

TRANSCRIPT OF INTERVIEW PREPARED BY AGS (Part 1 of 3)

12:21 AM, THURSDAY, 6 JANUARY 2022, MELBOURNE

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SUDHIR R (INTERVIEWER): Interview commenced at 00:21 hours on 6 of the January 2022 at Melbourne Airport. This is a record of interview with R Sudhir position number 60063579, an officer of the Department of Home Affairs, and
10 Novak Djokovic.

DJOKOVIC: Very good.

INTERVIEWER: Thank you. Now, this interview will be conducted in English,
15 please confirm that you do not require an interpreter and can understand me.

DJOKOVIC: I confirm I can understand.

INTERVIEWER: Thank you. [inaudible] I will [inaudible] your comprehension and
20 understanding of English and I am satisfied that the interview can be conducted in English. Should you have difficulty at any time during the interview please let me know and an interpreter will be arranged.

DJOKOVIC: Yes.
25

INTERVIEWER: This interview is being recorded by a voice recorder to ensure there is an accurate record of what is said. This room is also under video surveillance for duty of care purposes. Do you object to this interview being recorded?

30 D: I do not.

INTERVIEWER: Thank you. I am now going to caution you that if you provide false or forged documents or false or misleading information you can be prosecuted under Australian laws s 234 of the *Migration Act* or s 137 of the Criminal Code. You are
35 now in a Department of Home Affairs workplace and Australian law states that workplaces have to be safe. The workers here must take care of your health and safety. You must also take care of your own health and safety and other people around you. If you know of anything that would affect anyone's health or safety here then you should tell us. I will ask you a number of health related questions. Are you
40 feeling sick today?

DJOKOVIC: No.

INTERVIEWER: Thank you. Do you suffer from any medical condition requiring
45 treatment or medication?

DJOKOVIC: No.

INTERVIEWER: Thank you. Are you under the influence of drugs or alcohol?
50

DJOKOVIC: No.

INTERVIEWER: Thank you. Please tell me if you need to take a break at any time during the interview. Can I ask you identification questions now?

5

DJOKOVIC: Yes.

INTERVIEWER: Are you an Australian citizen?

10 DJOKOVIC: No.

INTERVIEWER: Thank you. Are you a permanent, Australian permanent resident?

DJOKOVIC: No.

15

INTERVIEWER: Thank you. Can you please state your full name and date of birth for the voice recorder?

DJOKOVIC: Novak Djokovic 22nd of May 1987.

20

INTERVIEWER: Thank you. Are you known by any other names?

DJOKOVIC: No.

25 INTERVIEWER: Thanks. Now I'm just going to present you a copy of the passport and incoming passenger card. Is this the travel document that you have travelled to Australia on today?

DJOKOVIC: Yes.

30

INTERVIEWER: Thank you. And you have completed the incoming passenger card yourself, answered all the questions, and is this your signature?

DJOKOVIC: Yes, yes.

35

INTERVIEWER: Thank you. Do you have any secondary ID like a driver's licence or identity card from your home country?

DJOKOVIC: I, I do have my residence card, do you want me to provide?

40

INTERVIEWER: Yeah, if you've got that handy. Can I have it please?

INTERVIEWER: Thank you. I'll make a photocopy of this.

45 DJOKOVIC: Yes.

INTERVIEWER: And we can (inaudible) to you. Do you have any checked in or carry-on luggage?

50 DJOKOVIC: I have one carry-on and two... three checked in.

INTERVIEWER: Thank you. I'm now going to ask you questions about your trip to Australia.

DJOKOVIC: Yes.

5

INTERVIEWER: You do not have to answer these questions if you do not wish to. (inaudible) Any information that you provide will be used to assess whether you will be allowed to enter and remain in Australia.

10 DJOKOVIC: Ok.

INTERVIEWER: This is your opportunity to provide information that will assist me to assess your case.

15 DJOKOVIC: Alright.

INTERVIEWER: Thank you. So when I ask you what were your reasons for travelling to Australia today?

20 DJOKOVIC: I'm a professional tennis player and the main reason for me coming to Australia is participating in the Australian Open in Melbourne, Victoria.

INTERVIEWER: Thank you. Now question regarding your vaccination, are you vaccinated - - -

25

DJOKOVIC: I am not vaccinated.

INTERVIEWER: - - - for COVID-19? Not vaccinated?

30 DJOKOVIC: I am not vaccinated.

INTERVIEWER: Thank you. Have you ever had COVID?

DJOKOVIC: Yes.

35

INTERVIEWER: So when did you?

DJOKOVIC: I had COVID twice, I had COVID in June 2020 and I had COVID recently in – I was tested positive – PCR –16th of December 2021.

40

INTERVIEWER: Thank you. Sorry what was the date? 16th of December?

DJOKOVIC: 16th of December 2021, I have the documents as well to confirm that if you want I can provide – just as a –

45

INTERVIEWER: Thank you. I'll just make a photocopy of those documents -

DJOKOVIC: Yes. These are the PCR tests – this is – yes, so this is the positive one on 16 December PCR - - -

50

INTERVIEWER: Yes

DJOKOVIC: Let me see, 16 December and this is in English it's right on there.

INTERVIEWER: Positive.

5 DJOKOVIC: Yes. And this one is 22nd - - -

INTERVIEWER: Yep.

10 DJOKOVIC: - - - and negative.

INTERVIEWER: It's negative. So what I'm going to do as I said like I'm just going to make a photocopy of these - - -

15 DJOKOVIC: Yes

INTERVIEWER: - - - test reports and then I'm going to give it back to you.

DJOKOVIC: Sure.

20 INTERVIEWER: Ok. For own our records, I'll keep a copy.

DJOKOVIC: Ok.

25 INTERVIEWER: Now I'm just going to suspend this interview. So this interview has been suspended at 00:29 hours.

INTERVIEWER: So the interview is being recommenced at 00:35 hours. I'm just going to ask you questions regarding your visa.

30 DJOKOVIC: Yes.

INTERVIEWER: So who did the visa application for you?

35 DJOKOVIC: Well, the request for the visa was sent by my manager - - -

INTERVIEWER: Yes.

DJOKOVIC: - - - and visa was subject to the possible medical exemption that was issued recently to me.

40 INTERVIEWER: So for the medical exemption - - -

DJOKOVIC: Yes.

45 INTERVIEWER: - - - which you received, did you provide some kind of documents?

DJOKOVIC: Yes, we did provide documents.

50 INTERVIEWER: So are you aware what sort of documents were provided?

DJOKOVIC: Well I have, I don't have the documents printed out with me, but I have, I can try to find electronically, we did send an email to independent medical panel that was selected by the Federal Australian Government - - -

5 INTERVIEWER: Ok.

DJOKOVIC: - - - to review the requests medical exemption requests that we have sent.

10 INTERVIEWER: So it was selected by Federal Government?

DJOKOVIC: Yes.

15 INTERVIEWER: Okay. And that was to review your medical exemption request?

DJOKOVIC: Yes. As it was brought to my attention there was two medical panels - - -

20 INTERVIEWER: Ok.

DJOKOVIC: - - - one was the Federal one and the other one was I think related to the Victorian state - - -

25 INTERVIEWER: Ok.

DJOKOVIC: - - - and Tennis Australia. And I might be wrong for the second one, I apologise if I am, but I know that there is a medical panel, Federal Government for sure, the second one I think it's a mix between the Victorian Government and Tennis

30 Australia, not 100% sure but I can check.

INTERVIEWER: Yeah no that's fine. So have you got some form of documentation - - -

35 DJOKOVIC: Yes.

INTERVIEWER: - - - providing that you have got medical exemption?

DJOKOVIC: Yes. They're all here.

40 INTERVIEWER: [inaudible]

DJOKOVIC: This is the visa that has been granted.

45 INTERVIEWER: Yep.

DJOKOVIC: That's the letter from Tennis Australia.

INTERVIEWER: Tennis Australia yep. So, who did this Australian Travel

50 Declaration application for you?

DJOKOVIC: It was the government.

INTERVIEWER: Oh it was the government?

5 DJOVOKIC: Yes

INTERVIEWER: They did it for you?

DJOKOVIC: Yes.

10 INTERVIEWER: Ok.

DJOKOVIC: They provided also, I think it's for official use only, the QR codes - - -

15 INTERVIEWER: Yes.

DJOKOVIC: - - - I think it's one of the next papers. Obviously everything is in the system so you are, I think, electronically can also check - - -

20 INTERVIEWER: Yeah

DJOKOVIC: - - - and validate.

INTERVIEWER: Ok, so this letter here, medical exemption pretty much talks about

25 a review panel from, by Tennis Australia, it doesn't talk about Federal Government? But you are sure definitely - - -

DJOKOVIC: Yes, the process was, yes, the process there was two indepen...two

30 medical panels - - -

INTERVIEWER: Ok.

DJOKOVIC: - - - there was one that was related to the Federal Government for sure.

35 INTERVIEWER: Ok.

DJOKOVIC: And I actually received the emails from them with permission. I have an email, actually my agent has the email, so I mean I can ask to electronically

40 provide it to you via email if you want - - -

INTERVIEWER: Yep.

DJOKOVIC: - - - if you need that additional information, because they, they told me that this would be sufficient for the review.

45 INTERVIEWER: Ok. Yeah no no that's fine, so in case we need it, yeah definitely I'll let you know - - -

DJOKOVIC: Ok. Alright.

50

INTERVIEWER: - - - but not, not at the moment. We should have these documents, in case we don't have these documents, definitely we should have these documents - - -

5 DJOKOVIC: Alright.

INTERVIEWER: - - - but in case we don't, I'll take a photocopy of these documents as well.

10 DJOKOVIC: Alright.

INTERVIEWER: Alright. So it was all your manager who did the application - - -

DJOKOVIC: Yes.

15

INTERVIEWER: - - - exemption, everything for you?

DJOKOVIC: Yes.

20 INTERVIEWER: Ok. That's fine. Thank you Novak.

DJOKOVIC: Yes, thank you.

25 INTERVIEWER: Okay now I'm just going to suspend this interview once again. So the interview's been suspended at 00:40 hours.

INTERVIEWER: So the interview is being recommenced at 00:46 hours. Ok. So as far as we know that, you know, your medical exemption was not assessed by Federal Government, so yeah, that's what I want to check with you - - -

30

DJOKOVIC: Yes, so I just checked with my agent and she has provided me with the very document that I have in front of me and here it says that this, that this certificate it is a medical exemption from COVID vaccination and this certificate for exemption has been provided by independent expert medical review panel commissioned by
35 Tennis Australia and the decision of the panel has been reviewed and endorsed by independent medical exemption review panel of the Victorian State Government - - -

INTERVIEWER: Ok, so - - -

40 DJOKOVIC: - - - and then based upon that, I received the Federal, Australian Federal Government Department of Home Affairs - - -

INTERVIEWER: Yep, so, with the Australian - - -

45 DJOKOVIC: - - - travel declaration.

INTERVIEWER: Yeah, so the Australian Travel Declaration, so previously you said to me that it was done by the government.

DJOKOVIC: Yes, I, I, well I probably made a mistake, it was not the Federal Government, it was the Victorian Government that had selected the independent medical panel that has reviewed together with the Australian Open - - -

5 INTERVIEWER: Yeah.

DJOKOVIC: - - - and then the Department of Home Affairs has issued a travel document declaration.

10 INTERVIEWER: Yeah, so what I'm trying to gather here like you know with the Australian travel document declaration, who did this application online for you, was it - - -

DJOKOVIC: It was my agent, my agent. Yes, yes, yes.

15

INTERVIEWER: And she would have provided information based on - - -

DJOKOVIC: That was based on, yes exactly, based on the, this certificate of medical exemption.

20

INTERVIEWER: And so, because previously you stated that you had emails as well from Federal Government saying that - - -

DJOKOVIC: I made a, yes, I apologise and I made a mistake.

25

INTERVIEWER: No - in case you have got the emails, we would like to see those emails.

DJOKOVIC: I will look for the emails and I am asking my agent and I will - reception - so it is a Victorian Department of Health.

30

INTERVIEWER: Ok.

DJOKOVIC: So, I apologise.

35

INTERVIEWER: That's absolutely fine.

DJOKOVIC: Ok.

40 INTERVIEWER: Alright, and -

DJOKOVIC: Yes.

INTERVIEWER: You're requesting email from?

45

DJOKOVIC: Yes, I'm requesting just for -

INTERVIEWER: That's alright. Ok.

50 DJOKOVIC: I'm sorry. Okay I just asked her to send, if there is an email from Federal Government to send - - -

INTERVIEWER: Ok.

5 DJOKOVIC: - - - to send to me. But... this is what was provided to me, because we
were, since I am participating in Tennis Australian, Australian Open that is run by
Tennis Australia, my communication was directly to them because that's what
procedure that has been, that I have been introduced to, that they have informed me
that this is the way to do it. And so I have provided all my PCR, positive, negative
10 tests, my antibodies to them and some additional information and then they have sent
it to further to the Victorian independent medical panel, Victorian state government,
independent medical panel. And they have reviewed it with their own Tennis
Australian medical panel and the Victorian state, so then, as a result of that I was
granted to have, to access Australia with a medical exemption permission. That's the
15 whole story basically. And I am checking if there is anything else in regards to the
government, Federal Government, but as I had understood from before, the Victorian
state government needs to approve. So, they need to approve, it's it's was basically
not up to Federal Government when it comes to my granted access to Melbourne and
to Victoria. So that's really up to the state - - -

20 INTERVIEWER: Ok.

DJOKOVIC: - - - of Victoria and that's why, that's why the process has been such,
that included them.

25 INTERVIEWER: That's absolutely fine, but the thing is like you [inaudible] come to
Australia and it is pretty much governed by Federal Government.

DJOKOVIC: This I understand. This I understand. So do you need any additional
documents from me?

30 INTERVIEWER: Yeah, if you are claiming that you did receive emails from Federal
Government - - -

DJOKOVIC: Ok.

35 INTERVIEWER: - - - because, yeah, we want to give you every opportunity to
provide as much information as you can.

40 DJOKOVIC: Alright. Ok so. No we did not get any emails from the Federal
Government. This is what we got from the Australian Open player medical team,
because they are the organisers of the event, so this is what we got.

INTERVIEWER: Ok, that's fine.

45 DJOKOVIC: And I am sorry, I apologise.

INTERVIEWER: No no that's absolutely fine. Thank you. So I'm just going to
suspend this interview once again. So the interview is being suspended at 00:52
50 hours.

TRANSCRIPT OF INTERVIEW (Part 2 of 3)

RESUMED: 3.55AM

5 INTERVIEWER: The interview is being recommenced at 3.55am. Now, Novak based on the information you have provided us [inaudible] that can be of assistance, I am just going to issue you a notice of intention to consider cancellation of your visa. So I'm just going to read out all the information.

10 DJOKOVIC: I don't understand, you're cancelling my visa, or?

INTERVIEWER: This is a notice of intention to consider cancellation under s 116 of the Migration Act 1958. So once I serve this notice to you - - -

15 DJOKOVIC: Okay.

INTERVIEWER: - - - I will give you like, you know, 20 minutes -- or whatever if you need more time you can request that -- and you need to provide us reasons why we shouldn't cancel the visa.

20

DJOKOVIC: I mean, I am really failing to understand what else do you want me to provide to you. I have provided all the documents that Tennis Australia and Victorian government has asked me to do in the last three/four weeks, this is what we have been doing. My agent and I have been in a constant communication through my agent with Tennis Australia and Victorian state government, the medical panel - -

25

INTERVIEWER: Yep.

30 DJOKOVIC: - - - They -- whatever they asked us to do -- this is their set of rules that they have provided - - -

INTERVIEWER: Yep.

35 DJOKOVIC: - - - so they have allowed to have the medical exemption for the Covid vaccination. I applied, they approved, I just really don't know what else do you want me to say. What -- I just -- I have nothing else -- I arrived here because of these documents otherwise I wouldn't have been allowed to come in. I just really don't understand what is the reason you don't allow me to enter your country -- just I mean, 40 I have been waiting four hours and I still fail to, to understand what's the main reason -- like -- lack of what papers? Lack of what information do you need? Or?

40

INTERVIEWER: Ah yep, so I am just going to read out all of the information to you and I'm going to give you a copy of this as well. So everything is in there. But 45 yeah, I have to go through this process and then the explanation you have given me, I mean, you can give it to me after the timeframe which we give you. The 20 minutes we have to give you.

45

50 DJOKOVIC: So you're giving me legally 20 minutes to try to provide additional information that I don't have? At 4 o'clock in the morning? I mean you kind of put

me in a very awkward position where at 4 in the morning I can't call director of Tennis Australia, I can't engage with anybody from the Victorian state government through Tennis Australia. I just you put me in a very uncomfortable position. I don't know what else can I tell you. I mean I-I-I-I everything that that they -- I was asked to do is here.

INTERVIEWER: Yeah.

DJOKOVIC: And I wouldn't be here sitting in front of you if I if I wasn't complying to all the rules and regulations set by your government. So I just -- I don't know what I I mean -- to me it is a little bit shocking that you are have -- that you are going to give me the notice to cancel my visa based on what?

INTERVIEWER: Notice -- a notice to consider -- like, you know, this is [inaudible] ---

DJOKOVIC: Yes but you're telling me. You know, basically you're putting me in a position where what what I can do, what is my answer to that? You're giving me 20 minutes to do what? I I tell you right away I have nothing else to tell you. If you can, we wait for 8 in the morning and then I can call Tennis Australia and then we can try and figure this out. But right now? They're all sleepy, I don't know. I mean I just arrived at 1am, I don't know what else I can do at this moment. So I really, I know legally you're following -- but it just doesn't make any sense. I mean I have done everything I possibly can. Right now I can call my agent. You -- you told me not to use my phone, so I'm not communicating with anybody, no one knows what's going on - - -

INTERVIEWER: Mmhm.

DJOKOVIC: - - - We did everything we possibly can and just I really don't know what else I can tell you in this 20 minutes.

INTERVIEWER: Yep ok, so do you think this is not the right time to participate in the interview? And you would be participating in an interview at a later stage? Is that --

DJOKOVIC: But I really -- ok -- so I really need to understand - - -

INTERVIEWER: Yep.

DJOKOVIC: - - - from you because you've been giving me very vague answers, or literally no answers at all, for the last four hours. I mean I have been here with, three times, we we we we suspended the interview, we recommencing, and now you are coming back with the consideration to cancel my visa - - -

INTERVIEWER: Mmhm.

DJOKOVIC: - - - the intention to consider to cancel, which I don't really understand what it means.

INTERVIEWER: Yep.

DJOKOVIC: And then you telling me I have 20 minutes before you make a final call.

5 INTERVIEWER: Yep so this is the process we follow, it's a legal process which we have to follow. All the information regarding why we are considering cancelling your --

DJOKOVIC: Can you read it me? Can you read me why, please?

10

INTERVIEWER: Yeah yeah. So I am going to go through this form

NOVAK: Ok

15 INTERVIEWER: And it's in detail, so I'll explain it, like read out everything--

DJOKOVIC: Ok

INTERVIEWER: And I'll give you a copy of it as well for you to read.

20

DJOKOVIC: Alright.

INTERVIEWER: And then yeah, if you've got questions, yeah definitely, ask questions.

25

DJOKOVIC: Yeah, I have a lot of questions that I have already asked.

INTERVIEWER: Yes, yes yeah -- most welcome. So I am just going to read out this notice of intention to consider cancellation - - -

30

DJOKOVIC: Okay.

INTERVIEWER: - - - under section 116 of the Migration Act 1958.

35 DJOKOVIC: Yes.

INTERVIEWER: Family name, Djokovic. Given names, Novak. Date of birth 22nd of May 1987. Nationality Serbia. Country of birth Serbia.

40 Possible grounds for cancellation. It has come to my attention, as a delegate of the Minister for Home Affairs and Minister for Immigration and Border Protection, that there appear to be a ground for cancellation of your subclass GG408 visa granted on 18 November 2021, under section 116 of the Migration Act 1958, relying on a ground at s 116(1)(e)(i). You arrived at Melbourne airport as the holder of subclass
45 GG408 temporary activity visa. This visa allows entry into Australia to participate in Australian Open tennis tournament. During an interview with the Australian Border Force officer you have stated you are not vaccinated against COVID-19. You have also provided a copy of medical exemption issued by Tennis Australia. This medical exemption was issued on the grounds that the visa holder has recently recovered
50 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.

DJOKOVIC: What I mean that's that's sorry to interrupt but that's not true. I mean this is -- this is what we -- this is what the the independent medical panel of Victorian state government has stated explicitly that that that if you have recovered or if you had the positive test of coronavirus and negative test of coronavirus in the last six months and you have a sufficient amount of antibodies, you're you're considered to be part of the the the process of getting a medical exemption. That's how I got it. I mean I communicated directly with the Victorian state government, that's absolutely not true. I -- I -- I--I we directly communicated with them and they asked me to, I actually had to come back with antibodies, so that's what, this is, these are the tests that we provided to them. And we have emailed that test to, I provided it to you, you, you've read it, it's directly from the Victorian state government independent medical panel.

INTERVIEWER: Yep um that's what I have noted, like, any medical exemption issued by Tennis Australia and Victoria.

DJOKOVIC: It's not only Tennis Australia, it's Tennis Australia, medical panel and independent Victorian state medical panel. Sorry it's two -- not only Tennis Australia, so it's your state's medical panel that has approved that where I am at the moment.

INTERVIEWER: Victorian state medical panel, yep --

DJOKOVIC: Yes - - -

INTERVIEWER: Yep.

DJOKOVIC: So that's Victorian - - -

INTERVIEWER: Yep.

DJOKOVIC: - - - state medical panel - - -

INTERVIEWER: Yep.

DJOKOVIC: - - - has approved my request for medical exemption and then they've sent it to the federal government and the federal government sent this -- which is a travel declaration.

INTERVIEWER: Travel declaration yep.

DJOKOVIC: So it's, I mean what you've been reading to me right now, is absolutely not accurate.

INTERVIEWER: Now this one is Biosecurity Act 2015, so this is like uh federal government act -- so I am not sure this is something we will look into -- as I said, let me read this out okay --

5

DJOKOVIC: Okay.

INTERVIEWER: And then if you want to --

10 DJOKOVIC: Alright. Ok.

INTERVIEWER: 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.

15

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.

20

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.

25

Subject to section 116(1) of the Migration Act 1958, the Minister may cancel a visa if he or she is satisfied that the presence of its holder in Australia is or may be, or would or might be, a risk to the health, safety or good order of the Australian community or a segment of the Australian community.

30

Based on the information -- 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 not has been immigration cleared it would be liable to be cancelled under Section 116(1)(e)(i) of the Migration Act 1958.

35

40

Biosecurity Act 2015 reference. For the purposes of paragraph (2)(a), the declaration is a declaration of which of the following paragraphs apply to the individual -- 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 of 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); neither paragraph (a) nor (b) applies to the individual.

50

So I give a copy of that to you.

5 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 you should -- why your visa should not be cancelled.

10 You are provided -- you are invited to provide your comments at the interview. Interview will be held on 6th of Jan 2022 at 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
15 section 189 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
20 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.

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

30 Except in the case of consideration of cancellation of a visa under regulation 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 (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;
35 your behaviour in relation to the department, now and on any previous occasion; whether there are mandatory legal consequences to a cancellation decision.

40 Um so I've just read out this intention notice of intention to consider cancellation under s 116 of the Migration Act 1958. I'm just going to sign it here. Sign it at 4.11. If you want to sign it?

DJOKOVIC: Well, I would not want to sign this document unless I have some answers to my questions.

45 INTERVIEWER: Alright, yes, that's fine -- so um.

DJOKOVIC: Because I I I have been notified thank you for that but as I told you Mr [Redacted] I really don't understand how come in your system you don't have the information that if you have encountered Covid and been positive on Covid in the last six months and have the sufficient amount of antibodies and a negative test
50 which I all provided, you are granted to access the country.

I just -- I-I-I am really confused -- because this is what I have been getting from official Tennis Australia and Victorian government medical panels for the last three weeks and four weeks.

5 INTERVIEWER: Yep.

DJOKOVIC: So I-I don't know really what to do at 4am. If you allow me to switch on my phone and make a call to my agent and try and get a hold of people from Tennis Australia - - -

10

INTERVIEWER: Mmhm.

DJOKOVIC: - - - cause it's 4am, obviously everyone is sleeping but this is the only thing I can do right now, because I really don't have anything else to provide to you in terms of the paperwork - - -

15

INTERVIEWER: Yeah.

DJOKOVIC: - - - cause this is the focus point of why I'm here is exactly what I have provided to you. What you've read to me is simply not something that has been communicated to me, so I really am a little bit surprised that I am in this situation because how am I supposed to even come to Australia if I didn't have these documents that are official documents. I'm in your system so I'm sure that you have attested that or I'm sure that you have confirmed that I'm in the system that I have been approved to have the medical exemption. So the test --I-- my question is how come you don't have in the system the COVID 6 months regulation for the medical exemption?

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25

INTERVIEWER: So you are telling me that the medical panel -- Victorian--

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DJOKOVIC: Yes, Victorian exemption.

INTERVIEWER: Are that it's fine -- the 6 month thing -- it's fine --

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DJOKOVIC: Yes.

INTERVIEWER: - - - and you will be exempted - - -

DJOKOVIC: Yes.

40

INTERVIEWER: - - - to come to Australia.

DJOKOVIC: Yes, exactly.

45

INTERVIEWER: So, and that's what I have been trying to explain to you. Like, you know I mean it's fine if that's what they've said but coming to Australia, like it's a federal thing. Federal government controls the ports.

DJOKOVIC: Okay.

50

INTERVIEWER: Right. So I previously I tried to explain you as well and that's why I gave you opportunity to see if you can provide me any correspondence which was sent by Victorian tennis authorities to the federal government.

5 DJOKOVIC: But I can't provide you that if I have no opportunity to speak with them?

INTERVIEWER: Yep

10 DJOKOVIC: I have not had a right, I don't have any right, because that's the communication happening between Tennis Australia, Victorian Government and the Federal Government. Me I was -- well me and my agent -- we were instructed that we can only communicate with Tennis Australia and that's it.

15 INTERVIEWER: Mmhm.

DJOKOVIC: And that's how we requested what we requested then that's the only avenue that we took so right now if you allow me I can make a call and try to, you know, do something about it. I mean, I will ask my agent if she has some kind of
20 correspondence, or she get some, can get someone from Tennis Australia to provide what you're looking for, but I mean when I spoke to her last - - -

INTERVIEWER: Yep.

25 DJOKOVIC: - - - this document here is what she told me that this is the, from Australia travel declaration - - -

INTERVIEWER: Yep.

30 DJOKOVIC: - - - home affairs government Australia, so that's the Federal Government, sent it to my agent with a QR code that Australia travel has been assessed. So basically they have received all the documentation from the Victorian state government, that by the way we did not selectively, individually choose to, to address it to the Victorian government - - -

35

INTERVIEWER: Yep.

DJOKOVIC: - - - that was the procedure, and we had to respect that, and comply to that, so this is what, this is what the Tennis Australia told us to do, and we did it so
40 we sent all the documentation to Tennis Australia, medical documentation. They sent it to Victorian state government. First they review it within their own independent medical panel within the Tennis Australia.

INTERVIEWER: Yep.

45

DJOKOVIC: Then they sent it to independent medical panel of Victorian state government. Both of these panels approved, and then Victorian state government has communicated further with the federal government and federal government has reviewed all of the medical documentation and they accepted it and granted me the
50 access to your country, this is how I'm here.

INTERVIEWER: Yeah.

DJOKOVIC: I mean, I just, I don't know what other proof do I need more to provide to you, can you not call somebody with the federal government to provide this information, or --?

INTERVIEWER: Yeah see when I asked you about the question regarding this Australian travel declaration - - -

10 DJOKOVIC: Yes.

INTERVIEWER: - - - who did that application for you - - -

DJOKOVIC: Yes.

15

INTERVIEWER: - - - previously you said it was your manager - - -

DJOKOVIC: Yes.

20 INTERVIEWER: - - - who did the application - - -

DJOKOVIC: Yes.

INTERVIEWER: - - - for you. So -- and when I asked you what sort of documents were provided to lodge the application-- you said the manager would know that -- am I right? Umm -

25

DJOKOVIC: No, no, no. No, no no. You, you again, I mean ---

30 INTERVIEWER: Because you see the way it works -- I -- what I'm getting is like your manager would have given the exemption letter which was provided by - - -

DJOKOVIC: No sir.

35 INTERVIEWER: - - - Victoria - - -

DJOKOVIC: No sir.

INTERVIEWER: - - - and Tennis Australia with this application.

40

DJOKOVIC: Sir, just to confirm again. Sorry, we - my manager on my own behalf has communicated only to Tennis Australia - - -

INTERVIEWER: Okay.

45

DJOKOVIC: - - - no one else.

INTERVIEWER: Okay.

50 DJOKOVIC: Okay. But because the procedure was such, so like they were or stated or determined by the federal government and Victorian state government, they've

told us that this document coming from the federal state government -- federal government of Australia -- which is the document for travel declaration will come directly on our email -- on her email.

5 INTERVIEWER: Okay.

DJOKOVIC: This is what happened. That's the only document, -the only communication we had with the federal government. We have communicated only to Tennis Australia - - -

10

INTERVIEWER: Okay.

DJOKOVIC: - - - provided them every single document that they asked for.

15 INTERVIEWER: Yep.

DJOKOVIC: They provided to the independent panel -- independent medical panel of Victorian state government-- and then the Victorian state government has taken all the documentation from us, from the Tennis Australia, from them, and sent it to the federal government, and then the federal government said okay, fine, access granted, travel declaration, QR code, you are free to go.

20

INTERVIEWER: Okay.

25 DJOKOVIC: And this is -- otherwise I wouldn't be flying here. There's absolutely no way I would put myself in a position to come and sit here with you and and and I - it would definitely -- I mean -- come to my attention, the attention of my agent or the team of people around me that the six months COVID regulation was not in place. It was absolutely in place. And I'm sure there is a way to check that, whether it is with the federal government, or Victorian government, whether it's with Tennis Australia, whatever I can do to provide I will. Because I mean I made it all the way to Australia because you know they all made it very clear and certain to me that I have all the documentation that I possibly can provide to you.

30

35 INTERVIEWER: That's fine, but I need to go through this process, and so, that's fine if you don't want to sign it, but I will still, I will make a photocopy of it, I will give it to you, so I'm just going to say you're not going to sign.

40 DJOKOVIC: Okay so can you just explain to me whether you will allow me to acquire more information from through my phone with my agent?

INTERVIEWER: So not at this stage, once I finish off this or suspend this interview I will come back and I will let you know.

45 DJOKOVIC: Okay.

INTERVIEWER: Okay. And then as I said, if you need more time, like you know if you think this is not the right time to participate in the interview because you are not able to get in touch with Victorian tennis or the Victorian government --

50

DJOKOVIC: Yes

INTERVIEWER: That's fine, we are more than willing to give you, like you know, I'll speak to my bosses, and yeah --

5 DJOKOVIC: I mean, it's 4am, so I don't know what I can do

INTERVIEWER: Yeah[inaudible].

10 DJOKOVIC: They're all sleeping so I guess at 8am I will be able or 7.30 or 8am I will be able to get a hold of someone from Tennis Australia, not someone, I mean the director of Tennis Australia, I mean, through my agent, we can call, we can - - -

INTERVIEWER: Yep.

15 DJOKOVIC: - - - get them to engage, and they are the ones that have the contact of the medical panel, the Victorian state government. I don't have, as I said, again I repeat, neither myself or anybody who's in my team, my agent, has communicated directly with neither federal government nor the Victorian state government, only to
20 Tennis Australia, they're the ones who have been communicating further, so that's all I can state right now. You know and I mean if you give me more time I can do something, but I just if you -- I know, I don't know, I can't do anything at this moment, unless I have my phone on and then I can start calling my agent and people and then I don't know, maybe we can wake someone up and try to get something.

25 INTERVIEWER: Yeah. Now so as I said like, I will have to speak with my bosses and check on that.

DJOKOVIC: Okay.

30 INTERVIEWER: But at this stage, if you're not willing to sign - - -

DJOKOVIC: Yep.

INTERVIEWER: - - - and that's fine, um so no issues. I'm just going to write - - -
35

DJOKOVIC: Okay.

INTERVIEWER: - - - you did not sign. And just going to put a time in here because we have to give you a minimum of ten minutes but if you request more, yeah, that's
40 fine [inaudible], and then in the meantime [inaudible]--

DJOKOVIC: It would be great if in the meantime you can get approval if I can give somebody a call.

45 INTERVIEWER: Yep.

DJOKOVIC: I mean I can speak in front of you, this is no problem, I will not contact anybody else.

INTERVIEWER: Yes, now that's fine [inaudible]. So -- Okay. This is... Okay, so I'm just going to suspend this interview -- the interview is being suspended at 4.23am.

5 INTERVIEWER: So the interview is being recommenced at 4.32am. Um so in regards to using the phone, yeah that's fine, you can use the phone and yep, you can call whoever you want to, um and then I'm going to give you like, 20 minutes [inaudible] - - -

10 DJOKOVIC: Okay.

INTERVIEWER: - - - and then I will come back and speak to you.

DJOKOVIC: Okay.

15

INTERVIEWER: Okay?

DJOKOVIC: Alright.

20 INTERVIEWER: Thank you

DJOKOVIC: Thank you.

INTERVIEWER: The interview is being suspended at 4.33am.

25

INTERVIEWER: So the interview is being recommenced at 5.20am. Okay - I have already served you with the notice of intention to consider cancellation and at the moment you need – what have you have advised me is that you need rest and up to 8/8.30. And that's when you would be able to speak to your solicitor again.

30

DJOKOVIC: Yes.

INTERVIEWER: And get some more information.

35 DJOKOVIC: Yes.

INTERVIEWER: So that's absolutely fine, because I have spoken to my supervisors and they're more than happy to - - -

40 DJOKOVIC: Okay great.

INTERVIEWER: - - - for you to have rest. So any more questions?

DJOKOVIC: No more questions for now.

45

INTERVIEWER: So what's going to happen is, because I'm going to be finishing my shift, so this case is going to be handed over to another team. Another case officer is going to come out, and speak to you. They'll introduce themselves - - -

50 DJOKOVIC: Okay.

INTERVIEWER: - - - and then take it from there.

DJOKOVIC: Right now, or?

5 INTERVIEWER: Later. Because yeah - - -

DJOKOVIC: Okay.

INTERVIEWER: - - - by that time I'll be finishing off.

10 DJOKOVIC: Alright

INTERVIEWER: Okay, so just to let you know. Thank you. I'm just going to suspend the interview. So the interview is being suspended at 5.22am.

15 [UNKNOWN SPEAKER: [Inaudible] AT 30.11]

INTERVIEWER 2: Do you want to just come up to this other room for a minute?

20 DJOKOVIC: Sure, sure, sure.

INTERVIEWER: So the interview is being commenced at 6.07am.

INTERVIEWER 2: Alright, alright Novak, so yeah you mentioned before that you wanted 15 minutes to decide whether if you wanted to respond now or wait later.

25 DJOKOVIC: Yes.

INTERVIEWER 2: So you've mentioned that you want, you didn't want to proceed with the interview now?

30 DJOKOVIC: I would like to postpone it to 8.30 if possible, yes.

INTERVIEWER 2: Okay look if you -- you also mentioned earlier that you didn't really have anything else you could add.

35 DJOKOVIC: But maybe I will have something in a few hours [inaudible].

INTERVIEWER 2: Ok, if you don't respond then a decision might be made based on the information that's at hand now.

40 DJOKOVIC: Ok so you want to make a decision now?

INTERVIEWER 2: Yeah, it's possible yeah, the decision can be made based on the information that we already have, which if you don't respond it's not going to be --

45 DJOKOVIC: Yeah it's --

INTERVIEWER 2: Potentially the full --

50

DJOKOVIC: Yeah I know you're going to cancel my visa, it's it's obvious. But I um what does that mean, in terms of, excuse me, in terms of me staying here and waiting for the lawyers to engage with Federal Government --

5 INTERVIEWER 2: At the airport? Sorry do you mean staying here at the airport?

DJOKOVIC: Yes I mean because I'm not allowed to - - -

INTERVIEWER 2: Okay.

10

DJOKOVIC: - - - go in so I

INTERVIEWER 2: If [inaudible]) - - -

15 DJOKOVIC: - - - would like just to wait for this another two -three hours to see whether or not they can do something - - -

INTERVIEWER 2: Ok.

20 DJOKOVIC: - - - that's the whole idea.

INTERVIEWER 2: Alright.

25 INTERVIEWER 2: So look, if your visa was cancelled you wouldn't stay here, you would go to a hotel in the city.

DJOKOVIC: Oh okay, so I would go in a hotel?

30 INTERVIEWER 2: Yeah, in the city.

DJOKOVIC: Okay.

INTERVIEWER 2: You wouldn't be staying here at the airport.

35

DJOKOVIC: But that hotel? Is it like a Covid hotel or is it what what is it?

INTERVIEWER 2: No, it's, I don't know the name of it, it's just a place, because like if someone is refused entry into the country - - -

40

DJOKOVIC: Yeah.

INTERVIEWER 2: - - - and currently at the moment we're not putting them into immigration detention centre, so the, I'm guessing the department has contracted with the hotel to allow people in, you know, who's refused entry to the country to stay at the hotel there.

45

DJOKOVIC: Okay. So does that mean I can take my bags with me or?

50 INTERVIEWER 2: Yes, you can but, Serco -- you probably wouldn't have full access to.

DJOKOVIC: And then I have to --[inaudible].

INTERVIEWER 2: You'd have to ask Serco.

5

DJOKOVIC: Yes, yeah.

INTERVIEWER 2: You'd need to ask the company that's contracted to -- you wouldn't have someone from the Australian border force at the hotel with you --

10

DJOKOVIC: No, no I understand

INTERVIEWER 2: But the company called Serco that manage that process, so you'd need to ask them what their rules are about --

15

DJOKOVIC: So so would you you would cancel my visa, I'd be escorted to the hotel.

INTERVIEWER 2: if your visa was cancelled, you'd be escorted to the hotel by Serco.

20

DJOKOVIC: By Serco, ok. From here.

INTERVIEWER 2: Yeah

25

DJOKOVIC: And then I'll have to wait in the hotel until, for the notice?

INTERVIEWER: Yeah so what's going to happen is then we'll inform the airline, like only in case the decision gets made to cancel the visa,

30

DJOKOVIC: Okay

INTERVIEWER: So once you go to like the hotel,

35

DJOKOVIC: Yep.

INTERVIEWER: Which is where you're going to be staying, we'll inform the Serco, we'll inform the airline, and yeah, whenever it is like you know suitable, they'll find a ticket for you, or like to accommodate you - - -

40

DJOKOVIC: To fly back.

INTERVIEWER: - - - to fly back, they'll let us know, we'll let the Serco know, and then you'll come back.

45

INTERVIEWER 2: But in the meantime --

DJOKOVIC: I can stay there?

50

INTERVIEWER 2: You can stay there, and you do what you need to do with your legal representatives.

DJOKOVIC: Okay, okay. Fine I have nothing to add then to the to the process, I mean I will just, I mean I can write on the document, what I told the both of you, if you want –

5

INTERVIEWER 2: There are some questions about what hardship it would cause you, or any complications for you -- look it's probably in your favour if you did let Sudhir ask you the questions. But, you know, if you wanted to say you say nup I don't want to respond, or I've got nothing further to add, then that's your right --

10

DJOKOVIC: I mean you, you know can ask me questions regarding the process, I mean it's it's not an issue, I mean can go through through that process, I don't know what the questions are but we can we can go through it.

15 INTERVIEWER: First thing is like, I just wanted to see if you've got like anything like, what's your response to the NOIC, notice of intention to cancel to consider cancellation, so do you have anything to say, why the visa shouldn't, why shouldn't we consider cancelling the visa?

20 INTERVIEWER 2: [Inaudible].

DJOKOVIC: Well as I said before, I just, what I can say is that, I'm surprised that there is insufficient information on the very reason why I was granted the medical exemption by Victorian state independent medical panel which confirmed that I have fulfilled the criteria to enter Australia based on, based on the criteria that they have imposed which is not on the paper which you read to me and that is if you had encountered or had a positive Covid PCR test in the previous six months, and you can provide the negative PCR test and the sufficient amount of antibodies, then you are granted access and that's exactly what happened in the whole process. So we provided -- I provided medical documentation, on 16 November, I was positive on PCR, PCR test positive COVID-19, 22nd I was negative. I sent the blood analysis for my antibodies and had a sufficient amount and I was granted the access to Australia and I received the documentation that supported my medical exemption and the travel declaration coming from the federal government.

35

INTERVIEWER: Okay. Is there anything else you would like to add?

DJOKOVIC: No.

40 INTERVIEWER: No, that's fine. Thanks for your response. I'm just going to suspend this interview now. So the interview is being suspended at 6.14am, okay.

SUSPENDED 06:14AM

45

SUSPENDED 06:14AM

TRANSCRIPT OF INTERVIEW (Part 3 of 3)

5 **RESUMED 07:38AM**

INTERVIEWER: The interview is being commenced at 7:39 a.m.

10 Ok, so what I'm gonna do, I'm just going to read out the decision so this is a notification of the decision,

DJOKOVIC: Ok.

15 Djokovic Novak today on sixth of January 2022, you were notified of an intention to consider cancelling your subclass GG408 visa, granted on eighteenth of November 2021, under section 116 of the Migration Act 1958. You 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. I'm satisfied there are grounds for visa cancellation under section
20 116(1)(e)(i). Please refer to the reverse of pages 1, 2, and 3 for reference to the relevant legislation. Where the Minister can cancel a visa under subsec- - - subsection 116(1) of the Act, the Minister must do so if there exists prescribed circumstances in which the visa must be cancelled. See subsection 116(3) of the Act and the prescribed circumstances in sub regulation 2.43(2) of the Migration
25 Regulations 1994 and refer to reverse of page 3.

After weighing up all the information available to me, I was satisfied that grounds for cancelling your visa outweighed the reasons for not cancelling. A copy of the Department's Decision Record is attached. Your visa, ahh, has been cancelled on
30 sixth of January 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 section 189 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.
35 Other relevant agencies will be advised that your visa has been cancelled. Um, so this is the notification and the time is, um, 7:42 a.m. Um, up to you, your choice if you wish to sign - - -

40 MR DJOKOVIC: No.

INTERVIEWER: No?

MR DJOKOVIC: Mm - - -

45 INTERVIEWER: That's fine - - - um, I'm just gonna invite another officer into the room. Um - - -

MR DJOKOVIC: - - - yeah - - -

50 INTERVIEWER: - - - and she's gonna detain you.

DETAINING OFFICER: Hello.

MR DJOKOVIC: Hello.

5 DETAINING OFFICER: Is that - - -

INTERVIEWER: Yeah

10 DETAINING OFFICER: Over here - - - (??)

INTERVIEWER: This is Officer Beck. Ah, - yeah, she's gonna introduce herself.

DETAINING OFFICER: Okay - - - so Mr Novak Djokovic - - -

15 MR DJOKOVIC: - - - yes - - -

DETAINING OFFICER: My name is Beck, I'm an officer of the Australian Border Force. It has come to my attention that you are an unlawful non-citizen in Australia.

20 Therefore, I am detaining you under section 189(1) of the Migration Act of 1958 at - - -

INTERVIEWER: - - - 7:43 - - -

25 DETAINING OFFICER: at 07:43 hours on the sixth of January 2022. Now I'll leave you with my colleague.

INTERVIEWER: Thank you.

30 DETAINING OFFICER: Thank you.

INTERVIEWER: As part of this process we have to offer you consulate access. Um. Do you need contact details of the consulates – Serbian consulate, or- - -

35 MR DJOKOVIC: Errm- - - if you have the details, yes.

INTERVIEWER: Yep, ok.

MR DJOKOVIC: If you could provide please yes- - -

40 INTERVIEWER: Ok, sure- - -

MR DJOKOVIC: Yeah- - -

45 INTERVIEWER: I'll provide you- - - I will get you all the details uh

MR DJOKOVIC: Yeah- - -

INTERVIEWER: - - - email address and telephone number- - -

50 MR DJOKOVIC: - - - okay- - -

INTERVIEWER: - - - and then you can speak to them. Do you have any questions?

5 MR DJOKOVIC: Ah, just regarding the next step am I going to be escorted to a hotel? Or what is the- - -

INTERVIEWER: Yep- - -

10 MR DJOKOVIC: - - -procedure?

INTERVIEWER: Yeah so- - - the next step is gonna be you would be escorted to a hotel- - -

15 MR DJOKOVIC: Okay- - -

INTERVIEWER: - - - ah, that's where you will stay, and then inform the airline, and once we get some more information, SERCO it's another agency who takes care of it, they'll inform you and then they'll bring you back to the airport- - -

20 MR DJOKOVIC: Okay- - -

INTERVIEWER: And yeah, we'll take it from there.

25 MR DJOKOVIC: Okay. Which airline are you- - - because I, do I have any, decision in where I'm gonna go or- - - travel? Because I can buy my own ticket to go back.

INTERVIEWER: Yeah- - - that- - - that's right. Pretty much the way it works whichever airline you flew with, we'll inform them and it's their responsibility. So you came with, with e- - -

30 MR DJOKOVIC: Emirates, yeah- - -

INTERVIEWER: - - - that's - - -

35 MR DJOKOVIC: - - - so will go back to Dubai.

INTERVIEWER: Yeah so, yeah so we get in touch with Emirates- - -

40 MR DJOKOVIC: okay- - -

INTERVIEWER: and they're the ones who - - -

MR DJOKOVIC: Okay.

45 INTERVIEWER: Will be taking you back.

MR DJOKOVIC: Alright, so do I leave now like- - -

50 INTERVIEWER: Yep. So if your- - - if you don't have any more questions, yeah, I'll just cease this interview- - -

MR DJOKOVIC: Okay.

INTERVIEWER: Alright, so the interview is being ceased at 7:45 a.m. on sixth of
January 2022.

5

CEASED 07:45 AM