

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)

NOVAK DJOKOVIC

Date of swearing/affirming / 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

[Signature]

[Signature]

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
NOVAK	DJOKOVIC
Gender	Usual occupation (if applicable)
<input checked="" type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> X	PROFESSIONAL TENNIS PLAYER

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 the applicant in this proceeding.
2. I swear this affidavit in support of an application dated 6 January 2022 made on my behalf by my solicitors, Hall & Wilcox, seeking orders as set out in that application (which I believe may be amended).
3. The following facts and matters set out within this affidavit are within my own personal knowledge except as otherwise stated.

Background

4. I am a professional tennis player and a citizen of the Republic of Serbia.
5. I was invited by Tennis Australia (TA) to travel to Australia and play in the 2022 Australian Open tennis tournament. TA is the governing body for tennis in Australia. I have travelled to Australia on at least 9 previous occasions over approximately the last decade to participate in the Australian Open and other tennis tournaments and events in Australia.
6. I have not previously encountered any major immigration or other issues in relation to my entry to Australia. On all previous occasions I have secured the necessary visas from the Commonwealth Government of Australia without difficulty, in consultation with TA, and in what I understand to be the usual manner.
7. I have never been refused an Australian visa in the past and, prior to the event that is the subject of this proceeding, I have not had any previous Australian visa held by me cancelled.

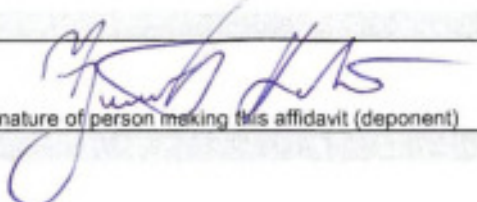

	
Signature of person making this affidavit (deponent)	Signature of witness

My preparation for travel to Australia

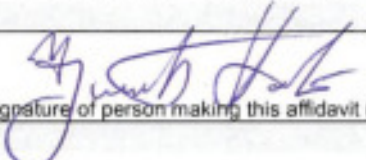

8. The 2022 Australian Open is scheduled to commence on Monday 17 January 2022 and to finish on Sunday 30 January 2022. The final event of the Australian Open is the Men's Singles Final. I have been fortunate to win the Men's Singles Final at the Australian Open on 9 previous occasions.
9. In or about October or November 2021, I applied for an Australian temporary entry visa, with the assistance of my agent and TA, in order to be able to compete in the 2022 Australian Open. My application was accepted by the Australian Government and a Temporary Activity (subclass 408) visa was granted to me on 18 November 2021. Annexed to this affidavit and marked 'ND-1' is a true copy of the Temporary Activity (subclass 408) visa dated 18 November 2021 granted to me.
10. On 16 December 2021, I was tested and diagnosed with SARS-CoV-2 (COVID). Annexed hereto and marked 'ND-2' is a true copy of my COVID-PCR test result issued by the Institute of Public Health of Serbia showing a positive COVID result dated 16 December 2021.
11. On 22 December 2021, I undertook a further COVID-PCR test, which recorded a negative result. Annexed hereto and marked 'ND-3' is true copy of my COVID-PCR test result issued by the Institute of Public Health of Serbia showing a negative COVID result dated 22 December 2021.
12. As I regularly travel across international borders, I understand that each country has its own entry requirements and, in particular, requirements relating to measures to protect people against the risks of COVID infection. In December 2021, I understood that Australian Government requirements for entry into Australia required me to be vaccinated against COVID or have a medical exemption. I further understood that having a recent COVID infection was a valid ground for obtaining a medical exemption. In consultation with my agent and TA, I sought a medical exemption on the basis that I had been recently infected with, and recovered from, a COVID infection. On 30 December 2021, I was advised by TA that an Independent Expert Medical Review Panel commissioned by TA, reviewed and endorsed by an independent Medical Exemptions Review Panel of the Victorian State Government, had provided me with a temporary medical exemption from COVID vaccination which was valid until 16 May 2022 on the grounds that I had recently recovered from COVID. Annexed to this affidavit and marked 'ND-4' is a true copy of the medical exemption granted to me by the Independent Expert Medical Review Panel dated 30 December 2021.
13. The medical exemption document dated 30 December 2021 stated that the exemption was consistent with the recommendations of the Australian Technical Advisory Group on Immunisation (ATAGI). I have at all times understood that I was entitled to the medical exemption granted to me, based on my recent COVID infection in December 2021, and that this was consistent with all Australian Government entry requirements.

My travel to and arrival in Australia

14. On about 1 January 2022, I authorised my agent to submit my Australia Travel Declaration to the Australian Government Department of Home Affairs, based on my understanding that I was entitled to enter Australia on the basis of my temporary visa and the medical exemption granted to me. On 1 January 2022, my agent received an email from the Department of Home Affairs advising that my Australia Travel Declaration had been assessed. Annexed to this affidavit and marked 'ND-5' is a true copy of my Australia Travel Declaration Assessment dated 1 January 2022 advising that I met the requirements for quarantine-free arrival upon my arrival in Australia.
15. On about 2 January 2022, I was issued with a Border Travel Permit from the Victorian State Government. Annexed to this affidavit and marked 'ND-6' is a true copy of the Border Travel Permit issued to me on 2 January 2022.
16. At this time, having had my visa granted, a medical exemption issued to me, my Australia Travel Declaration assessed and approved by the Australian Government, and the Border Travel Permit issued by the Victorian State Government, I believed that I had satisfied all the necessary requirements for entry into Australia.

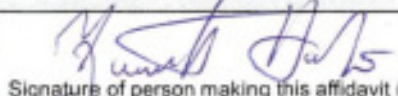
 Signature of person making this affidavit (deponent)	 Signature of witness
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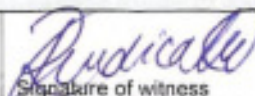
17. On Tuesday 4 January 2022 I departed from Spain to travel to Melbourne via Dubai. I arrived in Melbourne by commercial airliner at approximately 11:30pm (local time) on Wednesday 5 January 2022. The total trip took about 25 hours, including layovers at various airports. I arrived in Melbourne together with three of my coaches and support staff. Upon landing, we were asked to exit the plane before anyone else and were escorted to passport control. At this point I was asked to produce my passport, which I did. My passport was not returned to me and I have not seen it since then. The passport control officer asked me if I was vaccinated. I said no, but that I have a medical exemption. He asked me for paperwork to support my claim to a medical exemption. I gave him copies of the following documents which I had printed prior to my departure from Spain:
- Visa granted 18 November 2021 (Exhibit ND-1)
 - Medical Exemption 30 December 2021 (Exhibit ND-4)
 - Travel Declaration dated 1 January 2022 (Exhibit ND-5)
 - Border Travel Permit dated 2 January 2022 (Exhibit ND-6)
18. My interaction with the passport control officer lasted only a few minutes. I understood that the passport control officer was not satisfied with my documents, so he called over a male officer from Australian Border Force (ABF) who I subsequently understood to be known as 'Sudhir R' (SR). The passport control officer handed my passport to SR, but I do not recall what happened at that point to my other documents. SR then escorted me to a small room with a table, two chairs and a video camera inside it. He told me that the camera was turned on and that ABF officers would be watching what was going on in the room. SR then left the room for a short time and returned with a small handheld voice recorder and some paperwork. SR told me that everything we speak about would be on the record. The voice recorder was then used throughout the night on occasions when I was being formally interviewed by SR, but not during every conversation I had with him or other ABF officers.
19. At about 12:20am on 6 January 2022, SR commenced a formal interview with me in the small room. He asked me to provide my documentation, and so I gave to him the same documents which I had previously given to the passport control officer. I was asked by SR whether I had previously been infected by COVID. I told him that I had been infected twice with COVID, the most recent occasion being in December 2021. I also gave SR copies of my COVID-PCR test results (Exhibits ND-2 and ND-3), which I had not provided to the passport control officer. I gave these additional documents to him because I understood that the main reason why I was allowed to travel to Australia under a medical exemption was because I had been infected with COVID in the last 6 months. That is why I wanted him to see the COVID-PCR test results, but I recall he did not appear to be very interested in these documents. He then copied those two documents.
20. This interview with SR was interrupted (or suspended) on about 6 to 8 occasions because he told me that he needed to go outside to speak with his supervisors about my documents and the information he was getting from me in the interview. On one such occasion, I started using my phone in the room while SR was away, in order to communicate with my agent, and provide information about what was happening to me. After about 15-20 minutes I was told that I was not able to use my phone and I must switch it off and put it away. I turned off my phone and placed it in my tennis bag next to me as directed. After approximately 90 minutes, there did not appear to be anything else I could provide to him, and so the interview ended and I was allowed to go into the corridor to rest on the sofa.
21. Several hours later, just after 4:00am on 6 January 2022, I was given a document by SR which was a Notice of intention to consider cancellation of my visa. Annexed hereto and marked 'ND-7' is a true copy of the Notice of intention to consider cancellation (forming part of the subsequent record of decision). When he read to me the page headed 'ATTACHMENT A (Part A)', I made some comments. When he said that previous infection with COVID-19 is not considered a medical contraindication for COVID-19 vaccination in Australia, I said that that's not true, and I told him that the Independent State Government medical panel had said and I explained why. I then referred to the two medical panels and the Travel Declaration (which had been assessed by the Commonwealth Government and indicated that I could lawfully enter into Australia).
22. SR signed the notice in front of me at about 4:11am. I did not sign it because I was confused and did not know what to do and I wanted advice from my lawyers. My agent and I had done all that was asked of us in making the application for entry into Australia. I believed that I had complied with all the rules about being permitted to enter into Australia. I did not understand what was happening. And I did not understand why he was considering cancelling my visa. I was upset and confused. It was about 4:00am and I needed some

 Signature of person making this affidavit (deponent)	 Signature of witness
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help, and I told him that. I wanted to speak to TA, but could not speak to them until 8:00am. He told me he was giving me 20 or so minutes to respond, give comments or give any other information that may affect their decision whether to cancel my visa. At that point I was allowed to use my phone again, being given an opportunity to make a phone call. After making such a call, I asked SR if my lawyers could speak with him (or other ABF officers) directly. SR left the room in order to speak with his superiors. When he came back he said that that would not be possible. SR said that he could only allow my legal representative to be present on the phone and listen to the interview, but the lawyer would not be permitted to speak or participate. I then requested more time to consider what to do because I was tired and I wanted to get some rest and I also wanted to wait for a time closer to local business hours when I could have a better opportunity to contact my lawyers, TA representatives and other relevant people for assistance. At this point it was about 5:00am and SR again left the room to check with his superiors. When he returned, and I believed without turning on the recorder again, he told me that they would grant me more time and they would review everything between 8:00am and 8:30am. After this conversation, I went out to the sofa in the corridor and started to rest. I was mentally and physically tired at this stage and wanted to rest, and I had understood that I had until 8:30am to do so. I was told that a bed was being prepared for me in a separate room to rest, so I waited on the sofa until the bed was made ready.

23. At about 5:00-5:30am, two of SR's superiors approached me on the sofa to speak with me. I was aware that they were his superiors because I had met one of them earlier in the evening and SR described him to me as his superior; the other one I had not previously met. They said to me that it had come to their attention that I was requesting to postpone the decision making on my visa cancellation to 8:30am. They asked why that was the case and whether I wanted to rest. I replied yes, but also that I wanted some help and legal support and advice from my representatives that are currently sleeping and are difficult to get a hold of at this early hour. They told me that my legal representatives wouldn't be able to make an appeal in the hypothetical case of any visa cancellation before they had made a decision about the cancellation. They said that the sooner that they make a decision, the better for me and my representatives. They said that if they did not cancel my visa, then I would be free to go and I could go to where I was to stay while in Melbourne. They said that if they cancelled my visa, then my lawyers would know what they had to deal with, and could do their legal work to challenge the cancellation. At this point I felt that they were trying to persuade or convince me that it would be better if I responded to the notice earlier rather than later, and that I should do what they were saying. But I said I needed to speak with someone and think about this, because I was confused, I thought I had some time, and I preferred to have more time. I wanted some advice from one of my lawyers, someone from Tennis Australia and/or my agent. The two ABF officers then left me on the sofa.
24. Shortly after this, I was advised that a bed had been prepared for me in a nearby room. I lay down thinking I had time to consider my situation. I was mentally starting to slow down and was on the bed with headphones trying to sleep. I was woken up by SR and one of his superiors. The superior said that I wanted some time to think, which I now had had, and that I now needed to tell them what to do. I didn't know what to do, and said I preferred to have more time and I didn't know what more they expected me to tell them. They presented to me that it was better for me if the interview was done right away; they said that I can give my comments on the Notice and then they can make a decision, and then my legal team can know what to do, because right now they can't do anything. I felt like I had no choice, but I had to participate in the interview.
25. At this point it was approximately 6:00am and SR and his superior invited me into the interview room. The superior then left, and SR started a formal interview with me. At that point I realised I would not have until 8:30am to prepare and seek advice. I was again asked to explain why I had sought a medical exemption from the COVID vaccination requirements for entry into Australia. I explained that I had been recently infected with COVID in December 2021 and on this basis I was entitled to a medical exemption in accordance with Australian Government rules and guidance. I further explained that my medical exemption had been granted by the Independent Expert Medical Review Panel, that I had previously provided all relevant medical reports to TA, including my COVID-PCR test results, and that accordingly the visa should not be cancelled. I told the ABF officers that I had correctly made my Australian Travel Declaration and otherwise satisfied all necessary requirements in order to lawfully enter Australia on my visa.
26. After the interview ended, SR left the interview room and returned at approximately 7:40am. He then informed me that they had decided to cancel my visa and that I would be removed from Australia as an unlawful non-citizen. They informed me I was to be taken from the airport to a hotel. This eventually occurred, and I now remain at a hotel under detention.


Signature of person making this affidavit (deponent)


Signature of witness

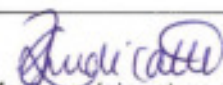
27. During my conversations with SR, he did not say anything about me being a risk to the health or safety of the community, other than simply reading from the documents contained in the Notice of intention to cancel my visa.
28. During my conversations with SR, he did not explain to me that he himself had any discretion about the decision on whether to cancel my visa. On the basis of SR frequently leaving me to check things with his superiors, I believed his superiors were making the decision about the cancellation of my visa. A couple of times I spoke with a female ABF officer and asked her what was going on, why things were taking so long, and when she replied she would say they were on the line and they are just waiting. This all gave me the impression or idea that the decision about my visa was not completely up to the people that were talking to me, and instead it was up to someone else above them.

Part E Signature

I swear the contents of this affidavit are true


Signature of Deponent

MELBOURNE
Place Date 10/01/22


Before me (signature of witness)

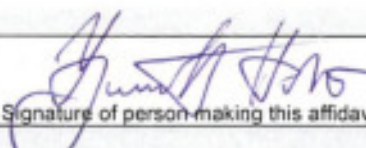
RACHEL GIUDICATTI
Full name of witness (please print)


- ☐ Justice of the Peace
☐ Notary Public
☒ Lawyer

*delete whichever is inapplicable

This affidavit was prepared / settled by ☐ deponent/s
☒ lawyer

HALL & WILCOX
PRINT NAME AND LAWYER'S CODE

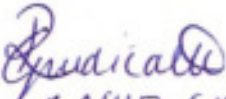

Signature of person-making this affidavit (deponent)


Signature of witness

This is the document referred to as ND-1 in the affidavit of Novak Djokovic sworn/affirmed at

Melbourne on 10 January before me RACHEL GIUDICATTI
2022

[witness to sign and provide name and qualification].


RACHEL GIUDICATTI
Australian Legal Practitioner



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	0289584778727

Passport (or other travel document) number	
Passport (or other travel document) country	SERBIA
Application ID	65647182
Transaction reference number	EGORU87C94
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

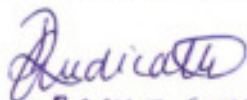
Workplace rights

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.

This is the document referred to as ND-2 in the affidavit of Novak Djokovic sworn/affirmed at

Melbourne on 10 January before me Rachel Gindicatti
2022

[witness to sign and provide name and qualification].


RACHEL GINDICATTI
Australian Legal Practitioner



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 DJOKOVIĆ

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 ND-3 in the affidavit of Novak Djokovic sworn/affirmed at

Melbourne on 10 January before me Rachel Giudicatti
2022

[witness to sign and provide name and qualification].

R. Giudicatti
RACHEL GIUDICATTI
Australian Legal Practitioner



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 DJOKOVIC / Name: NOVAK DJOKOVIC

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

This is the document referred to as ND-4 in the affidavit of Novak Djokovic sworn/affirmed at

Melbourne on 10 January before me Rachel Giudicatti
2022

[witness to sign and provide name and qualification].

R. Giudicatti
RACHEL GIUDICATTI
Australian Legal Practitioner

Medical exemption from COVID vaccination30th December 2021**Name: NOVAK DJOKOVIC****DOB: [REDACTED]****Country of birth: Republic of Serbia****Passport number: [REDACTED]**

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

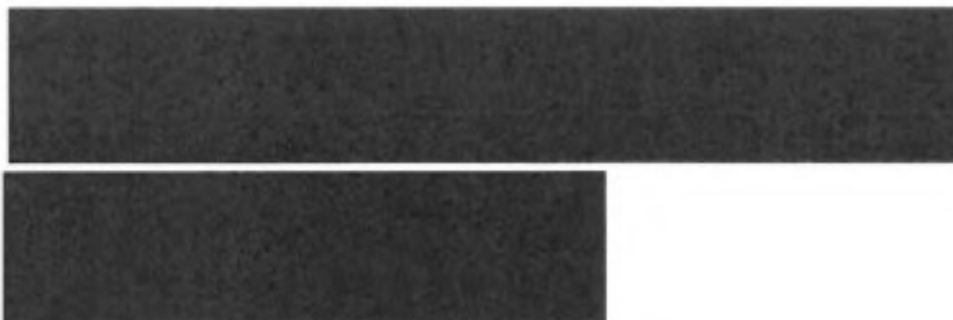
This temporary exemption is valid until 16/5/22.

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 cursive script, appearing to read "C Broderick".

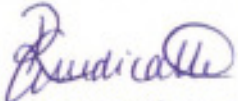
Dr Carolyn Broderick MBBS, FACSEP, PhD
Chief Medical Officer, Tennis Australia & Australian Open

Independent Expert Medical Review Panel

This is the document referred to as ND-5 in the affidavit of Novak Djokovic sworn/affirmed at

Melbourne on 10 January before me Rachel Giudicatti
2022

[witness to sign and provide name and qualification].


RACHEL GIUDICATTI
Australian Yogi Practitioner

Da: **Australia Travel Declaration** no-reply@aid.homeaffairs.gov.au
Oggetto: Your Australia Travel Declaration has been received
Data: 1 gennaio 2022 11:37
A: [REDACTED]

AD



Australian Government
Department of Home Affairs

Dear Novak Djokovic

We have received your Australia Travel Declaration on 01 Jan 2022 10:36 (UTC).

Status

Your Australia Travel Declaration has been assessed

Your responses indicate that you meet the requirements for a quarantine-free arrival into Australia where permitted by the jurisdiction of your arrival.

However, states and territories may require you to self-isolate at home and undertake additional COVID-19 testing. Currently, you are required to undertake a COVID-19 PCR test within 24 hours of arrival and again on day 6 after your arrival. These requirements may vary so you need to check the requirements on australia.gov.au/quarantine closer to your arrival.

Please print or download this email and store it safely for use when requested on your day of travel.

QR Code





Declaration Details

Given Name

Novak

Family Name

Djokovic

Travel Document

[REDACTED]

Submission (UTC)

01 Jan 2022 10:36

Valid Until (UTC)

02 Jul 2022 22:36

TravelMode

Air

Departure Country

United Arab Emirates

Departure Date

05 Jan 2022

Port

MEL

Flight Number

EK408

Arrival Date

05 Jan 2022

Why keep this notice?

- You may be requested by airline staff to show that you have completed your Australia Travel Declaration
- You may be requested by Australian Border Force officers to show that you

have completed your Australia Travel Declaration

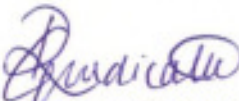
Privacy Notice

The Department of Home Affairs (the Department) is bound by the Australian Privacy Principles (APPs) in Schedule 1 to the Privacy Act 1988 (Cth) (Privacy Act). The APPs regulate how we collect, use, store and disclose personal information, and how you may seek access to, or correction of, the personal information that we hold about you.

This is the document referred to as ND-6 in the affidavit of Novak Djokovic sworn/affirmed at

Melbourne on 10 January before me Rachel Giudicatti
2022

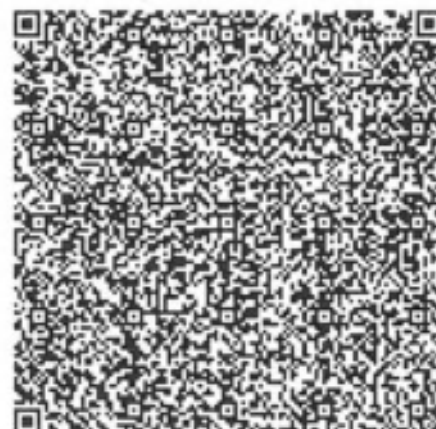
[witness to sign and provide name and qualification].


RACHEL GIUDICATTI
Australian legal Practitioner

Border Travel Permit

For travel between

**UNITED ARAB EMIRATES -
TOORAK**



For official use. Only Authorised officers can scan this code.

Date of travel

05/01/2022

Date of issue

22:27 02/01/2022 AEDT

This permit is valid for **14 days** from the date of entry into Victoria and can only be used for a single trip.

People travelling

novak djokovic

Restriction status

I am an international arrival

Contact Details

[REDACTED]

Vaccination status

I'm fully vaccinated or have a medical exemption

Home address

[REDACTED]

Destination

[REDACTED]

Origin

**airport
UNITED ARAB EMIRATES**

Destination Contact

Melbourne

I declare I comply with the conditions below. If I am traveling with dependants below 12 years and 2 months of age, I declare they comply too.

Where I've been

- I am entering Victoria and have been in another country in the past 14 days.

My health

- I am:
 - fully vaccinated against COVID-19, or have a medical exemption from vaccination, or
 - above 12 years and 2 months and below 18 years of age and not fully vaccinated against COVID-19 (and do not have a medical exemption from vaccination) and I am:
 - traveling with at least one parent or guardian who is fully vaccinated against COVID-19 or has a medical exemption from vaccination, or
 - between days 5-7 after arriving in Australia,
 - below 12 years and 2 months of age and traveling without a parent or guardian.
- I understand that children below 12 years and 2 months of age do not need to be vaccinated.

When I'm travelling

- I will carry this permit, evidence of my vaccination status or medical exemption from vaccination, proof of my ID and home address for 14 days after arriving in Australia.
- I will show them to an Authorised Officer, Victoria Police, or Protective Services Officer (or other person as directed) if asked.

Keeping safe

- If I am entering Victoria from another Australian state or territory, I will comply with all remaining requirements that are applicable relative to the time I arrived in Australia.
- I will get a polymerase chain reaction (PCR) or rapid antigen (RA) test:
 - within 24 hours of entering Victoria, if I arrive in Victoria within 24 hours of arriving in Australia and have not already taken a test during this time; and
 - between days 5-7 after arriving in Australia.
- After arriving in Victoria, I will travel immediately and directly to a premises where I will quarantine until I receive a negative result from the COVID-19 test taken within 24 hours of entering Victoria.
- While traveling to the premises I will only leave my vehicle to:
 - seek medical care or medical supplies
 - use a restroom
 - pay for fuel
 - purchase essential items, or takeaway food or drink.
- If I leave my vehicle I will:
 - wear a face covering at all times (unless an exception applies)
 - minimise contact with other persons and practice physical distancing
 - keep a detailed record of all places I stop.
- I will remain in quarantine until I receive a negative result from the COVID-19 test taken within 24 hours of entering Victoria, unless:
 - obtaining medical care or medical supplies
 - getting a COVID-19 PCR or RA test
 - in an emergency

- o required by law
 - o leaving Victoria.
- While in quarantine I won't share bedrooms, bathrooms or any other facilities with people outside my travelling party.
- For 14 days after arriving in Australia, I will carry evidence of my negative COVID-19 test results and show them to an Authorised Officer, Victoria Police, or Protective Services Officer (or other person as directed) if asked.
- I will comply with all pandemic orders issued by Victoria's Minister for Health.
- I will monitor myself for COVID-19 symptoms and get tested if they appear.
- If I am 12 years and 2 months of age or older and fully vaccinated I will also:
 - o not visit a school, childcare or early childhood service, aged care residential facility, disability care facility or hospital (other than to receive emergency medical care) until 7 days have passed since my arrival in Australia unless:
 - I have received a negative result from a PCR test taken within 24 hours of visiting the setting; or
 - I have received a negative result from a RA test taken on the day of visiting the setting.
- If I am 18 years or older and have a medical exemption from vaccination, I will also:
 - o not visit a school, childcare or early childhood service, aged care residential facility, disability care facility or hospital (other than to receive emergency medical care) in Victoria until 14 days have passed since my arrival in Australia.
- If I am above 12 years and 2 months and below 18 years of age and have a medical exemption from vaccination, I will also:
 - o not attend a school in Victoria until 7 days have passed since my arrival in Australia and I have received a negative result from my COVID-19 test taken between days 5-7 after arriving in Australia
 - o not visit a childcare or early childhood service, aged care residential facility, disability care facility or hospital (other than to receive emergency medical care) in Victoria for 14 days after arriving in Australia.
- If I am above 12 years and 2 months and below 18 years of age and not fully vaccinated and do not have a medical exemption from vaccination, I will also:
 - o travel immediately and directly to my normal residence (or other suitable premises), and quarantine there until 7 days have passed since my arrival in Australia
 - o not leave quarantine except to obtain medical care, for COVID-19 testing, in an emergency, if required by law, or to leave Victoria
 - o not share bedrooms, bathrooms or any other facilities with people outside my travelling party
 - o not attend a school until 7 days have passed since my arrival in Australia and I have received a negative result from my COVID-19 test taken between days 5-7 after arriving in Australia.
 - o not visit a childcare or early childhood service, aged care residential facility, disability care facility or hospital (other than to receive emergency or medical care) in Victoria until 14 days have passed since my arrival in Australia.
 - o wear a face covering at all times (unless a lawful reason applies not to), if I leave quarantine for any permitted reason.
- If I am below 12 years and 2 months of age, I will also:
 - o not attend a school until 7 days have passed since my arrival in Australia and I have received a negative result from my COVID-19 test taken between days 5-7 after arriving in Australia
 - o not visit a childcare or early childhood service, aged care residential facility, disability care facility or hospital (other than to receive emergency or medical care) in Victoria until 14 days have passed since my arrival in Australia.

About this international passenger arrivals permit

- I understand I need a new permit after each time I have been overseas to enter Victoria.

I declare all information I've given in this application is true and correct.

There are more than 200 testing locations across Victoria, [find one near your home](#).

This is the document referred to as ND-7 in the affidavit of Novak Djokovic sworn/affirmed at

Melbourne on 10 January before me Rachel Giudicatti
2022

[witness to sign and provide name and qualification].

R. Giudicatti
RACHEL GIUDICATTI
Australian Legal Practitioner

Cancellation of visa under section 116 of the Migration Act

s 116

- (1) Subject to subsections (2) and (3), the Minister may cancel a visa if he or she is satisfied that:
- (a) the decision to grant the visa was based, wholly or partly, on a particular fact or circumstance that is no longer the case or that no longer exists; or
 - (aa) the decision to grant the visa was based, wholly or partly, on the existence of a particular fact or circumstance, and that fact or circumstance did not exist; or
 - (b) its holder has not complied with a condition of the visa; or
 - (c) another person required to comply with a condition of the visa has not complied with that condition; or
 - (d) if its holder has not entered Australia or has so entered but has not been immigration cleared – it would be liable to be cancelled under Subdivision C (incorrect information given by holder) if its holder had so entered and been immigration cleared; or
 - (e) the presence of its holder in Australia is or may be, or would or might be, a risk to:
 - (i) the health, safety or good order of the Australian community or a segment of the Australian community; or
 - (ii) the health or safety of an individual or individuals; or
 - (f) the visa should not have been granted because the application for it, or its grant was in contravention of this Act or of another law of the Commonwealth; or
 - (fa) in the case of a student visa:
 - (i) its holder is not, or is likely not to be, a genuine student; or
 - (ii) its holder has engaged, is engaging, or is likely to engage, while in Australia, in conduct (including omissions) not contemplated by the visa; or
 - (g) a prescribed ground for cancelling a visa applies to the holder.
- (1AA) Subject to subsections (2) and (3), the Minister may cancel a visa if he or she is not satisfied as to the visa holder's identity.
- (1AB) Subject to subsections (2) and (3), the Minister may cancel a visa (the *current visa*) if he or she is satisfied that:
- (a) incorrect information was given, by or on behalf of the person who holds the current visa, to:
 - (i) an officer; or
 - (ii) an authorised system; or
 - (iii) the Minister; or
 - (iv) any other person, or a tribunal, performing a function or purpose under this Act; or
 - (v) any other person or body performing a function or purpose in an administrative process that occurred or occurs in relation to this Act; and
 - (b) the incorrect information was taken into account in, or in connection with, making:
 - (i) a decision that enabled the person to make a valid application for a visa; or
 - (ii) a decision to grant a visa to the person; and
 - (c) the giving of the incorrect information is not covered by Subdivision C. This subsection applies whenever the incorrect information was given and whether the visa referred to in subparagraph (b)(i) or (ii) is the current visa or a previous visa that the person held.
- (1AC) Subject to subsections (2) and (3), the Minister may cancel a visa (the *current visa*) if he or she is satisfied that:
- (a) a benefit was asked for or received by, or on behalf of, the person (the *visa holder*) who holds the current visa from another person in return for the occurrence of a sponsorship-related event; or
 - (b) a benefit was offered or provided by, or on behalf of, the person (the *visa holder*) who holds the current visa to another person in return for the occurrence of a sponsorship-related event.
- (1AD) Subsection (1AC) applies:
- (a) whether or not the visa holder held the current visa or any previous visa at the time the benefit was asked for, received, offered or provided; and
 - (b) whether or not the sponsorship-related event relates to the current visa or any previous visa that the visa holder held; and
 - (c) whether or not the sponsorship-related event occurred.
- (1A) The regulations may prescribe matters to which the Minister may have regard in determining whether he or she is satisfied as mentioned in paragraph (1)(fa). Such regulations do not limit the matters to which the Minister may have regard for that purpose.
- (2) The Minister is not to cancel a visa under subsection (1), (1AA), (1AB) or (1AC) if there exist prescribed circumstances in which a visa is not to be cancelled.

- (3) If the Minister may cancel a visa under subsection (1), (1AA), (1AB) or (1AC), the Minister must do so if there exist prescribed circumstances in which a visa must be cancelled.

Reg 2.43

- (1) For the purposes of paragraph 116(1)(g) of the Act (which deals with circumstances in which the Minister may cancel a visa), the grounds prescribed are the following:
- (a) that the Foreign Minister has personally determined that:
 - (i) in the case of a visa other than a relevant visa – the holder of the visa is a person whose presence in Australia:
 - (A) is, or would be, contrary to Australia's foreign policy interests; or
 - (B) may be directly or indirectly associated with the proliferation of weapons of mass destruction; or
 - (ii) in the case of a relevant visa – the holder of the visa is a person whose presence in Australia may be directly or indirectly associated with the proliferation of weapons of mass destruction;
 - (aa) in the case of a person who is the holder of a visa other than a relevant visa, the person:
 - (i) is declared under paragraph 6(1)(b) or (2)(b) of the *Autonomous Sanctions Regulations 2011* for the purpose of preventing the person from travelling to, entering or remaining in Australia; and
 - (ii) is not a person for whom the Foreign Minister has waived the operation of the declaration in accordance with regulation 19 of the *Autonomous Sanctions Regulations 2011*;
 - (b) that the holder of the visa has been assessed by the Australian Security Intelligence Organisation to be directly or indirectly a risk to security, within the meaning of section 4 of the *Australian Security Intelligence Organisation Act 1979*;
 - (c) in the case of:
 - (i) the holder of an Electronic Travel Authority (Class UD) visa who is under 18; or
 - (ii) the holder of a Tourist (Class TR) visa, that was applied for using form 601E, who is under 18; or
 - (iii) the holder of a Visitor (Class TV) visa who is under 18; or
 - (iva) the holder of a Subclass 600 (Visitor) visa in the Tourist stream, that was applied for using form 1419 (Internet), who is under 18, that either:
 - (v) both of the following apply:
 - (A) the law of the visa holder's home country did not permit the removal of the visa holder;
 - (B) at least 1 of the persons who could lawfully determine where the additional applicant is to live did not consent to the grant of the visa; or
 - (vi) the grant of the visa was inconsistent with any Australian child order in force in relation to the visa holder;
 - (ca) in the case of a Subclass 601 (Electronic Travel Authority) visa – that, despite the grant of the visa, the Minister is satisfied that the visa holder:
 - (i) did not have, at the time of the grant of the visa, an intention only to stay in, or visit, Australia temporarily for the tourism or business purposes for which the visa was granted; or
 - (ii) has ceased to have that intention;
 - (f) in the case of:
 - (i) the holder of an Electronic Travel Authority (Class UD) visa who is under 18 and is not accompanied by his or her parent or guardian; or
 - (ii) the holder of a Tourist (Class TR) visa, that was applied for using form 601E, who:
 - (A) is under 18; and
 - (B) is not accompanied by his or her parent or guardian; or
 - (iv) the holder of a Visitor (Class TV) visa who is under 18 and is not accompanied by his or her parent or guardian; or
 - (v) the holder of a Subclass 600 (Visitor) visa in the Tourist stream, that was applied for using form 1419 (Internet), who is under 18 and is not accompanied by his or her parent or guardian;
- that the holder of that visa does not have adequate funds, or adequate arrangements have not been made, for the holder's maintenance, support and general welfare during the holder's proposed visit in Australia;
- (g) in the case of a temporary visa held by a person other than a visa holder mentioned in paragraph (f) – that the visa holder asks the Minister, in writing, to cancel the visa;
 - (h) in the case of a temporary visa held by a person who is under the age of 18 years and is not a spouse, a former spouse or engaged to be married – that:
 - (i) a person who is at least 18 years of age, and who can lawfully determine where the visa holder is to live, asks the Minister, in writing, to cancel the visa; and

Continued on reverse of page 2 ▶

Part A – Notice of intention to consider cancelling a visa (continued)

7 Opportunity to comment

The *Migration Act 1958* gives you the opportunity to comment on the intention to consider cancellation of your visa and to give reasons why your visa should not be cancelled. Your comments could include:

- why grounds for cancellation do not exist; or
- why your visa should not be cancelled.

You are invited to provide your comments at interview.

Interview will be held on

Day	Month	Year
06	01	2022

Beginning at

4:35

At the following location

Melbourne Airport

If you choose not to comment, the delegate may make his/her decision based on the information available to them.

If your visa is cancelled you may be refused immigration clearance. You may also be detained and removed from Australia as an unlawful non-citizen under s189 of the *Migration Act 1958*. The visas of any dependants may also be cancelled.

If your visa is cancelled, you may become subject to an exclusion period. If you are subject to an exclusion period as a result of a visa cancellation, you may be prevented from being granted various types of visas for a period of up to 3 years. You may also be prevented from making a valid application for certain classes of visa while in Australia.

If a decision is made not to cancel your visa you will be immigration cleared and allowed to enter Australia.

Except in the case of consideration of cancellation of a visa under Reg 2.43(2), factors the delegate may take into consideration in making a decision whether to cancel your visa include (but are not limited to) the following:

- the purpose of your travel to Australia;
- extent of compliance with the conditions of your visa;
- the degree of hardship which may be caused to you or your family (**Note:** As per the Convention on the Rights of the Child, the best interests of any child in Australia under 18 years of age will be considered);
- the circumstances in which the ground for cancellation arose;
- your behaviour in relation to the Department, now and on any previous occasion;
- whether there are mandatory legal consequences to a cancellation decision.

8 Disclosure of information

Note: The Privacy Act protects information you give in this interview. For more information, see the reverse of pages 3 and 4.

9 Delegate's details

Signature of officer



Name

Sudhir R

Position number

60063579

Date

Day	Month	Year
06	Jan	2022

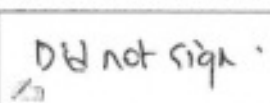
 Time

4:11

10 Visa holder's signature to acknowledge that this notice has been received

Refusal to acknowledge receipt of this notice will not prevent the delegate from making a decision on whether to cancel your visa.

Signature of visa holder



Date

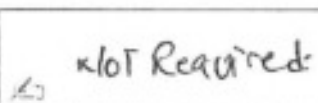
Day	Month	Year
06	Jan	2022

 Time

4:22

11 Interpreter details

Signature of interpreter



Date

Day	Month	Year

 Time

--

TIS number

--

Cancellation of visa under section 116 of the Migration Act (continued)

- (i) the Minister is satisfied that there is no compelling reason to believe that the cancellation of the visa would not be in the best interests of the visa holder;
- (j) in the case of the holder of:
- (i) a Subclass 456 (Business (Short Stay)) visa; or
 - (ia) a Subclass 459 (Sponsored Business Visitor (Short Stay)) visa; or
 - (ib) a Subclass 600 (Visitor) visa in the Business Visitor stream; or
 - (i) a Subclass 956 (Electronic Travel Authority (Business Entrant – Long Validity)) visa; or
 - (ii) a Subclass 977 (Electronic Travel Authority (Business Entrant – Short Validity)) visa –
- that, despite the grant of the visa, the Minister is satisfied that the visa holder did not have, at the time of the grant of the visa, or has ceased to have, an intention only to stay in, or visit, Australia temporarily for business purposes;
- (ka) in the case of a holder of:
- (i) a Subclass 400 (Temporary Work (Short Stay Specialist)) visa; or
 - (ia) a Subclass 401 (Temporary Work (Long Stay Activity)) visa; or
 - (ib) a Subclass 402 (Training and Research) visa; or
 - (ic) a Subclass 403 (Temporary Work (International Relations)) visa; or
 - (id) a Subclass 407 (Training) visa; or
 - (ie) a Subclass 408 (Temporary Activity) visa; or
 - (ii) a Subclass 416 (Special Programme) visa; or
 - (iv) a Subclass 420 (Entertainment) visa; or
 - (v) a Subclass 468 (Superyacht Crew) visa;
- that the grounds in subregulation (1A) are met; or
- (k) in the case of the holder of:
- (i) a Subclass 600 (Visitor) visa that is not in the Business Visitor stream or the Frequent Traveller stream; or
 - (ii) a Subclass 676 (Tourist) visa; or
 - (iii) a Subclass 679 (Sponsored Family Visitor) visa;
- that, despite the grant of the visa, the Minister is satisfied that the visa holder did not have, at the time of the grant of the visa, or has ceased to have, an intention only to visit, or remain in, Australia as a visitor temporarily for the purpose of visiting an Australian citizen, or Australian permanent resident, who is a parent, spouse, de facto partner, child, brother or sister of the visa holder or for another purpose, other than a purpose related to business or medical treatment;
- (ja) in the case of the holder of a Subclass 600 (Visitor) visa in the Frequent Traveller stream – that, despite the grant of the visa, the Minister is satisfied that the visa holder did not have, at the time of the grant of the visa, or has ceased to have, an intention only to visit, or remain in, Australia as a tourist or to engage in a business visitor activity;
- (k) in the case of the holder of a Subclass 976 (Electronic Travel Authority (Visitor)) visa – that, despite the grant of the visa, the Minister is satisfied that the visa holder did not have, at the time of the grant of the visa, or has ceased to have, an intention only to visit Australia temporarily for tourism purposes;
- (ka) in the case of a holder of a Subclass 651 (eVisitor) visa – that, despite the grant of the visa, the Minister is satisfied that the visa holder did not have, at the time of the grant of the visa, or has ceased to have, an intention only to stay in, or visit, Australia temporarily for the tourism or business purposes for which the visa was granted;
- (kb) in the case of the holder of Subclass 457 (Temporary Work (Skilled)) visa that was granted on the basis that the applicant met the requirements of subregulation 457.223(4) (as in force before 18 March 2018) – that, despite the grant of the visa, the Minister is satisfied that:
- (i) the holder did not have a genuine intention to perform the occupation mentioned in paragraph 457.223(4)(d) (as in force before 18 March 2018) at the time of grant of the visa; or
 - (ii) the holder has ceased to have a genuine intention to perform that occupation; or
 - (iii) the position associated with the nominated occupation is not genuine;
- (kc) in the case of the holder of a Subclass 482 (Temporary Skill Shortage) visa in the Short-term stream, Medium-term stream or Labour Agreement stream – that, despite the grant of the visa, the Minister is satisfied that:
- (i) the holder did not have a genuine intention at the time of grant of the visa to perform the occupation mentioned in subclause 482.212(2) of Schedule 2; or
 - (ii) the holder has ceased to have a genuine intention to perform that occupation; or
 - (iii) the position associated with that occupation is not genuine;

- (l) in the case of the holder of a Subclass 457 (Temporary Work (Skilled)) visa or a Subclass 482 (Temporary Skill Shortage) visa who is a primary sponsored person in relation to a person who is, or was, a standard business sponsor or party to a labour agreement (the sponsor) – that:
 - (i) the sponsor has given false or misleading information to the Department or the Administrative Appeals Tribunal; or
 - (ii) the sponsor has failed to satisfy a sponsorship obligation; or
 - (iv) the sponsor has been cancelled or barred under section 140M of the Act; or
 - (v) the labour agreement has been terminated, has been suspended or has ceased;
- (lc) in the case of a holder of:
 - (i) a Subclass 401 (Temporary Work (Long Stay Activity)) visa; or
 - (ia) a Subclass 402 (Training and Research) visa; or
 - (ib) a Subclass 407 (Training) visa; or
 - (ic) a Subclass 408 (Temporary Activity) visa; or
 - (ii) a Subclass 416 (Special Programme) visa; or
 - (v) a Subclass 468 (Superyacht Crew) visa;

who is a primary sponsored person in relation to a person who is or was an approved sponsor – that 1 of the grounds specified in subregulation (1B) is met;
- (kd) in the case of a holder of:
 - (i) a Subclass 401 (Temporary Work (Long Stay Activity)) visa; or
 - (ia) a Subclass 402 (Training and Research) visa; or
 - (ib) a Subclass 407 (Training) visa; or
 - (ii) a Subclass 420 (Entertainment) visa; or
 - (iv) a Subclass 457 (Temporary Work (Skilled)) visa; or
 - (v) a Subclass 482 (Temporary Skill Shortage) visa;

who is a secondary sponsored person in relation to a person who is or was an approved sponsor – that the person who is or was an approved sponsor of the primary sponsored person to whom the secondary sponsored person is related has not listed the secondary sponsored person in the latest nomination in which the primary sponsored person is identified;
- (ke) in the case of a holder of:
 - (i) a Subclass 401 (Temporary Work (Long Stay Activity)) visa; or
 - (ia) a Subclass 408 (Temporary Activity) visa granted on the basis that the primary sponsored person satisfied the criteria in clause 408.223 (religious worker) or 408.224 (domestic worker) of Schedule 2; or
 - (iv) a Subclass 457 (Temporary Work (Skilled)) visa; or
 - (v) a Subclass 482 (Temporary Skill Shortage) visa;

who is a primary sponsored person or a secondary sponsored person in relation to a person who is or was an approved sponsor – that the person who is or was an approved sponsor has paid the return travel costs of the holder in accordance with the sponsorship obligation mentioned in regulation 2.60 or 2.60A;
- (km) that the Minister reasonably suspects that the holder of the visa has committed an offence under section 232A, 233, 233A, 234 or 236 of the Act;
- (kn) that:
 - (i) a certificate is in force under paragraph 271(1)(f) of the Act, stating that a computer programme was not functioning correctly; and
 - (ii) both of the following apply:
 - (A) the visa was granted at the time, or during the period, that is specified in the certificate;
 - (B) the grant of the visa is an outcome from the operation of that programme, under an arrangement made under subsection 495A(1) of the Act, that is specified in the certificate;
- (na) the holder of the visa provided a digital passenger declaration of a kind referred to in paragraph 3.034B(1)(a) (other than a digital passenger declaration that was withdrawn before the time referred to in paragraph 3.034B(1)(b)) and either or both of the following apply:
 - (i) the digital passenger declaration was incorrect at the time it was provided;
 - (ii) the holder, or a person in charge of the holder on the relevant flight or voyage, has provided incorrect information in relation to the digital passenger declaration;
- (n) that the Minister reasonably suspects that the visa has been obtained as a result of the fraudulent conduct of any person;
- (o) in the case of the holder of a temporary visa (other than a Subclass 050 (Bridging (General)) visa, a Subclass 051 (Bridging (Protection Visa Applicant)) visa or a Subclass 444 (Special Category) visa) – that the Minister is satisfied that the holder has been convicted of an offence against a law of the Commonwealth, a State or Territory (whether or not the holder held the visa at the time of the conviction and regardless of the penalty imposed (if any));

Continued on reverse of page 3 ►



ATTACHMENT A (Part A)

You have arrived at Melbourne Airport as the holder of a subclass GG408 (Temporary Activity) visa. This visa allows entry into Australia to Participate in Australia Open Tennis Tournament.

During an interview with an Australian Border Force (ABF) officer, you have stated you are not vaccinated against COVID-19. You have also provided a copy of a medical exemption issued by Tennis Australia. This medical exemption was issued on the grounds that you have recently recovered from COVID-19. Under the Biosecurity Act 2015, there are requirements for entry into Australian territory. These requirements include that international travellers make a declaration as to their vaccination status (vaccinated, unvaccinated, or medically contraindicated). Travellers may make a declaration that they have a medical contraindication and must provide evidence of that medical contraindication provided by their medical practitioner. Previous infection with COVID-19 is not considered a medical contraindication for COVID-19 vaccination in Australia.

A copy of the relevant section of the *Biosecurity Act 2015* is attached for your reference.
The information you have provided does not show a medical contraindication to COVID-19 vaccines or evidence of that provided by a medical practitioner.

Unvaccinated persons create a greater health risk of contracting COVID-19 and spreading COVID-19 to others, either of which will further burden the Australian health system. Ensuring unvaccinated persons do not enter Australia is a key mechanism through which the Australian Government has slowed the spread of COVID-19 within the Australian community.

All visa holders, whether permanent or temporary are expected to abide by all public health directives issued by both Commonwealth and state and territory jurisdictions. A breach of these directions is considered a potential risk to the health, safety or good order of the Australian community.

Subject to Section 116(1) of the *Migration Act 1958*, the Minister may cancel a visa if he or she is satisfied that:

- (e) the presence of its holder in Australia is or may be, or would or might be, a risk to:
- (i) the health, safety or good order of the Australian community or a segment of the Australian community

Based on the above information, I am satisfied there appears to be a ground to consider cancelling your subclass GG-408 visa, due to you presenting a risk to the health, safety or good order of the Australian community or a segment of the Australian community. The ground is that, the Minister may cancel a visa if he or she is satisfied that:... if its holder has not entered Australia or has so entered but has not been immigration cleared – it would be liable to be cancelled under Section 116(1)(e)(i) of the *Migration Act 1958*.

Biosecurity Act 2015 reference:

(3) For the purposes of paragraph (2)(a), the declaration is a declaration of which of the following paragraphs apply to the individual:

(a) the individual:

(i) has received a course of vaccinations with one or more accepted COVID-19 vaccines in accordance with a schedule for receiving that course of vaccinations that is accepted by the Therapeutic Goods Administration; and

(ii) received the last vaccination in the course of vaccinations at least 7 days before the day the relevant international flight was scheduled to commence; and

(iii) can produce evidence of the matters mentioned in subparagraphs (i) and (ii);

(b) the individual:

(i) has a medical contraindication to COVID-19 vaccines; and

(ii) can produce evidence provided by a medical practitioner of the matter mentioned in subparagraph (i);

(c) neither paragraph (a) nor (b) applies to the individual.

Decision

Office use only

ICSE Client ID 90470082110

Part B – Record of decision whether to cancel visa

1 Full name

Family name

DJOKOVIC

Given names

Novak

2 Date of birth

Day	Month	Year

3 Current visa details

subclass GG408

visa granted on 18-Nov-2021

4 Visa holder's response

The visa holder received the notice of intention to consider cancelling the visa at: (insert time and date from item 10 Part A)

4:11

06-Jun-2022

The visa holder:

DID NOT RESPOND OR ADVISED THEY

DID NOT WISH TO RESPOND to the

notice of intention to consider

cancelling the visa

☐ Go to Question 6

RESPONDED to the notice of intention

to consider cancelling the visa

☒ Give details at Question 5 and/or Question 8

5 Time interview commenced

(This should be a reasonable period after the time at Question 4)

06:07

06-Jan-2022

Grounds for cancellation

Provide a summary of why the visa holder considers the GROUNDS for cancellation DO or DO NOT exist

Mr. DJOKOVIC stated the grounds do not exist and that he is surprised the Commonwealth Government had insufficient information, because his medical exemption was granted by an Independent Expert Medical Review panel Commissioned by Tennis Australia.

Mr. DJOKOVIC stated he had provided all medical reports to Tennis Australia, including his PCR test reports from 16 Dec 2021 and 21 Dec 2021.

Mr. DJOKOVIC also stated he provided blood sample reports to Tennis Australia and Independent Expert Medical Review panel.

Cancellation of visa under section 116 of the Migration Act (continued)

- (kb) in the case of the holder of a temporary visa (other than a Subclass 050 (Bridging (General)) visa, a Subclass 051 (Bridging (Protection Visa Applicant)) visa or a Subclass 444 (Special Category) visa) – that the Minister is satisfied that the holder is the subject of a notice (however described) issued by Interpol for the purpose of providing a warning or intelligence that:
- (i) the holder has committed an offence against a law of another country and is likely to commit a similar offence; or
 - (ii) the holder is a serious and immediate threat to public safety;
- (kc) in the case of the holder of a Subclass 050 (Bridging (General)) visa or a Subclass 051 (Bridging (Protection Visa Applicant)) visa – that the Minister is satisfied that the holder:
- (i) has been convicted of an offence against a law of the Commonwealth, a State, a Territory or another country (other than if the conviction resulted in the holder's last substantive visa being cancelled under paragraph (ja)); or
 - (ii) has been charged with an offence against a law of the Commonwealth, a State, a Territory or another country; or
 - (iii) is the subject of a notice (however described) issued by Interpol for the purposes of locating the holder or arresting the holder; or
 - (iv) is the subject of a notice (however described) issued by Interpol for the purpose of providing either or both of a warning or intelligence that the holder:
 - (A) has committed an offence against a law of another country; and
 - (B) is likely to commit a similar offence; or
 - (v) is the subject of a notice (however described) issued by Interpol for the purpose of providing a warning that the holder is a serious and immediate threat to public safety;
- (kd) in the case of the holder of a Subclass 050 (Bridging (General)) visa or a Subclass 051 (Bridging (Protection Visa Applicant)) visa – that:
- (i) an agency responsible for the regulation of law enforcement or security in Australia has advised the Minister that the holder is under investigation by that agency; and
 - (ii) the head of that agency has advised the Minister that the holder should not hold a Subclass 050 (Bridging (General)) visa or a Subclass 051 (Bridging (Protection Visa Applicant)) visa;
- (ke) in the case of the holder of a Subclass 771 (Transit) visa – that, despite the grant of the visa, the Minister reasonably suspects that the holder of the visa:
- (i) did not have, at the time of the grant of the visa, an intention to transit Australia; or
 - (ii) has ceased to have that intention;
- (kf) in the case of a holder of:
- (i) a Subclass 400 (Temporary Work (Short Stay Specialist)) visa; or
 - (ii) a Subclass 403 (Temporary Work (International Relations)) visa; or
 - (iii) a Subclass 407 (Training) visa; or
 - (iv) a Subclass 408 (Temporary Activity) visa; or
 - (v) a subclass 417 (Working Holiday) visa; or
 - (vi) a Subclass 457 (Temporary Work (Skilled)) visa; or
 - (vii) a Subclass 462 (Work and Holiday) visa; or
 - (viii) a Subclass 476 (Skilled—Recognised Graduate) visa; or
 - (ix) a Subclass 482 (Temporary Skill Shortage) visa; or
 - (x) a Subclass 485 (Temporary Graduate) visa; or
 - (xi) a Subclass 500 (Student) visa; or
 - (xii) a Subclass 590 (Student Guardian) visa; or
 - (xiii) a Subclass 600 (Visitor) visa; or
 - (xiv) a Subclass 601 (Electronic Travel Authority) visa; or
 - (xv) a Subclass 651 (eVisitor) visa; or
 - (xvi) a Subclass 676 (Tourist) visa; or
 - (xvii) a Subclass 771 (Transit) visa; or
 - (xviii) a Subclass 988 (Maritime Crew) visa;
- who is in Australia and who has not been immigration cleared – that the Minister reasonably believes that the visa holder has contravened subsection 126(2), 128(2), 532(1) or 533(1) of the *Biometrics Act 2015*;
- (kg) in the case of the holder of a temporary visa – that the Minister reasonably believes that the visa holder:
- (i) has imported goods to which regulation 4A of the *Customs (Prohibited Imports) Regulations 1956* applies; and
 - (ii) has not been granted a permission under subregulation 4A(2) of those Regulations to import the goods.

- (1A) For paragraph (1)(ja), the grounds are that, despite the grant of the visa, the Minister is satisfied that the visa holder did not have at the time of grant of the visa, or has ceased to have, a genuine intention to stay temporarily in Australia to carry out the work or activity in relation to which:
- (a) the visa holder's visa was granted; or
 - (b) if the visa holder is identified in a nomination after the visa is granted – the visa holder was identified in a nomination.
- (1B) For paragraph (1)(jc), the grounds are the following:
- (a) the approval of the person as a sponsor has been cancelled, or the approved sponsor has been barred, under section 140M of the Act;
 - (c) if the primary sponsored person is required to be identified in a nomination – the criteria for approval of the latest nomination in which the primary sponsored person is identified are no longer met;
 - (d) the person who is or was an approved sponsor has failed to satisfy a sponsorship obligation.
- (1C) For subsection 116(1A) of the Act, the Minister may have regard to the matter mentioned in subregulation (1D) in determining whether he or she is satisfied as mentioned in paragraph 116(1)(a) of the Act.
- (1D) For subregulation (1C), the matter is that participation in a course of study by the holder of a student visa has been deferred or temporarily suspended by the provider of the course of study:
- (a) because of the conduct of the holder; or
 - (b) because of the circumstances of the holder, other than compassionate or compelling circumstances; or
 - (c) because of compassionate or compelling circumstances of the holder, if the Minister is satisfied that the circumstances have ceased to exist; or
 - (d) on the basis of evidence or a document given to the provider about the holder's circumstances, if the Minister is satisfied that the evidence or document is fraudulent or misrepresents the holder's circumstances.
- (2) For subsection 116(3) of the Act, the circumstances in which the Minister must cancel a visa are:
- (a) in the case of a visa other than a relevant visa – each of the circumstances comprising the grounds set out in:
 - (i) sub-paragraphs (1)(a)(i)(A) and (B); and
 - (ii) paragraph (1)(a); and
 - (iii) paragraph (1)(b); and
 - (aa) in the case of a relevant visa – the circumstance comprising the grounds set out in subparagraph (1)(a)(ii).
- (3) In this regulation:
- relevant visa** means a visa of any of the following subclasses:
- (aa) Subclass 050; (e) Subclass 204;
 - (aaa) Subclass 070; (g) Subclass 449;
 - (a) Subclass 200; (f) Subclass 785, including a Subclass 785 visa granted before 2 December 2013;
 - (b) Subclass 201; (h) Subclass 786;
 - (c) Subclass 202; (i) Subclass 786;
 - (d) Subclass 203; (k) Subclass 866.

Important information about privacy

The personal information you give in this interview is protected by law, including the *Privacy Act 1988*. Important information about the collection, use and disclosure (to other agencies and third parties, including overseas entities) of your personal information, including sensitive information, can be found below, and is contained in form 1442i *Privacy notice*. Form 1442i is available from the Department's website www.homeaffairs.gov.au/allforms/ or offices of the Department. You should ensure that you read and understand the *Privacy notice*.

- 5.1 At or before the time or, if that is not practicable, as soon as practicable after, an Australian Privacy Principles (APP) entity collects personal information about an individual, the entity must take such steps (if any) as are reasonable in the circumstances:
- (a) to notify the individual of such matters referred to in subclause 5.2 as are reasonable in the circumstances; or
 - (b) to otherwise ensure that the individual is aware of any such matters.
- 5.2 The matters for the purposes of subclause 5.1 are as follows:
- (a) the identity and contact details of the APP entity;
 - (b) if:
 - (i) the APP entity collects the personal information from someone other than the individual; or
 - (ii) the individual may not be aware that the APP entity has collected the personal information;
 the fact that the entity so collects, or has collected, the information and the circumstances of that collection;
 - (c) if the collection of the personal information is required or authorised by or under an Australian law or a court/tribunal order—the fact that the collection is so required or authorised (including the name of the Australian law, or details of the court/tribunal order, that requires or authorises the collection).

Continued on reverse of page 4 ➔

Part B – Record of decision whether to cancel visa (continued)

6 Assessment

I am satisfied that there are:

☒ GROUNDS

OR

☐ NO GROUNDS → Go to Question 11

for cancellation of the visa holder's visa under:

☐ s116(1)(a)☐ s116(1)(aa)☐ s116(1)(b) because I am satisfied that you have not complied with condition

(Refer to reverse of pages 4, 5, 6 and front and reverse of page 7 for details of conditions)

☐ s116(1)(c)☐ s116(1)(d) because I am satisfied a ground exists at

(Enter relevant ground here – s101, s102, s103, s104 or s105)

☒ s116(1)(e) (i) ☒ (ii) ☐☐ s116(1)(f)☐ s116(1)(fa) (i) ☐ (ii) ☐☐ s116(1)(g) because I am satisfied a ground exists atReg 2.43(1) ☐ other

Please refer to reverse of pages 1, 2 and 3 for reference to the relevant legislation.

Where the Minister can cancel a visa under subsection 116(1) of the Act, the Minister must do so if there exist prescribed circumstances in which the visa must be cancelled (see subsection 116(3) of the Act and the 'prescribed circumstances' in subregulation 2.43(2) of the *Migration Regulations 1994*) – refer to reverse of page 3.

7 Details of the evidence and findings about why the delegate is satisfied GROUNDS for cancellation DO EXIST

During interview, the visa holder stated he was not vaccinated against COVID-19. The Visa holder also provided a copy of a medical exemption issued by Tennis Australia. This medical exemption was issued on the grounds that the visa holder has recently recovered from COVID-19. The visa holder stated he had received an Australian Travel Declaration from the Department of Home Affairs, which was lodged on his behalf by Tennis Australia.

Under the Biosecurity Act 2015, there are requirements for entry into Australian territory. These requirements include that international travellers make a declaration as to their vaccination status (vaccinated, unvaccinated, or medically contraindicated). Travellers may make a declaration that they have a medical contraindication and must provide evidence of that medical contraindication provided by their medical practitioner. Previous infection with COVID-19 is not considered a medical contraindication for COVID-19 vaccination in Australia.

Unvaccinated persons create a greater health risk of contracting COVID-19 and spreading COVID-19 to others, either of which will further burden the Australian health system. Ensuring unvaccinated persons do not enter Australia is a key mechanism through which the Australian Government has slowed the spread of COVID-19 within the Australian community.

All visa holders, whether permanent or temporary are expected to abide by all public health directives issued by both Commonwealth and state and territory jurisdictions. A breach of these directions is considered a potential risk to the health, safety or good order of the Australian community.

Subject to Section 116(1) of the Migration Act 1958, the Minister may cancel a visa if he or she is satisfied that:

(e) the presence of its holder in Australia is or may be, or would or might be, a risk to:

(i) the health, safety or good order of the Australian community or a segment of the Australian community

Based on the above information, I am satisfied there are grounds to consider cancelling the visa holder's subclass GG-408 visa. The ground is that, the Minister may cancel a visa if he or she is satisfied that: ... if its holder has not entered Australia or has so entered but has not been immigration cleared – it would be liable to be cancelled under Section 116(1)(e)(i) of the Migration Act 1958.

- (d) the purposes for which the APP entity collects the personal information;
- (e) the main consequences (if any) for the individual if all or some of the personal information is not collected by the APP entity;
- (f) any other APP entity, body or person, or the types of any other APP entities, bodies or persons, to which the APP entity usually discloses personal information of the kind collected by the entity;
- (g) that the APP privacy policy of the APP entity contains information about how the individual may access the personal information about the individual that is held by the entity and seek the correction of such information;
- (h) that the APP privacy policy of the APP entity contains information about how the individual may complain about a breach of the Australian Privacy Principles, or a registered APP code (if any) that binds the entity, and how the entity will deal with such a complaint;
- (i) whether the APP entity is likely to disclose the personal information to overseas recipients;
- (j) if the APP entity is likely to disclose the personal information to overseas recipients – the countries in which such recipients are likely to be located if it is practicable to specify those countries in the notification or to otherwise make the individual aware of them.

Visa conditions

- 8101** The holder must not engage in work in Australia.
- 8102** The holder must not engage in work in Australia (other than in relation to the holder's course of study or training).
- 8103** The holder must not receive salary in Australia without the permission in writing of the Secretary.
- 8104 (1)** The holder must not engage in work for more than 40 hours a fortnight while the holder is in Australia.
- (2) If the holder is a member of the family unit of a person who satisfies the primary criteria for the grant of a student visa, the holder must not engage in work in Australia until the person who satisfies the primary criteria has commenced a course of study.
- (3) If the course of study mentioned in subclause (2) is a registered course for the award of a masters or doctorate degree, then despite subclause (1), the holder may engage in work for more than 40 hours a fortnight while the holder is in Australia.
- (4) In this clause:
fortnight means the period of 14 days commencing on a Monday.
- 8105 (1A)** The holder must not engage in any work in Australia before the holder's course of study commences.
- (1) Subject to subclause (2), the holder must not engage in work in Australia for more than 40 hours a fortnight during any fortnight when the holder's course of study or training is in session.
- (2) Subclause (1) does not apply:
- (a) to work that was specified as a requirement of the course when the course particulars were entered in the Commonwealth Register of Institutions and Courses for Overseas Students; and
 - (b) in relation to a student visa if the holder has commenced the masters degree by research or doctoral degree.
- (3) In this clause:
fortnight means the period of 14 days commencing on a Monday.
- 8106** The holder must engage in work in Australia only if the work is relevant to the conduct of the business, or performance of the tasks, specified in the visa application.
- 8107 (1)** If the visa is not a visa mentioned in subclause (3) or (4), and was granted to enable the holder to be employed in Australia, the holder must not:
- (a) cease to be employed by the employer in relation to which the visa was granted; or
 - (b) work in a position or occupation inconsistent with the position or occupation in relation to which the visa was granted; or
 - (c) engage in work for another person or on the holder's own account while undertaking the employment in relation to which the visa was granted.
- (2) If the visa is not a visa mentioned in subclause (3) or (4), and subclause (1) does not apply, the holder must not:
- (a) cease to undertake the activity in relation to which the visa was granted; or
 - (b) engage in an activity inconsistent with the activity in relation to which the visa was granted; or
 - (c) engage in work for another person or on the holder's own account inconsistent with the activity in relation to which the visa was granted.
- (3) If the visa is, or the last substantive visa held by the applicant was, a Subclass 457 (Temporary Work (Skilled)) visa that was granted on the basis that the holder met the requirements of subclause 457.22(2) or (4) as in force before 18 March 2018:

- (a) the holder:
 - (i) must work only in the occupation listed in the most recently approved nomination for the holder; and
 - (ii) unless the circumstances in subclause (3A) apply:
 - (A) must work only for the party to a labour agreement or former party to a labour agreement who nominated the holder in the most recently approved nomination; or
 - (B) if the sponsor is, or was, a standard business sponsor who was lawfully operating a business in Australia at the time of the sponsor's approval as a standard business sponsor, or at the time of the last approval of a variation to the sponsor's term of approval as a standard business sponsor – must work only in a position in the business of the sponsor or an associated entity of the sponsor; or
 - (C) if the sponsor is or was a standard business sponsor who was not lawfully operating a business in Australia, and was lawfully operating a business outside Australia, at the time of the sponsor's approval as a standard business sponsor, or at the time of the last approval of a variation to the sponsor's term of approval as a standard business sponsor – must work only in a position in the business of the sponsor.

(aa) subject to paragraph (c), the holder must:

- (i) if the holder was outside Australia when the visa was granted – commence work within 90 days after the holder's arrival in Australia; and
 - (ii) if the holder was in Australia when the visa was granted – commence work within 90 days after the holder's visa was granted; and
- (b) if the holder ceases employment – the period during which the holder ceases employment must not exceed 60 consecutive days; and
- (c) if the holder is required to hold a licence, registration or membership that is mandatory to perform the occupation nominated in relation to the holder, in the location where the holder's position is situated – the holder:
- (i) must hold the licence, registration or membership while the holder is performing the occupation; and
 - (ii) if the holder was outside Australia when the visa was granted – the holder must hold that licence, registration or membership within 90 days after the holder's arrival in Australia; and
 - (iii) if the holder was in Australia when the visa was granted – the holder must hold that licence, registration or membership within 90 days after the holder's visa was granted; and
 - (iv) must notify the Department, in writing as soon as practicable if an application for the licence, registration or membership is refused; and
 - (v) must comply with each condition or requirement to which the licence, registration or membership is subject; and
 - (vi) must not engage in work that is inconsistent with the licence, registration or membership, including any conditions or requirements to which the licence, registration or membership is subject; and
 - (vii) must notify the Department, in writing as soon as practicable if the licence, registration or membership ceases to be in force or is revoked or cancelled.

(3A) For subparagraph (3) (a) (ii), the circumstances are that:

- (a) the holder's occupation is specified in an instrument in writing for subparagraph 2.72(1)(b)(i) or (ii) as in force before 18 March 2018; or
- (b) the holder is continuing to work for the sponsor, or the associated entity of the sponsor, for the purpose of fulfilling a requirement under a law relating to industrial relations and relating to the giving of notice.

(4) If the visa is:

- (a) a Subclass 401 (Temporary Work (Long Stay Activity)) visa; or
 - (b) a Subclass 402 (Training and Research) visa; or
 - (ba) a Subclass 420 (Temporary Work (Entertainment)) visa:
- the holder must not:
- (c) cease to engage in the most recently nominated occupation, program or activity in relation to which the holder is identified; or
 - (d) engage in work or an activity that is inconsistent with the most recently nominated occupation, program or activity in relation to which the holder is identified; or
 - (e) engage in work or an activity for an employer other than the employer identified in accordance with paragraph 2.72A(7)(b) as in force before 19 November 2016 (subject to subregulation 2.72(8) as in force before that day) in the most recent nomination in which the holder is identified.

Continued on reverse of page 5 ▶

8 Reasons the visa should not be cancelled

Provide a summary of the reasons the visa holder gave why their visa should not be cancelled

The visa holder gave the following reasons the visa should not be cancelled :
The visa holder stated he had received an Medical exemption from Tennis Australia.
The visa holder stated he received his Australian Travel Declaration from the Federal government.
The visa holder stated he provided all his medical reports/PCR test reports to Tennis Australia, which were assessed by an Independent Expert Medical Review Panel Commissioned by Tennis Australia.

9 Delegate's assessment of the reasons the visa should not be cancelled

Note: Not applicable to mandatory cancellation under Reg 2.43(2)

Go to Question 11

Purpose of travel to and stay in Australia (whether the visa holder has a compelling need to travel to or remain in Australia)

The visa holder has stated on his IPC that his purpose of travel to Australia is Business. Furthermore the visa holder stated he is travelling to Australia to participate in Australian Open.

Base on the above, I consider the visa holder has a compelling need for travel to Australia and I assign reasonable weight in favour of not cancelling the visa.

Extent of compliance with visa conditions (whether the visa holder has been generally compliant)

The Visa holder has a compliant travel history, with no evidence of non-compliance with visa conditions.

I therefore lend this factor some weight in favour of not cancelling the visa.

The degree of hardship which may be caused to the visa holder, their family members and others, if the visa is cancelled. (Where applicable, the best interests of a child in Australia under 18 years must be considered in accordance with Australia's obligations under the Convention on the Rights of the Child.)

The visa holder has made no specific claims regarding hardship in relation to potential visa cancellation, however I acknowledge that the cancellation of his Subclass 408 visa will likely result in a reasonable level of inconvenience and/or financial or emotional hardship.

Based on the above, I lend some weight in favour of not cancelling the visa.

Visa conditions (continued)

- (5) If the visa is a Subclass 407 (Training) visa, the holder must not:
- cease to engage in the most recently nominated program in relation to which the holder is identified; or
 - engage in work or an activity that is inconsistent with the most recently nominated program in relation to which the holder is identified; or
 - engage in work or an activity for an employer other than an employer identified in accordance with paragraph 2.72A(3)(a) (subject to subregulation 2.72A(3)(i) in the most recent nomination in which the holder is identified).
- 8108** The holder must not be employed in Australia by any 1 employer for more than 3 months, without the prior permission in writing of the Secretary.
- 8109** The holder must not change details of times and places of engagements specified in the application to be undertaken in Australia during the visa period, without the prior permission in writing of the Secretary.
- 8110** The holder:
- must not engage in work in Australia except in the household of the employer in relation to whom the visa was granted; and
 - must not work in a position or occupation inconsistent with the position or occupation in relation to which the visa was granted; and
 - must not engage in work for another person or on the holder's own account while undertaking the employment in relation to which the visa was granted; and
 - must not cease to be employed by the employer in relation to which the visa was granted, unless paragraph (e) applies; and
 - except with the written permission of the Foreign Minister, must not remain in Australia after the permanent departure of that employer.
- 8111** The holder must not:
- perform work in Australia except in the household of the employer who is the holder's sponsor in relation to the visa; or
 - remain in Australia after the permanent departure of that employer.
- 8112** The holder must not engage in work in Australia that might otherwise be carried out by an Australian citizen or an Australian permanent resident.
- 8113** The holder must not work in Australia otherwise than as a member of the crew of a non-military ship.
- 8114** The holder must not work in Australia otherwise than as a member of the crew of a superyacht.
- 8115** The holder must not work in Australia other than by engaging in a business visitor activity.
- 8116** The holder must not work in Australia other than by engaging in an activity specified in a legislative instrument made by the Minister for this clause.
- 8117** The holder must not work in Australia other than as a member of the crew on either or both of the following:
- the flight on which the holder leaves Australia;
 - one flight from a proclaimed airport to the proclaimed airport from which the holder leaves Australia.
- 8118** The holder must not work in Australia other than as a member of the crew on one or more of the following:
- the flight on which the holder travels to Australia;
 - one flight from the proclaimed airport at which the holder enters Australia to another proclaimed airport;
 - the flight on which the holder leaves Australia;
 - one flight from a proclaimed airport to the proclaimed airport from which the holder leaves Australia.
- 8201 (1)** While in Australia the holder must not engage, for more than 3 months, in any studies or training.
- (2)** However, subclause (1) does not apply to a visa mentioned in the table.
- | Item | Visa |
|------|---|
| 1 | Subclass 590 (Student Guardian) visa in relation to which the holder is undertaking an ELICOS of less than 20 hours per week. |
| 1A | Subclass 602 (Medical Treatment) visa in relation to which the holder: |
| | (a) is under 18; and |
| | (b) has experienced a change in circumstances while in Australia; and |
| | (c) has the written permission of the Minister to engage for more than 3 months in any studies or training because of compelling and compassionate circumstances. |
| 2 | Subclass 675 (Medical Treatment (Short Stay)) visa in relation to which the holder: |
| | (a) is under 18; and |
| | (b) has experienced a change in circumstances while in Australia; and |

- has the written permission of the Minister to engage for more than 3 months in any studies or training because of compelling and compassionate circumstances.
- 3** Subclass 685 (Medical Treatment (Long Stay)) visa in relation to which the holder:
- is under 18; and
 - has experienced a change in circumstances while in Australia; and
 - has the written permission of the Minister to engage for more than 3 months in any studies or training because of compelling and compassionate circumstances.
- 8202 (1)** The holder must be enrolled in a full-time course of study or training if the holder is:
- a Defence Student; or
 - a Foreign Affairs student; or
 - a secondary exchange student.
- (2)** A holder not covered by subclause (1):
- must be enrolled in a full-time registered course; and
 - subject to subclause (3), must maintain enrolment in a registered course that, once completed, will provide a qualification from the Australian Qualifications Framework that is at the same level as, or at a higher level than, the registered course in relation to which the visa was granted; and
 - must ensure that neither of the following subparagraphs applies in respect of a registered course undertaken by the holder:
 - the education provider has certified the holder, for a registered course undertaken by the holder, as not achieving satisfactory course progress for section 19 of the *Education Services for Overseas Students Act 2000* and the relevant standard of the national code made by the Education Minister under section 33 of that Act;
 - the education provider has certified the holder, for a registered course undertaken by the holder, as not achieving satisfactory course attendance for section 19 of the *Education Services for Overseas Students Act 2000* and the relevant standard of the national code made by the Education Minister under section 33 of that Act.
- (3)** A holder is taken to satisfy the requirement set out in paragraph (2)(b) if the holder:
- is enrolled in a course at the Australian Qualifications Framework level 10; and
 - changes their enrolment to a course at the Australian Qualifications Framework level 9.
- 8203** The holder must not change his or her course of study, or thesis or research topic, unless approval is given by the Minister after the Minister has obtained an assessment from the competent Australian authorities that the holder is not likely to be directly or indirectly a risk to Australian national security.
- 8204** The holder must not undertake or change a course of study or research, or thesis or research topic, for:
- a graduate certificate, a graduate diploma, a master's degree or a doctorate; or
 - any bridging course required as a prerequisite to a course of study or research for a master's degree or a doctorate;
- unless approval is given by the Minister after the Minister has obtained an assessment from the competent Australian authorities that the holder is not likely to be directly or indirectly a risk to Australian national security.
- 8207** The holder must not engage in any studies or training in Australia.
- 8301** After entry to Australia, the holder must satisfy relevant public interest criteria before the visa ceases.
- 8302** After entry to Australia, all relevant members of the family unit must satisfy the relevant public interest criteria before the visa ceases.
- 8303** The holder must not become involved in activities disruptive to, or violence threatening harm to, the Australian community or a group within the Australian community.
- 8401** The holder must report:
- at the time or times; and
 - at a place or in a manner; specified by the Minister from time to time.
- 8402** The holder must report:
- within 5 working days of grant, to an office of Immigration; and
 - to that office on the first working day of every week after reporting under paragraph (a).
- 8501** The holder must maintain adequate arrangements for health insurance while the holder is in Australia.
- 8502** The holder of the visa must not enter Australia before the entry to Australia of a person specified in the visa.

Continued on reverse of page 6 ➔

Part B – Record of decision whether to cancel visa (continued)

Client circumstances in which the ground for cancellation arose (whether there were any extenuating circumstances beyond the visa holder's control that led to the grounds existing)

The visa holder stated that Tennis Australia facilitated his medical exemption from COVID19 vaccination requirement and completed the Australian Travel Declaration on his behalf.

I consider that Tennis Australia would have facilitated his medical exemption and Australian Travel Declaration based on information the visa holder provided to them. As such, I don't consider these constitute extenuating circumstances beyond the visa holder's control.

Based on the above, I apply significant weight in favour of visa cancellation for this factor.

Visa holder's behaviour in relation to the Department, now and on any previous occasion (whether they have been truthful and cooperative in their dealings with the Department)

There is no indication the visa holder has been uncooperative in any dealings with the department. The visa holder has been cooperative during the current process. I therefore give some weight to this factor in favour of not cancelling the visa.

10 Other relevant reasons (including mandatory legal consequences)

I have also considered the legal consequences of a decision to cancel the visa holder's visa and note that if the visa is cancelled he:

- will be subject to a s48 bar on applying for certain visas
- will be affected by a risk factor under Public Interest Criteria 4013 which may affect the eligibility for other visas in the future
- may be liable for detention and removal from Australia

Considering the visa holder regularly travels to Australia to compete in tennis tournaments, I consider the above consequences to be significant. As such, I assign reasonable weight in favour of not cancelling the visa for this factor.

11 Decision

After weighing up all of the information available to me, I am satisfied that the grounds for cancelling the visa outweigh the reasons for not cancelling. I have therefore decided to cancel the visa. ☒

OR

As I am satisfied there exist prescribed circumstances in which the visa must be cancelled, I must cancel the visa under regulation 2.43(2). ☐

OR

After weighing up all of the information available to me, I am satisfied that the reasons not to cancel the visa outweigh the grounds for cancellation. I have therefore decided not to cancel the visa. ☐

OR

After weighing up all of the information available to me, I am not satisfied that there is a ground for cancellation. I have therefore decided not to cancel the visa. ☐

12 Delegate's details

Signature of officer

Name

Sudhir R

Position number

60063579

Date

06-Jan-2022

Time 7:29

Visa conditions (continued)

- 8503** The holder will not, after entering Australia, be entitled to be granted a substantive visa, other than a protection visa, while the holder remains in Australia.
- 8504** The holder must enter Australia as the holder of the visa to which the condition applies before a date specified by the Minister.
- 8505** The holder must continue to live at the address specified by the holder before grant of the visa.
- 8506** The holder must notify Immigration at least 2 working days in advance of any change in the holder's address.
- 8507** The holder must, within the period specified by the Minister for the purpose:
- pay; or
 - make an arrangement that is satisfactory to the Minister to pay, the costs (within the meaning of Division 10 of Part 2 of the Act) of the holder's detention.
- 8508** The holder must make a valid application for a visa of a class that can be granted in Australia, within the time specified by the Minister for the purpose.
Note: For the meaning of valid application see s46 of the Act. Broadly, a valid application is one that is formally in order for consideration, not necessarily one that can be granted.
- 8509** Within 5 working days after the date of grant, the holder must:
- make a valid application for a substantive visa; or
 - show an officer a ticket for travel to a country other than Australia that the Minister is satisfied will allow the holder to enter on his or her arrival.
- 8510** Within the time specified by the Minister for the purpose, the holder must, either:
- show an officer a passport that is in force; or
 - make an arrangement satisfactory to the Minister to obtain a passport.
- 8511** Within the time specified by the Minister for the purpose, the holder must, show an officer a ticket for travel to a country other than Australia that the Minister is satisfied will allow the holder to enter on his or her arrival.
- 8512** The holder must leave Australia by the date specified by the Minister for the purpose.
- 8513** The holder must notify Immigration of his or her residential address within 5 working days of grant.
- 8514** During the visa period of the visa, there must be no material change in the circumstances on the basis of which it was granted.
- 8515** The holder of the visa must not marry or enter into a de facto relationship before entering Australia.
- 8516** The holder must continue to be a person who would satisfy the primary or secondary criteria, as the case requires, for the grant of the visa.
- 8517** The holder must maintain adequate arrangements for the education of any school-age dependent of the holder who is in Australia for more than 3 months as the holder of a student visa (as a person who has satisfied the secondary criteria).
- 8518** Adequate arrangements must be maintained for the education of the holder while he or she is in Australia.
- 8519** The holder must enter into the marriage in relation to which the visa was granted within the visa period of the visa.
- 8520** The relevant person who holds a Subclass 300 visa on the basis of having satisfied the primary criteria must enter into the marriage in relation to which that visa was granted within the visa period of that visa.
- 8522** The holder must leave Australia not later than the time of departure of the person:
- who has satisfied the primary criteria; and
 - of whose family unit the holder is a member.
- 8523** Each person who:
- is a member of the family unit of the holder (being a spouse or de facto partner of the holder or an unmarried child of the holder who has not turned 18); and
 - has satisfied the secondary criteria; and
 - holds a student visa because of paragraphs (a) and (b);
- must leave Australia not later than the time of departure of the holder.
- 8525** The holder must leave Australia by a specified means of transport on a specified day or within a specified period.
- 8526** The holder must notify the Secretary in writing, not earlier than 7 days before the day the visa ceases to be in effect, and not later than that day, of the holder's place of residence in Australia by posting the notification to the Central Office of Immigration in the Australian Capital Territory.
- 8527** The holder must be free from tuberculosis at the time of travel to, and entry into, Australia.
- 8528** The holder must not have one or more criminal convictions, for which the sentence or sentences (whether served or not) are for a total period of 12 months duration or more, at the time of travel to, and entry into, Australia.
- 8529** The holder must, after entering Australia:
- undergo a medical examination carried out by:
 - a Commonwealth Medical Officer; or
 - a medical practitioner approved by the Minister; or
 - a medical practitioner employed by an organisation approved by the Minister; and
 - undergo a chest x-ray examination conducted by a medical practitioner who is qualified as a radiologist in Australia, unless the holder:
 - is under 11 years of age and is not a person in respect of whom a Commonwealth Medical Officer has requested such an examination; or
 - is a person:
 - who is confirmed by a Commonwealth Medical Officer to be pregnant; and
 - who has been examined for tuberculosis by a chest clinic officer employed by a health authority of a state or territory; and
 - who has signed an undertaking to place herself under the professional supervision of a health authority in a state or territory and to undergo any necessary treatment; and
 - whom the Minister is satisfied should not be required to undergo a chest x-ray examination at this time.
- 8530** The holder must not deviate from the organised tour referred to in clause 600.252 of Schedule 2.
- 8531** The holder must not remain in Australia after the end of the period of stay permitted by the visa.
- 8532** If the holder has not turned 18:
- the holder must stay in Australia with a person who is:
 - a parent of the holder or a person who has custody of the holder; or
 - a relative of the holder who:
 - is nominated by a parent of the holder or a person who has custody of the holder; and
 - has turned 21; and
 - is of good character; or
 - the arrangements for the holder's accommodation, support and general welfare must be approved by the education provider for the course to which the holder's visa relates, and the holder must not enter Australia before the day nominated by the education provider as the day on which those arrangements are to commence; or
 - in the case that the holder is a Defence Student – both:
 - the arrangements for the holder's accommodation, support and general welfare must be approved by the Defence Minister; and
 - the holder must not enter Australia before the day those arrangements are to commence; or
 - in the case that the holder is a Foreign Affairs student – both:
 - the arrangements for the holder's accommodation, support and general welfare must be approved by the Foreign Minister; and
 - the holder must not enter Australia before the day those arrangements are to commence.
- 8533** The holder must:
- in the case of a holder who was outside Australia when the visa was granted, notify the education provider of the holder's residential address in Australia within 7 days after arriving in Australia; and
 - in all cases:
 - notify the education provider of any change in the holder's residential address in Australia within 7 days after the change occurs; and
 - notify his or her current education provider of a change of education provider within 7 days after the holder receives:
 - a certificate of enrolment from the new education provider; or
 - if no confirmation of enrolment is required to be sent, or if a failure of electronic transmission has prevented an education provider from sending a confirmation of enrolment – evidence that the applicant has been enrolled by the new education provider.

Visa conditions (continued)

- 8534** The holder will not be entitled to be granted a substantive visa, other than:
(a) a protection visa; or
(b) a Subclass 485 (Temporary Graduate) visa; or
(c) a Subclass 590 (Student Guardian) visa;
while the holder remains in Australia.
- 8535** The holder will not be entitled to be granted a substantive visa, other than:
(a) a protection visa; or
(b) a Student (Temporary) (Class TU) visa that is granted to the holder on the basis of support from the Commonwealth government or a foreign government;
while the holder remains in Australia.
- 8536** The holder must not discontinue, or deviate from, the professional development programme in relation to which the visa was granted.
- 8537 (1)** While the nominating student (within the meaning of Part 590 of Schedule 2) in relation to the holder is in Australia, the holder must reside in Australia.
- (2)** While the holder is in Australia, the holder must:
(a) stay with the nominating student (within the meaning of Part 590 of Schedule 2) in relation to the holder; and
(b) provide appropriate accommodation and support for the nominating student; and
(c) provide for the general welfare of the nominating student.
- 8538** If the holder leaves Australia without the nominating student (within the meaning of Part 590 of Schedule 2) in relation to the holder, the holder must first give to the Minister evidence that:
(a) there are compelling or compassionate reasons for doing so; and
(b) the holder has made alternative arrangements for the accommodation, support and general welfare of the nominating student until the holder's return to Australia; and
(c) if the nominating student has not turned 18, the alternative arrangements are approved by the education provider for the course to which the nominating student's visa relates.
- 8539** While the holder is in Australia, the holder must live, study and work only in an area specified by the Minister in an instrument in writing for item 6A1001 of Schedule 6A or item 6D101 of Schedule 6D, as in force:
(a) when the visa was granted; or
(b) if the holder has held more than 1 visa that is subject to this condition – when the first of those visas was granted.
- 8540** The holder will not, after entering Australia, be entitled to be granted a substantive visa, other than a protection visa or a Subclass 462 (Work and Holiday) visa, while the holder remains in Australia.
- 8541** The holder:
(a) must do everything possible to facilitate his or her removal from Australia; and
(b) must not attempt to obstruct efforts to arrange and effect his or her removal from Australia.
- 8542** The holder must make himself or herself available for removal from Australia in accordance with instructions given to the holder by Immigration for the purpose of that removal.
- 8543** The holder must attend at a place, date and time specified by Immigration in order to facilitate efforts to arrange and effect his or her removal from Australia.
- 8547** The holder must not be employed by any 1 employer for more than 6 months, without the prior permission in writing of the Secretary.
- 8548** The holder must not engage in any studies or training in Australia for more than 4 months.
- 8549 (1)** Unless subclause (2) applies, while the holder is in Australia, the holder must live, study and work only in a designated area, as in force:
(a) when the visa was granted; or
(b) if the holder has held more than 1 visa that is subject to this condition – when the first of those visas was granted.
Note: Designated area is defined in regulation 1.03.
- (2)** For a visa granted on the basis of satisfaction of clause 159.214 or 159.311 of Schedule 2, while the holder is in Australia, the holder must live, study and work only in Norfolk Island, apart from any period during the whole of which the visa holder:
(a) has not turned 25; and
(b) is a dependent child of a person who is ordinarily resident in Norfolk Island; and
(c) lives elsewhere in Australia for the purpose of study; and
(d) meets the requirements mentioned in condition 8105 (which relates to students engaging in work).
- Note:** Condition 8105 is not imposed on the visa.

- 8550** The holder must notify the Minister of any change in the holder's personal details, including a change to any of the following contact information:
(a) the holder's name;
(b) an address of the holder;
(c) a phone number of the holder;
(d) an email address of the holder;
(e) an online profile used by the holder;
(f) a user name of the holder;
not less than 2 working days before the change is to occur.
- 8551 (1)** The holder must obtain the Minister's approval before taking up employment in the following occupations, or occupations of a similar kind:
(a) occupations that involve the use of, or access to, chemicals of security concern;
(b) occupations in the aviation or maritime industries;
(c) occupations at facilities that handle security-sensitive biological agents.
- (2)** In this clause:
chemicals of security concern means chemicals specified by the Minister in an instrument in writing for this definition.
Note: The Minister's instrument will refer to chemicals that have been identified, by the Council of Australian Governments, as chemicals of security concern. Without limiting what the Council might identify, the chemicals may include:
(a) industrial chemicals, including chemicals used in the retail, pharmaceutical or pool and spa sectors, that could be diverted from their lawful use to other purposes such as terrorist-related activities; and
(b) agricultural and veterinary chemicals that could be diverted from their lawful use to other purposes, including terrorist-related activities.
- 8552** The holder must notify the Minister of any change in the holder's employment details, not less than 2 working days before the change is to occur.
- 8553** The holder must not become involved in activities that are prejudicial to security (within the meaning of section 4 of the Australian Security Intelligence Organisation Act 1979).
- 8554 (1)** The holder must not acquire any of the following goods:
(a) weapons;
(b) explosives;
(c) material or documentation that provides instruction on the use of weapons or explosives.
- (2)** In this clause:
weapon means a thing made or adapted for use for inflicting bodily injury.
- 8555** The holder must obtain the Minister's approval before undertaking the following activities, or activities of a similar kind:
(a) flight training;
(b) flying aircraft.
- 8556** The holder must not communicate or associate with:
(a) an entity listed under Part 4 of the Charter of the United Nations Act 1945; or
(b) an organisation prescribed by the Criminal Code Regulations 2002.
- 8557** The holder must hold for the whole of the visa period:
(a) if the visa was granted on the basis of a complying investment within the meaning of regulation 5.19B as in force at a particular time – a complying investment within the meaning of regulation 5.19B as in force at that time; or
(b) if the visa was granted on the basis of a complying significant investment within the meaning of regulation 5.19C as in force at a particular time – a complying significant investment within the meaning of regulation 5.19C as in force at that time; or
(c) if the visa was granted on the basis of a complying premium investment within the meaning of regulation 5.19D as in force at a particular time – a complying premium investment within the meaning of regulation 5.19D as in force at that time.
- 8558** The holder must not stay in Australia for more than 12 months in any period of 18 months.
- 8559** The holder must not enter the country by reference to which:
(a) the holder; or
(b) for a member of the family unit of another holder – the other holder; was found to be a person to whom Australia has protection obligations unless the Minister has approved the entry in writing.

Continued on reverse of page 7 ▶

Visa conditions (continued)

8560 (1) The holder must obtain the Minister's approval before acquiring chemicals of security concern.

(2) In this clause:

chemicals of security concern means chemicals specified by the Minister in an instrument in writing for this definition.

Note: The Minister's instrument will refer to chemicals that have been identified, by the Council of Australian Governments, as chemicals of security concern. Without limiting what the Council might identify, the chemicals may include:

- (a) industrial chemicals, including chemicals used in the retail, pharmaceutical or pool and spa sectors, that could be diverted from their lawful use to other purposes such as terrorist-related activities; and
- (b) agricultural and veterinary chemicals that could be diverted from their lawful use to other purposes, including terrorist-related activities.

8561 If the holder is directed by the Minister to attend an interview that relates to the holder's visa (including an interview with the Australian Security Intelligence Organisation), the holder must comply with the direction.

8562 (1) The holder must not take up employment in:

- (a) occupations that involve the use of, or access to, weapons or explosives; or
- (b) occupations of a similar kind.

(2) In this clause:

weapon means a thing made or adapted for use for inflicting bodily injury.

8563 (1) The holder must not undertake the following activities, or activities of a similar kind:

- (a) using or accessing weapons or explosives;
- (b) participating in training in the use of weapons or explosives;
- (c) possessing or accessing material or documentation that provides instruction on the use of weapons or explosives.

(2) In this clause:

weapon means a thing made or adapted for use for inflicting bodily injury.

8564 The holder must not engage in criminal conduct.

8565 The holder must notify Immigration of any change in the holder's residential address within 28 days after the change occurs.

8566 If the person to whom the visa is granted has signed a code of behaviour that:

- (a) has been approved by the Minister in accordance with clause 4.1 of Schedule 4; and
- (b) when the visa is granted, is in effect in relation to that visa or another visa;

the holder must not breach the code.

Note: The requirement to sign a code of behaviour may be imposed by public interest criterion 4022 or in accordance with section 195A of the Act.

8570 The holder must not:

- (a) enter a country by reference to which:
 - (i) the holder was found to be a person in respect of whom Australia has protection obligations; or
 - (ii) for a member of the family unit of another holder – the other holder was found to be a person in respect of whom Australia has protection obligations; or
- (b) enter any other country unless:
 - (i) the Minister is satisfied that there are compassionate or compelling circumstances justifying the entry; and
 - (ii) the Minister has approved the entry in writing.

8571 The holder must maintain an ongoing relationship with the nominating State or Territory government agency or the government of the State or Territory in which the agency is (or was) located.

8572 If requested in writing by the Minister to do so, the holder must undergo a medical assessment carried out by any of the following:

- (a) a Medical Officer of the Commonwealth;
- (b) a medical practitioner approved by the Minister;
- (c) a medical practitioner employed by an organisation approved by the Minister.

8573 The holder must not stay in Australia for more than 12 months in any period of 24 months.

8578 The holder must notify Immigration of a change to any of the following within 14 days after the change occurs:

- (a) the holder's residential address;
- (b) an email address of the holder;
- (c) a phone number of the holder;
- (d) the holder's passport details;
- (e) the address of an employer of the holder;
- (f) the address of the location of a position in which the holder is employed.

8607 (1) The holder must work only in the occupation (the **nominated occupation**) nominated by the nomination identified in the application for the most recent Subclass 482 (Temporary Skill Shortage) visa granted to the holder.

(2) Unless subclause (3) applies, the holder must:

- (a) if the most recent Subclass 482 (Temporary Skill Shortage) visa granted to the holder is in the Labour Agreement stream – work only for the person who nominated the nominated occupation; or
- (b) if the most recent Subclass 482 (Temporary Skill Shortage) visa granted to the holder is in the Short-term stream or Medium-term stream and the person who nominated the nominated occupation was an overseas business sponsor at the time the nomination was approved – work only in a position in the person's business; or
- (c) if the most recent Subclass 482 (Temporary Skill Shortage) visa granted to the holder is in the Short-term stream or Medium-term stream and the person who nominated the nominated occupation was not an overseas business sponsor at the time the nomination was approved – work only in a position in the person's business or a business of an associated entity of the person.

(3) This subclause applies if:

- (a) the nominated occupation is an occupation specified by the Minister in an instrument made under subregulation 2.72(13); or
- (b) the holder is continuing to work for a person for the purpose of fulfilling a requirement under a law relating to industrial relations and relating to the giving of notice.

(4) Subject to subclause (5), the holder must commence work within:

- (a) if the holder was outside Australia when the visa was granted – 90 days after the holder's arrival in Australia; or
- (b) if the holder was in Australia when the visa was granted – 90 days after the holder's visa was granted.

(5) If the holder ceases employment, the period during which the holder ceases employment must not exceed 60 consecutive days.

(6) If the holder is required to hold a licence, registration or membership (an **authorisation**) that is mandatory to perform the nominated occupation in the location where the holder's position is situated, the holder must:

- (a) hold the authorisation within:
 - (i) if the holder was outside Australia when the visa was granted – 90 days after the holder's arrival in Australia; or
 - (ii) if the holder was in Australia when the visa was granted – 90 days after the holder's visa was granted; and
- (b) continue to hold the authorisation while the holder is performing the occupation; and
- (c) notify Immigration, in writing, as soon as practicable if an application for the authorisation is refused; and
- (d) comply with each condition or requirement to which the authorisation is subject; and
- (e) not engage in work that is inconsistent with the authorisation, including any conditions or requirements to which the authorisation is subject; and
- (f) notify Immigration, in writing, as soon as practicable if the authorisation ceases to be in force or is revoked or cancelled.



ATTACHMENT B (Part B)

During interview, the visa holder stated he was not vaccinated against COVID-19. The Visa holder also provided a copy of a medical exemption issued by Tennis Australia. This medical exemption was issued on the grounds that the visa holder has recently recovered from COVID-19. The visa holder stated he had received an Australian Travel Declaration from the Department of Home Affairs, which was lodged on his behalf by Tennis Australia.

Under the Biosecurity Act 2015, there are requirements for entry into Australian territory. These requirements include that international travellers make a declaration as to their vaccination status (vaccinated, unvaccinated, or medically contraindicated). Travellers may make a declaration that they have a medical contraindication and must provide evidence of that medical contraindication provided by their medical practitioner. Previous infection with COVID-19 is not considered a medical contraindication for COVID-19 vaccination in Australia.

Unvaccinated persons create a greater health risk of contracting COVID-19 and spreading COVID-19 to others, either of which will further burden the Australian health system. Ensuring unvaccinated persons do not enter Australia is a key mechanism through which the Australian Government has slowed the spread of COVID-19 within the Australian community.

All visa holders, whether permanent or temporary are expected to abide by all public health directives issued by both Commonwealth and state and territory jurisdictions. A breach of these directions is considered a potential risk to the health, safety or good order of the Australian community.

Subject to Section 116(1) of the *Migration Act 1958*, the Minister may cancel a visa if he or she is satisfied that:

- (e) the presence of its holder in Australia is or may be, or would or might be, a risk to:
- (i) the health, safety or good order of the Australian community or a segment of the Australian community

Based on the above information, I am satisfied there are grounds to consider cancelling the visa holder's subclass GG-408 visa. The ground is that, the Minister may cancel a visa if he or she is satisfied that:... if its holder has not entered Australia or has so entered but has not been immigration cleared – it would be liable to be cancelled under Section 116(1)(e)(i) of the *Migration Act 1958*.

Notification of decision

Part C – Notification of decision to cancel visa under s116 of the Migration Act 1958

1 Full name

Family name

DJOKOVIC

Given names

Novak

2 On 06-Jan-2022

you were notified of an intention to consider cancelling your

subclass GG408 visa granted on 18-Nov-2021

under section 116 of the Migration Act 1958.

3 You:

DID NOT RESPOND OR ADVISED YOU
DID NOT WISH TO RESPOND to the
notice of intention to consider
cancelling the visa

RESPONDED to the notice of intention
to consider cancelling the visa
(Refer to item 5 and item 8, Part B for
details of your response)

☒ Your comments have
been taken into account
in making this decision.

4 I am satisfied that there are grounds for visa cancellation under:

- ☐ s116(1)(a)
☐ s116(1)(aa)
☐ s116(1)(b) because I am satisfied that you have not complied with
condition

(Refer to reverse of pages 4, 5, 6 and front and reverse of page 7
for details of conditions)

- ☐ s116(1)(c)
☐ s116(1)(d) because I am satisfied a ground exists at
 (Enter relevant ground here – s101, s102, s103, s104 or s105)

☒ s116(1)(e) (i) ☒ (ii) ☐

☐ s116(1)(f)

☐ s116(1)(fa) (i) ☐ (ii) ☐

☐ s116(1)(g) because I am satisfied a ground exists at

Reg 2.43(1)

☐ other

Please refer to reverse of pages 1, 2 and 3 for reference to the relevant
legislation.

Where the Minister can cancel a visa under subsection 116(1) of the
Act, the Minister must do so if there exist prescribed circumstances in
which the visa must be cancelled (see subsection 116(3) of the Act and
the 'prescribed circumstances' in subregulation 2.43(2) of the Migration
Regulations 1994) – refer to reverse of page 3.

After weighing up all of the information available to me I was satisfied
that the grounds for cancelling your visa outweighed the reasons for not
cancelling.

A copy of the Department's decision record is attached.

5 Your visa (and the visa of any dependants) has been cancelled on

Day Month Year

06-Jan-2022

As your visa has been cancelled you may be refused immigration
clearance. You may also be detained and removed from Australia
as an unlawful non-citizen under s189 of the Migration Act 1958.

Where your visa is evidenced in your passport, it will be stamped
'INOPERATIVE' due to the cancellation. **Note:** The decision to cancel is
not merits-reviewable under the Migration Act 1958.

Other relevant agencies will be advised that your visa has been cancelled.

6 Delegate's details

Signature
of officer

Name

Sudhir R

Position number

60063579

Date

06-Jan-2022

Time

7:42 am

7 Former visa holder's signature to verify that Part B (Record of decision
whether to cancel visa) and Part C (Notification of decision to cancel visa
under s116) has been receivedSignature
of former
visa holder

Date

06 01 2022

Time

7:42 am

8 Interpreter details

Signature
of interpreter

Date

Day Month Year

Time

TIS number

The information recorded on this form may be used as a basis
for recording the electronic report of the cancellation.