

**From:** s. 47E(d)  
**To:** [Media Operations](#)  
**Cc:** s. 47E(d)  
**Subject:** Digital Media Analysis - Wednesday 4 April [DLM=For-Official-Use-Only]  
**Date:** Wednesday, 1 April 2020 5:00:16 PM  
**Attachments:** [01-4 Digital Media Analysis \(Pulse\).pdf](#)

---

For-Official-Use-Only

Hi team  
For the pulse.

s. 22(1)(a)(iii)  
[Redacted]

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

- Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs v PDWL court case

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

Follow

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 "readily apparent" the man was kept in detention because the government did not like a tribunal's decision to award him a visa, a Federal  
[buzzfeed.com](http://buzzfeed.com)

2:09 PM - 31 Mar 2020

112 Retweets 93 Likes



**Hannah Ryan**  
@HannahD15

Follow

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



2 16 23



**Hannah Ryan**  
@HannahD15

Follow

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, he asked the court to find his detention was unlawful and order his release.

A senior lawyer in the home affairs department filed an affidavit the same day saying she knew why PDWL was still in immigration detention — but did not explain why, saying it would "reveal legal advice that is subject to legal professional privilege".

In his judgement, Wigney described this statement as "somewhat [remarkable]" in light of the "clear terms" of Perry's order.

2:12 PM - 31 Mar 2020

8 Retweets 18 Likes



**Hannah Ryan**  
@HannahD15

Follow

(Seems the "no comment" strategy they use for media requests doesn't work so well in court)

"The conduct of the minister in this case, on just about any view, has been disgraceful," he said, adding that the minister appeared to have "willingly and flagrantly" failed to comply with the orders made by Perry.

2:13 PM - 31 Mar 2020

7 Retweets 18 Likes



Released by Department of Home Affairs  
under the Freedom of Information Act 1982

**From:** [Media Operations](#)  
**To:** s. 22(1)(a)(ii)  
**Cc:** [Media Operations](#)  
**Subject:** FW: Inquiry The Age/SMH: Immigration department [SEC=UNCLASSIFIED]  
**Date:** Saturday, 4 April 2020 10:12:00 AM

---

**UNCLASSIFIED**

Good morning s. 22(1)(a)(ii)  
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,  
s. 22(1)(a)(ii)  
Media Operations  
Department of Home Affairs  
P: (02) s. 22(1)(a)(ii)  
Media Line: 02 6264 2244  
s. 22(1)(a)(ii) [@homeaffairs.gov.au](mailto:s.22(1)(a)(ii)@homeaffairs.gov.au)

**UNCLASSIFIED**

**From:** s. 47F(1)  
**Sent:** Saturday, 4 April 2020 9:53 AM  
**To:** Media Operations  
**Subject:** Inquiry The Age/SMH: Immigration department  
Good morning,  
s. 47F(1) 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>  
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,

s. 47F(1)

Image removed by sender. The Age

M<sup>s</sup>

A 717 Bourke Street, Docklands 3008, Vic.

E s. 47F(1) @theage.com.au



s. 47F(1)

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 this e-mail in error please advise the sender immediately by return e-mail 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.



FOR OFFICIAL USE ONLY

## MEDIA ENQUIRY

<b>Subject:</b> Comments made by Federal Court Judge Michael Wigney - Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs v PDWL [2020] FCA 394			
<b>Deadline:</b> 3pm today.			
<b>Journalist:</b> s. 47F(1)		<b>Outlet:</b> The Age	
<b>Phone:</b>	<b>Mobile:</b> s. 47F(1)	<b>Email:</b>	
<b>Enquiry Received (Time &amp; Date):</b> 10:13, 4 April 2020.			
<b>Media Officer:</b> s. 22(1)(a)(ii)		<b>Media Ph:</b> 02 6264 2244	

### QUESTION / ISSUE

Good morning,

s. 47F(1) 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>

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?

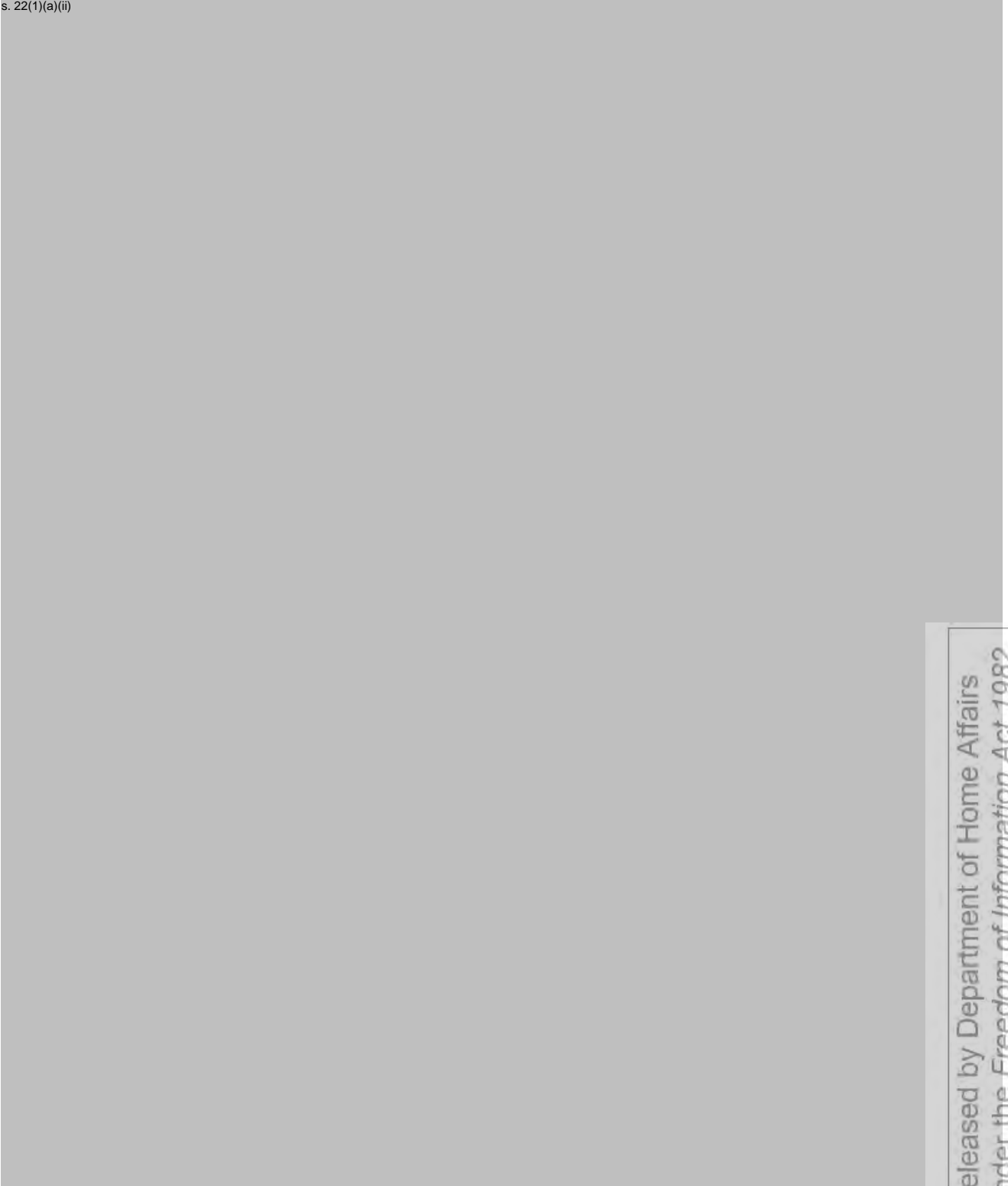
4. I also extend to you the opportunity to comment on any other aspect of this proceeding you see fit.

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.

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



Released by Department of Home Affairs  
under the *Freedom of Information Act 1982*

s. 22(1)(a)(iii)

**CLEARANCE:**

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

s. 22(1)(a)(ii)	A/g Director, ABF Media	4 April 2020
-----------------	-------------------------	--------------



**From:** [Media Operations](#)  
**To:** s. 22(1)(a)(ii) s. 22(1)(a)(ii)  
**Cc:** s. 22(1)(a)(ii) s. 22(1)(a)(ii) s. 22(1)(a)(ii) [Media Operations](#); [Jacob MCMAHON](#); [Cheryl-anne MOY](#); s. 47  
[Media Operations](#) E(d)  
**Subject:** FOR INFO: Inquiry The Age/SMH: Immigration department [SEC=UNCLASSIFIED]  
**Date:** Saturday, 4 April 2020 10:38:00 AM  
**Importance:** High

---

**UNCLASSIFIED**

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

Please see below an urgent media enquiry in relation to an Immigration Detention court case, due for comment by 3pm today. s. 22(1)(a)(ii)

Kind Regards,

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

Media Operations

Department of Home Affairs

P: (02) s. 22(1)(a)(ii)

Media Line: 02 6264 2244

s. 22(1)(a)(ii) [@homeaffairs.gov.au](#)

**From:** s. 47F(1) [@theage.com.au](#)>

**Sent:** Saturday, 4 April 2020 9:53 AM

**To:** Media Operations <[media@homeaffairs.gov.au](mailto:media@homeaffairs.gov.au)>

**Subject:** Inquiry The Age/SMH: Immigration department

Good morning,

s. 47F(1)

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>

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,

s. 47F(1)

Image removed by sender. The Age

M s. 47F(1)

A 717 Bourke Street, Docklands 3008, Vic.

E<sup>s</sup> @theage.com.au



s. 47F(1)

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 this e-mail in error please advise the sender immediately by return e-mail 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](#); s. 22(1)(a)(ii)  
**Cc:** [Media Operations](#)  
**Subject:** FW: FOR URGENT INPUT/CLEARANCE: EN Comments made by Federal Court judge Michael Wigney\_The Age s. 47F(1)  
[SEC=UNCLASSIFIED]  
**Date:** Saturday, 4 April 2020 10:53:00 AM  
**Attachments:** [200404 EN Comments made by Federal Court Judge Michael Wigney The Age s. 47F\(1\) .docx](#)

---

**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.

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

Kind Regards,

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

Media Operations

Department of Home Affairs

P: (02) s. 22(1)(a)(ii)

Media Line: 02 6264 2244

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

**UNCLASSIFIED**

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

---

**From:** s. 47F(1) [@theage.com.au](mailto:media@theage.com.au)

**Sent:** Saturday, 4 April 2020 9:53 AM

**To:** Media Operations <[media@homeaffairs.gov.au](mailto:media@homeaffairs.gov.au)>

**Subject:** Inquiry The Age/SMH: Immigration department

Good morning,

s. 47F(1) 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>

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,

s. 47F(1)

Image removed by sender. The Age



M s. 47F(1)

A 717 Bourke Street, Docklands 3008, Vic.

E s. 47F(1)

[@theage.com.au](mailto:theage.com.au)



s. 47F(1)

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 this e-mail in error please advise the sender immediately by return e-mail 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**

Released by Department of Home Affairs  
under the Freedom of Information Act 1982

**From:** [Media Operations](#)  
**To:** [Justine JONES](#); s. 22(1)(a)(ii)  
**Cc:** [Media Operations](#)  
**Subject:** FW: FOR URGENT INPUT/CLEARANCE: EN Comments made by Federal Court judge Michael Wigney\_The Age s. 22(1)(a)(ii)  
[SEC=UNCLASSIFIED] 47F(1)  
**Date:** Saturday, 4 April 2020 11:14:00 AM  
**Attachments:** [PDWL\\_Media Talking Points.docx](#)

---

**UNCLASSIFIED**

For your awareness.

Kind Regards,

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

Media Operations

Department of Home Affairs

P: (02) s. 22(1)(a)(ii)

Media Line: 02 6264 2244

s. 22(1)(a)(ii) [@homeaffairs.gov.au](#)

**UNCLASSIFIED**

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

Released by Department of Home Affairs  
under the Freedom of Information Act 1982

**From:** s. 47F(1) @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

Good morning,

s. 47F(1)

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>

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,

s. 47F(1)

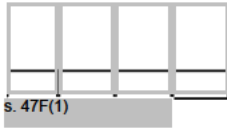
Image removed by sender. The Age



**M** s. 47F(1)

**A** 717 Bourke Street, Docklands 3008, Vic.

**E** @theage.com.au



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 this e-mail in error please advise the sender immediately by return e-mail 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**

Released by Department of Home Affairs  
under the *Freedom of Information Act 1982*

# TALKING POINTS

Subject	<b>Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs v PDWL [2020] FCA 394</b>	
Date	1 April 2020	
Type	Agency	
Media Officer:		Media Ph:

## ISSUE

*Media interest in the Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs v PDWL.*

*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.*

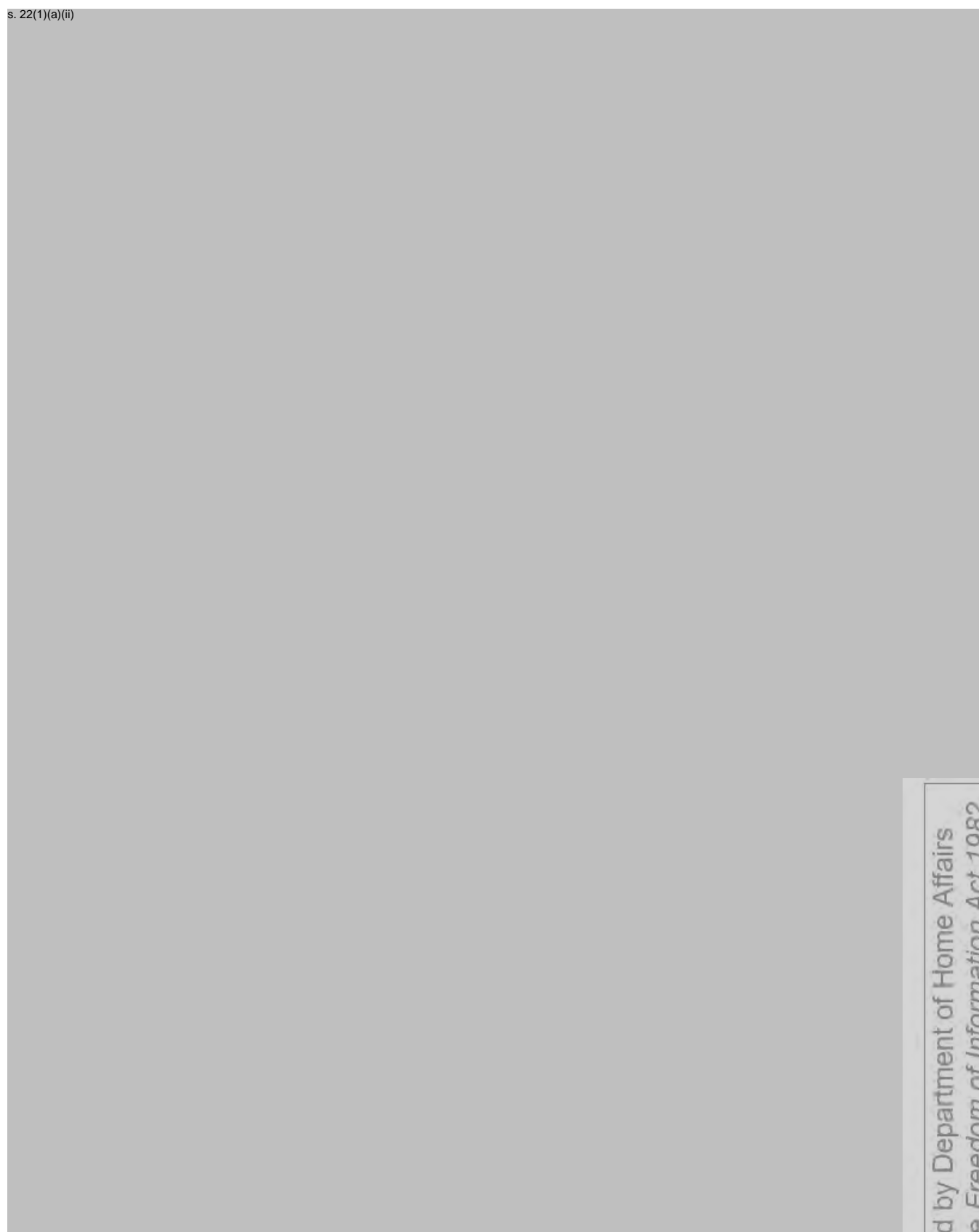
## TALKING POINTS

- 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.

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



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



Released by Department of Home Affairs  
under the *Freedom of Information Act 1982*

**From:** Media Operations  
**To:** s. 22(1)(a)(ii) ; s. 22(1)(a)(ii)  
**Cc:** s. 22(1)(a)(ii) ; s. 22(1)(a)(ii) ; s. 22(1)(a)(ii) ; Media Operations; s. 22(1)(a)(ii) ; Cheryl-anne MOY; s. 47E(d) ; Jaycob McMAHON; s. 22(1)(a)(ii) ; s. 47E(d) ; s. 22(1)(a)(ii) ; s. 22(1)(a)(ii) ; 47E(d) ; s. 47E(d)  
**Subject:** FOR NOTING: EN Comments made by Federal Court judge Michael Wigney - Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs v PDWL [2020] FCA 394\_The Age\_s. 47F(1) [SEC=UNCLASSIFIED]  
**Date:** Saturday, 4 April 2020 11:38:00 AM  
**Attachments:** 200404 EN Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs v PDWL [2020] FCA 394\_The Age\_s. 47F(1).docx

---

**UNCLASSIFIED**

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

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

Kind Regards,

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

Media Operations

Department of Home Affairs

P: (02) s. 22(1)(a)(ii)

Media Line: 02 6264 2244

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

@homeaffairs.gov.au

From: s. 47F(1)

@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

Good morning,

s. 47F(1)

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>

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,

s. 47F(1)

Image removed by sender. The Age

M<sup>s</sup>

A 717 Bourke Street, Docklands 3008, Vic.

E<sup>s</sup> @theage.com.au



s. 47F(1)

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 this e-mail in error please advise the sender immediately by return e-mail 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**

**UNCLASSIFIED**