Hi team
For the pulse.

A brief report is attached.

For-Official-Use-Only
Document 1 (Attachment A), pages 2 to 5 have been removed as irrelevant information under section 22(1)(a)(ii) of the Freedom of Information Act (FOI) Act (1982)
Topic: Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs v PDWL

Influencers: Hannah Ryan

Hannah Ryan
@hannahD15

ICYMI: the government kept a man in detention even after he was granted a refugee visa, then refused to tell the Federal Court why, despite being ordered to — conduct a judge has described as “disgraceful”

A Judge Called A Federal Minister “Disgraceful” After He Detained A… It was “clearly apparent” the man was kept in detention because the government didn’t like a tribunal’s decision to award him a visa, a Federal
buzzfeed.com

2:09 PM - 31 Mar 2020
112 Retweets 93 Likes

Hannah Ryan
@hannahD15

Extraordinarily, the judge found that the man was kept in detention because the government simply didn’t like the AAT’s decision to give him a visa

2:11 PM - 31 Mar 2020
16 Retweets 23 Likes

Hannah Ryan
@hannahD15

The Federal Court ordered the government file an affidavit saying whether the man was still in detention after being granted a visa, and why. They came back and said, there’s a reason but we can’t tell you what it is.

On March 16, PDWL was still in detention. With the help of a pro bono lawyer, the man even the country to his detention was unlawful and ordered his release.

In a similar case, the same government appealed but was refused the same day. It’s clear why those who do not like these decisions can refuse to comply with them.

In the judgment, a judge noted that immigration assessments are not “neutral” or “disinterested” but can be made in a way that favors people of color.

2:12 PM - 31 Mar 2020
8 Retweets 18 Likes
UNCLASSIFIED

Good morning,

Please see below a new media enquiry due for comment by 3pm today.
How would you like me to proceed with this one?

Kind Regards,

Media Operations
Department of Home Affairs
P: (02) 6264 2244
Media Line: 02 6264 2244

From: [email]@homeaffairs.gov.au

UNCLASSIFIED

Good morning,

here from The Age newspaper in Melbourne.
I am writing an article for The Age and Sydney Morning Herald regarding comments made by Federal Court Judge Michael Wigney last week in this judgement:
I am seeking the department's comment on the following matters:

- Do you accept the findings of Judge Wigney that:
  - "The conduct of the Minister in this case, on just about any view, has been disgraceful."
  - "The Minister appears to have willingly and flagrantly failed to comply with the orders made by Perry J on 12 March 2020."
  - "The affidavit filed in purported compliance with that order contained no such explanation. Rather, it sought to conceal any explanation behind the cloak of legal professional privilege."
  - "The basis upon which PDWL was kept in immigration detention was never properly explained by the Minister … PDWL was not released from immigration detention simply because the Minister did not like the Tribunal’s decision."

- What are the next steps for the department?
- Do you believe that the asylum seeker was held unlawfully, as Judge Wigney concluded?

I also extend to you the opportunity to comment on any other aspect of this proceeding you see fit.

Please don't hesitate to call with any questions.

My deadline is 3pm for comment.

Kind regards,
Good morning, here from The Age newspaper in Melbourne.

I am writing an article for The Age and Sydney Morning Herald regarding comments made by Federal Court Judge Michael Wigney last week in this judgement:


I am seeking the department’s comment on the following matters:

1. Do you accept the findings of Judge Wigney that:
   - “The conduct of the Minister in this case, on just about any view, has been disgraceful.”
   - “The Minister appears to have willingly and flagrantly failed to comply with the orders made by Perry J on 12 March 2020.”
   - “The affidavit filed in purported compliance with that order contained no such explanation. Rather, it sought to conceal any explanation behind the cloak of legal professional privilege.”
   - “The basis upon which PDWL was kept in immigration detention was never properly explained by the Minister … PDWL was not released from immigration detention simply because the Minister did not like the Tribunal’s decision.”

2. What are the next steps for the department?

3. Do you believe that the asylum seeker was held unlawfully, as Judge Wigney concluded?

4. I also extend to you the opportunity to comment on any other aspect of this proceeding you see fit.

Please don’t hesitate to call with any questions. My deadline is 3pm for comment.
RESPONSE UNCLASSIFIED

- The Department is aware of the proceeding Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs v PDWL.
- As the matter is currently before the Court, it would not be appropriate to comment further.
CLEARANCE:

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

A/g Director, ABF Media

4 April 2020
Good morning,

Please see below an urgent media enquiry in relation to an Immigration Detention court case, due for comment by 3pm today.

Kind Regards,

Media Operations
Department of Home Affairs
P: (02) 221090
Media Line: 02 6264 2244
@homeaffairs.gov.au

Sent: Saturday, 4 April 2020 9:53 AM
To: Media Operations <media@homeaffairs.gov.au>
Subject: Inquiry The Age/SMH: Immigration department

Good morning, here from The Age newspaper in Melbourne.

I am writing an article for The Age and Sydney Morning Herald regarding comments made by Federal Court Judge Michael Wigney last week in this judgement: https://www.judgments.fedcourt.gov.au/judgments/Judgments/fca/single/2020/2020fca0394

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My deadline is 3pm for comment.

Kind regards,
UNCLASSIFIED

Good morning Justine

For your awareness- we have received the below enquiry in relation to an Immigration Detention court case, Detention Ops have advised this one is for your team.

Kind Regards,

Media Operations

Department of Home Affairs

P: (02)

Media Line: 02 6264 2244

@homeaffairs.gov.au

UNCLASSIFIED

From:   @theage.com.au
Sent:   Saturday, 4 April 2020 9:53 AM
To:     Media Operations <media@homeaffairs.gov.au>
Subject: Inquiry The Age/SMH: Immigration department

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Kind regards,

M  717 Bourke Street, Docklands 3008, Vic.
E  @theage.com.au

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The information contained in this e-mail message and any accompanying files is or may be confidential. If you are not the intended recipient, any use, dissemination, reliance, forwarding, printing or copying of this e-mail or any attached files is unauthorised. This e-mail is subject to copyright. No part of it should be reproduced, adapted or communicated without the written consent of the copyright owner. If you have received his e-mail in error please advise the sender immediately by return email or telephone and delete all copies. Nine Group does not guarantee the accuracy or completeness of any information contained in this e-mail or attached files. Internet communications are not secure, therefore Nine Group does not accept legal responsibility for the contents of this message or attached files.

**UNCLASSIFIED**
From: Media Operations
To: Justine JONES; Media Operations
Cc: Media Operations
Subject: FW: FOR URGENT INPUT/CLEARANCE: EN Comments made by Federal Court judge Michael Wigney_The Age
Date: Saturday, 4 April 2020 11:14:00 AM
Attachments: PDWL_Media Talking Points.docx

For your awareness.

Kind Regards,

Media Operations
Department of Home Affairs
P: (02) Media Line: 02 6264 2244
@homeaffairs.gov.au

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M

717 Bourke Street, Docklands 3008, Vic.

@theage.com.au
TALKING POINTS

<table>
<thead>
<tr>
<th>Subject</th>
<th>Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs v PDWL [2020] FCA 394</th>
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<td>Date</td>
<td>1 April 2020</td>
</tr>
<tr>
<td>Type</td>
<td>Agency</td>
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</tbody>
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Media interest in the Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs v PDWL.

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TALKING POINTS

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GOOD MORNING

Please see below and attached, response for noting please:

- The Department is aware of the proceeding Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs v PDWL.

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