure of the Manus RPC linked to this case / the allegations aired during it?

- No.
- Papua New Guinea, with Australia's support, is working towards the closure of the Manus RPC by 31 October 2017.

Will this case affect Australia's relationship with Papua New Guinea?

- Australia shares a very strong bilateral relationship with Papua New Guinea.
- Our relationship is not shaped by our engagement on regional processing and settlement issues alone.
- Operation of the Manus RPC is part of a wider cooperation between our two nations
 - encompassing trade, defence and development assistance, to name a few.

How does this case affect the ongoing 'Lomai' matter in the Supreme Court of Papua New Guinea? Will that case be settled in the same way?

- As this matter is before the Court it is not appropriate to comment further.
- Enquiries regarding legal proceedings in the Supreme Court of Papua New Guinea should be directed to the Government of Papua New Guinea.

POINT OF CONTACT (POC)

Media Operations, Department of Immigration and Border Protection

Phone: 24 Hour media line: 02 6264 2244

Email: media@border.gov.au

Document 7

From: [Media Operations](#)
To: s. 22(1)(a)(ii) [Media Operations](#); s. 22(1)(a)(ii)
Cc: s. 22(1)(a)(ii)
Subject: RE: Kamasae WOG tps [~~SEC - PROTECTED, DLM - Sensitive: Legal~~]
Date: Wednesday, 14 June 2017 10:33:58 AM
Attachments: [FINAL WOG TPs - Kamasae v Commonwealth and Ors \(Updated 14 June 2017\).docx](#)

~~PROTECTED, Sensitive: Legal~~

Great, thanks s. 22(1)(a)(ii)

FYI – s. 22(1)(a)(ii) has asked that we include a couple of extra lines and one further Q&A. I've copied these below. Updated copy also attached.

[Following discussion in the Supreme Court of Victoria of the in-principle settlement agreement]:

- This matter [in the Supreme Court of Victoria] is a group proceeding filed by one plaintiff on behalf of persons who were residing at the Manus Regional Processing Centre (RPC) between November 2012 and May 2016.
- The Commonwealth, G4S and Broadspectrum (formerly known as Transfield) are defendants in the matter.
- The plaintiff and defendants have agreed to settle the matter without proceeding to trial.
- The settlement agreement is subject to approval by the Supreme Court of Victoria.
- While the matter remains before the court, it would not be appropriate to comment further.

s. 47C(1)

Thanks

s. 22(1)(a)(ii)

Assistant Director, Media Operations

Executive Division | Enterprise Strategy and Reform Group
Department of Immigration and Border Protection

s. 22(1)(a)(ii)

24-hour media line: 02 6264 2244

E: media@border.gov.au

~~PROTECTED, Sensitive: Legal~~

From: s. 22(1)(a)(ii) @border.gov.au]

Sent: Wednesday, 14 June 2017 10:25 AM

To: Media Operations <media@border.gov.au>; s. 22(1)(a)(ii)

Released by DIBP under the
Freedom of Information Act 1982

Document 7

s. 22(1)(a)(ii) @BORDER.GOV.AU>; s. 22(1)(a)(ii) @border.gov.au>

Subject: RE: Kamasae WOG tps [SEC=PROTECTED, DLM=Sensitive:Legal]

~~PROTECTED, Sensitive:Legal~~

These are good to go. Thanks.

~~PROTECTED, Sensitive:Legal~~

From: Media Operations

Sent: Wednesday, 14 June 2017 9:53 AM

To: s. 22(1)(a)(ii)

Subject: Kamasae WOG tps [SEC=PROTECTED, DLM=Sensitive:Legal]

~~PROTECTED, Sensitive:Legal~~

Hi All,

Any issue if we send the attached WOG talking points on Kamaseaa out to AGD, DFAT, PMC and DoF media teams. Hoping to get them out before the start of the hearing at 10.30am.

Thanks

s. 22(1)(a)(ii)

Assistant Director, Media Operations

Executive Division | Enterprise Strategy and Reform Group

Department of Immigration and Border Protection

s. 22(1)(a)(ii)

24-hour media line: 02 6264 2244

E: media@border.gov.au

~~PROTECTED, Sensitive:Legal~~

From: Media Operations

Sent: Tuesday, 13 June 2017 6:32 PM

To: s. 22(1)(a)(ii)

Cc: s. 22(1)(a)(ii)

BOWER Sally s. 22(1)(a)(ii) @border.gov.au;

s. 22(1)(a)(ii)

DLO <s. 22(1)(a)(ii)

FRAZER

Shannon s. 22(1)(a)(ii) @BORDER.GOV.AU>; s. 22(1)(a)(ii)

MACLACHLAN Craig

s. 22(1)(a)(ii)

@BORDER.GOV.AU>; MARSHALL Brett s. 22(1)(a)(ii) @border.gov.au;

s. 22(1)(a)(ii)

Media Operations <media@border.gov.au>; MO Registration

s. 22(1)(a)(ii) @border.gov.au>; s. 22(1)(a)(ii)

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s. 22(1)(a)(ii)

Subject: RE: Kamasee [SEC=PROTECTED, DLM=Sensitive:Legal]

~~PROTECTED, Sensitive:Legal~~

Hi s. 22(1)(a)(ii)

For noting, please see WOG talking points on Kamasee. We hope to send these out to AGD, DFAT, PMC and DoF first thing tomorrow ahead of the hearing at 10.30am.

Thanks

s. 22(1)(a)(ii)

Assistant Director, Media Operations

Executive Division | Enterprise Strategy and Reform Group

Department of Immigration and Border Protection

s. 22(1)(a)(ii)

24-hour media line: 02 6264 2244

E: media@border.gov.au

~~PROTECTED, Sensitive:Legal~~

From: Media Operations

Sent: Tuesday, 13 June 2017 5:58 PM

To: s. 22(1)(a)(ii) [@border.gov.au](mailto:s.22(1)(a)(ii)@border.gov.au); Media Operations

<media@border.gov.au>

Subject: RE: Kamasee [SEC=UNCLASSIFIED]

UNCLASSIFIED

Not yet, but see attached. They're going through final clearances tonight.

We plan to send to AGD, DFAT, PMC and DoF before the hearing at 10.30am.

I don't think there will be any changes to them, but will send you through the final version once we get clearance.

Thanks

s. 22(1)(a)(ii)

Assistant Director, Media Operations

Executive Division | Enterprise Strategy and Reform Group

Department of Immigration and Border Protection

s. 22(1)(a)(ii)

24-hour media line: 02 6264 2244

E: media@border.gov.au

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Freedom of Information Act 1982

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UNCLASSIFIED

From: s. 22(1)(a)(ii) [REDACTED]@border.gov.au]
Sent: Tuesday, 13 June 2017 5:50 PM
To: Media Operations <media@border.gov.au>
Subject: Kamasee [SEC=UNCLASSIFIED]

UNCLASSIFIED

Team

Have you sent talking points on this case today????

s. 22(1)(a)(ii) [REDACTED]

UNCLASSIFIED

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Freedom of Information Act 1982

WHOLE OF GOVT. TALKING POINTS

LEAD AGENCY: DIBP

Last updated 14 June 2017

Subject	Kamasae v Commonwealth & Ors
Purpose	To support the delivery of consistent messages regarding the settlement of the matter <i>Kamasae v Commonwealth & Others</i> (Manus Class Action) in the Supreme Court of Victoria

KEY MESSAGES

[In advance of in-principle settlement agreement being discussed in the Supreme Court of Victoria]

- The matter remains before the Supreme Court of Victoria.
- While the matter remains before the Court, it would not be appropriate to comment further.

[Following discussion in the Supreme Court of Victoria of the in-principle settlement agreement]:

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- The plaintiff and defendants have agreed to settle the matter without proceeding to trial.
- The settlement agreement is subject to approval by the Supreme Court of Victoria.
- While the matter remains before the court, it would not be appropriate to comment further.

s. 47C(1)

If pressed on the total settlement amount (only in the event the amount of the settlement is discussed in Court):

- Where appropriate, the Commonwealth endeavours to avoid, prevent or limit the scope of legal proceedings by participating in alternative dispute resolution (ADR).

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Freedom of Information Act 1982

Document 7

- The settlement is subject to approval by the Supreme Court of Victoria. As such, it would not be appropriate to comment further.

If pressed on implications of the settlement for Australia's tough border protection policies:

- The Australian Government is committed to protecting our borders, stamping out people smuggling, and preventing people from risking their lives at sea.
- Australia's border protection policies — including not resettling in Australia anyone who comes here illegally by boat — have broken people smugglers' business model and secured our borders.
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s. 47C(1)

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