

Affidavit

Family Law Rules 2021 – RULE 8.15
General Federal Law Rules 2021 – RULE 4.04

Filed in:

- Federal Circuit and Family Court of Australia
- Family Court of Western Australia
- Other (specify) _____

Type of proceedings:

- Family law proceedings
- Migration proceedings
- General federal law proceedings
- Other (specify) _____

Filed on behalf of:

Full name: NOVAK DJOKOVIC

COURT USE ONLY	
Client ID	_____
File number	_____
Filed at	_____
Filed on	_____
Court location	_____
Court date	_____

Name of person swearing/affirming this affidavit (SEE PART C)

NATALIE BANNISTER

Date of swearing/affirming 08 / 01 / 2022

Part A About the parties

APPLICANT 1

Family name (as used now)/Title/Organisation

DJOKOVIC

Given names (as required)

NOVAK

APPLICANT 2

Family name (as used now)/Title/Organisation

Given names (as required)

RESPONDENT 1

Family name (as used now)/Title/Organisation

MINISTER FOR HOME AFFAIRS

Given names (as required)

RESPONDENT 2

Family name (as used now)/Title/Organisation

Given names (as required)

What is the contact address (address for service) in Australia for the party filing this affidavit?

You do not have to give your residential address. You may give another address at which you are satisfied that you will receive documents. If you give a lawyer's address, include the name of the law firm. You **must** also give an email address.

Hall & Wilcox

Level 11, Rialto South Tower, 525 Collins Street, Melbourne VIC 3000 Australia

Phone +61 3 9603 3555

Lawyer's code 163

Email penelope.ford@hallandwilcox.com.au

Part B About the independent children's lawyer (if appointed)

Independent children's lawyer family name

Given names

N/A

Firm name

Part C About you (the deponent)

Family name (as used now)/Title/Organisation

Given names

BANNISTER

NATALIE

Gender

 Male Female X

Usual occupation (if applicable)

SOLICITOR

What is your address?

You do not have to give your residential address if you are concerned about your safety. You may give another address at which you are satisfied that you will receive documents.

Care of Hall & Wilcox, Level 11, Rialto South Tower, 525 Collins Street

MELBOURNE

State VIC

Postcode 3000

Part D Evidence

1. I am a Partner of the firm Hall & Wilcox, the solicitors for the Applicant.
2. The following facts and matters set out within this affidavit are within my own personal knowledge except as otherwise stated. Where I indicate in this affidavit that a matter to which I refer is based on information supplied to me by another person or in a document, I believe that matter to be true unless I state otherwise.
3. At approximately 12.31pm (AEDT) on 6 January 2022 the Applicant's solicitors sent an email to Jen Ironside of the Respondent requesting amongst other things:
 - a. a statement of the reasons for the decision to cancel the visa (**Decision**); and
 - b. a copy of any and all material before the Minister, or her delegate, when the decision was made for the purposes of the decision (**Decision Documents**).

The said email is annexed to this affidavit and marked '**NB-5**'.

4. At approximately 12.37pm (AEDT) on 6 January 2022 the Applicant's solicitors sent an email to Mr Brown of the Respondent's solicitors that reiterated the Applicant's request for the Decision and the Decision Documents. The said email is annexed to this affidavit and marked '**NB-6**'.
5. At approximately 10:50am (AEDT) on 6 January 2022 the Applicant's solicitors received an email from Mr Brown attaching the Decision. At approximately 11:14am (AEDT) the Applicant's solicitors replied by email, reiterating the Applicant's request for the Decision Documents to be produced urgently. The said email chain is annexed to this affidavit and marked '**NB-7**'.

DocuSigned by:

Natalie Bannister

Signature of person making this affidavit (deponent)

DocuSigned by:

Sining Wang

Signature of witness

- 6. I am informed by Penelope Ford of the Applicant’s solicitors that, on the morning of 7 January 2022, she spoke with Mr Brown by telephone and, amongst other things, asked for an update on when we would be provided with the Decision Documents. Mr Brown indicated that his client was working on providing the Decision Documents to us, and that he would provide them as soon as they were available.
- 7. At approximately 3.17pm (AEDT) on 7 January 2022 the Applicant’s solicitors sent an email to Mr Brown again requesting that he follow up on the production of the Decision Documents. The said email is annexed to this affidavit and marked ‘NB-8’.
- 8. At approximately 5:33pm (AEDT) on 7 January 2022 the Applicant’s solicitors received an email from Mr Brown that attached some of the Decision Documents and stated, amongst other things: “the delegate had the attached documents before him when making the decision under review”. The said email and its attachments (with sensitive personal information redacted) are annexed to this affidavit and marked ‘NB-9’.
- 9. At approximately 5:37pm (AEDT) on 7 January 2022 the Applicant’s solicitors sent an email to Mr Brown asking: “in the interview(s) which I have started listing to, certain copy documents were shown to our client by the interviewer. Can I assume that all of those documents are in this bundle?”. At approximately 6.13pm, Mr Brown replied: “Yes, they are the documents that were copied by the delegate. The ATD and visa grant were viewed on line. I can let you have copies of same if you do not have them”. At approximately 6.23pm, the Applicant’s solicitors replied confirming that the Applicant wished to have copies of those documents.

The email chain containing the emails referred to above is annexed to this affidavit and marked ‘NB-10’.

- 10. At 10:05pm (AEDT) on 7 January 2022, the Respondent’s solicitors sent an email to the Applicant’s solicitors attaching further documents. Annexed to this affidavit and marked ‘NB-11’ is true copy of the said email and the 3 attachments to that email containing the further material that was before the Respondent’s delegate (with sensitive personal information redacted).

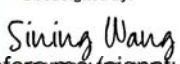
Part E Signature

I swear the contents of this affidavit are true

DocuSigned by:

 Signature of Deponent

Place MELBOURNE Date 08/01 / 2022

DocuSigned by:

 Before me (signature of witness)

SINING WANG
 Full name of witness (please print)

- Justice of the Peace
- Notary Public
- Lawyer

This affidavit was prepared / settled by deponent/s
 lawyer

NATALIE BANNISTER
 PRINT NAME AND LAWYER'S CODE

This is the document referred to as **NB-5** in the affidavit of Natalie Bannister sworn at Melbourne on 8 January 2022 before me:

DocuSigned by:

FF0EC23A5B6A4CD...
Sining Wang
Australian Legal Practitioner

Sining Wang

From: Penelope Ford
Sent: Thursday, 6 January 2022 9:31 AM
To: Jen IRONSIDE
Cc: Natalie Bannister
Subject: RE: Urgent - Novak Djokovic [SEC=OFFICIAL]

Dear Ms Ironside

Please pass this email to the Acting Commissioner.

We have been informally advised Mr Djokovic's visa has been cancelled. I would be pleased if you would urgently provide the following:

- (a) a statement of the reasons for the decision to cancel the visa;
- (b) a copy of any and all material before the Minister, or her delegate, when the decision was made for the purposes of the decision; and
- (c) contact details for the solicitors representing the Minister and/or Border Protection in respect of this matter.

Further, we are instructed to request that all further correspondence in respect of this matter be directed to Hall & Wilcox rather than Mr Djokovic; we are instructed to receive all correspondence on his behalf.

We also require an urgent undertaking that Mr Djokovic will not be removed from the country until we have been provided with the information we have requested and been provided with an opportunity to consider it and make any necessary application.

Please acknowledge receipt.

Penelope Ford | Partner

T +61 8 9482 7921 | F +61 8 9482 7999 | M +61 459 800 484
Penelope.Ford@hallandwilcox.com.au | professional profile



www.hallandwilcox.com.au



From: Jen IRONSIDE <Jen.A.Ironside@abf.gov.au>
Sent: Thursday, 6 January 2022 5:09 AM
To: Natalie Bannister <Natalie.Bannister@hallandwilcox.com.au>
Cc: Penelope Ford <Penelope.Ford@hallandwilcox.com.au>
Subject: RE: Urgent - Novak Djokovic [SEC=OFFICIAL]

OFFICIAL

Good morning Ms Bannister,

I acknowledge your email to Commissioner Outram and advise that your email has been provided to the Acting Commissioner.

Regards,
Jen

Jen Ironside
Executive Assistant to the Commissioner
Australian Border Force
E: jen.a.ironside@abf.gov.au

OFFICIAL

From: Natalie Bannister <Natalie.Bannister@hallandwilcox.com.au>
Sent: Thursday, 6 January 2022 4:35 AM
To: Michael OUTRAM <Michael.Outram@abf.gov.au>
Cc: Penelope Ford <Penelope.Ford@hallandwilcox.com.au>
Subject: Urgent - Novak Djokovic

URGENT

Dear Commissioner

I have been appointed by Novak Djokovic's agent to represent Mr Djokovic.

Mr Djokovic is presently being held by Border Protection at Melbourne Airport. I have been provided with a copy of his visa and entry documents and consider that his detention is unlawful and without basis.

We have been instructed to make an urgent application to the Federal Court of Australia for orders for his immediate release in accordance with the terms of his visa and travel documents.

We seek your urgent undertaking that you will not take any further action until Mr Djokovic's application is able to be heard and determined by the Court of an urgent basis. We also seek Mr Djokovic's urgent release pending resolution of this matter by a court.

Please acknowledge receipt of this email.

Sincerely

Natalie Bannister
Hall & Wilcox | Smarter Law Update
[Keep up to date and view our Latest Thinking](#)

If our bank account details change, we will notify you by letter, phone call or face-to-face, but never by email.

Hall & Wilcox acknowledges the Traditional Custodians of the land, sea and waters on which we work, live and engage. We pay our respects to Elders past, present and future.

This email and any attachment is confidential and for the use of the intended recipient(s) only. It may also be the subject of legal professional privilege. If you are not the intended recipient, any use, interference with, disclosure or copying of this material is unauthorised and prohibited. Hall & Wilcox handles information according to relevant privacy laws.


Our privacy policy can be reviewed at our website: <http://www.hallandwilcox.com.au/privacy/>

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Any review, retransmission, dissemination or other use of this information by persons or entities other than the intended recipient is prohibited. The Department of Home Affairs and ABF respect your privacy and have obligations under the Privacy Act 1988.

Unsolicited commercial emails MUST NOT be sent to the originator of this email.

This is the document referred to as **NB-6** in the affidavit of Natalie Bannister sworn at Melbourne on 8 January 2022 before me:

DocuSigned by:

FF0EC23A5B6A4CD...

Sining Wang
Australian Legal Practitioner

Sining Wang

From: Penelope Ford
Sent: Thursday, 6 January 2022 9:37 AM
To: Brown, David; Natalie Bannister
Cc: Sypott, Keith
Subject: RE: Novak Djokovic - Visa cancellation
Attachments: RE: Urgent - Novak Djokovic [SEC=OFFICIAL]

Dear David

Thank you for your email. I am assisting Natalie with this matter. Please see attached our email just sent to ABF and our email sent overnight.

I repeat the request that we urgently be provided with the following:

- (a) a statement of the reasons for the decision to cancel the visa;
- (b) a copy of any and all material before the Minister, or her delegate, when the decision was made for the purposes of the decision.

We also require an urgent undertaking that Mr Djokovic will not be removed from the country until we have been provided with the information we have requested and been provided with an opportunity to consider it and make any necessary application.

Please continue to direct any further correspondence in respect of this matter to us.

Penelope Ford | Partner

T +61 8 9482 7921 | F +61 8 9482 7999 | M +61 459 800 484
Penelope.Ford@hallandwilcox.com.au | professional profile



www.hallandwilcox.com.au



From: Brown, David <David.Brown@ags.gov.au>
Sent: Thursday, 6 January 2022 6:23 AM
To: Natalie Bannister <Natalie.Bannister@hallandwilcox.com.au>
Cc: Sypott, Keith <Keith.Sypott@ags.gov.au>; Penelope Ford <Penelope.Ford@hallandwilcox.com.au>
Subject: Novak Djokovic - Visa cancellation

Dear Natalie

Novak Djokovic - Visa cancellation

We have been retained to act for the Minister for Home Affairs in relation to the visa cancellation of your client, Mr Novak Djokovic.

We understand that you have contacted the ABF about your client, and request that you direct all future correspondence on this matter to me, including any correspondence with the Federal Court.

Our instructions are that your client's Subclass 408 visa was cancelled this morning under s 116(1)(e) of the *Migration Act 1958* (the Act) prior to his completing immigration clearance at Melbourne Airport, which has had the effect of your client becoming an unlawful non-citizen.

David

David Brown

Senior Executive Lawyer

Australian Government Solicitor

T 03 9242 1391

david.brown@ags.gov.au

Find out more about AGS at <http://www.ags.gov.au>

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This is the document referred to as **NB-7** in the affidavit of Natalie Bannister sworn at Melbourne on 8 January 2022 before me:

DocuSigned by:

FF0EC23A5B6A4CD...
Sining Wang
Australian Legal Practitioner

Sining Wang

From: Penelope Ford
Sent: Thursday, 6 January 2022 8:14 PM
To: Brown, David
Cc: Sypott, Keith; Natalie Bannister; Isabella Jackson
Subject: RE: Novak Djokovic

Dear David

Further to your email below, I would be grateful if you could as a matter of urgency and in any event before 10am AEST tomorrow provide copies of the material that was before the decision-maker during the decision process as referred to below.

Thank you so much.

Kind regards

Penelope Ford | Partner

T +61 8 9482 7921 | F +61 8 9482 7999 | M +61 459 800 484
Penelope.Ford@hallandwilcox.com.au | professional profile

 Hall & Wilcox
smarter law
www.hallandwilcox.com.au



From: Brown, David <David.Brown@ags.gov.au>
Sent: Thursday, 6 January 2022 7:50 AM
To: Penelope Ford <Penelope.Ford@hallandwilcox.com.au>
Cc: Sypott, Keith <Keith.Sypott@ags.gov.au>; Natalie Bannister <Natalie.Bannister@hallandwilcox.com.au>
Subject: Novak Djokovic

Dear Penelope

Novak Djokovic - Visa cancellation decision

Please find attached a copy of the visa cancellation decision, comprising the notice of consideration of cancellation (Part A), the Record of Decision (Part B), and the Notification of Decision (Part C).

We are awaiting instructions on the material that was before the decision-maker during the decision process earlier this morning, and on your request for an undertaking.

David

David Brown
Senior Executive Lawyer
Australian Government Solicitor
T 03 9242 1391
david.brown@ags.gov.au

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This is the document referred to as **NB-8** in the affidavit of Natalie Bannister sworn at Melbourne on 8 January 2022 before me:

DocuSigned by:
Sining Wang
FF0EC23A5B6A4CD...

Sining Wang
Australian Legal Practitioner

Sining Wang

From: Penelope Ford
Sent: Friday, 7 January 2022 1:17 PM
To: Brown, David
Cc: Natalie Bannister; Rachel Giudicatti
Subject: Djokovic matter

David

I refer to our telephone discussion this morning. I write to confirm my oral request that we be provided with copies of any records of interview(s) conducted with our client by your client's representatives on 5 and 6 January 2022, including but not limited to any audio recordings. I confirm your telephone advice that to the best of your knowledge there were no video recordings.

I would also be grateful if you would follow up again on the material that was before the decision maker. I am very conscious of your advice that you have requested but I'm afraid it is becoming very urgent now.

Thank you.

Penelope Ford | Partner

T +61 8 9482 7921 | F +61 8 9482 7999 | M +61 459 800 484
Penelope.Ford@hallandwilcox.com.au | professional profile



www.hallandwilcox.com.au



This is the document referred to as **NB-9** in the affidavit of Natalie Bannister sworn at Melbourne on 8 January 2022 before me:

DocuSigned by:

Sining Wang
FF0EC23A5B6A4CD...

Sining Wang
Australian Legal Practitioner

Sining Wang

From: Brown, David <David.Brown@ags.gov.au>
Sent: Friday, 7 January 2022 5:33 PM
To: Penelope Ford
Cc: Isabella Jackson; Parker, Kelsie
Subject: Djokovich MLG 35 of 2022 Documents before delegate
Attachments: Djokovic documents before delegate.pdf

Dear Penny

I appreciate that this is very late in the day, for which I apologise, but we are instructed that the delegate had the attached documents before him when making the decision under review.

He also accessed the Departmental systems and viewed the applicant's completed Australian Travel Document and the applicant's visa.

We will ensure that these are placed before the Court, on affidavit.

David

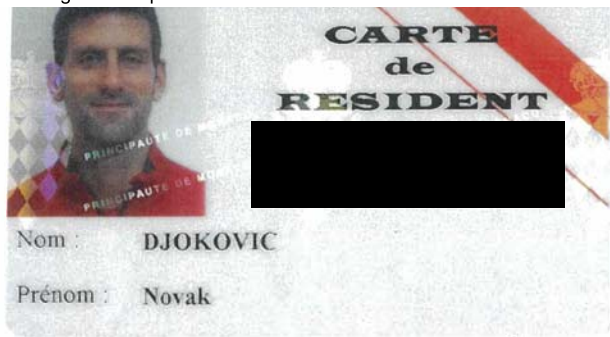
David Brown

Senior Executive Lawyer
Australian Government Solicitor
T 03 9242 1391
david.brown@ags.gov.au

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à BELGRADE (SERBIE)

Nationalité : SERBE

Adresse :



Profession : **joueur de tennis professionnel**

Signature du titulaire :

Le Directeur
de la Sûreté Publique



Délivrée le 6 Novembre 2019

Medical exemption from COVID vaccination30th December 2021

Name: NOVAK DJOKOVIC
DOB: [REDACTED]
Country of birth: Republic of Serbia
Passport number: [REDACTED]

Tennis Australia
Country of the Kuin Nations
Olympic Boulevard
Melbourne Victoria 3000
Private Bag 6060
Richmond Victoria 3121
T +61 3 9914 4000
F +61 3 9650 2743
tennis.com.au

To whom it may concern,

Mr Novak Djokovic has been provided with a medical exemption from COVID vaccination on the grounds that this individual has recently recovered from COVID.

The date of the first positive COVID PCR test was recorded on the 16/12/21 and it has now been more than 14 days since the first positive PCR test. Mr Djokovic has not had a fever or respiratory symptoms of COVID-19, in the last 72 hours

This temporary exemption is valid until 16/5/22.

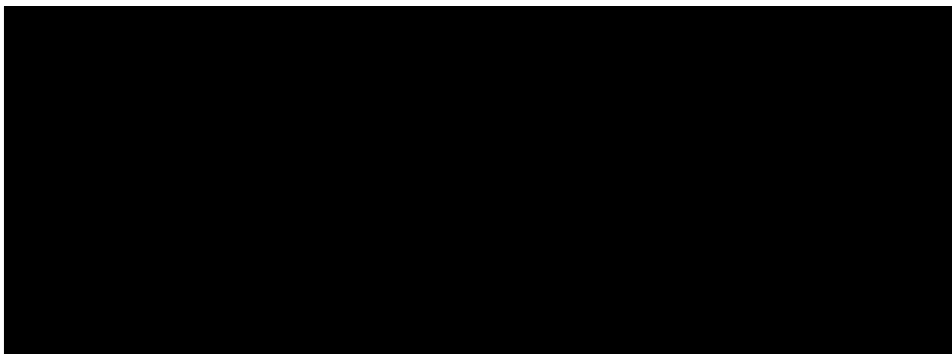
This certificate for exemption has been provided by an Independent Expert Medical Review panel commissioned by Tennis Australia. The decision of the panel has been reviewed and endorsed by an independent Medical Exemptions Review Panel of the Victorian State Government. The conditions of the exemption are consistent with the recommendations of the Australian Technical Advisory Group on Immunisation (ATAGI).

Yours sincerely,

A handwritten signature in black ink, appearing to read "C Broderick".

Dr Carolyn Broderick MBBS, FACSEP, PhD
Chief Medical Officer, Tennis Australia & Australian Open

Independent Expert Medical Review Panel





ИНСТИТУТ ЗА ЈАВНО ЗДРАВЉЕ СРБИЈЕ
„Др Милан Јовановић Батут“
INSTITUT ZA JAVNO ZDRAVLJE SRBIJE
„Dr Milan Jovanović Batut“
INSTITUTE OF PUBLIC HEALTH OF SERBIA
"Dr Milan Jovanovic Batut"

Шифра потврде: 7320919-259039

Šifra potvrde / Confirmation code

ПОТВРДА О РЕЗУЛТАТУ ТЕСТИРАЊА НА ВИРУС SARS-CoV-2

POTVRDA O REZULTATU TESTIRANJA NA VIRUS SARS-CoV-2

ANALYSIS ON VIRUS SARS-CoV-2 REPORT

Име пацијента: NOVAK DJOKOVIĆ

Ime pacijenta: NOVAK DJOKOVIĆ / Name: NOVAK DJOKOVIĆ

Датум рођења: [REDACTED]

Datum rođenja / Date Of Birth

Пол: Мушко

Pol: Muško / Gender: Male

ЈМБГ: [REDACTED]

JMBG / Personal. No.

Датум узорковања: 22.12.2021 14:12:10

Datum uzorkovanja / Date of sampling

Здравствена установа која је узела узорак: Институт за вирусологију, вакцине и серуме Торлак

Zdravstvena ustanova koja je uzela uzorak / Sampling Health Institution

Лаб. број протокола: 688913

Lab. broj protokola / Sample ID

Врста узорка: Назофарингеални брис

Vrsta uzorka: Nazofaringealni bris / Type of Sample: Nasopharyngeal swab

Врста анализе и произвођач теста: Real Time PCR test-SARS-CoV-2, , Sansure Biotech INC; Hunan Province

Vrsta analize i proizvođač testa / Method of analysis and test manufacturer

Резултат: Негативан

Rezultat: Negativan / Result: Negative

Датум издавања резултата: 22.12.2021 16:15:49

Datum izdavanja rezultata / Date of result

Лабораторија: Институт за вирусологију, вакцине и серуме Торлак

Laboratorija / Laboratory



Ова потврда важи без потписа и печата

Ova potvrda važi bez potpisa i pečata / This certificate is valid without signatures and seals



ИНСТИТУТ ЗА ЈАВНО ЗДРАВЉЕ СРБИЈЕ
„Др Милан Јовановић Батут”
INSTITUT ZA JAVNO ZDRAVLJE SRBIJE
„Dr Milan Jovanović Batut”
INSTITUTE OF PUBLIC HEALTH OF SERBIA
”Dr Milan Jovanović Batut”

Шифра потврде: 7371999-259039

Šifra potvrde / Confirmation code

ПОТВРДА О РЕЗУЛТАТУ ТЕСТИРАЊА НА ВИРУС SARS-CoV-2

POTVRDA O REZULTATU TESTIRANJA NA VIRUS SARS-CoV-2

ANALYSIS ON VIRUS SARS-CoV-2 REPORT

Име пацијента: NOVAK DJOKOVIĆ

Ime pacijenta: NOVAK DJOKOVIĆ / Name: NOVAK DJOKOVIC

Датум рођења: [REDACTED]

Datum rođenja / Date Of Birth

Пол: Мушко

Pol: Muško / Gender: Male

ЈМБГ: [REDACTED]

JMBG / Personal. No.

Датум узорковања: 16.12.2021 13:05:12

Datum uzorkovanja / Date of sampling

Здравствена установа која је узела узорак: Лабораторија - Завод за биоциде и медицинску екологију

Zdravstvena ustanova koja je uzela uzorak / Sampling Health Institution

Лаб. број протокола: P12426

Lab. broj protokola / Sample ID

Врста узорка: Назофарингеални брис

Vrsta uzorka: Nazofaringealni bris / Type of Sample: Nasopharyngeal swab

Врста анализе и произвођач теста: Real Time PCR test-SARS-CoV-2, , Xpert Xpress SARS-CoV-2 (GeneXpert)

Vrsta analize i proizvođač testa / Method of analysis and test manufacturer

Резултат: Позитиван

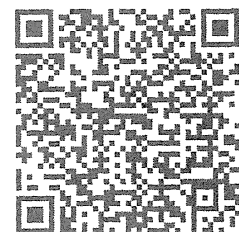
Rezultat: Pozitivan / Result: Positive

Датум издавања резултата: 16.12.2021 20:19:56

Datum izdavanja rezultata / Date of result

Лабораторија: Лабораторија - Завод за биоциде и медицинску екологију

Laboratorija / Laboratory



Ова потврда важи без потписа и печата

Ova potvrda važi bez potpisa i pečata / This certificate is valid without signatures and seals

This is the document referred to as **NB-10** in the affidavit of Natalie Bannister sworn at Melbourne on 8 January 2022 before me:

DocuSigned by:

FF0EC23A5B6A4CD...

Sining Wang
Australian Legal Practitioner

Sining Wang

From: Penelope Ford
Sent: Friday, 7 January 2022 6:23 PM
To: Brown, David
Cc: Isabella Jackson; Parker, Kelsie
Subject: RE: Djokovic MLG 35 of 2022 Documents before delegate [AGSDMS-DMS.FID4554399] [HW-Active.FID3264722]

David, thank you.

I would be grateful to receive a copy of the online documents – I possibly have but am keen to ensure I have the same set.

Thanks again.

Penelope Ford | Partner

T +61 8 9482 7921 | F +61 8 9482 7999 | M +61 459 800 484
Penelope.Ford@hallandwilcox.com.au | professional profile



www.hallandwilcox.com.au



From: Brown, David <David.Brown@ags.gov.au>
Sent: Friday, 7 January 2022 3:13 PM
To: Penelope Ford <Penelope.Ford@hallandwilcox.com.au>
Cc: Isabella Jackson <Isabella.Jackson@hallandwilcox.com.au>; Parker, Kelsie <Kelsie.Parker@ags.gov.au>
Subject: RE: Djokovic MLG 35 of 2022 Documents before delegate [HW-Active.FID3264722] [AGSDMS-DMS.FID4554399]

Dear Penelope

Yes, they are the documents that were copied by the delegate. The ATD and visa grant were viewed on line. I can let you have copies of same if you do not have them.

I will revert to you on the transcript question.

David

David Brown

Senior Executive Lawyer
Australian Government Solicitor
T 03 9242 1391
david.brown@ags.gov.au

Find out more about AGS at <http://www.ags.gov.au>

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From: Penelope Ford [<mailto:Penelope.Ford@hallandwilcox.com.au>]
Sent: Friday, 7 January 2022 5:37 PM
To: Brown, David <David.Brown@ags.gov.au>
Cc: Isabella Jackson <Isabella.Jackson@hallandwilcox.com.au>; Parker, Kelsie <Kelsie.Parker@ags.gov.au>
Subject: RE: Djokovic MLG 35 of 2022 Documents before delegate [HW-Active.FID3264722]

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Dear David

Thank you very much and I appreciate your efforts in respect of this.

Can I please ask: in the interview(s) which I have started listing to, certain copy documents were shown to our client by the interviewer. Can I assume that all of those documents are in this bundle?

Can I also please ask: have you transcribed the interviews and, if so, may I request a copy of any transcript? I think you indicated on our earlier call that you thought not but I wanted to double check.

Thank you.

Penelope Ford | Partner

T +61 8 9482 7921 | F +61 8 9482 7999 | M +61 459 800 484
Penelope.Ford@hallandwilcox.com.au | professional profile

 Hall & Wilcox
smarter law
www.hallandwilcox.com.au



From: Brown, David <David.Brown@ags.gov.au>
Sent: Friday, 7 January 2022 2:33 PM
To: Penelope Ford <Penelope.Ford@hallandwilcox.com.au>
Cc: Isabella Jackson <Isabella.Jackson@hallandwilcox.com.au>; Parker, Kelsie <Kelsie.Parker@ags.gov.au>
Subject: Djokovich MLG 35 of 2022 Documents before delegate

Dear Penny

I appreciate that this is very late in the day, for which I apologise, but we are instructed that the delegate had the attached documents before him when making the decision under review.

He also accessed the Departmental systems and viewed the applicant's completed Australian Travel Document and the applicant's visa.

We will ensure that these are placed before the Court, on affidavit.

David

David Brown
Senior Executive Lawyer
Australian Government Solicitor
T 03 9242 1391
david.brown@ags.gov.au

Find out more about AGS at <http://www.ags.gov.au>

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This is the document referred to as **NB-11** in the affidavit of Natalie Bannister sworn at Melbourne on 8 January 2022 before me:

DocuSigned by:

FF0EC23A5B6A4CD...

Sining Wang
Australian Legal Practitioner

Sining Wang

From: Brown, David <David.Brown@ags.gov.au>
Sent: Friday, 7 January 2022 10:05 PM
To: Penelope Ford
Cc: Isabella Jackson
Subject: RE: Djokovic MLG 35 of 2022 Documents before delegate [HW-Active.FID3264722] [AGSDMS-DMS.FID4554399]
Attachments: IMMI Acknowledgement of Application Received - BCC2021 2202513 - 6564718....pdf; IMMI Grant Notification - BCC2021 2202513 - 65647182 - DJOKOVIC, NOVAK.PDF; ATD for Novak Djokovic.docx

Dear Penelope

Please find the ATD (with Tennis Australia letter attached) and the visa grant notification attached.

David

David Brown

Senior Executive Lawyer
Australian Government Solicitor
T 03 9242 1391
david.brown@ags.gov.au

Find out more about AGS at <http://www.ags.gov.au>

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From: Penelope Ford [mailto:Penelope.Ford@hallandwilcox.com.au]
Sent: Friday, 7 January 2022 6:23 PM
To: Brown, David <David.Brown@ags.gov.au>
Cc: Isabella Jackson <Isabella.Jackson@hallandwilcox.com.au>; Parker, Kelsie <Kelsie.Parker@ags.gov.au>
Subject: RE: Djokovic MLG 35 of 2022 Documents before delegate [AGSDMS-DMS.FID4554399] [HW-Active.FID3264722]

CAUTION: This email originated from outside of the organisation. Do not follow guidance, click links, or open attachments unless you recognise the sender and know the content is safe.

David, thank you.

I would be grateful to receive a copy of the online documents – I possibly have but am keen to ensure I have the same set.

Thanks again.

Penelope Ford | Partner

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www.hallandwilcox.com.au



Australian Government
Department of Home Affairs

Dear Novak DJOKOVIC

We received your Temporary Activity (subclass 408) visa application on 18 November 2021.

*****Important information on travel to Australia*****

The Australian Government has implemented a number of arrangements in response to the COVID-19 pandemic. You may not be able to enter Australia unless you are in an exempt category or have received a travel exemption. Information about these arrangements is updated regularly on our website [covid19.homeaffairs.gov.au](https://www.covid19.homeaffairs.gov.au)

You should check the website for current arrangements, prior to travelling.

Application status	
Temporary Activity (subclass 408) visa:	Received

Application summary

Primary applicant	Novak DJOKOVIC [REDACTED]
Visa	Temporary Activity (subclass 408)
Date of application	18 November 2021
Application ID	[REDACTED]
Transaction reference number	[REDACTED]

Providing documents

We may make a decision on your application without requesting additional information. You should provide us with all the information you feel is relevant.

As you lodged your application online, you should log in to your ImmiAccount to see the documents required for your application.

Do not send us original documents unless we ask for them. If you send copies of your documents, ensure that they are certified copies.

If you provide us with fraudulent documents or claims, this may result in processing delays and your application being refused.

What's next

Your application will be processed.

Find out how long it generally takes to process applications on our website www.homeaffairs.gov.au/processing-times

- 2 -

Update us

You need to tell us about any changes to your details as soon as possible. These changes may affect any answer to a question in your application form including your name, passport, contact details, address and family members.

You must do this in writing and can use Form 1022 *Notification of changes in circumstances* (Section 104 of the *Migration Act 1958*), available on our website www.homeaffairs.gov.au/allforms

If you lodged your application online, use your ImmiAccount to provide this information: www.homeaffairs.gov.au/immiaccount

Failure to notify us of these changes can have serious consequences and even if the visa you have applied for is granted, it may later be cancelled.

Useful links

- View or update your application: www.homeaffairs.gov.au/immiaccount
- Update your details (including passport): immi.homeaffairs.gov.au/change-in-situation
- More information: www.homeaffairs.gov.au

Yours sincerely

Department of Home Affairs

Sent to: [REDACTED]

Sent on: 18 November 2021



Australian Government
Department of Home Affairs

Dear Novak DJOKOVIC

We have granted you a Temporary Activity (subclass 408) visa on 18 November 2021.

*****Important information on travel to Australia*****

The Australian Government has implemented a number of arrangements in response to the COVID-19 pandemic. You may not be able to enter Australia unless you are in an exempt category or have received a travel exemption. Information about these arrangements is updated regularly on our website covid19.homeaffairs.gov.au

You should check the website for current arrangements, prior to travelling.

Application status	
Temporary Activity (subclass 408):	Granted

Visa conditions

8107 - Work limitation

8303 - Activity limitation

An explanation of each condition of this Temporary Activity (subclass 408) visa is provided below.

You can check these conditions at any time by using the Visa Entitlement Verification Online (VEVO) service. The four-digit number presented next to each condition above is used in VEVO to identify each condition that applies to this Temporary Activity (subclass 408) visa.

Visa duration and travel

Date of grant	18 November 2021
Must not arrive after	18 May 2022
Length of stay	3 month(s) from the date of first arrival
Travel	Multiple entries

Visa summary

Name	Novak DJOKOVIC
Date of birth	██████████
Visa	Temporary Activity (subclass 408)
Activity	Invited for other social/cultural activity
Date of grant	18 November 2021
Visa grant number	██████████

- 2 -

Passport (or other travel document) number	██████████
Passport (or other travel document) country	SERBIA
Application ID	██████████
Transaction reference number	██████████
Proposer	Tennis Australia Limited

Why keep this notice?

- Employers and other government agencies might ask for details in this notice so they can carry out checks using VEVO.
- To access your visa record in VEVO.

Temporary Activity (subclass 408) visa conditions

Work limitation (visa condition 8107)

This condition means that if you have been granted works rights in Australia, but these work rights are subject to limitations. Your condition allows you to be employed by a particular employer or undertake specific activities in Australia.

If you are working for a particular employer you must:

- continue to be employed by that employer
- not work for any other employer
- not be self-employed
- not undertake any work that is inconsistent with the purpose of the visa.

If you are allowed to undertake specific activities in Australia other than employment you must:

- continue to undertake those activities
- not undertake any activities that are inconsistent with the purpose of the visa
- not be self-employed
- not undertake work for another person that is inconsistent with the purpose of the visa.

Failure to meet the above requirements will mean you are in breach of condition 8107 and your visa may be cancelled.

Activity limitation (visa condition 8303)

This condition means that you must not become involved in activities disruptive to, or violence threatening harm to the Australian community or a group within the community.

Australian working conditions

Workplace rights

Pay rates and workplace conditions are set by Australian law. All people working in Australia, including those from overseas, have rights and protections at work. These cannot be taken away by contracts or agreements.

- 3 -

If you have questions about your pay and conditions while in Australia, you can contact the Fair Work Ombudsman for free information, resources and advice.

Visit www.fairwork.gov.au for information for visa holders and international students. This includes information in 41 languages.

You can also contact the Fair Work Ombudsman by phone within Australia on 13 13 94 (Translating and Interpreting Service 13 14 50).

Pay

Your minimum pay rate can come from an award, enterprise agreement or other registered agreement, or the national minimum wage. Employees have to be paid the right pay rate for all hours they work including training, team meetings, opening and closing the business and doing a trial shift.

National minimum wage

Certain employees may have different pay entitlements depending on whether they have a reduced work capacity because of disability, if they are under the age of 21 or if they are an apprentice or trainee. You can calculate your correct pay and entitlements using the Pay and Conditions Tool at www.fairwork.gov.au/pay

More information on employment in Australia is available on our website immi.homeaffairs.gov.au/visas/working-in-australia/work-rights-and-exploitation/work-restrictions and on the website of the Department of Employment, Skills, Small and Family Business www.employment.gov.au

Tax file number

To receive an income in Australia, you need a Tax File Number (TFN). Income includes wages or salary from a job, government payments and income from investments.

For more information or to apply for a TFN online, go to the Australian Taxation Office website www.ato.gov.au

Information pack on domestic and family violence, sexual assault and forced marriage

The Australian Government has developed a family safety pack with information on Australia's laws regarding domestic and family violence, sexual assault and forced marriage. The family safety pack also includes important information about essential services and emergency contacts in Australia. This information can be found at www.dss.gov.au/familysafetypack

Character requirements

Entering or remaining in Australia is a privilege. You must obey the law and not engage in criminal activity.

Your visa may be cancelled for a number of reasons, including if you have a substantial criminal record or behave in a way that is a risk to somebody in the Australian community.

More information: immi.homeaffairs.gov.au/help-support/meeting-our-requirements/character

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Polio vaccinations

On 5 May 2014, the World Health Organization (WHO) Director General declared the international spread of wild type polio virus to be a Public Health Emergency of International Concern under the International Health Regulations (IHR).

Since 5 May 2014, if you have spent 28 days or more in one or any combination of countries listed under the Endemic and Outbreak categories on the Global Polio Eradication Initiative website, we encourage you to have a polio vaccination before departing for Australia. Having the vaccination will also assist in eradicating the spread of polio.

More information and a link to the list of countries is available on our website immi.homeaffairs.gov.au/help-support/meeting-our-requirements/health/threats-to-public-health#content-index-3

To obtain maximum benefit in assisting with the eradication of the spread of polio, it is advisable to have the vaccination at least four weeks before your travel.

Update us

You are required to tell us about any changes to your details as soon as possible.

These changes may include your name, passport, contact details, address or family members.

If you do not notify us of your new details, this can have serious consequences for you.

You must do this in writing and can use Form 1022 *Notification of changes in circumstances* (Section 104 of the *Migration Act 1958*), which is available at www.homeaffairs.gov.au/allforms

More information: immi.homeaffairs.gov.au/change-in-situation

Useful links

- Check your visa details in VEVO: www.homeaffairs.gov.au/vevo
- Update your details in ImmiAccount: www.homeaffairs.gov.au/immiaccount
- Understand your workplace rights: www.homeaffairs.gov.au/workplace-rights
- Learn about family safety: www.dss.gov.au/family-safety-pack
- Update your details (including passport or if you have a baby): immi.homeaffairs.gov.au/change-in-situation
- More information: www.homeaffairs.gov.au

Yours sincerely

Andreja
Position Number: 60020606
Department of Home Affairs

Sent to: [REDACTED]

Sent on: 18 November 2021

ATD for Novak Djokovic**Health Survey****Trip Information**

1. Are you an Australian citizen, permanent resident or immediate family member?

Yes No

1.1. Enter your intended length of stay in Australia.

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2. Have you travelled, or will you travel, in the 14 days prior to your flight to Australia?

Note: Giving false or misleading information is a serious offence. You may also be liable to a civil penalty for giving false or misleading information.

Yes No

3. Phone number while you are outside Australia:

[REDACTED]

4. Email contact details when outside Australia:

[REDACTED]

5. Are you transiting through Australia to another country?

No

5.4. Provide your address in Australia - street number & name:

Street Address

[REDACTED]

City/town

[REDACTED]

State

[REDACTED]

Zip/Postcode

[REDACTED]

Country

Australia

5.5. Phone number in Australia.

Note: This is an essential requirement. Your phone number may be used by health authorities to contact you should that be necessary.

[REDACTED]

5.6. Alternative phone number in Australia:

[REDACTED]

5.7. Email contact details when in Australia:

[REDACTED]

5.8. Within 14 days after arriving in Australia, or within 14 days after leaving quarantine, do you intend to travel to another state?

Yes No

6. Before you travel to (or transit through) Australia, you must present a negative COVID-19 test when checking in for your flight, unless you are exempt. The COVID-19 Polymerase Chain Reaction (PCR) test must be taken 3 days or less before you depart for Australia. To find out if you are exempt or for more information, go to: [Coronavirus \(COVID-19\) FAQs for international travellers to Australia | Australian Government Department of Health](#) Click 'Yes' to acknowledge you understand this requirement.

Yes

7. Has a doctor ever told you that you had COVID-19, or have you ever tested positive for COVID-19?

Yes No

7.1. Provide the month and year of diagnosis

December, 2021

7.2. What country were you in when you had COVID-19?

Serbia and Montenegro

7.3. Do you have any evidence to show your positive COVID-19 test result? (If yes, bring your evidence with you when you travel).

Yes No

8. Have you ever received a COVID-19 vaccine?

Yes No

9. Please provide your vaccination status. I declare I am fully vaccinated with an [Australian approved or recognised COVID-19 vaccine](https://www.passports.gov.au/guidance-foreign-vaccination-certificates). [https://www.passports.gov.au/guidance-foreign-vaccination-certificates]. I have evidence to support this. My last dose of the vaccine was at least 7 days before the day my flight is scheduled to commence.

Yes No

9.1. I am under 18 years of age and not fully vaccinated.

Yes No

9.1.1. I declare I cannot be vaccinated for medical reasons See [Proof of medical exemption when coming to Australia](https://covid19.homeaffairs.gov.au/vaccinated-travellers#toc-6) [https://covid19.homeaffairs.gov.au/vaccinated-travellers#toc-6]. I have medical proof to support this.

Yes No

9.1.1.1. Upload proof that you are unable to be vaccinated for medical reasons. (Valid proof includes a medical certificate, your Australian COVID-19 digital certificate or immunisation history statement.) You will be required to present this at check-in.

[3416_medical_exemption_from_covid_vaccination_novak_djokovic.pdf](#)

10. Which state or territory quarantine arrangement applies to you on arrival in Australia?

Note: You must comply with public health requirements, including post-arrival testing and quarantine requirements in the state or territory of your arrival, and any other state or territory that you plan to travel to. Detailed information is available at [Quarantine](https://www.australia.gov.au/quarantine) [https://www.australia.gov.au/quarantine].

Warning: Penalties apply for breaches of state and territory health orders.

Quarantine free arrival (fully vaccinated to NSW, Victoria, Northern Territory and ACT only)

11. Are you experiencing any symptoms of COVID-19, such as fever, sore throat or a cough?

Yes No

12. Have you, or anyone you are travelling with, been in contact with a known case of COVID-19 in the last 14 days?

Yes No

Medical exemption certificate attached

Medical exemption from COVID vaccination

30th December 2021



Name: NOVAK DJOKOVIC
DOB: [REDACTED]
Country of birth: Republic of Serbia
Passport number: [REDACTED]

Tennis Australia
Country of the Sun Nations
Olympic Boulevard
Melbourne Victoria 3000
Private Bag 8090
Richmond Victoria 3121
T +61 3 9594 4000
F +61 3 9550 2743
tennis.com.au

To whom it may concern,

Mr Novak Djokovic has been provided with a medical exemption from COVID vaccination on the grounds that this individual has recently recovered from COVID.

The date of the first positive COVID PCR test was recorded on the 16/12/21 and it has now been more than 14 days since the first positive PCR test. Mr Djokovic has not had a fever or respiratory symptoms of COVID-19, in the last 72 hours

This temporary exemption is valid until 16/5/22.

This certificate for exemption has been provided by an Independent Expert Medical Review panel commissioned by Tennis Australia. The decision of the panel has been reviewed and endorsed by an independent Medical Exemptions Review Panel of the Victorian State Government. The conditions of the exemption are consistent with the recommendations of the Australian Technical Advisory Group on Immunisation (ATAGI).

Yours sincerely,

Dr Carolyn Broderick MBBS, FACSEP, PhD
Chief Medical Officer, Tennis Australia & Australian Open

Independent Expert Medical Review Panel

