

# WENTWORTH

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## PRESS RELEASE

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Thursday, 14 April 2022

-For Immediate Release-

### **Leading Silk Defends Detainee**

***Plaintiff S111A/2018 v Minister for Home Affairs (No 4) [2022] FCA 329***

On Tuesday, 5 April 2022, the Federal Court of Australia handed down a judgment allowing for an application for judicial review of two decisions – 2018 and 2020 – ASIO being an adverse security assessment and the denial of S111A’s visa application. ASIO assessed the applicant as a security risk *and* consequently, S111A was not able to be granted a visa under the *Migration Act 1958* (Cth). It was up to the Court to determine whether these decisions were legally justifiable. Mortimer J held that the evidence against S111A was legally unreasonable.

The Applicant (‘S111A’) had been detained for circa 10-year period in an Australian immigration detention facility. At first instance, S111A sought relief for the alleged unlawfulness of the period of detention. After the High Court judgment of *Commonwealth of Australia v AJL20* [2021] 391 ALR 562, the claim was no longer contesting the lawfulness of detention, it instead was a question of the validity of two decisions made by the Australian Security Intelligence Organisation (‘ASIO’).

#### **Commentary**

Former District Court Judge, and leading Silk, Michael Finnane QC, has successfully represented the Applicant, following a three-year legal tussle with the ASIO (Australia’s Spy Agency) and others.

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Mr Finnane QC, with highly regarded solicitor Ms Zali Burrows alongside him, took on the task of representing the applicant.

The matter is still on foot.

The full judgment of Mortimer J. can be found [here](#).

**-Ends-**

## **About Two Wentworth Chambers**

Two Wentworth Chambers is a premier set of barristers' chambers in Sydney. The floor comprises twenty barristers, including two senior counsel. Our barristers are highly experienced in providing expert legal services in all Australian court jurisdictions and tribunals, across a diverse range of practice areas including administrative law, commercial litigation, common law, equity and trusts, family and succession, insurance, local government and taxation. Many of our barristers are experienced alternative dispute resolution practitioners, including accredited mediators, arbitrators and expert determiners. Our barristers have represented clients in landmark decisions, and current and former members of Two Wentworth Chambers have taken judicial appointments in the Federal Court of Australia, Supreme and District Courts of New South Wales.

## **Contact Details**

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**Michael Finnane QC**

Barrister  
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